

REGULARISE YOUR PROPERTY

Be in a better position to sell or acquire a bank loan for your property



WHAT IS THE PROBLEM WITH CERTAIN PROPERTIES TODAY?

Certain property owners are not in a position to place on the market or acquire a bank loan for their property due to an illegality which is non sanctionable and may have taken place years back.



CAN ALL EXISTING DEVELOPMENT BE REGULARISED?

Applications will only be accepted for irregular buildings and structures within the development boundaries or which in past years benefitted from a Category B concession (within the development boundaries).* The irregular development must not constitute an injury to amenity.**

The irregularity must appear in the 2016 aerial photographs taken by the Authority.

* WHAT IS A CATEGORY B CONCESSION?

In 2012, owners of illegal buildings were then able to lodge a 'concession' application (known as a 'CTB application') to be able to obtain water and electricity services or to transfer property. Concessions were limited to specific categories of illegalities prescribed by law. Nevertheless, a concession was not tantamount to a planning permission.

** WHAT IS AN INJURY TO AMENITY?

An irregular development cannot jeopardise the 'comfort, convenience, safety, security and utility that may be enjoyed within and around a property or neighbourhood'. When considering an application, decision-makers are therefore required to have regard to privacy distances, safety issues and outlook levels.



HOW LONG IS THE SCHEME OPEN FOR?

This one time opportunity is open for a 2 years period, extendable for 1 year.



WHAT IS THE PROCESS TO REGULARISE AN ILLEGAL STRUCTURE?

STEP 1: An applicant needs to appoint an architect to submit an online application. The application will require the architect to submit certain documentation (site plan, drawings of elevations and sections, photographs and more).

STEP 2: The application is published in the Government Gazette and on the website of the Department of Information. The public is given a 30 day period to submit any statement of opinion related to the application.

STEP 3: A report will be drawn up by a case officer with a recommendation.

STEP 4: A Planning Commission comprising of 3 members will decide each application. All decisions are taken in public.

STEP 5: The Planning Commission decision is published in the Government Gazette and on the website of the Department of Information.

STEP 6: The applicant or registered objectors may appeal if they are aggrieved by the decision.



WHAT FEES ARE DUE?

An applicant is obliged to pay a minimum administrative fee of €50 for every application. Additionally every application will be subject to a fee, calculated on the total and combined roofed over area of each floor of the property being regularised.

A 25% surcharge on the fee shall be applied should the scheme be extended for a third year.

Applications which are related to cases already covered by a Category B concession will automatically have deducted the fee they had paid the Authority when they applied for the concession in previous years.

An application refused by the Authority, will be refunded 90% of the fee.



CAN A PROPOSED DEVELOPMENT GET INCLUDED IN AN APPLICATION?

No. Any proposed development has to be applied for either through the Development Notification Order, the Summary Procedure or the Full Development Process application. This depends on the nature of the proposed development.

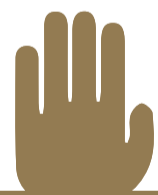


WILL REGISTERED INTERESTED PARTIES STILL RETAIN RIGHTS?

When the Planning Authority receives an application for a site on which there is an enforcement notice still in force, the Authority will safeguard the interests of all third parties who had submitted a formal complaint for which a notice had been issued.

In these cases, the Authority will inform these same third parties of the submitted regularisation application and offer them the option that within a 15 day period, they are to notify the Authority whether to be considered as registered interested parties.

Registered interested parties automatically hold the right to appeal the Planning Commission's decision before the Tribunal.



CAN THE AUTHORITY IMPOSE CONDITIONS?

The Authority on issuing a permission will still retain the right to impose any conditions which it may deem necessary, including, the execution of specific works within a specified time-frame. Failing to abide by these conditions will result in the application being dismissed.

The Authority also reserves the right to take enforcement action if an application gets refused.