

## APPLYING FOR PLANNING PERMISSION

BEFORE APPLYING FOR PLANNING PERMISSION, YOU SHOULD READ THE ENCLOSED **GUIDE TO MAKING A PLANNING APPLICATION** AND ENSURE THAT YOUR APPLICATION IS MADE IN ACCORDANCE WITH THE GUIDELINES.

ENCLOSED ARE THE FOLLOWING:

- A) A GUIDE TO YOUR PLANNING APPLICATION
  - Including Template Site Notices\*
- B) STANDARD PLANNING APPLICATION FORM
- C) A SCHEDULE OF PLANNING FEES

**\* WHERE A VALID PLANNING APPLICATION IS MADE IN RESPECT OF ANY LAND OR STRUCTURE AND A SUBSEQUENT APPLICATION IS MADE WITHIN 6 MONTHS, THE SITE NOTICE IN RESPECT OF THE SUBSEQUENT APPLICATION MUST BE ON A YELLOW BACKGROUND )**

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## **INTRODUCTION**

This guide has been prepared to assist you in meeting the legal requirements of planning applications as outlined in the Planning & Development Act 2000 as amended, and the Planning & Development Regulations 2001-2013. **It is important therefore that you read this information guide, that all questions on the application form are fully answered and that all necessary documentation is submitted. If the requirements of the Planning & Development Regulations 2001-2013 are not met, Waterford City and County Council will not be in a position to assess your application. Your application must be declared invalid and will be returned to you.**

It is important therefore to pay attention to the following:

## **APPLICATION FORM**

**All questions to be completed in full.**

## **TYPES OF PERMISSION**

There are 4 types of permission:

- (a) **Permission** for development
- (b) **Outline Permission** – a permission in principal. It does not permit the carrying out of works. Outline permission cannot be applied for in the case of a retention of development, in the case of works to a protected or a proposed protected structure, or, for development which comprises or is for the purposes of an activity requiring an IPPC licence or a Waste Licence, or where an E.I.S. is required.
- (c) **Permission for Retention of development**
- (d) **Permission consequent on the Grant of Outline Permission (must refer to Register Reference No. of relevant outline permission) -must be made within three years of the date of grant of the outline permission.**

## **PROTECTED STRUCTURE and ARCHITECTURAL CONSERVATION AREA**

A planning application in respect of a protected structure, a proposed protected structure or the exterior of a structure which is located in an architectural conservation area, **shall** be accompanied by such photographs, survey plans and particulars as are necessary to show how

the development would affect the character of the structure. (Please submit a total of 10 copies of all maps, plans, drawings, photographs etc. in respect of such planning applications).

Reference to a **PROTECTED STRUCTURE/PROPOSED PROTECTED STRUCTURE** must be included in all public notices.

### **[WATERFORD CITY AND COUNTY HOUSING STRATEGY – PART V OF the PLANNING & DEVELOPMENT ACT 2000 \(as amended\)](#)**

If you are applying for permission for houses or houses and other development, to which Section 96 of the Planning & Development Act, 2000 as amended, applies you are required to specify how you propose to comply with a condition which may be applied to a grant of permission, requiring that the applicant or any other person with an interest in the land to which the application relates, enter into an agreement with the planning authority, to achieve the objectives set out in the Housing Strategy. **Applicants considering developments of this nature are advised to enter into pre-planning consultation with officials of the planning authority (including the housing department) prior to making the planning application.**

**If the applicant fails to specify how it is proposed to comply with Part V, the planning application must be considered invalid and returned to the applicant.**

### **[EXEMPTION FROM PART V](#)**

**Under section 97 of the Planning and Development Act 2000, as amended, applications involving development of 9 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.**

Where the application relates to permission for development to which Part V of the Planning and Development Act 2000 (as amended) applies, and the applicant is claiming that the development is **exempt** by virtue of S. 97, the application must be accompanied, where appropriate, by a certificate issued by the planning authority in accordance with section 97 of the Act, **or** if such certificate has been applied for but not issued, a copy of the application made in accordance with Article 48.

An application form for such a Certificate of Exemption is available from the Planning Department.

**Under section 96(13) of the Planning and Development Act 2000, as amended, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act**

Where applicant is claiming that an application for residential development is not subject to Part V on the basis that section 96(13) of the Act applies, information setting out the basis for the claim must be submitted.

### NEWSPAPER NOTICE

- Within the period of two weeks\* before you make the planning application, you are obliged to give notice of your intention to make the application in a newspaper approved by Waterford City and County Council.

*\* e.g. Publication date Friday 10th March - last day for lodging application Thursday 23rd.*

*Where the last day of the 2 week period is a Saturday, Sunday, a public holiday (within the meaning of the Organisation of Working Time Act, 1997 (No. 20 of 1997), or any other day on which the offices of the planning authority are closed, the application shall be valid if received on the next following day on which the offices of the planning authority are open.*

- The current list of [approved newspapers](#) for planning notices (as the list is reviewed each March you are advised to check the Council's website to ensure you are aware of the current approved list) is attached.

**Where a planning authority considers that the notice in the newspaper, because of its content or for any other reason, is misleading or inadequate for the information of the public, the planning application shall be invalid.**

### SITE NOTICE

- Within the period of 2 weeks<sup>\*(see newspaper notice)</sup> before you make the application, you are required to erect a site notice.
- You are advised to use the enclosed form of site notice prepared by Waterford City and County Council. Full details of directions for completing and erecting the site notice is contained on the back of each notice.
- **The site notice must be removed following the decision of the planning authority.**
- **The position of the site notice** or notices must be indicated on the site location map submitted with the planning application.

Where a planning authority considers that the site notice, because of its content or for any other reason, is **misleading** or **inadequate** for the information of the public, the **planning application shall be invalid.**

## **FEE**

The scale of fees payable is prescribed in law and is contained in Schedule 9 of the Planning & Development Regulations, 2001. If the correct fee does not accompany your application, your application will be declared **invalid and returned** to you together with any fee paid. Minimum and maximum fees apply.

The appropriate fee (calculated in accordance with Schedule 9 of the Planning Regulations) together with details of how the fee was calculated must be entered on the application form.

Where an exemption from fees is being claimed under Article 157 of the Planning & Development Regulations, evidence to prove eligibility for the exemption should be submitted. It is not sufficient to state that the application is a registered charity.

## **PLANS, MAPS AND DRAWINGS TO ACCOMPANY YOUR APPLICATION:**

Each planning application must be accompanied by **six** copies of such plans and particulars as are necessary to describe the works to which the application relates, including site location map, site plan / layout, floor plans, elevations and sections as detailed in the Planning & Regulations 2001 – 2013.

## **INFRASTRUCTURAL SERVICES**

In the case of multiple housing and larger developments, development proposals must be accompanied by complete details (including layout, longitudinal and cross sections as appropriate) of associated infrastructure such as roads, water, waste water and storm water disposal.

## **PERCOLATION AND WATER TEST RESULTS**

Where it is proposed to dispose of wastewater from the proposed development to a treatment system, information on the on-site treatment system proposed and evidence as to suitability of the site for the system proposed must be submitted. A site suitability report detailing trial hole and percolation test results carried out by a suitably qualified and competent person holding adequate professional indemnity insurance must be submitted.

## **DEVELOPMENT CONTRIBUTIONS**

Where public services (e.g. water/sewerage/roads/traffic management/recreation and amenity, etc) are provided/will be provided which benefit the development in the City and County, it is the City and County Council's policy to require payment of a contribution towards the cost of such infrastructure. The contribution rates, which will be subject to annual adjustment using the Wholesale Price Indices – Building and Construction (Capital Goods ) published by the Central Statistics Office, are set out in the Development Contribution Scheme accessible on the Council's website [www.waterfordcouncil.ie](http://www.waterfordcouncil.ie)

Special contributions are also payable where specific exceptional costs have been/will be incurred by Waterford City and County Council.

Contributions are payable **prior to commencement of development.**

## **THE PERIOD FOR DEALING WITH YOUR PLANNING APPLICATION**

Waterford City and County Council has a period of 8 weeks to assess and decide on your planning application. Before the 8 week period expires, the Council must either grant permission, refuse permission or request further information.

The City and County Council **cannot determine** your application **within the first 5 weeks**. This is to allow third parties an opportunity to inspect and make submission on your application.

If all further information requested is submitted to the City and County Council, and clarification is not required, the Council has 4 further weeks to make a decision on your application.

If, in the opinion of the planning authority, further information received, or revised plans submitted, contains significant additional data, the applicant will be required to **publish** a notice in an approved newspaper informing the public of the submission of further information or revised plans, **and** to erect a site notice (template attached). Copies of these notices must be submitted to the planning authority within a period specified by the planning authority in the request letter. The period for dealing with the application will commence on the date of receipt by the planning authority of the notices.

**If a response to a further information / clarification request is not submitted within 6 months, the application will be declared withdrawn.**

Please note that the nine days of Christmas/New Year i.e. from 24<sup>th</sup> December to 1<sup>st</sup> January inclusive are excluded from the 8 weeks and 4 weeks time period.

### **PUBLIC AVAILABILITY OF YOUR APPLICATION**

When you apply for planning permission, your application particulars will be published on a weekly list which will be displayed in the offices of the Planning Department, all public libraries and on Waterford City and County Council's website. Your application including all submissions, the decision and any reports, must be made available for public inspection and online. A member of the public may purchase a full copy of your application including plans, maps and drawings from the Council.

### **CONTACTING THE PLANNING OFFICE**

- The Offices of the Planning Department of Waterford City and County Council are situated at Menapia Building, The Mall, Waterford, and at Civic Offices, Dungarvan and are open from 9.30 a.m. until 1.00 p.m. and 2.00 p.m. to 4.00 p.m. each day from Monday to Friday (excluding public holidays);
- The planning offices may be contacted by phone (0761 102020) from 9.00 a.m. to 5.00 p.m. and by email [planning@waterfordcouncil.ie](mailto:planning@waterfordcouncil.ie)
- You can also visit Waterford City and County Council's website at [www.waterfordcouncil.ie](http://www.waterfordcouncil.ie)

### **IMPORTANT**

**If your application does not contain all of the information and documents required by virtue of the Planning & Development Regulations 2001-2013, it must be declared invalid. It will be returned to you together with your fee and the reasons why it is invalid. Your application will not be assessed and you will be directed to remove the site notice erected. If you wish to proceed further with the application, you will have to resubmit it (with possibly new newspaper notices) and be subject to a further checking process to determine whether or not it is valid.**

## CHECKLIST

**Please note that if the appropriate documentation is not included, your application will be deemed invalid.**

### **ALL Planning Applications**

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map
- 6 copies of site or layout plan
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections- except in the case of outline permission)
- The appropriate Planning Fee

### **Where the applicant is not the legal owner of the land or structure in question:**

- The written consent of the owner to make the application

### **Where the application is for residential development that is subject to Part V of the 2000 Act, as amended.**

- Details of the manner in which it is proposed to comply with Section 96 of Part V of the Act including, for example,
  - (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's function area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
  - (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions on Part V of the Act

**Or**

- A certificate of exemption from the requirements of Part V

**Or**

- A copy of the application submitted for a certificate of exemption.



**Where the application is for residential development that is not subject to Part V of the 2000 Act by virtue of section 96(13) of the Act as amended.**

- Information setting out the basis on which section 96(13) is considered to apply to the development.

**Where the disposal of wastewater for the proposed development is other than to public sewer:**

- Information of the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.

**Where the application refers to a Protected Structure/proposed protected structure/ or the exterior of a structure which is located within an Architectural Conservation Area (ACA):**

- Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

**Applications that refer to a material change of use or retention of such a material change use:**

- Plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of Article 23) and other particulars required describing the works proposed.

**Where an application requires an Environmental Impact Statement:**

- An Environmental Impact Statement

**Applications that are exempt from planning fees:**

- Proof of eligibility for exemption.

**THESE GUIDANCE NOTES DO NOT PURPORT TO BE A LEGAL INTERPRETATION OF THE PLANNING & DEVELOPMENT ACTS, 2000, as amended OR THE PLANNING & DEVELOPMENT REGULATIONS, 2001-2013.**

COPIES OF THE ACT AND REGULATIONS MAY BE PURCHASED FROM THE GOVERNMENT PUBLICATIONS OFFICE, DUBLIN or may be downloaded from [www.environ.ie](http://www.environ.ie)