



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

Final Stages

Material Amendments & Plan Adoption

Anne Marie O'Connor: Deputy Planning Regulator

Focus of this presentation



Overview of final stage of the process

Making Plan



Material Amendments



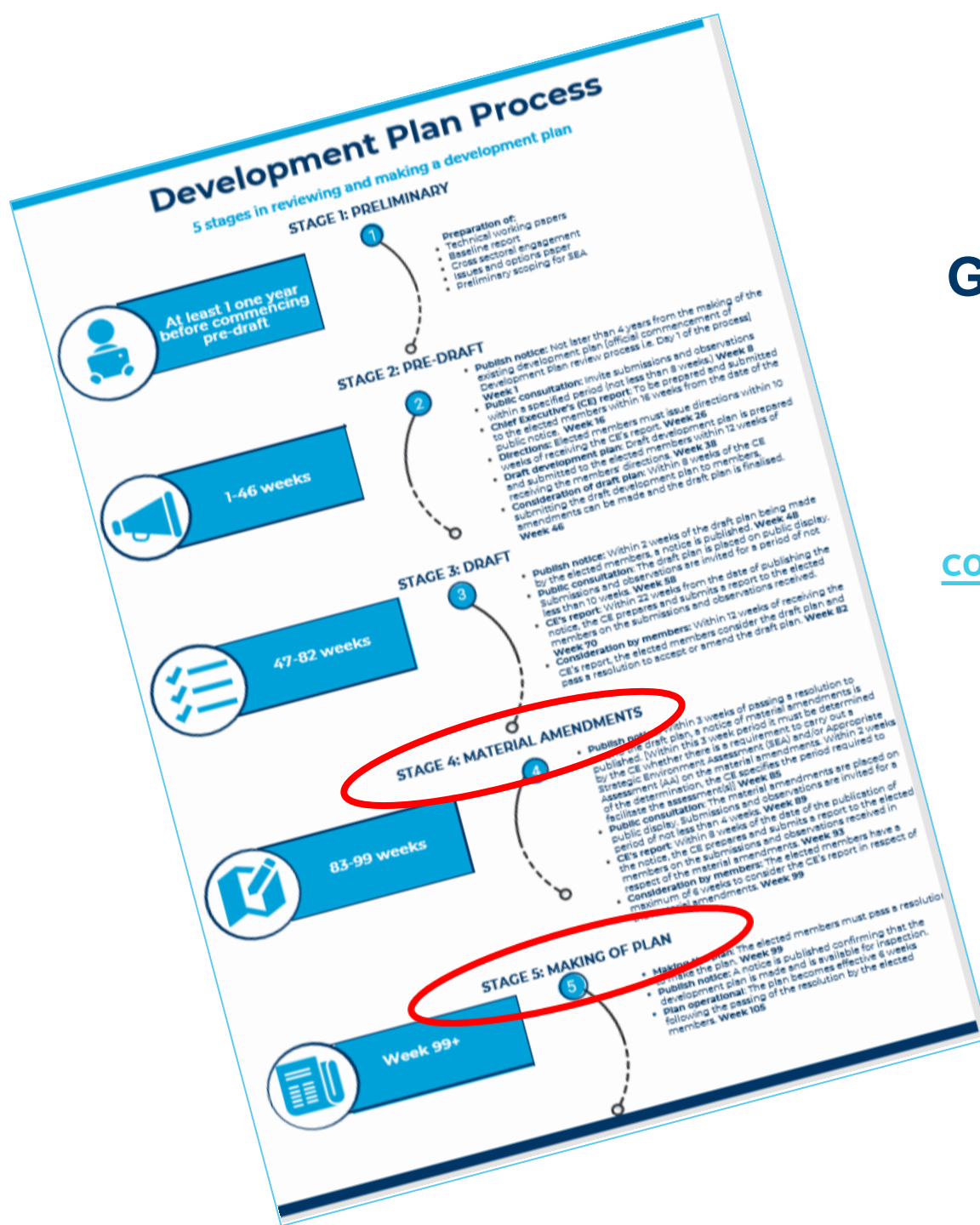
Ministerial Directions



Modifications



Case Studies



Guide to 5 stages of Plan-Making Process available on our website....

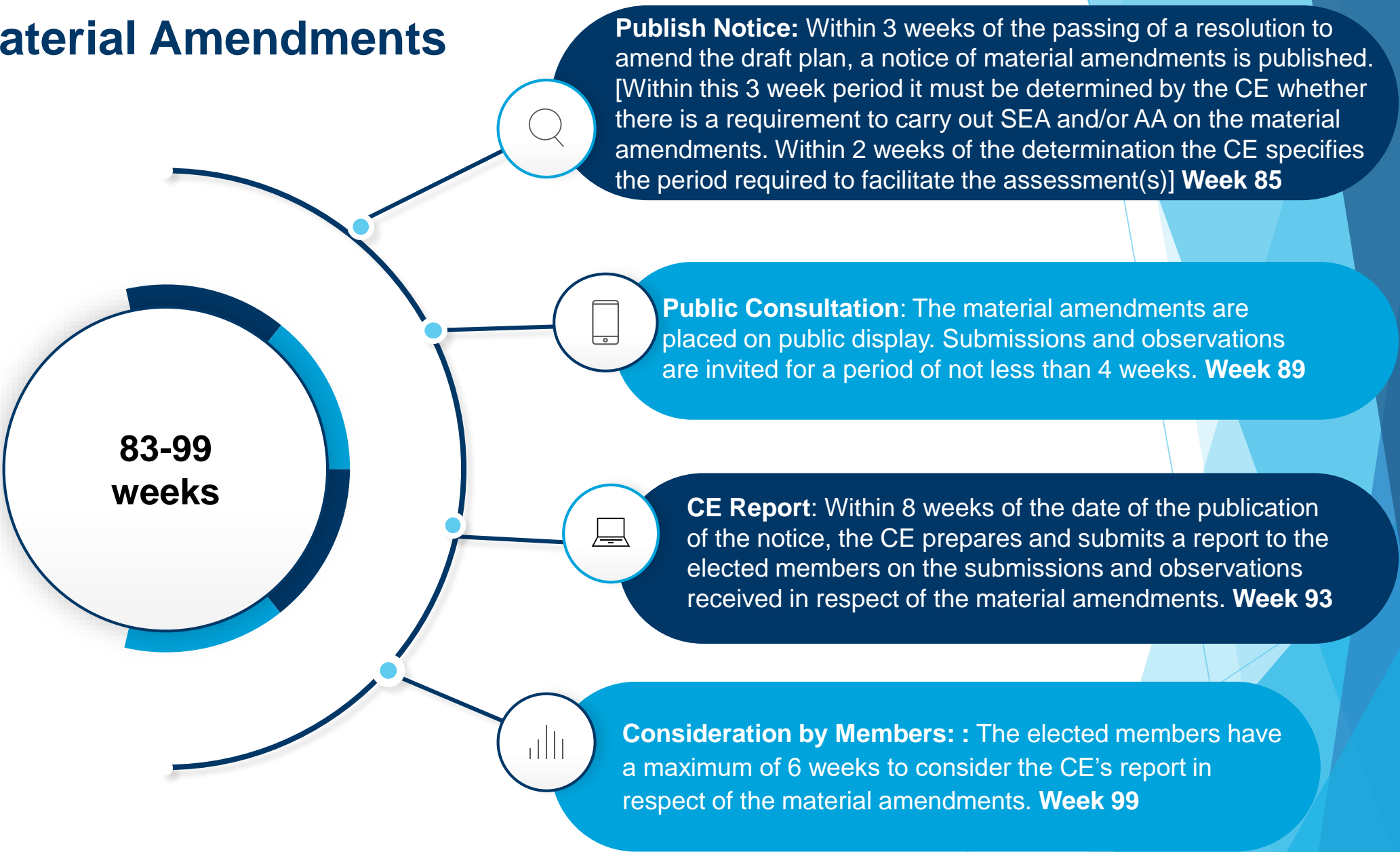
<https://www.opr.ie/wp-content/uploads/2020/06/Development-Plan-Process-Infographic.pdf>



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Stage 4: Material Amendments





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What is a Material Amendment ?

Material Amendment

VS

Modification



Significant changes



Changes to zonings
or specific objectives



Public should be given the
opportunity to comment



Clarifications/edits



No changes to zonings or
specific objectives



No requirement for
public to have their say



Who proposes Material Amendments?



Chief Executive



CE REPORT



Elected members



MOTIONS

General Considerations

- ▶ Scope of Material Amendments
 - ▶ Response to issues raised in submissions
 - ▶ Issues due to timing
- ▶ A continuation of the plan making process, not an opportunity to go back to Draft stage
- ▶ Environmental Assessments – SEA, AA, SFRA

Motions

- ▶ Keep it simple
- ▶ Assistance from Executive on drafting motions
- ▶ Process, timeframes/ deadlines
- ▶ **Same policy and regulatory provisions apply!!**

OPR Assessment & Submission

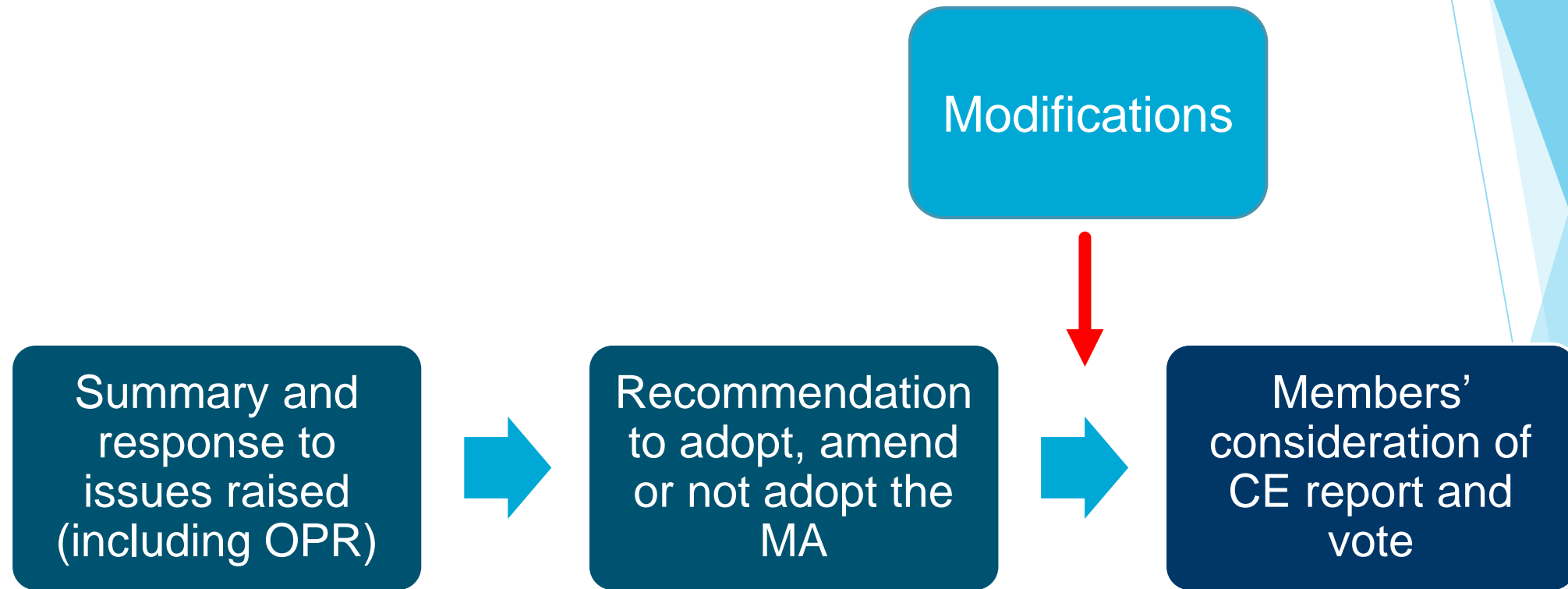
OPR **Assessment**

- ▶ Degree to which the original submission has been taken into account
- ▶ Assessment of individual Material Amendments

OPR **Submission** – including Recommendations and Observations

! Careful attention to Recommendations where the OPR considers that MA does not adequately address a policy/ regulatory breach identified in a Recommendation on the Draft plan - Possible Direction

Chief Executive's Report on Material Alteration



Modifications



Warning: Extremely limited in scope



Set out in legislation (s.10 (10) PDA)



Transparency - Must be recorded



Public participation!

Modifications



Minor in nature – typos etc

No implications for SEA or AA

No public participation needed



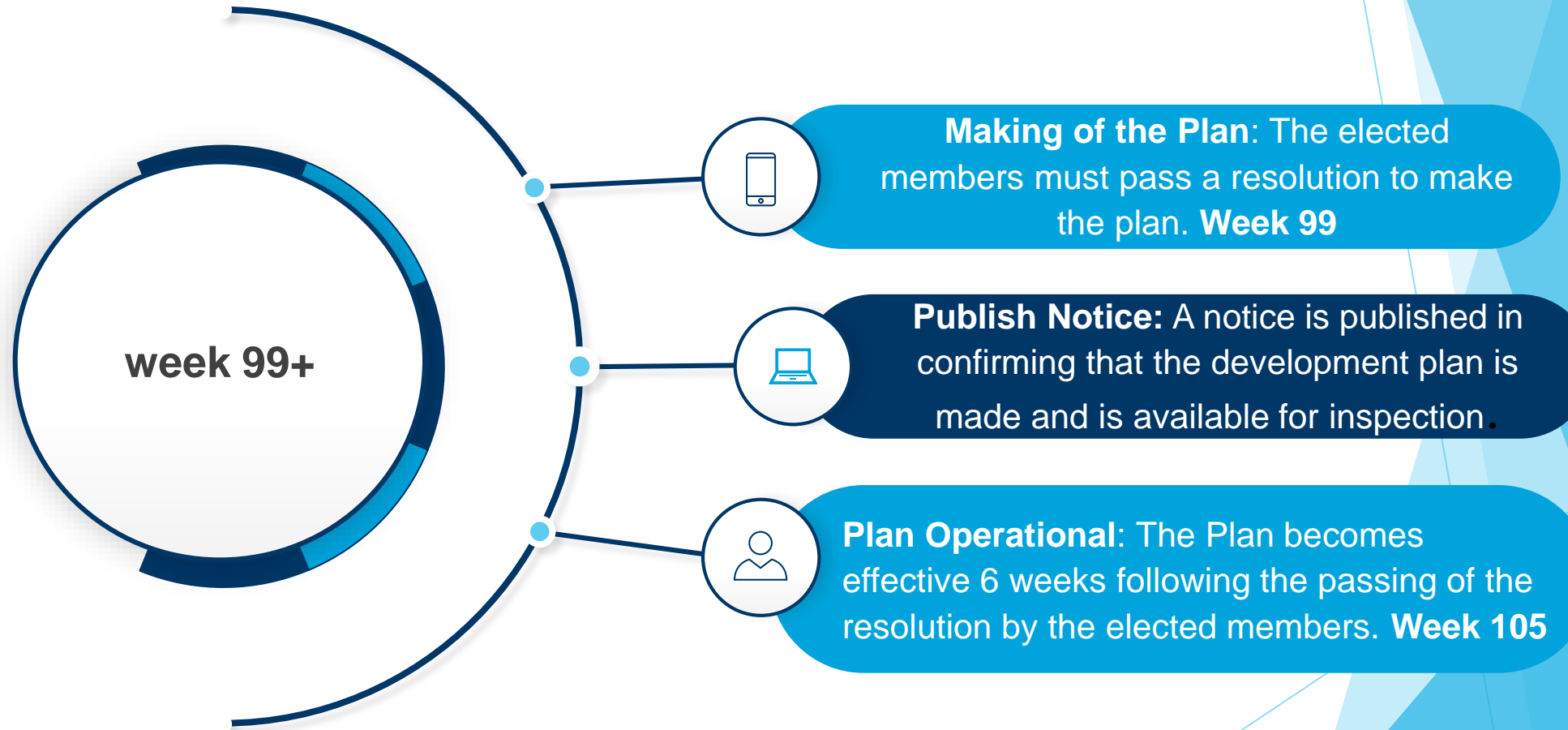
Increase in area of land zoned for any purpose

Addition or deletion of protected structures

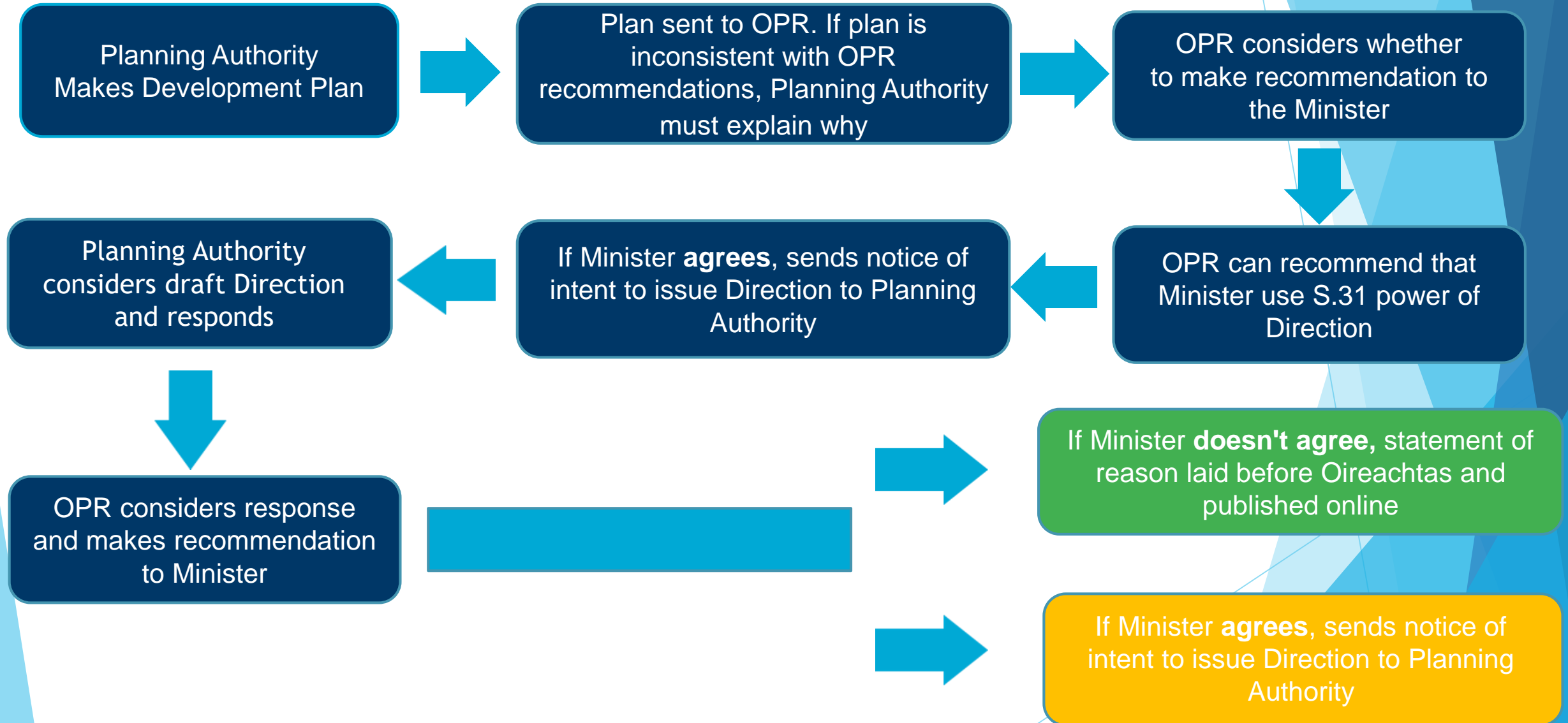
Implications for SEA or AA cannot be ruled out

Implications for other policies/ objectives/ Guidelines

Stage 5: Making of Plan



Direction Process





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Case Studies

West Iveragh LAP 2019-2015

Kerry County Council

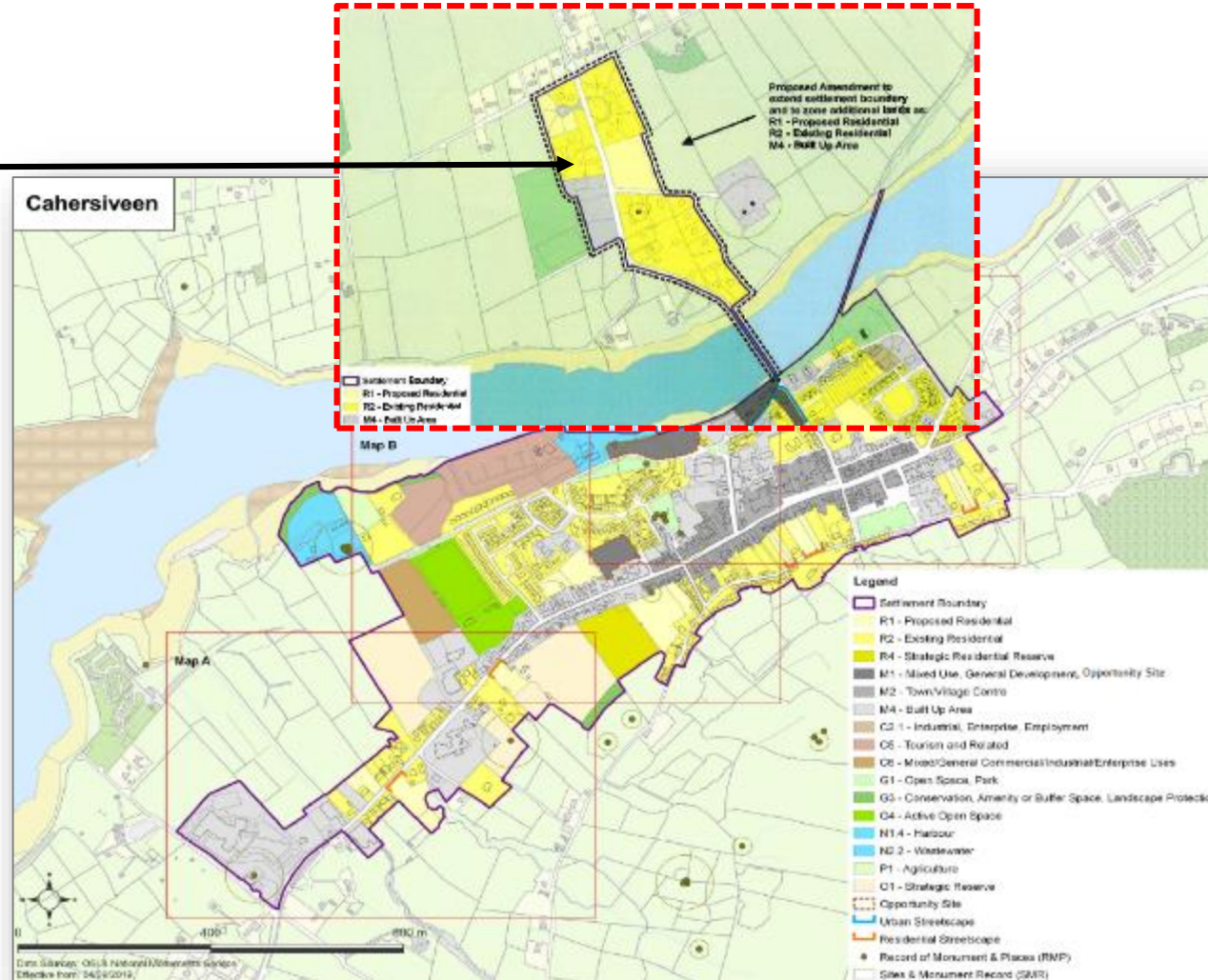




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Material Amendment 46 - Cahersiveen

Material
alteration 46



OPR Submission

The proposed significant new zonings at Knightstown on Valentia Island (Proposed Amendment No.46) and at Cahersiveen (Proposed Amendment No.47) are not consistent with the adopted core strategy of the Kerry County Development Plan 2015-21 and are therefore in breach of s.19(2) of the Act.

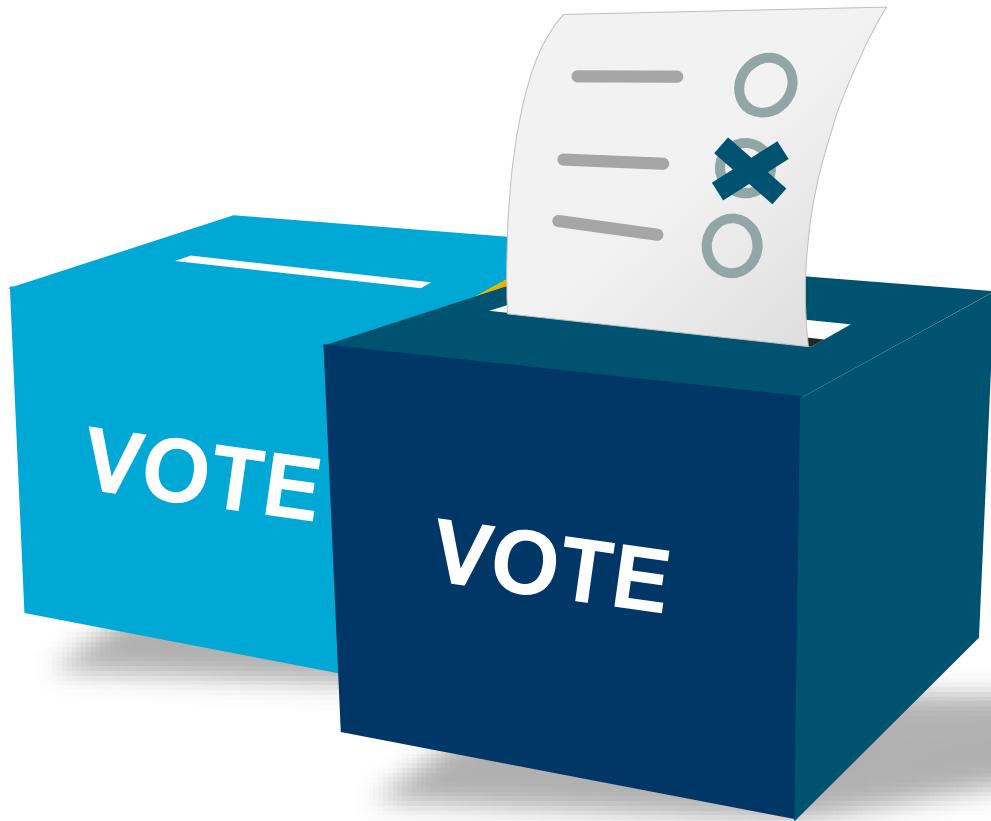
Recommendation 1:

The Office recommends that your authority omits Proposed Material Amendments numbers 46 (Knightstown) and 47 (Cahersiveen) from the Draft West Iveragh Local Area Plan.

CE Report - Cahersiveen

- ▶ National Planning Framework focus on infill and brownfield development sites (30%) rather than facilitating continual expansion and sprawl of towns out into the countryside.
- ▶ Adequate lands have been zoned within the settlement boundary of Cahersiveen for proposed residential use.
- ▶ To zone this site for additional residential development is not considered appropriate:
 - ▶ Distance from town centre and important services such as educational, health and retail
 - ▶ Poor accessibility via a narrow road bridge with no pedestrian footpath.
 - ▶ Increased car dependency and the creation of unsustainable traffic patterns in an area

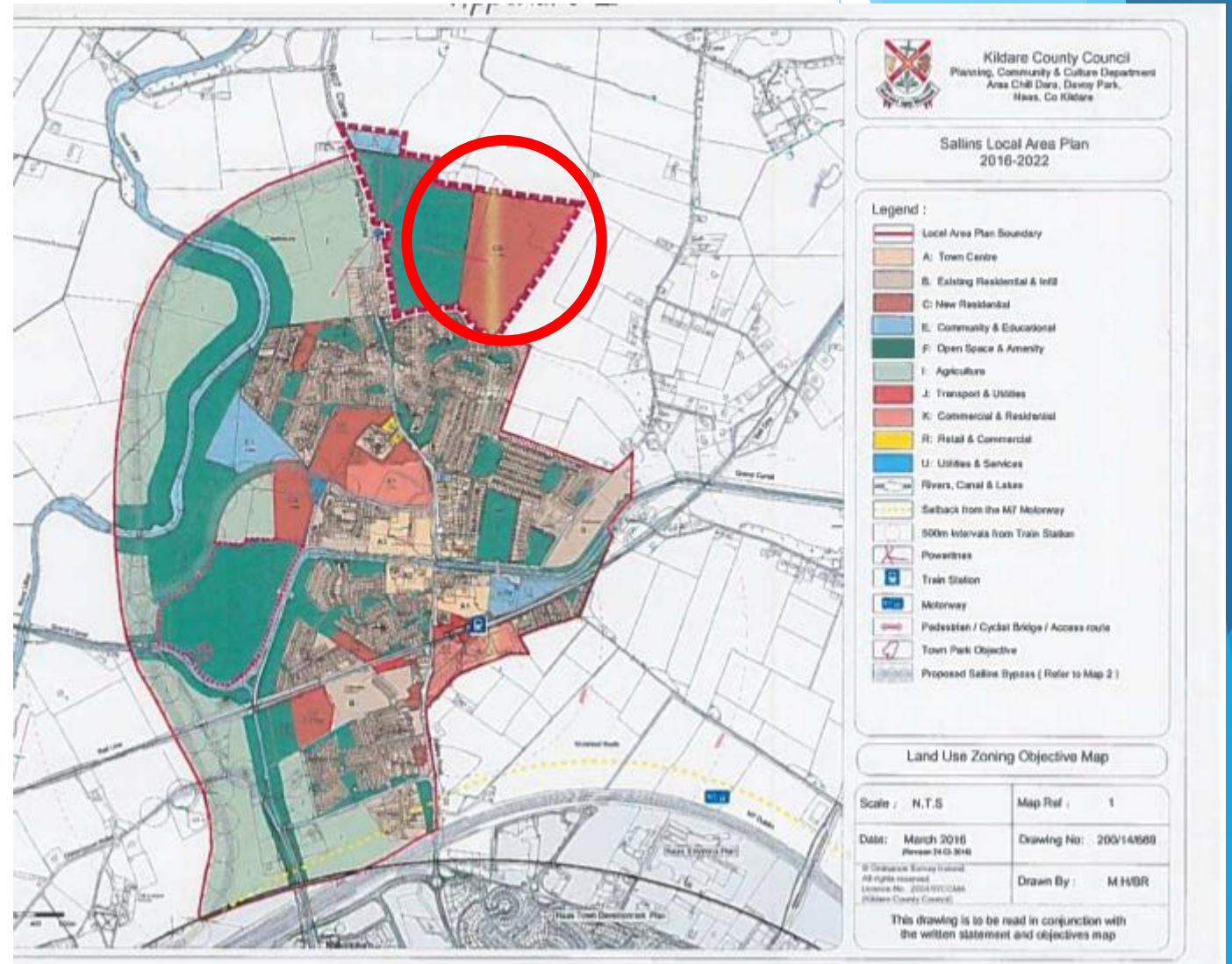
Outcome



Councillors voted to **omit**
Material Amendment

Case Study

Sallins LAP 2016-2022



Sallins LAP Judgment 2020

Planning matters

The LAP must be consistent with the **Core Strategy** set out in the County Development Plan 2011-2017

Non-planning matters

Elected Member had considered matters outside of the proper planning and sustainable development of the area (donation of land to GAA club conditional on zoning)

Outcome



Judicial Review Challenge
of Ministerial Direction **lost**



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Final Thoughts



Take care with final stages – often where problems can arise



Possible Ministerial Direction clearly flagged at this stage



Seek advice of your officers on Motions, particularly on Modifications



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Final Thoughts



Proper Planning and Sustainable Development





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Thank You