



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

**Statement by the Planning Regulator to the
Joint Oireachtas Committee on Housing, Local Government and Heritage
on 4th May 2021 concerning
*Progress Update on the Work of the OPR and engagement on City and County
Development Plans***

Introduction

Chairman and members of the Committee, thank you for the invitation.

Our remit is as an independent overseer of the implementation, by local authorities and An Bord Pleanála, of the regulatory and policy framework for planning set by the Oireachtas and Government.

In my statement I will draw upon early analysis of our work over 2020 as our first full year of operation since establishment in April 2019, which we will more fully reflect in the publication of our Annual Report which will be sent to this Committee in June.

It goes without saying that 2020 was one of enormous challenge for the OPR similar to almost every organisation as we grappled with the Covid-19 pandemic.

Nevertheless, it is a great credit to our staff and those we work with that the challenges posed by the pandemic were not only met but overcome and how we flexibly adopted to new and highly successful ways of working.

It is also a great credit to the planning process in general – an essential service – that An Bord Pleanála, local authorities and the OPR maintained, to the greatest extent possible, delivery of planning services throughout the year so that we have a bright future once the pandemic eases.

Work continued unabated across the sector in preparing the plans that will shape our future, informed by learnings from the pandemic, in assessing planning applications and appeals, undertaking enforcement and conducting a wide range of research, training and public awareness exercises.

The pandemic too gave communities the opportunity to pause and reflect on their future, co-incidentally and helpfully at a time of unprecedented numbers of reviews of local authority development plans across the country and new planning training and research activities.

I will now address our three statutory functions, focusing on (a) assessment of statutory plans as the Committee requested but also mentioning (b) reviews of local authority planning functions and (c) education, training and research and awareness.

In relation to our statutory assessments of local authority development plans, in addition to pro-active engagement with planning authorities before plan preparation processes begin, we made 110 observations and 93 recommendations across 45 plans.

The Oireachtas established the OPR not to set planning policy but to perform independent and thorough scrutiny of such plans to ensure that the public can be confident they reasonably and consistently apply relevant government policies.

These include targets for securing urban and rural regeneration, the appropriate levels and locations for zoning of land for future development, more people choosing walking, cycling and public transport, delivery of quality and affordable housing, ensuring vibrant city and town centres and a deeper respect and care for nature and our environment in planning for the future.

Over 2020, the vast majority of our recommendations were implemented by local authorities pointing to better planning policy outcomes. We had only one ultimate case of a recommendation to the Minister for Housing, Local Government and Heritage to use the statutory power to require a local authority to implement our recommendations, which the Minister accepted. The figures and tables at the end of this statement underscore this point.

In relation to the review of planning functions, we completed preparations and initiated our programme of reviews of the systems and procedures used by local authorities in the delivery of planning services.

In relation to promoting public awareness of planning, research and training the stand-out success was the move to put in place an unprecedented level of training in planning for the 949 local councillors across the 31 local authorities in conjunction with the Association of Irish Local Government (AILG). There were 5 events in total in 2020 attended by over 600 elected members of local authorities.

In our corporate functioning, we fully complied with all governance and financial procedures, implementing the Code of Practice for the Governance of State Bodies and we took possession of our permanent premises part of the Technological University Dublin campus in Grangegorman, Dublin 7.

OPR Submissions on Statutory Plans: Key Themes

I hope members of the Committee have had a chance to look at the tables at the end of this statement that highlight the areas where our independent and statutory assessments of local authority statutory plans cover frequently recurring topics

needing changes to properly reflect planning policy and guidance of Government and the Minister.

Firstly, there was the issue of properly reflecting statutory Ministerial planning guidelines across a range of topics from flood risk management, to transport, housing and other matters.

Secondly, there was the issue of consistency between statutory plans and the objectives of the Regional Spatial and Economic Strategies of the Regional Assemblies and the Government's National Planning Framework, particularly as regards the appropriate structuring of future population and housing patterns.

I would add that as regards the current round of Regional Strategies are concerned, we had no role in their development which predated our establishment.

Lastly, there was the issue of climate action, particularly ensuring plans contain specific and measurable commitments to influence future development patterns and forms in a way that cuts energy needs, increases renewable energy sources and adapts to effects of climate change.

My sense however is that our interventions in the plan-making process are taken as constructive input to ensure – like the proverbial jigsaw – all the pieces of our local authority plans fit together and we have good alignment – as good government depends on – between national, regional and local policies.

And we are getting there in that respect as every local authority starting down the road of development reviews reads submissions which we publish on our website as they issue and staff and members are thinking ahead and integrating the learnings into their plan preparation processes.

In other words, the whole local government sector is now watching and learning from our oversight in a way that was not possible in the past. That is a good thing.

Conclusion – Recent Commentary on OPR

Before I conclude, I wish to address unhelpful and inaccurate statements made in relation to the work of the OPR in a Private Members Motion debate on Project Ireland 2040 on April 1st last.

There were accusations that the work of the OPR was an assault on rural democracy and that we act in a dictatorial fashion. There were many errors in that contribution which my Office has addressed in the media and that I will be happy to further engage on.

There seems to be a pattern in that and other subsequent commentary seeking to suggest our statutory role in the plan-making process is attempting to restrict rural development.

Far from it. Any proper reading of our submissions will reveal that taking our lead from Government policy, the OPR encourages a plan-led approach to rural development, particularly as regards the renewal of many smaller towns and villages facing a very uncertain future.

What is more striking about the commentary however, is that it seems to be harking back to a previous and darker era of planning in this country.

This was an era where there was absolutely no oversight of the quality, effectiveness or cohesion of the roles of local elected members in determining local authority planning policy.

And we know what that gave rise to. Systemic failures and establishment of the Mahon Tribunal and ultimately the OPR to give back to the public a confidence in the quality of the operation of the planning process.

As we grapple with battling our way out of the pandemic and face an even bigger existential challenge on climate, we all need to work together for the common good and aligning local, regional and national aims.

Our Government – to its credit – has hugely developed and strengthened not just the policies but the monies going in to secure the very concept of proper planning and sustainable development called for in the preamble to the Planning Act passed by Oireachtas.

Yes, local authorities have some discretion in how to reflect these policies at local level – but not a limitless one. The Oireachtas decided that in 2018.

Indeed, going back further, the statutory duties on Councils to properly apply strategic policies pre-existed long before the establishment of the OPR.

The difference now is that, following the will of the Oireachtas in legislating for the OPR in 2018, we are statute bound to oversee and ensure that relevant national and regional planning policies are actually implemented in broad intent and detail.

Chairman, we are barely two years old, yet we have built a strong and effective resource to bring about the better planning outcomes that Government and the Oireachtas and most importantly of all - citizens - want to see.

Thinking of the hundreds of elected members who are attending the first ever national planning training programme for councillors, our research and practice notes for local authority staff, our planning leaflets for the public and vast online resources available on our website, we have hit the ground running and we are strengthening the integrity and cohesion of our planning process.

Moreover, I am confident that with many of our submissions on development plans being seen as positive and constructive advice, the next generation of statutory plans will represent major advances on many fronts.

I am happy to take questions.

Thank You.

Niall Cussen

Figures and Illustrations

Figure 1: Analysis of OPR Statutory Plan Submissions by Theme

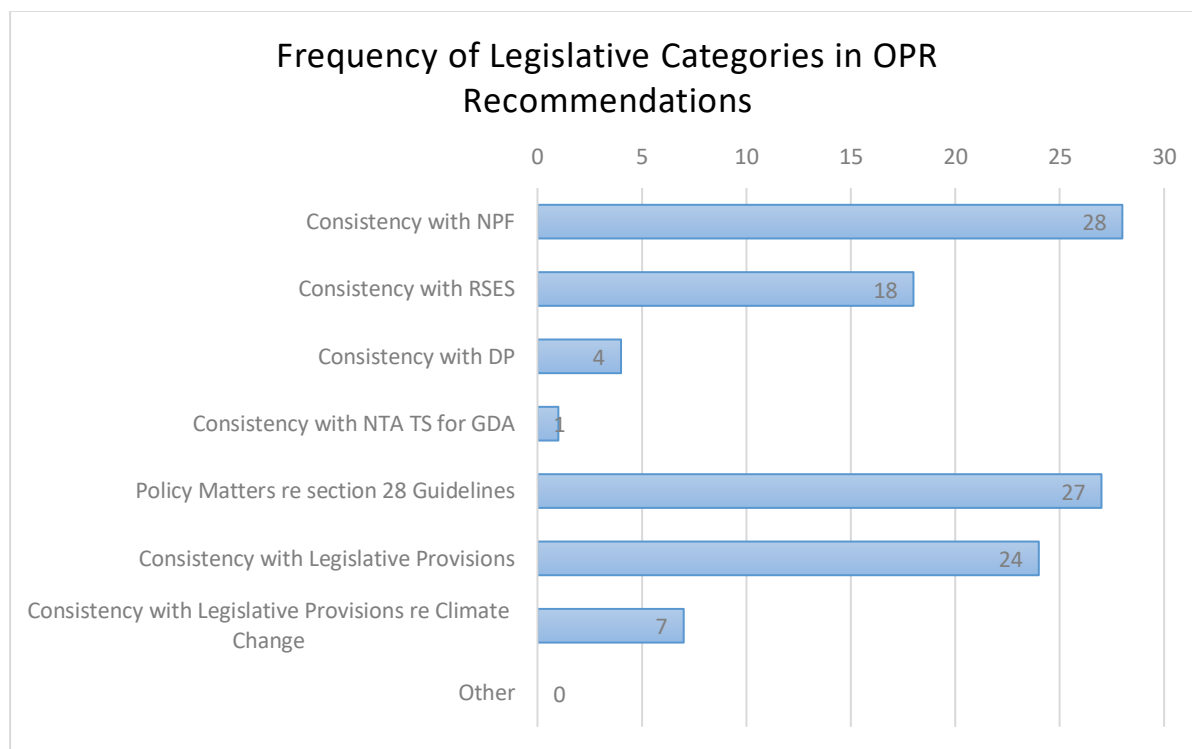


Table 1: Adopted Plans – Outcome of OPR Recommendations 2020

Plan	Date Adopted	Local Authority	Recommendation Issued	Outcome
Variation No.2 of the Cork County Development Plan 2014	06/01/2020	Cork County Council	Yes (1)	The Variation was not made in a manner consistent with the recommendation of the Office*.
Variation No.7 of the Dublin City Development Plan 2016-2022	27/01/2020	Dublin City Council	Yes (1)	Recommendation substantially addressed
Variation Nos.8-27 of the Dublin City Development Plan 2016-2022	02/03/2020	Dublin City Council	Yes (2)	Recommendations substantially addressed
Croom Local Area Plan 2020-2026	03/03/2020	Limerick City & County Council	Yes (3)	Recommendations substantially addressed

Variation No.1 of the Kildare County Development Plan 2017-2023	10/03/2020	Kildare County Council	Yes (1)	Recommendation substantially addressed
Variations No.2 and 3 of the Fingal County Development Plan 2017-2023	23/03/2020	Fingal County Council	Yes (6)	Recommendations substantially addressed
Tallaght Town Centre Local Area Plan 2020-2026	08/06/2020	South Dublin County Council	Yes (4)	Recommendations substantially addressed
Variation No.3 of the Listowel Town Development Plan 2009-2015.	19/06/2020	Kerry County Council	Yes (2)	Recommendations substantially addressed
Listowel Municipal District Local Area Plan 2020-2026.	19/06/2020	Kerry County Council	Yes (3)	Recommendations substantially addressed
Variation No. 1 of the Sligo County Development Plan 2017-2023.	09/06/2020	Sligo County Council	Yes (1)	Recommendation substantially addressed

**The OPR issued a notice to the Minister for Housing, Local Government and Heritage, pursuant to section 31AN(4) of the Act, of a recommendation to issue a Direction on the making of Variation no. 2 of the Cork County Development Plan 2014. On consideration and in agreement with the Office, the Minister directed the County Council to delete Variation No. 2 of the Cork County Development Plan 2014 on 23 December 2020.*