

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

Quarter 2 2019 : 1 April 2019 to 30 June 2019

Query Number	Date Received	Acknowledged	Deputy / Senator	Query Subject	Query	Substantive Reply Issued	Substantive Reply	Language	Quarter	Year
OIR/19/003	30/04/2019	30/04/2019	Deputy Tony McLoughlin TD	Appeal Case (Live)	Current position of an appeal in Co. Sligo [Details supplied]	13/05/2019	The Board has made a decision and the Board's decision was issued to the applicants [Date provided].	EN	Q2	2019
OIR/19/004	02/05/2019	08/05/2019	Deputy Catherine Martin TD	Appeal Case (Live)	Current position of an appeal in Dún Laoghaire-Rathdown County Council area. [Details supplied]	08/05/2019	An Inspector's report for this case has been received and the case is currently at Board level. The Board will further consider this case in the coming weeks and it is expected that a decision will be issued on or before June 26 2019. The Board regrets the delay involved in this case. [Case officer details supplied].	EN	Q2	2019
OIR/19/005	04/06/2019	05/06/2019	Deputy Dara Calleary TD	Staffing Levels / HR	The total number of staff (broken down between full time & part time) currently employed in your agency per county.	25/06/2019	There are 172.4 (WTE), (180 FTE) total staff in An Bord Pleanála. The majority of the above staff members are headquartered in Dublin. Also included in the figures are 5 remote Planning Inspectors working in the following counties; Clare (1), Donegal (1), Tipperary (2), Wexford (1). The above figures are correct as of 31st May 2019. A further breakdown of staff between WTE and FTE is attached to this reply. A further breakdown of staff between WTE and FTE is attached to this reply.	EN	Q2	2019
OIR/19/006	19/06/2019	20/06/2019	Deputy Catherine Connolly TD	SID/LAP Case (Live); Decided Case	The number and location of all properties and land acquired by Galway city council and Galway county council by way of CPO in each of the last five years, in tabular form.	21/06/2019	The response to your query is that An Bord Pleanála does not hold the information requested and that the query should be directed to Galway City Council and Galway County Council for their respective areas. 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 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 return 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. Accordingly, An Bord Pleanála does not hold the information you have requested.	EN	Q2	2019

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OIR/19/007	19/06/2019	20/06/2019	Deputy Catherine Murphy TD	Inspectorate; Other	In order to implement the European Court of Justice judgement in Case C-215/06, Section 23(c) of the Planning and Development (Amendment) Act 2010, amended Section 34(12) of the 2000 Act, to provide that a retention application cannot be accepted by a planning authority for a development which requires an environmental impact assessment (EIA). In this regard, could ABP outline under what "exceptional circumstances" An Bord Pleanála is authorised to accept EIA for a retention application?	10/07/2019	<ul style="list-style-type: none"> - The Planning and Development Act 2000 was amended by the Planning and Development Act 2010 by insertion of a new Part XA which provided for a new type of planning application called a "substitute consent" application. This type of application was provided to enable certain developments that have already been carried out be subject to a new type of retrospective planning permission where, inter alia, any necessary Environment Impact Assessment on the development can be completed. - Under section 177D of the Act An Bord Pleanála can only grant leave to make such a substitute consent application in certain defined circumstances (set out at 177D(1)(a)) or where An Bord Pleanála considers that other exceptional circumstances exist to justify granting such leave (see 177D(1)(b)). - While there is no definition of exceptional circumstances in the Act sub-section (2) of section 177D provides that in considering whether exceptional circumstances exist An Bord Pleanála shall have regard to the following matters: <ul style="list-style-type: none"> (a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive; (b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised; (c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired; (d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development; (e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated; (f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development; (g) such other matters as the Board considers relevant. - The Board must have regard to the matters listed at (a) to (f) above but it is not necessarily limited to those as recognised by paragraph (g). Accordingly, An Bord Pleanála treats any application made to it for leave to apply for substitute consent on the particulars of the case including any points made by the applicant in its application for leave. - Please note for your information that in addition to Part XA as outlined above the Planning and Development Act 2010 also inserted a new section 261A into the Planning and Development Act 2000 which provided for substitute consent for certain quarry developments as set out in that section. The question of exceptional circumstances does not feature in that section. 	EN	Q2	2019
OIR/19/008	27/06/2019	27/06/2019	Deputy Catherine Murphy TD	Housing	A breakdown of Strategic Housing Developments in Kildare North currently before An Bord Pleanála	18/07/2019	<p>There is one application and three pre-application consultation requests in Co. Kildare currently before An Bord Pleanála as of today 18 July 2019.</p> <p>Details of these cases is attached for your information.</p>	EN	Q2	2019