



Office of the Planning Regulator

Quarter 2 of 2022

Activity Report



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

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Introduction

This is the tenth of a series of quarterly activity reports that the Office of the Planning Regulator (the OPR) will publish on its website as an overview of the nature and extent of its functions across its statutory mandate. These are:

- (i) evaluation of the statutory plans of the local government system;
- (ii) reviews and examinations of local authority systems and procedures used in the delivery of planning services to the public; and
- (iii) undertaking programmes relating to training, education, research and public awareness in relation to the benefits of planning.



Evaluation of Statutory Plans

Notification of Consultations on Statutory Plans

In Q2 of 2022, 15 consultations on statutory plans opened for public consultation.

Planning authorities are required to notify the OPR at specified stages of the plan making process, such as when a public consultation is launched. Table 1 sets out a breakdown of notifications received by the OPR of consultations on statutory plans by plan-type. In Q2 of 2022, the majority of notifications received by the OPR related to material alterations to draft plan.

Table 1: Notification of Consultations on Statutory Plans

Issues Papers for City/County Development Plans:	
<ul style="list-style-type: none"> Donegal County Council 	1
Material Alterations to Draft City/County Development Plans:	
<ul style="list-style-type: none"> Cork City Council Tipperary County Council Wexford County Council Wicklow County Council Kerry County Council 	5
Variation to County/City Development Plans:	
<ul style="list-style-type: none"> Louth County Council (Variation No. 1 to the Louth County Development Plan 2021-2027) Donegal County Council (Variation No.2 to the Donegal County Development Plan 2018-2025) 	2
Issues Papers for Local Area Plans:	
<ul style="list-style-type: none"> Offaly County Council (Issues Paper for the Birr Local Area Plan 2023-2029) Roscommon County Council (Issues Paper for the Boyle Local Area Plan 2023-2029, Issues Paper for the Roscommon Town Local Area Plan 2023-2029) 	3
Draft Local Area Plans:	
<ul style="list-style-type: none"> Limerick City & County Council (Rathkeale Local Area Plan 2023-2029) 	1
Revocation of Local Area Plans:	
<ul style="list-style-type: none"> Limerick City & County Council (Castletroy Local Area Plan 2019-2025, Kilfinane Local Area Plan 2012-2017 [as extended], Southern Environs Local Area Plan 2021-2027) 	3
Total	15

OPR Submissions on Statutory Plans

OPR submissions on statutory plans may include recommendations and/or observations.

Recommendations issued by the OPR relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28 of the Act. The local authority is required to implement or address recommendation(s) made by the OPR in order to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation may lead to the issuing of a Ministerial Direction under section 31 of the Act.

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

A submission may also include advice on matters that the OPR considers would contribute positively to the proper planning and sustainable development of the area. The OPR requests that local authorities give full consideration to any advice contained in a submission.

The OPR made 19 submissions to local authorities in Q2 2022. These submissions were in relation to:

Table 2: Submissions on Statutory Plans

Issues Paper for City/County Development Plans:	
<ul style="list-style-type: none"> Donegal County Council 	1
Draft City/County Development Plans:	
<ul style="list-style-type: none"> Galway City Council Leitrim County Council Fingal County Council Kildare County Council 	4
Material Amendments to City/County Development Plans:	
<ul style="list-style-type: none"> Waterford City & County Council Cavan County Council Limerick City & County Council Mayo County Council South Dublin County Council Cork City Council Tipperary County Council Wexford County Council Wicklow County Council Kerry County Council 	10

Variation to County/City Development Plans: <ul style="list-style-type: none"> Louth County Council (Variation No. 1 to the Louth County Development Plan 2021-2027) Donegal County Council (Variation No.2 to the Donegal County Development Plan 2018-2025) 	2
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> Offaly County Council (Issues Paper for the Birr Local Area Plan 2023-2029) 	1
Material Alterations to Draft Local Area Plans: <ul style="list-style-type: none"> Galway County Council (Material Alterations to the Draft Ballinasloe Local Area Plan 2022-2028) 	1
Total	19

OPR submissions during Q2 2022 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.

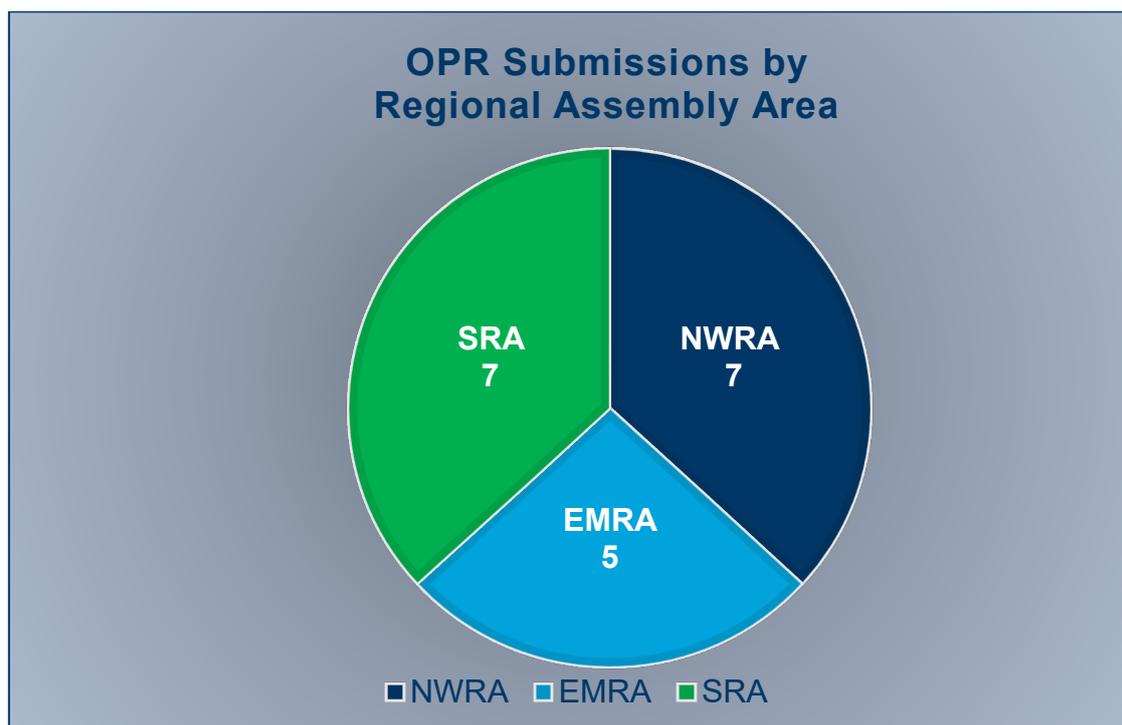


Figure 1: OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations

Table 3 sets out the number of observations and recommendations contained in each submission. It should be noted that, due to the strategic nature of issues papers, the OPR does not make formal observations or recommendations in respect of issues papers. Strategic advice and/or guidance is offered instead.

Table 3: OPR Submissions			
	Submissions (number)	Observations (number)	Recommendations (number)
Issues Papers for Draft County Papers Development Plans	2	-	-
Draft Development Plans	4	24	54
Material Alternations to Draft Development Plans	10	19	60
Variations to County/City Development Plans	2	1	3
Material Alterations to Draft Local Area Plans	1	2	2
Total	19	46	119

The following are some of the key themes evident in the recommendations and observations in the OPR's submissions in Q2:

- **Section 28 guidelines:** wind energy, flood risk, spatial planning and national roads, building heights, apartment development, rural housing, and implementation of Specific Planning Policy Requirements.
- **Legislative requirements:** core strategy under section 10(2A); climate actions under section 10(2)(n); and co-ordination of objectives between adjoining planning authorities under section 9(4).
- **Hierarchy of plans:** alignment with National Planning Framework population projections and settlement hierarchy, implementation of compact growth, regeneration of towns and villages, application of the tiered approach to zoning, alignment with the relevant regional spatial and economic strategy, and the integration of land use and transport plans.

OPR Recommendations and Observations: Legislative Categories

The evaluation and assessment of plans considers the following legislative and policy matters:

- Consistency with the National Planning Framework (NPF);
- Consistency with the relevant Regional Spatial and Economic Strategy (RSES);
- Consistency with the relevant Development Plan (DP);

- Relevant guidelines for planning authorities made under section 28 of the Planning and Development Act 2000, as amended (the Act), including consistency with specific planning policy requirements (SPPR) specified in those guidelines;
- Consistency with the NTA Transport Strategy (if in the Greater Dublin Area);
- Consistency with the legislative provisions for statutory plans as provided for under the Act;
- Consistency with legislative provisions in relation to Climate Action.

In Q2 2022, consistency with the hierarchy of statutory plans, legislative provisions, and policy matters in planning guidelines were the basis of the recommendations and observations made in the OPR's 15 submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Across all recommendations and observations issued in Q2 2022, the most common themes emerging were core strategy, settlement hierarchy, compact growth, national roads and renewable energy.

Table 4: OPR Recommendations	Number
Consistency with NPF	78
Consistency with RSES	47
Consistency with DP	0
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	81
Consistency with Legislative Provisions	45
Consistency with Legislative Provisions re Climate Change	5
Other	0
Total	257

Table 5: OPR Observations	Number
Consistency with NPF	7
Consistency with RSES	2
Consistency with DP	1
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	20
Consistency with Legislative Provisions	7
Consistency with Legislative Provisions re Climate Change	3
Other	14
Total	54

Adopted Plans - Outcome of OPR Submissions

Ten county development plans were adopted by planning authorities in Q2 2022, listed chronologically by adoption below;

- Cork County Development Plan 2022-2028
- Galway County Development Plan 2022-2028
- Carlow County Development Plan 2022-2028

- Cavan County Development Plan 2022-2028
- Waterford City & County Development Plan 2022-2028
- Wexford County Development Plan 2022-2028
- Limerick Development Plan 2022-2028
- South Dublin County Development Plan 2022-2028
- Cork City Development Plan 2022-2028
- Mayo County Development Plan 2022-2028

In addition, the Ballinasloe Local Area Plan 2022-2028 was adopted by Galway County Council.

The Office made 12 recommendations on the Carlow County Development Plan 2022-2028 and 21 on the Cavan County Development Plan 2022-2028 at draft and material alterations (MA) stage, all of which were satisfactorily addressed. The OPR's assessment of the recommendations made at the draft and MAs stage of the adopted Waterford City & County, Wexford County, Limerick, South Dublin County, Cork City and Mayo County Development Plans were ongoing at the end of Q2.

The outcome of the OPR's review of recommendations to adopted plans are detailed in Table 6 and Table 7 below: Table 6 details the adopted plans where the OPR's recommendations were satisfactorily addressed. Table 7 details the adopted plans where the OPR's recommendations were not satisfactorily addressed.

Table 6: Adopted Plans – Outcome of OPR Submissions: Recommendations satisfactorily addressed

Plan	Local Authority	Recommendation Issued	Outcome
Carlow County Development Plan 2022-2028	Carlow County Council	Yes (12)	Recommendations satisfactorily addressed
Cavan County Development Plan 2022-2028	Cavan County Council	Yes (21)	Recommendations satisfactorily addressed

Table 7: Adopted Plans – Outcome of OPR Submissions: Recommendations not all satisfactorily addressed

Plan	Local Authority	Recommendation Issued	Outcome
Cork County Development Plan 2022-2028	Cork County Council	Yes (17)	3 Recommendations not satisfactorily addressed
Galway County Development Plan 2022-2028	Galway County Council	Yes (27)	10 Recommendations not satisfactorily addressed

Draft Directions

Further to section 31AM of the Act, where the OPR is of the opinion that a plan has been made in a way that is not consistent with any recommendations made by the OPR, or that the plan has been made in a manner which fails to set out an overall strategy for the proper planning and sustainable development of the area concerned, the OPR may deem that it is merited for the Minister to issue a direction.

In Q2 2022, the OPR issued three proposed draft of directions to the Minister in respect of the Dún Laoghaire-Rathdown, Cork and Galway County Development Plans 2022-2028*. Following from this, the Minister issued Draft Directions to the three authorities above in April, May and June 2022 respectively. The statutory process in relation to a decision on the adopted plan remains ongoing. The OPR's proposed draft directions are available on the OPR website: <https://www.opr.ie/recommendations-made-by-the-opr-to-the-minister/>.

Extension to Development Plan Reviews Process

The Planning and Development (Amendment)(No.3) Act 2021 provides local authorities with a mechanism to request an extension to the development plan review process of up to one year. This Amendment was introduced in response to the disruption caused by Covid, particularly the delays which may have occurred due to Government restrictions. The mechanism allows local authorities to seek additional time for the preparation of development plans. However, this is subject to the requirement to carry out certain environmental assessments.

In Q2 2022, the OPR assessed one proposed extension to development plans: the proposed extension to the Leitrim County Development Plan 2015-2021.

Other related activity

- GIS modelling was leveraged for the technical evaluation of draft development plans in relation to renewable energy policy proposals. Providing this critical evidence base enabled the OPR to make submissions on draft development plans and directions on adopted development plans grounded in evidence.
- In May 2022, the OPR launched its improved interactive dashboard for statutory plans. The new dashboard allows stakeholders and members of the public to view submissions issued by the Office filtered by year and plan type. It also expands the remit of the previous interactive map to include adoption letters and proposed draft directions issued to the Minister issued under Section 31AM(8) of the Act. This user-friendly, intuitive tool is key to improving access to information relating to the plan-making process, and to encouraging communities and members of the public to engage in public consultation processes in this regard.



Reviews and Examinations

Case Handling

Cases activity

The OPR provides a service to the public in relation to a variety of planning-related case types including queries or general information requests, submissions on aspects of the operation of the planning process, and complaints about the delivery of planning services.

During Q2, a total of 65 cases were received and 54 cases were closed by the OPR, detailed by month in figure 2.

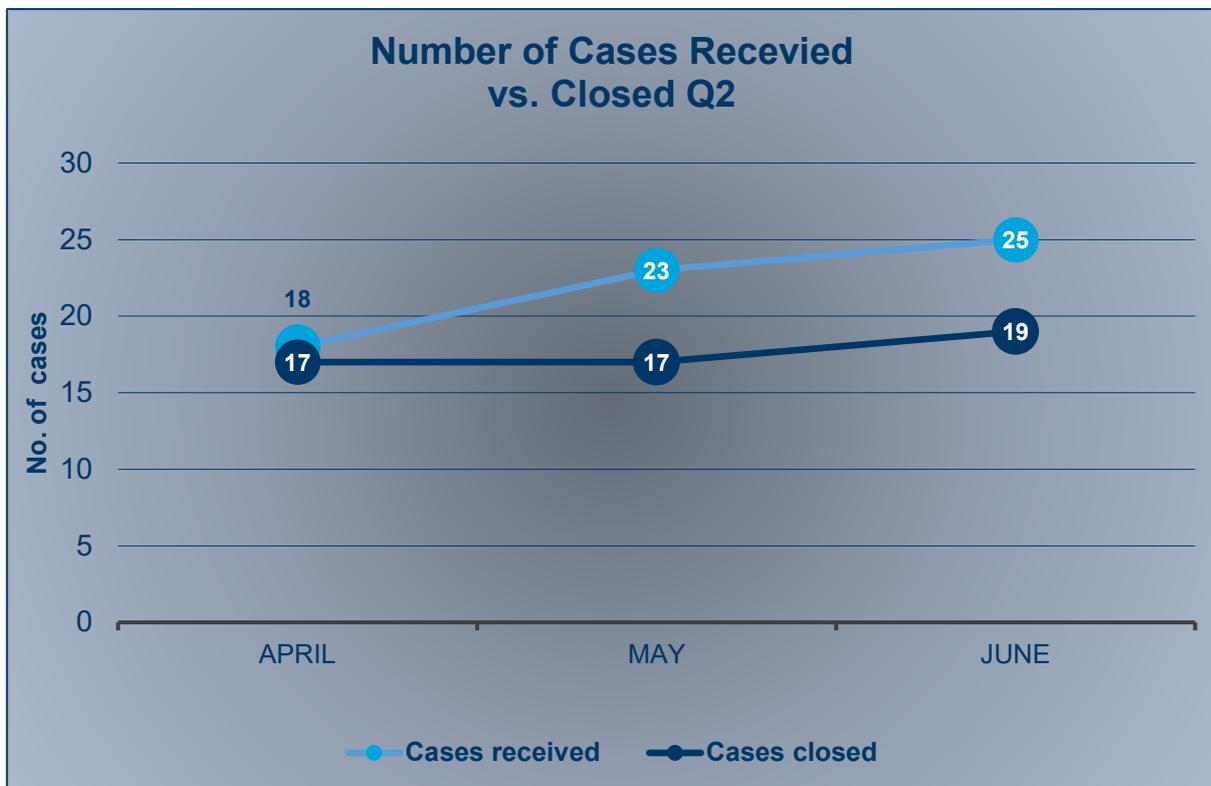


Figure 2: Number of Cases Received vs. Closed Q2

The 54 cases closed in Q2 are as follows:

- 21 complaints
- 19 queries (including two Oireachtas queries)
- 14 submissions

While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail.

Often, especially with regard to complaints, the processing of cases requires engaging in a series of correspondence with the customer and/or the relevant local authority. This is demonstrated by the fact that the 54 cases closed in Q2 are estimated to have taken approximately 340 working hours to process.

While a broad range of themes arose in the OPR's case handling during Q2, a number of dominant themes prevailed. Cases relating to submissions on statutory plans (with public consultations), technical/statutory enquiries, individual planning applications, enforcement/unauthorised development and exempted development were the most common singular themes.

The theme titled 'other' includes a variety of issues such as local authority own-development ('Part 8' development), planning conditions, online planning services, legal/ownership issues, and a range of other planning-related issues.



Figure 3: Case Types

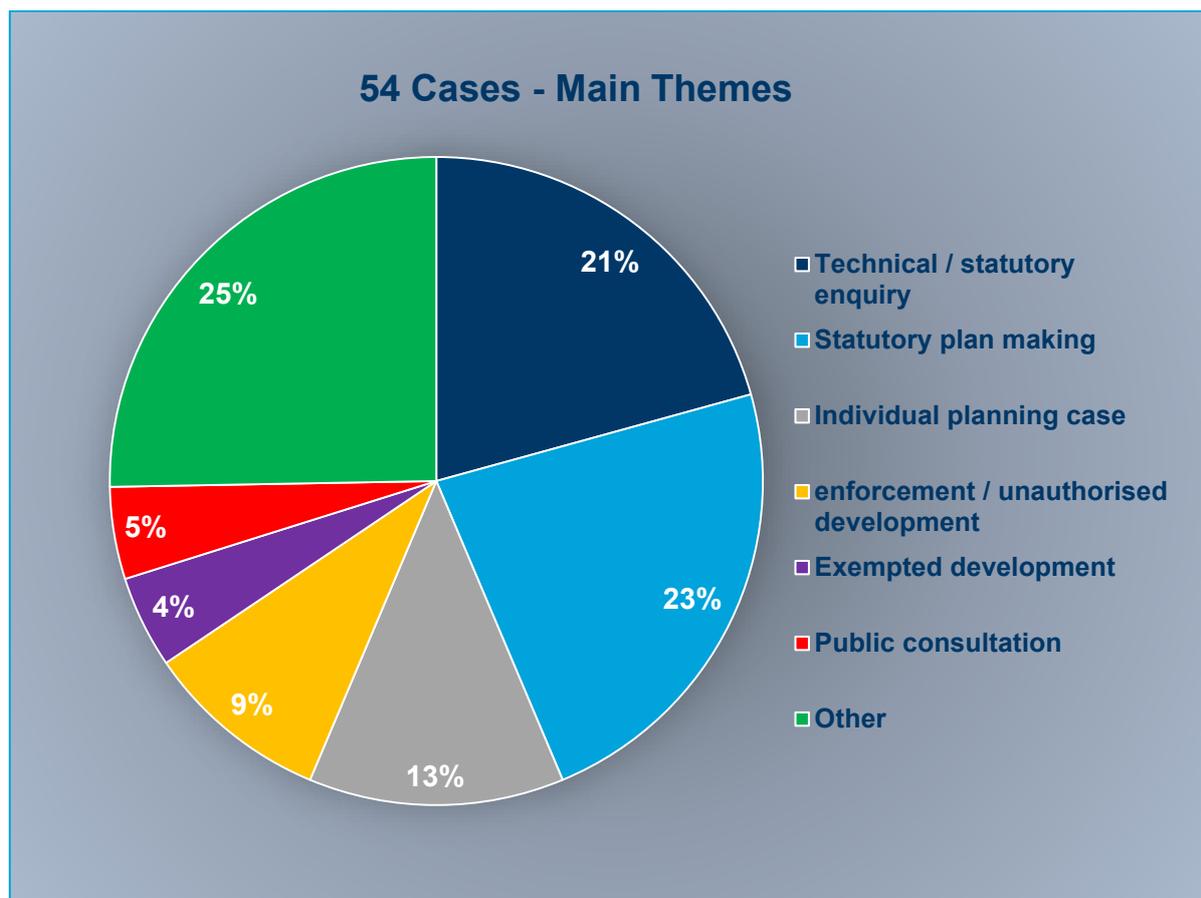


Figure 4: OPR Cases-Main Themes

Complaints

The statutory provisions are precise with regard to the types of complaints that fall within the OPR's remit to examine. For a complaint to be considered examinable under the legislation, it must relate to the organisation of the local authority and of the systems and procedures used by it in the performance of its planning functions.

With regard to the 21 complaints closed during Q2, 19 of these complaints did not reach the legislative threshold for preliminary examination as they were not based on procedural or systemic matters.

The OPR gave preliminary examination to the remaining two complaints (9.5%) These complaints were not upheld as it was found that the relevant local authorities had appropriate systems and procedures in place in relation to the issues raised.

Planning Authority Reviews

Pilot Phase

The OPR's programme of planning reviews advanced well during Q2. The final review included in the pilot phase of the programme, of Kildare County Council, progressed during Q2 and it is anticipated that this review will conclude early in Q3.

Phase 2

The OPR finalised its internal evaluation of the pilot phase of the reviews programme and identified procedural enhancements for the conduct of reviews going forward. Subsequently, the OPR announced in April the second phase of the reviews programme to include Waterford City & County Council, Offaly County Council, Meath County Council and South Dublin County Council. The second phase of the programme will also include the initiation of a general review of An Bord Pleanála on a modular basis.

Further information is available on the OPR website at: <https://www.opr.ie/update-on-next-phase-of-opr-planning-reviews-programme/>

During Q2, the OPR initiated its reviews of Waterford City & County Council and Offaly County Council, both of which are advancing with positive engagement with each authority.

Further to the above announcement, given a number of public concerns raised recently in relation to certain processes followed by An Bord Pleanála in the delivery of its functions, the OPR indicated its intention to initiate a focused review, in advance of the more general review to commence in 2023, of certain aspects of the An Bord Pleanála's functioning¹. During Q2, the OPR prepared arrangements for the conduct of such a review and it is anticipated that further details will be confirmed in early Q3.

¹ <https://www.opr.ie/opr-update-on-matters-concerning-an-bord-pleanala/>

Research, Education, Training and Public Awareness



Councillor Training Initiative

In Q2 the OPR, in conjunction with the Association of Irish Local Government (AILG), continued to roll-out planning training for local authority elected members. The first in-person training events in over two years were delivered in Athlone and Castlecomer in June.

The training entitled *'Finalising your Development Plan: Key Steps and Requirements from the Development Plan Guidelines'* dealt with:

- Development Plan Preparation and the Ministerial Guidelines for Planning Authorities; *and*
- Learnings from the OPR's Evaluation of Development Plans.

The presentations were delivered by Pauline Riordan and Colin Fulcher, Planning Advisers with the National and Regional Urban Planning Policy Division of the Department of Housing, Local Government and Heritage (DHLGH) and Niall Cussen, the Planning Regulator. The presentations were followed by a Q&A session. The recording of the Athlone session has been made available on the OPR's website.



**Pauline Riordan, DHLGH and Cllr
Nicholas Crossan, President, AILG**

In Q2 the OPR also delivered a presentation to the Eastern and Midland Regional Assembly (EMRA) to raise awareness of the various planning training opportunities that are available for elected members including recordings of previous training events; details of upcoming in-person events and webinars; and information in relation to online resources.

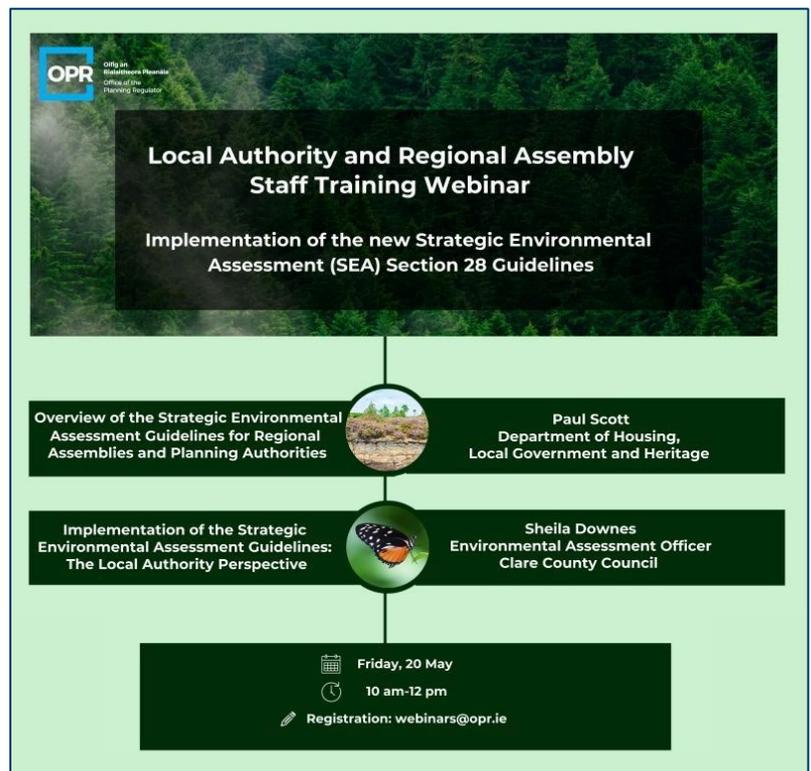
At the request of the Chair of EMRA, the OPR commenced work in Q2 on the preparation of a short video for elected members setting out the statutory timeline and procedures associated with the Part 8 consultation and consent process for Local Authority Own Developments. This video will be recorded and published on the OPR website as a training resource for elected members early in Q3.

Local Authority and Regional Assembly Staff Training

In Q2 the OPR delivered a webinar for local authority and regional assembly staff on the *'Implementation of the new Strategic Environmental Assessment (SEA) Section 28 Guidelines'*. Presentations were delivered by Paul Scott, former Environmental Planning Manager with the EU and International Planning Regulation Unit of the DHLGH and Sheila Downes, Environmental Assessment Officer with Clare County Council. The presentations provided an overview of the SEA Guidelines for Regional Assemblies and Planning Authorities and gave an insight as to how the guidelines are being implemented from a local authority perspective.

Work was advanced throughout Q2 on the drafting of the sectoral Learning and Development Strategy for local authority and regional assembly planning staff.

The final draft of the Strategy Paper was issued to the Planning Division of the Department of Housing, Local Government and Heritage and the Chair of the Housing, Building and Land Use Committee of the CCMA at the end of Q2. It is envisaged that the Strategy Paper will be approved by the CCMA Executive early in Q3 and thereafter it will be formally submitted to the Minister and the Department.



National Planning Knowledge Group

The ninth meeting of the National Planning Knowledge Group (NPKG) was held in May as part of which the OPR provided an update on the work that has been advanced under the Strategic Planning Research Programme and highlighted the fact that a review is being undertaken of the Programme. The OPR invited the NPKG to propose suggestions on future research projects and/or partnerships.

OPR Research Output

During Q2, consistent with the Planning Research Framework, the OPR advanced work on a number of research projects within the Strategic Planning Research Programme.

Strand One (Planning Issues) Projects

The International Centre for Local and Regional Development (ICLRD) advanced work on the 'InPLACE Project' in Q2 with Phase 1 interim report now nearing completion.

In Q2 the OPR participated in a steering committee of the co-founded EPA-DAFM (Department of Agriculture, Food and the Marine) research project on reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit '*Reframe*'. The three scenario planning pilot areas agreed by the steering committee include: East County Galway/Midlands, Wicklow/South Dublin and Youghal, East Cork/Waterford. The project team will proceed to develop the toolkit in Q3.

Consistent with the Strategic Planning Research Programme work was advanced in Q2 on the brownfield land activation research project. Work will be advanced on this project throughout Q3 and Q4.

Strand Two (Planning Performance) Projects

In Q2, under Strand Two (Planning Performance), Case Study Paper CSP06 – ‘*Planning Application Processing: An Analysis of Planning Authority Validation Processes*’ was published. The learnings and good practice identified in the report aim to stimulate thinking about how better to manage the validation process.

Also during Q2, the OPR’s ‘Review of the Part 8 Process’ was completed and focussed on the practical aspects of the operation of the Part 8 process. The OPR intends that a future case study paper or practice note may be developed on foot of this work following the publication of the currently ongoing review of the planning legislation.

The first steering committee meeting of the OPR-EPA funded project dealing with ‘*Public Participation and Performance Criteria in Strategic Environmental Assessment (SEA)*’ was held in Q2. Further work on this project including interviews, literature reviews and preparation of a newsletter will progress in Q3.

Strand Three (Planning Practice) Projects

In Q2 work was undertaken on the ‘Planning Conditions’ research project. A draft of the practice note, associated legal digest and conditions compendium was finalised and it is envisaged that the practice note will be finalised and published in Q3.

Work was also undertaken in Q2 on updates to the OPR’s Practice Note PN01 and PN02 taking account of recent amendments to legislation relating to Section 42 (extension of duration).

Public Awareness Initiatives

Eco Eye Episodes

Following the success of the OPR’s sponsorship of a number of episodes of Eco Eye in 2019-2021, the OPR engaged with the producers, Earth Horizon Productions Limited, with a view to contributing to the production of further episodes of Eco Eye in 2022. While the OPR will no longer sponsor specific episodes of Eco Eye due to a change in the producers’ funding model, it is expected that the series will continue to promote the awareness of good planning and sustainable development and the OPR will continue to engage with the producers in relation to same.

Additions to the OPR Website

A new Calendar of Events feature was launched in Q2 within the training page of the OPR website. This provides easy access to information on forthcoming training events and will be regularly updated.

Environmental Sensitivity Mapping (ESM) Webtool Workshop

In Q2 the OPR continued to support the ESM webtool team in the delivery of training workshops on how to effectively use the webtool to support and inform environmental assessment. A workshop was delivered in May for environmental NGO representatives. The OPR also participated in the ESM Steering Committee Meeting in June.



Communications and Stakeholder Engagement

Stakeholder Engagement

The OPR held 9 meetings with local authorities in relation to their plan-making functions in Q2 2022. These meetings were with planning officials from Clare, Cork City, Laois, Longford, Mayo and Wicklow County Councils. In addition, the Office sent representatives to Fingal County Council for an in-person meeting to discuss the ongoing development plan process with authority officials.

Also in Q2, the OPR hosted two meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans.

Communications

Irish Planning Institute (IPI) Conference

We had an exhibition and information stand at the IPI annual conference ‘Planning for Climate’ held in Kilkenny from 7th – 8th April 2022. The purpose was to promote the OPR and improve understanding of the organisation among attendees.

Good Planning in Practice

We developed a Good Planning in Practice section on the home page of our website. This is to promote and highlight examples of good planning and sustainable development throughout the country.

Specific projects relate to:

[Vibrant Liveable Environments](#),
[Brownfield Regeneration](#),
[Covid Response-Creating Outdoor Space](#),
[Compact Housing](#), and
[Urban Rejuvenation](#)

Media Engagement

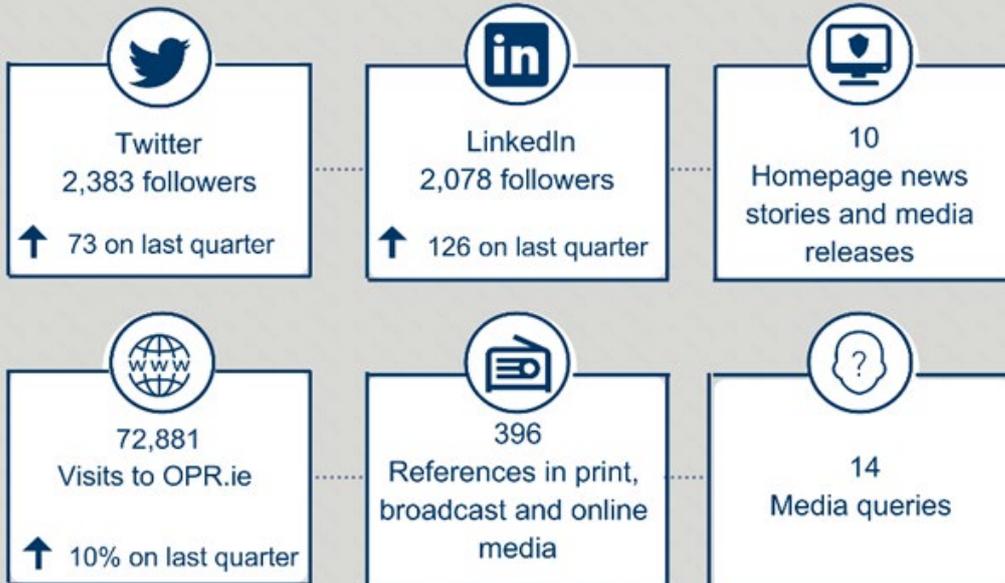
Media engagement continued with several interactions with national, print and broadcast media. There was significant interest in national print media including the Irish Times, Irish Independent in the OPR’s submission on the Dublin City Council Development Plan.

We also issued media releases on:

- OPR Case Study Paper CSP06, Planning Application Processing: An Analysis of Planning Authority Validation Processes
- Update on Next Phase of OPR Planning Reviews Programme
- Local Authority Planning Performance Review for Roscommon County Council

This generated significant coverage in the Irish Independent, RTE, Irish Times, Irish Independent, planning publications as well as several local media outlets.

Media dashboard Q2 2022





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