**A Guide to Planning Permission**

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 may consult your local planning authority at the address given at the end of this leaflet.

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. The term development includes the carrying our 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.

1. **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, such as small extensions to houses. Leaflets PL.5, PL.6 and PL.7 give details of the main exemptions.

1. **Are there different types of permission?**

Yes. There are three types of planning permissions. An application may be made for:

* permission;
* outline permission;
* Permission consequent on the grant of 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.

1. **Where do 1 get planning permission?**

From the planning authority for your area i.e. your local County Council. You must have a sufficient legal interest in the site or property to carry out the proposed development, or the written consent of the person who has that legal interest. If a planning application is made by a prospective purchaser or tenant, the owner’s written consent should normally be enclosed with the application

1. **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 authority is prohibited by law from deciding an application until this is paid. Voluntary organisations may qualify for an exemption from the fee.

1. **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 time scale involved in most cases.

|  |  |
| --- | --- |
| Timescale | Action |
| Start | Notice published in paper and site notice erected |
| Within 14 days of newspaper notice | Latest date for lodging application |
| Between 5 weeks and 8 weeks later | Planning authority issue notice of their decision on the application (alternatively they may request further information - see Question 10 below) |
| 1 month later | 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 Pleanala has an objective to decide appeals within 4 months. | |

1. **Can 1 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. The larger the development proposal, the greater the need for prior consultation.

1. **Where can 1 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 local authority offices and local libraries. Copies and extracts from the plan are available at a reasonable cost from the planning authority. Development plans are also available on the local authority’s website at [www.donegalcoco.ie/services/planning](http://www.donegalcoco.ie/services/planning)

**How do 1 make a planning application?**

Forms and information are available from the planning authority. For more information go to [www.donegalcoco.ie/services/planning](http://www.donegalcoco.ie/services/planning)

1. **I have lodged a valid planning application. Now what ?**

Your application will be acknowledged (within a few days) and be 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. A council official will usually inspect the development site; you may be asked to make an appointment to allow access.

1. **What if my application is incomplete?**

If your application:-

* lacks some of the required documentation
* lacks the appropriate fee or
* is in any other way inadequate, (e.g. no proper public notice of your application) (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 time you submit a valid application with the required information in full, pay the correct fee and give proper public notice of the application.

1. **Can other people comment on my application?**

Yes. The planning system is open and transparent. Everyone (individuals, residents’ associations, etc) has the right to see an application and, subject to payment of a prescribed fee, comment in writing, either positively or negatively, on it, if it is likely to affect either the individual or the neighbourhood. In deciding on an application, the planning authority must take all written comments into consideration. You can also comment on an application even if you are not directly affected but feel strongly about a particular issue and want to express your opinion. You have five weeks from the day the planning authority receives a planning application to make your comments in writing. Early submission of your comments allows the planning authority more time to consider them. All written comments on planning applications must be accompanied by the prescribed fee. You should address all comments, in writing, to the planning authority for the area to which the application relates. If at all possible, please quote the reference number allocated to the application by the authority. All documents relating to an application, including your written comments, will be available for public inspection.

1. **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 on the application. Government policy the provision of a Special Amenity Area Order; any European site (e.g 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.

1. **How will 1 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 one month beginning on the date of making of this decision, you or anyone else 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, their reasons will be included in the notification sent to you. The same period for appeal (4 weeks) will apply here also. 10. Only persons or bodies who have made submissions or observations on a planning application, and paid the prescribed fee to a planning authority can appeal a planning decision to An Bord Pleanála. Adjoining landowners who have not made a submission or observation may apply to the Board for Leave to Appeal.

1. **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 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.

1. **How long does permission last?**

The standard duration for planning permission is five years from the date of the grant of the permission by the planning authority or An Bord Pleanala.

An application to extend the appropriate period may be made, however it must be made prior to the end of the appropriate period, but not earlier than one year before it expires and must be made in accordance with the corresponding regulations made under the Act. A planning authority shall extend a permission, as appropriate, provided the Authority is satisfied in relation to the permission that either -

* The development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended, and
* Substantial works were carried out pursuant to the permission during that period, and
* The development will be completed within a reasonable time.

**OR**

* There were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works pursuant to the planning permission, and
* There have been no significant changes in the development objectives in the development plan or in regional development objectives in the regional planning guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area, and
* The development would not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and
* Where the development has not commenced, that an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted.

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 development of the area have changed in the interim.

1. **Can I see a planning application?**

You are entitled to view, free of charge, all documents submitted with a planning application at the planning authority’s office during office hours from the date of receipt of the application until the decision is made on it. You may also view all written comments on the application. Internal reports on the application, prepared by or on behalf of the planning authority, can be viewed after the planning authority decision has been made, during the period for appeal. Copies of any part of an application may be purchased at a charge not exceeding the reasonable cost of making a copy. Planning decisions are available for public inspection for seven years after the making of the decision by the planning authority. The planning register and map is the record of all planning applications, decisions, appeals, enforcement action etc. The register is open for public inspection, free of charge, at the planning authority offices during office hours. Copies of entries in the register can be purchased for a charge not exceeding the reasonable cost of making a copy

1. **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. 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).

1. **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 who will investigate the matter. Any person has the right to 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.

1. **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 £ 1,000 can be imposed together with fines of up to £200 per day for continuing offences. The District Courts also have power to impose prison sentences of up to 6 months. On conviction in the higher Courts, the maximum fine is £1,000,000 (£10,000 per day for continuing offences) and up to 2 years imprisonment.

1. **What documents do I need to submit?**

The documents needed with your application will depend on the type of development. They will need to show, clearly and in sufficient detail, your development proposals, what the development will look like when finished, how it will relate to the site and to adjoining structures and property etc. If you are installing a septic tank, you may need to submit trial hole and percolation test results. If you are applying for certain types of agricultural development, you may need to submit signed agreements with landowners regarding effluent spreading. The planning authority can clarify the documents and detail needed. In general, however, you must always submit the following:

* + - the page of the newspaper showing the newspaper notice;
    - a copy of the site notice erected;
    - 6 copies of the location map (at a scale of not less than 1:1000 in a built-up area and not less than 1:2500 in all other areas;
* a plan showing the position on the land of the site notice;
* 6 copies of a site or layout plan (at a scale of not less than 1:500). All maps must be in metric scale. If the development applies to a protected structure or to the exterior of a structure within an architectural conservation area, the application must be accompanied by photographs, plans and other details, which will show how the development will affect the character of the structure.

1. **What should a location map show?**

A location map must show,

* The land concerned and location of proposed structures, with the site boundary clearly shown in red,
* Other land in the vicinity of the proposed development and which is in the ownership of the applicant or landowner outlined in blue and wayleaves outlined in yellow, •
* The Ordnance Survey sheet number of the map,
* The north point and scale of the map,
* The name and address of the person by whom it was prepared

1. **What should a site or layout plan show?**

A site or layout plan must show,

* The site boundary in red,
* Existing buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features, on adjoining or in the vicinity of land or structure (to a scale of not less than 1:500),
* The levels or contours, where applicable, of the land and of the proposed structure,
* The Ordnance Survey sheet number, if applicable,
* The north point and scale of the map,
* The name and address of the person by whom it was prepared.

**23.What about other plans and drawings?**

Other plans and drawings must comply with the following,

* Plans, elevations and sections must be drawn to a scale of not less than 1:200 (or another scale agreed with the planning authority).
* Drawings or elevations of any proposed structure must show the main features of the buildings adjoining the proposed structure at a scale of not less than 1:200.
* Proposals for reconstruction, alteration or extension must be clearly marked to distinguish them from existing structures.
* Floor plans, elevations and sections of proposed structures, must give in figures the principal dimensions (including overall height).
* The north point and scale of the maps should be shown.
* The Ordnance Survey sheet number, if applicable should be shown.
* The name of the person who prepared the plans and drawings should be provided.