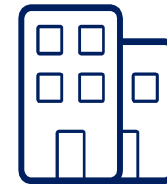




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Office of the  
Planning Regulator

# OPR Webinar Planning and the Local Elected Member



Niall Cussen: Planning Regulator

# Part 1 Topics



Overview of Irelands Planning Process



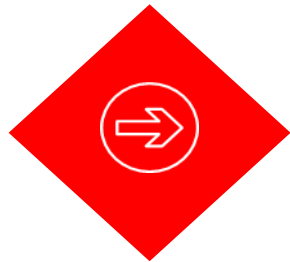
Functions of Members & Officials



Role of the Office of the Planning Regulator



Consultation/Lobbying



**Takeaways....**

# Context for Local Authority Planning

1

Planning and sustainable development issues in your communities...

2

Building a sustainable, coherent platform for urban and rural progress and jobs.

3

Ensuring the right types of housing in the right places at the right time...

4

Looking after our city and town centre areas under threat from decline

5

Addressing the Climate Crisis by planning ahead and acting differently

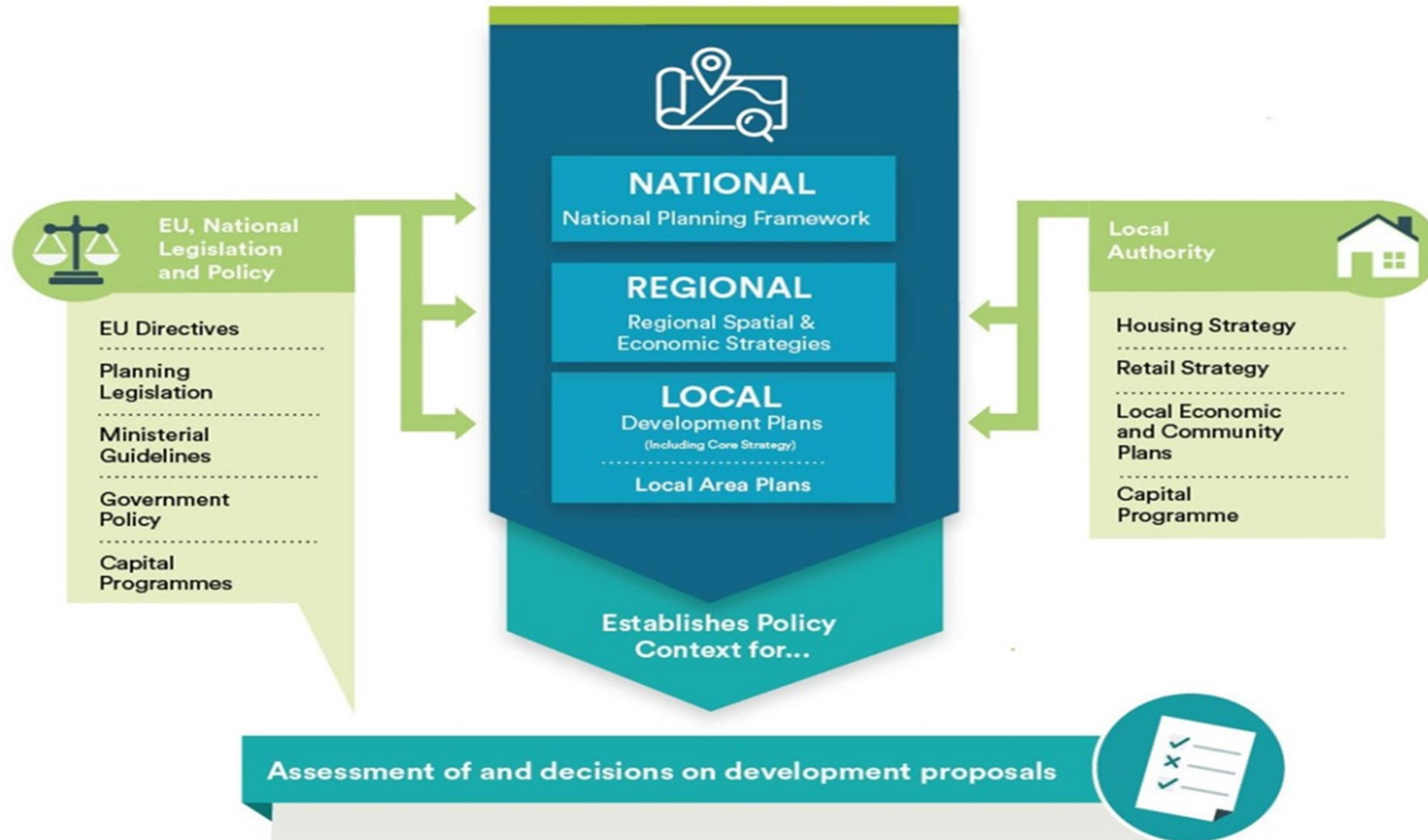
6

Protecting our environment, air, water quality, natural and cultural heritage



# Irish Planning System

## An Overview





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# Our Role...

## What is the Office of the Planning Regulator?

The OPR's purpose is to oversee the continuous enhancement of Ireland's planning process and its outcomes by driving the co-ordination of planning policy implementation across national, regional and local levels, building a stronger knowledge base and ensuring regular reviews of the performance of planning authorities and An Bord Pleanála.

## What are the main functions of the Office?

### Independent assessment of all local authority and regional assembly forward planning

- ✓ Evaluates all local authority forward planning, including development plans, local area plans, etc.
- ✓ Provides recommendations during the drafting of statutory plans to ensure consistency with relevant national and regional policies.

### Reviews of the systems and procedures used by any planning authority

- ✓ Organisational review of the systems and procedures used by any planning authority, including An Bord Pleanála in the performance of their planning functions.
- ✓ Considers submissions from the public in relation to the systems and procedures used by planning authorities in the delivery of planning services.

### Driving national research, training, education and public information

- ✓ Delivers training and education programmes for stakeholders based on a strategic planning research programme.
- ✓ Promotes public awareness of the principles of proper planning and sustainable development and encourages effective public participation in the planning process.



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Number 30 of 2000

PLANNING AND DEVELOPMENT ACT 2000

REVISED

Updated to 22 May 2020

This Revised Act is an administrative consolidation of the Planning and Development Act 2000. It is prepared by the Law Reform Commission in accordance with its function under the Law Reform Commission Act 1975 (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the Emergency Measures in the Public Interest (Covid-19) Act 2020 (2/2020), enacted 27 March 2020, and all statutory instruments up to and including the Planning and Development Act 2000 (Section 38) Regulations 2020 (S.I. 180 of 2020), made 22 May 2020, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantee as to the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to [revisedacts@lawreform.ie](mailto:revisedacts@lawreform.ie).

# Planning Act

1

Defines your functions in planning...

2

Obliges members and officials to act in long-term common good...

3

277 Sections – complex area of law – we are obliged to providing training for you and officials on all/specific aspects...

4

Your authority's officials will carefully guide and advise you on specific aspects/questions...



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## Noteworthy Sections of the Act

- ▶ **Section 10:** A development plan shall set out an overall strategy for proper planning and sustainable development...
- ▶ **Section 12(11)** In making the development plan the members **shall be restricted to considering the proper planning and sustainable development** of the area...statutory obligations...relevant policies of the Government or any Minister...
- ▶ **Section 12(18)** Statutory obligations include that the plan is consistent with the national and regional development objectives in the NPF and RSES...
- ▶ **Section 27(1)** a planning authority **shall ensure** in making its Development Plan (or LAP) that it is **consistent** with the RSES...

# Members – Executive - Functions

(Local Government Act 2001 (as amended))

## Members: Reserved Functions



The making of the development plan/local area plans/planning schemes (SDZ's)



Development contribution schemes/(S48/49)



Approving Budget/Rates/Corporate Plan/Part 8's/Disposal of land/LPT variations

## Officials: Executive Functions



All the administrative steps in the plan-making process (including commencement or not as the case may be of plan-making processes)



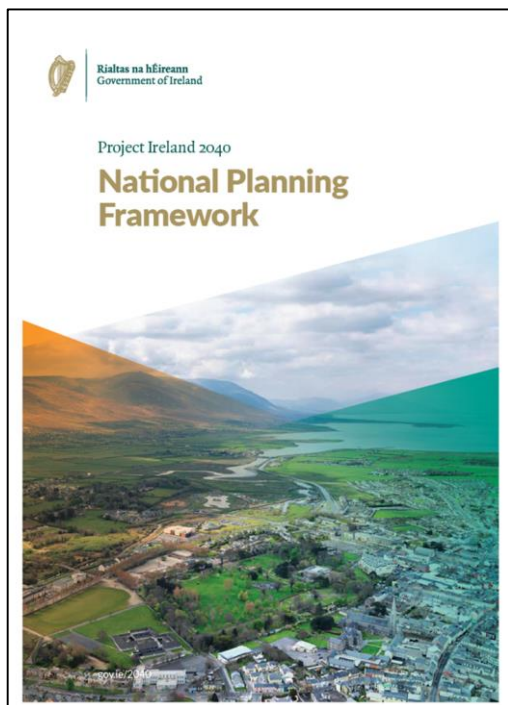
Development management



Enforcement



# National Planning Framework (NPF)

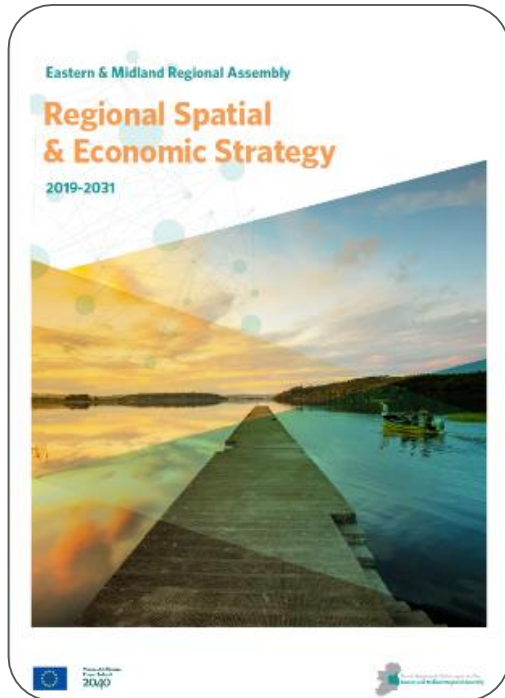


- ▶ Government's high-level spatial policy to 2040
- ▶ Backed by capital investment....
- ▶ Your plan-making functions should seek to closely align with Government policy under the NPF & NDP...
- ▶ NDP Funds...

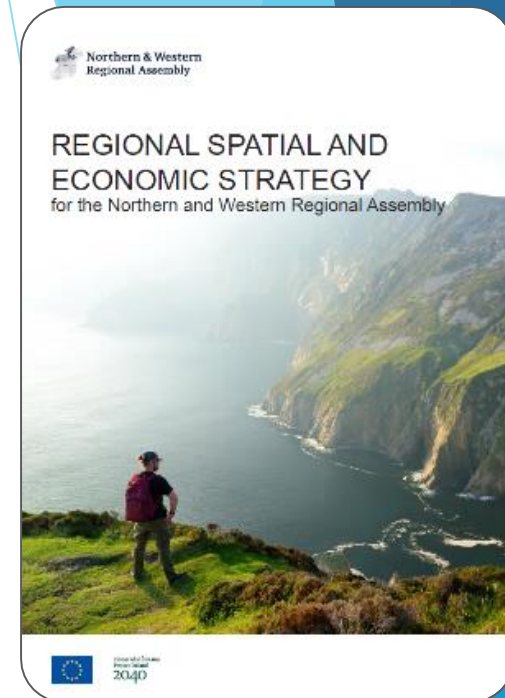
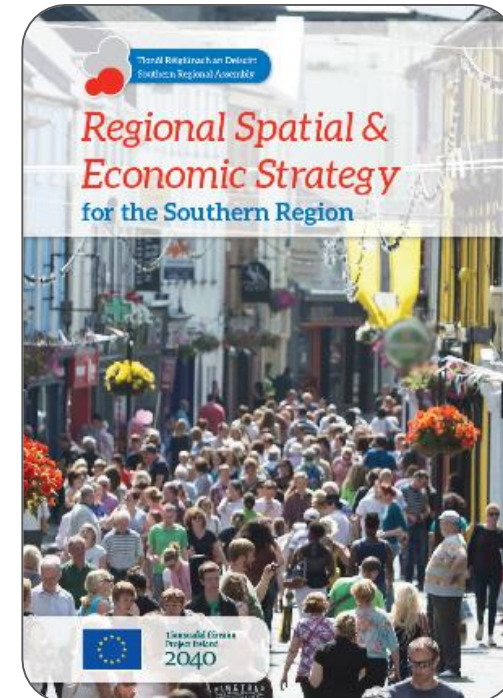


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# Regional Spatial and Economic Strategies (RSES)



- ▶ Link NPF & local planning...
- ▶ Co-ordinate LA plans...
- ▶ Agreed by LA's in each Regional Assembly...
- ▶ Your plan-making functions should seek to closely align...
- ▶ Reviewed every 6 years...

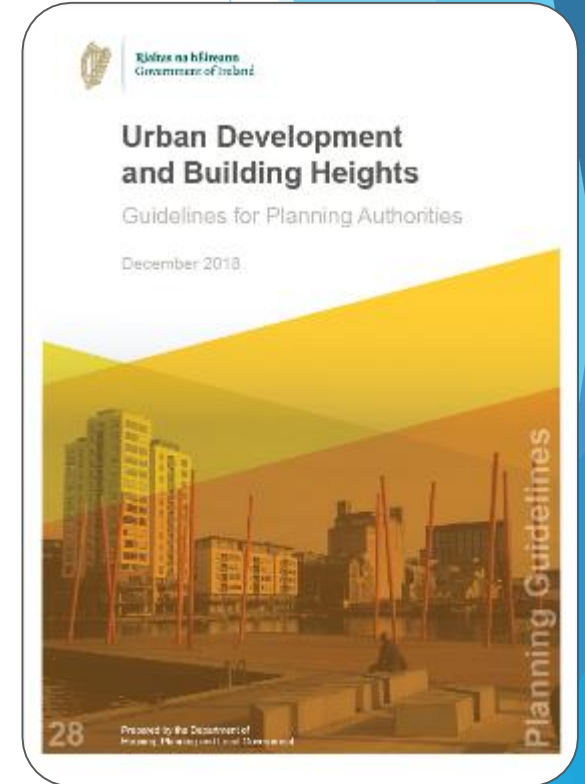
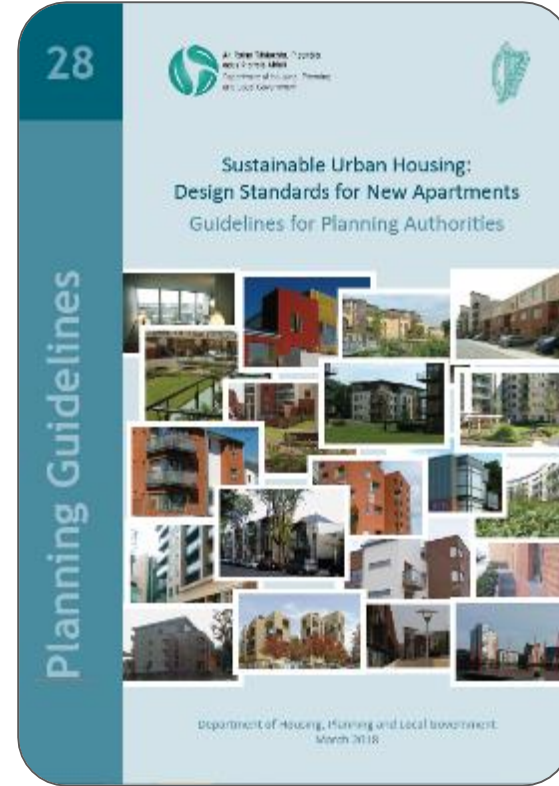
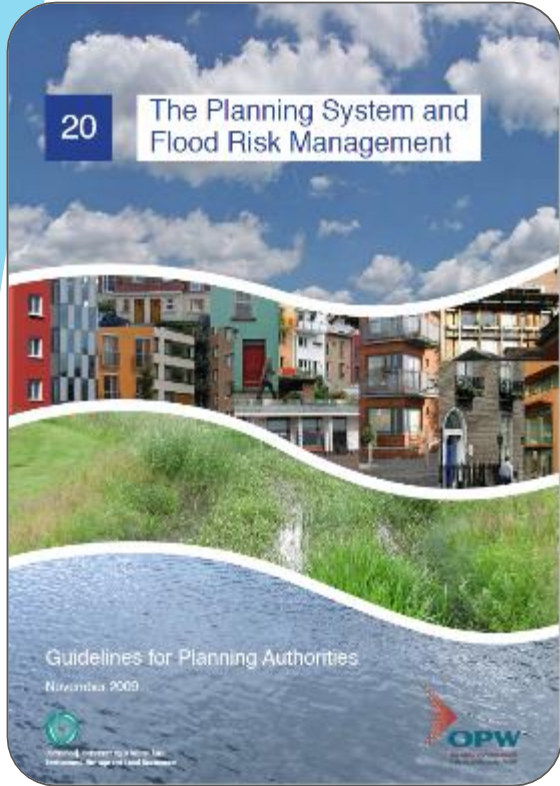


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# Some Guidelines Published by Minister under S28 of Act



...plans you make must include a statement of consistency under 28(1)(b) or give reasons for departures...



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# Statutory Basis

**31P. (1)** The functions of the Office are—

(a) to evaluate and assess—

(i) development plans, including draft development plans,

(ii) variations of development plans, including proposed variations,

(iii) local area plans, including the amendment or revocation of such plans,  
and

(iv) regional spatial and economic strategies,

during their preparation and making under *Chapters I to III of Part II* in order for the Office to provide observations and recommendations to planning authorities and regional assemblies, as appropriate, on those plans and strategies,

(b) in respect of any plan or strategy to which *paragraph (a)* relates, to inform the Minister if, in the opinion of the Office, any such plan or strategy is not consistent with its observations and recommendations, especially where, in its opinion, failure to be so consistent would affect the overall strategy for proper planning and sustainable development of the area concerned,



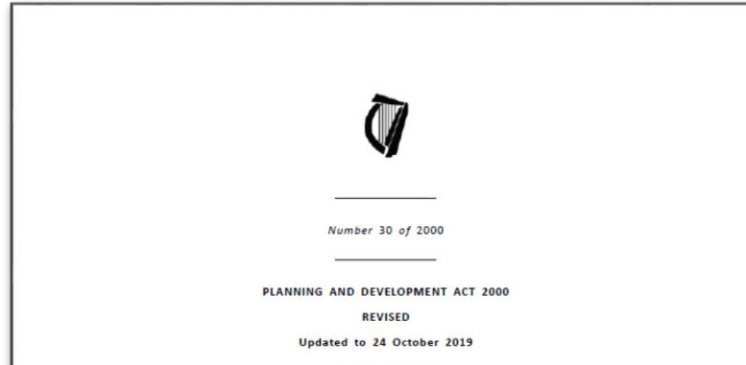
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# What do we assess?

Mandatory objectives

Core Strategy

Climate Action



## PART II

### PLANS AND GUIDELINES

#### CHAPTER I

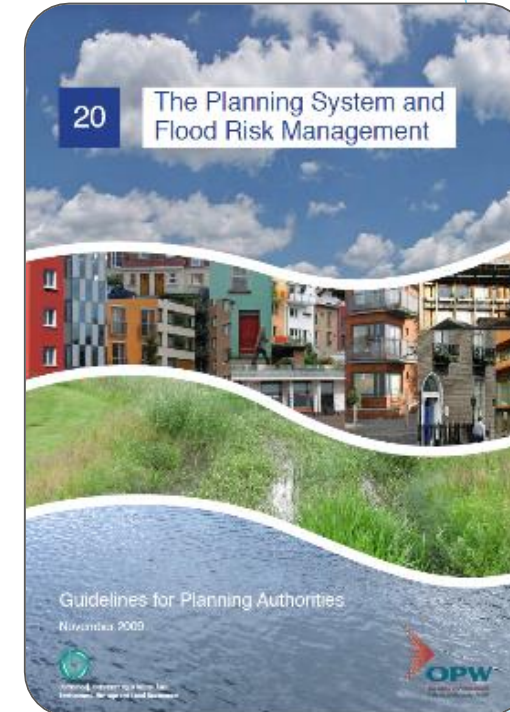
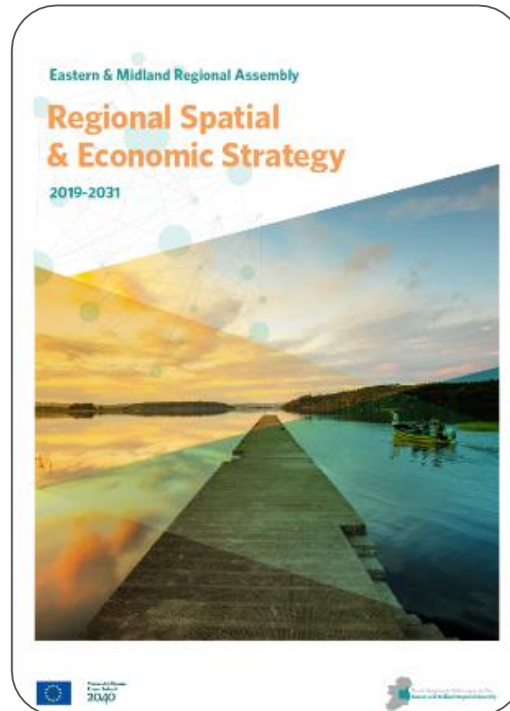
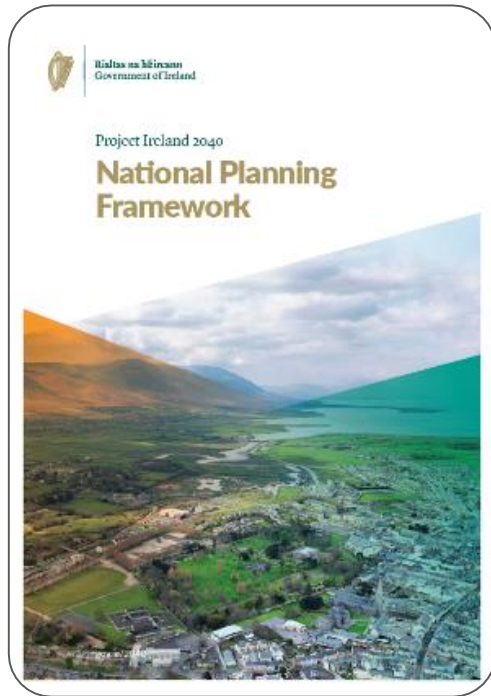
##### *Development Plans*

9. Obligation to make development plan.
10. Content of development plans.
11. Preparation of draft development plan.
- 11A. Extension of certain development plans and restriction of *section 11*.
- 11B. Development plans for new administrative areas to be provided for.



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# We assess your plan's fit with....



...as well as wider statutory obligations including EU Directive requirements & in Dublin, the Transport Strategy of the National Transport Authority.



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## To Recap: The general scope of our assessment

	Within scope
Check development plan contains all mandatory objectives	✓
Settlement strategy / hierarchy	✓
Check for possible omissions, e.g. no strategic flood risk assessment	✓
Review if site should be included as a Protected Structure	X
Specific design standards	X
Presentation and format of the document	X

# Output & Implications of assessments...



(a) **Observations** & (b) **Recommendations**  
...necessary to ensure effective coordination of national, regional and local planning....



OPR **recommendations** must be addressed and any decision not to comply must be notified to the OPR and reasons given...



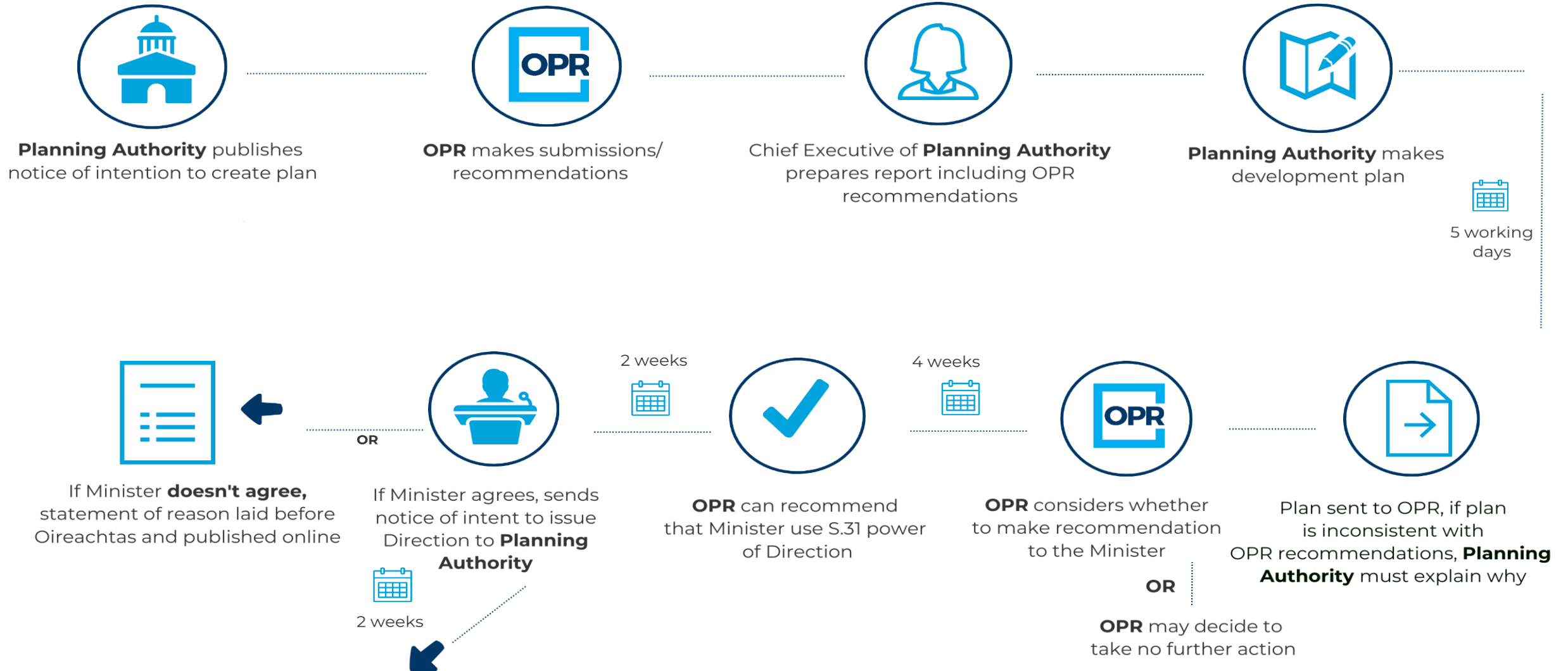
Observations/recommendations are **intended to guide you in making a plan compliant** with legal and policy requirements...



Recommendations not implemented – **where key policy breaches arise - can result in recommendations to the Minister** to issue Directions to rectify...

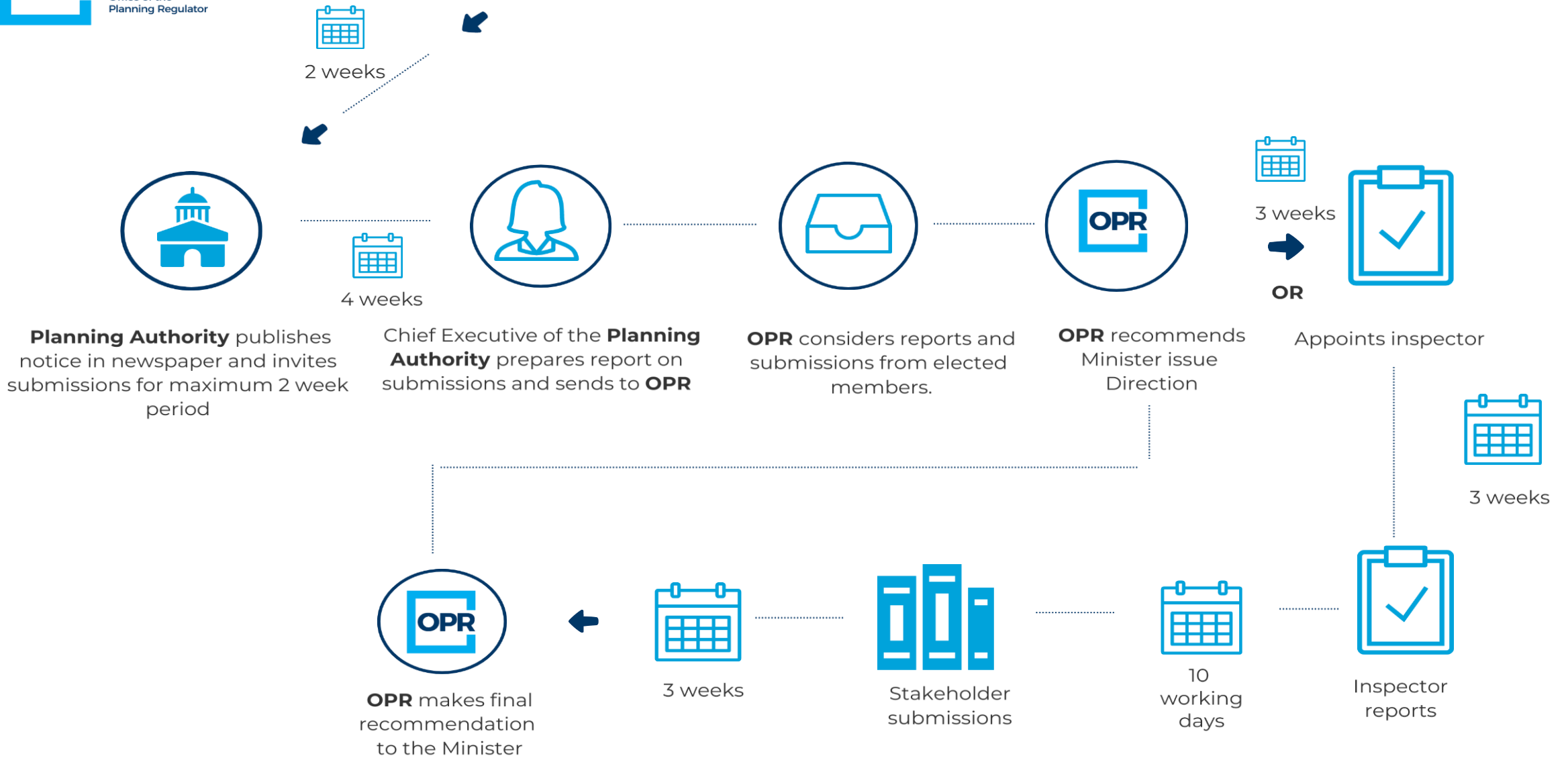


# The role of the Office of the Planning Regulator (OPR) in the creation of a new development plan





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# Public Participation, Representation, Lobbying, the Development Plan Process and *you*...



Elected members need to engage with **participants** in the plan-making process

**BUT** remember...



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# The Lobbying Act & Regulations



The purpose of the Lobbying Act is to ensure transparency



Whilst under Lobbying Act – onus on lobbyists to declare and submit records...



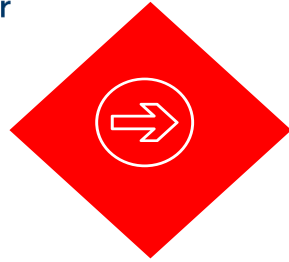
Advisable to keep records/notes of any meetings you engage in during the lead-up to and during the development plan process...



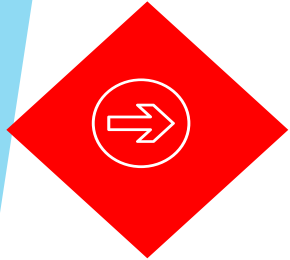
Caution should be taken on social media



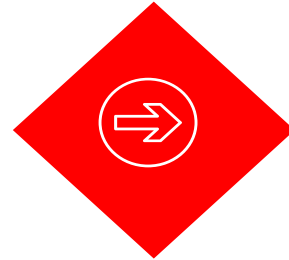
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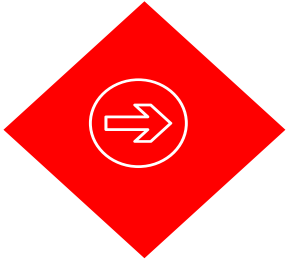
## Takeaways...



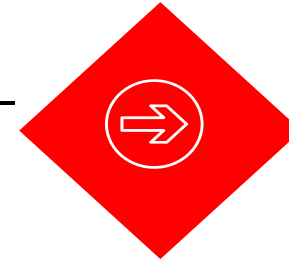
Each part of Ireland's planning process is designed to work with the others



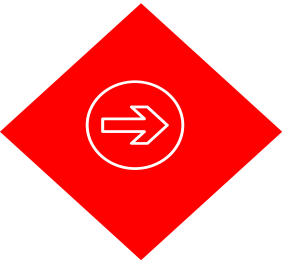
Since 2000 a strongly plan-led process: National – Regional – Local



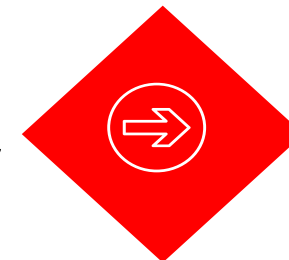
Government – Regional Assemblies – Local Authorities – Bord Pleanála – OPR



But! policies set locally must also sit with national/regional requirements



Important that local planning policies address the issues in your communities



Because poor local policy creates uncertainty and risk of overturn (ABP)



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**Thank You**