

# Legislative background to pre-planning consultations

Section 247 of the Planning and Development Act, 2000 (as amended) introduced formal procedures for pre-planning consultations, commonly known as pre-planning discussion, between potential applicants who have an interest in the land and the planning authority.

The full text of Section 247 is set out below:

1. A person who has an interest in land and who intends to make a planning application may, with the agreement of the planning authority concerned (which shall not be unreasonably withheld), enter into consultations with the planning authority in order to discuss any proposed development in relation to the land and the planning authority may give advice to that person regarding the proposed application.
2. In any consultations under subsection (1), the planning authority shall advise the person concerned of the procedures involved in considering a planning application, including any requirements of the permission regulations, and shall, as far as possible, indicate the relevant objectives of the development plan which may have a bearing on the decision of the planning authority.
3. The carrying out of consultations shall not prejudice the performance by a planning authority of any other of its functions under this Act, or any regulations made under this Act and cannot be relied upon in the formal planning process or in legal proceedings.
  - a. In order to satisfy the requirements of this section, a planning authority may specify that consultations may be held at particular times and at particular locations and the authority shall not be obliged to enter into consultations otherwise than as specified by it.
  - b. Where a planning authority decides to hold consultations in accordance with paragraph (a) it shall, at least once in each year, publish notice of the times and locations at which consultations are held in one or more newspapers circulating in the area of the authority.
4. The planning authority shall keep a record in writing of any consultations under this section that relate to a proposed development, including the names of those who participated in the consultations, and a copy of such record shall be placed and kept with the documents to which any planning application in respect of the proposed development relates.
5. A member or official of a planning authority is guilty of an offence if he or she takes or seeks any favour, benefit or payment, direct or indirect (on his or her own behalf or on behalf of any other person or body), in connection with any consultation entered into or any advice given under this section.