



Cavan County Council
Comhairle Chontae an Chabháin

Cavan County Council

A Guide To Making A Planning Application

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Note:

Please read the notes that follow carefully.

Go through the notes as you are completing your application form and before you lodge the application, make sure that you have all the necessary documents attached to the application before submitting same to the planning authority.

To avoid disappointment, make sure that the site that you have selected complies with the contents of this guide and also with the criteria as set out in the county development plan.

Remember:

Don't leave it until the last minute to make your application - please allow the planning authority plenty of time to deal with your application.

About This Guide

Approximately two thousand applications a year for planning permission are received by Cavan County Council. Due to missing or insufficient information being submitted with these applications, it is necessary to seek further information, from a number of applicants. This leads to delays in having decisions taken on the applications.

To assist people in making a valid application with all of the necessary information submitted at the outset, Cavan County Council has produced this booklet "A Guide to making a Planning Application". This guide contains some general information about applying for planning permission. If you pay careful attention to the information in this Guide, you will greatly assist the Planning Authority in considering your application and will save time in having a decision reached.

The Law governing the planning system is set out in the Planning and Development Act, 2000 - 202 and Planning and Development Regulations, 2001 and may be purchased from:

Government Publications Sales Office
Sun Alliance House
Molesworth Street
Dublin 2

Telephone: (01) 6613111.

Please note that the law may be updated from time to time.

It is important to emphasise at this point that, even if an application is submitted in accordance with this Guide, it does not necessarily mean that planning permission will be granted.

If you need any further information or details in relation to any of these matters in this Guide, or if there is anything else you need to know about making an application, please do not hesitate to contact the:

Planning Office
Cavan County Council
Courthouse
Cavan.

Telephone: 049-4331799
Fax: 049-4361565.

The Planning Authority is not responsible for any errors or omissions in this Guide.

These guidelines are intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you should contact your Planning Authority.

Please Note: Part 1 Section 4 of the Planning & Development Act, 2000 and Part 2 of the Planning & Development Regulations 2001 should be referred to in relation exempt development.

It should also be noted that if you are unsure as to whether or not you need planning permission for a particular development, a letter should be submitted to the Planning Authority together with a fee of €80. (Section 5 of the Planning & Development Act, 2000).

Exemptions applicable to house extensions

Planning & development regulations, 2001

Description of Development	Conditions and Limitations
<p>“Development within the cartilage of a house”</p> <p>Class 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or</p>	<p>1(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40m²</p>
	<p>(b) Subject to paragraph (a), where the house is terraced or semidetached, the floor area of any extension above ground level shall not exceed 12m²</p>
	<p>(c) Subject to paragraph (a), where the house is detached the floor area of any extension above ground level shall not exceed 20m²</p>
	<p>2 (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, including those for which planning permission has been obtained shall not exceed 40m²</p>
	<p>(b) Subject to paragraph (a), where the house is terraced or semidetached and has been extended previously, the floor area of any extension above ground level, including those for which planning permission has been obtained, shall not exceed 12 m²</p>
	<p>(c) Subject to paragraph (a), where the dwelling house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extensions or extensions above ground level, shall not exceed 20 m²</p>
	<p>3. Any above ground floor extension shall be a distance of not less that 2 metres from any party boundary.</p>

	<p>4 (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p>
	<p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p>
	<p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p>
	<p>5 The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 m²</p>
	<p>6 (a) Any windows proposed, at ground floor level in any such extension, shall not be less than 1m from the boundary it faces.</p>
	<p>(b) Any windows proposed, above ground floor level in any such extension shall not be less than 11m from the boundary it faces.</p>
	<p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 m² any window proposed at above ground level shall not be less than 11m from the boundary it faces.</p>
	<p>7 The roof of any such extension shall not be used as a balcony or roof garden.</p>

Agriculture and Farm Development - The Planning Issues

While many smaller developments of an agricultural or forestry nature are generally exempt, larger developments do require planning permission. In addition, any development for which an Environmental Impact Assessment (EIA) is required needs planning permission. This page is a simple guide for farmers outlining the main features of the planning system they are likely to encounter.

This page 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.

1. Do I need planning permission?

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

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. Much agricultural development, especially uses of land for agricultural purposes, is exempted. In other cases, 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. The main exemptions are set out in the next paragraph.

3. What are the exemptions from planning permission?

The following are exempted development:

- The use of land for agriculture or forestry (but see EIA requirements at Question 4 below)
- The use of farm buildings or forestry buildings for these purposes (but see conditions below)
- The maintenance of land for agriculture processes
- The erection of a wall or fence, up to 2 metres high (3 metres for deer farms) but not one of sheet metal or one bounding a garden or in front of a dwelling-house (there are separate exemption arrangements for houses)

Buildings and Structures

Providing the following types of agricultural buildings and structures is exempted development:

Type 1:

A roofed structure housing cattle, sheep, poultry, donkeys, horses, deer or rabbits, provided that its floor area does not exceed 200 sq. metres and that the total floor area of all Type 1 structures within the farmyard complex (or 100 metres of it) does not exceed 300 sq. metres.

A roofed structure housing pigs, mink or poultry, provided that its floor area does not exceed 75 square metres and that the total floor area of all such structures within the farmyard complex (or within 100 metres of it) does not exceed 100 square metres.

Type 2:

Roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, assembly yards, milking parlours, effluent storage, silage making/storage structures, provided that the floor area of any new structures does not exceed 200 sq. metres and that the total floor area of all Type 2 structures within the farmyard complex (or 100 metres of it) does not exceed 300 sq. metres.

Type 3:

A store, barn, shed, glass-house, etc. not exceeding 300 sq. metres in floor area and not used for housing animals or storing effluent, provided that the total floor area of all Type 3 structures within the farmyard complex (or 100 metres of it) does not exceed 900 sq. metres.

Type 4:

An unroofed fenced area for the exercising or training of horses not exceeding 2 metres in height nor within 10 metres of a public road;

Type 5:

A roofed structure for housing greyhounds, provided that the floor area does not exceed 50 sq. metres and that the total floor area of all Type 5 structures within the same complex (or 100 metres of it) does not exceed 75 sq. metres.

Type 6:

A roofless hard-surfaced yard or enclosed area (in connection with the keeping of greyhounds) provided that the total floor area does not exceed 100 sq. metres and that the total floor area of all Type 6 structures within the same complex (or 100 metres of it) does not exceed 150 sq. metres.

However it should be noted that these exemptions are subject to the following conditions:

- They may only be built in rural area (all 6 Types) - rural areas are those outside urban and corporation boundaries;
- Distance from a public road must be at least 10 metres (all 6 Types).
- The distance from houses, schools, churches or public assembly buildings must be at least 100 metres unless the owners and occupiers give their consent in writing to lesser distances (all 6 Types).
- Heights above ground level cannot exceed 8 metres within 100 metres of a public road (all 6 Types).
- Effluent storage facilities adequate to ensure no water pollution must be provided (all types except Type 3).
- They must be used for agricultural purposes only (Types 1 to 3) and for the breeding and keeping of greyhounds, as appropriate (Types 4 to 6).

The exemptions do not apply if the development would involve interference with sites, features, etc. listed for preservation in the Development Plan or draft plan.

4. What about Environmental Impact Assessment (EIA)?

The following agricultural and forestry developments must be subjected to EIA as part of the planning process. An application for planning permission including an Environmental Impact Statement (EIS) must be submitted in such cases:

- a. The use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area involved would be greater than 100 hectares.
- b. Water management projects for agriculture:- Where the catchment area involved would be greater than 1,000 hectares, or, where more than 20 hectares of wetlands would be affected.
- c. Afforestation where the area on its own, or together with areas planted within the previous three years, would be over 70 hectares; or replacement of broadleaf forest by conifers, where area would be over 10 hectares;
- d. Land reclamation for the purposes of conversion to another type of land use, where the area involved would be greater than 100 hectares;
- e. Peat extraction which would involve a new or extended area of 30 hectares or more;
- f. Installations for intensive rearing of poultry not included in Part 1 of Schedule which would have more than 40,000 places for poultry.
- g. Installations for intensive rearing of pigs not included in Part 1 of Schedule which would have more than 2,000 places for production of pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unitl.

EIA will be required for projects in categories and (g) even where the listed thresholds are not exceeded, if the planning authority considers that there may be significant effects on the environment.

5. Where can I get further information on EIA?

The page Environmental Impact Assessment explains the EIA process and what an Environmental Impact Statement (EIS) is. The planning authority will explain which development proposals require EIA and you are strongly advised to contact the planning authority for pre-application consultations if your proposal may involve the preparation of an EIS.

6. How much will a planning application cost?

Planning application fees vary depending on the nature and size of the proposed development. Full details are set out in the table of fees. The planning authority cannot decide on an application until the correct fee is paid.

7. What documents do I need to submit?

The pages “A Guide to Making a Planning Application” sets out the documents needed with all planning applications. See also the checklist. The additional documents needed for agricultural development includes:

- Schedules of proposed and existing buildings with floor areas, numbers of animals presently housed and to be housed;
- Schedules of proposed and existing effluent storage and spreading methods, capacities, arrangements for ensuring effluent is not diluted with clean water and for ensuring effluent does not cause pollution, etc;
- Where appropriate, signed agreement with other landowners for spreading effluent on their lands.

8. What should a location map or plan show?

In addition to the details indicated in “A Guide to making a planning application” the following information will normally be needed:

- The applicant’s farm and the farmyard development, watercourses, drains, houses, schools, churches or public assembly buildings in the vicinity
- Other land in the vicinity in the ownership of the applicant or landowner marked or coloured separately and
- Land both on and off the applicant’s farm available for effluent spreading, together with any watercourses, drains, dwellinghouses, schools, churches or public assembly buildings within 100 metres of such land.

9. What should a site or layout plan show?

In addition to the detail indicated in the pages “A guide to making a planning application”, the following information will normally be needed:

- Existing farm buildings and structures, surfaced and unsurfaced yards, directions of falls, soiled yards, silage pits etc;
- Proposed farm buildings and structures as above
- All yard gates and walls
- Existing and proposed effluent storage tanks marked or coloured separately
- Effluent and soiled water drainage layouts and roof water and other clean water collection and disposal systems. All underground water channels, drains and pipes should be shown.
- All adjoining watercourses, wells, water supplies etc
- Any existing and proposed septic tanks
- Roads and site boundaries and distances to these.

10. Where can I get advice on effluent storage and disposal?

You are advised to design effluent storage facilities in accordance with “Guidelines and Recommendations on Control of Pollution from Farmyard Waste” (Revised edition 1985) issued by the Department of Agriculture, Food and Forestry. Advice on farm development generally is available from your local Teagasc office and the Farm Development Service (FDS) of the Department of Agriculture, Food and Rural Development.

11. Do I need any other type of permission?

You will not be entitled solely by reason of a grant of permission to carry out your proposed development. You may have to apply for a licence under the Local Government (Water Pollution) Acts, 1977 and 1990 for the discharge of effluent of other wastes to a sewer or to lakes, rivers, groundwaters, etc. You will need permission if you are making a connection to a public or group water main or sewer. If you are installing a septic tank in an unserved area, you may need to submit trial hole and percolation results (see Septic Tank Site Suitability Assessment report – Acrobat document).

Generally, all new buildings and extensions must also comply with building regulations, which set out basic design and construction requirements. Details of the regulations are in “A Guide to the Building Regulations” and further information may be obtained from the Local Authority.

The Planning Authority will give advice on design, finishing and siting of developments. You are advised to check the local development plan.

To obtain planning permission

To obtain planning permission, the applicant must make a planning application. Planning application forms and full details are available from the Planning Office. The applicant must complete the form and submit it together with all the necessary documentation and appropriate fee. Advice and guidance is available from the necessary office to help applicants in making the application, and, if necessary, they can contact the office before making an application to ensure that it is complete and that all documentation is attached and that all other requirements have been met.

Comments should be addressed in writing to the Planning Office, if possible, quoting the reference number of the application. Comments must be made within 5 weeks of the date of receipt of the application and accompanied by a fee of €20.

Members of the public are entitled to view, free of charge, all documents submitted with a planning application, at the planning office during normal hours, from the date of receipt of the application until the decision is made on it. Internal reports on an application prepared by or on behalf of the Planning Authority can be viewed after the planning decision has been made. The Planning Register and register map, which is a record of all planning applications, decisions, appeals, enforcement action etc. is open to public inspection, free of charge, at the planning office and copies of entries in the register can be purchased for a fee.

Building a house - the planning issues

This page sets out the main planning issues to be considered when building a house. This page 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.

1. Do I need planning permission?

Yes. Planning permission is needed to build a house.

2. Are there different types of permission?

Yes. There are 3 types of planning permission. An application may be made for:-

- Permission
- Outline permission
- Permission consequent to the grant of outline permission

Please note that if an application for outline permission was received prior to 11th March, 2002, it comes under the Local Government (Planning & Development) Acts 1963 – 2000. Therefore approval must be applied for under this act. The applicant must use the appropriate application form, site notice and newspaper content for same, Please contact the Planning Section, Cavan County Council before submitting an application for approval.

The most common type of application made is for permission, often 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. However, if you obtain outline permission, you will have to submit exact details and drawings of your proposals and get “permission consequent to the grant of outline permission” before starting work.

3. Where do I get planning permission?

From the planning authority of your area i.e. your local County Council or Town Council.

4. How do I make a planning application?

Forms and information are available from the Planning Authority. For more information see “A Guide to making a planning application”.

5. How much will this cost?

A fee is payable with applications for planning permission. The current fee for an application to build a house is €65. In addition to the fee, a development contribution shall be required by the planning authority towards the cost of infrastructure (e.g. roads, water supply, sewerage) necessary to service your house. (see new development contribution scheme). This would be included as a condition

in the planning permission. (for all fees see planning fees)

6. Do I need to consult the planning authority in advance?

You do not have to contact the planning authority before making a planning application, but it is advisable to do so where you are unsure of any aspect of applying for permission, your obligations, local planning policies for the area, future road plans affecting the site etc. You may need to discuss connecting to the public water supply, sanitary services etc.

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

The development objectives and policies of the planning authority are set out in the local development plan. Policies and objectives for promoting and controlling the building of houses, favoured locations for housing, comprehensive guidelines on design standards etc. are normally found in or identified by the plan. You can view the plan at any time during office hours at the planning authority offices or local libraries.

8. What if I need a septic tank?

Any septic tank and percolation area will only be allowed in respect of a single dwelling unit and the installation will be required to comply with the NSAI publication "Standards Recommendations for Septic Tank Systems" (SR 6/91). These standards will not be acceptable in marginal locations i.e. those areas which because of soil or ground water conditions etc. require special pollution control. (see County Development Plan)

9. Should I consult any other people or bodies?

It is in your own interest to contact the ESB to find out if your proposed site can be supplied with electricity, and at what cost. It may not be enough to choose your site because it is near existing electricity lines. Other safety and technical requirements could affect the feasibility of your site. For this reason, you are advised to contact your local ESB office about any overhead lines close to or crossing your site. You must do so where any overhead lines are within 23 metres of the construction works.

10. Can I clear a site or demolish old buildings before planning permission is granted?

Planning permission would not generally be required for basic site clearance. However, making or widening an access on a public road, the demolition of a structure which was last used as a residence, demolition of a building in a terrace or one which is attached to another building in separate ownership, and other works, do need permission, either separately or with the planning permission for a house. It should never be assumed that planning permission will be granted, no matter how routine the application may seem to you. Any work, even where permission is not required, which is undertaken prior to a decision on an application could be wasted.

11. Do I need any other type of permission?

All new buildings must comply with the building regulations, which set out basic design and construction requirements. Details of the regulations and of the need to

give notice to the building control authority (normally your local authority) that you intend to carry out building works to which the regulations apply, may be obtained from your local authority. You may also need permission if making a connection to a public or group water scheme or sewer.

You can obtain details of the statutory requirements which are to be met before development can commence from your local authority.

Under Part V of the Planning & Development Act, 2000 each Local Authority is required to draw up a housing strategy for its county. It should be noted that any development consisting of 4 or more dwellings or on land of more than 0.1 hectares shall be required, if in a zoned area (see Housing Strategy) to comply with the housing strategy requirements for County Cavan. If construction 4 or fewer dwellings, or on less than 0.1 hectare (in a zoned area) a certificate of exemption must be submitted to the Local Authority. The statutory declaration must be completed and signed by a peace commissioner. (see application forms for certificate of exemption).

Public notices

Applicants are advised that notice of application having been made for planning permission must be erected on the site and must be published in an approved newspaper circulating in the area of the development.

The site notice must be painted, inscribed or printed and affixed on a durable material and must be legible from the adjoining public road for a period of five weeks after making the planning application. If it becomes illegible or falls down or is removed, it should be replaced immediately as failure to do so could result in a delay in dealing with your application. If no site notice is received with your application, the application will be returned to you as invalid. (See application forms for sample site notice)

The notice in the newspaper must be published within a period of two weeks before making the application and the newspaper must be one which is in circulation in the area where the development is proposed. The full page of the newspaper showing the notice must be submitted as this page will also show the date of the newspaper and the name of the newspaper. Photocopies of the newspaper notice are not acceptable.

One copy of the site notice, plus one copy of the newspaper notice must be submitted with all planning applications.

Sample wording for newspaper notice:-

Cavan County Council

I, (Name of Applicant), am applying to the above Local Authority for Outline Permission/Permission/Permission consequent - for (description of works) at (address where development is to take place). The Planning application may be inspected or purchased at the offices of the planning authority at Cavan County Council, Courthouse, Cavan during normal office hours. A submission or observation in relation to the application may be made in writing to the planning authority on payment of a fee of €20 within the period of 5 weeks beginning on the date of receipt by the planning authority of the application.

Signed:

Failure to comply with the above requirements will result in an application being declared invalid.

Note:

Where the application will be accompanied by an Environmental Impact Statement, is a protected structure or where the development will require a licence under Part IV of the Environmental Protection Agency Act, 1992, (waste licence) there are additional matters to be included in the newspaper notice and applicants should consult with the Planning Authority regarding same.

Commenting on a Planning Application.

The planning system plays an important role in our society by helping to make the best use of our resources and protecting the environment and heritage in our towns, cities and countryside, whilst ensuring that necessary and worthwhile development can proceed.

Planning authorities control the location, amount and type of development by deciding on planning applications. Everyone has a right to make their views known on local planning matters and to shape the planning and development of their area by commenting on planning applications and by participating in the periodic review of the development plan (see also The Development Plan).

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. Can I comment on any planning application?

Yes. The planning system is open and transparent. Everyone (individuals, residents' associations, etc) has the right to see an application and comment on it. Any submissions or observations made must be made within the first five weeks of the application, being received by the Planning Authority together with a fee of €20.00.

2. To whom do I make comments?

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.

3. How will I know about a particular application?

An applicant for planning permission must publish notice of the application in a locally circulating approved newspaper (the planning authority has a list of newspapers which it accepts for the making of a public notice) and by erecting a site notice (see sample site notice) in a conspicuous position. An application must be received by the planning authority within 2 weeks of the newspaper notice. A site notice must be put up on or before the date you make the application and be kept in position, in a legible condition, for at least five weeks after its submission.

Notice of every planning application and date of receipt is on public display for 8 weeks during office hours at the planning authority's offices and in local public libraries. Planning lists will be circulated for a small cost to residents' associations, interest groups etc. If you think an application has been made, you can contact the planning authority about recent applications.

4. How long do I have to comment?

Any comments on a planning application must be made within the first five weeks of an application being received by the Planning Authority and a fee of €20.00 must be paid. The authority must decide on a valid application within 8 weeks, unless the applicant agrees to an extension of this time or some aspect of the application is unclear and further information is sought to enable a decision to be made. In certain circumstances, the planning authority can ask the applicant to give further public notice of an application and where this is required, the period for decision runs from the date of publication of this notice.

5. What access to planning information do I have?

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. Internal reports on an application, prepared by or on behalf of the planning authority, can be viewed after the planning authority decision has been made, during the period of appeal.

Copies of any Environmental Impact Statement and of extracts from such a statement can be purchased for a reasonable fee.

The planning register and map is the record of all planning applications, decisions, appeals, enforcement action etc. The register is open to public inspection, free of charge, at the planning authority offices during office hours. Copies of entries in the register can be purchased for a fee.

6. Will my comments be listened to?

Yes. In deciding an application the planning authority must take written comments on planning matters into consideration. Such comments must be received within the first five weeks of the application being received by the Planning Authority and the fee of €20 paid.

7. What can I comment on?

The planning authority may only consider the proper planning and sustainable development of their area and the preservation and improvement of amenities, having regard to the provisions of their development plan. Therefore, the authority may only consider objections based on planning considerations and not those based on personal dislikes or grievances, non planning issues associated with nuisance claims or legal disputes etc. The "proper planning and sustainable development" of an area will generally relate to:

- Appropriate land use (zoning).
- Adherence to established planning and development practices.
- Preservation, improvement and extension of amenities.
- Traffic safety.
- Development density, size, location etc.

The development plan for the area will give an indication of relevant planning issues.

8. What type of comments will not be considered?

Objections which are generally not planning related and which normally cannot be taken into account include:

- Disputes about property rights or location of boundaries,
- Restriction of views from a property, where residential amenities are not affected (eg adequate light, overshadowing) – no one has a right to a particular view.
- Trees, shrubs, etc overhanging a property.

If you have a complaint about any of the above, you should normally seek a remedy under civil rather than planning law. You may need to consult a solicitor about your rights in this context.

Vexatious or frivolous comments will also be disregarded.

9. Who will see my comments?

All documents relating to an application, including your written comments, will be available for public inspection and purchase.

10. Will I be informed of the decision?

Yes. Anyone who has made written comments on a planning application within the first five weeks of an application being received by the Planning Authority and paid a fee of €20, must be informed by the planning authority of their decision within 3 working days of making it.

This will usually be done by post, but where a large number of comments have been received, the planning authority may issue notification by way of a public notice in a locally circulating newspaper within 7 days. A public notice is mandatory in the case of applications accompanied by an Environmental Impact Statement.

11. Who may appeal against a planning decision?

An applicant for permission and, any person, body or interested group etc. who made submissions or observations in writing to the Planning Authority in relation to the planning application in accordance with permission regulations.

Making a Planning Appeal

The planning system includes a comprehensive appeals process. Under this, all planning decisions made by planning authorities may be subjected to independent review by An Bord Pleanála. This page gives details of the main features of the appeals process.

This page is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information you may consult An Bord Pleanála or your local planning authority.

1. Who may appeal?

All individuals, interest groups, etc have the right to appeal to An Bord Pleanála. You can appeal to the Board against any planning decision of a planning authority. For example, you can appeal against a refusal of an application by you for planning permission or you can appeal against conditions with which you do not agree attached to planning permission you receive from the planning authority. You may also appeal against the grant of planning permission to another person for a development to which you are opposed – this is known as a third party appeal. However, in the case of a third party, an appeal may only be made where an initial submission/observation has been made by the third party to the planning authority in respect of the application.

2. Is there a time limit on appeals?

Appeals must be received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority (N.B. not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals, whether they are sent by post or otherwise. Further explanation of the time limits is given at Questions 16 and 17 below.

3. How may I appeal?

Every appeal must be made in writing and must be:- sent by post to:

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

Or

Delivered by hand to an employee of the Board at the Board's offices during office hours. The appeal must be fully completed from the start – you are not permitted to submit any part of it later on, even within the time limit.

4. What must I include with my appeal?

- Your own name and address. Where an agent makes an appeal on your behalf, he/she must give your name and address
- The subject matter of the appeal – you must give details of the nature and site of the proposed development, the name of the planning authority, the planning register number (shown on the decision you are appealing) and the applicant's name and address (if you are a third party)
- The full grounds of appeal and supporting material and arguments. The Board cannot take into consideration any grounds of appeal or information submitted after the appeal is lodged and it cannot consider non-planning issues, grounds of appeal should not, therefore, include such issues.
- The correct fee. At present, the normal fee is €150 but in the case of appeal by the applicant for planning permission in respect of a commercial development, the fee is €380. See scale of fees here.

5. What if my appeal is incomplete?

If the appeal does not meet all the legal requirements (see the preceding paragraph for guidance), it will be invalid and cannot be considered by the Board.

6. Can I see the planning authority file before appealing?

Yes. From the date of its decision the planning authority will keep available for public inspection at its planning department offices:

- the complete application and any additional information supplied by the applicant
- its own reports on the application
- its decision and notification of this to the applicant.

If an appeal is made, An Bord Pleanála will be given a copy of all of this documentation and the planning authority file will remain open for public inspection until the appeal is decided.

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

Yes. Planning authorities will sell, on request, copies of any part of a planning application file at a reasonable cost. Any documents for sale will be available while they are open for public inspection.

8. Can I make my views known to the Board without appealing?

Yes. Where an appeal has already been made, another person can become an “observer” and make submissions or observations on the appeal. A copy of this appeal can be seen at the Planning Department offices. The time limit for this is 4 weeks from the receipt of the appeal by the Board, or, in a case where an Environmental Impact Statement has been submitted, within 4 weeks of when the Board publishes notice of receipt of the appeal. A fee must be paid to the Board with any such submissions or observations.

Should the appeal be withdrawn by the person who made it, the decision of the planning authority will stand and your submissions will lapse.

9. Can I ask for an oral hearing?

Any party to the appeal may request an oral hearing provided the correct non-returnable fee (€75 at present) is paid in addition to the appeal fee. The appellant must make the request within the period of lodging the appeal. If you request an oral hearing, you still must state your grounds of appeal in full and comply with the other legal requirements (see question 4 for guidance) when lodging your appeal.

The Board has absolute discretion to hold an oral hearing and will normally only grant one where this will aid its understanding of a particularly complex case or where significant national or local issues are involved.

10. What happens next?

The Board sends a copy of the appeal to the planning authority and, in the case of a third party appeal, to the developer. These have 4 weeks to submit their views. The Board cannot consider any views that are late and no party is allowed elaborate on his/her views once they have been submitted to the Board.

11. How does the Board ensure fair play to all?

Where the Board considers it appropriate in the interests of justice, it can ask any party or observer to make submissions or observations on any matter that has arisen on the appeal. This will allow the Board, for instance, to seek comment on any significant new matter arising in the appeal. The Board also has powers to require any party or observer to submit any document, information, etc. which it considers necessary. The Board will specify a time limit (minimum 14 days) for submission of the invited material and this limit will be strictly enforced.

12. Is there a time limit for deciding appeals?

The Board's objective is to dispose of appeals within 18 weeks. However, where the Board does not consider it possible or appropriate to reach a decision within 18 weeks (e.g. because of the complexity of the issues) it will inform the parties of the reasons for this and must say when it intends to make the decision.

13. Will I be informed of the Board's Decision?

Yes. A decision will be made either to grant permission with conditions or to refuse permission and all involved in the appeal will be notified.

14. Is the Board's decision final?

Yes. Its validity may only be challenged, within 2 months, by way of judicial review in the High Court. The Court will not reopen the planning merits of the case and may only give leave to pursue the review process where it is satisfied that there are substantial grounds for contending that the Board's decision is invalid or ought to be quashed.

15. Can the Board dismiss appeals?

Yes. The Board has discretion to dismiss an appeal where it is satisfied that the appeal is vexatious, frivolous or without foundation. The Board can also declare a planning application or appeal withdrawn where it is satisfied that it has been abandoned.

16. How strict are the time limits?

So that the Board can determine appeals within 18 weeks, all the time limits are very strict and the Board has absolutely no discretion to extend the dates. This applies to the lodging of appeals, submission or comments by parties, the making of submissions and observations to the Board by others, and where invited by the Board, to additional submissions.

17. What if the Board is closed on the last day allowed?

When the last date for receipt of an appeal or other material falls on a day when the offices of the Board are closed (weekends, public holidays and Good Friday) the latest date will be the next day on which the office of the Board are open. It is your responsibility to ensure that the appeal or other material is delivered or posted in time for delivery within the appropriate period. An appeal or other material posted within the permitted period but received outside it will be invalid.

18. Can I see the Board's file?

Yes. All documents, including the report prepared by the Board's inspector can be seen at the Board's offices. They become available 3 working days after the Board's decision, and the file is open for 5 years. A copy of any part of an appeal file (apart from plans or other drawings or photographs) may also be purchased within this time for a reasonable fee. This arrangement applies to appeals received on or after 10th April, 1995.

19. Can I get further information?

Further information can be obtained from An Bord Pleanála, at the address given in Question 3 above, phone (01) 8728011, or from your local planning authority.