



# Office of the Planning Regulator

**Quarter 3 of 2020**

**Activity Report**



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

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## Introduction

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

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



## Evaluation of Statutory Plans

### Notification of Consultations on Statutory Plans

Planning authorities are required to notify the OPR at specified stages of the plan making process. It should be noted that emergency Covid-19 legislation enacted in Q2 2020 had a significant effect on both notification of consultations on statutory plans, as well as OPR submissions on statutory plans. The emergency legislation amended the Planning and Development Act to include section 251A which extended statutory planning timeframes by a total of 8 weeks. This meant that a lower number of notifications on statutory plan consultations were issued in Q2 2020, which led to a higher number of notifications in Q3.

In Q3 of 2020, the OPR received notification of a total of 13 plans as set out in Table 1.

**Table 1: Notification of Consultations on Statutory Plans**

<b>Issues Papers:</b> <ul style="list-style-type: none"> <li>• Waterford City and County Council</li> <li>• South Dublin County Council</li> <li>• Limerick City and County Council</li> <li>• Clare County Council</li> <li>• Tipperary County Council</li> </ul>	5
<b>Draft Development Plans:</b> <ul style="list-style-type: none"> <li>• Offaly County Council</li> </ul>	1
<b>Variations of Development Plans:</b> <ul style="list-style-type: none"> <li>• Dublin City Council</li> <li>• Galway City Council</li> <li>• Sligo County Council</li> <li>• Monaghan County Council</li> <li>• Donegal County Council</li> </ul>	5
<b>Draft Local Area Plans (LAPs):</b> <ul style="list-style-type: none"> <li>• Kerry County Council</li> <li>• Fingal County Council</li> </ul>	2
<b>Total</b>	<b>13</b>

## OPR Submissions on Statutory Plans

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

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

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

The OPR made a total of 18 submissions to local authorities in Q3 2020. These submissions were in relation to:

- Ten Issues Papers (Carlow County Council, Cavan County Council, Cork City Council, Cork County Council, Galway County Council, Kerry County Council, Leitrim County Council, South Dublin County Council, Roscommon County Council and Waterford City and County Council).
- Six proposed variations of development plans (Dublin City Council, Galway City Council and Sligo County Council).
- One material amendment of a proposed variation of a town development plan (Kerry County Council).
- One material amendment of a draft local area plan (Kerry County Council).

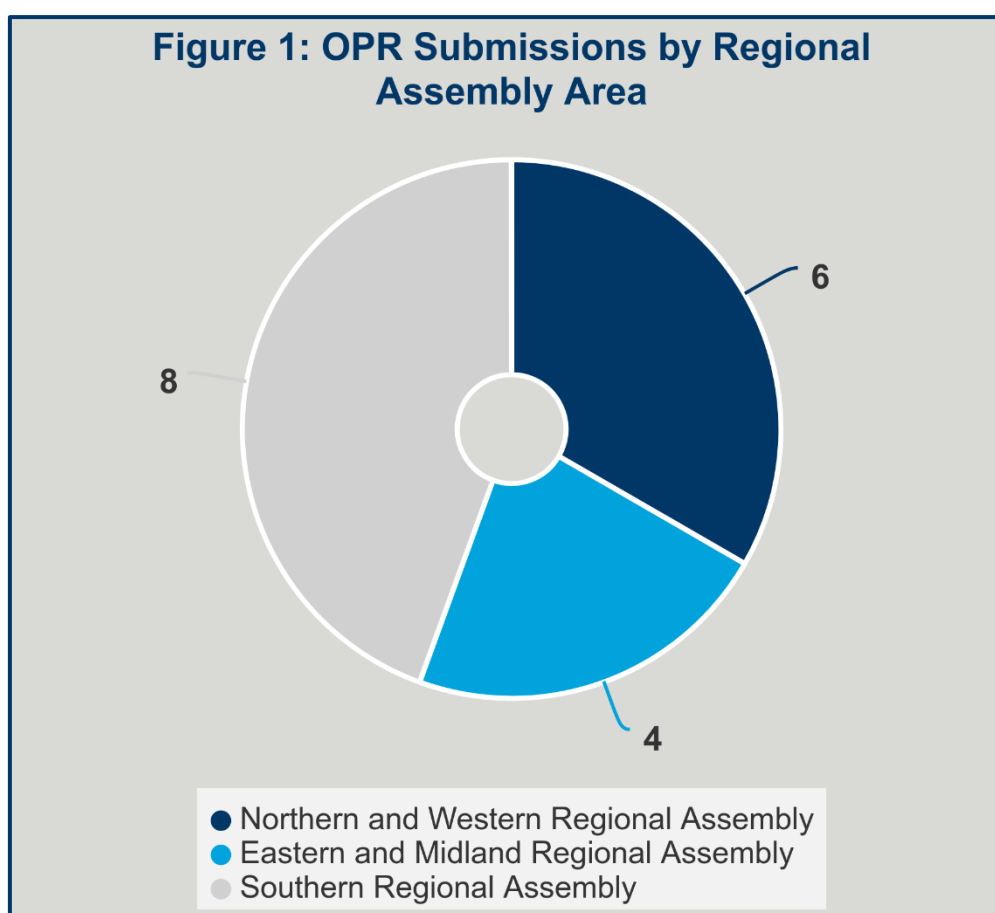
Table 2 sets out the number of observations and recommendations contained in each submission.

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

The OPR's submissions on issues papers during Q3 2020 offered advice and guidance on matters such as: core strategy and settlement hierarchy of the forthcoming development plan, the implementation of Metropolitan Area Strategic Plans, section 10(2)(n) of the Act, the preparation of relevant local area plans, joined-up local authority planning, compact growth and regeneration, economic development and employment, climate action, renewable energy infrastructure and transport strategies.

Table 2: OPR Submissions			
	Submissions (number)	Observations (number)	Recommendations (number)
Issues Papers	10	-	-
Variation of Development Plans	6	14	1
Material Amendments of proposed Variation	1	0	0
Material Amendments of draft Local Area Plan	1	0	0
<b>Total</b>	<b>18</b>	<b>14</b>	<b>1</b>

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



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

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

### OPR Recommendations and Observations: Legislative Categories

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

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

In Q3 2020, consistency with the hierarchy of statutory plans, legislative provisions, and policy matters in planning guidelines were the basis of the recommendations and observations made in the OPR's 18 submissions. The recommendations and observations contained in these submissions are broken down in tables 3 and 4 below.

Table 3: OPR Recommendations	Number
Consistency with NPF	0
Consistency with RSES	0
Consistency with DP	0
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	1
Consistency with Legislative Provisions	0
Consistency with Legislative Provisions re Climate Change	0
<b>Total</b>	<b>1</b>

Table 4: OPR Observations	Number
Consistency with NPF	4
Consistency with RSES	3
Consistency with DP	1
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	1
Consistency with Legislative Provisions	5
Consistency with Legislative Provisions re Climate Change	0
<b>Total</b>	<b>14</b>

### Adopted Plans - Outcome of OPR Submissions

One local area plan and six variations of development plans were adopted by planning authorities in Q3 2020:

- Variation No. 2 of the Louth County Development Plan 2015-2021.
- Variations 28, 29 & 30 of the Dublin City Development Plan 2016-2022.
- Variation No.3 of the Listowel Town Development Plan 2009-2015.
- Listowel Municipal District Local Area Plan 2020-2026.

The Office made two recommendations on Variation No.3 of the Listowel Town Development Plan 2009-2015 and three recommendations on the Draft Listowel Municipal District Local Area Plan 2020-2026, the outcomes of which are detailed in Table 5 below. No recommendations were issued in respect of the other variations adopted.

Table 5: Adopted Plans – Outcome of OPR Submissions			
Plan	Local Authority	Recommendation Issued	Outcome
Variation No.3 of the Listowel Town Development Plan 2009-2015	Kerry County Council	Yes (2)	Recommendations substantially addressed
Listowel Municipal District Local Area Plan 2020-2026	Kerry County Council	Yes (3)	Recommendations substantially addressed

## Other Related Activity

- Preparation of the draft Plans Evaluation Methodology was progressed during Q3 with a view to finalising and publishing in Q4 2020.
- The OPR updated the 'Evaluation of Statutory Plans' page on the OPR website by developing and launching an interactive map for public use. This map displays the details of live public consultations on statutory plans, as well as submissions issued by the OPR to planning authorities in relation to their statutory plans. The new mapping tool was well received, generating almost 500 views in its first three days. Since launching, the new Evaluation of Statutory Plans page has received almost 1,500 views, with usage in its first month outlined in figure 2 below:



Figure 2: Usage of new Evaluation of Statutory Plans Page

- In Q3 the OPR began work on the preparation of a planning timeline calculation tool for the OPR website. This calculator will allow planners, stakeholders and members of the public to insert a given date in the statutory plans process and calculate the estimate date of each phase as per the Act. A request for quotations was issued in late Q3 and it is expected that contractors will be appointed in early Q4.





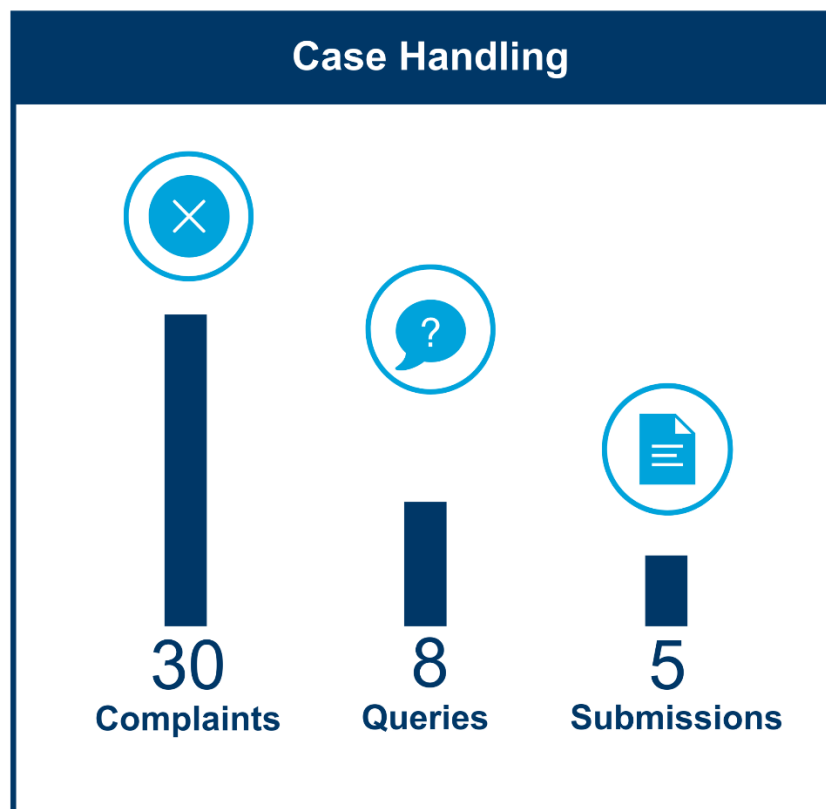
## Reviews and Examinations

### Case Handling

The OPR engages with the public in relation to a variety of planning related cases. During Q3 a total of 60 cases were processed by the OPR. However, while 18 of these cases were raised by distinct individuals they were with regard to the same specific local issue. Accordingly, for the purposes of this report, these 18 cases are considered as a single case and therefore the analysis below is presented in the context of the 43 unique cases processed in Q3.

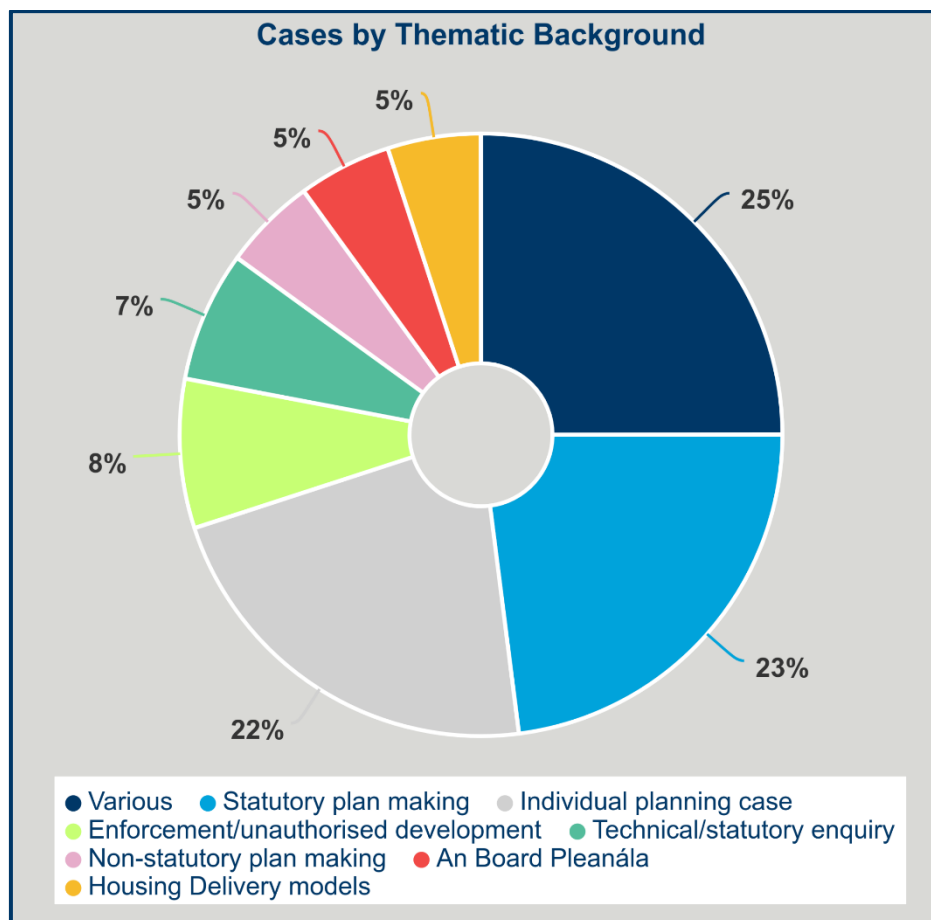
The OPR provides a service to the public in relation to a variety of case-types including queries or general information requests, submissions on aspects of the operation of the planning process and complaints about the delivery of planning services.

While section 31AU of the Act specifically empowers the OPR to examine complaints made regarding the systems and procedures used by local authorities in the performance of their planning functions, one third of the 43 cases processed in Q3 were wider planning related queries or submissions.



While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases will require engaging in a series of correspondence with both the complainant and the relevant local authority.

While a broad range of themes arose in the OPR's case handling during Q3, as was the case in previous quarters, a number of dominant themes prevailed. As previously, Statutory Plan Making was the principal theme, followed by correspondence on individual planning applications and enforcement matters.

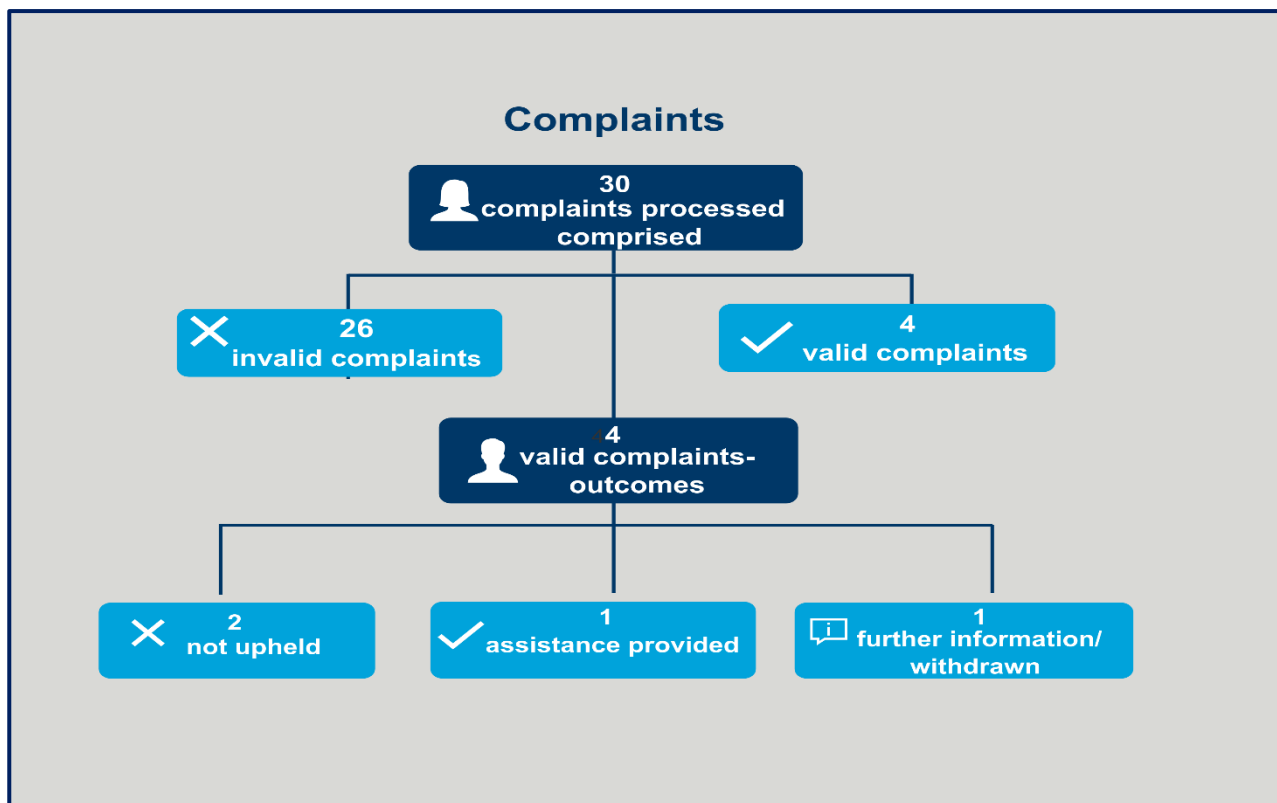


The OPR carefully considers all the correspondence it receives to ascertain what themes are recurrent, and to identify and understand the areas of interest and concern to the public in respect of planning. The OPR monitors and develops this information over time into a dataset that assists in informing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

As noted, the statutory provisions are precise with regard to the types of complaints that fall within the OPR's remit; for a complaint to be considered valid in the context of section 31AU(1) it must relate to the systems and procedures used by an authority in the performance of its planning functions. Of the 30 Complaints processed during Q3 just 4, or 13%, were considered as valid complaints in the context of the OPR's specific statutory remit.

Preliminary Examinations were carried out in relation to the four complaints that were valid under section 31AU(1); none were upheld. In one case the OPR was able to provide assistance to the complainant by engaging on their behalf with the planning authority to clarify the matter.

Another Preliminary Examination was discontinued when the complainant did not respond to the Office's request for additional information.



As evident in previous quarters, many of the complaints lodged with the OPR during Q3 would have been more appropriately directed by the complainant to either the Ombudsman's Office, which may consider complaints where a person considers they have been treated unfairly by a public service provider, or An Bord Pleanála, which is the appropriate body for making appeals in relation to planning decisions. In this regard, the OPR communicates as clearly and completely as possible with our correspondents to bring clarity to the role played by the OPR and to direct the public toward the appropriate public bodies to resolve their concerns.

Furthermore, to be of assistance to the public, during Q3 the complaints page of our website was updated to be more user-friendly and bring greater clarity with regard to our specific role in relation to complaints. The updated page includes precise details on the types of complaints that we will consider, as well as detailing the types of issues or matters that the OPR does not have a remit to examine. The updated page also provides an online complaint form to assist the public submit complaints that would be considered valid, in line with the legislative requirements.

The OPR's Customer Charter was also updated during Q3 and our Customer Service Action Plan was published, both the Charter and Action Plan are available on our website. The Customer Charter sets out our key customer commitments, while the Customer Service Action Plan sets out the steps that we will take to deliver on our commitments for the period 2020- 2023.

## Planning Authority Reviews

An important element in fulfilling the OPR's statutory mandate will be conducting reviews of the systems and procedures used by local authorities in the delivery of planning services to the public. As set out in the OPR's Strategy Statement, a programme of reviews will be implemented, whereby each local authority will be reviewed on a cyclical basis.

It had been the OPR's intention to initiate the reviews programme in the second half of 2020, however the restrictions on day-to-day activities resulting from COVID-19 measures required a rescheduling of the reviews programme.

Despite the ongoing crisis, and fluctuation with regard to the level of restrictions in place across the country, the public service, including local authorities, has adapted and the provision of full planning services to the public has resumed. Accordingly it is now intended that the pilot phase of the reviews programme will commence in Q4.

In this regard a COVID-19 risk assessment was carried out in Q3, in line with the Government's Resilience and Recovery 2020-2021 Plan for Living with COVID-19, and the OPR's Return to Work Safely Response. In summary, the risk assessment has determined that the programme can be implemented and that individual reviews can be successfully conducted, even if level 5 restrictions are put in place. If face-to-face meetings are no longer an option, video conferencing will be used instead to maintain social distancing.

However, the delays arising from the COVID-19 crisis place a greater urgency on progressing a number of reviews over the period to end in 2021, with consequent resource implications. Given this position it will be necessary to utilise the expertise of Fee-Per-Case contractors (FPC) earlier in the programme's implementation than previously envisioned. Accordingly a procurement process was finalised during Q3 to establish a panel of suitably qualified and experienced contractors to assist the OPR in conducting reviews.

The procurement process resulted in the establishment of a framework panel of eight suitable contractors to assist the OPR as Reviewers of Systems and Procedures used by Planning Authorities. The OPR will provide induction training to these Reviewers in Q4.



## Research, Education, Training and Public Awareness

### Councillor Training Initiative

In Q3 the OPR, in conjunction with the Association of Irish Local Government, continued to roll-out a programme of planning training for local authority elected members. Two online planning training webinars were delivered.

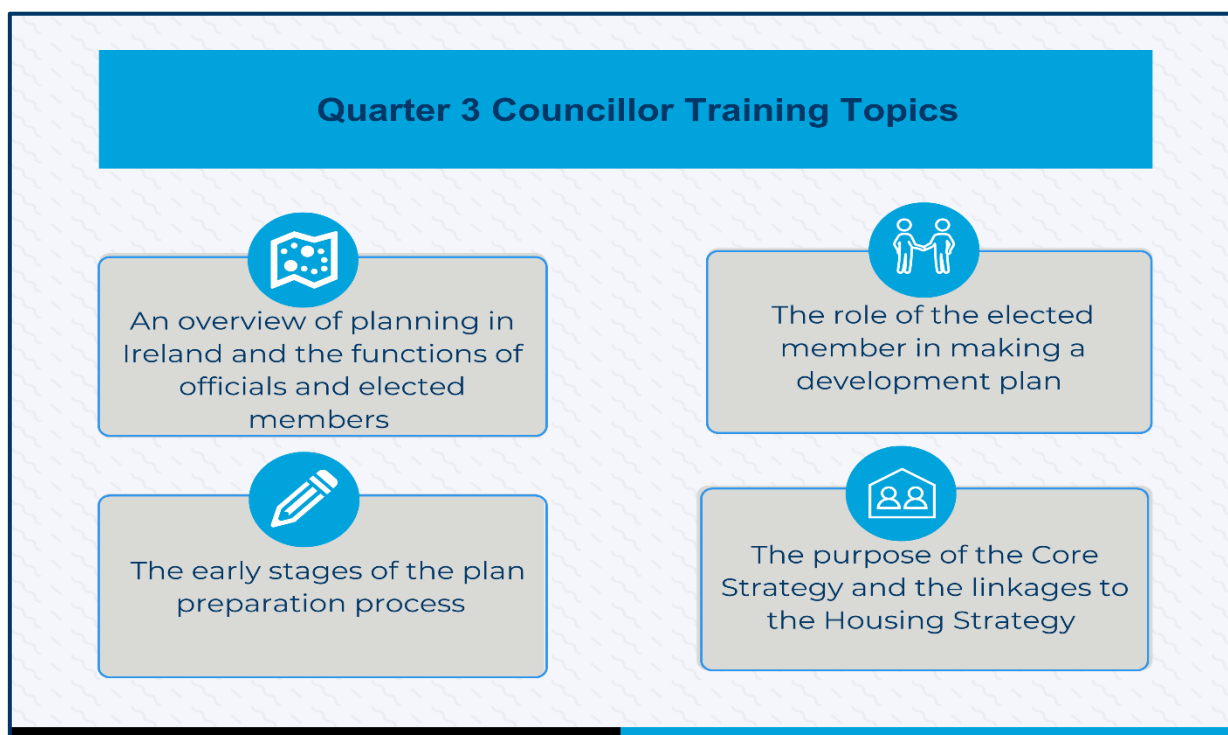
The first webinar entitled “Planning and the Elected Member” was delivered in July and focused on:

- An overview of planning in Ireland and the functions of officials and elected members *and*
- The role of the elected member in making a development plan.

The second webinar entitled “Guidance for Councillors on the Initial Stages of Preparing Development Plans and their Core Strategies” was delivered in September and provided information in relation to:

- The early stages of the plan preparation process *and*
- The purpose of the Core Strategy and the linkages to the Housing Strategy.

The OPR has committed to delivering two further webinars for the elected members in Q4. These webinars will deal with the final stages of the plan-making process and the implementation of the Development Plan via the development management process.



## National Planning Knowledge Group

The third meeting of the National Planning Knowledge Group was held in July, as part of which the OPR provided a presentation in respect of the proposed Planning Research Framework and the Strategic Planning Research Programme. The NPKG provided feedback and suggestions in relation to the framework and programme.

The OPR also provided an overview of recent LGMA research publications, the OPR's Annual Report and associated story map, the OPR's Plans Evaluations Methodology, the OPR's sponsorship of further episodes of the Eco Eye programme and the joint OPR-AILG initiative to deliver online planning training for councillors. A further meeting of the NPKG is scheduled to take place in Q4. This will be the final meeting of the Group for 2020.

## OPR Research - Strategic Planning Research Framework & Programme

The Planning Research Framework and accompanying Strategic Planning Research Programme establishes a roadmap to advance Goal 2 from the OPR's Strategy Statement.

The purpose of the Framework is to guide the design and delivery of the OPR's research programme for the next two years. The feedback received from the NPKG was incorporated into the Planning Research Framework and the Strategic Planning Research Programme. Both documents were finalised and published on 30<sup>th</sup> September.



The Strategic Planning Research identifies specific research projects that will be pursued by the OPR for a two-year period 2020-2022.

## OPR Research Output

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

In accordance with Strand Three (Planning Practice) of the Research Framework, significant work was undertaken on the drafting of the Practice Note which deals with Appropriate Assessment Screening. This Practice Notice will be advanced to peer review and publication in Q4.

A further Strand Three action was also advanced in Q3 on the development of a Practice Application for Managing Timelines in the Development Plan. This will be progressed through Q4 with phase 1 delivered by year end.

In Q3 the OPR joined the Environmental Protection Agency (EPA) Climate Research Coordination Group's steering group on the Five-Year Assessment Report on Climate Change; specifically volume 2 'Achieving Climate Neutrality by 2050'. This work will take place over a 24 month period and will be completed in 2022. This project is identified under Strand One of the Research Programme.

Finally, in Q3 through engagement with the NPKG and other key stakeholders, exploratory work was undertaken into further defining the research output and contributors to a number of the projects identified in the Research Framework. Such projects include development of Case Study Reports

and/or Practice Notes which deal with S247 pre-application consultation, planning applications, validation processes, planning conditions, etc. These will be further developed in Q4.

### **RTPI Research Project – Measuring Planning Outcomes**

During Q3, Stage 2 of this project was undertaken. A focus group meeting was held in July, following which pilot test runs of the draft toolkit were undertaken in July/August with the Eastern Midlands Regional Assembly (EMRA) and three local authorities (Clare County Council, Donegal County Council and Dun Laoghaire-Rathdown County Council).

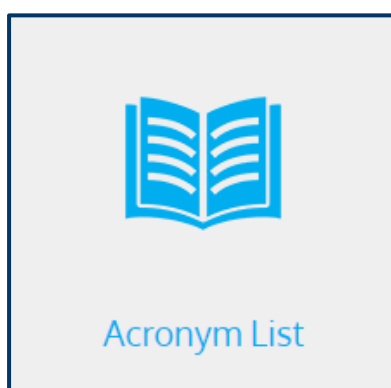
In September the final draft report was distributed for comment to the advisory group, including the OPR, and this was finalised for publication.

The research report and toolkit will be published and formally launched in November on World Town Planning Day.

### **Planning Library**

Work continued through Q3 on the development of the OPR's online planning library. The acronym list was finalised and is now available on the website. Extensive work was also undertaken on the

compilation of a technical glossary. The glossary will be finalised and published in Q4.



In tandem with this, and on the recommendation of the NPKG, the OPR embarked on a campaign to promote the use of the planning library particularly amongst the professionals who work on the periphery of the planning system. Contact was made with the bodies that represent architects, engineers, quantity surveyors and planning consultants including the RIAI, IEI, SCSI, IPI and RTPI. The information supplied by the OPR was circulated to members of all of these associations via their respective online publications.

### **Eco Eye**

The OPR committed to sponsoring three episodes of the environmental television programme. These episodes will deal with:

- The future for Irish cities under Project Ireland 2040;
- Examples and initiatives for revitalising towns and villages; and
- Options for rural housing and settlement in Ireland.

Filming of the episodes commenced in Q3. Great cooperation was received from local authority officials, state agencies, HEI's and members of the public. It is expected that the programmes will be aired on RTE1 television in Q1 of 2021.

### **Planning Leaflet Series**

The OPR has been assisting the IPI in respect of the completion of the update of the Planning Leaflet Series. The OPR team commenced work on this project in Q3 and work will continue through Q4 with the intention of publishing the leaflets in Q4 2020/Q1 2021. The leaflets will be published under the joint umbrella of DHLGH, IPI and OPR.





## Communications and Stakeholder Engagement

### Stakeholder Engagement

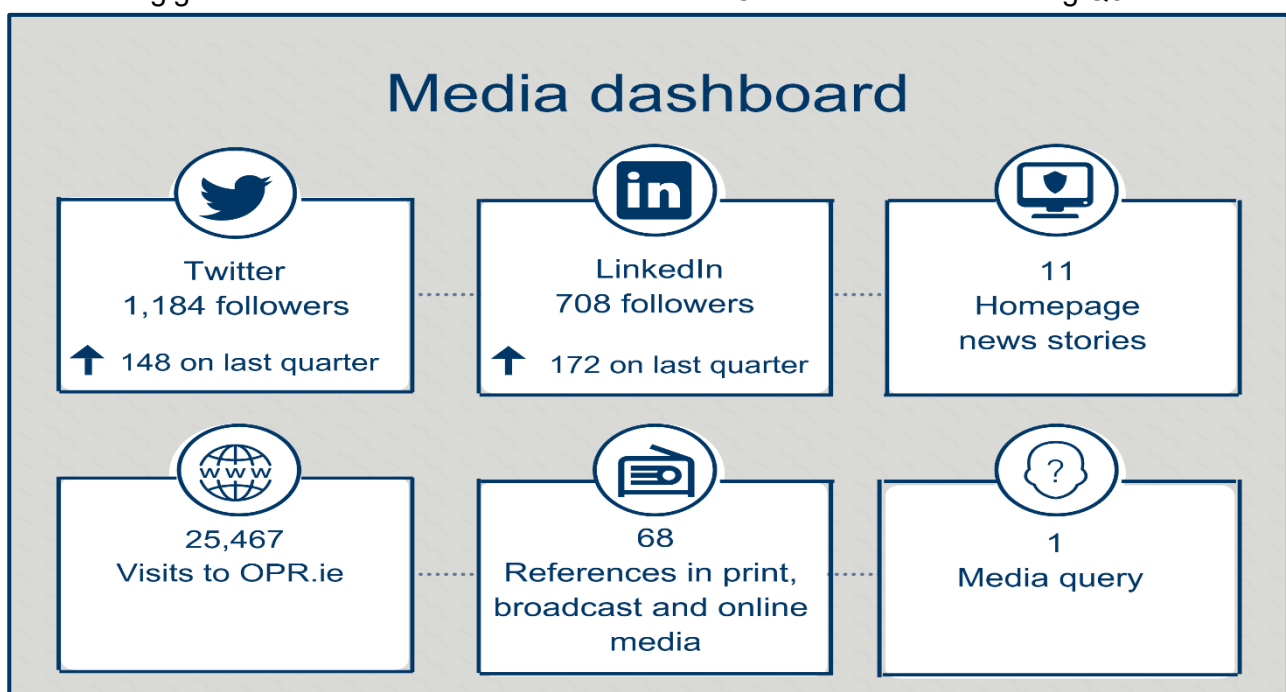
The OPR held 9 meetings with local authorities in relation to their plan-making functions in Q3 2020. These meetings were with planning officials from Carlow, Cavan, Cork City, Donegal, Kildare, Kilkenny, Sligo, South Dublin, Waterford and Wicklow County Councils. The OPR also held one meeting with a planning official from the Northern & Western Regional Assembly to discuss the implementation of the NWRA Regional Spatial and Economic Strategy.

The OPR has continued to engage with relevant agencies with the objective of developing our climate action evaluation (under section 10(2)(n) of the Act), including with the National Transport Authority and the National Climate Change Advisory Council. In addition, the OPR has been working with the Department of Housing, Local Government and Heritage with a view to incorporating Marine Planning into the Office's core functions.

Also in Q3, the OPR hosted two meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans. The OPR reviewed the functions of the forum, based on a feedback survey issued to forum members in Q2 2020. The OPR implemented key changes to the forum including the addition of representatives from the three Regional Assemblies to become forum members.

### Further Promotional Activities

The OPR uses a number of different outlets to promote its activities, including the news feature on the OPR website, the OPR's Twitter Account, the OPR's LinkedIn account and the media. There has been strong growth in followers and interaction with the OPR's social media during Q3.







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