

Ms. Sarah Cremin,
Committee Secretariat,
Committee of Public Accounts
Leinster House,
Dublin 2
D02 XR20

Date: 21st March 2023

Your Ref: S1172PAC33

Dear Ms. Cremin,

I refer to your letter dated 27th January 2023 enquiry if there were mechanisms in place for the following:

1. Reviewing planning permissions in advance of judicial review being initiated and if not whether there is an impediment to putting such an arrangement in place
2. Whether there is a mechanism to pause the decision making process for a planning application when similar planning decisions are subject to judicial review.

In relation to your first query, I can advise that 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. However, 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.


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 substantive nature of any such completed decisions.

In reply to your second query, there is no statutory mechanism in place enabling An Bord Pleanála to itself pause the decision-making process for any case before it. Under the planning legislation An Bord Pleanála has a statutory duty to ensure that cases before it are disposed of as expeditiously as may be and, for that purpose to take all such steps as are open to it to ensure that, insofar as is practicable, there are no avoidable delays at any stage in this determination of cases.

Any disturbance to this statutory duty can only be effected by a court order which legally prevents processing or determination of a case by an Bord Pleanála.

I hope this response addresses the Committee's questions and I apologise for the delay in issuing this response

Your sincerely,


Oonagh Buckley
Chairperson (Interim)