



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

OPR Pilot Programme of Reviews of Local Authorities' Systems and Procedures in the Performance of Planning Functions

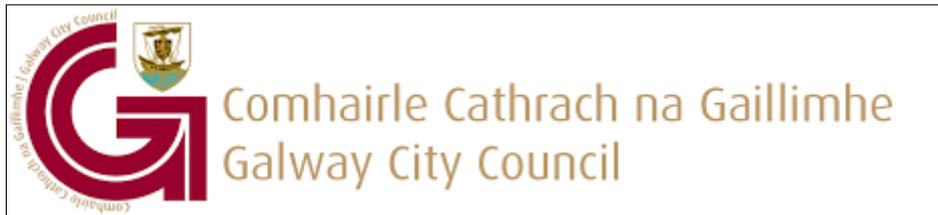
Review of Galway City Council under section 31AS of the Planning and Development Act 2000, as amended Review Report

February 2022



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1. Introduction

Background

The Office of the Planning Regulator (OPR) was established by the Oireachtas in 2019 for a number of purposes including independently overseeing the delivery by planning authorities of planning services to the public.

Chapter IV ('Review of Planning Functions') of Part IIB of the Planning & Development Act 2000, as amended, ('the Act'), in particular section 31AS of the Act, gives the OPR the discretion to review the systems and procedures used by local authorities and An Bord Pleanála in performing their planning functions.

As committed to in our Strategy Statement 2019-2024, the OPR is implementing a programme of reviews under section 31AS of the Act whereby, broadly over a six-year cycle, each authority will be reviewed in respect of the systems and procedures used in the performance of statutory planning functions.

To guide and give structure to the reviews programme, we published the OPR 'Pilot Methodology for Conducting Reviews of Local Authorities' Systems and Procedures in relation to the Performance of Planning Functions' in 2020, following consultation with the Department of Housing, Local Government & Heritage (DHLGH), the National Oversight & Audit Commission (NOAC), the local government sector, An Bord Pleanála and the national planning institutes.

Scope

Under this methodology, reviews conducted in accordance with section 31AS of the Act focus on the systems and procedures used by local authorities in their current operations to deliver planning functions only.

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

It is important to stress that an OPR review is strategically and improvement-focused, designed to complement and add value to the Council's own performance and improvement plans. While the findings of this review report draw upon knowledge available to the OPR in the delivery of our broad statutory remit as well as published statistics, the report principally reflects the information presented by Galway City Council to the OPR.

This general review of Galway City Council's planning functions is the third to be conducted as part of the pilot phase of the reviews programme, which will include four authorities. Galway City Council ('the Council') was considered suitable for inclusion in the pilot phase of the programme given its status as a metropolitan area and as a regional city in the Northern & Western Regional Assembly area. Galway City is designated at national and regional level for significant economic and population growth in the years to come.

Ratings and recommendations

The reviews programme does not set out to create a league table of local authorities with regard to performance. Nevertheless, for any review to be meaningful and to give authorities a benchmark with regard to improving services, in the case of Galway City Council the OPR has applied a rating in respect of performance across 10 key operational processes in planning service delivery. These processes are as follows:

1. Forward Planning
2. Guidelines and Directives
3. Architectural Heritage
4. Control of Development
5. Land Activation
6. Planning Enforcement
7. Environmental Assessment
8. Part XI: Local authority own-development and taking-in-charge
9. Amenities
10. Events and Funfairs

The ratings are defined as follows:

- **Highly effective:** alongside robust systems and procedures, the Council demonstrates a commitment to continued improvement and innovation, and resources are used to proactively enhance service delivery. Aspects of the Council's performance represent practice that could be an example to other authorities.
- **Effective:** systems and procedures are considered adequately robust to effectively deliver statutory functions on an ongoing basis and to meet key business objectives.
- **Some Improvement Needed:** while the function is generally being delivered effectively, procedural weaknesses are noted which, in the absence of improved controls, could lead to a failure to deliver services appropriately.
- **Unsatisfactory:** insufficient evidence of an appropriate standard operating procedure in place, thereby creating an unacceptable weakness with regard to ability to adequately deliver the statutory function.

Regardless of the rating applied, recommendations may be made as part of the review indicating how systems for delivering operational process could be improved or how current standards may be maintained. A collated list of recommendations made in this report is provided in Appendix 1. These recommendations are also graded by the level of priority that should be assigned to them by the Council, as follows:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.

- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact upon operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

Process

The effect of the Covid-19 pandemic on the conduct of this review must be acknowledged. Local authorities have been on the frontline of the response to the pandemic and have been agile in maintaining services to local communities despite the impact of the public health restrictions on both organisations and individuals. This includes local authority planning departments which have had to keep the planning process open, ensuring that public participation could be maintained, while also implementing short-term measures to support economic recovery and place-making.

This review was conducted during the course of 2021. Galway City Council provided detailed information in relation to the systems and procedures used in the delivery of its planning functions. Throughout the review process, the OPR and the Council engaged regularly to share information and seek clarifications.

The OPR conducted detailed analysis of the information received, in addition to conducting other research and analysis including scrutiny of valuable planning data published by DHLGH, the Central Statistics Office, NOAC and An Bord Pleanála.

To assist in conducting reviews, the OPR has established a panel of consultants with proven experience in relation to organisational reviews who also have a good knowledge, understanding and experience of the regulatory and policy context for planning and the delivery of statutory functions and public administration generally. The OPR appointed Mr. Jerry Barnes, of McCabe Durney Barnes, to produce the analysis that has formed the basis of this report.

The OPR's reviews team wish to express thanks to Galway City Council for facilitating open engagement throughout the review process and to acknowledge the input of the Council's planning department staff, including the generous access and insights provided.

Area profile

Galway City Council area covers 51km² and is the fourth largest city in Ireland. Galway City and suburbs had a population of 79,934 in 2016, and there was a 4.2% increase in population over the 2011-2016 intercensal period, indicating strong growth during that period. In comparison, during the same period, the population of Dublin grew by 5.1%, Cork by 5.4% and Limerick by 2.1%.

It is classified as a 100% urban area in the Census, with a population density of 1,567 per km². It is an ethnically diverse urban area, with 29.5% identified as non-white Irish in the 2016 Census, compared with the national average of 17.8%. It also has a high third level student resident population of 7.8% in comparison with a national figure of 4%.

Along with adjoining county areas Galway City forms the Galway Metropolitan Area Strategic Plan (MASP) as defined in the Regional & Spatial Economic Strategy 2020-2032 for the Northern & Western Regional Assembly (the MASP area includes Galway Airport, Oranmore, Bearna and Baile Chlair in the county area).

Galway City is the largest urban centre in the Western Region and is significant centre for employment with 44,376 places of employment in 2016, or 18.3% of jobs in the region. It has a substantial commuter workforce, exerting a significant regional influence with commuter travel patterns that extend to Clifden, Tuam, Ballinasloe and Gort. The city is an emerging hub for medical devices companies and information communication technology (ICT).

Galway City Centre is defined as a first-tier major metropolitan retail centre in the 'Retail Planning Guidelines' (2012), offering a range of shopping and regional services. There is also a series of district neighbourhood centres and retail parks serving the resident population. It is a major destination for domestic and international tourism, attracting 1.7 million overseas visitors to its cultural and heritage attractions in 2017. Attractions in the city include Eyre Square, Galway Museum and the Cathedral. It is estimated that 12-14% of businesses in Galway are involved in tourism.

Galway City Council has also taken over responsibility for the Galway Port area in recent times.

Organisational Context

The executive of Galway City Council is led by a chief executive, supported by four directorates as follows (at the time of this report's finalisation):

- Planning, Housing, Economic Development & Culture
- Transport, Climate Action & Environment, Recreation & Amenity and Water Services
- Corporate, Community, Change Management, Audit & Risk, Human Resources & Information & Communications Technology
- Finance

The Council provides a number of services on a shared basis with other bodies including, inter alia, Galway County Council (Fire services, Library services, Veterinary services and Local Enterprise Office), Irish Water (service level agreement), Donegal and Cork County Councils (Road Management Office) and Climate Action Regional Office (CARO).

The elected Council includes 18 elected members, divided equally between the Galway City East Electoral Area, Galway City Centre Electoral Area and Galway City West Electoral Area. The elected members' role is to provide civic leadership, to formulate policy, to perform certain functions (known as reserved functions) to represent the interests of their constituents and to ensure that the views of the people of Galway City are reflected in the decisions taken by the Council and in the way that services are delivered.

The reserved functions include some of the most important planning functions such the making or variation of the city development plan, the making of local area plans, the approval of material contraventions, the making of development contribution schemes, etc.

There are five Strategic Policy Committees (SPCs) which give the relevant sectoral interests an opportunity to assist the Council in the policy-making process, consisting of:

1. Housing & Social Inclusion
2. Planning
3. Economic, Community & Cultural Development
4. Transportation
5. Climate Action, Environment, Recreation & Amenity

The SPCs assist and advise the Council with its policy making role. One third of SPC membership is drawn from sectors relevant to the work of the particular SPC to assist in enhancing the policy formulation process. The Mayor and Chairs of each of the SPCs comprise the Corporate Policy Group which acts as a forum where high level policy decisions are agreed for submission and recommendation to the full City Council.

Compliance with ethics legislation is ensured through appropriate declarations in accordance with Part 15 of the Local Government Act, 2001. In addition, a Code of Conduct for Local Authority Employees was introduced in 2007 under section 169 of the Local Government Act 2001.

Local Authority Strategic Objectives

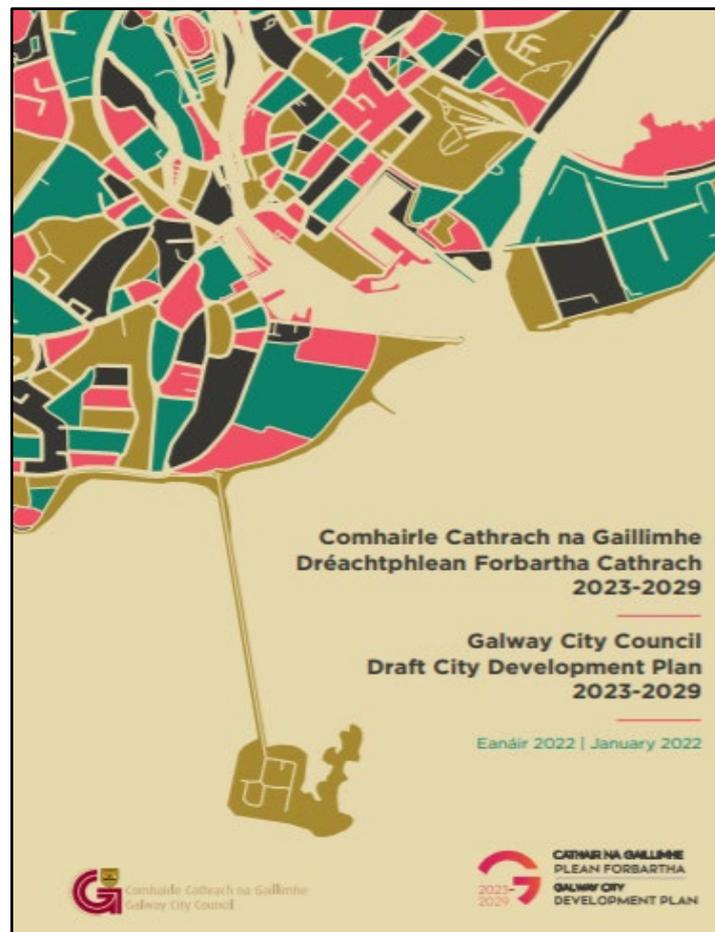
Strategic objectives are set out in the Galway City Council Corporate Plan 2020-2024, which provides an operational baseline for service delivery. They are as follows:

1. **Services and Resources:** To provide support services and resources to elected members to fulfil their democratic mandate and to staff to effectively undertake their executive function so that the Council can deliver efficient and effective quality services to all. To deliver economies and efficiencies through working with other local authorities and agencies on shared services initiatives
2. **Transport:** To work in partnership with the Department of Tourism, Transport & Sport, key funding agencies and other stakeholders to implement the Galway Transport Strategy.
3. **Climate Action, Environment and Recreation & Amenity:** To protect, enhance and conserve the natural environment of our city, to provide leadership in climate action and to develop and promote high quality recreational, leisure and amenity facilities to improve quality of life.
4. **Economic Development, Community & Culture:** To facilitate a strong sustainable economic ecosystem in Galway which will support a good quality of life for its residents and will ensure the sustainable development of the region. To deliver a transformative strategy which makes Galway a working model of cultural sustainability, community participation, best practice and world class cultural and creative experiences. To ensure all our communities can achieve their full potential and take an active formal role in policy making and oversight through targeted engagement and collaboration.
5. **Housing and Social Inclusion:** To accelerate the delivery of good quality social and affordable housing in an equitable manner and in appropriate locations in order to develop sustainable balanced communities.
6. **Planning:** To have in place a system of effective proper planning capable of meeting the sustainable economic, environmental and social development objectives of the city.

The priorities for the planning department, as outlined in the Annual Service Delivery Plan 2021 are as follows:

- Provide an efficient development management service and ensure compliance with national, regional and local policies including the planning codes and standards.
- Consider climate change mitigation and adaptation as part of all processes.
- Prepare, adopt and implement the development plan and local area plans.
- Protect and enhance the built and natural heritage.

The Annual Service Delivery Plan 2021 also sets out priorities for the development plan and policy, development management, enforcement, and heritage. These priorities will be considered under the relevant sections of this report.



Draft Galway City Council Development Plan 2023-2029

2. Overview of Key Findings

As previous OPR review reports have recognised, local authority planning departments operate under significant pressures, being required to provide customer-driven services while also being required to prioritise the implementation of a broad range of national, regional and local policies and programmes. The work carried out in planning departments is technical and complex, with decisions and policies being open to political, legal, media and public scrutiny.

These pressures are more intense in urban authorities where development proposals will inevitably be of larger scale with more complexity, but also where higher population densities result in a greater focus on decisions about development. Urban areas will generate more applications for larger more complex developments with a greater range of considerations for decision-making and a wide range of stakeholder that are concerned with how proposals will be delivered. This is illustrated in the national planning statistics which reveal higher average planning application costs in urban authorities as well as higher rates of third-party objections, refusals and appeals.

Given its entirely urban setting, this is the case in Galway City where the complexities associated with larger developments, and intensive public interest, define the operational context where significant caseloads must be progressed within demanding statutory timeframes. Further factors, such as important architectural contexts and the fact that the urban area is bounded by a special area of conservation (SAC), establish a complex decision-making environment.

Furthermore, given its designation as a regional city under the National Planning Framework (NPF), and national position as fourth largest urban settlement, Galway City Council must also play a significant role in driving the achievement of national policy objectives. This includes, but is not limited to, urban regeneration initiatives, housing policy, enterprise and employment, tourism objectives, climate action, transportation strategy, etc.

Fundamentally, as a metropolitan authority, Galway City Council's planning department must play a more significant role in delivering on the achievement of such goals and objectives than other more dispersed authorities might.

In Galway City Council, the planning function is being delivered by just over 26 staff (full-time equivalents), excluding current vacancies¹. This staffing complement includes just one senior planner with the consequence that responsibilities extend over both the key functions of development management and forward planning, as well as the other duties of the planning department.

It is inevitable that the requirement to deliver on wide ranging statutory duties, while also trying to meet the expectations of the public and an array of Government strategy, requires a lot of effort from a small team.

¹ Two vacancies were identified at the time of this review.

The DHLGH oversees workforce planning for the local government sector. Accordingly, sanction is provided via DHLGH in relation to increases in staffing allocations. While Galway City may have a population size that is comparable to other authorities, other authorities in a similar population size classification do not share the same level of complexity in terms of delivering on planning functions. Accordingly, any business case being made in relation to the City Council's planning department should be set in the context of the Council's urban setting and the additional resources that are required to deliver planning services where there is greater intensity.

It is obvious, but necessary, to reference that the Covid-19 pandemic has also presented ongoing and serious challenges for the operation of services and general business continuity in the Council, as it has everywhere else.

Notwithstanding the challenges described above, this review has found that the Council's planning department is delivering its key statutory planning functions on an effective basis, with its development management and enforcement functions being delivered at a higher level in the context of national performance trends.

It is an achievement to deliver such wide ranging, and complex planning duties on an effective basis with a relatively small staffing complement. But it should be recognised that performing to this level with resource limitations creates pressure on staff and, if not addressed over time, will create risks with regard to meeting key business objectives and successfully delivering statutory functions on an ongoing basis.

The general finding of this report is that the planning department's performance is effective for the most part. With this to the fore, and recognising the complex and demanding operational environment, as well as the resourcing challenges being faced across the Council, the ratings and recommendations set out in this review report are designed to provide clear advice as to how business processes can be maintained effectively or improved.

In particular, mindful of the challenges and workload faced by Galway City Council in relation to its statutory plan-making, development management and regeneration and active land management roles, Recommendation 1 calls for an in-depth assessment of measures to strengthen the capacity of Galway City Council's planning department. Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA) are also key critical areas for staff development, as identified in Recommendations 13 and 14 of the report.

Plan-Led Development

The Council commenced its latest development plan review in early 2021. The new development plan is being prepared in the new context of a hierarchy of national and regional planning, with the NPF and the Regional Spatial & Economic Strategy (RSES) for the Northern & Western Regional Assembly in place.

The NPF targets the metropolitan area population of Galway to grow by 40,000-45,000, equating to an increase of approximately 55%, by 2032. This represents a significant level of growth for the city and bringing challenges which will affect planning for the city into the future.

This review found the Council to generally have robust systems and procedures in place in the delivery of its forward planning function, which is important in terms of ensuring that development is plan-led.

Certain recommendations for improvement are made in relation to plan monitoring and implementation, strategising for the preparation of local area plans, as well as putting in place written guidance for staff and enhancing the focus on staff training and development in this area.

This review also found generally effective systems and procedures in place in relation to ensuring that staff and elected members are informed of emerging policy and guidelines at the national level whereby all are kept informed through verbal and written communications and training, where necessary.

While the Council's architectural heritage function is being delivered to the required standard the review found that some improvements, including the assignment of dedicated staff to the function, would be of benefit.

Managing for Sustainable Development

As noted above, Galway City is generally presented with planning applications that are more complex in nature than in other non-urban authorities. Higher levels of complexity require access to greater levels of expertise to inform decision-making in the context of interfacing social, economic and environmental factors.

This review found that the Council's systems and procedures for its development management function to be effective, facilitating generally consistent decision-making. Analysis also demonstrated the Council's development management outputs to be generally consistent with national trends.

It is noted that in recent years, of the Council's overturn rate (in terms of decisions appealed to An Bord Pleanála) has been declining to rates lower than the national average, which demonstrates increasingly robust decision-making.

This review also found the Council to be performing highly effectively in the delivery of its planning enforcement function, with robust procedures and guidance for staff in place and having made significant progress in tackling enforcement cases in recent years, albeit facing ongoing challenges in addressing the issue of the short-term letting of residential properties.

Some enhancement to the Council's systems for monitoring enforcement activity and collation of data in this regard would help improve the Council's delivery of this function further.

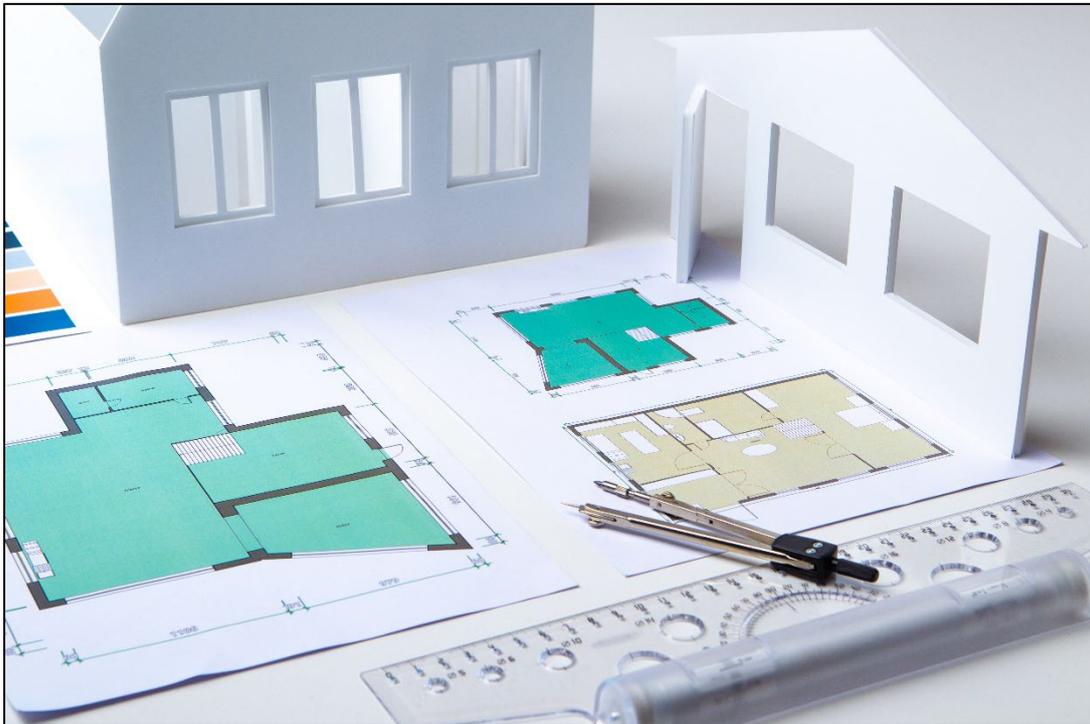
The Council also demonstrated effective systems and procedures in relation to its land activation initiatives, having provided evidence of activity around the vacant sites and derelict sites registers, compulsory purchase order and use of mechanisms such as the Urban Regeneration Development Fund and public realm strategies.

It is recognised that the delivery of quality regeneration and public realm projects is an intensive process that and creates additional challenges in already busy planning departments. Given the limited resources available to Galway City Council's planning department, the additional demands placed on the forward planning team to implement these initiatives creates significant workload pressure.

While it is acknowledged that forward planning procedures for plan-making and variations have accorded with expectations of the environmental directives, procedural weaknesses have, however, been identified in relation to some environmental requirements both in the Council's decision-making and in its 'local authority own development' / 'Part 8' procedures.

The Council must to strengthen its procedures around screening for Environmental Impact Assessment (EIA) and AA in its development management decision-making as well as to projects delivered through the Council itself.

The Council would also benefit from placing a much greater focus on staff training and expertise in the area of environmental assessment, to safeguard the environment through informed, robust decision-making.



Delivering Quality Planning Services

The delivery of quality planning services is relevant to all the functions of a local authority's planning department. It involves providing a positive customer experience through clear communication and provision of accessible information. It also involves efficiency in handling planning applications, consistency across planning decisions, and being transparent throughout the process.

This review found Galway City Council to be generally effective in the delivery of planning services to the public. The development management function is being overseen effectively in terms of efficient dispatch of decisions on planning applications and the key metrics are generally in line with national averages.

Some minor areas of improvement, in terms of customer experience, have been identified which include the preparation of formalised procedures for the Council's pre-planning application service as well as availability of some planning documentation and information online.

The Council's validation procedures are of particular note and are highlighted as a good practice case study in this report. The robust procedures implemented in this regard result in a lower proportion of planning applications being invalidated which is of benefit to applicants and agents. Applications are being placed on public display in a timely and efficient manner, and overall reduced administrative resources / costs to both the local authority and applicants / agents.

As referenced above, the Council is delivering its enforcement function in a highly effective manner and has made significant strides in tackling the number of live enforcement cases on hand. Some enhancement to the Council's systems for monitoring enforcement activity and collation of data in this regard would help improve the Council's delivery of this function even further.

In relation to provision and accessibility of information, the Council's website generally provides good resources to the public and planning practitioners. The website provides quality information on the planning process, including FAQs, template forms, etc.

As part of its engagement with the public in relation to forward planning, the Council has employed alternative methods of engagement to overcome restrictions posed by Covid-19, including hosting a dedicated website for the development plan review, facilitating online meetings and workshops with young people, as well as social media campaigns.

Conclusion

Galway City Council's planning department operates in a complex and demanding environment that places a high degree of pressure on its teams. These small teams deliver on complex planning applications whilst also successfully progressing enforcement caseloads, implementing land activation measures and reviewing the city development plan, all in the context of challenging restrictions imposed by the Covid-19 pandemic.

The Council is currently undergoing a restructuring of directorates and corporate functions which, following the completion of the review of the city development plan, will result in the division of the planning department across two directorates.

This restructuring process provides a good opportunity to give full consideration to how to address the challenges faced by the planning department in terms of forward planning and development management workloads, as well as efforts in delivering land activation through regeneration and active land management.

As such, it is an overarching recommendation of this review for the Council to prioritise an internal evaluation of on-going and emerging work demands in the planning area, the resource capacity and skills available and any gaps, with a view to presenting the findings to senior management in the short-term².

The Council should also place an enhanced focus on the training and development of planning department staff across the various functions, to ensure that all staff are appropriately skilled in delivering on their work.

² Recommendation 1

3. Organisation of the Planning Department

Overview

At the time of the undertaking of this review, the planning function of Galway City Council was carried out under the Directorate of Transportation, Physical Development, Planning & Human Resources. Subsequent to the analysis phase of this review, the Council has undergone some organisational changes, with planning now under a new Directorate of Planning, Housing, Economic Development & Culture.

The planning department is located in City Hall and is led by a single senior planner, who oversees four distinct areas as follows:

- Development management and planning enforcement
- Forward planning
- Planning administration
- Heritage

The planning department is allocated funding under the development management heading of the Council's budget. The budget allocation for planning is 5% of the Council's total 2021 budget. Table 1 provides a breakdown of the 2021 planning budget allocation by service and outlines the percentage change from 2020.

Function	2021 Budget	% of 2021 Budget	% Change from 2020 Budget
Forward Planning	€ 1,052,902	19%	46%
Development Management	€ 1,822,855	33%	10%
Enforcement	€ 800,351	15%	73%
Unfinished Estates	€ 170,475	3%	1%
Economic Development & Promotion	€ 1,240,843	23%	-28%
Heritage & Conservation Services	€ 358,259	7%	16%
Total	€ 5,445,685	100%	

Table 1: Planning Department Budget Allocation³

There was a 28% decline in the 2021 budget for 'economic development and promotion' from the previous year, reflecting the tapering of Covid-19 interventions and supports. The other notable change in the budget from the previous year was the increase of 46% allocated to the forward planning function, reflecting the funding of the development plan review.

³ Source: 2021 Adopted Annual Budget, Galway City Council

There has also been a significant (73%) increase in funding allocated to the enforcement function and this is in part to enforce against short-term lettings. The non-government grant and subsidy income is budgeted to be €1,486,167 in 2021, consisting of planning application fees, contributions and other income, or 27% the total budgeted expenditure for planning.

NOAC, through its 'cost of planning' analysis⁴, indicates that Galway City Council expenditure on planning in 2020 was €32.16 per capita⁵. This figure is relatively consistent with the national average of €31.47 per capita.

Staffing structures

The planning department is organised into four teams / units to deliver its functions, overseen and led by the senior planner: development management and enforcement; forward planning; planning administration; and, heritage.

The department is also responsible for a series of important non-statutory functions, including:

- preparation of masterplans;
- implementation of the public realm strategy;
- supporting the planning and development of major urban development site (MUHDS);
- working with other agencies, such as the Land Development Agency, to coordinate land within state control for redevelopment and regeneration opportunities;
- climate action initiatives; and,
- administering grant scheme

There is a total of 28.2 full-time equivalent (FTE) positions within the department. At the time of the conduct of this review two designated administrative positions were vacant. Table 2 and Figure 1 illustrate the staffing numbers at the various management, administrative and technical levels.

Staffing	FTE
Planners	8.5
Technical	3.7
Admin	15 (2 vacancies)
Heritage	1
Total	28.2

Figure 1: Staffing structure breakdown

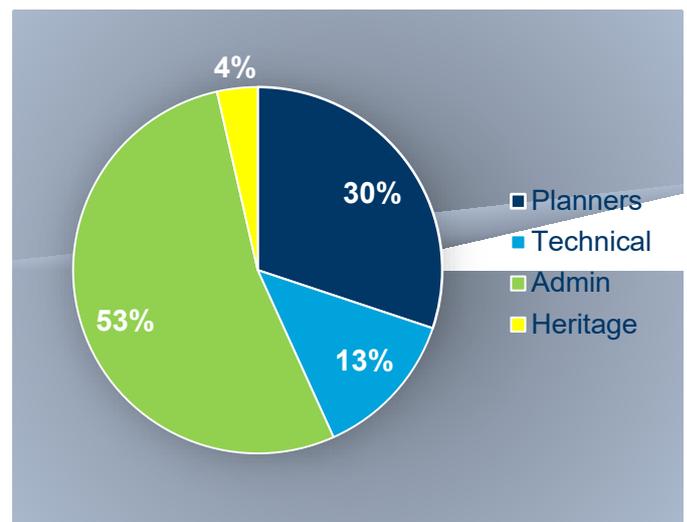


Table 2: Staffing structure

⁴ Includes the cost of delivering services such as forward planning, development management and enforcement

⁵ Equivalent to approximately €2,529,963 total

The **Development Management and Planning Enforcement Team** has seven FTEs, comprising one senior executive planner, three executive planners, two executive technicians and one technical grade technician. It has significant support from the administration team. All planning applications, Part 8 proposals, references and compliances are dealt with by the team. The enforcement function is carried out by technical staff overseen by the senior planner.

Currently, the **Forward Planning Team** has comprises just over four FTEs and is led by a senior executive planner and supported by two executive planners, one assistant planner and an executive technician. This team is supported by the administration team, as required. As the development plan is currently under review, additional resources have been allocated to the team. The team also has responsibility for the record of protected structures, local area plans, contribution schemes and liaison with the Regional Assembly in relation to strategic planning matters.

The **Planning Administration Team** has an allocation of 15 FTE staff, led by an administrative officer and consisting of one senior staff officer, one staff officer, five assistant staff officers and seven clerical officers. Two of these positions were vacant while the reievw was being conducted; the Council highlighted challenges in securing permanent staff, with the Covid-19 pandemic being an issue in the context of staff recruitment.

The Council also has a **Heritage Officer** who is assigned to the planning department with responsibility for overseeing heritage matters and administering conservation grant schemes.

Table 3 provides a breakdown of the staffing grades.

Grade	FTE
Senior Planner	1
Senior Executive Planner	2
Executive Planner	4.5
Assistant Planner	1
Executive Technician	2.7
Technical Grade 1	1
Heritage officer	1
Administrative officer	1
Senior staff officer	1
Staff officer	1
Assistant Staff officer	5
Clerical officer	7
Total (includes 2 vacancies)	28.2

Table 3: Staffing Grades

Table 4 and figure 2, below, illustrate the FTE allocation of staff between different teams / units.

Staffing	FTE
Senior Planner	1
Forward Planning	4.2 ⁶
Development Management & Enforcement	7 ⁷
Administration	15
Heritage	1
Total	28.2

Table 4: Staffing of Teams

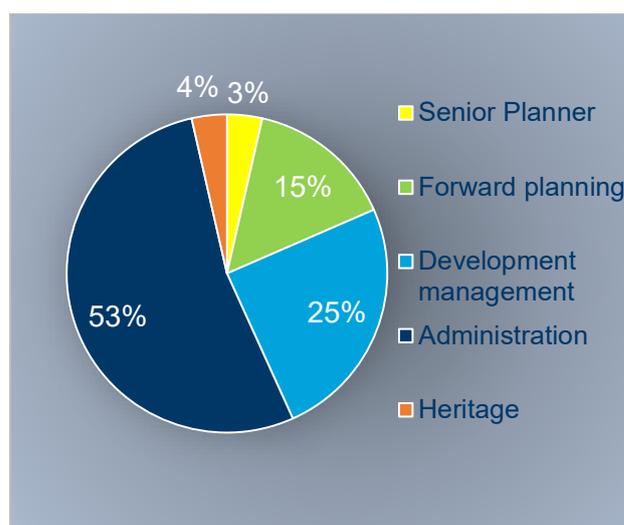


Figure 2: Team Structure Breakdown

Performance management

Galway City Council has an organisation-wide Performance Management Development System (PMDS). PMDS comprises a standard Team Development Plan (TDP) and Personal Development Plan (PDP) that is used by all departments across the Council.

TDPs were prepared for the senior team, development management, and enforcement in 2019 and were generally aligned with the operational plan for 2019. TDPs represent good practice but have not been updated to reflect the most recent Annual Service Delivery Plan 2021. A risk register for the planning department was compiled in 2013. A review of the risk register was undertaken by the Council in Q2 2021.

The Council indicated that a decision had been taken to suspend PMDS due to the challenges faced by the department in delivering services during the pandemic. It also indicated that the PMDS process will be fully operational again in 2022. While all Council staff are expected to complete an annual PDP in 2019 just 30% of planning department staff completed PDPs.

While it was perhaps understandable that some aspects of the PMDS system needed standing down in the face of major upheaval to working practices in the midst of a pandemic, that there is such a lengthy absence of formalised performance management and identifying personal development supports is a cause for concern.

There is an overall organisation-wide training plan for Galway County Council that relates to a range of areas, including health & safety, policy, IT and management development programmes. There is also an induction programme for new staff. The Council indicated that a specific course on planning law will be delivered in 2022.

⁶ 3.5 FTE planners and 0.7 FTE technicians

⁷ 4 FTE planners and 3 FTE technicians

However, planning staff would also benefit from other bespoke training and continuous professional development to support the performance of their duties, which the resumption of the PMDS process would inform from a learning and development perspective.

Management arrangements

Planning department activities are coordinated through a monthly planning management team meeting, attended by senior staff members. Higher level strategic meetings occur quarterly. There is a weekly administrative staff meeting, which considers ongoing operational matters. There are also frequent cross-departmental meetings with other departments (e.g. transport; housing), where there is a planning input into local authority infrastructure projects. The recording of meetings, particularly frequent ones, is generally done by way of noting follow up actions, rather than formal minute. The meeting and coordination structure allows for the integration and delivery of services within the planning department and across the various functions of the Council.

Corporate Restructuring

At the time of the undertaking of this review the Galway City Council's planning function sat in the Transportation, Physical Development, Planning & Human Resources directorate. During November 2021, i.e. subsequent to the analysis phase of this review, corporate restructuring saw the planning department moved to a reorganised directorate of Planning, Housing, Economic Development & Culture.

Galway City Council is in a continuous process of wider corporate restructuring and consultations with the DHLGH are ongoing regarding supplementary resources required, including the potential for the creation of an additional directorate, to continue to deliver effectively on its wide-ranging functions.

The additional directorate is proposed to oversee strategic, economic and infrastructure matters as well as the planning function and responsibility for strategic projects, such as Urban Regeneration & Development Fund (URDF) spending, through a dedicated project management office that would be comprised of specialist staff.

While the intended additional directorate would initially assume responsibility for planning in its entirety, it is the Council's intention that when the development plan review has concluded (late 2022), the planning department would be divided with forward planning remaining in this strategic directorate, while development management would transfer to another reorganised directorate, which would also incorporate social inclusion, community and place-making.

Considerations and Recommendations

As noted above, the forward planning function is performed by just over four technical staff, while both development management and enforcement are delivered by seven technical staff. Given that there is just one senior planner in the department, an extensive breadth of technical responsibility, as well as a strategic management role, rests with a single individual. As is made clear in subsequent analysis, particularly with regard to development management, delivering planning services in the urban context of Galway City is more complex on a case-by-case basis than in most other authorities.

Even setting aside existing vacancies, it is clear that Galway City Council's planning department currently operates with a small number of staff given the wide ranging duties it performs, including delivering on strategic policy matters and customer-driven services that are bound by statutory timeframes. It is clear from engaging with the Council's planning staff that this limit on staffing resources places a significant strain on the department.

Maintaining a focus on performance management and staff development can be difficult when day-to-day workloads dominate attention. It would appear that this has been the case in Galway City Council in recent years, an issue compounded over the past couple of years by the impacts of the Covid-19 restrictions, including remote working. Nevertheless, committing time to strategic thinking, team planning and the training / development of staff will always build capacity and increase operational resilience.

As planning practice becomes more complex, in the context of policy priorities and technical procedures, it is increasingly important that planning departments have access to the required expertise and that broad experience is built up across technical teams. This is something noted further in subsequent analysis.

The Council's planning department is currently structured along traditional lines, with co-related technical teams taking responsibility for the forward planning, development management and enforcement functions while being supported by an overarching administrative and management team. This standard organisational model naturally allows for a good level of cohesion between strategic policy matters and the day-to-day delivery of public-facing statutory planning services.

The corporate restructuring currently underway within the Council offers a very clear opportunity to enhance the coordination of the Council's strategic development priorities, including delivering regeneration and land management initiatives appropriate for an urban local authority. Adequately resourcing these new structures, with the appropriate levels of staffing and expertise, will be essential to capitalise on this opportunity.

It will also be crucial that, as part of the restructuring process, both the strategic and service delivery elements of the planning function are appropriately resourced to not only deliver on their specifically assigned duties but also in a manner that maintains effective communication and coordination structures.

Recommendation 1 – Identify planning resources required: while recognising that senior management are considering the Council's corporate restructuring in the context of multiple priorities, competing resourcing demands and ongoing engagement with the DHLGH, an internal evaluation report should be prepared identifying the resources and expertise required for the optimal delivery of the Council's planning function.

The Council's planning function is delivering crucial and complex services within a confined staffing capacity that has limited scope to cope with contingencies, staff turnover and training needs (this latter point is especially relevant in the context of the environmental assessment section of this report).

Accordingly the internal evaluation report should set out details of existing workloads and emerging demands while also identifying existing resource capacity and available (technical and administrative) skills in place.

The report should elaborate on the structures that also require resourcing to ensure cohesion across planning functions in the context of duties being performed by directorates with distinct reporting structures.

This evaluation report should be conducted in consultation with planning department staff and with a view to presenting the findings to senior management of the Council in the short-term (within the next six months).

Recommendation 2 – Focus on business planning and staff development: a renewed focus is required to ensure that business planning, the formal monitoring of performance and ensuring that staff development and training is prioritised.

Team plans should be prepared for 2022 across all the planning department's duties to identify expected workloads and business objectives with appropriate linkages to the Annual Services Plan, etc. PMDS should be pursued to ensure that the responsibilities associated with the department's various duties are clearly assigned to the appropriate personnel.

It is particularly important that the PMDS process (Personal Development Plans) identifies training and skills development needs for all staff, but also that responsibility is taken at a senior level for progress in addressing these learning needs. Progress should be monitored and reported upon at a departmental level on a regular basis.

It is important that the PMDS process ensures the identification of training and skills development needs and that progress in addressing these learning needs in monitored on a departmental basis and is reported upon appropriately. Subsequent analysis will further address the need to prioritise training issues.

In following up on this recommendation, the OPR will seek details of plans being put in place at the team and individual level as well as confirmation that these plans are being monitored and reviewed appropriately during the course of the year. Regular reviews of planning risk register issues should also be ensured.

Recommendation No.	Grading	Responsibility
1: Identify planning resources required	Medium	Director of Services
2: Focus on business planning and staff development	Medium	Director of Services

4. Forward Planning

Context

The 2020-2032 RSES for the Northern & Western Regional Assembly reflects the policies and objectives of the NPF. The RSES growth framework provides a sustainable strategy for compact growth. It identifies a pathway through the inclusion of a Metropolitan Area Strategic Plan (MASP) for Galway, which covers all of the City Council area and extends into the environ area within Galway County Council including the settlements of Oranmore and Barna.

The MASP sets out certain regional policy objectives. The population of the MASP area is set to grow by 27,500 to 2026 and by a further 14,500 to 2031, with the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031. The Council recognises that delivering on the MASP objectives creates challenges which will require successful partnership working with counterparts in Galway County Council across a wide range of local government activities.

In addition, it is an identified objective that the Council delivers at least half (50%) of all the required new homes within the existing built-up footprint. These high level objectives demand the ongoing implementation of a robust forward planning framework for the city.

Forward Planning Team

The forward planning team has 4.2 FTEs and is led by a senior executive planner, supported by two executive planners (one of which is part time), one assistant planner and an executive technician, as well as the administration team.

The team reports to the senior planner who, as previously referenced, faces the challenge of technical responsibility for the entire department. Due to the limited resourcing of the forward planning team, it is often the case that the senior planner must play an active role in the day-to-day delivery of forward planning functions, in addition to filling a strategic / management role for the overall department.

Given the relatively small size of the team, tasks and objectives are assigned and monitored through both formal and informal team meetings, discussions, and other collaborative practices.

In its response, the Council pointed to significant challenges faced by its forward planning team derived significantly from its stretched resources and indicated an intention to review resourcing as part of overall organisational restructuring in the coming year. The team has responsibility for the following:

- **Preparation of the city development plan and variations:** which must be prepared in compliance with all statutory requirements. The team is responsible for procuring and managing associated studies and strategies, including SEA, AA, housing strategies, Housing Need Demand Assessment, retail strategies and Strategic Flood Risk Assessment (SFRA).

- **Monitoring of objectives:** this requires collation of relevant information and the preparation of the two-year statutory monitoring report on implementation of the development plan objectives.
- **Preparation of local area plans:** the current Galway City Development Plan 2017-2023 advocates the use of local area plans and masterplans / framework plans which provide urban design frameworks for new development areas with guidance in relation to layout, density, diversity of uses, access and infrastructural provision. There is currently one local area plan in place for the Ardaun area, adopted in 2018.
- **Section 48 development contribution scheme:** review and update of the scheme in accordance with statutory provisions.
- **Statutory heritage requirements:** this includes the update of the Record of Protected Structures and the Preparation of Architectural Conservation Areas.
- **Land activation and URDF Funding:** the team contributes to these functions within the overall Council structure.

As the team has a policy formulation function, it engages with other departments in the Council, external stakeholders, elected members and the public. The Council advised that it does not currently have a formal forward planning procedures manual in place due to the dynamic and changing nature of forward planning.

The team development plan would be an appropriate system for aligning objectives with deliverables and resources. As already noted, the OPR would advise the Council to update its team development plan annually, with a six-month review to monitor delivery of objectives.

Preparation of the Development Plan

The review and preparation of a development plan is a complex technical task which requires a project management approach to ensure that the logistical, communication and participatory components are managed effectively. Accordingly, the successful preparation and review a plan requires a collaborative and multi-disciplinary approach from the outset. In this regard, the draft 'Development Plans - Guidelines for Planning Authorities' (2021) indicate that formal project management measures should be put in place with a dedicated project manager appointed.

The guidelines also indicate that a cross-authority, multi-disciplinary group (additional to the core development plan team) should be formed, which should consist of, for example, housing, community, transport, environment, heritage and the Local Enterprise Office. Galway City Council has a dedicated forward planning team, but the review and preparation of the development plan would benefit from the structures and project management recommended in the draft guidelines.

Public Participation and Engagement

The preparation of the Galway City Development Plan 2023-2029 has commenced with the usual statutory consultation requirements. The public consultation phase for the stage 1 – pre-draft was conducted between January and March 2021 which was a challenging period in which to engage with the public due the level 5 Covid-19 restrictions that were in place at the time.

These restrictions meant that the Council could not rely on proven in-person public consultation techniques and instead had to focus on less traditional online communication approaches:

- publication of the strategic issues paper *Our City, Our Future – Have your Say*, which was available online and generated over 500 submissions;
- a dedicated webpage for the plan;
- an online consultation portal, which received 500 submissions;
- print and radio advertisements;
- social media campaigns on Twitter, Facebook and Instagram;
- online ‘town hall’ meetings; and
- a workshop with young people, including a youth-focused presentation on the plan.

The use of social media, town hall meetings and workshops are, in particular, are emerging as effective techniques for public engagement in planning issues.

The chief executive’s report on submissions made on the 2023-2029 city development plan is currently available to inspect on the Council’s website. In relation to the development plan currently in place, it would appear that the chief executive’s report on submissions received during the consultation phase is no longer available online, neither are any reports on consultations on variations of that plan. It is suggested that, for the purpose of wider engagement and transparency, the making available of such documents online (until subsequent plan reviews have taken place) would be of benefit to processes of public consultation.

Mandatory Objectives under section 10 of the Act

Section 10 of the Act sets out a range of mandatory objectives that every development plan must include in their written statements and maps as appropriate. Given that a local authority’s approach to incorporating the mandatory objectives is central in undertaking a qualitative assessment of a development plan, exploring the work around research, engagement and drafting to ensure compliance with this area of the Act is an important insight into qualitative aspects of plan-making.

As indicated above, there is no specific procedures manual for the forward planning team. It would therefore be beneficial for the Council to prepare a procedures manual for the forward planning function to include details in relation to the internal systems and procedures applied in implementing the section 10 mandatory objectives.

Variations of the Development Plan

Variations of the development plan may be made under section 13 of the Act and the making of a variation is a reserved function of the elected members. To date, the Council has made seven variations to the 2017-2023 plan. These related to rezoning, transport objectives and alignment with the NPF and the RSES.

A preliminary review of these variations indicates that the requirements of section 13 have been complied with, including public notices, and SEA and AA. It would be beneficial for the Council to include an agreed procedure for varying the development plan as part of the preparation of a forward planning procedures manual.

Section 13(1A)(a) of the Act makes provision for elected members to initiate variations to the development plan. The chief executive must prepare a report within four weeks of the adoption of the resolution. The Council submitted details of one instance of carrying out this process, which complied with the requirements of the Act.

Monitoring and Evaluating Progress on Development Plan Objectives

The monitoring of the progress on implementing development plan objectives overlaps with the requirement to have a robust evidence base for preparation of the development plan.

Presently, ongoing monitoring is carried out by the relevant planning teams, which feeds into the chief executive's quarterly reports to elected members. Objectives are listed by topic and progress on these at the end of each year is discussed in the context of the next year's work programme and the Council's Annual Service Delivery Plan.

Furthermore, reporting on the progress of implementing the development plan objectives two years after the adoption of the plan is required under section 15(2) of the Act, a requirement which was complied with in relation to the 2017-2023 development plan.

The draft 'Development Plan Guidelines' (2021) establish a new requirement for an annual report. Work practices and procedures will need to be updated to deliver the associated monitoring and analysis. While it is recognised that this will place new demands on forward planning teams, the guidelines emphasise the need for local authorities to manage their resources accordingly.

Putting in place a robust system of annual monitoring of the development plan will strengthen evidence-based inputs going forward, particularly in relation to core strategy implementation. It will also inform SEA monitoring of the development plan, which is key in terms of overall monitoring of development plan objectives.

Preparation of Local Area Plans

There is no mandatory requirement for Galway City Council to prepare a local area plan under sections 19(1)(b) or 19(1)(bb) of the Act, as the local authority area does not contain any census towns with a population of 5,000 or above. There is no intended local area plan under section 18(2) where two or more adjoining local authorities prepare a joint plan.

The current 2017-2023 plan advocates the benefits of using local area plans and masterplans / framework plans which provide urban design frameworks for new development areas with guidance in relation to layout, density, diversity of uses, access and infrastructural provision. The Council currently has one LAP in place, the Ardaun Local Area Plan 2018-2024 which sets out the framework for the development of an area capable of accommodating 4,640 homes.

The current development plan indicates intentions to prepare local area plan for the Headford Road Area and Murrough. Ardaun and the Headford Road area are important areas for the delivery of housing. The lands at Headford Road are listed in the NPF as a regeneration site and so facilitating their development should be a priority of the Council. While no specific programme is currently in place for local area plans, the Council has advised that this will be considered as part of the forthcoming city development plan review process.



Section 48 Development Contribution Scheme

The most recent scheme was adopted by elected members in March 2021. The scheme was prepared in line with relevant statutory requirements and associated departmental guidelines. It applies a standard charge per square metre for both residential and non-residential development.

Geographical Information System (GIS) Capacity

The GIS officer is employed in the Council's ICT department and works with the planning department on a range of data gathering and analysis (e.g. geodirectory data for population, commercial, retailing). Data is collected in relation to availability of services, location of infrastructure and on transportation and movement. The GIS section operates a map portal with multiples layers with capacity for analysis, which is tailored to the needs of each section, but available for all.

The planning technician is supported by the GIS officer. The planning technician's work involves ongoing monitoring of development in the city, completion of six-monthly Housing Land Availability data and detailed breakdown of permissions granted, commenced, completed, expired and housing unit and type breakdown. Similar information for commercial office, student bed-space, childcare capacity, etc. is carried out on an annual basis.

Capacity and Resource Management

The current review of the development plan will absorb considerable resources in relation to the preparation and reporting requirements. The development plan guidelines (when adopted) will require additional resources in terms of data collection, analysis, GIS interpretation and annual reporting of trends.

The planning department has been challenged with the resourcing of other key forward planning projects (e.g. the local area plan for Headford Road), which will impinge upon its ability to deliver on key NPF priorities.

Performance Rating and Recommendations

Based on the material presented and wider background analysis undertaken by the OPR, the Council's delivery of its forward planning function is considered to be **effective**.

To achieve the higher rating in the short to medium term, the Council would need to consider establishing a system for the ongoing monitoring and implementation of policy objectives to ensure delivery. For example, putting in place a GIS monitoring system to track housing commencements against delivery targets.

Recommendation 3 – Monitoring and implementation: the Council should give consideration to the introduction of a more comprehensive monitoring and implementation regime to ensure policy objectives set out in statutory plans are satisfactorily implemented.

Noting the focus of Recommendation 1, the introduction of such a regime will require appropriate resourcing within the planning department in addition to a multidisciplinary and collaborative approach from the outset, and continued data collection and analysis.

Recommendation 4 – Local Area Plans: the Council should put in place a programme for the preparation of local area plans identified in the city development plan (again, the resources required for delivery should be reflected in evaluation report advised under Recommendation 1).

Recommendation 5 – Procedures manual: the Council should start the process of documenting the already existing operating procedures associated with the plan making process e.g. data collection requirements, analysis, drafting, consultation phases, reporting, environmental assessment, publication and adoption of statutory plans, as well as the variation / amendment process.

The focus should be on procedure rather than formal requirements which are established via statutory guidance. These various components may be compiled and updated over time into an overall procedures manual to guide staff, in particular new staff, with regard to the essential elements of the plan making process. The role of the various technical and administrative team members should be outlined, in the manual, to ensure appropriate project management structures are in place.

Recommendation No.	Grading	Responsibility
3: Monitoring and implementation	Medium	Director of Services
4: Local Area Plans	Medium	Director of Services
5: Procedures manual	Low	Senior Planner

5. Guidelines and Directives

Context

Local authorities must have regard to guidelines issued by the Minister in the performance of their statutory planning functions under Section 28 of the Act. Furthermore, the Minister may issue Policy Directives to local authorities which they must comply with in performing planning authority functions. To date, approximately 30 sets of section 28 guidelines and one section 29 directive have been issued by the Minister under Act⁸.

In addition to the guidelines and directives, there are regular circulars from the DHLGH providing advice and guidance on various aspects of the operation of the planning system.

The national policy context has been evolving quickly in relation to forward planning and development management functions, particularly in relation to development plan preparation, housing provision and dealing with the effects of the Covid-19 pandemic on the planning system.

General Systems and Procedures

As part of this review, the Council provided information on the processes used in informing elected members and staff of new national policy guidelines and circulars.

All circulars, guidelines and legislation are circulated digitally upon publication to technical and administrative staff within the Council and are uploaded to the shared folder. Any changes required are listed for discussion at team meetings. Any changes required to documentation, the Council's website and procedures are then agreed and responsibility assigned to the relevant team member for the timely implementation of any changes required.

The city development plan is the principal policy document that is considered and adopted by elected members. Planning guidelines that are of relevance to the development plan are considered in schedule 2 of the 2017-2023 plan. This accords with the statutory requirements of section 10(2A)(a) of the Act.

It provides a reasonable and precise illustration of how relevant guidelines have been taken into account in the preparation of the plan. Elected members and the general public were also recently advised of section 28 and other guidelines in Appendix 3 of the chief executive's report on the pre-draft 2023-2029 development plan consultation process.

Details of new legislation and policy are also summarised the chief executive's monthly report to Council. Reports circulated during 2021 were furnished to the OPR as part of this review, which illustrate how recent section 28 guidelines are considered (e.g. Regulation of Commercial and Institutional Investment in Housing Guidelines) and have been brought to the attention of elected members.

⁸ These are accessible on the OPR's website at: <https://www.opr.ie/library/>

Elected members also attend training courses, where information on new legislation and policy guidelines is circulated. The Planning SPC also provides a forum at which new legislation / guidelines can be discussed and debated.

This method of reporting to elected members represents a reasonable and efficient means by which to disseminate important new legislative and policy provisions.

Performance Rating and Recommendations

The Council’s delivery of this function is considered to be **effective**. A higher rating would be achievable if the Council formalised its procedures for updating internal policies / processes on foot of new guidelines, directives and legislation.

Staff training should be ongoing in relation to emerging legislation and policy changes, thereby ensuring the organisation is resilient for the challenges that arise in the implementation of the evolving planning system.

Recommendation 6 – Procedures: the Council should put in place a formalised, written procedure for the updating of internal policies and processes to account for new guidelines, directives and legislation, in order to ensure that a clear and agreed procedure is in place which Council staff can refer to as the need arises.

Recommendation No.	Grading	Responsibility
6: Procedures	Low	Senior Planner



Galway Harbour

6. Control of Development

Context

Processing planning applications by local authorities is otherwise known in planning legislation as the control of development, outlined in Part III of the Act. Control of development is further regulated under Part 2 (in relation to exempted development) and Part 4 (control of development and planning applications) of the Planning and Development Regulations 2001, as amended ('the Regulations').

The legislative and regulatory provisions with regard to the control of development overlap with Part X of the Act in relation to EIA functions, Part VIII in relation to enforcement proceedings and Part IX in relation to local authority own-development. These are also considered in subsequent sections of this report.

The development management process has become more complex and sophisticated as a result of a more complex regulatory environment, driven in particular by the requirements of several EU Environmental Directives, coupled to decisions of both the Irish Courts and the European Court of Justice (ECJ).

Development Management Team

The Council's development management team also incorporates the enforcement function, with a team of seven FTE staff members to deliver these core business operations. The team is led by a senior executive planner and comprises of three executive planners, two executive technicians (whose primary focus is enforcement duties) and one grade 1 technician. The functioning of both operations is underpinned by the 15 person (excluding vacancies) planning administration team.

The development management team has responsibility for the following:

- pre-planning consultations;
- processing of planning applications;
- AA and EIA;
- assessment of local authority own proposals for development under part 8;
- considering whether particular proposals are or are not exempted development under section 5 of the Act;
- declarations in relation to certain works affecting protected structures under section 57 of the Act;
- enforcement proceedings;
- preparing development briefs;
- strategic housing development (SHD);
- licencing of appliances and cables on public roads;
- the licencing of events / control of funfairs; and
- setting out the Council's observations in respect of any of its decisions appealed to An Bord Pleanála.

The team also play a role in relation to fire certificates, disability access certificates and commencement notices under the Building Control Act.

The four planners on the development management team advise the management team on technical aspects of planning applications, setting out recommended decisions for each case. During 2020, some 311 planning application decisions were issued by the Council, indicating that these four FTE planners progressed an average caseload of 78 planning applications each.

In making this rough estimation, it is acknowledged that the scale of work associated with each case will vary significantly depending on the complexity of the matters involved (e.g. habitats, environmental, heritage issues), the location of the development (proposals are contested to a greater degree in certain contexts), the volume of objections, and whether the decision is ultimately appealed to An Bord Pleanála.

Individual applications processed in Galway City Council are more technically complex in nature than for many other authorities. A comparison provided below, regarding the average fee per planning application, illustrates this point.

It must also be recognised that the simple estimate above does not reflect the commitment of these same staff to other duties such as work in relation to section 5s, section 57s, section 97s, SHD applications, part 8 applications, etc. Furthermore, given the limited resources the senior planner not only fulfils a strategic / management role but also actively contributes to workload progression, particularly in relation to larger or sensitive proposals.

Systems and Procedures

Galway City Council has put in place a wide range of operational procedures (37 in total) covering a broad range of matters including those related to other Acts (e.g. building control) and miscellaneous administrative provisions (e.g. heritage grants). The planning-related categories of procedures as set out in the documentation provided by the Council are as follows:

- 1. Planning application procedures:** a robust set of procedures are set out for validating applications, processing of applications (including extension of duration) in relation to the statutory timelines, processing of further information, standard planning conditions, procedures for the clarification of further information, processing observations and making available application documentation online and in hard copy.
- 2. Decisions:** the process of decision making is clearly set out in the documentation. Planning reports are counter-signed by the senior planner or the senior executive planner. Managers' Orders are signed by the Director of Services. The process for issuing notification of decisions and final grants is set out.
- 3. An Bord Pleanála Appeals and Strategic Housing Developments (SHDs):** this document sets out the procedures that the planning authority follows in relation to first and third party appeals, which includes making available of appeals and correspondence with An Bord Pleanála. Specific procedures are set out in relation to the planning authority's role in SHD applications, including section 247 meetings, reporting on consultations to An Bord Pleanála, and final reporting. The procedures reflect the requirements of the legislation.

4. **Bonds and Deposits:** thorough procedures are set out in the documentation in relation to the collection of bonds / securities, cash deposits, including enforcement action if required.
5. **Development Contributions:** the system for establishing the basis for calculating contributions, collecting contributions due is set out.
6. **Section 96 Exemptions (social housing):** a step-by-step guide is provided in the procedures manual for processing section 96 exemption certificates.
7. **Section 254 licences:** procedures relating to appliances and cables on public roads are outlined.

Development Management Output

Planning data published by DHLGH provides details on all local authorities' outputs and allows comparison between authorities and with national trends⁹.

The number of applications received by Galway City Council over the last number of years has remained relatively consistent, from 341 in 2015, rising to 357 in 2019. A total of 336 applications were received in 2020, including the handling of the local authority aspects of four SHD applications made directly to An Bord Pleanála.

It is noted that Galway City Council would appear to deal with somewhat more complex applications than some other local authorities, including other urban authorities. This can be somewhat illustrated by the average fee per planning application. The average fee per application for Galway City was €1,790 in 2020, compared to €1,353 for Dublin City and €808 for Cork City in the same year.

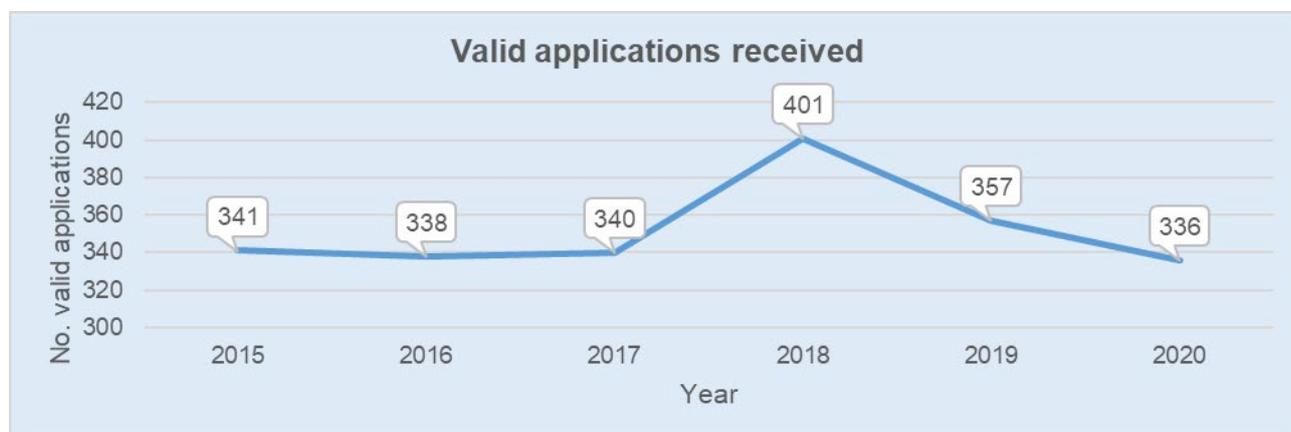


Figure 3: Valid Applications Received

Invalidation of planning applications

Ensuring that planning applications include the proper documentation, public notices, the required drawings and particulars, etc., is a key requirement of the regulations. Accurate and proper planning application documentation is very important to ensuring proper information for the public and effective assessment of planning applications by local authority staff.

⁹ <https://www.gov.ie/en/service/9e4ee-get-planning-statistics/>

This is why the regulations specify strict standards that planning applications must reach before they are technically assessed, and if applications do not reach such standards, local authorities may return the applications, otherwise known as invalidation of planning applications. As wider OPR research has found, planning application invalidation rates tend to vary from one local authority to another.

Successfully validating planning applications is essential to the efficient operation of the development management system. An ineffective validation system can be costly to both the local authority and applicant.

The rate of invalidations within a local authority can depend on factors such as quality of planning application documentation submitted by applicants, as well as the procedures and criteria used by the authority in validating applications.

In the interests of efficiency and due process, invalidations should capture all relevant points and the same application should not be invalidated a second time for different reasons.

Figure 4 illustrates that Galway City Council had a low invalidation rate of between 4.2% and 7.4% of applications received over 2015-2020, which contrasted with national rates of between 13.9% and 17.1% during the same period.

As part of this review, the OPR examined potential factors behind the Council’s low invalidation rate, finding a robust validation process in place which minimised the number of invalid applications while ensuring compliance with statutory requirements. This is set out in case study 1 below.

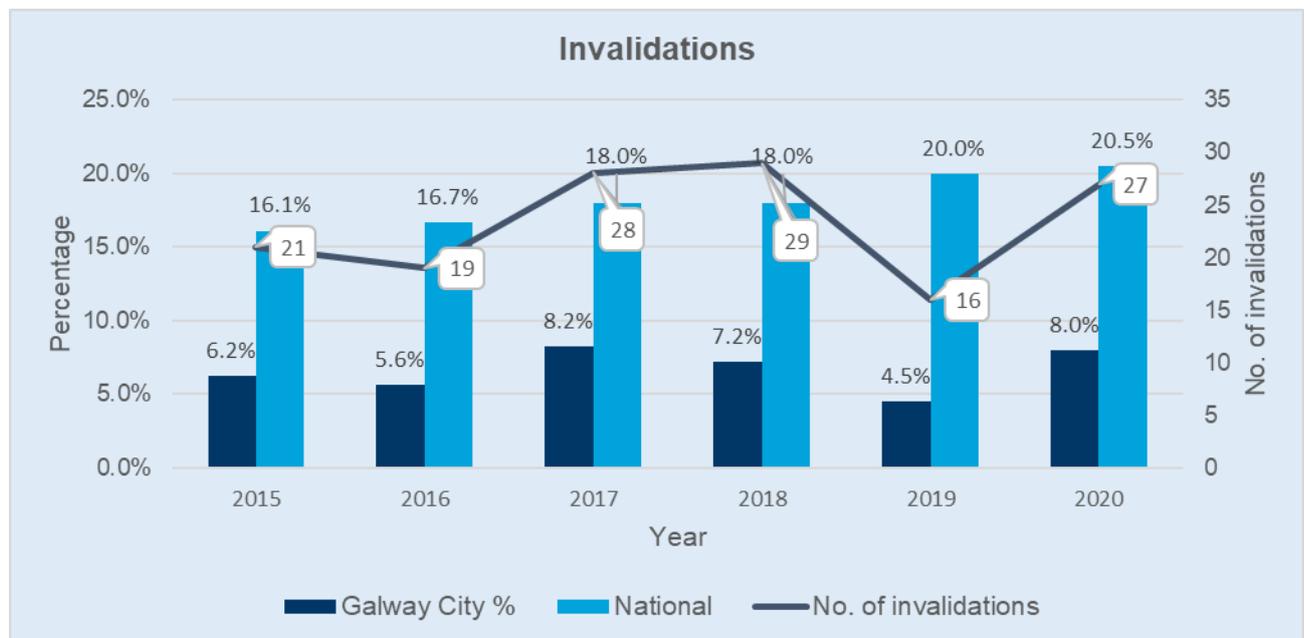


Figure 4: Invalidation Rates

Case Study 1

Validation of Planning Applications

On analysis of national data on invalidation rates, the OPR found that Galway City Council had a consistently low rate of invalidation compared to the national average. As such, the OPR sought further information from the Council in relation to its validation process.

Procedure

The Council's planning department offers a face-to-face validation services three times a week. A member of the planning administration team makes themselves available to prospective applicants to review relevant document. The applicant is given the opportunity to address any deficiencies prior to submission. In particular, the system is used by the main agents operating in the local authority area who are familiar with the service.

Outputs

Galway City Council has an invalidation rate of between 4.2% and 7.4% of applications received in the 2015-2020 period, which contrasted with national rates of between 13.9% and 17.1% in the same period.

Outcomes

This system results in:

- the number of invalid applications being minimised;
- applications being placed on public display in a timely and efficient manner; and
- reduced overall burden on both the local authority and the applicant.

Decisions Made Within Eight Weeks

Figure 5 illustrates the percentage of decisions made by the Council within eight weeks. The decision rate is generally in line with national averages for the period, but performing particularly well in 2020 during the Covid-19 pandemic restrictions, whereby the Council maintained its high percentage output while the national average declined.

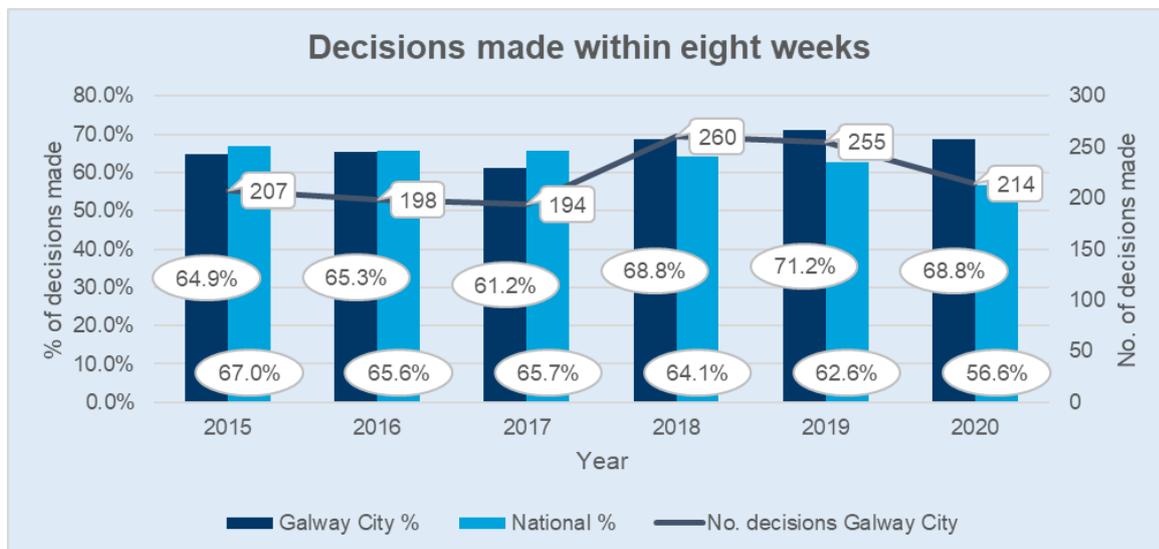


Figure 5: Decisions Made within Eight Weeks

Decisions Deferred

Figure 6 indicates that during 2015-2017, Galway City Council had a higher rate of deferral rate than the national level. However, during 2018-2020 the trend shifted to lower than the national level. The Council's deferral rate has fallen by almost 10% from 2016 to 2020.

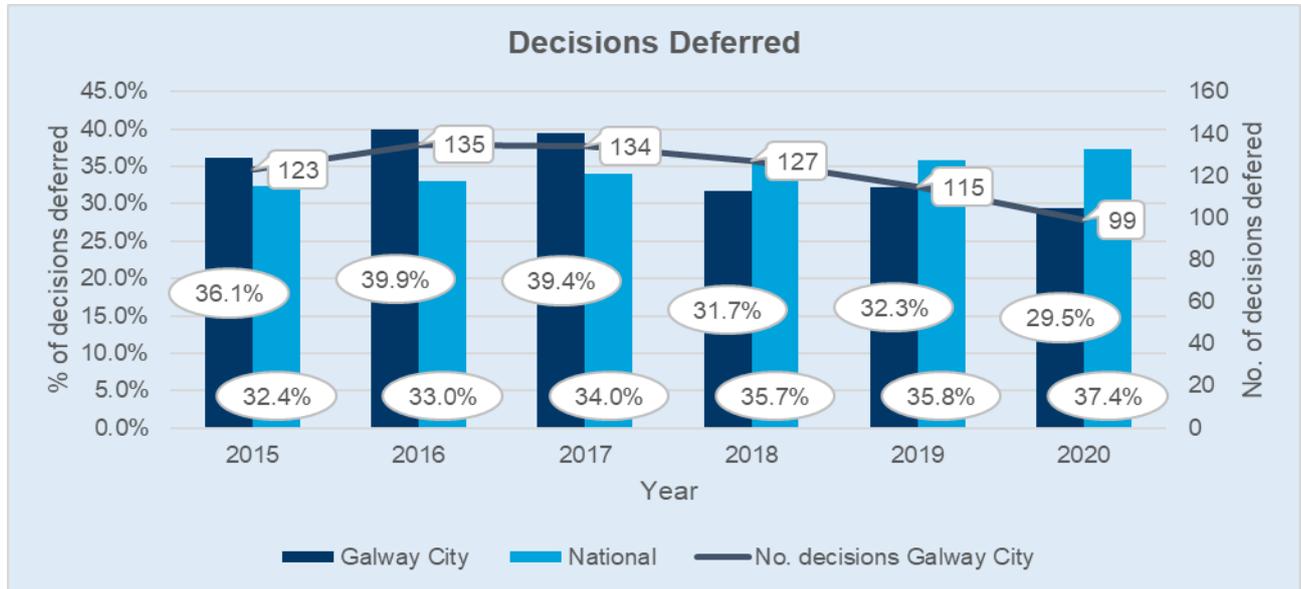


Figure 6: Decisions Deferred

Decisions granted and refused

Figure 7 illustrates the Council's refusal rate at around 12% annually between 2015 and 2020, comparing with a national average of 9.9% over the same period. Generally, urban authorities will have higher refusal rates given the more complex nature of applications; for example during 2020 the refusal rates for Cork City Council and Dublin City Council were 13.9% and 12% respectively.

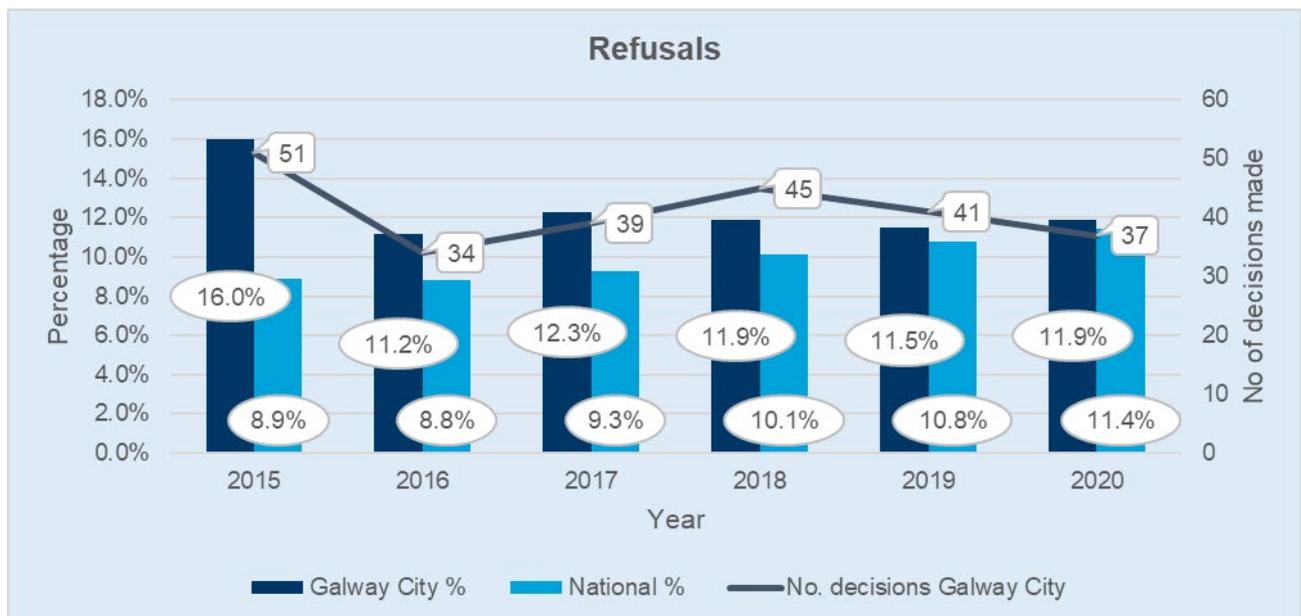


Figure 7: Decisions to Refuse Planning Permission

Appeals to An Bord Pleanála

Figure 8 illustrates a relatively high rate of the Council’s decisions appealed to An Bord Pleanála. The rate fluctuated between 8.5% and 13.5% between 2015 and 2020, contrasting with a national average of 7% in the same timeframe. Again, a quick comparison with other urban authorities is worthwhile; in 2020 the appeal rate for Dublin City was 16.1%, while in Cork City it was 10.1%.

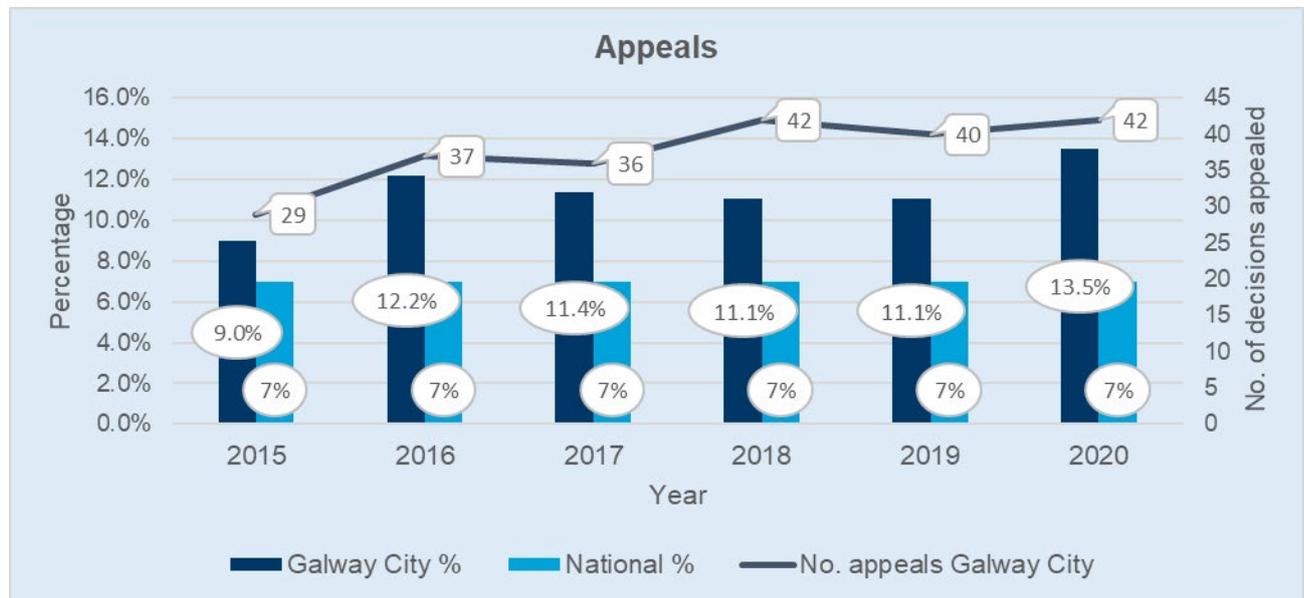


Figure 8: Appeals to An Bord Pleanála¹⁰

Reversal Rates on Appeal

Analysis of the reversal rates of local authority planning decisions by An Bord Pleanála can be indicative of an authority’s ability to appropriately interpret relevant local, regional and national planning policy. A low reversal rate can be considered as generally illustrative of decision-making that is clear, robust and well-grounded in the relevant planning policies.

The national reversal rate of local authority decisions by An Bord Pleanála has witnessed a long-run declining trend. In 2010, 36% of decisions were reversed by An Bord Pleanála. This progressively dropped to 23% in 2018, before increasing marginally to 25% in 2019. In 2020, 27% of decisions nationally which were appealed to An Bord Pleanála were reversed¹¹.

The reversal rate for Galway City Council was 24% in 2018, dropping to 21% in 2019 and dropping to 19% in 2020. The Council’s reversal rate is therefore trending below the national average.

Planning Conditions (including contributions and bonds)

The Council uses a comprehensive set of standard planning conditions in relation to grants of permission. A set of procedures for dealing with compliances is set out in an internal Council manual. These procedures relate to all conditions requiring the written agreement of the authority, in addition to development contributions and bond conditions. The objective is to deal with compliances within four weeks.

¹⁰ An Bord Pleanála Annual Report 2020: <https://www.pleanala.ie/en-ie/latest-news/annual-report-2020>

¹¹ An Bord Pleanála Annual Report 2020: <https://www.pleanala.ie/en-ie/latest-news/annual-report-2020>

While compliance documentation is scanned onto the planning department's internal systems, current procedure does not extend to making this information available online (such as it is in relation to financial contributions which are available on the Council's website). It is suggested that good practice in this regard would be to make details available online, whenever possible, in relation to compliance with conditions.

Section 5 Declarations

Section 5 declarations provide statutory advice to the public about whether a particular proposed development may or may not be exempted development, which is development that does not require a grant of planning permission, such as smaller domestic extensions to dwellings, minor signage or alterations to structures.

A standard section 5 declaration application form is available to the public on the Council's website which allows for the submission of relevant material. The Council has also prepared written procedure. A section 5 declaration can be made by any party and not just a person with an interest in the landholding in question.

For this reason, section 5(2)(c) of the Act allows for the local authority to request persons, other than the referrer, to submit information in order to enable the authority to issue the declaration on the question. It is advised that the Council include detail regarding the facilitation of this consultation within its section 5 procedures document.

Where the local authority issues a declaration, the relevant details must be entered into the register. Furthermore, the Act requires that the associated documents be made available for inspection / purchase and be placed on the local authority's website for at least eight weeks (or eight weeks from the decision of An Bord Pleanála, if applicable). The Council must ensure that details of all such declarations be published / online as a part of standard procedure.

Section 247 Procedures

Part XVIII of the Act includes provisions for section 247 pre-application consultations, which are an important part of the design and planning process, as they allow the planning authority highlight to a prospective applicant the issues and considerations relating to a particular development.

The Council does not have any specific written procedures relating to section 247 consultations. Pre-planning meetings are generally offered within approximately two weeks of the request. Meetings, rather than pre-planned clinics, are offered to applicants.

Covid-19 has resulted in the introduction of online meetings. They are generally attended by a development management planner and other Council officials as required. There is no standard format for recording the consultation, although consultations on SHD applications are more formalised. Records are not made available to the public.

The OPR recently undertook research in relation to 'Pre-Application (s247) Consultation Services'¹². It outlines the characteristics of a good quality pre-application consultation system, which includes public accessibility, clarity of advice and efficient and effective use of resources.

A number of improvements are required in relation to the Council's section 247 procedures:

- The systematic collation of relevant information to determine whether a consultation falls under the provisions of the Act (e.g. a declaration of whether the applicant has an interest in land, or the consent of the landowner).
- The preparation of a standard procedure / template for recording materials submitted, recording attendees, and recording / noting the consultation itself.
- Where there is a planning application associated with a section 247 consultation (whether at the time of the consultation or subsequently) a record of the consultation must be made available on the public file. This is a requirement of 247(5) of the Act and it should also be understood that this provision would be applied in respect of online planning files.

Online Planning Services and e-Planning

The OPR recently published a case study paper entitled 'Online Planning Services', which was informed by a survey of the online availability of local authority planning application documentation¹³. Some areas for improvement, with regard to online planning documentation, were identified in the report, which was notified to the Council at the time.

This review notes that there is no online system currently in place to allow submissions on planning applications or complaints on enforcement to be made online (it is acknowledged that enforcement complaints can be made by email).

Galway City Council operates the iPlan system as the online platform for the presentation of planning applications and associated documentation. iPlan is provided through the Local Government Management Association (LGMA). During the course of the review, the Council acknowledged the need for improved online functionality but indicated that upgrading of the system had been deferred pending transition to the national e-Planning portal.

A DHLGH / LGMA e-Planning Pilot Initiative began in Q4 2020 and will be rolled out across the 31 local authorities over an 18-month period. Galway City Council's planning department is in the initial stages of engagement with the LGMA in relation to putting a document management system in place to facilitate the rollout of e-Planning during 2022.

The delivery of this service will facilitate a significant enhancement in the range of online planning services currently available. When complete, the e-Planning project will provide:

- a consistent national public-facing planning portal for planning applications;
- better data to track planning application trends nationally; and,
- more efficient and consistent application processing.

¹² OPR Case Study Paper CSP04 'Pre-Application (S247) Consultation Services' 2021

¹³ OPR Case Study Paper CSP02 'Online Planning Services': <https://publications.opr.ie/view-file/68>

Measures supporting public engagement

The Council's website is the principal means by which members of the public, agents, applicants and other stakeholders can engage with the development management process. It also provides access to current and historic planning applications via the ePlan platform, in addition to information on the development plan, local area plans, conservation, building control and current consultations. The website includes the 14 planning leaflets published by the OPR and DHLGH as a resource for members of the public and stakeholders.

The website is a useful resource and provides good information on the planning application process, including an FAQ. Forms for planning applications, section 5 referrals, article 6A exemptions, section 96 certificates, complaints and other building control matters are easily available for download. The website provides access to weekly lists and is generally in compliance with regulatory requirements in relation to making available application documentation.

Information for third parties in relation to making submissions on planning applications is limited. While there is information on how to submit an observation, it is not easily accessible and the website would benefit from having information in relation to appeal rights.

The Planning & Development (Section 38) Regulations 2020 now require planning authorities to upload all planning application documents onto their websites within five working days of receipt. Galway City Council has a system of registering application with an initial 'pre-validation' status, followed by 'new application' status once validated. The Council has indicated that it endeavours to have all applications published on the website within the five-day timeframe.

Upcoming Legislative Changes

The Oireachtas has legislated for the replacement of the temporary SHD system of direct applications for large housing developments to An Bord Pleanála by the Large-scale Residential Development (LRD) process.

This process will see all applications for multi-unit housing applications reverting to local authorities, with the larger of these being subject to prescribed time limits for both local authorities and An Bord Pleanála on appeal.

The LRD system will involve new processes and procedures which adopt elements of the SHD system but reintegrating them with the conventional, local authority operated, planning application handling process set out under section 34 of the Act. Galway City Council's procedures will need to be amended to take reflect these new statutory requirements.

Performance Rating and Recommendations

An analysis of the information supplied by the Council, as well as the performance outputs and wider analysis indicate that there are appropriate systems and procedures in place for most elements of the development management function.

In this respect, this review found Galway City Council to have generally **effective** procedures in place to facilitate consistent decision-making across the development management function.

Whilst the delivery of the function is considered effective, there is scope to achieve a higher rating by improving the accessibility of services that are available to the public via the Council’s website (e.g. guidance in relation to third party rights of appeal, the availability documentation related to compliance matters, section 5 declarations, section 247 consultations, etc.) and some procedural improvements relating to section 247 consultations.

Additionally, attention should be given to Recommendation 13 of this report in relation to environmental assessment (specifically EIA and AA screening processes) in the context of decision-making on planning applications.

Recommendation 7 – Availability of planning information and documentation online: the Council’s planning webpage should be updated to include enhanced guidance for members of the public seeking to engage in in the planning process, particularly with regard to participation as a third party.

Furthermore, the availability of documentation online needs to be improved with respect to compliance details, section 5 declarations and section 247 consultations.

Finally, having regard to the findings of the recent OPR case study paper ‘Online Planning Services’, improvements should be brought about in relation to the accessibility of planning application documentation.

Recommendation 8 – Section 247 consultations: the Council should put in place a written procedure for delivering consultations under section 247, having regard to the guidance contained in the OPR’s case study paper CSP04 titled ‘Pre-Application (S247) Consultation Services: An Analysis of Practice across the Local Government Sector’¹⁴.

As part of this exercise, the Council should put a more formal section 247 procedure in place and prepare standard templates for recording / noting the meeting and a system for placing the record on the public file when an application is submitted. The Council may consider a GIS-based system for recording such consultations and facilitating their linking to any planning application that might subsequently arise.

Recommendation No.	Grading	Responsibility
7: Availability of planning information and documentation online	Low	Senior Planner
8: Section 247 consultations	Medium	Senior Planner

¹⁴ <https://www.opr.ie/publications/>

7. Architectural Heritage

Overview and Context

The protection of architectural heritage is provided for by the provisions of the Part IV of the Act. A local authority has responsibility for compiling and updating the Record of Protected Structures (RPS) which includes structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

The local authority also has responsibilities for ensuring that owners carry out certain works to ensure the protection of these structures and has other powers to secure protection, including compulsory purchase order (CPO) powers. Works are only exempt if they do not materially affect the character of the structure or any element which contributes to its special interest. Section 57 of the Act allows owners to request the planning authority to declare the type of works which are exempt.

Galway City Council has a total of 619 structures on the RPS, which forms an appendix to the city development plan. This RPS has been amended and updated over a number of development plan cycles. Policies are contained in the city development plan which support the protection and enhancement of structures listed on the RPS.



National University of Ireland, Galway

Architectural Conservation Areas (ACAs) are also an important statutory tool to secure the preserve the character of places, areas, groups of structures or townscapes which are of special interest or that contribute to the appreciation of protected structures. The Architectural Protection Guidelines¹⁵ indicate that ACAs can be an appropriate form of protection in lieu of placing structures on the RPS, given that works to structure's exteriors will only be exempt if they do not materially affect its character. ACAs are designated as part of the development plan process.

A total of 11 ACAs have been designated in the 2017-2023 city development plan. Seven of these areas were originally designated in the 2005-2011 plan, with additions in subsequent development plans. Relevant policies are included in the development plan, including the preparation and implementation of management plans for ACAs.

¹⁵Architectural Heritage Protection Guidelines for Planning Authorities (2011)

There are also complementary and supporting policy initiatives which do not emanate directly from the Act. These include administering the Heritage Grant Scheme and implementation of actions in the Galway City Heritage Plan 2015-2021, with support from the Heritage Council.

General Systems and Procedures

The Council's heritage responsibilities come under the remit of the Planning SPC and is an issue regularly considered at meetings. The RPS and designation of ACAs is a responsibility of the Council's forward planning team. The Council has no dedicated in-house expertise to review and comment on planning applications relating to protected structures or sites located within ACAs, etc.

While noting the above, the Council has a heritage officer whose role is broad ranging and includes local heritage plans, advice to local authority staff, heritage appraisals, data collection, liaison, public relations, public consultation, strategies, policies, projects and coordination of the implementation of the heritage plan objectives. On occasion the heritage officer provides reports on planning applications, however these relate principally to archaeological heritage matters.

In addition to the role of the heritage officer, the planning department also utilises the resources of other sections in the Council, including a conservation architect in the architect's department. The Council procures specialist architectural conservation consultancy services for ACAs, additions to the RPS and advice on specific planning applications. It is an objective in the current development plan to prepare management plans for each, but to date none have been prepared.

While there is no ongoing procedure for the review of the RPS, in terms of additions and deletions, the most recent additions to the RPS were included during the review process that produced the 2017-2023 city development plan, when 13 additional structures were added.

The procedure for those additions involved detailed inventories and surveys of the structures. While there haven't been any additions / deletions since that point, and none are currently proposed as part of the current review, the issues paper for the current development plan review invites submissions on potential additional ACAs.

The Council is responsible for serving notices under section 59 and 60 of the Act to require works to be undertaken in relation to endangerment or restoration of protected structures. Generally, this is a function which lies with the enforcement function. While broadly administered by the enforcement team, these notices are usually drafted by the heritage officer regarding required specified works to the protected structure(s) in question. An unspecified number of section 59 notices have been served by the Council. The Council does not have a specific written procedure for the performance of this function of the Act or a system in place for monitoring.

Public Engagement

The Council's website includes material on 'Heritage and Architectural Conservation'. It provides information on the RPS, the implications of owning a protected structure, grants available, ACAs and other publicity material. The Council may wish to include on this webpage a link or reference to the OPR's planning leaflet no.12 'A Guide to Architectural Heritage', which provides useful information on architectural heritage.

Leaflets have been prepared for seven of the 11 ACAs, explaining the designations and the implications for property owners. The objective to prepare management plans for six of the 11 ACAs was included in the 2005-2011 development plan. Management Plans for the ACAs, which will provide an opportunity for public engagement on an area basis, have yet to be prepared.

The principal means by which the Council engages with the owners of heritage buildings is through the development plan process. The chief executive’s report on the pre-draft plan consultation indicated that 75 submissions were made to the Council in relation to built heritage. The chief executive responded to these submissions by advising that a review will be undertaken to consider if further additions to the RPS are merited during this process.

Performance Rating and Recommendations

The OPR acknowledges that the Council’s architectural heritage responsibilities are generally being delivered effectively, however in the absence of an overarching management plan to ensure the function is being delivered on an ongoing proactive basis it is considered that **some improvement is needed** to mitigate risks.

The recommendation below sets out that a greater emphasis on the proactive coordination of architectural heritage protection responsibilities would set the Council on the way to delivering this function on a highly effective basis.

Recommendation 9 – Architectural heritage work programme: the Council should, over the next 12 months, assign specific responsibility for the delivery of this function at an appropriate level, with a view to preparing an architectural heritage work programme over the medium term. As noted in Recommendation 1, this should include giving due consideration to securing dedicated expertise and resources to drive the implementation of a work programme.

The work programme should have regard to:

- the preparation of management plans for ACAs;
- continuing to ensure that additions / deletions to the RPS are implemented as ongoing necessity requires (and not just in the context of development plan reviews);
- surveying of buildings at risk with a programme for taking action, as required;
- the use section 59 and 60 notices, as required, and integrate enforcement and ongoing survey and monitoring of protected structures; and,
- continued and proactive engagement with owners / occupiers of protected structures.

The work programme shall also include provision for monitoring the delivery of the architectural heritage objectives.

Recommendation No.	Grading	Responsibility
9: Architectural heritage work programme	Medium	Director of Services

8. Land Activation

Context

Current Government policy, as detailed in the NPF and other initiatives, is to actively intervene to facilitate and bring forward development. This is particularly important for urban areas, where the national and regional policy is to ensure 50% of new housing is within existing built-up areas.

A range of policy tools are required to achieve this objective and require significant coordination between central and local government. This includes central government initiatives under Local Infrastructure Housing Activation Fund (LIHAF) and the Urban Regeneration & Development Fund (URDF), in addition to programmes such as the Major Urban Housing Delivery Sites.

Local authorities will play a critical role through their forward planning functions including preparation of LAPs, using CPO powers, establishing the Vacant Sites Register, coordinating delivery by infrastructure providers, utilising Council and state-owned lands, operating the Derelict Sites Register, and liaising with private developers.

Local authorities are only one actor in the development process and the delivery of housing ultimately results from a successful combination of the private sector, financial sector, and central and local government interventions.

The City Council, like many other local authorities, faces challenges in the delivery of housing. The NPF targets Galway City to grow its population by over 50% to 2040, meaning the city's population could reach over 120,000 within that period. The Galway Metropolitan Area Strategic Plan (MASP) targets this growth to be an increase of 27,500 people to 2026 and a further 14,500 to 2031. The CSO shows that 254 residential units were completed in 2019 and 205 in 2020 (revealing the impact of Covid-19). This output must be noted in the context of housing supply targets, which are being framed in the new city development plan, that identify the need to deliver between 4,500-4,800 units over the next six years (equating to approximately 750-800 units per year).

The Council has indicated that it has sufficient land capacity to meet both the built-up demand and the projected demand to fulfil the targets set out in the MASP to 2026. At present, there are approximately 155 hectares of residential zoned land available within the city. It is also noted that there are currently planning permissions for 2,001 residential units (up to November 2020).

The principal strategic land-banks in the city are at the following locations:

- **Ardaun LAP:** phase 1 lands to accommodate a potential population of 4,039-5,386) to be co-ordinated with a mix of commercial and community services and linked to a range of services and community facilities.
- **Ceannt Station:** a joint development between Córas Iompair Éireann (CIE) and private developers seeks to redevelop a mixed-use scheme on a 3.3ha site.
- **Inner Harbour:** proposes significant new urban development and regeneration of this docklands area, in addition to rearrangement of port functions.
- **Headford Road:** an LAP is to be prepared for this area to facilitate consolidation and brownfield development.

The issues paper for the city development plan review indicates that additional regeneration sites are likely to include lands at Sandy Road (including city council owned lands) and along the Dyke Road (city council car park). Both of these sites have potential to accommodate significant residential led mixed use schemes. The potential development of these sites is being progressed by the Council in collaboration with the Land Development Agency.

General Systems and Procedures

Land activation initiatives are progressed across the Council through collaboration and working groups, rather than through a dedicated team. Implementation of actions (e.g. planning, infrastructure delivery, consultation) is through the responsible department / team while coordination issues are generally addressed through the Council’s management team. The various land activation initiatives undertaken by the Council and are considered below in turn.

Reduced / Waiver of Development Contributions

The Council allows for a reduced contribution in certain circumstances, including where there are protected structures, or to support third level education. A reduced contribution was applied to the Ceannt Station development, where there are a number of protected structures. Reduced contributions for other regeneration projects is ultimately a policy matter for incorporation in the relevant section 48 contribution scheme.

Vacant Sites Register

2015 legislation required authorities to establish vacant sites registers, identifying ‘regeneration land’ or ‘residential land’. It is essential in the interests of equity and legal robustness, that the register be properly established. Circular letter PL 7/2016 sets out the process for preparing the Register and sets out a step-by-step guide for local authorities.

An initial survey was undertaken by the Council in 2016 which divided the area into East and West. A total of 67 sites were surveyed in the West area and 84 in the East area. While the Vacant Sites Register is referenced in the 2017-2023 development plan, there is no specific objective relating to its implementation or designated areas. A total of 6 sites were identified on the register in 2019. These are detailed in table 5 below.

Site	Date included	Value	Levy
Lands North of West of Fana Bui, Ballymoneen Road	12/03/2019	€400,000	€28,000
Lands west of Bothar Stiofain, Ragoon	12/09/2019	€500,000	€35,000
Former Spinnaker Hotel, Knocknacarr Road	12/09/2019	€1,200,000	€84,000
Former Dawn Dairies Site, Dublin Road	12/09/2019	€1,600,000	€112,000
Lands East of Doughiska Road	27/06/2019	€500,000	€35,000
Lands West of Doughiska Road	27/06/2019	€350,000	€24,500
	Total	€4,550,000	€318,500

Table 5: Vacant Sites Register 2019

A return by the Council in March 2021 to DHLGH showed that none of the levies had been collected. Subsequently, demands for payment were issued and a total €28,000 has been collected to date. Three of the owners have appealed the demand to An Bord Pleanála under statutory provisions and one has appealed the valuation.

The Council has been proactive in utilising this legislative tool in land activation. The step-by-step approach to the preparation and maintenance of the register has not strictly followed the guidance provided in Circular Letter PL 7/2016 (e.g. inclusion of specific objective in the development plan).

The Council's submission to the OPR indicates that a further review of vacant sites has been initiated but has stalled owing to a lack of resources.

Given the recent Government announcement in Budget 2022 to replace the Vacant Site Levy with a Zoned Land Tax, the continued collation and collection of data, preferably GIS based, of vacant land is an important activity required as part of forward planning process.

Derelict Sites Register

Under the Derelict Sites Act 1990, a derelict site is any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood.

The legislation places a duty on every owner and occupier of land, including a statutory body and a State Authority, to take all reasonable steps to ensure that the land does not become or continue to be a derelict site. While not a function under the Act, it is reflective of whether the Council is utilising all legislative tools at its disposal in land activation.

The Council provided a written procedure for investigating and reporting on derelict sites under the Derelict Sites Act. A total of 15 sites are on the Council's derelict sites register, three of which were added in 2020. This illustrates a proactive approach by the Council in using the statutory tools at its disposal.

CPO Powers

CPO powers have been used for road projects (N6 multi-modal corridor, N6 Galway City Ring), the pedestrian bridge over the River Corrib, a post primary school and social housing, and an expansion of Terryland Park.

In addition, two properties were acquired through CPO in 2017 under derelict sites legislation. A proposed social housing scheme was prepared by the Council, catering for families with particular accessibility requirements. CPO powers have not to date been utilised for large-scale regeneration projects.

Collaboration

The Council has proactively engaged with other significant stakeholders to bring forward the development of strategic sites and land banks. This engagement has included:

- liaising with the Galway Harbour Company which is preparing a master plan for the Inner Harbour Area;

- working with the Land Development Agency (LDA) to bring forward undeveloped lands at Sandy Road;
- liaising with NUIG to advance a masterplan for lands at Nuns Island;
- engaging with landowners in relation to large regeneration projects (e.g. CIE for Ceannt Station);
- coordinating with infrastructural agencies (e.g. Irish Water, TII, Department of Education and Skills, OPW); and
- liaising with private landowners with development sites.

This collaborative role is essential and more important where the Council do not have control of development land.

URDF Funding

This fund aims to deliver more compact and sustainable development, as envisaged under Project Ireland 2040. It does this by part-funding regeneration and rejuvenation projects in Ireland's five cities and other large towns.

The Council is active in this respect, having secured funding in respect of six projects under calls 1 and 2 of the URDF as follows:

- Ardaun Upgrade of Martins Roundabout - €2.7 million
- Walking and Cycling - €2.9 million
- Sandy Road, Liosban
- Transport Connectivity Project
- Public Spaces and Streets Project
- Galway Innovation and Creativity District

This illustrates a very proactive approach to securing funding for planning and capital projects, with the aim of releasing infrastructural bottlenecks and planning for future major development.

Public Realm Strategy

During 2018-2019, Galway City Council prepared a Galway Public Realm Strategy. The strategy was prepared on the basis of policies set out in the city development plan and the importance of place making as highlighted in the NPF.

The strategy was driven by a cross-departmental steering group, led by the planning department and involved significant consultation with the public through various channels.

The strategy is accompanied by design, activity and delivery manuals, the combination of which provides a practical tool for guiding the Council in delivering change and enhancing the public realm over a period of time.

It demonstrates a good example of how a planning department can coordinate and prepare guidance that will apply over a long period of time which contributes to the key planning objective of providing for high quality place-making. Of particular note is the fact that the strategy was awarded the Irish Planning Institute Design Award in 2020.



The Claddagh

Performance Rating and Recommendations

It is evident that, subject to its available resources, the Council is engaging with the vacant sites and derelict sites legislation, ensuring positive outcomes for individual property generation and thus adequately demonstrating that systems and procedures are in place to support the continued implementation of these functions thus ensuing land activation.

The Council has been successful in obtaining URDF and RRDF funding for capital projects generated under Project Ireland 2040 and a number of significant projects within the county have obtained funding for regeneration and renewal. It is recognised, however, that such opportunities result in a significant body of work and additional demands on staff in the planning department.

Overall, the Council's delivery of its land activation function is considered to be **effective**. To achieve a higher rating, attention should be given to the Council's data management systems so that key elements of land activation are appropriately recorded and mapped to proactively inform development strategy, in addition to identifying training and skills requirements and for the ongoing collection of levies.

Recommendation 10 – Data management: the Council should, over the next 12-24 months, build up an integrated, publicly available GIS-based management information system and database of vacant sites, derelict sites, key town principal streets occupancy record and infrastructural audit of zoned but undeveloped lands. Such analysis should be largely available by the commencement of the upcoming local area plan preparations.

Recommendation 11 – Collection of vacant site levies: the Council should prepare a robust procedure for the collection of vacant sites levies. This system should include for collection of arrears and putting in place appropriate legal mechanisms for pursuing unpaid levies.

Recommendation No.	Grading	Responsibility
10: Data management	Medium	Director of Services
11: Collection of vacant site levies	Low	Director of Services

9. Planning Enforcement

Overview and Context

The Council's enforcement function is overseen by the same team that delivers the development management function. There are two planning enforcement officers at executive technician level, who operate under the supervision of a senior executive planner that also has development management responsibilities.

These dedicated enforcement officers carry out their duties with the support of the planning department's administrative team. The city is divided into eastern and western districts for this purpose.

During 2020, the Council opened 159 enforcement cases for investigation¹⁶, representing 2.2% of the national total. With the city's population accounting for approximately 1.6% of the national population, this is indicative of the fact that development issues are more contested in an urban setting.

A total of 69 of those cases were dismissed as trivial, minor or without foundation and 31 were by closed enforcement proceedings. The total number of open enforcement cases at end-2020, including cases carried from previous years, was 104. This represents 0.6% of the national total of open cases, which points towards the Council's effectiveness in progressing and concluding enforcement matters.

Enforcement complaints are monitored using an Excel spreadsheet, which has limitations for case management and for analysis and reporting. Consequently, the planning department is giving consideration to procuring a suitable enforcement software package.

During this review, the Council highlighted the additional challenge faced by its enforcement team given the demand for short-term letting in Galway City, driven by much increased "staycations" during the pandemic period, and the Government decision to regulate this sector through the planning code.

The Council pointed out that all its functional area is designated as a Rent Pressure Zone and given the city's significant tourism offer, correspondence, queries and complaints in relation to short-term letting place very significant demands on the planning department. This is addressed in more detail below.

General Systems and Procedures

Galway City Council's procedural manuals indicate that appropriate systems and procedures are in place for planning enforcement. The Council's manuals include guidance on processes such as recording complaints, maintaining the complaints register, templates for enforcement complaints, procedure for issuing warning letters, etc.

¹⁶NOAC Performance Indicators Report 2020

Generally, enforcement cases are opened in response to complaints made to the Council. All commencement notices are monitored by the planning department to enable follow up on all pre-development conditions requiring compliance. All pre-development conditions are entered on the 'Pre-Development Condition Compliance Register', which is an in-house Excel database.

Upon receipt of the condition compliance, it is entered on the register and referred to the relevant planner for review. Compliances are referred to other departments, (e.g. transport) as required. The compliance register is monitored and updated on an ongoing basis.

Enforcement Action and Output

The complexities associated with pursuing enforcement against unauthorised development and engaging with complainants / developers, etc. are recognised. While some complaints are dealt with in a relatively straightforward manner, many cases will involve multiple correspondences and engagements over extended periods of time.

Pursuing enforcement may also result in the requirement to seek legal advice or initiate proceedings against developers. Such cases require significant administrative and technical input and can place a strain on the resources of planning departments.

While the enforcement statistics collated by NOAC do not reflect the volume and of work associated with the varying case-types, they do, however, provide a useful and general overview of enforcement activity which is captured consistently across the local authorities. As such, the OPR utilises these statistics to inform the analysis of enforcement activity as part of our reviews.

Figure 9 illustrates that the number of enforcement cases investigated by the Council varied between 333 and 159 in the 2015-2020 period¹⁷. The average was 231 per annum for the six-year period. A total of 367 cases were closed in 2019, which was well in excess of the average annual number of 214 in the six-year period to 2020.

However, the impact of Covid-19 was such that the numbers of cases investigated dropped from 209 in 2019, to 127 in 2020, and the volume of cases closed dropped from 367 in 2019 to 127 in 2020.

The above has resulted in an increase in the total cases on hand at the end of 2020 of 104, up from 72 in 2019. While this is an increase on the previous year, it is still low compared to other local authorities and in the context of the city's population ratio.

Notwithstanding the above detail, the Council's ratio of cases investigated to those closed in 2020 is higher than the national average. It is noted that of the cases that remain on hand, many relate to delays associated with referrals to An Bord Pleanála, applications for retention permission, ongoing negotiations, initiation of legal proceedings, etc.

¹⁷ NOAC Indicator Reports 2015-2020

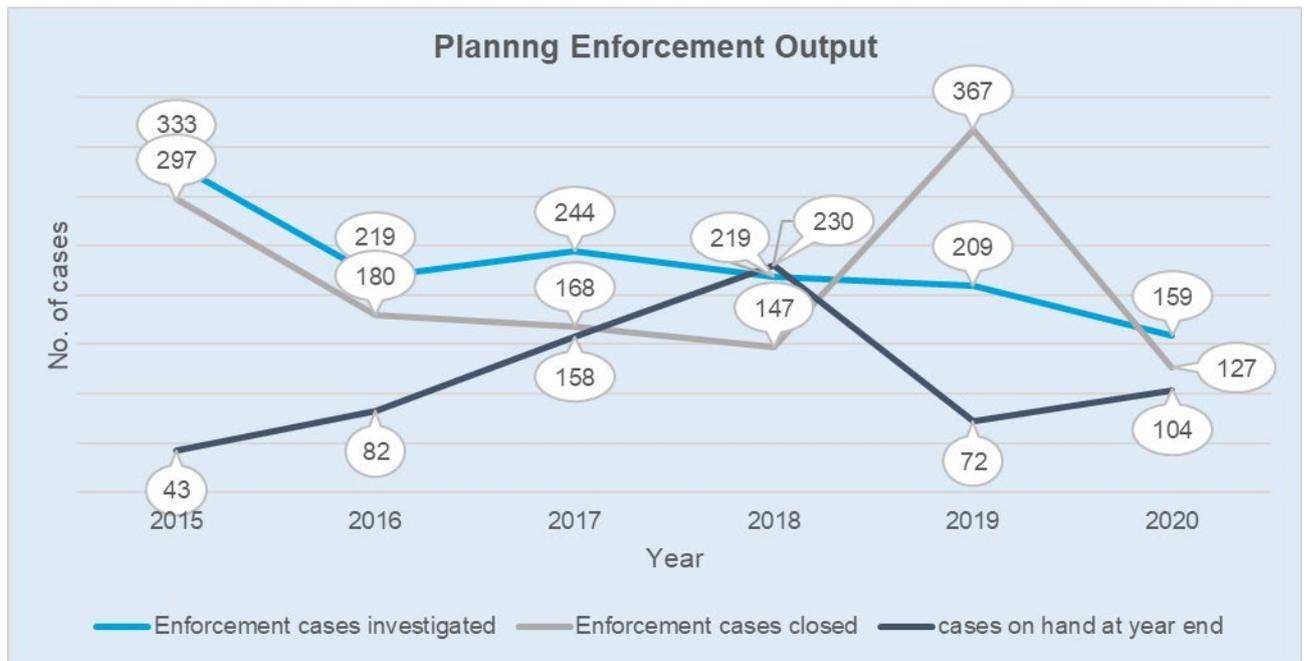


Figure 9: Planning Enforcement Output

Figure 10 illustrates the percentage of cases closed by the Council that were either closed by dismissing the case, or by enforcement proceedings. The general trend shows that the majority of cases closed are dismissed due to being minor or trivial in nature.

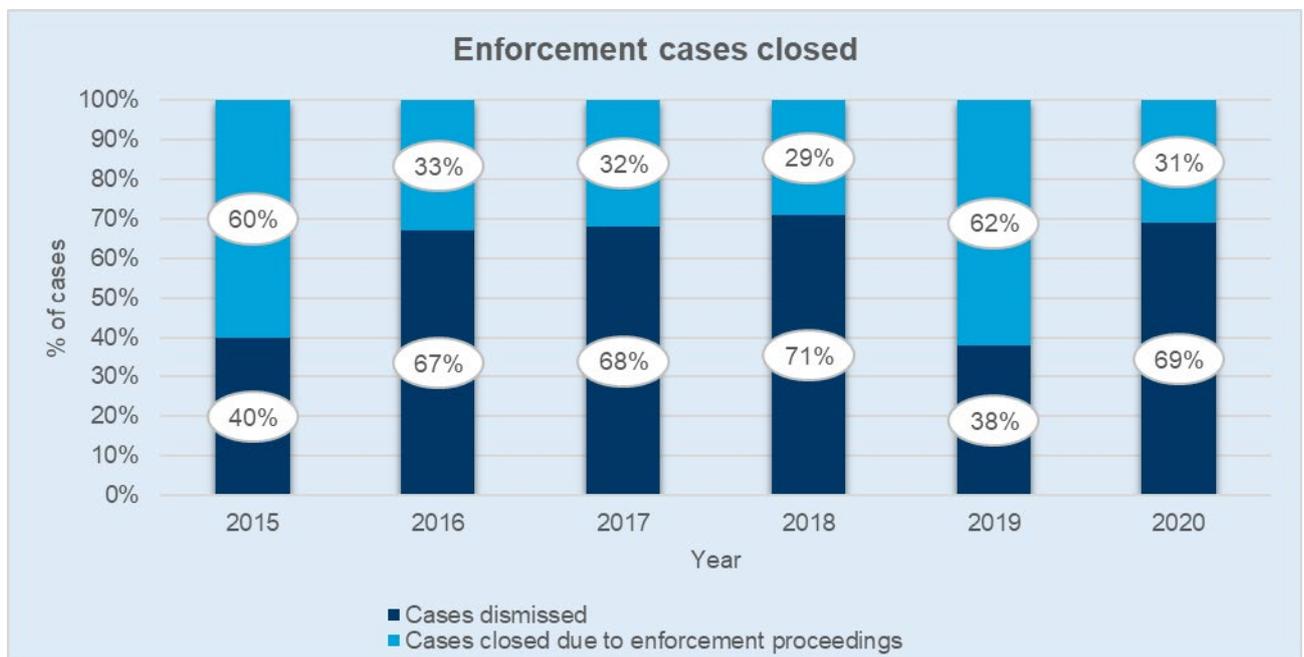


Figure 10: Enforcement cases closed

The Council's activity in relation to enforcement over 2018-2020 is detailed in figure 11, with the impact of the Covid-19 pandemic visible in the 2020 data due to restrictions on inspections and reduced availability of staff.

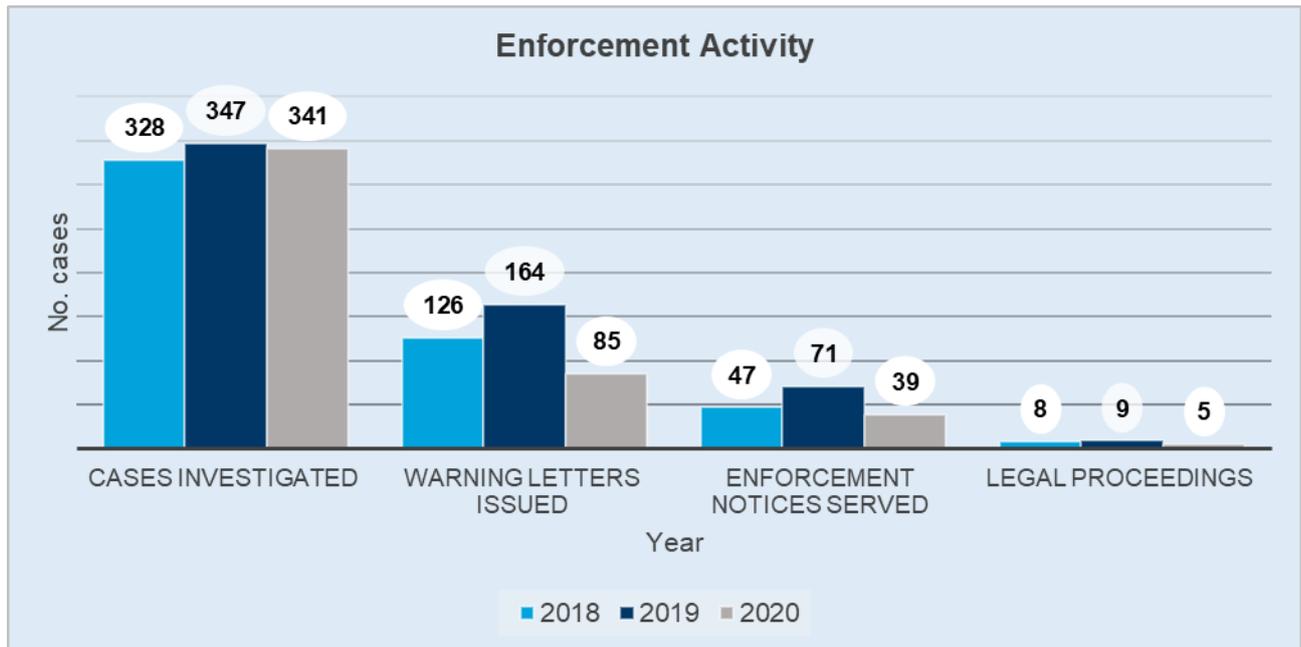


Figure 11: Enforcement Activity 2018-2020

Enforcement of Short-term Letting

Information provided by the Council on the issues it faces in implementing the short-term letting system indicates that, to date, only five planning applications have been generated in relation to the regularisation of holiday properties as short-term lets. This is despite the city’s significant tourism offer and the fact that the entirety of the Council’s administrative area is within a rent pressure zone.

In terms of output in this area, the Council advised that approximately 40 complaints relating to short-term lets have been received in the last two years, with complaint possibility generating up to 100 individual items of correspondence. So far, 20 warning letters have issued in respect of these complaints, two enforcement notices have issued, and five have been satisfactorily resolved.

The Council is concerned with the effect short-term letting is having on the availability of standard rental properties in the city. Whilst the first few months of 2021 did not see significant issues with respect to short-term letting due to Covid-19 restrictions, since the lifting of restrictions there has been a noticeable increase in the number of complaints received by the Council.

This issue appears to be most prevalent in the city centre, due to the types of properties available in the centre which would more readily cater for short-term letting. A similar trend occurred in the summer of 2020 also.

Additionally, the Council outlined a number of practical difficulties in enforcement of short-term letting, and stated that the level of resources being allocated to processing complaints on short-term letting results in delays in other tasks being carried out, as these complaints are dealt with by the same team. The process from written complaint to investigation and the issuing of a warning letter takes approximately six weeks.

The Council also highlighted that some properties in the city are operating an unauthorised use year-on-year, with this trend reappearing for 2021, in that complaints have been received again for properties which were subject to enforcement proceedings in 2019 and 2020. The timeline in the legislation is such that, by the time the warning letter is issued, the season is over and the short-term letting had ceased, in the case with summer short-term lettings.

The Council also pointed to the fact that the evidential standards in bringing forward enforcement actions, coupled with difficulties in confirming the identity of owners of properties suspected of being used for short-term lets, are such that it is a very difficult area to effectively enforce.

While the broader issue of the regulation of short-term letting is beyond this scope of this general review, the circumstances faced by Galway City Council are important indicators in relation to the design of the current system for enforcement against short term letting. In this regard it is noted that Government is currently reviewing the approach to regulation of short-term letting, as committed under 'Housing for All: A New Housing Plan for Ireland'¹⁸.

Measures Supporting Public Engagement

The Council's website provides useful and simply presented information in relation to the definition of unauthorised development, the complaints procedures (including a complaints form), timescales for dealing with complaints, and information on warning letters and enforcement notices.

The Council accepts enforcement complaints in writing and by email. The Council may wish to include a link or reference on the enforcement section of its website to the OPR's planning leaflet no.6 'A Guide to Planning Enforcement in Ireland', which provides additional information on the enforcement process.

Performance Rating and Recommendations

Having regard to the documentation submitted to the OPR which indicates that the Council has appropriate systems and procedures in place for planning enforcement, in addition to the Council's enforcement output in recent years, the Council's delivery of its planning enforcement function over the past two years is considered to be **highly effective**.

The Council's efforts to tackle the number of enforcement cases on hand demonstrates its commitment to effectively delivering its enforcement function, and the Council should aim to maintain this level of activity into the future.

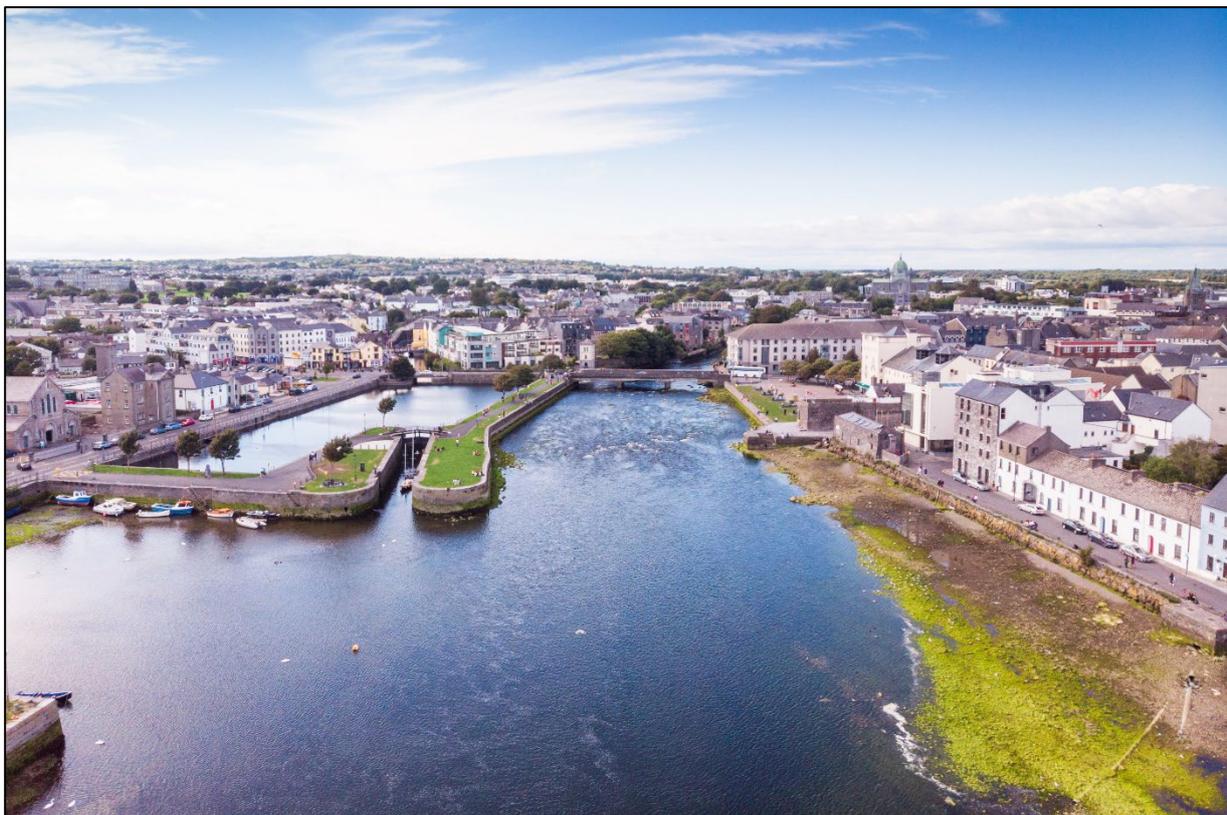
The Council could further enhance its delivery of enforcement by implementing an information management system which would allow for greater monitoring and the collation of statistics and information relating to enforcement outcomes, as recommended by the section 29 Ministerial Directive, and enhanced tracking of planning permissions and commencement notices to allow for early enforcement action, where necessary, and moreover to assist in ensuring robust and accurate data for reporting purposes and assessing performance.

¹⁸ Action 20.4: Develop new regulatory controls requiring Short-Term and Holiday Lets to register with Fáilte Ireland with a view to ensuring that homes are used to best effect in areas of housing need.

Recommendation 12 – Enforcement monitoring systems: the Council should implement a fit-for-purpose case management system to ensure comprehensive data collation regarding planning enforcement outcomes for inclusion in reporting, including statutorily required reporting to elected members, proper monitoring of development subject to EIA / AA in line with the requirement of the section 29 Policy Directive.

Aligned with this, the Council should also put in place a publicly available GIS-based monitoring system for enforcement.

Recommendation No.	Grading	Responsibility
12: Enforcement monitoring systems	Low	Director of Services



The River Corrib

10. Environmental Assessment

Context

The implementation of environmental assessments under the relevant EU Directives ensures a robust framework for considering the environmental effects during the plan-making and project consent stages. These assessments are integral to the decision-making processes of local authorities.

The Strategic Environmental Assessment Directive¹⁹ requires that an SEA shall be carried out on all plans and programmes that form a framework for assessing projects. This covers statutory plans and other plans that form a framework for assessing development consents. SEA is the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. It can cover different stages of screening, scoping, environmental report and monitoring.

The Environmental Impact Assessment (EIA) Directive²⁰ ensures that certain developments must be assessed in terms of their likely significant effects on the environment before development consent is given. The stages of an EIA of a project are similar to SEA stages including screening, potential scoping, environmental impact assessment report and monitoring.

Appropriate Assessment (AA) must be carried out pursuant to Article 6 of the Habitats Directive²¹. AA is a process that involves a focused and detailed assessment of the impacts of a plan or project, alone or in combination with other plans or projects, on the integrity of a European site solely in the view of its conservation objectives.

Strategic Flood Risk Assessment (SFRA) is a requirement under the Act as per the section 28 Ministerial guidelines 'The Planning System and Flood Risk Management Guidelines' (2009), as amended by Circular PL 2/2014.

In the context of its examinations function, the OPR previously identified some risks in Galway City Council's planning function of a systemic weakness in the consideration of habitat issues in a development management context. Arising from this, the Council committed to reviewing the relevant development management processes to ensure that all planning applications with associated habitat issues are treated in a thorough and systemic manner.

General Systems and Procedures

Strategic Environmental Assessment (SEA)

The Council provided some examples of its activity in relation to SEA, including a screening of a variation of the current development plan, in addition to a scoping exercise and consultation in relation to the ongoing review of the development plan.

¹⁹ 2001/42/EC

²⁰ 85/337/EEC

²¹ 92/43/EEC

The SEA report and determination and public notices illustrate compliance with the statutory and regulatory requirements. SEA monitoring was considered in the two-year development plan monitoring report.

From consideration of the information submitted as part of this review, it appears that the Council's systems for performing SEAs are reasonable and appropriate, having regard to the provisions of relevant legislative and guidelines. However, it is noted that the Council would benefit from having a more robust system in place for the monitoring of the environmental effects of implementing the development plan.

Having regard to the above, the Council should also be mindful that SEA processes may be required for non-statutory plans, having regard to recent judicial review cases in this context²².

Environmental Impact Assessment (EIA)

The Council presented a number of cases where it indicated that EIA requirements had been met. EIA screening must be undertaken by local authorities in carrying out their statutory functions under the Act. The 'OPR Practice Note PN02 – Environmental Impact Assessment Screening' provides a step-by-step guide to the screening process.

From a random selection of online documentation available in respect of sample planning applications, the OPR's analysis found some inconsistent practices with regard to EIA screening in the Council's decision-making processes²³.

From the documentation available, it would appear that some planning reports or decisions may not have specifically addressed EIA screening in accordance with the requirements of the legislation or regulations.

In this regard, it is noted that the Council does not utilise standardised templates in relation to the consideration of whether a project falls within the scope of the EIA Directive, whether significant effects can be excluded on the basis of a preliminary examination, or whether schedule 7A information is required and an EIA screening determination is required.

These processes must be applied in all Council decisions relating to projects, including section 34 planning applications, section 5 determinations and part 8 local authority own-development. Section 42 extensions of duration of permission also require EIA consideration (they may only be permitted if the local authority is satisfied an EIA or AA is not required).

The Council should put internal procedures in place, including the technical training of staff, to ensure that it conducts initial screening and EIA of relevant cases. As national guidance provides, it is not sufficient for a planning report to merely note the Environmental Impact Assessment Report (EIAR) provided by the applicant.

²² Kerins I Anor v An Bord Pleanala & Ors [2021] IEHC 369

²³ A number of online planning decisions were randomly selected.

The planning assessment must, under a distinct EIA heading, set out the competent authority's assessment of the environmental impacts of the project, taking on board the EIAR provided and all other relevant material available.

Appropriate Assessment (AA)

Generally, the Council appears to be compliant in applying AA to statutory plans. AA screening reports have been prepared for the variations to the city development plan, which included a determination on the potential for the varied plan to give rise significant effects on European Sites along or in combination with other plans and projects.

A Stage 2 Natura Impact Report was undertaken for the Galway City Development Plan 2017-2023. It is a robust assessment and is generally in accordance with the requirements of Part XAB of the Act. This information is available on the Council's website.

In relation to development management, the legislative provisions for AA screening for planning applications are set out in section 177U of the Act. The 'OPR Practice Note PN01 – Appropriate Assessment Screening for Development Management' sets out the matters that need to be considered.

Screening for AA is intended to be an initial examination to be carried out by the competent authority. If significant effects cannot be excluded based on objective information, without extensive investigation or the application of mitigation, a project should be considered to have a likely significant effect and AA should be carried out.

Analysis found that the Council has not been undertaking screening for AA in a sufficiently systematic manner, with the effect that the Council is determining some planning applications without having applied the rigours of the screening process as required. This creates significant risks in relation to potential harm to habitats but also for the Council in terms of challenges to its decision-making.

The Council is advised to have regard to the recommendations issued to it by the OPR in April 2021 under the OPR's examinations function, in addition to the guidance set out in the OPR Practice Note PN01 – Appropriate Assessment Screening for Development Management'²⁴.

Strategic Flood Risk Assessment (SFRA)

An SFRA was undertaken in relation to the preparation of the Galway City Development Plan 2017-2023 and was prepared in accordance with 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities' (2009).

It involved the preparation of flood mapping, a stage 2 flood risk assessment for Galway City, a flood risk management strategy and advice on zonings and land use. It demonstrates a robust approach to ensuring flood risk assessment and protection in the forward planning function.

²⁴ <https://www.opr.ie/planning-practice/>

Site-specific flood risk assessments are also required. A planning application was submitted to demonstrate flood risk assessment at the project level.



Blackrock Diving Tower

Performance Rating and Recommendations

From the material presented and wider background analysis conducted, the Council's environmental assessment function is rated as **some improvement needed** in that the processes for implementing the Habitats and EIA Directives are in need of enhancements, specifically in relation EIA and AA screenings for development management decisions.

While the Council have indicated that environmental assessment is used in a number of local authority projects, (for example N6 Galway City Ring Road; New Corrib pedestrian / cycle bridge, etc.), a higher rating would be achievable should a system be put in place which ensures that all relevant development management decisions are screened for EIA and AA.

This will require an amendment to procedures and manuals, introduction of templates and clear decision-making in relation to determinations and recording of decisions. Moreover, both technical and administrative staff would benefit from training in this area.

The Council should put in place more formalised structures for staff development and training in this complex area, and place an emphasis on dissemination of in-house expertise across the organisation for staff involved in the environmental assessment process.

OPR Practice Notes PN01 and PN02 provide good guidance in this regard. They address issues that commonly arise both in terms of carrying out screening, as well as implications for other aspects of the planning system, and also include useful templates for screening determinations.

Recommendation 13 – AA and EIA screening procedures: the Council should, as a priority, prepare a comprehensive set of procedures, which will include use of templates, performance of relevant assessments, recording of decisions in relation to all development management decisions.

In doing so, the Council should have regard to practice notes PN01 and PN02 published by the OPR, which provide useful guidance as well as templates²⁵.

Recommendation 14 – Training and expertise: the Council should put formalised procedures in place to ensure that staff have appropriate guidance on this complex area of planning.

The Council should ensure that it has adequate expertise among staff involved in the environmental assessment process and should formalise its learning and development programme in this regard.

In addition to formal training opportunities, the Council would benefit from exploring opportunities for knowledge sharing and networking across other similar local authorities. Recommendation 1 of this report is also relevant in this regard.

Recommendation No.	Grading	Responsibility
13: AA and EIA screening procedures	High	Director of Services
14: Training and expertise	High	Director of Services

²⁵ <https://www.opr.ie/planning-practice>

11. Part XI

This section of the review focuses on functions under Part XI of the Act, specifically section 179 (local authority own-development) and section 180 (taking-in-charge of estates).

11.1 Part 8: local authority own-development

Context

Local authority own-development, often referred to as ‘part 8’ development, is provided for under section 179 of the Act, while part 8 of the regulations sets out the required procedure for carrying out such developments.

A key component of the part 8 process is public consultation, whereby the local authority must provide notice of the proposed development and invite submissions or observations from the public.

EIA and AA screenings now form an integral part of the process, as any development which triggers either an EIAR or NIS must be the subject of an application to An Bord Pleanála. It is also important that the local authority has appropriate internal liaison procedures to ensure that the appropriate departments/staff members, with the necessary expertise, input into the progression of a part 8 development proposal.

General Systems and Procedures

The Council has an internal protocol document regarding part 8 development. Roles are established, including those in the sponsoring department and the planning department. The document is well laid out and establishes a four-stage process as follows:

- **Stage 1 Consultation - Concept:** this consultation must take place prior to preparing any detailed design, procurement of consultants or committing to the expenditure of resources. It enables the planning department to give initial advice on process.
- **Stage 2 Consultation – Project Design:** copies of the design brief must be forwarded to the planning department prior to appointment of consultants. Environmental screenings are considered at this stage.
- **Stage 3 Consultation – Part 8 Process:** this is the formal statutory stage when the project is put on formal display and considered by the elected members. It assigns responsibilities between the sponsoring department and the planning department in relation to publication of notices, availability of documentation, reporting on third party submissions and the preparation of the chief executive’s report.
- **Stage 4 Consultation – Construction & Completion:** this stage ensures that any conditions are complied with.

This protocol demonstrates that the planning department has clear and stated oversight of the part 8 process, which is welcomed. The protocol could be improved with an additional stage after stage 2, which would allow for the planning department and any other relevant section in the Council to review the draft part 8 documentation, prior to the formal statutory stage.

Environmental Assessment

Article 120 of the regulations require the Council to undertake an EIA screening of subthreshold development as part of any part 8 procedure. Article 250 requires the undertaking of an AA screening for any local authority own-development. From analysis of the material submitted, it appears that screenings are not being undertaken in all instances.

Statutory Notices

Public consultation is a core element of the part 8 process. In this regard, public notices must be in a prescribed format to comply with the requirements of the regulations. Article 81 of the regulations requires a local authority to indicate its conclusion in relation to EIA screening.

Article 120(3)(b) of the regulations provides that any person may apply to An Bord Pleanála for a screening determination as to whether the local authority own-development would be likely to have significant effects on the environment. Circular letter PL 10/2018 issued by DHLGH indicates that part 8 public notices should indicate that any person may refer the matter to An Bord Pleanála for a screening determination as to whether the development would be likely to have such effects.

This requirement was not included in the example provided by the Council for the purpose of this review. A subsequent part 8 notice was reviewed online and neither did it include the required statement advising members of the public that they may refer the matter to the Council's screening determination to An Bord Pleanála for review.

The regulations are not specific in relation to indicating the conclusion of the AA screening in the public notice, as applies to EIA screening. However, as with an EIA screening, any person who considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, may apply to An Bord Pleanála for a determination on the matter²⁶. As with the EIA conclusion, an AA screening shall be made available for inspection or purchase in addition to the other requirements of article 83 of the regulations.

Circular Letter PL 10/2018 indicates that part 8 public notices should indicate that any person may refer the conclusion on EIA to An Bord Pleanála, it is appropriate that the conclusion of the AA screening be stated and that it may also be referred to An Bord Pleanála within four weeks of the notice.

Performance Rating and Recommendations

While the approach of the Council in delivering its part 8 processes would appear to be procedurally robust up to construction and completion, the procedures manual 'Internal Consultation Protocol for Proposed Local Authority Developments' could be strengthened further by the inclusion of process ensuring post-completion checking of local authority projects approved by An Bord Pleanála in accordance with section 177AE of the Act.

²⁶ Article 250(3)(b)

Moreover, the process adopted by the Council in relation to environmental requirements could be strengthened further by ensuring that public notices are in accordance with the requirements of the regulations, which protect third party rights. This is essential to safeguard the process and associated decisions made. A robust EIA and AA screening process is not in place for local authority own-development. This reflects the conclusions reached in the Environmental Assessment section of this report.

Therefore, this review finds that Galway City Council’s part 8 / local authority own-development function is rated as **some improvement needed**.

A higher rating of effective would be achievable if the Council reviews its procedures to ensure that the planning department has additional oversight of part 8 procedures, in addition to ensuring that the environmental statutory notices are consistent with regulatory requirements.

Recommendation 15 – Procedures and post-project review: the Council should also ensure post-completion checking of local authority projects approved by An Bord Pleanála in accordance with section 177AE of the Act. These local authority projects require either AA / EIA, and as such are submitted to An Bord Pleanála. In cases where An Bord Pleanála grant permission for developments of this nature, the Council should implement a checking system to ensure that the development is carried out in accordance with the decision of the Board.

Recommendation 16 – Environmental procedures:

- a. The Council should review the process drafting of public notices in relation to part 8 projects to ensure compliance with the requirements of the planning regulations and Circular Letter PL 10/2018.
- b. The Council should, as a priority, review its systems and procedures for EIA and AA screening of local authority own-development projects to ensure compliance with the requirements of the planning regulations.

Recommendation No.	Grading	Responsibility
15: Procedures and post-project review	Medium	Director of Services
16: Environmental procedures	Medium	Director of Services

11.2 Taking-in-Charge

Context

Local authorities’ responsibilities in relation to the taking-in-charge of residential estates are set out under section 180 of the Act. A local authority must take in charge a development where requested by the developer or majority of the owners of the houses involved. The local authority must initiate these procedures within six months of receiving the request.

Once an estate is taken in charge, the local authority assumes responsibility for certain services located within the common areas and public areas in that estate. In relation to unfinished housing estates, there are no estates on Galway City on the DHLGH database for 2020. Three unfinished estates were resolved between 2017 and 2020.

Under the DHLGH 'National Taking in Charge Initiative', a survey was carried out in 2015 to collate data regarding the taking-in-charge of estates across the country²⁷. The survey identified 24 estates in Galway City to be taken-in-charge, with 16 of those undergoing the taking-in-charge process. As part of this review, the Council confirmed that 10 estates have been taken-in-charge since 2015, with 17 estates pending / undergoing the taking-charge process.

General Systems and Procedures

The taking-in-charge function in Galway City Council was moved a number of years ago from the planning department to the transport and infrastructure department. The work is carried out by an executive technician under the supervision of a senior executive engineer. There is ongoing consultation between the planning department and the roads and transportation section in this context.

A comprehensive taking-in-charge policy has been prepared by the Council which includes standards and procedures for applicants. An application form is included, in addition to a useful application guide for house owners. A set of certifications is also required for engineering, planning compliance and landscaping.

Bonds / securities

Bonds and securities are required to ensure the satisfactory completion of necessary services (including roads, footpaths, lighting and open space) in the event of a default by the developer.

Security is by way of a cash deposit, or a bond of an insurance company, or other security agreed by the Council. Currently, the Council has cash deposits of €2.38m. Total cash deposits received between 2018 and 2020 was €1.5m.

Tracking completion, ensuring bonds are paid and refunding them is the responsibility of the enforcement section in the planning department. The Council has clear procedures in place to ensure bonds are submitted and tracked accordingly, as follows:

- A bond register is held by the planning department.
- Any permission with a condition requiring a bond is placed on the register.
- When a commencement notice is submitted, a letter is sent to the developer to ensure that the required securities are put in place.
- Agreements are reached in relation to the type and amount of the security and expressed in the form of a chief executive's order.
- Development is tracked by the enforcement section and warning letters and enforcement notices are served, as required.

²⁷ DHLGH National Taking in Charge Initiative Report 2018

- When the estate is deemed to be of an acceptable standard, the transportation department notifies the planning department, who advise the developer.
- There is a process for releasing securities upon completion, which involves a further application form.
- The deposit is return, with interest if applicable.

Performance Rating and Recommendations

Having regard to the documentation submitted, it would appear that the Council’s systems and procedures in place for the delivery of this function are generally **effective**.

A higher rating would be achievable by putting in place an information management system which would allow for greater monitoring and the collation of statistics and information relating to taking-in-charge.

Recommendation 17 – Data management: the Council should, over the next 12-24 months, build up an integrated and publicly available GIS-based management information system and database of estates setting out their status with regard to taking-in-charge.

Recommendation No.	Grading	Responsibility
17: Data management	Low	Director of Services

12. Amenities

Part XIII of the Act relates to amenities and specifically areas of special amenity, landscape conservation areas, tree protection orders, the creation of public rights of way, CPO for rights of way, and the repair and tidying of advertisement structures.

Systems and Procedures

Galway City Council's policies in relation to amenities are set out in the city development plan, and the material provided to the OPR under this review highlights the following:

- Chapter 4 of the development plan provides policies and objectives on natural heritage, recreation and amenity.
- The green network is an integrated approach to the protection and enhancement of amenities and biodiversity.
- There are extensive areas of lands zoned with the objective RA 'to provide for and improve recreational uses, open space and natural heritage'.
- The development plan seeks to protect views of special amenity value.
- Policy 4.5.1 seeks to create, enhance and maintain accessible and safe public rights of way where appropriate for pedestrian convenience, including public lighting where appropriate.

There are no designated areas of special amenity or landscape conservation areas within the city. The Council did not indicate any tree preservation orders having been put in place.

Sections 206 and 207 of the Act provide for the creation of public rights of way, and these provisions are supported by the mandatory objectives for statutory plan-making under section 10(2)(o) of the Act. As indicated above, there is a policy in the development plan to create rights of way where appropriate.

The OPR recently reviewed the operation and implementation of section 10(2)(o) across all 31 local authorities as part of a case study paper²⁸.

The case study paper found that Galway City Development Plan 2017-2023, prepared prior to the establishment of the OPR, did not have rights of way recorded on maps, or in list form and there was no objective to identify public rights of way during the life of the plan. This is being addressed in the context of the OPR's parallel plans evaluation function.

The Council did not provide any detailed insight into engagement processes with neighbouring authorities to advance amenity objectives in the wider metropolitan area. However, reference was made to the MASP and the crossover between Galway City and Galway County on a wide range of activities.

²⁸ OPR Case Study Paper CSP01 'Public Rights of Way and Local Authority Development Plan' www.opr.ie/planning-performance/

Performance Rating and Recommendations

The Council's systems and procedures in respect of this function are considered to be **effective**. The OPR acknowledges the extent of policy analysis and policy formulation conducted for the amenities function by the Council, and a highly effective rating would be achievable if there was a greater emphasis on monitoring and delivering amenity objectives, such as public rights of way, and general data collation and monitoring implementation of amenity policy objectives.

Furthermore, and having regard to the scale of the metropolitan area, the Council is advised to establish a process to coordinate the objectives for amenities with neighbouring authorities.

Recommendation 18 – Monitoring and engagement with adjoining authorities: the Council should review its monitoring structures for the implementation of amenity policy objectives. The OPR would point the Council to the recently published a Case Study Paper (CSP01) entitled 'Public Rights of Way and the Local Development Plan: A Survey Report on the Operation of Section 10(2)(o) of the Planning Act' which highlights good practice and findings²⁹.

The Council is also advised to have regard to the requirements under section 9(4) of the Act and consider the development of a coordinated amenity strategy with neighbouring authorities.

Recommendation No.	Grading	Responsibility
18: Monitoring and engagement with adjoining authorities	Low	Senior Planner



Galway Arts Festival

²⁹ <https://www.opr.ie/planning-performance/>

13. Events and Funfairs

Overview and Context

Under Part XVI of the Act and Part 16 of the regulations, a licence is required from the local authority in respect of the holding of an outdoor event where the audience comprises of 5,000 or more people. The local authority must consult with certain prescribed bodies, including the HSE, An Garda Síochána and other local authorities for the area in which the event will be held.

Conditions may be attached to any licence issued. Form 9 of Schedule 3 of the regulations details the requirements in relation to a preliminary risk assessment for the purposes of an event under sections 299 and 230 of the Act.

Articles 184 to 199 of the Regulations set out the pre-application, consultation, application, public notice and decision-making procedures. Circular Letter PL 02/2021, issued by DHLGH in March 2021, outlines the procedures to be following in relation to postponed events arising from the Covid-19 restrictions.

The Council dealt with three outdoor event licences in 2020, although these were not held due to pandemic restrictions. In comparison, five such licences were processed and approved in both 2018 and 2019.

A further event licence for the Galway Christmas Market, which post-dated the Council's submission, was also reviewed. This licence was submitted at the appropriate time before the hosting of the event. The online notice included a risk assessment.

The public notice sets out the procedure for submitting an observation and indicated that all submissions would be made available online. The assessment report, submissions, etc., were not available online for review.

General Systems and Procedures

The Council's submission indicates the procedures used to facilitate pre-application consultations are executed within the parameters of the relevant legislation. The function is managed by the senior executive planner in the development management team.

There is an application form for event management, which is available for download online. No procedures document has been presented to the OPR as part of this review.

Performance Rating and Recommendations

Having regard to the available material presented to the OPR by the Council and the wider review analysis, the Council's systems and procedures for the events and funfairs function are **effective**.

The operation of the function can be enhanced by preparing formalised, written procedures as well as improving online capabilities.

Recommendation 19 – Procedures and online capability: the Council should put in place a formalised written procedure for the implementation of this function. This is to ensure that a clear and agreed procedure is in place which Council staff can refer to as the need arises. The Council should give consideration to providing an option to submit applications for event licenses online, e.g. through an online portal or form.

Recommendation No.	Grading	Responsibility
19: Procedures and online capability	Low	Senior Planner

Appendix 1: List of Recommendations

Recommendations are graded as follows, based on the level of priority that the Council should assign them:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.
- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact on operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

Recommendation No.	Description	Grading	Responsibility
Organisation of Planning Department			
1: Identify planning resources required	<p>While recognising that senior management are considering the Council's corporate restructuring in the context of multiple priorities, competing resourcing demands and ongoing engagement with the DHLGH, an internal evaluation report should be prepared identifying the resources and expertise required for the optimal delivery of the Council's planning function.</p> <p>The Council's planning function is delivering crucial and complex services within a confined staffing capacity that has limited scope to cope with contingencies, staff turnover and training needs (this latter point is especially relevant in the context of the environmental assessment part of this report).</p>	Medium	Director of Services

Accordingly the internal evaluation report should set out details of existing workloads and emerging demands while also identifying existing resource capacity and available (technical and administrative) skills in place.

The report should elaborate on the structures that also require resourcing to ensure cohesion across planning functions in the context of duties being performed by directorates with distinct reporting structures.

This evaluation report should be conducted in consultation with planning department staff and with a view to presenting the findings to senior management of the Council in the short-term (but no later than within the next six months).

2: Focus on business planning and staff development

A renewed focus is required to ensure that business planning, the formal monitoring of performance and ensuring that staff development and training is prioritised.

Medium

Director of Services

Team plans should be prepared for 2022 across all the planning department's duties to identify expected workloads and business objectives with appropriate linkages to the Annual Services Plan, etc. PMDS should be pursued to ensure that the responsibilities associated with the department's various duties are clearly assigned to the appropriate personnel.

It is particularly important that the PMDS process (Personal Development Plans) identifies training and skills development needs for all staff, but also that responsibility is taken at a senior level for progress in addressing these learning needs – progress should be monitored and reported upon at a departmental level on a regular basis.

It is important that the PMDS process ensures the identification of training and skills development needs and that progress in addressing these learning needs in monitored on a departmental basis and is reported upon appropriately. Subsequent analysis will further address the need to prioritise training issues.

In following up on this recommendation the OPR will seek details of plans being put in place at the team and individual level as well as confirmation that these plans are being monitored and reviewed appropriately during the course of the year. Regular reviews of planning risk register issues should also be ensured.

Forward Planning

3: Monitoring and implementation	<p>The Council should give consideration to the introduction of a more comprehensive monitoring and implementation regime to ensure policy objectives set out in statutory plans are satisfactorily implemented.</p> <p>Noting the focus of Recommendation 1, the introduction of such a regime will require appropriate resourcing within the planning department in addition to a multidisciplinary and collaborative approach from the outset, and continued data collection and analysis.</p>	Medium	Director of Services
4: Local Area Plans	<p>The Council should put in place a programme for the preparation of LAPs identified in the city development plan (again, the resources required for delivery should be reflected in evaluation report advised under Recommendation 1).</p>	Medium	Director of Services
5: Procedures manual	<p>The Council should start the process of documenting the already existing operating procedures associated with the plan making process e.g. data collection requirements, analysis, drafting, consultation phases, reporting, environmental assessment, publication and adoption of statutory plans, as well as the variation / amendment process.</p> <p>The focus should be on procedure rather than formal requirements which are established via statutory guidance. These various components may be compiled and updated over time into an overall procedures manual to guide staff, in particular new staff, with regard to the essential elements of the plan making process. The role of the various technical and administrative team members should be outlined, in the manual, to ensure appropriate project management structures are in place.</p>	Low	Senior Planner

Guidelines and Directives

6: Procedures	The Council should put in place a formalised, written procedure for the updating of internal policies and processes to account for new guidelines, directives and legislation, in order to ensure that a clear and agreed procedure is in place which Council staff can refer to as the need arises.	Low	Senior Planner
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Control of Development

7: Availability of planning information and documentation online	<p>The Council's planning webpage should be updated to include enhanced guidance for members of the public seeking to engage in in the planning process, particularly with regard to participation as a third party.</p> <p>Furthermore, the availability of documentation online needs to be improved with respect to compliance details, section 5 declarations and section 247 consultations.</p> <p>Finally, having regard to the findings of the recent OPR case study paper 'Online Planning Services', improvements should be brought about in relation to the accessibility of planning application documentation.</p>	Low	Senior Planner
8: Section 247 consultations	<p>The Council should put in place a written procedure for delivering consultations under section 247, having regard to the guidance contained in the OPR's case study paper CSP04 titled 'Pre-Application (S247) Consultation Services: An Analysis of Practice across the Local Government Sector'.</p> <p>As part of this exercise, the Council should put a more formal section 247 procedure in place and prepare standard templates for recording / noting the meeting and a system for placing the record on the public file when an application is submitted. The Council may consider a GIS-based system for recording such consultations and facilitating their linking to any planning application that might subsequently arise.</p>	Medium	Senior Planner

Architectural Heritage

9: Architectural heritage work programme	<p>The Council should, over the next 12 months, assign specific responsibility for the delivery of this function at an appropriate level, with a view to preparing an architectural heritage work programme over the medium term. As noted in Recommendation 1, this should include giving due consideration to securing dedicated expertise and resources to drive the implementation of a work programme.</p> <p>The work programme should have regard to:</p> <ul style="list-style-type: none">• the preparation of management plans for ACAs;• continuing to ensure that additions / deletions to the RPS are implemented as ongoing necessity requires (and not just in the context of development plan reviews);• surveying of buildings at risk with a programme for taking action, as required;• the use section 59 and 60 notices, as required, and integrate enforcement and ongoing survey and monitoring of protected structures; and,• continued and proactive engagement with owners / occupiers of protected structures. <p>The work programme shall also include provision for monitoring the delivery of the architectural heritage objectives.</p>	Medium	Director of Services
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Land Activation

10: Data management	<p>The Council should, over the next 12-24 months, build up an integrated, publicly available GIS-based management information system and database of vacant sites, derelict sites, key town principal streets occupancy record and infrastructural audit of zoned but undeveloped lands. Such analysis should be largely available by the commencement of the upcoming local area plan preparations.</p>	Medium	Director of Services
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11: Collection of vacant site levies	The Council should prepare a robust procedure for the collection of vacant sites levies. This system should include for collection of arrears and putting in place appropriate legal mechanisms for pursuing unpaid levies.	Low	Director of Services
Enforcement			
12: Enforcement monitoring systems	The Council should implement a fit-for-purpose case management system to ensure comprehensive data collation regarding planning enforcement outcomes for inclusion in reporting, including statutorily required reporting to elected members, proper monitoring of development subject to EIA / AA in line with the requirement of the section 29 Policy Directive. Aligned with this, the Council should also put in place a publicly available GIS-based monitoring system for enforcement.	Low	Director of Services
Environmental Assessment			
13: AA and EIA screening procedures	The Council should, as a priority, prepare a comprehensive set of procedures, which will include use of templates, performance of relevant assessments, recording of decisions in relation to all development management decisions. In doing so, the Council should have regard to practice notes PN01 and PN02 published by the OPR, which provide useful guidance as well as templates ³⁰ .	High	Director of Services
14: Training and expertise	The Council should put formalised procedures in place to ensure that staff have appropriate guidance on this complex area of planning. The Council should ensure that it has adequate expertise among staff involved in the environmental assessment process and should formalise its learning and development programme in this regard. In addition to formal training opportunities, the Council would benefit from exploring opportunities for knowledge sharing and networking across other similar local authorities. Recommendation 1 of this report is also relevant in this regard.	High	Director of Services

³⁰ <https://www.opr.ie/planning-practice>

Part XI

15: Procedures and post-project review	The Council should also ensure post-completion checking of local authority projects approved by An Bord Pleanála in accordance with section 177AE of the Act. These local authority projects require either AA / EIA, and as such are submitted to An Bord Pleanála. In cases where An Bord Pleanála grant permission for developments of this nature, the Council should implement a checking system to ensure that the development is carried out in accordance with the decision of the Board.	Medium	Director of Services
16: Environmental procedures	<p>a. The Council should review the process drafting of public notices in relation to part 8 projects to ensure compliance with the requirements of the planning regulations and Circular Letter PL 10/2018.</p> <p>b. The Council should, as a priority, review its systems and procedures for EIA and AA screening of local authority own-development projects to ensure compliance with the requirements of the planning regulations.</p>	Medium	Director of Services
17: Data management	The Council should, over the next 12-24 months, build up an integrated and publicly available GIS-based management information system and database of estates setting out their status with regard to taking-in-charge.	Low	Director of Services

Amenities

18: Monitoring and engagement with adjoining authorities	<p>The Council should review its monitoring structures for the implementation of amenity policy objectives. The OPR would point the Council to the recently published a Case Study Paper (CSP01) entitled 'Public Rights of Way and the Local Development Plan: A Survey Report on the Operation of Section 10(2)(o) of the Planning Act' which highlights good practice and findings .</p> <p>The Council is also advised to have regard to the requirements under section 9(4) of the Act and consider the development of a coordinated amenity strategy with neighbouring authorities.</p>	Low	Senior Planner
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Events and Funfairs

19: Procedures and online capability	The Council should put in place a formalised written procedure for the implementation of this function. This is to ensure that a clear and agreed procedure is in place which Council staff can refer to as the need arises. The Council should give consideration to providing an option to submit applications for event licenses online, e.g. through an online portal or form.	Low	Senior Planner
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