Pre-Application Consultation Protocol & Applicant Guidance

Pursuant to Sections 89 and 90 of the Planning and Development Act 2024

1. Purpose & Legal Framework

This protocol sets out how South Dublin County Council administers pre-application consultations in accordance with **Sections 89 and 90 of the Planning and Development Act 2024** and the accompanying **Planning and Development Regulations**.

The purpose of a pre-application consultation is to provide prospective applicants with constructive, early-stage guidance on:

- the relevant objectives, policies, and development management standards of the **South Dublin County Development Plan**, Local Area Plans (LAPs), and Urban Development Zones (UDZs);
- key site-specific constraints (e.g., zoning, flood risk, heritage designations, access, and infrastructure capacity);
- the supporting technical assessments and documentation required to submit a valid, well-informed planning application.

Statutory Status & Non-Binding Nature (Section 90)

Under **Section 90 of the Planning and Development Act 2024**:

- any advice, opinion, or feedback given during a pre-application consultation **does not prejudice** the Planning Authority in the subsequent performance of its statutory functions;
- pre-application advice **cannot be relied upon** in the formal planning application process, in any review/appeal before **An Coimisiún Pleanála**, or in legal proceedings;
- pre-application consultations **do not** determine whether a proposed work or change of use constitutes exempted development. Applicants seeking formal legal confirmation of an exemption must submit a separate **Section 10 Declaration Application** (€80 fee).

2. Categories of Pre-Application Consultation

Under the Planning and Development Act 2024, pre-application consultations are divided into distinct statutory tracks:

Consultation Track	Legislative Basis	Applicable Developments	Key Requirements
Mandatory Pre-Application Consultation	**Section 89(1)**	• **Residential:** 10 or more housing units *(includes exactly 10 units)* • **Student Accommodation:** 200 or more bed spaces • **Non-Residential:** 1,000 sq. metres or more gross floor space *(includes exactly 1,000 sq.m)* • Other prescribed classes	**Legally mandatory** before lodging a planning application. Failure to complete consultation invalidates a subsequent application.
Voluntary / Standard Consultation	**Section 90**	• **Minor Residential:** 1 to 9 housing units • **Commercial / Change of Use:** Under 1,000 sq.m • **Complex Domestic Proposals:** Protected Structures, ACAs, or sensitive sites	Strongly recommended for proposals involving policy interpretation, heritage sensitivity, or technical complexity.
Large-Scale Residential Development (LRD)	**Sections 89(2), 91 & 92**	• **100 or more housing units** *(or 200+ student bed spaces)*, including mixed-use schemes where non-residential floorspace does not exceed statutory limits	Governed by the dedicated statutory **LRD Consultation & Opinion** procedure (separate LRD forms and fees apply).
Flexibility / Unconfirmed Specs	**Section 93 / Form 11**	• Developments where exact technical plant/equipment specs (e.g., wind turbines, battery storage, data/energy plant) cannot be confirmed before procurement	Requires a separate **Form 11** request for a flexibility opinion prior to lodging the planning application.

*(Note: For standard single-house domestic extensions, porches, or garden structures, applicants are encouraged to first consult SDCC's **Exempted Development Guidance** and the **Householder***

Extension Design Guide *on www.sdcc.ie, as formal consultations are generally not required for routine domestic extensions).*

3. Eligibility & Required Information

Applicant Eligibility (Section 85 & Section 90)

Under **Section 85 of the Planning and Development Act 2024**, an applicant for planning permission must be eligible to apply—meaning they must be the legal owner of the site or acting with the **written consent of the legal owner**.

Prospective applicants who do not own the site should obtain written landowner consent prior to requesting a pre-application consultation, and must submit it with any subsequent planning application.

Minimum Information Required for a Valid Request

South Dublin County Council can only provide meaningful guidance on **specific, well-defined proposals**. General, speculative, or open-ended enquiries (e.g., *"What can I build on this field?"*) will be declined.

Every request must include:

a) **Completed Pre-Application Consultation Form** (including the separate Contact Information Sheet).
b) **Site Location Map:** Ordnance Survey map at **1:1000 scale (Urban)** or **1:2500 scale (Rural)** with the site boundary clearly outlined in **red** (and any adjoining lands owned or controlled by the applicant outlined in **blue**).
c) **Preliminary Sketch Drawings:** Site layout plan (showing boundaries, access, parking, and separation distances), indicative floor plans, and preliminary elevations/sections with overall heights.
d) **Written Project Brief & Specific Queries:** A concise description of the proposed development, gross floor area, unit mix (if residential), and a numbered list of specific planning or technical questions for discussion.
e) **Supporting Context (where applicable):**

- Site photographs.
- For multi-unit or commercial schemes: a brief **Design & Policy Rationale** demonstrating alignment with the South Dublin County Development Plan.

- For sites requiring new water/wastewater connections: confirmation of whether a **Pre-Connection Enquiry (PCE)** has been submitted to **Uisce Éireann**.

4. Consultation Process & Service Standards

South Dublin County Council manages pre-application consultations through a structured four-stage workflow.

Stage 1: Submission & Registration

- Submit your application via the **Citizen Portal Preapps** system (preferred), by email to preplanning@sdublincoco.ie (PDF files only, max 20MB per file, non-interactive), or by post.
- Upon receipt of a complete submission, the Planning Registry registers the request, assigns a reference number, and routes the file to the relevant Area Planning Team.
- *Incomplete submissions lacking a site location map, scaled sketch layout, or clear description will be returned without registration.*

Stage 2: Internal Technical Review

- The Area Planner reviews the proposal against the County Development Plan and planning history.
- Where appropriate, the Area Planner consults internal technical departments (e.g., Roads & Traffic, Water Services/Drainage, Parks & Landscape, Architectural Conservation, or Housing).

Stage 3: Consultation Format & Conduct

- **Format:** Depending on the scale and complexity of the proposal, the consultation will be conducted via **Microsoft Teams (video call)**, **telephone**, **written email response**, or an **in-person meeting** at County Hall, Tallaght. In-person meetings are generally reserved for mandatory Section 89 schemes or complex proposals where visual/design review is essential.
- **Agenda & Attendance:** Meetings are strictly time-limited (typically **30 to 45 minutes**) and follow the applicant's submitted list of queries. Attendance should be limited to the prospective applicant and their core design/planning team (max 3–4 attendees).
- **No New Material at Meetings:** Revised drawings or new concepts tabled for the first time during a meeting cannot be assessed on the spot and may require a follow-up request.

Stage 4: Written Record & Closure

- Following the consultation, South Dublin County Council will issue a **Written Record / Summary Note** confirming:
    - The date, attendees, and format of the consultation;
    - A summary of the key policy, design, and technical matters discussed; and
    - Key validation requirements and specialist reports (e.g., Flood Risk Assessment, Traffic & Transport Assessment, AA/EIA Screening, Demolition Impact Assessment) needed for a formal planning application.
- Under **Section 90**, a copy of the consultation record is placed on the public planning file once a subsequent formal planning application is lodged for the site.

5. Key Checklist Before Lodging Your Formal Application

Based on feedback from your pre-application consultation, ensure your formal planning application addresses the following **Planning and Development Act 2024** requirements:

- [ ] **Pre-Application Reference:** Quote your Section 89 / Section 90 consultation reference number on the formal Planning Application Form.
- [ ] **Design Response:** Include a brief statement explaining how feedback from the pre-application consultation has been addressed in the final design.
- [ ] **Landowner Consent:** Attach signed written consent from the legal owner if the applicant is not the sole owner of all lands within the red-line boundary (including sightline/access works).
- [ ] **Demolition Impact Assessment:** If the proposal involves demolishing any structure (other than a Protected Structure or in an ACA), include the mandatory Demolition Impact Assessment required under the 2026 Regulations.
- [ ] **Uisce Éireann Confirmation:** Attach your Confirmation of Feasibility (COF) or Statement of Design Acceptance where new water or wastewater connections are proposed.