

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

Ráithe 3 2022: 1 Iúil 2022 go 30 Meán Fómhair 2022 / Quarter 3 2022: 1 July 2022 to 30 September 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/22/22	06/07/2022	07/07/2022	Matt Carthy TD	Staffing Levels / HR	To request information pertaining to roles within your organisation which were provided with a pay rise from July 1, 2022, anonymised or in salary bands, as appropriate in-line with the format reported in the Bords financial statements.	11/07/2022	We have one staff/Board member who received an increase on the basis of the 1st of July 2022 pay restoration circular.  The pay scale in question is:  Grade: Secretary III PPC: €222,911 Non-PPC: €211,765	EN	3	2022
OIR/22/23	11/07/2022	11/07/2022	Noel Grealish TD	Administration	To request details of the amount of negative interest charges incurred by your organisation since they were introduced by the banks, broken down by individual year.	13/07/2022	<a href="https://www.pleanala.ie/admin/getmedia/9e1d7251-f5b6-4ce7-9dbb-073affe19491/OIR_22_023-Negative-Interest-Total-Deposit-and-Current-Accounts-May-2020-to-June-2022.pdf">https://www.pleanala.ie/admin/getmedia/9e1d7251-f5b6-4ce7-9dbb-073affe19491/OIR_22_023-Negative-Interest-Total-Deposit-and-Current-Accounts-May-2020-to-June-2022.pdf</a>	EN	3	2022
OIR/22/24	18/07/2022	20/07/2022	Michael McNamara TD	Appeal Case (Live)	To request case ABP-311569-21 - Change of use from retail warehouse to discount foodstore. Westpoint Kilrush Rd, Clonroadbeg, Ennis, Co. Clare – be expedited and to request an update on the matter.	28/07/2022	Please note that the Board was unable to determine the appeal before the revised target date of the 12th of April 2022 due to the backlog of cases.  The case currently resides with the Inspector. The Board hopes to receive the Inspector's report and recommendation on the appeal within the next four weeks. Generally, as soon as the report and recommendation on the	EN	3	2022

							case has been received, the appeal file is sent to the Board for formal consideration. Most cases are decided within six weeks of their being formally considered for the first time at Board level. The delay involved is regretted and you will be notified when a decision has been made.			
OIR/22/25	28/07/2022	29/07/2022	Senator Victor Boyhan	Administration	Can you please provide a brief progress report on the rolled-out of your promised online interactive service and Plean-IT project?	05/08/2022	<p>The Board's on-line capability was extended during the year to enable observations on planning appeals and strategic infrastructure cases to be made through our web portal. This was a development which was built upon the implementation of such a facility for the making of observations for strategic housing development applications in late 2020. The next phase of this roll-out plan is to enable the making of planning appeals on-line in the same fashion and that is being currently assessed. This does however require legislative amendment to the existing statutory provisions governing the making of such appeals and cannot be implemented until that amendment has taken place. An Bord Pleanála has brought this to the attention of the Department of Housing, Local Government and Heritage.</p> <p>These new services were also facilitated by the</p>	EN	3	2022

							launch of the Board's new website which is another step in providing more user-friendly and accessible information to all who avail of our services.			
OIR/22/26	19/08/2022	22/08/2022	Paschal Donohoe T.D.	Decided Case	For the matter of the case of grant of retention permission to retain the dormer to rear roof of house at 5 Saint Mary's Avenue North, Dublin 7 – case number ABP-311620-21.	08/09/2022	<p>Once An Bord Pleanála has signed and sealed its order setting out its decision in any particular case, it has no statutory or legal authority to change the substance of any such decision so made by it.</p> <p>Under section 146A of the Planning and Development Act 2000, as amended, An Bord Pleanála has a limited power to amend any decision made by it for the purpose of correcting any clerical error therein or facilitating the doing of anything pursuant to the permission which may reasonably be regarded as having been contemplated by the decision but was not expressly provided for in the decision. However, this power does not enable any substantive or material alteration to the original decision.</p> <p>A decision of An Bord Pleanála can be the subject of an application for leave for judicial review by the High Court in accordance with the various provisions at Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended. These provisions generally</p>	EN	3	2022

						<p>provide that any such application questioning the legality of a Board decision shall be made within the 8-week period from the date of the decision with a proviso that the High Court may extend the period if it is satisfied that there is good and sufficient reason for so doing and the circumstances that resulted in the failure to make an application for leave for judicial review within the 8-week period were outside the control of the application for any such extension.</p> <p>For information pertaining to judicial reviews, please see our website at: <a href="https://www.pleanala.ie/en-ie/judicial-review-notice">https://www.pleanala.ie/en-ie/judicial-review-notice</a></p> <p>Having regard to the above statutory and legal context, while An Bord Pleanála can examine or review cases decided by it, this examination cannot result in An Bord Pleanála changing the nature of any such completed decisions.</p> <p>An Bord Pleanála does not intend to now review the decision mentioned in your correspondence.</p>				
OIR/22/27	18/08/2022	23/08/2022	Michael Lowry TD	Appeal Case (Live)	To request an update on Case Reference Number RL92.311139, on behalf of Mullinahone Piggery Action Group: appeal logged with ABP on 16/08/2021	07/09/2022	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.	EN	3	2022

							<p>Whilst the Board does not have a specific date as to when this case will be decided, it has been brought to the attention of the relevant section and the Board will notify you when a decision has been made.</p> <p>The Board regrets the continued delays in relation to this case.</p>			
OIR/22/28	25/08/2022	26/08/2022	Michael Fitzmaurice TD	Appeal Case (Live) Appeal Case (Live)	To provide an update on case ref no: PL20. 311926 - (21486) - House with garage, installation of septic tank & percolation area with associated site works at Moher Townland, Lanesborough, Co Roscommon.	14/09/2022	<p>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.</p> <p>The inspector's report on this case has been completed and the case is in line to be decided by the Board. Whilst the Board does not have a specific date as to when this case will be decided, it will endeavour to determine the case in the shortest timeframe possible.</p> <p>Deputy Fitzmaurice will be notified when this case has been decided.</p>	EN	3	2022
OIR/22/29	29/08/2022	30/08/2022	Senator Garret Ahearn	Appeal Case (Live)	An update on AEM FARMS LIMITED, Killaghy, Mullinahone, Thurles, Co. Tipperary, PL92.311830.	14/09/2022	<p>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.</p> <p>The inspector's report on this case has been</p>	EN	3	2022

							<p>completed and the case is in line to be decided by the Board. Whilst the Board does not have a specific date as to when this case will be decided, it will endeavour to determine the case in the shortest timeframe possible.</p> <p>Senator Garret Ahearn will be notified when the case has been decided.</p>			
OIR/22/30	19/09/2022	20/09/2022	Eoin Ó Broin TD	SID/LAP Case (Live); Housing	<p>The number of times that fees have been waived by the Bord for SHD applications and SID applications in each year from 2016 to the present with a breakdown of the applicant's name, the fee waived and the grounds for the fee waiver for each case in each year.</p>	07/10/2022	<p>1. In relation to the waiver of application fees for proposed strategic infrastructure development applications lodged with An Bord Pleanála since 2017 there have been 14 cases where the board's own fee waiver policy has been applied. All of these related to applications for compulsory acquisition of land applications that were lodged in association with parallel, but separate applications for planning approval of proposed road development by road authorities under the Roads Acts. These compulsory acquisition applications traditionally accompany the planning approval cases as the land acquisition is required for the proposed road development and its outcome is therefore dependent on the outcome of the planning approval. The reason for the waiver policy which provides for a waiver of the fee for one side of these applications is that the overall legislative system for such</p>	EN	3	2022

						<p>strategic infrastructure cases allows An Bord Pleanála to recover the full costs of its processing of all such cases after its decision is made and hence the board can recover any excess beyond the application fees where its costs exceed the total of the application fees paid - the board has itself also adopted a policy in such cases that where its full costs are below any fees paid it refunds any such excess back to applicants in these cases. The experience over a number of years revealed that getting two fees for such cases often resulted in refunds so the board adopted the policies above to enable full reconciliation and less bureaucracy around this.</p> <p>2. Because these applications are made directly to An Bord Pleanála there is no potential for removing a local planning authority decision condition to impose a financial contribution requirement on the applicant for permission, so such overturns of planning authority decisions /conditions cannot arise in these cases. It is the case that in such direct applications the local planning authority, when consulted (as is required) on any such application can advise that in the event</p>			
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							<p>of a grant of permission decision by the board that certain conditions should be imposed (including such contribution conditions). However please be advised that it is considered not possible to now extract this information from each caser where there was a grant of permission or approval as that would require a case-by-case examination of the details of each and every decided file to establish the position. In that context it can however be stated on a general level that the Board will generally impose such conditions whether recommended or not by the local planning authority where the operative local authority adopted development contribution scheme clearly provides for such conditions in its terms.</p> <p>Please advise if you need any further clarification or information.</p>			
OIR/22/31	27/09/2022	27/09/2022	Eoin Ó Broin TD	Housing	<p>The number of SHD applications still pending at the Bord, their date of application, the expected date of decision, the number of units in each application and the reason for the delay in each application.</p> <p>The financial implications to the Bord for the delay to each application.</p>	06/10/2022	<p>Please see the attached spreadsheet which includes information pertaining to the 106 SHD applications still pending at the Board, their date of application, the expected date of decision, and the number of units in each application.</p> <p>An Bord Pleanála is currently experiencing a backlog of cases due to both a general increase in the volume of cases</p>	EN	3	2022



						<p>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 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>Where a case is not decided within the relevant statutory objective period( generally 16 weeks but 24 weeks where an oral hearing is held) , then the Board is required to pay a sum which is equal to the lesser amount of 3 times the fee paid by the applicant to the board for the application for permission or €10,000.</p> <p>You will be able to see from the attached spreadsheet, which cases have not been decided within that timeframe from looked at the expected date of decision.</p> <p>Please note that this Spreadsheet's accuracy is subject to the time of this</p>			
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