

## Christmas and New Year Closing

*The Offices of the Board will be closed from 5.30 p.m. on 24<sup>th</sup> December 2010 to 9.15 a.m. on 30<sup>th</sup> December 2010 and on 3<sup>rd</sup> January 2011.*

**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 2010 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 2010 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.*

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**

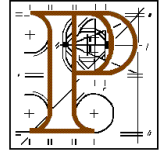
If a planning authority decision on a planning application is made on 1<sup>st</sup> December 2010, the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 28<sup>th</sup> December 2010. However, as this includes five days of the holiday period, the last day for making the appeal to the Board is extended by five days beyond the holiday period i.e. to 6<sup>th</sup> January 2011.

#### **Example 2**

If a planning authority decision on a planning application is made on 6<sup>th</sup> December 2010, the last day of the four week period for making an appeal to the Board would, without the holiday period rule, fall on 2<sup>nd</sup> January 2011. 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 11<sup>th</sup> January 2011. (*Note that although the 2<sup>nd</sup> January 2011 falls on a weekend, the 'weekend rule' does not apply as the 'holiday period' rule overrides it.*)

**Dúnadh don Nollaig agus don Athbhliain**  
*Beidh Oifigí an Bhoird dúnta ón 5.30 i.n. ar an*  
*24ú Nollaig 2010 go dtí 9.15 r.n. ar an 30ú Nollaig 2010*  
*agus ar an 3ú Eanáir 2011.*

An Bord Pleanála



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

**1. Gnáth-Achomhairc agus nithe eile faoi na hAchtanna um Pleanáil 2000 go dtí 2010**

*Riail na Tréimhse Saoire*

Tá an tréimhse ón 24ú 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 2010 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, cuirfear suas go dtí naoi lá breise thar an tréimhse saoire leis an teorainn ama.

*Riail an Deiridh Seachtaine*

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

*Tabhair ar aird go gcuirtear ‘riail na tréimhse saoire’ i bhfeidhm, más cuí, roimh ‘riail an deiridh seachtaine’. Féach samplaí.*

Seo a leanas samplaí praiticiúla den tslí a mbeidh tionchar ag a bhfuil thuasluaite ar thréimhse na Nollag agus na hAthbhliana. Tá áireamháin le fail ar shuíomh idirlín an Bhoird [www.pleanala.ie](http://www.pleanala.ie) chun lá deireanach chun achomharc a dhéanamh a mheas.

**Sampla 1**

Má dhéantar cinneadh údaráis pleanála nó iarratas pleanála an 1 Nollaig 2010, is é an 28 Nollaig 2010 a bheadh mar an lá deiridh don tréimhse ceithre seachtaine chun achomharc a dhéanamh chuig an mBord, gan riail na tréimhse saoire a bheith i bhfeidhm. De bhrí go bhfuil cúig lá den tréimhse saoire san áireamh ansin, áfach, tá cúig lá breise thar an tréimhse saoire curtha leis an lá deiridh chun achomharc a dhéanamh i.e. go dtí an 6ú Eanáir 2011.

**Sampla 2**

Má dhéantar cinneadh údaráis pleanála ar iarratas pleanála ar an 6 Nollaig 2010, is é an 2ú Eanáir 2011 an lá deiridh den tréimhse ceithre seachtaine chun achomharc a dhéanamh chuig an mBord, 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 an 11 Eanáir 2011. (Tabhair ar aird, cé go dtiteann an 2ú Eanáir 2011 ar an deireadh seachtaine, ní bheidh ‘riail an deiridh seachtaine’ i bhfeidhm mar sáríonn ‘riail na tréimhse saoire’ é.)

## **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 29<sup>th</sup> December 2010, the last day for lodging the appeal is 30<sup>th</sup> December 2010. *(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 29<sup>th</sup> December 2010, the appeal must be received by 24<sup>th</sup> December 2010.

## **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 29<sup>th</sup> December 2010, the last day for lodging the appeal is 30<sup>th</sup> December 2010. *(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 2010 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.

## **2. Achomhairc faoi na hAchtanna um Truailliú 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 29ú Nollaig 2010 an lá deiridh den tréimhse chuí, is é an lá deiridh chun achomharc a thaisceadh ná an 30ú Nollaig 2010. *(Tabhair faoi deara nach mbaineann an ‘riail saoire’ faoin Acht um Pleanáil agus Forbairt 2000 le ceachtar dena hAchtanna um Truailliú Uisce nó Rialú Foirgníochta, ach cuirtear “riail an deiridh seachtaine” i bhfeidhm).*

## **3. Achomhairc faoin Acht um Truailliú Aeir**

Níl aon fhorálacha speisialta faoin Acht um Truailliú Aeir a bhaineann le tréimhsí saoire, deirí seachtaine nó laethanta eile a mbíonn oifigí an Bhoird dúnta. Dá bhrí sin, más é an 29ú Nollaig 2010 an lá deiridh den tréimhse chuí chun achomharc a dhéanamh, caithfidh an t-achomharc a bheith faighte ar an nó roimh 24ú Nollaig 2010.

## **4. Achomhairc agus nithe eile faoi na hAchtanna um Pleanáil 1963 go dtí 1999**

I gcás gur lá a mbíonn oifigí an Bhoird dúnta é an lá deiridh chun achomharc, aighneacht, tuairim, doiciméad nó faisnéis eile faoi na hAchtanna um Pleanáil 1963 go dtí 1999, 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 29ú Nollaig 2010 an lá deiridh den tréimhse chuí, is é an lá deiridh chun achomharc a thaisceadh ná an 30ú Nollaig 2010. *(Tabhair faoi deara nach mbaineann an “riail saoire” faoin Acht um Pleanáil agus Forbairt 1963 go 1999 leis na cásanna seo, ach cuirtear “riail an deiridh seachtaine” i bhfeidhm).*

*(Baineann achomhairc faoi na hAchtanna um Pleanáil 1963 go dtí 1999 le cásanna ina ndearnadh an t-iarratas ar chead pleanála chuig an údarás pleanála áitiúil roimh an 11ú Márta 2002. D’fhéadfadh cuid dena cásanna seo a bheith fós faoi reir ag achomharc chuig an mBord m.s. achomharc i gcoinne cinnidh ar iarratas ar cheadú de dhroim cead sracléaráide deonaithe faoi na hAchtanna seo).*

## **5. 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 2010, 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 Truailliú Uisce nó an Acht um Rialú Foirgníochta, leanfaidh tréimhse reachtúil cuspóra de 4 mhí a bheith i bhfeidhm beag beann ar an tréimhse saoire.