

## **Christmas and New Year Closing**

*The Offices of the Board will be closed from 5.30 p.m. on 24<sup>th</sup> December 2007 to 9.15 a.m. on 28<sup>th</sup> December 2007 and on 1<sup>st</sup> January 2008.*

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

### **1. Normal Planning Appeals and other matters under the 2000 to 2006 Planning Acts**

#### *Holiday Period Rule*

The period from 24<sup>th</sup> December to 1<sup>st</sup> January (both dates inclusive), referred to as the 'holiday period', is excluded for the purposes of calculating time limits as regards the functions of the Board under the 2000 to 2006 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 up to 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, before the 'weekend rule'. See examples 2 and 3.*

The following are practical examples of how the above rules will impact over the Christmas and New Year period. (The Board's website [www.pleanala.ie](http://www.pleanala.ie) has an interactive calendar which may be used to calculate the last day to appeal for any period in the year).

#### **Example 1**

If a planning authority decision on a planning application is made on 27<sup>th</sup> November 2007, the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 24<sup>th</sup> December 2007. However, as this includes one day of the holiday period, the last day for making the appeal to the Board is extended by one day beyond the holiday period i.e. to 2<sup>nd</sup> January 2008.

#### **Example 2**

If a planning authority decision on a planning application is made on 10<sup>th</sup> December 2007, the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 6<sup>th</sup> January 2008. 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 15<sup>th</sup> January 2008. (*Note that although the 6<sup>th</sup> January 2008 falls on a weekend, the 'weekend rule' does not apply as the 'holiday period' rule overrides it.*)

#### **Example 3**

If a planning appeal is received in the Board on 30<sup>th</sup> November 2007, the last day of the four week period for making submissions or observations to the Board by an observer in relation to the appeal would, without the holiday rule, fall on the 27<sup>th</sup> December 2007. However, as this includes four days of the holiday period, the last day for making submissions or observations to the Board is extended to 5<sup>th</sup> January 2008. As this is a Saturday, the submission or observation will be regarded as valid if it is received on the next day the offices of the Board are open, i.e. on 7<sup>th</sup> January 2008. (*Note that in this case both the 'weekend rule' and the 'holiday rule' apply.*)

**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 27<sup>th</sup> December 2007, the last day for lodging the appeal is 28<sup>th</sup> December 2007. *(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 27<sup>th</sup> December 2007, the appeal must be received by 24<sup>th</sup> December 2007.

**4. Appeals and other matters under the 1963 to 1999 Planning Acts**

Where the last day for receipt by the Board of an appeal, submission, observation, document or other information under the 1963 to 1999 Planning Acts, 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 it is received on the next day the offices of the Board are open. Therefore, if the last day of the appropriate period falls on 27<sup>th</sup> December 2007, the last day for lodging the appeal is 28<sup>th</sup> December 2007. *(Note that while the 'weekend rule' applies to appeals and certain other matters under the 1963 to 1999 Planning Acts, the 'holiday period rule' does not apply).*

*(Appeals under the 1963 to 1999 Planning Acts relate to cases where the application for planning permission was made to the local planning authority before 11<sup>th</sup> March 2002. Some of these cases could still be subject to an appeal to the Board e.g. an appeal against a decision on an application for approval consequent on an outline permission granted under those Acts).*

**5. 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 2006 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. For example, a statutory objective period of before 16<sup>th</sup> February 2008 would apply to an appeal which was lodged on 4<sup>th</sup> October 2007.
- 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.

## Planning and Development Acts 2000 to 2006

*Last Day for receipt of Appeals (and Referrals) having regard to the Christmas/New Year 'holiday period'*

*24<sup>th</sup> December 2007 to 1<sup>st</sup> January 2008.*

<b>Date of Planning Authority Decision</b>		<b>Last Day to Appeal</b>	
<u>Column 1</u>		<u>Column 2</u>	
Monday	19 <sup>th</sup> November 2007	Monday	17 <sup>th</sup> December 2007
Tuesday	20 <sup>th</sup> November 2007	Monday	17 <sup>th</sup> December 2007
Wednesday	21 <sup>st</sup> November 2007	Tuesday	18 <sup>th</sup> December 2007
Thursday	22 <sup>nd</sup> November 2007	Wednesday	19 <sup>th</sup> December 2007
Friday	23 <sup>rd</sup> November 2007	Thursday	20 <sup>th</sup> December 2007
Monday	26 <sup>th</sup> November 2007	Wednesday	2 <sup>nd</sup> January 2008
Tuesday	27 <sup>th</sup> November 2007	Wednesday	2 <sup>nd</sup> January 2008
Wednesday	28 <sup>th</sup> November 2007	Thursday	3 <sup>rd</sup> January 2008
Thursday	29 <sup>th</sup> November 2007	Friday	4 <sup>th</sup> January 2008
Friday	30 <sup>th</sup> November 2007	Monday	7 <sup>th</sup> January 2008
Monday	3 <sup>rd</sup> December 2007	Tuesday	8 <sup>th</sup> January 2008
Tuesday	4 <sup>th</sup> December 2007	Wednesday	9 <sup>th</sup> January 2008
Wednesday	5 <sup>th</sup> December 2007	Thursday	10 <sup>th</sup> January 2008
Thursday	6 <sup>th</sup> December 2007	Friday	11 <sup>th</sup> January 2008
Friday	7 <sup>th</sup> December 2007	Monday	14 <sup>th</sup> January 2008
Monday	10 <sup>th</sup> December 2007	Tuesday	15 <sup>th</sup> January 2008
Tuesday	11 <sup>th</sup> December 2007	Wednesday	16 <sup>th</sup> January 2008
Wednesday	12 <sup>th</sup> December 2007	Thursday	17 <sup>th</sup> January 2008
Thursday	13 <sup>th</sup> December 2007	Friday	18 <sup>th</sup> January 2008
Friday	14 <sup>th</sup> December 2007	Monday	21 <sup>st</sup> January 2008
Monday	17 <sup>th</sup> December 2007	Tuesday	22 <sup>nd</sup> January 2008
Tuesday	18 <sup>th</sup> December 2007	Wednesday	23 <sup>rd</sup> January 2008
Wednesday	19 <sup>th</sup> December 2007	Thursday	24 <sup>th</sup> January 2008
Thursday	20 <sup>th</sup> December 2007	Friday	25 <sup>th</sup> January 2008
Friday	21 <sup>st</sup> December 2007	Monday	28 <sup>th</sup> January 2008
Monday	24 <sup>th</sup> December 2007	Tuesday	29 <sup>th</sup> January 2008
Thursday	27 <sup>th</sup> December 2007	Tuesday	29 <sup>th</sup> January 2008
Friday	28 <sup>th</sup> December 2007	Tuesday	29 <sup>th</sup> January 2008
Monday	31 <sup>st</sup> December 2007	Tuesday	29 <sup>th</sup> January 2008
Wednesday	2 <sup>nd</sup> January 2008	Tuesday	29 <sup>th</sup> January 2008
Thursday	3 <sup>rd</sup> January 2008	Wednesday	30 <sup>th</sup> January 2008
Friday	4 <sup>th</sup> January 2008	Thursday	31 <sup>st</sup> January 2008

The table above may also be used to calculate the last day for receipt of submissions or observations by 'observers' under section 130 of the 2000 Act. Read column 1 as the date of receipt of the appeal (or last appeal) and column 2 as the last date for receipt of the submissions or observations. Note, however, that the offices of the Board are closed on 27<sup>th</sup> December 2007.