

Implementation of Regional Planning Guidelines Best Practice Guidance

December 2010



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Contents

Section	Page No
Minister's Foreword	
Chapter 1: Purpose of Regional Planning Guidelines	3
1.1 Background	
1.2 Legislation	
1.3 Co-ordination of Public Services	
1.4 Resourcing of Regional Authorities	
Chapter 2: Implementation of Regional Planning Guidelines	5
2.1 General Arrangements for RPGs Implementation	
2.2 RPGs Implementation Groups	
2.3 Resourcing Arrangements	
Chapter 3: Regional Planning Guidelines and Development Plans	9
3.1 Legislative and Policy Context	
3.2 Core Strategies and Regional Planning Guidelines	
3.3 Regional Authorities and Development Planning	
3.4 Arrangements for Preparation of Regional Authorities Observations	
Chapter 4: Regional Planning Guidelines and Development Management	16
4.1 RPGs and Development Management	
Appendices	
Appendix 1: Potential Indicators for Monitoring RPG Implementation Progress	18
Appendix 2: Planning and Development (Amendment) Act 2010 (Sections 17, 18 and 19 inserting Sections 27A, 27B and 27C into the 2000 Act)	19



Minister's Foreword

Regional Planning Guidelines have been part of Ireland's planning policy framework since 2004 and, taking account of experience since then and the requirements of the Planning and Development (Amendment) Act 2010, new Regional Planning Guidelines for the 2010-2022 period have been adopted by each of the Regional Authorities.

The development of the 2010 Regional Planning Guidelines was made possible by the proactive approaches of regional and local authorities who have adopted far-seeing and complementary documents with the support of the Department of the Environment, Heritage and Local Government.

Implementation of the 2010 Regional Planning Guidelines are a vital part of the Government's programme to enable Ireland's planning system to play its important role in overall economic recovery by delivering a plan-led planning system and where plans at national, regional and local levels are effectively aligned, to the benefit of the economy as a whole, the environment and to the citizen.

I believe that implementation of such plans is even more important than their original development and to this end, this document has been developed as the recommended approach to inform and guide implementation of the 2010 Regional Planning Guidelines.

I therefore urge regional and local authorities to approach the implementation of the 2010 Regional Planning Guidelines with the same vigour and vision that characterised their development and I will ensure that they are fully supported in that important task.

A handwritten signature in black ink that reads "Ciarán Cuffe". The signature is written in a cursive style.

Mr Ciarán Cuffe, T.D.

Minister of State, with Special Responsibility for Planning, Sustainable Transport and Horticulture

Chapter 1: Purpose of Regional Planning Guidelines

1.1 Background

Regional Planning Guidelines (RPGs) were first adopted in March 2004 as a key implementation mechanism of the Government's overall framework for achieving more balanced regional development and more strategic physical and spatial planning – the 2002 National Spatial Strategy (NSS).

The principal function for RPGs is to link national strategic spatial planning policies to the planning process at City and County Council level by co-ordinating the Development Plans of these 34 local authorities through the Regional Planning Guidelines.

Given the six-year lifespan of the RPGs as designated under the 2000 Planning and Development Act¹, the 2004 Guidelines were reviewed during late 2009 and 2010 and new Regional Planning Guidelines for the period 2010 to 2022 have now been adopted.

This document updates previous best practice advice on RPG implementation, taking into account the new statutory provisions of the Planning and Development (Amendment) Act 2010.

This guidance is primarily directed to Regional Authorities and Planning Authorities, but should also be taken into account as appropriate by other statutory agencies, stakeholders and the public at large.

1.2 Legislation

The statutory context for RPGs has changed significantly since 2004. RPGs have more significant and defined implications for the development planning process at local authority level, hence the need to update the approach to their implementation.

First and foremost, the enactment of the Planning and Development (Amendment) Act 2010 provides a stronger statutory link between Regional Planning Guidelines (RPGs) and the National Spatial Strategy (NSS), the adoption of which post-dated enactment of the 2000 Planning and Development Act. There is an explicit requirement in the new legislation that RPGs be prepared in order to support the implementation of the NSS. In addition, it is a requirement that RPGs must be set within the policy framework of the NSS, including its population targets, which are to be updated from time to time by the Minister.

Secondly, the 2010 Act is also designed to ensure a closer alignment between the NSS, RPGs, development plans and local area plans. A key element in the Act is the introduction of a

¹ Section 26 of the Planning and Development Act 2000

requirement for the inclusion of an evidence-based “Core Strategy” in local authority development plans which will provide information to demonstrate how the development plan and the housing strategy are consistent with RPGs and the NSS. The Core Strategy must take account of any policy of the Minister in relation to national and regional population targets and will strengthen further the role of the development plan as the fundamental link between national, regional, county/city and local policies. The Core Strategy must also provide the policy framework for local area plans (LAPs), particularly in relation to zoning at LAP level.

The Core Strategy of local authority development plans must outline the location, quantum, and phasing of future development, the detail of transport plans, retail development and policies for development in rural areas (in accordance with Ministerial guidelines). The key objective is to secure a strategic and phased approach to zoning which will facilitate efficient and coordinated infrastructure provision. Planning Authorities must vary development plans not later than one year after the making of the RPGs to provide for the inclusion of a Core Strategy within their existing development plans.

RPGs are a key enabler for the preparation of Core Strategies because they translate overall national and regional population targets and estimates of future housing requirements into city and county council figures.

Thirdly, to ensure proper oversight of the alignment of plans at regional and local levels, regional authorities now have important roles within the process of preparing and varying local authority development plans. For example:

- A Regional Authority has an explicit role in the pre-draft and the draft development plan preparation processes, and in the variation of a development plan, to ensure that there is consistency between the adopted development plan and the RPGs. One of the functions of the Regional Authority in the context above is to keep the Minister informed of its views.
- In the case of making or varying a development plan, the Manager’s Report must now separately address any issues raised by the Minister or the Regional Authority and make appropriate recommendations to ensure consistency between RPGs and the development plan.

It is vitally important that regional authorities implement their regional planning guidelines with the active support and participation of each of the planning authorities, particularly at city and county council level, in their areas and in accordance with the provisions of the legislation.

Chapter 2: Implementation of Regional Planning Guidelines

2.1 General Arrangements for RPG Implementation

Implementation of RPGs will be delivered primarily by regional and local authorities working in close partnership, under the overall oversight of the Department of the Environment, Heritage and Local Government and with the support of other relevant departments and agencies such as the Department of Transport and the various economic development agencies in particular.

In this regard:

(1) Regional authorities will focus on:

- robust and balanced analysis of local authority development plans and variations and preparation and submission of statutory observations in relation to all relevant aspects of development plan preparation, as well as in respect of development plan variations and material contravention to plans;
- monitoring development patterns across their areas in consultation with the relevant local authorities to facilitate RPG implementation monitoring and future review; and
- any responses to specific development proposals referred to them by the relevant planning authorities where such proposals would have serious implications for the RPGs.

(2) Local Authorities will focus on:

- ensuring that their plans are consistent with the relevant RPGs, particularly as regards the incorporation of RPG population and housing estimates into their Core Strategies and zoning processes and that development management is carried out in accordance with the adopted plans.

Regional and local authorities will agree the key management aspects of RPG implementation the outset, including:

- Agreements regarding resourcing;
- Formation of RPG implementation and technical groups;
- Arrangements (including timescales) for specific co-ordination or implementation objectives arising from adopted RPGs such as the preparation of subsidiary strategies on for example renewable energy, landscape conservation and economic development; and
- Monitoring and reporting to the Department of the Environment, Heritage and Local Government (DEHLG) as part of the ongoing national monitoring of NSS implementation.

With regard to the last point above, as with previous efforts, monitoring should focus on both the implementation **process** and on its **outputs**, drawing upon the relevant indicators mentioned in the RPG documents, some of which are summarised in Appendix 1.

In relation to the implementation process, targets and indicators include:

- mechanisms for co-ordinated action;
- incorporation of appropriate policies in city and county development plans; and
- endorsement of the RPGs in the plans and programmes of other departments and agencies, relevant to their implementation.

In relation to implementation outputs, these might refer to particular achievements such as the development of priority infrastructure or the degree to which specific RPG objectives are being achieved, for example in relation to the pattern of development in a region.

2.2 RPG Implementation Groups

Implementation of RPGs must be considered in the context of the overall structure of Regional Authorities, with the elected members being ultimately responsible for the signing off of submissions to planning authorities on their development plan functions.

To support and give advice to the members of the regional authority, each authority has established a **Regional Planning Guidelines Implementation Group** to be composed of senior officials and elected members that are representative of the local authorities and other key agencies relevant to the implementation process.

This Group should report from time to time to the full Regional Authority. Among the objectives of such Group would be:

- (1) to oversee the process of analysis of local authority development plan and development management functions and to make recommendations to the members of the regional authority as regards the discharge of its functions under the Planning Act;
- (2) to establish sub-committees to address specific issues of co-ordination and to approve and oversee the implementation of the work of such sub-committees;
- (3) to monitor investments within the region in the infrastructural projects identified as priorities by the RPGs, and to facilitate more effective co-ordination of the delivery of such infrastructure in the Gateways and Hubs;
- (4) to establish a shared database among RPG stakeholders in relation to development patterns (residential, commercial, major health and educational facilities etc.) within the region, and specifically within Gateways and Hubs; and

- (5) to assist the Regional Authority in monitoring and reporting on overall implementation of the RPGs, having regard, *inter alia*, to the role of such monitoring in any future review of the RPGs.

The membership of the RPG Implementation Group is a matter for each Regional Authority, but it is recommended that it should include:

- One elected member of the Regional Authority from each constituent local authority;
- The relevant Designated Manager², who would be the chair of the group;
- The Director of the Regional Authority;
- Each other City and County Manager;
- One representative of the National Transport Authority;
- One representative of the Department of the Environment Heritage and Local Government;
- One representative of the economic development agencies (IDA, Enterprise Ireland, Shannon Development, Údarás na Gaeltachta as appropriate); and
- A representative of any subsidiary working groups.

The high level nature of the RPGs demands that a regional-level focus is adopted in both the overall work of the implementation group and participation by individual group members.

The RPG Implementation Group will normally meet 2 to 3 times per annum but may need to meet more often as required for example to enable recommendations to be finalised in relation to any Core Strategy prepared by Planning Authorities.

To enable the efficient working of the group, it will be supported by a secretariat including both technical and administrative staff, in addition to the Director, employed by the regional authority on a full-time or substantively full-time basis that is sufficient to carry out duties relevant to the implementation process.

The secretariat will prepare regular reports on the following matters for consideration by the RPG Implementation Group:

- Alignment of any draft development plans or variations with RPG's;
- Development progress in the Gateways and Hubs;
- Population, travel, investment, development and employment trends; and
- Other key issues identified in the RPGs.

² The Dublin City Manager chairs the RPG Implementation Group in the Greater Dublin Area.

An annual report of the work of the RPG Implementation Group in each calendar year will be prepared for submission to each local authority in the area of the Regional Authority (including in the case of the Greater Dublin Area to the Dublin Mayor) and to the Minister for the Environment, Heritage and Local Government.

2.3 Resourcing Arrangements

Implementation of Regional Planning Guidelines will be delivered on a partnership basis between Regional and Local Authorities working within existing overall resource complements.

Given the important work of regional authorities and taking account of the moratorium on recruitment in the public sector, regional and local authorities should establish innovative and flexible arrangements to deliver the specialist planning and administrative staff necessary to support the RPG implementation process.

The arrangements above, over time, have the potential to develop into a broader “shared services” approach in relation to the provision of specialist services for local authorities.

Each regional authority³, supported by the relevant local authorities, will appoint a full-time professional planner with the qualifications and experience, especially in relation to forward planning, necessary to provide technical advice to the RPG implementation group and to the members of the Regional Authority.

The assignment above should be for a minimum period of three years at a time and should, in the case of the Dublin and Mid East Regional Authorities be made by an existing officer at senior planner grade and in the case of any other regional authority by an officer at least at the grade of senior executive planner or higher.

In relation to RPG implementation activities other than analysis and submission of observations on development plans, such as the preparation of further studies and strategies, regional and local authorities should also agree arrangements for the provision of administrative support and specialist advice, especially in relation to engineering matters (including flood risk assessment) and strategic environmental assessment (SEA) and Habitats Directive assessment (HDA/AA). Such arrangements could operate on the basis of sharing of a staff member between different Regional Authorities or contracting of external expertise as and when required.

It will be a matter for each regional authority to establish a service level type or other appropriate agreement with the local authorities in its area on the issues above.

³ The Dublin and Mid East Regional Authorities will adopt a combined approach in view of the joint adoption by those authorities of RPGs for the Greater Dublin Area.

Chapter 3: Regional Planning Guidelines and Development Plans

3.1 Legislative and Policy Context

The principal means by which RPGs will be implemented is through the development plan process at Planning Authority level.

The implications of the 2010 Act for development plans are as follows:

- (1) A Planning Authority must ensure, when making a development plan or a local area plan, that the plan is **consistent** with the RPGs in force for its area. (Section 27(1) as amended by the 2010 Act);
- (2) A Planning Authority is required **to introduce an evidence-based “Core Strategy”** in development plans which will provide relevant information to demonstrate how the development plan and the housing strategy are consistent with RPGs and the NSS. The Core Strategy must take account of any policy of the Minister in relation to **national and regional population targets**. The Core Strategy must also provide the policy framework for local area plans (LAPs), particularly in relation to zoning at LAP level. Planning authorities must vary development plans not later than 1 year after the making of the relevant RPGs to provide such a Core Strategy within their existing development plans (Section 10 as amended by the 2010 Act);
- (3) The objective of RPGs must support implementation of the NSS by providing a long-term strategic planning framework for the development of the region for which the guidelines are prepared which is consistent with the NSS. In addition, RPGs must address, *inter alia*, any policies or objectives of the Government or any Minister for the Government, or any policies contained in the NSS in relation to national and regional population targets (Section 23 as amended by the 2010 Act);
- (4) The Minister may, by order, require Planning Authorities to comply with RPGs in preparing or making a development plan and may require an existing plan to comply with RPGs (Section 27(2) of the 2000 Act);
- (5) An explicit requirement is provided for RPGs to be prepared in order to support the implementation of the NSS, including its population targets that are updated from time to time.

The adoption of RPGs in 2010 triggers the requirement under the 2010 Act that new development plans incorporate Core Strategies and that existing development plans with 2 or more years to run incorporate Core Strategies by way of variation.

Alignment of regional and local planning will focus on quantitative assessments of future population growth, housing and associated land requirements at regional and local levels.

Development plans, in setting out their Core Strategies, must therefore demonstrate that the population levels and zoning requirements that they are proposing are consistent with the objectives of the RPGs, especially as regard the Housing Land Requirements for each City and County Council area.

Subsequently, the preparation of local area plans, including the amount of land identified for residential development, must also accord with the estimates for specified settlements and the city/ county as a whole, as set out in the development plan Core Strategy.

In addition, RPGs address a wide range of other matters including, *inter alia*:

- Trends in relation to economic development, population and housing;
- Settlement strategies and transportation including public transportation;
- Water services and waste management infrastructure;
- Energy and communications networks;
- Social infrastructure; and
- Conservation of the natural and cultural heritage.

3.2 Core Strategies and Regional Planning Guidelines

Section 7 of the Planning and Development (Amendment) Act 2010 amends section 10 of the 2000 Act providing that:

“A Planning Authority shall prepare a Core Strategy, other than where subsection (1C) applies, as soon as practicable and in any event not later than a period of one year after the making of regional planning guidelines under Chapter III which affect the area of the development plan, and shall accordingly vary the development plan under section 13 to include the Core Strategy”.

Subsection (1C) provides:

“Where a period of more than 4 years has expired since the making of the development plan when regional planning guidelines under Chapter III which affect the area of the development plan are made, the Planning Authority shall prepare a Core Strategy for inclusion in the new development plan under section 11 and 12.”

Furthermore, section 16 of the Planning and Development (Amendment) Act 2010 amends section 27(1) of the 2000 Act providing that:

“A Planning Authority shall ensure, when making a development plan or a local area plan, that the plan is consistent with any regional planning guidelines in force for its area.”

Taking account of the above, all new city and county development plans and any plan with more than 2 years to run will be required to incorporate a Core Strategy. DEHLG has prepared further best practice guidance on the content of such strategies and that they should contain a high-level summary of the key planning parameters and priorities underpinning the development plan; including

- (a) The level of population growth for the city or county concerned as derived from the relevant RPGs;
- (b) The level of housing development derived from (a) in terms of housing units;
- (c) The amount of zoned land derived from (b) and priority locations for development and investment over the 6-year plan period in hectares; and
- (d) The distribution of (c) over a settlement hierarchy.

The evidence-based Core Strategy will be a foundation element of development plans. This will require that every development plan have a clear evidence-based rationale for future development, especially as regards the zoning of lands including the zoning of substantial areas of greenfield or brownfield land for development:

- why the land is being zoned;
- the basis of the decisions regarding the nature, scale and location of the zoned land;
- any phasing proposed; and
- plans for providing public transport, roads, water/sewerage, schools and other facilities to service the land or the justification of the zoning in the absence of such plans.

The benefits of Core Strategies are that they will enable the prioritisation and targeting of scarce public investment, in both hard infrastructure (transport, water and wastewater, communications) and soft infrastructure (schools, community facilities, amenities, public spaces and parks etc.).

The Core Strategy will subsequently provide a fundamental consideration in the making of development management decisions so that such decisions are themselves consistent with national and regional policy.

This Core Strategy provision will be central to ensuring implementation of RPGs and by extension, the NSS. Therefore, it is important that the review process of existing development plans should commence in a timely manner in order to meet the 1-year timeframe for their preparation. Planning Authorities should commence the assessment of the detailed requirements of the Core Strategy provision as set out in the 2010 Act as a matter of urgency. To assist and

guide Planning Authorities in this, the Department has prepared more detailed guidance regarding this matter.⁴

Planning authorities will also need to consider the timetabling of such variations so that they can be combined with other variations arising from local issues or the implementation of other planning guidelines and legislative requirements.

3.3 Referral by Planning Authorities of Draft Development Plans and Local Area Plans

Each planning authority within the area of each of the seven RPGs is responsible for forwarding the relevant development plan documentation to the relevant regional authority within the timescales prescribed in the legislation.

However, regional authorities are not obliged to provide statutory observations on local area plans (LAPs) given that the Planning and Development (Amendment) Act 2010 requires that planning authorities are responsible for ensuring that such plans are consistent with the Core Strategy of their respective Development Plan, which in turn must be consistent with the relevant RPGs.

Planning authorities should not, therefore, refer LAP's to their relevant regional authorities except as they may decide for information purposes only.

In addition, planning authorities should not refer their development plans, variations etc to regional authorities other than those responsible for the area of their relevant regional planning guidelines except as they may decide in the case where they physically adjoin the boundary with another regional authority.

Finally, it is also important to clarify that the two regional assemblies, namely, the Border, Midlands and the West Regional Assembly, and the Southern and Eastern Regional Assembly who were established in 1999 under the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999, are not intended to be regional authorities for the purposes of the referral of development plan documentation.

3.4 Regional Authorities and Development Planning

As mentioned briefly above, Sections 17, 18 and 19 of the Planning and Development (Amendment) Act 2010 insert new Sections 27A, 27B and 27C in the 2000 Act providing that a Regional Authority has an explicit role in the pre-draft and the draft development plan preparation

⁴ (See more detailed guidance on the Core Strategy which issued in Circular letter PSSP6/2010 dated 25 November 2010 from the Department).

processes, and the making of a variation of a development plan. For ease of reference, the relevant provisions are included at Appendix 2.

Where one or more Regional Authorities have been directed by the Minister to make RPGs in relation to a combined area of the Regional Authorities or in respect of any particular part or parts of the area which lie within the area of those Regional Authorities, they must make joint submissions or observations and issue a joint report for the purpose of these sections. A copy of the joint submissions or observations and joint report must be sent to the Minister. This applies in the case of the Dublin and Mid-East Regional Authorities who have jointly prepared new RPGs for the Greater Dublin Area for the period 2010-2022.

With respect to a ***pre-draft issues paper or draft development plan preparation*** (Section 17 inserting new Sections 27A and 27B), a Regional Authority must prepare submissions or observations which contain a report on matters that, in the opinion of the Regional Authority, require consideration by the Planning Authority concerned in making the development plan, and must include, but need not be limited to, recommendations regarding each of the following matters as respects the area to which the development plan relates:

- (a) any policies or objectives for the time being of the Government or any Minister of the Government in relation to national and regional population targets, and the best distribution of residential development and related employment development with a view to—
 - (i) promoting consistency as far as possible, between housing, settlement and economic objectives in the draft development plan and Core Strategy and the RPGs, and
 - (ii) assisting in drafting the Core Strategy of the draft development plan;
- (b) the objectives of providing physical, economic or social infrastructure in a manner that promotes balanced regional development;
- (c) planning for the best use of land having regard to location, scale and density of new development to benefit from investment of public funds in transport infrastructure and public transport services; and
- (d) collaboration between the Planning Authority and the Regional Authority in respect of integrated planning for transport and land use, in particular in relation to large scale developments and the promotion of sustainable transportation strategies in urban and rural areas, including the promotion of measures to reduce anthropogenic greenhouse gas emissions and address the necessity of adaptation to climate change.

In the case of a **variation of a development plan** (Section 17, inserting new Section 27C), a Regional Authority must prepare submissions or observations which must contain a report stating whether, in the opinion of the Authority, the draft variation of the development plan, and, in particular, its Core Strategy, are consistent with the RPGs in force for the area of the development plan.

Where the Regional Authority is of the view that the proposed draft development plan or variation of the development plan or the Core Strategy is not consistent with the RPGs, it must communicate that view to the local authority including recommendations concerning any amendments, that in the opinion of the Regional Authority, are required in order to ensure that the proposed variation to the development plan and its Core Strategy is consistent with the relevant RPGs.

The Regional Authority must also send a copy of this report to the Minister.

In the case of **Ministerial directions** on development plans (Section 21, replacing Section 31 of the 2000 Act), Regional Authorities are required to be notified of any draft directions issued by the Minister for public consultation, and the manager of the relevant planning authority is obliged to summarise the views (if any) of a regional authority in the report prepared on submissions or observations received which the manager has to furnish to the Minister and the elected members of the Planning Authority.

It should also be noted that the Minister's powers of direction have been extended to include local area plans. Discretion rests with the Regional Authority as to whether or not it wishes to provide any observations on draft Ministerial directions.

Furthermore, in the event that the Minister appoints an inspector to review any draft directions, the appointed person may consult with the Regional Authority and the inspector's report must be furnished to the Regional Authority, regardless of whether or not they made any submission on the draft direction.

RPGs are also subject to possible Ministerial Directions (Section 22 inserting new Section 31A into the 2000 Act), and the equivalent consultation procedures apply, where the Minister is of the opinion that:

- a Regional Authority, or Authorities, as the case may be, in making the RPGs has ignored, or has not taken sufficient account of submissions or observations made by the Minister to the Regional Authority or Authorities,

- the RPGs fail to provide a long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which they are made, in accordance with the principles of proper planning and sustainable development,
- the RPGs are not in compliance with the requirements of the Act, or
- if applicable, in relation to a Regional Authority or Authorities whose regional area or part thereof is in the Greater Dublin Area (GDA) that the Guidelines are not consistent with the transport strategy of the National Transport Authority.

3.5 Arrangements for Preparation of Regional Authority Observations

This document outlines the procedures to be adopted by the elected members of Regional Authorities in the performance of their new functions under the 2010 Planning Act. The key objectives as regards the making of observations by the members of a Regional Authority are:

- (1) efficiency, in terms of submissions being prepared and made within statutory time limits and to enable Planning Authorities to have regard to such observations;
- (2) impartiality, in terms of providing an open and transparent assessment of the consistency of plans with RPGs and national policy, without such assessments being swayed by local considerations; and
- (3) fairness, in terms of a balanced approach to the assessment of the plan or variation in question that focuses on significant rather than trivial matters.

Therefore, to enable the above objectives to be met:

1. The Director of the relevant Regional Authority, working in close consultation with the senior officials of the relevant planning authorities, will develop (and update on a quarterly basis looking ahead) an overall timetable to track the making / reviewing of Development Plans and Plan variations (where possible) so as to facilitate timely responses by the Regional Authority to the various phases of plan preparation, having due regard to the statutory timelines set down in the Act;
2. A national template will be developed which can be used by all Planning Authorities to demonstrate the consistency between draft development plans or development plan variations and RPGs;
3. Planning Authorities will complete the appropriate template at each stage of the plan-making process;

4. The Director of the relevant Regional Authority will arrange for the technical evaluation of proposed development plans or plan variations by the relevant Regional Authority planning official and the submission of a report for the consideration of members of the RPG Implementation Group and their views;
5. The RPG Implementation Group will agree the report or a variation of the report;
6. The report above will be presented to the Regional Authority for approval for transmission to the Planning Authority; and
7. Any subsequent clarification or elaboration that is necessary will take place between the relevant planning authority staff and the Regional Authority Director and Planner in consultation with the Designated Manager.

The Minister for the Environment, Heritage and Local Government will closely monitor the performance of regional and local authorities in relation to the arrangements above.

Taking account of such monitoring, the Minister will consider any additional measures to support the efficient discharge of regional authority functions under the Planning Acts.

Chapter 4: Other RPG Implementation Issues

4.1 RPGs and Development Management

Planning authorities have discretion as to whether a planning application should be referred to the Regional Authority, provided for under Article 28(1)(e) of the Planning and Development Regulations 2001. Where a Planning Authority receives a planning application and it appears to the authority that the proposed development may not be consistent with or may materially contravene any RPGs (or any objective thereof), it shall send a notice as soon as may be after receipt of the application to the relevant Regional Authority. The notice shall state the date of receipt of the application and that any observations relating to it shall be sent to the Planning Authority within 5 weeks of that date.

The previous guidance recognised that the referral procedure under Article 28(1)(e) will primarily only arise in cases where a development proposal represents a fundamental departure from a core objective or policy of the RPGs.

In other words, planning authorities should, as far as they can, make their own technical assessments of any RPG consistency issues that may arise in a development management context and only refer the matter to the regional authority where, in exceptional circumstances, where it is uncertain if the development raises such issues.

In order that a Regional Authority is afforded a reasonable opportunity to consider the issues raised by the planning application, the guidance outlines that it is important that the Planning Authority should issue the notice under article 28(1)(e) to the Regional Authority as quickly as possible following receipt of the application. It also proposed that some form of screening and an effective procedure should therefore be put in place by local authorities, in line with the arrangements for notification of other statutory consultees under Article 28.

Since the previous 2004 document, the Planning and Development (Amendment) Act 2010 has additional RPG related development management implications for regional and local authorities.

Sections 28 and 29 provide for the **extension of permission** (for a period of up to 5 years) in circumstances where substantial works have not been carried out, but where there were commercial, economic or technical considerations, beyond the control of the applicant, which substantially militated against either the commencement of development or the carrying out of substantial works.

In such cases, it is first and foremost the duty of planning authorities to ascertain whether objectives in the development plan or RPGs have changed since the permission was granted, and if they have, it must be certain that the development for which the extension is sought is still consistent with the proper planning and sustainable development of the area, having regard to such changes. Again, only in cases where considerable uncertainty arises, in exceptional

circumstances, should Planning Authorities decide to refer applications for such applications for extensions of duration of planning permission to Regional Authorities.

In addition, there have been amendments to Planning Authorities powers to grant permission under section 34(6) of the 2000 Act in a case in which the development concerned would contravene materially the development plan, i.e. a '**material contravention**'.

This has now been extended to material contraventions of local area plans and the manager's report for the Planning Authority, advising the authority of his or her opinion (which has to be considered before any resolution is passed) regarding the compliance or otherwise of the proposed development with any relevant Ministerial guidelines under section 28 or any relevant policies or objectives of the Government or Minister of the Government, must also take account of the extent of compliance with any RPGs.

Taking into account this strengthened statutory provision with the aim of achieving greater consistency between development plans and RPGs through implementation of the NSS, the Planning Authority will have to consider at this early stage whether the application would represent such a material contravention of the development plan or local area plan. If the authority considers that the application would represent a material contravention of its own plans, the special procedures set out under section 34 of the Planning and Development Act 2000 will apply and the Regional Authority should be notified of this fact, as it will allow them more time to consider making a submission.

It is not anticipated that this should be an onerous imposition on Regional Authorities where development plans are consistent with the RPGs and Planning Authorities make decisions on planning applications on the basis of the development plan.

However, to deal with a situation where a Planning Authority intends to grant permission in contravention of the development plan, believing the development is consistent with the development plan but the Regional Authority consider not to be consistent, notifications under the Regulations should be handled in the following manner:

- The Regional Authority should review the planning application lists of all Planning Authorities to identify any proposed developments that might appear to be materially inconsistent with the RPGs;
- If a Regional Authority considers that a planning application may be inconsistent with the RPGs it should advise the Planning Authority of such concern at the earliest possible stage and of the reasons for it; and
- The Regional Authority should submit its observations for consideration by the Planning Authority within 4 weeks of the making of the application.

Appendix 1:

Potential Indicators for Monitoring RPG Implementation Progress

These indicators are suggested as examples only and are not intended to be exhaustive. They do have the characteristics of being directly associated with RPG objectives, of being based on data that are capable of being collected without undue difficulty and of providing overall guidance to the various bodies that will be charged with the operational implementation of the guidelines.

- Population levels in urban and rural areas and the distribution of population growth;
- The availability of serviced land;
- The extent of housing development across the region in general and in Gateways and Hub towns;
- Value of other non-residential development and construction activity, especially in Gateways and Hub towns;
- Trends in enterprise formation within the Gateways and Hub towns and other urban and rural areas in the region e.g. net number of new enterprises;
 - Trends in the indigenous enterprise base;
 - Trends in foreign direct investment such as employment,
- Productivity and research and development spend;
- Trends in the distribution of enterprise in urban and rural areas;
- Income distribution;
- Educational attainment;
- Trends in transport investment, public transport service levels and key journey times such as between Gateways and Hub towns;
- The availability and use of public transport and other sustainable transport modes, especially in Gateways and Hub towns;

Appendix 2:

Planning and Development (Amendment) Act 2010

(Sections 17, 18 and 19 inserting Sections 27A, 27B and 27C into the 2000 Act)

Report of Regional Authority for preparation of draft development plan

27A.—(1) Where a Regional Authority receives a notice from a Planning Authority under section 11(1) it shall prepare submissions or observations for the purposes of section 11(2).

(2) Submissions or observations made by a Regional Authority under section 11(2) shall contain a report on matters that, in the opinion of the Regional Authority, require consideration by the Planning Authority concerned in making the development plan.

(3) The submissions or observations and report of the Regional Authority shall include, but shall not be limited to, recommendations regarding each of the following matters as respects the area to which the development plan relates:

(a) any policies or objectives for the time being of the Government or any Minister of the Government in relation to national and regional population targets, and the best distribution of residential development and related employment development with a view to—

(i) promoting consistency as far as possible, between housing, settlement and economic objectives in the draft development plan and Core Strategy and the regional planning guidelines, and

(ii) assisting in drafting the Core Strategy of the draft development plan;

(b) the objectives of providing physical, economic or social infrastructure in a manner that promotes balanced regional development;

(c) planning for the best use of land having regard to location, scale and density of new development to benefit from investment of public funds in transport infrastructure and public transport services; and

(d) collaboration between the Planning Authority and the Regional Authority in respect of integrated planning for transport and land use, in particular in relation to large scale developments and the promotion of Report of regional authority for preparation of draft development plan. Role of Regional Authority in making of development plan. Role of Regional Authority in variation of development plan. sustainable transportation strategies in urban and rural areas, including the promotion of measures to reduce anthropogenic greenhouse gas emissions and address the necessity of adaptation to climate change.

(4) One or more Regional Authorities, who have been directed by the Minister to make regional planning guidelines for the purpose of section 21(3) in relation to a combined area of the Regional Authorities or in respect of any particular part or parts of

the area which lie within the area of those Regional Authorities, shall make joint submissions or observations and issue a joint report for the purpose of this section, in respect of the combined area or particular part or parts of the area concerned and shall send a copy of the joint submissions or observations and joint report to the Minister.

Role of Regional Authority in making of development plan

27B.—(1) Where a Regional Authority receives a notice from a Planning Authority under section 12(1) it shall prepare submissions and observations for the purposes of section 12(2).

(2) Submissions or observations made by the Regional Authority under subsection (1) shall contain a report which shall state whether, in the opinion of that authority, the draft development plan, and, in particular, its Core Strategy, are consistent with the regional planning guidelines in force for the area of the development plan.

(3) Where the opinion of the Regional Authority stated in the submissions or observations made and the report issued is that the draft development plan and its Core Strategy are not consistent with the regional planning guidelines, the submissions, observations and report shall include recommendations as to what amendments, in the opinion of the Regional Authority, are required in order to ensure that the draft development plan and its Core Strategy are so consistent.

(4) The Regional Authority shall send a copy of the submission or observations and the report to the Minister.

(5) One or more Regional Authorities, who have been directed by the Minister to make regional planning guidelines for the purpose of section 21(3) in relation to a combined area of the Regional Authorities or in respect of any particular part or parts of the area which lie within the area of those Regional Authorities, shall make joint submissions or observations and issue a joint report for the purpose of this section, in respect of the combined area or particular part or parts of the area concerned and shall send a copy of the joint submissions or observations and joint report to the Minister.

Role of Regional Authority in variation of development plan

27C.—(1) Where a Regional Authority receives a notice from a Planning Authority under section 13(1) it shall prepare submissions and observations for the purposes of section 13(2).

(2) Submissions or observations made by the Regional Authority under subsection (1) shall contain a report which shall state whether, in the opinion of that authority, the draft variation of the development plan, and, in particular, its Core Strategy, are consistent with the regional planning guidelines in force for the area of the development plan.

(3) Where the opinion of the Regional Authority stated in the submissions or observations made and the report issued is that the proposed variation of the development plan and its Core Strategy are not consistent with the regional planning guidelines, the submissions and observations and report shall include recommendations as to what amendments, in

the opinion of the Regional Authority, are required in order to ensure that the proposed variation to the development plan and its Core Strategy are so consistent.

(4) The Regional Authority shall send a copy of the report to the Minister.

(5) One or more Regional Authorities, who have been directed by the Minister to make regional planning guidelines for the purpose of section 21(3) in relation to a combined area of the Regional Authorities or in respect of any particular part or parts of the area which lie within the area of those Regional Authorities, shall make joint submissions or observations and issue a joint report for the purpose of this section, in respect of the combined area or particular part or parts of the area concerned and shall send a copy of the joint submissions or observations and joint report to the Minister.