

An
Bord
Pleanála

Making an Observation on a Large-scale Residential Development (LRD) Appeal

August 2022

Plain
English
Approved by NALA



About this guide

This guide provides information on how to make an observation on a valid large-scale residential development appeal. You can send us your observation using the [Observation Form on a large-scale residential development appeal](#). You can find it on our website www.pleanala.ie or by [contacting our office](#). You can also make an observation 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 for 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 <https://www.pleanala.ie/en-IE/Privacy>

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



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Terms

Some terms we use in this guide are:

Acknowledgement	A document issued by a planning authority which shows you made a submission to that planning authority.
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.
Environmental Impact Assessment Report (EIAR)	A document prepared by an applicant that assesses the likely significant effects on the environment of a proposed development.
First party	The person who applies for planning permission for a proposed development (See also Applicant).
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 the statutory requirements needed by law and regulations to be considered a case.
Leave to appeal	<p>Requesting the permission of the Board to make an appeal when all of the four following reasons apply:</p> <p>You did not make a submission to the planning authority on a planning application.</p> <p>The planning authority has granted permission to that planning application. In the grant of permission, the planning authority has attached a condition or conditions that will change part of the proposed development from what was originally proposed in the planning application.</p> <p>Due to the condition or conditions now attached to the grant of permission, the proposed development will impact land which:</p> <p style="padding-left: 40px;">you have an interest in; and</p> <p style="padding-left: 40px;">is adjoining (next to or joined with) the proposed development site</p> <p>The impact is that it may:</p> <p style="padding-left: 40px;">affect your enjoyment of the land you have an interest in, or</p> <p style="padding-left: 40px;">reduce the value of the land you have an interest in, or</p> <p style="padding-left: 40px;">both affect your enjoyment of the land and reduce its value.</p>
Large-scale residential development (LRD)	Developments of 100 housing units or more, or student accommodation development comprising 200 bed spaces or more, or a combination of same

Observation	A document submitted by an Observer (see also Submission).
Observer (Appeals)	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.
We, our, us	An Bord Pleanála.
You	You as a person, company, group, organisation or State authority.

What is an observation?

An observation is where you give your views on a valid appeal to An Bord Pleanála.



What is an appeal?

Generally, any person wanting to carry out development must apply for planning permission to their local county council, city council or city and county council (the planning authority). The **planning authority** will make a decision on the application either to grant or to refuse planning permission. This decision can be appealed to An Bord Pleanála.

Who can make an observation?

Any person can make an observation if they are **not** already a participant in the appeal. You can **only** make an observation if someone has made a valid appeal on a planning authority's decision on a planning application.

Making an observation

How do I make an observation?

You must make your observation in writing and post or deliver it in person to us. You can also send your observation using our online uploader facility. (See page 14).

There is an [Observation Form on a large-scale residential development appeal](#) which you can complete. The form can be typed or handwritten. However, you do **not** have to complete this form to make an observation and you can either use the form **or** write to us.

How much time do I have to make an observation?

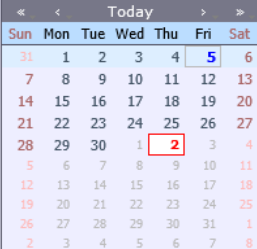
There are **strict time limits** for making an observation depending on the situation.

1. You want to make an observation on an appeal that has been received by An Bord Pleanála.

The time limit is **four weeks** from the date the appeal or the last appeal is made.

Example

An Bord Pleanála receives the last appeal on **Friday 5 April**, the last day we can receive your observation is before 5.30pm on **Thursday 2 May**.



Today						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

2. You want to make an observation because of a published public notice which says that An Bord Pleanála requested and received an environmental impact assessment report (EIAR).

The time limit is **five weeks** from the date that the public notice is published.

Example

The public notice is published on **Wednesday 2 August**, the last day for us to receive your observation will be before 5.30pm on **Tuesday 5 September**.

3. You want to make an observation because An Bord Pleanála has asked the applicant to publish a further site or newspaper notice.

The time limit is **four weeks** from the date that the further site or newspaper notice is published.

Example

The public notice is published on **Friday 4 October**, the last day for us to receive your observation will be before 5.30pm on **Thursday 31 October**.

Today						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	1	2
3	4	5	6	7	8	9

Our website has a calendar calculator to help you work out the last day for making your observation. There are different rules about time limits between December 24 and January 1 (inclusive) which can affect the last date.

How much does an observation cost?

An observation costs €50. You **must** make sure that the correct fee is included with the observation. No fee applies for [certain organisations](#) set out in Regulations. You can find the list of these organisations in our [Fees and Charges Guide](#).

How can I pay for my observation?

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

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

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

You can find more details about [fees](#) and [how you can pay for fees](#) on our website.

What do I include in my observation?

You should carefully prepare your grounds of observation (reasons and arguments) and any documents you wish to include. When you have made your observation, 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 observation:

✓	You must put your observation in writing (either typed or handwritten).
✓	You must clearly state your own name and address. If a planning agent is acting for you, 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 application or appeal you are making the observation on. Examples of the details we accept are: <ul style="list-style-type: none">• a copy of the planning authority decision, or• the name of the planning authority and the planning register reference number (for example: Ballytown City Council, 23719/18), or• the An Bord Pleanála case reference number (for example: ABP-300000-19).
✓	You must provide us with: <ul style="list-style-type: none">• your planning grounds of observation (reasons and arguments), and• any items you wish to support your grounds of observation.
✓	You must pay the correct fee of €50.
✓	You must make your observation on time.

Sending us the observation online

The fastest and easiest way to send us your observation is online. Use our online uploader facility at: <https://online.pleanala.ie/en-ie/lrd/observation>

The online uploader facility will also allow you to pay the fee online. When you have successfully sent your observation, you will get an email to confirm that we have received it.



To use the online uploader facility, you will need to have completed your observation and either saved it as a Microsoft Word document or a PDF. The online uploader facility does not make the observation for you.

How do I get the observation document ready?

You can prepare your observation document by writing your document and then saving it as a Microsoft Word document or a PDF. If you have handwritten your document, you will need to scan it and save it as a PDF. You can only upload **one** document online and this should not exceed the maximum allowed file size of 30MB. Please name your document in either of two ways:

Ways to name document	Example
Case number and your name	300000 – Ann Duine
The name and location of the development and your name	Town Square Project, Ballytown – John Murphy

Tip: Make sure that the name of your document does **not** end in a full stop (.).

What will I need to upload the observation online?

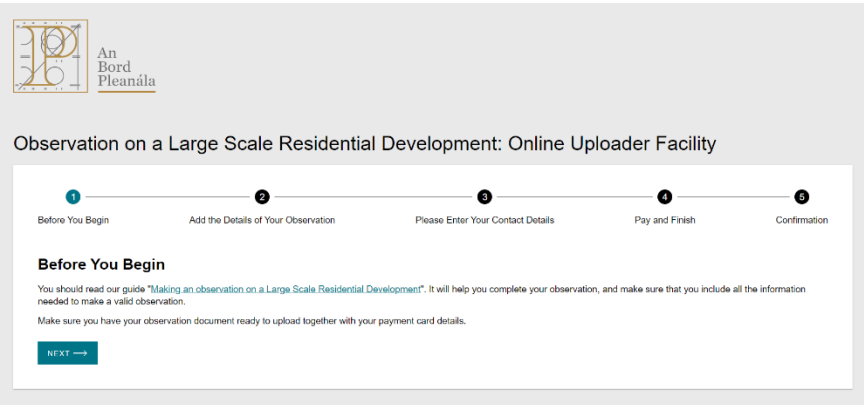
Before you use the online uploader facility, you will need:

✓	an up-to-date version of an internet browser such as: Microsoft Edge, Chrome, Firefox and Safari.
✓	an email address to receive an email confirming we have received your observation.
✓	your observation saved as a Microsoft Word document or a PDF that should not exceed the maximum allowed file size of 30MB.
✓	the details of the application you wish to make an observation on. Details the uploader accepts are: <ul style="list-style-type: none">• The planning authority's register reference number, or• the An Bord Pleanála case reference number for the application. (for example: 300000), or• the name and location of the proposed development in the application (for example: Town Square Project, Main Street, Ballytown, Co. Ballytown).
✓	a debit or credit card to pay the correct fee.

How do I use the uploader?

To use the uploader, go to our [online uploader facility](#).

The uploader will then take you through the four pages / steps to upload your document. This is the first page of the uploader:



The screenshot shows the 'An Bord Pleanála' logo at the top left. Below it, the title 'Observation on a Large Scale Residential Development: Online Uploader Facility' is displayed. A progress bar with five steps is shown: 1. Before You Begin (highlighted), 2. Add the Details of Your Observation, 3. Please Enter Your Contact Details, 4. Pay and Finish, and 5. Confirmation. Under the 'Before You Begin' step, there is a heading 'Before You Begin' followed by instructions: 'You should read our guide "Making an observation on a Large Scale Residential Development". It will help you complete your observation, and make sure that you include all the information needed to make a valid observation. Make sure you have your observation document ready to upload together with your payment card details.' At the bottom of this section is a blue button labeled 'NEXT →'.

Page 1	Introduction
Page 2	<p>On the top half of this page, you must give:</p> <ul style="list-style-type: none"> • the An Bord Pleanála case reference number for the application, or • the name and location of the proposed development in the application. <p>In the lower half of this page, you can attach your observation. You can upload and attach your observation into the grey box by clicking on the button:</p> <p>When the observation has been uploaded, it will appear in the grey box.</p> <div data-bbox="614 712 954 797" style="border: 1px solid red; padding: 5px; text-align: center;"> <p>Select your document</p> </div> <div data-bbox="564 815 1029 869" style="border: 1px solid grey; border-radius: 10px; padding: 5px; text-align: center; margin-top: 10px;"> <p>300000 Ann Duine.pdf — 6.5 KB ✕</p> </div>
Page 3	<p>On this page you must give:</p> <ul style="list-style-type: none"> • your name, and • your email address in the two separate boxes to make sure we have your correct email address. <p>If you are an agent uploading an observation for a client, you must give your name and email address.</p>

Page 4	<p>On this page, you will be asked if you are ready to make the observation:</p> <p>If yes, you will move to the payment section to pay the fee.</p> <p>If no, you can go back to make changes.</p> <p>The payments section will ask you to select the fee you want to pay:</p> <p>Observation – €50</p> <p>You will then be asked for your debit or credit card details. Please check the details carefully when entering them.</p> <p>When ready click on Pay and finish and your observation will be submitted.</p>
Page 5	<p>When successfully completed, you will see the Confirmation screen.</p> <p>You will also be emailed a receipt confirming we have received your observation. If there are problems, please follow the instructions on screen.</p>

How long do I have to complete the uploader process?

There is **no time limit** to complete the uploader process. However, if you close the page and leave the process, you will have to start again from the beginning.

Do I pay the fee when I upload the document?

Yes. You will need a debit or credit card to pay the necessary fee. Please make sure that you have enough money in your account as payment will be taken at the same time as you upload your document.

Can I upload the document and pay the fee separately?

No. If you are using the uploader, you can only pay by debit or credit card. If you wish to pay the fee by any other payment method, you will need to either:

- send us your observation by post, or
- hand deliver it to a member of staff in our office.

Do I have to use the uploader to send in my observation?

No. You can continue to send your observation by post or deliver it in person to our office. More details are available on page 19.

Can I use the uploader to submit my observation and post supporting materials?

No. If you want to include supporting materials such as printed photographs, paper drawings, or DVDs as part of your observation, you will need to send your observation by post or deliver it in person to our office.

Can I use the uploader and post a paper copy of the same observation?

No. Please only use **one** method to send your observation, online by the uploader **or** in paper (by the post or deliver in person).

I am having problems using the uploader. Who can I contact?

If you are having problems using the uploader, please contact our helpdesk by emailing onlinesupport@pleanala.ie

Will you contact me during the application process by email?

No. During the application process, we will write to you by letter sent in the post. You will only receive an email from us to confirm that we have received your observation document.

Sending us the observation by post or delivering it in person

Where do I send or deliver my observation?

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 observations.



Remember, do **not** place your observation in the letterbox of our office and **do not** email it to us as your observation will be **invalid**. If you wish to submit online, you must use the online uploader facility. See page 14 for more information.

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 observation in person?

Yes, if you deliver your observation in person to our office you can ask for a **receipt** which says that we have received your observation. When your observation 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 observation by post?

Yes. We will send you a receipt in the post.

Can I ask for an oral hearing?

No. If you are making an observation, you cannot request an oral hearing.

After you make your observation

Have I made a valid or invalid observation?

After we receive your observation, we will check that it meets the statutory requirements to be a valid observation. If your observation does not meet these requirements, it is invalid. Next, we will send you a letter to tell you that we have:

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

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

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

- 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 weeks' 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 observation is invalid?

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

Why is my observation invalid?

Some reasons why observations are invalid are:

- the observation does not fully meet all the statutory requirements as described in this guide.
- there is no valid appeal on which to make an observation.

What does An Bord Pleanála do next?

Your observation forms part of the case. The Board will 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 16 weeks. If the Board cannot make a decision within 16 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 observation?

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

The application or appeals have been withdrawn on the case. Will the Board still consider my observation?

No. If the applicant withdraws their application or all the appeals on the case are withdrawn, there is no longer a valid appeal. The original decision of the planning authority will apply.

Frequently asked questions

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 observation and send the fee in the post?

No. To make a valid observation, you need to send all the documents required and the appropriate fee. They **must** arrive together before the close of the 4-week period. If you wish to submit online, you must use the online uploader facility. See page 14 for more information.

Can I make an anonymous observation?

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

Can you accept a late observation?

No. By law, An Bord Pleanála cannot accept a late observation for any reason.

What if An Bord Pleanála's office is closed on the last day allowed for making an observation?

If the last date for us to receive an observation is on a weekend, public holiday or other day when our office is closed, we can receive your observation during office hours on the next working day our office is open. More details are available on [our website](#).

Can I get proof that I made an observation?

Yes. If you use the online uploader facility, you will get a receipt by email. If you visit our office to deliver your observation in person, we can give you a receipt that we have received it. This receipt **does not** confirm that your observation is valid. We do not provide a photocopy of your observation documents with our date stamp on them.

Why is the observation invalid even though I posted it on time?

Even though you may have posted your observation on time, your observation is invalid because we did not receive it within the required 4-week period.

What happens if my observation is invalid?

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

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

Yes, but only if you can fully meet **all** the requirements as described in this guide, then you may make your observation again.

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

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 observation?

No. You cannot give us additional information after you have made your observation. 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.

Can I upload more than one document when submitting an online observation?

No. If you have supporting material, it should form part of the one Microsoft Word or PDF document to be uploaded. If you have physical supporting material – for example, DVDs, CDs, or USB drives – or if you wish to submit visual or audio clips, you cannot use the online facility. You must make your observation by post or deliver it in person to a member of An Bord Pleanála staff at our office during office hours.

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

You can use the [search facility](#) on our website to check if we have received an appeal for the planning decision you are interested in. We add new appeals to the website each Wednesday. This can be a day or two later around public holidays and Christmas.

Can I view the appeal?

You can view the appeal at the planning authority's office. Details of an appeal are available on [our website](#). 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 Development (Large-Scale Residential Developments) Act 2021
- Planning and Development (Large-scale Residential Development) Regulations 2021
- Planning and Development 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: 1800 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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