



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator



# Annual Report 2021



**Oifig an  
Rialaitheora Pleanála**  
Office of the  
Planning Regulator





Dublin Docklands

## Declaration

This Annual Report for the year ended 31 December 2021 is made to the Minister for Housing, Local Government and Heritage ('the Minister') and to the Houses of the Oireachtas in accordance with section 31AH of the Planning and Development Act 2000, as amended ('the Act').



Waterford, Greenway

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# List of Acronyms

**ABP:** An Bord Pleanála

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**AILG:** Association of Irish Local Government

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**CCMA:** County and City Management Association

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**CSP:** Case Study Paper

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**DHLGH:** Department of Housing, Local Government and Heritage

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**EMRA:** Eastern and Midland Regional Assembly

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**EPA:** Environmental Protection Agency

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**GIS:** Geographic Information System

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**LAP:** Local Area Plan

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**LGMA:** Local Government Management Agency

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**NWRA:** Northern and Western Regional Assembly

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**NTA:** National Transport Authority

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**NPF:** National Planning Framework

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**OPR:** Office of the Planning Regulator

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**SRA:** Southern Regional Assembly

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**The Act:** The Planning and Development Act 2000, as amended

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**The Minister:** Minister for Housing, Local Government and Heritage

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# 2021: At a Glance

46



**Local authority statutory plan stages** assessed and submissions prepared

266



**Recommendations** issued

3

**Recommendations** for proposed draft directions to the Minister

199



**Observations** issued

255



**Cases opened** in relation to planning issues raised by the public

101



**Complaints received** in relation to planning matters

21

**Preliminary examinations** conducted



3

**Local authority reviews** carried out



459

Local authority and regional assembly staff **registered for training events**

8



**Training events** delivered for local authority members

1,264



**Elected members registered** for training webinars



Wexford Town



**Niall Cussen**  
Planning Regulator

## Introduction from the Planning Regulator

**Thank you for taking the time to read this annual report of the work of the Office of the Planning Regulator, (OPR) in 2021. I hope you find it informative.**

We have adjusted the format of the report for 2021 dividing it into two publications. This report provides an overview of our direct activities and statutory functions and details how we fulfilled our statutory obligations.

This will be followed in the autumn by publication of an overview and analysis of key planning statistics and indicators, some of which traditionally only become available by summer. This publication will also include a commentary on the key planning trends and issues they signal.

Very much like 2020, 2021 witnessed continued challenges for us all due to the Covid pandemic.

Ireland's planning process plays a crucial role in preparing for an increasingly uncertain future. While it too was impacted hugely by the pandemic, work continued in new ways, preparing plans, assessing and progressing many complex and difficult projects and taking steps to uphold planning requirements.

Again, great credit is due to our staff and those working in the wider planning process across Government, local authorities and An Bord Pleanála (ABP), who maintained those essential public services and processes for citizens.

In the midst of the uncertainties and challenges we all have had to face including Brexit, the pandemic, climate and biodiversity crises, we are also playing our part in dealing with an unprecedented influx of people due to conflict in Europe.

Our planning process is therefore even more important because of these factors.

We have the benefit in Ireland of increasingly co-ordinated national, regional and local planning strategies and development plans. It is our job to make sure that this hierarchy of plans is coherent so that when citizens need infrastructure, access to services or protection from hazards such as flooding, the planning process will be considered effective.

It is also notable that the very nature of addressing these challenging crises has encouraged much more substantive engagement and conversation around the shape of our country, its communities and local areas.

## Our Work in 2021

### Overseeing Local Authority Development Plans

The development plan for your area is one of the most important influences of planning outcomes for your community. Many planning debates at community level regarding whether a particular project is suitable for a given location take hold at the planning application stage.

This is despite the fact that both the principle and details of the development of such projects are often settled through the development plan process, often not attracting much public interest. This is why early engagement with the development plan is so important.

One of our key jobs is to assess how they fit together nationally and regionally and respond to wider planning objectives like avoiding urban sprawl, ensuring that development is co-ordinated, the provision of physical and community infrastructure, avoiding flood risk and so on.

The process of making development plans is multi-staged, allowing for public consultation and amendments to respond to submissions from public bodies (for example infrastructure providers) and members of the wider community. The OPR carries out an assessment and makes a submission, which includes recommendations and observations, to the local authority at each stage in the process.

Of the 17 plans adopted by local authorities in 2021 and which were assessed by the OPR, four did not require any recommendations. Of the 13 plans where recommendations issued, ten local authorities satisfactorily addressed these.

Unfortunately, three local authorities failed to satisfactorily address our recommendations in relation to implementing important strategic planning policies relating to climate action, avoiding urban sprawl and protecting our environment.

In these cases, we recommended that the Minister for Local Government and Planning use statutory powers to direct the relevant local authorities to comply with these policies, which the Minister supported.

There is often good scope for local authorities to address our recommendations in various ways and we listen carefully to those arguments that often reflect local knowledge and issues. While we respect the local democratic process, local authorities must also respect their and our legal obligations to uphold strategic planning aims. And where local authorities put forward good proposals to meet strategic requirements that might offer reasonable alternatives to our recommendations, we are often happy to accept those.

Acceptance and implementation of our recommendations is therefore the general pattern we observe and is an example of the OPR and local authorities working together for the benefit of proper planning for communities and upholding public confidence in the planning process.

The local authority development plan that best serves communities is the one with a clear vision, that is strong on implementation and that is coherent with neighbouring local authorities and wider planning and public policies.

A plan that targets future population growth along public transport networks, where schools and infrastructure exist, is a plan that will deliver for people and their places. Plans based on aspirations that infrastructure might be provided at some future point, is a plan that will not deliver for people.

Where plans are not consistent with the wider planning objectives and policies that Government has set out in all our interests, it is then our role to ensure that the planning process is coherent.

While this can give rise to local controversies and comment, we have a statutory mandate to uphold the principles of proper planning and sustainable development, and we will continue to do so.

## Overseeing Planning Authority Practices

2021 was a very significant year for us and local authorities because of the commencement of our programme of reviews of the systems and procedures used by them in their statutory planning functions.

Not since the commencement of national planning legislation in 1964 has there been such an oversight and review process as part of a regular annual programme.

Our approach and ethic in conducting the reviews is one that is focused on learning and knowledge exchange to better develop the planning service.

As we review each local authority, our job is to assess their planning functions, to see how they are performing in implementing often complex legislation and at times with limited resources.

A notable theme recurring through all of the reviews was the need to strengthen their capacity to discharge statutory planning functions effectively, particularly in forward planning and enforcement, through enhanced resources, better digital systems and more training and staff development.

We initiated the pilot phase of the reviews programme, completing reviews of three local authorities in 2021 and embarking on a fourth. Having implemented the pilot phase, both the OPR and local authority sector are well prepared for the incorporation of the reviews programme as part of the regular administration of the planning system, which will also encompass ABP.

We continued to see a large volume of correspondence from members of the public about a range of planning matters. Many are routine queries that we are always glad to help with.

Of the 255 cases opened during 2021, we received 101 complaints from members of the public in relation to planning matters. The public's correspondence with us often relates to particular developments and planning applications, matters which we are precluded from becoming involved with given the planning appeal and enforcement mechanisms that are already in place. As a result, the OPR gave formal examination to a fifth (21) of the complaints received in 2021.

Ultimately, it is always the focus of our complaint-handling function to bring about improvements in the way local authorities deliver their planning services.

### **Research, Training and Public Awareness**

We are a knowledge driven organisation. Planning needs constant research, continuous training and ongoing awareness raising so that the members of the public are properly informed about the planning issues that affect their lives and the benefit of being engaged in planning processes.

On the training side, 2021 saw us build on our strong 2020 performance by operating eight webinar events for local authority members and two for local authority and regional assembly staff.

These were attended in large numbers, addressed a huge range of relevant topics and remain available on our website for download and viewing.

Our training archives are really building up to a considerable bank of information for elected members, local authority and regional assembly staff and the wider public.

We also made progress in advancing an overall learning and development strategy for local authority planning staff, which we will publish in mid-2022. This strategy will inform future training activities.

During 2021, we also published a number of important research papers which put the spotlight on planning practices across the country and areas which may need attention. These papers were very well received and will inform and enhance local authority practices over time.

Our successful partnership with the popular RTÉ Eco-Eye series also continued with a further three sponsored programmes on topical planning issues which together attracted over a million viewers.

### **Corporate Functioning**

2021 was an extremely busy year on our corporate front which we moved to strengthen to ensure constant compliance with all governance and financial procedures.

There was a heavy commitment in addressing many operational challenges related to the pandemic, keeping our ICT systems operating effectively, particularly noting that the remote working model was dependent on its sound functioning. We also worked hard on keeping our staff and customers safe, continuing the recruitment and procurement processes and implementing the Code of Practice for the Governance of State Bodies.

## Conclusion

2021 was a demanding year for us all as we grappled with the many challenges of the pandemic. However, for you, the reader, I hope you will get a sense of the value of the work of the OPR which continued unabated, even spurred on, by those challenges.

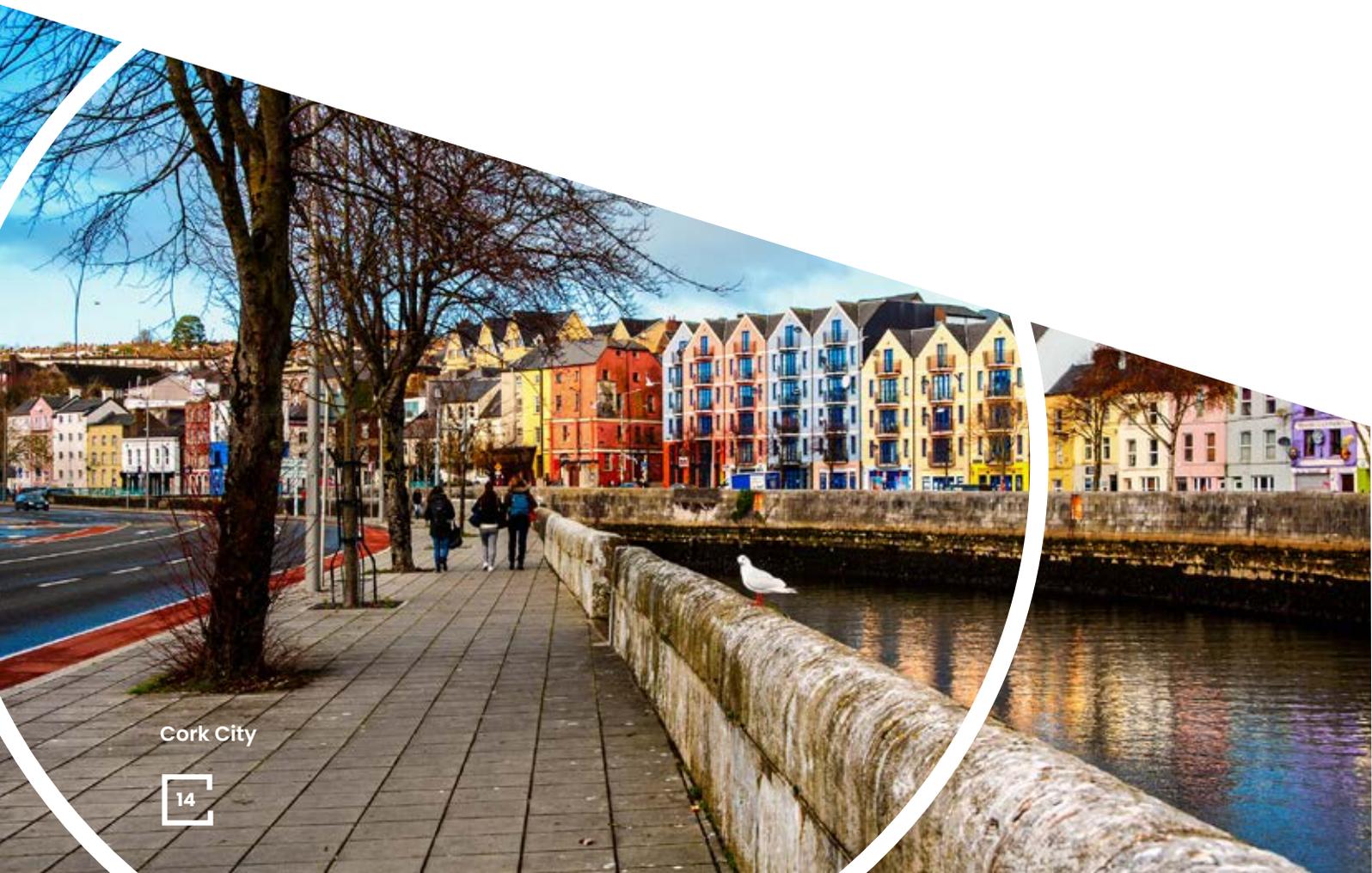
As is often the case with complex systems, Ireland's planning process is not perfect, but there are many good parts to it. It is also a process which is constantly evolving and adapting as the approaching review of planning legislation signals, which we strongly welcome.

For our part, I am confident that the work of the OPR and its staff lays the foundation for continued innovation and progression of the planning process in Ireland.

Finally, I thank the Government, Minister Darragh O'Brien TD and Minister of State, Peter Burke TD and all their staff at the Department of Housing, Local Government and Heritage (DHLGH) without whose support it would not have been possible for the OPR to do its important work in enhancing Ireland's planning process and the public's trust in that process.



**Niall Cussen**  
*Planning Regulator*





De Lacey Bridge,  
Drogheda, Co Louth

# 1 | What We Do

**The OPR was formally established in April 2019 on foot of recommendations made by the Tribunal of Inquiry into Certain Planning Matters and Payments (the Mahon Tribunal).**

The appointment of an independent Planning Regulator, empowered to oversee the planning system in Ireland, was one of the key recommendations of the Tribunal.

While not a policy-making body, the OPR's role is to ensure that local authorities and ABP support Government policy and statutory requirements when implementing planning policy and statutory requirements.

Our role also encompasses the implementation of comprehensive programmes of planning research, training and public awareness in order to promote the public's engagement in the planning process and to enhance knowledge and public information about planning in Ireland.

## 1.1

### Our Statutory Responsibilities

The Act gives the OPR a statutory basis to carry out three main functions:

#### i. Evaluation of Statutory Plans

In accordance with sections 31AM and 31AO of the Act, the OPR has responsibility for independently assessing all statutory forward planning with a view to ensuring that the plan provides for the proper planning and sustainable development of the area concerned. This includes evaluating city and county development plans, local area plans (LAPs) and variations/amendments.

Firstly, the OPR provides the relevant local authority with observations and/or recommendations regarding how a plan should address legislative and policy matters.

Once the OPR has provided statutory inputs to the plan-making process, the relevant local authority must outline how such inputs will be addressed, taking account of the proper planning and sustainable development of the area.

If an adopted plan is subsequently not consistent with any statutory recommendations, the OPR may issue a notice to the Minister recommending that powers of direction, specified under section 31 of the Act, be utilised to compel the planning authority to address the matter.

## ii. Planning Reviews and Examinations

In accordance with sections 31AS and 31AT of the Act, the OPR may review the systems and procedures used by planning authorities, including ABP, in the performance of any or all of their planning functions with a view to making independent, evidence-based recommendations to planning authorities and to the Minister if necessary.

Under section 31AU of the Act, the OPR may also receive and examine complaints from the public, or where requested by the Minister, about a planning authority where the complaint relates to the organisation of the planning authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

## iii. Education, Training and Research

In accordance with section 31Q of the Act, the OPR is responsible for driving national research, education and training to highlight the role and benefit of good planning.

We deliver education and training programmes to both elected members and staff of local authorities and regional assemblies.

The education, training and research function helps to maximise knowledge transfer between the 31 local authorities, three regional assemblies, ABP and wider stakeholders such as professional bodies and interest groups thereby maximising efficiency, effectiveness and consistency across the planning system.

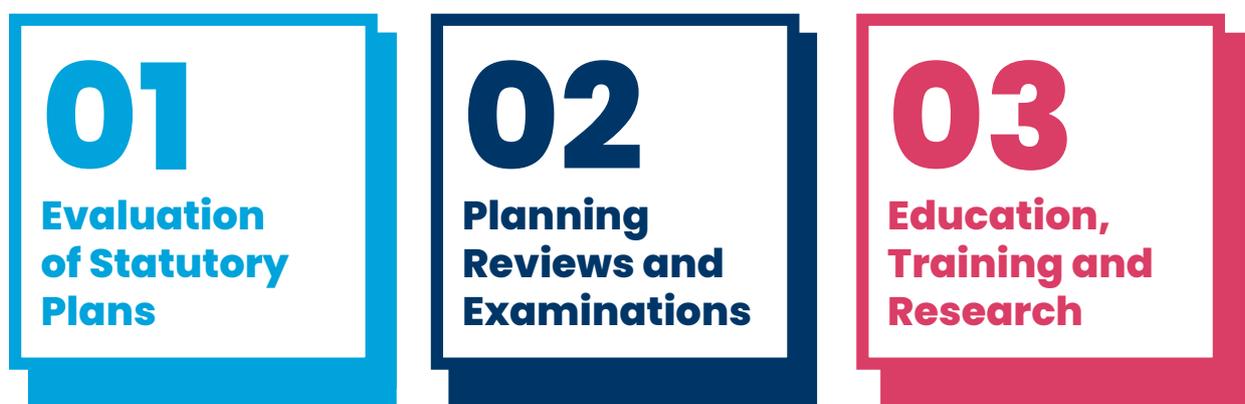
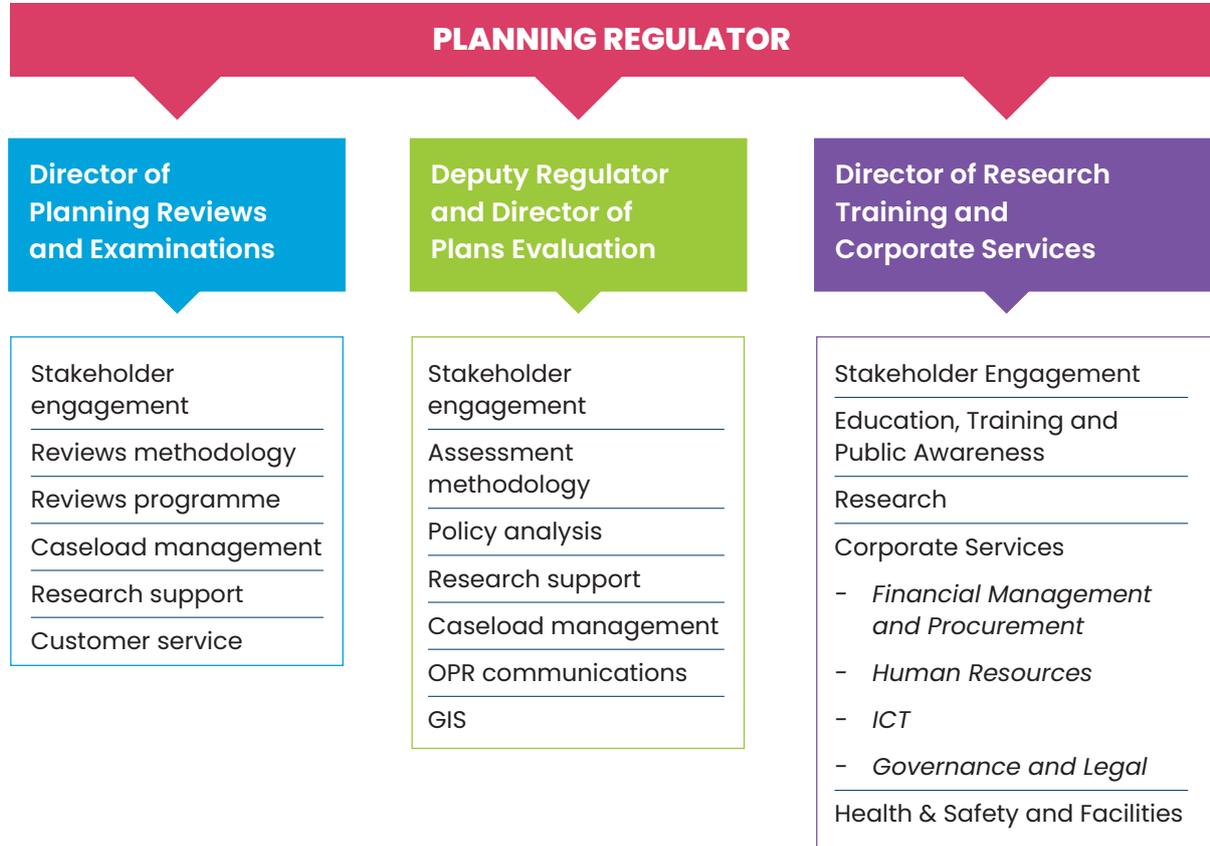


Figure 1 | OPR's Three Core Functions

## 1.2

### Our Structure

The OPR is structured into three teams, mirroring the three statutory functions.



**Figure 2** | OPR Corporate Structure and Functions Map

Ballybay, Co Monaghan



## 1.3

### Our Strategy

The OPR Strategy Statement 2019–2024 was published on 2 October 2019, in accordance with section 31T of the Act, following a public consultation.

The strategy sets out the OPR’s high-level goals, actions and milestones in delivering the OPR’s statutory functions. The statement is available publicly on the OPR’s website.<sup>1</sup>

#### Vision

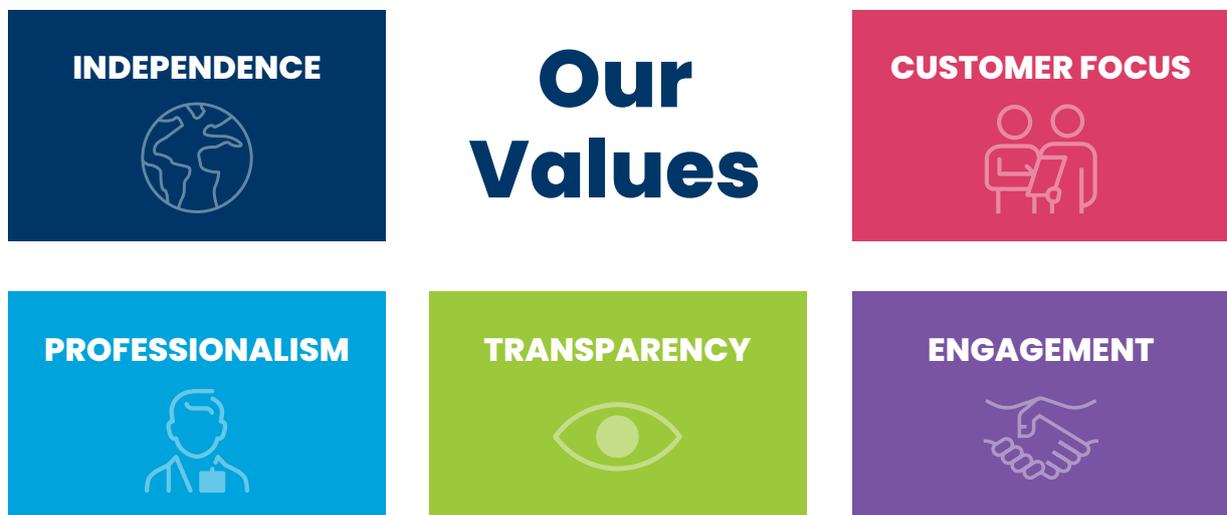
The OPR’s vision is that by the end of the Strategy Statement period, the OPR will be in a position to conclude that:

Ireland benefits from a well-coordinated planning hierarchy and that a wide-ranging, effective and well-received programme of education, training and research on planning matters has been put into effect and that a culture of continuous improvement will be created in planning authorities driven by regular reviews of their performance.

#### Values

The strategy identifies the five key values of the OPR as:

1. Independence;
2. Professionalism;
3. Transparency;
4. Engagement; and
5. Customer Focus.



**Figure 3** | OPR Values

<sup>1</sup> [www.opr.ie/wp-content/uploads/2019/10/20191002-OPR-Strategy-Statement-Final-Text.pdf](http://www.opr.ie/wp-content/uploads/2019/10/20191002-OPR-Strategy-Statement-Final-Text.pdf)



**Our role is to ensure that local authorities and An Bord Pleanála support Government policy and statutory requirements when implementing planning policy.**

Pelletstown,  
Co Dublin

## Key Stakeholders

The strategy acknowledges that the OPR must work with and take account of the inputs of many stakeholders in the planning process, reflecting the interests of:

- The public;
- The Minister;
- Planning authorities, ABP, regional assemblies, and the County and City Management Association (CCMA);
- Related regulatory and oversight bodies with a mandate in the planning area;
- The Oireachtas;
- The elected members of local authorities;
- State agencies and other consultees with a statutory remit in the planning process;
- Commercial and State-sponsored bodies involved in the delivery of strategic infrastructure;
- Professional bodies and interest groups;
- The Higher Education Institute sector; and
- Expert commentators and the media.

## Goals

The strategy also identified five key goals and corresponding delivery actions for the OPR over the Strategy Statement period. The five goals are set out in Figure 4.



Figure 4 | OPR's Goals



Ballina, Co Mayo

## 2 | Evaluation and Assessment of Statutory Plans

In accordance with sections 31AM and 31AO of the Act, the OPR has responsibility for independently assessing all statutory plans with a view to ensuring that the plan provides for the proper planning and sustainable development of the area.<sup>2</sup>

These assessments ensure that relevant government policies are being implemented and that issues such as urban regeneration, land zoning, transport, housing, employment, climate change and town centre sustainability are reflected in development plans. This means that that our cities, towns and villages can develop in a sustainable way and be vibrant places to live and work.

There are two plan-types that the OPR assesses; **city/county development plans**, which set out the overall core strategy and specific objectives for the proper planning and sustainable development of the city or county, and **LAPs**, which provide a more detailed, locally-focused planning policy framework.

There are three key stages in the plan-making process, during which the OPR will assess the plan documentation, prepare a submission and may make recommendations or observations.

<sup>2</sup> All OPR submissions issued to local authorities under sections 31AM and 31AO of the Act are available at: [www.opr.ie/evaluation-of-statutory-plans/](http://www.opr.ie/evaluation-of-statutory-plans/)

These are:

- Issues paper stage: occurs prior to the drafting of the development plan, and helps to inform the preparation of the draft plan. The public is consulted on the pre-draft plan (issues paper);
- Draft plan stage: the draft plan for the relevant city, county or local area is prepared for public consultation; and
- Material alterations stage: occurs when elected members opt to amend the draft plan. There is a public consultation on the material alterations.

All submissions made by the OPR to local authorities are available on the [OPR website](#).

The OPR also reviews the plan as adopted by local authorities and considers whether the recommendations made by the OPR at the previous stages (draft plan and/or material alterations stage) have been satisfactorily addressed in the adopted plan. In the instance where a recommendation has not been satisfactorily addressed, the OPR will consider whether a reasonable rationale has been provided.

Where the OPR considers that any of its recommendations have not been addressed, the OPR may recommend to the Minister a proposal for a draft direction. Alternatively, the OPR issues a letter of 'acknowledgement of adoption' to the local authority. This correspondence is available on the [OPR website](#).

Additionally, the OPR must also consider any proposed variations to existing city/development plans, or amendments to existing local area plans.

## 2.1

### Notification of Consultations on Statutory Plans

In 2021, 42 consultations on statutory plans opened for public consultation. Table 1 provides a breakdown of the consultations on statutory plans notified in 2021, by plan-type and stage.

Overall, 38% of all notifications in 2021 related to draft city/county development plans. This represents the highest number of plans (16 in total) at a particular stage in 2021.

**Table 1**

#### Notification of Consultations on Statutory Plans in 2021

	City/County Development Plans	Local Area Plans
<b>Issues Paper</b>	4	3
<b>Draft Plan</b>	16	2
<b>Material Alterations to draft Plan</b>	8	6
<b>Variations to City/County Development Plan</b>	3	N/A
<b>Amendment to Local Area Plan</b>	N/A	0
<b>Total</b>	<b>31</b>	<b>11</b>

## 2.2

### OPR Submissions on Statutory Plans

OPR submissions to local authorities may include recommendations and/or observations at the draft plan and/or material alterations stage. Due to the strategic nature of issues papers, the OPR does not make formal observations or recommendations. Strategic advice on an issues paper and/or guidance is submitted instead.

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 46 submissions to local authorities in 2021, as set out in Table 2. Of these, eight submissions were made on issues papers, 20 submissions were made at the draft plan stage and 13 submissions related to material alterations. In addition, four submissions were made on variations to existing city/county development plans and one submission on an amendment to an existing LAP.

Overall, 70% of submissions made by the OPR in 2021 were to various stages of city/county development plans with the remaining 30% of submissions made to LAPs.

**Table 2**

#### OPR Submissions on Statutory Plans in 2021

	City/County Development Plans	Local Area Plans
<b>Issues Paper</b>	5	3
<b>Draft Plan</b>	16	4
<b>Material Alterations to Draft Plan</b>	7	6
<b>Variations to City/County Development Plan</b>	4	N/A
<b>Amendment to Local Area Plan</b>	N/A	1
<b>Total</b>	<b>32</b>	<b>14</b>

### Regional breakdown

Local authorities are divided into three regional areas, represented by three regional assemblies: the Eastern and Midland Regional Assembly (EMRA), the Northern and Western Regional Assembly (NWRA) and the Southern Regional Assembly (SRA). Regional assemblies are responsible for supporting strategic planning and sustainable development.

The OPR engaged significantly with the regional assemblies throughout 2021, specifically with regard to any city, county or local area plan relevant to their region.

In terms of a regional breakdown, of the 46 submissions made by the OPR in 2021, 20 related to plans in the Eastern and Midland Region, 14 related to plans in the Southern Region and 12 related to plans in the Northern and Western Region.

#### Northern and Western Region

1. Donegal
2. Sligo
3. Leitrim
4. Monaghan
5. Cavan
6. Mayo
7. Roscommon
8. Galway County
9. Galway City

#### Local Authority Areas in Northern Ireland

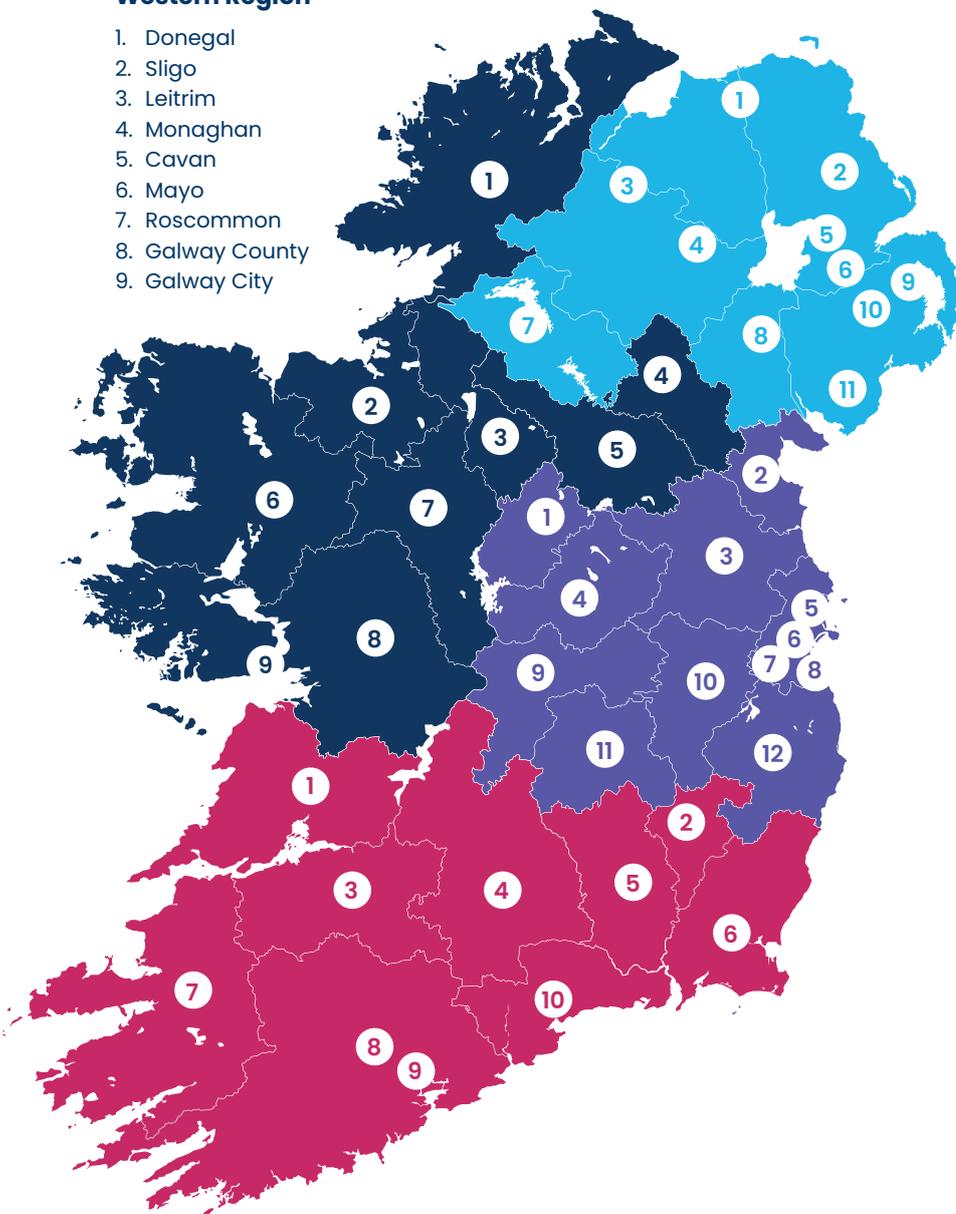
1. Causeway Coast and Glens
2. Mid and East Antrim
3. Derry and Strabane
4. Mid Ulster
5. Antrim and Newtownabbey
6. Belfast
7. Fermanagh and Omagh
8. Armagh Banbridge and Craigavon
9. North Down and Ards
10. Lisburn and Castlereagh
11. Newry Mourne and Down

#### Eastern and Midland Region

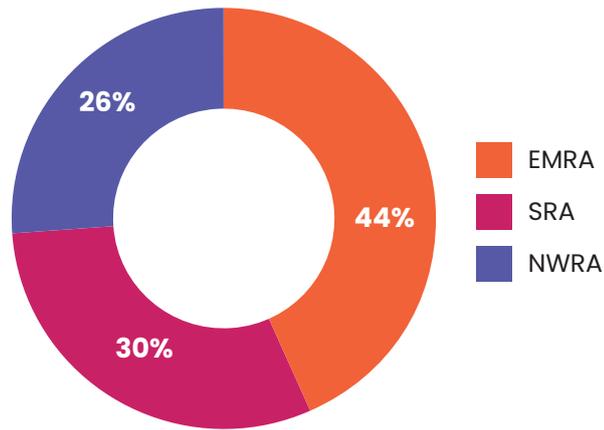
1. Longford
2. Louth
3. Meath
4. Westmeath
5. Fingal
6. Dublin City
7. South Dublin
8. Dún Laoghaire-Rathdown
9. Offaly
10. Kildare
11. Laois
12. Wicklow

#### Southern Region

1. Clare
2. Carlow
3. Limerick City & County
4. Tipperary
5. Kilkenny
6. Wexford
7. Kerry
8. Cork County
9. Cork City
10. Waterford City & County



**Figure 5** | Local Authorities and Regional Assemblies in Ireland and Local Authorities in Northern Ireland



**Figure 6** | OPR Submissions by Regional Assembly 2021

## 2.3

### Overview of OPR Recommendations and Observations

The OPR made a total of 266 recommendations and 199 observations in 2021 to submissions on statutory consultations. A breakdown of OPR recommendations and observations by plan-type is provided in Table 3.

The number of recommendations and observations made in 2021 represents a significant increase to those made in 2020. OPR recommendations increased from 93 to 266 between 2020 and 2021 and the number of observations increased from 110 in 2020 to 199 in 2021.

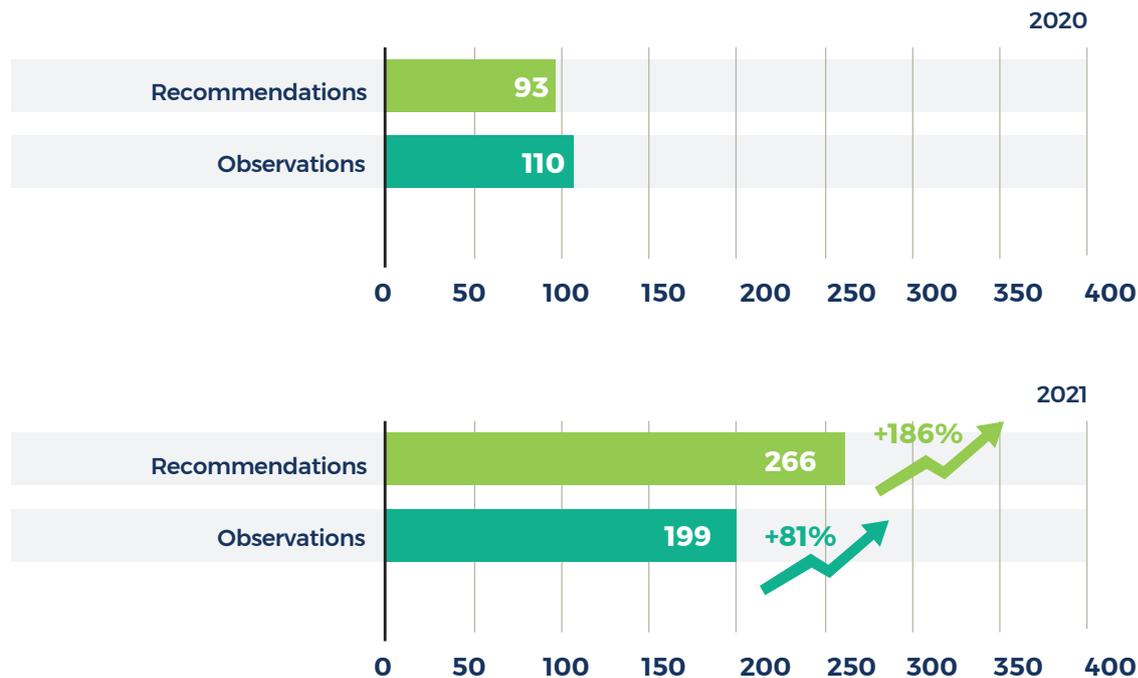
The increase reflects the significant increase in the number of draft plans and material alterations prepared by local authorities in 2021.

By comparison, in 2020 the majority of submissions related to issues papers, which do not include recommendations or observations, and to variations to existing development plans, which tend to have fewer recommendations and observations than submissions at the draft plan or material alterations stage.

**Table 3**

#### OPR Submissions and Observations on Statutory Plans 2021

	Total Submissions	Recommendations	Observations
<b>Issues Paper</b>	8	n/a-	n/a-
<b>Draft Plan</b>	20	212	159
<b>Material Alterations to Draft Plan</b>	13	52	33
<b>Variations to City/County Development Plan</b>	4	1	6
<b>Amendment to Local Area Plan</b>	1	1	1
<b>Total</b>	<b>46</b>	<b>266</b>	<b>199</b>



**Figure 7** | Increase in Number of Recommendations and Observations in 2021

## 2.4

### OPR Recommendations and Observations – Legislative Categories

OPR submissions on statutory plans are based on the consideration of the following legislative and policy matters, including consistency with:

- Legislative provisions for statutory plans as provided for under the Act;
- Legislative provisions in relation to actions addressing climate change;<sup>3</sup>
- The National Planning Framework (NPF);
- The relevant Regional Spatial and Economic Strategy (RSES);
- The relevant development plan; (in the case of local area plans)
- The National Transport Authority (NTA) Transport Strategy (if in the Greater Dublin Area); and
- Relevant guidelines for planning authorities published by the Minister under section 28 of the Act, including consistency with specific planning policy requirements (SPPRs) specified in those guidelines as well as any policy directives issued by the Minister under section 29 of the Act.

<sup>3</sup> In assessing and evaluating plan-making stages under section 31AM(2)(a) of the Act, the OPR shall endeavour to ensure it addresses the legislative and policy matters within the scope of section 10 and, in particular subsection (2)(n), in relation to climate change.

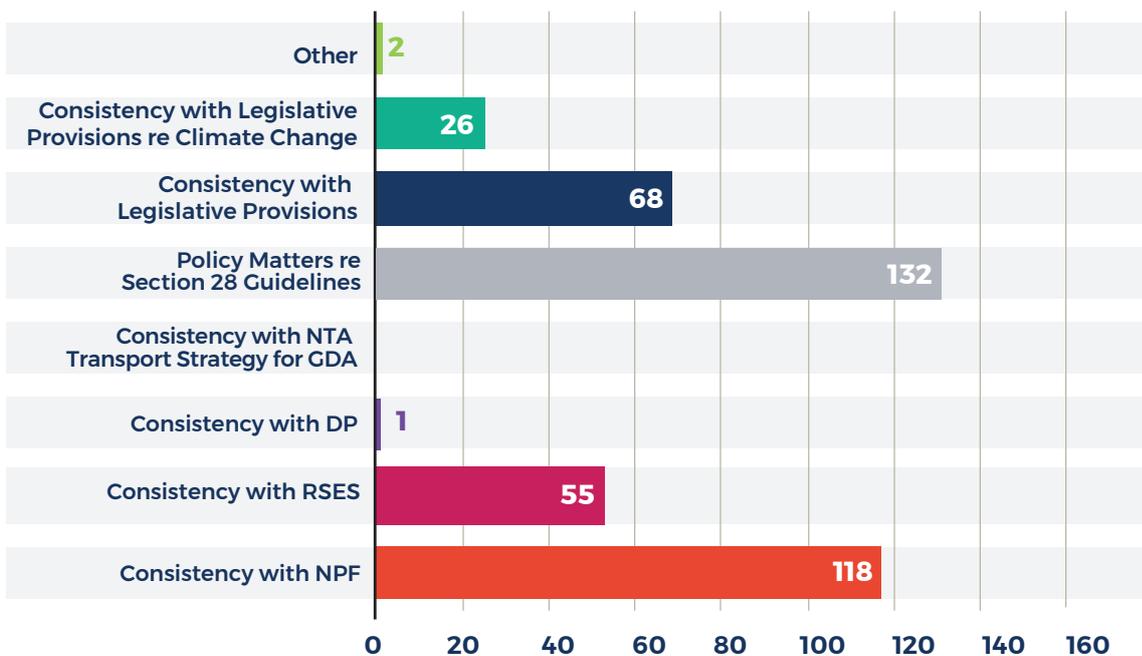
## Recommendations – Legislative Categories

The recommendations contained in the OPR’s submissions are reviewed by legislative category in Figure 8. Please note that as recommendations can cover more than one legislative provision, the numbers presented in Figure 8 will differ from the total 266 recommendations listed above (in Table 3) due to this overlap.

The most frequently occurring legislative category related to consistency with ‘policy matters in the section 28 guidelines’, where 50% of recommendations related to this legislative category.

These recommendations tended to focus on the section 28 guidelines relating to Flood Risk Management (2009), Housing Supply Target Methodology for Development Planning (2020), and Spatial Planning and National Roads (2012).

The second most frequently occurring category related to consistency with the NPF; which was referred to in 44% of recommendations.



**Figure 8** | Frequency of Legislative Categories in OPR Recommendations<sup>4</sup>

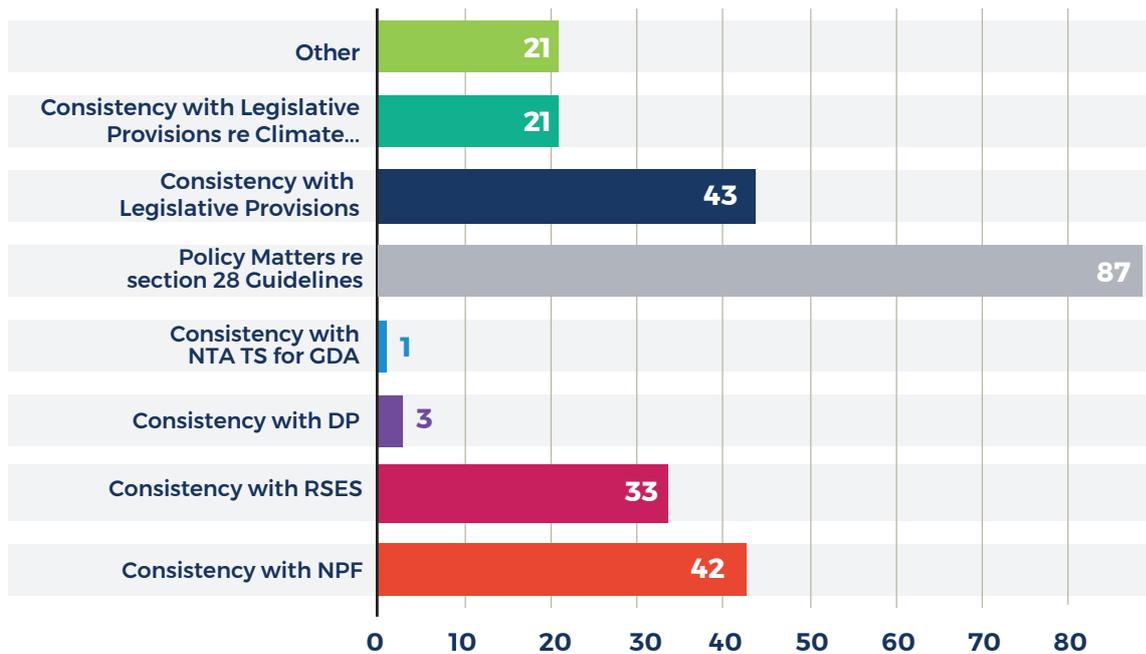
<sup>4</sup> A recommendation can cover more than one legislative category.

## Observations – Legislative Categories

The following patterns emerged in the 199 observations made by OPR in 2021:

The most frequently occurring legislative category concerned consistency with ‘policy matters related to section 28 guidelines’, with 44% of observations covering this legislative category;

The second and third most frequently occurring categories; ‘consistency with the legislative provisions for statutory plans as provided for under the Act’ and ‘consistency with the NPF, were reflected in 22% and 21% of the 199 observations made by OPR.



**Figure 9** | Frequency of Legislative Categories in OPR Observations<sup>5</sup>

## 2.5

### OPR Recommendations – A Thematic Overview

The 266 recommendations made by the OPR can be broadly organised under the following themes: core strategy, settlement hierarchy, zoning, compact growth, rural housing, retail, climate action/ renewable energy, flood risk management, sustainable transport and national roads.

Individual recommendations tend to address a number of themes. The OPR has reviewed its recommendations and considers that the most significant number of recommendations relate to three thematic areas;

<sup>5</sup> An observation can cover more than one legislative category.

## 1. Core Strategy and Housing Supply Targets

The section 28 guidelines, Housing Supply Targets Methodology for Development Planning were published by the DHLGH in December 2020. These were followed by the publication of the Development Plans, Guidelines for Planning Authorities, Draft for Consultation in August 2021.

Following from this, the core strategy of the development plan is required to include housing supply targets for the city/ county consistent with the national target of 33,000 houses per annum, and to identify the zoned land requirements to meet the housing supply targets for individual towns and villages.

Draft County Development Plans published in 2021 had largely commenced their plan review process when these guidelines were published, in particular the Development Plan Guidelines. However, where relevant, a recommendation to revise the core strategy by way of material amendment to include housing supply targets was included in submissions. These material amendments will for the most part be assessed in 2022.

In relation to plans adopted in 2021, both Longford and Offaly County Council made amendments to include the housing supply targets in their adopted development plans (2021-2027), and Louth County Council included a commitment in their adopted development plan (2021-2027) to prepare a variation to update the core strategy to align with the Housing Supply Target Guidelines.

## 2. Land Use Zoning – Compact Growth and Sequential Development – Avoiding Areas at Risk of Flooding

Recommendations issued by the OPR under this theme focussed on a number of key areas, including:

- requiring an evidence-based rationale for zonings (e.g. residential and employment);
- adopting a compact and sequential approach to zoning by prioritising land near the town centre, utilising existing infrastructure and contributing to the regeneration of urban areas, over more peripherally located land; and
- ensuring that land at risk of flooding is not zoned for vulnerable uses except in the specific circumstances provided for under The Planning System and Flood Risk Management Guidelines (2009).

In relation to plans adopted in 2021, the Longford County Development Plan (2021-2027) demonstrates the authority's clear commitment to supporting compact growth, sequential development and avoiding areas at risk of flooding by implementing modifications to land use zoning maps in response to OPR recommendations.

In the case of the adopted Meath County Development Plan (2021-2027), this included nine zoning objectives which we considered were not consistent with our recommendations or with national and regional policy. Four of these zoning objectives related to land zoned for development vulnerable to flood risk. For these reasons, the OPR recommended to the Minister that a draft direction be issued to remove those parts of the adopted plan in breach of strategic planning requirements. The draft direction was accepted and confirmed by the Minister in 2021.

### 3. Climate Change – Sustainable Transport and Renewable Energy

Our submissions in 2021 also addressed the need for the next generation of development plans to include policies to mitigate climate change through tackling its causes and addressing factors impacting on climate change by:

- Promoting measures to reduce energy use and greenhouse gas emissions through sustainable settlement and transport strategies, which is critical to addressing climate change mitigation; and
- Contributing to realising overall national targets on renewable energy and climate change mitigation in accordance with section 28 guidelines (Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017).

#### Sustainable transport targets

The OPR made recommendations requiring local authorities, in consultation with the NTA and Transport Infrastructure Ireland to include existing baseline figures for modes of transport (the ‘modal share’) and targets for greater use of sustainable transport such as public transport, walking and cycling, over the plan period. This is in order to ensure the effective planning, implementation and monitoring of the requirement to include objectives in the development plan to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

In response to OPR recommendations, both the adopted Kilkenny and Laois County Development Plans (2021–2027) included baseline (2016) and modal share targets (2040) for walking, cycling, public transport and car use.

The adopted Longford County Development (2021–2027) also satisfactorily responded to the OPR recommendation by including a new section entitled ‘sustainable transport’ in the amended plan and by including ‘key principles’, which were scoped and agreed with the NTA.

#### Renewable Energy

The OPR made recommendations in 2021 requiring local authorities to demonstrate the contribution their county could make in realising overall national targets on renewable energy and climate change mitigation; in particular wind energy production and the potential wind energy resource (in megawatts). This is in accordance with national planning policy and the government’s commitments at the time, as set out in the Climate Action Plan 2019, to achieve 70% of electricity from renewable sources by 2030.

The adopted Offaly County Development Plan 2021–2027 included targets for wind, solar and battery storage in the plan, demonstrating that the local authority recognises the significance of the challenge posed by climate change and the crucial role local authorities will play in mitigation and adapting to it.

By contrast, the Westmeath County Development Plan and Kilkenny County Development Plan (2021–2027) did not identify targets for renewable energy and included provisions that would unreasonably limit the delivery of wind energy development in those counties inconsistent with the OPR’s recommendations and with national and regional policy. For these reasons, the OPR issued a recommendation to the Minister in both cases to issue a draft direction. The draft directions for both the Westmeath and Kilkenny County Development Plans were confirmed by the Minister in 2021.

## 2.6

### Adopted Plans: Outcomes of OPR Recommendations

Following the draft plan or material alterations consultation stages, the elected members of the local authority may vote to adopt a proposed plan. Once a plan has been adopted, the OPR has four weeks to assess the plan as adopted and determine whether the plan aligns with national and regional policy and has satisfactorily addressed the recommendations made by the OPR.

If the plan is consistent with the above and sets out an overall strategy for proper planning and sustainable development, the OPR will acknowledge the adoption of the plan to the local authority and the plan comes in to effect six weeks after its adoption. Should the plan be inconsistent with recommendations made by the OPR, the OPR may then advise the Minister to issue a direction (see section 2.7).

In 2021, 17 plans adopted by local authorities were evaluated and assessed by the OPR. The OPR issued 138 recommendations on 13 of the adopted plans at the draft plan and material alterations stages. Four of the adopted plans had no recommendations made by the OPR during the review process. These were: Variations No. 31, 32 and 33 to the Dublin City Development Plan 2016 – 2022, and Variation No. 7 to the Galway City Development Plan 2017 – 2023.

Of the 13 plans where recommendations were issued, ten local authorities satisfactorily addressed in the recommendations made by the OPR (Table 4). Three local authorities failed to satisfactorily address recommendations issued by the OPR (Table 5).

Kildare Town



**Table 4****Adopted Plans – Outcome of OPR Submissions: Recommendations satisfactorily addressed**

Plan	Local Authority	Recommendation Issued	Outcome
<b>Kelystown Local Area Plan 2021–2027</b>	Fingal County Council	Yes (2)	Recommendations satisfactorily addressed
<b>Corca Dhuibhne Electoral Area Local Area Plan 2020–2026</b>	Kerry County Council	Yes (4)	Recommendations satisfactorily addressed
<b>Cahir Local Area Plan 2021–2027</b>	Tipperary County Council	Yes (3)	Recommendations satisfactorily addressed
<b>Southern Environs Local Area Plan 2021–2027</b>	Limerick City & County Council	Yes (1)	Recommendations satisfactorily addressed
<b>Variation No. 1 of the Donegal County Development Plan 2018–2024</b>	Donegal County Council	Yes (1)	Recommendations satisfactorily addressed
<b>Athy Local Area Plan 2021–2027</b>	Kildare County Council	Yes (5)	Recommendations satisfactorily addressed
<b>Offaly County Development Plan 2021–2027</b>	Offaly County Council	Yes (18)	Recommendations satisfactorily addressed
<b>Louth County Development Plan 2021–2027</b>	Louth County Council	Yes (24)	Recommendations satisfactorily addressed
<b>Longford County Development Plan 2021–2027</b>	Longford County Council	Yes (19)	Recommendations satisfactorily addressed
<b>Naas Local Area Plan 2021–2027</b>	Kildare County Council	Yes (6)	Recommendations satisfactorily addressed

**Table 5****Adopted Plans – Outcome of OPR Submissions: Recommendations not all satisfactorily addressed**

Plan	Local Authority	Recommendation Issued	Outcome
<b>Westmeath County Development Plan 2021–2027</b>	Westmeath County Council	Yes (20)	2 Recommendations not satisfactorily addressed
<b>Kilkenny County Development Plan 2021–2027</b>	Kilkenny City & County Council	Yes (13)	1 Recommendation not satisfactorily addressed
<b>Meath County Development Plan 2021–2027</b>	Meath County Council	Yes (22)	2 Recommendations not satisfactorily addressed

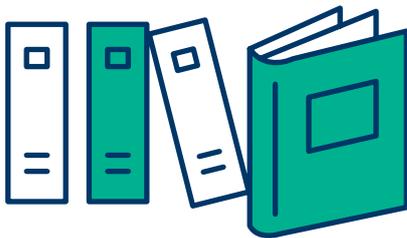
## 2.7

### Draft Directions

In line with 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 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.

Should the OPR consider this is necessary, it will issue a notice letter outlining the reasons for reaching this opinion, and a proposed draft direction to the Minister. Following consideration of this, the Minister may then decide to issue a draft direction to the relevant local authority.

In 2021, the OPR issued three recommendations of proposed draft directions to the Minister in respect of the Westmeath County Development Plan (renewable energy), Kilkenny County Development Plan (renewable energy), and the Meath County Development Plan (specific zoning objectives).



## 2.8

### Extension of Development Plan Review 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 was subject to the requirement to carry out certain environmental assessments.

Any local authorities seeking to request this extension were required to notify the OPR of their intention to extend the duration of the existing development plan, to assess the environmental impact, to undertake a public consultation, and to prepare a report of the chief executive regarding submissions received.

The OPR engaged with all local authorities regarding the mechanism for extending the duration of the existing development plan. Four local authorities notified the OPR of their intention to request to extend their existing development plan by between six and nine months. One local authority (Clare County Council) undertook the extension request process in 2021. The OPR supported the proposal to extend the relevant existing development plan and to extend the timeframe for the review and making of the new plan. Through this process, the OPR supported local authorities in taking the necessary steps to reduce the impact of Covid.



**We believe that publicly available and easy to use geographical information is critical for citizens to better engage with the planning process.**

Kinsale, Co Cork

## 2.9

### Spatial Data Management

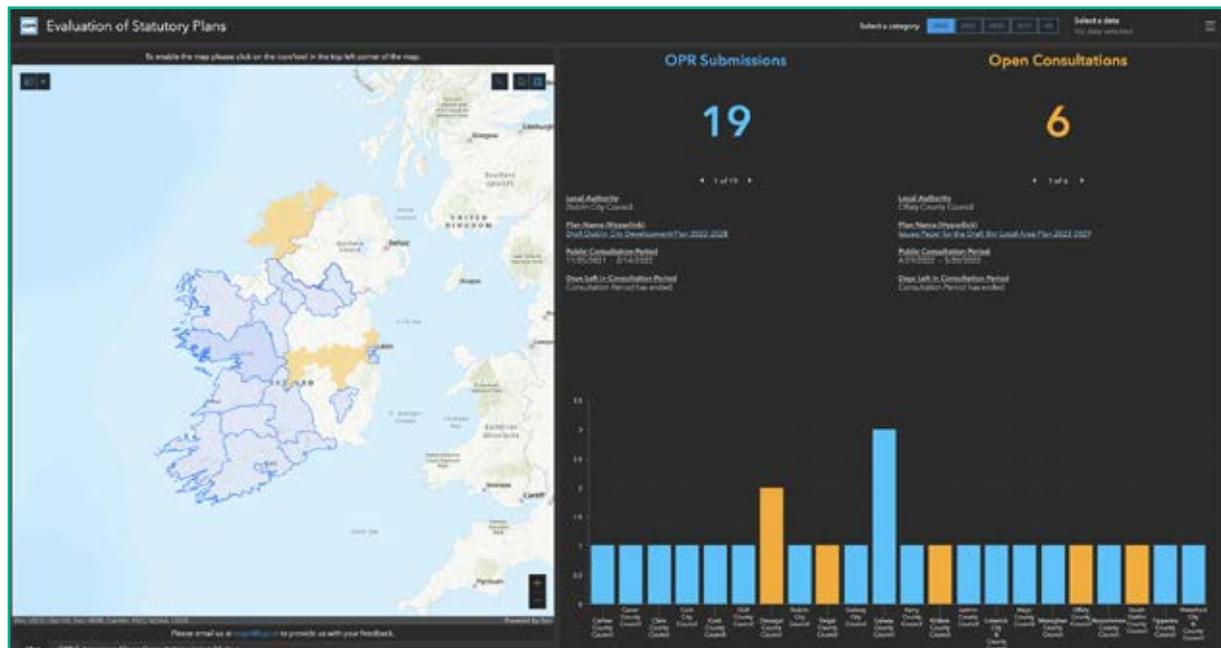
Driving the digital planning agenda is one of the OPR's key goals. We believe that publicly available and easy to use geographical information is critical for citizens to better engage with the planning process generally and the plan preparation process specifically.

Planning functions already provided by local authorities, ABP, the DHLGH and other public bodies have provided a good foundation level of digital planning services.

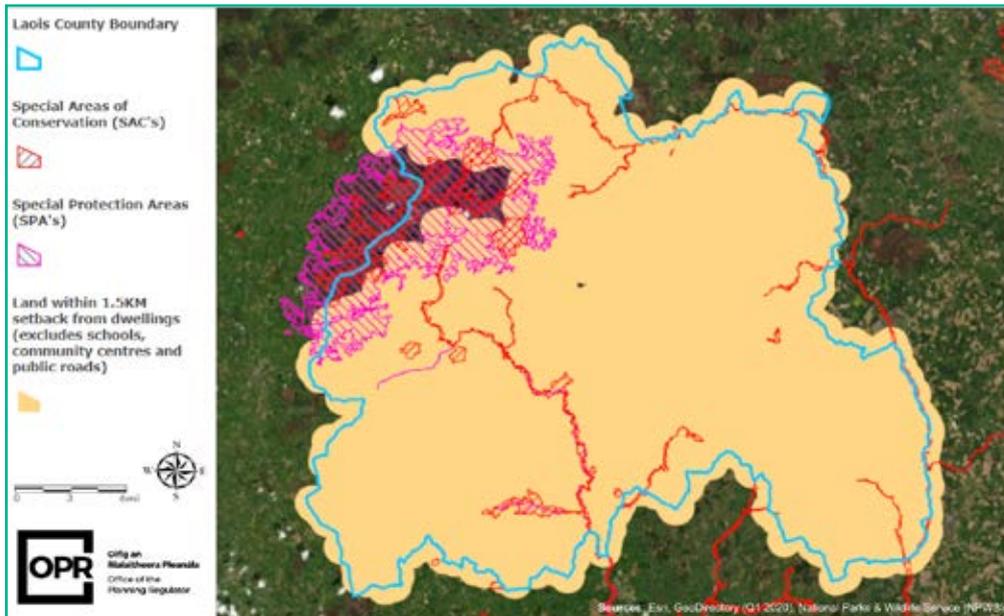
Building on these, in 2021, we introduced a number of Geographic Information System (GIS) applications, tools and services facilitating better digital and public access to planning information.

To enable better public access to the overall national picture as regards revisions of development plans, we developed an Evaluations of Statutory Plans Dashboard.

This dashboard displays the details of all live public consultations on statutory plans across Ireland, as well as submissions made by the OPR to local authorities on their statutory plans. Users can interact with the dashboard and click on a local authority to view details of public consultations, OPR submissions and OPR recommendations to the Minister.



Evaluation of Statutory Plans Dashboard



**GIS Analysis of Wind Farm Setback in the Adopted Laois County Development Plan 2021-2027 (adopted January 2022)**

We have also developed our own internal web-based GIS systems that we use to provide critical evidence base underpinnings to our submissions on draft development plans. An example above, demonstrates the impact of development plan policies in relation to the reduction of renewable energy potential where a development plan might put forward particular restrictions such as set-backs between properties and wind energy projects that go well beyond national guidelines.



## 2.10

### Stakeholder Engagement on Plan Evaluations

The OPR engages with the key stakeholders in the planning system in a number of ways. Due to the Covid restrictions, which were in place for much of 2021, the OPR’s stakeholder engagement occurred predominantly online.

#### Engagement with Local Authorities

The OPR continued to engage with local authorities scheduling informal, technical discussions with the authorities’ planning teams throughout the plan-making process.

The OPR held 29 on-line meetings with local authorities on their plan-making process and the submissions made by the OPR at the relevant stages of the process, which is a 50% increase from the previous year.

Engagement with local authorities is a crucial aspect of the work of the OPR; local authority engagement supports the plan-making process by facilitating a forum where local authority members may engage directly with OPR planners. This engagement allows the OPR to answer queries or discuss key matters regarding a proposed plan, and to provide additional information, such as policy updates, which may support the work of the local authority during the plan-making process. Ongoing engagement with local authorities on their plan making will continue going forward, as a key part of the Plans Evaluation team's work.

### Plans Evaluations Forum

The Plans Evaluation Forum was established in June 2019. The purpose of the forum is to facilitate discussion and information exchange in the consideration of statutory plans by the OPR and encourage greater policy alignment amongst stakeholders in the context of the plan-making process.

Members of the forum include: the DHLGH; the Department of Education; Irish Water; the NTA; the Office of Public Works; representatives from the three regional assemblies and Transport Infrastructure Ireland.

The OPR hosted ten meetings of the Plans Evaluation Forum in 2021, which enabled discussions between all organisations on statutory plans subject to public consultation over that period.

### Further Promotional Activities

The OPR continues to use technologies and utilise different media to reach existing and new audiences.

In 2021, a series of four short animated explainer [videos](#) were produced.

They gave a succinct overview of the OPR's work across the different aspects of its remit. The videos covered:

- The OPR's overall role;
- The OPR's role in making a development plan;
- How to make a complaint to the OPR; and
- The OPR's training and research role.

### Irish Planning Institute (IPI) Conference

The OPR had an exhibition and information stand at the IPI annual conference titled "Delivering Plan Led Development" held in Wexford from 17th – 19th November 2021. The purpose was to promote the OPR and improve understanding of the organisation among attendees.

Other promotional tools used throughout the year included a new OPR YouTube<sup>6</sup> Channel, used to host informational and other videos relevant to the work of the OPR. The OPR also issued three editions of its electronic information newsletter during 2021.



**Niall Cussen, Planning Regulator, Dearbhla Lawson, Head of Strategic Planning, Land Development Agency and Cllr John Pender at the IPI Conference, November 2021**

<sup>6</sup> <https://www.youtube.com/channel/UC0r6yWoQkbt75n4a-zgX3uQ>

### Plan-making Calculator

#### Plan-making Calculator

In April 2021, the OPR launched the Plan Making Calculator following the culmination of a project by a cross OPR team. The calculator estimates the timeframes for reviewing city or county development plans, as per the statutory timeframes set out in the Act and allows users to estimate dates at any stage in the plan making process.

The calculator was developed to provide a useful tool for local authorities, the public and wider stakeholders in estimating plan review timelines. Since its launch, the calculator page has received over 2,000 visits and its output regularly appears in correspondence with local authorities. The calculator is available on our website at the following link: [www.opr.ie/plan-making-calculator](http://www.opr.ie/plan-making-calculator).

Turlough Hill Power Station, Co Wicklow



Broombridge Station,  
Co Dublin

## 3 | Planning Reviews and Examinations

Chapter IV ('Review of Planning Functions') of Part IIB of the Act enables the OPR to review and / or examine the systems and procedures used by local authorities and ABP in performing their planning functions.

There are three contexts:

### Section 31AS

Where the OPR considers such a review to be necessary or appropriate.

### Section 31AT

At the instigation of the Minister.

### Section 31AU

An examination of a complaint related to the organisation of a planning authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

These enabling provisions in legislation provide the basis for the OPR to oversee the effective delivery of planning services to the public and significantly strengthens institutional arrangements to ensure the proper functioning and integrity of the planning system. It allows us to monitor the general performance of the planning system and identify areas for improvement and shared learning across all 31 local authorities.

## 3.1

### Reviews and Planning Performance Monitoring

#### Reviews Programme

As committed to in our Strategy Statement, the OPR is implementing a programme of reviews whereby we will review each local authority and ABP on a regular cycle. The reviews programme will identify good practice and achievements, promoting learning between authorities, as well as highlighting any areas for improvement.

We published a pilot methodology for conducting local authority planning reviews in 2020 to guide and structure the programme. The methodology was developed to ensure the general review programme is implemented in a fair and consistent manner.

OPR reviews consider local authorities' performance in the context of the key operational processes for delivering planning services. Our review reports make recommendations on how procedures could be improved or how current standards may be maintained.

The OPR initiated a pilot phase of the reviews programme towards the end of 2020. We initiated four reviews under this programme, of which three were concluded during 2021. The key findings are highlighted below.

Covid restrictions posed a challenge to the pilot phase. Local authorities were under significant pressures in delivering their statutory functions in the face of the pandemic. The restrictions meant that all reviews had to be conducted on a remote basis, including video conferencing, phone calls and email/written correspondence.

Despite these challenges, each local authority generally engaged well with the OPR during the review process and, whilst some delays to the process arose due to the limitations of remote communication, the active engagement of the local authorities with the OPR enabled the pilot programme to progress during the pandemic period.



Kenmare Bay,  
Co Kerry

## Tipperary County Council

This was the first local authority review undertaken by the OPR. The review found that Tipperary County Council's planning function was performing well. In some areas of performance, the Council's proactivity and innovation were considered highly effective practice, including:

- Procedures to ensure a focus within the planning department on consistency with evolving national planning policy; and
- The Council's extensive work in relation to architectural heritage, particularly the preparation of a single, county-wide Record of Protected Structures with 3,000 structures included in the overall project.

The OPR included 16 recommendations in the review report<sup>7</sup>. Some of the key recommendations related to:

- **Forward planning resource capacity:** the Council should urgently commence an internal evaluation of ongoing and emerging work demands, resource capacity and skills available, both technical and administrative;
- **Invalidation rates:** the Council should implement a targeted action plan over the next 2-3 years with a view to bringing validation rates closer in line with the national average;
- **Architectural heritage:** by evaluating their practices and resource requirements in the department; and
- **Enforcement:** specifically enhancing the capacity of the planning enforcement team.



Tipperary County Council Civic Offices, Nenagh, Co Tipperary.

<sup>7</sup> <https://publications.opr.ie/view-file/55>

## Louth County Council

Louth County Council was the second local authority to be reviewed under the review programme. The review found that Louth County Council is generally delivering its key statutory planning functions on an effective basis, with the development management and enforcement functions being delivered within the expected range of national performance trends. However, issues were also identified that needed swift action and thirteen recommendations were identified in the report<sup>8</sup>, including:

- Organisation and management: senior management within the Council to conduct an internal evaluation with a view to strengthening the planning department's strategic management structures;
- Forward planning: preparation of internal procedures for the delivery of this function and preparation of a strategic work programme for preparing LAPs;
- Dedicated resources required for architectural heritage and how to improve the general delivery of architectural heritage objectives; and
- Implementation of vacant sites legislation as a priority.

## Galway City Council

This was the third review initiated under the pilot phase of the programme. The review found that Galway City Council is delivering its key planning functions effectively, with some aspects being delivered at a higher level when compared to national performance trends, in particular the development management and enforcement functions.

Nineteen recommendations were identified in the report<sup>9</sup>. The key recommendations related to:

- **Resourcing:** an internal evaluation should be done of the ongoing and emerging work demands in the planning area, the resource capacity, skills available and any gaps;
- **Training:** an enhanced focus on the training and development of planning department staff is needed to ensure that all staff are appropriately skilled;
- **Environmental assessment:** Appropriate Assessment and environmental impact assessment screening procedures should be prepared. Training and expertise is required in this area;
- **Section 247 consultations:** a more formal procedure should be put in place.

<sup>8</sup> <https://publications.opr.ie/view-file/81>

<sup>9</sup> <https://publications.opr.ie/view-file/86>

We also initiated a review of Kildare County Council in 2021. This review progressed well during 2021 and the review report will be finalised and published in the first half of 2022.

It has been evident from the programme to date that conducting these reviews are of significant benefit to local authorities. Our aim is to work with each local authority by identifying areas which would benefit from some improvement, thereby enhancing the systems, procedures and processes in each planning department. The reviews also highlight best practice within certain local authorities and provide the required recommendations in order to improve planning performance.

The pilot phase of the programme, including our methodology, will be evaluated internally to identify learnings and opportunities for improving the process for subsequent reviews. Following this, the OPR will initiate the next tranche of reviews for completion over the 2022-2023 period.



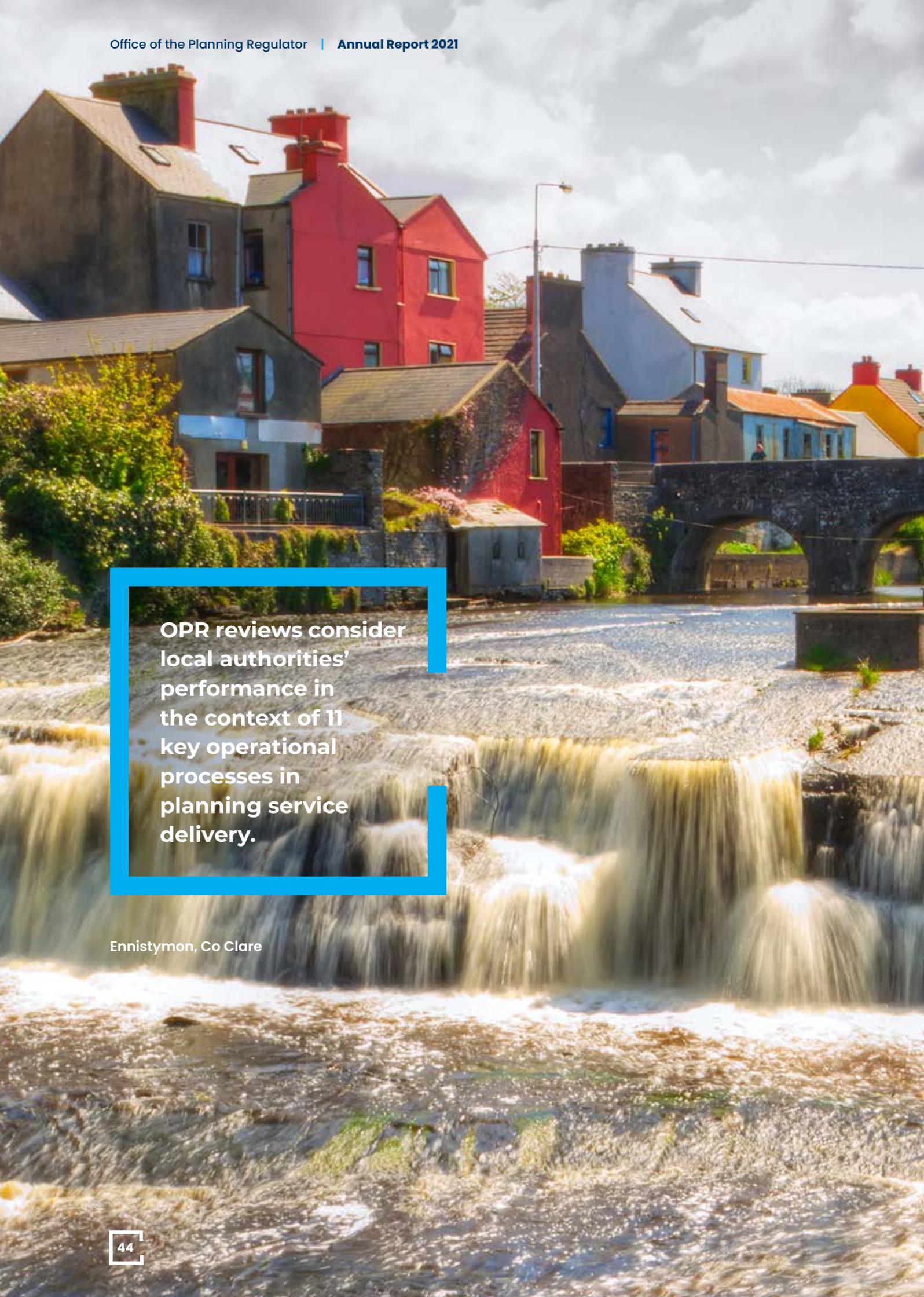
### **Observations made to the Minister under section 31P(1)(i) of the Act**

Another function of the OPR is to make observations to the Minister on the operation of the planning process. This establishes a more general mechanism for the OPR to advise the Minister in relation to practical aspects of the operation of planning legislation and planning matters that come to light in the course of our wider statutory functions.

In 2021, we issued one observation to the Minister, which related to maintaining online/public access to the particulars, drawings and documents submitted as part of planning applications decided by ABP in relation to Strategic Housing Developments.

The observation related to ensuring transparency and public participation during all stages of the planning process to ensure that the public have access to planning information to facilitate informed participation in the planning process.

It is a matter for the DHLGH to consider what, if any, response is needed in either a legislative, regulatory or policy making context.



**OPR reviews consider local authorities' performance in the context of 11 key operational processes in planning service delivery.**

Ennistymon, Co Clare

## National Planning Data Group

In 2020, the OPR and the DHLGH agreed to work together to deliver an updated system for compiling national planning data. The National Planning Data Group was established to work with the local government sector in enhancing available planning datasets.

The work of the group concluded in 2021, and local authorities will be requested to provide returns on the agreed statistics from 2022 onwards. The availability of this enhanced data will inform the reporting on the effectiveness of the planning process, the delivery of planning services to the public and ongoing policy development and implementation analysis.

### 3.2

## Case Handling

Under section 31AU of the Act, the OPR provides a fair and independent mechanism through which members of the public may submit complaints related to the planning services delivered by local authorities. In addition to this, it is one of the OPR's objectives to bring about greater public clarity in relation to the benefits of proper planning which we do through providing a good customer service to individuals corresponding with us.

As such, we also process queries and submissions which, along with our examination of complaints, forms our case handling function.

The OPR carefully considers all correspondence received to ascertain what themes are recurrent and to identify and understand the areas of interest and concern to the public in respect of planning.

Such information informs not only our reporting to the Minister on the effectiveness of Ireland's planning process, but also assists in the development of our education and training activities as well as our research programme.

We receive several different types of planning-related correspondence through our case handling function:

- **Queries** typically seek clarification about how a specific aspect of the planning system operates.
- **Submissions** generally highlight issues relating to aspects of implementation of national planning policy or statutory provisions and are often illustrated with case studies or other evidence.
- **Complaints** which are generally more complex, are addressed in further detail later in this chapter.

## Examination of Complaints

We are committed to providing a fair and independent mechanism for examining complaints and we will engage with and assist, insofar as possible, those who submit complaints to us. Through our complaint handling function, we strive to make improvements to the planning system, including sharing insights and highlighting practice improvements across the local authorities.

It is important to note that the OPR's complaint handling function is distinct from other complaint-handling mechanisms such as those of the local authorities and the Office of the Ombudsman. Furthermore, the OPR was not established to duplicate roles of by the Standards in Public Office Commission or An Garda Síochána.

In this regard, the Act sets a high threshold for a complaint to be formally examined by the OPR. Firstly, for a complaint to be considered appropriate to our remit, it must relate to the organisation of the relevant local authority and to the systems and procedures used in performing its functions under the Act. Customers should first try to resolve their complaint with the relevant local authority through formal review mechanisms or via its own internal complaints procedure prior to contacting the OPR. More information can be found on our complaints page.<sup>10</sup>

The Act excludes the OPR from examining any case with which a local authority or ABP is either involved or could be involved. Accordingly, correspondence relating to individual cases such as planning applications, appeals and enforcement actions are not deemed as complaints examinable by the OPR.

Where a complaint is considered appropriate to our statutory remit and we are satisfied that all other avenues of complaint have been exhausted and no other avenue is appropriate, we will conduct a preliminary examination of the matters raised. This involves gathering relevant information, including from the local authority concerned.

Once we conduct a preliminary examination, and we believe that at least one of the below criteria applies, we can then proceed to initiate a formal statutory examination of the complaint.

The criteria set out in legislation are as follows:

Where the local authority concerned:

- May not be carrying out its functions in accordance with the Act;
- Is not complying with Ministerial guidelines and policy directives under sections 28 and 29 of the Act respectively;
- May be applying inappropriate standards of administrative practice or acting contrary to sound administration;
- May be applying systemic discrimination in the conduct of its functions;
- May be operating at risk of impropriety or corruption; or
- Operates in a manner where there are serious dis-economies or inefficiencies.

Where a complaint is upheld, we will issue recommendations to the local authority to ensure improvements to the way in which they deliver their planning services. Furthermore, where complaints are not upheld, we may still provide advice or share good practice from other local authorities to foster shared learning and improvements.

### Case Handling Activity

In 2021, the OPR received 255 individual cases and closed 253 individual cases. This activity is demonstrated by month in Figure 10. This is a significant increase, which follows trends of previous years, as detailed in Figure 11.

<sup>10</sup> <https://www.opr.ie/complaints/>



Figure 10 | Cases Received vs Cases Closed 2021

The OPR experienced increased engagement with members of the public in 2021 through our case handling function. The overall number of cases received increased from 180 in 2020 to 255 in 2021, which is a 42% increase.

The number of complaints received decreased slightly from 119 in 2020 to 101 in 2021 and the number of preliminary examinations carried out increased from 19 to 21.

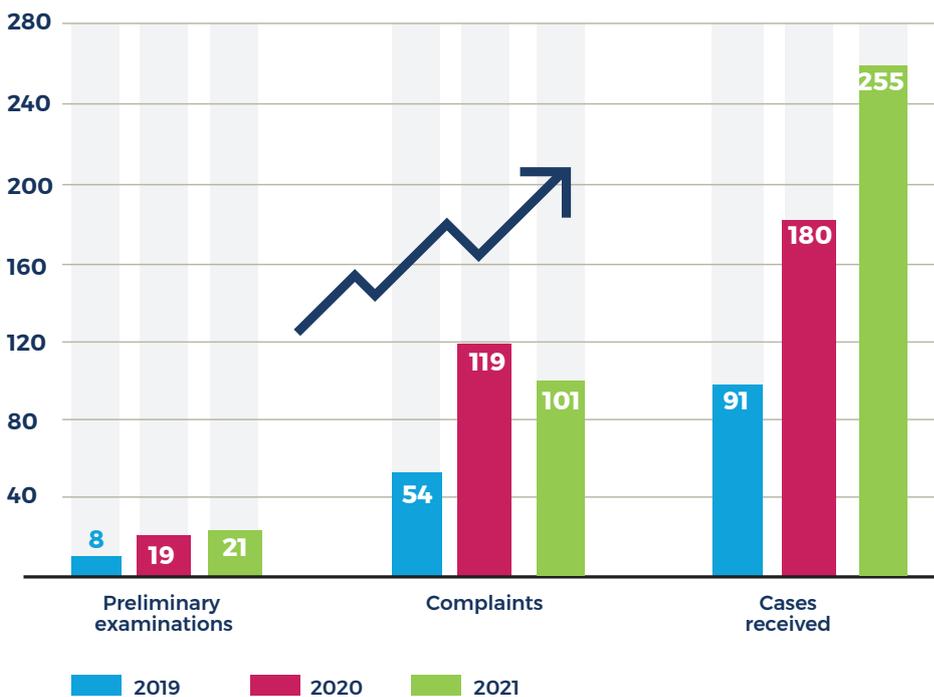


Figure 11 | Complaints and Cases Received in 2021

The notable increase in caseload in 2021 posed inevitable challenges. In addition, staff working remotely due to Covid restrictions also posed difficulties. The remote working situation posed certain challenges in relation to providing effective customer service, engaging with local authorities in relation to complaints, and also in training newly recruited staff in case handling. These challenges were, however, overcome and our case handling function was delivered effectively throughout the year.

Figure 12 illustrates the breakdown of the 255 individual cases received. Of cases received:

- 101 (40%) were complaints;
- 112 (44%) were planning-related queries, including ten Oireachtas queries; and
- 42 (16%) were general submissions.

While some cases can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail and may require additional information gathering to determine the best course of action.

Processing cases, especially complaints, often requires a series of correspondence with both the customer and the relevant local authority.

The volume of work involved is illustrated by the fact that, while the OPR opened 255 case files in 2021, 710 distinct items of correspondence were received from our customers in relation to these cases.

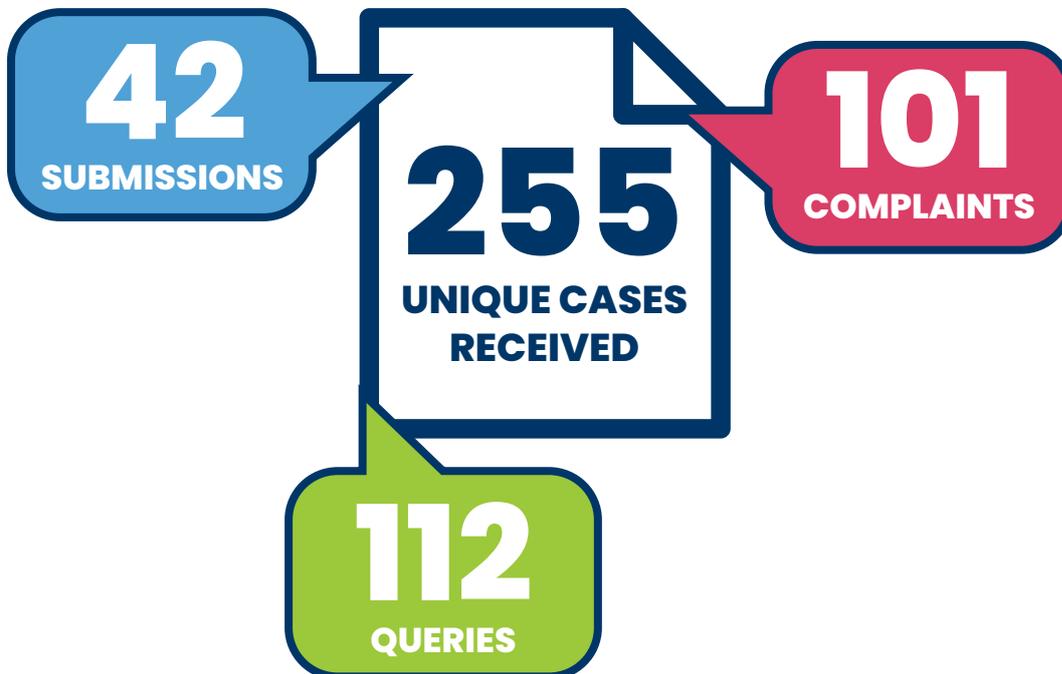


Figure 12 | OPR Cases 2021

## Complaint Handling Activity

During 2021, the OPR gave preliminary examination to 21 complaints. Our preliminary examination of four of these complaints is being finalised, the outcomes of the other 17 cases are as follows:

- Three complaints upheld;
- Two complaints referred to the Office of the Ombudsman;
- Two complaints were resolved with assistance provided;
- For two complaints, preliminary examination was discontinued as it transpired that the OPR was precluded from examining the matter in accordance with the legislation; and
- The remainder were not upheld.

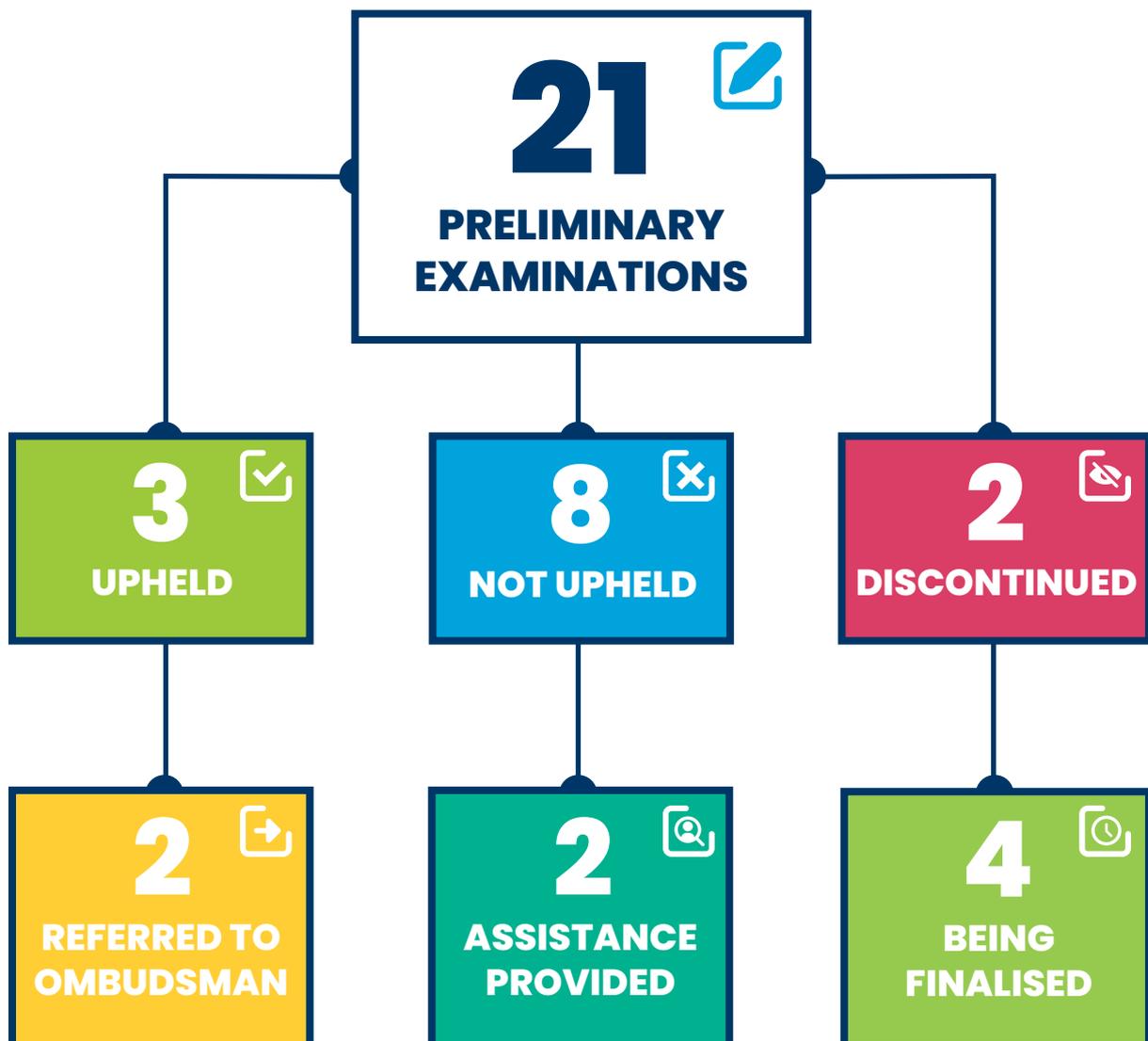


Figure 13 | OPR Complaints 2021

## Cases by Customer Type and Geographic Breakdown

A large proportion of customers submitting cases to the OPR in 2021 were members of the public. In addition, commercial interests, elected representatives, representative bodies, local authorities, as well as other state organisations all sought assistance from the OPR during 2021. The breakdown of customers by type is set out in Figure 14.

The geographic spread of cases received in 2021 is illustrated in Figure 15. There were 130 complaint and submission related cases with geographic references in 2021.

This figure is lower than the number of cases because many of the cases received related to the planning system generally, rather than a particular local authority or area.

Local authorities with larger populations tend to generate a higher number of cases. It can also be that a particular issue may generate a number of cases, such as submissions on a particular city or county development plan which is subject to review/public consultation.<sup>11</sup>

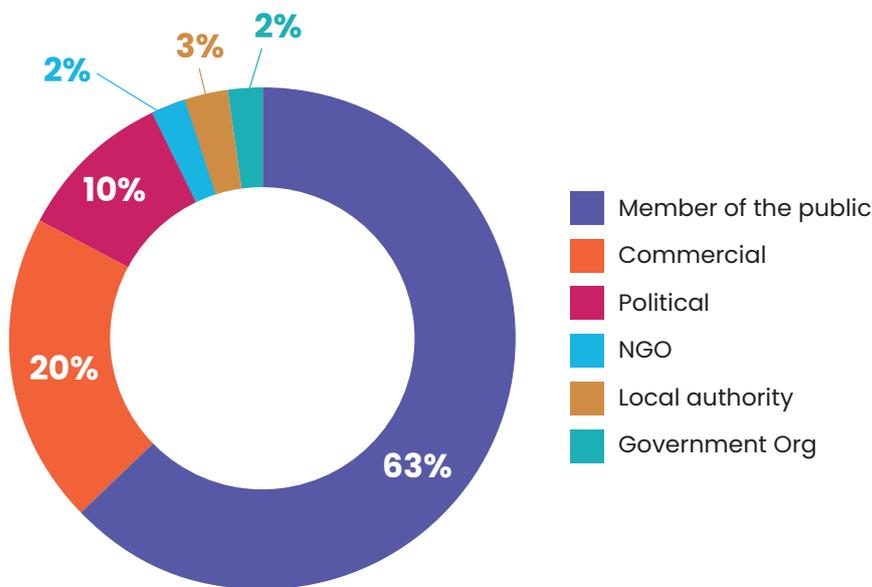


Figure 14 | OPR Customers 2021

<sup>11</sup> In order to maintain our independence, the OPR cannot accept or consider submissions on statutory plans.

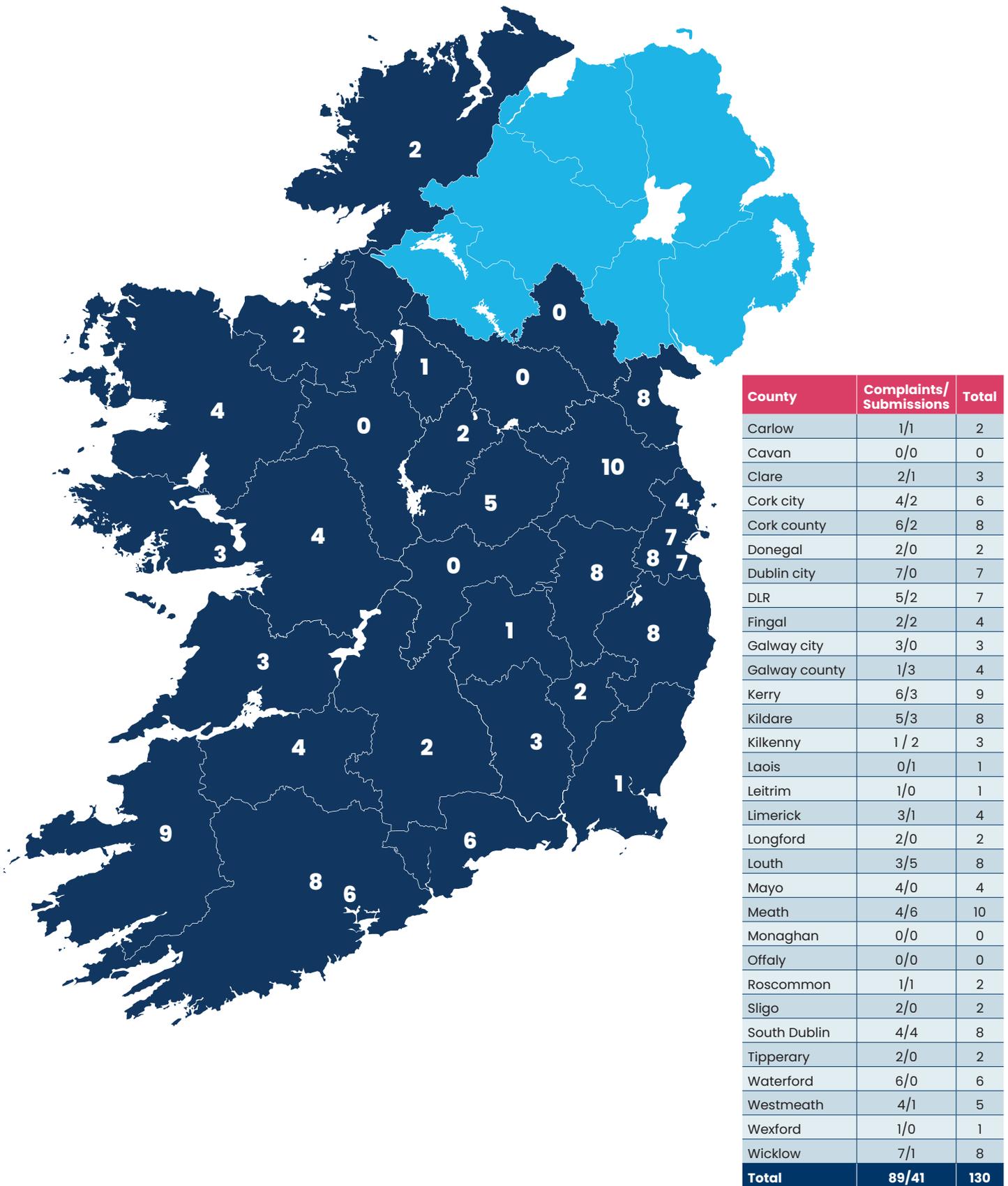
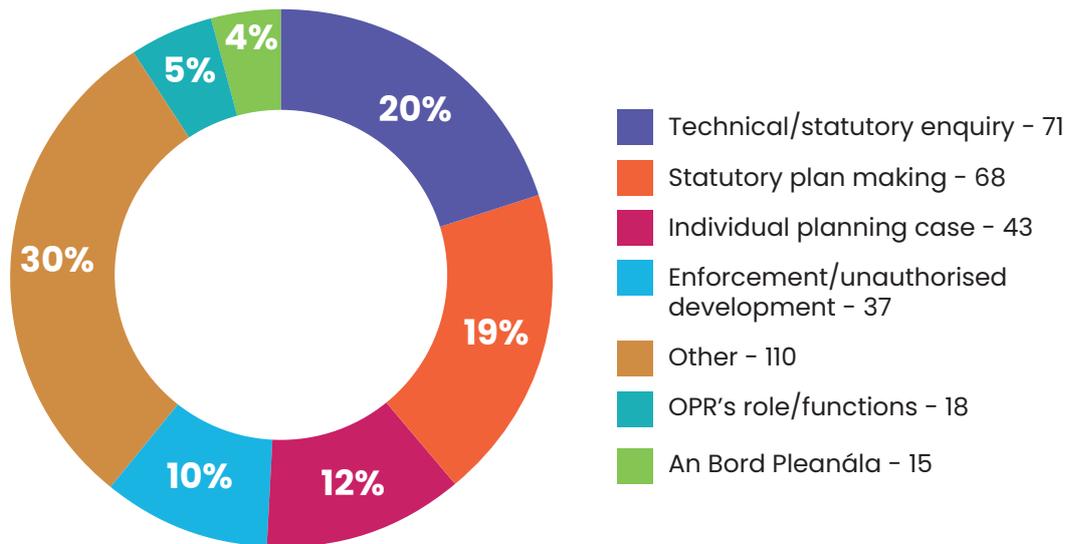


Figure 15 | Geographic Breakdown of Complaints and Submissions 2021



**Figure 16** | Cases by Thematic Background

### Cases by Theme

While the findings that arise from complaints may be reported to the Minister under section 31AU of the Act, issues identified from processing other cases, i.e. queries and submissions, may also inform the OPR's general function to make observations on the operation of the planning process to the Minister under section 31P(1)(i) of the Act.

In this regard, we carefully consider the correspondence we receive to identify recurrent themes and to understand the planning issues that concern the public. Monitoring this information over time will not only inform reporting to the Minister but will also inform our reviews, our education and training activities, as well as our research programme.

Under our research programme, we published four Case Study Papers (CSPs) in 2021. As part of the scoping and analysis exercise for the CSPs, the OPR considered all relevant cases received in respect of each CSP theme.

The OPR's engagement with members of the public on the operation of the planning system offers valuable insights into their experiences, which can inform wider OPR activities, even if individual complaints do not lead to many formal examinations.

A number of clear themes emerged from our case handling during 2021 which are demonstrated in Figure 16. Technical/statutory queries, submissions on statutory plans, individual planning applications/decisions, and individual enforcement matters were the most common themes.

Other common themes include correspondence about the OPR's role or functions, the functions of ABP, planning conditions, environmental assessment, and local authority-own development (including 'Part 8' development). The theme of 'other' includes a variety of issues, such as certain administrative concerns and also correspondence in relation to other organisations or strategic projects outside the OPR's remit.

The following analysis can be deduced from the OPR's case handling in 2021.

## Analysis of Common Themes

It is important to note that the OPR does not have a statutory remit in the provision of specific planning advice, nor are we a policy-setting body and matters pertaining to planning legislation are the preserve of the Minister and the Oireachtas more widely. Furthermore, the OPR is not able to invite or consider submissions from the public in relation to making of development plans or LAPs. This is the role of the local authority who will consider submissions made as part of the public consultation process.

**Technical/statutory queries** was the most common theme in 2021. These comprise of specific queries in relation to interpretation of planning legislation or regulations, and can also include requests for advice in relation to a particular proposed development. These queries are often best dealt with by an individual local authority.

Local authorities are responsible for interpretation of the legislation and provide advice and guidance on particular planning matters, including proposed planning applications. The OPR aims to be helpful by providing general guidance and by pointing customers to the relevant legislation, regulations, planning resources, etc. The OPR cannot, however, provide specific planning advice and will generally refer the requester to the local authority.

The OPR also received a significant number of **submissions related to statutory plans** (city/county development plans and LAPs) during 2021. The OPR has an independent role in the evaluation of statutory plans and therefore cannot accept submissions in this regard.

We have provided clarity on this to our customers, advising them that the local authority is the correct channel for making submissions.

Another consistently common theme over the years includes **individual planning cases** (i.e. comments or concerns regarding particular planning applications). It is important to note that the planning system provides for public participation in relation to planning applications. Any interested party can make a submission or observation on a planning application (subject to a fee and within the required timeframe), where any concerns can be highlighted and will be taken into consideration when the planning application is assessed by the local authority.

It is also open to any party who made a submission/observation on a planning application to appeal the planning authority's decision on that application to ABP within a specified timeframe. As such, the OPR does not have a role in revisiting the decision-making of local authorities or ABP.

It is important that both the public, and prospective planning applicants engage with their local authority and ABP, as appropriate, in relation to the processing of planning applications. Further information on the planning application process is provided through the OPR's planning leaflets.<sup>12</sup>

Finally, **enforcement matters** generated a significant volume of correspondence and cases in 2021. Whilst a large proportion of enforcement cases received by the OPR were of an individual nature, and therefore not subject to examination within our remit, it is recognised that enforcement of unauthorised development is a complex and challenging area.

<sup>12</sup> <https://www.opr.ie/planning-leaflets/>

The planning enforcement function is considered under the OPR reviews programme. The OPR will be exploring this area further in 2022 with a view to identifying general improvements that can be made to the planning system.

### Complaints Standards Network

The OPR, in conjunction with the Office of the Ombudsman, established a complaints standards network in 2021 to provide a forum for State organisations that have a role in considering complaints about the delivery of public services.

The objective of the network is to provide for enhanced communication between the member organisations with regard to their complaint handling functions. The network facilitates an exchange of knowledge and will present opportunities for the members to share their expertise, learn and explore collaborations in key areas such as general handling of complaints, processes for examination, and stakeholder communications.

The engagement facilitated through this network contributes to improved practices and efficiencies in processing and examining complaints by all member organisations. The network met on two occasions in 2021 and will continue engaging throughout 2022.

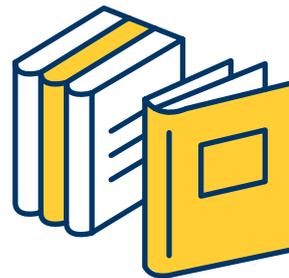
## 3.3

### Case studies: Complaints Examined by the OPR

The OPR receives a considerable amount of correspondence from its customers on planning matters each year. The following case studies provide some insights on our handling of complaints subject to preliminary examination in 2021 and also indicate the matters that the OPR has the statutory power to examine.

Whilst not all complaints subject to preliminary examination are upheld, the OPR works with local authorities and other public sector bodies to improve the planning system and to ensure that the customer gets the best service they can.

When a complaint is examined by the OPR, we work with the local authority to rectify the matter and to resolve any issues as soon as possible. In some instances, whilst an issue with systems and procedures may not arise, the OPR may identify a particular lapse in procedure that took place and will work with the local authority to prevent such a lapse occurring again.





## Case Study 1

### Upheld: Availability of planning information online

**Subject:** A customer raised concerns that a local authority's weekly planning lists were not up to date. All local authorities are required under the Planning and Development Regulations 2001, as amended,<sup>13</sup> to publish weekly lists containing details of planning applications received and decided on in the preceding week. This provides members of the public and other parties with information on planning applications and decisions in their locality.

**Action:** The OPR conducted a preliminary examination and engaged with the customer and the local authority, and requested a report from the local authority.

**Findings:** On examination of the evidence provided, the OPR found that the local authority had experienced difficulties in publishing its weekly planning lists on time. The local authority advised of certain exceptional circumstances temporarily impeding its efforts to achieve the statutory timelines. This included the volume of planning applications being received, increase in the number of invalid planning applications, the complexity and volume of supporting documentation and operational difficulties arising from Covid.

**Outcome:** The local authority worked with the OPR to improve its processes to ensure that its weekly planning lists would be published in good time, including making administrative changes and assigning additional staff resources. The weekly lists are now being published on time.

**Learning:** This engagement has ensured that important planning information is available to the public in a timely fashion. This facilitates important public participation in the planning process as it means that the public and interested parties are aware of planning applications submitted to the local authority, as well as planning application decisions made by the local authority. It is important that all local authorities ensure that they provide timely and accessible planning information to the public.

<sup>13</sup> Articles 27 and 32



## Case Study 2

### **Upheld: Local authority implementation of the EU Habitats Directive 1992**

**Subject:** A customer raised concerns about how a local authority was implementing the EU Habitats Directive.<sup>14</sup> The customer raised concerns about the adequacy of the procedures used by the local authority in relation to stages 1 and 2 of Appropriate Assessment, as required by the Habitats Directive. They also provided examples of decisions on planning applications and rezoning in an area in the local authority's jurisdiction over a number of years.

Appropriate Assessment is an assessment of the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas.

**Action:** The OPR conducted a preliminary examination into the degree to which EU Habitats Directive requirements were incorporated into the local authority's development management procedures.

**Findings:** The OPR found issues regarding the robustness of the local authority's procedures to ensure consistent compliance with the Appropriate Assessment requirements of the Act, including screening for Appropriate Assessment.

While the planning cases concerned were relatively minor in nature, local authorities should have consistent development management procedures in place to take on board development plan policies, including mitigation measures, when dealing with proposals that might affect the integrity of nearby designated sites.

**Outcome:** The OPR upheld this complaint and recommended that the local authority implement revised procedures to ensure that all planning applications are adequately screened for Appropriate Assessment and, where significant effects on European designated sites cannot be excluded, that stage 2 Appropriate Assessments are conducted. As a result, the local authority committed to reviewing its development management procedures.

The OPR advised the local authority to identify the training needs of all relevant staff associated with implementing the EU Habitats Directive and to prioritise training for key staff.

<sup>14</sup> The Habitats Directive 1992 ensures the conservation of a wide range of rare, threatened or endemic animal and plant species. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>



## Case Study 2 continued

Separately, the OPR prepared a practice note on Appropriate Assessment<sup>15</sup> and encouraged all local authorities to use it as a resource. Coupled with this, the OPR hosted a training session for staff across all local authorities and regional assemblies on environmental assessment, which the local authority the subject of this complaint was encouraged to attend.

**Learning:** This outcome highlights the need for local authorities to ensure that their development management procedures address the requirements of the EU Habitats Directive regarding Appropriate Assessment and Appropriate Assessment screening.

It also highlights the importance of local authority staff training to ensure that planning staff are aware and informed of the requirements of complex environmental legislation. This is particularly relevant today in light of the biodiversity crisis and the increasingly complex environmental case law, legislation, and regulations.

The screenshot shows the OPR On-line Complaint Form. At the top left is the OPR logo with the text 'Office of the Planning Regulator'. To the right is a navigation menu with links: 'About', 'Plans Evaluation', 'Research, Training & Public Awareness', 'Complaints', and 'Contact Us'. The main heading is 'Complaints Form'. Below this is a form with several fields: a large text area at the top, followed by 'Name \*', 'Email Address \*', 'Telephone number \*', and a dropdown menu labeled 'Select the planning authority to which your complaint relates to \*'. At the bottom are two buttons: 'Previous Step' and 'Next Step'.

OPR On-line Complaint Form

<sup>15</sup> <https://publications.opr.ie/view-file/65>



## Case Study 3

### **Assistance Provided: Local authority own-development ('Part 8' development)**

**Subject:** A customer raised concerns about a local authority's systems and procedures relating to a proposed Part 8 development which included works to a protected structure. A Part 8 development is one carried out by the local authority itself.

The customer contended that, in giving notice of the Part 8 development, the local authority failed to reference the structure in question or its status as a protected structure, which is inconsistent with the planning regulations.

The customer also stated that the development proposed to move the protected structure and replace it with a smaller and different structure, and alleged that the local authority did not carry out the required architectural heritage impact assessment.

**Action:** The OPR conducted a preliminary examination and engaged with the customer and the local authority, and requested a report from the local authority.

**Findings:** The OPR found that a lapse in procedure occurred regarding this proposed Part 8 development, as the local authority did not appropriately provide notice of the proposed works to the protected structure in accordance with the planning regulations.

On conclusion of the public consultation on the proposed development, the local authority decided not to carry out the proposed works to the protected structure.

The OPR concluded that this was a once-off error and was not systemic in nature. The OPR was satisfied with the local authority's systems and procedures for preparing, considering and implementing Part 8 development, including supervision by appropriately qualified staff.

**Outcome:** The local authority recognised the procedural lapse, committing to put arrangements in place to avoid repetition in the future and the OPR deemed this a satisfactory response.

**Learning:** This outcome highlights the importance of having robust internal procedures in place on the Part 8 development process. In this instance, the error was caused by a once-off lapse in procedure, and the local authority did not proceed with the proposed works to the protected structure. The local authority's robust systems and procedures supported their case in this regard.



## Case Study 4

### Not upheld: Wastewater treatment systems

**Subject:** A customer raised concerns regarding the procedures applied by a local authority when considering planning applications for developments requiring new wastewater treatment systems. The customer alleged that some planning applications were erroneously stating that derelict properties included an existing septic tank. They alleged that the local authority did not have robust systems and procedures to deal with applications for the redevelopment of derelict sites as they are treated in a different manner than applications for sites that have not been developed previously.

**Action:** The OPR conducted a preliminary examination and engaged with the customer and the local authority, and requested a report from the local authority.

**Findings:** On examination of the evidence, including the report from the local authority, the OPR found that the local authority had appropriate systems and procedures in place for the consideration of planning applications for developments that require new wastewater treatment systems.

In responding, the local authority provided detail in relation to its implementation of the requirements of the relevant Environmental Protection Agency (EPA) Code of Practice,<sup>16</sup> including confirmation that all applicants are required to submit Site Characterisation Reports where individual wastewater treatment systems are required. Furthermore, the local authority specifically clarified that this requirement is part of its procedure regardless of the type of site involved, or whether there is an existing or derelict property on the site.

**Outcome:** The OPR was satisfied that the local authority had appropriate systems and procedures in place to deal with planning applications for developments that require new wastewater treatment systems and therefore did not uphold this complaint.

**Learning:** This outcome demonstrates the importance for all local authorities to ensure that they have appropriate systems in place for considering planning applications for developments requiring new wastewater treatment systems. It is also important for local authorities to follow the requirements of the EPA Code of Practice into their systems and procedures (e.g. requirements for preparation of a Site Characterisation Report).

<sup>16</sup> 'Wastewater Treatment & Disposing Systems Serving Single Houses' (2009; updated version published in 2021).



Skerries, Co Dublin

## 4 | Education, Training, Research and Public Awareness

### 4.1

#### Education and Training

##### Councillor Training

In accordance with the provisions of section 31Q(1)(a) of the Act, the OPR conducts education and training programmes for the elected members (councillors) of local authorities in respect of their role in the planning process. This is reinforced in Goal 2 of the OPR's Strategy Statement, which states that the OPR will drive "innovation and learning for all ... stakeholders in the planning process".

In 2021, the OPR, in conjunction with the Association of Irish Local Government (AILG), developed a planning training programme for elected members building on the 2020 training programme.

The 2021 training programme provided members with a more in-depth level of training in relation to four topical themes of communications infrastructure, housing delivery, de-carbonisation and active travel.



**Figure 17** | Elected Members Training 2021 Topics

Eight training events were delivered for elected members throughout 2021 and consisted of presentations on the following topics:

**The Decision on the Planning Application and Planning Appeal:**

- The factors that are taken into consideration by local authorities when making decisions on planning applications; and
- The factors that are considered by ABP when making decisions on planning appeals and Strategic Housing Developments and Strategic Infrastructure Development applications.

**An Overview of Planning Enforcement Functions:**

- An overview of local authority planning enforcement; and
- Planning complaints submitted to the Office of the Ombudsman.

**Housing Supply Targets and Core Strategies:**

- Housing supply targets and development plans: the basis and benefits; and
- Implementing housing supply targets: the regional dimension.

### Rural Planning and Development Policy:

- Rural settlement in Ireland: the national policy context for local authority plan-making; and
- Practical advice in relation to rural settlement and local authority plan-making.

### Delivery of High Quality Housing Appropriate to its Setting:

- Planning policy, good urban design and sustainable communities; and
- The delivery of high quality housing appropriate to its setting.



AILG President 2020-21, Cllr Mary Hoade addresses OPR training webinar entitled **Delivering High Quality Housing Appropriate to its Setting**, July 2021.

### On and Offshore Renewables:

- Emerging energy scenarios and the implications for development plans; and
- Energy and Climate: Implications for development plans.

### How to Implement National Renewable Energy Targets in Development Plans:

- Emerging good practice on climate action in development plans; and
- Local authority perspectives on the integration of climate action into development plans.

### Sustainable Travel and Transport Planning and Local Authority Development Plans:

- Sustainable travel and transport planning at national, regional and local level and the NTA's Active Travel Investment Programme; and
- Local authority perspectives on active travel.

### Resources for Elected Members

Acknowledging the fact that not all elected members could attend the 'live' online events, the presentations and recordings from each training event have been made available on an ongoing basis on the OPR website for elected members to access in order to refresh and update their knowledge. The video recordings and presentation materials are also available to local authority staff and the wider public.

### Local Authority Staff Training

In accordance with the provisions of section 31Q(1)(b) of the Act, the OPR is mandated to conduct education and training programmes for staff of local authorities in respect of such matters as the OPR considers are of relevance to the functions of the local authority, particularly relating to proper planning and sustainable development.

In 2021, the OPR delivered two online training events specifically tailored for staff of local authorities and regional assemblies.



**Eight training events were delivered for elected members of local authorities throughout 2021 and consisted of expert presentations.**

Loughderryduff  
Wind Farm, Co Donegal

The OPR's first training event for local authority and regional assembly staff was delivered online in June. The webinar entitled **Development Management: Appropriate Assessment and Environmental Impact Assessment Screening** provided:

- An introduction and overview of the OPR's Practice Note 01: Appropriate Assessment Screening for Development Management;
- A brief demonstration of the Environmental Sensitivity Mapping Webtool; and
- An introduction and overview of the OPR's Practice Note 02: Environmental Impact Assessment Screening.



**Figure 18** | Attendees at Training Events



The OPR's second training event for local authority and regional assembly staff entitled **Development Plans: Learnings from OPR Research and Plans Evaluations** was held online in November and provided an overview of:

- Recent OPR research publications including:
  - Public Rights of Way and the Local Authority Development Plan;
  - Traveller Accommodation and the Local Authority Development Plan; and
  - Climate Action and the Local Authority Development Plan.
- OPR learnings from the evaluation of statutory plans including the strategic context for the new generation of development plans and the OPR's role in the evaluation of plans.

### Sectoral Learning and Development Strategy

In 2021 the OPR advanced work, in conjunction with the CCMA, on developing a Learning and Development Strategy for local authority and regional assembly planning staff. In that regard, a steering group was established comprising representatives from the Housing, Building and Land Use Sub-Committee of the CCMA, the Local Government Management Agency (LGMA) and the OPR. The Learning and Development Strategy Report will be finalised in 2022.

In tandem with the development of the Learning and Development Strategy, in Q3 of 2021, the OPR supported the launch of a new focused training programme for local authority staff entitled Certificate in Environmental and Planning Legislation. The programme was developed by IT Carlow in partnership with the Local Authority Services National Training Group (LASNTG) and commenced in October.

## 4.2

### Research

#### National Planning Knowledge Group (NPKG)

Section 31Q(1) of the Act provides that one of the core functions of the OPR is to conduct education and training programmes for members of planning authorities and of regional assemblies and for staff of local authorities or regional assemblies. Section 31Q(2) of the Act provides that the OPR shall conduct research in relation to matters relevant to its functions as well as any other matters requested by the Minister.

Under section 31Q(3) of the Act, the OPR may enter into arrangements with any person or body suitably qualified to perform its research, education and training programmes.

In order to gain familiarity with existing research, and to ascertain the most pertinent knowledge, training and public awareness needs of the various stakeholders involved in the planning process, the OPR established the National Planning Knowledge Group (NPKG) in late 2019.

The NPKG acts as an advisory committee for the OPR on the current state of the knowledge base in relation to both pressing and strategic planning matters and gaps to be addressed in conjunction with stakeholders. The OPR provides the secretariat for the group.

The NPKG includes representation from the higher education and research sector, governmental and non-governmental organisations, the business community, local government, the environmental sector and planning institutes representing professional planners engaged in both public and private sector work. The group met three times in 2021.



## OPR Research Output

In 2021, consistent with the Strategic Research Framework and the associated Strategic Planning Research Programme, the OPR advanced work on several research projects under the following strands:

### Strand One – Planning Issues

In Q1, the OPR attended the EPA Climate Research Coordination Group's first full steering committee meeting. The meeting was convened to agree terms of reference and practices and procedures for the EPA Five-Year Assessment Report on Climate Change '5YAR'. The OPR sits on the sub-committee for Volume 2 – Achieving Climate Neutrality by 2050. The project is expected to conclude with publication in May 2023.

The OPR also entered into a research partnership agreement in April 2021 with the International Centre for Local and Regional Development (ICLRD) in respect of a research project dealing with 'Planning, Place-Making and the Changing Spatial Relationship between Home and Workplace'. The project is being co-funded by the OPR, the LGMA, the DHLGH, Clare County Council and government departments in Northern Ireland and Maryland State in the USA. The OPR sits on the Operational Partnership Group for the project. It is a 24-month project and is expected to conclude in March 2023.

In Q2 of 2021, the OPR joined the steering committee of another EPA-led project on 'Landscapes, catchments and ecosystems'. The OPR assisted in the two stages of the evaluation of research proposals received on foot of the EPA's research call. This process resulted in one proposal being recommended to the EPA board for approval. While the OPR is not funding this project, the OPR will be represented on the steering committee.

In 2021, the OPR also entered into a sponsored research agreement with University College Cork (UCC) to engage the services of MaREI (Science Foundation Ireland's Research Centre for Energy, Climate and Marine coordinated by the Environmental Research Institute at UCC) to conduct research and to prepare a Case Study Paper CSP05 on Climate Action and the Local Authority Development Plan. Work was advanced on this research paper throughout 2021 and it will be published in the first quarter of 2022.

## Strand Two – Planning Performance

Under Strand Two (Planning Performance), the following Case Study Papers (CSP) were published in 2021:

- Case Study Paper CSP01 – Public Rights of Way and the Local Authority Development Plan. This CSP was based on analysis of the current public rights of way, findings of a survey of local authority development plans and a good practice summary.
- Case Study Paper CSP02 – Online Planning Services: A Survey of the Online Availability of Local Authority Planning Documentation. This CSP was based on a survey of over 155 randomly selected planning applications on the websites of all 31 local authorities. The CSP seeks to support planning authorities in the delivery of online planning services, to highlight best practice and promote shared learnings across the sector.
- Case Study Paper CSP03 Traveller Accommodation and the Local Authority Development Plan. This CSP was based on a survey of current development plans and Traveller accommodation programmes and examined linkages between their policies and objectives. This CSP seeks to support planning authorities in the performance of their duties and to highlight best practice and promote shared learnings across the sector.

- Case Study Paper CSP04 Pre-Application (Section 247) Consultation Services. This CSP builds on CSP02 Online Planning Services: A Survey of the Online Availability of Local Authority Planning Documentation which found there was a variation in how pre-application services are delivered across local authorities. This CSP explores how the service is delivered across all 31 local authorities.

Also within Strand Two of the Research Programme, work was advanced on Case Study Paper CSP06 – Planning Application Processing: Analysis of Local Authority Validation Processes.

Throughout Q4 2021, work was also advanced on preparations for an analysis of the “Part 8 processes” local authorities use to oversee their own projects that do not go through the planning application process. This internal research paper will be finalised in Q2 of 2022.

Finally, the OPR entered into a co-funding agreement with the EPA in Q2 of 2021, and assisted in the evaluation of proposals received on foot of the EPA’s research call in respect of a project topic on Strategic Environmental Assessment (SEA). The evaluation process resulted in one proposal being recommended to the EPA board for final approval. Subject to approval, it is anticipated that this project will commence in 2022 and has a duration of 24 months. The OPR is co-funding this project with the EPA.

## Strand Three – Planning Practice

Under Strand Three (Planning Practice) of the Research Programme, Practice Note 01, which deals with the subject of Appropriate Assessment Screening, was published in March 2021. Also within Strand Three of the Research Programme, Practice Note 02, which deals with the subject of Environmental Impact Assessment Screening, was published and formally launched in June 2021.

Finally, within Strand Three of the Research Programme, the Practice Application for Managing Timelines in the Development Plan was formally launched in Q2 and is now live on the OPR's website.

Work was also advanced on the 'Planning Conditions' research project which will be published as Practice Note PN03. Work on this project will continue into 2022.

### Research and Training Page

#### New Additions to Research and Training Page

In 2021, two significant additions were made to the training material available for the elected members on the OPR website. The first was a fact sheet on "The Role of Elected Members in Planning". The second was a new subpage titled "Introduction to Planning for Elected Members" that provides easy access to OPR training material produced for elected members including recordings of training events, briefing documents, OPR animation videos, planning leaflets and relevant research publications.

#### Technical Glossary

In 2021, the OPR published an online technical glossary. The aim of the glossary is to provide an introductory guide to planning terminology and related issues. The glossary is divided into four themes: Planning and Governance, Environment and Climate, Architecture and Built Heritage, and Engineering and Specialised Terminology.

## 4.3

### Public Awareness

#### Eco Eye Episodes

Three episodes of the popular RTÉ Eco Eye series, produced by Earth Horizon Productions Ltd with sponsorship by the OPR, aired on RTÉ 1 television in January/February 2021. The episodes covered issues including rural housing, how spatial planning can help to revitalise our towns and villages and how we can reimagine our cities to ensure their vitality and viability in the future. Audience ratings exceeded expectations across all three episodes and ranged from 355,900 to 469,300.



Jude Sherry, Frank O'Connor and Eco Eye Presenter Duncan Stewart in Eco Eye episode entitled Cities Re-imagined broadcast in February 2021

Following the success of previous collaborations, the OPR continued to engage with Earth Horizon Productions Limited throughout 2021 and sponsored the production of three further episodes of Eco Eye. The three episodes had at their core the theme of sustainable spatial planning and focused specifically on initiatives for tackling vacancy and dereliction, the 'town centre first' initiative and how areas that have experienced past urban sprawl might adopt measures to encourage a more sustainable approach to future development.

### Planning Week 2021

Planning week 2021 took place from the 4\_11 November and coincided with World Town Planning Day on 8th November. The OPR teamed up with the Planning Societies of Technological University (TU) Dublin and UCC to mark 'World Town Planning Day'. The purpose of World Town Planning Day is to emphasise the impact and importance of good planning. The Planning Regulator was interviewed for UCC's podcast and the Deputy Regulator spoke at TU Dublin which explained the overall role and function of the OPR to planning students.

### Planning Leaflet Series

In January 2021, the OPR in conjunction with the DHLGH, published its online planning leaflet series. The leaflets were launched by the Minister for Local Government and Planning, Peter Burke, TD, at the January councillor training webinar.



**Deputy Planning Regulator, Anne Marie O'Connor speaks to TU Dublin students during Planning Week**

The series comprises 14 leaflets which deal with a wide range of planning issues. A 15th leaflet was added to the series in September. The leaflet entitled A Guide to Taking in Charge of Completed Residential Developments explains what is meant by the term 'taking in charge', who can seek to have a residential development taken in charge and the procedures involved.

All of the planning leaflets are accessible on the OPR and the DHLGH websites and are a very sought after and popular source of easy to understand information on the nature of the planning process and how citizens can work with it.

### Site Specific Films

In the latter half of 2021, the OPR commenced a process of exploring options for commissioning short films to build public awareness and engagement on topical planning issues. These include how to get the scale and pattern of new development in an area to match both local conditions and meet strategic requirements, urban regeneration and more active travel. Work will be advanced on this project in 2022.



**Planning Leaflet Series**

## 5 | Corporate Affairs

### 5.1

#### Governance

The OPR was established as a statutorily independent body. In exercising its functions, the OPR is wholly independent and is accountable to the Oireachtas and the Minister as a publicly funded organisation. The OPR's governance structure, as prescribed by the Act, is that of an office holder rather than a non-executive board structure and its day-to-day functioning is administered by the organisation's executive.

#### Executive Management Team (EMT)

The EMT consists of the Planning Regulator and the three Directors, one of whom is the Deputy Planning Regulator, and meets regularly under a standing agenda.

The meetings provide a forum for regular strategic and operational review of the functioning of the organisation, including risk assessment, financial management, approval of policies and management of resources.

#### Gender Balance in the EMT Membership

As at 31 December 2021, the EMT had two (50%) female and two (50%) male members.

The EMT therefore meets the Government target of a minimum of 40% representation of each gender in the membership of State Bodies' leadership.

The OPR is building a values driven culture which will be key in maintaining and supporting gender balance on the EMT and promoting gender balance, diversity and inclusion in its operations.

### Finance, Audit and Risk Committee

The OPR's governance structure, pursuant to section 31N of the Act, is that of a corporation sole/office holder. While the OPR is not mandated to establish committees which standardly operate as committees to non-executive boards, in the interests of transparency and accountability and following best practice, the OPR established a Finance, Audit and Risk Committee in line with guidance provided within the Code of Practice for the Governance of State Bodies. The role of the Finance Audit and Risk Committee is to support the Planning Regulator in relation to his responsibilities for issues of related controls, corporate governance and associated assurance.

The Finance Audit and Risk Committee met four times in 2021.

Members of the Committee are:

#### External Members:

Pat Macken (Chairperson)

Lorraine O'Donoghue

Breda Coss (appointed 10 June 2021)

#### Executive Members:

Joanna McBride

Director of Research, Training and Corporate Services

Gary Ryan

Director of Reviews and Examinations

Valerie Halpin

Secretary to the Committee

The following schedule of meetings was held by the Finance, Audit and Risk Committee during 2021.

**Table 6**

### Finance, Audit and Risk Committee Meetings

Attendance	Meeting dates			
	25 Feb 21	10 June 21	13 Oct 21	13 Dec 21
Pat Macken	✓	✗	✓	✓
Lorraine O'Donoghue	✓	✓	✓	✓
Joanna McBride	✓	✓	✓	✓
Gary Ryan	✓	✓	✓	✗
Breda Coss ( <i>appointed 10 June 2021</i> )	n/a	n/a	✓	✓



### Performance Delivery Agreement and Oversight Agreement

One of the key requirements of the Code of Practice for the Governance of State Bodies 2016 is that Departments and bodies under their aegis should put in place an Oversight Agreement and a Performance Delivery Agreement which should form an integral part of the strategic and operational framework for the agency.

In that regard, an Oversight Agreement and a Performance Delivery Agreement between the DHLGH and the OPR were in place in 2021. Both documents are reviewed and updated regularly.

To further strengthen the governance framework of the OPR, regular liaison meetings between senior management of the DHLGH and the OPR take place to monitor performance and governance matters as well as to provide a forum for regular discussion on matters affecting the statutory functions of both organisations.

### **Risk Management**

Risk Management is one of the key requirements to ensure good corporate governance and agile organisational responsiveness to risk. The EMT, including the Chief Risk Officer, and the Finance Audit and Risk Committee have the overall responsibility for overseeing risk management within the organisation, determining the organisation's risk appetite and the continuous review of the Risk Register throughout the year.

The OPR operates under a comprehensive risk management framework, including a risk appetite statement, risk register and a Risk Management Policy. As part of the continuous review of the risk management framework, the EMT carried out an assessment of the OPR's principal risks, including a description of these risks, and associated mitigating measures.

### **Internal Audit**

An internal audit function is in place with appropriately trained personnel which operates in accordance with a written charter. Its work is informed by the analysis of the financial risks to which the OPR is exposed and its annual internal audit plans are based on this analysis. These plans aim to cover the key controls on a rolling basis over a reasonable period.

The OPR's internal audit in 2021 was carried out by ASM Accountants and comprised audit of the OPR system of internal controls, the controls implemented in relation to data protection, the systems for the evaluation and assessment of statutory plans and the systems for conducting reviews of planning authorities' systems and procedures in their performance of planning functions.

### **System of Internal Control**

The OPR ensures that an effective system of internal control is maintained and operated at all times. The OPR's monitoring and review of the effectiveness of the system of internal control is informed by the work of the internal and external auditors, the Finance, Audit and Risk Committee, which oversees their work, and the senior management within the OPR responsible for the development and maintenance of the internal control framework. The OPR performed an annual review of the effectiveness of the internal controls for 2021.

### **Code of Practice for Governance of State Bodies**

The OPR has adopted the Code of Practice for the Governance of State Bodies (2016) and has put procedures in place to ensure compliance with the Code. The OPR was in compliance with the Code of Practice for the Governance of State Bodies for 2021, with the exception of the Code's provisions in relation to role of the Board, the role of the Chairperson and the role of Board members.

This is because the OPR structure is atypical and does not have a Board. Instead, in the OPR the Planning Regulator undertakes the collective role of a Board. Therefore, in addition to performing his duties as a Board, the Planning Regulator also performs executive functions.

## 5.2

### Continuing to Build the Organisation

The OPR remained agile during the course of 2021, adhering to Government and public health advice in relation to the Covid pandemic. Remote working was to the forefront as we continued to build the foundations of our organisation. In building our resourcing, some of our recruitment during 2021 was carried out online and meetings and training events were moved to digital platforms as the OPR found new ways to continue delivering services throughout the year.

Preparing our permanent premises at Park House, Grangegorman in Dublin 7 for the anticipated gradual return to office based work continued throughout 2021 when conditions allowed.

#### Building our Team

The OPR has an approved complement of 31 fulltime staff, including the Planning Regulator. During the course of 2021, a number of recruitment campaigns were carried out to continue to fill these positions.

The OPR had 24 staff as at 31 December 2021. Recruitment campaigns commenced in late 2021 resulted in the appointment of six additional staff who took up positions in early 2022. Due to the necessity to work from home, a number of staff were recruited and inducted remotely. All staff worked together to create a welcoming environment for new recruits during 2021.

The OPR operates its recruitment primarily under a license granted by the Commission for Public Service Appointments. Open panels via the Public Appointments Service are also utilised, where appropriate.

Staff of the OPR are civil servants and are remunerated in line with Government policy. The Planning Regulator is remunerated at the civil service grade of Assistant Secretary.

#### Our Premises

The OPR took occupancy of our permanent office premises at Park House in late 2020.



The OPR's Premises, Park House, Grangegorman, Dublin 7

Due to the public health restrictions, a staggered return to office based work commenced during September 2021 and staff had the opportunity to settle into our permanent office premises and enjoy the TU Dublin campus and surrounding area of Dublin 7. This staggered return was paused in line with Government advice in November 2021, when staff returned to fulltime remote working, not returning to office based work until 2022.

Park House, which is part of the TU Dublin campus in Grangegorman, is part of the Government's Strategic Development Zone for the regeneration of the area. Co-location of the OPR on the TU Dublin campus offers considerable synergies with a range of education, training and research capabilities through its school of the built environment. Synergies are also available in relation to easy and cost-effective access to meeting and training room facilities.

### ICT Strategy and Systems

During 2021, the OPR created an intranet site and migrated to the eDocs document management system. Both of these applications are part of the Build-to-Share applications suite provided by the Office of the Government Chief Information Officer (OGCIO). The Build-to-Share applications suite is designed to provide a common set of applications to all public service bodies, achieving greater economies of scale and standardisation in the processes.

The intranet site helps with internal communications and provides a central hub from which to access information and digital services that are available to all OPR staff. eDocs is a document management system that assists OPR staff in storing, managing and locating documentation on a day-to-day basis.

In implementing these systems, the OPR has continued to develop its capabilities in line with the pillars of the Public Service ICT Strategy, including Build-to-Share, Digital First and Data as an Enabler.

Throughout 2021, work continued on the evaluation and implementation of eCase – the OGCIO's Build-to-Share Case Management System – along with other Customer Relationship Management (CRM) systems to enhance customer service, improve case management, and assist the OPR in effectively delivering its statutory functions.

### Policies and Procedures

Since our establishment, we have implemented a suite of policies and procedures that provide an important basis for the day-to-day functioning of the organisation. In addition to these, we have implemented the Civil Service policies and codes, including the Dignity at Work and The Civil Service Code of Standards and Behaviour. Throughout 2021, to ensure the continuous strengthening of the governance and operational footing of the OPR, we continued to review and update existing policies and implement additional policies, such as a Right to Disconnect Policy developed in line with the Workplace Relations Commission Code of Practice for Employers and Employees on the Right to Disconnect published in April 2021.

### Code of Conduct and Conflict of Interest

Procedures are in place to ensure that staff of the OPR comply with the provisions of the Ethics in Public Office Act 1995 and Standards in Public Office Act 2001, where applicable. In addition, the OPR operates under a Code of Conduct for managing conflict of interest, pursuant to the provisions of section 31AL of the Planning and Development (Amendment) Act 2018.

Under the Code, all staff members of the OPR and the Chief Executive must and have registered any relevant interests by way of a declaration.

### Health and Safety

In 2021, the OPR complied with the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work Act (General Applications) Regulations 2007. The OPR remained responsive as new and updated guidance issued by Government during the Covid pandemic.

Our Safety Statement was reviewed, updated and circulated to all staff to reflect changing guidance and reflect our occupancy of the OPR's new office premises. Additionally, in preparation for returning to the office in a blended capacity, the OPR maintained an up to date Covid Response Plan. This plan was based on the Government issued Return to Work Safely Protocol, which allowed for a safe staggered return to the office in Q3. The Lead Worker Representative (LWR) role was maintained in 2021. The LWR continued to work with the EMT and staff, to ensure the implementation of control measures identified within our plan, to prevent and eliminate the spread of Covid in our workplace.

Health and safety training for staff was conducted during the year, with the appointment of additional first aid and fire warden officer roles. The increased number of these dedicated roles was a measure put in place to facilitate blended working, ensuring that adequate numbers of staff trained in health and safety were in place.

As remote working continued during 2021, the OPR arranged online ergonomic workstation assessments for staff allowing the OPR to fulfil its legal obligation to ensure staff health, safety and welfare at work, while working from home. The assessments afforded staff an opportunity to discuss ergonomic issues and obtain professional advice from a chartered physiotherapist who specialised in the areas of occupational health and ergonomics.

### Freedom of Information (FOI) and Access to Information on the Environment (AIE)

The OPR is a public body for the purposes of the Freedom of Information Act 2014. In addition to the provisions of the FOI legislation, information on the environment may be sought from the OPR under the Access to Information on the Environment Regulations 2007–2018.

Details of activity in 2021 are provided below and are also available on the OPR website.<sup>17, 18</sup>

**Table 7**  
FOI/AIE Requests 2021

	FOI	AIE
<b>Granted</b>	4	0
<b>Partially granted</b>	4	0
<b>Withdrawn</b>	0	1
<b>Transferred</b>	0	0
<b>Refused</b>	3	0
<b>Total</b>	11	1

<sup>17</sup> <https://www.opr.ie/access-to-information-on-the-environment/>

<sup>18</sup> <https://www.opr.ie/freedom-of-information/>

## Data Protection and the General Data Protection Regulation

The OPR is committed to protecting the rights and privacy of individuals in accordance with the General Data Protection Regulation (GDPR), which came into effect in May 2018, and the Data Protection Acts 1988, 2003 and 2018.

As required by the regulation, the OPR has a dedicated Data Protection Officer. The Data Protection and Data Privacy policies have been updated in the organisation. The Data Protection and Data Privacy policies are kept under regular review by the Data Protection Officer and were updated in 2021 to reflect data protection legislation and guidance notes which were issued by the Data Protection Commission.

In 2021, no personal data requests were received by the OPR and there were no instances of personal data breaches.

## Irish Language

The Official Languages Act 2003 sets out the duties of public bodies regarding the provision of services in the Irish language and the rights of the public to avail of those services. The OPR is captured on the list of public bodies obliged to comply with the provisions of the Official Languages Act.

In order to adhere to the duties outlined in the Act, the OPR has contracted external translators to ensure any relevant documentation as well as some of the information on our website is translated and published in a timely manner. The OPR logo, stationery and email signatures are in a bilingual format and all relevant publications such as the Annual Report and Strategy Statement are also published bilingually.

The OPR Irish language policy was updated in July 2021 to ensure best practice in relation to the use of the Irish language throughout its work.

The updated strategy included information on useful Irish language phrases for use by staff when communicating in Irish with members of the public and also included the commitment for all static information on the website to be translated.

The OPR also complies with its statutory responsibilities under section 31AA of the Act in relation to the provision of services through the Irish language and a designated staff member has been assigned to deal with any oral queries received in Irish. To this end, knowledge of the Irish language is included as an important criterion in our recruitment campaigns.

The Official Languages (Amendment) Act 2021 was enacted in December 2021. This new legislation is a strengthening of the Official Languages Act 2003 and the OPR will consider its obligations under the Act and will design a process to fulfil these obligations.

## Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 imposes a statutory obligation on public bodies in performing their functions to have regard to the need to:

- Eliminate discrimination;
- Promote equality of opportunity and treatment for staff and persons to whom it provides services; and
- Protect the human rights of staff and service users.

The OPR recognises that the duty is underpinned by equality legislation that covers the nine grounds of:

- Gender;
- Civil status;
- Family status;
- Age;

- Disability;
- Sexual orientation;
- Race;
- Religion; and
- Membership of the Traveller community.

The OPR is an equal opportunities employer and operates its recruitment under a licence granted by the Commission for Public Service Appointments. All recruitment processes carried out during 2021 were in strict accordance with the Commission for Public Service Appointments Codes of Practice.

The OPR is committed to providing services in an accessible way by, for example, appointing an Access Officer to act as a point of contact for people with disabilities wishing to access our services, providing an accessible website, using plain English in our communications and the use of subtitles and sign language on our information videos. During 2021, the OPR exceeded the statutory minimum 3% target of employment of people with disabilities.

The OPR is committed to protecting dignity and respect across the organisation and has implemented the Dignity at Work Policy prepared by the Department of Public Expenditure and Reform. Dignity at work training for all staff has been arranged and will take place in early 2022.

During 2021, the OPR published a CSP 'Traveller Accommodation and the Local Authority' which supports the work of the Traveller Accommodation Expert Group established in 2018.<sup>19</sup>

This CSP provides research and a review by the OPR of Traveller accommodation policies and objectives in statutory development plans.

Additionally, the CSP is intended to assist in addressing knowledge gaps, provide support for practitioners and planning authorities and highlight best practice to foster shared learning.

### **Protected Disclosures Act 2014**

The OPR has put in place procedures for making protected disclosures, under a Protected Disclosures Policy, in line with the Protected Disclosures Act 2014. These procedures set out in detail the process by which an employee of the OPR can make a protected disclosure, what will happen when a disclosure is made and what the OPR will do to protect the discloser.

The process supports the OPR's commitment to fostering a working environment where employees feel comfortable in raising concerns relating to potential wrongdoing within the OPR and to provide the necessary supports for those that raise genuine concerns. This working environment reflects the OPR's core values, especially those of integrity, professionalism, openness and transparency.

Under section 22 of the Protected Disclosures Act 2014, the OPR is obliged to prepare and publish, no later than 30 June in each year, a report detailing the number of protected disclosures made during the preceding year and the action (if any) taken in response to those protected disclosures.

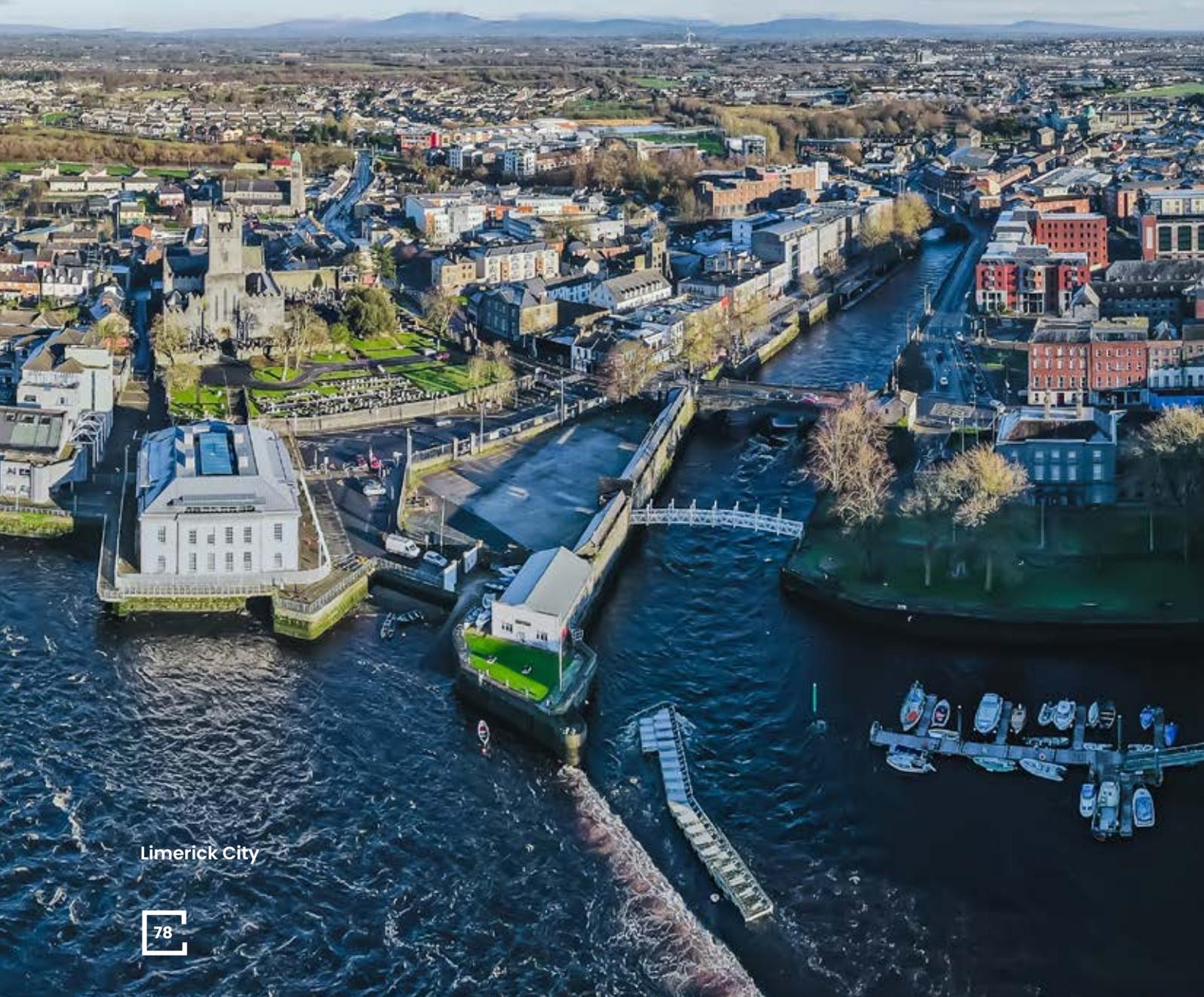
Pursuant to this requirement, no protected disclosures were received in 2021 and the annual report on protected disclosures has been submitted to our parent Department and published on our website.

### **Energy Usage 2021**

The OPR has reported to the Sustainable Energy Authority of Ireland regarding energy consumption, related data and business travel for 2021.

<sup>19</sup> <https://publications.opr.ie/view-file/70>

**The OPR remained agile during the course of 2021, adhering to Government and public health advice in relation to the Covid pandemic.**



Limerick City

The OPR is committed to reducing its environmental impact as far as possible. To this end, staff are supported by a number of initiatives including the travel-pass and bike-to-work schemes and provision of good quality cycle facilities that have resulted in a high usage of sustainable travel modes.

## 5.3

### Financial Information

The OPR's budget is allocated through the DHLGH Vote 34, subhead D.5. In 2021, the OPR's budget totalled €3,088,000. An external accountancy firm, Crowleys DFK assists the OPR in the management of the accounts function and the preparation of financial reports and statements.

The OPR's banking services are provided by Danske Bank.

In its operations, the OPR ensures value for money and sound financial management by complying with the Public Spending Code, including National and EU Public Procurement Procedures and financial management rules, as well as the provisions of the Act as laid out in Section 31AG ensuring accountability and transparency.

### Financial Statements

The Financial Statements of the OPR, including the Statement on Internal Control and the Governance Statement, are prepared in accordance with FRS102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council. The Financial Statements of the OPR are subject to audit by the Comptroller and Auditor General and the audit of 2021 accounts will take place in 2022.

Once certified by the Comptroller and Auditor General, the financial statements will be laid before the Houses of the Oireachtas and will be published on the OPR website.

### Tax Law

The OPR has complied with its obligations under tax law in 2021.

### Procurement

The OPR is committed to achieving value for money and implementing the most effective procurement processes. The OPR has published and regularly updates its Corporate Procurement Plan.<sup>20</sup>

As a public body, the OPR utilises central frameworks and contracts put in place by the Office of Government Procurement (OGP) when procuring a range of commonly required goods and services. Where no central framework or contract is available, the OPR operates in accordance with EU Procurement Directives. The OPR has a dedicated Procurement Officer who works with all staff to promote best practice in their procurement activity. A summary report of public contracts awarded by the OPR with a value greater than €25,000 is published quarterly on the OPR website.

### Prompt Payments of Accounts Act 1997

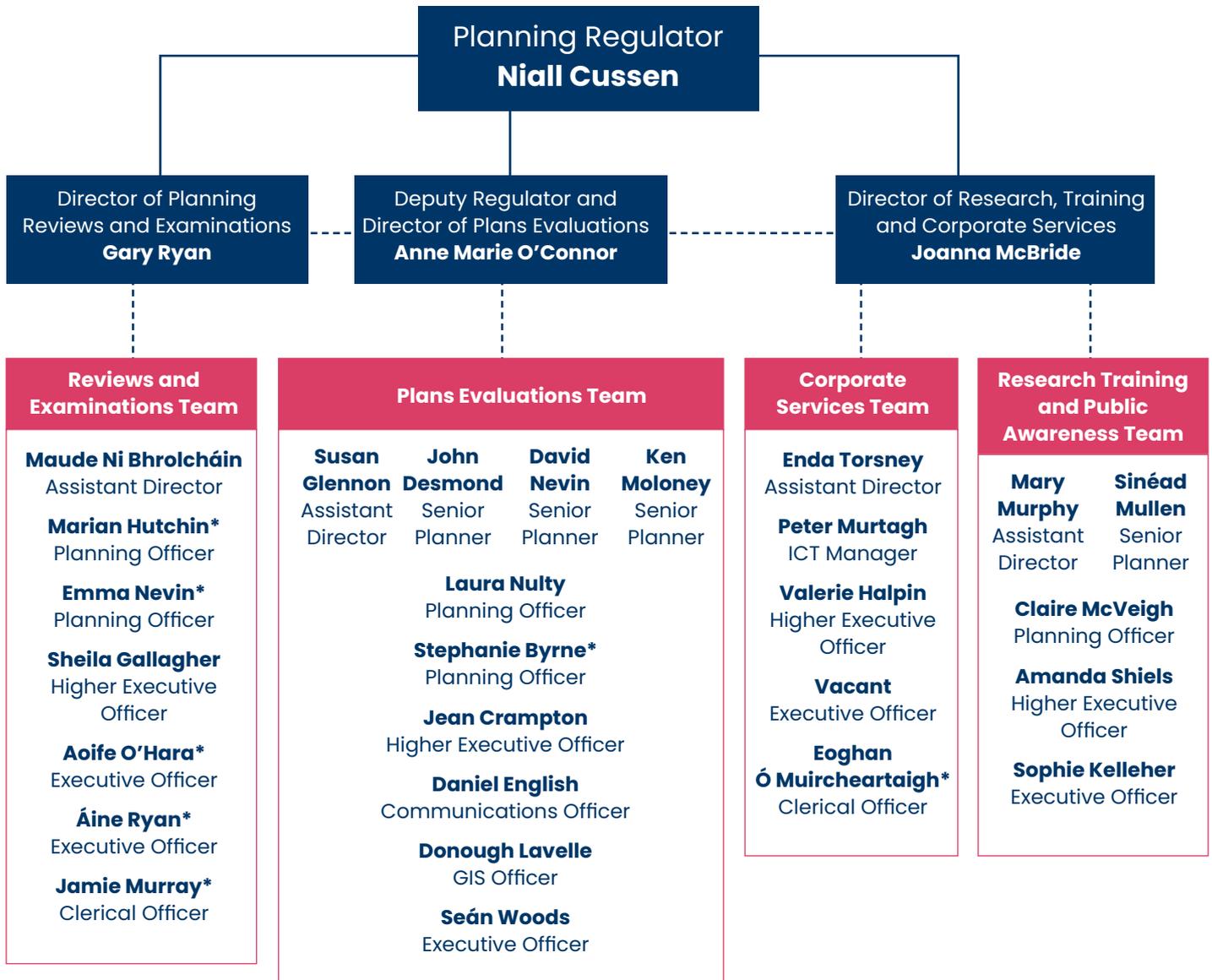
The OPR complies with the provisions of the Prompt Payments of Accounts Act 1997. The OPR has introduced procedures to ensure that invoices are paid within the statutory time limit. The OPR posts its quarterly prompt payment reports on its website.

### Oireachtas Members' Enquiries

The OPR provides a dedicated enquiries email address, [oireachtas@opr.ie](mailto:oireachtas@opr.ie) for members of the Oireachtas seeking information about the work of the OPR. Ten queries from Oireachtas members were received in 2021.

<sup>20</sup> <https://publications.opr.ie/view-file/41>

# Staff Information



\* Assumed position in 2022





Killary Harbour, Co Mayo and Co Galway





**Oifig an  
Rialaitheora Pleanála**  
Office of the  
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