



To: Directors of Planning Services, City and County Councils
CC: Chief Executives, City and County Councils
Senior Planners, City and County Councils
Directors of Regional Assemblies
An Bord Pleanála

Circular Letter: PL 11/2018

30th November 2018

Planning and Development (Amendment) (Fees) Regulations 2018 (S.I. No 501 of 2018) – waiving of fee for the making of observations or submissions on planning applications by elected members

I am directed by Mr Eoghan Murphy T.D., Minister for Housing, Planning and Local Government, to advise that he has signed the *Planning and Development (Amendment) (Fees) Regulations 2018*, a copy of which are attached. In summary, these new Regulations provide that elected members are exempt - when acting in their capacity as such a member - from paying the standard €20 fee for making an observation or submission on a planning application.

Waived fee arrangement for elected members

Further to recent circular letters PL04-2018 and PL09-2018, you will be aware that the recently enacted *Planning and Development (Amendment) Act 2018* gives legislative effect to various planning related recommendations of the *Tribunal of Inquiry Into Certain Planning Matters and Payments* (the Mahon Tribunal). Recommendation No 8 of the Tribunal was that interventions made by elected members in respect of individual planning applications be noted on file and that the file should be available for inspection via the relevant planning authority's website; in this regard, existing Departmental guidance requires that all observations / submissions on individual planning applications be maintained on file. During the progress of the 2018 Act through the Oireachtas, the political consensus arrived at was that Recommendation No. 8 should be supplemented by the introduction of waived fee arrangements for local authority elected members in respect of the making of observations or submissions on planning applications. In this regard, it was considered that the abolition of the €20 observation fee for elected members would enable them to participate in the planning process in a transparent way, but without undue expense, having regard to their role as democratically elected representatives for their areas.

Further to section 22 of the 2018 Act, the newly signed Regulations amend article 168 of the *Planning and Development Regulations 2001* (S.I. No. 600 of 2001) to provide that the fee for making a submission or observation to a planning authority in respect of a planning application shall not be payable by a member of a local authority acting in his or her capacity as such member. On foot of this provision, local authority members thereby join local authorities, bodies specified under article 28 of the 2001 Regulations, State authorities and trans-boundary States as persons / bodies that are not required to pay the standard €20 observation fee.

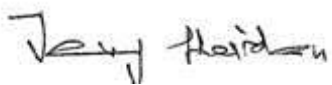
While the Department does not intend to introduce formal cyclical monitoring arrangements in relation to this measure, planning authorities should monitor its take-up so that it is being availed of in line with the intended spirit of the statutory provision. In light of the level of uptake and compliance with the intended spirit, it may be appropriate to review the concession in due course and accordingly authorities should maintain general indicative data on the volume and content of observations / submissions received from elected members. In this connection, the fee concession should be used judiciously by elected members and not for the purpose of facilitating the submission of personal observations on individual planning applications by constituents free of charge. When making submissions on behalf of constituents in relation to a planning application, elected members should advise their constituents to submit separate observations on the application concerned accompanied by the relevant observation fee.

Power of elected members to request chief executive to report on development plan variation proposals

As outlined in Circular PL09-2018, section 16 of the 2018 Act amends section 13 of the Principal Act (variation of development plan) by creating a new power allowing the elected members of a planning authority to submit a resolution to the Chief Executive requesting him / her to prepare a report on a proposal by them to initiate the consideration of a variation of a development plan for a specified reason, subject to the resolution being supported by three-quarters of the members of the local authority concerned. Where such a resolution is adopted by the elected members, the Chief Executive will be obliged to submit a report on the variation request to the elected members within four weeks of the resolution. This new power, in combination with the new waived fee arrangements outlined above, is further acknowledgement of the important role of elected members in the local planning process and in the local government system generally.

You are requested to bring this Circular to the attention of the elected members and planning staff of your local authority. Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie or phone 01 8882000.

Yours sincerely,



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