



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Office of the Planning Regulator Activity Report

Quarter 3 of 2024



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Mullaghmore Harbour, Sligo

Introduction

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

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

Evaluation of Statutory Plans

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

In Q3 of 2024, nine consultations on statutory plans opened for public consultation. These consultations related to:

- one draft county development plan;
- three draft local area plans;
- one joint local area plan;
- one material alterations for local area plans;
- two proposed variations to county development plans;
- In addition, there was one issues paper for the review of the Castlecomer Local Area Plan as a proposed Variation to the Kilkenny City and County Development Plan 2021-2027.

OPR Submissions on Statutory Plans

In Q3 2024, the OPR made six submissions to local authorities. Table 1 sets out a breakdown by plan-type. In Q3 the majority of submissions related to local area plans.

Submissions on Statutory Plans	
Material Alterations to County Development Plans: <ul style="list-style-type: none"> Sligo County Development Plan 2024-2030 	1
Variations to City/County Development Plans: <ul style="list-style-type: none"> Castlecomer LAP (Proposed Variation to the Kilkenny City and County Development Plan 2021-2027) 	1
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> Ferrybank-Beliview LAP 2025-2031 	1
Draft Local Area Plans: <ul style="list-style-type: none"> Maynooth and Environs JLAP 2025-2031 Dundalk LAP 2024-2030 	2
Material Alterations to Local Area Plans: <ul style="list-style-type: none"> Ballina LAP 2024-2030 	1
Total	6

Table 1 | Submissions on Statutory Plans

OPR Submissions by Regional Area

Local authorities are divided into three regional areas, represented by three regional assemblies:

- the Eastern and Midland Regional Assembly (EMRA);
- the Northern and Western Regional Assembly (NWRA);
- and the Southern Regional Assembly (SRA).

OPR submissions during Q3 2024 related to all Regional Assembly areas. Figure 1 shows the number of submissions made on consultations within each regional assembly area.



Figure 1 | OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations

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

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

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

Table 2 sets out the number of observations and recommendations made by the OPR in Q3 2024¹.

Recommendations and Observations made by the OPR			
	Submissions (number)	Recommendations (number)	Observations (number)
Draft Local Area Plans	2	16	8
Material Alterations to draft Local Area Plans	1	3	-
Material Alterations to draft City/County Development Plans	1	8	-
Total	4	27	8

Table 2 | Recommendations and observations made by the OPR

¹ As the OPR does not issue recommendations or observations at Issues Paper stage these figures do not relate to submissions made at issues paper stage.

OPR Recommendations and Observations: Legislative Categories

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

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

A breakdown of the recommendations and observations made in Q3 by legislative category is contained in Table 3 and 4. As recommendations can cover more than one legislative provision, the numbers presented in these tables (Table 3 and 4) differ from the total number of recommendations listed above in Table 2.

The most common themes across the recommendations and observations issued in Q3 2024 were consistency with RSES, consistency with Development Plan and policy matters under section 28 Guidelines.

OPR Recommendations	Number
Consistency with NPF	10
Consistency with RSES	20
Consistency with DP	18
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	18
Consistency with Legislative Provisions	5
Consistency with Legislative Provisions re Climate Change	8
Other	1
Total	81

Table 3 | OPR Recommendations

OPR Observations	Number
Consistency with NPF	1
Consistency with RSES	3
Consistency with DP	3
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	2
Consistency with Legislative Provisions	2
Consistency with Legislative Provisions re Climate Change	2
Other	-
Total	13

Table 4 | OPR Observations

Adopted Plans - Outcome of OPR Submissions

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

One county development plan, three local area plans and one joint local area plan were adopted by planning authorities in Q3 2024. The Office made 42 recommendations in total at the draft plan and material alterations stages of these five plans.

The recommendations were satisfactorily addressed for the one joint local area plan: Carlow-Craiguecullen JUAP 2024-2030. The recommendations of the Office were not satisfactorily addressed for two of the plans adopted in Q3 2024, this is explored further in the below sections. In addition, one amendment was made to the Callan LAP 2019-2028 but no recommendations were made.

The assessment of two plans were ongoing at the end of Q3 2024, the Sligo County Development Plan 2024-2030 and Ballina Local Area Plan 2024-2030.

Directions

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

In Q3 2024, the OPR issued a recommendation to the Minister of a draft Direction on the Loughrea Local Area Plan 2024-2030 and the Roscommon Town Local Area Plan 2024-2030. Following consideration of this recommendation, the Minister issued notice of a draft Direction to both local authorities.

The OPR also issued a recommendation of a final direction on three plans in Q3 2024:

- the Donegal County Development Plan 2024-2030
- the Westport Local Area Plan 2023-2029
- the Kenmare Municipal District Local Area Plan 2024-2030

Of these, the Minister issued a final recommendation on the Kenmare Municipal District Local Area Plan 2024-2030, and the process was ongoing for the two remaining plans at the end of Q3 2024.

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

Stakeholder Engagement

Engagement with Local Authorities

During Q3, the OPR continued to engage with local authorities, meeting with Kildare and Meath County Councils. This engagement allows the OPR to answer queries or discuss key matters regarding proposed plans, and to provide additional information, such as policy updates, which may support the work of the local authority during the plan-making process.

Plans Evaluation Forum

The OPR hosted two meetings of the Plans Evaluation Forum, in July and August 2024, which enabled discussions between all organisations on statutory plans subject to public consultation over that period.

Reviews and Examinations

Case Handling

Case activity

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

During **Q3**, a total of **97** cases were received and **93** cases were closed by the OPR, detailed by month in Figure 1.

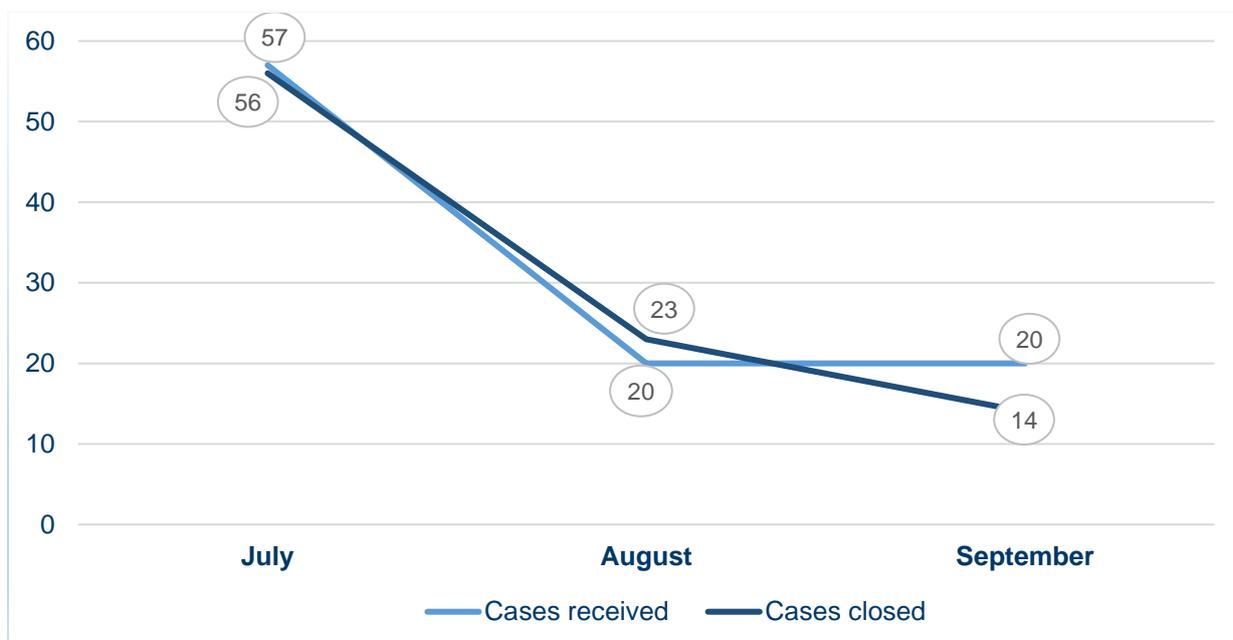


Figure 2 | Cases received vs. cases closed Q3, 2024

There were 39 cases raised with the Office during Q3 in relation to the same particular issue and from the same area. Accordingly, it is worth making the distinction in relation to the 97 cases received and 93 cases closed, there were 59 unique cases received and 55 unique cases closed during Q3.

The **93** cases closed in **Q3** are as outlined below and in Figure 3:

- **27** complaints
- **26** queries
- **40** submissions

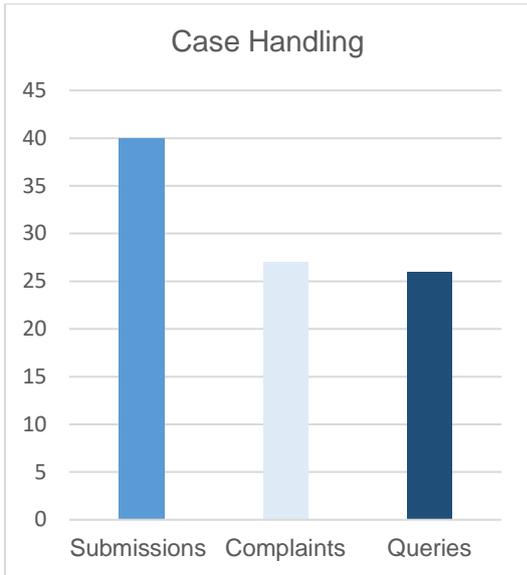


Figure 3 | Case types

While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail.

Often, especially with regard to complaints, the processing of cases can be time consuming, involving a series of correspondence with either the customer, the relevant local authority or both. This is demonstrated by the fact that the 93 cases closed in Q3 are estimated to have taken approximately 351 working hours to process.

While a broad range of themes arose in the OPR’s case handling during Q3, a number of dominant themes prevailed. As can be seen in Figure 4, the most common single theme was statutory plan making cases (occurring in 33% of cases) followed by issues associated with customer service (at 16%).

The theme entitled ‘*other*’ includes a variety of issues such as: data protection matters, change of use, gambling regulations, legal proceedings, and conditions concerning tree bonds (at 4%).

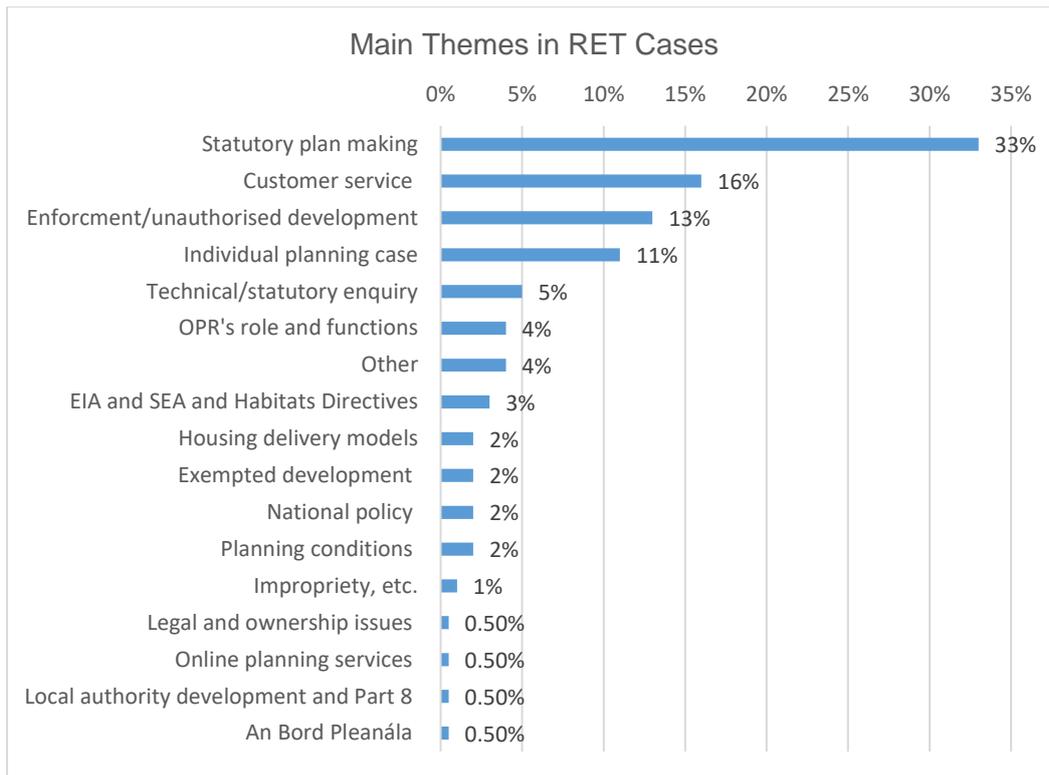


Figure 4 | Main themes of cases closed

Complaints

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

With regard to the **27** complaints closed during **Q3**, based on the procedural matters raised, the Office gave preliminary examination to **nine** of these complaints.

Three of these complaints were upheld. These upheld complaints related to enforcement / unauthorised development issues and concerned enforcement actions, processes, and timelines to close the matter.

The Office ceased consideration for **six** complaints. The Office determined that the matters raised did not represent a systemic concern or that the local authorities had followed proper procedure in these instances. Of these **six** cases where the Office ceased consideration, **three** of these complaints related to enforcement / unauthorised development issues. **Two** cases related to statutory plan making and **one** case related to an EIA / SEA / Habitats Directives.

Local Authority Reviews Programme

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

Review of South Dublin County Council

Following engagement with the Council and Minister for Housing, Local Government and Heritage on a draft report, the OPR published the South Dublin County Council review in Q3 of 2024.

Overall, following a robust review process, the OPR found that South Dublin County Council has effective systems and procedures in place to deliver its planning functions, with evidence of best practice in many respects.

The Council have put in place a comprehensive suite of procedures as well as innovative tools to enable land activation, housing delivery and development plan monitoring.

The review made six recommendations to ensure the planning department's ongoing success in the face of current and future additional demands.

Review of Roscommon County Council

Following an intensive schedule of workshops in Q2 to discuss various aspects of the Council's planning operations, the Council responded to an additional information request from the OPR in Q3. Work commenced on drafting the review report.

Local Authority Monitoring

During Q3, the OPR engaged with local authorities at various stages of implementation.

Local authorities whose reviews were completed in previous years continued to progress through the monitoring cycle, namely:

- Waterford City and County Council – the 12-month progress update was progressed;
- Kildare County Council – the 24-month progress update was completed; and,
- Tipperary County Council – the 24-month progress update was completed.

In addition, the OPR formally closed out on the monitoring of the Galway City Council review, following the completion of the 24-month monitoring period. The OPR welcomes that the recommendations arising from the review have been largely implemented, and recognises that the full implementation of some recommendations will be an ongoing process.

Research, Education, Training and Public Awareness

Councillor Training

In Q3 the OPR commenced an intensive programme of planning training for local authority elected members in conjunction with the Association of Irish Local Government (AILG).

The 2024 planning training programme has been designed to give members, particularly elected members who were newly elected following the June 2024 local elections, an overview of the planning system including the statutory plan-making process and the development management process.

In September, the OPR, in conjunction with the AILG, held in-person training events for elected members in Tipperary and Offaly.

The training entitled 'Overview of the Planning System' gave an insight into:

- The Nature and Purpose of Planning;
- The Members' Role in the Planning Process;
- Planning and Infrastructure Delivery; and
- The Members' Perspective on Planning.

Presentations were delivered by:

- Niall Cussen, Planning Regulator,
- Michael Walsh, former Chief Executive with Waterford City and County Council,
- Anne Graham, Chief Executive with the National Transport Authority, and
- Cllr. Anne Colgan, Independent Councillor with Dún Laoghaire-Rathdown County Council.

The presentations were followed by a Q&A session. A recording of the event that was held in Tipperary was uploaded to the OPR's website together with the presentations.

Local Authority and Regional Assembly Staff Training

During Q3 the OPR commenced preparations for the delivery of a training event for local authority and regional assembly staff linked to the publication of Practice Note PN04. The event entitled 'The Development Plan and Employment Lands' will take place on 8 November with speakers from the OPR, the National Transport Authority, Transport Infrastructure Ireland and Uisce Éireann.

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

During Q3, the OPR hosted a meeting of the Planning Law Bulletin Steering Group and agreed the case selection for the fifth edition of the '*Learning from Litigation*' bulletin. Thereafter the OPR engaged with legal practitioners to draft the case summaries. The cases included:

- Concerned Residents of Treascon and Clondoolusk v An Bord Pleanála and Others [2024] IESC 28;
- Graymount House Action Group and Others v An Bord Pleanála and Others [2024] IEHC 327;
- Paul Freeney v An Bord Pleanála and Others [2024] IEHC 427;
- Moya Power and Wild Ireland Defence CLG v An Bord Pleanála and Others [2024] IEHC 108

The fifth edition of the '*Learning from Litigation*' bulletin was published in Q3. This edition was shared with stakeholders and promoted extensively via OPR social media accounts. It is intended that the legal bulletin will be published on a quarterly basis.

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

In Q3 work continued on the implementation of the Local Authority Planning Sector Learning and Development Strategy. The OPR met regularly with the Local Authority Services National Training Group's Courseware Specialist and the following progress was achieved:

- The courseware for the Planning Fundamentals courses was prepared by the Courseware Development Group and the OPR's representative on the Group contributed to the Forward Planning module;
- LASNTG delivered a pilot training programme in August and the OPR attended and contributed to this pilot and offered feedback. LASNTG collated all of the feedback from the attendees at the pilot and refined the courseware accordingly; and
- Trainers were identified from existing and retired sector staff and preparations are underway for the initial training to be rolled out by LASNTG early in Q4 with CCMA, DHLGH and OPR support.

Initial Consortium Steering Group on Planner Apprenticeship Project

The OPR is represented on the Initial Consortium Steering Group (ICSG) on Planner Apprenticeships. This group comprises representatives from the DHLGH, the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS), the CCMA, the LGMA, An Bord Pleanála, the OPR, the Irish Planning Institute and the private sector. The aim of the group is to develop and submit a proposal to the National Apprenticeship

Office for the development of a planner apprenticeship. Meetings of the group took place in June and September.

Stakeholder Engagement

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

A meeting of the CCMA-OPR Engagement Group took place in Q3. During the course of this meeting the OPR briefed the CCMA representatives on the status of the various OPR research projects and upcoming training events. The CCMA representatives also shared updates on:

- the work of the CCMA's Planning Resources Working Group;
- the fact that the CCMA has made a submission to the DHLGH on the draft first revision of the National Planning Framework; and
- the status of the business case for a national planning system.

Informal Working Group on Marine Spatial Planning

A meeting was held in Q3 of an informal working group of parties with a particular interest or role in Marine Spatial Planning. The OPR hosted the meeting. The group comprised representatives from the Maritime Area Regulatory Authority, An Bord Pleanála, the County and City Management Association and the OPR. The group is currently scoping out further requirements relating to Marine Spatial Planning and a further meeting is scheduled for Q4.

OPR Research Output

During Q3 the OPR advanced work on a number of research projects identified within the Strategic Planning Research Programme (2023-2025) some of which were long-term projects carried over from the original Strategic Planning Research Programme (2020-2022).

Strand One (Planning Issues) Projects

In Q3 the International Centre for Local and Regional Development (ICLRD) completed the 'InPLACE – Investigating Planning, Placemaking and Commuting' research project. This three-year research project examined the effects of out-commuting on small rural settlements using a case-study approach focused on selected communities across the island of Ireland (Northern Ireland and Ireland) and the State of Maryland in the USA. The research report was finalised in Q3 and will be formally launched in Q4.

In Q3, the OPR initiated a new research project in partnership with the EUIPR unit in DHLGH. The project seeks to examine the Annex II EIA Thresholds in Ireland in relation to the planning legislation. Fieldfisher have been appointed to undertake the research which will entail a review of relevant European case law, legal precedents, a comparative analysis of relevant statutory provisions and associated practices and procedures on the

implementation of Article 4(2) of the Directive in a number of jurisdictions. The project will include both legal and environmental expert analysis. The project will be finalised by year end.

Strand Two (Planning Performance) Projects

In Q3 survey work in the form of structured questionnaires with a selection of planning authorities and regional assemblies was carried out for Case Study Paper CSP07 dealing with '*Quarries and the Local Authority Development Plan*'. Survey analysis and drafting commenced and it is envisaged that the case study paper will be published in Q4. Initial survey work and development plan scoping was commenced for Case Study Paper CSP08 dealing with '*Aviation and the Local Authority Development Plan*'.

During Q3, the OPR continued to participate in the Steering Committee for the EPA - Pro-Health SEA Project. This project seeks to develop a Toolkit for Proportionate and Consistent Consideration of Population and Human Health in Strategic Environmental Assessment. During Q3, the project team required input and guidance from the steering committee on deliverables 3(SEA database) and 5 (Report on interviews with SEA experts). The project is due to be finalised in Q1 2025 with publication thereafter.

Strand Three (Planning Practice) Projects

In Q3 Practice Note PN04 – '*Planning for Employment Growth: The Development Plan and Employment Lands*' was finalised and published. The practice note seeks to set out a practical approach for estimating enterprise land requirements to inform the development plan preparation process, thereby ensuring consistency with the national and regional strategic and statutory policy context in the National Planning Framework, the Regional Spatial and Economic Strategies, the requirements of planning legislation and planning guidelines. The practice note was issued to stakeholders and was promoted extensively via OPR social media accounts. A training event for staff of local authorities and regional assemblies, linked to the publication of this practice note, is planned for Q4.

By way of follow up to the OPR workshop with key stakeholders held on 20 June on the topic of 'Development Plan Monitoring' building on the RTPI's 'Measuring What Matters: Planning Outcomes Research' from 2020, an OPR paper reporting on the findings of the workshop and next steps was drafted in Q3. This included engagement with contributors to the workshop and it is envisaged that this paper will be published in early Q4.

Communications and Digital Analytics

- The OPR supported colleagues across teams with social media and events and published a quarterly newsletter for stakeholders in September
- The OPR also continued promoting planning as a career of choice
- Work continued throughout Q3 on compiling the Annual Review of the Planning System
- There was a small increase in followers on LinkedIn and a small decrease on X across OPR social media accounts during Q3 2024, as outlined below. This aligns with the OPR's prioritisation of LinkedIn as a platform during this period:
 - LinkedIn: 3673 Followers, an increase of 133 on last quarter
 - X: 2649 Followers, a decrease of 15 on last quarter



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