

An
Bord
Pleanála

Making an Observation on a Planning Appeal

April 2019



About this guide

This guide provides information on how to make an observation on a valid planning appeal. You can send us your observation using the [Observation on a Planning Appeal Form](#). You can find it on our website www.pleanala.ie or by [contacting our office](#). You can also make an observation by writing to us.

We have tried to make this guide as accurate and helpful as possible, however, it is not legal advice.

Data Protection

An Bord Pleanála uses your personal data only to provide our services as set out under relevant legislation.

To provide these services, we are required to collect certain personal data such as names, addresses and site descriptions. We will use any extra personal data that you voluntarily supply to meet statutory requirements to carry out our duties and functions.

You should note that the personal data you supply will be circulated to other relevant parties and made available in the public domain about any matter before An Bord Pleanála. This use complies with the General Data Protection Regulation (GDPR).

NALA has awarded this document its Plain English Mark.



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Terms

Some terms we use in this guide are:

Acknowledgement	A document issued by a planning authority which shows you made a submission to that planning authority.
Act	A law that has been passed by the Oireachtas (parliament) and approved by the President.
Agent	A person who acts on your behalf in an appeal, application or referral.
Appeal	A review of the original decision on a planning application made by a planning authority.
Appellant	An individual or organisation who makes an appeal (See also First Party, Third Party).
Applicant	An individual or organisation who makes a planning application to a planning authority (See also First Party).
Board	The Board of An Bord Pleanála.
Environmental Impact Assessment Report (EIAR)	A document prepared by an applicant that assesses the likely significant effects on the environment of a proposed development.

First party	The person who applies for planning permission for a proposed development (See also Applicant).
Inspector	A technical member of staff who makes site inspections, prepares a report on the planning case and makes a recommendation to the Board to grant or refuse permission.
Invalid	Does not meet all the statutory requirements needed by law and regulations to be considered a case.
Leave to appeal	Requesting the permission of the Board to make an appeal as: 1: you did not make a submission on an application; and 2: the permission conditions attached to a grant on that application now impact land which: a) you have an interest in; and b) is beside the proposed development site.
Observer, Observation	Any person, other than the applicant, planning authority or an appellant, who comments on an appeal (See also Submission).
Oral hearing	An oral hearing is a public meeting to allow relevant issues in a case to be discussed and examined.
Planning authority	The local authority – county council, city council, or county and city council – responsible for planning in its area.

Regulations	A law or rules made by an Act or sometimes a government minister.
Statutory	Something that is decided, set up or controlled by statute law. Statute law is a law passed by parliament.
Statutory requirements	Requirements needed by law for a case to be valid.
Submission	A document on appeals or applications which may include supporting materials such as photographs, plans, drawings and technical guidance. (The document can be typed or handwritten.)
Third party	A person appealing the decision of a planning authority on a proposed development other than the person who made the original planning application (See also Appellant).
Valid	Meets all statutory requirements needed by law and regulations to be considered as a case.
We, our, us	An Bord Pleanála.
You	You as a person, company, group, organisation or State authority.

What is an observation?

An observation is where you give your views on a valid appeal to An Bord Pleanála.



What is an appeal?

Generally, any person wanting to carry out development must apply for planning permission to their local county council, city council or city and county council (the planning authority). The **planning authority** will make a decision on the application either to grant or to refuse planning permission. This decision can be appealed to An Bord Pleanála.

Who can make an observation?

Any person can make an observation if they are **not** already a participant in the appeal. You can **only** make an observation if someone has made a valid appeal on a planning authority's decision on a planning application.

Making an observation

How do I make an observation?

You must make your observation in writing and post or deliver it in person to us. It is **not** currently possible to make an observation online. There is an [Observation on a Planning Appeal Form](#) which you can complete. The form can be typed or handwritten. However, you do **not** have to complete this form to make an observation and you can either use the form **or** write to us.

How much time do I have to make an observation?

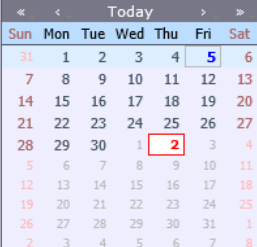
There are **strict time limits** for making an observation depending on the situation.

1. You want to make an observation on an appeal that has been received by An Bord Pleanála.

The time limit is **four weeks** from the date the appeal or the last appeal is made.

Example

An Bord Pleanála receives the last appeal on **Friday 5 April**, the last day we can receive your observation is before 5.30pm on **Thursday 2 May**.



Today						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

2. You want to make an observation because of a published public notice which says that An Bord Pleanála requested and received an environmental impact assessment report (EIAR).

The time limit is **five weeks** from the date that the public notice is published.

Example

The public notice is published on **Wednesday 2 August**, the last day for us to receive your observation will be before 5.30pm on **Tuesday 5 September**.

3. You want to make an observation because An Bord Pleanála has asked the applicant to publish a further site or newspaper notice.

The time limit is **four weeks** from the date that the further site or newspaper notice is published.

Example

The public notice is published on **Friday 4 October**, the last day for us to receive your observation will be before 5.30pm on **Thursday 31 October**.

Today						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

Our website has a calendar calculator to help you work out the last day for making your observation. There are different rules about [time limits between December 24 and January 1 \(inclusive\)](#) which can affect the last date.

How much does an observation cost?

An observation costs €50. You **must** make sure that the correct fee is included with the observation. No fee applies for certain organisations set out in Regulations. You can find the list of these organisations in our [Fees and Charges Guide](#).

How can I pay for my observation?

There are many ways you can pay a fee to An Bord Pleanála.

	In person at our reception	In the post
Cash	✓ Accepted	We advise you not to send cash in the post.
Debit and Credit Cards	✓ Accepted	✗ Not accepted
Cheques	✓ Accepted	✓ Accepted
Bankers Drafts	✓ Accepted	✓ Accepted
Postal Orders	✓ Accepted	✓ Accepted

You can find more details about [fees](#) and [how you can pay for fees](#) on our website.

What do I include in my observation?

You should carefully prepare your grounds of observation (reasons and arguments) and any documents you wish to include. When you have made your observation, you **cannot** make any further submissions unless we specifically ask you for them.

Please note that An Bord Pleanála **cannot** consider non-planning issues.

To make a complete and valid observation:

✓	You must put your observation in writing (either typed or handwritten).
✓	You must clearly state your own name and address. If a planning agent is acting for you, the agent must clearly state their own name and address as well as your name and address.
✓	You must give us enough details to allow us to easily identify the application or appeal you are making the observation on. Examples of the details we accept are: <ul style="list-style-type: none">• a copy of the planning authority decision, or• the name of the planning authority and the planning register reference number (for example: Ballytown City Council, 23719/18), or• the An Bord Pleanála case reference number (for example: ABP-300000-19).
✓	You must provide us with: <ul style="list-style-type: none">• your planning grounds of observation (reasons and arguments), and• any items you wish to support your grounds of observation.
✓	You must pay the correct fee of €50.
✓	You must make your observation on time.

A checklist to help you make your observation is available on our [website](#) or by [contacting us](#).

Where do I send or deliver my observation?

You must:

- post it to: The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902,
- or
- deliver it in person to a member of An Bord Pleanála staff at our office in Marlborough Street (address above) during office hours - Monday to Friday from 9.15am to 5.30pm. Please note that the security staff in our office cannot accept observations.



Remember, do **not** place your observation in the letterbox of our office and **do not** email it to us as your observation will be **invalid**.

We are closed on weekends, public holidays and other publicised days such as Christmas Day and Good Friday.

Can I get a receipt if I deliver my observation in person?

Yes, if you deliver your observation in person to our office you can ask for a **receipt** which says that we have received your observation. When your observation is handed to a member of An Bord Pleanála staff, we cannot return it nor can we make a photocopy of your documents with our date stamp.

Will I receive a receipt if I send my observation by post?

Yes. We will send you a receipt in the post.

Can I ask for an oral hearing?

No. If you are making an observation, you cannot request an oral hearing.

After you make your observation

Have I made a valid or invalid observation?

After we receive your observation, we will check that it meets the statutory requirements to be a valid observation. If your observation does not meet these requirements, it is invalid. Next, we will send you a letter to tell you that we have:

- received your observation, and
- found your observation to be valid **or** invalid.

What do I need to do next if my observation is valid?

If your observation is valid, you do not need to do anything else at this point. During the appeal process, we may send you a letter about:

- comments or observations you may be invited to give on something we have received,
- the Board's decision to hold an oral hearing,
- details about an oral hearing,
- when the Board hopes to make a decision if it is not possible within the 18 weeks' time period.

If we write to you, please follow the instructions or advice in the letter. If you need help following the instructions or advice, you can [contact us](#). Please quote the appeal case reference number on the letter, so we can identify your case.

What happens if my observation is invalid?

If your observation is invalid, we will return all your documents to you. We will refund your fee by cheque. You can re-submit the observation only if you can fully meet all the requirements.

Why is my observation invalid?

Some reasons why observations are invalid are:

- the observation does not fully meet all the statutory requirements as described in this guide.
- there is no valid appeal on which to make an observation.

What does An Bord Pleanála do next?

Your observation forms part of the case. The Board will make a decision based on all the documentation on the case.

What is the time limit for deciding appeals?

The Board has a statutory objective to try to decide cases within 18 weeks. If the Board cannot make a decision within 18 weeks, we will write to participants in the appeal to update them.

When the Board makes a decision, we will send you a letter and a copy of the Board Order to let you know the decision. More information about the Board's decision is available on [our website](#).

Can I withdraw my observation?

Yes, you can withdraw your observation any time before a decision is made. You **must** write to us and state that you wish to withdraw your observation. We will not refund your fee.

The application or appeals have been withdrawn on the case. Will the Board still consider my observation?

No. If the applicant withdraws their application or all the appeals on the case are withdrawn, there is no longer a valid appeal. The original decision of the planning authority will apply.

Can the Board dismiss an observation?

Yes. The Board can dismiss an observation where it is satisfied that the observation is:

- **vexatious**: intended solely to annoy or disturb,
- **frivolous**: lacking in seriousness,
- **without substance or foundation**,
- **made just to delay** the development,
- made to secure the payment of money, gifts, considerations by anybody
- made by a person who cannot be identified (in the Board's opinion).

Frequently asked questions

Can I make the observation online?

No. It is **not** currently possible to make an observation online.

Can I pay the fee over the telephone by debit or credit card?

No. We cannot accept fee payments over the telephone.

Can I email or fax an observation and send the fee in the post?

No. To make a valid observation, you need to send all the documents required and the appropriate fee. They **must** arrive together before the close of the 4-week period.

Can I make an anonymous observation?

No. You must provide your name and full address when making your observation.

Can you accept a late observation?

No. By law, An Bord Pleanála cannot accept a late observation for any reason.

What if An Bord Pleanála's office is closed on the last day allowed for making an observation?

If the last date for us to receive an observation is on a weekend, public holiday or other day when our office is closed, we can receive your observation during office hours on the next working day our office is open. More details are available on [our website](#).

Can I get proof that I made an observation?

Yes, if you visit our office to deliver your observation in person, we can give you a receipt that we have received it. This receipt **does not** confirm that your observation is valid. We do not provide a photocopy of your observation documents with our date stamp on them.

Why is the observation invalid even though I posted it on time?

Your observation is invalid as although you may have posted it on time, we did not receive it within the required 4-week period.

What happens if my observation is invalid?

If your observation is invalid, we will return your documents and fee.

An Bord Pleanála has returned my invalid observation. Can I re-submit the observation?

Yes, but only if you can fully meet **all** the requirements as described in this guide, then you may make your observation again.

Can I be sued for what I write in my observation?

Yes, you could be sued. You should refer only to relevant planning issues. Our notice on [defamation](#) explains more. Defamation is when a person communicates false statements about another person that injure that person's reputation.

Can I submit additional information after I have made my observation?

No. You cannot give us additional information after you have made your observation. Occasionally, we may ask you to give us more information or to respond to the submissions made. If we do, you should reply within the time we will specify.

How can I find out if someone has appealed a planning decision?

You can use the [search facility](#) on our website to check if we have received an appeal for the planning decision you are interested in. We add new appeals to the website each Wednesday. This can be a day or two later around public holidays and Christmas.

Can I view the appeal?

You can view the appeal at the planning authority's office. Details of an appeal are available on [our website](#). This can be a day or two later around public holidays and Christmas.

Legislation

The laws and regulations referred to in this document are:

- [Planning and Developments Act 2000](#), as amended,
- [Planning and Development Regulations 2001](#), as amended.

Contact us

If you want a copy of this document in a different format or if you need more information, please contact An Bord Pleanála.

Visit our offices at:	An Bord Pleanála
Write to us at:	64 Marlborough Street Dublin 1 D01 V902
Telephone us on:	(01) 858 8100 or LoCall: 1890 275 175
Email us at:	bord@pleanala.ie
Visit our website:	www.pleanala.ie
Send us a fax on:	(01) 872 2684

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