

# Guide to Making an Objection

by David Armstrong

*One of the pillars of the Irish planning system is the third-party appeal process, which allows people to challenge the decision of a local planning authority on a proposed development by referring the case to An Bord Pleanála. While considered by some to be a barrier to progress and an impediment to the speedy delivery of much needed housing, it has proved a useful mechanism for facilitating public participation in shaping the development of our shared urban environment and a valuable safeguard for the protection of our built heritage.*

**This right of third-party appeal is reserved only for those who have submitted a valid 'observation' (objection) in relation to a development proposal at the application stage.**

## Making an observation

For an observation on a planning application to be considered valid, it must be submitted in writing along with the requisite fee of €20, and be received by the planning authority within five weeks of the date of the application being lodged.

An observation should include the sender's name and address, the planning reference number, the site address and a brief account of specific grounds of objection, which may be wide and varied.

## What might be issues of concern?

Issues of concern might include how a proposed development is expected to negatively impact on residential amenities (for example by way of overshadowing, loss of privacy through overlooking, or by exerting an overbearing impact on existing properties, the public realm or private amenity spaces), or how the scale, bulk and massing of a proposed development might impact on the character and setting of protected structures or other heritage assets.

Other grounds might address traffic impact, environmental or ecological impact or the perceived negative impact on visual amenities - with consideration for the consistency with established building lines, parapet heights, or the visual harmony of the wider streetscape.

A proposed design may interfere with existing parking, refuse storage or access arrangements. Observers should consider how a proposed development scheme might affect their interests.

Issues involving land ownership disputes are a legal matter, rather than a planning matter, and should not affect the consideration of the appropriateness of a proposed development.

## Supporting evidence

Providing supporting evidence to back up any grounds of objection can add great weight to an observation. This might involve, for example, photographic imagery, a statutory declaration, a daylight and sunlight assessment or some other professional report, depending on the point at issue.

Careful objectors might refer to the planning policy context to underpin their grounds of objection, drawing on the policies and objectives of the local development plan.

## Benefits of lodging an observation

Lodging an observation secures the ability to make a third-party appeal. Once an observation is submitted the objector should receive a letter of acknowledgement from the planning authority. File this document carefully as it will need to be produced in the event that a third-party appeal is required.

Planning consultants are available to answer any queries or to assist you with participating in the planning process as a developer or an observer.

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