

Provision of information to members of the Oireachtas by An Bord Pleanála

Quarter 2 2021: 1 April 2021 to 30 June 2021

Query Number	Date Received	Acknowledged	Deputy / Senator	Query Subject	Query	Substantive Reply Issued	Substantive Reply	Language	Quarter	Year
OIR/21/016	15/04/2021	16/04/2021	Senator Victor Boyhan	Legal Cases	Can you please advise on the number of Judicial Review proceedings in relation to Bord decisions and procedures in relation to all Strategic Housing Developments and how many of same were discontinued, dismissed or withdrawn and how many did the Bord consent to the quashing of its order and reasons why.	28/04/2021	Judicial Review (JR) Applications Lodged* - 54  JR Applications Withdrawn - 3  JR Applications Conceded** - 14  JR Applications Lost - 11  JR Applications Won - 4  JR Applications On-going - 22  *Some of these involve multiple applications relating to the same SHD decision  **In respect of cases conceded, the reasons for concession were based on consideration of legal assessments across complex case specific issues in each particular case which, it is considered, are not amenable to summation in presentation of this response.	EN	Q2	2021
OIR/21/017	14/05/2021	15/05/2021	Deputy Matt McGrath TD	Funding / Fees; Corporate Policies	To inquire as to any funding allocated by your organisation, or a subsidiary thereof, to An Taisce in each of the years 2015 to 2020 and to date in 2021; the expected allocations to An Taisce for 2021; and the purposes of such funding.	19/05/2021	In response to your query, An Bord Pleanála has no role in, or knowledge of funding arrangements in respect of An Taisce.	EN	Q2	2021
OIR/21/018	19/05/2021	20/05/2021	Fergus O'Dowd TD	SID/LAP Case (Live);	To ask the Minister for Housing; Local Government and Heritage the number of	09/06/2021	An Bord Pleanála's role in relation to Compulsory Purchase Orders (CPO) is limited to adjudicating on the question of whether the proposed	EN	Q2	2021

				Decided Case	<p>compulsory purchase orders that were initiated in each local authority in each of the years 2016 to 2020 and to date in 2021, in tabular form; the number that were completed; the number of units that were brought back into use; the average cost of purchase and renovation.” The Minister has referred the matter to ABP</p>		<p>compulsory acquisition (to be effected by way of a CPO) is or is not to be authorised in circumstances where such a CPO is submitted to it for confirmation by the relevant local authority and where valid objections are made and not withdrawn to the CPO. In a substantial number of such cases no objections are received or objections made are subsequently withdrawn. In both of those circumstances the Board has no further role in the process and simply returns the CPO to the local authority and the local authority can proceed to itself confirm or annul its own CPO. In addition, it should be noted that the compulsory acquisition process beyond the above stages involves a number of further steps that must be undertaken and completed by the local authority before the compulsory acquisition is effected (this applies even where a CPO confirmation application is assented to by the Board after considering objections). If these additional steps are not undertaken by the local authority the compulsory acquisition cannot proceed. The Board has no involvement in or knowledge of these further steps. In addition, the Board has no knowledge of the number of units that were brought back into use or the average cost or purchase or renovation as the Board has no role or involvement in such matters. This information would likely be rather held by each relevant local authority which is directly involved in these processes. Accordingly, An Bord Pleanála does not hold the core of the information requested by you but considers that this information may be obtainable in full from the relevant local authorities. The extent of information that is held by the Board would relate only to the number of</p>			
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							compulsory acquisition cases received and processed by it in the relevant years.			
OIR/21/019	02/06/2021	03/06/2021	Senator Victor Boyhan	Other	To source the text of An Bord Pleanála's submission to the Department of Public Expenditure-led review of the National Development Plan.	04/06/2021	<p><b>Forwarded Text:</b></p> <p>Maria,</p> <p>Further to your request before Christmas for the Board's input to the DPER Review of the NDP, with a particular focus on the resource needs and scope for structural change that ABP would see as critical to enabling it to prioritise the efficient and timely decision-making of strategic housing and infrastructure proposals linked to the realization of NDP objectives and ensuring that we have the requisite expertise and capacity to deliver on our statutory duties.</p> <p>Within the context of our ongoing review of the organisation's capacity and the forecasted volumes of work expected over the next 2 years, which will inform the preparation of our Work Force Plan 2021-22 over the coming weeks, there are three areas in particular that would be directly relevant to the upcoming NDP review and where there is scope to re-organise and enhance our capacity to deal with the predicted surge in applications and the increased complexity of cases that come before us.</p> <p><b>Planning Operations</b></p> <p>1. Firstly, it is proposed that we strengthen and expand capacity of our <b>Strategic Infrastructure Developments (SID)</b> team to be better prepared and resourced to deal with the expected increase in large infrastructure proposals, including new marine development proposals (e.g. off-shore renewable energy, sub-sea</p>	EN	Q2	2021

						<p>cables etc. and associated grid connectivity required) that will come within the Board's remit under the new Marine Planning Development Management Bill. Furthermore, reflecting the ambitious targets under the Government's Climate Action Plan and the integration of climate considerations into new SID applications and appealed proposals (mainly windfarms, renewable energy and smart grid projects), we would envisage the creation of a new Marine/Climate Unit within the SID structure with dedicated resources (<u>1 Asst Director of Planning, and 5 inspectors, together with 2 admin staff</u>) to prepare for and manage the increased workload in these areas. The prioritization of renewables and marine proposals with dedicated resources would also help to free up existing SID inspectors to expedite other critical infrastructure proposals (e.g. water/wastewater, electricity, transport/roads and local authority projects) to the Board for timely decisions.</p> <p>On the basis of these additional resources, this would bring our overall SID team capacity to:</p> <ul style="list-style-type: none"> <li>• 2 ADPs</li> <li>• 15 inspectors</li> <li>• 1 ecologist.</li> </ul> <p>It should be noted that the Board currently has an internal promotion panel for ADPs, and the next candidate from the list has marine planning expertise which will help the new Unit to hit the ground running, preparing for the influx of cases and providing training /guidance to the team, and the wider organisation.</p>			
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						<p>2. Secondly, in relation to management of <b>Strategic Housing Developments (SHDs)</b>, we are expecting an increase in pre-application requests and applications lodged over the next 12-18 months until the SHD process winds down (we are still likely to be making decisions on proposals in the system till mid-2022), and in a recovering economy with a continued housing deficit, it will be crucial for the Board to continue to prioritise and process applications it receives, as well as expedite consideration of housing related appeals.</p> <p>When the SHD unit was originally established, we significantly underestimated the resource requirements, assigning 6 inspectors assigned to it, which subsequently increased to 10 under the outgoing Work Force Plan, but with the escalating demands for pre-app consultations and full applications over the past year or more, and in order to meet the statutory timelines, we have had to assign 13 inspectors to manage the workload. The demand for pre-application consultations has also significantly exceeded projections, which has been challenging to manage during Covid restrictions.</p> <p>Looking ahead to a predicted rise in cases and in particular in pre-application requests this year and into the first half of 2022, it is proposed that we provide an additional temporary assignment (to mid-2022) of an ADP to oversee the pre-applications (168 received in 2020, even during Covid, and 126 full SHD applications disposed of last year), as well as 3 additional inspectors, which would bring the complement to 16 inspectors,</p>			
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						<p>together with a couple of admin support staff.</p> <p>Additional administrative support (e.g. 2 EO's and 2 AA's) is also required in the planning operations areas to support these inspectors and manage expected volumes of submissions, oral hearing etc.</p> <p>As the workload demands relating to SHD cases reduces these additional resources can then be factored back into the general workforce as vacancies arise.</p> <p><b>Corporate Affairs</b></p> <p>3. Thirdly, in relation to the Board's ongoing capacity to manage our <b>legal affairs</b> in a timely manner, and taking account of the significant increase in legal cases taken against Board decisions in 2020 (83 cases, up from the previous high of 55 in 2019), the Board is proposing to strengthen its capacity to:</p> <ul style="list-style-type: none"> <li>manage the increasing caseload,</li> <li>provide timely instructions to our legal team to progress the early hearing of cases, and</li> <li>inform the adaptation and dissemination of amended practices/procedures /wording to take account of legal advices and court rulings, and minimize risks of future JRs.</li> </ul> <p>In this context, it is proposed to assign an additional Senior Administrative Officer (AP-equivalent) to support the existing Legal Affairs SAO, and to assign additional administrative support.</p> <p>In addition, as part of our tendering for legal services (advertised in OJEU this week), there will be scope for the</p>			
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						<p>Board to procure additional solicitor resources from our legal advisers to directly support our internal legal team and also potentially provide in-house consultation and advice to inform the drafting of reports, Board Directions etc. However, as this resource will be covered within the overall legal services contract, it does not need to be factored into this capacity review.</p> <p><b>Customer Services</b>  In relation to the <b>digitization of our systems</b> to ultimately enable full on-line interaction and engagement by all parties on our applications and appeals, the Board's development of our Plean-IT system is progressing with our in-house developer team now in place, and the provision of on-line submission of observations for SHD proposals (launched in late November) will pave the way for roll-out of this facility to other project types. In addition, the virtual holding of pre-application meetings, oral hearings and other consultations with stakeholders is enabling the system to continue to operate effectively during the Covid-related restrictions. The Board expects to launch a new, more accessible and user-friendly website in early February which will help with access to and dissemination of ABP data.</p> <p>In the context of moving towards a fully digital system, I know that the Department is considering the necessary primary or secondary legislative amendments to remove any barriers to the move to full digitization (e.g. ensuring digital version of file has same legal status as the paper file, which is currently regarded as the official record), and we are happy to</p>			
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						<p>work with your team and planning authorities to progress these matters.</p> <p>It is anticipated that the Work Force Plan will also identify additional administrative resources required to support the further introduction of digitization, customer support, digital communications in relation to social media etc. in both communications and ICT and additional resources are also required in the context of the continued focus on auditing and compliance and overall governance, and these will be reflected in our full WFP in the coming weeks.</p> <p>As part of its periodic review of corporate and organizational effectiveness, the Board is also reflecting on the senior management structures across the organisation.</p> <p><b>Summary</b> So, in overall terms, what the Board would be seeking under this NDP Capacity Review would be:</p> <ul style="list-style-type: none"> <li>• 1 permanent ADP and 1 temporary ADP</li> <li>• 1 Senior Admin Officer</li> <li>• 8 planning inspectors</li> <li>• 6 admin staff (2 EOs and 4 AAs)</li> </ul> <p>We can provide further details on estimated costs on an annual basis, as needed, and will be incorporating these details, which will be more fully fleshed out and full-year costs calculated, into the Board's new Work Force Plan which we expect to submit to the Department for consideration in mid-late February.</p> <p>Happy to discuss further as needed.</p> <p>Best regards,</p>			
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OIR/21/020	16/06/2021	18/06/2021	Senator Rebecca Moynihan	Housing	<p>I am contacting in relation to the below pre-planning decision. It was due by 10th May.</p> <p><a href="https://www.pleanala.ie/en-ie/case/309630">https://www.pleanala.ie/en-ie/case/309630</a></p> <p>Can you let me know if the decision has been made and if so the outcome?</p>	23/06/2021	<p>This is a pre-application consultation request where the Board issues an opinion on the case. The Board's opinion was signed 16 June 2021 and states that it requires further consideration/amendment. It is open to the applicant to proceed to lodge an application having regard to the contents of the Board's opinion.</p> <p>A copy of the opinion is enclosed for your information.</p>	EN	Q2	2021
OIR/21/021	21/06/2021	23/06/2021	Deputy Pearse Doherty TD	SID/LAP Case (Live)	<p>To ask for the reference number for the permission granted to Cuilfeach Teoranta at Graffy, Glenties, Co. Donegal for a wind turbine development. The Deputy would be obliged if you could share this with him, along with any other information you have to hand relating to same.</p>	23/06/2021	<p>Please note that the reference number for this case is 309351. You may see further information by clicking on the link below:</p> <p><a href="https://www.pleanala.ie/en-ie/case/309351">https://www.pleanala.ie/en-ie/case/309351</a></p> <p>This case is a current Pre-Application Consultation Request which means that there is no planning application for this case yet. The Board will decide in due course whether the proposed development is or is not a Strategic Infrastructure Development. There is no time limit on a decision as it is up to the applicant to request the Board to close consultations before the Board proceeds to give its decision. Once a decision is made, the file can then be viewed/made available publicly three days following the decision date.</p>	EN	Q2	2021
OIR/21/022	25/06/2021	25/06/2021	Deputy Noel Grealish TD	Funding / Fees	<p>Has your organisation been charged interest on money held on deposit in Irish banks since negative interest rates were introduced; and how much has that amounted to, to date?</p>	12/07/2021	<p>Yes, An Bord Pleanála has been charged a total of €51,104.66 as interest on monies held on deposit by it in Irish banks in the period from start May 2020 to end June 2021.</p>	EN	Q2	2021