

**Your Ref: S1311 PAC33**

Ms. Sarah O'Farrell  
Clerk  
Committee of Public Accounts  
Leinster House  
Dublin 2  
[PAC@oireachtas.ie](mailto:PAC@oireachtas.ie)

23 May 2023

Dear Ms. O'Farrell,

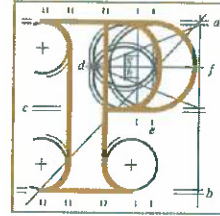
I refer to your letter of 9 May 2023 outlining queries on a number of issues raised by Committee members at the meeting of An Bord Pleanála with the Committee of Public Accounts on Thursday 27 April 2023.

An Bord Pleanála responds as follows:

1. The number of cases that have gone from the High Court to the Court of Appeal and to the Supreme Court (pg. 13).  
**Please see attachment titled 'Q1. Number of Cases from HC to COA to SC'**
2. In the case of withdrawn cases, the average timeline between initiation of and withdrawal (pg. 13).  
**Please see attachment titled 'Q2. Timeline for Withdrawn Cases'**
3. A note on minimum density, including information on the legal basis for a minimum density requirement in planning policy of 35 dwellings per hectare (pgs. 21-22).

The legal basis for a minimum density requirement is a policy issue which is outside of the remit of An Bord Pleanála and was covered by Mr. Paul Hogan, Acting Assistant Secretary General of the Department of Housing, Local Government and Heritage at the meeting on 27 April 2023.

4. The number of judicial reviews per year, broken down between first-party and third-party reviews, prior to and after the introduction of the Strategic Housing Development (SHD) process (pg. 27). Please see attachment titled 'Q4. Breakdown of New JRs between 1<sup>st</sup> and 3<sup>rd</sup> party 2017- 2022'
5. A breakdown of the cases that have been in progress for three years or more by type (pg. 36). Please see attachment titled 'Q5. Cases on Hand greater than 3 years on 17 May 2023'. It should be noted that of the 50 cases recorded within the system, 26 are pre-application consultation cases in relation to strategic infrastructure proposals, which have not been closed by the applicant or an application for consent made, but cannot under the current legislation be closed by An Bord Pleanála for failure to pursue the application.
6. The percentage of the €10 million spent on legal fees in 2022 that was spent on judicial review cases and a breakdown of that expenditure by cases won, lost and conceded by An Bord Pleanála (pgs. 38-39).  
The percentage of the overall legal costs spent on judicial review cases was 96.5% (a total of 9.637M).  
€5.053M of the €9.963M was in relation to liabilities for "other side" costs primarily relating to cases lost or conceded by the Board. The breakdown of those "other side" cost liabilities was as follows: conceded cases 60.14%, lost cases 38.45% and cases won 1.41%.  
These are draft figures awaiting finalisation and C&AG approval.
7. The learning and development budget for An Bord Pleanála staff (pg. 42).  
2022 Adopted Learning & Development Budget : €237K  
2023 Adopted Learning & Development Budget : €240K.
8. Information on when An Bord Pleanála first alerted the Department of Housing, Local Government and Heritage regarding staffing deficiencies in 2021, and whether that happened before April 2021 (pg. 43).  
The previous Chairperson of An Bord Pleanála informed the DHLG on 22<sup>nd</sup> January 2021 by email of resourcing requirements which included a request for the following staff for the SHD Unit:  
1 Assistant Director of Planning  
3 additional Inspectors to bring the total number of inspectors working on SHD to 16  
2 Executive Officers and 2 Administrative Assistants in supporting admin roles



On 3 December 2021, the previous Chairperson issued a request to the Minister for Housing, Local Government and Heritage on resourcing requirements which included a further request for the following staff for the SHD Unit:

6 Senior Planning Inspectors

1 Planning Inspector

9. A note on staffing numbers prior to and after the introduction of the SHD process and whether staffing levels were evaluated as sufficient prior to and after the introduction of the SHD process (pg. 43).

Please see attachment titled 'Q9. An Bord Pleanála Staff Number 2018 to 31.01.2023'.

10. The cost of the report carried out by an external HR consultancy (pg. 47)

The charge was €7,103.25.

Should any further information be required, do not hesitate to contact me.

Yours sincerely

**Oonagh Buckley**

**Chairperson**

Encls.



**Q1. The number of cases that have gone from the High Court to the Court of Appeal to the Supreme Court**

<b>Year</b>	<b>Court of Appeal</b>	<b>Supreme Court</b>
2022	1	N/A
2021	4	5
2020	11	8
2019	5	2
2018	3	4

TIMELINE ON WITHDRAWN LEGAL CASES			
No. of Cases	Timeline		No. of Days
2022			
1	11/02/2022	19/04/2023	432
2	20/02/2022	12/12/2022	295
3	14/06/2022	14/02/2023	245
4	04/07/2022	03/10/2022	91
5	05/07/2022	23/01/2023	202

Average

253.00

2021			
	08/01/2021	09/03/2023	790
6	20/01/2021	21/11/2022	670
7	09/03/2021	20/06/2022	468
8	12/03/2021	14/12/2021	277
9	14/05/2021	17/06/2022	399
10	12/05/2021	26/07/2021	75
11	14/05/2021	14/11/2022	549
12	11/06/2021	14/06/2021	3
13	11/06/2021	24/06/2021	13
14	11/06/2021	02/12/2022	539
15	08/07/2021	26/10/2022	475
16	22/07/2021	18/11/2021	119
17	14/04/2021	14/06/2021	61
18	30/07/2021	23/11/2021	116
19	23/08/2021	19/11/2021	88
20	08/11/2021	12/07/2022	246
21	10/11/2021	16/05/2022	187
22	14/12/2021	24/01/2023	406
23	16/12/2021	07/03/2022	81
24	05/01/2022	02/11/2022	301

293.15

2020			
25	05/03/2020	14/04/2020	40
26	28/05/2020	28/07/2021	426
27	18/06/2020	15/06/2021	362
28	07/09/2020	10/03/2022	549
29	21/10/2020	13/10/2021	357
30	27/10/2020	27/02/2023	853
31	12/11/2020	17/04/2021	156
32	08/12/2020	17/04/2023	860
33	10/12/2020	05/02/2021	57

406.67

2019			
34	10/01/2019	11/04/2019	91
35	14/01/2019	02/07/2019	169
36	11/03/2019	08/04/2019	28
37	20/03/2019	04/06/2019	76
38	06/06/2019	31/10/2019	147
39	28/06/2019	28/03/2022	1004
40	06/08/2019	23/03/2021	595
41	09/08/2019	11/09/2019	33
42	29/08/2019	22/04/2021	602
43	03/12/2019	25/08/2020	266
44	16/12/2019	17/01/2023	1128
45	17/12/2019	23/03/2022	827

413.83

2018			
46	22/01/2018	22/01/2020	730
47	12/02/2018	20/03/2020	767
48	06/03/2018	13/11/2018	252
49	06/03/2018	28/07/2021	1240
50	23/03/2018	10/09/2018	171
51	11/04/2018	16/05/2018	35
52	11/04/2018	22/06/2018	72
53	26/06/2018	14/12/2018	171
54	29/06/2018	17/06/2020	719
55	17/07/2018	04/10/2018	79
56	09/08/2018	23/10/2018	75
57	14/08/2018	22/01/2020	526
58	31/08/2018	20/12/2018	111
59	26/10/2018	27/06/2019	244

370.86

**Overall Average Days**

**349.10**

**Q4. The number of judicial reviews per year, broken down between first-party and third-party reviews, prior to and after the introduction of the Strategic Housing Development (SHD) process.**

<b>Year</b>	<b>Number of First Party</b>	<b>Number of Third Party</b>	<b>Total</b>
2022	16	79	95
2021	20	75	95
2020	10	72	83
2019	16	39	55
2018	14	27	41



<b>Q5. Cases on Hands greater than 3 years on 17th May 2023</b>	
<b>Case Category</b>	<b>Number</b>
Normal Planning Appeals	1
Strategic Housing Development - All Case Types	1
Local Authority Projects non SIDS - All Case Types	1
Strategic Infrastructure Development - ALL - All case Types	28
Referrals - All case types except SIDS and LAPS and Housing	11
Substitute Consent	8
<b>All Case Types</b>	<b>50</b>

<b>Strategic Infrastructure - All Case Types Development Breakdown</b>	
Pre Application Consultations	26
Applications	2
<b>Total</b>	<b>28</b>

**Q.9 An Bord Pleanála Staffing Figures**

Grade and Job Title:	Original Complement (2008)	FTE Staff year end 2018	FTE Staff year end 2019	FTE Staff year end of 2020	FTE Staff end of 2021	FTE Staff 2022 as of 31/01/2023	Change since year end 2018
Chief Officer	1	1	0	1	1	1	0
DCA (Director of Corporate Affairs)	1	1	1	1	1	1	0
SAO	8	8	9	9	10	9	+ 1
SEO	12	15	15	17	17	19	+4
EO	38	45	49	48	50	52	+7
AA	48	38	35	41	46	49	+11
Inspectorate							
DOP	2	1	1	1	1	1	0
ADP	5	4	4	4	5	5	+1
SPI	57 (combined)	30	31	34	36	35	+5
PI		22	25	26	27	28	+6
Ecologist	0	0	1	1	1	1	+1
<b>Total Staff Numbers</b>	<b>172</b>	<b>165</b>	<b>171</b>	<b>183</b>	<b>195</b>	<b>201</b>	<b>+36</b>
<b>Difference in Staff Numbers</b>							