Joint Oireachtas Committee on Housing, Local Government and Heritage

Pre-Legislative scrutiny of the draft Planning and Development Bill 2022

Submission from Fred Logue, Managing Partner of FP Logue LLP

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Executive Summary. This submission sets out a high level review of the draft Planning and Development Bill 2022, published in January 2023. In my view the draft is not Aarhus-compliant and represents a missed opportunity to keep parts of the planning system that work well and to update areas where the Court of Justice and Aarhus Compliance Committee have identified legal difficulties. I stress that the Aarhus Convention is a rights based framework and that there are concepts around the public and the types of legal acts than can be challenged that are not easily discernible in the draft. I conclude with a set of recommendations that the Committee may wish to consider in drafting its report on this important piece of legislation which must be fit for purpose in order to address the climate and biodiversity crises.[1]

Introduction

1. I wish to thank the committee for inviting me to make a written submission as part of the pre-legislative scrutiny of the draft Planning and Development Bill 2023.

2. I am a solicitor practising in planning, environmental and information law and primarily act for members of the public, associations and environmental NGOs. We have acted in over 100 planning, environmental and access to environmental information cases to date including 12 Supreme Court appeals, seven preliminary references to the Court of Justice and several communications to the Aarhus Convention Compliance Committee. In addition to Irish clients, we act for international NGOs located in the United States and Europe.

3. I would like to begin this submission with some general observations on the draft bill and its genesis before moving on to more specific aspects grouped under the three pillars of the Aarhus Convention, namely access to information, public participation and access to justice.

General Impressions

4. The 2000 Act was a very progressive piece of planning legislation which predated ratification of the Aarhus Convention by both Ireland and the EU. Even at that stage it granted wide participation rights to the public as well as access to justice, putting Ireland among a handful of EU countries with such progressive environmental rights. In addition, it provided mechanisms for the public to enforce planning law and protections for architectural heritage and so on.

5. Together with a strong Board, Ireland's planning system was able to deliver planning permissions at an annual rate of up to 90,000 units at the peak.

[1] The contents reflect the author's personal view and not necessarily of FP Logue LLP. The contents do not constitute legal advice.

6. Obviously over the years the 2000 Act has been amended continuously to the point where many of its provisions have degraded due to sloppy drafting and poorly thought-out amendments. As the committee is well aware, the trend in recent years has been to rush through reactionary amendments with little or no scrutiny or forethought further undermining what was originally a very solid piece of legislation.

7. There was no reason why this had to happen.

8. Nevertheless the proposal is now to take the entire planning code apart and put it back together again while at the same time trying to navigate a climate and biodiversity crisis and deal with a dysfunctional commodified housing market.

9. As far as I can discern there is no published analysis of the current system setting out what works well and what doesn't and where something doesn't work the reasons what this iso.

10. As the committee knows that last time a major piece of planning legislation, the SHD system, was rushed through at the end of an Oireachtas session, it gave birth to one of the most flawed pieces of planning legislation ever seen.

11. It allowed the Board to grant permission for highly unpopular development at extremely high density and excessive height far in excess of the limitations imposed by Development Plans. Its closed door pre-application consultation, extremely tight deadlines and lack of required Board procedures introduced structural biases into the system that resulted inevitably in poor quality decisions which gave rise to almost 100 judicial reviews before the system collapsed. In the vast majority of the cases the decisions were found to be unlawful which means that permission should never have been granted.

12. In addition, poor practices, such as routine material contravention of the development plan, have infected the system generally. And the inevitable imposition of hard deadlines on certain applications had the predictable result that non-time limited applications would be de-prioritised.

13. You wouldn't have to have been a genius to figure this out in 2016 when the SHD legislation was being rushed through in the week before Christmas, but nobody bothered to look and even if they were bothered they didn't have time.

14. However the SHD system is now being held up by certain sectors as reflecting an alleged general malaise in the planning system that needs to be fixed across the board. But this is simply not a fair reflection. DPER has produced a recent study that shows that the non-SHD side of things is working quite well with high rates of grant within reasonable times.

15. Additionally, in terms of the delays that are being used as an excuse to bring in hard deadlines across the board, it seems to me that the biggest delays in housing are not planning related. It is well established that the biggest delay in housing delivery is developers who won't develop the 70,000 units that are permitted and ready to go, the second biggest delay is a decision maker that can't decide, namely the Board. Together they account for 100,000 housing units.

Clearly introducing hard deadlines won't make any difference to this delay but it will introduce structural bias into the system.

16. In relation to the draft bill, it seems that the development and investor lobbyists have had a disproportionate influence over the legislation seeking to centralise local planning policy and to impose time limits and other procedural short cuts at all stages to facilitate their agenda.

17. I see very little that is aimed at making it easier for the public to participate in the planning system, enforce planning law, or indeed even to bring public participation and access to justice up the minimum standards that are required by the Court of Justice of the European Union and Aarhus Convention Compliance Committee that monitors compliance with the convention. Many of their decisions since 2000 appear to have been overlooked by the drafters.

18. I would like to say that it is pretty clear to me that the provisions that seem to implement the Aarhus Convention are not compliant which is a pity, since you would expect at the very least that proposed legislation would be compliant with international law and would explain how it is compliant. It was quite concerning to learn in earlier evidence that the sponsoring department has not received specific legal advice on compliance with the Aarhus Convention which it was stated overarched their approach. I think this should be looked at in more detail and to assist, I have prepared a table at the end of this paper. The Committee may find it useful to ask the Department to fill this out to show how the provisions in the draft bill map onto the Convention.

19. Finally I would like to stress that the absence of a "Heads of Bill" has meant that no-one really understands the reasons for much of the bill with a lot of it is based on speculation rather than objective infomration. It also appears that the bill has drafting errors so it is again hard to distinguish what is deliberate and what is an error.

20. I will now turn to specific areas

Access to Information

21. The Aarhus Convention requires effective access to environmental information including electronically on the internet. What this means in practice is that the public should be told in advance of a time limit starting about applications or decisions which are open for submissions, appeal or judicial review, and at the very least, should be able to access all available information electronically on the internet at the point in time when the time limit commences. If information is withheld there should be a legal basis for that, based on the exceptions in the AIE Directive. Unfortunately our planning system doesn't meet this basic requirement at the moment.

22. Regrettably there is no provision in the draft bill to make electronic publication mandatory, particularly for the Board which still operates a paper based system. In the 21st century this is neither acceptable or indeed lawful.

23. At the moment, notices are sent by post or published in weekly lists that appear up to two weeks after a decision is made. Planning information is published or made available after the clock has started for public participation or access to justice. Therefore in the very short time periods

(as short as 2 weeks in some instances), the public either doesn't know about their rights or can't access the information they need to exercise them. This is contrary to the Aarhus Convention.

24. It is surprising that in a bill which has an almost obsessive focus on time limits that this hasn't been addressed.

Public participation/administrative procedure

25. The Bill has introduced a range of new procedures that will give rise to legal uncertainty. Some of these appear to be simply errors, or arise due to lack of forethought, others seem to be done deliberately.

26. Very serious concerns arise in respect of how obligations under the **SEA Directive** are treated in the Bill, the Directive governing strategic town and country and land-use planning. It requires consultation with appropriate bodies, public participation, environmental assessment of plans/policies and reasonable alternatives, public notices, and monitoring.

27. The Directive requires SEA for plans and programmes which are prepared *inter alia* for town and country planning or land use and which set the framework for development consent under the EIA Directive or require a stage 2 appropriate assessment. The definition of "plans and programs" would include all development plans as well the NPPS's, the National Planning Statement and the NPF, in other words any higher tier plan or policy that cascades town into the development plans.

28. The definition of plan or programme has been interpreted broadly to encompass anything that sets out a significant body of criteria and detailed rules for the grant and implementation of development consents for projects likely to have significant effects on the environment. The definition also includes <u>any</u> modifications to such a plan or program.

29. As an exception, minor modifications or plans and programmes which determine the use of small areas at local level don't require SEA unless there are likely significant effects on the environment.

30. Similarly, other plans and programmes which have a likely significant effect on the environment will require screening for SEA.

31. In light of this, the proposed screening for SEA for amendments to development plans seems incorrect (See for example section 24(4)). It is unlikely that a change in policy or a higher tier plan will result in only a minor amendment to a development plan. They will in fact require a material amendment and therefore SEA. Therefore in my view most if not all of the amendments to development plans will require public participation and SEA.

32. The **new section 8 to replace section 5** removes the public's right to seek declarations from the planning authority in relation to whether an activity is development and if so whether it is exempt development. The new provision only allows the land owner or someone authorised by them to seek a declaration. At the moment, this is a very useful step that the public uses in

enforcement proceedings since it provides a time-limited procedure to see if there is unauthorized development. It also provides a referral to the Board so that an independent determination can be given.

33. Section 9(2) states that a declaration cannot be used for enforcement

34. It looks like part of the issue is that the case law says a section 5 declaration made by a Planning Authority is final and binding on the Board if a subsequent section 5 declaration is sought and is substantially the same as an earlier one (this the *Narconon* case). In fact in that case the first section 5 was by the property owner and so would still be allowed under the bill. But the issue was that a member of the public made a second request for a declaration and this was referred the Board which sought to overturn the Planning Authority's earlier decision.

35. While I accept that the section 5 procedure could be improved with greater transparency and better procedures but it is entirely disproportionate to try and remove it entirely from the enforcement side of things. All this will do is lead to more enforcement complaints and more planning litigation when these could have been easily dealt with at a preliminary stage with the section 5 procedure.

36. So they appear to want to devalue the section 5 rather than strengthen it. Why shouldn't the section 5 be conclusive? Particularly given that the thrust of the new bill is legal certainty and more efficient procedure.

37. I would now like to make some comments on **material contravention (Sections 105 and 120).** One of the biggest flaws in the SHD procedure was the almost routine material contravention of the development plan. By my estimation over 90% of SHD applications proposed material contraventions of the development plan, often multiple contraventions. Equally, I know of only one or two cases where the Board refused an application on the basis that material contravention was not justified. Regrettably, what was up until the advent of SHD, an exceptional jurisdiction (to be used sparingly according to Mr Justice MacGrath in *Kenny v An Bord Pleanála* [2020] IEHC 290) has now infected the entire planning system.

38. The new provisions still have the same issues with the existing Section 37(2)(b). Firstly there is nothing in the provisions to reflect that Material Contravention should be only granted exceptionally, for example by allowing it only in very specific and clearly defined cases. Instead the provision allows the Board very wide discretion to essentially give direct effect to higher tier plans, including the NPF. The problem is that it is unlikely that any higher tier plan will have provisions that are specific enough to affect an individual permission.

39. In addition, there is no requirement for the CDP to be inconsistent with the high tier plan for Material Contravention. Given that that the planning authority has wide discretion as to how to ensure consistency with higher tier plans, the provision as drafted essentially allows the Board to override the planning authority and its choice as to how to implement the higher tier plans even when the development plan meets the consistency requirements.

40. Furthermore, there is new provision for material contravention where there is “ambiguity” in development plans. However, development plans contain many provisions that leave some aspects of development management to planning judgment in individual cases, are these ambiguous? It is ironic that a jurisdiction to deal with ambiguity is itself ambiguous.

41. I have heard the evidence from the Department and from the developers, builders and investors. And indeed their evidence is ambiguous. On the one hand they proclaim a new era of consistency from the highest tier plan to individual decisions but still argue forcefully for material contravention to be open in all decisions. That doesn’t make sense to me.

42. Leaving all that aside, if the idea of routine material contravention remains embedded in the system as proposed there will be more litigation when decisions are made outside the framework of the development plan and the Courts will be routinely asked to interpret the development plan and judge materiality.

Access to Justice

43. There are huge problems with part 9, but before I dive into them I would like to give a high level overview of how access to justice works under the Aarhus Convention and the Charter of Fundamental Rights.

44. I understand the sponsoring department says Aarhus has been taken into account in the drafting but there is no evidence of this and I would invite the Committee to request the department to map the provisions of the Aarhus Convention onto the bill so that we see clearly how Aarhus has been implemented.

45. It can’t be stressed enough that the Aarhus Convention is a rights-based framework and incorporates and expands on the personal right to an effective remedy under Article 47 of the Charter and the right to judicial protection under Article 19 TEU.

46. Furthermore, the Court of Justice has been consistent in pointing out that access to justice was a political choice of the Members of the EU and the Parties to the Aarhus Convention to ensure a high level of environmental protection and public health (e.g. *Gemeinde Altrip* C-72/12). In addition the rights-based framework recognises that there is an overlap between individual rights and the public interest in environmental protection and that sometimes judicial reviews can even be entirely in the public interest, in other words the rights based framework goes beyond the protection of individual rights as contemplated under Article 47.

47. Therefore limitations on access to justice, unless aimed at genuine public interest objectives can and undoubtedly will lead to degradation of the environment. In my view the limitations are designed to obstruct and in some case prevent scrutiny by the courts of environmental decision making and I think it would be an appalling legacy for the Irish authorities to pass legislation calculated to harm the environment in the teeth of a climate and biodiversity emergency.

48. For example, Friends of the Irish Environment successfully challenged the Galway N6 road on the basis of Climate considerations. But for this case the state would have been committed to

infrastructure which would increase carbon emissions and the with a huge opportunity cost in terms of funds being unavailable for active travel and public transport.

49. Similarly in Protect East Meath a small voluntary eNGO successfully quashed zoning in Drogheda that was inconsistent with the NPF and RSES and which the court said that the council had departed from a “strategic” (that is, a plan-led) approach to development, and had allowed the substitution in effect of a developer-led approach to development. This, it must be stated, was a case where the OPR refused to investigate what turned out to be an egregious breach of Meath County Council’s obligation to produce a plan consistent with the NPF and RSES.

50. I would like to stress at this point that the review is of the procedural and substantive legality. Some sectors are trying to frame judicial review as some sort of game where the public raise technical points that don’t really make a difference, or they try and catch the decision maker out because it used the wrong words. This couldn’t be further from the truth and indeed there is no evidence for this, or indeed for any of the outlandish claims about judicial review. The opposite in fact. The OPR has published a very good survey of recent judicial review and it is plain to see that judicial review performs an important function and has actually been the one part of the planning system that performed its function well over the last number of years.

51. The benefits of judicial review also accrue to developers. While a noisy contingent is constantly complaining about members of the public challenging planning decisions, they are remarkably silent about the number of development plans challenged by developers and land owners, by my estimation the development plans in Meath, Kildare, Wicklow, Dublin, Dún Laoghaire Rathdown, Galway County, Limerick City and County and Offaly have all been judicially reviewed by developers and/or land owners. That’s a rate of 1 in four development plans being judicially reviewed by developers and landowners which is 10 times the rate of judicial review of individual planning decisions.

52. Furthermore several developers have or are judicially reviewing SHD decisions, for example Bartra in relation to O’Devaney Gardens and so on.

53. So it cuts but ways.

54. Another missed opportunity is that, in a complex set of multi-stage procedures, there are no legislative provisions setting out at what point judicial review can be brought. This has the effect that litigants will seek to review preliminary decisions for fear of being out of time at a later stage in the procedure. The new section 99 is a case in point, it allows the Board to adopt a screening decision of a planning authority at first instance. Therefore in the absence of a provision to the contrary, the public will have to judicially review these screening decisions when the planning authority makes its decision and cannot wait until they are adopted by the Board.

55. The Aarhus Convention is structured around and gives rights to the public which is defined as natural legal persons and in accordance with national legislation or practice, their organisations,

groups and associations. Therefore under Aarhus the public can act individually and collectively.

56. There is a subset of the public called the public concerned which is the public affected or likely to be affected by or having an interest in the environmental decision making. Environmental NGOs are deemed to be part of the public concerned as long as they meet any requirements under national. The public concerned is the sub-set of the public who may participate in decision-making on activities likely to affect to the environment, although it is open to parties to provide greater rights under article 3(5).

57. I pause here to note that in Section 249(10)(c)(i) only provides for access to justice for those affected and seems to exclude entirely those with an interest in the decision-making. Being affected and having an interest in a decision are two different things and both are required yet only one is provided.

58. In relation to access to justice, the rights depend on whether the decision making concerns an activity which is likely to affect the environment (for example where there is an EIA or Appropriate Assessment). In that case the public concerned which has a sufficient interest or alternatively an impairment of a right (where this is part of the national procedural law). Ireland is a “sufficient interest” country and doesn’t recognise the concept of “impairment of a right”.

59. The public concerned has a right of access to justice for these type of decisions regardless of the role they played in the decision making. This reflects the different functions of the decision-making which assess the merits of a development proposal and access to justice which reviews the procedural and substantive legality of the decision itself.

60. Article 9(3) provides a the public which meet national law criteria to a right of access to justice of acts or omissions of natural or legal persons which contravene provisions of national law relating to the environment. This provision is distinct from and complementary to Article 9(2).

61. Under CJEU case law, the criteria may only determine “who” can litigate but not “what” can be litigated. In addition the criteria must respect the concept of wide access to justice, cannot exclude entire categories of the public and additionally must meet an objective of public interest and be necessary and proportionate in light of that objective.

62. Finally all access to justice has to provide adequate and effective remedies including injunctive relief and the procedures have to be fair, equitable, timely and not prohibitively expensive.

63. To my reading the draft bill is incomprehensible, reading the text it is virtually impossible to identify who can take a case and what case they may take. This fails to meet even the basic standard embodied in the concept “provided for by law” that the law be clear and comprehensible. In particular it is completely unclear how the various categories of the public and various types of decision are accommodated in Part 9. It seems to me that the distinct concepts of the Aarhus Convention are all mixed up together in an incoherent set of provisions. This is about as far away from the letter and spirit of Aarhus as you can get.

64. Furthermore it introduces a raft of limitations without any apparent public interest justification. The longstanding practice in Ireland of individuals being able to act collectively via associations is being removed. The Commission in Notice on Access to Justice[2] has identified such a right of collective action to be aimed at facilitating the public by sharing the burden of litigation and on public authorities from having to defend multiple claims. It is hard to see how this can be justified because a costs order cannot be enforced against an association. First of all, there is rarely a costs order against such bodies and secondly if it really was an issue legislation could be provided dealing with costs orders rather than excluding them entirely which, in my view falls foul of the prohibition on the exclusion of entire categories of the public from the right of access to justice.

65. It should also be remembered that access to justice is also an individual right. Therefore any absolute restriction on access to justice is likely to be disproportionate unless there are safeguards to protect individual circumstances. For example and absolute obligation to exhaust the administrative procedure as found in Section 249(10)(b) has already been found to be contrary to EU law, with the law requiring safeguards to protect against a party being forced to use an administrative procedure that would inject delay or excessive costs. It is also a requirement time limits are to be suspended while the administrative procedure is being pursued. Part 9 doesn't comply with the fairly basic and well understood requirement.

66. Section 249(5) which allows the Board to amend its decision within eight weeks (I,e, within the judicial review limitation period) or thereafter if there is a judicial review is grossly unfair and will undoubtedly propagate poor administration by the Board. First it is unfair to expect an applicant to challenge a decision that has not become final. This is not only unfair, it goes against the bill's emphasis on legal certainty. Second, the Board decision now has the characteristics of a draft decision which it can internally review of its own motion. What will happen in reality is that applicants for permission will lobby the Board during the eight week period and ask it to amend its decision for fear of judicial review.

67. If the Board can't get its decision right first time and needs eight weeks to check its decision, it should do so before the decision is published and it should only publish a final decision.

68. The Department says that the intention is to allow the Board correct minor or non-material errors but the examples it gives are based on substantive errors. This is a contradictory position. This appears to be based on the twin error that judicial review is procedural only and that the decision is something external to the written record. From my point of view this approach relegates the written decision to nothing more than a formula of words designed to avoid judicial review, which is contrary to EU law. There is a raft of case law that requires public bodies to give written decisions stating the main reasons for the decision. This is part and parcel of good administration, legal certainty and the right of access to justice and forms the basis on which courts will give deference to the Board as an expert decision maker.

[2] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52017XC0818%2802%29 para 84

69. It is simply not consistent with any theory of good administration or fair procedure to allow a decision maker to make mere textual changes to a decision when the decision is challenged. As Mr Justice Humphreys said in Waltham Abbey the Court in judicial review is reviewing a decision, not re-writing it.

70. In my view there is a grave encroachment of the legislature into the judicial sphere through a micro-management of judicial procedure. Not only does this raise separation of powers issues, the procedures seem to lack necessary safeguards to protect the interests of justice which is the overriding consideration of judicial procedure as also expressed in Article 9(4) through the concepts of fairness and equity. It seems to me that many of the procedures are unfair and not equitable. To take one example, there is a power to strike out proceedings for default on a deadline, this obviously facilitates a respondent such as the board, the state or a developer. There is no complementary power for relief to be granted to the applicant where the respondent defaults. I am not sure if this is deliberate but it certainly reveals the mindset of the drafter.

71. The procedures are really cumbersome and will effectively increase costs and introduce delay. They also have the effect of transferring areas where there is judicial discretion to responding parties. It should be recalled that judicial discretion is critical because the judge is required under the constitution, the EU Treaties and the Aarhus Convention to ensure fair and equitable procedures. So for example, in effect now a respondent can decide whether the judge should decide on leave or whether leave should be put on notice, elsewhere the Board can now intervene in the procedure and suspend it while it makes a new decision, similarly an applicant for permission can demand remittal to the Board.

72. On **costs,** the Heather Hill judgment of the Supreme Court dated 10 November 2022 found that the existing section 50B applied to all planning permission JRs. This has brought legal certainty to an area that has been the subject of intense litigation for the last 10 years. The Court of Appeal also recently held[3] that Section 50B satisfies the non-prohibitive costs requirements.

73. It is simply incredible that having finally achieved legal certainty, the state has wasted no time in effectively abandoning a system that works, at least for certain types of litigation and rolls back the clock by more than 10 years with a scheme that nobody can describe and which we have no way of knowing will work. There is no explanation why a legally certain costs regime is being abandoned in favour of an unknown system. It is almost certain that if this happens we will embark on another 10 years of litigation on costs.

74. I find it hard to see how the **exclusion of the Court of Appeal** is constitutional. The constitution was amended to make the Supreme Court a second tier appellate jurisdiction – turning it now into the first instance appellate jurisdiction for planning appears to be contrary to that intent. Given that appeals to the Court of Appeal are rare (<10% I would say) it just seems disproportionate to exclude it entirely.

[3] Friends of the Irish Environment v Legal Aid Board [2023] IECA 19

75. For example the important Friends of the Irish Environment case which has resulted in the Supreme Court making a preliminary reference to the Court of justice on the interpretation of the SEA Directive was not accepted by the Supreme Court following the High Court decision but was subsequently accepted when the issues had crystalised following the Court of Appeal judgment. In the proposed configuration this reference would not have been made and the uncertainty in the interpretation of the SEA Directive would remain unresolved. Therefore there are significant benefits to maintaining the Court of Appeal jurisdiction that don't seem to have been taken into account.

A conservative approach and legal certainty are needed

76. Planning legislation is like complex software, there are inevitably bugs that weaken the system, the more complex the system the greater the scope for unanticipated outcomes. In addition there are often back-doors which are designed-in weaknesses and short cuts that also weaken systems.

77. In the legal world, the quality of legislation is measured against the benchmark of legal certainty, fairness and equity. Taking the law apart and putting it back together again, with the best will in the world, will introduce unanticipated errors. Introducing shortcuts or limitations or new concepts and procedures that are not well understood also undermines legal certainty. It behoves the drafters of legislation to keep what we know works, fix only what we know is broken and where something new is introduced to adopt a conservative and minimalist approach to do just enough and no more than is necessary while always taking into account that public participation and access to justice sit within a rights based framework.

78. I fear that this is not the approach that has been adopted.

Conclusion

79. I would therefore ask the committee to recommend the following

    a. Keep what already works well – if it ain't broke don't fix it

    b. Fix what is broken – bring the planning code into line with up to date CJEU and Aarhus Convention Compliance Committee decisions

    c. Where there are limitations on rights identify the public interest basis for the limitation and the necessity for the limitation having regard to ensuring wide access to justice. In addition the committee ought to look at how proportionality is ensured, if necessary through safeguards. If these cannot be identified they should be removed.

    d. Recommend a conservative approach when introducing new legal concepts or new and untested procedures

    e. Recommend that the attached table be completed by the Department to identify how Aarhus requirement map onto the bill (see Annex)

Aarhus Convention Analysis of Draft Planning and Development Bill

Who	**Participation on consents (Who can participate)**		**Criteria on who can take Judicial Review (i.e. Who can JR)**		**Criteria on Material scope of Judicial Review (i.e. what can/cannot be subject of JR)**	
	Article 9(2)	Article 9(3)	Article 9(2)	Article 9(3)	Article 9(2)	Article 9(3)
Public – Natural Persons						
Public – Legal Persons						
Public – Groups, Organisations and associations						
Public concerned						
Public concerned with sufficient interest						
Public concerned maintaining impairment of a right						
Public concerned – eNGO						

Sufficient Interest under Article 9(2) is to be found in Section____of the draft bill

Impairment of Right under Article 9(2) is to be found in Section ___ of the draft bill