1. When do I need planning permission?

Generally, you need planning permission for any development of land or property except where the development is specifically exempted from this need. Development includes the carry 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 are works 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 exemption no longer applies. The purpose of exemption is to avoid the need for consultation of a mass of minor developments. 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 for is permission, sometimes referred to as full permission and is the one that is specifically exempted from this need. If you obtain outline permission, you must obtain full permission before starting work. In most cases, a subsequent application may be made for:

- permission;
- outline permission.

4. Where do I get planning permission?

From the planning authority for your area i.e. your local Council, Borough Council, City Council or Town Council. For more information see Making a Planning Application (PL.3).

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 or the planning authority will return 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. 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 decision. However, the period can be extended if particularly the planning authority seeks further information (e.g. site visit) from the applicant (which is allowed within the first 8 weeks). The planning authority then has 4 weeks from the further information is received to make a decision on the application. The following table illustrates the timescales involved in most cases.

<table>
<thead>
<tr>
<th>Timescale</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>Notices published in newspaper and site notice erected</td>
</tr>
<tr>
<td>2 weeks later</td>
<td>Latest date for lodging application</td>
</tr>
<tr>
<td>Between 2 weeks and 5 weeks</td>
<td>Application is validated by the planning authority. Submissions and objections are considered.</td>
</tr>
<tr>
<td>Between 5 weeks and 8 weeks</td>
<td>Planning authority issue notice of their decision on the application. (Alternatively, they may request further information.)</td>
</tr>
<tr>
<td>4 weeks after issue of notice of decision</td>
<td>If no appeal is made, the planning authority will issue grant of permission, or outline permission, etc. (If an appeal has already indicated a decision to refuse an appeal may take longer than the decision to apply.) An appeal to An Bord Pleanála has an effective decision within 18 weeks of receipt of an appeal.</td>
</tr>
</tbody>
</table>

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 the application with the public water supply authority. The planning authority may propose conditions, 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 can be purchased from the planning authority. For more information see The Development Plan (PL.8).

9. How do I make an application?

Forms and information are available from the planning authority. For more information see Making a Planning Application (PL.3).

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 list of planning applications displayed in council offices, public libraries and circulated to certain interest groups. The list may also be available on the planning authority’s website. A planning authority official will usually inspect the development and may be asked to make an appointment to allow access.

11. What if my application is incomplete?

If your application is incomplete, the planning authority will issue grant of permission, or outline permission, etc. You have already indicated a decision to refuse an appeal may take longer than the decision to apply. An appeal to An Bord Pleanála has an effective decision within 18 weeks of receipt of an appeal. The statutory 8 week period for deciding the application begins from the time you submit a valid application. Failure to provide the required information within this period is a reason for not granting 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 aspect of the planning application. These must be the planning authority and they will determine 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 factors into account, including: The Development Plan (PL.8).

14. How long does permission last?

The planning permission (or outline permission) is valid for 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 grant of permission, the planning permission will usually be granted for a further 5 years. If you need to apply for permission for the same development, planning permission may be granted for a further 5 years after the new application, rather than making an application for a new grant of permission. If you apply more than one planning permission for the same development, works to a protected structure or a proposed protected structure or works which require an environmental impact assessment, integrated pollution control licence or a waste licence.
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 such 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 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. 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. 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, or contrary to, a planning permission, you may be required to rectify any unauthorised work 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 fees of up to ¥4570 per day for continuing offence or 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 offence) 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 rectify 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 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
Agricultures 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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