



28<sup>th</sup> September 2022

For the Attention of: Mr Frank Curran, Chief Executive

Dún Laoghaire-Rathdown County Council,  
County Hall,  
Marine Road,  
Dún Laoghaire,  
County Dublin,  
A96 K6C9

**Section 31 of the Planning and Development Act 2000, as amended Decision to Issue a  
Direction to Dún Laoghaire-Rathdown County Council on the  
Dún Laoghaire-Rathdown County Development Plan 2022 - 2028**

Dear Frank,

I am writing to you to inform you of the following in relation to Section 31 Draft Direction issued to Dún Laoghaire-Rathdown (DLR) County Council on 12<sup>th</sup> April 2022, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report and the submissions made directly to the Office in connection with DLR County Development Plan 2022 – 2028, as adopted, by the elected members of DLR County Council, on 10<sup>th</sup> March 2022.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) on the 17<sup>th</sup> June 2022 and recommended that I as Minister, issue the Direction, as attached to the Notice of Intention to Issue a Direction dated 12<sup>th</sup> April 2022, as drafted subject to a minor amendment to clarify that the paragraph numbering was altered by the making of the Plan such that the relevant section referred to in subsection (iv) of Part (a) is 12.3.7.8 and not 12.3.8.8 as stated in the draft direction.



The Draft Direction called for the deletion of the O/O zone objective and auxiliary text and maps and the deletion of text in relation to the requirement for certain percentages of 3-bed in apartments of Build-to-Rent developments.

Having reviewed and considered the Office's notification letter under 31AN(4) including the report from yourself on the draft Direction and submissions (dated May 2022) and the submissions made directly by elected members to the Office, I am of the opinion that the Direction should be issued as attached. This Direction has been subject to a minor amendment from the proposed Direction recommended by the Office. This is to clarify the specific sub-sections of section 31 that apply to each Statement of Reason.

The Development Plan has not been made in a manner consistent with the recommendations of the Office and the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

Also, the Development Plan as made is inconsistent with national and regional policy objectives specified in the National Planning Framework (the NPF) and the Eastern and Midlands Regional Spatial and Economic Strategy (the RSES), including national policy objectives NPO 3b, NPO 11 and NPO 35 of the NPF, and with regional policy objectives RPO 3.2 and RPO 4.3 of the RSES, relating to the implementation of compact growth and the intensification of development on infill/brownfield lands, contrary to s. 10(1A) of the Act. Further, the Development Plan as made would undermine the Development Plan core strategy and other objectives that promote compact and infill growth and the alignment with high quality public transport systems (Objectives CS11, PHP18, and T1 of the Development Plan).

Moreover, the O/O zone objective for significant parts of Killiney and Dalkey is not considered to be necessary or reasonable having regard to the comprehensive provisions within the Development Plan for the protection of the heritage, character and amenities of the planning



authority's functional area. It is further considered that the 0/0 objective is disproportionate, especially in the context of SLO 130/MA296.

The Development Plan as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act to which s. 28(1C) applies, specifically Specific Planning Policy Requirement SPPR 8(i) contained in the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020) and the requirement for the planning authority to comply with the aforementioned Specific Planning Policy Requirements under section 28(1C) and 12(18), in the performance of its functions.

Further to the above reasons the Chief Executive of the Planning Authority has prepared a report pursuant to Section 31(8) of the Act and has recommended that the draft Direction issued by the Minister is given effect, as drafted and without amendment except to clarify that the final numbering has altered so that the relevant section under '0/0 Zone' (Chapter 12) is 12.3.7.8 and not 12.3.8.8 as stated in the draft Direction.

Accordingly, Dún Laoghaire-Rathdown County Council should **TAKE NOTICE** that on the 28 day of September, 2022 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.

#### **STEPS TO BE TAKEN**

In light of the foregoing the County Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Dún Laoghaire-Rathdown County Development Plan 2022 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.



The Council should ensure that the Direction is available for inspection at its offices and on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,

**Peter Burke T.D.,  
Minister of State with responsibility for Local Government and Planning**

Copied to:

- Cathaoirleach, Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, County Dublin, A96 K6C9
- Mr. Jim Conway, Director, Eastern & Midland Regional Assembly, 3<sup>rd</sup> Floor North, Ballymun Civic Centre, Main Street, Ballymun, Dublin 9, DO9 C8P5.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.

**DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)  
DÚN LAOGHAIRE-RATHDOWN COUNTY DEVELOPMENT PLAN 2022-2028**

“Development Plan” means the Dún Laoghaire-Rathdown County Development Plan 2022-2028

“Planning Authority” means Dún Laoghaire-Rathdown County Council

**WHEREAS** the powers and duties of the Minister for the Department of Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

**WHEREAS** the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (as amended) ("the Act"), and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AN(4) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Dún Laoghaire-Rathdown County Development Plan 2022-2028) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps:
  - a. Delete the following provisions from the adopted Development Plan:

- (i) the O/O zone objective, including symbol and boundary of objective area from maps 3, 4, 7 and 10;
  - (ii) the text *'No increase in the number of buildings permissible'* and associated symbols from maps 1-14;
  - (iii) the policy section on *'Notable Character Area Exclusions'* under section 4.3.1; and
  - (iv) policy section 12.3.7.8 O/O Zone.
- b. Delete the following text after the first paragraph of section 12.3.3 *Quantitative Standards for All Residential Development* from the adopted Development Plan:

*"That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 233".*

## **STATEMENT OF REASONS**

### **I. Pursuant to section 31(1)(a)(i)(II) and section 31(1)(b)**

The Office of the Planning Regulator is of the opinion that the Development Plan has not been made in a manner consistent with its recommendations and that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

### **II. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)**

The Dún Laoghaire-Rathdown County Development Plan 2022 – 2028 as made is inconsistent with national and regional policy objectives specified in the National Planning Framework (the NPF) and the Eastern and Midlands Regional Spatial and Economic Strategy (the RSES), including national policy objectives NPO 3b, NPO 11 and NPO 35 of the NPF, and with regional policy objectives RPO 3.2 and RPO 4.3 of the RSES, relating to the implementation of compact growth and the intensification

of development on infill/brownfield lands, contrary to s. 10(1A) of the Act. Further, the Development Plan as made would undermine the Development Plan core strategy and other objectives that promote compact and infill growth and the alignment with high quality public transport systems (Objectives CS11, PHP18, and T1 of the Development Plan).

Moreover, the O/O zone objective for significant parts of Killiney and Dalkey is not considered to be necessary or reasonable having regard to the comprehensive provisions within the Development Plan for the protection of the heritage, character and amenities of the planning authority's functional area. It is further considered that the O/O objective is disproportionate, especially in the context of SLO 130/MA296.

The Development Plan as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act to which s. 28(1C) applies, specifically Specific Planning Policy Requirement SPPR 8(i) contained in the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)* and the requirement for the planning authority to comply with the aforementioned Specific Planning Policy Requirements under section 28(1C) and 12(18), in the performance of its functions.

**III. Pursuant to section 31(1)(ba)(i), 31(1)(ba)(ii), section 31(1)(c) and 31(1)(b)**

In circumstances where the Development Plan as made is inconsistent with the requirements of the NPF and the RSES, contrary to s. 10(1A) of the Act, and would undermine the Development Plan Core Strategy and other objectives promoting compact and infill growth and the alignment with public transport systems, and is inconsistent with an SPPR, contrary to s. 28(1C) of the Act, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

- IV.** The Chief Executive of the Planning Authority has prepared a report dated 27/05/2022 pursuant to Section 31(8) of the Act and has recommended that the draft Direction issued by the Minister is given effect, as drafted and without

amendment except to clarify that the final numbering has altered so that the relevant section under '0/0 Zone' (Chapter 12) is 12.3.7.8 and not 12.3.8.8 as stated in the draft Direction.

GIVEN under my hand,

A handwritten signature in blue ink that reads "Peter Burke". The signature is written in a cursive style with a large initial "P".

**Peter Burke T.D.**  
**Minister of State with responsibility for Local Government and Planning**

28<sup>th</sup> Day of September, 2022.