

PL 3 - Commenting on a Planning Application

*(Leaflet no. PL 3 from The Department of the Environment and Local Government
www.housing.gov.ie)*



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. If at all possible, please quote the reference number allocated to the application by the authority. There is a fee payable of €20.00.

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.

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.



PL 3 - Tuairimíocht ar Iarratas Pleanála a chur in iúl

Imríonn an córas pleanála ról tábhachtach sa sochaí seo againne, trí chabhrú linn an chuid is fearr a dhéanamh dár gcuid acmhainní agus trí chomhshaol agus oidhreacht ár mbailte, ár gcathracha agus ár dtuaithe a chaomhnú, agus trína chinntiú, san am céanna, gur féidir dul ar aghaidh le forbairtí riachtanacha fiúntacha.

Coinníonn na húdaráis pleanála smacht ar shuíomh, ar mhéid agus ar shaghas forbartha trí chinntí a dhéanamh i leith iarratas pleanála. Tá gach duine i dteideal a d(h)earcadh féin a léiriú ar chúrsaí áitiúil pleanála, agus cruth na pleanála agus na forbartha sa cheantar a mhúnlú, trína c(h)uid tuairimíochta ar iarratais pleanála a chur in iúl agus trí pháirt a ghlacadh san athbhreithniú tréimhsiúil a dhéantar ar an bplean forbartha (Féach leat leis PL 8 – An Plean Forbartha).

Mar threoir phraiticiúil amháin a cuireadh an bhileog seo ar fáil. Níl léirmhíniú anseo ar dhlí na pleanála. Is féidir leat breis eolais a fháil ón údarás áitiúil pleanála.

1. An féidir liom mo chuid tuairimíochta faoi iarratas pleanála ar bith a chur in iúl?

Is féidir. Córas oscailte, trédheacach atá sa chóras pleanála. Tá sé de cheart ag gach duine (duine aonair, cumann áitritheoirí agus eile) iarratas a fheiscint agus a (d)tuairimíocht féin a léiriú ina thaobh, bíodh sin ar a shon nó ina choinne, más dócha go raghadh an fhorbairt bheartaithe sin i gcion ar ar an duine nó ar an gcomharsanacht, ach an táille ordaithe chuige sin a íoc. Agus cinneadh á ghlacadh i leith iarratais, tá de cheangal ar údarás pleanála gach tuairim a chuirtear in iúl i scríbhinn a chur san áireamh. Is féidir leat do thuairim a chur in iúl faoi iarratas, fiú amháin i gcás gan tionchar díreach aige ort féin, ach go mbíonn dearcadh láidir agat ina thaobh agus fonn ort é sin a nochtadh. Tá 5 seachtain agat ón lá a gheibheann údarás pleanála iarratas, chun do thuairimí a chur i scríbhinn chuig an t-údarás sin. Má nochtann tú do thuairimí go luath ina leith, tabharfaidh sé sin níos mó ama don údarás pleanála chun iad a mheas. Ní mór an táille ordaithe a chur in éineacht le do thuairimí.

2. Cé chuige ar cheart dom mo chuid tuairimí a chur?

Ba cheart duit gach tuairim a chur i scríbhinn chuig an t-údarás pleanála (Comhairle Chontae, Comhairle Bhuirge, Comhairle Chathrach nó Comhairle Bhaile) i mbun an cheantair lena

mbaineann an t-iarratas. Más féidir leat in aon chor é, luaigh an uimhir thagartha atá leagtha síos ag an údarás don iarratas sin.

3. Conas a chuirfear ar an eolas mé, maidir le hiarratas áirithe?

Tá sé de cheangal ar iarratasóir ar chead pleanála fógra faoin iarratas i nuachtán le scaipeadh áitiúil (tabharfaidh an t-údarás pleanála liosta duit de na nuachtáin a mbíonn glacadh acu leo chuige sin) agus trí fhógra suímh a chur in airde ar an láithreán, in áit fheiceálach. Is gá go mbeidh iarratas faighte ag an údarás pleanála laistigh de 2 seachtain ón lá ar a gcuirtear fógra sa nuachtán agus fógra in airde ar an láithreán. Is gá go bhfanfaidh fógra láithreáin in situ, i riocht a léite, ar feadh 5 seachtain ar a laghad ón dáta ar a bhfaigheann an t-údarás an t-iarratas.

Cuirtear fógra faoi gach iarratas pleanála agus faoi dháta a fhoilsithe ar taispeáint go poiblí le linn uaireanta oifige ar feadh 8 seachtain in oifigí an údaráis pleanála agus i leabharlanna áitiúla. Is

féidir cóip de liosta pleanála a fháil ach táille bheag a íoc chun costas a chóipeála agus a sheolta chugat sa phost a ghlanadh. Má shíleann tú go bhfuil iarratas arna dhéanamh, is féidir leat ceist a chur ar an údarás pleanála faoi na hiarratais is déanaí.

4. Cén t-achar ama atá agam chun mo chuid tuairimíochta a chur in iúl?

Is féidir leat do thuairimí faoi iarratas pleanála a nochtadh am ar bith taobh istigh de thréimhse 5 seachtainí ón lá ar a mbíonn iarratas faighte ag údarás pleanála. Má nochtann tú do thuairimí go luath ina leith, tabharfaidh sé sin níos mó ama don údarás pleanála chun iad a m h e a s .

5. Cén saghas tuairimí is féidir a chur san áireamh?

Tá de cheangal ar údarás pleanála gan ach pleanáil chóir agus forbairt inbhuanaithe ceantair a chur san áireamh, mar aon le taitneamhachtaí an cheantair a chaomhnú agus a fheabhsú, le haird ar na forálacha sa phlean forbartha. Ar an ábhar sin, is agóidí bunaithe ar chúrsaí pleanála amháin is féidir a chur san áireamh, agus ní féidir le húdarás pleanála agóidí a chur san áireamh a bhíonn bunaithe ar mhíthaitneamh pearsanta, ar olc pearsanta, ná ar cheisteanna a bhaineann le héilimh faoi núis, le conspóidí dlí ná

eile. Cé nach mínítear go sainiúil sna hAchtanna Pleanála cad is “pleanáil chóir agus forbairt inbhuanaithe” ceantair ann, is nithe iad a bhaineann go ginearálta le:

- úsáid oiriúnach talún (criosáil);
- cloí le cleachtaí bunaithe pleanála agus forbartha;
- caomhnú, feabhsú agus fairsingiú taitneamhachtaí;
- sábháilteacht tráchta;
- dlús forbartha, méid, suíomh, srl.

Bhéarfaidh plean forbartha an cheantar léargas duit ar na ceisteanna pleanála a bhaineann leis an scéal.

6. Cén saghas tuairimí nach féidir a chur san áireamh?

Ar na hagóidí nach mbaineann le pleanáil i gcoitinne agus nach féidir a chur san áireamh de ghnáth, tá:

- agóidí faoi chearta dílseánachta nó faoi shuíomh teorainneacha;
- cúngú ar radharcanna ó shealúchas nuair nach gcuirtear isteach ar thaitneamhachtaí cónaithe (mar shampla, dóthain solais, caitheamh scáilí) - níl teideal chun radhairc ar leith ag

duine;

- crainn, sceacha, srl., crochta os cionn sealúchais.

I gcás go mbíonn gearán agat faoi cheann ar bith de na nithe thuasluaite, is gnách gur cheart duit cúiteamh a lorg faoin dlí sibhialta, seachas faoin dlí pleanála. Thiocfadh go mba ghá duit comhairle aturnae a ghlacadh i leith na gcúrsaí sin.

Ní bhfaighidh tuairimí cráiteacha ná baotha éisteacht ar bith.

7. Cé a fheicfidh mo chuid tuairimí?

Beidh na doiciméid go léir a bhaineann le hiarratas, do chuidse tuairimíochta ina measc, ar fáil do scrúdú poiblí.

8. Cén saghas rochtana a bhíonn agam ar eolas pleanála?

Is é do cheart radharc saor in aisce a bheith agat ar gach doiciméad a chuirtear isteach le hiarratas pleanála in oifig an údaráis pleanála le linn uaireanta oifige ón dáta ar fritheadh an t-iarratas go dtí g ndéantar cinneadh ina leith. Rud eile is féidir leat a dhéanamh, na tuairimí scríofa ar fad faoi iarratas a léamh. Is féidir tuairiscí inmheánacha arna n-ullmhú ag an údarás pleanála, nó ar a shon, a fheiscint am ar bith le linn na tréimhse achomhairc tar éis don údarás cinneadh a dhéanamh faoi iarratas. Is féidir cóip de chuid ar bith d'iarratas a cheannach ar luach nach mó ná praghas réasúnta na cóipeála. Bíonn fáil ar chinneadh pleanála do scrúdú poiblí ar feadh seacht mbliana ó lá déanta an chinnidh ag údarás pleanála. Is é atá sa chlár pleanála, taifead ar gach iarratas pleanála, gach cinneadh, gach achomharc, gach gníomh forfheidhmithe, srl. Bíonn an clár ar oscailt do scrúdú poiblí saor in aisce, in oifigí an údaráis pleanála le linn uaireanta oifige. Is féidir cóipeanna de na hiontrálacha sa chlár a cheannach ar luach nach mó ná praghas réasúnta na cóipeála.

9. An gcuirfean an cinneadh in iúl dom?

Cuirfean. Ní mór don údarás pleanála a chinneadh a chur in iúl, laistigh de 3 lá ó lá a dhéanta do gach duine a chuir tuairimí i scríbhinn ar fáil agus a d'íoc an táille ordaithe.

10. An féidir liom achomharc a dhéanamh faoi chinneadh pleanála?

Is féidir. Is féidir le duine ar bith nó le heagras ar bith a chuir aighneacht nó tuairimíocht ar iarratas pleanála isteach agus a d'íoc an táille ordaithe achomharc faoi chinneadh pleanála a chur chuig An Bord Pleanála. Tá sonraí faoin bpróiseas achomhairc le fáil i mbileog PL 10 Achomharc a dhéanamh. Tá ceangal faoin dlí ar údarás pleanála duine ar bith a chuir tuairimíocht ar iarratas pleanála isteach agus a d'íoc an táille ordaithe a chur ar an eolas, maidir le hachomharc a bheith arna lóisteáil. Cuirfidh an t-údarás pleanála cóip den achomharc ar fáil do dhuine ar bith a chuir aighneacht nó tuairimíocht ar iarratas pleanála isteach.

Tá an reachtaíocht a rialaíonn an córas pleanála leagtha amach sna hAchtanna um Pleanáil agus Forbairt 2000-2002 agus sna Rialacháin um Pleanáil agus Forbairt 2001-2003. Is féidir iad sin a cheannach ón Oifig Díolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2. Guthán (01) 6476995/4

Déantar táillí a athbhreithniú ó uair go chéile. Cuirfidh an t-údarás áitiúil ar an eolas tú ina dtaobh, nó an Bord Pleanála.