An Bord Pleanála

Dúnadh na Nollag agus na Athbhliana 2013/2014

Christmas and New Year Closing 2013/2014

An tslí a ndéanfaidh tréimhse na Nollag/na hAthbhliana difear do thaisceadh achomharc agus nithe eile a bhaineann leis an mBord.

How the Christmas/New Year period affects the lodging of appeals and other matters with which the Board is concerned.

GA/EN
11/2013

Dúnadh na Nollag agus na hAthbhliana

An Bord Pleanála

Beidh Oifigí an Bhoird dúnta ón 5.30 i.n. ar an 24 lá Nollaig 2013 go dtí 9.15 r.n. ar an 30 Nollaig 2013 **agus** dúnta ar an 1 Eanáir 2014.

An tslí a ndéanfaidh tréimhse na Nollag/na hAthbhliana difear do thaisceadh achomharc agus nithe eile a bhaineann leis an mBord.

Tá aíreamháin le fáil ar shuíomh idirlín an Bhoird www.pleanala.ie chun lá deireanach chun achomharc a dhéanamh a mheas.

1. Gnáth-Achomhairc agus nithe eile faoi na hAchtanna um Pleanáil 2000 go dtí 2011

Riail na Tréimhse Saoire
Tá an tréimhse ón 24 Nollaig go dtí an 1 Eanáir (an dá dháta san áireamh), dá dtagraítear dóibh mar 'an tréimhse saoire', eisiata chun críocha teorainneacha ama a ríomh maidir le feidhmeanna an Bhoird faoi na hAchtanna um Pleanáil 2000 go dtí 2011 agus na Rialacháin a ghabhann leo. Dá bhrí sin, i gcás go mbíonn an tréimhse saoire go hiomlán nó i bpáirt laistigh den tréimhse ama a bhféadfadh an Bord achomharc, tarchur, aighneacht, tuairim, iarratas údaráis áitiúil, doiciméad nó aon fhaisnéis/ní eile a fháil, nó ar chóir go mbeadh sé faighte aige, beidh síneadh ama curtha ar an teorainn ama ar feadh naoi lá bhreise tar éis na tréimhse saoire.

Riail an Deiridh Seachtaine
Chomh maith lena bhfuil thuasluaite, nuair a thiteann an lá deiridh, chun achomharc, tarchur, aighneacht nó tuairim a dhéanamh nó chun doiciméad nó faisnéis eile a chur isteach chuig an mBord ar an Satharn, an Domhnach, lá saoire poiblí nó lá eile a mbeidh oifigí an Bhoird dúnta, beidh an t-achomharc nó ní eile bailí má fhaightear é ar an gcéad lá eile a mbeidh oifigí an Bhoird ar oscailt.

Tabhair faoi deara go gcuirtear 'riail na tréimhse saoire' i bhfeidhm, más cuí, <u>roimh</u> 'riail an deiridh seachtaine'. Féach ar na samplaí thíos.

Seo mar a leanas samplaí praiticiúla den tslí a mbeidh tionchar ag a bhfuil thuasluaite ar thréimhse na Nollag agus na hAthbhliana.

Sampla 1
Má dhéantar cinneadh údaráis pleanála nó iarratas pleanála ar an 27 Samhain, 2013 is é an lá deiridh don tréimhse cheithre seachtaine chun achomharc a dhéanamh chuig an mBord ná an 24 Nollaig 2013 a bheadh mar, gan riail na tréimhse saoire a bheith i bhfeidhm. De bharr go bhfuil an tréimhse saoire san áireamh ansin, áfach, tá an lá deiridh chun achomharc a dhéanamh sínithe i.e. go dtí an 2 Eanáir 2014.

Christmas and New Year Closing

An Bord Pleanála

The Offices of the Board will be closed from 5.30 p.m. on 24th December, 2013 to 9.15 a.m. on 30th December, 2013 **and** on 1st January, 2014.

How the Christmas/New Year period affects the lodging of appeals and other matters with which the Board is concerned.

(The Board's website www.pleanala.ie has an interactive calendar which may be used to calculate the last day to appeal for any period in the year).

1. Normal Planning Appeals and other matters under the 2000 to 2011 Planning Acts

Holiday Period Rule

The period between 24th December and the 1st January (both dates inclusive), referred to as the 'holiday period', is disregarded for the purposes of calculating time limits as regards the functions of the Board under the 2000 to 2011 Planning Acts and their Regulations. Therefore, where the holiday period wholly or partly falls within a period of time where an appeal, referral, submission, observation, document, or other information/matter may or should be received by the Board, the time limit will be extended by nine days beyond the holiday period.

Weekend Rule

In addition to the above, where the last day for making an appeal, referral, submission or observation or for submitting a document or other information to the Board falls on a Saturday, Sunday, public holiday or other day on which the Board's offices are closed, the appeal or other matter will be regarded as valid if it is received on the next day the offices of the Board are open.

Note that the 'holiday period' rule is applied, where appropriate, <u>before</u> the 'weekend rule'. See examples below.

The following are practical examples of how the above rules will impact over the Christmas and New Year period.

Example 1

If a planning authority decision on a planning application is made on 27th November, 2013 the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 24th December 2013. However, as this includes the holiday period, the last day for making the appeal to the Board is extended beyond the holiday period i.e. to 2nd January 2014.

Sampla 2
Má dhéantar cinneadh údaráis pleanála ar iarratas pleanála ar an 5 Nollaig 2013, is é an lá deiridh den tréimhse cheithre seachtaine chun achomharc a dhéanamh chuig an mBord ná 1 Eanáir 2014, gan an tréimhse saoire curtha san áireamh. De bhrí, áfach, go bhfuil naoi lá den tréimhse saoire san áireamh ansin, tá naoi lá breise thar an tréimhse saoire curtha leis an lá deiridh sin chun achomharc a dhéanamh chuig an mBord i.e. go dtí 10 Eanáir 2014.

2. Achomhairc faoi na hAchtanna um Thruailliú Uisce agus faoin Acht um Rialú Foirgníochta.
I gcás gur lá a mbíonn oifigí an Bhoird dúnta é an lá deiridh chun achomharc, aighneacht, tuairim, doiciméad nó faisnéis eile atá faoi réir ag teorainn ama a fháil ag an mBord, measfar an t-achomharc nó ní eile a bheith bailí má fhaightear é ar an gcéad lá eile a mbeidh oifigí an Bhoird ar oscailt. Dá bhrí sin, más é an 27 Nollaig 2013 an lá deiridh den tréimhse chuí, is é an lá deiridh chun achomharc a thaisceadh ná an 30 Nollaig 2013. *(Tabhair faoi deara nach mbaineann 'riail na tréimhse saoire' le ceachtar de na hAchtanna um Truailliú Uisce nó Rialú Foirgnióchta, ach cuirtear "riail an deiridh seachtaine" i bhfeidhm).*

3. Achomhairc faoin Acht um Thruailliú Aeir
Níl aon fhorálacha speisialta faoin Acht um Thruailliú Aeir a bhaineann le tréimhsí saoire, deirí seachtaine nó laethanta eile a mbíonn oifigí an Bhoird dúnta. Dá bhrí sin, más é an 28 Nollaig 2013 an lá deiridh den tréimhse chuí chun achomharc a dhéanamh, caithfidh an t-achomharc a bheith faighte ar an nó roimh 24 Nollaig 2013.

4. An Tréimhse Reachtúil Cuspóra chun Cásanna a Chinneadh
In aon achomharc nó cás eile a mbaineann cuspóir ama reachtúil leis an mBord chun an cás a chinneadh, beidh na forálacha seo a leanas i bhfeidhm.

- Má thagann an cás faoi fhorálacha na nAchtanna um Pleanáil 2000 go dtí 2011, beidh an tréimhse saoire eisiata ón tréimhse reachtúil cuspóra de 18 seachtaine. Dá bhrí sin, cuirfear síneadh naoi lá leis an tréimhse reachtúil cuspóra d'aon chás atá idir lámha ag an mBord i rith na tréimhse saoire.

- Má thagann an cás faoi fhorálacha na nAchtanna um Pleanáil 1963 go dtí 1999, na nAchtanna um Thruailliú Uisce nó an Achta um Rialú Foirgníochta, leanfaidh tréimhse reachtúil cuspóra de 4 mhí a bheith i bhfeidhm beag beann ar an tréimhse saoire.

Example 2
If a planning authority decision on a planning application is made on 5th December 2013, the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 1st January 2014. However, as this includes all nine days of the holiday period, the last day for making the appeal to the Board is extended by nine days beyond the holiday period i.e. to 10th January 2014.

2. Appeals under the Water Pollution Acts and the Building Control Act.

Where the last day for receipt by the Board of an appeal, submission, observation, document or other information which is subject to a time limit falls on a day the offices of the Board are closed, the appeal or other matter will be regarded as valid if received on the next day the offices of the Board are open. Therefore, if the last day of the appropriate period falls on 27th December 2013, the last day for lodging the appeal is 30th December 2013. *(Note that while the 'weekend rule' applies to both the Water Pollution and Building Control Acts, the 'holiday period rule' does not apply).*

3. Appeals under the Air Pollution Act

There are no special provisions relating to the holiday period, weekends or other days on which the offices of the Board are closed under the Air Pollution Act. Therefore, if the last day of the appropriate period for making an appeal falls on 28th December 2013, the appeal must be received by 24th December 2013.

4. Statutory Objective Period for Determining Cases

In any appeal or other case to which a statutory time objective applies to the Board to determine the case, the following provisions will apply.

- If the case comes within the provisions of the 2000 to 2011 Planning Acts, the holiday period will be excluded from the statutory objective period of 18 weeks. Therefore, the statutory objective period will be extended by up to nine days for any case which is on hands in the Board during the holiday period.

- If the case comes within the provisions of the 1963 to 1999 Planning Acts, the Water Pollution Acts or the Building Control Act, the statutory objective period of 4 months will continue to apply regardless of the holiday period.