**Overview and Role of the Office of the Planning Regulator**

**Legislative Framework:**

The Planning and Development (Amendment) Act 2018, Part 2, Section 4.

**Commencement Date:**

The role of the Office of the Planning Regulator (OPR) came into effect on the 3rd April 2019. Mr Niall Cussen has been appointed as the Planning Regulator, and will have a team structure of directors and staff. Regional events will be organised to provide information on the functions and role of the Office.

**Background to the appointment of the role of OPR:**

The appointment of an independent Planning Regulator was a key recommendation of the Mahon Tribunal.

**The appointment and term of office:**

The Planning Regulator is appointed for a term of office of 5 years and may be appointed for one further consecutive term only.

**Functions of the OPR:**

The OPR will provide an overarching independent watchdog for the Irish Planning System which promotes quality outcomes from, and consistency within, the planning process.

OPR is independent of Government and has three main functions:

1. **Plan Evaluation:** Independent assessment of all local authority and regional assembly statutory plans and strategies, such as development plans, local area plans and RSES’s (Regional Spatial and Economic Strategies). The OPR will provide statutory observations during the drafting of statutory plans to ensure consistency with national and regional polices. A key objective is to provide consistency between plans at all levels of the planning process from national to local level.
2. **Examination and Review of Systems and Procedures:** Reviews and examinations relating to the organisation and systems and procedures used by any planning authority, including an Bord Pleanala, having regard to their overall performance but not relating to any individual case. Any review is at the discretion of the OPR, at the request of the Minister or on foot of complaints made by any person to the OPR or Minister.
3. **Education and Training:** Driving national research, training, education and public information programmes in relation to planning.

More detail on each of these three roles is set out in the following section.

**Plan Evaluation:**

The OPR will now have responsibility for policy assessment and an oversight role for statutory development plans and strategies. Details of any plans, reviews, variations and strategies carried out by any planning authority and regional assembly are required to be submitted to the OPR for review.

The OPR will independently evaluate and assess these plans and strategies to ensure compliance with national and regional planning policies and objectives and will provide planning authorities with observations and recommendations with regards to how a draft plan should address legislative and policy matters, including consistency with:

* National planning Framework;
* Regional Spatial and Economic Strategies;
* Planning guidelines;
* Policy directives issued by the Minister under Section 29 of the Act.

Upon receipt of the observation and recommendations of the OPR, each planning authority should endeavour to address these and amend their plans accordingly. The Planning authority must document how such observations have been addressed in the relevant reports of the Chief Executive or Director prepared as part of the plan making process.

Where the recommendations and observations of the OPR have not been implemented, the planning authority must give notice to the OPR. In turn, the OPR may issue a notice to the Minister recommending the issuing of a direction (Ministerial Direction) requiring a planning authority to rectify the matter or recommend issuing a draft direction. If that is the case, an Inspector can be appointed. The inspector will consult with the Chief Executive, Councillors, 3rd party submission authors and will write a report. Finally, the OPR will then make its final recommendation to the Minister. It should be noted that the Minister has the final say on whether to issue a Draft Direction or Direction. The Minister can also issue comments or directions independently of the Planning Regulator.

**Examination and Review of Systems and Procedures:**

The OPR has the power to investigate the working systems of the planning process in planning authorities and to conduct examinations of the broad operations and function of the planning authority or if directed by the Minister or on foot of a complaint.

The OPR will examine the effectiveness of SDCC in delivery of our overall planning operations, including our plan making, development management and enforcement functions. This review process can examine areas, such as:

* Not carrying out functions in accordance with the Act;
* Not in compliance with Guidelines, Policy Directives, Ministerial Directions;
* Not exercising enforcement functions;
* Applying systematic discrimination in decision making;
* Inappropriate administrative practices;
* Cause for concerns such as impropriety or corruption;
* Diseconomies or inefficiencies in the conduct of business.

It is worth noting that the OPR will not get involved with individual cases such as planning applications, appeals, Ombudsman cases or Court cases.

When carrying out a review of a Local Authority’s systems and procedures by the OPR, the OPR may recommend to the Minister to use section 255(4) of the Act, which provides for the removal of certain or all planning functions until the matter is rectified.

**Education and Training:**

The OPR will undertake research and conduct programmes of research, education and training in relation to planning. The educational programme will be rolled out to Elected Members and planning staff of Local Authorities.

The OPR will assist all planning authorities in accessing the appropriate skills, resources and systems to perform effectively.

The OPR will establish ongoing research programmes, addressing the needs of planning authorities and the Department of Housing, Planning and Local Government. Research into best practice and systematic monitoring of existing provisions have been brought in to check against potential corruption within the system. This provision emanated from the recommendations of the Mahon Tribunal.

Other functions of the Office include: -

Preparation of an annual report by the 30th June of each year which shall include:

1. Performance of functions;
2. Principal activities in the preceding year, including education, research and training;
3. The annual report shall be ‘laid’ before the houses of the Oireachtas;
4. The Planning Regulator shall appear before the Oireachtas Committee if invited.

Preparation of a Strategy Statement within 6 months of the Establishment Day (3rd April 2019) to be revised within 6 years. This shall include:

1. Approach regarding each function;
2. Statement of principal activities of the Office;
3. Objectives and priorities for each of the principal activities and strategies;
4. Indicators the OPR will use to assess its own performance.

The OPR shall also make any observations in relation to planning legislation, guidelines, or guidance, and directive or directions issued by the Minister.

The Minister may assign additional functions to the OPR by Ministerial Order.

**Conclusion:**

The Irish planning system now has an independent regulatory body overseeing how a planning authority carries out its functions and procedures in all planning matters. This will have particular relevance to the formulation of SDCC’s statutory plans and strategies, which may be subject to reviews and examinations from the Planning Regulator at any time. Going forward, all future development plans, local area plans and RSES’s statutory review or variation processes must be submitted to the OPR and the Minister. In summary, the OPR will provide an overarching independent watchdog for the Irish Planning System which promotes quality outcomes from, and consistency within, the planning process.