



An
Bord
Pleanála

Appealing a licence decision for appliances, cables, signs, street furniture or other items on public roads (Section 254)

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About this guide

This guide provides information on how to make a valid appeal on licensing decisions to place appliances, cables, signs, street furniture and other items on, under, over or along a public road.

You can send us your appeal using the Section 254 Licence Decision Appeal Form. You can find it on our website www.pleanala.ie or by contacting our office. You can also make an appeal by writing to us.

This guide is published to provide general information, assistance and guidance only. It is not a legal interpretation of the legislation. Readers must follow the relevant statutory provision to their own particular circumstances and, in doing so, should obtain their own expert advice if necessary.

Data Protection

An Bord Pleanála uses your personal data only to provide our services and to fulfil our legal duties. The personal data you supply will be circulated to other relevant parties and made available in the public domain about any matter before An Bord Pleanála.

To view our full policy statements on Data Protection, please go to www.pleanala.ie

The National Adult Literacy Agency (NALA) has awarded this document its Plain English Mark



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Terms

Some terms we use in this guide are:

Act	A law that has been passed by the Oireachtas (parliament) and approved by the President.
Agent	A person who acts on your behalf in an appeal, application or referral.
Appeal	A review of the original decision on a planning application made by a planning authority.
Appellant	An individual or organisation who makes an appeal. (See also First Party , Third Party .)
Applicant	An individual or organisation who makes a planning application to a planning authority. (See also First Party .)
Board	The Board of An Bord Pleanála.
First party	The person who applies for planning permission for a proposed development. (See also Applicant .)
Hoarding	A large board in a public place, used to display advertisements.
Inspector	A technical member of staff who makes site inspections, prepares a report on the planning case and makes a recommendation to the Board to grant or refuse permission.

Invalid	Does not meet all of the statutory requirements needed by law and regulations to be considered a case.
Licence	Permission to do something.
Observation	A document submitted by an Observer .
Observer	Any person, other than the applicant, planning authority or an appellant, who comments on an appeal. (See also Observation .)
Oral hearing	An oral hearing is a meeting to allow relevant issues in a case to be discussed and examined.
Planning authority	The local authority – county council, city council, or county and city council – responsible for planning in its area.
Regulations	A law or rules made by an Act or sometimes a government minister.
Statutory	Something that is decided, set up or controlled by statute law. Statute law is a law passed by parliament.
Statutory requirements	Requirements needed by law for a case to be valid.
Submission	A document on appeals or applications which may include supporting materials such as photographs, plans, drawings and technical guidance. (The document can be typed or handwritten.)

Third party	A person appealing the decision of a planning authority on a proposed development other than the person who made the original planning application. (See also Appellant .)
Valid	Meets all statutory requirements needed by law and regulations to be considered as a case by us.
We, our, us	An Bord Pleanála.
You	You as a person, company, group, organisation or state authority.

Background information

What requires a licence?

You will need a licence from a planning authority to place on, under, over or along a public road the following items or equipment:

- a vending machine,
- a town or landscape map for indicating directions or places,
- a fence, scaffold or hoarding,
- an advertisement structure,
- a cable, wire or pipeline,
- over ground electronic communications infrastructure and any associated physical infrastructure such as a telephone pole or cabinet.
- a telephone kiosk or pedestal, or
- any other appliance, apparatus or structure specified in regulations made by the Minister for Housing, Planning and Local Government or by an Act of the Oireachtas that requires a licence.

A common example is an application for a licence to place tables and chairs outside a hotel, restaurant, public house or other venue. For this reason, sometimes a licence application is referred to as being for a “street furniture” licence, although there are many other items and situations where a licence may be required.

For further information on how to apply for a licence, you should contact your local planning authority.

What is a Section 254 licence decision appeal?

A Section 254 licence appeal is where the **planning authority** has made a decision on an licence application to:

- grant a licence,
- refuse a licence,
- withdraw a licence, or
- continue a licence.

You can appeal the planning authority's decision to An Bord Pleanála.

Who can appeal?

Any person can appeal the granting, refusing, withdrawing or continuing of a licence.

Making an appeal

How do I make a Section 254 Licence Decision appeal?

You must make your appeal in writing and post or deliver it in person to us. It is **not currently** possible to make an appeal online. There is a Section 254 Licence Decision Appeal Form which you can complete. The form can be typed or handwritten. However, you do **not** have to complete this form to make an appeal – you can either use the form **or** write to us.

How much time do I have to make a Section 254 Licence Decision appeal?

There is no time limit.

How much does a Section 254 Licence Decision appeal cost?

An appeal costs €220. You **must** make sure that you include the correct fee with the appeal.

How can I pay for my Section 254 Licence Decision appeal?

There are many ways you can pay a fee to An Bord Pleanála.

	In person at our reception	In the post
Cash	✓ Accepted	We advise you not to send cash in the post.
Debit and Credit Cards*	✓ Accepted	✗ Not accepted
Cheques	✓ Accepted	✓ Accepted
Bankers Drafts	✓ Accepted	✓ Accepted
Postal Orders	✓ Accepted	✓ Accepted

*Please note we do not accept debit or credit card payments over the telephone.

You can find more details about Fees and Charges and how you can pay fees on our website.

What do I include in my appeal?

You should carefully prepare your grounds of appeal (reasons and arguments) and any documents you wish to include. When you have made your appeal, you **cannot** make any further submissions unless we specifically ask you for them. Please note that An Bord Pleanála **cannot** consider non-planning issues.

To make a complete and valid appeal:

✓	You must put your appeal in writing (either typed or handwritten).
✓	You must clearly state your own name and address. If a planning agent is acting for you in this appeal , the agent must clearly state their own name and address as well as your name and address.
✓	You must give us enough details to allow us to easily identify the licence application you wish to appeal. Examples of the details we accept are: • a copy of the planning authority decision, or • the name of the planning authority and the licence application reference number (for example: Ballytown City Council, 23719/18)
✓	You must provide us with: • your planning grounds of appeal (reasons and arguments) for wanting the planning authority's decision changed, and • any items you wish to support your grounds of appeal.
✓	You must pay the correct fee.

Where do I send or deliver my appeal?

You must:

- post it to:

The Secretary, An Bord Pleanála, 64 Marlborough Street,
Dublin 1, D01 V902,



or

- deliver it in person to a member of An Bord Pleanála staff at our office in Marlborough Street (address above) during office hours – Monday to Friday from 9.15am to 5.30pm. Please note that the security staff in our office cannot accept appeals.



Remember, do **not** place your appeal in the letterbox of our office and **do not** email it to us as your appeal will be **invalid**.

We are closed on weekends, public holidays and other publicised days such as Christmas Day and Good Friday.

Can I get a receipt if I deliver my appeal in person?

Yes. If you deliver your appeal in person to our office, you can ask for a **receipt** which says that we have received your appeal. When your appeal is handed to a member of An Bord Pleanála staff, we cannot return it nor can we make a photocopy of your documents with our date stamp.

Will I receive a receipt if I send my appeal by post?

Yes, we will send you a receipt in the post.

Oral hearings

What is an oral hearing?

An oral hearing is sometimes held to help our inspector gather more information from participants. The Board will generally only hold an oral hearing to help it understand a particularly complex case, **or** if the case involves significant national or local issues. The Board has the power to hold an oral hearing with or without a request for one.

How do I ask for an oral hearing?

To ask for an oral hearing, you need to make an oral hearing request. To make a request you **must**:

- tick the box that says “Yes, I want to request an oral hearing” on the Section 254 Licence Decision Appeal Form, **or**
- write to us and ask for one.

You will have to **pay an additional non-refundable fee** of €50 **and** your request **must** be received together with your appeal.

Further information on how to make this request is available in our guide “Requesting an Oral Hearing” which is available on our website or by contacting us.

After you make your appeal

Have I made a valid or invalid appeal?

After we receive your appeal, we will check that it meets the statutory requirements to be a valid appeal. If your appeal does not meet these requirements, it is invalid.

Next, we will send you a letter to tell you that we have:

- received your appeal, and
- found your appeal to be valid **or** invalid.

What do I need to do next if my appeal is valid?

If your appeal is valid, you do not need to do anything else at this point. During the appeal process, we may send you a letter about:

- comments or observations you may be invited to give on something we have received,
- the Board's decision to hold an oral hearing,
- details about an oral hearing,
- when the Board hopes to make a decision if it is not possible within the 18-week time period.

If we write to you, please follow the instructions or advice in the letter. If you need help following the instructions or advice, you can contact us. Please quote the **appeal case reference number** on the letter, so we can identify your case.

What happens if my appeal is invalid?

If your appeal is invalid, we will return all your documents to you. We will refund your fee by cheque. You can re-submit the appeal only if you can fully meet all the statutory requirements.

Why is my appeal invalid?

Some reasons why appeals are invalid are:

- the appeal does not fully meet all the statutory requirements as described in this guide on page 10,
- the appeal was posted in the letterbox of our office or emailed to us.

Further details about invalid appeals are available on our website.

What does An Bord Pleanála do next?

An Bord Pleanála sends a copy of your appeal to:

- the planning authority,
- the applicant, and
- any other appellant that may be involved in the appeal.

Participants have **four weeks** from the date we write our letter to submit their comments if they so wish. We cannot consider any comments that are late. We may write to case participants to ask for further submissions or information.

An inspector will consider your appeal and all documentation. They will normally visit the site to gather more information and take photographs for their report. We may contact you to organise a time for the inspector to visit the site; however, an inspector may visit unannounced if they are in the area.

After the site visit, the inspector prepares a report and recommendation for the Board. The Board will then make a decision based on all the documentation on the case.

What is the time limit for deciding appeals?

The Board has a statutory objective to try to decide cases within 18 weeks. The 18-week period includes any request periods mentioned previously.

For example, if we ask you to comment on a submission and ask you to reply within four weeks, this four-week period is part of the overall 18-week appeal period.

If the Board cannot make a decision within 18 weeks, we will write to participants in the appeal to update them.

When the Board makes a decision, we will send you a letter and a copy of the Board Order to let you know the decision.

More information about the Board's decision is available on our website.

Can I withdraw my appeal?

Yes, you can withdraw your appeal any time before a decision is made. You **must** write to us and state that you wish to withdraw your appeal. We cannot refund your fee.

Will the Board still consider my appeal if the applicant has withdrawn their application?

No. If the applicant withdraws their application during the appeal process, there is no longer a valid appeal.

Can the Board dismiss an appeal?

Yes. The Board can dismiss an appeal where it is satisfied that the appeal is:

- **vexatious**: intended only to annoy or disturb,
- **frivolous**: lacking in seriousness,
- **without substance or foundation**,
- **made just to delay** the development,
- **made to secure the payment** of money, gifts and considerations by anybody, or
- **made by a person who cannot be identified** (in the Board's opinion).

The Board's decision

What will the Board consider?

In considering the appeal, the Board must consider:

- the proper planning and sustainable development of the area,
- any relevant parts of the development plan or the local area plan,
- the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- the convenience and safety of road users including pedestrians.

What can the Board decide to do?

The Board will decide to allow or disallow your appeal about the licence. The Board in its decision can give directions to the planning authority to:

- grant the licence, or
- withdraw the licence, or
- alter the licence.

The planning authority is required to follow the Board's Order.

Frequently asked questions

Can I make the appeal online?

No. It is **not** currently possible to make an appeal online.

Can I pay the fee over the telephone by debit or credit card?

No. We cannot accept fee payments over the telephone.

Can I email or fax an appeal and send the fee in the post?

No. To make a valid appeal, you need to post or hand deliver all the documents required and the appropriate fee.

Can I make an anonymous appeal?

No. You must provide your name and full address when making your appeal.

Can I get proof that I made an appeal?

Yes, if you visit our office to deliver your appeal in person, we can give you a receipt that we have received it. This receipt **does not** confirm that your appeal is valid. We do not provide a photocopy of your appeal documents with our date stamp.

What happens if my appeal is invalid?

If your appeal is invalid, we will return your documents and fee.

An Bord Pleanála has returned my invalid appeal. Can I re-submit the appeal?

Yes, but only if you can fully meet **all** the requirements as described in this guide on page 10, then you may appeal again.

Can I make my views known without appealing?

Yes. You can become an observer where a valid appeal has already been made against the decision of a planning authority. Our Making an Observation Guide provides further details on observations.

Can I be sued for what I write in my appeal?

Yes, you could be sued. You should refer only to relevant planning issues. Our notice on defamation explains more. Defamation is when a person communicates false statements about another person that injure that person's reputation.

Can I submit additional information after I have made my appeal?

No. You cannot give us additional information after you have made your appeal. Occasionally, we may ask you to give us more information or to respond to the submissions made. If we do, you should reply within the time we will specify.

How can I find out if someone has appealed a decision?

You can use the search facility on our website to check if an appeal has been received for the decision in which you are interested. We add new appeals to the website each Wednesday. This can be a day or two later around public holidays and Christmas.

Legislation

The laws and regulations referred to in this document are:

- Planning and Developments Act 2000, as amended,
- Planning and Development Regulations 2001, as amended.

Contact us

If you want a copy of this document in a different format or if you need more information, please contact An Bord Pleanála.

Visit our offices at:	An Bord Pleanála
Write to us at:	64 Marlborough Street Dublin 1 D01 V902
Telephone us on:	(01) 858 8100 or LoCall: 1890 275 175
Email us at:	bord@pleanala.ie
Visit our website:	www.pleanala.ie
Send us a fax on:	(01) 872 2684

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