

Christmas and New Year Closing

The Offices of the Board will be closed from 5.30 p.m. on 24th December 2008 to 9.15 a.m. on 30th December 2008 and on 1st January 2009.

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 2007 Planning Acts

Holiday Period Rule

The period from 24th December to 1st 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 2007 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 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 27th November 2008, 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 2008. 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 2nd January 2009.

Example 2

If a planning authority decision on a planning application is made on 8th December 2008, the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 4th January 2009. 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 13th January 2009. (*Note that although the 4th January 2009 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 28th November 2008, 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 25th December 2008. However, as this includes two days of the holiday period, the last day for making submissions or observations to the Board is extended to 3rd January 2009. 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 5th January 2009. (*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 29th December 2008, the last day for lodging the appeal is 30th December 2008. *(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 29th December 2008, the appeal must be received by 24th December 2008.

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 29th December 2008, the last day for lodging the appeal is 30th December 2008. *(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 11th 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

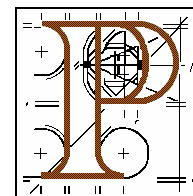
In any appeal or other case to which a statutory time objective applies to the Board to determine the case, the following provisions will apply.

- If the case comes within the provisions of the 2000 to 2007 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 13th February 2009 would apply to an appeal which was lodged on 1st October 2008.
- 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 2007

*Last Day for receipt of Appeals (and Referrals) having regard to the
Christmas/New Year 'holiday period'
24th December 2008 to 1st January 2009.*

An Bord Pleanála



Date of Planning Authority Decision		Last Day to Appeal	
<u>Column 1</u>		<u>Column 2</u>	
Monday	17 th November 2008	Monday	15 th December 2008
Tuesday	18 th November 2008	Monday	15 th December 2008
Wednesday	19 th November 2008	Tuesday	16 th December 2008
Thursday	20 th November 2008	Wednesday	17 th December 2008
Friday	21 st November 2008	Thursday	18 th December 2008
Monday	24 th November 2008	Monday	22 nd December 2008
Tuesday	25 th November 2008	Monday	22 nd December 2008
Wednesday	26 th November 2008	Tuesday	23 rd December 2008
Thursday	27 th November 2008	Friday	2 nd January 2009
Friday	28 th November 2008	Monday	5 th January 2009
Monday	1 st December 2008	Tuesday	6 th January 2009
Tuesday	2 nd December 2008	Wednesday	7 th January 2009
Wednesday	3 rd December 2008	Thursday	8 th January 2009
Thursday	4 th December 2008	Friday	9 th January 2009
Friday	5 th December 2008	Monday	12 th January 2009
Monday	8 th December 2008	Tuesday	13 th January 2009
Tuesday	9 th December 2008	Wednesday	14 th January 2009
Wednesday	10 th December 2008	Thursday	15 th January 2009
Thursday	11 th December 2008	Friday	16 th January 2009
Friday	12 th December 2008	Monday	19 th January 2009
Monday	15 th December 2008	Tuesday	20 th January 2009
Tuesday	16 th December 2008	Wednesday	21 st January 2009
Wednesday	17 th December 2008	Thursday	22 nd January 2009
Thursday	18 th December 2008	Friday	23 rd January 2009
Friday	19 th December 2008	Monday	26 th January 2009
Monday	22 nd December 2008	Tuesday	27 th January 2009
Tuesday	23 rd December 2008	Wednesday	28 th January 2009
Wednesday	24 th December 2008	Thursday	29 th January 2009
Monday	29 th December 2008	Thursday	29 th January 2009
Tuesday	30 th December 2008	Thursday	29 th January 2009
Wednesday	31 st December 2008	Thursday	29 th January 2009
Friday	2 nd January 2009	Thursday	29 th January 2009

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 29th December 2008.