



Office of the Planning Regulator



Quarter 1 of 2021



Activity Report



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

Contents

Introduction.....	1
Evaluation of Statutory Plans.....	2
Reviews and Examinations.....	9
Research, Education, Training and Public Awareness.....	12
Communications and Stakeholder Engagement.....	16



Introduction

This is the fifth 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 Q1 of 2021, the OPR received notification of a total of 15 plans as set out in Table 1.

Table 1: Notification of Consultations on Statutory Plans

<p>Issues papers:</p> <ul style="list-style-type: none"> Galway City Council Kildare County Council Fingal County Council 	3
<p>Draft City/County Development Plans:</p> <ul style="list-style-type: none"> Laois County Council Dún Laoghaire-Rathdown County Council 	2
<p>Variations of City/County Development Plan:</p> <ul style="list-style-type: none"> Donegal County Council (Variation no. 1 to County Donegal Development Plan 2018-2024) Dublin City Council (Variation no 32 & no. 33 to Dublin City Development Plan 2016 – 2022) 	3
<p>Issues Paper for Local Area Plans (LAPs):</p> <ul style="list-style-type: none"> Mayo County Council (Issues Paper for the Castlebar Town & Environs Local Area Plan 2021-2027) (Issues Paper for the Westport Town & Environs Local Area Plan 2021-2027) (Issues Paper for the Ballina Town & Environs Local Area Plan 2021-2027) 	3
<p>Draft Local Area Plans (LAPs):</p> <ul style="list-style-type: none"> Kildare County Council (Draft Naas Local Area Plan 2021-2027) 	1

Material Alterations to Draft Local Area Plan (LAP): <ul style="list-style-type: none"> • Kerry County Council (Material Alterations to the Draft Corca Dhuibhne Electoral Area Local Area Plan 2020-2026) • Tipperary County Council (Material Alterations to the Draft Cahir Local Area Plan 2021-2027). • Limerick City & County Council (Material Alterations to the Draft Southern Environs Local Area Plan 2021-2027) 	3
<u>Total</u>	<u>15</u>

OPR Submissions on Statutory Plans

OPR submissions on statutory plans may include recommendations and/or observations.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, planning authorities are required to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation can 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 15 submissions to local authorities in Q1 2021. These submissions were in relation to;

Table 2: Submissions on Statutory Plans

Issues papers: <ul style="list-style-type: none"> • Dublin City Council • Galway City Council • Kildare County Council 	3
Draft City/County Development Plans: <ul style="list-style-type: none"> • Longford County Council • Kilkenny County Council • Mayo County Council • Laois County Council 	4

Material Amendments to City/County Development Plans: <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 (Variation No. 7 to Galway City Development Plan 2017-2023) 	1
Draft Local Area Plans (LAPs): <ul style="list-style-type: none"> Carlow/Kilkenny County Council (Graigueenamanagh/Tinnahinch Draft Joint LAP 2021-2027) Kildare County Council (Draft Athy Local Area Plan 2021-2027) 	2
Material Alterations to Local Area Plans: <ul style="list-style-type: none"> Kerry County Council (Material Alterations to the Draft Corca Dhuibhne Electoral Area Local Area Plan 2020-2026) Tipperary County Council (Material Alterations to the Draft Cahir Local Area Plan 2021-2027) Limerick City & County Council (Material Alterations to The Draft Southern Environs Local Area Plan 2021 -2027) 	3
Amendments to Local Area Plans: <ul style="list-style-type: none"> Cork City Council (Proposed Amendment No. 1 to the Ballincollig Carrigaline MD Local Area Plan 2017-2023) 	1
Total	15

Table 3 sets out the number of observations and recommendations contained in each submission.

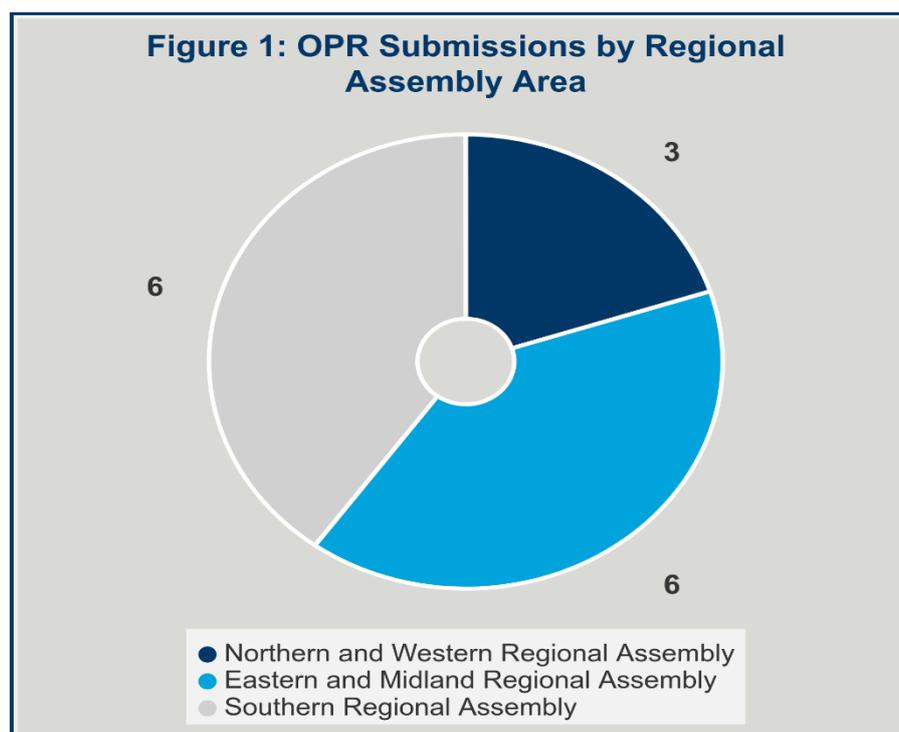
It should be noted that, due to the strategic nature of issues papers, the OPR does not make formal observations or recommendations in respect of issues papers. Strategic advice and/or guidance is offered instead.

The OPR's submissions on issues papers during Q1 2021 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	4	36	52
Material Alterations to Draft Development Plans	1	0	5
Variation of Development Plans	1	0	0
Draft Local Area Plans	2	13	3
Material Alterations to Draft Local Area Plans	3	12	2
Amendments to Local Area Plans	1	1	1
Total	<u>15</u>	<u>62</u>	<u>63</u>

OPR submissions during Q1 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 Q1:

- **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 Q1 2021, 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 15 submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 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 4: OPR Recommendations	Number
Consistency with NPF	25
Consistency with RSES	14
Consistency with DP	0
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	22
Consistency with Legislative Provisions	9
Consistency with Legislative Provisions re Climate Change	4
Other	10
Total	<u>84</u>

Table 5: OPR Observations	Number
Consistency with NPF	10
Consistency with RSES	10
Consistency with DP	2
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	32
Consistency with Legislative Provisions	12
Consistency with Legislative Provisions re Climate Change	8
Other	0
Total	<u>74</u>

Adopted Plans - Outcome of OPR Submissions

One local area plan, one county development plan and two variations of development plans and were adopted by planning authorities in Q1 2021:

- Kellystown Local Area Plan 2021-2027.
- Variation No.31 of the Dublin City Development Plan 2016-2022.
- Variation No. 7 of the Galway City Development Plan 2017-2023.
- Westmeath County Development Plan 2021-2027

The Office made two recommendations on the Kellystown Local Area Plan 2021-2027 and 20 recommendations on the Westmeath County Development Plan 2021-2027. The outcome of the recommendations are 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
Kelystown Local Area Plan 2021-2027.	Fingal County Council	Yes (2)	Recommendations substantially addressed
Westmeath County Development Plan 2021-2027	Westmeath County Council	Yes (20)	Recommendations not substantially addressed

Other related activity

- The OPR have published and provided details for its Open Data to the Public Service Data Catalogue. The Public Service Data Catalogue is a government initiative which aims to promote openness and transparency around the data held by the public service by cataloguing and describing public Service data. It currently contains information on over 1,200 key datasets across almost 100 public bodies in the Public Service
- GIS modelling was used for technical assessment of draft development plans in relation to core strategy and wind energy development proposals. Providing this critical evidence base enabled the OPR to make submissions on draft development plans grounded in evidence.



Reviews and Examinations

Case Handling

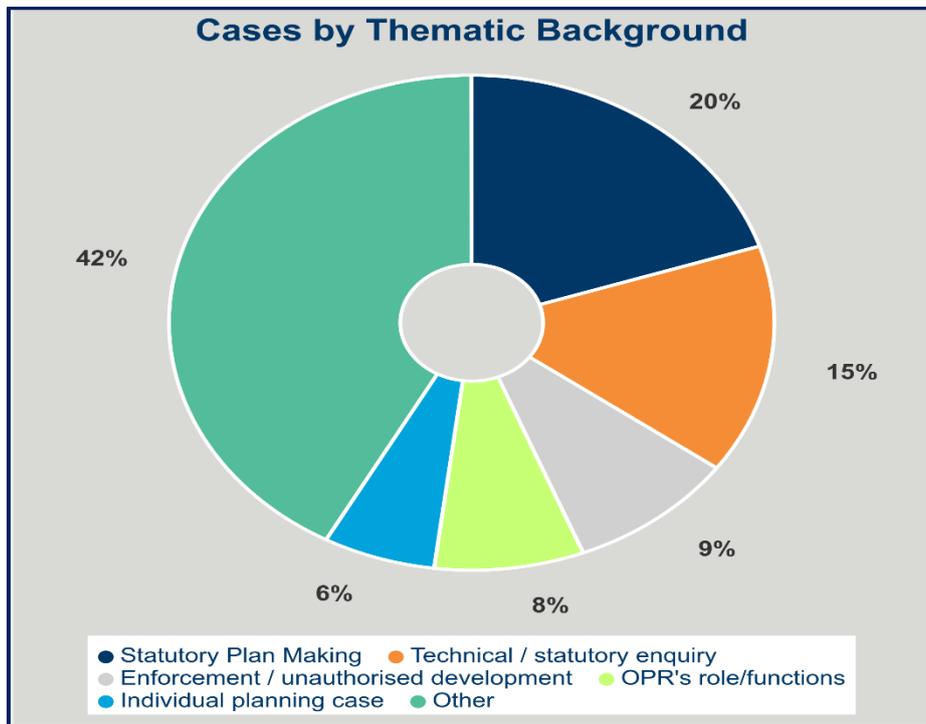
The OPR provides a service to the public in relation to a variety of planning-related case types including queries or general information requests, submissions on aspects of the operation of the planning process, and complaints about the delivery of planning services. During quarter 1, a total of 61 cases were processed by the OPR.

Of the 61 cases processed, 28 cases (46%) were classified as complaints.



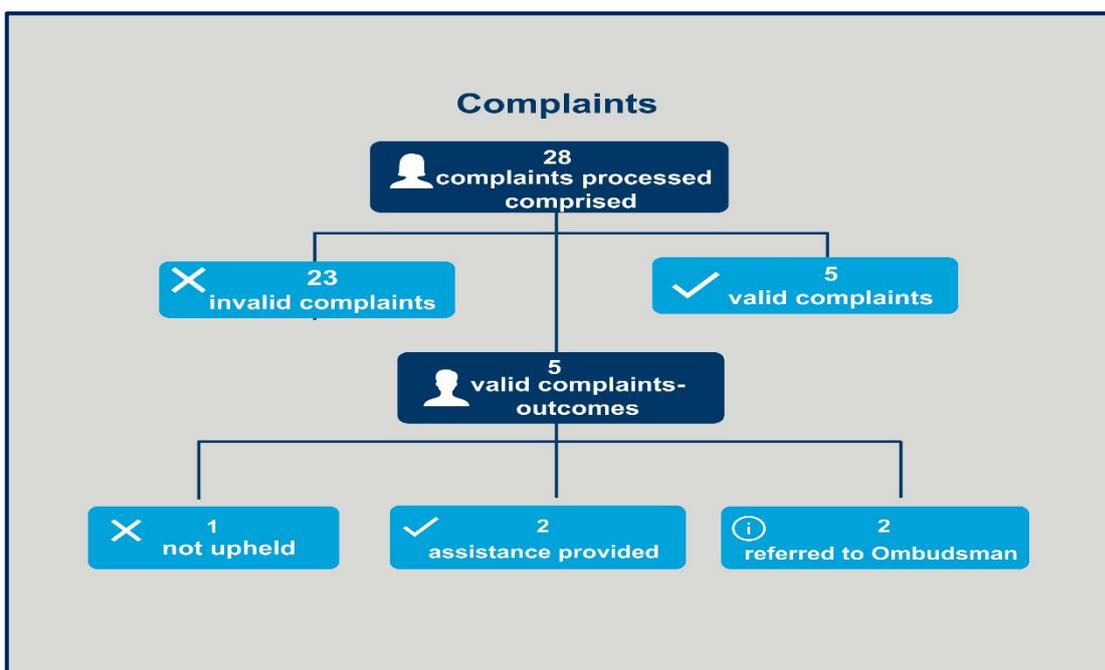
While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases will require engaging in a series of correspondence with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

While a broad range of themes arose in the OPR's case handling during quarter 1, a number of dominant themes prevailed. Statutory plan making, technical/statutory enquiries and enforcement/unauthorised development were the most common singular themes. The theme titled 'other' includes a variety of issues, including queries relating to the OPR's planning leaflets, corporate-related queries, complaints relating to local authorities' administrative practices, and a range of planning-related issues.



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 28 complaints processed during quarter 1, five were considered as valid complaints in the context of the OPR's specific statutory remit.



As evident in previous quarters, many of the complaints submitted to the OPR during quarter 1 would have been more appropriately directed by the complainant to either:

- the relevant local authority, which deal with queries in relation to requests for planning advice and complaints about customer services, or
- An Board 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.

Planning Authority Reviews

An important element in fulfilling the OPR's statutory mandate is the conducting of 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.

In relation to the pilot phase of the reviews programme, the OPR continued progressing the reviews of two local authorities during quarter 1. The OPR intends to initiate a further two reviews in 2021. Each review will take approximately six months to conduct.

Additionally, during quarter 1, the OPR finalised the contractor's handbook for fee-per-case consultants. This handbook has been prepared to provide guidance to contractors the OPR's fee-per-case who will be assisting the OPR in reviewing the systems and procedures used by local authorities in the performance of their functions under the Act.

The OPR also conducted analysis of complaints submitted to the Ombudsman's Office which concerned local authority planning departments. This analysis will feed into the OPR reviews programme.

Other activity

- Work progressed in quarter 1 in relation to two case study reports being prepared by the OPR in relation to public rights of way and the accessibility of online planning files of local authorities. It is expected that both reports will be published in quarter 2.
- The National Planning Data Group met during quarter 1. This group includes representatives from the Department of Housing, Local Government & Heritage and its purpose is to work with the local government sector in enhancing available planning datasets. The work of the group is progressing including agreement of parameters of the enhancements to available planning data, allowing for improved monitoring of the planning system.
- The Reviews & Examinations team met with representatives from the Office of the Ombudsman to discuss and share knowledge on particular issues relevant to both organisations. This meeting further enhanced the relationship between both organisations and both committed to meeting on a regular basis.



Research, Education, Training and Public Awareness

Councillor Training Initiative

In Q1 the OPR, in conjunction with the Association of Irish Local Government (AILG), continued to roll-out a programme of planning training for local authority elected members. Online planning training webinars were delivered in January and February.

The January webinar was entitled “The Decision on the Planning Application and Planning Appeal” and it focussed on:

- The factors that are taken into consideration by local authorities when making decisions on planning applications; and
- The factors that are considered by An Bord Pleanála when making decisions on planning appeals and Strategic Housing Development and Strategic Infrastructure Development applications.

The presentations were delivered by Catherine McConnell, Director of Services, Mayo County Council and Terry Prendergast, Member of the Board of An Bord Pleanála.

The February webinar entitled ‘An Overview of Planning Enforcement Functions’ dealt with the following topics:

- An overview of local authority planning enforcement; *and*
- Planning enforcement by local authorities and the review of complaints to the Office of the Ombudsman.

The presentations were delivered by James Cosgrove, Planning Enforcement Officer, Dublin City Council and Ahmed ElBaradie, Assistant Principal Officer, Office of the Ombudsman.

Throughout Q1 the OPR collaborated with the AILG to develop a tailor-made planning training programme for elected members for 2021. The programme was formally launched by the AILG in March. The programme focuses on four topical themes, relevant to the members’ role in making and reviewing development plans, including: communications, housing, de-carbonisation and active travel. Training will be delivered on a monthly basis in conjunction with the AILG, the Department of the Environment, Climate and Communications and the Housing Agency.

Local Authority Staff Training Initiative

In Q1 the OPR commenced work in conjunction with the CCMA on developing a Learning and Development Strategy for local authority and regional assembly planning staff. In that regard, a steering group was established comprising representatives from the Housing, Building and Land Use

Sub-Committee of the CCMA, the LGMA and the OPR with a view to progressing the preparation of a summary report by the end of 2021.

Further meetings of the steering group are scheduled for Q2. Work will commence in Q2 on gathering data from the sector which will form the baseline for the summary report.

National Planning Knowledge Group

The fifth meeting of the National Planning Knowledge Group was held in February, as part of which the OPR provided an update on the work that has been advanced under the Strategic Planning Research Programme.

Details of the proposed Learning and Development Strategy paper were also presented and the Group was broadly supportive of this initiative.

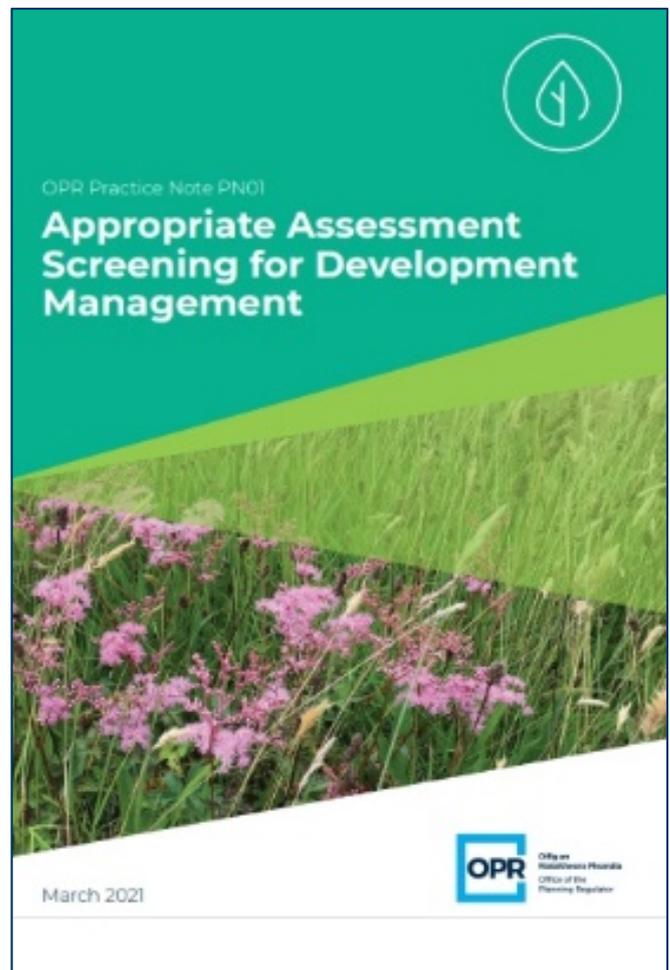
The NPKG also welcomed the publication of the updated Planning Leaflet Series, the airing of the OPR-sponsored episodes of Eco Eye, the on-going delivery of planning training for councillors, the imminent publication of the AA Screening Practice Note and the commencement of work on the EIA Screening Practice Note.

OPR Research Output

During Q1, consistent with the Planning Research Framework, the OPR advanced work on a number of research projects within the Strategic Planning Research Programme.

Under Strand Three (Planning Practice) of the Research Programme, Practice Note 01, which deals with the subject of Appropriate Assessment Screening, was finalised. The Practice Note was published and formally launched at the IPI Members Briefing on EIA and AA which was held on 12 March. Also within Strand Three of the Research Programme, the design of a Practice Application for Managing Timelines in the Development Plan was advanced in Q1. Testing of the software is ongoing and the application is expected to go live on the OPR's website early in Q2.

In Q1 MacCabe Durney Barnes planning consultants were appointed to prepare Practice Note 02 which deals with the subject of EIA Screening. This is also a Strand Three (Planning Practice) project. Work is well advanced on the



PN01 "Appropriate Assessment Screening for Development Management"

Practice Note and it will be peer-reviewed early in Q2. It is expected that the Practice Note will be published later in Q2.

In Q1 work commenced on Strand Two (Planning Performance) projects including the development of Case Study Papers and/or Practice Notes on the following topics: Section 247 pre-application consultation and traveller accommodation policy in development plans. It is expected that this work will be completed and published in Q2.

In Q1 the OPR joined the first full steering committee meeting to agree terms of reference and practices and procedures for the EPA five-year assessment report '5YAR'. The OPR is on the sub-committee for Volume 2 – Achieving climate neutrality by 2050. Scoping meetings and workshops are scheduled for Q2 of 2021 and there are a series of milestones within the two-year timeline for the project, which is expected to conclude with publication in May 2023. This project is identified in Strand One (Planning Issues) of the OPR's research programme.

Finally, in Q1 meetings were held with the ICLRD team in relation to the advancement of work on the Strand One (Planning Issues) project which deals with 'Planning Place-making and Changing Spatial Relationships between Home and Workplace'. The project brief was refined and the timeline for completion of the work was agreed. A meeting was also held with the EPA in Q1 in relation to the Strand One (Planning Issues) project 'Achieving Climate Neutrality by 2050'. The OPR is represented on the steering group for this project.

Planning Library

Work continued through Q1 on the development of the OPR's online planning library. The technical glossary was published in Q1. The glossary provides an introductory guide to planning terminology and related issues. It is divided into four themes: Planning and Governance, Environment and Climate, Architecture and Built Heritage, and Engineering and Specialised Terminology.

Eco Eye

The three OPR sponsored episodes of Eco Eye aired in Q1 and they covered 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. Audience ratings exceeded expectations across all three episodes and ranged from 355,900 to 469,300.

Following the success of the three OPR sponsored episodes the OPR commenced discussions with Earth Horizon Productions Limited in Q1 with a view to contributing to the production of further episodes of Eco Eye in 2021 which would air in early 2022.



Planning Leaflet Series

In Q1 the OPR in conjunction with the Department of Housing, Local Government and Heritage published the online Planning Leaflet Series. The series comprises 14 leaflets which deal with a wide range of planning issues. The leaflets were launched by the Minister of State for Local Government and Planning, Peter Burke, TD, at the councillor training webinar in January. Irish translations of the leaflets were also made available during Q1. The leaflets are accessible on the OPR and the DHLGH's websites.



Front covers from the OPR's planning leaflet series



Communications and Stakeholder Engagement

Stakeholder Engagement

The OPR held nine meetings with local authorities in relation to their plan-making functions in Q1 2021. These meetings were with planning officials from Clare, Cork City, Cork County, Dún Laoghaire – Rathdown, Leitrim, Longford, Sligo and South Dublin County Councils.

Also in Q1, 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.

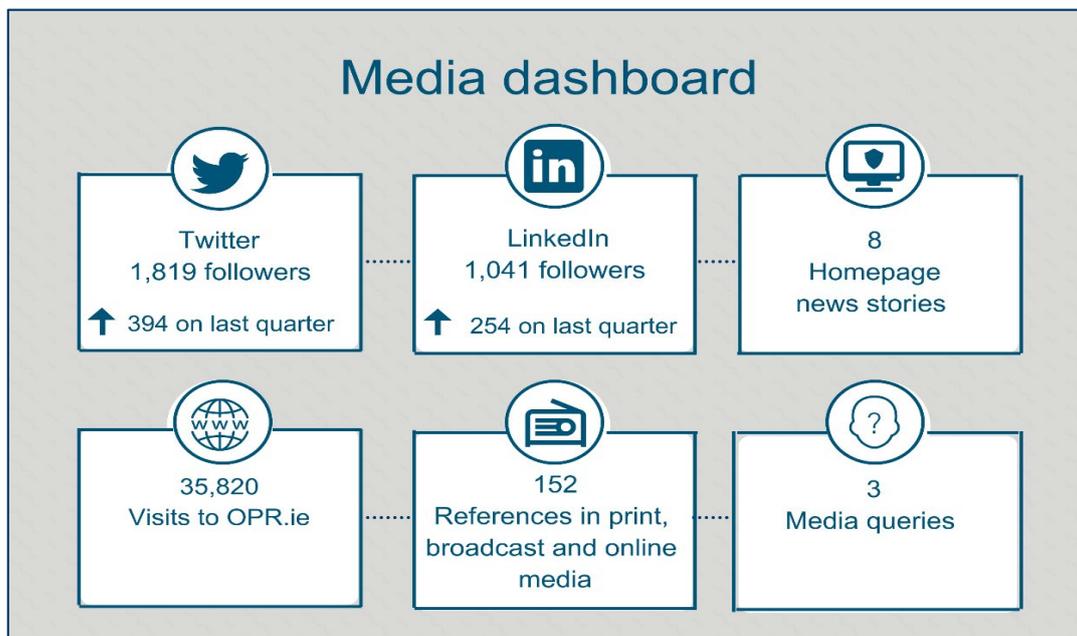
Communications

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 Q1, with the OPR's LinkedIn account exceeding 1,000 followers.

Media engagement

A formidable media campaign supported the launch of the OPR's planning leaflets. This included a national media release and targeted media interaction with sectional press. The outcome was significant coverage in regional, on-line and sectional publications.

The Planning Regulator was also interviewed for Climate Ambassador podcast <https://climateambassador.ie/podcasts/>



E-zine

The OPR issued its spring e-zine in to over 500 hundred subscribers. It generated a high opened rate and contained news, information and details of the OPR's work.



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