

Eolas a sheoladh chuig baill den Oireachtas ón mBord Pleanála / Provision of information to members of the Oireachtas by An Bord Pleanála

Ráithe 2 2022: 1 Aibreán 2022 go 30 Meitheamh 2022 / Quarter 2 2022: 1 April 2022 to 30 June 2022

Uimhir na ceiste Query Number	Dáta faighte Date Received	Dáta admhála Acknowledged	Teachta Dála / Seanadóir Deputy / Senator	An t-ábhar a bhí i gceist Query Subject	Ceist Query	Freagra substainteach eisithe Substantive Reply Issued	Freagra substainteach Substantive Reply	Teanga Language	Ráithe Quarter	Bliain Year
OIR/22/13	13/04/2022	13/04/2022	Marc Ó Cathasaigh TD	Staffing Levels / HR	<p>To enquire as to whether there are adequate resources available to ABP in dealing with cases in relation to renewable energy progress - such as planning works necessary to run ducts or connections to the grid for solar farms.</p> <p>To enquire about backlogs in the anticipated date for an ABP decision and when the actual decision is made – is this a case of an office or section being under-resourced, or a backlog as a result of COVID-19 or an alternative explanation?</p>	06/05/2022	<p>An Bord Pleanála is currently experiencing a general backlog of cases primarily as a consequence of increased levels of intake of cases in recent months.</p> <p>An Bord Pleanála has been given additional staffing resources in recent years and is in further on-going discussions with the Department of Housing, Local Government and Heritage on resourcing levels in the context of the current backlog of cases and additional new functions under the Maritime Area Planning Act 2021.</p> <p>An Bord Pleanála regrets the delay in determining cases and will seek to ensure as many cases as possible are determined within the relevant statutory objective period including those relating to renewable energy projects.</p>	EN	2	2022
OIR/22/14	19/04/2022	21/04/2022	Eoin Ó Broin TD	Housing; Legal Cases	<p><b>To request the following information, in tabular form:</b></p> <p>1. The number of SHD pre planning enquiries</p>	10/05/2022	<p>Please see attached the following Excel Sheets in response to your query.</p> <p><b>Attachment Entitled: OIR_22_014 – SHDs:</b></p>	EN	2	2022

received each month from September 2020 to March 2022,

2. The number of SHD pre planning applications received each month from September 2020 to March 2022,

3. A list of all SHD applications to the board to date for pre planning consideration and the date these applications were submitted,

4. A list of all decisions on the applications in point 3 above and the date the decisions was made and whether the decision was an approval or not,

5. The dates on which the applicant in each case where an approval at pre planning stage was granted then submitted a formal SHD application to the board,

6. The date and decision of each of these applications,

7. The name of the planning consultancy and/or architectural practice used in each of these applications,

8. The lead Board member making the decision or signing off on the decision in each of these cases above, the lead Board member making the decision or

1. Query 1 is not applicable as we don't receive pre-planning enquiries in relation to SHD,

2. Query 2 the information is contained in sheet 1, please note pre-applications requests in relation to SHD ceased on 17th December 2021,

3. Query 3 the information is contained in sheet 2,

4. Query 4 the information on the pre-application requests received by the Board is contained in sheet 2,

5. Query 5 the information in relation to the Opinions issued by the Board is contained in sheet 3,

6. Query 6 the information is contained in sheet 3,

7. Query 7 ABP don't hold these records, these are all publicly available in the application forms submitted with each application,

8. Query 8 the information is contained in sheet 3,

9. Query 9 the information is contained in sheet 1,

				<p>signing off on the decision in each of these cases above,</p> <p>The number of SHD planning applications received each month from September 2020 to March 2022. The number of SHD planning applications received each month from September 2020 to March 2022.</p> <p><b>To also request the following information in tabular form, if possible, broken down by Local Authority Area:</b></p> <p>10. The number of SHD applications received to date including the number of units of accommodation in each SHD application, The number of SHD applications received to date including the number of units of accommodation in each SHD application,</p> <p>11. The number of SHD applications approved by the board including the number of units of accommodation in each SHD application, The number of SHD applications approved by the board including the number of units of accommodation in each SHD application,</p> <p>12. The number of approved SHD</p>	<p>10. Query 10 the information is contained in sheet 3,</p> <p>11. Query 11 the information is contained in sheet 3,</p> <p><b>Attachment Entitled: OIR_22_014 - Judicial reviews:</b></p> <p>12. Information contained in this attachment,</p> <p>13. Information contained in this attachment.</p> <p><a href="#">OIR_22_014 – SHDs,</a></p> <p><a href="#">OIR_22_014 - Judicial reviews.</a></p>			
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					<p>applications subject to Judicial Review with a breakdown of the grounds of JR (i.e. contravention of development plan) etc., The number of approved SHD applications subject to Judicial Review with a breakdown of the grounds of JR (i.e. contravention of development plan) etc.,</p> <p>13. The outcome of these JRs and the number still pending.</p>					
OIR/22/15	21/04/2022	21/04/2022	Eoin Ó Broin TD	Legal Cases	<p>To request the total number of judicial reviews taken against ABP in each year from 2012 to present, broken down by project type (ie SID, SHD etc), the number of JRs lost by the Board in each of these years and the total annual legal costs to the Board arising from these JRs in each of these years.</p>	12/05/2022	<p>Please see information detailed in the attached spreadsheet:</p> <p><a href="#">OIR 2215 2012 – 2021 JR against Board, breakdown case type June 2022.</a></p>	EN	2	2022
OIR/22/16	27/04/2022	29/04/2022	Richard Bruton TD	SID/LAP Case (Live)	<p>To confirm if An Bord Pleanála are proposing to hold Oral Hearings on the Bus Connects application for the Clongriffin Bus Corridor.</p>	29/04/2022	<p>I wish to advise you that details of all non-personal requests, and associated documents released will be recorded on a disclosure log which will be published on the An Bord Pleanála website in due course.</p> <p>Please note that an oral hearing will be held in relation to cases <a href="#">313182</a> and <a href="#">313279</a>.</p> <p>The last date for receipt of the</p>	EN	2	2022

							submissions/observations is 2 <sup>nd</sup> of June, 2022. An oral hearing will not be arranged until after this date. All parties will be notified of the arrangements of the oral hearing as soon as they are made.			
OIR/22/17	12/05/2022	16/05/2022	Ivana Bacik TD	Administration	What the average length of time for a CPO through An Bord Pleanála is, and What the statutory objective is?	17/05/2022	<p>The statutory objective period for determining Compulsory Purchase Order (CPO) cases is eighteen weeks.</p> <p>In 2021, the average number weeks to dispose all CPO cases is 24.72 weeks.</p> <p>From the beginning of January 2022 to the end of April 2022, the average number of weeks to dispose all CPO cases is 20.41 weeks.</p>	EN	2	2022
OIR/22/18	08/06/2022	10/06/2022	Mary Butler TD	Appeal Case (Live)	<p>To request an outline of the reasons for the lack of progress to date for case ABP-312809-22 – Change of use from a dormer bungalow to a medical practice. Refurbishment of bungalow and signage. Demolition and relocation of fuel store, 6 solar panels, provision for 19 carparking spaces at the Hermitage, Grantstown, Co. Waterford.</p> <p>As provision funding has been provided to ABP by the Minister for Housing, Planning &amp; Local Government to tackle the backlogs, what are ABP</p>	25/07/2022	An Bord Pleanála is currently experiencing a backlog of cases due to both a general increase in the volume of cases received and the complex nature of certain types of cases. The volume and complexity of cases is particularly acute in respect of applications for proposed strategic housing developments which appears to be a consequence of that system ending for such applications in quarter 3 of this year. The concentration of these cases has significantly contributed to certain capacity constraints within	EN	2	2022

					doing to address the many issues causing such consistent delays?		<p>the Board's Inspectorate staffing resource notwithstanding the approval and filling of additional staffing in this area in recent times. It is anticipated that this situation will improve when this concentration of such cases is reduced.</p> <p>The case you have highlighted has been provisionally rescheduled to seek to meet a new decide by date of the 14th of September and the parties to the case have been notified of this by letter dated 23rd of June 2022. The delay in determining this case is regretted.</p>			
OIR/22/19	13/06/2022	20/06/2022	Pearse Doherty TD	Appeal Case (Live) Appeal Case (Live)	<p>To provide a status update for case reference SU0138 and advise when it may be expected a decision will be made. (SU0138: Substitute Consent Application – Gortletteragh, Stranorlar, Lifford, Co. Donegal. (EUQY31)),</p> <p>To advise on the reason for the delay in reaching a decision in this case.</p>	01/07/2022	<p>The Board acknowledges that there have been significant delays in the processing of this case and other similar type cases.</p> <p>The Substitute Consent process was the subject of protracted legal action with High Court action taken in relation to several Board decisions. The Courts found that the legislation underpinning the Substitute Consent process was defective in that it did not provide for third party involvement at the Leave to Apply stage. The Planning and Development Act 2000 was amended to reflect the findings of the Courts. However, as no distinction was made between new cases received after the enacting</p>	EN	2	2022

							<p>of the amended legislation and those on hands, all current application had to be revisited.</p> <p>In relation to this particular case, the Board recently decided that it had enough information on the case to deal with the issue of exceptional circumstances and the applicant has been requested to publish new notices. Following receipt of new public notices, the case will be returned to the inspector together with any observations that may have been received on foot of the notices, for completion of an addendum report or a new report.</p> <p>At this point, it is expected that processing of the case will continue for the next number of months. It is expected that a decision on the case will be reached before the end of the year.</p>			
OIR/22/20	21/06/2022	21/06/2022	Pa Daly TD	Administration	<p>To ask, in tabular format, for the number of Compulsory Purchase Orders in respect of derelict sites, dangerous sites, and dangerous structures, that commenced in each of Kerry, Limerick County, Limerick City, Tipperary, Cork County, and Cork City for each of 2015, 2016, 2017, 2018, 2019, 2020 and 2021.</p> <p>To ask, in tabular format, for the number of Compulsory Purchase</p>	08/07/2022	<p>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</p>	EN	2	2022

					<p>Orders (CPOs) completed in respect of derelict sites, dangerous sites, and dangerous structures, in each of Kerry, Limerick County, Limerick City, Tipperary, Cork County, and Cork City for each of 2015, 2016, 2017, 2018, 2019, 2020 and 2021, also noting the mean length of time, in months, that it took for CPOs that completed in each of those years.</p>	<p>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.</p> <p>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 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.</p> <p>Accordingly, An Bord Pleanála does not hold the information requested. It appears likely to An Bord Pleanála that only each individual local authority will hold the requested information relevant to its own area.</p>				
OIR/22/21	27/06/2022	27/06/2022	Catherine Murphy TD	Administration	Are ABP initiating a review of An Bord Pleanála decisions made in respect of the granting	13/07/2022	An internal team is examining a number of cases in the context of recent concerns in relation	EN	2	2022



					<p>of permissions to erect telecommunications masts over the past six years to date in 2022? And if so, can the number of reviews and or the scope of the review be outlined?</p>		<p>to An Bord Pleanála and that examination includes reviewing decided cases involving applications for communication masts that were the subject of decisions made by two-person board meetings which included the then deputy chairperson.</p> <p>The terms of reference for this internal examination group are attached for your information and it is expected to complete its examination in that context by the end of July 2022.</p>			
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