



Office of the Planning Regulator



Quarter 2 of 2023



Activity Report



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

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Introduction

This is the fourteenth in 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

The OPR is responsible for independently assessing city/county development plans and local area plans at three key stages: issues paper, draft plan and material alterations. The OPR also considers any proposed variations to existing city/county development plans or amendments to local area plans. OPR submissions may include recommendations, observations or advice.

In Q2 of 2023, 13 consultations on statutory plans opened for public consultation. These consultations related to: issues papers for one county development plan and four local area plans; four draft local area plans; material alterations to three draft local area plan; and one variation to an existing city/county development plan.

OPR Submissions on Statutory Plans

In Q2 2023 the OPR made ten submissions to local authorities. Table 1 sets out a breakdown by plan-type. In Q2 the majority of submissions related to draft local area plans.

Table 1: Submissions on Statutory Plans	
Variations to City/County Development Plans: <ul style="list-style-type: none"> Proposed Variation No. 1 to the Limerick Development Plan 2022-2028 	1
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> Ballyboggan Local Area Plan Old Connaught Local Area Plan Dundalk Local Area Plan 	3
Draft Local Area Plans: <ul style="list-style-type: none"> Draft Roscrea Local Area Plan 2023-2029 Draft Castlebar Town & Environs Local Area Plan 2023-2029 Draft Kildare Town Local Area Plan 2023-2029 Draft Abbeyfeale Local Area Plan 2023-2029 Draft Newcastle West Local Area Plan 2023-2029 	5
Material Alterations to Local Area Plans: <ul style="list-style-type: none"> Draft Edenderry Local Area Plan 2023-2029 	1
<u>Total</u>	<u>10</u>

Local authorities are divided into three regional areas, represented by three regional assemblies: the Eastern and Midland Regional Assembly (EMRA), the Northern and Western Regional Assembly (NWRA) and the Southern Regional Assembly (SRA).

OPR submissions during Q2 2023 related to all Regional Assembly areas. Figure 1 shows the number of submission made on consultations within each regional assembly area.

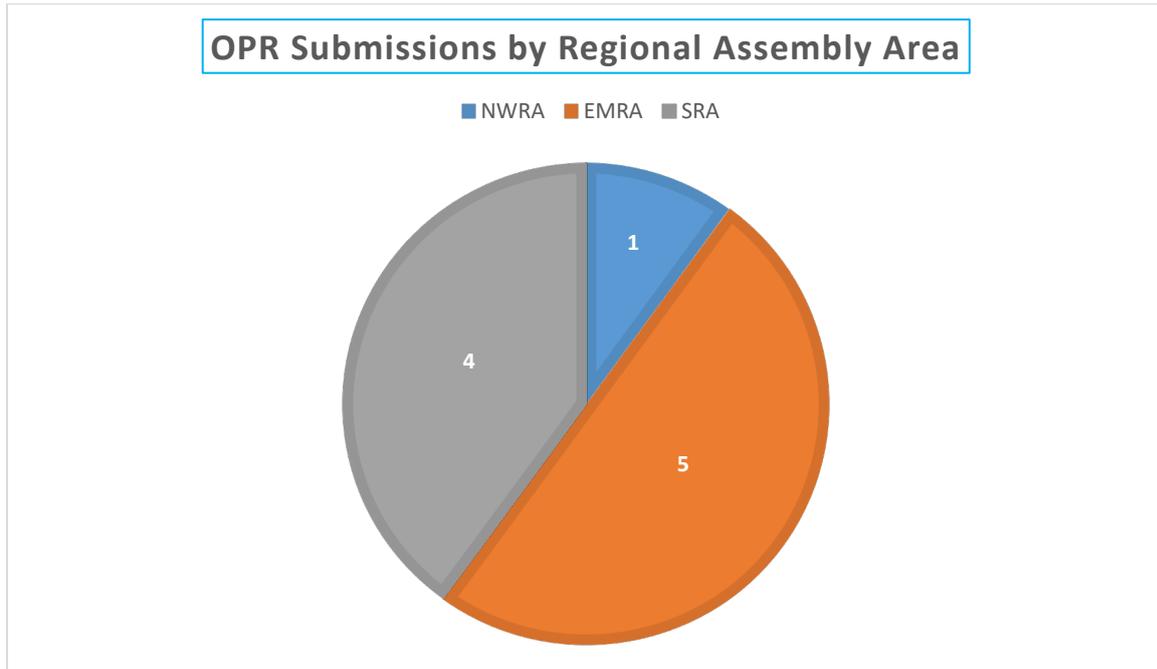


Figure 1:OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations

The OPR may make recommendations or observations in its submissions at the draft and/or material alterations stage. Due to the high-level nature of issues papers, the OPR does not make observations or recommendations at this stage.

Recommendations issued by the OPR relate to clear breaches of: relevant legislative provisions; the national or regional policy framework; and Government policy, as set out in the Ministerial guidelines under section 28 of the Planning and Development Act 2000, as amended. The local authority is required to implement or address recommendation(s) made by the OPR.

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

Table 2 sets out the number of observations and recommendations made by the OPR in Q2 2023.¹

Table 2: Recommendations and Observations made by the OPR			
	Submissions (number)	Recommendations (number)	Observations (number)
Variations to City/County Development Plans	1	-	1
Draft Local Area Plans	5	10	15
Material Alterations to Draft Local Area Plans	1	2	-
Total	<u>7</u>	<u>12</u>	<u>16</u>

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 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.

A breakdown of the recommendations and observations made in Q2 by legislative category is contained in Tables 3 and 4. As recommendations can cover more than

¹ As the OPR does not issue recommendations or observations at Issues Paper stage these figures do not relate to submissions made at issues paper stage.

one legislative provision, the numbers presented in these tables (Table 4 and 5) differ from the total number of recommendations listed above in Table 2.

The most common themes across the recommendations and observations issued in Q2 2023 were flood risk management, core strategy, and monitoring and implementation.

Table 3: OPR Recommendations	Number
Consistency with NPF	11
Consistency with RSES	8
Consistency with DP	6
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	10
Consistency with Legislative Provisions	8
Consistency with Legislative Provisions re Climate Change	1
Other	2
Total	<u>46</u>

Table 4: OPR Observations	Number
Consistency with NPF	7
Consistency with RSES	6
Consistency with DP	3
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	5
Consistency with Legislative Provisions	7
Consistency with Legislative Provisions re Climate Change	1
Other	2
Total	<u>31</u>

Adopted Plans - Outcome of OPR Submissions

Once a plan has been adopted, the OPR has four weeks to assess the plan as adopted and determine whether the plan aligns with national and regional policy and has satisfactorily addressed the recommendations made by the OPR.

Three local area plans were adopted by planning authorities in Q2 2023. The OPR made eight recommendations in total at the draft and material alterations stage of these three plans. All recommendations were satisfactorily addressed, as shown in Table 5.

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

Plan	Local Authority	No. of recommendations issued	Adoption Date
Castleconnell Local Area Plan 2023-2029	Limerick City and County Council	2	17 th April 2023
Caherconlish Local Area Plan 2023-2029	Limerick City and County Council	3	21 st April 2023
Birr Local Area Plan 2023-2029	Offaly County Council	3	15 th May 2023

Draft Directions

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

In Q2 2023, the OPR proposed a draft direction to the Minister in respect of the Iare County Development Plan 2023-2029. Table 6 provides a breakdown of the number of recommendations which were or were not satisfactorily addressed.

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

Plan	Local Authority	No. of Recommendations Issued	No. of Recommendations draft directions related to
Clare County Development Plan 2023-2029	Clare County Council	23	7

Final Directions

The Minister did not issue any final recommendations during Q2 2023. At the end of Q2 the direction process was still ongoing in relation to the Clare County Development Plan 2023-2029. In addition, the OPR issued a recommendation to the Minister of a draft Direction on the Fingal County Development 2023-2029 in Q1 2023. The direction process was ongoing for Fingal County Development 2023-2029 at the end of Q2 2023.

Note: *The OPR's submissions and recommendations to the Minister can be found on the [OPR website](#). Please note that Final Directions are only published once the direction process has been completed.*

Reviews and Examinations

Case Handling

Case activity

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

During **Q2**, a total of **39** cases were received and **51** cases were closed by the OPR, detailed by month in figure 2.

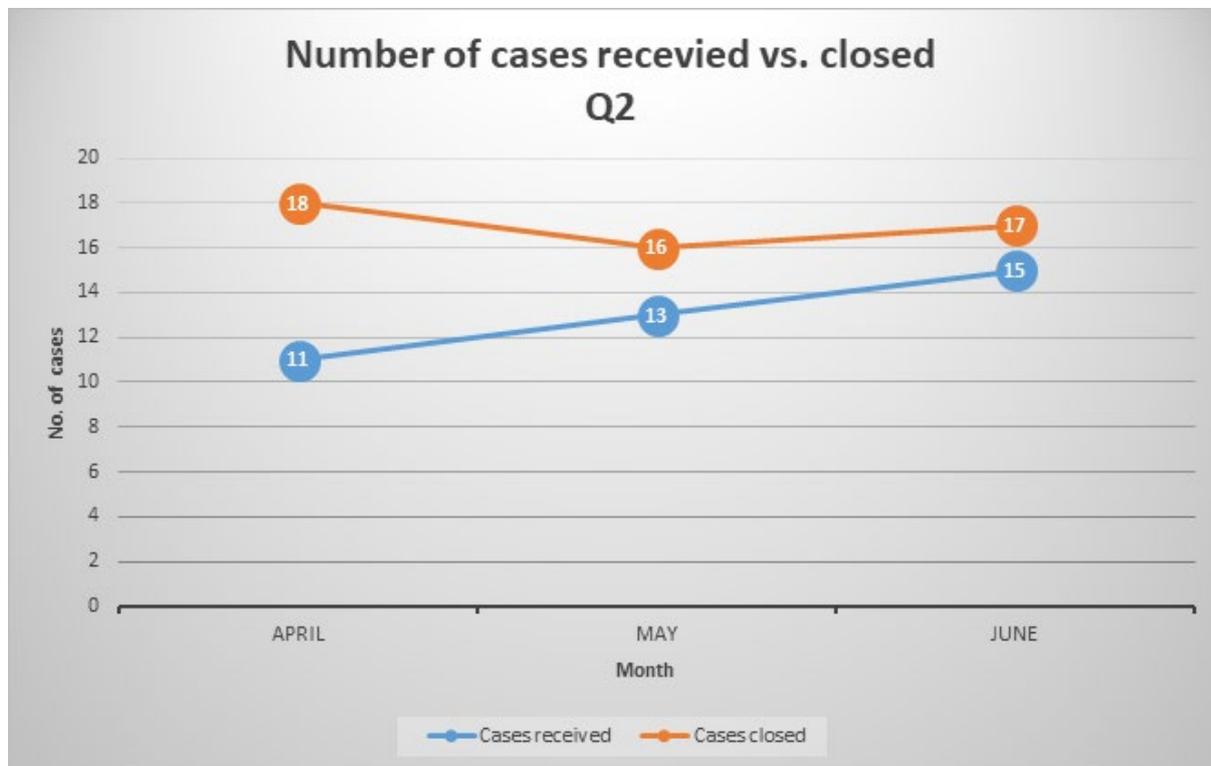


Figure 2: Cases received vs. cases closed Q2, 2023

The **51** cases closed in **Q2** are as follows:

- **30** complaints
- **12** queries
- **9** submissions



Figure 3: Case types

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

Often, especially with regard to complaints, the processing of cases requires engaging in a series of correspondence with the customer and/or the relevant local authority. This is demonstrated by the fact that the **51** cases closed in **Q2** are estimated to have taken approximately **460** working hours to process.

While a broad range of themes arose in the OPR's case handling during **Q2**, a number of dominant themes prevailed. As can be seen in figure 4, statutory plan making was the most common single theme, occurring in **16%** of cases, followed closely by cases relating to enforcement/ unauthorised development at **15%**.

The theme entitled ‘other’ includes a variety of issues such as planning conditions, alleged impropriety, national policy, online planning services and other issues.

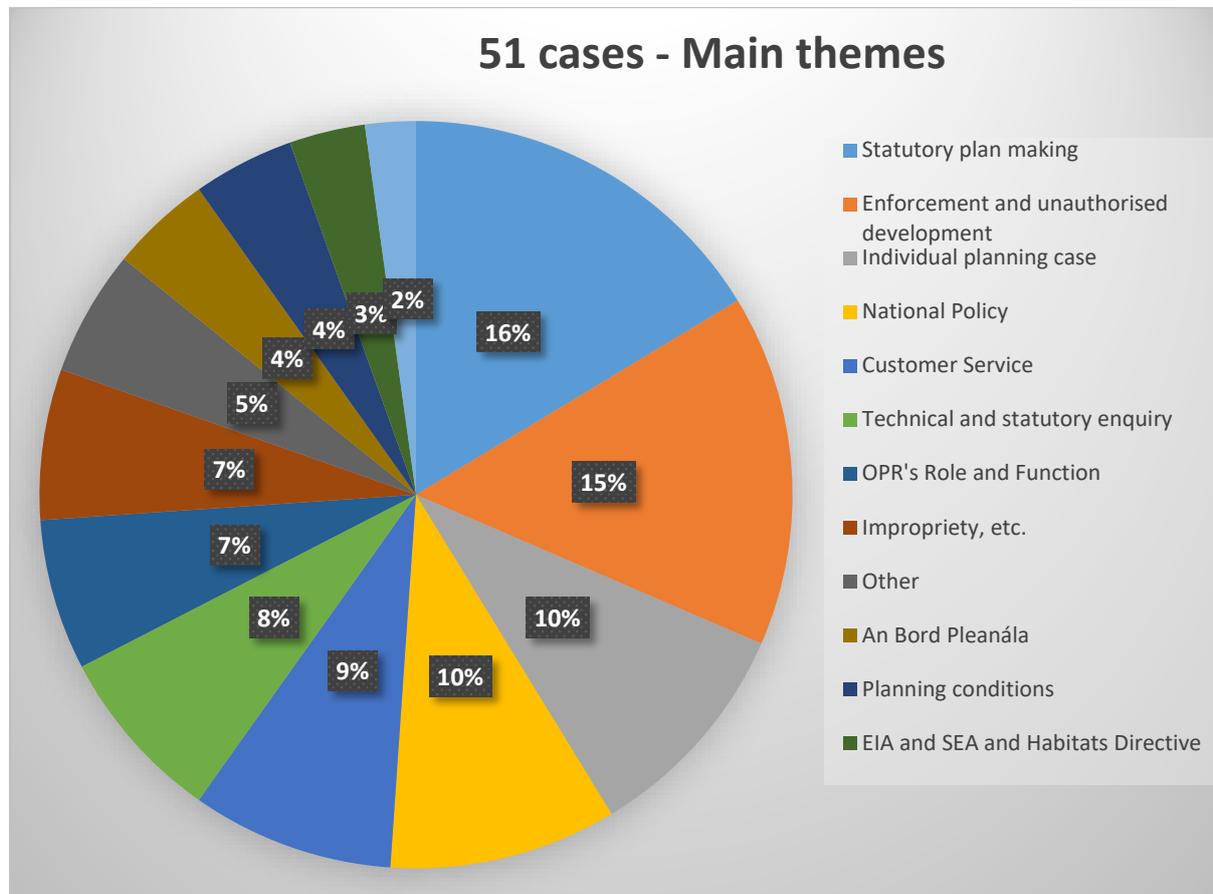


Figure 4: Main themes of cases closed

Complaints

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

With regard to the **30** complaints closed during **Q2**, **14** complaints met the legislative threshold for preliminary examination. **7** of the **14** complaints (**50%**) that required a preliminary examination related to enforcement / unauthorised development related matters as the main theme.

Following preliminary examination, no complaint was upheld this quarter. The OPR determined that the matters raised did not represent a systemic concern or that the local authorities had followed proper procedure.

Notwithstanding the above, in some instances, even where the specific complaint is not upheld, the OPR's engagement with a local authority may result in the meaningful progression or clarification of the matter that was of concern. As such, there were **3** instances where the outcome was categorised as assistance provided.

Planning Authority Reviews Programme

The OPR fulfils an important oversight and monitoring role regarding the delivery of proper planning and sustainable development outcomes by the planning system. Assessing the systems and procedures used by local authorities in the performance of their statutory planning functions through the reviews process is a central part of this oversight.

Review of Meath County Council

The OPR initiated its review of Meath Council County during **Q2**. The OPR met with Meath's planning department to discuss the review process.

Under Section 31AV of the Act, the OPR issued a request for information on Meath County Council's statutory planning functions. In line with this request, comprehensive information on the organisational and management context, statutory planning functions and wider strategic context was provided to the OPR. This information is critical in enabling the OPR to build a clear picture of the local authority's delivery of its statutory planning functions.

This information was analysed by the OPR and an intensive schedule of workshops to discuss various aspects of the planning authority's operations was agreed with Meath County Council.

Local Authority Monitoring

Monitoring the implementation of the OPR's recommendations helps to ensure the integrity of the review process. **Q2 2023** saw a particular emphasis on the monitoring of recommendations made by the OPR.

Monitoring is conducted at six monthly intervals. During **Q2**, the OPR engaged with local authorities at various stages of implementation:

- Louth County Council – the **18**-month progress update was commenced
- Kildare County Council – the **12**-month progress update was commenced
- Tipperary County Council – work was progressed on the **18**-month progress update

The OPR's monitoring indicates that review recommendations are being successfully implemented, or progressed, across the various local authorities.

An Bord Pleanála Monitoring

Ensuring the implementation of recommendations arising from both phases of the 2022 An Bord Pleanála review continues to be a high priority for the OPR. Earlier this year, An Bord Pleanála prepared an implementation plan and delivery schedule for the implementation of the **34** recommendations. In **Q2**, the first quarterly progress update was received. Progress will be continue to be monitored on a quarterly basis.

Research, Education, Training and Public Awareness

Councillor Training

In Q2 the OPR continued to fulfil its statutory mandate to conduct education and training programmes for members of planning authorities in respect of matters relating to proper planning and sustainable development.

In April, the OPR delivered a planning training webinar for local authority elected members, in conjunction with the Association of Irish Local Government (AILG) and the National Transport Authority (NTA).

The webinar entitled 'Connecting Ireland and Rural Public Transport Investment – Opportunities for Rural Regeneration' focused on:

- Rural public transport provision and current initiatives to expand rural public transport in Ireland – Connecting Ireland Rural Mobility Plan;
- Implementing new Connecting Ireland rural public transport services; and
- Rural town transport service planning and implementation.

Presentations were delivered by Conor O'Donovan, Senior Transport Planner with the NTA, Frances Byrne, Local Link Manager for Laois Offaly and Cormac Ross, Acting Senior Executive Engineer with Meath County Council.

In June, the OPR, in conjunction with the AILG, held in-person planning training events for elected members in Mullingar and Castlecomer.

The training entitled 'Overview of Existing and Emerging Planning Legislation and Policy Guidance' gave an insight into:

- The OPR's experience of reviewing statutory plans and the identification of key trends and recurring issues;
- The implications for local authorities of the proposed Planning and Development Bill 2022; and
- A general update on the work of the National and Regional Urban Planning Policy Unit of the Department of Housing, Local Government and Heritage.

Presentations were delivered by Niall Cussen, Planning Regulator, Eugene Waters and Mary Jones of the Planning Legislation Review Unit of the Department of Housing, Local Government and Heritage (DHLGH) and Colin Ryan, Senior Planning Adviser with the National and Regional Urban Planning Policy Unit of the DHLGH. The presentations were followed by a Q&A session. The recording of the Mullingar event has been made available on the OPR's website.

Local Authority and Regional Assembly Staff Training

Extensive consultation took place throughout Q2 between the OPR, the Chair of the Coastal Planning Authority Subgroup of the County and City Management Association (CCMA) and the DHLGH regarding the need to deliver training for local authority and regional assembly staff on Marine Spatial Planning. Agreement was reached that this training should take the form of an in-person workshop.

The format and line-up for the workshop was agreed. Preparations are currently underway for the delivery of the workshop on 6 July in Ennis, Co. Clare. Presentations will be delivered by representatives from Clare County Council, An Bord Pleanála, the Maritime Area Regulatory Authority Establishment Unit in the DHLGH, the National and Regional Urban Planning Policy Unit in the DHLGH and the Marine Planning Policy and Legislation Unit in the DHLGH.

National Planning Knowledge Group

The twelfth meeting of the National Planning Knowledge Group (NPKG) was held in May as part of which the OPR provided an update on the work that is being advanced under the new Strategic Planning Research Programme (2023-2025) and as part of the training and public awareness brief. Representatives from the International Centre for Local and Regional Development (ICLRD) and the DHLGH provided information on the status of the InPLACE Study and an update on the work of the National, Regional and Urban Planning Policy Unit of the DHLGH respectively.

OPR Research Output

In Q2 the OPR advanced work on a number of research projects identified within the new Strategic Planning Research Programme (2023-2025) some of which were long-term projects carried over from the original Strategic Planning Research Programme (2020-2022).

Strand One (Planning Issues) Projects

In Q2 the UCD research team advanced work on the 'Understanding Rural Housing Dynamics' research project and completed extensive field survey work. Data input and analysis from the survey work is ongoing and the draft report is in preparation. It is expected that during Q3 reporting on preliminary findings and a series of short thematic reports will be developed with the steering committee. It is intended that the output from this research will feed into the review of the NPF that is being undertaken by the DHLGH. This research is consistent with the OPR's intention to conduct research into rural housing and to examine 'the story behind the statistics'.

During Q2 the ICLRD advanced work on Phase 2 of the 'InPLACE – Investigating Planning, Place-Making and Commuting' research project. In terms of stakeholder engagement, all of the Phase 2 case study town surveys and interviews were completed. Work was also progressed on the Phase 2 policy analysis. The timeline for completion of the project was extended from Q3 to Q4 2023 to allow for the inclusion, in the final report, of the small area population statistics and the POWSCAR data that will be published by the CSO in Q3.

During Q2 comments and feedback were issued on the second order Draft of Volume 2: Achieving Climate Neutrality by 2050 of the EPA Ireland's Climate Change Assessment.

In May, the Volume 2 Steering Sub-Committee met in person to review the Summary for Policy Makers. Further feedback and comment was provided by the OPR and a final draft of Volume 2 and the Summary for Policy Makers was issued for final review and sign-off in July.

In Q2 work was advanced on the co-funded EPA-DAFM (Department of Agriculture, Food and the Marine) research project entitled 'Reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit' or 'Reframe'. A review of the Draft Landscape Character Assessment Toolkit was undertaken by the OPR and Steering Committee members. The final Steering Committee meeting was held in June and the final draft of the Toolkit will be

circulated in Q3 for full sign-off in advance of dissemination and training in the Autumn/Winter 2023.

Strand Two (Planning Performance) Projects

During Q2, work was advanced on the OPR-EPA funded project 'Public Participation and Performance Criteria in Strategic Environmental Assessment: The Way Forward to Advancing Practice' or 'SEAWAY'. Comments and feedback were furnished to the project team under Deliverable 4 (Dossier on good practice case studies on SEA public consultation and engagement in Ireland, Revised KPIs for Ireland and a Guidance Note on Public Participation in SEA) following discussions at the steering committee meeting held in April.

During Q2 the project team also published a video on public engagement 'Have your say on the assessment of the environment'. Following significant steering committee review, the video was launched at the pilot public participation event (for the Dundalk LAP) with Louth County Council in June. The public participation event, which included a neighbourhood walk and community mapping workshop, was promoted via OPR social media accounts. Further revisions to the 'Guidance Note on Public Participation in SEA' were received in May and feedback is currently being collated for sign off purposes.

Strand Three (Planning Practice) Projects

In Q2 work continued on Practice Note PN04 - 'Planning for Employment Growth: The Development Plan and Employment Lands'. Review and feedback was furnished to the consultants on the interim report (draft). Stakeholder engagement was undertaken with local authorities, Regional Assemblies, infrastructure agencies (NTA/TII/UE) and a focus session was held with DETE/DHLGH/EI/IDA Ireland. Drafting of the Practice Note was advanced during June. A final draft, for the peer review stage, will be prepared during Q3. It is anticipated that the practice note will be finalised and published in Q4.

During Q2 drafting of Practice Note PN05 – 'Planning Enforcement' was advanced to the final working draft stage. The aim of this practice note is to provide information on the main workings of planning enforcement and to examine key concepts of enforcement with a focus on practical and operational issues. It includes a review of some key legal cases relating to planning enforcement. The peer review of the draft practice note, with key stakeholders in planning authorities, the DHLGH and a legal peer, will be undertaken during Q3. It is expected that the practice note will be finalised and published in late Q3/early Q4 and a training event linked to this publication will be delivered in Q4.

Public Awareness Initiatives

Planning Leaflets

In Q2 the OPR, in conjunction with the DHLGH, published the 16th leaflet in the planning leaflet series. The leaflet entitled 'Large-scale Residential Development' sets out what is meant by the term Large-scale Residential Development (LRD) and the procedure involved in making an LRD application including details of how the application will be assessed, the timeline for making a decision on an LRD application and the appeal stage. All of the planning leaflets are accessible on the OPR and the DHLGH websites.

Meet a Planner

The new 'Meet a Planner' webpage was launched in Q2. This sits within the 'Becoming a Planner' resource on the OPR website and features the profiles of nine planners who have recently joined the workforce or have been working in the system for a short while. The planners were selected following consultation with the Heads of the Planning Schools in TU Dublin, UCC and UCD. The purpose of the resource is to show second level students, graduates and career changers the different routes and interests that can lead to a career in planning and the wide range of job opportunities that exist. The webpage was launched in mid-June, in advance of the CAO 'Change of Mind' deadline of 1 July, in an effort to encourage students who were making their final CAO choices to consider opting for a third-level planning course. Promotion of this new webpage is on-going.

Communications and Stakeholder Engagement

Engagement with Local Authorities

During Q2, the OPR continued to engage with local authorities, meeting with Dún Laoghaire-Rathdown County Council, Wexford County Council, Donegal County Council, and also with Limerick City and County Council. This engagement allows the OPR to answer queries or discuss key matters regarding proposed plans, and to provide additional information, such as policy updates, which may support the work of the local authority during the plan-making process.

Plans Evaluation Forum

The OPR hosted two meetings of the Plans Evaluation Forum, in May and June 2023, which enabled discussions between all organisations on statutory plans subject to public consultation over that period.

Digital Planning

The OPR's first Digital Planning and Analytics Strategy 2023-2025 was published in Q2 2023. The strategy sets out a roadmap to realise digital transformation - defining the best way to leverage technology to help overcome business challenges, improve results and add value for the organisation and our stakeholders.

Social Media

Several posts were created to promote training events for elected members in Mullingar and Castlecomer and the Marine Spatial Planning workshop for Local Authority and Regional Assembly staff in Ennis.

The "Meet a Planner" webpage and the "Large-scale Residential Development" planning leaflet were also promoted on social media and reached a large audience especially on LinkedIn.

Website

Three news stories were published on the OPR website to promote the work of the OPR. The website is also being continually reviewed and updated.

Print Media

Media engagement continued with several interactions with national, print and broadcast media including The Times and Irish Independent.



Figure 5: Media dashboard, Q2 2023



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