

**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)**

Leixlip Local Area Plan 2017-2023

“Local Area Plan” or “LAP” means the Leixlip Local Area Plan 2017-2023

“Planning Authority” means Kildare County Council

WHEREAS the functions of the Minister for Housing, Planning and Local Government under the Planning and Development Acts 2000 to 2017, other than Chapter 1 of Part VI of the Planning and 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

(i) The Planning Authority in making the Leixlip Local Area Plan 2017-2023 has ignored or has not taken sufficient account of the submissions made by the Minister in September 2017,

and

(ii) the Leixlip Local Area Plan 2017-2023 is not in compliance with the requirements of s.19(2) and s.31(1)(a), (b) and (c) 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 Housing, Planning and Local Government hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Leixlip Local Area Plan 2017-2023) Direction 2017.

(2) The Planning Authority is hereby directed to take the following steps with regard to the Leixlip Local Area Plan 2017-2023

(a) The preparation of a revised Draft Leixlip Local Area Plan under s.20 of the Planning & Development Act 2000 (as amended), to ensure that sufficient and suitable lands are zoned for residential use to meet the statutory housing requirement of the order of 3,300 new dwellings for Leixlip as required by the Core Strategy of the Kildare County Development Plan 2017-23.

(b) In taking such steps as are necessary to comply with (a) above, the Planning Authority shall ensure that the Leixlip Local Area Plan 2017-2023 is consistent with statutory national planning guidelines issued under s.28 of the Planning & Development Act, 2000 (as amended) including the *Development Plans Guidelines (2007)*, the *Sustainable Residential Development in Urban Areas Guidelines (2009)* and the *Local Area Plans Guidelines (2013)*, particularly with regard to the following principles:

(i) Adoption of a sequential approach to additional residential land use zoning objectives which shall prioritise development of lands adjacent to town cores and public transport, especially rail routes and access nodes such as rail stations over locations peripheral to the town at the edge of the settlement;

- (ii) The integration of transport and land use planning with significant new housing development to be focused at locations proximate to high quality public transport, especially rail access, that is easily accessible to existing local infrastructure such as schools, and local services such as neighbourhood centres, in the interest of a sustainable pattern of urban development;
 - (iii) Protection of the integrity of strategic employment lands for long-term employment and economic development related activities in accordance with national, regional and county economic policy objectives; and
 - (iv) The phasing of new development in tandem with the delivery of required infrastructure that should be determined through a detailed infrastructural assessment and master planning process for significant new housing development areas.
- (c) The revised Draft Leixlip Local Area Plan shall be published not later than 6 months following the issuing of a Direction.

STATEMENT OF REASONS

1. Under section 19(2) of the Planning & Development Act, 2000 (as amended) a Local Area Plan must be consistent with the core strategy of the relevant County Development Plan.
2. The core strategy of the Kildare County Development Plan 2017-2023 allocates housing growth of 3,315 new housing units to Leixlip for the plan period to 2023.

3. The Planning Authority was advised in the submission made by the Department on the 15th September 2017 in relation to the Proposed Material Alterations to the Draft Leixlip Local Area Plan 2017-2023 to:
 - Omit Proposed Material Alterations Nos.1 & 2 in order to provide for residentially zoned lands in Leixlip consistent with core strategy of the Kildare County Development Plan 2017-23 and the requirements of the s.19(2) of the Planning & Development Act, 2000 (as amended).
4. The Planning Authority adopted the Leixlip Local Area Plan 2017-2023 on 20th November 2017 including Proposed Material Alterations Nos. 1 and 2 against the advice of the Chief Executive of the Planning Authority and the Minister.
5. Ultimately, the Planning Authority did not comply with the advice of the submission in the making of the Leixlip Local Area Plan 2017-2023 and took insufficient account of the submission made by the Minister in failing to provide zoned residential lands sufficient to meet the housing allocation requirement of the core strategy of the Kildare County Development Plan 2017-2023. The Council is therefore in breach of Section 31(1)(a) of the Planning & Development Act, 2000 (as amended).
6. The removal of the significant Celbridge Road East (Material Alteration No. 1) and Confey (Material Alterations No. 2) land parcels from the zoned housing lands included in the LAP resulted in a substantial reduction in the overall potential housing development in Leixlip. The quantum of housing lands was reduced to less than 40 ha with a possible housing delivery of less than 1400 new homes. This is a significant shortfall from the core strategy allocation for Leixlip in the Kildare County Development Plan 2017-23
7. The Planning Authority therefore failed to provide zoned residential lands in the Leixlip Local Area Plan 2017-2023 sufficient to meet the housing allocation requirement of the core strategy of the Kildare County Development Plan 2017-23.

The Council is therefore in breach of Section 19(2) of the Planning & Development Act, 2000 (as amended).

8. The Development Plans Guidelines (2007) state that 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).
9. Residentially zoned lands in the Leixlip Local Area Plan 2017-2023 are excessively concentrated at the periphery of the established town only on lands at the south western and western edge. The LAP does not provide for the prioritisation of development sites spatially closer to the town core and established public transport services in Leixlip and is contrary to the spatially sequential approach to zoning required by the Development Plans Guidelines (2007).
10. In relation to:
 - (i) The failure to zone lands for residential development sufficient to meet the requirement of the Core Strategy of the Kildare County Development Plan 2017-23 and
 - (ii) The zoning of lands for residential development at the western and south western periphery of Leixlip only which is contrary to the *Development Plans Guidelines* (2007) whereby development sites spatially closer to town core and public transport routes are to be prioritised over more remote car dependent greenfield locations

the decision of the Council indicates a failure to set out an overall strategy for the proper planning and sustainable development of the area and is in breach of Section 31(1)(b) of the Planning & Development Act 2000 (as amended). Leixlip is earmarked for a specified quantum of housing growth under the core strategy of the Kildare County Development Plan 2017-2023 and the Leixlip LAP (as adopted on 20th

November 2017) fails to provide zoned residential lands capable of providing this housing growth at locations prioritised in national planning guidelines.

The Leixlip Local Area Plan 2017-2023 is not in compliance with guidelines to planning authorities issued by the Minister of Housing, Planning and Local Government under Section 28 of the Planning & Development Act 2000 (as amended) specifically the Development Plans Guidelines (2007). The LAP is therefore in breach of Section 31(1)(c) of the Planning & Development Acts 2000-2017.

GIVEN under my hand,

Minister for Housing and Urban Development

this day of December, 2017.