



Government Circular No. 0046/13

Department of Infrastructure
THE TOWN AND COUNTRY PLANNING ACT 1999
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE)
ORDER 2013

DETERMINATION OF INTERESTED PERSON STATUS

1. Interested Person Status

In relation to Article 6(3) and 6(4) of the Town and Country Planning (Development Procedure) (No2) Order 2013¹, the Planning Committee, or any person to whom the Committee's functions under this Article have been delegated, shall, when deciding which persons (if any) who have made written representations have sufficient interest in the subject matter of the application to take part in any subsequent proceedings, have regard to the criteria set out in paragraph 2.

2. Criteria for Interested Person Status

(1) The following persons shall generally be accepted as having sufficient interest:-

- (a) persons owning or residing in land or buildings which physically adjoin the site;
- (b) persons whose privacy would be substantially affected by the development;
- (c) persons whose outlook from land or buildings in which they have an interest as owners or tenants would be substantially and adversely affected by the development; and
- (d) persons owning or residing in land or buildings, the legitimate enjoyment of which would be adversely affected by reason of -
 - (i) noise, dust, or smell arising from the site as a consequence of the development; or
 - (ii) traffic generated by the development.

(2) The following persons shall generally not be accepted as having sufficient interest:-

¹ SD 0238/13

Persons concerned exclusively with —

- (a) the impact of the development on the value of their property;
- (b) commercial competition;
- (c) land ownership;
- (d) private property rights; or
- (e) covenants;

or any combination of these.

3. Department of Infrastructure Highways Division

The Highways Division of Department of Infrastructure will be taken to have Interested Person status in respect to all submitted planning applications from the date of this Circular and to all subsequent proceedings relating to the submitted planning application.

Dated: 9th September 2013



D C Cretney
Minister for Infrastructure

EXPLANATORY NOTE *(This note is not part of the Circular)*

This Circular sets out the criteria by which the Planning Committee, or persons holding appropriate delegations, shall determine which persons shall have interested person status. The Circular also specifies those persons who shall be regarded as having insufficient interest.