



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



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9 May 2013

To: Each County/City Manager
Each Director of Planning
Each Town Clerk of Planning Authorities

Planning and Development (Planning Enforcement) Policy Directive 2013

Summary

I am directed by Ms Jan O'Sullivan, T.D., Minister of State for Housing and Planning, to advise you that the attached Ministerial Policy Directive on Planning Enforcement, prepared and laid by the Minister, in draft form, before both Houses of the Oireachtas in January, has now been approved by the Oireachtas and was signed yesterday by the Minister, for issue to all planning authorities.

Background

Under Section 29 of the Planning and Development 2000, as amended, the Minister may issue policy directives to planning authorities regarding the performance of their functions under the Planning Acts. Planning authorities are bound to comply with such policy directives, as is An Bord Pleanála, where relevant. Section 29 requires that the Minister must lay any proposed directive in draft form before the Oireachtas.

What is the Directive about?

The directive is about planning enforcement and has three main objectives:

1. To remind planning authorities of their statutory obligations under Part VIII of the Planning Act 2000. Planning authorities are required under the directive to ensure that:
 - sufficient and appropriate human resources are made available for planning enforcement;
 - overall responsibility for planning enforcement is assigned to a senior officer of at least Senior Executive Officer grade; and,
 - this senior officer provides regular updates on enforcement activity and outcomes to the Director of Planning and the Manager of the planning authority.

2. To require planning authorities to undertake appropriate monitoring of planning enforcement to:
 - support the collation of statistics and information in regard to outcomes concerning planning enforcement, particularly with regard to planning enforcement investigations carried out;
 - provide annual reports on enforcement activities to elected members and to the Minister;

- assist the Department in raising public awareness about the importance of enforcement of the planning code, including through notices on websites, in offices, and in council communications with the public.
3. To direct planning authorities to prioritise large-scale unauthorised development and enforcement cases where:
- the development or works subject to enforcement proceedings would have required;
 - environmental impact assessment (EIA);
 - a determination as to whether EIA was required (i.e. screening for EIA); or
 - an appropriate assessment under the Habitats Directive;
- or
- the works subject to enforcement proceedings are works to which section 261 or 261A of the Planning Act apply...

What will be the effect of the Directive?

The directive needs to be viewed as part of a wider package of measures being taken in relation to planning enforcement. This includes, *inter alia*:

- two public guides on planning enforcement (published in November by the Minister);
- the publication of consolidated versions of the Planning and Development Acts 2000 – 2012 and Planning and Development Regulations 2001 – 2012;
- a commitment to develop a policy statement on planning; and;
- the establishment of an Independent Planning Regulator.

This Directive is intended primarily to serve as a reminder to planning authorities that planning enforcement is a critical function that needs to be properly resourced at a sufficiently senior level. It also requires planning authorities to report comprehensively and formally on the enforcement activity they carry out and to provide whatever assistance necessary in the future to raise public awareness about planning enforcement.

Finally, it provides clear guidance to planning authorities that in carrying out their enforcement function they need to prioritise the most significant breaches of the planning code, namely unauthorised quarrying activities or those cases which would have come within the scope of the EIA Directive or the Habitats Directive.

Next Steps

The Department will follow up this circular in the coming weeks with details of specific arrangements in relation to implementation of the Directive. In the meantime any queries in relation to the directive should be directed to Declan Bourke (Declan.bourke@environ.ie / 0539117459).

Yours sincerely,



Philip Nugent
Principal
Planning Section