



Office of the Planning Regulator



Quarter 2 of 2021



Activity Report



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

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Introduction

This is the sixth 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. In Q2 of 2021, the OPR received notification of a total of 12 plans as set out in Table 1.

Table 1: Notification of Consultations on Statutory Plans

<p>Draft City/County Development Plans:</p> <ul style="list-style-type: none"> • Cork County Council • Roscommon County Council • Galway County Council • Cavan County Council • Wicklow County Council • Waterford City & County Council • Limerick City & County Council 	7
<p>Material Alterations to Draft City/County Development Plans:</p> <ul style="list-style-type: none"> • Meath County Council • Offaly County Council • Kilkenny City & County Council 	3
<p>Material Alterations to Draft Local Area Plan (LAP):</p> <ul style="list-style-type: none"> • Carlow County Council/Kilkenny City & County Council (Material Alterations to the Graiguenamanagh/Tinnahinch Draft Joint LAP 2021-2027) • Kildare County Council (Material Alterations to the Draft Athy Local Area Plan 2021-2027) 	2
<u>Total</u>	<u>12</u>

OPR Submissions on Statutory Plans

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

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under *section 28*. As such, planning authorities are required to

implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation can ultimately lead to a Ministerial Direction.

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.

The OPR made a total of 12 submissions to local authorities in Q2 2021. These submissions were in relation to;

Table 2: Submissions on Statutory Plans

Issues papers: <ul style="list-style-type: none"> Fingal County Council 	1
Draft City/County Development Plans: <ul style="list-style-type: none"> Dún Laoghaire - Rathdown County Council 	1
Material Amendments to City/County Development Plans: <ul style="list-style-type: none"> Meath County Council 	1
Variations of City/County Development Plan: <ul style="list-style-type: none"> Donegal County Council (Variation no. 1 to County Donegal Development Plan 2018-2024) Dublin City Council (Variations no. 32 & no. 33 to Dublin City Development Plan 2016 – 2022) 	3
Issues Papers for Local Area Plans (LAPs): <ul style="list-style-type: none"> Mayo County Council (Issues Paper for the Castlebar Town & Environs Local Area Plan 2021-2027) (Issues Paper for the Westport Town & Environs Local Area Plan 2021-2027) (Issues Paper for the Ballina Town & Environs Local Area Plan 2021-2027) 	3
Draft Local Area Plans: <ul style="list-style-type: none"> Kildare County Council (Draft Naas Local Area Plan 2021-2027) 	1

Material Alterations to Local Area Plans: <ul style="list-style-type: none"> • Carlow/Kilkenny County Council (Material Alterations to the Graiguenamanagh/Tinnahinch Draft Joint Local Area Plan 2021-2027) • Kildare County Council (Material Alterations to the Draft Athy Local Area Plan 2021-2027) 	2
Total	<u>12</u>

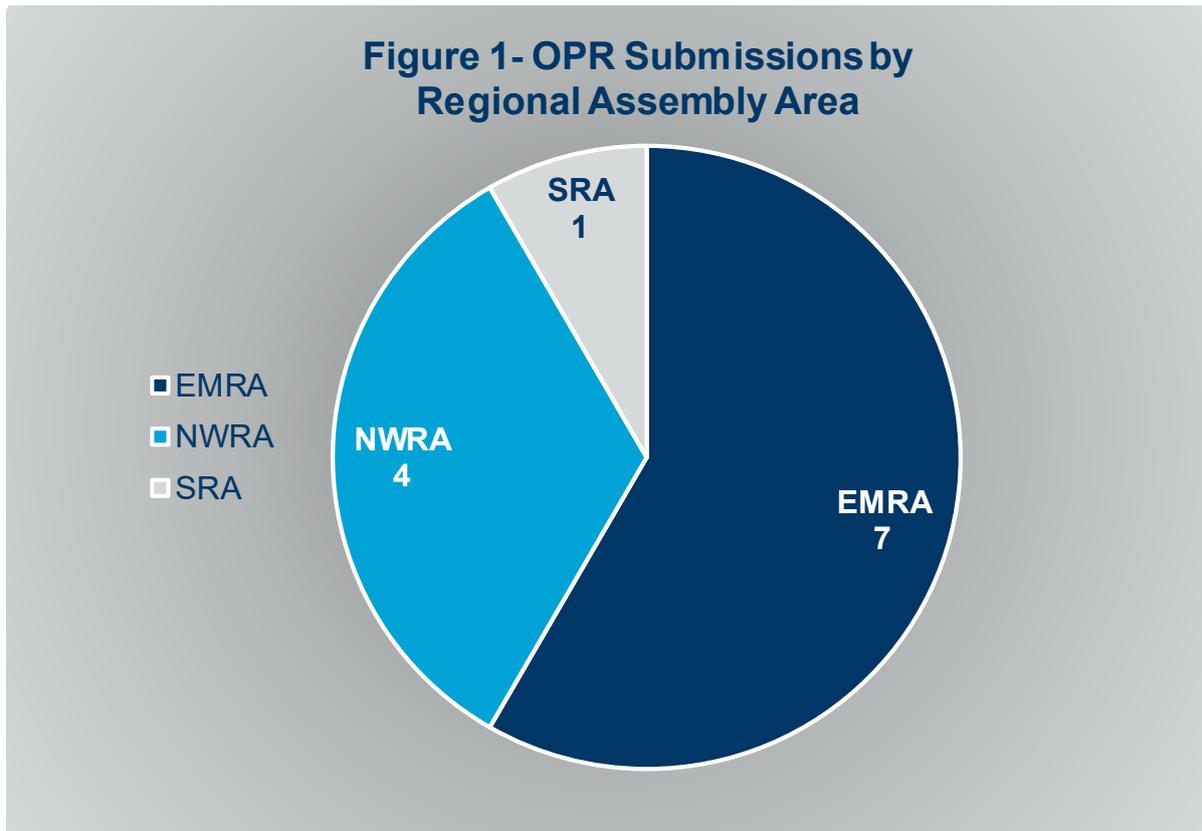
Table 3 sets out the number of observations and recommendations contained in each submission.

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 Q2 2021 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 3: OPR Submissions			
	Submissions (number)	Observations (number)	Recommendations (number)
Issues Papers	4	-	-
Draft Development Plans	1	2	9
Material Alterations to Draft Development Plans	1	1	5
Variation of Development Plans	3	6	1
Draft Local Area Plans	1	2	2
Material Alterations to Draft Local Area Plans	2	3	5
Total	<u>12</u>	<u>15</u>	<u>22</u>

OPR submissions during Q2 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 Q2:

- **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 2000, as amended (the Act), including consistency with specific planning policy requirements (SPPR) specified in those guidelines;
- Consistency with the NTA Transport Strategy (if in the Greater Dublin Area);
- Consistency with the legislative provisions for statutory plans as provided for under the Act;
- Consistency with legislative provisions in relation to Climate Action.

In Q2 2021, 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 12 submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Table 4: OPR Recommendations	Number
Consistency with NPF	28
Consistency with RSES	16
Consistency with DP	0
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	26
Consistency with Legislative Provisions	9
Consistency with Legislative Provisions re Climate Change	4
Other	10
Total	<u>90</u>

Table 5: OPR Observations	Number
Consistency with NPF	10
Consistency with RSES	10
Consistency with DP	2
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	33
Consistency with Legislative Provisions	12
Consistency with Legislative Provisions re Climate Change	8
Other	0
Total	<u>75</u>

Adopted Plans - Outcome of OPR Submissions

Three local area plans and three variations of development plans and were adopted by planning authorities in Q2 2021:

- Corca Dhuibhne Electoral Area Local Area Plan 2020-2026
- Cahir Local Area Plan 2021-2027
- Southern Environs Local Area Plan 2021 -2027
- Variation No.32 of the Dublin City Development Plan 2016-2022
- Variation No. 1 of the Donegal County Development Plan 2018 - 2024
- Variation No.33 of the Dublin City Development Plan 2016-2022

The Office made four recommendations on the Corca Dhuibhne Electoral Area Local Area Plan 2020-2026, three recommendations on the Cahir Local Area Plan 2021-2027, one recommendation each on the Southern Environs Local Area Plan 2021-2027 and Variation No. 1 of the Donegal County Development Plan 2018-2021. The outcome of the recommendations 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
Corca Dhuibhne Electoral Area Local Area Plan 2020-2026	Kerry County Council	Yes (4)	Recommendations substantially addressed
Cahir Local Area Plan 2021-2027	Tipperary County Council	Yes (3)	Recommendations substantially addressed
Southern Environs Local Area Plan 2021 -2027	Limerick City & County Council	Yes (1)	Recommendations substantially addressed
Variation No. 1 of the Donegal County Development Plan 2018-2024	Donegal County Council	Yes (1)	Recommendations substantially addressed

In Q2, the Office issued a notice letter and proposed draft Direction to the Minister following from the adoption of the Westmeath County Development Plan 2021-2027. A public consultation took place in relation to the notice of intent to issue a ministerial direction, which subsequently issued by the Minister to Westmeath County Council in April 2021. Westmeath County Council submitted the Chief Executive's Report on public submissions made during the consultation process to the OPR in June. The statutory process remains ongoing.

Other related activity

A new upgrade of the OPR's Evaluations of Statutory Plans web page which sees it move from a map to a dashboard format was delivered in Q2. This interactive resource will further improve access and understanding of important information relating to the plan-making process.

It will equip both planning professionals and members of the public with the knowledge which will make engaging and contributing to the planning process easier and more straightforward.

The page contains information regarding our submissions, ongoing local authority consultations and all activity is displayed in a county by county basis in a user-friendly and accessible format.

The project is part of the OPR's drive to increase innovation in the planning process, making it more widely understood and facilitating more public engagement in planning. We hope that this tool will be a useful resource to all involved. It is available on our website at:

<https://www.opr.ie/evaluation-of-statutory-plans/>



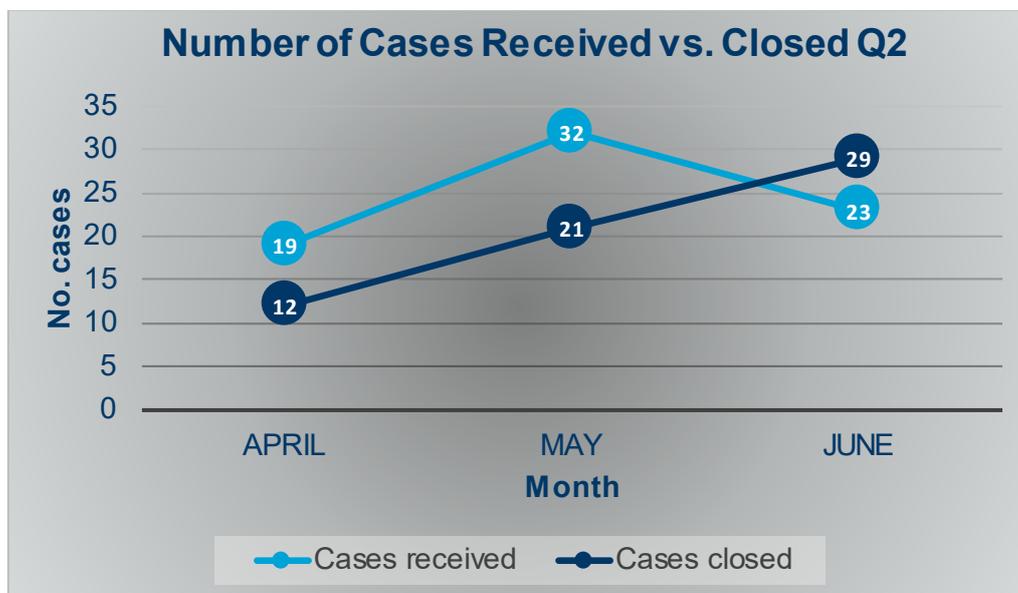
Reviews and Examinations

Case Handling

Cases

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

During Q2, a total of 74 cases were received and 62 cases were closed by the OPR.

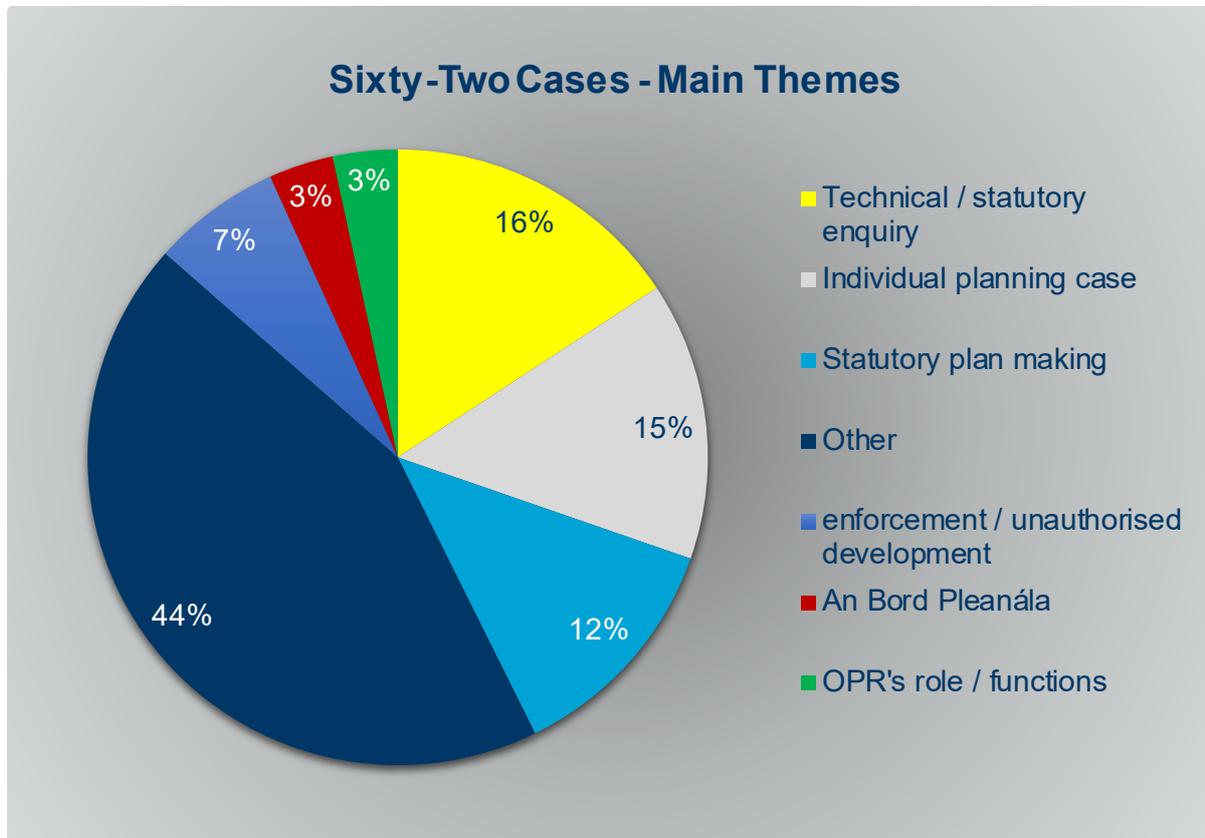


The 62 cases closed in Q2 can be broken down as follows:

- 33 complaints
- 19 queries
- 6 submissions
- 4 Oireachtas queries

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. This is demonstrated by the fact that the 62 cases closed in Q2 are estimated to have taken over 400 working hours to process.

While a broad range of themes arose in the OPR's case handling during Q2, a number of dominant themes prevailed. Technical/statutory enquiries, individual planning cases, statutory plan making, and enforcement/unauthorised development were the most common singular themes. The theme titled 'other' includes a variety of issues such as matters related to part 8 developments, rural housing, housing delivery models and, and a range of planning-related issues.



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 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 33 complaints closed during Q2, one was considered as a valid complaint in the context of the OPR's specific statutory remit.

33 complaints closed:

- 1 valid Complaint (3%)
- 32 invalid Complaints (97%)

A preliminary examination was conducted in relation to the abovementioned valid complaint, following which the complaint was upheld.

As evident in previous quarters, many of the complaints submitted to the OPR during Q2 would have been more appropriately directed by the complainant to either:

- the relevant local authority, which deals with submissions/observations on draft development county development plans, requests for planning advice and complaints about customer service, or
- An Board Pleanála, which is the appropriate body for making appeals in relation to planning decisions.

In this regard, the OPR communicates as clearly 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.

Additionally, the OPR carefully considers all the correspondence it receives to ascertain which 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 informs our reporting, education and training activities and our research programme.

Planning Authority Reviews

In relation to the pilot phase of the reviews programme, the OPR continued progressing the reviews of two local authorities during Q2, including several engagement meetings with the relevant local authorities and the appointed fee-per-case contractor. The OPR also initiated a third review in Q2 which will be completed by year-end, with the final review in 2021 to be initiated in Q3. Each review will take approximately six months to conduct.

Additional activity

- The OPR published its first case study paper CSP01 'Public Rights of Way and the Local Authority Development Plan'¹. This case study paper provides investigative research and analysis of the current public rights of way, findings of a survey of local authority's development plans and a good practice summary. Work progressed in Q2 in relation to a case study paper being in relation to the accessibility of online planning files of local authorities. It is expected that this paper will be published in Q3.
- The National Planning Data Group held a meeting with the local government sector in Q2 to seek feedback from local government on the proposed data indicators. This group includes representatives from the Department of Housing, Local Government & Heritage and its purpose is to work with the local government sector in enhancing available planning datasets.

The work of the group has progressed successfully and will soon conclude, with a view to the Department issuing an updated statistics request to local authorities in the new year.

- The Reviews & Examinations team met with representatives from the Office of the Ombudsman and the local government sector to discuss issues in delivering enforcement functions across the local authority sector and improvements that can be made in the sector.

1 <https://opr.iw.ie/pp-download/38>

Research, Education, Training and Public Awareness

Councillor Training Initiative



In Q2 the OPR, in conjunction with the Association of Irish Local Government (AILG), the OPR continued to roll-out a programme of planning training for local authority elected members. Online planning training webinars were delivered in April and May.

The April webinar was entitled “Housing Supply Targets and Core Strategies” and it focussed on:

- Housing supply targets and development plans: the basis and benefits; and
- Implementing housing supply targets: the regional dimension.

The presentations were delivered by the Department of Housing, Local Government and Heritage and the Eastern and Midland Regional Assembly.

The May webinar entitled ‘Rural Housing and Development Policy’ focused on:

- Rural settlement in Ireland: the national policy context for local authority plan-making; and
- Practical advice in relation to rural settlement and local authority plan-making.

The presentations were delivered by the Planning Regulator and Deputy Planning Regulator.

Local Authority and Regional Assembly Staff Training Initiatives

The OPR’s first training webinar for local authority and regional assembly staff was held in June. The webinar entitled ‘Development Management: Appropriate Assessment and Environmental Impact Assessment Screening’ dealt with the following:

- An introduction and overview of the OPR’s Practice Note 01: Appropriate Assessment Screening for Development Management;
- A brief demonstration of the Environmental Sensitivity Mapping Webtool; and
- An introduction and overview of the OPR’s Practice Note 02: Environmental Impact Assessment Screening.

The presentations were delivered by the Deputy Planning Regulator and Senior Planner from the Research and Training team of the OPR and Ainhoa González from UCD’s School of Geography. In tandem with the delivery of the training webinar for local authority and regional assembly staff the OPR continued to work with the CCMA

 Local Authority & Regional Assembly Staff Training Webinar

**Development Management
AA and EIA Screening** 

Part One
An Introduction and Overview of the OPR’s Practice Note 01 – Appropriate Assessment Screening

Part Two
An Introduction and Overview of the OPR’s Practice Note 02 – Environmental Impact Assessment Screening

Part Three
Questions and Answers

- DHLGH
- NPWS
- OPR

Friday, 18 June 10am to 12pm

 [Register at research@opr.ie](mailto:research@opr.ie)

 **Two CPD points for IPI Members** 

throughout Q2 on the development of a Learning and Development Strategy Paper for local authority and regional assembly planning staff.

Meetings of the steering group took place in May and June. The first phase of the group's work will continue into Q3 and centres around gathering data relating to the nature of the planning service, the people who work in the planning service and the competencies required to deliver an efficient planning service.

National Planning Knowledge Group

The sixth meeting of the National Planning Knowledge Group (NPKG) was held in May, as part of which the OPR provided an update on the work that has been advanced under the Strategic Planning Research Programme.

Representatives from the NPKG shared information in relation to the current status of their respective research projects/work. An update on the progress that has been made on the Learning and Development Strategy paper was also presented to the NPKG.

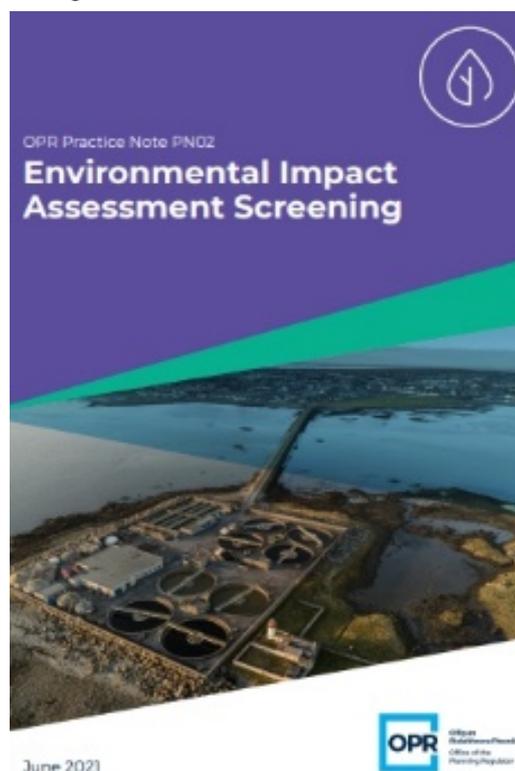
The NPKG also welcomed the OPR's proposal to deliver a training webinar for local authority and regional assembly staff in June, further collaboration regarding production of the Eco Eye programme, the support of the maintenance and development of the EPA Environmental Sensitivity Mapping webtool, the on-going delivery of training for councillors and the imminent publication of the EIA Screening Practice Note.

OPR Research Output

During Q2, consistent with the Planning Research Framework, the OPR advanced work on a number of research projects within the Strategic Planning Research Programme.

Under Strand Three (Planning Practice) of the Research Programme, Practice Note 02, which deals with the subject of Environmental Impact Assessment Screening, was finalised. The Practice Note was published and formally launched at the OPR's Local Authority and Regional Assembly Staff Training Webinar in June. Also within Strand Three of the Research Programme, the Practice Application for Managing Timelines in the Development Plan was formally launched in Q2 and is now live on the OPR's website.

In Q2 work was advanced on Strand Two (Planning Performance) projects including the development of Case Study Papers on the following topics: Section 247 pre-application consultations and traveller accommodation policy in development plans. It is expected that this work will be completed and published in Q3, following engagement with the CCMA.



Also within the second strand, following engagement with the EPA through their National Environmental Research Coordination Group (NERCG) the OPR entered into a preliminary co-funding agreement in relation to a project topic on Strategic Environmental Assessment. This is a 24-month project, which will commence in Q4.

Further progress was also made in relation to Strand One (Planning Issues) of the Research Programme during Q2. The OPR continued to input to the EPA five-year assessment report '5YAR' through the sub-committee for Volume 2 – Achieving climate neutrality by 2050.

Whilst not originally identified in our Research Programme the OPR accepted an invitation from the EPA in Q2 to join the steering committee of another EPA-led project on 'Landscapes, catchments and ecosystems'. The project is expected to commence in Q4 and run for up to 24 months. This project supports strand one of the OPR's Research Programme.

Finally, in Q2 there was extensive engagement with the ICLRD team in relation to the commencement of work on the Strand One (Planning Issues) project which deals with 'Planning Place-making and the Changing Spatial Relationships between Home and Workplace'. The OPR executed the research partnership agreement and the ICLRD team commenced work on the project in April.

Eco Eye

Following the success of previous collaborations, a further three episodes of the Eco Eye programme focusing on sustainable spatial planning will be produced and will air in Q1 2022. The episodes will address issues such as vacancy and dereliction, the 'Town Centres First' initiative and initiatives being adopted by local authorities to address urban sprawl.



Communications and Stakeholder Engagement

Stakeholder Engagement

The OPR held six meetings with local authorities in relation to their plan-making functions in Q2 2021. These meetings were with planning officials from Clare, Donegal, Kildare, Kilkenny, Limerick and Tipperary County Councils.

Also in Q2, 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.

Communications

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 and the OPR's LinkedIn account. There has been strong growth in followers and interaction with the OPR's social media during Q2. The OPR's Twitter account now has close to 2,000 members.

We have also launched an [OPR YouTube Channel](#). This will be used to host informational and other videos relevant to the work of the OPR.

Informational videos

Work finished on four informational videos which explain the work of different aspects of the OPR in an accessible and engaging way. These videos will be used across the OPR's social networks as well as at external events and presentations.

Annual Report

The 2020 Annual Report was completed. Irish and English versions were laid before the Oireachtas in advance of our statutory deadline.

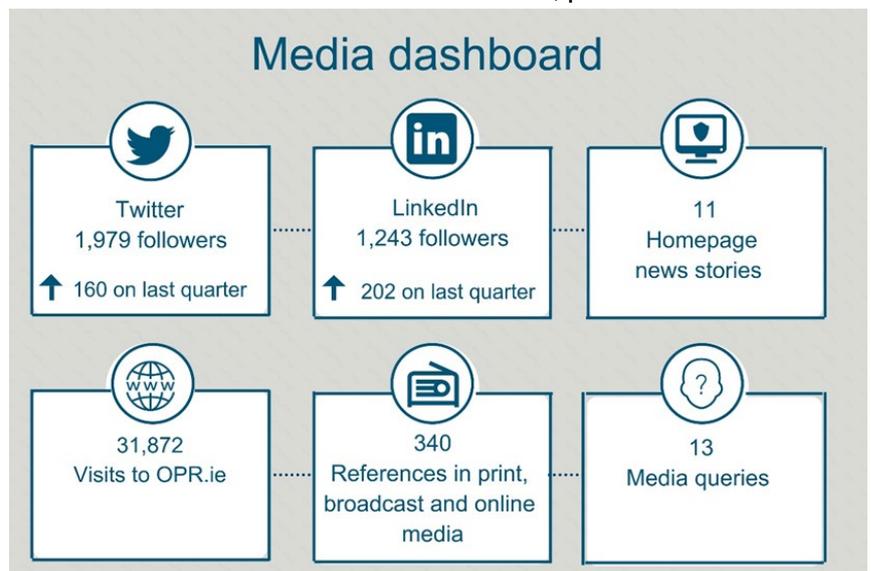
Media engagement

Media engagement continued with several interactions with national and local, print and broadcast media.

This included [an opinion piece](#) from Planning Regulator in the Irish Independent.

E-zine

The OPR issued its summer e-zine in to almost 600 subscribers. It generated a high opened rate and contained news, information and details of the OPR's work.





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