

Planning Permissions

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. The term 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.

Are There Different Types of Permission?

Yes, there are 4 types of planning permissions. An application may be made for:

- Permission
- Permission for Retention
- Outline Permission
- Permission following the grant of Outline Permission

The commonest type of application made is for permission, but there are circumstances when you may want to make an application for outline permission, if, for example, you want to see whether the Planning Authority agrees with your proposal in principle before you go to the trouble of making detailed plans. However, if you obtain outline permission, you will have to submit exact details and drawings and get permission following the grant of outline permission before starting work.

Section 5

A person may request on payment of the prescribed fee (€80) a declaration in writing from the Planning Authority as to whether a development is or is not exempted development and the Planning Authority shall issue a declaration within 4 weeks of the date of receipt. If necessary to seek further information, decision must be given within 3 weeks of date of receipt of further information.

How much will planning permission cost? A fee is payable with an application for planning permission. Fees for different classes of development are listed with your application as the Planning Authority is prohibited by law from deciding an application until this is paid. Voluntary organisations may qualify for an exemption from the fee.

How do I Make a Planning Application?

Forms and information are available from the Planning Authority.

What Happens Next?

Your application will be acknowledged (within a few days) and be placed on the planning register in the Planning Authority's 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. A Council official will usually inspect the development site; you may be asked to make an appointment to allow access.

Can People Comment on my Application?

Yes, the planning application may be inspected or purchased at the offices of the planning authority and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee (€20) within the period of 5 weeks beginning on the date of receipt by the authority of the application. .

How is the Decision Made?

In making the decision, the Planning Authority takes a number of matters into account, including:

- The proper planning and development of the area (e.g., appropriate land use (zoning), road safety, development density, size location, adherence to established planning and development practices).

- Their own development plan.
- Submissions and observations made by members of the public and prescribed statutory bodies, 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.

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 within the prescribed period of 5 weeks. 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 who submitted observations/submissions on the application may appeal it to 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, their reasons will be included in the notification sent to you. The same period for appeal 4 weeks will apply here also.

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.

A person who is guilty of an offence under Section 154 of the Planning and Development Act, 2000, shall be liable on conviction on indictment, to a fine not exceeding €12,697,381 or imprisonment for a term not exceeding 2 years, or to both or on summary conviction, to a fine not exceeding €1,905, or to imprisonment for a term not exceeding 6 months, or to both.

Where a person is convicted of an offence and there is a continuation by him or her of the offence after his or her conviction, he or she shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable on conviction on indictment, to a fine not exceeding €12,697 for each day on which the offence is so continued, or imprisonment for a term not exceeding 2 years, or to both or on summary conviction, to a fine not exceeding €508 for each day on which the offence is so continued or to imprisonment for a term not exceeding 6 months, or to both provided that if a person is convicted in the same proceedings of 2 or more such further offences the aggregate term of imprisonment to which he or she will be liable shall not exceed 6 months.

The law governing the planning system is set out in the Planning & Development Act 2000 and the Planning & Development Regulations 2001. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, telephone (01) 6613111.