## **COMHAIRLE CONTAE ÁTHA CLIATH THEAS** **SOUTH DUBLIN COUNTY COUNCIL**

Minutes of South Dublin County Council Development Plan Meeting held on Wednesday 22nd June 2022, hybrid through Microsoft 365 Teams.

### **PRESENT**

|  |  |  |
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| **Councillors**  Bailey, C. |  | **Councillors**  Lawlor, B. |
| Carey, W. |  | McCrave, L. |
| Casserly, V.  Collins, Y.  Costello, T. |  | McMahon R.  McManus, D.  Mahon, K. |
| Donaghy, L. |  | Moynihan, S. |
| Duff, M.  . Dunne, L. |  | Murphy, E.  O Brádaigh, D. |
| Edge, A. |  | Ó Broin, E. |
| Egan, K.  Gilligan, T. |  | O’Connell, G.  O’Connor, C |
| Gogarty, P.  Hagin Meade, L. |  | O’Hara, S.  O’Toole, L |
| Hayes, A.  Holohan, P.  Johansson, M.  Kavanagh, P.  Kearns, P. |  | Pereppadan, B.  Richardson, D,  Sinclair, L.  Timmons, F  Tuffy, J.  Whelan, L. |
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### **OFFICIALS PRESENT**

|  |  |  |
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| Chief Executive | D. McLoughlin | |
| Directors / Heads of Function | M. Mulhern |
| Senior Executive Officer  Senior Planner | M. Maguire  H. Craigie | |
| Senior Executive Planners  Executive Planners  Assistant Planners | S. Willoughby, A. Hyland  S. Geoghegan, L. Clarke, T. Mc Gibbon  B. Duignan | |
| T/ Graduate Planner  Chief Technician  Architectural Conservation Officer  Administrative Officers  Senior Staff Officer  A/Assistant Staff Officer  Clerical Officers  Sord | F. Redmond  L. Mc Evoy  I. Mc Loughlin  F. Campbell, S. Sinclair  E. Colgan  D. Murphy  C. Brennan, V. Cryan  A. O’Brien | |

The Mayor, Cllr. Peter Kavanagh presided and welcomed everyone to the meeting.

Prior to commencement of proceedings, The Mayor advised the Members of the etiquette for Hybrid meetings; reminded that this meeting was being filmed live and would be subsequently broadcast via the Council’s website. He outlined how the meeting would proceed including how Members would consider Headed Items and Motions.

The Mayor also drew attention to the Code of Conduct for Councillors, and Part 15 of the Local Government Act 2001 relating to the Ethical Framework particularly pertaining to conflicts of interest and the planning process.

### **DPHI1/0622 Item ID:75712**

**Chief Executive's Report**

[HI 1](http://www.sdublincoco.ie/Home/ViewDocument/b499ebdd-4d9a-4c62-be9c-aec400ec2626)

The Chief Executive's Report as circulated was **NOTED**

### **DPHI2/0622 Item ID:75762**

**Environmental Assessments of the Motions to the Material Alterations**

[HI 2](http://www.sdublincoco.ie/Home/ViewDocument/daa4e6b9-1dd4-43e8-8106-aec400f0d89e)

### The Environmental Assessment as circulated was **NOTED**

## **Core Strategy & Settlement Strategy**

### **DPM1/0622 Item ID:75661**

Proposed by Councillor F. Timmons, Seconded by Councillor G. O’Connell

Ref. Amendment 2.13 - This motion seeks to add wording to CSO10 SLO1 as provided and ensures alluvial woodland in Rathcoole is considered where CS10 SLO1 is concerned: 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. 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 with due regard to GI7 SLO2 referencing Alluvial Woodlands in rural zoning in Rathcoole.

**REPORT:**

The motion seeks to reword CS10 SLO1 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’.*

To Read: ‘*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* ***with due regard to GI7 SLO2 referencing Alluvial Woodlands in rural zoning in Rathcoole****.’*

CS10 SLO1 as originally included in the  Draft Plan read: ‘*To investigate the potential for alternative land uses for the lands currently zoned RES-N (To provide for new residential communities in accordance with approved area plans) and OS (To preserve and provide for open space and recreational amenities) as identified by the SLO on the CDP land use zoning map, having regard to protecting existing habitats, Biodiversity and the Rathcoole Woodlands, the need for social and affordable housing, community infrastructure and access. Following this assessment, and where alternative land use arrangements are identified in line with the proper planning and sustainable development of the area, to bring forward proposals for re-zoning.*’

Following the public consultation period on the Draft Plan, a considerable number of submissions were received relating to the lands and to CS10 SLO1, and the Chief Executive responded under Chapter 2 Core Strategy and Settlement Strategy – Residential Zoning Submission – Rathcoole Woodlands, pg214 of the CE Report on the Draft Plan.

The response took account of the Specific Local Objective (CS10 SLO1) to investigate alternative land uses and the issues raised in the submissions. The CE recommended a revision of the zoning in the Draft Plan and put forward by way of a concept and zoning proposal an amended zoning to the Draft Plan to take account of the potential impact on the biodiversity and amenity of the area including the identified Annex 1 sites.

The CE Recommendations were agreed by the Elected Members at the Special Development Plan meetings in March 2022, subject to further amendments to the zoning (motions 73868 and 73938 to the Draft Plan) to increase the rural ‘RU’ zoning at the expense of the CE Recommended RES-N zoning and to include phasing requirements for the areas which were to be developed under the revised CS10 SLO1. As such, Proposed Amendment 2.13 went on public consultation. In the CE Report to the Material Amendments consultation the CE has recommended the retention of Proposed Amendment 2.13.

With regard to the additional wording subject of this motion, Section 12 (10) (c) of the Planning and Development Act 2000 (as amended) states that  *“A further modification to the alteration – i)* ***may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site****, (ii) shall not be made where it relates to – (I) an increase in the area of land zoned for any purpose, or (II) an addition to or deletion from the record of Protected Structures*”. [Emphasis added]

GI7 SLO2 was inserted as a proposed material amendment on foot of a CE Recommendation and rewording following motion 73889 to add the word ‘adequate’ at the Special Development Plan meetings in March 2022. It states, “*To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status*.”

The intent of the additional wording proposed by this motion is noted and it considered that the referencing of G17 SLO2 within CS10 SLO1 is acceptable as it is intrinsically linked to the overall sensitive development and protection of this area. However, it is proposed to amend the additional wording to read as follows: *‘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* ***having regard to the provisions of GI7 SLO2*.’**

It is considered that the additional wording would be a minor modification to CS10 SLO1 and would provide for a clear and transparent objective. Therefore, the minor modification of additional wording to CS10 SLO1 is recommended.

**CE Recommendation:**Make the plan with a minor modification to Amendment 2.13, CS10 SLO1 to read as follows:

*‘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* ***having regard to the provisions of GI7 SLO2.’***

The Chief Executive’s recommendation was **AGREED**

### **DPM2/0622 Item ID:75660**

Proposed by Councillor F. Timmons, Seconded by Councillor G. O’Connell

This motion asks that a boundary is drawn around the amended residential zoning the subject of the phasing under CS10 SLO1 in Amendment 2.13 for clarity.

**REPORT:**

This motion seeks a boundary to be inserted around the amended residential zoning subject of CS10 SLO1 in Amendment 2.13 for clarity.

CS10 SLO1 was out on public consultation as part of Material Amendment 2.13. Amendment 2.13 provides for revised zoning and indicated the deleting of CS10 SLO1 as it appeared in the Draft Plan and the insertion of a new CS10 SLO1 relating to the phasing of the lands to the southeast of Rathcoole, adjacent to Rathcoole Park which states:

CS10 SLO1 to be inserted on the lands adjacent to Rathcoole Park: 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.

The motion seeks a boundary to be inserted around the residential zoned lands. However, the uses outlined in the phasing would not be solely on the RES-N lands given that they include 2 full sized GAA pitches and 1 junior pitch and associated pavilion. The concept plan which informed the zoning, and which accompanied the CE Report for information, indicated in general terms where the playing pitches and associated uses could go within the southern area of Rathcoole Park. The other uses in the phasing to be provided in tandem with the new residential development, including the school, will be facilitated by the RES-N zoning. However, to draw a defined boundary around the lands which are zoned RES-N and OS as would be required to encompass the objective, would provide a level of inflexibility which, when further detailed assessments are made on the most appropriate location of the pitches in particular, could render the delivery of the pitches unachievable by way of being, even partially, outside the boundary.

It is noted that as a Specific Local Objective (SLO), the objective is geographically located, and shown on the map, in the area where the objective applies.

Having regard to the above it is considered that a defined boundary, which would be needed on both RES-N and OS lands, could have the effect of inhibiting delivery of the required phasing to meet the objective.

**CE Recommendation:**Make the plan without any further modification, in the form of a defined boundary, to Amendment 2.13

Following a contribution from Councillor F. Timmons, Mr M. Mulhern, Director of Services responded to queries raised.

The Chief Executive’s recommendation was **AGREED**

### **DPM3/0622 Item ID:75626**

Proposed by Councillor R. McMahon, Seconded by Councillor B. Lawlor

Ref Amendment 2.15 Kiltipper Road Page 94 CE Report - Map 9 To amend the draft development plan back to the plan as published and to change the zoning back to RU from RES, of the small area marked on map 9. Cllr Ronan McMahon and Cllr Brian Lawlor

**REPORT:**

The motion seeks to revert to the Draft plan retaining the Rural ‘RU’ zoning on Map 9 from the proposed Amendment 2.15 which zones it Existing Residential ‘RES’.

This rezoning proposal was put forward as a recommendation in the CE Report to the Draft Plan under submission SD-C195-232 (Peter McVerry Trust) and was subsequently accepted by the Elected Members under Headed Items, as no motions were made on this submission, at the Council Meeting on 9th March 2022. Proposed Amendment 2.15 went on public consultation and the CE has responded to submissions SD-C226-26, SD-C226-49 and SD-C226-69, which sought the rural zoning to be retained, with a recommendation of no change to Proposed Amendment 2.15.

Having further examined and considered the content of this motion, the view of the CE remains unchanged for the following reasons:

The lands in question comprise of existing residential properties with private open space to the rear. The existing properties form part of a row of dwellings located on the Kiltipper Road but unlike the houses to the west their rear gardens fall within the RES zoning to the north. The subject lands comprise of a natural and heavily vegetated boundary to the rear extending into the RES zoning as per the Draft Plan, separated from and south of Elder Park Housing Development.

Land use zoning objectives do not necessarily follow property boundaries. However, having regard to the existing residential use on site and the fact that they are partially within the RES zoning, it is considered reasonable that the subject lands zoned Objective ‘RU’ in the Draft Plan, be re-zoned to Objective ‘RES’ as per the Amendment, thereby providing one single land use class pertaining to the overall lands.

Table 10: Indicative Capacity of Additional Zoned Lands in the South Dublin County Development Plan 2022-2028 as proposed under Amendment 2.1 indicates a potential unit capacity of a maximum of 10 units at this location. Therefore, it is not considered that this will undermine the core strategy of the Development Plan. Furthermore, the Office of the Planning Regulator (OPR) has stated in their submission to the Proposed Amendments (SD-C226-65) that “…… new Table 10 (Indicative Capacity of Additional Zoned Lands), it is considered that the response to Recommendation 2 (i) is generally acceptable.”

In this context it is considered appropriate that the proposed rezoning under Proposed Amendment 2.15 remains.

**CE Recommendation:**Make the Plan with the Proposed Amendment 2.15 which rezones the land from RU to RES.

Following contributions from Councillors R. McMahon and T. Costello, Mr M. Mulhern, Director of Services responded to queries raised.

A Roll Call Vote on the motion followed, the result of which was as follows:

**FOR 8 (Eight)**

**AGAINST: 21 (Twenty-One)**

**ABSTAIN Nil**

[**Roll Call Vote M 3**](http://www.sdublincoco.ie/Home/ViewDocument/5ddd8cce-8489-4b82-9fa7-aec400f214ff)

The Motion **FELL**

### **DPM4/0622 Item ID:75628**

Submitted by Councillor T. Costello

2.15 Reject based on the poor public transport and lack of infrastructure and to retain rural zoning.

Councillor T. Costello agreed to **WITHDRAW** the Motion

### **DPM5/0622 Item ID:75618**

Proposed by Councillor C. O'Connor, Seconded by Councillor B. Lawlor

We the elected members of South Dublin County Council hereby confirm our decision to change the zoning of lands at Whitestown Way, Amendment No. 2.19 from Objective EE to Objective REGEN

**REPORT:**

The motion seeks to retain the zoning of lands at Whitestown Way, under Amendment No. 2.19 from Objective EE to Objective REGEN.

This rezoning was submitted to the Draft Plan through the public consultation period under submission SD-C195-143 and the Chief Executive responded under Chapter 2 Core Strategy and Settlement Strategy – Regeneration Zoning Submission, pg259 of the CE Report on the Draft Plan. It was subsequently voted in favour to change the zoning from Employment and Enterprise (EE) to Regeneration (REGEN) under Motion 73851 in Council Meetings in March 2022. Proposed Amendment 2.19 went on public consultation and the CE responded with a recommendation to omit Proposed Amendment 2.19 and retain the EE Zoning as per the Draft Plan.

In terms of flooding, the rezoning of the subject lands from EE to REGEN was considered under the justification test for “Existing, developed, High Vulnerability Zonings Flooding”. The flood mapping produced as part of the CFRAMS indicates that flooding is limited to the perimeter of the site. It is considered that flood risk could be adequately and appropriately managed for either zoning as per the Justification Test and the sequential approach to development which would avoid the encroachment or loss of the flood plain.

Having further examined and considered the content of this motion, the view of the CE remains unchanged for the following reasons:

The Draft Plan sets out a potential for 31,824 jobs assuming an average of 51 jobs per hectare. In addition to this, there are 425ha of Regeneration (REGEN) zoned brownfield land forming part of the Tallaght Town Centre Local Area Plan (LAP) and the Naas Road area. The subject lands are located in Tallaght Town Centre LAP, and both are located in close proximity to the Naas Road lands.

There remains a need within the County for lands to facilitate general employment type uses in order to facilitate a range of continued economic development and employment growth in the County over the Plan period. It is considered inappropriate to rezone the lands as requested given the existing quantum of REGEN land in the immediate area, the on-going need for general employment lands. The proposal to rezoned to REGEN would potentially facilitate employment but, as is more likely to come forward, it would also facilitate residential development. The lands as currently zoned under the zoning EE would allow for a denser form of employment but would not facilitate residential. Given that there is sufficient capacity of zoned residential land in the County and the need to continue to facilitate employment lands, the proposed rezoning to REGEN is not considered appropriate. The County Development Plan seeks to guide enterprise and employment development to appropriate locations by identifying economic clusters. The current zoning of the subject lands as EE to support enterprise and employment is therefore considered appropriate in this instance.

The subject site is located within an established industrial setting with general employment uses. It is noted that the REGEN land use zoning is strategic in nature, and the application of the REGEN zoning in a piecemeal fashion is not recommended as it would undermine the Core Strategy of the Draft Plan and intention of the REGEN zoning. The wider area, encompassed within the Tallaght Local Area Plan, already contains significant areas of land with the zoning REGEN and to zone further land as REGEN at the expense of general employment land in this area is not considered necessary nor a use of land which would be in the interests of employment or the proper planning and sustainable development of the area.

Furthermore, new objective CS5 Objective 5 proposed under Proposed Amendment 2.9 facilitates an evidence-based analysis of employment land as part of the two-year statutory review of the Development Plan. Therefore, to rezone the subject lands without the necessary evidence base would be in appropriate and premature.

It is therefore considered that Proposed Amendment 2.19 be omitted, and the subject lands remained zoned Employment and Enterprise (EE) as per the Draft Plan.

**CE Recommendation:**Make the Plan without Amendment 2.19 retaining the Employment and Enterprise (EE) Zoning as per the Draft Plan.

Following contributions from Councillors C. O’Connor and M. Johansson, Mr M. Mulhern, Director of Services responded to queries raised.

A Roll Call Vote on the motion followed, the result of which was as follows:

**FOR 21 (Twenty-One)**

**AGAINST: 8 (Eight)**

**ABSTAIN Nil**

[**Roll Call Vote M 5**](http://www.sdublincoco.ie/Home/ViewDocument/d3484baf-7b33-4ba1-978b-aec400f34859)

The Motion **PASSED**

### **DPM6/0622 Item ID:75623**

Proposed by Councillor K. Egan, Seconded by Councillor B. Lawlor

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 makes 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.

**REPORT:**

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:

*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*

**Employment Zones:**

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.

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.

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:

‘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 5.6which 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), Section2.7 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.

A discussion ensued with contributions from Councillors K. Egan, J. Tuffy, W. Carey, D. Richardson, P. Gogarty, P. Kearns, G. O’Connell, L. Donaghy, F. Timmons, M. Duff, R. McMahon, P. Holohan, M. Johansson, P. Kavanagh. Mr M. Mulhern, Director of Services and Ms H. Craigie, Senior Planner responded to queries raised.

Mr. Mulhern reiterated the statutory role of the Office of the Planning Regulator (OPR) in the independent assessment of all planning authority development plans, and its (OPR) recommendation in relation to this specific Material Alteration as published. Ms Craigie reminded the meeting of the role of the Office of Public Works (OPW) as lead agency for co-ordinating delivery of flood risk management policy.

The meeting also noted the advice of the executive in the context of the OPR, that if the Motion is Passed, the Planning Authority must issue a notice to the OPR, indicating that the Planning Authority has not complied with an OPR recommendation(s), and the reasons for non-compliance. If the OPR is of the opinion that the Plan is not consistent with its recommendation a notice, including a draft direction, is issued to the Minister. The Minister then decides if a direction is to issue to the Planning Authority, and the development plan becomes effective **excluding the piece relative to the direction.**

A Roll Call Vote on the motion followed, the result of which was as follows:

**FOR 21 (Twenty-One)**

**AGAINST: 13 (Thirteen)**

**ABSTAIN 1 (One)**

[**Roll Call Vote M 6**](http://www.sdublincoco.ie/Home/ViewDocument/d83a9b0b-1f03-4b78-b9d0-aec400f3ded7)

The Motion was **PASSED**

## **Natural Cultural & Built Heritage**

### **DPM7/0622 Item ID:75629**

Proposed by Councillor T. Costello, Seconded by Councillor E. Ó Broin

3.17 To retain TJ Burns cottages as per the draft plan

**REPORT:**

The motion seeks to retain reference to TJ Burns cottages in the list of Architectural Conservation Areas (ACAs) which includes a brief description of the architectural character of the area under Section 3.5.3 of the Plan, as follows:

1. **TJ Burns Cottages Semi-detached cottages on west side of Old Bawn Road.  Requires assessment to derive further description.**

Reference to TJ Byrnes cottages, numbers 8, 9, 10 and 11 Old Bawn Road in section 3.5.3 of the Development Plan was inserted by way of motion 71162 ‘*Create a new ACA to the South to include Goose Park and TJ Burns cottages on the Old Bawn Road’* at the pre-draft stage of the Plan.

Having regard to its inclusion in the Draft Plan, to the need for assessment and the fact that no assessment had been carried out prior to inclusion, a consultant was commissioned to advance the assessment of the cottages and Goose Park and other ACA objectives in the Draft Plan.  Amendment 3.17 to delete reference to the cottages under Section 3.5.3 was taken in response to the assessment and investigation of TJ Burns Cottages at Old Bawn Road that was carried out by John Cronin, an independent expert, on behalf of South Dublin County council.  The assessment, which was provided to the Members at the same time as the CE Report in May, concluded:

‘*Having conducted background research and detailed survey work, we would recommend that South Dublin County Council do not include these buildings within a defined ACA as it is hard to justify same in the context of (a) national architectural heritage guidance and (b) the basis of the much altered and poor condition of the subject buildings*.’.

The assessment of Goose Park, 1-6 Old Bawn Road also known as Saint Maelruan’s Terrace, was carried out by the same consultant and it was identified as ‘a site of special architectural and social interest which contributes to understanding of the historical development of the wider southern part of Tallaght’ and remains included in the Plan.

Amendment 3.17 which deleted the reference to TJ Burns cottages in the list of ACAs under Section 3.5.3 from the Draft Plan, was not subject to a motion at that stage and was agreed at the Development Plan meetings in March 2022. It was the subject of a submission at the Material Amendment public consultation stage in April 2022. The CE Response to the submission is contained in the CE Report submitted to Councillors on 23rd May.  The CE recommended no change to Amendment 3.17 having due regard to the expert consultant’s assessment and recommendation.

It should be noted that the separate Amendment 3.15 deleted TJ Byrnes cottages from Section 3.5.3 where it was included in a simple list of ACAs identified within South Dublin County. The reference to the cottages at this location within the Plan comes before the more detailed listing the subject of Amendment 3.17 in this instance. To include 14. TJ Burns Cottage description, as proposed here, without having it identified on the earlier list of ACAs would be confusing.

ACAs cannot be inserted without a proper assessment process into a Development Plan, the methodology for which is set out in the Architectural Heritage Protection Guidelines for Planning Authorities.  This assessment process was followed by the commissioned consultant, and the findings from the independent research carried out indicate the buildings at this location do not warrant being defined as an ACA while those at Goose Park do.

**CE Recommendation:**Make the Plan with Amendment 3.17 by deleting the following from Section 3.5.3 Architectural Conservation Areas:

1. **TJ Burns Cottages Semi-detached cottages on west side of Old Bawn Road. Requires assessment to derive further description.**

And amend the relevant County Development Map accordingly.

A discussion ensued with contributions from Councillors T. Costello, E. Ó Broin, M. Duff, L. Donaghy, P. Kavanagh, Mr M. Mulhern, Director of Services, Ms H. Craigie, Senior Planner and Ms. I. McLoughlin, Architectural Conservation Officer responded to queries raised

The Motion was unanimously **AGREED**

## **Green Infrastructure**

### **DPM8/0622 Item ID:75662**

Proposed by Councillor F. Timmons, Seconded by Councillor P. Kavanagh

This motion calls for the adoption of amendment 4.9 as proposed by the Chief Executive: To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status.

**REPORT:**

Amendment 4.9 which inserts GI7 SLO2 was agreed at the Development Plan meetings in March 2022 and was the subject of a number of submissions at the public consultation stage in April 2022. The CE Response to the submissions, a number of which welcomed the amendment, is contained in the CE Report submitted to Councillors on 23rd May.  The CE recommended no change to Amendment 4.9.

The motion, which calls for the adoption of Amendment 4.9 is noted.

**CE Recommendation:**Make the Plan with Amendment 4.9, GI7 SLO2 as follows:

To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status.

The Motion was unanimously **AGREED**

### **DPM9/0622 Item ID:75667**

Proposed by Councillor Joanna Tuffy, Seconded by Councillor P. Kearns

To modify amendment 4.9 regarding G17 SL02 (page 130 CE Report) as follows: that any works necessary to facilitate the development of new residential communities on the lands the subject of CS10 SLO1 are permitted on the lands the subject of G17 SL02, including any works to do with servicing of lands to facilitate the new residential development, and any works to ensure proper access to the new residential development by way of roads and footpaths etc.

**REPORT:**

The motion seeks to modify GI7 SLO2 which currently reads:

**To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status.**

By including additional wording, as follows:

**That any works necessary to facilitate the development of new residential communities on the lands the subject of CS10 SLO1 are permitted on the lands the subject of GI7 SLO2, including any works to do with servicing of lands to facilitate the new residential development, and any works to ensure proper access to the new residential development by way of roads and footpaths etc.**

Amendment 4.9 specifically seeks to ensure that there is adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, as well as recognising their value as green infrastructure providing for potential linkages to Lugg Woods and Slade Valley.

The additional wording, which seeks to include works on the lands identified under GI7 SLO2, comprising the servicing of lands, provision of a ‘proper access…by way of roads and footpaths’ to facilitate new development (subject of CS10 SLO1 on an adjacent site) represents a significant and potentially contradictory change in the wording that was put to the public under a Material Amendment, which would change the sentiment behind Specific Local Objective GI7 SLO2.

It is therefore considered that the proposed additional wording is not minor in nature and is outside the scope of this stage of the plan making process.

**CE Recommendation:**Make the Plan with Amendment 4.9 without modification to GI7 SLO2 which reads:

To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status.

**Note:** It is considered that the proposed modification is not minor in nature and is outside the scope of this stage of the plan making process.

Following a contribution from Councillor J. Tuffy, Mr M. Mulhern, Director of Services responded to queries raised.

The Chief Executive’s recommendation was **AGREED**

### **DPM10/0622 Item ID:75663**

Proposed by Councillor F. Timmons, Seconded by Councillor P. Kavanagh

This motion proposes that amendment 4.10 as proposed by the Chief Executive is adopted and seeing Alluvial Woodlands at Rathcoole are designated a stepping stone.

**REPORT:**

Material Amendment 4.10 is as follows:

Addition to Section 4.3.2 – Strategic Corridor 5: Camac River Corridor – Table 4.1

Insert under Stepping Stones in the first column:

**Rathcoole Alluvial Woodlands within RU zoning**.

Add the following objective to the second column:

**To preserve and protect the Alluvial Woodlands at Rathcoole within the zoning RU as an environmentally sensitive area for biodiversity and ecosystems services of importance having full regard to their Annex 1 status.**

The consideration of the Rathcoole Woodlands as a stepping stone took place at the Draft Plan stage and formed part of the Chief Executive’s Report on Draft Plan Public Consultation 7th December 2021 which was considered by the Elected Representatives. Material Amendment 4.10 was the result of the Elected Members consideration of the issue.

The CE Response to the Material Amendment submissions on 4.10 is contained in the CE Report submitted to Councillors on 23rd May.  The CE recommended no change to Amendment 4.10.

The motion, which calls for the adoption of Amendment 4.10 is noted.

**CE Recommendation:**Make the Plan with Material Amendment 4.10 with the wording for Section 4.3.2 – Strategic Corridor 5: Camac River Corridor Table 4.1 as follows:

Insert under Stepping Stones in the first column:

**Rathcoole Alluvial Woodlands within RU zoning.**

Add the following objective to the second column:

To preserve and protect the Alluvial Woodlands at Rathcoole within the zoning RU as an environmentally sensitive area for biodiversity and ecosystems services of importance having full regard to their Annex 1 status.

The Motion was unanimously **AGREED**

### **DPM11/0622 Item ID:75664**

Proposed by Councillor F. Timmons, Seconded by Councillor P. Kavanagh

This motion proposes that amendment 4.11 as proposed by the Chief Executive concerning Rathcoole Woodlands is adopted.

**REPORT:**

Amendment 4.11 [changes in bold] is detailed as follows:

Amend the second Objective (bullet point) in the second column under ‘Objectives associated with the Core Areas / Stepping Stones’ as follows:

From:

**To support the development of a masterplan for the zoned lands at Rathcoole and implement the recommendations.**

To read:

**Investigate the potential opportunities to link woodlands at Rathcoole to existing and proposed recreational trails at Lugg Woods and Slade Valley.**

Insert new objective in the second column under ‘Objectives associated with the Core Areas / Stepping Stones’ as follows:

**To include woodlands at Rathcoole as part of a wider nature/walking trail from Saggart to Lugg Woods subject to the protection of its biodiversity, wildlife and ecological value which is of primary importance.**

Submissions were made to the material alteration in support of the potential of linking the Rathcoole Woodlands to existing and proposed recreational trails.  The CE recommended making the Plan with the Amendment.

The motion, which calls for the adoption of Amendment 4.11 is noted.

**CE Recommendation:**

Make the Plan with Amendment 4.11 as follows:

Amend the second Objective (bullet point) in the second column under ‘Objectives associated with the Core Areas / Stepping Stones’ as follows:

From:

To support the development of a masterplan for the zoned lands at Rathcoole and implement the recommendations.

To read:

Investigate the potential opportunities to link woodlands at Rathcoole to existing and proposed recreational trails at Lugg Woods and Slade Valley.

Insert new objective in the second column under ‘Objectives associated with the Core Areas / Stepping Stones’ as follows:

To include woodlands at Rathcoole as part of a wider nature/walking trail from Saggart to Lugg Woods subject to the protection of its biodiversity, wildlife and ecological value which is of primary importance.

The Motion was unanimously **AGREED**

### **DPM12/0622 Item ID:75665**

Proposed by Councillor F. Timmons, Seconded by Councillor P. Kavanagh

This motion proposes that amendment 4.12 as proposed by the Chief Executive for a walking trail between Rathcoole Woodlands and Rathcoole Park is adopted.

**REPORT:**

Amendment 4.12 [changes in bold] comprised an amendment to L7 – Citywest-Saggart Link as laid out in Appendix 4 – Green Infrastructure: Local Objectives and Case Studies by inserting Rathcoole Woodlands into the link and by inserting a new objective to provide connections between Rathcoole Woodlands and Rathcoole Park as part of a wider walking trail in the area as follows:

From:

Rathcoole Park – Citywest Golf Club – Green space at Cooldown Commons –Coldwater Commons – Green space for development adjacent Fortunestown Luas Stop – Citywest Village Green – Citywest Ave green space – Roadstone Quarry.

To:

**Rathcoole Woodlands** - Rathcoole Park – Citywest Golf Club – Green space at Cooldown Commons –Coldwater Commons – Green space for development adjacent Fortunestown Luas Stop – Citywest Village Green – Citywest Ave green space – Roadstone Quarry

Insert new Objective:

**To provide connections between Rathcoole Woodlands and Rathcoole Park as part of a wider walking trail in the area.**

The Amendment was agreed by the Members at the March meetings.

The motion, which calls for the adoption of Amendment 4.12 is noted.

**CE Recommendation:**

Make the Plan with Amendment 4.12 to insert changes to Section L7 – Citywest-Saggart Link in Appendix 4 – Green Infrastructure: Local Objectives and Case Studies as follows:

From: A

Rathcoole Park – Citywest Golf Club – Green space at Cooldown Commons –Coldwater Commons – Green space for development adjacent Fortunestown Luas Stop – Citywest Village Green – Citywest Ave green space – Roadstone Quarry.

To:

**Rathcoole Woodlands** - Rathcoole Park – Citywest Golf Club – Green space at Cooldown Commons –Coldwater Commons – Green space for development adjacent Fortunestown Luas Stop – Citywest Village Green – Citywest Ave green space – Roadstone Quarry

**Insert new Objective:**

To provide connections between Rathcoole Woodlands and Rathcoole Park as part of a wider walking trail in the area.

The Motion was unanimously **AGREED**

## **Housing**

### **DPM13/0622 Item ID:75624**

Proposed by Councillor S. O'Hara, Seconded by Councillor B. Lawlor

That Amendment 6.8 remain in the Development Plan to reflect Councillors desire to ensure that people who have grown up or spent substantial periods of their lives in a local rural area and who wish to return to reside near, or to care for, immediate family members, seeking to build on a family landholding, have the same opportunity to qualify for planning permission as their peers in neighbouring Counties. Proposed by Cllr Shirley O’Hara Seconded by Cllr Brian Lawlor & Cllr Kenneth Egan

**REPORT:**

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.

It was **AGREED** to consider Motion 14 (**ID75666)** in conjunction with Motion 13 (**ID75624**)

### **DPM14/0622 Item ID:75666**

Proposed by Councillor F. Timmons, Seconded by Councillor G. O’Connell

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.

**REPORT:**

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.

A discussion ensued with contributions from Councillors S. O’Hara, F. Timmons, A. Edge, W. Carey, T. Gilligan, Y. Collins, R. McMahon, P. Holohan, L. Sinclair, P. Gogarty, T. Costello, J. Tuffy, P. Kearns, M. Johansson, Mr M. Mulhern, Director of Services and Ms H. Craigie, Senior Planner responded to queries raised.

Mr Mulhern reiterated the role of the OPR in the context of the development plan and its (OPR) recommendation in relation to this Material Amendment as published.

A Roll Call Vote on the motions followed, the result of which was as follows:

**FOR 23 (Twenty-Three)**

**AGAINST: 11 (Eleven)**

**ABSTAIN NIL**

[**Roll Call Vote M13 & M14**](http://www.sdublincoco.ie/Home/ViewDocument/63e9d572-7e18-4c07-9150-aec400f4c117)

The Motions were **PASSED**

## **Sustainable Movement**

### **DPM15/0622 Item ID:75625**

Proposed by Councillor S. O'Hara, Seconded by Councillor B. Lawlor

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

**REPORT:**

The Draft Development Plan provides under Table 7.5 of Chapter 7 for the following with regards to the Western Dublin Orbital Route:

Description: New road from N81 to the Leixlip Interchange.

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.

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:

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

***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.**

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 23rd May:

‘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’.

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

1. 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.

1. 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.
2. 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.

Following contributions from Councillors S. O’Hara and W. Carey, Ms H. Craigie, Senior Planner responded to queries raised.

The Motion was unanimously **AGREED**

## **Implementation & Monitoring**

### **DPM16/0622 Item ID:75630**

Proposed by Councillor M. Johansson, Seconded by Councillor P. Kavanagh

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 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.

**REPORT:**

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’.

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.

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.

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**](https://www.gov.ie/en/publication/a4757-policy-statement-on-security-of-electricity-supply/#:~:text=The%20Programme%20for%20Government%20commits,net%20zero%20emissions%20by%202050.) 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 criterial 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.

A discussion ensued with contributions from Councillors M. Johansson, P. Kavanagh, C. Bailey, A. Edge, D. McManus, P. Gogarty, P. Kearns, G. O’Connell, L. Sinclair, R. McMahon.

Mr. D. McLoughlin, Chief Executive & Mr M. Mulhern, Director of Services responded to queries raised, reiterating the role of the OPR in the context of the development plan process and its (OPR) recommendation in relation to this Material Amendment as published. The Chief Executive also advised of the policy role of the development plan, which he outlined is not a mechanism to block planning applications.

A Roll Call Vote on the motion followed, the result of which was as follows:

**FOR 21 (Twenty-One)**

**AGAINST: 10 (Ten)**

**ABSTAIN 2 (Two)**

[**Roll Call Vote M16**](http://www.sdublincoco.ie/Home/ViewDocument/a1e25136-4082-45b2-8f31-aecf010a2066)

The Motion was **PASSED**

### **DPHI3/0622 Item ID:75713**

**HI 3 Chief Executive's Amendments**

**The Chief Executive’s report on “General Proofing” (to** correct typographical errors, update references to documents, provide for minor edits and restructuring, where no change to the meaning of the text, policy or objectives within the written statement or maps occurs, to ensure that the Plan reads well and correctly, and is as up to date as possible at the time of publication) as circulated was **AGREED.**

### **DPHI4/0622 Item ID:75714**

**HI 4 Resolution to make the South Dublin County Development Plan 2022 – 2028**

It was proposed by Councillor P. Kavanagh, seconded by Councillor S. Moynihan, and unanimously **AGREED** that

***“The Members of South Dublin County Council, by resolution and having considered the CE Report and recommendations under sections 12(8)(a) and 12(9)(a) of the Planning and Development Acts and made any further modifications in accordance with section 12(10)(a) of the Acts, make the South Dublin County Development Plan 2022-2028. The Development Plan will come into effect 6 weeks after it is made.”***

Prior to the rising of the meeting after conclusion of statutory business, the Mayor, the Deputy Mayor, the Chief Executive, the Director of Services, the Senior Planner and group leaders expressed appreciation to all involved in the entire process, including to previous Mayor, Cllr Ed O’Brien.

The meeting concluded at 18.45

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Date: 11th July 2022