



## Chapter Seven – Best Practice Guidelines for Applying for Planning Permission

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In Association with





## Chapter Seven - Best Practice Guidelines for Applying for Planning Permission

### 1. Is Planning Permission Required?

Under planning law any physical change to structures or facilities has the potential to require planning permission. In general, developments that a club may propose are likely to either require planning permission or to be so minor as to be considered 'exempted development' or not require planning permission. When a development is deemed exempted development it is generally so small or insignificant in the context of the overall development so as not to require planning permission. In the case of a typical GAA club ground, alterations to the pitches or routine maintenance would not require planning permission. Substantial developments such as that of a new club-house, stand or changing rooms would almost certainly require planning permission.

Between these two ends of the spectrum there is a range in the scale of development proposals that may come forward. It is often best to discuss these development proposals with the local authority planning department before commencing on any substantial works, or obtain advice from a professional town planner, as determining what does or does not require planning permission often requires consideration of the location of the GAA facility in relation to other developments in the area such as local housing estates, roads or agricultural buildings.

### 2. The Planning Systems

The Gaelic Athletic Association is an All Ireland organisation. However there is one planning system for the South and another separate system for the Six Counties. Best practice is sought in either jurisdiction.

#### The South

In the South planning decisions are made in the accordance with the relevant development plan. For example, the proposed development must be in accordance with the purpose for which the site is zoned in the relevant local development plan.

If the proposed development is not consistent with zonings, policies or objectives of the development plan it may be refused planning permission. In such circumstances it may be necessary to seek either:

- A change to the development plan.
- A special procedure which allows the Planning Authority to permit a development contrary to the Development Plans provisions – a material contravention of the plan. These two processes are explained below under The Planning Application Process.

#### Six Counties

The formulation of development plans, planning policy and development control functions are centralized within the Planning Service of the Department of the Environment (DOE) whilst the District Councils have a consultative role.

The Planning Service and Planning Appeals Commission will have regard to the provisions of the development plan but may take relevant material considerations into account.

### 3. Development Plans

#### The South

There are two types of local authority plan that are likely to affect any given GAA club or facility. Firstly there are the “Development Plans” and secondly there are “Local Area Plans”. The Development Plan is the overall plan adopted by a local authority for a large area such as the County, e.g. the Kerry County Development Plan, or a large town within a County, e.g. the Cashel Town Development Plan. These Development Plans can also be adopted for towns that have their own Urban District Council, e.g. the Carlow Town Development Plan.

Local Area Plans are generally prepared for smaller and particular areas or districts within a county or town. These Local Area Plans are also important as they, like Development Plans, can be used in setting out the zoning and development objectives for a particular area. Both of the above type of plans must go through a process of adoption which includes public consultations, submissions and scrutiny by elected Councillors. The consultation procedures are slightly different for both types of plan but initially the Local Authority will issue public advertisements advising the public that a plan is being prepared and submissions are invited. It is important that all clubs make submissions so that local authorities and Councillors are aware of their requirements and can zone their lands appropriately and have policies and objectives that can assist clubs in their developments.

#### Six Counties

Development plans are intended to provide a basis for rational and consistent decisions on planning applications and appeals. There are two types of development plans. The first are “Area Plans” which set out key strategic policies as a framework for local planning and the second are “Local Plans” which set out more detailed policies to guide development in a locality.

There are numerous opportunities to comment in the plan making process in the six counties. Comment can be made at the initial stages when the intention to produce a development plan is advertised and when issues have been identified. Upon the production of the draft plan further comments can be made and followed up if necessary during a public enquiry into any outstanding objections received.

### 4. The Planning Application Process

All development that is not exempt from the requirement to obtain planning permission (see Section 4.0) can only be carried out once planning permission is obtained from the Planning Authority. There are three types of planning permissions. An application may be made for:

- permission;
- outline permission;
- approval

The commonest type of application is for permission, sometimes referred to as full permission. But there are circumstances when one may wish to make an application for outline permission, if, for example, one wants to see whether the planning authority agrees in principle with the proposal before going to the trouble and expense of



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preparing detailed plans. However, if outline planning permission is obtained, exact details and drawings will have to be submitted for approval before starting work.

A brief discussion with the planning authority will identify whether or not they support the proposed development in principle. The planning authority should be consulted in any case prior to the lodging of a planning application.

### Six Counties

Where planning permission is required there are three types of planning application. These are

- Full
- Outline
- Approval of reserved matters

These definitions are broadly similar to the South.

### The Planning Application

When applying for planning permission there specific of information that must be submitted to the Local Authority before they will consider the planning application as valid. Firstly, there is the need for the planning application to meet statutory requirements, have the right drawings, site notices, newspaper notices and planning application form.

In general, the planning application must include;

- A completed planning application form – available from the local authority (a new national standard planning application form has been introduced under the Planning and Development Regulations 2004)
- The planning application fee – this varies for different developments
- Two copies of a newspaper notice for the development proposed - the description of development in the newspaper notice must match the wording of the site notice; the pages of the newspaper with the advertisement must be included and the notice highlighted
- Two copies of the site notice – some local authorities have their own site notices which are given out free of charge; the site notice must have the same description of development as the newspaper notice, be placed on the site where it can be read from a public road and kept in place for at least a month after the planning application is lodged.
- 6 copies of all drawings and site plans.
- 6 copies of a site location map.

Site location maps must have a north arrow, the Ordnance Survey Sheet Number on which they are found, a red line around the site of the proposed development and be of a scale not less than 1:2,500 in a rural area or 1:1000 in an urban area. There are very specific formats for site notices set out under the planning laws. If you choose to prepare one rather than seek to obtain one from the planning authority then you should seek guidance as to the format. Planning applications must be lodged within 2 weeks of advertising them.

### Six Counties

A planning application comprises;

- Completed planning application forms



- The planning application fee which varies from development to development
- A minimum of five copies of the drawings/plans
- Location map preferably at 1:1,250 scale

The location map should show the site in context and be of a reasonable scale with a north point. The Planning Service of the DOE advertises the planning application in the press.

### The Assessment Process

After you submit the planning application to the local authority there is the assessment process where each application is checked to ensure that it is valid. Following this the application is considered by the various sections of the local authority and a decision issued within 8 weeks of the day the application was submitted.

If the local authority has not issued a notification to grant and have made no contact with or requested a time extension from the applicant or his/her agent, then permission is deemed to be granted.

#### Six Counties

Upon validation by the Planning Service of the DOE neighbours, Councils and statutory consultees are notified. The aim is to have a determination by 8 weeks.

### The Decision on the Planning Application

In making the decision, the Local Authority takes a number of matters into account, including:

- the proper planning and development of the area (e.g. appropriate land use (zoning), road safety, development density, size, location),
- the relevant development plan,
- submissions and observations made by members of the public or interested parties on the application.

The local authority will generally not take non-planning issues into account e.g. boundary or other disputes, questions more properly resolved through legal means, etc. when determining planning applications.

#### Six Counties

In determining the planning application the planning service will take into account the provisions of the development plan, published policies and all relevant considerations before reaching an opinion for presentation to the local District Councils. District Councils do not have the power of decision on planning matters. However they have the statutory right to be consulted on all applications.

## 5. The Planning Appeals Process

The decision of the Local Authority can be appealed to An Bord Pleanála, whether the decision is to grant or refuse planning permission.

All appeals to An Bord Pleanála must be made within one month of the decision of the local authority.

For example, if a County Council refuses permission for a new club house on the 20th April 2002, the appeal against



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that decision must be submitted no later than the 19th May 2002 or in the case where the final day is a public holiday, the next day.

### **All appeals to An Bord Pleanála should be addressed to:**

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

Details of the planning appeal fees that must be paid to An Bord Pleanála can be obtained either directly from the Bord at 01-8728011 or from the Local Authority.

Under the new Planning and Development Act (2000) for 1st party appeals must be lodged within 4 weeks of the notification to grant or refuse. To lodge a 1st party appeal a fee of €630 is required plus the appeal statement itself.

For 3rd party appeals a fee of €210 is required and if an oral hearing is required a further €95 is required. If the planning application was lodged after March 11, 2002 an objection must have been lodged within 5 weeks of that application being lodged and receipt of that objection must accompany the appeal. Adjoining land owners can appeal whether they have objected to the application or not on the basis that a condition is proposed to be attached to the notification to grant which affects their property or which means a deviation from the application.

### **Six Counties**

There is no third party right of appeal in the six counties. First party appeals can be made to the Planning Appeals Commission (PAC). When determining an appeal the planning service and PAC will have regard to the provisions of the Development Plan but may take relevant material considerations into account.

An appeal can be made to the PAC if the DOE has a) refused planning permission; b) granted permission subject to conditions which are considered unreasonable; c) refused approval of the details of a proposal (called “reserved matters”) for which the DOE or the PAC has already granted outline permission; or d) given reserved matters approval but with conditions considered unreasonable.

An appeal using the appropriate form, should be lodged with the PAC within 6 months from the date of receipt of the DOE’s decision on the application. For a non determination appeal the 6 months period by which an appeal must be lodged starts from the date the DOE should have given its decision. Planning appeals should be lodged on the correct form with a completed certificate of land ownership and the appeal fee. The requisite fee is £126 for all appeals except those relating to signs and advertising where there is no fee due.

**Planning Appeals should be submitted to;**

The City Administrative Officer  
 Planning Appeals Commission  
 Park House  
 87 –91 Great Victoria Street  
 Belfast  
 BT2 7AG  
 Tel 028 902 44710  
 Fax 028 903 12536  
 Email: info@pacni.gov.uk  
 or at the local divisional planning office of the DOE.

## 6. Planning Issues

There are a number of potential impacts accruing from grounds and facilities development which may raise cause for concern and ultimately comprise reasons for refusing planning permission. The main issues are summarised below as follows:

ISSUE	DEVELOPMENT
Light Pollution	Floodlighting of car parking pitch or training area
Noise and disturbance	Generated generally by people participating in activities (i.e.) matches, training; spectating particularly during matches; large social gatherings (i.e.) club function; by equipment such as generators refrigeration units and finally by servicing
Visual Impact	Unacceptable visual impact of structures including floodlighting, stands, indoor facilities and clubhouses in visually sensitive areas.
Hazard to road safety	Inadequate dangerous or excessive traffic movements to and from a facility