



Office of the Planning Regulator

Quarter 3 of 2022

Activity Report



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

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Introduction

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

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



Evaluation of Statutory Plans

Notification of Consultations on Statutory Plans

In Q3 of 2022, nine consultations on statutory plans opened for public consultation. Planning authorities are required to notify the OPR at specified stages of the plan making process, such as when a public consultation is launched. Table 1 sets out a breakdown of notifications received by the OPR of consultations on statutory plans by plan-type. In Q3 of 2022, the majority of notifications received by the OPR related to issues papers for local area plans.

Table 1: Notification of Consultations on Statutory Plans

Issues Papers for City/County Development Plans:	-
Material Alterations to Draft City/County Development Plans: <ul style="list-style-type: none"> • Dublin City Council • Galway City Council • Kildare County Council 	3
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> • Kerry County Council (Kenmare MD LAP 2022-2028) • Offaly County Council (Edenderry LAP 2023-2029) • Carlow County Council / Laois County Council (Carlow Graiguecullen Joint Urban Local Area Plan 2023-2029) • Kildare County Council (Maynooth and Environs Joint LAP 2024-2030) 	4
Draft Local Area Plans: <ul style="list-style-type: none"> • Fingal County Council (Lissenhall East LAP 2023-2029) • Offaly County Council (Birr Local Area Plan 2023-2029) 	2
Total	9

OPR Submissions on Statutory Plans

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

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

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure

alignment with policy and legislative provisions. The local authority is requested by the OPR to action an observation.

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

The OPR made nine submissions to local authorities in Q3 2022. These submissions were in relation to:

Table 2: Submissions on Statutory Plans

Material Amendments to City/County Development Plans: <ul style="list-style-type: none"> Dublin City Council 	1
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> Roscommon County Council (Boyle LAP 2023-2029, Roscommon Town LAP 2023-2029) Kerry County Council (Kenmare MD LAP 2022-2028) Offaly County Council (Edenderry LAP 2023-2029) 	4
Draft Local Area Plans <ul style="list-style-type: none"> Limerick City and County Council (Rathkeale LAP 2023-2029) 	1
Revocation of Local Area Plans <ul style="list-style-type: none"> Limerick City & County Council (Castletroy Local Area Plan 2019-2024, Kilfinane Local Area Plan 2012-2017 [as extended], Southern Environs Local Area Plan 2021-2027 [as extended]) 	3
Total	9

OPR submissions during Q3 2022 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.

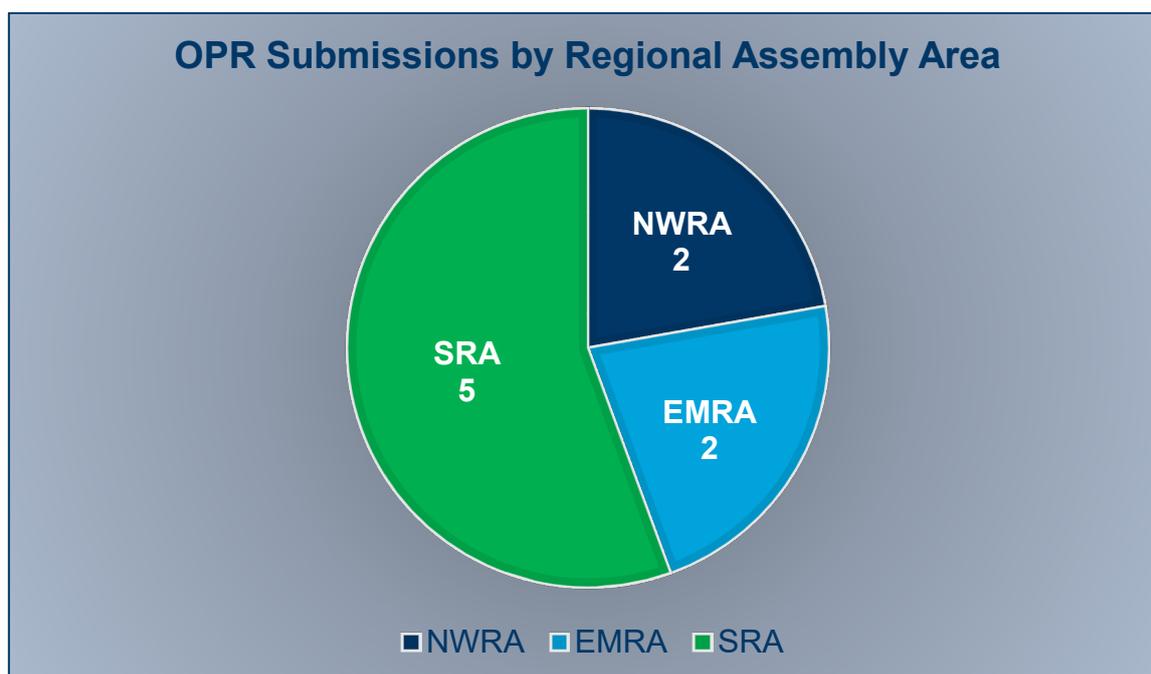


Figure 1: OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations

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

Table 3: Recommendations and Observations made by the OPR¹

	Submissions (number)	Observations (number)	Recommendations (number)
Draft City/County Development Plans	-	-	-
Material Amendments to City/County Development Plans	1	3	1
Variation to County/City Development Plans	-	-	-
Draft Local Area Plans	1	3	2
Material Alterations to Draft Local Area Plans	-	-	-
Revocation of Local Area Plans	3	-	-
Total	5	6	3

¹ The OPR does not issue recommendations or observations at Issues Paper stage

The following are some of the key themes evident in the recommendations and observations in the OPR's submissions in Q3:

- **Section 28 guidelines:** flood risk and design standards for new apartments;
- **Legislative requirements:** climate actions under section 10(2)(n); consistency with the GDA Transport Strategy under section 9(6A);
- **Hierarchy of plans:** alignment with National Planning Framework and RSES in relation to strategic residential development, flood risk, housing and regeneration of towns and villages.

OPR Recommendations and Observations: Legislative Categories

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

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

In Q3 2022, consistency with national and regional policy and planning guidelines were the basis of the recommendations and observations made in the OPR's 5 submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Across all recommendations and observations issued in Q3 2022, the most common themes emerging were core strategy, settlement hierarchy, compact growth, national roads and renewable energy.

Table 4: OPR Recommendations	Number
Consistency with NPF	2
Consistency with RSES	1
Consistency with DP	0
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	1
Consistency with Legislative Provisions	1
Consistency with Legislative Provisions re Climate Change	1
Other	0
Total	7

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

Adopted Plans - Outcome of OPR Submissions

Three county development plans were adopted by planning authorities in Q3 2022, listed chronologically by adoption below:

- Kerry County Development Plan 2022-2028
- Tipperary County Development Plan 2022-2028
- Wicklow County Development Plan 2021-2027

Two variations to county development plans were adopted by planning authorities in Q3 2022, listed chronologically by adoption below;

- Proposed Variation to the County Donegal Development Plan 2018-2024 in respect of the Wind Energy Policy Framework (Variation No. 2)
- Adopted Variation No. 1 to the Louth County Development Plan 2021-2027

One variation to a local area plan was adopted by a planning authority in Q3 2022

- Fenit Village Design Masterplan [Proposed Amendment No.1 to Tralee Municipal District Local Area Plan 2018-2024]
-

Revocations to three local area plans were adopted by planning authorities in Q3 2022, listed chronologically by adoption below:

- Revocation of Southern Environs Local Area Plan 2021-2027
- Revocation of Castletroy Local Area Plan 2019-2025
- Revocation of Kilfinane Local Area Plan 2012-18

Following assessment of the above adopted plans, the Office did not make any recommendation in its submissions on the Fenit Village Design Masterplan or the revocations of three LAPs in Limerick.

The Office made 16 recommendations in total at draft and material alteration stage of the Tipperary County Development Plan 2022-2028, and 1 recommendation on the Adopted Variation No. 1 to the Louth County Development Plan 2021-2027, all of which were satisfactorily addressed.

The OPR's assessment of the recommendations made at the draft and MAs stage of the adopted Wicklow County Development Plan 2021-2027 was ongoing at the end of Q3.

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

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

Plan	Local Authority	Recommendation Issued	Outcome
Fenit Village Design Masterplan [Proposed Amendment No.1 to Tralee Municipal District Local Area Plan 2018-2024]	Kerry County Council	No	N/A
Revocation of Southern Environs Local Area Plan 2021-2027	Limerick City and County Council	No	N/A
Revocation of Castletroy Local Area Plan 2019-2025	Limerick City and County Council	No	N/A
Revocation of Kilfinane Local Area Plan 2012-18	Limerick City and County Council	No	N/A
Tipperary County Development Plan 2022-2028	Tipperary County Council	Yes (16)	All Recommendations satisfactorily addressed
Adopted Variation No. 1 to the Louth County Development Plan 2021-2027	Louth County Council	Yes (1)	Recommendation satisfactorily addressed

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

Plan	Local Authority	Recommendation Issued	Outcome
Kerry County Development Plan 2022-2028	Kerry County Council	Yes (12)	3 Recommendations not satisfactorily addressed
Proposed Variation to the County Donegal Development Plan 2018-2024 in respect of the Wind Energy Policy Framework (Variation No. 2)	Donegal County Council	Yes (2)	2 Recommendations not satisfactorily addressed

Draft Directions

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

In Q3 2022, the OPR issued proposed draft of directions to the Minister in respect of the following plans: South Dublin County Development Plan 2022-2028, Cork City Development Plan 2022-2028, Limerick Development Plan 2022-2028, Mayo County Development Plan 2022-2028, Kerry County Development Plan 2022-2028 and Variation No. 2 to the Donegal County Development Plan 2018-2024. Following from this, the Minister issued Draft Directions to the six authorities in July, August and September 2022. The statutory process in relation to a decision on the adopted plan remains ongoing. The OPR's proposed draft directions are available on the OPR website: <https://www.opr.ie/recommendations-made-by-the-opr-to-the-minister/>

Other Related Activity

- **GIS Modelling** was leveraged for the technical evaluation of draft development plans. Providing this critical evidence base enabled the OPR to make submissions on draft development plans and directions on adopted development plans grounded in evidence.
- **Tracking the Delivery of Residential Development:** The Office of the Planning Regulator (OPR), in collaboration with Meath County Council (MCC) and the Department of Housing, Local Government and Heritage has developed a dashboard solutions as 'proof of concept' for tracking and monitoring the delivery of residential development in the context of national, regional and local authority targets, zoned land, infrastructural capacity, planning consents and the activation there of. The dashboards focus on the settlement of Navan, Co. Meath and interrogate the interaction between policy and activation and its application in relation to monitoring the delivery of homes. The project forms the basis for ascertaining the viability of national application within the 31 local authorities, in the context of the delivery of the government's vision for the housing system contained in 'Housing for All – a new housing plan for Ireland'.



Reviews and Examinations

Case Handling

Cases Activity

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

During Q3, a total of 62 cases were received and 68 cases were closed by the OPR, detailed by month in Figure 2.

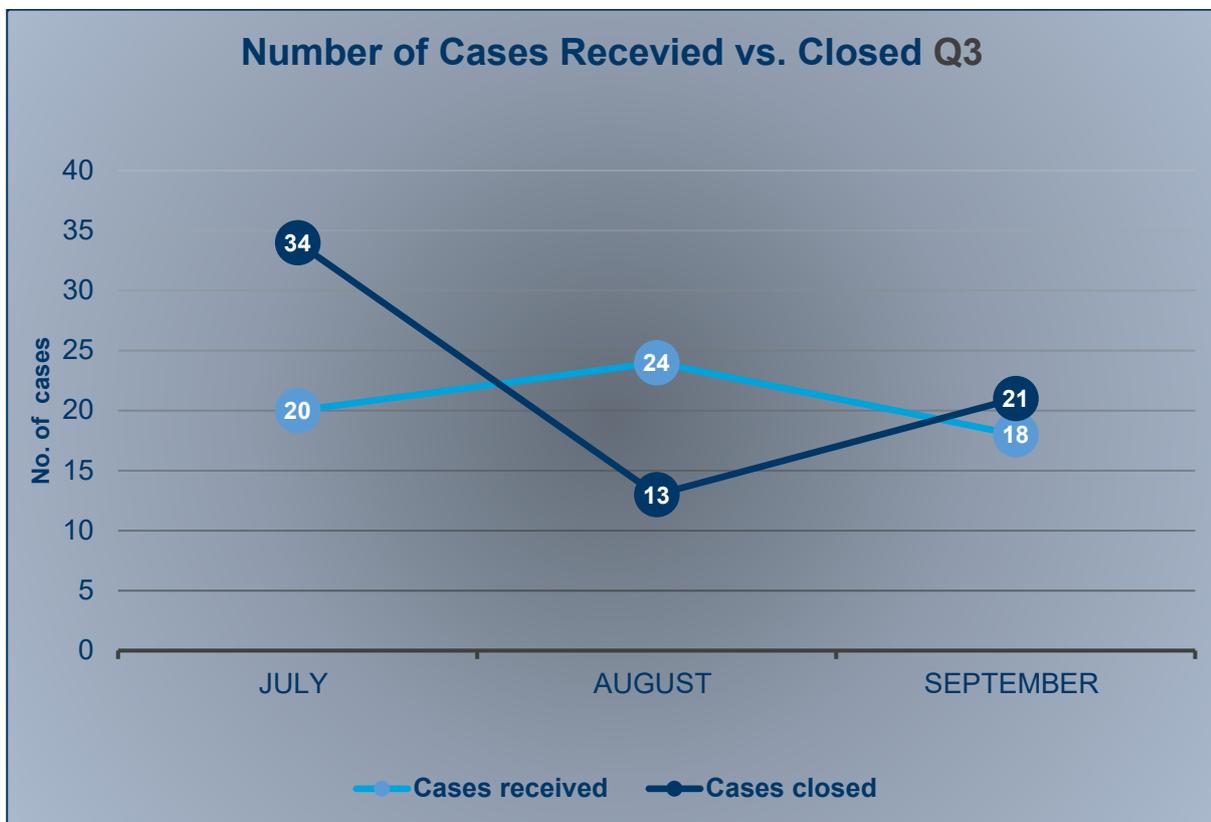


Figure 2: Number of Cases Received vs. Closed Q2

The 68 cases closed in Q3 are categorised as follows:

- 35 complaints
- 16 queries (including one Oireachtas query)
- 17 submissions

While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases requires engaging in a series of correspondence with the customer and / or the relevant local authority. This is demonstrated by the fact that the 68 cases closed in Q3 are estimated to have taken approximately 370 working hours to process.



Figure 3: Case Types

While a broad range of themes arose in the OPR’s case handling during Q3, a number of dominant themes prevailed. The most common singular themes include cases relating to An Bord Pleanála, submissions on statutory plans, individual planning cases, specific technical queries, enforcement / unauthorised development, and legal / ownership issues.

The theme titled ‘other’ includes a variety of issues such as queries in relation to the OPR’s role, customer service provision, EIA / SEA / Habitats Directives, local authority own-development, and national policy, along with a range of other planning-related issues.

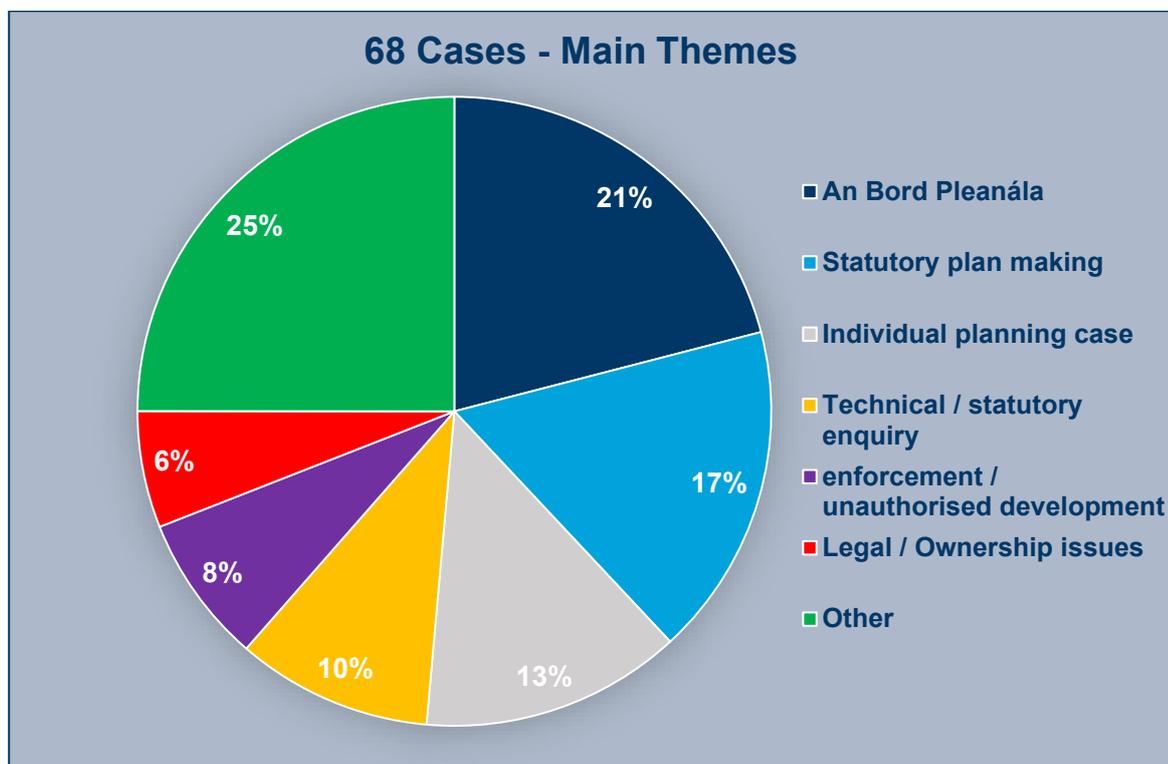


Figure 4: OPR Cases-Main Themes

Complaints

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

While the matters raised were given appropriate technical consideration, and clarifying information issued to the complainants, none of the 35 complaints closed during Q3 were subjected to the formal statutory preliminary examination process. It would be unusual that none of the cases closed in a particular quarter would have been subject of preliminary examination, however this is not to suggest that no examinations were being conducted during Q3. A number of complex cases were under progression during the quarter and will be reported upon conclusion.

With regard to the 35 closed cases, most of these complaints did not reach the statutory threshold for examination on the basis that the matters raised were not procedural or systemic. A further portion of these complaints could not be examined in the statutory context as they related to An Bord Pleanála; while the complexities of these cases were given appropriate consideration, the OPR is not currently statutorily empowered to examine complaints about An Bord Pleanála.

Planning Reviews

Programme of Planning Reviews

During Q3, the Kildare County Council review process concluded with the publication of the OPR's report. The report is available at: <https://publications.opr.ie/view-file/98>. This was the fourth OPR review to be finalised and marked the completion of the pilot phase of the overall review programme.

Work continued on the fifth OPR review through ongoing engagement with Waterford City & County Council in relation to the review that initiated earlier in Q2. Q3 also saw the initiation of a further local authority planning review – Offaly County Council. The initial phases of the review process saw the gathering of relevant information from the local authority and the sequencing of a schedule of intensive workshop engagements with the staff of Offaly County Council's planning department at the Council's offices in Tullamore.

Review of An Bord Pleanála

Taking account of the urgent need to progress measures aimed at restoring public confidence, the OPR formally initiated a focussed review of certain systems and procedures used by An Bord Pleanála in the delivery of its statutory planning functions in August. The terms of reference for the review are available at: <https://www.opr.ie/wp-content/uploads/2022/08/Terms-of-Reference-for-Review.pdf>

The first phase of the review concluded on 3rd October 2022. This review report is available at: <https://www.opr.ie/wp-content/uploads/2022/10/OPR-Review-Report-Phase-1-of-ABP-Review-1.pdf>

The second phase of the review is currently underway and is expected to be completed by the end of November 2022.



Research, Education, Training and Public Awareness

Councillor Training

In Q3 the OPR continued to provide planning training for local authority elected members. In July the OPR developed a training video for elected members to explain the Part 8 consultation and consent process for Local Authority Own Developments. Information was provided on the legislative context, pre-part 8 procedure and formal timeline associated with the Part 8 process. The video and associated PowerPoint presentation were published on the OPR website. The link to the recording was circulated to the Association of Irish Local Government (AILG) for distribution to elected members and it was also shared with local authority planning staff.

In September the OPR delivered a further planning training webinar for local authority elected members, in conjunction with the AILG.

The webinar entitled 'Planning that Revitalises Ireland's Towns and Villages – Addressing Vacancy and Dereliction' provided an:

- Overview of the Town Centre First Policy and the Supporting Delivery and Funding Initiatives; and
- Town Centre Regeneration – Learnings from Local Authorities.

Elected Members Training

Planning that Revitalises Ireland's Towns and Villages

Overview of the "Town Centre First" Policy and the Supporting Delivery and Funding Initiatives

Town Centre Regeneration – Learnings from Local Authorities

Friday, 30 September
10-11:30 am
Register: info@ailg.ie

OPR Only on Saturdays
Office of the Planning Regulator

AILG Association of Irish Local Government

Elected Members Training, September 2022

The presentations were delivered by Stewart Logan, Senior Adviser with the National and Regional Urban Planning Policy Division of the Department of Housing, Local Government and Heritage, Máire Cullinan, Regeneration Officer with Monaghan County Council and Frank Moylan, Senior Planner with Sligo County Council. The presentations were followed by a Q&A session. The recording has been made available on the OPR's website and the link to the recording has been circulated to elected members and local authority planning staff.

Updates to OPR Training Publications

In Q3 the OPR redesigned, repackaged and updated the training publication entitled 'A Guide to Making a Development Plan'. This was relaunched on the OPR website and has been well received by elected members and planning practitioners in the public and private sector.

Local Authority and Regional Assembly Staff Training

The OPR, the County and City Management Association (CCMA) and the Local Government Management Agency (LGMA) finalised the Learning and Development Strategy for the local authority planning sector in July 2022. Engagement is on-going in relation to the funding and governance structures required to implement the strategy.

OPR Research Output

During Q3, consistent with the Strategic Planning Research Framework, the OPR advanced work on a number of research projects within the Strategic Planning Research Programme.

Strand One (Planning Issues) Projects

The International Centre for Local and Regional Development (ICLRD) advanced work on the 'InPLACE Project' in Q3. The Phase 1 interim report, which provided a synopsis of the emerging findings from Phase 1 of the research programme, was published and circulated to the Operational Partnership Group. Phase 2 of the research programme commenced in Q3 and this phase will continue until May 2023 and will cover a further four towns drawn from across the island of Ireland.

In Q3 the OPR attended a Steering Committee meeting of the co-funded EPA-DAFM (Department of Agriculture, Food and the Marine) research project entitled '*Reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit*' or '*Reframe*'. During Q4, the project team will proceed to conduct the pilot tests of the toolkit in the three selected study areas and will engage with relevant stakeholders. The results of the pilot phase will be reported at the next full steering committee meeting in early Q1 2023.

Consistent with the Strategic Planning Research Programme the concept paper on brownfield land activation was shared with stakeholders in the Housing Agency, Land Development Agency and DHLGH during Q3. Work will be advanced on the development of a brief and terms of reference for a project on this theme throughout Q3 and Q4.

Strand Two (Planning Performance) Projects

During Q3, work was advanced on the OPR-EPA funded project 'Public Participation and Performance Criteria in Strategic Environmental Assessment: The Way Forward to Advancing Practice' or 'SEAWAY'. In particular, the OPR engaged directly with the project team on the case study selection criteria. The OPR also reviewed and provided feedback on the online questionnaire; the questions for the expert interviews; and on the two literature reviews relating to the two core areas of the project.

The first newsletter on the progress and initial findings of the research was published in September. The next Steering Committee meeting will be held in Q4 (November).

Strand Three (Planning Practice) Projects

In Q3 extensive work was completed on the 'Planning Conditions' research project. The draft practice note and associated conditions compendium were peer reviewed by senior planners in seven planning authorities as nominated by the CCMA; senior planning advisers from the DHLGH; the chief archaeologist in the National Monuments Service and architectural advisers from the Built Heritage Policy Section of the DHLGH. The practice note and legal digest element of the practice note was also subject to a legal peer review. Extensive edits were made to the practice note and associated compendium in Q3 following the peer review. The practice note and conditions compendium will be finalised and published early in Q4.

The OPR's Practice Notes PN01 (Appropriate Assessment Screening for Development Management) and PN02 (Environmental Impact Assessment Screening) were also updated in Q3 to take account of amendments to legislation relating to Section 42 (extension of duration). The revised text was agreed with the team in the EU and International Planning Regulation Unit of the Department of Housing, Local Government and Heritage. The updated practice notes were published in Q3.

Finally, during Q3 work commenced on the review of the OPR's first Strategic Planning Research Programme which was published in 2020. Engagement took place with the NPKG and other key stakeholders as part of the review of the programme. The new OPR Strategic Planning Research Programme will be finalised and published in Q4.

Public Awareness Initiatives

Becoming a Planner

In an effort to create awareness of the various third level opportunities that exist for people to study town planning in Ireland, and to encourage more people to pursue a career in planning, the OPR designed and developed a 'Becoming a Planner' webpage within the Public Awareness section of its website. This new webpage was published in Q3.



The New "Becoming a Planner" Webpage

Within this page, information can be accessed about the work of planners together with details of the various third level courses that are available throughout the island of Ireland. Information is also provided on the accreditation of courses by the planning professional bodies i.e. the IPI and the RTPI. Recordings of interviews, with experienced town planners, are also available and provide an insight into the diverse opportunities that exist for planners working in local authorities, regional assemblies, state-owned companies, etc.

Planning Leaflets

In Q3 in line with the OPR's commitment to regularly review and update the planning leaflets, all 15 leaflets in the planning leaflet series were reviewed by the OPR's technical team in conjunction with the Department of Housing, Local Government and Heritage. The updated leaflets (English and Irish versions) will be published on both the OPR and Department of Housing, Local Government and Heritage websites early in Q4.

The Planning Process

The OPR commenced work in Q3 on the design and development of a new 'planning process' subpage within the Public Awareness section of the OPR's website. This subpage will provide easy access to information on how to navigate the planning application process. This process is broken down into three key stages including the 'Pre-Application Consultation' stage, the 'Planning Application' stage and the 'Planning Decisions and Appeals' stage. A separate subpage is being created for each of these three stages and each subpage will contain explainer animated videos, indexes of local authority online resources and infographics. It is expected that this new subpage will be finalised and published in Q4.



Communications and Stakeholder Engagement

Stakeholder Engagement

In August 2022 the OPR hosted a meeting of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans.

Communications

Quarterly Newsletter

In July, we issued our [summer newsletter](#) to almost 750 recipients. Among its contents were an address from the Planning Regulator, details of our training seminars, case study papers, local authority reviews and information on our submissions.

Annual Report

Our annual report was published during this quarter in both [English](#) and [Irish](#). It is a comprehensive overview of the work, achievements and highlights of the OPR during 2021.

Media Engagement

Media engagement continued with several interactions with national, print and broadcast media.

There was significant interest in national print media including the Irish Times, Irish Independent. The OPR's review of ABP and our submission on the Dublin City Development Plan was particularly well covered.

We also issued media releases on:

- [The adoption of the Tipperary Development Plan](#)
- [Review of ABP](#)
- [The adoption of the Waterford Development Plan](#)
- [The Kildare local authority review](#)

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

Media Dashboard Q3 2022





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