Oifig an Rialaitheora Pleanála
Office of the Planning Regulator

Pilot Methodology for Conducting Reviews (Under Section 31AS of the Planning & Development Act 2000, as amended) of Local Authorities' Systems and Procedures in Relation to the Performance of Planning Functions

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1 Introduction

1.1 Background

The Office of the Planning Regulator (OPR) is the regulatory body established under the Planning and Development Act 2000, as amended ('the Act') with responsibility for overseeing the delivery of effective planning services to the public and reporting on findings to the Minister and the Oireachtas.

The OPR's Strategy Statement 2019-2024 sets out its goals and actions. The first goal is for the OPR to build a reputation as a clear, fair and independent voice on the effectiveness of Ireland's planning process.

A key action under this goal is to conduct effective and fair reviews of the systems and procedures used by local authorities, and An Bord Pleanála, in the delivery of planning services, including undertaking systematic reviews of authorities over a six-year cycle.

Reviews of local authorities' planning functions are provided for under the Act and can be undertaken in a number of statutory contexts, including:

- Reviews, at the instigation of the Office (where it considers it necessary or appropriate in the circumstances) of a local authority or the Board in respect of the systems and procedures used in relation to the performance of its planning functions (section 31AS);
- Reviews, at the request of the Minister where the Minister believes a local authority is not carrying out its functions under the Act or where the Minister believes there are other serious failings (section 31AT); and
- Examinations in relation to complaints made by any person in respect of a local authority, where such a complaint relates to the organisation of that authority and the systems and procedures used by it in relation to its statutory planning functions (section 31AU).

Given that the statutory focus of reviews is on the systems and procedures used with regard to planning services, the reviews process does not provide for direct public input. However, issues raised by the public will assist in informing the OPR's overall approach to reporting on the effectiveness of the planning system.

This methodology has been prepared in relation to reviews of local authorities under section 31AS only; this methodology will be complemented by practice guides for the more specific contexts of reviews under section 31AS (An Bord Pleanála[1]) and sections 31AT and 31AU at a future point.

[1] An Organisational Review of An Bord Pleanála was published in February 2016 and is in the process of implementation.

Reviews are a key element which will sit within the wider context of a Planning Performance Assessment Framework (PPAF) which will be developed to monitor and assess the delivery of effective planning services to the public, as required by section 31P(1)(f) of the Act.

As signalled in the OPR Strategy Statement, a PPAF will be designed to measure the effectiveness Ireland's planning process incorporating the OPR's overall oversight and reporting functions. In this regard the PPAF will not only consider the role of planning authorities but also the wider context of the planning and development process with its myriad of stakeholders and its interaction with other social, economic and environmental processes,

Outputs across the OPR's statutory functions will contribute to the overall PPAF, including:

i) Research and analysis of a wide variety of planning data;

ii) Reviews under sections 31AS and 31AT and examinations under section 31AU;

iii) Assessments of statutory plans; and

iv) Analysis of the patterns, locations and types of complaints received.

PPAF reporting will include making observations to the Minister in relation to planning legislation and planning matters under section 31P(1)(i) of the Act and making submissions to the Minister on any matter pertaining to its functions under section 31U of the Act. Furthermore, the OPR must prepare an Annual Report under section 31AH of the Act which must be laid before the Houses of the Oireachtas by the 30th June each year following which the relevant Oireachtas Committee may request the Regulator to attend before it.

Some additional material on the structure to PPAF is contained in Appendix 1.

1.2 Importance of Reviews and Performance Monitoring and Assessment

Planning authorities play a crucial role in delivering sustainable development, protecting the environment, promoting economic development and creating places in which people want to live, work and enjoy life.

The work of planning authorities, together with a wide range of other stakeholders in both the public, private and community sectors, are vital in implementing the Government's enhanced policy and investment frameworks for planning and infrastructure investment under Project Ireland 2040, which includes the National Planning Framework (NPF) and National Development Plan (NDP).

The OPR adds an important oversight and monitoring role in assessing the systems and procedures of planning authorities in the performance their statutory functions through the reviews process and the delivery of proper planning and sustainable development outcomes through the overall planning system which will be monitored through PPAF reporting.

Monitoring and assessment can be viewed as a means of ensuring that the **inputs** (systems, procedures, 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 desired goals.

Monitoring will focus on ensuring that planning authority statutory planning functions are being undertaken with appropriate systems and procedures in place that capable of delivering the desired outputs and ultimately outcomes.

The establishment of the reviews programme and the PPAF is intended as a resource for planning, which will provide regular analysis with regard to the effectiveness of the national planning system and outputs delivered.

Reviews allow for identification of effective practices in the utilisation of systems and procedures and promoting learning between planning authorities. There is an opportunity for planning authorities to highlight good practice and achievements, in addition to highlighting areas that are in need of improvement.

Planning systems are also complex given the political, environmental, social and economic contexts within which they operate. The conduct of reviews will need to reflect these complexities, which can be challenging to achieve.

However, given the ongoing enhancement and re-orientation of the Irish planning process through Project Ireland 2040 as a more pro-active and plan led process of achieving proper planning and sustainable development nationally, regionally and locally, establishing a fair, practical and effective system of monitoring and assessment of performance of planning functions is key in reporting on progress made and progress that needs to be made.

The review process will evolve, reflecting lessons learnt from undertaking pilot phase reviews as well as changes in policy and legislation; accordingly, a stocktaking exercise will be undertaken after an initial round of reviews in order to adapt and improve the process.

1.3 Purpose of the Guidance

Having regard to the background outlined above, this guidance document has therefore been prepared to outline a methodology for section 31AS local authority reviews only, including broad scope and limitations, key principles and a step-by-step guide.

The guidance is for use by all participants in the process, which include planning authorities (incorporating the executive and elected members), OPR staff, the Regulator, authorised persons (reviewers), the Minister and Department of the Housing, Planning & Local Government (DHPLG) officials.

1.4 Statutory Provisions

1.4.1 Planning Authorities and the OPR

The carrying out of reviews will relate to planning authorities as defined under the Planning Act. This is a 'local authority' as defined under the Local Government Act 2001 and includes elected members and the executive.

Functions under the Act include reserved matters dealt with by elected members and executive matters overseen by the chief executive. Reviews will therefore consider the operation of systems and procedures with regard to both reserved and executive functions.

The Planning Regulator is responsible for performing the functions of the OPR and any instruments may be signed by either the Regulator or two members of staff, one of which must be a director.

1.4.2 Reviews instigated by the OPR under Section 31(AS)

Section 31AS (1) provides that ***where the OPR considers it necessary or appropriate***, it may conduct a review of a planning authority or the Board in respect of ***the systems and procedures used in the performance of functions under the Act***.

Given its oversight function (section 31P(1)(f) of the Act), the requirement that it contribute to the optimal functioning of the planning system (under section 31P(3) of the Act and its stated purpose to oversee the continuous enhancement of Ireland's planning process and its outcomes, the OPR considers it necessary and appropriate to implement a programme of planning reviews. As indicated in its Strategy Statement, the OPR will implement a programme of section 31AS reviews of all local authorities broadly over a six-year cycle.

As outlined below (paragraph 1.4.4.) each authority will be scheduled in turn for review, under section 31AS; the sequencing of the reviews will be based on range of relevant criteria. In every instance, the rationale will be provided to the relevant authority to be subject to review as to why the review is considered necessary or appropriate (separately reviews might arise on specific matters in the context of sections 31AT and 31AU).

Section 31AS(2) indicates that an authorised person may be appointed for the purposes of a review under Section 31AW(1). Subsections (2) and (3) of 31AW allows for the authorised person to request relevant information, undertake visits and be afforded reasonable cooperation.

Section 31AS(3) allows for overlap with reviews instigated at the request of the Minister under section 31AT.

Section 31AS (4) provides for circulation of draft report to the planning authority and the Minister, section 31AS(5) facilitates submissions on the draft report and section 31AS(6) sets out the requirements for circulation and publication of the final report.

Section 31AS(7) states that recommendations in a review report may relate to section 28 guidelines, section 29 policy directives, and section 255 directions and appointments.

Section 31AV, the OPR may request from the planning authority relevant information, records or documents and expect cooperation in relation to the matters which are the subject of the review.

1.4.3 Functions under the Planning Act

Reviews under section 31AS must focus on the planning authority's systems and procedures used in relation to the functions undertaken pursuant to the provisions of the Act.

Such reviews do not relate to a council's other functions (roads, housing, sanitary, etc.), except where they relate to the Planning and Development Act 2000, as amended. The principal functions allocated to planning authorities under the Act, incorporating both executive and reserved elements, can be summarised as follows:

- Forward planning for development plans and local area plans (Parts II of the Act);
- Development management, the preparation of contribution schemes, enforcement and environmental impact assessment (Parts III, VIII and X of the Act);
- Architectural heritage relating to protected structures, architectural conservation areas and areas of special planning control (Part IV of the Act);
- Housing strategies and delivery of social and affordable housing (Part V of the Act); and
- Other provisions including obligations on planning authorities under vacant site legislation.

1.4.4 Consideration of Planning Authorities for section 31AS Reviews

While the OPR has independent statutory discretion to undertake reviews under section 31AS, selection criteria will be applied when considering the scheduling of local authorities for review. Furthermore, in scheduling authorities, the OPR will give appropriate regard to any other focussed programmes of work that may be underway or other prevailing resource implications that may be presenting in specific authorities at particular times.

The selection process will consider a range of relevant criteria with a view to ensuring an appropriate blend of authorities are included in the reviews programme to reflect their varying characteristics as well as the ongoing challenges faced by the sector.

Criteria that the Office will have regard to will include:

- scale of authorities, in terms of population;
- mix of authorities in relation to whether predominantly urban or rural;
- inputs from the evaluation of statutory plans;
- inputs from the complaints-handling function, including whether particular authorities and specific themes are recurrent in relation to the volumes of correspondence;
- analysis of indicator data, both via the National Oversight & Audit Commission (NOAC) and an expanded set of high-level planning data that the Office intends to seek (see Appendices);
- authorities that may have recently implemented programmes of structural reorganisation;
- issues identified through the OPR's wider Planning Performance Assessment Framework;
- matters identified through consultations with the Minister and the Oireachtas (under sections 31U and 31AH of the Act respectively);
- progress with the implementation of recommendations from previously completed OPR reviews; and
- requests from authorities that may proactively seek a review to inform restructuring or other reforms that a particular authority may be undertaking or considering.

2 Principles and Broad Approach for Section 31AS Reviews

2.1 Introduction

This section provides an outline of the broad principles and approach to be adopted in undertaking section 31AS reviews.

2.2 Principles for Conducting Reviews

A number of broad principles can guide the review process itself. These can be summarised as follows:

- **Efficient** – the reviews should be undertaken in a timely and cost efficient manner and should have regard to resources available within the OPR and the planning authorities.
- **Fair procedure** – all parties to the review should be afforded due process, fair procedure and the review should be carried out in accordance with the principles of natural justice and in accordance with the provisions of the Act.
- **Consistency** – all stages of the review should be evidence informed and there should be appropriate analysis and consistency of approach and analysis that will contribute to systemic strengthening.
- **Reasoned** – recommendations to the planning authority and Minister should be reasoned and based upon the analysis provided.
- **Transparent** – all relevant information will be made available to all relevant parties at the appropriate time and the process of reporting and making recommendations will be clear and evident.
- **Communication** – the outputs of the review will be communicated in accordance with the provisions of the Act and lessons learnt will be disseminated.

2.3 Types of Review

Under the section 31AS, the OPR envisages that the following categories of local authority reviews will be conducted:

- **(a) General Reviews**: to be implemented as a programme whereby, in turn, each planning authority will be reviewed covering the broad range of statutory planning functions as referenced in paragraph 2.6;
- **(b) Focussed Reviews**: whereby the review will focus on a specific planning function (or a limited number of functions) in a particular authority; and,
- **(c) Thematic Reviews**: focusing on a specific planning function, or functions, across two or more authorities.

It is intended that General Reviews will form the majority of the OPR's programme of reviews, with each authority reviewed on a cyclical basis, leaving scope for Focussed or Thematic reviews in response to issues arising within the planning system.

2.4 Managing the Review

It will be vital that the review process is properly communicated, well managed and resourced and that the roles of the stakeholders are clear, that statutory provisions are adhered to and that the principles of fair procedures are fully implemented.

It is also intended to perform the review function in the most cost efficient manner, with clear timeframes to ensure various stages of the review are completed in a timely manner. This is outlined in further detail in Section 3.

2.5 Roles and Responsibilities

- **OPR**: has the statutory function of performing reviews under section 31AS. The OPR will initiate the process, appoint the authorised person, manage the process, prepare a report and submit it to the planning authority and the Minister.
- **Authorised Person**: the person appointed under section 31AW to conduct a review may be an internal OPR staff member or an external person; the OPR will carry out a procurement process to establish a panel of appropriately qualified reviewers for this purpose. In selecting external expertise to conduct a review, the OPR will ensure that no conflict of interest arises. The authorised person will conduct the bulk of the work associated with any review and will prepare the draft report for the Regulator.
- **Planning Authority**: under the Act, the planning authority is required to provide requested information and to cooperate with the OPR. While any review may consider the systems and procedures utilised in respect of reserved functions, reporting to the OPR is deemed an executive function under the Act. It is a matter for the relevant chief executive to keep their council updated whether through monthly / quarterly management reports or otherwise. The planning authority may also comment on the draft OPR report and will be responsible for implementation of recommendations made.
- **The Minister**: submissions may be made by the Minister in relation to the draft Review Report. The Minister will also have regard to any recommendations made in the final Review Report in relation to exercising of his / her functions with regard section 28 guidelines, section 29 policy directives, or section 255 directions.
- **NOAC**: performance indicators prepared by NOAC may be utilised in the review. The OPR will, as part of the PPAF, work with NOAC to develop the performance indicators as required (See Appendix 3).
- **Other Parties**: under the provisions of the Act, the OPR may circulate the final report to other parties as appropriate. This may include other parties as appropriate including those referenced in the legislation. Regardless of circulation, the OPR will publicise general outputs from the reviews programme in its quarterly activity reports and in its annual report to the Oireachtas.

2.6 Themes for Section 31AS General Review Reports

There are many functions under the Planning Acts, both executive and reserved, many of which are generally operated efficiently by planning authorities. However, there are a number of key recurrent issues that arise in relation to the performance of planning functions which can illustrate the overall effectiveness of the system. These issues are also matters that are generally common to all planning authorities.

In relation to the Review Reports prepared by the OPR when conducting general reviews, such reports will be structured around three broad themes, which will be cross cutting and mutually reinforcing as follows:

Theme 1: Plan Led Development

The preparation of plan is a function under Part II of the Act. The focus of section 31AS general reviews will be on the systems and procedures that are in place to ensure:

- compliance with timeframes in the preparation of statutory plans and their review in the light of new or updated regional and national policy contexts (most recently in relation to Regional Spatial and Economic Strategies and the NPF);
- correct statutory provisions are utilised in the preparation of plans, including those to ensure evidence informed decision-making, transparency, bringing about effective public participation in policy development and compliance with national and regional policies; and,
- appropriate monitoring systems are in place to capture all relevant information (e.g. housing delivery, brownfield development, achievement of objectives, etc.

Theme 2: Managing for Sustainable Development

The planning authority's role in managing sustainable development is reflected in different sections of the Act, including under Part III, through its development control functions and the preparation of development contribution schemes, guiding the provision of housing under Part V, activating zoned lands through the vacant site levy is provided for under the Urban Regeneration and Housing Act 2015, and enforcement under Part VIII of the Act.

General reviews will focus on key areas and the systems and procedures relating to:

- **policy compliance** in deciding planning applications with due regard to national and local statutory policy;
- **reporting procedures** are appropriate and in place in the processing of planning applications;
- **contribution scheme preparation** is appropriate and supports development priorities;

- **the vacant site register** is properly established and that a vacant site register is operating and land activation measures are in place; and
- **the enforcement function** is being comprehensively and effectively operated.

Theme 3: Delivering Quality Planning Services

Quality in a planning service can be determined by various elements including cost effectiveness of the service as a whole, the efficiency in handling planning applications, transparency of processes, consistency of decisions, communications with all users, customer satisfaction, fairness and avoidance of bias. Quality of service is cross cutting and relates to all functions undertaken by a planning authority.

The key systems and procedures related to quality of service, on which general reviews will focus, are:

- **timeliness and efficiency** in processing planning applications (e.g. validations, granting consultations under section 247, etc.);
- **consistency** in decision-making with regard to the application of statutory plan policies and government guidelines;
- **transparency and fairness** of processes used in performance of functions;
- **accessibility** and availability of information for members of the public and other stakeholders;
- **corporate** approach to collaboration and integration of services and functions;
- **stakeholder engagement** and responsiveness to their inputs into service delivery improvements; and
- **communications and use of ICT** in the performance of functions.

2.7 Data Sources for Reviews

A series of indicators has been developed by NOAC. Three of these existing indicators relate directly to functions under the Act. They are:

- P2 - Appeals to An Bord Pleanála - % of the determinations which confirmed (either with or without variation) the decision made by the local authority
- P3 - Planning Enforcement Cases Closed as Resolved
- P4 - Cost per capita of planning service

Other measurements and indicators can be used to measure the delivery of effective planning services, including data available through the Central Statistics Office, An Bord Pleanála, Dept. Housing, Planning & Local Government, etc.

To enhance the availability of planning data at a national level the OPR will also work with wider stakeholders to strengthen indicators to measure planning outputs over all authorities on an annual basis, while at the same time ensuring a reasonable administrative and data gathering burden.

Consideration of themes emerging through these indicators will form an important element in the OPR's annual PPAF report to the Oireachtas and accordingly the OPR will compile and retain such data to assist it in delivering on its statutory functions. The data compiled and retained in respect of specific authorities will assist in the reviews programme (data will not be sought directly from authorities during the review process where it is already publicly available).

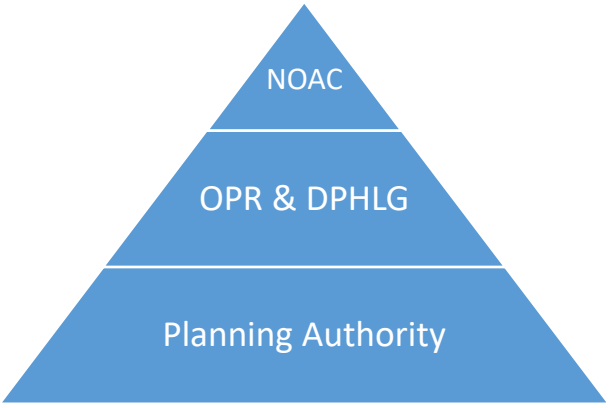


Figure 1: Indicator Hierarchy

A potential outline of the future shape of such indicators is included in Appendix 3.

2.8 Collection of Information

At the beginning of each review process, in addition to notifying the planning authority (as outlined in Section 1.4.2), the OPR will seek input from the planning authority which may provide such additional information and data as it considers relevant.

Planning authorities will be requested to provide information on their systems and procedures in relation to a broadly based representative set of activity areas and in doing so the authority should provide narrative explaining its systems and procedures supplemented with the provision of procedural / process manuals, protocols, etc. and any data the authority considers appropriate (as noted above, the OPR will compile and retain various publicly available planning data which it will not be necessary for authorities to include in their response).

The appendices (Appendix 2) contain a template for the response from a local authority undergoing a general review, including key questions in relation to a representative sample of statutory functions that planning authorities discharge under the various chapters and parts of the Act.

2.9 Planning Authority Response

In preparing responses to the OPR, planning authorities should:

- Ensure appropriate staff time and resources is made available to gather the relevant information, with a nominated person being responsible for coordinating the response;
- Respond to the questions set out and any other relevant matters they see fit in a concise and coherent manner, ideally reports not exceeding 100 pages;
- Take account of the various stakeholders in the planning process that will be able to access the report once finalised and published;
- Highlight innovations and areas where systems and procedures have been developed to improve service delivery, including service plans for further advancements in the range and or quality of planning services offered under the Act;
- Acknowledge challenges – recognise where systems and procedures need to be improved or put in place;
- While the planning authority response will inform the preparation of the OPR's Review Report, and relevant details may be quoted / extracted, the response will not be published by the OPR.

2.10 Case-Studies

In responding to the initial request for information by the OPR, local authorities will be encouraged to include case-studies as a way to illustrate its responses to any of the topics highlighted in the local authority report template.

Such case studies are an excellent way of demonstrating qualitative issues, innovation and good practice, facilitating peer learning.

2.11 Final Reporting and Recommendations

The authorised person will review the authority's response and will be responsible for any necessary further engagement before preparing the draft Review Report which will be subject to a number of further statutory steps as set out in the following section before finalisation.

2.12 Implementation

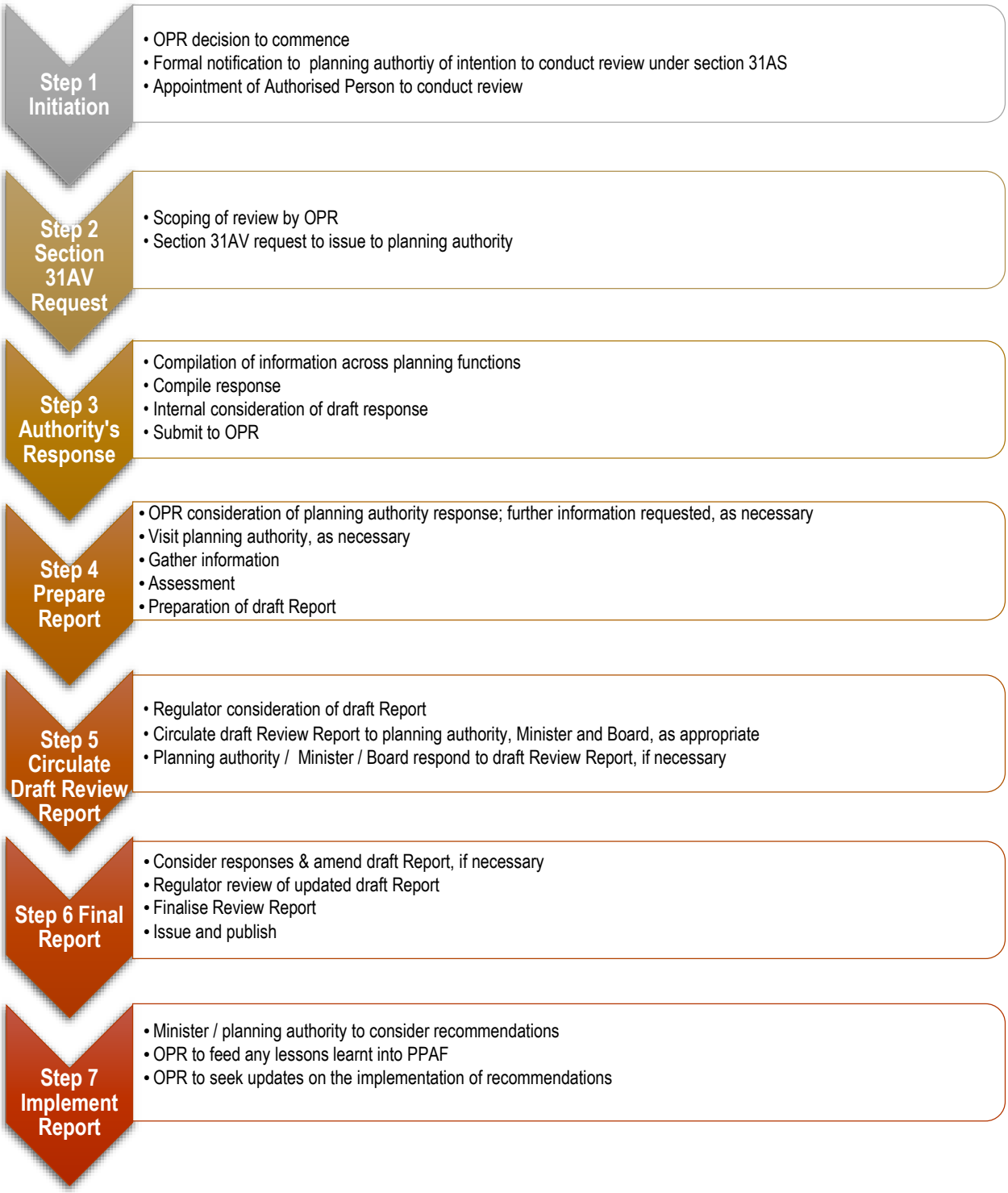
Once a particular review is complete, it could be expected that some specific recommendations may need to be followed through.

Post review, the OPR will continue to engage with relevant authorities on the implementation of those recommendations. Progress with regard to the implementation of OPR recommendations to improve any systems and procedures could be a consideration in the selection of particular authorities for further subsequent reviews.

3 Step-by-Step Guide for Conducting a Review

3.1 Process Overview

The following diagram is an outline of the process.



The following sets out in more detail the requirements under each step. A suggested timeframe in weeks, from the initial decision to proceed with a review, is indicated.

3.2 Step 1 – Initiation (week 1)

The following is undertaken in this step:

i) OPR decides to initiate a review of a particular planning authority; as noted above this decision will be based on various selection criteria which will be referenced in the OPR's notification of its decision.

ii) An authorised person under section 31AW is appointed to undertake the review. This person may be either an internal member of staff or an external qualified consultant.

iii) Correspondence with the planning authority sets out the process, including the nature of review (i.e. a general, focussed or a thematic review). Broad timeframes will also be indicated.

3.3 Step 2 - Section 31AV Request (week 2)

The various elements of this step are broken down as follows:

i) A request for information will issue to the planning authority, under section 31AV. The request will set out the material to be submitted to facilitate the review and the format within which it should be submitted. An indicative response template, with regard to general reviews, is illustrated in Appendix 2 covering broad topics within the range of statutory planning functions; this template will be used as a starting point but will be subject to ongoing and further development by the OPR in advance of the initiation of reviews. A more concise response template will also issue in instances of focussed or thematic reviews.

ii) The questions posed in the response template are capable of being responded to by the planning authority in a relatively open manner, whereby the authority can highlight the key opportunities and challenges in delivering statutory planning functions.

iii) In addition to answering specific questions in relation to performance of functions, the request should seek the provision of procedural / process manuals, protocols, explanation of procedures and practices, documents, planning reports, sets of data required to provide a basis for analysis of service delivery.

iv) It should be noted that the focus of section 31AS is with regard to systems and procedures. Accordingly, bodies of cases, rather than individual instances, may be reviewed to assess the procedures and practices applied, or to consider the consistency in the application of planning policy.

v) As a general principle, planning authorities will not be requested by the OPR to provide information that is readily available elsewhere (e.g. in NOAC indicators, or DHPLG statistics or internal OPR sources).

vi) The request may suggest the suitability of case-studies to illustrate systems and procedures being used which the authority itself considers good practice.

vii) The section 31AV request will issue to the planning authority indicating a timeframe within which the initial response should be provided. Given that the request may be extensive, and the planning authority will have its own internal reporting procedures to comply with, the period for responding will be specified by the OPR and will be at least five weeks or such other period as will be determined by the Office.

3.4 Step 3 – Section 31AV Response (weeks 3-7)

There are a number of discrete tasks within this step, which can be summarised as follows:

i) Relevant administrative and professional staff should be assigned to compile the response.

ii) Planning authorities will use the template which will be provided to compile its response to the OPR – an example of a template for general reviews ('Template for the Planning Authority's Response to OPR') is included at Appendix 2.

iii) OPR staff may schedule a meeting with the relevant planning authority to brief the assigned officials on what to expect from the reviews process.

iv) In the course of implementing its programme of reviews the OPR will give consideration towards establishing a list of suitably experienced and qualified local authority practitioners that may make themselves available on a voluntary basis to assist the authority during the review process. These practitioners will not have a reporting arrangement with the OPR. Where such assistance is to be availed of, the relevant authority should meet with the practitioner so that material can be considered and advice be provided accordingly.

v) The preparation of the response is an executive function and accordingly it is a matter for the chief executive to consider any local arrangements for the elected members to provide feedback into the finalisation of the planning authority response to the OPR.

vi) The response should then be submitted to the OPR.

3.5 Step 4 - Authorised Person Review and Draft Review Report (weeks 8-15)

Upon receipt of the response from the planning authority, the next step will include the following:

i) The response should be reviewed by the Authorised Person. If more information is required, the OPR will write to the planning authority specifying the information required.

ii) The Authorised Person may schedule interviews / meetings with relevant officials of the planning authority, if considered necessary. Minutes should be taken, and agreed, of any meetings held.

iii) The submitted information should be reviewed and analysed. Where a body of cases is examined to demonstrate compliance with a particular procedure or policy, the body of cases should be of such a size so as to allow for a reasonable conclusion. The analysis of systems and procedures should be presented based on the thematic structure outlined in paragraph 2.6.

iv) The draft Review Report prepared by the Authorised Person must be objective, must be based upon the evidence submitted, must draw qualitative assessments from relevant legislative (Acts), regulatory (Regulations), policy (Policy Directives and Guidelines) and advisory (Circular Letters, Practice Advice) sources and must include reasoned conclusions as to the systems and procedures used by the authority in relation to the performance of its functions under the Act.

v) The draft Review Report will follow the following general structure (though certain aspects may be truncated in instances of focussed or thematic reviews):

1. Introduction
    - Scope
    - Process

2. Characteristics of Planning Authority
    - Geographical size
    - Staffing levels
    - Councillors
    - Executive Structure

3. Planning Authority Response
    - Summary
    - Key findings

4. Specific Assessment
    - Plan Led Development
    - Managing for Sustainable Development
    - Delivering Quality Planning Services

5. Key Findings and Recommendations, should be made in relation to systems procedures and these should be:
    - necessary;
    - relevant to the review;
    - implementable;
    - precise; and
    - reasonable.

Any recommendations made to a planning authority regarding improvements that could be made to systems and procedures should include practical suggestions to ensure implementation of the recommendations. The OPR's report may include specific recommendations for the planning authority or to the Minister to issue section 28 guidelines, section 29 directives or directions under section 255.

While the legislation does not specifically provide for recommendations in the Review Report in relation to general planning policy, changes in regulations or legislation, or good practice development, there is scope for the reviewer to bring such matters to the attention of the Regulator in the form of an information note or separate feedback form. Any such policy / statutory based observations that might arise from a review could be considered for inclusion in the OPR's overall PPAF reporting under sections 31P, 31U and 31AH of the Act

3.6 Step 5 – Draft Report and Circulation (weeks 16-21)

The draft Review Report should be finalised and the following should be done:

i) The draft Report will be submitted to the Planning Regulator.

ii) The Regulator may amend or add to the draft Review Report. Amendments will be clearly set out in the form of a stand-alone document indicating the changes.

iii) The draft Review Report shall then be circulated to the planning authority and the Minister, indicating a period within which any submission should be made. A reasonable period would be three weeks from the date of circulation of the draft Review Report.

3.7 Step 6 - Review of Submissions and Final Report (weeks 22-23)

Upon receipt of submissions, the following tasks should be undertaken:

i) The Authorised Person shall prepare a summary of the submissions, making any recommendations to amend the draft Review Report. In general, amendments should relate to errors of fact or where there is an unreasoned conclusion or recommendation in the draft Review Report.

ii) The reviewer's summary of submissions, with any recommendations, should then be presented to the Planning Regulator, who will confirm whether the Review Report is to be finalised with amendments or not.

iii) A copy of the final Report shall be sent to the planning authority, the Minister and any other such persons as is considered appropriate in the circumstances. The Report shall only be published on the OPR's website in its finalised version and following circulation to the relevant authority and the Minister. A summary of reviews completed and issues arising will be included in any general OPR activity reporting, including the annual report to the Oireachtas.

3.8 Step 7 – Post Review

Monitoring of the implementation of any OPR recommendations to the planning authority will be essential to ensure the integrity of the process. The OPR will seek updates on the implementation of any such recommendations as appropriate. As noted above in paragraph 2.12, progression with regard to the implementation of recommendations may be a consideration in the selection of particular authorities for further subsequent reviews.

While it is anticipated that most reviews will result in recommendations for the planning authority with regard to the development of systems and procedures, where significant matters arise from a review, recommendations may issue to the Minister under section 31AS(7). As noted above, such recommendations may relate to section 28 guidelines, section 29 policy directives, and section 255 directions and appointments. Where such recommendations are included in a Review Report the Minister may consider exercising the relevant powers available.

As noted, it is intended that the reviews programme will become a resource to the planning process whereby good and effective practices are identified and promoted between planning authorities. In this regard the OPR will facilitate the coordination of peer learning and will use knowledge gained from reviews to inform educational programmes. Furthermore, matters arising from the reviews programme may also highlight issues or topics to be further explored through the OPR's research function.

Appendix 1 – Outline of a Planning Performance Assessment Framework

Context for a Planning Performance Assessment Framework

The OPR Strategy Statement, prepared under section 31T of the Planning and Development Act 2000, commits the Office to implementing a Planning Performance Assessment Framework (PPAF) within which process and outcome indicators will be developed for the measurement of performance across the planning system. In accordance with the Strategy Statement, the OPR will develop the PPAF in consultation with key stakeholders such as the Department, planning authorities and NOAC. The PPAF will be updated on an ongoing basis to reflect developments in Government policy and legislation, including Ministerial regulations and guidelines, for the planning system.

Under section 31AH of the Act, the OPR is required to prepare an annual report for the attention of the Oireachtas which will include information on the performance of the Office's functions. It is intended that this report will set out an assessment of the effectiveness of Ireland's planning process in the context of the statutory functions of the Office. Additionally, the Act provides that the OPR makes observations to the Minister in relation to planning legislation and planning matters, under section 31P(1)(i), and submissions on any matter pertaining to its functions, under section 31U.

The PPAF will represent the OPR's reporting mechanism for the oversight of the delivery of effective planning services to the public by planning authorities, and the performance by the Board and planning authorities of their respective functions, as required under section 31P of the Act. However, the PPAF will also consider the wider context of what constitutes proper planning and sustainable development and the planning and development system's interaction with other social, economic and environmental processes and challenges.

These challenges include planning future development in a way that both addresses the drivers and adapts to the effects of climate change, securing compact urban development and basing future residential development on identified housing need. Addressing these, and delivering on other policies from the National Planning Framework, will require transformational change in approaches to, and execution of, planning policies.

Successful outcomes will also be dependent on the meaningful input of stakeholders and participants across the planning system, not just planning authorities and the Board. Accordingly, the PPAF will seek to report on the overall effectiveness of Ireland's planning process including the roles played by Government, local authorities, regional assemblies, An Bord Pleanála, developers, built environment professionals, planning agents, business interests, academic and research interests, environmental and community groups, etc.

Elements of the Planning Performance Assessment Framework

Outputs across the OPR's various statutory functions will contribute to the overall PPAF. These include:

i) Reviews;

ii) Assessments of statutory plans;

iii) Analysis of the patterns, locations and types of complaints received; and,

iv) Research and analysis of a wide variety of planning data.

The OPR's reviews process, provided for under sections 31AS and 31AT of the Act, comprises one element of the PPAF. Through regular review, over the years ahead, it can be anticipated that individual authorities, as well as the sector as a whole, will improve performance on a continuous basis.

As committed to in the OPR's Strategy Statement, the Office intends to conduct general section 31AS reviews across the planning authority sector, including An Bord Pleanála, with a view to covering all authorities every six years or thereabouts.

The review process is intended to act as a resource for planning authorities and their stakeholders, providing insights and recommendations as to where systems and procedures can be enhanced. Such reviews will be focused on the statutory planning functions of the planning authorities and identification of effective practices (for wider dissemination) and areas for improvement, which the progress of same will be monitored under the Performance Assessment Framework.

The OPR's core business area, the evaluation of statutory forward planning will also inform the PPAF. The evaluation function operates with a view to ensuring that the plan or strategy provides for the proper planning and sustainable development of the area concerned and to ensure compliance with

national, and regional, planning policies and objectives. The establishment of the OPR to oversee statutory forward planning significantly enhances governance and oversight arrangements within the planning system and the potential for enhanced coherence arising from this function will be a critical element of PPAF reporting.

The examination of complaints received, under section 31AU of the Act, and any OPR recommendations to planning authorities or the Minister arising in this context, will be another important element informing the Planning Performance Assessment Framework. The planning system impacts on many aspects of daily public life and should therefore operate in a manner whereby the services delivered are tuned to customer's needs as well as delivering quality outcomes. A well-functioning planning system both responds to the needs and anticipates the demands of society, accordingly the consideration of inputs made by members of the public will also be an integral element of the PPAF.

Existing planning data and statistics will also be utilised to inform PPAF reporting. Section 31P of the Act provides that, in overseeing the delivery of effective planning services to the public, the OPR may have regard to any indicator identified by the National Oversight and Audit Commission (NOAC). Furthermore, section 31P also provides that the OPR may have regard to any regulations made under section 134A(7) of the Local Government Act 2001 i.e. in the context of local authority service delivery plans.

At present, three indicators cover the planning process within the context of NOAC indicators. The Office intends to work with NOAC and the Department and the wider local authority sector to develop a more comprehensive set of statistical indicators with which to oversee the performance of the planning authority sector. This expanded set of existing and newer indicators and sources of management information will be another key part of PPAF.
The indicators to be developed will sit within one of three thematic categories:

- Plan Led Development;
- Managing for Sustainable Development; and
- Delivering Quality Planning Services.

Finally, the OPR's research and training programmes will contribute to the PPAF. Through this statutory function the OPR intends to provide support and analysis to the planning sector and will seek to maximise knowledge transfer between the planning authorities, the Board and wider stakeholders. The incorporation of these elements into PPAF, and associated reporting, will be mutually reinforcing in contributing to maximising efficiency, effectiveness and consistency within the planning system.

Appendix 2 – Template for Authority's Response to OPR

Executive Summary

1. Introduction and Context for the Review

- Response to OPR
- Structure of the area under review (demography, rural / urban characteristics, area)
- Planning authority structure (professional, administrative staff, resources, elected members and council structure)
- Outline of main planning services (planning applications, fee income, development plan status, local area plans, statutory policies)

2. Response to OPR Questions

Development Plans

1	What measures were used to encourage public participation in the making of the most recent development plan	section 11	Theme 1: Plan Led Development
2	Outline the internal reporting structure and procedure to deal with variation requests under Section 13(1A)(a) of the Act	section 13	Theme 1
3	What is the internal procedure for identifying potential public rights of way	section 14	Theme 1
4	Outline the procedures used to monitor and evaluate progress of development plan objectives to inform the biennial Chief Executive's report; provide a copy of the most recent report	section 15	Theme 1

Local Area Plans

5	What measures were used to encourage public participation in the making of local area plans over the past 3 years	section 20	Theme 1
6	Have any local area plans have been incorporated into the city / county development plan over the past 6 years; provide details	section 18	Theme 1
7	Have any local area plans lapsed over the past 6 years; provide details	section 18	Theme 1

Guidelines and Directions

8	Detail the systems and procedures used to ensure that development management decisions have regard to Ministerial guidelines and policy directives and that all staff of the planning department are aware of such policies	Sections 28 and 29	Theme 2: Managing for Sustainable Development

Control of Development

9	What documented procedures are in place to assist staff in carrying out the authority's development management function; provide copies of any internal procedures manuals, report templates, etc. used to deliver consistent reporting	Part III	Theme 2
10	Over the past 6 years, have any applications for permission been refused for past failures to comply; provide details	section 35	Theme 2
11	Over the past 3 years, what number of decisions were not made publicly available online within the 3-day timeframe; represent this as a percentage of the overall total	section 38	Theme 3: Delivering Quality Planning Services
12	What is the average time (in days) for planning applications to be made available online	section 38	Theme 3
13	Provide detail of the updates that have been made to development contribution schemes over the past 6 years to ensure consistency with Ministerial guidelines	section 48	Theme 2

Architectural Heritage

14	What procedure is in place to maintain and revise the Record of Protected Structures, including the identification of structures to be considered for inclusion	Part IV	Theme 1
15	What are the adopted systems in place for identifying the building condition of structures on the Record of Protected Structures that may be in danger or at risk	Part IV	Theme 1
16	What procedure is in place to maintain and revise the Record of Protected Structures, including the identification of structures to be considered for inclusion	Part IV	Theme 1

Vacant / Derelict Sites Register

17	Outline the procedure used to evaluate sites for inclusion in the Vacant Sites Register	Part II (Urban Regeneration and Housing Act 2015)	Theme 2
18	Outline the procedure used to evaluate sites for inclusion in the Derelict Sites Register (Derelict Sites Act 1990)	Part II	Theme 2

Enforcement

19	Outline the procedure in place for identifying unauthorised development, with a focus on prioritising large-scale unauthorised development. Provide details of the number of Warning Letters issued under section 152 that were instigated without any external complaint being received	Part VIII	Theme 2
20	What system is in place for monitoring unauthorised development and planning enforcement (copies of the last three annual reports, produced for the attention of elected members / Minister should be provided with the response)	Part VIII	Theme 2

Environmental Impact Assessment

21	What internal system is in place to ensure Environmental Impact Assessment requirements are adhered to; provide copies of any internal procedures manual	Part X	Theme 3

Development by Local and State Authorities, etc.

22	Outline the internal procedure used for considering requests for the taking in charge of estates, including site inspections and engagement across internal work areas; provide details of the cataloguing of all estates whether under development, taken in charge or completed and yet to be taken in charge	section 180	Theme 3
23	Over the past 3 years, what is the average length of time (in months), from receipt of the request, required to conduct the taking in charge process	section 180	Theme 3
24	What procedure is in place to ensure that developer bonds, etc. are secured and maintained, including across phased developments, before estates are taken in charge; provide copies of any internal procedures manual or policy	section 180	Theme 3

Amenities

25	Outline any system in place to evaluate and progress policy objectives in the development plan relating specifically to landscape protection	sections 202 and 204	Theme 1
26	Over the past 6 years, what number of landscape designations have been made	sections 202 and 204	Theme 1
27	What procedure is in place to identify trees for statutory protection and for ensuring that trees already subject to Tree Preservation Orders are protected during the development process	section 205	Theme 1

Events and Funfairs

28	Over the past 3 years, how many applications have been received and granted for licences to hold events	Part XVI	Theme 2
29	Outline the procedure used in relation to the facilitation of pre-application consultation meetings	Part XVI	Theme 3

Miscellaneous

30	What procedure is used to ensure that details of consultations in relation to proposed developments are recorded and are transparent both internally and publicly	section 247	Theme 3
31	What systems are in place to facilitate the provision of information on line, including making and application, commenting on an application, making a submission on a draft plan, making complaints about enforcement, etc.	section 248	Theme 3

Note: As signalled in Section 3.3, this broad and indicative template is subject to further development in the context of the roll-out of the initial phase of planning authority reviews.

In particular, further development of the template will address the following:

- Use of 'traffic light' grading system by local authorities the subject of a particular review with regard to the quality and effectiveness of their procedures as described in their responses, taking account of relevant (i) legislative, (ii) regulatory, (iii) policy (e.g. Guidelines published by the Minister under Section 28 of the Act) and (iv) advisory (e.g. DHPLG Circular Letters) sources; and
- Advice for OPR Reviewers in the analysis and interpretation of the local authority responses, which will derive from the consideration of the relevant performance requirements and advices above and what would be considered as good practice in a more general sense drawing from experience across the planning and public sector.

Appendix 3 – Planning Data and Statistics (Existing & Proposed)

An Board Pleanála Planning Statistics

- Number of Planning Cases Received and Disposed
- Number of Planning Appeals Received and Disposed
- Strategic Infrastructure Development (Private Entities / Statutory Undertakers)
- Strategic Infrastructure Development (Local Authority)
- Other Local Authority Projects
- Strategic Housing Development Applications
- Vacant Site Levy
- Other Case Types

Central Statistics Office (CSO) Planning Permission Statistics

- Number of planning permissions granted (houses)
- Total floor area for planning permissions granted
- Number of housing units for which planning permission granted by county
- Number of dwelling units for which planning permissions granted by type of dwelling
- Average floor size per unit by type of dwelling
- Planning permissions granted (all development types)
- Total floor area for which permissions granted

Department of Housing, Planning & Local Government Planning Statistics

- Number of invalid applications
- Number of planning applications received
- Number of Planning Decisions
- Number of Refusals
- Number of Grants
- Percentage of decisions made within 8 weeks / deferred

National Oversight & Audit Commission Planning Indicators

- Planning Decisions Confirmed by An Board Pleanála
- Planning Enforcement Cases Closed as Resolved
- Cost Per Capita of Planning Service

Office of the Planning Regulator indicators under development

- What percentage of new development (all categories) is being delivered on brownfield lands in accordance with the National Planning Framework?
- What number of material contraventions were tabled and approved during the year?
- How many applications were subject to further information request?
- What number of sites were on (a) the Vacant Sites Register and (b) the Derelict Sites Register at the start of the preceding year and how many of these were brought forward for development during the course of the year?
- What is the average number of weeks from application date to issuing of the decision to grant / refuse on a planning application (the applicant's response time following requests for further information should be excluded)?
- What number of pre-application consultation requests were made pursuant to section 247 of the Act; what percentage of these requests were facilitated; what percentage were facilitated within 4 weeks of the request being made?
- What planning services are accessible online:
    - request for pre-application consultation Y/N
    - making of a complaint in relation to planning enforcement Y/N
    - making of submissions on statutory plans Y/N
    - making of a planning application Y/N