



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Programme of Reviews of Local Authorities' Systems and Procedures in the Performance of Planning Functions

Review of Offaly County Council under section 31AS of the Planning and Development Act 2000, as amended Review Report

November 2023



Contents

1. Introduction.....	3
2. Overview of Key Findings	6
3. Operating Context and Organisation of the Planning Department.....	8
4. Forward Planning	18
5. Architectural Heritage	29
6. Land Activation and Projects	33
7. Development Management.....	40
8. Enforcement.....	53
9. Other Planning Related Functions	57
9.1 Part 8 / Local Authority Own Development	57
9.2 Taking-in-Charge.....	58
Appendix 1: List of Recommendations.....	60



Comhairle Chontae Uíbh Fhailí
Offaly County Council

1. Introduction

Background

Chapter IV ('Review of Planning Functions') of Part IIB of the Planning & Development Act 2000, as amended, ('the Act'), in particular section 31AS, gives the OPR the discretion to conduct reviews of the systems and procedures used by local authorities to deliver their planning functions. These provisions give a basis for the overseeing of the delivery of planning services to the public and to ensure the integrity of the institutional arrangements behind the national planning system.

As committed to in our Strategy Statement 2019-2024, the OPR is conducting local authority planning reviews on the basis of a rolling programme, whereby each authority will, in turn, benefit from having the Office look at how planning services are delivered. While this will result in performance improvement recommendations for the authority being reviewed, this also allows the OPR to monitor the operation of the overall local authority planning sector and to identify areas for shared learning across all 31 local authorities.

It is important to stress that an OPR review is improvement-focused, designed to complement and add value to the local authority's own performance and improvement plans. The programme is designed as a developmental resource for the planning system, with recommendations arising from the process that are designed to enhance the delivery of services to the public. The overall intention is to embed a culture of continuous improvement in the Irish planning sector.

Scope

Reviews are conducted in accordance with section 31AS of the Act, and on this basis, the emphasis is on the systems and procedures being used by a local authority to deliver its planning functions. In this regard, the review process is concerned with current operations rather than focussing on historical matters.

This general review of Offaly County Council's planning functions is the sixth to be conducted as part of the OPR's programme of local authority reviews. Previous reviews were of Tipperary County Council, Louth County Council, Galway City Council, Kildare County Council and Waterford City & County Council. The inclusion of Offaly County Council in this sequence gives further balance to the regional spread of authorities already reviewed.

While the findings of this review report draw upon knowledge available to the OPR in the delivery of our broad statutory remit as well as published statistics, the report principally reflects the information presented by Offaly County Council to the OPR.

Process

The undertaking of any individual review is a comprehensive process, involving significant processes of information gathering, analysis and engagement with planning officials to appraise the systems and procedures used to deliver planning functions. Consequently, any OPR review takes a degree of time.

The initial stages of this review were conducted during 2022, however the process was paused during the latter part of 2022 to facilitate urgent review work arising in relation to An Bord Pleanála at that time. As a consequence, the Offaly review process was resumed later in 2023.

As part of the review process, Offaly County Council provided detailed information in relation to the systems and procedures used for the delivery of planning functions. In addition, the OPR hosted a series of workshops with the Council to facilitate information gathering. These took place at Offaly County Council’s offices in Tullamore. As part of the review process, the OPR and the Council engaged, as necessary, to share information and seek clarifications.

The OPR’s reviews team wish to express thanks to Offaly County Council for facilitating open engagement throughout the review process and to acknowledge the input of the Council’s planning department staff, including the generous access and insights provided. The OPR also wishes to thank the Council for its patience in relation to time taken to produce the draft review report.

The OPR conducted detailed analysis of the information provided by the Council but also conducted other research and analysis including scrutiny of valuable planning data published by the Department of Housing, Local Government & Heritage (DHLGH), the Central Statistics Office (CSO), National Oversight & Oversight Commission (NOAC) and An Bord Pleanála.

The OPR acknowledges updating of planning legislation that is currently underway with Government and will, if necessary, discuss the outcome of the revised legislation review with the Council as part of the implementation and monitoring phase of the OPR’s review process.



O'Connor Square, Tullamore¹

¹ Photographs are copyright of Offaly County Council; permission for use in the report is courtesy of OCC

Ratings and recommendations

The reviews programme does not set out to create a league table of local authorities with regard to performance. Nevertheless, for any review to be meaningful and to give authorities a benchmark with regard to improving services, the OPR will apply a rating in respect of performance across three key operational processes in planning service delivery. The ratings are defined as follows:

- **Highly effective:** alongside robust systems and procedures, the Council demonstrates a commitment to continued improvement and innovation, and resources are used to proactively enhance service delivery. Aspects of the Council's performance represent practice that could be an example to other authorities.
- **Effective:** systems and procedures are considered adequately robust to effectively deliver statutory functions on an ongoing basis and to meet key business objectives.
- **Some improvement needed:** while the function is generally being delivered effectively, procedural weaknesses are noted which, in the absence of improved controls, could lead to a failure to deliver services appropriately.
- **Unsatisfactory:** insufficient evidence of an appropriate standard operating procedure in place, thereby creating an unacceptable weakness with regard to ability to adequately deliver the statutory function.

Regardless of the rating applied, recommendations may be made as part of the review indicating how systems for delivering operational processes could be improved or how current standards may be maintained. A collated list of recommendations made in this report is provided in Appendix 1.

These recommendations are also graded by the level of priority that should be assigned to them by the Council, as follows:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.
- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact upon operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

2. Overview of Key Findings

As previous OPR review reports have recognised, local authority planning departments operate under significant pressures, being required to provide customer-driven services while also being required to prioritise the implementation of a broad range of national, regional and local policies and programmes. The work carried out in planning departments is technical and complex, with decisions and policies being open to political, legal, media and public scrutiny.

Overall, this review has found that Offaly County Council operates effective and robust systems and procedures in the delivery of its statutory planning functions. In the delivery of its architectural heritage function, the Council's proactivity and innovation are considered 'highly effective'.

At the time the review process was being conducted, the planning department had a staffing complement of 28 (full time equivalents) excluding vacancies. The department is responsible for delivering on the wide range of services required of a rural local authority, in addition to dealing with the interplay of complex social and environmental issues associated with the transition to renewable energy and the protection and restoration of peatlands. This figure does not include staff involved in regeneration / land activation, which sits outside the department. While the overall delivery of planning services is considered to be effective, the review also recognises that this level of performance is based on the dedication and commitment of staff. In this regard it must also be acknowledged that expecting high levels of output from staff on an ongoing basis will create an operational risk, accordingly it is important that due regard be given by the Council's senior management to the allocation of additional supports towards planning functions.

While the review recognises the effective operation of the Council's systems and procedures, the recommendations made in this report are set in the context of ensuring that delivery remains effective in the face of current and future additional demands, and that where improvement is needed, the capacity and effectiveness of the Council's planning functions are enhanced.

Plan-Led Development

The Council prepared the current Development Plan in the context of the new national and regional planning hierarchy, and is preparing local area plans in the context of the statutory requirements.

This review found that the Council has effective systems and procedures operating to deliver its forward planning function. In particular, the long-term adoption and implementation of renewable energy policies and targets as an innovative approach to drive economic growth, achieve environmental targets and deliver community gain is welcomed. Notwithstanding this, recommendations for improvements are made in relation to plan monitoring and reporting as well as establishing written procedures on the plan-making process for staff.

Managing for Sustainable Development

Managing for sustainable development is primarily about ensuring that all aspects of decision-making advance the overall economic, social and environmental objectives for the authority's area in a way that is internally integrated and in line with wider national and international obligations.

The Council deals with a wide range of planning application types, some of which are complex in nature such as renewable energy developments and associated infrastructure. As a result, access to a range of specialist expertise is needed to inform decision-making in the context of social, economic and environmental factors.

This review found the Council's systems and procedures in relation to the development management function to be effective, facilitating generally consistent decision-making. Analysis also demonstrated the Council's development management outputs to be generally consistent with national trends.

This review also found the Council to be performing effectively in the delivery of its enforcement function, with robust procedures and guidance for staff in place. However, the delivery of the Council's enforcement function requires dedicated resources to ensure the successful delivery of this function as the number of complaints continues to rise.

Delivering Quality Planning Services

The delivery of quality planning services is relevant to all the functions of a local authority's planning department. It involves providing a positive customer experience through clear communication and provision of accessible information. It also involves efficiency in handling planning applications, consistency across planning decisions, and being transparent throughout the process.

This review found Offaly County Council to be generally effective in the delivery of planning services to the public. However, the review highlights the importance of the Council monitoring invalidation rates, to address any increase in the invalidation rate beyond the higher than average rate recorded for 2022, particularly in light of the implementation of online application services.

In relation to provision and accessibility of information, the Council's website generally provides good resources to the public and planning practitioners. The website provides quality information on the planning process, including template forms.

Conclusion

Offaly County Council's planning department operates in a complex and demanding environment that places a high degree of pressure on the resources of its team, and despite the challenges and pressures under which it operates, the planning department is generally delivering all of its statutory planning functions effectively, which is demonstrated throughout this report.

The department benefits from clear leadership, and the commitment and talent of the individual staff. The small teams deliver on a range of planning applications including complex renewable energy proposals whilst also reviewing the county development plan, preparing local area plans, implementing land activation measures, and supporting wider Council activities such as the delivery of amenity and community projects.

3. Operating Context and Organisation of the Planning Department

Area profile

County Offaly covers approximately 2,000km² and, by area, is the 18th largest county in the country. The population of the county increased by 1.6% between 2011 and 2016, from 76,687 to 77,961. According to Census 2022, the population of Offaly has increased by 6.7% in the period from 2016. By way of comparison, the national average population growth rate between 2016 and 2022 was 8.1%.

In 2022, County Offaly had a population density of approximately 41 per km², compared to a national average population density of 73 per km². According to the CSO, of the 77,961 people living in Offaly in 2016, 40.6% were living in an urban area, with the remainder living in smaller towns and villages or rural areas. According to CSO figures, in 2022 Offaly had 416 new dwelling completions, an increase of 69% over 2021 new dwelling completions.

In addition to Portarlington, which straddles the border between Offaly and Laois, County Offaly has three towns with a population of more than 5,000, namely Birr, Edenderry and Tullamore (approximately one third of the population of Portarlington is situated in County Offaly).

County Offaly is within the Eastern & Midlands Regional Assembly (EMRA) area. The Regional Spatial and Economic Strategy (RSES) for the EMRA area 2019-2031 identifies Tullamore as a Gateway Region Key Town providing “...*important connections with adjoining regions and have the capacity and future growth potential to accommodate above average growth in tandem with the requisite investment in employment creation, services, amenities and sustainable transport for the region.*”²

County Offaly borders Meath, Laois, Kildare, Westmeath, Roscommon, Galway and Tipperary. Approximately 20% of the county comprises peatlands, with the majority of the remainder of the land, outside of urban areas, in agricultural or forestry use. The River Shannon runs along the western boundary of the county, and the Grand Canal crosses the county from east to west. The Slieve Bloom mountains are situated in the south east of the county. County Offaly has a network of towns and villages and is well served by strategic road and rail access.

There are 24 designated European sites, which form part of the Natura 2000 network of European sites, located wholly or partly within County Offaly. This network includes both Special Areas of Conservation and Special Protection Areas representing the wildlife conservation areas of most significance in the county. These sites are considered to be of significant importance at both European and Irish levels.

²Eastern & Midland Regional Assembly, ‘Regional Spatial & Economic Strategy 2019-2031.’ See page 84. Source: https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf



Lough Boora

Organisational Context

The executive of Offaly County Council is led by a chief executive, supported by four directorates as follows:

- Land-use, Planning & Economic Development, Corporate Services, Human Resources
- Finance & Information Systems
- Housing, Community & Culture, Emergency Services
- Climate Action, Environment, Water, Infrastructure

Each Director of Service, except for Finance & Information Systems, is also responsible for a Municipal District, namely Birr, Edenderry and Tullamore.

The elected council is comprised of 19 elected members, representing the electoral areas of Birr, Edenderry and Tullamore. The elected members' role is to provide civic leadership, formulate policy, perform certain functions, known as reserved functions, to represent the interests of their constituents and ensure that the views of the people of the county are reflected in the decisions taken by the Council and in the way that services are delivered.

The reserved functions include important planning responsibilities such as the making or variation of the county development plan, the making of local area plans, the approval of material contraventions and the making of development contribution schemes.

There are four Strategic Policy Committees, which are tasked with the formulation and development of policy for the Council, and give the relevant sectoral interests an opportunity to assist the Council in the policy making process, consisting of:

- Land Use, Planning & Economic Development
- Housing
- Community, Culture, Heritage & Emergency Services
- Climate Action, Environment, Water & Transportation

From a governance and ethics perspective, national legislation (Part 15 of the Local Government Act 2001 and sections 147 and 148 of the Act) requires that systems are in place for the making of annual declarations of any interests that elected members and relevant employees may have.

In this regard, the Council have an Ethics Officer in place who oversees the annual declaration of interests. All relevant staff have completed their Part 15 declarations and forwarded to Corporate Services as required. An annual declaration for the relevant period must be made by employees as defined in regulations made under Part 15 of the Local Government 2001 Act. This requires disclosure of certain specific information, including interest in property and businesses relevant to their respective duties in local government. The Council's register of interests is available to view at the Council offices.

A Code of Conduct for local authority employees was introduced in 2007 under Section 169 of the Local Government Act 2001 and is circulated to all staff in the employment of the Council. All new staff joining the Council are given a copy of the code and must sign that they have received and understood this document prior to taking up employment with the Council.

Local Authority Strategic Objectives

Strategic objectives are set out in the Council's Corporate Plan 2019-2024, which provides an operational baseline for service delivery. The strategic objectives in the plan are to:

- enable economic growth;
- provide social housing;
- take climate action – protect our environment - provide water and infrastructure;
- serve communities; and,
- develop our organisation.

The Council's most recent Service Delivery Plan includes specific performance targets for the planning department including the preparation of three local area plans, the preparation of the annual development monitoring report, the management of the Built Heritage Investment Scheme (BHIS), and the roll out of ePlanning.

Overview of the Planning Department

The planning department is headed by a senior planner who reports into the Director of Services who is also responsible for Planning, Economic & Rural Development, Tourism, Heritage, Just Transition and the Municipal District of Birr. The Senior Planner is supported by a team of technical and administrative staff.

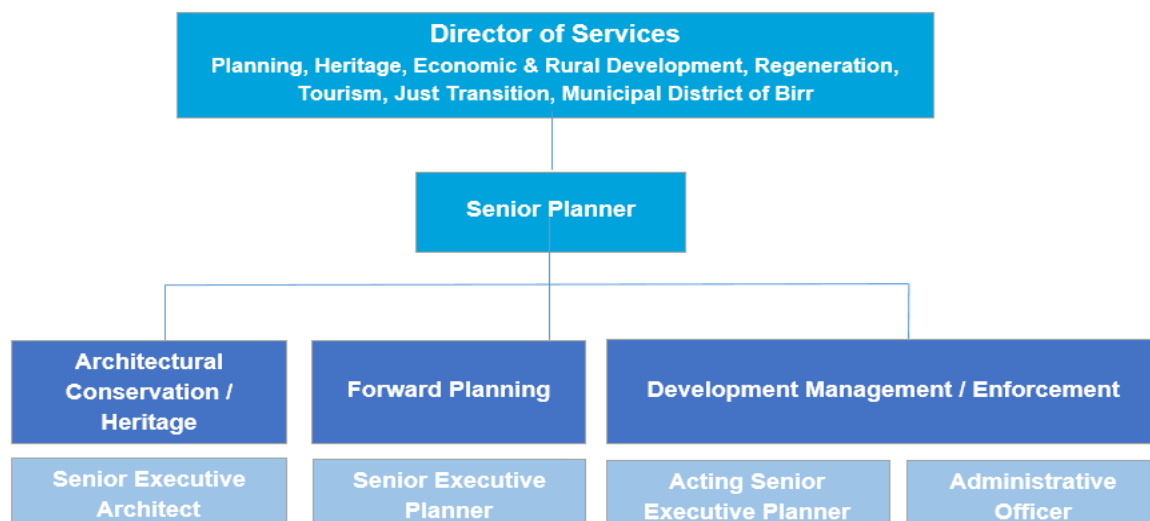


Figure 1: Planning department structure at the time of the review

The various activities of the planning department come under the ‘Development Management’ heading of the Council’s 2023 budget³. Table 1 provides details of 2023 budget allocations in relation to key areas of planning service and the percentage change from 2022.

Planning Function	2023 Budget	% of 2023 Budget Allocation	% change from 2022 Budget
Forward Planning	€693,912	30%	+17%
Development Management	€1,018,893	44%	+8%
Enforcement	€297,128	13%	+43%
Unfinished Estates	€73,458	3%	+73%
Heritage / Conservation Services	€221,511	10%	+17%
Total	€2,304,902		+17%

Table 1: Planning department budget allocation

In addition to government grant and subsidy income, an estimate of €426,300 was included in the 2023 budget in respect of expected income from planning application fees. This estimate for fees represents 18.5% of total expected income in the 2023 budget.

NOAC, through its ‘cost of planning’ analysis⁴, indicates that the Council’s expenditure on planning in 2021 was €28.87 per capita⁵. This figure is lower than the national average of €31.47, but higher than some other “small” authorities such as Cavan, Laois, Sligo, Roscommon and Westmeath⁶.

³ Offaly County Council, ‘Local Authority Budget 2023 and Explanatory Pages’, Source:

https://www.offaly.ie/app/uploads/Council/Council_Services_A-Z/Finance/Adopted-Budget-2023.pdf

⁴ National Oversight & Audit Commission, ‘Local Authority Performance Indicator Report 2021’, Source: <https://noac.ie/wp-content/uploads/2022/11/NOAC-PI-Report-2021-FINAL.pdf>.

⁵ Ibid

⁶ Ibid. NOAC’s Review of Local Authority and Regional Assembly Corporate Plans 2019-2024 categorises Offaly County Council as “small”, based on its size in relation to other local authorities (other small authorities are Carlow, Cavan, Laois, Leitrim, Longford, Monaghan, Roscommon, Sligo, Westmeath).

Staffing structures

The planning department is organised into three teams, namely:

- development management, including enforcement;
- forward planning; and,
- architectural heritage / conservation.

Staffing	Full Time Equivalents
Planners	8 (+ 2 vacancies)
Technical	4
Admin	14 (+ 2 vacancies)
Heritage	2
Total	28 (+ 4 vacancies)

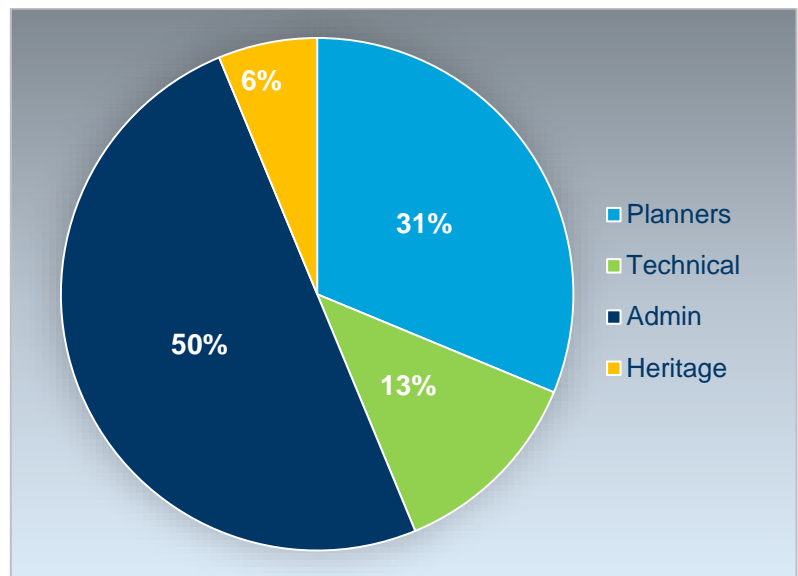


Table 2: Staffing structure

Figure 3: Staffing structure

Until mid-2022, a regeneration team sat within the planning department. Since then, the team reports directly to the Director of Services responsible for planning and other functions, alongside the planning department. The regeneration team is led by the Town Centre First Officer and is comprised of an administrative officer, two staff officers, two executive engineers, an assistant planner and an assistant engineer, with a vacancy for an executive architect.

The planning department also works closely with other departments across the Council in the delivery of important non-statutory functions, including:

- planning and implementation of greenway and amenity, regeneration and Just Transition projects;
- preparation of masterplans;
- working with landowners such as Coillte and Bord na Móna;
- delivery of climate action initiatives; and,
- bidding for and administering grant schemes.

The Council have been awarded over €25 million for greenway, amenity and regeneration projects since 2017. These successful applications were led by the planning department, and their implementation will involve the planning department.

Development Management, including Enforcement comprises of a technical and an administrative cohort. An acting senior executive planner leads a technical team comprised of two executive planners, an assistant planner and a technician. A planner is assigned to each municipal

district, namely Birr, Edenderry and Tullamore. An administrative officer leads a mainly administration team comprised of a senior staff officer, an executive engineer, a staff officer, five assistant staff officers, five clerical officers and one temporary clerical officer post (focussed on short-term lettings). At the time the review process was being conducted, a clerical officer and a temporary clerical officer position were vacant.

All pre-planning, planning applications, Part 8 proposals, section 5 referrals, compliances, taking-in-charge, development contributions and enforcement matters are dealt with by the team. The senior staff officer and executive engineer deal with enforcement matters on a part-time basis.

Forward Planning is led by a senior executive planner and is comprised of two executive planners, two assistant planners, a clerical officer and a GIS technician. At the time the review process was being conducted, the two assistant planner positions were vacant.

The key responsibilities of the team are the preparation, monitoring, reporting and review of the County development plan, implementation of Residential Zoned Land Tax requirements and local area plan preparation, monitoring and review.

Architectural Heritage / Conservation is led by a senior executive architect and at the time of this review comprised of an architectural technician, a heritage officer, and a clerical officer⁷

Key responsibilities of the team include managing the Record of Protected Structures, preparing conservation reports and planning reports for relevant planning applications, assessing section 57 declarations, administering heritage funding and preparing a buildings at risk register.

Table 3 and Figure 4 illustrate the FTE allocation of staffing between different teams.

Staffing	FTE
Senior Planner	1
Development Management	20
Forward Planning	7
Architecture, Heritage & Conservation	4
Total (includes 4 vacancies)	32

Table 3: Staffing of teams

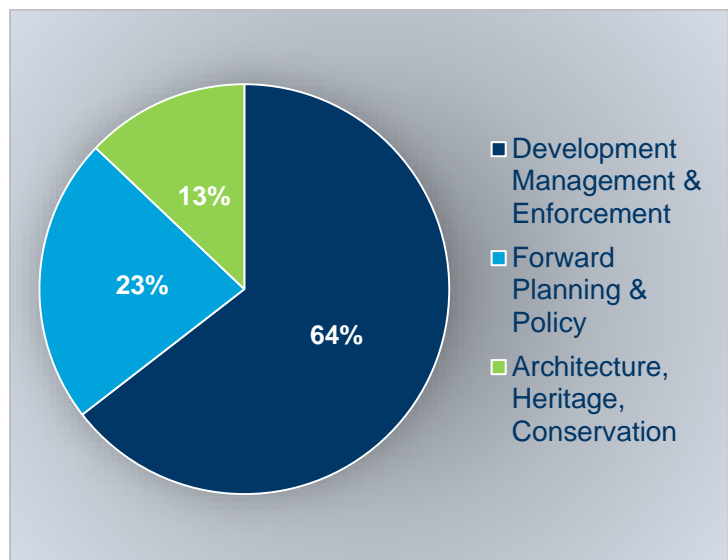


Figure 4: Team structure breakdown

⁷ Subsequent to the review process being conducted, a fulltime biodiversity officer was appointed in Spring 2023

Workforce Planning

The Council have experienced significant staff turnover reflecting an emerging trend in recent years across the local authority sector as the recruitment and retention of assistant and executive planners has become increasingly difficult, due to opportunities available in other local authorities and in the private sector. The planning department apply significant resources to the induction and training of new staff on recruitment. At the time the review process was being conducted, the planning department were progressing recruitment for the four vacant posts.

The planning department prepare an annual team plan / work programme which sets out the statutory and non-statutory deliverables for each team alongside timelines and risks. The key risk to delivering the functions of each team relate to staff resourcing. Recognising the scale of the current workload with increasing application numbers, the complexity of energy related applications, and other deliverables, the Council undertook a workforce planning exercise, which fed into the Local Government Management Agency (LGMA) and the County & City Management Association's (CCMA) business case for additional local government planning sector resources to DHLGH in 2022. The report prepared by the Council identified a requirement for 11 additional staff, of which seven are required for the planning department and four for the regeneration team.

Performance management

The standard public service Performance Management Development System is in place at the individual level with the expectation that an annual Personal Development Plan (PDP) be agreed for each member of staff.

In 2021, approximately 25% of planning department PDPs and end of year reviews, were completed. The Council attribute this low completion rate to Covid-19 work practices, the high workload of individual teams as the volume and complexity of planning applications increased, the county development plan review process, multiple regeneration schemes underway and high staff turnover. At the end of 2022, 26% of staff PDPs had been completed. It is important that the department focusses on the PDP process to ensure that business planning and training needs are understood and met.

As referenced above, the planning department prepare an annual team plan / work programme which sets out the statutory and non-statutory deliverables for each team alongside timelines and risks, which aligns with the Council's wider business plan.

The planning department have access to a training budget which is administered by the human resources department. The Council do not cover the cost of members of staff's professional membership fees. The planning department's training budget is approximately 5% of the department's overall budget. The department keeps a record of training undertaken by members of staff. The 2019-2022 record provided as part of this review, demonstrates that staff are supported to attend training courses and conferences including Irish Planning Institute (IPI), Local Government Management Agency (LGMA), OPR and DHLGH training sessions, in addition to practical skills development such as report writing, and communication. Although a formal department training plan is not in place, informal, dedicated training sessions are arranged to ensure each team is up to date on topical planning matters such as the county development plan and Part 8 developments.

Management arrangements

There is a comprehensive calendar of meetings at various levels within the planning department, including at senior management levels and amongst each planning team.

Senior planning staff, namely the senior planner, administrative officer, senior executive architect and senior executive planners meet fortnightly to discuss standing agenda items for each of the planning team functions in addition to items such as budget, new legislation, An Bord Pleanála decisions and county council meeting agendas. Senior planning staff meet the Director of Services, when required. The Director of Services meets with the Council's management team fortnightly, where relevant planning matters are discussed, as necessary.

Guidelines and directives

The Act requires that all local authorities have regard to section 28 guidelines and comply with any section 29 policy directives (issued by the Minister for Housing, Local Government & Heritage) in the performance of their functions. In addition to the guidelines and directives, there are regular circulars from the DHLGH providing policy updates, advice and guidance on various aspects of the operation of the planning system.⁸

The Council's planning department ensures national guidance and new legislative requirements are implemented by:

- circulating new guidelines, circulars and section 29 directives to all relevant Council staff;
- regularly updating the planning pack available for the public which includes a list of section 28 ministerial guidelines;
- including a statement in the county development plan demonstrating that the development objectives are consistent with policies and objectives of the Minister;
- referring to national policy and guidelines in local area plans, and planning application and Part 8 application assessments;
- amending standard operating procedures when new legislation, regulations or guidelines are issued;
- staff attending relevant webinars and seminars relating to new national policies;
- discussing new guidelines and legislation at team and management meetings to determine any required changes to work practices and procedures;
- presenting to elected members at special policy committees and council meetings to ensure relevant legislation and processes are explained clearly; and,
- listing all of the national policies that were published in that year, and what is expected in the following year, in the annual budget report to elected members.

⁸ These are accessible at: <https://www.opr.ie/library/>

Considerations and recommendations

As set out above, the planning department has a robust organisation structure with clear reporting and communication lines between management and teams. The structure of the planning department reflects the resourcing and budgetary constraints of a small local authority. As becomes clear from subsequent analysis, this places significant pressure on staff to ensure the Council's statutory planning functions are delivered. In addition, the planning department provides a supporting function across other Council services, which are critical to the successful delivery of local and national government policies and priorities, although they are outside the statutory remit of the planning function.

As a planning department within a small local authority, the teams have been delivering their planning functions despite significant challenges including the Covid-19 pandemic, high staff turnover and vacancies, rising planning application numbers, an increasing number of complex planning applications and the county development plan review. In addition, the team has been proactive in securing regeneration funding and supporting the implementation of Just Transition, greenway and amenity projects.

It is clear from the analysis undertaken as part of this review that in delivering crucial services, and in being proactive in the delivery of successful outcomes in other areas such as land activation, and the achievement of wider social, economic and environmental goals, the planning department is under ever-increasing pressure. Consequently, as staff capacity reduces this leaves limited capacity to focus on staff development, training and wider contingency planning. In any busy operational area, it is important that time is made available to reflect on team and individual performance and development, and to provide support to staff who may be under significant pressure.

It is recognised that the recruitment and retention of staff is an ongoing issue in the planning sector, in addition to local authority budgetary constraints. In undertaking the workforce planning exercise to feed into the LGMA and CCMA's business case to DHLGH in 2022, the planning department undertook a comprehensive analysis of the resources required to deliver their planning functions, while recognising current and future workloads, the changing planning policy and legislative environment, and the generally increasing demands placed on the department.

It is recognised that the planning department is actively pursuing recruitment to fill vacancies. While it is important that the Council continue to engage with the LGMA and DHLGH in relation to securing resources to build planning capacity, the Council itself should also be giving appropriate consideration towards additional supports for the planning department in the context of its own assignment of internally available resources.

As part of this review, the Council highlighted the increasing complexities of the planning system including the implementation of EU Directives, the Water Framework Directive, the response to climate change, as well as the expectations of new planning legislation being progressed through the Oireachtas.

It is recognised that staff attend topical webinars and share briefing material with colleagues, recording attendance to feed into the PDP process, however the preparation and implementation of a departmental training plan should be completed annually. The plan should focus on building capacity, operational resilience and supporting staff retention. To inform the plan preparation, a skills survey of planning staff could be undertaken to highlight knowledge gaps and priorities for learning. Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) training is essential to form part of the department’s training plan to ensure that staff have adequate expertise and can access appropriate guidance. The Local Authority Planning Sector Learning and Development Strategy⁹ prepared by the County & City Management Association (CCMA), LGMA and OPR may be useful in preparing the training plan.

Recommendation 1 – Resourcing and staff development: The Council should prioritise additional resources for the planning department, budgetary support to ensure the department has access to specialist expertise as required, and continue to work with the LGMA to secure additional resources. The planning department should place a renewed focus on staff development matters including the PMDS process and preparation of a departmental training plan for 2024.

No.	Recommendation	Grading	Responsibility
1	Resourcing and staff development	High	Director of Services

⁹ The County & City Management Association, the Local Government Management Agency and the Office of the Planning Regulator, ‘Local Authority Planning Sector Learning and Development Strategy’, (December 2022). Source: <https://publications.opr.ie/view-file/123>

4. Forward Planning

The National Planning Framework recognises Offaly's midlands location as an enabler of significant strategic investment, supported by a sustainable pattern of population growth with a focus on strategic national employment and infrastructure development, quality of life and strengthening of the urban cores of the county towns and other principal settlements.

The Eastern & Midland Regional Assembly's Regional Spatial & Economic Strategy (RSES) provides a long-term, strategic development framework for the future physical, economic and social development of the region and includes Offaly within the Gateway Region. Tullamore is identified as a Key Town that provides employment for surrounding areas, with high-quality transport links and the capacity to act as a growth driver to complement the Regional Growth Centre of Athlone. Regional policy objectives support Tullamore's role as a tourism hub and major employment centre, and the Council's Midlands Cycling Destination, and greenway proposals.

County Offaly's population is projected to increase by an additional 5,823 people over the development plan period 2021-2027, equating to a housing target of 3,978 housing units, the equivalent of 663 units per year.¹⁰

This target is highlighted in the context of recent annual dwelling completions in Offaly. The CSO shows that 230 new residential units were completed in 2019, 197 in 2020, 246 in 2021 and 416 in 2022.¹¹ In accordance with Government policy¹² the Council is seeking to ensure that at least 30% of all new homes are delivered within existing built-up areas. The county development plan identifies the quantum of residential zoned land within each of the County's settlements to accommodate the projected demand to provide for the housing supply target of 3,978 units.

The county development plan identifies principles for growth to encourage the focus of new development, which include:

- developing the designated Key Town of Tullamore to be a driver of regional growth, investment and prosperity;
- targeting at least 30% of all new homes within existing built up footprints with a focus on infill / brownfield lands;
- renewal and rejuvenation of all settlements by identifying significant regeneration areas in built up areas of towns, as well as rural regeneration opportunities;
- sequential provision of housing and infrastructure; and,
- moving towards self-sustaining (rather than long-distance commuter driven) activity.

¹⁰ KPMG, Future Analytics, 'County Offaly Housing Strategy and Housing Needs Demand Assessment 2021-2027'. Prepared as part of County Offaly Development Plan 2021-2027. Source: https://www.offaly.ie/app/uploads/Council/Council_Services_A-Z/Planning_Building/Housing-Strategy-and-Housing-Needs-Demand-Assessment.pdf

¹¹ CSO, 'New Dwelling Completion 2011Q1-2023Q3'. Source: <https://data.cso.ie/>

¹² Government of Ireland, 'Project Ireland 2040 National Planning Framework', See Appendix 1, National Policy Objective 3a-3c. Source: <https://www.npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

Forward Planning staffing

The forward planning team has a staff complement of seven FTE professional and technical staff, namely a senior executive planner, two executive planners, a clerical officer, a technician and two assistant planner positions, which were vacant at the time the review process was being conducted. The team has responsibility for the review of the county development plan, preparation of local area plans for three towns in the county, namely Birr, Edenderry and Tullamore, and the preparation of masterplans associated with regeneration sites.

The forward planning team also works jointly with Laois County Council in the preparation of the Joint Portarlington Local Area Plan, given that the town straddles both counties. In addition, the team is responsible for implementing the requirements of the Residential Zoned Land Tax and future Land Value Sharing and Urban Development Zones Act. The forward planning team meets monthly, on a formal basis with agenda and minutes prepared.

Plan preparation methodology

Offaly County Council follow the legislative steps set out in the Act, and associated Regulations, in preparing their statutory plans. Key activities during the plan preparation process include the following:

- pre-draft data collection and analysis, including the screening and scoping of environmental assessments;
- preparation of background papers on topics including modal shift and infrastructural assessment;
- informal workshops with elected members to inform them of the findings of the evidence-based documents being prepared;
- extensive internal department engagement, including sharing draft material to input to and edit; and,
- engagement with relevant agencies at appropriate stages including infrastructure providers, and interested bodies such as Bord na Móna, Coillte, Waterways Ireland and the Offaly Public Participation Network.

Preparation of the County Development Plan

The preparation of the county development plan is one of the most important functions of a local authority. Delivering a successful development plan review requires a collaborative and multi-disciplinary approach from the outset. The DHLGH's Development Plans – Guidelines for Planning Authorities (2022)¹³ indicates that formal project management measures should be put in place and a dedicated project manager should be appointed to oversee the review.

The guidelines also indicate that a cross-authority, multi-disciplinary group (additional to the core development plan team) should be formed, to consist of, for example, representatives from the housing, community, transport, environment, heritage areas of the authority and the Local Enterprise Office.

¹³ Department of Housing, Local Government & Heritage, 'Development Plans – Guidelines for Planning Authorities', (July 2022). Source: <https://www.gov.ie/en/publication/f9aac-development-plans-guidelines-for-planning-authorities/>

The Offaly County Development Plan 2021-2027 came into effect in October 2021. The Council confirmed that extensive cross-organisational engagement was undertaken and that engagement with other public bodies, including Uisce Éireann, Office of Public Works (OPW), National Transport Authority (NTA) and the Local Enterprise Office, was part of the process.

The Development Plan was prepared in accordance with the statutory plan making process with a pre-draft issues paper published in July 2019, the draft Plan published in July 2020, and material alterations published in June 2021. Volume 2 of the Development Plan includes settlement plans for seven towns, 22 villages, and 27 'sráids'.

Case Study 1 Renewable Energy Policies and Targets

Approach

Recognising the importance of planning for the cessation of peat extraction and industrial activities, such as power stations, the Council have continued to implement a positive policy approach to the beneficial after use of former energy generation sites since the 1990s.

In 2009, the Council's first Wind Energy Strategy was delivered in recognition of: the decline in fossil-fuel fired electricity generation; the tradition of energy generation in the county; the nature of landscape types across the county; and, to avoid an uncoordinated and non-plan led approach to the wind energy sector's development. This resulted in the designation of two areas as 'open for consideration' for wind energy in the 2009-2015 Development Plan, in order to minimise the impacts of such development on the county as a whole, while maximising the potential for optimal and efficient grid connections.



The 2014-2020 Development Plan, as extended, continued the positive policy approach to renewable energy, in addition to recognising national policy objectives to co-fuel with biomass, and the possibility of solar generation. The preparation of the 2021-2027 Development Plan highlighted elected members concerns with regard to the vital need for the generation of replacement jobs for those lost from peat extraction, for community gain from large scale renewable projects, and the contribution of Offaly to fulfilling Ireland's climate obligations compared to other counties. In recognition of these concerns the current County Development Plan continues a positive policy approach, including renewable energy targets, while focussing on consolidating existing and proposed renewable energy developments, attracting employment-generating development, and delivering community gain and amenities.

The inclusion of renewable energy targets in the Development Plan demonstrates that the Council recognises the significance of the challenge posed by climate change and the crucial role local authorities will play in mitigation and adapting to it.

Case Study 1 Renewable Energy Policies and Targets

Throughout the plan review process, the planning department engaged with elected members to address their concerns, presenting the policy context and potential opportunities to harness positive social and economic outcomes from renewable energy opportunities.

Outcomes and achievements

At the end of 2022:

- wind energy developments were generating approximately 180MW of energy, with a further 700MW in the planning pipeline for development;
- approximately 530MW capacity solar farms were granted planning permission, with a further 547MW in the planning pipeline for development; and,
- two battery storage sites were in operation with a combined capacity of 200MW.

As a result of focussing on the consolidation of renewable energy developments, initiatives are being progressed, such as:

- the development of a Green Energy Park as part of the redevelopment of the former power station site at Rhode;
- proposals by Bord na Móna to develop an energy park around the Rhode Green Energy Park; and,
- proposals by ESB for battery storage and synchronous compensator / grid services at the West Offaly power site at Shannonbridge.

In terms of community gain and amenities, the Council have focussed on ensuring public access for amenity uses as part of wind energy development, particularly in relation to State-owned land. As an example, the Council required public access as a planning condition for Bord na Móna's Mount Lucas Windfarm, and as a result, over 10kms of trails are now open to the public in addition to an outdoor gym, two public-car parks, and a visitor centre.

Impact

In the context of national climate change targets of 6GW of onshore wind capacity and up to 5GW solar PV capacity by 2025, Offaly's positive renewable energy policy approach is making a significant contribution to achieving these targets.

Constructive engagement between elected members and the planning department has enabled a consistent and positive policy approach to be supported through the development plan review process. This has given confidence for long term projects to be initiated, providing certainty for developers, employers and the community for the medium to long term.

The focus on community gain and amenities has demonstrated the positive impact that large scale renewable energy projects can make, which by their nature can be an imposition on established communities. With new trails passing through renewable energy developments and a weekly park run at Mount Lucas Windfarm and feasibility work complete on over 300km of trails on former peat-producing bogs, the planning department continues to play a critical role in facilitating the positive impact that these projects continue to deliver for the benefit of local communities, the Midlands region and beyond.

The formal review process for the Development Plan is due to commence in 2025. However, the Guidelines recommend that preparatory work begins at least one year prior to the formal commencement of the plan review. As such, activities recommended to commence in 2024 include cross sectoral engagement, elected member briefings, baseline reporting, preliminary scoping for Strategic Environmental Assessment (SEA) and the preparation of technical working papers.

Public participation and engagement

The Council have enabled public participation in the plan-making process in accordance with the requirements of the Act. A dedicated webpage was established during the plan review process, which enabled online submissions to be made and provided details of each stage of the development plan review process with associated documents available to view. The Council advertised each consultation stage of the review process in newspapers circulating locally and on social media.

Mandatory objectives under section 10 of the Act

Section 10 of the Act sets out a range of mandatory objectives that every development plan must include in their written statements and maps, as appropriate. Given that a local authority's approach to incorporating the mandatory objectives is central in undertaking a qualitative assessment of a development plan, exploring the work around research, engagement and drafting to ensure compliance with this provision of the Act is an important insight into qualitative aspects of plan-making.

As part of the preparation of the Offaly County Development Plan 2021-2027, the forward planning team compiled a check-list of the mandatory objectives listed at section 10(2) of the Act, which was used to confirm that each mandatory objective was addressed in the development plan.

Variations of the Development Plan

Variations of the development plan may be made under section 13 of the Act and the making of a variation is a reserved function of the elected members. The Council follows the procedure for the making of a variation set out at section 13(1A) of the Act.

In 2018, one variation was made to the 2014-2020 development plan to incorporate the provisions of the Urban Regeneration and Housing Act 2015 regarding the vacant site levy, urban renewal and regeneration. The variation was prepared and adopted in accordance with section 13 of the Act. The variation was accompanied by a SEA screening report and determination and an Appropriate Assessment screening report and determination.

In addition, motions may be raised by elected members at a Council meeting to vary the Plan. In 2017, a motion to impose a moratorium on wind energy developments was proposed at a Council meeting. The motion was subsequently discussed at a Special Policy Committee, at which the planning department presented on wind energy policy, describing the national, regional and local policy context, the practicalities of the implementation of the policy to date and outlined the appropriate mechanism for review of the policy as part of the county development plan review process. As a result, no variation was progressed on this matter.

Monitoring and reporting progress on Development Plan objectives

Monitoring of progress on implementing existing development plan objectives overlaps with the requirement to have a robust evidence base for preparation of subsequent development plans. Reporting on progress two years after the adoption of the plan is required under section 15(2) of the Act, in the form of a chief executive's report. This should comprise an analysis of the annual plan monitoring data and progress to achieving identified development plan objectives.

The Development Plan Guidelines recommend that once a development plan is adopted there should be a significant corporate focus on the ongoing implementation of the development plan, highlighting that it is critical that planning and development trends associated with core strategy monitoring should be reported on and analysed spatially, with accompanying mapping.

Such core strategy monitoring should occur annually and include indicators such as new home completions, planning permissions for residential development by unit size, breakdown by relevant rural area, type of rural housing, planning permissions for business / employment uses, and settlement consolidation sites. In addition, the requirements to monitor and report on plan objectives are emphasised, which must include indicators that are aligned with reporting for other related national policies e.g. climate change, or for the purposes of monitoring the SEA, and those identified for specific county development plan objectives.

The planning department is required to compile statistics on the numbers of residential units granted planning permission within each settlement, as identified in the Core Strategy, and have established a spreadsheet to record details of residential permissions and office / industrial / retail warehousing permissions granted. It was notable that limited monitoring would appear to have been carried out in respect of housing delivery. Due to resource constraints, formal analysis or reporting on annual core strategy monitoring is not currently undertaken.

The forward planning team have presented to the Special Policy Committee on the monitoring requirements of specific county development plan objectives in December 2021. Due to resource constraints, the objectives are not being formally monitored by the Council. Notwithstanding the above, the two-year progress report on the current plan is now due to be prepared by the Chief Executive for presentation to the elected members.

Amenity objectives

Part XIII of the Act relates to amenities and specifically, areas of special amenity, landscape conservation areas, tree protection orders, the creation of public rights of way, compulsory purchase order (CPO) for rights of way, and the repair and tidying of advertisement structures.

The Council's policies in relation to amenities are set out in the current Development Plan and specific objectives are identified in chapter 2 (Topic 2 - Settlement Strategy), chapter 3 (Climate Action and Energy), chapter 4 (Biodiversity and Landscape) and chapter 6 (Tourism and Recreational Development). In addition, the accompanying Wind Energy Strategy considers scenic routes and landscape sensitivities in the county, and addresses consistency with adjacent local authorities' wind energy strategies.

The current county development plan identifies the following statutorily designated sites.

- 18 Special Areas of Conservation.
- 6 Special Protection Areas.
- 58 Natural Heritage Areas.
- 51 proposed Natural Heritage Areas.
- 4 Statutory Nature Reserves.
- 4 Ramsar sites.
- 4 Biogenetic reserves.

In addition, the current development identifies 13 Areas of High Amenity and two Key Amenity Routes. The Council introduced a new objective in the plan to examine the feasibility of developing Wilderness Corridors on rehabilitated peatlands to develop a network of interlinked peatways.

The Council aims to protect individual trees, groups of trees or woodland, which are of environmental and / or amenity value, through Tree Preservation Orders (TPOs) made through the development plan process or separately under Section 205 of the Act. The current development plan identifies seven TPOs. In addition, chapter 4 of the plan identifies 18 groups of trees that contribute to amenity value, and eight Coillte recreational woodlands.

The Council's green infrastructure includes Natural Heritage Areas (NHA), Special Areas of Conservation (SAC) and Special Protection Area (SPA) designated areas, Areas of High Amenity in the county, woodlands and boglands connected by walking routes, eskers, riparian ways, Bord na Móna rail links and the Grand Canal. Local level green infrastructure in the county includes open space provision, greens and parks, hedgerows, boundaries, coppices, green walls, green roofs, country lanes and areas of low intensity agriculture and scrubland. In addition to policies and objectives set out in chapter 4 Biodiversity and Landscape, the importance of green infrastructure is addressed throughout the current county development plan.

The planning department has played a central role in the initiation and delivery of a range of amenity projects across the county, and beyond, including engaging with neighbouring local authorities. In addition to the Mount Lucas windfarm amenities, and feasibility study for over 300km of trails across peatlands, described above, other amenity projects the planning department has been involved with include the following:

- The delivery of over 80km of mountain biking trails in the Slieve Bloom mountains with Laois County Council undertaking extensive pre-planning engagement to ensure the full extent of the project could be delivered following robust environmental assessments. This included procuring independent ecological advice for the Council and Laois County Council at pre-planning and planning application stages.
- Steering the location of the Slieve Bloom mountain biking trailhead to the centre of Kinnity village, rather than 3km outside it, through negotiations with Coillte, and securing Town and Village Renewal scheme funding to enhance the village to serve as a tourism and visitor hub for the mountain bike trails.

- Securing Outdoor Recreation Infrastructure Scheme funding for the upgrade of trails at Derrycastle lakes and the preparation of a 10-year plan to provide a road map to allow multiple uses to develop alongside each other, to clarify licences required, and to develop an income stream for development and maintenance of the 700 acre site.
- Working in partnership with the roads section of the Council and Waterways Ireland, the planning department have delivered almost 60km of greenway along the Grand Canal through Offaly, as the ‘spine’ for the wider development of the 300km of trails described above. The planning department have worked with Offaly Local Development Company to facilitate and encourage local communities to engage with the greenway and to deliver smaller associated walking and cycling routes.



Slieve Bloom mountain bike trail

Sections 206 and 207 of the Act provide for the creation of public rights of way and these provisions are supported by the mandatory objectives for statutory plan-making under section 10(2)(o) of the Act. In 2021, the OPR published a case study paper on the operation and implementation of section 10(2)(o) across all 31 local authorities.¹⁴ As part of the preparation of the case study paper, the Council highlighted that compliance with section 10(2)(o) of the Act is considered a large challenge having regard to the obligation to maintain the routes, as any person who inhibits public rights of way may be guilty of an offence, and as resources are required to identify and defend public rights of way.

¹⁴ Office of the Planning Regulator, ‘Public Rights of Way and Local Authority Development Plan’, (Access to the OPR’s planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: www.opr.ie/planning-performance/

However, the County Development Plan 2021-2027 did list existing public rights of way in Chapter 6 (Tourism and Development), which are also illustrated on an accompanying map. This addresses previous omissions identified in the OPR's review of Offaly's implementation of section 10(2)(o) and complements the wider work of the Council in establishing new permissive access trails across the county as mentioned above.

Preparation of Local Area Plans

There are three settlements in County Offaly that have a population in excess of 5,000, and therefore require mandatory local area plans (LAP), namely Tullamore, Birr and Edenderry. In addition, Portarlington has a population in excess of 5,000, and is located within the functional areas of Laois and Offaly County Councils. The status of each local area plan is outlined below.

Birr LAP

The Birr LAP (2023-2029) was adopted in May 2023. The proposed material alterations to the draft Birr LAP were published in February 2023, with public consultation running until mid-March 2023. The OPR's submission on the draft Birr LAP welcomed the inclusion of: specific local objectives regarding decarbonisation actions and projects; a Local Transport Plan to inform the preparation of the LAP, and the approach to revitalise the town centre, in particular the 20% target to reduce vacancy in the town.

Edenderry LAP

The Edenderry LAP (2023-2029) was adopted in July 2023. The OPR welcomed the adoption of the LAP, which addressed OPR recommendations. In particular, the approach taken to the regeneration and revitalisation of the town, which is supported by the preparation of the masterplan for Blundell Park and the identification of opportunity sites, and the inclusion of a Local Transport Plan to inform the preparation of the LAP were welcomed.

Tullamore LAP

A Tullamore LAP will be prepared to replace the Tullamore Town and Environs Development Plan 2010-2016, as extended. Preparation of the Tullamore LAP is due to commence in 2023, for adoption in 2024. The Council's active travel team in the road design department have procured consultants to prepare an area based transport assessment to inform the preparation of the LAP.

Joint Portarlington LAP

As Portarlington straddles Laois and Offaly boundaries, the Joint Portarlington LAP 2018-2024 was prepared jointly between Laois and Offaly County Councils. Laois County Council will take the lead on the review of the LAP, as two thirds of the town sits within Laois.

The Council do not have a formal local area plan preparation procedures manual in place. Preparation timelines for the four local area plans are included in the forward planning team's work programme for the 2024 - 2025 period.

Dedicated webpages have been established for the review of the Birr, Edenderry and Joint Portarlington LAPs. Online submissions on the review of the Birr and Edenderry local area plans were possible via a submission portal accessed from each dedicated webpage, with submissions

received at the draft and material alterations stage, published within 10 days of receipt by the Council in accordance with section 20(3)(ja)(i) of the Act.

Environmental Assessment

The Council engaged consultants to prepare SEA, Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) as part of the development plan and local area review and plan-making process. Generally, the Council's systems for performing SEA's, AA's and SFRA's appear reasonable and appropriate, having regard to the provisions of relevant legislation and regulations.

In terms of monitoring the significant environmental effects of the implementation of the plan in accordance with the SEA Directive and Development Plan Guidelines, the Council do not have a process in place. The Council have highlighted that training in this area and cross-departmental commitment are needed to monitor the significant environmental effects of the implementation of the plan.

Geographical Information System (GIS) capability

The Council do not have a dedicated GIS team. A GIS technician sits within the forward planning team, who also assists with development management validations. As part of this review, the planning department recognise that further investment in terms of technologies and resources are needed to unlock the Council's GIS capabilities.

Performance rating and recommendations

Recognising the inherent demands of the plan preparation programme, the forward planning function continues to meet statutory plan-making requirements. From the material provided and background analysis undertaken as part of this review, the forward planning function is considered to be **effective**.

Collaborative and proactive working between the planning department and elected members in the plan-making process, the planning department's cross Council partnership working in project delivery, and the planning department's successful relationship building with local communities and State agencies have resulted in significant achievements for the county as plan policies and objectives are providing the framework to realise economic, social and environmental goals.

However, as already noted, the planning department's capacity is somewhat challenged in terms of available and more specialised resources. The Council will need to ensure that resources are in place in order to deliver key forward planning projects, for example local area plan preparation and county development plan monitoring, so that the achievement of NPF priorities is supported.

Building on the good practice noted above, the planning department could further strengthen its performance towards a highly effective rating through the implementation of a programme for monitoring and reporting annually on the county development plan. Supported by specialist capabilities in areas such as GIS and data analytics, the overall aim should be to analyse and consider on an ongoing basis if the plan is progressing satisfactorily in the implementation of its objectives. Ensuring resources and establishing systems to effectively perform this monitoring and analysis function is a key responsibility of the Council, and it is essential that a robust system of annual monitoring and reporting is put in place. As such, cross Council commitment is critical to

making this happen. It is also important that planning and development trends associated with core strategy monitoring are reported on, and analysed numerically and spatially, with accompanying GIS enabled mapping.

Recommendation 2 – Monitoring and implementation: The Council should introduce a comprehensive monitoring regime to ensure the implementation of the policy objectives set out in statutory plans is adequately reviewed on an ongoing basis, including in respect of SEA and AA.

(Noting the focus of Recommendation 1) The introduction of such a regime will require the commitment of appropriate resources within the planning department toward the monitoring and the analysis of data as well as a multidisciplinary and collaborative approach to monitoring across the Council.

No.	Recommendation	Grading	Responsibility
2	Monitoring and implementation	High	Director of Services

5. Architectural Heritage

The planning department's dedicated architecture / conservation / heritage team has responsibility for delivering the Council's statutory architectural heritage function. At the time of the review process, the team comprised of a senior executive architect, a heritage officer, an architectural technician, and a clerical officer¹⁵. This team reports directly to the senior planner.

The Council's Record of Protected Structures has been prepared in accordance with section 10 to 12 of the Act, and contains 1,428 structures. The Record is an appendix to the county development plan and is updated as part of the development plan preparation cycle.

As part of the process to update the Record of Protected Structures, the plan review process was advertised and submissions were invited from the public. Owners of all protected structures were specifically notified of the process and asked if they wished to submit current photographs of their properties. The Council updated its survey of thatched buildings in 2018 which also informed the addition / deletion of entries to the Record. The updated Record of Protected Structures published in 2021 had 18 structures added to the register, and 14 structures were removed.

Each entry on the Record of Protected Structures is supported by a database record which includes property details, owners' details, photographs, section 57 declarations, etc., all of which can be used on a daily basis to respond to queries on individual properties.

As part of this review, the Council provided an outline of its section 55 procedure for adding / deleting entries to the Record of Protected Structures in compliance with legislative requirements. The Council prepares an individual assessment record, including recommendations, if any proposed additions or deletions under section 54 or 55 of the Act are notified to the Council by an owner or member of the public.

The Council provided examples of positive outcomes from adding properties to the Record of Protected Structures. This included a thatched cottage in Crinkill, whose owner could then avail of Built Heritage Investment Scheme (BHIS) funding to undertake thatch repairs, and an intact vernacular house in Fivealley, whose owner could then avail of BHIS funding to provide historically accurate timber sliding sash windows.

Architectural Conservation Areas

Architectural Conservation Areas (ACAs) are also an important statutory tool in conserving the character of places, areas, groups of structures or townscapes which are of special interest or that contribute to the appreciation of protected structures.

The 'Architectural Heritage Protection Guidelines'¹⁶ indicate that ACAs can be an appropriate form of protection in lieu of placing structures on the Record of Protected Structures, given that works to

¹⁵ As already noted, a fulltime biodiversity officer was appointed in Spring 2023

¹⁶ Department of Housing, Local Government and Heritage, 'Architectural Heritage Protection Guidelines for Planning Authorities', (October 2022). Source: <https://www.gov.ie/en/publication/0937a-architectural-heritage-protection-guidelines-for-planning-authorities/>

a structure's exteriors will only be exempt if they do not materially affect its character. ACAs are designated as part of the development plan process.

The Council have designated one ACA – the Geashill ACA. The primary aim of the Geashill ACA is to provide for future development in a manner sympathetic to the special character of the village. The Council will examine the need to designate further ACAs during the period of the current development plan.

Section 57 declarations

The local authority also has responsibility for ensuring that owners carry out certain works to ensure the protection of these structures and has other powers to secure protection, including CPO powers. Works are only exempt if they do not materially affect the character of the structure or any element which contributes to its special interest. Section 57 of the Act allows owners to request the local authority to declare the type of works which are exempt.

The Council have established a database based on a sample document contained in the 'Architectural Heritage Protection Guidelines for Planning Authorities', which records details of the property including street, structure and owner. There is an average of 11 section 57 declarations issued each year. A report is prepared in consideration of each declaration request, within the statutory 12-week timeframe, and includes details of adjoining sites, cartographic references and historical sources.

Section 59 and 60 notices

The Council provided copies of its procedures for the service of section 59 and section 60 notices, to require works to be undertaken in relation to endangerment or restoration of protected structures. If properties listed in the Derelict Sites Register are protected structures, the senior executive architect liaises with planners to identify suitable works required to the properties which are then indicated to the owners.

The Council provided an example of how the issuing of a section 59 notice to the owners of a former labourer's cottage at Geashill, resulted in the Council undertaking conservation works to the structure of the cottage, as general disrepair had led to structural damage.

Case Study 2 Delivery of Architectural Heritage Services

Approach

Offaly County Council's planning department includes a dedicated architecture / heritage / conservation team who work closely with planners in the forward planning, development management and regeneration teams. The team has fostered a culture of collaboration, working with other departments across the Council and external stakeholders including the Heritage Council, local communities, and property owners.

A range of information is available on the Council's website in relation to heritage and conservation including Offaly's Heritage Plan, details of Offaly's architecture programme, design guidance and publications on the architectural heritage of the county. The team also have an extensive engagement programme and communicate via an Offaly Heritage Facebook

page which provides details of upcoming events and heritage related news. In addition, the Heritage Officer and Senior Architecture Officer have also authored books on local heritage.

The Council maintains a fit-for-purpose database of its Record of Protected Structures, including Section 57 declaration requests, and works proactively with property owners to identify potential grant schemes which can assist with funding works to protected structures. The benefit of having a dedicated clerical officer in this team means a dedicated resource does all of the administration for the grant schemes with the Heritage Officer providing a consistent and efficient approach to support successful grant applications.

Outcomes and achievements

Under the BHIS, the total value of all public funding provided for individual projects must not exceed 50% of the total project cost. Throughout the county, the Council have awarded 27 grants worth €127,000 to date. The largest single grant to date is €6,000. There were 34 projects worth €428,000 on site in 2022. Examples of how these funds have been used include slate rooves, blacksmith repairs, castle repairs, mills, and windows.

The team have been instrumental in supporting land activation in towns, examples include:

Esker Arts Centre - A significant protected structure in Tullamore, Kilroy's shop was purchased by the Council and was restored and enhanced with the assistance of funding from the BHIS 2022. This prominent town centre shop had been identified over the years for continuous monitoring, and has been developed as the Esker Arts Centre, which opened in April 2023. The development of the Arts Centre was a collaboration between Tullamore Community Arts Centre Ltd., which was established as a partnership between Offaly County Council, Tullamore Town Council and the local community.

No.6 High Street, Tullamore is another example of a protected structure within the town centre, that had fallen into disrepair and has since been restored as a family residence with assistance from URDF and BHIS grant funding. The property is located on the high street within the town centre and the restoration demonstrates the potential to renovate town centre properties to create modern family homes. The property owners worked closely with the Council to navigate funding supports and the planning process. A tour of the house has been offered to the public as part of Heritage Week.

Birr Courthouse – In 2021 the OPW handed over Birr Courthouse to the Council, who commissioned a conservation masterplan for the courthouse. Emergency works were undertaken to repair the roof and replace windows, which was supported by Heritage Council, Historic Towns Initiative and Historic Structures Fund funding. The Council are exploring options for funding supports to continue the works and are working with a local community group who are interested in using the courthouse as a community artist creative hub.

Impact

The establishment of a dedicated expert team within the planning department has enabled heritage and conservation to be an integral part of the department's work programme. The team is successfully delivering the Council's statutory architectural heritage function in addition to providing advice, guidance and support to the wider Council. The team's proactivity in communicating with property owners, the public and other stakeholders, such as the Heritage Council, has resulted in the successful delivery of a range of small-scale heritage projects throughout the county and larger scale restoration projects in town centres, benefiting local communities, the wider county and national heritage.

Public Engagement

The Council's website includes an extensive range of information on heritage related matters including conservation of built heritage, biodiversity, heritage grants, gardens and parks, landscape and streetscape, and the Offaly Heritage Forum.

The Council maintains a mailing list for interested parties to be updated on upcoming calls for applications for BHIS funding, and communicates through an Offaly Heritage Facebook page on upcoming events and heritage related news. The Council arranges seminars on heritage matters of local interest, such as on vernacular furniture and fittings, and has also published books on subjects such as the landscape of Clonmacnoise, and the geology of Laois and Offaly. The heritage officer and senior architecture officer have also authored books such as 'Did you know? 100 quirky facts about County Offaly', 'Flights of Fancy: follies, families and demesnes' and 'Geashill: the Evolution of its Architecture'. The architectural conservation / heritage team provides advice to property owners and the wider Council on funding supports to undertake works to protected structures and on the planning process to enable works to progress. The team also works with local community groups and state agencies to identify works required to repair and restore protected structures.

Performance rating and recommendations

The Council's delivery of its architectural heritage responsibilities is considered to be **highly effective**. The establishment of a database of protected structures, and section 57 requests, and the proactive approach to communication and public engagement demonstrates a commitment to delivering its architectural heritage function and developing best practice.

As recognised earlier, and throughout this report, additional staff recruitment is a critical issue for the planning department. It is important the architectural heritage / conservation team remains supported in terms of resourcing and budget to ensure that the proactive and collaborative approach to the delivery of this function continues.

6. Land Activation and Projects

Current Government policy, as detailed in the NPF and other initiatives, is to actively intervene to facilitate and bring forward urban regeneration, housing delivery and to secure 30% of all new housing within existing urban footprints.

A range of policy tools are required to achieve this objective and require significant coordination between central and local government. Such policy tools include central government initiatives including the 'Town Centre First' approach and the Urban and Rural Regeneration & Development Funds (URDF and RRDF). The Government's approach seeks to deliver the best outcomes for town centres by aligning policies and targeting available resources.

In this regard, Offaly County Council established a dedicated regeneration team in 2019, which until August 2022 sat within the planning department, reporting to the senior planner. Since August 2022, a dedicated team led by the Town Centre First Officer reports directly to the Director of Services. The team is staffed by the Town Centre First Officer, an administrative officer, two staff officers, two executive engineers, an assistant planner and an assistant engineer, with a vacancy for an executive architect. The team's key responsibilities include:

- Preparation of applications for URDF and RRDF funding;
- Successful URDF and RRDF project implementation;
- Preparation and implementation of Town Centre First plans;
- Implementation of Town and Village renewal schemes;
- Planning and delivery of Outdoor Recreation Infrastructure Scheme (ORIS) projects;
- Preparation of M1 Offaly Sports Partnership funding applications;
- Engagement with communities on amenity action plans and masterplans;
- Action on derelict sites;
- Project delivery of shopfront/streetscape grants; and,
- Croí Conaithe grant delivery.

General systems and procedures

The current county development plan includes a number of policies and objectives related to land activation and regeneration. Opportunity sites, as key areas for regeneration, are identified in the plan's Key Towns, Self Sustaining Growth Towns, Self-Sustaining Towns, and towns and villages. The four local area plans for Birr, Edenderry, Tullamore and Portarlinton will address the opportunity sites in those towns in more detail whilst opportunity sites for smaller settlements are identified within Volume 2 (Settlement Plans) of the county development plan.

The adopted Birr and Edenderry LAPs include ambitious targets to reduce vacancy in the towns by 20%. Both LAPs have regard to the Town Centre First approach and include a strong policy approach to promoting regeneration and rejuvenation in the towns, in accordance with national and regional objectives. The LAPs also include policies to increase residential development in the town centre by encouraging the appropriate reuse of rear gardens to create new streets and the use of upper floors within the town centre for residential uses.

The Council have prepared a Town Centre First Plan for Clara, in partnership with the Clara Town Team, in line with guidance set out in Town Centre First – A Policy Approach for Irish Towns.¹⁷ The aim of the plan is to create a vibrant town centre focussing on a number of themes and project ideas, highlighting ways to tackle vacancy and dereliction in the town centre, in accordance with Town Centre First policy guidance.

Complementing this is a streetscape enhancement scheme, administered by the Local Enterprise Office, working with the planning department. Property owners in Tullamore, Clara, Birr, Edenderry and Portarlington can avail of grants to improve the appearance of their properties.

Urban and Rural Regeneration & Development funding

The URDF and RRDF funds aim to deliver more compact and sustainable development, as envisaged under Project Ireland 2040, by part-funding regeneration and rejuvenation projects in Ireland’s five cities and other large towns. The Council is active in this respect, having secured approximately €9 million in funding for urban and rural regeneration and development projects under these funding schemes.

In addition, the Council have successfully secured funding for six Town and Village Renewal Scheme (TVR) projects in the county. As announced in December 2022, a total of €1.2m was secured for Offaly’s towns and villages, the largest grant amount proportioned to any county for that year. A number of projects are in progress, which had been awarded funding in previous TVR rounds.

Table 4: URDF, RRDF and TVR funding secured

Project	Description	Grant Allocation
Urban Regeneration & Development Fund (2018 – 2020)		
Tullamore Regeneration Framework	Preparation of a vision for the town centre to 2040, supporting the town centre first policy, and including a public realm plan, regenerations plans for opportunity sites and a sustainable access and permeability strategy.	€3,000,000
Tullamore street enhancements and Tullamore Harbour Redevelopment	Preparation of a development options and viability appraisal, and masterplan for the 3.7 acre Grand Canal Harbour site, in partnership with Waterways Ireland. O’Connor Square to Church Street - Urban Garden, Civil Building / Remote Working Hub, High Street to Tanyard New Street Link, Meath Lane Civic Space, and Acres Folly enhancements.	€2,245,407
Rural Regeneration & Development Fund (2019 – 2020)		
Blundell Masterplan, Edenderry	Acquired the old Tesco supermarket site and new link street has been constructed. Design of community library and connectivity to Blundell back land areas including Blundell Castle, and the grand canal greenway.	€522,270 (Phase I) €2,149,408 (Phase II)

¹⁷ Department of Housing, Local Government and Heritage, ‘Town Centre First Policy’, (October 2022). Source: <https://www.gov.ie/en/publication/473d3-town-centre-first-policy/>

Project	Description	Grant Allocation
Shannon Royal Hotel, Banagher	Inclusion of derelict Shannon Royal Hotel property as part of wider Banagher Marina and Environs regeneration application and masterplan	€396,250
St Joseph's convent, Ferbane	Inclusion of the vacant St Joseph's convent property as part of wider regeneration application resulting in land activation and enhancing access to the river Brosna.	€546,400
Town & Village Renewal Scheme (2022)		
Birr	Development of a plaza at Market Square in Birr to create an outdoor meeting and recreational space in the town centre	€250,000
Kilcormac	Refurbishment of Fiesta Hall in Kilcormac which is currently vacant into a multi-purpose space which is low carbon and energy efficient.	€500,000
Shinrone	Refurbishment and repurposing of the old Shinrone Library building that has been vacant for 13 years, into a modern multi-purpose community space.	€500,000
Clara	Funding under the Streetscape Enhancement Measure in Clara	€100,000
Daingean	Detailed design proposal, costings and planning for restoration and refurbishment works/alterations to the Daingean town hall to create a modern multi-functional space/hub for community use	€50,000
Moneygall	Architect led design team to deliver a detailed design proposal and planning permission for refurbishment of a derelict property into a multi-purpose community space/hub.	€50,000

The regeneration team are continuing to prepare funding applications for future projects which include the regeneration of Birr town, including the now derelict Courthouse property, and capital funding to build a new community library and wider connectivity in Edenderry as proposed by the Blundell masterplan.

An online survey to gather feedback on any aspect of how Tullamore town centre can be enhanced has recently closed. This feedback will inform the preparation of the Tullamore Regeneration Framework.

Vacant sites register

The Vacant Site Levy was introduced as an activation measure to encourage vacant or underutilised land in urban areas to be brought into beneficial use, while also ensuring a more efficient return on State investment in enabling infrastructure and helping to counter unsustainable urban sprawl.

The 2015 legislation requires authorities to establish vacant sites registers. However, in Offaly, while the Council has general information on vacant sites and levies on the planning pages of their website, no sites were actually included on the vacant sites register because many of the potential sites to be identified as vacant were also those which were actively forming part of URDF and RRDF applications.

Notwithstanding the above, given that the vacant site levy will be replaced in 2025 by the Residential Zoned Land Tax (see below), the continued collection and collation of data, preferably through GIS, of vacant land is going to be a very important activity required as part of the forward planning process, which will require dedicated resourcing and GIS capability.



Public realm improvements, Tullamore

Residential Zoned Land Tax

The Residential Zoned Land Tax (RZLT) will be managed by the Revenue Commissioners. The objective of the tax is to activate zoned and serviced residential development land and land zoned for mixed use, including residential, for development to increase housing supply and to ensure regeneration of vacant and idle lands in urban locations. These locations have been identified within statutory land use plans as being appropriate locations for housing and they have benefitted from investment in the key services to support the delivery of housing. Given the ongoing and urgent need to increase housing supply, the activation of these lands in a timely manner is essential.

The Council have information on the RZLT process on the planning pages of their website, with details of how mapping is prepared, how submissions can be made, and frequently asked questions. The Council prepared and published a draft RZLT map in accordance with the guidelines for planning authorities, with submissions made by landowners, in January 2023. The Council's forward planning team is prioritising this work to ensure final maps are published by December 2023.

Derelict sites register

The Council's regeneration team are responsible for implementing the Derelict Sites legislation. At the time the review process was being conducted, the Council did not have a derelict site procedure document in place, it is understood that such a manual has since been prepared. It is expected that having a manual in place will assist staff by making easy reference to standard forms and notices, signposting to statutory provisions in relation to the serving of notices, the process for dealing with public submissions, as well as referencing legal advice relevant to the process.

The list of properties on the Derelict Sites Register is available on the planning pages of the Council's website. At the end of 2022, the list comprised 17 properties (reduced from 18 properties six months earlier), which would seem a very low level compared to the visual presence of apparently derelict properties across the county upon even the most casual inspection. The sites listed have been entered on the Register between 2003 and 2017. Until 2019, the Council was actively pursuing derelict sites owners, imposing levies and collecting them, where appropriate. Since then, seemingly due to staff turnover and other resourcing issues, the team's priority shifted to addressing the increasing development management workload with the collection of derelict sites levies by the Council slowing as a result.

The Council does engage informally with the owners of potential derelict sites to enable them to be proactive in relation to their site, and to prevent their sites being entered on the register. The emphasis placed on this between October 2019 and March 2020 resulted in property owners undertaking remedial works to 20 potential derelict sites, which avoided the sites being placed on the Register.

Despite resourcing issues since 2019, the Council have applied a proactive approach in using the statutory tools at their disposal. With increased resources in the regeneration team, the Council are intending that derelict sites will be a priority activity for the team going forward.

Compulsory Purchase Order (CPO) powers

Offaly County Council have successfully acquired properties under the provisions of the Derelict Sites Act. CPOs which relate to housing are dealt with by the housing department, otherwise the regeneration team manage this function. Three houses, which had fallen into a state of disrepair were acquired in 2020. These properties are being renovated and will be part of the Council's social housing stock. Two further units have been identified to be acquired via this process.

Using the same mechanism, the Council acquired an unfinished hotel on a derelict site in Edenderry, which attracted anti-social behaviour. The Council sold the building to the Laois / Offaly Education Board for €1, who have plans to build a secondary school on the site.

Reduced / waiver of development contributions

The current Development Contribution Scheme 2021-2025 takes account of a number of measures where either full or partial exemptions are available to types of developments which can avail of exemption or reduction from development contributions, including change of use of upper floors for residential purposes in town or village centres and derelict sites.

In addition to this, the current scheme applies a reduction of 20% (in relation to the contributions due) to the core retail areas of all towns in the county in order to promote land activation in these key zones. The purpose of this is to promote the use of property and redevelopment within town centres instead of incurring charges where a property has fallen into disrepair.



Birr town retailing

Performance rating and recommendations

The Council have demonstrated that, subject to its available resources, they have been implementing the derelict sites and RZLT legislation in accordance with statutory requirements, and are working with property owners to identify opportunities for the redevelopment and regeneration of derelict and vacant sites, demonstrating that systems and procedures are in place to support land activation in the county. Overall, the Council's delivery of its land activation function is considered to be **effective**.

The Council have been successful in obtaining TVR, URDF and RRDF funding, illustrating a proactive approach in securing funding for planning and capital projects. The Council have highlighted that the implementation of funded projects is the complex part, when a range of expertise is needed, and the difficulties in securing staff to drive regeneration activities. It can be expected that the establishment of a dedicated regeneration team in August 2022 will have an impact in this regard.

Given the structures that are in place, the Council has an opportunity to build on existing good performance to drive measures more proactively and achieve a higher standard in relation to land activation. This should include the implementation of a robust derelict sites procedure designed to allow the register / levy mechanism deliver an increased volume of sites to productive uses. The procedure could include copies of the standard forms and notices to be used, signposting to statutory provisions in relation to the serving of notices, the process for dealing with public submissions, collection of levies, and any legal advice that may be relevant to the process.

In addition, attention should be given to the Council’s data management systems (so that key elements of land activation are appropriately recorded and GIS mapped to proactively inform development strategies) and success in relation to the collection of levies.

Recommendation 3 – Derelict sites procedure: The Council should prepare and implement a robust procedure for derelict sites to ensure that the derelict sites function is operating to its fullest potential across the County. This procedure should ensure the collection of arrears and putting in place of appropriate legal mechanisms for pursuing unpaid levies and monitoring of implementation.

Recommendation 4 – Data management: (Noting the focus of Recommendation 2) The Council should, over the next 12-24 months, build up an integrated, publicly available GIS-based management information system and database of RZLT sites, derelict sites, and key town principal streets occupancy record and infrastructural audit of zoned but undeveloped lands.

No.	Recommendation No.	Grading	Responsibility
3	Derelict sites procedure	Low	Director of Services
4	Data management	Medium	Director of Services

7. Development Management

Development Management Team

The development management team comprises both technical and administrative staff. A senior executive planner (in acting capacity at the time of the review) leads the technical staff, with the team comprised of two executive planners, an assistant planner and a technician. The administrative team is led by an administrative officer and is comprised of an executive engineer, a senior staff officer, a staff officer, five assistant staff officers and five clerical officers (one position vacant at the time of the review). In addition, a temporary clerical officer post, with responsibility for short-term letting, is currently vacant.

The development management team has responsibility for the following:

- pre-planning consultations;
- processing of planning applications;
- appropriate assessment and environmental impact assessment in respect of development management functions;
- assessment of local authority own proposals for development under Part 8;
- considering whether particular proposals are or are not exempted development under section 5 of the Act;
- declarations in relation to certain works affecting protected structures under section 57 of the Act;
- Large Scale Residential Development (LRD);
- Strategic Infrastructure Development (SID);
- licencing of appliances and cables on public roads;
- licencing of events / control of funfairs;
- providing comments on tree felling and tree planting licences;
- comments on adjoining counties applications, when referred;
- setting out the Council's observations in respect of any of its decisions appealed to An Bord Pleanála; and,
- planning condition compliance.

During 2021, the Council issued some 575 planning application decisions. This caseload was progressed by four (FTE) planners, which could be inferred as an average caseload of 144 planning applications for each planner in the team. The Council have highlighted that there were vacancies in the development management team during 2021 and 2022, and that planners from other teams, in addition to their core workload, have supported the development management function in order to achieve statutory timeframes.

In making this rough estimation, it is acknowledged that the scale of work associated with each case will vary significantly depending on the complexity of the matters involved (e.g. habitats, environmental, heritage issues), the location of the development (proposals are contested to a greater degree in certain contexts such as proximity to European designated sites and habitats, and architectural conservation areas), the volume of objections, and whether the decision is ultimately appealed to An Bord Pleanála.

Furthermore, it is also recognised that the simple average caseload estimate above does not reflect the commitment of these same staff to other duties such as pre-application consultation, general enquiries, section 5s, section 57s, section 97s or Part 8 applications. Also, as discussed below, deferred applications requiring further information requests also significantly impact on workload associated with the cases managed by the Council.

Offaly County Council has put in place a wide range of standard operational procedures covering a range of development management processes including Seveso sites, material contravention, further information, validations, and compliance.

The LRD process was introduced by the Oireachtas as a replacement for the temporary SHD system of direct applications for large housing development to An Bord Pleanála. The Council have since determined two LRD applications, and the Council is preparing an LRD procedure to document the internal system and procedures required to process LRD applications.

Development management output

Planning data published by DHLGH provides details on all local authorities' outputs and allows comparison between authorities and national trends.¹⁸ Since 2015, the volume of planning applications received has increased from 375 to 681 in 2022 – an 82% increase, which compares to a national level increase of 24% for the same period. Figure 5 illustrates Offaly County Council's intake of applications for the period between 2017 and 2022, revealing a peak of 832 applications in 2021. As a comparison, looking at other local authorities within the midlands area, the 681 received in 2022 compares with 656 received in Laois, while Westmeath received 521 and Longford received 240.

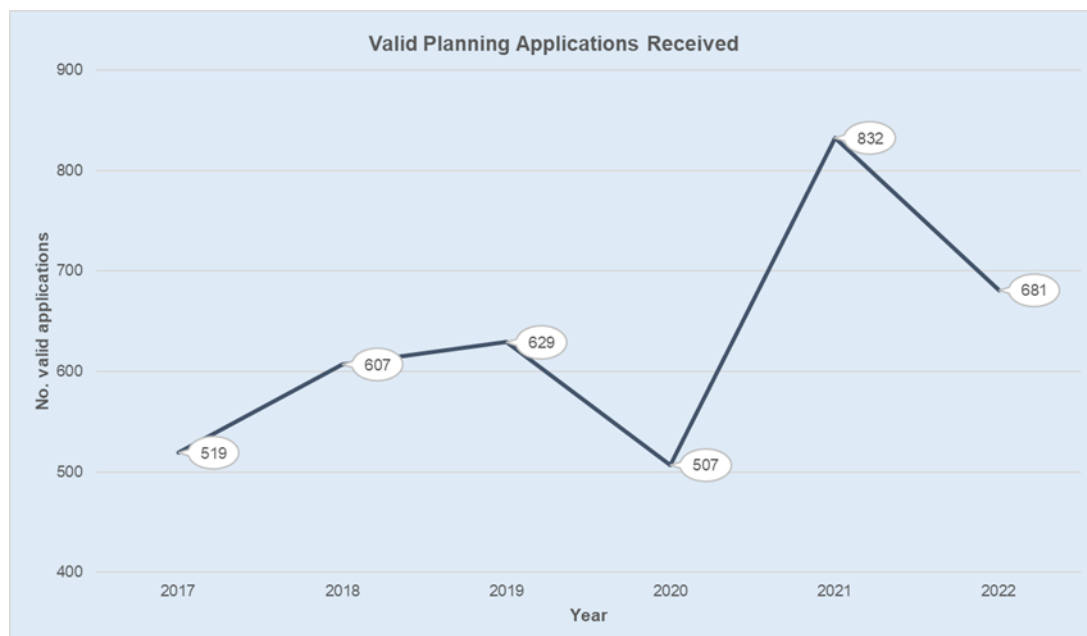


Figure 5: Valid applications received¹⁹

¹⁸ DHLGH 'Annual Planning Statistics 2017-2022', (June 2023). Sourced: <https://www.gov.ie/en/service/9e4ee-get-planning-statistics/>

¹⁹ Ibid

Many of the applications are large and complex, with an increase in multi-unit residential development applications (less than 100 units) in towns, and mixed use development, along with increasing numbers of one-off rural housing applications.²⁰ In addition, there has been an increase in large green energy related planning applications submitted including solar farm, wind farm and battery storage facility applications. During 2022, the Council received five solar farm and two battery storage facility planning applications, accompanied by Natura Impact Statements (NIS), and two wind farm applications accompanied by NIS and environmental impact assessment (EIA) reports. These applications are generally complex and require significant administrative resources and technical resources to process. During that same period, six strategic infrastructure development pre-application requests were made directly to An Bord Pleanála, all of which relate to renewable energy proposals.

Invalidation of planning applications

Ensuring that planning applications include the proper documentation, such as public notices and required drawings, is a key requirement of the Regulations. Accurate and proper planning application documentation is very important in ensuring correct information is available for the public and to ensure effective assessment of planning applications by local authority staff. This is why the Regulations specify strict standards that planning applications must reach before they are technically assessed, and if applications do not reach such standards, local authorities may return the applications, otherwise known as invalidation of planning applications. Successfully validating planning applications is essential to the efficient operation of the development management system. An ineffective validation system can be costly to both the local authority and applicant.

As wider OPR research has found, planning application invalidation rates tend to vary from one local authority to another. The OPR's Case Study Paper, CSP06 Planning Application Processing: An Analysis of Planning Authority Validation Processes²¹ provides an analysis of validation processes including learnings and best practice examples.

As illustrated in Figure 6, between 2017 and 2019, the percentage of invalidated applications in Offaly was broadly consistent with the national average, at in or around 16%. However, in 2020, the number of applications invalidated increased by a third and accounted for 25% of all applications received. The invalidation rate reduced again to 17% in 2021, closer to the national average of 15%, and increased to 20% in 2022.

The increase in invalidations in 2020 appears to be as a result of a change in work practices arising from Covid-19 restrictions, as prior to the pandemic, the Council facilitated a validation service at the public counter. This allowed minor errors to be resolved prior to submission and the formal validation process. The Council has not scheduled the reintroduction of this service.

²⁰ One-off housing applications accounted for 24.1 per cent of valid applications in 2020, 23.6 per cent in 2021 and 26.3 per cent in 2022.

²¹ Office of the Planning Regulator, OPR Case Study Paper CSP06: 'Planning Application Processing', (April 2022). Sourced: <https://publications.opr.ie/view-file/93>

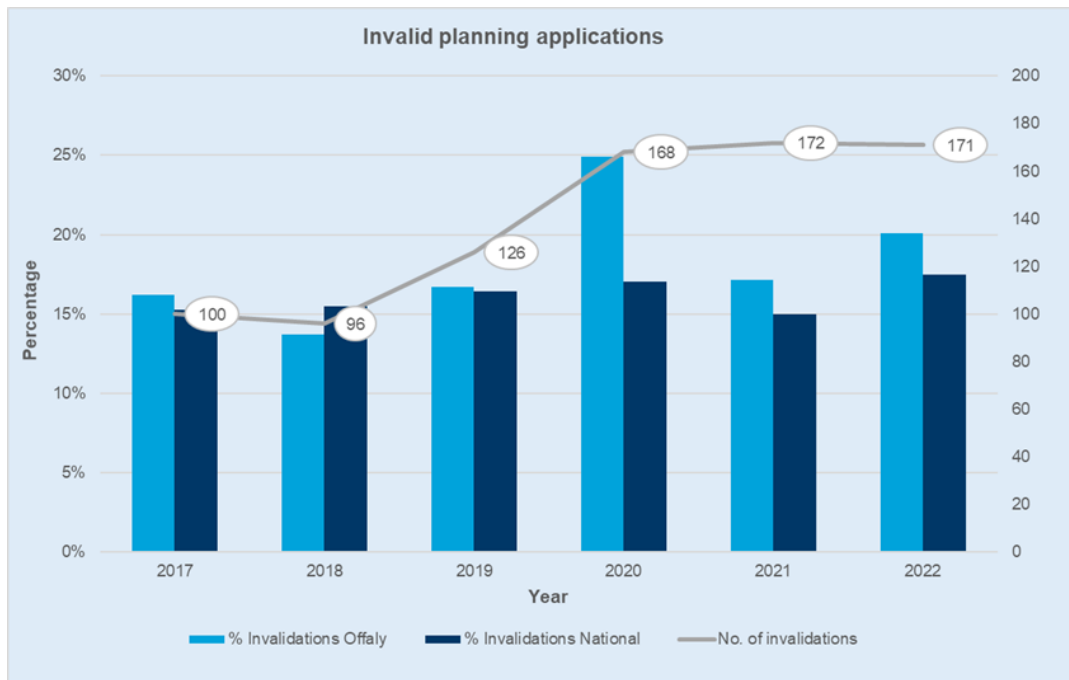


Figure 6: Invalidation rates²²

The Council directs potential applicants to a comprehensive pre-planning pack²³ on the planning pages of their website which includes planning application forms, sample newspaper and site notices, relevant OPR planning leaflets, and a fees calculator.

Decisions granted and refused

The percentage of valid planning applications resulting in a grant of permission between 2017 and 2022 has generally been above the national average, although slightly below the national average in 2020. The percentage of decisions granted exceeded the national average in 2021 and 2022, as illustrated in Figure 7 below.

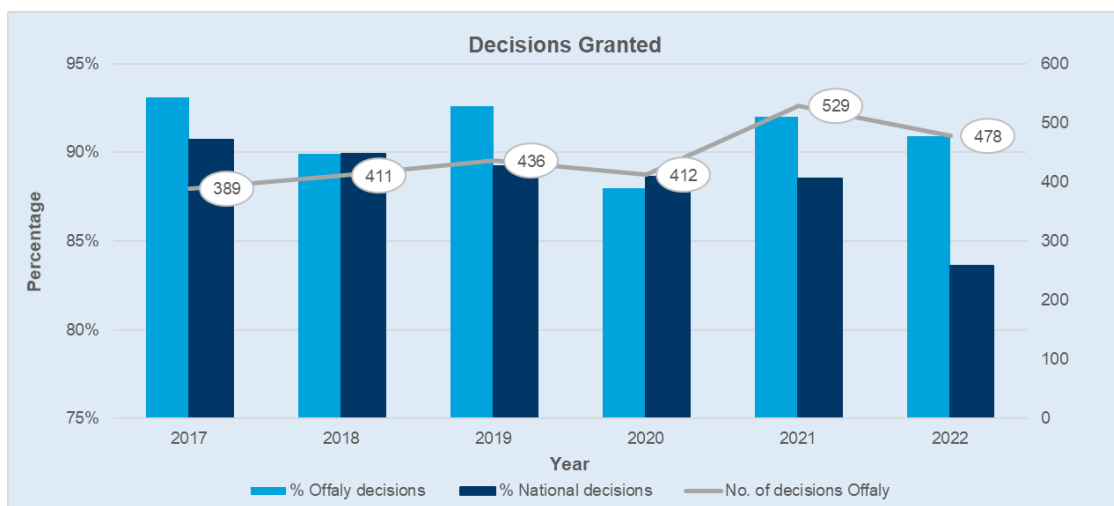


Figure 7: Decisions to Grant²⁴

²² DHLGH 'Annual Planning Statistics 2017-2022', (June 2023). Sourced: <https://www.gov.ie/en/service/9e4ee-get-planning-statistics/>

²³ Offaly County Council website, 'Planning Applications Pack'. Sourced: <https://www.offaly.ie/planning-applications-pack/>

²⁴ DHLGH 'Annual Planning Statistics 2017-2022', (June 2023). Sourced: <https://www.gov.ie/en/service/9e4ee-get-planning-statistics/>

Figure 8 below illustrates the converse of decisions to grant permission, with the percentage of refusals issued by the Council illustrated.

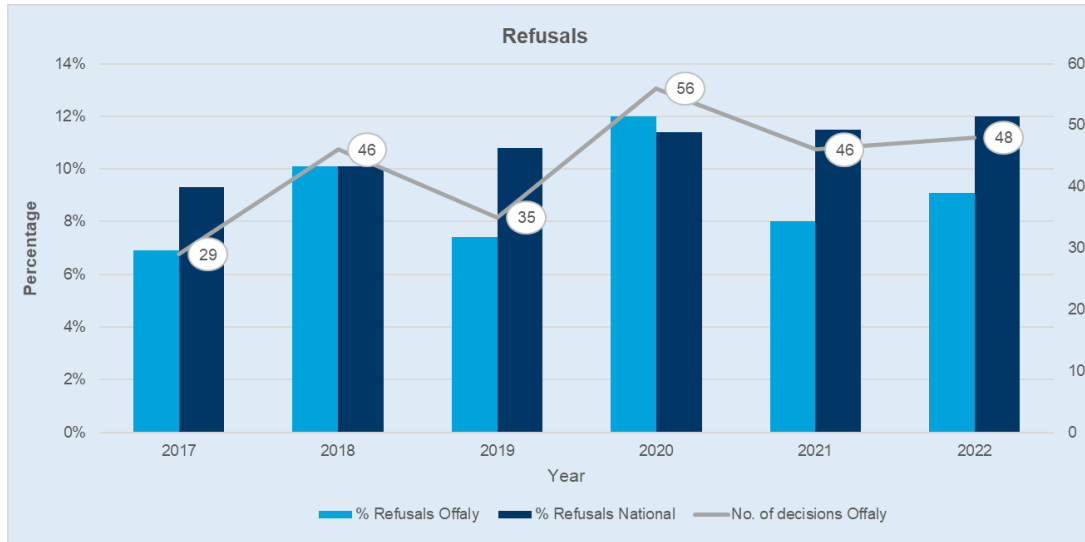


Figure 8: Decisions to refuse planning permission²⁵

Decisions made within eight weeks

Figure 9 illustrates the percentage of decisions made by the Council within eight weeks. Offaly’s rate for making a decision within eight weeks has remained below the national average since 2017. The Council have highlighted resources as a critical factor in achieving statutory timeframes; as application numbers have increased, there has not been a corresponding increase in staffing. In addition, resource availability in other sections of the Council has been a major contributor to difficulties in securing planning decisions within the statutory timeframes in recent years.

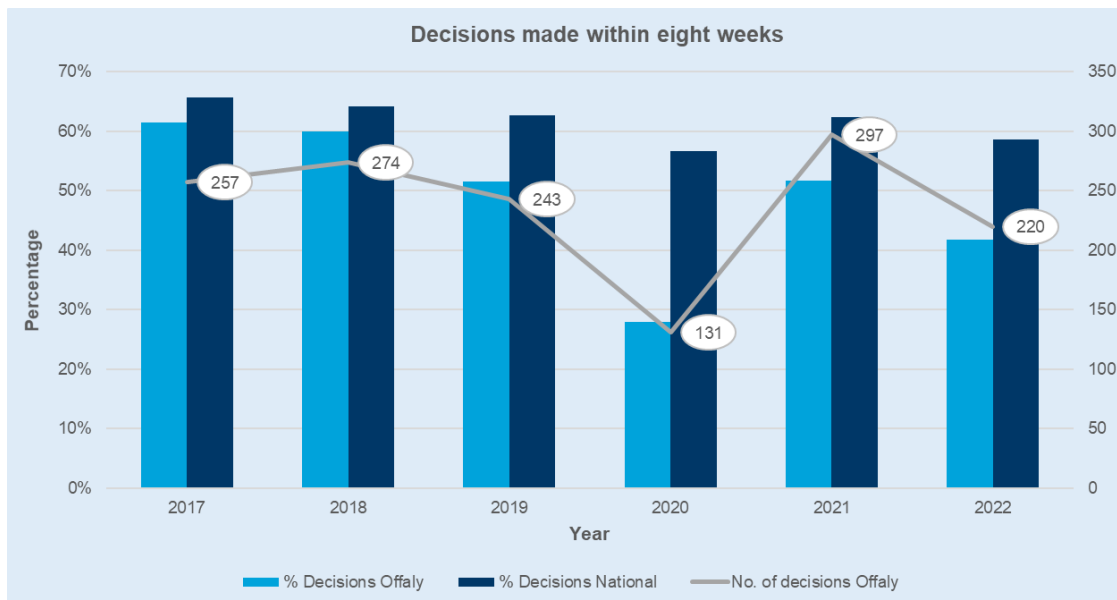


Figure 9: Decisions made within eight weeks²⁶

²⁵ Ibid
²⁶ Ibid

Decisions deferred

Figure 10 illustrates the percentage of decisions deferred. The deferral rate has been higher than the national average since 2019, increasing from a 2% difference from the national average in 2019, to a 29% difference in 2020, a 5% difference in 2021 and a 20% difference in 2022. The Council attribute the increased deferral rate to the complexity of applications received, along with changes to planning legislation during this time resulting in additional further information, and clarification of further information requests, being made as part of the decision making process.

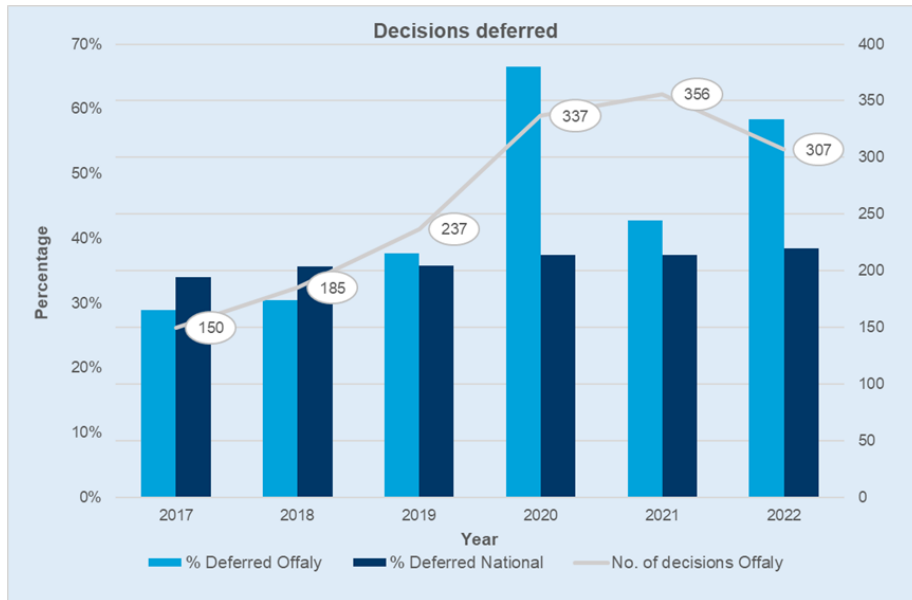


Figure 10: Decisions deferred

Appeals to An Bord Pleanála

Since 2016, the average rate of planning applications appealed to An Bord Pleanála nationally has been approximately 7%. As illustrated on Figure 11 below, Offaly County Council's rate has generally been below the national rate, and most recently at 3.3% in 2021.

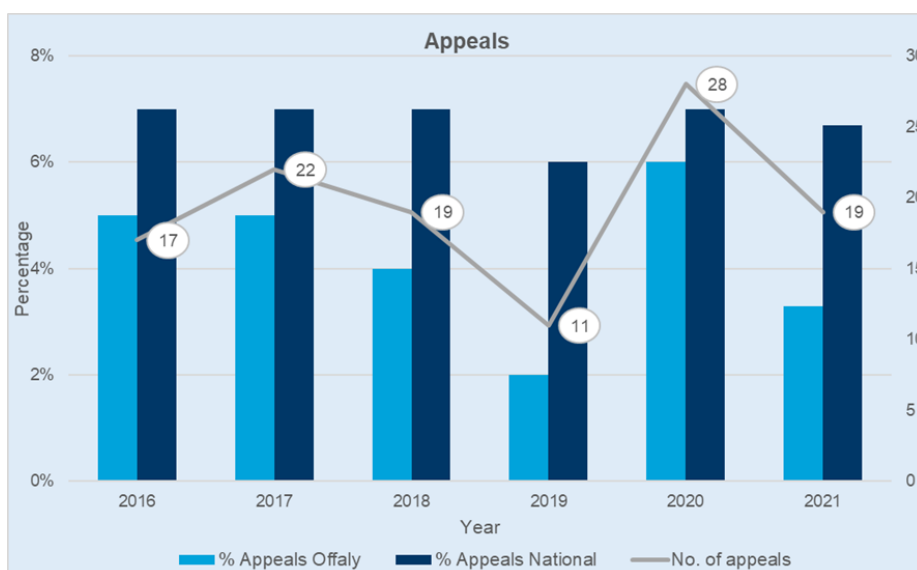


Figure 11: Appeals to An Bord Pleanála

Reversal rates on appeal

Between 2016 and 2019, the number of Offaly’s decisions that were appealed and reversed by An Bord Pleanála was below the national average. This increased to 50% in 2020, a reversal on 8 decisions, and 38% in 2021, a reversal of six decisions, as illustrated on Figure 12 below.

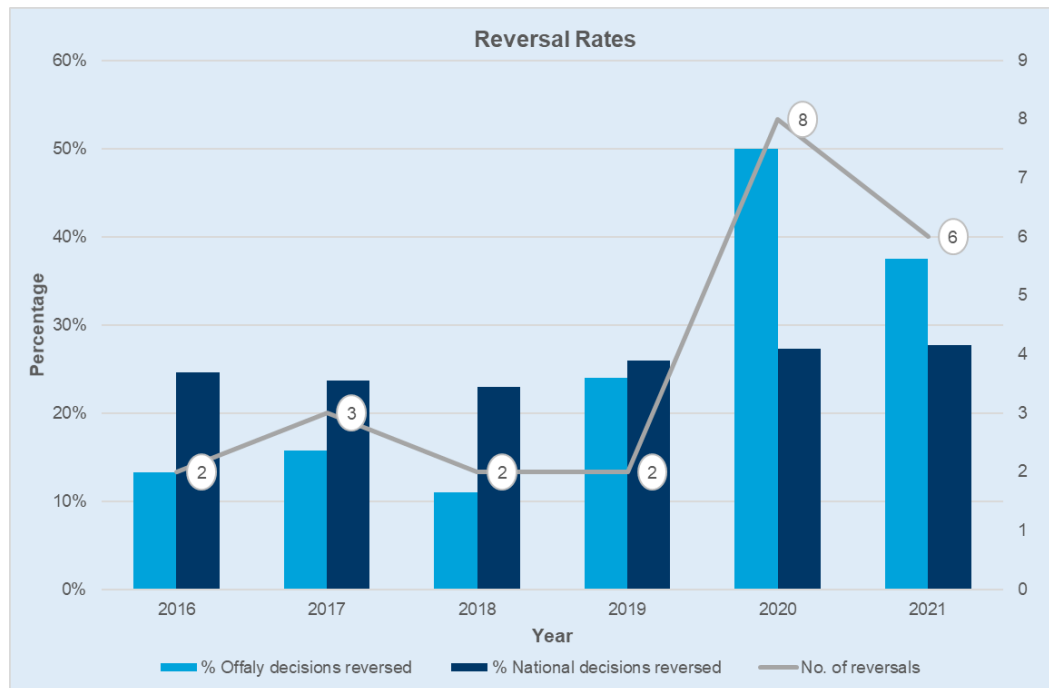


Figure 12: Reversal rates

Planning conditions

Offaly County Council did not provide a set of standard planning conditions in relation to grants of permission. The ‘OPR Practice Note PN03 – Planning Conditions’, which was published after this review took place, includes a planning conditions compendium and is intended to assist authorities in the drafting of planning conditions and how to apply these to ensure they meet the requirements of the Act and the statutory guidelines. The Practice Note is intended to support authorities in devising their own manual of conditions, accordingly, the Council is advised to review OPR Practice Note PN03 with a view to compiling a new ‘standard’ set of planning conditions.

A procedure for dealing with planning condition compliances has been provided by the Council. The procedure requires the mandatory determination timeline of eight weeks for planning condition compliance (Circular PL 13/2021) to be calculated, with the deadline included on the cover sheet attached to the planning file, and referred to the relevant area planner. The Council consider that the majority of compliance conditions submitted have been dealt with within the eight-week period.

In addition, although the mandatory timeframes do not apply to compliance condition submissions received by local authorities prior to 17th December 2021, the Council did not have a significant backlog of outstanding compliance matters, and as such, these were dealt with in a reasonable timescale having regard to team priorities and available resources. The compliance information is scanned onto the Council’s ePlan system, to the relevant planning file, and is made available to view online.

Section 5 declarations

Declarations made under section 5 of the Act provide statutory advice to the public about whether particular works carried out, or proposed development, may or may not be exempted development.

A section 5 declaration application form is available to the public on the Council's website which allows for the submission of relevant material. The Council has prepared a written procedure for managing the section 5 declaration process including statutory timeframes, and if the declaration is referred to An Bord Pleanála for review.

The Council has also prepared a Section 5 declaration template which includes a decision template and AA screening template. Section 5(7A) of the Act requires authorities to specify, in relation to certain categories of development, in its declaration / decision whether the development would be likely to have significant effects on the environment by virtue of the nature, size or location of such development and require an EIA. The Council's Section 5 planning report and decision template does not currently provide for EIA preliminary examination or EIA screening to be undertaken as part of the determination process.²⁷

In accordance with section 5(7B) of the Act, where an authority issues a declaration, the associated documents must be placed on the authority's website for inspection and be made available for inspection / purchase for a minimum period of eight weeks. The details of any declaration issued must be entered into the register. Section 5 declarations issued by the Council are available on the planning pages of the Council's website, with the accompanying documentation required under the legislation.

Section 247 procedures

Pre-planning consultations, under section 247 of the Act, are a useful mechanism within the planning process as they allow the local authority highlight to a prospective applicant the issues and considerations relating to a proposed development.

The Council has a written procedure for pre-planning consultations, a dedicated email address to request a pre-planning meeting, guidance on documentation required and pre-planning request forms are available on the Council's website. The Council began facilitating online pre-planning consultations by video conference, when in-person meetings were not possible due to the public health restrictions put in place in response to the Covid-19 pandemic.

The Council facilitated approximately 150 pre-planning consultations in 2021, and received 159 pre-planning requests in 2022. The Council have applied the principles of a good quality pre-application consultation system, as set out in the OPR's 'Pre-Application (s247) Consultation Services'²⁸, which includes public accessibility, clarity of advice, and efficient and effective use of resources.

²⁷ See Article 132c(1) of the Regulations

²⁸ Office of the Planning Regulator, OPR Case Study Paper CSP04: 'Pre-Application (S247) Consultation Services', (October 2021). Sourced: <https://www.opr.ie/planning-performance/>

Minutes of each meeting are taken and for larger scale development proposals, all relevant staff from inter-departmental teams attend. On receipt of a valid planning application, which makes reference to the pre-planning meeting on the Council's planning application form, the minutes are saved to the planning file, and are made publicly available.

The Council's procedure and response to the OPR research in this area demonstrates that the Council has a robust pre-planning procedure in place which includes:

- staff from the relevant internal departments attend the meeting, as required;
- minutes are taken at all formal pre-planning consultations, which are subsequently signed and checked by planner(s) in attendance; and,
- minutes are made public following the submission of a valid planning application, whereby they are added to the planning file.

The Council have highlighted that pre-planning for commercial and larger scale development can be difficult to resource. The Council's website advises there is a waiting period following submission of a meeting request of between 4-10 weeks, which is a significant period given the Development Management Guidelines state that such a meeting should ideally be arranged within 2-3 weeks.

Section 254 licences

The Council grants licences in respect of applications under section 254 of the Act for temporary signage, scaffolding and hoarding, tables and chairs, CCTV systems, and broadband poles to a height of 20m.

Applications forms are available on the Council's website which includes a list of documentation to be submitted with the licence application. The Council do not have a formal procedures manual in place but the process the Council follows in determining licence applications was provided by the Council as part of this review.

Section 48 development contribution scheme

A new development contribution scheme was formally adopted in Offaly County Council in December 2020 and is being implemented for the period 2021 to 2025. The scheme was prepared in line with relevant statutory requirements and associated departmental guidelines. It applies a standard charge per unit for residential, and per square metre for non-residential development.

It is noted that, at one point the development contributions function was under resourced, with a backlog of uncollected contributions outstanding. However, in response to a Local Government Audit (2021) recommendation, the Council has dedicated resources to this area and is ensuring that both current and historic section 48 development contributions are collected.

Online planning services

The Council's website is the principal means by which members of the public, agents, applicants and other stakeholders can engage with the development management process. Offaly County Council operates the ePlan system for planning application searches which is provided by the Local Government Management Association (LGMA).

In June 2023, the Council introduced the ability for applicants to submit planning applications electronically via the Local Government Online Planning Portal. Submissions / objections on planning applications can also be submitted electronically through this system.

It is expected that the service will deliver significant benefits to the Council, and more widely for the planning system. This is because processing of applications will be more consistent and efficient, in particular reducing the need to scan documents, and it will provide a consistent public facing planning portal for planning applications to be submitted and progress tracked.

The OPR published a case study paper entitled 'Online Planning Services', informed by a survey of online availability of local authority planning application documentation.²⁹ As part of this survey, Offaly County Council got an overall rating of 'very good' with relatively minor suggestions to improve document labelling and indexing. As part of the roll out of ePlanning, the Council have addressed these points.

Under the Regulations, authorities are required to upload all planning application documents onto their websites not later than five working days after receipt. All scanning in Offaly County Council is performed manually and in-house by planning staff. In 2020 and 2021, the average time for validation and publication of planning applications was 11 days, largely due to a lack of staff presence in the office because of Covid-19 restrictions. The average number of days improved in 2022 when these restrictions eased, and most applications were uploaded within five working days after receipt. A small percentage took up to seven days to upload due to the scale and complexity of the application. Back scanning of approximately 18,500 files has yet to be undertaken due to resource constraints.

The Council's website also provides information on the planning process, including the OPR's series of planning leaflets, building control matters, and local design guidance on rural housing and architectural heritage. The website also provides access to weekly planning application lists.

Event Licencing

Offaly has only received one Planning and Development (Amendment) Regulations 2015 licence application for an outdoor music festival in 2016/17. In relation to funfairs, the planning department's role is to confirm the receipt of safety certificates in accordance with Statutory Instrument 590/2007.

The event application in 2016/17 was dealt with in accordance with the Regulations in terms of pre-planning consultation, risk assessment, application timelines and decision making timelines. Although the licence was granted, the promoter decided not to proceed. From this experience the planning department has developed a template for future licence applications.

The Council liaise with neighbouring local authorities on event licencing, as necessary, for example with Laois County Council who are responsible for granting a licence for the annual Electric Picnic Festival.

²⁹ Office of the Planning Regulator, 'Online Planning Services', (Access to the OPR's planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: <https://www.opr.ie/planning-performance/>

The Council does not have a standard application form for event licences, and no information is available on the Council's website in relation to event licences and the process involved for applicants. Acknowledging the very limited number of applications for event licences processed by the Council, no formal recommendation arises from the review process. However, the Council should consider providing a standard event licence application form and an option to submit applications for event licenses online.

Environmental Assessment

EIA screening must be undertaken by local authorities in carrying out their statutory functions under the Act. The 'OPR Practice Note PN02 – Environmental Impact Assessment Screening' provides a step-by-step guide to the screening process.³⁰

As part of this review, Offaly County Council provided section 34 application examples where EIA requirements had been met. EIA screening and EIA had been undertaken in accordance with the DHLGH 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' (2018). An analysis of a sample of applications decided by the Council demonstrates that the Council carry out an EIA preliminary examination of all planning applications and EIA screening is carried out for all sub-threshold developments.

The Council use standardised template text for insertion into planning reports at the preliminary examination stage, and an EIA screening template table is used to undertake EIA screening. The populated EIA screening table is included as part of the planning report prepared by the Council.

Screening for AA is intended to be an initial examination to be carried out by the Council who are the designated competent authority. If significant effects cannot be excluded based on objective information, without extensive investigation or the application of mitigation, a project should be considered to have a likely significant effect and AA should be carried out. The 'OPR Practice Note PN02 – Appropriate Assessment Screening for Development Management' provides a step-by-step guide to the screening process.³¹

The Council is undertaking AA screening and AA of all decisions on planning applications in accordance with DHLGH 'Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities'.³² All planning applications are screened for AA using a standard template, which is populated as required for each application. The populated template is included as an appendix to the planning report for every application and section 5 declaration.

³⁰ Office of the Planning Regulator, 'Planning Practice' (Access to the OPR's planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: <https://www.opr.ie/planning-performance/>

³¹ Office of the Planning Regulator, 'Appropriate Assessment Screening for Development Management', (Access to the OPR's planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: <https://www.opr.ie/planning-performance/>

³² Environment, Heritage and Local Government, 'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities', Sourced: https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

Flood risk policies and objectives within statutory development plans are the basis for considering planning applications in principle and in detail, in accordance with the 'Planning System and Flood Risk Management Guidelines'. Notwithstanding the availability of flood zone maps and a SFRA, the applicant is primarily responsible, in the first instance, for assessing whether there is a flood risk issue and how it will be addressed in the development they propose. Flood risk assessment at the site-specific level in areas at risk of flooding is required for all planning applications, even developments appropriate to the particular flood zone. The detail of such a flood risk assessment will depend on the level of risk and scale of development. Therefore, small developments, with low risk, will be able to address the issue in a summary manner.

The planning department seek internal input from the area engineer and environment and water services section of the Council, to determine the flood risk and acceptability of any proposed surface water drainage. An analysis of a sample of planning applications from the Council's website demonstrates that flood risk is assessed by the area engineer and environment and water services section, as appropriate, which is reported in the planning report documenting the relevant considerations for each development proposal.

The Council confirmed that staff have attended training on environmental assessment matters. Given the complex and evolving nature of this area of planning practice it is important that staff are supported to undertake training on an ongoing basis, and the planning department has access to technical expertise for complex planning applications.

Performance rating and recommendations

An analysis of the information supplied by the Council, and wider analysis, indicate that there are robust systems and procedures in place for most elements of the development management function. It is recognised that changing work practices, increasing numbers of planning applications, and increasing numbers of complex applications, without an equivalent increase in staff numbers, have affected development management output in recent years.

This review found Offaly County Council to have generally **effective** procedures in place to facilitate consistent decision-making across the various development management functions.

To achieve a higher rating, the Council should consider updating planning report templates for planning applications and section 5 declarations to ensure statutory EIA requirements are addressed, for example a preliminary examination table, as provided in Appendix A of OPR Practice Note PN02 regarding EIA screening, could be included as an appendix to the planning report template. In addition, the AA screening template appended to the planning report template could be updated to include a statement, which makes it clear that no account was taken of mitigation measures in concluding that the proposed development can be screened out for AA to ensure compliance with statutory AA requirements.³³

³³ Office of the Planning Regulator, 'Appropriate Assessment Screening for Development Management', See page 15 (Access to the OPR's planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: <https://www.opr.ie/planning-performance/>

The Council should also consider monitoring invalidation rates, following the introduction of ePlanning, to ensure the measures in place, such as the planning application pack, are effective in encouraging applicants to submit valid planning applications, or whether additional measures need to be introduced, such as providing an advisory service for people to call in and check documentation, prior to lodging electronically.

Recommendation 5 – Planning report templates: To ensure compliance with statutory EIA and AA requirements the Council should update its planning report templates for planning applications and Sections 5 declaration requests.

Recommendation 6 – Invalidation rate monitoring: Having regard to the higher level of invalidations relative to the national average, the Council should monitor invalidation rates following the introduction of ePlanning to determine if additional measures need to be put in place to ensure the invalidation rate reduces.

No.	Recommendation No.	Grading	Responsibility
5	Planning report templates – EIA and AA	High	Senior Planner
6	Invalidation rate monitoring	Medium	Senior Planner

8. Enforcement

Part VIII of the Act mandates local authorities to take action against unauthorised development. Nationally, the number of enforcement cases being referred to local authorities annually is increasing, with the figure rising by 26% between 2015 and 2021.

The Council's enforcement function sits with the development management team, and does not benefit from having full-time dedicated staff. It is delivered through five staff for whom enforcement is just an element of their duties. The breakdown of roles and expected apportionment time for each of these members of staff is an administrative officer (0.2 FTE), a senior staff officer (0.6 FTE), a clerical officer (0.2 FTE), a senior executive planner (0.2 FTE), and an executive engineer (0.5 FTE). This amounts to less than two FTEs delivering enforcement services.

The Council has an enforcement procedure, which provides guidance to staff on the various elements of the enforcement process from opening a new file, issuing warning letters, enforcement notices and legal proceedings, to the various mechanisms for closing files. The Council records and tracks enforcement complaints on an in-house excel spreadsheet, which according to the Council is a time consuming process. However, the location of the unauthorised development files are not mapped via GIS or otherwise.

The Council has a screening process for complaints in place. Higher level complaints e.g. of the type specified in section 4 of the Minister's Directive (i.e. large scale unauthorised development and cases that would have required EIA or AA or where section 261 or 261A of the Act would apply) are dealt with as a priority. The Administrative Officer signs all warning letters and enforcement notices and weekly updates are provided to the senior management team.

Enforcement action and output

Figure 13 illustrates the Council's enforcement output between 2016 and 2021. Whilst the Council's output since 2016 demonstrates an increasing figure for cases on hand, more recently the number on hand at year end increased by 87% between 2020 and 2021.

The Council consider that the significant increase in enforcement complaints mirrors a general increase in all planning and development activity, and an increased awareness of the planning and complaints system. It is recognised that the Council are dealing with enforcement matters related to peat extraction, although Bord na Móna have ceased operating on various lands, private operators continue to extract peat. These can be particularly complex enforcement cases due to issues such as uncertainty as to land ownership, turbary rights and the seasonality of the activity.

The number of cases closed reduced from 40 in 2019 to just eight in 2020, with the impact of Covid-19 being a factor, and increased to 17 cases in 2021. The number of enforcement cases investigated by the Council in the 2016 – 2021 period remained between 51 and 61 cases, with only 29 cases investigated in 2020.³⁴

³⁴ The enforcement cases investigated are those cases investigated in a year that were received in that particular year, provided by the National Oversight and Audit Commission.

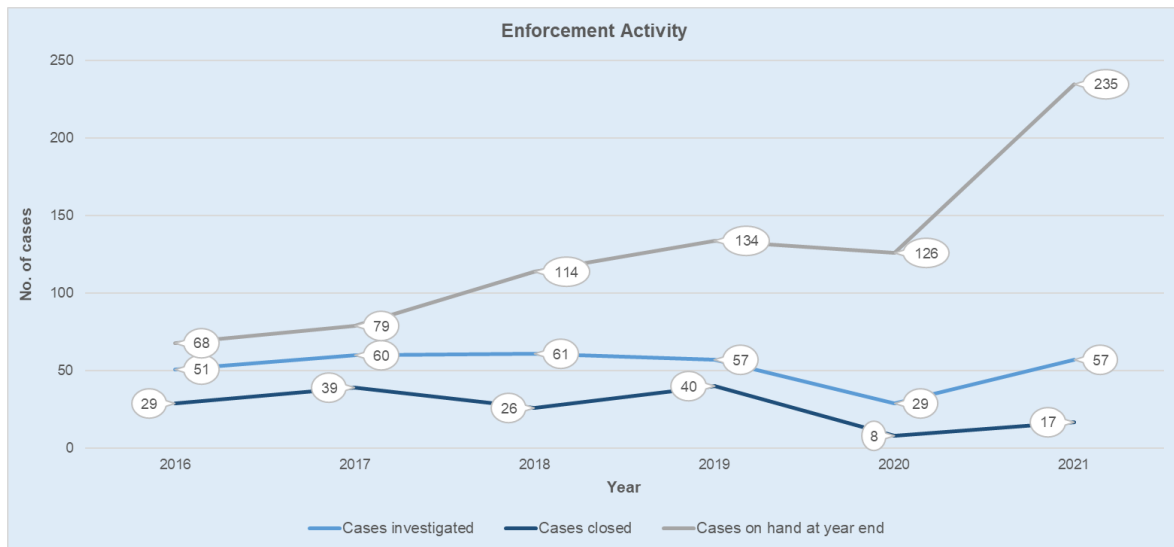


Figure 13: Planning enforcement output³⁵

Figure 14 illustrates the percentage of cases closed by the Council that were either closed by dismissing the case³⁶, by enforcement proceedings or by negotiation. The graph shows that the majority of cases were closed due to enforcement proceedings in 2016 and 2017. In 2018 and 2021 the majority of cases were dismissed due to being minor or trivial in nature, and in 2019 and 2020 the majority of cases were closed due to negotiation.

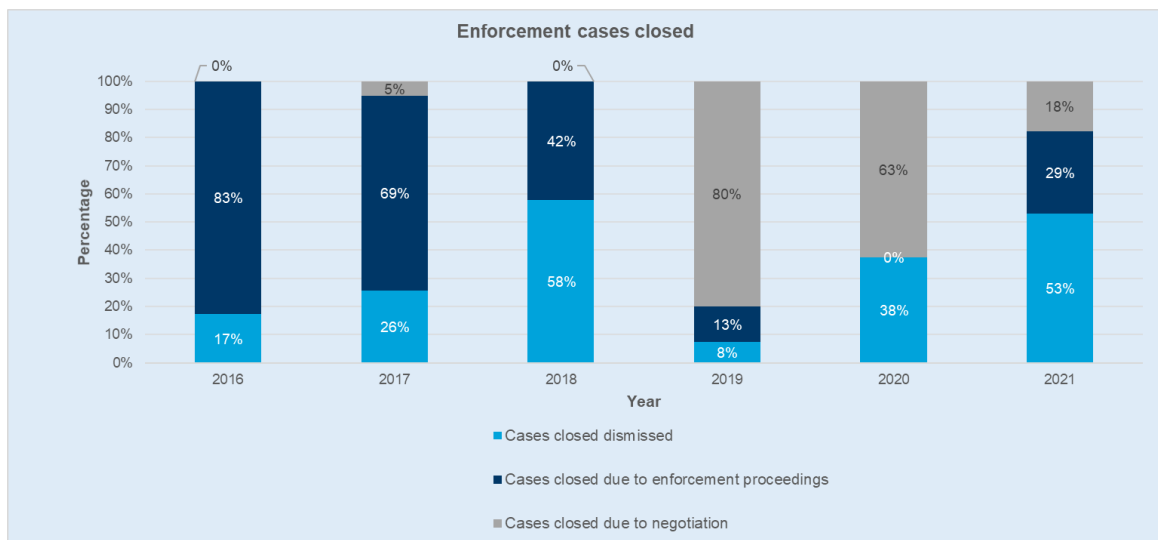


Figure 14: Enforcement cases closed³⁷

Activity in relation to enforcement over 2019-2021 is illustrated in Figure 15. During this time cases investigated³⁸ remained at 57 in 2019 and 2020, and increased to 60 cases in 2021.

³⁵ NOAC, 'Local Authority Performance Indicator Report 2016-2021'. Source: <https://www.noac.ie/publications/#:~:text=NOAC%20Publications&text=This%20includes%20local%20authority%20Satisfaction,ongoing%20basis%20against%20relevant%20indicators>

³⁶ Dismissed as trivial, minor or without foundation or closed because statute barred or an exempted development.

³⁷ NOAC, 'Local Authority Performance Indicator Report 2016-2021'.

³⁸ The enforcement cases investigated include those cases investigated in a year that were received in that particular year, and those cases investigated within the year that may have been carried over from previous years, provided by Offaly County Council.

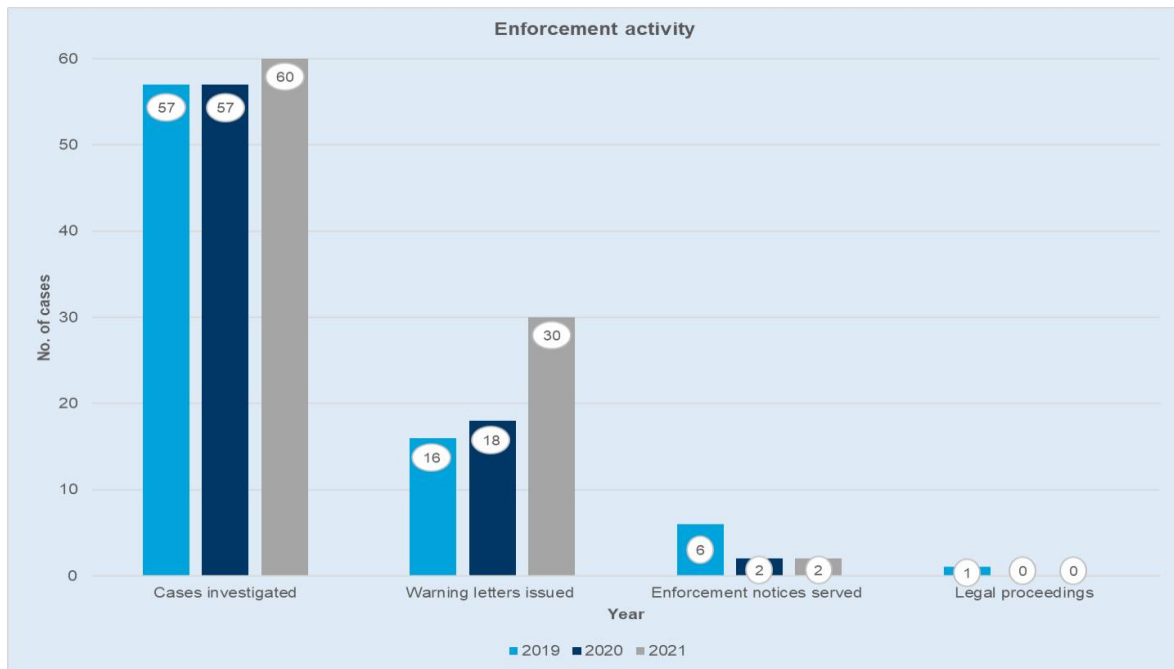


Figure 15: Enforcement activity 2019-2021³⁹

Quarries

In accordance with section 261 of the Planning and Development Act 2000, as amended, which required all quarries to be registered with the local authority, with the exception of those for which planning permission had been granted in the previous five years, the Council registered 61 quarries within the county. Section 261A required authorities to complete a survey of every quarry to identify which quarries should have been subject to EIA or screening for EIA or AA and whether this had actually been carried out.

The Council assessed 153 quarry sites under section 261A requirements, and reports and relevant actions were completed, including enforcement proceedings initiated with respect to quarry sites that were deemed to be unauthorised. Warning letters, enforcement notices and prosecutions were undertaken as part of this process. Until 2016, the identified sites were assessed on an ongoing basis to determine if further action was required. Since 2016, due to resource constraints further reviews of the sites' status have not been undertaken. When the Council receives a complaint related to unauthorised quarrying activity, the enforcement team undertake site inspections and investigations to progress enforcement action, as necessary.

The Council's process for identifying unauthorised quarry development is in accordance with relevant legislation. Recognising this, when resources are available the Council has demonstrated a generally effective understanding of the legislative and regulatory framework around the control of quarries under the Act, and has systems and procedures in place.

³⁹ Ibid

Short-term lettings

Tullamore is the only area in the county that has been identified as a Rent Pressure Zone. According to the Council, Tullamore is not a town that requires many short-term holiday lettings as it is not located close to the main Offaly tourist destinations of Birr and Banagher, and hotel capacity in the town fulfils visitor demand.

There has been no dedicated resource in place for short-term letting since December 2021. Although the Council do not have a formalised procedure in place, the system followed involves:

- investigation by way of regular checks on property websites;
- investigation following complaints received from the public;
- where relevant properties are identified, agents have been contacted in an 'informal' manner to clarify the terms of the advertisement. All such lettings have been resolved with this approach; and,
- it has not yet been necessary to commence formal enforcement proceedings in any of these cases to date.

Performance rating and recommendations

Notwithstanding the lack of dedicated staff appointed to deliver the Council's enforcement function, the analysis undertaken as part of this review demonstrates that the Council has appropriate systems and procedures in place for planning enforcement, and for that reason the Council's delivery of its planning enforcement function is considered to be **effective**. As the number of complaints continues to increase, without dedicated enforcement staff, the challenges faced by the planning department will continue to affect the delivery of the Council's enforcement function.

In addition, in order to improve the effectiveness of the enforcement function, the Council should consider introducing a system to facilitate the tracking and recording of all documents related to the management of unauthorised development complaints. The system could drive efficiencies in managing the caseload, providing search facilities, reporting capabilities, and holding all scanned correspondence and notices issued. An enforcement case management system designed for planning enforcement can support: monitoring, analysing trends, allocating resources, and managing the progress of a case.

Recommendation 7 – Enforcement function resourcing: Given the current and increasing volume of enforcement cases being processed / awaiting processing, the Council should consider identifying dedicated enforcement staff, to drive the progression of the enforcement caseload on a full time basis, without being diverted to other functions. This exercise should be performed in association with considering the focus of Recommendation 1.

Recommendation 8 – Enforcement case management system: The Council should consider introducing an enforcement case management system to drive efficiencies in the delivery of the enforcement function.

No.	Recommendation No.	Grading	Responsibility
7	Enforcement function resourcing	High	Director of Services
8	Enforcement case management system	Medium	Senior Planner

9. Other Planning Related Functions

9.1 Part 8 / Local Authority Own Development

Various departments across the Council prepare 'Part 8' planning applications. The Council's Infrastructure Liaison Group is comprised of senior management from each department and service area. This group has a standing agenda item to discuss pending and ongoing Part 8 schemes. If the bi-monthly meeting does not take place, internal consultation on Part 8 proposals are circulated by email.

The Council have an internal referrals process in place for proposed Part 8 schemes to ensure that all relevant internal departments have an opportunity to comment on proposals prior to the formal public advertisement stage. The Senior Planner and Senior Executive Planner (development management) are part of the Infrastructure Liaison Group and are consulted on all Part 8 proposals progressed by the Council. The senior Planner is a signatory on all Part 8 Chief Executive reports and the planning department retains a copy of the documentation on file.

Due to competing business demands, the planning department's preparation of a guide for the wider Council, on the preparation and management of Part 8 schemes, has been paused. In addition, also due to business constraints, work has also been paused on mapping and recording all Part 8 schemes on a register, with links to Council minutes.

The Council estimate that 24 Part 8 schemes were approved by the Council between 2019 and 2022, of these 16 have been implemented or are onsite.

Article 120 of the Regulations requires the Council to undertake an EIA screening of sub-threshold development as part of any Part 8 procedure. Article 250 requires the undertaking of an AA screening for any local authority own-development. From analysis of Part 8 projects on the Council's website, it appears that screenings are undertaken in accordance with the legislation.

Public consultation is a core element of the Part 8 process. In this regard, public notices must be in a prescribed format to comply with the requirements of the Regulations. Article 81 of the Regulations requires a local authority to indicate its conclusion in relation to EIA screening. Article 120(3)(b) provides that any person may apply to An Bord Pleanála for a screening determination as to whether the local authority development would be likely to have significant effects on the environment. Circular Letter PL 10/2018 indicates that Part 8 public notices should indicate that any person may refer the matter to An Bord Pleanála for a screening determination as to whether the development would be likely to have such effects.

From an analysis of randomly selected Part 8 projects on the Council's website, this requirement is included in the published site notices.

Performance rating and recommendations

The Council's approach to Part 8 appears to be procedurally robust, therefore this review finds that the Council's delivery of its Part 8 / local authority own development function is **effective**.

A higher rating would be achievable if the Council strengthened its procedures by preparing the intended Part 8 manual for use by the wider Council. The procedures manual would provide guidance for all Council departments in the planning and implementation of Part 8 schemes including carrying out AA and EIA screening, where Part 8 projects are required to be submitted to An Bord Pleanála, and checked post-completion to ensure planning compliance. In addition, a complete record of all Council Part 8 projects should be maintained electronically and mapped.

Recommendation 9 – Part 8 procedures manual: a procedures manual should be prepared in relation to the Part 8 process to provide guidance for the entire Council in relation to the delivery of local authority own development. The procedures manual should include provision for the post-project review of implemented Part 8s and the monitoring of projects, including through mapping.

No.	Recommendation No.	Grading	Responsibility
9	Part 8 procedures manual	Medium	Director of Services

9.2 Taking-in-Charge

Under the DHLGH National Taking-in-Charge Initiative, a survey was carried out in 2015 to collate data regarding the taking-in-charge of estates across the country⁴⁰. The survey identified 114 estates in County Offaly to be taken in charge, with 32 of those undergoing the taking-in-charge process. By the time of the 2018 update, the number awaiting taking-in-charge had reduced to 95 with 19 undergoing the taking-in-charge process. Between 2018 and 2021 a further 19 estates were taken in charge. At the time of this review, there were 155 housing estates remaining to be taken in charge by the Council.

In relation to unfinished housing developments, there were 3 unfinished housing estates in County Offaly on the DHLGH database for 2020, a 25% reduction since 2017.⁴¹

At the time the review process was being conducted, the Council's taking-in-charge function sat within the planning department's development management team. An executive engineer progresses taking in charge matters on a part time basis, as the role is also fulfilling a part time role on enforcement activities. The planning department have developed a taking-in-charge process, which sets out the required actions, timeframes and responsibilities at each stage of the process. Estates are mapped on the Council's internal GIS system.

⁴⁰ Department of Housing, Planning and Local Government 'National Taking in Charge Initiative Report', (December 2018) Sourced: <https://assets.gov.ie/40882/603b24e8a02541dca210dc8bc13452ec.pdf>

⁴¹ Department of Housing, Local Government and Heritage, 'Unfinished Housing Developments: Progress Update from 2017 to 2020 by Local Authority', (September 2018) Sourced: <https://www.gov.ie/en/collection/706ac-unfinished-housing-developments-annual-reports/#2020>

The average length of time to conduct the taking-in-charge process is 12 months for new estates with older or unfinished estates taking longer.

Bonds and securities are required to ensure the satisfactory completion of necessary services (including roads, footpaths, lighting and open space) in the event of a default by the developer.

The total value of live securities held by the Council for the satisfactory completion of residential estates is €5,312,215 and £83,000. The total value of securities called in between 2019 and 2022 was €268,872.

The development management team maintains an excel sheet with details of bonds and cash deposits, with action taken as bonds approach their expiry i.e. to issue a reminder to the developer and / or proceed through the enforcement process to achieve compliance.

Performance rating and recommendations

Having regard to the documentation submitted, it would appear that the Council's systems and procedures in place for the delivery of this function are generally **effective**.

It is recognised that the current staff arrangement is part time and a dedicated staff resource could drive the clearance of the backlog of taking-in-charge requests.

A higher rating would be achievable with the preparation of a taking-in-charge policy in accordance with circular PD1/08⁴², on the basis of the framework, and wider housing and planning policy guidance, as set out in the annex to the circular.

Recommendation 10 – Taking-in-charge policy: The Council should prepare a taking-in-charge policy as a priority which should be approved by the members of the Council and reported on to those members on a regular basis and at least annually, in accordance with circular PD1/08.

No.	Recommendation No.	Grading	Responsibility
10	Taking-in-charge policy	High	Director of Services

⁴² Department of the Environment, Community and Local Government, 'PD 1/08: Taking in Charge of Residential Developments/ Management Arrangements', (February 2008). Sourced: <https://www.opr.ie/wp-content/uploads/2021/08/PD-108.pdf>

Appendix 1: List of Recommendations

Recommendations are graded as follows, based on the level of priority that the Council should assign them:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.
- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact on operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

No.	Recommendation	Description	Grading	Responsibility
Organisation of Planning Department				
1	Resourcing and staff development	The Council should prioritise additional resources for the planning department, budgetary support to ensure the department has access to specialist expertise as required, and continue to work with the LGMA to secure additional resources. The planning department should place a renewed focus on staff development matters including the PMDS process and preparation of departmental training plan for 2024	High	Director of Services
Forward Planning				
2	Monitoring and implementation	The Council should introduce a comprehensive monitoring regime to ensure the implementation of the policy objectives set out in statutory plans is adequately reviewed on an ongoing basis, including in respect of SEA and AA.	High	Director of Services

No.	Recommendation	Description	Grading	Responsibility
		(Noting the focus of Recommendation 1) The introduction of such a regime will require the commitment of appropriate resources within the planning department toward the monitoring and analysis of data as well as a multidisciplinary and collaborative approach to monitoring across the Council.		
3	Derelict sites procedure	The Council should prepare and implement a robust procedure for derelict sites to ensure that the derelict sites function is operating to its fullest potential across the County. This procedure should ensure the collection of arrears and putting in place of appropriate legal mechanisms for pursuing unpaid levies and monitoring of implementation.	Low	Director of Services
4	Data management	Noting the focus of Recommendation 2) The Council should, over the next 12-24 months, build up an integrated, publicly available GIS-based management information system and database of RZLT sites, derelict sites, and key town principal streets occupancy record and infrastructural audit of zoned but undeveloped lands.	Medium	Director of Services
Development Management				
5	Planning report templates	To ensure compliance with statutory EIA and AA requirements the Council should update its planning report templates for planning applications and Sections 5 declaration requests.	High	Senior Planner
6	Invalidation rate monitoring	Having regard to the higher level of invalidations relative to the national average, the Council should monitor invalidation rates following the introduction of ePlanning to determine if additional measures need to be put in place to ensure the invalidation rate reduces.	Medium	Senior Planner
7	Enforcement function resourcing	Given the current and increasing volume of enforcement cases being processed / awaiting processing, the Council should consider identifying dedicated enforcement staff, to drive the progression of the enforcement	High	Director of Services

No.	Recommendation	Description	Grading	Responsibility
		caseload on a full time basis, without being diverted to other functions. This exercise should be performed in association with considering the focus of Recommendation 1.		
8	Enforcement case management system	The Council should consider introducing an enforcement case management system to drive efficiencies in the delivery of the enforcement function.	Medium	Senior Planner
Local Authority Own Development				
9	Part 8 procedures manual	A procedures manual should be prepared in relation to the Part 8 process to provide guidance for the entire Council in relation to the delivery of local authority own development. The procedures manual should include provision for the post-project review of implemented Part 8s and the monitoring of projects, including through mapping.	Medium	Director of Services
Taking-in-Charge				
10	Taking-in-charge policy	The Council should prepare a taking-in-charge policy as a priority which should be approved by the members of the Council and reported on to those members on a regular basis and at least annually, in accordance with circular PD1/08.	High	Director of Services



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator