



PLANNING REGULATOR TO LAY DOWN THE LAW

It is now more important than ever that councillors are supported and are at the centre of proper planning and sustainable development within their local communities, given the recent debate about the National Planning Framework and the proposed Land Development Agency, writes Independent Senator Victor Boyhan.

My three initial areas of focus during the Planning Development (Amendment) Bill 2016 debates, signed into Law in July 2018 were: (A) The establishment of a National Planning Regulator; (B) Zero Fee for councillors when making a submission to their planning authority in relation to a planning application; and (C) The right of a councillor to seek the chief executive of their local authority to initiate a variation to their County Development Plan.

(A) National Planning Regulator: I welcome the fact the Planning Development Act 2018 provides for a National Planning Regulator, who will have the powers to examine complaints made to them by a person/persons in relation to a planning authority, including An Bórd Pleanála.

(B) 'Zero Fee for councillors when making a submission to their planning authority in relation to a planning application': I proposed this as an Amendment to the Planning & Development (Amendment) Bill 2016, which was adopted by both Houses of the Oireachtas. The Minister's officials have now indicated to me that they are preparing a Commencement Order to incorporate

Functions of the Planning Regulator

- (a) To evaluate and assess development plans, variations of development plans, local area plans, and regional spatial and economic strategies, and to provide observations and recommendations on those plans to planning authorities and regional assemblies as appropriate.
- (b) To inform the Minister where a plan or strategy as made is not consistent with its observations and recommendations.
- (c) To conduct research as to what constitutes proper planning and sustainable development.
- (d) To conduct education and training programmes for the members of planning authorities and regional assemblies.
- (e) To review the performance of planning authorities and An Bórd Pleanála.
- (f) To oversee the delivery of effective planning services to the public by planning authorities including in line with specified standards under local government performance indicators as well as regulations made by the Minister.
- (g) To report annually on the performance of its own functions.
- (h) To prepare a strategy statement for the Office.
- (i) To make any observations as appropriate, in relation to planning legislation, guidelines or guidance, directives or directions issued by the Minister, and codes of conduct.

ABOUT VICTOR BOYHAN

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the Zero Fee for making observations on planning applications by elected members to be brought into effect, following the enactment of the Planning & Development (Amendment) Act 2018. This has been widely welcomed by councillors across all political groupings.

(C) 'The right of a councillor to seek the chief executive of their local authority to initiate a variation to their County Development Plan': The following Amendment, which I submitted, was also agreed by both Houses of the Oireachtas: "That members of a planning authority may at any time, for stated reasons, submit a resolution to the manager of the planning authority requesting him or her to prepare a report on a proposal by them to initiate a process to consider the variation of the development plan, which for the time being is in force where three quarters of the members of that authority have approved such a resolution. The manager of a planning authority shall submit a report further to a request under subsection to the elected members within four weeks of the adoption of the resolution".

Councillors are understandably suspicious and concerned that their local powers may be undermined or even reduced. I believe it is important that we plan for compact growth, enhanced regional accessibility, and strengthen the sustainability of local economies and communities.

I will continue to advocate strongly on behalf of all city and county councillors both in Seanad Eireann and on the Joint Oireachtas Committee on Housing, Planning & Local Government. Councillors are the guardians of their County Development Plan, and they need to be supported in this important work.