

**DRAFT DIRECTION**

**DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000  
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT  
(AMENDMENT) ACT 2010)**

**SALLINS LOCAL AREA PLAN 2016-2022 DIRECTION 2016**

“Local Area Plan” means the Sallins Local Area Plan 2016-2022

“The Planning Authority” means Kildare County Council

**WHEREAS** the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter 1 of Part VI of the Planning and Development Act 2000, 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

- (i) 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
- (ii) 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).

**NOW, THEREFORE** in exercise of the powers conferred on him by s.31 of the Planning and 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) The County Council Kildare County is hereby directed to take the following steps with regard to the Sallins Local Area Plan 2016-2022 (“the Local Area Plan”).
  - a) 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:
    - i. 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)

For ease of reference a copy of the Sallins LAP 2016 – 2022 Map 1 ‘*Land Use Zoning Objective Map*’ (March 2016) indicating the subject lands (outlined in a dashed red line) is attached as Appendix 1 to the direction.

The effect of this amendment will be that the lands identified in (i) above revert to their status as per the Draft Sallins Local Area Plan 2016-2022 (June 2015). For ease of reference a copy of the Draft Sallins LAP 2016 – 2022 Map 1 ‘*Land Use Zoning Objective Map*’ (June 2015) is attached as Appendix 2 to the direction.

## STATEMENT OF REASONS

- 1) On 8<sup>th</sup> January 2016 a written submission on the Proposed Material Alterations to the Draft Sallins Local Area Plan was made to Kildare County Council on behalf of the Minister for the Environment, Community and Local Government. This submission advised Kildare County Council that Proposed Material Alteration No. 20 was not in compliance the requirements of s.28 Ministerial Guidelines (specifically the Development Plans Guidelines, 2007) and its statutory responsibilities.

Kildare County Council was advised that this specific Proposed Material Alterations to the Draft Sallins Local Area Plan 2016-22 should not be accepted by the planning authority in order to ensure compliance with the Minister's Guidelines.

Despite this, on 9<sup>th</sup> March, the Elected Members voted by resolution to adopt Proposed Material Alteration No. 20, as previously placed on public display.

### ***Zonings east of the Clane Road (R407) (Material Alteration No.20)***

This Material Alteration (No.20) relates to lands to the east of the Clane Road (R407) and stretching to the rear of existing residential development at the northeastern periphery of Sallins. The Material Alteration seeks to re-zone a significant land parcel to three new zonings consisting of 'E' – Community & Educational (1.2 Ha), 'F' – Open Space & Amenity (14.5 Ha) and 'C' New Residential (12 Ha). The western portion (proposed Open Space) of the Material Alteration site includes lands originally proposed as 'H' *Industry & Warehousing* in the draft LAP that were within the identified LAP boundary.

Section 3.4.3 of the Kildare CDP 2011-17 states that the growth of Sallins '*will be controlled to limit pressure on services, the environment and unsustainable commuting patterns*'. The Kildare CDP 2011-17 details a population target of 4,550 for 2017 (Table 3.3) and a housing target of 527 for the 2006-2017 period which equates to 1.9 % of the county allocated growth (27,982 units).

The Sallins LAP indicates a housing unit target of 240 units for the 2016-22 period (Table 3 of the LAP). The additional residential zoning proposed could potentially yield a further 365+ housing units for Sallins generating a total of 1,123 dwellings as potential housing to be provided in the LAP. The proposed residential zoning is therefore 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 also at odds with planning guidance on the zoning of lands provided in the Development Plans Guidelines (2007) issued by the Minister under section 28. 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'* (section 4.10, pg.41 of the Guidelines). 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.

In light of the above 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 (the 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.

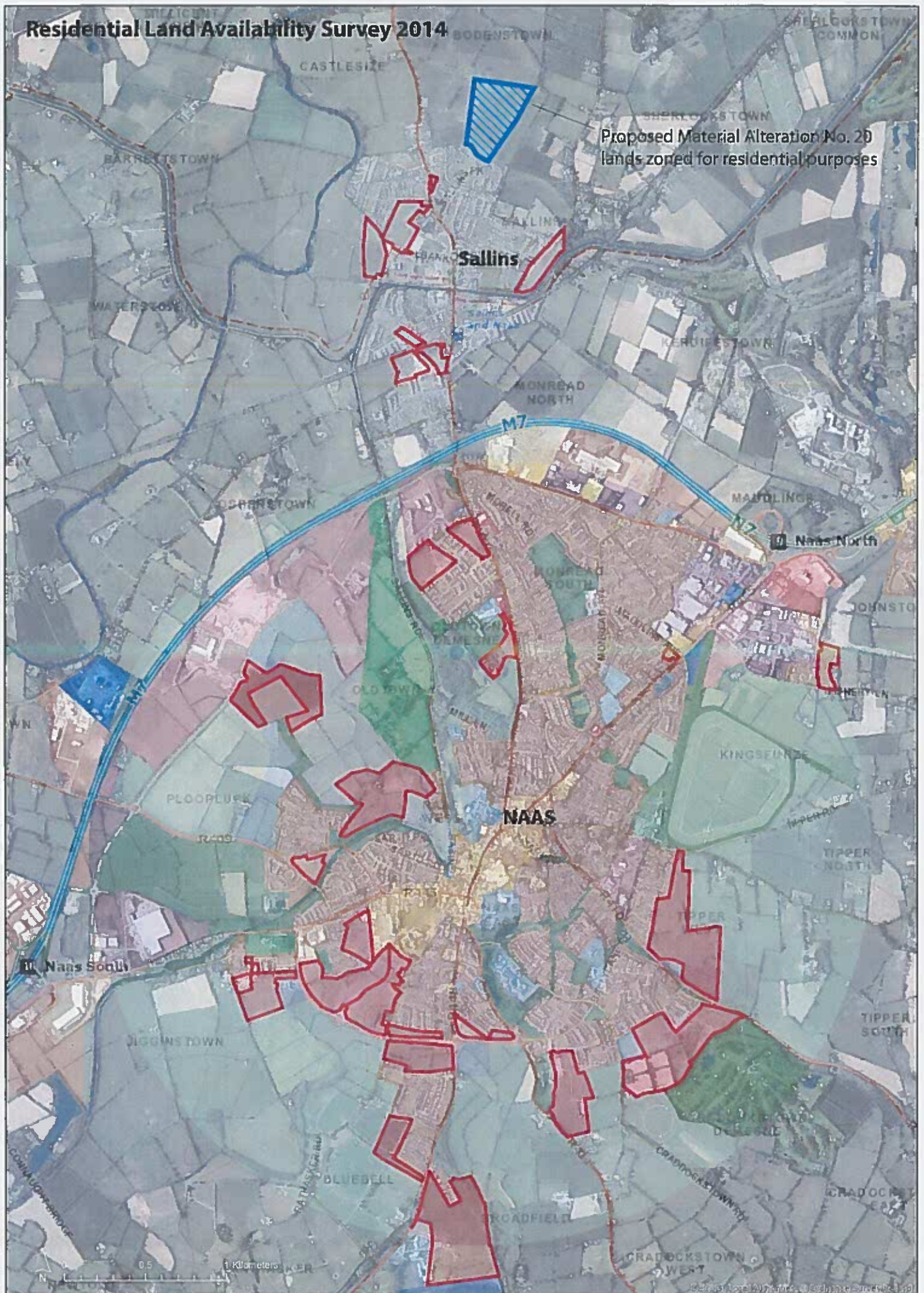
- 2) The decision by the members to alter the policy in regard to the zoning objectives as outlined in this direction do not provide for proper planning and sustainable development and therefore the Sallins Local Area Plan 2016-2022 is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,

Minister for Housing, Planning and  
Co-ordination of Construction 2020

this        day of April 2016.

# Residential Land Availability Survey 2014







Kildare County Council  
 Planning, Community & Culture Department  
 Áras Chill Dara, Devoey Park,  
 Naas, Co Kildare

Sallins Local Area Plan  
 2016-2022

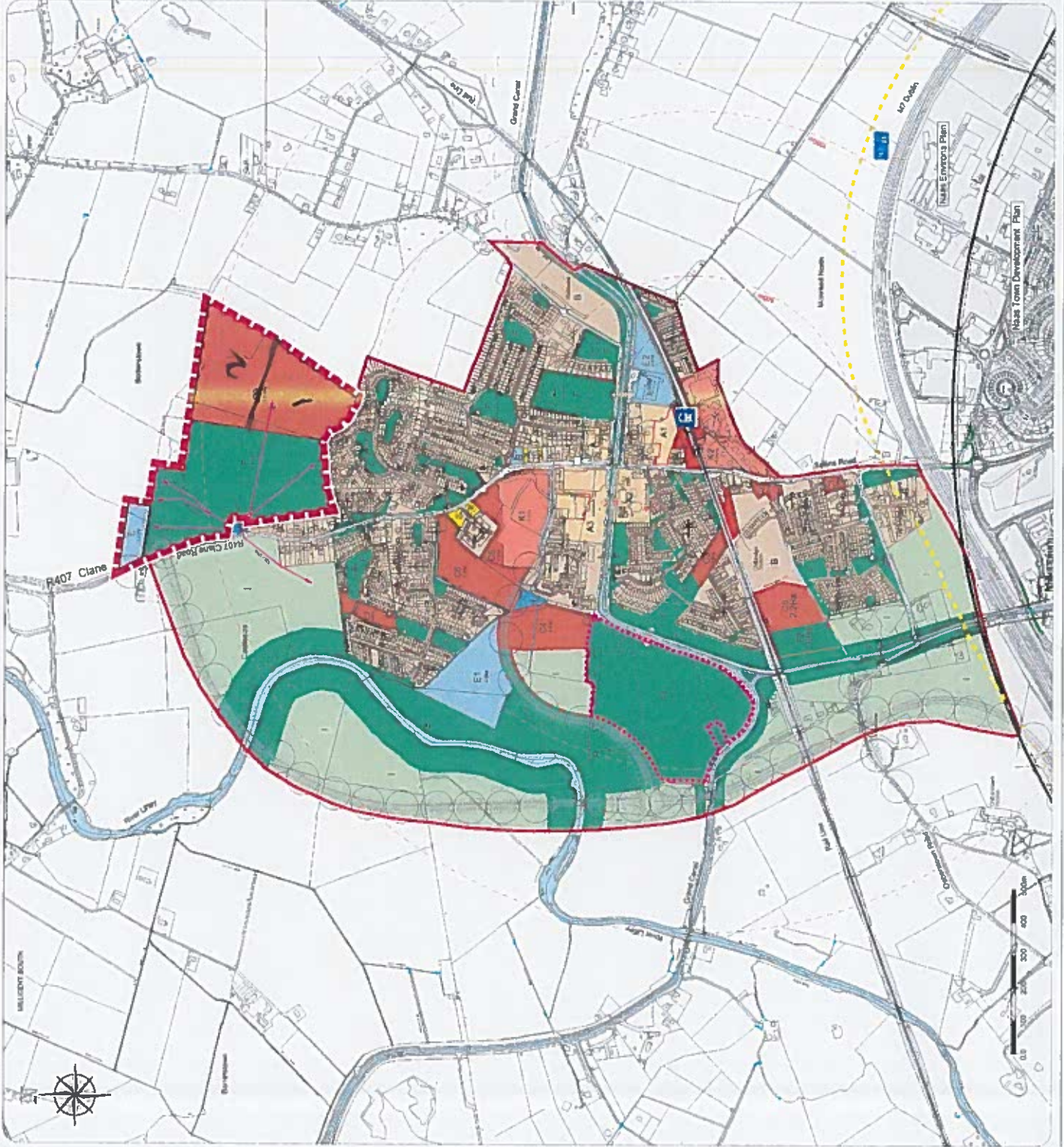
Legend :

- Local Area Plan Boundary
- A: Town Centre
- B: Existing Residential & Infill
- C: New Residential
- E: Community & Educational
- F: Open Space & Amenity
- I: Agriculture
- J: Transport & Utilities
- K: Commercial & Residential
- R: Retail & Commercial
- U: Utilities & Services
- Rivers, Canal & Lakes
- Setback from the M7 Motorway
- 500m Intervals from Train Station
- Powerlines
- Train Station
- Motorway
- Pedestrian / Cyclist Bridge / Access route
- Town Park Objective
- Proposed Sallins Bypass ( Refer to Map 2 )

Land Use Zoning Objective Map

Scale : NTS	Map Ref : 1
Date : March 2016 (Revised 24.03.2019)	Drawing No: 200/14/669
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This drawing is to be read in conjunction with the written statement and objectives map







Appendix 2

Kildare County Council  
 Planning & Economic  
 Development Department



Draft  
 Sallins Local Area Plan 2015-2021

Legend :

- A: Town Centre
- B: Existing Residential & Infill
- C: New Residential
- E: Community & Educational
- F: Open Space & Amenity
- H: Industry & Warehousing
- I: Agriculture
- J: Transport & Utilities
- K: Commercial / Residential
- R: Commercial, Retail & Tourism
- U: Utilities & Services
- Development Boundary
- Rivers, Canal & Lakes
- Setback from the M7 Motorway
- 500m Intervals from Train Station
- Powerlines
- Train Station
- Motorway
- Pedestrian/Cyclist Bridge
- Town Park Objective
- Proposed Sallins Bypass ( Refer to Map 2 )

Land Use Zoning Objective Map

Scale : N.T.S	Map Ref : 1
Date: June 2015 <small>(Revised 25-06-2015)</small>	Drawing No: 2009/14/669
<small>© University of Limerick          All rights reserved          Licence No: 2004/0702/001A          Planning &amp; Economic Development Department</small>	Drawn By: M.H
This drawing is to be read in conjunction with the written statement and objectives map	

