

Tipperary TOWN Council

Planning Section

A GUIDE TO YOUR PLANNING APPLICATION

INTRODUCTION

The attached application form and this guide have been prepared to assist you in meeting the legal requirements of planning applications as outlined in the Planning and Development Acts, 2000-2006 and the Planning and Development Regulations, 2001-2007. **It is important therefore that you read this information guide, that all questions are fully answered and that all necessary documentation is submitted. If the requirements of the Planning and Development Regulations, 2001-2007 are not met, Tipperary Town Council will not be in a position to assess your application. Your application will be declared invalid and returned to you.**

IT IS IMPORTANT THEREFORE TO NOTE THE FOLLOWING:

APPLICATION FORM

All questions are to be completed in full.

TYPES OF PERMISSION (QUESTION NO. 2)

There are 4 types of permission:

- (a) **Permission** (often referred to as full permission) - when obtained the proposed development may proceed.
- (b) **Outline Permission** – A permission in principle. It does not permit the carrying out of works. Outline permission **cannot** be applied for in the case of:
 - retention of development;
 - works to a protected structure;
 - an activity which is subject to an integrated pollution control (IPC) licence or to a waste licence from the Environmental Protection Agency;
 - development which is subject to an Environmental Impact Statement (EIS).
- (c) **Permission for Retention of Development** – where works have been carried out without permission or not in conformity with permission granted.
- (d) **Permission Consequent on the Grant of Outline Permission** - when obtained works may proceed.

Please state clearly which type of permission is being applied for. Your answer is required to be consistent with your newspaper notice and site notice.

LEGAL INTEREST IN THE LAND (QUESTION NO. 9)

An application may only be made by a person who has sufficient legal interest in the land to enable that person to carry out the development or who has the written consent of the owner.

Give full particulars of your legal interest in the site/structure in reply to this question.

NEWSPAPER NOTICE (QUESTION NO. 21)

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Please note that this guide is not a legal interpretation of the Planning and Development Acts, 2000-2006 or the Planning and Development Regulations, 2001-2007.

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 Tipperary Town Council. The following is the approved list of newspapers for planning notices in respect of locations within the functional area of Tipperary Town Council:

“Irish Independent”
“Irish Times”
“Irish Examiner”
“The Nationalist”
“The Tipperary Star”
“South Tipp Today” &
“Irish Daily Star”.

Your newspaper notice must contain the following:

- As a heading “Tipperary Town Council”.
- The name of the applicant.
- The location, townland or postal address of the land or structure to which the application relates (as may be appropriate).
- Whether the application is for permission for development, permission for retention of development, outline permission for development or permission consequent on the grant of outline permission (stating the reference number on the register of the relevant outline permission).
- A brief description of the nature and extent of the development, **including:**
 - i. where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided;
 - ii. where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure;
 - iii. where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure an indication of that fact;
 - iv. where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence or a waste licence, an indication of that fact, or
 - v. where a planning application relates to development in a strategic development zone, an indication of that fact; and
 - vi. where the application is accompanied by an Environmental Impact Statement, a statement to that effect and that the Environmental Impact Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Planning Authority; **and**
- that the application may be inspected or purchased at the offices of the planning authority and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee (€20) within the period of 5 weeks beginning on the date of receipt by the authority of the application.

The full page of the newspaper showing the notice of the application is required to be submitted with your application.

The nine days from 24 December to 1 January are excluded from the 2 weeks time period.

SITE NOTICE (QUESTION NO. 21)

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Please note that this guide is not a legal interpretation of the Planning and Development Acts, 2000-2006 or the Planning and Development Regulations, 2001-2007.

- ❑ Within the period of 2 weeks before you make the application, you are required to erect a site notice.
- ❑ Your site notice is required to be inscribed or printed in indelible ink on a **white** background of A4 in size and be affixed on a rigid durable material which has been weather proofed.
- ❑ The site notice must state the particulars of the nature and extent of the proposed development in the standard site notice form prepared by Tipperary Town Council. The content of your site notice is required to be in line with the content of your newspaper notice.
- ❑ The site notice must contain the date on which it was erected.
- ❑ The site notice is required to be erected or fixed in a conspicuous position on or near the main entrance to the site/structure so as to be easily visible and legible by persons using the public road and shall not be obscured or concealed at any time. Where it appears to the Planning Authority that a site notice will not be visible or easily legible by members of the public by reason of being positioned on an open gate, the Planning Authority will consider same does not satisfy the requirements of Article 19(2) of the Planning and Development Regulations 2001, as amended, and accordingly any such application will be deemed invalid.
- ❑ **The site notice is required to be maintained on the site for a minimum period of 5 weeks from the date of receipt of a valid application.**
- ❑ It should not be concealed at any time.
- ❑ Where there is more than one entrance from the public road, further site notices are required on or near all such entrances.
- ❑ A copy of the site notice is required to be submitted with your application.
- ❑ Where the land or structure to which a planning application relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure, and shall not be obscured or concealed at any time.
- ❑ Where a valid planning application is made in respect of any land or structure and a subsequent application is made **within 6 months** from the date of the making of the first application, the site notice is required to be on a **yellow** background.

The nine days from 24 December to 1 January are excluded from the 5 weeks and 6 months time periods.

TIPPERARY SOUTH COUNTY HOUSING STRATEGY – PART V OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED BY THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT, 2002) (QUESTION NO. 16)

If you are applying for housing on land which is **zoned solely for residential use, or for a mixture of residential and other uses**, you will be subject to the provisions of Part V of the Planning and Development Act, 2000, as amended by the Planning and Development (Amendment) Act, 2002, the purpose of which is to boost the supply of social and affordable housing.

You are advised to familiarise yourself with the contents of the Tipperary South Housing Strategy, which can be purchased from the Council for €20 or may be inspected at the offices of the Council or on the Council's website www.southtippcoco.ie.

If you are providing a scheme of 5 or more houses or housing on land of 0.1 hectares or more, on land which is zoned solely for residential use, or for a mixture of residential and other uses, you will, in the event of planning permission being granted, be required to comply with the requirements of Section 96 of the Planning and Development Act, 2000, as substituted by Section 3 of the Planning and Development (Amendment) Act, 2002 and enter into an agreement with the Council pursuant to same.

Prior to submitting a planning application you are requested to contact the Senior Staff Officer, Tipperary Council, to discuss your proposals to formulate an agreement. A copy of your "Agreement in Principle" specifying the manner of compliance with Part V should accompany your planning application.

If you are providing 4 houses or less or housing on land of 0.1 hectares or less, on land which is zoned solely for residential use, or for a mixture of residential and other uses, you will be required to obtain from the Council an Exemption Certificate which will indicate that Section 96 of the Planning and Development Act, 2000 as amended, does not apply. Application forms and details are available at the Planning Section.

This Certificate must be obtained prior to making your planning application. A copy of your Certificate is required to be submitted with your application for permission.

SOURCE OF WATER SUPPLY AND METHOD OF SEWAGE DISPOSAL (QUESTION NO. 20)

Where a developer will require a connection to the public water supply or sewerage system, an application has to be made to the Engineering Section. The cost of any connection will be based on the cost of the work involved. In order to allow sufficient time to provide the connection, it is important that an application is made at an early stage. Further information in relation to the application procedure may be obtained from the Engineer's Office, Dan Breen House, Tipperary Town.

FEE (QUESTION NO. 22)

The scale of fees payable is prescribed in law and is shown on the attached schedule. If the correct fee does not accompany your application, your application will be declared **invalid** and returned to you together with any fee paid.

State the amount of fee being paid and the class(es) of fee applicable in reply to this question.

LOCATION MAP

- Six copies** of location map(s) of sufficient size, to scales of 1:1000 in built up areas and 1:2500 in all other areas, are required.
- The land/structure and the boundaries of the site of the proposed development are required to be clearly identified in **red**. Land which abuts, adjoins or is adjacent to the land/structure the subject of the application and which is under the control of the applicant or the owner of the land/structure to be outlined in **blue** and way-leaves shown in **yellow**.
- A separate plan showing the position of the site notice or notices is also required

SCHEDULE OF DOCUMENTS / MAPS / PLANS, ETC.

A full schedule of all the site layout plans, floor plans, elevations, sections, any photographs and any reports is required to be submitted.

SITE LAYOUT PLAN

Six copies of the site layout plan drawn to a metric scale of not less than 1:500 are required. **Each site layout plan to contain all of the following:**

1. the scale of the site layout plan;
2. the site boundary to be clearly delineated in **red**. All buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land/structure shall be shown;
3. the levels or contours of the land and the proposed structure relative to Ordnance Survey datum or temporary local benchmark;
4. the name and address by whom prepared ;
5. the north point; and
6. the distance of any structure from the boundaries of the site.

ELEVATIONS, PLANS AND SECTIONS OF PROPOSED DEVELOPMENT

Six copies of drawings of elevations (front, rear and both sides), plans and sections, to a metric scale of not less than 1:200 (1:50 is preferred), which are to contain the following:

- the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity, at a scale of not less than 1:100, as may be appropriate;
- the scale indicated;
- the principal dimensions (including overall height) of any proposed structure; and
- the name and address by whom prepared.

Please note that for large scale developments a metric scale of 1:200 may be acceptable. Where the application relates to works, comprising reconstruction, alteration or extension of a structure, the drawings shall be so marked or coloured so as to distinguish between the existing structures and the works proposed.

Please note that additional copies of any plan, drawing, map, photograph or other particulars, may be required for applications in respect of development to protected structures and large scale developments.

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, footpaths, open spaces, public lighting, water supply and waste water and storm water disposal.

SITE WASTE PLAN

In the case of multiple housing and larger developments, development proposals must be accompanied by a Site Waste Plan. This will ensure the integration of waste management into the development control process having regard to the principles of the Joint Waste Management Plan for the South East Region 2002.

Attached to this Guide are Guidelines for the Preparation of a Site Waste Plan. These Guidelines cover the following areas:

- necessity to prepare a site waste plan;
- categories of development requiring a site waste plan;
- content of a site waste plan; and
- advice on best practice regarding permits.

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TRIAL HOLE AND PERCOLATION TEST RESULTS

These are an essential part of all planning applications where a public sewer connection is not available. **The site suitability report is required where an on site effluent disposal system is proposed.**

For development which requires the **installation or retention** of a septic tank drainage system, evidence of the suitability of the site to accept septic tank effluent, in accordance with the document “Wastewater Treatment Manuals: Treatment Systems for Single Houses” as published by the Environmental Protection Agency in June 2000 must be submitted (**report form to be completed**).

For development with a population equivalent of 10-500 which requires the **installation or retention** of a biological effluent treatment system, evidence of the suitability of the site to accept biological treatment system effluent, in accordance with the document “Wastewater Treatment Manuals: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels” as published by the Environmental Protection Agency in December 1999 must be submitted (**report form to be completed**).

Site suitability Assessments **must** be carried out by a person/s listed as approved by the Planning Authority (current list of approved Assessors available on the Council’s website www.southtippcoco.ie).

These results **MUST** be certified by a competent person (i.e. a professionally qualified and competent individual acceptable to the Planning Authority: details of acceptable competent individuals are available from the Planning Authority). The Planning Authority reserves the right to carry out its own independent test on the site.

N.B. Please note that trial holes, percolation test holes, etc. should not be excavated adjacent to or in the vicinity of any site listed in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994 and issued by the National Monuments and Historic Properties Division of Dúchas The Heritage Service of the then Department of Arts, Heritage, Gaeltacht and the Islands in 1997 unless with the prior written consent of the National Monuments Section of the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government.

LAND HOLDING MAP

Where an application relates to residential development in a rural area (i.e. outside a town) a map of the lands of the applicant or of the owner of the land, as appropriate, must be submitted and shall conform with the following:

- (a) the boundaries shall be clearly indicated by means of a thin black line outlined in blue (the area, in hectares, of same shall also be stated);
- (b) the map shall be extracted from the most recently published Ordnance Survey sheet(s) to a scale of 1:2500;
- (c) the boundaries of any individual site disposed of for residential purposes from the landholding shall be indicated, together with the details of family relationship, if any, between the landowner and the person to whom any such site was disposed of;
- (d) the boundaries of the site forming the application shall be outlined in red;
- (e) the location of the landowner’s dwelling; and
- (f) the boundaries of any further individual site proposed to be disposed of from the landholding in the future.

The boundaries of sites (c)-(f) should be clearly indicated.

BUILDING CONTROL - BUILDING REGULATIONS

South Tipperary County Council is the Building Control Authority for the purposes of the Building Control Act, 1990 and the Building Control Regulations, 1997. The Building Regulations, 1997 set out the basic requirements to be observed in the design and construction of buildings. They apply to all buildings (exemptions excepted), extensions, material alterations and certain changes of use of existing buildings.

There are two requirements under the above legislation.

- (i) A Fire Safety Certificate must be obtained for the construction of all buildings including apartments and flats, extensions, alterations and changes of use (except dwellings and agricultural buildings), which are covered by the Building Regulations, 1997.
- (ii) A Commencement Notice must be submitted to the Building Control Authority between 14 and 28 days before works start. A fee of €30.00 per building must accompany the Commencement Notice.

Details are available from South Tipperary County Council, Building Control Section, Fire Station, Haywood Road, Clonmel. Tel No. 052-34616. Fax No. 052-25590.

ENVIRONMENTAL IMPACT ASSESSMENT

E.C. Directive 85/337/EEC, as amended by E.C. Directive 97/11/EC, requires that certain public and private projects require an Environmental Impact Assessment (EIA) before development consent is given. The type of projects listed in Annex 1 and Annex 11 of the Directive includes factories, chemical installations and pharmaceutical plants, textile, leather, wood and paper industries, intensive pig-rearing and poultry installations, etc. Regulations have been made by the then Minister for the Environment and Local Government, as follows:-

European Communities (Environmental Impact Assessment) Regulations, 1989 to 1999 incorporating the E.C. Directive into Irish law. These Regulations have been subsumed into the Planning and Development Regulations, 2001 which list the developments which must be accompanied by an Environmental Impact Statement (EIS).

Consultation with the Planning Authority is advisable prior to submitting an application for permission where an EIS is or may be required.

DEVELOPMENT PLANS

Applicants are advised to refer to the current County Development Plan or other appropriate Development Plan or, where applicable, the relevant Local Area Plan. These Plans clearly state the policies of the Planning Authority on development within the county and contain comprehensive guidelines on design standards.

The following Plan has been adopted by Tipperary Town Council:

- (1) Tipperary Town and Environs Development Plan 2007, was adopted on 25 June, 2007.

The following Variation has been made:

- (a) Variation (No. 1), to incorporate the County Retail Strategy, was adopted on 26 January 2004.

CONSULTATIONS ON LARGE SCALE DEVELOPMENTS

Applicants considering large scale developments are **advised** to consult with officials of the Planning Authority in the preparation of the application documents.

DEVELOPMENT CONTRIBUTIONS

Where public services (e.g. public water supply services/public waste water drainage services/road infrastructure/recreational and community facilities and amenities/car parking facilities, etc.) are provided/will be provided in Tipperary Town which benefit the proposed development, it is the Council's policy to require payment of a contribution towards the CAPITAL cost of such infrastructure. The contributions are as set out in the Tipperary Town Council Development Contribution Scheme 2004-2009.

Special contributions are also payable where specific exceptional costs have been or will be incurred by Tipperary Town Council.

Contributions are payable upon commencement of development. These charges are totally unrelated to **Connection Fees** payable to the Engineering Section at Tipperary Town Council.

More information is available on a separate guide to development contributions, which is available at the Planning Section.

THE PERIOD FOR DEALING WITH YOUR PLANNING APPLICATION

Tipperary Town 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, request further information or, with your agreement, extend the time period.

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

If on request, further information is forwarded to the Council and does not require any clarification, the Council has 4 weeks to make a decision on your application.

If you do not reply to further information within 6 months of being requested, your application will be declared withdrawn.

The nine days from 24 December to 1 January inclusive are excluded from the 6 months, 8 weeks, 5 weeks and 4 weeks time periods.

PUBLIC AVAILABILITY OF YOUR APPLICATION

When you apply for planning permission, your application particulars will be published on a weekly list which can be purchased by any person, body or organisation from the Council at a fee of €2.00 (the weekly list is available on an annual basis for an annual fee of €127.00).

Your application includes all submissions and objections, the decision and any reports. These must be made available for **public inspection** (also available on Council's website) for a period of 7 years. (Persons making submissions have a right to appeal the Council's decision to An Bord Pleanála). If a person has not made a submission he or she will have no right of appeal except in exceptional circumstances. A member of the public may purchase from the Council a full copy of your application including plans, maps and drawings, submissions and objections, the decision and any reports. The schedule of charges is as follows:

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MAPS/DRAWINGS :

SIZE	BLACK AND WHITE	COLOUR
A0	€10.00	Not available
A1	€8.00	Not available
A2	€5.00	Not available
A3	€1.00	€5.00
A4	€0.50	€3.00

REPORTS/APPLICATION FORMS, ETC.:

A4 multiple of 5 pages: €1.20 per 5 pages.

Where outline permission has been granted by the Planning Authority, any subsequent application for permission must be made not later than 3 years beginning on the date of the grant of outline permission, or such longer period, not exceeding 5 years, as may be specified by the Planning Authority. The outline permission shall cease to have effect at the end of the period referred to above unless the subsequent application for permission is made within that period.

DURATION OF PLANNING PERMISSION

A planning permission will generally have a life-span of **five years** unless a different period is stipulated in the permission.

Where outline permission has been granted by the Planning Authority, or by An Bord Pleanala on appeal, any subsequent application for permission must be made not later than 3 years beginning on the date of the grant of outline permission, or such longer period, not exceeding 5 years, as may be specified by the Planning Authority or by An Bord Pleanala on appeal. The outline permission shall cease to have effect at the end of the period referred to above unless the subsequent application for permission is made within that period.

It is possible to extend the duration of permission in certain circumstances.

REMEMBER

If your application does not contain all of the information and documents required by virtue of the Planning and Development Regulations, 2001-2007, it will be declared invalid. It will be returned to you together with your fee and the reasons for its invalidation will be set out. Your application will not be assessed and you will be directed to remove any public notice erected. If you wish to proceed further with the application, you will have to resubmit it (with possibly a new newspaper notice) and be subject to a further checking process to determine whether or not it is valid.

CONTACTING THE PLANNING OFFICE

- The Offices of the Planning Section of Tipperary Town Council are open from 9.00 am until 1.00 pm and from 2.00pm until 5.00 pm each day from Monday to Friday (excluding public holidays).
- The Planning Office may be contacted by phone – 062 80703 from 9.00 am to 5.00 pm (excluding 1.00pm to 2.00pm) and by email: planning@tipperarytc.ie.
- Individual staff may be contacted at their own e-mail address.