



An Roinn Tithíochta, Pleanála,
Poball agus Rialtais Áitiúil
Department of Housing, Planning,
Community and Local Government



Oifig an Aire
Office of the Minister

8th
August 2016

For the Attention of:

Peter Carey,
Chief Executive,
Kildare County Council,
Áras Chill Dara,
Naas,
Co. Kildare.



**Section 31 of the Planning and Development Act 2000, as amended
by the Planning and Development (Amendment) Act 2010
Decision to Issue a Direction relating the
Sallins Local Area Plan 2016-2022**

Dear Chief Executive,

I am writing to inform you of the following in relation to the Section 31 Draft Direction issued to Kildare County Council in April 2016, and the subsequent appointment of Mr. Des Johnson as an independent inspector, as provided for under Section 31(11) of the Planning and Development Act 2000-2014, to review the draft Direction and the Managers report. As you are aware, the basis for issuing the draft Ministerial Direction is that the proposed MA 20 (in particular the residential element) is inconsistent with national Government policy as set out in the Development Plan Guidelines, 2007 and is inconsistent with the requirements of Section 19(2) of the Planning and Development Acts 2000-2015, as it is not in line with the Core Strategy of the Kildare CDP 2011-2017.

In his Independent Review, the Inspector notes "the development capacity in eight small towns, including Sallins, have been significantly over zoned." The Inspector is of the opinion that based on the information presented the residential need for the zoning of these lands is not demonstrated and quantified, contrary to provisions in the Development Plan Guidelines and Local Area Plan Guidelines. Furthermore, the settlement strategy in the statutory Kildare CDP 2011-2017, which is informed by the Regional Planning Guidelines, indicates that Sallins has been significantly over zoned.

You will also be aware that the acceleration of delivery of additional housing to meet rising demand is at the heart of the Government's Action Plan for Housing and Homelessness - Rebuilding Ireland - which I launched on 19 July. A corollary of the need for new housing is the need to ensure that additional supply is properly planned for. In that context, as Minister for Housing, Planning and Local Government, I have a responsibility to ensure the excessive zoning that occurred in the past in some parts of the country is not repeated. In this regard, and as you will be aware, the Planning and Development Act 2000, as amended, has strengthened regional co-ordination and the alignment of planning policies from national to local level, with the integration of core strategies and I have to ensure that local authorities continue to engage with this legislation and recognise the need for a plan-led approach for all proposed development. The requirement to include evidence-based core strategies in development plans, which the local area plans feed into, is essential in rationalising the excessive zoning in some parts of the country, and moving to a position where all zoning is based on a quantifiable need that is community based rather than developer-led. Consistency between LAPs and their parent Development Plan, and in particular, the core strategy, is also essential.

I have now considered the report and recommendations prepared by the independent inspector. I have also considered the written submissions and observations received on foot of the public consultation on the inspectors report. Having considered the said report, recommendation, the submission received and the obligation on me to ensure that the forward planning process at local level is underpinned by proper planning and sustainable development and provides for the consistent application of regional and national planning considerations, I have decided that no material amendment to the draft direction of April 2016 is required and to issue the direction as per the notice of intent which issued on 5th April 2016.

Accordingly Kildare County Council should **TAKE NOTICE** that on the 8th day of August, 2016 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.

STEPS TO BE TAKEN

In light of the foregoing the Planning Authority is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction.

The Sallins Local Area Plan 2016-2022 must therefore be altered as indicated in the attached Direction, and the Planning Authority should ensure that copies of the Development Plan as altered are available for inspection at its offices and on its website.

The Planning Authority should also publish notice of the making of the Direction and alteration to the Plan, and post a copy of such notice on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Community Amenity

Finally I am concerned about the reported deficiency in local community and recreation facilities relative to the needs of the town, as borne out by the significant number of submissions on the draft Direction. In this regard I have issued a separate letter articulating my Departments views that the matter of local community facilities in Sallins be dealt with expeditiously by Kildare County Council.

Yours sincerely,



Simon Coveney, T.D.,
Minister for Housing, Planning and Local Government

Copied to:

Cathaoirleach, Kildare County Council, Áras Chill Dara, Naas, Co. Kildare

Director, Eastern and Midland Regional Assembly, Ballymun Civic Centre, Ballymun, Dublin 9

**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 Minister for Housing, Planning, 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 for Housing, Planning, 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 8th 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 9th 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*'.

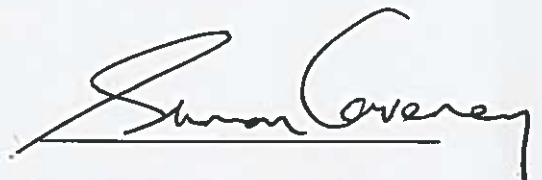
The peripheral and greenfield nature of the site is also at odds with planning guidance on the zoning of lands provided in the Development Plans Guidelines (2007) issued by the Minister under section 28. Specifically, decisions to zone land *'must be made in an open and transparent manner, must be clearly 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,
Community and Local Government
this 8th day of August 2016.



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

**Sallins Local Area Plan
 2016-2022**

Legend :

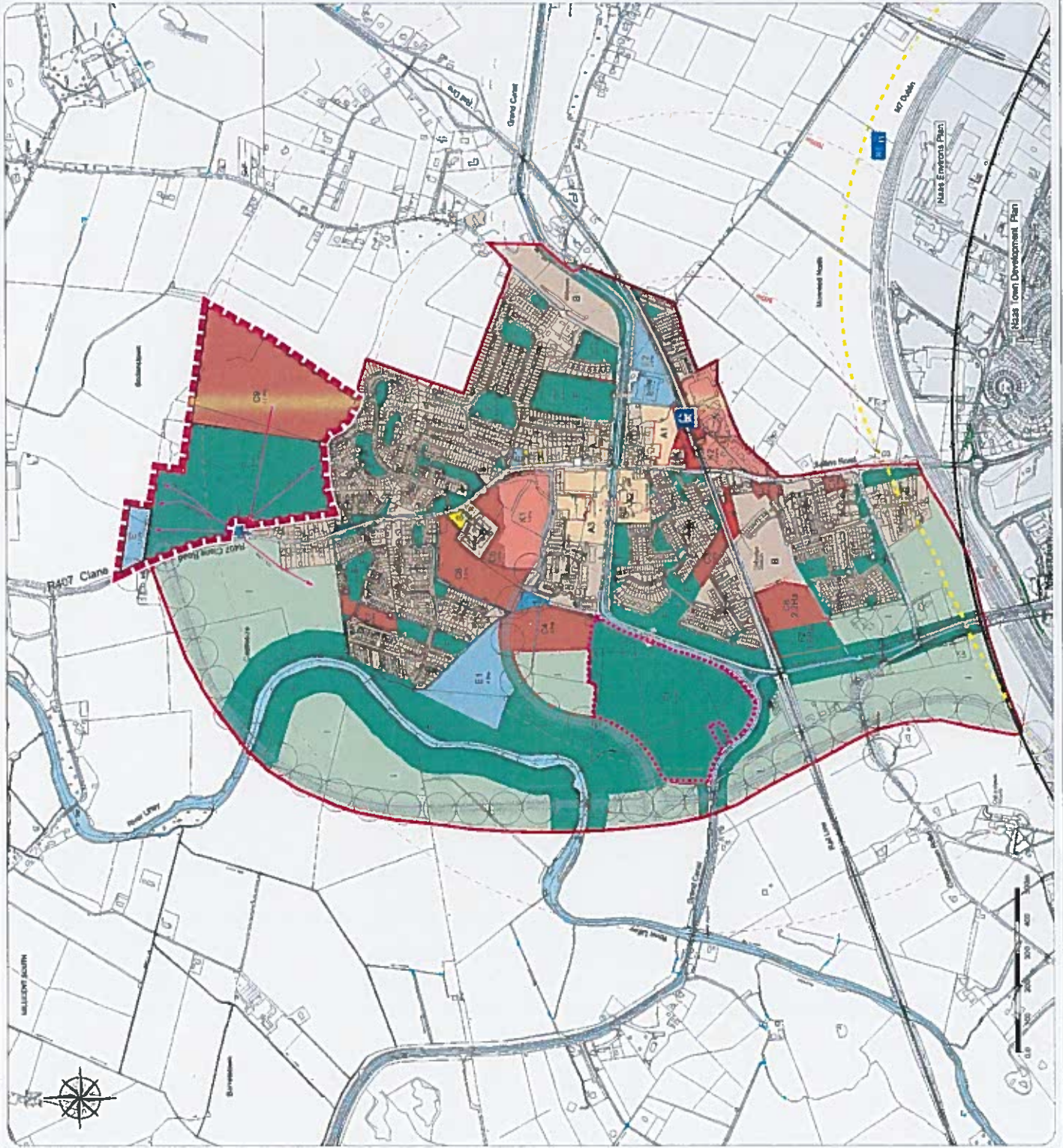
- Local Area Plan Boundary
- A: Town Centre
- B: Existing Residential & Infill
- C: New Residential
- E: Community & Educational
- F: Open Space & Amenity
- I: Agriculture
- J: Transport & Utilities
- K: Commercial & Residential
- R: Retail & Commercial
- U: Utilities & Services
- Rivers, Canal & Lakes
- 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 : N.T.S | Map Ref : 1 |
| Date: March 2016 (between 24-03-2016) | Drawing No: 200/14/689 |
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This drawing is to be read in conjunction with the written statement and objectives map

Appendix 1



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
(Revision 23-06-2015)

Drawing No: 200/14/669

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Drawn By : M.H

This drawing is to be read in conjunction with
the written statement and objectives map

