



AN BILLE ACHOMHAIRC PHLEANALA, 1967**PLANNING APPEALS BILL, 1967**

EXPLANATORY MEMORANDUM

1. Under the Local Government (Planning and Development) Act, 1963 appeals against the decision of the planning authority to grant planning permission or to refuse planning permission or to grant such permission subject to conditions are made to the Minister for Local Government. Provision is also made in that Act for other appeals to the Minister. The cases in which such appeals may be made to the Minister are set out in *subsection (1) of section 6* of the Bill.

2. The Bill proposes to substitute for an appeal to the Minister an appeal to an Appeals Board to be established under the Bill (*section 4*). The Board will consist of a Chairman who must be a Judge of the Supreme Court or of the High Court, or the Circuit Court, who will be assigned as Chairman by the Chief Justice after consultation with the President of the High Court and the President of the Circuit Court. In addition to the Chairman, two members of the Board will act as assessors; the assessors will be drawn from a panel, one to be constituted by the Minister for Local Government, the other by the Local Appointments Commission. The assessors will be appointed for a period not exceeding three years but will be eligible for re-appointment. It is envisaged that the Board will sit full-time dealing both with appeals which are not required to be heard on oral evidence, and with appeals which are required to be heard orally. Provision is being made for the establishment of a second Board which if appointed will sit contemporaneously with the first Board and will likewise be constituted of a Chairman who must be a Judge of the Supreme Court or the High Court or the Circuit Court and two assessors, one of whom must be drawn from each of the panels to be constituted under the Bill. The second Board will be established whenever the Minister is of opinion that it is necessary because of the number of appeals to establish a second Board (*section 5*). The ordinary members of the Board whether appointed from the Minister's panel or the panel to be constituted by the Local Appointments Commissioners must be either a qualified civil engineer, a qualified architect or a qualified town planner. A further provision is made with regard to ordinary members that they shall not while holding office as a member of the Board be capable of holding any other office or position of emolument or be a member of either House of the Oireachtas or be interested in any company or partnership concerned in dealing with, or developing, land. The purpose of this latter provision is to ensure that ordinary members of the Board will not in any way be influenced in their decisions by personal or private considerations.

Provision is also being made that decisions of the Board shall be in writing and the reasons for the decisions shall be stated. In order to enable members of the public to gauge the likelihood of appeals before the Board succeeding, provision is being made for the publication by the Board of its decisions. The decision of the Board is the decision of the Chairman who as indicated above will be a Judge.

3. Provision is also being made that appeals shall as far as practicable be decided in the order of priority of the time of the receipt of the appeals by the Board. This will apply to appeals whether heard orally or dealt with in writing (*section 8*).

AN BILL IN AN ORDER

PLANNING ADVISORY BILL, 1967

EXPLANATORY MEMORANDUM

1. The Bill provides for the establishment of a Planning Advisory Board to assist the Government in the planning process.

The Board will consist of a Chairman and four members, two of whom shall be appointed by the Government and two by the President of the High Court. The Board shall have the right to call for information and to require any person to furnish information in writing.

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4. Provision is being made also for the amendment of the regulations made under the Act dealing with appeals and references so as to substitute references in these regulations to the Board where reference is at present made to the Minister. Provision is also being made in *section 7* amending the regulations to allow as a party to an appeal any person who has made an objection to the granting of a permission, approval or licence and who appears to the Board to have a genuine interest in the appeal. It is necessary to make this amendment because under the existing law, a person who objects to the granting of permission is not a party to the appeal where the appeal is taken by the person seeking the permission; the only other party to the appeal in such a case is the planning authority, and in many cases the interests of the objector who is a private resident may be on different grounds and not less relevant than those of the planning authority but the planning authority is not under any obligation to present such grounds of appeal. *Subsection (2) of section 7* is intended to meet this deficiency in the present legislation.

—*Thomas J. Fitzpatrick (Cavan), Denis Jones, Richie Ryan,
Mark Clinton, Richard Barry.*

July, 1967.

1. Short title.
2. Interpretation.
3. Collective citation and construction.
4. Establishment of Appeal Board.
5. Additional members.
6. Amendments to Principal Act.
7. Amendment of S.I. No. 216 of 1964.
8. General.
9. Officers and servants.

4. Provision is being made also for the amendment of the regulations made under the Act dealing with appeals and responses to applications to substitute interests in these regulations for the Board's reference is at present made to the Minister. Provision is also being made in section 7 amending the regulations to allow a party to an appeal any person who has made an application to the Board for a permission, approval or licence and who appears to the Board to have a genuine interest in the appeal. It is necessary to make this amendment because under the existing law a person who makes an appeal is taken by the person making the application to be the only party to the appeal in such a case as the planning authority and in many cases the interests of the objector who is a private resident may be on different grounds and not necessarily those of the planning authority but the planning authority is not under any obligation to present such grounds of appeal. Section 7 is inserted to meet this difficulty in the revised legislation.

—Thomas A. Fitzpatrick (Counsel), Denis Lacey, Kelvin Ryan,
Mark Clinton, Richard Barry.

July, 1967.