

**DRAFT DIRECTION IN THE MATTER OF SECTION 31**

**OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**South Dublin County Development Plan 2022-2028**

“Development Plan” means the South Dublin County Development Plan 2022-2028

“Planning Authority” means South Dublin County Council

**WHEREAS** the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended) (“the Act”), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

**WHEREAS** the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (South Dublin County Development Plan 2022-2028) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps:
  - a. Omit the Enterprise and Employment zoning and the specific local objective which requires site-specific flood alleviation measures introduced as Material Amendments 2.20 and 9.4 from the lands to the

north and east of the existing Greenogue Business Park and retain the Rural RU zoning objective.

- b. Amend the land use zoning objectives in tables 13.4, 13.8 and 13.10 to reinstate data centre use class as an ‘open for consideration’ use class in the REGEN, Enterprise & Employment (EE) and Major Retail Centre (MRC) zoning objectives.

## **STATEMENT OF REASONS**

### **I. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)**

The Development Plan as made includes material amendments to the draft Plan, which are not consistent with national and regional planning policy and the proper planning and sustainable development of the area, including:

- a. Land zoned for enterprise and employment development at a peripheral location at Greenogue Business Park (Material Amendment 2.20, which is also facilitated by Material Amendment 9.4), is remote from high quality public transport and outside the designated strategic employment development areas identified in the RSES for the Dublin Metropolitan Area inconsistent with the requirements for compact growth in National Strategic Outcome 1 and National Planning Objective NPO11 to generate jobs within existing cities, towns and villages, as well as the sequential approach and planning for future development of employment lands in a manner that facilitates sustainable transport patterns consistent with Regional Policy Objectives 5.3 and 5.6 in the RSES.
- b. Changes to land use zoning objectives for REGEN, Major Retail Centre and Enterprise and Employment (Material Amendments 13.1,

13.2 and 13.3) which make data centre use class a ‘not permitted’ use class across all zoning objectives in the Plan inconsistent with Regional Policy Objective 8.25 in the RSES for the EMRA which promotes Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations and lacks an appropriate evidential basis.

## **II. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)**

The Development Plan fails to show how the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Planning Framework and RSES, as required by Section 10(1A) and Section 10(2A)(a) of the Act when read in conjunction with Section 12(18) of the Act.

## **III. Pursuant to section 31(1)(c)**

The South Dublin County Development Plan 2022 – 2028 does not include a strategy for employment development to inform Material Amendments 2.20 and 9.4 which has regard to the Ministerial Guidelines issued under Section 28 of the Act, specifically Section 6.2.5 (zoning for employment uses) in the *Development Plans, Guidelines for Planning Authorities* (2022), Section 2.7 (Development at National Road Interchanges or Junctions) in the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), and Section 3 (Principles and key mechanisms – Justification Test) of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009).

## **IV. Pursuant to section 31(1)(c)**

The Development Plan fails to identify proper or adequate reasons for departing from Section 6.2.5 (zoning for employment uses) in the *Development Plans, Guidelines for Planning Authorities* (2022), Section

2.7 (Development at National Road Interchanges or Junctions) in the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and Section 3 (Principles and key mechanisms – Justification Test) of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) consistent with the presence of an overall strategy for the proper planning and development of the area.

**V. Pursuant to section 31(1)(a)(i)(II)**

The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under Section 31AM which results in the making of a Development Plan that fails to set out an overall strategy for the proper planning and sustainable development of the area.

- VI.** By virtue of the matters set out at I-V above, the Minister is of the opinion that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VII.** By virtue of the matters set out at I to V, above, the Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day      of Month, year.