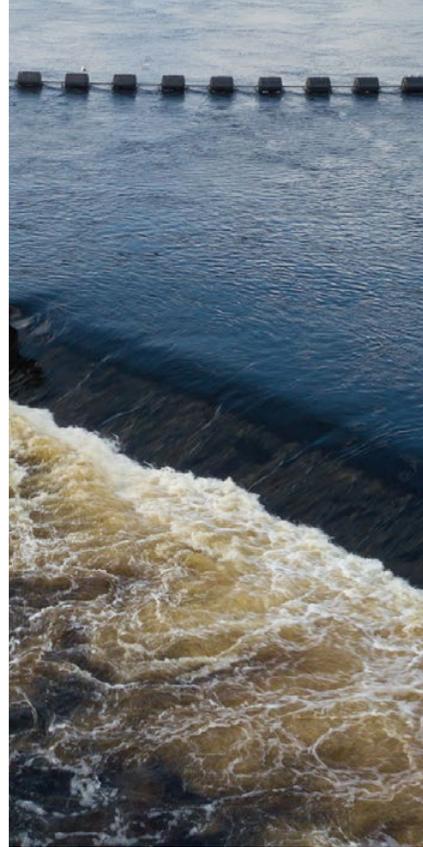




Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator



Annual Report 2023

Declaration

This Annual Report for the year ended 31 December 2023 is made to the Minister for Housing, Local Government and Heritage ('the Minister') and to the Houses of the Oireachtas in accordance with section 31AH of the Planning and Development Act 2000, as amended ('the Act').

Galway City



Contents

List of Acronyms	6
2023: At a Glance	7
Introduction from the Planning Regulator	8
1 What We Do	11
1.1 Our Statutory Responsibilities	12
1.2 Our Structure	14
1.3 Our Strategy	15
2 Evaluation and Assessment of Statutory Plans	17
2.1 Evaluation and Assessment of Statutory Plans	18
2.2 OPR Submissions	25
2.3 OPR Assessment of Adopted Plans	31
2.4 Directions	33
2.5 Judicial Reviews	38
2.6 Spatial Data Management	38
3. Planning Reviews and Examinations	39
3.1 Local Authority Reviews Programme	40
3.2 Implementation of An Bord Pleanála (ABP) Review Recommendations	45
3.3 National Planning Performance - Misleading Information in Planning Applications	46

3.4	Case Handling	47
3.5	Case Handling Trends	51
3.6	Case Studies: Complaints Examined by OPR	54
4.	Education, Training, Research and Public Awareness	58
4.1	Education and Training	59
4.2	Research	65
4.3	Public Awareness	71
5	Corporate Affairs	73
5.1	Governance	74
5.2	Continuing to Build the Organisation	77
5.3	Financial Information	82
	Staff Information	84



List of Acronyms

ABP: An Bord Pleanála

CCMA: County and City Management Association

CDP: City/County Development Plan

CSP: Case Study Paper

DHLGH: Department of Housing, Local Government and Heritage

EMRA: Eastern and Midland Regional Assembly

EMT: Executive Management Team

EPA: Environmental Protection Agency

ICCA: Ireland's Climate Change Assessment

ICLRD: International Centre for Local and Regional Development

IPI: Irish Planning Institute

LAP: Local Area Plan

LASNTG: Local Authority Services National Training Group

LGMA: The Local Government Management Agency

LRD: Large-scale Residential Development

NWRA: Northern and Western Regional Assembly

NTA: National Transport Authority

NPF: National Planning Framework

OPR: Office of the Planning Regulator

OPW: Office of Public Works

PEF: Plans Evaluation Forum

PSTG: Planning Services Training Group

RSES: Regional Spatial and Economic Strategy

SRA: Southern Regional Assembly

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

The Minister: Minister for Housing, Local Government and Heritage

2023: At a Glance

Submissions on preparation of statutory plans



64

local authority statutory plan submissions prepared of which:

123 recommendations and **69** observations issued to submissions on statutory consultations; of which:

35 recommendations and **13** observations made about city/county development plans;

88 recommendations and **56** observations made on local area plans

Assessment of adopted plans

22

assessments of adopted statutory plans, out of which:

4 recommendations for proposed draft directions were made to the Minister

4 recommendations for proposed final directions were made to the Minister



Local authority reviews

2 review processes concluded (Waterford City and County Council, and Offaly County Council)



2 review processes initiated (Meath County Council and South Dublin County Council)



Case handling



740 individual customer correspondences processed



148 cases opened



36 preliminary examinations conducted



9 complaints upheld

Research, Training and Public Awareness activity

199



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

838



local authority and regional assembly staff registered for training in 2023

2



editions of new 'Learning from Litigation' legal bulletin published



leaflet number 16 - 'Large-scale Residential Development' - published



Introduction from the Planning Regulator

Niall Cussen, Planning Regulator

The Office of the Planning Regulator (OPR) oversees and supports the work of the 31 local authorities and An Bord Pleanála in performing their statutory planning functions. We hope that you find this report of our work in 2023 to be informative and helpful.

Ireland continues to benefit from a strong economic performance, while at the same time needing to address pressing societal and environmental issues in areas including housing delivery and action on climate and biodiversity. It is no surprise then that our planning process is frequently in the public eye. Planning is a public policy process under a high degree of expectation and one that benefits from independent oversight because of its importance to us all.

Our work is threefold in focus, from our evaluation of local authorities' statutory plans; reviews of the systems and procedures the authorities use to perform their planning functions; to undertaking research, training and raising public awareness regarding the benefits of proper planning.

2023 was our fifth year since establishment and witnessed a number of transitions in the nature of that work. In our oversight of the preparation of local authority development plans, the emphasis shifted from reviewing the strategic city and county development plans that many local authorities updated in previous years, to local area plans and variations of plans.

We re-started our programme of reviews of local authorities which was paused to a degree in 2022. This enabled our detailed examination of areas of concern that arose in An Bord Pleanála, and completion of two reports on this matter.

We built on past work in providing a comprehensive training programme for local authority elected members. During 2023 the emphasis shifted towards staff training and implementing the learning and development strategy for planning.

Overseeing Local Authority Development Plans

One of our key jobs is to independently oversee how the statutory local authority development plans and local area plans fit together nationally and regionally. These plans are also required by law to fit with wider national and regional planning objectives set by Government such as supporting more compact and sustainable development, the timely and co-ordinated provision of physical and community infrastructure, avoiding areas at risk of flooding.

Our work evaluating local area plans and variations of plans can be complex and sensitive. This is because of their more location specific objectives and policies than the city and county plans.

Our Plans Evaluation Team oversaw engagement in 22 statutory plan processes, three county development plans, six variations of plans and 13 local area plans, the vast majority of which met strategic legal and policy requirements. To ensure this, we made 123 statutory recommendations and 69 advisory observations on matters in such plans. These included matters such as their overall strategy, ensuring a compact and sustainable pattern of development and good environmental management.

We are seeing more and more evidence of better plan-making, directly related to both the clarity of strategic policy requirements of Government and our oversight role.

As Irish planning legislation mandates, we have the power to recommend to the Minister for Housing, Local Government and Heritage that directions be issued to local authorities to change their development plans where there are significant breaches of strategic policy requirements. In 2023 there were four such recommendations, two of which were in respect of development plans (Fingal and Clare) and two in respect of local area plans (Letterkenny and Castlebar). This was a downward trend on previous years.

In assessing local authority development plans, we are very conscious that elected members bring local knowledge and perspective to their statutory plan-making functions. However, where plans are not consistent with the wider planning objectives and policies that Government has set out in all our interests, it is then our role to step in and ensure that the planning process is coherent.

Overseeing the Performance of Planning Functions of Local Authorities

We undertake periodic reviews of the systems and procedures used by the 31 local authorities and An Bord Pleanála in the delivery of their statutory planning functions. Our approach and ethic in conducting such reviews is primarily focused on improving services, on learning and knowledge exchange.

In 2023, we concluded reviews in respect of Waterford City and County Council and Offaly County Council, and initiated reviews in respect of Meath and South Dublin County Councils.

Moreover, in the context of our monitoring of the implementation of previous reviews, we engaged with the relevant local authorities (Tipperary, Louth, Galway City and Kildare) in relation to progress every six months.

Such reviews are having a very positive effect overall in both highlighting effective performance and areas in need of investment, system reform and service enhancement.

A significant level of work in 2023 was undertaken in monitoring An Bord Pleanála's implementation of the review process we completed in 2022, including restoring capacity (now 15 board members up from five at the time of review), a new Code of Conduct, in-house legal unit and significant recruitment to ensure appropriate resourcing.

While significant progress was made in 2023 in relation to the progressive implementation of the review recommendations by An Bord Pleanála, ongoing implementation will be dependent on the progression of the Planning and Development Bill 2023, while at the same time focusing on tackling the large backlog of planning files.

In terms of handling queries and complaints from members of the public, in 2023, we opened 148 individual cases. While the number of cases opened decreased from the previous year, the number of examinations carried out increased from 19 to 36. In 2023, nine of these complaints were upheld with appropriate recommendations for service improvement issuing.

Research, Training and Public Awareness

2023 was another busy year for us in building the planning knowledge and awareness base. This is needed because of increasing complexity for planning in tackling challenging issues.

Through a range of in-person and online training events for elected members and staff, we connected with well over 800 of the 1,550 local authority staff in training events. Also, 199 councillors attended our two in-person events with many more joining online. These are hugely popular events and resources that the elected members, staff and wider stakeholders can access easily and for free online afterwards.

During 2023 we also launched our new legal bulletin. Litigation in planning has been a significant trend in recent years. A strong message from the learning and development survey in 2022 was the need for accessible and concise analysis of key legal cases to support the wider planning sector in being well informed, agile and responsive to new learnings from litigation.

We continued to deliver the research in line with our strategic planning research programme. New research initiatives include our first research series report which is on how to tackle barriers to brownfield land activation, and a practice note on employment related land uses.

We also worked to promote greater intake into planning careers given that many local authorities are experiencing significant staff shortages.

In addition, we expanded our hugely popular and free planning information leaflets to coincide with the introduction of the Large-scale Residential Development (LRD) consent system for larger housing developments.

Corporate Functioning

All of our work in any year critically depends on an effective, well-run and robust approach to our corporate functioning. The OPR operates stringent systems of both internal and external checks and controls, as our position within the overall planning process demands.

We continue to benefit from such controls in effectively and prudently managing our budget and sustaining a very open, progressive and values-driven corporate culture.

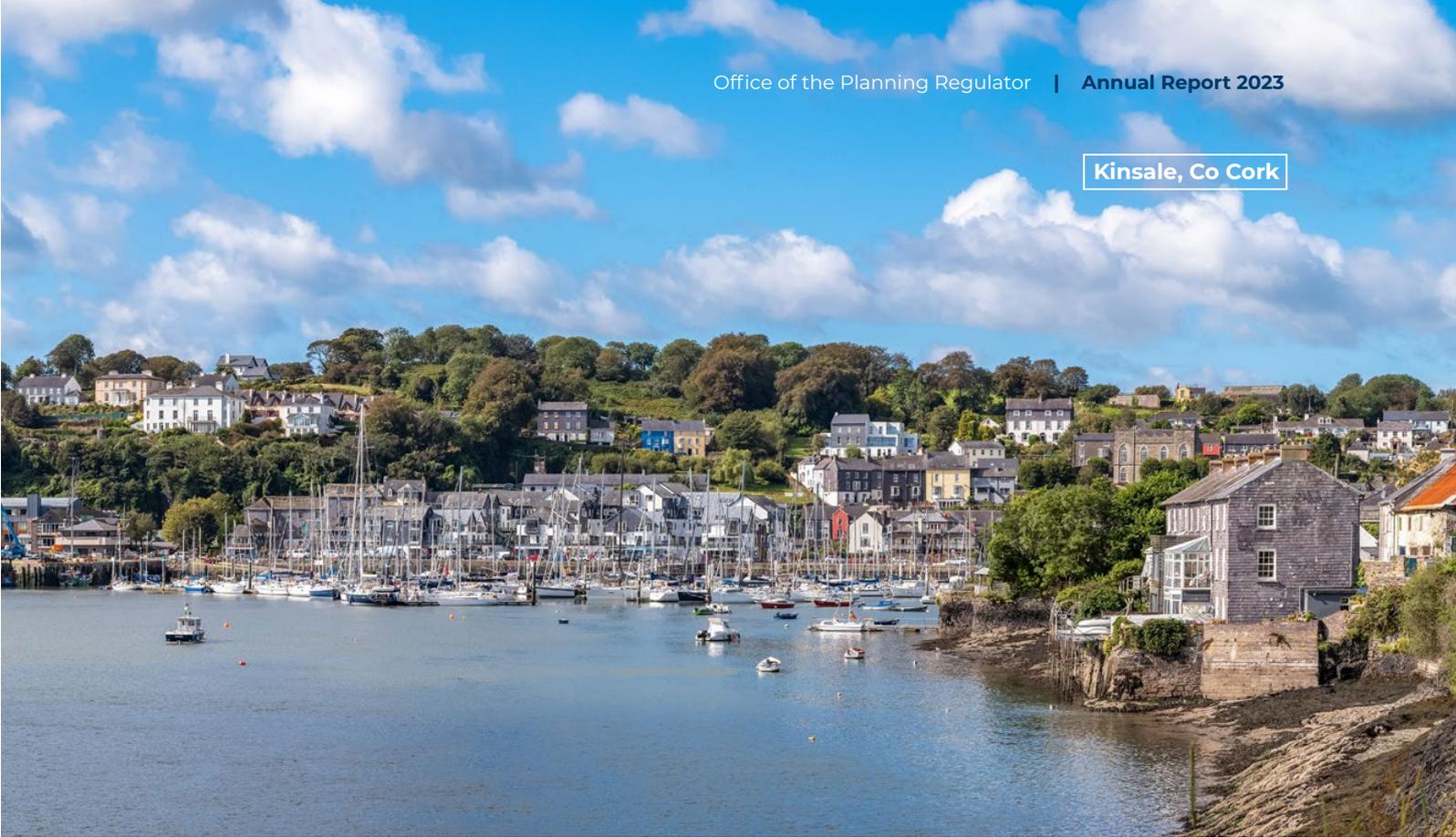
Like many organisations, a big challenge for us in 2023 was both finding and retaining the staff our functions critically depend on. Maintaining our strong reputation in the labour market as a progressive organisation where staff have valued and purposeful work continued to be key alongside the implementation of our strategic workforce plan with the support of Department of Housing, Local Government and Heritage (DHLGH).

Conclusions

Momentum in our work grew significantly in 2023, for which I firstly want to thank my own staff. I also wish to thank the Government, Minister Darragh O'Brien TD and both former Minister of State, Kieran O'Donnell TD, current Minister of State, Alan Dillon TD and all their staff at the DHLGH. Their support has been absolutely crucial in enabling the OPR to do its important work in enhancing Ireland's planning process and the public's trust in that process.



Niall Cussen
Planning Regulator



1

What We Do

- **Our Statutory Responsibilities**
- **Values**
- **Stakeholders**
- **Goals**



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

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

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

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

1.1 Our Statutory Responsibilities

The Planning and Development Act, 2000 as amended ('the Act') gives the OPR a statutory basis to carry out three main functions:

i. Evaluation of Statutory Plans

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

This includes evaluating city and county development plans, local area plans and variations/amendments of these plans.

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

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

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

ii. Planning Reviews and Examinations

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

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

iii. Education, Training and Research

In accordance with section 31Q of the Act, the OPR is responsible for driving national research, education and training to highlight the role and benefit of good planning. We deliver education and training programmes to both elected members and staff of local authorities and regional assemblies.

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



Figure 1 | OPR's Three Core Functions



1.2 Our Structure

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



Figure 2 | OPR Corporate Structure and Functions Map

1.3 Our Strategy

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



VISION

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

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

OUR VALUES



INDEPENDENCE



PROFESSIONALISM



TRANSPARENCY



ENGAGEMENT



CUSTOMER FOCUS

Figure 3 | OPR Vision and Values

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

Key Stakeholders

Engagement with key stakeholders is a core value and essential to achieving the OPR's vision. The OPR ensures that the inputs of many stakeholders in the planning process are taken into consideration, reflecting the interests of:

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

Goals

The strategy also identified five key goals and corresponding delivery actions for the OPR over the Strategy Statement period.

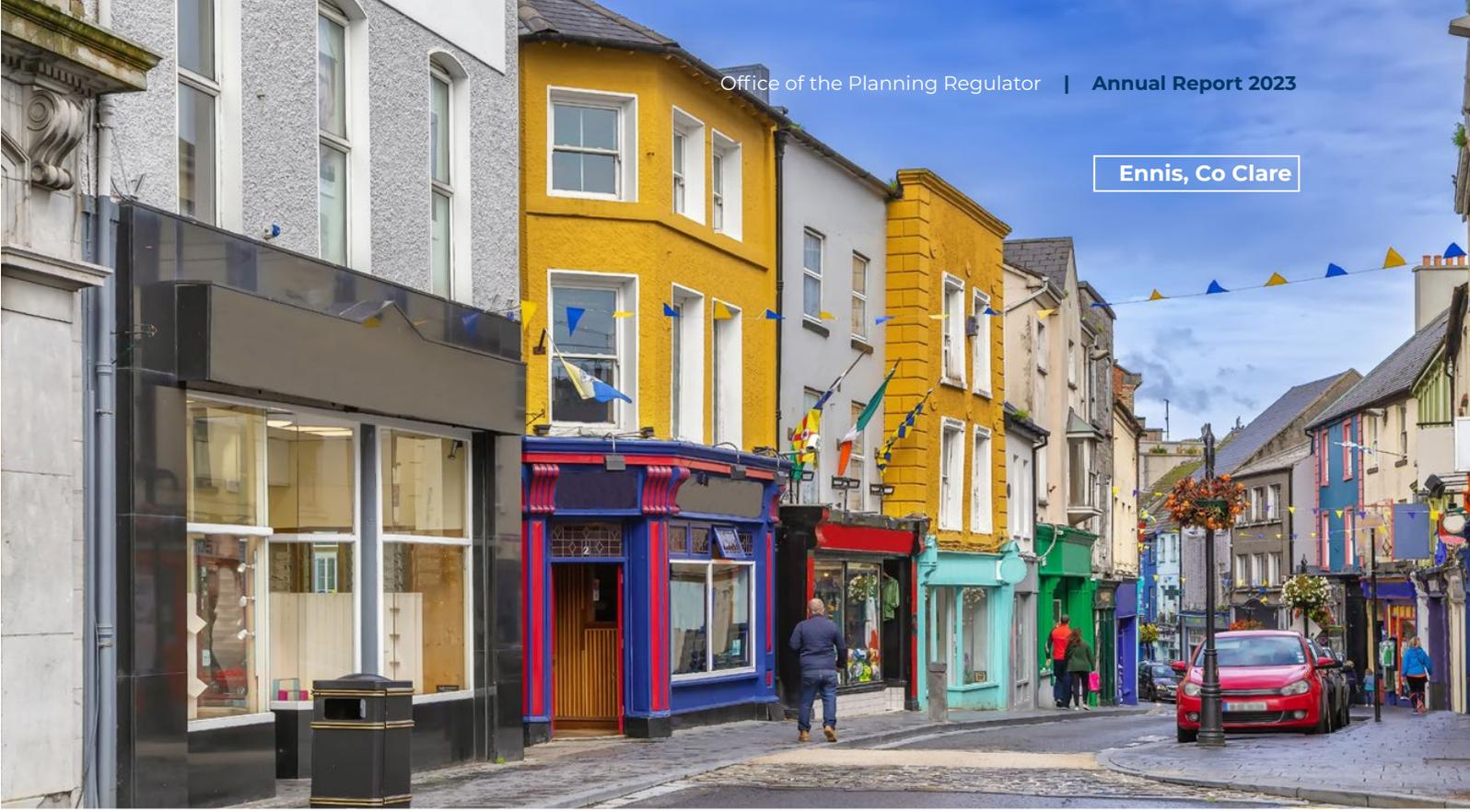
Goal 1: Building a reputation as a clear, fair and independent voice on the effectiveness of Ireland's planning process.

Goal 2: Driving innovation and learning for all those who are stakeholders in the planning process.

Goal 3: Focusing on the needs of customers and those with whom the OPR engages.

Goal 4: Creating a high-performing and efficient organisation that supports and enhances Ireland's planning process.

Goal 5: Building a resilient and agile organisation with a commitment to continuous learning.



2

Evaluation and Assessment of Statutory Plans

- Evaluation and Assessment of Statutory Plans
- OPR Submissions
- OPR Assessment of Adopted Plans
- Directions
- Judicial Reviews
- Spatial Data Management



2.1 Evaluation and Assessment of Statutory Plans

In accordance with sections 31AM and 31AO of the Act, the OPR is responsible for independently assessing all statutory plans with a view to ensuring that the plan provides for the proper planning and sustainable development of the area.

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

There are two plan-types that the OPR assesses:

- **City/county development plans (CDPs):** which set out the overall core strategy and specific objectives for the proper planning and sustainable development of the city or county; and
- **Local area plans (LAPs):** which provide a more detailed, locally-focused planning policy framework.

Additionally, the OPR must also consider any proposed variations to existing CDPs and amendments to LAPs.

During the review and preparation of the plan, the OPR reviews and evaluates the plan material. The OPR also assesses the final adopted plan. In terms of OPR input, there are four key stages of the plan making process:

- **Issues paper stage (IP):** occurs prior to the drafting of the plan, and helps to inform the preparation of the draft CDP or LAP. There is a public consultation at this stage, during which the OPR reviews the issues paper and prepares high-level comments. This stage is only a requirement for CDPs, but may also occur for LAPs.

- **Draft plan stage (DP):** the draft plan for the relevant city/county or local area is prepared for public consultation. The OPR reviews the draft plan and may make recommendations or observations on any aspect of the draft plan. This stage is required for all plan-types.

- **Material alterations stage (MA):** occurs when elected members opt to materially alter the draft plan. There is a public consultation on the proposed material alterations, and the OPR may make recommendations or observations on any material changes made. This stage is not required for all plans.

- **Adopted plan (AD):** at the end of the process the elected members of the relevant local authority make the plan. The OPR assesses the adopted plan and considers whether the recommendations made by the OPR have been satisfactorily addressed in the adopted plan. This stage is covered further in section 2.3.

OPR Assessment of CDPs

There are 31 CDPs in total, which represent the areas for the 31 local authorities. Prior to 2023, 25 of the 31 CDPs were adopted.

Of the remaining six CDPs, the consultation on the issues papers occurred for the Monaghan County Development Plan 2025-2031; the draft plan consultations occurred for the Donegal County Development Plan 2024-2030 and the Sligo County Development Plan 2024-2030; and the material alterations stage occurred on the Clare County Development Plan 2023-2029. The next stage for each of these plans is due to occur in 2024.

Table 1 | City/County Development Plans Considered by the OPR in 2023, by Stage

Plan name	Issues Paper	Draft Plan	Material Alterations	Adopted Plan
Clare County Development Plan 2023-2029	-	-	●	●
Donegal County Development Plan 2024-2030	-	●	-	-
Fingal Development Plan 2023-2029	-	-	-	●
Leitrim County Development Plan 2023-2029	-	-	-	●
Monaghan County Development Plan 2025-2031	●	-	-	-
Sligo County Development Plan 2024-2030	-	●	-	-

Three CDPs were adopted in 2023: Clare County Development Plan 2023-2029, Fingal Development Plan 2023-2029 and Leitrim County Development Plan 2023-2029. The outcome of these adoptions is discussed further in section 2.3.

Table 1 provides an overview of the stages for the CDPs which the OPR considered in 2023.

Variations to CDPs

The OPR also considered ten proposed variations to existing CDPs:

- four proposed variations to the Dublin City Development Plan 2022-2028;
- one proposed variation to each of the following development plans:
 - Donegal County Development Plan 2018-2024,²
 - Kilkenny City and County Development Plan 2021-2027,
 - Limerick Development Plan 2022-2028,
 - Monaghan County Development Plan 2019-2025
 - Wicklow County Development Plan 2022-2028;
- and the material alterations to a proposed variation to the Cork City Development Plan 2022-2028.

Six of the proposed variations were adopted in 2023. The outcome of the OPR's assessment is explored further in section 2.3. The review process was ongoing for the remaining four proposed variations.

In addition, the Sligo County Development Plan 2017-2023 was extended, by way of variation, further to the Planning and Development (Amendment) Act 2021 (No. 18 of 2021).

The Amendment allows local authorities to request an extension to the development plan review process of up to one year in response to the disruption caused by COVID-19. Any local authority seeking to request an extension was required to notify the OPR of their intention to extend the duration of the existing development plan, to assess the environmental impact, to undertake a public consultation, and to prepare a report of the chief executive regarding submissions received.

The OPR supported the request to extend the Sligo County Development Plan 2017-2023 to July 2024 and to extend the timeframe for the review and making of the new plan.

² The OPR's evaluation of the proposed variation to the Donegal County Development Plan 2018-2024 was ongoing at the end of 2023.

OPR Assessment of LAPs

LAPs set out objectives for the proper planning and sustainable development of specific areas. LAPs must be consistent with the corresponding CDPs. Following the completion of the relevant CDP, many local authorities started to prepare LAPs. Where the area which is subject of an LAP lies within the combined functional area of more than one local authority, then the

authorities concerned may work together in the review and/or preparation of a joint LAP.

In 2023, at least one stage occurred in the preparation of 43 LAPs.

Table 2 provides an overview of the stages which occurred in 2023 for the LAPs which the OPR considered in 2023.

Table 2 | Local Area Plans Considered by the OPR in 2023, by Stage³

Local Authority	Local Area Plan Name	Issues Paper	Draft Plan	Material Alterations	Adopted Plan
Carlow and Laois County Councils	Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030*	-	●	-	-
Clare County Council	Shannon Town and Environs Local Area Plan 2024-2030	●	-	-	-
Donegal County Council	Letterkenny Plan and Local Transport Plan 2023-2029	-	●	●	●
Dublin City Council	Ballyboggan Local Area Plan	●	-	-	-
Dún Laoghaire-Rathdown County Council	Old Connaught Local Area Plan	●	-	-	-
	Dundrum Local Area Plan 2023	-	●	-	●
	Kiltiernan-Glenamuck Local Area Plan 2024	●	-	-	-
Galway County Council	Athenry Local Area Plan 2024-2030	-	●	●	-
	Tuam Local Area Plan 2023-2029	-	●	●	●
	Loughrea Local Area Plan 2024-2030*	-	●	-	-
Kerry County Council	Killarney Municipal District Local Area Plan 2023-2029	●	-	-	-
	Tralee Municipal District Local Area Plan 2023-2029	●	-	-	-
	Listowel Municipal District Local Area Plan 2023-2029	●	-	-	-
	Kenmare Municipal District Local Area Plan 2024-2030	-	●	-	-
Kildare County Council	Kildare Town Local Area Plan 2023-2029	-	●	●	●
	Newbridge Local Area Plan 2025-2031	●	-	-	-
Laois and Offaly County Councils	Portarlinton Joint Local Area Plan 2024-2030	●	-	-	-
Leitrim and Roscommon County Councils	Carrick-on-Shannon Joint Local Area Plan	●	-	-	-

³ This table represents the stages which occurred during 2023 for each of the listed plans. Where the evaluation and assessment of the plan was ongoing at the end of 2023, this has been indicated by an asterisk.

Local Authority	Local Area Plan Name	Issues Paper	Draft Plan	Material Alterations	Adopted Plan
Limerick City and County Council	Abbeyfeale Local Area Plan 2023-2029	-	●	●	●
	Adare Local Area Plan 2024-2030*	●	●	●	-
	Caherconlish Local Area Plan 2023-2029	-	-	●	●
	Castleconnell Local Area Plan 2023-2029	-	-	●	●
	Newcastle West Local Area Plan 2023-2029*	●	●	●	●
	Patrickswell Local Area Plan 2024-2030*	●	●	●	-
	Rathkeale Local Area Plan 2023-2029	-	-	-	●
Louth County Council	Dundalk Local Area Plan	●	-	-	-
Mayo County Council	Castlebar Town and Environs Local Area Plan 2023-2029	-	●	●	●
	Westport Local Area Plan 2023-2029	-	●	-	-
	Ballina Local Area Plan 2024-2030*	-	●	-	-
Offaly County Council	Birr Local Area Plan 2023-2029	-	-	●	●
	Edenderry Local Area Plan 2023-2029	-	●	●	●
Roscommon County Council	Roscommon Town Local Area Plan 2024-2030*	-	●	-	-
Tipperary County Council	Clonmel Local Area Plan 2024-2030	-	●	●	-
	Nenagh Local Area Plan 2024-2030	-	●	●	-
	Roscrea Local Area Plan 2023-2029	-	●	●	●
	Thurles Local Area Plan 2024-2030	-	●	●	-
Waterford City and County Council	Dungarvan and Ballinroad Local Area Plan 2023-2029	●	-	-	-
	Tramore Local Area Plan 2023-2029	●	-	-	-
Westmeath and Roscommon County Councils	Athlone Joint Urban Area Plan 2024-2030*	●	-	-	-
Westmeath County Council	Mullingar Local Area Plan 2024-2030	●	-	-	-
Wexford County Council	Wexford Town Local Area Plan 2024-2030	●	-	-	-
Wicklow County Council	Wicklow Town-Rathnew Local Area Plan	●	-	-	-
	Greystones-Delgany and Kilcoole Local Area Plan*	●	-	-	-

Amendments to LAPs

In addition, one amendment was proposed to the Leixlip Local Area Plan 2020-2023 (as extended to 2026).

OPR Engagement with Stakeholders to Support Assessment of Plans

The OPR engages with local authorities throughout the plan-making process. This engagement allows the OPR to discuss key matters regarding a proposed plan, and to provide additional information, such as policy updates, which may support the work of the local authority during the plan-making process. In 2023, the OPR met with nine local authorities regarding the review and preparation of statutory plans.

The OPR also engages with the three regional assemblies regarding CDPs and LAPs: the Eastern and Midland Regional Assembly (EMRA), the Northern and Western Regional Assembly (NWRA) and the Southern Regional Assembly (SRA).

Regional assemblies are responsible for supporting strategic planning and sustainable development, with each of the three regional assemblies representing the local authorities in its regional area. During 2023, the OPR met with each of the regional assemblies.

The Plans Evaluation Forum (PEF) supports ongoing engagement between the OPR and prescribed bodies in relation to the plan-making process. The forum facilitates discussion and information exchange in the consideration of statutory plans by the OPR and encourages greater policy alignment among stakeholders in the context of the plan-making process. Members of the forum include: the DHLGH, the Department of the Environment, Climate and Communications, the Department of Education, the three regional assemblies, Uisce Éireann, the National Transport Authority (NTA), the Office of Public Works (OPW) and Transport Infrastructure Ireland (TII). The OPR held eight meetings of the PEF in 2023.



Moyne Abbey, Co Mayo

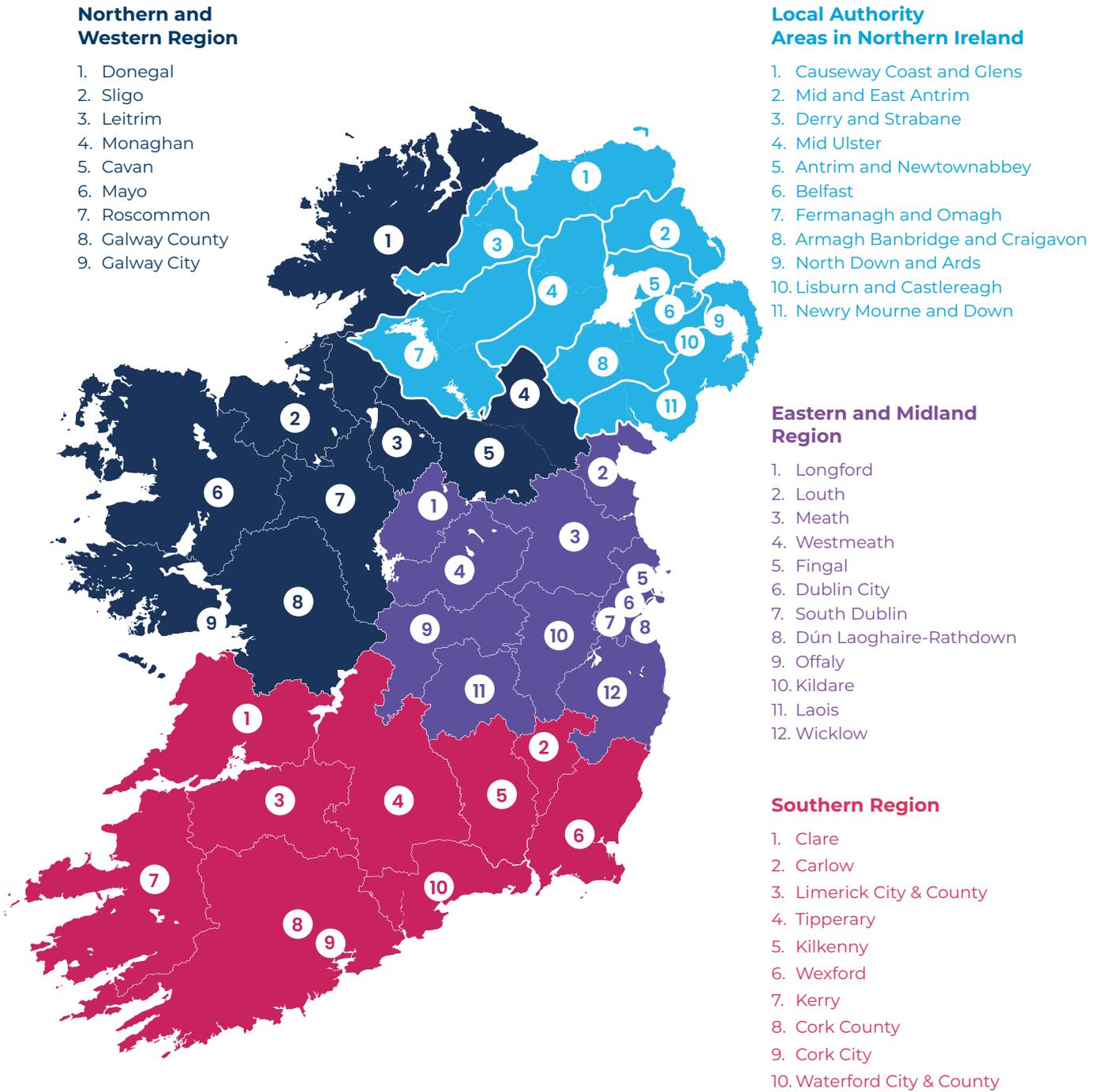


Figure 4 | Local Authorities and Regional Assemblies in Ireland and Local Authorities in Northern Ireland



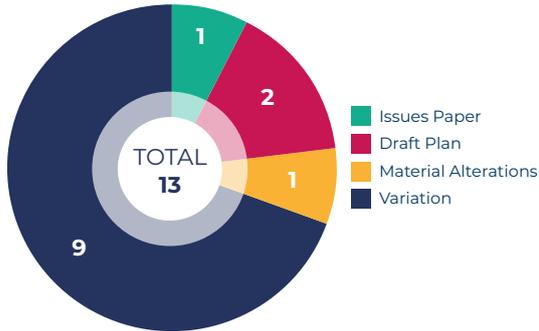
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Total number of submissions made by OPR in 2023

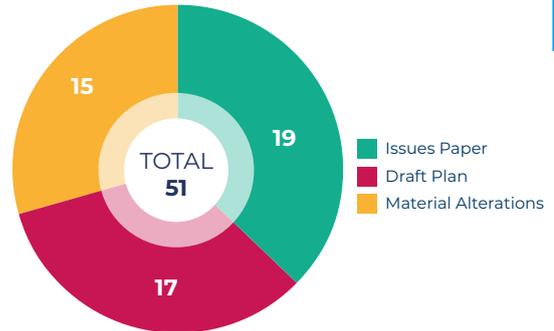
20%
City/County Development Plans

80%
Local Area Plans

% submissions by City/County Development Plans/Local Area Plans



Breakdown of submissions made on City/County Development Plans by stage



Breakdown of submissions made on Local Area Plans by stage

OPR completed assessment of 22 adopted plans: 3 City/County Development Plans, 6 Variations, 13 Local Area Plans

30%
Eastern and Midland Regional Assembly

44%
Southern Regional Assembly

26%
Northern and Western Regional Assembly

% of submissions by regional assembly area



9
Local Authorities

8
Plans Evaluation Forum

Stakeholder engagement: local authorities / Plans Evaluation Forum meetings

2.2 OPR Submissions

OPR submissions on statutory plans are based on the consideration of a range of legislative and policy matters. These include:

- Legislative provisions for statutory plans as provided for under the Act.
- Legislative provisions in relation to actions addressing climate change.
- The National Planning Framework (NPF).
- Regional Spatial and Economic Strategy (RSES).
- The NTA Transport Strategy (if in the Greater Dublin Area).
- The CDP (in the case of LAPs).
- Section 28 Ministerial guidelines, which relate to a range of matters concerning proper planning and sustainable development, such as development plans, housing supply, flood risk management, national and regional roads, retail, urban development, LAPs, rural housing and wind energy.
- Policy directives issued by the Minister under section 29 of the Act.

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

Recommendations made by the OPR relate to clear breaches of: relevant legislative provisions; national or regional policy framework; and/or Government policy, as set out in the Ministerial guidelines issued under section 28 of the Act.

These should be implemented or addressed by the local authority to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation may lead to the issuing of a Ministerial Direction under section 31 of the Act.

Observations made by the OPR are requests 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 or advises the local authority to act on an observation.

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

In 2023, the OPR made a total of 123 recommendations and 69 observations to submissions on statutory consultations. 35 recommendations and 13 observations were made about CDPs. A total of 88 recommendations and 56 observations were made on LAPs.

The recommendations contained in the OPR's submissions are reviewed by legislative category in Figure 5 and the observations are reviewed by legislative category in Figure 6. As recommendations and observations can cover more than one legislative provision, the numbers presented differ from the total numbers of recommendations and observations.

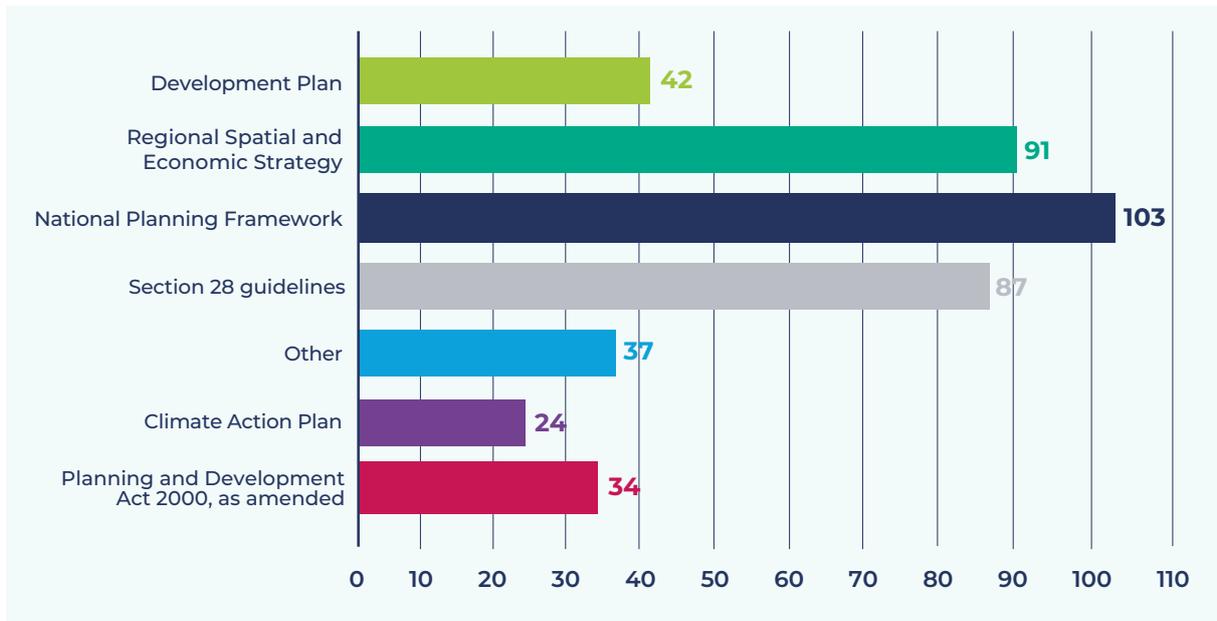


Figure 5 | OPR Recommendations by Legislative Category

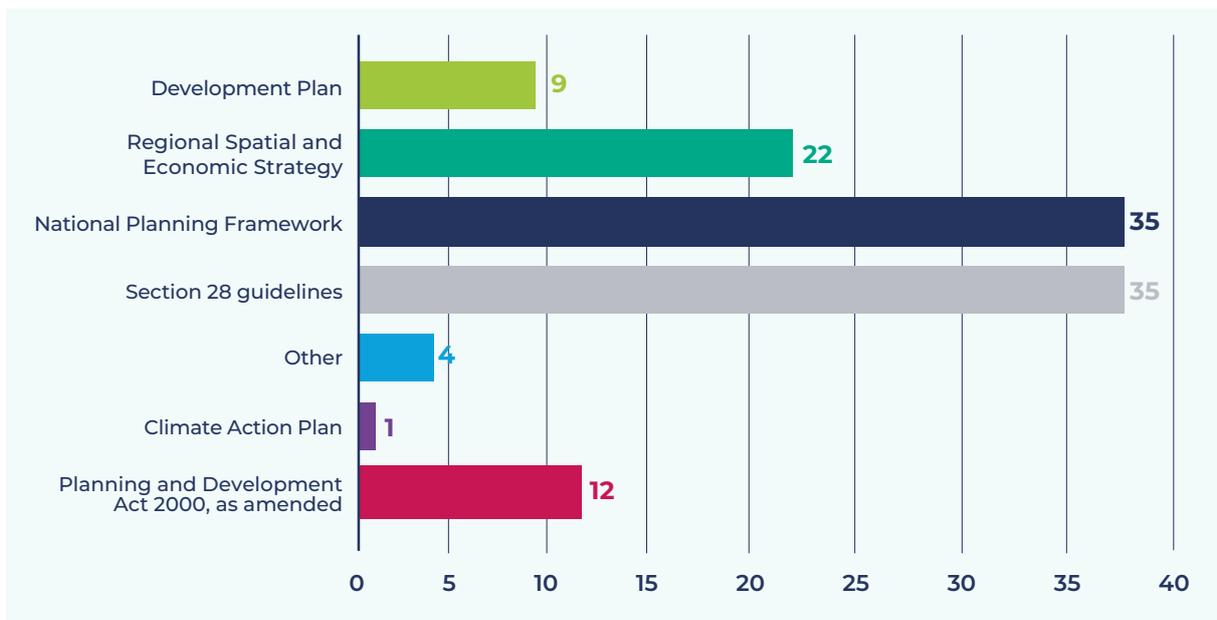


Figure 6 | OPR Observations by Legislative Category

OPR Recommendations on CDPs

In total, 35 recommendations were made to CDPs in 2023.

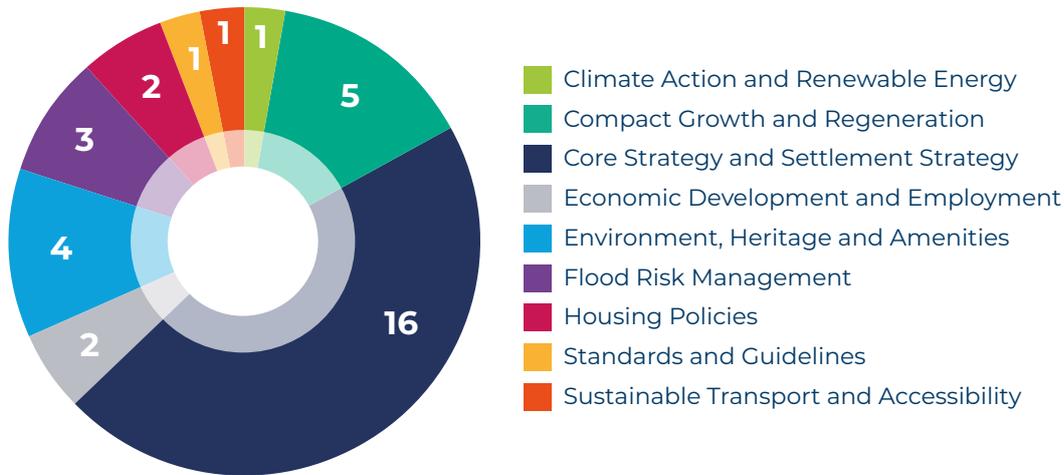


Figure 7 | Thematic Overview of Recommendations to CDPs

The three most common themes related to the recommendations of the OPR are:

1. Core Strategy and Settlement Strategy

A key component of any CDP is the core strategy, which sets out the population growth and housing supply targets for the six-year plan period. Both the housing and population growth targets are integral to the allocation of land-use zoning in the relevant local authority area and to the proportionate growth of towns and villages.

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

The recommendations generally required that population and housing supply targets were in accordance with the NPF and the RSES. And that the approach to zoning for residential development was aligned with the population and housing figures.

The OPR's recommendations also required, for example, additional information with the core strategy relating to the quantity of existing zoned lands, residential densities and proportion of lands capable of infill and brownfield development.

In relation to both the Sligo County Development Plan 2024-2030 and the Donegal County Development Plan 2024-2030, the OPR made recommendations regarding the respective regional growth centres, i.e. Sligo Town and Letterkenny, in view of their importance to the development of the northern western region. For both plans, the OPR recommended the inclusion of a stand-alone chapter, or significant section setting out a coherent strategy for the future development of this area. This approach complemented the wider regional centre policies and the RSES.

2. Land-use Zoning – Compact Growth and Sequential Development

Compact growth and the sequential approach to development are fundamental national and regional policy objectives, highlighting the need to identify infill and brownfield opportunities to intensify housing and employment development within the existing built-up footprint of settlements.

Recommendations issued by the OPR in relation to land-use zoning support this objective by ensuring a sequential approach to development is applied. This is to achieve a compact growth pattern within settlements, and regeneration, rejuvenation and intensification of settlements. Having sustainable settlement and transport strategies, alongside strategies to address high levels of dereliction and vacant buildings, will ensure that towns are developed consistent with the Town Centre First approach.

The objectives of achieving compact growth will reduce the carbon footprint, ensuring mandatory greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act 2015, as amended, are met, and integrating climate action into the planning system. A key component of the OPR's assessment is ensuring that lands near the town centre are prioritised, existing infrastructure is utilised and urban regeneration is supported.

The OPR submission on the draft Sligo County Development Plan 2024-2030 included recommendations in relation to compact growth, sequential development and infrastructure capacity to service zoned lands.

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

3. Environment, Heritage and Amenities

Recommendations relating to the environment, heritage and amenities were made in relation to inappropriate land use zoning, in respect of EU Designated Sites, the inclusion of public rights of way and built heritage policies.

Each planning authority, as the competent authority, have obligations under article 6(3) of the Habitat Directive requiring that the development plan will not adversely affect the integrity of a European site(s). In this regard, the OPR issued a recommendation to the material alterations of the draft Clare County Development Plan 2023-2029, requiring the omission from the adopted plan of certain material alterations to zone certain lands. The OPR made this recommendation as significant adverse effects on the integrity of specific European sites, in view of their conservation objectives, could not be ruled out. The plan was made without these material alterations.

The OPR was also satisfied with the response of Donegal County Council in respect of a recommendation to the Draft Donegal County Development Plan 2024-2030 that related to the inclusion of public rights of way on a map and a list of such sites, in accordance with section 10(2)(o) of the Act.

OPR Recommendations on Local Area Plans

In total, 88 recommendations were made to LAPs.

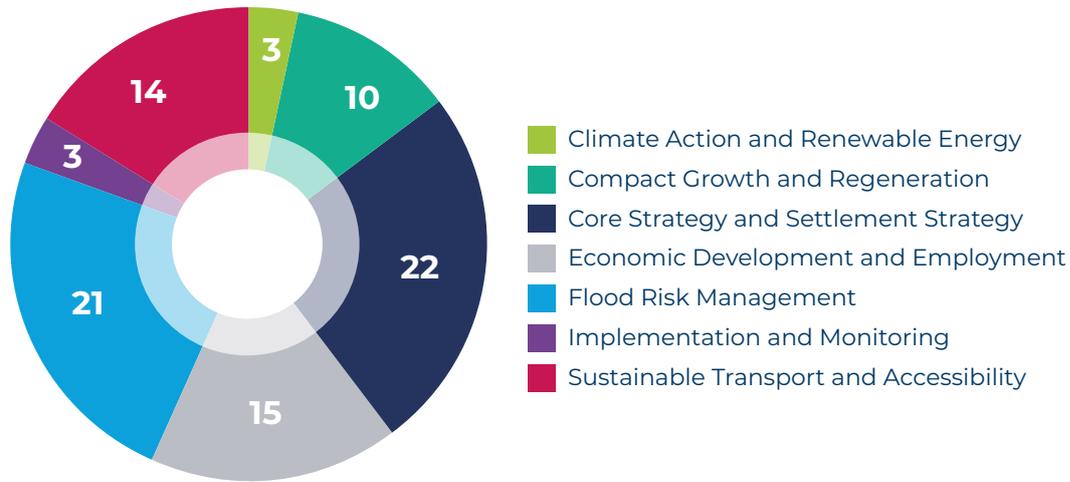


Figure 8 | Thematic Overview of Recommendations to LAPs

The three most common themes related to the recommendations of the OPR are:

1. Core Strategy and Settlement Strategy

The core strategy is a key part of any LAP, setting out population growth targets and housing supply targets for the six-year plan period, in alignment with the relevant CDP and RSES. These targets are relevant considerations for local authorities in determining land-use zoning objectives in a LAP.

Core strategy was the top theme in the OPR's recommendations on LAPs in 2023. In general, the OPR was satisfied with the approach in respect of core strategies in the LAPs in 2023.

In general, where recommendations were issued, local authorities were required to review new residential zonings. This was to ensure that the population and housing supply targets were consistent with the core strategy of the relevant CDPs.

This was in many cases, because the location of these new residential zonings were situated in peripheral locations relative to services and facilities, and not well served by public transport or easily accessed by active travel modes. They would not, therefore, deliver good planning outcomes for the LAP area.

Further, and typically, the proposed zonings did not represent sequential development, particularly within the context of compact growth contrary to the provisions of the Development Plans, Guidelines for Planning Authorities (2022).

On the draft Edenderry Local Area Plan 2023-2029, the OPR recommended against the rezoning of certain lands. This was having regard to the requirement to be consistent with the core strategy of the Offaly County Development Plan 2021-2027 and because the subject sites did not promote compact growth, did not support sustainable mobility and had infrastructural constraints.

Offaly County Council complied with this recommendation by omitting the material amendment from the adopted LAP. The OPR was satisfied that our recommendations were addressed and that the plan was consistent with the development plan core strategy.

2. Flood Risk Management

The OPR made recommendations in respect of flood risk management to ensure that land at risk of flooding was not zoned for vulnerable uses. The recommendations required local authorities to follow The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines), particularly in relation to applying a sequential approach,⁴ and preparing justification tests⁵ for certain lands. In cases where lands did not meet the requirements of the Justification Test, recommendations required rezoning to alternative, less vulnerable uses.

The OPR worked closely with the OPW on all cases regarding flood risk. The guidance and recommendations of the OPW were reviewed and incorporated into recommendations, where appropriate.

The OPR submission to the material alterations of the draft Clonmel Local Area Plan 2024-2030, required the planning authority to make the LAP without a proposed material alteration which involved changing the land-use zoning objective from employment to mixed use.⁶ The site related to lands zoned Mixed Use located within Flood Zone A.

The proposed Mixed Use zoning could potentially accommodate highly vulnerable uses including residential use, which are not appropriate within Flood Zone A.

The Flood Guidelines⁷ state that the sequential approach should be applied at plan-making stage to ensure that development is first and foremost directed towards lands that are at low risk of flooding. Where zoning is proposed on lands within flood zones, the planning authority must be satisfied that the lands pass the plan making Justification Test.

Tipperary County Council complied with this recommendation by omitting the material amendment from the adopted LAP. The OPR was satisfied that our recommendations were addressed and that the plan was consistent with national policy on flood risk management.

3. Economic Development and Employment

Recommendations relating to economic development and employment were made to ensure the approach to employment land-use zonings would not undermine and detract from the revitalisation of the town centres or be inconsistent with compact growth.

These recommendations were also made to ensure that the lands are able to connect to existing services and promote infrastructure-led growth. And to ensure the use of an evidence-based approach to zonings in order to maximise investment of infrastructure.

⁴ The sequential approach to managing flood risk first seeks to avoid development in areas at risk of flooding. If this is not possible, the development plan should substitute the land-use zoning objective for one that is less vulnerable to flooding. Only where both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.

⁵ An assessment of whether a development proposal within an area at risk of flooding meets specific criteria for proper planning and sustainable development and demonstrates that it will not be subject to unacceptable risk nor increase flood risk elsewhere. The Justification Test should be applied only where development is within flood risk areas that would be defined as inappropriate under the sequential approach.

⁶ Material Alteration 85.

⁷ Section 3.2 of the Flood Guidelines.

The OPR submissions to the material alterations of the draft Tuam Local Area Plan 2023-2029, required Galway County Council to make the LAP without certain material alterations. The reason for this was because it had not been adequately demonstrated that the subject lands are able to connect to existing services and promote infrastructure led growth. In addition, there was no demonstration that an evidence-based approach to zonings had been followed in order to maximise investment of infrastructure. The OPR also concluded that the overall approach in relation to employment zoned land had the potential to undermine and detract from the revitalisation of the town centre and compact forms of development that promote sustainable active travel.

The local authority complied with this recommendation by omitting the majority of material alterations from the adopted plan and by providing a clear rationale and justification for the remaining lands. We were satisfied that our recommendations were addressed.

2.3 OPR Assessment of Adopted Plans

Following the draft plan and/or material alterations consultation stages, the elected members of the local authority may vote to adopt a proposed plan. Once a plan has been adopted, the OPR has four weeks to assess it. For CDPs, the OPR considers if the plan is consistent with its recommendations and sets out an overall strategy for the proper planning and sustainable development of the area. For LAPs, the OPR considers if the plan is consistent with its recommendations and/or with the development plan of the area concerned.

All statutory plans come into effect six weeks after they are adopted. If the OPR is satisfied with the plan, it will issue an acknowledgement welcoming the plan. However, if it is inconsistent with recommendations made by the OPR, the OPR may advise the Minister to issue a direction.

In 2023, there were a total of 22 plan adoptions. Three CDPs were adopted and six variations were made to existing CDPs. Thirteen of the plans adopted were LAPs. No amendments to existing LAPs were made.

The OPR issued recommendations to all CDPs and two of the variations adopted in 2023. The OPR determined that no recommendations were required in its submission to four of the variations. One of the CDPs and the remaining two variations satisfactorily addressed the recommendations made by the OPR. Therefore, no further action was required. These plans are listed in Table 3.

The OPR issued recommendations to all LAPs adopted in 2023. Of these, ten satisfactorily addressed the recommendations made by the OPR.

The Newcastle West Local Area Plan 2023-2029 was adopted in December 2023 and the evaluation and assessment concluded in early 2024. However, the recommendations for this plan were also satisfactorily addressed.

Therefore, no further action was required. These plans are listed in Table 4.

The plans that did not satisfactorily address the recommendations made by the OPR are discussed further in the next section on directions.

Table 3 | Adopted City/County Development Plans and Variations – No further action required

Plan	No. of recommendations Issued	Adoption Date
Leitrim County Development Plan 2023-2029	13	7th February 2023
Variation No. 1 to the Cork City Development Plan 2022-2028	1	8th May 2023
Variation No. 1 to the Limerick Development Plan 2022-2028	0	22nd May 2023
Variation No. 1 of the Dublin City Development Plan 2022-2028	0	4th September 2023
Variation No. 5 of the Monaghan County Development Plan 2019-2025	1	6th November 2023
Variation No. 1 to the Wicklow County Development Plan 2022-2028	0	6th November 2023
Variation No. 1 to the Kilkenny City and County Development Plan 2021	0	20th November 2023



Table 4 | Adopted Local Area Plans – No further action required

Local Authority	Plan	No. of recommendations Issued	Adoption Date
Limerick City and County Council	Rathkeale Local Area Plan 2023-2029	2	10th January 2023
	Castleconnell Local Area Plan 2023-2029	2	17th April 2023
	Caherconlish Local Area Plan 2023-2029	3	20th April 2023
	Abbeyfeale Local Area Plan 2023-2029	1	4th October 2023
	Newcastle West Local Area Plan 2023-2029	3	6th December 2023
Offaly County Council	Birr Local Area Plan 2023-2029	3	15th May 2023
	Edenderry Local Area Plan 2023-2029	5	17th July 2023
Galway County Council	Tuam Local Area Plan 2023-2029	6	11th September 2023
Tipperary County Council	Roscrea Local Area Plan 2023-2029	6	11th September 2023
Dún Laoghaire-Rathdown County Council	Dundrum Local Area Plan 2023	1	10th October 2023
Kildare County Council	Kildare Town Local Area Plan 2023-2029	4	26th October 2023

2.4 Directions

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

Should the OPR consider this is necessary, it will issue a notice letter to the Minister outlining its reason for reaching the decision.

This notice letter will explain how the plan is inconsistent with the OPR's recommendations and how, in the case of CDPs, the plan fails to set out an overall strategy for the proper planning and sustainable development of the area. Or in the case of LAPs, how it is inconsistent with the development plan of the area involved. The OPR also prepares a proposed draft direction for the Minister.

Table 5 | Proposed Draft Directions Issued by the OPR

Plan	Local Authority	Adoption Date	No. of recommendations Issued	No. of Recommendations Draft Direction related to
Fingal Development Plan 2023-2029	Fingal County Council	22nd February 2023	24	3
Clare County Development Plan 2023-2029	Clare County Council	9th March 2023	23	7
Letterkenny Plan and Local Transport Plan 2023-2029	Donegal County Council	13th November 2023	20	7
Castlebar Town and Environs Local Area Plan 2023-2029	Mayo County Council	27th November 2023	7	4

Following consideration of this, the Minister may decide to issue a draft direction to the relevant local authority. Once the Minister issues a draft direction, the parts of the plan which the draft direction relates to, do not come into effect in the adopted plan.

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

In 2023, two of the adopted CDPs and two of the adopted LAPs included provisions that did not satisfactorily address the recommendations that the OPR had made at either the draft plan or material alterations stage. The proposed draft directions issued by the OPR to the Minister for each of the plans only related to a limited number of the recommendations made at draft plan or material alterations stage.

Draft Directions CDPs

In 2023, the OPR recommended draft directions in respect of two of the three adopted development plans – Fingal Development Plan 2023-2029 and Clare County Development Plan 2023-2029. The OPR made no recommendation in respect of the six adopted variations of development plans.

The two draft directions collectively contained 27 recommended changes to the development plan in order to resolve the issues raised by the OPR in its recommendations made at either draft plan or material alterations stages. The directed changes principally related to zoning objectives included in the adopted plans. The primary reason for the recommended changes relate to clear breaches of national and/or regional policy, under a wide range of issues, primarily related to the following themes:

- core strategy and settlement strategy;
- compact growth and regeneration;
- flood risk management;
- environment, heritage and amenities;
- sustainable transport; and
- accessibility.

Flood risk management was significantly less frequent a reason for a direction in 2023 than in previous years, pointing to an increased awareness among planning authorities of the requirement to better manage flood risk through statutory plans. In 2023, flood risk accounted for two of the recommended directed changes in respect of the direction for the Clare County Development Plan 2023-2029.

Draft Directions LAPs

The OPR issued a recommendation to the Minister for direction in respect of only two of the 13 adopted LAPs – Letterkenny Plan and Local Transport Plan 2023-2029 and Castlebar Town and Environs Local Area Plan 2023-2029.

The two draft directions collectively contained 16 recommended directed changes to the LAPs in order to resolve the issues raised by the OPR in its recommendations on the draft plan or material alterations stages.

As per the directions on development plans, the directed changes principally related to zoning objectives included in the adopted LAPs. The reasons for the recommended changes relate to clear breaches of regional or development plan policy under a wide range of issues, primarily related to the following themes:

- compact growth and regeneration;
- core strategy and settlement strategy;
- economic development and employment; and
- flood risk management.

As in the case of development plans, flood risk management was significantly less frequent a reason for LAP directions in 2023 than in previous years. This points to an increased awareness among planning authorities of the requirement to better manage flood risk through statutory plans.

In 2023, it accounted for one of the recommended directed changes, in respect of the direction for the Letterkenny Plan and Local Transport Plan 2023-2029.

Final Directions

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

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

The final direction process was completed for Clare County Development Plan 2023-2029 and Fingal Development Plan 2023-2029 in 2023. The OPR also concluded the direction process for two development plans which were adopted in 2022, proposing two further final directions in relation to the Wicklow County Development Plan 2022-2028 and Galway City Development Plan 2023-2029. The Minister issued a final direction on all four plans in 2023.

The direction process was ongoing for the Castlebar Town and Environs Local Area Plan 2023-2029 and the Letterkenny Plan and Local Transport Plan 2023-2029 at the end of 2023.

Outcomes of Final Directions

The OPR issued four final directions on CDPs in 2023, relating to:

- Wicklow County Development Plan 2022-2028
- Galway City Development Plan 2023-2029
- Fingal Development Plan 2023-2029
- Clare County Development Plan 2023-2029

The outcome of the OPR's final directions were positive in terms of promoting compact and sustainable growth, ensuring that land zoned for development is serviced and avoiding putting vulnerable homes and businesses at risk of flooding.

Not only do these interventions reflect the national and regional policy framework for the proper planning and sustainable development of our cities and counties, but they are especially important in tackling the key challenges of climate change and biodiversity loss.

Similarly, in terms of the challenges relating to housing, it is important to ensure that new homes are well located and can meet the needs of future communities.

The primary reason for the interventions relate to clear breaches of national and/or regional policy, which link to a wide range of issues which can be categorised by theme.

The most common theme in our final directions was compact growth and regeneration. In the case of Galway City, the development plan included land-use zoning objectives that were piecemeal in nature and non-sequential, therefore undermining the potential to deliver more compact forms of development served by existing or planned infrastructure, services and amenities. This type of development is also dependent on private car transport, leading to an increase in energy use and greenhouse gas emissions.

The direction required that such land be zoned for more suitable purposes.

The second highest theme that featured in our final directions relates to the core strategy and settlement strategy. In Wicklow and Galway City, the development plans included zoning objectives that would have allowed for residential development, and in some cases employment land, in peripheral or isolated areas, largely outside of the town or village boundaries. This would have also been in circumstances where the plans already included enough zoned land which was better located in terms of infrastructure provision and access to schools, shops, and other community facilities by future residents.

The outcome of these directions resulted in Wicklow County Council and Galway City Council primarily omitting zoning objectives that did not represent sequential development. Particularly within the context of compact growth contrary to the provisions of the Development Plans, Guidelines for Planning Authorities (2022). Additionally, these zonings were removed from services and facilities, and not well served by active or public transport.

The third highest theme that featured in our final directions relates to flood risk management. In Galway City, the direction required land at risk of flooding to be zoned for less vulnerable uses. This was to prevent against unsuitable development in areas vulnerable to flooding, and ensure that settlements can continue to grow in a safe and sustainable way.

The outcome of these directions required local authorities to omit zonings. This is in order to ensure that land at risk of flooding was not zoned for vulnerable uses, which would result in a flood risk to property and people.

In respect of the Fingal Development Plan 2023-2029 and Clare County Development Plan 2023-2029, the outcome of these directions resulted in Fingal and Clare County Councils primarily omitting zoning objectives included in the adopted development plans. This was where the new zonings were situated in peripheral locations relative to services and facilities, and not well served by public transport or easily accessed by active travel modes. They would not, therefore, deliver good planning outcomes for the CDPs. Also, the proposed zonings did not represent sequential development, particularly within the context of compact growth, contrary to the provisions of the Development Plans, Guidelines for Planning Authorities (2022).

Ministerial Statements of Reasons

Where the Minister does not agree with the recommendation of the OPR regarding either the draft direction or the final direction, they must prepare a statement in writing of reasons for not agreeing. This is referred to as the Statement of Reasons. It can apply to the direction as a whole or, more commonly, to part of the direction. The Statement of Reasons must then be laid before each House of the Oireachtas, and made available on the website of the DHLGH.

In 2023, the Minister did not agree with the OPR in respect of two of the 43 individual recommended directed changes that were the subject of a draft or final direction recommendation by the OPR.

With regard to the draft direction on the Galway City Development Plan 2023-2029, the Minister did not agree with an element of the OPR's recommended draft direction regarding rezoning some land at Ragoon from Residential land to Agriculture.

The Minister's rationale, as outlined in the Statement of Reasons, found that the lands concerned are serviced by public water and wastewater services and may be developed for housing within the life of the CDP. In reaching this determination, the Minister had regard to the submission Uisce Éireann made to the local authority. The Minister also found that, as the lands are adjacent to existing zoned land and the existing urban environment of Galway, the zoning of these lands for residential development is reasonable in a city context.

With regard to the recommended final direction on the Wicklow County Development Plan 2022-2028, the Minister did not agree with the OPR's recommendation to change the zoning at Ashford from New Residential to Unzoned land. The Minister's rationale, as outlined in the Statement of Reasons, found that the lands are adjacent to an approved Strategic Housing Development (SHD) which is nearing completion and has the potential to provide access to the subject lands. With the result that the lands may be considered to be serviced and may be developed for housing within the life of the CDP. The Minister considered that the zoning of these lands for residential development is reasonable in the circumstances.

In both cases, the matters outlined in the Statement of Reasons related to the policy and objective provisions of the Development Plans, Guidelines for Planning Authorities (2022). The lands in question are zoned in existing development plans, are serviced and can be developed for housing within the life of the new development plans, therefore, it should not be subject to de-zoning.

2.5 Judicial Reviews

As an administrative body under the remit of the Act, the decisions of the OPR are open to judicial review, in which the court will primarily consider the lawfulness of the decision-making process. In reaching its decision, the court may assess if the OPR has the authority to make a decision, if the manner in which the decision was made is fair, and if the OPR complied

with all legal requirements governing its decision. Judicial reviews may relate to the recommendation of the OPR or the decision of the Minister.

The plans which are subject to judicial review are listed in Table 6. No decision has been issued by the courts in respect of any of the proceedings.

Table 6 | Plans Subject to Judicial Reviews

Plan Name	Number of Judicial Reviews
Clare County Development Plan 2023-2029	1
Cork City Development Plan 2022-2028	1
Dún Laoghaire-Rathdown County Development Plan 2022-2028	1
Fingal Development Plan 2023-2029	3
Galway City Development Plan 2023-2029	1
Kildare County Development Plan 2023-2029	1
Limerick Development Plan 2022-2028	1
South Dublin County Development Plan 2022-2028	1
Wicklow County Development Plan 2022-2028	2

2.6 Spatial Data Management

Digital Planning Hub

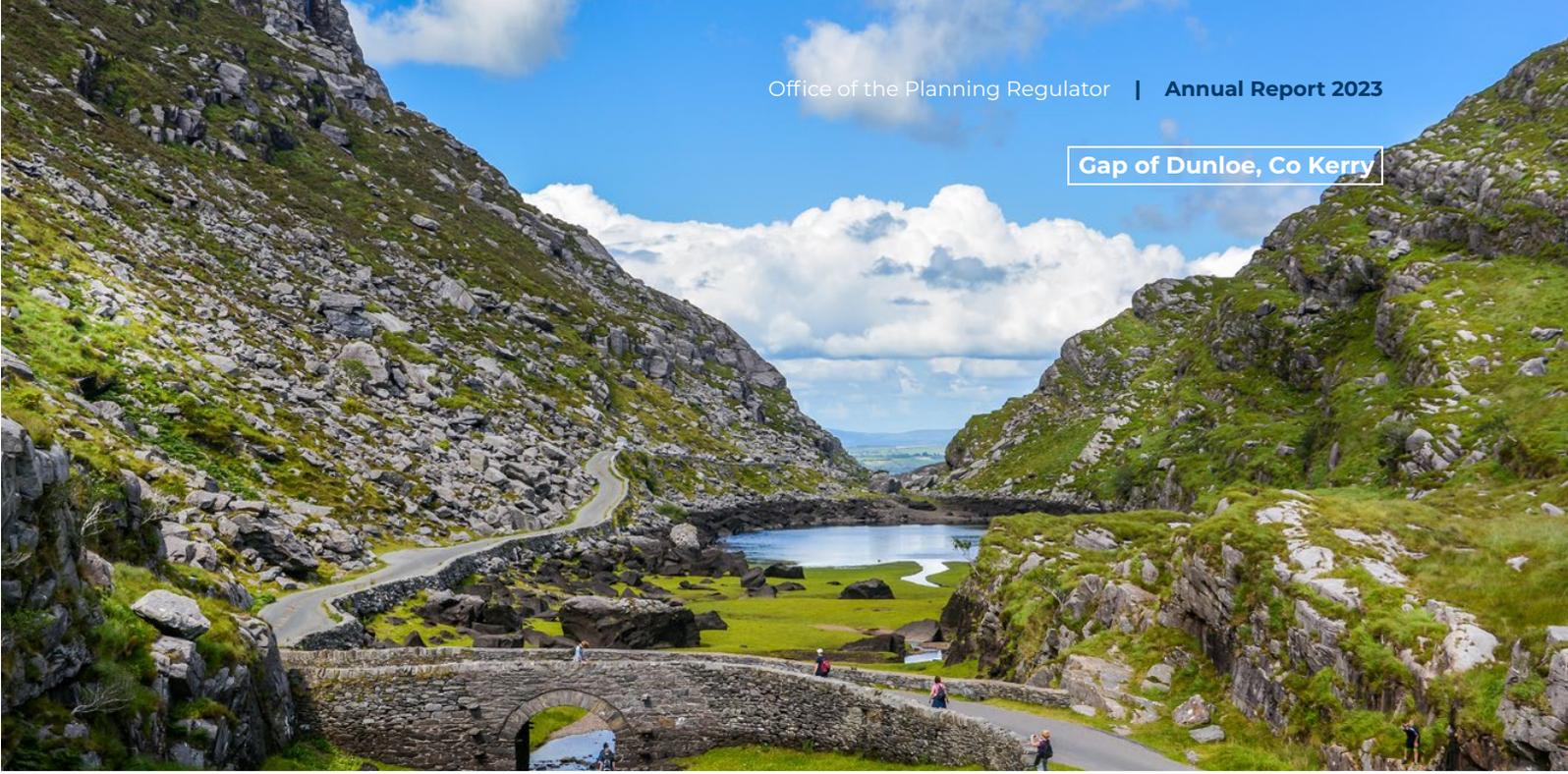
The OPR launched a Digital Planning Hub in 2023. This hub allowed the OPR to consolidate its suite of digital planning tools and make them readily available to OPR staff via a central access point. Within the hub is a range of digital maps, calculators, and the OPR's GIS Portal, a web-based content management system. The hub allows for GIS data, from disparate sources, to be collated in a single location. It is intended to make this hub available to the public in 2024.

Settlement Housing Delivery Tracker

In 2023, a dashboard was created to measure housing delivery at a settlement level. The application allows users to track housing completion figures at a settlement level. It also allows users to track at predefined spatial scales beyond a settlement boundary.

Local Area Plan Making Calculator

In 2023, the OPR launched its second plan-making calculator, which focused on LAPs. This application allows users to quickly and easily calculate the different stages and timeframes with regard to the preparation of LAPs.



3

Planning Reviews and Examinations

- Local Authority Reviews Programme
- An Bord Pleanála Review
- Misleading Information in Planning Applications
- Case Handling and Examination of Complaints
- Case Handling Trends
- Case Study Examples



Chapter IV ('Review of Planning Functions') of Part IIB of the Act, empowers the OPR to review and/or examine the systems and procedures used by local authorities and An Bord Pleanála to perform their planning functions.



There are three contexts:

Section 31AS	Where the OPR considers such a review to be necessary or appropriate.
Section 31AT	At the instigation of the Minister for Housing, Local Government and Heritage.
Section 31AU	An examination of a complaint related to the organisation of a local authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

These provisions give a basis for the OPR to oversee the effective delivery of planning services to the public and, in doing so, significantly strengthen institutional arrangements to ensure the proper functioning and integrity of the planning system. This regulatory foundation grants the OPR the authority to monitor and actively evaluate the performance of the national planning system and to identify areas for improvement across the 31 local authorities and An Bord Pleanála.

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

3.1 Local Authority Reviews Programme

As committed to in our Strategy Statement, the OPR has implemented a programme of reviews whereby we will review each local authority on a regular cycle.

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

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

More information can be found on our reviews programme page.⁸

⁸ <https://www.opr.ie/reviews-programme/>

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

To give structure and guide the programme, the delivery of individual local authority reviews is guided by our reviews methodology. This methodology was developed with the assistance of the Department of Housing, Local Government and Heritage, the National Oversight and Audit Commission, representatives of the local government sector, An Bord Pleanála, the national planning institutes and wider stakeholders. This reviews methodology is updated regularly and ensures reviews are implemented in a consistent manner.

OPR reviews consider the systems and procedures used by local authorities in the context of a number of key areas of statutory planning service delivery. The OPR will analyse performance under these headings. The OPR utilise a range of available evidence as well as information and reports provided by the local authority being reviewed.

The OPR will also conduct fieldwork, visiting the local authority offices and engaging with planning department staff through workshops.

It is important to highlight that an OPR review is improvement-focused, designed to complement and add value to the local authorities' own performance and improvement plans. The reviews programme is intended as a developmental resource for the planning system. Recommendations arising from the process are designed to enhance the delivery of services to the public. A key feature is the identification of case studies which can promote good practice.

Following conclusion of the pilot phase of the reviews programme in 2022, the OPR embarked on reviews of Waterford City and County Council and Offaly County Council. These two review processes were concluded and review reports were published during 2023. The key findings from the Waterford and Offaly reviews are outlined later in this section. In addition, reviews of Meath County Council and South Dublin County Council were initiated during 2023.

Reviews for 2023



Waterford City and County Council

This was the fifth OPR review to be conducted with the final report being published in September 2023.

The review found that Waterford City and County Council is delivering its key statutory functions on an effective basis, and within the expected range of national performance trends. Almost 1,000 planning applications are being processed annually. The Council has leveraged record funding for regeneration projects. A new development plan was adopted in 2022 after extensive engagement with the public and elected members.

The OPR made ten recommendations in the review report. Some overarching recommendations are:

- **Land activation projects:** building on its existing proactive approach to special projects, it was recommended that the Council establish dedicated resources in the planning department to coordinate site activation projects. This recommendation has since been fulfilled with the establishment of a team tasked with delivering on active land management, including derelict and vacant sites;
- **Strategic resourcing:** an internal evaluation be conducted regarding the planning department's capacity and the risks faced, to inform the Council in relation to its strategic resourcing needs;
- **Development management:** a number of minor initiatives to be implemented to make processes more robust;
- **Planning enforcement:** assign dedicated personnel to drive delivery of the Council's enforcement work programme, including enhanced monitoring and reporting of activity.



Offaly County Council

This sixth OPR review was finalised and published in November 2023.

The review found that Offaly County Council is delivering its key statutory functions on an effective basis, and within the expected range of national performance trends.

Overall, the review found that the Council operates effective, 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'.

The report highlights the positive impact of the Council's dedicated architecture, heritage and 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, external stakeholders including the Heritage Council, local communities and property owners.

The OPR made ten recommendations to Offaly County Council in the review report, including:

- **Land activation projects:** The Council should prioritise additional resources for the planning department;
- **Monitoring and implementation:** The Council should introduce a comprehensive monitoring regime to ensure the implementation of statutory plan policy objectives is reviewed on an ongoing basis;
- **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 enforcement.



Progress Monitoring

Following any review, the OPR continues to monitor progress in relation to the recommendations it has made to ensure they are effectively implemented.

During 2023, the OPR continued to monitor progress in relation to all previously completed local authority reviews.



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

Monitoring the implementation of OPR recommendations is essential to ensure the integrity of the process. This is achieved using a staged approach. Once a particular review is complete, we continue to work with the local authority to ensure that the recommendations are implemented. This monitoring is carried out at six-month intervals.

In general, the OPR's monitoring indicates that review recommendations are being implemented, or progressed, across the various local authorities. The monitoring also highlights ongoing resourcing challenges experienced by some planning departments, with consequent implications for the implementation of review recommendations.

We are continuing to monitor implementation of local authority reviews as follows:

- **Tipperary County Council**
– 24 month progress update was progressed;
- **Louth County Council**
– 24 month progress update was progressed;
- **Galway City Council**
– 18 month progress update was completed; and
- **Kildare County Council**
– 12 month progress update was completed.

3.2 Implementation of An Bord Pleanála (ABP) Review Recommendations

The OPR conducted a focused review in relation to the functioning of ABP during 2022, which was carried out over two phases with the assistance of experienced external experts. The emphasis of the review process was on examining the robustness and effectiveness of decision-making practices, the organisation of work, governance arrangements and casefile handling, as well as reporting on wider relevant structural issues.

Two separate reports were produced on foot of this process containing 34 wide-ranging recommendations. These recommendations include measures designed to improve capacity to deliver timely and robust planning decisions, enhance corporate management and improve arrangements for internal governance and procedural transparency. The OPR worked with ABP throughout 2023 to progress the implementation of the review recommendations, and continues to do so during 2024.

OPR monitoring to the end of 2023 acknowledges that significant progress was made with many recommendations being implemented, including:

- Restoring capacity at board level within the organisation to deal with ongoing caseload. In 2023, an expanded board of 15 members was put in place (up from five at the time of review), which has allowed ABP make inroads in relation to the backlog of planning files.
- The mechanism allowing for board meetings with a quorum of two members has been permanently removed.

- A new Code of Conduct, based on guiding principles identified in the OPR review, was introduced and a dedicated Ethics Officer has been appointed
- A new in-house legal unit has been established to support the decision-making process.
- Progress was made in relation to the enhancement and development of internal decision-making procedures to ensure that processes are unquestionably robust in terms of transparency and fairness.
- A renewed focus has been placed on staff development, performance and internal communications as well as external communications and engagement with stakeholders.

The significant progress made in relation to staff recruitment must also be acknowledged. While recruitment is ongoing, over 100 new posts have been sanctioned since the OPR review was initiated. Over 250 staff, including board members, are now working within ABP and the overall complement of staff is expected to exceed 300 during 2024.

While significant progress has been made, the effect of the backlog of planning files continues to be a significant concern for the overall operation of the planning process and the stakeholders it serves.

The OPR continues to work with ABP and the DHLGH to ensure that the issues identified through the review process are addressed through the ongoing implementation of review recommendations.

3.3 National Planning Performance – Misleading Information in Planning Applications

Section 31P(1) of Act sets out the functions of the OPR in overseeing the delivery of effective planning services to the public and in making observations to the Minister in relation to appropriate matters.

In this regard, the issue of misleading information being included in planning applications, essentially for the purposes of enhancing the chances of securing planning permission, is a matter of concern to the OPR. Such behaviour creates the potential to undermine the public's trust in the overall fairness and consistency of the planning process. Public confidence in the planning system depends on trust in procedures used by local authorities but also on the expectation that permissions will not be granted based on false information being provided by applicants.

To examine the matter, the OPR conducted a focused survey of local authorities in relation to their awareness and experience of false information being included in the submission of planning applications and their views regarding how to address such issues. Of the 31 local authorities 16 (52%), responded to the survey.

Key findings:

- All responding authorities indicated that misleading information can be an issue, with two authorities (13%) indicating that it was a more regularly recurring issue;
- Responding authorities were broadly split as to the likelihood that planning permission would be refused on the basis of concerns about false information;

- Most responding authorities felt the statutory planning code does not adequately empower them to address the issue of misleading information, with 13 of the 16 responding authorities (81%) expressing that view.

In summary, the responses received suggest there can be an issue in relation to false information being submitted by individuals when providing documentation in support of planning applications, and that this is challenging for authorities to govern.

Furthermore, it would appear that planners expend considerable resources and time in attempting to verify application documentation when assessing planning applications.

Responding authorities suggested a range of measures which may assist in addressing this, including:

- The provision of DHLGH guidance clarifying authorities' scope under the current statutory provisions to deal with the submission of suspected false information in planning applications.
- That consideration be given towards a requirement for statutory declarations to be provided by planning applicants. Also that consideration be given to the introduction of penalties, including significant fines, for submitting misleading or false information in the course of making applications.
- That scope be given to revoke permissions for un-commenced developments in circumstances where information that was provided in the application is subsequently determined to be false.

- The implementation of a national public awareness campaign underlining the importance of accurate information being provided by applicants, which would also highlight that a prosecution for fraud could be sought where it is considered that an applicant intended to make gain by deception.

The OPR reported to the Minister, outlining the survey findings and suggesting possible actions that could be taken to address the potential for fraud in the planning process and provide reassurance that all applicants are treated on a fair and consistent basis nationally. While fraud offences are within the scope of the criminal justice system, local authorities' awareness of how to deal with such cases could be strengthened.

The parallels were also highlighted between those that may deliberately falsify information to gain from a favourable planning consent and individuals that may seek to exploit the planning appeals process for their own personal gain. These are interconnected issues. A misuse of the planning system to achieve personal gain at the expense of others is at the heart of both. Both raise criminal justice concerns as well as being an affront to the principle of common good that is the essence of the planning process.

Implementing appropriate actions will require the commitment of the governmental planning sector as well as the input of the criminal justice system. The OPR will continue to engage with the DHLGH to address the potential for individuals acting in bad faith to undermine public trust in the overall fairness of the planning process.

3.4 Case Handling

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

The OPR provides a service to the public in relation to a variety of planning-related case types, which forms our case handling function including:

- **Queries** or general information requests, which typically seek clarification about how a specific aspect of the planning system operates.
- **Submissions** on aspects of the operation of the planning process, often highlighting issues relating to national planning policy or statutory provisions and are often illustrated with case studies or other evidence.
- **Complaints** which are generally more complex, are addressed in further detail below.

The OPR carefully reviews all correspondence received to pinpoint recurring themes, gaining insight into public concerns about planning. This information informs not only our reports to the Minister on the effectiveness of Ireland's planning process, it also shapes our educational and training programmes, as well as research initiatives.

During 2023, the OPR opened 148 new cases in relation to a wide range of planning matters. While the number of cases opened was less than in the previous years there was an increase in the volume of cases that required formal consideration in accordance with the provisions of section 31AU of the Act.



Figure 9 | Cases Received 2023

This is evidenced through the 34 preliminary examinations that were carried out compared to 19 in 2022.

While in any year only a percentage of cases received will meet the threshold for examination in accordance with the statutory provisions, the OPR gives detailed consideration to all matters raised. This is with the purpose of providing top quality customer service by clarifying issues of concern and by providing information in relation to the working of the planning system.

Although certain cases allow for a straightforward resolution, a considerable portion involve extensive and intricate technical details, and may require additional information gathering in order to reach the best outcome.

The measures involved with processing cases, particularly complaints, often requires a series of correspondences with both the complainant and the relevant local authority. This comprehensive approach ensures a thorough understanding of the complexities involved and facilitates effective resolutions.

The volume of work involved is illustrated by the fact that, while the OPR opened 148 case files in 2023, this involved processing approximately 740 individual customer correspondences (compared to approximately 750 in 2022, 710 in 2021, 500 in 2020 and 250 in the nine months of operation in 2019).

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

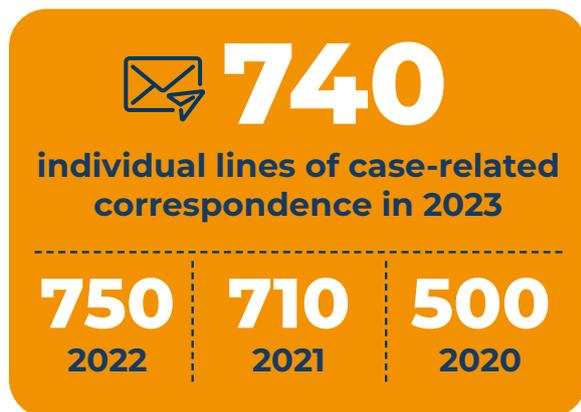


Figure 10 | Customer Correspondence 2023

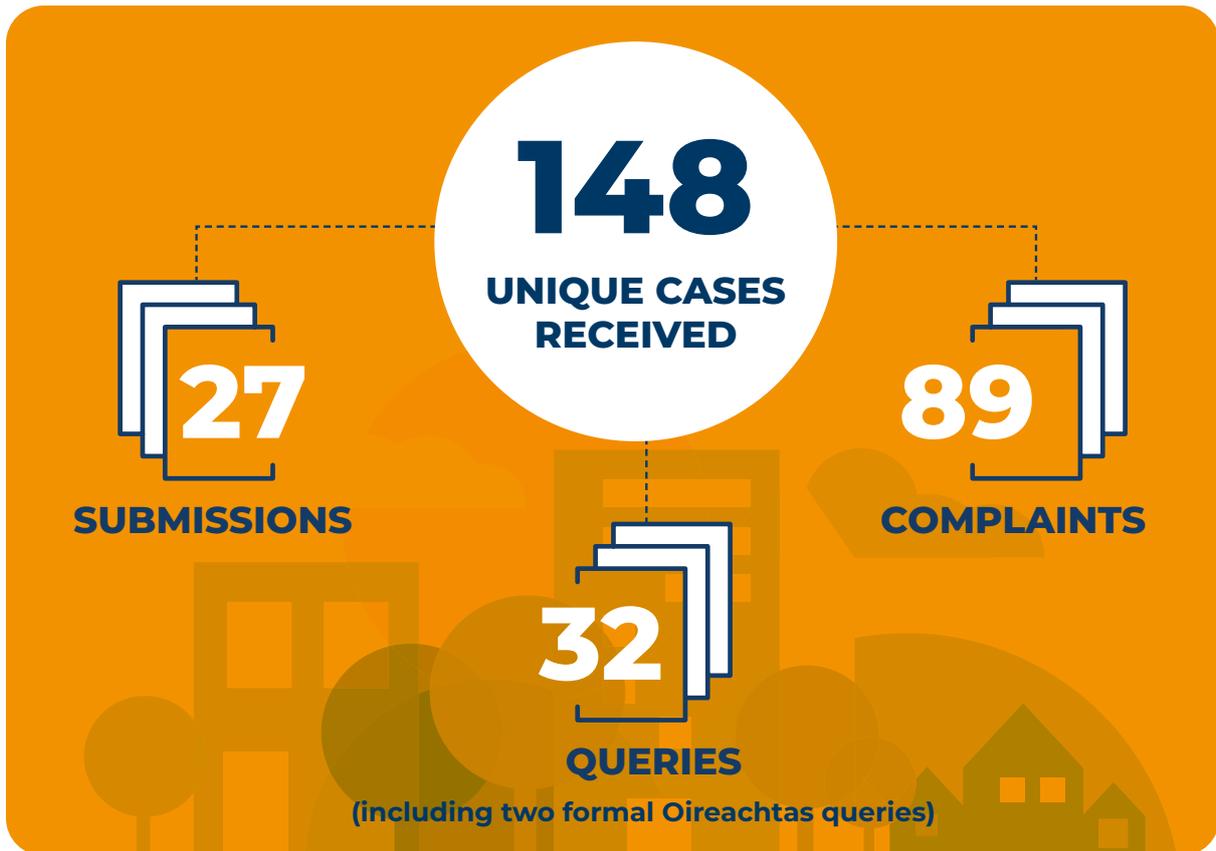


Figure 11 | OPR Cases 2023

Examination of Complaints

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

In this regard, the Act sets a high threshold for a complaint to be formally examined by the OPR.

Firstly, for a complaint to be considered valid, it must relate to the organisation of the relevant local authority and to the systems and procedures used in performing its functions under the Act.

Customers should first try to resolve their complaint with the relevant local authority through formal review mechanisms or via its own internal complaints procedure prior to contacting the OPR. More information can be found on our complaints page.⁹

It is important to note that the OPR's complaint handling function is distinct from other complaint-handling mechanisms such as those of the local authorities and the Office of the Ombudsman.

⁹ <https://www.opr.ie/complaints/>

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

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

Complaint Handling Activity

During 2023, of the 89 complaints received, the OPR gave preliminary examination to 36 complaints. The outcomes of the cases are as follows:

- Nine complaints upheld;
- One complaint resolved with assistance provided;
- 26 complaints were not upheld.

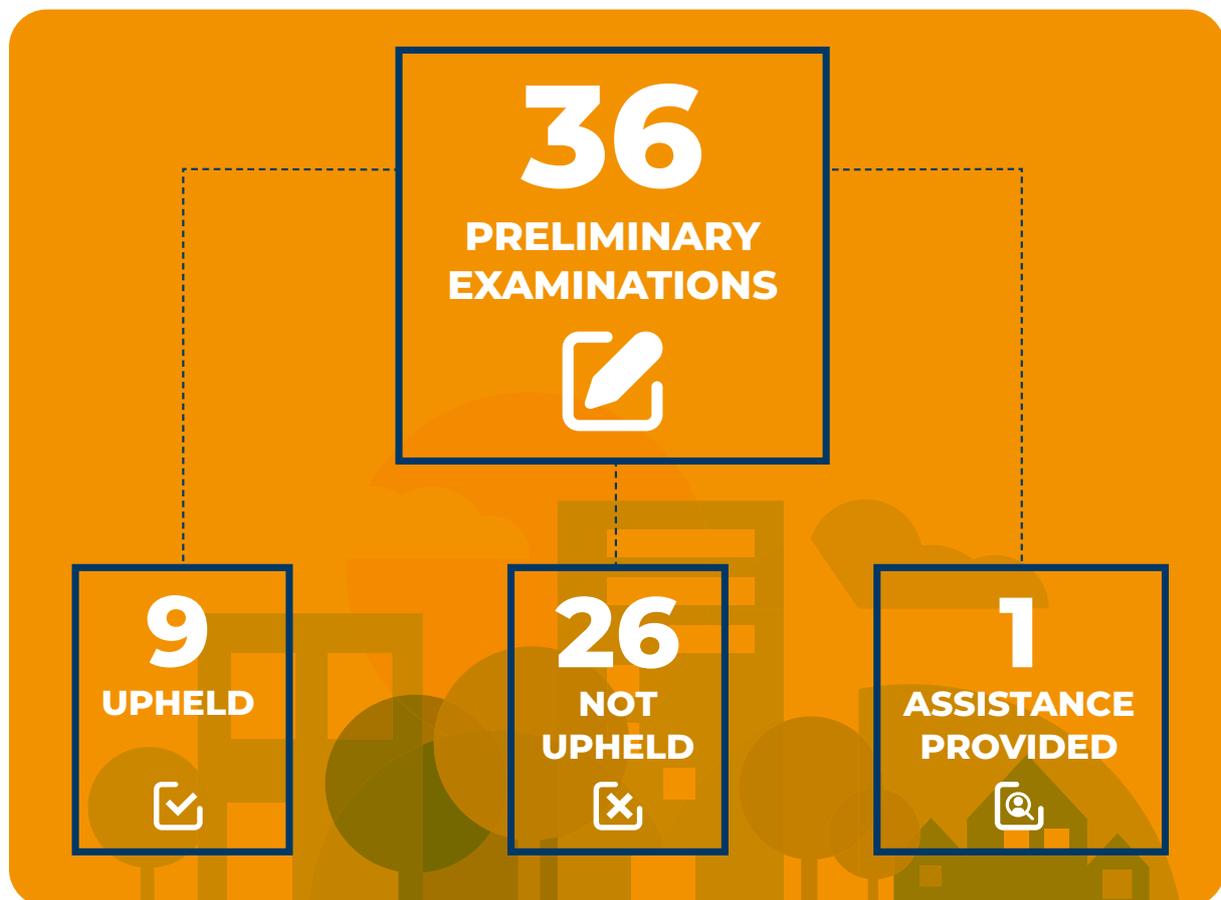


Figure 12 | OPR Complaints 2023

Complaints Standards Network

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

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

The engagement facilitated through this network contributes to improved practices and efficiencies in processing and examining complaints by all member organisations. The network met periodically throughout 2023 and in conjunction with our regular engagement with the Office of the Ombudsman, we will continue to engage throughout 2024.

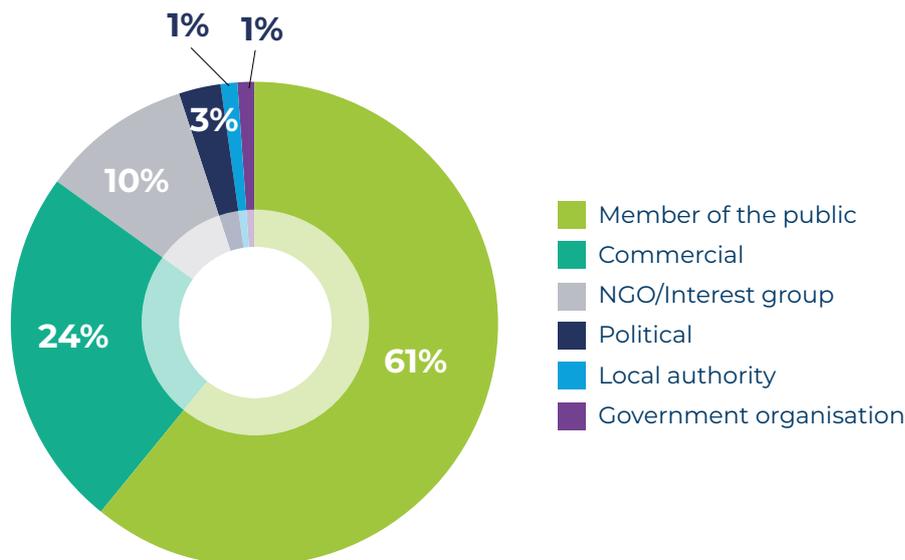


Figure 13 | OPR Customers 2023

3.5 Case Handling Trends

Customer Type

A large proportion of customers submitting cases to the OPR in 2023 were members of the public. In addition, commercial interests, elected representatives, non-government organisations, interest groups, as well as other state organisations all sought assistance from the OPR during 2023. The breakdown of customers by type is outlined here.

Table 7 | Breakdown of Customers by Type

Case Handling Trend	Number
Member of the public	91
Commercial	35
NGO/Interest group	15
Political	4
Local authority	2
Government organisation	1
Total	148

Geographic Breakdown by Local Authority

The geographic spread of cases received in 2023 is illustrated in Figure 14. There were 120 complaint and submission related cases with geographic references in 2023. This figure is lower than the number of cases because many of the cases related to the planning system generally, rather than a particular local authority or area.

Local authorities with larger populations tend to generate a higher number of cases.

This data is represented below in the geographic breakdown of complaints by local authority, with local authorities such as Donegal County Council, Fingal County Council, Galway City Council and Limerick City and County Council receiving the most complaints in 2023.

Also, a particular issue may generate a number of cases, such as submissions on a particular CDP, which is subject to review/public consultation.

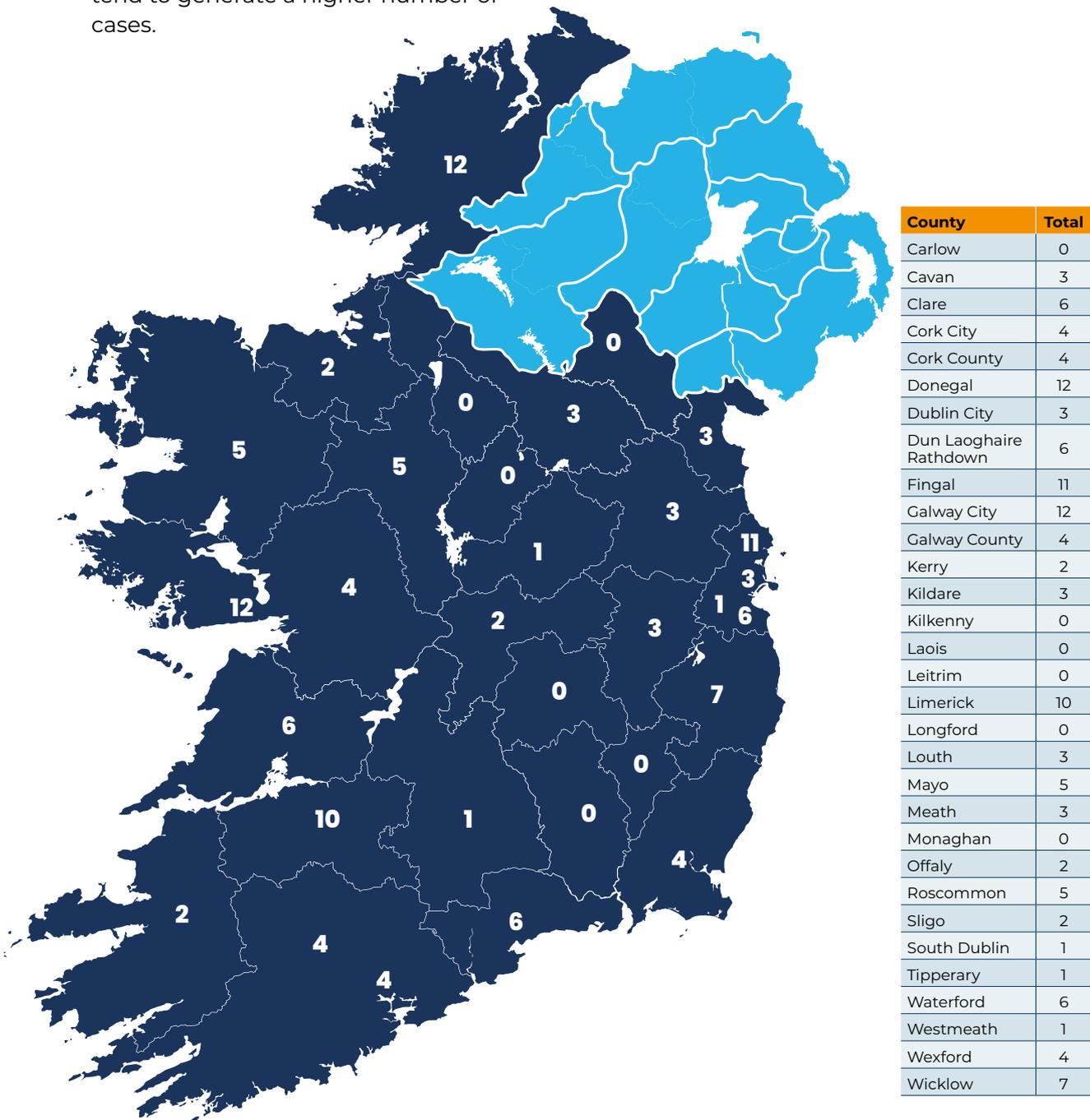


Figure 14 | Geographic Breakdown of Complaints, Queries and Submissions 2023

Table 8 | Cases by Theme 2023

Cases by Theme 2023	Number
Individual planning cases	48
Enforcement matters	41
Plan-making	38
Customer service	29
Technical enquiries	23
National policy	18
Ethics	13
Planning conditions	12
OPR's role / functions	10
An Bord Pleanála	9
EIA / SEA / Habitats Directives	8
Local authority development / Part 8	5
Housing delivery models	4
Invalidations	4
Other	26

Cases by Theme

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

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

A number of clear themes emerged from our case handling during 2023, which are demonstrated in Table 8. The most commonly recurring themes tend to be focussed on issues where the OPR can assist customers by clarifying the functioning of the planning system and by advising of the appropriate avenues through which to engage with it. As could be expected, matters that lead to formal examination by the OPR are generally not commonly reoccurring issues.

The submission of comments in relation to particular planning applications was a predominant theme during 2023. The OPR does not play a role in relation to individual planning applications, however we will always ensure that customers are appropriately guided with regard to the development management process.

Public concerns in relation to planning enforcement also generated a significant volume of correspondence. A large proportion of cases raised were in relation to specific instances of unauthorised development and in this regard were not relevant to the OPR's remit. As these are a matter for the relevant local authority to consider progressing enforcement action where appropriate. The OPR's focus when considering enforcement matters is to consider whether local authorities have appropriate systems and procedures in place to deliver their overall enforcement function.

The statutory plan-making process has also generated significant levels of correspondence from the public and other interested parties during 2023. In this regard, the OPR plays an independent role to independently evaluate draft development plans to ensure that they are consistent with national and regional planning policy and legislation. Accordingly, the OPR does not consider submissions that may be received from interested parties in relation to the making of particular plans but will provide clarity on the processes involved.



3.6 Case Studies: Complaints Examined by the OPR

The OPR receives a considerable amount of correspondence from its customers on planning matters each year. Where complaints are raised in accordance with the provisions of section 31AU of the Act, the OPR will give preliminary examination to the systemic or procedural matters identified. The following 2023 case studies give some illustration in relation to the OPR's formal examination of complaints and the role that the OPR's case-handling function can play with regard to local authority performance.

When a complaint is examined by the OPR, we work with the local authority to rectify the matter and to resolve any issues as soon as possible. Whilst not all complaints subject to examination will be upheld, the OPR nevertheless works with local authorities and other public sector bodies on an ongoing basis to seek to improve the levels of service provided to the public by the planning system.

Case Study 1



Complaint not upheld: Requirement for signatures on planning reports

Summary of complaint

This complaint was raised in relation to the requirements regarding planning reports being signed by planning department staff and the procedures allowing for formal delegation from a local authority's chief executive for the approval of planning decisions. The overall procedural matter with which the OPR was concerned was raised in the context of a particular planning report which the complainant contended had not been appropriately signed-off upon.

Analysis and findings

Section 6.3 of the Development Management Guidelines for Planning Authorities recommends that planning reports are clearly signed by the person who prepared them. While the report in the particular planning case highlighted to the OPR had not been signed by the planner who prepared it, a spot check of planning reports from the authority's website identified that the absence of the case planner's signature was an anomaly in terms of standard practice.

With regard to the other signatories of the planning report, including its recommended decision, it is not a requirement that these officials be designated under a delegation from the chief executive (as prescribed in section 154 of the Local Government Act). The requirement for a delegation from the chief executive is with regard to the local authority's planning decision rather than in relation to the preparation of a planning report.

Decision

Given that the absence of case planner's signature in this particular case appeared to be an anomaly, this complaint was not upheld.

Case Study 2



Complaint upheld:

Processing of third party submissions on planning applications

Summary of complaint

This case related to a third party submission on a planning application which was made within the statutory timeframe but was not considered in the authority's processing of the planning application. While the case was raised with the OPR in the context of a specific planning application, the matter at stake was procedural, making the complaint one to which the provisions of section 31AU of the Act apply.

Analysis and findings

Section 34(3)(b) of the Act requires local authorities to consider any valid third party observations received when deciding on a planning application. The Development Management Guidelines outline that third party observations are an important part of an open and transparent planning system. They also outline that it is essential that submissions are recorded and the issues raised in the observations are considered within the planning report.

The OPR's examination clarified that in the particular case, the third party submission was valid and made in the proper manner, with fee taken, etc., at one of the authority's local offices. Subsequently the submission was emailed to a number of individuals in the planning department.

As the submission had been forwarded generally, no one took specific responsibility for its processing. As a result the submission was not on file at the time the Council's planner was considering the details of the case and preparing a recommended decision.

The local authority clarified that procedures for the processing of third party submissions have been updated to ensure that all submissions are forwarded to a dedicated e-mail account for processing rather than to individual staff. It was also confirmed that an offer was made to the complainant to reimburse the fees associated with this case.

Decision

The Act sets out that local authorities must have regard to any valid third party observations received when deciding on a planning application. Given that the local authority's procedures were not adequately robust to ensure that the third party submission was processed correctly in this case, this complaint was upheld.

Given the Council's proactive review of internal procedures to minimise the possibility of a reoccurrence, and given the engagement to refund fees to the third party, it was not considered necessary to issue any formal recommendation from the OPR in relation to this case.

Case Study 3



Complaint upheld: Procedures for notifying third parties of Part 8 decisions

Summary of complaint

The matter raised in this case related to the systems and procedures used by a local authority to notify third parties of decisions on 'Part 8'¹⁰ development proposals in accordance with the statutory code. The development proposal was in respect of a residential local authority housing project. A number of parties, including local residents, that had made submissions in relation to the development proposal were not informed of its ultimate approval by the local authority.

Analysis and findings

The statutory code expects that where third parties make submissions on Part 8 proposals, they be informed of the local authority's decision within a specified timeframe. In this case, third parties were not appropriately informed in relation to the outcome of the consultation process they had participated in. In this regard, the local authority did not achieve the standards required by section 179 of the Act and Part 8 of the Regulations.

Through the OPR's examination of this case, it was clarified that the local authority's housing delivery team had managed the Part 8 process.

Regardless of the housing delivery team's role in this particular project, the procedure for progressing Part 8 projects is a requirement set out in the planning code. Accordingly, responsibility rests with the planning department to maintain appropriate oversight of proposals and ensure that all stages of the process are implemented as required by the legislation.

Decision

The statutory requirements of the planning code are clear with regard to the procedures that must be followed in respect of notifying third parties of Part 8 decisions.

As these requirements were not adhered to in this case and, crucially, procedures were not in place to oversee this aspect of the Part 8 process, this complaint was upheld.

A recommendation arose from this examination requiring the planning authority to update its operating procedures to avoid a reoccurrence of the failure to issue the appropriate third party notifications.

¹⁰ Development carried out by a local authority.



4

Education, Training, Research and Public Awareness

- **Training for Elected Members**
- **Resources for Elected Members**
- **Local Authority and Regional Assembly Staff Training**
- **Sectoral Learning and Development Strategy**
- **Publication of Educational Material for Local Authority and Regional Assembly Staff and Other Key Stakeholders**
- **National Planning Knowledge Group**
- **OPR Research Output**
- **Planning Leaflet Series**
- **Becoming a Planner**
- **Meet a Planner**



4.1 Education and Training

Training for Elected Members (Councillors)

In accordance with the provisions of section 31Q(1)(a) of the Planning and Development Act, 2000 as amended ('the Act'), the Office of the Planning Regulator (OPR) conducts education and training programmes for elected members of local authorities in respect of their role in the planning process. This is reinforced in Goal 2 of the OPR's Strategy Statement 2019 -2024, which states that the OPR will drive "innovation and learning for all ... stakeholders in the planning process".

In 2023, the OPR, in conjunction with the Association of Irish Local Government (AILG), developed a planning training programme for elected members building on the previous years' training programmes. Four planning training events were delivered for elected members throughout 2023. A hybrid approach was adopted for the delivery of these training events. Three of the events were delivered online and the fourth event was delivered in-person, over two separate days in Mullingar, Co. Westmeath and Castlecomer, Co. Kilkenny.

The 2023 training programme provided elected members with in-depth training and information on topical matters relevant to the preparation of statutory plans and elected members' wider planning functions. Elected members received high quality presentations from expert speakers, as outlined in greater detail here:

Preparing and Making Local Area Plans - Driving Urban and Rural Regeneration

The first training event was delivered online in February. The presentations covered:

- An Overview of the Local Area Plan Preparation Process and Developing a New Generation of Local Area Plans for Kildare;
- Turning Statutory Plans into Reality – Cork County Council's Experience of Delivering Population, Housing and Jobs Growth in the East Cork Corridor; and
- Linking Statutory Plans and Funding Opportunities Available for Town and Village Renewal via the Department of Rural and Community Development's Rural Development Investment Programme.

Connecting Ireland and Rural Public Transport Investment - Opportunities for Rural Regeneration

The second training event was delivered online in April. This training was delivered in conjunction with the National Transport Authority (NTA). The presentations dealt with:

- Rural Public Transport Provision and Current Initiatives to Expand Rural Public Transport in Ireland – Connecting Ireland Rural Mobility Plan;
- Implementing New Connecting Ireland Rural Public Transport Services; and
- Rural Town Transport Service Planning and Implementation.

Overview of Existing and Emerging Planning Legislation and Policy Guidance

The third training event was delivered in-person on two separate days in June. The training was delivered in conjunction with the Department of Housing Local Government and Heritage (DHLGH). The presentations covered:

- The OPR's Experience of Reviewing Statutory Plans and the Identification of Key Trends and Recurring Issues;
- The Implications for Local Authorities of the Proposed Planning and Development Bill 2022; and
- An Update from the Department of Housing, Local Government and Heritage on Legislative and Institutional Reform, Policy Evolution and Resourcing of Local Authorities.

Integrating Energy Supply and Planning

The fourth and final training event of 2023 was delivered online in September. The training was delivered in conjunction with the Department of Environment, Climate and Communications (DECC) and the Commission for the Regulation of Utilities (CRU). The presentations covered:

- Planning Ireland's Climate and Energy Transition;
- Delivering Energy Projects – Wider Regulatory Context and Risks; and
- Energy and Development Plans – Emerging Good Practice.



Pictured at a training event, Mullingar, (L-R) Niall Cussen, Planning Regulator; Eugene Waters, Assistant Principal of the Planning Review Section, DHLGH; Councillor Patrick McGowan; and Colin Ryan, Senior Adviser in the National and Regional Planning Policy Unit, DHLGH.



Figure 15 | Elected Members Training 2023 Topics

Resources for Elected Members

Acknowledging the fact that not all elected members could attend the 'live' online or in-person planning training events, the presentations and video recordings from each training event were made available on the OPR's website. This material was uploaded to the dedicated elected members training materials page so that elected members can refresh and update their knowledge on topical planning matters, at their convenience.

Local Authority and Regional Assembly Staff Training

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

In 2023, the OPR delivered two online planning training events and one in-person planning training workshop, specifically tailored for staff of local authorities and regional assemblies.

The first event was delivered online in January, in conjunction with the Office of Public Works (OPW). The webinar entitled **Flood Risk Management and Planning** focused on:

- Implementation of the Flood Risk Management Guidelines;
- Flood Data – Access to Data, Data Usage and the Flood Map Review Programme; and
- Learnings from the OPR's Evaluation of Statutory Plans and Implementation of the Flood Risk Management Guidelines.

The second training event entitled **Marine Spatial Planning** was delivered in July in conjunction with the County and City Management Association (CCMA), the DHLGH and An Bord Pleanála (ABP). The training took the form of an in-person workshop and it was delivered in Ennis, Co. Clare.

The presentations provided an overview of:

- The Policy and Regulatory Context for Marine Spatial Planning in Ireland;
- The Role of the Maritime Area Regulatory Authority (MARA);
- Planning Functions in the Nearshore Area; and
- An Bord Pleanála's Role in Consenting in the Maritime Area.

The third training event entitled **Planning Enforcement in Practice** was delivered online in December, following the publication of an OPR Practice Note on the topic and focused on:

- An Overview of the OPR's Practice Note PN05 – Planning Enforcement;
- Planning Enforcement – The Legal Perspective; and
- Local Authorities' Experience of Dealing with Planning Enforcement.



838

Local authority and regional assembly staff registered for **training in 2023**



199

Elected members of local authorities attended **in-person training events in 2023**



Figure 16 | Local Authority and Regional Assembly Staff Training 2023 Topics

Sectoral Learning and Development Strategy

In January 2023, the OPR, the CCMA and the Local Government Management Agency (LGMA) published the Local Authority Planning Sector Learning and Development Strategy (the L&D Strategy). Over the course of the year, work was advanced on the implementation of the recommendations contained in the L&D Strategy.

As part of this work, a Planning Services Training Group (PSTG) was established to oversee the implementation of the L&D Strategy. The PSTG comprises representatives from the CCMA, the LGMA, the Department of Housing, Local Government and Heritage (DHLGH), the OPR and the Local Authority Services National Training Group (LASNTG).

The PSTG will be supported by a Courseware Development Specialist (analogous to Senior Executive Planner) and an Assistant Staff Officer, who were formally appointed at the end of 2023.

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

As part of the consultation process for the L&D Strategy, a survey was conducted of approximately 1,600 local authority planning personnel and the 949 local authority elected members, in an effort to identify their training needs and knowledge gaps. The response rate to the survey was over 50%. The findings from the survey assisted in the preparation of the L&D Strategy.

One of the key issues highlighted by respondents to the survey was the need to have access to information relating to relevant environmental and planning case law. In an effort to address this knowledge gap, the OPR engaged with legal practitioners to produce a legal bulletin which provides information on important precedents, court decisions, emerging trends and an overview of noteworthy cases.

The development of the bulletin has been overseen by a newly-formed Planning Law Bulletin Steering Group consisting of nominees from the Environmental and Planning Law Committee of the Law Society, the OPR legal services provider Fieldfisher, the OPR, An Bord Pleanála and the CCMA. The Steering Group assists in the selection of relevant cases for inclusion in each issue of the bulletin.

The first issue of the 'Learning from Litigation' legal bulletin was published in September 2023. This issue included summaries and key findings of the following cases:

- Atlantic Diamond Limited v An Bord Pleanála [2021] IEHC 322;
- Clifford/O'Connor v An Bord Pleanála and Kerry County Council [2021] IEHC 459; and

- Waltham Abbey Residents Association v An Bord Pleanála and Pembroke Road Association v An Bord Pleanála and Others [2022] IESC 30.

The second issue of the bulletin was published in December 2023. This issue included summaries and key findings of the following cases:

- Clane Community Council v An Bord Pleanála [2023] IEHC 467;
- Mannix Coyne and Anne Coyne v An Bord Pleanála, Ireland and The Attorney General and Enginenode Limited [2023] IEHC 412;
- Four Districts Woodland Habitat Group, BCM Residents Association v An Bord Pleanála, Ireland and The Attorney General and Romeville Developments Limited [2023] IEHC 335; and
- Ironborn Real Estate Limited v Dún Laoghaire-Rathdown County Council [2023] IEHC 477.

It is envisaged the bulletin will be published on a quarterly basis.

4.2 Research

National Planning Knowledge Group

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

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

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

The National Planning Knowledge Group acts as an advisory committee for the OPR on the current state of the

knowledge base in relation to both pressing and strategic planning matters and gaps to be addressed in conjunction with stakeholders. The OPR provides the secretariat for the group.

The National Planning Knowledge Group includes representation from the higher education and research sector, governmental and non-governmental organisations, the business community, local government, the environmental sector and planning institutes representing professional planners engaged in both public and private sector work. The group met three times in 2023.

OPR Research Output

In 2023, consistent with the OPR's Planning Research Framework and the Strategic Planning Research Programme (2023-2025), work began or was advanced on several research projects under the following strands:

Strand One- Planning Issues

Strand Two- Planning Practice

Strand Three- Planning Performance



Strand One



Planning Issues Projects

Under Strand One (Planning Issues) of the Research Programme the OPR and the DHLGH agreed to co-fund a new UCD research project on 'Understanding Rural Housing Dynamics'. It was intended that this research would feed into the review of the National Planning Framework (NPF) being undertaken by the DHLGH. The research is also consistent with the OPR's intention to conduct research into rural housing and to examine 'the story behind the statistics'. Extensive field survey work was completed as part of this research in Q2. A preliminary report was reviewed by the Steering Group in Q3.

Additional work was also undertaken in Q3 on the verification and cross referencing of data with the National Planning Application Database (NPAD) and the consideration of the Small Area Population Statistics (SAPS) from Census 2022. Additional chapters were added to the draft report to take account of this new data. It is expected that the updated draft report will be circulated for review by the Steering Group in Q1 2024.

In 2023 the OPR continued its research partnership with the International Centre for Local and Regional Development (ICLRD) in respect of the research project dealing with 'InPLACE – Investigating Planning, Place-Making and Commuting'. The aim of the research is to examine the impact of out-commuting from the case study areas on commuters and on their communities.

The project is supported by the OPR, the LGMA, the DHLGH, Clare County Council, Cork County Council, the Tomar Trust, the Department for Infrastructure in Northern Ireland and the Department of Transportation in Maryland, USA.

Phase 2 of the research work was completed in 2023. This phase of work included the completion of the case study town surveys, interviews and policy analysis. The OPR sits on the Operational Partnership Group for the project. The ICLRDR project team are currently awaiting receipt of data from the Central Statistics Office (CSO). It is anticipated that the final report will be published by the end of Q1 2024.

Throughout 2023, the OPR participated in a number of steering committee meetings for Environmental Protection Agency (EPA)-funded research projects as follows:

- In Q1 and Q2 the OPR attended Steering Committee meetings of the co-funded EPA-DAFM (Department of Agriculture, Food and the Marine) research project entitled 'Reframing Landscape as a Key Environmental Topic Through the Development of a Landscape Character Assessment Toolkit' or 'Reframe'. The OPR also reviewed the draft Landscape Character Assessment Toolkit and furnished comments to the project team. The project team held a pilot training workshop in Portlaoise in September. The final research report and the associated toolkit will be published by the EPA early in 2024.

- In 2021, the EPA commenced the preparation of a report entitled 'Ireland's Climate Change Assessment' (ICCA). The purpose of the report was to develop an understanding of climate change, its impacts and the options for dealing with the impacts. The report consists of four volumes. The OPR sat on the Steering Committee for Volume 2 – Achieving Climate Neutrality by 2050. Throughout 2023 the OPR reviewed drafts of volume 2, furnished comments and participated in Steering Committee meetings/workshops. The ICCA report was finalised in 2023 and will be published by the EPA in Q1 2024.

Consistent with the Strategic Planning Research Programme, the OPR advanced work, in 2023, on a brownfield land activation research project. Extensive stakeholder engagement took place throughout 2023 with the National Economic and Social Council (NESC), the Housing Agency and the DHLGH NPF project team. Drafting of the research report commenced and the final report will be published as a Research Series Report in Q2 2024.

At the latter end of Q2 the OPR received a request from the Minister for Housing, Local Government and Heritage to conduct research into the legal costs associated with planning and environmental judicial reviews. The purpose of this report was to develop a synthesis of evidence on legal costs in judicial review proceedings on environmental matters in order to inform proposed changes to the existing rules on costs in environmental litigation under section 50B of the Act. In Q3 the OPR engaged legal service providers to undertake this research.

Extensive work was undertaken including inter alia data gathering and analysis of trends over time, an examination of protected cost mechanisms from a sample of other relevant jurisdictions, etc. The 'Legal Costs in Planning and Environmental Judicial Reviews' report was finalised and furnished to the Minister in Q4. The report will be published in 2024.

During Q3 the OPR supported Technological University Dublin in their efforts to secure funding from the Science Foundation Ireland (SFI) for sustainable communities research. This research is consistent with the OPR's work to promote proper planning and sustainable development and the OPR agreed to act as a Societal Impact Champion for the project. The project title is 'Campus' Role as Actors in Walkable and Liveable Communities' or 'CRAWL'. The project commenced in September and will be advanced in 2024.

Finally, 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 research was completed in Q4 2023 and the 'Planning Fees Review' report will be submitted to the Minister in Q1 2024.

Strand Two



Planning Performance

Throughout 2023, the OPR continued to work with the EPA on the co-funded research project dealing with 'Public Participation and Performance Criteria in Strategic Environmental Assessment – The Way Forward to Advancing Practice' or the 'SEAWAY' project. The ultimate goal of the project is to improve public participation in Strategic Environmental Assessment (SEA) in Ireland and to provide a robust SEA performance evaluation framework and associated key performance indicators to facilitate performance checks during assessments. A second newsletter for the project was published in Q1.

During Q2 the project team published a video on public engagement 'Have Your Say on the Assessment of the Environment'. The video was launched in June at the pilot public participation event (for the Dundalk Local Area Plan) with Louth County Council. Steering Committee meetings were held in April and December.

A final Steering Committee meeting is scheduled for Q1 2024 and the project is due to be completed in Q1-Q2 2024.

In Q1 and Q2 work was advanced on the gathering of baseline data to inform the preparation of Case Study Papers CSP07 and CSP08 dealing with 'Quarries and the Local Authority Development Plan' and 'Aviation and the Local Authority Development Plan'. This work will continue in 2024.

During Q3 the EPA invited the OPR to join a Steering Committee for a new research project called 'Pro-Health'. This project relates to the development of a toolkit for considering human health in the context of Strategic Environmental Assessment for plans and programmes. This project will examine case studies in Ireland and Europe. During Q4 the OPR attended the second meeting of the Steering Committee and contributed to the project scope and case study selection.

Strand Three



Planning Practice

In 2023, the OPR commenced work on Practice Note PN04 'Planning for Employment Growth: The Development Plan and Employment Lands'. The aim of this practice note is to inform planning authorities of techniques that can be used to provide a robust evidence base for the core strategy and rationale for the zoning of land for employment purposes.

Extensive stakeholder engagement was undertaken throughout 2023 with local authorities, regional assemblies, infrastructure agencies (National Transport Authority/ Transport Infrastructure Ireland (TII)/ Uisce Éireann (UE)). A focus session was held with the Department of Enterprise, Trade and Employment (DETE), the DHLGH, Enterprise Ireland (EI) and IDA Ireland. The Practice Note will be finalised and published in 2024.

In 2023, the OPR prepared and published Practice Note, PN05 'Planning Enforcement'. This aims to provide an overview of how planning enforcement legislation is implemented by local authorities and to examine the associated practical and operational issues. It is intended that the practice note will provide support for new staff or staff who have been transferred from other sections to a planning enforcement section in a local authority, providing them with a baseline understanding of how a planning enforcement regime operates. A training event linked to this publication for staff of local authority and regional assemblies was delivered in December.



Caren Gallagher (Centre), Director of Research, Training and Public Awareness, OPR, presenting the 'Research and Innovation' Award to joint winner South Dublin County Council for 'Instantaneous Data' - A South Dublin Approach to Active Land Management'.

OPR Sponsorship of Irish Planning Institute's Research and Innovation Award

In September the Irish Planning Institute (IPI) announced the winners of its 2023 Planning Awards at a gala dinner in Clontarf Castle Hotel. The awards aim to highlight innovation and excellence in Irish planning. The OPR sponsored the 'Research and Innovation' award.

The award was presented to joint winners: The Eastern and Midland Regional Assembly (EMRA), on behalf of the three Regional Assemblies in Ireland, for the Regional Development Monitor and South Dublin County Council for 'Instantaneous Data' - A South Dublin Approach to Active Land Management'.



Presenting the 'Research and Innovation' Award to joint winner the Eastern and Midland Regional Assembly (EMRA), on behalf of the three Regional Assemblies in Ireland, for the Regional Development Monitor at the IPI Planning Awards. On behalf of OPR, Caren Gallagher, Director of Research, Training and Public Awareness is pictured in the centre row, fourth from left.



4.3 Public Awareness

Planning Leaflet Series

In 2021 the OPR, in conjunction with the DHLGH, published the online planning leaflet series which comprises 15 leaflets dealing with a wide range of planning issues. In June 2023 an additional leaflet, Planning Leaflet 16 entitled 'Large-scale Residential Development', was published. This leaflet sets out what is meant by the term Large-scale Residential Development (LRD) and the procedure involved in making an LRD application including details of how the application will be assessed, the timeline for making a decision on an LRD application and the appeal stage. The leaflet (English and Irish version) was published on both the OPR and the DHLGH's websites.

Becoming a Planner

Following the launch of the 'Becoming a Planner' resource on the OPR website in 2022 and as part of ongoing efforts to encourage more people to consider a career in the planning profession, a survey was conducted in 2022 of senior cycle second level students. This survey identified the communication channels used to access information relating to their third-level choices. In 2023 the OPR devised a communications plan from the key findings of the survey to ensure that the OPR's efforts to promote planning as a career of choice reach the target audience.

The career guidance website, CareersPortal.ie, was identified as one of the main communication channels within the survey. The website provides a unique service to OPR's target audiences of second level students, third level students and graduates, career changers, adult learners, parents and family members and career guidance professionals.

During 2023 the OPR worked with the team at CareersPortal.ie to develop and publish a new planning tile which sits within three of the 33 prominent career sectors on the CareersPortal website namely Construction, Architecture and Property; Public Administration, Politics and EU; and Earth and Environment.

The tile contains links to the recordings of interviews with experienced town planners, details of third level planning courses, employment opportunities for qualified planners and any information that is relevant to promoting town planning as a career.

In 2023, engagement also took place with the Institute of Guidance Counsellors (IGC) in Ireland and the OPR designed and published an advert in their yearbook. The yearbook is circulated to all of the career guidance counsellors in Ireland in August each year.

Meet a Planner

In Q2, the OPR designed, developed and published a new 'Meet a Planner' webpage. This webpage sits within the existing 'Becoming a Planner' resource on the OPR's website and features the profiles of nine planners who have recently joined the workforce or have been working in the system for a short duration.

The planners were selected following consultation with the Heads of the Planning Schools in TU Dublin, University College Cork and University College Dublin. The purpose of the resource is to show second level students, graduates and career changers the different routes and interests that can lead to a career in planning and the wide range of job opportunities that exist.



Meet a Planner: Top L-R: Michael Woods O'Rourke, Lauren Butler-Ryan, Dara Keane, Fiona Redmond. Bottom L-R: Rachel O'Callaghan, Shoaib Khan, Andrew Corcoran, Pdraig O'Donoghue, Laura Hederman.

“Planning is a brilliant career. If you have interest in steering the direction of how our world works I’d encourage people to go into planning. It increasingly needs people with a variety of skills so if you’re interested in science or geography, ecology, biodiversity, water, transport, urban design, architecture, engineering, there’s a place for you in planning. There’s a huge broad breadth of job opportunities out there across a wide range of areas...”

Olwyn James,
Project Planning Manager,
Irish Water



5

Corporate Affairs

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



5.1 Governance

The Office of the Planning Regulator (OPR) was established as a statutorily independent body. In exercising its functions, the OPR is wholly independent and is accountable to the Oireachtas and the Minister as a publicly funded organisation. The OPR's governance structure, as prescribed by the Planning and Development Act, 2000 as amended ('the Act') is that of an office holder rather than a non-executive board structure and its day-to-day functioning is administered by the organisation's executive.

Executive Management Team (EMT)

The EMT consists of the Planning Regulator and the four directors, one of whom is the Deputy Planning Regulator, and meets regularly under a standing agenda. The meetings provide a forum for regular strategic and operational review of the functioning of the organisation, including risk assessment, financial management, approval of policies and management of resources.

Gender Balance in the EMT

As at 31 December 2023, the EMT had three (60%) female and two (40%) male members.

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

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

Finance, Audit and Risk Committee

The OPR's governance structure, pursuant to section 31N of the Act, is that of a corporation sole/office holder. While the OPR is not mandated to establish committees which standardly operate as committees to non-executive boards, in the interests of transparency and accountability and following best practice, the OPR operates a Finance, Audit and Risk Committee in line with guidance provided within the Code of Practice for the Governance of State Bodies. The role of the Finance, Audit and Risk Committee is to provide oversight and support to the Planning Regulator in relation to his responsibilities for issues of related controls, corporate governance and associated assurance. The Finance, Audit and Risk Committee met four times in 2023.



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

Table 9 | Schedule of Meetings held by Finance, Audit and Risk Committee During 2023

Attendance	Meeting dates			
	23-Feb-23	21-Jun-23	10-Oct-23	7-Dec-23
Lorraine O'Donoghue	✓	✓	✓	✓
Breda Coss	✓	✗	✓	✓
Paula Nyland	✓	✓	✓	✓
Joanna McBride	✓	✓	✓	✓
Enda Torsney	✓	✓	✓	✓

Members of the Committee are:

External Members:

Lorraine O'Donoghue

Chairperson

Breda Coss

Paula Nyland

Executive Members:

Joanna McBride

Director of Corporate Services

Enda Torsney

Assistant Director, Corporate Services

Valerie Halpin

Secretary to the Committee

(until June 2023)

Rebecca Doran

Secretary to the Committee

(from June 2023)

Performance Delivery Agreement and Oversight Agreement

One of the key requirements of the Code of Practice for the Governance of State Bodies, 2016 is that Departments and bodies under their aegis should put in place an oversight agreement and a performance delivery agreement which should form an integral part of the strategic and operational framework for the agency. In that regard, an oversight agreement and a performance delivery agreement between the DHLGH and the OPR were in place in 2023. Both documents are reviewed and updated regularly.

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

Risk Management

Risk management is one of the key requirements to ensure good corporate governance and agile organisational responsiveness to risk.

The EMT, including the Chief Risk Officer and the Finance, Audit and Risk Committee has the overall responsibility for overseeing risk management within the organisation determining the organisation's risk appetite, and the continuous review of the risk register throughout the year.

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

Internal Audit

An internal audit function is in place with appropriately trained personnel which operates in accordance with a written charter. Its work is informed by the analysis of the financial risks to which the OPR is exposed and its annual internal audit plans are based on this analysis. These plans aim to cover the key controls on a rolling basis. A number of internal audits were carried out by ASM Accountants in 2023 and comprised: audit of the OPR's system of internal control; risk management; HR compliance; ICT strategy and governance; and a follow up review of the internal audit recommendations made during 2022.

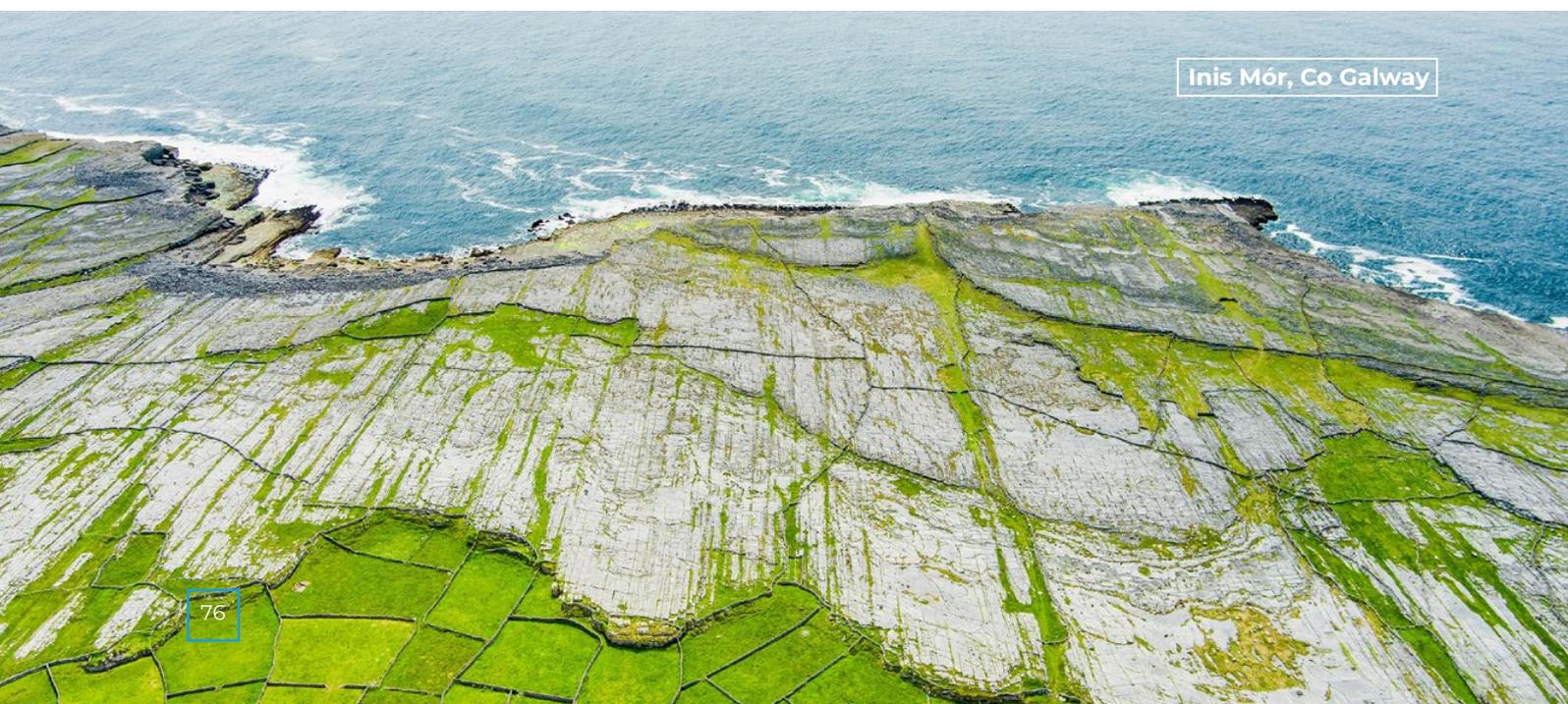
System of Internal Control

The OPR ensures that an effective system of internal control is maintained and operated at all times. The OPR's monitoring and review of the effectiveness of the system of internal control is informed by the work of the internal and external auditors, and the Finance, Audit and Risk Committee which oversees their work. Senior management within the OPR are responsible for the development and maintenance of the internal control framework. The OPR performed an annual review of the effectiveness of the internal controls for 2023.

Code of Practice for Governance of State Bodies

The OPR has adopted the Code of Practice for the Governance of State Bodies, 2016 and has put procedures in place to ensure compliance with the Code. The OPR was in compliance with the Code of Practice for the Governance of State Bodies for 2023, with the exception of the Code's provisions in relation to role of the Board, the role of the Chairperson and the role of board members.

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



Inis Mór, Co Galway

5.2 Continuing to Build the Organisation

In its endeavour to be an employer of choice, the OPR developed a number of initiatives for and in collaboration with our employees. One of these initiatives introduced in 2023 was the OPR Wellbeing Programme, which supports the Civil Service Health and Wellbeing Framework. The programme builds on existing initiatives, such as our blended working and right to disconnect policies, as we support our people to deliver high quality services to the public and other stakeholders.

Building our Team

The OPR has an approved complement of 47 full-time staff, including the Planning Regulator. During the course of 2023, a number of recruitment campaigns were carried out to continue to fill vacant positions. The OPR had 36 staff as at 31 December 2023.

All staff worked together to create a welcoming environment for new recruits during 2023.

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

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

Our Premises

Our offices are based in Park House, within the TU Dublin campus in Grangegorman, which is part of the Government's Strategic Development Zone for the regeneration of the area.

Co-location of the OPR on the TU Dublin campus offers considerable synergies with a range of education, training and research capabilities through its School of the Built Environment. Synergies are also available in relation to easy and cost-effective access to meeting and training room facilities.

ICT Strategy and Systems

During 2023, the OPR continued to avail of the Build-to-Share (BTS) Desktop service provided by the Office of the Government Chief Information Officer (OGCIO). The BTS Desktop service provides essential ICT services which OPR staff rely on to complete their work on a day-to-day basis.

The OPR engaged with the OGCIO to implement new accounting software, which has provided new functionality and has allowed existing financial procedures and processes to be enhanced. In implementing this software, the OPR has continued to develop its capabilities in line with the Public Service Digital and ICT Strategy, 'Connecting Government 2030', which sets out the approach that Public Sector organisations are encouraged to align with, in order to drive digital transformation across the public sector.

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

An ICT Strategy is in place, which sets out the objectives and actions for the OPR's ICT function to 2026. This Strategy acts as a basis for ICT staff to support the organisation, and ultimately, to help achieve the goals in the OPR's Strategy Statement.

Policies and Procedures

Since our establishment, we have implemented a suite of policies and procedures that provide an important basis for the day-to-day functioning of the organisation. In addition to these, we have implemented the Civil Service policies and codes, including the Dignity at Work and The Civil Service Code of Standards and Behaviour.

Throughout the year, to ensure the continuous strengthening of the governance and operational footing of the OPR, we continued to review and update existing policies and implement additional policies, such as the OPR Crisis Management Plan, which was delivered during 2023.

Code of Conduct and Conflict of Interest

Procedures are in place to ensure that staff of the OPR comply with the provisions of the Ethics in Public Office Act 1995 and Standards in Public Office Act 2001, where applicable.

In addition, the OPR operates under a Code of Conduct for managing conflict of interest, pursuant to the provisions of section 31AL of the Act. Under the Code, all staff members of the OPR and the Chief Executive register their interests by way of a declaration.

Health and Safety

In 2023 the OPR complied with the Safety Health and Welfare at Work Act 2005 and the Safety Health and Welfare at Work Act (General Applications) Regulations 2007.

Our annual safety inspection was carried out, in conjunction with our external health and safety experts.

The OPR Safety Statement was updated to include new processes, including emergency egress procedures and risk assessment.

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

All staff continue to complete ergonomic workstation training enabling them to apply the principles of ergonomics in both their home and office work environment. The OPR was pleased to introduce for staff a voluntary periodic health screening programme.

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

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

Details of activity in 2023 are provided below and are also available on the OPR website.^{11,12}

Table 10 | FOI/AIE Requests 2023

	FOI	AIE
Granted	2	0
Partially granted	5	1
Withdrawn	3	0
Transferred	2	0
Refused	4	2
Total	16	3

¹¹ <https://www.opr.ie/freedom-of-information/>

¹² <https://www.opr.ie/access-to-information-on-the-environment/>

Data Protection and the General Data Protection Regulation

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

As required by the regulation, the OPR has a dedicated Data Protection Officer. The Data Protection and Data Privacy policies are kept under regular review by the Data Protection Officer. Training for staff in data protection was provided during the year. In 2023, no personal data requests were received by the OPR and there were no instances of personal data breaches.

Irish Language

The OPR complied with section 10A, (Advertising by Public Bodies), of the Official Languages (Amendment) Act 2021 which requires that at least 20% of all public bodies' annual advertising be published in Irish and 5% of their advertising in the Irish language media.

In order to adhere to the duties outlined in the Official Languages (Amendment) Act 2021, the OPR has contracted external translators to ensure that any relevant documentation, recruitment campaigns as well as some of the information on our website, is translated and published in a timely manner.

The OPR name, logo, stationery and email signatures are in a bilingual format and all relevant publications such as the Annual Report and Strategy Statement are also published bilingually.

The OPR also complies with its statutory responsibilities under the Official Languages (Amendment) Act, 2021 in relation to the provision of services through the Irish language and a designated staff member has been assigned to deal with any oral queries received in Irish.

To this end, the knowledge of the Irish language is included as an important criterion in our recruitment campaigns.

Public Sector Equality and Human Rights Duty

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

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

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

- Gender;
- Civil status;
- Family status;
- Age;
- Disability;
- Sexual orientation;
- Race;
- Religion; and
- Membership of the Traveller community.

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

The OPR is an equal opportunities employer and operates its recruitment under a licence granted by the CPSA. All recruitment processes carried out during 2023 were in strict accordance with the CPSA Codes of Practice, as confirmed by the CPSA audit carried out during 2023.

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

The OPR is committed to protecting dignity and respect across the organisation and has implemented the Dignity at Work Policy prepared by the Department of Public Expenditure and Reform.

The OPR'S Equality, Diversity and Inclusion (EDI) Statement was published on our website in 2023 and an EDI group has been established to promote and enhance EDI in our workplace.

Protected Disclosures

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

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

An external reporting channel is in place for the making of protected disclosures to the Planning Regulator who has been prescribed as a recipient of protected disclosures in relation to the functions of the OPR under section 31P of the Act.





Smarter Travel Mark Award presentation, L-R Deborah King, Senior Smarter Travel Consultant; Siobhán Hamilton, Smarter Travel Programme Manager; Joanna McBride, Director; Niall Cussen, Planning Regulator; Valerie Halpin, Assistant Director; Enda Torsney, Assistant Director.

Under section 22 of the Protected Disclosures Act 2014 (as amended), the OPR is obliged to prepare and publish, no later than 31 March in each year, a report detailing the number of protected disclosures made during the preceding year and the action (if any) taken in response to those protected disclosures.

During 2023 no reports were received by the OPR via internal or external reporting channels, or transmitted to the OPR by another prescribed person or by the Protected Disclosures Commissioner.

New Statutory Guidance on the Protected Disclosures Act was published by the Minister for Public Expenditure, NDP Delivery and Reform, in 2023 and incorporated by the OPR into our procedures.

Energy Usage 2023

The OPR reports annually to the Sustainable Energy Authority of Ireland (SEAI) regarding energy consumption and related data. The OPR is compliant with Circular 01/2020: Procedures for Offsetting the Emissions Associated with Official Air Travel (if any).

Sustainable development and climate action are at the core of our functions and the OPR is committed to reducing its environmental impact as far as possible. The OPR has officially adopted the Climate Action Mandate, which requires public sector bodies to show leadership in climate action, and an organisational climate action roadmap is prepared annually.

Digitisation rather than paper-based processes is our default approach. The OPR office is a bicycle friendly building for employees and visitors. The OPR was successful in achieving the Smarter Travel Mark award in 2023 from the NTA. The award recognises and celebrates organisations that support active and sustainable travel and the OPR continues to support our staff and visitors in sustainable and active travel.

In 2023, climate action and sustainability training was provided to all staff, including climate leadership training for EMT. Staff engagement workshops took place on the Sustainable Development Goals and SEAI grant schemes. The OPR participated in the Government's Reduce Your Use energy efficiency campaign during 2023.

5.3 Financial Information

The OPR's budget is allocated through the DHLGH Vote 34, subhead D.5. In 2023, the OPR's budget totalled €4,407,750.

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

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

Financial Statements

The Financial Statements of the OPR, including the Statement on Internal Control and the Governance Statement, are prepared in accordance with FRS102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland.

The Financial Statements of the OPR are subject to audit by the Comptroller and Auditor General and the audit of 2023 accounts will take place in 2024. Once certified by the Comptroller and Auditor General, the financial statements will be laid before the Houses of the Oireachtas and will be published on the OPR website.

Tax Law

The OPR has complied with its obligations under tax law in 2023.

Procurement

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

As a public body, the OPR utilises central frameworks and contracts put in place by the Office of Government Procurement when procuring a range of commonly required goods and services. Where no central framework or contract is available, the OPR operates in accordance with European Union (EU) Procurement Directives.



The OPR has a dedicated Procurement Officer who works with all staff to promote best practice in their procurement activity. A summary report of public contracts awarded by the OPR with a value greater than €25,000 is published quarterly on the OPR website.

Prompt Payments of Accounts Act 1997

The OPR complies with the provisions of the Prompt Payments of Accounts Act, 1997. The OPR ensures that invoices are paid within the statutory time limit, in line with our policies and procedures. The OPR posts its quarterly prompt payment reports on its website.

Oireachtas Members' Enquiries

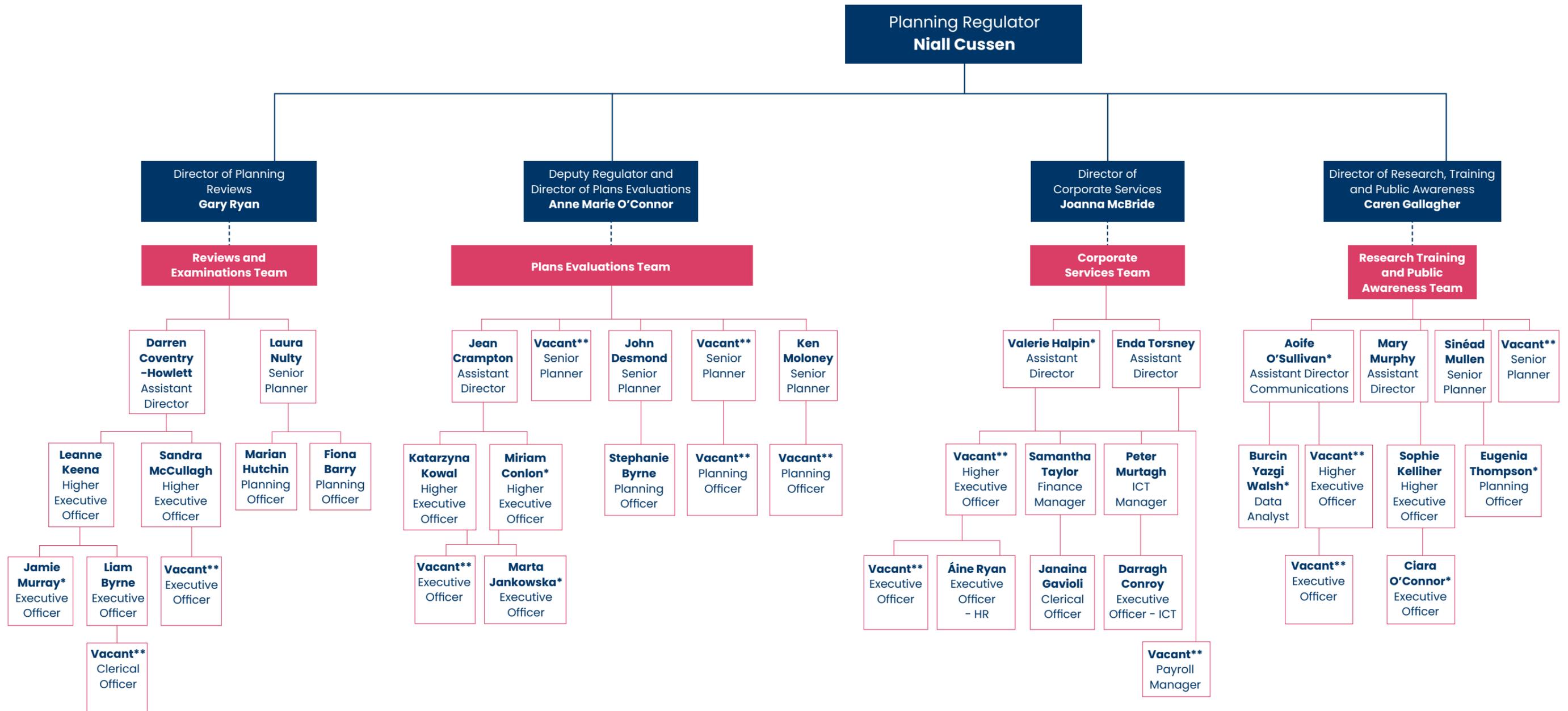
The OPR provides a dedicated enquiries email address, oireachtas@opr.ie for members of the Oireachtas seeking information about the work of the OPR.

Two formal queries from Oireachtas members were received in 2023.



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Staff Information



*Recruited in 2024. **Ongoing recruitment



Bantry Bay, Co Cork





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

Office of the Planning Regulator

Park House,
191-193A North Circular Road,
Dublin 7,
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