



An
Bord
Pleanála

Board Direction
BD-011204-22
ABP-307413-20

The Board considered the claim for costs in respect of An Bord Pleanála case reference number ABP-307413-20 at the meeting held on 31/08/2022 (following the deferral of meetings specifically in respect of the applications for costs as held on 22nd July 2022 and 25th August 2022).

Pursuant to the provisions of section 219 of the Planning and Development Act 2000, as amended, the Board determined that, having regard to the specific merits and the outcome of the substantive case where the CPO was confirmed without modifications and to the fact that the objections made were not sustained, [notwithstanding the additional legal representation in respect of two of the three objectors who appeared at the oral hearing], in line with the Board's general policy (June 2016) in relation to claims for costs under Section 219 of the Planning and Development Act, 2000 as amended, the payment of a contribution to the costs by the Local Authority to the objectors who submitted claims for costs stated to have been incurred by them or their representatives in respect of their appearance at the oral hearing, was not warranted in this instance. The Board therefore decided not to award costs to the three respective claimants in this case.

(**Note:** Attach copy of An Bord Pleanála Policy in relation to claims for costs under Section 219 of the Planning and Development Act, 2000 as amended.)

Board Member

Patricia Callear
Patricia Callear

Date: 31/08/2022

**An Bord Pleanála Policy in relation to claims for costs under
Section 219 of the Planning and Development Act, 2000 as amended.**

The following general principles have been adopted by the Board in respect of claims for costs made under section 219(1)(b) of the Planning and Development Act, 2000 as amended 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. The cases involved relate primarily to applications for authorisation of compulsory acquisition of land.

Principles

1. The award of costs will be dependent on the outcome of the substantive case which was the subject of the oral hearing. Costs will generally not be awarded in circumstances where the Board's decision in the case does not uphold or support the case made by the claimant at the oral hearing.
2. Notwithstanding (1) above, costs will generally not be awarded to participants in oral hearings 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.
3. Where the Board considers that in principle an award of costs is appropriate, it will then consider the level of the award. This may result in a full or part-award of the costs claimed, at the discretion of the Board, having considered the details of the claim and the circumstances of the case.
4. The Board may, at its own discretion, seek the views of the reporting inspector, before deciding on whether or not to award costs.
5. The Board will give reason(s) in relation to its decision to award or not award costs in relation to claims for costs under the above statutory provisions.

June, 2016.