



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

21st August 2026

Delivery Section,
Planning and Transport,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24,
D24 A3XC.

**Re: Proposed Material Alterations to Proposed Variation No. 3 to the South
Dublin County Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing the Material Alterations (material alterations) to proposed Variation No. 3 (proposed Variation) to the South Dublin County Development Plan 2022-2028 (Development Plan).

As South Dublin County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (Office) is to evaluate and assess statutory plans to ensure consistency with legislative requirements and national and regional planning policy. The Office has evaluation and assessment pursuant to Part 3 of the Planning and Development Act 2024 (Act) and its functions under section 546, and this submission sets out the outcome.

In this context, submissions may include recommendations and observations. Recommendations arise where the Office identifies clear inconsistencies with legislative provisions or policy frameworks and are intended to be addressed to ensure compliance. Observations highlight areas where further clarification, justification, or refinement would strengthen the plan. The submission may also include advice to support the proper planning and sustainable development of the area.

Following adoption of the Variation, the Office will carry out a further assessment under section 63 of the Act.

1. Response to the Office's submission on the proposed Variation

The Office welcomes and commends the significant work undertaken by the Planning Authority to date and, in particular, the material alterations to address the recommendations and observations in its submission.

In particular, the Office welcomes MA 2.22, which addresses Recommendation 1(i) and (ii) by clarifying the residential densities to be applied across the City Edge area and within the three Priority Development Areas (PDAs).

In relation to flood risk management, Recommendation 2(ii), the Planning Authority is commended for proposed MA 3.4, which relocates a proposed school within the Red Cow and Cherry Orchard PDA that was previously partly situated within Flood Zone B. While also welcoming MA-SFRA1.3 which updates the Justification Tests in Section 7 of the Strategic Flood Risk Assessment (SFRA), the Office has, however, identified an issue to be addressed prior to the adoption of the Variation regarding the Justification Tests, as set out in MA Recommendation 1 below.

In relation to Recommendation 2 part (iii) relating to the use of the most up to date data sets for the determination of flood extents within the SFRA in the proposed material alterations, the reference to Preliminary Flood Risk Assessment (PFRA) datasets has not been amended, the Planning Authority is reminded that new flood risk data sets are available and should be used in all further SFRA and that PFRA should not be used going forward. Following the adoption of the Variation, the section 58(17)(d) of the Act notice letter should set out the reasons for the approach followed.

The Office also notes that the Planning Authority has responded positively to Observation 3 of its submission at draft stage via MA 4.2, which introduces a new section 4.4 on monitoring. The Office acknowledges the Planning Authority's commitment to the regular review and reassessment of the City Edge Strategic Urban Regeneration Framework (SURF), particularly in response to legislative changes, new guidance, and emerging circumstances.

In relation to Observation 2(iii), the Office notes that no amendments have been made to address the need to maintain the operation and safety of the M50 and N7 and to protect the strategic road network within the City Edge Strategic SURF. Transport Infrastructure Ireland has also raised concerns regarding this matter. Accordingly, the Office advises that these issues should be addressed through early engagement with the relevant stakeholders as part of the forthcoming review of the South Dublin Development Plan.

2. Overview of submission on proposed Material Alterations

The Office's assessment of the proposed Variation at material alterations stage concludes that one recommendation is warranted.

The following recommendation set out below is intended to support the Planning Authority in finalising the proposed Variation and ensuring its effective implementation:

Subject	Recommendation	Observation
Flood risk management	MA Recommendation 1	-

3. Flood risk management

The Office considers that, while MA-SFRA1.3 updates the Justification Tests in Section 7 of the SFRA and the Planning Authority has provided a separate Justification Tests document at material alterations stage, further clarification is required to demonstrate compliance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

Specifically, the updated Justification Tests submitted under MA-SFRA1.3 provide a general response to criterion 2(iii) of Box 4.1 of the Flood Guidelines – i.e. demonstration that a zoning or designation is 'within or adjoining the core of an established or designated urban settlement'. Under the Flood Guidelines, however, this criterion should be addressed on a site-specific basis. Accordingly, a modification should be included to clearly demonstrate how each area subject to a Plan Making Justification Test (Justification Test) satisfies this criterion.

Having regard to the early stage in the design of the Camac Flood Alleviation Scheme (FAS), and noting that IE4 Objective 4 of the Development Plan includes a requirement to ensure that zoning or development proposals do not impede or prevent the progression of the scheme, the Office also advises that the Planning Authority liaise directly with the Camac FAS design team prior to adoption to ensure compliance with IE4 Objective 4.

MA Recommendation 1 - Flood Risk Management

Having regard to flood risk management, and having considered the following:

- NPO 78 of the NPF relating to the avoiding of inappropriate development in areas at risk of flooding;
- RPO 7.12 of the RSES which seeks to avoid inappropriate land use zonings and development in areas at risk of flooding in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines);
- Policy IE4 of the South Dublin County Development Plan 2022-2028 (Development Plan) relating to flood risk to ensure the continued incorporation of Flood Risk Management into the spatial planning of the County;
- IE4 Objective 4 of the Development Plan to support and facilitate the delivery of the Camac Flood Alleviation Scheme and to ensure that zoning or development proposals do not impede or prevent the progression; and
- the Flood Guidelines,

the Office recommends that the Planning Authority makes a modification to the text within the Justification Tests to clarify if the zoning is within or adjoining the core to satisfy criterion 2(iii) of Box 4.1 of the Flood Guidelines. Any zoning objective for highly vulnerable development (Flood Zone A and B) or less vulnerable development (Flood Zone A) that does not pass the Plan Making Justification Test in accordance with the Flood Guidelines should be omitted from the adopted Variation.

The Planning Authority should engage with the Office of Public Works in relation to the matters above.

4. Other Matters

MA 2.23 proposes to amend the legend of Figure 9 relating to Indicative Building Heights. However, it is noted that the description of the wording to be inserted to the legend of Figure 9 as per page 24 of the material alteration document differs from the text shown in Figure 9 in the Books of Maps. The Planning Authority should clarify this matter.

5. Summary

The Office requests that the Planning Authority addresses the recommendation set out above.

As part of this process, the Chief Executive's report to the elected members, prepared under section 58(15) of the Act should summarise the Office's recommendations and outline how it is proposed to address them.

Following adoption of the Variation, the Planning Authority is required to:

- provide the Office with a copy of the adopted Variation, together with any submissions received from the Minister, regional assemblies, and the NTA during the plan preparation process, within **one week** of the adoption;
- inform the Office, **as soon as practicable**, where it decides not to comply with a recommendation of the Office or the Minister, including the reasons for this decision; and
- publish notice of the Variation within **one week** of adoption, confirming that the Development Plan as varied will be available for inspection (online and at a specified location) no later than **five weeks** after adoption.

The Office looks forward to continued constructive engagement with the Planning Authority. If further clarification or discussion would be helpful, the Office would be pleased to assist and can be contacted at plans@opr.ie. plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Planning Policy Implementation

Designated Public Official under the Regulation of Lobbying Act 2015
