

## South Dublin County Council - Notice in accordance with Section 31(AM)(6) of the Planning and Development Act 2000 (as amended)

The South Dublin County Development 2022-2028 was made by the Members of South Dublin County Council on the 22<sup>nd</sup> of June 2022, in accordance with the provisions of Section 12(10) of the Planning and Development Act 2000 (as amended) ('The Act').

This Notice is issued to the Office of the Planning Regulator (OPR) in accordance with the provisions of Section 31(AM)(6) of The Act, which states the following:

“(6) A planning authority shall notify the Office within 5 working days of the making of a development plan or a variation to a development plan and send a copy of the written statement and maps as duly made and where the planning authority —

- (a) decides not to comply with any recommendations made in the relevant report of the Office, or
- (b) otherwise make the plan in such a manner as to be inconsistent with any recommendation made by the Office, then the chief executive shall inform the Office accordingly in writing, which notice shall state reasons for the decision of the planning authority.”

### OPR Recommendations

This Notice acknowledges the statutory recommendations made by the OPR at both the Draft Plan and the Proposed Amendments to the Draft Plan consultation stages. This Notice should be read in conjunction with a previous Notice issued to the OPR, dated 05th April 2021, which provided an overview of compliance with each Recommendation received from the OPR at the Draft Development Plan stage, in accordance with Section 12(5)(aa) of The Act.

Section 1 of this Notice provides details in regard to compliance with the OPR submission on the Proposed Material Amendments to the Draft Plan.

### Proposed Amendments to the Draft Plan

In accordance with the provisions of Section 12(8) of The Act, the Executive of the Council prepared a Chief Executive's Report on the consultation process for the Proposed Material Amendments to the Draft Development Plan. This Report included a summary of the recommendations, submissions and observations made by the OPR, and the response of the Executive to the issues raised, set out in Section 2 of the Chief Executive's Report on Proposed Material Amendments to the Draft Plan Consultation (pages 10-26), available to view on the Local Authority's website at the following link: <https://www.sdcc.ie/en/devplan2022/stage-3-material-amendments/chief-executives-report-on-the-proposed-material-amendments-public-consultation/chief-executives-report-on-the-proposed-material-alterations-public-consultation.pdf>

This Notice is set out as follows for ease of reference:

**Section 1:** Status of compliance with the OPR submission on the Proposed Material Amendments to the Draft Plan including reasons provided for non-compliance with recommendations of the OPR.

**Section 2:** Item of non-compliance with the OPR submission and Recommendations to the Draft Plan

**Appendix 1:** List of Material Amendments to the Draft Plan by Chapter (**where modified**)

**Appendix 2:** Motion details relating to items of non-compliance with recommendations of the OPR.

**Section 1: The OPR submission on the Proposed Material Amendments to the Draft Plan set out 3 recommendations and 3 observations:**

**Recommendations:**

**Key Theme: Economic Development and Employment**

**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).

**Outcome:**

Following consideration of the CE Report which recommended that the subject lands be removed from the plan in line with recommendation 1 of the OPR submission, a motion was put forward and carried to retain the Enterprise and Employment Zoning (Material Amendment 2.20 and 9.4) on lands at Greenogue Business Park (21 votes for, 13 against). The zoning and associated Specific Local Objective (SLO, MA 9.4) of the subject lands is therefore inconsistent with the recommendation of the Office.

**Reasoning:**

The reasons put forward by the Members in favour are summarised as follows:

- Greenogue is expanding constantly, with the land in question giving opportunities for companies to grow, creating more jobs for the people of South Dublin.
- The motion has cross-party support as it will aid communities like Newcastle, Rathcoole, Tallaght and Clondalkin.

- The plot in question does not jeopardise housing as it is located away from housing and has direct access from the N7.
- Flood risks have been mitigated in the past and engineers of today will be able to come up with solutions which mitigate against flooding.
- Greenogue provides employment in engineering/construction roles which Grange Castle and Citywest are not suitable for. Greenogue can also provide apprenticeships to deal with the growing demand in these sectors of work.
- Greenogue can provide employment land for businesses which may need to move from regeneration areas like City Edge
- Greenogue has provided millions in council levies since its establishment.

Please refer to webcast Motion 6 for full details: [https://sdcc.public-tv.com/core/portal/webcast\\_interactive/677052](https://sdcc.public-tv.com/core/portal/webcast_interactive/677052)

See Motion detail in Appendix 2 Item 1, including CE Response and Recommendation.

### 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.

### Outcome:

Following consideration of the CE Report which recommended that the Material Amendments 13.1, 13.2 and 13.3 be omitted in line with recommendation 2 of the OPR submission a motion was put forward and carried to retain the Material Amendments (21 votes for, 10 against). The effect of this motion is such that Data Centres will be a land use which is 'not permitted' in the zoning objectives for REGEN, Major Retail Centre and Enterprise and Employment. This provision is therefore inconsistent with the recommendation of the Office.

### Reasoning:

The reasons put forward were detailed in the motion itself, and are summarised here as follows:

- Necessary to have a moratorium on Data Centres in the County
- Need to meet Carbon Emission Targets
- EPA Report which recognised the increased energy use caused by Data Centres and potential of not meeting carbon emission targets
- Need to ease pressure on Water and electricity infrastructure
- Need to prioritise needs of residents
- Proposal is not a ban but a moratorium until 2028

- Need to consider all national policy including climate change policies that Ireland has signed up to. It is considered that national policy is contradictory as it supports Data Centres, but this can't be reconciled with meeting a carbon emission targets.

Please refer to webcast Motion 16 for full details: [https://sdcc.public-i.tv/core/portal/webcast\\_interactive/677052](https://sdcc.public-i.tv/core/portal/webcast_interactive/677052)

See Motion detail including reasons in Appendix 2 Item 1, including CE response and recommendation.

### MA Recommendation 3: Rural Housing Policy

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.

#### Outcome:

Following consideration of the CE Report which recommended that the Material Amendment 6.8 be omitted from the Plan in line with recommendation 3 of the OPR submission a motion was put forward and carried to retain the Material Amendment (23 votes for, 11 against). The inclusion of this objective is therefore inconsistent with the recommendation of the Office.

#### Reasoning:

- Motion on behalf of all people who have been refused planning permission on family-owned land
- Only 5 one-off dwellings have been permitted in the Rathcoole/Saggart/Newcastle and Brittas area.
- Need to allow people who have links to an area to remain living in that area
- Only people who demonstrate a strong local need should be allowed to construct a one-off dwelling
- Strong need for new guidelines in order to ensure consistency however no guidelines are in place and therefore there is a need for sensible approach in the interim.
- The approach being taken closely follows that currently set out in the Kildare County Development Plan

Please refer to webcast Motion 14 for full details: [https://sdcc.public-i.tv/core/portal/webcast\\_interactive/677052](https://sdcc.public-i.tv/core/portal/webcast_interactive/677052)

See Motion detail in Appendix 2 Item 3, including CE response and recommendation.

#### Observations:

The OPR submission made three observations. Material Amendment Observation 3 is of note.

### **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.

#### **Outcome:**

Following the submission from the Office the CE Report recommended a minor modification to Material Amendment 7.21 to include reference to public transport. Minor modification was also recommended by the Executive to replace the reference to the ‘review of the NTA Strategy’ with the ‘NTA Strategy’ given that it will be adopted when the Development Plan is in place. Further modification referenced the word ‘potential’ link to the N81 in the description of the road project similar to how it was referenced in the function text. Following review of the CE Report a member’s motion was received which sought to retain Material Amendment 7.21 without the minor modifications proposed in the CE Report in order to reflect the Councillors commitment to ensuring that the Orbital Ring Route links to the N81. The motion was agreed by the members. See Appendix 2 Item 4.

#### **Reasoning:**

- The need for the orbital route as it is considered that the Draft Plan downgrades the delivery of the connection to the N81 which would not reflect that Members did not want the word ‘potential’ to appear in the description part of the text as they wish the N81 link to be part of the road project.

**Please refer to webcast Motion 15 for full details:** [https://sdcc.public-i.tv/core/portal/webcast\\_interactive/677052](https://sdcc.public-i.tv/core/portal/webcast_interactive/677052)

**See Motion detail in Appendix 2 Item 4, including CE response and recommendation.**

### **Section 2: Item of non-compliance with the OPR submission and Recommendations to the Draft Plan**

The OPR submission on the Draft Plan set out 9 recommendations and 13 observations. Recommendation 5 relates to land rezoning at Cooldrinagh Lane and specific Local Objective CS11 SLO1.

## Recommendation 5

### Recommendation 5 - Land rezoning Cooldrinagh Lane and Specific Local Objective CS11 SLO1

Having regard to the National Policy Objective 3b supporting compact growth and Regional Policy Objectives RPOs 5.2, 5.3 and 5.4 for the Dublin Metropolitan Area, the conclusion from the land capacity analysis that there is no requirement to zone additional land for housing, and the location of the land on Cooldrinagh Lane in the open break between Lucan and Leixlip, the planning authority is required to retain the current zoning objective RU – ‘To protect and improve rural amenity and to provide for the development of agriculture’ and omit Specific Local Objective (SLO) CS11 SLO1 from the Draft Plan. The proposed rezoning is also inconsistent with policy CS11 which seeks to restrict the spread of dwellings in the Rural RU zone.

#### **Outcome:**

A recommendation to rezone the lands from RES to RU and remove Specific Local Objective CS11 SLO1 relating to lands at Cooldrinagh Lane was put forward in the CE Report issued to the members on the 7<sup>th</sup> of December 2021. Following consideration of the CE Report the Elected Members submitted a motion which was passed in the March Development Plan meetings to retain the Res Zoning for Cooldrinagh Lane. The plan as made on the 22 of June 2022 is therefore inconsistent with Recommendation 5 of the OPR Submission.

#### **Reasoning:**

##### **Motion to CE Draft Plan (Minutes of the 18<sup>th</sup> June 2021)**

- Proposal seeks to regularise use of lands to allow for families to live close to existing family members
- There is no evidence of overdevelopment of these lands and the lands should be zoned from RU to existing Residential.
- Recognition of existing residential pattern to the north eastern side.
- SLO inserted as amendment to motion.

##### **Motion to CE Report on submissions on Draft Plan:**

- Given the established residential settlement located in the northern portion of Cooldrinagh Lane, it is considered that the existing 'RU' zoning is not reflective of the existing settlement pattern and should be amended to rectify this. We recognise the zoning objective of the RU zone is 'To protect and improve rural amenity and to provide for the development of agriculture', however, it is considered that the 'Existing Residential' (RES) zone which provides zoning objective 'To

*protect and/or improve residential amenity' is more appropriate in terms of considering the existing development pattern.*

Signed by:



**Hazel Craigie**

**Senior Planner, South Dublin County Council  
28/06/2022**

## Appendix 1: List of Material Amendments to the Draft Plan which have been modified

### Office of the Planning Regulator:

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
<a href="#">SD-C226-65</a> <a href="#">Office of the Planning Regulator</a>	Observation 1, Section 2.7.2b	<p>A minor modification to the text under section 2.7.2b as follows:</p> <p>From: The Saggart settlement had a population in 2016 of 3,133 which is targeted to grow by <del>366 454</del> persons (<del>11%</del>)(<del>13%</del>) to <del>3,499</del><del>3,587</del> persons by 2028. <b>Taking this growth over the plan period alongside estimated growth between 2017 and Q3 2022 of 244 people this equates to an overall growth of 698 (22%) persons over the period 2017 to 2028.</b></p> <p>To: The Saggart settlement had a population in 2016 of 3,133 which is targeted to grow by <del>366 454</del> persons (<del>11%</del>)(<del>13%</del>) to <del>3,499</del><del>3,587</del> persons by 2028. <b>Taking this growth over the plan period alongside estimated growth between 2017 and Q3 2022 of 244 people this equates to an overall growth of 698 (22%) persons over the period 2017 to 2028.</b></p>
<a href="#">SD-C226-65</a> <a href="#">Office of the Planning Regulator</a>	Observation 2, Table 11 Core Strategy	<p>A minor modification to Table 11 Core Strategy to include a footnote to the bottom of the table which details the following:</p> <p><b>*Note the density figures set out in table 11 provide for an average density of 40-50 units per hectare within Dublin City and Suburbs and a density of 30-35 units per hectare outside of the City and Suburbs.</b></p>

### Chapter 2: Core Strategy and Settlement Strategy

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
<a href="#">SD-C226-4</a> <a href="#">Rathcoole</a>	Amendment 2.11, CS8 SLO1	Minor modification to Amendment 2.11 to remove the wording 'Phase 1' to read as follows:



<p><a href="#">Community Council</a></p> <p><a href="#">SD-C226-40 Cllr Trevor Gilligan PC</a></p> <p><a href="#">SD-C226-25 Saggart Village Residents' Association</a></p>		<p>From: <b>CS8 SLO1: To facilitate the delivery of Phase 1 residential lands at Mill Road Saggart which fully integrates with the adjoining lands to the south and in tandem with the delivery of a park space centrally located on the subject lands, a play space, creche, the integration of strong cycling and pedestrian permeability proposals agreed to the satisfaction of the Planning Authority and the provision of appropriate noise mitigation measures along the northern boundary.</b></p> <p>To: <b>CS8 SLO1: To facilitate the delivery of <del>Phase 1</del> residential lands at Mill Road Saggart which fully integrates with the adjoining lands to the south and in tandem with the delivery of a park space centrally located on the subject lands, a play space, creche, the integration of strong cycling and pedestrian permeability proposals agreed to the satisfaction of the Planning Authority and the provision of appropriate noise mitigation measures along the northern boundary.</b></p> <p><b>Note:</b> <i>No other lands are identified within Saggart. Reference to Phase 1 not required and was considered to cause confusion.</i></p>
<p><a href="#">SD-C226-28 CAIRN Plc</a></p>	<p>Amendment 2.12, CS9 SLO3</p>	<p>Minor Modification to Material Amendment 2.12 (CS9 SLO3) as follows:</p> <p>From: CS9 SLO3: A sequentially phased programme to be submitted alongside any planning application on the subject lands which provides for the delivery of the following in tandem with development or as described 1) No more than 200 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south 2) Urban Park/Square c. 1ha in size (Burgage South Park), 3) East-West Link Street, 4) Sean Feirm Park c. 0.2ha in size, 5) a portion of Tower House Park c. 0.1ha. All applications shall demonstrate to the satisfaction of the Planning Authority how they are supporting the delivery of North South Street connections to the Main Street.</p> <p>To: CS9 SLO3: A sequentially phased programme to be submitted alongside any planning application on the subject lands which provides for the delivery of the following in tandem with development or as described 1) No more than 200 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south 2) Urban Park/Square c. 1ha in size (Burgage South Park) <b>to the satisfaction of the Planning</b></p>

		<b>Authority</b> , 3) East-West Link Street, 4) Sean Feirm Park c. 0.2ha in size, 5) a portion of Tower House Park c. 0.1ha. All applications shall demonstrate to the satisfaction of the Planning Authority how they are supporting the delivery of North South Street connections to the Main Street.
Motion 75661	Amendment 2.13, CS10 SLO1	<p>Minor Modification to Material Amendment 2.13 (CS10 SLO1) as follows:</p> <p>From: To ensure that the provision of a primary school, library hub, 2 full sized GAA pitches and 1 junior pitch and associated pavilion, access road and open space is provided in tandem with new residential development.</p> <p>To: To ensure that the provision of a primary school, library hub, 2 full sized GAA pitches and 1 junior pitch and associated pavilion, access road and open space is provided in tandem with new residential development <b>having regard to the provisions of GI7 SLO2.</b></p>

### Chapter 3: Natural, Cultural and Built Heritage

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
	<p>Minor modification to Amendment 3.4:</p> <p>Amend Section 3.3.3 Under heading: 'Protection of Habitats and Species Outside of Designated Areas'</p>	<p>Minor modification to Amendment 3.4:</p> <p>From:</p> <p>The County supports a range of <b>flora and fauna, animal and bird species</b> and their habitats which are not formally protected under European or Irish legislation. <b>It is notable however that all wild bird species occurring in Ireland are protected under the Wildlife Acts, 1976 to 2018.</b> Such areas have an important natural heritage or ecological value in the County which needs to be recognised and protected. These include nationally rare plants, plants listed in the Red Data Lists of Irish Plants, the Flora Protection Order, 2015 (or other such Orders) and their habitats and animals and birds listed in the Wildlife Act 1976 (as amended) and any other subsequent statutory instrument.</p> <p>To</p> <p>The County supports a range of <b>flora and fauna, animal and bird species</b> and their habitats which are not <b>formally</b> protected under European or Irish legislation. <del>It is notable however that all wild bird species occurring in Ireland are protected under the Wildlife Acts, 1976 to 2018.</del> <b>In other cases, whilst the species themselves are protected, such as in the case of all wild bird species and many mammal species under Wildlife Acts, 1976 to 2018, their habitats are not. The habitats of rare species in particular Such areas</b> have an important natural heritage <del>or</del> and ecological value <del>in</del> <b>for</b> the County <del>which needs to be recognised and should be protected.</del> <b>These Such species</b> include <del>nationally</del> rare plants listed in the Red Data Lists of Irish Plants <b>and especially those covered by</b> the Flora Protection order, 2015, (or other such orders). <del>and their habitats and animals and birds listed in the Wildlife Act 1976 (as amended) and any other subsequent statutory instrument.</del> <b>All bat species and the otter are subject to a system of strict protection under the European Habitats Directive (92/43/EEC), which includes protection of their resting and breeding places, and it would be desirable where possible to protect their foraging habitats as well.</b></p>

<a href="#">SD-C226-3</a> <a href="#">Rathcoole</a> <a href="#">Community</a> <a href="#">Council</a>	Amendment no. 3.14, Section 3.5.2, NCBH19: Protected Structures to add a new SLO	<p><b>CE Recommendation:</b></p> <p>Minor modification to Amendment 3.14 as follows:</p> <ol style="list-style-type: none"> <li>Amend NCBH19 SLO 7 wording to include the following text [black bold] as follows:</li> </ol> <p>From</p> <p>To protect Glebe House, Rathcoole</p> <p>To</p> <p>To protect Glebe House <b>RPS Ref. 313 (Former Mary Mercer Trust Charter School for girls)</b>, Rathcoole.</p> <ol style="list-style-type: none"> <li>Amend the description column attached to Protected Structure Ref 313 contained within Appendix 3A Record of Protected Structures as follows [insertions in bold]:</li> </ol> <p>From</p> <p>House</p> <p>To</p> <p><b>Glebe House (Former Mary Mercer Trust Charter School for girls).</b></p>
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#### Chapter 5: Quality Design and Healthy Placemaking

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
<a href="#">SD-C226-25</a> <a href="#">Saggart Village</a> <a href="#">Residents'</a> <a href="#">Association</a>  <a href="#">SD-C226-40 Cllr</a> <a href="#">Trevor Gilligan</a> <a href="#">PC</a>	Amendment 5.11, QDP14 Objective 6	<p><b>CE Recommendation:</b></p> <p>Minor modification to Amendment 5.11 such that Objective QDP14 Objective 6 would read as follows:</p> <p><b>From:</b></p> <p><i>To require a Local Transport Plan to be carried out as part of any LAP preparation process, commensurate to the scale of the LAP. The Local Transport Plan/Local Area Plan will be subject to screening for AA and SEA.</i></p> <p><b>To:</b></p> <p><i>To require a Local Transport Plan to be carried out as part of any LAP preparation process, commensurate to the scale of the LAP. <b>The Local Transport Plan / Local Area Plan should have regard to the NTA and TII Guidance Note on</b></i></p>

<a href="#">SD-C226-6</a> <a href="#">National</a> <a href="#">Transport</a> <a href="#">Authority</a>		<p><i>Area Based transportation Assessments 2018 or any subsequent updates thereof, and will be subject to screening for AA and SEA.</i></p>
<a href="#">SD-C226-43</a> <a href="#">Transport</a> <a href="#">Infrastructure</a> <a href="#">Ireland</a>		

### Chapter 9: Economic Development and Employment

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
<a href="#">SD-C226-1</a> <a href="#">Proinsias Mac</a> <a href="#">Fhlannchadha</a>	<p>Amendment 9.1,</p>	<p><b>CE Recommendation:</b>            Minor modification to Amendment 9.1 to amend the last sentence in the second paragraph of section 9.0.1 from:</p> <p>The place of funding under the Rural and Urban Regeneration and Development Fund in applying a tailored approach to development is set out in National Policy Objective 7 and South Dublin County has been to the fore in using this funding mechanism to best advantage in Clonburris and Adamstown SDZs and the Tallaght and Naas Road regeneration areas.</p> <p><b>To read:</b>            The place of funding under the Rural and Urban Regeneration and Development Fund in applying a tailored approach to development is set out in National Policy Objective 7 and South Dublin County has been to the fore in using this funding mechanism to best advantage in Clonburris and Adamstown SDZs and the Tallaght and <del>Naas Road</del> <b>City Edge / City Edge Strategic Framework</b> area.</p>

## Chapter 10: Energy

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
<a href="#">SD-C226-32</a> <a href="#">Department of Communications, Climate Action and Environment</a>	Amendment 10.1, Policy E9	<p><b>CE Recommendation:</b> Minor modification to Amendment 10.1 as follows:</p> <p><b>From:</b> <i>Encourage small and medium scale wind energy developments within industrial or business parks and support small community-based proposals <b>for domestic use</b> in urban areas <b>and feedback of surplus to the grid</b>, provided they do not negatively impact upon the environmental quality and visual or residential amenities of the area.</i></p> <p><b>To:</b> <i>'Encourage small and medium scale wind energy developments within industrial or business parks and support small community-based proposals <b>for domestic use</b> in urban areas <del>areas and feedback of surplus to the grid</del> that can encourage self-consumption on a community scale whilst feeding any surplus back to the grid, provided they do not negatively impact upon the environmental quality and visual or residential amenities of the area.'</i></p>

## Chapter 11: Infrastructure and Environmental Services

Ref. Number	Amendment/Policy/ Objective No.	Policy/Objective Amendment Wording
<a href="#">SD-C226-26</a> <a href="#">South Dublin Conservation Society</a>	Amendment 11.14, Section 13.9.3 (iii)	<p><b>CE Recommendation:</b> Amend Section 13.9.3 (iii) Lighting as follows:</p> <p>From: - Institute of Lighting Professionals (ILP) Guidance Note 1 The Reduction of Obtrusive Light, 2020</p> <p>To read: Institute of Lighting Professionals (ILP) Guidance Note 1 The Reduction of Obtrusive Light, <b>2021 and any subsequent revisions</b></p>

## Appendix 2:

### Item 1: Motion 6

Mot (6)	<b>Submitted By:</b> Councillor B. Lawlor,Councillor David McManus,Councillor K. Egan,Councillor S. O'Hara	<b>Item ID:</b> 75623
	<b>Date Submitted:</b> 03/06/2022	<b>Owner(s):</b> Hazel Craigie,Sinead Geoghegan,Stephen Willoughby
	Material Amendment 2.20 and 9.4 To reject the Chief Executive's Recommendation in relation to Recommendation 1 of SD-C226-65 submitted by the Office of the Planning Regulator, and therefore make the Plan with Material Amendments 2.20 and Motion 9.4, as previously adopted by the elected members. Proposed by Cllr Kenneth Egan, Brian Lawlor, David McManus and Shirley O Hara.	
Response:	<p>Amendment 2.20 relates to the rezoning of land located north and east of the Greenogue Business Park from RU to EE while amendment 9.4 provides for an associated SLO for the same lands which reads:</p> <p><i>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</i></p> <p><b>Employment Zones:</b></p> <p>The Draft Plan under EDE1 Objective 3 looks to ensure that there is sufficient supply of zoned and serviced lands at suitable locations to accommodate a range of enterprise and employment development types and to promote growth by strengthening the integration between employment, housing and transportation.</p> <p>Under Section 2.6.8 Employment Lands, an analysis is provided of available lands which have potential to generate jobs. The purpose of this analysis was to ascertain whether sufficient employment lands are zoned to provide for the projected additional workforce for the Plan period up to 2028. Based on the analysis, there is a total capacity, excluding REGEN lands, to develop 624 hectares to facilitate further employment. This would more than meet the projected employment growth of 18,336 jobs over the Plan period set out in section 2.6.8 of the Core Strategy in the Draft Plan.</p> <p>The OPR welcomed the evidence-based approach that has informed the strategy in the Draft Plan and considered the lands zoned for employment uses to be compliant with the RSES Guiding Principles for the Dublin Metropolitan Area and employment land and consistent with RPO 4.3 which states:</p>	

'Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.'

Following Amendment 2.20, the OPR's submission to the Material Amendments states that there is no evidence base or strategic justification to support the rezoning of these lands for a significant quantum of additional EE uses, noting the Greenogue Business Park is not identified as a strategic employment area in the RSES and the zoning is not consistent with RPO 5.6 which 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.'

As the proposed site is not located within the M50 or at a selected strategic development location, the rezoning of this land for EE is premature. The OPR submission also indicates that the site in question is also isolated from a high-quality public transport corridor.

#### **Flood Risk**

The Office of Public Works (OPW) submission identified that the uses provided for under the EE zoning are classified as 'less vulnerable' under the Guidelines on the Planning System and Flood Risk Management (DECLG/OPW, 2009). Less vulnerable uses cannot be located within Flood Zones A or B, which these lands are, unless they satisfy the criteria for the Plan Making Justification Test set out in the Guidelines. The lands do not satisfy all of the relevant criteria. This was outlined in the CE Report on the Draft Plan submitted to the Elected Members on 7th December 2021 and was further discussed at the meetings which considered the Draft Plan in March 2022. The OPR also stated that the revised Justification Test which formed part of the Material Amendments acknowledges the flood risk in the general area of Greenogue/Baldonnel.

Regarding Flood Attenuation acting as a flood defence, Section 2.25 of the 'The Planning System and Flood Risk Management Guidelines' states:

*'The provision of flood protection measures in appropriate locations, such as in or adjacent to town centres, can significantly reduce flood risk. However, the presence of flood protection structures should be ignored in determining flood zones. This is because areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences and the fact that there may be no guarantee that the defences will be maintained in perpetuity...'*

Though flood attenuation can mitigate against flooding, the guidance on this issue clearly states that all flood protections should be ignored in determining flood zones. As this is the case, the Amazon flood defences cannot be taken account of in determining the flood zones and the CFRAM mapping correctly identifies Flood Zones A and B on the lands proposed for rezoning to EE.

#### **Impact on National Road/Rail and Public Transport Access:**

The current access to the site is located from the N7. The OPR and TII have noted that the subject lands are located in proximity to Junction 4 of the N7, where the council should be mindful that any development proposals shall be subject to the requirements under Section 2.7 of the DoECLG Spatial Planning and National Roads Guidance. It 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. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road / associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.'*

The proposed rezoning, of approximately 53 hectares (130 acres), is a significant addition to the existing zoning in this area adjacent to and reliant on Junction 4 of the N7. The scale of potential new development is likely to give rise to significant additional traffic movements both from workers getting to and from the site and from transport related enterprise, to and from this junction which is already subject to capacity constraints. Having regard to the submissions from TII and the OPR on junction capacity, the fact that no assessment has been carried out on the impact on local and national roads, and the lack of public transport, the rezoning is not considered to be in the interests of proper planning and sustainable development. This is particularly in light of policy within the RSES which indicates that development within the metropolitan area should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised. For all of the reasons outlined above, it is considered inappropriate to rezone the lands at Greenogue as proposed within Amendment 2.20 and 9.4.

#### **Conclusion**

Having regard to the above and to National Strategic Outcome 1 (Compact Growth), National Policy Objective 11 of the NPF, Regional Policy Objectives 5.3 and 5.6 of the RSES, Guidelines on the Planning System and Flood Risk Management (DECLG/OPW, 2009), Section 2.7 of the 'Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and the 'Development Plans, Guidelines for Planning Authorities: Draft for Consultation (2021), it is considered inappropriate to rezone the lands as proposed by Amendment 2.20 with the associated SLO Amendment 9.4.

**CE Recommendation:** Make the Plan without Amendments 2.20 and 9.4 for proposed rezoning at Greenogue Business Park and retain the RU zoning objective 'To protect and improve rural amenity and to provide for the development of agriculture' in the Draft Plan.

## **Item 2: Motion 16**

Mot (16)	<b>Submitted By:</b> Councillor M. Johansson	<b>Item ID:</b> 75630
	<b>Date Submitted:</b> 07/06/2022	<b>Owner(s):</b> Anne Hyland, Ben Duignan, Hazel Craigie

That Amendments 13.1, 13.2 and 13.3 be retained in the Plan, for the following reasons: 1. To fulfil Ireland's Climate Change Targets under EU law Ireland is committed to EU targets of 30% reduction in carbon emissions by 2030. In addition, the Climate Action Plan 2021 was published on 4 November 2021 and provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050. Two of the key findings of the most recent Environmental Protection Agency projections report published in June 2022 (<https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Ireland's-GHG-Projections-Report-2021-2040v1.pdf>) are: Urgent implementation of all climate plans and policies, plus further new measures, are needed for Ireland to meet the 51 per cent emissions reduction target and put Ireland on track for climate neutrality by 2050. (emphasis added) Under the Additional Measures scenario, renewable energy is projected to increase to 78 per cent of electricity generation by 2030 with emissions from the Energy Industry decreasing by 10 per cent per annum from 2021-30. Increased coal use from 2021 and growing energy demand, including from data centres, threaten to negatively impact achievement of National targets, particularly for the first carbon budget period. (emphasis added) While it is noted that it is not current government policy to ban, or place a moratorium, on data centres, according to Dr Patrick Bresnihan of NUIM such a measure would contribute to Ireland reaching carbon emissions target. (<https://www.irishtimes.com/news/politics/data-centres-could-use-70-of-ireland-s-electricity-by-2030-committee-to-hear-1.4685589>) In addition, the EPA recognise in its report that data centres have contributed to the growing energy demand. A moratorium on new data centres in South Dublin County for the duration of the Development Plan 2022- 2028 would positively contribute to the reduction in energy use required to meet national targets. Professor Barry McMullin of DCU says a growing data centre sector will only complicate efforts to rapidly decarbonise our energy system. He questions whether new centres should be allowed at a time when total electricity demand is already surging. 'I'm personally very sceptical that any further expansion of data centre deployment in Ireland can be justified in that context,' He says: 'At the very least, I would argue that there should be a temporary moratorium unless and until consistency with the carbon budget programme can be clearly and reliably demonstrated.' (<https://www.thejournal.ie/data-centres-2-5693974-Feb2022> There are now around 70, all having storage facilities here) A report from the Irish Academy of Engineering in 2019 argued that even if 30% of the electricity comes from highly efficient gas-fired stations 'data centre development is projected to add at least 1.5 MtCO to Ireland's carbon emissions by 2030'. That's a 15% increase on current electricity related emissions (Irish Academy of Engineering (2019) Electricity Sector Investment for Data Centres in Ireland. July 2019) Taking all the above into account, the amendments 13.1, 13.2 and 13.3 are consistent with National Policy Objective 54 Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions. 2. Alleviate the pressure on water services and electricity in South Dublin In Chapter 10.2 Sustainable Management of Water of the EMRA Regional Spatial and Economic Strategy it states that Water supply for the wider Dublin area is at critical levels of demand and to facilitate further growth in line with NPF population growth projections, prioritisation of water supply investment should occur. In addition, Objective RPO 10.1 states that Local authorities shall include proposals in development plans to ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment. (emphasis added) Data centres use an estimated 500 000 litres of water per day and are currently putting additional pressure on water infrastructure in the Dublin region. (<https://www.irishtimes.com/news/politics/data-centres-could-use-70-of-ireland-s-electricity-by-2030-committee-to-hear-1.4685589>). In June 2020 a Water Conservation Order was issued by Irish Water for several regions including the Greater Dublin Region. With the increasing risk of severe weather events due to climate change it is in the interest of proper planning to consider the impact of further data centres on water infrastructure in the region. The amendments

	<p>comply with Regional Planning Objective 10.1 to 'manage and conserve water resources'. Since the beginning of 2020, Semo, the Single Electricity Market Operator, has issued 11 system alerts for Ireland to warn of capacity shortages on the electricity grid, compared with just 13 alerts over the previous ten years. ( Two amber alerts issued by system operator since Saturday   Business Post ) In 2021, it issued at least seven amber alerts, warning of a potential shortfall in power. Six of these alerts were due to a 'reduced margin' between the level of electricity generation and demand. Two amber alerts were issued in early April this year alone. According to Eirgrid; Over the last 4 years we have seen annual increases in demand usage of around 600 GWh from data centres alone - equivalent to the addition of 140,000 households to the power system each year. 3. The proliferation of Data Centres in South Dublin As per the Chief Executive's reply to Cllr Kieran Mahon's Question No. 9 at the May County Council Meeting, there were 34 data centres operating in the South Dublin County area in May 2021. At that time there were 66 operational data centres in the country. This means that as of May 2021 over 50% of all data centres were located in South Dublin. The Regional Spatial and Economic Strategy for EMRA RPO 8.25 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.' (emphasis added). Due to the burden placed on infrastructure by the existing data centres it should be considered that no further data centres should be located in the county for the duration of the Development Plan on the basis of it no longer constituting an appropriate location. It is noted that the RSES for the EMRA contains a regional policy objective (RPO 8.25) which states '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. '. This is contradictory to the achievement of carbon emissions targets, as stated by the EPA, and it is proposed that the National Policy Objective 54 supersedes RPO 8.25. It is also noted that EDE7 Objective 2 and the new Eirgrid guidelines places additional requirements on space extensive developments and data centres. However, there are a number of proposals contained EDE7 Objective 2 that will not contribute to the meeting of carbon emissions targets. For example, the option of corporate purchasing power agreements doesn't mean that data centres are 'green' as they still get their primary energy from the grid which remains heavily reliant on oil coal and gas. Centres will also have back up generation which will usually be gas turbines. In conclusion, taking all the above information into consideration the amendments 13.1, 13.2 and 13.3, which would place a moratorium on data centres for the duration of the Development Plan, constitute an appropriate response to Climate Change and should be considered to be in the interest of proper planning and sustainable development in the county.</p>
Response:	<p><b>REPORT:</b></p> <p>The motion seeks to retain Amendments 13.1, 13.2 and 13.3, which would move Data Centre as a use type from the category 'Open for Consideration' in the Employment (EE), Regeneration (REGEN) and Major Retail Centre (MRC) zoning objectives in the Draft Plan to 'Not Permitted'.</p> <p>It should be noted that for all other zoning objectives in the Draft Plan, Data Centres are a 'not permitted' use type. Should the Amendments be retained, as sought by the motion, data centres will be a use type not permitted in any zoning throughout the County.</p> <p>The Draft Plan, for the first time has included Data Centres as a specific land use type. This means that data centres are now included in every zoning objective matrix giving very clear guidance on where they are permitted, open for consideration or not permitted. As outlined above, there is no zoning objective where data centres are permitted in principle in the Draft Plan. They are open for consideration only in employment zonings, that is in EE, REGEN and MRC zonings and are not permitted in every other zoning type.</p>

Data Centres continue to be supported by national and regional policy. National Strategic Outcome 5 ‘Strong Economy Supported by Enterprise, Innovation and Skills’ of the National Planning Framework (NPF) aims to create places that can foster enterprise and innovation and attract investment and talent. Delivering this outcome will require the coordination of growth and place making with investment in world class infrastructure, including digital connectivity. NSO 5 sets out the importance of digital and data innovation and indicates a number of objectives to achieve this including:

*‘Promotion of Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities.’*

The Office of the Planning Regulator (OPR) has stated in their submission at Proposed Material Amendments stage, that due to ‘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 are not consistent with RPO 8.25.

The EMRA RSES indicates that the increasing use of digital technologies is impacting on every aspect of our lives and due to a fast moving and evolving infrastructure, the region will need to be able to respond and adapt to future communications networks and technology along with changing work practices and emerging economic models. RPO 8.25 on Communications Networks and Digital Infrastructure states:

*‘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.’*

In a Dáil question on 4th November 2021 to the Minister for the Environment, Climate and Communications on how the carbon budget plan is compatible with the Government’s support of continued data centre expansion, the Minister responded that the Department of Enterprise, Trade and Employment is committed to reviewing the 2018 ‘Government Statement on the Role of Data Centres in Ireland’s Enterprise Strategy’ to align with renewable energy targets, sectoral emissions and climate priorities. This was indicated as part of a suite of actions to ensure that Ireland is planning appropriately for new energy demand in the context of electrification and decarbonisation ambitions, while facilitating growth in digitalisation and the technology sector.

The Climate Action and Low Carbon Development (Amendment) Act provides, among other things, for a maximum amount of emissions to be permitted in different sectors of the economy during a carbon budget period, referred to as ‘sectoral emissions ceilings’. All sectors of the economy will have sectoral emissions ceilings and the government has stated that emissions from Data Centres will be accounted for within the relevant sectoral emissions ceilings.

The Government has indicated that it is working with the relevant state agencies to ensure that there is a plan-led, regionally balanced approach to large developments such as data centres in future taking into account existing grid availability and the opportunity to co-locate significant renewable energy opportunities.

In recognising that data centres and other industries have particular needs which, if left uncontrolled, could have undue negative environmental impacts, EDE7 Objective 2 of the Draft Development Plan contains strong policy and criteria which must be addressed by space extensive enterprises such as Data Centres. This policy has been prepared in consultation with Codema, Dublin’s energy agency, which aims to accelerate Dublin’s low-carbon transition and states:

#### **EDE7 Objective 2**

*To require that space extensive enterprises demonstrate the following:*

*The appropriateness of the site for the proposed use having regard to EDE7 Objective 1;*  
*Strong energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation;*  
*Maximise on site renewable energy generation to ensure as far as possible 100% powered by renewable energy, where on site demand cannot be met in this way, provide evidence of engagement with power purchase agreements in Ireland (PPA);*  
*Sufficient capacity within the relevant water, wastewater and electricity network to accommodate the use proposed;*  
*Measures to support the just transition to a circular economy;*  
*Measures to facilitate district heating or heat networks where excess heat is produced;*  
*A high-quality design approach to buildings which reduces the massing and visual impact;*  
*A comprehensive understanding of employment once operational;*  
*A comprehensive understanding of levels of traffic to and from the site at construction and operation stage;*  
*Provide evidence of sign up to the Climate Neutral Data Centre Pact.'*

The Draft Plan, through EDE7 Objective 2 sets a hierarchy of approaches to energy which must be demonstrated by space extensive development such as data centres. This means that relevant development must in the first instance *Maximise on site renewable energy generation to ensure as far as possible 100% powered by renewable energy*. Where 100% is not possible they must show evidence of a power purchase agreement made in Ireland. This is a direct agreement with a renewable electricity developer in Ireland. The addition made to EDE7 Objective 2 as set out above accords with the recent [Policy Statement of Security of Electricity Supply](#) issued by the government in November 2021 and which requires large energy users proposing to connect to the electricity grid to take into account the potential impact on security of electricity supply and on the need to decarbonise the electricity grid.

Also, in November 2021 in conjunction with the above the Commission for the Regulation of Utilities issued a direction to the System Operators related to Data Centre grid connection. The direction provides criteria to EirGrid, ESB networks and other service providers on how to assess new applications for a connection to their respective transmission and distribution networks to ensure security of supply and combat constraint issues.

In respect of a potential moratorium EirGrid echo the CRU position and do not adopt a moratorium but look to adopt 'Connection Measures' based on the criteria set out by the CRU. EirGrid are open to considering connections from Data Centres and will make an assessment based on the criteria set out by the CRU. It is the understanding of the Council and confirmed by Codema, the Dublin Energy Agency, that there is no moratorium in place.

As well as this, under Action 99 of the Climate Action Plan 2021, a 'review of the policy context for Large Energy Users (including Data Centres) will take place, which will ensure alignment of enterprise policy and wider regulatory environment with electricity emission targets and security of supply'.

EirGrid operate and manage the electricity grid so they are best placed to assess whether a Data Centre or any other large electricity user should be granted a grid connection. EirGrid's primary objectives are to ensure the grid operates well and to "Lead the island's electricity sector on sustainability and decarbonisation". EirGrid have all the relevant information to make a well-informed decision on connections to ensure "a safe, secure and reliable supply of electricity on the island of Ireland" as stated in their Group Strategy.

This includes assessing any potential risks brought about by connecting large electricity users. EirGrid use a 2-stage engagement procedure before granting connections and the first of these occurs before the data centre applies for planning permission. As a result, EirGrid are best placed to decide on whether data centres should go ahead or not, from an electricity supply perspective.

In relation to water supply, all development must have a connection agreement with Irish Water, and it is a standard planning condition that development must comply with the water supply and waste water requirements of Irish Water. Irish Water is a prescribed body and as such planning applications are referred to them for comment as part of the planning assessment procedure.

The CE recognises that a rationale has been put forward in the motion which suggests that there are conflicting objectives in national policy. However, having regard to the above and to continued support for Data Centres within Government policy documents, an outright ban on their development within the county, which is effectively what the motion would do, runs contrary to government policy at this time.

Given the complex issues surrounding this type of development, it is considered that the approach taken in the Draft Plan and CE Report, which leaves Data Centre as an 'open for consideration' use, is the most reasonable and appropriate at this time, allowing for an assessment at planning application stage against the relevant objectives in the Plan. Such a categorisation also allows for assessment against the relevant government policy and any changes to that policy that may occur. Eirgrid will undertake their own independent assessment based on the criteria set out by the CRU.

Should the Members agree this motion, the Council may be in a position where the Development Plan contains an objective which does not accord with section 12 (11) of the Planning and Development Acts which state:

'In making the development plan under subsection (6) and (10), the members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government.'

**CE Recommendation:**

Make the Plan without Amendments 13.1, 13.2 and 13.3 and revert to the Draft Plan where the use category 'Data Centre' is open for consideration in the zoning objectives EE, REGEN and MRC.

### Item 3: Motion 14

Mot (14)	<b>Submitted By:</b> Councillor F. Timmons	<b>Item ID:</b> 75666
	<b>Date Submitted:</b> 07/06/2022	<b>Owner(s):</b> Hazel Craigie, Leah Clarke, Stephen Willoughby

	<p>Ref. Amendment 6.8 - That the Below objective stays as written below in the CDP H 17 Objective 2; To consider persons for a rural house in the RU Zone on their basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or care for, immediate family members and are seeking to build on family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.</p>
Response:	<p>Amendment 6.8 inserted new objective H17 Objective 2 as follows:</p> <p>H17 Objective 2: To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.</p> <p>The Motion is for this new objective H17 Objective 2 to stay in the Development Plan.</p> <p>As set out in the CE Report submitted to Members on 23rd May, Amendment 6.8 arose on foot of Motion 49 (Item ID: 73856) which put forward a proposal to insert this new objective 'H17 Objective 2'. This proposed amendment was agreed by the Elected Members at the March 2022 Development Plan Meetings against the recommendation of the Chief Executive.</p> <p>A previous motion requesting such provisions was also put forward at pre-Draft Plan stage under Motion ID: 70917 and it was recommended that a new objective would be inserted in Chapter 6 titled H17 Objective 1, to read as follows:</p> <p>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.</p> <p>A similar issue was also submitted to the Draft Plan through the public consultation period under submission SD-C195-217 and the Chief Executive responded under Chapter 6: Housing – Rural Housing Strategy, pg582-584 stating that under H17 Objective 1 the Council is 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 public consultation of this process. The review process requires a</p>

review of Rural Housing Policy which includes Policy H19: Rural Housing in the RU zone and will be required to take into consideration the provisions of the Rural Development Policy 2021-2025 where the following key actions are identified:

To enhance public services for rural communities, the Government will:

Policy Measure 89 Increase the residential occupancy of rural towns and villages while enabling the Irish countryside to continue to be a lived-in landscape by adopting a balanced approach to planning, in line with relevant national planning policy and guidelines, while avoiding unsustainable ribbon and over-spill development from urban areas.

Policy Measure 90 Update the Rural Housing Guidelines for planning authorities, to address rural housing in a broader rural development and settlement context.

Recommendation 3 of the OPR submission to the Material Amendments indicates that the amendment would be inconsistent with NPO 19 which states (as relevant to South Dublin which is an area under urban influence):

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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 siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements..’

The OPR is of the view that the Material Amendment provides for a relaxation in rural housing policy for the RU zone and is likely to result in significant additional pressure for development in an area under extremely strong urban pressure. The Office considers the amendment to

be premature pending a comprehensive review of the rural housing policy and local need criteria consistent with NPO 20, which states:

‘Project the need for single housing in the countryside through the local authority’s overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes’

H1 Objective 12 of the Draft Plan states:



'To examine the need to vary the Development Plan, following the publication of the guidance on HNDA methodology issued by the Department of Housing, Local Government and Heritage in April 2021'

The OPR notes that the Draft Plan includes 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'. As also indicated by the CE in the response to the motion for its insertion, the amendment is considered premature pending a comprehensive review of the rural housing policy and local need criteria in the development plan.

Having taken the points raised by the Office alongside the previous views set out at various stages of the plan making process, it is considered that the inclusion of the Amendment in the Plan would be premature pending the review of the rural housing policy already included as an objective in the Draft Plan. It would also be preferable if the forthcoming updated Rural Housing Guidelines, to be published by the Government, were in place to ensure that the Council's review will be fully aligned with national policy.

Having regard to the above and to the recommendation of the OPR it is recommended that Amendment 6.8 in relation to H17 Objective 2 be omitted.

Make the Plan without Amendment 6.8 and the associated proposed new H17 Objective 2.

Amendment 6.8 inserted new objective H17 Objective 2 as follows:

**H17 Objective 2:**

**To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.**

The Motion is for this new objective H17 Objective 2 to stay in the Development Plan.

As set out in the CE Report submitted to Members on 23rd May, Amendment 6.8 arose on foot of Motion 49 (Item ID: 73856) which put forward a proposal to insert this new objective 'H17 Objective 2'. This proposed amendment was agreed by the Elected Members at the March 2022 Development Plan Meetings against the recommendation of the Chief Executive.

A previous motion requesting such provisions was also put forward at pre-Draft Plan stage under Motion ID: 70917 and it was recommended that a new objective would be inserted in Chapter 6 titled H17 Objective 1, to read as follows:

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.

A similar issue was also submitted to the Draft Plan through the public consultation period under submission SD-C195-217 and the Chief Executive responded under Chapter 6: Housing – Rural Housing Strategy, pg582-584 stating that under H17 Objective 1 the Council is 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 public consultation of this process. The review process requires a review of Rural Housing Policy which includes Policy H19: Rural Housing in the RU zone and will be required to take into consideration the provisions of the Rural Development Policy 2021-2025 where the following key actions are identified:

To enhance public services for rural communities, the Government will:

Policy Measure 89 Increase the residential occupancy of rural towns and villages while enabling the Irish countryside to continue to be a lived-in landscape by adopting a balanced approach to planning, in line with relevant national planning policy and guidelines, while avoiding unsustainable ribbon and over-spill development from urban areas.

Policy Measure 90 Update the Rural Housing Guidelines for planning authorities, to address rural housing in a broader rural development and settlement context.

Recommendation 3 of the OPR submission to the Material Amendments indicates that the amendment would be inconsistent with NPO 19 which states (as relevant to South Dublin which is an area under urban influence):

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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 siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements..’

The OPR is of the view that the Material Amendment provides for a relaxation in rural housing policy for the RU zone and is likely to result in significant additional pressure for development in an area under extremely strong urban pressure. The Office considers the amendment to be premature pending a comprehensive review of the rural housing policy and local need criteria consistent with NPO 20, which states:

‘Project the need for single housing in the countryside through the local authority’s overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes’

H1 Objective 12 of the Draft Plan states:

‘To examine the need to vary the Development Plan, following the publication of the guidance on HNDA methodology issued by the Department of Housing, Local Government and Heritage in April 2021’

The OPR notes that the Draft Plan includes 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’. As also indicated by the CE in the response to the motion for its insertion, the amendment is considered premature pending a comprehensive review of the rural housing policy and local need criteria in the development plan.

Having taken the points raised by the Office alongside the previous views set out at various stages of the plan making process, it is considered that the inclusion of the Amendment in the Plan would be premature pending the review of the rural housing policy already included as an objective in the Draft Plan. It would also be preferable if the forthcoming updated Rural Housing Guidelines, to be published by the Government, were in place to ensure that the Council’s review will be fully aligned with national policy.

Having regard to the above and to the recommendation of the OPR it is recommended that Amendment 6.8 in relation to H17 Objective 2 be omitted.

**CE Recommendation:** Make the Plan without Amendment 6.8 and the associated proposed new H17 Objective 2.

#### ITEM 4 MOTION 15 WESTERN ORBITAL ROUTE

Mot (15)	<b>Submitted By:</b> Councillor B. Lawlor,Councillor K. Egan,Councillor S. O'Hara	<b>Item ID:</b> 75625
	<b>Date Submitted:</b> 03/06/2022	<b>Owner(s):</b> Camille Bleytou,Hazel Craigie,Stephen Willoughby
	That Amendment 7.21 remain in the Plan without the modification proposed in the CE's Report, in order to reflect Councillors commitment to ensuring that the Orbital Ring Route links to the N81. Proposed by Cllr Shirley O'Hara Seconded by Cllrs Brian Lawlor & Kenneth Egan	
Response:	<p><b>REPORT:</b></p> <p>The Draft Development Plan provides under Table 7.5 of Chapter 7 for the following with regards to the Western Dublin Orbital Route:</p> <p>Description: New road from N81 to the Leixlip Interchange.</p> <p>Function: New road from N81 to the Link between the N81, N7 and the N4 with a route Leixlip Interchange by-pass function around Rathcoole and Saggart. The need for this route, further connections and possible alternative routes will be determined through the review of the NTA's GDA Strategy and in consultation with TII and relevant local authorities. In any such route a primary objective of South Dublin County Council shall be to protect the scenic Liffey Valley parklands, and amenities at Lucan Demesne and St Catherine's Park and Lucan Village and no proposals to continue a road over these lands will be considered.</p> <p>Following debate, the Councillors agreed for amendments to the wording of the description and function of the route from that in the Draft Plan. The Motion seeks for the wording of Amendment 7.21, as went out on public display and shown below, to remain:</p> <p><b>Description: New road from N81 the N7 to the N4 Leixlip Interchange with an extension to the N81.</b></p> <p><b>Function: New Road to link between the N7 and the N4 Leixlip Interchange with a route by-pass function around Rathcoole and Saggart and the potential for a further extension of this route from the N7 to the N81. The function of this route would be primarily to provide resilience to the M50, recognising that this may also provide additional resilience to peripheral roads within the county, in particular between the N7 and N4. Further connections and possible alternative routes will be determined through the review of the NTA's GDA Strategy and in consultation with TII and relevant local authorities. In any such route a primary objective of South Dublin County Council shall be to protect environmentally sensitive areas including the alluvial woodlands at Rathcoole, the scenic Liffey Valley parklands, and amenities at Lucan Demesne and St Catherine's Park and Lucan Village and no proposals to continue a road over these lands will be considered.</b></p> <p>The subject of the motion is the following minor modifications shown in bold and strikethrough, recommended in the CE report on the Material Alterations submitted to Councillors on 23<sup>rd</sup> May:</p> <p>'Description: New road from the N7 to the N4 Leixlip Interchange with <b>a potential</b> extension to the N81.</p>	

Function: New Road to link between the N7 and the N4 Leixlip Interchange **to include provision for sustainable transport modes along its length**, the function of this route would be primarily to provide resilience to the M50. There is further potential for a further the extension of this route from the N7 to the N81 **with a route by-pass function around Rathcoole and Saggart**, recognising that this may also provide additional resilience to peripheral roads within the county in particular between the N7 and N4. Further connections and possible alternative routes will be determined through the review of the NTA's GDA Strategy and in consultation with TII and relevant local authorities. **Development of these routes will be aligned with the NTAs GDA Transport Strategy. Delivery will be in consultation with TII and relevant Local Authorities.** In any such route a primary objective of South Dublin County Council shall be to protect environmentally sensitive areas including the alluvial woodlands at Rathcoole, the scenic Liffey Valley parklands, and amenities at Lucan Demesne and St Catherine's Park and Lucan Village and no proposals to continue a road over these lands will be considered'.

The CE Recommendation includes the minor modifications shown above for the following reasons:

The inclusion of the word 'potential' in the *description* simply reflects what was already agreed for the text on *function* where it is stated in the Material Amendment which went out on public display '*Function: New Road to link between the N7 and the N4 Leixlip Interchange with a route by-pass function around Rathcoole and Saggart and the potential for a further extension of this route from the N7 to the N81.* [emphasis added].

Therefore, there is nothing new being added by the word 'potential' in the description, it is simply aligning with the wording already agreed for the function.

Observation 3 of the OPRs submission to the Material Amendments noted the changes to the description and function of the Western Orbital Route in Material Amendment 7.21. They were found to be generally acceptable subject to a minor modification to state that the proposed road would include provision for sustainable transport modes along its length. This was considered reasonable and has been recommended to be inserted by the CE. It reflects the NTA Draft Transport Strategy for the Greater Dublin Area (GDA) *Measure ROAD 9 – Regional and Local Roads Policy*, which puts an emphasis on the integration of sustainable transport in conjunction with any roads intending to provide for enhanced orbital movement.

The third modification was recommended because the wording of the Amendment will be outdated by the time the Plan is adopted or shortly thereafter because it references that 'Further connections and possible alternative routes will be determined **through the review** of the NTA's GDA Strategy' [emphasis added]. The review, as indicated above, will be completed at or shortly after the adoption of the Plan and the modified wording references the NTA GDA Transport Strategy rather than the review of the strategy, noting that development of the routes will be aligned with it and that delivery will be in consultation with the TII and relevant Local Authorities, a rewording of the essence of what was already in the Amendment as follows:

Further connections and possible alternative routes will be determined through the review of the NTA's GDA Strategy and in consultation with TII and relevant local authorities. **Development of these routes will be aligned with the NTAs GDA Transport Strategy. Delivery will be in consultation with TII and relevant Local Authorities.**

Having regard to the above, it is considered that the minor modifications do not change the commitment, as set out in the Amendment that went on display, to the linking of Orbital route to the N81. It is therefore recommended that the Plan is made with the minor modifications to the Material Amendment.

**CE Recommendation:** Make the Plan with the minor modifications to Material Amendment 7.21 indicated in bold and strikethrough as follows:

Description: New road from the N7 to the N4 Leixlip Interchange with **a potential** extension to the N81.

Function: New Road to link between the N7 and the N4 Leixlip Interchange **to include provision for sustainable transport modes along its length**, the function of this route would be primarily to provide resilience to the M50. There is further potential for a further the extension of this route from the N7 to the N81 **with a route by-pass function around Rathcoole and Saggart**, recognising that this may also provide additional resilience to peripheral roads within the county in particular between the N7 and N4. Further connections and possible alternative routes will be determined through the review of the NTA's GDA Strategy and in consultation with TII and relevant local authorities. **Development of these routes will be aligned with the NTAs GDA Transport Strategy. Delivery will be in consultation with TII and relevant Local Authorities.** In any such route a primary objective of South Dublin County Council shall be to protect environmentally sensitive areas including the alluvial woodlands at Rathcoole, the scenic Liffey Valley parklands, and amenities at Lucan Demesne and St Catherine's Park and Lucan Village and no proposals to continue a road over these lands will be considered.