



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

The planning process and the Office of the Planning Regulator

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 to be concluded by early Oct
- ▶ Staff resources close to being finalised - 3 work teams: Plans Evaluation/Reviews/Corporate and Planning Research, Training and Public Awareness
- ▶ Located at 77 St John Rogerson's Quay Dublin 2
- ▶ Contact
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Planning in Ireland



31

**Planning
Authorities**



3

**Regional
Assemblies**



200+

**Statutory Development Plans
Local Area Plans
Strategic Development Zones**



1

An Bord Pleanála

2017 in Numbers

28,077
Planning
decisions made

2,623
applications
refused

25,454
applications
granted

Appeals to
An Bord Pleanála

2,041

22%

Decision
confirmed

24%

Decision
reversed

54%

Decision
Varied



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Opportunities...





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Challenges...

How does the Government plan to tackle the housing crisis?



Grappling with the housing crisis: Fresh approaches needed

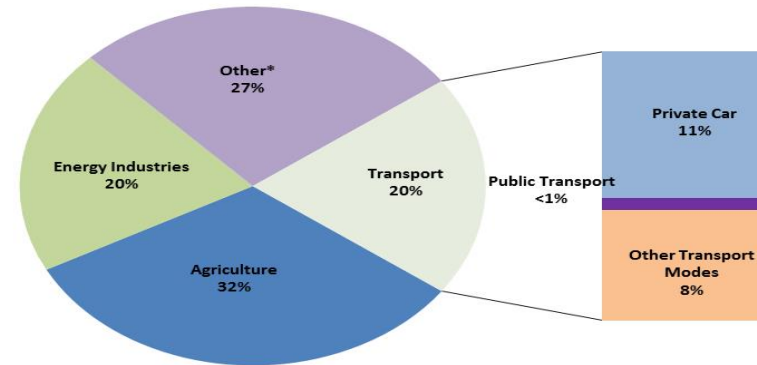
With 90,000 people on social housing lists, we asked five insiders for potential solutions



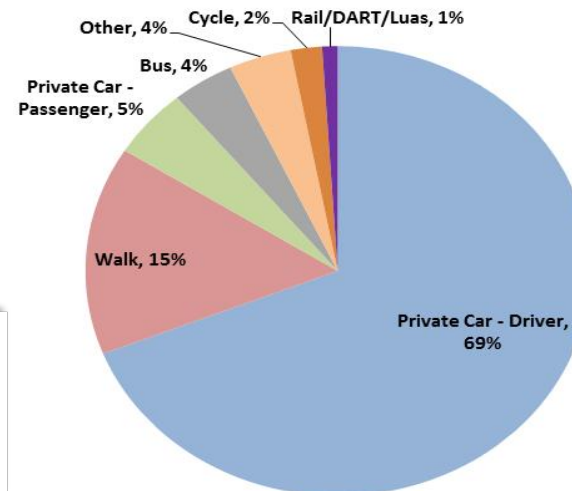
The complex question of why there is a housing shortage

The reason why, at a time of strong demand and rising prices, more homes are not being built

Ireland's GHG emissions per sector (2016)



How do we travel? Modal Share of Ireland's Transport Journeys (2016)





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Outcomes



VS





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Principles

- ▶ Plan-led - evidence based
- ▶ Driving sustainable development, integrating consideration of its economic, social and environmental aspects
- ▶ Creating communities and further developing existing communities in a sustainable manner by securing high quality urban design
- ▶ Transitioning to a low carbon future and adapt to a changing climate
- ▶ Greater use of public transport as well as making walking and cycling more attractive
- ▶ Efficient and effective use of previously developed (brownfield) land over the use of greenfield land
- ▶ Enhancing a sense of place within and between cities, towns and villages and rural areas.
- ▶ Conserving and enhancing the rich qualities of natural and cultural heritage of Ireland
- ▶ Protection and enhancement of environmental quality in a manner consistent with the requirements of relevant national and European standards
- ▶ Planning that upholds confidence in the openness, fairness, professionalism and efficiency of the process, where people have the opportunity to participate



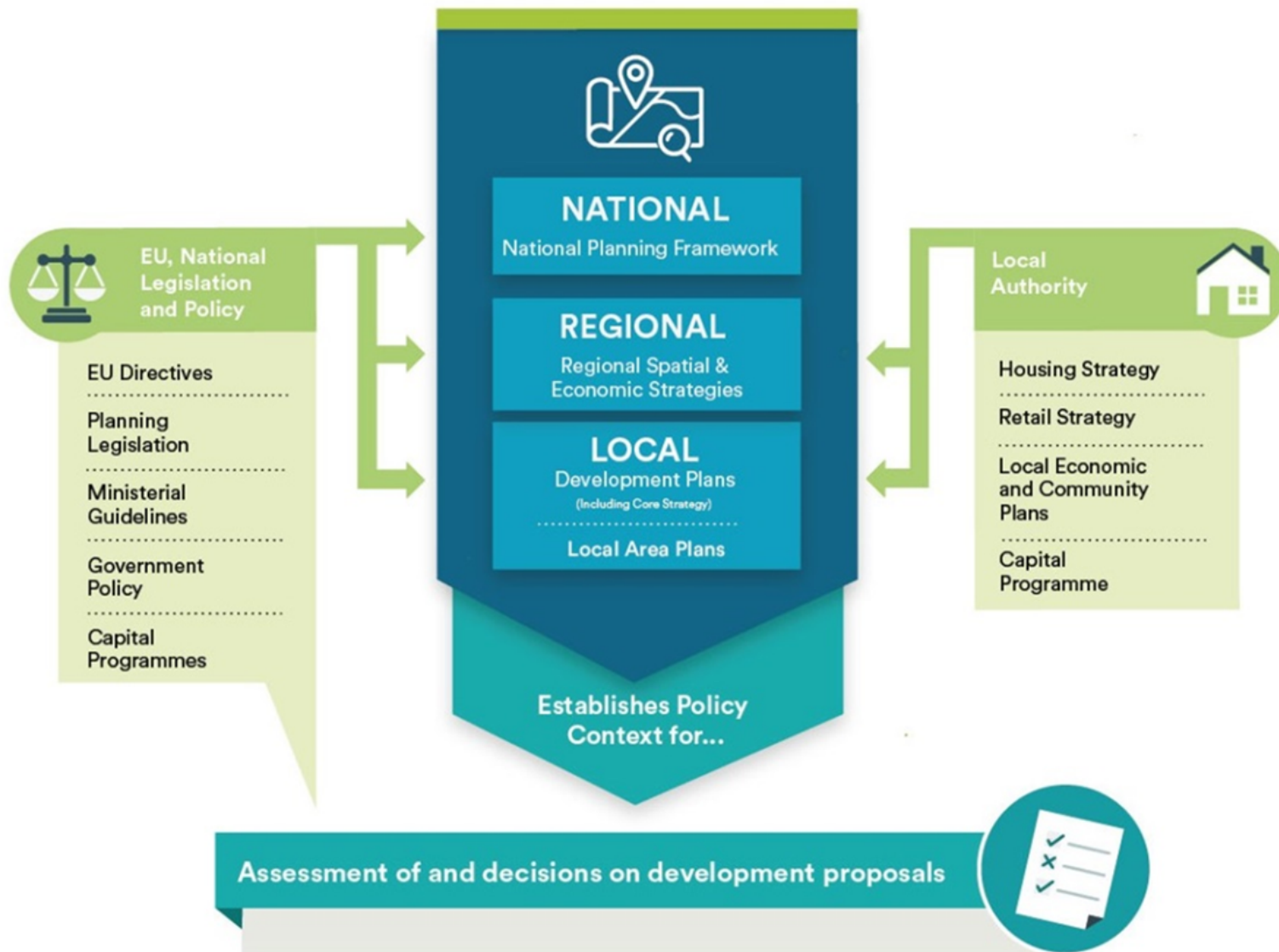
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Then and Now

1990's	2019+
No national planning framework	NPF (2018)
No regional planning	Regional Spatial and Economic Strategies (2019)
Planning and Development Act 1963 (as amended)	Planning and Development Act 2000 (as amended) 944 amendments since 2000
Few EU Directives impacting directly on Planning (EIA)	EIA, SEA, Habitats, WFD, Noise, Public Participation, Services, Aarhus, etc.....
Key Challenges: Economic development?	Key Challenges: Climate, Housing, Sustainable development, Communities, Infrastructure delivery, Smarter Mobility, Biodiversity, Water Quality, Environmental Noise etc...
1x statutory planning guidelines	>30 Ministerial Guidelines and Directives
88 planning authorities - ABP	31 planning authorities - 3 regional assemblies - ABP - EPA - Land Development Agency
Judicial reviews of planning decisions (?)	150+ JR's on planning related matters S50B

Irish Planning System

An Overview





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Assessments

- ▶ OPR will evaluate local authority/regional assembly plans at strategic level:
 - ▶ Pre-plan making stage; (issues papers - to play a proactive and positive role)
 - ▶ Draft plan/amended draft stages.
- ▶ Assessments based on action 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
- ▶ 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 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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Environment

- ▶ **Some Key Environmental Challenges for Next Generation Statutory Plans:**
- ▶ **Action on Climate (Adaptation and Mitigation)** - demonstrating how spatial plans achieve our climate targets by demonstrating how policies chosen reduce energy and transport requirements, enhance renewables and build the circular economy...
- ▶ **Water, Air, Noise** (EU Directive Requirements integrated into the development plan process)
- ▶ **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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Reviews

- ▶ At instigation of OPR (section 31AS) or request of the Minister (section 31AT)
- ▶ Focus will be on systems and procedures used by all planning authorities, including An Bord Pleanála in the delivery of planning services to the public
- ▶ OPR will implement a proactive programme systematically reviewing each authority to cover the sector on a 5-6 year cycle
- ▶ Focus on ‘best practice’ highlighting planning successes as well as areas for improvement
- ▶ OPR to build/expand existing range of output/outcome indicators
- ▶ Draft methodology to be developed and agreed with authorities and stakeholders



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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**
- ▶ **Institutional landscape includes LAs, ABP, Ombudsman, SIPO, An Garda Síochána, etc.**
- ▶ **130 complaints / enquiries since establishment in April**



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Research

- ▶ **First independent planning research focal point since loss of An Foras Forbartha in 1990's**
- ▶ **Are there research topics that elected members wish the OPR to consider?**
- ▶ **Public awareness of the benefits of good planning will also be delivered (Eco-Eye)**
- ▶ **OPR Research Group (Proposed):**
 - ▶ **Climate and planning - how to demonstrate that plans deliver real progress on climate;**
 - ▶ **Compact development vs sprawl - where and what type of housing is being built; and**
 - ▶ **Innovation in delivering more affordable housing closest to peak demand areas.**
- ▶ **OPR will carefully co-ordinate its research programme with others (NESC, Universities, Housing Agency, Departments etc)**



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Conclusion

- ▶ Historically - planning seen primarily for its development management (a stage to get through on the way to development...) functions rather than pro-active plan-led initiatives (regeneration - delivering housing in the right locations - urban consolidation - action on vacancy)
- ▶ Government has taken huge strides in building a stronger, more evidence based and investment-backed planning process - Project Ireland 2040, NPF, RSES, funds, Land Development Agency
- ▶ Today our planning process is increasingly being recognised as a key focus for public policy to advance an array of environmental objectives (Climate, Water, Biodiversity, Cultural Heritage)
- ▶ OPR is a significant enhancement of the governance and oversight aspects of our planning process...
- ▶ Focus on Year 1 is on building organisational capability and key relationships - 5 year plan...
- ▶ Significant volume of (plans assessment) work is approaching for 2020+ will demonstrate how effective the legislative, policy and operational enhancements of our planning process
- ▶ Longer term strategic value in building a research, training and public awareness programme...
- ▶ Allied to a regular programme of reviews of LA effectiveness in delivering planning services...
- ▶ Questions?