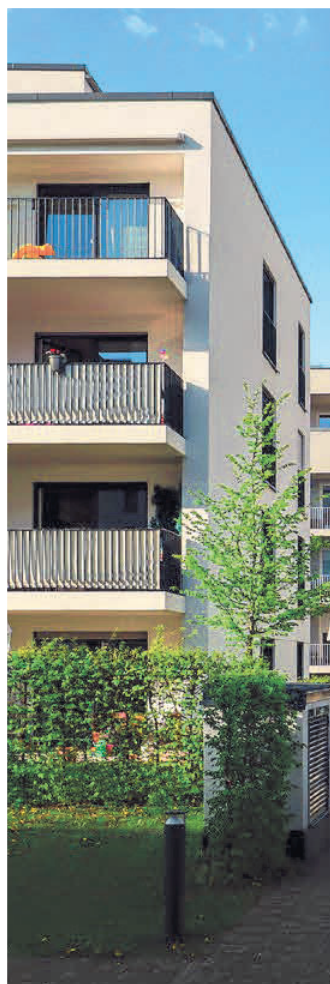




Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator



Annual Report 2022





Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator



Declaration

This Annual Report for the year ended 31 December 2022 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').

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List of Acronyms

ABP: An Bord Pleanála

AILG: Association of Irish Local Government

CCMA: County and City Management Association

CSP: Case Study Paper

DHLGH: Department of Housing, Local Government and Heritage

EMRA: Eastern and Midland Regional Assembly

EMT: Executive Management Team

EPA: Environmental Protection Agency

GIS: Geographic Information System

LAP: Local Area Plan

LGMA: Local Government Management Agency

LRD: Large Scale Residential Development

NGO: Non-Governmental Organisation

NWRA: Northern and Western Regional Assembly

NTA: National Transport Authority

NPF: National Planning Framework

OPR: Office of the Planning Regulator

OPW: Office of Public Works

RSES: Regional Spatial and Economic Strategy

SEA: Strategic Environmental Assessment

SHD: Strategic Housing Development

SPPR: Strategic Planning Policy Requirements

SRA: Southern Regional Assembly

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

The Minister: Minister for Housing, Local Government and Heritage

2022: At a Glance



55

Local authority statutory plan stages assessed and submissions prepared

207

Recommendations issued



85

Observations issued

12



Recommendations for proposed draft directions to the Minister



750

Individual lines of case-related correspondence

170



Elected members of local authorities attended two training events in-person



695

Local authority and regional assembly staff registered for the training webinar on Large-scale Residential Development (LRD) Arrangements



2

Review reports published in relation to An Bord Pleanála

127



Complaints received in relation to planning matters



250

Cases opened in relation to planning issues raised by the public



Niall Cussen, Planning Regulator

Introduction from the Planning Regulator

Thank you for taking the time to read this report of the work of the Office of the Planning Regulator (OPR) during 2022. I hope you find it interesting and helpful.

As was the case in 2021, the report will be followed later in the year by an overview and analysis of key planning statistics and indicators.

The ending of public health restrictions in early 2022 was a huge step which benefited the operation of Ireland's planning process. While the learnings from the pandemic are having enduring effects in the way we work and live, and the importance we place in the quality of our local environment, 2022 was also a year in which the challenges kept coming. In relation to the growing needs of a resurgent economy, influxes of migrants and refugees, and of course the ongoing housing, climate and biodiversity challenges.

It was a year of growing recognition in relation to the pressures facing the planning system, but also one of acknowledgement in relation to the key role it can play in helping to address all of the above challenges. The stresses that this burden places on planning bodies and the need for effective systems for governance and decision-making became very clear in the context of the difficulties An Bord Pleanála (ABP) faced which necessitated a focused review by the OPR and a resultant programme of reform.

It was also the year in which the Government's comprehensive review of the 20-year old planning code resulted in the publication of the Planning and Development Bill, 2022. The refreshed legislative framework being proposed, together with integrated national, regional and local planning strategies and development plans and delivery on the commitment to effectively resource our planning service, will increase capacity for ensuring that proper planning and sustainable development is delivered for citizens and communities.

Overseeing Local Authority Development Plans

One of our key jobs is to independently oversee how the 31 development plans fit together and respond to wider national and regional planning objectives set by Government. The objectives of our work in that regard focus on avoiding urban sprawl, supporting timely and co-ordinated provision of physical and community infrastructure and avoiding development on areas at risk of flooding.

Last year was a busy year with reviews of many city and county development plans. Over half of all local authorities engaged in reviews of their plans. We made 55 submissions to local authorities in 2022 up from 46 in 2021.

This incorporated 207 recommendations and 85 observations which sought improvements to plans in relation to achieving more sustainable patterns of development. Our inputs addressed both the causes and effects of climate change in areas like promoting on-shore renewable energy sources and protecting lands at risk of flooding.

Of the 23 plans made by local authorities, 11 satisfactorily addressed our recommendations. Unfortunately, 12 failed to satisfactorily address all recommendations. As a result, we issued recommendations to the Minister for Housing, Local Government and Heritage ('the Minister') to use his statutory powers to direct the relevant local authorities to implement our recommendations. In all cases, the Minister agreed with our recommendations and issued directions.

In assessing local authority development plans, we listen carefully to those arguments that often reflect local knowledge and issues, respecting the local democratic process, but also bearing in mind our legal obligations to uphold strategic planning aims. 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.

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.

Overseeing the Performance of Planning Bodies

We continued to implement the local authority reviews programme during the year with the completion of the fourth review in the pilot phase and the subsequent initiation of a further two reviews. Our approach in conducting such reviews places an emphasis on improving services as well as on learning and knowledge exchange.

A key theme across the pilot phase of the programme was the need to strengthen local authority capacity, particularly in forward planning and enforcement, through enhanced resources, better digital systems and more training and staff development.

However, public concerns about certain matters at ABP became the focus of our reviews work during the course of the year. Given our role in ensuring confidence in the planning process, we initiated a review of ABP with an emphasis on improving the robustness and effectiveness of decision-making practices and the organisation of work and governance arrangements.

This intensive process resulted in the publication of two separate reports containing a combined 34 recommendations aimed at strengthening procedures, restoring public confidence in ABP and ensuring the effectiveness of the overall planning system. All these recommendations are at various stages of implementation, not least through the publication by the Department of Housing, Local Government and Heritage (DHLGH), of an action plan in relation to reform of ABP.

We also had a very busy year engaging with the public in relation to their concerns about the planning system, including complaints about local authorities. Our role in this regard provides us with a very important interface with the public and a capacity to understand matters of concern at the local level. The volume of work involved is illustrated by the fact that, while the OPR opened 250 case files in 2022, we oversaw approximately 750 individual lines of correspondence in relation to these cases.

Research, Training and Public Awareness

Over the course of 2022, the OPR, in conjunction with the Association of Irish Local Government (AILG) delivered four planning training events for elected members. In addition, three online planning training events for staff of local authorities and regional assemblies were delivered.

We also prepared and published a number of Case Study Papers and a Practice Note on a nationally consistent approach to drafting standard planning conditions.

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 2022. The episodes covered issues including town centres first, dereliction and urban sprawl repair.

Corporate Functioning

Throughout 2022, the continuous implementation of robust governance and ethical frameworks remained one of the top priorities for our organisation.

Following the easing of public health restrictions in early 2022, blended working was implemented in the OPR offering increased flexibility and enhanced work-life balance for staff, while at the same time enabling delivery of high quality services to the public. One of the key areas of corporate focus was the development of a strategic workforce plan to support the ongoing effective delivery of our statutory and corporate functions. We are at initial stages of implementing the plan with the support of the DHLGH.

Conclusions

While 2022 started with the positives of ending of pandemic related restrictions, it was also a year where significant public concerns with regard to the planning system had to be addressed through the work of the OPR.

With renewed Government commitment to addressing such concerns through legislative reform, continued policy development and resource investment, not just in ABP but across the whole planning sector, the public can look forward to an enhanced planning process that offers clarity, certainty and confidence in playing its part in tackling the many challenges faced.

Finally, I thank the Government, Minister Darragh O'Brien TD and both former Minister of State, Peter Burke TD and current Minister of State, Kieran O'Donnell TD and all their staff at the 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

1

What We Do

- Our Responsibilities
- Values
- Stakeholders
- Goals



Carnsore Wind Farm, Co Wexford



The Office of the Planning Regulator (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 Mahon Tribunal.

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

The OPR's role also encompasses the development and 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 the public's knowledge about planning in Ireland.

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 for Housing, Local Government and Heritage ('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.

1.1 Our Statutory Responsibilities

The Planning and Development Act, 2000 as amended ('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 of these plans.

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.

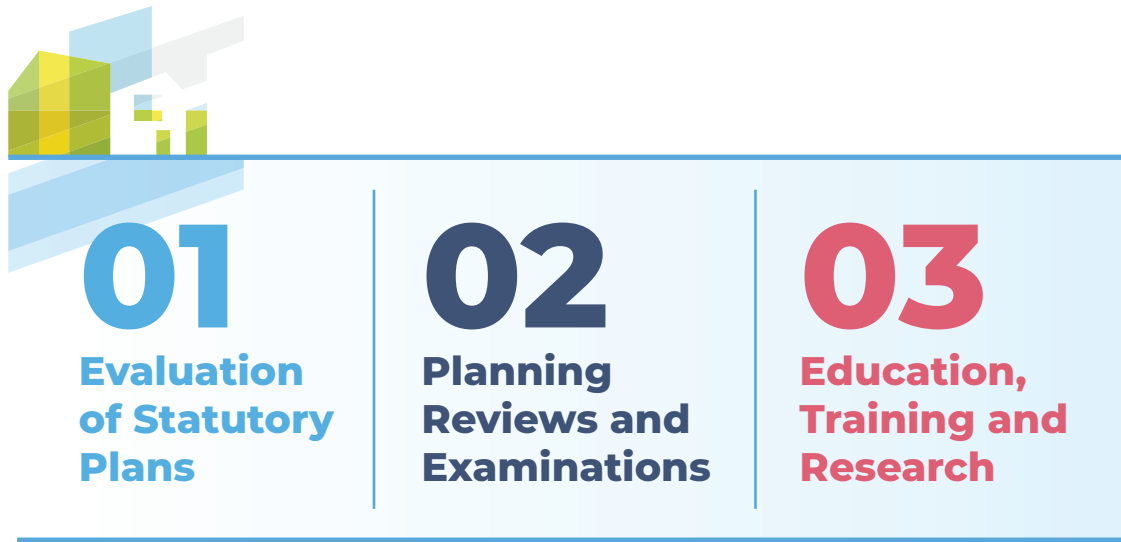


Figure 1 | OPR's Three Core Functions



1.2 Our Structure

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



Figure 2 | OPR Corporate Structure and Functions Map

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 high-level goals, actions and milestones required to deliver the OPR's statutory functions. The strategy is available on the OPR's website.¹

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

¹ www.opr.ie/wp-content/uploads/2019/10/20191002-OPR-Strategy-Statement-Final-Text.pdf

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.

- Goal 1:** Building a reputation as a clear, fair and independent voice on the effectiveness of Ireland’s planning process.
- Goal 2:** Driving innovation and learning for all those who are stakeholders in the planning process.
- Goal 3:** Focusing on the needs of customers and those with whom the OPR engages.
- Goal 4:** Creating a high-performing and efficient organisation that supports and enhances Ireland’s planning process.
- Goal 5:** Building a resilient and agile organisation with a commitment to continuous learning.

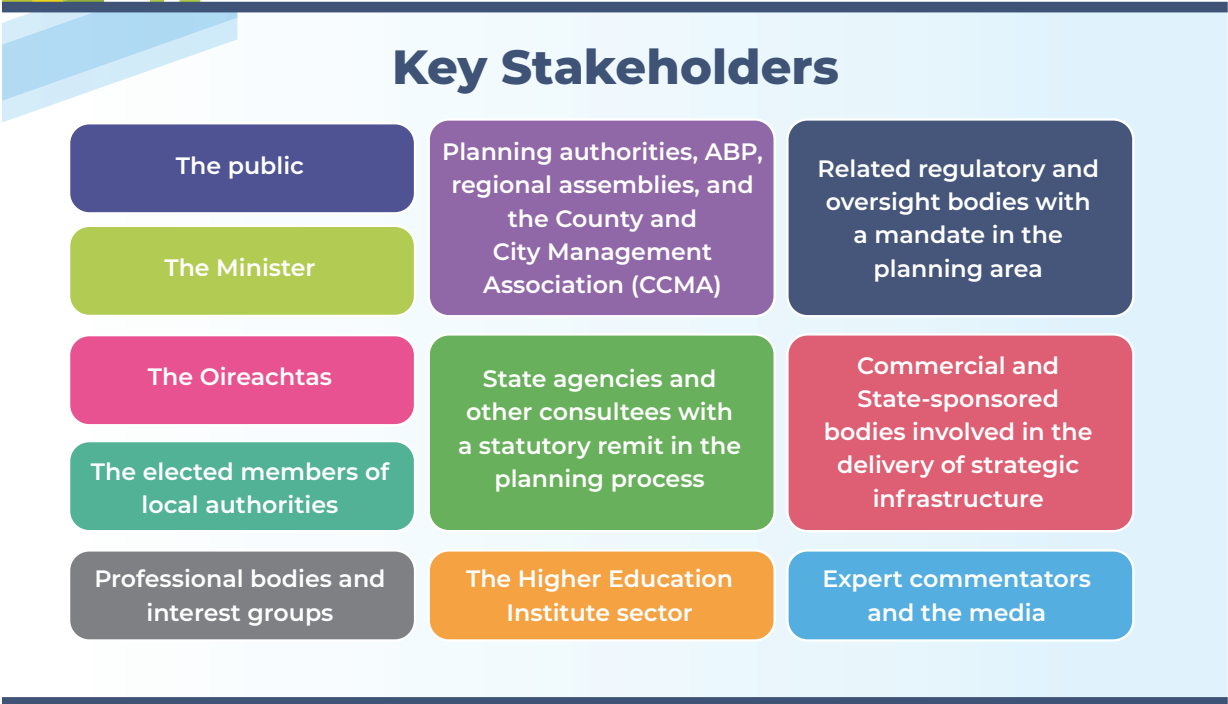


Figure 4 | OPR’s Key Stakeholders

2

Evaluation and Assessment of Statutory Plans

- Submissions on Statutory Plans
- Recommendations and Observations
- Adopted Plans and Draft Directions
- Spatial Data Management
- Stakeholder Engagement



Powerscourt Waterfall, Co Wicklow

In accordance with sections 31AM and 31AO of the Planning and Development Act 2000, as amended ('the Act'), the Office of the Planning Regulator (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 area².

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 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 **local area plans (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.

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)³;
- **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 at the previous stages (draft plan and/or material alterations stage) have been satisfactorily addressed in the adopted plan. When a recommendation has not been satisfactorily addressed, the OPR will consider whether a reasonable rationale has been provided.

Where the OPR considers that the plan is inconsistent with its recommendations and fails to set out an overall strategy for the proper planning and sustainable development of the area, 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/county development plans or amendments to LAPs.

² 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/

³ The OPR does not make recommendations or observations on issues papers.

2.1 Notification of Consultations on Statutory Plans

In 2022, 52 consultations on statutory plans opened for public consultation. Table 1 provides a breakdown of the consultations on statutory plans notified in 2022, by plan type and stage.

The highest number of notifications on consultations in 2022 related to material alterations to draft city/county development plans with a total of 20 plan notifications at this stage of review, representing 38% of all notifications.

Table 1 | Notification of Consultations on Statutory Plans in 2022

	City/County Development Plans	Local Area Plans
Issues Paper	1	14
Draft Plan	4	6
Material Alterations to draft Plan	20	2
Variations to City/County Development Plan	4	N/A
Amendment to Local Area Plan	N/A	1
Total	29	23

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 high level nature of issues papers, the OPR does not make formal observations or recommendations. Strategic advice on an issues paper and/or guidance is provided instead.

Recommendations issued by the OPR relate to clear breaches of:

- Relevant legislative provisions;
- National or regional policy framework; and/or
- Government policy, as set out in the Ministerial guidelines issued under section 28 of the Act.

The local authority must implement or address OPR recommendation(s) 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 are requests for further information, justification of a particular matter, or clarification regarding particular aspects of a plan. The OPR requests or advises the local authority to act on 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 or advises that local authorities fully consider any advice contained in a submission.

The OPR made 55 submissions to local authorities in 2022, as set out in Table 2. This is up from 46 in 2021. Of the 55, 15 were made on issues papers, 12 were made at the draft plan stage and 23 related to material alterations, four submissions were made on variations to existing city/county development plans and one submission was made on an amendment to an existing LAP. In addition to these 55 submissions, the OPR made submissions to the proposed revocations of three LAPs.

Overall, 60% of the submissions made by the OPR in 2022 were to various stages of city/county development plans with the remaining 40% of submissions made to LAPs.



Table 2 | OPR Submissions on Statutory Plans in 2022

	City/County Development Plans	Local Area Plans
Issues Paper	1	14
Draft Plan	7	5
Material Alterations to draft Plan	21	2
Variations to City/County Development Plan	4	N/A
Amendment to Local Area Plan	N/A	1
Total	33	22

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 2022, specifically with regard to any city, county development plan or LAP relevant to their region.

In terms of a regional breakdown, of the 55 submissions made by the OPR in 2022, 18 related to plans in the Eastern and Midland Region, 23 related to plans in the Southern Region and 15 related to plans in the Northern and Western Region.⁴

⁴ Two submissions related to joint LAPs which were prepared jointly by two county councils. The issues paper for the Carlow Graiguecullen Joint Urban Local Area Plan 2023-2029 was prepared jointly by Carlow and Laois County Councils. Carlow County Council is in the SRA's regional area and Laois County Council is in the EMRA's regional area. Accordingly, the submissions are counted for both regional assemblies. The issues paper for the Maynooth and Environs Joint Local Area Plan 2024-2030 was prepared jointly by Kildare and Meath County Councils, both of which fall within the EMRA regional area.

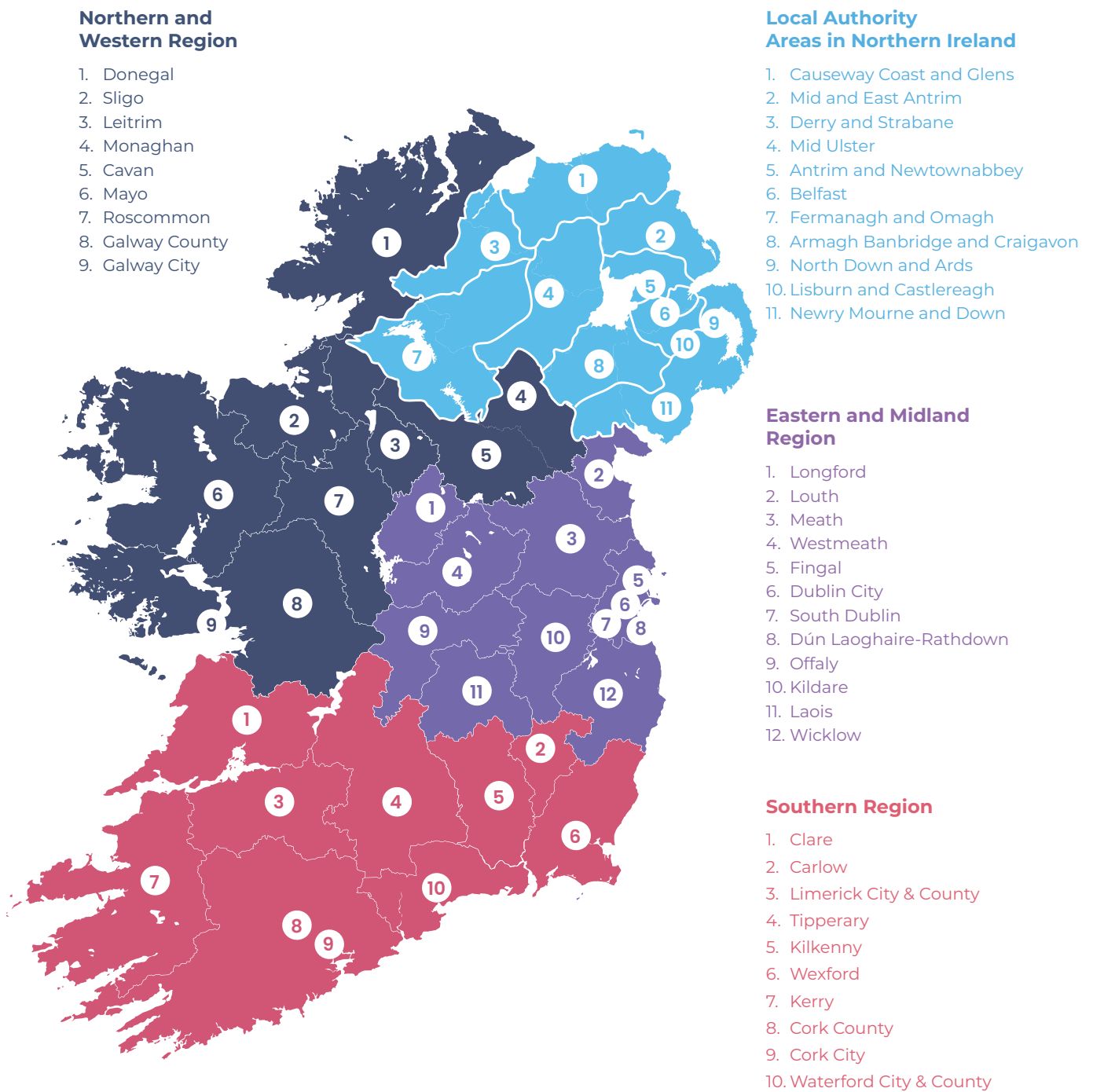


Figure 5 | Local Authorities and Regional Assemblies in Ireland and Local Authorities in Northern Ireland

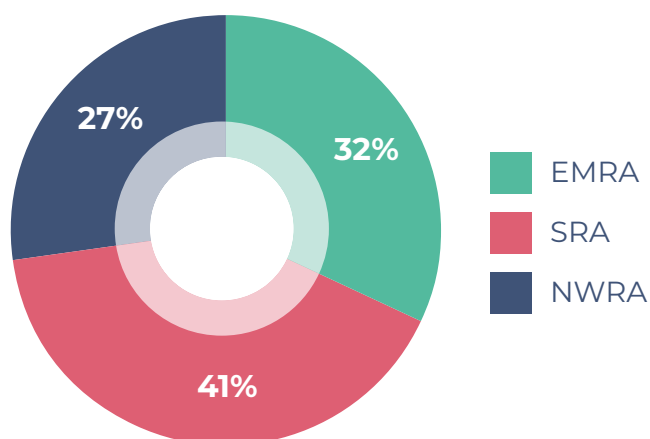


Figure 6 | OPR Submissions by Regional Assembly 2022

2.3 Overview of OPR Recommendations and Observations

The OPR made a total of 207 recommendations and 85 observations in 2022 to submissions on statutory consultations. A breakdown of OPR recommendations and observations by plan-type is provided in Table 3.

In 2021, the majority of submissions related to draft plans. By comparison, in 2022, the majority of submissions related to material alterations.

The material alterations stage occurs after the draft plan stage, when the local authority decides to make a significant change to the draft plan. Recommendations or observations made by the OPR at this stage relate to the proposed material alterations only.

Table 3 | OPR Submissions - Recommendations and Observations on Statutory Plans 2022

	Total Submissions	Recommendations	Observations
Issues Paper	15	N/A	N/A
Draft Plan	12	92	49
Material Alterations to draft Plan	23	111	35
Variations to City/County Development Plan	4	4	1
Amendment to Local Area Plan	1	-	-
Total	55	207	85

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;⁵
- The National Planning Framework (NPF);
- The relevant Regional Spatial and Economic Strategy (RSES);
- The relevant development plan; (in the case of LAPs);
- 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.

Recommendations – Legislative Categories

The recommendations contained in the OPR's submissions are reviewed by legislative category in Figure 7. As recommendations can cover more than one legislative provision, the numbers presented in Figure 7 differ from the total 207 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 70% of recommendations related to this legislative category.

Under section 28 of the Act, the Minister can prepare guidelines for local authorities to have regard to when preparing development plans. These guidelines relate to a range of matters concerning proper planning and sustainable development, such as development plans, housing supply, flood risk management, national and regional roads, retail, urban development, LAPs, rural housing and wind energy.



Housing supply



Flood risk



National and regional roads



Retail



Urban development



Rural development



Wind energy

⁵ 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.

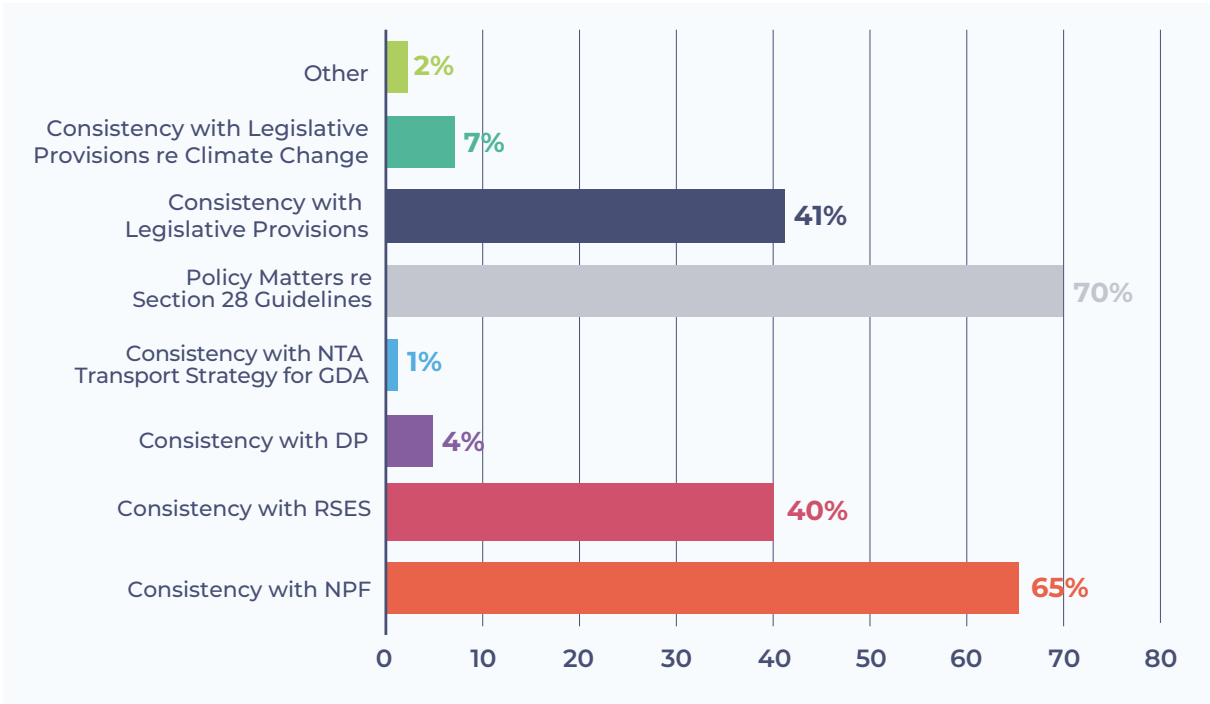


Figure 7 | Frequency of Legislative Categories in OPR Recommendations

The most frequently cited section 28 guidelines in OPR recommendations throughout 2022 were:

- Development Plans - Guidelines for Planning Authorities (2022);⁶
- Housing Supply Target Methodology for Development Planning (2020);
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009);
- Spatial Planning and National Roads – Guidelines for Planning Authorities (2012); and
- Sustainable Rural Housing – Guidelines for Planning (2005).

The second most frequently occurring category related to consistency with the NPF, which was referred to in 65% of recommendations.

Observations – Legislative Categories

The following patterns emerged in the 85 observations made by the OPR in 2022:

The most frequently occurring legislative category related to section 28 guidelines, with 44% of observations made in 2022 referring to these guidelines. The second most frequently occurring category was ‘consistency with the NPF’, which was mentioned in 26% of observations. The third most frequently occurring category was ‘other’, which was mentioned in 25% of the 85 observations made by the OPR. Observations made under the category of ‘other’ related to a range of matters, including the core strategy and the settlement hierarchy of plans, transport and school sites. These are represented in Figure 8, overleaf.

⁶ Draft Development Plans Guidelines published for consultation in August 2021. The final version of these guidelines was published on 1st July 2022.

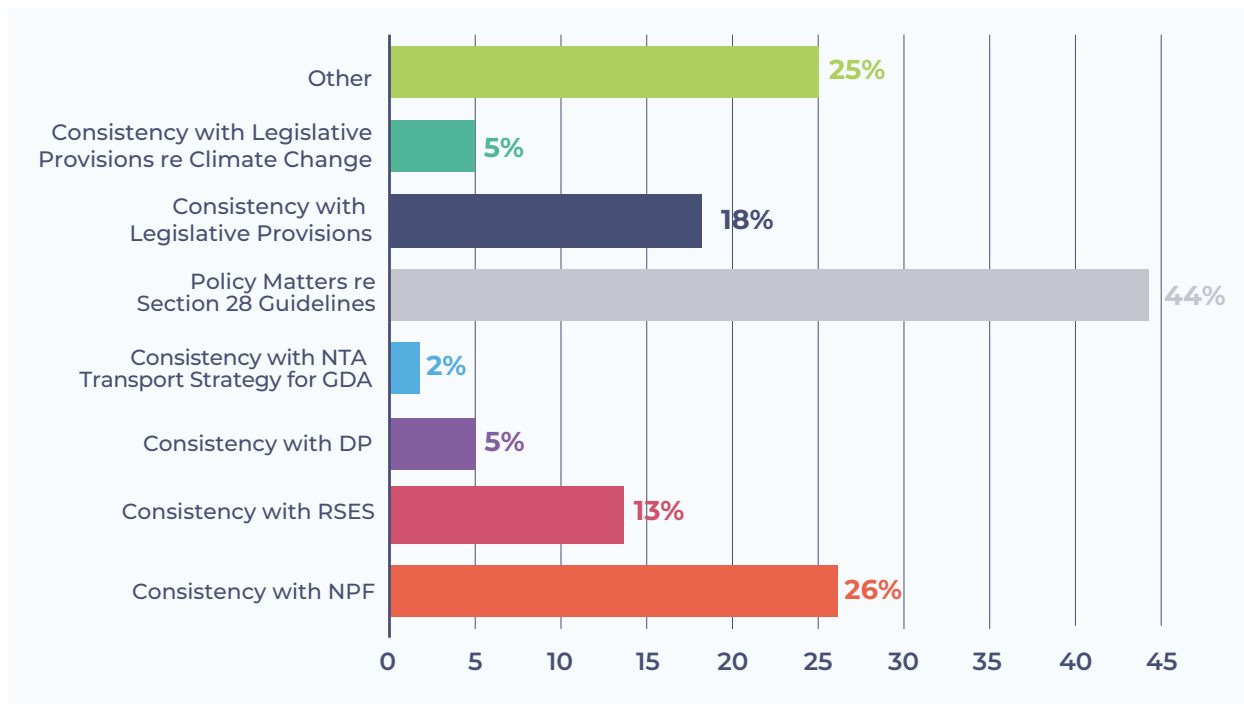


Figure 8 | Frequency of Legislative Categories in OPR Observations

2.5 OPR Recommendations – A Thematic Overview

The 207 recommendations made by the OPR can be broadly organised under the following themes:

- Core strategy, settlement hierarchy and distribution of growth;
- Land use zoning, compact growth, sequential development and tiered approach to zoning;
- Sustainable development and regeneration;
- Housing strategy, rural housing and Traveller accommodation;
- Economic development, employment and retail;
- Climate action and renewable energy;
- Sustainable transport and accessibility; and
- Flood risk management, environment, heritage and amenities.

The OPR has reviewed its recommendations and considers that the greatest number of recommendations in 2022 relate to three thematic areas:

1. Land Use Zoning – Compact Growth and Sequential Development

The NPF identifies compact growth as a national strategic outcome to ensure that a greater proportion of development is located within the existing built up area of cities, towns and villages.

Recommendations issued by the OPR in relation to land-use zoning support this objective by ensuring a sequential approach to development is applied to achieve a compact growth pattern within settlements. This is assessed by ensuring lands near the town centre are prioritised, existing infrastructure is utilised and urban regeneration is supported.

Where land-use zonings were proposed for unsuitable sites in peripheral locations, outside settlement boundaries, or in locations that were not sequential to existing development, the OPR recommended that local authorities reconsider zoning these lands.

Recommendations required the local authority to prepare a settlement capacity audit to assess whether infrastructural services were available to development on these lands. Where it was identified that the lands did not have the necessary services or could not be serviced within the lifetime of the plan, the recommendation included a requirement to rezone the lands to an alternative, more suitable use.

The OPR submission on the draft Waterford City and County Development Plan 2022-2028, included recommendations in relation to compact growth, sequential development and infrastructure capacity to service zoned lands.

The recommendations required the local authority to review the approach to zoning land for residential development to prioritise more centrally located land consistent with the sequential approach to the zoning of lands, and to review the zoning of residential land with a view to prioritising / phasing or removing less preferable lands not required to meet the housing demand arising from the core strategy that had good accessibility to existing and planned public transport, walking and cycling.

The local authority was also required to review their infrastructural assessment to inform the zoning, or phasing of lands in accordance with existing and planned infrastructure. The local authority responded positively to this recommendation and we were satisfied that these issues were addressed in the adopted plan.

2. Flood Risk Management

Recommendations relating to flood risk management were made to ensure that land at risk of flooding was not zoned for vulnerable uses. The recommendations required local authorities to follow The Planning System and Flood Risk Management Guidelines (2009), particularly in relation to applying a sequential approach⁷, and preparing justification tests⁸ for certain lands. In cases where lands did not meet the requirements of the justification test, recommendations required rezoning to alternative, less vulnerable uses.

Recommendations on flood risk management also required local authorities to include or, amend policies and/or objectives in order to restrict inappropriate development within flood zones and to ensure that the Strategic Flood Risk Assessment it carried out is fully implemented and complied with. The OPR worked closely with the OPW on all cases surrounding flood risk. The guidance and recommendations of the OPW were reviewed and incorporated into recommendations, where appropriate.

⁷ The sequential approach to managing flood risk first seeks to avoid development in areas at risk of flooding. If this is not possible, the development plan should substitute the land use zoning objective for one that is less vulnerable to flooding. Only where both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.

⁸ An assessment of whether a development proposal within an area at risk of flooding meets specific criteria for proper planning and sustainable development and demonstrates that it will not be subject to unacceptable risk nor increase flood risk elsewhere. The justification test should be applied only where development is within flood risk areas that would be defined as inappropriate under the sequential approach.

The OPR submissions to the draft Kildare County Development Plan 2023-2029 required a review of justification tests undertaken as part of the Strategic Flood Risk Assessment carried out by the local authority, and to zone a number of parcels of land at risk of flooding and rezone lands to alternative uses where the justification test was not passed. The local authority complied with this recommendation by amending the zoning objectives and in one instance, included a site specific objective requiring a buffer zone to be provided within the flood risk area. We were satisfied that our recommendations were addressed and that the plan was consistent with national policy on flood risk management.

3. Core Strategy – Settlement Hierarchy and Distribution of Growth

The core strategy is a key part of any city/county development plan. It sets out population growth and housing supply targets for the six-year plan period, and identifies the amount of zoned land required to accommodate this development for the city, towns and/or villages within the plan area.

Core strategies remained one of the top three themes in our recommendations in 2022.

Recommendations on core strategies related to a city/county's settlement hierarchy and the distribution of growth to each city, town and/or village.

In many cases, local authorities were required to ensure that the population and housing supply targets were in accordance with the NPF and the relevant RSES, and that the approach to zoning for residential development was aligned with the population and housing figures.

The OPR's recommendations also required the inclusion of relevant local authorities to amend core strategy tables to include, for example, information with the core strategy relating to the quantity of existing

zoned lands, residential densities and proportion of lands capable of infill and brownfield development.

In relation to the draft Clare County Development Plan 2023-2029, the OPR recommended that the settlement hierarchy be reviewed and that certain towns be repositioned within the hierarchy unless there was a clear justification consistent with the proper planning and sustainable development for an alternative approach. The local authority was able to provide clear justification for the settlement hierarchy based on the functional role of the settlements within their specific geographical context, and this rationale was accepted.

2.6 Adopted Plans: Outcomes of OPR Recommendations

Following the draft plan and 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 and determine whether it aligns with national and regional policy and has satisfactorily addressed the recommendations made.

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

In 2022, 22 local authorities adopted 24 plans. Nineteen of the plans adopted were city/county development plans, accounting for the adoption of over half of all 31 local authority development plans in 2022.

In addition, two variations were made to existing city or county development plans, two LAPs were adopted and one amendment to an existing LAP was made in 2022.

The OPR issued recommendations at the draft plan and/or material alterations stage of 23 of the 24 adopted or varied plans in 2022. The OPR determined that no recommendations were required in its submission to the proposed amendment to the Tralee Municipal District Local Area Plan 2018-2024 (Fenit Village Design Masterplan).

Of the 23 adopted plans, where recommendations were issued, local authorities satisfactorily addressed all the recommendations made by the OPR for 11 of the plans (Table 4).

The Kildare County Development Plan 2023-2029 and Lissenhall East Local Area Plan were both adopted in late 2022, consequently, the evaluation and assessment by the OPR of these adopted plans concluded in early 2023. For analysis purposes, both of these plans have been included in Table 4.

Additionally, the OPR evaluated and assessed the proposed revocation of LAPs in 2022 by Limerick City and County Council; Southern Environs Local Area Plan 2021-2027, Castletroy Local Area Plan 2019-2025 and Kilfinane Local Area Plan 2012-2018. The OPR made no recommendations in relation to the three proposed revocations and was satisfied with the local authority's decision to revoke the plans.

Table 4 | Adopted Plans – Outcome of OPR Submissions: Recommendations Satisfactorily Addressed

Plan	Local Authority	No. of recommendations Issued	Adoption Date
Roscommon County Development Plan 2022-2028	Roscommon County Council	17	8 March 2022
Carlow County Development Plan 2022-2028	Carlow County Council	12	23 May 2022
Cavan County Development Plan 2022-2028	Cavan County Council	21	30 May 2022
Waterford City and County Development Plan 2022-2028	Waterford County Council	17	7 June 2022
Wexford County Development Plan 2022-2028	Wexford County Council	17	13 June 2022
Tipperary County Development Plan 2022-2028	Tipperary County Council	16	11 July 2022
Dublin City Development Plan 2022-2028	Dublin City Council	8	2 November 2022
Kildare County Development Plan 2023-2029⁹	Kildare County Council	20	9 December 2022
Variation No. 1 to the Louth County Development Plan 2021-2027	Louth County Council	1	18 July 2022

⁹ Kildare County Development Plan 2023-2029 was adopted on 9 December 2022. The assessment of the adoption was completed in January 2023. All recommendations were satisfactorily addressed.

Plan	Local Authority	No. of recommendations Issued	Adoption Date
Ballinasloe Local Area Plan 2022-2028	Galway County Council	6	25 May 2022
Lissenhall East Local Area Plan¹⁰	Fingal County Council	2	12 December 2022
Proposed Amendment No.1 to Tralee Municipal District Local Area Plan 2018-2024 (Fenit Village Design Masterplan)	Kerry County Council	None	5 July 2022

2.7 Directions

In line with section 31AM of the Act, the OPR can make a recommendation to the Minister to instruct a local authority to address inconsistencies with statutory requirements in its plan.

Should the OPR consider this is necessary, it will issue a notice letter to the Minister outlining its reason for reaching the decision. This notice letter will explain how the plan is inconsistent with the OPR's recommendations and how the plan fails to set out an overall strategy for the proper planning and sustainable development of the area. The OPR also prepares a proposed draft direction for the Minister.

The notice letter and proposed draft direction are published on the OPR's website. Following consideration of this, the Minister may decide to issue a draft direction to the relevant local authority. Once the Minister issues a draft direction, the parts of the plan which the draft direction relates to, do not come into effect in the adopted plan.

If the Minister disagrees with any or all of the proposed draft direction, the Minister prepares a statement outlining the reasons for not agreeing with the OPR. This statement is laid before each House of the Oireachtas.

In 2022, 12 plans were adopted that included provisions that did not satisfactorily address the recommendations that the OPR had made at either the draft plan or material alterations stage. The OPR issued recommendations for the Minister to issue draft directions for all 12 plans in respect of those specific provisions (Table 5).

In most cases, the proposed draft directions that the OPR issued to the Minister for each of the plans listed below only related to a limited number of the recommendations made at draft plan or material alterations stage. This is illustrated in Table 5 overleaf.

¹⁰ Lissenhall East Local Area Plan was adopted on 12 December 2022. The assessment of the adoption was completed in January 2023. All recommendations were satisfactorily addressed.

Table 5 | Proposed Draft Directions Issued by the OPR

Plan	Local Authority	No. of Recommendations Issued	No. of Recommendations Draft Direction related to
Laois County Development Plan 2021-2027	Laois County Council	20	6
Dún Laoghaire – Rathdown County Development Plan 2022-2028	Dún Laoghaire-Rathdown Council	11	2
Cork County Development Plan 2022-2028	Cork County Council	17	3
Galway County Development Plan 2022-2028	Galway County Council	27	8
Limerick Development Plan 2022-2028	Limerick City and County Council	21	2
South Dublin County Development Plan 2022-2028	South Dublin County Council	12	2
Cork City Development Plan 2022-2028	Cork City Development Plan	19	6
Mayo County Development Plan 2022-2028	Mayo County Council	29	19
Kerry County Development Plan 2022-2028	Kerry County Council	12	3
Wicklow County Development Plan 2022-2028	Wicklow County Council	25	3
Galway City Development Plan 2023-2029	Galway City Council	18	5
Variation No. 2 to County Donegal Development Plan 2018-2024 (Wind Energy Policy Framework)	Donegal County Council	2	2

Thematic Overview of Draft Directions

During 2022, the OPR issued proposed draft directions to the Minister following the assessment of the implementation of our recommendations in relation to 11 adopted city and county development plans and one variation to a county development plan (Table 5).

The level of use of the OPR's powers in this manner must be viewed in the context of the high number of statutory consultations on material alterations, outlined in sections 2.1 and 2.2, and the significant number of city/county development plans adopted in 2022.

The draft directions were evenly spread across the three regions with four in the EMRA, four in the SRA and four in the NWRA regional areas.

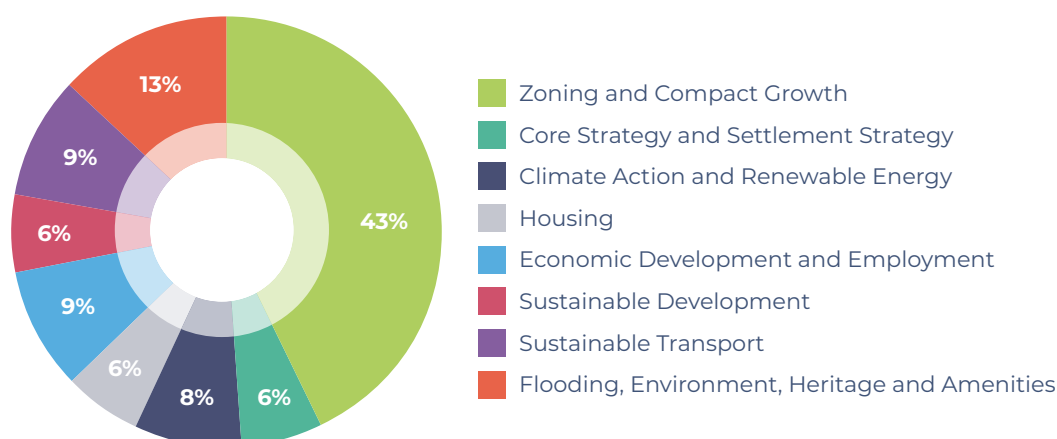


Figure 9 | Steps in Draft Directions by Theme 2022

The draft directions related to clear breaches of national and/or regional policy regarding a wide range of issues such as flooding, housing policy and renewable energy.

Breaches of national/regional policy regarding land zoning in peripheral locations and compact growth were the most common issues in draft directions. Overall, they featured in nine of the 12 draft directions. In the majority of instances, the breach related to material alterations to zoning maps introduced to the draft plan that were not supported by the chief executive. Refer to section 2.5 for further details.

The 12 draft directions collectively contained 47 specific steps requiring changes to the development plan in order to address the matters raised. Figure 9 above categorises the steps under eight themes. The need to address issues relating to 'zoning and compact growth' accounted for 43% of the specific steps contained in the 12 proposed draft directions.

Final Directions

There are prescribed steps a local authority must take when they receive a draft direction from the Minister. They must conduct public consultation on the draft direction and the local authority chief executive must prepare a report on the submissions received by the local authority during the consultation period.

The OPR then considers the chief executive's report and any submissions that the OPR receives directly from elected members of the local authority concerned. Following this assessment, the OPR can make a recommendation to the Minister to issue a final direction with or without minor amendments. Alternatively, the OPR can appoint an inspector if it considers that further investigation is required.

All 11 adopted development plans and one adopted variation to a development plan listed in Table 5 received a draft direction from the Minister following a recommendation from the OPR.

Following the consultation process, the OPR issued a recommendation of a proposed final direction to the Minister for 10 of these plans in 2022. The final direction process was still ongoing for the Wicklow County Development Plan 2022-2028 and the Galway City Development Plan 2023-2029 at the end of 2022.



In addition to the adopted plans outlined in Table 5, the OPR proposed two further final directions in relation to the Meath County Development Plan 2021-2027 and Kilkenny City and County Development Plan 2021-2027; both plans were adopted in 2021. The Minister issued a direction on the Meath County Development Plan 2021-2027 in January 2022.

Outcomes of Final Directions

The outcome of the OPR's interventions were positive in terms of promoting compact and sustainable growth, ensuring that land zoned for development is serviced and that the necessary social and physical infrastructure for new and existing communities can be provided, avoiding putting vulnerable homes and businesses at risk of flooding, protecting the safety, capacity and efficiency of our national roads and removing unreasonable barriers to delivering renewable energy in the right locations.

Not only do these interventions reflect the national and regional policy framework for the proper planning and sustainable development of our cities and counties, but they are especially important in tackling the key challenges of climate change and biodiversity loss. Similarly, in terms of the challenges relating to housing, it is important to ensure that new homes are well located and can meet the needs of future communities.

In Galway County, Meath, Cork City, Laois, Wicklow, and Mayo, the development plans included zoning objectives that would have allowed for residential development in peripheral or isolated areas, largely outside of the town or city boundary, and in circumstances where the plans already included enough zoned land which was better located in terms of infrastructure provision and access to schools, shops, and other community facilities by future residents.

This type of piecemeal and non-sequential approach to planning undermines the potential to deliver the compact growth targets set out in national policy, and means that new homes are located further away from services. This type of development is also dependent on private car transport, leading to an increase in energy use and greenhouse gas emissions. The direction required that such land be zoned for more suitable purposes.

In Limerick, Meath, Galway County, Galway City, and Mayo, the direction required land at risk of flooding to be zoned for less vulnerable uses to prevent against unsuitable development in areas vulnerable to flooding, and ensure that towns and villages can continue to grow in a safe and sustainable way. The OPW had also advised against the zoning of these lands for vulnerable uses.

In Mayo, the direction also required changes to a wide range of policies and objectives which were contrary to the compact and sustainable growth of the county and which were inconsistent with both national and regional policy and the plan's own strategic aims.

In Galway County, the direction required the removal of policies that would have prejudiced the delivery of key waste water infrastructure identified as necessary by Uisce Éireann to meet the needs of the population growth and economy in the county.

In Cork City, the direction required the local authority to reverse its decision to remove the education zoning objective on an area of land in the docklands where the Department of Education had identified the need for a school.

In South Dublin, Cork County, Limerick, Galway City and Mayo, the direction required changes to ensure that land in peripheral or isolated locations outside the city or town boundary and with poor accessibility by existing or planned public transport, was not zoned for employment purposes.

Ensuring that employment uses are located in areas where employees and customers can travel by sustainable means is crucial to reducing carbon emissions consistent with Government policy.

In Donegal, Kerry and Laois, the direction required the deletion of restrictions on wind energy development that were inconsistent with Ministerial guidelines on wind and renewable energy development and would have significantly, and unreasonably, restricted renewable energy development in those counties contrary to national policy, including the Government's Climate Action Plan 2023.

In Mayo and Kerry, the direction required the removal of certain policy provisions that were contrary to national policy to protect the safety, capacity and efficiency of national roads and associated junctions.

Ministerial Statements of Reasons

Where the Minister does not agree with the recommendation of the OPR regarding either the draft direction or the final direction, they must prepare a statement in writing of reasons for not agreeing.

This is referred to as the Statement of Reasons. It can apply to the direction as a whole or, more commonly, to part of the direction. The Statement of Reasons must then be laid before each House of the Oireachtas, and made available on the website of the Department of Housing, Local Government and Heritage (DHLGH).

In 2022, the Minister did not agree with the OPR regarding some parts of the recommended direction in respect of the Laois, Kerry, and Cork County Development Plans, and Variation No.2 to the Donegal County Development Plan. With the exception of Cork County, all other cases related to the provisions for renewable energy in the development plans. These decisions of the Minister related to 7 of the 93¹¹ individual parts that were the subject of a draft or final direction recommendation by the OPR, and issued by the Minister in 2022.

In relation to the Laois County Development Plan and the Variation to the Donegal County Development Plan, the Minister considered that there had been a number of significant and critical developments in relation to climate change and renewable energy which superseded the SPPRs in the section 28



¹¹ Cork City Development Plan 2022-2028, Cork County Development Plan 2022-2028, Dún Laoghaire-Rathdown County Development Plan 2022-2028, Galway County Development Plan 2022-2028, Kerry County Development Plan 2022-2028, Laois County Development Plan 2021-2027, Limerick Development Plan 2022-2028, Mayo County Development Plan 2022-2028, Meath County Development Plan 2021-2027, South Dublin County Development Plan 2022-2028, Variation (No. 2) to the County Donegal Development Plan 2012-2018.

Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change which required local authorities to set out how the implementation of the development plan will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource.

Furthermore, national and European policies in relation to energy security were also under development. The Statement of Reasons also points to the development of a nationally and regionally integrated capacity assessment for renewable energy which will facilitate co-ordination with adjoining authorities and provide metrics to inform that development of local targets. For these reasons the Minister considered it prudent and appropriate to allow for the scheduled and sequential preparation and publication of the relevant nationally and regionally integrated framework and plans to inform the Laois and Donegal County Development Plans, particularly to determining targets at the local authority level.

In relation to the Kerry County Development Plan, the Minister did not consider that the requisite analysis and environmental assessments had been undertaken to support the requirement to introduce 'new' areas for wind energy development into the plan¹², and that the recommendation to change to the designation of certain areas to 'permitted in principle' consistent with the existing designation categories in the plan, was not supported by the wording in the guidelines which refers to 'acceptable in principle'.

In relation to Cork County, part of the direction recommended by the OPR required the preparation of a joint retail strategy with Cork City Council to jointly determine the scope for retail development and for retail outlet centre

development specifically, and to remove an objective from the plan relating to retail outlet centres. The Statement of Reasons outlines that the Minister remains of the view that the OPR sets out a valid planning rationale for the recommendation which is grounded in achieving the proper planning and sustainable development of Cork in relation to retail policy and retail development as it affects the City and County area. However, in light of two legal challenges by Cork County Council, and the ongoing review of the Act which will include reforms to the approach taken with regard to the role and status of planning guidelines, the role of the OPR and Ministerial directions, the Minister decided not to issue a direction in relation to retail planning at this time.

2.8 Extension of Development Plan Review Process

In 2021, the Planning and Development (Amendment) Act, 2021 (No. 18 of 2021) was introduced to allow local authorities to request an extension to the development plan review process of up to one year. The Amendment was introduced in response to the disruption caused by Covid, particularly delays which may have occurred due to government restrictions.

Any local authority seeking to request an extension was 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.

In 2021, one local authority (Clare County Council) undertook the extension request process. The number of requests increased to three in 2022, namely Kerry County Council, Leitrim County Council and Mayo County Council.

¹² This issue arises as the OPR has no statutory powers to carry out Strategic Environmental Assessment or Appropriate Assessment.

The OPR supported the three proposals to extend the relevant existing development plans 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.

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, An Bord Pleanála (ABP), the DHLGH and other public bodies deliver a good foundation level of digital planning services. Building on these, in 2022, we introduced a number of Geographic Information System (GIS) applications, tools and services facilitating better digital and public access to planning information.

Evaluations of Statutory Plans Dashboard

In order to provide easy public access to the various stages of development plans, the OPR further developed an Evaluations of Statutory Plans Dashboard.

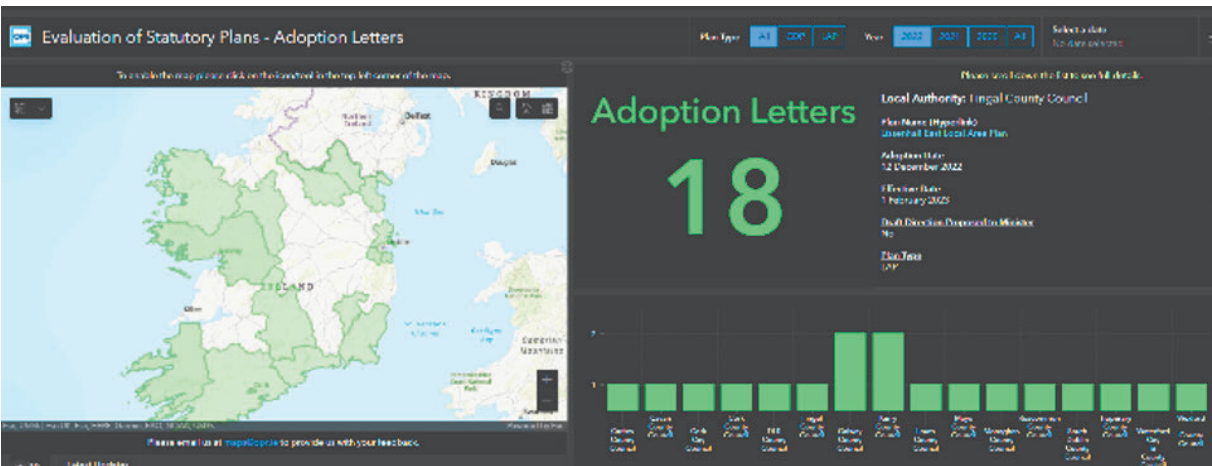
This dashboard displays the details of all live public consultations on statutory plans across Ireland, as well as submissions made by the OPR to local authorities on their statutory plans.

Details of adoption letters issued by the OPR to local authorities about their plans are also available. Users can interact with the dashboard and click on a local authority to view details of public consultations, OPR submissions and OPR adoption letters.

Tracking the Delivery of Residential Development

In collaboration with Meath County Council and the DHLGH, the OPR developed 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 activation.

The dashboards focus on Navan, Co. Meath and analyses the interaction between policy and activation and its application 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'.



Evaluation of Statutory Plans Adoption Letters Dashboard.

The OPR embraced the opportunity to drive this project and lead out on its delivery, developing relationships with key stakeholders and capturing strategic learnings from the project.

GIS Modelling/Plan Evaluations Interactive Map Viewer

The OPR also developed an internal web-based GIS system that the OPR uses to provide a critical evidence base underpinning the OPR's submissions on draft development plans.

Providing this critical analysis enables the OPR to make submissions on draft development plans grounded in evidence.

2.10 Stakeholder Engagement on Plan Evaluations

The OPR engages with the key stakeholders in the planning system in a number of ways. The OPR met with a number of key stakeholders in 2022. While Covid restrictions limited much of the stakeholder engagement in 2021 to virtual meetings, the OPR was able to hold a number of in-person meetings in 2022. Stakeholder engagement is crucial to the work of the OPR; it supports the sharing of information, promotes a collaborative approach, and encourages increased transparency between the OPR and its stakeholders.

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. 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 work of the Plans Evaluation Directorate.

In 2022, the Plans Evaluation Directorate held 17 on-line meetings and one in-person meeting with local authorities. These meetings predominantly related to the plan-making process and the submissions made by the OPR at the relevant stages of the review process. These meetings also offered an opportunity to discuss timelines for the preparation of LAPs and variations or amendments to existing plans.

Plans Evaluation Forum

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

Members of the forum include: the DHLGH, Department of Energy and Climate Change, the Department of Education, Uisce Éireann, the NTA, the OPW and representatives from the three regional assemblies and Transport Infrastructure Ireland.

The OPR hosted nine meetings of the Plans Evaluation Forum in 2022, which enabled discussions between all organisations on statutory plans subject to public consultation over that period.

Further Promotional Activities

Irish Planning Institute Conference

The OPR had an exhibition and information stand at the Irish Planning Institute annual conference titled Delivering for Climate Change held in Kilkenny from 17th – 19th March 2022. 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 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 2022.

Excellence in Local Government Awards

The OPR sponsored a category in the Chambers Ireland Excellence in Local Government Awards. The awards showcase best practice in local government and recognise the skills, hard work, innovation and enthusiasm within local government that can often go unrecognised.

The awards ceremony took place in Dublin in November 2022. To emphasise the OPR's role in promoting and championing sustainable, innovative development, the OPR sponsored the Enhancing the Urban Environment category.

This category was won by Limerick City & County Council's Castletroy Urban Greenway. The council was praised for its attractive, and accessible greenway in the heart of suburban Limerick, connecting people's homes with local schools, shops, playgrounds and amenities.



Cllr John Sheahan, Niall Cussen, Planning Regulator and Cllr Michael Collins at the Irish Planning Institute annual conference, Kilkenny, March 2022.



Peter Burke, TD Minister for State with Responsibility for Planning and Local Government, Anne Marie O'Connor, Director of Plans Evaluation and Deputy Planning Regulator, Cllr Francis Foley, Mayor of the City and County of Limerick, Sean McGlynn, Active Travel, Limerick City and County Council and Ian Talbot, Chief Executive, Chambers Ireland at the Chambers Ireland Excellence in Local Government Awards, Dublin, November 2022.

3

Planning Reviews and Examinations

- Local Authority Reviews
- Review of An Bord Pleanála
- Case Handling and Examination of Complaints
- Case Handling Trends
- Case Study Examples

Rock of Cashel, Co Tipperary

Chapter IV ('Review of Planning Functions') of Part IIB of the Planning and Development Act, 2000 as amended ('the Act') enables the Office of the Planning Regulator (OPR) to review and/or examine the systems and procedures used by local authorities and An Bord Pleanála (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 for Housing, Local Government and Heritage ('the Minister').

Section 31AU An examination of a complaint related to the organisation of a local authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

These statutory provisions 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 across all 31 local authorities and ABP in delivering planning services.

Through the reviews programme the OPR places an emphasis on the identification of good practice and opportunities for shared learning between organisations, as well as highlighting any areas for enhancement. The overall intention is to embed a culture of continuous improvement in the Irish planning sector.

3.1 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 programming of regular reviews gives the OPR a basis to oversee the effective delivery of planning services to the public and the functioning and integrity of the planning system.

The undertaking of any individual review process is comprehensive, taking several months to complete, involving significant processes of information gathering, analysis and engagement with planning officials, to fully appraise the systems and procedures used to deliver planning functions.

More information can be found on our reviews programme page¹³.

Local Authority Reviews

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

The delivery of individual local authority reviews is guided by our reviews methodology, which is updated regularly. The local authority reviews methodology ensures that reviews are implemented in a consistent manner.

¹³ <https://www.opr.ie/reviews-programme/>

The OPR initiated a pilot phase of the reviews programme towards the end of 2020, four reviews were completed under this phase, Tipperary County Council, Louth County Council, Galway City Council and Kildare County Council. The pilot phase concluded during 2022.

Covid restrictions had posed a challenge during the pilot phase of the programme, as reviews had to be conducted remotely. The relaxation of restrictions in early 2022, allowed for face-to-face engagement between the local authorities and the OPR during the second half of 2022.

The key findings from the Kildare County Council review are highlighted below.

Kildare County Council

This was the fourth review initiated under the pilot phase of the programme. The review found that Kildare County 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 their development management and forward planning functions¹⁴.

Fifteen recommendations were identified in the report. The key recommendations related to:

- **Resourcing and staff retention:** the management of staff retention and recruitment challenges faced in recent years should be given priority attention;
- **Enforcement team resourcing:** the local authority should consider how the capacity of the enforcement team could be strengthened, with an emphasis on assigning dedicated enforcement officers to drive the progression of the enforcement caseload without being diverted to other functions;
- **Environmental assessment:** procedures relating to Appropriate Assessment and Environmental Impact Assessment screening should be prepared. Training and expertise is required in this area; and
- **Training:** formalised procedures should be put in place to ensure that staff have appropriate guidance on this complex area of planning.



Ballynafagh Lake, Co Kildare

¹⁴ <https://publications.opr.ie/view-file/98>

“The OPR’s local authority review process is very comprehensive and we developed a constructive working relationship with the OPR. Thanks to the review, Tipperary County Council’s planning section is in a better position now than it was before the review process.”

Eamon Lonergan,
former Director of Planning,
Tipperary County Council

It has been evident from the pilot phase of the programme that these reviews are of significant benefit to local authorities.

In a training webinar for staff of local authorities and regional assemblies delivered in October 2022, entitled ‘A Local Authority’s Experience of an OPR Review’, Eamon Lonergan, former Director of Planning at Tipperary County Council outlined the benefits to local authorities of OPR reviews.

Specifically, he outlined how:

- Tipperary County Council’s planning section is in a better position now than it was before the review process;
- The implementation phase of their review was progressing well; and
- Opportunities were realised with really positive outcomes for their planning department.

Following completion of the pilot phase in 2022, the OPR carried out an internal evaluation of the process from which learnings were identified to improve the process for subsequent reviews.

The OPR initiated the next tranche of reviews during 2022, commencing reviews of Waterford City and County Council and Offaly County Council. These two reviews will be completed in 2023.

Review of An Bord Pleanála

As the independent oversight body for Ireland’s planning process, one of the OPR’s primary roles is to uphold public confidence in the planning system. In this regard, arising from public concern in relation to certain processes followed by ABP in the delivery of its functions, and the urgency associated with addressing these issues, the OPR determined it was necessary to initiate a statutory review into ABP.

This review process, which was formally initiated in August, was carried out over two phases, with a first report published in October¹⁵ and a second in December¹⁶ 2022. This intensive review process was delivered by the OPR’s Reviews and Examinations Team with the assistance of experienced external experts, including senior counsel expertise in relation to the first report, and two very experienced retired Scottish Government planning practitioners who assisted in preparing both reports.

As part of the review process, the OPR also engaged with staff across ABP and with external stakeholders.

The emphasis of the OPR’s review was on examining the robustness and effectiveness of decision-making practices, the organisation of work, governance arrangements and casefile handling in ABP, as well as reporting on wider relevant structural issues.

¹⁵ <https://www.opr.ie/wp-content/uploads/2022/10/OPR-Review-Report-Phase-1-of-ABP-Review-1.pdf>

¹⁶ <https://www.opr.ie/wp-content/uploads/2022/12/Phase-2-Review-Report-FINAL.pdf>

Across the two separate reports, 34 wide-ranging recommendations were identified. These recommendations include measures designed to improve capacity to deliver timely and robust planning decisions, enhance corporate management and improve arrangements for internal governance and procedural transparency. In summary, the recommendations were designed with the aim of strengthening procedures, restoring public confidence in ABP and ensuring the effectiveness of the overall planning system. Some of the recommendations related to the following:

Board Members: Given the number of existing vacancies, there is an urgent need to ensure that a sufficient number of board members are available to deliver ABP's statutory purpose. Temporary board members should be appointed directly by the Minister to ensure the board can function while the existing process for appointments is overhauled through new legislation.

Conflicts of Interest: A new Governance, Ethics and Compliance Unit should be established within ABP with an Ethics Officer appointed to manage and oversee this area. A renewed Code of Conduct is urgently required and it must be informed by a range of guiding principles that are set out in the OPR's report.

Decision-making: Formal procedures are required to identify and monitor conflicts of interest matters in relation to decision-making. The overall process for case-management and decision-making in ABP needs to be formalised in a coherently documented procedure.

Board Meetings: The previous practice of relying on individual board members to present planning cases at board meetings must cease in favour of these presentations being made by the inspector that prepared the planning report (or an appropriately delegated person).

Legal Considerations: A number of recommendations are made in respect of legal matters, including the establishment of a new in-house legal unit to support the decision-making of ABP.

Overall Structure of An Bord Pleanála:

Given the wider operational demands on ABP, consideration must be given to a new organisational approach to enable effective operation of the systems and procedures of a national planning authority.

Board Procedures: New procedures are required in relation to board compositions, the documentation of planning decisions, the allocation of case-files and escalation procedures, including where the board intends to depart from an inspector's recommendation.

Preparation of Reports by Inspectors:

A number of recommendations aim to strengthen ABP's reputation for integrity in the exercise of professional planning judgement by planning inspectors. This includes direct or indirect communications between board members and an inspector, the setting out of board member's reasons for departing from inspectors' recommendations, the inclusion of relevant statements in reports, and improving systems for quality assurance in the production of inspectors' reports.



34

wide-ranging recommendations were identified across two separate reports

Monitoring

Following any review, the OPR continues to monitor progress in relation to the recommendations it has made to ensure they are effectively implemented. We are currently monitoring the implementation of the recommendations for each of the reviews from the pilot phase of the reviews programme.

The OPR also continues to work with ABP and the Department of Housing, Local Government and Heritage (DHLGH) throughout 2023 and beyond to ensure the implementation of the recommendations from that review process.

Oversight and monitoring can be reviewed as a means of ensuring that the inputs (systems, procedures, and national policies), activities (enforcement, development planning and management), outputs (development plans prepared, cases dealt with) and ultimately outcomes (development on the ground) are aligned to achieve the desired goals of national, regional and local policy.



Salthill, Co Galway

Monitoring the implementation of OPR recommendations is essential to ensure the integrity of the process. This is achieved using a staged approach. Once a particular review is complete, we continue to work with the planning body to ensure that the recommendations are implemented.

This monitoring is carried out at six month intervals. We are continuing to monitor the pilot phase local authorities as follows:

- **Tipperary County Council**
– 18 month update completed;
- **Louth County Council**
– 12 month update completed;
- **Galway City Council**
– 12 month update completed; and
- **Kildare County Council**
– 6 month update completed.

Across the four completed reviews, the OPR made 63 recommendations. These are currently being successfully implemented across the local authorities.

Ensuring the implementation of recommendations from the review of ABP is a high priority for the OPR into 2023 and beyond.

ABP have prepared an implementation plan which includes a delivery schedule. Progress on the plan will be submitted to the OPR and the DHLGH on a quarterly basis.

Effective monitoring of ABP, through the implementation plan will foster greater confidence in its work from a public perspective.



Recommendation 23 of the Phase Two report relates to engagement and the implementation of reform within ABP and states:

“To ensure public and institutional confidence in the process of continuous improvement, An Bord Pleanála should enhance its reporting arrangements with regard to matters of public and political interest or concern. This should include the inclusion of additional detail in its annual report in relation to topical concerns as well as agreeing the publication of a comprehensive update with the DHLGH on the 2016 Organisational Review of An Bord Pleanála. By the end of January 2023 an implementation plan on the implementation of this report’s recommendations, including delivery schedule, will be prepared for the agreement of the OPR and the DHLGH. Quarterly progress reports will be submitted thereafter. In addition An Bord Pleanála will engage with the Oireachtas to facilitate an appropriate platform to report on matters of national level concern”.

3.2 Case Handling

While section 31AU of the Act specifically empowers the OPR to examine complaints about local authorities, we place an emphasis on assisting the public in relation to all planning matters raised with us. It is the OPR’s objective to be an independent voice at the heart of the planning system, representing the public interest. In this regard we strive to provide first-class customer service to individuals corresponding with us.

The OPR provides a service to the public in relation to a variety of planning-related case types including:

- **Queries**, or general information requests, which typically seek clarification about how a specific aspect of the planning system operates.
- **Submissions**, on aspects of the operation of the planning process, often highlighting issues relating to 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 below.

The OPR carefully considers all correspondence received to ascertain which 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. In 2022, the OPR opened 250 individual cases, at the time of publication our consideration of 248 of these cases had been processed to conclusion.

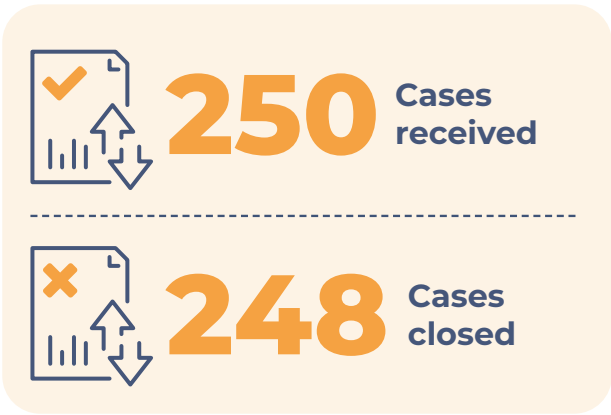


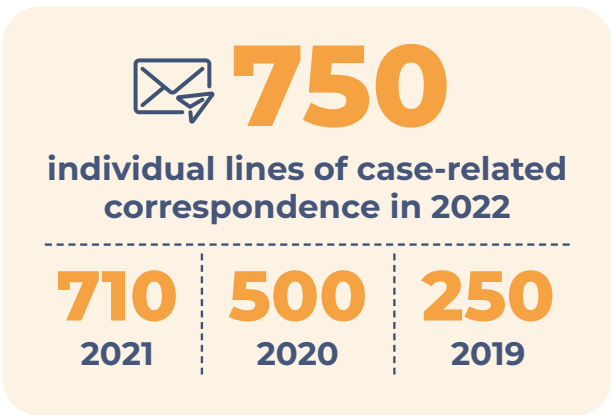
Figure 10 | Cases Received and Closed 2022

The total of 250 cases opened in 2022 is consistent with the 255 for 2021. Within this, the number of complaints received increased from 106 in 2021 to 127 in 2022, of which the OPR gave formal consideration to 19 in line with our statutory remit. The trends over recent years are detailed in Figure 11 below.

While some cases can be handled in a relatively straightforward manner, many of the cases involve considering 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 250 case files in 2022, this involved approximately 750 individual lines of case-related correspondence (compared to approximately 710 in 2021, 500 in 2020 and 250 in the nine months of operation in 2019).



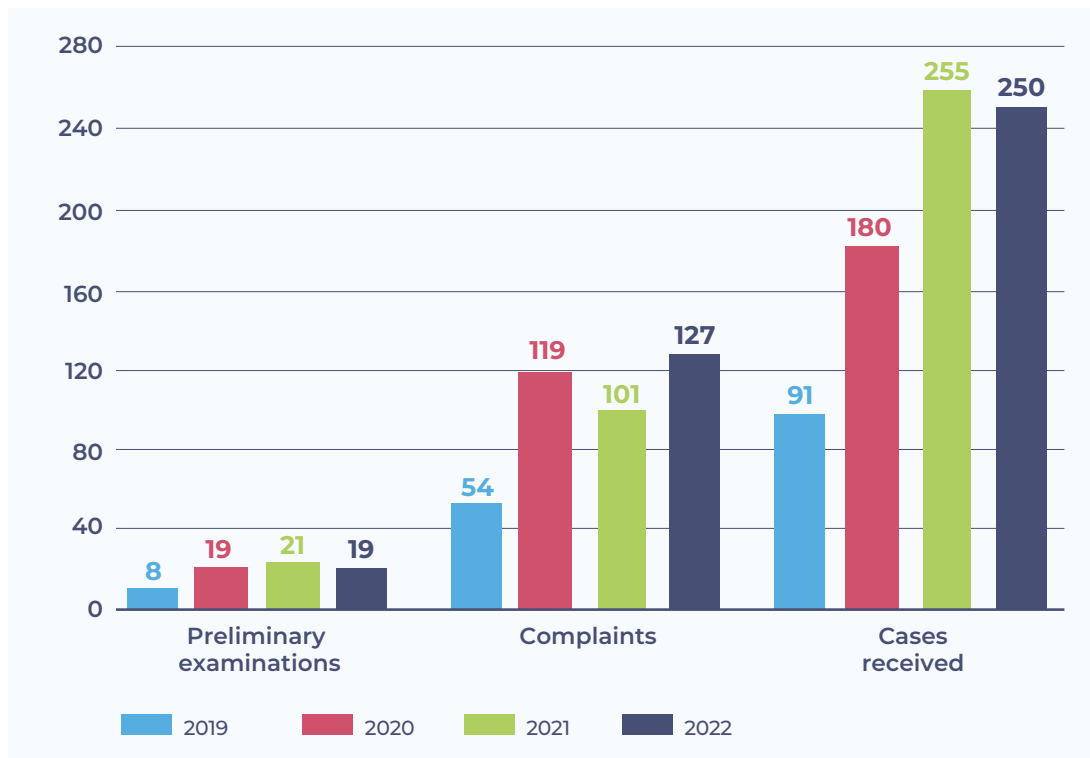


Figure 11 | Complaints and Cases Received 2022

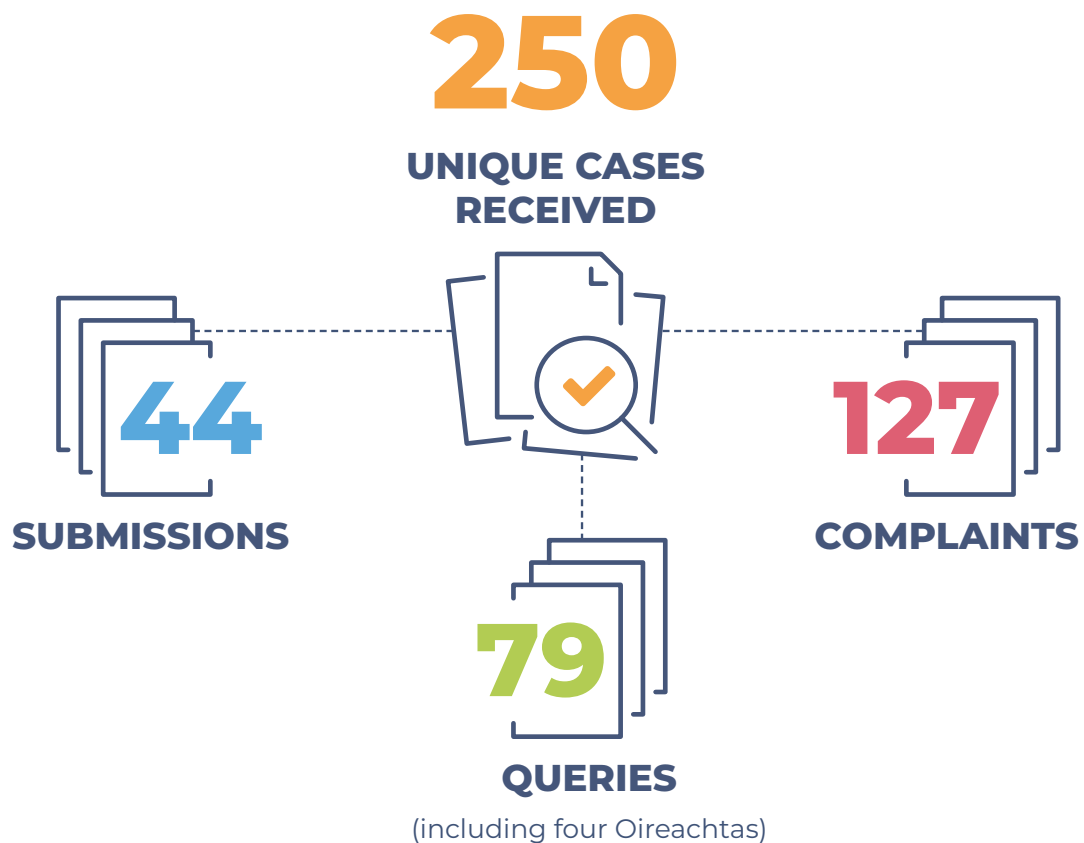


Figure 12 | OPR Cases 2022

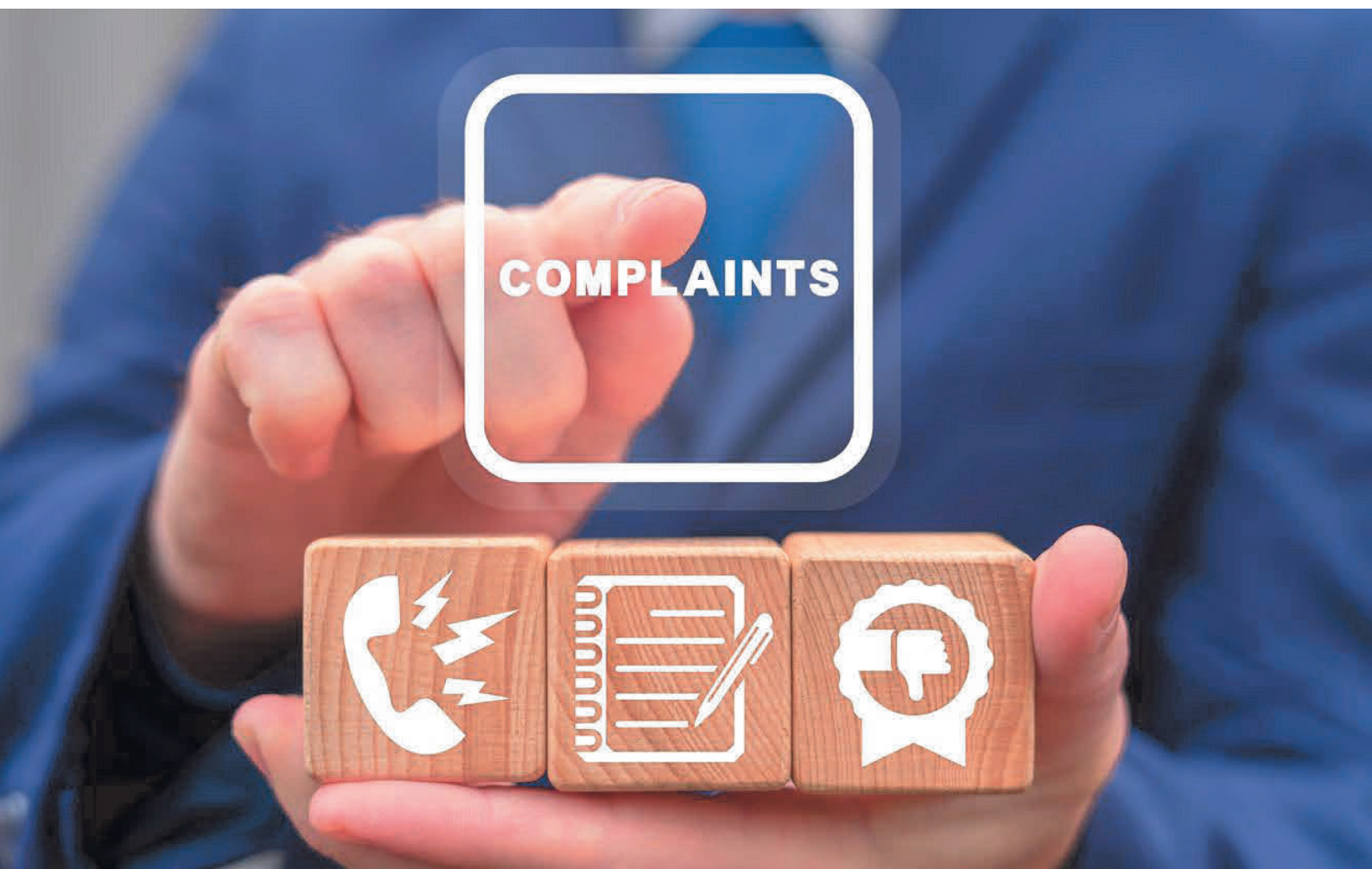
While a variety of matters are raised by members of the public, many of these relate to matters outside the scope of the OPR's remit. These included cases before local authorities and/or ABP, or cases already referred to other appropriately mandated public bodies.

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 complaints function, we strive to make improvements to the planning system, including sharing insights and highlighting practice improvements across the local authorities.

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 valid, 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.¹⁷

Where a complaint is considered appropriate to our statutory remit we will conduct a preliminary examination of the matters raised. This involves gathering relevant information, including from the local authority concerned.



¹⁷ <https://www.opr.ie/complaints/>

Where a complaint is upheld following our consideration of the matters raised, 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.

As noted above, 19 of the complaints received during 2022 reached the threshold for formal consideration in line with our statutory remit.

Our consideration of two of these complaints is ongoing, the outcomes of the other cases are as follows:

- One complaint upheld;
- Two complaints were resolved with assistance provided; and,
- Fourteen complaints against local authorities were not upheld.

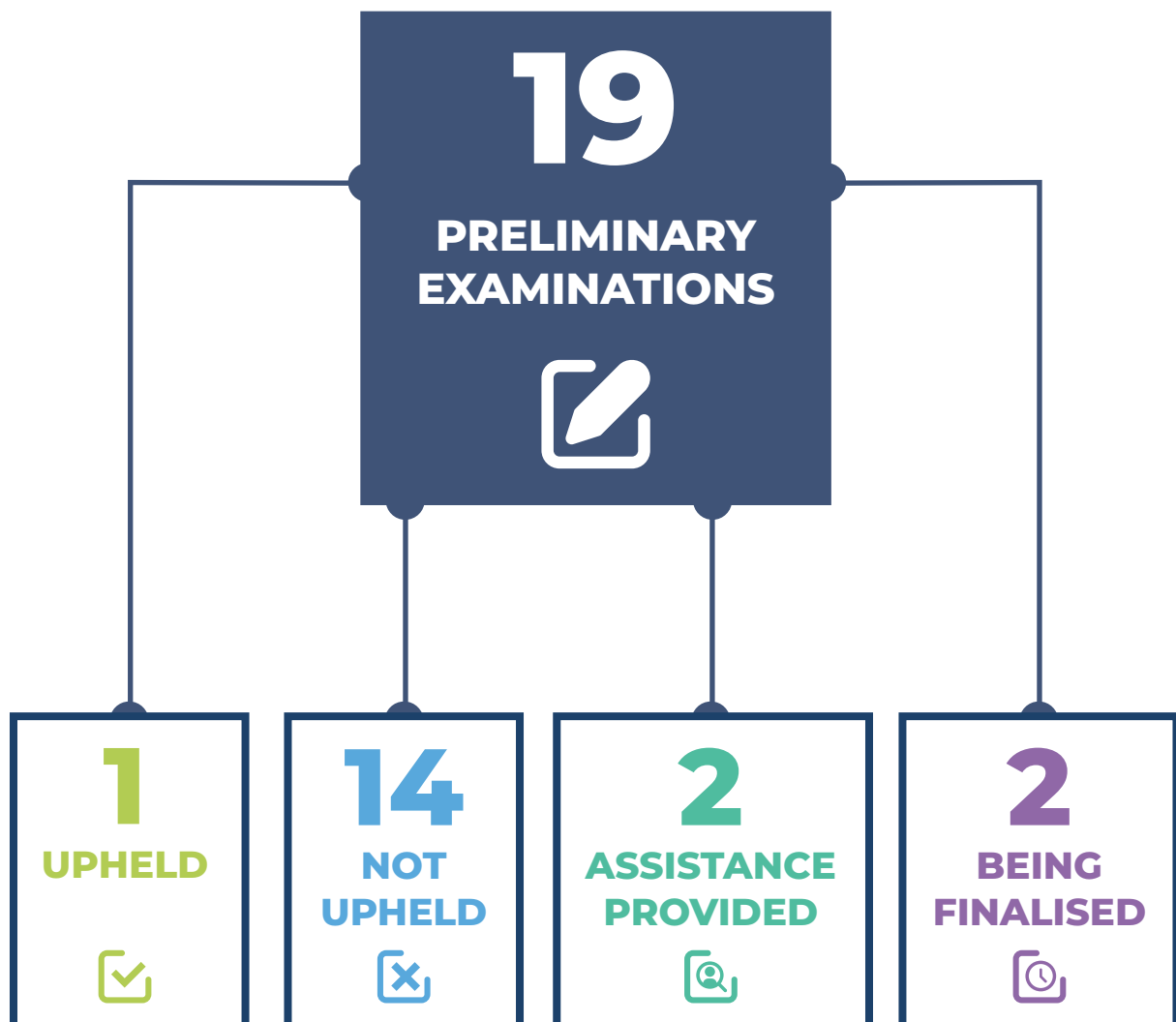


Figure 13 | OPR Complaints 2022

Case Handling Trends

Customer Type

A large proportion of customers submitting cases to the OPR in 2022 were members of the public. In addition, commercial interests, elected representatives, non-government organisations, interest groups, as well as other state organisations all sought assistance from the OPR during 2022. The breakdown of customers by type is set out in Figure 14.

Geographic Breakdown by Local Authority

The geographic spread of cases received in 2022 is illustrated in Figure 15. There were 167 complaint and submission related cases with geographic references in 2022.

This figure is lower than the number of cases because many of the cases 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. This data is represented below in the geographic breakdown of complaints by local authority, with local authorities such as Cork City Council, Galway County Council, Fingal County Council and Dublin City Council receiving the most complaints in 2022.

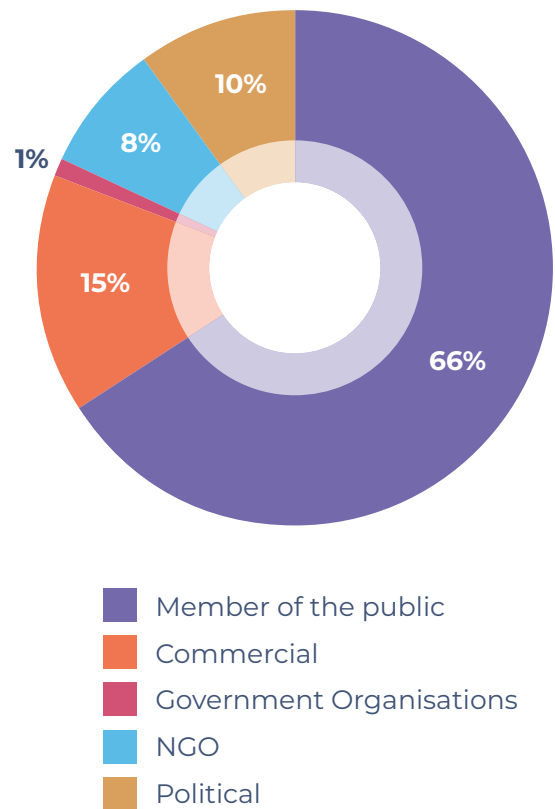
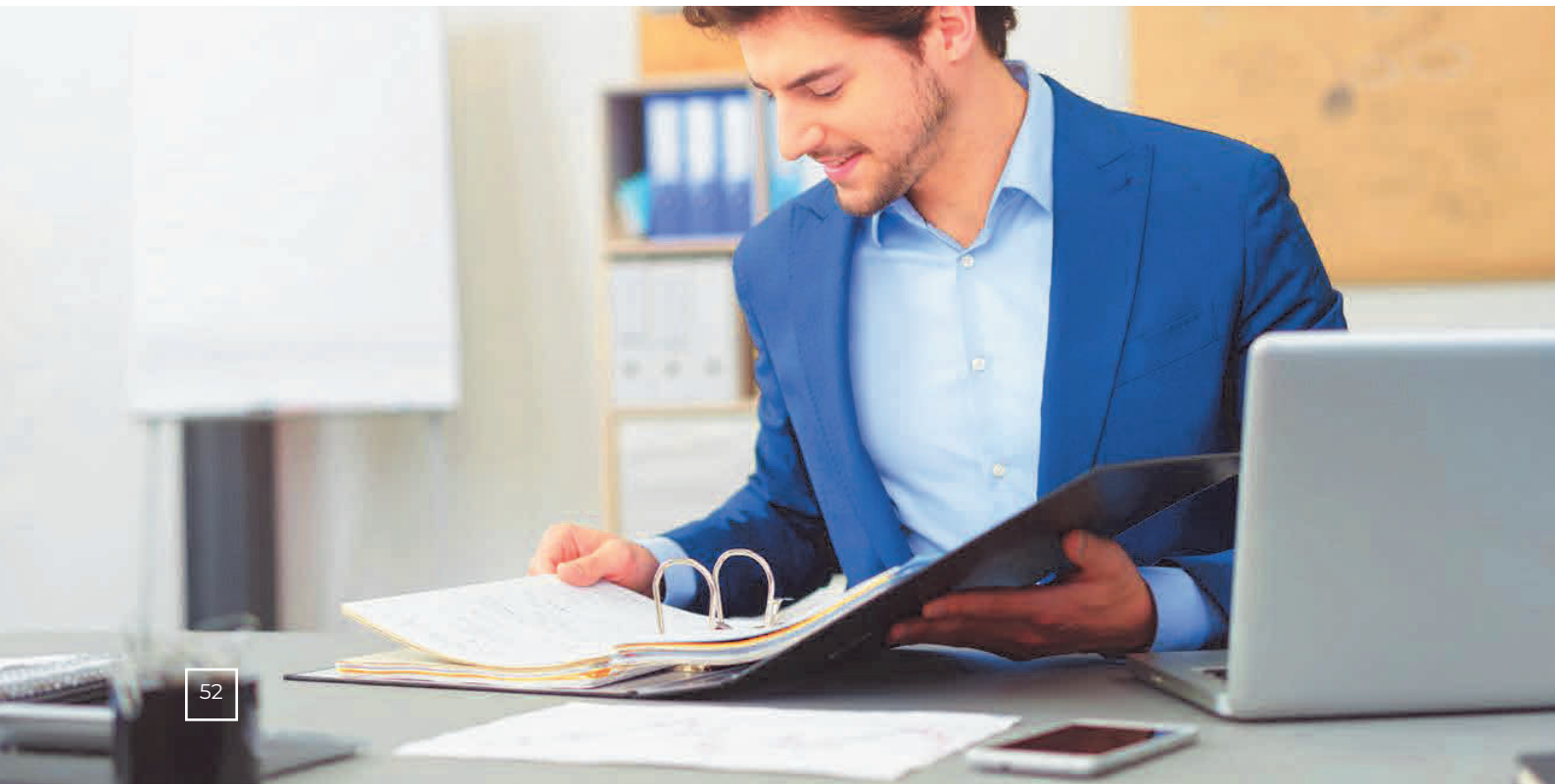


Figure 14 | OPR Customers 2022

Also, 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.



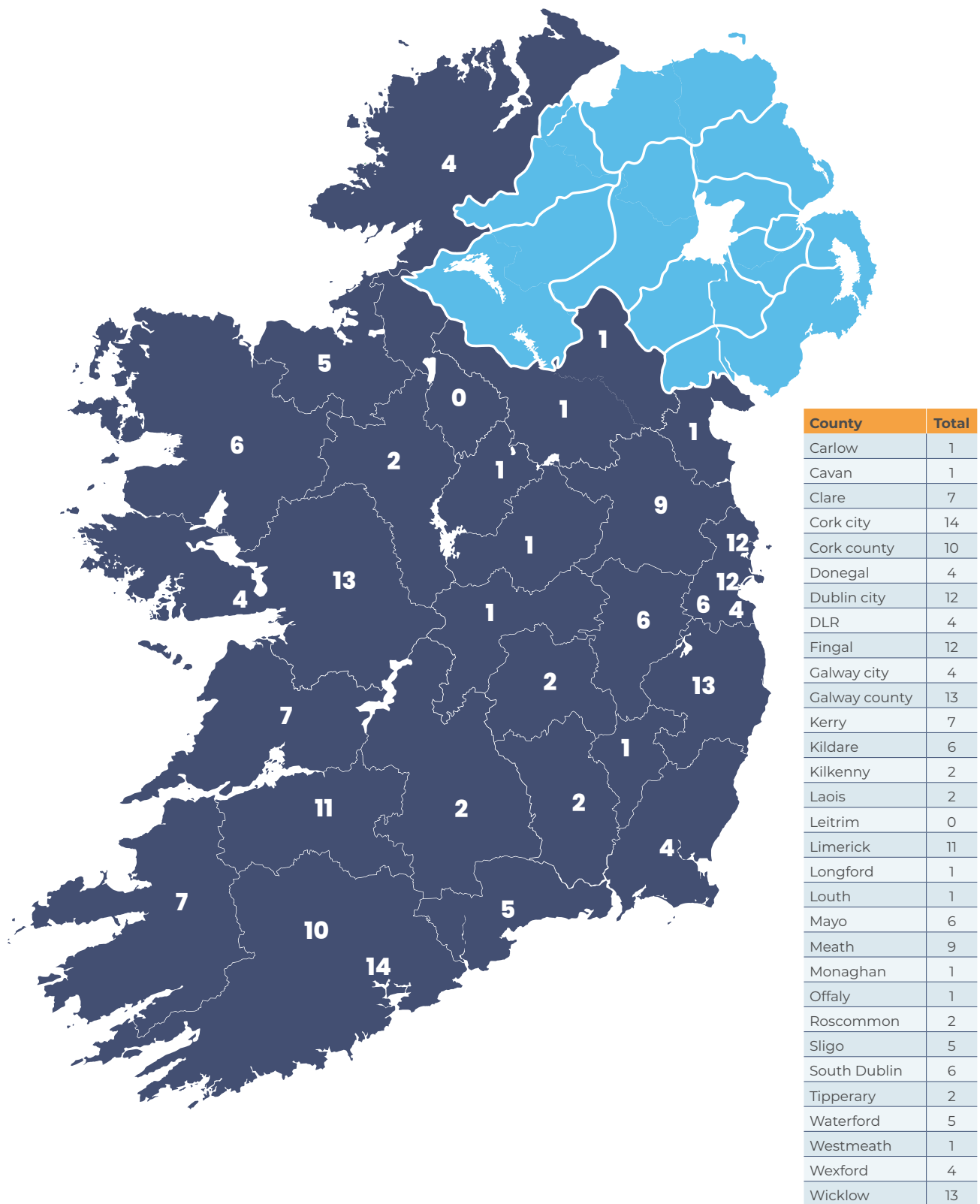


Figure 15 | Geographic Breakdown of Complaints, Queries and Submissions 2022

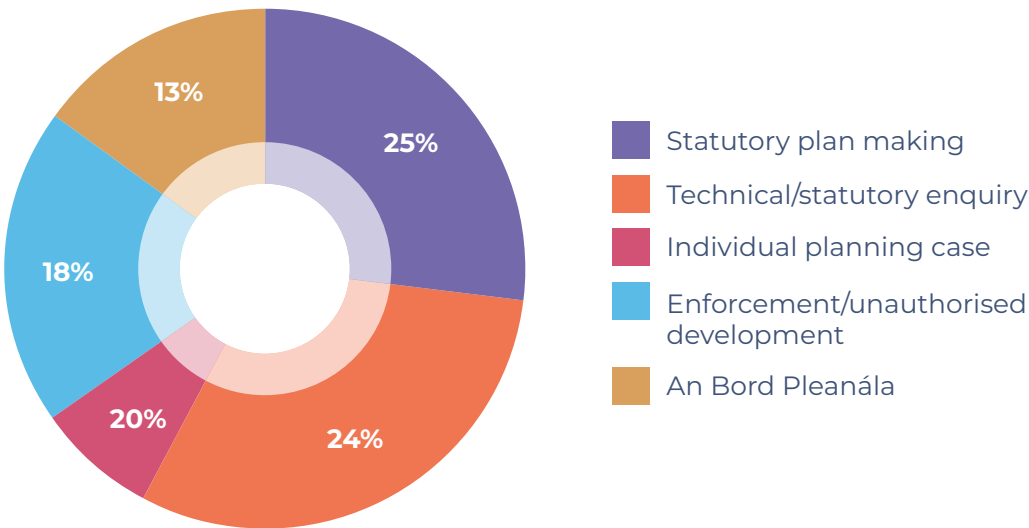


Figure 16 | Cases by Theme 2022

Cases by Theme

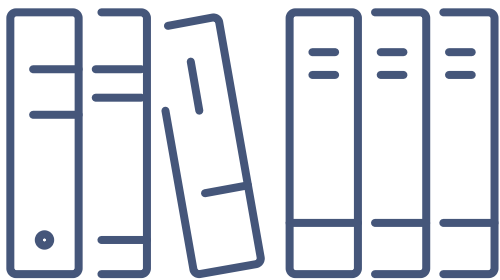
Through our case handling we carefully consider the correspondence we receive to identify recurrent themes and to understand the planning issues that concern the public. Monitoring this information over time will not only inform reporting to the Minister but will also inform our reviews, our education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

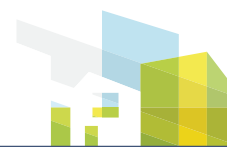
The OPR’s engagement with members of the public on the operation of the planning system offers valuable insights into their experiences, which can inform wider OPR activities, even if individual complaints do not lead to formal examinations.

A number of clear themes emerged from our case handling during 2022 which are demonstrated in Figure 16. Cases raised in relation to technical matters, statutory plans, enforcement matters, ABP and individual planning cases were the most 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.

Furthermore, the OPR is not able to invite or consider submissions from the public in relation to making development plans or Local Area Plans (LAPs). This is the role of the local authority who will consider submissions made as part of the public consultation process. We have provided clarity on this to our customers, advising them that the local authority is the correct channel for making submissions.





Technical enquires were the most common theme in 2022. These queries related to interpretation of planning legislation or regulations. They also included requests for advice in relation to a particular proposed development.

The OPR aims to be helpful by providing general guidance and by pointing customers to the relevant legislation, regulations and planning resources.

Statutory plan-making queries were the next most common theme in 2022. These queries related to city/county development plans and LAPs, and are dealt with by a separate process under Sections 31AM-AP of the Act.

Enforcement matters generated a significant volume of correspondence in 2022. 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. The planning enforcement function is considered under the OPR reviews programme.

The OPR will be exploring this area further in 2023 with a view to identifying general improvements that can be made to the planning system.

ABP related complaints and correspondence represented an increased volume of our caseload in 2022. This reflects the public concerns that arose in relation to ABP during the year. The legislative provisions do not provide the OPR with the authority to formally examine complaints related to ABP. Nevertheless, while individual cases could not be statutorily examined, a comprehensive review of systems and procedures was conducted, as outlined above.

Individual planning cases (i.e. comments or concerns regarding particular planning applications) while this remains a common theme of correspondence it represents a much smaller portion of the overall cases raised with the OPR during 2022 compared to previous years. This is likely the result of greater understanding among the public of the role and remit of the OPR and that it is not an arbiter in relation to individual planning cases.

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



3.3 Case Studies: Complaints Examined by the OPR

The following case studies provide some insights into our handling of complaints subject to preliminary examination in 2022, 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



Complaint Upheld: Inconsistency regarding payment of fees

Summary of Complaint

A customer contacted the OPR regarding a submission they had made to a local authority regarding a planning application. The customer alleged that the local authority had an inconsistent system for processing fees paid by customers when making submissions/observations.

The complainant submitted their observations on an application on the final day of the statutory deadline. Based on precedent, they believed that a local authority staff member would later contact them to accept the required fee.

However, the local authority did not contact the complainant seeking payment. When the complainant followed up with the local authority regarding their submission, they were informed that their submission was invalid as no fee had been received within the statutory timeframe.

The complainant submitted the case to the OPR on the basis that another person made a submission on the same application and was subsequently contacted, after the statutory deadline, by a staff member of the local authority in order to accept the payment.

OPR's actions

The OPR engaged with the local authority to obtain clarity regarding the systems and procedures in place for processing third party submissions/observations on planning applications, including the process for accepting payments for this. We also completed a preliminary examination on the matter.

The local authority acknowledged that errors had occurred as they had started accepting electronic submission payments during Covid and not all staff were aware of the statutory deadline requirements.

The OPR upheld this complaint, i.e. have supported the customer's assertion that the local authority had inconsistent procedures when accepting submission/observation fees.

Outcome

The local authority has revised its procedure to ensure that fees will not be accepted outside of the statutory deadline. Where members of the public make contact by email, the local authority make it clear that the onus is on them to ensure that they have provided the correct fee with their submission. The OPR has recommended the authority prioritise the facilitation of online payments.

Case Study 2



Complaint not upheld: Accessing planning application files

Summary of Complaint

A customer contacted the OPR regarding accessing planning applications online. The complainant alleged that there was a delay for the public in accessing a specific planning application online. The complainant contacted the local authority and was informed that the file was unavailable as it was out for scanning.

The customer also alleged that the local authority's public office was closed for a period from March 2020, which hindered the physical inspection of planning application files.

OPR's actions

We contacted the local authority to seek clarification on its systems and procedures to ensure public participation in the planning process was maintained throughout Covid.

The local authority confirmed that the planning application in question was delayed due to a problem with their external contractor who scanned their planning files. They confirmed that the documentation was not made available on their website until seven working days after the application was submitted.

The local authority also outlined that they had contacted their external contractor, and have put measures in place to ensure such delays will not reoccur.

The local authority confirmed that the planning offices remained open to the public by appointment only during Covid restrictions, to enable social distancing, and staff were also moved into the public area.

Outcome

The local authority clarified that the delay in online publication of this application occurred as an isolated incident as a result of unforeseen exceptional circumstances, for which there are allowances under the planning regulations.

Furthermore, the local authority confirmed that its public offices were open at the time on an appointment-only basis. The local authority is committed to providing high quality public service to members of the public and have taken steps to prevent this incident from occurring again.

Case Study 3



Complaint not upheld: Submissions/observations made on planning application

Summary of Complaint

A customer contacted the OPR regarding a submission/observation made on a planning application. The complainant alleged that an elected member of the local authority council made a written submission/observation after the statutory deadline for submissions/observations.

OPR's actions

While the complaint was raised in the context of a specific planning application, given the legislative and regulatory requirements, the OPR gave formal consideration to the matter.

We contacted the local authority to seek clarification on its systems and procedures for processing submissions/observations within the statutory timeframes, including procedures for accepting representations from elected members in accordance with the regulatory provisions. We also sought clarity on publishing submissions/observations on the local authority's website.

The local authority confirmed that representations from elected members are accepted until a final decision is made on the planning application. The local authority also confirmed that the representation is not considered as part of the planning assessment and is a mere statement of support/opposition of the application.

However, if the representation does not comply with the above then it is deemed as being an invalid submission if received after the statutory public consultation timeframe.

Outcome

The local authority clarified its process in relation to representations received from elected members.

Giving wider consideration to the issue raised, we confirmed that the local authority's practice regarding elected members' representations is consistent with several other local authorities. Furthermore, the practice as set out is not in contravention of legislative/regulatory requirements.

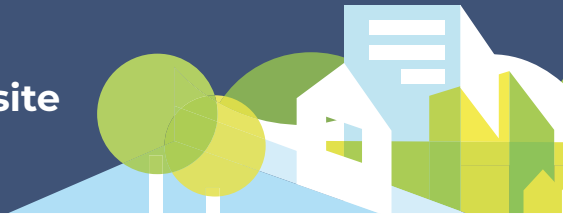
In this context, and due to the fact that the local authority applies this procedure consistently, we ceased our formal consideration of the specific complaint raised.

Local planning practices are of great interest to the OPR in our monitoring of the overall planning system and, in order to promote learning between authorities as well as highlighting areas for improvement across the local authority planning sector, and as such we held a record of the complaint, for further consideration.

4

Education, Training, Research and Public Awareness

- Training for Elected Members
- Resources for Elected Members
- Local Authority and Regional Assembly Staff Training
- Sectoral Learning and Development Strategy
- Environmental Sensitivity Mapping Webtool
- National Planning Knowledge Group
- OPR Research Output
- New Strategic Planning Research Programme
- Eco Eye Episodes
- Planning Leaflet Series
- Additions to the OPR Website



Mutton Island and Causeway, Co Galway

4.1 Education and Training

Training for Elected Members (Councillors)

In accordance with the provisions of section 31Q(1)(a) of the Planning and Development Act, 2000 as amended ('the Act'), The Office of the Planning Regulator (OPR) conducts education and training programmes for the elected members 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 2022, building on the success of the 2021 planning training programme, the OPR, in conjunction with the AILG delivered four planning training events for elected members. A hybrid approach was adopted to the delivery of these training events. Three of the events were delivered online and the fourth event was delivered in-person, over two separate days in Athlone and Castlecomer in Co. Kilkenny.

The 2022 training programme provided elected members with in-depth training and information on topical matters relevant to development plan preparation and elected members' wider planning functions.

Throughout the training events, elected members received high quality presentations from expert speakers on the following topics:

Local Authority Planning Functions and Water Services Investment: Ensuring a Coordinated Approach

The presentations covered:

- Water Services Infrastructure: The Legislative, Policy and Funding Context; and
- The Role of Irish Water in Planning and Delivery of Key Water Services Infrastructure.

Finalising your Development Plan: Key Steps and Requirements from the Development Plan Guidelines

The presentations covered:

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

"It's very interesting to get the opinion of the regulator and indeed my colleagues at today's training, so that we all have clarity on why we are doing this development plan and what kind of future we are all looking at."

CLlr Pamela Conroy,
Fingal County Council

Planning that Revitalises Ireland's Towns and Villages – Addressing Vacancy and Dereliction

The speakers provided:

- An Overview of the Town Centre First Policy and the Supporting Delivery and Funding Initiatives; and
- Details of Town Centre Regeneration – Learnings from Local Authorities – Sligo and Monaghan County Councils.

“The benefit I got from today’s training is the knowledge of the agencies that are ready to engage and fund development projects in my area. I’m looking forward to developing those relationships for the benefit of the community.”

CLlr Uruemu Adejinmi,
Longford County Council

The Role of Planning in Protecting Ireland’s Water Quality

The presentations focused on:

- Water Protection and Ensuring Good Status for all Water Bodies;
- The Water Framework Directive, the River Basin Management Plan and the Role of Local Authorities;
- Water Management in Urban areas; and
- Water Quality and Planning.



Figure 17 | Elected Members Training 2022 Topics



Cllr Nicholas Crossan, AILG President 2021-22 and Pauline Riordan, Planning Advisor, DHLGH at training event, Athlone.

Resources for Elected Members

Acknowledging the fact that not all elected members could attend the 'live' online or in-person events, the presentations and video recordings from each training event were made available on the OPR's website for elected members to access so that they can refresh and update their knowledge on topical planning matters.

In 2022, at the request of elected members from the EMRA, the OPR prepared and recorded a bespoke presentation on 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 recording and associated presentation were published on the OPR's website for elected members to access.

Local Authority and Regional Assembly 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 or regional assemblies in respect of such matters as the OPR considers are of relevance to the functions of the local authority or regional assembly, particularly relating to proper planning and sustainable development.

In 2022, the OPR delivered three online planning training events specifically tailored for staff of local authorities and regional assemblies.

The first event was delivered in March, in conjunction with the DHLGH. The webinar entitled **Implementation of the New Large-scale Residential Development (LRD) Arrangements** focused on:

- A general overview of the new LRD arrangements;
- The LRD arrangements from a planning authority perspective; and
- Insights and lessons learned from the Strategic Housing Development (SHD) Process.

The second training event for local authority and regional assembly staff entitled **Implementation of the new Strategic Environmental Assessment (SEA) Section 28 Guidelines** was delivered online in May and provided an overview of:

- SEA guidelines for regional assemblies and planning authorities; and
- Insight as to how the guidelines are being implemented from a local authority perspective.

The third training event for local authority and regional assembly staff entitled **Learnings from the OPR Reviews of Local Authorities** was held online in October and focused on:

- The background to OPR reviews, details of the review programme, the review process, the timeline, the review report and the post review follow-up;
- Learnings from OPR reviews including recurrent themes, identification of good practice and shared learnings; and
- A local authority's experience of an OPR Review – Tipperary County Council's experience.



695

registered for the training webinar on **Large-scale Residential Development (LRD) Arrangements**



170

elected members of local authorities attended **in-person training events**

Sectoral Learning and Development Strategy

In 2022, the OPR advanced work, in conjunction with the CCMA, on the completion of a Learning and Development Strategy for local authority and regional assembly planning staff. A steering group comprising representatives from the Housing, Building and Land Use Committee of the CCMA, the Local Government Management Agency (LGMA) and the OPR had been established in 2021 to develop the Learning and Development Strategy.

In early 2022, a Human Resource Management consultant was appointed to assist the steering group in drafting the Learning and Development Strategy. The strategy was finalised in 2022 and issued to the DHLGH, and the chair of the Housing, Building and Land Use Committee of the CCMA. The Learning and Development Strategy will be published early in 2023.

Environmental Sensitivity Mapping (ESM) Webtool

In 2021, the OPR entered into a co-funding agreement with the Environmental Protection Agency (EPA) in respect of the development and maintenance of the ESM webtool and the delivery of training for planning officials and other webtool users. In 2022, the OPR continued to support the ESM webtool team in the delivery of training workshops on how to effectively use the webtool to support and inform environmental assessment. In March a workshop was delivered for members of the public who were interested in learning about the functionality and real life application of the webtool. A workshop was delivered in May for environmental NGO representatives. The OPR also participated in meetings of the ESM Steering Committee in June and December.

4.2 Research

National Planning Knowledge Group

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 local authorities and 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.

The Act enables the OPR under section 31Q(3) to enter into arrangements with any person or body that the OPR considers to be suitably qualified to perform its research, education and training activities.

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 in late 2019.

The National Planning Knowledge Group 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 National Planning Knowledge Group 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 2022.

OPR Research Output

In 2022, consistent with the OPR's Planning Research Framework and the associated Strategic Planning Research Programme (2020-2022), work was advanced on several research projects under the following strands:



Strand One



Planning Issues Projects

Under Strand One (Planning Issues) of the Research Programme, Case Study Paper CSP05 'Climate Action and the Local Authority Development Plan', was published in March 2022. This case study paper offers insights into the challenges local authorities experience when incorporating climate mitigation into development plans and highlights exemplary aspects of existing development plans that include climate mitigation measures.

The research was undertaken by the team in MaREI, the Science Foundation Ireland Research Centre for Energy, Climate and the Marine coordinated by the Environmental Research Institute at University College Cork and was funded by the OPR.

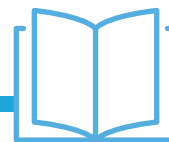
In 2022, the OPR continued its research partnership with the International Centre for Local and Regional Development (ICLRD) in respect of the research project dealing with 'Investigating Planning, Place-Making and Commuting'. Additional sponsors were secured for the project in 2022. The project is now supported by the OPR, the LGMA, the DHLGH, Clare County Council, Cork County Council, the Tomar Trust, the Department for Infrastructure in Northern Ireland and the Department of Transportation in Maryland USA. The Phase 1 interim report, which provided a synopsis of the emerging findings from Phase 1 of the research programme, was published at the end of Q2 and circulated to the Operational Partnership Group. Phase 2 of the research programme commenced in Q3 and this phase will continue until May 2023. The OPR sits on the Operational Partnership Group for the project. It is a 24 month project and is expected to conclude in Q2 2023.

In 2022, the OPR participated in a number of steering committee meetings:

- Throughout 2022, the OPR participated in meetings of the steering committee of the co-funded EPA-DAFM (Department of Agriculture, Food and the Marine) research project on reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit that can be used as a decision support tool for land-use planning and environmental management. In 2022, the project team focused on developing the toolkit, and carried out a number of pilot tests in three selected study areas. The results of the pilot phase will be reported at the next full steering committee meeting in early 2023.
- In 2021, the EPA commenced the preparation of a five-year Assessment Report (5YAR) the purpose of which is to develop an understanding of climate change, its impacts and the options for dealing with the impacts. The 5YAR consists of four volumes. The OPR sits on the steering committee for volume 2 – Achieving Climate Neutrality by 2050. In March 2022 the OPR provided a written commentary on the 'zero order draft' of volume 2 of the 5YAR. The 'first order draft' was reviewed by the OPR and the entire steering committee in October 2022. The OPR also attended a workshop of the steering committee in December 2022. It is anticipated that the four volumes comprising the 5YAR will be published in mid-2023.

Finally, consistent with the Strategic Planning Research Programme, the OPR advanced work in 2022 on a brownfield land activation research project. A concept paper was drafted, and shared with stakeholders in the Housing Agency, the Land Development Agency and the DHLGH. Work will continue on this project in 2023.

Strand Two



Planning Performance

In April 2022, the OPR published Case Study Paper CSP06 'Planning Application Processing: An Analysis of Planning Authority Validation Processes'. This case study paper explores how local authorities validate planning applications. The case study paper aims to share learnings and good practice and to stimulate thinking on how to achieve a situation where the majority of planning applications that are lodged are valid on receipt.

Throughout 2022, the OPR continued to work with the EPA on the co-funded research project dealing with Public Participation and Performance Criteria in Strategic Environmental Assessment: The Way Forward to Advancing Practice or the 'SEAWAY' project.

The ultimate goal of the project is to improve public participation in SEA in Ireland and to provide a robust SEA performance evaluation framework and associated KPIs to facilitate performance checks during assessments. The project team formally commenced work in March 2022. The case study pilot for the project is scheduled to commence early in 2023. The project is due for completion in Q1 2024.

In 2022, the OPR commissioned a research piece on the practical aspects of the operation of the Part 8 process. The OPR intends that a future case study paper or practice note may be developed on foot of this work following the publication of the new planning and development legislation.

Strand Three



Planning Practice

In 2022, the OPR prepared and published Practice Note PN03 'Planning Conditions' which is the third in a series of OPR practice notes. This practice note deals with planning conditions and provides information and guidance for local authorities on how to draft standard planning conditions and the reasons for the attachment of conditions to a grant of planning permission. It contains a practitioner's checklist; a planning conditions compendium; a sample of a supplementary advice notice that may be furnished with a final grant of permission; and an overview of relevant case law.

In 2022, the OPR also updated Practice Notes PN01 (Appropriate Assessment Screening for Development Management) and PN02 (Environmental Impact Assessment Screening) to take account of amendments to legislation relating to Section 42 (extension of duration). The updated practice notes were published on the OPR website.

New Strategic Planning Research Programme (2023-2025)

In Q4 of 2022, following engagement with the National Planning Knowledge Group and other key stakeholders, the OPR finalised and published a new Strategic Planning Research Programme for the period 2023-2025 and commenced work on the procurement of consultants to assist with some of the research projects proposed in the new programme.

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 2022. The episodes covered issues including town centres first, dereliction and sprawl repair. Audience ratings exceeded expectations across all three episodes and the total viewership across the three programmes was 942,800. Due to a change in the producers' funding model, the OPR was not in a position to continue to sponsor further episodes of Eco Eye in 2022. The OPR continued to engage with the producers in relation to the promotion of sustainable spatial planning across the new series which will air in 2023.

Planning Leaflet Series

In 2021 the OPR, in conjunction with the DHLGH published the online planning leaflet series which comprises 15 leaflets dealing with a wide range of planning issues. In line with the OPR's commitment to regularly review and update the planning leaflets, all 15 leaflets were reviewed by the OPR's technical team in conjunction with the DHLGH in 2022. The updated leaflets (English and Irish versions) were published on both the OPR and the DHLGH's websites.

Additions to the OPR Website

A number of new additions were added to the OPR website in 2022 to facilitate ease of access to information relating to the planning process. The additions include:

- A dedicated 'Public Awareness' page which was added to the OPR's website to provide easy access to all of the material that the OPR's Research, Training and Public Awareness team has published since its establishment.
- A new 'Introduction to Planning' page was also created that hosts a vast array of material intended to help visitors to the page to understand the key role that planning plays in our society and how the system works.



Architect John Dobbin with Eco-Eye Presenter, Dr Laura Dungan, in Eco-Eye episode, Higher Density vs Urban Sprawl, broadcast February, 2022.



Eoin Burke, Senior Planner, South Dublin County Council features in a 'Becoming a Planner' video.

**"If only we'd had
a planner come to our
school speaking like
Eoin, I might have been
here sooner!"**

Tara Skakie,
Planner,
Dún Laoghaire-Rathdown
County Council

- A new 'Calendar of Events' feature was launched within the training page of the OPR's website. This provides easy access to information on forthcoming training events and will be regularly updated.
- A new webpage 'Becoming a Planner' was added to the 'Public Awareness' page of the website. Within this page, information can be accessed about the work of planners together with details of the various third level planning courses that are available throughout the island of Ireland. 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.
- The OPR also published a new online resource entitled 'The Planning Process' which provides easy access to information on the three key stages of the planning application process. The new resource sits within the 'Public Awareness' section of the OPR's website and contains animated explainer videos, flowcharts, links to planning authority online resources and relevant planning leaflets. The resource was designed and developed to help prospective applicants for planning permission to navigate their way through the planning application process. Enhancing the public's understanding of the planning process is a key function of the OPR and this new resource contributes to the public's awareness and understanding of planning.

5

Corporate Affairs

- Code of Practice for the Governance of State Bodies
- ICT Strategy and Systems
- Health and Safety
- Public Sector Equality and Human Rights Duty
- Financial Statements



Benbulbin, Co Sligo



5.1 Governance

The Office of the Planning Regulator (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 Planning and Development Act, 2000 as amended ('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 four 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

As at 31 December 2022, 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 2022.



Executive Management Team: Caren Gallagher, Director of Research, Training and Public Awareness; Gary Ryan, Director of Planning Reviews; Niall Cussen, Planning Regulator; Joanna McBride, Director of Corporate Services; Anne Marie O'Connor, Deputy Planning Regulator and Director of Plans Evaluations.

Table 6 | Schedule of Meetings held by Finance, Audit and Risk Committee during 2022

Attendance	Meeting dates			
	23 Feb 22	15 Jun 22	18 Oct 22	7 Dec 22
Lorraine O'Donoghue	✓	✗	✓	✓
Pat Macken	✗	✓	N/A	N/A
Breda Coss	✓	✓	✓	✗
Paula Nyland	N/A	N/A	N/A	✓
Joanna McBride	✓	✓	✓	✓
Enda Torsney	N/A	N/A	✓	✓
Gary Ryan	✓	✓	N/A	N/A

Members of the Committee are:

External Members:

Lorraine O'Donoghue

Chairperson
(from August 2022)

Pat Macken

Chairperson
(until July 2022)

Breda Coss

Paula Nyland

(from October 2022)

Executive Members:

Joanna McBride

Director of Corporate Services,

Gary Ryan

Director of Planning Reviews
(until July 2022)

Enda Torsney

Assistant Director, Corporate Services
(from August 2022)

Valerie Halpin

Secretary to the Committee

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 2022. 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 was carried out by ASM Accountants in 2022 and comprised an audit of the OPR's system of internal controls, IT systems and security, customer complaints, corporate governance and business planning and a follow up review of the internal audit recommendations made during 2021.

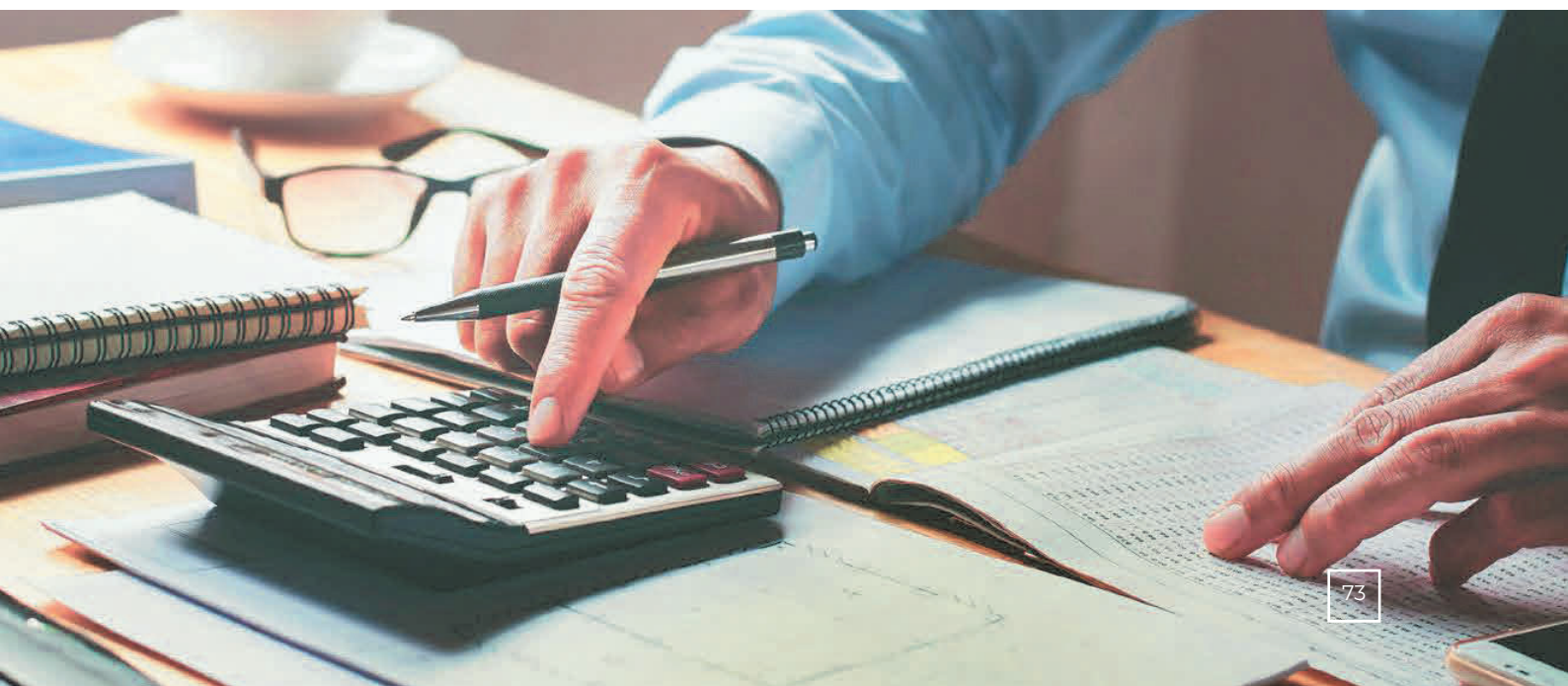
System of Internal Control

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 are 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 2022.

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 the role of the Board, the role of the Chairperson and the role of board members.

This is because the OPR's governance structure, as prescribed by the Act, is that of an office holder rather than a non-executive board structure. Therefore, in addition to performing his duties as a Board, the Planning Regulator also performs executive functions.



5.2 Continuing to Build the Organisation

In line with Government and public health advice, a gradual return to office based work commenced in early 2022. A blended working policy was implemented which offers increased flexibility and enhanced work-life balance for staff, while ensuring that the ability of the OPR to deliver high quality services to the public and other stakeholders is fully supported. The policy has been developed in line with the Blended Working Policy Framework for Civil Service Organisations and supports Ireland's National Remote Work Strategy.

Building our Team

The OPR has an approved complement of 40 fulltime staff, including the Planning Regulator. During the course of 2022, a number of recruitment campaigns were carried out to continue to fill these positions. The OPR had 28 staff as at 31 December 2022.

Recruitment campaigns commenced in late 2022 resulted in the appointment of additional staff who started their roles in early 2023. All staff worked together to create a welcoming environment for new recruits during 2022.

The OPR operates its recruitment primarily under a license granted by the Commission for Public Service Appointments (CPSA), which was obtained in April 2019. Open panels via the Public Appointments Service are also utilised, where appropriate.

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

Our Premises

Our offices are based in Park House, within the TU Dublin campus in Grangegorman, which 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 2022, the OPR continued to utilise Build-to-Share applications, including a document management system, provided by the Office of the Government Chief Information Officer. The BTS 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 process. In addition, the OPR's Intranet site was further developed during 2022 to enhance internal communication.

In collaboration with the ICT department in the DHLGH, the OPR is implementing a new Customer Relationship Management (CRM) system on top of a platform that has been provided by the DHLGH. This CRM system will enhance customer service, improve case management, and assist the OPR in delivering its statutory functions.

This is a further example of how build-to-share services within the public sector are delivering greater economies of scale in the provision of systems that are required to bring about business process enhancements and digital transformation.

The OPR is committed to maintaining cyber security to protect our data and systems. As cyber threats continuously evolve guidance notes are regularly shared with staff and all staff are required to complete cyber security training on an annual basis.

An ICT Strategy was developed and adopted during the year, which sets out the objectives and actions for the OPR's ICT function to 2026. This will act as a guide for ICT to support the organisation, and ultimately, to help achieve the goals in the OPR's Strategy Statement.

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 2022, 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 blended working policy.

Code of Conduct and Conflict of Interest

Procedures are in place to ensure that staff of the OPR comply with the provisions of 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 Act. Under the code, all staff members of the OPR and the Chief Executive register their interests by way of a declaration.

Health and Safety

In 2022, 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 was issued by Government during the Covid pandemic.

Our safety statement was reviewed, updated and circulated to all staff to reflect changing guidance. Additionally, in early 2022, a phased return to physical attendance in the workplace commenced. The OPR Covid Response Plan was updated based on the Government's Transitional Protocol which drew on lessons learned to date, along with the latest public health advice.

During 2022, the OPR's Blended Working Policy was implemented, following the publication of the Blended Working Policy Framework for Civil Service.

Continued health and safety training for staff was conducted during the year, with the appointment of additional first aid and fire warden officer roles to ensure adequate numbers of these dedicated roles were in place to facilitate the new blended working format.

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 2022 are provided below and are also available on the OPR website.^{18, 19}

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

¹⁹ <https://www.opr.ie/access-to-information-on-the-environment/>

Table 7 | FOI/AIE

	FOI	AIE
Granted	1	0
Partially granted	10	1
Withdrawn	4	0
Transferred	0	0
Refused	3	1
Total	18	2

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 are kept under regular review by the Data Protection Officer. Training for staff in data protection was provided during the year. In 2022, no personal data requests were received by the OPR and there were no instances of personal data breaches.

Irish Language

A new piece of legislation, the Official Languages (Amendment) Act, 2021 was enacted on 22 December 2021. This new legislation is a strengthening and update of the Official Languages Act, 2003 and introduces language standards for public bodies to replace the current system of language schemes.

The new provisions are being implemented over a period of time and the OPR will meet its obligations under the Act as they arise, such as the advertising provision which commenced during 2022 requiring that all public bodies do at least 20% of their annual advertising in Irish and 5% of their advertising in the Irish language media.

In order to facilitate consistent communications on measures relating to the new legislation, in June 2022, we established a specific email address to receive and send correspondence on this topic from the Department of Tourism, Culture, Arts Gaeltacht, Sport and Media.

Additionally during 2022, the OPR attended an information webinar organised by this Department to advise public bodies on their new obligations under the Act. The presentations from the event were circulated to staff.

In order to adhere to the duties outlined in the Official Languages (Amendment) Act, 2021, the OPR has contracted external translators to ensure that any relevant documentation, as well as some of the information on our website, is translated and published in a timely manner. During 2022, a review of the website was conducted to ensure that all newly posted relevant information was translated and published in Irish.

The OPR name, 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 also complies with its statutory responsibilities under the Official Languages (Amendment) Act, 2021 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, the knowledge of the Irish language is included as an important criterion in our recruitment campaigns.

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.

During 2022, all staff of the OPR completed training on the Irish Human Rights and Equality Commission eLearning module, Equality and Human Rights in the Public Service. This module is designed to support and enable staff within public bodies to understand and meet their obligations under the Public Sector Equality and Human Rights Duty.

The OPR is an equal opportunities employer and operates its recruitment under a licence granted by the CPSA. All recruitment processes carried out during 2022 were in strict accordance with the CPSA Codes of Practice.

The OPR is committed to providing services in an accessible way, for example, by 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. To assist in making our website accessible, in accordance with the European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations, 2020, a website accessibility audit was conducted during 2022.



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 took place in early 2022.

Protected Disclosures

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 2022 and the annual report on protected disclosures has been submitted to our parent Department and published on our website.

In preparation for the commencement in 2023 of the Protected Disclosures (Amendment) Act, 2022, the OPR Protected Disclosures Policy and Procedures were reviewed and updated. Protected Disclosures training will be provided to all staff in 2023.

Energy Usage 2022

The OPR has reported to the Sustainable Energy Authority of Ireland regarding energy consumption, related data and business travel for 2022.

Sustainable development and climate action are at the core of our functions and the OPR is committed to reducing its environmental impact as far as possible. During 2022, the OPR officially adopted the Climate Action Mandate which requires public sector bodies to show leadership in climate action. Digitisation rather than paper-based processes is our default approach and the OPR office is a bicycle friendly building for employees and visitors. In 2023, climate action and sustainability training will be provided to all staff.

The OPR participated in the Government's Reduce Your Use energy efficiency campaign during 2022. In support of the programme, staff due to work in the period between Christmas and New Year worked from home to support the reduction of power and heating in Park House.

5.3 Financial Information

The OPR's budget is allocated through the DHLGH Vote 34, subhead D.5. In 2022, the OPR's budget totalled €3,760,000. 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 (FRC), as promulgated by Chartered Accountants Ireland. The Financial Statements of the OPR are subject to audit by the Comptroller and Auditor General and the audit of 2022 accounts will take place in 2023. 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 2022.

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.²⁰

As a public body, the OPR utilises central frameworks and contracts put in place by the Office of Government Procurement when procuring a range of commonly required goods and services.

Where no central framework or contract is available, the OPR operates in accordance with European Union (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 for members of the Oireachtas seeking information about the work of the OPR.

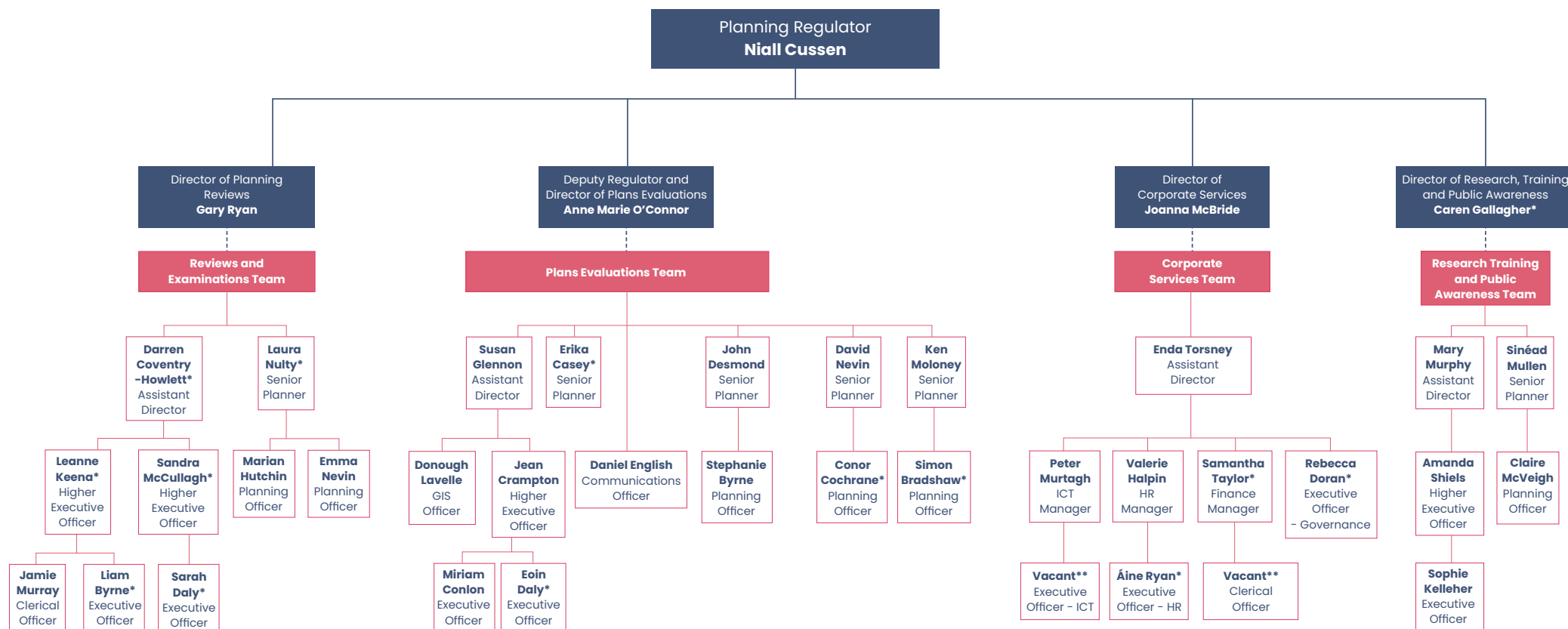
Four queries from Oireachtas members were received in 2022.



**4 queries from
Oireachtas members
were received in 2022**

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

Staff Information



*Recruited in 2023. **Ongoing recruitment





**Oifig an
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