



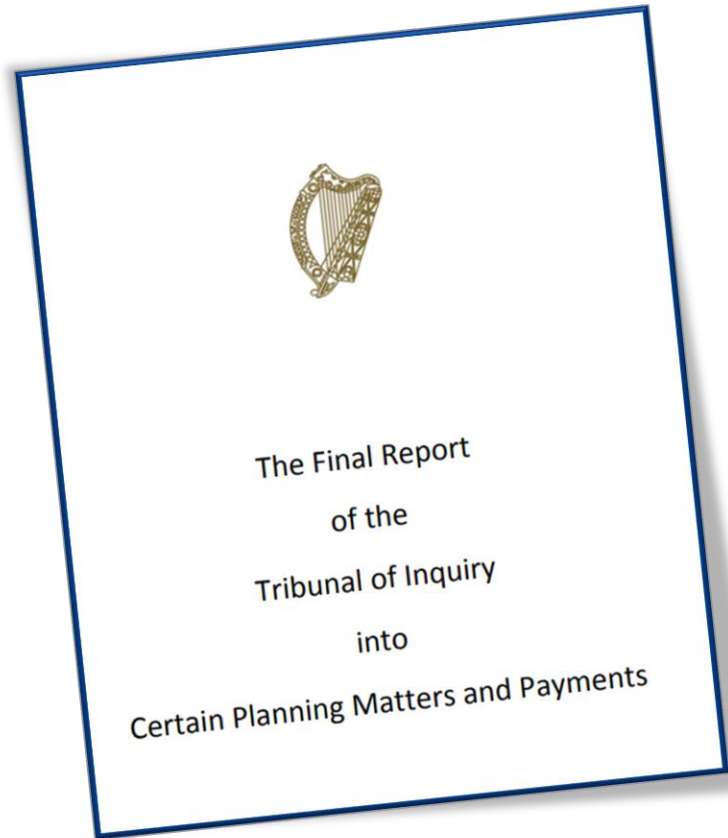
**Oifig an  
Rialaitheora Pleanála**  
Office of the  
Planning Regulator

**Certificate in Environmental and Planning legislation**  
**Implementation of EU Environmental Directives in the provision of Local  
Authority plans and services.**

# **The Role of the Office of the Planning Regulator**

**Niall Cussen**  
**Planning Regulator**

# Purpose of the OPR



**Implementation of key recommendation of Mahon Tribunal to strengthen independent oversight of the planning process through...**

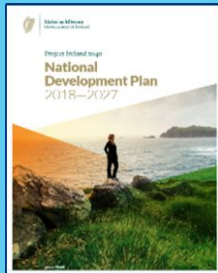


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# OPR Functions

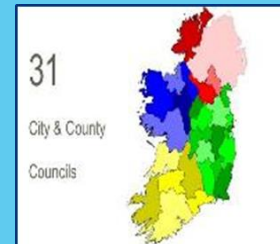
## Statutory Plans

Assessment of city/ county and local area plans made by local authorities for **fit with national and regional policy and legislative requirements**



## Local authority Reviews

Reviews and examinations of local authority and An Bord Pleanála systems and procedures in the **delivery of planning services** to the public



## Training & Research

Building **knowledge and information base in planning** through **training** for local authority members and staff, **public information, research**

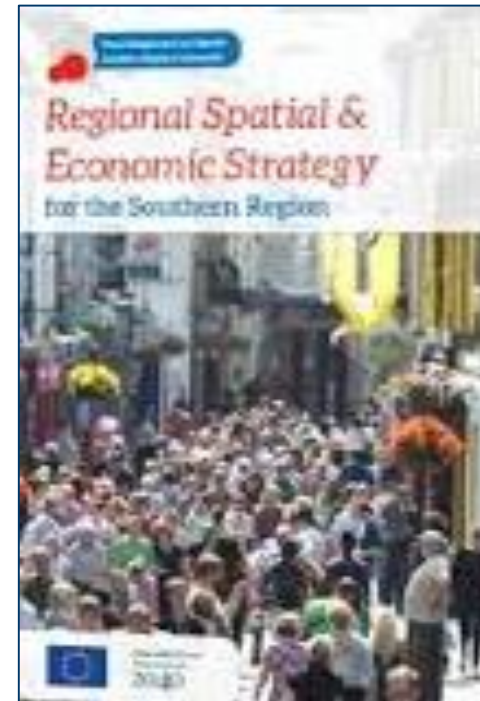
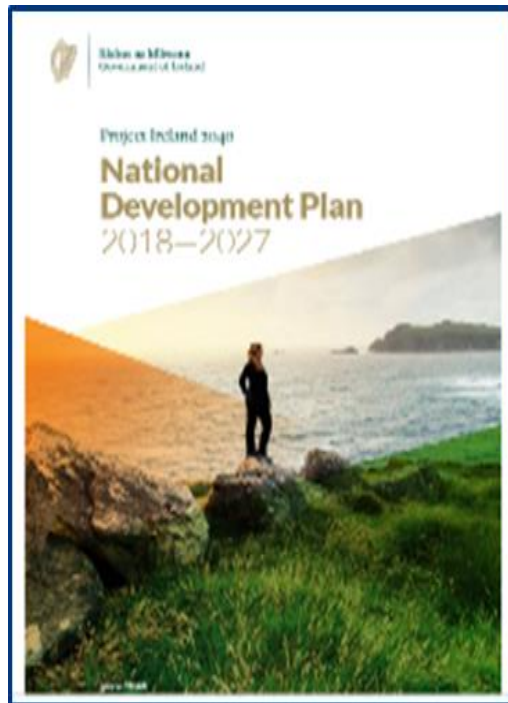


**Section 31S. The Office shall, in performing its functions, have regard to the requirements of EU Directives – EIA – SEA - Habitats - Birds**

# Statutory Plans

**Statutory Plans** – County or City Development Plans, Local Area Plans, and Variations/ Amendments to these

The role of the OPR is to ensure that these plans are consistent with **national** and **regional** planning policy



# 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,

# Specific Focus Climate Action

- ▶ Under Section 31AM.(2)(a) the Office is required to focus on the mandatory objective in relation to climate change:
  - Section 10 (2)(n) (sustainable settlement & transport strategies for rural and urban areas)
- ▶ Section 28 guidelines (Wind & renewable energy guidelines)

Promotion of measures, through the location, layout & design new development, that

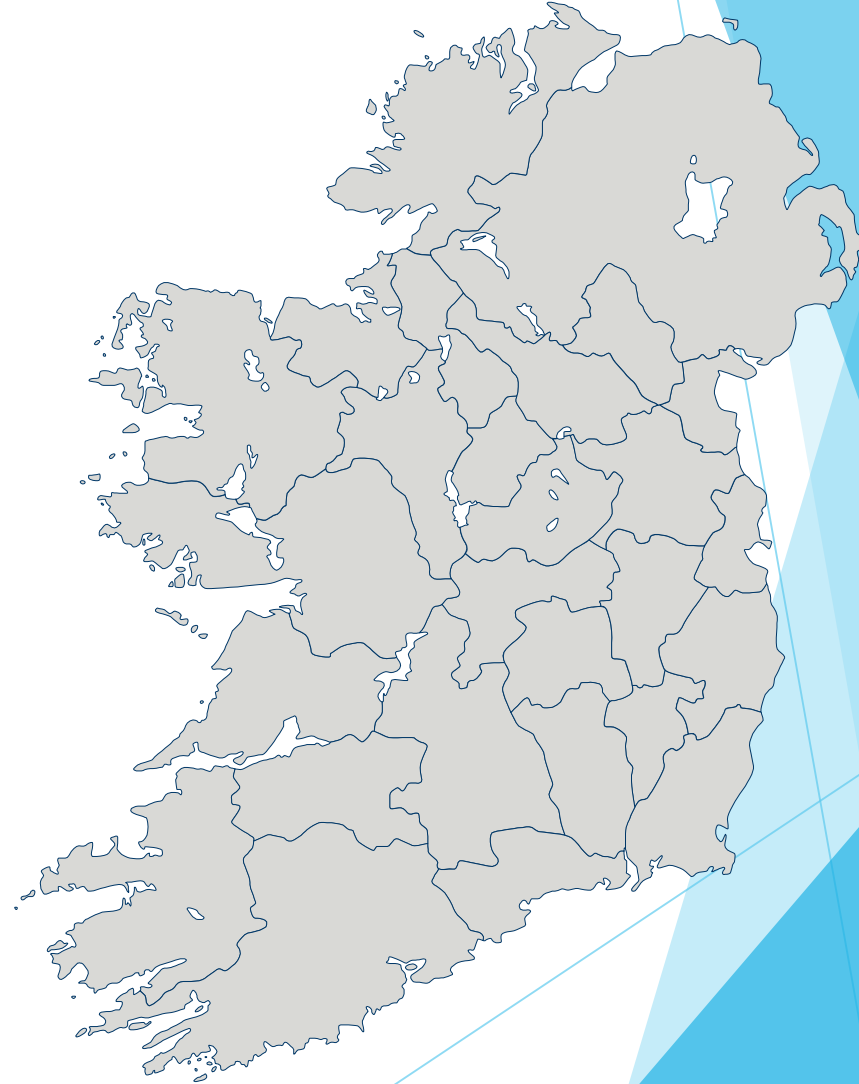
- ❑ Reduces energy demand;
- ❑ Reduces greenhouse gas emissions; and
- ❑ Adapts to effects of climate change.

# 200 new Development Plans/Local Plans...

Post publication of National Planning Framework all Development Plans/Local Area Plans are subject to review.

Opportunity to more deeply consider & integrate environmental aspects of development needs and opportunities in both urban and rural contexts.

“Weeding out” patterns of development that would hamper achievement of environmental objectives: less judicial review?

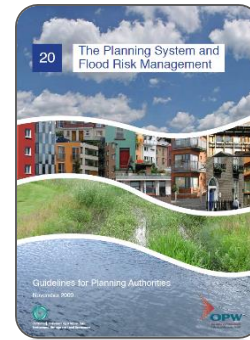




# Key Environmental Requirements in Plan-Making



- ▶ SEA Directive - Strategic Environmental Assessment (SEA)
- ▶ Habitats Directive - Appropriate Assessment (AA)



- ▶ Floods Directive - Section 28 Flood Risk Management Guidelines
- ▶ Ensure the plan is informed by a Strategic Flood Risk Assessment (SFRA)

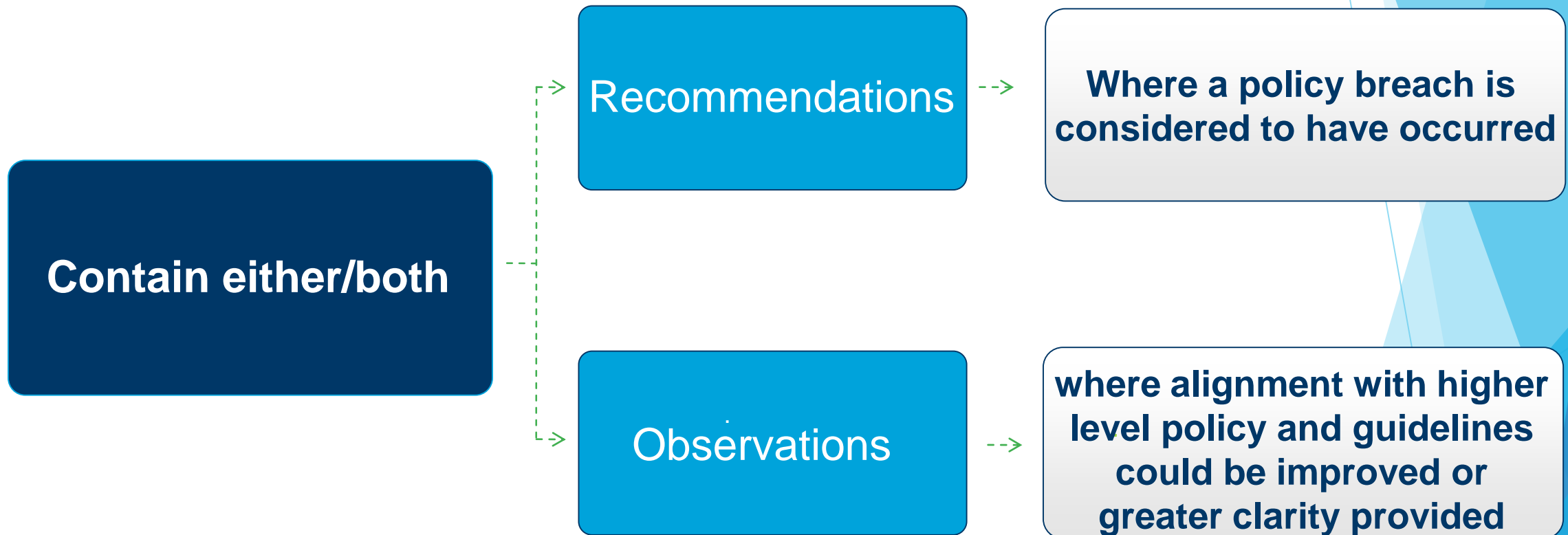


**Table 3.1 Stages of the development plan review process requiring OPR evaluation**

Notice under the Act	Stage of development plan process	Time period for observations	OPR recording process
Section 11(2)	Development plan review, i.e. <u>issues paper</u> .	Not less than 8 weeks	<ul style="list-style-type: none"> <li>• Submission letter</li> </ul>
Section 12(1)(a) and section 12(5) (aa)	Publication of the <u>draft plan</u> .	Not less than 10 weeks	<ul style="list-style-type: none"> <li>• Plan Assessment report</li> <li>• Submission letter</li> </ul>
Section 12(7)(b)	Where an amendment, being a <u>material alteration</u> , to the draft plan is proposed.	Not less than 4 weeks	<ul style="list-style-type: none"> <li>• Material Alteration Assessment report</li> <li>• Submission letter</li> </ul>
Section 12(6) or 12(10) and section 31AM(6)	Adoption of the development plan.	No more than 4 weeks applies as per section 31AM(8) to issue notice to the Minister.	<ul style="list-style-type: none"> <li>• Adopted plan assessment form.</li> <li>• Acknowledgement letter.</li> </ul>

**CE's report must summarise and provide a response to the issues raised by OPR as well as certain other prescribed bodies.**

# OPR statutory submissions to planning authorities at all stages of the plan making process



# Recurring Themes...



## Population growth and settlement hierarchies

- ▶ Managing population growth avoiding suburban sprawl and long commutes
- ▶ Consolidating residential development within existing built up areas to maximise proximity to services and facilities, reduce car dependency
- ▶ Aligning future development and investment in infrastructure



## Climate Action

- ▶ Flood Risk Management
- ▶ Reduction in Greenhouse gas emissions through sustainable settlement and transport strategies
- ▶ Contribution to realising national targets for renewable energy



## Alignment with higher level plans

# OPR Role in SEA and AA

✘ OPR is **NOT** an 'Environmental Authority'

✘ OPR is **NOT** a decision making authority for SEA

➤ *Sole responsibility of elected members to carry out SEA*

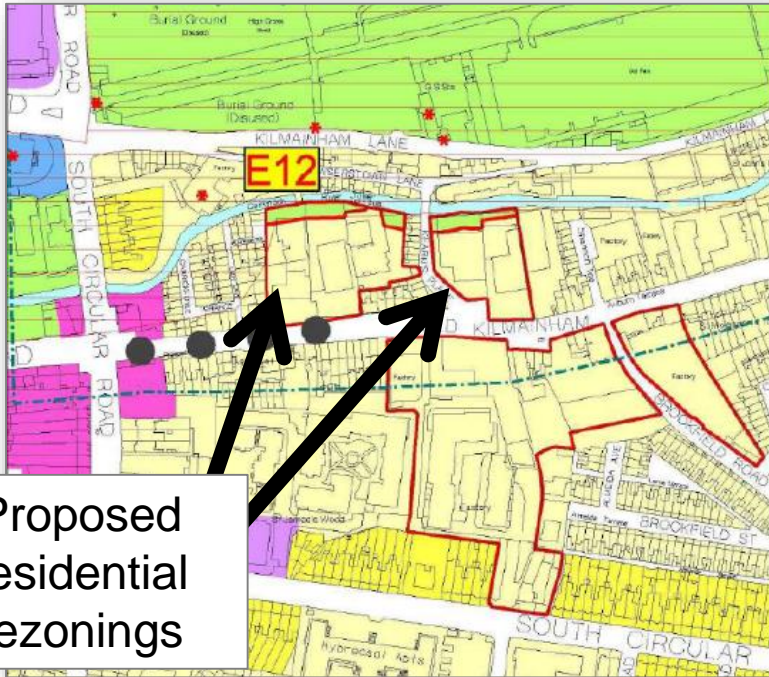
✔ We do have a role in terms of assessing:

➤ High-level consistency between LA plans and Guidelines published by Min HLGH;

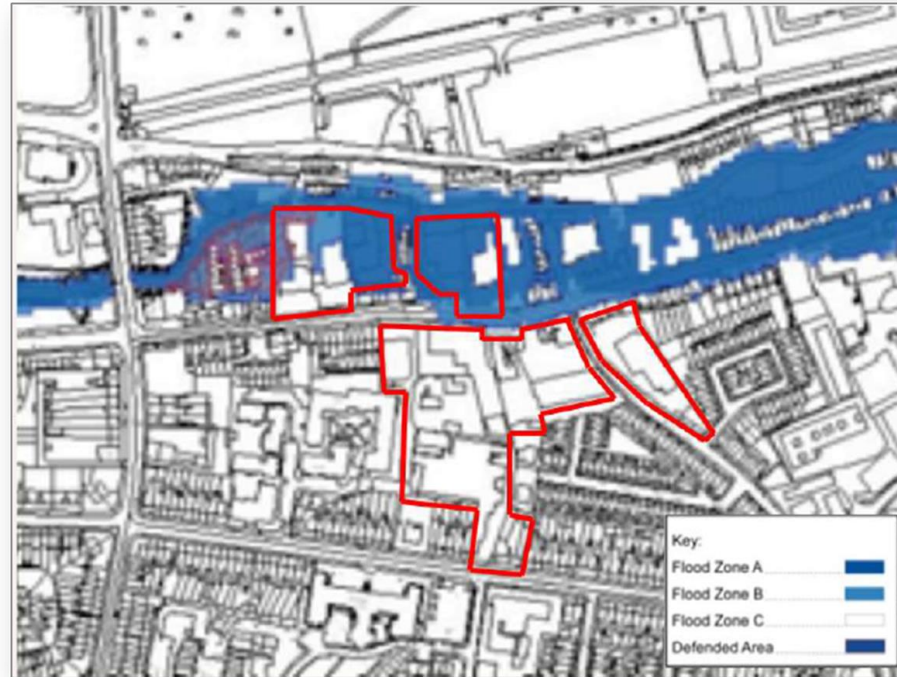
➤ Addressing of mandatory content of statutory plans under Section 10 P&D Act; and

➤ Degree to which environmental directives have properly shaped the policy-making process.

# Case Study- Dublin City DP Draft Variations 8-28



Proposed  
residential  
rezonings

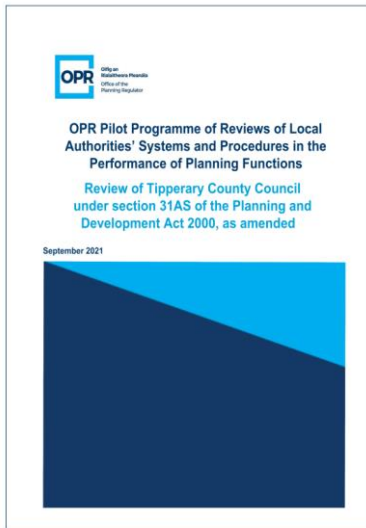


## **OPR Recommendation:**

- *LA flood risk mapping indicated areas at risk but DHLGH flood risk guidelines had not been properly applied*
- *Justification test required*
- *PA response: withdrew amendments.*






# Reviews of Planning Authorities – Section 31AS

- High-level review of broad LA planning functions across 11 headings: OPR published reviews methodology.
- Including approach to various **environmental assessments**:
  - SEA
  - AA
  - SFRA
  - EIA
- Our focus: to identify if the relevant PA has put in place robust systems and procedures to ensure compliance with environmental codes relevant to planning



# Complaints

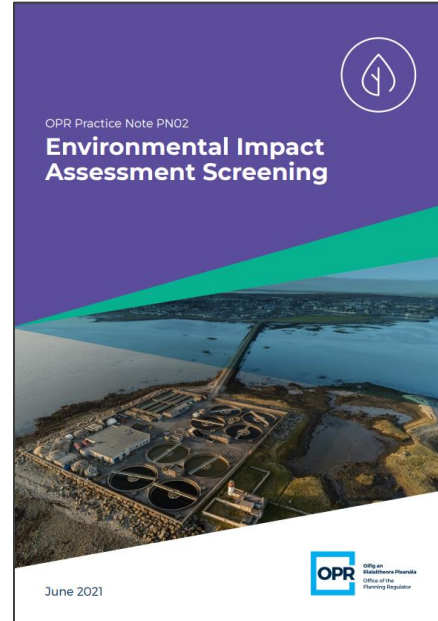
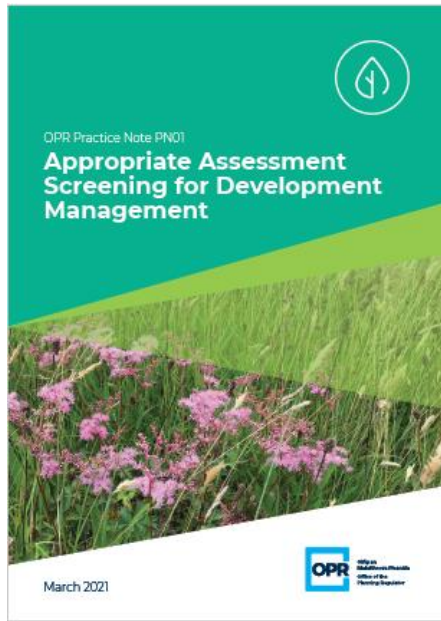
## Section 31AU made by a person or via Minister

-  Empowered to examine complaints about local authorities related to the systems and procedures used in the delivery of planning services
-  Systemic issues, not individual cases
-  Not here to duplicate other review / appeal / complaint mechanisms e.g. local authorities' own complaints procedures, An Bord Pleanála, Ombudsman's Office, Standards In Public Office Commission, etc.
-  119 matters raised in 2020, 19 valid complaints 3 upheld to date – 1 re Natura
-  5 cases in 2021 relate to **EIA/SEA/Habitats Directive**



# Research, Training and Public Awareness

Under Section 31Q – the Office shall conduct, education, training and research



**Our first two Practice Notes dedicated to supporting local authorities in undertaking AA and EIA screening**



# OPR-EPA Strategic Partnership Research & Training



## Co-funding a research project specifically examining SEA:

*Enhancing public engagement in the SEA process and development of specific criteria that can be used for analysis of SEA implementation.*

**ESM Webtool Training Workshop**

This training workshop is for local authority planners and GIS technicians currently working in the review of county development plans and local area plans

**DATES**

Friday, 11 June 10 am - 1:30 pm  
Book your place [HERE](#)

Friday, 25 June 10 am - 1:30 pm  
Book your place [HERE](#)

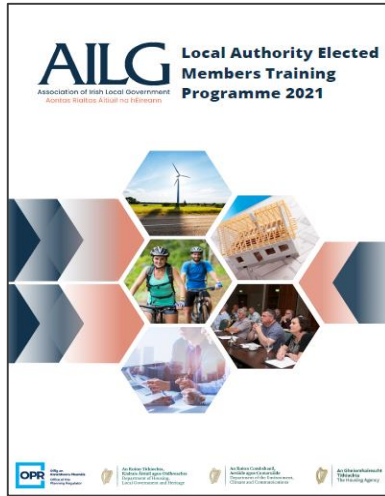
Find out more [www.enviromap.ie](http://www.enviromap.ie) Contact us [esm@ucd.ie](mailto:esm@ucd.ie)

Logos: UCD, AIRO, EPA, Ordnance Survey, GeoHive, OPR

## Co-funding the roll out of training on ESM Webtool

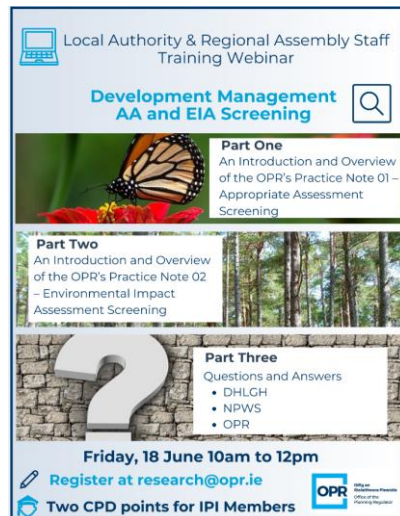
**Plus** projects identified in our Research Programme in the areas of Climate Assessment; EIA & SEA Transboundary Consultation; River Basin Plans; Marine Planning – subject to evolving legislation and policy.

# OPR Training



## Elected Members:

- ▶ 11 Training Events delivered since 2019 in partnership with AILG.
- ▶ Two further events planned for 2021 October and November.



## Local Authority and Regional Assembly Staff:

- ▶ June 2021 staff training webinar:

## Development Management: Appropriate Assessment and Environmental Impact Assessment Screening

- ▶ November 2021 event

# Reflections....

- ▶ Planning process is becoming:
  - ▶ Crucial for demonstration of commitment to implementation of EU (Environment) Directives; and
  - ▶ Much more evidentially (data) driven - demonstrating how environmental parameters will improve
- ▶ Strategic Environmental Assessment is a critical part of plan-making:
  - ▶ Much potential for LA's to utilise the SEA process more effectively;
  - ▶ Understanding interactions between built and natural environment; and
  - ▶ Meaningfully demonstrating how a plan has been adjusted/optimised for environmental benefits.
- ▶ Careful observance of statutory procedures for EIA/AA crucial in development management
  - ▶ OPR Practice Notes (EIA & AA screening) and more to come aim to provide practical advice.

**Questions?**