



10th October 2022

Mr Peter Burke TD

Minister for Housing, Local Government and Heritage
Department of Housing, Local Government and Heritage
Custom House
Dublin 1
D01 W6X0

**Re: Notice pursuant to section 31AN(4) of the Planning and Development Act
2000 (as amended) – South Dublin County Development Plan 2022 – 2028**

A chara,

I am writing to you pursuant to section 31AN(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the South Dublin County Development Plan 2022-2028 (the "Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to South Dublin County Council (the "Council") by your office on 28th July 2022,
- b) the report of the Chief Executive of the Council dated 19th September 2022 on the submissions and observations made to the planning authority (the "Report"), and
- c) the eight submissions (including one joint submission) made directly by elected members of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act.

Draft Direction

The draft Direction contained two parts:

- Part 2(a) omit the Enterprise and Employment zoning and the specific local objective which requires site-specific flood alleviation measures from the lands to the north and east of the existing Greenogue Business Park and retain the Rural RU zoning objective; and
- Part 2(b) amend the land use zoning objectives in tables 13.4, 13.8 and 13.10 to reinstate data centre use class as an 'open for consideration' use class in the REGEN, Enterprise & Employment (EE) and Major Retail Centre (MRC) zoning objectives.

You will note that in the Report prepared in accordance with section 31(8) of the Act, the Chief Executive recommends that the draft Direction issued by the Minister is given effect as drafted but with minor amendments to Part 2(b) to reflect the correct table references in the final version of the adopted Development Plan (tables 12.4, 12.8 and 12.10 instead of tables 13.4, 13.8 and 13.10).

The Office has also made some minor amendments to the wording in the Statement of Reasons section of the draft Direction to better reflect the wording of the statutory framework.

The above minor amendments are identified in red in the attached Direction.

The Office now recommends, pursuant to section 31AN(4) of the Act that you issue the attached Direction in the same form as the draft Direction but with the minor amendments referred to above.

In forming this recommendation, this Office reiterates the submissions made to you in the Notice which issued from this Office to your office on 19th July 2022 pursuant to section 31(AM)(8) of the Act.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place between 10th August 2022 and 23rd August 2022. The Chief Executive's Report (CE's Report) summarised the

views of members of the public and elected members who made submissions to the planning authority.

You might please note the following:

- the Office received five (5) submissions from elected members (Cllr David McManus, Cllr Charlie O'Connor, Cllr Lynn McCrave, Cllr Mick Duff and Cllr Shirley O'Hara) opposing Part 2(a) of the draft Direction (zoning of employment land at Greenogue Business Park);
- the Office received three (3) submissions from elected members (Cllr Paul Gorarty, Cllr Madeleine Johansson and a joint submission from Cllr Liam Sinclair, Cllr Laura Donaghy, Cllr Peter Kavanagh and Cllr Lyn Hagin Meade) opposing Part 2(b) of the draft Direction (amendment to land use zoning objectives regarding data centres);
- a total of twenty six (26¹) submissions were received by the Chief Executive during the consultation period; twelve (12) on Part 2(a) alone, twelve (12) on Part 2(b) alone and two (2) submissions on both Part 2(a) and Part 2(b).
- six (6) submissions were from elected members; 17 submissions were from the general public (including Social Democrats and The Green Left) and one (1) submission each from TII, OPW and IDA.
- as set out in the CE's Report, the six (6) submissions from elected members were as follows:
 - Part 2(a) employment zoning at Greenogue – one (1) submission supporting the draft Direction; and
 - Part 2(b) amend land use zoning objectives regarding data centres – five (5) submissions opposing the draft Direction.
- as set out in the CE's Report, the submissions from members of the public (including Social Democrats and The Green Left) were as follows:

¹ A member of the public made a second submission clarifying an error in their original submission. The two submissions are counted as a single submission for the purposes of this notice letter.

- Part 2(a) employment zoning at Greenogue – (11) submissions received relate to Part 2(a) with one (1) supporting the draft Direction and ten (10) opposing the draft Direction; and
 - Part 2(b) amend land use zoning objectives regarding data centres – (8) submissions received relate to Part 2(b) with four (4) supporting the draft Direction and four (4) opposing the draft Direction.
- as set out in the CE’s Report, the submission received from Transport Infrastructure Ireland (TII) supports Part 2(a) of the draft Direction;
 - as set out in the CE’s Report, the submission received from the Office of Public Works (OPW) supports Part 2(a) of the draft Direction; and
 - as set out in the CE’s Report, the submission received from the IDA supports Part 2(b) of the draft Direction.

Part 2(a) – Employment zoning at Greenogue

The Office is satisfied that the Chief Executive’s recommendation in respect of Part 2(a) is appropriate as it would omit the Enterprise and Employment zoning and the specific local objective which requires site-specific flood alleviation measures from the lands to the north and east of the existing Greenogue Business Park and retain the Rural RU zoning objective adjoining the existing Casement Aerodrome.

As set out in the section 31(AM)(8) Notice issued to you by this office on 19th July 2022, the Chief Executive’s previous recommendation to elected members was to make the Plan without this zoning change (Chief Executive’s Report on the Proposed Material Alterations Public Consultation, 23rd May 2022).

The statement of reasons for Part 2(a) in the draft Direction relate to the zoning of lands in a manner that is inconsistent with National Strategic Outcome (NSO) 1 regarding compact growth and National Planning Objective NPO11 to generate jobs within existing cities, towns and villages, and RPOs 5.3 and 5.6 in the RSES regarding the sequential approach and planning for future development of employment lands in a manner that facilitates sustainable transport patterns.

The planning authority also fails to identify any or any adequate reasons for departing from a number of Section 28 Ministerial Guidelines including Section 6.2.5

(zoning for employment uses) in the *Development Plans, Guidelines for Planning Authorities (2022)* (Development Plans Guidelines), Section 2.7 (Development at National Road Interchanges or Junctions) in the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* (National Roads Guidelines) and Section 3 (Principles and key mechanisms – Justification Test) of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* (Flood Guidelines) consistent with the presence of an overall strategy for the proper planning and development of the area.

The Office notes the submission of Transport Infrastructure Ireland (TII), which supports Part 2(a) of the draft Direction to omit the Enterprise and Employment zoning affecting lands to the north and east of Greenogue Business Park. In respect of TII's submission, the CE Report states *'This submission from Transport Infrastructure Ireland (TII) advises that issues raised in their submission to the Draft Development Plan and amendments in relation to the Material Amendment 2.20 concur with those highlighted by the Draft Ministerial Direction.'*

The Office further notes the submission of the OPW, which also supports Part 2(a) of the draft Direction and welcomes the direction to omit the Enterprise and Employment zoning and the Specific Local Objective affecting lands to the north and east of Greenogue Business Park. In respect of the OPW's submission, the CE Report states *'...A core objective of the Guidelines on the Planning System and Flood Risk Management (DECLG/OPW, 2009) is to avoid inappropriate development in areas at risk of flooding, therefore the OPW supports the reasoning outlining in Statement of Reasons Part III and IV.'*

The issue of flood risk management was previously taken into consideration by the Office as set out in the section 31AM(8) Notice with respect to the specific provisions set out in the Flood Guidelines as to what local authorities should do when considering land use zoning objectives in areas at risk of flooding².

The Office notes that a number of the reasons cited in the submissions are similar to the reasons given by the elected members for the decision to not comply with the

² Section 4.23 of the Planning System and Flood Risk Management Guidelines

recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- Provides opportunities for companies to grow and create more jobs;
- Will aid communities like Newcastle, Rathcoole, Tallaght and Clondalkin;
- Does not jeopardise housing as it is located away from housing;
- Flood risks have been mitigated in the past and engineers will be able to come up with solutions to mitigate flooding;
- Greenogue provides employment in engineering/construction roles which Grange Castle and Citywest are not suitable for;
- Can provide employment land for businesses which may need to move from regeneration areas;- and
- Greenogue has provided millions in council levies.

As set out in the section 31AM (8) Notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) Notice in response to those similar points raised again in submissions to the Chief Executive as summarised in the CE's Report.

The additional reasons set out in the submissions in support of the expanded employment zoning at Greenogue are summarised as follows:

- without the proposed rezoning, almost all EE zoned land will be in Grange Castle which offers limited choice and diversity for prospective businesses;
- without this additional rezoning, there is a lack of available EE zoned land including at Greenogue which may have implications for achieving policies / objectives of the Development Plan regarding economic development;
- the amount of available employment zoned land as stated in Development Plan documents, is overstated;
- Greenogue is the most suitable location to provide additional zoning outside of Grange Castle and is the principal location for warehousing and other land-hungry businesses in the county;

- site is not located outside the RSES designated Strategic Employment Development Area as it is for the planning authority to designate this area as part of the planning making process;
- transport concerns can be addressed by upgrades to the road network and bus connects;
- site is easily accessible, with footpaths to Newcastle and Rathcoole, and is consistent with section 4.5 and NPO 11 of the NPF, and objective 5.3 of the RSES; and
- reports from engineering consultants indicate that there is no flooding issue affecting the rezoned lands.

In relation to the quantum of available EE zoned land in the county, the Office notes that the planning authority intends to undertake an evidence-based analysis of employment lands as part of its two-year statutory review of the Development Plan, and commits to initiate a variation to the Plan should there be evidence for the need for further employment zoning within plan period³. Notwithstanding, the Chief Executive considers that the Plan provides sufficient employment lands to meet the projected employment growth over the plan period set out in Section 2.6.8 of the Core Strategy.

The Office remains of the view that rezoning further EE zoned lands at Greenogue is premature having regard to the recommendations from the Strategic Flood Risk Assessment (SFRA) to retain the RU zoning and the Chief Executive's concerns about the implications for junction 4 of the N7 (Naas Road) National Road and the submission of the TII.

In relation to the designation of Strategic Employment Development Areas, Table 5.2 of the RSES for the EMRA identifies strategic employment locations in the Dublin Metropolitan Area which includes the Naas Road / Ballymount lands, Tallaght Town Centre / Cookstown and Grange Castle Business Park along the south west corridor (DART / LUAS redline) in the South Dublin County Council administrative area.

³ Objective CS5 Objective 6 of the South Dublin County Development Plan 2022 - 2028

RPO 5.6 (Employment lands) states the following:

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. (Emphasis added)

In this regard, Greenogue Business Park is not identified as a Strategic Employment Development Area in the RSES and was not otherwise designated as a strategic employment area in the adopted Plan. Further, the lands are remote from high quality public transport, and the rezoning of further lands at this location would not be consistent with RPO 5.6. In relation to the potential for upgrades to the road network, TII's submission to the draft Direction advises that the issues raised in their submission to the Material Amendment 2.20 concur with those highlighted in the draft Ministerial Direction. The submission to the material alterations to the draft Plan refers to Section 2.7 (Development at National Road Interchanges or Junctions) in the National Roads Guidelines and the requirement that planning authorities must exercise particular care in their assessment of development plan proposals relating to the zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.

TII advises that planning authorities 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 concerns raised are, therefore, wider and more strategic in nature than upgrades to the road network that might reasonably be expected to facilitate the development of any individual lands.

Therefore, rezoning further EE lands at this location fails to have regard to the requirements of Section 2.7 (Development at National Road Interchanges or Junctions) in the National Roads Guidelines. The planning authority also fails to identify any or any adequate reasons for departing from these Guidelines.

In relation to public transport and Bus Connects, the Greenogue Business Park is currently served by a very limited bus service and is a 3 – 5 km walk from the Saggart LUAS stop. The subject lands are also removed from the 12 core bus corridors which will form part of Bus Connects.

Further, the village centres of Newcastle and Rathcoole are approximately 2 km from the College Road roundabout at Greenogue Business Park.

While it is acknowledged that there is a footpath from Greenogue Business Estate to the villages of Newcastle and Rathcoole / Saggart, a pedestrian must cross the R120 to access the footpath extending west to Newcastle, and a pedestrian walking to Rathcoole / Saggart must navigate a number of existing roundabouts. There are no cycle lanes on the R120.

Therefore, rezoning further EE lands at this location would not facilitate sustainable travel patterns consistent with RPO 5.3 that *'future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists'*.

In relation to the submission that reports from engineering consultants indicate that there is no flooding issue affecting the lands, the Office is required to have regard to the section 28 Guidelines Flood Guidelines and consider the findings of the SFRA as part of its assessment of the draft Plan and any material alterations to the draft plan. The SFRA identifies that the lands are at risk of flooding and recommends retaining the RU zoning. The CE Report notes that the zoning of the lands fails the Justification Test as described in Section 4.23 of the aforementioned guidelines.

The Office considers that the above points raised in the submissions received from the elected members do not provide an evidence-based justification to warrant an amendment to part 2(a) of the draft Direction.

Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of Part 2(a).

Part 2(b) – Amendment to land use zoning objectives regarding data centres

The Office is satisfied that the Chief Executive’s recommendation in respect of Part 2(a) is appropriate as it would reinstate Data Centres use class as an ‘open for consideration’ use class in the REGEN, EE and Major Retail Centre (MRC) zoning objectives.

As set out in the section 31(AM)(8) Notice issued to you by this office on 19th July 2022, the Chief Executive’s previous recommendation to elected members was to make the Plan without these amendments regarding data centres use class (Chief Executive’s Report on the Proposed Material Alterations Public Consultation, 23rd May 2022).

The statement of reasons for Part 2(b) in the draft Direction relates to consistency with RPO 8.25 in the RSES for the EMRA which promotes Ireland as a sustainable international destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations and the lack of an appropriate evidential basis to support making data centres a ‘not permitted’ use class across all zoning objectives in the Plan.

This approach is also not consistent with other policies / objectives in the Plan that support data centres at appropriate locations and subject to specific mitigation measures that address their environmental impacts.

The Office notes the submission of the IDA, which supports Part 2(b) of the draft Direction. In respect of IDA’s submission, the CE’s Report states

The submission expresses the view the amendments which are subject to the Draft Direction could be counterproductive as it could position the South Dublin Region and Country as a whole as hostile to new digital development into the future and beyond 2028. In considering data centre developments IDA Ireland emphasise the necessity of ‘considering the bigger picture’. Further data centre development offers the opportunity for Ireland to advance its world class leadership in digital technology.

The Office notes that a number of the reasons cited in the submissions are similar to the reasons given by the elected members for the decision to not comply with the

recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) Notice received from the planning authority, including:

- need to meet Carbon Emission Targets;
- EPA Report recognised the increased energy use caused by data centres and potential of not meeting carbon emission targets;
- need to ease pressure on water and electricity infrastructure;
- need to prioritise needs of residents and consider all national policy including climate change policies that Ireland has signed up to; and
- proposal is not a ban but a moratorium until 2028.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) Notice in response to those similar points raised again in submissions to the Chief Executive as summarised in the Report.

The additional reasons set out in the submissions opposing Part 2(b) of the draft Direction are summarised as follows:

- implications for the national grid and the increased risk of power black outs;
- implications for Ireland's ability to achieve its targets in the *Climate Action Plan 2021*;
- proliferation of data centre developments in the South Dublin County Council area;
- the use class in the REGEN, Enterprise & Employment (EE) and Major Retail Centre (MRC) zoning objectives are not appropriate for data centre development. A separate zoning objective for data centres should be considered;
- difficulty in addressing the criteria in the updated Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy;
- the moratorium on further data centres is consistent with other national policies e.g. NPO 54 in relation to meeting our carbon emissions targets and

objectives of the Plan which promote a responsible use of resources such as water;

- there is evidence from the EPA and academics that provides an evidence base to support the moratorium on data centres; and
- the subject of the draft Direction is outside the powers of the OPR and a misuse of material direction powers to support big tech.

The Office remains of the view that the adopted Plan with the prohibition removed contains an appropriate balance between policies / objectives that support data centre development in appropriate locations, mitigate against environmental impacts, and that they sit within the context of an overall Plan that supports climate change initiatives and emissions reductions in respect of renewable energy generation and promotion of sustainable transport.

The Office does not accept with the point that NPO 54 supersedes RPO 8.25 since RPO 8.25 emanates from NSO 5 - *A Strong Economy Supported by Enterprise, Innovation and Skills* of the NPF which supports Digital and Data Innovation and data centres in Ireland.

In respect of the point made that data centres should have a specific zoning objective, the Office does not consider that there is any policy or legislative basis for a specific zoning objective. The Office concurs with the CE that the approach in the Plan to introduce a data centres use class which is only 'open for consideration' in a limited number of employment zonings provides very clear guidance on where they are permitted, open for consideration or not permitted.

The Office has taken account of the updated Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy and the principles for data centre development contained therein. Further, it is considered that Policy EDE7, EDE7 Objectives 1, 2 and 3 and Policy E5: Low Carbon District Heating Networks of the adopted Plan are generally supportive of the Government's statement on data centres.

The Office considers that the development of data centres in the context of Ireland's legal commitments for reductions in greenhouse gas emissions as set out in the *Climate Action Plan 2021* is a national and regional policy issue rather than a local

policy issue and that the relevant national and regional policies have been taken into account by the Office in its recommendation to the Minister.

In relation to the alleged misuse of the material direction process by the Office, the Office does not agree with this assertion and is satisfied that it has exercised its functions lawfully and in a bona fide manner having regard to the relevant statutory and policy consideration in making its recommendation to the Minister.

Similarly, the implications for the national grid and the need for a moratorium on data centres are also matters to be considered through national and regional policies rather than a decision to be taken unilaterally by any individual planning authority contrary to the relevant national and regional policy.

The Office considers that the above points raised in the submissions received from the elected members do not provide an evidence-based justification to warrant an amendment to part 2(b) of the Draft Direction.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b).

Recommendation

In light of the above and for the reasons given in our notice letter of 19th July 2022, the Office remains of the view, as set out in the 31(AM)(8) notice, that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

Having regard to section 31AN(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the direction with minor amendments to update references to the adopted Plan (tables 12.4, 12.8 and 12.10) and to better reflect the wording of the statutory framework. The minor amendments are identified in red for ease of reference.

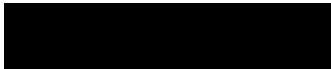
Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,

A handwritten signature in black ink that reads "Niall Cussen". The signature is written in a cursive style and is placed on a light grey rectangular background.

Niall Cussen

Planning Regulator



DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

South Dublin County Development Plan 2022-2028

“Development Plan” means the South Dublin County Development Plan 2022-2028

“Planning Authority” means South Dublin County Council

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended) ("the Act"), 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 Act, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (South Dublin County Development Plan 2022-2028) Direction 2022.

(2) The Planning Authority is hereby directed to take the following steps:

- a. Omit the Enterprise and Employment zoning and the specific local objective which requires site-specific flood alleviation measures introduced as Material Amendments 2.20 and 9.4 from the lands to the north and east of the existing Greenogue Business Park and retain the Rural RU zoning objective.

- b. Amend the land use zoning objectives in tables 12.4 ~~13.4~~, 12.8 ~~13.8~~ and 12.10 ~~13.10~~ to reinstate data centre use class as an 'open for consideration' use class in the REGEN, Enterprise & Employment (EE) and Major Retail Centre (MRC) zoning objectives.

STATEMENT OF REASONS

I. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes material amendments to the draft Plan, which are not consistent with national and regional planning policy and the proper planning and sustainable development of the area, including:

- a. Land zoned for enterprise and employment development at a peripheral location at Greenogue Business Park (Material Amendment 2.20, which is also facilitated by Material Amendment 9.4), is remote from high quality public transport and outside the designated strategic employment development areas identified in the RSES for the Dublin Metropolitan Area inconsistent with the requirements for compact growth in National Strategic Outcome 1 and National Planning Objective NPO11 to generate jobs within existing cities, towns and villages, as well as the sequential approach and planning for future development of employment lands in a manner that facilitates sustainable transport patterns consistent with Regional Policy Objectives 5.3 and 5.6 in the RSES.
- b. Changes to land use zoning objectives for REGEN, Major Retail Centre and Enterprise and Employment (Material Amendments 13.1, 13.2 and 13.3) which make data centre use class a 'not permitted' use class across all zoning objectives in the Plan inconsistent with Regional Policy Objective 8.25 in the RSES for the EMRA which promotes Ireland as a sustainable international

destination for ICT infrastructures such as data centres and associated economic activities at appropriate locations and lacks an appropriate evidential basis.

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

The Development Plan fails to show how the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Planning Framework and RSES, as required by Section 10(1A) and Section 10(2A)(a) of the Act ~~when read in conjunction with Section 12(18) of the Act.~~

III. Pursuant to section 31(1)(c)

The South Dublin County Development Plan 2022 – 2028 does not include a strategy for employment development to inform Material Amendments 2.20 and 9.4 which has regard to the Ministerial Guidelines issued under Section 28 of the Act, specifically Section 6.2.5 (zoning for employment uses) in the *Development Plans, Guidelines for Planning Authorities (2022)*, Section 2.7 (Development at National Road Interchanges or Junctions) in the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, and Section 3 (Principles and key mechanisms – Justification Test) of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*.

IV. Pursuant to section 31(1)(c)

The Development Plan fails to identify proper or adequate reasons for departing from Section 6.2.5 (zoning for employment uses) in the *Development Plans, Guidelines for Planning Authorities (2022)*,

Section 2.7 (Development at National Road Interchanges or Junctions) in the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and Section 3 (Principles and key mechanisms – Justification Test) of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* consistent with ~~the presence of an overall strategy for~~ the proper planning and sustainable development of the area.

V. Pursuant to section 31(1)(a)(i)(II)

The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under Section 31AM which results in the making of a Development Plan that fails to set out an overall strategy for the proper planning and sustainable development of the area.

VI. By virtue of the matters set out at I-V above, the Minister is of the opinion that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

VII. By virtue of the matters set out at I to VI, above, the Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of Month, year.