

Eastern & Midland Regional Assembly



The important, and sometimes misunderstood, Role of Regional Assembly Members

Implications of the Draft Planning and Development Bill 2023

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Association of Irish Regions



Background

- The Planning and Development Act passed in 2000 has been amended many times, and as a result, can be somewhat **impenetrable for the public and practitioners alike**
- The **landscape in which planning operates has understandably changed** over the past two decades- rightly give greater priority to environmental considerations and in terms of strategic infrastructure in critical areas such as housing and renewable energy
- This review and the New Bill it has produced represents the most **comprehensive review of planning** since the Act was first drafted
- The stated **key aim**, is to ensure that the provisions align with policy and are more accessible and streamlined from a legal perspective



Number 30 of 2000

PLANNING AND DEVELOPMENT ACT 2000

REVISED

Updated to 10 January 2023

Conduct of the Review

- The Review and Consolidation of the Planning and Development Act 2000 is one of the actions contained within **Housing for All**
- The review was launched in late Summer 2021
- Review is guided by a number of key principles
- Stated benefits of the Bill are Clarity, Consistency and Certainty. It is stated that this has been achieved by removal of duplication, improving processes and reorganisation of layout and signposting to reflect the typical pathways that users of the Planning Act utilise.

- Avoidance of unnecessary change;
- Increased clarity and streamlining of the legislation;
- Chronological format for processes with clear signposts to other sections or legislation;
- Improve coherence and usability of procedures;
- Completeness of transposition of EU Directives;
- Adherence to constitutional requirements; and
- Respect for the role of the public

Engagement with Stakeholders

- A Planning Advisory Forum, a key commitment in Housing for All, was established in 2021
- A representative of the Regional Assemblies was invited to sit on this forum and the Director of the NWRA represented the Assemblies in this regard
- There are also a number of further stakeholder engagement mechanisms, including an Inter-Departmental Group and a Standing Group consisting of An Bord Pleanála, the Office of the Planning Regulator, the County and City Management Association and the Environmental Protection Agency
- The Forum met six times since it was established
- The Forum consisted of a wide stakeholder membership with representatives from a broad range of sectors, including representation from the public sector, business, environmental, social and knowledge based sectors
- The Forum was a structured form of engagement and each meeting was based on a chosen theme including Plans and Guidelines, Development Consents, Enforcement, Environmental Assessment and Judicial Review among others

Engagement with Stakeholders- JOC

- The Regional Assemblies were invited to provide a joint witness statement to the Joint Oireachtas Committee on Housing, Local Government and Heritage as part of the pre-legislative scrutiny of the Draft Planning and Development Bill 2022
- The membership of the Committee is as shown
- The CCMA, AILG and LAMA also attended on the same day as the RAs
- The Committee invited the Assemblies to make a joint written submission

Deputies



Senators



Purpose of the Bill

Provide the legislative framework for the proper spatial planning and sustainable development of the State, to operate at national, regional and local levels;

- a) Ensure that the planning system functions to support and regulate the development of land and infrastructure, enhance assets and amenities and preserve, protect and improve the quality of the environment;
- b) Make clear provision for national planning policy, measures and guidance in the form of the National Planning Framework and National Planning Statements;
- c) **Provide for a plan led system of planning and development based on an integrated hierarchy of plan-making consisting of :-**
 - i. **A National Planning Framework**
 - ii. **Three regional assembly Regional Spatial and Economic Strategies**
 - iii. **Thirty-one local authority Development Plans**
 - iv. **Area Plans as mandated or required by local planning authorities**

Purpose of the Bill

- e) Support the development of a co-ordinated and integrated Marine Planning system;
- f) Integrate the pursuit of the national climate objective with the plan-led development of the State;**
- g) Ensure that there is transparent and timely decision-making within the framework of policy and plans set out in the Bill;
- h) Facilitate consistency and quality in decision-making that is proportionate and sound;
- i) Incorporate public participation in plan-making and decision-making processes;
- j) Ensure that, in the making of statutory plans and consent decisions under this Bill, there is a balance between the social, economic and environmental considerations of sustainable development in the interests of the common good**

Purpose of the Bill

- k) **Clarify the role of the Minister and planning bodies in the planning process:-**
 - i. The role of the Minister is to formulate national planning policy and to oversee the functioning of the planning system;
 - ii. **The role of regional assemblies is to formulate regional planning and related economic policy in alignment with the national policy**
 - iii. The role of planning authorities is to give effect at a local level to national and regional policy and to set a framework for the future sustainable development of its administrative area
- l) Clarify that the Planning Commission is an independent body that determines appeals on planning consents and applications for strategic and other developments, including those in the maritime area;
- m) Clarify that the Office of the Planning Regulator is an independent body that ensures planning authorities and the Planning Commission implement and support national planning policy as well as undertaking research, training and public awareness to promote public engagement in the planning process; and
- n) **Reflect that the aim of the Act is to serve to enhance economic prosperity, quality of life, social cohesion and environmental standards for the benefit of present and future generations.**

Implications for Regional Assembly Members

The 21st Century Councillor in Irish Local Government (AILG/ Maynooth University Report)

“ The assemblies are responsible for the management of the EU Regional Operational Programmes and other EU funding within their respective regions and, potentially more importantly, the development of regional and spatial economic strategies (RSES) (Breathnach et al., 2021) as a core implementing structure of the National Planning Framework (NPF).” (p. 16)

Key Implication- Making of the RSES

- Part 3, Chapter 4 provides for Regional Spatial and Economic Strategies.
- Relate to a period of not less than 10 years nor more than 20 years.

| Objectives shall be- | Shall be in accordance with- | Shall be materially consistent with- |
|---|--|--|
| (a) to support the implementation of the National Planning Framework, and (b) to support the economic policies and objectives of the Government. | (a) the principles of proper planning and sustainable development, and (b) the economic policies and objectives of the Government | (a) the National Planning Framework, (b) the National Marine Planning Framework, and (c) any relevant National Planning Policies and Measures. |

Regional Assemblies- Enhanced Functions

- **Content of the RSES** has been changed with many enhanced functions;
 - the identification of **sustainable settlement patterns and transportation strategies** in urban and rural areas;
 - the **strategic location of employment-related development** and industrial and commercial development;
 - a strategy relating to retail matters, including consideration of the location of retail development;
 - the **location of housing**, including provision to meet any national and regional population growth targets set out in the National Planning Framework as between the functional areas of the planning authorities in the region and the **relevant population and housing targets to be included in the housing development strategy** of each planning authority;
 - a strategy relating to **renewable energy** to—
 - (i) meet national **targets**,
 - (ii) identify and facilitate electricity grid infrastructure, including upgrade projects and support infrastructure,
 - (iii) make provision for energy security, and
 - (iv) **promote steps for coordination and cooperation between public bodies;**

Regional Assemblies- Enhanced Functions

- **Content of the RSES** has been changed with many enhanced functions;
 - a strategy relating to **climate change adaptation and mitigation** that reflects national policy objectives and **provides for the coordination of public bodies in pursuance of the strategy;**
 - a strategy relating to **marine and coastal matters** that facilitates the coordination of land-sea interactions for coastal planning authorities within the region;
 - **coastal zone management** as a consequence of sea level change, including the identification of strategic infrastructure
 - the provision of **transportation** (including public transportation), **water services, energy and communications networks** and **waste management facilities;**
 - the identification of facilities relating to **third level education, healthcare and sports** of such scale as would serve the region;

Regional Assemblies- Enhanced Functions

- **Content of the RSES** has been changed with many enhanced functions;
 - the **preservation and protection of the environment** and its amenities, including the archaeological, architectural and natural heritage of the region;
 - the protection of the linguistic and cultural heritage of the **Gaeltacht**;
 - a strategy relating to **landscape and landscape character** that coordinates the categorisation of landscapes, in terms of their capacity to absorb particular types of development, across the region so as to ensure a consistent approach to the protection of the landscape
- A **flooding and flood management plan** for the region

Regional Assemblies- Enhanced Functions

- **Content of the RSES continued;**
 - a strategy relating to economic matters that—
 - (i) identifies **regional strengths and opportunities** having regard to economic and employment trends,
 - (ii) identifies the **regional attributes** that are essential to enhancing regional economic performance, including the quality of the environment, cities, towns and rural areas, the physical infrastructure, and the social, community and cultural facilities,
 - (iii) sets out proposals to maintain or augment these regional attributes in such manner as **will be implemented under the strategy through the activities of public bodies, private sector investment and the community,** and (iv) identifies the **means of maintaining and augmenting overall regional economic performance** in accordance with national economic policy;

Regional Assemblies- Enhanced Functions

- **Content of the RSES continued;**
 - RSES and MASP to include objectives to secure effective implementation and monitoring including;
 - i. an **indication of priorities for infrastructure of scale** relating to transportation (including public transportation), water services, waste management, energy and communications networks and the provision of educational, health care, retail, cultural and recreational facilities,
 - ii. an order of **priority for infrastructure** provision,
 - iii. potential sources of **funding** for infrastructure,
 - iv. cross-sectoral investment and actions required to **deliver planned growth** and development,
 - v. **co-ordination** between constituent **local authorities**, and the **co-operation of public bodies**, and
 - vi. the **monitoring and reporting arrangements** required to measure and evaluate progress in implementing the regional spatial and economic strategy and metropolitan area strategic plan

Regional Assemblies- Enhanced Functions

- **Coordinated Area Plans;**

- Coordinated Area Plans to be prepared by Local Authorities, for settlements that straddle administrative boundaries
- RSES to designate settlements which this relates to
- Designate a planning authority to be the principal planning authority and any other planning authority to be the associate planning authority
- Specify the number of members from each planning authority to be appointed to the coordinated area plan committee.
- Specifying directions in relation to the appointment of a coordinated area plan committee

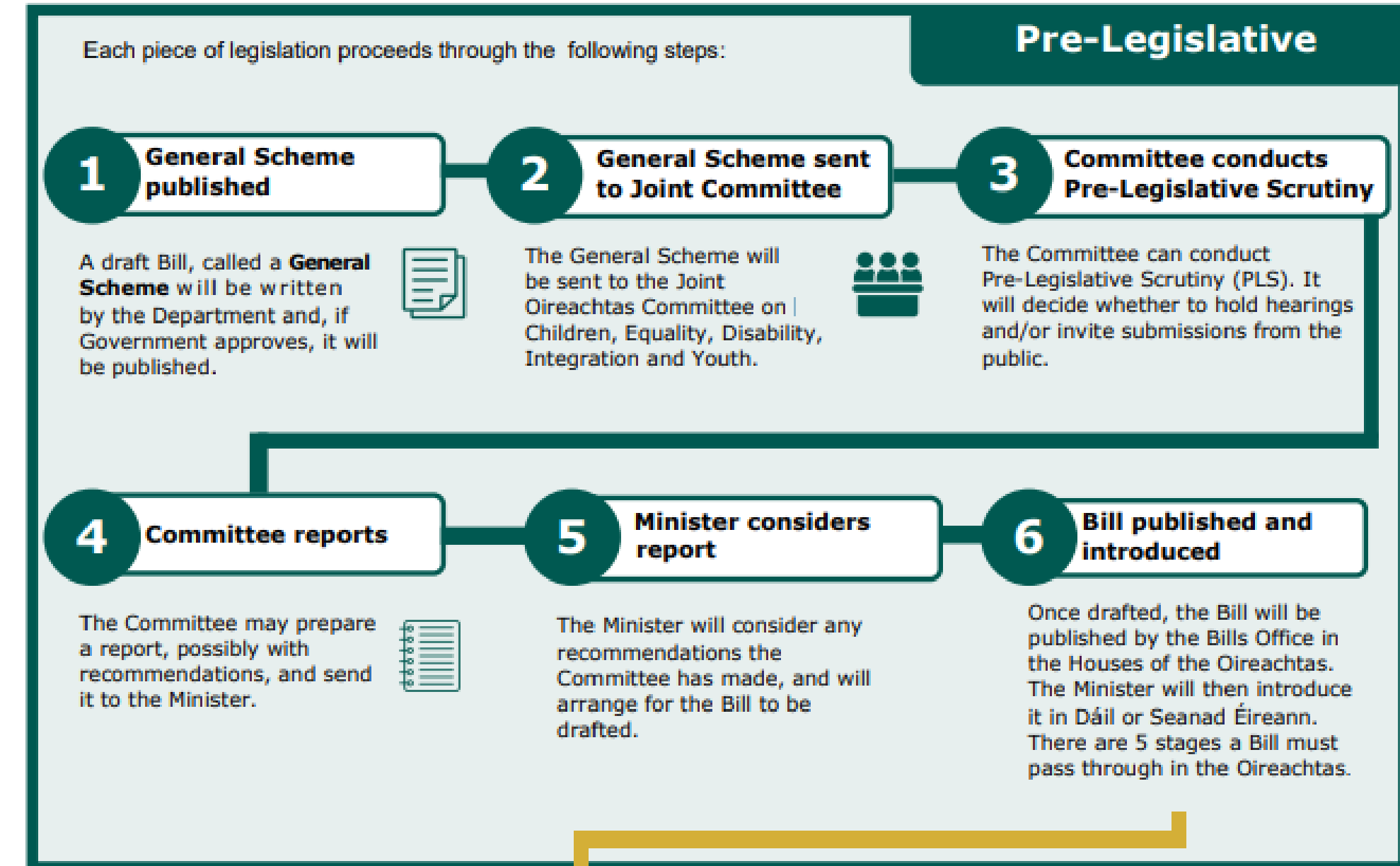
Regional Assemblies- Enhanced Functions



- **Coordinated Area Plans;**
 - Identify any **planned population growth and associated housing development needs** in the settlement
 - Identify the **amount of land required** to accommodate such housing development needs
 - Identify the amount of land required as between the principal planning authority and the associate planning authority

Next Steps

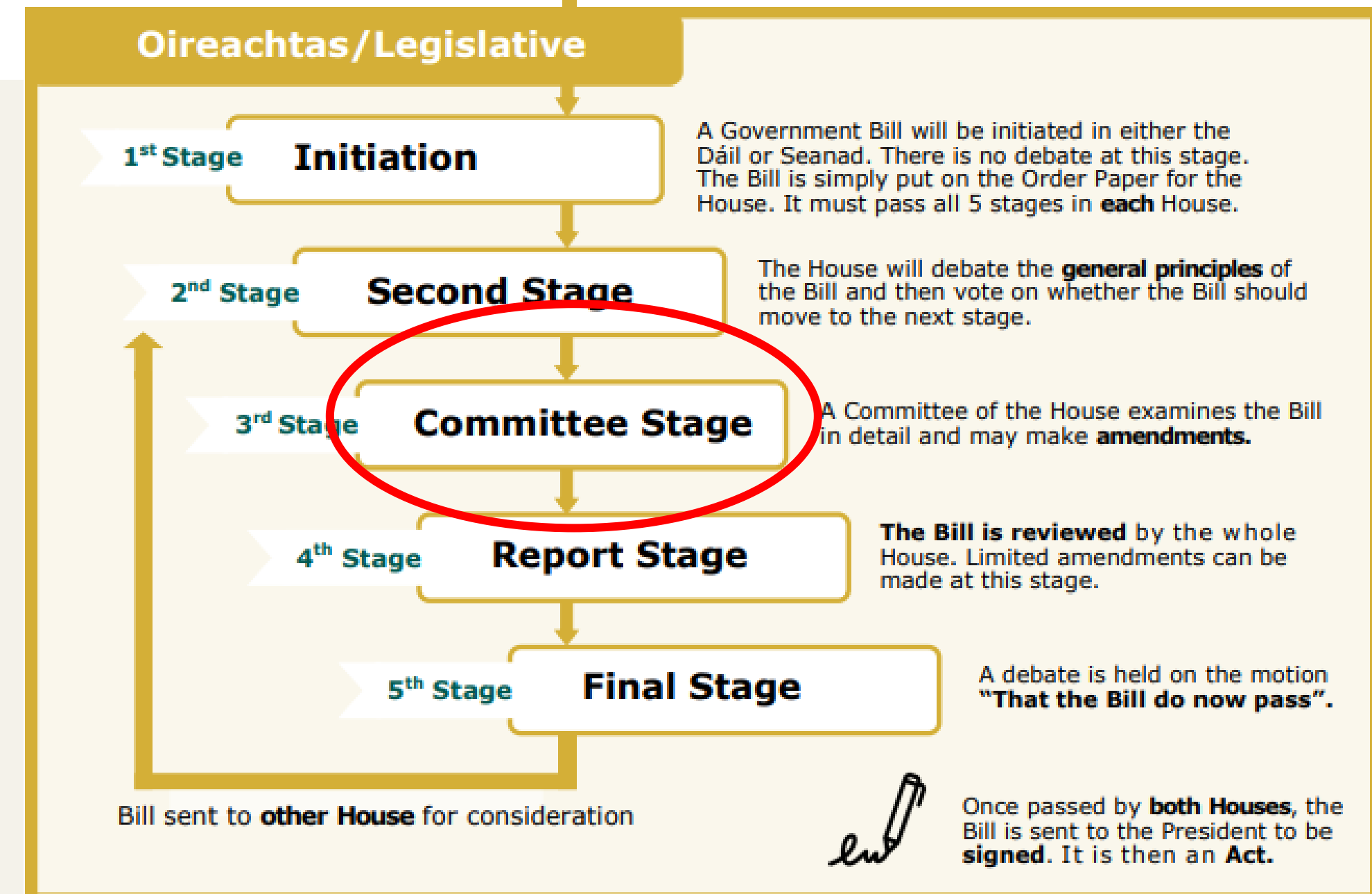
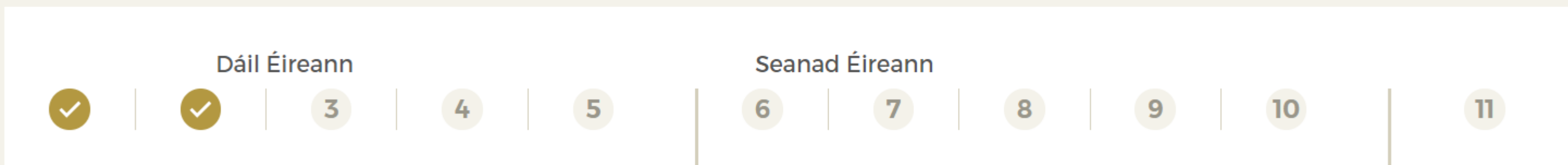
- The Draft Bill was published at the end of November 2023
- The Bill has completed Dáil Éireann, second stage



History of this Bill

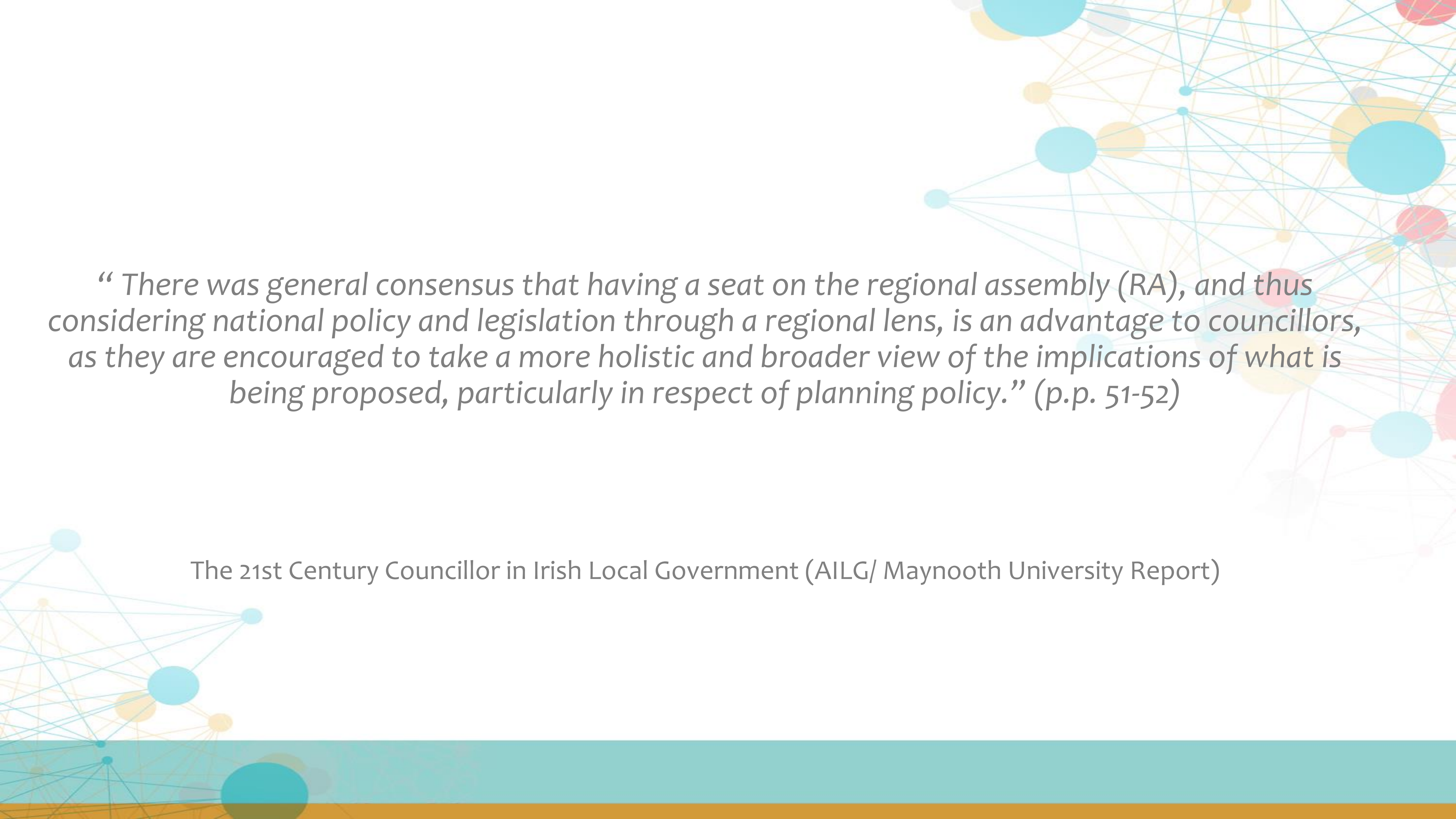
This Bill has completed Dáil Éireann, Second Stage

30 Nov 2023



Summary

- Enhanced and important functions for the Regional Assembly Member;
 - Housing- location, population and housing targets
 - Climate- Targets for renewable energy, strategy relating to climate change adaptation and mitigation
 - Economy and Employment- regional attributes that are essential to enhancing regional economic performance and proposals to maintain and augment this
 - Infrastructure Provision- priorities for infrastructure of scale
- Reflects key societal challenges

A decorative background featuring a network diagram with interconnected nodes and lines in shades of blue, teal, and orange. The nodes vary in size, and the lines are thin and light-colored, creating a complex web-like structure.

“ There was general consensus that having a seat on the regional assembly (RA), and thus considering national policy and legislation through a regional lens, is an advantage to councillors, as they are encouraged to take a more holistic and broader view of the implications of what is being proposed, particularly in respect of planning policy.” (p.p. 51-52)

The 21st Century Councillor in Irish Local Government (AILG/ Maynooth University Report)

Eastern & Midland Regional Assembly



Thank You

