

A Guide to Planning Permission



Planning
Leaflet **3**





A Guide to Planning Permission

This leaflet will give you practical assistance if you wish to build or extend your house, or if you would like to have a say on a proposed development in your neighbourhood.

This leaflet does not deal with applications for Strategic Infrastructure Development (SID). For information on this topic, see Planning Leaflet 14 – “Strategic Infrastructure Development”. This is not a definitive legal interpretation of planning law. For more information, you should consult with your local planning authority (i.e. city or county council).

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. Development includes carrying out works (building, demolition, alteration) on, in, over or under land or buildings and making material (i.e. significant) changes to the use of land or buildings. Failure to obtain planning permission where it is required can result in penalties (e.g. significant fines and/or even imprisonment). Your local planning authority will be able to advise you about this.

2. What is exempted development?

Exempted development is development for which planning permission is not required. The Planning and Development Act 2000, as amended, sets out types of development that are exempted. Categories of exempted development are set out in the Planning and Development Regulations 2001, as amended. The purpose of exemption is to avoid restrictions on minor developments. An exemption may, however, be removed by a condition of a planning permission. All permissions pertaining to a site should be reviewed before proceeding with any minor works.

Please note that exempted development status may not apply to properties which are listed on the Record of Protected Structures or which are located within an Architectural Conservation Area. Any development of these properties, even if minor, may require

permission. A full list of the properties included on the Record of Protected Structures, or which are located within Architectural Conservation Areas is available in the development plan for your area and may be on your local authority's website. More information in relation to Protected Structures is contained in Planning Leaflet 12 – "A Guide to Architectural Heritage".

3. Are there different types of permission?

Yes. There are two types of planning permission. You can apply for:

- permission; *or*
- outline permission.

The most common type of application is for permission, sometimes referred to as full permission. An application for full permission requires detailed plans and full particulars of the proposed development.

There are circumstances when you may want to apply for outline permission. For example, you may wish to see if the planning authority agrees with your proposed development in principle but may not wish to incur the expense of having detailed plans prepared.

If you obtain outline permission, you must obtain full permission before starting work. In most cases, a subsequent application for full planning permission must be made within three years of when the outline permission was granted. Outline permission cannot be sought for the retention of a structure, works to a protected structure or



a proposed protected structure, or developments which require an environmental impact assessment (EIA), an Appropriate Assessment (AA), an integrated pollution control (IPC) licence, a waste licence or an establishment to which the Major Accident Regulations apply.

4. Where and how do I apply to get planning permission?

You must lodge an application for planning permission with the planning authority for your area, which is one of the 31 local authorities in Ireland (your local city or county council). Application forms and information are available from your local planning authority. For more information, see Planning Leaflet 4 – “A Guide to Making a Planning Application”.

5. How much does making a planning application cost?

Planning regulations set out the fees that you must pay with your planning application. Fees for the different classes of development are listed on planning application forms, which are available from your local planning authority’s offices or from its website. You

must pay the correct fee with your application. If you do not pay the correct fee the planning application will be returned to you. Voluntary organisations may qualify for exemption from fees.

In addition to planning application fees, you are responsible for arranging the preparation of required drawings and particulars from suitably qualified professionals.

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

Generally, a planning authority will deal with a valid planning application within 12 weeks, beginning from the date the application is made, to the date the final grant of planning permission is issued.

However, the period can vary, particularly if the planning authority seeks further information from the applicant (it should do this within the first eight weeks). The planning authority then has four weeks from the day it receives the reply to the further information request 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.
Not more than two weeks from the public notices	The planning application must be lodged with the planning authority within two weeks of publication of the newspaper notice and the erection of the notice on site.
Within five weeks of submitting a valid application	Upon receiving the planning application, the planning authority will acknowledge receipt and check that it is valid. If an application does not contain the required fee, public notices, forms and particulars the planning application will be invalid and returned to the applicant. Members of the public have five weeks from the date of the making of a valid application to make a submission. The planning authority cannot make a decision in respect of the application before the five weeks expires.
Between five weeks and up to eight weeks of the date of a valid application	The planning authority issues notice of its decision on the application. Alternatively, where the planning authority requires certain information to enable it to make a decision it may request it. Where further information is sought, this stops the clock from the date of the request. The applicant then has six months to respond. If no response is lodged within six months, the application is declared to be withdrawn.
Four weeks after issue of notification of a decision	When the planning authority issues a notification of decision, a four week period follows, during which the applicant or a third party can appeal the decision to An Bord Pleanála. If no appeal is lodged within the four week period, the planning authority issues a grant of permission, or outline permission, except where they have already indicated a decision to refuse.

7. Can I consult the planning authority in advance?

Yes, you may consult with the planning authority before lodging a planning application. It is often a good idea to do this, especially if you are unsure of local planning policies or if your proposal is complex. However, there is no obligation for you to do so, except in the case of applications for development that:

- is defined as Large-scale Residential Development (i.e. a development of 100 housing units or more, or a student accommodation development comprising

200 bed spaces or more, or a combination of same), *or*

- consists of or includes either or both residential development of more than 10 housing units or non-residential development of more than 1,000 square metres floor space.

In addition, all planning authorities must provide access to pre-application consultations within a reasonable period of a request being made under the provisions of Section 247 of the Planning and Development Act 2000, as amended.

Every local authority office and website provides details of how to access this service and the terms and conditions which apply. The planning authority does not charge a fee for this service. This service is provided without prejudice to the planning authority's final decision.

In addition, depending on the type of development, you may need to discuss aspects of your proposal with other bodies and agencies (for example connections to Irish Water networks) before you commence pre-application discussions with your local planning authority.

A well-prepared application is the best way to ensure your planning authority makes efficient and timely decisions and does not need to request further information. A good rule of thumb is that the larger the development proposal, the greater the need for prior consultation with the planning authority.

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

The development policies and objectives of the planning authority are set out in the local development plan. You can view the plan during office hours at the planning authority offices, local libraries, on the local authority's website or via www.myplan.ie, a free web browser provided by the Department of Housing, Local Government and Heritage.

For more information on the development plan, please see Planning Leaflet 2 – "A Guide to the Development Plan".

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

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

10. What if my application is incomplete?

If your application:

- lacks any of the required documents;
- lacks the appropriate fee;
- contains inadequate or incorrect drawings;
or
- is in any other way inadequate; (e.g. does not meet the statutory requirements for public notice of your application or the description included on the site notice and newspaper notice do not correspond) the application will be invalid and will be returned to you with the fee.

Your planning authority publishes a list of newspapers in which planning notices can be published. This is available on their website. The newspaper notice that accompanies your application must be published in one of these newspapers.

The statutory eight week period for deciding the application begins from the time you submit a valid application with the required information, pay the correct fee and give proper public notice.

11. Can other people comment on my planning application?

Anyone has the right to make a written submission or observation on your planning application, once they pay the appropriate fee. The submission or observation must be made within five weeks of the planning authority receiving your application. When lodging their submission or observation they must provide their name and the address to which any correspondence relating to the application should be sent. They should also quote the reference number, if it is available. Their submission or observation will be acknowledged by the planning authority and they will be notified of the decision.

Submissions or observations on planning applications must be based on planning considerations, not on personal likes, dislikes or grievances. Planning considerations include:

- national, regional plans and Government, Ministerial directives,
- development plan objectives and policies,
- local area plan objectives and policies,
- development management considerations such as density, parking provision, traffic hazards, overlooking, effects on residential amenities or services,
- environmental, amenity and shopping impacts,
- public health; *and*
- other relevant matters relating to proper planning and sustainable development.

Anyone who has made a submission or observation, that the planning authority has acknowledged, has the right to appeal the planning authority's decision to An Bord Pleanála.

12. How is the decision on the planning application made?

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

- the proper planning and sustainable development of the area;
- what the relevant development plan or local area plan sets out for the area in question;
- any relevant Government, regional or strategic policy considerations that might apply;
- any guidelines issued by the Minister under Section 28 of the Planning and Development Act, 2000, as amended;
- the provision of a Special Amenity Area Order relating to the area;
- types of conditions that can be attached;

- whether the development might affect any areas designated by Government as Special Areas of Conservation and/or Special Protection Areas that are protected under EU law; *and*
- submissions and observations made by members of the public or prescribed bodies on the application.

It is important to note that a planning authority does not consider non-planning issues e.g. questions more properly resolved through other legal means (including boundary disputes, etc.).

13. How will I know whether planning permission has been granted or not?

The planning authority will notify you of the decision to grant permission, with or without conditions. They will also notify anyone who made a submission or observation on your planning application.

Every planning authority must place details of its decision regarding planning applications on its website within three working days of the date of decision. If you are interested in a particular planning application, check the website of your local planning authority for details of any decision made.

Then, for a period of four weeks beginning on the date the decision was made, the applicant or anyone who made a submission or observation on the planning application and has paid the appropriate fee may appeal



The standard duration for planning permission is five years from the date the permission was granted.

either the decision or any condition attached to the decision to An Bord Pleanála.

In the event that no appeal is made, the planning authority will issue the final grant of permission at the end of the appeal period. You must not commence work until you receive the final grant of permission.

If the decision is appealed, An Bord Pleanála will ultimately either grant permission, with or without conditions, or refuse permission. Where the planning authority decides to refuse your planning application, its reasons will be included in the notification of decision sent to you. The same period for appeal (four weeks) applies.

14. Can conditions be attached to my permission?

Yes. Planning permission may be granted subject to certain conditions, which will be listed in the papers issued with the decision. These may require changes to your proposal (e.g. new arrangements for disposing of surface water, revised height/colour/material for boundary walls, improved landscaping of the site, etc.).



You may also have to pay a financial contribution to the local authority for infrastructure and facilities (e.g. roads, surface water drainage, amenities, etc.). These contributions differ from place to place and for different types of development. You must comply with all of the conditions attached to the planning permission and the work must be carried out in accordance with them. If you have more than one permission for a site, you cannot pick and choose the conditions which suit you best.

A condition attached to any decision to grant permission can be appealed to An Bord Pleanála, by either the first or third parties, when the initial notification of a decision is issued by the planning authority. The same timelines apply as set out in Question 13 above.

15. How long does planning permission last?

The standard duration for planning permission (permission or outline permission) is five years from the date the permission was granted. In certain circumstances, where you have a planning permission but have not completed the development within the “life” of the permission, you may apply to the planning authority to extend the lifetime of the permission. However, such an application will only be granted if the planning authority is satisfied that:

- the application has been made within the timeframes specified in planning law;
- substantial works have been carried out during the lifetime of the permission;

- the development will be completed in a reasonable time period; *and*
- EIA or AA is not required for the remaining elements of the development.

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.

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

Yes. All documents submitted with the application are available online from your local authority's website. Planning authorities must publish all documentation accompanying a planning application on their website within five working days of receiving the application. Planning authorities also must 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.

17. Who enforces planning decisions?

This is the responsibility of your local planning authority, which has wide enforcement powers under the Planning and Development Act 2000, as amended.

Your planning authority must ensure development (either works or uses) is carried out in compliance with planning permission. It can undertake appropriate action regarding unauthorised development, when required.

Any legal action must start within seven years of the breach of the planning laws taking place. Care should be taken to ensure that each condition of a planning 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 20 below).

∴ See Planning Leaflet 6 – “A Guide to Planning Enforcement in Ireland” for more information on ∴ *planning enforcement.*

18. How can I stop unauthorised development?

If you think somebody is developing or using land without, or contrary to, planning permission, you should contact the planning authority. Complaints must be made in writing and addressed to the Planning Enforcement Section. The planning authority will generally carry out an initial analysis to consider the matter and following this they may initiate an investigation. If the complaint is found to be valid the planning authority will issue a warning letter to the person carrying out the unauthorised development. The planning authority will also investigate the matter to determine if an enforcement notice should be issued.

In addition, you may apply to 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.

19. Are there penalties for breaches of planning law?

Yes. It is an offence to undertake any work that requires planning permission without having secured it. 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 you will have to pay whatever costs are involved.

20. Can I rectify a planning error?

Genuine mistakes can sometimes be made. If you undertake unauthorised development, you may apply for permission to retain it. However, this approach should not be relied upon to avoid obtaining planning permission before starting work. You may not necessarily receive permission for retention or you may be required to carry out costly modifications. The application fee is also three 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 a property, check that the building itself and any

extensions or alterations to it have planning permission or are exempt from planning permission, since you, as the new owner, may be liable to enforcement action.

It should be noted that a planning authority must refuse to consider any application to retain unauthorised development of land where the authority decides that, either of the below is required:

- an environmental impact assessment (EIA);
or
- appropriate assessment (AA).

Under EU Environmental Impact Assessment and Habitats Directives, these assessments would have been required had the application been made to the planning authority in the first instance before any unauthorised development took place.

21. Do I need any other type of permission?

You are not necessarily fully entitled to carry out development because planning permission was granted. 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 and a disability access certificate. You may also need permission to make a connection to a public water main or sewer.

22. Where can I get further information?

Further information is available from your local planning authority.

The law governing the planning system is set out in the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

You can purchase these from the Government Publications Office by phoning the call centre on 046 9423100 or at publications@opw.ie or download them for free from the Department of Housing, Local Government and Heritage's website www.gov.ie/housing. Legislation is also available to view and download from: www.irishstatutebook.ie.

Office of the Planning Regulator

Fourth Floor (West Wing)

Park House

Grangegorman

191-193A North Circular Road

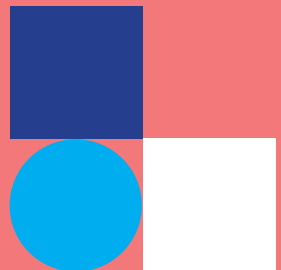
Dublin 7

D07 EWV4

opr.ie

info@opr.ie

01 854 6700



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