







Appendix A



Illustration of the Six Basic Criteria for Imposing Conditions as Identified in the Section 28 Development Management Guidelines for Planning Authorities, 2007.

Planning Condition Appraisal Checklist

 NECESSARY	
1.	Is the condition necessary by virtue of the submitted plans and particulars that will be approved by the permission?
2.	Is the condition attempting to overcome a matter so significant that it might otherwise warrant refusal of permission and/or a fresh application?
3.	Are there significant matters of detail that necessitate formal agreement by way of compliance? Or could the condition specify what is required by the planning authority?
 RELEVANT TO PLANNING	
4.	Do the matters, the condition is addressing, relate to proper planning and sustainable development?
5.	Are the matters, a potential condition is being contemplated to address, covered by other statutory codes?
6.	Are there any Section 28 Guidelines that have development management requirements relevant to the development type and conditions being contemplated?
7.	Has the condition had due regard to the EIA and the matters considered in the EIA?
8.	Has the condition had due regard to the conservation objectives of any relevant European site and is the condition consistent with the AA?
 RELEVANT TO THE DEVELOPMENT	
9.	Is the condition directly relevant to the development being permitted?
10.	If using a standard condition, has it been appropriately applied and adapted to reflect the proposal?
 PRECISE	
11.	Is the wording of the condition clear and precise?
12.	Does the reason given for the condition accurately describe the purpose of the condition?
13.	Will the condition and its reason be readily understood by all parties and the public?
14.	Where a condition specifies, that matters must be submitted for the written agreement of the planning authority, does the condition clarify how and when agreement must be reached? (e.g. <i>'prior to the commencement of development'</i> , <i>'prior to the commencement of construction'</i> , <i>'prior to the occupation of units'</i> , <i>'prior to the implementation of the relevant part of the development'</i> etc.?)
 ENFORCEABLE	
15.	Is the condition sufficiently clear and precise to enable enforcement action be taken, in the event of non-compliance?
16.	Has the developer the legal authority to comply with the terms of the condition?
 REASONABLE	
17.	Given the nature and scale of the development is the condition reasonable?
18.	Will the condition significantly alter the proposed development in such a way as to deny interested parties the opportunity to comment on aspects that may have a significant impact on them and that should be assessed as part of the planning application?
19.	Would the matter that the condition is addressing be better addressed by requiring the applicant to submit further information or revised plans?
20.	Does the applicant have sufficient interest in any lands that a particular condition relates to if outside the submitted site boundaries?