

An
Bord
Pleanála

10th January, 2020

Ms. Éilis Fallon
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

Your Ref: PAC32 - I - 1752

Re: Further information arising from An Bord Pleanála's appearance before the committee on 3rd of October, 2019

Dear Éilis,

I refer to your letter of the 20th of December, 2019 requesting further clarification in respect of two issues that arose at An Bord Pleanála's appearance before the Committee in October, 2019. Please note the following information and explanations in respect of these matters:

1. Material Contravention of Development Plans

In compiling statistics of An Bord Pleanála decisions which involve a material contravention of a planning authority Development Plan, it is the Board's intention that such statistics would include relevant Board decisions relating to proposed strategic infrastructure development, including proposed strategic housing development, as well as normal planning appeal cases.

2. Integrity of Appeals Issue

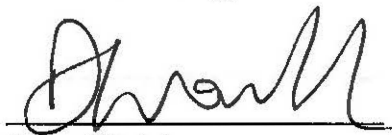
In relation to this matter, the Committee may wish to note that, in cases of third party appeals against a planning authority decision, the legislation requires that an open invitation for any submissions or observations in writing must be issued (with a copy of the appeal) to the applicant for planning permission, the planning authority and any other third party appellants (ref. section 129 of the Planning and Development Act, 2000). It is primarily in this context that another party to the case may, in responding to this statutory invitation, raise concerns in respect of the existence/identity of an appellant.

However, it is a matter solely for An Bord Pleanála as to whether it considers it necessary to seek whatever further information it considers appropriate from an appellant to satisfy itself as far as practicable of the existence/identity of that appellant.

The legislation (ref. sections 133 and 138 of the Planning and Development Act, 2000) provides An Bord Pleanála with an ability to exercise its absolute discretion to dismiss an appeal, should it consider it appropriate to so do. Where the Board forms an opinion that the appeal is not bona fide arising from its opinion concerning the existence /identity of the appellant, then it can exercise the provision of section 138 that enables appeals that are considered by it to be vexatious, frivolous or without substance or foundation to be dismissed. There is also a parallel power to dismiss under section 133 following the issue of notices by the Board under sections 131 or 132 of the Act. I can confirm that such instances and circumstances have arisen on a very infrequent basis since An Bord Pleanála became operational in 1977.

I hope that this further information is helpful in clarifying the remaining Committee queries.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Dave Walsh', written over a horizontal line.

Dave Walsh
Chairperson