

**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)**

Celbridge Local Area Plan 2017-2023

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

“The 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 2016, 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 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) Kildare County Council in making the Celbridge Local Area Plan 2017-2023 has ignored or has not taken sufficient account of the submissions made by the Minister in February and June 2017,

and

- (ii) 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 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 (Celbridge Local Area Plan 2017-2023) Direction 2017.
- (2) The Kildare County Council is hereby directed to take the following steps with regard to the Celbridge Local Area Plan 2017-2023 (“the Local Area Plan”).
 - (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 2017-23 published by Kildare County Council on 13th December 2016.
 - (ii) Delete the zoning for Objective C: New Residential of lands at Crodaun adjoining to the 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.

For the purpose of clarity the subject lands and their zoning status is indicated on the attached map –‘Appendix 1’.

STATEMENT OF REASONS

1. The Celbridge Local Area Plan 2017-2023 is not consistent with relevant guidelines to planning authorities issued by my Department under Section 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 Section 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 the submissions made by my Department on the 3rd February 2017 and 14th June 2017 in relation to the Draft Celbridge Local Area Plan 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 Local Area Plan 2017-23 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 Section 28(1B). The Council is therefore in breach of Section 31(1)(a) of the Planning & Development Acts, 2000-16.

3. 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 Nos. 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 December 2016.

4. 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 the Development Plans Guidelines.
5. Crodaun: The submissions of the Department to Kildare County Council (of 3rd February and 14th June 2017) identified the need for a residential zoning approach

that was consistent with the Development Plans Guidelines (2007) prioritising centrally located lands for future residential development in accordance with the sequential test.

6. Lands at Crodaun were specifically identified as peripheral in nature relative to the public transport facilities and the 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.
7. 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 4.9 ha from Objective F: Open Space and Amenity to Objective C: New Residential.

This residential zoning on the eastern side of the R405 has now effectively doubled the quantum of zoned housing lands at his 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 (2007).

8. In relation to:
 - (i) The zoning of lands for open space at Donaghcumper located adjoining to the north of the R403 (included in Material Alteration No.8) and
 - (ii) 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 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, 2000-16.

9. 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 Section 31(1)(b) of the Planning & Development Acts, 2000-16. 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) above effectively obstructs.

10. 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.

GIVEN under my hand,

Minister for Housing and Urban Development

this day of September 2017.

Appendix 1

Delete zoning: Objective C - New Residential
 Insert zoning: Objective F - Open Space and Amenity

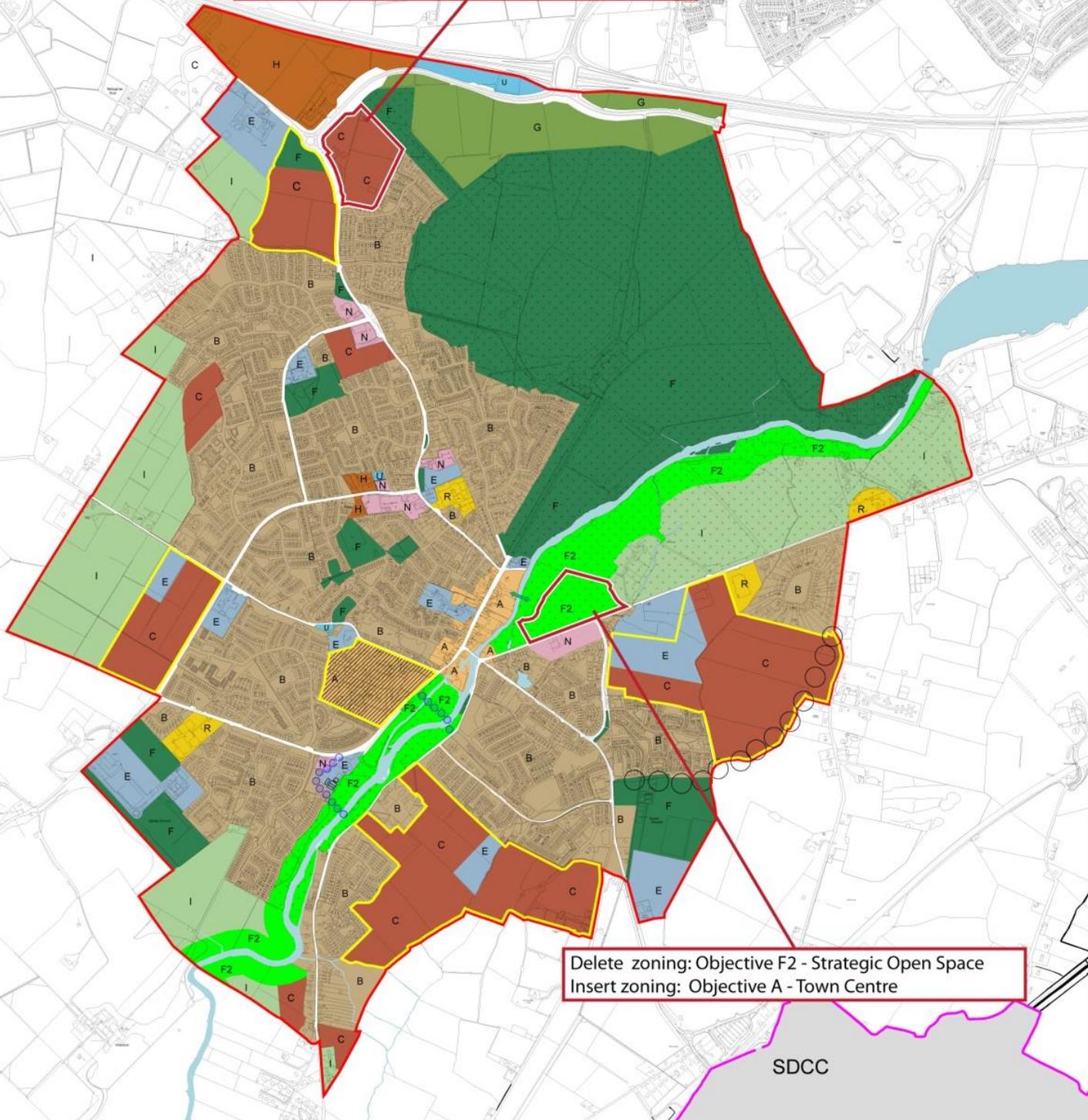
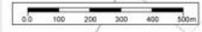


Kildare County Council
 Planning Department
 Áras Chill Dara,
 Devoy Park, Naas,
 Co Kildare.

Celbridge Local Area Plan 2017-2023

Legend :

- A: Town Centre
- B: Existing Residential / Infill
- C: New Residential
- E: Community and Educational
- F: Open Space and Amenity
- F2: Strategic Open Space
- G: Green Belt
- H: Light Industry and Warehousing
- I: Agricultural
- N: Neighbourhood Centre
- R: Commercial and Tourism
- U: Utilities / Services
- Local Area Plan Boundary
- Kildare County Boundary
- Key Development Areas
- Specific Zoning Objective (HLA)
- Specific Zoning Objective (Town Centre Expansion)
- Rivers, Canal & Lakes
- Proposed Pedestrian Bridge (Indicative Location)
- New Roads Objective
- River Crossing Corridor subject to environmental assessment



Delete zoning: Objective F2 - Strategic Open Space
 Insert zoning: Objective A - Town Centre

SDCC

Land Use Zoning Objectives Map

Scale :	N.T.S	Map Ref :	13.1
Date:	September 2017	Drawing No:	200/17/884
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		N.H.	L.C.

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