

A Guide to the Development Plan



Planning
Leaflet **2**





A Guide to the Development Plan

The development plan shapes the future of your local environment, community and your local authority (i.e. your city or county council). There are 31 local authorities in Ireland and each local authority must prepare a new development plan every six years.

This leaflet explains how the development plan is prepared, and the important role that the public and communities play in contributing to it.

..... This leaflet is not a definitive legal interpretation of planning law. For further planning information, you should consult with your local authority which for their planning functions are referred to as a planning authority.



1. What must a development plan contain?

The development plan must contain a written statement and a series of maps which indicate the development objectives for the area including proposals for:

- development and renewal of various areas;
- identification of areas (zoning) for residential, commercial, industrial, agricultural, recreational and other purposes in line with expected changes in population, employment, and requirements for different types of housing, whether public or private housing;
- provision of infrastructure for transport, energy, communications, water services and waste management facilities by relevant agencies;
- provision of services for the community including schools, and other education and childcare facilities by relevant agencies;
- provision of accommodation for the travelling community;
- protection of the linguistic and cultural heritage of Gaeltacht areas;
- conservation and protection of the environment including in particular, the archaeological and natural heritage and the conservation and protection of designated European sites and habitats, river basins and landscapes;
- preservation of rights of way giving access to the seashore, mountains, the lakeshore, riverbanks and similar areas of natural beauty and recreational use;
- preservation and improvement of amenities and recreational amenities;
- location of development and transport systems to reduce energy demand and address both the causes and effects of climate change such as flood risk;
- control and siting of establishments having regard to the provisions of the Major Accidents Directive for the purpose of reducing the risk of a major accident; *and*
- protection of important older buildings (protected structures), landscape features and views.

The objectives of the development plan must also take account of wider national and regional planning and infrastructure investment policies, detailed elsewhere in this leaflet. Much of this is set out in the part of the development plan known as the core strategy. The development plan must also be accompanied by an Environmental Report prepared on foot of the EU Strategic Environmental Assessment Directive and, in certain circumstances, a Natura Impact Report prepared under the Habitats Directive. See also Leaflet 11 - "Environmental Assessments".

2. How will the development plan affect me?

The development plan sets out the overall planning policies for the development of your area for the next six years. For example, it sets out where, and in what form, development in your community will be permitted. The plan also sets out the necessary services and infrastructure (e.g. water supply, sewerage services, roads,

etc.) required to deliver proper planning and sustainable development in your area. Decisions on applications for planning permission are measured against the contents of the development plan.

It is important that you understand the provisions of the development plan as it affects many facets of your daily life. You should also avail of the opportunity to make an observation or submission on the draft plan.

3. Who makes the development plan?

The elected local councillors are responsible for making or varying the development plan.

Councillors must prepare and make the plan every six years, taking on board the technical and professional advice of their local authority planning, housing, engineering,

environmental and other staff, the views of local communities and various groups and organisations who must be consulted.

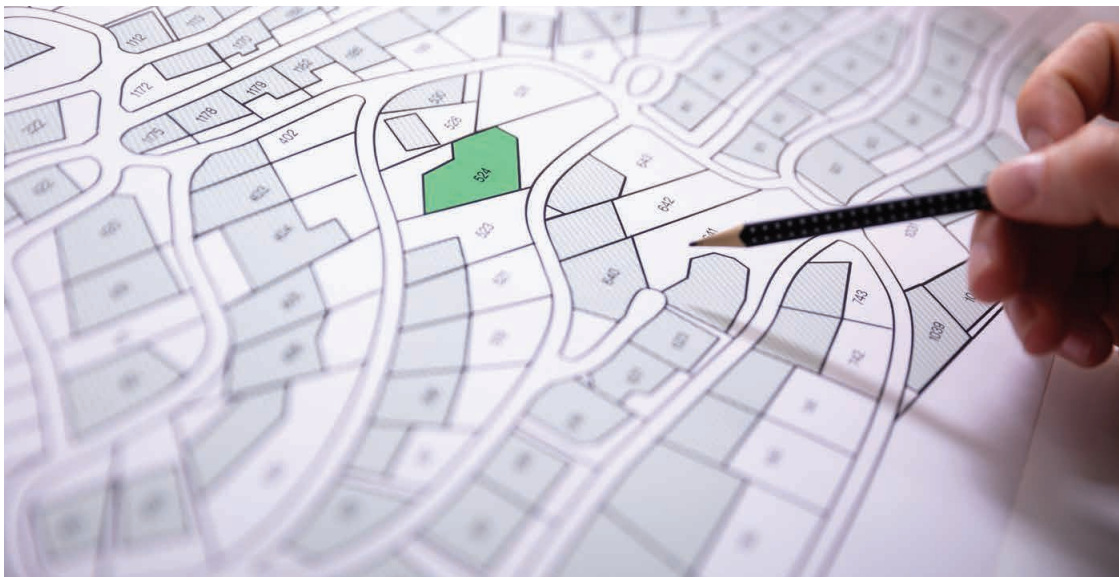
If the councillors fail to make a plan within the required six year period, the Chief Executive of the local authority must make a plan.

4. How often is the plan made?

The law requires that local authorities must commence the review of the plan four years after the last plan was made. A new plan must be made every six years.

5. Is there co-ordination of plan-making processes across the country?

The plan-making processes of the 31 local authorities are co-ordinated regionally and nationally to ensure each local authority plays its full part in addressing wider societal issues that include:



- climate action,
- housing supply,
- economic development,
- environmental protection, *and*
- provision of infrastructure.

The National Planning Framework (NPF) is the main planning policy document for the State and sets out national planning objectives. These objectives are complemented by three Regional Spatial and Economic Strategies (RSES) prepared by the Northern and Western, Southern and Eastern and Midland Regional Assemblies. These assemblies are made up of representatives from each of the local authorities in each assembly area.

The Office of the Planning Regulator (OPR) was established by the Oireachtas in 2019 as an independent body to oversee the Irish planning system and the plan-making process. This includes development plans prepared by local authorities and regional strategies prepared by regional assemblies.

The OPR is required to examine every development plan in light of national and regional requirements. The OPR may make observations and recommendations to the local authority regarding its development plan. The local authority must address any recommendations received from the OPR. Where the local authority does not implement the OPR's recommendations, it must give reasons. If the OPR does not consider these reasons to be sufficient, the

OPR may recommend to the Minister for Housing, Local Government and Heritage to legally direct the local authority to change the development plan in line with the OPR's recommendations.

6. Does the development plan affect planning applications?

All planning applications are assessed against the standards and objectives contained in the development plan before a decision is made to grant or refuse planning permission. You have a right to make a written comment on a planning application which provides your views on whether the proposal is consistent with the development plan.

7. What is the effect of zoning?

Zoning objectives determine the most appropriate type of development on a particular piece of land. They are also used to distinguish certain land uses such as housing and industry, to define business districts or city and town centre areas and predominant land uses such as open space, agriculture or education.

Land zoning is a key factor when either the local authority or An Bord Pleanála is assessing whether a particular planning application or appeal should be approved or refused.

8. What protection can the development plan give?

The development plan may list particular natural amenities (views, trees, landscapes,



etc.) and particular buildings, features or sites of artistic, architectural, historical, archaeological, cultural, scientific, social or technical interest for preservation. Development proposals which might alter or interfere with any of these amenities will be restricted and works which might otherwise be exempt from needing planning permission will require planning permission from the local authority.

The development plan may also protect land affected by flooding from development or may also protect land that may be needed for future infrastructure such as transport infrastructure (roads).

9. How does the review process work?

Two years before the current development plan expires, the local authority will

publish a public notice in a newspaper circulating in the locality of its intention to review the existing development plan and to prepare a new development plan.

Detailed surveys, analysis and environmental reports will be undertaken by the local authority. The local authority will publish consultation papers which will be available for review, usually over an eight week period. Submissions will be sought on these papers from the public and relevant bodies. The contents of any submissions received will help to inform the preparation of the draft development plan.

The draft development plan will then be considered by the councillors.

After approval (by majority vote) a notice will be published in a newspaper circulating

in the locality. This will outline that your local authority intends to make a new development plan and the draft plan will be put on public display, for at least ten weeks, in the local authority offices and possibly local libraries, community halls, etc., during which time any person can make a submission. At the conclusion of the display period, the Chief Executive of the local authority prepares a report regarding all of the submissions received.

All comments are taken into consideration by the councillors, who may change the draft plan based on the Chief Executive's report or on their own views. If the draft is materially altered (i.e. significantly changed), the alterations must go on further public display for at least four weeks, during which time fresh public comments may be made on these changes. Further environmental assessment report(s) may be required, depending on the nature of the proposed amendments.

Following consideration of submissions on any material alterations and a final decision on these, the plan is formally made or adopted by the councillors.

10. How will I know when the development plan is being reviewed?

Local authorities must consult widely in preparing development plans. They are required to publish a notice (a) when they intend to commence reviews, (b) at the publication of the draft development



plan and (c) where any material alterations are made to that draft. The owner or occupier of any structures or features, or rights of way, listed in the plan for preservation will also be notified.

Local authorities undertake extensive work to highlight reviews through various media, social media and web-based channels to ensure as wide a level of public engagement and participation as possible in the development plan preparation process. The OPR also maintains a web-based tracker of current development plan reviews which can be viewed at www.opr.ie.

It is important for citizens and particular local groups to monitor such announcements and participate at the appropriate stages, as these are opportunities to have your say.

11. How do I make my views known?

Any person, even if not living in the plan area, can make written observations to your local authority during the review and display periods. This includes children or groups representing children. In addition, the planning authority may invite the public to state its case orally to a person appointed by the planning authority - usually an official.

These procedures apply equally to public displays of the draft plan and any changes to it. It is also open to people to make their views known to their local councillors. Remember, the development plan is your plan and you have a right to a say in the future planning and development of your locality.

12. Where can I see the development plan and get a copy?

When a development plan is formally made, the planning authority publishes a notice in a newspaper circulating in the locality. The development plan is then available for the public to view during office hours at the planning authority offices, the local library, any of the local authority's offices and is generally available on the local authority's website.

Copies of the entire plan, or extracts from it, may be purchased from the planning authority at a reasonable cost or can be viewed on or downloaded from your local authority's website. As plans differ in size, use of colour, number

and size of maps, the cost of making copies will differ from area to area.

The Department of Housing, Local Government and Heritage has also created an easy-to-use website (www.myplan.ie), which is a one stop shop for information about development plans and also provides other information relevant to planning decision-making (census, heritage sites, patterns of housing development, etc.).

13. Can the development plan ever be contravened?

Local authorities are obliged to secure the objectives of its development plan, including decisions on planning applications.

In certain circumstances, an individual planning application that may not comply with the objectives of the development plan might still be in line with the proper planning and development of the area. In such cases, there is a legal procedure for the local elected councillors to permit the application as a material contravention of the plan, following notice to the applicant and public consultation. In this case, the planning authority must publish notice of its intentions in a newspaper circulating in the locality.

In order to pass a resolution to grant permission in such cases, three quarters of all councillors must vote in favour. If the local authority wishes to undertake development of its own which would contravene the plan, it must complete a variation to the plan and the procedure for

varying a plan is set out in planning law. In determining certain planning applications made directly to it and normal planning appeals, An Bord Pleanála is required to take account of the development plan but is not bound by it, as it must also take account of wider national planning policies and requirements.

14. Why should I get involved in the development plan?

The development plan will shape your community in numerous ways. It is important to recognise that the content of the development plan is one of the best ways both individuals and communities can engage with and influence the planning process that will shape your surroundings.

Every aspect of the plan-making process provides for public involvement and it is important for your local authority that both officials and your elected representatives hear your views. It is also important that members of the public take the opportunity to become familiar with the overall planning process, planning policies

and the factors that their local authorities must take account of in making plans.

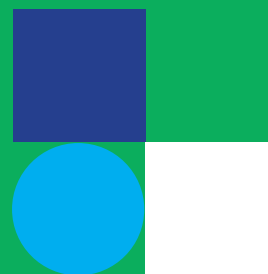
The Office of the Planning Regulator (www.opr.ie) has a number of free online resources for members of the public to find out more about the planning process. The development plan is the most important public policy document shaped by the local democratic process. It is an important area of local government where you can help shape your own locality and make a contribution on behalf of the local community.

Further information can be obtained from your local authority. The law governing the planning system is set out in the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended. You can purchase these from the Government Publications Sales Office, telephone (01) 6476834 or at publications@opw.ie or download them for free from the Department of Housing, Local Government and Heritage's website www.gov.ie/housing. Legislation is also available to view and download from: www.irishstatutebook.ie.



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