

## Noeleen Keavey

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**Subject:** FW: Kilsaran Concrete W0296-01 - Unsolicited information  
**Attachments:** Kilsaran Kilmessan An Bord Pleanala Grant (1).pdf

**From:** Raphael Mc Evoy [mailto:[raphaelmcevoy@gmail.com](mailto:raphaelmcevoy@gmail.com)]  
**Sent:** 24 April 2018 17:02  
**To:** Ewa Babiarczyk <[E.Babiarczyk@epa.ie](mailto:E.Babiarczyk@epa.ie)>  
**Cc:** RME Environmental <[rmeenvironmental@gmail.com](mailto:rmeenvironmental@gmail.com)>  
**Subject:** Unsolicited Information Submitted for Waste Licence Application Ref: W0296

Dear Ms Babiarczyk

please find attached, submitted as unsolicited further information in respect of Waste Licence Application W0296 the successful grant of planning permission for the above referenced proposed development.

I trust this is to the satisfaction of the Agency.

Kindest Regards

Raphael Mc Evoy MSc  
RME Environmental on behalf of Kilsaran Concrete

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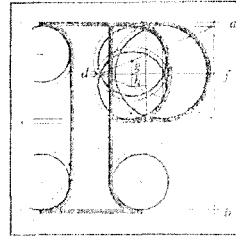
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**Our Ref:** PL 17.248391  
**P.A.Reg.Ref:** RA170127  
**Your Ref:** Kilsaran Concrete



An  
Bord  
Pleanála

Sean Boyle Architects  
Unit 3, Second Floor,  
Donohoe Building,  
Kennedy Centre, Kennedy Road,  
Navan, Co. Meath

18 APR 2018

**Appeal** **Re:** Restoration of quarry to original state, importation of 5,600,000 tonnes of soil, stones and inert materials and construction of a community centre. An EIS was lodged with the planning application. Tullykane, Kilmessan, Co. Meath.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2017. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

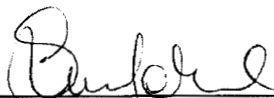
In cases where a grant of (full) planning permission is notified by the Board, it is policy to include a copy of the Department of the Environment and Local Government's Leaflet PL11 - **Guide to the Building Control System** and a copy of the Health and Safety Authority's leaflet **Safety and Health on Construction Projects - The Role of Clients** with the notification. These leaflets are issued at the request of the above bodies.

Tel (01) 852 8100  
LoCall 1890 275 175  
Fax (01) 872 2684  
Website [www.pleanala.ie](http://www.pleanala.ie)  
Email [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street  
Dublin 1  
D01 V902

A further enclosure contains information in relation to challenges by way of judicial review to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Yours faithfully,



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Sue Morel  
Executive Officer

Encl:

BP 100LN.ltr

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## Safety and Health on Construction Projects The Role of Clients

A summary of the client's role under the Safety, Health and Welfare at Work  
(Construction) Regulations, 2006

### Who is a 'Client'?

The Safety, Health and Welfare at Work (Construction) Regulations, 2006 interprets 'client' as a person for whom a project is carried out, in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking;

You are not a client if you are having construction work done on your own domestic dwelling e.g. an extension on to your kitchen, or you are building your own house.

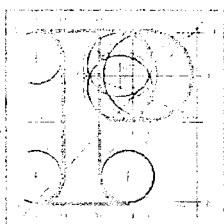
You are a client if the extension onto your own domestic dwelling is in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking, e.g. if you are building on an office.

### What are the duties of a Client?

The Client must for every project:

- appoint, in writing before design work starts, a competent and adequately resourced project supervisor for the design process (PSDP).  
In order to be competent the PSDP must have adequate training, knowledge, experience to carry out the project the PSDP must have adequate resources available to carry out the project in a safe manner;
- appoint, in writing before construction begins, a competent and adequately resourced project supervisor for the construction stage (PSCS). In order to be competent the PSCS must have adequate training, knowledge, experience and resources;
- be satisfied that each designer and contractor appointed has adequate training, knowledge, experience and resources for the work to be performed;
- co-operate with the project supervisor and supply necessary information;
- keep and make available the safety file for the completed structure. The safety file contains information on the completed structure that will be required for future maintenance or renovation (The client must keep the file in a secure place, either on the premises to which it relates or held centrally, and if the client wishes, it may be stored electronically or on microfiche.);
- provide a copy of the safety and health plan prepared by the PSDP to every person tendering for the project. The safety plan documents show how health and safety on the project will be managed to project completion.
- notify the Authority of the appointment of the PSDP where construction is likely to take more than 500 persons days or 30 working days.

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An  
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**Board Order**  
**PL 17.248391**

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: RA/170127**

**Appeal** by Frankie de Dobbelaere of Glane Great, Dunsany, County Meath and by others against the decision made on the 5<sup>th</sup> day of April, 2017 by Meath County Council to grant subject to conditions a permission to Kilsaran Concrete care of Sean Boyle Architect of Unit 3, Second Floor, Donohoe Building, Kennedy Centre, Kennedy Road, Navan, County Meath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The restoration of the existing excavated quarry (previously granted permission under planning register reference number 99/1230 and TA/802731) to the original ground levels and use as agricultural land importing 5,600,000 tonnes (i) of imported inert natural materials, soil and stones, (ii) construct a community park and playing pitch with new entrance, fencing, landscaping and parking on existing ground, (iii) re-instating existing overburden contained on site and all other associated site works for a period of 14 years. This planning application is accompanied by an Environmental Impact Statement. The application relates to a restoration development for the purpose of an activity requiring a waste licence to be issued by the Environmental Protection Agency, all on a site at Tullykane, Kilmessan, County Meath.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to:-

- the planning history of the site and its permitted use as a quarry,
- the current excavated state of the site and proposed restoration to original ground level and use as agricultural land with inert natural materials, soil and stones,
- the mitigation measures set out in the submitted Environmental Impact Statement submitted with the application,
- the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021,
- the provisions of the Meath County Development Plan 2013 – 2019,
- the Waste Framework Directive 2008/98EC,
- A Resource Opportunity – Waste Management Policy in Ireland, July 2012 (Department of the Environment, Community and Local Government),



- the requirement to obtain from the Environmental Protection Agency a Waste Licence under the Waste Management Act 1996, as amended,
- the provision of a community park with playing pitch as part of the proposed restoration, and
- the report and recommendations of the Planning Inspector.

### **Appropriate Assessment**

The Board noted that the proposed development is not directly connected with, or necessary to, the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report that on the basis of the Appropriate Assessment screening report, submissions made in the course of the application and appeal, the information published by the National Parks and Wildlife Service and the Inspector's site inspection, that adequate information was available in order to issue a screening determination. The Board was satisfied that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Boyne and River Blackwater Special Area of Conservation (002299) and the River Boyne and River Blackwater Special Protection Area (004232) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

## Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the application including the Environmental Impact Statement, the submissions made on file, the applicant's response to submissions, the mitigation measures proposed, and the report, assessment and conclusions of the Planning Inspector. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an Environmental Impact Assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity and concluded that, subject to the mitigation measures proposed, and the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so the Board adopted the report of the Inspector appointed by the Board.

### Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below:

- (a) the proposed development is consistent with European, national, regional and local planning policy, notably the Eastern-Midlands Region Waste Management Plan 2015-2021 which states that backfilling of inert waste meets the recovery definition of the Waste Framework Directive and may be appropriate for worked out quarries,
- (b) the requirement for the proposed development to obtain from the Environmental Protection Agency a Waste Licence under the Waste Management Act 1996, as amended, which will control emissions to air and discharges to water. The proposed development will not, therefore, have any significant adverse impact on the residential amenities of adjacent properties,

- (c) the proposed development entails the restoration of the quarry to original ground level for use as agricultural land and will, therefore, improve the visual and landscape characteristics of the area,
- (d) traffic levels will be below the levels associated with the permitted quarrying activity, and
- (e) the provision of a community park with playing pitch will be locally beneficial,

the Board concluded that the proposed development would not seriously injure the amenities of the area or of residential and other property in the vicinity, would not be prejudicial to public health, would not give rise to water or air pollution, would not affect cultural heritage or material assets, would improve the visual and landscape characteristics, would be beneficial in terms of community facilities, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The restoration shall be completed within 14 years from the date of the commencing of the development, unless a further permission for a longer duration is in place.

**Reason:** In the interests of clarity and orderly development.

3. Prior to commencement of development, detailed proposals for the following shall be submitted to, and agreed in writing with, the planning authority:-
  - (a) a phasing programme for the delivery of the community park within three years of the commencement of development, and
  - (b) agreement for the transfer and management of the proposed community facility following its completion to a legally constituted management company, or to the local authority in the event of the development being taken in charge.

**Reason:** To ensure the satisfactory and timely completion and maintenance of this element of the development.

4. Material to be used in the in backfill shall be inert soil and stone (EWC Code 170504). Inert construction and demolition material (EWC Code 170101, 170102, 170103 and 170107) may be used for construction of haul roads and hard standing only.

**Reason:** In the interests of clarity and environmental protection.

5. The developer shall submit on an annual basis for the lifetime of this grant of permission a record of the quantity of material imported into the site and details, including topographic survey drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

**Reason:** In order to facilitate monitoring and control of the development by the planning authority.

6. A further study of the potential for roosting bats in quarry face crevices should be undertaken by the developer and detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

7. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

8. Operations shall occur between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays only. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

9. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and convenience, and to protect the amenities of the area.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) undertake archaeological monitoring during any stripping of topsoil at Area 1 as described in the Proposed Mitigation Measures set out in the Cultural Heritage Report contained in the submitted Environmental Impacts Assessment,
  - (c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. The development shall be managed in accordance with an Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended practice for the development, including, but not limited to, designated refuelling area, noise and dust management measures, protection of soils, protection of flora and fauna and the protection of ground and surface water.

**Reason:** In the interests of proper planning, environmental protection and residential amenity.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall apply to the reinstated agriculture lands and shall exclude community park. This scheme shall include contoured drawings to scale of not less than 1:500 showing:-

- (i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal;
- (ii) a continuous hedge of indigenous species (for example, holly, hawthorn, beech or field maple) planted for the full length of the site boundary (excluding the community park);
- (iii) the establishment of individual fields within the reinstated area marked out by indigenous hedgerows;
- (iv) proposals for adequate protection of new planting from damage until established.

Species to be used shall not include either cupressocyparis x leylandii or grisellinia.

**Reason:** In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

13. The developer shall pay the sum of €200,000 (two hundred thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of restoration of the structural integrity of Local Road L2206. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

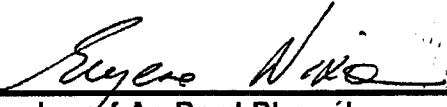
**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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\_\_\_\_\_  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 16<sup>th</sup> day of April. 2018

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**19. How long should it take to get a Disability Access Certificate/ Revised Disability Access Certificate?**

Normally two months, but this may be extended by written agreement between the applicant and the building control authority, e.g. when the authority seeks further information on your application. Both certificates may be granted with or without conditions, or refused.

**20. Can I appeal if I am refused a Disability Access Certificate/ Revised Disability Access Certificate?**

Yes. An applicant for either certificate can appeal to An Bord Pleanála against a refusal within one month of the decision (details of the appeal fee are available from your local authority or An Bord Pleanála).

**21. Do the Regulations have specific requirements for access for people with disabilities?**

Yes. Part M of the Regulations aims to ensure that buildings other than dwellings are accessible and usable by people with disabilities. From 1 January 2001 all new dwellings must be visitable by people with disabilities. The requirements cover the access and use of buildings, provision of sanitary facilities, audience or spectator facilities.

**Technical Guidance Document M 2000 - Access for People with Disabilities provides guidance on the provision of:**

- ◆ at least one entrance accessible to wheelchair users;
- ◆ an internal layout which allows disabled people to circulate freely;
- ◆ a passenger lift in buildings above a certain size;
- ◆ a proportion of hotel guest bedrooms suitable for disabled people;
- ◆ wheelchair spaces in theatres, cinemas, concert halls and sports stadiums; and
- ◆ facilities for people with hearing impairments in theatres, cinemas, concert halls and places of religious worship.

Part M of the Regulations is currently under review, and an updated Part M/TGD-M will be published in 2010

The law governing Building Regulations and procedures is primarily set out in the Building Control Acts, 1990, and 2007, the Building Regulations, 1997-2009 and the Building Control Regulations, 1997-2009. These may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2 (Phone 01-6476995/4)

This leaflet is a simple guide to understanding the building control system, which applies to the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings.

The leaflet is intended as a practical guide. It is not a definitive legal interpretation of building control law. For more information, you should consult your local building control authority.

**1. What are the Building Regulations, 1997-2009?**

Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings.

Building Regulations provide for, in relation to buildings, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities. The Regulations can be downloaded from the Department's website [www.environ.ie](http://www.environ.ie)

The Consolidated Regulations came into force on 1 July, 1998, and replace the Building Regulations, 1991 (as amended).

**2. How are the Regulations framed?**

The Regulations comprise a set of legal requirements expressed in simple functional statements.

Structure	Part A
Fire Safety	Part B
Site Preparation and Resistance to Moisture	Part C
Materials and Workmanship	Part D
Sound	Part E
Ventilation	Part F
Hygiene	Part G
Drainage & Waste Water Disposal	Part H
Heat Producing Appliances	Part J
Stairways, Ladders, Ramps and Guards	Part K
Conservation of Fuel and Energy	Part L
Access for People with Disabilities	Part M

Technical guidance on how to comply with these requirements are set out in the twelve separate Technical Guidance Documents (TGD's), which deal with each of the above areas. Amended TGD's can be downloaded from the Department's website [www.environ.ie](http://www.environ.ie)

The Regulations and related TGD's were amended as follows:

- ◆ Parts M and D—2000; Part B—2006; Part G—2008; Part F—2002 & 2009; Part L (Dwellings)—2007; Part L (Non-Dwellings)—2008
- ◆ TGD C—2004 & 2008

**3. How do they affect me?**

If you are having construction work carried out, the work must comply with Regulations. The Regulations do not apply to works consisting of repairs or renewal (as defined in the Regulations) except to any repair or renewal likely to affect the structural integrity of the building or building element being repaired or renewed.

Part L, Regulations apply to renewal works to existing buildings involving the replacement of external doors, windows and rooflights. (S.I. 259 of 2008)

**4. What if I fail to comply?**

The primary responsibility for compliance rests with designers, builders and building owners. Building control authorities have powers to inspect design documents and buildings, as well as powers of enforcement and prosecution where breaches of the Regulations occur. There are heavy penalties, including fines and imprisonment, for breaches of the Regulations. In addition, when it comes to selling your property, you may have difficulties if you cannot satisfy the purchaser's solicitor that the requirements of the Regulations have been met.

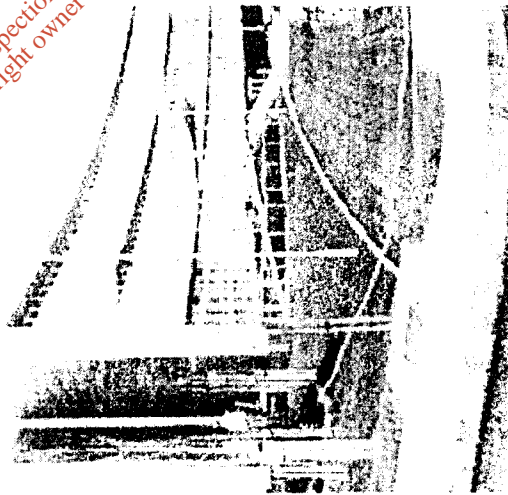
**5. What control arrangements are in place?**

The Building Control Regulations, 1997-2009 supplement the basic system of enforcement referred to in Question 4 above.

**Seven important control arrangements are provided:**

- ◆ Commencement Notice
- ◆ Fire Safety Certificate
- ◆ Revised Fire Safety Certificate
- ◆ 7 Day Notice
- ◆ Regularisation Certificate
- ◆ Disability Access Certificate
- ◆ Revised Disability Access Certificate

# PL. 11 - Guide to the Building Control System



Building Standards Section, Department of Environment, Heritage and Local Government, Custom House, Dublin 1.

L-0 Call 1890 20 20 21 or 01 888 2000  
[www.environ.ie](http://www.environ.ie)

May 2010

### 6. What is a Commencement Notice?

A Commencement Notice is a notification to a building control authority that a person intends to carry out either works or a material change of use to which the Building Regulations apply.

The notice must be given to the authority not more than 28 days and not less than 14 days before commencement of works or a material change of use.

The notice must be accompanied by a Commencement Notice Fee, based on the number of buildings (details available from your local building control authority). Copies of a Commencement Notice can also be obtained from the building control authority.

Commencement Notices are required for the following:

- ◆ the erection of a building;
  - ◆ a material alteration or extension of a building;
  - ◆ a material change of use of a building;
  - ◆ works in connection with the material alteration (excluding minor works) of a shop, office or industrial building.
- A Commencement Notice is not required:
- ◆ for works or a change of use which are exempted development under the planning code, and for which a Fire Safety Certificate is not required; or
  - ◆ where a 7 Day Notice has been submitted.

Information on exempted development is given in other leaflets in this series, including PL. 5 - Doping Work about the House, PL. 6 - Agricultural and Farm Development, and PL. 7 - Planning for the Business Person.

### 7. What is a Fire Safety Certificate?

A certificate granted by a building control authority certifies that the building or works, if constructed in accordance with the plans, documents and information submitted to the authority, would comply with the requirements of Part B of the Second Schedule to the Building Regulations, 1997-2009.

### 8. Do I need a Fire Safety Certificate?

With the exception of houses and certain agricultural buildings, a Fire Safety Certificate is required for all new buildings (including apartments and flats), as well as material changes of use and certain alterations and extensions to buildings. A Fire Safety Certificate must be obtained before work starts.

### 9. What is a revised Fire Safety Certificate?

A certificate granted by a building control authority which is required where:

- ◆ an application for a Fire Safety Certificate is made before grant of planning permission, if required by the subsequent permission, or
- ◆ where significant revision is made to the design or works of a building for which a Fire Safety Certificate has already been granted.

### 10. Where do I get a Fire Safety Certificate For inspection purposes only?

You should apply to the local building control authority for either certificate, before you commence work or where significant revision is made to the design or works of a building for which a Fire Safety Certificate has already been granted. Application forms are available from the authority and should be submitted together with –

- ◆ plans, calculations and specifications for the works or building;
- ◆ details of the nature and extent of the proposed use and, where appropriate, of the existing use of the building;
- ◆ the appropriate fee, based on floor area (details available from your local authority).

Any application not including the above can be rejected by the authority as invalid.

### 11. How long should it take to get a Fire Safety Certificate/ Revised Fire Safety Certificate?

Normally two months, but this may be extended by written agreement between the applicant and the building control authority, e.g. when the authority seeks further information on your application. Both certificates may be granted with or without conditions, or refused.

### 12. Can I appeal if I am refused a Fire Safety Certificate/ Revised Fire Safety Certificate?

Yes. An applicant for a certificate can appeal to An Bord Pleanála against a refusal within one month of the decision (details of the appeal fee are available from your local authority or An Bord Pleanála).

### 13. What is a 7 Day Notice?

A 7 Day Notice is a notification to a building control authority that a person intends to commence work on the construction of a building before grant of the relevant Fire Safety Certificate.

A 7 Day Notice must be submitted not less than 7 days in advance of the commencement of works. The notice must be accompanied by:-

- ◆ a valid application for a Fire Safety Certificate from the applicant in the form specified for that purpose in the Third Schedule and accompanied by such plans and particulars as required under paragraphs (a) and (b) of article 13(2) of the Regulations.
- ◆ a 7 Day Notice Statutory Declaration in the form specified for that purpose in the Third Schedule, and
- ◆ such fee as may from time to time be prescribed for that purpose in Part V.

Do I require a Commencement Notice as well as a 7 Day Notice?

No. A Commencement Notice will not be required in respect of buildings where a 7 Day Notice has been submitted.

### 14. What is a Regularisation Certificate?

A certificate granted by a building control authority where a building has been commenced or completed without a Fire Safety Certificate, where such a certificate is required and certifies that the building work is in compliance with Part B of the Second Schedule to the Building Regulations 1997 to 2009.

The application must be accompanied by:-

- (i) drawings of the relevant works as they have been commenced or constructed, so as to enable the building control authority to assess whether the said works, as commenced or as constructed in accordance with the said drawings.

documents and information submitted, will comply or are in compliance, as appropriate, with the requirements of Part B of the Second Schedule to the Building Regulations.

(ii) a Statutory Declaration from the applicant in the form specified for that purpose in the Third Schedule, and

(iii) such fee as may from time to time be prescribed for that purpose in Part V.

### 15. What is a Disability Access Certificate?

A certificate granted by a building control authority which certifies compliance, at design stage of non-domestic buildings and apartment blocks, with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2009.

### 16. What is a Revised Disability Access Certificate?

A revised Disability Access Certificate (DAC) is a certificate granted by a building control authority in respect of works where significant revision is made to the design or works of a building for which a DAC has already been granted.

### 17. Do I need a Disability Access Certificate?

With the exception of houses and certain agricultural buildings, a Disability Access Certificate is required for all new non-domestic buildings (including apartments and flats), material alterations and extensions to buildings and certain changes of use.

### 18. Where do I get a Disability Access Certificate/ Revised Disability Access Certificate?

You should apply to the local building control authority for either certificate, before you commence work or where significant revision is made to the design or works of a building for which an Disability Access Certificate has already been granted.



## Judicial Review Notice

### Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act 2000 (as amended)

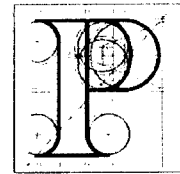
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, [www.citizensinformation.ie](http://www.citizensinformation.ie).

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice. Modified 30/11/2011



An  
Bord  
Pleanála

## Fógra faoi Athbhreithniú Breithiúnach

### Athbhreithniú breithiúnach ar chinneadh a rinne An Bord Pleanála faoi fhorálacha an Achta um Pleanáil agus Forbairt, 2000 (arna leasú)

Nuair is mian le duine agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird caithfear é sin a dhéanamh trí athbhreithniú breithiúnach amháin. Tá na forálacha chun agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird le fáil in ailt 50, 50A agus 50B san Acht um Pleanáil agus Forbairt, 2000 (arna ionadú le hait 13 den Acht um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006, le hait 32 agus 33 den Acht um Pleanáil agus Forbairt (leasú), 2010 agus le hait 20 agus 21 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011.)

Ní féidir ceistiú a dhéanamh in aghaidh cinnidh an Bhoird ach amháin trí iarratas ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúrteanna (I.R. Uimhir 15 de 1986). Faoi réir fho-alt 50(6) den Acht um Pleanáil agus Forbairt, 2000 déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh den tréimhse 8 seachtain den dáta a rinne an Bord an cinneadh nó laistigh d'aon síneadh ama a cheadaíonn an Ard-Chúirt faoi fho-alt 50(8). Tabhair faoi deara nuair atá athbhreithniú breithiúnach i gceist faoi alt 50 nach féidir ach bailíocht an chinnidh a cheistiú agus ní thugann an Chúirt aon chinneadh faoi fhiúntas na forbartha ó thaobh prionsabail pleanála cuí nó forbairt inchothaithe na háite nó éifeachtaí ar an timpeallacht. Tá sé leagtha síos in alt 50 nach ndeonófar cead d'athbhreithniú breithiúnach muna bhfuil an Chúirt sásta go bhfuil forais shubstantiúla ann chun argóint a dhéanamh go bhfuil an cinneadh neamhbhailí nó gur ceart é a neamhniú agus go bhfuil suim shásúil ag an iarratasóir leis an ábhar i gceist san iarratas nó i gcásanna a bhaineann le measúnacht tionchair timpeallachta gur eagraíocht í an t-iarratasóir a chomhlíonann coinníollacha áirithe.

Tá forálacha in alt 50B mar gheall ar chostais maidir le himeachtaí san Ard-Chúirt i dtaobh athbhreithniú breithiúnach i gcásanna áirithe (lena n-áirítear imeachtaí faoi chinntí nó gníomhartha de bhun dlí de chuid an Stáit lena dtugtar éifeacht do na forálacha faoi rannpháirtíocht an phobail agus rochtain ar an gceartas atá leagtha amach i dTreoir 85/337/CEE i.e. an Treoir faoi mheasúnacht tionchair timpeallachta agus na forálacha i dTreoir 2001/42/CE maidir le héifeachtaí pleananna agus clár áirithe ar an timpeallacht a mheasúnú). Is í an fhoráil ghinearálta in imeachtaí lena mbaineann alt 50B ná go n-íocfaidh gach páirtí a chostais féin. Is féidir leis an gCúirt costais a bhronnadh i gcoinne aon pháirtí i gcásanna áirithe. Chomh maith le sin tá forálacha i bhfeidhm ionas gur féidir leis an gCúirt iomlán a chostas nó cuid díobh a bhronnadh ar an iarratasóir, in aghaidh fhreagróra nó fhógrapáirtí i gcásanna ina bhfaightear faoiseamh mar gheall ar gníomhú nó neamhfheidhm an fhreagróra nó an fhógrapáirtí.

Tá eolas ginearálta faoi athbhreithniú breithiúnach le fáil ar an suíomh idirlín [www.citizensinformation.ie](http://www.citizensinformation.ie).

Séanadh: Tá an t-eolas thuas tugtha mar threoirlíne. Ní éilítear gur léirmhíniú dlí faoi na forálacha ábhartha atá ann agus dá mbeadh sé ar intinn ag éinne cás dlí a thógáil in aghaidh an Bhoird bheadh sé innholta comhairle dlí a fháil ar dtús. Athbhreithnithe 30/11/2011