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**Comhairle Chontae Chill Dara**

**Kildare County Council**

**Celbridge Local Area Plan 2017-2023**

**Notice of Intent to issue a Ministerial Direction relating to the Celbridge Local Area Plan 2017-2023 pursuant to Section 31 of the Planning and Development Act 2000 (as amended)**

**Whereas** the functions of the Minister for Housing, Planning and Local Government under the Planning & Development Acts 2000 (as amended), other than Chapter 1 of Part VI of the Planning & Development Act 2000 as amended, have been delegated to the Minister of State at the Department of Housing, Planning and Local Government pursuant to the Housing, Planning and Local Government (Delegation of Ministerial Functions) Order 2017 (S.I. 352 of 2017).

**Whereas** the Minister of State at the Department of the Housing, Planning and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the opinion that

1. Kildare County Council in making the Celbridge Local Area Plan (LAP) 2017-2023 has ignored or has not taken sufficient account of the submissions made by the Minister for Housing, Planning and Local Government in February and June 2017, and
2. the Celbridge Local Area Plan 2017-2023 is not in compliance with the requirements of S.28(1B)(b) and S.31 (1)(a), (b) and (c) of the Planning & Development Act 2000 as amended.

**Now, therefore,** in exercise of thepowers conferred on him by S.31 of the Planning & Development Act 2000 as amended, the Minister of State at the Department of the Housing, Planning and Local Government hereby directs as follows:

1. This Direction may be cited as the Planning and Development (Celbridge Local Area Plan 2017-2023) Direction 2017
2. Kildare County Council is hereby directed to take the following steps with regard to the Celbridge Local Area Plan 2017-2023 (“the LAP”)

 i) delete the zoning for Objective F2: Strategic Open Space of lands at Donaghcumper adjoining to the north of the R403 and insert zoning Objective A: Town Centre per the draft Celbridge LAP 2017-2023 published by Kildare County council on 13th December 2016

 ii) delete the zoning for Objective C: New residential of lands at Crodaun adjoining to th east of the junction of the R405 and R449 and insert zoning objective F: Open space and amenity

 iii) amend the map titled ‘Land Use Zoning Objectives Map’ of the Celbridge LAP 2017-2023 consequent to (i) and (ii) above.

The reasons for the Draft Direction are:

1. The Celbridge Local Area Plan 2017-2023 is not consistent with relevant guidelines to planning authorities issued by the Dept. under S.28 of the Planning & Development Act 2000 (as amended), specifically the Development Plans Guidelines (2007) and insufficient grounds have been stated for such departures as required under S.28(1B)(b) of the Planning & Development Act 2000 as amended. The plan is therefore in breach of Section 31(1)(a) (b) and (c) of the Planning & Development Act 2000 (as amended).
2. The planning authority was advised in submissions made by the Dept. Housing, Planning and Local Government on 3rd Feb 2017 and 14th June 2017 in relation to draft Celbridge LAP 2017-2023 to:
* Provide for a sequential approach to the zoning of lands for new residential development whereby lands spatially closest to the town core and public transport facilities are prioritised as provided for in the Development Plans Guidelines (2007).

Ultimately, the council did not comply with this aspect of the submission in the making of the Celbridge LAP 2017-2023, and took insufficient account of the submissions made by the Minister as evidenced by the lack of any statement justifying departures from the relevant provisions of the Minister’s Guidelines on Development Plans (2007) required under S28 (1)(b). The council is therefore in breach of Section S.31(1)(a) of the Planning & Development Act 2000 as amended.

1. The report of the Chief Executive on the proposed material alterations included recommendations by the Chief Executive for the elected members not to accept proposed Material Alterations No. 8 (Donaghcumper) and No.9 (Crodaun). The elected members did not agree with the Chief Executive’s recommendations in relation to Proposed Material Alterations Nos 8 & 9 and instead accepted proposed Material Alterations Nos. 8 & 9 to the draft LAP published by Kildare County Council on 13th Dec 2016.
2. Donaghcumper: Material Alteration No. 8 changed the zoning of the town centre (Objective A) site to Objective F2: Strategic Open Space, therefore deleting the potential of the site for future commercial, retail, and residential development. The Donaghcumper site is centrally located and is the most appropriate location for a town centre zoning for future commercial, retail, and other related facilities in accordance with Development Plans Guidelines.
3. Crodaun: the submissions of the Department to Kildare County Council identified the need for a residential zoning approach that was consistent with the Development Plans Guidelines prioritising centrally located lands for future residential development in accordance with the sequential test.
4. Lands at Crodaun were specifically identified as peripheral in nature relative to the public transport facilities and he established core of Celbridge and other lands adjoining the town core – the council was advised that the proposed residential zonings in the LAP should be revisited.
5. Instead of reducing the quantum of housing lands north of the town, lands adjoining to the east of the R405 at Crodaun, that were zoned residential in the draft Celbridge LAP 2017-23, were further extended in area by Material Alteration No.9 which changed the zoning status of an additional 4.9ha from Objective F: Open space and amenity to Objective C: New Residential.

The residential zoning on the eastern side of the R405 has effectively doubled the quantum of zoned housing lands at this location from that in the previous LAP (ie those on the opposite / western side of the R405). This zoning is contrary to the sequential spatial approach to zoning as provided for in the Development Plans Guidelines.

1. In relation to:
2. The zoning of lands for open space at Donaghcumper located adjoining to the north of the R403 (included in Material Alteration no.8), and
3. The zoning of lands for new residential development at Crodaun located east of the junction of the R405 and R449

The Celbridge Local Area Plan 2017-2023 is not in compliance with guidelines to planning authorities issued by the Minister under S28 of the Planning & Development Act 2000 as amended, specifically the Development Plans Guidelines (2007). The LAP is therefore in breach of S31(1)(c) of the Planning & Development Act 2000 as amended.

1. The decision of the council in relation to the above also indicates a failure to set out an overall strategy for the proper planning and sustainable development of the area, and is in breach of

S31(1)(b) of the Planning & Development Act 2000 (as amended). Celbridge is earmarked for major expansion of its population under the core strategy of the Kildare County Development Plan 2017-23 and there is a need to ensure that new housing development is matched by scope to develop expanded town centre facilities which 8(i) effectively obstructs.

1. While the Local Area Plan provides substantial new residential zonings in appropriate locations, the new residential zonings on the northern periphery of the town under 8(ii) above run counter to a spatially sequential town centred and public transport focused approach, all key tenets of national planning policy.

A copy of the draft direction may be inspected at

* **Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co. Kildare**

**from Monday to Friday, excluding public holidays, from 9am to 4pm**

* **Celbridge Library during normal opening hours**
* **The council’s website:** [www.kildarecountycouncil.ie](http://www.kildarecountycouncil.ie)

from 18th Sept 2017 to 29th Sept 2017 inclusive.

Written submissions or observations **in respect of the draft direction** may be made to the Planning Authority during the period stated above and shall be taken into consideration by the Minister before directing the Planning Authority pursuant to this section.

Submission or observations should be marked **“Celbridge Local Area Plan 2017-2023 (Direction 2017) ”**, and must be submitted either:

- Online, through the submission form facility available on Kildare County Council’s website:

<http://kildare.ie/CountyCouncil/Planning/DevelopmentPlans/LocalAreaPlans/CelbridgeLocalAreaPlan2017-2023/>

**OR**

- By post to: Senior Executive Officer, Planning Department, Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co. Kildare.

Please make your submission by one medium only, i.e. online or hard copy. Any submission or observation should state your name, address and where relevant, the body or organisation represented. As an online facility has been provided for your convenience, e-mail and fax submissions will not be accepted.

Submission or observations should be marked **“Celbridge Local Area Plan 2017-2023 (Direction 2017) ”**, and addressed to: Planning Dept., Kildare County Council, Aras Chill Dara, Devoy Park, Naas, Co. Kildare.

The closing date for receipt of submissions is 4.00 p.m. on Fri 29th Sept 2017. **Late submissions will not be accepted.**

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