

THE FIRST INDEPENDENT PLANNING REGULATOR IN EUROPE

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PLANNING REGULATIONS

The establishment of the Office of the Planning Regulator (OPR) was one of the 64 recommendations emanating from the Mahon Tribunal. The Tribunal exposed some of the unethical and damaging practices associated with the planning process which had occurred in the past.

The conclusions of the Tribunal's report aimed to enhance the transparency of planning in Ireland against what it found to be a backdrop of significant historical deficiencies in relation to decision-making on local authority level development plans and other planning functions.

The appointment of an independent Planning Regulator empowered to oversee the planning system in Ireland, was one of the key recommendations of the Tribunal.

Consequently, the formation of the OPR is an important milestone in the development of Ireland's planning system, according to Planning Regulator Niall Cussen. "Put simply, responsible, effective and evidence-based planning contributes hugely to effecting sustainable societies and vibrant communities," he says.

CO-ORDINATING IMPLEMENTATION OF PLANNING POLICY

In summary, the OPR's purpose is to oversee the continuous enhancement of Ireland's planning process by driving co-ordination of planning policy implementation at national, regional and local levels.

The Office will independently evaluate and assess statutory development plans and regional strategies with a view to ensuring that the plan or strategy sets out an overall vision for the proper planning and sustainable development for the area concerned.

The OPR will also build a stronger knowledge base to inform policy development and implementation, and bring about improvements through the regular review of local authorities' performance.

While not a policy-making body, the role of the OPR is to ensure that the implementation of planning policy, at regional and local levels, supports Government policy and aligns with statutory requirements.

The OPR will also work to ensure that effective programmes of research, training and public awareness are in place to strengthen the planning process and that the wider public is effectively engaged in the planning process.

Ireland is the first country in Europe to put in place an independent planning regulator, reflecting a determination to learn lessons from the past and to establish new mechanisms to ensure the effective implementation of public policies, which have developed in recent years.

These include the integrated development of national planning policies, corresponding capital investment, and sectoral investment strategies such as Project Ireland 2040.

RENEWED FOCUS ON INNOVATION

There has been a welcome renaissance in plan-making in recent years in addition to a renewed focus on innovation in the delivery of public services generally and planning services specifically.

It is now widely accepted that evidence should inform policy

development, which in turn will shape practice on the ground. There are many tangible examples throughout the country where good planning decisions have had a hugely positive impact.

A well-functioning planning system anticipates and provides for the needs and demands of our society in economic, social and environmental terms. Good planning can be transformative in people's lives.

Good planning avoids development on floodplains, delivers homes alongside essential facilities such as schools and contributes to the development of city and town centres that are full of life, activity and social interaction. It also enhances the quality of our natural and cultural heritage, avoids wasting time and energy in commuting and underpins effective transport systems.

Securing these good planning outcomes has been greatly advanced through the many Government regulatory and policy developments in recent years. This places Ireland's planning process centre-stage as a major area of public policy. It is the OPR's function to oversee the implementation of these policies.

INDEPENDENT ASSESSMENT

In line with the Mahon Tribunal recommendations, the OPR is now responsible for assessing how local authority and regional assembly planning policies fit with national policies to ensure overall coherence and consistency.

A key starting point for this assessment role will be information and training for elected members and officials in addition to the development of an objective assessment methodology, so that planning authorities will know the criteria to be applied by the OPR.

Throughout all stages of the statutory plan-making process, the OPR will independently evaluate and assess local authority and regional assembly plans and strategies. The Office will advise on any changes required to ensure that the plans and strategies set out an overall vision for proper planning and sustainable



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development for the area concerned.

Where an adopted plan is not consistent with recommendations of the OPR, the Planning Regulator may issue a notice to the Minister, recommending that powers of Direction, specified under Section 31 of the Planning and Development Act, 2000 as amended (the Act), be applied in addressing the matter.

The new powers operated by the OPR significantly enhance existing governance and oversight arrangements within the planning system with a view to ensuring the integrity of the system is upheld to the highest degree possible.

SYSTEMIC ISSUES EXAMINED

The OPR has also been given powers to examine systemic issues and performance in the planning process. The Office will have a significant role to play in carrying out examinations of the operation of planning authorities whether on its own initiative, at the request of the Minister, or on foot of complaints received from the public.

In addition, the OPR will develop an approach to reviewing the overall performance of all planning authorities, including An Bord Pleanála on a regular and structured basis.

The OPR will be able to make independent and evidence based recommendations to planning authorities and to the Minister on findings from the review process.

ROLES IN EDUCATION, TRAINING AND RESEARCH

The Mahon Tribunal also recommended that the OPR would have a role in education, training, research and public awareness. This is because of the hugely beneficial impacts that these activities have in avoiding risks in relation to corruption or the undermining of the integrity of the planning process.

FACTFILE – NIALL CUSSEN

The Office of the Planning Regulator, which began full operations in April 2019, is headed up by Niall Cussen. Prior to his appointment in April 2019, as Ireland's first Planning Regulator, he was the Chief Planner at the Department of Housing, Planning & Local Government.

He was centrally involved in the development of a range of national planning policies, including the National Planning Framework, which was published last year as part of Project Ireland 2040.

Niall Cussen has also previously held roles with An Bord Pleanála, Dublin City Council and Meath, Clare and Roscommon County Councils. An Economics and Geography graduate of NUI Maynooth, he has also been awarded a Diploma in Environmental Engineering from Trinity College Dublin and a Masters of Regional and Urban Planning from UCD.



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It is intended that the support and analysis provided via the OPR will assist all planning authorities to access the appropriate skills, resources and systems to perform effectively. The establishment of the OPR addresses the absence of a national focal point with a dedicated statutory remit in planning research since the demise of An Foras Forbartha in the 1990s.

The establishment of the Office also creates an opportunity to build on, co-ordinate and complement the extensive range of existing research, training and public awareness activities.

Already, the OPR has commenced educational programmes for elected members of planning authorities, and intends to roll out a series of training events and seminars and easy-to-access web-based public information resources to promote knowledge of good planning practices among both elected representatives and officials.

Informing and educating those who are charged with the responsibility of devising and shaping plans will mean that they are better able to fulfil these important duties for the benefit of their communities.

GREATER PUBLIC ENGAGEMENT

The Planning Regulator is placing a significant focus on ensuring that policy makers and elected representatives are better informed and also that the public becomes more aware of the planning process.

Many citizens' experiences of the planning system arise from engagement with the process of making or participating in the decision-making process of planning applications. In 2018, around 30,000 planning applications were made for a wide variety of proposed developments.

However, there is much more in the planning process for the public to influence. For instance, people understand the negative

THREE MAIN FUNCTIONS OF THE OPR

The Planning and Development (Amendment) Act 2018, which established the legal basis for the Office of the Planning Regulator (OPR), outlines its three main functions:



1. **The independent assessment** of all local authority and regional assembly forward planning, including development plans, local area plans, regional spatial and economic strategies.
2. **Organisational review** of the systems and procedures used by any planning authority, including An Bord Pleanála, in the performance of their planning functions, including risk assessment of maladministration or corruption.
3. **Driving national research**, training, education and public information programmes.

For additional information visit www.opr.ie

consequences of urban sprawl and long commutes, as well as the need for housing supply that is affordable and of good quality in locations well-served by infrastructure.

The public needs to be engaged in debate about the places they want their communities to be, in relation to the approach to regenerating parts of our cities and towns.

UNPRECEDENTED OPPORTUNITIES

In addition, over the next six to 12 months, the public at large will have an unprecedented opportunity to influence the future planning and development of our local communities.

This is because the 31 city and county development plans drawn up by local authorities every six years will be reviewed on foot of the Government's National Planning Framework published in 2018, and as part of Project Ireland 2040 and the new Regional Spatial and Economic Strategies being finalised by Ireland's three Regional Assemblies.

There is now a real opportunity for local communities to have their voices heard and to follow-through on their calls within the process of developing the National Planning Framework, to ensure that our cities, towns and villages and our regions develop sustainably in support of a cleaner environment, good quality of life and a strong economy.

The office is staffed by a team of professionals from the planning, geo-spatial, communications and policy implementation disciplines. With OPR recruitment and operational development now well underway, work continues in building a high-performing new independent public body dedicated to supporting and enhancing Ireland's planning process, and building public confidence in that process, over the years ahead.

OPR STRATEGY STATEMENT 2019-2024

The Office of the Planning Regulator (OPR) has, in accordance with the Section 31T of the Planning and Development Act 2000, as amended, published its first Strategy Statement. The Statement sets out the Office's goals, actions and milestones as it delivers on its mandate. It covers the period 2019-2024. To view the plan visit www.opr.ie/about.

