



**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 Kildare County Council under section 31AS of the Planning and Development Act 2000, as amended Review Report

July 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 of planning services to the public by local authorities.

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, the OPR is implementing a programme of reviews under section 31AS of the Act whereby each authority in turn 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 strategic 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 Kildare County Council to the OPR.

This is the OPR's fourth general review of a local authority's planning functions and completes the pilot phase of the reviews programme. The pilot phase included four authorities demonstrating a variety, and contrast, of planning contexts. Kildare County Council's inclusion in the pilot phase provided an example of a county with significant rural characteristics while also facing the development pressures associated with being within the Greater Dublin Area.

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, the OPR will apply a rating in respect of performance across 11 key operational processes in planning service delivery. These 11 processes are as follows:

1. Forward Planning
2. Guidelines and Directives
3. Control of Development
4. Architectural Heritage
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
11. Part XVIII – Miscellaneous Provisions

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

Given that the review was conducted during the latter stages of 2021 into early 2022, the effect that Covid-19 related measures had on the review process 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.

As part of the review process, Kildare County Council ('the Council') provided detailed information in relation to the systems and procedures used for the delivery of planning functions. In addition, the OPR hosted a number of online workshops with the Council to facilitate information gathering. These took place remotely due to Covid-19 restrictions in place at the time. Throughout the review process, the OPR and the Council engaged regularly to share information and seek clarifications.

The OPR's reviews team wish to express thanks to Kildare County 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.

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 (CSO), NOAC and An Bord Pleanála.

To assist in conducting reviews, the OPR has established a panel of consultants, individuals with experience of 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. Edward Sheehy, an experienced public servant with extensive experience in the local government sector, including serving as a local authority chief executive, to produce the analysis that has formed the basis of this report.

Area profile

County Kildare covers 1,695km² and is the 24th largest county in Ireland. With a population of 222,504 in 2016, it is the fifth highest population of all local authorities in Ireland. The population increased by 5.8% between 2011 and 2016, and the county has a population density of more than 131 per km². In comparison, the national average population growth rate was 3.8% between 2011 and 2016, with an average population density of 70 persons per km².

There are significant variations in density levels across the county with much higher rates in the metropolitan and urban areas (482 and 2,294.8 persons per km² respectively¹). In contrast, hinterland Kildare has a density of 102.3, whereas rural Kildare is only 37.5 persons per km².

County Kildare sits within the Greater Dublin Area and in the national context plays a key role in the delivery of strategic policy objectives as set out in the National Planning Framework, National Development Plan and relevant Regional Spatial and Economic Strategy (RSES). According to CSO figures², in 2021 Kildare had the second highest number of new dwelling completions (second to Dublin City). This presents challenges including the planning and delivery of social infrastructure commensurate with the pace of residential development.

County Kildare has 12 towns with populations of more than 5,000 and of these, five have more than 15,000. The RSES for the Eastern & Midland Regional Assembly area 2019-2031 identifies Naas and Maynooth as key towns for the region. A Dublin Metropolitan Area Strategic Plan (MASP) forms part of the RSES, identifying large scale strategic residential and economic development areas that will deliver significant development in an integrated and sustainable manner in the metropolitan area. A number of towns in northeast Kildare, namely Maynooth, Leixlip, Celbridge and Kilcock, are included within the MASP.

County Kildare borders Dublin (Fingal and South Dublin), Meath, Offaly, Laois, Carlow and Wicklow. Whilst it does not have a coastline, the county has three major rivers (the Barrow, the Liffey and the Boyne) and both the Grand and Royal Canals run through the county.

There are eight designated European Sites, which form part of the Natura 2000 network of European Sites, located wholly or partly in the county. This network includes both Special Areas of Conservation and Special Protection Areas representing the prime wildlife conservation areas in the county which are considered to be of significant importance at both European and Irish levels.

Kildare is famous for its horse racing with many stud farms and three race courses at the Curragh, Punchestown and Naas. The headquarters and training centre of the Irish Army is located within the Curragh Plains. It is also home to Mondello Park, Ireland's only international motorsport venue.

Several multi-national companies have located their European operations in Kildare. Of the approximately 63,000 jobs located in Kildare, two thirds are carried out by Kildare residents and the remaining one third by inbound commuters. 43.8% of Kildare residents work within the county with a further 39.2% working outside, mainly in Dublin.

Naas / Newbridge and Maynooth are identified in the RSES's retail hierarchy as Level 2 Major Town Centres and County Town Centres, with Celbridge, Kilcock, Kilcullen, Athy, Kildare, Monasterevin, Clane and Leixlip identified as Level 3 Town and Sub-County Town Centres. Kildare Village Outlet Centre, which is located close to Kildare Town off the N7 motorway, is comprised of approximately 100 retail units and is recognised in the Kildare County Development Plan 2017-2023 as having a regional, national and international profile and draw.

¹ <http://www.kildarelcdc.ie/wp-content/uploads/2012/07/Kildare-Census-2016-Profile-Demographics.pdf>

² <https://www.cso.ie/en/releasesandpublications/er/ndc/newdwellingcompletionsq42021/>

Organisational Context

The executive of Kildare County Council is led by a chief executive, supported by six directorates as follows:

- Economic, Community & Cultural Development (incl. Human Resources)
- Finance, Information Systems & Motor Tax
- Housing & Corporate Services
- Planning, Strategic Development & Public Realm
- Roads, Transportation & Public Safety
- Water, Environmental Services & Climate Action

Each of the Directors of Service (except for Finance, Information Services & Motor Tax) is also responsible for a Municipal District. The municipal districts are Athy, Celbridge-Leixlip, Clane-Maynooth, Kildare-Newbridge and Naas.

The elected Council is comprised of 40 elected members, representing eight electoral areas. The elected members' role is to provide civic leadership, formulate policy, perform certain functions (known as reserved functions) to represent the interests of their constituents and ensure that the views of the people of County Kildare are reflected in the decisions taken by the Council and in the way that services are delivered.

The reserved functions include very important planning responsibilities such as the making or variation of the county development plan, the making of local area plans (LAPs), the approval of material contraventions and the making of development contribution schemes.

There are six Strategic Policy Committees (SPCs) which are tasked with the formulation and development of policy for the Council, and give the relevant sectoral interests an opportunity to assist the Council in the policy-making process, consisting of:

- Climate Action
- Economic Development, Enterprise & Planning
- Environmental Services & Water
- Housing
- Local Community & Cultural
- Transportation, Safety & Emergency Services

From a governance and ethics perspective, national legislation (Part 15 of the Local Government Act 2001 and sections 147 and 148 of the Act) requires that systems are in place for the making of annual declarations of any interests that elected members and relevant employees may have.

In this regard, the Council has a designated Ethics Registrar in place who oversees the annual collation of declarations of interest and who circulates the Code of Conduct and Ethics Declaration Form to relevant employees in January each year for return before the end of February.

New starters deemed relevant employees are also supplied with the Code of Conduct and the Declaration Form upon commencement of employment and must submit the completed application form to the Ethics Registrar within six weeks.

The Council confirmed that all relevant employees and elected members submitted returns in 2021 and while a copy of the register of interests is not currently available online (as is the case with some other local authorities), the 2020 Local Government Audit Report refers to a generally high level of compliance in this area.

Local Authority Strategic Objectives

Strategic objectives are set out in Kildare County Council's Corporate Plan 2019-2024, which provides an operational baseline for service delivery. They are as follows:

- 1. Leading a climate resilient Kildare:** Building climate change resilience, action and sustainability into service and infrastructure, while protecting and promoting our natural and built environment for the well-being of present and future generations.
- 2. Enabling business and sustaining growth:** To optimise the potential of Kildare and its businesses to innovate, invest, promote and sustain growth and employment, across our County and throughout our community.
- 3. Supporting delivery of housing and associated community development:** To work with all partners to strive to meet Kildare's housing needs, working to reduce homelessness and providing support for developing communities.
- 4. Building communities through empowerment and inclusion:** To empower all citizens to participate in safe and inclusive communities and access services and supports that make a positive difference in their lives.
- 5. Delivering enabling infrastructure for a connected County:** Continue to plan, deliver and maintain key infrastructure in our County that sustains mobility and access and positions Kildare to achieve sustainable growth.
- 6. Supporting the democratic mandate, performance and communications:** To assist local democracy while improving service delivery, engagement and communications by maximising the effectiveness of our people, budgets, operations and ICT resources.

The Council's 2021 Annual Service Delivery Plan includes the following seven objectives (all of which have associated performance standards and performance indicators) for the Planning & Strategic Development Department:

- To progress all statutory forward planning processes in line with statutory deadlines and the county development plan.
- To initiate a review of the Development Contribution Scheme during 2021.
- To ensure effective development management and development control activities to support the ongoing proper planning and sustainable development of the county.
- To progress reviews of settlements (towns and villages) throughout the county during 2021.
- To progress extensive public consultations online during 2021 to maximise the relevance, quality and impact of projects in addressing the needs of towns and villages.
- To submit further funding applications to expand the programme of approved projects under the Strategic Projects and Public Realm Programme beyond 2020.
- To progress delivery of programme of approved funded projects under the Strategic Projects and Public Realm Programme.

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 experienced in Kildare where the north east of the County is located within Dublin's Metropolitan Area with consequential pressures to deliver housing growth and associated infrastructure, in addition to complex issues associated with rural authorities such as quarry development and single houses in the countryside. This is illustrated in the national planning statistics by the average planning application cost and number of planning applications made.

Kildare County Council's planning department is structured on the basis of a staff complement of just over 75 (full-time equivalents), this includes positions not currently filled (14 vacancies at the time of this review). It is inevitable that the requirement to deliver such wide ranging duties, and progress significant caseloads within required timeframes requires a high level of output from the team. 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 everywhere else.

Notwithstanding these challenges, this review has found that the Council's planning department is delivering its key statutory planning functions on an effective basis. 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 delivering statutory functions on an ongoing basis.

Recognising the complex and demanding operational environment, the Council's generally effective performance and 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 the business process can be maintained effectively or improved.

In particular, mindful of the challenges and workload faced by Kildare County Council in relation to its statutory plan-making, development management, enforcement and active land management roles, Recommendation 1 calls for an emphasis on addressing staff retention and recruitment issues, and to strengthen the capacity of the Council's planning department.

Plan-Led Development

The Council commenced its latest development plan review in 2021 and published the draft Kildare County Development Plan on 14th March 2022 for consultation. The new plan is being prepared in the new context of a hierarchy of national and regional planning, with the National Planning Framework (NPF) and the RSES for the Eastern & Midlands Regional Assembly in place. The NPF targets the population of Kildare to grow by 44,000 by 2031, equating to an increase of 20%. This represents a significant level of growth for the county.

This review found the Council to generally have highly effective 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, highlighting the evidence led preparation and implementation of the Athy Local Area Plan as a notable step-up in the approach undertaken.

Notwithstanding the above, certain recommendations for improvements are made in relation to plan monitoring and reporting, as well as putting in place written guidance for staff for the county development plan review.

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.

The Council's architectural heritage function is being delivered to the required standard.

Managing for Sustainable Development

As noted above, the Council is presented with a range of planning applications, some of which are more complex in nature than in other 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 in relation to the 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.

This review also found the Council to be performing effectively in the delivery of its enforcement function, with robust procedures and guidance for staff in place. However, the Council is facing ongoing challenges in relation to staff retention and recruitment. This is affecting the number of cases closed, in the face of rising enforcement complaints.

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, and use of mechanisms such as the Urban Regeneration Development Fund and public realm strategies.

With regard to environmental assessment, the Council is performing effectively. However, it is important that the Council should seek to strengthen its procedures around screening for Environmental Impact Assessment and Appropriate Assessment in its development management decision-making. The Council would also benefit from placing a 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 Kildare County Council to be generally effective in the delivery of planning services to the public. Some minor areas of improvement, in terms of customer experience, have been identified which include ensuring planning application documentation is available online in a timely manner.

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 and template forms.



Kildare Town, Public Realm

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 virtual consultation room for the development plan review, facilitating online meetings, a podcast series and workshops, as well as social media campaigns.

Conclusion

Kildare County Council's planning department operates in a complex and demanding environment that places a high degree of pressure on the resources of its team. The department delivers on an increasing number of planning applications, which can frequently be large in scale and complex in terms of assessment. The department also successfully implements strategic projects, including public realm improvements, local area plan preparation and implementation, and is currently reviewing the county development plan.

As such, it is an overarching recommendation³ of this review for the Council to prioritise the identification of opportunities to address challenges in staff retention and recruitment, with a view to presenting the findings to senior management within the next six months. The Council should also place an enhanced focus on the training and development of planning department staff across the planning functions, to ensure that all staff are appropriately skilled in delivering their work.

³ Recommendation 1

3. Organisation of the Planning Department

Overview

The Planning & Strategic Development Department ('the planning department') is headed by a Director of Services, supported by two senior planners and one senior executive officer, with responsibilities illustrated below.

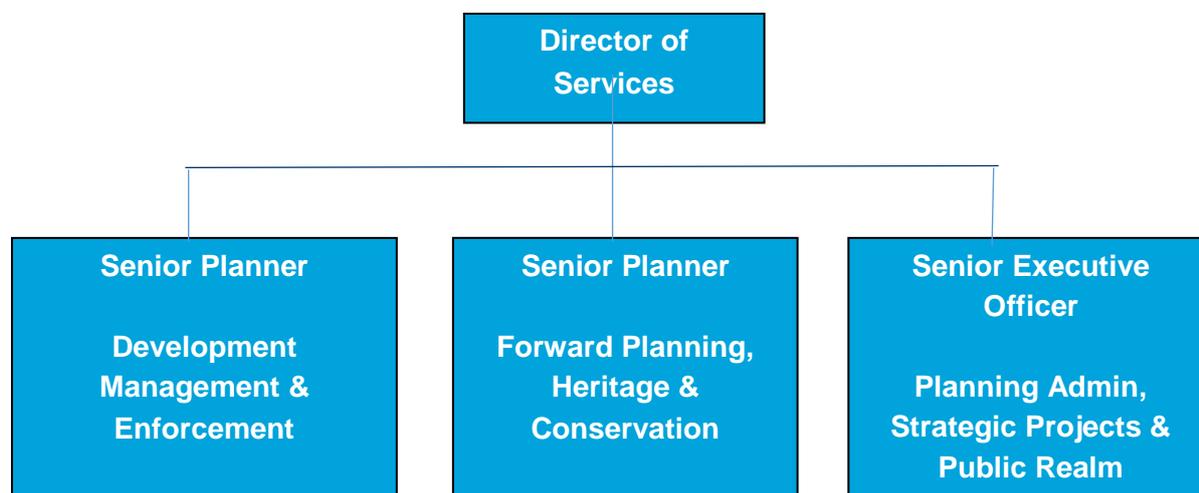


Figure 1: Planning & Strategic Development Department structure

The various activities of the planning department come under the 'Development Management' heading of the Council's budget. In 2021, the budget allocation for planning services was approximately 8% of the Council's total budget. Table 1 provides a breakdown of the 2021 budget allocation for planning by service and outlines the percentage change from 2020.

Function	2021 Budget	% of 2021 Budget	% change from 2020 Budget
Forward Planning	€2,179,306	16%	5%
Development Management	€5,137,325	37%	-4%
Enforcement	€1,094,185	8%	-7%
Unfinished Estates	€1,075,914	8%	16%
Economic Development & Promotion	€3,765,613	27%	15%
Heritage & Conservation Services	€602,344	4%	-3%
Total	€13,854,687	100%	

Table 1: Planning department budget allocation⁴

In addition to government grant and subsidy income, an estimate of €1,446,931 of income was included in the 2021 budget, relating to planning application fees and other income. These direct incomes represent 10% the total budgeted expenditure for planning in Kildare during 2021.

⁴ Source: 2021 Adopted Annual Budget, Kildare County Council

NOAC, through its 'cost of planning' analysis⁵, indicates that Kildare County Council expenditure on planning in 2020 was €35.1 per capita⁶. This figure is relatively consistent with the national average of €31.47 per capita.

Staffing structures

The planning department is organised into three separate sections to deliver its functions: Development Management & Enforcement; Forward Planning, Heritage & Conservation; and, Planning Administration, Strategic Projects & Public Realm. Within each of these areas there are teams which are assigned specific delivery responsibilities, which are illustrated below.

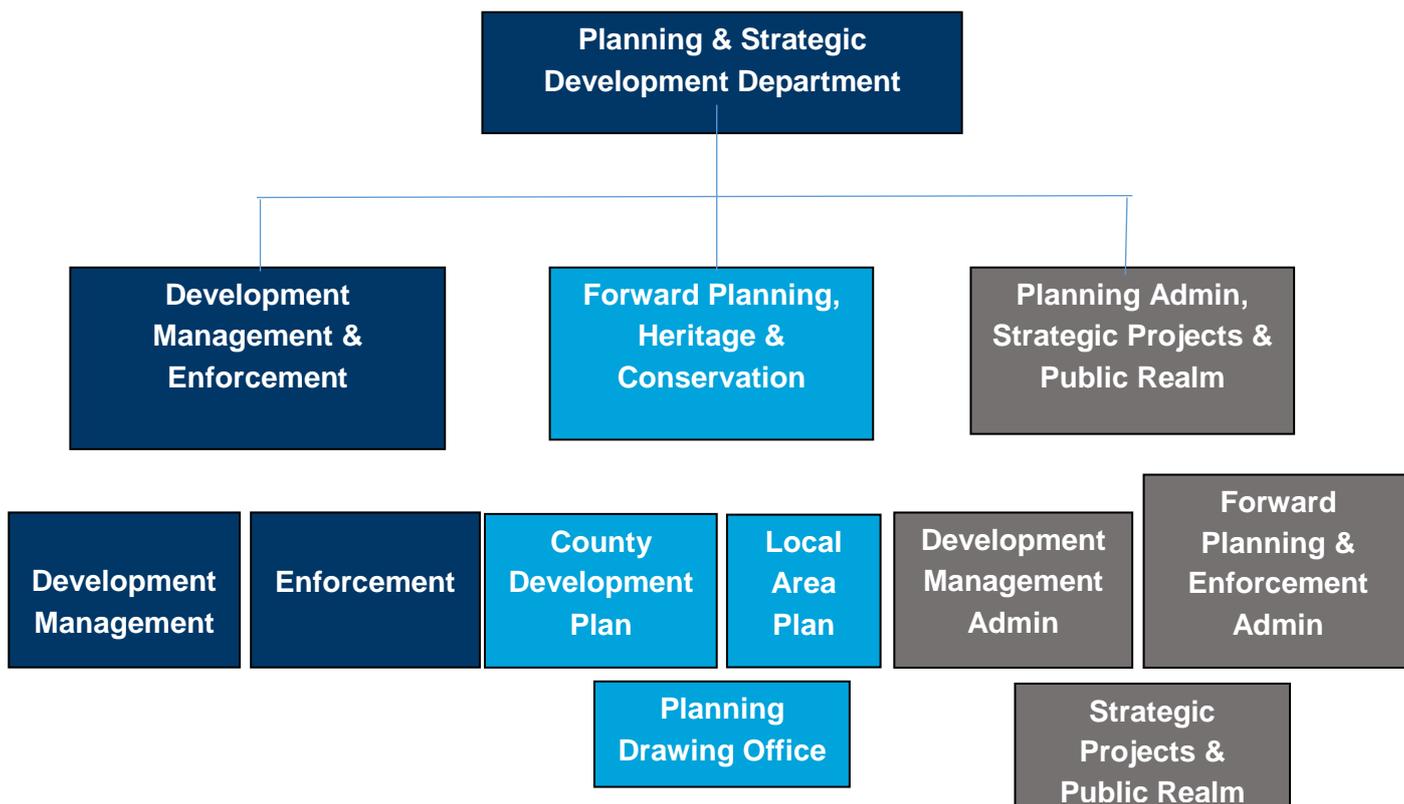


Figure 2: Planning department teams and sub-teams

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

- the preparation of masterplans;
- the implementation of strategic projects and the public realm strategy;
- 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,
- bidding for and administering grant schemes.

While a number of individuals among the department's staff avail of reduced working hours arrangements, in terms of full time equivalents (FTE) there are just over 68 FTE positions identified

⁵ Includes the cost of delivering services such as forward planning, development management and enforcement

⁶ Equivalent to approximately €7,809,890 total

to deliver the department’s core statutory planning functions. There are an additional 7.5 FTE positions identified to deliver the strategic projects and public realm activities. This equates to a total of 75.7 FTE positions within the planning department. Nevertheless, at the time this review was being conducted, a total of 14 of these FTE positions were not in place either due to vacancies waiting to be filled or as a result of other temporary working arrangements (e.g. career break / sick leave / maternity leave). Table 2 illustrates the positions at the various management, administrative and technical levels.

Staffing	Full Time Equivalents
Planners	32.5 (9 vacancies)
Technical	11 (3 vacancies)
Admin	30.2 (2 vacancies)
Heritage	2
Total	75.7 (14 vacancies)

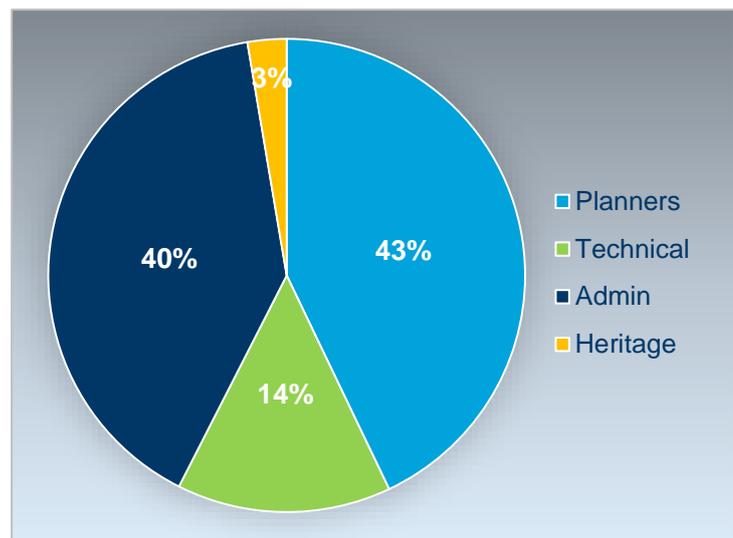


Table 2: Staffing structure

Figure 3: Staffing structure

Development Management & Enforcement is made up of two teams with a combined total of 21.5 (FTE) planners, comprising one senior planner, four senior executive planners, 11 executive planners, and nine assistant planners. All planning applications, ‘Part 8’ proposals, references and compliances are dealt with by the team. The department has been struggling to recruit new planning staff with the effect that at the time of the review the Development Management & Enforcement area was carrying nine permanent vacancies, of which six were assistant planner roles. There are a further three temporary vacancies due to difference types of absences and leave.

Forward Planning, Heritage & Conservation is led by a senior planner and is made up of three teams.

- The county development plan team consists of one senior executive planner, two executive planners, two assistant planners and an architectural conservation officer (who works across the planning department).
- The local area plan team consists of one senior executive planner, three executive planners, two assistant planners and a heritage officer (works across the department).
- Both of these teams are supported by the planning drawing office which consists of one senior executive technician, one executive technician and five grade 1 technicians.

Planning Administration, Strategic Projects & Public Realm is led by a senior executive officer and consists of three teams.

- The development management administrative team is comprised of one administrative officer, one senior staff officer, two staff officers, four assistant staff officers and 15 clerical officers.
- The forward planning & enforcement administrative team is comprised of one administrative officer, one senior staff officer, two staff officers and three clerical officers.
- The strategic projects & public realm team is a multidisciplinary team comprised of one senior executive architect, one executive architect, one executive planner, two executive engineers, one clerk of works, and one clerical officer.

Table 3 and Figure 4 illustrate the FTE allocation of staffing between different teams.

Staffing	FTE
Development Management & Enforcement	50.8
Forward Planning	17.4
Strategic Projects & Public Realm	7.5
Total (includes 14 vacancies)	75.7

Table 3: Staffing of teams

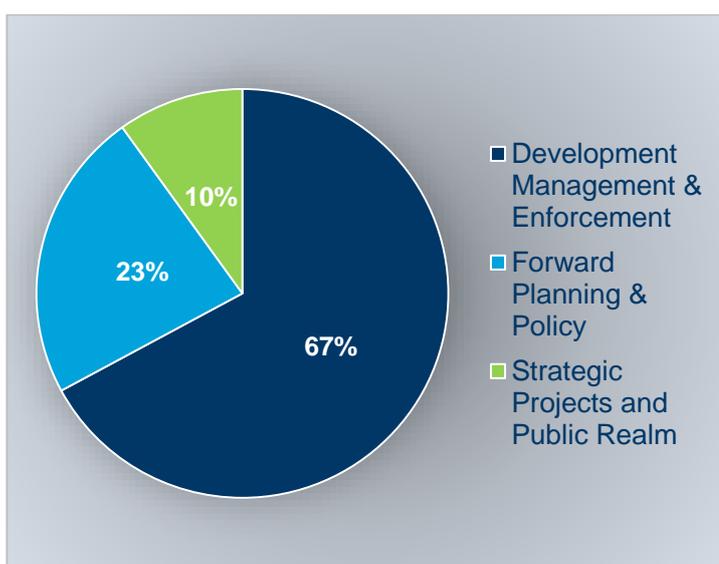


Figure 4: Team structure breakdown

Performance management

A single consolidated business plan is not prepared across the entire planning department, in its place, five separate Team Development Plans (TDP) cover the various activities of the department:

- Senior Management
- Development Management
- Enforcement
- Forward Planning
- Planning Technical

The standard public service Performance Management Development System (PMDS) is in place at the individual level with the expectation that an annual Personal Development Plan (PDP) be agreed for each member of staff.

The intention is that the deliverables included in both TDPs and PDPs would be reviewed at mid-year and end-of-year intervals, however more recently, given the operational pressures created by Covid-19 restrictions (as well as staff shortages and additional workloads), these review targets have not been achieved. Nevertheless, as the Council adapts to the surge in pressures, it is expected that PMDS scheduling will get back on track.

With regard to training and development, there is an overall organisation-wide strategy for the Council, with individual training needs identified through the PDPs. The department is undertaking a skills matrix survey, which will seek to identify, maximise and share in-house experience. The survey is expected to be completed in Q3 2022 and the findings of the survey will inform organisational staffing requirements and the prioritisation of future training plans at a corporate level, which will also inform the department's training plan.

While a formal training plan has not been in place for the planning department, during 2020 and 2021, arising from remote working under Covid-19 restrictions, internal departmental training has been provided through online meetings whereby particular topics of interest, such as biodiversity and heritage, section 28 Guidelines, and forthcoming legislation, are researched and presented by members of the team and discussed among the group. The planning department is also briefed when a local planning policy is adopted. The findings of the skills matrix survey will inform the department's training plan.

In general, the Council encourages staff to be members of their professional organisations and covers the cost of fees. The planning department is represented on the Council's 'Continuous Professional Development Committee', which disseminates information about upcoming events organised by professional bodies and also organises regular 'Lunch and Learn' sessions. These events continued through 2020 and 2021, moving online due to remote-working. The Council operates a continuous professional development (CPD) portal for staff to record their ongoing development.

With regard to new employees, general induction is provided on the first day through Human Resources. Subsequently, the planning department provides additional formal induction, specific to the responsibilities of the department, and also appoints a peer as a mentor, to answer questions the new employee might have and provide assistance and support. The mentor also trains new staff on the validation process and on interactions with community groups, elected members and state agencies.

Management arrangements

There is a comprehensive calendar of meetings at various levels within the planning department, which ensures that there are clear lines of communication from senior management to team level, and also from team level to senior management. The Council's higher level strategic management and departmental meetings are held fortnightly.

The senior officers within the department meet with the Director of Service at fortnightly intervals. In addition, the Director is briefed every three weeks on notable files, including significant applications and An Bord Pleanála decisions. The senior officers also meet fortnightly to share information on significant or strategic issues affecting the overall operation of the department.

Each team meets on a regular (fortnightly/weekly) basis to discuss progress and issues arising which can be elevated to senior management, as required. The meeting frequency and co-ordination structure allows for the integration and delivery of services within the department and across the various functions of the Council.

Considerations and recommendations

As set out above, the organisational structure of Kildare County Council's planning function identifies a robust staffing structure with clear reporting and communication lines, both top-down and bottom-up, between management and teams.

The department is structured along traditional lines, with 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.

As becomes very clear from subsequent analysis, the current level of vacancies (whether as a result of positions waiting to be filled or other temporary arrangements) is having a significant impact on the work of the department. This is particularly acute within the development management and enforcement area, which is intended to be comprised of 25 technical staff but, at the time of the review, these functions were being delivered with almost 50% (12 FTEs) of the sanctioned roles unfilled.

It would appear to be the case that recruiting and retaining staff is an ongoing issue in Kildare and other authorities on the edge of the Dublin area, which may be as a result of movement to well-resourced Dublin authorities and private sector roles that can offer more attractive grading structures and variety of work. This is an important issue to address as part of the wider resourcing analysis that the OPR understands is underway within the government sector.

Planning legislation requires that development management functions be achieved in certain timeframes. Delivering on these statutory requirements has a knock-on effect for other planning duties and teams, as staff are tasked to carry out development management activities in addition to, or instead of, their core workloads, in order to meet these statutory timeframes.

In addition, the development management workload has been increasing, with an approximate 40% increase in planning applications submitted over a two-year period. Further complicating factors include the arrival of additional responsibilities such as the national broadband rollout, section 254 licensing process, an increase in enforcement complaints, short-term letting regulations and inputting into a number of complex Strategic Housing Development (SHDs) planning applications (with the Large Scale Residential Developments process in the pipeline).

The Council's planning function is thus delivering crucial and complex services in ever increasing quantities as staff capacity reduces, which in turn leaves limited capacity to progress wider workloads or ensure contingencies, and space and time to keep up to date on training.

It is therefore clear from the above and from engaging with the Council's planning staff that the difficulties associated with filling existing vacancies, coupled with an increasing workload, is placing a significant strain on the planning department. While recognising that the planning department's training plan has not been completed due to competing priorities and changing work practices due to Covid-19, a renewed focus is required to ensure that the training plan is reviewed annually, to ensure that staff development and training is prioritised.

It is critical for management and individuals to be able to commit time to reflect on team and individual performance and development, and to provide support to staff who may be under significant pressure.

The Council's encouragement of staff to maintain their membership of a relevant professional organisation, to undertake internal departmental training on topical matters and to undertake CPD through 'Lunch and Learn' and networking opportunities is commended. It is also critical for the bespoke training plan for the planning department to be completed annually. This should be informed by the skills matrix survey and will build capacity and increase operational resilience.

Due to the complexities of planning practice, in the context of policy priorities and technical procedures, it is increasingly important that the department has access to the required expertise and that broad experience is built up across technical teams.

Recommendation 1 – Resourcing and staff development: The Council should prioritise the management of staff retention and recruitment challenges faced in recent years, including identifying opportunities to address these challenges, particularly within the development management and enforcement team, with a view to presenting opportunities to senior management of the Council within the next six months.

The Council should prepare a 2022 training plan for the planning department with appropriate linkages to the Council's Annual Service Delivery Plan. 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 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, for example in tandem with the twice-yearly PMDS reviews.

Recommendation No.	Grading	Responsibility
1: Resourcing and staff development	High	Director of Services

4. Forward Planning

Context

The RSES for the Eastern & Midland Regional Assembly 2019-2031 reflects the policies and objectives of the NPF. The RSES growth framework provides a sustainable strategy for compact growth. Within the RSES, County Kildare is split between three different functional regions, namely the Dublin Metropolitan Area, the Core Region and the Gateway Region.

As referenced in section 1 of this report, a Dublin MASP forms part of the RSES, under which certain areas in Kildare fall. Strategic Development Areas have been identified at key nodes along high-quality public transport corridors in tandem with the delivery of infrastructure and enabling services. Lands have been identified in Maynooth, Leixlip, and Collinstown as strategic employment areas. Greenfield lands at Confey have also been identified as a strategic rail-based neighbourhood.

The NPF Roadmap, and the RSES, set out transitional regional and county population projections for the period to 2026 and onwards to 2031. Taking the higher range for each growth band, Kildare's population is projected to increase by 31,500 persons to 2026 with a further 12,500 to 2031.

In 2021, according to the CSO new dwelling completion figures⁷, County Kildare had the second highest number of completions (2,027 dwellings), second only to Dublin City. The Council's draft CDP identifies a housing target of 9,144 housing units over the plan period (Q1 2023 – Q4 2028), equating to an additional 25,146 people.⁸

In accordance with the principles and objectives of the NPF, the RSES including the MASP and Ministerial guidelines issued under section 28 of the Act, in order to achieve compact growth objectives Kildare County Council is required to deliver at least 30% of all new homes within the existing built-up areas in the county.

Forward Planning staffing

The Forward Planning, Heritage & Conservation section has a staff complement of just over 17 FTE professional and technical staff, including 12 planners at various grades. The team is led by a senior planner who has responsibility for all forward planning functions, in addition to responsibility for the overall management of the drawing office and the conservation and heritage officers.

There are three sub-teams, namely a county development plan & conservation team, a local area plans & heritage team and the drawing office team, who provide a service to the wider planning department.

⁷ <https://www.cso.ie/en/releasesandpublications/er/ndc/newdwellingcompletionsq42021/>

⁸ <https://consult.kildarecoco.ie/sites/default/files/Ch%202%20final%20V2.pdf>

Recruitment and retention of staff at assistant planner grade has been a significant challenge for the planning department in general in recent years. At the time of presenting information for this review, there were four vacant posts within the Forward Planning, Heritage & Conservation area.

The forward planning function is supported by the forward planning & enforcement administrative team (a sub-unit of the Planning Administration, Strategic Projects & Public Realm section) which is comprised of seven administrative staff at various grades.

The Forward Planning, Heritage & Conservation team meets fortnightly to discuss project progress and issues arising. The sub-teams meet at least weekly depending on workload and the programme of Council meetings, as required, through plan preparation.

The statutory plan work programme of Kildare County Council includes the review and preparation of the county development plan and mandatory local area plans (LAPs) for 12 towns in County Kildare.

Plan preparation methodology

Within Kildare County Council, a multi-disciplinary interdepartmental working group is established to operate throughout the plan preparation and adoption process. Input is also invited from relevant agencies at appropriate stages. Key activities during the plan preparation process include the following:

- Pre-draft data collection and analysis, including the preparation of supporting documents and the screening and scoping of environmental assessments.
- Preparation of background papers on topics including Social Infrastructure Audit, Sustainable Planning and Infrastructural Assessment, Urban Regeneration Frameworks and Local Transport Plans.
- Informal workshops with elected members to inform them of the findings of the evidence-based documents being prepared.
- Engagement with the Climate Action Regional Office, the Local Enterprise Office, Kildare and Wicklow Education & Training Board, the Department of Education & Skills, Industrial Development Association, the Office of Public Works, Irish Water, Transport Infrastructure Ireland and other stakeholders.

In addition, a service level agreement has been put in place by the Council with the All-Ireland Research Observatory (AIRO) in Maynooth University which provides tailored research and analysis to inform plan preparation. In the absence of up-to-date census data and recognising the impact of recent rapid growth, Kildare County Council engaged AIRO to prepare a mini census for the Maynooth LAP review process, to illustrate the level of population growth in that town.

The Council is engaging with Meath County Council in relation to the preparation of a Maynooth Joint Urban Area Plan. Background papers have been prepared, key stakeholder engagement has taken place and workshops have been arranged for the elected members.

Preparation of the County Development Plan

The preparation of a county development plan is one of the most important functions of a local authority. Delivering a successful development plan review requires a collaborative and multi-disciplinary approach from the outset. DHLGH's 'Development Plans – Guidelines for Planning Authorities' (2022)⁹ indicates that formal project management measures should be put in place and a dedicated project manager should be appointed to oversee the review.

The guidelines also indicate that a cross-authority multi-disciplinary group (additional to the core development plan team) should be formed, which will consist of, for example, representatives from the housing, community, transport, environment, heritage areas and the Local Enterprise Office. In the regard, the Council has confirmed the establishment of a multidisciplinary interdepartmental working group and that extensive engagement is undertaken with other public bodies, including Irish Water and the Local Enterprise Office.

The current Kildare County Development Plan 2017-2023 came into effect in March 2017. The plan review process began in January 2021 with the publication of an Issues Paper and has progressed with the publication of the draft plan in March 2022, for consultation. The plan review process will culminate with the adoption of the new Kildare County Development Plan 2023-2029 by December 2022.

The OPR commended Kildare County Council on the preparation of the Issues Paper, for the variety of approaches used to engage and inform the local community, and identified 11 issues that the Council should pay particular attention to in the preparation of the development plan.

Kildare County Council has an internal checklist of items to be included in the development plan. The checklist includes the mandatory objectives, and also the specific planning policy requirements of relevant section 28 guidelines and the mandatory environmental assessments. The review and preparation of the development plan would benefit from the preparation of a high-level procedural manual, similar to the Council's LAP manual (referenced below), which describes the Council's LAP preparation process. This would ensure appropriate project management measures are in place, as recommended in the draft guidelines referenced above.

Public participation and engagement

All public consultations are hosted through Kildare County Council's consultation portal¹⁰ where all documents associated with the plan review are published, including draft plans, associated reports and the chief executive's reports.

Recent public consultation strategies for the Naas and Athy LAPs and the pre-draft county development plan had to adapt to the Covid-19 restrictions. The following measures were successfully implemented:

- Independently facilitated online public meetings were arranged.

⁹ <https://www.gov.ie/en/publication/f9aac-development-plans-guidelines-for-planning-authorities/>

¹⁰ <https://consult.kildarecoco.ie>

- Targeted workshops were arranged for young people.
- PowerPoint presentations with voiceovers were put on the website.
- Plan-specific FAQs were put on the website and consultation portal.
- An online photographic competition was launched to encourage youth engagement.
- Daily radio advertisements were placed on the local radio station.
- Kildare County Council social media accounts were used to highlight the public meetings and to encourage submissions.
- A logo with branding was devised for the county development plan review.

Most recently, consultation on the draft Kildare development plan was launched during mid-March 2022 and ran until late May. The Council have established a virtual consultation room to view the draft county development plan and accompanying material. The Council also launched a podcast series, recorded by Council officials, with a specific focus on the county development plan review. This demonstrates an innovative approach to public engagement. During the consultation period, three online information sessions were undertaken and submissions could be made online or in writing.

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 provision of the Act is an important insight into qualitative aspects of plan-making.

As indicated above, the Council has no specific procedures manual in place for review/preparation of the county development plan. It would therefore be beneficial for the Council to prepare a procedures manual to include details in relation to the internal systems and procedures applied in implementing the section 10 mandatory objectives, and could include the Council's checklist of items to be included in the county development plan.

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 one variation to the 2017-2023 plan to align the plan with the NPF and the RSES.

A preliminary review of this variation indicates that the requirements of section 13 have been complied with including public notices, and Strategic Environmental Assessment (SEA) and Appropriate Assessment (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 county development plan review procedures manual, including the internal process to be followed for where the elected members submit a resolution to the chief executive regarding initiation of a variation under section 13(1A)(a) 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. 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 in the form of a chief executive's report.

Presently, the objectives of the development plan are monitored annually in cooperation with internal sections of the Council and other relevant agencies. The Council maintains a database of those programmed for the lifetime of the plan and updates these accordingly. The chief executive's two-year progress report on the 2017-2023 development plan was submitted to the elected members in May 2019, in compliance with section 15 of the Act.

The Development Plan guidelines emphasise the need for an annual development plan monitoring report. As the Council is monitoring the development plan objectives annually, tracking the implementation of objectives across the organisation, ongoing monitoring is already in place, although a formal report is not prepared. As reporting of ongoing annual monitoring is not currently undertaken, and needs to be generated, the Council should be cognisant that work practices and procedures will need to be updated to reflect these new requirements. The Council anticipates reviewing monitoring systems for the new development plan (2023-2029).

Putting in place a robust system of annual monitoring of the development plan, as per the draft guidelines, will strengthen the evidence-based inputs into this report 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 are 12 settlements in County Kildare that have a population in excess of 5,000 and / or are designated small towns in the CSO Census and therefore require mandatory LAPs. The following LAPs are in place for the 12 settlements:

- Naas Local Area Plan 2021-2027
- Athy Local Area Plan 2021-2027
- Maynooth Local Area Plan 2013-2019
- Newbridge Local Area Plan 2013-2019 (extended to December 2021)
- Leixlip Local Area Plan 2017-2023
- Kildare Local Area Plan 2019-2025
- Celbridge Local Area Plan 2017-2023
- Kilcock Local Area Plan 2015-2021
- Sallins Local Area Plan 2016-2022
- Clane Local Area Plan 2017-2023
- Monasterevin Local Area Plan 2016-2022
- Kilcullen Local Area Plan 2014-2020

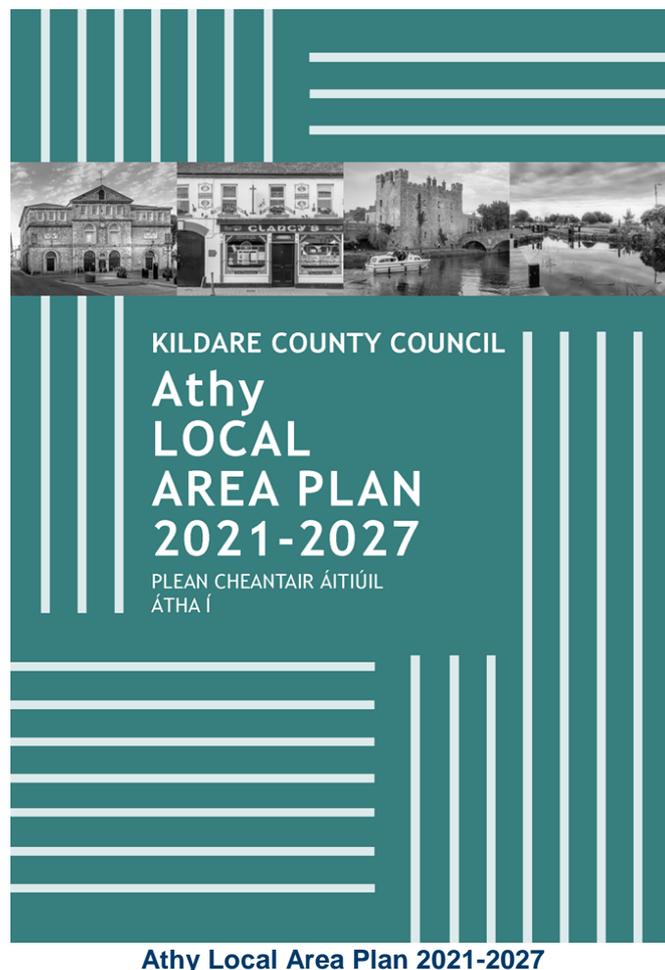
The Council's LAP procedural manual consists of five documents dealing with the various phases of the LAP process as follows:

1. Project inception, background information and data collection;
2. Drafting of the LAP;
3. Publication and formal consultation;
4. Consideration of draft plan, submissions and Chief Executive's Report by the elected members; and,
5. Making / amending of the plan by the elected members.

The five documents detail the statutory and other tasks involved in the particular phase, the time frames involved and who is responsible for each task. The manual includes links to the Act, Regulations, and DHLGH's Guidelines for LAPs and its manual for LAPs.

A more evidence based approach to LAP preparation, than had previously been implemented, was piloted in the preparation of the Athy LAP and has since been employed for the Naas and Maynooth LAPs. The Council have indicated that this approach will be implemented across the remaining LAPs when the existing plans are being reviewed.

The Council has provided a schedule with the timelines and work programmes for the review and preparation of 12 LAPs in the period 2021-2025.



Approach

The Athy LAP was the first statutory plan published by Kildare County Council on foot of the integration of the provisions of the NPF and RSES into the county development plan. A series of supporting documents were produced to underpin the LAP and provide an evidence base for key policy considerations, this included an Area Based Transport Assessment (ABTA) and an Urban Regeneration Framework.

The ABTA examines the existing and proposed transport infrastructure and service provision across all modes of transport in the town, including walking and cycling. The Urban Regeneration Framework translates the Athy LAP's vision and principles into identifiable projects and actions, setting out a strategy to help rejuvenate the town, with a long-term focus extending beyond the life of the LAP.

The preparation of the documents was iterative in nature, for example, the ABTA both informed and was informed by the Urban Regeneration Framework.

Outcome and achievements

The LAP was positively received by statutory consultees, including the OPR acknowledging the ABTA's incorporation of national and regional transport policies and objectives into the LAP demonstrating an appropriate response in accordance with sections 10(2)¹¹, 19(2)¹² and 27(1)¹³ of the Act.

The Urban Regeneration Framework has been used as the basis of successful funding applications for projects, with work having already commenced on four of the eight priority projects identified in the LAP.

Impact

Having this supporting framework in place is underpinning the Council's implementation of a new vision for the town, one whereby the LAP policies are thoroughly evidence-based. The supporting documents also assist in the delivery of low carbon, climate resilient, healthy and more inclusive social and economic development.

Having commended Kildare County Council's approach, the OPR has advised other local authorities to consider the Council's approach to the preparation of the ABTA and Urban Regeneration Framework in their plan-making processes.

¹¹ Section 10(2)(n) requires objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas to be included in the development plan.

¹² Section 19(2) states that a local area plan shall be consistent with the objectives of the development plan, its core strategy, and any regional spatial and economic strategy.

¹³ Section 27(1) states that a planning authority shall ensure, when making a development plan or a local area plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.

Geographical Information System (GIS) capacity

While the Council's GIS team naturally overlaps with the work of the planning department, the Council has initiated an internal review with a view to developing a strategic GIS plan.

The GIS team have created bespoke solutions which interface with both iPlan and GIS for the following areas:

- Planning register datasets;
- Enforcement systems;
- Digitising
 - planning applications
 - solar farms
 - landscape character areas
 - architectural heritage areas;
- Local area and town plans;
- Strategic Housing Developments (stages 1, 2 and 3);
- Residential lands applications;
- 'Part 8' projects;
- Internal planning analysis applications;
- Other data capture tools e.g. scenic viewpoints, scenic routes; and,
- Other applications e.g. vacant sites, derelict sites, quarries, social infrastructure.

Capacity and resource management

The current review of the county development plan will absorb considerable resources in relation to preparation and reporting requirements.

As already noted, the planning department's capacity has been challenged in terms of filling vacancies, and will need to ensure that resources are put in place in order to deliver key forward planning projects, for example LAP preparation, so that the achievement of NPF priorities is supported.

Performance rating and recommendations

Despite the inherent demands of the plan preparation programme, coupled with staffing challenges, the Council's delivery of its forward planning function is considered to be **highly effective**. The Council's innovative approach to LAP preparation and implementation and its engaged approach to public participation in the plan-making process (including a virtual consultation room and a podcast series) demonstrates a commitment to delivering its forward planning function and developing best practice.

It is considered that the Council could further enhance its delivery of forward planning by putting in place a procedures manual in relation to the review and preparation of the county development plan to include the process for making variations, which could be similar to the Council's LAP procedures manual. In addition, while it is recognised that the Council undertakes monitoring against development plan objectives, it is important to introduce an annual reporting mechanism for the monitoring of such.

Recommendation 2 – 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 to monitoring, and continued data collection and analysis.

Recommendation 3 – CDP procedures manual: The Council should prepare a procedures manual for plan-making processes, to reflect the data collection requirements, analysis, drafting, consultation phases, reporting, environmental assessment, publication and adoption of statutory plans, as well as the variation / amendment process. The role of different technical and administrative staff should be outlined to ensure appropriate project management structures are in place.

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.

Recommendation No.	Grading	Responsibility
2: Monitoring and implementation	Medium	Director of Services
3: CDP procedures manual	Low	Senior Planner



5. Guidelines and Directives

Context

The Act requires that all local authorities have regard to section 28 guidelines and comply with any section 29 policy directives (issued by the Minister for Housing, Local Government & Heritage) in the performance of their functions. To date, approximately 30 sets of section 28 guidelines and one section 29 directive have been issued by the Minister under the Act¹⁴.

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

The national policy context has been evolving rapidly in relation to forward planning and development management functions. It is therefore important that local authorities give appropriate consideration to new / updated guidelines and circulars in order to ensure that they are meeting legislative requirements and are appropriately implementing national planning policy.

General systems and procedures

Section 10(2A)(a) of the Act requires that a local authority includes a statement in its development plan demonstrating how the policies and objectives of the Minister (as contained in the section 28 guidelines) were implemented in the plan.

Appendix 5 of the current county development plan (Appendix 8 of the draft county development plan) contains such a statement of compliance.

The Council also prepares a sustainable planning and infrastructure assessment to accompany all LAPs. This assessment contains both qualitative and quantitative research analysis of the National Policy Objectives of the NPF, the Regional Policy Objectives of the RSES and of existing and proposed infrastructure.

As described in the 'Organisation of the Planning Department' section of this review, training is provided internally within the planning department (and with internal reporting sections as necessary) to brief all relevant staff on the implications of recent ministerial guidelines and policy directives on the decision-making process. This training is usually arranged on a quarterly basis but is tailored as circulars and legislation are published.

An example of this is when the planning department ran an information session for all service departments during January 2022 to brief all those involved on the LRD process, which included a briefing on new statutory compliance timeframes introduced in December 2021. All planners and service departments were asked to send representatives to the DHLGH / OPR LRD training session in March 2022. Following this, it is intended to prepare guidance to assist all those working on LRD schemes within the Council.

¹⁴ These are accessible at: <https://www.gov.ie/en/collection/85b83-planning-guidelines-standards/>

The planning department's management team ensure that the elected members are routinely reminded of Irish Planning Institute, Environmental Protection Agency, OPR / Association of Irish Local Government, etc. training seminars.

The Council's Planning Risk Register 2021 has identified "Relying on out-of-date legislation / regulations" as a risk. However, this risk is managed / mitigated through the following.

- A member of the administration team is set up on an eCirculars website which automatically notifies parties of all legislative changes, including statutes / Acts, regulations and circulars. These are circulated to senior staff / planning teams as soon as notifications are received.
- Relevant court cases / decisions are also monitored and highlighted as there may be implications for future decision making.
- An up to date consolidated version of the Act is saved on a shared folder and is also available from the Law Reform Commission website (updated on an on-going basis). There are three separate shared folders that staff can use for updates: (1) Legislation, (2) Courts and (3) Guidance.



St Patrick's College, Maynooth

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. The preparation and implementation of a departmental training plan for 2022 is highlighted, in the 'Organisation of the Planning Department' section of this review (see Recommendation 2), as a critical activity to be completed annually.

6. Control of Development

Context

Processing planning applications by local authorities is known in planning legislation as the control of development, and is also referred to as development management. Control of development is provided for 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 & Development Regulations 2001, as amended ('the Regulations').

The legislative and regulatory provisions for the control of development overlap with Part X of the Act in relation to environmental impact assessment 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 staffing

While a single senior planner has responsibility for the development management and enforcement area, there is a team of 17 (FTE) planners assigned to deliver the development management function. Nine of these positions are currently vacant. The functioning of the development management team is underpinned by the 23 (FTE) person development management administration team.

The two development management focussed teams have responsibility for the following:

- pre-planning consultations;
- processing of planning applications;
- appropriate assessment and environmental impact assessment;
- 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;
- Strategic Housing Development (SHD) / Large Scale Residential Development (LRD);
- licencing of appliances and cables on public roads;
- 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 development management team's senior executive planners advise the management team on technical aspects of planning applications, setting out recommended decisions for each case. During 2020, some 1,168 planning application decisions were issued by the Council, indicating that these eight (FTE) planners progressed an average caseload of 146 planning applications each.

The Council have highlighted that planners from other teams, in addition to their core workload, have supported the development management and enforcement functions in order to achieve statutory timeframes.

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 such as proximity to European designated sites and habitats, and architectural conservation areas), the volume of objections, and whether the decision is ultimately appealed to An Bord Pleanála.

Individual applications processed by Kildare County Council are technically complex in nature, and a comparison with other local authorities provided below, regarding the average fee per planning application, illustrates this point.

It must also be recognised that the simple average caseload 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, and Part 8 applications.

Systems and procedures

Kildare County Council has put in place a wide range of standard operational procedures (53 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 majority of report templates (e.g. requests for additional information, grants of permissions) are generated by the iPlan system. The procedures supplied by the Council follow a fairly similar format and set out processes under the four headings of general office, planning applications, pre-planning and post planning.

The wide range of topics covered includes basic office procedures, event license applications, Part 8 procedures, Municipal District reports, further information requests, preparation of weekly lists, validations, section 5 applications, SHDs, pre-planning applications and minutes, appeals to An Bord Pleanála, application of bonds, and compliance.

Development management output

Planning data published by DHLGH provides details on all local authorities' outputs and allows comparison between authorities and national trends¹⁵.

Figure 5 illustrates Kildare County Council's intake of valid planning applications, which has increased by 22% between 2015 and 2020, compared to an overall national increase of 19%. The number of applications peaked at 1,348 in 2018, dropping to 1,237 in 2019 and 1,210 in 2020.

As a comparison, looking at other local authorities within the Greater Dublin Area, in 2020 Meath received 1,716 valid planning applications, Louth received 947 and Wicklow received 1,031.

¹⁵ <https://www.gov.ie/en/service/9e4ee-get-planning-statistics/>

The valid planning application intake by Kildare County Council was the 9th highest of the 31 local authorities in 2020. Many of the applications are large and complex. In an 18 month period, the Council dealt with 30 applications requiring an environmental impact assessment report, 40 pre-planning SHD proposals, and other complex applications including student accommodation proposals in Maynooth. During that same period, 20 SHD applications in Kildare were made directly to An Bord Pleanála. As a comparison, 15 SHD applications were made directly to An Bord Pleanála in Meath, four in Louth, and eight in Wicklow.

The complexity of applications can be somewhat illustrated by the average fee per planning application. The average fee per application for County Kildare was €934 in 2020, compared to €738 for Meath, €919 for Louth and €825 for Wicklow.

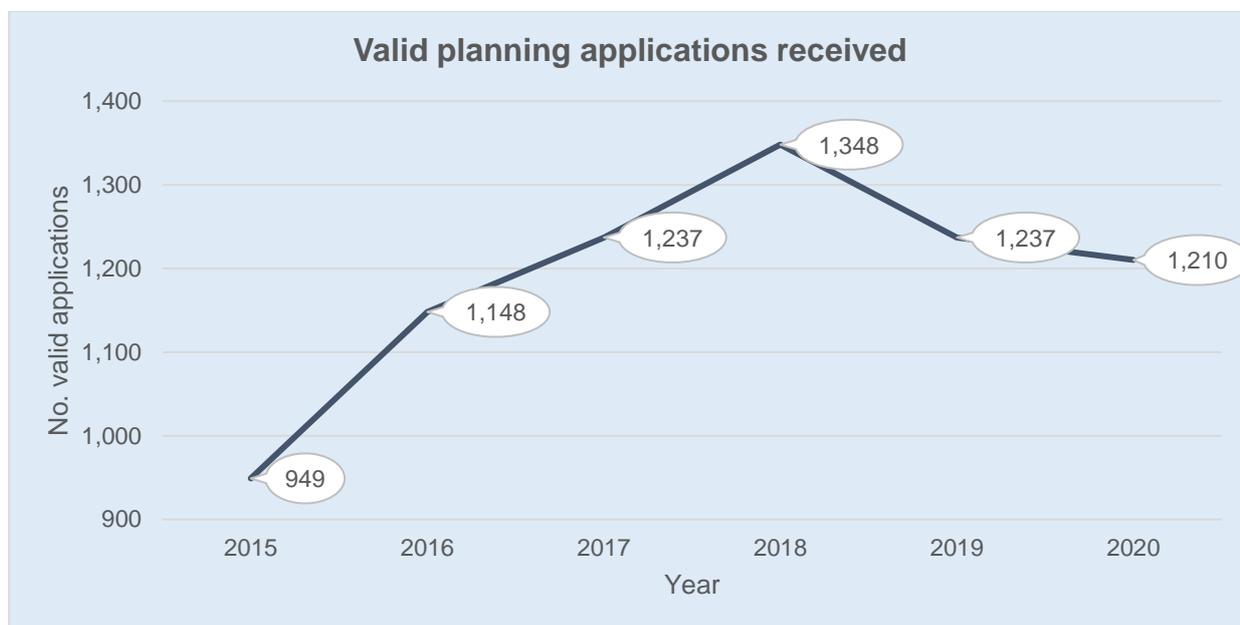


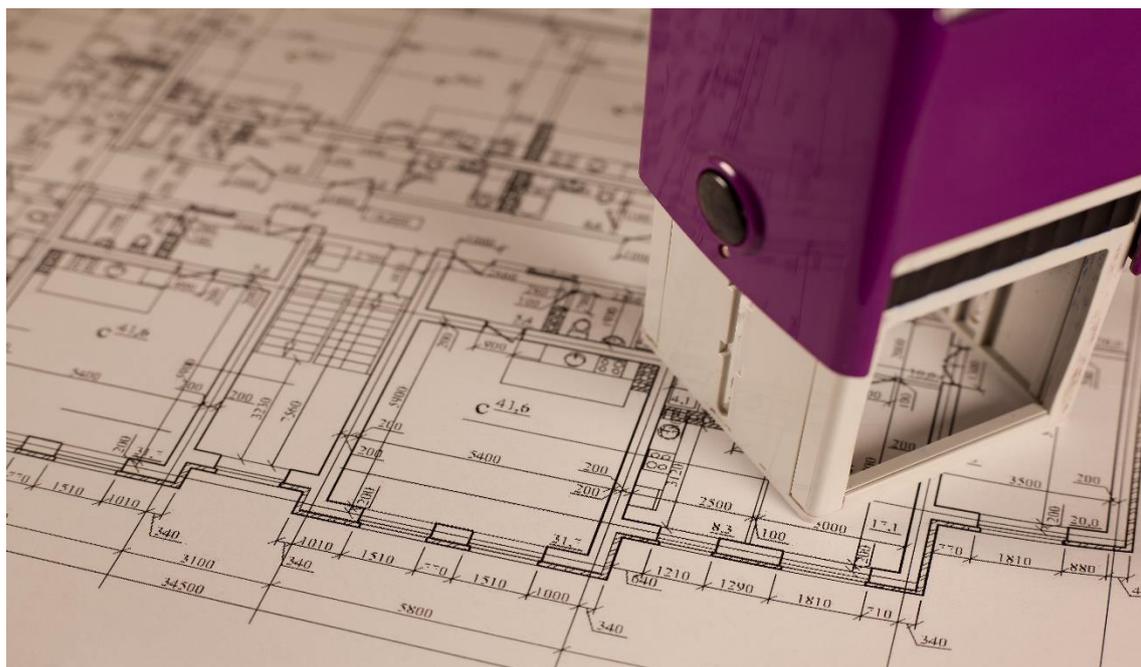
Figure 5: Valid applications received

Invalidation of planning applications

Ensuring that planning applications include the proper documentation, such as public notices and required drawings, is a key requirement of the Regulations. Accurate and proper planning application documentation is very important in ensuring proper information is available for the public and to ensure effective assessment of planning applications by local authority staff.

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. OPR’s Case Study Paper CSP06 Planning Application Processing: An Analysis of Planning Authority Validation Processes¹⁶ in addition to providing an analysis of validation processes includes learnings and best practice.

¹⁶ <https://publications.opr.ie/view-file/93>



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.

The percentage of invalidated applications in Kildare County Council between 2015 and 2018 was broadly consistent with the national average, and was below the national average in 2019, as illustrated in Figure 6. In 2020, the number of applications invalidated more than doubled and accounted for 24.5% of all applications submitted. The Council's invalidation rate in 2020 was more than 43% higher than the national average.

This appears to be as a result of a change in work practices arising from Covid-19 restrictions, as prior to the pandemic, the Council facilitated agents calling to the office to check applications at the counter. This allowed minor errors to be resolved prior to submission of the application, and the formal validation process. In addition, pre-planning meetings in relation to single houses were not held during the pandemic period. The Council hosted validation workshops for agents in the past and are planned again for mid-2022. The Council should monitor their invalidation rate closely to ensure that if the 2020 trend continues, action is taken.

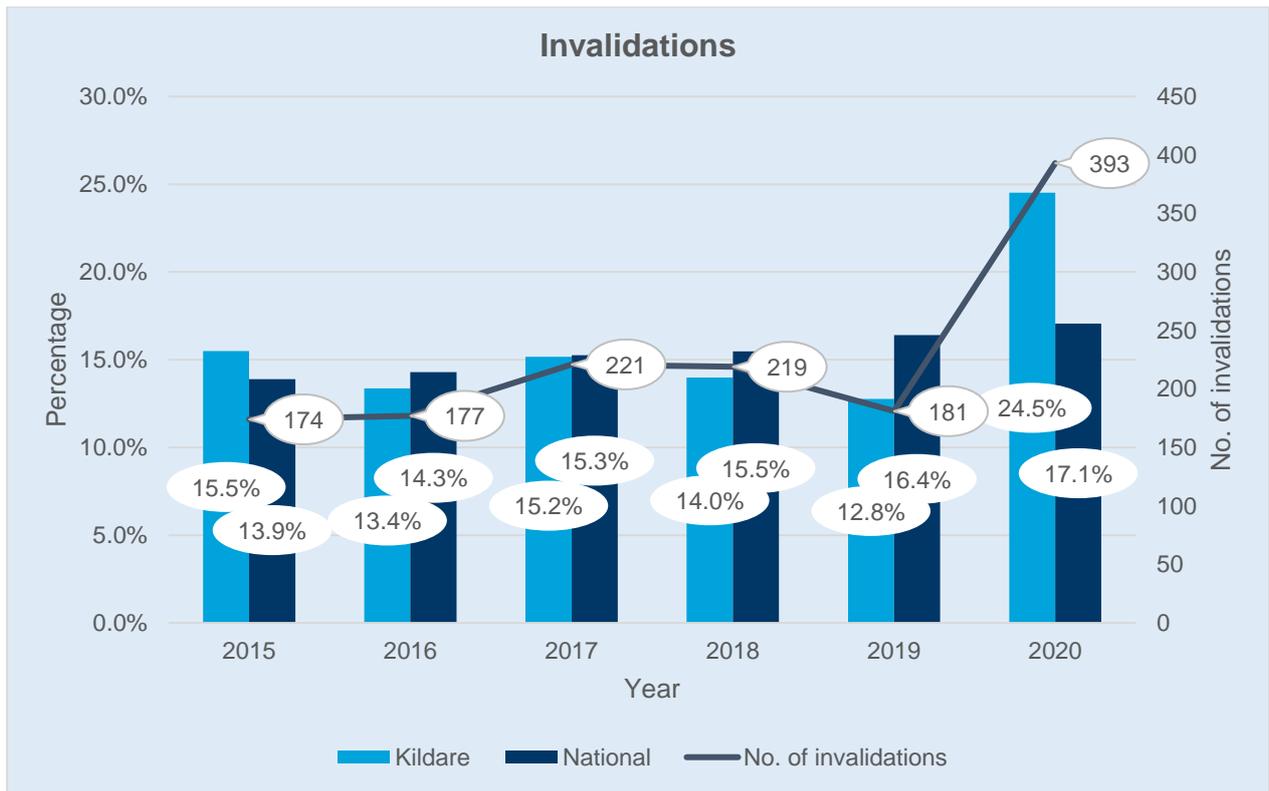


Figure 6: Invalidation rates

Decisions granted and refused

The percentage of valid planning applications resulting in a grant of permission between 2015 and 2019 has been approximately 10% below the national figure, but this gap reduced to approximately 5% in 2016 and 6% in 2020, as illustrated in Figure 7 below.

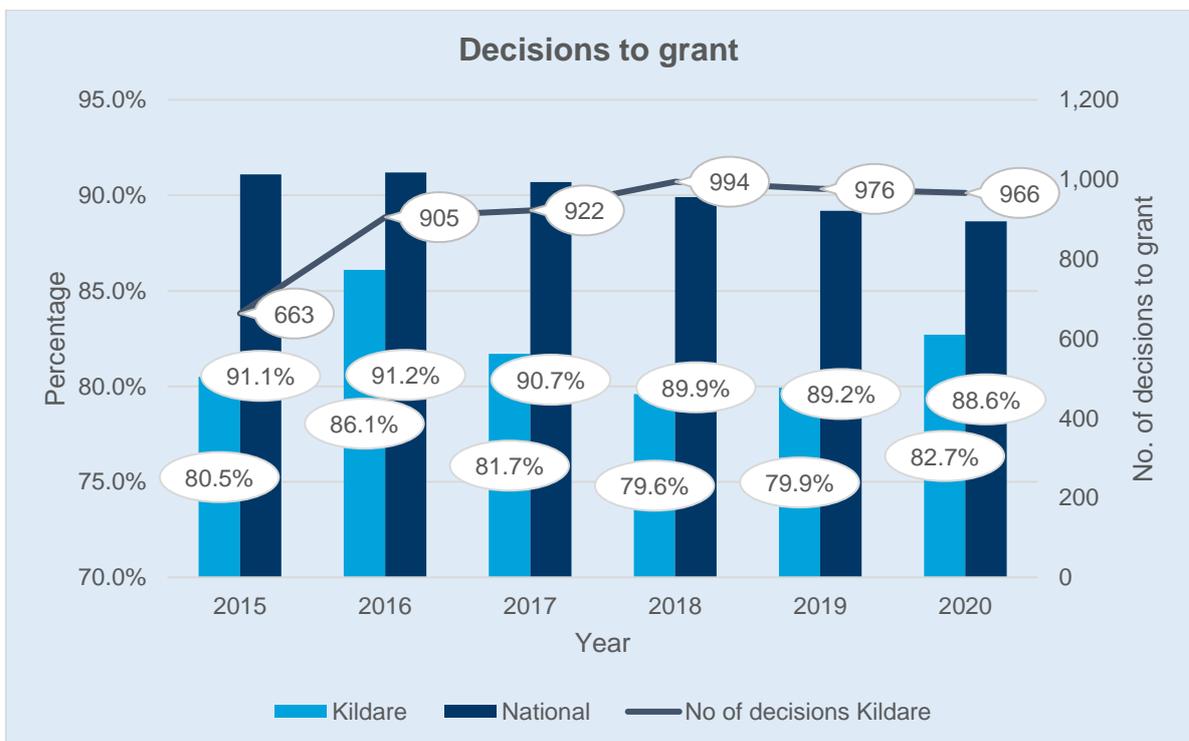


Figure 7: Decisions to Grant

Figure 8 illustrates the percentage of refusals issued by the Council, which remained consistently higher than the national average between 2015 and 2020. The refusal rate was almost 220% of the national rate in 2015, reducing to approximately 152% in 2020.

The Council provided evidence which illustrates that the resubmission of applications that were previously refused is a significant factor in the overall the high rate. These repeat applications primarily relate to single houses in the countryside, generally these refusals have not been appealed to An Bord Pleanála but are then resubmitted without any additional engagement with the Council. This pattern would appear to be based on some level of unfounded expectation that a previously refused application might eventually succeed if submitted repeatedly.

It is important that the Council would consider measures that might address this unproductive repetition, for example through targeted briefing sessions or greater encouragement of pre-planning meetings, in order that applicants / agents would better understand the decision-making process.

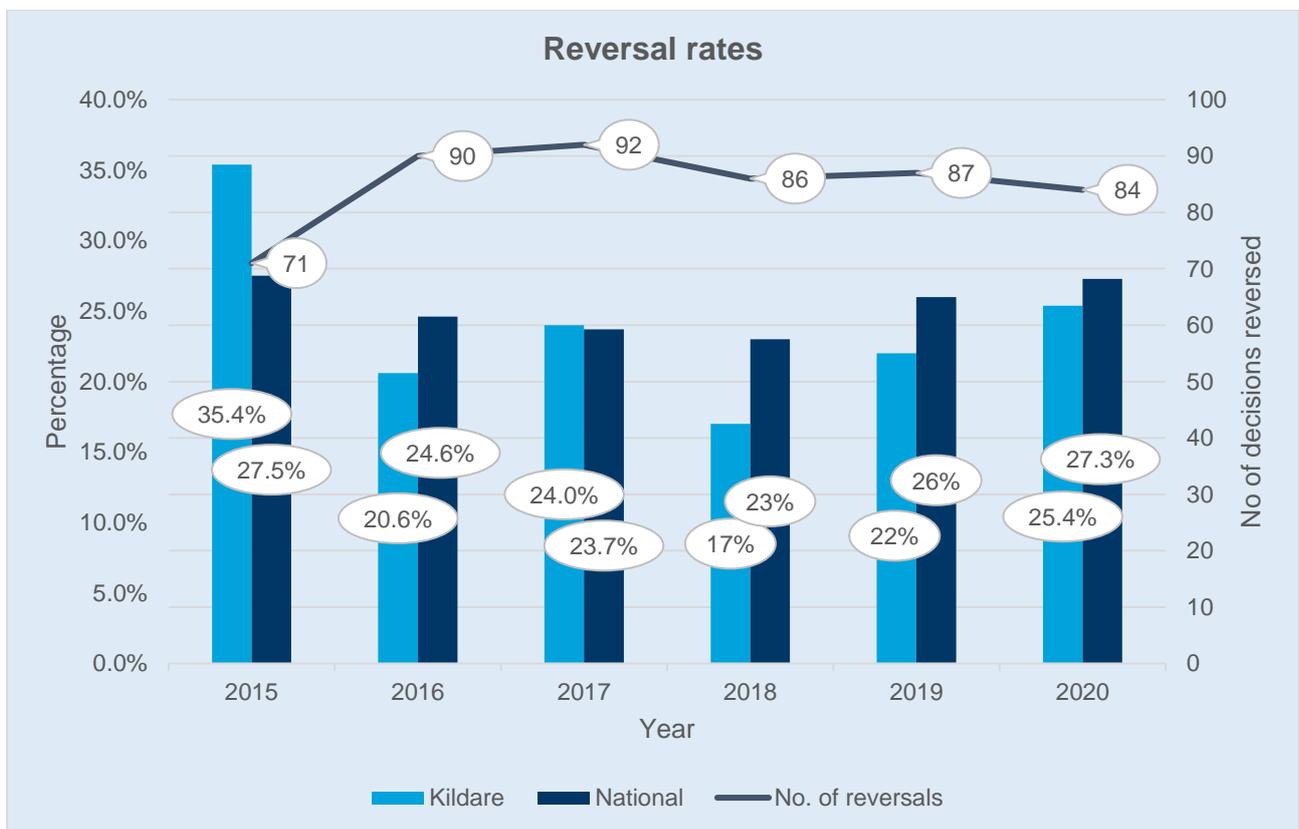


Figure 8: Decisions to refuse planning permission

Decisions made within eight weeks

Figure 9 illustrates the percentage of decisions made by the Council within eight weeks of receipt. Kildare County Council's rate for making a decision within eight weeks has remained below the national average between 2015 and 2020, ranging from 49.6% (compared to the national average of 67%) in 2015 to 48.8% (compared to the national average of 56.6%) in 2020.

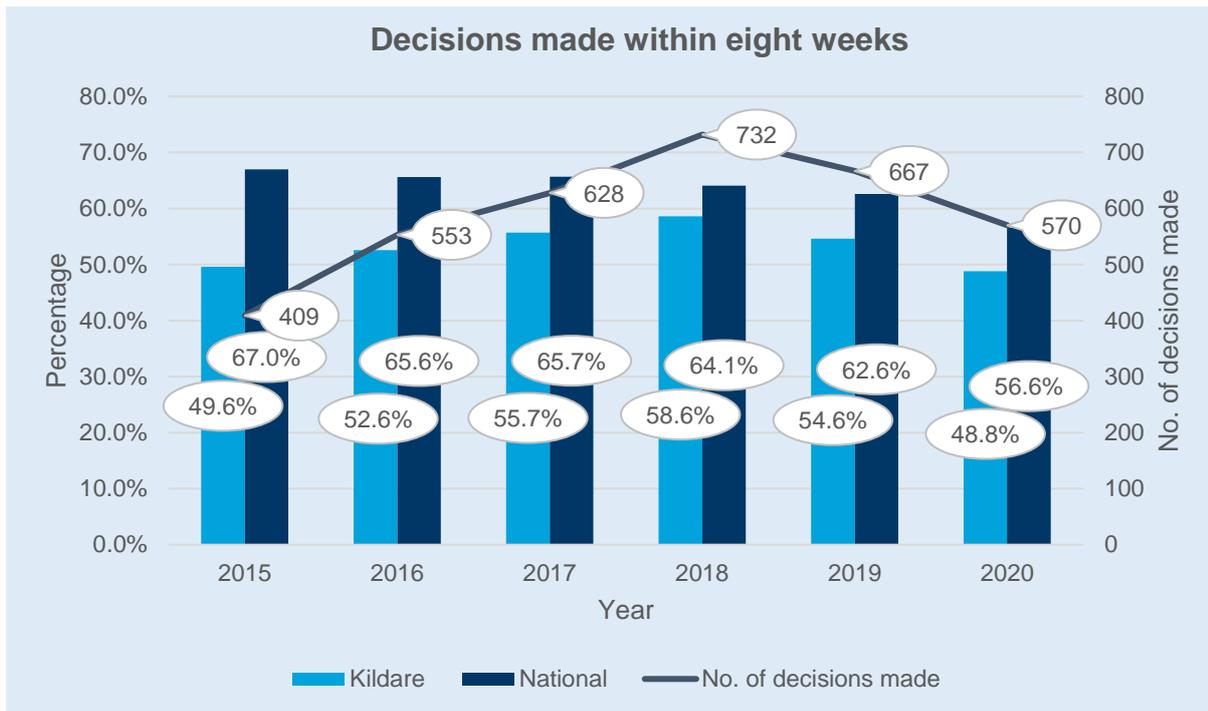


Figure 9: Decisions made within eight weeks

Decisions deferred

Figure 10 illustrates the percentage of decisions deferred by Kildare County Council. The deferral rate was higher than the national average between 2015 and 2019 but was slightly lower in 2020. The Council's deferral rate has fallen from a high of 51.8% in 2015 (when it was almost 160% of the national deferral rate) to 35.9% in 2020 which was slightly below the national average. The Published statistics do not provide an insight into why deferral rates have been higher than the national average.

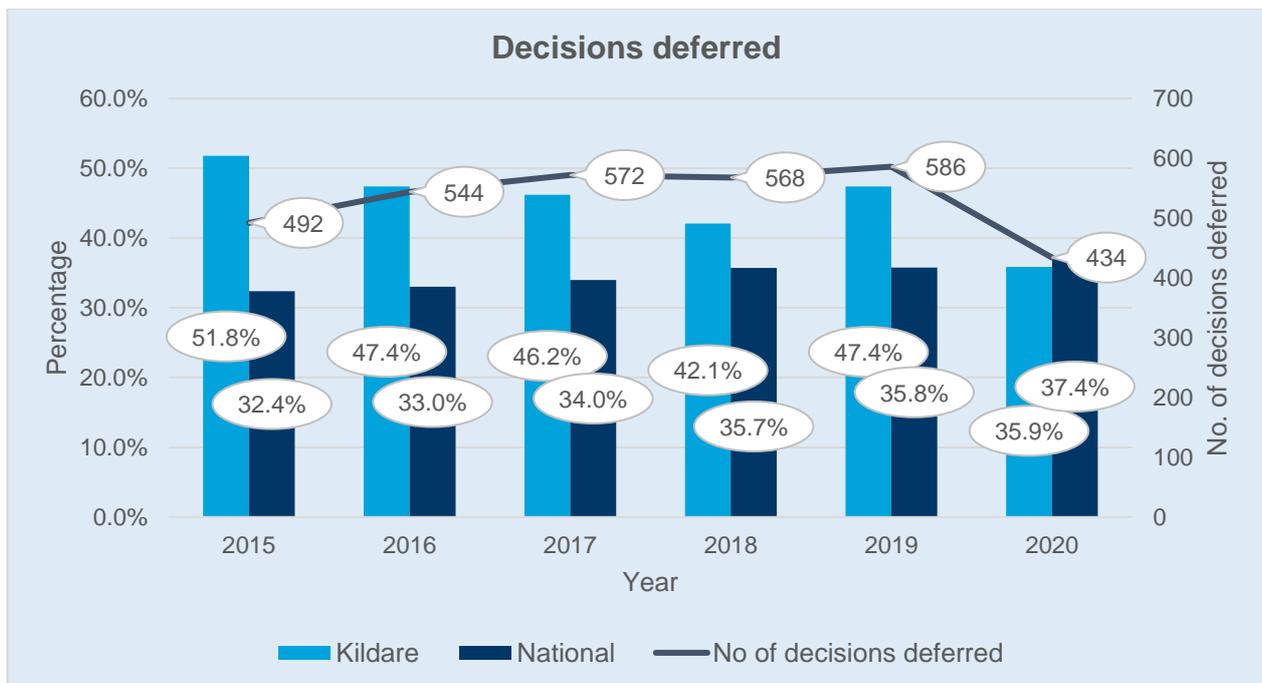


Figure 10: Decisions deferred

Appeals to An Bord Pleanála

Since 2015, the average rate of planning applications appealed to An Bord Pleanála nationally has been approximately 7%. As illustrated on Figure 11 below, Kildare County Council's rate has been closely aligned to the national rate, decreasing from 9% in 2015-2016 to 7% in 2020.

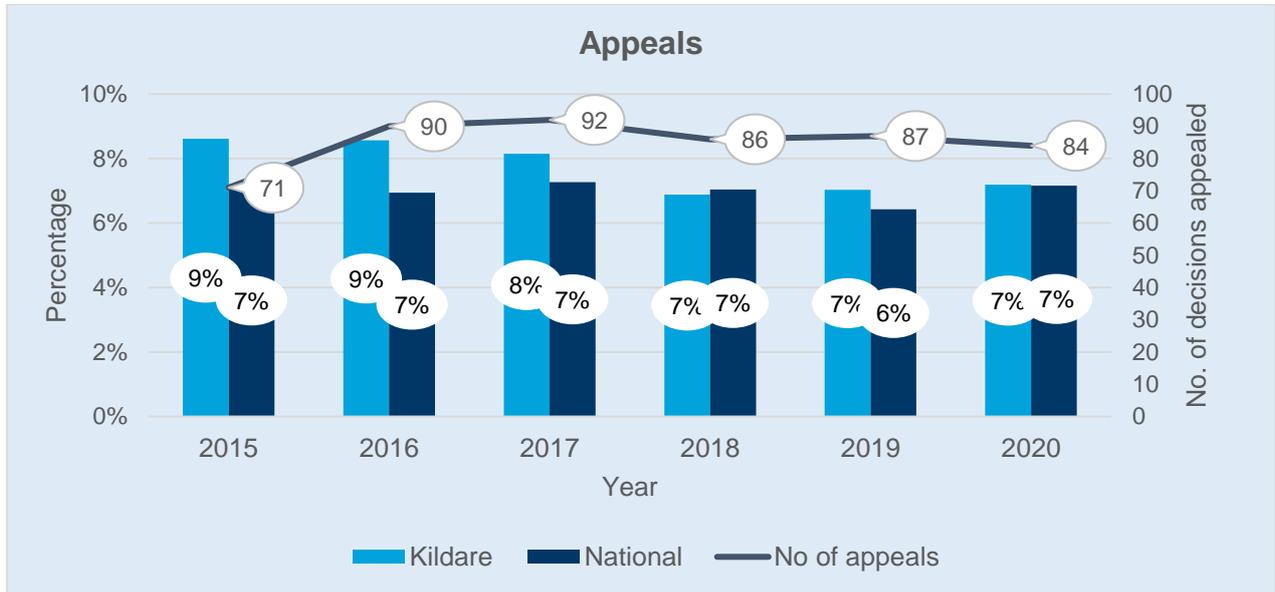


Figure 11: Appeals to An Bord Pleanála

Reversal rates on appeal

In 2010, 36% of appealed decisions were reversed by An Bord Pleanála. This progressively dropped to 23% in 2018, before increasing marginally to 26% in 2019, and to 27% in 2020¹⁷, as illustrated on Figure 12 below. The percentage of decisions made by Kildare County Council which were appealed to An Bord Pleanála and reversed was approximately 25% in 2020 (down from 35.4% in 2015), which is below the national average of 27%.

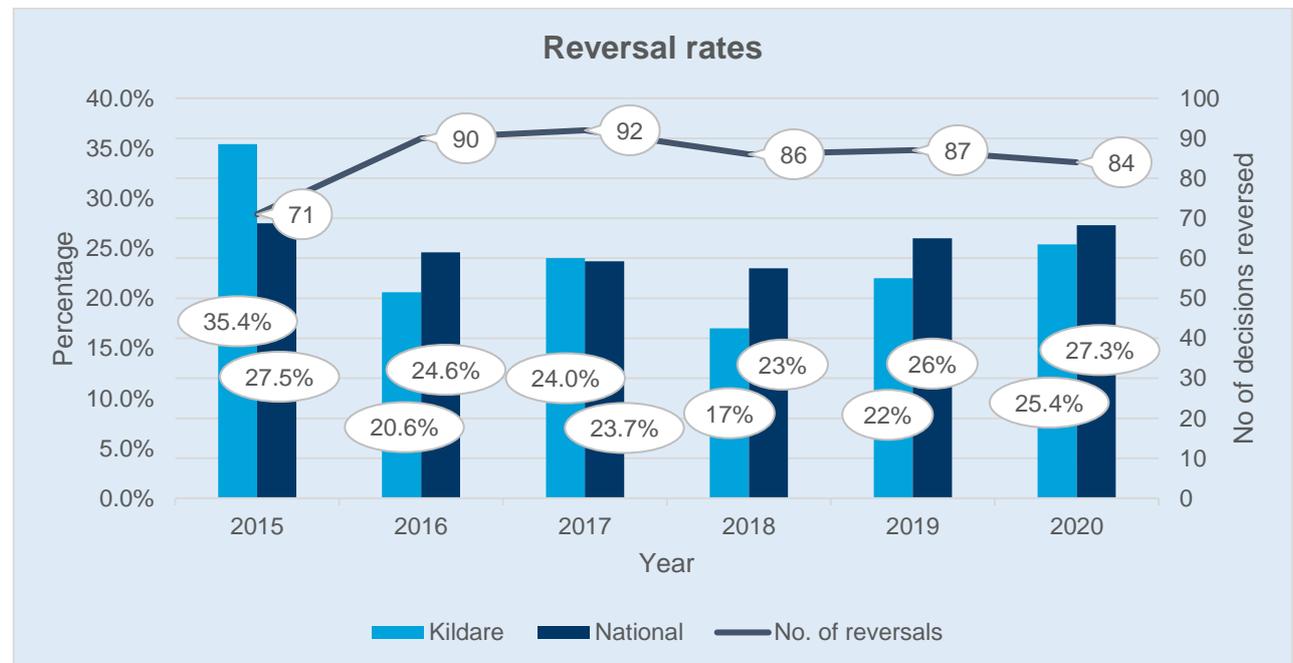


Figure 12: Reversal rates

¹⁷ An Bord Pleanála Annual Report 2020: <https://www.pleanala.ie/en-ie/latest-news/annual-report-2020>

Planning conditions

Kildare County Council did not provide a set of standard planning conditions in relation to grants of permission. A procedure for dealing with planning condition compliances has been provided by the Council. These compliances relate to all conditions requiring the written agreement of the Council, and do not include development contributions and bond conditions for which there are separate procedures.

The procedure does not identify an objective to deal with compliances within a target timeframe. A recommended timeline of four weeks is highlighted as good practice in accordance with DHLGH's 'Development Management Guidelines for Planning Authorities' (2007), which recommends that local authorities need to put in place effective management and tracking systems to ensure that compliance submissions are processed efficiently.

In addition, Circular PL 13/2021 sets out a mandatory determination timeline of eight weeks for planning condition compliance, and Circular PL 01/2022 highlights that although the mandatory timeframes do not apply to compliance condition submissions received by local authorities prior to 17 December 2021, local authorities are requested to endeavour to process and determine outstanding compliance condition submissions received prior to that date as efficiently as possible.

The compliance information is scanned onto the Council's iPlan system, and is available for external parties to view online.

Section 5 declarations

Declarations made under section 5 of the Act provide statutory advice to the public about whether a particular development or proposed development may or may not be exempted development, meaning it does not require 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 a written procedure for managing the section 5 declaration process including if the declaration is referred to An Bord Pleanála for review. A section 5 declaration can be requested 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 noted that the Council's procedure includes details of when further information is requested and the timeframes to issue a declaration following receipt of the information.

In accordance with the legislation, where a local authority issues a declaration, the associated documents must be placed on the authority's website for inspection and be made available for inspection / purchase for at least a minimum period. The details of any declaration issued must be entered into the register.

Although section 5 declarations are not currently available for inspection on the Council's website, the planning department is engaging with the IT department to develop an approach to having the declarations available as soon as possible.

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 local authority highlight to a prospective applicant the issues and considerations relating to a proposed development.

The Council has a written procedure for pre-planning consultations and pre-planning request forms are available on the Council's website. The Council began facilitating online pre-planning consultations by video conference in early April 2020, when in-person meetings were not possible due to the public health restrictions put in place in response to the Covid-19 pandemic.

The feedback received was positive and applicants felt that this form of engagement was very beneficial. Minutes of each meeting are taken and all relevant internal reporting sections attend, thereby providing comprehensive guidance and advice to applicants and eliminating the need to schedule travel to the the Council's offices for large design teams. Although initiated in response to an urgent and emerging situation at the time, the Council intends to continue pre-planning meetings online.

The OPR recently undertook research in relation to 'Pre-Application (s247) Consultation Services'¹⁸. 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.

Kildare County Council's procedure and response to the OPR research in this area demonstrates that the Council has a robust pre-planning procedure in place which includes:

- an internal review of by the relevant internal departments of the proposals which are reviewed before the meeting;
- minutes are taken at all formal pre-planning consultations, which are subsequently signed and checked by planner(s) in attendance. For rural housing, where advice and meetings are dealt with by phone / email, these are minuted by the case planner; and,
- minutes are made public following the submission of a planning application, whereby they are added to the planning application.

Section 48 development contribution scheme

The most recent scheme was adopted by elected members in 2015. 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.

¹⁸ OPR Case Study Paper CSP04 'Pre-Application (S247) Consultation Services': <https://www.opr.ie/planning-performance/>

The Council has confirmed that its development contribution scheme was not updated to incorporate the requirements set out in Circular PL 03/2018 (in relation to waivers for certain telecommunications infrastructure), but clarified that the requirements are adhered to in the actual operation of the scheme. The Council's 2015-22 scheme is under review in 2022, with staff currently preparing documentation in this regard.

Online planning services and ePlanning

Kildare County Council operates the iPlan system for planning applications which is provided by the Local Government Management Association (LGMA).

The OPR recently published a case study paper entitled 'Online Planning Services', informed by a survey of online availability of local authority planning application documentation¹⁹. As part of this survey, areas for improvement in Kildare County Council's availability of online planning documentation were identified. Since the publication of the case study paper the Council have made changes to their publication of planning documentation online documentation based on the OPR recommendations. This includes reducing down the number of links to arrive at the planning search field, and adding numbers to the submissions.

The Planning & Development (Section 38) Regulations 2020 require authorities to upload all planning application documents onto their websites not later than five working days after receipt. For the purpose of this review, Kildare County Council analysed a limited sample of 30 applications, which were received in 2021, and noted that it took an average of 10 days to upload all the documentation. While it can be acknowledged that this was a limited sample, carried out during a year in which Covid-19 impacts affected working patterns, the Council still recognised that a 10 day average was unsatisfactory, and will work to improve on this.

The Council has established an ePlanning working group. Currently, planning application submissions are accepted through the Council's CRM system with payment taken over the phone. A DHLGH / LGMA ePlanning pilot initiative began in Q4 2020 and will be rolled out across the 31 local authorities over an 18-month period.

Kildare County Council is preparing for the rollout of ePlanning in October 2022, which will enable applicants to upload their planning documents online. The delivery of this service will facilitate a significant enhancement in the range of online planning services currently available. When complete, the ePlanning 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.

The Council anticipates that once ePlanning is delivered the need to outsource the scanning of planning documents will greatly reduce and documents will be available online in a timelier manner.

¹⁹ 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, LAPs, conservation, building control and current consultations. Further improvements to the website are anticipated with the rollout of ePlanning, as described above. 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 which provides information on the planning application process. Forms for planning applications, section 5 referrals, article 6A exemptions, section 96 certificates, complaints and other building control matters are 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.

Recent 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. Kildare County Council's procedures will need to be amended to reflect these new statutory requirements (see section 5 of this report).

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. It is recognised that changing works practices and resourcing issues have affected development management outputs in recent years (see section 3 of this report).

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

Whilst the delivery of the function is considered effective, there is scope to achieve a higher rating by improving the timeframes for uploading planning application documentation online, reinstating validation clinics with agents, and updating post-planning procedures to include mandatory and best practice timeframes for planning condition compliance determinations.

Recommendation 4 – Development management output: Having regard to the higher level of refusals and deferral rates relative to national averages, the Council should put in place a targeted action plan with a view to bringing these rates closer to national averages in the near term (2-3 years).

The plan should include time-bound targets for improving the refusal and deferral rates, including organising briefing sessions for applicants / agents to address the issue of repeat applications, resulting in subsequent refusals

Recommendation 5 - Online planning information and documentation: The Council should review its process for uploading planning application documentation not later than five working days after the day on which it receives the application, to ensure that planning application documentation is available online in a timely manner.

The Council should also publish any declarations issued under section 5 on its website. The Council should ensure that section 5 declarations are available on its website for inspection and be made available for inspection / purchase for at least a minimum period.

Recommendation No.	Grading	Responsibility
4: Development management output	Medium	Senior Planner
5: Online planning documentation	Medium	Senior Planner

7. Architectural Heritage

Overview and context

The protection of architectural heritage is covered 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 responsibility 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 local authority to declare the type of works which are exempt.

Kildare County Council has over 1,500 structures on its RPS, which forms an appendix to the county development plan. The RPS has been updated over a number of development plan cycles, and is a live register. Policies are contained in chapter 12 of the current county development plan, and chapter 11 of the draft county development plan, which support the protection and enhancement of structures listed on the RPS.

Architectural Conservation Areas (ACAs) are also an important statutory tool in conserving 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 Heritage Protection Guidelines' (2011) indicate that ACAs can be an appropriate form of protection in lieu of placing structures on the RPS, given that works to a 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 10 ACAs have been designated in the current county development plan, and are also identified in the draft plan. Relevant policies are included in the county development plan, including an action to prepare guidelines for the management and development of ACAs.

General systems and procedures

Kildare County Council's conservation office, which sits within the forward planning and policy function, maintains the RPS. The conservation office is staffed by an architectural conservation officer (ACO). Although the ACO role was vacant until December 2021, the vacant post was filled in a consultant capacity.

When the conservation office is notified of a structure that should be added to / deleted from the RPS, the ACO will arrange an inspection of the site and prepare a report and recommendation. Depending on the timing of the recommendation, a decision is then made as to whether the additions / deletions should form part of the review of the county development plan or should follow the separate section 55 procedure set out in the Act.

During 2020, the Council added six and deleted one structure from the RPS utilising the section 55 procedure. Currently, reports are being prepared by the Council for 24 structures to be added and one structure to be removed from the RPS as part of the CDP review.

In addition to the maintenance of the RPS, statements of character to define the 10 ACAs are being prepared for publication with the relevant LAPs.

The Council provided copies of its procedures for the service of section 59 and section 60 notices, to require works to be undertaken in relation to endangerment or restoration of protected structures, and a copy of its section 55 procedure for adding / deleting entries on the RPS, which are in compliance with legislative requirements in this regard.

Public engagement

The Council's website includes material on heritage providing information on the RPS, the Heritage Plan and Heritage projects and grants, in addition to information on community heritage and public involvement.

The Council's website includes guidance leaflets for works to protected structures and a Kildare County Council guide to Reusing Farm Buildings

The planning department provides advice to owners on the impact of change and the appropriate reuse of historic structures, along with technical advice on the repair and best conservation practice for built heritage.

Due to the ACO vacancy, public engagement has been limited since 2020 and was generated mainly through the public raising queries. The Council anticipate being more proactive in this area, as the ACO vacancy was filled in December 2021.

Performance rating and recommendations

The OPR acknowledges that the Council's architectural heritage responsibilities are generally being delivered **effectively**.

An enhanced emphasis on public engagement would set the Council on the way to delivering this function on a highly effective basis.

Recommendation 6 – Architectural heritage communications: The Council should consider preparing a dedicated architectural heritage communications strategy to encourage ongoing engagement with the public and stakeholders, including prescribed bodies, in relation to protected structures. This strategy should include enhanced publicity with regard to the incentives available to assist owners / occupiers and the presentation of case studies of successful projects.

Recommendation No.	Grading	Responsibility
6: Architectural heritage communications	Low	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 urban regeneration, housing delivery and to secure 30% of all new housing in the Eastern and Midland region, within existing urban footprints.

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

Local authorities will play a critical role through their forward planning functions including preparation of LAPs, using CPO powers, establishing and operating the Vacant Sites and Derelict Sites Registers, coordinating delivery by infrastructure providers, utilising Council and state-owned lands, 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 Government is firmly committed to a 'Town Centre First' approach, consistent with NPF objectives of achieving compact growth and regeneration in towns and villages. The Government's approach seeks to deliver the best outcomes for town centres by aligning policies and targeting available resources.

County Kildare's population is projected to increase by an additional 25,146 people over the development plan period 2023-2029 (Q1 2023 – Q4 2028), equating to a housing target of 9,144 housing units²⁰, which equates to approximately 1,524 units per year. This target is highlighted in the context of recent annual dwelling completions in Kildare. The CSO shows that 1,898 residential units were completed in 2019, 1,661 in 2020 and 2,027 in 2021. In accordance with Government policy the Council is seeking to ensure that at least 30% of all new homes are delivered within existing built-up areas.

It is also worth noting that the RSES allows for 20% (equating to 44,000 people) of Dublin City and suburbs targeted population and housing growth to be redistributed to other settlements in the MASP that are on good public transport links, thereby providing the prospect that such towns could exceed their Core Strategy population allocations. This mechanism, which has been agreed with the MASP Implementation Group, could see an additional level of future population growth in Maynooth of 10,000 persons over and above its Core Strategy allocation.

The Council's preferred development strategy is to:

- achieve the critical mass in settlements included in the MASP area (Maynooth, Leixlip, Celbridge and Kilcock) and in the key towns of Naas and Maynooth;

²⁰ <https://consult.kildarecoco.ie/sites/default/files/Ch%20%20final%20V2.pdf>

- ensure measured growth with emphasis on economic growth in the towns identified under the RSES as self-sustaining growth towns and self-sustaining towns; and,
- support a hierarchy of smaller rural settlements in providing a range of services and employment for their local populations.

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 is generally through the Council's management team.

Kildare County Council's current suite of LAPs include bespoke 'Urban Regeneration Frameworks' developed for each individual town. These set out a strategy to guide and coordinate various projects which will help to rejuvenate the town whilst also providing a platform for its future sustainable development. They also seek to promote sustainable mobility within settlements by increasing connectivity and prioritising sustainable movement routes to key destinations within the town. For example, the Athy Urban Regeneration Framework²¹ includes an analysis of permeability and walkability within the town centre, which has informed the preparation and implementation of the Athy LAP. Regeneration areas are designated in all LAPs with objectives to utilise the provisions of the Urban Regeneration & Housing Act 2015 where appropriate.

Reduced / Waiver of development contributions

The current Development Contribution Scheme does not make any specific reductions for regeneration / site activation, however there is a provision for 33% reduction for town centre development which would be relevant in some cases, and a reduction for business supported by the Local Enterprise Office to match the percentage grant funding.

The Council have confirmed that the draft Development Contribution Scheme includes a 33% discount in contributions for Town Centre Zones, Village Cores and Settlement Cores. Lands with an objective or policy in a statutory plan (County Development Plan or Local Area Plan) for regeneration, renewal or redevelopment identified in statutory local areas plans shall also qualify for an exemption of 33% in development contributions.

Recognising the Council's Development Contribution Scheme is currently under review, it is important that reduced / waiver of development contributions to support land activation continues to be considered as part of the review.

Vacant sites register

The Urban Regeneration & Housing Act 2015 introduced the vacant site levy as an activation measure to ensure that vacant or underutilised land in urban areas is brought into beneficial use, while also ensuring a more efficient return on State investment in enabling infrastructure and helping to counter unsustainable urban sprawl.

²¹

<https://consult.kildarecoco.ie/sites/default/files/Appendix%201%20Athy%20Urban%20Regeneration%20Framework.pdf>

The legislation requires 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.

Kildare County Council surveyed all 12 towns with LAPs in early 2020 and identified 223 sites for further consideration. Many of these had extant permissions and were constrained by inadequate infrastructure. All sites were recorded on a spreadsheet and photographed. 16 of the sites are now included on the register, with eight of these sites subject to appeals with An Bord Pleanála and six with the Valuation Office. Notices have been issued for a further 14 sites. The Council have indicated that the collection of levies will commence from 2022.

Site	Date included
Rathbride Road, Kildare Town	18/12/2020
Priests Lane/Chapel Lane, Kildare Town	18/12/2020
Fairview Cottages, Shraud Street Lane/Chapel Lane, Kildare Town	18/12/2020
Former Magee Barracks Site, Kildare Town	18/12/2020
Dublin Road, Kildare	18/12/2020
Ravensdale, Leixlip	18/12/2020
(Adjacent to Louisa Manor) Leixlip	18/12/2020
Mullen Bridge, Railpark, Maynooth	18/12/2020
Mullen Bridge, Railpark, Maynooth	18/12/2020
Ferns Bridge, Canal Harbour, Monasterevin	21/12/2020
Malthouse, Canal Harbour, Monasterevin	21/12/2020
Piercetown, Newbridge	18/12/2020

Table 4: Vacant sites register (January 2021)

The Council has been proactive in utilising this legislative tool in land activation. The reason for the relatively small number of sites included in the register is that many of the towns which would be subject to the legislation are either among the towns (Maynooth and Naas) with the highest housing delivery figures in the Greater Dublin Area, or have significant physical infrastructure constraints (Celbridge, Newbridge and Athy), limiting the application of the levy.

The Council has a vacant sites procedure which provides a step-by-step guide to the administrative processing of vacant sites, in accordance with local authority requirements in this regard, and also includes samples of the notices to be issued to site owners. The approach to the preparation and maintenance of the register has generally followed the guidance provided in Circular Letter PL 07/2016.

Given the recent Government announcement in Budget 2022 to replace the Vacant Site levy with a Zoned Land Tax, the continued collection and collation 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 Planning Act, it is reflective of whether the Council is utilising all legislative tools at its disposal in land activation.

The Council's Environment Department has responsibility for implementing the Derelict Sites Act 1990. The team consists of a senior executive engineer, two technicians, an administrative officer, a staff officer and two clerical officers. The Council's practice is to investigate cases that have been generated by the public or elected members, rather than actively searching for derelict sites. The Council's website includes a link to comprehensive relevant material on the Citizens Information website and a derelict sites reporting form to be used for making complaints to the Council.

The Council has a comprehensive derelict sites procedure, which describes the various actions to be taken for complaints about potential derelict sites. The procedure includes a copy of the legislation and copies of standard notices and forms to be used. It also includes advice on the statutory provisions in relation to the service of notices and additional detailed legal advice in relation to various aspects of the process.

A total of 25 sites are on the Council's derelict sites register, 10 of which were added in 2021. This illustrates a proactive approach by the Council in using the statutory tools at its disposal.

Compulsory Purchase Order (CPO) powers

Kildare County Council acquired four properties through CPO in 2019 in accordance with section 213 of the Act as the properties were houses unfit for human habitation. CPO powers have not to date been utilised for large-scale regeneration projects, as land owners have, so far, seen the value of the regeneration and development projects and the Council has indicated that there have been no issues with land assembly.

Strategic Projects and Public Realm (SPPR) team

The Council established a multidisciplinary Strategic Projects and Public Realm Team, comprising 7.5 FTE staff, in 2019. This team is led by a senior executive officer with one senior executive architect, one executive architect, one executive planner, two executive engineers, one technician, one clerk of works and one clerical officer.

The Strategic Projects & Public Realm Team have been successful in achieving funding from the Urban and Rural Regeneration & Development Funds (URDF and RRDF), securing funding of €25 million for key projects. The establishment of this team has been identified as good practice by the OPR in terms of driving regeneration and encouraging land activation. The establishment and work of the team is further detailed in Case Study 2, below.

Approach

Kildare County Council established the multidisciplinary Strategic Projects & Public Realm (SPPR) Team in 2019 and the Council contends that it has brought about significant change, representing a seismic shift within Kildare both as a local authority and as a county.

Since the creation of the SPPR team, the Council recognise that a culture of collaboration has been fostered through the introduction of regular sharing of information with other project teams within the Council such as Road Design, Sustainable Transport & Mobility, Development Management, Forward Planning, Parks Section, Community, Culture & Economic Development.

Outcomes and achievements

The team has been successful in gaining funding of €25 million to date for key projects (with a total value of €40 million) such as the Barrow Blueway, Grand Canal Greenway, and the Shackleton Museum. The Council consider these projects to be critical economic drivers for the county. Each project has the full support of the communities involved.

The NTA funded Sallins sustainable transport initiative and the Town & Village Renewal Scheme funding for a Sallins Healthcheck & Town Renewal Plan. This project sees both the SPPR team and the Sustainable Transport & Mobility team coming together to address both the public realm and sustainable transport issues in Sallins in a co-ordinated way in partnership with the people of Sallins, thereby delivering the maximum benefit to Sallins and creating a liveable, vibrant town centre.

The team has also developed a partnership approach with local communities, the elected representatives and Government departments and agencies such as Waterways Ireland, Fáilte Ireland, the Department of Defence, the Department of Rural & Community Development, the Department of Transport, and DHLGH, through various means of consultation and collaboration, both formal and informal, across all projects.

Impact

This approach has enabled the identification of strategic opportunities to deliver highly transformative projects, drawing on several sources of funding in conjunction with public realm funding such as the NTA funded Sallins sustainable transport initiative and the Town & Village Renewal Scheme funding for a Sallins Healthcheck & Town Renewal Plan.

The team is currently delivering 60 key projects in County Kildare such as the 48km long Barrow Blueway, the 38km long Grand Canal Greenway, the Shackleton Museum, Emily Square redevelopment, Kildare Market Square redevelopment, and Kilcock Multipurpose Community Centre while also continuing to develop a pipeline of other strategic projects through the completion of several town and village renewal masterplans, all of which will be socially transformative and key economic drivers for Kildare, its citizens, and indeed Ireland's Ancient East Region.

Urban and rural regeneration & development funding

These funds aim to deliver more compact and sustainable development, as envisaged under Project Ireland 2040, 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 for nine projects under these funding schemes. These are:

URDF

- Naas – canal quarter €195,000
- Newbridge – cultural quarter €492,000
- Maynooth – town centre masterplan €1,900,000
- Naas – town centre masterplan, cultural quarter and land acquisition €3,490,000

RRDF

- Athy – Shackleton Museum and Emily Square redevelopment €2,707,500
- Monasterevin – town centre masterplan €78,000
- Athy – Dominican lands masterplan €80,000
- Lowtown to Athy – Barrow Blueway €5,067,941
- Kildare – Market Square Phase 2 and pedestrian link to Kildare Village Outlet €1,750,000

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

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, and thus adequately demonstrating that systems and procedures are in place to support land activation in the county.

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. The formation of the SPPR team is a notable and positive development that other planning departments could learn from and while its work programme is at an early stage, the benefits of its establishment will become clearer over time.

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 strategies) and success in relation to the collection of levies.

Recommendation 7 – 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, and key town principal streets occupancy record and infrastructural audit of zoned but undeveloped lands.

Recommendation 8 – 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
7: Data management	Medium	Director of Services
8: Collection of vacant site levies	Low	Director of Services



Carton Demense

9. Planning Enforcement

Overview and context

Part VIII of the Act provides local authorities with a suite of mechanisms to prevent and take action against unauthorised development. These mechanisms include issuing warning letters, serving enforcement notices and seeking Circuit Court and High Court injunctions.

Nationally, the number of enforcement cases being referred to local authorities is increasing, with the figure rising by 9.83% between 2014 and 2020.

It should also be noted that in 2013, the Minister for Housing, Local Government & Heritage issued a Policy Directive under section 29 of the Act requiring local authorities to engage in enhanced enforcement monitoring, including the collation of statistics and information relating to enforcement outcomes, the provision of annual reports on enforcement activities to elected members and the Minister, and assisting the Department in raising public awareness about the importance of enforcement of the planning code.

The Council's enforcement function sits alongside the development management function within the development management, control and enforcement team, led by a senior planner.

The enforcement team is comprised of approximately six (FTE) planners, led by a senior executive planner and also includes three executive planners, one assistant planner (currently vacant) and one graduate planner. The senior executive planner also has responsibility for the short-term lettings team, which is comprised of one executive planner and one assistant planner (currently vacant). The Council have highlighted that funding for the short-term lettings team has only been confirmed until the end of 2022.

The enforcement team is primarily supported by four members of the forward planning and enforcement administrative team, namely an administrative officer, two staff officers and one clerical officer within the forward planning and enforcement administrative team.

It is noted that the development control section of the Roads, Transportation & Public Safety Department monitors the construction of housing developments in Kildare. This team deals with any issues through engagement with the developer and escalates any unresolvable issues to planning enforcement for their statutory intervention where appropriate.

General systems and procedures

The Council has an enforcement procedures manual, which provides guidance to staff on the various elements of the enforcement process from opening a new file, issuing warning letters, enforcement notices and legal proceedings, to the various mechanisms for closing files.

The Council has also provided a copy of its 'Planning Inspector's Enforcement Manual' which provides additional guidance to the planners in relation to the investigation of complaints, evidence gathering and preparation of reports and recommendations.

The Council's enforcement system was specifically designed for the planning department in order to facilitate the tracking and recording of all documents related to the management of unauthorised development complaints. The system is based on a database which provides search facilities and reporting capabilities, in addition to holding all scanned correspondence and notices issued. All warning letters and enforcement notices are mapped to the Council's GIS system.

The Council advised that the senior executive officer assesses each new file and that unauthorised developments of the type specified in section 4 of the Minister's Directive (i.e. large scale unauthorised development and cases that would have required Environmental Impact Assessment (EIA), EIA screening or Appropriate Assessment or where section 261 or 261A of the Act would apply) are dealt with as a priority. The senior executive officer signs all warning letters and enforcement notices, and weekly updates are provided to the senior management team.

Enforcement action and output

Figure 13 illustrates the Council's enforcement output between 2015 and 2020. Whilst the Council's output in earlier years demonstrates a declining figure for cases on hand, more recently the number on hand at year end increased from 581 in 2017 to 862 in 2020. The Council indicated, as part of this review, that this figure had increased further to 966 to end-October 2021.

The number of cases closed reduced from a high of 567 in 2017 to just 92 in 2020, with the impact of Covid-19 being a factor. The number of enforcement cases investigated²² by Kildare County Council in the 2015 – 2020 period varied between 190 in 2015 and 268 in 2020.

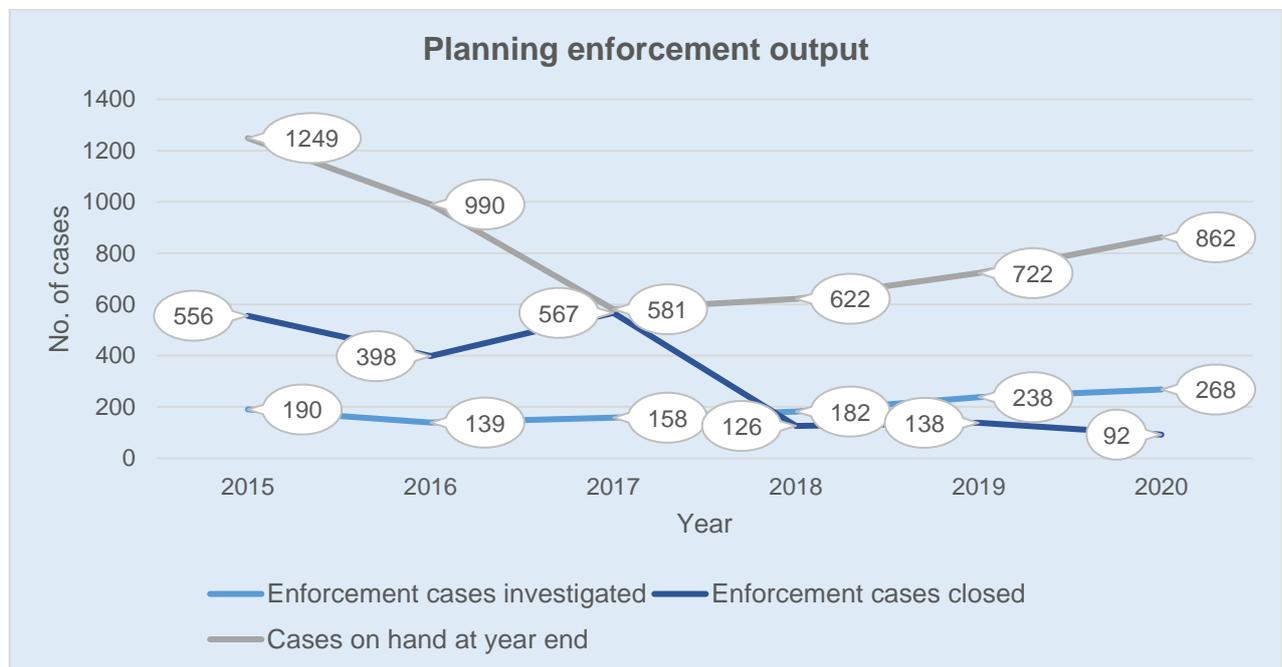


Figure 13: Planning enforcement output

²² The enforcement cases investigated are those cases investigated in a year that were received in that particular year, provided by the National Oversight and Audit Commission.

Figure 14 illustrates the percentage of cases closed by the Council that were either closed by dismissing the case²³, or by enforcement proceedings. The graph shows that although the majority of cases closed were dismissed due to being minor or trivial in nature between 2015 and 2017, since 2018 the majority of cases have been closed due to enforcement proceedings.

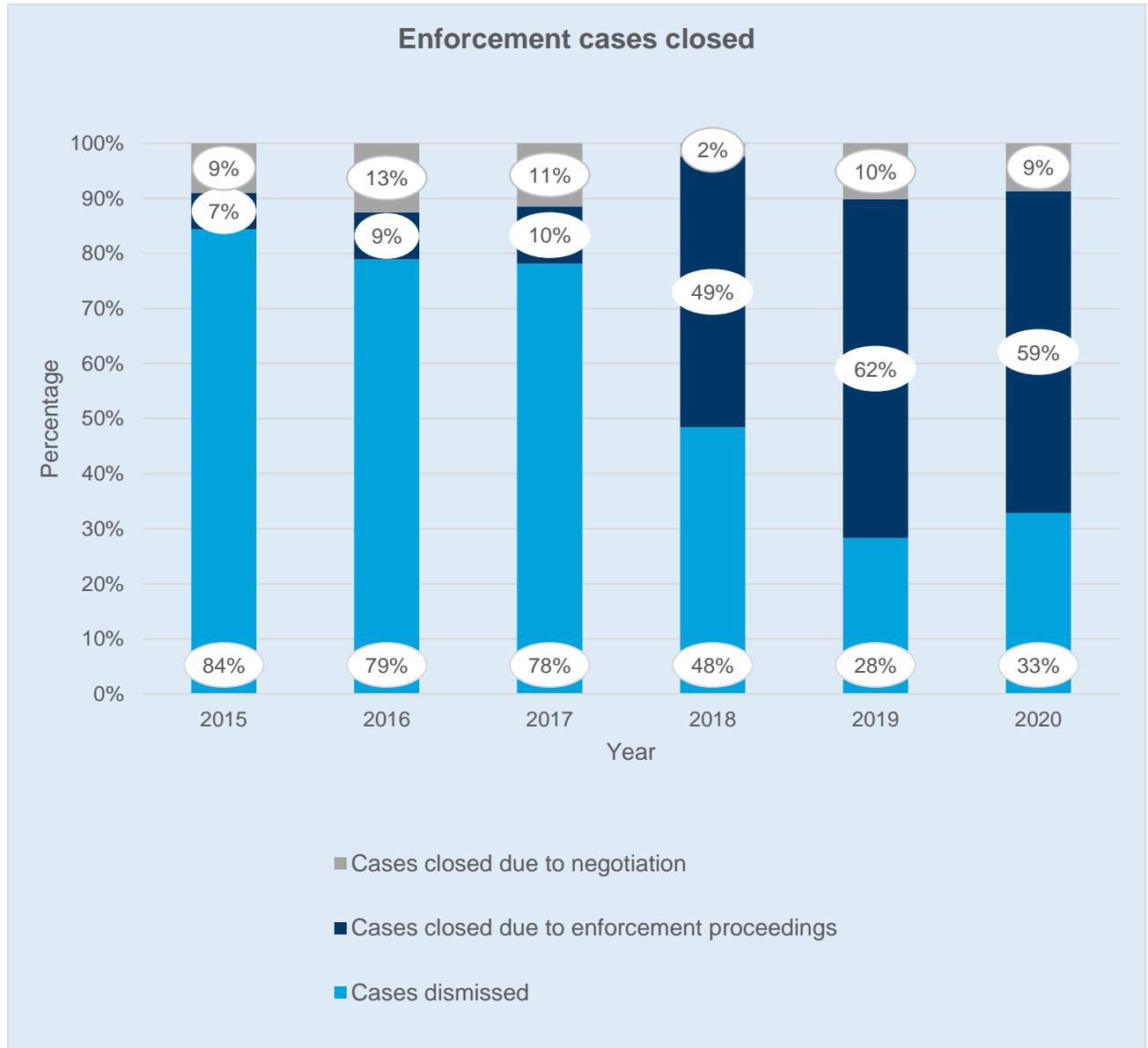


Figure 14: Enforcement cases closed

Activity in relation to enforcement over 2018-2020 is illustrated in Figure 15. During this time enforcement cases investigated²⁴ increased year-on-year from 167 in 2018 to 211 in 2020.

²³ Dismissed as trivial, minor or without foundation or closed because statute barred or an exempted development.

²⁴ The enforcement cases investigated include those cases investigated in a year that were received in that particular year, and those cases investigated within the year that may have been carried over from previous years, provided by Kildare County Council.

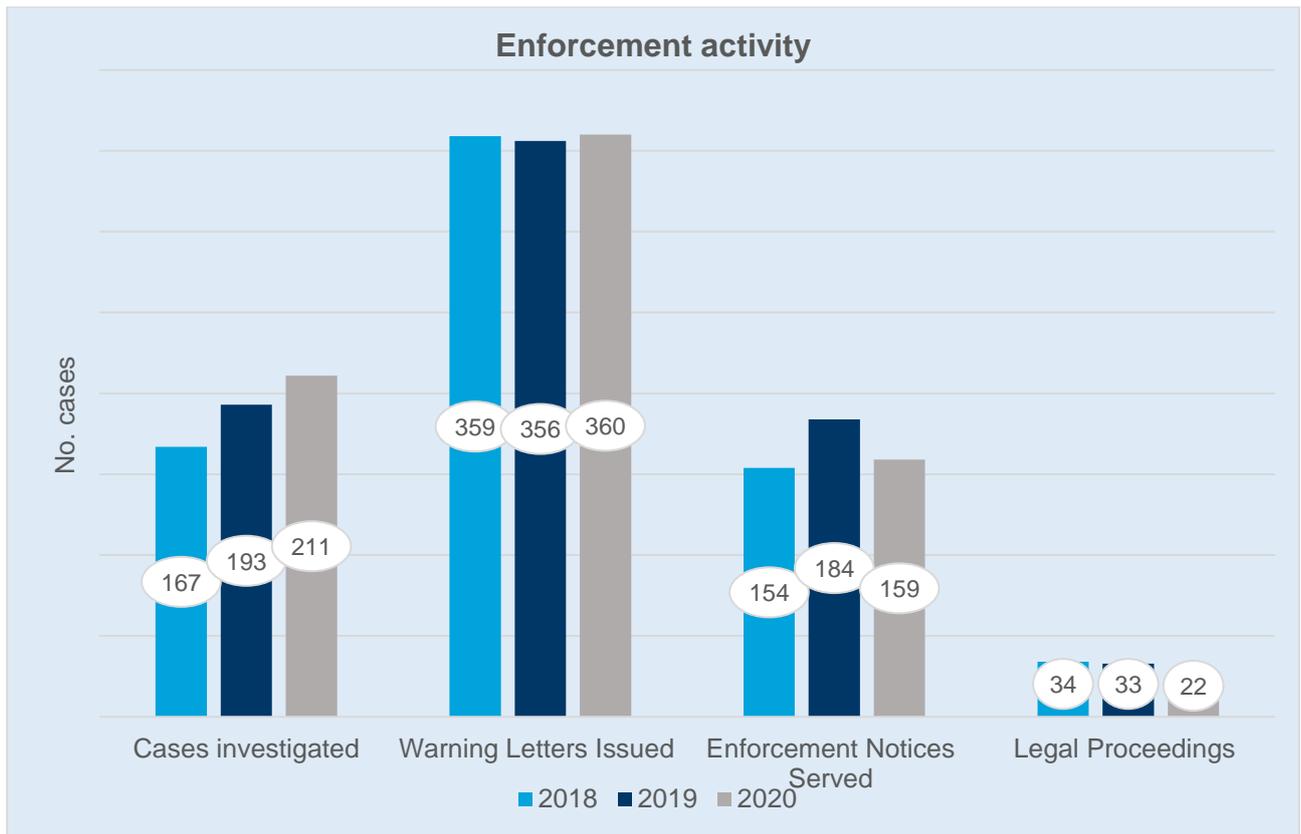


Figure 15: Enforcement activity 2018-2020

Measures supporting public engagement

Kildare County 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.

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, the Council's delivery of its planning enforcement function is considered to be **effective**. In addition to the resourcing challenges faced by the planning department, it is recognised that Covid-19 and resourcing issues have contributed to issues with the delivery of the Council's enforcement functions more recently.

Recommendation 9 – Enforcement team resourcing: Given the current and increasing volume of enforcement cases being processed / awaiting processing, the Council should consider how the capacity of the enforcement team could be strengthened, with an emphasis on assigning dedicated enforcement officers to drive the progression of the enforcement caseload without being diverted to other functions. This exercise should tie in with recommendation 1 above.

Recommendation No.	Grading	Responsibility
9: Enforcement team resourcing	High	Director of Services

10. Environmental Assessment

Context

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

The Strategic Environmental Assessment (SEA) Directive²⁵ 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) Directive 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 Directive²⁶. 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 guidance 'The Planning System and Flood Risk Management Guidelines' (2009), as amended by Circular PL 2/2014.

General systems and procedures

Strategic Environmental Assessment (SEA)

Work carried out in relation to the Naas LAP was presented as an example of the Council's activity in relation to SEA. The SEA report includes details of the screening, scoping, consultation and alternatives considered and describes the significant environmental effects, mitigation measures and a monitoring programme.

Generally, the Council's systems for performing SEAs appear reasonable and appropriate, having regard to the provisions of relevant legislation and guidelines. The Council has monitoring programmes in place for each LAP as they are prepared, and will have a system in place for monitoring the county development plan.

²⁵ 2001/42/EC

²⁶ 92/43/EEC

SEA monitoring of the current county development plan is aligned with other aspects of monitoring evaluation with regard to the implementation of the county development plan. The Council undertakes SEA screening of masterplans and local transport plans which is an important exercise, having regard to recent judicial review cases in this context²⁷.

Kildare County Council engage consultants to prepare documentation related to SEA, AA and SFRA, in addition to SEA monitoring as part of their plan-making process.

Environmental Impact Assessment (EIA)

The Council provided a number of examples where EIA requirements had been met and EIA screening and EIA had been undertaken in accordance with the DHLGH 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' (2018).

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'²⁸ provides a step-by-step guide to the screening process. As part of this review, the Council provided an EIA screening note which outlines the relevant legislation related to EIA.

Although 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, the examples provided by the Council as part of this review follow a similar format.

The examples provided include evidence of EIA processes being applied in a range of decisions relating to projects, including section 34 applications, section 5 determinations and part 8 developments. They demonstrate that the Council, under a distinct EIA heading, sets out the assessment of the environmental impacts of the project, taking on board the EIA Report (EIAR) provided and all other relevant material available, in accordance with national guidance.

The Council confirmed that there are three ongoing judicial reviews related to environmental matters to which they are party to. It was confirmed that staff have attended training on environmental assessment matters, however given the complex and evolving nature of this area of planning practice it is important that staff are supported to undertake training on an ongoing basis.

Appropriate Assessment (AA)

Generally, the Council appears to be compliant in applying AA to statutory plans. In relation to development management, the legislative provisions for appropriate assessment 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.

²⁷ Kerins I Anor v An Bord Pleanála & Ors [2021] IEHC 369

²⁸ <https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

The Council has provided an AA screening template, a version of which is used and included as an appendix to the planning report for every planning application, section 254 licence application and section 5 declaration.

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.

The Council is undertaking AA screening and AA of statutory plans in accordance with DHLGH 'Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities' (2009)²⁹, and the Council is undertaking AA screening in respect of all decisions on planning applications received.

Strategic Flood Risk Assessment (SFRA)

An SFRA has been undertaken in relation to the preparation of Kildare County Council's LAPs and most recently the draft county development plan, which have been prepared in accordance with in accordance with 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities' (2009) and Circular PL02/2014 Flooding Guidelines.

The SFRAs have been prepared by consultants on behalf of the Council, and include the preparation of flood mapping, a stage 2 flood risk assessment, advice on zonings and land use, recommendations for flood risk management and monitoring. It demonstrates a robust approach to ensuring flood risk assessment and protection in the forward planning function.

Site specific flood risk assessments are also required. An analysis of randomly selected planning applications from the Council's website demonstrate that flood risk assessment is undertaken at the project level.

Performance rating and recommendations

From the material presented and wider background analysis conducted, the Council's environmental assessment function is rated as **effective** in that the processes for implementing the SEA, Habitats and EIA Directives in relation to forward planning and development management functions are being implemented in accordance with the relevant legislation.

A higher rating would be achievable should guidance / manuals be put in place for environmental assessment related to the development management function. For example, the version of the AA template used in development management, could form part of a suite of templates for AA and EIA to ensure that both technical and administrative staff follow the process required. In addition, the format for EIA could be used to establish a template for this process, which could form part of the suite to ensure a consistent approach to environmental assessment.

²⁹ https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

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.

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

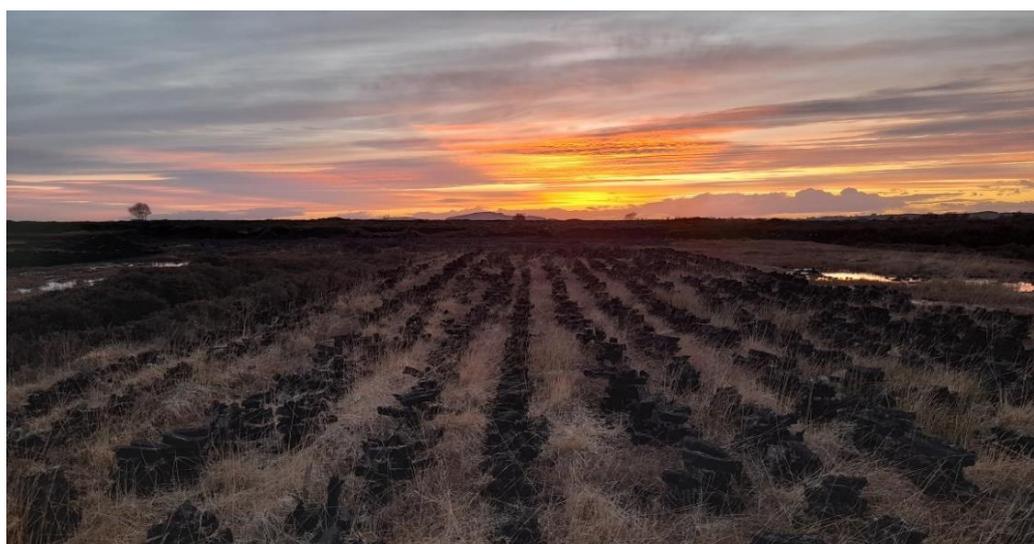
Recommendation 10 – AA and EIA procedures: The Council should prepare a comprehensive set of procedures, which will include use of templates, performance of relevant assessments, recording of decisions in relation to all development management decisions.

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 templates³⁰.

Recommendation 11 – 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
10: AA and EIA screening procedures	Medium	Director of Services
11: Training and expertise	Medium	Director of Services



Sunrise over bog, Co Kildare

³⁰ <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 to be followed when 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 from the public.

EIA and AA screenings now form an integral part of the process, as any development which triggers either an EIAR or Natura Impact Statement (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

A revised and updated procedural manual for part 8 processes, having regard to certain weaknesses in the process identified in a previous internal audit exercise, was prepared by the Council in 2021. The part 8 process was reviewed in consultation with all internal departments. The procedure covers the following stages:

- Part A describes six actions required for pre-application consultation with the various internal departments in order to make a decision on whether the proposed project comes within the ambit of the part 8 process, and the carrying out of AA and EIA screening, which must be approved by the planning department.
- Part B of the document describes the part 8 application process, commencing with the assignment of a unique reference number to the application and the preparation of newspaper and site notices. This stage includes 20 actions designed to ensure and demonstrate compliance with the statutory requirements, responsibility for these actions is assigned to the lead department and / or the planning department, as appropriate.
- In addition, Appendix 1 includes a documentation checklist which includes key timeframes, a list of material to be placed on public display and details of the information to be sent to internal departments, prescribed bodies and the elected representatives. Appendix 2 includes a process checklist and a summary of the timeframes involved in the formal application process. Appendix 3 includes a Part 8 application form for completion by the lead department for submission to the planning department.

The Council provided a list of nine part 8 projects in 2019, three in 2020 and five up to November 2021, two of which were submitted to An Bord Pleanála.

Environmental assessment

Article 120 of the Regulations requires the Council to undertake an EIA screening of sub-threshold 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 part 8 projects on the Council's website, it appears that screenings are undertaken in accordance with the legislation.

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) provides that any person may apply to An Bord Pleanála for a screening determination as to whether the local authority development would be likely to have significant effects on the environment. Circular Letter PL 10/2018 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.

From an analysis of randomly selected part 8 projects on the Council's website, this requirement is included in the published site notices.

Performance rating and recommendations

The Council's approach to part 8 appears to be procedurally robust, therefore this review finds that the Council's part 8 / local authority own-development function being delivered **effectively**.

A higher rating would be achievable if the Council strengthened its procedures manual further by the inclusion of the process required by the Council, where part 8 projects are required to be submitted to An Bord Pleanála, as prescribed by section 177AE of the Act, including a post-completion checking process of local authority projects approved by An Bord Pleanála.

Accordingly, the following recommendation is made in relation to this operational process.

Recommendation 12 – Procedures and post-project review: The Council should 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 An Bord Pleanála.

Recommendation No.	Grading	Responsibility
12: Procedures and post-project review	Low	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.

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 country³¹. The survey identified 180 estates in County Kildare to be taken in charge, with 50 of those undergoing the taking-in-charge process. By the time of the 2018 update, the number awaiting taking-in-charge had reduced to 169 with 39 undergoing the taking-in-charge process. At the time of this review there are 115 active live sites (under construction), and 100 requests for taking-in-charge.

In relation to unfinished housing developments, there are no unfinished housing estates in County Kildare on the DHLGH database for 2020³². The Council resolved five unfinished estates between 2017 and 2020.



Naas

³¹ DHLGH National Taking in Charge Initiative Report 2018

³² <https://www.gov.ie/en/collection/706ac-unfinished-housing-developments-annual-reports/#2020>

General systems and procedures

The taking-in-charge function in Kildare County Council was moved a number of years ago from the planning department to the Roads, Transportation & Public Safety Department. The development control management team consists of the chief fire officer, a senior executive engineer, and an administrative officer. Each of the three development control sub-teams comprises of an executive technician, executive engineer and administrative support.

Given the scale of development and the need to progress outstanding taking-in-charge requests, a new legacy taking-in-charge team has been sanctioned. The team will comprise of an executive engineer and an executive technician who will report to the senior executive engineer. There is ongoing consultation between the planning department and the Roads, Transportation & Public Safety Department.

A taking-in-charge policy was prepared by the Council in 2008, the updating of which has been delayed due to Covid-19, however the policy is programmed to be updated in Q3 2022. A comprehensive master list of developments is maintained on an ongoing basis.

When a request is received, the master list is updated and details are circulated to relevant colleagues to ensure legal procedures are followed. Progress reports are presented biannually at a plenary meeting of the Council. Subsequent to the Council meeting, the report is published online. Once estates are taken in charge they are mapped.

The Council have received 100 taking-in-charge requests and there are more than 115 housing developments under construction in the county. Since the beginning of 2019, the elected members have taken in charge 16 estates with the average time elapsed from receipt of the taking-in-charge request to the formal decision to take in charge was 44 months.

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. The failure and exit of bond providers from the Irish market, the expiration of security bonds, and the use of funds from bonds called in to carry out works on legacy estates has left approximately 20 estates with no security in place. The diminishing number of bond providers is making it increasingly difficult for developers to obtain bonds to comply with their planning permissions.

Over the last three years, 20 security bonds have been put in place or amended, and 80 cash deposits totalling more than €7.6 million have been received in respect of various developments. Nine bonds were called in and settlements from receivers or banks of almost €1.3 million were received. Strict monitoring of developer security bonds is now in place to ensure that they do not lapse. The details of bonds are entered in the iPlan system, which feeds into a report for relevant staff, who proactively contact developers and surety providers before the expiration dates.

During 2021, a standardised wording for the bond condition in respect of the grant of permissions for multi-unit developments was agreed with the planning department and is being applied to all new permissions. The Council have a comprehensive development bonds procedure which describes the process to be followed once a commencement notice has been received from a developer. The Council have also prepared a draft policy (2021) on bonds for developments with long term leases, to be read alongside the Council's taking-in-charge policy.

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**.

The Council's current focus is on live sites to ensure they are constructed to a standard, and it is recognised that given the scale of development and backlog of estates awaiting taking in charge, the Council have sanctioned the establishment of a dedicated legacy taking-in-charge team. The Council have highlighted however that if the level of construction activity and active sites continue to rise in the county, further resources will be required to provide ongoing monitoring of sites.

A higher rating would be achievable with the updating of the Council's taking-in-charge policy which is due to be progressed in Q3 2022, and with the successful establishment, resourcing and progress of the dedicated legacy taking-in-charge team.

Recommendation 13 – 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 estates setting out their taking-in-charge status.

Recommendation No.	Grading	Responsibility
13: 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

Kildare County Council's policies in relation to amenities are set out in the current county development plan and the material provided to the OPR under this review highlights the following:

- 16 landscape character areas are identified and mapped in chapter 14 of the current development plan (chapter 13 of the draft development plan) with associated policies and objectives.
- The current development plan classifies the following five areas within the county as 'areas of high amenity', with specific restrictive policies, because of their outstanding natural beauty and / or unique interest value.

Current areas of high amenity	Draft additional areas of high amenity
The Curragh and Environs	Dun Ailinne
Pollardstown Fen	Rye Water Valley at Carton SAC
River Liffey and River Barrow Valleys	Ballynafagh Lake SAC
Grand and Royal Canal Corridors	Poulaphouca Reservoir SPA
East Kildare Uplands	Mouds Bog SAC
	Ballynafagh Bog SAC
	Red Bog SAC

Table 5: Current and draft development plan areas of high amenity

- The current and draft development plans also includes a suite of policies to develop recreation areas and amenities (including cycling, walking and other recreational facilities) in Kildare in an equitable, environmental and sustainable way.
- Chapter 13 of the current development plan (chapter 12 of the draft plan) contain policies and objectives in relation to Green Infrastructure.
- The current and draft development plan lists four existing tree preservation orders (TPOs) in County Kildare and, in October 2021, the Council published its intention to make a TPO for a group of 20 trees in Caragh Village.

The draft development plan contains policies to support a regional green infrastructure strategy and the identification, management, development and protection of strategic green infrastructure connections in cooperation with the Eastern & Midland Regional Assembly. The Council is also intending to collaborate with South Dublin County Council to develop a strategy to identify a series of greenbelt areas between the growing settlements within the two counties.

Habitat mapping is prepared for all LAPs and these inform the overall settlement strategy for the particular settlement.

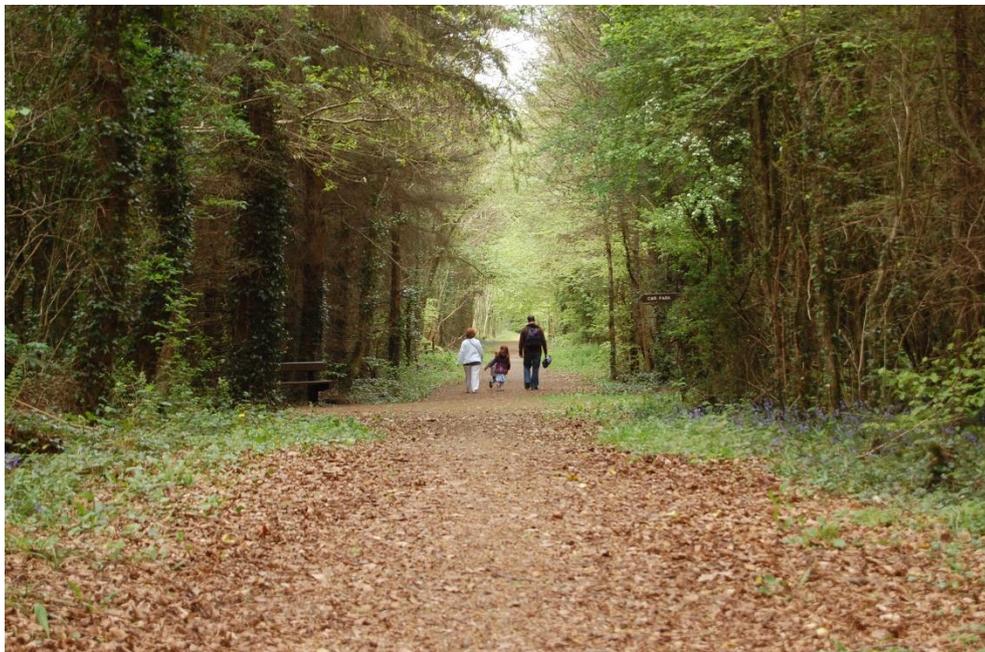
The Council has prepared an Open Space and Outdoor Strategy, which is included as Appendix 3 to the draft development plan. The strategy was prepared in-house between the planning department and the parks department.

Kildare County Council is engaging with other local authorities and public bodies in relation to a number of cross-authority initiatives, including the Curragh Plains, the Royal Canal Greenway and the Barrow Blueway (which was awarded €5,067,941 from the Rural Regeneration & Development Fund for the €8 million project).

The Council is also working collectively with Meath, Westmeath, Roscommon and Tipperary County Councils and Armagh, Banbridge and Craigavon Borough Council on a project for inclusion of the six Royal Sites on Ireland's UNESCO tentative list for designation as World Heritage Sites.

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 are policies in the current and draft 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 paper³³. The case study paper found that the current Kildare County Development Plan 2017-2023 did not have rights of way recorded on maps or in list form. As part of this review, the Council outlined its concerns regarding identification of public rights of way within the development plan, and have continued this approach for the draft development plan.



Killinthomas Woods, Rathangan

³³ OPR Case Study Paper CSP01 'Public Rights of Way and Local Authority Development Plan' www.opr.ie/planning-performance/

The wider issue of development plans addressing countryside access is being progressed in the context of the OPR's plans evaluation function, which the OPR will evaluate in the context of the plan evaluation of the Council's draft development plan, having regard to both the issues identified and the good practice examples identified in the case study paper.

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 formulation conducted and that the Council is proactive in protecting and developing its amenities, including cooperating with adjoining local authorities and other public bodies to deliver amenity objectives.

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. Whilst the Council's concerns regarding the identification of public rights of way are noted, and the draft county development plan identifies an action to review all public rights of way during the lifetime of the plan, regard must be had to the requirements of the legislation, that is to identify public rights of way by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan.

Recommendation 14 – Monitoring: The Council should review its monitoring structures for the implementation of amenity policy objectives. The OPR would point the Council to the recently published 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 findings³⁴.

Recommendation No.	Grading	Responsibility
14: Monitoring	Low	Senior Planner

³⁴ <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 230 and 299 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, which was issued by DHLGH in March 2021, outlined the procedures to be following in relation to postponed events arising from the Covid-19 restrictions.

The Council granted three event licences in 2019, one in 2020 and one deferred licence in 2021.

General systems and procedures

Pre-planning for development of this nature is administered through the development management team with appropriate input from other departments and public bodies, such as An Garda Síochána and the HSE.

The Council has a procedure manual setting out the administrative procedures for processing event licensing applications. The Council also has a procedure manual setting out the administrative procedures for processing dance / club / restaurant / funfair / fireworks licences. Details of event licences granted are published on the Council's website. These procedures include links to the relevant legislation.

It is noted that the Council does not issue licences in respect of funfairs, but confirms the receipt of safety certificates in accordance with Statutory Instrument 590/2007.

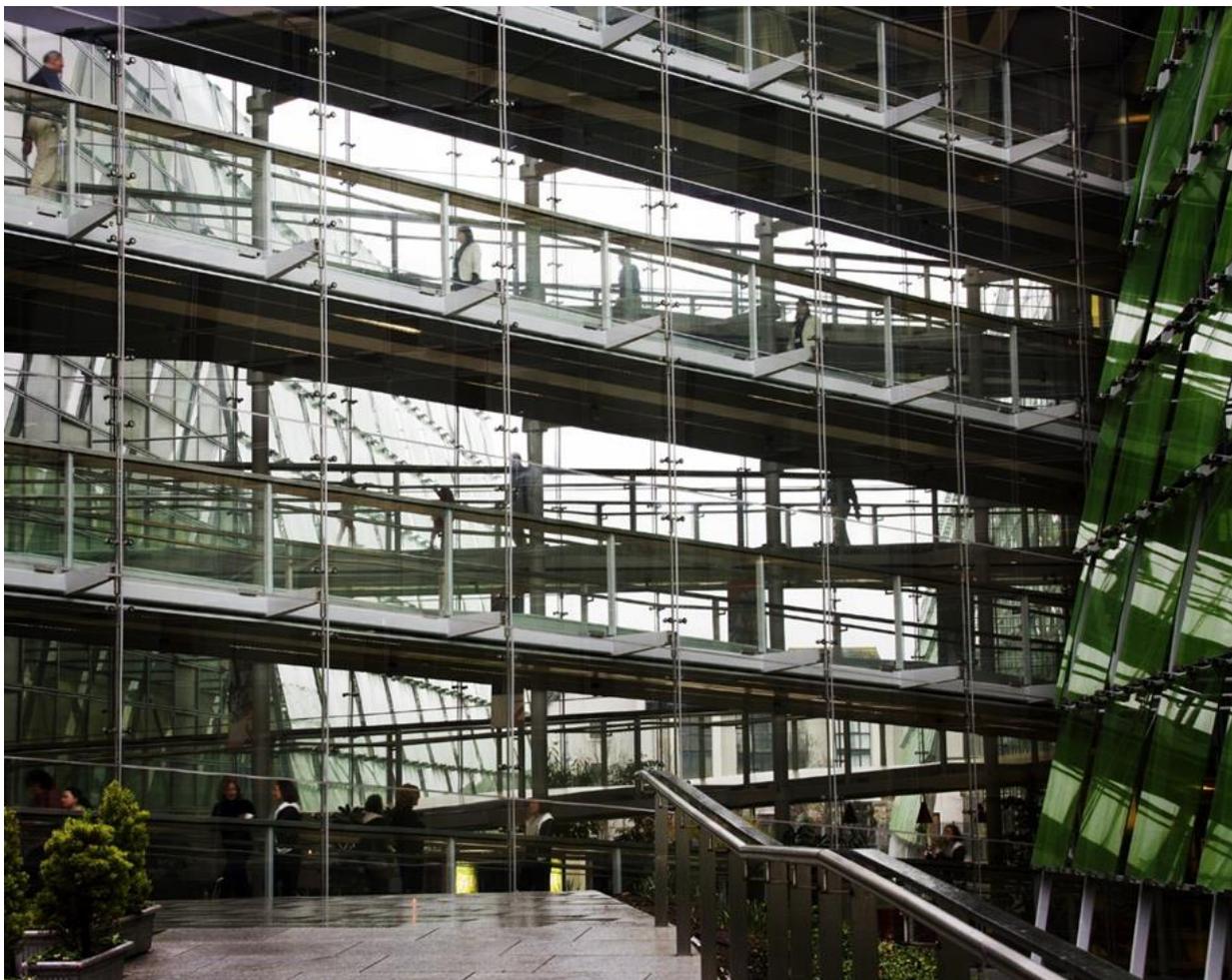
The Council does not have a standard application form for event licences. The Council did not provide a procedure to the OPR outlining the process for technical staff to consider the event licence application once made, as part of this review.

Performance rating and recommendations

Having regard to the material presented to the OPR 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 for technical staff and standard application forms, as well as improving online capabilities.

Recommendation 15 – Procedures, templates and online capability: The Council should put in place a formalised written procedure for the implementation of this function by technical staff. This is to ensure that a clear and agreed procedure is in place which staff can refer to as the need arises. The Council should give consideration to providing a standard event licence application form and an option to submit applications for event licenses online e.g. through an online portal or form.

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



Áras Chill Dara, Devoy Park, Naas

14. Part XVIII Miscellaneous Provisions

Quarries

The control of quarries has been a very significant area of work for most local authorities over the last decade as a result of several landmark EU and national court decisions and fast-evolving legislation.

The legislation broadly requires local authorities to compile a register of quarries in their functional areas and to develop a comprehensive picture of the provenance and development history of such quarries against certain key legislative thresholds and criteria that variously require some quarry operators to cease or obtain relevant development consents.

There are 157 identified quarries in the County but some have been abandoned and returned to agricultural use. Upon the commencement of the amended statutory regime in 2004, 67 quarries applied for registration. One of these was located outside the Council's functional area, a number were deemed to be abandoned, a number were required to submit a planning application and EIS, and the Council imposed or modified conditions on the remaining quarries.

Section 261A came into effect in July 2011 and required authorities to complete a survey of every quarry to identify which quarries should have been subject to EIA or screening for EIA or AA and whether this had actually been carried out. DHLGH issued section 28 guidelines on the implementation of the new legislation to local authorities in January³⁵ and July³⁶ 2012.

Over a period of two years, using aerial photography, digital mapping, the planning register, site inspections and local knowledge, the Council identified 181 separate sites for further examination. 24 of these were deemed not to be a quarry, Section 261A notices were served in respect of 77 sites and the Council decided that no further action was required in relation to the remaining 80 sites because they already had EIA / AA, did not require EIA / AA or had been abandoned.

Of the 77 notices issued, one was quashed by a Court Order, two quarries applied for and obtained substitute consent from An Bord Pleanála and 40 decisions were referred to An Bord Pleanála for review. An Bord Pleanála set aside, or partly set aside, 30 of those decisions and affirmed 10.

In 2020, an executive planner was tasked with carrying out a review of all quarries. There are now 30 quarry cases under investigation at various stages of the enforcement process. However, the protracted nature of proceedings, the staff resources utilised and the legal costs incurred in obtaining a successful prosecution in such cases are significant challenges for the Council. This was illustrated by the example of a case where the proceedings lasted four years, and whilst the Council were ultimately successful, legal costs of €80,000 are still outstanding.

³⁵ <https://www.gov.ie/en/publication/ae3c1-section-261a-of-planning-development-act-2000-guidelines-january-2012/>

³⁶ <https://www.gov.ie/en/publication/9ae77-section-261a-of-planning-and-development-act-2000-supplementary-guidelines-july-2012/>

The Council's process for identifying unauthorised quarry development is in accordance with relevant legislation. The Council's concerns with regard to budget and staff resourcing should inform the recommended workforce planning exercise (see Recommendation 1). Bearing the above in mind, there is evidence that quarries, while still a major issue, are being gradually brought under control, because the Council has both a generally effective understanding of the legislative and regulatory framework around the control of quarries under the Act and has systems and procedures in place to act on them.

In addition, as the OPR review programme builds, comparative analysis across different local authorities will enable a clearer picture to emerge on the performance of local authorities in this complex, litigious and demanding area.

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	Description	Grading	Responsibility
Organisation of Planning Department			
1: Resourcing and staff development	<p>The Council should prioritise the management of staff retention and recruitment challenges faced in recent years, including identifying opportunities to address these challenges, particularly within the development management and enforcement team, with a view to presenting opportunities to senior management of the Council within the next six months.</p> <p>The Council should prepare a 2022 training plan for the planning department with appropriate linkages to the Council's Annual Service Delivery Plan. PMDS should be pursued to ensure that the responsibilities associated with the department's various duties are clearly assigned to the appropriate personnel.</p> <p>It is particularly important that the PMDS process 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, for example in tandem with the twice-yearly PMDS reviews.</p>	High	Director of Services

Forward Planning

2: 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 to monitoring, and continued data collection and analysis.</p>	Medium	Director of Services
3: CDP procedures manual	<p>The Council should prepare a procedures manual for plan-making processes, to reflect the data collection requirements, analysis, drafting, consultation phases, reporting, environmental assessment, publication and adoption of statutory plans, as well as the variation / amendment process. The role of different technical and administrative staff should be outlined to ensure appropriate project management structures are in place.</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.</p>	Low	Senior Planner

Control of Development

4: Development management output	<p>Having regard to the higher level of refusals and deferral rates relative to national averages, the Council should put in place a targeted action plan with a view to bringing these rates closer to national averages in the near term (2-3 years).</p> <p>The plan should include time-bound targets for improving the refusal and deferral rates, including organising briefing sessions for applicants / agents to address the issue of repeat applications, resulting in subsequent refusals.</p>	Medium	Senior Planner
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5: Online planning information and documentation	<p>The Council should review its process for uploading planning application documentation not later than five working days after the day on which it receives the application, to ensure that planning application documentation is available online in a timely manner.</p> <p>The Council should also publish any declarations issued under section 5 on its website. The Council should ensure that section 5 declarations are available on its website for inspection and be made available for inspection / purchase for at least a minimum period.</p>	Medium	Senior Planner
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Architectural Heritage

6: Architectural heritage communications	The Council should consider preparing a dedicated architectural heritage communications strategy to encourage ongoing engagement with the public and stakeholders, including prescribed bodies, in relation to protected structures. This strategy should include enhanced publicity with regard to the incentives available to assist owners / occupiers and the presentation of case studies of successful projects.	Low	Director of Services
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Land Activation

7: 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.	Medium	Director of Services
8: 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

9: Enforcement team resourcing	Given the current and increasing volume of enforcement cases being processed / awaiting processing, the Council should consider how the capacity of the enforcement team could be strengthened, with an emphasis on assigning dedicated enforcement officers to drive the progression of the enforcement caseload without being diverted to other functions. This exercise should tie in with recommendation 1 above.	High	Director of Services
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Environmental Assessment

10: AA and EIA procedures	<p>The Council should prepare a comprehensive set of procedures, which will include use of templates, performance of relevant assessments, and recording of decisions in relation to all development management decisions.</p> <p>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 templates³⁷.</p>	Medium	Director of Services
11: Training and expertise	<p>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.</p> <p>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.</p>	Medium	Director of Services

Part XI

12: Procedures and post-project review	<p>The Council should ensure post-completion checking of local authority projects approved by An Bord Pleanála in accordance with section 177AE of the Act.</p> <p>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 An Bord Pleanála.</p>	Low	Director of Services
13. 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 estates setting out their taking-in-charge status.</p>	Low	Director of Services

³⁷ <https://www.opr.ie/planning-practice>

Amenities

14: Monitoring	The Council should review its monitoring structures for the implementation of amenity policy objectives. The OPR would point the Council to the recently published 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 ³⁸ .	Low	Senior Planner
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Events and Funfairs

15: Procedures and online capability	The Council should put in place a formalised written procedure for the implementation of this function by technical staff. This is to ensure that a clear and agreed procedure is in place which staff can refer to as the need arises. The Council should give consideration to providing a standard event licence application form and an option to submit applications for event licenses online e.g. through an online portal or form.	Low	Senior Planner
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³⁸ <https://www.opr.ie/planning-performance/>



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Rialaitheora Pleanála
Office of the
Planning Regulator