Oifig an Rialaitheora Pleanála
Office of the Planning Regulator

OPR Pilot Programme of Reviews of Local Authorities' Systems and Procedures in the Performance of Planning Functions

Review of Louth Council under section 31AS of the Planning and Development Act 2000, as amended

Review Report

December 2021

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Introduction

Background

The Office of the Planning Regulator (OPR) was established by the Oireachtas in 2019 for a number of purposes including independently overseeing the delivery of local authority planning services to the public.

Chapter IV ('Review of Planning Functions') of Part IIB of the Planning & Development Act 2000, as amended, ('the Act'), in particular section 31AS of the Act, gives the OPR the discretion to review the systems and procedures used by local authorities and An Bord Pleanála in performing their planning functions.

As committed to in our Strategy Statement 2019-2024, the OPR is implementing a programme of reviews under section 31AS of the Act whereby, broadly over a six-year cycle, each authority will be reviewed in respect of the systems and procedures used in the performance of its statutory planning functions.

To guide and give structure to the reviews programme, we published the OPR's 'Pilot Methodology for Conducting Reviews of Local Authorities' Systems and Procedures in relation to the Performance of Planning Functions' in 2020, following consultation with the local government sector, the Department of Housing, Local Government & Heritage (DHLGH), the National Oversight & Audit Commission (NOAC), An Bord Pleanála and the national planning institutes.

Scope

Under this methodology, reviews conducted in accordance with section 31AS of the Act focus on the systems and procedures used by local authorities in their current operations to deliver planning functions only.

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

It is important to stress that an OPR review is strategic and improvement-focused, designed to complement and add value to the Council's own performance and improvement plans. While the findings of this review report draw upon knowledge available to the OPR in the delivery of our broad statutory remit as well as published statistics, the report principally reflects the information presented by Louth County Council.

This general review of Louth County Council's planning functions is the second to be conducted as part of the pilot phase of the OPR's review programme. The pilot phase includes four authorities, which, when taken together, provide an appropriate testing ground for our methodology by offering a variety of planning contexts evident through the blend of physical, locational and organisational characteristics.

Ratings and recommendations

The reviews programme does not set out to create a league table of local authorities with regard to performance. Nevertheless, for any review to be meaningful and to give authorities a benchmark with regard to improving services, the OPR will apply a rating in respect of performance across 11 key operational processes in planning service delivery. These 11 processes are as follows:

1. Forward Planning
2. Guidelines and Directives
3. Control of Development
4. Architectural Heritage
5. Land Activation
6. Planning Enforcement
7. Environmental Assessment
8. Part XI – Local Authority own-development and Taking-in-Charge
9. Amenities
10. Events and Funfairs
11. Part XVIII – Miscellaneous Provisions

The ratings are defined as follows:

- **Highly effective:** alongside robust systems and procedures, the Council demonstrates a commitment to continued improvement and innovation, and resources are used to proactively enhance service delivery. Aspects of the Council's performance represent practice that could be an example to other authorities.
- **Effective:** systems and procedures are considered adequately robust to effectively deliver statutory functions on an ongoing basis and to meet key business objectives.
- **Some Improvement Needed:** while the function is generally being delivered effectively, procedural weaknesses are noted which, in the absence of improved controls, could lead to a failure to deliver services appropriately.
- **Unsatisfactory:** insufficient evidence of an appropriate standard operating procedure in place, thereby creating an unacceptable weakness with regard to ability to adequately deliver the statutory function.

Regardless of the rating applied, recommendations may be made as part of the review indicating how systems for delivering operational process could be improved or how current standards may be maintained. A collated list of recommendations made in this report is provided in Appendix 1. These recommendations are also graded by the level of priority that the Council should assign them, as follows:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.

- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact on operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

Process

The effect of the Covid-19 pandemic on the conduct of this review must be acknowledged. Local authorities have been on the frontline of the response to the pandemic and have been agile in maintaining services to local communities despite the impact of the public health restrictions on both organisations and individuals. This includes local authority planning departments which have had to keep the planning process open, ensuring that public participation could be maintained, while also implementing short-term measures to support economic recovery and place-making.

This review was conducted during the course of 2021. Louth County Council provided information in relation to the systems and procedures used in the delivery of its planning functions. Throughout the review process, the OPR engaged with the Council to share information and seek clarifications. In addition to analysis of the information received from the Council, other available research and analysis was incorporated into the process, including scrutiny of valuable planning data published by DHLGH, the Central Statistics Office, NOAC and An Bord Pleanála.

To assist in the delivery of the reviews programme, the OPR established a panel of consultants with proven experience of leading organisational reviews who also have a good knowledge, understanding and experience of the regulatory and policy context for planning and the delivery of statutory functions and public administration generally. This review of Louth County Council is the first for which expertise from the panel has been drawn. The OPR appointed Mr. Edward Sheehy, a very experienced public servant who has served as a local authority chief executive, to deliver the analysis that has formed the basis of this report.

Area profile

Geographically, County Louth is located on the eastern seaboard mid-way between Ireland's two largest cities, Dublin and Belfast, and strategically located on the Dublin-Belfast Economic Corridor. It shares land borders with Counties Meath and Monaghan to the West and Counties Down and Armagh to the North. Louth has a coastline of approximately 70km including three blue flag sites and one green coast site.

The county has a population of 128,884 (Census 2016). This represents a 4.9% increase on the 2011 census and notably higher than the national average growth rate of 3.8%. Whilst Louth is the smallest county with a geographical area of 827km^2, it is the most densely populated county outside of Dublin with a population density of 156 persons per km^2 compared to the national average of 70 persons per km^2.

There are two designated regional growth centres in the county, Drogheda and Dundalk, which are the primary centres of employment and are expected to grow to city scale with a target population of 50,000 by 2031[1]. There are also two self-sustaining growth towns, Ardee and Dunleer with a population of 4,928 and 1,822 respectively (Census 2016) located mid-way between the two regional growth centres.

While the majority of the World Heritage Site of Brú na Bóinne is located in County Meath, an area contained within the buffer zone is located in County Louth in the townland of Littlegrange in the south of the county. The Tentative World Heritage Site of Monasterboice is located approximately 9km north-west of Drogheda.

There are 11 designated European Sites, located wholly or partly in County Louth, which form part of the Natura 2000 network of European Sites. This network includes both Special Areas of Conservation and Special Protection Areas representing the prime wildlife conservation areas in the county which are considered to be of significant importance at both European and Irish levels.

Organisational Context

Louth County Council is overseen by a 29-member elected Council, whose role is to provide civic leadership, to formulate policy, to perform certain functions known as 'reserved functions', to represent the interests of their constituents, and to ensure that the views of the people of Louth are reflected in the decisions taken and in service delivery by the Council.

The reserved functions include some of the most important planning functions, such the making or variation of the county development plan, the making / amending of local area plans, the approval of material contraventions to the county development plan and the making of development contribution schemes, etc.

There are five Strategic Policy Committees (SPCs) which advise and assist the Council in its work. They are tasked with the formulation and development of policy for the Council. One of these is the Planning and Support Infrastructure SPC. In addition, there are three Municipal District Committees which have responsibility for the three sub-county districts of Ardee, Drogheda and Dundalk.

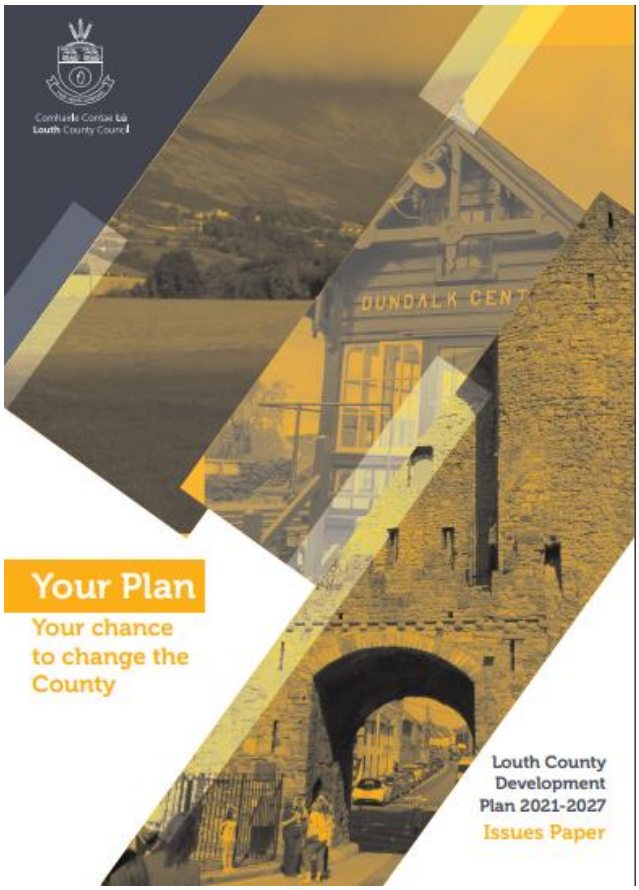
Louth County Council has a total staff complement of approximately 750 and a 2021 Revenue Budget of €130 million. The local authority executive is led by a Chief Executive, supported by a team of five Directors of Services with responsibility for:

1. Head of Finance and Water Services;
2. Planning, Infrastructure and Economic Development;
3. Housing and Community Services;
4. Corporate and Emergency Services; and
5. Operations and Environmental Services.

[1] Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031

The mission statement in the Council's 2019-2024 Corporate Plan is *"To provide leadership and deliver high-quality, citizen-focussed, responsive and effective services".* The Corporate Plan lists the strategic objectives of the Council under the seven headings of Housing, Drogheda & Dundalk-Regional Growth Centres, Climate Change, Key Infrastructural Projects, Economic Development & Job Creation, Key Plans & Strategies, and Quality of Life.

The Local Government Auditor's Reports for Louth County Council in 2018 and 2019 drew attention to some issues in relation to the management of the Council's risk registers. The 2019 Audit Report (and several previous audit reports) also drew attention to concerns regarding the non-completion, late completion or failure to fully complete some declarations of interests as required by Part 15 of the Local Government Act 2001. In preparing his analysis, the OPR's consultant noted that the Council had not confirmed whether all the required 2021 declarations had been completed.



Louth County Development Plan 2021-2027, Issues Paper

Overview of Key Findings

Introduction

The planning department of Louth County Council oversees the implementation of a broad range of national, regional and local policies and programmes, operating in an environment that is technical and complex, with decisions and policies the subject of political, media and public scrutiny. Planning is a demanding brief in any local authority and in Louth's case, the planning function is delivered by just over 34 staff (full-time equivalents), excluding current vacancies.

The Covid-19 pandemic has presented ongoing and serious challenges for the operation of many public services, planning included, and Louth County Council is no exception. In relation to the conduct of this review, the pandemic placed significant pressure on the Council in terms of business continuity while a review of the County Development Plan also had to be progressed. Public health restrictions prevented OPR staff and contractors from visiting the Council's offices and meeting officials in person and directly observing operational aspects of the process.

This was unavoidable. Performance during major events and crises such a pandemic present important opportunities to look at the adaptability of any organisation. In the case of this review, it is probably fair to say that the multiple challenges faced by Louth County Council over the period of review such as (a) the pandemic, (b) the move to remote working and (c) the development plan review, militated against the timely engagement with the review process that both Louth County Council and the OPR would have wished.

Acknowledging this complex and demanding operational environment above, the analysis and ratings set out in this review report are designed to inform and support a positive and developmental approach to the enhancement of the systems and procedures employed by Louth County Council in the delivery of its planning services to the public.

Taking on board the above, our assessment of the various statutory planning functions of Louth County Council are assigned a rating, with associated recommendations which are intended to provide clear and helpful advice for the local authority in relation to how the rating, and therefore service delivery, can be improved.

It is our general finding, on the basis of engagement with Louth County Council, that the planning department is generally delivering key statutory functions on an effective basis, with the core development management and enforcement functions being delivered within the expected range of national performance trends.

To the extent that a rating of 'some improvement needed' has been applied, this categorisation recognises that, while such functions are being generally delivered effectively, aspects of procedural weaknesses were identified, which could be mitigated by way of a variety of actions specified.

It is also clear that the planning department of Louth County Council, like that of many local authorities, has been operating through a profoundly difficult period, with further operational pressures brought about by the effects of the pandemic on staff and staff turnover in general.

Such challenges place a major emphasis on fostering a positive and developmentally-focused working environment that attracts skilled staff, enables effective cross-team coordination and communication in utilising available resources effectively, and is risk-aware in relation to any potential for failures in delivering statutory planning functions.

Accordingly, the review report identified some gaps in documented procedures and ICT capabilities in some operational areas in need of strengthening and development – especially with the benefits of learnings from working remotely during the pandemic. The report also identifies a need for a stronger commitment to a dedicated and budgeted training programme for planning staff backed up by performance management.

Indeed, the additional pressure that the review process created for the planning department, in terms of efforts to engage effectively with the process (while grappling with the delivery of wider planning functions, with staff cohorts working remotely with limited access limited access to records and files), is in itself indicative of the potential for some practical procedural enhancements.

Plan-led Development

Though it is the country's smallest county, geographically, Louth is strategically located between Dublin and Belfast on the economic corridor that links both the Republic and Northern Ireland. The county's positioning within the Greater Dublin Area brings with it both development pressures and opportunities. All these factors place an additional emphasis on the importance of plan-led development to ensure that local, regional, national, and indeed transboundary objectives can be delivered successfully.

While the Council was progressing the review of the county development plan, it did so in the context of Covid-19 restrictions, which understandably impacted on delivery arrangements including public consultation.

It is clear that a significant forward planning workload lies ahead for the planning department with impending local area plans for towns such as Drogheda and Dundalk. The department will need to implement a strategically-managed approach to ensure it maintains sufficient capacity to deliver on these important projects to the level of ambition outlined in the Council's Corporate Plan 2019-2024 while also ensuring successful business continuity in other operational areas.

It is a challenge for the entire local authority sector to continue delivering forward planning programmes to statutory targets while at the same time providing for meaningful public engagement, including with elected members, in the context of ever evolving national planning policy requirements.

The development of a wider suite of documented procedures for the various forward planning processes, including implementation monitoring, engagement with the public and the incorporation of national guidance and legislative updates into the plan-making process will assist the department in consistently delivering such tasks.

Background analysis prepared for the review identified a need to strengthen resourcing to support the protection of architectural heritage. Updates to the Record of Protected Structures appear to only occur in the context of development plan review cycles, and it appears that activity has been limited in relation to formal engagement with owners of heritage buildings at risk.

Louth County Council should assign appropriate resources to ensure that its forward planning functions, including architectural heritage, are delivered more proactively and, in particular, that a strategic work programme is put in place, allied to enabling resources, for the preparation of the local area plans that are required to be delivered in the coming years.

Managing for Sustainable Development

For any local authority, managing for sustainable development is primarily about ensuring that all aspects of decision-making are in accordance with the overall economic, social and environmental objectives of the relevant statutory plans, while also being in line with wider national and international obligations.

In this respect, this review found Louth County Council to have generally effective procedures in place to facilitate consistent decision-making across the various development management functions. The Council's satisfactory performance in this regard is further illustrated through its planning application output statistics which are broadly in line with national trends. Furthermore, the Council's enforcement function is being delivered in line with national trends, with adequate procedures in place to respond to reported unauthorised development.

However, the review process found that the Council could improve systems and procedures by developing written guidance to support staff in the implementation of the various European Environmental Directives in the planning context as well as strategic flood risk assessment requirements.

While the statutory development control and enforcement functions provide for the management of development, other statutory and policy tools empower authorities to promote sustainable development opportunities.

In this regard, our analysis found Louth County Council to be quite effective in proactively accessing funding streams, such as the Rural & Urban Regeneration Development Funds, etc. Furthermore, information provided by the Council in relation to its proactivity around housing delivery and the level of extant planning permissions for housing in its key towns pointed to a significant potential in the county to play its part in addressing the current housing issues. That said, the lack of activation of such consents pointed to significant infrastructural gaps and challenges in the viability of development in some locations.

However, the Council's decision to not implement the Vacant Site Levy, notwithstanding the complexity of the legislation, is considered a missed opportunity to place an additional focus and pressure to activate available and deliverable housing development opportunities on zoned and serviced land.

Delivering Quality Planning Services

The nature of quality in delivering planning services is cross-cutting and relates to each of the Council's planning functions. Delivering quality services is not just about the customer experience, in terms of satisfaction and good communication, but also the standards that are achieved by the planning department in terms of efficiency in handling applications, transparency of processes, consistency of decisions, etc.

This review found that the Council's development management function, the planning department's primary public service, is being delivered on an effective basis with the timeliness of decision-making generally consistent with national averages and a low rate of appeal against the Council's decisions. The Council also has well-developed systems in place to operate its planning enforcement function with outputs that are generally in line with or an improvement on national trends.

Generally, the planning department has an appropriate focus on customer needs and facilitating public engagement, the efforts to facilitate public participation during the development plan review process being an example of this. The emphasis placed on the taking-in-charge of housing developments in recent years, which saw a considerable reduction in the length of time taken to complete the process is another worthwhile illustration of quality in delivering services.

This customer focus is also evident in the department's success in efficiently publishing planning decisions and making received planning applications available online. In the context of the volume of planning applications made to the Council annually, a significant number of pre-planning consultations are facilitated each year (roughly between 300 and 400), further demonstrating a commitment to customer service. However, the increase noted in recent years in the time taken to facilitate pre-planning application consultations is an indication of the operational pressures mounting within the department and the effect it can have on existing service standards.

The review report contains recommendations for the planning department with regard to the implementation of public-facing GIS-based mapping facilities to enhance public engagement with operations such as enforcement and land activation.

A final important point to be made is that a resilient operational environment, one supported by effective systems and procedures, will have greater capability to respond to new challenges or opportunities as they arise without risking a reduction in existing service standards.

In overall terms, the review finds that a greater emphasis in enabling the effective functioning of the planning department at strategic management and corporate level is required, leading enhanced internal business structures to more effectively meet the substantial workload and policy challenges faced by Louth County Council in its planning functions.

Conclusion

As is the case for any local authority, Louth County Council's planning department operates in a complex and demanding environment. While the department is operating with limited resources, it would appear that the dedication of individual staff is allowing it to overcome current challenges and pressures to succeed in delivering the required outputs in relation to its core development management and enforcement functions.

However, it is not clear that the Council has placed enough focus on longer-term objectives, including the strategic management of deliverables and monitoring of their implementation, such as the development plan.

As such, the planning department's sustained and effective delivery of planning functions is vulnerable in the context of:

- absence of documented procedures in some areas;
- sustaining focus on performance management and personal development;
- delays in updating system capabilities (including ICT);
- the need for enhanced communication structures across the department; and
- the necessity to tackle resource needs by senior management.

It is the OPR's sense, and that of the consultant who led this review, that, even in the face of urgent delivery pressures and demanding short-term priorities, Louth Council Council's planning department would benefit from taking time to reflect on how it is organised to meet its current and future workloads.

Moreover, senior management must ensure that sufficient consideration is given towards the department's longer-term resourcing in cognisance of the pressures faced by the department and the crucial public services it delivers.

Given the foregoing, the overarching recommendation arising from this review is that the Council would take the opportunity to conduct such an internal evaluation, taking on board the report's various findings and recommendations, with a view to strengthening the planning department's strategic management structures and to in order to build greater levels of operational control and organisational resilience.

This process, which should be developed by end-June 2022, should include:

- setting out a range of actions with regard to internal management systems, including staff development and training;
- ensuring that robust controls are in place to safeguard and improve procedures for service delivery;
- establish a basis for deployment of required resources over both the short (1-2 years) and longer term (2-3 years); and
- placing a renewed and ongoing focus on measuring progress and engendering a culture of continuous improvement.

Organisation of the Planning Department

Overview

At the strategic management level, the Director of Service has responsibility for Planning, Infrastructure and Economic Development. At the operational level the planning department is headed at senior planner level.

NOAC, through its 'cost of planning' analysis (which includes the cost of delivering services such as forward planning, development management and enforcement) indicated that the cost of planning per capita Louth in 2020 was €30.33, which is relatively consistent with the national average of €31.47 per capita in 2020. This equates to a cost of approximately €3.9 million for delivery of planning services in Louth.

Staffing structures

At the time of the preparation of this report, there were 34 full time staff members and one part time in the planning department. The department is organised around three core functions: forward planning, development management and compliance. The forward planning and development management teams are each overseen by two senior executive planners (SEPs) and the compliance unit is headed by an executive planner. The 10-member administrative support team is headed by a senior executive officer.

Grade	FTE
Planners	13
Technical	5
Administrative	16.6
Total	**34.6**

Table 2: FTE staff in planning department

Team	FTE
Forward Planning (incl. Snr Planner)	5.6
Development Management & Strategic Housing Support	9.2
Compliance / Active Land Management	10
Conservation	0.2
Administrative Support Team	9.6
Total	**34.6**

Table 3: FTE staff across planning teams

The **Forward Planning Team** consists of two senior executive planners, an executive planner, two assistant planners (one post vacant), a senior staff officer and a technician. A senior executive planner is appointed as a project-lead on particular plan reviews under the supervision of the senior planner. The Council has reported that regular structured meetings occur at the start of a project and other meetings depend on the project demands.

The **Development Management Team** consists of two senior executive planners, two executive planners, three assistant planners and a validation technician. The development management structure is based on two planning areas: North and South. The planning areas align to the geographic area of Dundalk and North Louth Municipal Area and the Ardee and Drogheda Municipal Areas for South Louth. These planning areas are managed by two teams of planners, each headed by a senior executive planner and both supported by the validation technician.

Technical development management team meetings, led by the senior executive planners, are intended to take place once a week for the purpose of consistency and to provide a platform to discuss planning matters. The senior executive planners meet with the planning administration team once a week to provide an update of forthcoming decisions, outstanding internal or technical reports and correspondence for the week ahead. The senior executive planners allocate work on a weekly basis and provide an overview to their staff of matters discussed at the weekly meetings.

The **Compliance Unit** consists of two executive planners, two enforcement technicians, a taking-in-charge officer, a derelict / dangerous buildings officer, two staff officers and two clerical officers. This unit is responsible for planning enforcement, derelict and dangerous sites, taking-in-charge, short-term lets and the vacant sites database.

The unit is led by an executive planner who reports directly to the senior planner. Update meetings are generally intended to be held weekly with the purpose of reviewing the status of enforcement files and the allocation of workload. The short-term lets sub-unit was set up in March 2020 to enforce the planning legislative reforms contained in the Residential Tenancies (Amendment) Act 2020. This sub-unit is staffed by an executive planner and a staff officer.

The **Administrative Support Team** consists of a senior executive officer, an administrative officer, a senior staff officer, two assistant staff officers, four full-time and one part-time clerical officers. A review of the 2019 team development plan indicates that the duties of this team primarily relate to development management activities.

Corporate and business planning

An emphasis on quality corporate and business planning is essential for any organisation that hopes to remain agile and responsive in the face of significant workloads and competing priorities. Appropriate business planning provides a mechanism to ensure that organisational goals and objectives are set at the management level with responsibilities assigned and communicated to all staff in the organisation. Such exercises also ensure that delivery is monitored, evaluated and reported on and therefore assist in coordinating and directing activities to meet service delivery and regulatory requirements while also offering the potential to improve effectiveness and efficiency on a continuous basis.

The key priorities for the planning department are established in Louth County Council's Annual Service Delivery Plans and are intended to be assigned with greater levels of operational detail and responsibility into team development plans at functional area level and personal development plans at individual staff member level. The Council's Annual Service Delivery Plans therefore provide important strategic direction to the Council in the delivery of its functions. Louth County Council has such Delivery Plans in place for 2021 and 2020 (it is noted that no plan was in place for 2019).

As part of this review, the Council's planning department submitted a copy of its 2019 team development plan. However, no evidence was found of the six and twelve month reviews being carried out as were intended under the plan. Furthermore, no details were provided in relation to the outcomes or the delivery of the risk mitigation measures and actions intended under the plan.

The Council was unable to confirm whether a team development plan had been completed for 2020, though it had confirmed that a 2021 plan was in place. At the individual level, the Council was also unable to confirm whether personal development plans were completed in 2019. It was confirmed that personal development plans were not completed in 2020 with the Covid-19 situation cited as a factor. While it was confirmed that such plans were completed for each member of the planning department, unfortunately no templates or examples of 2021 personal development plans were provided which would have allowed an evaluation of the effectiveness of this process within the department.

At the more routine level, the 2019 team development plan outlined the intention for monthly planning management meetings to be scheduled while the Council's submissions to the OPR state that internal planning department meetings are intended to be scheduled every two weeks to address operational issues, to manage workload issues as they arise, etc. Again, in the absence of relevant records, it was not possible to evaluate how responsibility for actions arising from these meetings are assigned or how the implementation of actions is monitored.

While Covid-19 was definitely and perhaps unavoidably a factor in the above, effective team performance processes are key to monitoring progress in achieving business priorities as well as areas for support, learning and development.

In addition, while it is open to individual staff members to identify training courses, conferences, etc. that may be worthwhile in terms of personal development, it would appear that there is no overall learning and development plan in place to addressing skills needs within the department or with regard to continuous personal development.

It is an important finding of this review that a renewed commitment to performance management and staff development be progressed as a priority in Louth County Council's planning department.

Conclusion and recommendations

As noted above, we found an inconsistent commitment to business planning over recent years. A lack of focus on business planning in any organisation can contribute to creating an environment where the risk to operations can be magnified. Furthermore, where there is not a strong emphasis on performance management and monitoring it can be difficult to determine and effectively articulate resource allocation issues.

While the OPR acknowledges that an up-to-date team development plan is now in place for the planning department, it is essential that Louth County Council builds on this and prioritises the strengthening of its strategic management structures in order to build greater levels of control, monitoring and organisational resilience.

Recommendation 1 – Organisational and Management Needs: the key recommendation arising from this review is that senior management of Louth County Council conduct an internal evaluation with a view to with a view to strengthening the planning department's strategic management structures.

This evaluation process, which should be concluded by end June-2022, should:

- set out a range of actions with regard to internal management systems, including staff development and training;
- ensure that robust controls are in place to safeguard and improve procedures for service delivery;
- establish a basis for deployment of required resources over both the short (1-2 years) and longer term (2-3 years); and
- place a renewed and ongoing focus on measuring progress and engendering a culture of continuous improvement.

The Council may wish to consider procuring independent experience and expertise to assist in the conduct of such an evaluation.

Recommendation No.	Grading	Responsibility
1: Organisational and Management Needs	Medium	Management Team

Forward Planning

Context

Louth County Council is part of the Eastern & Midland Regional Assembly, which prepared and adopted a 2019-2030 Regional Spatial & Economic Strategy (RSES). Finalisation of this RSES triggered the preparation of a new Louth County Development Plan, which was adopted by the elected members on 30th September 2021.

The RSES, together with the National Planning Framework and a range of guidelines and policy directives published by the Minister for Housing, Local Government & Heritage ('the Minister'), as well as the neighbouring development plans for Counties Meath and Monaghan, set the context for forward planning in Louth. The county also has a land border with Counties Down and Armagh in Northern Ireland, bringing a transboundary element to the Council's planning functions.

Forward Planning Team

As outlined previously, the forward planning team consists of two senior executive planners, an executive planner, two assistant planners (one post vacant), a senior staff officer and a technician, with support also from the administrative team.

Activity

Covid-19 impacted on the public consultation processes for the county development plan review. The Council responded to this challenge by arranging virtual planning clinics by video conference during November / December 2020, with 20 minute slots to give the general public an opportunity to discuss the development plan process or specific planning policy queries that they had. All of the written submissions received were published on the Council's website and a narrated presentation, providing an overview of the draft plan, was also made available on the website.

The forward planning programme for Louth over the six year statutory life cycle is as follows:

- County Development Plan 2021-2027;
- Review of the Development Contribution Scheme 2015-2021 to commence this year;
- Joint Drogheda Local Area Plan to commence in 2021;
- Dundalk Local Area Plan to commence in early 2022;
- Ardee Local Area Plan;
- Dunleer Local Area Plan; and
- County Development Plan two year review to commence in Q4 2023.

The above programme does not include more site specific masterplans or frameworks responding to particular objectives that are referenced in the county development plan.

The Council indicated that variations / amendments of its statutory plans are undertaken as necessary, for example a variation in 2020 associated with ongoing route planning for a proposed upgrade of the N2 single carriageway national primary road from north of Ardee (County Louth) to the roundabout at Tullyvin south of Castleblaney (County Monaghan).

The forward planning team also advises the Council on the implementation of national and regional policies as required by the National Planning Framework and RSES and works closely with stakeholders and agencies with a view to providing real-time data such as housing units permitted / completed, school places, childcare demand, etc.

Procedures

The Council confirmed that no background papers are available with regard to the chief executive's report which was prepared (required under section 15 of the Act) two years after the adoption of the county development plan. The Council confirmed that it does not have a technical procedures manual in place to guide the process of plan preparation and review. The Council advised that a general administrative procedure on the development plan preparation process is in place, however a copy was not received until after the review report was drafted with the consequence that it was not considered during the analysis phase of the review.

Performance Rating and Recommendations

There is a very significant forward planning workload in Louth compared to the available staffing resources. Given these capacity constraints, it is considered that **some improvement is needed** in relation to the forward planning function to ensure that the required planning policies can be developed sufficiently and progressed efficiently, underpinned by robust implementation and monitoring procedures.

While it is acknowledged that the forward planning team would benefit greatly from the allocation of additional resources (to be considered by senior management in the context of recommendation 1 of this report), to achieve a superior rating in the short to medium-term, the department would also need to make some procedural improvements including the following:

- developing a time-managed and resourced work programme for preparation of local area plans including arrangements for collaboration with adjoining authorities;
- establishing a rigorous system for ongoing monitoring and implementation of policy objectives to ensure delivery and refinement over time;
- updating existing documentation into a formal procedures manual for staff to follow in operating forward planning functions, including local area plans; and
- ensuring ongoing training and continued professional development for all relevant staff.

Recommendation 2 – Delivery of Forward Planning Function: the Council should, in the next six months, put formalised, written procedures in place for the delivery of the Council's forward planning function, focusing on statutory plan preparation, to ensure that the procedures to be followed are clearly stated for all technical and administrative planning staff.

The Council should also, in the next six months, prepare a strategic work programme for the coming years for the preparation of local area plans for the County. This should include the identification and agreement of a joint approach with adjoining local authorities in the preparation of local area plans for areas which lie within the combined functional area of the authorities concerned, as provided for under section 18(2) of the Act.

The Council should also put a plan in place to ensure that sufficient staff are assigned to the team and whom are adequately trained and skilled and up-to-date with current policy and guidelines in delivering the forward planning function. The Council's should have regard to recommendation 1 in this regard.

Recommendation 3 – Monitoring and Implementation: the Council should develop and implement a monitoring system for existing statutory plans to regularly examine the effectiveness of their implementation, including data collection and analysis, stakeholder engagement, required environmental assessment, reporting, and engagement with the development management team, senior management and elected members.

The introduction of formal policy monitoring and implementation structures should involve a multidisciplinary and collaborative approach from the outset, and continued data collection and analysis requiring the presence of a permanent forward planning team.

For example, it would be important for the Council to put in place a geographical information systems (GIS) based monitoring system to track commencements of all housing development approved within the county, including both scheme housing and one-off housing, against the objectives of its core strategy and relevant National Planning Framework policy objectives such as the brownfield regeneration targets.

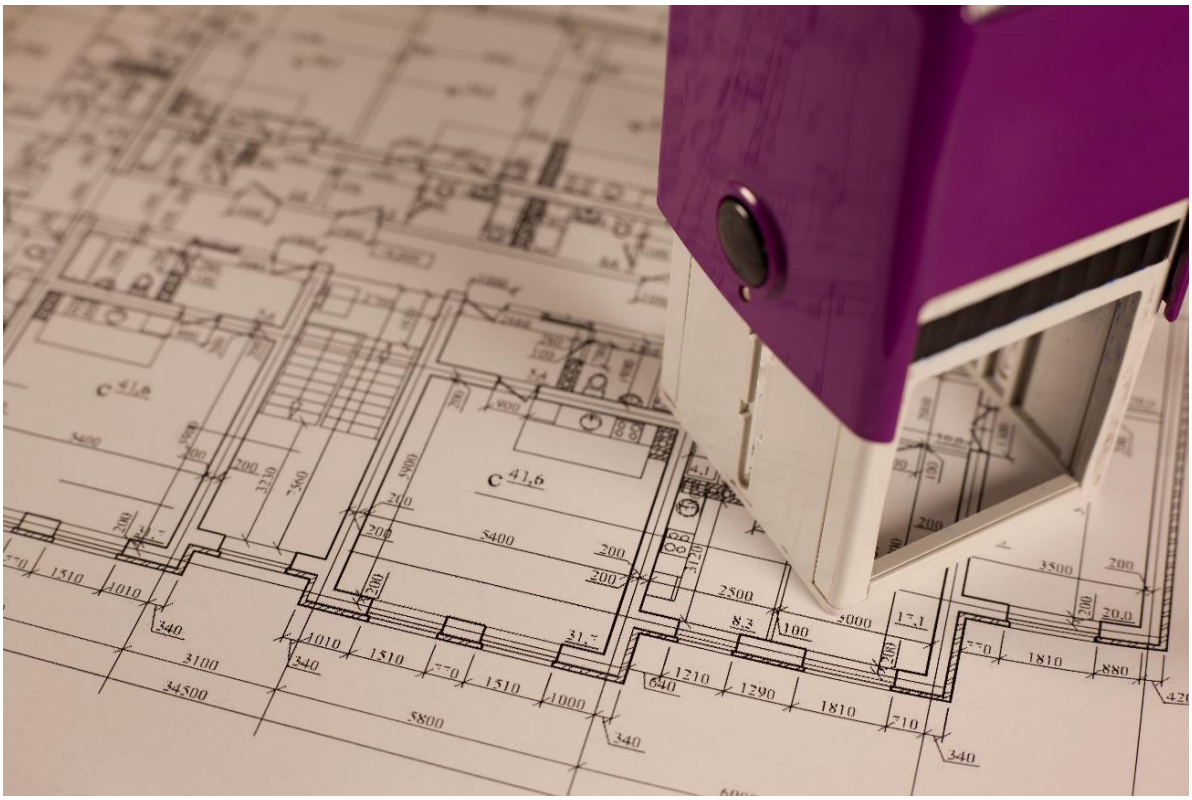
Recommendation No.	Grading	Responsibility
2: Delivery of Forward Planning Function	High	Director of Services
3: Monitoring and Implementation	Medium	Director of Services

Guidelines and Directives

Legislative context

Local authorities are required to have regard to guidelines issued by the Minister under section 28 of the Act in the performance of their planning functions, including when preparing the county development plan, and any policy directives issued under section 29 of the Act. To date, approximately 30 sets of section 28 guidelines and one section 29 directive have been issued by the Minister under the Act[2].

As such, it is important that local authorities give appropriate consideration to new / updated guidelines, circulars, etc. in order to ensure they are meeting legislative requirements and are appropriately implementing national planning policy. This can be challenging given the ever evolving scope of policy and guidance produced at the national and regional levels.



General systems and procedures

The Council provided details of intended procedures with regard to when new guidelines are issued, including circulation to the relevant staff and presentation to the Planning SPC. Details were also provided outlining of the Council's intention to establish a training programme including Continuous Professional Development (CPD) events for planners relating to emerging legislative and policy changes, which will be a welcome initiative (noting recommendations 1 and 2 above).

[2] These are available on the OPR website at: https://www.opr.ie/library/

Furthermore, the Council's 2021 Risk Register identified the need to:

- establish a programme of CPD events to cover emerging planning legislative changes, establish new systems and procedures as required and review in context of IT requirements; and
- implement a training programme for planners as to emerging national and local policies to ensure consistent interpretation of these policies.

It is recognised that the disruptions resulting from the Covid-19 pandemic have affected the implementation of the intended procedures. Additionally, material received from the Council subsequent to the initial analysis phase demonstrates the focus being placed on training and updating staff, even through phases of remote working, with regard to policy developments.

Performance Rating and Recommendations

The procedures the Council has now put in place to keep staff informed of policy and statutory updates are considered **effective**.

This rating can be maintained, or even improved upon, ensuring that procedures for updating staff on a regular basis are maintained and that it becomes established practice to revise procedures where guidelines or a directive have issued. The thorough implementation of the intended CPD / staff training measure would set the Council on the path to a rating of highly effective, having staff adequately and regularly trained in relation to new legislation and policy changes creates organisational resilience with regard to the requirements of an evolving planning code.

Accordingly, the following recommendation is made in relation to this operational process.

Recommendation 4 – Procedures and Training: the Council should incorporate a standing procedure into its business planning to ensure that new / updated planning policy, guidance, circulars and legislative amendments are disseminated to relevant personnel, including provision of a formalised practice that includes regular staff training.

Staff learning and development processes should be considered as part of the internal evaluation set out in recommendation 1 of this report.

Recommendation No.	Grading	Responsibility
4: Procedures and Training	Medium	Director of Services

Control of Development

Context

The control of development function, also referred to as development management, is the process through which development proposals are progressed from the pre-planning application stage to commencement.

The overall objectives for the control of development are to enable the right form of development, in the right location and at the right time, within the context of proper planning and sustainable development.

The process has become significantly more sophisticated in recent years, particularly in relation to implementation of European Directives.

Control of development responsibilities include, inter alia, the following:

- Pre-application consultations;
- Processing of planning applications;
- Appropriate assessment and environmental impact assessment;
- Assessment of local authority own proposals for development under part 8;
- Considering whether particular proposals are or are not exempted development under section 5 of the Act,
- Declarations in relation to certain works affecting protected structures under section 57 of the Act;
- Preparing development briefs;
- Strategic housing development;
- The licencing of events / control of funfairs; and
- Setting out the Council's observations in respect of any of its decisions appealed to An Bord Pleanála.

Development Management Team

The development management team includes two senior executive planners, two executive planners, three assistant planners and a validation technician and is supported by an administrative support team comprising 10 individuals. The administrative support team also has some responsibilities in relation to forward planning and compliance / active land management, however most of the administrative team's time is dedicated to development management.

Allowing for the apportionment of planners across the development management and enforcement functions, during 2020 approximately eight planners were responsible for issuing decisions on 753 planning applications.

Factoring in the 268 planning enforcement complaints that were investigated during the same timeframe with two planners dedicated to the enforcement function, it is broadly estimated that 10 planners oversaw the processing of 1021 planning cases, or a caseload of approximately 102 cases per planner during 2020[3].

[3] This does not include work in relation to section 5s, section 57s, section 97s, etc.

In making this rough estimation, it is acknowledged that the scale of work associated with each case will vary significantly depending on the complexity of the matters involved (e.g. habitats, environmental issues), the location of the development (proposals are contested to a greater degree in certain contexts), the volume of objections, and whether the decision is ultimately appealed to An Bord Pleanála.

General systems and procedures

The Council submitted a number of recently drafted documents for control of development, including a procedures manual, planning report template, and other instructional documents.

The 'Planning Section Development Management Procedural Manual' provides an overview of the team structure, details of roles and responsibilities of the staff, and a synopsis of the workings of the section. The manual includes a procedure for processing a planning application and outlines the key responsibilities of the senior executive, executive and assistant planners in the development management team.

These documents include details of the relevant statutory provisions and the procedures for updating the Council's IT systems. The documents are comprehensive and set out the key responsibilities of the relevant staff. It is noted that the documents were prepared subsequent to the initiation of this review, nevertheless the OPR welcomes that they are now in place and provide good guidance for staff delivering the development management function.

Development Management Output

The volume of planning applications submitted to local authorities has been increasing year-on-year in recent times. The total number of applications increased by approximately 19% in the six-year period from 2015, with roughly 31,000 applications received nationally in 2020. In Louth the escalation has been significantly more marked than the national trend, with the intake of planning applications increasing by 40% in the same period, detailed in table 4.

Year	No. of applications
2015	678
2016	781
2017	836
2018	886
2019	894
2020	947

Table 4: Louth planning applications 2015-2020

It is also of interest that within this overall increasing trend, a deviation occurred in 2020 where the national intake of applications fell by 4%, whereas in Louth there was an increase in planning applications of 6% during the same period.

Louth County Council has indicated that applications for single housing in the countryside have been a significant driver of increased applications rates in recent years. The Council advised that there is general misconception among many applicants who appear to believe that such developments would be more likely to be approved prior to the revised county development plan being put in place, however up to 50% of these applications are being refused for not meeting now extant development plan objectives and standards and have also had the effect of driving up the Council's refusal rate.

These trends reveal that Louth's rate of increase in planning caseloads is higher than the national level. Further analysis of the Council's development management activity is provided below.

Decisions made within eight weeks

Louth County Council has consistently delivered below the national average for making decisions on planning applications within eight weeks, with a divergence of almost 10% in 2020 when 47.4% of its decisions were made within eight weeks, compared to the national average of 56.6%.

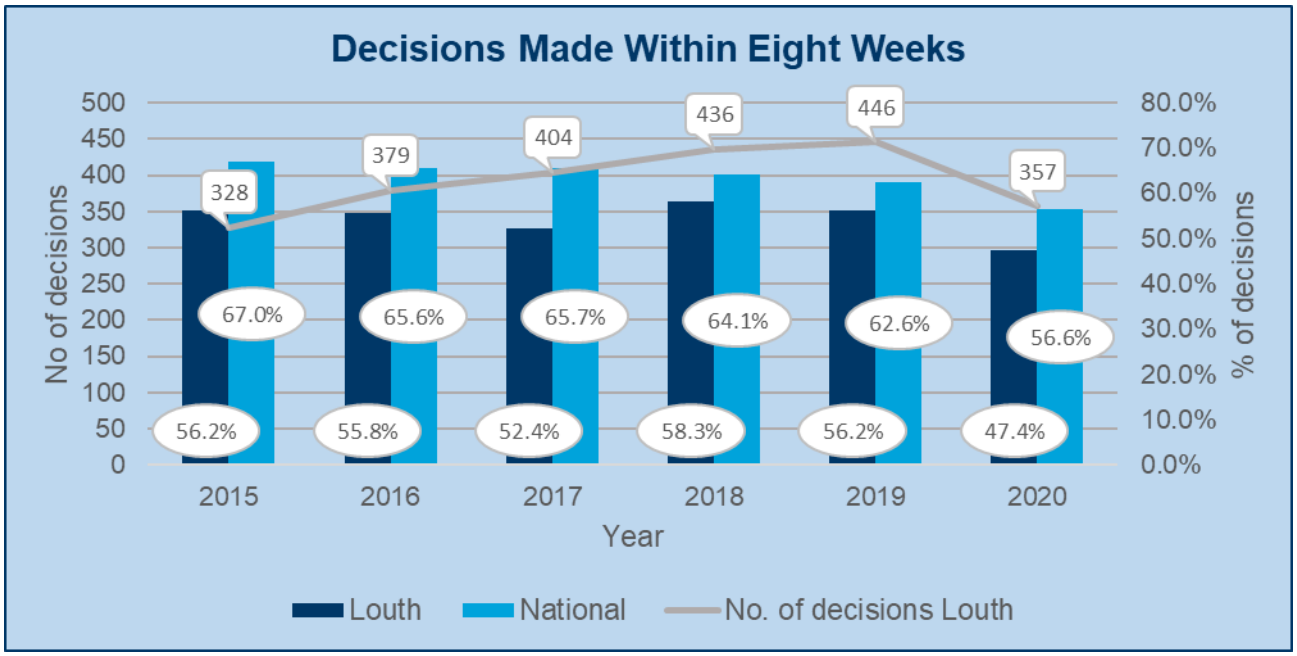


Figure 1: Decisions made within eight weeks

Decisions deferred

The national deferral rate during 2015-2020 increased slightly, whereas the deferral rate in Louth fell. The difference was approximately 20% in 2015, whereas in 2020 it was 3.6%. Louth has maintained a high rate of deferral relative to the national average.

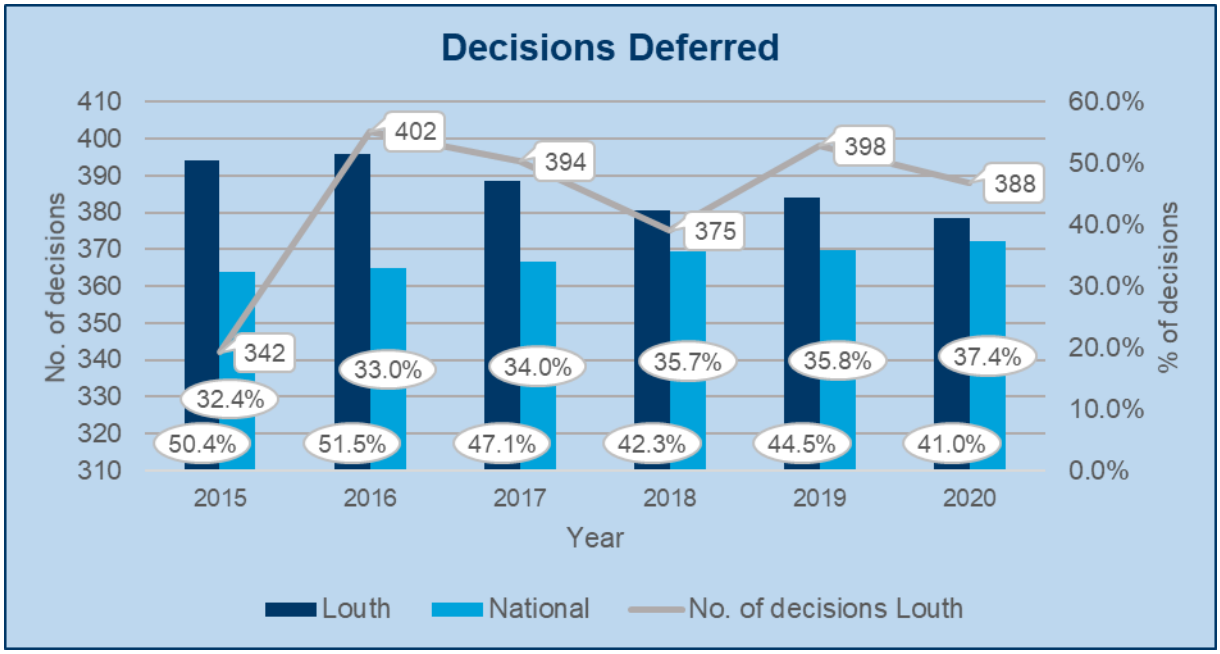


Figure 2: Decisions deferred

Decisions granted and refused

In the six-year period observed, the number of planning permissions granted by Louth County Council peaked at 678 in 2018. The decrease to 596 in 2020 may be related to the Covid-19 pandemic. The percentage of grants of planning permissions by the Council is relatively consistent with the national level.

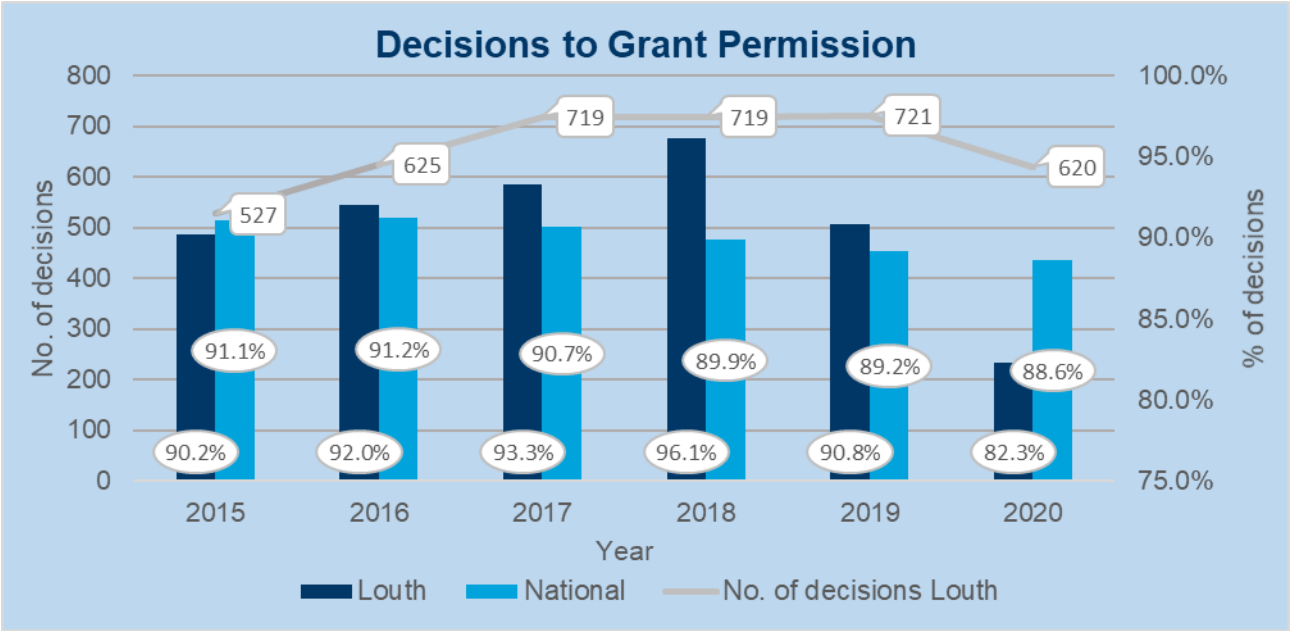


Figure 3: Decisions to grant planning permission

The Council's refusal rate of 17.7% in 2020 was relatively high compared to the national average of 11.4%. The Council has indicated that the surge from a refusal rate of 3.9% in 2018 is related to a large increase in applications for single housing in the countryside being submitted which are not meeting the standards and objectives set in the development plan.

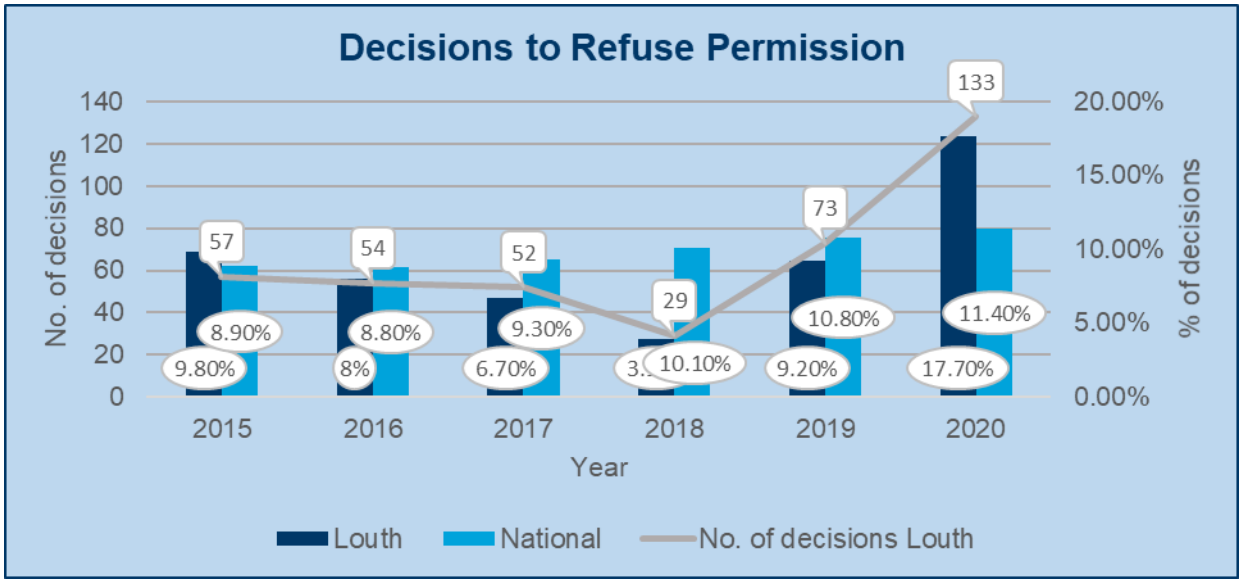


Figure 4: Decisions to refuse planning permission

Appeals to An Bord Pleanála[4]

The number of decisions issued by the Council in 2020 was 753 and the percentage of applications appealed was approximately 6%, which is close to the national average of 7%[5].

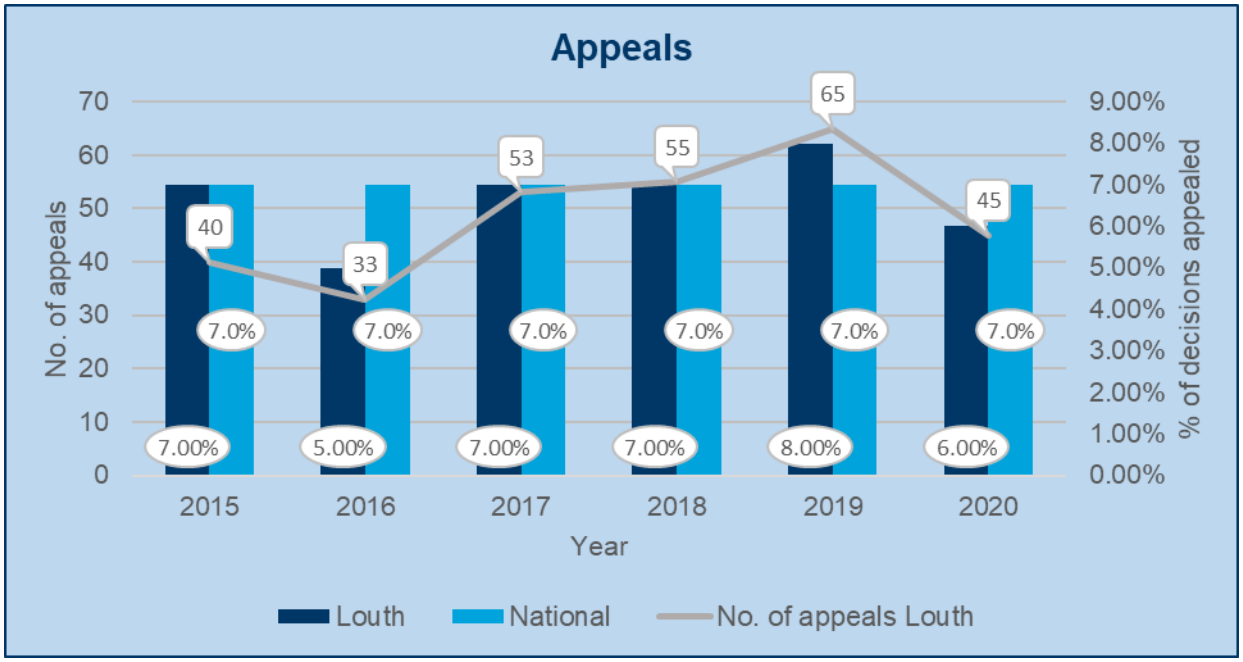


Figure 5: Decisions appealed to An Bord Pleanála

[4] An Bord Pleanála Annual Reports https://www.pleanala.ie/en-ie/publications?category=AnnualReports
[5] In 2020, the highest percentage of applications appealed was 16.1%, with the lowest at 2.6%.

Invalidation of planning applications

Louth County Council's invalidation rate over the last six years is consistent with the national average. The Council indicated that it has produced a standard 'planning pack' for applicants and agents and has also, in the past, organised workshops for agents. The Council noted that it is proactive in their approach to dealing with this matter and if there is a small or minor issue they normally facilitate the applicant to correct this in an immediate timeframe.

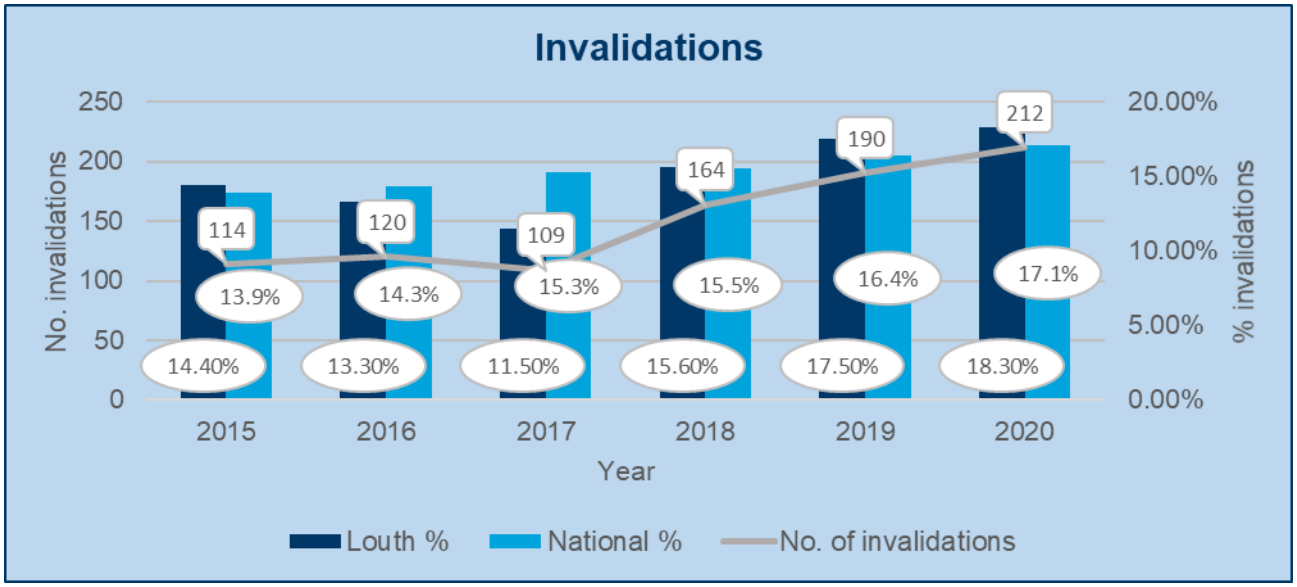


Figure 6: Planning application invalidation rates

Overview of development management outputs

As noted, it is clear from analysis of the Council's refusal rates that there are significant workloads in relation to applications for single housing in the countryside.

In the interests of greater organisational efficiency but also more effective service engagement with customers, the OPR would advise the Council to implement a communications programme, including social media platforms, targeted at elected members, community groups, members of the public and planning agents to ensure that the Council's rural housing policy is appropriately communicated to both the public and planning agents.

This has potential to assist in avoiding increases in speculative planning applications arising from misunderstanding by applicants or their agents in relation to what may or may not be in draft development plan reviews, which the Council suggests has been resulting in approximately 50% of the refusals of planning permission.

The Council is also advised to continue its programme of engagement with planning agents, as a good practice model, so that validation requirements are clearly communicated whilst improving the overall quality planning applications lodged, and also preparing agents for the changing systems arising from direct online lodgement of applications through the e-planning programme in early 2022.

Section 247: pre-planning application consultations

A person who has an interest in land and who intends to make a planning application may, with the agreement of the local authority concerned, enter into consultations with the local authority in order to discuss any proposed development in relation to the land, and the local authority may give advice to that person regarding the proposed application.

Louth County Council has a detailed written procedure (including a number of template documents) in place for responding to these section 247 requests. The number of such requests received in recent years was:

- 2018: 385 applications
- 2019: 286 applications
- 2020: 294 applications

The Council's website includes a 'Pre-Planning Consultation Form' which can be completed and posted or emailed with maps, sketches and photographs to the planning department.

The Council's policy target is to arrange such consultations within 5-10 working days. However, increased demand for consultations, coupled with workload pressures arising generally in the department, including the review of the county development plan, has resulted in the waiting time increasing to 5-6 weeks, however information received subsequent to this review's analysis phase would indicate that this trend has been improving over the later part of 2021.

Performance Rating and Recommendations

Analysis of the documentation supplied by the Council when taken with the wider performance outputs indicates, in the main, that the Council has appropriate systems and procedures in place for most elements of the development management function and the procedures operated by the Council in relation to its control of development functions are considered to be **effective**.

While the implementation of the function is considered effective, the department should continue to give attention to the waiting time for customers in relation to the pre-application consultation service.

Recommendation 5 – Pre-Planning Consultation: having regard to the fact that response times had slipped to 5-6 weeks, the Council should continue to give attention to measures to drive down the turnaround time to perform pre-planning consultations.

A number of simple efficiencies could be considered, including fast-tracking smaller domestic type development applications and rural housing pre-application consultations, ceasing site visits for low risk pre-planning applications and identifying and prioritising new applications that can be determined efficiently.

Recommendation No.	Grading	Responsibility
5: Pre-planning Consultation	Medium	Senior Planner

Architectural Heritage

Overview and Context

Under Part IV of the Act, local authorities have an obligation to create a record of protected structures (RPS) which includes all structures in their functional areas which, in their opinion, are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

This record forms part of the local authority's development plan. Local authorities are also obliged to preserve the character of places, areas, groups of structures or townscapes which are of special interest or that contribute to the appreciation of protected structures by designating them architectural conservation areas (ACAs) in the development plan.

Furthermore, local authorities are empowered to protect the architectural heritage of the area, in the interests of the proper planning and sustainable development, and to avoid deterioration, loss or damage. This will be reflected in the policies in the development plan and local authorities give practical effect to such policies through their development control function.

Local authorities have additional powers to ensure that buildings are not endangered either directly or through neglect and can make financial assistance available to owners of these buildings, in the form of conservation grants, to assist in this process.

General systems and procedures

The Council's county development plan contains policy objectives for the protection of built heritage including architectural heritage within the county. The plan includes the Record of Protected Structures (RPS) which is a single document that covers the entire county and includes the buildings listed in the National Inventory of Architectural Heritage, which are structures rated as being of regional or above importance.

To date, the addition of structures from the RPS has generally taken place during the making of the development plan process. The removal of structures from the RPS has also generally occurred during that process and additionally through the process set out under section 55 of the Act.

Sections 59 and 60 of the Act empower planning authorities to serve notices in respect of structures that may respectively be endangered or may need restoration. The identification of such affected structures has depended on reporting by technical staff, the general public or heritage groups, etc.

The procedure for Louth County Council is that upon notification, a visual inspection of the structure is carried out and a report and recommendations are prepared and presented to the senior planner. This report is then submitted to senior management for decision. Five section 59 notices have been served since 2015 in relation to buildings at risk, while no section 60 notices in relation to building restoration have issued.

The section 59 and section 60 registers were maintained by the Council's conservation officer prior to departure in 2019. It should be noted that until 2019, Louth County Council had had been sharing a conservation officer with an adjoining local authority, however this is no longer the case.

The Council intends to fulfil the conservation officer in a part-time capacity at the assistant planner grade. The Council has a conservation architect on the capital projects team, however this is separate to the planning department.

Public Engagement

The Council has included a 'Guide to Protected Structures' and links to other agencies providing advice or funding to support the conservation of architectural heritage on its website. However, the material is somewhat dated as it still includes references to the conservation officer and some of the hyperlinks appear to be inactive.

It is the Council's policy that renovations to restore / refurbish protected structures are exempt from planning levies if the Council is satisfied that the works contribute substantially to the restoration or protection of the structure. Grants are also available through the Built Heritage Investment Scheme and the Historic Structures Fund to assist owners with the costs of repairs and conservation works to the original fabric of protected structures.

The Council provided details of work carried out on a number of projects assisted under these schemes in recent years. These reports and the 'before and after' pictures of the buildings, demonstrate clearly how the grants are utilised to protect and preserve parts of Louth's architectural heritage.

St Patrick's Cathedral, Dundalk

Performance Rating and Recommendations

It is clear that much good work had been carried out in past years in relation to the protection of architectural heritage, however more recent personnel and resource challenges have been an issue. While the function is generally being delivered effectively, the risk that is inherent in not having dedicated expertise suggests that the Council's systems with regard to architectural heritage are **in need of some improvement.**

To achieve a higher rating, the Council would need to establish a dedicated resource for the maintenance of the RPS, ideally at conservation officer level or alternatively appropriately skilled personnel who would take the lead in this area, as well as establishing a system for the ongoing implementation and maintenance of the record of protected structures. Enhanced website communications in relation to conservation funding and advice would support the Council's public engagement measures.

Recommendation 6 – Dedicated Resources for Architectural Heritage: the Council should evaluate whether current practice of maintaining the RPS periodically during the plan review period, and the general delivery of architectural heritage objectives, could be mainstreamed into a continuous operation.

The Council's evaluation should consider possibility of having dedicated staff to lead on delivering this service on a highly proactive basis and the potential to include specialist expertise within the planning department's staffing complement.

As noted in the 2019 team development plan, the Council should review its website to enhance its public engagement in relation to architectural heritage. Additional information to be published on the website could include advice on conservation of structures and funding available, section 57 declarations, etc., to facilitate proactive engagement with the public and owners / occupiers of protected structures.

Recommendation No.	Grading	Responsibility
6: Dedicated Resources for Architectural Heritage	High	Director of Services

Land Activation

Overview and Context

From a Government policy perspective, ensuring that key locations identified in statutory development plans for urban development and renewal are activated and delivering the development intended has become a major priority in recent years.

Both central and local government recognise the planning system and its land activation aspects as a key mechanism for delivering a range of public policy objectives in relation to proper planning and sustainable development.

These include enhancing the delivery of housing, securing wider objectives including climate action, promoting a shift towards public transport and active travel, and tackling the significant levels of vacant and underutilised buildings in many locations, both urban and rural.

In terms of housing completions, Central Statistics Office (CSO) data[6] shows that 618 homes were completed in Louth in 2020, of which 114 were one-off homes, 478 housing scheme type homes and 26 apartments. These compare to the latest housing supply targets provided by DHLGH of the need to deliver 1,079 residential units per year over the next six years under the county's development plan period which spans 2021-2027.

This highlights the considerable gap (the need to more than double output) between actual completions and the level of housing delivery needed to match National Planning Framework estimates.

In Louth, as with many local authority areas outside metropolitan or city areas, under-provision in the locations needing housing is driven by a number of underlying reasons including viability of housing delivery, infrastructure gaps and the capability of local construction delivery.

In Louth, the rate of vacant dwellings per 1,000 population in 2016 was 31, which is lower than the national average of 50, and compared to a high of almost 112 in Leitrim and approximately 13 in South Dublin[7].

Achievement of Government policies on housing, urban renewal, transport and climate action won't happen in isolation. They require a proactive approach by local authorities in particular, to ensure key opportunities identified through the plan-making process are activated in the right manner and at the right times.

The Government is firmly committed to a 'Town Centre First' approach, consistent with National Planning Framework objectives of achieving compact growth and regeneration in towns and villages. The Government's approach seeks to deliver the best outcomes for town centres by aligning policies and targeting available resources.

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[6] CSO: www.cso.ie/en/statistics/construction/newdwellingcompletions/
[7] CSO: www.cso.ie/en/releasesandpublications/ep/p-cp1hii/cp1hii/vac/

It is critical for the regeneration of opportunity sites that local authorities appropriately support a range of land activation measures including the vacant sites levy, use of compulsory purchase powers and other incentives such as development contributions where appropriate, and the preparation of masterplans and action plans for town centre renewal.

The Government's National Development Plan-funded Urban Regeneration & Development Fund (URDF) and the Rural Regeneration & Development Fund (RRDF) also now provide significant financial enablement for the regeneration and renewal of towns and villages.

From an OPR perspective, a high-performing local authority that is successful in addressing land activation has:

a) effective systems and procedures;
b) up-to-date survey material and data;
c) proactive engagement with land and property owners;
d) a track record in successfully harnessing legislative mechanisms; and,
e) an effective monitoring system that is publicly accessible demonstrating the awareness and resolve of the Council.

Statutory Land Activation Measures

Louth County Council has demonstrated a commitment to monitor the development status of key strategic sites in Drogheda and Dundalk, working with landowners in supporting implementation of permitted development.

Material provided by the Council has indicated the extent of permitted development in key centres that, pending progress on infrastructural and economic factors, would contribute to the achievement of overall housing targets.

Louth County Council has also been proactive in its use of the Compulsory Purchase Order (CPO) process to secure vacant residential properties for public housing. Furthermore, the development contribution scheme incorporates various waivers to encourage appropriate regeneration within town centre or on vacant sites, and Derelict Sites legislation is also utilised by the Council.

The Vacant Sites Levy, introduced in 2015, was intended by Government as an important strategic measure in response to issues of land management and housing supply. Local authorities are responsible for the establishment, maintenance, administration (including the collection and expenditure of levy income) and publication of data in respect of their vacant sites registers.

Louth County Council established a framework for its vacant sites register on January 1st 2017 but has confirmed that it has not yet been populated, with a note on the website stating that:

> *"As the Register was only established on January 1st 2017, the Register is not presently populated with any vacant sites. Louth County Council is presently engaging in a detailed assessment of all potential vacant sites in the County. The assessment will involve correspondence with the relevant landowners at various stages throughout the review process."*

During the conduct of the review, the Council indicated that the Vacant Site Register had not been populated because of its view that a combination of factors was likely to lead to a low yield from the levy and in addition that imposition of the levy might further disadvantage the bringing forward of sites for housing.

It is the case that lands that cannot be developed through no fault of the owner / developer because necessary public infrastructure is not yet in place would not attract the vacant site levy. However, the levy was intended to encourage more movement in the land market, such as in the situation where landowners who might own developable lands could avoid the levy by selling on. Therefore it is not clear how the Council considered the levy might militate against the viability of developable lands.

In any event, wider considerations in relation to the Vacant Site Levy have prompted Government to signal, under measures announced as part of Budget 2022, a new system for levying vacant lands. Whilst these measures have yet to be formalised and legislated for, Louth County Council may be required, along with all other local authorities, to play a central role in the implementation of these measures and it may therefore be necessary for the Council to incorporate these new provisions into its procedures to ensure that its land activation function is appropriately delivered.

Non-Statutory Land Activation Measures: Project Ireland 2040 Implementation

The Council has been successful in being awarded funding of more than €14.1 million in respect of seven projects under the Rural Regeneration & Development Fund (RRDF) and the Urban Regeneration & Development Fund (URDF) as detailed in table 5.

Project Name & Scope	Funding Source	Funding amount	Total anticipated cost
St. Nicholas Quarter regeneration, Dundalk (Bridge & Linenhall Streets) – Design and Construct	URDF	€7.49 million	€9.98 million
Living in Carlingford Visiting Carlingford – Design	RRDF	€710,000	€956,000
Omeath Place Making Scheme	RRDF	€2.86 million	€3.18 million
Long Walk, Dundalk - Design	URDF	€533,000	€689,000
Ardee Castle – Construction	RRDF	€2.15 million	€3.72 million
Ardee 2040	RRDF	€240,000	€320,000
Westgate Vision - Design	URDF	€165,000	€495,000

Table 5: Louth County Council RRDF/URDF projects

Performance Rating and Recommendations

While good performance in relation to the certain statutory measures and non-statutory Regeneration & Development funding initiatives must be acknowledged, the Council's position as regards implementation of the Vacant Sites mechanism for land activation results in an overall rating of **some improvement needed**.

A higher rating would be achievable through integrated coordination of the various statutory and non-statutory land activation mechanisms available to the Council making publically available mapping on developable lands and effective implementation of any vacant land tax measures the Oireachtas may ultimately legislate for.

Recommendation 7 – Implementation of Vacant Sites Legislation: the Council should immediately put structures in place to ensure that vacant lands zoned for residential development in the Council's key urban areas are identified and analysed in anticipation of forthcoming legislation for the proposed Vacant Land Tax.

Such structures would include procedures for ongoing survey work, proactive engagement with property owners and a clear assignment of responsibilities within the Council, and also monitoring of progress ensuring that all land activation sites are recorded on the Council's website, including GIS mapping functions, and are accessible to the public.

Monitoring should also keep track of site progression against policy objectives in the core strategy, and in compact growth and brownfield development targets. The implementation of such procedures will provide for more effective responses to issues of land management and housing supply, and to support the Council's development plans into the future.

Recommendation No.	Grading	Responsibility
7: Implementation of Vacant Sites Legislation	Medium	Management Team

Planning Enforcement

Overview and Context

Part VIII of the Act mandates local authorities to address unauthorised development. These powers include the issuing of warning letters, enforcement notices, and Court injunctions. The number of enforcement cases being referred to local authorities is increasing, with the figure rising by 9.83% between 2014 and 2020[8].

It should also be noted that in 2013, the Minister for Housing, Local Government & Heritage issued a section 29 policy directive requiring local authorities to engage in enhanced enforcement monitoring, including the collation of statistics and information relating to enforcement outcomes, the provision of annual reports on enforcement activities to elected members, and assisting DHLGH in raising public awareness about the importance of enforcement of the planning code.

Louth County Council confirmed that the FTE staff allocated to the enforcement function, under the Compliance Unit / Active Land Management Team, include two executive planners (one enforcement and one short-term lettings), two technicians, and 2.6 administrative staff. The enforcement team monitors development, investigates complaints, issues warning letters, enforcement notices and pursues legal action as required.

During 2020, Louth County Council investigated 268 enforcement cases[9], representing approximately 3.7% of the national figure (its share of the national population being 2.7%).

The Council closed 235 cases during 2020, equating to 4.7% of the national total. Of the 235 cases closed, 40 (17%) led to enforcement proceedings. The total number of open enforcement cases at end-2020 was 251 (1.3% of the national total).

The Council's overall enforcement output appears positive against national trends and the Council should strive to maintain this momentum given the volume of enforcement cases referred to the Council each year.

General Systems and Procedures

The Council's recently drafted enforcement procedures manual provides an overview of the workings of the team and the procedures followed from receipt of unauthorised development complaints from members of the public or Council staff, through to the closing of the file.

The manual references the statutory provisions and describes the internal procedures for dealing with unauthorised development.

A separate document sets out in detail the roles and responsibilities of the individual team members and the Council have a number of additional documents in place with instructions on certain elements of the enforcement process including issuing a warning letter, issuing an enforcement notice, processing submissions, etc.

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[8] NOAC Performance Indicators Report 2020
[9] NOAC Performance Indicators Report 2020

Enforcement Action and Output

As can be seen in figure 7, the number of planning enforcement cases investigated has increased each year since 2015. The 2020 figure of 268 cases represents an increase of 44% on the 2015 number of cases. More than 200 planning enforcement cases per year were closed by the Council in the six-year period, which is a sizeable number of cases.

The number of enforcement cases investigated relative to cases on hand at yearend over the last four years (2017-2020) averages a ratio of 1:0.91, exceeding the national average indicating a proactive approach by the planning enforcement section in managing planning enforcement.

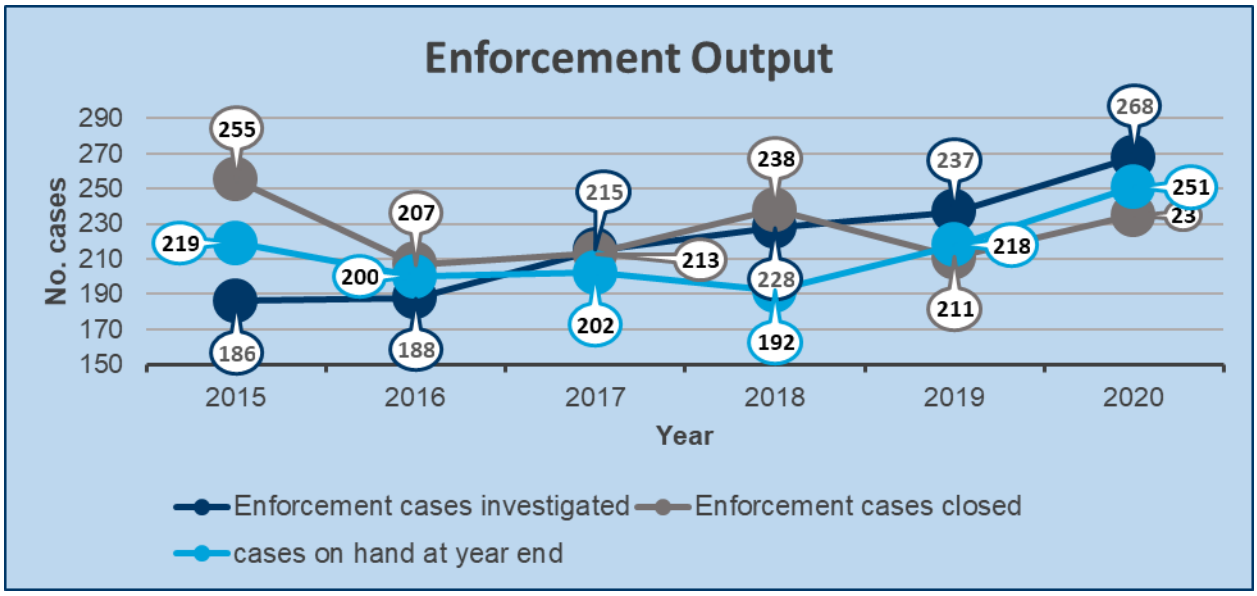

Figure 7: Enforcement output 2015-2020

Actions taken by the Council during the period 2018-2020 are detailed below.

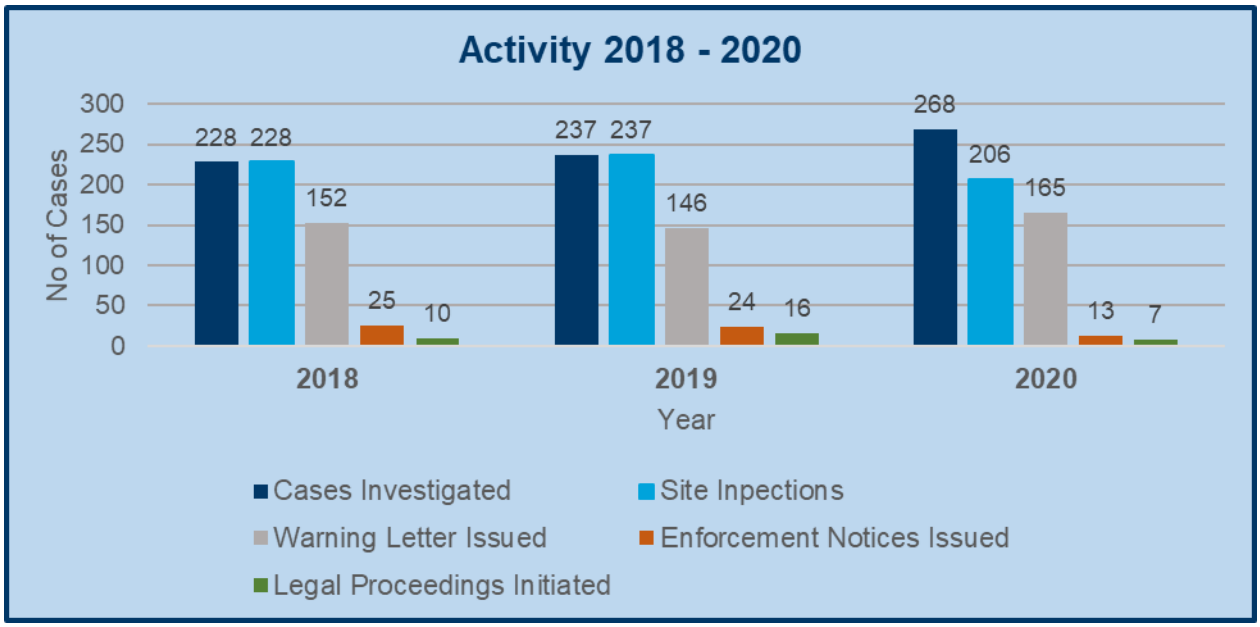

Figure 8: Enforcement activity 2018-2020

Of the 268 new planning enforcement case files opened in 2020, 206 site inspections (including first and follow up inspections) were carried out by case officers. In some cases, because of the Covid-19 restrictions, warning letters based on desktop exercises were issued. The Council was unable to confirm the exact proportion of inspections that took place on-site vs. by desktop exercise for 2020.

During 2020, a total of 35 case files were opened by the Council without any external complaint being received and this resulted in the issuing of 25 warning letters. In 2019, the equivalent figure was 57 case files resulting in the issuing of 35 warning letters.

Of the cases closed each year, approximately 40% to 50% from 2017-2020 were dismissed as trivial, minor or without foundation. A small number of other cases were resolved by negotiation and the rest were closed following enforcement action (warning letters, enforcement notices or Court proceedings) taken by the Council.

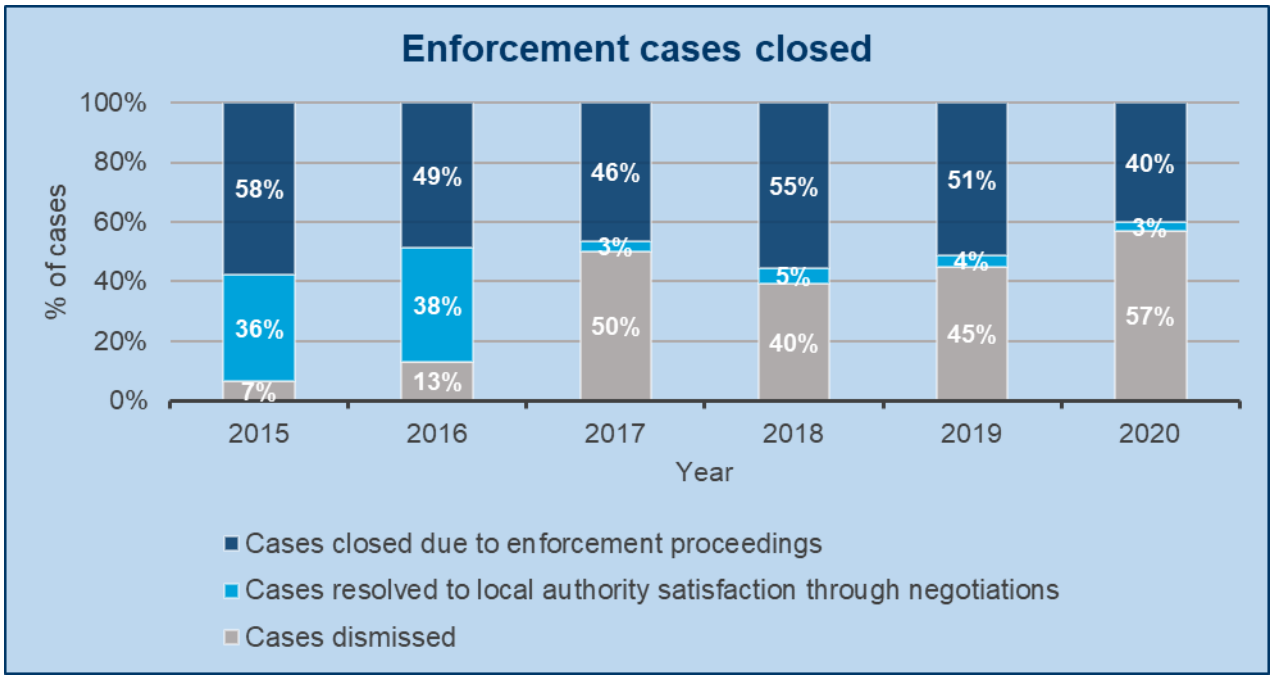

Figure 9: Enforcement cases closed 2015-2020

Measures Supporting Public Engagement

The planning enforcement content on the Council's website includes a helpful 'Frequently Asked Questions' section, in addition to the Council's 'Guide to Planning Enforcement' and the enforcement complaint form. The website also includes a link to Planning Leaflet 6 'A Guide to Planning Enforcement in Ireland' published by the OPR and DHLGH.

Performance Rating and Recommendations

Having regard to the enforcement documentation submitted to the OPR which would indicate that the Council has appropriate systems and procedures in place for planning enforcement, as well as the Council's enforcement activity statistics which are broadly comparable national trends, Louth County Council's delivery of its planning enforcement function is considered to be **effective**.

A highly effective rating would be achievable with the implementation of an adequate information management system which would allow for greater monitoring and the collation of statistics and information relating to enforcement outcomes, as recommended by the Minister's section 29 policy directive, and the enhanced tracking of planning permissions and commencement notices to allow for early enforcement actions, where necessary.

Recommendation 8 – Enforcement Monitoring Systems: the Council should develop a system to ensure comprehensive data collation regarding planning enforcement outcomes and tracking of site inspections for inclusion in reporting, including statutorily required reporting to elected members, proper monitoring of development subject to Environmental Impact Assessment / Appropriate Assessment in line with the requirement of the section 29 policy directive issued by the Minister for Housing, Local Government & Heritage.

Aligned with this, the Council should also put in place a publicly available GIS-based monitoring system in relation to enforcement activity.

Recommendation No.	Grading	Responsibility
8: Enforcement Monitoring Systems	Medium	Director of Services

Boyne Viaduct, Drogheda

Environmental Assessment

Overview and Context

The requirements of the EU Environmental Impact Assessment (EIA) Directive provide that certain developments must be assessed in terms of their likely significant effects on the environment before development consent is given.

The Strategic Environmental Assessment (SEA) Directive requires that as statutory plans are prepared, that process is informed by a strategic level assessment of the relevant environmental issues. SEA is therefore the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme.

Appropriate Assessment (AA) arises from Article 6 of the Habitats Directive (92/43/EEC). AA is a process that involves a focused and detailed assessment impact of the implications of a plan or project, alone or in combination with other plans or projects, on the integrity of a European site solely in the view of its conservation objectives.

Strategic Flood Risk Assessment (SFRA) is a requirement under the Act as per the section 28 ministerial guidance 'The Planning System and Flood Risk Management' (2009), as amended by Circular PL 2/2014.

These various environmental assessments are now integral components of the planning system and robust systems and procedures are key in ensuring efficiency in development control and to safeguard against potential judicial review challenges.

In the case of Louth, its position as a border county requires certain transboundary considerations.

General Systems and Procedures

The Council provided a copy of a report and a staff presentation on AA and reporting, which demonstrates good practice in knowledge sharing, given the context of evolving case law and implications for assessments or the potential for judicial review of decisions.

The Council confirmed that all planning reports include a section on AA and EIA. Planners screen all development consent applications for EIA and Stage 1 Appropriate Assessment. The conclusions and determinations for each of these assessments are provided within the planner's report. The Council also provided five examples of planning reports which include assessments for EIA and AA.

The planning department works with other departments in the Council regarding part 8 projects and has a dedicated planner who deals with AA screening reports for such projects in order to build-up expertise in the area and to ensure a consistent methodology that is reflective of national guidance on AA and emerging case law.

The fact that there is a dedicated resource in this regard is positive, however the Council should ensure it has written procedures / internal guidance in place for the benefit of staff.

The Strategic Flood Risk Assessment for the county development plan was undertaken internally. This project was led by a senior executive planner in the forward planning team in collaboration with the senior executive engineer in the Catchment Flood Risk Assessment and Management (CFRAM) Unit. The SFRA was prepared in accordance with the 'Planning System and Flood Risk Management - Guidelines for Planning Authorities' (2009).

However, the Council indicated that it has no formalised written procedures regarding SEAs / SFRAs and has no plans at the present time to prepare written procedures for these processes. The Council engaged consultants to prepare the AA and SEA reports required to support the preparation of the Draft Louth County Development Plan 2021-2027.

Performance Rating and Recommendations

From the material presented and wider background analysis conducted, the OPR has determined that there is **some improvement needed** in relation to the Council's environmental assessment functions.

Whilst the Council has in-house expertise in relation to several of the environmental assessment functions, the Council would achieve a higher rating if it prepared formalised, written guidance to assist staff in relation to environmental assessment. In addition, putting in place more formalised structures for staff development and training in this complex area and dissemination of in-house expertise across for staff involved in the environmental assessment process, would put the Council on course for a higher rating.

Recommendation 9 – Procedures and Expertise: the Council should put formalised procedures in place in relation to environmental assessment to ensure that staff have appropriate guidance on this complex area of planning. The Council should ensure that it has adequate expertise among staff involved in the environmental assessment process, beyond the dedicated in-house experts, and should formalise its learning and development programme in this regard (recommendation 1 refers).

In addition to formal training opportunities, the Council would benefit from exploring opportunities for knowledge sharing and networking across other similar local authorities.

The Council is also advised to have regard to the OPR practice notes 'Appropriate Assessment Screening for Development Management – Practice Note 01' and 'Environmental Impact Assessment Screening - Practice Note 02'[10] in the delivery of this operational process.

Recommendation No.	Grading	Responsibility
9: Procedures and Expertise	Medium	Director of Services

[10] Available at: www.opr.ie/planning-practice/

Part XI

This section of the review focuses on functions under Part XI of the Act, specifically section 179 (local authority own-development) and section 180 (taking-in-charge of estates).

Battle of the Boyne Site

Part 8: local authority own-development

Context

Local authority own-development, often referred to as 'part 8' development, is provided for under section 179 of the Act, while part 8 of the Planning and Development Regulations 2001, as amended (the regulations), sets out the required procedure to be followed when carrying out such developments.

A key component of the part 8 process is public consultation, whereby the local authority must provide notice of the proposed development and invite submissions or observations from the public. It is also crucial that the local authority has appropriate internal liaison procedures to ensure that the appropriate departments / staff members, with the necessary expertise, input into the progression of a part 8 development proposal.

General systems and procedures

The Council has an internal procedure for processing local authority own-development. This document sets out in detail the steps to be taken at the concept stage, the live application stage and the post-application stage of the overall part 8 process.

Initially, the promoting section within the Council must table the specific development concept at management team for approval to proceed. Once approved, the promoting section must circulate a site map and other relevant documents and engage with relevant Council sections including planning, environment, water services / Irish Water transition office and the local authority energy office.

The relevant sections submit preliminary reports to the promoting section to inform the next stages of the progression of the project, while recognising the requirement to consult planners and ensure compliance with relevant provisions of the county development plan and local area plans. When more detailed design documents become available, these are referred to the Council's development management team and the other relevant sections for analysis.

After the above, the promoting section and planning department complete a project sign-off sheet, at which point the broad design approach is confirmed. Subsequently, the planning department will advise the promoting section as to which statutory bodies are to be notified.

The promoting section then arranges for newspaper advertisements to be published and site notices to be erected at the commencement of the live application stage. A copy of the notice is published on the Council's website with a link to the documents for viewing. Plans and particulars of a proposed Part 8 are made available for public inspection for a period of not less than four weeks. The Public Participation Network and disAbility Louth are also notified and the promoting section also puts the notice on Twitter.

All submissions / observations are sent to the promoting section, acknowledged and circulated to the other relevant sections. The promoting section sends the various reports received from these sections and original submissions, to the planning department for the final part 8 report.

The part 8 report and the chief executive's report are prepared by the planning department and submitted by the promoting section to the management team for agreement and for signing by the chief executive.

The promoting section arranges for the inclusion of these reports on the Municipal District agenda and promotes the project at the meeting, with the assistance of other sections to answer queries, etc. The promoting section must ensure that all of the statutory timeframes are met.

In the post-application stage, the promoting section must notify persons who made submissions (and statutory bodies) of the intention to proceed or otherwise. The promoting section finally arranges for copies of the Municipal District minutes to be placed on their file and on the planning file and also circulated to any relevant partners (e.g. a housing association if the project is a joint venture). The internal procedure has the following six appendices as attachments:

- Approved List of Newspapers;
- Site Notice template;
- Sign Off Letter from relevant sections template;
- Schedule of Drawings required from Architects/Designers/ Promoting Section;
- Part 8 Planning Report template; and
- Part 8 Chief Executive Report template.

Whilst the Council provided details of its part 8 procedures, details of projects delivered over the last three years were not made available during the analysis phase of the review. A greater examination of how procedures work in practice, particularly as regards systems in place to make sure that projects are checked post-completion for compliance with the original plans and particulars, may have allowed for the show-casing of good practice examples in the review report.

Environmental Assessment

The Council's internal procedure emphasises the requirement in the planning code for the local authority to point to relevant environmental examinations, screening and conclusions in its public notice. Where AA / EIA is required, local authority own-development projects must be referred to An Bord Pleanála for determination, in accordance with section 177AE of the Act, and conditions may be applied by the Board.

The Council should ensure that its procedures provide for the monitoring of project implementation whilst ensuring compliance with any conditions applied by An Bord Pleanála

Performance Rating and Recommendations

The Council's approach to its part 8 processes is procedurally robust and, while the provision of practical examples during the analysis phase would have greatly assisted the review process, there is sufficient evidence to determine that the Council's part 8 / local authority own-development function is **effective.**

A greater rating would be warranted if the Council ensures post project review procedures are in place to confirm that completed works are consistent with the project plans and particulars, including ensuring environmental considerations are complied with.

Recommendation 10 – Procedures and Post-Project Review: the Council is advised to ensure its procedures for checking compliance by the promoting sections with all of the statutory requirements. The Council is also advised to ensure that when projects are completed, that procedure is in place to confirm that projects have been completed in accordance with the plans and particulars approved by the elected members.

The Council should also ensure post-completion checking of local authority projects approved by An Bord Pleanála in accordance with section 177AE of the Act. These local authority projects require either AA / EIA, and as such are submitted to An Bord Pleanála.

In cases where An Bord Pleanála grant permission for developments of this nature, the Council should implement a system to ensure that the development is carried out in accordance with the decision of the Board.

Recommendation No.	Grading	Responsibility
10: Procedures and Post-Project Review	Medium	Director of Services

Taking-in-Charge

Context

Local authorities' responsibilities in relation to the taking-in-charge of residential estates are set out under section 180 of the Act.

The local authority must initiate procedures to take a residential estate in charge under section 11 of the Roads Act 1993 when a development of two or more houses which involves the construction of roads and services to facilitate the development has been completed to the satisfaction of the local authority, where requested by the developer or majority of the owners of the houses involved.

The local authority must initiate these procedures within six months of receiving the request. Once an estate is taken in charge, the local authority assumes responsibility for certain services located within the common areas and public areas in that estate.

The taking-in-charge of estates posed a significant challenge to local authorities with the notable increase in urban housing developments over the last 20 years or so and increasing instances of developers not completing estates to the satisfaction of the local authority, in addition to resource cuts imposed across local authorities during the economic downturn. These challenges contributed to a deceleration in the number of estates being taken in charge across the country.

In 2015, DHLGH undertook a survey of residential estates to be taken in charge which amounted to a national total of 5,566 estates, with 190 of those located in Louth at the time, accounting for approximately 3.4% of the national total.

Based on the initial survey information, DHLGH implemented a pilot taking-in-charge initiative with funding of up to €10 million available. All local authorities were advised via Circular FPS3/2016 of the indicative funding available, the qualifying criteria to avail of it and invited to submit bids for funding based on suitable estates. Louth County Council was one of three local authorities which did not avail of the funding.

General systems and procedures

The Council's website contains its policy on taking-in-charge and the release of bonds for completed private housing development, which was reviewed and revised in May 2020. The document sets out clearly the legislative provisions regarding the obligations of the local authority with regard to taking-in-charge and the statutory procedures in section 11 of the Roads Act 1993 for taking in charge. It also includes details of:

- the documentation to be submitted with applications;
- the procedures to be followed;
- the time frames for each stage of the process;
- applications for connection of public lights to the public network;
- the infrastructure that will be taken in charge by the Council; and
- the services that will be provided by the Council following completion of the taking-in-charge process.

Activity

In relation to older estates, where the developer is no longer available (out of business / bankrupt, etc.) or where the developer has failed to make application to the Council to have the estate taken in charge and the period for enforcement action has expired, and the residents themselves wish to apply to have the estate taken in charge, the Council will arrange to carry out a plebiscite of the qualified electors resident in the estate.

The Council has indicated that 131 taking in charge applications have been received to date, many of which have no bond available and the developer has gone out of business. The Council indicated that there are 113 housing estates awaiting to be taken in charge, including some since 2015, therefore 18 estates have been taken in charge by the Council, leaving a sizeable remainder yet to be taken in charge.

There can be several reasons why a period of time elapses before an estate is taken in charge, including bringing water services infrastructure up to a standard that allows the onward responsibility for such infrastructure passing to Irish Water, in line with procedures in place between that utility and the local government sector.

In cases where funding to bring such infrastructure up to standard is either insufficient or unclear – as in cases where bonds may be insufficient or expired, this can lead to delays while alternative funding sources are explored. These include local authority-own resources and/or national funding through developer-provided-infrastructure (DPI) schemes administered by DHLGH.

The Council advises that, for its part, it takes a proactive approach to the taking-in-charge of estates and it reports to the three municipal districts on a quarterly basis. This would appear to be borne out by analysis of the data provided by the Council, which indicates that the average time for taking in charge an estate has reduced from approximately 58 months since 2010 to 21 months since 2019.

Bonds / securities

In the past, Louth County Council's bond condition allowed for the payment of a cash bond or a paper bond from an insurance company or bank and some of these paper bonds are still 'live'. More recent permissions include a requirement to provide a cash bond only. However, if the permission is granted on appeal by An Bord Pleanála, the Board's standard bond condition will permit a cash or paper bond. Cash bonds are dealt with by the finance section of the Council.

Cash bonds received are recorded on spreadsheets which are updated every quarter with bonds collected in that quarter. At end of year, a reconciliation is carried out to ensure that the receipts and refunds total in the financial management system balances with the bond spreadsheets.

The Council has taken a policy decision not to accept time limited paper bonds but has clear procedures in place in relation to managing time unlimited paper bonds permitted on appeal by An Bord Pleanála. Bonds are returned (with interest in the case of cash bonds) when the development is taken in charge or certified as being up to taking in charge standards by the Council's Compliance Section.

Performance Rating and Recommendations

Whilst the data provided was unclear to a certain degree, having regard to the documentation submitted and the procedures manual on the Council's website, it would appear that the Council's systems and procedures in place for the delivery of this function are generally **effective**.

A highly effective rating would be achievable by further reducing the number of estates awaiting taking-in-charge on the Council's estate register[11] and by putting in place an information management system which would allow for greater monitoring and the collation of statistics and information relating to taking-in-charge.

Recommendation 11 – Taking in Charge Progress: the Council should, in the next 12 months, prepare a phased and detailed plan for the continued tackling of the remaining cohort of estates to be taken in charge in the county.

Recommendation 12 – Data Management: the Council should, over the next 12-24 months, build up an integrated, publicly available GIS-based management information system and database of estates setting out their status with regard to taking in charge.

Recommendation No.	Grading	Responsibility
11: Taking in Charge Progress	Medium	Director of Services
12: Data Management	Medium	Director of Services

Cooley Peninsula

[11] With 18 estates taken in charge of the 131 estates on the Council's register, this represents approximately 14%

Amenities

Overview and Context

The protection of amenities in the Council's geographical area forms part of the statutory plan-making function under the provisions of the Act. County Louth has a rich and diverse heritage given its coastal location and thus possesses regional amenities such as Carlingford Lough, Cooley Mountains, picturesque seaside and fishing villages, the monastic sites of Monasterboice and Mellifont and historic towns including Drogheda.

Part XIII of the Act sets out the statutory provisions for the protection of amenities including:

- Areas of Special Amenity;
- Landscape Conservation Areas;
- Tree Preservation Orders; and
- Public Rights of Way.

In general, the Council addresses the protection of its amenities through its statutory plan-making and development management functions.

General Systems and Procedures

The newly adopted county development plan includes various policy objectives to protect amenities from inappropriate development (as did the previous plan), including two distinct Areas of Outstanding Natural Beauty (AONB).

Policy objectives seek to protect these landscapes from inappropriate development, in recognition of the unspoiled natural landscape, special character and spectacular scenic quality. Consequently, such areas have been designated (Development Zone 1 in the extant plan) with the effect that only very limited, and appropriate, development is considered in these sensitive areas.

The protection of amenities under the development plan is evident in the two year review of the Louth County Development Plan 2015-2021 under section 15 of the Act. The review shows that the number of rural one-off housing granted in these sensitive locations is relatively low compared to the remainder of the county.

For example, in the three-year period of 2015 to 2017, only one permission was granted for a new dwelling house in Development Zone 1 compared to a total of 248 in Zones 2 to 6. It appears that this system has served the protection of these landscapes well.

In both the extant and adopted development plan[12], the articulated policy is to co-operate with adjoining local authorities both north and south of the border, to support the co-ordinated designation of sensitive landscapes and policy approaches with adjoining areas, including on all aspects of environmental protection.

[12] The adopted Louth County Development Plan, 2021 – 2027, came into effect on the 11th November 2021.

Both plans also support the promotion and implementation of the Louth Biodiversity Plan. This has recently been endorsed by the Council with a commitment to preparing an annual implementation plan. A committee has been established to review the implementation of the plan which will allow for the measurement of both actions and timescales.

The following are some of the initiatives taken by the Council to protect and preserve the county's amenities:

- The adopted county development plan has policies to protect European Sites in addition to proposed Natural Heritage Areas and Sites of Geological Interest (which have amenity value) in the county;
- A green infrastructure strategy and a landscape character assessment both informed the adopted county development plan;
- The adopted plan contains a presumption against the removal of trees and hedgerows, other than in exceptional circumstances; and
- A number of other initiatives including the Louth Wetlands Survey 2011-2014; protection of shared values and interests in Carlingford Lough; Boyne Valley Greenway proposals, a Boyne Camino and a walkway at King Williams Glen; and collaboration with other local authorities to prepare plans for the development of new heritage tourism sites.

Carlingford

Public Rights of Way

In relation to public rights of way, sections 206 and 207 of the Act provide for the creation of public rights of way and these provisions are supported by the mandatory objectives for development plan-making under section 10(2)(o) of the Act.

The OPR recently reviewed the operation and implementation of section 10(2)(o) across all 31 local authorities, which indicated that the Louth County Development Plan 2015-2021 has not recorded public rights of way on a list or map[13].

This superseded development plan above included a policy to commence the process of mapping and listing public rights of way in the county during its lifetime, whereas the newly adopted Louth County Development Plan 2021-2027 indicates that the Council is not aware of any existing public rights of way but includes a similar policy as that in the current plan. In other words, the newly adopted plan commits to commencing the process of mapping and listing any newly identified public rights of way in the county during the lifetime of the plan.

Performance Rating and Recommendations

Having regard to the material presented to the OPR and the wider analysis conducted, the Council's delivery of its amenities function is considered to be generally **effective**.

A highly effective rating would be achievable if there was a greater emphasis on monitoring and delivering amenity objectives, such as public rights of way, and general data collation and monitoring implementation of amenity policy objectives.

Recommendation 13 – Monitoring: the Council should consider the introduction of a more comprehensive monitoring regime to ensure amenity policy objectives in the county development plan, such as public rights of way, are implemented. The section 15(2) chief executive's report is a statutory procedure to monitor implementation of the objectives of the development plan and can be used to inform work programmes.

The Council is advised that the OPR has recently published a Case Study Paper (CSP01) titled 'Public Rights of Way and the Local Development Plan: A Survey Report on the Operation of Section 10(2)(o) of the Planning Act'. This paper publishes findings of a survey of local authority development plan objectives relating to public rights of way and identifies good practice in the area.

Recommendation No.	Grading	Responsibility
13: Monitoring	Low	Senior Planner

[13] OPR Case Study Paper CSP01 'Public Rights of Way and Local Authority Development Plan' www.opr.ie/planning-performance/

Events and Funfairs

Overview and Context

Under Part XVI of the Act, and part 16 of the regulations, a licence is required from the local authority in respect of the holding of an outdoor event where the audience comprises of 5,000 or more people. A licence application must be submitted at least 10 weeks prior to date of event or at least 16 weeks prior to the first event in the case of an application for a number of events at a venue.

The local authority must consult with certain prescribed bodies, including the HSE and An Garda Síochána, other local authorities for the area in which the event will be held. In approving the licence, conditions may be imposed for the protection of the environment, for public order, to minimise disruption to the neighbourhood and to ensure adequate traffic arrangements, etc. Furthermore, the licence may provide for financial contributions toward the estimated cost of measures to be taken by the Council in connection with the event.

In recent years, Louth County Council has processed two applications over 2018 and 2019, both of which were granted. This is a function with limited operational demand and is managed through the planning department's development management team.

General Systems and Procedures

The Council has confirmed that only two events took place that came within the statutory licencing regime in the last three years. The Council has provided a copy of its procedure for processing event licencing applications. This two page document outlines the procedures, timeframes and consultation requirements of part 16 of the regulations.

The Council also provided a copy of its assessment reports on the license application in respect of the two events in 2018 and 2019 which demonstrate the processing of the applications in compliance with the relevant statutory requirements.

Public Engagement

The Council's website contains a section on Event Management titled 'Hosting an Event'. The site includes a comprehensive 'Guide and Handbook' which was compiled with reference to the current legislation and existing codes of practice for safety at events.

The booklet provides advice to event organisers in relation to advance planning, insurance requirements, risk management, licences and permissions, providing a safe venue, environmental issues, traffic management, crowd safety, staffing requirements and communications to the various stakeholders.

The website also contains an event application form and the Department of Education's 1996 'Code of Practice for Safety at Outdoor Pop Concerts and other outdoor musical events', as well as information on funding schemes operated by the Council's economic development unit to support certain festivals and events in the county.

Performance Rating and Recommendations

Having regard to the limited number of applications coming within the ambit of the legislation received by the Council, the procedures detailed in its guide and handbook and its two page procedure for processing licencing applications are considered to be **effective**. The OPR has no recommendations for procedural improvement in this regard.

Part XVIII – Miscellaneous Provisions

Quarries

The control of quarries has been a very significant area of work for most local authorities over the last decade as a result of several landmark EU and national court decisions and fast-evolving legislation.

Section 261 and subsequently section 261A of the Act introduced additional requirements in respect of the registration and control of quarries and aggregate extraction locations that, hitherto, benefitted from being authorised by virtue of their operation prior to the introduction of planning legislation nationwide in 1964.

The legislation broadly requires local authorities to compile a register of quarries in their functional areas and to develop a comprehensive picture of the provenance and development history of such quarries against certain key legislative thresholds and criteria that variously require some quarry operators to cease or obtain relevant development consents.

The Council did not provide details of its quarry register in the manner seen by the OPR in a previous review.

However, the Council did confirm that 43 Unauthorised Development (UD) files were opened in respect of unauthorised quarries and that 42 of these are now closed. It also indicated that in relation to the remaining open files, reinstatement works are underway and pending the closure of that file, no other enforcement proceedings are currently underway.

The above would appear to signal a good degree of proactivity by the Council in relation to addressing illegal quarrying generally, which aligns with a good performance by the Council on the evidence of its broader enforcement activities.

No additional information or commentary was provided by the Council in relation to its experience of dealing with section 261A cases.

As the OPR review programme builds, comparative analysis across different local authorities will enable a clearer picture to emerge on the performance of local authorities in this complex, litigious and demanding area.

Appendix 1: List of Recommendations

Recommendations are graded as follows, based on the level of priority that the Council should assign them:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.
- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact on operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

Recommendation	Description	Grading	Responsibility
Organisation of Planning Department			
1: Organisational and Management Needs	The key recommendation arising from this review is that senior management of Louth County Council conduct an internal evaluation with a view to with a view to strengthening the planning department's strategic management structures. This evaluation process, which should be concluded by end June-2022, should: • set out a range of actions with regard to internal management systems, including staff development and training; • ensure that robust controls are in place to safeguard and improve procedures for service delivery; • establish a basis for deployment of required resources over both the short (1-2 years) and longer term (2-3 years); and • place a renewed and ongoing focus on measuring progress and engendering a culture of continuous improvement.	Medium	Management Team

	The Council may wish to consider procuring independent experience and expertise to assist in the conduct of such an evaluation.		
Forward Planning			
2: Delivery of Forward Planning Function	The Council should, in the next six months, put formalised, written procedures in place for the delivery of the Council's forward planning function, focusing on statutory plan preparation, to ensure that the procedures to be followed are clearly stated for all technical and administrative planning staff. The Council should also, in the next six months, prepare a strategic work programme for the coming years for the preparation of local area plans for the County. This should include the identification and agreement of a joint approach with adjoining local authorities in the preparation of local area plans for areas which lie within the combined functional area of the authorities concerned, as provided for under section 18(2) of the Act. The Council should also put a plan in place to ensure that sufficient staff are assigned to the team and whom are adequately trained and skilled and up-to-date with current policy and guidelines in delivering the forward planning function. The Council's should have regard to recommendation 1 in this regard.	High	Director of Services
3: Monitoring and Implementation	The Council should develop and implement a monitoring system for existing statutory plans to regularly examine the effectiveness of their implementation, including data collection and analysis, stakeholder engagement, required environmental assessment, reporting, and engagement with the development management team, senior management and elected members. The introduction of formal policy monitoring and implementation structures should involve a multidisciplinary and collaborative approach from the outset, and continued data collection and analysis requiring the presence of a permanent forward planning team.	Medium	Director of Services

	For example, it would be important for the Council to put in place a geographical information systems (GIS) based monitoring system to track commencements of all housing development approved within the county, including both scheme housing and one-off housing, against the objectives of its core strategy and relevant National Planning Framework policy objectives such as the brownfield regeneration targets.		
Guidelines and Directives			
4: Procedures and Training	The Council should incorporate a standing procedure into its business planning to ensure that new / updated planning policy, guidance, circulars and legislative amendments are disseminated to relevant personnel, including provision of a formalised practice that includes regular staff training. Staff learning and development processes should be considered as part of the internal evaluation set out in recommendation 1 of this report.	Medium	Director of Services
Control of Development			
5: Pre-planning Consultation	Having regard to the fact that response times had slipped to 5-6 weeks, the Council should continue to give attention to measures to drive down the turnaround time to perform pre-planning consultations. A number of simple efficiencies could be considered, including fast-tracking smaller domestic type development applications and rural housing pre-application consultations, ceasing site visits for low risk pre-planning applications and identifying and prioritising new applications that can be determined efficiently.	Medium	Senior Planner
Architectural Heritage			
6: Dedicated Resources for Architectural Heritage	The Council should evaluate whether current practice of maintaining the RPS periodically during the plan review period, and the general delivery of architectural heritage objectives, could be mainstreamed into a continuous operation. The Council's evaluation should consider possibility of having dedicated staff to lead on delivering this service on a highly proactive basis and the potential to include specialist expertise within the planning department's staffing complement.	High	Director of Services

	As noted in the 2019 team development plan, the Council should review its website to enhance its public engagement in relation to architectural heritage. Additional information to be published on the website could include advice on conservation of structures and funding available, section 57 declarations, etc., to facilitate proactive engagement with the public and owners / occupiers of protected structures.		
Land Activation			
7: Implementation of Vacant Sites Legislation	The Council should immediately put structures in place to ensure that vacant lands zoned for residential development in the Council's key urban areas are identified and analysed in anticipation of forthcoming legislation for the proposed Vacant Land Tax. Such structures would include procedures for ongoing survey work, proactive engagement with property owners and a clear assignment of responsibilities within the Council, and also monitoring of progress ensuring that all land activation sites are recorded on the Council's website, including GIS mapping functions, and are accessible to the public. Monitoring should also keep track of site progression against policy objectives in the core strategy, and in compact growth and brownfield development targets. The implementation of such procedures will provide for more effective responses to issues of land management and housing supply, and to support the Council's development plans into the future.	Medium	Management Team
Enforcement			
8: Enforcement Monitoring Systems	The Council should develop a system to ensure comprehensive data collation regarding planning enforcement outcomes and tracking of site inspections for inclusion in reporting, including statutorily required reporting to elected members, proper monitoring of development subject to Environmental Impact Assessment / Appropriate Assessment in line with the requirement of the section 29 policy directive issued by the Minister for Housing, Local Government & Heritage.	Medium	Director of Services

	Aligned with this, the Council should also put in place a publicly available GIS-based monitoring system in relation to enforcement activity.		
Environmental Assessment			
9: Procedures and Expertise	The Council should put formalised procedures in place in relation to environmental assessment to ensure that staff have appropriate guidance on this complex area of planning. The Council should ensure that it has adequate expertise among staff involved in the environmental assessment process, beyond the dedicated in-house experts, and should formalise its learning and development programme in this regard (recommendation 1 refers). In addition to formal training opportunities, the Council would benefit from exploring opportunities for knowledge sharing and networking across other similar local authorities. The Council is also advised to have regard to the OPR practice notes 'Appropriate Assessment Screening for Development Management – Practice Note 01' and 'Environmental Impact Assessment Screening - Practice Note 02'[14] in the delivery of this operational process.	Medium	Director of Services
Part XI			
10: Procedures and Post-Project Review	The Council is advised to ensure its procedures for checking compliance by the promoting sections with all of the statutory requirements. The Council is also advised to ensure that when projects are completed, that procedure is in place to confirm that projects have been completed in accordance with the plans and particulars approved by the elected members.	Medium	Director of Services

[14] Available at: www.opr.ie/planning-practice/

	The Council should also ensure post-completion checking of local authority projects approved by An Bord Pleanála in accordance with section 177AE of the Act. These local authority projects require either AA / EIA, and as such are submitted to An Bord Pleanála. In cases where An Bord Pleanála grant permission for developments of this nature, the Council should implement a system to ensure that the development is carried out in accordance with the decision of the Board.		
11: Taking in Charge Progress	The Council should, in the next 12 months, prepare a phased and detailed plan for the continued tackling of the remaining cohort of estates to be taken in charge in the county.	Medium	Director of Services
12: Data Management	The Council should, over the next 12-24 months, build up an integrated, publicly available GIS-based management information system and database of estates setting out their status with regard to taking in charge.	Medium	Director of Services
Amenities			
13: Monitoring	The Council should consider the introduction of a more comprehensive monitoring regime to ensure amenity policy objectives in the county development plan, such as public rights of way, are implemented. The section 15(2) chief executive's report is a statutory procedure to monitor implementation of the objectives of the development plan and can be used to inform work programmes. The Council is advised that the OPR has recently published a Case Study Paper (CSP01) titled 'Public Rights of Way and the Local Development Plan: A Survey Report on the Operation of Section 10(2)(o) of the Planning Act'. This paper publishes findings of a survey of local authority development plan objectives relating to public rights of way and identifies good practice in the area.	Low	Senior Planner

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