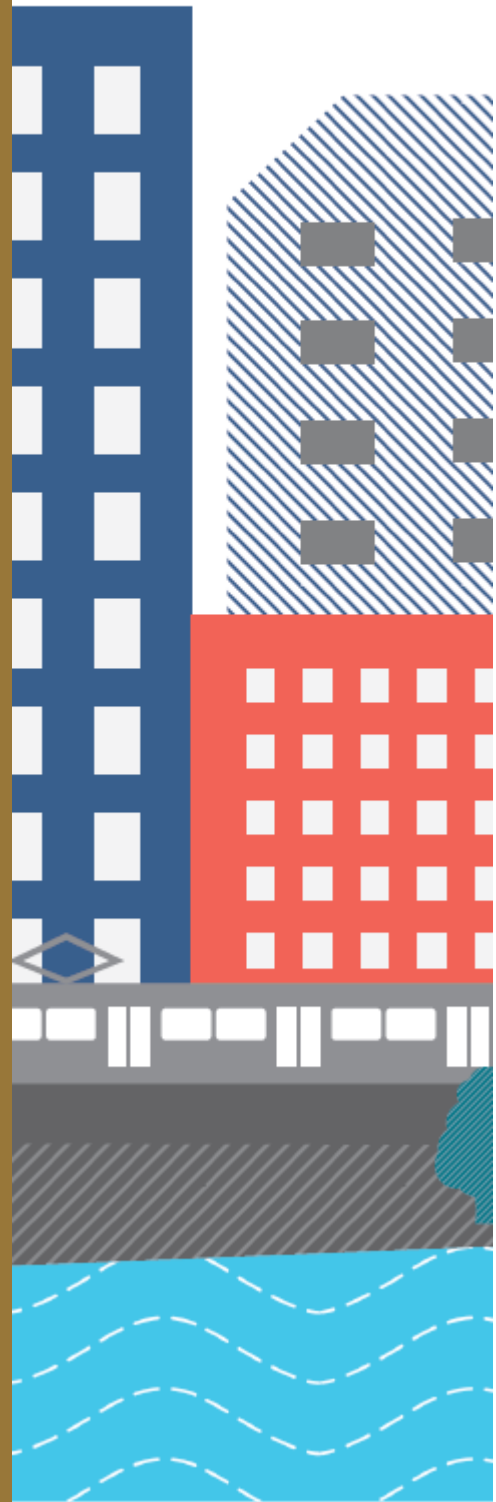


An  
Bord  
Pleanála

# Oral Hearings



December 2018

## About this guide

This guide provides information for participants attending An Bord Pleanála oral hearings.

This guide does not claim to be a legal interpretation of the law. We have tried to make this guide as accurate as possible. However, An Bord Pleanála will not be held responsible for any action arising out of its use.

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## Terms we use in this guide

<b>Appellant</b>	An individual or body who makes an appeal (see also <b>First Party, Third Party</b> ).
<b>Appeal</b>	A review of the planning authority's decision on a planning application.
<b>Applicant</b>	An individual or organisation who makes a planning application to a planning authority (see also <b>First Party</b> ).
<b>Board</b>	The Board of An Bord Pleanála.
<b>First Party</b>	The person who applies for planning permission for a proposed development (see also <b>Applicant</b> ).
<b>Local authority project</b>	Applications for planning permission made directly to An Bord Pleanála for major infrastructure developments (prioritised by the Government) submitted by a local authority. It also includes associated and other cases relating to compulsory acquisition of land by local authorities.
<b>Observation, Observer (Appeals)</b>	Any person, other than the applicant or an appellant, who comments on an appeal (see also <b>Submission</b> ).
<b>Observation, Observer (Applications)</b>	Any person, other than the applicant, who comments on the application (see also <b>Submission</b> ).

<b>Oral hearing</b>	An oral hearing is to allow further discussion and examination of relevant issues that arise in a case before An Bord Pleanála.
<b>Planning and Development Act 2000;</b> <b>Planning and Development Acts (as amended)</b>	An Act of the Oireachtas passed in 2000 by the Oireachtas about matters governing the planning system in Ireland. Parts of this 2000 Act have since been changed or amended by several other Acts. Together these Acts are known as the Planning and Development Acts 2000 to 2018.
<b>Planning authority</b>	The local authority – county council, city council, or county and city council – responsible for planning in its area.
<b>Prescribed body</b>	An organisation or body specified in regulations made by the Minister.
<b>Strategic development zone (SDZ)</b>	An area of land that is proposed to contain developments of economic or social importance to the State. Once designated, a draft planning scheme for the phased development of the SDZ is proposed. Draft planning schemes can be appealed to An Bord Pleanála.
<b>Strategic housing development (SHD)</b>	Applications for planning permission directly to An Bord Pleanála for certain housing developments.

<b>Strategic infrastructure development (SID)</b>	Applications for planning permission directly to An Bord Pleanála for major infrastructure developments by local authorities and others.
<b>Submission</b>	Submissions on appeals or applications are in writing (typed or handwritten) and may include supporting documents such as photographs, plans, drawings, videos or technical guidance.
<b>Third Party (appeal)</b>	A person appealing the decision of a planning authority on a proposed development other than the person who made the original planning application (see also <b>Appellant</b> ).
<b>We, us</b>	An Bord Pleanála.
<b>You</b>	You as a person, company, group, organisation or State authority.

## What is an oral hearing?

An oral hearing is a public meeting about an An Bord Pleanála case that anyone can attend, although not everyone can participate in the discussion. The purpose of an oral hearing is to allow further discussion and examination of relevant issues that may arise in a case before An Bord Pleanála. It is not intended to be overly formal or legalistic.

The Board of An Bord Pleanála has the power to decide whether or not to hold an oral hearing in any case.

Oral hearings are generally held for:

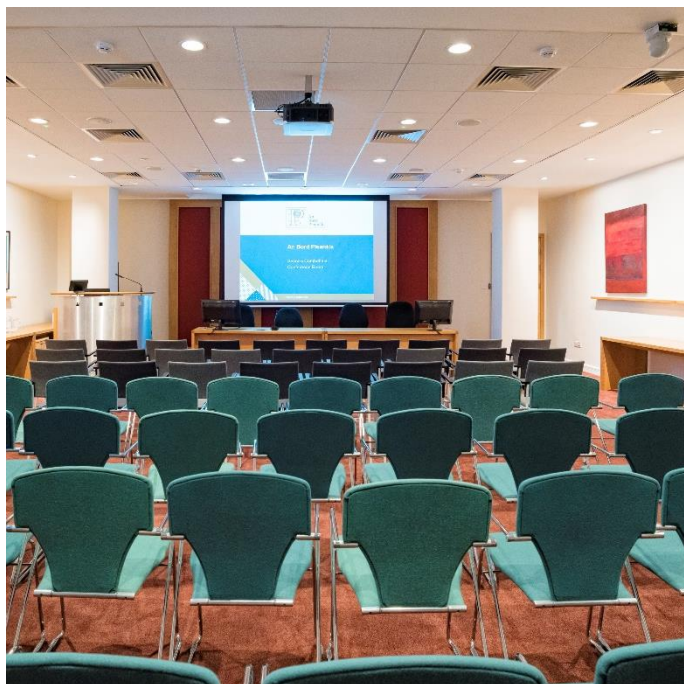
- strategic infrastructure cases
- appeal cases which are complex or where significant national, regional or local issues arise
- compulsory purchase orders and related cases
- other case types when considered necessary.

Only in special circumstances will an oral hearing be held for strategic housing development (SHD) applications made directly to An Bord Pleanála.

## Before the oral hearing

### Agenda

Before the oral hearing, we will circulate the agenda to all participants in the case and publish it on our website – [www.pleanala.ie](http://www.pleanala.ie). This will include the order of appearance of the participants in general terms (examples include: applicant, prescribed bodies, observers, objectors to compulsory purchase order (CPO)). Please note that the agenda may be changed at the oral hearing by the Inspector and that all timings, where specified, will be provisional.



### Availability of documents

A copy of any documents submitted to An Bord Pleanála and not previously circulated to the planning authority will be kept in a public file in our office for inspection and purchase. They will also be available for inspection and purchase at the offices of the relevant planning authority at least 7 days prior to the opening of the oral hearing. In appeals, some documents submitted to the planning authority such as the planning application are already publicly available. At the oral hearing, the public file will be available for inspection but copies cannot be purchased.

### Copies of documents

If you wish to submit written documentation at the oral hearing, it is subject to the agreement of the inspector. Two copies of submissions must be provided to the inspector and enough copies for each of the other participants. One of the copies will be placed on the public file for viewing at the oral hearing. It is a matter for



participants to make their own arrangements for the copying of documents. If a digital presentation is being made, hard copy versions of the presentation should also be submitted.

### **Digital Presentations and use of technology**

If you intend to make a digital presentation at the oral hearing, you should ensure that you have sufficient paper copies of your presentation available for the other participants. You should contact An Bord Pleanála beforehand to check that computer or other technology facilities are available.

### **Assisting you at the oral hearing**

If you or a member of your group has any access requirements, we ask that you contact us as soon as possible and before the request deadline stated in the letter you received or saw in a notice. If a request is made after the deadline, sometimes it may not be possible to facilitate your request in time for the start of the oral hearing. This may be due to the short time period available to organise the request or due to the nature of the request. However, we will try to facilitate your request as soon as possible. The [accessibility area](#) of our website can give you more information.

## Attending the oral hearing

### Members of the public

Any member of the public can attend an oral hearing. If you have not already made a written submission on the case, you may be able to make an oral submission at the hearing subject to the inspector's approval and payment of the required fee.

### Participants in the case

We will inform all participants in a case that an oral hearing is to be held and invite them to attend. By law, we are required to give at least five working days' notice before the start of an oral hearing, however, we aim to give as much notice as possible so that participants have time to prepare. Once set, we can only change the dates for an oral hearing in exceptional circumstances.

While a participant is welcome to make an oral submission at the oral hearing, there is no requirement to attend. Written submissions already made are considered in full in the Inspector's Report and by the Board when making its decision on the case.

While some participants may choose to be professionally represented at an oral hearing there is no requirement for such representation. The An Bord Pleanála inspector or other staff member in attendance will generally assist inexperienced participants in so far as is practicable.

### Public representatives

Public representatives may speak on behalf of participants in the case. If they wish to make a submission on their own behalf, and are not already a participant in the case, this will be subject to the inspector's approval and the payment of the required fee.

### **An Bord Pleanála staff**

The inspector for the case and other staff from An Bord Pleanála will be in attendance at the oral hearing. The number of staff present may vary depending on the size of the oral hearing. Our staff can help you at the oral hearing with general queries or the payment of fees.

At the oral hearing, the inspector's role is to:

- decide how the oral hearing is to be conducted and act as the chairperson for the oral hearing
- decide the issues to be addressed at the oral hearing
- determine the order in which participants will be heard
- ensure fairness to all participants
- complete the oral hearing in a reasonable timescale.

## Typical oral hearing



### Opening

The inspector will introduce the An Bord Pleanála team and open the oral hearing.

The inspector will:

- outline the purpose of the oral hearing and the proposed agenda.
- check attendance by participants.
- provide a brief summary of the proposed development or request the applicants to do so.
- respond to any questions in relation to procedures.

### Submissions

- Written submissions already received in relation to the case will be taken as read and should not be repeated at the oral hearing.
- Oral submissions will be taken in the order indicated on the agenda.
- Participants should be as clear and concise as possible and should avoid repeating arguments already made by others.

- Participants with similar submissions should group together and nominate one spokesperson where possible.
- The inspector has the right to cut off participants if they believe that the information or tone is not appropriate for the oral hearing.
- The inspector has powers to hear evidence under oath but this is rarely used.

### **Questioning**

In line with the agenda, the inspector will facilitate cross-questioning of participants. As well as ensuring that the principles of natural justice are observed, cross-questioning can be particularly useful in testing the arguments made by participants and in exploring areas of difference that remain between participants. The inspector may also ask participants questions at any time.

### **Closing**

The inspector will facilitate short closing statements by participants who wish to make them. These statements should summarise the main points already made and which the participant still feels are important for An Bord Pleanála to consider. They should not raise any new issues or legal arguments.

### **Modifications and possible conditions**

Revised proposals and possible conditions may be presented at an oral hearing for discussion and comments. If accepted by the inspector this will be without prejudice to the inspector's recommendation or Board decision.



Oral hearings can be stressful events. We ask that participants be **polite, respectful and courteous** at all times to all those participating. We also expect all participants to accept and respect the inspector's decisions during the oral hearing.

## Tips when making your submission at an oral hearing

- Prepare by considering all the planning issues you wish to raise. Be focussed and as brief as possible. Try not to repeat information.
- Before the oral hearing starts, you might want to practice reading aloud your submission at home.
- Follow the instructions or advice given by the inspector. They are there to hear your views. During your submission, the inspector may ask you questions or may stop you if you are repeating information.
- The inspector understands that you may be nervous making your submission. You should speak clearly and at a steady pace.
- If you have photographs, videos or other items that you wish to show during your submission, the inspector may allow you to present these to the oral hearing. Copies must be provided and all exhibits must be properly labelled. Contact An Bord Pleanála staff in advance for more information.
- Generally oral hearings are recorded using a sound system and a set of microphones. Please speak clearly into the microphone provided.

## At the oral hearing

### Mobile phones

Mobile phones should be turned to silent or turned off at the start of the oral hearing.

### Wi-Fi

An Bord Pleanála makes every effort to arrange venues that have Wi-Fi internet access, but this cannot be guaranteed.



### Irish Language and oral hearings

Proposed development is located	Language
In a Gaeltacht area	Oral hearing is in Irish unless participants agree to use English
Partly in a Gaeltacht area	Oral hearing is in English with facilities for the use of Irish if required
Not in a Gaeltacht area	Oral hearing is in English unless participants agree to use Irish

### Fairness, transparency, and confidential information

The inspector will not accept information which is requested to be kept confidential from others. Participants are not permitted to speak to the inspector on a one-to-one basis in a non-public setting or to make arrangements to give the inspector further information outside of the oral hearing.

### Recording the oral hearing

Participants in the oral hearing are **not** allowed to take photographs or to record video images or sound with any device (for example: mobile phone, dictaphone,

tablet, camcorder). It is also **not** permitted to have a professional stenographer in the venue to prepare a transcript.

An Bord Pleanála may arrange for the oral hearing to be digitally recorded or for a transcript to be prepared by a stenographer. This is to help the inspector prepare their report and for the assistance of the Board during its consideration of the case. If a recording is prepared this is made available to the public after the case has been decided.

### **Media**

Members of the media are welcome to sit in the public seating area of the venue. If media outlets wish to take photographs or video footage of the room before the start of an oral hearing session, approval must be obtained in advance from the inspector. Please note that permission may not always be granted by the inspector. As outlined above, no video or sound recording is permitted of the actual oral hearing proceedings.



## What happens after an oral hearing?

Once the oral hearing is completed, the inspector prepares a report and a recommendation for the Board. This includes consideration of all case documentation, including the information gathered during the oral hearing.

The Board considers the Inspector's Report and all case documentation and issues a decision. The Inspector's Report, Board Direction and Board Order (decision) are made available on [www.pleanala.ie](http://www.pleanala.ie). All other documents on the case file are made available for public inspection and purchase including a copy of the oral hearing recording (if one was made).

## Legal matters

### Unacceptable behaviour and offences

Oral hearings generally take place without delays or obstructions. If delays or obstructions occur at an oral hearing an inspector can:

- issue a warning to person
- order a person to leave or have a person removed
- request the assistance of An Garda Síochána

There are penalties for persons convicted of delaying or obstructing an oral hearing. A court can order a person or persons convicted to pay costs to An Bord Pleanála or to any participant who appeared at the oral hearing. Persons who gave consent to or encouraged the person to commit the offence may also be ordered to pay costs.

## Legislation

The laws and regulations referred to in this document are:

- [Planning and Development Act 2000, as amended](#)
- [Planning and Development Regulations, as amended](#)
- [Planning and Development \(Strategic Infrastructure\) Act 2006](#)
- [Planning and Development \(Amendment\) Act 2010](#)
- [Environment \(Miscellaneous Provisions\) Act 2011](#)
- [Planning and Development \(Housing\) and Residential Tenancies Act 2016](#)

## Contact us

If you require this document in a different format or you would like further information, please contact An Bord Pleanála.

Visit our office at:	An Bord Pleanála,
Write to us at:	64 Marlborough Street, Dublin 1, D01 V902
Telephone us on:	(01) 858 8100 or LoCall: 1890 275 175
Email us at:	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>
Visit our website:	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Send us a fax on:	(01) 872 2684

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