



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



Circular Letter: PL 7/13

17 May 2013

To: All County/City Managers
Each Director of Planning
Each Regional Authority Director
An Bord Pleanála.

Ministerial Directions Issued under Section 31 since Enactment of the Planning and Development (Amendment) Act 2010

I am directed by Ms. Jan O'Sullivan, T.D., Minister for Housing and Planning, to remind planning authorities that one of the overarching objectives of the Planning and Development (Amendment) Act 2010 is to strengthen local democracy and accountability in the planning process through stronger evidence-based forward planning at the local level set within national and regional planning frameworks thus reducing the need for intervention by the Minister in the forward planning process.

The Act contains key provisions to further strengthen the overall approach to strategic planning through the provision to include an evidence-based 'core strategy' in development plans, a strengthened legal and policy framework for local area plans, particularly in relation to zoning at LAP level, together with strengthened environmental obligations e.g. SEA and Habitats Directives. The Act aims to drive the emergence of more sustainable patterns of development particularly in relation to a more structured and sequential approach around the National Spatial Strategy Gateway cities and towns, Hub towns, County Towns and other key urban centres consistent with that strategy and Regional Planning Guidelines as well as associated compliance with relevant EU Directives.

The Department's statutory submissions on forward plans, prepared and submitted to planning authorities on behalf of the Minister, provide the key mechanism for

communicating essential advice and requirements from a national policy and Ministerial perspective.

However, notwithstanding the above, the Minister is extremely concerned that some planning authorities are not taking sufficient account of the statutory submissions / observations of her Department in relation to development plans and local area plans.

In the last nine months alone the Minister has had to exercise her powers under Section 31 of the Act on three separate occasions¹.

In light of this, the Minister is reminding planning authorities of their binding obligation to take full account of the statutory observations made by the Minister including in conjunction with those observations made by other statutory consultees.

Where any planning authority fails to fulfill their statutory obligations as outlined above, the Minister will be compelled to use her powers under Section 31 of the Act, which allows the Minister to direct a planning authority to take such a specified measures as may be required if the Minister considers her opinion has been ignored or there has not been sufficient account taken of the statutory submissions or observations.

Is mise le meas,



Philip Nugent
Principal
Planning Section

¹ Ministerial Directions issued under S.31 of the Planning and Development Act 2000-2012 in the last nine months: (1) Clare County Council – South Clare Local Area Plan 2012-2018 (issued September 2012); (2) Laois County Council – Mountmellick Local Area Plan 2012-2018 (issued December 2012); and (3) Middleton Town Council – Middleton Town Development Plan 2013 (issued May 2013)