



Association of Irish Local Government
Aontas Rialtas Áitiúil na hÉireann

AILG Elected Members' Information Leaflets

Part 8 Planning Process

Leaflet **1**





Purpose of this leaflet

This leaflet is intended as an overview of the process whereby permission is granted under the planning laws for a local authority's own development.

This could be a housing project, a new road, a Greenway, a fire station, or a library. There is a procedure involving public notice, consideration of submissions, Chief Executive's report, and other procedural steps, culminating in a decision by the elected members on the plan. The process is known informally as a "Part 8" procedure deriving from the chapter in the planning acts which forms the legislative basis for the procedure.

What is a Part 8?

The clearest way of thinking of a Part 8 is that it is the Council itself which is undertaking the development. Therefore there is a set of processes which it needs to undertake in terms of consulting with the public and receiving approval from the board of elected members.

Such processes are set out in Part 8 of regulations made in 2001 under the Planning Acts and thus the term “Part 8” is used as a shorthand description.

The making of the decision on such development proposals is a reserved function of the elected members of Council.

Part 8 arises where a Council is proposing to undertake certain developments, such as houses, a branch library, a new fire station, a recycling centre, a stretch of new road longer than 100m in an urban area and longer than one km in a rural area, and any development which exceeds a threshold of €126,000 in cost.

When making their decision, the elected members may modify the proposal or add certain conditions after considering any technical reports, the formal recommendation and any public submissions.

At what level should a Part 8 be dealt with?

A Local Authority with Municipal Districts can decide to deal with Part 8 development at either MD or full Council level. This is usually set out in the Standing Orders of the MD but other more flexible approaches are valid.

For example, development with a localized impact may be considered at MD level but where the development relates to a county wide service, such as a dog-pound or recycling facility a Local Authority could take the view that the Part 8 should be decided at County level. This option is not available to Councils with Area Committees as such do not have statutory powers.

As in so many other processes, clear communication between staff and Councillors from the earliest concept of the project can ensure smooth progress through the formal stages of the consent process.

“While there is no route to appeal to An Bord Pleánala from a Part 8 decision, Judicial Review of the decision making process remains possible.”

Narrative of Part 8 process

- Where a project is being progressed by the Local Authority, consent for the development is applied for under Part 8 of the Planning and Development Regulations 2001-2015.
- This procedure requires that notice of the proposed development be given in an approved newspaper and that a site notice be erected on the land on which the proposed development would be situated.
- After the expiration of the period during which submissions or observations may be made, a report is presented to the members of the Council not later than 14 weeks from the date of the public notice.
- This report contains, amongst other items, a list of the persons or bodies who made submissions, along with a summary of the issues raised by them and the Chief Executive's response.
- The report recommends whether the proposed development should be proceeded with as proposed, or with amendments or should not proceed.
- Following consideration of the Report, the proposed development may be carried out as recommended in the Report, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the Report, or decides not to proceed with the development.

Timeline of Part 8 process





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Disclaimer: Issued July 2021. While every care has been taken in the preparation of this information leaflet, the Association of Irish Local Government assumes no responsibility for and gives no guarantees concerning the accuracy, completeness or up to date nature of the information provided and accepts no liability arising from any errors or omissions. This commentary is intended to be a helpful summary of the process for introductory purposes. The legal texts should be consulted – with appropriate advice- before forming a definitive opinion on any question.



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