

CHAPTER 14

DEVELOPMENT MANAGEMENT

DEVELOPMENT MANAGEMENT

The Planning and Development Acts, 2000 (as amended), require that the Planning Authority, in considering applications for permission to carry out development, shall be restricted to considering the proper planning and sustainable development of the area of the Planning Authority, including the preservation and improvement of the amenities thereof, regard being had to the provisions of the Development Plan and the provisions of any special amenity area order or any European site or other area so prescribed. There is also provision for the imposition of conditions on permissions granted. In the assessment of planning applications, the Planning Authority will have regard to the DoEHLG, Development Management, Guidelines for Planning Authorities 2007.

The granting of planning permission does not in itself enable development to commence. There are other legal and procedural requirements which may have to be complied with. In this context, attention is drawn, in particular, to the need to comply with the Building Control Act, Public Health Acts, Fire Regulations and Air and Water Pollution legislation.

14.1 Interest in Property

For an application for planning permission to be valid it must be made either by or with the approval of a person who is able to show sufficient legal estate or interest to enable him/her to carry out the proposed development, or so much of the proposed development as relates to the property in question.

14.2 Compliance with Permissions Granted and Enforcement

Development must be carried out and completed in accordance with the planning permissions granted. In cases where development, including a material change of use, has commenced or is being carried out without planning permission or in breach of a permission, enforcement proceedings will be taken. The Planning Authority may require removal, modification or completion of the development or termination of the use, as necessary, to conform with the proper planning and sustainable development of the area.

Dublin City Council will use all powers at its disposal to ensure that development only takes place with the benefit of valid planning permissions and that all conditions attached to permissions are complied with in the developments. Dublin City Council will also continue to encourage developers/constructors to meet with residents' groups in the areas affected by development, as appropriate.

14.3 Exceptions to the Development Plan: Material Contravention

Dublin City Council has a statutory obligation to take such steps as may be necessary to secure the objectives of the Development Plan. In appropriate circumstances, Dublin City Council may permit a material contravention of the Development Plan. The granting of a planning permission which materially contravenes the Development Plan is a reserved function of the Elected Members of Dublin City Council, exercisable following a public consultation process.

14.4 Development Contributions

Dublin City Council may, when granting planning permission, attach conditions requiring the payment of contribution(s) in respect of public infrastructure and facilities, benefiting development in its area. Details of such contributions must be set out in a Development Contribution Scheme, which is available at Dublin City Councils website www.dublincity.ie .

14.5 Bonds

To ensure the satisfactory completion of development, including the protection of trees, on a site which has been the subject of a grant of planning permission, a bond or cash lodgement may be required until the development has been satisfactorily completed. The bond or cash lodgement may be sequestered in part or in its entirety where the development has not been satisfactorily completed. Dublin City Council will determine the amount of such bond or cash lodgement.

14.6 Environmental Impact Assessment

To facilitate the proper assessment of development proposals in circumstances where it is considered that a proposed development would be likely to have a significant effect on the environment, due to the nature, scale or location of the proposal, Dublin City Council will require the submission of an Environmental Impact Statement in accordance with the provisions of the Planning and Development Regulations, 2001 (or as may be amended from time to time).

14.7 Applications for Planning Permission

Prior to making a planning application, consultation with Dublin City Council is of benefit in clarifying objectives, reducing the need for additional information, and minimising delays. Dublin City Council is anxious to facilitate such discussions and will endeavour to facilitate consultation. All those who wish to carry out development are advised to refer to the Development Plan prior to the preparation of detailed plans.