



Office of the Planning Regulator

Quarter 1 of 2023

Activity Report



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Contents

Introduction	1
Evaluation of Statutory Plans.....	2
Reviews and Examinations.....	9
Research, Education, Training and Public Awareness	11
Communications and Stakeholder Engagement.....	15



Introduction

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

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



Evaluation of Statutory Plans

Notification of Consultations on Statutory Plans

In Q1 of 2023, 19 consultations on statutory plans opened for public consultation.

Planning authorities are required to notify the OPR at specified stages of the plan making process, such as when a public consultation is launched. Table 1 sets out a breakdown of notifications received by the OPR of consultations on statutory plans by plan-type. In Q1 of 2023, the majority of notifications received by the OPR related to Issues Papers for Local Area Plans.

Table 1: Notification of Consultations on Statutory Plans

Variations to Draft City/County Development Plans: <ul style="list-style-type: none"> • Cork City Development Plan 2022-2028 (Material Alterations to Variation No.1) • Sligo County Development Plan 2017-2023, Variation No. 2¹ • Limerick Development Plan 2022-2028, Variation No.1 	3
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> • Newcastle West Local Area Plan 2014-2020 (as extended) • Adare Local Area Plan 2015-2021 • Patrickswell Local Area Plan 2015-2021 • Tramore Local Area Plan 2023-2029 • Dungarvan and Ballinroad Local Area Plan 2023-2029 • Killarney Municipal District Local Area Plan 2023-2029 • Tralee Municipal District Local Area Plan 2023-2029 • Listowel Municipal District Local Area Plan 2023-2029 	8
Draft Local Area Plans: <ul style="list-style-type: none"> • Draft Letterkenny Plan and Local Transport Plan 2023-2029 • Draft Tuam Local Area Plan 2023-2029 • Draft Roscrea Local Area Plan 2023-2029 • Draft Castlebar Town & Environs Local Area Plan 2023-2029 • Draft Kildare Town Local Area Plan 2023-2029 	5
Material Alterations to Local Area Plans <ul style="list-style-type: none"> • Draft Castleconnell Local Area Plan 2023-2029 • Draft Caherconlish Local Area Plan 2023-2029 • Draft Birr Local Area Plan 2023-2029 	3
Total	19

¹ The OPR notes confirmation from the local authority that the proposed variation in relation to the extension of the timeframe of the existing Development Plan, is not a variation under section 13 of the Act.

OPR Submissions on Statutory Plans

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

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

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

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

The OPR made 17 submissions to local authorities in Q1 2023. These submissions were in relation to:

Table 2: Submissions on Statutory Plans

Material Amendments to City/County Development Plans: <ul style="list-style-type: none"> Clare County Development Plan 2023-2029 	1
Variations to Draft City/County Development Plans: <ul style="list-style-type: none"> Cork City Development Plan 2022-2028 (Material Alterations to Variation No.1) Sligo County Development Plan 2017-2023 	2
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> Newcastle West Local Area Plan 2014-2020 (as extended) Adare Local Area Plan 2015-2021 Patrickswell Local Area Plan 2015-2021 Tramore Local Area Plan 2023-2029 Dungarvan and Ballinroad Local Area Plan 2023-2029 Killarney Municipal District Local Area Plan 2023-2029 Tralee Municipal District Local Area Plan 2023-2029 Listowel Municipal District Local Area Plan 2023-2029 	8
Draft Local Area Plans <ul style="list-style-type: none"> Draft Letterkenny Plan and Local Transport Plan 2023-2029 Draft Tuam Local Area Plan 2023-2029 Draft Edenderry Local Area Plan 2023-2029 	3

Material Alterations to Local Area Plans:	
<ul style="list-style-type: none"> • Draft Castleconnell Local Area Plan 2023-2029 • Draft Caherconlish Local Area Plan 2023-2029 • Draft Birr Local Area Plan 2023-2029 	3
Total	17

OPR submissions during Q1 2023 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.

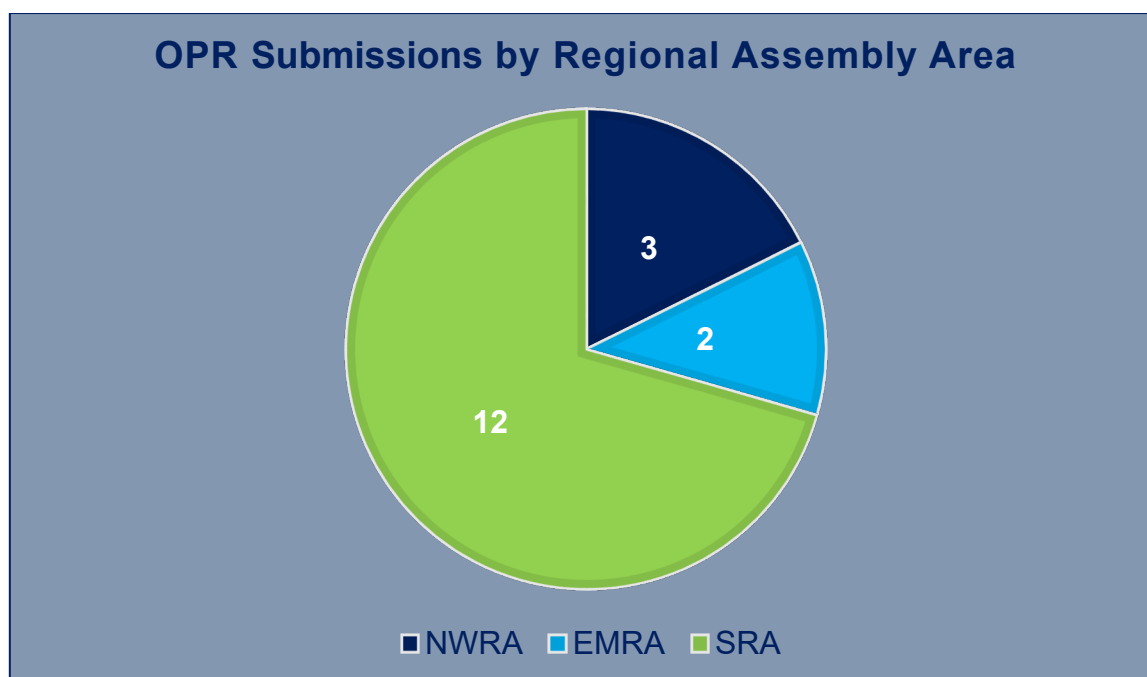


Figure 1: OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations

Table 3 sets out the number of observations and recommendations contained in each submission. Due to the high level nature of issues papers, the OPR does not make formal observations or recommendations. Strategic advice on an issues paper and/or guidance is provided instead.

Table 3: Recommendations and Observations made by the OPR²			
	Submissions (number)	Observations (number)	Recommendations (number)
Material Amendments to City/County Development Plans	1	-	10
Variation to County/City Development Plans	2	-	-
Draft Local Area Plans	3	11	22

² The OPR does not issue recommendations or observations at issues paper stage

Material Alterations to Draft Local Area Plans	3	1	2
Total	9	12	34

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

- **Section 28 guidelines:** flood risk and development plans guidelines.
- **Legislative requirements:** climate actions and sustainable transport under section 10(2)(n) of the Act;
- **Hierarchy of plans:** alignment with National Planning Framework and RSES in relation to strategic residential development, flood risk and regeneration of towns and villages.

OPR Recommendations and Observations: Legislative Categories

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

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

In Q1 2023, consistency with national and regional policy and planning guidelines were the basis of the recommendations and observations made in the OPR's 17 submissions. The recommendations and observations contained in these submissions are categorised under these themes in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Across all recommendations and observations issued in Q1 2023, the most common themes emerging were compact growth, regeneration, sustainable transport and flood risk management.

Table 4: OPR Recommendations	Number
Consistency with NPF	29
Consistency with RSES	28
Consistency with DP	12
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	24
Consistency with Legislative Provisions	12
Consistency with Legislative Provisions re Climate Change	12
Other	1
Total	118

Table 5: OPR Observations	Number
Consistency with NPF	6
Consistency with RSES	4
Consistency with DP	2
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	3
Consistency with Legislative Provisions	1
Consistency with Legislative Provisions re Climate Change	1
Other	3
Total	20

Adopted Plans - Outcome of OPR Submissions

Three county development plans were adopted by planning authorities in Q1 2023, listed chronologically by adoption below;

- Leitrim County Development Plan 2023-2029
- Fingal Development Plan 2023-2029
- Clare County Development Plan 2023-2029

One Local Area Plan was adopted by a planning authority in Q1 2023, listed below;

- Rathkeale Local Area Plan 2023-2029

In addition, the outcome of the assessment of the adopted Kildare County Development Plan 2023-2029 and adopted Lissenhall East Local Area Plan, which were both adopted in Q4 2022, concluded in Q1 2023.

The OPR's assessment of the adopted Clare County Development Plan 2023-2029 was ongoing at the end of Q1.

The OPR was satisfied that its recommendations at draft and material alterations stage in relation to the Leitrim County Development Plan 2023-2029, Kildare County Development Plan 2023-2029, Lissenhall East Local Area Plan and Rathkeale Local Area Plan 2023-2029, and were satisfactorily addressed in the adopted plans.

Of the five adopted plans assessed by the OPR in Q1 2023, 61 recommendations were made in total at the draft and material alteration stages of these plans.

The outcome of the OPR's review of recommendations to adopted plans are detailed in Table 6 and Table 7 below: Table 6 details the adopted plans where the OPR's recommendations were satisfactorily addressed. Table 7 details the adopted plans where the OPR's recommendations were not satisfactorily addressed.

Table 6: Adopted Plans – Outcome of OPR Submissions: Recommendations satisfactorily addressed

Plan	Local Authority	No of Recommendations Issued	Adoption Date
Kildare County Development Plan 2023-2029 ³	Kildare County Council	20	9 th December 2022
Lissenhall East Local Area Plan	Fingal County Council	2	12 th December 2022
Rathkeale Local Area Plan 2023-2029	Limerick City & County Council	2	10 th January 2023
Leitrim County Development Plan 2023-2029	Leitrim County Council	13	7 th February 2023

Table 7: Adopted Plans – Outcome of OPR Submissions: Recommendations not all satisfactorily addressed

Plan	Local Authority	No. of Recommendations Issued	No. of Recommendations draft Direction Related To
Fingal Development Plan 2023-2029	Fingal County Council	24	3

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 that 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.

³ The OPR assessment of the Kildare County Development Plan 2023-2029, adopted in Q4 2022, concluded in Q1 2023.

In Q1 2023, the OPR issued a proposed draft direction to the Minister in respect of the Fingal Development Plan 2023-2029. The OPR's proposed draft directions are available on the OPR website: <https://www.opr.ie/recommendations-made-by-the-opr-to-the-minister/>.

Final Directions

The Minister issued a final Direction to the Wicklow County Development Plan 2022-2028 on 21st February 2023. This followed from a recommendation of a Direction from the OPR on 12th January 2023.

Other related activity

- **Core Strategy Calculator:** This calculator was created to allow users to measure housing densities and estimate housing yields in order to assess Core Strategy proposals.
- **Interactive Map Viewer:** This internal decision support tool was published in Q1 to assist the Plans Evaluations Team (PET) in their assessment of statutory plans. This map viewer provides access to spatial information and powerful analysis tools relevant to the plan evaluation process.



Reviews and Examinations

Case Handling

Cases Activity

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

During Q1, a total of 45 cases were received and 42 cases were closed by the OPR, detailed by month in Figure 2.

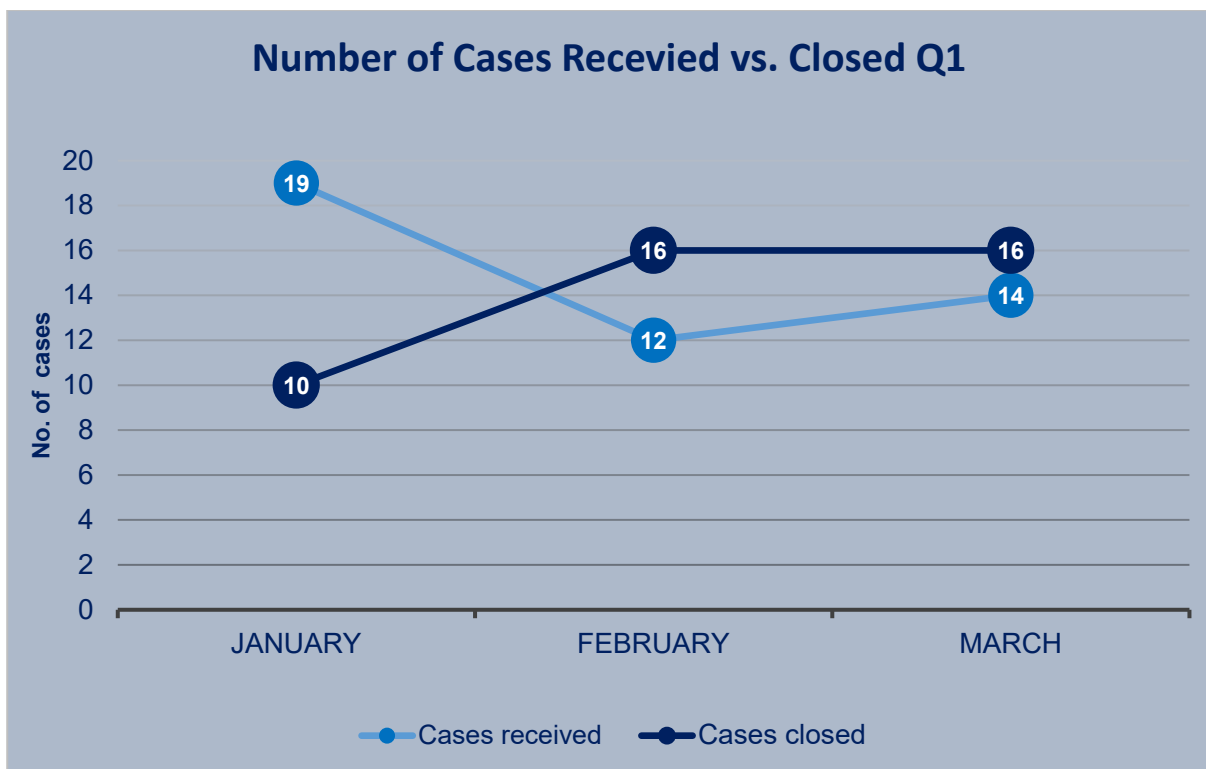


Figure 2: Number of Cases Received vs. Closed Q2

The 42 cases closed in Q1 are as follows:

- 22 complaints
- 8 queries
- 12 submissions

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

Often, especially with regard to complaints, the processing of cases requires engaging in a series of correspondence with the customer and/or the relevant local authority. This is demonstrated by the fact that the 42 cases closed in Q1 are estimated to have taken approximately 253 working hours to process.



Figure 3: Case Types

While a broad range of themes arose in the OPR’s case handling during Q1, a number of dominant themes prevailed. As can be seen in figure 3, statutory plan making was the most commonly occurring single theme, with this theme occurring in almost 20% of cases, followed closely by cases raised in relation to individual planning applications.

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

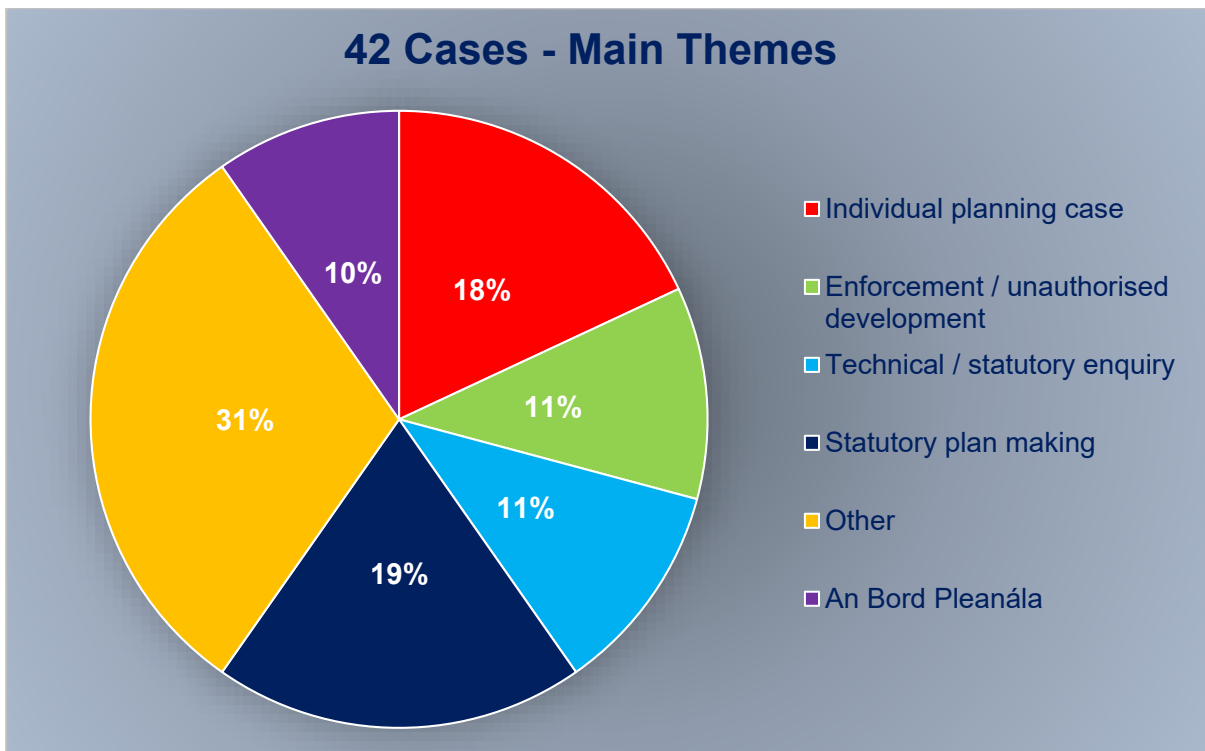


Figure 4: OPR Cases-Main Themes

Complaints

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

With regard to the 22 complaints closed during Q1, 5 complaints (23%) met the legislative threshold for preliminary examination. One of these complaints was upheld, the matter was with regard to the processing of fees for submissions on planning applications within the designated timeframe, and procedures have been revised as a result of the matter.

The other four complaints were not upheld following preliminary examination of the matters raised, with the Office determining that the matters raised did not represent a systemic concern or that the local authorities had followed proper procedure.

Where cases are not upheld or do not meet the statutory threshold for preliminary examination, the OPR is often able to clarify matters of concern to the customer by providing information on aspects of the working of the planning system.

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. Monitoring the implementation of the OPR's recommendations helps to ensure the integrity of the review process.

Q1 2023 saw a particular emphasis on the monitoring of recommendations made by the OPR.

Local Authority Monitoring

Monitoring of the implementation of review recommendations is conducted at six monthly intervals. During Q1, the OPR engaged with local authorities at various stages of implementation:

- Tipperary County Council – work was progressed on the 18 month progress update
- Galway City Council – the 12 month progress update was completed
- Louth County Council – the 12 month progress update was completed
- Kildare County Council – the 6 month progress update was completed

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 is a high priority for the OPR. An Bord Pleanála prepared an implementation plan and delivery schedule for the implementation of the 34 recommendations which was approved by the Office in Q1. Progress will be monitored on a quarterly basis, commencing in Q2 2023.



Research, Education, Training and Public Awareness

Councillor Training

In February the OPR delivered a planning training webinar for local authority elected members, in conjunction with the AILG.

The webinar entitled Preparing and Making Local Area Plans: Driving Urban and Rural Regeneration focused on:

- An Overview of the Local Area Plan Preparation Process and Developing a New Generation of Local Area Plans for Kildare;
- Turning Local Area Plans into Reality: Cork County Council's Experiences in Implementing Local Area Plans; and
- Linking Local Area Plans and National Programmes Supporting Town and Village Renewal.

Presentations were delivered by Amy Granville, Senior Planner with Kildare County Council, Pádraig Moore, Senior Planner with Cork County Council and Fintan O'Brien, Assistant Secretary with the Department of Rural and Community Development.


The OPR will deliver three further training events in April, June and September and will focus on rural public transport investment and opportunities for rural regeneration; an overview of existing and emerging planning legislation and policy guidance; and integrating energy supply and planning.

Local Authority and Regional Assembly Staff Training

The OPR delivered a webinar in January entitled Flood Risk Management and Planning, which focused on:

- Implementation of the Flood Risk Management Guidelines;
- Flood Data – Data Usage and the Flood Map Review Programme; and

Local Authority Elected Members Training Webinar






Preparing and Making Local Area Plans: Driving Urban and Rural Regeneration

Overview of the Local Area Plan Preparation Process & Developing a New Generation of Local Area Plans for Kildare


Turning Local Area Plans into Reality: Cork County Council's Experiences in Implementing Local Area Plans


Linking Local Area Plans and National Programmes Supporting Town and Village Renewal

📅 Fri, 24 Feb

🕒 10-11:30 am

Register:
info@ailg.ie






Elected Members Training, February 2023

- Learnings from the OPR's Evaluation of Statutory Plans and Implementation of the Flood Risk Management Guidelines.

Presentations were delivered by Conor Galvin and Rachel Woodward from the Office of Public Works and John Desmond, Senior Planner with the OPR's Plan Evaluations team.

A further training event for local authority and regional assembly staff is currently being prepared and will focus on Marine Spatial Planning. This event will set out the current legislative context for marine spatial planning and how this legislation is being implemented on the ground.

National Planning Knowledge Group

The eleventh meeting of the National Planning Knowledge Group (NPKG) was held in February as part of which the OPR provided an update on the work that 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 All-Island Research Observatory (AIRO) and the Department of Housing, Local Government and Heritage (DHLGH) provided information on the new Regional Development Monitor hub and the review of the National Planning Framework (NPF) respectively.

OPR Research Output

During Q1 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 Q1 the OPR agreed to co-fund a new UCD research project on '*Understanding Rural Housing Dynamics*'. It is intended that the research will feed into the review of the NPF that is being undertaken by the DHLGH and it is consistent with the OPR's intention to conduct research into rural housing and to examine 'the story behind the statistics'.

Throughout Q1 the International Centre for Local and Regional Development (ICLRD) advanced work on the 'InPLACE – Investigating Planning, Place-Making and Commuting' project. Following engagement with Kildare County Council, Sallins was selected as the final Phase 2 case study town. The four Phase 2 case studies are Kanturk-Banteer, Co. Cork, Mountbellew-Moylough, Co. Galway, Sallins, Co. Kildare and Aghagallon in Co. Antrim. Briefings were held at municipal district level for the elected members in each of the Phase 2 case study areas. It is expected that the report will be published in Q4.

During Q1 the Second Order Draft of Volume 2: Achieving Climate Neutrality by 2050 of the EPA Five-Year Assessment of Irish Climate Change Research (5YAR) was issued for review. Comments and feedback are currently being collated and will be furnished to the EPA in April.

In Q1 the OPR attended a further Steering Committee meeting 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*'. The results of the pilot tests of the toolkit in the three selected study areas were presented

and the key findings discussed. The project will be finalised in Q3 with dissemination and training to be rolled out in the Autumn/Winter 2023.

Strand Two (Planning Performance) Projects

During Q1, 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*'. Under Deliverable 4 three reports were issued to the Steering Committee for review in advance of the next Steering Committee meeting in April, these include: a 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. During Q1 the project team also published the second newsletter for the project.

In Q1 work was advanced on the gathering of baseline data to inform the preparation of Case Study Papers CSP07 and CSP08 dealing with '*Quarries and the Local Authority Development Plan*' and '*Aviation and the Local Authority Development Plan*'. It is intended to commence work on the scoping reports for these projects in Q2.

Strand Three (Planning Practice) Projects

In Q1 work commenced on Practice Note PN04 – Planning for Employment Growth: The Development Plan and Employment Land. The aim of this practice note is to inform planning authorities of techniques that can be used to provide a robust evidence base for the core strategy and rationale for the zoning of land for employment purposes. It is anticipated that the practice note will be finalised and published in Q3.

During Q1 work also commenced on Practice Note PN05 – Planning Enforcement. The aim of this practice note is to provide an overview of how planning enforcement legislation is implemented by local authorities and to examine the associated practical and operational issues. It is intended that the practice note will provide support for new staff recruits or staff who have been transferred from other sections to a planning enforcement section in a local authority so that they have a baseline understanding of how a planning enforcement regime operates. It is expected that this practice note will be finalised and published in Q3.



Communications and Stakeholder Engagement

Stakeholder Engagement

Engagement with Local Authorities

During Q1, the OPR continued to engage with local authorities, meeting with Donegal and Mayo County Councils and also with Waterford City & 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 Plans Evaluation Forum was established in June 2019. The forum facilitates discussion and information exchange in the consideration of statutory plans by the OPR and encourages greater policy alignment amongst stakeholders in the context of the plan-making process.

Members of the forum include: the DHLGH, Department of Energy and Climate Change, the Department of Education, Uisce Éireann, the NTA, the OPW and representatives from the three regional assemblies and Transport Infrastructure Ireland.

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

Communications

Social Media

In January, we created our first podcast. In the podcast, Planning Regulator, Niall Cussen discusses some of the key findings in our recently published report on the Overview of the Planning System.

He also identifies some of the likely trends in the Irish Planning System for 2023. It received over 200 listens.

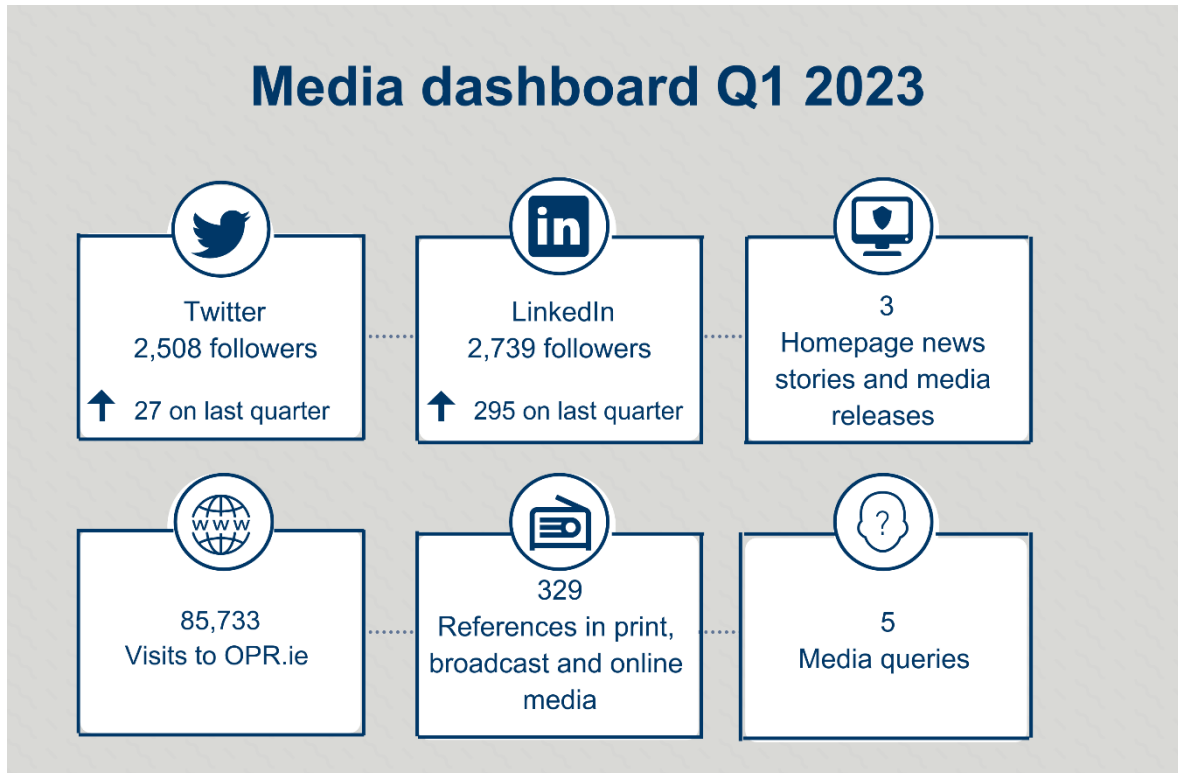
Website

Work was carried out on our website to ensure that it conforms to accessibility standards required by a new EU Directive. Large amounts of new content was translated and published on the Irish language version of the OPR website

Print Media

We had print and broadcast media requests from outlets including the Irish Times, Irish Examiner and Irish Independent.

Media dashboard Q1 2023



Media dashboard, Q1 2023



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