



Office of the Planning Regulator



Quarter 4 of 2021



Activity Report



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

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Introduction

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

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



Evaluation of Statutory Plans

Notification of Consultations on Statutory Plans

Planning authorities are required to notify the OPR at specified stages of the plan making process. In Q4 of 2021, the OPR received notification of six plans as set out in Table 1.

Table 1: Notification of Consultations on Statutory Plans

Draft City/County Development Plans: <ul style="list-style-type: none"> • Dublin City Council • Kerry County Council • Clare County Council 	3
Material Alterations to Draft City/County Development Plans: <ul style="list-style-type: none"> • Dún Laoghaire – Rathdown County Council • Roscommon County Council 	2
Draft Local Area Plan (LAP): <ul style="list-style-type: none"> • Galway County Council (Draft Ballinasloe Local Area Plan 2021-2027) 	1
Total	6

OPR Submissions on Statutory Plans

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

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under *section 28*. As such, planning authorities are required to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions. Failure to comply with a recommendation can ultimately lead to a Ministerial Direction.

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

The OPR made a total of five submissions to local authorities in Q4 2021. These submissions were in relation to:

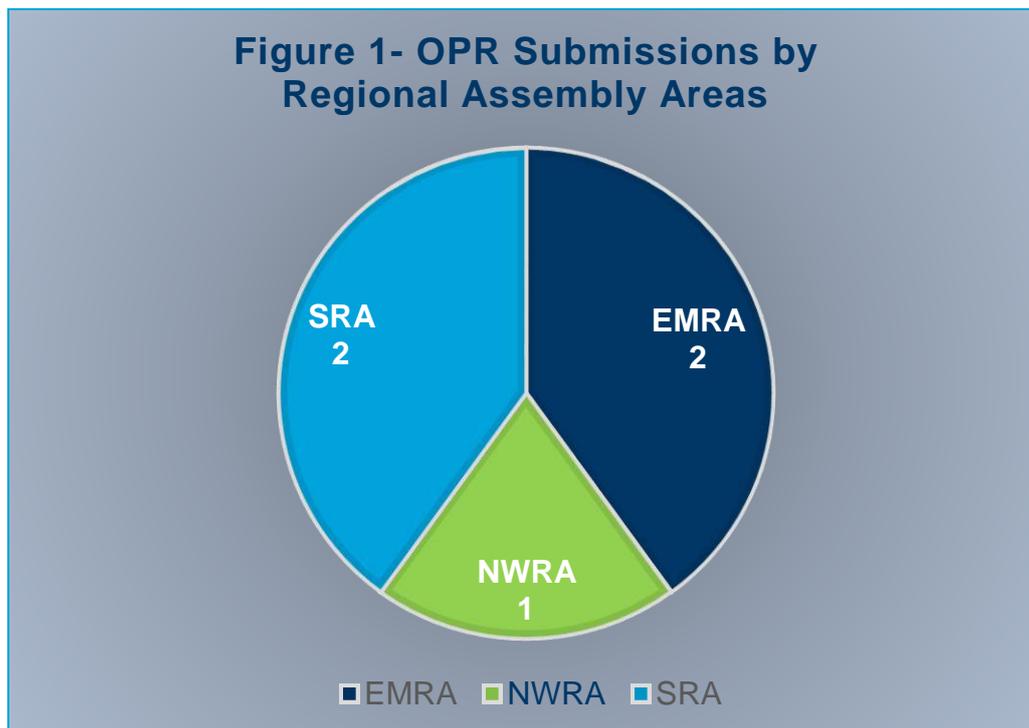
Table 2: Submissions on Statutory Plans

Draft City/County Development Plans: <ul style="list-style-type: none"> • Carlow County Council • Cork City Council • Tipperary County Council 	3
Material Amendments to City/County Development Plans: <ul style="list-style-type: none"> • Laois County Council 	1
Draft Local Area Plans: <ul style="list-style-type: none"> • Galway County Council (Draft Ballinasloe Local Area Plan 2021-2027) 	1
Total	5

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

Table 3: OPR Submissions	Submissions (number)	Observations (number)	Recommendations (number)
Draft Development Plans	3	20	33
Material Alterations to Draft Development Plans	1	2	5
Draft Local Area Plans	1	8	4
Total	5	30	42

OPR submissions during Q4 related to all Regional Assembly areas, a breakdown of which is available in Figure 1 below.



The following are some of the key themes evident in the recommendations and observations in the OPR's submissions in Q4:

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

OPR Recommendations and Observations: Legislative Categories

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

- Consistency with the National Planning Framework (NPF);
- Consistency with the relevant Regional Spatial and Economic Strategy (RSES);
- Consistency with the relevant Development Plan (DP);

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

In Q4 2021, consistency with the hierarchy of statutory plans, legislative provisions, and policy matters in planning guidelines were the basis of the recommendations and observations made in the OPR's five submissions. The recommendations and observations contained in these submissions are broken down in tables 4 and 5 below. Please note that as some recommendations and observations cover more than one legislative provision, the numbers presented in tables 4 and 5 will differ from those in table 3 due to this overlap.

Table 4: OPR Recommendations	Number
Consistency with NPF	22
Consistency with RSES	8
Consistency with DP	0
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	25
Consistency with Legislative Provisions	15
Consistency with Legislative Provisions re Climate Change	6
Other	0
Total	76

Table 5: OPR Observations	Number
Consistency with NPF	12
Consistency with RSES	6
Consistency with DP	0
Consistency with NTA TS for GDA	0
Policy Matters re section 28 Guidelines	14
Consistency with Legislative Provisions	9
Consistency with Legislative Provisions re Climate Change	3
Other	1
Total	45

Adopted Plans - Outcome of OPR Submissions

One county development plan and one local area plan were adopted by planning authorities in Q4 2021:

- Longford County Development Plan 2021-2027
- Naas Local Area Plan 2021-2027

The Office made 19 recommendations on the Longford County Development Plan 2021-2027 and 6 on the Naas Local Area Plan 2021-2027. The outcome of the recommendations are detailed in Table 5 below.

Table 5: Adopted Plans – Outcome of OPR Submissions

Plan	Local Authority	Recommendation Issued	Outcome
Longford County Development Plan 2021-2027	Longford County Council	Yes (19)	Recommendations substantially addressed
Naas Local Area Plan 2021-2027	Kildare County Council	Yes (6)	Recommendations substantially addressed

In addition, in Q4 2021 the Office issued two notices to the Minister pursuant to section 31AM(8) of the Planning and Development Act (2000)(as amended) in relation to the adoptions of the Kilkenny City & County Development Plan 2021-2027 and Meath County Development Plan 2021-2027. The statutory process in relation to a decision on the adopted plans remains ongoing.

Other related activity

- The OPR appointed a Data Officer (DO) to oversee the implementation of an organisational Data Management Framework and to engage with the Data Governance Unit (DGU) and the Data Governance Board (DGU) in the OGCI0 on initiatives being undertaken in the areas of Data Strategy, Data Policy, Data Analytics etc.
- GIS modelling was leveraged for the technical evaluation of draft development plans in relation to renewable energy policy proposals. Providing this critical evidence base enabled the OPR to make submissions on draft development plans grounded in evidence.



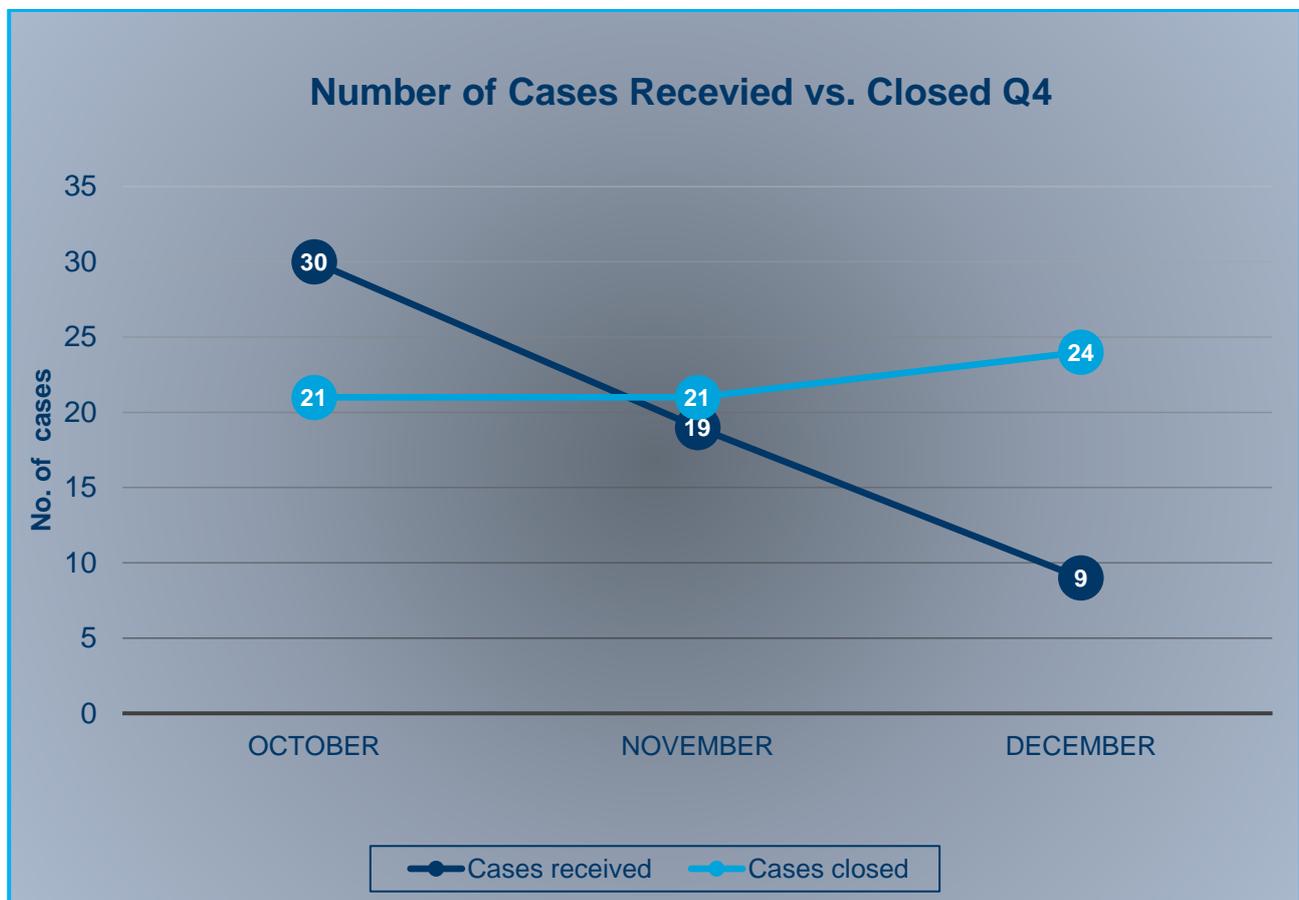
Reviews and Examinations

Case Handling

Cases

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

During Q4, a total of 58 cases were received and 66 cases were closed by the OPR.



The 66 cases closed in Q4 are as follows:

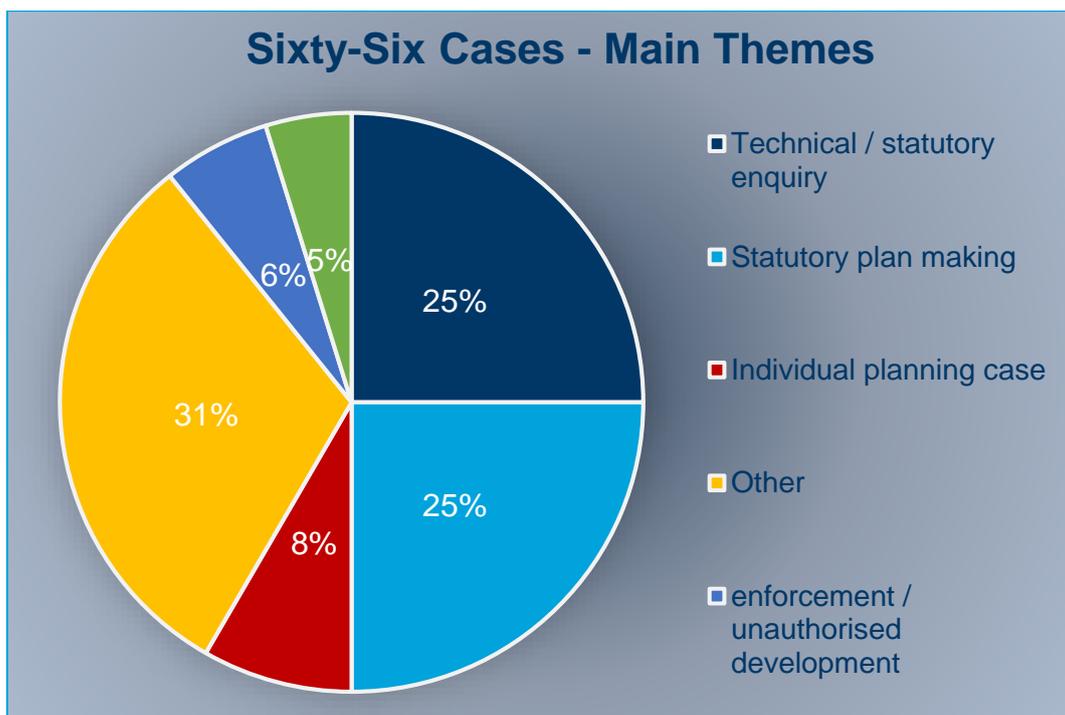
- 23 complaints
- 22 queries
- 21 submissions

While some of the cases received can be handled in a relatively straightforward manner, many of the cases involve the consideration of voluminous and complex technical detail. Often, especially with regard to complaints, the processing of cases will require engaging in a series of correspondence with the complainant and/or the relevant local authority. This is demonstrated by the fact that the 66 cases closed in Q4 are estimated to have taken approximately 500 working hours to process.



While a broad range of themes arose in the OPR’s case handling during Q4, a number of dominant themes prevailed. Technical/statutory enquiries, statutory plan making, individual planning cases relating to local authority decision-making and enforcement/unauthorised development, and An Bord Pleanála were the most common singular themes.

The theme titled ‘other’ includes a variety of issues such as matters related to local authority own-development (‘Part 8’), planning conditions, EIA/SEA/Habitats Directives, national planning policy, and a range of planning-related issues.



Complaints

The statutory provisions are precise with regard to the types of complaints that fall within the OPR's remit to examine. For a complaint to be considered examinable in the context of section 31AU(1) of the legislation, it must relate to the organisation of the local authority and of the systems and procedures used by it in the performance of its planning functions.

Of the 23 complaints closed during Q4, 19 were determined not to relate to systemic/procedural matters, and therefore did not reach the threshold under legislation for preliminary examination.

The OPR gave preliminary examination to the issues raised in four (17%) of the 23 complaints closed during Q4 with the following outcomes:

- one complaint was upheld;
- three complaints were not upheld.

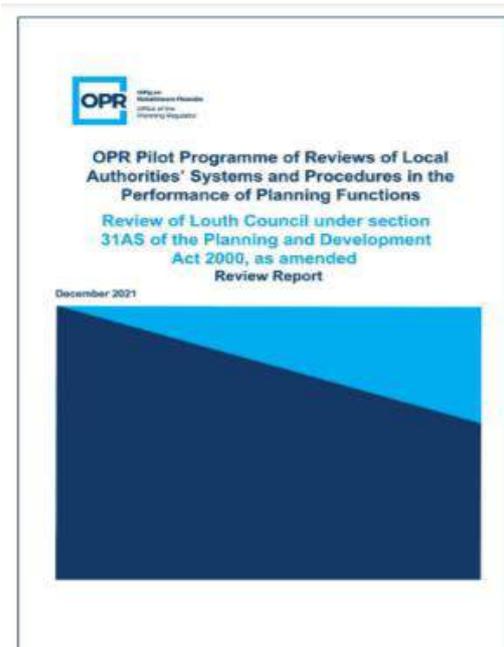
The upheld complaint related to an enforcement of a planning condition concerning noise emissions from a development. The matter concerned systems and procedures for conducting noise monitoring analysis and the statutory requirement for submission of compliance documentation as set out in planning legislation. Following engagement, the OPR made a number of recommendations to the local authority in order to improve the systems and procedures used.

Planning Authority Reviews

In Q4, the OPR published its review into the systems and procedures used by Louth County Council in the delivery of its planning functions. This follows the publication of the Tipperary County Council review in Q3.

The report considers Louth County Council's performance in the context of 11 key operational processes in planning service delivery. It makes recommendations on how systems and procedures could be improved or how current standards may be maintained. The report is available at the following link: <https://www.opr.ie/planning-regulator-publishes-local-authority-planning-performance-review-for-louth-county-council/>

The report finds that that Louth County Council is generally delivering its key statutory planning functions on an effective basis, with its



Louth County Council Review Report

development management and enforcement functions being delivered within the expected range of national performance trends. The report also identifies some procedures which could be improved through the implementation of 16 recommendations.

The report is the second of four included in the pilot phase of the OPR's programme of planning reviews. The third review is ongoing and will be finalised in Q1 2022. The fourth review was initiated during Q4 with much of the fieldwork completed, which will be followed by the analysis phase in Q1 of 2022.

Research, Education, Training and Public Awareness



Councillor Training Initiative

In Q4, the OPR, in conjunction with the Association of Irish Local Government (AILG), continued to rollout a programme of planning training for local authority elected members.

The October webinar entitled *'How to Implement National Renewable Energy Targets in Development Plans'* focused on:

- Emerging Good Practice on Climate Action in Development Plans; and
- Local Authority Perspectives on the Integration of Climate Action into Development Plans.

The presentations were delivered by Dr.Alexandra Revez and Connor McGookin from MaREI, Science Foundation Ireland's Research Centre for Energy, Climate and the Marine, coordinated by University College Cork; Andrew Murray, Senior Planner with Offaly County Council; and Tadhg Madden, Climate Action Lead with Laois County Council.

The November webinar entitled *'Sustainable Travel and Transport Planning and Local Authority Development Plans'* focused on:

- Sustainable Travel and Transport Planning at National, Regional and Local Level and the National Transport Authority's Active Travel Investment Programme; and
- Local Authority Perspectives on Active Travel.

Local Authority Elected Members Training Webinar

Sustainable Travel and Transport Planning and Local Authority Development Plans

Sustainable Travel and Transport **Local Authority Perspectives on Active Travel**

Friday, 26 November
10:00-11:30 am
Register: info@ailg.ie

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Office of the Planning Regulator

AILG
Association of Irish Local Government

November's Local Authority Members Training Webinar

The presentations were delivered by Owen Shinkwin, Senior Planner in the Integrated Planning Section of the National Transport Authority (NTA), Michael Aherne, Head of the Technical and Commercial Services Division of the NTA and Robert Burns, Director of Infrastructure and Climate Change with Dún Laoghaire-Rathdown County Council.

Local Authority and Regional Assembly Staff Training Initiatives

The OPR's second training webinar for local authority and regional assembly entitled '*Development Plans: Learnings from OPR Research and Plans Evaluations*' staff was held in November and provided an overview of:

- Research relating to the development plan including '*Public Rights of Way and the Development Plan*', '*Traveller Accommodation and the Development Plan*' and '*Climate Action and the Development Plan*'; and
- OPR learnings from the evaluation of statutory plans including the strategic context for the new generation of development plans, the OPR's role in the evaluation of plans and a review of some sample case studies.

The presentations were delivered by Senior Planners from the OPR's Research and Training and Reviews and Examinations teams; the Deputy Planning Regulator; and Dr. Alexandra Revez and Connor McGookin from MaREI.

In tandem with the delivery of the training webinar work has been continuing throughout Q4 on the development of a sectoral Learning and Development (L&D) Strategy for local authority and regional assembly planning staff.

LOCAL AUTHORITY AND REGIONAL ASSEMBLY STAFF TRAINING WEBINAR

Development Plans Learnings from OPR Research and Plans Evaluations

Part One: Research

- ✓ Public Rights of Way and the Development Plan
- ✓ Traveller Accommodation and the Development Plan
- ✓ Climate Action and the Development Plan

Part Two: Plans Evaluation

- ✓ The strategic context for the new generation of development plans
- ✓ The OPR's role in the evaluation of plans
- ✓ Our experience to date-sample case studies

Part Three : Q&A

- ✓ Friday, 12 November
- ✓ 10 am-12 pm
- ✓ Register: Research@opr.ie

OPR Office of the Planning Regulator

November's Local Authority and Regional Assembly Staff Training Webinar

As part of this work, questionnaires were prepared to survey staff working in or reporting to planning authorities. The information derived from the questionnaires is currently being analysed and will be incorporated into the L&D Strategy. Work will be advanced on the L&D strategy in Q1 of 2022.

National Planning Knowledge Group

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

The Project Lead for the International Centre for Local and Regional Development's InPLACE Research project on 'Investigating Place, Planning and Commuting' provided an update for the Group on the progress that has been achieved to date.

Members of the Group also provided updates on other recently commissioned research including:

- The RTPi research on rural planning in the 2020s in the UK and Ireland;
- NESc's research into Sustainable Development and Climate Action and Sustainability and Affordable Urban Housing;
- Ulster University's involvement in the European Maritime Fisheries Fund knowledge exchange project;
- Maynooth University's work with the three Regional Assemblies on the development of a regional development monitor; and
- The EPA's publication of a research report on the implementation of the Strategic Environmental Assessment directive.

The meeting concluded with an update from the OPR on:

- the progress that has been achieved on the development of the sectoral L&D Strategy,
- the OPR training events;
- the OPR public awareness initiatives; and
- the proposed student placement programme.

OPR Research Output

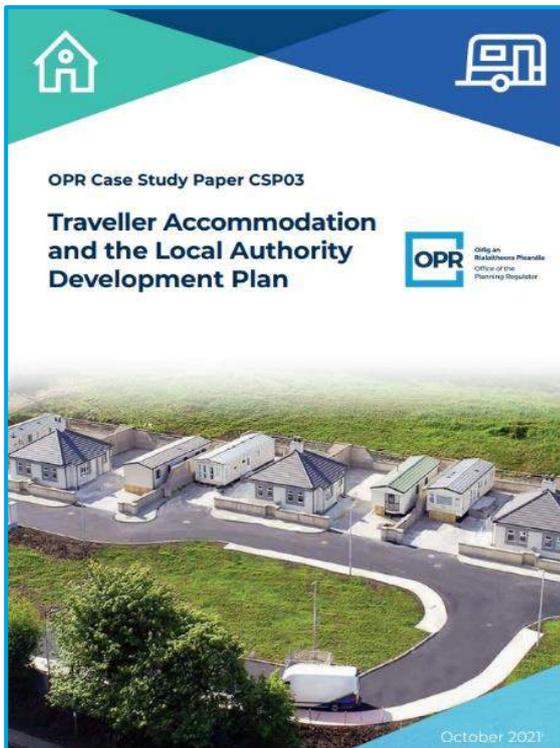
During Q4, consistent with the Planning Research Framework, the OPR advanced work on a number of research projects within the Strategic Planning Research Programme.

Strand One (Planning Issues) Projects

Extensive engagement took place throughout Q4 with MaREI on the Case Study Paper CSP05 on Climate Action and the Local Authority Development Plan. Regular updates were also received from the International Centre for Local and Regional Development throughout Q4 on the progress that has been achieved on their research into the 'InPLACE Project', the OPR participated in meetings of the Operational Committee in Q4 and the final case study areas for Phase 1 were agreed.

Strand Two (Planning Performance) Projects

Under Strand Two (Planning Performance), CSP03 Traveller Accommodation and the Local Authority Development Plan and CSP04 Pre-Application (Section 247) Consultation Services were both published in Q4.



CSP03 Traveller Accommodation and the Local Authority Development Plan



CSP04 Pre-Application (S247) Consultation Services

Work was also advanced on Case Study Paper CSP06 – Planning Application Processing: Analysis of Local Authority Validation Processes. Questionnaires were issued to a selection of local authorities (8 no.) and structured interviews were conducted on foot of receipt of completed questionnaires. It is envisaged that CSP06 will be finalised in Q1 of 2022.

Work was also advanced in Q4 on a discussion document to help to inform the research paper that will be prepared on the Operation of Part 8 Processes.

Finally in Q4 the OPR entered into an agreement with the EPA to fund a research project dealing with 'Public Participation and Performance Criteria in Strategic Environmental Assessment (SEA)' which is a 24 month project and will commence in March 2022. The project will seek to improve public participation in SEA in Ireland.

Strand Three (Planning Practice) Projects

In Q4 work was also advanced on the 'Planning Conditions' research project under Strand Three (Planning Practice) of the Research Programme. Requests were issued to all 31 local authorities for copies of their standard books of conditions, the books were collated and common themes were identified and work was advanced on a project brief.

Public Awareness Initiatives

Eco Eye Episodes

Filming was completed on the first of the three OPR-sponsored episodes of Eco Eye in Q4. This episode entitled 'Towns in Transition' was co-sponsored by the Heritage Council. The remaining two OPR-sponsored episodes dealing with dereliction and urban sprawl will be finalised and broadcast in Q1 of 2022.

Additions to the OPR Website

In Q4 two significant additions were made to the training material available for the elected members on the OPR website. The first took the form of a fact sheet that sets out 'The Role of Elected Members in Planning' and the second was a new subpage entitled 'Introduction to Planning for Elected Members' and provides easy access to all of the training material that was produced by the OPR for elected members including recordings of training events, briefing documents, OPR animation videos, planning leaflets, relevant research publications.

Site Specific Films

Further discussions took place with the Irish Architecture Foundation in Q4 in relation to options for commissioning some short films that will explain common planning concepts. Engagement also took place with the IPI's Urban Design Committee regarding the identification of suitable sites for these films. Work will be advanced on this project in Q1 of 2022.



Communications and Stakeholder Engagement

Stakeholder Engagement

The OPR held meetings with local authorities in relation to their plan-making functions in Q4 2021. These meetings were with planning officials from Cork County, Dublin City, Dún Laoghaire-Rathdown, Limerick City and County, Mayo and Waterford City and County Councils.

Also in Q4, the OPR hosted two meetings of the Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans.

Communications

Newsletter

The [quarterly newsletter](#) was issued in October to 621 recipients. It continues to generate strong open rates.

Irish Planning Institute (IPI) Conference

We had an exhibition and information stand at the IPI annual conference 'Delivering Plan Led Development' held in Wexford from 17th – 19th November 2021. The purpose was to promote the OPR and improve understanding of the organisation among attendees.

Planning Week

We teamed up with Technological University (TUD) Dublin Planning Society and University College Cork (UCC) Planning Society to mark 'World Town Planning Day', which took place on 8 November. The purpose of World Town Planning Day is to emphasise the impact and importance of good planning.

The Regulator was interviewed for [UCC's podcast](#) and the Deputy Regulator gave a talk at TUD Dublin which explained the overall role and function of the OPR to planning students.

Explainer Animation Videos

In October, promoted campaigns for the OPR's four explainer animation videos was run across Twitter and LinkedIn.

The videos explain:

- [The OPR's overall role](#),
- [The OPR's role in making a development plan](#),
- [How to make a complaint to the OPR](#), and
- [The OPR's training and research role](#).

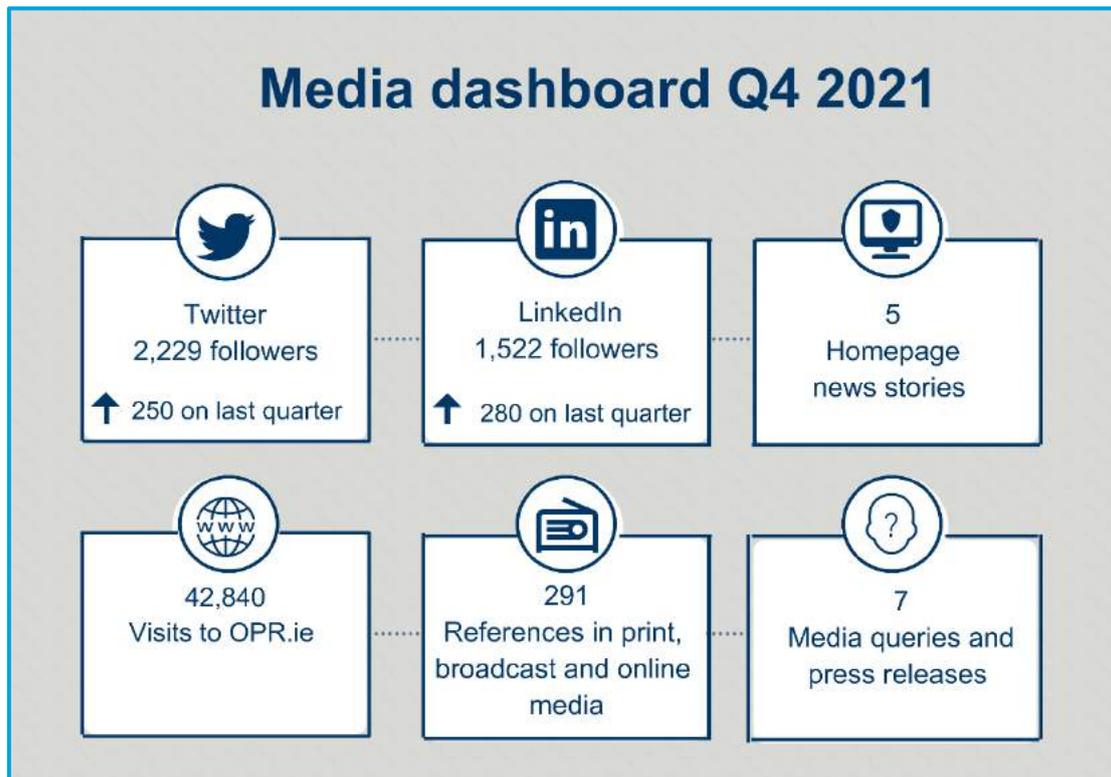
In total, throughout the campaigns, the videos were viewed 29,548 times across both social media networks.

Media engagement

Media engagement continued with several interactions with national, print and broadcast media. This included launching the OPR Annual Report 2019 and three case study papers

- [Pre-Application \(S247\) Consultation Services, an Analysis of Practice across the Local Government Sector,](#)
- [Online Planning Services, a survey of the online availability of local authority planning application documentation,](#) and
- [Traveller Accommodation and the Local Authority Development Plan](#)

This generated significant coverage on RTE, the Irish Times, Irish Examiner, Irish Independent, planning publications as well as several local media outlets.





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