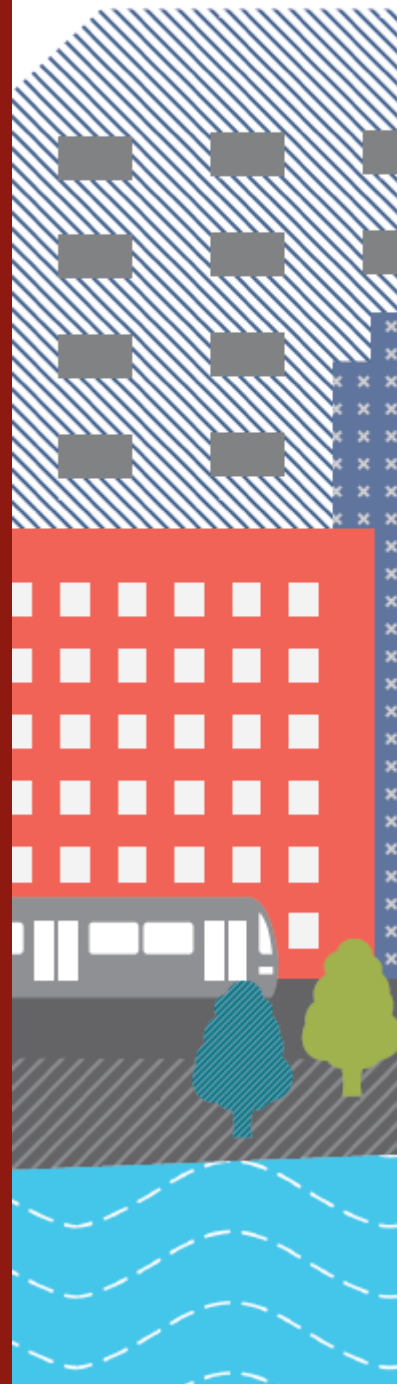


An
Bord
Pleanála

Making an observation on a Strategic Infrastructure Development application

February 2021



About this guide

This guide provides information on how you can give your written comments to An Bord Pleanála on a Strategic Infrastructure Development application case. When you give your comments, you are said to be making an observation or a submission. This guide will use the term observation and will help you to make a valid observation on a Strategic Infrastructure Development application case. For general information about Strategic Infrastructure Development cases, we advise you to first read our Strategic Infrastructure Developments: Your Guide document.

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

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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.
Board	The Board of An Bord Pleanála.
Environmental Impact Assessment Report (EIAR)	A document an applicant prepared that assesses the likely significant effects on the environment of a proposed development.
Invalid	Does not meet all of the statutory requirements needed by law and regulations to be considered.
Lodged, To Lodge	To give or submit something to An Bord Pleanála.
Natura impact statement (NIS)	A document prepared by an applicant that assesses the likely significant effects on certain nature conservation sites arising from a proposed development.
Observation	A document submitted by an Observer (see also Submission).
Observer (Applications)	Any person, other than the applicant, who comments on the application.

Oral hearing	An oral hearing is a meeting to allow relevant issues in a case to be discussed and examined.
Our	An Bord Pleanála.
Planning authority	The local authority – county council, city council, or county and city council – responsible for planning in its area.
Planning and Development Act 2000; Planning and Development Acts (as amended)	An Act of the Oireachtas passed in 2000 by the Oireachtas about matters governing the planning system in Ireland. Parts of this 2000 Act have since been changed or amended by several other Acts. Together these Acts are known as the Planning and Development Acts 2000 to 2020.
Prescribed body	An organisation or body specified in regulations made by the Minister.
Public access	After a decision has been made on a case, you can view the decided planning case file within three days after the decision. This is called public access.
Regulations	A law or rules made by an Act or sometimes a Government minister.
Scoping	Scoping is an optional procedure contained in EU directives. It allows a prospective applicant to ask the consent authority (for example: An Bord Pleanála) to give an opinion in writing on what information will be required in an environmental impact assessment report (EIAR) or Natura Impact Statement (NIS) for a proposed development.

Screening	Screening is an optional procedure where a prospective applicant can ask An Bord Pleanála for an Appropriate Assessment (AA) screening determination for a proposed development.
Statutory	Something that is decided, set up or controlled by statute law. Statute law is a law passed by the Oireachtas (parliament).
Statutory requirements	Requirements needed by law for: <ul style="list-style-type: none"> • a case, observation, submission or request to be valid, or • some action or procedure to be carried out during the processing of a case.
Strategic infrastructure development (SID)	Applications for planning permission directly to An Bord Pleanála for major infrastructure developments by local authorities, State authorities and by the private sector.
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.)
Valid	Meets all statutory requirements needed by law and regulations to be considered.
Us	An Bord Pleanála.
We	An Bord Pleanála.
You	You as a person, company, group, organisation or State authority.

Before making an observation

What is strategic infrastructure development?

An Bord Pleanála is the national body that makes a decision to grant permission or refuse permission for to major infrastructure projects that are important to either Ireland, the region or the local area. Examples include motorways, railway lines, pipelines, ports or major facilities like hospitals. These infrastructure applications are called **Strategic Infrastructure Developments**.

Strategic Infrastructure Developments also include development which would:

- contribute significantly to meeting any of the objectives of the National Planning Framework, or
- contribute significantly to meeting any regional spatial and economic strategy for an area, or
- have a significant effect on the area of more than one planning authority.

You can find out more about the Strategic Infrastructure Development process in our Strategic Infrastructure Developments: Your Guide.

How will I know when an application is made?

Before applying to An Bord Pleanála, the prospective applicant must publish a notice of the proposed application in at least one newspaper circulating in the area of where the proposed development is to be located.

In most cases, site notices will also be required. These notices will:

- give the name of the applicant,
- give details about the nature and location of the proposed development,
- state if an Environmental Impact Assessment Report (EIAR) is required and has been prepared by the applicant,

- state if a Natura Impact Statement (NIS) is required and has been prepared by the applicant,
- give the times and places where the application, EIAR or NIS can be viewed and copies bought,
- give that an application is to be made to the An Bord Pleanála for planning permission or approval depending on the type of case,
- state the types of decision which the Board may make,
- state that the public may make observations on the proposed application to An Bord Pleanála (at least six weeks will be allowed), and
- state that prescribed bodies may make observations on the proposed application to An Bord Pleanála.

An Bord Pleanála will publish details about the application we have received in the weekly list of new cases on our website.

Where can I see or get copies of the application?

There are two ways you can see or get copies of the application.

Application's Website

The applicant must provide a website where the application can be inspected. You can find the website address on the newspaper notice **and** on the site notice. The notices will provide information on how the public can make an observation to An Bord Pleanála about the application.

Hard copies at An Bord Pleanála's office and local planning authority's office

The applicant must give paper copies of the application to An Bord Pleanála and the local planning authority and they are available for viewing for at least **six weeks**. The applications can be viewed at An Bord Pleanála's office and the local planning authority's office. If the development is in more than one planning authority area, copies of the application will be available in each local planning authority. The documents can be inspected free of charge. You can also buy a

copy of the application for a reasonable cost depending on the number and format of the pages in the application documents.

If an Environmental Impact Assessment Report (EIAR) is submitted with the application, you can view and buy a copy of it at An Bord Pleanála's office and the local planning authority's office.

Can I see or get copies of the pre-application consultation or scoping case files?

Yes. The pre-application consultation or scoping case files will be available to view when the Board has determined the cases.

You can view these decided case files through our public access service. The case file will contain the records of any meetings between An Bord Pleanála and proposed applicant held during the pre-application consultation process.

How long do I have to make an observation?

How much time do I have to make an observation?

If you want to make an observation, you must do this **within** the specified period from the date of the notice published by the applicant. This period is normally **at least** six weeks but you must check the specified period carefully.

You want to make an observation on an application on a proposed development for a railway station.

The time limit specified is **6 weeks** for this application from the date of the notice.

Example

The notice is dated on **Friday 1 June**, the last day we can receive your observation is before 5.30pm on **Thursday 12 July**.

You want to make an observation on an application on a proposed development for a electricity transmission line.

The time limit specified is **6 weeks** for this application from the date of the notice.

Example

The notice is dated on **Wednesday 19 September**, the last day we can receive your observation is before 5.30pm on **Tuesday 30 October**.

There are different rules about time limits between December 24 and January 1 (inclusive) which can affect the last date.

Can you accept a late observation?

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

How much does an observation cost?

How much does an observation cost?

An observation costs €50. If you are a prescribed body, there is no fee.

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
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 phone.

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

Making an observation

What do I need to do to make a valid 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 observation unless we specifically ask you for them. Please note that An Bord Pleanála cannot consider non-planning issues.

To make a valid observation, you must:

✓	make your observation in writing (either typed or handwritten).
✓	clearly state your own name and postal address . If a planning agent is acting for you in this observation, the agent must clearly write their own name and postal address as well as your name and postal address.
✓	give us enough details to allow us to easily identify the application you wish to make an observation on. Examples of the details we accept are: <ul style="list-style-type: none">• the name and location of the application (for example: Ballytown Transport Hub, Main Street, Ballytown, Co. Ballytown), or• the An Bord Pleanála case reference number for the application. (for example: ABP-300000-20).
✓	give us: <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.
✓	make sure that the observation is received by An Bord Pleanála within the time period given in the public notice of the application.
✓	pay the correct fee of €50 fee (except if you are a prescribed body).
✓	make your observation on time and within the specified time period.

Can I make an observation online?

No. It is not currently possible to make an observation online.

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**.

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. A receipt does not mean that your observation is valid. We will write to you separately to tell you if your observation is valid or invalid.

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

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

Oral Hearings

Will an oral hearing or meeting take place about the case?

Yes. The Board has the power to hold an oral hearing with or without a request for one. In some cases, the Board may consider that the issues involved in the case can be adequately and appropriately assessed by way of written observations and submissions. The Board can also decide that some oral hearings, due to the issues involved with the proposed development, that a “limited agenda” oral hearing takes place. You will be contacted about the oral hearing if the Board decides to hold an oral hearing.

The Board may also hold a meeting with the applicant or any other person the Board considers has relevant information about the case. The Board may decide to hold an oral hearing and a meeting(s) in the same case. A meeting can be called and held either before or after an oral hearing.

Can I request an oral hearing or meeting?

Yes. The applicant and any person who makes observations to An Bord Pleanála about the application can request an oral hearing. If you have paid the application fee or €50 fee to make an observation there is no additional fee to request an oral hearing. Only the Board can call a meeting. It is not possible for an applicant or an observer to request a meeting.

The Board has decided to hold an oral hearing. What do I need to do?

We will write to you with the details of the oral hearing and invite you to attend. Please read this letter carefully. The letter will be sent to you at least 5 working days before the day the oral hearing starts. When the oral hearing has been arranged, we will also publish the details on our website. Further information about oral hearings is available in our oral hearing guide.

If an oral hearing takes place and I did not make an observation in the period allowed for making observations, can I speak at the oral hearing?

It is possible, however there is no automatic right. The inspector in charge of the oral hearing has the power to hear a person who did not make an observation to An Bord Pleanála. The inspector may consider it appropriate in the interest of justice to allow the person to be heard. If you are allowed make a observation at the oral hearing, you **must** pay the observation fee of €50.

The Board has decided not to hold an oral hearing. What happens next?

If the Board has decided not to hold an oral hearing, the inspector will consider the application, all documentation on the case and will normally visit the site. After the site visit, the inspector prepares a report and recommendation for the Board.

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 application process, 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 **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 as soon as we can. We will refund your fee by cheque. You can re-submit the observation only if you can fully meet all the statutory requirements. For example, if you want to make your observation again, you will need to make sure that this is within the time period to make an observation. We cannot accept late observations for any reason.

Why is my observation invalid?

The observation is invalid as it does not fully meet all the statutory requirements as described in this guide such as:

- it is received outside of the time period allowed to make an observation,
- it does not include the required fee of €50 (except for prescribed bodies).

What does An Bord Pleanála do next?

An inspector will consider your observation and all documentation on the application case file. They will visit the site to gather more information and take photographs for their report. The inspector may wish to see the site from your property. If this is the case, we may contact you to make arrangements for the site visit.

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 applications?

The Board has a statutory objective to decide cases within 18 weeks. If the Board cannot make a decision within 18 weeks, we will write to participants in the case to update them.

Reasons why the Board cannot make a decision within 18 weeks include:

- an oral hearing was held on the case, or
- further information on the application was required.

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 cannot refund your fee.

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

No. If the applicant withdraws their application there are no longer any observations to consider.

Where can I find out more information on the Strategic Infrastructure Development process?

You can find further information in our Strategic Infrastructure Developments: Your Guide on our website.

Frequently asked questions

Can I make an anonymous observation?

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

Can I get proof that I made an observation?

Yes, 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?

Your observation is invalid as although you may have posted it on time, we did not receive it within the required time period.

What if the An Bord Pleanála's office is closed on the last day for receipt of observations?

If the last day of the period for receipt of observations falls on a weekend, public holiday or other day An Bord Pleanála is closed, the latest day we can receive the observation will be the next on which the office is open.

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 it?

Yes, but only if you can fully meet all the requirements as described in this document, 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 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.

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 further information received. If we do, you should reply within the time we will specify and there is no additional fee for the applicant or for any observer who has already paid the €50 observation fee.

Can I view or buy the records of the oral hearing or meeting held on the case?

Yes. Once the case has been decided, you can view and purchase copies of the records of any meeting held on the case as well as any record or transcripts of the oral hearing if one was held.

Legislation

The laws and regulations referred to in this document are:

- 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: 1890 275 175
Email us at:	sids@pleanala.ie
Visit our website:	www.pleanala.ie
Send us a fax on:	(01) 872 2684

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