

Planning Practice and The Planning & Development (Amendment) Act 2015.

Irish Planning Institute

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Please note this is an information seminar only & the IPI is not in a position to offer any legally binding advice on individual cases

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About the IPI

- The Irish Planning Institute is the independent professional body representing the majority of professional planners who are engaged in physical, spatial and environmental planning in Ireland, serving both the public and private sectors.
- The Council, which is the governing body of the Institute, is directly elected by the membership
- The aims of the Planning Institute are:
 - To raise the standards of planning
 - To articulate professional planning opinion
 - To improve and promote the status of the planning profession
 - To contribute to planning education
 - To encourage environmental awareness in the community
 - To represent Irish planning interests abroad

Slide 2

As well as dealing with
“Planning Practice
And
The Planning and Development
(Amendment) Act 2015”,
this presentation will deal with the
following additional topics:
**Lessons from the National
Spatial Strategy [N.S.S.] &
The National Planning
Framework**



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Ministerial Guidelines S28 P&D Act

Strategic Environmental Assessment Guidelines :	November 2014
Local Area Plans, Guidelines for Planning Authorities:	June 2013
Local Area Plans, Public Consultation Draft Guidelines for PA's:	June 2013
Development Contributions, Draft Guidelines for PA's	June 2012
Retail Planning, Guidelines for Planning Authorities	April 2012
Spatial Planning and National Roads, Guidelines for PA's	January 2012
Section 261a of the P&D Act 2000 Guidelines [Quarries]	January 2012
Implementation of Regional Planning Guidelines: Best practice	December 2010



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As a planner in practice, whether within the Local Authority, private practice or *An Bord Pleanála*, due regard must be given to the guidance provided by the Department in the form of circular, and / or guidelines.

The guidelines are issued under the provisions of Section 28 of the Planning and Development Act 2000 as amended, and are usually referred to as Ministerial Guidelines. A Planning Authority was always required to have due regard for these guidelines in the pursuance of their functions, within the development plan process, development management or enforcement.

It is difficult to state with clarity exactly how many guidelines have issued over the years, but the most recent, “Design Standards for New Apartments: Guidelines for Local Authorities “ which issued in December 2015, bears the Number 26.

The guidelines cover a myriad of topics and themes and while City and County Council members may be aware of some of the more controversial Guidelines, such as those relating to Wind Energy and Rural Housing, the following is a list of those [not necessarily a comprehensive list] which issued since the Planning and Development Act 2000.

Landscape and landscape Assessment: June 2000

Guidelines for Planning Authorities and Part V of the Planning and Development Act 2000: December 2000

Child Care facilities, Guidelines for Planning Authorities: June 2001

Further Guidance on Part V: August 2003

Architectural heritage protection for Places of Worship: November 2003

Quarries and Ancillary Activities: April 2004

Sustainable Rural Housing: Guidelines for Planning Authorities: April 2005

Wind Energy Development, Guidelines for Planning Authorities: 2006 And proposed review in 2013 [outcome awaited.]

Development Plan: Guidelines for Planning Authorities: June 2007

Development Management, Guidelines for Planning Authorities: June 2007 [replaced older guideline often referred to as the “Yellow Book”]. These guidelines are again currently under review.

Provisions of Schools and the Planning System: Code of Practice for Planning Authorities: July 2008

Sustainable Residential Development in Urban areas (Cities, Towns and Villages): May 2009

The Planning System and Flood Risk Management + Technical Appendices: November 2009

Implementation of Regional Planning Guidelines, Best Practice Guidance: December 2010

Guidelines for Planning Authorities on Drainage and Reclamation of Wetlands: September 2011.

Spatial Planning and the National Roads, Guidelines for Planning Authorities: January 2012

S261A of the Planning and Development Act 2000, Guidelines for Planning Authorities. January 2012 [Quarry Guidelines]

Supplementary Guidelines to S261A: July 2012

Retail Planning, Guidelines for Planning Authorities; April 2012

Local Area Plans, Public Consultation Draft of Guidelines for Planning Authorities: June 2012

Development Contributions, Guidelines for Planning Authorities: January 2013

Local Area Plans, Guidelines for Planning Authorities; June 2013

Strategic Environmental Assessment, Guidelines for Planning Authorities; November 2014

Design Standards for new apartments, Guidelines for Planning Authorities; December 2015

There are older guidelines still in force, such as those relating to “Tree Preservation” and “Telecommunications Antennae “ (1996), to cite but two.

In the event of the Planning Authority making a decision in relation to any particular application, where the proposal runs contrary to the guidelines, and notwithstanding that it is in accordance with the provisions of the Development Plan, the decision, if appealed, is likely to be overturned by *An Bord Pleanála*, who are also bound by the Guidelines.

Example 1: Re telecom masts: Where Local Authority included set minimum distances from dwellings in Development Plan, but refusals on this basis overturned by *An Bord Pleanála*, as not within the Telecom Antennae Guidelines.

Example 2: Re National roads: Insertion of policy in Development plan to allow for landowner with no access on to non-national roads. Again rejected, on appeal, by *An Bord Pleanála*.

These conflicts with national policy have resulted in the strengthening of the provisions of Section 28, under the Planning and Development (Amendment) Act 2015.

The catalysts for these amendments went beyond a simple conflict between the operations of planning authorities and the guidelines issued.

The area of housing standards and the fact that a number of local authorities had adopted their own standards and development plan provisions in relation to housing, and in particular to apartment development, was highlighted as the “housing crisis” which has emerged following the re-emergence of economic activity but without a commensurate re-emergence of the Building / construction sector, which had collapsed after the end of the Celtic tiger period.

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Design Standards for New Apartments

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Department of the Environment, Community and Local Government
Sustainable Urban Housing:
Design Standards for New Apartments
Guidelines for Planning Authorities

- Aims to address the shortage of affordable, well located homes in larger urban areas
- Supported by strengthened S28 of the P&D Acts with “Specific Planning Policy Requirements” [SPPR’s]
- Seeks to get all LA’s to follow national Standards as set in 2007
- Requires that the majority of apartments exceed the minimum floor space by at least 10%
- Addresses issues of Duel Aspect apartments
- Increases number of units per lift shaft

Planning and Development (Amendment) Act 2015 (2)

The act itself is a relatively short Act, being only 12 pages in length. However it brings about some significant changes:

- New Section 28(1C): Guidelines may contain Specific Planning Policy Requirements [SPPR's] Section 34.2.c defines these as follows:
"In this subsection 'specific planning policy requirements' means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development."

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Issue: While the Design Standards for New Apartments were written with the Specific Planning Policy Requirements [SPPR's] provisions in mind, it has yet to be clarified as to how this provision is to be implemented in relation to the 25 or so previous guidelines. While we are aware that both the Development management guidelines and the Wind Energy Guidelines are currently under review and the revisions can accommodate the SPPR's, in relation to the other, it may be too onerous a task to have all of the guidelines revised within a short period. There may be the possibility to have the policies, which on the face of their reading, are directive rather than advisory, identified through a series of Departmental circulars., and that said ' directorial' policies be considered to fall within the SPPR provision of Section 28.

National Spatial Strategy 2002

- First national level spatial and territorial planning strategy in Ireland
- Aim: a better balance of social, economic and physical development between regions in Ireland.
- Identified 9 National Gateways and supporting Hubs
- NSS also identified an important need to support the role of rural towns and villages at local level.
- NSS continues to act as the strategic context for spatial planning in Ireland, by regional and local authorities

Slide 7

National Spatial Strategy 2002:

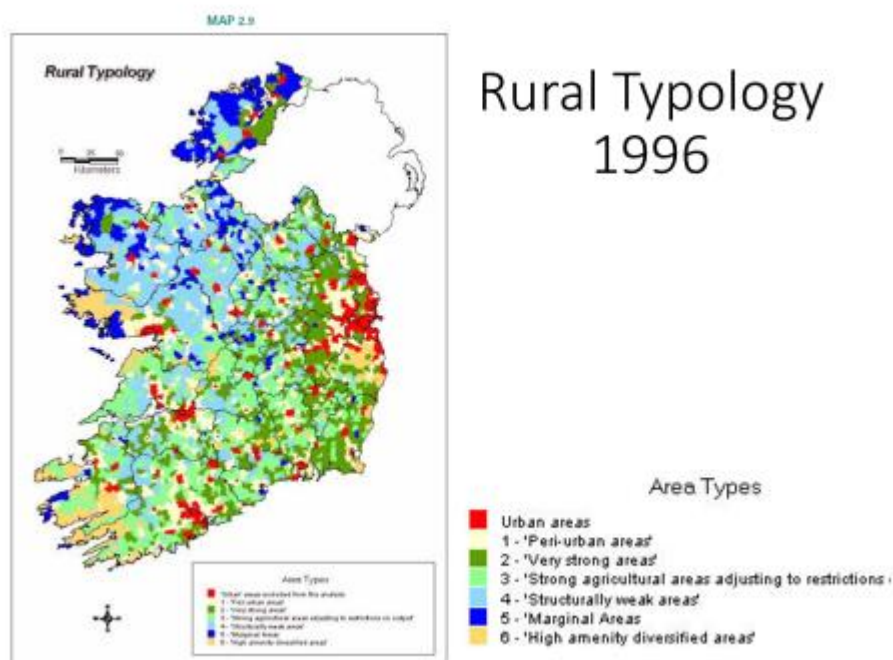
The National Spatial Strategy (NSS), 2002, was the first national level spatial and territorial planning strategy in Ireland. It introduced the concept of spatial development into public policy (with regard to the location of people, their work and other activities and how different places relate to each other).

The aim of the NSS was to achieve a better balance of social, economic and physical development between regions. Its focus was on the relationship between people and the places in which they live and work. The Strategy sought ways to unlock potential for progress, growth and development in a more balanced way across Ireland, supported by more effective planning.

The NSS identified 9 national level gateways, comprising the 7 biggest cities in the country together, with 2 'linked' gateways of 2 or more strong towns, which have the role of promoting social and economic development in their region. The NSS encouraged the development of these gateway cities as engines of growth. The NSS also identified nine strategically located, medium sized hubs, to support and be supported by the gateways and to link out to wider rural areas. Many other county and larger sized towns were recognised as critical elements in the structure in order to realise **more** balanced regional development, to act as a focus for strengthening their own local areas. The NSS also identified an important need to support the role of rural towns and villages at the local level, as a focus for investment, economic activity and housing development, which would at the same time support the vitality of wider rural areas.

Since 2002, the NSS has acted as the strategic context for spatial planning in Ireland,

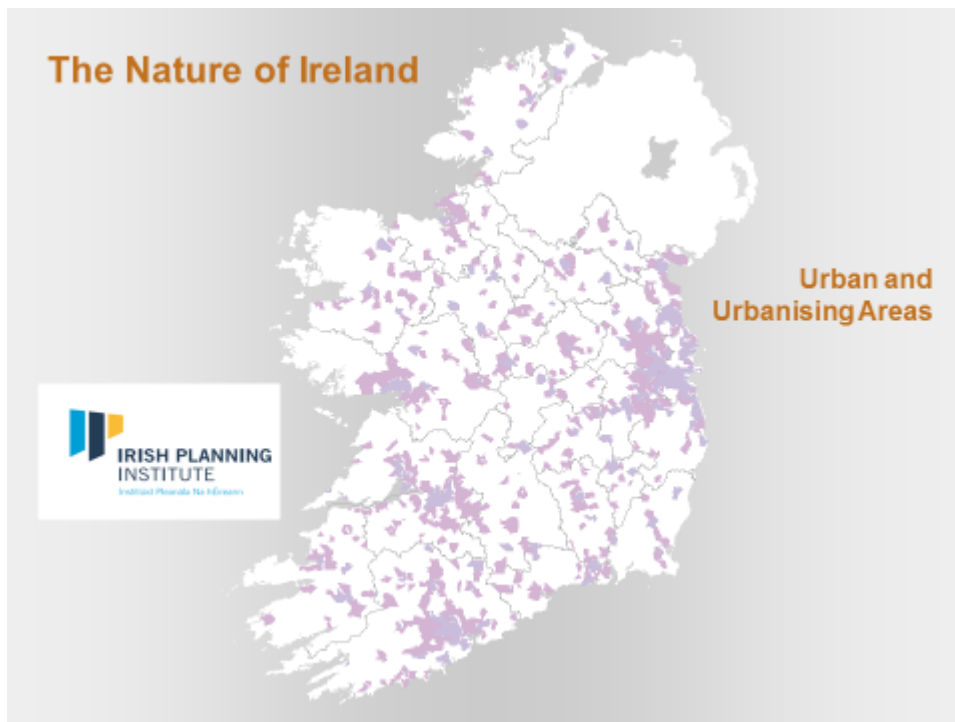
- By regional authorities in their regional planning guidance roles,
- For planning authorities in their statutory planning functions.
- And has influenced the National Development Plan's investment programme in transport, housing, water services and communications infrastructure.



I am now going to show you some slides demonstrating some of the background analysis which fed into the preparation of the NSS.

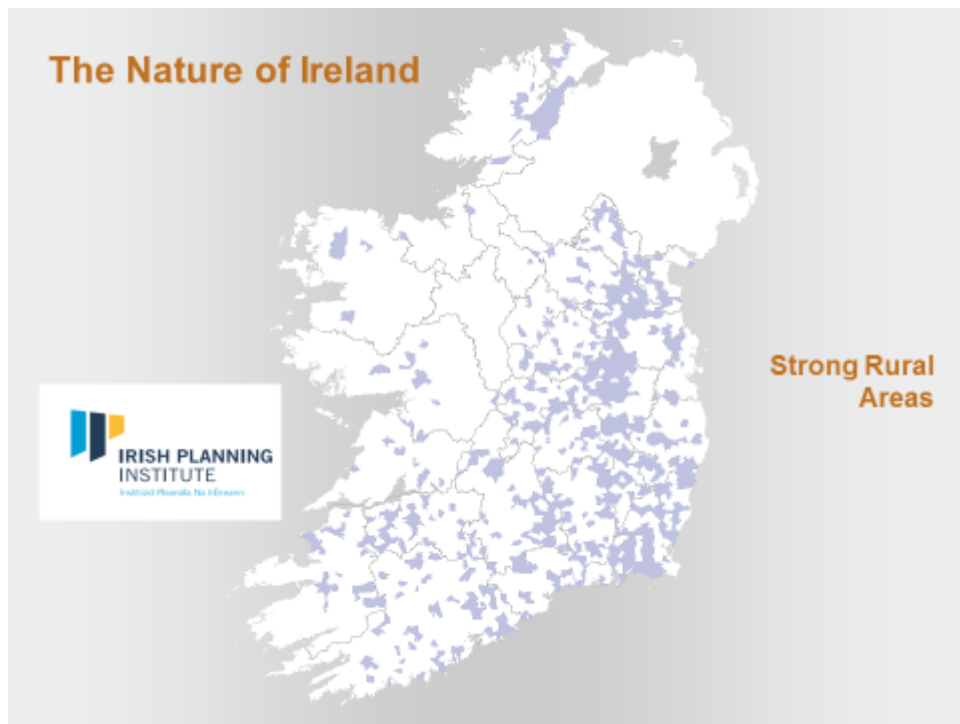
Many critics of the NSS refer to the Gateways and Hubs being used to concentrate development to the detriment of rural areas. A significant part of the analysis of the country, which underpinned the NSS, concentrated on the rural typologies, which are mapped here, based at the time on information from the 1996 Census of Population.

When viewed in the form shown in the slide, it is difficult to see the patterns of the different typologies. However, as the following slides show, different parts of Ireland have separate and distinct characteristics.



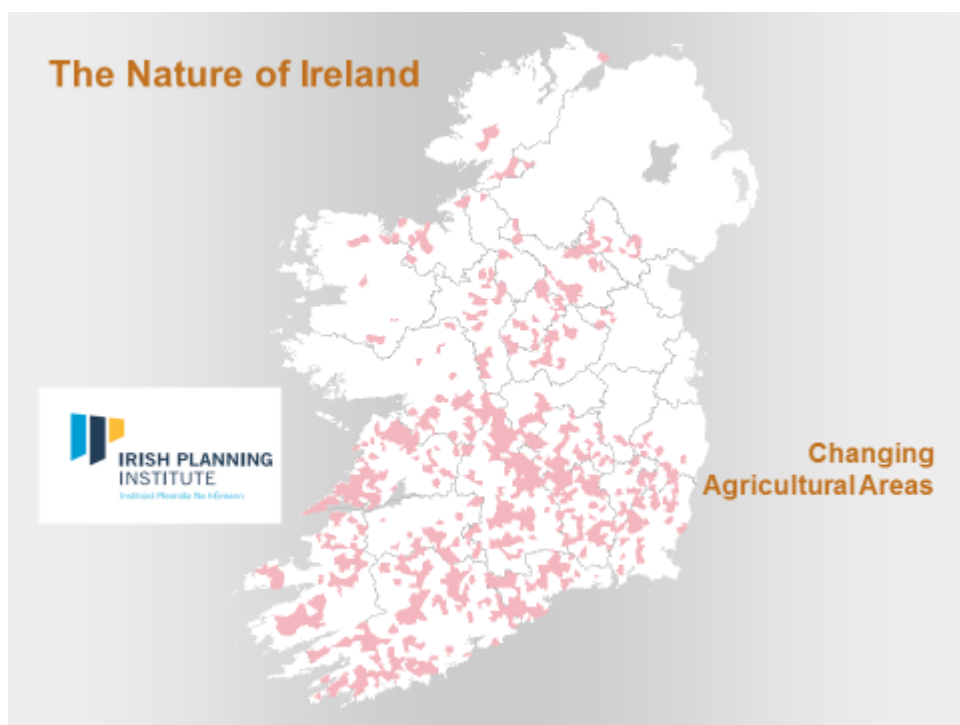
Slide 9

The strength of the urbanisation process is evident here. These are areas, including rural areas, which are displaying strong urban characteristics. Their locations indicate the development on strong urban corridors along the lines of existing road and rail infrastructure. They appear to be corridor driven.



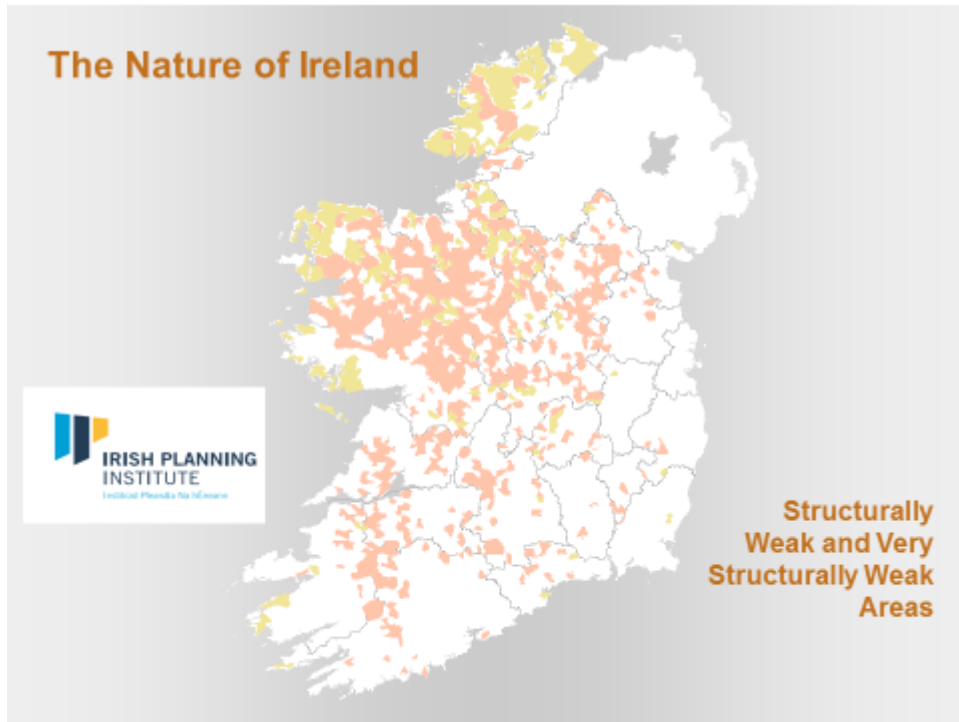
Slide 10

The concentration of strong rural areas tended to be in the East and South East or associated with / or in close proximity to strong urban centers.



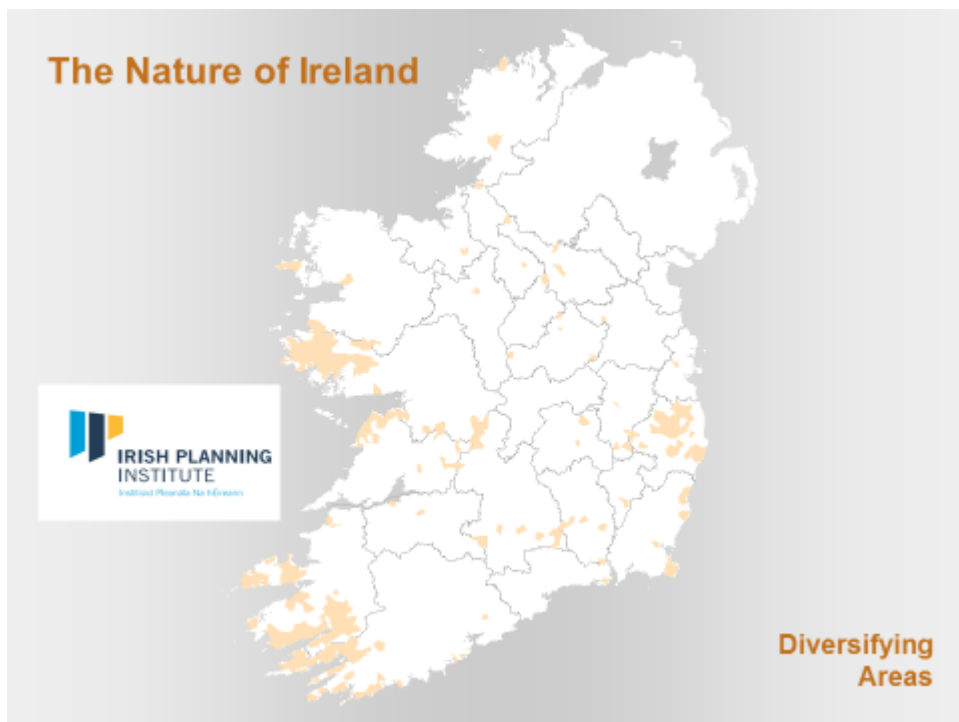
Slide 11

The changing Agricultural areas tended to be in the South East and South west as well as part of the midlands, reflecting agricultural land quality and the intensification of farming.



Slide 12

The structurally weak areas tend to be in the West and North-West, where the land is generally poor and the density of population lower than in the remainder of the country.



Slide 13

Many of these areas would traditionally be seen as structurally weak. However, arising out of this, these areas have undergone a resurgence through diversification of their economic activities. This is particularly evident in the tourism sector. A broader range of sectoral activity is also evident.

The National Spatial Strategy



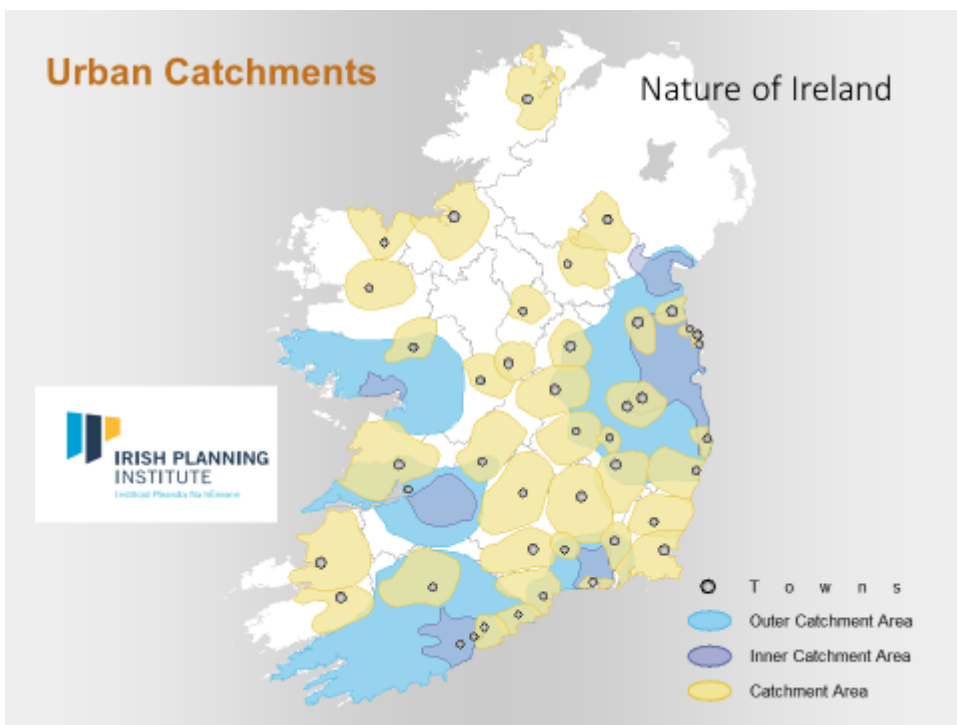
- Strategic Spatial Roles**
- Revitalising
 - Strengthening
 - Reinforcing
 - Consolidating
 - Co-operating



Slide 14

The analysis led to the development of the Strategic Spatial Roles for every part of the country.

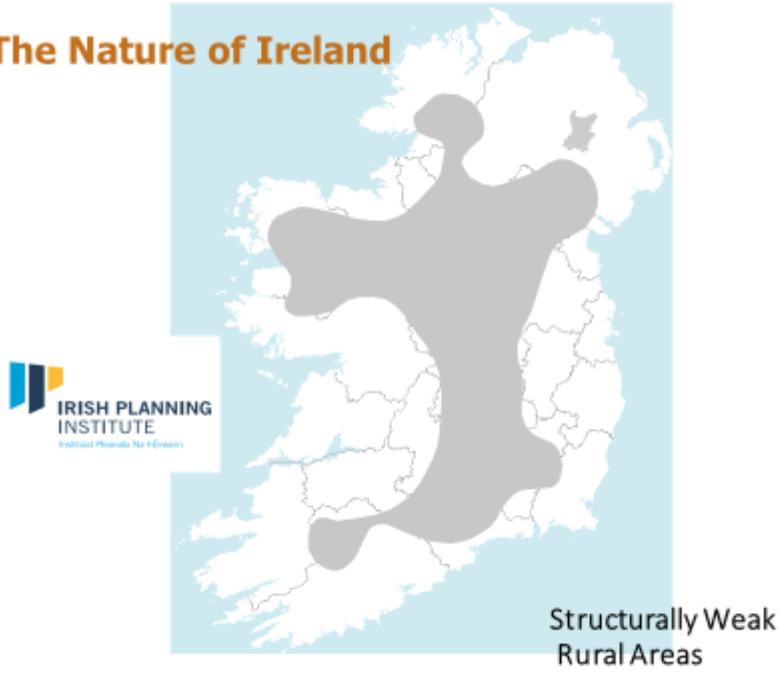
The NSS identified the Gateways [shown as a red oval] and the Hubs [shown as a green circle], as well as the strategic towns



Slide 15

The catchment areas, inner and outer for the major urban areas, [shown in bright and dark blue] and the catchments for the other urban centers [shown in a tan colour] also help to identify the areas with a poor urban structure. This coincided with the structurally weak areas, already seen on slide 16.

The Nature of Ireland

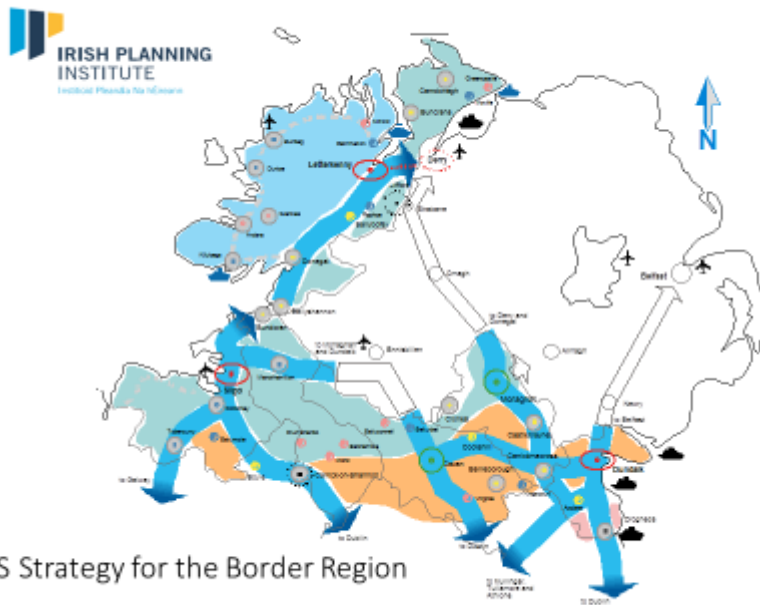


Slide 16



Slide 17

The identification of key urban settlements also helped to identify key radial and linking corridors which would need to be strengthened and upgraded in order to help deliver the strategy



NSS Strategy for the Border Region

Slide 18

This approach led to the development of a high level strategic vision for each of the regional areas.

This example shows the strategy for the Border region, which formed the foundation for the Regional Planning Guidelines for the Border areas.

In this case, key linkages into and through Northern Ireland were shown.

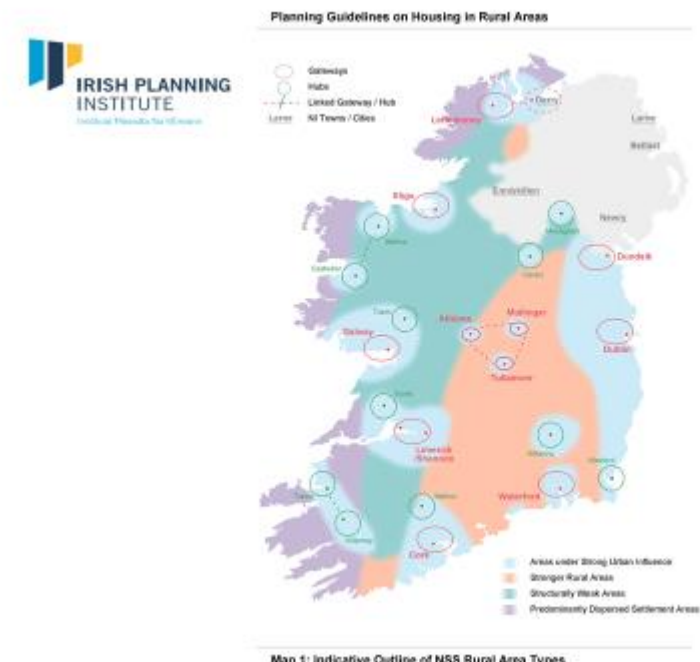
This is probably the first official Government document which did not show Northern Ireland as “White Space”



Slide 19

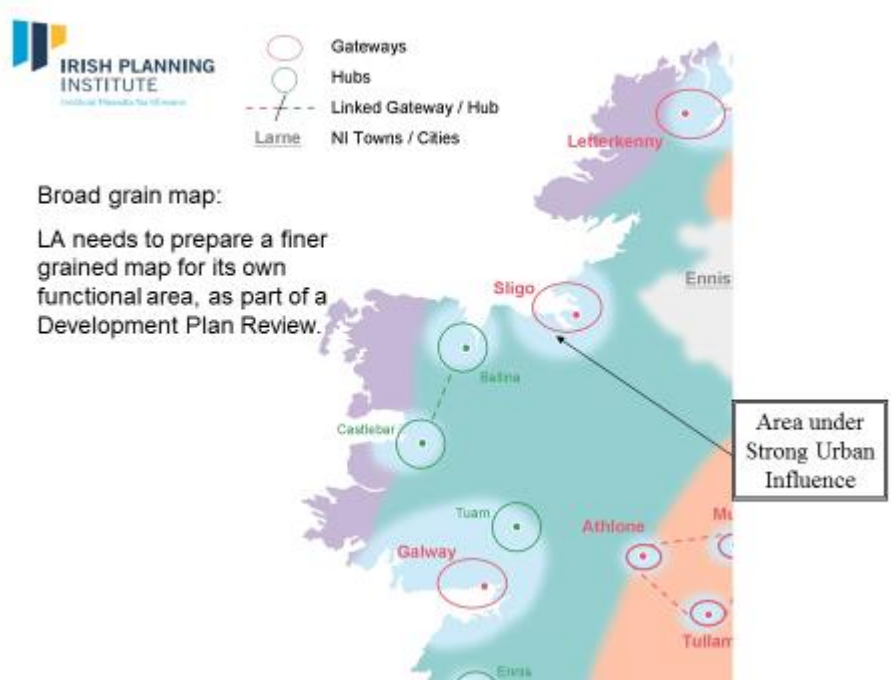
The Regional Planning Guidelines for the Border region, went even further than the NSS in that it showed its own strategy in the context of the entire of the “Regional Development Strategy for Northern Ireland”

This clearly shows the strengthening of the regional planning function which had arisen out of the preparation of the NSS.



Slide 20

The NSS was also very important in the guidance of development within all rural areas. The rural typologies and the NSS analysis, was the evidence base for the preparation of the Sustainable Rural Planning Guidelines in 2005, already mentioned.



Slide 21

The NSS, through the RPGs prepared a finer grained development strategy, bespoke for the Planning Authority's own area, but maintaining a consistency with the NSS and the RPG's.

Where a number of planning authorities deviated from this approach, Ministerial directives arose. For the first time, the Minister had 'superior' documents, within a hierarchy of plans, against which the preparation of a development plan could be tested.

The 2010 Act introduced the concept of a core strategy. This strategy required the Local Authority to demonstrate compliance with the provisions of the NSS and the RPGs. It was no longer sufficient to simply state that "due regard" had been given to the superior plans.

The time, at which the NSS was prepared, is often referred to as the "Celtic Tiger" period. It was prepared at a time of rapid growth and following the economic downturn and high unemployment, may have been regarded as no longer "fit for purpose". It was decided to set up an Expert Scoping Group to review the NSS and to look at its possible successor.

The primary focus of the Expert Scoping Group was to draw on the lessons from the first NSS and, more importantly, to consider how the successor to the NSS might respond to the challenges now facing Ireland in radically different circumstances to those in which the first NSS was drawn up.

The report recommended that a successor to the NSS, as a statement of the Government's objectives for Ireland's spatial development, should focus on spatial development issues and choices which are genuinely national in scope and scale, and that it should provide the direction and stability to guide key investment and policy decisions.

The Report of the Expert Scoping Group will be published as part of the initial scoping stage consultation on the preparation of the NPF.



The National Planning Framework will: -

- Identify national priorities with regard to future employment growth and development; -
- Distinguish between the role of the larger cities in acting as our major international players and our regional towns in extending the influence of the cities; and -
- Establish a clear policy framework within which there will be more dynamic participation by rural areas in overall regional development by re-emphasising the contribution from rural based enterprise in food, tourism, natural resource and innovation sectors.



Figure 1: Ireland's Planning Policy Hierarchy post 2016

While the NSS established a hierarchy consisting of the NSS – RPGs – CDPs – and LAPs, the new hierarchy will consist of the NPF – The RSESs [Regional Spatial and Economic Strategies] – the CDPs and LECPs and LAPs and Area based local development.

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Figure 2: Ireland's Regions and Strategic Planning Areas (as per the Local Government Act 2001) (Mapline.ie/Planning/Stratplan/Map/2016)

The RSES, will now be based on 3 super Regions, compared to the former 8 Regional Authorities who prepared the Regional Planning Guidelines.

Within the RSES' smaller SPA's [Spatial planning Areas] have been identified, recognising that within such larger regions, the characteristics, issues and demands of different parts of the region are not homogeneous.

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[See Above First]

Final Thoughts.

There is a role for the Local Authority members

This role is not limited to the preparation of Local Area Plans, Area Based Local Development or indeed with the City and county development Plan preparation.

There is likely to be significant input into the higher levels social, spatial and economic plans, as all of these higher plans are likely to go through an iterative process, with the not only the higher plans

establishing strong guidelines (in the interest of the proper planning and sustainable development of all areas), but it is clearly seen that the lower plans can also inform and influence the thinking of those responsible for preparing the more strategic visions for the regions and country as a whole.



Thank You for your attention

Questions & Answers

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[Ciarán Tracey – CT Planning Services and former County Planning Officer, Leitrim County Council](#)

Ciarán Tracey held the position of County Planning Officer for Leitrim from 2002 until 2014, when he set up CT Planning Services. He has broad practical experience of both urban and rural planning in Ireland, having held positions with Dun-Laoghaire Borough Council, Waterford County Council as well as Dun Laoghaire-Rathdown County Council. From 2000 to 2002, he was a member of the Spatial Planning Unit of the Department of Environment, Heritage and Local Government, which was responsible for the preparation of the National Spatial Strategy.

Ciarán is a past President and a Fellow of the Irish Planning Institute.

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