



Office of the Planning Regulator



Quarter 3 of 2021



Activity Report



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

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Introduction

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

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



Evaluation of Statutory Plans

Notification of Consultations on Statutory Plans

Planning authorities are required to notify the OPR at specified stages of the plan making process. In Q3 of 2021, the OPR received notification of a total of eight plans as set out in Table 1.

Table 1: Notification of Consultations on Statutory Plans

Issues Paper for County Development Plans: <ul style="list-style-type: none"> Sligo County Council 	1
Draft City/County Development Plans: <ul style="list-style-type: none"> South Dublin County Council Carlow County Council Cork City Council Tipperary County Council 	4
Material Alterations to Draft City/County Development Plans: <ul style="list-style-type: none"> Longford County Council Laois County Council 	2
Material Alterations to Draft Local Area Plan (LAP): <ul style="list-style-type: none"> Kildare County Council (Material Alterations to the Draft Naas Local Area Plan 2021-2027) 	1
<u>Total</u>	<u>8</u>

OPR Submissions on Statutory Plans

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

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under *section 28*. As such, planning authorities are required to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation can ultimately lead to a Ministerial Direction.

Observations are advisory and generally issue on discretionary or more minor matters, often in the context of broader legislative and/or policy requirements where no material breach arises.

The OPR made a total of 14 submissions to local authorities in Q3 2021. These submissions were in relation to;

Table 2: Submissions on Statutory Plans	
Issues papers:	
<ul style="list-style-type: none"> Sligo County Council 	1
Draft City/County Development Plans:	
<ul style="list-style-type: none"> Cork County Council Roscommon County Council Galway County Council Cavan County Council Wicklow County Council Waterford City & County Council Limerick City & County Council South Dublin County Council 	8
Material Amendments to City/County Development Plans:	
<ul style="list-style-type: none"> Offaly County Council Louth County Council Kilkenny City & County Council Longford County Council 	4
Material Alterations to Local Area Plans:	
<ul style="list-style-type: none"> Kildare County Council (Material Alterations to the Draft Naas Local Area Plan 2021-2027) 	1
<u>Total</u>	<u>14</u>

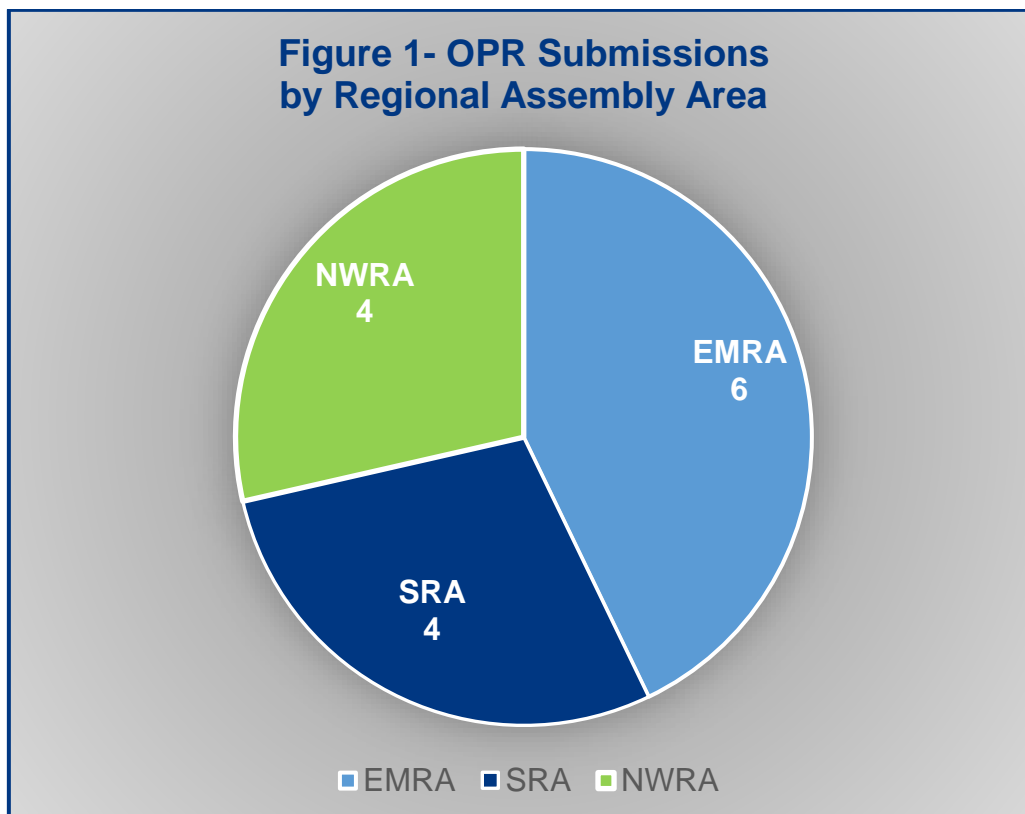
Table 3 sets out the number of observations and recommendations contained in each submission.

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

The OPR's submissions on issues papers during Q3 2021 offered advice and guidance on matters such as: core strategy and settlement hierarchy of the forthcoming development plan, the implementation of metropolitan area strategic plans, section 10(2)(n) of the Act, the preparation of relevant local area plans, joined-up local authority planning, compact growth and regeneration, economic development and employment, climate action, renewable energy infrastructure and transport strategies.

Table 3: OPR Submissions			
	Submissions (number)	Observations (number)	Recommendations (number)
Issues Papers (CDP & LAP)	1	-	-
Draft Development Plans	8	74	109
Material Alterations to Draft Development Plans	4	11	26
Material Alterations to Draft Local Area Plans	1	4	4
Total	<u>14</u>	<u>89</u>	<u>139</u>

OPR submissions during Q3 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.



The following are some of the key themes evident in the recommendations and observations in the OPR's submissions in Q3:

- **Legislative requirements:** core strategy under section 10(2A); climate actions under section 10(2)(n); and co-ordination of objectives between adjoining planning authorities under section 9(4).
- **Hierarchy of plans:** alignment with National Planning Framework population projections and settlement hierarchy, implementation of compact growth, regeneration of towns and villages, application of the tiered approach to zoning, alignment with the relevant regional spatial and economic strategy, and the integration of land use and transport plans.
- **Section 28 guidelines:** wind energy, flood risk, spatial planning and national roads, building heights, apartment development, rural housing, and implementation of Specific Planning Policy Requirements

OPR Recommendations and Observations: Legislative Categories

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

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

In Q3 2021, consistency with the hierarchy of statutory plans, legislative provisions, and policy matters in planning guidelines were the basis of the recommendations and observations made in the OPR's 14 submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Table 4: OPR Recommendations	Number
Consistency with NPF	64
Consistency with RSES	26
Consistency with DP	1
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	69
Consistency with Legislative Provisions	41
Consistency with Legislative Provisions re Climate Change	7
Other	1
Total	<u>209</u>

Table 5: OPR Observations	Number
Consistency with NPF	18
Consistency with RSES	14
Consistency with DP	0
Consistency with NTA TS for GDA	1
Policy Matters re section 28 Guidelines	33
Consistency with Legislative Provisions	19
Consistency with Legislative Provisions re Climate Change	7
Other	16
Total	<u>108</u>

Adopted Plans - Outcome of OPR Submissions

One local area plan and four county development plans were adopted by planning authorities in Q3 2021:

- Athy Local Area Plan 2021-2027
- Kilkenny County Development Plan 2021-2027
- Offaly County Development Plan 2021-2027
- Meath County Development Plan 2021-2027
- Louth County Development Plan 2021-2027

The Office made five recommendations on the Athy Local Area Plan 2021-2027, 13 recommendations on the Kilkenny City & County Development Plan 2021-2027, 18 recommendations on the Offaly County Development Plan 2021-2027, 22 recommendations on the Meath County Development Plan 2021-2027 and 24 on the Louth County Development Plan 2021-2027. The outcome of the recommendations are detailed in Table 5 below.

Table 5: Adopted Plans – Outcome of OPR Submissions

Plan	Local Authority	Recommendation Issued	Outcome
Athy Local Area Plan 2021-2027	Kildare County Council	Yes (5)	Recommendations substantially addressed
Kilkenny County Development Plan 2021-2027	Kilkenny City & County Council	Yes (13)	Recommendations not substantially addressed
Offaly County Development Plan 2021-2027	Offaly County Council	Yes (18)	Recommendations substantially addressed
Meath County Development Plan 2021-2027	Meath County Council	Yes (22)	Recommendations not substantially addressed
Louth County Development Plan 2021-2027	Louth County Council	Yes (24)	Recommendations substantially addressed

Other Related Activity

An innovative Story Map was developed to accompany the 2020 Annual Report. Following the success of the 2019 Story Map, where the OPR were the first organisation in Ireland to illustrate our annual report through this medium, the decision was taken to develop a Story Map for 2020 Annual Report. It provides a visual narrative of the report's highlights and was developed by the OPR's in-house geospatial team. The Story Map is available on the OPR's website and at this link. GIS modelling was developed for the technical evaluation of draft development plans in relation to core strategy and renewable energy policy proposals. Providing this critical evidence base enabled the OPR to make submissions on draft development plans grounded in evidence.



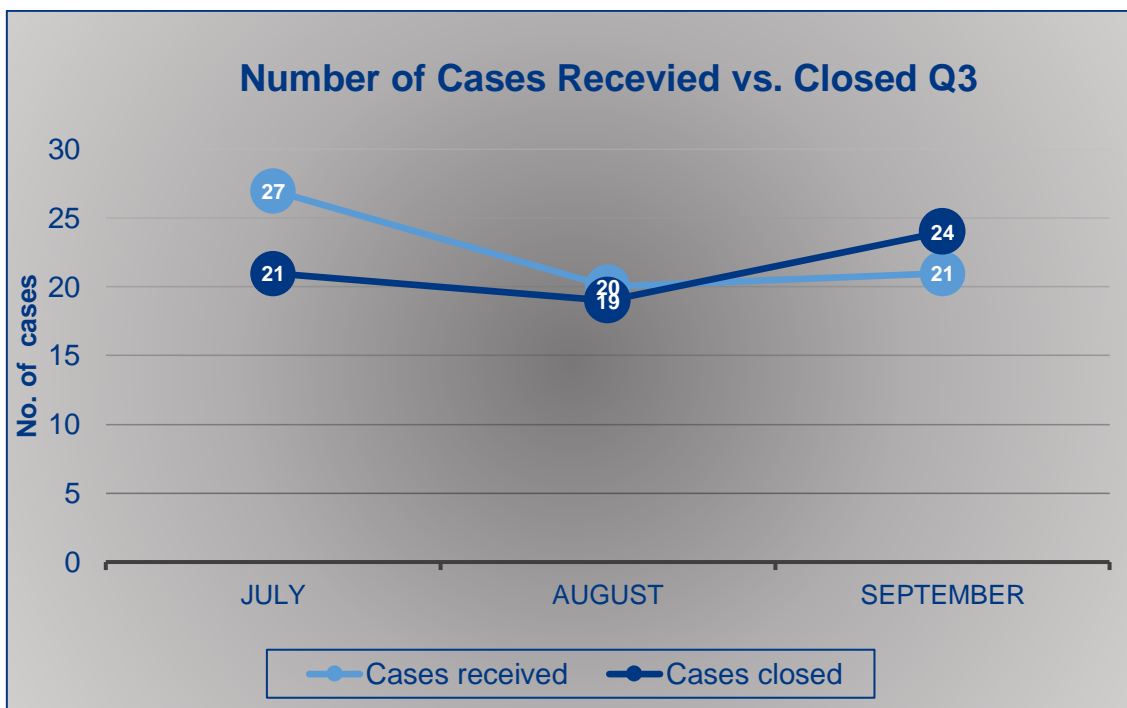
Reviews and Examinations

Case Handling

Cases

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

During Q3, a total of 68 cases were received and 64 cases were closed by the OPR.



The 64 cases closed in Q3 are as follows:

- 21 complaints
- 32 queries
- 11 submissions

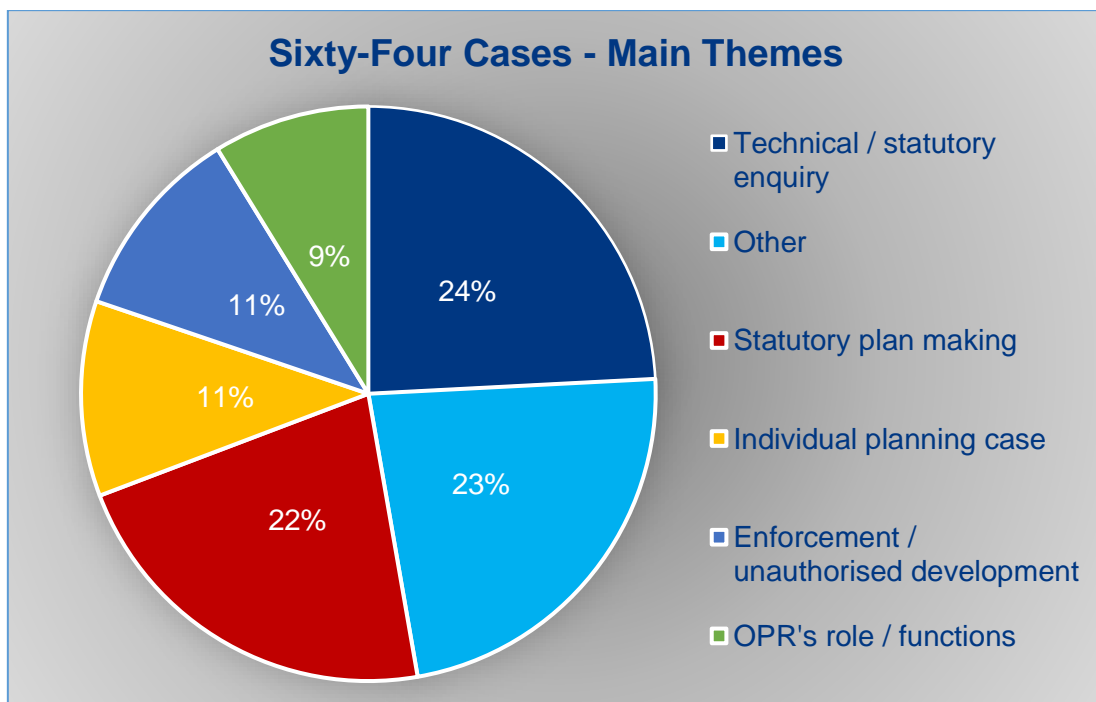
While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail.

Often, especially with regard to complaints, the processing of cases will require engaging in a series of correspondence with the complainant and/or the relevant local authority. This is demonstrated by the fact that the 64 cases closed in Q3 are estimated to have taken over 300 working hours to process.



While a broad range of themes arose in the OPR’s case handling during Q3, a number of dominant themes prevailed. Technical/statutory enquiries, statutory plan making, individual planning cases relating to local authority decision-making, enforcement/unauthorised development, and OPR’s role/functions were the most common singular themes.

The theme titled ‘other’ includes a variety of issues such as matters related to part 8 developments, EIA/SEA/Habitats Directives, decisions of An Bord Pleanála and a range of planning-related issues.



Complaints

The statutory provisions are precise with regard to the types of complaints that fall within the OPR's remit to examine. For a complaint to be considered examinable in the context of section 31AU(1), it must relate to the organisation of the local authority and of the systems and procedures used by it in the performance of its planning functions. Of the 21 complaints closed during Q3, 16 were determined not to relate to systemic / procedural matters, without the necessity to conduct any preliminary examination.

The OPR gave preliminary examination to the issues raised in five (24%) of the 21 complaints closed during Q3 with the following outcomes:

- The OPR upheld one complaint;
- Two complaints were not upheld; and
- For two complaints, preliminary examination was discontinued as it transpired that the OPR was precluded from examining the matter in accordance with the legislation.

The upheld complaint related to ongoing delays on the part of a local authority in the publication of weekly planning lists to its website. The statutory requirements in this regard are set out under articles 27 and 32 of the Planning and Development Regulations 2001, as amended, and the Planning and Development (Section 38) Regulations 2020. Following OPR engagement, the local authority recognised its failure to adhere to the statutory deadline and put revised procedures in place to regularise the situation.

As evident in previous quarters, a significant portion of the complaints processed by the OPR during Q3 would have been more appropriately directed by the complainant to either:

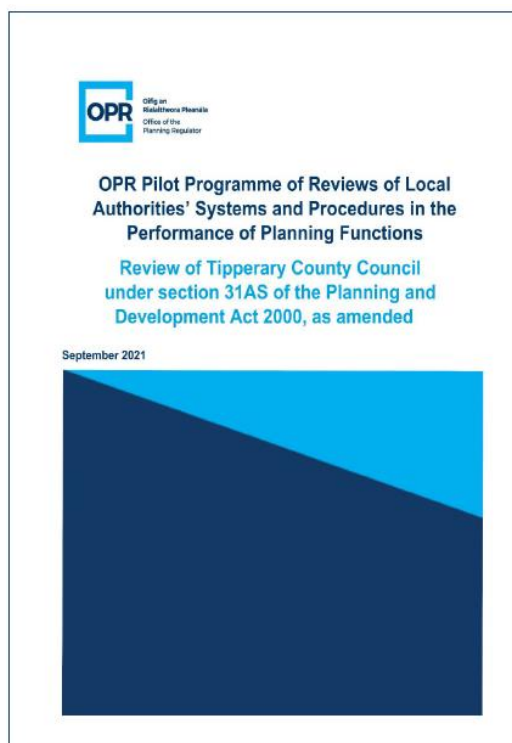
- the relevant local authority, which deals with submissions/observations on statutory plans including city/county development plans and local area plans, requests for planning advice, and complaints about enforcement/unauthorised development, or
- An Bord Pleanála, which is the appropriate body for making appeals in relation to planning decisions.

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

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

Planning Authority Reviews

In relation to the pilot phase of the reviews programme, the OPR finalised and published of the review report in relation to the review of Tipperary County Council in Q3. This is the first review report published by the OPR in respect of its reviews function.



Review Report of Tipperary County Council

The report comprehensively sets out the OPR's ratings and recommendations of Tipperary County Council under 11 key operational processes and highlights good practice and areas for improvement.

The OPR had positive engagement with the Council throughout the process and notes that the Council has committed to developing a robust implementation plan arising from the recommendations and findings of the review.

The report is available at the following link:

<https://www.opr.ie/planning-regulator-publishes-first-local-authority-planning-performance-review/>

The OPR continued progressing the reviews of two local authorities during Q3, including several engagement meetings with the relevant local authorities and the appointment of fee-per-case contractors. The final review under the pilot programme will be initiated in Q4.

Research, Education, Training and Public Awareness



Councillor Training Initiative

In Q3 the OPR, in conjunction with the Association of Irish Local Government (AILG), continued to roll-out a programme of planning training for local authority elected members. Online planning training webinars were delivered in July and September.

The July webinar was entitled 'Delivery of High Quality Housing Appropriate to its Setting' and it focused on:

- Planning Policy, Good Urban Design and Sustainable Communities; and
- The Delivery of High Quality Housing Appropriate to its Setting.

The presentations were delivered by Jason Taylor, Planning Advisor with the Department of Housing, Local Government and Heritage and Fionnuala May, County Architect, Fingal County Council.

The September webinar entitled 'On and Offshore Renewables' focused on:

- Emerging Energy Scenarios and the Implications for Development Plans; and
- Energy and Climate: Implications for Development Plans.
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The presentations were delivered by Michael Mahon, Chief Infrastructure Officer with EirGrid and Alexandra Hamilton, Senior Energy Engineer with the 3 Counties Energy Agenc

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Training Webinar for Local Authority Elected Members

AILG
Association of Irish Local Government
Aonaidh Rialaitheora Ábhaithne

"ON AND OFFSHORE RENEWABLES"

Emerging Energy Scenarios and the Implications for Development Plans

Approaching National and EU Climate Action Policy and the Implications for Development Plans

Friday, 24 Sept **10 am-11:30 am** **Register: info@ailg.ie**

September's Training Webinar

Local Authority and Regional Assembly Staff Training Initiatives

The OPR continued to work with the CCMA and the LGMA throughout Q3 on the development of a Learning and Development Strategy for local authority and regional assembly planning staff.

The project steering group is currently finalising the collation of data from local authorities around the nature of the planning service, the people who work in the planning service and the competencies required to deliver an efficient planning service.

Further meetings of the group are scheduled for Q4 at which time the data that has been gathered will be analysed and engagement will take place with all staff working in planning authorities in relation to the identification of their learning and development needs.

In Q3 the OPR supported the launch of a new focused training programme entitled 'Certificate in Environmental and Planning Legislation'. The programme was developed by IT Carlow in partnership with the Local Authority Services National Training Group (LASNTG). The aim of the programme is to ensure that staff who are responsible for compliance with and regulation of EU Environmental Directives are aware of and understand how the legislative frameworks, procedures and processes for the evaluation of policy development and for the evaluation of public and private projects should be applied particularly in relation to:

- The Strategic Environmental Assessment Directive;
- The Environmental Impact Assessment Directive;
- The Habitats Directive; and
- The Water Framework Directive.

The training programme is targeted at local authority staff working in planning, roads, environment, housing and water services and it is anticipated that it will appeal to planners, engineers, administrators, scientists and community and economic development staff.

OPR Research Output

During Q3, consistent with the Planning Research Framework, the OPR advanced work on a number of research projects within the Strategic Planning Research Programme.

Under Strand Two (Planning Performance) projects the development of Case Study Papers on the following topics were advanced: pre-application (section 247) consultation services and traveller accommodation policy in development plans. CSP03 Traveller Accommodation and the Local Authority Development Plan was finalised in Q3 and will be published in Q4. CSP04 Pre-Application (Section 247) Consultation Services will be finalised and published in Q4.

Also within the second strand, and following the completion of the preliminary co-funding agreement with the EPA in Q2, the OPR assisted in the evaluation of proposals received on foot of the EPA's research call in respect of a project topic on Strategic Environmental Assessment (SEA). The evaluation process resulted in one proposal being recommended to the EPA board for final approval. Subject to approval, it is anticipated that this project will commence in 2022 and has a duration of 24 months. The OPR is co-funding this project with the EPA.

In an effort to generate greater public awareness of the work that is being advanced under Strand One (Planning Issues) of the Research Programme the OPR unlocked the 'Planning Issues' tile of our website in Q3 and uploaded a narrative describing the status of the various Strand One research projects.

Whilst not originally identified in our Research Programme the OPR accepted an invitation from the EPA in Q2 to join the steering committee of another EPA-led project on ‘Landscapes, catchments and ecosystems’. During Q3 the OPR assisted in the two stages of the evaluation of research proposals received on foot of the EPA’s research call. This process resulted in one proposal being recommended to the EPA board for approval. Subject to that approval, the project will commence in Q4 and will run for up to 24 months. While the OPR is not funding this project, we will be participating in the steering group. This project supports Strand One of the OPR’s Research Programme.

Finally, in Q3 work was advanced by the ICLRD on the Strand One (Planning Issues) project that was commissioned by the OPR in Q2 in partnership with other stakeholders including the LGMA, DHLGH and Clare County Council. Other funding partners joined the project in Q3 from government departments in Northern Ireland and Maryland State in the USA. The project has been renamed ‘InPlace: Investigating Place, Planning and Commuting’. The OPR forms part of the Operational Committee that oversees the project, this Committee met in June 2021 and will meet again in Q4.

Eco Eye

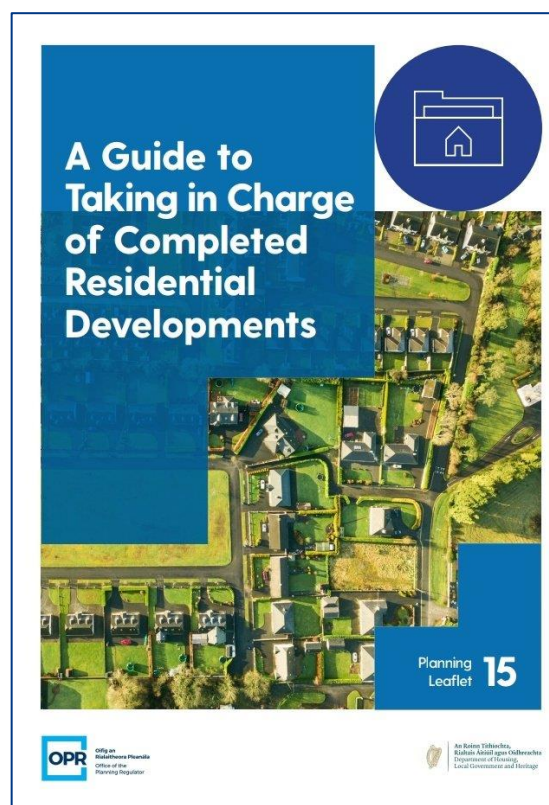
Filming commenced on the three OPR-sponsored episodes of Eco Eye in Q3. The theme of the episodes is ‘sustainable spatial planning’ and the individual episodes will examine issues including vacancy and dereliction, the ‘Town Centres First’ initiative and initiatives being adopted by local authorities to address urban sprawl. The ‘Town Centres First’ episode is co-sponsored by the Heritage Council. The episodes will be completed and issued to RTE in Q4 and will be aired on RTE1 television in Q1 of 2022.

Planning Leaflet Series

In Q3 the OPR, in conjunction with the Department of Housing, Local Government and Heritage published the 15th leaflet in the planning leaflet series. The leaflet entitled ‘*A Guide to Taking in Charge of Completed Residential Developments*’ explains what is meant by the term ‘taking in charge’, who can seek to have a residential development taken in charge and the procedures involved. All of the planning leaflets are accessible on the OPR and the DHLGH websites.

Site Specific Films

In Q3 the OPR engaged with the Irish Architecture Foundation (IAF) in relation to exploring options for commissioning some short films, similar to the documentaries that were produced by the IAF for Open House Dublin 2020. It is intended that these films will further explain common planning concepts in an effort to build public awareness and engagement by people in the planning system. To this end the films will have a specific focus on highlighting examples of compact growth, urban regeneration and sustainable mobility and permeability. Discussions will continue with the IAF and others throughout Q4 in a bid to identify suitable sites, speakers and production companies.



A Guide to Taking in Charge of Completed Residential Developments



Communications and Stakeholder Engagement

Stakeholder Engagement

The OPR held seven meetings with local authorities in relation to their plan-making functions in Q3 2021. These meetings were with planning officials from Cavan, Cork City, Dún Laoghaire – Rathdown, Galway County, South Dublin, Waterford and Wicklow.

Also in Q3, the OPR hosted three meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans

Communications

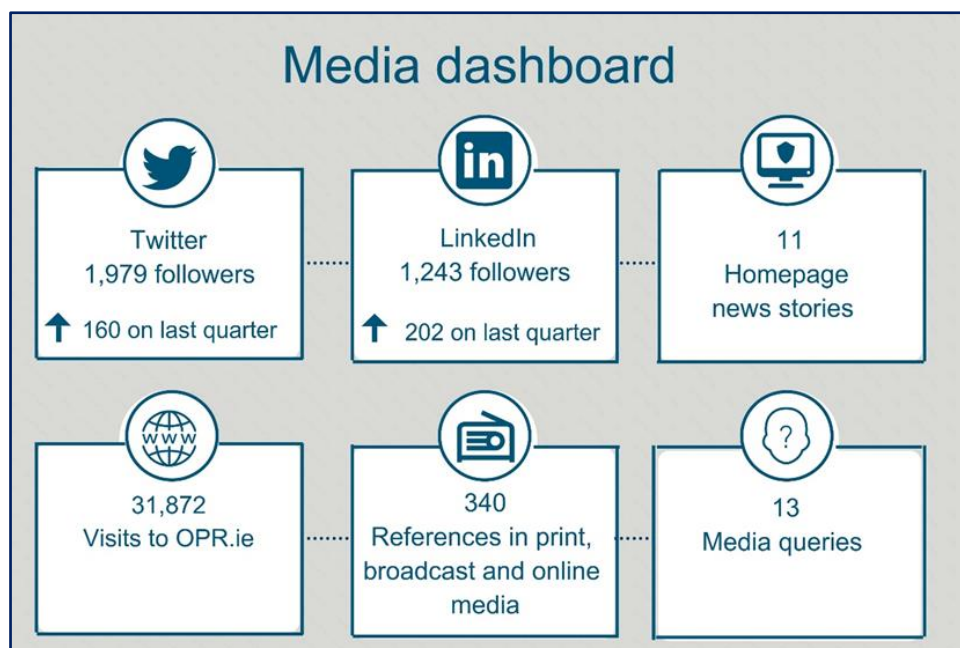
Website

A review and refresh of the home page of www.opr.ie took place in Q3. This was in order to make the homepage, more intuitive and to give it a cleaner look.

Media engagement

Media engagement continued with several interactions with national and local, print and broadcast media.

This included the publication and promotion of our first [Case Study Paper](#) and first [Local Authority Performance Review](#) which generated national and local print and broadcast coverage.





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