

**Provision of information to members of the Oireachtas by An Bord Pleanála**  
**Quarter 2 2024: 1 April 2024 to 30 June 2024**

**Query Number:** OIR24/010

**Date Received:** 11<sup>th</sup> of April 2024

**Query Subject:** Planning

**Deputy/Senator:** Eamon O’Cuiv TD

**Acknowledged:** 11<sup>th</sup> of April 2024

**Substantive Reply Issued:** 17<sup>th</sup> of April 2024

**Language:** English

**Query:**

The percentage of planning appeals decided (by An Bord Pleanála) within four months which is the statutory objective under the current law?

**Substantive Reply:**

The statutory objective period to determine planning appeals is within a period of 18 weeks beginning on the date of receipt by An Bord Pleanála of the appeal.

Please find attached the quarterly statistics for planning casework for the first quarter of 2024. This document also holds previous years overall statistics.

Please note that previous year’s quarterly planning casework statistics can be found at the link below.

<https://www.pleanala.ie/en-ie/statistics/quarterly-statistics>

**Query Number:** OIR24/011

**Date Received:** 18<sup>th</sup> of April 2024

**Query Subject:** Planning

**Deputy/Senator:** Cian O'Callaghan TD

**Acknowledged:** 19<sup>th</sup> of April 2024

**Substantive Reply Issued:** 10<sup>th</sup> of May 2024

**Language:** English

**Query:**

How many Judicial Reviews were taken in 2023, how many were lost, and what were the legal costs?

**Substantive Reply:**

Please find below the table of judicial review outcomes regarding An Bord Pleanála for the year of 2023.

Regarding the legal costs please note that the process to produce final figures for this is still ongoing and that it is part of a process which also ultimately requires external audit and certification to conclusively establish the figure for this. Accordingly, that information is not yet available.

### **An Bord Pleanála**

#### **Judicial Review Cases lodged and Judicial Review cases outcomes\* in 2023**

<b>Judicial Review New Cases lodged</b>	<b>Cases Won High Court Judgement</b>	<b>Cases Lost High Court Judgement</b>	<b>Cases Conceded High Court Stage</b>	<b>Cases Withdrawn</b>
<b>86</b>	<b>18</b>	<b>11</b>	<b>37</b>	<b>28</b>

**\* The outcome figures relate to cases lodged over a period of years.**

**May 2024**

**Query Number:** OIR24/012

**Date Received:** 24<sup>th</sup> of April 2024

**Query Subject:** Planning

**Deputy/Senator:** Ivana Bacik TD

**Acknowledged:** 24<sup>th</sup> of April 2024

**Substantive Reply Issued:** 29<sup>th</sup> of April 2024

**Language:** English

**Query:**

the number outstanding SHD planning applications which have not yet been decided on and the timeline for the completion of decisions on these applications.

**Substantive Reply:**

An Bord Pleanála currently has 54 Strategic Housing Developments (SHD) yet to be decided upon.

It is anticipated that a number of these remaining cases will be decided in the coming months while a number of others are affected by certain legal issues in relation to the development plan cycle. These issues are currently being analysed in consultation with An Bord Pleanála's legal advisers.

**Query Number:** OIR24/013

**Date Received:** 1<sup>st</sup> of May 2024

**Query Subject:** Legal/Finance

**Deputy/Senator:** Eoin O’Broin TD

**Acknowledged:** 2<sup>nd</sup> of May 2024

**Substantive Reply Issued:** 22<sup>nd</sup> of May 2024

**Language:** English

**Query:**

Could I get the following information provided in tabular form...

1. The total number of JRs taken against ABP in each year from 2012 to 2023 and to date in 2024 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 and to date this year.
3. The total annual cost of the legal costs associated with these JRs per year and to date this year.

**Substantive Reply:**

Please find attached the above excel document, “Copy of 2012-2023 No JR against Bd; breakdown case type (May 2024) (002)”, which pertains to both the first and second requests in your query. However, please note that figures for 2024 to date are not currently compiled and are therefore not available.

[Copy-of-2012-2023-No-JR-against-Bd;-breakdown-case-type-\(May-2024\)-\(002\)](#)

Regarding the third question raised in your query, please note that we do not have the finalised audited figures for legal costs for 2023. Our finalised figures for 2023 will only be released once they have been fully audited and the same logic will apply to 2024 legal costs figures.

I hope this is of assistance to you.

**Query Number:** OIR24/014

**Date Received:** 1<sup>st</sup> of May 2024

**Query Subject:** Planning

**Deputy/Senator:** Eoin O'Broin TD

**Acknowledged:** 2<sup>nd</sup> of May 2024

**Substantive Reply Issued:** 29<sup>th</sup> of May 2024

**Language:** English

**Query:**

I would like to request the following information in tabular form.

1. The total number of decisions and appeal decisions that are overdue, broken down by decision type (appeal, SHD, SIB etc) and length of time overdue by less than six months, more than 6 months and less than a year, more than a year and less than 2 years, more than 2 years.

2. The total number of residents units delayed as a result of delays in decision making across all decision types (appeals, SHDs, etc)

**Substantive Reply:**

Apologies for the delay in responding to this query.

Regarding the first question raised in your query please find below a table indicating the position of the main application case types by reference to certain time periods. There are some accompanying notes below the table which give some general additional context for your information.

TIME ANALYSIS OF ON HANDS CASES - MAY 2024					
	Cases within SOP	> 18 Weeks < 6 Months	> 6 Months < 1 year	> 1 year < 2 years	> 2 years
Normal Planning Appeals	517	141	610	226	21
Large Scale Residential Development Planning Appeals	21	0	0	1	0
Strategic Housing Development Application Cases	0	0	0	17	37
Other Strategic Infrastructure Development Applications	13	9	14	11	5

- 54 SHD cases remain on hands and the delay in processing these cases to a conclusion is as a result of legal issues in relation to the development plan cycle. A Supreme Court judgement was delivered on the 10<sup>th</sup> April, 2024 (Supreme Court Record No:S:AP:IE:2023:000072 arising from High Court case 2021 562 JR) which dealt with certain aspects of these issues. The implications of that judgement are currently being analysed by An Bord Pleanála in consultation with its legal advisers and it is anticipated that processing of these remaining SHD cases will conclude in 2024.
- At any given time, a number of cases will be delayed due to requests to applicants for permission for further information or due to circulation of further information to other participants for comment.
- An Bord Pleanála currently has a significant backlog of cases and is working to substantively clear this backlog in 2024.
- An Bord Pleanála apologies for the consequent delays in determining cases within the normal statutory objective time periods.

In relation to your second question asking for the total number of residential units delayed as a result of delays in decision making across all case types, please be advised that An Bord Pleanála does not compile such information across all case

types for cases that have yet to be decided by it. It does however supply details of the number of residential units permitted by it to the Central Statistics Office on an on-going basis in relation to cases it has decided, and which were granted permission.

As you are aware the Board can decide to grant or refuse applications for planning permission for proposed residential development and, in the case of a grant of permission, it can also attach conditions which may reduce the number of residential units applied for in such an application.

**Query Number:** OIR24/015

**Date Received:** 28<sup>th</sup> of June 2024

**Query Subject:** Legal/Finance

**Deputy/Senator:** Paul Murphy TD

**Acknowledged:** 28<sup>th</sup> of June 2024

**Substantive Reply Issued:** 11<sup>th</sup> of July 2024

**Language:** English

**Query:**

I would like to ask ABP why €750,000 owed in development contribution levies to An Bord Pleanála were not charged to a developer in the case detailed below and what the legal justification for this was.

Details supplied: <https://www.ontheditch.com/an-bord-pleanala-failed-to-charge/>

**Substantive Reply:**

An Bord Pleanála made its decision in this planning appeal case in April 2021 following consideration of all submissions made and the planning report of its inspector (file reference 308391-20). The issue of whether a financial contribution condition relating to light rail infrastructure provision should or should not be applied in any grant of permission was assessed by the inspector in that planning report and the inspector recommended that no such condition should be applied for the reasons set out in that report (paragraphs 7.5.5 and 7.5.6 of the report). The board decision did not include any such financial contribution and in that regard, it can be interpreted that the board agreed with the inspector's assessment of this issue as set out in those paragraphs. Please see attached a link to the relevant decision documents on the board's website.

[308391 | An Bord Pleanála \(pleanala.ie\)](https://www.ontheditch.com/an-bord-pleanala-failed-to-charge/)