

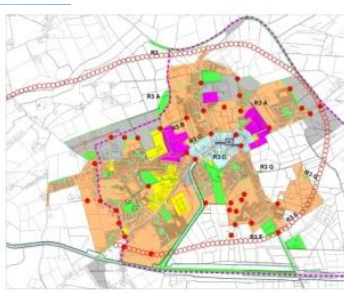


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# National Councillor Training Programme

## Purpose of the OPR in the planning system

Niall Cussen M.I.P.I Planning Regulator





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# Purpose

- ▶ Implementation of key recommendation of Mahon Tribunal to strengthen independent oversight of the planning process through:
  - ▶ (1) Assessment of statutory plans of local govt system for fit with statutory (Government/EU) policy and legislative requirements;
  - ▶ (2) Reviews and examinations of local authority and Bord Pleanála systems and procedures in the delivery of planning services to the public; and
  - ▶ (3) Building knowledge and information base in planning through training for LA members and staff, public information, research.



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# Establishment

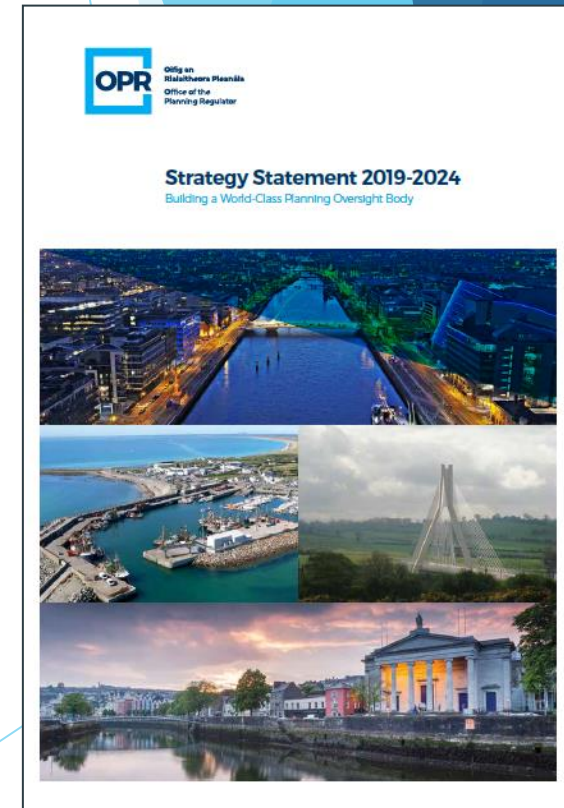
- ▶ **Legally established April 2019**
- ▶ **Corporate Strategy published 2<sup>nd</sup> October**
- ▶ **Circa 20 staff - 3 work teams:**
  - ❑ **Evaluation of Plans**
  - ❑ **Reviews & Examinations**
  - ❑ **Research, Training, Public Awareness and Corporate Services**
- ▶ **Located at 77 St John Rogerson's Quay Dublin 2**
- ▶ **Contact**
  - ❑ **Phone: 01 553 0270 (9.30AM - 1PM and 2PM - 4PM)**
  - ❑ **Email: [info@opr.ie](mailto:info@opr.ie)**
  - ❑ **Website: [www.opr.ie](http://www.opr.ie)**



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# Strategy Statement

- ▶ Published 2nd Oct under Section 31T of 2000 Act - Goals - Milestones...
- ▶ Purpose: driving coordination of planning policy implementation...
- ▶ Vision: creating a culture of continuous improvement in planning...
- ▶ Values: independence, professionalism, transparency, engagement...
- ▶ 31 submissions received during six-week consultation process...
- ▶ High level of support for the OPR in delivering on its goals





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# Plan Making & OPR

- ▶ OPR will evaluate local authority/regional assembly plans at strategic level:
  - ❑ Pre-plan making stage; (issues papers)
  - ❑ Draft plan/amended draft stages.
- ▶ Focus on climate change, consistency with National Planning Framework (Brownfield Targets), Regional Spatial and Economic Strategies, Guidelines issued by Minister under S28 Act, Directives under S29, Directions under S31...
- ▶ OPR is developing - with stakeholders - an objective plans assessment methodology



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# *continued....*

- ▶ **Plan adoption process must address OPR recommendations - where not implemented in full, LA CE has 5 working days to notify OPR - which will consider whether to recommend to Minister HPLG to issue a Direction.**
- ▶ **All city and county plans to be reviewed beginning later this year/early 2019 once RSES's adopted - very significant workload for OPR - circa 10 (local) plans on hand**
- ▶ **All OPR plan assessment recommendations to date have been implemented.**





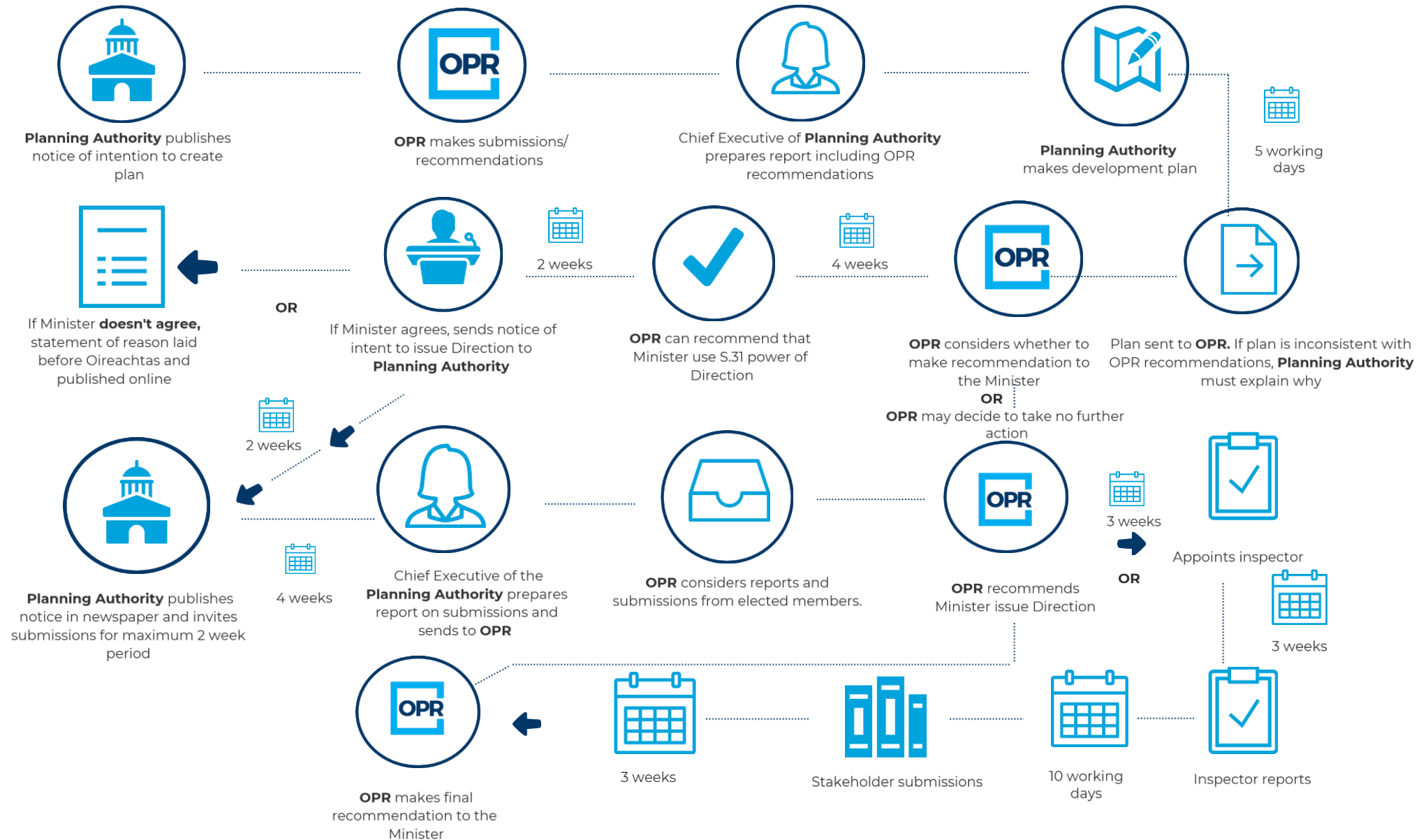
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# Legislation

- ▶ **S31AM(2) Planning and Development Act 2000 (as amended)**
- ▶ **OPR must address legislative and policy matters relating to development plans:**
  - ▶ **Content of development plans set out under Section 10 (mandatory and discretionary objectives)**
  - ▶ **In particular - section 10(2)(n) in relation to Climate Change**
  - ▶ **Consistency between the plan and the National Planning Framework and Regional Strategies**
  - ▶ **Section 28 Guidelines - particularly Specific Planning Policy Requirements**
  - ▶ **Section 29 Policy Directives**
  - ▶ **Any legislative and policy matters the Minister may communicate to the Office**



## The role of the Office of the Planning Regulator (OPR) in the creation of a new development plan







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# S10(2) Objectives

- ▶ **1A/(2A): Core Strategy: consistency with NPF - RSES and S28 Guideline SPPR's**
- ▶ **2(c)/(ca)/(cb): Article 10 Habitats Directive - River Basin Management Plans**
- ▶ **2(h): Development/Renewal objectives facilitating Vacant Site Levy**
- ▶ **2(i): Traveller Accommodation (use of particular areas for that purpose)**
- ▶ **2(m): Protection of Gaeltacht areas**
- ▶ **2(n): Climate Change - the plan must include strategies and measures that through the location, layout and design of new development:**
  - ❑ Reduces energy demand;
  - ❑ Reduces greenhouse gas emissions; and
  - ❑ Adapts to effects of climate change.



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# Climate Change

- ▶ Ireland 4th highest EU state in energy intensity of transport - patterns of development key...
- ▶ Next generation of city/county development plans a historic opportunity to show how, through planning, planning can lead in tackling the causes and effects of CC...
- ▶ ‘Avoid-Shift-Improve’ (ASI) approach “avoiding” energy demands through spatial density, ‘shift’ to active and public modes and ‘improvement’ of energy/carbon efficiency through behavior/technology...
- ▶ Climate Action Plan commits to statutory plan evidence based measurement methodology...
- ▶ Utilise Core Strategy Options and Strategic Environmental Assessment to quantify climate impact...



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# *continued....*

- ▶ **Examples of plans that will show they are tackling Climate Change**
  - ❑ **Move away from development plan objectives that depend on car based mobility solutions and/or that are unlikely to be accessed primarily by sustainable travel modes...(calculate the difference in CO2)**
  - ❑ **Identify how renewable energy solutions can be rolled out in line with wider environmental considerations to go from 30% to 70% renewables...(analyse the potential)**
  - ❑ **Target areas for retrofit programmes/where renewal/district solutions could enhance energy performance...**
  - ❑ **Consider the potential for carbon sinks - peatlands - forestry...**
  - ❑ **Increase resilience of existing built-up areas and key infrastructure by stress-testing to extreme weather events...**



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# Environment

- ▶ **Water, Air, Noise** (EU Directive Requirements integrated into the development plan process)
- ▶ **River Basin Management Plans** - next plans must demonstrate a much stronger evidential grounding in supporting/achieving RBMP objectives (DHPLG guidelines in progress)
- ▶ **Waste Management** - implementation of Government policy, enabling infrastructure roll-out and enabling the circular economy
- ▶ **Biodiversity**: spatial plans have a huge role to play in tackling habitat and species loss
- ▶ **More environmentally sound plans = more certainty in planning process and less litigation!**



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# Complaints

- ▶ Section 31AU - OPR may examine complaints made by any person or where requested by the Minister
- ▶ Complaints can only relate to the organisation of a planning authority and of the systems and procedures used:
  - ▶ systemic issues, not individual cases
- ▶ Other bodies include LA own complaints procedures, ABP, Ombudsman, SIPO, An Garda Síochána, etc.
- ▶ 150 complaints / enquiries since establishment in April



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# Reviews

- ▶ **At instigation of OPR (section 31AS) or request of the Minister (section 31AT)**
- ▶ **Systems and procedures used by all planning authorities, including An Bord Pleanála**
- ▶ **OPR will implement a proactive reviews program with scope for baseline assessment and/or reviews of PA's in relation to specific themes or groups of authorities**
- ▶ **Review process to be a resource to the planning sector**
- ▶ **Draft methodology under development - to be agreed with Sector and Stakeholders**





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# Public & Planning

- ▶ **Plan-making - core of our planning process - engagement by the public at plan making stages historically tends to be at a low level but is changing...**
- ▶ **Engagement and clarity could be enhanced considerably through more three dimensional approach - communities have a clearer sense of what the future holds...2 dimensional zoning objectives/written statement struggle to communicate...**
- ▶ **Increasing levels of litigation at project stage could be addressed by building better ownership of plan objectives and policies at the plan-making stage - eg building heights and density and general layout - development brief approach...**
- ▶ **Work with your executives to innovate in participative approaches to plan-making - shorter documents - more imagery - plain language - use of social media and web based interaction portals - eg Fingal and DCC...**
- ▶ **OPR will work to develop easy-to-use sources of information that the public can access...**
- ▶ **Implementation of national (Government) policies also crucial to communicate with the public and translate taking account of local conditions appropriately...**
- ▶ **ABP (SHD) will uphold plans that appropriately translate national policies at local level...**



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# Past Focus For Planning?

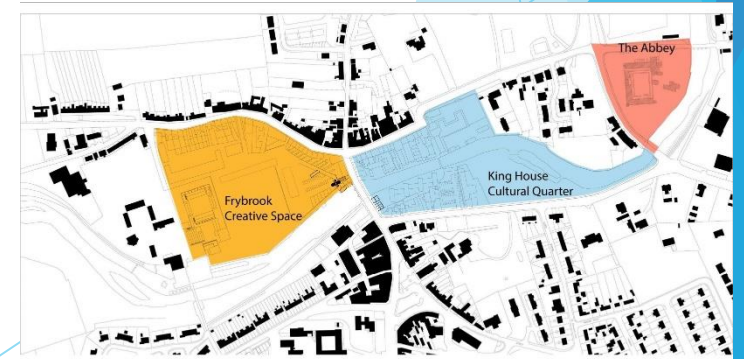






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# Today's focus?

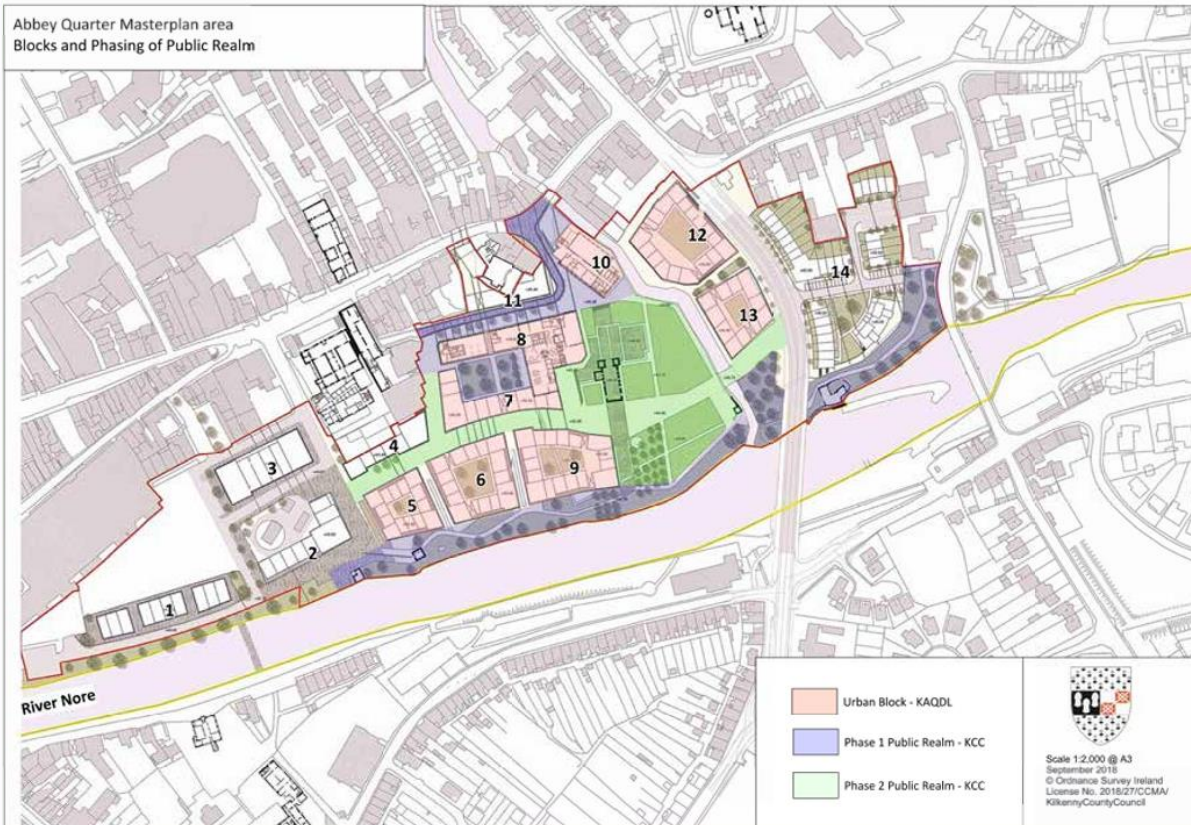






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## Blocks and Phasing of Public Realm



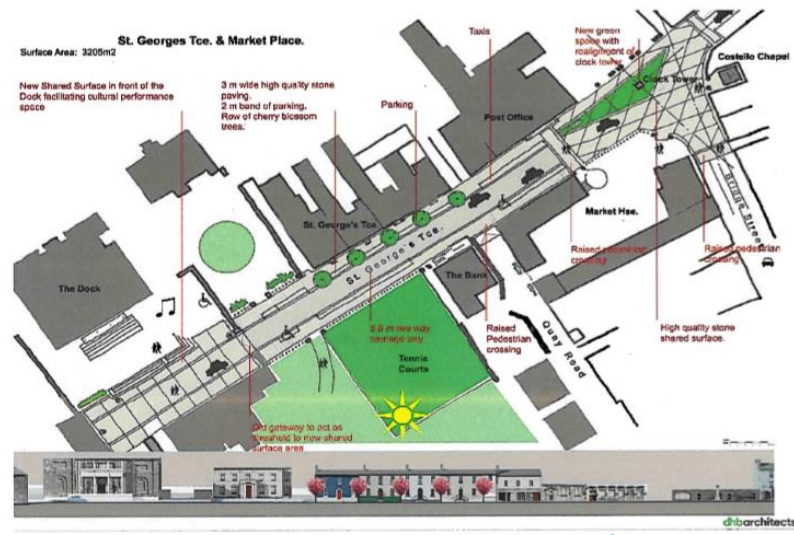
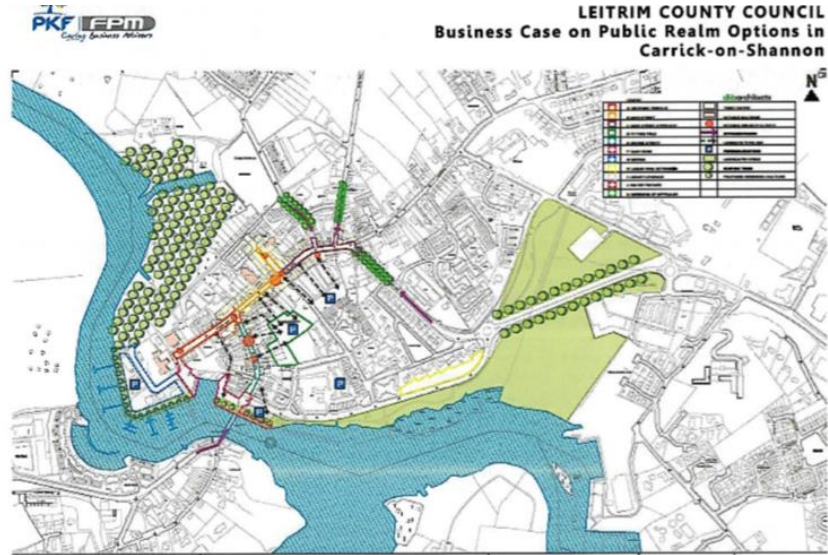
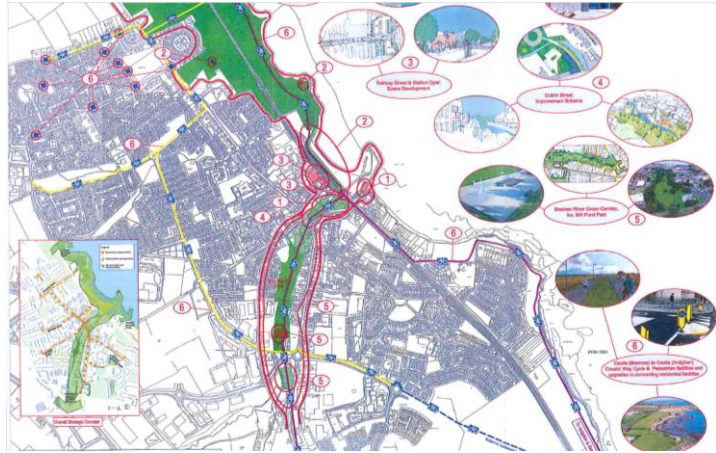
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# Conclusion

- ▶ **Much progress in building a stronger, more evidence based and investment-backed planning process - Project Ireland 2040, NPF, RSES, funds, Land Development Agency...**
- ▶ **OPR enhances the governance and oversight aspects of our planning process...Our focus in Year 1 is building organisational capability and key relationships...**
- ▶ **Significant volume of (plans assessment) work is approaching for 2020+ will demonstrate how effective the legislative, policy and operational enhancements of our planning process...**
- ▶ **Elected Members have a huge role to play with wider LA Executives - OPR is here to guide and assist - plans assessment methodology will clarify requirements...**
- ▶ **Huge challenges & opportunities ahead for planning process in developing radically better plans with stronger community ownership that address the challenges ahead...**