

Implementing Regional Planning Guidelines

Best Practice Guidance

**Department of the Environment
Heritage and Local Government**

February 2005

Minister's Foreword

As Minister for the Environment, Heritage and Local Government, I have overall responsibility for leading the implementation of the National Spatial Strategy 2002-2020. The adoption by all regional authorities of statutory regional planning guidelines represents a major milestone in the implementation of the NSS. I congratulate all those involved for responding so effectively and quickly to the challenge.

The focus now shifts to the implementation of the regional planning guidelines (RPGs) at local authority level. I look forward to the early establishment of RPG implementation groups as recommended in this guidance. I attach considerable importance to the effective translation of NSS and RPG policies in local authority plans. This will not only ensure that thousands of individual planning decisions made annually are informed by such strategic policies, but will also facilitate co-ordination of substantial investment by the public and private sectors in key infrastructure. It is vital that the potential of NSS gateways and hubs is realised, so that they can lead development of their areas in partnership with other towns, villages and rural areas. In this context, my Department has put in place the necessary measures to promote high levels of awareness in central departments and agencies of regional investment priorities as set out in the RPGs.

My Department will work closely with the RPG implementation groups throughout the country, and will also offer any necessary technical advice to planning authorities as they review their development plans in accordance with the RPGs for their area. I will monitor the overall implementation of the NSS and RPGs over the coming years to ensure that the Government's objective of balanced regional development is carried forward. I am committed to taking whatever further actions are necessary to support delivery of the NSS at regional and local level.

Dick Roche T.D.

Minister for the Environment, Heritage and Local Government

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Section 1: Overall Approach to RPG Implementation

1.1 Background

Implementation of the National Spatial Strategy published in 2002 took a significant step forward with the adoption of regional planning guidelines (RPGs) by all Regional Authorities across the country in mid 2004. For the first time, Ireland now has the full hierarchy of plans and strategies envisaged in the Planning and Development Act 2000¹, ranging from the National Spatial Strategy at national level, to regional planning guidelines at regional level and city, town and county development plans as well as local area plans.

The preparation and adoption of RPGs, within a short timeframe since the publication of the NSS in late 2002, was a significant achievement in the overall process of implementing the NSS. This achievement was greatly facilitated by the supportive roles played by both regional and local authorities as well as government departments and their agencies. Continuing this process of collaboration in the RPG implementation phase will be critical to their success.

As a key component of NSS implementation, the regional planning guidelines' primary function under the Act is to set out a long-term strategic planning framework for the regional authority areas. Within the overall spatial framework of the NSS, the guidelines must also link national spatial policy to the plan making functions of planning authorities at city and county and urban levels. Additionally, the guidelines will also be of much value as a regional spatial policy framework to be harnessed for co-ordination purposes by local authorities and relevant government departments and agencies.

¹ Hereafter described as the Act.

Regional planning guidelines, together with the NSS, present a significant new opportunity for planning authorities to set their decisions within a regional as well as local context and where they do so, to secure additional investment for the city, town or county.

This guidance sets out best practice advice for the process of implementing regional planning guidelines. This guidance, while suggesting potential mechanisms that can be used to drive the implementation process at regional level, is particularly aimed at highlighting good practice for planning authorities in ensuring that their development plans support the implementation of the guidelines and the NSS.

The guidance is thus primarily addressed to regional authorities and planning authorities, but will also be of interest to other statutory agencies.

1.2 General arrangements for RPG implementation

Under the Act, regional authorities were responsible for making the guidelines. However certain implementation activities relating to the guidelines will be driven by planning authorities. Other implementation activities will be supported by relevant government departments and their agencies. Accordingly it follows that:

- (1) Responsibility for implementing the guidelines on a day to day basis will rest mainly with planning authorities and;
- (2) Regional authorities should focus on maintaining a regional level overview of the implementation process and facilitating any co-ordination activities.

The process of managing and monitoring the implementation process and stimulating progress at regional level will primarily fall to the regional authorities. Likely activities in this regard might include:

- (1) Working with constituent planning authorities in each region and establishing agreed milestones and timetables;
- (2) Facilitating the formation of any ad hoc groups of officers examining particular development plan co-ordination initiatives;

- (3) Collecting information on implementation progress and milestones and reporting to the Department of the Environment, Heritage and Local Government (DEHLG) as part of the ongoing national monitoring of NSS implementation.

A good way to organise and manage the monitoring process would be to focus on both:

- Monitoring the implementation *process*,
- Monitoring *outputs*.

As determined at regional level, management and monitoring will need to be organised around a number of achievable targets and indicators. In relation to the implementation process, targets and indicators to be considered could include the establishment of mechanisms for co-ordinated action, the adoption of appropriate policies in development plans of Local Authorities as well as the recognition and adoption of the approach of the Regional Economic Strategy and Planning Guidelines in the plans and programmes of other agencies and organisations.

In relation to implementation outputs, these might refer to particular achievements such as the development of priority infrastructure or the degree to which specific regional planning guideline objectives are being achieved. Potential indicators are outlined at Appendix 1.

1.3 RPG Implementation Groups

To drive forward the RPG implementation process, the regional and local authorities should quickly move to put in place RPG implementation groups. The objectives of such groups would be as follows;

1. To sustain and further develop the shared vision of the region's development potential as set out in the guidelines among the key public sector bodies responsible for implementing the RPGs² ;

² These might include: the Regional Authority; relevant City and County Councils and Development Boards, the enterprise development agencies, public transport providers, 3rd level institutions, DEHLG and the Department of Transport. It is suggested that these might be represented at executive level, with reports being provided to elected bodies as appropriate.

2. 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.
3. 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.
4. To assist the Regional Authority in monitoring and reporting on overall implementation of the RPGs, with an eye to any future review of the RPGs.

Membership of such groups will be a matter for regional and local authorities. However to maintain continuity, membership of such groups could be based around the steering groups involved in the process of drafting and finalising regional planning guidelines. The chairperson of the implementation group will normally be the Cathaoirleach of the Regional Authority or such other person the cathaoirleach delegates this function to, as determined locally. Additionally the implementation groups will normally include relevant officers of each local authority, the DEHLG and if necessary any other relevant departments and agencies such as the Department of Transport and the enterprise development agencies.³

Much RPG implementation work overlaps to some degree with work done by regional and local authorities, for example the collection of regional data and the compilation of information at local authority level on serviced land availability. Taking this into account, it is best practice for planning authorities, in consultation with the relevant regional authority, to co-ordinate their information gathering, policy making and initiative implementing functions with the other planning authorities in each region, under the direction of an officer designated by the relevant city/county manager in each planning authority.

Maximising momentum and continuity in the implementation process will, however, be greatly assisted by the allocation, from

³ The Enterprise Development agencies are:
Forfás, Enterprise Ireland, IDA Ireland, FÁS, Údarás na Gaeltachta, Shannon Development

the collective resources of the regional and local authorities in each region, of a full time or substantively full-time officer to carry out duties relevant to the implementation process at a regional level. Such an officer's functions and responsibilities might include many of the direct information gathering, monitoring and reporting functions outlined in this document. Other functions will include interaction with individual planning authorities in the context of their consultations with regional authorities regarding matters such as preparation of development plans and variations to plans etc.

The RPG implementation group should meet around 2 or 3 times per annum or more often as considered necessary. The group should be supported by a smaller implementation team, probably made up of staff from the constituent planning authorities and other authorities. The group should receive regular RPG implementation reports from the implementation team, structured around such issues as:

- Progress and priorities in aligning development plans and the RPGs;
- Priority infrastructural investments;
- Specific development initiatives;
- Development progress in the gateways and hubs;
- Population and employment trends;
- Co-operation between centres in linked gateways and hubs;
- Other key issues identified in the RPGs.

A particularly useful goal that implementation groups could aim towards would be the publication of annual reports broadly similar to the annual "Review and Update" of the former Strategic Planning Guidelines for the Greater Dublin Area, or other forms of publication which would maintain public awareness of the RPG / NSS process.

All of the regional planning guidelines contain policies and proposals relating to development issues between and within the regions as well as cross-border issues in the case of the Border and South-East Regional Authorities. These policies and proposals relate to various matters such as co-ordinating planning policy and collaborative approaches to the strategic development of

gateways, hubs and other areas. The implementation group will need to put arrangements in place to progress these policies and proposals. For example, regional planning guidelines may have identified an area straddling two or more planning authorities with potential for various categories of development and which would benefit from a planning framework consistent across administrative boundaries. In such a case, the implementation group could initiate, through the local authorities, a process of analysis and preparation of proposals to be incorporated into future development plan reviews. Similar arrangements could be considered in relation to progressing infrastructure priorities that run between two or more regional authority areas.

The implementation group will also need to take the regional economic strategy component of the regional planning guidelines into account in setting implementation priorities. While the regional economic strategy is essentially the strategic socio-economic backdrop to the regional planning guidelines, implementation issues around the strategy might include the role of the city and county development board strategies in supporting its implementation and linking monitoring of progress to the NSS implementation committee. Ultimately, it will be the responsibility of the implementation group to consider what needs to be done in the region in this regard.

Regional Authorities will also be responsible for the process of reviewing regional planning guidelines. Under the Act, planning authorities are obliged to have regard to regional planning guidelines for a period of six years after their adoption, when preparing their statutory Development Plans.

1.4 RPGs and the Development Plan

Legislative and Regulatory Framework

The main provisions of the Act (as amended) and the Planning and Development Regulations (2003) that have implications for development plans from the adoption of regional planning guidelines are as follows:

- (1) Planning authorities must have regard to any regional planning guidelines currently in force for its area when making a development plan (Section 27(1));
- (2) The Minister may, by order, require planning authorities to comply with regional planning guidelines in preparing or making a development plan and may require an existing plan to comply with regional planning guidelines (Section 27(2));
- (3) Planning authorities must review their existing development plans upon the adoption of regional planning guidelines for their area and consider whether any variation of the development plan is necessary in order to achieve the objectives of the regional planning guidelines;

In addition, under the provisions of Section 23 (4)(a) and Article 4 of the Planning and Development Regulations 2003, the Minister specified the National Spatial Strategy as being of relevance to the determination of strategic planning policies. Regional Authorities have responded by setting their regional planning guidelines within the national spatial policy context provided by the NSS.

Status of the National Spatial Strategy

The Government published the NSS in November 2002 as an overall spatial policy framework setting out its detailed approach to achieving more balanced regional development. The NSS was intended as a strategic planning framework acting at national level and also at regional and local levels through respectively the regional planning guidelines and development plan processes.

The NSS represents Government policy in relation to strategic spatial planning policy and therefore under Section 12(11) of the Act, in making development plans, planning authorities are required to consider the proper planning and sustainable development of the area to which the development plan relates and any relevant policies or objectives of the Government. The NSS is a Government policy framework that is highly relevant to the functions of planning authorities in making development plans.

In overall terms therefore, the legislative framework set out under the Act as amended, coupled with Government policy in relation to balanced regional development outlined in the NSS, sets clear obligations on the development plan process to substantively engage with the regional planning guideline process and to move the implementation of the NSS forward.

RPGs address a wide range of 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;

Section 2: Development Plans – How to take RPGs into account

With RPGs in place, the steps that planning authorities will need to put in train to give effect to the guidelines in their development plans will depend on whether the plan is approaching / within the review stages or is an existing development plan that has been in force for a period of time.

2.1 Existing Development Plans

Section 27(4) of the Act provides that:

“Following the making of regional planning guidelines for their area, planning authorities shall review the existing plan and consider whether any variation in the development plan is necessary in order to achieve the objectives of the regional planning guidelines.”

In order that the implementation of RPGs (and by extension the NSS) proceeds quickly, it is important that this review process should commence without delay.

In terms of what is involved in the review process, it is intended that this should consist of three stages:

- (1) A systematic examination of the development plan to maximise alignment between the plan and the relevant RPGs in matters such as forecasts and targets for population and housing, settlement strategy, infrastructure priorities and inter-regional planning policy issues that may be raised within the guidelines;
- (2) The preparation of a report of the examination referred to at (1) above including recommendations to be submitted to the elected members. The report should address the headings set out below:

- the responsiveness of the settlement structure in the development plan to the strategic aims of RPGs, including land use and transportation issues;
- the degree to which the housing strategy fits with the RPGs and the nature of any modifications required;
- the extent to which the provision for development land is in line with the guidelines;
- the extent to which strategic infrastructure priorities in the development plan reflect those of the guidelines; and
- any cross-boundary or interregional planning issues identified in the guidelines that need to be responded to with new or updated development plan objectives and policies in relation to matters such as infrastructure corridors, renewable energy, landscape, upland or coastal management;

(3) Consideration of variations to the development plan to give effect to the RPGs.

The Spatial Policy Section of the Department can offer informal advice, where considered desirable by planning authorities, in preparing their variations to give effect to RPGs after stage 3 above has been completed and before the variations are formally submitted to the Department.

It is important to bear in mind that it will not be sufficient that planning authorities conclude that existing development plans are in broad conformity with the RPGs. It is strongly recommended that a statement that positively affirms the RPGs be inserted into existing development plans including a statement of the key interface areas between the RPGs and the development plan and any implementation priorities that may arise at local level from the RPGs.

In order that the process of implementing RPGs is moved swiftly forward, all planning authorities should aim to conclude the process described above by mid 2005 including the making and adoption of any necessary variations. 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.

If a review of the plan is imminent, the procedure set out below should be followed.

2.2 New Development Plans

Background Research

At the commencement of the review of a development plan, RPGs should be a primary input into the background research process and initial setting out of issues.

For example planning authorities, in preparing working papers dealing with the nature of interactions between the NSS, RPGs and the development plan, might focus on identifying what new objectives and policies might be required or how existing development plan provisions might need to be adjusted.

In addition, the practice has generally built up among planning authorities of publishing consultation papers as part of the initial consultation process for development plans under Section 11 of the Act. Where such consultation or issues papers are prepared, planning authorities are encouraged to set out the key issues to be addressed in the development plan review in relation to supporting the implementation of the NSS and RPGs.

Contents of Development Plans

Most development plans start with a section at the beginning of the written statement setting out overarching policy considerations such as the NSS and RPGs. To keep development plans as concise as possible, it is best practice to interpret what the regional planning guidelines mean for the development plan rather than restate their provisions. Furthermore, the emphasis in the written statement should be on how the development plan will move the strategic policy context forward. Examples in this regard will include:

- (1) Setting a strategic population/housing level horizon for the plan period and beyond that is broadly consistent with regional and national spatial frameworks;
- (2) Demonstrating how the overall outlook of the planning authority in relation to its settlement and transportation strategy has been derived from the NSS and regional planning guidelines;
- (3) A short statement outlining high level aims for any gateways or hubs in the area of the development plan in question as well as aims for county and other towns, villages and rural areas to support the NSS and regional planning guidelines.

Consideration should be given to illustrating the overall strategic approach with maps and diagrams, for example by reproducing the key strategic maps from the relevant RPGs.

After initial introductory and scene setting sections, the development plan will normally deal with objectives and supporting policies organised under themes such as housing, economic development, transportation, rural development and the environment. In setting out detailed objectives under these and other headings, planning authorities should strive for maximum consistency between the objectives and policies of RPGs and those of the plan.

Development plan objectives should include a reference to how they will support the implementation of RPGs in relevant cases. This is especially important in the areas of infrastructural investment priorities as well as planning initiatives or new policies called for by the RPGs. In this regard, many RPGs propose co-ordination between planning authorities in relation to development plan standards and standards in handling certain classes of development such as renewable energy proposals in upland areas or the co-ordinated promotion of certain strategic development and transportation corridors, that traverse the boundaries of a number of planning authorities. Where such objectives have been identified

in RPGs, every effort should be made in the development plan to note and respond positively to such objectives. This will require:

- (1) Summarising the relevant objectives from the RPGs;
- (2) Setting out plan objectives that respond to those of the guidelines.

Planning authorities should take every opportunity to liaise with the relevant regional authority through mechanisms such as any RPG implementation groups that may be in place or other appropriate mechanisms to ensure that the evolution of the draft development plan maximises progress towards the implementation of the RPGs.

Upon the publication of the draft development plan, the normal referral process will include sending a copy of the draft plan to the regional authority for the purposes of the regional authority whether the draft development plan has had regard to the regional planning guidelines. Regional authorities provide their views on this issue in a timely and proactive fashion to assist the process of finalising of the draft development plan.

Draft development plans are also referred to the Minister under the provisions of the Act. One of the key criteria for assessment of draft plans in this regard is the degree of consistency between development plans, the NSS and RPGs. For example, one of the questions to be resolved in relation to this is whether or not the distribution and / or the broad scale of future development in relation to provision for housing and population growth, supports the achievement of the objectives of the NSS and the RPGs.

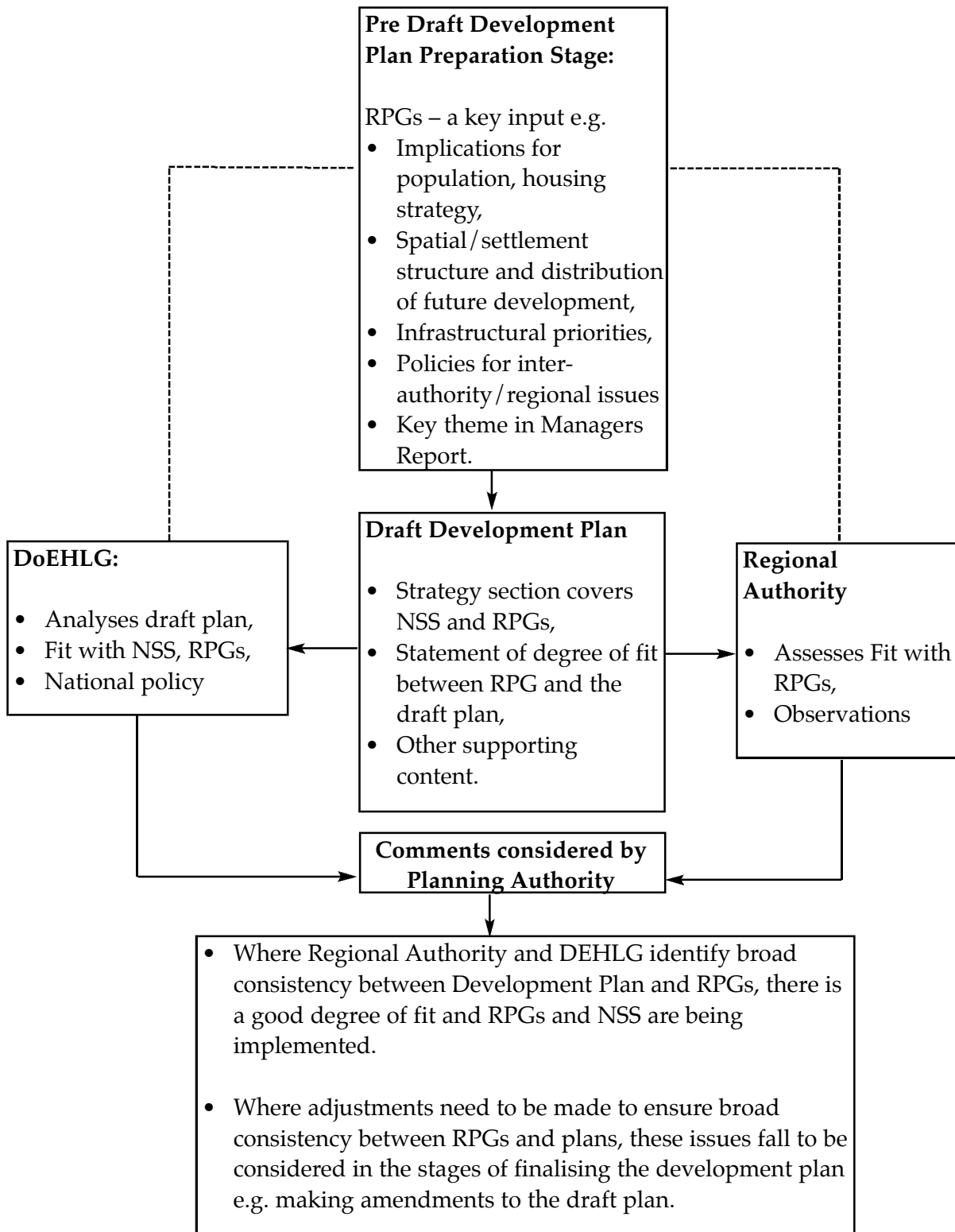
Having regard to the above, where comments by the Minister and regional authority are broadly supportive of the approach taken in the draft development plan in relation to interpretation and implementation of the RPGs, planning authorities can have confidence that they are fully supporting the implementation of

the guidelines. It is at this stage that the core function of the RPGs is delivered.

The attention of regional and planning authorities is also drawn to the provisions of section 27 of the Planning and Development Act, 2000, whereby the Minister may, by order, determine that planning authorities shall comply with any regional planning guidelines in force for their area, or any part thereof, when preparing and making a development plan, or may require in accordance with section 31 of the Act, that an existing development plan comply with any regional planning guidelines in force for the area.

Figure 1 below summarises the key information flows and stages in ensuring a high degree of consistency between development plans and regional planning guidelines.

**Figure 1: Development Plans and Regional Planning Guidelines
Ensuring broad consistency**



Section 3: Other RPG Implementation Issues

3.1 RPGs and the Development Control Process.

Article 28(1)(e) of the Planning and Development Regulations 2001 provides that where a planning authority receives a planning application and it appears to the authority that the proposed development would not be consistent with or would materially contravene any regional planning guidelines (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.

It is important to recognise that 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 order that a regional authority is afforded a reasonable opportunity to consider the issues raised by the planning application, 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. 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.

Taking into account the aim of achieving consistency between development plans and RPGs through the implementation of the NSS and this guidance, proposals of the nature described above may also represent a material contravention of the relevant development plan, which is intended to give effect to the RPGs within the area of the planning authority. The planning authority will have to consider at this early stage whether the application would represent such a material contravention of the development plan. If the authority considers that the application would represent

a material contravention of its own plan, 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.

Notifications under the Regulations or the Act should be handled in the following manner.

- (1) The notification should be addressed to the Director of the relevant regional authority.
- (2) The Director should, as soon as is practicable, inform the Cathaoirleach and members of the regional authority.
- (3) To facilitate the consideration of the notification by the regional authority, the Director should prepare, or arrange to have prepared, a report for the authority members as soon as is practicable, but in any event not later than 3 weeks from the date of notification. This is to allow enough time for subsequent circulation of the report and its consideration by the members. The report shall present a clear analysis of whether the development which is the subject of the notification is consistent with or would materially contravene the regional planning guidelines, and shall include the recommended response to the notification.
- (4) The regional authority should then consider the report and its recommendations at an ordinary or special meeting.
- (5) To assist planning authorities, submissions the regional authority wishes to make should be confined to the question of the consistency of the development which is the subject of the notification with the regional planning guidelines or whether the development is a material contravention of such guidelines. Such submissions should be made within the timescales set out in the notification.

Appendix 1

Potential Indicators for Monitoring RPG Implementation Progress

- Population levels in urban and rural areas;
- The distribution of population growth;
- The extent of housing development in the region;
- Value of development and construction activity;
- The distribution of and balance between housing development in both urban and rural areas;
- Trends in enterprise formation within 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;
- Developments trends and investment in the primary, secondary and third level education sectors;
- Research activities in third-level institutes;
- Transport investment trends;
- The availability and use of public transport;
- The development of areas such as the linked gateway and principal towns;
- Access time between key cities, towns and rural areas;
- The availability of serviced land;
- Development of renewable energy projects;

These indicators are suggested as examples only and are not intended to be exhaustive. They do have the characteristics of being directly associated with the objectives of regional guidelines, 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.