

Office of the Planning Regulator

Quarter 1 of 2020

Activity Report



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

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Introduction

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

- a. evaluation of the statutory plans of the local government system;
- b. reviews and examinations of local authority systems and procedures used in the delivery of planning services to the public; and
- c. 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 Q1 of 2020, the OPR received notification of a total of eight plans as set out in Table 1.

Table 1: Notification of Consultations on Statutory Plans

Issues papers	1
Draft Development Plans	1
Variations of development Plans	4
Material Amendments to Draft Local Area Plans	2

OPR Submissions on Statutory Plans

OPR submissions on statutory plans may include recommendations and/or observations. Recommendations issue on matters considered to constitute a material breach of legislative or policy requirements and which affect the co-ordination of national, regional and local planning requirements. Failure to comply with a recommendation may 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.

A draft Methodology for the Evaluation and Assessment of Statutory Plans was finalised during the quarter and will provide a future internal procedures manual for the OPR when published in Q2.

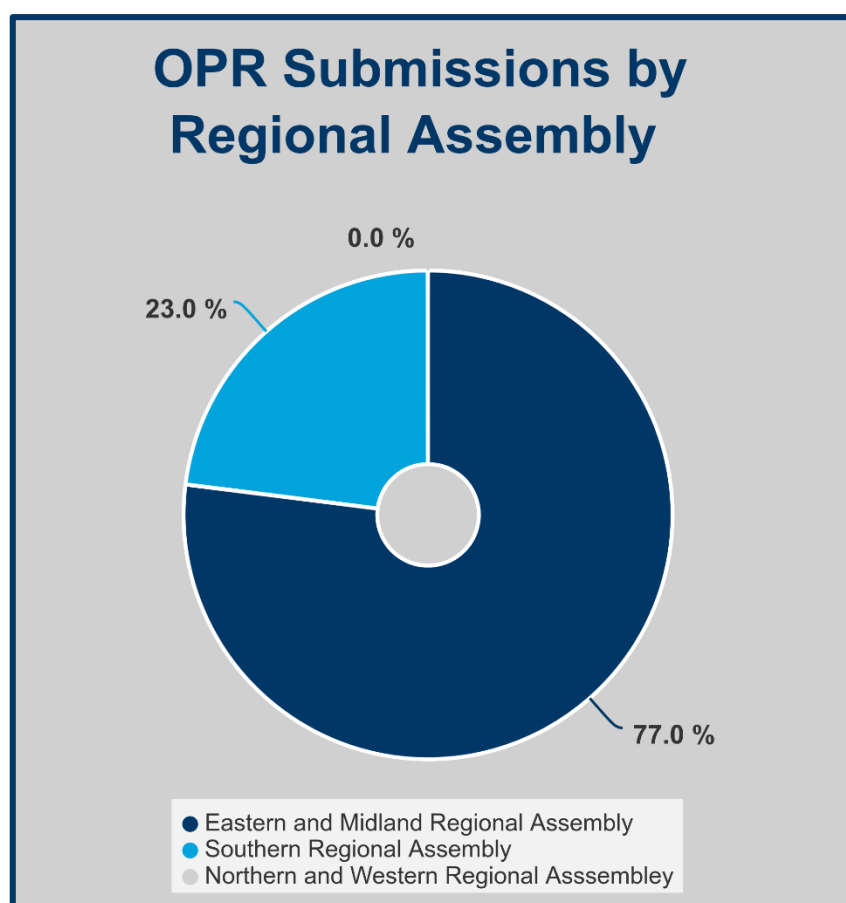
The OPR made a total of 13 submissions to local authorities in Q1 2020 as set out in Table 2. Compliance with the statutory time period for making such submissions was achieved in all cases.

Table 2: OPR Submissions

	Number of plans	Observations (number)	Recommendations (number)
Total	13	42	31
Issues Papers (observations only)	3	18	-
Draft Development Plans	1	13	17
Variation of Development Plans	7	9	10

Draft Local Area Plans	0	-	-
Material Amendments to Draft Local Area Plans	2	2	4

Over three-quarters of the submissions in Q1 related to work by the planning authorities in the Eastern and Midland Regional Assembly region, reflecting the fact that this was the first of the three Regional Spatial and Economic Strategies (RSES) to be adopted.



The following are some of the key themes evident in the recommendations and observations in Q1:

- **Legislative requirements** - core strategy under s.10(2A); climate actions under s.10(2)(n); and co-ordination of objectives between adjoining planning authorities under s.9(4).
- **Hierarchy of plans** - distribution of population growth, implementation of compact growth, regeneration of towns and villages, application of the tiered approach to zoning, and the application of joint spatial plans.
- **Section 28 guidelines** - flood risk, impact on national roads infrastructure, phasing / sequential approach to development, residential density, rural housing, retail strategies, and implementation of Specific Planning Policy Requirements.

OPR Recommendations and Observations: Legislative Categories

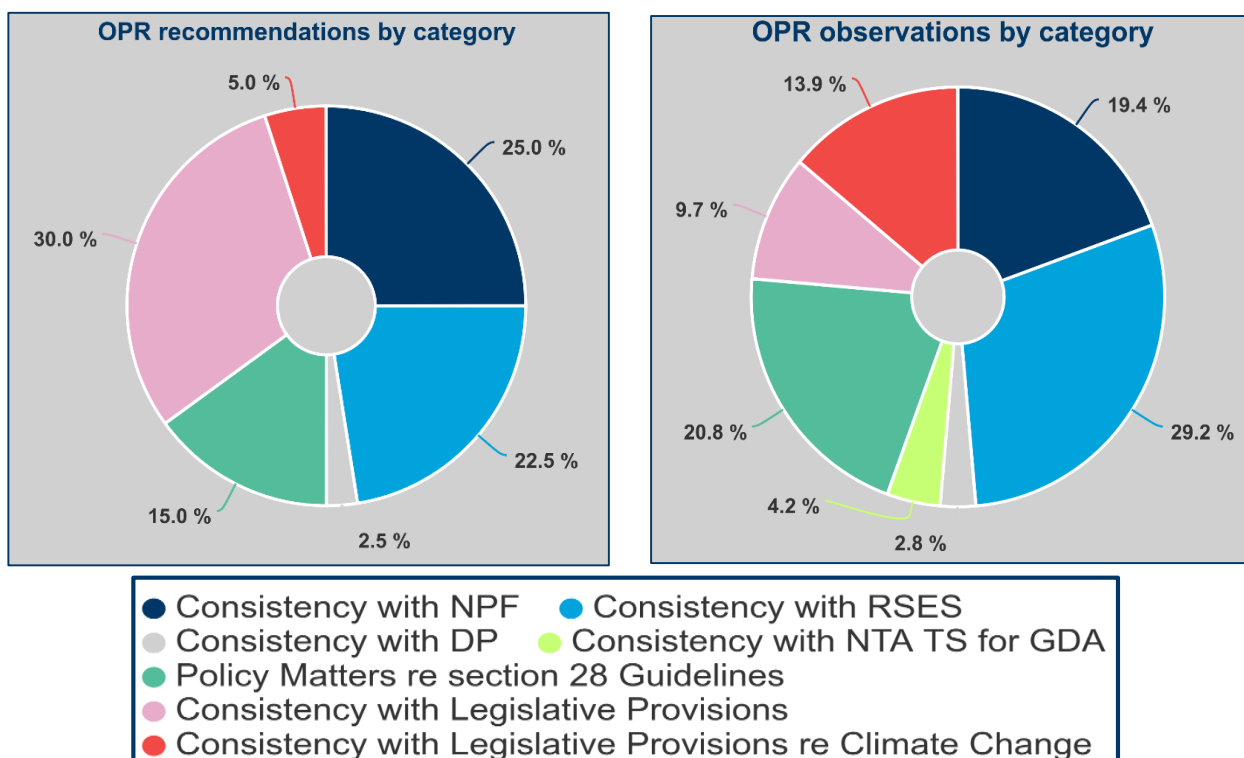
The evaluation and assessment of plans considers the following legislative and policy matters:

- 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 (e.g. *Retail Planning Guidelines for Planning Authorities*), 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 Q1 2020:

- 50% of recommendations concerned consistency with the hierarchy of statutory plans (NPF, RSES and development plan);
- 30% of recommendations concerned consistency with legislative provisions;
- 15% of recommendations concerned consistency with statutory planning guidelines published by the Minister;
- 5% of recommendations concerned consistency with legislative provisions in relation to Climate Action.

A more detailed breakdown of legislative categories of recommendations and observations in the OPR's submissions during Q1 is demonstrated as follows:



Adopted Plans - Outcome of OPR Recommendations

Five plans were adopted by local planning authorities in Q1 2020. OPR recommendations were issued in respect of four of these plans. The outcomes arising from OPR recommendations are as follows:

Table 3: Adopted Plans – Outcome of OPR Recommendations

Plan	Local Authority	Recommendation Issued	Outcome
Variation No.2 of the Cork County Development Plan 2014	Cork County Council	Yes (1)	Recommendation not addressed
Variation No.7 of the Dublin City Development Plan 2016-2022	Dublin City Council	Yes (1)	Recommendation substantially addressed
Variation Nos.8-27 of the Dublin City Development Plan 2016-2022	Dublin City Council	Yes (2)	Recommendations substantially addressed
Croom Local Area Plan 2020-2026	Limerick City & County Council	Yes (3)	Recommendations substantially addressed

The OPR made one recommendation to the Minister to issue a Direction to a planning authority under section 31 of the Act, the first since its establishment in April of 2019.

This recommendation relates to the OPR's Q4 2019 submission regarding proposed Variation No.2 of the Cork County Development Plan 2014 which seeks to provide strategic policy support for the provision of a Retail Outlet Centre in the N25 Corridor.

The OPR recommended that the planning authority not make the Variation on the basis that it was not consistent with the Retail Planning Guidelines for Planning Authorities, and would otherwise be premature pending the preparation and finalisation of wider retail, spatial planning and transportation policies.

The Draft Direction requests that Cork County Council delete the contents from the adopted Variation No. 2 and was issued to Cork County Council on 6 March 2020. The OPR will consider the chief executive's report on submissions to the Draft Direction and provide further advice to the Minister in due course.



Reviews and Examinations

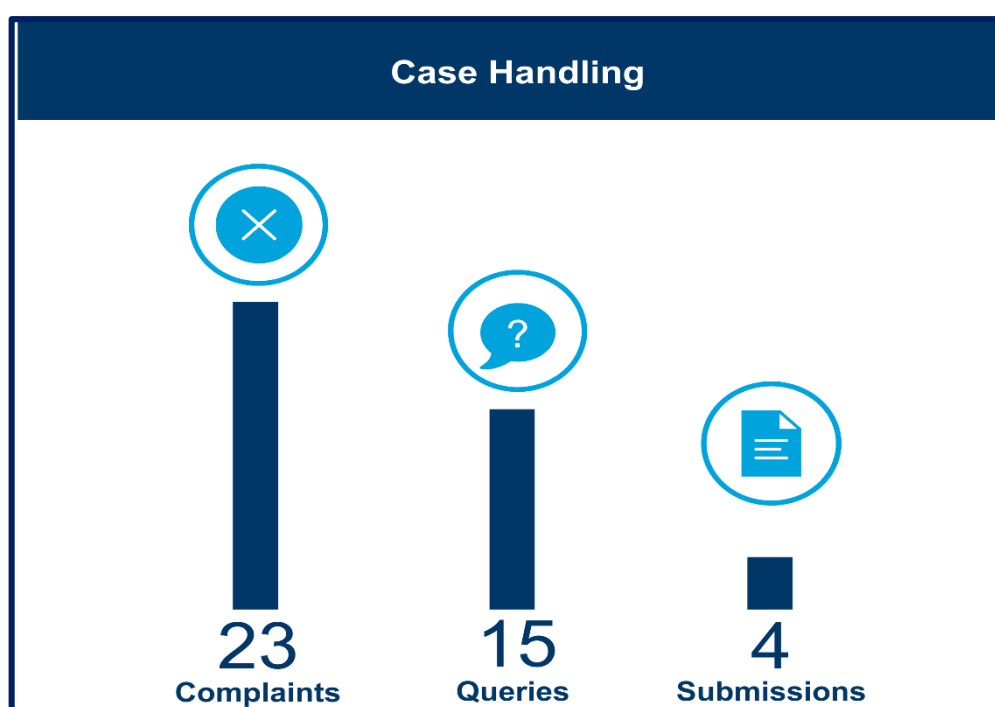
Case Handling

The public interacts with the OPR in relation to a variety of planning matters including queries or general information requests and submissions on aspects of the operation of the planning process.

They can also make complaints, which in order to be considered by the Office must relate to the broad functioning of the systems and procedures used by planning authorities in the delivery of planning services to the public – but not issues relating to individual planning decisions or cases before a planning authority or An Bord Pleanála.

During Quarter 1 a total of 42 matters or cases raised by the public were processed by the OPR.

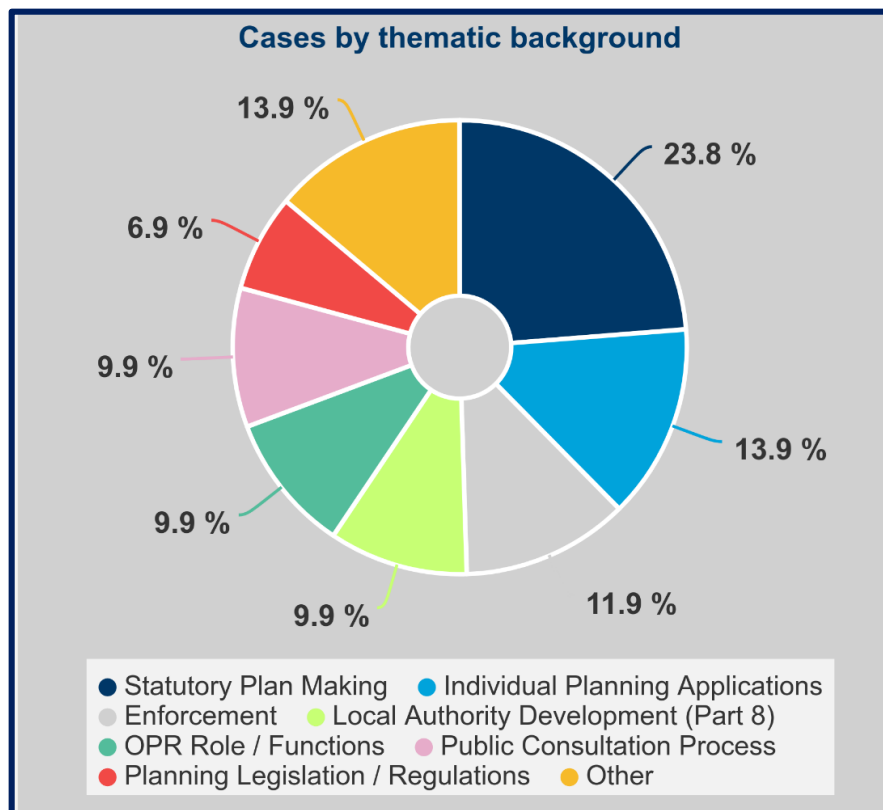
In Q1 2020, 55% of cases raised were categorised as complaints and 45% of cases raised were categorised as wider planning related queries or submissions.



While some of the cases received can be responded to in a relatively straightforward manner, many cases require detailed background information gathering to determine the best course of action commensurate with the statutory remit of the OPR and those of other relevant bodies including the Office of the Ombudsman. This may require engaging in a series of correspondence with both the complainant and the relevant local authority.

In relation to matters raised with the Office in Q1, a number of clear themes emerge, including:

- Statutory plan making processes;
- Correspondence to the Office regarding individual planning applications and enforcement matters;
- Development carried out by local authorities under the Part 8 process; and
- Aspects of the legislative and regulatory framework for planning, noting the functions of the OPR in advising the Minister in that respect under Section 31P of the Planning Act.

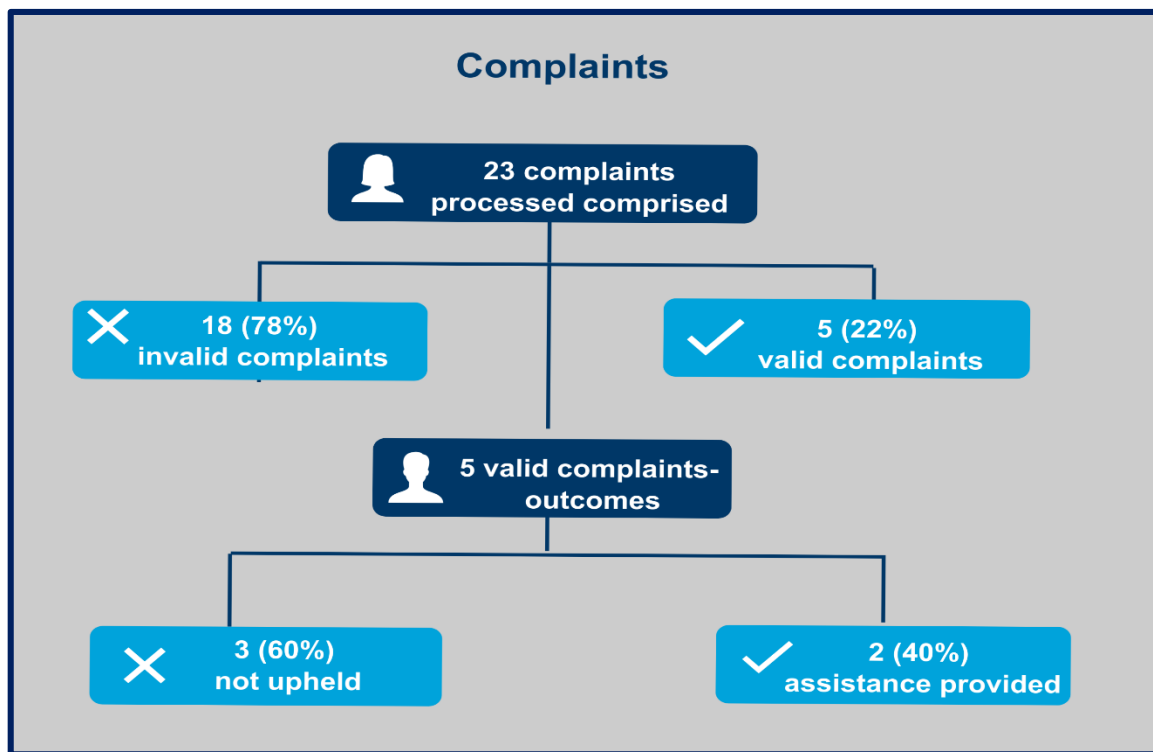


The OPR carefully considers all correspondence it receives, ascertaining recurring themes of interest and concern to the public in respect of planning. The OPR is monitoring and developing this information over time into a dataset that will assist in informing our reporting, education and training activities and our research programme.

Given that other public bodies have complaints handling, standards and appeal roles in relation to planning (including the Ombudsman's Office, the Standards in Public Office Commission (SIPO) and An Bord Pleanála), the statutory provisions governing the OPR are precise with regard to the types of complaints that fall within the remit of the Office, which as outlined above must relate to very significant failings in the systems and procedures used by a local authority in the performance of its planning functions.

It should be noted that the Office does not have a complaint handling function in relation to An Bord Pleanála, which has its own complaint handling systems and recourse to the Courts.

No complaints made against local authorities were upheld in Quarter 1.



A number of cases that were processed by the OPR during Quarter 1 would have been more appropriately directed by the complainant to either the Ombudsman's Office, which may consider complaints where a person considers they have been treated unfairly by a public service provider, or An Bord Pleanála, which is the appropriate body for making appeals in relation to planning decisions.

In this regard, the OPR communicates as clearly and completely as possible with the public, to clarify the specific and new role played by the OPR in comparison to other public bodies and to direct the public toward the more appropriate public bodies to resolve their concerns in relevant cases.

Over time, as public understanding of the role of the Office grows, a reduction in the numbers of cases relating to individual planning matters might emerge in tandem with a growth of cases where the matters raised are in relation to patterns or consistency of decision-making.

In the interim, the OPR will continue to proactively provide as much assistance as possible to citizens ensuring effective oversight of the provision of planning services to the public.

Planning Authority Reviews

An important element in fulfilling the OPR's statutory mandate will be conducting reviews of the systems and procedures used by local authorities in the delivery of their planning services. It is the OPR's intention to implement a programme of reviews whereby each authority will be reviewed cyclically, broadly over a six-year cycle.

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

To ensure the programme of reviews is implemented in a fair, practical and consistent manner, the OPR continued to work through the Quarter in developing a Reviews Methodology to serve as both a step-by-step internal procedures manual for OPR staff but also as a guide to assist planning authorities and other stakeholders in understanding, and working with, the various stages in any review.

To this end an Advisory Panel has been established to guide the OPR in the development of its methodology, with membership drawn from key stakeholder organisations, such as the Dept. of Housing, Planning & Local Government, the National Oversight & Audit Commission, the local authority sector, An Bord Pleanála and the national planning institutes.

A number of meetings of the Advisory Panel were held during Quarter 1 2020 and a draft of the methodology was prepared with a view to its finalisation and publication in Quarter 2. Following this, it is intended that the reviews programme would initiate in the second half of the year.



Research, Education, Training and Public Awareness

Councillor Training Events - Delivery of Module Two - February 2020

Building on previous training activities in 2019, the OPR's second training module for elected members related to the plan-making process. This training was delivered in conjunction with the Association of Irish Local Government in Cavan and Waterford.

271 elected members attended the training sessions over two days in February and they were provided with practical step-by-step guides and information packs on the plan-making process.

The training included expert presentations on:

- Procedural considerations involved in the plan-making process including the initiation of plan-making/variation processes, notices of motion, zoning submissions, voting in the chamber, quorums, lobbying, etc.;
- Environmental aspects of the plan-making process (including SEA, AA, Flood Impact Assessment, Climate Change, etc.);
- Emerging Draft Development Plan Guidelines which are being prepared by the DHPLG; and
- The OPR's draft Plan Evaluation Methodology.

Councillor Training Events

271

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National Planning Knowledge Group

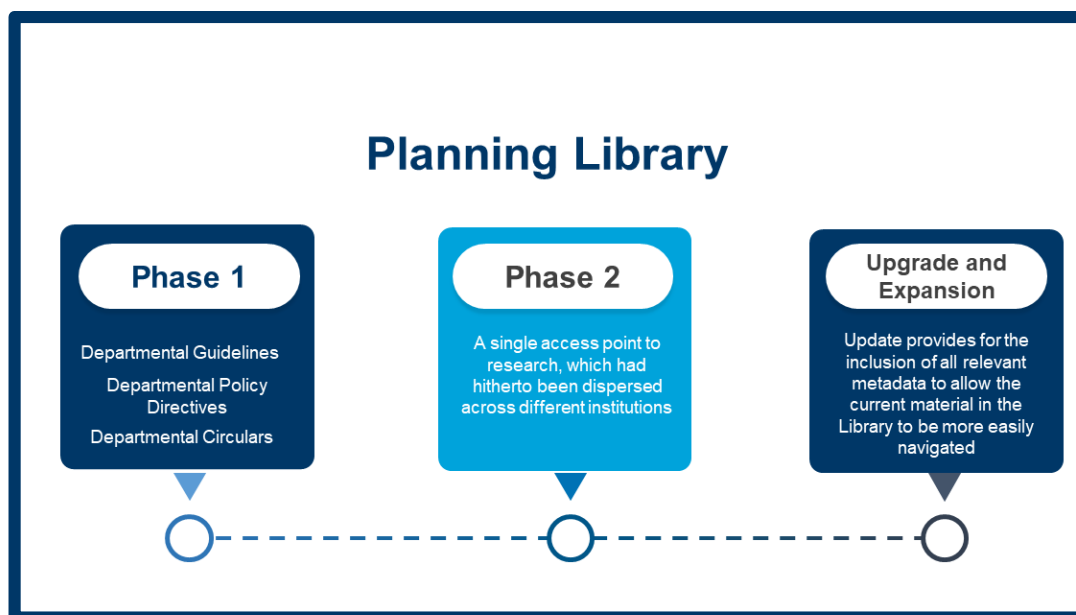
The purpose of the Group established in late 2019 is to act as an advisory committee for the OPR in meeting the OPR's statutory mandate in relation to education, research and training functions. The second meeting of the group in March included an update by a Maynooth University expert on the Environmental Sensitivity Mapping tool for planners developed with the support of the Environmental Protection Agency. <https://airomaps.geohive.ie/ESM/>. The Group also discussed the development of a planning research agenda for Ireland



The Group also endorsed the development of Technical Advice Notes (TANs) for planning practitioners as part of the OPR research agenda.

Planning Library

The OPR further developed its online planning library in the Quarter in order to build an easy-to-use single point of public access to planning policy guidelines and research. The planning library can be accessed at <https://www.opr.ie/library/>



RTPI Research Project - Measuring Planning Outcomes

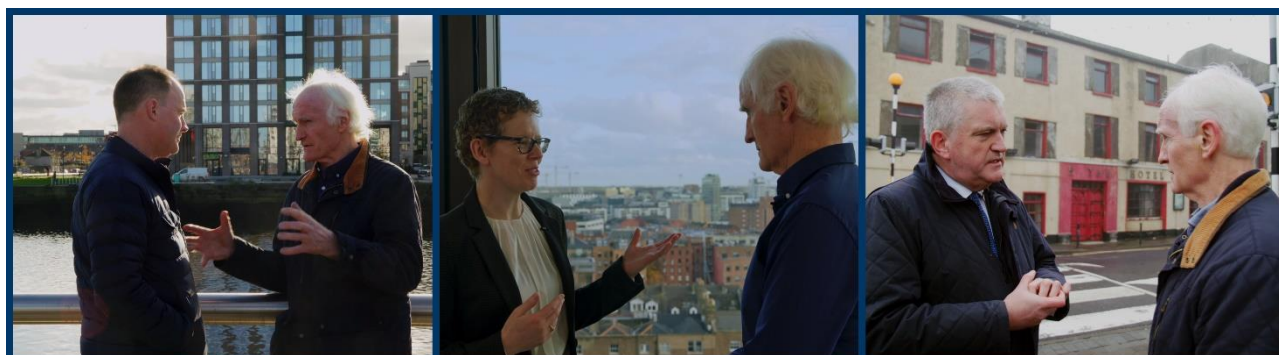
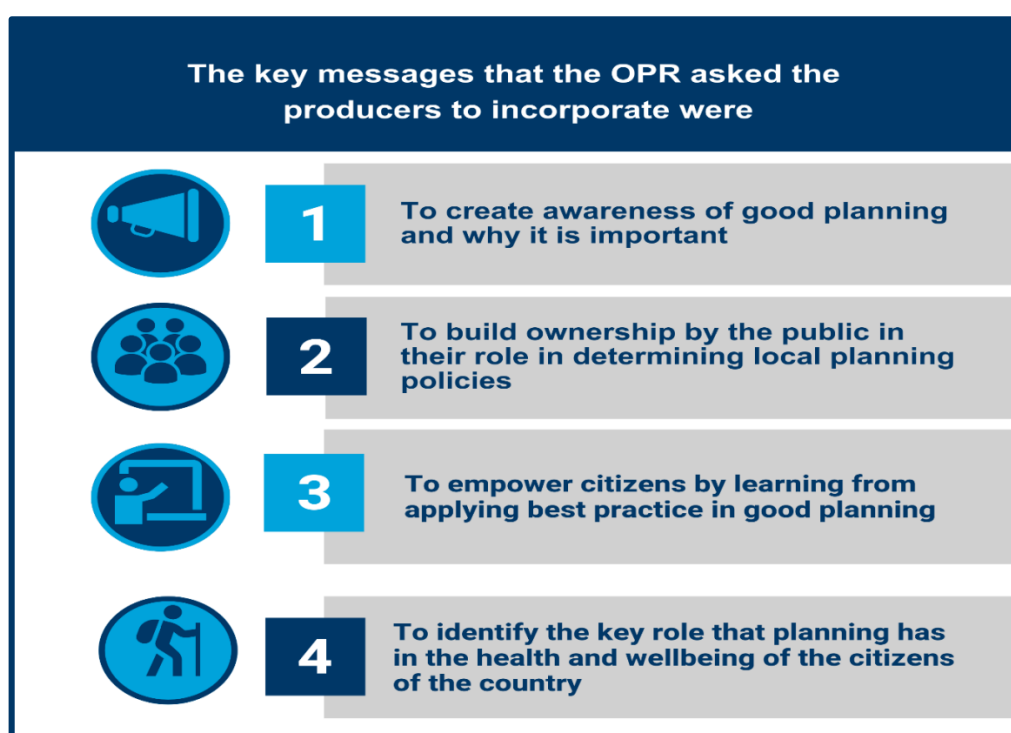
The OPR and DHPLG have partnered with the Royal Town Planning Institute in a research project that will consider how planning outcomes can be measured in order to demonstrate the impact of planning and improve the outcomes over time. Other funding partners include the Irish, Scottish, Welsh and English Governments.

In January 2020 the RTPI appointed a consortium of Kevin Murray Associates, MacCabe Durney, the University of Dundee, and Yellow Book Ltd to undertake this research project.

As part of Stage 1 of the project, an online survey was launched on 27 March 2020. In order to promote the project in Ireland, the OPR facilitated the circulation of the survey to key Irish stakeholders. The closing date for completion of the online survey is 30 April 2020. The project will be further progressed through 2020. The RTPI anticipates that the project will be complete and the results of the research available in Autumn 2020.

Eco Eye Episode

An episode of the popular RTE Eco Eye series was produced by Earth Horizon Productions Ltd with joint sponsorship by the OPR and the Healthy Ireland initiative of the Department of Health. The episode centred on the benefits of good spatial planning from a community and public health perspective and aired on RTE1 television on 28 January 2020.





Communications and Stakeholder Engagement

Communications Strategy

The OPR published its first Communications Strategy in March 2020, which is available at <https://www.opr.ie/wp-content/uploads/2020/03/Communications-Strategy.pdf>

The Strategy sets out the OPR's communications objectives over the next four years. It is intended to support the Strategy Statement and to ensure that stakeholders fully understand the work of the OPR, and are encouraged to actively engage and participate in its work.

Engagement with Local Authorities

The OPR held 11 meetings held with local authorities in relation to their plan-making functions in Q1 2020. These meetings were with; Kerry County Council, Tipperary County Council, Cork City Council, Cork County Council, Wexford County Council, Limerick City & County Council, Carlow County Council, Kilkenny County Council, Clare County Council and Westmeath County Council.

Plan Evaluations Forum

Also in Q1, the OPR hosted two meetings of its Plans Evaluation Forum, which involves liaising with key prescribed authorities in relation to the assessment and evaluation of plans. The Forum, which is an internal OPR information gathering source currently includes officials from (include list).

Engagement on Local Authority Staff Training

Throughout the first quarter of 2020 the OPR commenced preparations for the delivery of training to local authority staff. We engaged in extensive communications with local authority staff and the CCMA in relation to the identification of topics that the OPR should cover in the training. The following chart shows the key areas that have been identified.



Further Promotional Activities

The OPR uses a number of different outlets to promote its activities, including the News feature on the OPR website, the OPR's Twitter Account and the OPR's LinkedIn account. Quarter 1 of 2020 in summary:

Media Dashboard





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