

To Completing Your Planning Application Form

Please read this guide carefully before completing the application form. All questions must be answered. Insert the words not applicable where necessary.

INTRODUCTION

The attached application form and this guide have been prepared so as to assist you in meeting the legal requirements of planning applications as outlined in the Planning & Development Acts 2000 (as amended) and the Planning & Development Regulations 2001 (as amended). **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 & Development Regulations 2001 (as amended) are not met, Kilkenny County Council will not be in a position to assess your application. Your application will be declared invalid and then returned to you.** It is important therefore to pay attention to the following:

APPLICATION FORM

All questions **MUST** be completed in full (appendices to be completed where appropriate).

NAME ADDRESS AND TELEPHONE NO AND EMAIL ADDRESS (IF ANY) OF APPLICANT.

Full name and postal address of the applicant to be given - c/o agent or other **is not** acceptable.

IF THE APPLICANT IS A COMPANY REGISTERED UNDER THE COMPANIES ACT

State the name of the company the registered address of the company **and** the names **and** addresses of the Directors **and** the Company secretary and the company office registration number.

NAME OF PERSON WHO PREPARED DRAWINGS

Full name and full postal address to be given.

NAME AND ADDRESS OF AGENT.

Full name and full postal address to be given.

NAME AND ADDRESS TO WHICH ALL CORRESPONDENCE TO BE SENT

Full name and full postal address to be given. In addition to the specified address, it is the Planning Authority practice to issue a copy of correspondence to the applicant's address to ensure he/she is fully informed.

TYPES OF PERMISSION:

There are 4 types of permission:

- (a) **Permission**
- (b) **Outline Permission** – A permission in principal. It does not authorise the carrying out of works. Outline permission cannot be applied for in the case of retention of development, in the case of works to a protected structure or for an activity, which is subject to an IPC licence or a waste licence.
- (c) **Permission for Retention of Development** – where works have been carried out without permission.
- (d) **Permission Consequent on the grant of Outline Permission.** This relates to grant of permission following on from the grant of outline permission in accordance with the Planning and Development Regulations 2001 (as amended)

Please indicate which type of permission(s) is being applied for. Your answer is required to be consistent with your newspaper and site notices.

LOCATION OF PROPOSED DEVELOPMENT

The name of the townland where the development is to be located and the full postal address if different from the townland.

LEGAL INTEREST IN THE LAND

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 the nature of your legal interest in the site/structure in reply to this question, ownership/contract to purchase/none etc.

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 Kilkenny County Council. The following is the approved list of newspapers for planning notices in respect of areas as specified within the functional area of Kilkenny County Council:

- **Irish Independent for the entire functional area**
- **Irish Times for the entire functional area**
- **Kilkenny People for the entire functional area**
- **Munster Express for the Development Plan area of Thomastown and for that part of Kilkenny south of Thomastown**
- **Irish Examiner for Kilkenny City Environs and those parts of the functional area south of Kilkenny City Environs**
- **Irish Sun for the entire functional area**
- **Irish Daily Star for the entire functional area**
- **Kilkenny Reporter for the entire functional area.**
- **The Kilkenny Observer for the functional area of Kilkenny City and Environs area as defined, and rest of the county as far south as New Ross, Co Kilkenny**

Please submit 1 full page containing the newspaper notice and 5 copies with your application.

Your newspaper notice must contain the following:

- ☐ As a heading “Kilkenny County Council
- ☐ The name of the applicant
- ☐ The location, townland or postal address of the land or structure to which the application relates
- ☐ 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) or any combination of same.
- ☐ 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 control licence or a waste licence, an indication of that fact
 - v. Where a planning application relates to development in a strategic development zone, an indication of that fact
 - vi. Where the application is accompanied by an Environmental Impact Assessment Report, a statement to that effect **and**
 - vii That the application may be inspected or purchased at a fee not exceeding the reasonable cost making a copy at the offices of the Planning Authority during Office hours i.e. 9.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. 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.

SITE NOTICE

- ❑ 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; the nature and extent of the proposed development in the standard site notice form prepared by Kilkenny County Council. **The content of your site notice is required to be consistent with 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 capable of being read by passers by from the public road.
- ❑ **The site notice is required to be maintained on the site for a minimum period of 5 weeks from the date of receipt of 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 at each entrance.
- ❑ A copy of the site notice is required to be submitted with your application.
- ❑ Where a planning application is made in respect of any land or structure and a subsequent application is made within **six months** from the date of the making the first mentioned application, the site notice is required to be on a **yellow** background.

AREA OF LAND/SITE GROSS FLOOR SPACE OF EXISTING AND PROPOSED BUILDINGS

Gross floor space to be specified in sq/meters of the existing building(s) or proposed building(s)/extension(s)

KILKENNY HOUSING STRATEGY – PART V OF THE PLANNING & DEVELOPMENT ACTS 2000 (AS AMENDED)

If you are applying for residential development of 10 units or more on zoned land, you will be subject to the provisions of Part V of the Planning & Development Acts 2000 - 2018 which aims to boost the supply of public land for housing purposes.

You are advised to familiarise yourself with the contents of the Kilkenny Housing Strategy, which can be inspected or purchased from the offices of the Planning Authority.

If you are providing a scheme of 10 or more houses, you will in the event of planning permission being granted, be required to transfer to Kilkenny County Council 10% of your site for social and affordable housing.

Alternatively, you may enter into an agreement with the Council for the provision of houses and/or serviced sites to the Council or to an approved voluntary housing body.

You are requested to contact the Housing Department of Kilkenny County Council and the relevant Planner to formulate an agreement. Broad particulars of your proposals are required and full details of your proposals are required to be set out in your supporting documentation.

If you are providing 9 houses or less or housing on land of 0.1 hectares or less, you will not be subject to the provisions of the Kilkenny Housing Strategy/Section 96 of the Planning & Development Acts 2000 (as amended) (Anti evasion measures do apply).

For exemption, you will however first be required to obtain from the Council a Certificate stating that Section 96 of the Planning & Development Acts 2000 (as amended) does not apply. Application forms and details are available at the Planning Department.

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

SIGHTLINES

All developments providing access onto the public road must show that the access proposed will not create a traffic hazard nor interfere with the free flow of traffic along such roads. The availability of adequate clear unobstructed sight distance along the road from the access point is the most crucial requirement for road safety. For the required standard reference should be made to **National Roads Authority, Design Manual for Roads & Bridges, Road Geometry Handbook, Section 2.22** (see www.nra.ie)

If the provision of the proposed sight lines involves works to lands outside the ownership or control of the applicant you are required to demonstrate sufficient legal interest in the lands.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

A brief description of the nature and extent of the proposed development is to be given. If insufficient space is provided on the application form itself please set out the description on a separate sheet and mark the sheet as the reply to relevant question of the application form

APPLICATION FOR MATERIAL CHANGE OF USE OR RETENTION OF MATERIAL CHANGE OF USE.

Full details of the existing use and the use proposed or where appropriate the former use or the use proposed to be retained must be specified.

INDICATE SOURCE OF WATER SUPPLY

Please tick the appropriate box.

METHOD OF SEWERAGE DISPOSAL

Details of the Waste Water Treatment System proposed and a Site Suitability Report must be submitted with your application. **Note: See Panel of Qualified Site Suitability Assessors enclosed.**

If a septic tank and percolation areas are proposed, certified results of the trial hole and percolation tests (a “T” test) must be submitted.

Percolation and Water test results are an essential part of all planning applications where a public sewer connection is not available.

All trial holes must be left open for inspection pending determination of the planning application. The current Planning Authority Site Suitability Report based on the EPA manual is required where an on site effluent disposal system is proposed. (www.epa.ie)

Proprietary Treatment System

If a proprietary effluent treatment system is proposed, detailed proposals for such a system, appropriate to the needs of the site, including a full site assessment with trial hole and percolation tests (“T” & “P” tests) and specifications as necessary. Certification by the manufacturers/suppliers that the proposed system is suitable for the site having regard to the trial hole tests the percolation tests the location of any proposed well on site existing development the proposed development and any other relevant feature. This certification includes total responsibility for any test results upon which the design of the system or any part of the system is based.

(Promotional literature is not adequate)

All Site Characterisation Tests must be carried out and completed by a qualified person with professional indemnity insurance. A list of qualified persons is available on the website.

The Panel of Qualified Site Suitability Assessors is enclosed.

House Extensions

In the case of house extensions where the proposed extension incorporates additional bedrooms to an existing house which is served by an on site waste water treatment system then it will be necessary to either :

- (a) demonstrate that the existing system can cater for the additional loading or,
- (b) upgrade or provide a new on site treatment system as appropriate.

Complete drawings of both (i) existing and (ii) proposed to be submitted.

METHOD OF SURFACE WATER DISPOSAL

The following is the stated policy of the Council in relation to surface water disposal.

Surface Water Disposal

For other than one off houses, it is the policy of the Council to seek positive surface water drainage incorporating discharge flow attenuation for all green field site developments other than those that are isolated and small in scale and unlikely to increase the risk of flooding.

This means that all storm water shall be collected in a storm water pipe network with attenuation and disposed of to a watercourse, and shall not be directed to a soakpit.

INFRASTRUCTURE SERVICES (WATER/SEWERAGE)

Where it is proposed to utilise public water and/or sewerage the applicants are advised to have prior discussions with the Sanitary Services Section of Kilkenny County Council to ensure that public services have adequate capacity. Connection Fees will apply at the rates prevailing at the time of connection. These charges are distinct from and in addition to Development Contributions.

WORKS TO A PROTECTED STRUCTURE

Please tick as appropriate whether the development comprises works to a protected structure or proposed protected structure.

FEE

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 of fee applicable in reply to this question.

LOCATION MAP

Six copies of a location map to scale of not less than 1:1000 in built up areas and 1:2500 in all other areas are required or other such scale with the prior agreement of the Planning Authority. Site Location map to show:

- a. The land/structure and the boundaries of the site (not land ownership) are required to be clearly identified in **red**
- b. 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**
- c. Way-leaves shown in **yellow**
- d. The position of the site notice or notices

SITE LAYOUT PLAN

Six copies of the site layout plan drawn to a metric scale of not less than 1:500 are required or other such scale with the prior agreement of the Planning Authority.

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** or **in** the vicinity of the land/structure
3. The levels or contours where applicable of the land and the proposed finished floor levels of the structure relative to Ordnance Survey datum or temporary local benchmark, whichever is appropriate
4. The name and address by whom prepared
5. The North Point indicated on all maps and plans other than elevations, sections or OSI maps
6. The distance of any structure from the boundaries of the site
7. The position of Trial Pits/Test Holes where applicable

ELEVATIONS OF PROPOSED DEVELOPMENT

Six copies of all elevational drawings to a metric scale of not less than 1:200, 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 1:200, as may be appropriate
- The scale indicated
- The principal dimensions (including overall height) of any proposed structure
- The name and address by whom prepared

PLANS AND SECTIONS

Six copies of all Plans and Sections are required.

Each copy to be in metric scale of not less than 1:200 – the scale to be indicated on the plans.

EXTENSIONS

Where the application relates to works comprising reconstruction alteration or extension of a structure, they shall be so marked or coloured so as to distinguish between the existing structures and the works proposed.

Complete drawings of both (i) existing and (ii) proposed to be submitted.

There is no requirement to submit floor plans for a structure to be demolished unless same is a protected structure.

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, waste – water and storm – water disposal.

Prior discussions with the relevant sections of Kilkenny County Council would be prudent.

COUNTY DEVELOPMENT PLAN

Applicants are advised to refer to the County Development Plan which:

- (i) Clearly states the Policies of the Planning Authority on development within the County
- (ii) Contains comprehensive guidelines on Design Standards.

SEE ALSO KILKENNY COUNTY COUNCIL RURAL DESIGN GUIDELINES – AVAILABLE FOR PURCHASE IN PLANNING OFFICE, KILKENNY COUNTY COUNCIL

CONSULTATIONS ON LARGE SCALE DEVELOPMENTS

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

DEVELOPMENT CONTRIBUTIONS

Development contributions are payable in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area. Development contributions will be levied in accordance with the Development Contribution Scheme adopted by Kilkenny County Council on 20th June, 2016.

Contributions shall be payable immediately upon development commencement. The amount of the contribution will be the rate of contribution in existence on commencement of development and not the rate in existence at the time of the grant of permission. The amount of the development contribution is subject to revision with reference to the Wholesale Price Index, and penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme.

Copies of the Development Contribution Scheme are available free of charge.

THE PERIOD FOR DEALING WITH YOUR PLANNING APPLICATION

Kilkenny 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 grant permission, refuse permission, request further information or with your agreement extend the time period for making such a decision.

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 further information is submitted in full and does not require any clarification, the Council then has 4 weeks to make a decision on your application.

If you do not reply to further information or clarification of further information within 6 months of the date of the original further information request, your application will be declared withdrawn by the Planning Authority.

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

PUBLIC AVAILABILITY OF YOUR APPLICATION

Your application includes all submissions and objections, the decision and any reports which must be made available for public inspection for a period of 7 years after the decision is made (contact details are held separately and are not available for public inspection).

Persons making submissions have a right to appeal the Council's decision to An Bord Pleanala (www.pleanala.ie). A member of the public may purchase a full copy of your application including plans, maps and drawings from the Council.

AVAILABILITY OF WEEKLY LIST

When you apply for planning permission, your application particulars will be published on a weekly list which can be purchased by any person/body/organisation from the Council at nominal cost.

In order to address concerns regarding targeting of applicants by persons in the business sector involved in direct marketing, the Planning Application Form contains an 'opt in' provision in relation to the receipt of direct marketing. Our published weekly list will not contain applicant address details. The list also contains text setting out a number of points in relation to data protection.

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.

An outline permission will expire after **three years** unless a further grant of permission or a subsequent permission consequent on the grant of the outline permission has been obtained.

It is possible to extend the duration of permission in certain circumstances (See Section. 42 of Planning & Development Regulations 2001 (as amended)).

CONNECTIONS TO PUBLIC WATER MAINS/ PUBLIC FOUL SEWER

If development is to be connected to the Public Water Mains and/or to the Public Foul Sewer, the applicant must consult with the Water Services Authority, Kilkenny County Council.

Connection Fees will apply at the rates prevailing at the time of connection.

These charges are distinct from and in addition to Development Contributions.

REMEMBER

If your application does not contain all of the information and documents required by virtue of the Planning & Development Regulations 2001 (as amended) , it will 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 any public site notice erected. If you wish to proceed further with the application, you will have to resubmit it again (with possibly new newspaper notices) and be subject to a further checking process to determine whether or not it is valid.

CHECKLIST

A simple checklist is attached for your convenience.

CONTACTING THE PLANNING OFFICE

- The Offices of the Planning Department of Kilkenny County Council are open from 9.00 a.m. to 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 office may be contacted by phone (056) 7794010 from 9.00 a.m. 1.00 p.m. and 2.00 p.m. to 5.00 p.m. and by email - planning@kilkennycoco.ie.
- Individual staff may be contacted at their own email address/direct dial extension nos.
- You can also visit our website at www.kilkennycoco.ie

Note:

In order to minimize the time it takes in the processing of your planning application, Kilkenny County Council request that your application be presented in the format of a complete application i.e. 1 application form, newspaper notice, site notice, site characterization form and a copy each of all plans, supporting documentation, etc. – which will form six separate bundles.

CHECKLIST. Please tick as appropriate.

Have you attached the following to your application?

6 copies of the relevant page of the newspaper notice?
(The application must be handed in within 2 weeks of the notice appearing in the paper) ☐

6 copies of the site notice erected/fixed on the land?
(Is it the correct colour?) ☐

6 No. copies of site location map to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas (or other such scale with prior agreement of the Planning Authority) with the site of the application outlined in red and the location of the site notice clearly marked? ☐

Schedule of all plans, drawings, maps and reports accompanying application? - 6 copies ☐

6 No. copies of: (i) site layout plan? ☐
(ii) Plans of the proposed development? ☐
(iii) Elevations and sections? ☐
(iv) longitude sections & plans of infrastructure? ☐

6 No. copies of the site suitability report as completed on Kilkenny County Council Site Suitability report form? ☐

Where relevant a certificate issued under Section 97 of the Planning & Development Act 2000 (as amended) or if not issued, a copy of the application made for such a certificate? -6 copies ☐

If a protected structure, photographs and other particulars as necessary? – 10 No. copies ☐

Prescribed Fee ☐

N.B. 1 ORIGINAL DOCUMENT IS REQUIRED IN ALL CASES