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Rialaitheora Pleanála**  
Office of the  
Planning Regulator

# Finalising the Development Plan

Part 1: Recap of Procedural Requirements

Part 2: Case Studies and learnings

**Niall Cussen**  
Planning Regulator

# Previous OPR-AILG Training Available

- Training has already covered the full plan-making process:
  - *Overview of the Plan-Making Process...*
  - *Initial Stages of Preparing Development Plans and their Core Strategies...*
  - *Consideration and Finalisation of the Draft Development Plan...*
  - *Implementation of the Development Plan and Development Management...*
  
- All available at: <https://www.opr.ie/elected-members-training/>
  
- Purpose of this training session
  - *Recap on main stages in finalising your development plan:*
  - *Highlight specific aspects of previous OPR assessments including (a) Housing, Core Strategies & Zoning (b) Climate (c) Ministers Guidelines/ procedural aspects*

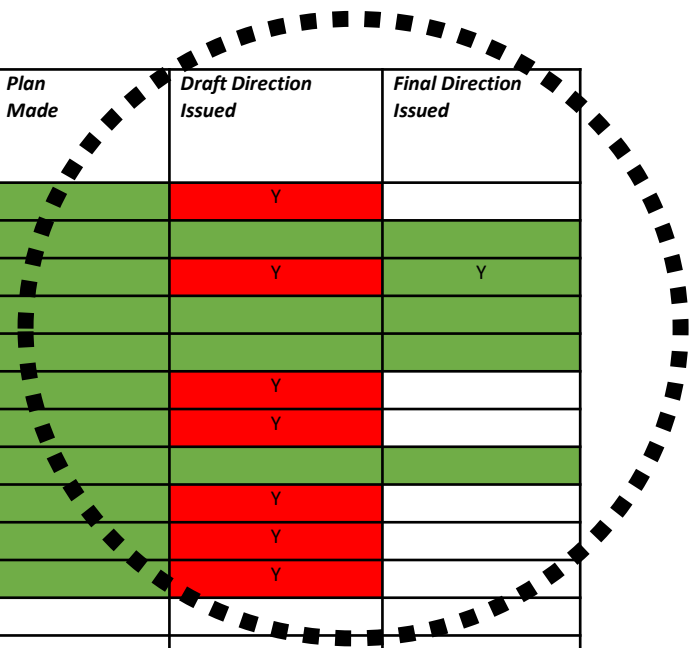
# CDP Reviews

June 2022

Directions arise where:

- Significant policy breach
- Core strategy unclear
- Climate actions weak
- Aspects of S28 guidelines incorrectly/insufficiently implemented
- Procedural defects – e.g. SEA/AA
- Reasons weak

Planning Authority	Issues Paper	Draft Plan Published	Material Alterations	Plan Made	Draft Direction Issued	Final Direction Issued
WH					Y	
OY						
MH					Y	Y
LH						
LD						
LS					Y	
KK					Y	
RN						
DLR					Y	
GY County					Y	
C County					Y	
WW						
WX						
T						
SDCC						
MO						
LK						
C City						
CN						
CW						
SO						
LM						
KE						
KY						
GY City						
FCC						
DCC						
CE						
DL						



# LA's and OPR Can & Do Work Together...

- Making the Development Plan is a key function of LA Members...
- Plans are made within a regulatory and policy framework...
- Our role is to ensure that plans are made within that framework...
- OPR respects Members Role...
- OPR's role also needs respect...
- Where Planning Rationale is made – OPR will accept...

## PLANNING REGULATOR ACCEPTS RATIONALE BEHIND ECONOMIC REZONING

THE Office of the Planning Regulator has “accepted the rationale” behind the council rezoning part of the lands at Corlurgan Business Park, taking it inside the town development boundary and earmarking them for ‘Enterprise and Employment’.

It was one of four changes

OPR noted the majority of the zoned General Enterprise and Employment lands are “reasonably proximate” to the town core except for the lands to the southeast, which have an established industrial use.

The recommendation from the Chief Executive was for “no change” to be made to what had

“Retail policies within the draft plan and in Section 28 planning guidelines ensure appropriate extension of this land use and that such extensions will be accessed via the existing entrance.”

Cllrs voted unanimously in favour of supporting the CE’s position - 16 ‘For’.

## County's 'blueprint for sustainable development' praised by Planning Regulator

The recently adopted Roscommon County Development Plan 2022-2028 provides a clear strategy for the proper planning and sustainable development of the county and promotes a vision for town and village vibrancy, the Planning Regulator has said.

they properly apply important national and regional government policies.

Commenting on the new Roscommon development plan, Planning Regulator, Niall Cussen said: “Promoting a vision for town and village vibrancy in a way that re-

tremely strong example of how at local level, a county can help to achieve national climate change targets. It shows how local authorities can play a critical role in translating national climate ambition into local climate action.”

In total, the OPR made

## Lands at risk of flooding blocked from development

**SEAMUSENRIGHT**

DOZENS of acres of land across the county have been blocked from future development in the draft County Development Plan after they were found to overlap with newly established flood mapping.

For the first time ever local councillors had to factor in the maps identifying potential flood planes. They were drawn up following extensive surveys carried out as part of the Catchment-based Flood Risk Assessment and Management (CFRAM) Programme.

SAR-derived hydrograph data, hydrological modelling, stochastic weather generation and extreme value analysis to generate predictive ground-water flood maps for over 400 qualifying sites.

It was the OPW's position therefore, as the lead agency for flood risk management in Ireland, that lands not currently at risk of flooding may be vulnerable in the future due to climate change.

Chief Executive Tommy Ryan's recommendation was that lands identified be either rezoned to 'Amenity and Open Space' or removed from the development boundary alto-



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# Part 1

## Recap of Main Stages in Finalising Development Plans

# Development Plan Process

5 stages in reviewing and making a development plan

**STAGE 5 Making of Plan**

Week 99+

- Making the plan:** The elected members must pass a resolution to make the plan. Week 99
- Publish notice:** A notice is published confirming that the development plan is made and is available for inspection.
- Plan operational:** The plan becomes effective 6 weeks following the passing of the resolution by the elected members. Week 105

**STAGE 1 Preliminary**

At least 1 one year before commencing pre-draft

**Preparation of:**

- Technical working papers
- Baseline report
- Cross sectoral engagement
- Issues and options paper
- Preliminary scoping for SEA

**STAGE 2 Pre-Draft**

1-46 weeks

- Publish notice:** Not later than 4 years from the making of the existing development plan [official commencement of Development Plan review process i.e. Day 1 of the process] Week 1
- Public consultation:** Invite submissions and observations within a specified period (not less than 8 weeks.) Week 8
- Chief Executive's (CE) report:** To be prepared and submitted to the elected members within 16 weeks from the date of the public notice. Week 16
- Directions:** Elected members must issue directions within 10 weeks of receiving the CE's report. Week 26
- Draft development plan:** Draft development plan is prepared and submitted to the elected members within 12 weeks of receiving the members' directions. Week 38
- Consideration of draft plan:** Within 8 weeks of the CE submitting the draft development plan to members, amendments can be made and the draft plan is finalised. Week 46

**STAGE 4 Material Amendments**

83-99 weeks

- Publish notice:** Within 3 weeks of passing a resolution to amend the draft plan, a notice of material amendments is published. [Within this 3 week period it must be determined by the CE whether there is a requirement to carry out a Strategic Environment Assessment (SEA) and/or Appropriate Assessment (AA) on the material amendments. Within 2 weeks of the determination, the CE specifies the period required to facilitate the assessment(s)] Week 85
- Public consultation:** The material amendments are placed on public display. Submissions and observations are invited for a period of not less than 4 weeks. Week 89
- CE's report:** Within 8 weeks of the date of the publication of the notice, the CE prepares and submits a report to the elected members on the submissions and observations received in respect of the material amendments. Week 93
- Consideration by members:** The elected members have a maximum of 6 weeks to consider the CE's report in respect of the material amendments. Week 99

**STAGE 3 Draft**

47-82 weeks

- Publish notice:** Within 2 weeks of the draft plan being made by the elected members, a notice is published. Week 48
- Public consultation:** The draft plan is placed on public display. Submissions and observations are invited for a period of not less than 10 weeks. Week 58
- CE's report:** Within 22 weeks from the date of publishing the notice, the CE prepares and submits a report to the elected members on the submissions and observations received. Week 70
- Consideration by members:** Within 12 weeks of receiving the CE's report, the elected members consider the draft plan and pass a resolution to accept or amend the draft plan. Week 82

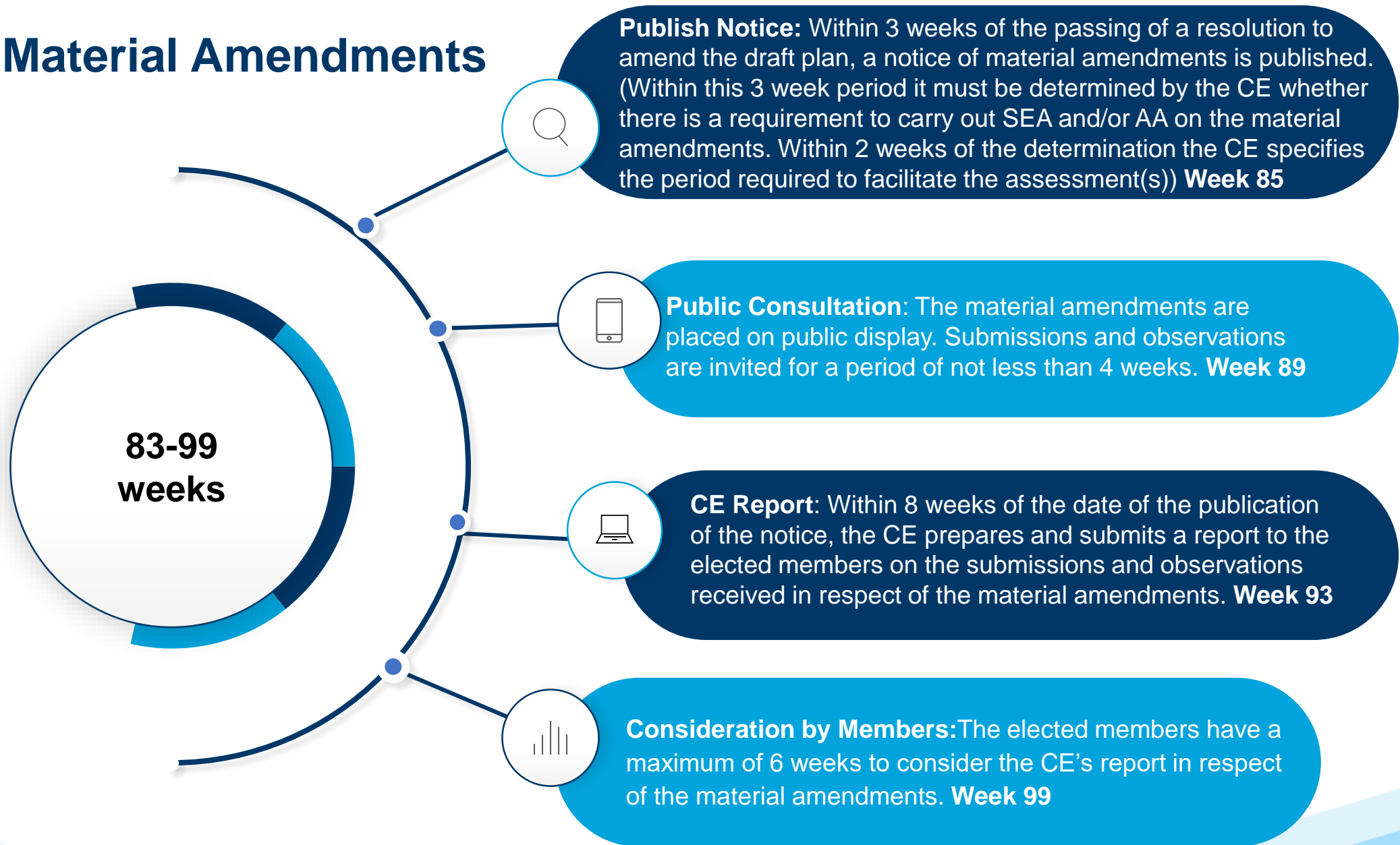


**Guide to 5 stages of Plan-Making Process available on our website....**

<https://publications.opr.ie/view-file/75>



# 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

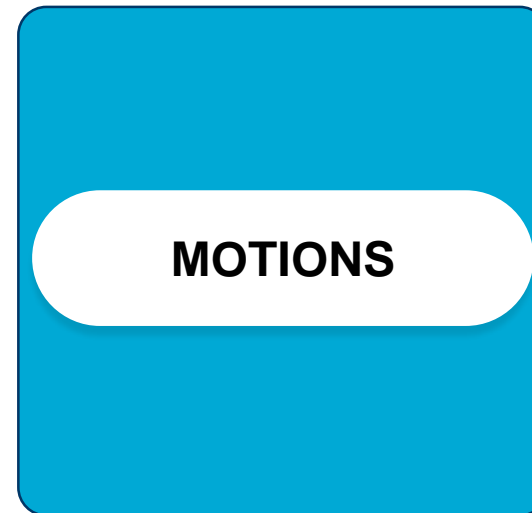
# Who proposes Material Amendments?



Chief Executive



Elected Members



# General Considerations

- ▶ Scope of Material Amendments
  - ▶ Respond to issues raised in submissions
  - ▶ Use this stage to address OPR/Prescribed Body submissions
  - ▶ If you miss that opportunity – difficult to address at final stages
- ▶ A continuation of the plan making process, not an opportunity to go back to Draft stage
- ▶ Subject to Environmental Assessments – SEA, AA, SFRA

# OPR Assessment & Submission

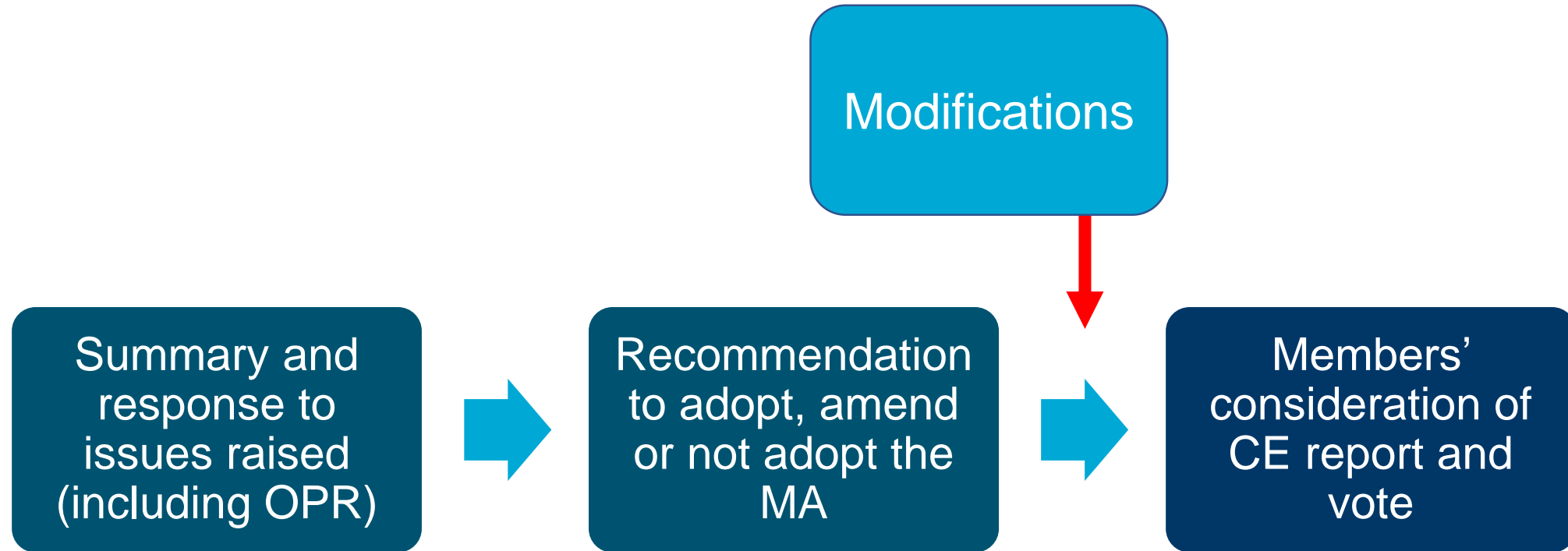
## OPR Assessment

- ▶ 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 – may signal a risk of draft direction

# Chief Executive's Report on Material Amendment



# Modifications



Warning: Extremely limited in scope



Set out in legislation (s.12 (10) (c) PDA)



Transparency - Must be recorded



Public participation!

# Modifications



Minor in nature – typos etc

No implications for SEA or AA

No public participation needed



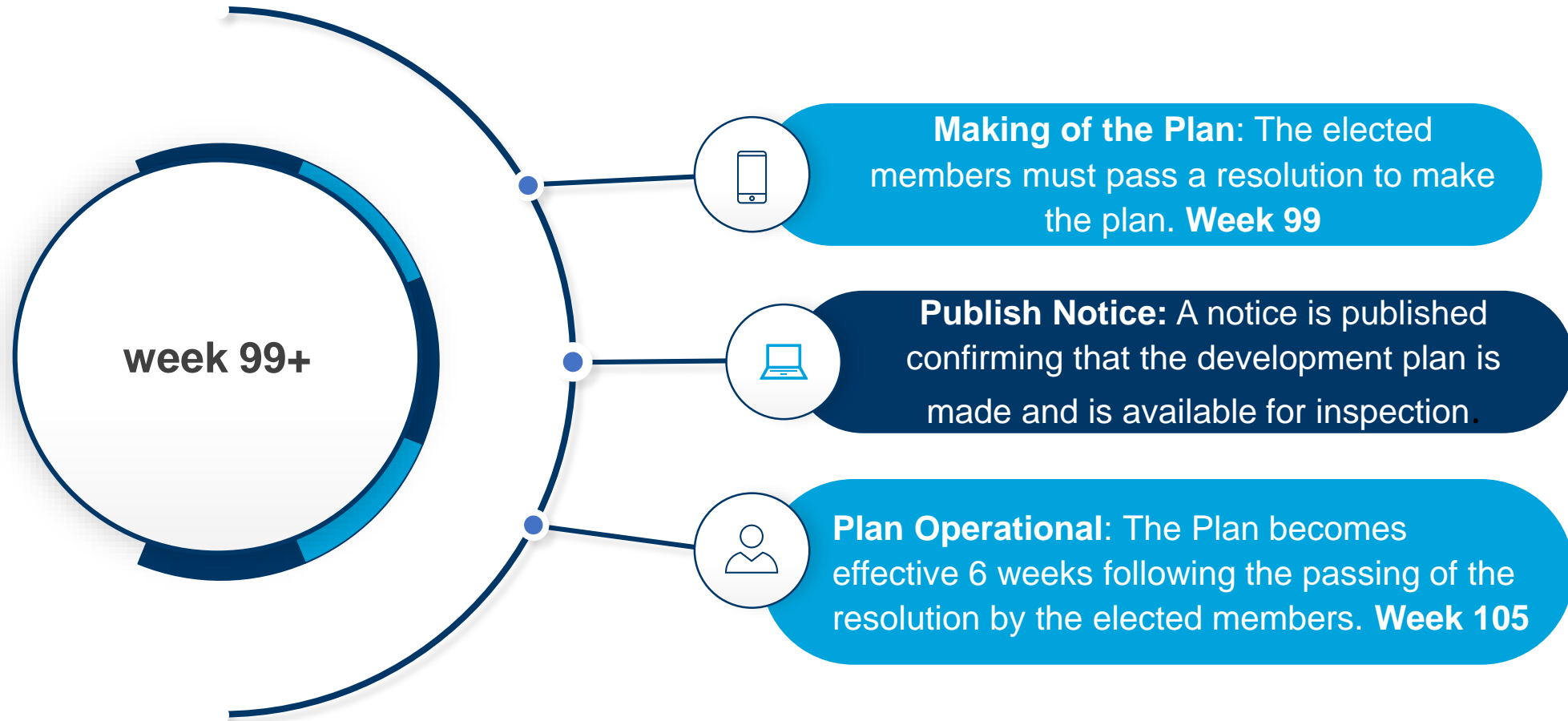
Increase in area of land zoned for any purpose

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 the Plan





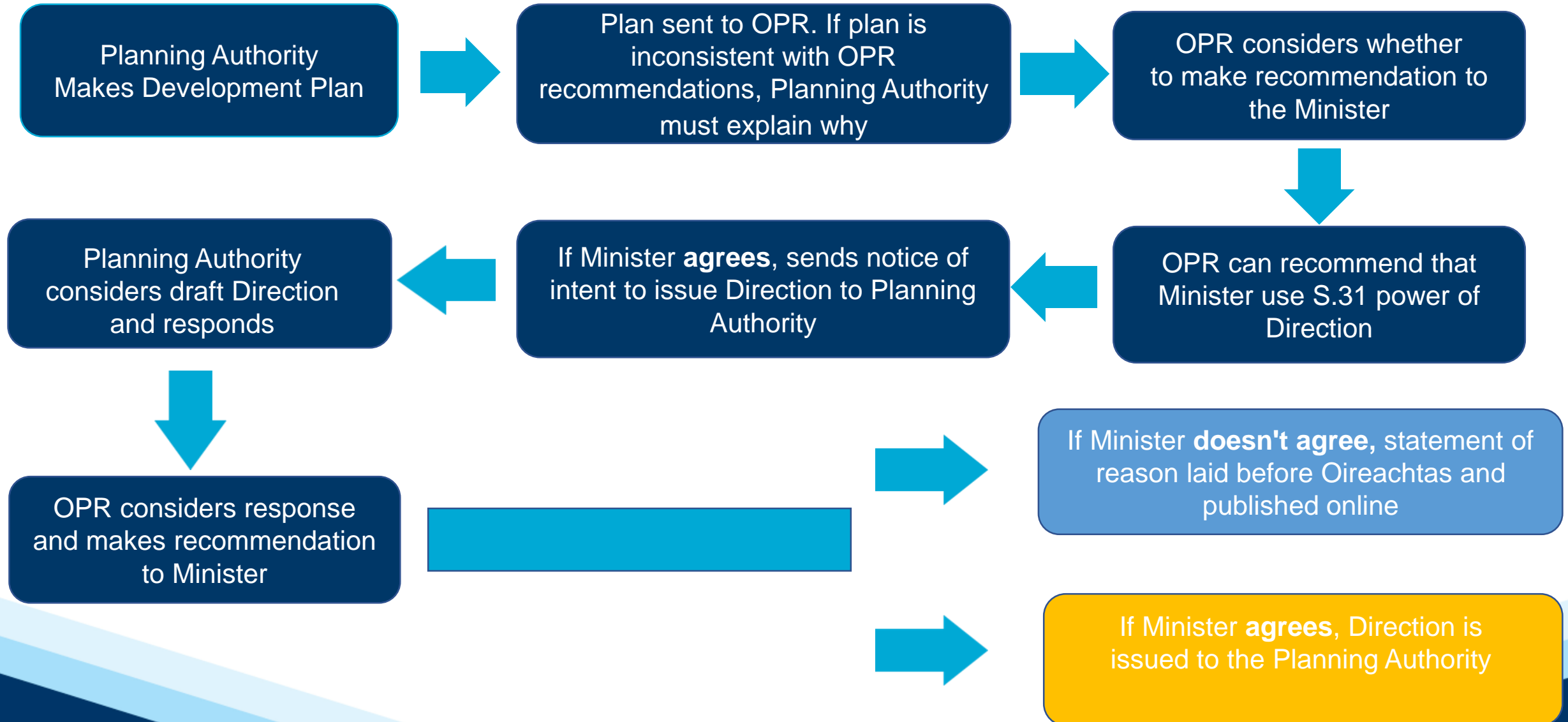
# Requirement to give reasons

- Reasons must be given where elected members adopt a resolution with which the CE does not agree (either in the resolution, or in the documentation and materials referenced)
- Planning authority, through the CE report, must specifically address any recommendations in OPR submissions and must give planning reasons where any recommendation(s) not followed through.

# Inside the Council Chamber

- Prepare for meetings on the plan – EM's operate in a complex legal and policy environment
- Reflect carefully on advice from Executive: they are there to guide you...
- **Motions:** Essential that motions are not *ultra vires*/out of order
  - Legal principles of proportionality & fairness
  - Cannot relate to different legal code (e.g. building standards)
  - Must be received in time and relate to submission received within consultation process
  - Keep them clear and simple
  - Avail of any assistance from the Executive in drafting – they are there to guide and support you
- **Remember!** Failure to adhere strictly to procedural matters and environmental reports may lead to plans being legally vulnerable

# Direction Process





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# Part 2

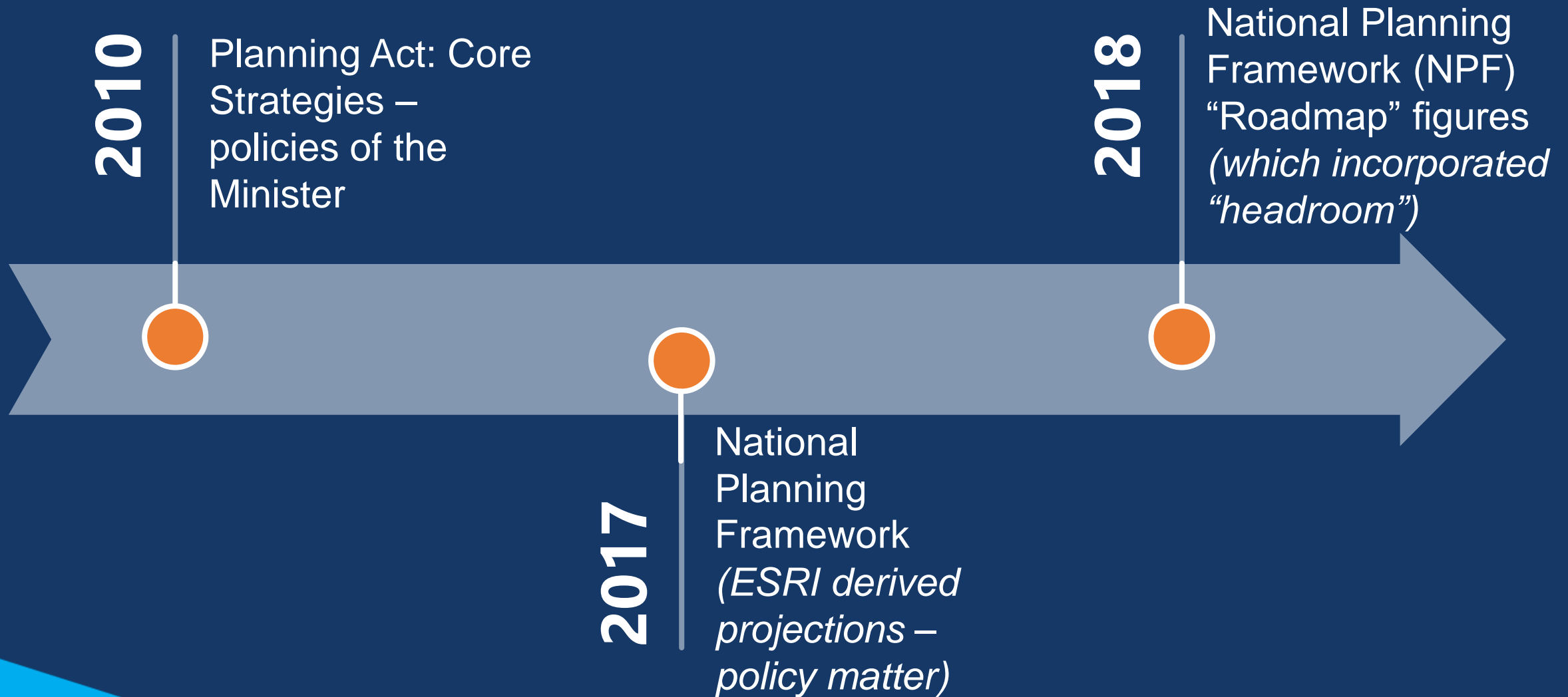
## Case Studies & Learnings

- Planning and Housing
- CDP & Climate
- S28 Guidelines
- Environmental Assessments

# CDP and Housing

- Critical that CDP's have a strong evidence-base in planning for housing...
- How much housing?      **Housing Supply Targets...**
- What types of housing?      **Housing Needs Demand Assessment...**
- Co-ordination:      **Housing Strategy**
- Location:      **Core Strategy**
  - *Appropriate distribution of housing vs infrastructure availability & planning objectives*
  - Focused on ensuring **sufficient supply** of zoned land (avoiding under/over supply)

# Plans more Evidence-Based – Population/Housing Forecasts...



2021

Housing Needs Demand Assessment: identifying housing type/sector needs

2021

Housing Supply Target Guidelines *(incorporating updated figures on population & housing to reflect “transitional” period between now and NPF horizon)*

2021

Revised Development Plan Guidelines - *Requiring PA's to apply HNDA + HST with provision x 2 uplifts:*

- *Additional Provision: allowing for any “stuck sites” + 25% predicted zoned land requirement...*
- *SDZ delivery over multiple plan periods*

# Make Sure...

- ***Housing Supply Targets...***
  - Derive from the DHLGH guidance...
- ***Housing Needs Demand Assessment...***
  - Done...
- ***Housing Strategy...***
  - Sets policy context for social and affordable housing delivery
  - Outlines the local authority led housing vision
  - Addresses specific issues eg traveller accommodation
- ***Core Strategy...***
  - Matches predicted needs to land zoned with options...
  - Matches infrastructure...
  - Housing over the plan-period includes both urban and rural elements...



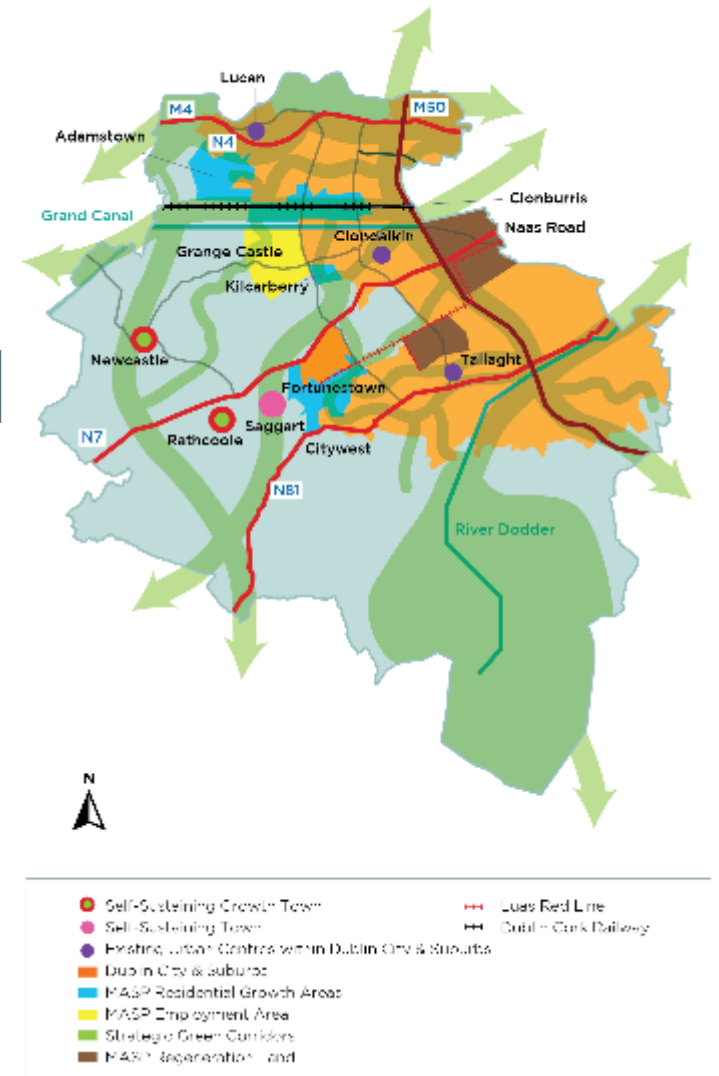
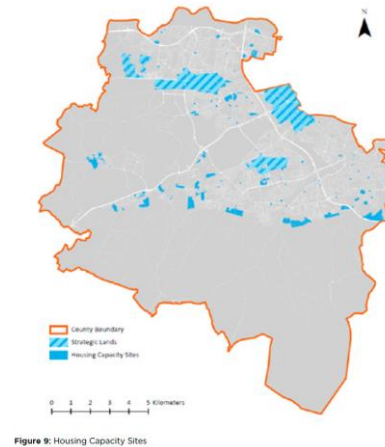
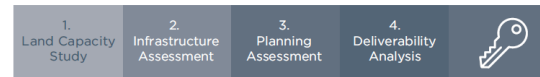
# Delivery: not NPF Targets/Core Strategies the Issue

	Estimated housing delivery based on current CSO completions	NPF/ Housing Supply Target	Residential zoned land yield
SDCC	5,838	15,094	23,731
DLRCC	10,950	15,225	25,350
Fingal	11,352	16,245	27,615
Cork County	9,360	18,500	25,080

*N.B. OPR current estimates for completions over relevant 6 year plan period derived from existing completions – eg 2022-2028 – subject to revision.*

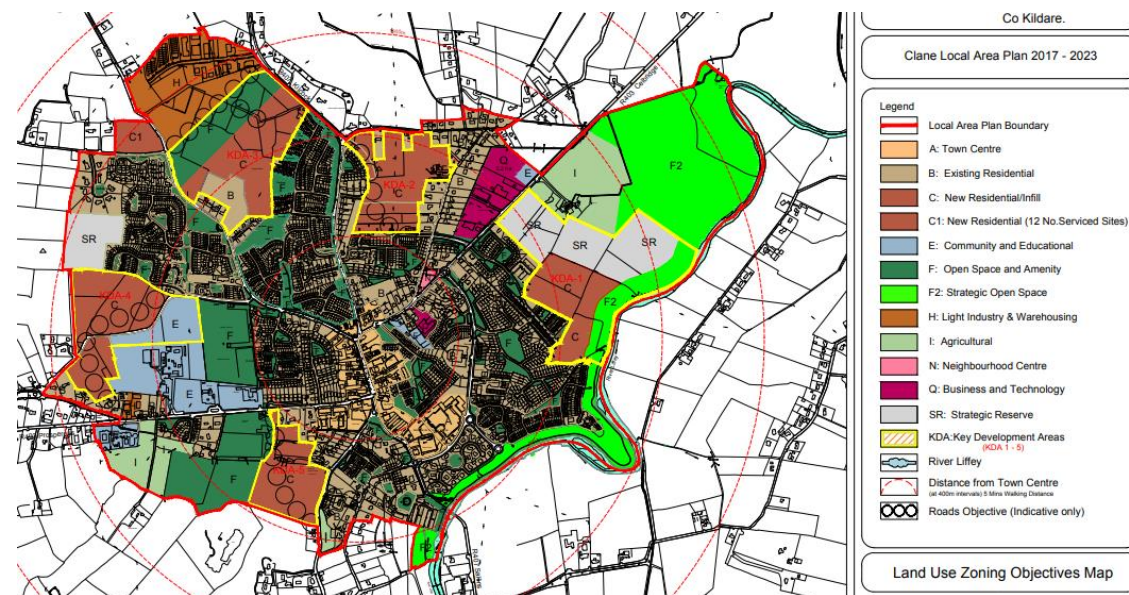
# South Dublin CC Draft CDP

- To meet NPF: + 17,817 homes to 2028
- **13,260** less 4,557 under construction
- Zoned Lands: 990 Ha - **42,570 homes**
- (Previous Plan Zoned Lands 1,195 Ha)
- Excluding long-term land: 477 Ha - **23,731**
  - Zoned & Serviced (Tier 1): **11,597**
  - Zoned & Serviceable (Tier 2): **12,133**
- Focus on public transport corridors
- Flexibility Tier 1 - Tier 2 Active Land Management
- LA assisted/led **8,415** (near 50%)



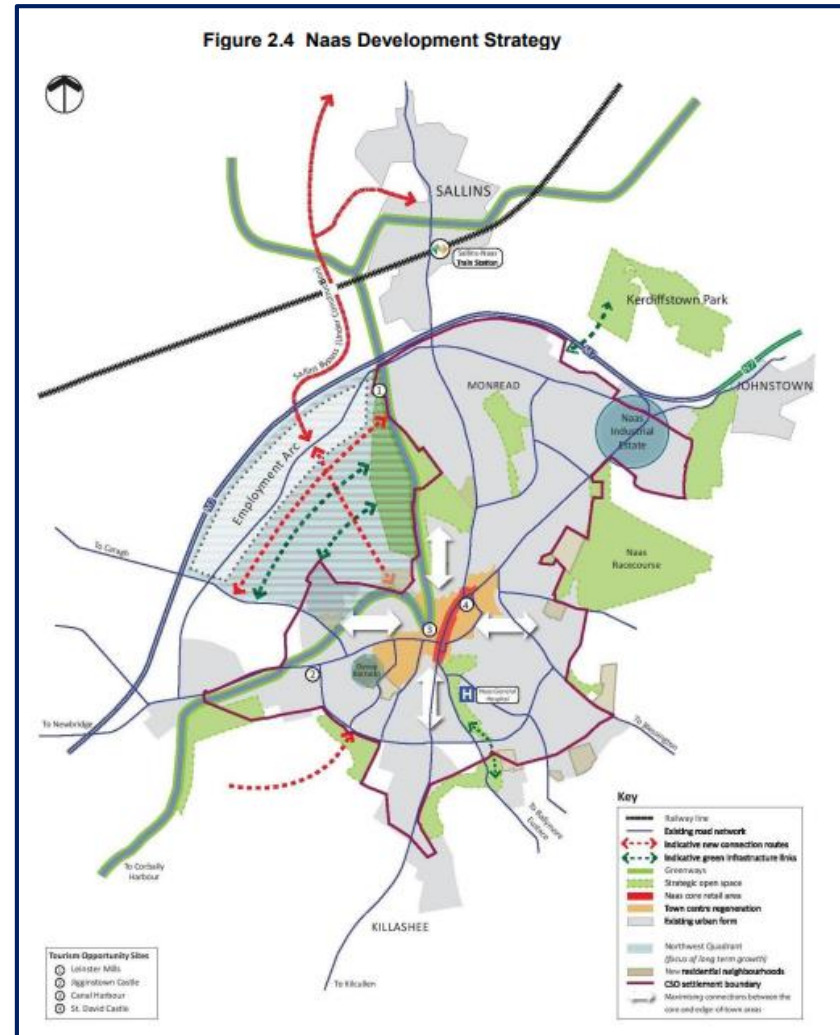
# Core Strategy: Lessons from Past?

- Clane Co Kildare: '91 Pop **1,822** 2016: **7,280** – limited public transport - services
- Extensive zoned lands in previous LAP
- SHD consents on these zoned lands enable **1,325** new homes (pop increase: 3,577) – significant objections
- CDP Core Strategy requirement **290** new homes
- Current growth trajectory difficult to reconcile vs wider active travel, infrastructure policies
- Horse bolted?
- Demonstrates importance of decisions taken now vs longer term implications...
- Would we start from here?



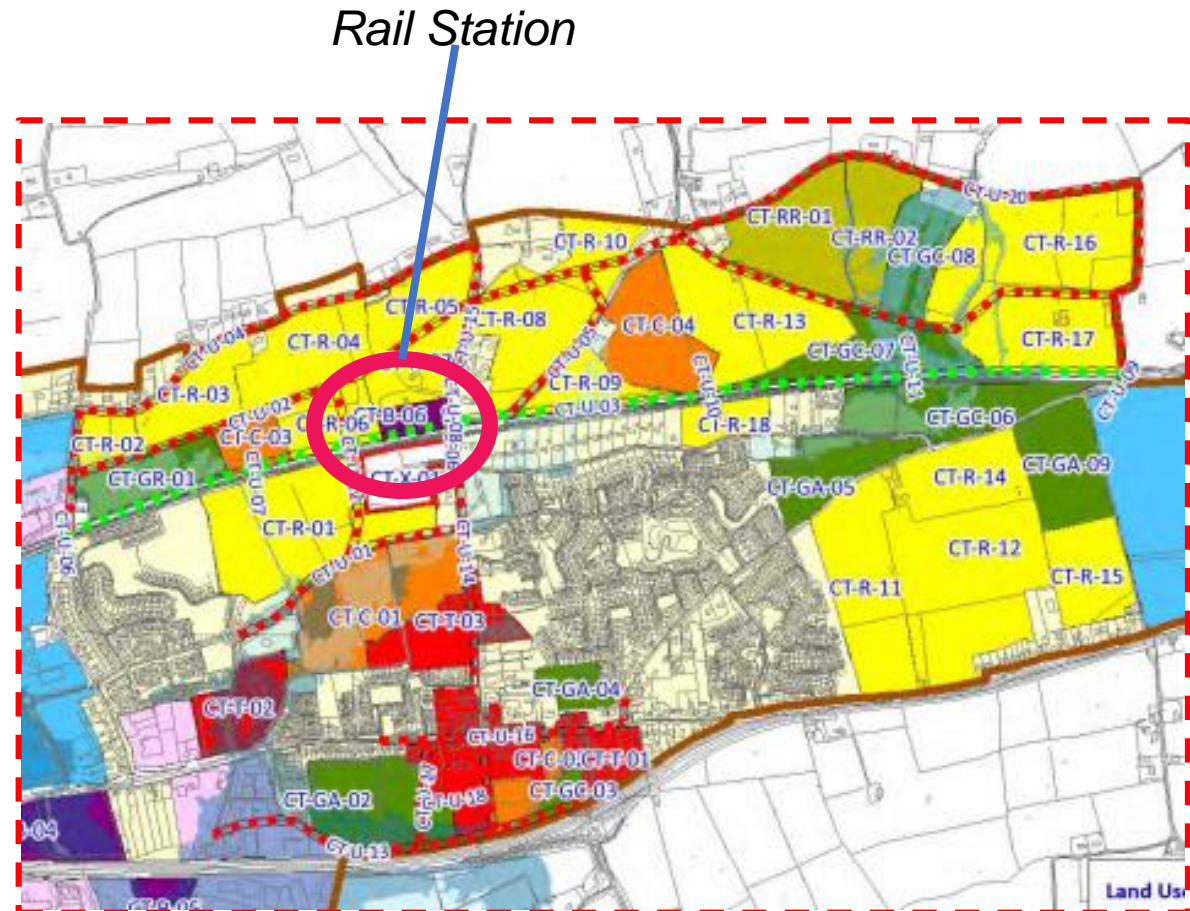
# Vs Naas: A More Targeted Approach...

- 2,394 new homes required
- 1,841 in construction/permitted
- Targeted for delivery 1,147
- Infrastructure capacity analysis
- Tiered approach to zoning (phasing) matching to known infrastructure availability



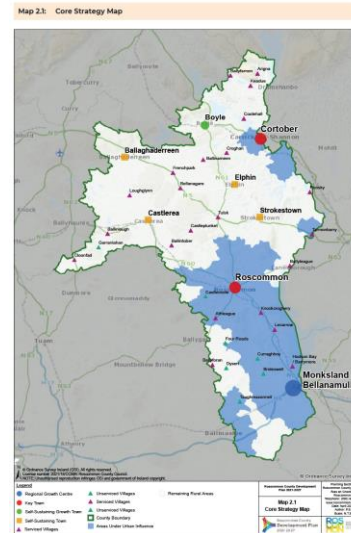
# Carrigtwohill: (Over)Zoning in Good Location...

- Rail based settlement in E Cork
- Population to increase from 5,080 (2016) to 9,749 (2028)
- Housing required: **1784** homes
- Yield off (116Ha) lands zoned: **3,250** homes
- 45 Ha “additional provision” lands + 70 Ha strategic reserve
- 8 Ha from resi to open space
- 2 sites the subject of recommendation to Minister for HLGH to direct the LA to increase densities near rail station from circa 20 dwellings/Ha



# Roscommon CDP: Balanced Urban & Rural Development Strategy

- Future growth clearly laid out
- Towns provided for (+1852 homes)
- Villages provided for (+120 homes)
- Rural housing provided for (+381 homes)
- + infill/brownfield targets (556 homes)
- Integrates HNDA
- Town Plans – legacies dealt with
- Village plans
- All in one easy to read document
- Excellent basis for infrastructure delivery



**Table 2.2: Core Strategy Allocations**

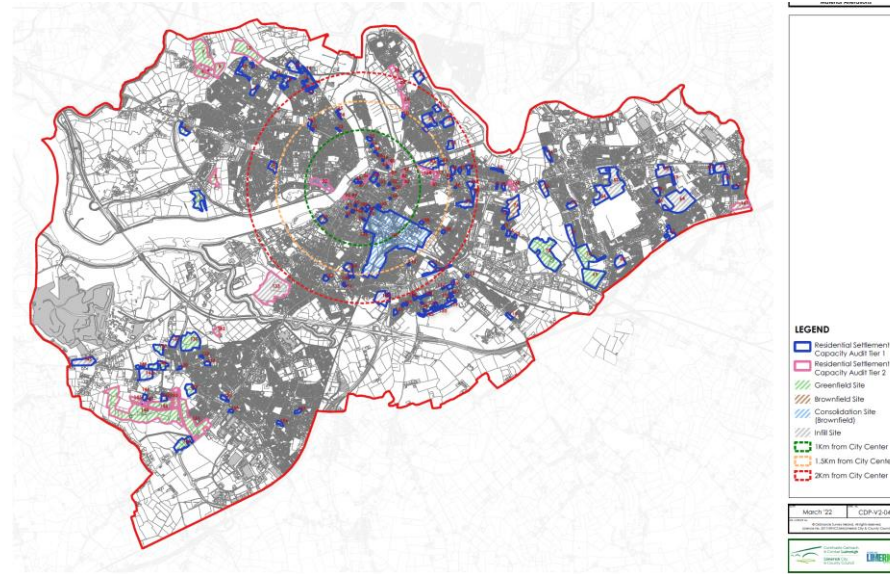
Settlement	2016 Population	Population Growth 2021-2027	New Residential Units	Proposed Densities	Residential zoned land requirement	Units to be delivered on infill/brownfield lands
<b>Settlement Type: Regional Growth Centre</b>						
Athlone (Monksland/Bellanamullia)	21,300 (4,350 in Monksland/Bellanamullia)	1,763	658	50 units/Ha	13.16 Ha	197
<b>Settlement Type: Key Town</b>						
Roscommon	5,900	1,514	565	35 units/Ha	16.14 Ha	170
Carrick-on-Shannon (Cortober)	4,100 (640 in Cortober)	188	70	35 units/Ha	2 Ha	21
<b>Settlement Type: Self-Sustaining Growth Town</b>						
Boyle	2,570	541	202	20 units/Ha	10.1 Ha	61
<b>Settlement Type: Self-Sustaining Towns</b>						
Ballaghaderreen	1,800	340	127	20 units/Ha	6.35 Ha	38
Castlerea	1,990	354	132	20 units/Ha	6.6 Ha	40
Strokestown	825	155	58	20 units/Ha	2.9 Ha	17
Elphin	565	107	40	20 units/Ha	2 Ha	64
		<b>4,962</b>	<b>1,852</b>		<b>59.25 Ha</b>	<b>556</b>
<b>Settlement Type: Serviced Villages</b>						
(See Table 2.3)	6,314	214	80			
<b>Settlement Type: Unserviced Villages</b>						
(See Table 2.3)	859	107	40			
<b>Settlement Type: Rural Areas</b>						
	38,723	1,021	381			
<b>Totals</b>	<b>64,544</b>	<b>6,387</b>	<b>2,353</b>			<b>556</b>



# Development Plans & Activation



Planning: finding suitable lands



Ensure zoning focuses on locations that *can* and *will* come forward over plan period

(Settlement Capacity Audit)



If not: action on *land hoarding - shifting prioritisation of release* of housing land in Core Strategy

# Ensuring Viability & Sustainability



CDP policies that support viability in achieving higher density housing schemes



Putting forward credible proposals for brownfield development



Securing balance between villages/towns & wider rural development:

- 25% of all housing completions nationally are in the countryside (one-off homes)...PP x 25% in 2021



# Summary of Current Approach: Land & Housing

Clear focus on the 6-year plan period – more targeted approach facilitates regular monitoring of targets

Prioritisation of serviced or serviceable land within the existing footprint of settlements – compact growth

'Additional Provision' of lands can be necessary BUT must be justified + in right locations

Alignment of Housing Supply Targets and quantum of zoned land

Further provision also made for strategic sites for phased delivery over multiple plan periods eg Strategic Development Zones



# CDP & Climate: Roscommon

- All LA's must play their part in the national effort to decarbonise
  - Roscommon: Existing electricity demand: 29-48MW...
  - Will increase with electrification needs
  - Existing renewables: 112MW
  - Potential: 262MW
- 
- Fully complies with policy – future proofed
  - Sets clear climate action grounded vision
  - Energy efficiency projects
  - Climate adaptation – flood risk assessment
  - LA exemplar projects

Figure 7: Areas Suitable for Wind Development Draft

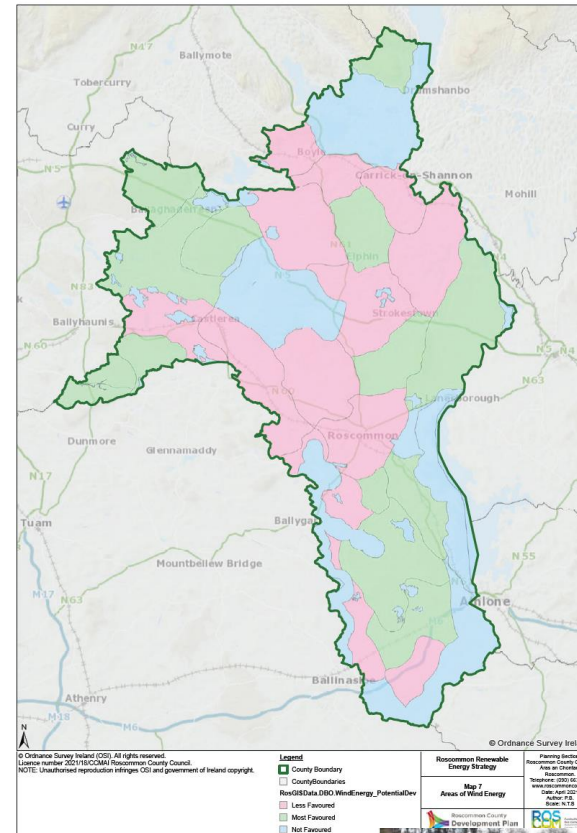
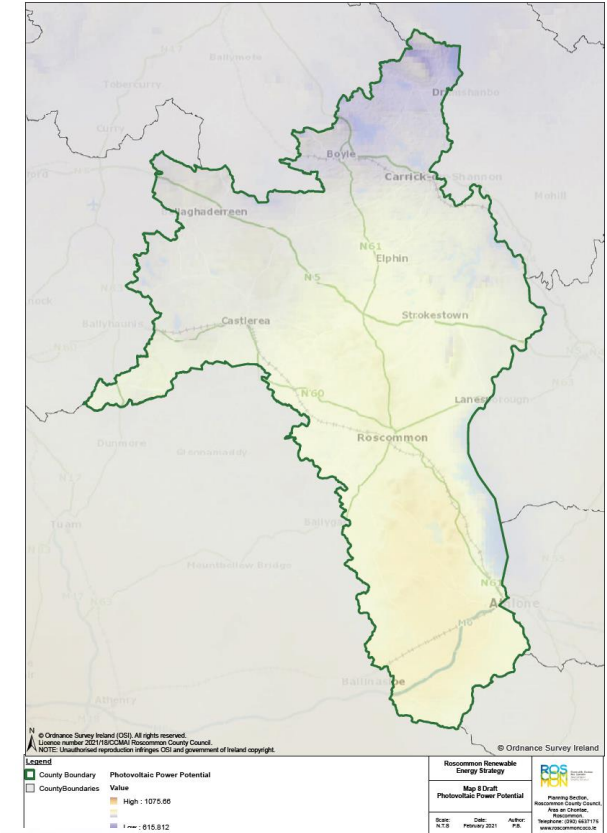
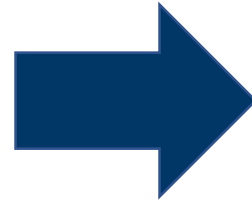


Figure 8: Photovoltaic Power Potential Draft



# Other Mandatory Provisions to Watch For...

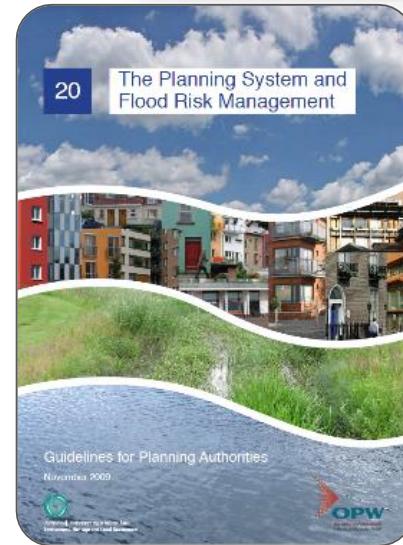
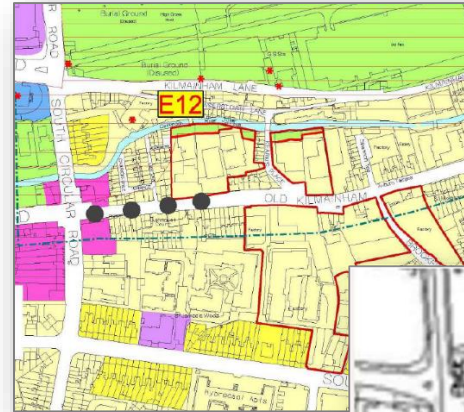
- A Core Strategy consistent with RSES and NPF
- A Housing Strategy consistent with Core Strategy...
- Mandatory objectives...
- Ministers Guidelines & Strategic Planning Policy Requirements addressed



**Demonstrate consistency with national plans, strategies, guidelines...**

# Environmental Requirements & Procedures

- Strategic Environmental Assessment...
- Strategic Flood Risk Assessment...
- Appropriate Assessment...



# + Stronger Plans Reflect Wider Inputs



# Final thoughts

- Best Development Plans today...
  - Strongly evidence-based & policy-led...
  - Demand high-level of awareness & knowledge...
  - Address both local circumstances & global imperatives...
  - Benefit from close co-operation between LA Members *and* planning teams...
  - Attract significant public & private investment (NDP especially)
- Above all else remember...
  - Plan-making must be carried out within the legislative and policy context
  - Step outside that and the plan is vulnerable – Ministerial Directions, legal challenge & planning appeals
  - Above all else, your central duty is to consider overall proper planning and sustainable development, while addressing local issues and interests as well...



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# Q & A



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