



Office of the Planning Regulator



Quarter 2 of 2020



Activity Report



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

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Introduction

This is the second 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

Notification of Consultations on Statutory Plans

Planning authorities are required to notify the OPR at specified stages of the plan-making process. Emergency legislation relating to COVID-19, enacted by the Government in Q2 2020, impacted on the OPR's work in terms of receipt of notification of consultations from planning authorities on statutory plans, as well as OPR submissions to planning authorities in respect of statutory plans. The Orders made under Section 251A of the Planning and Development Act 2000, as amended (the Act), resulted in an extension of statutory timelines for public consultation by a total of 42 days.

Table 1: Notification of Consultations on Statutory Plans

Issues papers: <ul style="list-style-type: none"> • Cavan County Council • Carlow County Council • Cork City Council • Galway County Council • Kerry County Council • Leitrim County Council 	6
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OPR Submissions on Statutory Plans

OPR submissions on statutory plans may include recommendations and/or observations. Recommendations issue on matters considered to constitute a material breach of legislative or policy requirements and which affect the co-ordination of national, regional and local planning requirements. Failure to comply with a recommendation may ultimately lead to a Ministerial Direction.

Observations are advisory and generally issue on discretionary or more minor matters, often in the context of broader legislative and/or policy requirements where no material breach arises.

The OPR made one submission to a local authority in Q2 2020 as set out in Table 2 below. The submission related to the Draft Westmeath County Development Plan 2021-2027. Compliance with the statutory time period for making the submission was achieved. The submission related to the Eastern and Midland Regional Assembly area.

Table 2: OPR Submission	Number of plans	Observations (number)	Recommendations (number)
Total	1	16	15
Draft Development Plans	1	16	15

The following points were dealt with in the recommendations and observations contained in the OPR's submission to Westmeath County Council in Q2:

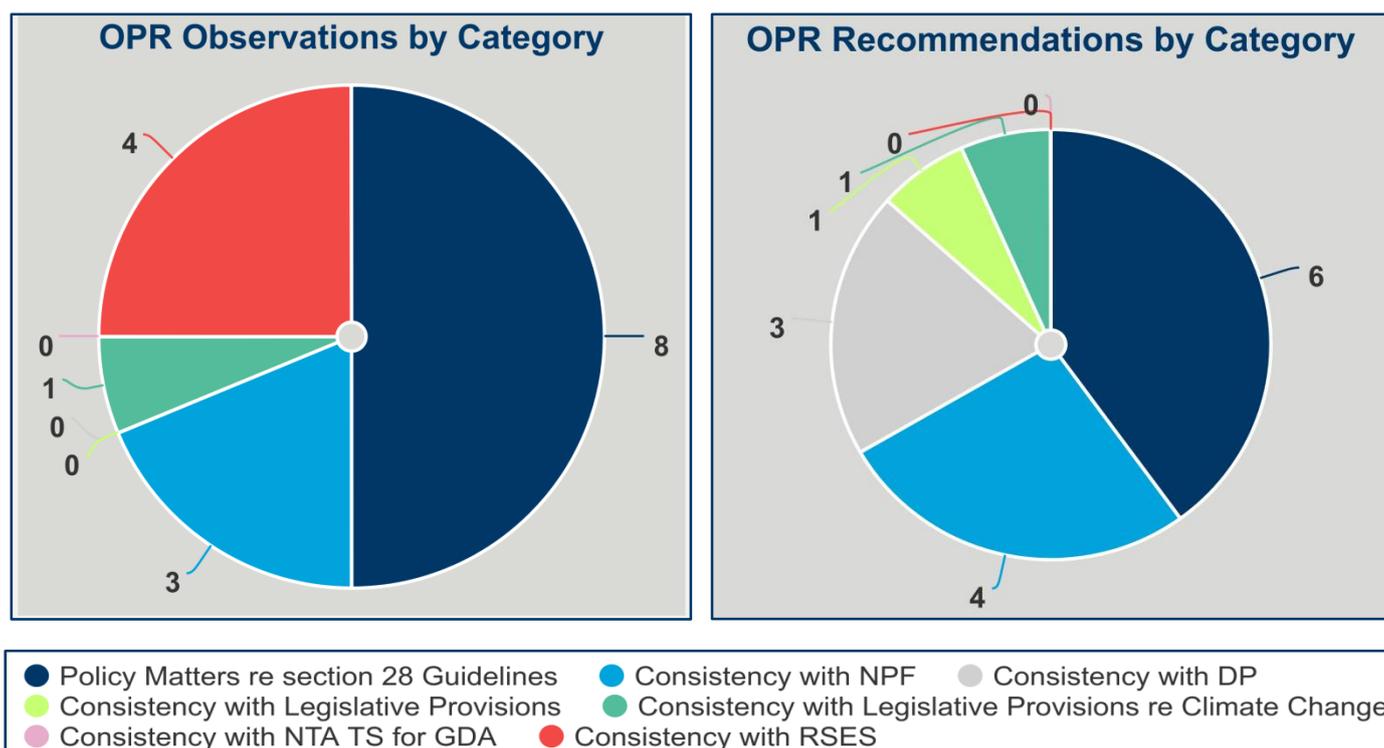
- **Legislative requirements:** core strategy under section 10(1A); climate actions under section 10(2)(n); and co-ordination of objectives between adjoining planning authorities under section 9(4).
- **Hierarchy of plans:** alignment with NPF population projections and settlement hierarchy, implementation of compact growth, regeneration of towns and villages, application of the tiered approach to zoning, and the application of joint spatial plans.
- **Section 28 Guidelines:** wind energy, flood risk, spatial planning and national roads, building heights, apartment development, rural housing, and implementation of Specific Planning Policy Requirements.

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 (e.g. *Retail Planning Guidelines for Planning Authorities*), including consistency with Specific Planning Policy Requirements (SPPR) specified in those guidelines;
- Consistency with the NTA Transport Strategy (if in the Greater Dublin Area);
- Consistency with the legislative provisions for statutory plans as provided for under the Act;
- Consistency with legislative provisions in relation to Climate Action.

In Q2 2020, consistency with the hierarchy of statutory plans, legislative provisions, and policy matters in planning guidelines were the basis of the recommendations and observations made in the OPR's submission, regarding the Draft Westmeath County Development Plan 2021-2027. The recommendations and observations in this submission can be broken down as follows:



Adopted Plans - Outcome of OPR Recommendations

Three variations/plans were adopted by local planning authorities in Q2 2020. OPR recommendations were issued in respect of all three plans. The outcomes arising from the OPR's recommendations are as follows:

Table 3: Adopted Plans – Outcome of OPR Recommendations

Plan	Local Authority	Recommendation Issued	Outcome
Variation No.1 of the Kildare County Development Plan 2017-2023	Kildare County Council	Yes (1)	Recommendation substantially addressed
Variations No. 2 and 3 of the Fingal County Development Plan 2017-2023	Fingal County Council	Yes (6)	Recommendations substantially addressed
Tallaght Town Centre Local Area Plan 2020-2026	South Dublin County Council	Yes (4)	Recommendations substantially addressed

Adopted Variation No. 2 of the Cork County Development Plan

During Q2, Cork County Council held a public consultation in relation to the notice of intent to issue a Ministerial Direction. This followed Cork County Council's adoption of a policy to support a potential retail development as part of variation no.2.

Following the public consultation Cork County Council submitted the Chief Executive's Report on the submissions received to the OPR in June. The statutory process in relation to a decision on the adopted variation remains on-going.

Other related activity

- A draft Methodology for the Evaluation and Assessment of Statutory Plans was progressed during Q2. This Methodology will act as an internal procedures manual for the OPR. The Methodology will be finalised to incorporate feedback from key stakeholders and published in Q3.
- The OPR has continued to engage with relevant agencies, including the National Transport Authority and the National Climate Change Advisory Council, with the objective of developing a climate action evaluation (under section 10(2)(n) of the Act).
- In Q2, the OPR made two high-level submissions on non-statutory draft transport strategies; the Draft Naas/Sallins Transport Strategy and the Kildare Town strategy. The former of these was followed by a presentation to the OPR by Kildare County Council on the draft transport strategy.
- Work also commenced on updating the "Evaluation of Statutory Plans" section of the OPR website. Two interactive maps are being developed for public use. The intention is that the maps will be available to view in tandem with the current "Evaluation of Statutory Plans" page. The data for these mapping tools was collated following OPR engagement with all local authorities, which sought clarification regarding development plan review timelines, in order to plan for upcoming pressure points in the planning system.
 - I. The first map will provide a visual representation, by local authority, of all current plans which are the subject of public consultation, as well as recommendations issued by the OPR in relation to previous consultations. This mapping tool was developed to streamline the growing size of the current webpage and will be ready for public launch in Q3.
 - II. The second map will display information in relation to County/City Development Plan reviews, including forthcoming review or consultation dates and those currently subject to consultation. Users will be able to select an authority and see the current stage of its county/city development plan process as well as the upcoming stage. A "traffic light" system will show how close a given authority is to its next public consultation.



Reviews and Examinations

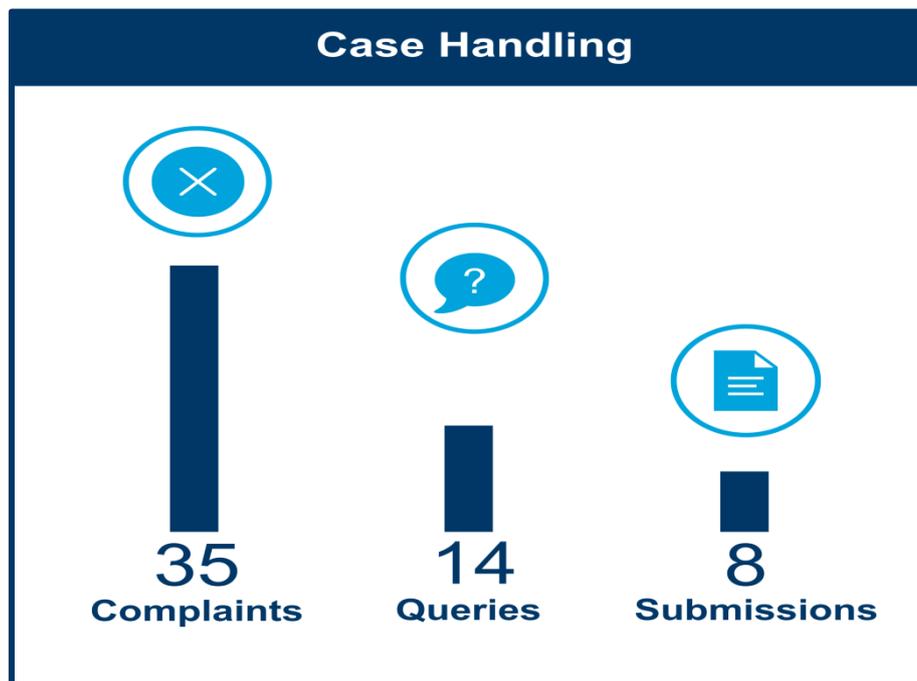
Case Handling

The OPR provides a service to the public in relation to a variety of 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.

To be valid in terms of the OPR's specific statutory remit, complaints must relate to the broad functioning of the systems and procedures used by local authorities in the delivery of planning services to the public. The OPR does not have a role to consider complaints related to individual planning decisions or cases before a planning authority or An Bord Pleanála.

During Q2 a total of 57 matters or cases raised by the public were processed by the OPR (a 36% increase on the 42 cases processed in Q1).

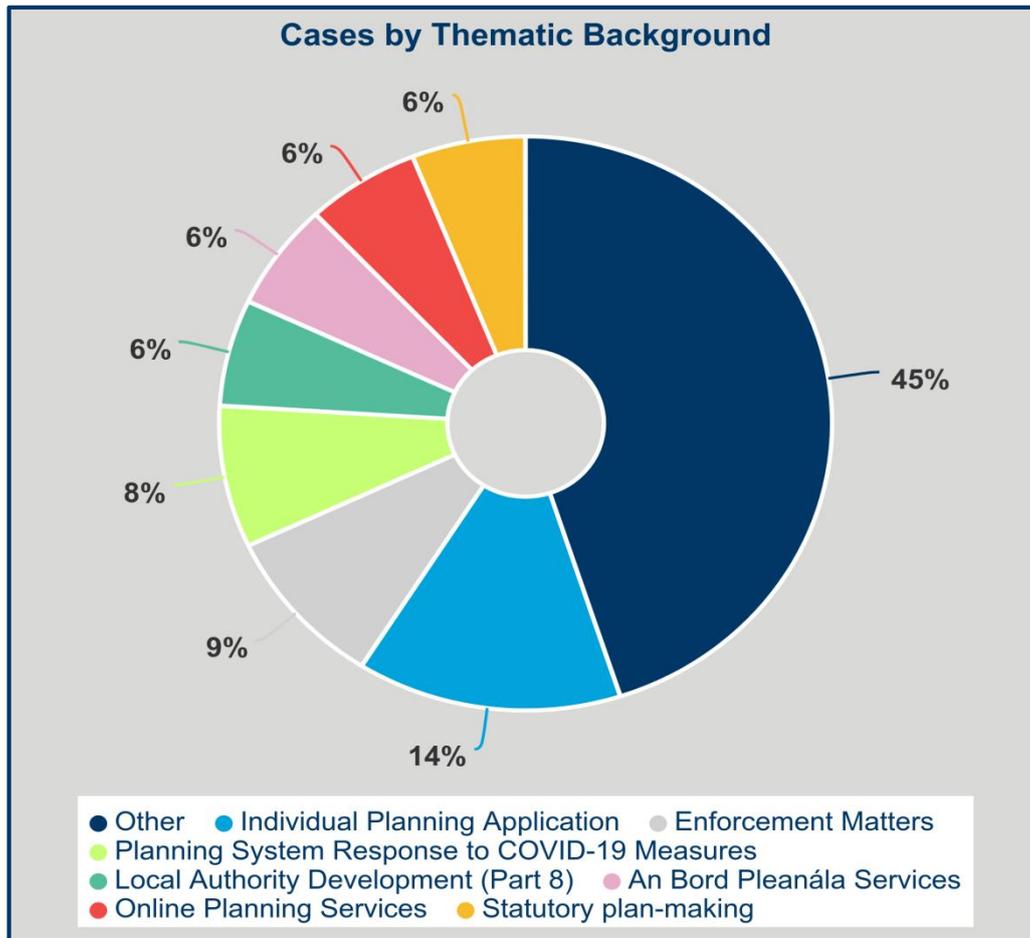
61% of cases raised were categorised as complaints and 39% of cases raised were categorised as wider planning related queries or submissions.



While some of the cases received can be responded to in a relatively straightforward manner, many cases require detailed background information gathering to determine the best course of action commensurate with the statutory remit of the OPR and those of other relevant bodies including the Office of the Ombudsman. This may require engaging in a series of correspondence with both the complainant and the relevant local authority.

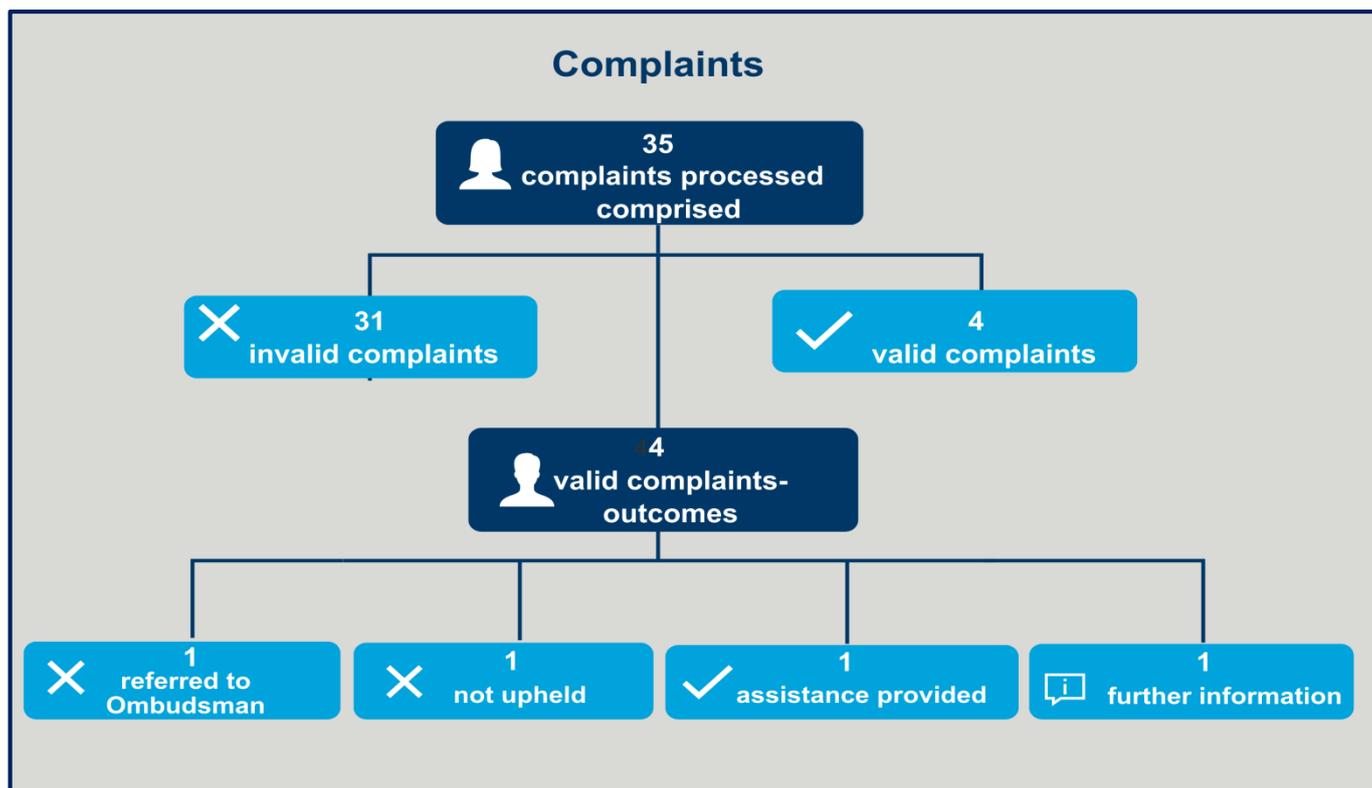
A much broader range of issues arose from the OPR’s case handling during Q2 compared to Q1, nevertheless a number of clear themes emerged. In particular, the OPR processed a number of invalid complaints related to individual planning applications and enforcement matters, combined these represented 23% of themes arising in case handling; this pattern was also prevalent in Q1.

Given the prevailing circumstances across the economy and society during Q2 related to COVID-19 it is not surprising to see the planning system’s response to the pandemic arising as a significant theme.



The other less pronounced themes included: legal/ownership issues, the OPR’s role, planning enquiries, Strategic Housing Developments, etc.

The OPR carefully considers all correspondence received, ascertaining recurring themes of interest and concern to the public in respect of planning. The OPR is monitoring this information over time and collating it into a dataset that will not only inform our reporting to the Minister but will also inform our education and training activities as well as our research programme.



Of the 35 complaints processed during Q2 just four, or 11%, were considered as valid complaints in the context of the OPR's specific statutory remit to examine the performance of local authorities in the delivery of planning services.

This trend was also prevalent in Q1 when it was also noted that a significant volume of the cases processed would have been more appropriately directed by the complainant to either the Ombudsman's Office, which may consider complaints where a person considers they have been treated unfairly by a public service provider, or An Bord Pleanála, which is the appropriate body for making appeals in relation to planning decisions.

Of the four valid complaints processed by the OPR in Q2, no complaints made against local authorities were upheld.

The OPR's experience of case handling in Q2 again reveals that, while there is awareness of our organisation, the public is not fully acquainted with our specific statutory remit with regard to complaints and rather is seeking assistance to navigate the planning system or another mechanism through which to appeal planning decisions.

Accordingly, it is incumbent upon us, as a newly established body, to effectively communicate and develop public consciousness with regard to the specific, and additional, complaint handling role played by the OPR alongside other public bodies. In this regard we will continue to develop our profile, through our website, social media, direct engagement and other opportunities, with a view to informing the public of the service we provide. In the interim the OPR will continue to proactively provide as much assistance as possible to members of the public.

Planning Authority Reviews

An important element in fulfilling the OPR's statutory mandate will be conducting reviews of the systems and procedures used by local authorities in the delivery of planning services to the public. As set out in the OPR's Strategy Statement, a programme of reviews will be implemented, whereby each local authority will be reviewed on a cyclical basis.

The implementation of the reviews programme is intended as a developmental resource for the planning sector, identifying good practice and achievements, and promoting such learning between authorities, in addition to highlighting areas that may be in need of improvement.

It had been the OPR's intention to initiate the reviews programme in the second half of 2020, however, the restrictions on day-to-day activities resulting from COVID-19 measures have resulted in ongoing delays. In this regard the OPR will continue to adhere to the Government's public health guidance and will consult with local authorities on the implementation of the programme when it is deemed to be safe and appropriate to do so.

During Q2 the OPR published a pilot methodology for conducting the reviews of local authorities' systems and procedures in relation to the performance of planning functions. The methodology is available on our website: <https://opr.iw.ie/view-file/18>



The methodology was developed with the assistance of key stakeholders to ensure the review programme is implemented in a fair and consistent manner. It sets out the various inputs and steps for the OPR, its reviewers and planning authorities. A tender process commenced in Q2 for the purpose of establishing a panel of suitably qualified and experienced individuals to work with the OPR in conducting reviews.



Research, Education, Training and Public Awareness

Councillor Training Initiative

During Q2 of 2020, the OPR collaborated with the Association of Irish Local Government (the AILG) to explore a number of options, primarily focusing on remote delivery, for the continuation of the rollout of planning training for local authority elected members.

Throughout Q2 of 2020 the OPR worked with the AILG to ascertain if there was sufficient interest amongst the elected members to participate in online planning training. The results of a survey, which was issued to the elected members, confirmed that the members were positively disposed to availing of online planning training.

The first planning training webinar will be hosted by the OPR in Q3 of 2020. It is scheduled to take place on 24 July 2020. It will focus on the role of the elected member in the planning process with particular emphasis on the role of the councillor in making a development plan.

LA Staff Training Initiative – Collaboration between the OPR and the IPI

The Irish Planning Institute (IPI) launched a series of four on-line Continuous Professional Development (CPD) courses for all professional planning staff in April 2020. The courses were made available to all staff working in planning authorities and regional assemblies, whether or not they were IPI members.

The Planning Regulator and Deputy Planning Regulator addressed the first two online planning training events organised by the IPI on 24 April and 1 May respectively and delivered presentations on:

- Urban Regeneration and Place Making Strategies
- Environmental Impact Assessment

The OPR actively supported and promoted these sessions as they examined topics of significant relevance to the planning profession.

Research and Training Page

In Q2 of 2020 a dedicated Research and Training page was developed and launched on the OPR's website. This page hosts a broad range of planning-related research material, training material and the OPR's planning library. The aim of the page is to provide both planning and non-planning professionals with a wide-ranging up-to-date facility where they can access information relevant to their areas of work, study and research.

The page is subdivided into three distinct categories namely:

- (i) The Planning Library
- (ii) The Training Page
- (iii) The Research Page

The Planning Library contains a comprehensive spectrum of planning-related resources such as circulars for Planning Authorities, Guidelines for Planning Authorities and Policy Reports and Policy Directives for Planning Authorities.

The Training Page is further divided into three distinct areas:

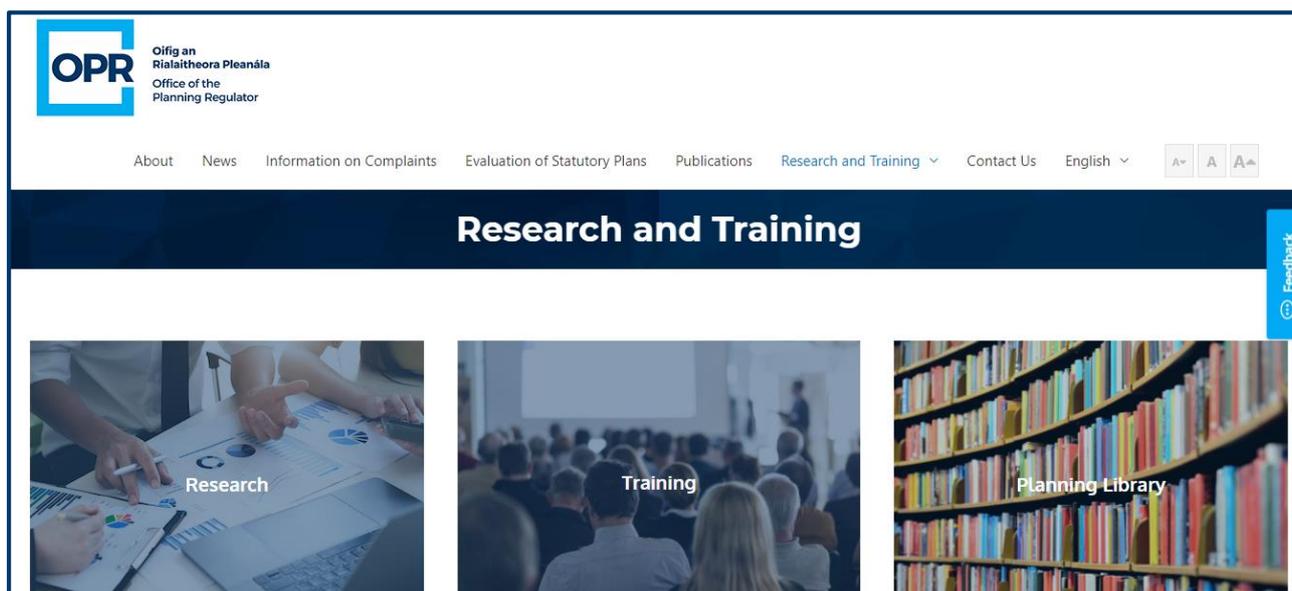
- (i) Elected Members Training Page
- (ii) Local Authority Staff Training Page
- (iii) Regional Assembly Training Page

The elected members training page contains all of the documentation that was prepared for the October 2019 and February 2020 councillor training events including the PowerPoint presentations and information packs.

The Local Authority Staff and Regional Assembly Training Pages will be populated with material prepared for training events for these groups in the future.

The dedicated research page will contain output from the OPR's Strategic Planning Research Framework and the associated Strategic Planning Research Programme including material relating to:

- (i) Planning issues
- (ii) Planning performance
- (iii) Planning practice



OPR Research - Draft Strategic Planning Research Framework & Programme

During Q2 the OPR progressed work on a draft Strategic Planning Research Framework that establishes a roadmap to advance Goal 2 from the OPR's Strategy Statement. The Framework will guide the design and delivery of the OPR's research programme for the next two years.

The Framework sets out the overarching goal and objectives for the OPR's research programme and will inform project selection. The Framework also identifies a structure for research (in three strands), delivery options and outputs, together with an evaluation criteria and project roadmap template.

In tandem with the draft Framework work was advanced on the preparation of a Draft Strategic Planning Research Programme that identifies specific research projects for a two-year period.

The framework and the programme will be finalised for presentation to the National Planning Knowledge Group in Q3 of 2020.



PLANNING RESEARCH FRAMEWORK

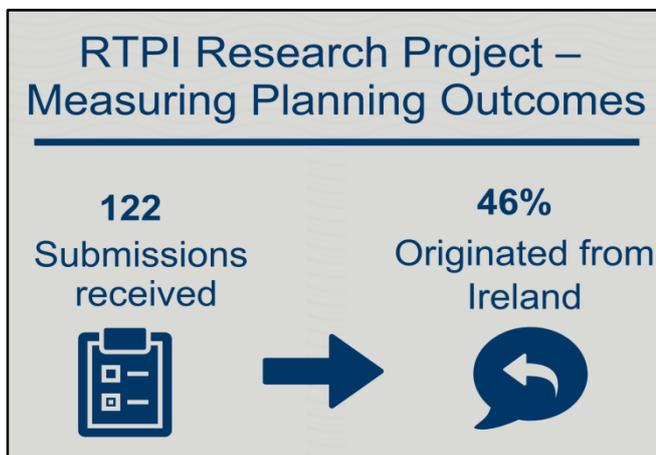
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OPR Research Output - Practice Notes

During Q2, consistent with the overall Strategic Planning Research Framework and associated Strategic Planning Research Programme, the OPR advanced work on the preparation of two Practice Notes under the Third Strand of the Research Programme: Planning Practice. These Practice Notes relate to Screening of Appropriate Assessment and Preliminary EIA Screening. It is envisaged these Practice Notes will be finalised and published within the coming months.

RTPI Research Project – Measuring Planning Outcomes



During Q2, as part of Stage 1 of the RTPI Research project, planning practitioners were surveyed online. The OPR promoted the survey in Ireland. Notably, 46% of the 122 submissions received by the RTPI originated from Ireland.

Stage 2 of the project is underway, with a focus group meeting scheduled for July 2020 comprising three local authorities and one regional assembly. On completion of the focus group, a draft toolkit will be finalised and pilot

test runs will be undertaken in the Eastern and Midland Regional Assembly (EMRA) and three local authorities (Clare County Council, Donegal County Council and Dun Laoghaire-Rathdown County Council). It is anticipated that the project will be completed and the final report issued in the coming months.

Eco Eye Episodes

In Q2 of 2020 Earth Horizon Producers Limited, the producers of the Eco Eye TV programme, confirmed that the episode on Sustainable Spatial Planning, that was co-sponsored by the OPR and Healthy Ireland, had achieved audience ratings of 518,400 and had exceeded the viewership ratings for all of the eight other programmes in Series 18 of the Eco Eye programme.

Following the success of the previous collaboration, the OPR continued to engage with Earth Horizon Productions Limited throughout Q2 of 2020 with a view to contributing to the production of three further episodes of Eco Eye, which are due to air on RTE1 television in early 2021.

The themes that are envisaged for the three episodes are:

- (i) The future for Irish cities under Project Ireland 2040;
- (ii) Current examples and initiatives for revitalising towns and villages; and
- (iii) Options for rural housing and settlement in Ireland.





Communications and Stakeholder Engagement

In Q2 the OPR published a communications toolkit for local authorities which is specifically geared towards encouraging public participation in the plan-making process. The toolkit which is entitled [“Increasing Public Engagement in Local Authority Development Plans”](#) was circulated to all 31 Planning Authorities and it is intended that it will become a resource/reference point for staff in local authorities as they commence reviews and variations of Development Plans.

The toolkit came about through engagement between the OPR and local authorities. The toolkit draws on existing good practices already employed by many local authorities and cites particular examples which have worked to good effect throughout the country.

The toolkit is not intended to be a static document and it will evolve over time to take on board suggestions and feedback from planning teams on the ground.

Engagement with Local Authorities

The OPR held eight meetings with local authorities in relation to their plan-making functions in Q2 2020. These meetings were with planning officials from Cork, Galway, Kerry, Kildare, Longford, Mayo, Roscommon and Westmeath County Councils.

Plan Evaluations Forum

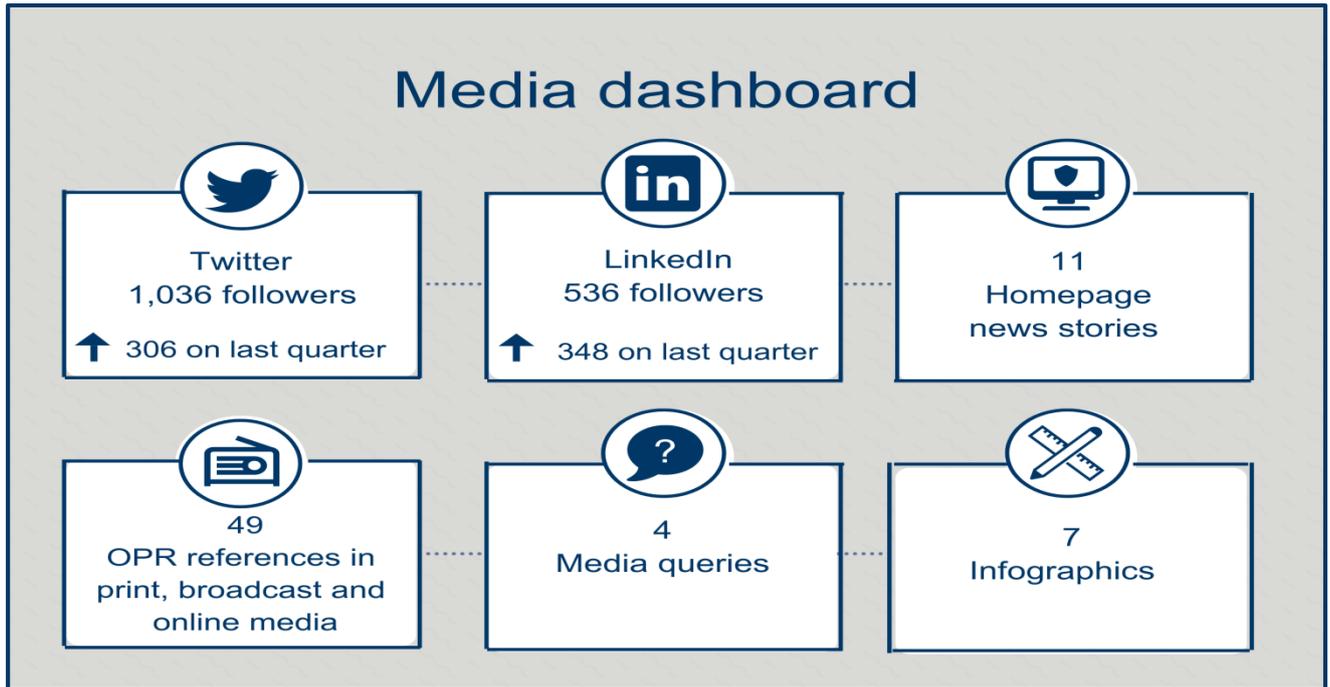
In Q2 the OPR hosted two meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans. The OPR also initiated a review of the functioning of the Forum, as June marked a year since the Forum’s establishment. As part of this review, the OPR formulated and issued a feedback survey to all Forum members at the end of Q2, in order to improve upon members’ experiences of the forum going forward and to ensure that the forum is achieving its full potential as a platform of liaison.

Further Promotional Activities

The OPR uses a number of different outlets to promote its activities, including the news feature on the OPR website, the OPR’s Twitter Account and the OPR’s LinkedIn account. There has been strong growth in followers and interaction with the OPR’s social media during Q2.

A specific publications page was also created on the website. The purpose of this page is to serve as a central repository for access to all OPR reports, statutory documents and strategies.

Q2 of 2020 in summary:





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