

Permission for development. **26.**—(1) Where—

- ( *a* ) application is made to a planning authority in accordance with permission regulations for permission for the development of land or for an approval required by such regulations, and
- ( *b* ) any requirements relating to the application of or made under such regulations are complied with,

the authority may decide to grant the permission or approval subject to or without conditions or to refuse it; and in dealing with any such application the planning authority shall be restricted to considering the proper planning and development of the area of the authority (including the preservation and improvement of the amenities thereof), regard being had to the provisions of the development plan, the provisions of any special amenity area order relating to the said area and the matters referred to in subsection (2) of this section.

(2) Conditions under subsection (1) of this section may, without prejudice to the generality of that subsection, include all or any of the following conditions:

- ( *a* ) conditions for regulating the development or use of any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant, so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission,
- ( *b* ) conditions for requiring the carrying out of works (including the provision of car parks) which the planning authority consider are required for the purposes of the development authorised by the permission,
- ( *c* ) conditions for requiring provision of open spaces,
- ( *d* ) conditions for requiring the planting of trees, shrubs or other plants or the landscaping of structures or other land,
- ( *e* ) conditions for requiring the giving of security for satisfactory completion of the proposed development (including maintenance until taken in charge by the local authority concerned of roads, open spaces, car parks, sewers, watermains or

drains),

( *f* ) conditions for requiring roads, open spaces, car parks, sewers, watermains or drains in excess of the immediate needs of the proposed development,

( *g* ) conditions for requiring contribution (either in one sum or by instalments) towards any expenditure (including expenditure on the acquisition of land and expenditure consisting of a payment under subsection (7) of this section) that was incurred by any local authority in respect of works (including the provision of open spaces) which have facilitated the proposed development, being works commenced neither earlier than the 1st day of August, 1962, nor earlier than seven years before the grant of permission for the development,

( *h* ) conditions for requiring contribution (either in one sum or by instalments) towards any expenditure (including expenditure on the acquisition of land) that is proposed to be incurred by any local authority in respect of works (including the provision of open spaces) facilitating the proposed development, subject to stipulations providing for—

(i) where the proposed works are, within a specified period, not commenced, the return of the contribution or the instalments thereof paid during that period (as may be appropriate),

(ii) where the proposed works are, within the said period, carried out in part only or in such manner as to facilitate the proposed development to a lesser extent, the return of a proportionate of the contribution or the instalments thereof paid during that period (as may be appropriate), and

(iii) payment of interest on the contribution or any instalments thereof that have been paid (as may be appropriate) so long as and in so far as it is or they are retained unexpended by the local authority,

(i) conditions for requiring compliance in respect of the land with any rules made by the planning authority under subsection (6) of this section,

( *j* ) conditions for requiring the removal of any structures authorised by the permission, or the discontinuance of any use of the land so authorised,

at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period.

(3) ( *a* ) A planning authority shall not, in a case in which the development concerned would contravene materially the development plan or any special amenity area order relating to their area, decide to grant a permission under this section save with the consent of the Minister.

( *b* ) Where an application is made to the Minister for a consent under this subsection, any person may furnish to the Minister in writing his objections to the grant of the consent, and the Minister shall, before granting the consent, consider any such objections which he receives within twenty-one days after the receipt of the application.

Source: Irish Statute Book Database