



Office of the Planning Regulator



Quarter 4 of 2020



Activity Report



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

Contents

Introduction.....	1
Evaluation of Statutory Plans.....	2
Reviews and Examinations.....	7
Research, Education, Training and Public Awareness.....	10
Communications and Stakeholder Engagement.....	13



Introduction

This is the fourth 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. In Q4 of 2020, the OPR received notification of a total of 10 plans as set out in Table 1.

Table 1: Notification of Consultations on Statutory Plans	
Issues papers: <ul style="list-style-type: none"> Dublin City Council 	1
Draft City/County Development Plans: <ul style="list-style-type: none"> Louth County Council Longford County Council Kilkenny County Council Mayo County Council 	4
Material Amendments to Draft City/County Development Plan: <ul style="list-style-type: none"> Westmeath County Council 	1
Variations of City/County Development Plan: <ul style="list-style-type: none"> Galway City Council Dublin City Council 	2
Draft Local Area Plans (LAPs): <ul style="list-style-type: none"> Carlow County Council/Kilkenny County Council (Joint) (Graigueenamanagh/Tinnahinch Draft Joint LAP 2021-2027) Kildare County Council (Draft Athy Local Area Plan 2021-2027) Limerick City & County Council (Draft Southern Environs Local Area Plan 2021-2027) 	3
Amendment to Local Area Plan (LAP): <ul style="list-style-type: none"> Cork City Council (Proposed Amendment No 1 to the Ballincollig Carrigaline MD Local Area Plan 2017-2023) 	1
<u>Total</u>	<u>12</u>

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 a total of 13 submissions to local authorities in Q4 2020. These submissions were in relation to:

Table 2: Submissions on Statutory Plans	
Issues papers: <ul style="list-style-type: none"> • Clare County Council • Limerick City & County Council • Tipperary County Council 	3
Draft City/County Development Plans: <ul style="list-style-type: none"> • Louth County Council • Offaly County Council • Wexford County Council 	3
Variations of City/County Development Plan: <ul style="list-style-type: none"> • Dublin City Council • Longford County Council • Monaghan County Council 	3
Draft Local Area Plans (LAPs): <ul style="list-style-type: none"> • Fingal County Council (Draft Kellystown LAP 2021-2027) • Kerry County Council (Draft An Daingean Electoral Area Local Area Plan 2020-2026) • Limerick City & County Council (Draft Southern Environs LAP 2021-2027) • Tipperary County Council (Draft Cahir LAP 2021-2027) 	4
<u>Total</u>	<u>13</u>

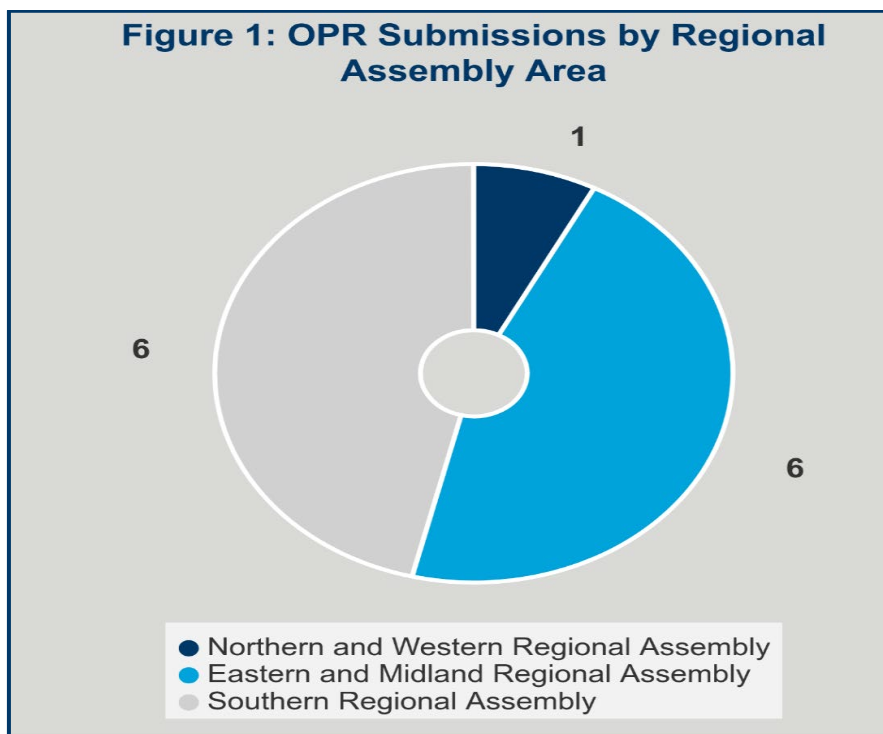
Table 3 sets out the number of observations and recommendations contained in each submission. It should be noted that, due to the strategic nature of issues papers, the OPR does not make formal observations or recommendations in respect of issues papers. Strategic advice and/or guidance is offered instead.

The OPR's submissions on issues papers during Q4 2020 offered advice and guidance on matters such as: core strategy and settlement hierarchy of the forthcoming development plan, the implementation of metropolitan area strategic plans, section 10(2)(n) of the Act, the preparation of relevant local area plans, joined-up local authority planning, compact growth and regeneration,

economic development and employment, climate action, renewable energy infrastructure and transport strategies.

Table 3: OPR Submissions			
	Submissions (number)	Observations (number)	Recommendations (number)
Issues Papers	3	-	-
Draft Development Plans	3	30	38
Variation of Development Plans	3	8	0
Draft Local Area Plans	4	18	8
Total	<u>13</u>	<u>56</u>	<u>46</u>

OPR submissions during Q4 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.



The following are some of the key themes evident in the recommendations and observations in the OPR's submissions in Q4:

- **Legislative requirements:** core strategy under section 10(2A); 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 National Planning Framework population projections and settlement hierarchy, implementation of compact growth, regeneration of towns and

villages, application of the tiered approach to zoning, alignment with the relevant regional spatial and economic strategy, and the integration of land use and transport 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 2000, as amended (the Act), including consistency with specific planning policy requirements (SPPR) specified in those guidelines;
- Consistency with the NTA Transport Strategy (if in the Greater Dublin Area);
- Consistency with the legislative provisions for statutory plans as provided for under the Act;
- Consistency with legislative provisions in relation to Climate Action.

In Q4 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 13 submissions. The recommendations and observations contained in these submissions are broken down in tables 3 and 4 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Table 3: OPR Recommendations	Number
Consistency with NPF	14
Consistency with RSES	9
Consistency with DP	0
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	14
Consistency with Legislative Provisions	11
Consistency with Legislative Provisions re Climate Change	4
Other	0
Total	53

Table 4: OPR Observations	Number
Consistency with NPF	13
Consistency with RSES	10
Consistency with DP	5
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	14
Consistency with Legislative Provisions	4
Consistency with Legislative Provisions re Climate Change	8
Other	3
Total	57

Adopted Plans - Outcome of OPR Submissions

Four variations of development plans were adopted by planning authorities in Q4 2020:

- Variation No. 1 of the Sligo County Development Plan 2017-2023.
- Variation No. 5 of the Galway City Development Plan 2017-2023.
- Variation No. 6 of the Galway City Development Plan 2017-2023.
- Variation No. 2 of the Monaghan County Development Plan 2019-2025.

The Office made one recommendation on Variation No. 1 of the Sligo County Development Plan 2017-2023, the outcome of which is detailed in Table 5 below. No recommendations were issued in respect of the other variations adopted.

Table 5: Adopted Plans – Outcome of OPR Submissions

Plan	Local Authority	Recommendation Issued	Outcome
Variation No. 1 of the Sligo County Development Plan 2017-2023.	Sligo County Council	Yes (1)	Recommendation substantially addressed

Ministerial Directions

Following a recommendation from the OPR in Q2 2020, the Minister issued a final direction to Cork County Council in relation to Variation No.2 of the county development plan on December 23rd 2020. The Minister directed that the local authority revert the Cork County Development Plan 2014-2021 to the plan as made following the adoption of Variation No. 1 of the plan, but prior to the adoption of Variation No. 2.

Other related activity

- In December 2020, the Department of Housing, Local Government and Heritage issued their Housing Supply Target Methodology for Development Planning Guidelines under Section 28 of the Planning and Development Act, 2000 (as amended). The guidance is a culmination of work conducted with the ESRI to provide clarity as to how annual average housing supply should be targeted to meet projected housing demand to 2031.
- The final draft Plans Evaluation Methodology was completed in Q4 with a view to finalising and publishing in early 2021.
- The OPR launched the “[Development Plan Reviews and Variations](#)” map on the OPR website. This map displays the details of current and upcoming public consultations on city/county development plan reviews. Information is also displayed in relation to variations of city/county development plans specifically in relation to section 11(1)(b) of the Act.



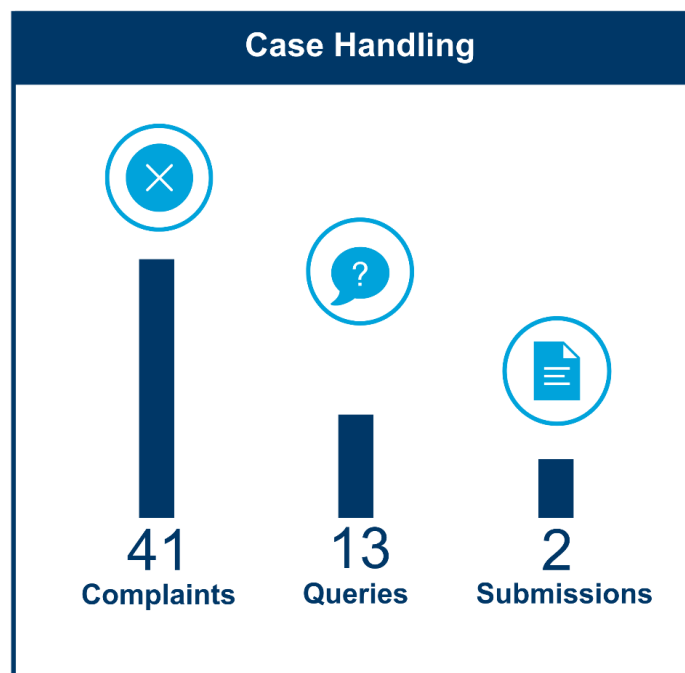
Reviews and Examinations

Case Handling

The OPR engages with the public in relation to a variety of planning related cases. During Q4 a total of 56 cases were processed by the OPR.

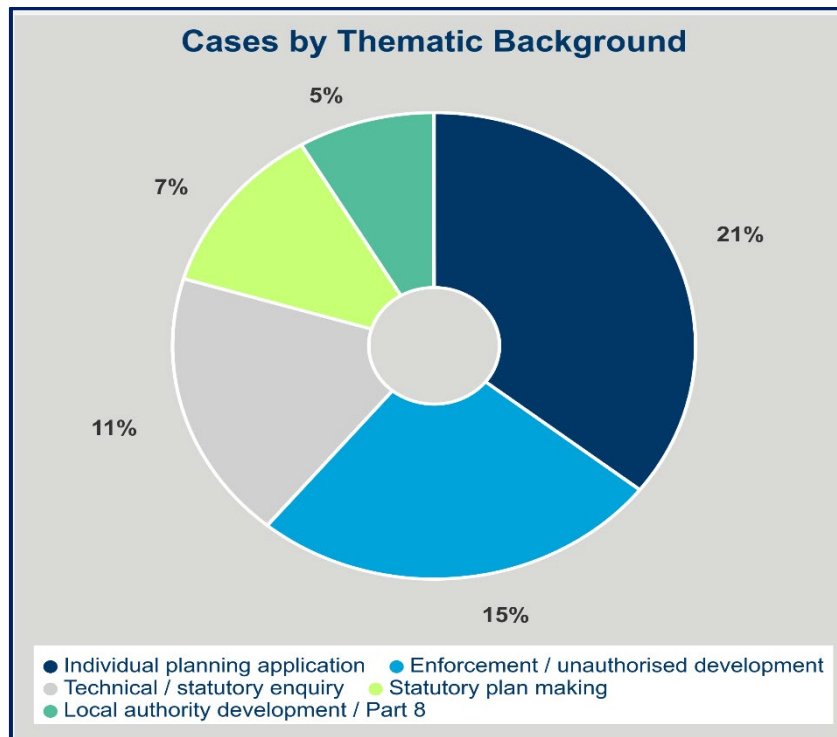
The OPR provides a service to the public in relation to a variety of case-types including queries or general information requests, submissions on aspects of the operation of the planning process and complaints about the delivery of planning services.

Of the 56 cases processed in during the quarter, 41 cases, or 73%, were classified as complaints.



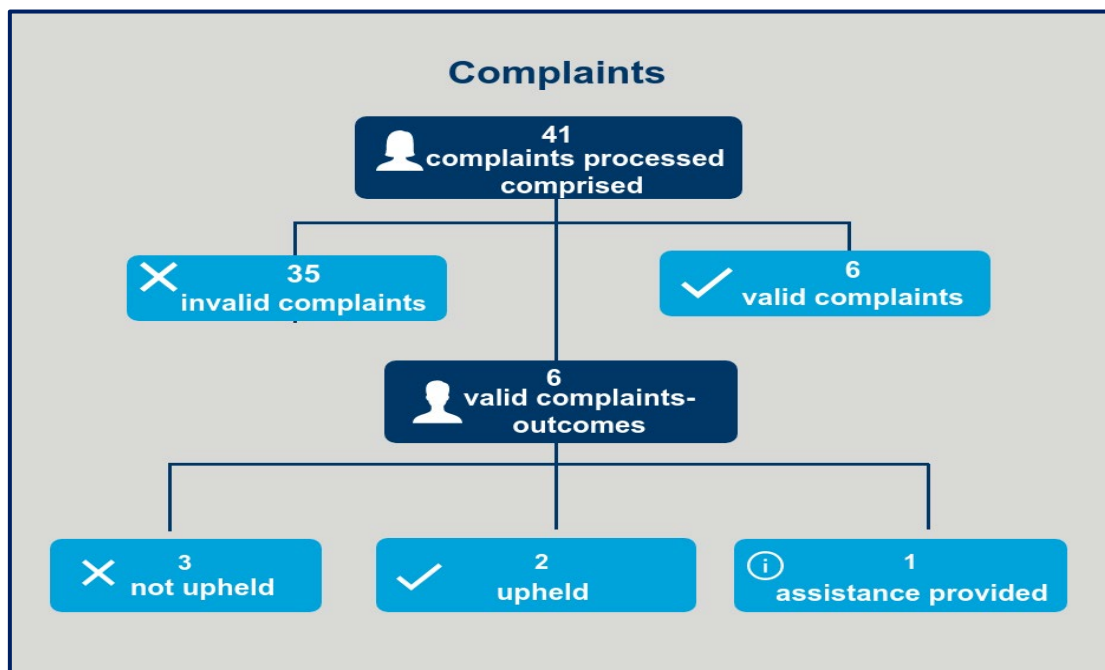
While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases will require engaging in a series of correspondence with both the complainant and the relevant local authority.

While a broad range of themes arose in the OPR's case handling during Q4, a number of dominant themes prevailed. As in previous quarters, individual planning applications was the principal theme, followed by correspondence on enforcement and technical / statutory enquiries. Some cases were linked to multiple themes.



The OPR carefully considers all the correspondence it receives to ascertain which themes are recurrent and to identify and understand the areas of interest and concern to the public in respect of planning. The OPR monitors and develops this information over time into a dataset that informs our reporting, education and training activities and our research programme.

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 valid in the context of section 31AU(1) it must relate to the systems and procedures used by an authority in the performance of its planning functions. Of the 41 complaints processed during Q4, six were considered as valid complaints in the context of the OPR's specific statutory remit. Preliminary examinations were conducted in relation to these six complaints. Two of these complaints were upheld.



In one case, the OPR upheld a complaint in relation to an unenforceable planning condition; the local authority has now revised its approach to imposing planning conditions. In another case, the OPR upheld a complaint regarding the procedures used for the appointment of an advisory panel which was established to assist the local authority in determining a planning application. The learnings for the wider local government planning sector from these two cases, along with other cases, will be compiled into a casebook for publication and dissemination later this year.

As evident in previous quarters, many of the complaints lodged with the OPR during Q4 would have been more appropriately directed by the complainant to either:

- the Ombudsman's Office, which deals with 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.

In this regard, the OPR communicates as clearly as possible with our correspondents to bring clarity to the role played by the OPR and to direct the public toward the appropriate public bodies to resolve their concerns.

During Q4, the OPR put a formal procedure in place to deal with information requests from Oireachtas members, in line with Department of Public Expenditure & Reform Circular 25/2016. Further information can be found on the OPR website at <https://www.opr.ie/provision-of-information-to-members-of-the-oireachtas/>.

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 is being implemented, whereby each local authority will be reviewed on a cyclical basis.

Having established a framework panel of fee-per-case contractors in Q3, to assist the OPR in conducting reviews, induction training was provided to these contractors in November 2020. The induction focussed on the analysis requirements of the reviews programme and also provided detail with regard how the drawdown of contractors from the panel will be conducted.

The OPR commenced the pilot phase of the reviews programme during Q4 with the initiation of two local authority reviews. A further two reviews will be initiated in the first half of 2021 to comprise the pilot phase. Each review will take approximately six months to conduct. The intention is that these four pilot reviews will be concluded during 2021, providing the OPR with a suitable frame of reference for evaluation with a view to making any necessary enhancements before implementing the rest of the programme.

Introductory engagements occurred with the authorities in relation to Reviews No. 1 and No. 2 during Q4 with a formal information request issuing to both under the provisions of section 31AV of the Act. In response, the authorities are expected to provide significant information to the OPR later in Q1 of 2021, including specific reports on particular operational processes. On receipt of this information from the authorities, the reviews will enter the analysis phase.



Research, Education, Training and Public Awareness

Councillor Training Initiative

In Q4, the OPR, in conjunction with the Association of Irish Local Government, continued to rollout a programme of planning training for local authority elected members. Online planning training webinars were delivered in October and November.

The October webinar was entitled “The Consideration and Finalisation of the Draft Development Plan” and it focussed on:

- The assessment of submissions following public consultation including the OPR submission and other statutory consultees’ submissions; *and*
- Making the plan including the processes associated with dealing with any modifications, material amendments and Ministerial Directions.

This webinar was the last webinar in the first module of planning training for elected members which dealt specifically with the plan-making process.

The second module of planning training for elected members was launched in November 2020. This module is ‘A Guide for Councillors on the Development Management Process’. The first webinar in the second module entitled ‘Implementation of the Development Plan and the Development Management Process’ was delivered in November and provided information in relation to:

- The role of the elected member in the development management process; *and*
- The link between the elected members’ plan-making function and the development management process.

Agenda

The Role of the Elected Member in the Development Management Process

The Link between the Elected Members' Plan-Making Function & the Development Management Process

27th November

10:00-11:30am

Register: info@ailg.ie

Oifig an Rialaitheora Pleanála
Office of the Planning Regulator

Association of Irish Local Government
Aonas Rialaithe ABGE na RíEireann

The OPR has committed to delivering two further webinars in this module in Q1 of 2021. These webinars will deal with the factors that are taken into consideration by local authorities and An Bord Pleanála when making decisions relating to planning applications and planning appeals respectively and an overview of planning enforcement functions.

National Planning Knowledge Group

The fourth meeting of the National Planning Knowledge Group was held in October, as part of which the OPR provided a presentation in respect of the Planning Research Framework and the Strategic Planning Research Programme, both of which were finalised at the end of Q3.

Details of the OPR's research projects were also presented to the Group and members of the Group strongly supported the OPR's intention to publish an AA Screening Practice Note and updates to the Planning Leaflets Series.

OPR Research Output

During Q4, consistent with the Research Framework, the OPR advanced work on a number of research projects within the Research Programme.

The RTPI Measuring Planning Outcomes research was finalised. The research report and associated toolkit were published and formally launched on World Town Planning Day, in November.

Under Strand Three (Planning Practice) of the Research Programme, further work was undertaken on the drafting of Practice Note 01, which deals with the subject of Appropriate Assessment Screening. Final editing and production of this Practice Notice will be undertaken in early 2021 with a view to publishing in Q1 of 2021.

Also within Strand Three of the Research Programme, the design of a Practice Application for Managing Timelines in the Development Plan commenced in Q4 of 2020. Following further software design and testing, the application is expected to go live on the OPR's website in Q1 of 2021.

Late in Q4, a request for tender was issued to enable work to commence in Q1 of 2021 on a further Strand Three project i.e. a Practice Note on EIA Screening.

Finally, in Q4 the OPR engaged with the LGMA on the research programme and specifically those projects that directly relate to their sector. Following positive feedback, work will advance in Q1 of 2021 on the development of Case Study Reports and/or Practice Notes on the following topics: S247 pre-application consultation, validation processes and traveller accommodation policy in development plans.



Measuring Planning Outcomes Research

Planning Library

Work continued through Q4 on the development of the OPR's online planning library. The technical glossary was drafted and will be published in Q1 of 2021. The library was continuously updated with new material throughout Q4.

Eco Eye

Filming of the OPR sponsored episodes of Eco Eye concluded in Q4. All three episodes will air in Q1 of 2021 and they will cover a wide range of issues including rural housing, how spatial planning can help to revitalise our towns and villages and how we can reimagine our cities to ensure their vitality and viability into the future.

Planning Leaflet Series

In Q4, the OPR carried out an extensive review of the Planning Leaflet Series in consultation with An Bord Pleanála, the EPA, the Department of Agriculture, Fisheries and the Marine and the National Monuments Service and in conjunction with the Department of Housing, Local Government and Heritage. The leaflets will be published online by the OPR in Q1 of 2021.



Communications and Stakeholder Engagement

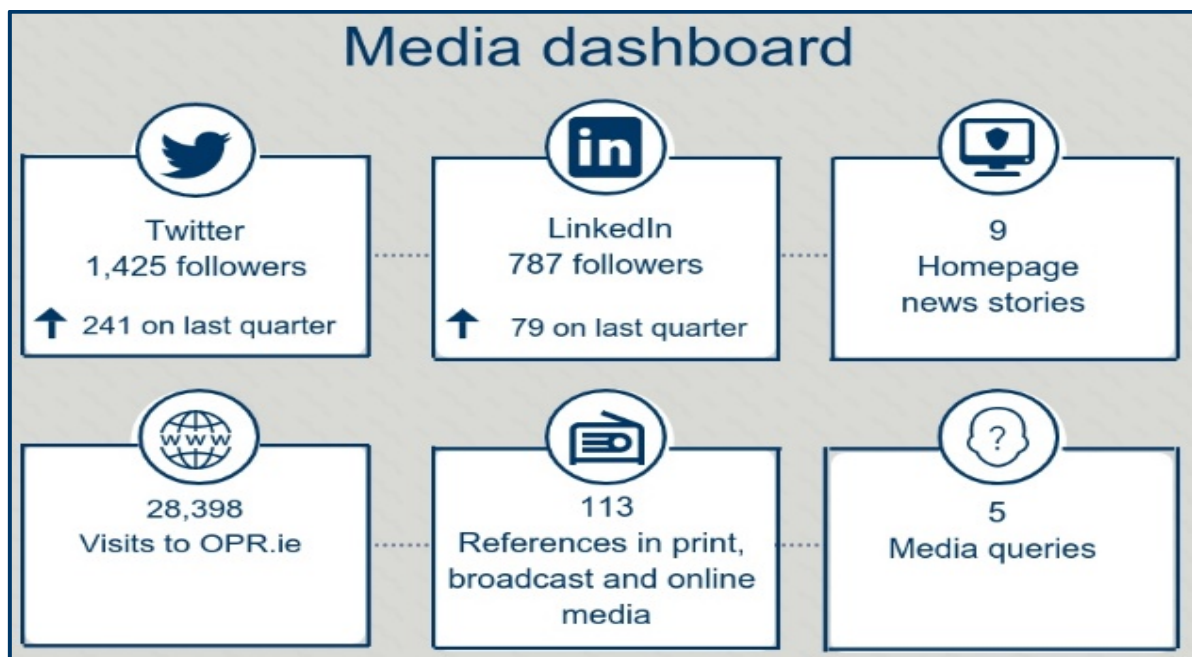
Stakeholder Engagement

The OPR held eight meetings with local authorities in relation to their plan-making functions in Q4 2020. These meetings were with planning officials from Clare, Donegal, Galway City, Galway County, Kildare, Kilkenny, Monaghan and Westmeath County Councils. The OPR also held two meetings with officials from the Eastern & Midland Regional Assembly and the Southern Regional Assembly to discuss the implementation of their respective Regional Spatial and Economic Strategies; as well as workshops with Eirgrid and Irish Water in November 2020.

Also in Q4, the OPR hosted three meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans. The OPR concluded the year with a presentation to forum members summarising work completed this year and highlighting projections for statutory plans submissions in 2021.

Communications

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 Q4.



Media engagement

A media briefing was held with journalists in order to promote the OPR annual report. A presentation was delivered followed by a questions and answers session. This resulted in the report being covered in several national news outlets.

The Planning Regulator, Niall Cussen wrote an opinion article which was published on the Journal.ie entitled “[We need to rethink how we plan our cities and towns after this year.](#)” He also did an interview with the [Business Post newspaper](#).

World Planning Week

The OPR marked [World Planning Week](#) 8th-14th November. In conjunction with the Irish Planning Institute (IPI), the week was used to highlight the aims, objectives and benefits of good planning and draw attention to the work and role of the OPR. Examples of good planning, infographics, a specifically created hashtag #planningweek2020 and a photo shoot between the OPR and IPI were among the methods used to promote the week.



Niall Cussen, Planning Regulator and Dr Conor Norton, President, IPI launch World Planning Week

E-zine

The OPR issued its first e-zine in Q4. It was sent to over 400 hundred subscribers and contained news, information and details of the OPR’s work. It is envisaged that it will be issued on a quarterly basis from now on.



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