

9. Will I be informed of the decision?

Yes. Anyone who has made written comments on a planning application, and paid the prescribed fee, must be informed by the planning authority of their decision within 3 days of making it.

10. Can I appeal against a planning decision?

Yes. Only persons or bodies who have made submissions or observations on a planning application, and paid the prescribed fee to a planning authority can appeal a planning decision to An Bord Pleanála. For details on the appeals process, fees, time limits, etc. see PL.10, Making a Planning Appeal.

The planning authority is legally obliged to inform any person who has commented on an application, and paid the prescribed fee, that an appeal has been lodged. The planning authority will copy the appeal to any person who made a submission or observation.

The law governing the planning system is set out in the Planning and Development Acts 2000 and 2001 and the Planning and Development Regulations 2001 to 2002. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin, 2, Telephone (01) 6476995/4.

Fees are subject to revision. Details of fees are available from your local planning authority or an An Bord Pleanála.

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Tá leagan Gaeilge den bhileog seo ar fáil.



PL 3 - Commenting on a Planning Application

PL.3
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The planning system plays an important role in our society by helping to make the best use of our resources and protecting the environment and heritage of our towns, cities and countryside, whilst ensuring that necessary and worthwhile development can proceed.

Planning authorities control the location, amount and type of development by deciding on planning applications. Everyone has a right to comment on local planning matters, and to shape the planning and development of the area, by commenting on planning applications and by participating in the periodic review of the development plan (see also PL.8 - The Development Plan).

This leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you should consult your local planning authority.

1. Can I comment on any planning application?

Yes. The planning system is open and transparent. Everyone (individuals, residents' associations, etc) has the right to see an application and, subject to payment of a prescribed fee, comment in writing, either positively or negatively, on it, if it is likely to affect either the individual or the neighbourhood. In deciding on an application, the planning authority must take all written comments into consideration. You can also comment on an application even if you are not directly affected but feel strongly about a particular issue and want to express your opinion. You have five weeks from the day the planning authority receives a planning application to make your comments in writing. Early submission of your comments allows the planning authority more time to consider them. All written comments on planning applications must be accompanied by the prescribed fee.

2. To whom do I make my comments?

You should address all comments, in writing, to the planning authority (County Council, Borough Council, City Council or Town Council) for the area to which the application relates. If at all possible, please quote the reference number allocated to the application by the authority.

3. How will I know about a particular application?

An applicant for planning permission must publish notice of the application in a locally circulating newspaper (the planning authority has a list of newspapers which it has approved for the publication of a public notice) and by erecting a site notice in a

conspicuous position on the site. An application must be received by the planning authority within 2 weeks of the notice being placed in the newspaper and the site notice being erected. A site notice must remain in situ, in a legible condition, for at least 5 weeks from the date of receipt of the application by the planning authority.

Notice of every planning application and date of receipt is on public display during office hours for 8 weeks at the planning authority's offices and in local public libraries. A copy of a planning list will be available for a small fee to cover the cost of making the copy and postage.

If you think an application has been made, you can contact the planning authority about recent applications.

4. How long do I have to comment?

You can comment on a planning application at any time up to 5 weeks after the planning authority has received it. Early submission of your comments allows the planning authority more time to consider them.

5. What can I comment on?

The planning authority may only consider the proper planning and sustainable development of its area and the preservation and improvement of amenities, having regard to the provisions of its development plan. Therefore, the authority may only consider objections based on planning considerations and not those based on personal dislikes or grievances, non-planning issues associated with nuisance claims or legal disputes, etc. Although not specifically defined in the Planning Acts, the "proper planning and sustainable development" of an area will generally relate to:

- appropriate land use (zoning);
- adherence to established planning and development practices;
- preservation, improvement and extension of amenities;
- traffic safety;
- development density, size, location etc;

The development plan for the area will give an indication of relevant planning issues.

6. What type of comments will not be considered?

Objections which are generally not planning related and which normally cannot be taken into account include:

- disputes about property rights or location of boundaries;
- restriction of views from a property, where residential amenities are not affected (eg adequate light, overshadowing) - no one has a right to a particular view;
- trees, shrubs etc. overhanging a property.

If you have a complaint about any of the above, you should normally seek a remedy under civil rather than planning law. You may need to consult a solicitor about your rights in this context.

Vexatious or frivolous comments will also be disregarded.

7. Who will see my comments?

All documents relating to an application, including your written comments, will be available for public inspection.

8. What access to planning information do I have?

You are entitled to view, free of charge, all documents submitted with a planning application at the planning authority's office during office hours from the date of receipt of the application until the decision is made on it. You may also view all written comments on the application. Internal reports on the application, prepared by or on behalf of the planning authority, can be viewed after the planning authority decision has been made, during the period for appeal. Copies of any part of an application may be purchased at a charge not exceeding the reasonable cost of making a copy. Planning decisions are available for public inspection for seven years after the making of the decision by the planning authority. The planning register and map is the record of all planning applications, decisions, appeals, enforcement action etc. The register is open for public inspection, free of charge, at the planning authority offices during office hours. Copies of entries in the register can be purchased for a charge not exceeding the reasonable cost of making a copy.