




An Bord Pleanála

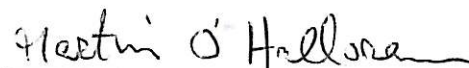


Memorandum of Understanding between the Health and Safety Authority and An Bord Pleanála

The objective of this M.O.U. between the Health and Safety Authority (the Authority) and An Bord Pleanála (the Board) is to facilitate co-operation between the 2 bodies in the processing of applications for planning permission under planning legislation and in particular direct applications to the Board under the Strategic Infrastructure (SIA) Act 2006.

Signatories to the Memorandum of Understanding
on this 20th day of Dec 2011.


Padraic Thornton
Chief Officer, An Bord Pleanála


Martin O'Halloran
Chief Executive, Health and Safety Authority

Strategic Infrastructure Projects

The Board adjudicates directly on planning applications for projects that qualify under the SIA. A decision on whether or not to grant permission for development under this Act is governed by strict timeframes.

The Authority, under the European Communities (Control of Major Accident Hazards) Regulations of 2006, SI No. 74 of 2006 is obliged to provide technical land-use planning advice relating to developments that qualify as Seveso establishments (new or existing), or relating to developments in the vicinity of Seveso establishments. This advice must be provided to the Board on request and is also governed by prescribed timeframes. (Article 215 of the Planning and Development Regulations 2001 as inserted by SI No. 685 of 2006 also sets out procedures for the Board requesting technical advice from the Authority in the case of Strategic Infrastructure Development).

A full assessment by the Authority of planning applications for developments that already are, or will be, designated as Seveso establishments, or developments in the vicinity of such establishments, can take a considerable amount of time. Consequently, sufficient lead time should be afforded to the Authority in order to formulate technical advice to the Board that is comprehensive, accurate and of value.

Therefore the Board will endeavour, at the earliest possible opportunity, to ensure that details are made available to the Authority of any proposed planning applications under the SIA, and in relation to which it may seek technical advice from the Authority. The Board will request that such details will be submitted to the Authority at the pre-application consultation stage by the prospective applicant where it is known that the proposed development will carry a significant inventory of dangerous substances, or where proposed development is in the vicinity of an existing or permitted Seveso establishment.

The details, at a minimum, should include

- the name and contact details of the prospective applicant;
- the location of the development;
- the nature of development and potential inventory of dangerous substances;
- outline details of any Seveso establishments in the vicinity (including those for which planning permission has been granted but which have yet to commence operation).

If the Authority forms the view that such proposed development would qualify as a Seveso establishment or that the proposed development is in the vicinity of an existing or permitted Seveso establishment, it will communicate this to the Board and to the prospective applicant.

The Authority will outline to the prospective applicant the information the Authority will require to assess the application and provide advice to the Board, should it be formally requested to do so.

The prospective applicant will be informed by An Bord Pleanála that all information required by the Authority to enable it to provide the required technical advice must be provided with the planning application to the Board.

In its advice to the Board the Authority will indicate the impact of the proposed development on future land uses in the vicinity i.e. the likely acceptability or otherwise of various land uses having regard to the risk associated with the proposed development. Generally, this will be in accordance with the generic advice approach published by the Authority.

The Authority will provide details to An Bord Pleanála in relation to the location of Seveso establishments and will keep this information updated. The Board will update its records such that planning applications in the vicinity of such establishments can be notified to the Authority and prospective applicants can be advised to inform the Authority at pre-application consultation stage.

Attendance by the Authority at oral hearings convened by the Board under the SIA will generally only be required where the Authority has a legislative remit and/or has generated technical advice for the Board regarding the application under discussion at the oral hearing.

The Authority will provide details of its costs incurred in order to allow for the Board to determine what reasonable costs, if any, should be awarded against the applicant under section 37H.

Other Planning Matters

Planning decisions of local planning authorities can be appealed to the Board. The Board may then seek the advice of the Authority or attendance at an oral hearing on the matter.

Responses to requests for written technical advice from the Board will follow the timeframes specified in Article 27 of SI No. 74 of 2006.

Requests for attendance at oral hearings will only be made through consultation between the nominated contacts of both bodies, to ensure that attendance by the Authority is appropriate. The Authority will not normally attend oral hearings where it has no legislative remit or it has not had any involvement in the provision of technical advice.

Communication

Communication between the Board and the Authority will be made directly between nominated persons designated under this Memorandum of Understanding. Contact names will be updated at any changes in personnel. It is envisaged that the Board and the Authority will meet on an annual basis to review this Memorandum and monitor its operation.

The following persons are the current nominated contacts:

For the Authority – Mr Pat Conneely, H.S.A. Cork Office.

For the Board – through Senior Administrative Officers in SID and Planning Appeals.