

**Ann Kehoe**

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**Subject:** FW: SI 505 2013 cases

Section 42(1)(e)(i) email clarification from ABP

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**From:** Anne Marie O'Connor [mailto:A.M.OConnor@pleanala.ie]

**Sent:** 13 November 2014 12:11

**To:** Pamela McDonnell

**Subject:** SI 505 2013 cases

Pamela,

I've had a look into the obligations under SI 505 of 2013 (ie S.42 1H cases) as we discussed. I'm still of the view that our S.261 cases do not come under these provisions as these cases do not involve a decision (they are determinations) and ABP does not, therefore, constitute the 'planning authority' for the purposes of these cases. I also note that S.42(1)(e) (i) references the requirement to "notify the planning authority in whose functional area the activity is or will be situated", and again ABP would not fall within this provision.

I hope this provides a bit more clarity for you. Please give me a call if you wish to discuss this further.

Kind regards

Anne Marie

Anne Marie O'Connor  
Assistant Director of Planning  
Inspectorate  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
Tel: 01-8737221  
Facs: 01-8722684

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