



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

 April 2016

Peter Carey
Chief Executive
Forward Planning Section
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
Notice of Intent to Issue a Direction relating to the
Sallins Local Area Plan 2016-2022**

Dear Chief Executive,

I am writing to you in connection with the Sallins Local Area Plan 2016-2022 as adopted by the Council on 9 March 2016 and request that you bring this notice to the attention of the elected members of the County Council on or before Tuesday 5 April 2016.

TAKE NOTICE that I am considering issuing a direction pursuant to Section 31 of the Planning and Development Act 2000, as amended. A draft of the proposed direction is attached to this letter. As appears therefrom, I have formed the provisional opinion (i) that the Planning Authority has ignored or not taken account of a submission made on my behalf on 8th January 2016 on the Proposed Material Alterations to the Draft Sallins Local Area Plan 2016-2022; (ii) that the plan as adopted is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000, as amended. The reasons for the proposed direction are set out in the attached draft direction.



BACKGROUND

My Department wrote to your Council, under my direction as statutory consultee under the Planning Acts, in relation to the proposed material alterations to the draft Sallins Local Area Plan in December 2015. Kildare County Council was advised that the proposed material alteration No 20 were not in compliance with the requirements of Ministerial Guidelines issued under s.28 of the Planning & Development Act 2000 (specifically the Development Plans Guidelines, 2007).

Despite the Department's concerns on the matter the members of the planning authority have decided not to address this matter in the now adopted Plan. Accordingly, and as detailed above, in making such a plan, the members of the planning authority have failed in their statutory duty under s.19, s.20 and s.28, namely, being restricted to considering the proper planning and sustainable development of the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

MEASURES PROPOSED UNDER THE DRAFT DIRECTION

In light of the foregoing, the plan which sets out the objectives for Sallins is to be amended as set out in the attached draft direction.

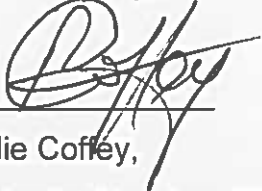
Please note that the provisions of the draft direction will not now come into effect until the Section 31 procedure has been completed.

PROCEDURAL REQUIREMENTS

I would draw your attention to the public consultation obligations under Section 31 of the Planning and Development Act 2000, as amended by the Planning and Development (Amendment) Act 2010, and the initial requirement for you, as manager, under section 31(7) to publish notice of the draft direction no later than 2 weeks after receipt of this notice. I look forward to receipt of the report which has to be prepared by you on foot of this public consultation under Section 31(8), including on any views of the elected members, to be furnished to me no later than 4 weeks after the public consultation process is completed, for my further consideration.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Coffey', written over a horizontal line.

Paudie Coffey,

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

Please Note: I am a Designated Public Official under the Regulation of Lobbying Act 2015

Copied to:

Cathaoirleach, Kildare County Council, County House, Naas, Co Kildare

Director, Southern and Eastern Regional Assembly, Assembly House, O'Connell Street, Waterford