

An Bord Pleanála Policy on claims for
costs incurred by persons appearing at
mandatory oral hearings / public local inquiries held under
section 218 of the Planning and Development Act, 2000

The following general principles have been adopted by the Board in respect of claims for costs made under section 91 of the Local Government Act, 1946 or section 219(1)(b) of the Planning and Development Act, 2000 subject to the proviso that the Board reserves the right to depart from the policy in the exercise of its absolute discretion where it considers that the particular circumstances warrant a different approach in any case.

1. The award of costs will be dependant on the outcome of the substantive case which was the subject of the oral hearing (or public local inquiry). Costs will generally not be awarded in circumstances to the extent that the Board's decision does not uphold or support the case made by the claimant at the oral hearing or public local inquiry.
2. Notwithstanding (1) above, costs will generally not be awarded to participants in mandatory oral hearings/public local inquiries who are not directly affected by compulsory acquisition of land but whose submissions/observations relate to the implications of proposed development for the proper planning and sustainable development of the area and/or the likely effects on the environment of a proposed development. Land owners whose objections to land acquisition are not upheld will also generally not be awarded costs in this context.

At a meeting today attended by
Joe Lannon, R. Nixon, M. Wall, D. Maynard,
B. Guitt, B. Sewell, K. Kent + J. Seyle
the Board adopted the above policy.

Joe Lannon
9/8/04.