**Public Notice**

**COMHAIRLE CHONTAE CHILL DARA**

**KILDARE COUNTY COUNCIL**

**Sallins Local Area Plan 2016-2022**

**Notice of Intent to issue a Ministerial Direction relating to the Sallins Local Area Plan 2016-2022 (Direction 2016) in the matter of Section 31 of the Planning and Development Act 2000-2015 (as amended by S.21 of the Planning and Development (Amendment) Act 2010)**

**Whereas** the functions of the Minister for the Environment, Community and Local Government under the Planning & Development Acts 2000-2015, 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 the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014).

**Whereas** the Minister of State at the Department of the Environment, Community 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 Sallins Local Area Plan 2016-2022 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in January 2016, and
2. the Sallins Local Area Plan 2016-2022 is not in compliance with the requirements of S.19, S.20, and S.28 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 Environment, Community and Local Government hereby directs as follows:

1. This Direction may be cited as the Planning and Development (Sallins Local Area Plan 2016-2022) Direction 2016
2. Kildare County Council is hereby directed to take the following steps with regard to the Sallins Local Area Plan 2016-2022
3. The map entitled Sallins LAP 2016-2022 Map 1 ‘Land Use Zoning Objective Map’ March 2016 which sets out the zoning objectives for the town of Sallins in the Sallins Local Area Plan 2016-2022 is to be amended by removing the zoning objectives
4. For lands located east of the Clane Road (R407) and stretching to the rear of existing residential development at the northeastern periphery of Sallins with the zonings – objective C: New Residential, objective E: Community & Educational, and objective F: Open Space & Amenity (Material Alteration No.20).

The effect of this amendment will be that lands identified in i) above revert to their status as per the draft Sallins Local Area Plan 2016-2022 (June 2015).

The reasons for the draft Direction are:

1. *A written submission on the proposed material alterations to the draft Sallins Local Area Plan*

*2016-2022 was made to Kildare County Council on behalf of the Minister for the Environment, Community and Local Government on 8th January 2016. This submission advised Kildare County Council that proposed Material Alteration No. 20 was not in compliance with the requirements of S28 Ministerial Guidelines (specifically the Development Plan Guidelines, 2007) and its statutory responsibilities.*Kildare County Council was advised that this specific proposed Material Alteration should not be accepted by the planning authority in order to ensure compliance with the Minister’s Guidelines.

The Material Alteration (No.20) relates to lands to the east of the Clane Road (R407) and seeks to rezone a significant land parcel to three new zonings consisting of ‘E’: Community & Educational (1.2Ha), ‘F’: Open Space & Amenity (14.5Ha), and ‘C’ New Residential (12 Ha). The western portion of the material alteration site includes lands originally proposes as ‘H’ Industry and Warehousing in the draft LAP that were within the identified LAP boundary.

The proposed residential zoning is not warranted in terms of the Core Strategy of the Kildare County Development Plan and is in conflict with the planned and sustainable population growth of Sallins. The LAP is therefore not in compliance with Section 19(2) of the Planning & Development Acts 2000-15 which requires that ‘*a local area plan shall be consistent with the objectives of the development plan, its core strategy, and any regional spatial and economic strategy that apply to the area of the plan* ’.

The peripheral and greenfield nature of the site is at odds with planning guidance on the zoning of lands provided in the Development Plans Guidelines (2007) issued by the Minister. Specifically, decisions to zone land ‘*must be made in an open and transparent manner, must be clearly justified on the basis of established need and must support the aims and strategy of the plan*’. Material Alteration No.20 is contrary to the main aim of the LAP to consolidate Sallins through developing the centrally located sites within the town. It is not justified on the basis of housing need, policy or existing supporting infrastructure as identified in section 4.12 of the Guidelines as determining criteria.

In particular, a residential zoning to the north east of the town to the rear of existing established development would be contrary to the sequential approach to the zoning of lands whereby such zoning should ‘*extend out from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. ‘leapfrogging‘ to more remote areas should be avoided)*’ (section 4.19 of the Development Plans Guidelines). The proposed zoning is not justified in relation to specified zoning criteria and would be contrary to the Ministerial Guidelines.

The Minister is of the opinion that the Planning Authority has ignored, or has not taken sufficient account of the said written submission, in that the Planning Authority proceeded to adopt a policy objective which would be inconsistent with national Government policy (Development Plans Guidelines, 2007) and the requirements of section 19(2) of the Planning & Development Acts, 2000-15 as it is not consistent with the core strategy of the Kildare County Development Plan 2011-17.

1. The decision by the elected members to alter the policy in regard to the zoning objectives as

outlined in this direction do not provide for proper planning and sustainable development and therefore the Sallins Local Area Plan 2016-2022 is not in compliance with the requirements of S.19, S.20 and S.28 of the Planning and Development Act 2000 (as amended).

A copy of the draft direction may be inspected at

* **The Planning Section, at the address below,**

**Monday to Friday 9.30 a.m. to 4 p.m.**

**excluding public holidays**

* **The council’s website:** [www.kildarecountycouncil.ie](http://www.kildarecountycouncil.ie)

for a period of 2 weeks from 6th April 2016 to 20th April 2016.

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 **“Sallins Local Area Plan 2016-2022 (Direction 2016) ”**, and addressed to: Veronica Cooke, Planning Section, Kildare County Council, Aras Chill Dara, Devoy Park, Naas, Co. Kildare.

The closing date for receipt of submissions is 5.00 p.m. on Wednesday 20th April 2016.