



**EVIDENCE OF
COMPLIANCE WITH
PLANNING
CONDITIONS RE
SOCIAL/
AFFORDABLE
HOUSING**

Queries have arisen as to whether independent evidence, in addition to an architect's opinion on compliance in the usual form, is required to vouch compliance with a condition in a planning permission imposing a social / affordable housing requirement pursuant to Part V of the Planning and Development Act 2000 (as amended).

Where the architect is prepared to furnish an architect's opinion on compliance in the usual form, being either the form recommended for use by the Conveyancing Committee or the approved form as used by members of the RIAI (which forms address conditions attaching to the relevant planning permissions), then there is no necessity to require production of independent evidence with such a condition. There is no basis for distinguishing such a condition from the other conditions attaching to the planning permission.

However, if the architect is not prepared to certify compliance with the social/affordable housing condition, and qualifies his opinion or certificate of compliance to exclude that condition, then the purchaser's solicitor will require independent evidence of compliance, preferably by way of a letter from the planning authority.