

**Waterford City and County Council,
Planning Department, Menapia Building, The Mall, Waterford.**

Telephone : 0761 102020

Fax : 0761 099701

Email: planning@waterfordcouncil.ie

Planning & Development Act 2000, Section 42 or Section 42A as inserted by Section 28 of the Planning and Development (AMENDMENT) Act 2010, as amended.

APPLICATION FOR EXTENSION OF DURATION OF PLANNING PERMISSION

1. Name of applicant(s): _____
Address to be supplied at the end of this form Q.17

2. Name of Agent to whom Correspondence is to be sent: _____
Address to be supplied at the end of this form:Q.18

3. State applicant's legal interest in the land subject to this application.
Owner / ☐ Lessee.(if other please specify interest)

4. Description of Permission for which Extension is sought:

5.
 - (a) Ref. No. of Permission: _____
 - (b) Location Townland or postal address of land, structure, development _____
 - (c) State whether Permission or Permission Consequent: _____
 - (d) Date Permission Granted: _____
 - (e) Date Permission will cease to have effect: _____

SECTION 42

Application to extend duration of Planning Permission where substantial works have been carried out.

Q 6-9 must be completed

Please proceed to question **10** if substantial works have **not** been carried out.

6. Particulars of substantial works carried out/or which will be carried out pursuant to the permission before the expiration of the appropriate period:

(a) State date work commenced: _____

(b) Description of work carried out:

7. State date on which the development is expected to be completed:

8. State period by which the permission is sought to be extended: _____

(Maximum period 5 years)

Provide as constructed layout drawings of all public services and buildings in place. Yes: ☐

Provide a separate layout drawing indicating works/buildings not commenced. Yes: ☐

9. Details of the circumstances beyond the control _____
of the person carrying out the development due _____
to which the development has not been completed _____

SECTION 42A

Application to extend duration of Planning Permission where substantial works have not been carried out

10. Projected date of commencement of the development to which the permission relates : _____

11. State details of the circumstances of a **Commercial or Economic** nature, beyond the control of the person carrying out the development which substantially militated against the commencement of the development or the carrying out of substantial works. _____

12. State details of any significant changes in the Development Plan or Regional Planning Guidelines for the area, since the date of the permission, such that the development would no longer be consistent with the proper planning and development of the area. _____

13. Opinion on whether the development shall not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under **Section 28**
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14. Where the development has not commenced confirmation that an Environmental Impact Assessment or Appropriate Assessment or both, if required, was or were carried out before the permission was granted.
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15. Details of the circumstances of a **Technical** nature, beyond the control of the person carrying out the development which substantially militated against the commencement of the development or the carrying out of substantial works.
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Where possible the case submitted should be supported by relevant documentation

16. Fee €62.00 enclosed **Yes:**

No: ☐

I certify that the information given herein is correct and I hereby apply for an extension of the above planning permission pursuant to the Planning & Development Act 2000 (as amended).

SIGNATURE OF APPLICANT: _____

DATE: _____

Please read the attached notes before completing this form.

This application form and relevant fee should be submitted to:

**Waterford City and County Council,
Planning Department,
Menapia Building,
The Mall,
WATERFORD.**

Telephone No. 0761 102020

Fax No. 0761 099701

E-Mail planning@waterfordcouncil.ie

Please note the following in relation to applications for one off houses that are not substantially complete and include a waste water treatment system:

Any permission that would have been assessed prior to the implementation of the EPA Code of Practice will not be considered favourably for an extension of duration unless **a new planning application to upgrade the septic**

tank/waste water treatment system in accordance with the EPA Code of Practice and the policies of the County Development Plan in relation to waste water has been submitted to and granted by the Planning Authority.

Note: the planning application to upgrade the waste water treatment system should be submitted prior to the Extension of Duration application, or at the very least, be submitted at the same time as the Extension of Duration application (to allow the Planning Authority sufficient time to assess the application for upgrade of the WWTS). Failure to submit the application for upgrade of WWTS in time could result in your application for extension of duration being refused.

For further information on the above, please contact the Planning Department at 0761 102020

Additional Contact Information will not be made available with Application

Please note:

- The applicant's address must be submitted on this page.
- If the applicant/agent wishes to submit additional contact information, this may be included here.
- This page will not be published as part of the planning file.

17. Applicant(s) address/Contact details:

Applicant			
Address			
email		Telephone	Fax

18. Agent(s) (if any) address:

Agent			
Address			
email		Telephone	Fax

**Please indicate which address all correspondence is to be sent to
(Tick appropriate box)**

Applicant ☐ **Agent** ☐

19. Person responsible for preparation of drawings and plans:

Agent			
Address			
email		Telephone	Fax

20. Owner (required where applicant is not the owner)

Agent			
Address			
email		Telephone	Fax

NOTES ON APPLICATION FOR EXTENSION OF DURATION OF A PERMISSION

- (1) In accordance with the Planning and Development Regulations 2001- 2010, the following requirements apply:-

- (a) An application to extend the Duration of Permission under Section 42 or Section 42A as inserted by Section 28 of the Planning and Development (AMENDMENT) Act 2010 may not be made earlier than one year before that Permission is due to expire.

Section 42

- (b) An application for an Extension of Duration can be entertained only where:
The requirements of Section 42 are complied with (see attached).

- (2) The Planning and Development Regulations 2001 - 2010 prescribe a fee in respect of all applications for Extension of Duration. **THE AMOUNT OF THE FEE IS CURRENTLY €62-00.**

- (3) All queries on the form must be completed and the form must be accompanied by the relevant fee.

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Please note the following in relation to applications for one off houses that are not substantially complete and include a waste water treatment system:

Any permission that would have been assessed prior to the implementation of the EPA Code of Practice will not be considered favourably for an extension of duration unless a **new planning application to upgrade the septic tank /waste water treatment system** in accordance with the EPA Code of Practice and the policies of the County Development Plan in relation to waste water has been submitted to and granted by the Planning Authority. ***Note: the planning application to upgrade the waste water treatment system should be submitted prior to the Extension of Duration application, or at the very least, be submitted at the same time as the Extension of Duration application (to allow the Planning Authority sufficient time to assess the application for upgrade of the WWTS). Failure to submit the application for upgrade of WWTS in time could result in your application for extension of duration being refused.***

For further information on the above, please contact the Planning Department at 0761 102020

N.B. These notes are intended for the guidance of applicants only and do not purport to be a legal interpretation of the various Acts and Regulations referred to.

SECTION 28 OF THE PLANNING & DEVELOPMENT (AMENDMENT) ACT 2010

28.—The Principal Act is amended by the substitution of the following section for section 42:

“42.—(1) On application to it in that behalf a planning authority shall, as regards a particular permission, extend the appropriate period by such additional period not exceeding 5 years as the authority considers requisite to enable the development to which the permission relates to be completed provided that each of the following requirements is complied with:

(a) either—

(i) the authority is satisfied that—

(I) the development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended,

(II) substantial works were carried out pursuant to the permission during that period, and

(III) the development will be completed within a reasonable time,

or

(ii) the authority is satisfied—

(I) that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works pursuant to the planning permission,

(II) that there have been no significant changes in the development objectives in the development plan or in regional development objectives in the regional planning guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area,

(III) that the development would not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and

(IV) where the development has not commenced, that an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted.

(b) the application is in accordance with such regulations under this Act as apply to it,

(c) any requirements of, or made under those regulations are complied with as regards the application, and

(d) the application is duly made prior to the end of the appropriate period.

(2) In extending the appropriate period under subsection (1) a planning authority may attach conditions requiring the giving of adequate security for the satisfactory completion of the proposed development, and/or may add to or vary any conditions to which the permission is already subject under section 34(4)(g).

- (3) (a) Where an application is duly made under this section to a planning authority and any requirements of, or made under, regulations under Section 43 are complied with as regards the application, the planning authority shall make its decision on the application as expeditiously as possible.
- (b) Without prejudice to the generality of paragraph (a), it shall be the objective of the planning authority to ensure that it shall give notice of its decision on an application under this section within the period of 8 weeks beginning on—
- (i) in case all of the requirements referred to in paragraph (a) are complied with on or before the day of receipt by the planning authority of the application, that day, and
- (ii) in any other case, the day on which all of those requirements stand complied with.
- (4) A decision to extend an appropriate period shall be made once and once only under this section and a planning authority shall not further extend the appropriate period.
- (5) Particulars of any application made to a planning authority under this section and of the decision of the planning authority in respect of the application shall be recorded on the relevant entry in the register.
- (6) Where a decision to extend is made under this section, Section 40 shall, in relation to the permission to which the decision relates, be construed and have effect, subject to, and in accordance with, the terms of the decision.
- (7) Notwithstanding subsection (1) or (4), where a decision to extend an appropriate period has been made by a planning authority prior to the coming into operation of this section, the planning authority, where an application is made to it in that behalf prior to the expiration of the period by which the appropriate period was extended, may further extend the appropriate period provided that each of the following requirements is complied with—
- (i) an application is made in that behalf in accordance with regulations under section 43,
- (ii) any requirements of, or made under, the regulations are complied with as regards the application,
and
- (iii) the authority is satisfied that the relevant development has not been completed due to circumstances beyond the control of the person carrying out the development.”.