



# Office of the Planning Regulator

Quarter 1 of 2022

Activity Report



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

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## Introduction

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

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



## Evaluation of Statutory Plans

### Notification of Consultations on Statutory Plans

In Q1 of 2022, 15 consultations on statutory plans opened for public consultation.

Planning authorities are required to notify the OPR at specified stages of the plan making process, such as when a public consultation is launched. Table 1 sets out a breakdown of notifications received by the OPR of consultations on statutory plans by plan-type. In Q1 of 2022, the majority of notifications received by the OPR related to material alterations to draft plan.

**Table 1: Notification of Consultations on Statutory Plans**

<b>Draft City/County Development Plans:</b> <ul style="list-style-type: none"> <li>• Galway City Council</li> <li>• Leitrim County Council</li> <li>• Fingal County Council</li> <li>• Kildare County Council</li> </ul>	4
<b>Material Alterations to Draft City/County Development Plans:</b> <ul style="list-style-type: none"> <li>• Cork County Council</li> <li>• Galway County Council</li> <li>• Carlow County Council</li> <li>• Galway County Council</li> <li>• Waterford City &amp; County Council</li> <li>• Cavan County Council</li> <li>• Limerick City &amp; County Council</li> <li>• Mayo County Council</li> <li>• South Dublin County Council</li> </ul>	9
<b>Variation to County/City Development Plans:</b> <ul style="list-style-type: none"> <li>• Monaghan County Council (Variations No. 3 &amp; 4 to the Monaghan County Development Plan 2019-2025)</li> </ul>	1
<b>Material Alterations to Draft Local Area Plans:</b> <ul style="list-style-type: none"> <li>• Galway County Council (Material Alterations to the Draft Ballinasloe Local Area Plan 2021-2027)</li> </ul>	1
<b>Total</b>	<b>15</b>

## OPR Submissions on Statutory Plans

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

Recommendations issued by the OPR relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28 of the Act. The local authority is required to implement or address recommendation(s) made by the OPR in order to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation may lead to the issuing of a Ministerial Direction under section 31 of the Act.

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

A submission may also include advice on matters that the OPR considers would contribute positively to the proper planning and sustainable development of the area. The OPR requests that local authorities give full consideration to any advice contained in a submission.

The OPR made 10 submissions to local authorities in Q1 2022. These submissions were in relation to:

**Table 2: Submissions on Statutory Plans**

<b>Draft City/County Development Plans:</b> <ul style="list-style-type: none"> <li>• Dublin City Council</li> <li>• Kerry County Council</li> <li>• Clare County Council</li> </ul>	3
<b>Material Amendments to City/County Development Plans:</b> <ul style="list-style-type: none"> <li>• Roscommon County Council</li> <li>• Dún Laoghaire-Rathdown County Council</li> <li>• Cork County Council</li> <li>• Galway County Council</li> <li>• Carlow County Council</li> <li>• Galway County Council</li> </ul>	6
<b>Variation to County/City Development Plans:</b> <ul style="list-style-type: none"> <li>• Monaghan County Council (Variations No. 3 &amp; 4 to the Monaghan County Development Plan 2019-2025)</li> </ul>	1
<b><u>Total</u></b>	<b>10</b>

OPR submissions during Q1 2022 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.

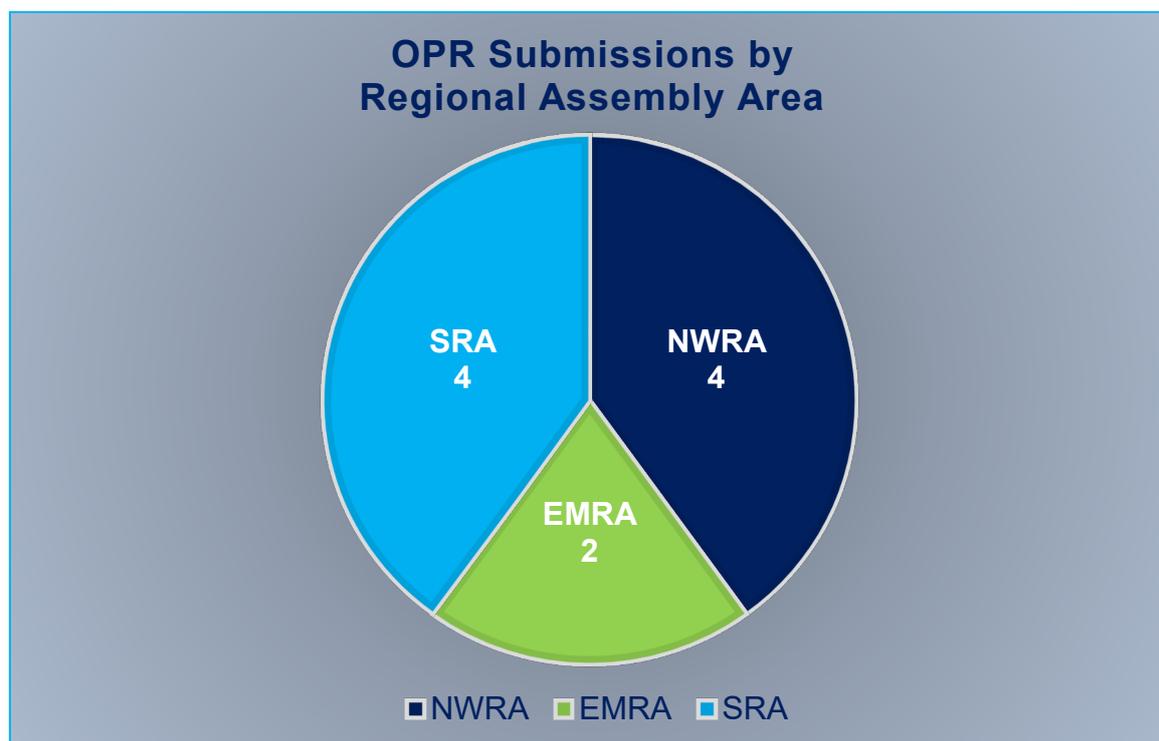


Figure 1: OPR Submissions by Regional Assembly Area

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

Table 3: OPR Submissions			
	Submissions (number)	Observations (number)	Recommendations (number)
Draft Development Plans	3	19	28
Material Alterations to Draft Development Plans	6	6	25
Variations to County/City Development Plans	1	0	0
<b>Total</b>	<b>10</b>	<b>25</b>	<b>53</b>

The following are some of the key themes evident in the recommendations and observations in the OPR's submissions in Q1:

- **Section 28 guidelines:** wind energy, flood risk, spatial planning and national roads, building heights, apartment development, rural housing, and implementation of Specific Planning Policy Requirements.

- **Legislative requirements:** core strategy under section 10(2A); climate actions under section 10(2)(n); and co-ordination of objectives between adjoining planning authorities under section 9(4).
- **Hierarchy of plans:** alignment with National Planning Framework population projections and settlement hierarchy, implementation of compact growth, regeneration of towns and villages, application of the tiered approach to zoning, alignment with the relevant regional spatial and economic strategy, and the integration of land use and transport plans.

### **OPR Recommendations and Observations: Legislative Categories**

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

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

In Q1 2022, consistency with the hierarchy of statutory plans, legislative provisions, and policy matters in planning guidelines were the basis of the recommendations and observations made in the OPR's 10 submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Across all recommendations and observations issued in Q1 2022, the most common themes emerging were zoning, compact growth, flood risk, core strategy and settlement hierarchy.

Table 4: OPR Recommendations	Number
Consistency with NPF	27
Consistency with RSES	18
Consistency with DP	1
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	39
Consistency with Legislative Provisions	25
Consistency with Legislative Provisions re Climate Change	4
Other	2
<b>Total</b>	<b>117</b>

Table 5: OPR Observations	Number
Consistency with NPF	10
Consistency with RSES	5
Consistency with DP	0
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	13
Consistency with Legislative Provisions	5
Consistency with Legislative Provisions re Climate Change	1
Other	4
<b>Total</b>	<b>45</b>

### Adopted Plans - Outcome of OPR Submissions

Three county development plans were adopted by planning authorities in Q1 2022:

- Laois County Development Plan 2022-2028
- Roscommon County Development Plan 2022-2028
- Dún Laoghaire - Rathdown County Development Plan 2022-2028

The Office made 20 recommendations on the Laois County Development Plan 2022-2028 and 17 on the Roscommon County Development Plan 2022-2028 at draft and material alterations (MA) stage. The OPR's assessment of the recommendations made at the draft and MAs stage of the adopted Dún Laoghaire - Rathdown County Development Plan 2022-2028 was ongoing at the end of Q1.

The outcome of the OPR's review of recommendations to adopted plans are detailed in Table 5 and Table 6 below: Table 5 details the adopted plans where the OPR's recommendations were satisfactorily addressed. Table 6 details the adopted plans where the OPR's recommendations were not satisfactorily addressed.

**Table 5: Adopted Plans – Outcome of OPR Submissions: Recommendations satisfactorily addressed**

Plan	Local Authority	Recommendation Issued	Outcome
Roscommon County Development Plan 2022-2028	Roscommon County Council	Yes (17)	Recommendations satisfactorily addressed

**Table 6: Adopted Plans – Outcome of OPR Submissions: Recommendations not all satisfactorily addressed**

Plan	Local Authority	Recommendation Issued	Outcome
Laois County Development Plan 2022-2028	Laois County Council	Yes (20)	6 Recommendations not satisfactorily addressed*
Dún Laoghaire - Rathdown County Development Plan 2022-2028	Dún Laoghaire - Rathdown County	Yes (11)	Ongoing at end of Q1

### Draft Directions

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

In February 2022, the OPR issued one proposed draft of direction to the Minister in respect of the Laois County Development Plan 2022-2028\*. Following from this, the Minister issued a Draft Direction to Laois County Council in March 2022. The statutory process in relation to a decision on the adopted plan remains ongoing. The OPR's proposed draft direction is available on the OPR website: <https://www.opr.ie/recommendations-made-by-the-opr-to-the-minister/>.

### Extension to Development Plan Reviews Process

The Planning and Development (Amendment)(No.3) Act 2021 provides local authorities with a mechanism to request an extension to the development plan review process of up to one year. This Amendment was introduced in response to the disruption caused by Covid, particularly the delays which may have occurred due to Government restrictions. The mechanism allows local authorities to seek additional time for the preparation of development plans. However, this is subject to the requirement to carry out certain environmental assessments.

In Q1 2022, the OPR assessed two proposed extensions to development plans: the proposed extension to the Kerry County Development Plan 2015-2021 and the proposed extension to the Mayo County Development Plan 2015-2021.

### Other related activity

- GIS modelling was leveraged for the technical evaluation of draft development plans in relation to renewable energy policy proposals. Providing this critical evidence base enabled the OPR to make submissions on draft development plans grounded in evidence.



## Reviews and Examinations

### Case Handling

#### Cases activity

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

During Q1, a total of 75 cases were received and 68 cases were closed by the OPR, detailed by month in Figure 2.

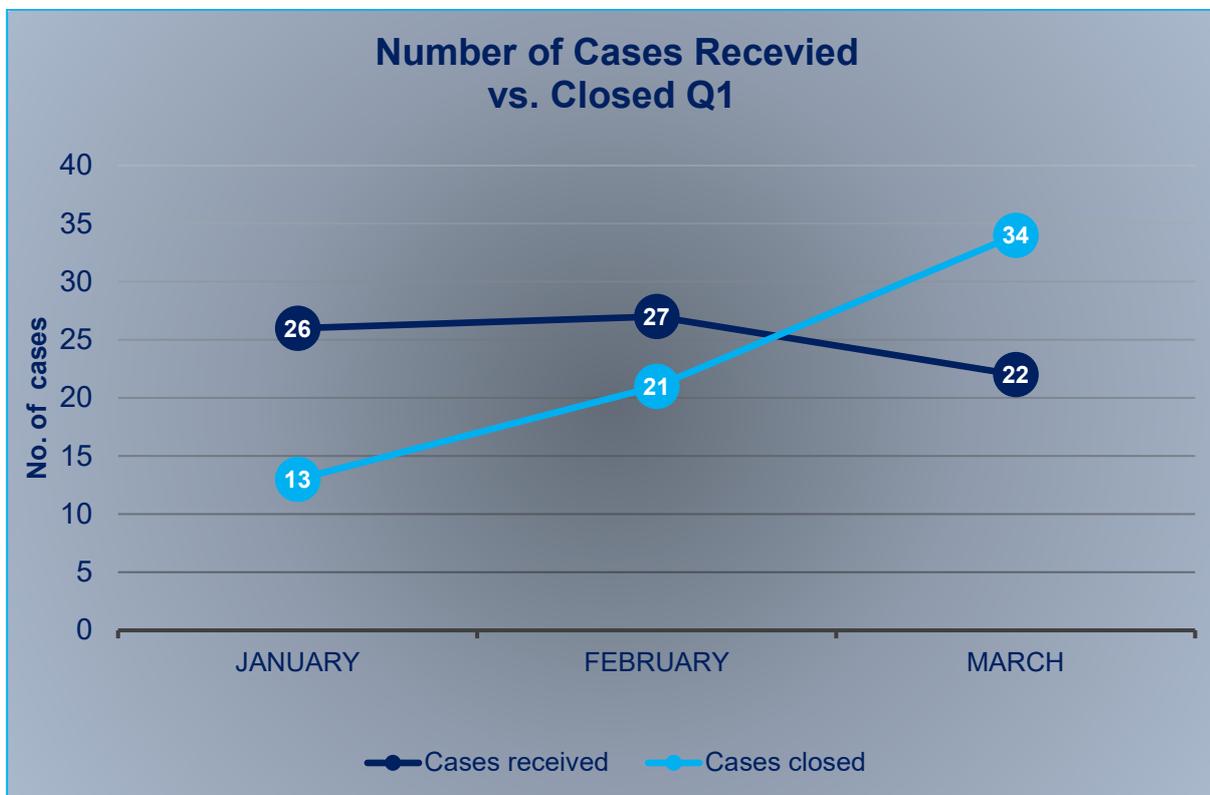


Figure 2: Number of Cases Received vs. Closed Q1

The 68 cases closed in Q1 are as follows:

- 39 complaints
- 19 queries (including two Oireachtas queries)
- 10 submissions

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

Often, especially with regard to complaints, the processing of cases requires engaging in a series of correspondence with the customer and/or the relevant local authority. This is demonstrated by the fact that the 68 cases closed in Q1 are estimated to have taken approximately 420 working hours to process.



Figure 3: Case Types

While a broad range of themes arose in the OPR’s case handling during Q1, a number of dominant themes prevailed. Cases relating to individual planning applications, enforcement/unauthorised development, technical/statutory enquiries, submissions on statutory plans, An Bord Pleanála, and wind energy development were the most common singular themes.

The theme titled ‘other’ includes a variety of issues such as matters related to local authority own-development (‘Part 8’ development), planning conditions, Environmental Directives, national planning policy, and a range of planning-related issues.

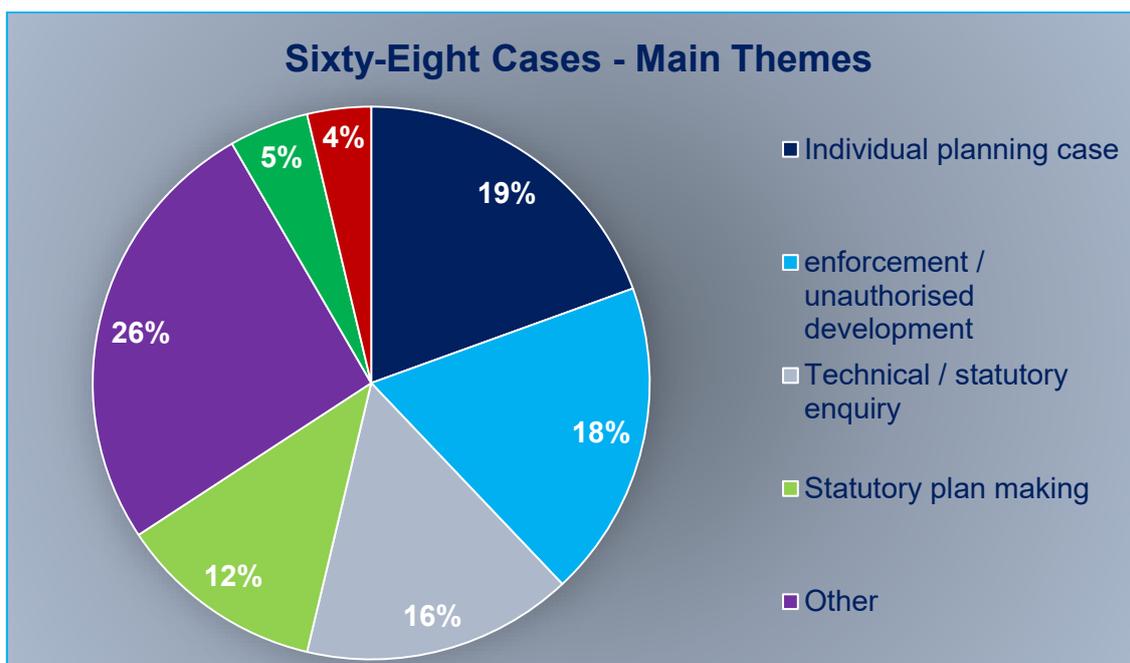


Figure 4: OPR Cases-Main Themes

## Complaints

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

With regard to the 39 complaints closed during Q1, 33 of these cases did not reach the legislative threshold for preliminary examination as they were not based on /procedural matters.

The OPR gave preliminary examination to the remaining six complaints (15%). None of these complaints were upheld as it was found that the relevant local authorities' had appropriate systems and procedures in place in relation to the issues raised.

## Planning Authority Reviews

### Galway City Council

In Q1, the OPR published its review into the systems and procedures used by Galway City Council in the delivery of its planning functions.

The report considers Galway City Council's performance in the context of 10 key operational processes in planning service delivery. It makes recommendations on how systems and procedures could be improved or how current standards may be maintained. The report is available at the following link: <https://www.opr.ie/planning-regulator-publishes-local-authority-planning-performance-review-for-galway-city-council-2/>

The report finds that Galway City Council is generally delivering its key statutory planning functions on an effective basis, with some aspects being delivered at a higher level when compared to national performance trends, in particular the development management and enforcement functions.

The report also identifies areas for improvement through the implementation of 19 recommendations, e.g. in the areas of workforce planning/resource capacity, staff training and development, and environmental assessment aspects of development management decision-making.



**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 2021



**Galway City Council Review Report**

## **Progress of Reviews Programme**

The report is the third of four included in the pilot phase of the OPR's programme of planning reviews. The fourth review was initiated during Q4 2021 with much of the fieldwork, followed by the analysis phase, completed in Q1 2022. The review will be finalised shortly.

During Q1, an internal evaluation of the pilot phase, including the pilot reviews methodology, was conducted with a view to identifying opportunities for improving the overall process. Some minor enhancements were identified which will make the review process more efficient to conduct for both the OPR and the authorities being reviewed.

Following this, the OPR will initiate the next phase of reviews for completion over the 2022-2023 period.

## Research, Education, Training and Public Awareness



### Councillor Training Initiative

In Q1 the OPR, in conjunction with the Association of Irish Local Government (AILG), continued to roll-out planning training for local authority elected members. The first online planning training webinar for 2022 was delivered in February.

The webinar entitled '*Local Authority Planning Functions and Water Services Investment: Ensuring a Coordinated Approach*' focused on:

- Water Services Infrastructure: The Legislative, Policy and Funding Context; and
- The Role of Irish Water in Planning and Delivery of Key Water Services

The presentations were delivered by Feargal Ó Coighligh, Assistant Secretary and Brian Munnely, Principal Officer from the Water Division of the Department of Housing, Local Government and Heritage (DHLGH) and John O'Shaughnessy, Irish Water's Asset Strategy Forward Planning Lead. David Flynn, Principal Advisor from the Water Division of the DHLGH joined the speakers for the Q&A element of the webinar.

**LOCAL AUTHORITY ELECTED MEMBERS TRAINING WEBINAR**

**Local Authority Planning Functions and Water Services Investment: Ensuring a Co-ordinated Approach**

**Water Services Infrastructure: The Legislative, Policy and Funding Context**

**The Role of Irish Water in Planning and Delivery of Key Water Services**

Friday, 25 February 10.00-11.30 am info@ailg.ie

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

**AILG**  
Association of Irish Local Government

February's Local Authority Members Training Webinar

Throughout Q1 the OPR collaborated with the AILG to develop a tailor-made planning training programme for elected members for 2022. The programme was formally launched by the AILG at their Annual Conference in March. In addition to the February webinar, three further training events will be delivered in 2022. The training will focus on finalising the development plan, planning that revitalises Ireland's towns and villages and the role of planning in protecting Ireland's water quality.

## Local Authority and Regional Assembly Staff Training/Information Initiatives

In Q1, the OPR collaborated with DHLGH to deliver an online information seminar for local authority and An Bord Pleanála staff, private planning practitioners, construction sector interests and other relevant stakeholders on the implementation of the new Large-scale Residential Development (LRD) arrangements introduced under the Planning and Development (Amendment)(Large-scale Residential Development) Act 2021 and associated supplementary regulations.

The seminar was entitled '*Implementation of the New Large-scale Residential Development (LRD) Arrangements*' and focused on:

- A General Overview of the New LRD Arrangements;
- The LRD Arrangements from a Planning Authority Perspective; and
- Insights and Lessons Learned from the Strategic Housing Development Process.

Presentations were delivered by Terry Sheridan, Principal Officer, Planning Policy and Legislation Section of the Department of Housing, Local Government and Heritage (DHLGH), David Murray, Planning Adviser with the DHLGH, Eoin Burke, Senior Planner with South Dublin County Council and Tom Rabbette, Assistant Director of Planning with An Bord Pleanála.

In tandem with the delivery of the online information seminar work continued throughout Q1 on the development of a sectoral Learning and Development (L&D) Strategy for local authority and regional assembly planning staff. Work has commenced on drafting the L&D Strategy Paper and will continue in Q2.

## National Planning Knowledge Group

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

The Project Lead for the International Centre for Local and Regional Development's InPLACE Research project on 'Investigating Place, Planning and Commuting' provided an update for the Group on the progress that has been achieved to date.

The Scientific Officer with the Strategic Environmental Assessment Unit of the EPA provided an update on their publications and the contracts that the EPA recently awarded for projects relevant to spatial planning, including two specific projects where the OPR has a direct role (outlined further below).

## OPR Research Output

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

### Strand One (Planning Issues) Projects

Case Study Paper CSP05 which deals with 'Climate Action and the Local Authority Development Plan' was published in Q1. This Case Study Paper seeks to offer insights into the challenges local authorities experience when incorporating climate mitigation into development plans and highlights exemplary aspects of existing development plans that include climate mitigation measures. The research was undertaken by the team at MaREI, the Science Foundation Ireland Research Centre for Energy, Climate and the Marine coordinated by the Environmental Research Institute at University College Cork and was funded by the OPR.

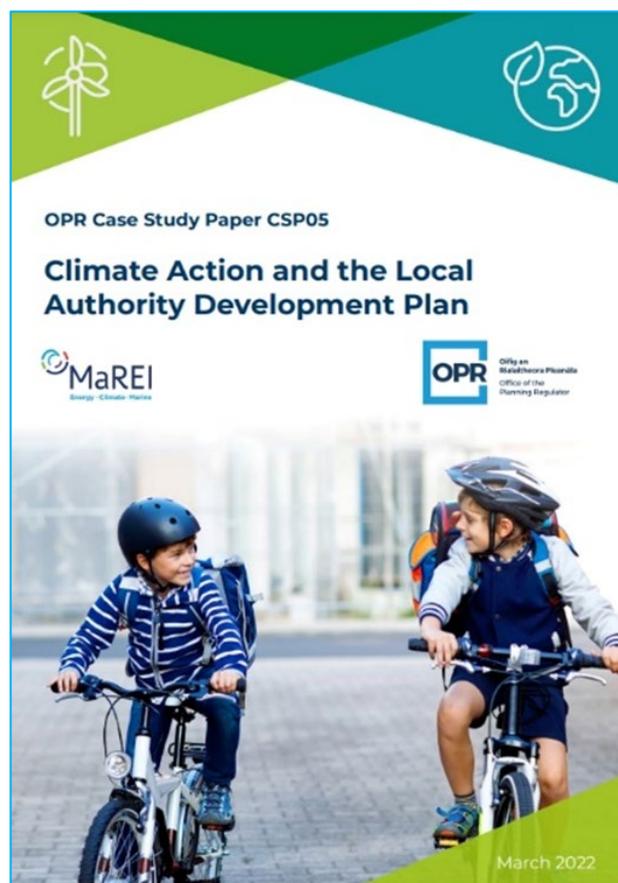
The International Centre for Local and Regional Development (ICLRD) also advanced work on the 'InPLACE Project' in Q1 and secured new sponsors for the project including the Department of Infrastructure in Northern Ireland, the Department of Transport in Maryland and the Tomar Trust. By securing this additional funding the project team were able to extend their research to cover all of the identified case study areas and during Q1 they completed their work on the Phase 1 towns and commenced work on Phase 2.

During Q1 work was progressing on the Zero Order Draft of the EPA Five Year Report – Achieving Climate Neutrality by 2050 was circulated for comment. The OPR also participated in a Steering Committee meeting relating to the report.

In Q1 the OPR attended the first Steering Committee meeting of the co-founded EPA-DAFM (Department of Agriculture, Forestry and Marine) research project on reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit 'RELAVENT'. This is an 18-month project and is scheduled for completion in August 2023.

### Strand Two (Planning Performance) Projects

In Q1, under Strand Two (Planning Performance), work was undertaken on Case Study Paper CSP06 – Planning Application Processing: Analysis of Local Authority Validation Processes and Learnings. It is envisaged that CSP06 will be finalised and published early in Q2. Also during Q1, the drafting of a research paper on the operation of Part 8 processes commenced and it is expected that the paper will be finalised early in Q2.



Case Study Paper CSP05 'Climate Action and the Local Authority Development Plan'

The OPR-EPA funded project dealing with 'Public Participation and Performance Criteria in Strategic Environmental Assessment (SEA)' commenced in Q1. This is a 24 month project and is scheduled for completion in March 2024.

### Strand Three (Planning Practice) Projects

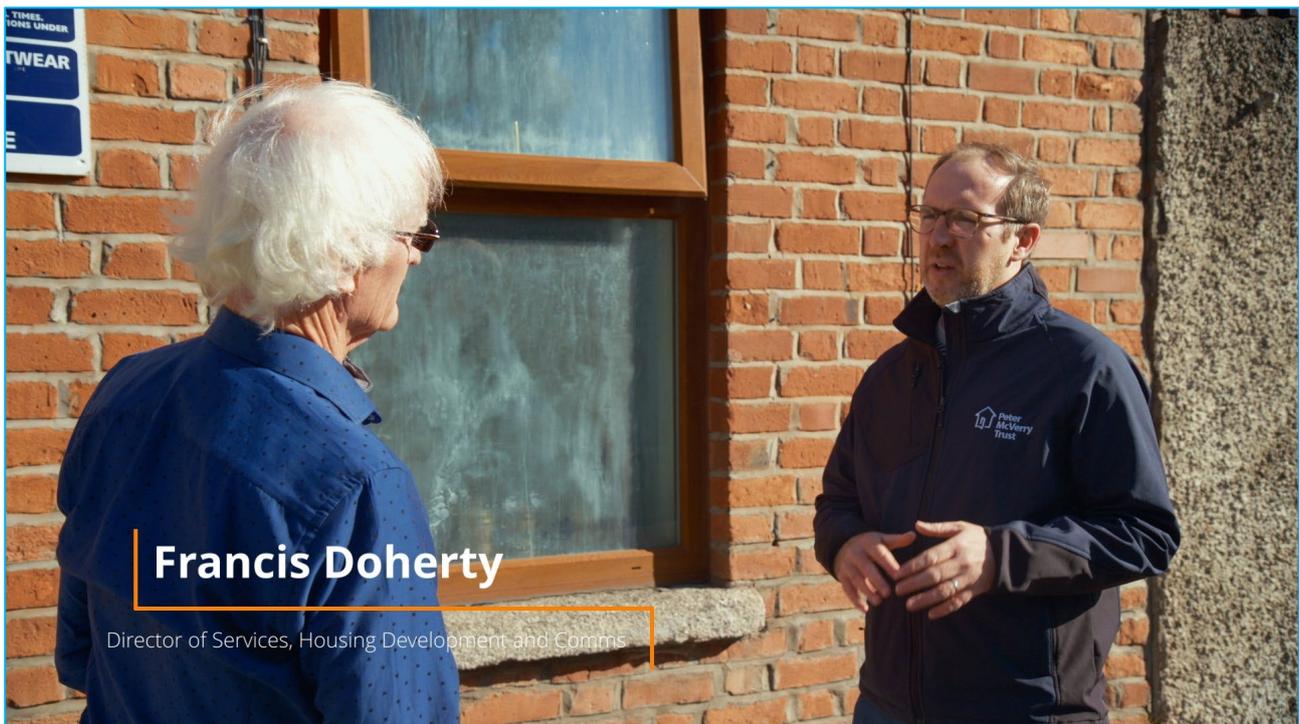
In Q1 work was also advanced on the 'Planning Conditions' research project under Strand Three (Planning Practice) of the Research Programme. It is envisaged that the first working draft of the practice note and conditions compendium will be available in early Q2.

### Public Awareness Initiatives

#### Eco Eye Episodes

The three OPR-sponsored episodes of Eco Eye dealing with town centres first, dereliction and sprawl repair aired in Q1 of 2022. The total viewership across the three programmes was 942,800. The episodes will be repeated over the coming months.

Following the success of the three OPR sponsored episodes it is envisaged that the OPR will engage further with the producers, Earth Horizon Productions Limited in Q2 with a view to contributing to the production of further episodes of Eco Eye in 2022 which would air in early 2023.



Presenter, Duncan Stewart Speaks with Francis Doherty, Peter McVerry Trust on Eco Eye Episode Broadcast February 2022

### **Additions to the OPR Website**

In Q1 a new dedicated 'Public Awareness' page was added to the OPR website to provide easy access to all of the material that the OPR has published since its establishment. A new 'Introduction to Planning' page was also created that hosts a vast array of material intended to help visitors to the page to understand the key role that planning plays in our society and how the system works. The new page contains interactive infographics looking at the planning system and development plan process, animated explainer videos describing the role of the OPR, direct links to the OPR-sponsored Eco Eye episodes on sustainable spatial planning, the OPR planning leaflets and a schedule of Frequently Asked Questions.

### **Environmental Sensitivity Mapping (ESM) Webtool Workshop**

In Q1 the OPR continued to support the ESM webtool team in the delivery of training workshops on how to effectively use the webtool to support and inform environmental assessment. A workshop was delivered in March for members of the public who were interested in learning about the functionality and real life application of the webtool. The OPR promoted this workshop via the PPNs and ENGOs.



## Communications and Stakeholder Engagement

### Stakeholder Engagement

The OPR held 10 meetings with local authorities in relation to their plan-making functions in Q1 2022. These meetings were with planning officials from Carlow, Cavan, Clare, Cork City, Galway City, Galway County, Leitrim, Limerick City, Roscommon and Wexford County Councils.

Also in Q1, the OPR hosted three meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans.

### Communications

#### Newsletter

The [quarterly newsletter](#) was issued in February to 688 recipients. It continues to generate strong open rates.

#### Irish Planning Institute (IPI) Conference

We had an exhibition and information stand at the IPI annual conference ‘Planning for Climate’ held in Wexford from 7<sup>th</sup> – 8<sup>th</sup> April 2022. The purpose was to promote the OPR and improve understanding of the organisation among attendees.

#### Media Engagement

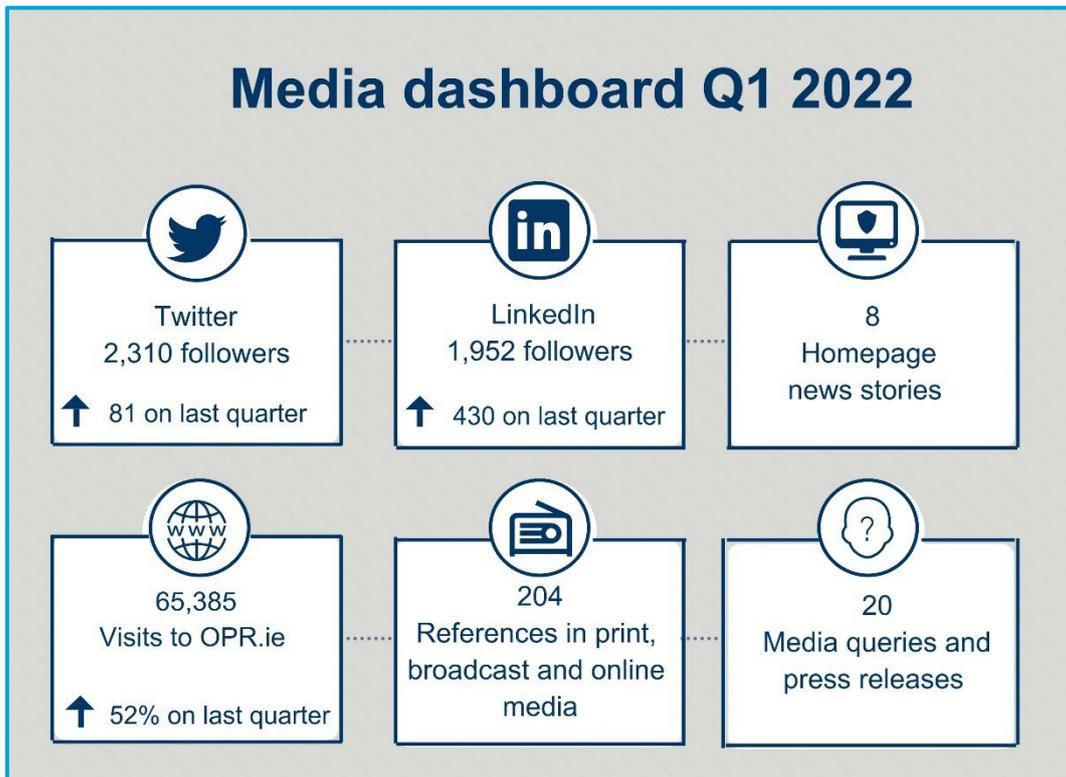
Media engagement continued with several interactions with national, print and broadcast media. There was significant interest in national print media including the Irish Times, Irish Independent in the OPR’s submission on the Dublin City Council Development Plan.

We also issued media releases on:

- [Climate Action and the Local Authority Development Plan](#)
- [Local Authority Planning Performance Review for Louth County Council](#)
- [Local Authority Planning Performance Review for Galway City Council](#)

This generated significant coverage in the Irish Independent, RTE, Irish Times, Irish Independent, planning publications as well as several local media outlets.

## Media dashboard Q1 2022





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