

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

Quarter 2 2020 : 1 April 2020 to 30 June 2020

Query Number	Date Received	Acknowledged	Deputy / Senator	Query Subject	Query	Substantive Reply Issued	Substantive Reply	Language	Quarter	Year
OIR/20/002	20/04/2020	21/04/2020	Deputy Jennifer Whitmore TD	Appeal Case (Live)	We are receiving a number of emails from concerned constituents who were unable to put together an appeal for planning applications due to COVID-19 restrictions. I am wondering if an extension has been made available to deadlines for appeals in light of COVID-19?	21/04/2020	<p>The response to your query is that further to proposals from the Minister for Housing, Planning and Local Government, the Government has made orders which have the effect of freezing all current time limits on planning matters including planning appeals and submissions on appeals and on strategic housing and strategic infrastructure applications. The Government's original order had an end date of Monday 20 April 2020 but it has now made a new order further extending the timeline freeze period to Saturday 9 May 2020.</p> <p>Therefore, to work out the last day to make an appeal when the planning authority has made a decision on and between: Monday 2 March 2020 and Friday 15 May 2020, please visit our webpage www.pleanala.ie/COVID-19.htm#C4. Further information about An Bord Pleanála and COVID-19 is also available on the webpage www.pleanala.ie/COVID-19.htm. Information about the Government Orders can be found on the Department of Housing, Planning and Local Government's website www.housing.gov.ie.</p>	EN	Q2	2020
OIR/20/003	21/05/2020	26/05/2020	Deputy Cathal Crowe TD	Decided Case	Representation on behalf of constituents in Co. Clare about An Bord Pleanála's decisions on two cases in Co. Clare. [Details supplied].	04/06/2020	<p>The two An Bord Pleanála's decisions you have raised in your query are: [Details supplied]. While both of these planning applications were for similar proposed developments in the same county, there were site specific considerations between the two locations which provide the basis for the Board decision in each case (one to refuse and one to grant). In that regard, the Board decision direction minute in each case indicates that the Board decision was based generally in accordance with the inspector's recommendation for the relevant case.</p> <p>The inspector's reports in these cases set out in detail the relevant site specific considerations that were considered relevant planning issues in assessing the proposed developments in each case. On that basis, An Bord Pleanála is satisfied that examination of those reports, in conjunction with the Board decision orders, will enable the full rationale behind the Board decisions be fully understood. I attach below a link to the relevant documentation [Links supplied].</p>	EN	Q2	2020
OIR/20/004	22/05/2020	27/05/2020	Deputy Cian O'Callaghan TD	Decided Case	Request a copy of the Inspector's report for this decision please, by e-mail for [Details supplied]	27/05/2020	<p>Please find attached the two Inspector's reports as requested. The two reports are titled [Report details supplied]. Please also note that the Inspector's Reports, Board Direction and Board Order have now been uploaded to our website and are also available at: [website address provided].</p>	EN	Q2	2020
OIR/20/005	26/05/2020	27/05/2020	Deputy Joe Flaherty TD	Appeal Case (Live)	Request for a case status update for an appeal in Co. Longford [Details supplied] and if a decision on the case will issue on [date supplied] as planned or whether it will be affected by COVID 19 restrictions.	27/05/2020	<p>I have contacted our appeals processing section and the current status of the case is that an Inspector's Report has been received and the case is currently with the Board.</p> <p>The Government made Orders under section 251A of the Planning and Development Acts, as amended, extending time limits on planning matters. The Orders provided that the period of time beginning on 29 March 2020 and expiring on 23 May 2020 is to be disregarded for the purpose of calculating various time limits under the Planning and Development and other related Acts. Consequently the decide by date for this case has been revised to [Date supplied].</p> <p>The appeals processing section has been requested to notify you when a decision is made on this case.</p>	EN	Q2	2020
OIR/20/006	03/06/2020	04/06/2020	Deputy Pa Daly TD	Appeal Case (Live)	Request for a case status update for an appeal in Co. Kerry.	15/06/2020	<p>We have not been able to find a case with that register reference number in our appeals system. With your agreement, we are concluding this query. Should further details about the case become available at a later date, An Bord Pleanála will re-activate this query and provide a response to your query at that time.</p>	EN	Q2	2020

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OIR/20/007	08/06/2020	09/06/2020	Deputy Ossian Smyth	Housing	Concerns about planning observations for over 70s. Request for extension of notice period of oral hearing [Details supplied] and broadening scope of the oral hearing to include the effects of traffic and compliance with the County Development plan.	09/06/2020	<p>I refer to your email dated 8th June, in relation to the above case and acknowledge the concerns expressed therein. The challenges which COVID-19 have placed on the public and the normal operating requirements of the Board and other public bodies are very challenging. Housing applications are considered to be of strategic importance and fall under the Planning and Development (Housing) and Residential Tenancies Act, 2016 which provides for a strict time limit of 16 weeks within which a decision is to be made by the An Bord Pleanála and 24 weeks when an oral hearing is being held.</p> <p>The oral hearing in this case was originally scheduled to take place in on the [Date supplied] along similar lines to what is now proposed. The hearing was postponed in March, reflecting Section 251A of the Planning and Development Act, 2000 (as amended) which provided for a 'freeze period' to all planning timelines. This freeze period ran from the 29th March and ended on the 23rd May, 2020.</p> <p>The oral hearing was pushed out beyond this date to the latest date feasible when it was felt that more certainty was available to the Board regarding applicable COVID-19 restrictions and guidance, and associated lifting of some of the national restrictions. The new decide by date of the [Date supplied] was also a factor in determining the date of the hearing. This also meant that the Board was not in a position to give more notice in relation to the Oral Hearing other than the minimum notice period of not less than one week. Whilst the hearing is scheduled for the [Date supplied] submissions following the hearing are allowed up until [Date supplied].</p> <p>Unfortunately, due to the strategic nature of the case and the limited timelines for the making of the decision i.e. [Date supplied] the hearing cannot be postponed and the scope of issues cannot be expanded. It should be noted however, that the submissions already received in relation to traffic and compliance with the County Development Plan are on file and will be taken into account by the Board in its decision.</p> <p>It is regretted that An Bord Pleanála cannot be of further assistance to you in relation to this matter.</p>	EN	Q2	2020
OIR/20/008	11/06/2020	15/06/2020	Deputy Cathal Crowe TD	Appeal Case (Live)	Request for case status update for an appeal in Co. Clare. [Details supplied].	24/06/2020	<p>I have contacted our appeals processing section and the current status of the case is that an Inspector's Report has been received and the case is currently with the Board.</p> <p>A section 126 notice was issued on this case revising the decision date to [Date supplied]. However, the Government made Orders under section 251A of the Planning and Development Acts, as amended, extending time limits on planning matters. The Orders provided that the period of time beginning on 29 March 2020 and expiring on 23 May 2020 is to be disregarded for the purpose of calculating various time limits under the Planning and Development and other related Acts. Consequently, the decide by date for this case has been revised to [Date supplied].</p> <p>The appeals processing section has been requested to notify you when a decision is made on this case.</p>	EN	Q2	2020

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OIR/20/009	12/06/2020	15/06/2020	Deputy Patrick Costello TD	Funding / Fees	An Bord Pleanála's annual budget for years 2018 and 2019, and how much of the income each year came from fees.	15/06/2020	<p>The response to your query is as follows:</p> <p>2018 Fees total €4,054,751 Total Income €24,412,704</p> <p>2019 Fees total €6,388,160 Total Income €28,014,432</p> <p>Notes on the figures 1. Fee Income includes Appeal Fees, Strategic Housing Fees and SIDS Fees and Recoupment of Costs. 2. Assumption that request for Budget figures to mean audited annual Financial statements' figures. Please note that the 2019 figures have been approved but are awaiting Comptroller and Auditor General certification.</p> <p>Follow up request OIR/20/009 17/06/2020 - Deputy Costello asked for a further breakdown of the fees total for 2018 and 2019, i.e. how much of the figure for each year comes from appeals, from the €20 fee, the €50 fee etc. 19/06/2020 - Responded to follow up request from Deputy Costello as follows:</p> <p>In response please note there is no general breakdown in our Financial Reports listing totals of specific observation fees only, for example, how many of each €20 or €50 fees we receive. The total fees are listed together in a global amount broken down into Appeals, Strategic Housing Developments (SHD) and Strategic Infrastructure Developments (SID).</p> <ul style="list-style-type: none"> • Appeals Fees can be €50, €110, €220, €1500 and €4500 or mixes of each. An Appeal case could receive one/more different fees on each case. • SHD Fees can be €20, €1500, €30,000 and various other different application fee amounts depending on case scale/details. An SHD case could receive one/more fee on each case, for example, an application fee and observations. • SIDS Fees can be €50, €4,500, €30,000, €60,000, €100,000 and refunds/recoups amounts depending on case costs and expenses. An SID case could receive one/more fee on each case, for example an application fee and observations. <p>SID Observation fees We can provide SIDS Observation fee totals however, please see below. The total (net of refunds) observation fees recorded for SIDS in 2019 was €9,810.00 (breakdown in attached excel spreadsheet Appendix A). We do not have total Observation figures for Appeals (€50's) or SHD (€20's) in 2018. The total (net of refunds) observation fees recorded for SIDS in 2018 was €19,740.00. We do not have total Observation figures for Appeals (€50's) or SHD (€20's) in 2019.</p> <p>Overall We attach a summary of the global figures for Appeals, SHD and SID for both 2018 and 2019 which reflect the figures within the 2019 Financial Statements. Further breakdown is available in the attached word document Appendix B.</p> <p>2018 Appeal, Referrals and Substitute Consent cases €1,308,422 Strategic Housing €931,761 Strategic Infrastructure €1,814,568 Total Fees €4,054,751</p> <p>2019 Appeal, Referrals and Substitute Consent cases €1,457,219 Strategic Housing €3,108,528 Strategic Infrastructure €1,822,413 Total Fees €6,388,160</p> <p>Follow-up request OIR/20/009: Appendix A Follow-up request OIR/20/009: Appendix B</p>	EN	Q2	2020
OIR/20/010	30/06/2020	01/07/2020	Deputy Pearse Doherty TD	Appeal Case (Live)	Request for case status update for a case in Co. Donegal [Details supplied].	17/07/2020	<p>The current status of this case is that the Inspector is preparing their report and recommendation for the Board. It is anticipated that the Inspector's report and recommendation will go to the Board in September 2020. A decision by the Board is provisionally expected in October 2020.</p>	EN	Q2	