



Office of the Planning Regulator



Quarter 1 of 2024



Activity Report



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

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Introduction

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

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



Evaluation of Statutory Plans

The OPR is responsible for independently assessing city/county development plans and local area plans at three key stages: issues paper, draft plan and material alterations. The OPR also considers any proposed variations to existing city/county development plans or amendments to local area plans. OPR submissions may include recommendations, observations or advice.

In Q1 of 2024, 14 consultations on statutory plans opened for public consultation. These consultations related to: material alterations for one county development plan, four proposed variations to three county development plans, issues papers for six local area plans, material alterations for two local area plans and a proposed amendment to one local area plan.

OPR Submissions on Statutory Plans

In Q1 2024, the OPR made 15 submissions to local authorities. Table 1 sets out a breakdown by plan-type. In Q1 the majority of submissions related to issues papers for local area plans.

Table 1: Submissions on Statutory Plans

Variations to City/County Development Plans: <ul style="list-style-type: none"> Variation to the County Donegal Development Plan 2018-2024 Variation No. 5 to the Dublin City Development Plan 2022-2028 	2
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> Mountmellick Local Area Plan 2024-2030 Greystones-Delgany and Kilcoole Local Area Plan Athlone Joint Urban Area Plan 2024-2030 Muine Bheag-Royal Oak Local Area Plan 2024-2030 Drogheda Joint Local Area Plan 	5
Draft Local Area Plans: <ul style="list-style-type: none"> Loughrea Local Area Plan 2024-2030 Carlow-Graigucullen Joint Urban Local Area Plan 2024-2030 Roscommon Town Local Area Plan 2024-2030 Ballina Local Area Plan 2024-2030 	4
Material Alterations to Local Area Plans: <ul style="list-style-type: none"> Adare Local Area Plan 2024-2030 Patrickswell Local Area Plan 2024-2030 Kenmare Municipal District Local Area Plan 2023-2029 	3
Amendments to Local Area Plans: <ul style="list-style-type: none"> Amendment No. 1 to the Leixlip Local Area Plan 2020-2023 	1
Total	15

OPR Submissions by Regional Area

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

OPR submissions during Q1 2024 related to all Regional Assembly areas. Figure 1 shows the number of submission made on consultations within each regional assembly area.¹

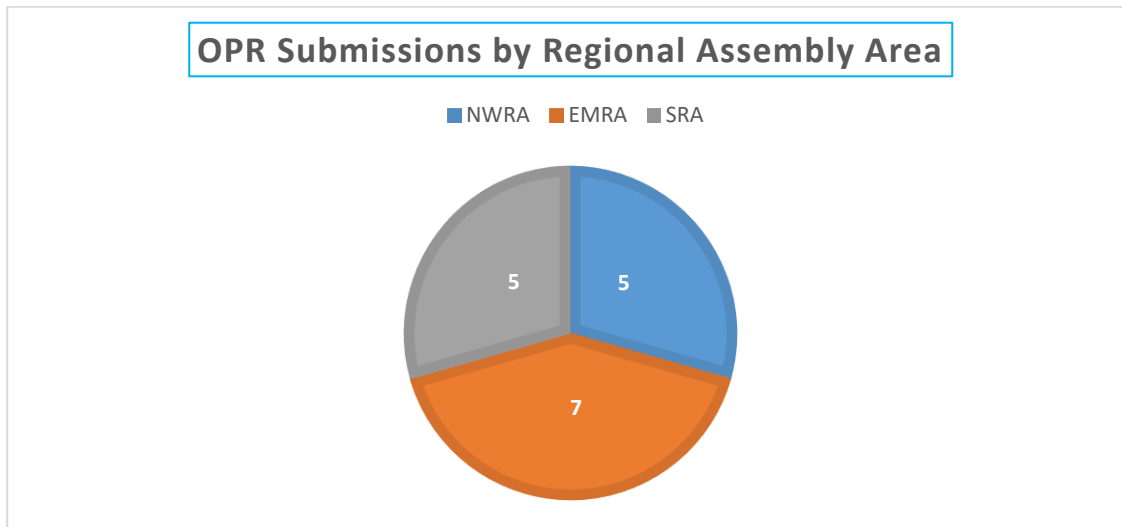


Figure 1: OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations:

The OPR may make recommendations or observations in its submissions at the draft and/or material alterations stage. Due to the high-level nature of issues papers, the OPR does not make observations or recommendations at this stage.

Recommendations issued by the OPR relate to clear breaches of: relevant legislative provisions; the national or regional policy framework; and Government policy, as set out in the Ministerial guidelines under section 28 of the Act. The local authority is required to implement or address recommendation(s) made by the OPR.

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

¹ The chart 'OPR Submissions by Regional Assembly Area' notes 17 submissions rather than 15, as noted in Table 1, because the Athlone Joint Urban Area Plan 2024-2030 is recorded here as a submission in both EMRA and NWRA (Westmeath and Roscommon) and the Carlow-Graigucullen Joint Urban Local Area Plan 2024-2030 is recorded here as a submission in both EMRA and SRA (Laois and Carlow).

Table 2 sets out the number of observations and recommendations made by the OPR in Q1 2024.²

Table 2: Recommendations and Observations made by the OPR			
	Submissions (number)	Recommendations (number)	Observations (number)
Variations to City/County Development Plans	2	-	-
Draft Local Area Plans	4	19	15
Material Alterations to Draft Local Area Plans	3	7	1
Amendments to Local Area Plans	1	1	-
Total	10	27	16

OPR Recommendations and Observations: Legislative Categories

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

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

A breakdown of the recommendations and observations made in Q1 2024 by legislative category is contained in Tables 3 and 4. As recommendations can cover more than one legislative provision, the numbers presented in these tables (Table 3 and 4) differ from the total number of recommendations listed above in Table 2.

² As the OPR does not issue recommendations or observations at Issues Paper stage these figures do not relate to submissions made at issues paper stage.

The most common themes across the recommendations and observations issued in Q1 2024 were consistency with the relevant DP and RSES and policy matters regarding relevant guidelines for planning authorities made under section 28 of the Act.

Table 3: OPR Recommendations	Number
Consistency with NPF	2
Consistency with RSES	23
Consistency with DP	25
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	21
Consistency with Legislative Provisions	7
Consistency with other legislation	3
Other	2
Total	84

Table 4: OPR Observations	Number
Consistency with NPF	1
Consistency with RSES	5
Consistency with DP	5
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	9
Consistency with Legislative Provisions	2
Consistency with other legislation	-
Other	4
Total	26

Adopted Plans - Outcome of OPR Submissions

Once a plan has been adopted, the OPR has four weeks to assess the plan as adopted and determine whether the plan aligns with national and regional policy and has satisfactorily addressed the recommendations made by the OPR.

Six local area plans were adopted by planning authorities in Q1 2024. Also, the assessment of one plan adopted in Q4 2023 was completed in Q1 2024. The OPR made 29 recommendations in total at draft and material alterations stages of these plans. The recommendations were satisfactorily addressed for six of these plans: Adare Local Area Plan 2024-2030, Clonmel Local Area Plan 2024-2030 Nenagh Local Area Plan 2024-2030, Newcastle Local Area Plan 2023-2030, Patrickswell Local Area Plan 2024-2030 and Thurles Local Area Plan 2024-2030. The recommendations of the OPR were not satisfactorily addressed for the Athenry Local Area Plan 2024-2030. This is explored further in the below section.

Three variations were made to the Dublin City Development Plan 2022-2028 and one variation was made to the County Donegal Development Plan 2018-2024. The OPR did not make recommendations to the proposed variations. In addition, one amendment was made to the Leixlip Local Area Plan 2020-2023, however, assessment of this adopted amendment was ongoing at the end of Q1 2024.

Directions

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

Table 5 provides a breakdown of the number of recommendations which were or were not satisfactorily addressed.

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

Plan	Local Authority	No. of Recommendation Issued	No. of recommendations draft Direction related to
Athenry Local Area Plan 2024-2030	Galway County Council	6	5

In Q1 2024, the OPR issued a recommendation to the Minister of a draft Direction on the Athenry Local Area Plan 2024-2030. Following consideration of this recommendation, the Minister issued notice of a draft Direction to the local authority.

In addition, the Minister issued a draft Direction on the Castlebar Town and Environs Local Area Plan 2023-2029 following a recommendation the OPR made to the Minister in Q4 2023.

Following receipt of a draft Direction, there are certain steps a local authority must take, including a public consultation. Following this, the OPR may make a recommendation of a final Direction to the Minister. The direction process was ongoing for three plans at the end of Q1 2024: Athenry Local Area Plan 2024-2030, Castlebar Town and Environs Local Area Plan 2023-2029 and Letterkenny Local Area Plan and Local Transport Plan 2023-2029.

Note: The OPR's submissions and recommendations to the Minister can be found on the [OPR website](#). Please note that Final Directions are only published once the direction process has been complete.

Stakeholder Engagement

Engagement with Local Authorities

During Q1 2024, the OPR continued to engage with local authorities, meeting with Westmeath County Council, Roscommon County Council and Laois County Council. This engagement allows the OPR to answer queries or discuss key matters regarding proposed plans, and to provide additional information, such as policy updates, which may support the work of the local authority during the plan-making process.

Plans Evaluation Forum

The OPR hosted one meeting of the Plans Evaluation Forum, in January 2024, which enabled discussions between all organisations on statutory plans subject to public consultation over that period.



Reviews and Examinations

Case Handling

Case activity

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

During Quarter 1 2024, a total of 65 cases were received and 54 cases were closed by the OPR, detailed by month in Figure 2.

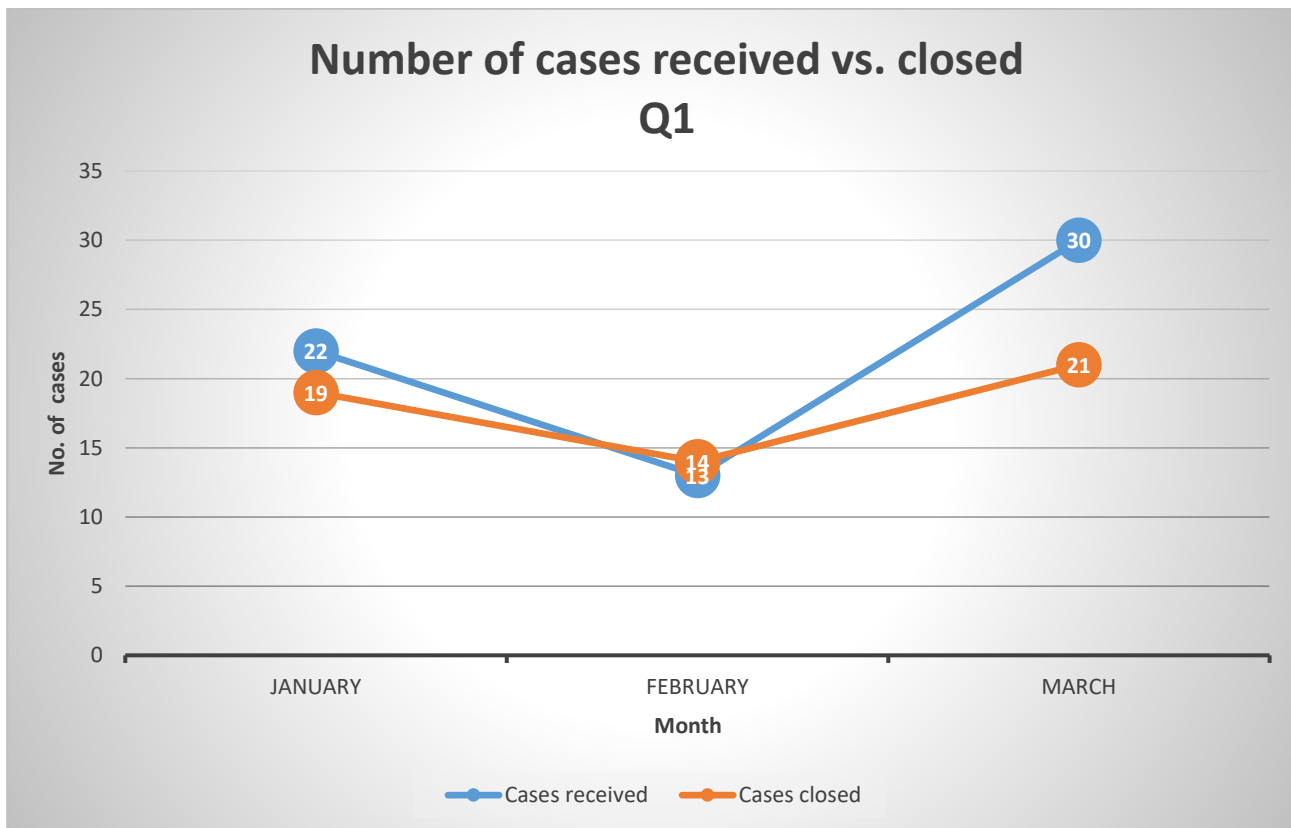


Figure 2: Cases received vs. cases closed Q1, 2024

The **54** cases closed in **Q1** were classified as follows:

- **30** complaints
- **19** queries
- **5** submissions



Figure 3: Case types closed in Q1, 2024

While some can be handled in a relatively straightforward manner, many cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases can be time consuming, involving a series of correspondence with the customer and / or the relevant local authority. This is demonstrated by the fact that the **54** cases closed in **Q1** are estimated to have taken approximately **249** working hours to process.

While a broad range of themes arose in the OPR's case handling during **Q1**, a number of dominant themes prevailed. As can be seen in Figure 4, the most common single theme was individual planning cases (occurring in **21%** of cases) followed closely by issues associated with enforcement and unauthorised development (at **17%**).

The theme entitled '**other**' includes a variety of issues such as: fire regulations, noise controls and other issues (at **16%**).

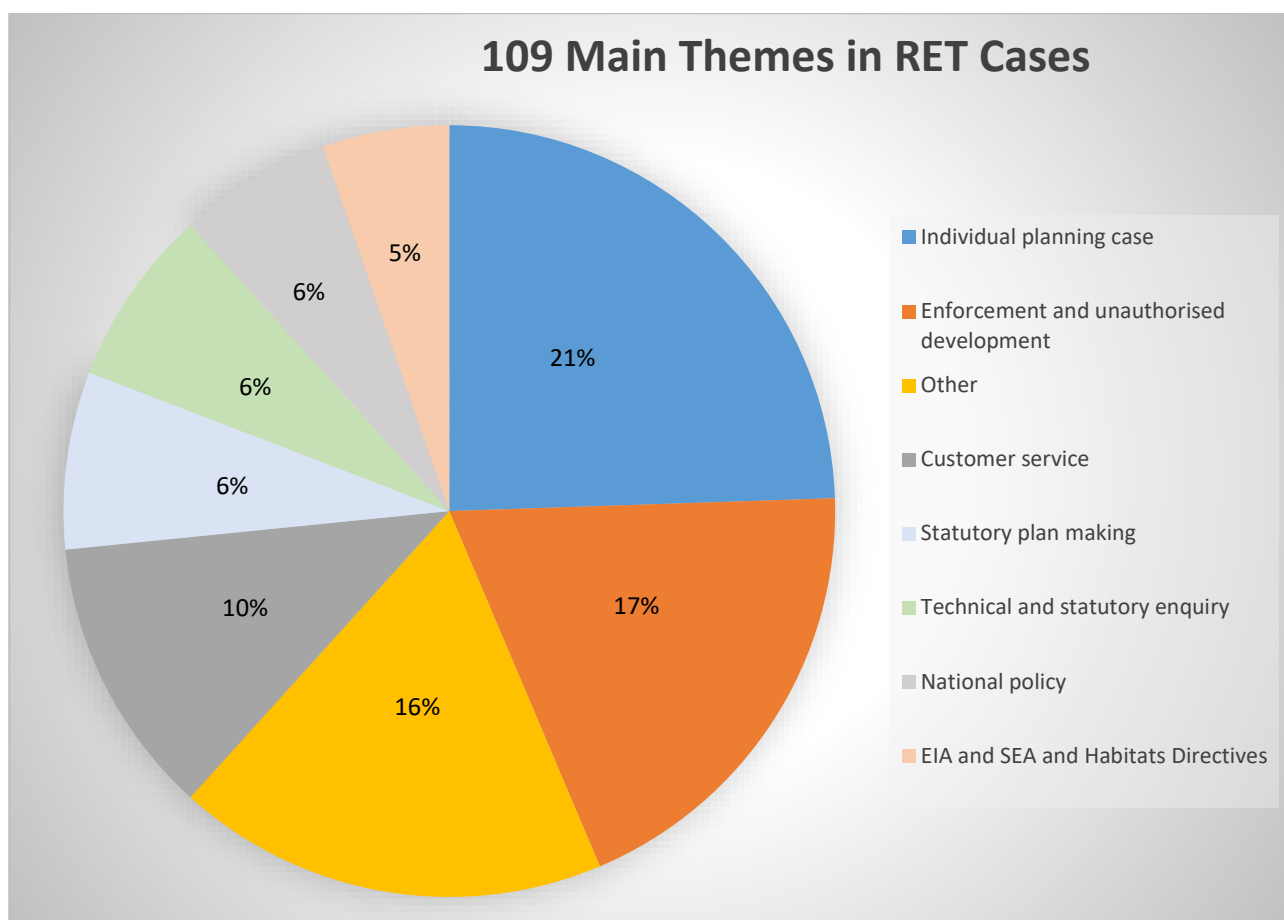


Figure 4: Main themes in cases closed³

Complaints

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

With regard to the **54** complaints closed during **Q1**, the OPR gave preliminary examination to **5** of these complaints based on the procedural matters raised.

- **1** of these complaints was upheld. The case related to administrative procedures.
- **1** complaint was closed on the basis of assistance being provided. This case related to the charging of planning application fees.
- **3** of these complaints were not upheld. The OPR determined that the matters raised did not represent systemic concerns or that the local authorities had followed proper procedure.

³ The remaining 13% includes: OPR's role and functions 3%, Housing delivery models 3%, development contributions 2%, single housing in the countryside 2%, planning conditions 0.6%, Local authority development and Part 8 0.6%, Legal and Ownership issues 0.6%, Impropriety 0.6%, Protected structures 0.6%

Planning Authority Reviews Programme

Through its reviews programme, the OPR fulfils an important oversight and monitoring role in relation to the systems and procedures used by local authorities in the performance of their statutory planning functions.

Review of Roscommon County Council

The OPR initiated its review of Roscommon County Council during **Q1**. The OPR met with Roscommon's planning department to discuss the review process.

The OPR issued a statutory request to Roscommon County Council to inform the review process. This information is critical in enabling the OPR to build a clear picture of the local authority's delivery of its statutory planning functions. Additionally, a staff survey was issued to the planning department as part of the initiation of the review.

Review of Meath County Council

Following the completion of workshops and analysis of extensive material in 2023, the draft report in relation to the Meath County Council review issued to the Council and to the Minister for Housing, Local Government & Heritage. The report will be finalised following the receipt of any feedback received.

Review of South Dublin County Council

Following an intensive schedule of workshops to discuss various aspects of the planning authority's operations in late 2023, the Council responded to an additional information request from the OPR. Work commenced on drafting the review report.

Local Authority Monitoring

Monitoring the implementation of the OPR's recommendations helps to ensure the integrity of the review process. Monitoring is conducted at six monthly intervals.

During Q1, the OPR engaged with local authorities at various stages of implementation. A number of the reviews conducted as part of the pilot programme are approaching the end of the monitoring cycle:

- Tipperary County Council – the 24-month progress update was progressed
- Louth County Council – the 24-month progress update was progressed
- Galway City Council – the 24-month progress update was progressed
- Kildare - the 18-month progress update was completed
- Following the publication of the review of Waterford City and County Council in 2023, the monitoring cycle for the review commenced and the 6-month progress update was progressed.

The OPR's monitoring indicates that review recommendations are being implemented, or progressed, across the various local authorities, notwithstanding ongoing resourcing challenges being experienced.

An Bord Pleanála Monitoring

Ensuring the implementation of recommendations arising from both phases of the 2022 An Bord Pleanála review continues to be a high priority for the OPR. In **Q1**, the OPR continued to closely engage with An Bord Pleanála. An OPR update on the implementation of recommendations from the An Bord Pleanála review was published, providing an overview of progress made since the publication of the review in late 2022. In addition, the fourth quarterly progress update was completed.



Research, Education, Training and Public Awareness

Local Authority and Regional Assembly Staff Training

In Q1, in line with the OPR's statutory mandate to conduct education and training programmes for staff of local authorities and regional assemblies in respect of matters relating to proper planning and sustainable, the OPR delivered a webinar entitled '*Appropriate Assessment – Updates and Learnings from Current Practice*'.

Paul Scott, Head of the Ecological Guidance and Advisory Unit in the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage (DHLGH), delivered the presentation at the webinar and his presentation focused on:

- The fundamentals of Appropriate Assessment screening;
- Key terminology and legal tests to be met;
- How to recognise good practice in Appropriate Assessment documentation; and
- How to make Appropriate Assessment for plans and projects efficient.

The webinar was recorded and circulated to senior management in local authorities and regional assemblies. The recording is available on the OPR's website.

In Q1 extensive discussions also took place with representatives from the Department of the Environment, Climate and Communications, the Sustainable Energy Authority of Ireland and their consultants, RPS, regarding the delivery of an online planning training webinar for local authority and regional assembly staff dealing with '*A Spatial Plan-led Approach to Renewable Energy Development in Ireland*'. Agreement was reached to deliver this webinar in March and extensive work was undertaken in preparation for the webinar. However, it was subsequently agreed that the webinar should be deferred until later in 2024 following publication of the National Planning Framework (NPF) review and the alignment of policy issues.

Publication of Educational Material for Local Authority and Regional Assembly Staff and Other Key Stakeholders

During Q1, the OPR hosted a meeting of the Planning Law Bulletin Steering Group and agreed the case selection for the third edition of the 'Learning from Litigation' bulletin. Thereafter the OPR engaged with legal practitioners to produce the third edition of the bulletin. The bulletin provides information on important precedents, court decisions, emerging trends and an overview of noteworthy cases. These cases included:

- (i) McGarrell Reilly Homes Ltd & Anor v Meath County Council [2023] IESC 40
- (ii) Killegland Estates Ltd v Meath County Council & Ors [2023] IESC 39
- (iii) Gardiner v Mayo County Council [2024] IEHC 5

- (iv) Corrib Community Council v Killola Quarries [2023] IEHC 610
- (v) Ballyboden Tidy Towns Group v An Bord Pleanála & Ors [2023] IEHC 722

The third edition of the '*Learning from Litigation*' legal bulletin was published in Q1. This edition was shared with stakeholders and promoted extensively via OPR social media accounts. It is intended that the legal bulletin will be published on a quarterly basis.

Implementation of the Learning and Development Strategy for Local Authority Planning Staff

In Q1 work continued on the implementation of the Local Authority Planning Sector Learning and Development Strategy. The OPR had a number of meetings and exchanges with the Local Authority Services National Training Group's newly appointed Courseware Development Specialist. The OPR reviewed the draft courseware specifications and the development and deployment plan proposed by the Courseware Development Specialist. The OPR also participated in meetings of the Planning Services Training Group and compiled a list of potential candidates who might be willing to act as trainers in the context of the roll-out of the Immediate/Foundation training.

Stakeholder Engagement

National Planning Knowledge Group

The National Planning Knowledge Group held its fourteenth meeting in February. During the course of the meeting the OPR provided an update on the work that is being advanced under the Strategic Planning Research Programme (2023-2025) and as part of the training and public awareness brief. Representatives from the International Centre for Local and Regional Development (ICLRD), the Strategic Environmental Assessment Unit of the Environmental Protection Agency (EPA), the DHLGH, Maynooth University/AIRO and Queens University Belfast also provided updates to the Group on their work.

County and City Management Association (CCMA) and OPR Engagement Group

Two meetings of the CCMA-OPR Engagement Group were held in Q1. These meetings gave the OPR an opportunity to brief the CCMA representatives on the status of the various OPR research projects, upcoming training events and ongoing public awareness initiatives. The CCMA representatives also shared updates on the work of the CCMA's Planning Resources Working Group, the status of the ePlanning project and its rollout across the local government sector and the publication of revised draft Residential Zoned Land Tax (RZLT) maps for public consultation.

OPR Research Output

In Q1 the OPR advanced work on a number of research projects identified within the Strategic Planning Research Programme (2023-2025) some of which were long-term projects carried over from the original Strategic Planning Research Programme (2020-2022).

Strand One (Planning Issues) Projects

In Q1 the UCD research team, working on the '*Understanding Rural Housing Dynamics*' research project, circulated an updated draft research report to the Steering Group. This report was subsequently discussed at a meeting of the research team and the Steering Group. It is intended that the output from this research will be available as a resource for the DHLGH in their first revision of the National Planning Framework (NPF). This research is consistent with the OPR's intention to conduct research into rural housing and to examine 'the story behind the statistics'.

During Q1 the International Centre for Local and Regional Development (ICLRD) advanced work on the '*InPLACE – Investigating Planning, Place-Making and Commuting*' research project. The initial draft of the final report was presented to the Research Advisory Group in February and the full draft report was presented at a meeting of the Operational Partnership Group in March. The ICLRd team are proposing to convene a policy implications workshop in early May and the outcome of this workshop will help to inform the final report. It is expected that the research report will be finalised and formally launched in Q2. The research report will set out the findings from the study regarding the costs of commuting to individuals, families and communities; how planning approaches may be failing; the effects of the pandemic on commuting patterns, well-being, lifestyle and flexible models of working, and recommendations on how to redress the costs of commuting.

In Q1 the EPA-DAFM (Department of Agriculture, Food and the Marine) co-funded research project entitled '*Reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit*' or '*Reframe*' obtained final sign-off of the research report and toolkit from the Steering Committee, which comprised a representative from the OPR. The EPA will complete the final edits to the research report and will arrange for publication of the report and the toolkit during Q2; dissemination and training will follow thereafter and the OPR will assist with the promotion of this material via OPR social media accounts and other channels.

During Q1 work progressed on the drafting of the brownfield/land activation research report with the appointed contractor, Mitchell McDermott. The first full draft of the report was received in March. The final editing and stakeholder engagement commenced and will continue into Q2. The final report will take the form of a Research Series Report and it is anticipated that it will be published in Q2.

During Q1, the OPR continued to support TU Dublin with the Science Foundation Ireland (SFI) funded project for sustainable communities' research. The project entitled '*Campuses' Role as Actors for Walkability and Liveability*' or CRAWL uses TU Dublin's five campuses as living laboratories to assess and to implement solutions to improve walkability and liveability in communities. The OPR is the Societal Impact Champion for this project. In Q1 the CRAWL team held a World Café event in the TU Dublin campus in Blanchardstown, which was attended by the OPR. Thereafter the project progressed from Phase 1 (the concept phase) to Phase 2 (the seed

phase) following receipt of further SFI funding. The Phase 2 funding will allow the team to further develop and implement their methodology over a 12-month period. This work will include stakeholder engagement, surveys and analysis of air quality metrics.

In Q2 2023 the Minister for Housing, Local Government and Heritage (the Minister) established a Steering Group to review the current level of fees payable to planning authorities in respect of planning applications and miscellaneous planning fees. The Steering Group comprised staff from the DHLGH, the OPR and representatives of the local authority sector. To support the work of the Steering Group the Minister requested the OPR to conduct research into the costs associated with the administration of the local authority planning system, current levels of cost recovery and to compare the Irish context with planning fees and charges in other administrations. This '*Planning Fees Review Report*' was finalised and submitted to the Minister in Q1.

In 2021 the EPA commenced the preparation of a report entitled '*Ireland's Climate Change Assessment*' (ICCA). The report was modelled on the structure of the UN Intergovernmental Panel on Climate Change (IPCC) assessments. The purpose of the report was to develop an understanding of climate change, its impacts and the options for dealing with these impacts. The report consists of four volumes and the OPR was invited by the EPA to join the Steering Group for Volume 2 – '*Achieving Climate Neutrality by 2050*'. Throughout 2022 and 2023 the OPR actively engaged and contributed to the reviews of the various drafts of Volume 2 and participated in stakeholder workshops/meetings. The final ICCA report (volumes 1-4) was published in Q1. The OPR actively promoted publication of the report via its stakeholder groups and OPR social media accounts.

Strand Two (Planning Performance) Projects

During Q1, work was advanced on the OPR-EPA funded project '*Public Participation and Performance Criteria in Strategic Environmental Assessment: The Way Forward to Advancing Practice*' or '*SEAWAY*'. The aim of this project is to improve public participation in Strategic Environmental Assessment (SEA) in Ireland and to develop a robust SEA performance evaluation framework and associated Key Performance Indicators (KPIs). In Q1 the OPR participated in a workshop on the KPIs that have been developed by the project team and the information gleaned at this workshop will feed into the final report. A video was also produced by the SEAWAY project team describing how people can get involved in the SEA process. In Q1 the OPR promoted this video via its social media accounts.

During Q1 the OPR contributed to the project team's work on the development of the project scope and selection of case studies for the EPA-funded research project called '*Pro-Health SEA*'. This project involves the development of a toolkit for proportionate and consistent consideration of population and human health in Strategic Environmental Assessment. The literature review was circulated in March for review by the Steering Group by end-April. The OPR is a member of the Steering Group. The next meeting of the Steering Group is scheduled for Q2.

Strand Three (Planning Practice) Projects

During Q1 work continued on Practice Note PN04 - '*Planning for Employment Growth: The Development Plan and Employment Lands*'. Following extensive stakeholder engagement and receipt of feedback from stakeholders a draft of the practice note was prepared by the contractor. The draft was reviewed and revised by the OPR taking into account the OPR's Plan Evaluation Team's experience from reviewing statutory development plans. Further workshops were requested and held with Uisce Éireann, the Department of Enterprise, Trade and Employment and the transport agencies (National Transport Authority and Transport Infrastructure Ireland). Comments and feedback from the peer review stage were received by end Q1 and work on the final edits was commenced. It is expected that the practice note will be finalised and published in Q2.

Public Awareness Initiatives

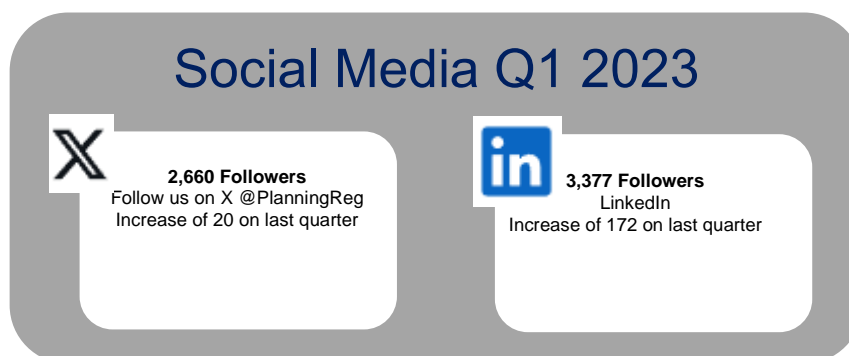
Becoming a Planner

During Q1, the OPR continued its efforts to promote planning as a career of choice. A new social media campaign was launched featuring graduates from the '*Meet a Planner*' series. Over a six-week period from 14 February to 20 March, the OPR published weekly posts, on its social media accounts, which offered an insight into the planning courses studied by the graduates and the exciting career opportunities that were available to them upon graduation.

In Q1 the OPR also worked with the team at the CareersPortal.ie website to update and improve the OPR's profile on the website. The OPR sought further enhancements to the website in an effort to encourage more people to read about and consider a career in planning.

Communications and Social Media

There was a small increase in followers across OPR social media accounts during Q1 2024, as outlined below:





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