



To: Chief Executives, City and County Councils

CC: Directors of Planning Services, City and County Councils
Senior Planners, City and Councils
An Bord Pleanála

Circular Letter PL 02/2018

9 March 2018

Re: Discussion of planning applications at Council meetings

Dear Chief Executive,

I am directed by Mr. Eoghan Murphy, T.D., Minister for Housing, Planning and Local Government to advise that It has come to his attention that individual planning applications made under Part 3 of the Planning and Development Act 2000, as amended, are increasingly being discussed at Municipal District/Area Committee and/or Council meetings of some local authorities, prior to a decision being made on the application concerned.

In this regard, local authorities and elected members are hereby reminded that the making by a planning authority of a decision on a Part 3 planning application is an executive function exercisable by the Chief Executive, or a staff member to whom the function has been delegated, within the parameters of the development plan adopted by the elected council members. A planning authority is required to consider a planning application in accordance with the open, transparent and verifiable written process set down in the planning legislation and, when making its decision, is restricted to considering the proper planning and sustainable development of the area concerned.

While the Development Management Guidelines issued to planning authorities under section 28 of the Planning and Development 2000 recognise that elected members may be informed by planning staff of factual matters relating to particular planning applications, this information is intended to facilitate councillors who wish to make substantive comments on

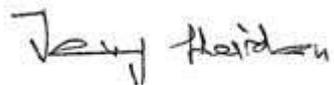
such planning applications by way of formal written submissions or observations to the planning authority.

Discussion of the merits of individual planning applications at Municipal District/Area Committee and Council meetings does not form part of the statutory process for the consideration of such applications and should not be used by elected members to advocate that a particular decision be made on an individual application. Such a practice could be viewed as an attempt to undermine due process and exert undue influence on the planning authority and/or to make a decision that would not be in the interests of the proper planning and sustainable development of the area concerned. Furthermore the practice could convey an erroneous impression to the public of the role of elected members in the statutory process for deciding on planning applications. Having regard to the foregoing, Part 3 planning application should not be discussed at Municipal District/Area Committee and/or Council meetings prior to the making of decisions on them and the participation of local authority officials in any such discussions is not appropriate in the circumstances.

The views expressed in this circular letter do not apply to the consideration by elected members, under section 34(6) of the 2000 Act, of the passing of a resolution approving a proposal by the Chief Executive to grant permission for a proposed development that would contravene materially the development plan or local area plan of the authority concerned.

You are requested to bring this Circular letter to the attention of the elected members and planning staff of your local authority.

Yours sincerely,

A handwritten signature in black ink that reads "Terry Sheridan". The signature is written in a cursive style with a large initial 'T'.

Terry Sheridan
Principal
Planning Policy