

Provision of information to members of the Oireachtas by An Bord Pleanála
Quarter 4 2023: 1 October 2023 to 31 December 2023

Query Number: OIR/23/16

Date Received: 17th of October 2023

Query Subject: Planning

Deputy/Senator: Catherine Murphy TD

Acknowledged: 18th of October 2023

Substantive Reply Issued: 6th of November 2023

Language: English

Query:

Can A.B.P. provide a schedule of lands and buildings that Local Authorities acquired by using a compulsory purchase order in the past 5 years to date in which the Bord made a determination on?

Substantive Reply:

An Bord Pleanála's role in relation to Compulsory Purchase Orders (CPO) is limited to adjudicating on the question of whether the proposed compulsory acquisition (to be affected 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a CPO is submitted to it for confirmation by the relevant local authority and where valid objections are made and not withdrawn to the CPO.

In a substantial number of such cases no objections are received, or objections made are subsequently withdrawn.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.

I attach for your information a list of local authority applications to the board for confirmation of CPO which have been the subject of a formal decision of the board to confirm the relevant CPO with or without modifications in the last 5 years.

[OIR-23-16-Catherine-Murphy-Local-Authority-Applications-for-Confirmations-of-CPO.pdf \(pleanala.ie\)](#)

It should be noted that the compulsory acquisition process beyond any of the above stages involves a number of further steps that must be undertaken and completed by the local authority before the compulsory acquisition is affected (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. Having regard to the foregoing I regret to inform you that An Bord Pleanála does not hold and is therefore not in a position provide you with the exact information that you have requested. It appears likely to An Bord

Pleanála that only each individual local authority will hold the requested information relevant to its own area.

I hope the information that An Bord Pleanála is now supplying is of some assistance to you.

Query Number: OIR/23/17

Date Received: 18th of October 2023

Query Subject: Planning

Deputy/Senator: Darren ORourke TD

Acknowledged: 23rd of October 2023

Substantive Reply Issued: 6th of November 2023

Language: English

Query:

Are there specific restrictions which prevent local authorities from acquiring land by way of compulsory purchase order for the primary purpose of public greenspace provision?

Substantive Reply:

In the first instance, please note that An Bord Pleanála's role in relation to local authority Compulsory Purchase Orders (CPO) is limited to adjudicating on the question of whether the proposed 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.

Within the above context and having regard to the issue you raise, I can advise that the provisions of sections 213 and 214 of the Planning and Development Act 2000 generally delineate the powers of a local authority (section 213) and the role of the Board (section 214) in relation to land acquisition including compulsory acquisition by local authorities and may be of assistance to you in relation to this matter.

Please see the below links to those statutory provisions for your convenience.

<https://www.irishstatutebook.ie/eli/2000/act/30/section/213/enacted/en/html>

<https://www.irishstatutebook.ie/eli/2000/act/30/section/214/enacted/en/html>

Query Number: OIR/23/18

Date Received: 4th of December 2023

Query Subject: Planning/Legal/Finance **Deputy/Senator:** Eoin Ó Broin TD

Acknowledged: 5th of December 2023

Substantive Reply Issued: 21st of December 2023

Language: English

Query:

1. The total number of JRs taken against ABP in each year from 2012 to 2023 broken down by SID/LAPs, SHD/LRD, normal planning appeals, other,
2. The number of JRs lost by the Board in each of these years and for each of these categories,
3. The total annual cost of the legal costs associated with these JRs per year.

Substantive Reply:

Please see information detailed in the attached spreadsheet:

- Copy of ABP 2012-2022 ABP JR; breakdown case type and ABP costs 2112 to end 2022 GE

[OIR-23-18-Eoin-O-Broin-Copy-of-ABP-JR-breakdown.pdf \(pleanala.ie\)](#)

Query Number: OIR/23/19

Date Received: 15th of December 2023

Query Subject: Planning

Deputy/Senator: Norma Foley TD

Acknowledged: 15th of December 2023

Substantive Reply Issued: 19th of December 2023

Language: English

Query:

The Department of Education currently has a PQ to answer in relation to how many live appeals the Department or its agents have with An Bord Pleanála.

I would be grateful if you could send me the current list of all appeals on hand so that we can filter the information to identify school projects for return to the Deputy please.

Substantive Reply:

As of the 18th of December 2023, there are currently five planning appeals on hand in relation to Department of Education (or its agents) applications in respect of proposed educational facilities.

A list of those appeals is set out below:

ABP-316427-23

ABP-317147-23

ABP-317371-23

ABP-317920-23

ABP-318443-23

You can find more information about these cases by searching their file numbers which are their initial 6-digit codes (e.g. 318443) on our website at <https://www.pleanala.ie/en-ie/home> in the “My Case Details” search function.