

## NOTICE OF DRAFT MINISTERIAL DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028

Notice is hereby given pursuant to Section 31 of the Planning and Development Act 2000 (as amended), that on 28TH July 2022 the Minister of State for Local Government and Planning, consequent to a recommendation made to him by the Office of the Planning Regulator under Section 31 AM(8) of the Planning and Development Act 2000 (as amended), has delivered notice of the Minister's intent to issue a Direction to South Dublin County Council. The Draft Ministerial Direction relates to the South Dublin County Development Plan 2022- 2028.

The Planning Authority has been 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.

**Note: For reference, tables 13.4, 13.8 and 13.10 are numbered in the adopted Development Plan as 12.4, 12.8 and 12.10.**

**The Reasons stated for the Draft Direction are that:**

### i. Pursuant to section 31(1)(b), section 31(10)(ba)(i) and section 31(1)(c)

The South Dublin County Development Plan 2022 - 2028 as made includes material amendments to the draft Plan, that are inconsistent 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.

### Public Display

- A copy of the Draft Directions may be inspected from 10th of August 2022 to the 23rd August 2022 (inclusive) at <https://www.sdcc.ie/en/devplan2022/> or
- Planning Counter, South Dublin County Council, County Hall, Tallaght, Dublin 24, D24 A3XC (Mon-Fri (excluding Bank Holidays) between 10.00a.m. and 4.00p.m.).
- Clondalkin Civic Office, Clondalkin, Dublin 22 (Mon-Fri (excluding Bank Holidays) between 10.00a.m. and 12.00p.m. and 2.00 p.m. and 4.00p.m.)

### Submissions or Observations in Respect of the Draft Direction:

Written submission or observations, in respect of the Draft Direction, may be made (**by one medium only**) to the Council between the **10th of August 2022 to the 23rd of August 2022** inclusive as follows:

- **Online** via the Council's Public Consultations Portal: <http://consult.sdblincoco.ie> (up to **23.59** on the **23rd of August 2022**).

or

- **In writing** to Senior Executive Office, Forward Planning Section, Land Use Planning and Transportation Department, County Hall, Tallaght, Dublin 24.

Observations or submissions must include the full name and address of the person(s) making the submission and where relevant, the body or organization represented.

### Email submissions or late observations/submissions will not be accepted.

All submission or observations made in respect of the Draft Direction, during this period, shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.

In respect of making a submission or observation please note the following:-

- Submissions/observations should include your name and address and, where relevant, details of any organisation, community group or company etc., which you represent.
- Submissions/observations received will be published online. You should ensure that no vexatious, defamatory, or confidential information, including confidential information relating to a third party (in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure) is included in your submission. The Planning Authority reserves the right to redact any submission or part thereof that does not comply with this requirement.
- The personal information collected during the consultation process is collected for the purpose of receiving and dealing with submissions. For further information on how South Dublin County Council processes your personal data contained in submissions or observations to the County Development Plan please see South Dublin County Council's Data Protection Policy on the Council's website: [www.sdcc.ie/en/services/our-council/access-to-information/data-protection](http://www.sdcc.ie/en/services/our-council/access-to-information/data-protection)

**Michael Mulhern,**  
**Director of Services.**