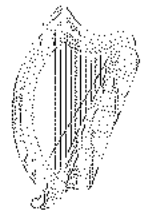




Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Oifig an Aire
Office of the Minister

SM
June, 2008.

Ms. Mary Maguire,
Meetings Administrator,
South Dublin County Council,
Corporate Services,
County Hall,
Tallaght,
Dublin 24.

RE: REP3789/JG/08

Dear Ms. Maguire,

I have been asked by Mr. John Gormley T.D., Minister for the Environment, Heritage and Local Government to refer to your recent letter in relation to a resolution passed by the members of Kildare County Council concerning planning fees for making a submission on a planning application.

The Minister has asked me to explain that the Development Management Guidelines, which were published in June 2007, contains advice regarding representations received from elected members in relation to planning applications. The Guidelines recognise that councillors in general will have an interest in how the development plan that they are responsible for adopting is applied. It is also noted that individual councillors, in their representative capacity, are entitled to make submissions and should be kept informed on particular applications. Planning authorities are reminded that a public representative does not have to pay the fee when making an enquiry with a planning authority as to the position regarding an application or requesting the speeding up of the processing of an application or simply supporting the application in general terms without elaborating on the grounds of the application or on a submission by an observer.

However, where a public representative makes a formal submission i.e. the submission elaborates on the grounds of an application or an objection to an application, or on a submission by an observer, or raises a substantive new issue, the submission cannot be considered by the planning authority unless it is accompanied by the appropriate fee.

The Minister has also asked me to explain that the €20 fee for making a submission on a planning application was introduced in the context of the comprehensive review of planning legislation which culminated in the Planning and Development Act 2000 and the Planning and Development Regulations 2001. The fee was introduced in tandem with the increased rights given to third parties in the planning process in the revised legislation. Since the enactment of the Planning Act 2000 planning




authorities are statutorily obliged to acknowledge submissions on planning applications and to consider those submissions before making decisions on planning applications. Persons who make submissions are also entitled to:

- be notified of any new information provided;
- be notified of the decision of the planning authority;
- be notified of an appeal against the decision of the planning authority.

Naturally this framework is expensive to administer and the purpose of the €20 fee is to contribute to the increasing costs for planning authorities in administering the development consent system while not discouraging public participation in the process. The fee also facilitates the identification of those persons who have made a submission on a planning application and who are therefore entitled to appeal decisions. Further, the fee is payable once; if a person who has paid a fee makes a further submission or observation, no fee is payable in respect of the subsequent submission or observation.

The Minister trusts that this clarifies the position.

Yours sincerely,


Eddie Kiernan,
Private Secretary