



26<sup>th</sup> April 2022

Senior Executive Officer,  
Forward Planning Section,  
Land Use Planning & Transportation Department,  
County Hall,  
Tallaght,  
Dublin 24.

**Re: Material Alterations to Draft South Dublin County Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft South Dublin County Development Plan 2022-2028 (the MAs to the draft Plan).

As your authority will be aware, a key function of the Office of the Planning Regulator (the Office) includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with, amongst others the *Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities* (2020), *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), and



*Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021).*

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

## **Overview**

The Office welcomes many of the changes proposed as material amendments to the draft Plan in particular, the revised Housing Supply Target figures for the 6-year plan period and consequential revisions to the core strategy tables, the approach to moderate and phase the future growth of Rathcoole and Newcastle, and changes to ensure consistency with Part V of the Act.

The Office's submission to the draft Plan welcomed the evidence-based approach that informed the employment strategy in the draft Plan and acknowledged that the

policy and objectives for employment land reflected the guiding principles of the RSES and were consistent with RPO 4.3 in particular.

The Office generally considers the majority of the proposed material amendments to be reasonable and evidence based, but has identified a number of instances where further modification is required to enhance alignment with national and regional policy objectives or section 28 Ministerial guidelines.

The Office has however, identified a small number of material amendments, which are not consistent with national and regional policy and which would not deliver good planning outcomes for the South Dublin area.

In particular, the Office considers that the proposal to rezone significant further lands for employment at Greenogue Business Park in an area that is poorly served by public transport is not consistent with the objectives of sustainable mobility and transition to a low carbon and climate resilient society, and would set a further precedent for this pattern of development in the general area.

The Office also considers that the material amendment to make data centres a 'not permitted' use across all land use zones represents an unconditional policy approach for which no clear evidence-based rationale is evident, and which is not consistent with the regional policy objectives for economic development in the RSES.

The Office is also concerned with an apparent relaxation in the planning authority's rural housing policies in advance of the draft Plan's commitment to review the rural housing policy and local needs criteria within six months of adopting the Plan.

It is within this context the submission below sets out 3 recommendations and 3 observations under the following five themes:

<b>Key theme</b>	<b>MA Recommendation</b>	<b>MA Observation</b>
<a href="#"><u>Core strategy and settlement strategy</u></a>	-	MA Observation <a href="#"><u>1</u></a> and <a href="#"><u>2</u></a>

<u>Economic Development and Employment</u>	MA Recommendation 1 and 2	-
<u>Rural Housing and Regeneration</u>	MA Recommendation 3	-
<u>Sustainable Transport and Accessibility</u>		MA Observation 3
<u>Climate Action and Renewable Energy</u>	-	-

## 1. Core Strategy and Settlement Strategy

### 1.1 Housing and population targets

The core strategy tables have been amended in response to Recommendation 1 of the Office's submission and to provide HST figures for the six-year plan period.

The Office welcomes the clarity provided in the revised core strategy tables and reduced allocations provided to the Self-Sustaining Growth Towns of Rathcoole and Newcastle.

The above combined with the zoning changes and objectives introduced in response to Recommendation 3 and Observations 1 and 3 of the Office's submission to the draft Plan provide for more sustainable and moderate growth of Rathcoole and Newcastle over the plan-period.

While the planning authority has not reduced the core strategy housing allocation or quantum of land zoned for residential development in Saggart in response to Recommendation 4 of the Office's submission to the draft Plan, the Office accepts the rationale provided in the Chief Executive's (CE's) report (page 36) and welcomes the introduction of specific local objective CS8 SLO1 and the intent to prepare a local area plan for the settlement (QDP14 Objective 5).

The planning authority is advised, however, that the percentage figure of 13% in section 2.7.2 (page 70) differs slightly from the percentage figure in the core strategy table 11 regarding the population growth over the plan period. There may also be a

discrepancy between the figure for the quantum of land available for development (5.77 ha) in Saggart and the zoned land allocation figure of 5.57 ha.

#### MA Observation 1 – Saggart

The planning authority is requested to review the percentage population growth figures for the plan period for Saggart to ensure that the text in section 2.7.2 (page 70) is consistent with the core strategy table 11. The planning authority is also advised that table 9 indicates available residential land of 5.77 ha while table 11 has a lower figure of 5.57 ha.

#### 1.2 Core Strategy Table 11

Having regard to the comments in the CE's report (page 25) and information provided in the new Table 10 (Indicative Capacity of Additional Zoned Lands), it is considered that the response to Recommendation 2 (i) is generally acceptable.

In respect of Recommendation 2(ii), the Office notes that the CE's report states '*The average density provided within Dublin City and Suburbs is 40-50 units per ha while the settlements outside this provide for c. 35units/ha.*' While the clarification provided by the CE is welcomed, it is considered that the above density figures should be referenced in the Core Strategy Table 11.

#### MA Observation 2 – Core Strategy Table 11

Having regard to the example Core Strategy Table in the appendix to the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021), the planning authority is requested to include a footnote as a minor modification to Table 11 – Core Strategy Table to reference that the land area figures for neighbourhoods inside and outside the Dublin City and Suburbs area are based on average densities of 40-50 units per hectare and 35 units per hectare respectively.

### 1.3 Core Strategy and zoning for residential use

The Office welcomes the overall reduction in lands zoned for residential development and in particular the omission of less sequentially preferable residential lands in Rathcoole and Newcastle, and the rezoning of lands to Strategic Residential Reserve in Rathcoole.

The above combined with the objectives introduced to support the phasing of development linked to infrastructure and services in Rathcoole and Newcastle provides for an acceptable response to Recommendation 3 and Observations 1 and 3 of the Office's submission to the draft Plan.

## 2. Economic Development and Employment

### 2.1 Employment Zoned Land

The Office's submission to the draft Plan noted that it has 1,352 ha of land zoned specifically for employment use in the county of which approximately 624 ha remain undeveloped.

In relation to zoning for employment uses, Section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation August (2021)* states that '*...the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature*'.

The Material Amendment 2.20 proposes to rezone more than 50 hectares of land from Rural RU to Enterprise and Employment adjoining Greenogue Business Park. This is supported by Material Amendment 9.4 which introduces a specific local objective '*to ensure development on lands within Greenogue Business Park will be subject to site specific flood alleviation measures forming part of any future planning application for these lands*' as the lands are affected by flood zones A / B.

Having regard to the draft guidelines, there appears to be no evidential basis or strategic justification to support the rezoning of these lands for a significant quantum of additional Enterprise & Employment uses.

The subject lands are located 2.5 km from the village centres of Newcastle and Rathcoole, outside the Dublin City & Suburbs boundary as shown in Figure 5.1 of RSES for the EMRA. The area is poorly served by public transport being located c4.5 km from the nearest LUAS stop in Saggart, and with limited bus services serving the area.

The RSES provides a clear policy framework for sustainable transport patterns, including RPO 5.3 (MASP Sustainable Transport) which states *'future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.'*

Having regard to the location and lack of a high quality public transport corridor, it is considered that the proposed rezoning is not consistent with RPO 5.3 as it is located outside the boundary of the Dublin City and Suburbs area and would not facilitate sustainable travel patterns.

The Office further notes that Greenogue Business Park is not identified as a strategic employment area in the RSES for the EMRA. The strategic employment development areas (Table 5.2 of the RSES) along the south-west corridor and of relevance to South Dublin are Naas Road / Ballymount, Tallaght Town Centre / Cookstown and Grange Castle Business Park.

RPO 5.6 (MASP Employment Lands) states *'the development of future employment lands in the Dublin Metropolitan Area shall follow a sequential approach, with a focus on the re-intensification of employment lands within the M50 and at selected strategic development areas and provision of appropriate employment densities in tandem with the provision of high quality public transport corridors.'*

It is considered that the proposed rezoning is not consistent with RPO 5.6 as Greenogue Business Park is not an identified strategic development area in the RSES and is remote from a high quality public transport corridor.

The lands are also located in close proximity to an intersection on the N7 national road. Section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) states ‘...planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.’

It is not clear to the Office that the proposed rezoning satisfies the criteria in section 2.7 of the aforementioned guidelines regarding development of national or strategic importance.

In relation to Material Amendment 9.4, it is noted that the Justification Test (pages 14 and 27) prepared as part of the updated Strategic Flood Risk Assessment acknowledges the flood risk in the general area of Greenogue / Baldonnel and recommends retaining the current Rural RU zoning.

### MA Recommendation 1 - Greenogue Business Park

Having regard to National Strategic Outcome 1 (Compact Growth) and National Policy Objective 11 of the National Planning Framework (NPF), Regional Policy Objectives 5.3 and 5.6 of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), and section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation August (2021)*, the planning authority is required to:

- (i) omit the Enterprise and Employment zoning (Material Amendment 2.20) from the lands at Greenogue Business Park and retain the Rural RU zoning objective. The Office considers that the rezoning is contrary to compact growth and sequential development and would support unsustainable car dependant development at a greenfield location remote from high capacity public transport and in close proximity to a junction on the national road network. Further, there is no evidence based rationale

underpinning the zoning of land for employment purposes at this location which also demonstrates that the criteria in section 2.7 of the *Spatial Planning and National Roads Guidelines* (2012) have not been satisfied; and

(ii) omit the specific local objective (Material Amendment 9.4) which requires site specific flood alleviation measures to support its development. The Office notes that lands are affected by flood zones A / B and further rezoning in this general area is not supported in the Justification Test in the Strategic Flood Risk Assessment which recommends retaining the Rural RU zoning (page 27).

## 2.2. Data Centres

Material Amendments 13.1, 13.2 and 13.3 propose to amend Tables 13.4, 13.9 and 13.10 of the draft Plan, respectively, to make data centre use ‘not permitted’ in the following zoning objectives:

- REGEN
- Major Retail Centre (MRC)
- Enterprise and Employment (EE)

The impact of the above would make data centres a ‘not permitted’ use across all land use zoning objectives in the draft Plan.

The RSES for the EMRA contains a regional policy objective (RPO 8.25) on *Communications Networks and Digital Infrastructure*. RPO 8.25 states:

*‘Local authorities shall:*

- *Support and facilitate delivery of the National Broadband Plan.*
- *Facilitate enhanced international fibre communications links, including full interconnection between the fibre networks in Northern Ireland and the Republic of Ireland.*

- *Promote and facilitate the sustainable development of a high-quality ICT network throughout the Region in order to achieve balanced social and economic development, whilst protecting the amenities of urban and rural areas.*
- *Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations.*
- *Promote Dublin as a demonstrator of 5G information and communication technology.' (Emphasis added)*

Having regard to the above and the absence of any strategic justification to support making data centres a 'not permitted' use across all zoning objectives, it is considered that the proposed changes to the zoning matrix in material alterations 13.1, 13.2 and 13.3 are not consistent with RPO 8.25.

#### MA Recommendation 2 – Data Centres

Having regard to Regional Policy Objective 8.25 of the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly which states that '*Local authorities shall... Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations...*', and the absence of any strategic justification to support making data centres a 'not permitted' use across all zoning objectives in the draft Plan, the planning authority is required to make the Plan without Material Amendments 13.1, 13.2 and 13.3 and retain data centres as an 'open for consideration' use in the REGEN, Enterprise & Employment (EE) and Major Retail Centre (MRC) zoning objectives.

### 3. Rural Housing

#### 3.1 Rural housing policy

The rural housing policies in the draft Plan apply to lands zoned Rural RU, and High Amenity (including Dublin Mountains Area, Liffey Valley and Dodder Valley).

Section 6.9 – Rural Housing Strategy of the draft Plan refers to NPO 19 and the requirement for a distinction to be made between rural areas under urban influence, stating that '*...the entire rural area of South Dublin is under strong urban influence*'. It also states:

*'Accordingly, the NPO outlines that for rural areas like South Dublin County, the Development Plan should facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements...'*

The Office notes the planning authority's intention (H17 Objective 1) '*to commence a review of the Rural Housing Policy and Local Need Criteria within six months of the adoption of the Plan and to include a public consultation as part of this process*'.

However, Material Amendment 6.8 introduced by the elected members provides for a relaxation in rural housing policy for the Rural RU zone through a new Objective H17 Objective 2, and is likely to result in significant additional pressure for development in an area under extremely strong urban influence.

The Office considers that Objective H17 Objective 2, which is not based on social or economic need to live in the area, is inconsistent with NPO 19 and is premature pending a comprehensive review of the rural housing policy and local need criteria in the development plan.

## MA Recommendation 3 - Rural Housing Objective H17 Objective 2

Having regard to National Policy Objective 19 of the NPF which requires that '*...In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...*', and the planning authority's intention to review its rural housing policy and local need criteria, the planning authority is required to make the Plan without Rural Housing Objective H17 Objective as it is considered inconsistent with NPO 19 and is considered premature pending a comprehensive review of the rural housing policy and local need criteria consistent with NPO 20.

## 4. Sustainable Transport and Accessibility

Observation 10 of the Office's submission to the draft Plan requested the planning authority '*...to clarify the function of any western orbital route, provide adequate protection from inappropriate forms of development which may compromise these functions, and make provision for sustainable transport along its length. Any future proposal must also be justified on the basis of, and consistent with, the forthcoming updated Transport Strategy for the Greater Dublin Area.*'

While the changes to the description and function proposed in Material Amendment 7.21 are generally acceptable, it is considered that the text regarding the function of the proposed Western Orbital Route should include a minor modification to state that the proposed road would include provision for sustainable transport modes along its length.

This would provide for consistency with section 10(2)(n) of the Act and policies and objectives in the draft Plan promoting more sustainable travel and a significant reduction in the mode share for the private car such as Policy SM1, Policy SM3, SM1 Objective 1 and SM3 Objective 6.

### MA Observation 3 – Western Orbital Route function

Having regard to the proposed material alterations to Table 7.5 in the draft Plan regarding the description and function of the proposed Western Orbital Route, section 10(2)(n) of *the Planning and Development Act 2000*, (as amended) and the policies and objectives in the draft Plan promoting more sustainable travel and a significant reduction in the mode share for private car use over the plan period, the planning authority is requested to make a minor modification to the function of the proposed Western Orbital Route to state that it would include provision for sustainable transport modes along its length.

## 5. Climate Action

Observation 11 of the Office's submission to the draft Plan requested the planning authority to '*...include an objective to consider a variation of the development plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the development plan will be consistent with the approach to climate action recommended in the revised Development Plan Guidelines as adopted or any other relevant guidelines.*'

While the inclusion of an objective to address Observation 11 would have been welcome, the Office accepts the response provided by the planning authority in the section 12(5)(aa) letter which states that the Development Plan will be reviewed and a variation initiated should significant changes to climate change policy or legislation arise.

## Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

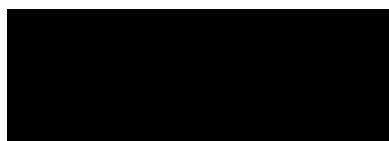
At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the Material



Alterations to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

Is mise le meas,



**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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Director of Plans Evaluations