



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Annual Report 2019

Building a World-Class Planning Oversight Body





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Declaration

This Annual Report for the year ended 31 December 2019 is made to the Minister for Housing, Planning and Local Government (the Minister) and to the Houses of the Oireachtas in accordance with section 31AH of the Planning and Development Act 2000, as amended.



Introduction from the Planning Regulator

I am delighted to introduce this inaugural Annual Report of the Office of the Planning Regulator (OPR). The OPR was established in 2019 in line with a key recommendation of the Mahon Tribunal's final report, which recognised the need for systemic oversight of the Irish planning process, operated through the 31 local authorities, three Regional Assemblies, and an Bord Pleanála.

Our planning process directly affects every citizen of the State in meeting housing, physical and social infrastructural requirements, protecting and enhancing the quality of our environment and enabling the essential economic functioning of the country.

The role of the OPR is to:

- oversee consistent implementation of Government planning policy and legislation by local authorities and an Bord Pleanála;
- ensure effectiveness of the systems and procedures used by planning authorities in the delivery of planning services for and on behalf of the public; and
- to implement research, training and public awareness programmes to strengthen the planning process and to ensure public engagement in the process

Much of our work in 2019 was focused on establishing the necessary systems, personnel and infrastructure building the OPR from the ground up. **Part I** of this report provides a detailed overview of these and other activities undertaken by the OPR during 2019.

This has been a challenging but ultimately rewarding task and I am immensely proud of the team we have built, comprising highly skilled and dedicated staff and professionals who have demonstrated enthusiasm, collegiality and a commitment to public service values.

Our team has prepared the OPR's first six-year Strategy Statement, outlining our priorities and five goals, which are as follows.

- (1) Being a trustworthy, independent voice at the heart of the planning system.
- (2) Performing efficiently to enhance Ireland's planning process.
- (3) Driving innovation and learning for our stakeholders.
- (4) Building a resilient and responsive organisation; which is
- (5) Customer-focused in its goals.

We commenced all our statutory functions in 2019 and have delivered many successful events and contributions to the national planning process. We met with many of our stakeholders and ran various training

events across the country, which could not have happened without the support and engagement of officials and elected members of local authorities through the Association of Irish Local Government.

We have conducted evaluations of statutory spatial plans and we have met with nearly half the 31 local authorities. We have also laid the groundwork for a programme of reviews of the systems and procedures used by planning authorities in the delivery of planning services.

As an additional background analysis for the Annual Report, the OPR has analysed the broad functioning of Ireland's planning process in 2019 and in comparison to recent years.

Harnessing official statistics from the Central Statistics Office, the Department of Housing, Planning and Local Government and an Bord Pleanála, **Part II** of this report begins a process of annual review of published data sources. The data shows 10 key trends.

- The demands placed on Ireland's planning process have increased significantly in line with the trends over recent years and planning authorities have discharged their statutory duties against a backdrop of increasing workloads, enhancing the stock of permissions, especially for housing, the activation of which is occurring more slowly.



Much of our work in year one was focused on establishing the necessary systems, personnel and infrastructure to build the OPR from scratch.

- The numbers of development plans and local area plans being prepared fell to very low levels, in line with the pause in reviews of such plans required by legislation pending the finalisation of regional and national plans and strategies. Their recent completion will see a significant and timely increase of forward planning activities for 2020 and beyond addressing a growing amount of plans potentially out of date with current requirements.
- Just over 32,000 planning applications were processed by local authorities in 2019 and while there were variations in the levels of invalid planning applications, almost 90% of valid planning applications were approved.
- Approvals of apartment developments – key to sustainable urban development – exceeded housing for

the first time in 2019, influenced by the Strategic Housing Development process of An Bord Pleanála and revised national guidance on apartment development and the Government's National Planning Framework.

- However, 55% of all houses in the Eastern and Midlands Regional Assembly area were permitted in the four commuter counties outside of Dublin (Kildare, Louth, Meath, Wicklow), which poses a challenge to the Government's planning objectives of achieving compact growth in Dublin and other urban areas.
- Approvals of industrial and manufacturing development proposals doubled in 2019, with substantial increases in the tourism and recreational development sector since 2014, underscoring the importance of the planning process to economic recovery and progress.
- The response to climate change was increasingly felt with significant approvals for renewable energy in terms of wind and solar energy.
- Appeals to the Board have held at around 7% of local authority decisions, with around a quarter of local authority decisions appealed to the Board being overturned.
- Legal challenges of planning decisions made by both local authorities and the Board increased, particularly on procedural matters in relation to environmental assessments.
- In 2018, the last year for which data is available, local authority planning fees totalled €24m against a cost across the local authority sector in providing all

planning services of €140m. Given the demands on the planning process, a cost recovery rate of 17% and planning fees that have been in place since 2001, a sustainable funding model for the delivery of planning services, including enhanced on-line submission facilities, is key.

As we take stock of our first year, we anticipate the challenges and opportunities which await us, notably the role that proper planning and sustainable development can and must play in laying the foundations for the national recovery from the Covid-19 pandemic.

Finally, I thank the Government, Minister Eoghan Murphy T.D. and Minister of State Damien English T.D. and all their staff in the Department of Housing, Planning and Local Government, without which it would not have been possible for the OPR to begin its important work in enhancing Ireland's planning process and the trust in that process held by the public.



Niall Cussen
Planning Regulator

PART

1

Activity Reporting & Corporate Affairs



River Lee, Cork City

What We Do

The Office of the Planning Regulator (OPR) was formally established in April 2019 on foot of recommendations made by the Tribunal of Inquiry into Certain Planning Matters and Payments (the Mahon Tribunal). The Tribunal was established by the Dáil in 1997 and issued its fifth and final report in March 2012.

The Mahon Tribunal made 64 recommendations aimed at significantly enhancing the transparency of planning in Ireland against a backdrop of significant historical deficiencies in relation to decision-making on local authority development plans and other planning functions.

The appointment of an independent Planning Regulator, empowered to oversee the planning system in Ireland, was one of the key recommendations of the Tribunal.

While not a policy-making body, the role of the OPR is to ensure that the implementation of planning policy and legislation by local authorities and An Bord Pleanála supports Government policy and statutory requirements, that effective programmes of research, training and public awareness in planning are in place to strengthen the planning process, and that the wider public are effectively engaged in the planning process.

Our Statutory Responsibilities

The Planning and Development Act 2000, as amended, (the Act) gives the OPR a statutory basis to carry out three main functions:

i. Evaluation of Statutory Plans

In accordance with **sections 31AM and 31AO** of the Act, the OPR has responsibility for independently assessing all statutory forward planning with a view to ensuring that the plan provides for the proper planning and sustainable development of the area concerned. This includes evaluating city and county development plans, local area plans and variations/amendments to same.

In the first instance, the OPR provides the relevant planning authority with observations and/or recommendations, as applicable, with regard to how a plan should address legislative and policy matters. Once the OPR has provided statutory inputs to the plan-making process, the relevant planning authority must outline how such inputs will be addressed, taking account of the proper planning and sustainable development of the area.

If an adopted plan is subsequently not consistent with any statutory recommendations, the OPR may issue a notice to the Minister recommending that powers of



The appointment of an independent Planning Regulator was one of the key recommendations of the Tribunal.

direction, specified under section 31 of the Act, be utilised to compel the planning authority to address the matter.

ii. Planning Reviews and Examinations

In accordance with **sections 31AS, 31AT and 31AU** of the Act, the OPR may review the systems and procedures used by any planning authority including An Bord Pleanála in the performance of any or all of their planning functions, making independent and evidence-based recommendations to planning authorities, and to the Minister.

The OPR is putting in place a proactive programme and methodology for reviews so that each local authority authority will be reviewed on a six-year cycle.



Figure 1: Mullaghmore Harbour, Co Sligo

The OPR may also examine complaints made by any person to the OPR or where requested by the Minister in respect of a planning authority where such a complaint relates to the organisation of the planning authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

iii. Education, Training and Research

In accordance with **section 31Q** of the Act, the OPR is responsible for driving national research, education and training to highlight the role and

benefit of good planning. Education and training programmes can be delivered for both elected members and staff of local authorities and regional assemblies.

The education, training and research function helps to maximise knowledge transfer between the 31 local authorities, three regional assemblies, An Bord Pleanála and wider stakeholders such as professional bodies and interest groups thereby maximising efficiency, effectiveness and consistency across the planning system.

OPR's three core functions

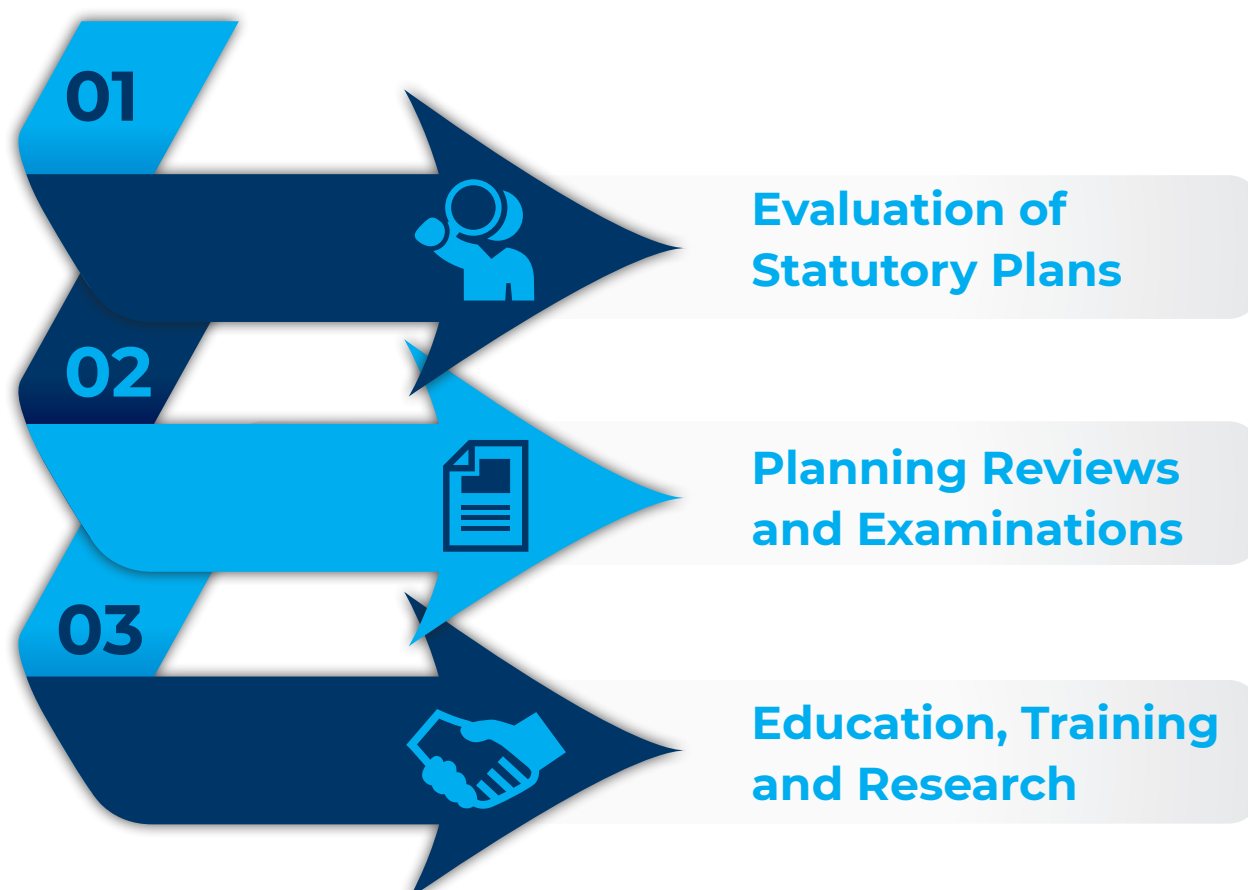


Figure 2: OPR core functions

Our Structure

The OPR started its operations on 3 April 2019.

Niall Cussen, Chief Executive and Planning Regulator, was appointed as Ireland's first Planning Regulator subsequent to an open recruitment process and Government recommendation in December 2018.

Subsequent to an open recruitment process carried out in June 2019, Ms. Joanna McBride was appointed as the Director of Research, Training and Corporate Services and Mr. Gary Ryan as the Director of Reviews and Examinations.

Ms. Anne Marie O'Connor was appointed as the Deputy Planning Regulator following an open recruitment process which commenced in late 2019.

The OPR is structured into three teams as set out below, mirroring the three statutory functions. Each team is led by a Director supported by an Assistant Director as outlined in the diagram below

Reviews and Examinations Team:

Senior Planner, Higher Executive Officer, Executive Officer and a Clerical Officer.

Plans Evaluation Team: Two Senior Planners, GIS Officer, Higher Executive Officer and an Executive Officer.

Research, Training, Public Awareness and Corporate Services Team: Senior Research Planner, ICT Manager, Communications Officer, Executive Officer and a Clerical Officer.

Office of the Planning Regulator Corporate Structure and Functions Map

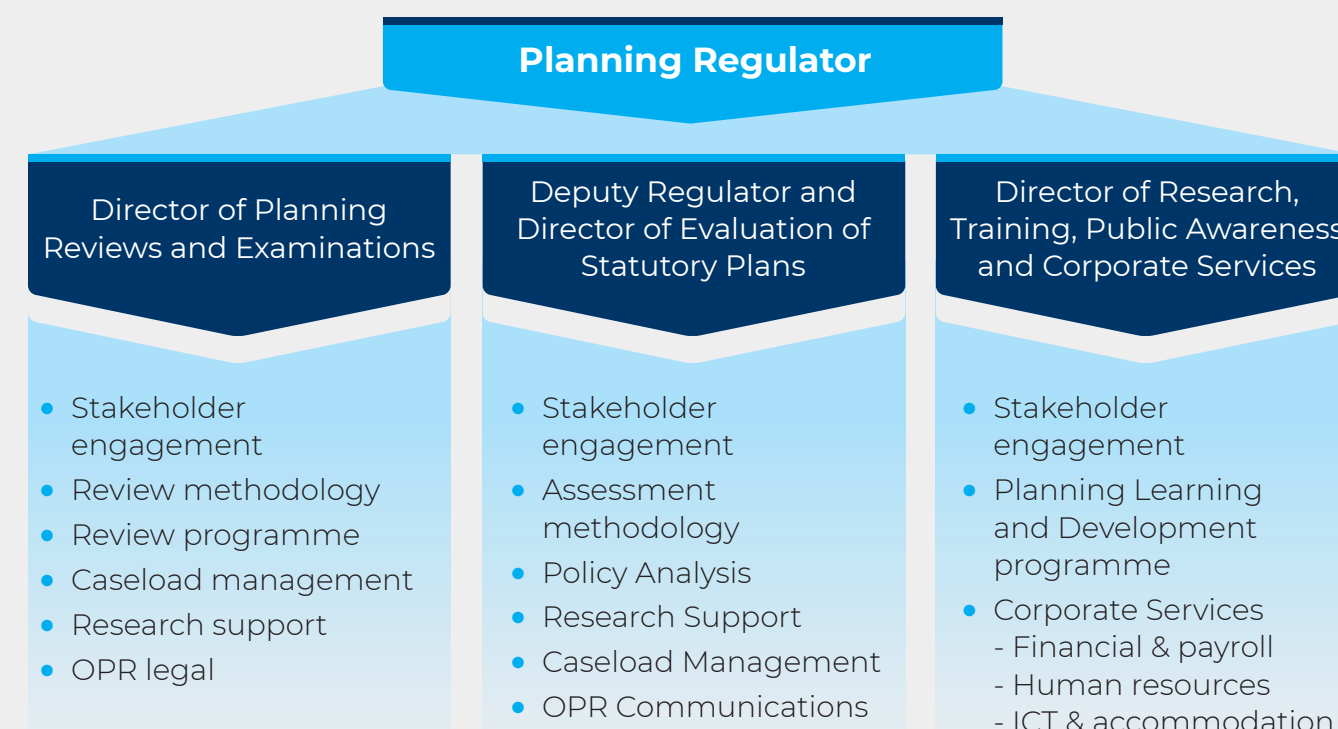


Figure 3: OPR Corporate Structure and Functions Map

Our Strategy

The OPR Strategy Statement 2019-2024 was published on 2 October 2019, in accordance with section 31T of the Act, following a public consultation on a draft version of the Strategy Statement.

The strategy sets out the OPR's high level goals, actions and milestones in delivering the OPR's statutory functions. The statement is available publicly on the OPR's website¹.

Vision

The OPR's vision is that by the end of the Strategy Statement period the OPR will be in a position to conclude that:

- Ireland benefits from a well-coordinated planning hierarchy,

- a wide-ranging, effective and well-received programme of education, training and research on planning matters has been put into effect, and
- a culture of continuous improvement will be created in planning authorities driven by regular reviews of their performance.

Values

The strategy identifies the five key values of the OPR as:

1. Independence;
2. Professionalism;
3. Transparency;
4. Engagement, and
5. Customer Focus.

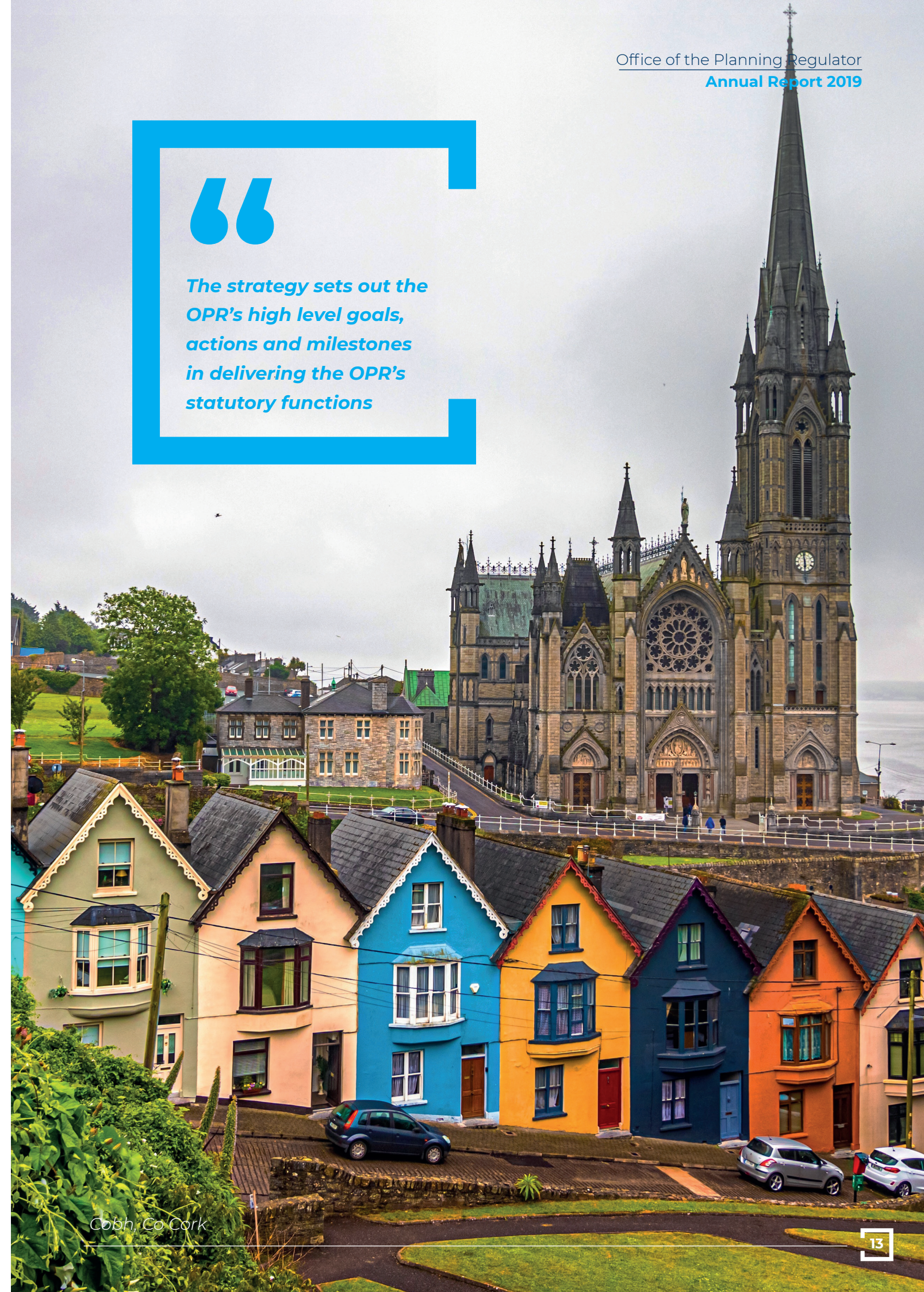


Figure 4: OPR Values

¹ www.opr.ie/wp-content/uploads/2019/10/20191002-OPR-Strategy-Statement-Final-Text.pdf

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The strategy sets out the OPR's high level goals, actions and milestones in delivering the OPR's statutory functions



Cobh, Co. Cork

Key stakeholders

The strategy acknowledges that the OPR must work with and take account of the inputs of many stakeholders in the planning process, reflecting the interests of:

- The public;
- The Minister for Housing, Planning and Local Government and their Department;
- Planning authorities, An Bord Pleanála, regional assemblies, and the County and City Management Association (CCMA);
- Related regulatory and oversight bodies with a mandate in the planning area;
- The Oireachtas;

- The elected members of local authorities;
- State agencies and other consultees with a statutory remit in the planning process;
- Commercial and State-sponsored bodies involved in the delivery of strategic infrastructure;
- Professional bodies and interest groups;
- The Higher Education Institute (HEI) sector;
- Expert commentators and the media.

Goals

The strategy also identified five key goals and corresponding delivery actions for the OPR over the Strategy Statement period. The five goals are set out in the infographic below.

Strategy Statement Goals

Goal One

Building a reputation as a clear, fair and independent voice on the effectiveness of Ireland's planning process.

Goal Two

Driving innovation and learning for all those that are stakeholders in the planning process.



Goal Three

Focusing on the needs of customers and those with whom the OPR engages.

Goal Five

Building a resilient and agile organisation with a commitment to continuous learning.

Goal Four

Creating a high-performing and efficient organisation that supports and enhances Ireland's planning process.

Figure 5: OPR Goals

Building Our Foundations

During our first year of establishment, a significant proportion of our work focused on laying the foundations necessary for the operation of our organisation. This included recruitment, securing a permanent premises, and initiating the drafting of our internal methodology documents, as well as progressing our spatial data management system.

Building our Team

The OPR has a current complement of 21 full time staff², including the Planning Regulator. Following establishment, a number of recruitment campaigns were carried out.

Pending the recruitment process, the OPR operated with less than 10 staff for

most of 2019 and this number increased to 15 staff at the end of 2019. Recruitment campaigns carried out in late 2019 resulted in the recruitment of five additional staff who took up positions in early 2020.

Our Premises

In preparation for the establishment of the OPR a temporary premises lease was acquired at 77 Sir John Rogerson's Quay in Dublin 2.

Subsequently, we commenced a search of potential longer-term premises locations that would fit with the functions of the OPR. From that search, an approach to Technological University Dublin (TU Dublin) secured office space at Park House which is part of the TU

² As of May 2020.



Figure 6: The Planning Regulator, Niall Cussen, Minister for Housing, Planning and Local Government, Eoghan Murphy, TD and Joe Corr, President of the Irish Planning Institute, (IPI) at the formal launch of the Office of the Planning Regulator at the IPI National Conference in Leitrim, 5th April 2019

Dublin campus under development in Grangegorman, Dublin 7, the development of which is guided by the Government's Strategic Development Zone (SDZ) for the regeneration of that area.

Co-location of the OPR on the TU Dublin campus will offer considerable synergies with a range of education, training and research capabilities through its school of the built environment. Synergies would also be available in relation to easy and cost-effective access to meeting and training room facilities required by the OPR.



Co-location of the OPR on the TU Dublin campus will offer considerable synergies with a range of education, training and research capabilities through its school of the built environment.

It is envisaged that the offices at Grangegorman campus will be ready for OPR occupation in 2020.

Our Methodologies

In order to deliver our statutory functions in relation to plans evaluation and planning reviews in a consistent, fair and transparent manner, we commenced the preparation of two methodologies to set out internal systems and procedures for (i) evaluation and assessment of statutory

plans, and (ii) reviews of the systems and procedures used by planning authorities in the delivery of planning services.

Work was initiated in 2019 on both methodology documents, including the procurement of expert advisers for each methodology, along with appropriate advisory supports, to assist in their preparation. Focused consultation on the reviews methodology was initiated in December, liaising with the advisory panel and other stakeholders.

The consultation process will continue in early 2020 and it is envisaged that both methodology documents will be finalised and published in the second half of 2020.

The OPR also examined approaches to the integration of climate considerations in preparing statutory plans in 2019 with a view to informing the preparation of future statutory guidelines published by the Minister.

Spatial Data Management

Driving innovation and learning for all stakeholders in the planning process is a key goal for the OPR. Development of Geographic Information Systems (GIS) is essential in planning. This involves building on the existing systems, established by local authorities and the Department of Housing, Planning and Local Government, as a key means of supporting public access to information and ensuring an evidence-based planning process.

Work in 2019 focused on rolling out the required GIS and IT infrastructure to support a Geographic Information System which will facilitate the development of GIS mapping applications relating to statutory plan making on the OPR website later in 2020.

Evaluation and Assessment of Statutory Plans

In accordance with the provisions of sections 31AM and 31AO of the Act, the OPR is required to evaluate and assess local authority development plans and local area plans, on receipt of notification at defined stages of the plan-making process³.

2019 was not a normal year for the evaluation and assessment of statutory plans for a number of reasons. Not only was it a shorter year, as the organisation was established in April 2019, but the number of development plan reviews was restricted by the requirements of section 11(1)(b) of the Act, which deferred the review of development plans pending the making of the three Regional Economic and Spatial Strategies (RSEs) over 2019 and 2020.

In our first year of establishment, these initial months were a period of learning in relation to the most appropriate

approach to carrying out evaluations and assessments in accordance with the new legislative provisions. The initial months informed the development of a methodology for the evaluation and assessment of statutory plans which will be finalised in 2020.

Notification of Consultations on Statutory Plans

Planning authorities are required to notify the OPR at specified stages of the plan-making process.

In 2019, the majority of notifications related to variations of development plans and draft local area plans. The OPR received notification of consultation on a total of 30 statutory plans as set out in Table 1 (note, in 2019 the Department of Housing, Planning and Local Government received notification of a further 13 consultations on statutory plans, excluding RSEs, prior to the establishment of the OPR).

Table 1: Notification of Consultations on Statutory Plans

Total	30
Issues paper	4
Draft development plan	1
Draft variations of development plan	12
Material alterations to draft development plan/variation	0
Draft local area plan	9
Draft amendment of local area plan	1
Material alterations to draft LAP/amendment	3

³ All OPR submissions issued to local authorities under sections 31AM and 31AO of the Act are available at: www.opr.ie/evaluation-of-statutory-plans/

OPR Submissions on Statutory Plans

The OPR makes submissions to local authorities at the various plan-making stages, which may include recommendations and/or observations.

Recommendations issue on matters considered to constitute a potential material breach of legislative or policy requirements and which may affect the co-ordination of national, regional and local planning requirements. Failure to comply with a recommendation may ultimately lead to the issuing of a

Ministerial Direction under section 31 of the Act.

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. Submissions made at the issues paper stage generally include observations, and recommendations are usually not made at this stage of the plan process.

The OPR made a total of 25 submissions to local authorities in 2019 as set out in Table 2.

Table 2: OPR Submissions on Statutory Plans

	Number of plans	Observations (number)	Recommendations (number)
Total	25	16	31
Issues paper (observations only)	3	12	0
Draft development plan	0	0	0
Variations of development plan	9	2	5
Draft local area plan	9	2	24
Amendment of local area plan	1	0	0
Material alterations to draft DP/variation	0	0	0
Material alterations to draft LAP/ amendment	3	0	2

In 2019, 75% of our submissions on plans included either recommendations or observations.

In terms of a regional breakdown, 60% of our submissions in 2019 related to statutory plans of the planning authorities in the Eastern and Midland Regional Assembly (EMRA), 36% in the Southern Regional Assembly (SRA) and 4% in the Northern and Western Regional Assembly (NWRA).

This reflects the fact that the RSES for the EMRA was the first of the three RSESs to be adopted (in June 2019), initiating the review of the county and city development plans in that region. However, the EMRA area would also be expected to produce a greater number of plans within the region due to its larger population and economic activity.

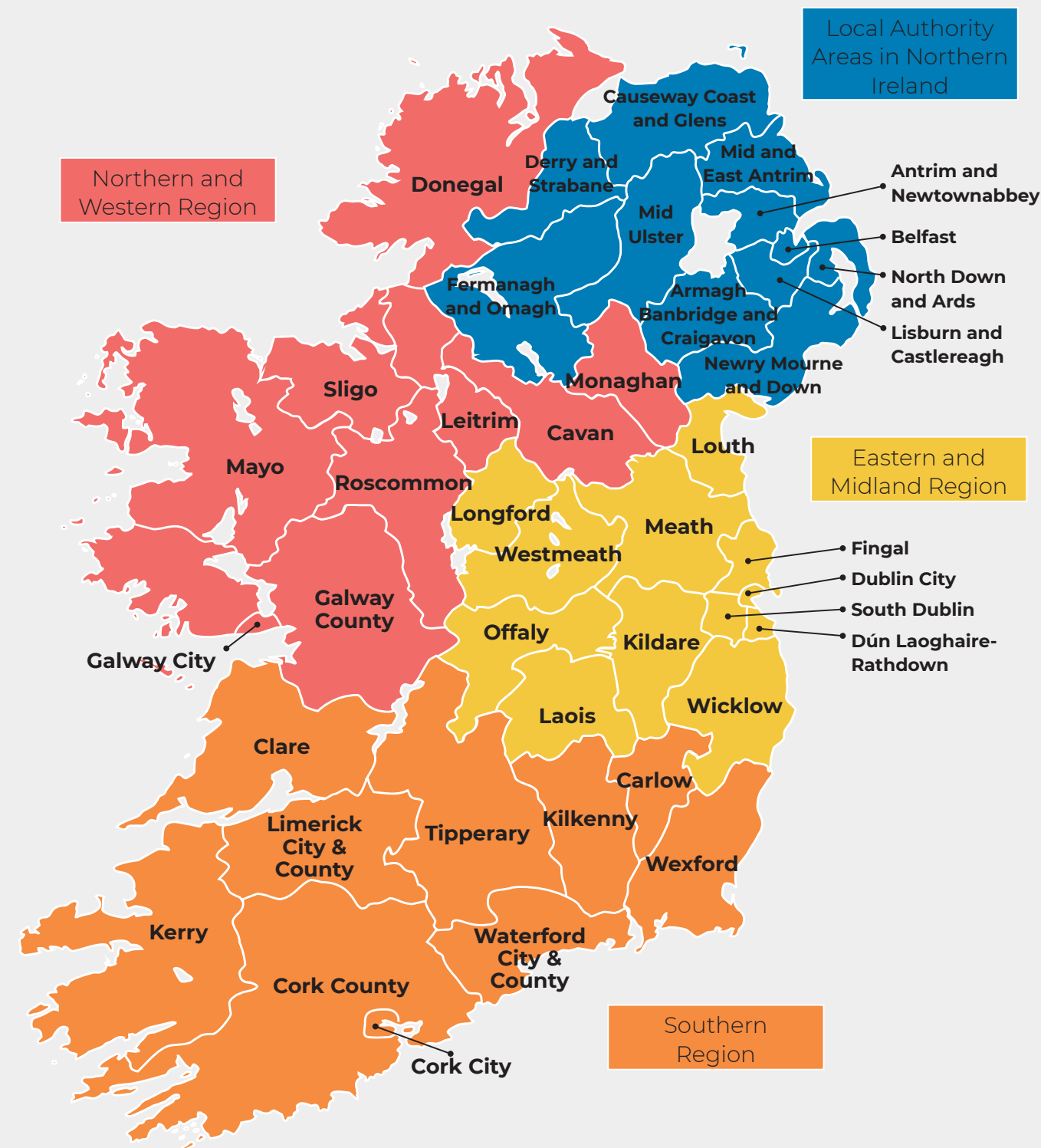


Figure 6: Local Authorities and Regional Assemblies in Ireland and Local Authorities in Northern Ireland

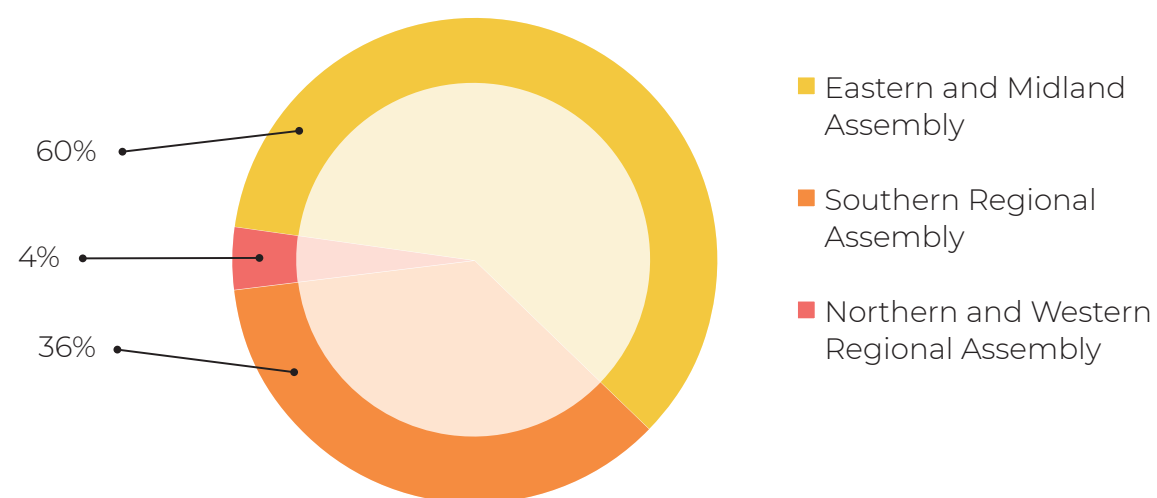


Figure 7: OPR submissions by Regional Assembly

OPR Recommendations and Observations: Legislative categories

OPR submissions on statutory plans are based on the consideration of the following legislative and policy matters:

- Consistency with the legislative provisions for statutory plans as provided for under the Act;
- Consistency with legislative provisions in relation to actions addressing Climate Change⁴;
- Consistency with the National Planning Framework (NPF);
- Consistency with the relevant Regional Spatial and Economic Strategy (RSES);
- Consistency with the relevant Development Plan (DP);
- Consistency with the NTA Transport Strategy (if in the Greater Dublin Area);

- Relevant guidelines for planning authorities published by the Minister under section 28 of the Act, including consistency with specific planning policy requirements (SPPRs) specified in those guidelines as well as any policy directives issued by the Minister under Section 29 of the Act.

In relation to **recommendations**, the following patterns were evident in 2019:

- The most frequently cited category within recommendations related to policy matters under section 28 guidelines (39% of relevant submissions). Notably, these were concentrated on the published guidelines relating to Flood Risk Management (2009), Local Area Plans (2013), Development Plans (2007), and Spatial Planning and National Roads (2012).

⁴ In assessing and evaluating plan-making stages under section 31AM(2)(a) of the Act, the OPR shall endeavour to ensure it addresses the legislative and policy matters within the scope of section 10 and, in particular subsection (2)(n), in relation to climate change.



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The most frequently cited category within recommendations related to policy matters under section 28 guidelines

Rail bridge over the river Suir, Cahir, Co. Tipperary

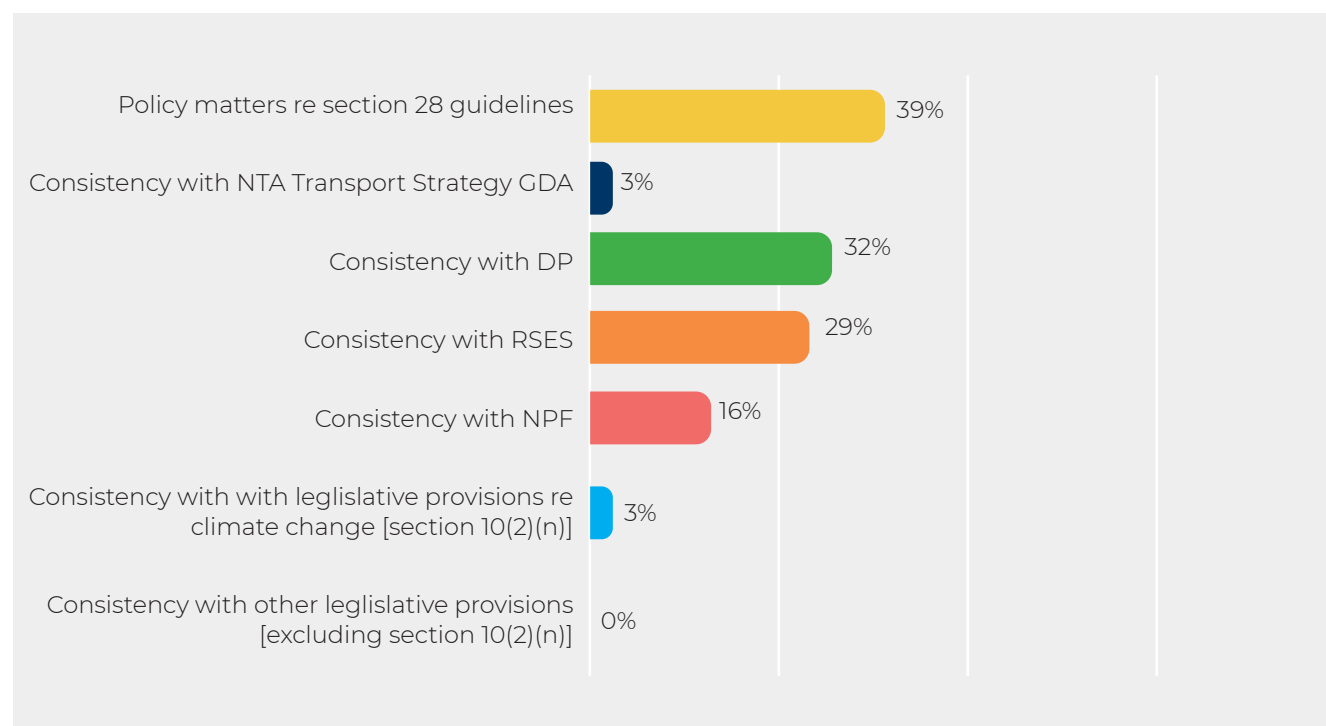


Figure 8: Frequency of legislative categories in OPR recommendations

- The second most frequent category referred to in recommendations related to consistency with the hierarchy of plans (consistency with development plan, 32% of recommendations; and consistency with RSES, 29% recommendations). The emphasis on consistency with development plans and RSES, rather than on the NPF is due to the high proportion of LAPs evaluated, which are required to be consistent with the relevant development plan, which in turn is required to be consistent with the NPF.

In relation to **observations**, the following patterns were evident in 2019:

- The majority of OPR observations (75%) were in relation to issues papers for development plans. As issues papers are generally strategic in nature and tend not to include proposed policy objectives, our evaluations and assessments at plan review stage

usually result in the submission of observations only. The remaining observations related to two draft LAPs and a proposed variation of a development plan.

- The most frequently referenced categories raised in observations on issues papers related to ensuring consistency in the subsequent draft development plan with the NPF and with the RSES. A total of 92% of observations on issues papers were in relation to consistency with the NPF, and over two-thirds of observations were in relation to consistency with the RSES. This illustrates the focus of the OPR on the implementation of the objectives of the National Planning Framework in county and city development plans.
- Consistency with legislative provisions in relation to climate change was also a dominant trend, forming the basis for observations in one-third of all submissions.

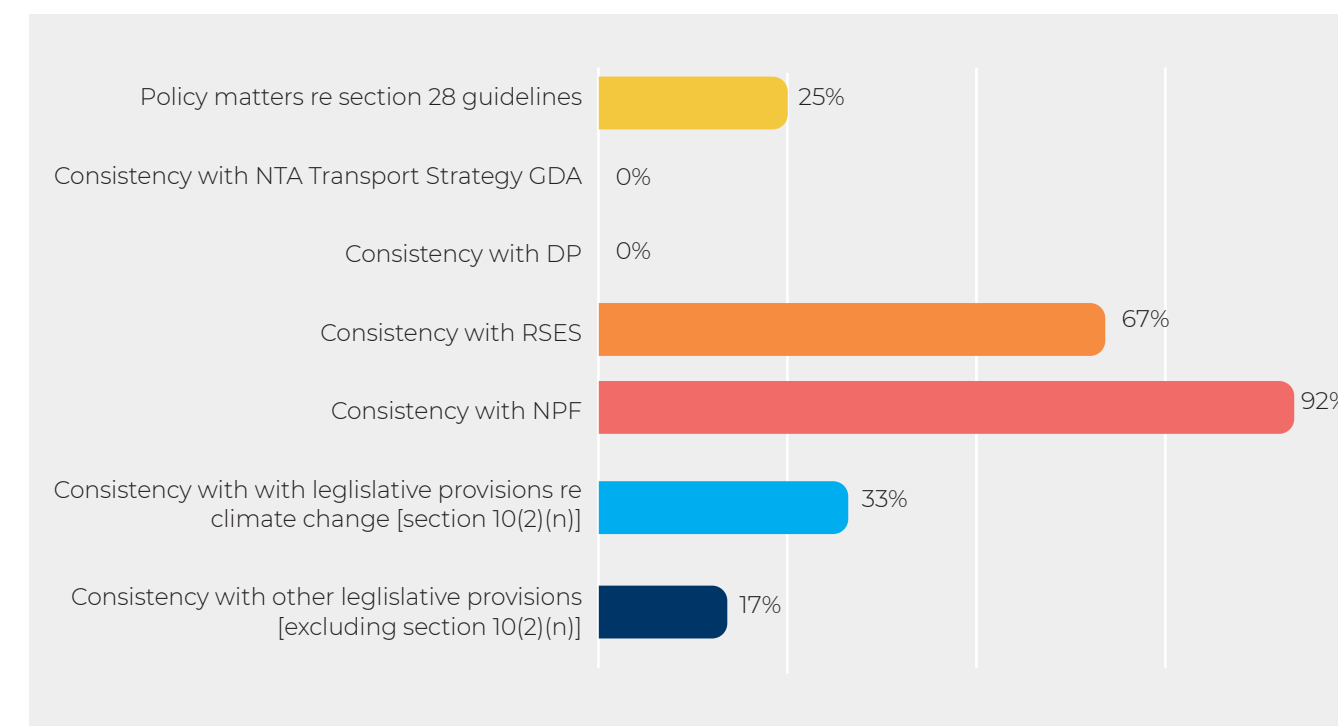


Figure 9: Frequency of legislative categories in OPR observations on issues papers

OPR Submissions on Statutory Plans: Key Themes

A detailed review of the observations and recommendations set out in our submissions on statutory plans reveal a number of general thematic issues that have either recurred frequently across the limited number of plans evaluated in 2019, or arose in a critical case.

The most common theme in the OPR's evaluations in 2019 was ensuring that sufficient provision was made in proposed LAPs for future consistency with the objectives of the relevant RSES, pending its incorporation into the development plan in accordance with the legislative requirements under section 11(1)(b) of the Act. However, towards the latter half of the year, this issue became less prevalent as planning authorities became more aware of the need to address this matter. It is therefore likely that it will not be such a prominent issue in 2020.

Another cross-cutting theme was the matter of consistency with the objectives of the NPF and RSES concerning distribution of population growth through core strategies and settlement hierarchies, including in relation to the phasing of development and delivery of infrastructure and the approach to land-use zoning. In view of the time limits for planning authorities to incorporate the NPF and RSES into their development plans, it is anticipated that this area will remain a key issue in 2020.

A third theme which was evident in 2019 related to the area of climate change mitigation and adaptation, including the inclusion of mandatory objectives for climate action in development plans under section 10(2)(n) of the Act. The key considerations arising in relation to this issue included:

- The appropriate consideration and planning for flood risk in accordance

with the Flood Risk Management Guidelines (2009), which are intrinsic to the requirement for climate change adaptation.

- The promotion of measures to reduce energy use and greenhouse gas emissions through sustainable settlement and transport strategies, which is critical to addressing climate change mitigation.
- The requirement to contribute to realising overall national targets on renewable energy and climate change mitigation in accordance with section

28 guidelines (Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017).

It is expected that this area will continue to feature as a significant theme of our evaluations into the future.

Finally, although this matter arose in only one case, the integrated approach to retail planning in accordance with the section 28 Retail Planning Guidelines emerged as an important consideration in 2019.



Figure 10: The plan making process

Adopted Plans: Outcomes of OPR Recommendations

In 2019, a total of 11 plans were adopted by local authorities which had been subject to an evaluation and assessment by the OPR. We issued recommendations (10 in total) in respect of six of those proposed plans. The outcomes arising from the OPR’s recommendations are set out in Table 3 below.

Table 3: Adopted Plans – Outcome of OPR Recommendations			
Plan	Local Authority	Recommendation Issued	Outcome
Ballyogan & Environs LAP 2019-2025	Dun Laoghaire Rathdown	Yes (4)	Recommendation substantially addressed
West Iveragh LAP 2019-2025	Kerry	Yes (1)	Recommendation substantially addressed
LAP for the Park West – Cherry Orchard Area 2019	Dublin City	Yes (1)	Recommendations substantially addressed
Kilmallock LAP 2019-2025	Limerick	Yes (1)	Recommendations substantially addressed
Leixlip LAP 2020-2026	Kildare	Yes (2)	Recommendation substantially addressed
Variations 4 & 5 to South Dublin County Development Plan 2016-2022	South Dublin	Yes (1)	Recommendation substantially addressed

In 2019, no directions were issued by the Minister under section 31 of the Act in relation to development plans or local area plans assessed by the OPR.

Planning Reviews and Examinations

In addition to the OPR's oversight role with regard to forward planning, Chapter IV ('Review of Planning Functions') of Part IIB of the Act mandates the OPR to review the systems and procedures used by local authorities and An Bord Pleanála in the performance of their planning functions. The Act provides three contexts for such reviews:

Section 31AS	Where the OPR considers such a review to be necessary or appropriate.
Section 31AT	At the instigation of the Minister.
Section 31AU	An examination of a complaint related to the organisation of a planning authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

These statutory provisions provide the basis for the OPR to fulfil its responsibility to oversee the delivery of effective planning services to the public. While certain powers are available to the Minister under the Act, the introduction of these formal procedures significantly strengthens institutional arrangements to ensure the proper functioning and integrity of the planning system.

Reviews

As set out in our Strategy Statement, the OPR is implementing a systematic programme of reviews, whereby each local authority, and the Board, will be subject to a general review of planning functions on a cyclical programmed basis.

The implementation of the reviews programme is intended as a resource for the planning sector, identifying best practice and achievements, and promoting such learning between planning authorities, in addition to highlighting areas that may be in need of improvement.

To ensure the programme of reviews is implemented with consistency of approach, fairness and clarity for stakeholders, the OPR commenced the development of a Reviews Methodology in 2019 to structure the procedure in a step-by-step manner.

To assist in the development of the methodology an advisory panel was established with membership drawn from key stakeholder organisations, such as the Department of Housing, Planning & Local Government, the National Oversight & Audit Commission, the local authority sector, An Bord Pleanála and the national planning institutes. The OPR convened meetings with this panel on three occasions in Q4 2019.

In addition to engaging with key stakeholders via the advisory panel, the OPR also initiated a broader consultation process in December 2019, making direct contact with each of the prescribed bodies under the Act and Planning Regulations, the wider local authority sector and other key organisations with an interest in planning performance.

It is the OPR's intention to implement the reviews programme in the second half of 2020, following the finalisation and publication of the Reviews Methodology.

Complaint Handling

In order to appropriately address this new legislative provision within the planning system, the OPR began implementation of its complaints handling function in 2019. This included the recruitment of the required staff, analysis of the processing regime set out in section 31AU of the Act, and the implementation of procedures for case handling and engaging with local authorities. This developmental work will continue into 2020 and in due course a bespoke IT complaints handling system will be implemented.

Section 31AU sets a high threshold for a complaint to be formally examined in accordance with statutory provisions. In the first instance, for a complaint to be considered valid it must relate to the organisation of the relevant local authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

Subsequent to this consideration, the OPR performs a preliminary examination of a valid complaint, which may involve gathering relevant information, including from the local authority concerned. In order to determine whether a formal examination of the complaint should be undertaken, the OPR must form the opinion that one of the issues set out in section 31AU(2) subsections (a) to (f), as listed below, is at stake before a formal statutory examination can commence.

In order for a formal statutory examination to be undertaken on the basis of the complaint made and relevant



Section 31AU sets a high threshold for a complaint to be formally examined in accordance with the statutory provisions.

background information, the OPR must form the opinion that the planning authority concerned:

- (a)** may not be carrying out its functions in accordance with the Act;
- (b)** is not complying with Ministerial guidelines and policy directives under Sections 28 and 29 of the Act respectively;
- (c)** may be applying inappropriate standards of administrative practice or acting contrary to sound administration;
- (d)** may be applying systemic discrimination in the conduct of its functions;
- (e)** may be operating at risk of impropriety or corruption; or
- (f)** operates in a manner where there are serious diseconomies or inefficiencies.

Furthermore, the Act also prohibits the OPR from exercising its functions

in relation to any particular case with which a planning authority or the Board is either involved or could be involved. Accordingly, complaints may not relate to individual cases such as planning applications and appeals and enforcement actions.

In summary, the threshold for making a complaint to the OPR requires evidence of significant and systemic breaches of procedures and failures against a backdrop of a pattern of decision-making.

Case Types

Notwithstanding the above, in addition to potential complaints, the OPR deals with the public in relation to a variety of planning-related correspondence, including queries and submissions. Queries typically seek clarification in relation to the operation of specific aspects of the planning process, whereas submissions generally highlight issues relating to national planning policy or statutory provisions and are often illustrated with case studies or other evidence.

All correspondences received are recorded as cases. Upon initial receipt the OPR considers the details of the case and will classify accordingly as a potential complaint, a general query or a submission on matters of general interest.

Between April and end-December 2019, 131 individual cases were received by the OPR. However, 41 of these cases were from various individuals and all concerned the same specific local issue. Accordingly, for the purposes of this report, these 41 cases are considered as a single case and therefore the analysis

below is presented in the context of the 91 unique cases received in 2019.

Figure 11 below illustrates the breakdown of the 91 unique cases received. Of cases received, 59% related to potential complaints, requiring consideration in the context of section 31AU, while 25% were planning-related queries, and the remainder were general submissions.

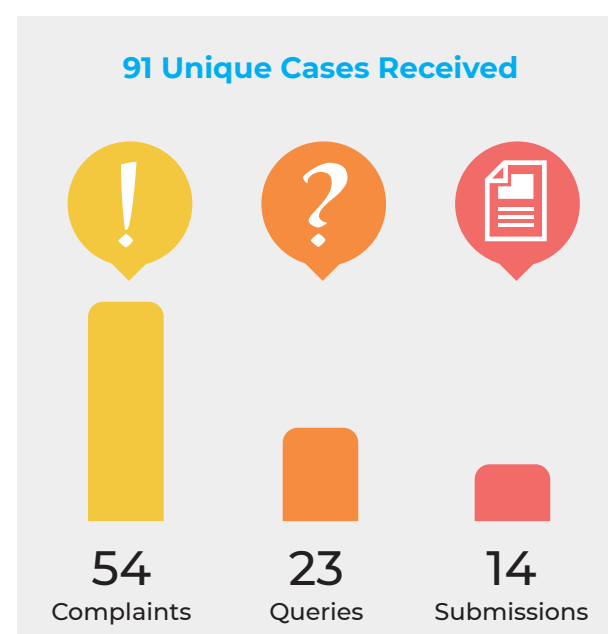


Figure 11: OPR Cases 2019

While some cases can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail and may require additional information gathering to determine the best course of action. The processing of cases, especially with regard to complaints, often requires engaging in a series of correspondence with both the customer and the relevant local authority. The volume of work involved is illustrated by the fact that, while the OPR opened 131 case files in 2019, 321 distinct correspondences were received from customers in relation to these cases.

Consideration of complaints

The OPR's powers to conduct examinations of complaints, along with other case types were a significant focus of the public's interest in the work of the organisation in 2019. We are committed to providing a fair and independent mechanism for receiving and examining such complaints and we will engage with and endeavour to assist, insofar as possible, those who submit complaints to us.

As noted above, section 31AU of the Act sets a high statutory threshold for a complaint to be first considered valid and then formally examined in accordance with the Act.

Of the 91 unique cases received in 2019, 54 related to potential complaints. Just 15% of these potential complaints (eight cases) were considered valid in the context of the OPR's specific statutory remit. Following preliminary examination of the issues at stake, these eight cases were processed as follows: the complaints were not upheld in five instances; two cases were resolved by the provision of assistance, by way of clarification following OPR engagement with the relevant authorities; and one case required the provision of further information before the matter could be considered any further. This is illustrated in Figure 12.

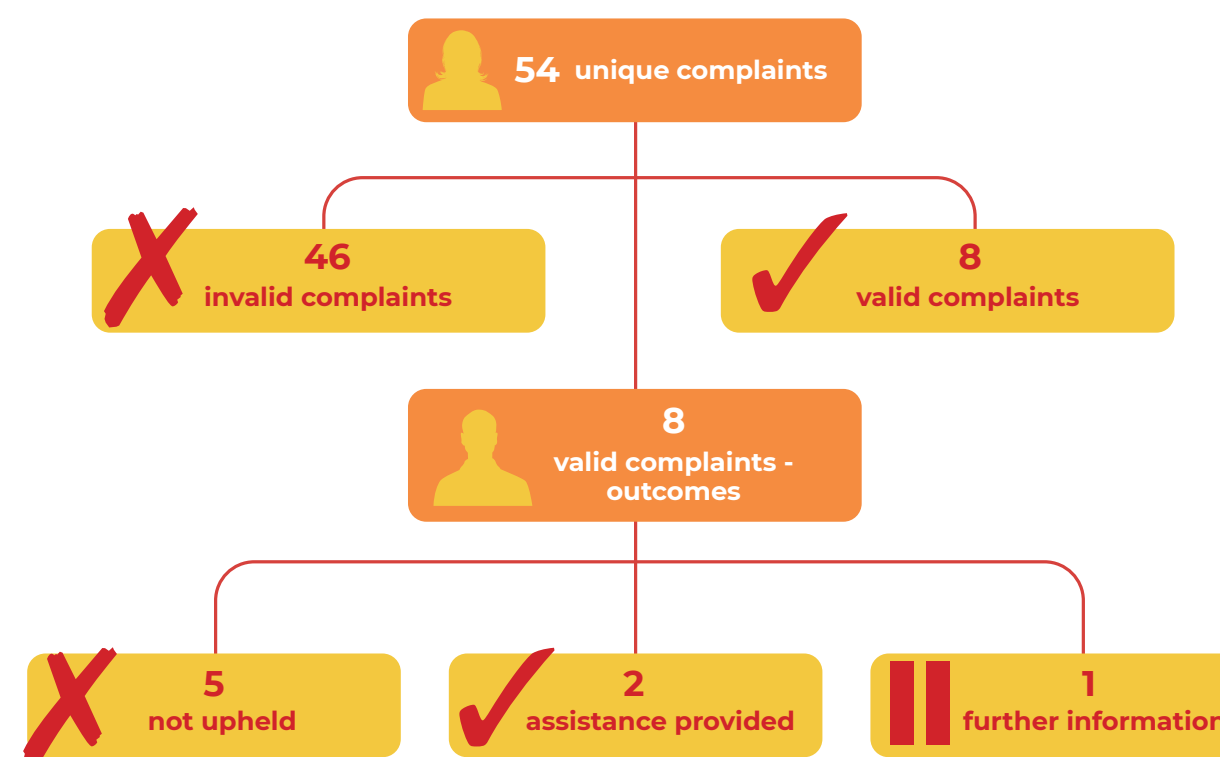


Figure 12: OPR Complaints 2019

Notwithstanding the fact that no cases raised in 2019 resulted in a formal statutory examination within the meaning of section 31AU of the Act, matters raised by members of the public are not without merit.



Whether redirecting customers toward the appropriate public bodies, or assisting those to whom we can offer assistance, the OPR is committed to communicating as clearly as possible with our customers

In many cases, the matter raised may be more appropriately considered through other applicable procedures, including local authority internal complaints procedures, the Ombudsman's Office or other bodies. In this regard, the OPR is very conscious of the need to create awareness of our specific role within the planning system and the overall regulatory landscape.

A significant number of the cases received relate to individual planning decisions, particularly planning appeals (the specific remit of An Bord Pleanála) and enforcement actions. Many complaints related to how the customer was treated by a local authority in the context of an individual case (such

matters are more appropriate to the Ombudsman's Office).

Furthermore, the OPR was not established to duplicate the role of the Standards in Public Office Commission or An Garda Síochána, or as a mechanism outside local authority internal complaints procedures.

Whether redirecting customers toward the appropriate public bodies, or assisting those to whom we can offer assistance, the OPR is committed to communicating as clearly as possible with our customers with regard to our role within the planning system. In this regard, to assist customers in having their concerns directed to the appropriate State body, the OPR and the Ombudsman's Office entered into a memorandum of understanding during 2019.

To guide the public with regard to the types of complaints that can be examined by the OPR, and to assist customers in the submission of complaints, a 'complaints form' was developed and published on the OPR website during 2019⁵. This online functionality assists the customer by guiding them through a step-by-step procedure to submit a valid complaint to the OPR for processing. The OPR will continue in 2020 to make the public more aware of its remit and the type of complaints that can be examined under the Act.

Cases by customer type and geographic breakdown

While customers contacting the OPR are generally members of the public seeking

assistance (76%), elected representatives, commercial interests, local authorities, other state organisations, as well as representative bodies all sought assistance from the OPR during 2019. The breakdown of customers by type is set out below:

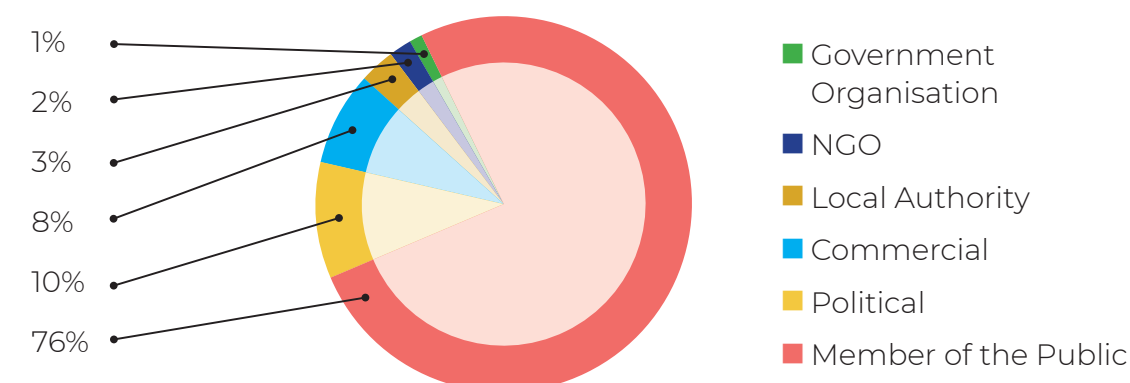


Figure 13: OPR Customers 2019

The geographic spread of cases received in 2019 is illustrated in Figure 14 below. There were 74 geographic references related to cases in 2019, this diverges from the figure of 91 unique cases given that many of the cases received related to the planning system generally, rather than a particular local authority.

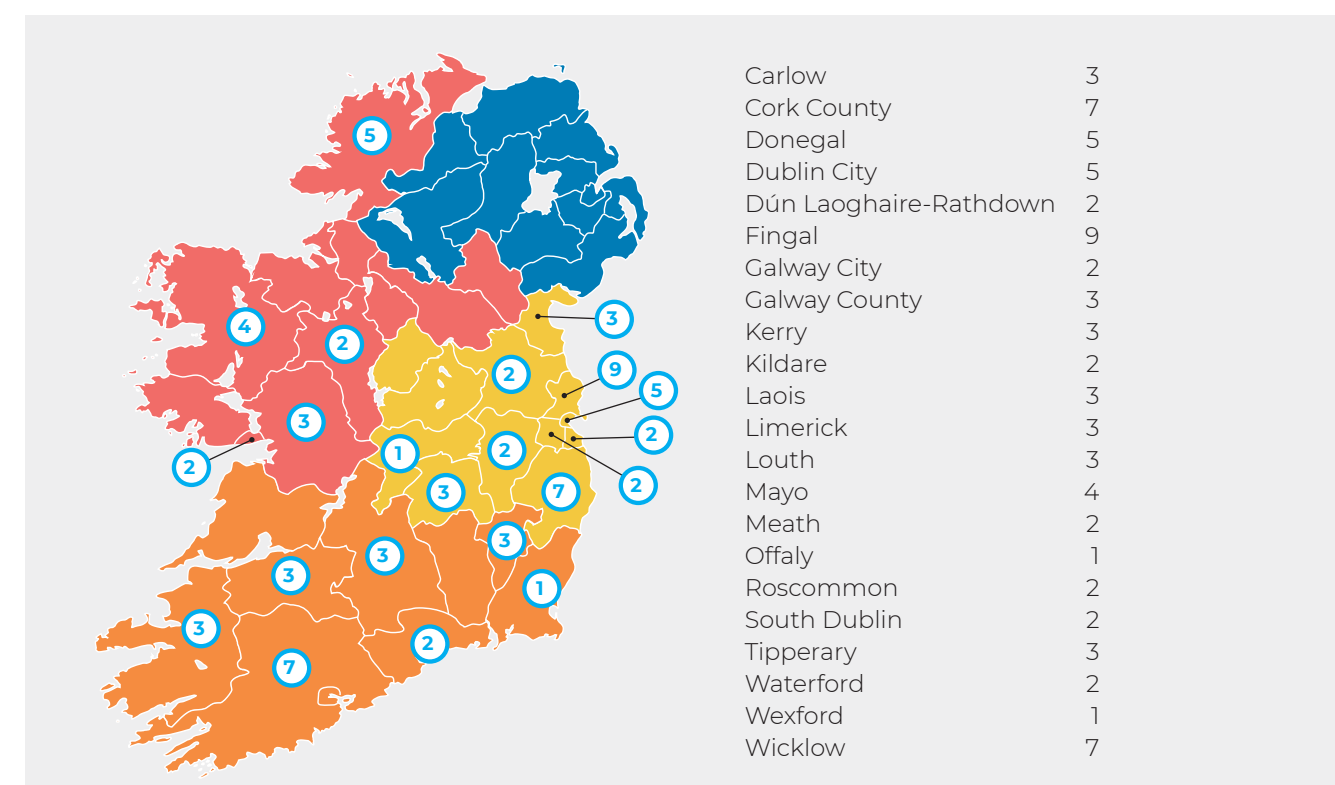


Figure 14: Geographic breakdown of cases

⁵ www.opr.ie/information-on-complaints

Cases by theme

While the findings that might arise from complaints may be reported to the Minister under the provisions of section 31AU of the Act, issues identified from complaint handling and the processing of other cases, i.e. queries and submissions, may also inform the OPR's general function to make observations on the operation of the planning process to the Minister under section 31P(1)(i).

This legislative provision establishes a more general mechanism for the OPR to advise the Minister in relation to practical aspects of the operation of planning legislation and planning matters that come to light. No such submissions were made to the Minister in this regard during 2019.

In this regard, the OPR carefully considers the correspondence it receives to ascertain if specific themes are recurrent and to identify and understand the areas of interest and concern to the public in respect of planning. Monitoring this information over time into a dataset will

not only inform reporting to the Minister but will also inform our education and training activities as well as our research programme.

A number of clear themes emerged from our case handling during 2019, with planning enforcement matters and concerns in relation to plan-making processes and policy being the dominant themes. There was also a significant emphasis on individual planning decisions with such correspondence accounting for 13% of cases received in 2019. Another common theme in the case handling related to 'Part 8' local authority development in particular with regard to public participation and transparency in decision making.

In overall terms, interacting with members of the public in relation to the operation of the planning process offers valuable insights into their experiences, which can inform wider OPR activities, even if individual cases do not lead to many formal examinations.

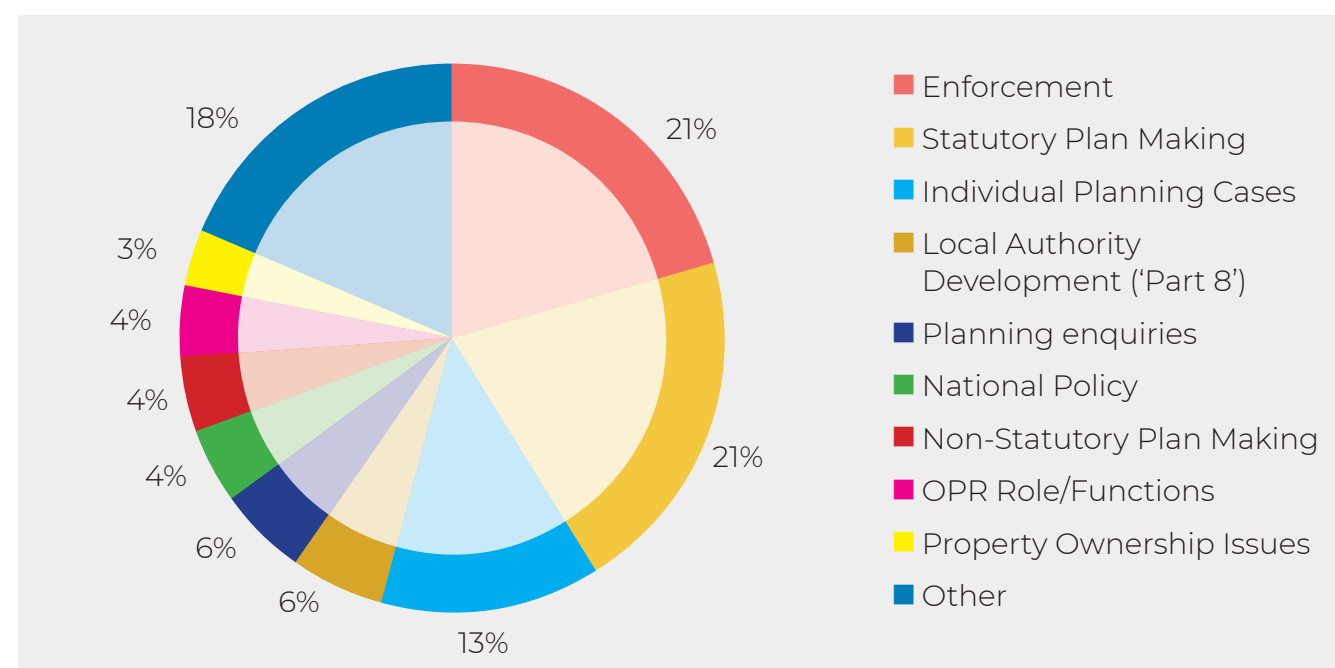


Figure 15: Cases by thematic background

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Interacting with members of the public in relation to the operation of the planning process offers valuable insights into their experiences.

Education, Training, Research & Public Awareness

Education and Training

Councillor Training

In accordance with the provisions of section 31Q(1)(a) of the Act the OPR conducts education and training programmes for members of planning authorities in respect of the role of such members under the Act. This is reinforced in Goal 2 of the OPR's Strategy Statement, which provides that the OPR will drive "innovation and learning for all ... stakeholders in the planning process". One of the key actions associated with the achievement of this goal is the provision of educational programmes for specific stakeholder groups such as the elected members.

In 2019, the OPR worked with the Association of Irish Local Government (AILG) in rolling out a programme of planning training specifically tailored for the elected members of planning authorities. In recognition of the fact that approximately one third of the elected members were newly elected, following the local elections in 2019, and would be engaged in important policy making in reviews of county and city development plans it was accepted that specific planning training to meet their needs was warranted.

The aim of the overall programme was to provide enhanced knowledge of the planning process, with a specific focus

on the role and responsibilities of the democratically elected members.

The OPR is responsible for the preparation of material and for the delivery of the training events. Promotion of the events is carried out jointly by the OPR and the AILG. The OPR promotes the training programme via the Directors of Service in each local authority, through the design and production of promotional flyers and the use of social media (Twitter and LinkedIn) and via the OPR News page on the website.

Module One

The first training module titled: 'The Planning Process, the Elected Member and the Office of the Planning Regulator' was delivered in conjunction with the AILG in October 2019 in Limerick and Dundalk. The topics covered in the first training module included:

- The purpose of planning and its legislative/policy framework
- The roles and responsibilities of the Executive and the Members
- The purpose of the OPR in the planning system

The Minister of State for Housing and Urban Development, Damien English, provided the opening address at both training events, which also included a range of presentations delivered by expert speakers.

The OPR prepared information booklets and an infographic for the elected members as part of the education and training process. These booklets were distributed to the elected members at the training events and were entitled:

- The OPR's Guide to the Planning Process

- The Administrative and Legal Framework for Planning (prepared by Dr. Berna Grist, BL.)
- An infographic pertaining to the planning system

Digital copies of these booklets were subsequently circulated to all planning authorities for internal circulation to all elected members.

In total 225 elected members participated in the first training module over the two days in October 2019. Immediately following delivery of module one, preparations commenced on the second module, which covers the Development Plan Making Process. Work was instigated in late 2019 on the preparation of presentations and supporting briefing documents including a FAQ information leaflet and design of an infographic to explain the plan making process. The second module is scheduled for delivery in February 2020.



Figure 16: Joanna McBride, Director; OPR; Gary Ryan, Director, OPR; Evelyn Cusack, Head of Forecasting, Met Éireann; Cllr Luie McEntire, President, AILG, 2018/19; Niall Cussen, Planning Regulator and Mary Murphy, Assistant Director, OPR at the AILG Autumn Training Seminar, Monaghan, 12 September 2019



Figure 17: Cllr Mick Cahill, President, AILG, 2019/20; Damien English TD, Minister for Housing and Urban Development and Cllr Sharon Tolan at the training event for local authority members, Dundalk, 12 October 2019

Local Authority Staff Training

In accordance with the provisions of section 31Q(1)(b) of the Act, the OPR must conduct education and training programmes for staff members of local authorities in respect of such matters as the OPR considers are of relevance to the functions of the local authority, particularly relating to proper planning and sustainable development.

During Q4 of 2019, the OPR commenced consultation with local authority Directors of Services and Senior Planners

in relation to the topics which the OPR should cover when developing training programmes for local authority staff. The OPR also instigated discussions with the Irish Planning Institute (IPI) in relation to future collaboration on training events.

The following chart shows the key areas that have been identified by local authority staff where knowledge gaps exist and/or further training is required. The OPR intends to develop a training programme in the first half of 2020 to address the knowledge and training needs of local authority staff.



Figure 18: Local Authority Staff Training Topics

Training for Officials

The OPR works closely with the two professional institutes representing professional planners in Ireland, the Irish Planning Institute (IPI) and Royal Town Planning Institute (RTPI). OPR staff have provided papers and presentations for several events during 2019 including the IPI's National Planning Conference in April 2019 and the Autumn Conference in October 2019.

In-House Staff Training Events

During 2019, as the OPR staff recruitment campaign progressed and new staff members joined the team from a variety of backgrounds, a number of training sessions were undertaken in-house. In November 2019, a full day was dedicated to briefing staff in the following key areas:

- Health and Safety
- GDPR
- Civil Service Employee Assistance Service

A programme of introductory training in planning has been designed and will be delivered to OPR staff in 2020. The training will focus on upskilling those staff who have joined the OPR from a variety of non-planning related backgrounds.

Research

National Planning Knowledge Group

As noted above, section 31Q(1) of the Act provides that one of the core functions of the OPR is to conduct education and training programmes for members of planning authorities and of regional assemblies and for staff of local authorities or regional assemblies.



The OPR established the National Planning Knowledge Group (NPKG) in late 2019. The NPKG is to act as an advisory committee for the OPR on the current state of the knowledge base in relation to both pressing and strategic planning matters and gaps to be addressed in conjunction with stakeholders.

Section 31Q(2) of the Act provides that the OPR shall conduct research in relation to matters relevant to its functions as well as any other matters requested by the Minister.

The Act enables the OPR under section 31Q(3) to enter into arrangements with any person or body that the OPR considers to be suitably qualified to perform its research, education and training programmes.

In order to gain familiarity with existing research, and to ascertain the most pertinent knowledge, training and public awareness needs of the various stakeholders involved in the planning process, the OPR established the National Planning Knowledge Group (NPKG) in late 2019. The NPKG is to act as an advisory committee for the OPR on the current state of the knowledge base in relation to both pressing and strategic planning matters and gaps to be addressed in conjunction with stakeholders. The OPR provides the secretariat for the Group.

The NPKG includes representation from the Higher Education Institute sector, non-governmental organisations (NGOs), planning institutes, government organisations and departments, and representatives from planning authorities.

A preliminary workshop was held in July 2019 to scope the potential purpose and role of the group. This consultation process led to the formal establishment of the NPKG and the inaugural meeting of the Group was held in November 2019. It is intended that the group will meet on three occasions each year to advise the OPR on its statutory remit in this area.

Planning Library

The OPR developed an online planning library during 2019 in order to provide a single point of public access to planning policy documents and research.

The first phase of the library, launched in September 2019, brought together all current planning policy guidelines, directives and circulars and is accessible on the OPR website⁶.

The OPR also completed a second phase in the development of the planning library in 2019 by undertaking a desktop-based research exercise, gathering current research from planning schools,

public research bodies and professional institutes. Phase 2 of the planning library was launched in November 2019 and provided a single access point to this research that previously was dispersed across different institutions.

It is envisaged that in 2020 there will be regular uploads to ensure the library is reflective of the ongoing planning research currently taking place.

Royal Town Planning Institute Research (RTPI) Project: Measuring Planning Outcomes

In October 2019, the OPR together with the Department of Housing, Planning and Local Government joined a consortium comprising the Governments of Ireland, Scotland, Wales and England to conduct research aimed at identifying the most important outcomes in spatial planning and feasible ways to measure them.

This research is being led by the RTPI and will explore how local authorities and national governments can go beyond simple metrics, such as speed of processing applications and numbers of new homes delivered. The ultimate goal is to produce outcome measures and monitoring toolkits that can be adapted and adopted by local authorities throughout the UK and Ireland. The project aim is to:

- (1) Agree outcome measures for planning policy and development management;
- (2) Develop a methodology for measuring outcomes; (identifying existing data, new data needed and measurable outcomes)

- (3) Pilot at local and national levels; (and regional, if appropriate)
- (4) Propose how social, economic and environmental outcomes can be added to local authority monitoring (without undue burden); and
- (5) Propose how national targets promote outcomes.

The methodology and programme comprises four broad stages which will be progressed throughout 2020.

Public Awareness Communications and Media Relations

The OPR recognises that good communication is critical for the successful operation of any organisation and that effective communication practices play a central role in enabling the OPR to deliver on our functions.

Throughout 2019, the OPR worked to ensure that communications were accessible, concise and clear from both an internal and external perspective.

Some of the key highlights of the OPR's communications achievements in 2019 include:

- The Planning Regulator's interview with Marian Finucane which was broadcast live on RTE Radio 1 in April 2019.
- Development of a dedicated OPR website, Twitter and LinkedIn accounts
- Appointment of a Communications Officer in September 2019.
- Engagement with the production team of the Eco Eye television programme and co-sponsorship of an episode on sustainable spatial planning (further details are noted hereunder).

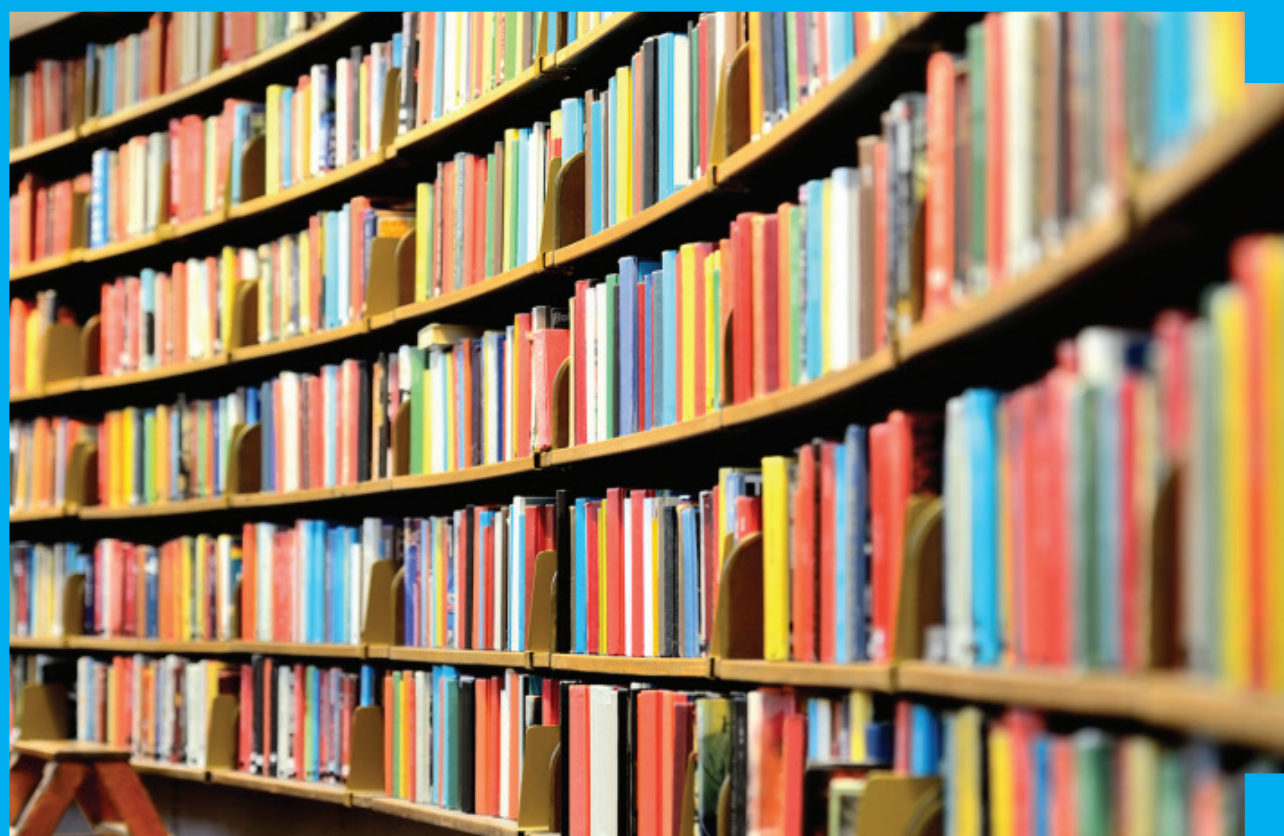


Figure 19: Planning Library

⁶ www.opr.ie/library/

- Publication of the OPR's Strategy Statement 2019-2024.
- Ongoing engagement with the media including the delivery of a focused briefing on the role of the OPR to the media in November 2019 and circulation of a related press release.
- Responding to regular media queries in relation to the OPR's evaluations of statutory plans, which featured in several national and local publications.
- Publication of a feature article about the OPR in the Council Review publication no. 62 published in November 2019.
- Commencement of work on the drafting of a Communications Strategy
- Publication of an Op-Ed piece, which was written by the Planning Regulator, in the Irish Times in December 2019.
- Publication of eight news features on the OPR website which provided an insight into the OPR's work including the interface with the Association of Irish Local Government, the delivery of planning training for elected members, the publication of the Strategy Statement, the commissioning of research and the establishment of the National Planning Knowledge Group.

Infographics and presentation

The OPR is eager to ensure that the information it presents is clear and accessible. To effect this, we produced several infographics which were used to convey the role of the OPR in a user-friendly fashion.

We also produced an internal in-house style guide which is based on the

principles of Plain English⁷. The purpose of the document is to ensure consistency and clarity in both the OPR's internal and external written work. This is especially important for any communication that is intended for a general public audience, especially people who are not native speakers of English or Irish and those with literacy challenges. According to the National Literacy Agency (NALA), 17.9% or about 1 in 6 Irish adults are at or below level 1 on a five level literacy scale.

Eco Eye Episode

In late 2019 the OPR, in conjunction with Healthy Ireland, co-sponsored an episode of Eco Eye, Ireland's longest running environmental television programme⁸. The theme of the episode was "sustainable spatial planning".

The key messages which the OPR and Healthy Ireland sought to incorporate in the programme were:

- to create awareness of good planning and why it is important;
- to build ownership by the public in their role in determining local planning policies;
- to empower citizens by learning from applying best practice in good planning; and
- to identify the key role that planning has in the health and wellbeing of the citizens of this country.

The programme included interviews with officials from TU Dublin, Healthy Ireland, Waterford Treasures Museum, Healthy Waterford, Roscommon County Council and various interviews with members of



Figure 20: Kate O'Flaherty, Head of Health and Wellbeing, the Department of Health with Duncan Stewart, Eco-Eye presenter

the public from Waterford and Boyle in County Roscommon.

It is the OPR's intention to build upon the success of this programme and to explore the possibility of contributing towards the production of future episodes in conjunction with other stakeholders. Potential themes for future programmes are currently being developed and discussions are ongoing with the local government sector on the possibility of collaboration for future episodes.

Stakeholder Engagement

The OPR is an organisation that engages with the key stakeholders in the planning system in a number of ways.

Engagement with Local Authorities

The OPR progressed this schedule of engagement with all local authorities as part of our establishment phase with a view to scheduling informal, technical discussions with the authorities' professional planning and executive team to build a good working relationship in the context of the OPR's statutory role in

⁷ www.nala.ie/plain-english/

⁸ www.opr.ie/ecoc-eye-television-programme-highlights-how-good-planning-can-improve-health-and-well-being/

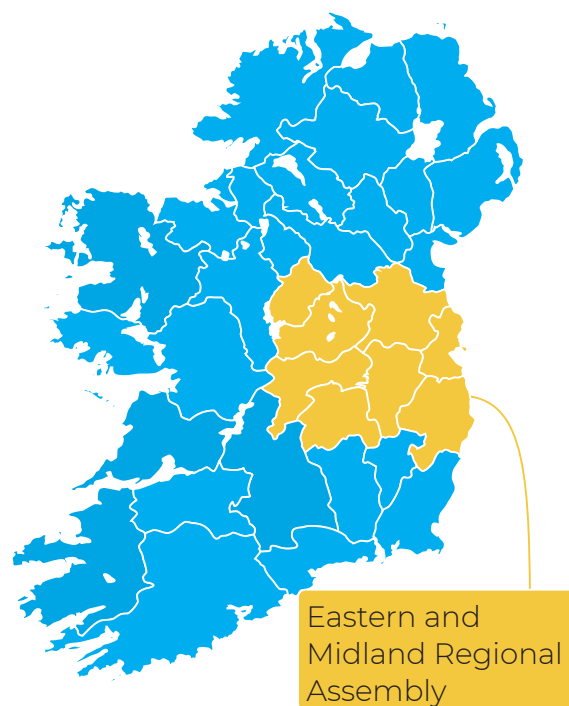


Figure 21: Local Authority Engagement

advising local authorities throughout the plan-making process.

The OPR met with the 12 local authorities that make up the Eastern and Midland Regional Assembly (EMRA) area in 2019. Meetings with EMRA local authorities were prioritised in 2019 due to the adoption of the Regional Spatial and Economic Strategy for the EMRA area in June 2019, which cleared the way for the initiation of development plan reviews of constituent local authorities.

This programme of engagement will continue throughout 2020 in order to complete introductory meetings with the authorities in the Northern & Western and Southern regions, as well as continued engagement with EMRA authorities in the delivery of our plan evaluation functions.

Plan Evaluations Forum

In June 2019, the OPR established an informal discussion group comprising the key prescribed authorities that input into the statutory plan making process. The purpose of the forum is to facilitate discussion and information exchange in the consideration of statutory plans by the OPR and encourage greater policy alignment amongst stakeholders in the context of the plan making process.

Members of the forum include: the Department of Culture, Heritage and the Gaeltacht; the Department of Education and Skills; the Department of Housing, Planning and Local Government; Irish Water; the National Transport Authority, the Office of Public Works; and Transport Infrastructure Ireland.

The OPR hosted three meetings of the Plans Evaluation Forum in 2019 which enabled discussions between all organisations on statutory plans subject to public consultation over that period.

Further Promotional Activities

In November 2019, the OPR held a briefing for members of the media including presentations on the background to the OPR's establishment, its main priorities and some of its upcoming projects.

The OPR recognises the media as a key stakeholder and an important means of communicating our role to a wider audience and will continue proactive engagement with print, broadcast and online journalists.



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The OPR recognises the media as a key stakeholder and an important means of communicating our role to a wider audience.

Corporate Affairs

Governance

The OPR was established as a statutorily independent body. In the exercise of its functions, the OPR is wholly independent and is accountable to the Oireachtas and the Minister as a publicly funded organisation.

The OPR's governance structure, as prescribed by the Act, is that of an office holder rather than a non-executive board structure and its day-to-day functioning is administered by the organisation's executive.

Executive Management Team (EMT)

The EMT consists of the Planning Regulator and the three Directors, one of whom is the Deputy Planning Regulator, and meets on a fortnightly basis under a standing agenda. The meetings provide a forum for, inter alia, regular strategic review of the functioning of the organisation, including risk assessment, financial management, approval of policies and management of resources.

Finance, Audit and Risk Committee

The OPR's governance structure, pursuant to section 31N of the Act, is that of a corporation sole/office holder. While the OPR is not mandated to establish committees which standardly operate as committees to non-executive boards, in the interests of transparency and accountability and following best practice, the OPR began the establishment of a Finance, Audit and Risk Committee in line with guidance provided within the Code of Practice for the Governance of State Bodies.

The Committee's establishment

process commenced in Q3 2019 and the Committee is to achieve its full functionality from 1 January 2020.

Performance Delivery Agreement and Oversight Agreement

Following establishment, a Memorandum of Understanding (MOU) was put in place between the Department of Housing, Planning and Local Government (the Department) and the OPR. The document sets out the key governance requirements, including the terms on which services, such as the temporary provision of accounts payable processing, were to be provided to the OPR by the Department.

Furthermore, one of the key requirements of the Code of Practice for the Governance of State Bodies 2016 is that Departments and bodies under their aegis should put in place an Oversight Agreement and a Performance Delivery Agreement which should form an integral part of the strategic and operational framework for the agency.

In that regard, following the publication of the OPR's first Strategy Statement in October 2019, work began on the preparation of the Oversight Agreement and the Performance Delivery Agreement jointly with the Department.

To further strengthen the governance framework of the OPR, regular liaison meetings between senior management of the Department and the OPR take place to monitor performance and governance matters as well as to provide a forum for regular discussion on matters affecting the statutory functions of both organisations.

Risk Management

Risk Management is one of the key requirements to ensure good corporate governance and agile organisational responsiveness to risk. The Executive Management Team, including the Chief Risk Officer⁹, have the overall responsibility for overseeing risk management within the organisation determining the organisation's risk appetite and the preparation of the Risk Register throughout the year.

In 2019 we implemented a comprehensive risk management framework, including the setting of the organisation's risk appetite, the preparation of a risk register and the implementation of a Risk Management Policy. As part of the formation of the risk management framework, the EMT carried out an assessment of the OPR's principal risks, including a description of these risks, and associated mitigating measures.

To further strengthen the framework, the formation of the Finance, Audit and Risk Committee commenced in Q3 of 2019.

Internal Audit

The Internal Audit function will be developed in 2020 through outsourced services and will operate under an Internal Audit Charter.

Code of Practice for Governance of State Bodies

Following establishment in April 2019, the OPR adopted the Department of Public Expenditure and Reform's Code of Practice for the Governance of State Bodies 2016 (the Code) and commenced

⁹ To be nominated in 2020.



The OPR was established as a statutorily independent body. In the exercise of its functions, the OPR is wholly independent and is accountable to the Oireachtas and the Minister as a publicly funded organisation.

the implementation of the relevant provisions of the Code in 2019. We have ensured compliance with the majority of the relevant provisions of the Code with some of the requirements scheduled for implementation in 2020, as follows:

- A Finance, Audit and Risk Committee establishment commenced in Q3 of 2019;
- An outsourced Internal Audit service will be established in 2020;
- A Customer Charter was developed in 2019, with the associated Customer Action Plan to follow in 2020.

Corporate Affairs

Policies and Procedures

Since the establishment in April 2019, we have implemented a suite of policies and procedures that provide an important basis for the day-to-day functioning of the organisation. In addition to these, we have implemented the Civil Service policies and codes, including the Dignity

at Work and The Civil Service Code of Standards and Behaviour.

Code of Conduct and Conflict of Interest

Procedures are in place to ensure that staff of the OPR comply with the provisions of Ethics in Public Office Act 1995 and Standards in Public Office Act 2001, where applicable. In addition, the OPR has developed a Code of Conduct for managing conflicts of interest, pursuant to the provisions of Section 31AL of the Planning and Development (Amendment) Act 2018. Under the Code

all staff members of the OPR and the Chief Executive register their interests by way of a statutory declaration.

Health and Safety

In 2019 the OPR complied with the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work Act (General Applications) Regulations 2007. We adhered to health and safety policies and procedures and we provided appropriate training to staff. We have also put in place a Safety Statement and nominated a Health and Safety Officer.

Freedom of Information (FOI) and Access to Information on the Environment (AIE)

The OPR is a public body for the purposes of the Freedom of Information Act 2014. In addition to the provisions of the FOI legislation, information on the environment may be sought from the OPR on foot of Access to Information on the Environment Regulations 2007-2018.

Details of activity in 2019 are provided below and are available on the OPR website¹⁰:

Table 4: FOI / AIE Requests 2019	FOI	AIE
Requests Received	5	0
Granted	4	0
Partially Granted	0	0
Withdrawn	0	0
Transferred	0	0
Refused	1	0

Data Protection and the General Data Protection Regulation

The OPR is committed to protecting the rights and privacy of individuals in accordance with the General Data Protection Regulation (GDPR), which came into effect in May 2018, and the Data Protection Acts 1988, 2003 and 2018.

In 2019, as required by GDPR, the OPR nominated a Data Protection Officer. Additionally, Data Protection and Data Privacy policies were implemented in

the organisation and GDPR training was delivered to staff.

In 2019, no personal data requests were received by the OPR and there were no instances of personal data breaches.

Recruitment and Staff

The OPR operates its recruitment primarily under a licence granted by the Commission for Public Service Appointments (CPSA), which was obtained in April 2019. Open panels via the Public Appointments Service are also utilised, where appropriate.

Staff of the OPR are civil servants and are remunerated in line with Government policy. The Planning Regulator is remunerated at the civil service grade of the Assistant Secretary with an annual gross salary of €139,628 [as at salary scale effective from 1 January 2020].

Irish Language

The Official Languages Act 2003 sets out the duties of public bodies regarding the provision of services in the Irish language and the rights of the public to avail of those services.

In order to adhere to the duties outlined in the Act, the OPR has contracted external translators to ensure any relevant documentation as well as the static information on our website is translated and published in a timely manner. The OPR has also produced its logo, stationery and email signatures in a bilingual format and ensures that relevant publications such as the Annual Report and Strategy Statement are published bilingually.



Figure 22: OPR Corporate Affairs

¹⁰ www.opr.ie/freedom-of-information/

The OPR intends to produce an Irish Language Policy in 2020. This policy will clarify the services that the OPR intends to provide in Irish and will confirm the OPR's commitment to promote and encourage the use of the Irish language. The OPR also complies with its statutory responsibilities under Section 31AA of the Act in relation to the provision of services through the Irish language. To this end, knowledge of the Irish language is included as an important criterion in our recruitment campaigns.

Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 imposes a statutory obligation on public bodies in performing their functions to have regard to the need to:

- Eliminate discrimination
- Promote equality of opportunity and treatment for staff and persons to whom it provides services; and
- Protect the human rights of staff and service users.

The OPR has nominated an Access Officer to facilitate access to our services for all members of the public in as far as it is reasonable and practicable.

Protected Disclosures Act 2014

The OPR has put in place procedures for the making of protected disclosures, including the implementation of a Protected Disclosures Policy, in line with the Protected Disclosures Act. These procedures set out in detail the process by which a worker of the OPR can make a protected disclosure, what

will happen when a disclosure is made and what the OPR will do to protect the discloser. The process supports the OPR's commitment to fostering a working environment where employees feel comfortable in raising concerns relating to potential wrongdoing within the OPR and to provide the necessary supports for those that raise genuine concerns. This working environment reflects the OPR's core values, especially those of integrity, professionalism, openness and transparency.

Under Section 22 of the Protected Disclosures Act 2014, the OPR is obliged to prepare and publish, no later than 30 June in each year, a report detailing the number of protected disclosures made during the preceding year and the action (if any) taken in response to those protected disclosures.

Pursuant to this requirement, no protected disclosures were received in 2019 and the annual report on protected disclosures will be submitted to our parent Department and published on our website by 30 June 2020.

Energy Usage 2019

The OPR is located in temporary shared accommodation at 77 Sir Rogerson's Quay, Dublin 2, with 15 full time staff at 31 December 2019. Following establishment, the OPR has been liaising with the Sustainable Energy Authority of Ireland in terms of energy consumption reporting required following the completion of the OPR's baseline year.

The OPR is committed to reducing its environmental impact as far as possible.

“

The OPR has nominated an Access Officer to facilitate access to our services for all members of the public in as far as it is reasonable and practicable.

To this end, staff are supported by a number of initiatives including the travel-pass and bike-to-work schemes and provision of good quality cycle facilities that have resulted in a high usage of sustainable travel modes. Furthermore, lighting in our temporary offices is motion sensor controlled and all electrical equipment is switched off at close of business each day.



The OPR's budget is allocated through the Department of Housing, Planning and Local Government Vote 34, subhead D.5. In 2019, the OPR's budget totalled €2,367,000.

Financial Information

The OPR's budget is allocated through the Department of Housing, Planning and Local Government Vote 34, subhead D.5. In 2019, the OPR's budget totalled €2,367,000.

An external accountancy firm, Crowleys DFK, was appointed in Q3 2019 through an Office of the Government Procurement (OGP) framework to manage the OPR's accounts function and the preparation of financial reports

and statements. We have also procured banking services through an OGP framework, which is provided to the OPR by Danske Bank.

In its operations, the OPR ensures value for money and sound financial management by complying with the Public Spending Code, including National and EU Public Procurement Procedures and financial management rules, as well as the provisions of the Act as laid out in Section 31AG ensuring accountability and transparency.

Financial Statements

The Financial Statements of the OPR, including the Statement on Internal Control and the Governance Statement, are prepared in accordance with FRS 102, the financial reporting standard applicable in the UK and Ireland issued by the Financial Reporting Council (FRC), as promulgated by Chartered Accountants Ireland.

The Financial Statements of the OPR are subject to audit by the Comptroller and Auditor General and the audit of 2019 accounts will take place in 2020. Financial Statements for a given year are generally not audited at the time of the relevant annual report's publication. Once approved by the Comptroller and Auditor General, the financial statements will be presented to the Planning Regulator and the Minister of Housing, Planning and Local Government. Furthermore, a copy of the accounts will be laid before the Houses of the Oireachtas and will be published on the OPR website.

System of Internal Control

The OPR ensures that an effective system of internal control is maintained and operated at all times. Maintaining the system of internal controls is a continuous process and the system and its effectiveness are kept under ongoing review.

Tax Law

The OPR has complied with its obligations under tax law in 2019.

Procurement

As a public body, the OPR utilises central contracts put in place by the OGP when procuring a range of commonly acquired goods and services. Where no central contract is available, the OPR operates in accordance with European Union (EU) Procurement Directives. We have nominated a Procurement Officer and the development of a corporate procurement plan was commenced in 2019 for publication in 2020.

The OPR undertook a number of procurement exercises in 2019 with the advice and assistance of the OGP utilising existing frameworks. Following these exercises, Fieldfisher were appointed as legal advisors, Crowleys DFK were appointed to provide accountancy services and Danske Bank will provide banking services to the OPR.

Prompt Payments of Accounts Act 1997

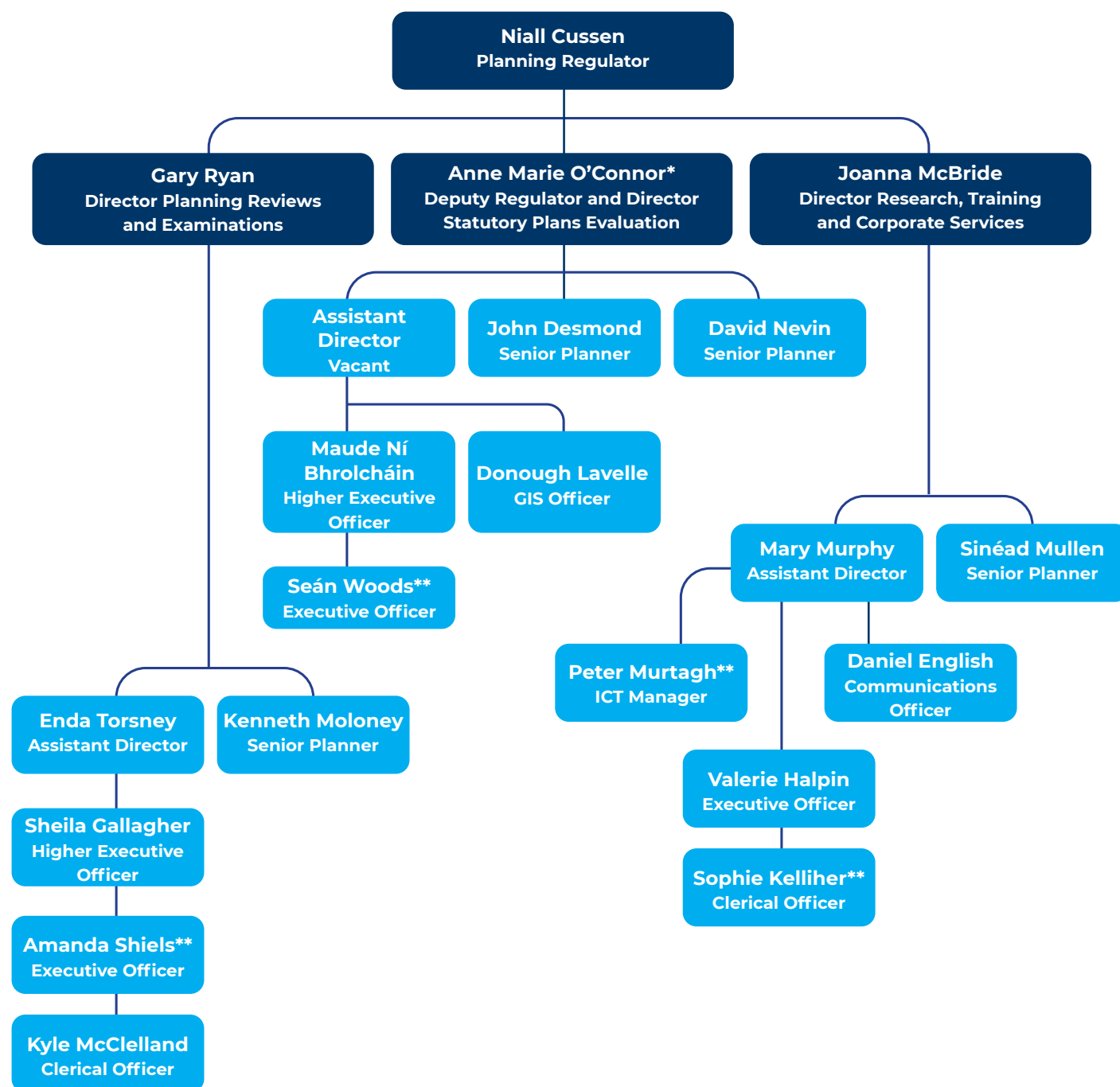
It is the OPR's policy to fully comply with the provisions of the Prompt Payments of Accounts Act 1997. The OPR has introduced procedures to ensure that

invoices are paid within the statutory time limit.

Following establishment, the accounts payable processing function was provided to the OPR, on a temporary basis, by the Department of Housing, Planning and Local Government. This arrangement was put in place under a Memorandum of Understanding in order to enable the OPR to implement its own systems and procedures from 2020.

All supplier invoices in 2019 were processed and paid on behalf of the OPR by the Department of Housing, Planning and Local Government. This process was in operation from the OPR's establishment in April 2019 until December 2019. From 2020, following the implementation of the OPR's outsourced accounts payable function, supplier payments will be processed directly by the OPR.

Staff Information



* The Deputy Planning Regulator and Director of Plans Evaluations, Ms Anne Marie O'Connor, joined the OPR in early 2020 as a result of an open recruitment campaign which commenced late 2019.

** Staff appointed in early 2020 following recruitment campaigns concluded in 2019.

Sandycove, Co. Dublin

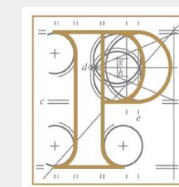
PART 2

Planning in Context: Key Statistics 2019

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Planning in Ireland



200+

Regional Spatial and
Economic Strategies
Statutory
Development Plans
Local Area Plans
Strategic
Development Zones

31

Planning
Authorities

3

Regional
Assemblies

1

An Bord
Pleanála

2019 in Numbers

67
applications
granted



51
applications
refused, or not
yet decided

29,117
Planning
decisions
made

3,146
applications
refused

25,971
Applications
Granted

Appeals to An Bord
Pleanála

2,076

24.4%
Decision
confirmed

25.4%
Decision
reversed

50.2%
Decision
varied

43 Public
consultations
on statutory
plans initiated

30 Statutory
plan-making
stages
adopted

Figure 1: Planning in Ireland 2019

Introduction

While Part I of the Annual Report takes stock of OPR functions throughout 2019, the analysis in Part II provides a strategic overview of key trends and outputs over the year in the wider planning system in Ireland. This analysis includes an interesting comparison with patterns in previous years, which is the first analysis of its kind of the Irish planning system.

Statistics in relation to the planning process are published each year by the Central Statistics Office (CSO)¹¹, the National Oversight and Audit Commission (NOAC)¹² the Department of Housing, Planning and Local Government (DHPLG)¹³ and An Bord Pleanála (ABP)¹⁴. The OPR has analysed and drawn together a sample of this data to provide the basis for an overview of the functioning of the planning process in Ireland in 2019, as well as key trends over previous years and in relation to some of the datasets, by reference to specific interval points such as five and 10 years previously. Analysis of trends on an ongoing basis will enable monitoring in the years ahead.

The OPR will work to enhance the range of information sources which we can use to track the overall functioning of the planning process and the quality of the outcomes it secures, taking account of the broader functions of local government oversight bodies such as the NOAC, which publishes indicators across the broad range of local authority functions, three of which concern planning.

The statistics examined are in relation to the volume of work under four key headings, which reflect the core functions of planning authorities and An Bord Pleanála:

1. Forward Planning;
2. Development Management;
3. Planning appeals and direct applications to An Bord Pleanála, and
4. Enforcement.

Some commentary is also provided on key issues such as cost recovery, land activation and judicial review.

The analysis indicates that the demands placed on Ireland's planning process have increased significantly in recent years and that this trend continued in 2019. Planning authorities have discharged their statutory duties against a backdrop of increasing workloads, enhancing the stock of planning permissions, the activation of which is occurring at a slower rate in the case of housing.

The OPR acknowledges that planning authorities also undertake a significant

volume of additional work related to planning, such as in the areas of development promotion, urban and village renewal, rural development and land activation. However, for the purposes of ascertaining the main workload pressures and outputs from the planning system from available sources, our analysis focuses on key indicators related directly to the three core functions.

Forward Planning

Statutory plans

Statutory plans include regional spatial economic strategies (RSEs), development plans and local area plans. In 2019, a total of 30 statutory plans or variations/amendments to existing plans were adopted, including one RSEs (for the Eastern and Midland Regional Assembly), one development plan

(Monaghan County Development Plan), 13 variations to existing development plans, 10 local area plans (LAPs) and five amendments to existing LAPs.

Figure 2 indicates the number of statutory plan review stages that have been subject to consultation, annually, since 2010. The data shows the number of notifications made to the Department of Housing, Planning and Local Government (the Department), and to the OPR from April 2019, in relation to statutory plan-making consultations, where the Department or the OPR would make a submission. This includes regional spatial and economic strategies, issues papers for development plan reviews, draft development plans or local area plans, material amendments to draft plans, and variations and amendments to development plans/local area plans.

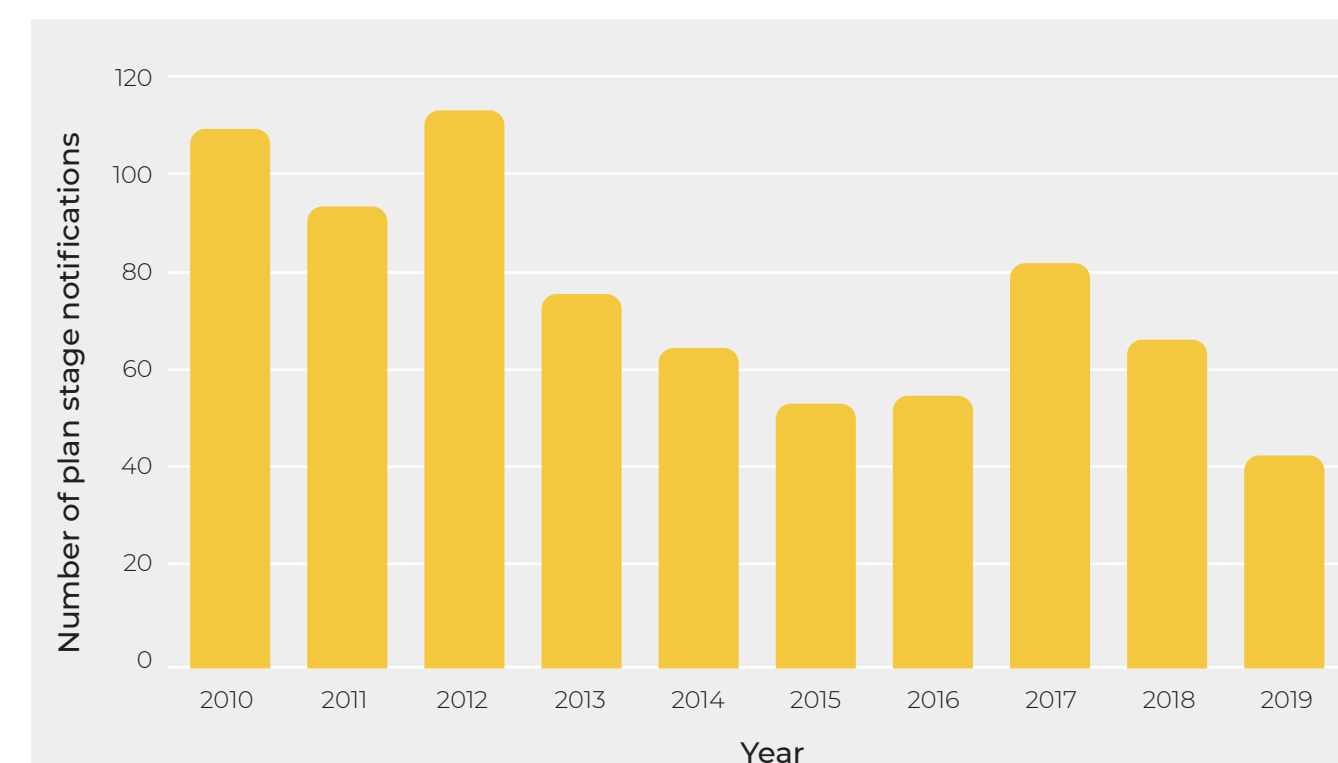


Figure 2: Plans notified for consultation, per annum 2010-2019 (DHPLG & OPR)

¹¹ www.cso.ie/en/statistics/construction/planningpermissions

¹² www.noac.ie/wp-content/uploads/2019/10/NOAC-Performance-Indicator-Report-2018-1.pdf

¹³ www.housing.gov.ie/planning/statistics/planning-statistics-1

¹⁴ Annual Report and Accounts 2018: www.pleanala.ie/publications

The data indicates that over this period the absolute number of statutory plans, particularly local area plans, prepared by planning authorities was on an upward trend until 2012, with a peak of over 113 notifications, but has declined since, to a low of 43 in 2019.

The low numbers during 2018 and 2019 are likely the result of the provisions of section 11(1)(b) of the Act, which deferred reviews of development plans pending the finalisation of the National Planning Framework (NPF) in 2018 and the adoption of the three RSEs in 2019 and 2020. This would have consequential effects on LAPs as the preparation of these plans generally follow the making of the development plan. However, the 6-year cyclical nature of development plans may also result in periods when fewer plans are made.

The making of the RSEs in the Eastern and Midland Regional Assembly (EMRA) resulted in the commencement (and

recommencement) of the review of the development plans in those counties, and the adoption of the RSEs for the remaining Northern and Western and Southern regions will see an uplift in plan reviews for those counties throughout 2020.

Figure 3 illustrates the number and proportion of different plan types for which notices were issued by planning authorities in 2019, 2018 and, for comparison, 2010. For example, 2010 saw notifications issue for the publication of 14 draft development plans, whereas one each issued in 2018 and 2019.

A resurgence of development plan review processes is evident given the adoption of the EMRA RSEs in June 2019. Notifications issued in respect of consultations for issues papers issued for four development plans in 2019, with the recommencement of one development plan review in the EMRA area¹⁶.

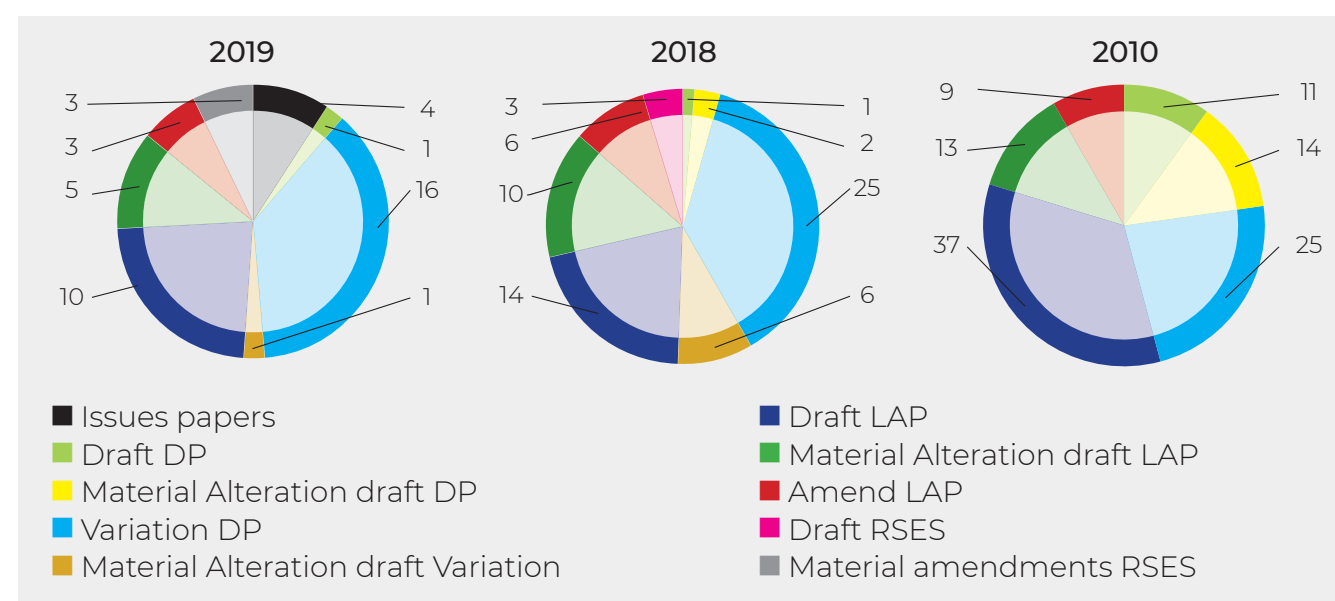


Figure 3: Number of plan making stages notified for consultation 2019, 2018 and 2010¹⁵ (DHPLG & OPR)

¹⁵ Excluding notification of consultations on Planning Schemes for Strategic Development Zones.
¹⁶ Evaluation of Statutory Plans in Part I of this report outlines the main issues arising in evaluations and assessments carried out by the OPR in 2019.

Local Area Plans

LAPs are required to be prepared for all areas designated as a town (in the most recent census) with a population exceeding 5,000. In general, an LAP must also be prepared for towns of over 1,500 population except where objectives are included for those settlements in the development plan under section 10(2) of the Act. The planning authority may also prepare discretionary LAPs. Anecdotally, it would appear that planning authorities

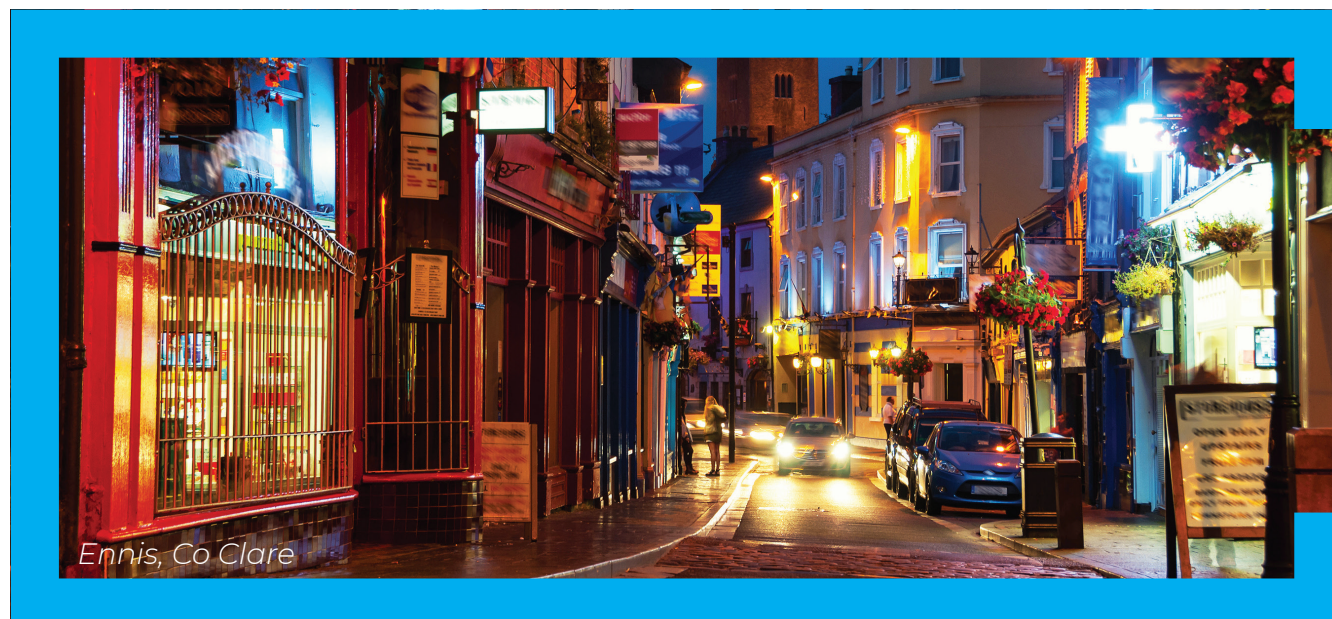
are electing to include objectives for smaller towns into the development plan rather than to prepare separate LAPs. Generally, LAPs have an operative period of 6 years.

Table 1 below indicates a list of larger census towns, in order of population, from the 2016 census returns of the Central Statistics Office and the years in which the statutory plan was prepared for those towns by the relevant local authority.

Settlement	Population (CSO 2016)	Statutory Plan	Year adopted
Drogheda	40,956	Drogheda Borough Council Development Plan 2011-2017	2011
Swords ¹⁷	39,248	No LAP or town development plan	N/A
Dundalk	39,004	Dundalk & Environs Development Plan 2009-2015	2009
Bray	32,600	Bray Municipal District Local Area Plan 2018 - 2024	2018
Navan	30,173	Navan Development Plan 2009-2015	2009
Kilkenny	26,512	Kilkenny City Development Plan 2014-2020	2014
Ennis	25,276	Ennis & Environs Development Plan 2008-2014	2008
Carlow	24,272	Carlow Town Environs Local Area Plan 2012-2018 (contained within the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012 - 2018) - extended to 2022 Carlow Town Development Plan 2012-2018	2012 2012
Tralee	23,691	Tralee Municipal District Local Area Plan 2018-2024	2018
Newbridge	22,742	Newbridge Local Area Plan 2013 - 2019 - extended to December 2021 (extended in 2018)	2013
Portlaoise	22,050	Portlaoise Local Area Plan 2018 - 2024	2018

Table 1: Schedule of larger census towns and publication date of their statutory plans

¹⁷ The non-statutory Swords Masterplans were adopted in May 2019.



The table indicates that the existing local area plans (or development plan for the former town councils and county borough councils¹⁸) for many of the country's largest towns were adopted more than 6 years ago. It is possible that this pattern of older plans may be reflected across the country. Local area plans play a vital role in ensuring the implementation of the parent development plan and national and regional policy at local level and it is essential that they address ongoing planning issues. This signals a priority for the review of older LAPs for such settlements when statutorily required and appropriate to do so.

Strategic Development Zones (SDZs)

An SDZ is planning scheme made by a planning authority, on foot of an order of Government designating a site or sites for the establishment of a strategic development zone, in order to facilitate

specified development of economic or social importance¹⁹. These generally cover extensive, strategically located sites, such as the Dublin Docklands area (North Lotts and Grand Canal Dock SDZ).

Such schemes tend to be more prescriptive in terms of, inter alia, the nature, form and layout of development to be facilitated and the infrastructure requirements of that development. Once a scheme has been approved, the planning authority must grant permission where a development proposal is consistent with the scheme and must refuse development that is not consistent. SDZs therefore provide a significant element of certainty for developers.

Eleven such schemes have been approved by An Bord Pleanála since 2003, with the greater portion (seven) since 2012. Three have been approved since 2018.

¹⁸ In the case of former town councils and county borough councils abolished in 2014, the existing development plans for those settlements continue to have effect until the adoption of the new development plan.

¹⁹ Under section 166 of the Act.

Development Management

Number of Planning Applications

The number of planning applications made each year to planning authorities tends to mirror wider economic trends. The total number of planning applications submitted in 2019 represents a slight increase on 2018, but is part of a marked increase in activity levels from 2013 onwards.

This is illustrated in Figure 4, which indicates that just over 30,000 applications were made to planning authorities in 2019. This number represents approximately 30% of the all-time peak of over 90,000 applications in 2006, during the so-called “Celtic Tiger” era.

Validation of Planning Applications

Planning applications, which act as the basis for planning decisions, are complex, legal documents that require careful preparation in order to appropriately inform the public and to enable thorough assessment of development proposals. A planning application which is not accompanied by the appropriate documentation at initial submission stage, such as the appropriate public notices, fees, and particulars including forms and copies of drawings, etc, can be declared invalid and returned to the applicant, before its technical and policy merits are considered, on the basis that the application has not met the preliminary requirements for assessment.

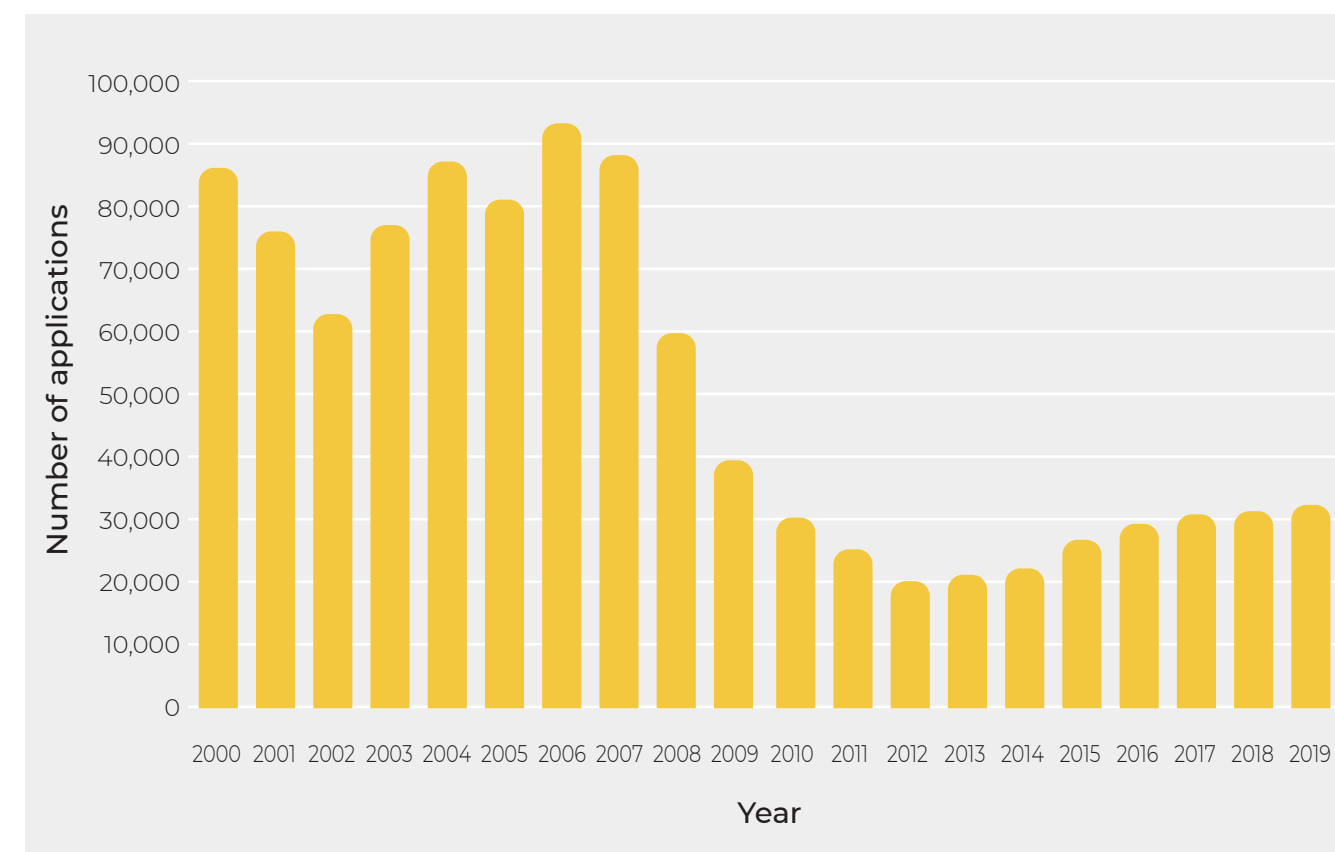


Figure 4: Planning applications per annum 2000-2019 (DHPLG 2020)

Over the last 10 years, the level of these invalid applications as a percentage of all applications has been relatively stable, ranging from a national average of 13.9% in 2015 to 16.4% in 2019 and an average of 15% of applications over that period.

However, the level of invalid applications varies widely between planning authorities. For example, in 2018 there was a rate of 34.4% in Leitrim and 4.3% in Monaghan, compared to a national rate of 15.5%. This pattern is replicated in other years.

An examination of the rates of invalidation over the last 5 years would suggest that certain planning authorities have levels of invalid applications that are consistently (at least 3 out of 5 years) and significantly higher²⁰ or lower²¹ than the average rate (Table 2 refers).

The data outlined in Table 2 suggests that the levels of invalid applications as a percentage of all applications do

not appear to be a specifically rural or urban issue, with varying levels found in both contexts. Moreover, while the degree to which planning applications are deemed invalid by the relevant local authority is very reliant on the quality of the documentation submitted by applicants and their agents, closer examination of this issue by the OPR is warranted to determine whether the quality of application documentation, or local practice, or a combination of both, influence the variation in levels of invalid applications nationally.

This is an area that the OPR will be further analysing through the research and reviews function. A key focus will be promoting good practice and learning between local authorities in terms of programmes of engagement that some authorities undertake in working with those preparing planning applications to ensure that they are appropriately informed of how to meet statutory requirements.

Note: The green boxes highlight where the rate of invalidation is greater, and the yellow the rate of invalidation lower, than the national average by in excess of the standard deviation for the year concerned.

Year	2015	2016	2017	2018	2019
Invalid applications as % of all applications received	13.9%	14.3%	15.3%	15.5%	16.4%
Standard deviation	6.7%	6.8%	6.9%	7.3%	6.9%
Carlow	24.0%	18.9%	20.4%	28.9%	25.3%
Cavan	4.6%	5.5%	7.0%	7.2%	10.3%
Clare	9.9%	9.1%	3.9%	5.0%	5.7%
Cork County	23.7%	24.3%	25.2%	22.6%	22.0%
Donegal	17.9%	19.4%	18.9%	16.7%	20.2%
Dún Laoghaire-Rathdown	5.0%	13.3%	14.2%	18.8%	14.6%
Fingal	9.9%	10.5%	14.8%	14.5%	14.0%
Galway County	5.0%	6.7%	6.5%	5.0%	10.5%
Kerry	7.9%	7.0%	7.6%	9.6%	10.0%
Kildare	15.5%	13.4%	15.2%	14.0%	12.8%
Kilkenny	8.6%	6.8%	6.9%	9.9%	10.2%
Laois	22.3%	24.1%	21.2%	19.0%	18.1%
Leitrim	27.2%	27.4%	27.8%	34.4%	28.2%
Limerick City & County	10.5%	8.4%	11.2%	8.5%	9.0%
Longford	11.1%	17.9%	13.1%	11.6%	10.9%
Louth	14.4%	13.3%	11.5%	15.6%	17.5%
Mayo	6.0%	4.5%	4.8%	5.5%	5.6%
Meath	18.1%	14.7%	13.8%	17.6%	20.8%
Monaghan	10.6%	5.4%	2.3%	4.3%	4.1%
Offaly	13.2%	12.3%	16.2%	13.7%	16.7%
Roscommon	21.1%	21.5%	19.2%	19.6%	23.9%
Sligo	20.4%	19.8%	15.1%	15.8%	20.2%
South Dublin	5.3%	8.3%	9.9%	7.9%	7.2%
Tipperary	14.2%	18.7%	28.9%	25.3%	29.2%
Waterford City & County	14.3%	14.3%	10.4%	10.4%	13.3%
Westmeath	9.5%	6.1%	10.8%	11.0%	10.0%
Wexford	7.7%	11.5%	22.6%	23.6%	20.5%
Wicklow	24.6%	23.8%	17.9%	21.3%	20.0%
Cork City	4.8%	2.8%	4.0%	9.9%	16.8%
Dublin City	15.7%	17.3%	16.8%	16.9%	21.3%
Galway City	5.8%	5.3%	7.6%	6.7%	4.3%

Table 2: Invalid applications as a percentage of valid applications: Sample of Outliers from National Averages (DHPLG Annual Planning Statistics 2020)

Bundoran, County Donegal



²⁰ The invalidation rate of the planning authority is greater than national average rate by more than the standard deviation.

²¹ The invalidation rate of the planning authority is lower national average rate by more than the standard deviation.

Planning Permissions Granted

The data also shows that in 2019, just over 89% of planning applications were granted permission (or received planning approval), reflecting a slight decline on 2018 and continuing the declining trend evident since 2016. However the rate for 2019 is consistent with high grant rates that have emerged over the past decade or so as shown in Figure 5.

The reasons for this trend are uncertain, but there would appear to be an inverse correlation with the trend in applications made per annum (comparison with Figure 4). High approval rates may also be indicative of clearer policies in statutory plans and reflect a growing culture of positive pre-application

engagement between applicants and planning authorities.

An examination of planning decisions across the 31 planning authorities for 2019 show that all authorities have very high approval rates, ranging from 80% to close to 98% (Figure 6 refers). This demonstrates a significantly lower variation than seen in the validation process.

The data also indicates that the cities and more urban authorities tend to have marginally lower approval rates than rural authorities, which may take account of the higher level of complexity of applications in urban areas.

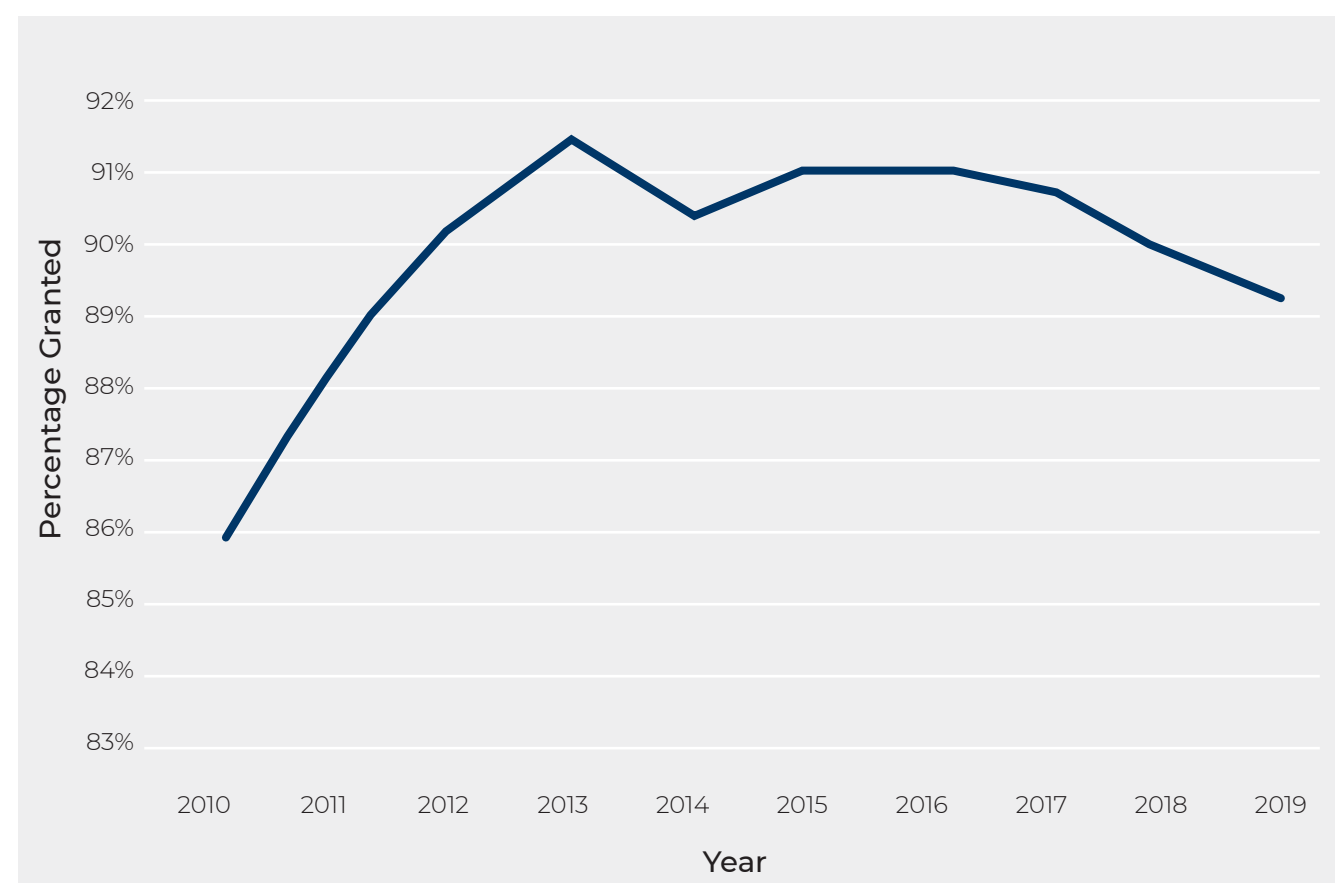


Figure 5: Planning application grant rates 2010-2019 (DHPLG 2020)

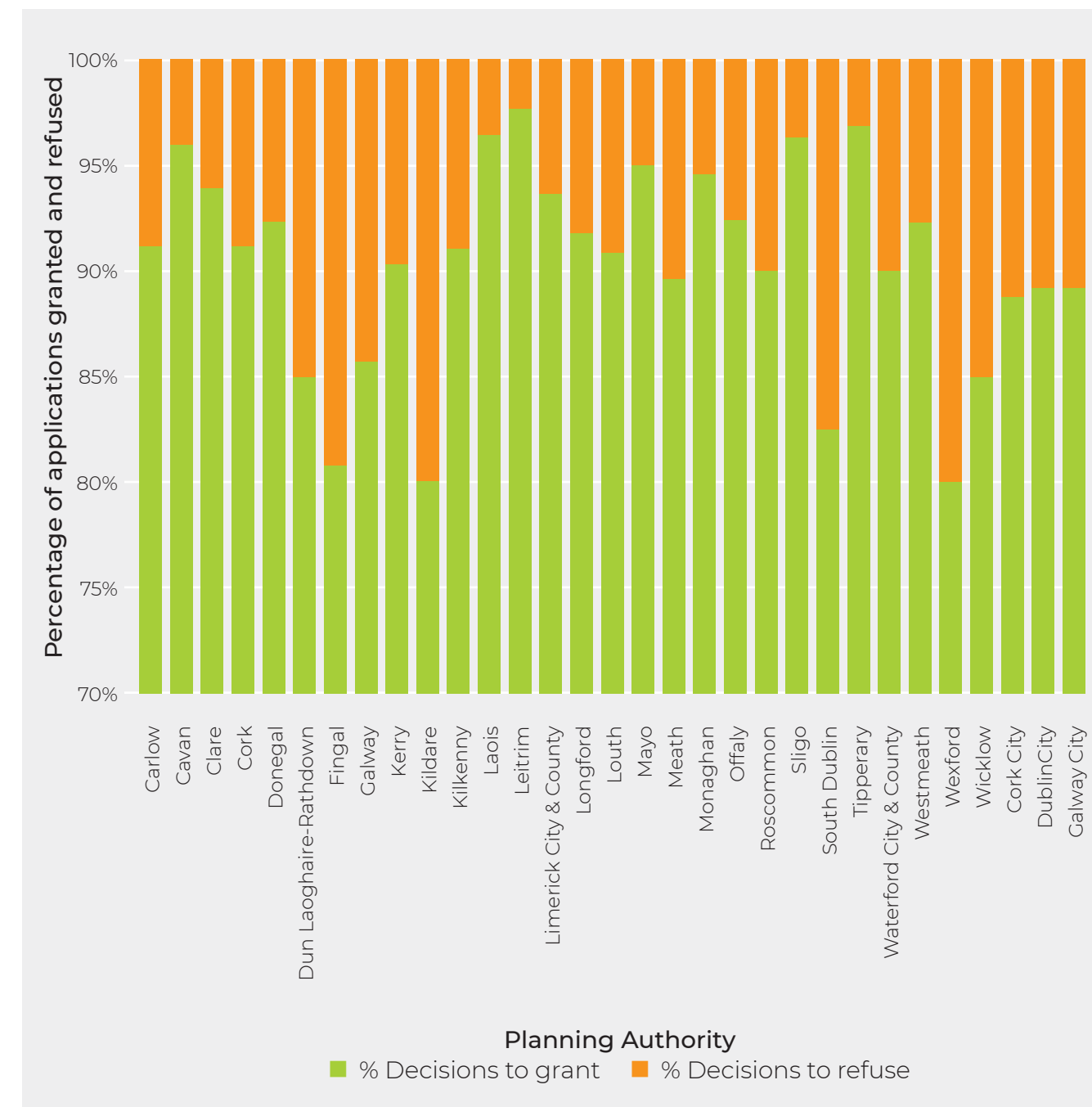


Figure 6: Percentage of grants and refusals by planning authority, 2019 (DHPLG 2020)

The rates should also be seen within the context of absolute numbers of grants and refusals, as detailed in Figure 7. While there would appear to be no obvious correlation between the total number of

applications considered by a planning authority and its rate of grant/refusal, a longer term review would be informative in this regard.

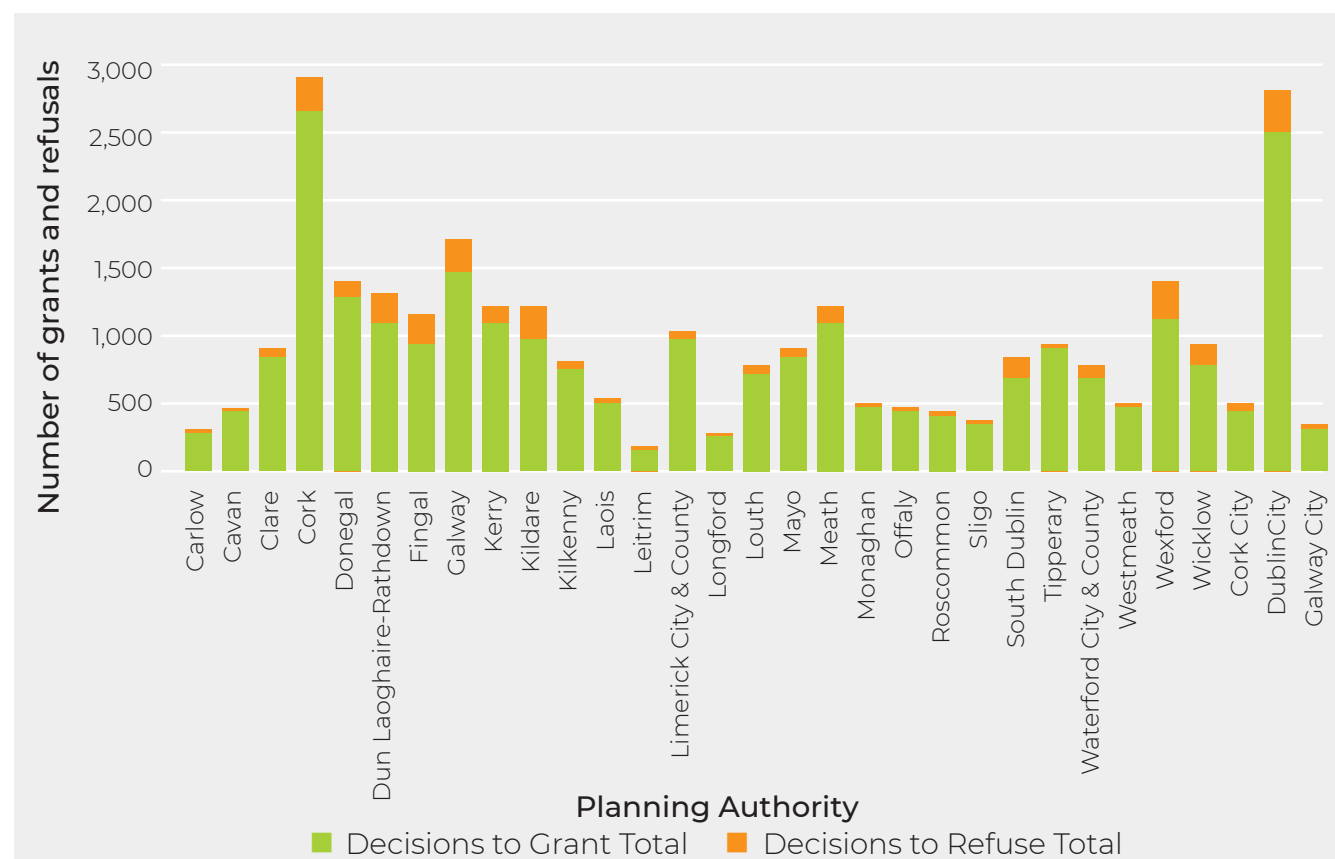


Figure 7: Number of decisions to grant and refuse permission by planning authority, 2019 (DHPLG 2020)

Applications Granted: Regional Distribution

In terms of development demand (numbers of planning applications approved), the numbers reflect concentrations of population, as evident in Figure 8. The greatest number of approvals were within EMRA, driven by Dublin, accounting for approximately 45% of all applications. The SRA, with three cities (Cork, Limerick and Waterford), accounted for approximately 37% of all applications. The NWRA, including Galway City, Sligo and Letterkenny regional growth centres, accounts for approximately 19% of applications.

Data for 2019 indicates a significantly higher level of development activity in the EMRA area compared to SRA and NWRA areas. However, the proportion of approvals between the regional assemblies is generally consistent with proportion of population within each region (EMRA 2.3 million or 48%; SRA 1.6 million or 34%, and NWRA 0.85 million or 18%²²).

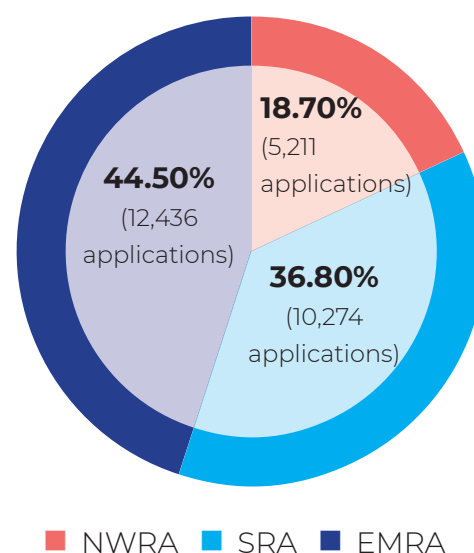


Figure 8: Planning applications granted by Regional Assembly area 2019 (CSO 2020)

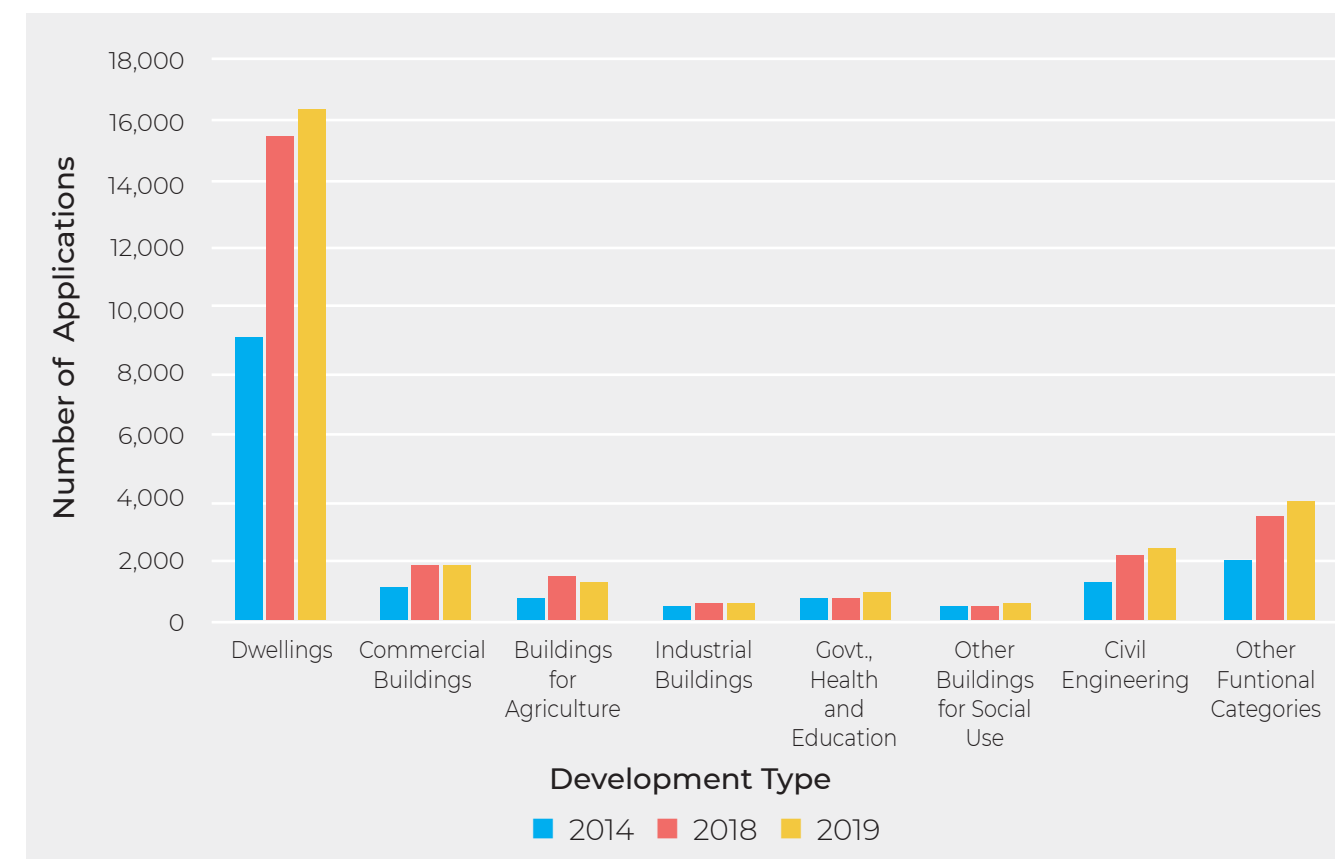


Figure 9: Number of planning applications granted permission by development type 2014, 2018, 2019 (CSO 2020)

Applications Granted: Use-type

As can be seen from Figure 9, residential development constitutes by far the largest number of planning applications granted permission per annum. This sector has also experienced the most rapid growth in use-type proposals, with the number of grants of permission almost doubling since 2014. Given the importance of the residential sector to the economy, planning applications for residential development will be the main focus of this section. Also, in view of the growing urgency to mitigate climate change, as evident in the Government's Climate Action Plan 2019, this section will also focus on renewable energy,



²² CSO 2016

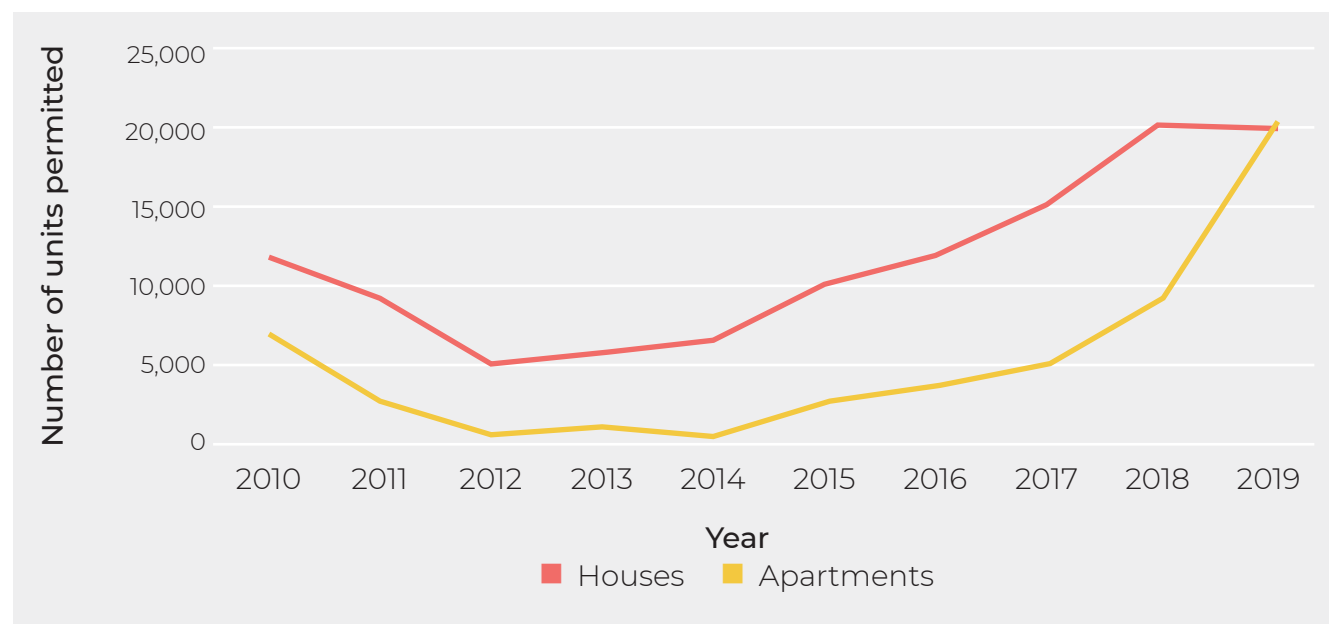


Figure 10: Residential units permitted 2009-2019 (CSO 2020)

Applications Granted: Housing

Mix of housing unit type

Demand for residential development and the nature of residential units proposed are key indicators of the health of the economy. This is reflected in the number and type of residential units proposed in planning applications and, ultimately, the number and type of units approved by the planning system. In 2019, a total of 40,252 residential units received planning permission. The number of houses and apartments permitted per annum between 2010 and 2019 is demonstrated in Figure 10.

Whilst the number of houses and apartments permitted followed a similar trend during the years of the economic recession, as the economy recovered, the number of houses permitted recovered at a faster rate than that for apartment units. In 2019, the number of apartment units

permitted grew rapidly (125% increase on 2018) and at 20,582 units, exceeded those for houses (19,670) for the first time.

There are several reasons for the trends above, including the launch by Government of the 'Rebuilding Ireland Action Plan for Housing and Homelessness' in July 2016, a key objective of which is to build more homes and improve housing supply, with a target of 25,000 additional homes, on average, per annum by 2021²³.

In addition to the above, the introduction in July 2017 of Strategic Housing Development (SHD) facilitated direct applications to An Bord Pleanála for proposed schemes of 100+ units²⁴. It is evident from recent planning permission data that SHD is playing an increasingly pivotal role in delivering planning permissions for residential units.

²³ www.rebuildingireland.ie

²⁴ Allowing for the initial phases on the new statutory function and pre-application consultations, no SHD applications were decided in 2017.

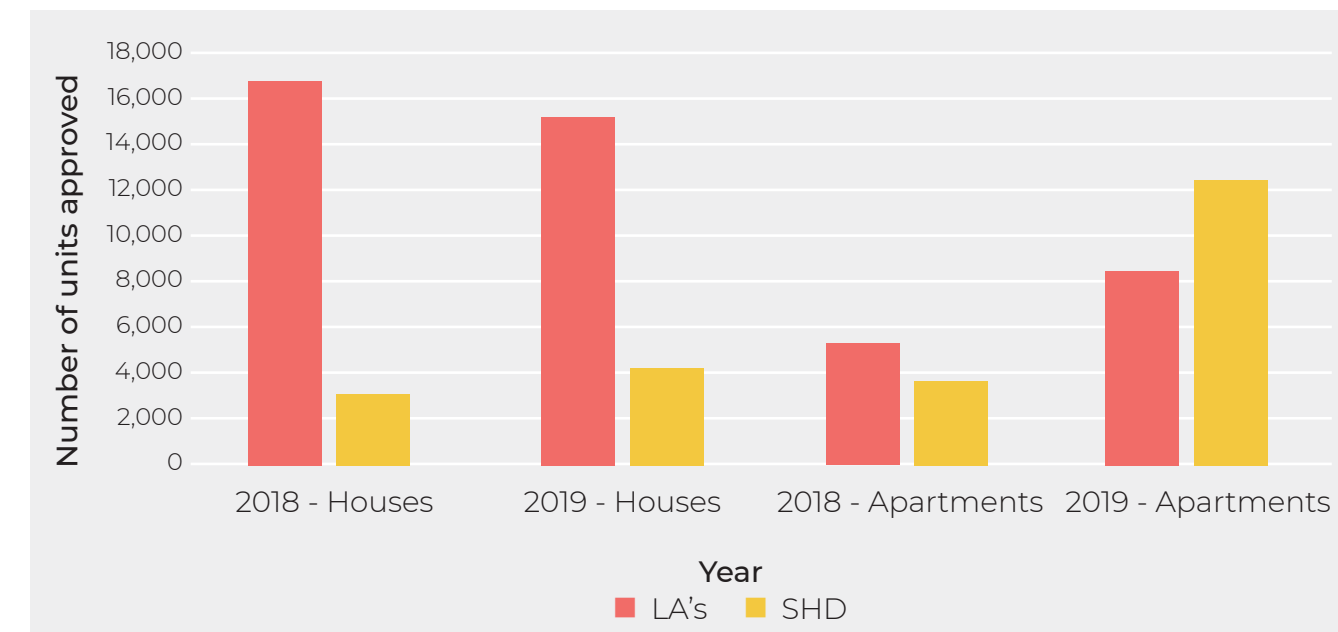


Figure 11: Residential units approved 2018-2019 (CSO 2020)

Figure 11, illustrates the breakdown of residential unit types granted permission through applications made to local authorities and through SHD applications. In total, 60% of apartment units permitted in 2019 were facilitated by the Strategic Housing Development process.

Likewise, significant apartment development was also permitted by local authorities. Whereas the number of houses permitted by local authorities declined by 8% between 2018 and 2019, the number of apartment units permitted increased by 56% (almost 3,000 units) over the same period.

This trend coincides with the publication of statutory planning guidelines by the Minister for Housing, Planning and Local Government under section 28 of the

Act, which strongly support apartment development, including the Design Standards for New Apartments²⁵ and the Building Heights Guidelines²⁶ issued in 2018. The introduction of Specific Planning Policy Requirements in those guidelines and legislative support for such requirements streamlined an increasing variety of local authority development plan standards. In addition, the adoption of the National Planning Framework in 2018 strongly promoted compact growth and the regeneration and densification of urban settlements. Together, the legislative, regulatory and policy supports given to enhancing certainty in the planning aspects of the housing delivery process has played a key role in creating more certainty in the delivery of a greater quantity and broader mix of housing types.

²⁵ Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (DHPLG 2018): www.housing.gov.ie/planning/guidelines/apartments/design-standards-new-apartments-guidelines-planning-authorities-march

²⁶ Urban Development and Building Heights, Guidelines for Planning Authorities (DHPLG 2018): www.housing.gov.ie/planning/guidelines/urban-development-and-building-height/urban-development-and-building-height-3

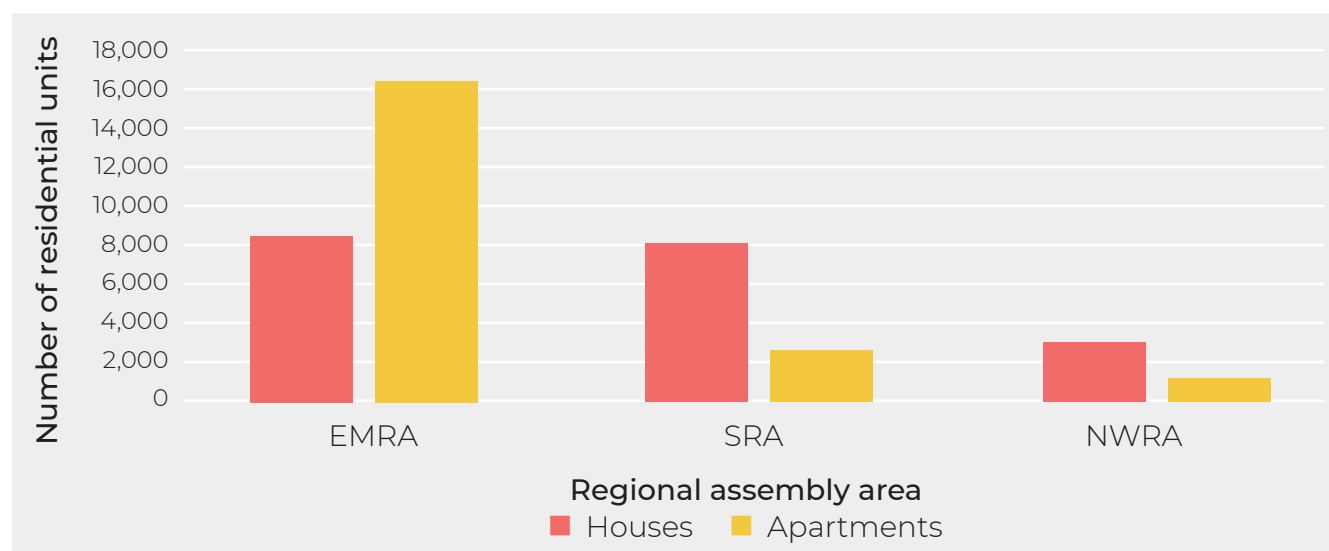


Figure 12: Houses and apartments permitted by regional assembly 2019 (CSO 2020)

Location of residential units permitted

As evident from Figure 12, there is a marked difference between the regions in terms of the total quantum of residential units and the type of residential units permitted in 2019. A total of 64% (25,673 units) of all residential units granted permission in 2019 were located within the EMRA area, compared to 26% (10,471 units) in the SRA and 10% (4,108 units) in the NWRA areas, which is out of line with current distributions of populations between the regions²⁷.

As detailed in Figure 13, in the EMRA area residential development is further concentrated and is broken down as follows:

- Almost 64% (16,419 units) of all residential units permitted in the EMRA area were located within the four Dublin local authorities (the Dublin region in the RSES²⁸).

- Almost 30% (7,597 units) of residential units permitted within the EMRA area were located within the surrounding counties of Kildare, Louth, Meath and Wicklow (the Eastern region in the RSES²⁸).

Of all residential units granted permission in Ireland in 2019 (40,252):

- Almost 60% (24,016 units) were located within the combined Dublin and Eastern regions.
- 41% (16,419 units) were located in the four Dublin authorities.

The type of residential units permitted within the EMRA area is also notable, with almost 67% (17,111) of permitted units comprising apartments. This is in contrast with the other Regional Assembly areas where apartments comprised a far smaller portion of units approved, with 23% in the SRA and 26% in the NWRA.

²⁷ EMRA 2.3 million or 48%; SRA 1.6 million or 34%, and NWRA 0.85 million or 18% (CSO data for 2016).

²⁸ As described in the EMRA RSES on page 7: www.emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf

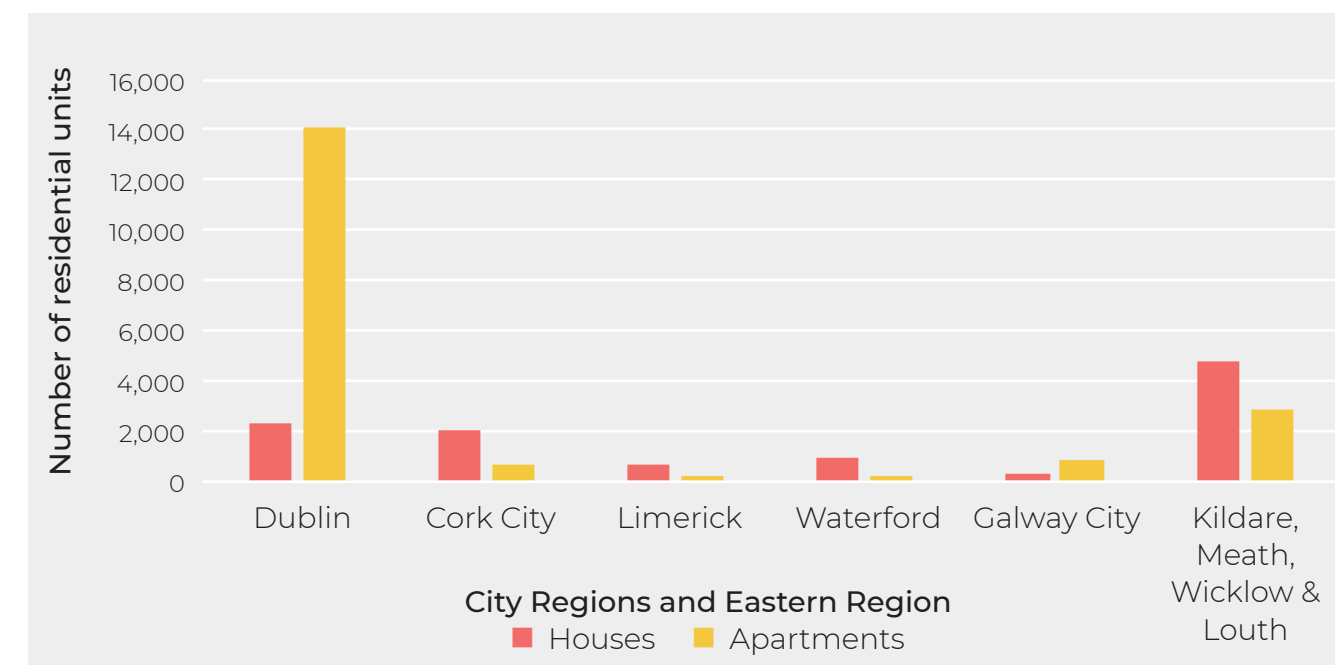


Figure 13: Houses and apartments permitted, by city region and Eastern region 2019 (CSO 2020)

The distribution of apartment units within the EMRA area mirrored that of residential units generally and was concentrated within the four Dublin authorities, where 86% of all units permitted in 2019 were apartments.

The four Dublin authorities accounted for over 82% of all permitted apartments in the region and almost 69% of all apartments permitted nationally (see Figure 13). This compares to 27% and almost 11.7%, respectively, for houses.

The Eastern region accounted for 16.7% of apartments granted permission in the region, or almost 14% of the national figure. Together, the combined Dublin and Eastern region accounted for more than 82% of all apartment units permitted in Ireland in 2019. This suggests that residential permissions are becoming increasingly concentrated, in terms of the total numbers of units and

higher density unit-types, within the Dublin and surrounding local authority areas.

Comparisons between the Dublin area and Cork, Limerick, Galway and Waterford are difficult given their sizes and differing administrative boundaries arrangements. However, it is apparent from Figure 13 that the ratio of apartment development to houses is much lower in each of the provincial cities, compared to Dublin, except for Galway City. Almost 73% of all residential units approved in Galway City were apartment units. This compares to less than 24% for Cork City, 18.5% for Limerick and 19.2% for Waterford.

The geographic spread for housing development demand between the five city regions is further addressed under Strategic Housing Development, outlined below.

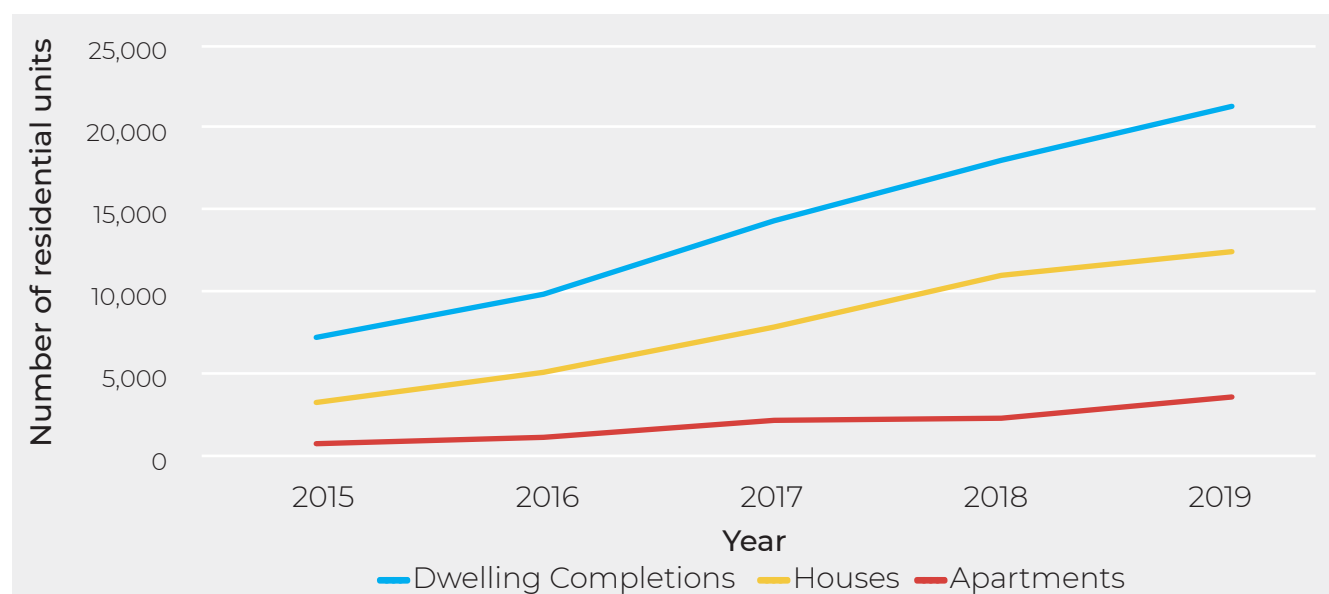


Figure 14: Total dwellings, houses and apartments completed per annum, 2015-2019 (CSO 2020)

Completion of residential units

Maintaining and enhancing a stock of implementable planning permissions supports wider housing delivery. Figure 14 shows that in the last five years, the construction sector has consistently expanded to increase the rate of construction, rising to over 21,000 units in 2019, from less than 7,500 units in 2015.

Non-Residential Development

As illustrated in Figure 9 (number of applications permitted by development type), planning applications permitted in respect of non-residential development constitute a significant proportion of all planning permissions. This is also confirmed in Figure 15, which sets out the total floor area of permitted development by use type.

Agricultural-related permissions comprise the largest category of non-residential development by floor area and have grown markedly in recent years. By nature, agricultural buildings tend

to be large, hence the significant floor area, which accounted for over 1 million square metres in 2019. This trend would suggest a growing and modernising agricultural sector and is potentially due, in part, to ongoing enhancement of waste-management and animal housing facilities in response to environmental protection regulatory requirements

Planning authorities, including An Bord Pleanála, have also seen a significant uplift in grants of permission in non-primary industrial sectors.

The total area of industrial and manufacturing floorspace permitted in 2019 (383,000 m²) was more than double that of 2018 (178,000 m²) and almost five times that permitted in 2014 (78,000 m²).

Likewise, the trade sector²⁹ has quadrupled and the floor area permitted for office space (for the finance/insurance sectors) has seen a 50% increase from 2014.

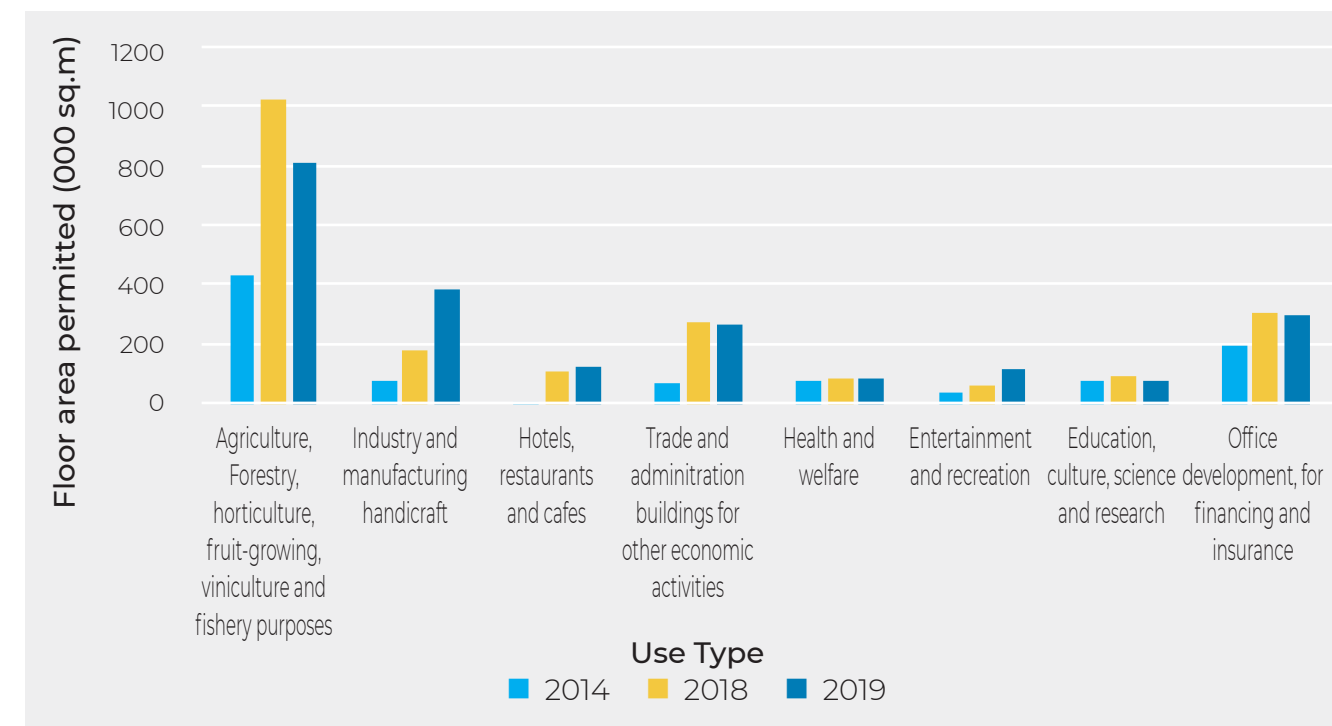


Figure 15: Total floor area permitted per use type (non-residential) (CSO 2020)

Renewable energy sector

Amongst the various non-residential categories of planning applications, the renewable energy sector has become a major area of work for the planning system and is examined briefly below. The data indicates that enabling activation of substantial levels of alternative climate-friendly electricity sources is a major priority for Ireland's planning system at national and local levels.

Wind Energy

The capacity for wind energy in the state has expanded rapidly in recent years, with over 250 operational wind farms with an installed capacity of 3,700MW³⁰. Applications for largescale wind farms

(more than 25 turbines or having a total output greater than 50 megawatts) are made directly to An Bord Pleanála. In addition, many applications for subthreshold wind farm development are appealed to An Bord Pleanála. The Board's data provides some indication of activity in this area.

In 2019, two Strategic Infrastructure Development (SID) applications were made to the Board for wind farm development (24 wind turbines at Derryadd, Co. Longford; and a 13 wind turbine repowering project at Barnesmore, Co. Donegal³¹). Seven wind energy developments were subject of appeal (two applications for

²⁹ Defined by the CSO as including 'Trade and administration buildings for other economic activities'.

³⁰ <https://www.iwea.com/about-wind/facts-stats>

singular turbines, one application for the relocation of two turbines, three applications for six turbines each, and one application for seven turbines)³³. In addition, there were pre-applications consultations with the Board on nine separate cases, for development of up to 25 wind turbines.

In terms of planning decisions, in 2019 one SID for wind energy development was permitted at Ardderroo, Co. Galway for 25 turbines³⁴. On appeal, a 13 turbine wind farm was permitted at Coole, Co. Westmeath and two 11 turbine wind farms were permitted at Ballymanus, Co. Wicklow and at Ironmills, Co. Laois and a six turbine wind farm was granted permission on appeal at Barnadivane/Lissarda, Co. Cork.

There was also significant activity in terms of ongoing SID pre-application consultations with the Board concerning wind energy development, and including associated or ancillary development (grid connections, substations, etc.) necessary to facilitate existing permitted wind energy development developments, or to maximise such development through complementary development (e.g. battery storage facilities).

Solar power

In more recent years, growing interest in the solar photovoltaic (solar PV) energy sector has resulted in significant

increases in the levels of planning applications for this newer category of renewable energy.

Solar PV is currently a small player in the renewable energy sector, contributing an estimated 11GWh, or 0.1% of all renewable energy in Ireland in 2017, according to the SEAI³⁵. However, the fact that an additional 245MW of installed capacity was contracted for connection to the grid by mid-2018 is indicative of expansion of the sector³⁶.

An examination of An Bord Pleanála data would indicate that there is significant activity in the sector for major solar PV development. However, solar PV development does not constitute Strategic Infrastructure Development and applications for such development come to the Board as appeals against local authority planning decisions. At time of writing, no national data was available for the rate of appeal for solar PV decisions. Appeals and decisions on appeals can therefore only be taken as a broad indicator of demand for solar PV development.

During 2019, 19 appeals were received in respect planning authority decisions on proposed solar farm applications, and the Board issued decisions to grant 28 solar farm cases on appeal³⁷. The 28 permitted cases covered in excess of almost 1270ha in area (43.7ha on average), ranging

³¹ Note, this project would result in the net loss of 12 wind turbines from the existing wind farm.

³² ABP reference numbers: 303592, 306303.

³³ ABP reference numbers: 305235, 304198, 303677, 304685, 304807, 305861, 305163.

³⁴ ABP reference numbers: 303086.

³⁵ Renewable Energy in Ireland (SEAI 2019) www.seai.ie/publications/Renewable-Energy-in-Ireland-2019.pdf

³⁶ *ibid.*

“

There is significant activity in terms of ongoing SID pre-application consultations with the Board concerning wind energy development

Wind turbines, Co Roscommon

from 8ha to almost 153ha. The total energy output potential of the permitted developments is uncertain as no figure is provided in nine cases, however the total stated energy output of the other cases amounts to in excess of 450MW (24MW on average for 19 cases).

In terms of the geographic spread of solar PV granted permission on appeal, they were predominantly in the southern half of the country. The majority of permitted cases were in County Cork with eight applications permitted on appeal. There were four each in Wexford and Waterford, three in Meath and two each in Wicklow and Clare and one each in Kilkenny, Westmeath and Kerry. Only three cases were refused on appeal.

Given the OPR's unique role in the development plan process and our emphasis on climate action in strategic

planning, the data sources in relation to renewables will be a key focus of research to enable effective monitoring of policies.

Planning Appeals and Direct Applications to An Bord Pleanála

Figure 16 illustrates the number of appeals to An Bord Pleanála overlaid with the percentage of all applications subject of appeal, on an annual basis from 2010-2019. The number of appeals dropped by almost 45% between 2010 and 2013, continuing the steep downward trend in numbers since the start of the recession.

However, the number of appeals per annum increased by approximately 40% between 2013 and 2017, reflecting the recovery of the economy and the overall increase in planning applications over that period.

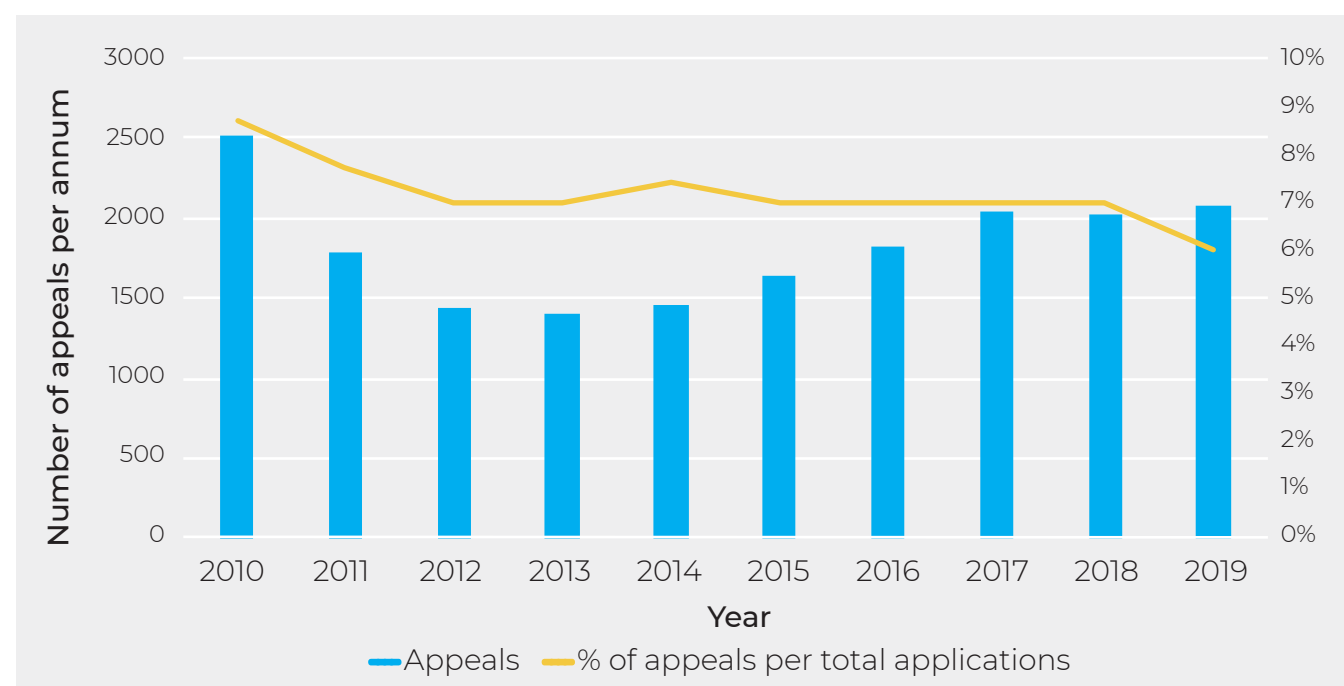


Figure 16: Total number of appeals and percentage of all applications appealed per annum, 2010-2019 (An Bord Pleanála 2020)

³⁷ Note, the cases received and decided do not correspond as appeal cases may be submitted in one year and decided in the next.

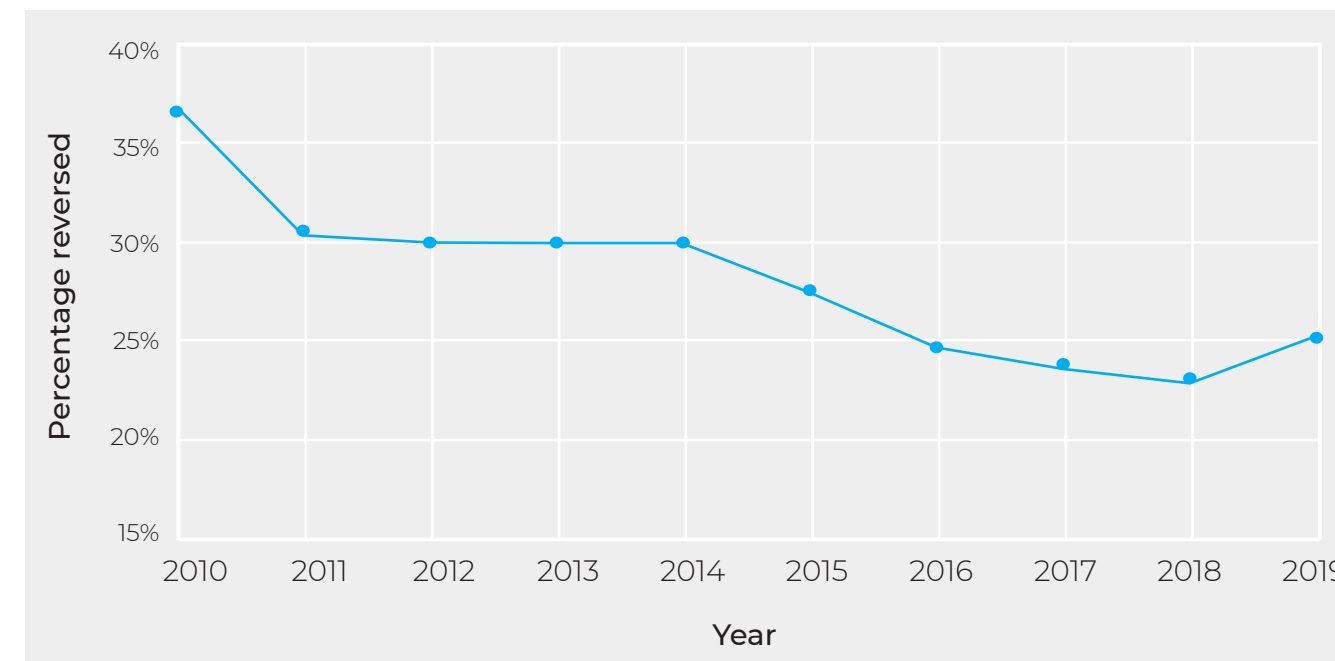


Figure 17: National average reversal rate (on appeal to An Bord Pleanála) (ABP 2020)

It can be seen from the trend line in Figure 16 that the annual rate of appeal has remained relatively constant over the same period, albeit dropping slightly as the economic recession deepened. To date there would appear to be no commensurate increase in the annual appeal rate as the economy has recovered and this rate dropped slightly between 2018 and 2019.

Over the same period the reversal rate of planning authority decisions by the Board has witnessed a long-run declining trend, as evident in Figure 17.

In 2010, 36.4% of planning authority decisions were reversed (or overturned) by the Board. This progressively dropped to 23% in 2018, before increasing marginally to 25% in 2019.

Figure 18 provides data for 2014, 2018 and 2019 on reversal rates for the 31 planning authorities. A high degree of caution

should be applied in interpreting these figures as the absolute numbers of appeals each year, in particular in smaller and more rural authorities may be very low. For example, in 2019 only three planning decisions were appealed in Leitrim, compared to 336 for Dublin city.

Notwithstanding this, a detailed examination of the longer term annual reversal rates and the factors underlying the variation across the local authorities will be considered by the OPR as a future area of research, in conjunction with An Bord Pleanála and DHPLG.

It is possible that such an analysis would find that factors driving this level of overturns include differences between a national versus local level implementation of Government policy and section 28 guidelines in areas such as the density and form of urban housing projects as well as rural housing.

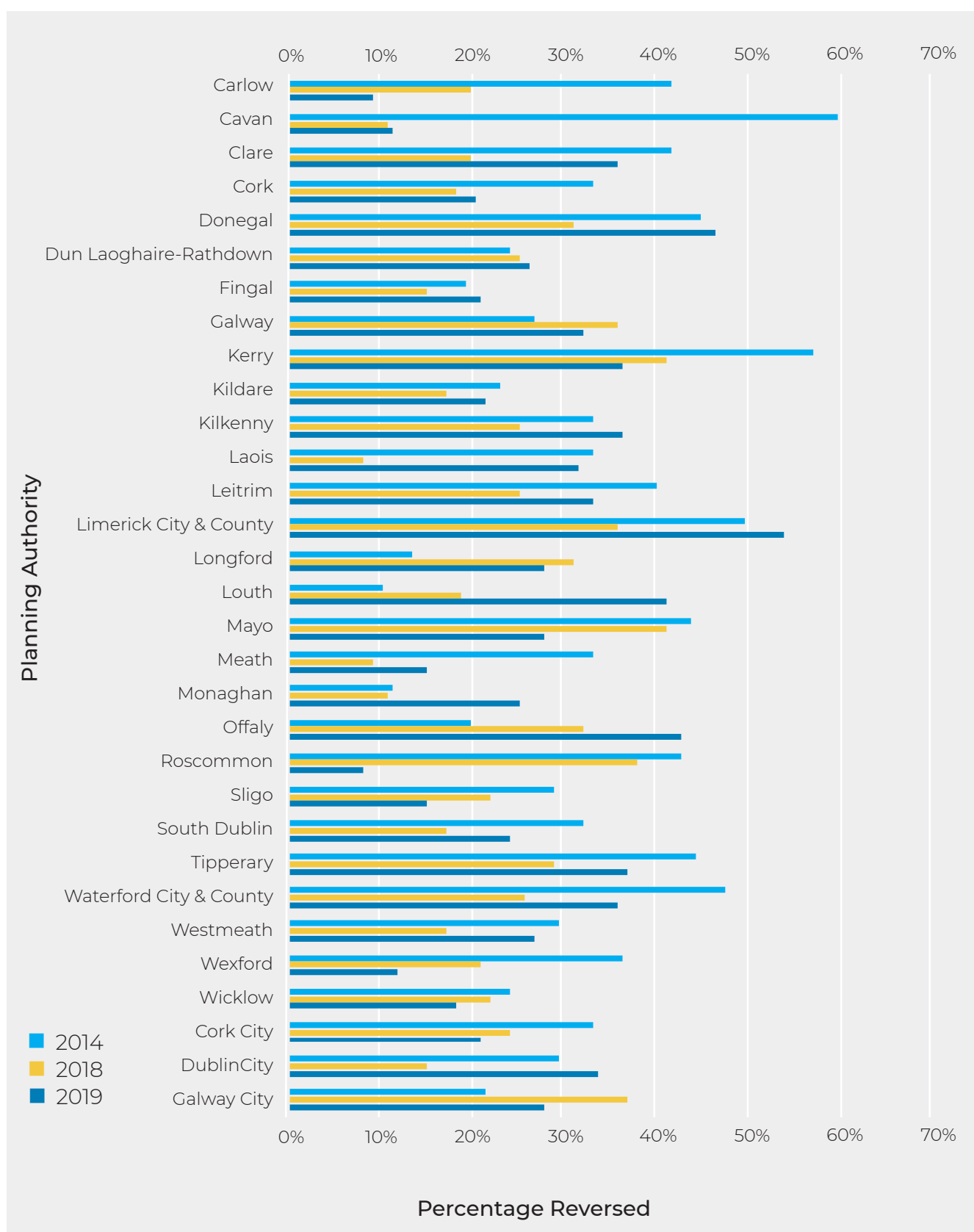


Figure 18: Reversal rate on appeal, by planning authority, for years 2014, 2018 and 2019 (ABP 2020)

Direct Applications to An Bord Pleanála

Strategic Infrastructure Development

Applications for public and private Strategic Infrastructure Development (SID) are made directly to An Bord Pleanála. These include a range of major energy infrastructure, transport infrastructure, environmental infrastructure or health infrastructure projects designated under Seventh Schedule of the Act. They also include certain electricity transmission projects, defined under section 182(1A) of the Act. SID may comprise private applications by private entities or by statutory undertakers³⁸ or public projects proposed by local authorities. A total of 298 SID applications have been made to An Bord Pleanála since the statutory provisions became operative in 2007.

According to the Board's 2019 Briefing Note³⁹, 26 SID application cases were received in 2019, an increase of six cases on 2018, and 21 cases were decided in 2019, compared to 14 in 2018⁴⁰.

It is mandatory to undertake pre-planning consultation with the Board on SID cases, except for local authorities. A total of 38 pre-application consultation requests were received and 41 such cases concluded in 2019, compared to 58 requests and 39 conclusions in 2018.

Strategic Housing Development

Applications for Strategic Housing Development (SHD), comprising proposals 100 or more houses, 200

or more bed spaces for student accommodation or 200 or more bed spaces for shared accommodation units, are required to be made directly to An Bord Pleanála. The statutory provisions became operative in July 2017, with the first applications received in 2018. In 2019, 118 valid applications for strategic housing developments (SHD) were received, a significant increase from 38 the previous year. A total of 82 cases were decided in 2019.

It is mandatory to undertake pre-application consultations with the Board on SHD cases. During 2019, a total of 150 consultation requests were made to the Board, compared to 97 in 2018 and 36 in 2017. The Board issued an opinion in respect of 148 consultation requests in 2019.

The number (and location) of request for SHD consultations may act as a useful indicator of future SHD (Figure 19 refers). In this section, we have examined the number of SHD consultations requests made for each of the five city regions to determine the momentum for SHD development within the five city regions over the three years the SHD process has been in operation.

A review of requests received by An Bord Pleanála in relation to SHD consultations indicates that demand for SHD is most common in the planning authorities of the Dublin Region (as described in the EMRA RSES), which accounted for almost 56% of all requests for SHD consultations

³⁸ A person authorised by or under an enactment or instrument to undertake specified functions including, inter alia, to carry out work or construction (section 2 of the Act).

³⁹ An Bord Pleanála Planning Casework Summary Review for 2019: www.pleanala.ie/news/An%20Bord%20Plean%C3%A1la%202019%20Casework%20Review.pdf

⁴⁰ ABP Annual Report 2018: www.pleanala.ie/publications/2019/ar2018.pdf

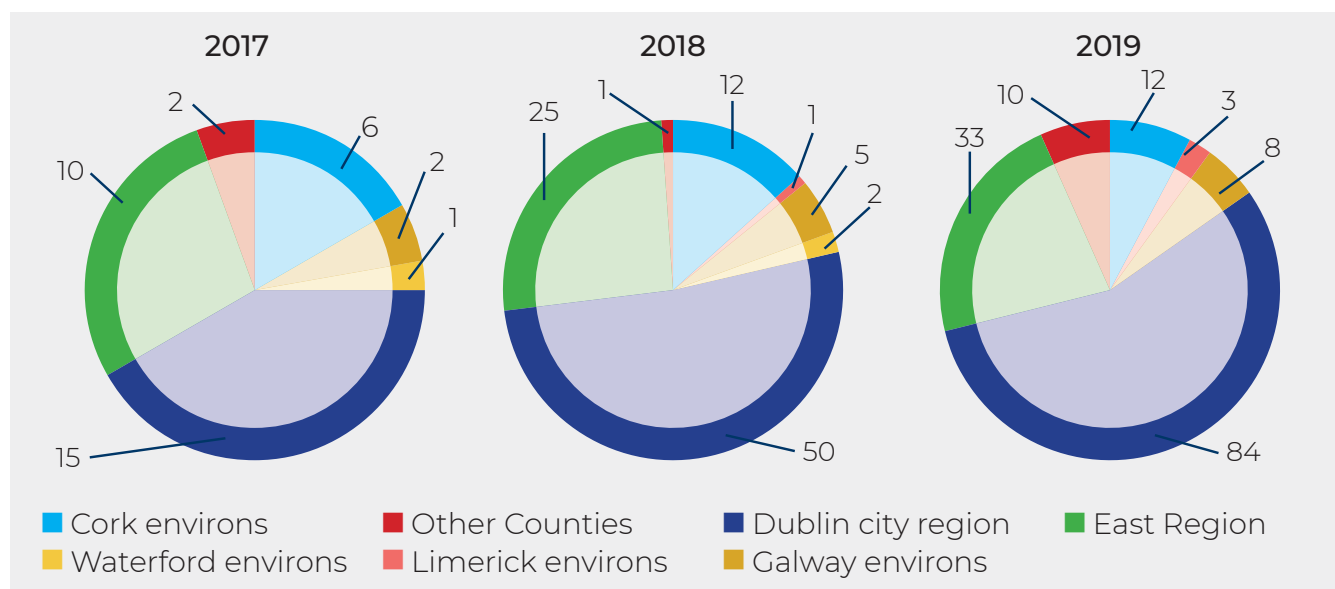


Figure 19: Strategic Housing Consultation requests lodged per annum, 2017, 2018 and 2019 (ABP 2020)

in 2019. The percentage share of the Dublin Region has increased each year since the introduction of SHD. Taken together with the surrounding Eastern Region (as described in the EMRA RSES), the eight planning authorities accounted for 78% of all consultation requests in 2019. This is evidently driven by the Dublin Region, as the proportion of requests in the Eastern region dropped slightly between 2018 and 2019.

The numbers of SHD consultation requests suggest a moderately increasing demand for SHD in the city regions of Limerick and Galway, but at best a static demand and a declining percentage (8%) share in the Cork city region (down from 13% in 2018). No demand was evident in the Waterford city region in 2019. Outside of the five city regions and the Eastern region, there is evidence of increasing demand, at 7% of all requests, rising from 1% in 2018.

Planning Enforcement

NOAC publish an annual overview of enforcement activities undertaken by the 31 local authorities⁴¹. In 2018 (the latest year for which figures are available) a total of 6,637 planning enforcement cases that were either referred to them by the public or initiated by the authorities themselves. This was a 1% increase on the figure for 2017.

The number of cases resolved to the satisfaction of the local authority (5,578) increased by 3% over 2017, and the number of cases dismissed as trivial or without foundation, or were closed because statute barred or an exempted development, dropped from 3,401 to 2,478 from 2017 to 2018.

In the future, the area of enforcement will be subject of more in depth research by the OPR.

Other Relevant Data

Finance: cost recovery

The financial statistics for local authorities, published by the DHPLG (2018 being the latest year for which audited annual financial statements are available) indicate that income from fees totalled in excess of €24m in 2018, an increase of more than €2m in the previous year⁴².

The data suggests that the cost of providing planning services (forward planning, development management and enforcement), amounting to almost €140m in 2018, significantly exceeds income available through user fees.

In 2018, income from planning fees, which have not increased since 2001 and are a matter for the Minister for Housing, Planning and Local Government, amounted to less than 17% of operational costs (and less than 30% of the cost of providing development management services alone at €82m).

By comparison, other local authority services have the following income to expenditure ratios:

- Housing and building: 98%
- Road, transportation and safety: 63%
- Environmental services: 30%.

The planning process has become significantly more sophisticated in recent years, particularly as regards implementation of European Directives in the environmental area within the

plan-making and decision-taking areas. In addition, there is growing demand for investment in online planning services which typically requires significant investment in hardware and software requirements. Therefore, ensuring user fees take into account the cost of providing services required as result of statutory requirements is important.

Land Activation

As of 31 October 2019, there were 359 sites listed on local authority Vacant Site Registers (VSRs) which were valued at €144.5m and liable to the levy at a rate of 7% in 2019.

The OPR recognises the challenges that the VSR presents for some planning authorities due to resources and skill-set constraints, particularly for those without in-house legal staff. Legal issues such as multiple ownership and probates has delayed the effectiveness of the VSR for some local authorities.

The OPR intends to seek additional information from the compilation of the registers as the implementation of the vacant site levy legislation continues, feedback on the implementation process as well as mapping of sites on the register and comparative analysis.

Staffing and Resources

Overall headcount data is available from the Department of Housing, Planning,

⁴¹ www.noac.ie/wp-content/uploads/2019/10/NOAC-Performance-Indicator-Report-2018-1.pdf

⁴² Amalgamation of Audited Annual Financial Statement of 31 Local Authorities for the Year Ended 13th December 2018 (DHPLG): www.housing.gov.ie/sites/default/files/publications/files/amalgamation_of_audited_afs_2018_of_31_las.pdf

and Local Government in respect of local authorities in Ireland, but it is not available on a sectoral basis, such as the total number of staff within the planning or roads departments of local authorities. An Bord Pleanála publishes detailed information in relation to its staffing and resources in its Annual Report.

The OPR will seek more specific information on the availability of staff resources, including professional planning and other disciplines essential to the planning process within local authorities as part of further research and analysis of the planning system in Ireland.

Legal Challenges

At present, there is no single comprehensive database of planning related judicial reviews (JRs) across the central and local government sector, including An Bord Pleanála.

However, good yardsticks are available in relation to statistics on planning-related

legal challenges at Departmental and An Bord Pleanála levels and the Board publishes data on legal challenges to its decisions.

The total number of JRs involving the DHPLG and/or An Bord Pleanála are set out in Figure 20⁴³:

The figures relating to the DHPLG include cases involving other Government Departments (Department of Communications, Climate Action and Environment; Department of Culture, Heritage and the Gaeltacht) where DHPLG was named as a notice party.

Between 2015 and 2018, there was an increase of 28% in the number of An Bord Pleanála cases subject to legal challenge. In 2018, of the 41 cases above, 20 were upheld and 10 were quashed by Court Order with the consent of the Board.

The Environment (Miscellaneous Provisions) Act 2011 introduced the

current special legal costs rules in relation to JRs. The number of JR cases against the Board which were granted leave in 2010 (the year prior to the introduction of the current special legal costs rules) was 13. Subsequently, the number of cases granted leave against ABP rose to 47 in 2017, 41 in 2018, and 55 in 2019. The number of JR cases has been increasing steadily since 2011.

With regard to ongoing cases at the end of 2019, there were 190 cases involving ABP and 46 cases involving DHPLG.

An increase in planning litigation can have many causes, however, even a random review of the subject matter of planning-related JRs signals that the grounds of many applications concern the manner of implementation of statutory requirements of EU environmental directives, such as Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), as well as the Habitats, Water Framework and Public Participation (Aarhus) Directives.

The OPR will seek the development of a more comprehensive database of judgements in relation to legal challenges in the planning sector, with the Department of Housing, Planning and Local Government, the Courts Service, the Local Government sector and the Board, in order to track in more detail the trends and recurring aspects of judgements that can be harnessed in feeding back into national planning knowledge, research and training programmes.

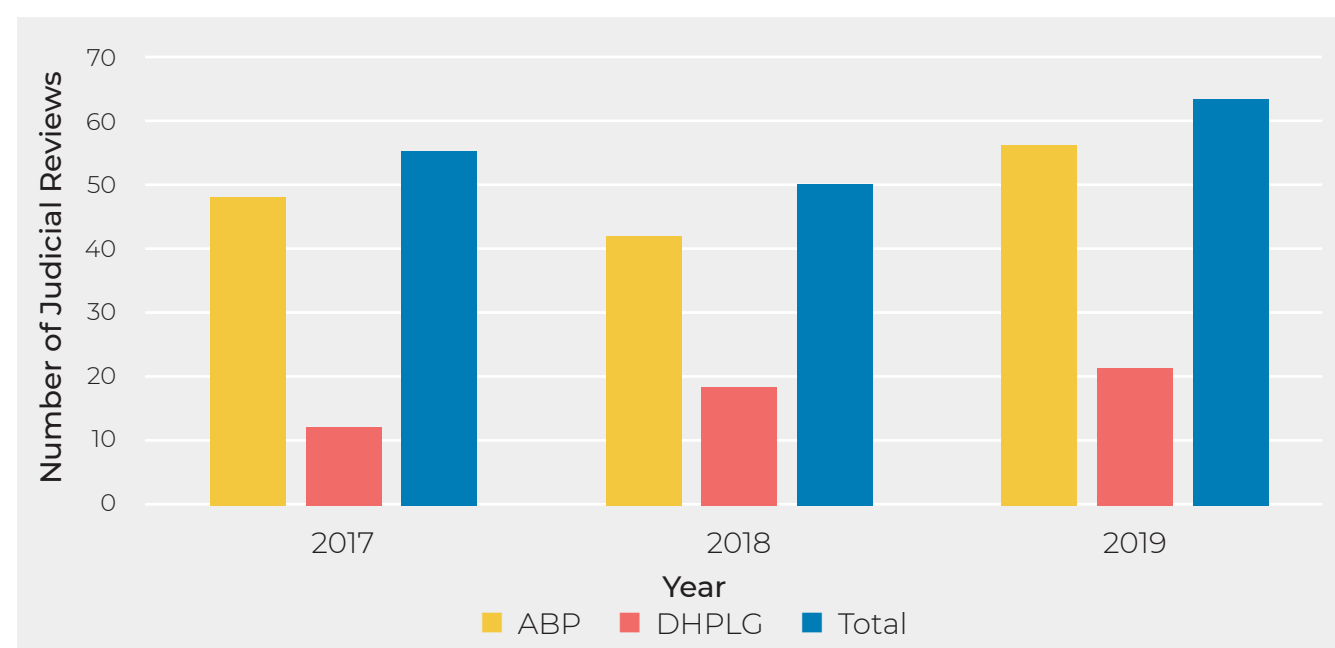


Figure 20: Legal challenges 2017, 2018, 2019

⁴³ Cases may involve both ABP and DHPLG as parties.





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