

Office of the Planning Regulator



Quarter 3 of 2023



Activity Report



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

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Introduction

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

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

Evaluation of Statutory Plans

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

In Q3 of 2023, 19 consultations on statutory plans opened for public consultation. These consultations related to: the draft Donegal County Development Plan 2024-2030; two variations to existing county development plans; four issues papers for local area plans, seven draft local area plans and five material alterations to draft local area plans.

OPR Submissions on Statutory Plans

In Q3 2023, the OPR made 17 submissions to local authorities. Table 1 sets out a breakdown by plan-type. In Q3 the majority of submissions related to material alterations for local area plans.

Table 1: Submissions on Statutory Plans	
Issues Papers for City/County Development Plans: <ul style="list-style-type: none"> • Monaghan County Development Plan 2025-2031 	1
Variations to City/County Development Plans: <ul style="list-style-type: none"> • Variation No. 1 to the Dublin City Development Plan 2022-2028 • Variation No. 5 to the Monaghan County Development Plan 2019-2025¹ 	2
Issues Papers for Local Area Plans: <ul style="list-style-type: none"> • Wexford Town Local Area Plan • Shannon Town and Environs Local Area Plan 2024-2030 • Wicklow Town – Rathnew Local Area Plan 	3
Draft Local Area Plans: <ul style="list-style-type: none"> • Draft Athenry Local Area Plan 2023-2029 • Draft Dundrum Local Area Plan 2023-2029 • Thurles Local Area Plan 2024-2030 • Clonmel Local Area Plan 2024-2030 • Nenagh Local Area Plan 2024-2030 	5
Material Alterations to Local Area Plans: <ul style="list-style-type: none"> • Roscrea Local Area Plan 2023-2029 • Tuam Local Area Plan 2023-2029 • Abbeyfeale Local Area Plan 2023-2029 • Kildare Town Local Area Plan 2023-2029 • Letterkenny Local Area Plan 2023-2029 • Castlebar Local Area Plan 2023-2029 	6
Total	17

¹ The consultation on Proposed Variation No. 5 of Monaghan County Development Plan 2019 – 2025 closed on 5th October, however, the OPR made its submission on 29th September.

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

OPR submissions during Q3 2023 related to all Regional Assembly areas. Figure 1 shows the number of submission made on consultations within each regional assembly area.

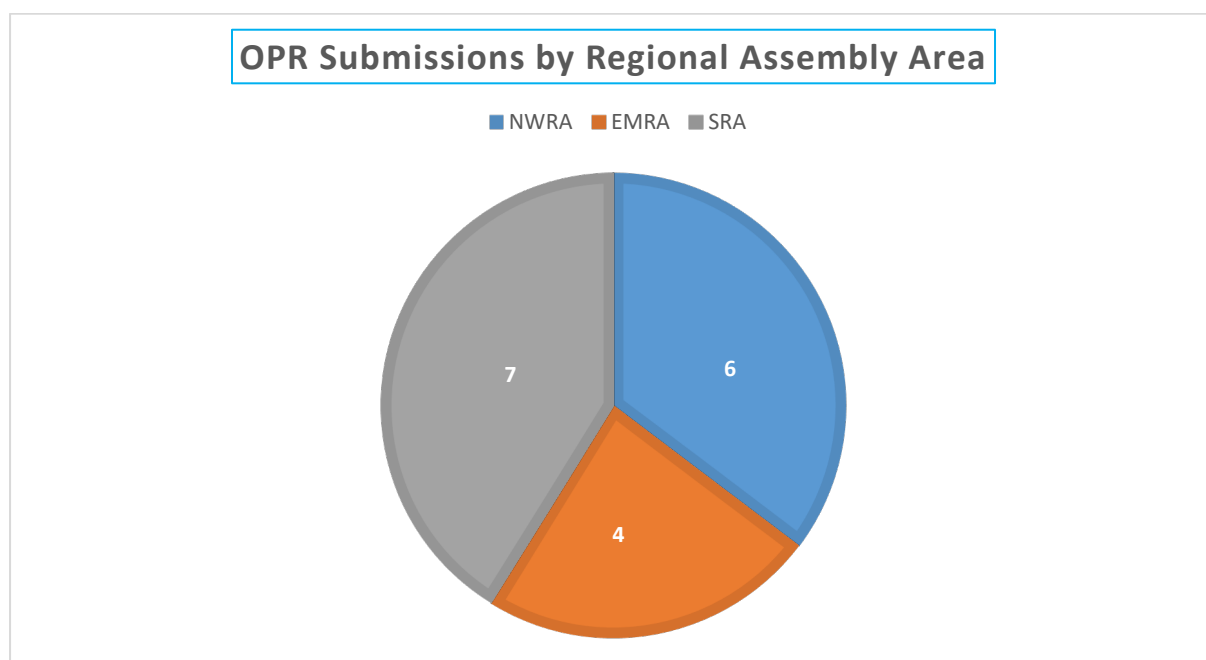


Figure 1 – OPR Submissions by Regional Assembly Area

OPR Recommendations and Observations:

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

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

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

Table 2 sets out the number of observations and recommendations made by the OPR in Q3 2023.²

Table 2: Recommendations and Observations made by the OPR			
	Submissions (number)	Recommendations (number)	Observations (number)
Variations to City/County Development Plans	2	1	-
Draft Local Area Plans	5	17	12
Material Alterations to Draft Local Area Plans	5	13	4
Total	11	31	16

OPR Recommendations and Observations: Legislative Categories

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

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

A breakdown of the recommendations and observations made in Q3 by legislative category is contained in Tables 3 and 4. As recommendations can cover more than one legislative provision, the numbers presented in these tables (Table 3 and 4) differ from the total number of recommendations listed above in Table 2.

The most common themes across the recommendations and observations issued in Q3 2023 were zoning, flood risk management, employment, transport and implementation and monitoring.

² As the OPR does not issue recommendations or observations at the Issues Paper stage these figures do not relate to submissions made at the Issues Paper stage.

Table 3: OPR Recommendations	Number
Consistency with NPF	28
Consistency with RSES	22
Consistency with DP	12
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	25
Consistency with Legislative Provisions	3
Consistency with Legislative Provisions re Climate Change	7
Other	9
Total	106

Table 4: OPR Observations	Number
Consistency with NPF	9
Consistency with RSES	5
Consistency with DP	2
Consistency with NTA TS for GDA	-
Policy Matters re section 28 Guidelines	6
Consistency with Legislative Provisions	2
Consistency with Legislative Provisions re Climate Change	1
Other	3
Total	28

Adopted Plans - Outcome of OPR Submissions

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

Four local area plans were adopted by planning authorities in Q3 2023. The OPR made 14 in total at the draft and material alterations stage of three of these plans. The OPR did not make any recommendations in its submission on the proposed Variation No. 1 to the Dublin City Development Plan 2022-2028, which was adopted on 4th September 2023.

The OPR's assessment of the recommendations made at the draft and material amendments stages of the adopted Roscrea Local Area Plan 2023-2029 and Tuam Local Area Plan 2023-2029 were ongoing at the end of Q3.

The Edenderry Local Area Plan 2023-2029 was adopted on 17th July 2023. The OPR made five recommendations in its submission at draft plan stage. All recommendations were satisfactorily addressed.

Draft Directions

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

In Q3 2023, the OPR did not propose any draft directions to the Minister.

Final Directions

The direction process was ongoing for two plans at the end of Q2: the Fingal County Development Plan 2023-2029 and the Clare County Development Plan 2023-2029. In Q2 2023, the Minister issued a draft Direction to the relevant local authorities for both plans and, following consultations on the draft Directions, the OPR issued recommendations of proposed final Directions to the Minister.

In Q3 the Minister issued final directions in respect of both of these Development Plans (a direction was issued to Fingal County Council on 28th July and to Clare County Council on 3rd August 2023).

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

Engagement with Local Authorities

During Q3, the OPR continued to engage with local authorities, meeting with Tipperary County Council, Galway County Council and Wicklow County Council. This engagement allows the OPR to answer queries or discuss key matters regarding proposed plans, and to provide additional information, such as policy updates, which may support the work of the local authority during the plan-making process.

Plans Evaluation Forum

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

Reviews and Examinations

Case Handling

Case activity

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

During **Q3**, a total of **40** cases were received and **30** cases were closed by the OPR, detailed by month in Figure 2.

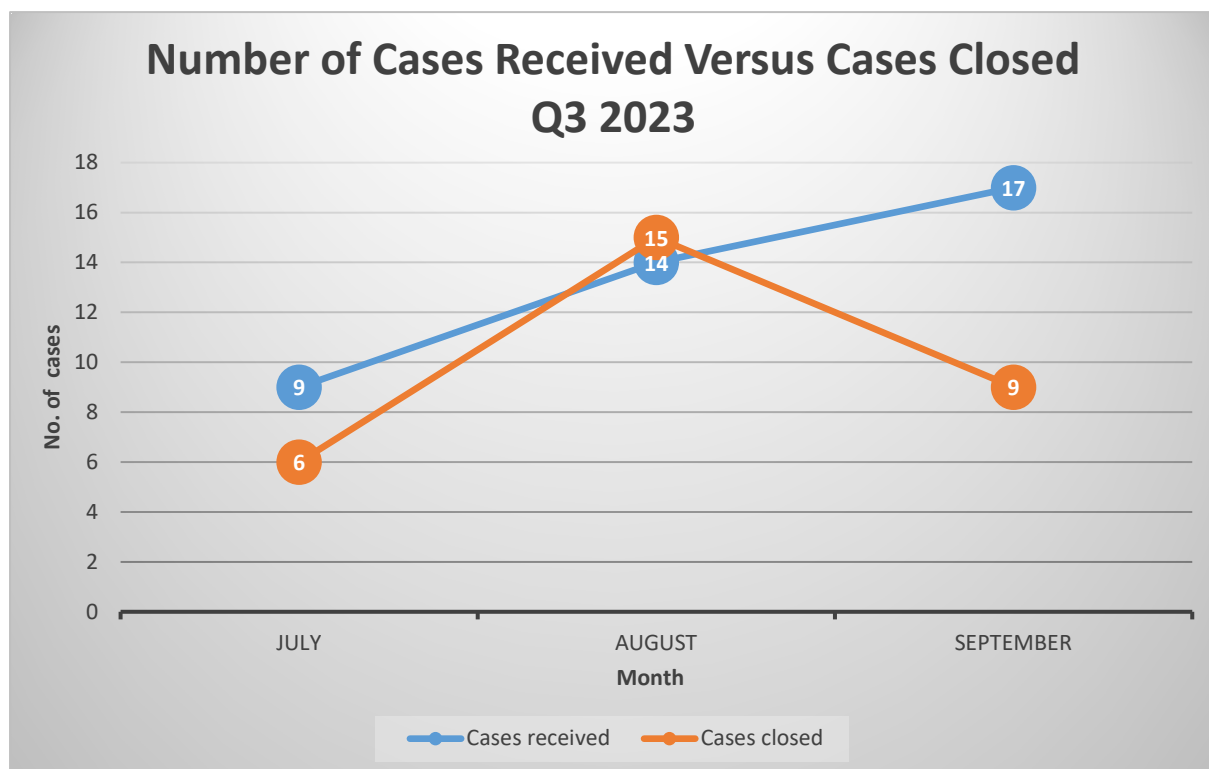


Figure 2: Cases Received Versus Cases Closed Q3, 2023

The **30** cases closed in **Q3** are as follows:

- **22** complaints
- **7** queries
- **1** submission



Figure 3: Case Types

While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases can be time consuming, involving a series of correspondence with the customer and / or the relevant local authority. This is demonstrated by the fact that the **30** cases closed in **Q3** are estimated to have taken approximately **218** working hours to process.

While a broad range of themes arose in the OPR's case handling during **Q3**, a number of dominant themes prevailed. As can be seen in Figure 4, the most common single theme was enforcement / unauthorised development (occurring in **23%** of cases) which was followed closely by issues associated with individual planning cases (at **18%**).

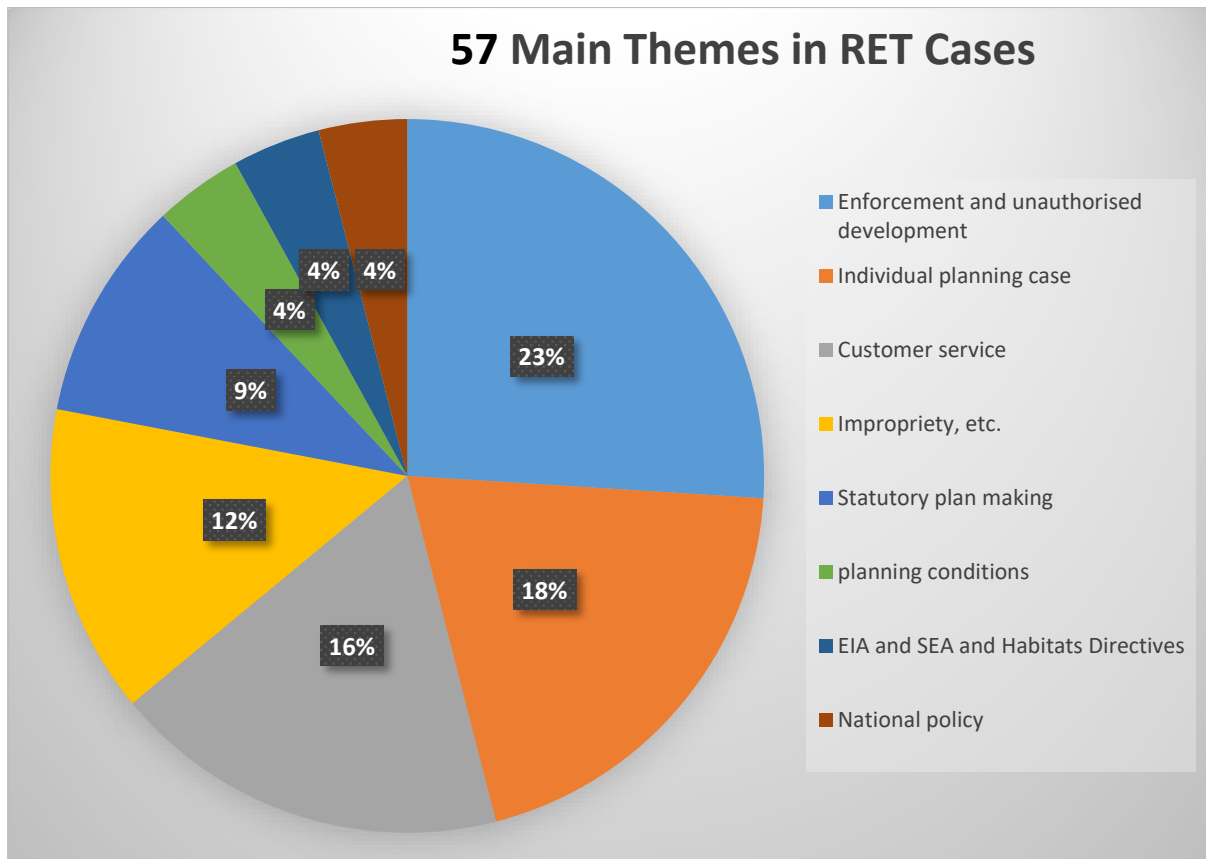


Figure 4: Main Themes of Cases Closed

Complaints

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

With regard to the **22** complaints closed during **Q3**, based on the procedural matters raised, the Office gave preliminary examination to **6** of these complaints. **1** of these complaints was upheld, this complaint related to the processing of third party observations received by the local authority through the public counter. While a recommendation for procedural improvement will issue to the relevant authority in relation to an upheld complaint, learnings for the wider planning sector will also be disseminated through the OPR's engagement with local authorities.

Planning Authority Reviews Programme

Through its reviews programme, the OPR fulfils an important oversight and monitoring role in relation to the systems and procedures used by local authorities in the performance of their statutory planning functions.

Review of Waterford City & County Council

Following engagement with the Council and Minister for Housing, Local Government & Heritage, the OPR published the [Waterford City & County Council Planning Review](#). The review found that, in general, Waterford City & County Council is providing its key planning functions effectively. The review makes a total of **10** recommendations as to how existing service levels can be maintained and improved. An overarching recommendation arising from the review is that the Council would give sufficient consideration towards the planning department's longer-term resourcing needs.

Review of Meath County Council

The OPR continued its review of Meath Council County during **Q3** with an intensive schedule of workshop meetings taking place at Meath County Council offices in Navan. The OPR met with Meath County Council planning department's senior management and staff to discuss various aspects of the Council's planning operations. A further workshop focusing on the Council's approach to the management of planning compliance submissions was held later in **Q3**.

Local Authority Monitoring

Monitoring the implementation of the OPR's recommendations helps to ensure the integrity of the review process. Monitoring is conducted at six monthly intervals.

During **Q3**, the OPR engaged with local authorities at various stages of implementation:

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

The OPR's monitoring indicates that review recommendations are being implemented, or progressed, across the various local authorities. The monitoring also highlights ongoing resourcing challenges experienced by some planning departments, with consequent implications for the implementation of review recommendations.

An Bord Pleanála Monitoring

Ensuring the implementation of recommendations arising from both phases of the 2022 An Bord Pleanála review continues to be a high priority for the OPR. In **Q3**, the second quarterly progress update was received. Progress on implementation of the recommendations includes the recruitment of additional staff and commencement of a revised Code of Conduct. Progress will continue to be monitored on a quarterly basis.

Research, Education, Training and Public Awareness

Councillor Training

In Q3 the OPR continued to fulfil its statutory mandate to conduct education and training programmes for members of planning authorities in respect of matters relating to proper planning and sustainable development.

In September the OPR delivered a planning training webinar for local authority elected members in conjunction with the Association of Irish Local Government (AILG).

The webinar entitled '*Integrating Energy Supply and Planning*' dealt with:

- Planning Ireland's Climate and Energy Transition;
- Delivering Energy Projects: Wider Regulatory Context and Risks; and
- Energy and Development Plans: Emerging Good Practice.

Presentations were delivered by Paul O'Neill, Principal Officer with the Planning Advisory Division of the Department of the Environment, Climate and Communications (DECC), John Melvin, Director of Security of Supply and Wholesale with the Commission for Regulation of Utilities (CRU) and Stephanie Byrne, Planning Officer with the Plans Evaluation team of the OPR.

Local Authority and Regional Assembly Staff Training

In Q3 in line with the OPR's statutory mandate to conduct education and training programmes for staff of local authorities and regional assemblies in respect of matters relating to proper planning and sustainable including inter alia maritime spatial planning, the OPR delivered an in-person workshop in Ennis, Co. Clare in July dealing with 'Marine Spatial Planning'.

The workshop provided an overview of:

- The policy and regulatory context for Marine Spatial Planning in Ireland;
- The role of the Maritime Area Regulatory Authority (MARA);
- Planning functions in the nearshore area; and
- An Bord Pleanála's role in consenting in the maritime area.

Presentations were delivered by Colin Ryan, Senior Planning Advisor and Karina Fitzgerald, Planning Advisor with the Department of Housing, Local Government and Heritage, Edwin Mooney, Senior Marine Advisor, MARA Establishment Unit, Department of Housing, Local Government and Heritage, Helen Quinn, Acting Senior Planner, Clare County Council and Ciara Kellett, Director of Planning, Strategic Infrastructure Development, Marina and Climate, An Bord Pleanála.

The workshop was recorded and the recording is available on the OPR's website.

Implementation of the Learning and Development Strategy for Local Authority Planning Staff

Throughout Q3 work continued on the implementation of the recommendations contained in the Learning and Development Strategy (L&D Strategy) for Local Authority Planning Staff that was published by the OPR, the County and City Management Association (CCMA), the Local Government Management Agency (LGMA) and the Department of Housing, Local Government and Heritage in January 2023.

Further meetings took place in May and September of the Planning Services Training Group (PSTG) that was established to oversee the implementation of the L&D Strategy. The PSTG comprises representatives from the County and City Management Association, the Local Government Management Agency (LGMA), the Department of Housing, Local Government and Heritage (DHLGH), the OPR and the Local Authority Services National Training Group (LASNTG). The PSTG will be supported by a Courseware Development Specialist (analogous to Senior Executive Planner) and an Assistant Staff Officer. During Q3 work was advanced on the recruitment of the support staff and the development of a high level paper on the learning outcomes for a planning administration fundamentals course.

Publication of Educational Material for Local Authority and Regional Assembly Staff and Other Key Stakeholders

As part of the consultation process for the L&D Strategy, a survey was conducted of approximately 1,600 local authority planning personnel and the 949 local authority elected members in an effort to identify their training needs and knowledge gaps. The response rate to the survey was over 50%. The findings from the survey assisted in the preparation of the L&D Strategy.

One of the key issues highlighted by respondents to the survey was the need to have access to information relating to relevant environmental and planning case law. In an effort to address this knowledge gap, during Q3 the OPR engaged with legal practitioners to produce a legal bulletin which provides information on important precedents, court decisions, emerging trends and an overview of noteworthy cases. The first issue of this '*Learning from Litigation*' legal bulletin was published in September and has been shared with stakeholders and promoted extensively via OPR social media accounts. It is envisaged that the legal bulletin will be published on a quarterly basis.

OPR Research Output

In Q3 the OPR advanced work on a number of research projects identified within the new Strategic Planning Research Programme (2023-2025) some of which were long-term projects carried over from the original Strategic Planning Research Programme (2020-2022).

Strand One (Planning Issues) Projects

In Q3 the UCD research team advanced work on the '*Understanding Rural Housing Dynamics*' research project and issued a draft report to the steering group. The first draft was reviewed by the steering group and feedback was provided. Further updates and revisions are underway, specifically the data used in the draft report will be verified and cross referenced with the National Planning Application Database (NPAD) and will be updated to take into account the Small Area Population Statistics (SAPS) from Census 2022. Revised draft report(s) will be developed in Q4. It is intended that the output from this research will be available as a resource for the DHLGH in their first revision of the National Planning Framework (NPF). This research is consistent with the OPR's intention to conduct research into rural housing and to examine 'the story behind the statistics'.

During Q3 the International Centre for Local and Regional Development (ICLRD) advanced work on the '*InPLACE – Investigating Planning, Place-Making and Commuting*' research project. All of the case studies were completed and the social survey data was collated and aligned across both Phase 1 and Phase 2. The case study interviews were transcribed and the interviews with planning and policy decision-makers were advanced. It is expected that the report will be finalised and published in Q4.

In Q3 work was also advanced on the co-funded EPA-DAFM (Department of Agriculture, Food and the Marine) research project entitled '*Reframing landscape as a key environmental topic through the development of a landscape character assessment toolkit*' or '*Reframe*'. The OPR's work on the steering committee was finalised in August. Thereafter the project team held a pilot training workshop in Portlaoise in September. It is anticipated that the final research report will be published by the EPA in Q4 or early 2024. Dissemination and training will follow thereafter.

In Q3 work commenced on the brownfield/land activation/compact growth research project. A contractor was appointed to assist with this research. The literature review and data gathering commenced in Q3 and contact was made with key stakeholders to schedule interviews which will take place early in Q4. The final report will take the form of a Research Series Report and it is anticipated that a final draft will be available at the latter end of Q4 with publication expected early in 2024.

At the latter end of Q2 the OPR received a request from the Minister for Housing, Local Government and Heritage to conduct research into the legal costs associated with planning and environmental judicial reviews. In Q3 the OPR engaged Fieldfisher to undertake this research. Extensive work was undertaken throughout Q3 including inter alia data gathering and analysis of trends over time, an examination of protected cost mechanisms from a sample of other relevant jurisdictions, etc. The drafting of the report is on-going and it is expected that the report will be finalised and issued to the Minister early in Q4.

During Q3 the OPR supported TU Dublin in their efforts to secure funding from the Science Foundation Ireland (SFI) for sustainable communities research. TU Dublin secured funding from the SFI and the OPR agreed to act as a Societal Impact Champion for the project. The

project title is '*Campus' Role as Actors in Walkable and Liveable Communities*' or CRAWL. The project commenced in September and work was advanced on the concept phase. This research is consistent with the OPR's work to promote proper planning and sustainable development.

Strand Two (Planning Performance) Projects

During Q3, work was advanced on the OPR-EPA funded project '*Public Participation and Performance Criteria in Strategic Environmental Assessment: The Way Forward to Advancing Practice*' or 'SEAWAY'. The feedback from the pilot workshop held in Q2 was considered by the project team and the project was adapted, as necessary, to address issues identified during the pilot. Work was also advanced on the promotional video. The project is scheduled for completion in Q1-Q2 2024.

During Q3 the EPA invited the OPR to join a Steering Committee for a new research project called '*Pro-Health*'. This project relates to the development of a toolkit for considering human health in the context of Strategic Environmental Assessment for plans and programmes. This project will be advanced in Q4 and will examine case studies in Ireland and Europe.

Strand Three (Planning Practice) Projects

In Q3 work continued on Practice Note PN04 - '*Planning for Employment Growth: The Development Plan and Employment Lands*'. Following extensive stakeholder engagement and receipt of feedback from stakeholders the draft practice note was prepared by the contractor. The draft is currently being reviewed and it is expected that a final draft of the practice note will be issued for peer review in Q4. It is anticipated that the practice note will be finalised and published in late Q4.

During Q3 work was advanced on Practice Note PN05 – '*Planning Enforcement*'. A peer review of the draft practice note was undertaken. The feedback received from the peer review was reviewed in detail and further edits were made to the text. It is expected that the practice note will be finalised and published in early Q4 and a training event linked to this publication will be delivered thereafter.

Digital Planning

During Q3 the OPR commenced work on the following projects:

Digital Planning Hub

Work commenced on the creation of the OPR's first Digital Hub in Q3 enabling the organisation to consolidate its suite of digital planning tools and make them available to staff and stakeholders via one easy to use central access point.

Settlement Housing Delivery Tracker

In Q3 a dashboard was created to measure housing delivery at a settlement level. The application allows users to track housing completion figures at a settlement level and at predefined spatial scales beyond a settlement boundary.

Communication and Stakeholder Engagement

Social Media

During Q3 several posts were created to promote the webinar '*Integrating Energy Supply and Planning*' for elected members.

The "*Meet a Planner*" webpage was also promoted on social media and reached a large audience especially on LinkedIn.

Website

In Q3 four news stories were published on the OPR website to promote the work of the OPR. The OPR website is also being continually reviewed and updated.

Print Media

Media engagement continued throughout Q3 with several interactions with national, print and broadcast media including the Business Post and Irish Independent.

