

This leaflet is a simple guide to understanding the planning system. You may wish to build or extend your house, or a neighbourhood development is taking place, which may affect you. Either way, you want to know more about how the planning system works.

This leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information, you should consult your local planning authority.

1. When do I need planning permission?

Generally, you need planning permission for any development of land or property unless the development is specifically exempted from this need. Development includes the carrying out of works (building, demolition, alteration) on land or buildings and the making of a material (i.e. significant) change of use of land or buildings.

2. What is exempted development?

Exempted development is development for which planning permission is not required. Categories of exempted development are set out in planning law. There are usually certain thresholds relating to, for example, size or height. Where these thresholds are exceeded, the exemptions no longer apply. The purpose of exemption is to avoid controls on developments of a minor nature. Leaflets PL.5, PL.6 and PL.7 give details of the main exemptions.

3. Are there different types of permission?

Yes. There are two types of planning permission. An application may be made for:

- permission;
- outline permission;

The most common type of application made is for permission, sometimes referred to as full permission. There are circumstances when you may want to make an application for outline permission. For example, you may want to see whether the planning authority agrees with your proposal in principle before you go to the trouble of making detailed plans. If you obtain outline permission, you must obtain full permission before starting work. In most cases, a subsequent application for permission must be made within 3 years of the date of grant of outline permission. However outline permission cannot be sought for retention of a structure, works to a protected structure or a proposed protected structure or developments which require an environmental impact assessment, integrated pollution control licence or a waste licence.

4. Where do I get planning permission?

From the planning authority for your area i.e. your local County Council, Borough Council, City Council or Town Council.

5. How much will this cost?

A fee is payable with an application for planning permission. Fees for the different classes of development are listed with the application form. You must pay the correct fee with your application as the planning application will be returned to you if it is not paid. Voluntary organisations may qualify for an exemption from the fee.

6. How long will it take to get planning permission?

This will be affected by the completeness of the application and by whether there is an appeal or not. Generally, a valid application will be dealt with by a planning authority in 12 weeks from the date the application is made to the final grant of a permission. However, the period can vary, particularly if the planning authority seeks further information from the applicant (which it should do within the first 8 weeks). The planning authority then has 4 weeks from the day the further information is received to make a decision on the application. The following table illustrates the timescale involved in most cases.

Timescale	Action
Start	Notice published in newspaper and site notice erected
2 weeks later	Latest date for lodging application
Between 2 weeks and 5 weeks	Application is validated by the planning authority. Submissions or objections are considered.
Between 5 and 8 weeks later	Planning authority issue notice of their decision on the application. (Alternatively, they may request further information.)
4 weeks after issue of notice of decision.	If no appeal is made, the planning authority will issue grant of permission, or outline permission, except where they have already indicated a decision to refuse.

An appeal may take longer than the application to decide but An Bord Pleanála has an objective to decide appeals within 18 weeks of receipt of an appeal.

7. Can I consult the planning authority in advance?

You do not have to consult the planning authority before making a planning application, but it is often advisable to do so where you are unsure of local planning policies, how to apply, etc. Depending on the type of development, you may need to discuss connections to the public water supply, sewer etc. The larger the development proposal, the greater the need for prior consultation.

8. Where can I find out about local planning policies?

The development policies and objectives of the planning authority are in the local development plan. You can view the plan at any time during office hours at the planning authority offices and local libraries. Copies and extracts from the plan are available at a reasonable cost from the planning authority. For more information on the plan see The Development Plan (PL.8).

9. How do I make a planning application?

Forms and information are available from the planning authority. For more information see Making a Planning Application (PL.2).

10. I have lodged a valid planning application. Now what?

Your application will be acknowledged and placed on the planning register in the planning authority offices, for public inspection. It will also be included on the lists of planning applications displayed in council offices, public libraries and circulated to certain interest groups. The lists may also be available on the planning authority's website. A planning authority official will usually inspect the development site, and you may be asked to make an appointment to allow access.

11. What if my application is incomplete?

If your application:

- lacks any of the required documents;
- lacks the appropriate fee or;
- is in any other way inadequate ;

(e.g. does not meet the statutory requirements for public notice of your application)

the application will be invalid and will be returned to you with the fee. The statutory 8 week period for deciding the application begins from the time you submit a valid application with the required information in full, pay the correct fee and give proper public notice of the application.

12. Can other people comment on my application?

Yes. Any person can see a copy of your application and make written submissions or observations, on payment of the appropriate fee, to the planning authority on any planning aspect of it. These must be considered by the planning authority when determining your application. For more information see Commenting on a Planning Application (PL.3).

13. How is the decision made?

In making the decision, the planning authority takes a number of matters into account, including:

- the proper planning and sustainable development of the area (e.g. appropriate land use (zoning), road safety, development density, size, location, adherence to established planning and development practices);
- its own development plan;
- Government policy;
- the provision of a Special Amenity Area Order;
- any European site (eg. Special Areas of Conservation; Special Protection Areas);
- submissions and observations made by members of the public on the application.

It may not take non-planning issues into account e.g. boundary or other disputes, questions more properly resolved through legal means, etc.

14. How will I know permission has been granted or not?

The decision to grant permission, with or without conditions, will be notified to you, and to anyone who commented on the application. What you get is a notice of intention to grant permission. During a period of 4 weeks beginning on the date of making of this decision, you or anyone else who has made a submission or observation on the application and has paid the appropriate fee may appeal it to An Bord Pleanála. Where there is no appeal, the planning authority will formally give you the grant of permission at the end of the appeal period. You must not commence work until you receive this notification. If the decision is appealed, you will

receive from An Bord Pleanála either the grant of permission, with or without whatever conditions the Board considers appropriate, or if the Board decides, refusal of permission.

Where the planning authority decide to refuse your application, its reasons will be included in the notification sent to you. The same period for appeal (4 weeks) will apply.

15. Can conditions be attached to my permission?

Planning permission may be subject to certain conditions, which will be listed on the decision. These may require changes to your proposal (e.g. new arrangements for the disposal of surface water, revised height/colour/material for boundary walls, improved landscaping of the site). You may also be required to make a contribution to the local authority for services (e.g. water, sewerage). These contributions differ from place to place and for different types of development. You must comply with all of the conditions attached to the permission and finish work in accordance with them. Even if you have more than one permission for a site, you cannot pick and choose the conditions which suit you best.

16. How long does permission last?

The standard duration for planning permission (permission or outline permission) is five years from the date of the grant of the permission by the planning authority or An Bord Pleanála. In certain circumstances the planning authority may extend the life of a planning permission but only where:

- substantial works have been carried out during the lifetime of the permission and
- the planning authority is satisfied that the development will be completed in reasonable time.

If a planning permission expires and you apply for a new permission for the same development, the planning authority may refuse permission or attach significantly different conditions. This can happen if planning policies or the requirements for the proper planning and sustainable development of the area have changed in the interim.

17. Can I get copies of documents relating to a planning application?

Yes. Planning authorities are required to sell, on request, copies of any part of a planning application file at a fee not exceeding the reasonable cost of making a copy, this includes plans or other drawings or photographs. Any documents for sale will be available while they are open for public inspection.

18. Who enforces planning decisions?

This is the responsibility of the planning authority, which has wide enforcement powers to ensure development is carried out in conformity with planning permission, and to halt and rectify unauthorised development. Any legal action must, however, be started within 7 years of the breach of the planning laws taking place. Care should be taken to ensure that each condition of a permission is fully complied with in order to avoid incurring such action, and also to avoid difficulties when the property is being sold at a later date (see Question 21 below).

19. How can I stop unauthorised development?

If you think somebody is developing or using land without, or contrary to, a planning permission, you should contact the planning authority, in writing, who will issue a warning letter to the person carrying out the development. The planning authority will investigate the matter to determine if an enforcement notice should issue. Any person may apply in either the Circuit or High Courts for an order restraining unauthorised development or use of land, or requiring compliance with a planning permission. Court orders can, depending on the circumstances, be obtained at extremely short notice and the Courts will ensure compliance with any order made.

20. Are there penalties for breaches of planning law?

Yes. It is an offence to undertake any work needing permission without that permission. Planning authorities have powers to stop unauthorised development and this can be a costly experience for the offender. You may be required to rectify any unauthorised works and will have to pay whatever costs are involved. On conviction in the District Court, fines of up to €1905 can be imposed together with fines of up to €507 per day for continuing offences or to a term of imprisonment of 6 months. On conviction in the Higher Courts, the maximum fine is

€12,700,000 (€12,700 per day for continuing offences) and up to 2 years imprisonment or both.

21. Can I rectify a planning error?

Genuine mistakes can be made about the need for planning permission. If you undertake unauthorised development you may apply for permission to retain it. However, this approach should not be relied upon in order to avoid seeking planning permission before starting work as you may not necessarily be granted permission for retention or you may be required to carry out costly modifications. The application fee is also 3 times more than the fee for an application made before development starts. Permission for retention does not automatically absolve you from prosecution if enforcement action has already been taken against you. If you are buying property, check that the building itself and any extensions or alterations to it have proper planning permission or are exempt from planning permission, since you, as the new owner, may be liable to enforcement action.

22. Do I need any other type of permission?

You will not be entitled solely by reason of a planning permission to carry out your proposed development. You may need other approvals, depending on the type of development. For example, all new buildings, extensions, alterations and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Developments other than residential, will probably require a fire safety certificate under the regulations. See A Guide to the Building Regulations, PL.11 for more details. Further information may be obtained from your local authority. You may also need permission if making a connection to a public water main or sewer.

The law governing the planning system is set out in the Planning and Development Acts 2000 and 2001 and the Planning and Development Regulations 2001 to 2002. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2. Telephone (01) 6476995/4

The leaflets in this series are:

A Guide to Planning Permission	PL.1
Making a Planning Application	PL.2
Commenting on a Planning Application	PL.3
Building A House - The Planning Issues	PL.4
Doing Work around the House - The Planning Issues	PL.5
Agriculture and Farm Development - The Planning Issues	PL.6
Planning for the Business Person	PL.7
The Development Plan	PL.8
Environmental Impact Assessment	PL.9
Making a Planning Appeal	PL.10
A Guide to the Building Regulations	PL.11
A Guide to Architectural Heritage	PL.12

Tá leagan Gaeilge den bhileog seo ar fáil.



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