

OPR Practice Note PN03

Planning Conditions



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Oifig an
Rialaitheora Pleanála
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OPR Practice Notes provide information and guidance about specific areas of the planning system for practitioners, elected members and the public.

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We invite comments, feedback, suggestions and relevant case studies from users of this Practice Note and you should send them to research@opr.ie.

*here in referred to as the '2000 Act'.

Acronym List

AA Appropriate Assessment

BTR Build-To-Rent

DHLGH Department of Housing, Local Government and Heritage

EIA Environmental Impact Assessment

EIAR Environmental Impact Assessment Report

EPA Environmental Protection Agency

IPC Integrated Pollution Control

NRUP National and Regional Urban Planning Section of the DHLGH

OPR Office of the Planning Regulator

SPPR Specific Planning Policy Requirement

The Board An Bord Pleanála

1.0 Introduction

The purpose of the planning system is to promote proper planning and sustainable development. Development management is a process that involves many stages; pre-application consultation, processing of planning applications, public consultation and engagement with prescribed bodies.

This culminates in the assessment of development proposals, decision-making, including the attachment of conditions to planning permissions as part of the overall consenting process. The focus of this practice note is on the latter stage of the development management process and the attachment of planning conditions.

The **Development Management Guidelines for Planning Authorities (2007)** are particularly relevant to the imposition of conditions in planning permissions.¹ They provide guidance for planning authorities on the drafting and imposition of conditions and, in particular, state that the purpose and meaning of conditions must be clear, precise and unambiguous to ensure enforceability.

The guidelines suggest that, for conditions to be legally valid, they should satisfy six basic criteria, as illustrated in Figure 1.1.

Figure 1.1. Illustration of the Six Basic Criteria for Imposing Conditions as Identified in the Section 28 Development Management Guidelines for Planning Authorities, 2007.



¹ Development Management Guidelines for Planning Authorities, DEHLC, June 2007.

This practice note, has regard to the six basic criteria and contains information and guidance for planning authorities on how to draft standard planning conditions and the reasons for the attachment of conditions to a grant of planning permission.² The overall purpose of the practice note is to promote greater consistency, insofar as practical, in the use of standard planning conditions, and to support planning authorities in devising their own manual of conditions.

Although there are significant benefits to establishing planning condition manuals, it is essential that the use of manuals does not lead to the automatic inclusion of unnecessary conditions in the grants of planning permission.

Careful consideration is required to ensure that conditions are bespoke to the particular development proposal. Standard conditions should only be used, where appropriate, and they should be properly adapted to the specific development proposal.

A further issue in relation to the attachment of conditions relates to '*matters to be agreed*' post decision, these are commonly referred to as '*compliance conditions*'. While conditions of this type can be useful and are provided for in the legislation, the extent to which they are imposed and their precise requirements should be carefully considered to avoid unnecessary delay to the commencement of permitted developments.

It is important to remember that the attachment of conditions to a recommendation to grant permission is one of the final stages in the planning application process. Opportunities, at earlier stages in the processing of an application, should be used to minimise the volume of conditions, generally, and compliance conditions, which places burdens on both the applicant and the planning authority. In addition, compliance conditions requiring matters to be agreed, can lead to fears of exclusion by third parties who have participated in the application process.

Pre-application consultation³ is a useful opportunity to highlight the type of information required by the planning authority to fully consider and make a determination on a specific development proposal.

Where a planning application does not contain the necessary level of information to enable the planning authority to fully consider the development proposal, the planning authority, when seeking further information⁴ should consider seeking details that may otherwise result in potential compliance items. This approach may help to minimise post permission compliance requirements.

Building on the six basic criteria this practice note contains:

- a practitioner's checklist for appraising planning conditions (Appendix A);
- a planning conditions compendium (Appendix B);
- a sample of a supplementary advice note that may be furnished with a final grant of permission to highlight other codes that may be relevant at the implementation stage (Appendix C); and
- an overview of relevant case law (Appendix D).

² For the avoidance of doubt, the focus of this practice note is on planning applications made under Section 34 of the 2000 Act.

³ Section 247 of the 2000 Act.

⁴ Article 33 of the Planning and Development Regulations 2001 (as amended) hereinafter referred to as the 2001 Regulations.

This practice note is intended to:

- assist planning authorities in the drafting of planning conditions and how to apply these to ensure that they meet the requirements of the 2000 Act and Planning Guidelines issued under Section 28 of that Act;
- promote greater consistency in the types of conditions imposed by planning authorities;
- promote the application of conditions that are fair, reasonable and practicable;
- promote the application of conditions that are clearly worded and comprehensible;
- provide a resource to assist planning authorities in integrating their conditions into their IT systems; and
- promote awareness and greater understanding amongst applicants, their architects/agents and third parties as to the conditions that may be attached to permissions, noting that the discretion to attach conditions rests with the planning authority and there may be a need for bespoke conditions to be attached to a particular permission as a consequence of the issues that arise during assessment.

1.2 Purpose of Planning Conditions

In the first instance, an overarching condition should be attached requiring the development to be carried out in accordance with the plans and particulars submitted. Additional planning conditions are attached to a grant of permission where it is necessary to further regulate or modify the development proposal to make it acceptable from the perspective of the proper planning and sustainable development of the area.

Conditions designed to modify a development or to ensure the details of the development, from a planning perspective are acceptable, should not substantially alter the nature of the development proposed. The development, as modified by conditions, should remain essentially that for which planning permission was sought and which was the subject of public consultation.

Therefore, conditions substantially altering the nature of the proposal should not be imposed and may be beyond the powers of the planning authority. Planning permission should be refused if a significant part of the proposed development is fundamentally unacceptable having regard to the proper planning and sustainable development of the area, including the provisions of the relevant development plan.

1.3. Reasons for Planning Conditions

There is a legislative requirement⁵ to give the main reason for the imposition of a condition, especially where the condition is not a condition specified in Section 34(4) of the 2000 Act. The reason should set out the specific planning rationale justifying the condition. The reason should be clear and precise to enable the planning authority, the developer and all interested parties to determine whether or not the terms of the condition have been satisfactorily complied with or if enforcement would be warranted.

Broad statements such as “*in the interests of the proper planning and sustainable development of the area*” and formulaic reasons such as “*in the interests of orderly development*”⁶ should be avoided.

⁵ Section 34(10) of the 2000 Act.

⁶ *Weston v An Bord Pleanála* [2008] IEHC 71.

2.0 Key Concepts

2.1 Legislative Provisions

A planning authority may decide to grant permission for development, with or without conditions.⁷ The 2000 Act lists some types of conditions that may be attached to a permission.⁸ It also provides that points of detail relating to a permission may be agreed between the planning authority and the person carrying out the development. Furthermore, the 2000 Act provides that where points of detail cannot be agreed, the planning authority may refer the matter to An Bord Pleanála (the Board) for its determination.⁹ The Fifth Schedule of the 2000 Act sets out conditions that may be imposed, on the granting of permission to develop land, without compensation. While the power to attach conditions is a general one and is not limited to the types of conditions referred to in the 2000 Act, care should be taken when a condition is within the scope of any part of Section 34(4) to align the wording of the condition to the relevant part of this section.

Where conditions are attached to a grant of permission, the main reasons for their imposition must be given.¹⁰ If a condition imposed is of the type described in Section 34(4), a reference to the paragraph is sufficient to meet the legislative requirement.¹¹ The Courts have held that there is a heightened duty to give a satisfactory reason for any condition not of the type described in Section 34(4).¹² Whilst reference to the relevant paragraph in Section 34(4) appears to comply with the provisions of the 2000 Act, normal practice is to specify the particular reason for a condition.

Where a permission relates to development that requires an Integrated Pollution Control (IPC) licence¹³ or a Waste Licence,¹⁴ the planning authority must take into consideration that the control of emissions arising from the activity is a function of the Environmental Protection Agency (EPA)¹⁵ and therefore a condition controlling emissions should not be attached to a decision to grant permission.

When determining a planning application, the planning authority is restricted to considering the proper planning and sustainable development of the area, regard being had to various criteria including the provisions of the development plan,¹⁶ and any guidelines issued by the Minister under Section 28 of the 2000 Act.¹⁷ These restrictions also apply to any conditions imposed.

Finally, there are certain limited circumstances whereby an amendment can be made to a permission, or condition of a permission.¹⁸

⁷ Section 34(1) of the 2000 Act.

⁸ Section 34(4) of the 2000 Act.

⁹ Section 34(5) of the 2000 Act.

¹⁰ Section 34(10) of the 2000 Act.

¹¹ Section 34(10) of the 2000 Act.

¹² *Weston v An Bord Pleanála* [2008] IEHC 71.

¹³ Under Part IV of the Environmental Protection Agency Act 1992.

¹⁴ Under Part V of the Waste Management Act 1996.

¹⁵ Section 34(2)(c) of the 2000 Act.

¹⁶ Section 34(2) of the 2000 Act.

¹⁷ Section 34(2)(a)(ia) of the 2000 Act.

¹⁸ Section 146A of the 2000 Act.

2.2 Appeal of Conditions

The 2000 Act not only enables appeals of a decision of a planning authority but also enables an appeal to be made against a condition or conditions attached to a decision to grant planning permission. Where an appeal relates only to a condition attached to a decision to grant planning permission, the Board may, having regard to the nature of the condition, decide that the entire application warrants appraisal.¹⁹ In cases where the Board is determining an appeal relating to a condition(s) it will give directions, as it considers appropriate, relating to the attachment, amendment or removal of the condition(s). In such a situation the planning authority issues the permission as directed by the Board.

An appeal may also be made to the Board in relation to a condition requiring a contribution to be paid in accordance with the relevant development contribution scheme²⁰ or a special contribution.²¹ Such an appeal may only be made if the applicant for permission considers that the terms of the scheme have not been properly applied in the condition. In such cases, the planning authority may grant the permission and the applicant may commence the development if the person who makes the appeal pays the full amount of the development contribution as security, pending the determination of the appeal by the Board.

2.3 Compliance Conditions

It is reasonable and permissible in accordance with the provisions of the 2000 Act and Section 28 Guidelines to provide that points of detail relating to a grant of permission be agreed between the person carrying out the development and the planning authority.²² In the absence of agreement, the planning authority may so advise the person carrying out the development in writing, or refer the matter to the Board for determination. In the absence of these events occurring within eight weeks of the points of detail being submitted, or such longer period as may have been agreed between the parties, the planning authority is deemed to have agreed the points of detail as submitted. Where informed in writing by the planning authority of the absence of agreement, the person carrying out the development has four weeks to refer the matter to the Board for determination.²³

2.4 Role of Guidelines and Guidance

Section 28 of the 2000 Act provides that the Minister may, at any time, issue guidelines to planning authorities regarding any of their functions under the 2000 Act. Guidelines on a range of topics have issued over the years. There is a requirement for planning authorities to have regard to the contents of guidelines issued under Section 28 in the performance of their functions including when determining a planning application.²⁴ Some of the planning guidelines issued by the Minister also contain Specific Planning Policy Requirements (SPPRs) which planning authorities must comply with, not merely have regard to.²⁵

Furthermore, under Section 29 of the 2000 Act the Minister may issue policy directives to planning authorities regarding any of their functions.

¹⁹ Section 139 of the 2000 Act.

²⁰ Section 48(10) of the 2000 Act.

²¹ Section 48(13) of the 2000 Act.

²² Section 34(5) of the 2000 Act.

²³ Section 23(4) of the Planning and Development (Amendment) Act 2018. Commencement Order 2021 (SI 714 of 2021).

²⁴ Section 34(2)(a)(ia) of the 2000 Act.

²⁵ Section 28(1C) of the 2000 Act, as amended by Planning and Development (Amendment) Act 2018 (16/2018), s. 20(a).

Unlike planning guidelines and policy directives issued by the Minister, there are many other publications containing guidance that planning authorities may avail of to inform their decision-making. Planning circulars are often used as a way to highlight this complementary guidance. Such guidance may take the form of best practice in specific technical areas, for example, the **Design Manual for Urban Roads and Streets (2019)**, the EPA **Code of Practice for Domestic Waste Water Treatment Systems²⁶ (NRUP 01/2021)** and the DHLGH Heritage Advice Series.

2.5 Guidelines of Specific Relevance to Drafting Planning Conditions

The purpose of the Section 28 planning guidelines issued by the Minister is to assist planning authorities in dealing with specific subject matters e.g. housing, retail etc. The various guidelines include advice on both policy making (development plan) and the development management functions of planning authorities, including the assessment of planning applications and the imposition of planning conditions. As noted in Section 1.0 above the Development Management Guidelines for Planning Authorities (2007) provide guidance for planning authorities on the drafting and imposition of conditions.

A number of other Section 28 planning guidelines are of particular relevance to development management and the imposition of planning conditions. These guidelines recommend the attachment of conditions, in certain situations, and include sample wording for such conditions.

While some date back numerous years, they remain relevant. A brief overview of the guidelines that are most relevant to the drafting of planning conditions, is set out below. This list is not exhaustive. Planning authorities should continuously review any updates to guidelines, guidance and circulars, as and when they are issued, to ensure that their standard compendium of conditions is up to date.²⁷



²⁶ The use of the EPA Code of Practice is required under the Building Control Regulations, as amended and Article 22(2)(c) of the 2001 Regulations.

²⁷ The OPR will endeavour to regularly review and update this practice note and compendium; any updates and/or revisions will be notified to our stakeholders and available on our website.

Guidelines on the Regulation of Commercial Institutional Investment in Housing (May 2021)

These guidelines set out examples of conditions which may be required in order to prevent substantial parts of, or entire housing developments being acquired by investment funds and so significantly limiting the amount of housing available for purchase by individual purchasers. The two sample conditions contained in the guidelines are included in the compendium in Appendix B.

Part V of the Planning and Development Act 2000 (January 2017)

Section 2.3 of the guidelines addresses the information required to be submitted with a planning application confirming the developer's proposals for compliance with Part V obligations. It emphasises that where there is a decision to grant permission it is essential to apply a Part V condition to comply with Section 96(2) of the 2000 Act. The guidelines provide a suggested wording for a Part V condition, which is reflected in the compendium in Appendix B of this practice note.

The Government's housing policy and Part V has been subject to many changes since the 2000 Act first came into effect. Recent changes under the **Affordable Housing Act, 2021** amends the Part V requirement to 20% (up from 10%). The 20% requirement primarily relates to land purchased on or after 1 August 2021. The Act sets out transitional arrangements for Part V requirements for planning applications dependent upon the date of purchase of the land and the date of the permission. The role of the housing strategy and the implications of the Affordable Housing Act, 2021, will require close attention by planning authorities in the application of conditions.

Development Contributions (January 2013)

The purpose of these guidelines was to inform the drawing up of development contribution schemes and promote greater consistency on a national basis. The guidelines highlight the three types of development contribution scheme, which inform the wording of planning conditions attached to a permission for development. These are reflected in the compendium in Appendix B.

Retail Planning Guidelines (April 2012)

In dealing with retail parks and retail warehouses it is stated in chapter 4.11.2 of the guidelines that planning authorities may consider it appropriate to impose a minimum size condition preventing the construction or subdivision of units into stores of less than 700 sq. metres in out of centre locations. It is also stated that, where it is considered appropriate, planning authorities should impose appropriate conditions to prevent the provision of single large units through new development, coalescence, or the linking together of two or more stores. It is recommended that a 6,000 sq. metre threshold should apply except in exceptional defined circumstances.

Wind Energy Guidelines (2006)²⁸

Chapter 7 of these guidelines sets out detailed issues that may need to be addressed by conditions. Specific wording of conditions is not contained in the guidelines. It should be noted that the guidelines advise against requiring long-term bonds for land restoration and against conditions limiting the life span of the wind energy facility except in exceptional circumstances. The guidelines state that the particular circumstances of each proposed development will need to be carefully considered in drafting conditions and deciding which conditions are necessary and appropriate.

²⁸ These guidelines are due to be updated shortly by the Department of Housing, Local Government and Heritage.

Sustainable Rural Housing Guidelines (April 2005)

Appendix 1 of these guidelines sets out an indicative type of condition for attachment to the occupancy of a house permitted in an area where planning considerations dictate that a house for the applicant's occupation is acceptable, but houses are generally not permissible in the area. A condition similar to this indicative condition is contained in the compendium contained in Appendix B.

Guidelines on Quarries and Ancillary Activities (April 2004)

Chapter 4.7 of these guidelines gives significant advice on possible conditions that would be relevant to planning permissions for this type of development. Issues covered include mitigation measures, hours of operation, control of noise, blasting, control of dust, water pollution and impact on supplies, landscaping and site restoration.

Telecommunications Antennae and Support Structures (July 1996)

These guidelines recommend conditions in relation to the removal of obsolete facilities. The guidelines were amended by **Circular Letter PL07/12**. It is recommended that conditions limiting permission to five years, and conditions relating to levels of non-ionising radiation, should not be imposed.



3.0 Common Issues

3.1 Outline Applications

An outline permission is a consent, in principle, for a proposed development. An application for an outline permission may not be made or accepted for the following:

- retention of unauthorised development,²⁹
- development relating to works affecting a protected structure or a proposed protected structure,³⁰
- development which would comprise or is for the purposes of an activity requiring an Integrated Pollution Control (IPC) licence or a waste licence,³⁰
- development relating to the provision of, or modifications to, an establishment to which the Major Accidents Regulations apply, often referred to as Seveso sites,³⁰ or
- development for which Environmental Impact Assessment (EIA)³¹ and/or Appropriate Assessment (AA)³² is required.

No development can be carried out on foot of an outline permission. An outline permission sets the parameters within which an application for planning permission consequent on the grant of outline permission must be made and determined.

The outline permission should address all of the significant planning issues. As such, it is important that careful consideration is given to the imposition of appropriate conditions on an outline permission. Where aspects of a proposed development are fundamental to the decision, it is important that the imposition of conditions relating to those aspects should be considered when granting outline permission. These may include matters such as the siting and height of buildings, means of access, details of any on-site waste water treatment and disposal system, important landscaping requirements, etc. Conditions should be imposed to clarify precisely what has been consented to in principle.

3.2 Split Decisions

Where a planning authority determines that a proposed development is acceptable in principle, subject to the omission of a minority element(s), it may issue a planning permission including a condition requiring the omission of the unacceptable element(s) with reason given. This approach should only be followed where the substantial proportion of the proposed development is acceptable. Where the unacceptable element(s) forms a significant portion of the overall proposal, a *'split decision'* should issue, permitting the acceptable substantial proportion of the proposed development while refusing the other significant element(s). In cases where a *'split decision'* issues, a condition should reaffirm the elements that are permitted and not permitted. The remaining conditions imposed should only relate to the permitted portion of the proposed development.

²⁹ Article 21 of the 2001 Regulations.

³⁰ Article 134 of the 2001 Regulations.

³¹ Article 96 of the 2001 Regulations.

³² Article 236 of the 2001 Regulations.



3.3 Time Limits

The ‘*appropriate period*’ for a planning permission,³³ is normally five years from the date of the grant,³⁴ unless a longer or shorter period is specified by way of a condition. The ‘*appropriate period*’ refers to the timescale for completion, not commencement, of the development. In the case of large projects (e.g. windfarms) or development involving continuous works such as quarrying a longer period may be proposed in the application for permission as described in the public notices, and/or this may be specified separately by way of a condition.

In the case of a ‘*temporary permission*’ a shorter period than five years may be specified in a condition imposed.

Where a condition is imposed specifying a period of greater or less than five years, the reason for the condition should be clearly stated. The period during which the permission is to have effect must not be less than two years in any case and not more than ten years in the case of residential development.³⁵ In the absence of any condition specifying the time period the default period of five years applies.

3.4 Enforcement Cases

The subject of enforcement under the 2000 Act is outside the scope of this practice note. However, it is clear, that the wording of a planning condition should be clear and precise so that any potential breach of that condition may be easily identified and appropriate enforcement action may be taken by the planning authority.

Generally, the courts have taken a pragmatic view when dealing with the agreement of points of detail i.e. by way of compliance conditions particularly where the condition stipulates that the detail should be agreed prior to commencement of development. A literal interpretation could be, if such details were not agreed within the timescale specified, the development would be and would remain unauthorised and possibly subject to enforcement proceedings indefinitely unless some form of alternative permission was obtained. In a number of cases, the courts have refused to grant injunctions on the basis of the timescale given for the agreement of details not having been complied with.³⁶ The courts interpreted the objective of the conditions and adopted a pragmatic approach in determining injunction applications. This further emphasises the need to carefully consider the detail and volume of compliance conditions.

³³ Granted by a planning authority under Section 34 of the 2000 Act or An Bord Pleanála under Section 37 of the 2000 Act.

³⁴ Section 40(3) of the 2000 Act.

³⁵ Section 41(1) of the 2000 Act.

³⁶ See summary of *Eircell v Bernstoff* in Appendix D.

3.5 Retention Applications

The scope for retention applications has been curtailed in changes to Section 34(12) of the 2000 Act which were introduced in 2011.³⁷ The changes specify that the planning authority may not consider any application for retention where EIA, screening for EIA or AA is required. Part XA of the Act contains provisions relating to applications for Substitute Consent. Such applications must be made to An Bord Pleanála and consideration of such applications is outside the scope of this practice note.

Any retention application is processed under Section 34 and the general provisions of Section 34, including those relating to conditions, apply. Whilst the applications are to retain development already carried out, there is no restriction on imposing conditions necessary to make the development acceptable from the perspective of the proper planning and sustainable development of the area. However, care should be taken to ensure that the wording of the conditions reflects that the development, in part/full, may already be in place particularly when phrasing compliance conditions, e.g. the use of '*prior to commencement*' is unlikely to be relevant in many cases and more bespoke wording may be necessary in respect of timelines.

Conditions requiring the payment of contributions, where applicable, are also appropriate once they are in accordance with the provisions of Sections 48 and 49 of the 2000 Act.

3.6 Removal of Exempted Development Rights

Conditions are often imposed in planning permissions stating that no further development, including development specified in exempted development regulations, shall be carried out on the lands without a prior grant of planning permission. A condition such as this may, on occasion, be justified due to some special characteristic pertaining to the development being permitted and the site of the proposed development. For example, the site may be located in a visually important townscape where there is a greater need to restrict signage.

Special care is required in imposing such a condition as the property owner should not be deprived of the benefit of exempted development provisions in the legislation, unless there are some special or unique circumstances which justify such restrictions.³⁸



³⁷ Substituted (23.03.2011) by Planning and Development (Amendment) Act 2010 (30/2010), s. 23(a)(i)-(iii) and (c), S.I. No. 132 of 2011.

³⁸ See summary of *Weston v An Bord Pleanála* in Appendix D.

3.7 Restriction on Development by Condition or through Legal Agreement

Section 39(2) of the 2000 Act, allows for the grant of permission to specify the purposes for which the structure may be used. In the case where the grant specifies use as a dwelling, a condition may specify that the dwelling is restricted to use by persons of a particular class or description. This restriction is then embodied in a Section 47 agreement.

A planning permission is attached to the lands in question, whereas a Section 47 legal agreement is with the owner of the lands at the time of the agreement, although the Section 47 agreement may be enforced, to some extent at least, against successors in title to the persons entering into the agreement.³⁹

On occasion, a question arises as to whether an issue that has been identified during the consideration of a planning application is best covered by the attachment of a condition to a decision to grant planning permission, or through a legally binding agreement entered into between the planning authority and the landowner.

In general, it is considered that, where either a condition or legal agreement is possible, the preference should be for a condition in the planning permission. However, there are specific circumstances where planning guidelines advocate the use of Section 47 agreements and/or other legal agreements including for example:

- The **Regulation of Commercial Institutional Investment in Housing Guidelines (May 2021)** address the acquisition of complete, or substantial parts of, housing developments. The guidelines recommend that on occasion it may be desirable to prevent the acquisition of housing schemes, including duplex units, by investment funds thereby limiting the availability of housing for individual purchasers. The guidelines recommend that the conditions imposed should require Section 47 agreements.
- The **Sustainable Rural Housing Guidelines (2005)** contain an indicative condition in relation to the occupancy of a house, which also requires a Section 47 legal agreement. (These guidelines are due to be updated shortly as an action of the government's plans under '*Housing for All*').

Examples of appropriate conditions are included in the compendium of conditions in Appendix B.



³⁹ Section 47(3) of the 2000 Act.

3.8 Conditions Requiring Development on Lands Outside the Control of the Applicant

Planning permission does not entitle a person to carry out a development; however, where the applicant is not the legal owner of a subject site, written consent from the legal owner of the land or structure concerned is necessary to make a valid application.⁴⁰

Conditions requiring development to be carried out on lands outside the control of the applicant prior to the commencement of development, or prior to the occupation of the development, cannot be complied with by the developer and so are not enforceable. Such conditions should not be imposed.

In certain circumstances, a development proposal may rely on certain works outside the site to render it acceptable. For example, in order to ensure safe access to a development the provision of a footpath and pedestrian crossing on neighbouring lands may be necessary. In the event these works are already permitted, commenced and/or will be undertaken within a reasonable timeframe, it may be necessary and justified to tie the development proposal to those works. In such instances this can be achieved by imposing a negative condition, often referred to as a Grampian⁴¹ condition, specifying that the development shall not be commenced, or be occupied prior to some specified works or actions having been carried out.

These conditions should only be used where there is a real prospect of the action being performed within a reasonable timeframe. In practice, such significant matters should be raised in pre-application consultation (Section 247) and/or at the further information stage when processing the application, thereby alerting the applicant to the likelihood of the imposition of such a condition and avoiding a surprise in the final decision. In general, these conditions should be used sparingly.



⁴⁰ Article 22(2)(b)(ii) and Article 22(2)(g) of the 2001 Regulations.

⁴¹ Grampian Regional Council v Aberdeen District Council (1983) 47 P. & C.R. 633.

3.9 Compliance Conditions

Case law provides useful guidance in relation to the appropriateness of conditions requiring the subsequent agreement of details with the planning authority. The Supreme Court judgment in the case of *Boland v An Bord Pleanála*, in particular, gives useful guidance on this issue.⁴² This case is summarised in Appendix D. It is clear that the detail to be agreed must not be a fundamental part or determining issue in the case and that persons interested in the case are not denied an opportunity of commenting on an aspect of the development that would have a significant impact on them.

In the event of disagreement between the applicant and the planning authority, on a compliance matter, the matter can be referred to An Bord Pleanála for determination, for clarity this provision may be highlighted in the wording of the planning condition.⁴³

Great care is required when setting time limits for compliance and also in the number of conditions requiring such later compliance. If all details are required to be agreed or determined prior to the commencement of development, developers could be unnecessarily constrained in commencing development. The timescale for the submission of details requiring agreement and the receipt of such agreement might be related to the construction programme and/or the nature of the development, so as to ensure that agreement is received prior to a particular element of the development being carried out or within a specified timeframe.

For example, it may not be necessary to agree the paving detail prior to commencement of the development, as this may cause unnecessary delays to work getting underway on the site.

The necessity for any requirement to agree further details should also be carefully considered prior to imposing any such conditions. Moreover, if some detail is really “*necessary*” there is a strong argument for obtaining this information prior to the granting of planning permission via a request for further information.

Finally, the time limit and default provision that came into operation on 17 December 2021 reinforce that compliance conditions should be used judiciously and should be carefully worded, setting out accurately the parameters within which details are agreed and the purpose of the details.

3.10 Conditions Requiring Details of a Development to be Agreed with Parties Other than the Planning Authority

Conditions should not require the agreement of details with bodies other than the planning authority. These bodies are not planning authorities and it is desirable that the details of planning conditions should be agreed with the planning authority, which is also the main enforcement authority on planning matters. The only exception relates to Irish Water where it is necessary to enter into connection agreement(s) for connection to water supply and/or waste water network.

It is undesirable to allow for, or require, that details be agreed with other bodies, although such bodies may have responsibility for relevant aspects that could be impacted by the development. However, it may be necessary for the applicant to informally engage with another body in preparing their compliance documentation.

⁴² *Boland v An Bord Pleanála* (1996) 3 IR 435.

⁴³ Section 34(5) of the 2000 Act.

Likewise, and in many instances it will be necessary or desirable that the planning authority should consult with such bodies prior to agreeing details e.g. fishery protection bodies, the National Parks and Wildlife Service, the Irish Aviation Authority, the Health and Safety Authority or the National Monuments Service of the Department of Housing, Local Government and Heritage. Conditions requiring the applicant to agree details with bodies other than the planning authority do not meet with the six basic criteria for conditions set out in Figure 1.1 and should not be imposed in any planning permission.

3.11 Internal Conflict between Conditions/the Development Proposal

Care is required to ensure that the planning permission granted, including any conditions imposed, is internally coherent and that there is no inconsistency between conditions. Such situations can arise, particularly in EIA cases where mitigation measures contained in the EIA are carried over into the planning permission (discussed further in Section 3.13 below).

Another example of a conflict between conditions frequently arises where one condition stipulates a requirement to retain all hedgerow boundaries to preserve and protect features of the landscape that are of major importance for maintaining both the biodiversity and the rural character of the area. Whereas a further condition, recommended by the engineering department, may require sightlines at a certain setback for safety reasons, which would mean it is impossible to retain the roadside hedgerow.

Careful consideration by the planning officer is necessary to assess whether there is any conflict in the requirements of potential conditions, including those that may emanate from other departments or prescribed bodies. Care should be taken to ensure that such conditions, if considered appropriate, are adapted accordingly.

3.12 Conditions Relating to Other Codes and Cases Where a Licence from the EPA is Required

It is not acceptable to require, by way of a condition attached to a planning permission, that a licence or some other authorisation under another code must be obtained for the proposed development.

The grant of planning permission does not absolve a developer from the necessity to obtain any other consent required by law. In addition, a condition should not be imposed in a planning permission requiring some other consent to be obtained if it is not required by law.



In general, conditions should not be imposed covering issues for which another consent or licence is required e.g., conditions controlling emissions from activities for which an Industrial Emissions Licence, an Integrated Pollution Control (IPC) Licence or a Waste Licence from the Environmental Protection Agency (EPA) is required.

Similarly, waste water discharges from waste water works, as defined in the **Waste Water Discharge (Authorisation) Regulations 2007**, as amended, are subject to authorisation by the EPA.

Conditions regulating emissions from the licensable activities or wastewater discharges authorised by the EPA are not permissible in the planning decisions on such cases and conditions dealing with these matters should not be imposed.

It is also not appropriate to require, by way of planning conditions, that other forms of licences or consent such as Fire Safety certificates, Road Opening licences, Bookmaker's licences, Publican's licences or Restaurant licences must be obtained for the development. It is the responsibility of the developer or operator to obtain any necessary certificate or licence required under any other relevant legal code. However, there is nothing to preclude the planning authority from furnishing, with the final grant of permission, general advice on other relevant codes. This is common practice in many planning authorities. To this end a sample advice note, that can be refined to suit local requirements, is included in Appendix C.

3.13 Environmental Impact Assessment Report (EIAR) Mitigation Measures

Particular care is necessary, when requiring, by way of condition, that mitigation measures recommended in the EIAR shall be complied with.

It is common that the mitigation measures recommended in EIARs have not been drafted having regard to the six basic criteria for planning conditions set out in Figure 1.1 above. Recommendations on mitigation measures in EIARs often contain phrases such as, "*where required*," "*in general*", "*when advised by the archaeologist/ecologist*", "*as necessary*", "*during periods of heavy rainfall*," "*during the nesting season*" etc. All of these qualifications give rise to difficulties in terms of the precision and enforceability of the planning conditions. If this occurs, a specific condition should be drafted with care to ensure compliance with the six basic criteria.

Planning authorities in undertaking their EIA⁴⁴ and planning assessment⁴⁵ should ensure that mitigation measures recommended in EIARs are not conflicting. An example of such a contradiction would be a requirement in the visual assessment that the design and colours used should be such as to hide or blend the development into the landscape, and a requirement of mitigation measures that parts of the development should be prominently designed and coloured to limit or prevent bird strikes. Care should be taken to ensure that such conditions are adapted accordingly.

3.14 Appropriate Assessment (AA) Mitigation Measures

Article 6(3) of the **Habitats Directive (92/43/EC)** requires that a competent authority, a planning authority, shall permit development only after having ascertained that it will not adversely affect the integrity of the site concerned. It is particularly important that mitigation measures, required to prevent any adverse effect on the integrity of a European Site, are clearly set out and, if any details in relation to such measures are left for later agreement the planning authority, must be:

⁴⁴ Under Section 171A of the 2000 Act.

⁴⁵ Under Section 34(2) of the 2000 Act.

*“...certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site”.*⁴⁶

It should also be borne in mind that it is inappropriate to impose a condition in a planning permission requiring the later submission of additional survey material or data, which is necessary to determine if a proposed development is likely to have a significant effect on any European site, or which is required to allay any doubt as to whether a proposed development would adversely affect the integrity of a European Site.

3.15 Monitoring Conditions

In general planning permission is for the carrying out of development and does not cover on-going control of how the development is conducted following completion of the development for which permission has been granted. Such control, where required, is more appropriately done through a licencing system, that may be reviewed and updated, as required. There are several examples of such licencing systems that operate to regulate the ongoing effects of various activities.

The planning management system should generally not concern itself with ongoing housekeeping matters related to developments, which have been completed in accordance with the planning permission granted. Special considerations however apply where the development, by its nature, involves on-going works that comprise continuous development as defined in the 2000 Act. Examples of such developments are quarrying and mineral extraction generally.

The implementation of the EIA Directive, at least in part through the planning system, has to some extent impacted on the general concept set out above. The EIA Directive⁴⁷ requires in Article 8a that the decision to grant development consent shall incorporate the reasoned conclusion of the competent authority on the environmental effects of the development and any environmental conditions including monitoring measures, where appropriate. The 2000 Act, as amended transposes the latest version of the Directive and provides for monitoring conditions being contained in the decision, where appropriate.

Where the planning authority decides to grant permission for a proposed development with an EIAR, it must attach such conditions, if any, as it considers necessary to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment of the proposed development.⁴⁸ It must also specify measures in the decision to monitor significant adverse effects on the environment of the proposed development.⁴⁹ This is subject to the avoidance of duplication of monitoring.⁵⁰

Monitoring conditions may be imposed in a grant of permission, but they must directly relate to the effects of the development being permitted. Monitoring should never be required for the general purpose of collecting environmental/statistical information. Monitoring should be proportionate to the nature, size and location of the permitted development and the likely significance of its effects. In devising monitoring conditions, consideration should be given to the six basic criteria from the guidelines, illustrated in Figure 1.1.

⁴⁶ EU Court of Justice decision on Case 461/17 *Holohan and Others v An Bord Pleanála*, summarised in Appendix D.

⁴⁷ Directive 2011/92/EU, as amended by Directive 2014/52/EU.

⁴⁸ Section 172 of the 2000 Act.

⁴⁹ Section 172 (1)(a)(iii) of the 2000 Act.

⁵⁰ Section 172(1)(b) of the 2000 Act requires that to avoid duplication in monitoring, the planning authority or the Board may identify monitoring arrangements required under other national or European legislation.

3.16 Conditions Requiring Financial Contributions or Ceding of Lands

Conditions requiring applicants to pay contributions or other payments to planning authorities or other bodies should be imposed only where there is specific provision for such payments set out in the planning legislative framework applicable to the application. Relevant sections of the 2000 Act are Section 48 (development contribution scheme) and Section 49 (supplementary development contribution scheme), which relate to contributions to the costs involved in providing public infrastructure services and facilities. Special development contributions are provided for in Section 48 (2)(c) of the 2000 Act for specific works which benefit the individual development. These relate to costs associated with works that are not covered by the planning authority's Development Contribution Scheme. Any works in respect of which the special contribution is being levied must be specified in the condition. Any contributions required by way of conditions must be strictly in accordance with the provisions of such sections.

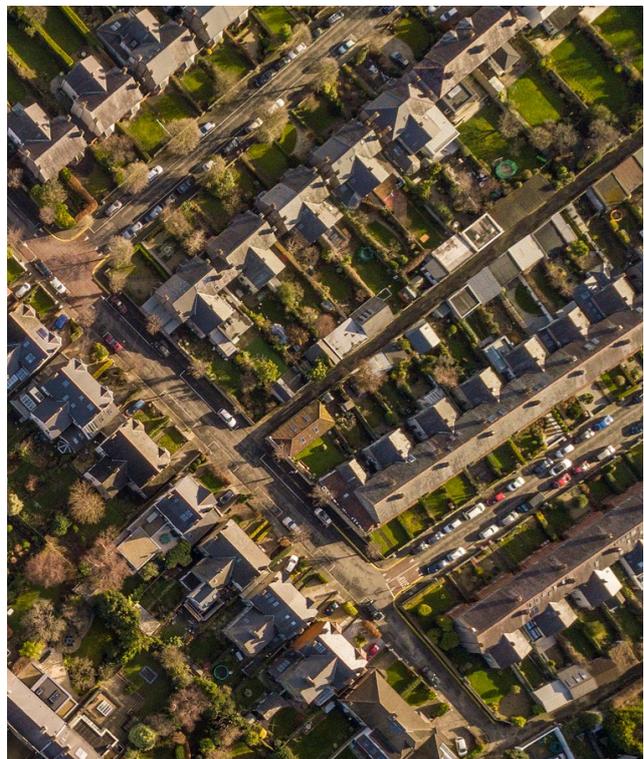
There is no provision in planning legislation for requiring applicants, developers or land owners to cede lands to public bodies such as road authorities or local authorities. Conditions should not be imposed requiring such ceding of lands.

There is no provision in planning legislation that allows for the imposition of a condition which would require landowners to allow other parties access through their private lands e.g. a condition requiring access through adjoining privately owned lands is not appropriate. On occasion it may be the case that two adjoining landowners have agreed separately to allow pedestrian/cyclist connectivity, this may form part of a masterplan or pre-application discussions, in such instances a negative condition (see Section 3.7) may be justified.

The 2000 Act does not contain provisions for imposing conditions requiring applicants to pay levies or contributions to the planning authority in respect of any increase in land value due to the zoning of the lands or the granting of planning permission. The 2000 Act does not provide for payments to offset what is generally referred to as '*planning gain*'.

It must be acknowledged that under the provisions of Part V of the 2000 Act that there are mechanisms whereby lands or residential units are transferred to the planning authority to meet social and affordable housing requirements. This issue is the subject of a separate agreement (under Section 96 of the 2000 Act) between the parties and is provided for by the imposition of a condition in the grant of planning permission. See also Section 2.5 above.

It is further recognised that changes proposed to the 2000 Act allow for conditions for payments to local authorities to recover part of such financial enhancement in land values, as referred to in **Circular Letter NRUP 06/2021**.⁵¹ The Circular Letter refers to the publication of the general scheme of the **Land Value Sharing and Urban Development Zones Bill, 2021**. This is outside the scope of this practice note.



⁵¹ Circular Letter NRUP 06/2021 issued by the Department Housing, Local Government and Heritage, December 2021.

3.17 Conditions and Compensation

Part XII of the 2000 Act addresses the issue of compensation and planning.⁵²

Planning applications should be determined on the basis of the proper planning and sustainable development of the area with reference to the various criteria to which the planning authority must have regard or must apply as set out in Section 34 of the 2000 Act. All planning decisions must be based on these criteria without reference to any possibility of compensation payments.

Section 191(3) of the 2000 Act states that no compensation is payable under Section 190 in respect of the imposition, on the granting of permission to develop land, of any condition of a class or description set out in the Fifth Schedule of the 2000 Act. Section 191(4) states that no compensation is payable under Section 190 in respect of the imposition of any condition on the granting of permission for the retention of any unauthorised structure.⁵³

The Fifth Schedule to the 2000 Act sets out a broad range of types of conditions which may be imposed without giving rise to the payment of compensation. The wording of the classes or descriptions of development set out in the Schedule should be borne in mind when drafting conditions and the reasons for such conditions. The wording of the types of conditions can provide useful guidance for the reasons for which conditions are imposed. Such types of conditions are, by implication, clearly related to proper planning and sustainable development.



⁵² Sections 190 and 191 of the 2000 Act are particularly relevant in relation to any right to compensation arising from the imposition of conditions in any grant of planning permission.

⁵³ Section 191 of the 2000 Act.

4.0 Conclusion

This practice note contains information and guidance for planning authorities on the composition of standard planning conditions and the reasons for the imposition of such conditions in a grant of planning permission.

The legislation requires that in order for conditions to be valid they must comply with certain requirements and these are set out within this practice note. It is recommended that lists of standard conditions prepared and used by planning authorities comply with these requirements.

As outlined at the outset, it is essential that the use of manuals of standard conditions does not lead to the automatic inclusion of unnecessary conditions. Careful consideration is required to ensure that conditions are relevant and appropriate to the particular development proposal. Standard conditions should only be used, where appropriate, and they must be properly adapted to meet the needs of the specific development proposal.

The imposition of compliance conditions that require '*matters to be agreed*' post decision should be given careful consideration at recommendation stage. Planning authorities should consider using pre-application consultations (under Section 247 of the 2000 Act) as a platform for ensuring that proposed planning applications include the appropriate level of information. This may help to avoid the necessity for imposing a compliance condition, should planning permission be granted following the assessment of a subsequent planning application.

The OPR published this practice note in an effort to ensure greater consistency in the types of conditions imposed by planning authorities and to promote the application of conditions that are fair, reasonable and practicable. The practice note contains a practitioner's checklist for appraising planning conditions, a planning conditions compendium, a sample supplementary advice note for decisions together with a legal digest. Our ultimate goal is to assist planning authorities in their performance of their statutory functions and to ensure that when planning permissions are granted that any conditions that are imposed are legally robust.



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?

Appendix B

Planning Conditions Compendium

Overview

This compendium comprises wording for **sample** conditions and reasons.

As outlined in the Practice Note, conditions should always be tailored to the site context and development proposal.

Quantitative values have not generally been included in the conditions in this compendium. It is a matter for each planning authority to determine the values having regard to relevant guidelines and the planning application documentation.

The following conditions should be adapted to the circumstances of the case. For unique development proposals, additional bespoke conditions may also be required.

Finally, it is important to remember that the reason for attaching a condition(s) should **always** be customised to reflect the specific site, development and local policy.

This compendium is offered as an aid for planning authorities in devising their in-house practices. The sections shown in blue font and italics should be adapted by local authorities to suit each site specific application.

Compendium Structure:

The compendium comprises two main elements.

Worksheets A-H set out sample conditions by **theme** including: standard conditions, general technical, archaeology, architectural heritage, financial contributions, noise, transportation planning and waste.

These thematic conditions may apply across a broad range of development types, for example, an archaeological condition may be relevant for a large retail development or equally relevant for a small residential scheme.

Worksheets 1-13 set out sample conditions by **development type**; these are conditions specific to the type of development described and should be complemented by a review of the relevant thematic conditions. For example, a financial contribution on worksheet E is likely to be required for all types of development.

On each worksheet the first column (a) provides for the inclusion of any additional notes that should be considered when using the corresponding sample conditions. In some cases conditions may relate to Section 28 guidelines or another policy guidance, these are highlighted should the reader wish to learn more about the policy origin of the condition. This column may also be used to highlight areas where there is opportunity to reference and align conditions to reflect a local policy. For example, a local design guide, masterplan or a specific drainage system.

The final column (f) on each worksheet, has been included to highlight those conditions that will generate the need for post-permission compliance, as outlined in the practice note (sections 2.3 and 3.9) i.e. items to be agreed in writing with the planning authority. Pre-application consultation (S247) and/or further information requests may assist in minimising the quantum of conditions that require post-permission compliance.

Note 1: The Planning and Development Act 2000, as amended, is referred to in column (a) as the 2000 Act and the Planning and Development Regulations 2001, are referred to as the 2001 Regulations.

Note 2: It is intended that this compendium will be regularly reviewed. Additional thematic conditions may be added in future reviews including the recommendations from the government's interdepartmental working group examining planning matters in Gaeltacht areas.

Contents

	Sheet /Table	Contents
Overarching Thematic Conditions	A	Standard Conditions
	B	General Technical
	C	Archaeology
	D	Architectural Heritage
	E	Financial Contributions
	F	Noise
	G	Transportation Planning
	H	Waste
Conditions by Development Type	1	Advertising
	2	Agriculture
	3	Domestic & Independent Living
	4	Industrial
	5	Quarries
	6	Residential
	7	Retail
	8	Rural Housing
	9	Social Infrastructure
	10	Solar Farm
	11	Telecommunications
	12	Tourist Accommodation
	13	Wind Energy

A. Standard:

All decisions should include at least one condition from this sheet in order to ensure that the permission cross references the relevant plans and particulars subject of the application, for example a landscaping plan associated with a development.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Refer to section 1.2 of the Practice Note.	In standard applications	A.1	The development shall be carried out in accordance with the plans and particulars submitted with the planning application save as may be otherwise required by the following conditions.	To clarify the plans and particulars for which permission is granted.	X
	In applications where further information was received.	A.2	The development shall be carried out in accordance with the plans and particulars submitted with the planning application, as modified by further information submitted on <i>[Insert Date]</i> , save as may otherwise be required by the following conditions.	To clarify the plans and particulars for which permission is granted.	X
Refer to section 3.13 of the Practice Note.	In applications with an Environmental Impact Assessment Report (EIAR).	A.3	The development shall be carried out in accordance with the plans and particulars submitted with the planning application, <i>[as modified by further information submitted on (Insert Date)]</i> and in accordance with the mitigation measures and the timescale for their implementation contained in the submitted Environmental Impact Assessment Report (EIAR), save as may otherwise be required by the following conditions. <i>[The developer shall appoint a project manager with appropriate experience to ensure the implementation of the mitigation measures within the timescales listed].</i>	To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the EIAR are implemented in a timely manner.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Refer to section 3.14 of the Practice Note.	In applications with a Natura Impact Statement (NIS).	A.4	The development shall be carried out in accordance with the plans and particulars submitted with the planning application <i>[as modified by further information submitted on (Insert Date)]</i> and in accordance with the mitigation measures contained in the submitted Natura Impact Statement (NIS), save as may otherwise be required by the following conditions. <i>[The developer shall appoint a project manager with appropriate experience to ensure the implementation of the mitigation measures within the timescales listed].</i>	To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the NIS are implemented to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site.	X
Condition A.1/A.2 should be used in conjunction with this condition (typically A.1/A.2 may be the first condition and A.5 may be the second condition). Refer to section 3.13-3.14 of the Practice Note.	In applications with EIAR and NIS	A.5	All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) shall be implemented in full within the timescales listed in the EIAR and the NIS. <i>[It may be necessary to list the specific mitigation measures to be implemented]. [The developer shall appoint a project manager with appropriate experience to ensure the implementation of the mitigation measures within the timescales listed].</i>	In the interest of environmental protection <i>[expand as appropriate depending on the mitigation measures to be implemented].</i>	X
Refer to section 3.1 of the Practice Note.	In applications for Outline Permission	A.6	Full details of layout, siting, height, design and external appearance of the proposed building(s), details of the wastewater treatment and disposal system and means of access thereto <i>[amend, as appropriate]</i> shall be submitted with any application for planning permission consequent on the grant of this outline permission.	To define the terms of the permission and regulate/control the design in the interest of proper planning and sustainable development of the area.	X
	In applications for Permission Consequent	A.7	The development shall be carried out in accordance with the plans and particulars submitted with this planning application including those details agreed in the outline planning permission <i>[Reg. Ref. XXXX]</i> , save as may be otherwise required by the following conditions.	In the interest of clarity and the proper planning and sustainable development of the area.	X
Refer to section 3.5 of the Practice Note.	In applications for Permission to Retain	A.8	The development shall be <i>[retained/retained and completed]</i> in accordance with the plans and particulars submitted with the planning application save as may otherwise be required by the following conditions.	To define the permission.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Refer to section 3.2 of the Practice Note.	Spilt Decision	A.9	This permission relates to the <i>[insert acceptable element of the development e.g. garage]</i> only; for the avoidance of doubt, the <i>[insert unacceptable element of the development e.g. porch]</i> shall not be permitted herein.	To define the permission.	X
The wording of this reason should be drafted to reflect the details to be agreed in advance of the development commencing.	Details to be agreed	A.10	Before development commences on foot of this permission, details of the following matters <i>[(a)... (b)... (c)... etc.]</i> shall be agreed in writing with the planning authority and the development shall be carried out and completed in accordance with the details agreed. In default of agreement, the matter may be referred to An Bord Pleanála for determination and the development shall be carried out and completed in accordance with that determination.	In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.	✓
The wording of this reason should be drafted to reflect the details to be agreed in advance of construction works commencing (this would allow for site development works commencing before compliance with this condition).	Details to be agreed	A.11	Before construction works, other than site excavation and site preparation works, commence on foot of this permission, details of the following matters <i>[(a)... (b)... (c)... etc.]</i> shall be submitted to, and agreed in writing with the planning authority, and the development shall be carried out and completed in accordance with the details agreed. In default of agreement, the matter may be referred to An Bord Pleanála for determination and the development shall be carried out and completed in accordance with that determination.	In order to clarify the details of the development being permitted and in the interest of proper planning and sustainable development.	✓
This relates to the satisfactory completion of the development within a specified period as per Section 34 of the 2000 Act and the Fifth Schedule of the 2001 Regulations. Refer to section 3.3 of the Practice Note.	Time Limits	A.12	The development hereby permitted shall be carried out within <i>[XX]</i> years from the date of the grant of permission.	Having regard to the nature, scale and location of the proposed development, the planning authority considers that it is reasonable and necessary to specify a period of validity of this permission <i>[in excess of/less than]</i> five years.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>Tailor to site conditions as arising in particular case. Refer to paragraph 7.5 of the Development Management Guidelines in considering whether a temporary permission is appropriate. For example this condition is commonly applied to advertising structures such as billboards where they are only in situ for a period before the site is developed.</p>	<p>In applications for Temporary Permission</p>	<p>A.13</p>	<p>This permission is for a temporary period of [x] years from the date of the grant of permission after which time the use shall cease and the structures shall be removed from the site, unless a separate grant of planning permission has first been made for the continuation of the use and maintenance of the associated structures</p>	<p>To define the terms of the permission and to cater for orderly development of the area. To permit the planning authority to re-assess the situation in light of the circumstances at this time.</p>	<p>X</p>
	<p>In applications to amend a detail of the parent permission</p>	<p>A.14</p>	<p>The development shall comply with the conditions of the parent permission [<i>Reg. Ref.XXXX</i>] unless the conditions set out hereunder specify otherwise. This permission shall expire on [<i>Insert date as per parent permission</i>]</p>	<p>In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>	<p>X</p>

B. General Technical

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Such a condition should only be used for development where the particular circumstances of the case are warranted.	Hours of Construction	B.1	Site development and building works shall be carried out between the hours of [XXXX to XXXX] Mondays to Fridays inclusive, between [XXXX to XXXX] on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.	In order to safeguard the residential amenities of property in the vicinity.	X
This may apply to various types of development and should be refined accordingly having regard to the site circumstances. https://www.epa.ie/publications/circular-economy/resources/CDWasteGuidelines.pdf	Resource Waste Management Plan (RWMP)	B.2	Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.	In the interest of proper planning and sustainable development.	✓
The examples of items that may be relevant to the CEMP as outlined (in italics) in this condition will not be relevant to all applications, and should not be applied wholesale. These items should be critically reviewed in terms of their relevance to the proposal. Also please refer to sheet C (Archaeology) and F (Noise)	Construction Environmental Management Plan (CEMP)	B.3	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: <i>[collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures]</i> . A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.	In the interest of landscape and environmental protection/ <i>[In the interest of residential amenities, public health and safety]</i> .	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The management of surface water should be included in the application documentation. Question 20 of the planning application form (no. 2) contained in Schedule 3 of the 2001 Regulations specifically requires details are provided on, inter alia, proposed surface water disposal. Therefore in most cases this detail will be agreed through the processing of the application and this condition should be used sparingly.</p>	<p>Surface Water Disposal</p>	<p>B.4</p>	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p>	<p>To prevent flooding and in the interests of sustainable drainage.</p>	<p>✓</p>
<p>Sample as per paragraph 5.4.1 of the draft Water Services Guidelines for Planning Authorities, January 2018.</p>	<p>Public water supply and / or wastewater collection</p>	<p>B.5</p>	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Irish Water to provide for a service connection(s) to the public water supply and / or wastewater collection network.</p>	<p>In the interest of public health and to ensure adequate water/ wastewater facilities.</p>	<p>X</p>
<p>Sample as per paragraph 5.4.2 of the draft Water Services Guidelines for Planning Authorities, January 2018.</p>	<p>Public water supply and / or wastewater collection in applications for permission to retain</p>	<p>B.6</p>	<p>The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a Connection Agreement(s) with Irish Water to provide for a service connection(s) to the public water supply and/or wastewater collection network within [X] months of this grant of permission.</p>	<p>In the interest of public health and to ensure adequate water/ wastewater facilities.</p>	<p>X</p>
<p>In many larger scale developments this detail may already be contained within the application documentation and this condition, which requires compliance, may not be necessary as it will be captured by a standard condition referring to the plans and particulars (as per samples set out in sheet A).</p>	<p>Public Lighting</p>	<p>B.7</p>	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing [<i>landscape plan drawing no. XXX</i>]. In the event of disagreement between the developer and the planning authority the matter shall be referred to An Bord Pleanála for determination.</p>	<p>In the interest of amenity and public safety.</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>(1) As per note to condition B.7 - this detail may already be contained in the application documentation. (2) The additional optional sentence applies to existing telephone and other cables, and electrical cables only of 10 kV and 38 kV, and should not be used where the electrical services are 110 kV and above unless this is technically feasible and the issue has been resolved prior to the decision.</p>	<p>Undergrounding of Services</p>	<p>B.8</p>	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. <i>[All existing overground cables shall be relocated underground as part of the site development works]</i></p>	<p>In the interest of visual and <i>[residential]</i> amenity.</p>	<p>✓</p>
	<p>Sight Lines</p>	<p>B.9</p>	<p>Full visibility shall be made available for [XX] metres on either side of the entrance from a point [XX] metres back in from the edge of the road carriageway over a height of [x.xx] metres above road level.</p>	<p>In the interest of traffic safety.</p>	<p>X</p>
	<p>Access Gradient</p>	<p>B.10</p>	<p>Access gradient at the point of the access onto the public road shall not exceed [x/xx] for a distance of [x] metres from the edge of the existing public road.</p>	<p>In the interest of traffic safety and in the interest of orderly development.</p>	<p>X</p>

C. Archaeology:

To ensure sustainable development and protection of the archaeological heritage, an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA), where applicable, should preferably be submitted with the planning application or in response to a further information request following consultation with the National Monuments Service (NMS). For further information please refer to (1) The National Monuments Service explanatory note & glossary of terms; (2) Archaeology in the Planning Process: Planning Leaflet 13; (3) The archaeological heritage policy objectives contained in the current city/county development plan relevant to the development site location.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	<p>Approval of Outline Planning Permission (OPP) for lands (including land underwater) with identified archaeological sites and/or potential for discovery (following consultation with National Monuments Service (NMS))</p>	<p>C.1</p>	<p>Prior to the submission of any application for permission consequent to this grant of outline permission, the developer shall engage a suitably qualified archaeologist to complete an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) <i>[specify as appropriate following consultation with NMS]</i>. The AIA and/or UAIA shall involve an examination of all available development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/analysis, visual impact assessment <i>[specify appropriate methods following consultation with NMS]</i>. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted to the planning authority with any application for permission consequent to this grant of outline permission. Details regarding any further archaeological requirements shall be determined by the planning authority, following submission of the AIA, and/or UAIA, to and consultation with the National Monuments Service, at the permission consequent stage.</p>	<p>To ensure the continued preservation <i>[either in situ or by record]</i> of places, caves, sites, features or other objects of archaeological interest.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	<p>Planning permission with condition(s) requiring completion of AIA and/or UAIA in advance of development (following consultation with NMS)</p>	<p>C.2</p>	<p>The developer shall engage a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) <i>[specify as appropriate following consultation with NMS]</i> in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA and/or UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/analysis, visual impact assessment <i>[specify appropriate methods following consultation with NMS]</i>. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA and/or UAIA. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p>	<p>To ensure the continued preservation <i>[either in situ or by record]</i> of places, caves, sites, features or other objects of archaeological interest.</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	<p>Planning permission with condition requiring pre-development archaeological testing (following consultation with NMS)</p>	<p>C.3</p>	<p>The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p>	<p>To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>NMS considers it best archaeological practice to carry out archaeological monitoring of groundworks/topsoil stripping/dredgings under licence. 'Monitoring' is generally the final stage in an agreed programme of archaeological mitigation (see explanatory note and glossary).</p>	<p>Planning permission with condition requiring archaeological monitoring of groundworks/topsoil stripping/dredging works/demolition and site clearance works and/or supervision of agreed preservation in-situ measures (licensed under the NM Acts)</p>	<p>C.4</p>	<p>The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/ or the implementation of agreed preservation in-situ measures associated with the development. <i>[specify, as appropriate, following consultation with NMS]</i>. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation <i>[preservation in-situ/excavation]</i>. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p>	<p>To ensure the continued preservation <i>[either in situ or by record]</i> of places, caves, sites, features or other objects of archaeological interest.</p>	<p>X</p>
<p>Approved development requiring Construction Environmental Management Plan (CEMP) where AIA, UAIA or EIAR has identified vulnerable archaeological or cultural heritage constraints requiring mitigation.</p>	<p>Provision in the CEMP for the implementation of identified Archaeological/ Cultural Heritage mitigation measures (following consultation with NMS)</p>	<p>C.5</p>	<p>The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development <i>[as set out in AIA/UAIA/Chapter XX of the EIAR - specify as appropriate following consultation with NMS]</i>. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.</p>	<p>To ensure the continued preservation <i>[either in situ or by record]</i> of places, caves, sites, features or other objects of archaeological interest.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>Approved development where AIA, UAIA or EIAR submitted during planning process has identified an appropriate mitigation strategy for archaeology/cultural heritage tailored to the specific development and its characteristics.</p>	<p>Mitigation strategy contained in AIA, UAIA or EIAR is specifically tailored to development (following consultation with NMS)</p>	<p>C.6</p>	<p>All mitigation measures in relation to archaeology and cultural heritage as set out in the <i>[specify by name, author and date of relevant assessment report(s) such as AIA, UAIA, Chapter of EIAR included in application documents or submitted as Further Information]</i> shall be implemented in full, except as may otherwise be required in order to comply with <i>[specify conditions relating to archaeological heritage/the conditions of this permission]</i>. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.</p>	<p>To ensure the continued preservation <i>[either in situ or by record]</i> of places, caves, sites, features or other objects of archaeological interest.</p>	<p>X</p>
<p>Approval of development where it is required to retain in-situ a known archaeological site or newly discovered monument within the development site. Monument may be upstanding (in whole/part) or have no surface expression or may be located underwater. The examples of items that may be relevant to the CMP in this condition will not be relevant to all applications, and should not be applied wholesale.</p>	<p>Planning approval with condition requiring preparation and submission of Conservation Management Plan (Preservation in-situ) - following consultation with NMS</p>	<p>C.7</p>	<p>A Conservation Management Plan for <i>[specify sites/monuments/areas]</i> shall be prepared, following consultation with the National Monuments Service, and submitted to the planning authority for their written agreement prior to commencement of development. The plan shall provide for the long-term maintenance and management of <i>[specify sites/monuments/areas]</i> to ensure that preservation in situ of the site can be achieved and maintained. The plan shall be agreed in advance of the commencement of construction works to ensure that the management and coordination of all phases of construction works are consistent with the policies and procedures for the long-term protection and preservation of <i>[specify sites/monuments/areas]</i>. The plan shall incorporate a landscaping plan and/or stabilisation works programme, as appropriate, for <i>[specify sites/monuments/areas]</i>, that is sympathetic to the monument and incorporates appropriate surface expression of the sub-surface remains <i>[specify sites/monuments/areas]</i> which shall be excluded from the land areas designated 'amenity' or 'green' space within the development. <i>[The plan shall incorporate appropriate exclusion zones and site stabilisation mitigation measures to ensure that the underwater site [specify location, name, type - e.g. historic wreck] shall remain secure and preserved in-situ [include, where appropriate, and following consultation with NMS]].</i> Interpretative signage shall be installed at <i>[specify locations or number of locations]</i>. The design and content of this signage shall be prepared in consultation with the National Monuments Service and should be approved by the planning authority. The final Conservation Management Plan, including details of implementation, shall be submitted to the planning authority and the National Monuments Service.</p>	<p>To ensure the continued preservation <i>[either in situ or by record]</i> of places, caves, sites, features or other objects of archaeological interest.</p>	<p>✓</p>

D. Architectural Heritage

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The detail required by this condition should build upon and be informed by the application documentation as required under Article 23(2) of the 2001 Regulations. The use of this condition should be restricted to regulating those finer points of detail in respect of materials and workmanship, where it would not be reasonable, or appropriate, to require submission at application stage, in advance of a decision. Refer to the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, paragraphs 6.7.1-6.7.7.</p>	<p>Materials</p>	<p>D.1</p>	<p>Prior to the commencement of development on <i>[the Protected Structure]</i> samples of <i>[materials]</i> and/ or <i>[workmanship]</i> shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Bord Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.</p>	<p>In the interest of the protection of architectural heritage <i>[in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities]</i>.</p>	<p>✓</p>
<p>The use of this condition, or clauses within it, does not negate the requirement for a method statement and details to be furnished with the application documentation in the first instance, required under Article 23(2) of the 2001 Regulations and in accordance with the Architectural Heritage Protection Guidelines, 2011, paragraphs 6.4.13 - 6.4.17 and 6.7.2-6.7.5.</p>	<p>Method statement</p>	<p>D.2</p>	<p>Prior to the commencement of development on <i>[the Protected Structure]</i> the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including: (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with good conservation practice, (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works, (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement, (d) protection of (specified features) during the construction works, (e) materials/features of architectural interest to be salvaged, (f) phasing of the project <i>(for larger projects)</i><i>[Specify other necessary requirements for inclusion in method statement]</i></p>	<p>In the interest of the protection of architectural heritage <i>[in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities]</i>.</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The use of this condition does not negate the requirement for a method statement and details to be furnished with the application documentation in the first instance, as required under Article 23(2) of the 2001 Regulations and in accordance with the Architectural Heritage Protection Guidelines. This condition is recommended only where information cannot be ascertained or details confirmed prior to making a decision, e.g. if the structure is inaccessible due to poor condition, in which case the condition should specify post-permission flexibility to amend or revise structural or services interventions, e.g. to accommodate hitherto concealed fabric or to allow structural stabilising. Refer to chapter 6 of the Architectural Heritage Protection Guidelines, paragraphs 6.4.13 - 6.4.17 and 6.7.2 - 6.7.5.</p>	<p>Post-investigation mitigation</p>	<p>D.3</p>	<p>As soon as may be subsequent to the commencement of development, the applicant/developer shall submit, for the written agreement of the planning authority, amended or revised design or structural details or services interventions to mitigate impacts detected after obtaining full access and investigation of [<i>the Protected Structure</i>].</p>	<p>In the interest of the protection of architectural heritage [<i>in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities</i>].</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The use of this condition does not negate the requirement for details to be furnished with the application documentation in the first instance, as required under Article 23(2) of the 2001 Regulations and in accordance with the Architectural Heritage Protection Guidelines. All applications for a protected structure require the submission of drawings and other particulars which detail the effect of the proposal on the character of the protected structure. Therefore, item (a) of this condition will only be necessary if an application has been deemed to comply with Article 23(2) without submission of same. Item (c) should be applied proportionately and not by default. For example a detailed photographic survey may be appropriate where concealed features have come to light during opening-up works or if internal features, fixtures and fittings will be concealed or changed in carrying out the permitted development. Refer to chapter 6 of the Architectural Heritage Protection Guidelines and paragraphs 6.7.2-6.7.5.</p>	<p>Recording</p>	<p>D.4</p>	<p>Prior to the commencement of works, the developer shall make a record of the existing protected structure, to include: (a) A full set of survey drawings to a scale of not less than [7:XXX] to include elevations, plans and sections of the structure; (b) the recording of the details and current condition of [<i>specified building</i>]; and, (c) a detailed, labelled photographic survey of all internal rooms, including all important features and fittings, the exterior and the curtilage of the building. A copy of this record shall be submitted to the planning authority and to the Irish Architectural Archive.</p>	<p>In order to establish a record of this protected structure and in the interest of the protection of architectural heritage.</p>	<p style="text-align: center;">X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>Refer to chapter 6 of the Architectural Heritage Protection Guidelines, 2011, paragraphs 6.7.3 - 6.7.5. This sample condition should anticipate the granting of permission for demolition on grounds of exceptional circumstances. A condition governing the making of a full record, which will have to substitute for the building itself, or the part thereof which is permitted to be demolished, should be to the same standard as sample condition D3. The record should consist of three description areas: drawings; photographs and an analytical account, as per sections B5.1 - B5.15 of Appendix B of the Architectural Heritage Protection Guidelines. The production of a digital model in addition to the above record may be required if necessary and proportionate to accurately capture the physical characteristics of the structure.</p>	<p>Recording prior to demolition of structures (protected and not protected)</p>	<p>D.5</p>	<p>A full architectural and photographic survey of all [<i>or specified</i>] buildings or elements of buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development. Where in exceptional circumstances a protected structure is permitted to be demolished, the record should comprise (a) A full set of survey drawings to a scale of not less than [<i>1:XX</i>] to include elevations, plans and sections of the structure, (b) A detailed, labelled photographic survey of all internal rooms, including all important features and fittings, the exterior and the curtilage of the building, (c) a descriptive written account [<i>and (d) a 3D digital model where necessary and proportionate</i>]. Two copies of this record shall be submitted to the planning authority prior to the commencement of development.</p>	<p>In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.</p>	<p style="text-align: center;">X</p>
<p>Refer to chapter 6 of the Architectural Heritage Protection Guidelines, 2011, paragraphs 6.4.13 - 6.4.17 and Appendix B. The removal for salvage of an element of architectural heritage value should be discouraged during the planning process and alternative solutions sought in a request for further information / revised proposals.</p>	<p>Removal and recording</p>	<p>D.6</p>	<p>Before any development hereby permitted commences, the [<i>specify feature</i>] shall be removed in such a manner as to enable its construction and detailing to be recorded and photographed. Details of that element including scaled architectural drawings and coloured photographs shall be recorded in accordance with the requirements of the planning authority. Details of procedures for the removal and recording of [<i>specify feature</i>] shall be submitted to, and agreed in writing with the planning authority.</p>	<p>To ensure the preservation of an accurate record of an item of architectural heritage value.</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>Refer to chapter 6 of the Architectural Heritage Protection Guidelines, 2011, paragraphs 6.4.13 - 6.4.17 and Appendix B. The removal for salvage of an element of architectural heritage value should be discouraged during the planning process and alternative solutions sought in a request for further information / revised proposals.</p>	<p>Recording and removal (Salvaged)</p>	<p>D.7</p>	<p>Before any development hereby permitted commences, the <i>[specify structural element]</i> shall be recorded on site by means of scaled architectural drawings, <i>[coloured and/or black and white]</i> photographs <i>[and/or other]</i> and shall be removed and kept in storage <i>[or relocated to a specified location]</i>. Details of the procedures to be followed in recording, <i>[storage and/or relocation]</i> shall be submitted to and agreed in writing with the planning authority.</p>	<p>To ensure the preservation of an accurate record of an item of architectural heritage value.</p>	<p>✓</p>
<p>Refer to chapter 6 of the Architectural Heritage Protection Guidelines, paragraphs 6.7.1 - 6.7.7 and 6.14.1 - 6.14.4; and Appendix B. NOTE: the expanded text of (a) is to regularise details in conformance with the architectural heritage character of the structure. This condition can also be used to secure a public benefit, e.g. for presentation and interpretation of restored fabric either in-situ or ex-situ within the development. There must be a strong preference for in-situ presentation. Removal of fixtures or features cannot be justified solely by proposing ex-situ presentation within the site.</p>	<p>Retention and restoration</p>	<p>D.8</p>	<p>Prior to the commencement of development on <i>[the Protected Structure]</i> the applicant/developer shall submit for the written agreement of the planning authority: (a) details for reinstatement of previously removed features or components to restore the character of the structure, to accurate detail, to be agreed if not already resolved; or (b) The following items shall be retained and restored as part of the permitted development: <i>[(a) xxxx (b) xxxx]</i>. Proposals to publicly present items or building artefacts <i>[xxxx]</i> should be supported by relevant information. Details of the procedures to be followed in respect of the retention and restoration <i>[and presentation, as appropriate]</i> of these features shall be submitted in a method statement to, and agreed in writing with the planning authority prior to the commencement of development.</p>	<p>In order to protect the character of this protected structure.</p>	<p>✓</p>
<p>Refer to chapter 6 of the Architectural Heritage Protection Guidelines, particularly paragraphs 6.4.13 - 6.4.17 and Appendix B; and to 6.3.2 and Appendix B4.1 on engagement of specialist expertise.</p>	<p>Architectural conservation project competencies</p>	<p>D.9</p>	<p>Prior to the commencement of development on <i>[the Protected Structure]</i> the applicant/developer shall submit for the written agreement of the planning authority confirmation that: (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.</p>	<p>In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Refer to chapter 6 of the Architectural Heritage Protection Guidelines for general advice on new development, demolition and development involving a non-protected structure which contributes to the character of the ACA and to Chapter 3, paragraphs 3.10.1 - 3.10.3 on development proposals within an ACA.	Architectural Conservation Area (ACA) development	D.10	Prior to the commencement of development on [<i>a structure or site within an Architectural Conservation Area</i>] the applicant/developer shall submit for the written agreement of the planning authority a specification and method statement, covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice.	In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).	✓

E. Financial Contributions

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Outline Planning Permission (OPP) Section 48 (General) Schemes	E.1	A financial contribution shall be paid by the developer to the planning authority towards the cost of the provision of public infrastructure and facilities benefiting the proposed development. The amount of the financial contribution, and the terms of payment, shall be determined at permission stage consequent to this grant of outline permission and shall be in accordance with the terms of the Development Contribution Scheme, in operation at the date of the grant of permission consequent, made under Section 48 of the Planning and Development Act 2000, as amended.	In order to comply with the Development Contribution Scheme made in accordance with Section 48 of the Planning and Development Act 2000, as amended.	x
	Outline Planning Permission (OPP) Section 49 (Supplementary) Schemes	E.2	A financial contribution shall be paid by the developer to the planning authority towards the cost of the provision of public works benefiting the proposed development. The amount of the financial contribution, and the terms of payment, shall be determined at permission stage consequent to this grant of outline permission and shall be in accordance with the terms of the Supplementary Development Contribution Scheme, in operation at the date of the grant of permission consequent, made under Section 49 of the Planning and Development Act 2000, as amended.	In order to comply with the Development Contribution Scheme made in accordance with Section 49 of the Planning and Development Act 2000, as amended.	x
	Outline Planning Permission (OPP) Section 48 (2)(c) (Special Contribution)	E.3	A special financial contribution shall be paid by the developer to the planning authority in respect of <i>[state specific public infrastructure and facilities to which the specific exceptional costs relate]</i> which would benefit the proposed development, and which are not included in the planning authority's Development Contribution Scheme or Supplementary Development Contribution Scheme made under the Planning and Development Act 2000, as amended. The amount of the financial contribution, and the terms of payment, shall be determined at permission stage consequent to this grant of outline permission.	It is considered reasonable that the developer should contribute towards specific exceptional costs incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.	x

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
This condition should reflect the local authority requirements in relation to indexation.	Section 48 (General) Scheme	E.4	The developer shall pay to the planning authority the sum of (€ insert amount) as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.	It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.	✓
This condition should reflect the local authority requirements in relation to indexation.	Section 49 (Supplementary) Scheme	E.5	The developer shall pay a financial contribution of (€ insert amount) to the planning authority in respect of [name project], being public works, which will benefit the proposed development and which are contained in a Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.	It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under Section 49 of the Act be applied to the permission.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>This condition should reflect the local authority requirements in relation to indexation.</p>	<p>Special Contribution - Section 48(2)(c)</p>	<p>E.6</p>	<p>The developer shall pay a financial contribution of (€ insert amount) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect [of _____]. <i>(Specify the particular works of public infrastructure and facilities to which the specific exceptional costs relate)</i> which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p>	<p>It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>	<p style="text-align: center;">✓</p>
	<p>Financial contribution for RETENTION Section 48</p>	<p>E.7</p>	<p>The developer shall pay to the planning authority the sum of (€ insert amount) as a contribution towards expenditure that was and/or is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p>	<p>It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilitates benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by or on behalf of the Local Authority.</p>	<p style="text-align: center;">✓</p>
	<p>Security for Completion (until taken in charge by local authority)</p>	<p>E.8</p>	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, public lighting, watermains, drains, public open space, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p>	<p>To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Security for Completion	E.9	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, public lighting, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.	To ensure the satisfactory completion of the development.	✓
	Security for Reinstatement	E.10	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.	To ensure the satisfactory restoration of the site in the interest of visual <i>[and residential]</i> amenity.	✓
	Security for Landscaping /Tree protection	E.11	<p>(a) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, for the amount of (€ <i>insert amount</i>) to secure the satisfactory implementation of <i>[specify landscaping requirements, e.g. tree or hedgerow protection measures, tree planting, provision of shelter belts etc. required by condition no. XX]</i>, coupled with an agreement empowering the planning authority to apply such security or part thereof to satisfactory implementation of said <i>[landscaping measures]</i>.</p> <p>(b) This security shall remain in place until the requirements of part (a) above are completed to the satisfaction of the planning authority and for a further period of [XX] year(s) following completion of said landscaping works, or as otherwise agreed by the planning authority.</p> <p>(c) In default of agreement on (a) and/or (b), the matter(s) shall be referred to An Bord Pleanála for determination.</p>	To ensure the satisfactory implementation of the requirements of condition (<i>insert condition no.</i>) in relation to <i>[landscaping/tree preservation/protection measures]</i> .	✓

F. Noise:

Conditions contained here will generally only apply in respect of certain developments or in sensitive environments. Refer to sheets 5 and 13 for quarry and wind energy development specific noise condition(s).

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The application of this condition should be informed by a robust/verifiable noise assessment submitted with the application documentation. Use the nearest sensitive receptor (such as the nearest dwelling to the site) in a built-up area. Use the boundary of the site where the surrounding area is undeveloped.</p>	<p>Noise level</p>	<p>F.1</p>	<p>The noise level generated by the development hereby permitted shall not exceed [XX] dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) <i>[at the nearest noise sensitive location specify this]</i> or <i>[at any point along the boundary of the site]</i> between [xx:xx] and [xx:xx] hours, Monday to Friday inclusive, and shall not exceed [XX] dB(A) at any other time.</p>	<p>To reduce or prevent the intrusion of noise (or vibration), in the interest of <i>[residential]</i> amenity.</p>	<p>X</p>
	<p>Noise level</p>	<p>F.2</p>	<p>The level of noise emitted from the site shall not exceed [xx level expressed as LAeq] between [xx:xx] hours and [xx:xx] hours Monday to Friday inclusive, and [xx LAeq,] at any other time, as measured on the <i>[specify boundary/boundaries]</i> of the site at <i>[locations of monitoring points]</i>.</p>	<p>To reduce or prevent the intrusion of noise (or vibration), in the interest of <i>[residential]</i> amenity.</p>	<p>X</p>
<p>As above, this condition needs to be informed by data contained in the planning application documentation e.g. a noise assessment or EIAR and as considered by the planning authority.</p>	<p>Machinery</p>	<p>F.3</p>	<p>No <i>[specified machinery]</i> shall be operated on the premises before [xx.xx] time in the morning Monday to Friday inclusive, and [xx.xx] time in the morning on Saturdays, or after [xx.xx] time in the evenings Monday to Friday inclusive, or [xx.xx] time in the evenings on Saturday, nor at any time on Sundays, or Public Holidays.</p>	<p>To reduce or prevent the intrusion of noise (or vibration), in the interest of <i>[residential]</i> amenity.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Detailed references include: the 'Code of practice for noise and vibration control on construction and open sites – Part 1 Noise' (BS 5228-1: 2009+A1:2014) and the 'Code of practice for noise and vibration control on construction and open sites Part 2: Vibration' (BS 5228-2: 2009+A1:2014).	Construction Environmental Management Plan (CEMP)	F.4	Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority. Noise levels attributable to the proposed development activities when assessed at the nearest noise sensitive locations shall comply with the noise threshold limit values set out as follows: (i) <i>XX.XX- XX.XXhrs XXdB(A) LAeq (specify T)</i> , (ii) <i>XX.XX- XX.XXhrs XXdB(A) LAeq (specify T)</i> .	To reduce or prevent the intrusion of noise (or vibration), in the interest of <i>[residential]</i> amenity.	✓

G. Transportation Planning:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>This condition is unlikely to be applicable for small scale development proposals. In cases of larger scale development or developments that are accompanied by an EIA the planning authority should satisfy itself that this information is not already included in the application documentation and is necessary.</p>	<p>Mobility Management Plan (MMP)</p>	<p>G.1</p>	<p>The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on <i>[Insert Date]</i>. The specific measures detailed in Section <i>[XX]</i> of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon <i>[first occupation or stated % occupation of the development]</i>. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first <i>[XX]</i> years following <i>[first occupation or stated % occupation of the development]</i> and shall submit the results to the planning authority for consideration and placement on the public file.</p>	<p>To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.</p>	<p style="text-align: center;">x</p>
<p>This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.</p>	<p>Traffic Management Plan</p>	<p>G.2</p>	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the planning authority. The TMP shall incorporate details of the road network to be used by construction traffic including over-sized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed TMP shall be implemented in full during the course of construction of the development.</p>	<p>In the interest of sustainable transport and safety.</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.	Parking for people with disabilities	G.3	A minimum of [insert] no. car parking spaces shall be provided for drivers or passengers with disabilities as close as possible to the entrance to the building to be served. Each such space shall have a minimum area of 3m wide by 5m deep and shall be substantially level. Each such parking space shall be clearly marked “Disabled drivers or passengers” and with the International Symbol of Access for the Disabled. Details of the parking spaces for disabled persons shall be submitted to the planning authority for written agreement prior to construction of the car parking. The car park, including the spaces for persons with disabilities, shall be completed and available for customers prior to [xx] units being opened for business.	To facilitate access to these premises for disabled persons.	✓
This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.	Bicycle Parking	G.4	[Insert number] bicycle parking spaces shall be provided to serve the proposed development. Prior to the commencement of development, the layout and demarcation of these spaces shall be submitted for the written agreement of the planning authority. Failing agreement, the details shall be submitted to An Bord Pleanála for determination. The bicycle parking spaces shall be provided prior to the [shopping] units being opened for business.	To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.	✓
This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.	Car Parking and Bicycle parking	G.5	(a) Car parking and bicycle parking provision in accordance with the layout, finishes and quantity of spaces indicated on Drawing [xx] submitted to the planning authority with the application shall be provided upon the [first occupation or stated % occupation of units]. The dimensions of the circulation aisles, car parking spaces and the details of the bicycle parking spaces shall be subject to the written agreement of the planning authority. (b) Of the total number of car parking spaces to be provided, the following shall apply: [xx] ‘Parent & Child’ spaces [xx] for people with disabilities [xx] visitor spaces [xx] apply as applicable to the development concerned.	To ensure that there is adequate car parking and bicycle parking spaces to serve the development, and to provide parking facilities for all likely users of the development in order to avoid on-street parking and congestion.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.</p>	<p>Car Parking (accessible spaces)</p>	<p>G.6</p>	<p>The car parking layout submitted on drawing XX with the application shall be modified to provide a minimum of XX spaces shall be provided for persons with a disability. These spaces shall be located as close as possible to the building entrance <i>[in lieu of spaces numbered XX to XX]</i>. The layout, dimensions and markings of these spaces shall be subject to the written agreement of the planning authority. The spaces shall be provided in accordance with the agreed details upon the <i>[first occupation or stated % occupation of units]</i>.</p>	<p>To ensure that satisfactory parking provision is available to persons with a disability.</p>	<p>✓</p>
<p>This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.</p>	<p>Loading Bays</p>	<p>G.7</p>	<p>Provision shall be made for [XX] loading bays within the <i>[site/development]</i>. Details of this provision, including swept manoeuvring paths, bay dimensions etc. shall be submitted to, and agreed in writing with the planning authority prior to the <i>[commencement of development/first occupation of the development]</i>, and the development shall be carried out in accordance with the agreed details.</p>	<p>To ensure a satisfactory provision and layout for commercial vehicles, in the interest of traffic safety.</p>	<p>✓</p>
<p>This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.</p>	<p>Cycleway</p>	<p>G.8</p>	<p>Provision shall be made for a cycleway <i>[from XX to XX]</i> within the development. Details of such provision, including construction, finishes and demarcation shall be submitted to and agreed with the planning authority. The cycleway shall be provided in accordance with the agreed details prior to <i>[first occupation or stated % occupation of units]</i>.</p>	<p>In the interest of sustainable transport and safety.</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	EV Parking Residential	G.9	All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.	In the interest of sustainable transportation.	X
	EV Parking Non-residential	G.10	A minimum of <i>XX</i> % of the proposed car parking spaces in <i>[on-surface and multi-storey]</i> car parking shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the <i>[multi-storey]</i> car park shall be fitted with ducting for electric connection points to allow for future fit out of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.	In the interest of sustainable transportation.	✓

H. Waste:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>This may apply to various types of development and should be refined accordingly having regard to the site circumstances. https://www.epa.ie/publications/circular-economy/resources/CDWasteGuidelines.pdf</p>	<p>Resource Waste Management Plan (RWMP)</p>	<p>H.1</p>	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p>	<p>In the interest of proper planning and sustainable development.</p>	<p>✓</p>
<p>The management of waste should be a key consideration at the formative stage of the design process, as set out in the guidelines for Sustainable Residential Development in Urban Areas and associated Urban Design Manual (2009) and in the Sustainable Urban Housing: Design Standards for New Apartments (2015).</p>	<p>Management of waste residential schemes</p>	<p>H.2</p>	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials- <i>[within each house plot and/or for each apartment unit]</i> shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p>	<p>To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>This condition will not be relevant where a satisfactory level of detail has already been provided within the application documentation; in such cases the relevant standard condition in sheet A will suffice.</p>	<p>Management of waste (non-residential)</p>	<p>H.3</p>	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p>	<p>To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.</p>	<p style="text-align: center;">✓</p>

1. Advertising:

Many advertisement structures are permitted on a temporary basis; refer to 'Sheet A - Standard' - Condition A.13 for sample wording for temporary permissions.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Display Panel	1.1	Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall not be carried out without a prior grant of planning permission.	To enable the planning authority to assess the impacts of such changes on the visual amenities of the area <i>[or on traffic safety]</i> .	X
	Display Panel	1.2	The cycle time for the display of the advertisements shall be not less than <i>[XX]</i> seconds.	In the interest of visual amenities and traffic safety.	X
Special care is required in imposing a condition that restricts exempted development rights. The condition reason should explain the justification for the specific case. (Please refer to section 3.6 of the Practice Note.)	Restrictions on Exempted Development	1.3	No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, shall be displayed or erected <i>[on the building exterior/within the curtilage of the site]</i> without a prior grant of planning permission.	To allow further assessment of the impact of the permitted advertisement on the amenities of the area and/or <i>[in the interest of visual amenity] [having regard to the location in an Architectural Conservation Area] and/or [the impact on protected structures]</i> .	X

2. Agriculture:

Other conditions that may be of specific relevance to agricultural developments can be found in the thematic worksheets: (A) Standard Conditions - relating to EIAR and AA development; (B) General Technical - resource waste management for large-scale development and (E) Financial Contributions - specific bond/security condition for landscaping.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Use of Development	2.1	The use of the <i>[buildings/sheds/structures]</i> shall be for agricultural purposes only.	In the interest of clarity and to regulate the development.	X
	Use of Yard Area	2.2	The yard area indicated on the plans shall not be used for the feeding of farm animals and/or the storage of farmyard manure.	In the interest of public health.	X
	Poultry/Livestock Farms	2.3	This permission shall relate to the accommodation of <i>[insert no.]</i> places for <i>[insert detail of poultry or livestock type e.g. broiler, hen, sow, pig etc.]</i> .	In the interest of clarity and to regulate the development.	X
This condition will only be applicable for smaller scale agricultural developments.	Surface Water Run-off	2.4	Clean surface water and run-off from roofs and clean paved areas shall be collected and directed to <i>[a soakpit or the nearest field drain located within the boundaries of the site]</i> , and shall not be allowed to flow onto any roadway or discharge to soiled water/slurry/effluent storage areas.	To prevent water pollution.	X
	Foul Effluent/Slurry/Contaminated Water	2.5	All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed <i>[and/or existing storage facilities]</i> and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.	To prevent water pollution.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>As defined in the EU (Good Agricultural Practice for Protection of Waters) Regulations 2022, organic fertiliser means any fertiliser other than that manufactured by an industrial process and includes livestock manure, dungstead manure, farmyard manure, slurry, soiled water, silage effluent, spent mushroom compost, non-farm organic substances such as sewage sludge, industrial by-products and sludges and residues from fish farms.</p>	<p>Storage of Organic Fertiliser</p>	<p>2.6</p>	<p>All organic fertiliser generated by the development hereby approved <i>[and existing development within the farmyard]</i> shall be conveyed through properly constructed channels to the proposed <i>[and existing]</i> storage facilities and shall not discharge to any stream, river, watercourse, groundwater body or public road.</p>	<p>In the interest of environmental protection and public health</p>	<p style="text-align: center;">X</p>
<p>To avoid post-permission compliance these matters should be raised at S247 consultation and/or included in the submitted plans/particulars.</p>	<p>Disposal of Contaminated and Soiled Water</p>	<p>2.7</p>	<p>a) Prior to the commencement of development, drainage arrangements for the site, including the disposal of surface and soiled water, shall be submitted to and agreed in writing with the planning authority. In this regard;</p> <p>(i) contaminated surface water run-off shall be disposed of directly in a sealed system.</p> <p>(ii) all soiled waters shall be directed to a storage tank.</p> <p>(iii) no effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.</p> <p>(iv) all surface water arising on the concrete aprons shall discharge to a silt trap followed by an appropriately sized sub-soil polishing filter.</p> <p>(v) the silt trap shall be inspected at regular intervals and adequately maintained.</p> <p>b) All drainage works shall be carried out in accordance with these agreed details.</p>	<p>In the interest of environmental protection and public health.</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
To avoid post-permission compliance this matter should be raised at S247 consultation and/or included in the submitted plans/particulars.	Entrance Drainage	2.8	(a) The drain at the site entrance shall be culverted using pipes of adequate diameter, not less than [XX] mm, laid to a suitable level and grade to prevent flooding.	In the interest of public safety and to prevent flooding on a public road.	✓
			(b) Surface water from the site shall be prevented from running onto the surface of the public road by provision of a concrete grid with sump drained to the local drain or soakaway.		
			(c) Adequate provision shall be made for drainage of surface water from the public road by the provision of a concrete grid with sump drained to a local drain or soakage.		
			Details of the above requirements shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.		
To avoid post-permission compliance this matter should be raised at S247 consultation and/or included in the submitted plans/particulars.	Off-Road Parking	2.9	Off-road parking shall be provided for agricultural vehicles entering/exiting the farmyard. This area shall be adequately strengthened and surfaced and no part of this area shall be [XX] higher than the nearer part of the road carriageway. Details shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.	In the interest of traffic safety	✓
	Pollution Control	2.10	In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase, the planning authority and Inland Fisheries Ireland, shall be notified in writing. A copy of the clean up plan shall be submitted to the planning authority.	In the interest of environmental protection and public health.	✗
The design detailing and colour of finishes may be informed by local design guidelines and/or development plan policies	Finishes	2.11	All external finishes shall match those of the existing adjoining structures <i>[or all proposed cladding shall be finished in a [dark brown, dark grey, olive green, navy or other specified colour]].</i>	In the interest of visual amenity.	✗

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Do not attach if the detail has been provided in the application documentation and is acceptable.	Finishes (to be agreed)	2.12	The external colour of new buildings, including the <i>[specify e.g. barn, silo, slatted shed]</i> shall be <i>[dark grey, green or dark green, dark brown, dark red or in finished concrete natural]</i> . Roof colours shall be darker than wall colours. Details of the above requirements shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.	In the interest of visual amenity.	✓
The tree and hedgerow species should be refined to reflect local design guidelines, where available, and local landscape considerations. To avoid post-permission compliance this matter should be raised at S247 consultation and/or included in the submitted plans/particulars. In certain cases the application of a bond may be necessary, refer to worksheet E for a sample bond condition.	Visual Screening	2.13	<p>(a) The proposed farmyard structures shall be screened from the surrounding countryside with native hedges and trees, such as: Native Evergreens (<i>Holly and Scots Pine</i>), Native Deciduous (<i>Oak, Elm, Ash, Birch, Hazel, Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan</i>). Exotic species such as Cypress Leylandii, Rhododendron or Laurel, shall not be used.</p> <p>(b) Details of the screening shall be submitted to and agreed in writing by the planning authority prior to the commencement of development. The planting shall be carried out in accordance with the said details.</p> <p>(c) Any plants which die, are removed or become seriously damaged or diseased, within a period of <i>[XX]</i> years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p>	In the interest of visual amenity and biodiversity.	✓
	Trees and Hedgerows	2.14	Existing trees and hedgerows surrounding the site shall be preserved and maintained, unless otherwise agreed in writing with the planning authority.	To protect the rural character and visual amenities of the area.	x

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The tree and hedgerow species should be refined to reflect local design guidelines, where available, and local landscape considerations. To avoid post-permission compliance this matter should be raised at S247 consultation and/or included in the submitted plans/particulars. In certain cases the application of a bond may be necessary, refer to worksheet E for a sample bond condition.</p>	<p>Tree Shelter Belts</p>	<p>2.15</p>	<p>(a) Tree shelter belts of at least [XX] rows shall be planted along [North/South/East/West] site boundaries and the planted area site shall be protected from grazing animals by substantial well-maintained fencing. Details of planting and fencing shall be as agreed in writing by the planning authority prior to the commencement of development.</p>	<p>To protect the rural character and visual amenities of the area.</p>	<p style="text-align: center;">✓</p>
			<p>(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of [XX] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p>		

3. Domestic & Independent Living:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Apply as appropriate having regard to the proposed design of the extension, the site context and any guidance provided by supplementary local design guides.	Domestic Extension	3.1	The external finish shall match the existing dwelling in respect of materials and colour.	In the interest of the visual amenities of the area.	X
	Extension Use	3.2	The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.	To restrict the use of the extension in the interest of residential amenity.	X
Cognisance should be had to local policies in the development plan or local area plan for the area, and any associated design guidance.	Occupancy as a Single Unit	3.3	The independent family unit for a family member(s) shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be sub-divided.	In order to comply with the objectives of the development plan (<i>specify objectives</i>) for the area OR In the interest of residential amenity and to control the density of residential units.	X
	Restriction on Use	3.4	The (<i>garage/shed/store</i>) shall not be used for human habitation or for commercial purposes or for any purposes other than for purposes incidental to the enjoyment of the dwelling.	To protect the residential amenities of the area.	X
	Residential Amenity	3.5	The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.	In the interest of residential amenity.	X

4. Industrial:

For certain type of industries and uses, conditions set out in thematic sheets B-General Technical, F-Noise and G-Transportation Planning may be of particular relevance.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
This condition may be relevant in privately controlled industrial/commercial parks where the communal areas will not be taken in charge and where there may be multiple occupants/tenants.	Management	4.1	The development shall be managed in accordance with a management scheme, which shall be submitted to, and agreed in writing with the planning authority prior to the first occupation of the <i>[units/development]</i> . The scheme shall provide for adequate measures relating to the future maintenance of the development including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules, and a timescale for the implementation of all measures.	To provide for the satisfactory future maintenance of this development in the interest of amenity.	✓
	Use	4.2	No unit shall be used exclusively as offices, and all office use within the <i>(development/business park)</i> shall be ancillary to the main use of each unit.	In order to clarify the development hereby permitted, <i>(and to comply with the zoning provisions of the development plan for the area)</i> .	x
	Additional Floorspace	4.3	No additional floorspace shall be provided in any unit, either by way of sub-division of any unit, or the provision of mezzanine floorspace, or otherwise, without a prior grant of planning permission.	To control the intensity of development on the site <i>[appropriate to the provision of car parking spaces and service facilities], [and in the interest of residential amenity]</i>	x
	Storage (To front of premises)	4.4	No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road.	In the interest of public health and visual amenity.	x
	Storage (Within enclosed area of building)	4.5	All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed area of the building.	In the interest of visual amenity.	x

5. Quarries:

For quarry developments conditions set out in thematic sheets B - General Technical, E- Financial Contributions and G - Transportation Planning, may be of particular relevance.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>In relation to item (g), as per the Guidelines for Planning Authorities on Quarries and Ancillary Activities (April 2004), extraction limits are only necessary in certain circumstances for example where this is strictly needed to regulate environmental impacts.</p>	<p>Environmental Management System (EMS)</p>	<p>5.1</p>	<p>The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. The EMS shall include the following: <i>[SAMPLE TEXT]</i></p>	<p>In order to safeguard local amenities.</p>	<p style="text-align: center;">✓</p>
			<p><i>(a) Proposals for the suppression of on-site noise levels.</i></p>		
			<p><i>(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.</i></p>		
			<p><i>(c) Proposals for the suppression of dust on site [and on the access road].</i></p>		
			<p><i>(d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.</i></p>		
			<p><i>(e) Details of safety measures for the lands adjoining the quarry, to include warning signs and stockproof fencing.</i></p>		
			<p><i>(f) Management of all landscaping [with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas].</i></p>		
			<p><i>(g) Specification of extraction limits in relation to the following parameters: [Insert where appropriate the limit of the quantity of material that may be extracted annually].</i></p>		
			<p><i>(h) Monitoring of ground and surface water quality, levels and discharges.</i></p>		
			<p><i>(i) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.</i></p>		
<p><i>(j) A record of the volumes of waste oils, used batteries, used tyres, disused plant and machinery, and scrap metal arising within the site shall be kept on-site and made available to the planning authority on request.</i></p>					

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Wheel Washing	5.2	(a) The wheels <i>[and undersides]</i> of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility, which shall be located a minimum distance of <i>[XX]</i> metres from the public road. (b) The entrance/access road shall be surfaced using bitumen macadam material or other materials to be agreed with the planning authority, between the public road and the wheel wash.	In the interest of traffic safety and convenience, and to protect the amenities of the area.	X
Before attaching this condition planning authorities should be mindful of EIA and AA considerations. Refer to sections 3.13-3.14 of the Practice Note .	Wheel Washing	5.3	A wheel washing facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.	In the interest of traffic safety and convenience, and to protect the amenities of the area.	✓
As per Section 4.7 of the Section 28 Guidelines for Planning Authorities on Quarries and Ancillary Activities, where market conditions or the nature of particular ancillary processes (such as concrete batch manufacture) would require greater flexibility of working hours, it is imperative that such flexibility be discussed with the planning authority at the pre-application stage, and addressed in the planning application.	Times of Operation	5.4	The quarry, and all activities occurring therein, shall only operate between <i>[xxhours and xxhours]</i> , Monday to Friday and between <i>[xxhours and xxhours]</i> on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. <i>[No rock breaking activity shall be undertaken within any part of the site before [XX] hours on any day]</i> . Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.	In order to protect the <i>[residential]</i> amenities of property in the vicinity.	X
	Noise and EIAR	5.5	Noise generated at the development shall not, at any time, give rise to noise levels at <i>[XXXXX - specify locations]</i> which would exceed the predicted levels as set out in section <i>[XX]</i> of the Environmental Impact Assessment Report.	In order to protect the <i>[residential]</i> amenities of property in the vicinity.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Free-field Noise Levels	5.6	<p>(a) Free-field noise levels attributable to the operation of the <i>[development] [entire quarry complex]</i> when measured <i>[at the nearest noise sensitive locations] [at the boundaries of the site]</i>, shall not exceed <i>[xx dB(A) Leq xx min]</i> during permitted operating hours and shall not exceed <i>[xx dB(A) Leq xx min]</i> at any other time.</p> <p>(b) Notwithstanding (a) above, where any temporary quarry activity is expected to exceed the noise limits above, this shall be notified in advance to the planning authority, indicating the reason for such activity, and its likely duration. No such exceedance of noise limits shall occur without the prior written agreement of the planning authority.</p> <p>(c) A noise survey and assessment programme shall be undertaken to assess the impact of noise emissions arising from the operation of the entire quarry complex. The scope and methodology of this survey and assessment programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. The results obtained from the programme shall be submitted for review <i>[at quarterly intervals]</i> to the planning authority. The developer shall carry out any amendments to the programme required by the planning authority, following this review.</p>	In order to protect the <i>[residential]</i> amenities of property in the vicinity.	✓
	Machinery	5.7	No <i>[specify plant or machinery, e.g. crushing machine]</i> shall be operated before <i>[XX hours]</i> in the morning nor after <i>[XX hours]</i> , Monday to Friday, before <i>[XX hours]</i> in the morning nor after <i>[XX hours]</i> in the evening on Saturdays, or at any time on Sundays and public holidays.	In order to protect the <i>[residential]</i> amenities of property in the vicinity.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Blasting	5.8	<p>(a) Blasting operations shall take place only between [xx hours and xx hours], Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made available for inspection at the site office at all times.</p> <p>(b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within [XXX] metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.</p>	In the interest of public safety and residential amenity.	X
	Blasting	5.9	<p>(a) Vibration levels from blasting shall not exceed a peak particle velocity of [XX] millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than [XX] hertz where blasting occurs no more than once in seven consecutive days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to [XX] millimetres/second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of [XX] (Lin) max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than [XX] dB(Lin).</p> <p>(b) A monitoring programme, which shall include reviews to be undertaken at [annual] intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.</p>	To protect the [residential] amenity of property in the vicinity.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>As per the Guidelines for Planning Authorities on Quarries and Ancillary Activities (2004), best practice dust control measures should be proposed by the applicant. These and any other special additional matters deemed necessary by the planning authority should be specifically referred to in a planning condition.</p>	<p>Quarry Dust</p>	<p>5.10</p>	<p>(a) Dust levels at the site boundary shall not exceed [XX] milligrams per square metre per day averaged over a continuous period of [XX] days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.</p>	<p>To control dust emissions arising from the development and to protect the amenities of the area.</p>	<p>✓</p>
			<p>(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the [site] [entire quarry complex], shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the review shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.</p>		
	<p>Groundwater Protection</p>	<p>5.11</p>	<p>The depth of the excavation [for sand and gravel] shall be no lower than [the XX metre contour as indicated on the submitted plan (specify the relevant plan/drawing no.)] [the level of the adjacent agricultural farmland] and, in any case, all excavation shall be above the water table.</p>	<p>To protect groundwater in the area.</p>	<p>X</p>
	<p>Water Quality Protection</p>	<p>5.12</p>	<p>The developer shall manage surface water drainage in accordance with a Drainage Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate a monitoring programme relating to control and management of water on the site. The plan shall provide for the monitoring of ground and surface water quality, levels and discharges on the site and for ongoing sampling of the River(s) [insert name(s)] upstream and downstream of any discharge and ongoing monitoring of the capacity and efficacy of the settlement lagoons.</p>	<p>In order to protect water quality.</p>	<p>✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Surface Water Run-off	5.13	<p>(a) Surface water run-off from open excavated areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to temporary settling ponds.</p> <p>(b) Prior to commencement of quarrying works on the site, the developer shall have installed on lands within his/her control, a mechanism to facilitate treatment of all discharges to surface water arising from the entire quarry complex. The specific nature, layout and location of such facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>	To prevent water pollution.	✓
	Stormwater Management	5.14	<p>All aspects of the proposed stormwater management system shall be in place, as confirmed in writing by the planning authority, prior to any quarrying works occurring on the site. This system shall restrict outflow from the site to <i>[xx litres per second]</i> which shall be measured at the discharge point from the site. Details of the design and operation of flow control devices shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>	In order to protect water quality.	✓
	Settlement Ponds	5.15	<p>(a) The settlement ponds shall be cleaned out at <i>[monthly]</i> intervals. Details of the proposed use, handling, and destination of the removed silt shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Any excavation required to accommodate the settlement ponds, <i>[cut-off drains and storage ponds]</i> shall be agreed in writing with the planning authority prior to such works being undertaken.</p>	In order to ensure the efficient operation of the settlement ponds.	✓
	Over Ground Tanks	5.16	<p>All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded and covered area, which shall be of sufficient volume to hold <i>[xxx]</i> per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority. Details of the above shall be submitted for the written agreement of the planning authority prior to commencement of development.</p>	To prevent water pollution.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Spillage	5.17	The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of quarrying work.	To prevent water pollution.	✓
This condition is particularly relevant where the quarry is permitted to operate over a period of five or more years, refer to section 4.7 of the Guidelines for Planning Authorities on Quarries and Ancillary Activities (2004).	Monitoring	5.18	<p>(a) The developer shall monitor and record groundwater levels, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at <i>[monthly]</i> intervals for groundwater, surface water, noise and ground vibration.</p> <p>(b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority <i>[x]</i> copies of an environmental audit. Independent environmental auditors, approved in writing by the planning authority, shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at such locations as may be agreed in writing with the planning authority. This report shall contain:(i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes. (ii) An <i>[annual]</i> topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this survey a full materials balance shall be provided to the planning authority. (iii) A record of groundwater levels measured at monthly intervals. (iv) A written record of all complaints, including actions taken in response to each complaint.</p>	In the interest of protecting residential amenities and environmental quality.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
			<p>(c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.</p> <p>(d) Following completion of the audit and the submission of the relevant reports, or where incidents, as referred to in part (c) occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to ensure compliance with the conditions of this permission.</p>		
This condition is most relevant for monitoring horizontal extraction; it is less relevant for recording/ monitoring vertical extraction.	Recording	5.19	The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.	In order to facilitate monitoring and control of the development by the planning authority.	x
	Recording	5.20	Prior to commencement of quarrying works the precise detail of the form and location of perimeter beacons shall be agreed in writing with the planning authority. Thereafter, annually and for the lifetime of the permission, a map of the progression of the phased development of the quarry and of the quarry perimeter, surveyed against the established perimeter beacons, shall be submitted to the planning authority.	In order to facilitate monitoring and control of the development by the planning authority.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>As per Section 3.6 of the Section 28 Guidelines on Quarries and Ancillary Activities, all proposed extractive development proposals should be accompanied by detailed restoration and after-care plans, this should be emphasised at S247 pre-application consultation meetings and may avoid the need for this compliance condition.</p>	<p>Restoration</p>	<p>5.21</p>	<p>Restoration of the quarry site shall be carried out in accordance with a restoration plan, which shall include <i>[existing and proposed finished ground]</i> levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by/on behalf of the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>	<p>To ensure the satisfactory restoration of the site, in the interest of visual amenity</p>	<p>✓</p>
<p>It may be relevant for a development with a long working life, to require certain details to be agreed either on a phased basis or towards the end of the extractive process.</p>	<p>Restoration</p>	<p>5.22</p>	<p>A comprehensive plan for the restoration of the <i>[site/entire quarry]</i> following the cessation of quarrying works shall be submitted to, and agreed in writing with, the planning authority <i>[prior to commencement of development OR within (insert time frame) from the date of this permission]</i>. This plan shall include proposals for the re-use of the quarry. The developer shall commence implementation of the agreed site restoration plan within the area of the site within one month of cessation of extraction in this area and shall have completed this part of the plan within 12 months of commencement.</p>	<p>In the interest of public amenity and public safety.</p>	<p>✓</p>
	<p>Screening</p>	<p>5.23</p>	<p>All proposed screening measures as set out in the plans submitted with the application and in the EIAR, including the improvements to existing boundary fences and the provision of landscaped berms, shall be completed prior to the commencement of <i>[stone/gravel/sand]</i> extraction for commercial purposes.</p>	<p>In the interest of visual and residential amenities.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Screening	5.24	The site shall be screened in accordance with a scheme of screening measures and boundary treatment in respect of the <i>[site /entire quarry complex]</i> , which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the timeframe, specific location(s) and final form and height of proposed screening berms, details of all planting proposed on existing and proposed screening berms, details of the ongoing care and management of such planting, details of a phased programme of landscaping within the quarry and details of an adequate barrier to prevent unrestricted access to the top of the quarry face from adjacent lands.	In the interest of visual amenity and to safeguard the amenities of <i>[residential]</i> property in the vicinity during the operating phase of the development.	✓
	Berms	5.25	Before any <i>[specify plant or machinery]</i> is used, it shall be enclosed within planted soil berms <i>[XX]</i> metres in height, in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.	In order to protect the <i>[residential]</i> amenities of property in the vicinity.	✓
	Topsoil	5.26	All topsoil shall be stripped and stored separately from overburden. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be carried out in accordance with the agreed details.	To facilitate the re-use of the topsoil in the restoration of the lands in the interest of sustainable development.	✓

6. Residential Development:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>While outline permissions are less frequently sought for large scale residential development, they are often made for small-medium scale housing schemes. They are also often used for serviced sites and self-build developments, in order to enable individual applicants propose a detailed design in a permission consequent. This condition can be used to ensure harmony in design, finishes, building lines etc. and may refer to the requirements of a local area plan, design guidelines, masterplans or design briefs relevant to the area.</p>	<p>Outline Permission</p>	<p>6.1</p>	<p>This outline permission relates solely to the principle of development on this site in relation to the following matters:</p>	<p>To clarify the extent to which the parameters of the development have been determined in this outline planning permission.</p>	<p>X</p>
			<p><i>(i) The number of dwelling units to be developed;</i></p>		
			<p><i>(ii) The overall layout of the development;</i></p>		
			<p><i>(iii) The surface water drainage system. [sample text amend accordingly]</i></p>		
<p>Precise details of <i>[insert as appropriate e.g. house type, landscaping plan and finishes]</i> shall be submitted with any application for planning permission consequent on the grant of this outline permission.</p>					
	<p>No. of Units Permitted</p>	<p>6.2</p>	<p>This permission is for a total of <i>[XX]</i> no. of residential units, <i>[Optional to include details of the scheme for example X houses and Y apartments].</i></p>	<p>In the interest of clarity</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Part V	6.3	Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to <i>[the transfer of [XX]% of the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended]</i> , unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.	To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.	✓
	Occupancy Restriction	6.4	The development hereby permitted shall only be occupied <i>[as student accommodation] [by persons with disabilities / learning difficulties]</i> , and for no other purpose, without a prior grant of planning permission for change of use.	In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.	X
	Occupancy - Restricting Commercial Institutional Investment	6.5	Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.	To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including social/affordable/cost rental housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>Refer to 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021. Planning Condition RCIIH 1: for mixed unit-type development, comprising partly of houses and/or duplex units.</p>	<p>Occupancy - Restricting Commercial Institutional Investment</p>	<p>6.6</p>	<p>(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>	<p>To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>	<p style="text-align: center;">✓</p>
			<p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>		
			<p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>		

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
As discussed in section 2.5 of the Practice Note, this condition is informed by the Guidelines on the Regulation of Commercial Institutional Investment in Housing (May 2021). Planning Condition RCIIH 2: all houses and/or duplex unit type development.	Occupancy - Restricting Commercial Institutional Investment	6.7	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>	To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.	✓
			<p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>		

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>To promote best practice design the integration of public lighting and landscaping schemes for residential developments should be a key consideration in the design process (section 3.15 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, refers). These matters should be raised as part of S247 consultation and reflected in the plans/particulars lodged with the application and thereby may obviate the need for post-permission compliance.</p>	<p>Public Lighting</p>	<p>6.8</p>	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan <i>[Drawing no. XXX]</i>. Details of the public lighting scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and such lighting shall be provided prior to the making available for occupation of any house.</p>	<p>In the interest of amenity and public safety.</p>	<p style="text-align: center;">✓</p>
	<p>Phasing</p>	<p>6.9</p>	<p>The development shall be carried out in accordance with the phasing scheme dated <i>[XX/XX/XXXX]</i> lodged with the application, except as otherwise may be required to comply with the following conditions.</p>	<p>To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>	<p style="text-align: center;">X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The phasing of development is a key consideration in the design process, furthermore, the development plan/ local area plan may set out phasing parameters that can be highlighted in S247 pre-application consultation. There is special emphasis on pre-application consultation for Large-scale Residential Developments (LRD). As such, most well considered applications are likely to set out a suitable phasing schedule (therefore condition 6.9 is likely to be more relevant in the majority of cases). However, in certain limited circumstances, an unforeseen matter or constraint may arise during the consideration of an application, this may require the phasing of development to be refined by way of post-permission compliance (as per condition 6.10 or 6.11 below).</p>	<p>Phasing</p>	<p>6.10</p>	<p>(a) The development shall be carried out on a phased basis. The first phase shall consist of not more than [XXX] dwelling units, together with their associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.</p>	<p>To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>	<p style="text-align: center;">✓</p>
			<p>(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority. In the event of any disagreement on phasing, between the developer and the planning authority, the matter shall be referred to An Bord Pleanála for determination.</p>		

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The phasing of development is a key consideration in the design process, furthermore, the development plan/ local area plan may set out phasing parameters that can be highlighted in S247 pre-application consultation. There is special emphasis on pre-application consultation for Large-scale Residential Developments (LRD). As such, most well considered applications are likely to set out a suitable phasing schedule (therefore condition 6.9 is likely to be more relevant in the majority of cases). However, in certain limited circumstances, an unforeseen matter or constraint may arise during the consideration of an application, this may require the phasing of development to be refined by way of post-permission compliance (as per condition 6.10 or 6.11).</p>	<p>Phasing</p>	<p>6.11</p>	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. In the event of any disagreement on phasing, between the developer and the planning authority, the matter shall be referred to An Bord Pleanála for determination.</p>	<p>To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>	<p style="text-align: center;">✓</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>There is opportunity to reflect local policy and mechanisms in place for street naming in this condition.</p>	<p>Estate/Street Naming and House Numbering</p>	<p>6.12</p>	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme. <i>[The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority].</i> No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>	<p>In the interest of urban legibility <i>[and to ensure the use of locally appropriate placenames for new residential areas].</i></p>	<p>✓</p>
<p>This condition needs to be carefully considered and should be augmented to reflect the site context and policy context including, for example, any design statement/landscaping scheme accompanying the application, local design policy and guidelines set out in the development plan or local area plan.</p>	<p>Boundaries - Rear Gardens</p>	<p>6.13</p>	<p>All rear gardens shall be bounded by <i>[insert specific design detail for example: block walls, [XX] metres in height, capped, and rendered, on both sides OR by timber fences with concrete posts etc.]</i>.</p>	<p>In the interest of residential and visual amenity.</p>	<p>X</p>
<p>This condition needs to be carefully considered and should be augmented to reflect the site context and policy context including, for example, any design statement/landscaping scheme accompanying the application, local design policy and guidelines set out in the development plan or local area plan.</p>	<p>Boundaries - Front Boundary Walls</p>	<p>6.14</p>	<p>Front boundary walls shall be <i>[XX] metres in height and shall be [insert design detail, for example: suitably capped and finished in a material that matches the external finish of the dwellings].</i></p>	<p>In the interest of residential and visual amenity.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>This condition should be amended to take into account the site context, the documentation provided with the application and the taking in charge policy.</p>	<p>Open Space</p>	<p>6.15</p>	<p>The areas of public open space shown on the submitted plans shall be reserved for such use. These areas shall be <i>[levelled]</i> <i>[contoured]</i>, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the <i>[date]</i>. This work shall be completed before any of the dwellings are made available for occupation <i>[and shall be maintained as public open space by the developer until taken in charge by the local authority]</i>. OR</p>	<p>In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose, in the interest of residential amenity.</p>	<p>X</p>
			<p>The areas of public open space shown on the submitted plans shall be reserved for such use. A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This work shall be completed before any of the dwellings are made available for occupation <i>[and shall be maintained as public open space by the developer until taken in charge by the local authority]</i>.</p>		<p>✓</p>
<p>This condition relies on the submission of a landscaping plan with the application.</p>	<p>Landscaping</p>	<p>6.16</p>	<p>All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with <i>[landscape drawing no.]</i> submitted to the planning authority on <i>[insert date]</i>. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of <i>[xx]</i> years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p>	<p>In the interest of biodiversity and the visual and residential amenity of the area.</p>	<p>X</p>
	<p>Finishes to Road Network</p>	<p>6.17</p>	<p>Prior to the making available for occupation of any dwelling, the internal road network <i>[alternatively: serving the house/ shown on submitted documentation/within the overall development]</i> shall be constructed to at least base wearing course.</p>	<p>To ensure timely and satisfactory provision of such site development works, in the interest of residential amenity.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>As outlined in Circular Letter PD 1/08 the establishment of management companies must not be required in planning conditions for traditional housing estates (save for the most exceptional circumstances). The circumstances where a planning authority might consider attaching a planning condition relating to the maintenance or management of a development are limited. Where a development is to be taken in charge this should be addressed at S247 pre-application consultation and applications for residential development should delineate the area for taking in charge on a site layout map. In cases where this information is provided and is acceptable to the planning authority part (a) of this condition will not be necessary.</p>	<p>Management Company</p>	<p>6.18</p>	<p>(a) The areas of the development for Taking in Charge shall be agreed in writing with the planning authority, prior to the commencement of development on site.</p>	<p>To provide for the satisfactory future maintenance of the development in the interest of residential amenity.</p>	<p style="text-align: center;">✓</p>
			<p>(b) The <i>[insert the specific facility relevant to the development that is for residents use only e.g. private park, car parking areas or communal refuse/bin storage]</i> and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p>		
			<p>(c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p>		

7. Retail:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Shopfront and signage	7.1	All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Bord Pleanála for determination. The signage shall be lit by external illumination only.	In the interest of visual amenity.	✓
This condition is likely to be used more frequently in townscapes that are also Architectural Conservation Areas (ACA) and, in these instances, the reason for its application should fully reflect same.	Window decals/ stickers and posters	7.2	Shopfront glazing shall not be used for the purpose of sticking on posters or decal/stickers and a window display shall be maintained at all times.	In the interest of visual amenities and in order to maintain the continuity and interest of the street frontage <i>[and/or to protect the character of the Architectural Conservation Area (ACA)]</i> .	X
	Shopfront and signage	7.3	The proposed shopfront shall conform to the following requirements: (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering; (b) Lighting shall be by means of concealed neon tubing or by rear illumination; (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission; and (d) External roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.	In the interest of the visual amenities of the area.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Retail Warehousing	7.4	The total gross floorspace of the <i>[development/retail warehouse unit]</i> shall not exceed <i>[xx]</i> square metres <i>[including any ancillary garden centre]</i> .	In order to comply with the requirements of the Retail Planning Guidelines for Planning Authorities, 2012 <i>[and to provide for a level of retail warehouse floorspace appropriate to the location of the site]</i> .	X
	Retail Warehousing	7.5	The range of goods to be sold in the proposed development shall be limited solely to “bulky goods” as defined in Annex 1 of the Retail Planning Guidelines for Planning Authorities, 2012. The retail warehouse units shall not be enlarged, subdivided, coalesced or linked together, without a prior grant of planning permission.	To ensure an appropriate form of retailing at this location having regard to the adopted retail strategy for the area and to the potential impact of the development on the vitality and viability of the city/town centre.	X
	Retail Warehousing	7.6	No individual retail warehouse unit shall have a gross floorspace of less than <i>[XX]</i> square metres.	In order to comply with national policy as set out in the Retail Planning Guidelines for Planning Authorities 2012.	X
	Vehicular Deliveries	7.7	No vehicular deliveries shall be taken at or dispatched from the <i>[development/retail warehouse unit]</i> outside the hours of <i>[XX and XX]</i> Mondays to Saturdays, or at any time on Sundays or public holidays.	In order to protect the <i>[residential]</i> amenities of the area.	X
	Signage	7.8	No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.	In the interest of visual amenity and to protect the character of this <i>[Architectural Conservation Area or protected structure]</i> <i>[reference to development plan provision]</i> .	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Security & Shutters	7.9	No external security shutters shall be erected on any of the commercial premises, unless authorised by a further grant of planning permission. Details of all internal shutters, which shall be of 'open lattice' design and shall not contain any form of advertising, shall be submitted for the written agreement of the planning authority prior to commencement of development, and all internal shutters shall conform to that written agreement.	In the interest of the visual amenities of the area.	✓
Consideration as to the use of the shop units should be informed by the Retail Strategy, Development Plan and/or Local Area Plan policies.	Use of Units	7.10	The use of the retail unit(s) herein permitted shall be for the sale of convenience goods only as defined in Annex 1 of the Retail Planning Guidelines April 2012, OR as a shop as defined in the Planning and Development Regulations 2001, (as amended).	In order to clarify the use of the development hereby permitted.	X
Consideration as to the use of the shop units should be informed by the Retail Strategy, Development Plan and/or Local Area Plan policies.	Use of Units	7.11	The retail units shall be used only for the sale of convenience and comparison goods as defined in Annex 1 of the Retail Planning Guidelines, April 2012.	To define the terms of the permission and to cater for retail development in the area in accordance with the provisions of the development plan for the area .	X
The Section 28 Retail Planning Guidelines for Planning Authorities (April 2012) set floorspace caps for certain type of retail use including petrol filling stations. (Section 2.4 refers).	Petrol Filling Station Shop	7.12	The net floor area of the shop i.e. the area to which the public have access, shall not exceed 100 sq metres (net) as per paragraph 2.4.3 of the Retail Planning Guidelines for Planning Authorities, 2012.	To protect the vitality and viability of existing town and neighbourhood centres in the vicinity <i>[and/or to comply with the provisions of the current development plan [local area plan for the area]]</i> .	X

8. Rural Housing:

For rural housing, conditions set out in thematic Sheet B 'General Technical' are relevant including, sight lines, entrance details, etc.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Outline Permission	8.1	<p>The plans and particulars to be submitted by way of a separate application for permission consequent following this grant of outline permission shall include the following:</p> <p>(a) a comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundary walls/fences/hedges and other physical features,</p> <p>(b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways and <i>[septic tank drainage]</i> <i>[sewage treatment]</i> system,</p> <p>(c) the finished ground floor level of the house by reference to existing site levels and the road level at the proposed entrance,</p> <p>(d) proposals for the landscaping of the site <i>[including planting]</i>, and</p> <p>(e) details of external finishes.</p>	To enable the application for permission consequent to be fully assessed, in the interest of the proper planning and sustainable development of the area	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
<p>The sample items suggested herein i.e. sample text (a) to (i) are matters that will be confirmed through the permission consequent, this should be informed by local design guidelines (where available) and/or development plan policies to reflect the site context.</p>	<p>Outline Permission</p>	<p>8.2</p>	<p>Details of the design of the house shall be submitted by way of a separate application for permission consequent and shall incorporate the following requirements:<i>[sample text] (a) the house shall be single storey of low profile and shall not be of dormer construction; (b) the total floor area of the house shall not exceed [XX] square metres; (c) the finished floor level [shall be at a level set out below existing ground level at the house location] [shall not be higher than [XX] metres O.D.]; (d) the ridge height shall not exceed [XX] metres above the finished floor level; (e) the front elevation shall face in a [insert] direction; (f) the roof pitch shall be between [XX] degrees and [XX] degrees and finished with (natural) slate of blue-black, black, dark brown or dark grey colour; (g) the window openings shall have a vertical emphasis; (h) there shall be no windows in the [Insert] facing elevation; and(i) any garage shall be [detached from] [attached to] [incorporated into] the main house.</i></p>	<p>In the interest of visual amenity <i>[and to protect the character of this rural area/ area of high amenity]</i>.</p>	<p>X</p>
<p>Indicative occupancy condition as per Sustainable Rural Housing Guidelines for Planning Authorities 2005. NB: This indicative occupancy condition may be subject to change following publication of updated rural housing planning guidelines being prepared by the DHLGH.</p>	<p>Occupancy Condition</p>	<p>8.3</p>	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant and/or members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter <i>[unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]</i>. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000, as amended, to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p>	<p>To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted <i>[to meeting essential local need]</i> in the interest of the proper planning and sustainable development of the area.</p>	<p>✓</p>
<p>The detailing to this condition (highlighted in blue) should be informed by local design guidelines and/or development plan policies to reflect the site context.</p>	<p>Finishes</p>	<p>8.4</p>	<p>The roof colour of the proposed house shall be <i>[blue-black, black, dark brown or dark-grey]</i>. The colour of the ridge tile shall be the same as the colour of the roof.</p>	<p>In the interest of visual amenity.</p>	<p>X</p>

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
Part B of this condition may not be necessary in all applications.	Finished Floor Level	8.5	(a) The finished floor level shall be as detailed on the site layout drawing unless otherwise agreed in writing by the planning authority.	In the interest of visual amenity and to ensure the integration of the development into the landscape.	X
			(b) When the floor slab has been laid out and before any further development takes place on the dwelling a certificate from a Chartered Engineer, Architect or other suitably qualified professional (with professional indemnity insurance) stating that the floor level is in accordance with (a) above shall be submitted to the planning authority.		
This condition should be informed by local design guidelines and/or development plan policies to reflect the site context.	Landscaping	8.6	The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:	In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity and to promote biodiversity.	✓
			(a) the establishment of a hedgerow along all side and rear boundaries of the site, and		
			(b) planting of trees at [X] metre intervals along the [southern, eastern and northern] boundaries of the site.		
			Any trees or hedging which die, are removed or become seriously damaged or diseased, within a period of [xx] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.		
This condition should be informed by local design guidelines and/or development plan policies to reflect the site context.	Landscaping	8.7	A tree shelter belt(s) of at least [x] rows shall be planted along the [the XX boundary] [the XX and XX boundaries]. The trees shall [consist of native or naturalised species and varieties such as mountain ash, birch, willow, sycamore, oak, hawthorn, holly, hazel, beech or alder] and shall be protected from grazing animals by stockproof fencing. Any trees which die, are removed or become seriously damaged or diseased, within a period of [x] years from the completion of the development, shall be replaced within the next planting season with others of similar species, unless otherwise agreed in writing with the planning authority.	In order to screen the development in the interest of visual amenity and to promote biodiversity.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
This condition should be informed by local design guidelines and/or development plan policies to reflect the site context.	Boundary Treatment/ Entrance	8.8	The proposed front boundary <i>[wall] [fence]</i> shall consist of <i>[sod or stone bank with locally growing hedges, thorn or hazel planted to the rear to form a continuous screen, natural local stone, concrete block wall, capped and plastered]</i> , the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.	In the interest of visual amenity.	✓
This condition should be informed by local design guidelines and/or development plan policies to reflect the site context.	Boundary Treatment/ Entrance	8.9	(a) The entrance gates <i>[cattle grid at the entrance]</i> to the proposed house shall be set back not less than <i>[xx]</i> metres <i>[and not more than [xx] metres from the edge of the public road]</i> . Wing walls forming the entrance shall be splayed at an angle of not less than <i>[xx]</i> degrees and shall not exceed <i>[xx]</i> metre in height.	In the interest of traffic safety.	X
Applicable for sites where a public supply is not available and/or where a private well is proposed.	Water Supply	8.10	The developer shall provide and arrange for the continuous and indefinite maintenance of an adequate supply of potable water for the domestic and sanitary needs of the development. Should connection to the public water supply become available, this shall be carried out in a technically satisfactory manner to the requirements of Irish Water. These requirements shall include payment of the appropriate connection fee.	To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.	X
	Water Drainage	8.11	(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.	In the interest of traffic safety and to prevent flooding or water pollution.	X
	Wastewater Treatment System	8.12	(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on <i>[date]</i> and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) " – Environmental Protection Agency, 2021.	In the interest of public health and to prevent water pollution.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
			<p>(b) Treated effluent from the treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p>		

9. Social Infrastructure:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Childcare	9.1	The childcare facility hereby permitted, shall not be converted to any other use without a prior grant of planning permission in the event of the childcare facility ceasing operations.	To protect the amenities of residential properties in the vicinity.	X
	Childcare	9.2	In addition to the childcare facility hereby permitted, the remainder of the premises shall be maintained in residential use.	The presence of totally commercial premises would detract from the amenity of the residential community <i>[or to protect the amenities of residential properties in the vicinity].</i>	X
This condition may be appropriate for smaller childcare facilities that are within the curtilage of a dwelling house or within a residential area and often where the use is subject of a temporary permission.	Childcare	9.3	Without a prior grant of planning permission for its continued use, the childcare facility shall cease to operate after a period of 5 years, following which the premises shall revert to residential use.	To protect the amenities of residential properties in the vicinity.	X
	Childcare	9.4	The childcare facility hereby permitted shall not operate outside the period of <i>[Insert times]</i> Monday to Friday inclusive, and shall not operate on <i>[Saturdays]</i> , Sundays or public holidays	In the interest of residential amenity.	X
Applicable where a small surgery is attached to a residential property.	Medical Surgery	9.5	When the development is no longer required for use as a medical surgery/group practice, it shall revert to that of a single dwelling unit.	In the interest of residential amenity.	X

10. Solar Farm:

Where an application for solar farm developments seeks a permission of a duration longer than five years, please refer to sheet A for sample conditions.

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Commissioning, Decommissioning & Site Restoration	10.1	(a) The permission shall be for a period of [xx] years from the date of the first commissioning of the solar array. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.	To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration.	✓
(b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the solar arrays and all ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.					
(c) On decommissioning of the solar farm, the solar arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within [xx] months of decommissioning.					
	Grid Connection	10.2	This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.	In the interest of clarity.	X
	Finishes	10.3	The inverter/transformer stations, battery storage, control units and all fencing shall be [dark green] in colour.	In the interest of the visual amenities of the area.	X
	Finishes	10.4	(a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission;	In the interest of clarity, visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
			<p>(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road;</p> <p>(c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level;</p> <p>(d) the solar panels shall have driven or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission; and</p> <p>(e) Cables within the site shall be located underground.</p>		
	Wildlife & Biodiversity	10.5	<p>Before any development takes place on the site, details of the structures of the perimeter fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for the prior written agreement of the planning authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for mammal access (NRA 2008).</p>	<p>To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.</p>	✓
<p>This condition applies where a landscaping plan was submitted with the planning application documentation.</p>	Landscaping	10.6	<p>All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with <i>[landscape drawing no.]</i> submitted to the planning authority on <i>[insert date]</i>. Any trees and hedgerows that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed by the planning authority.</p>	<p>In the interest of biodiversity and the visual and residential amenity of the area.</p>	X
	Landscaping	10.7	<p>Prior to the commencement of development on the site, the developer shall submit for the written agreement of the planning authority, a landscape and biodiversity plan for the site. The plan shall incorporate details of all trees and hedgerows to be removed and replaced and measures for strengthening the green network. Any trees and hedgerows that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed by the planning authority.</p>	<p>In the interest of biodiversity and the visual and <i>[residential]</i> amenity of the area.</p>	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
For the avoidance of doubt this glint and glare condition relates solely to road users and traffic safety. A separate condition dealing with glint and glare in the vicinity of airports, aerodromes and/or helipads may be warranted depending on the location of the site and following consultation with the Irish Aviation Authority.	Glint and Glare	10.8	Prior to the commencement of development a continuous hedge of indigenous species shall be planted along <i>[XX site boundary]</i> . Details to be submitted for the written agreement of the planning authority, which shall include details of the location, number and species to be planted, timescale for implementation and proposals for replacement planting during the operative period of the proposed solar farm.	To reduce the potential for glint and glare on road users and traffic safety.	✓

11. Telecommunications:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Reinstatement	11.1	In the event of the telecommunications structure and ancillary structures <i>[and any access road provided to serve the telecommunications structure and ancillary structures]</i> hereby permitted ceasing to operate for a period of <i>[XX]</i> months, the structures <i>[and any access road]</i> shall be removed and the site shall be reinstated within <i>[XX]</i> months of their removal. Details regarding the removal of the structures <i>[and any access road]</i> and the reinstatement of the site shall be submitted to, and agreed in writing, within <i>[XX]</i> months of the structures ceasing to operate, and the site shall be reinstated in accordance with the agreed details.	In the interest of the visual amenities of the area.	X
	Lighting	11.2	A low intensity fixed red obstacle light shall be fitted to the mast and shall be visible from all angles in azimuth. Details of this light, its location on the mast, and the lighting sequence shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development, and the light shall be installed and operated in accordance with the agreed details.	In the interest of <i>[air traffic/public]</i> safety.	✓
	Advertisement	11.3	No advertisement or advertisement structure shall be erected on the mast or ancillary structures hereby permitted, or within the curtilage of the site, without a prior grant of planning permission.	In the interest of the visual amenities of the area.	X
This condition may not be relevant where the colour scheme and details provided with the application documentation, are satisfactory to the planning authority following their assessment.	Colour scheme	11.4	Details of a colour scheme for the mast and any ancillary structures hereby permitted shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development, and the agreed colour scheme shall be applied to the mast and any ancillary structures upon erection.	In the interest of the visual amenities of the area.	✓

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Sharing Mast	11.5	The applicant shall provide and make available at reasonable terms the proposed telecommunications structure for the provision of mobile telecommunications antenna of third party licensed mobile telecommunications operators.	In the interest of the avoidance of a multiplicity of telecommunications structures in the area, in the interest of visual amenity and the proper planning and sustainable development of the area.	X

12. Tourist Accommodation:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Holiday Accommodation	12.1	The development hereby permitted shall be used solely for holiday accommodation and shall not be occupied by any person as a sole or main residence. The owners/operators of the development shall maintain an up-to-date register of the names and addresses of all owners/occupiers of the holiday units and shall make this information available to the planning authority on request.	To regulate the use of the development <i>[and to comply with the provisions of the Development Plan/ Local Area Plan for the area]</i> .	x
	Tourism legal agreement	12.2	<p>Prior to commencement of development the applicant shall enter into a legal agreement with the planning authority under Section 47 of the Planning Act 2000, as amended, specifying that:</p> <p>(a) The lands encompassed by the application site as outlined in red on the plans and particulars received by the planning authority shall be held in single ownership with the entire holding outlined in blue;and</p> <p>(b) The proposed holiday units shall be used for tourism purposes only and shall not be used as a permanent place of residence by any person.</p>	To regulate the use of the development <i>[and to comply with the provisions of the Development Plan/ Local Area Plan for the area]</i> .	✓
	Site Management	12.3	Prior to the occupation of <i>[any of the units/development]</i> the developer shall submit for the written agreement of the planning authority, a site management plan relating to the ongoing maintenance of all common areas within the development <i>[including open spaces, car parking area, washroom facilities]</i> , and the development shall be maintained in accordance with the agreed site management plan.	To ensure the satisfactory ongoing management and maintenance of the development, and to protect the visual <i>[and residential]</i> amenities of the area.	✓

13. Wind Energy:

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Site Restoration	13.1	Prior to the commencement of the development hereby permitted, the developer shall submit a fully detailed scheme for the restoration of the site for the written agreement of the planning authority. The site restoration plan shall address various stages in the lifetime of the development, including initial commissioning and final decommissioning of the windfarm, and restoration works to be undertaken in the event of partial decommissioning of the windfarm. The site restoration plan shall be implemented in full during the lifetime of the development.	In the interest of visual amenity and the protection of the landscape.	✓
Note: you must impose a condition as suggested in 13.1 if you intend to use 13.2 as 13.1 sets out the requirement for the site restoration plan.	Decommissioning and Restoration	13.2	On decommissioning of the windfarm, or if the windfarm ceases to operate; the turbine(s) and all associated ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with the agreed Site Restoration Plan.	In the interest of visual amenity and the protection of the landscape.	X
It may be relevant to refer to the local development plan and/or landscape policy designations in the reason for this condition. Please note that this condition relies on the attachment of a condition similar to 13.1.	Finishes	13.3	<p>The following design requirements shall be complied with:</p> <p>(i) the wind turbines, including masts and blades, and the wind monitoring mast, shall be finished in a <i>light grey colour or alternative specified colour or colour to be agreed with the planning authority</i>;</p> <p>(ii) the wind turbines shall be geared so as to ensure that the blades rotate in the same direction;</p> <p>(iii) cables within the site shall be laid underground, and the refilled routes shall be restored in accordance with the agreed Site Restoration Plan; and</p> <p>(iv) no advertising material, other than any applied for as part of this proposed development, shall be placed on or otherwise affixed to any structure on the site without a prior grant of planning permission.</p>	In the interest of visual amenity.	X

Additional Notes	Sub-Heading	Condition Ref No.	Sample Condition Wording	Sample Reason	Post-Permission Compliance Required
	Noise	13.4	Noise levels generated by the windfarm following commissioning by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at noise sensitive locations, shall not exceed the greater of <i>XX</i> dB(A) <i>Lxx Txx</i> , or <i>XX</i> dB(A) above background levels. Prior to the commissioning of the windfarm, the developer shall submit and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP) for the operational windfarm. The NCMP shall include a detailed methodology for all sound measurements, including frequency of monitoring and recording of results, which shall be made publicly available. The NCMP shall be fully implemented during the operation of the windfarm.	In order to protect the amenities of noise sensitive properties in the vicinity of the development.	✓
	Telecommunications	13.5	Prior to the commissioning of the windfarm, the developer shall submit for the written agreement of the planning authority details of actions to be taken by the developer in the event of the proposed development causing interference with telecommunication signals. Such actions shall be completed to minimise interference with telecommunication signals and shall be carried out to the written satisfaction of the planning authority at the developer's expense.	In the interest of protecting telecommunications signals and residential amenity.	✓

Appendix C

Sample Supplementary Advice Notes



1.0 SITE NOTICE(S)



2.0 COMPLIANCE CONDITIONS



3.0 COMMENCEMENT NOTICE



4.0 LEGAL TITLE MATTERS



5.0 OBLIGATIONS UNDER OTHER STATUTORY CODES

Important Notes to Applicant:

1.0	SITE NOTICE(S): 
	The applicant is required to remove the site notice(s) on receipt of the notification of the decision from the planning authority.
2.0	COMPLIANCE CONDITIONS: 
	A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to the commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000, as amended. <i>[Please submit x no. hard copies and/or an electronic copy of the compliance documentation.]</i>
3.0	COMMENCEMENT NOTICE: 
	In accordance with the Building Control Regulations you are obliged to submit a commencement notice prior to the commencement of development. The commencement notice must be received by the Building Control Authority not less than 14 days and not more than 28 days before you wish to commence work. Notice of commencement must be completed online on the National BCMS (Building Control Management System). A commencement notice is relevant in all cases, except where a person intends to commence work on the construction of a building before a grant of the relevant Fire Safety Certificate, where one is required. In this case the correct form to use is a '7 Day Notice'.
4.0	LEGAL TITLE MATTERS: 
	A person shall not be entitled solely by reason of a grant of planning permission to carry out any development.
5.0	OBLIGATIONS UNDER OTHER STATUTORY CODES: 
	Please note that consent under the Planning and Development Act 2000, as amended, does not imply consent under the Building Control Regulations. The onus is on the designer and assigned certifier to ensure full compliance with the Building Control Regulations (in certain circumstances design changes may require planning permission). <i>[Your attention is drawn to the requirements of the attached 'Building Control information note,' where available.]</i>
	<p>It should be clearly understood that the granting of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal. For example, some developments may need to secure separate consents in order to implement their development, such as:</p> <ul style="list-style-type: none"> ● Fire Safety Certificate and Disability Access Certificate; ● Road Opening Licence, under the Roads Act; ● Industrial Emissions Licence/Integrated Pollution Control licence from EPA; ● Waste Licence; ● Wastewater Discharge Licence; ● Licences issued by the District Court (such as licensing matters relating to intoxicating liquor licences, restaurant certificates, club registration, etc); ● Environmental Health and Public Health codes; ● Gaming licences; ● Archaeological licences under the National Monuments Acts; ● Department of Agriculture, Food and the Marine Licences; ● Service providers connections, etc.

Appendix D

Summary of Relevant Case Law

The following six legal cases were identified as significant judgments relating to the imposition of planning conditions. Accordingly, a brief summary of the key issues of relevance to the Practice Note has been set out for each case.

As indicated at the outset this practice note cannot be relied upon as containing, or as a substitute for, legal advice.

1. *Houlihan v An Bord Pleanála*. (unreported) High Court, Murphy J., 4 October 1993)

Permission was granted by An Bord Pleanála for the erection of 22 holiday homes, a reception block and the diversion of a road at Ballyferriter, County Kerry, subject to 9 conditions. Brendan Houlihan, who had appealed the planning authority's permission, challenged the Board's decision on a number of grounds. In particular, he claimed that the conditions left so many matters to be agreed between the developers and the planning authority that they could result in a totally different development to that originally sought, and that leaving so many matters for agreement had removed his statutory right of appeal.

Judge Murphy noted that there were approximately twelve matters on which agreement with the planning authority was required. He considered that, in most cases, the matters were essentially technical or matters of detail which could be left to the planning authority and developer without invalidating the decision of the Board. He considered, however, that a condition which required the relocation of the effluent pipe "*in an easterly direction in a manner to be agreed with the planning authority*", without specifying some location or corridor, was very wide in its scope and too vague. He considered that it was an improper abdication by the Board of its responsibilities.

2. *Boland v An Bord Pleanála* [1996] 3 I.R. 435

This case involved both High Court and Supreme Court decisions (9 December 1994 and 21 March 1996 respectively).

Permission was granted by An Bord Pleanála to the Minister for the Marine for development consisting of the extension and refurbishment of the existing ferry terminal at Dún Laoghaire Harbour, one of the major effects of which would be to increase greatly traffic coming to the terminal. A number of conditions were imposed requiring various details for the control and management of traffic movements to be agreed between the applicant and the planning authority, in the interest of orderly development, traffic and pedestrian safety, and to avoid congestion. Raymond Boland argued that the conditions constituted an improper abdication of the Board's functions to the planning authority, thereby depriving interested parties of the opportunity to be heard. The High Court held that the Board had not improperly abdicated its planning functions to the planning authority, agreeing with Murphy J in *Houlihan* that it is a matter of degree in any given case whether or not such an abdication had occurred.

The High Court allowed an appeal to the Supreme Court on the following point of law of exceptional public importance:

“What are the criteria which distinguish those matters which may properly be left to the developer and planning authority to agree upon, and those matters which cannot be left to such parties in such fashion and must instead be decided by An Bord Pleanála itself....?”

The Supreme Court dismissed the appeal. It set out the following criteria to which the Board was entitled to have regard in deciding whether to impose a condition leaving a matter to be agreed between the developer and the planning authority:

- the desirability of leaving to a developer who is hoping to engage in a complex enterprise a certain limited degree of flexibility having regard to the nature of the enterprise;
- the desirability of leaving technical matters or matters of detail to be agreed between the developer and the planning authority, particularly when such matters or such details are within the responsibility of the planning authority and may require re-design in the light of practical experience;
- the impracticability of imposing detailed conditions having regard to the nature of the development;
- the functions and responsibilities of the planning authority;
- whether the matters essentially are concerned with off-site problems and do not affect the subject lands;
- whether the enforcement of such conditions requires monitoring and supervision;
- whether any member of the public could have reasonable grounds for objecting to the work to be carried out pursuant to the condition, having regard to the substantive decision; the precise nature of the instructions in regard to the work laid down by the Board and having regard to the fact that the details of the work had to be agreed by the planning authority.

The Supreme Court stated that, in imposing a condition requiring matters to be agreed, the Board was obliged to set out the purpose of such details, the overall objective to be achieved by the matters left over for agreement, to state clearly the reason for the condition, and to lay down criteria by which the developer and planning authority could reach agreement.

Note: The judgment also stated that it would have been better if the conditions had stated that, in the event of disagreement, the matter would be determined by the Board. A provision to this effect was subsequently incorporated into Section 34(5) of the 2000 Act and has been amended by Section 23(4) of the 2018 Act, see section 2.3 Compliance Conditions above.

3. *Kenny v An Bord Pleanála (No. 1)* [2001] 1 I.R. 565

Permission was granted by An Bord Pleanála for a student accommodation complex at Trinity Hall Dublin, on the basis of revised plans submitted to the planning authority during its consideration of the planning application. The Inspector noted that there were some discrepancies, albeit of an insignificant nature, in the drawings. Condition no. 8 was imposed to address this issue. It required revised drawings of the development, with floor plans and elevations corresponding in detail, to be submitted to and agreed with the planning authority, prior to commencement of development. This condition was challenged by James Kenny, a local resident, on the grounds that it amounted to an unlawful delegation by the Board of its decision-making power because the condition allowed the appearance, nature and scale of the ultimate development to be agreed in private.

Judge McKechnie noted that the Supreme Court in *Boland* had endorsed the decision in *Houlihan* and summarised the criteria set out in the Supreme Court decision in *Boland*. He found that the Board, in imposing condition no. 8, had not abdicated its responsibility to the planning authority. The condition was held to be validly imposed because it was essentially designed to meet the discrepancies outlined by the Inspector and it could not be assumed that the planning authority would exceed its role “*which is to further the faithful, true and core implementation of the permission*” (p. 77).

4. *Weston Limited v An Bord Pleanála* [2008] IEHC 71

Permission was granted by An Bord Pleanála for retention of a number of “*non-airside*” developments at Weston Aerodrome in west Dublin, a licensed airport. Permission was granted subject to conditions. One of the conditions was to the effect that development, normally specified as exempted development in airports, must not be carried out without a prior grant of planning permission. The reason given for the condition was “*In the interests of orderly development*”.

The owners of the airport sought judicial review to set the condition aside. It was argued that the condition was ultra vires the powers of the planning authority or the Board. The Court held that, whilst the imposition of such a condition was not per se ultra vires, the reason given for the condition was not adequate.

Judge MacMenamin noted that the condition did not fall within any of the 17 types of conditions described in subsection 34(4) of the 2000 Act. He held that, in these circumstances, the Board was under “*an enhanced obligation*” to state the main reasons for the condition to ensure that it was within the four walls of the 2000 Act as a whole. He considered that the rationale for the condition must be explicit.

The judge held that in the particular case, where there were suggestions of previous unauthorised development contained in some documentation, there was:

“...an obligation to state reasons for the condition clearly, cogently and in a manner to eliminate any reasonably held doubt as to whether there had been an error in law, a misunderstanding or other unlawful basis for the condition.... The specific solution did not allow for a formulaic mantra or a ritualistic form of words as being a sufficient rationale.”

The applicant’s case was upheld on this point.

While he stated “*This finding is on the facts of this case*”, a general principle can also be found earlier in the judgment. In acknowledging that the requirement is simply to state the main reasons in respect of conditions, Judge MacMenamin had cautioned:

“This does not detract from the requirement that the rationale for the condition must be explicit.”

5. *Holohan and Others v An Bord Pleanála*. (CJEU) C-461/17

Approval was granted under the 1993 Roads Act by An Bord Pleanála to Kilkenny County Council for an extension of the Kilkenny City Ring Road in July 2014. Brian Holohan sought judicial review to set the approval aside on a number of grounds. The Irish High Court requested a preliminary ruling from the Court of Justice of the European Union in relation to various issues arising from the Board's decision various issues arising from the Board's decision (*Holohan and Others v An Bord Pleanála* [2017] IEHC 268). As the applicant for the road project was the local authority, in this case there was no requirement to agree details with the planning authority but some details of the design were left to be determined at a later stage. The particular question, of relevance to this Practice Note, posed to the EU Court was:

“Whether it is compatible with the attainment of the objectives of [the Habitats Directive] that details of the construction phase (such as the compound location and haul routes) can be left to post-consent decision, and if so whether it is open to a competent authority to permit such matters to be determined by unilateral decision by the developer, within the context of any development consent granted, to be notified to the competent authority rather than approved by it;”

On this question, the preliminary ruling of the CJEU, issued on 7 November 2018, is as follows:

“Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site”.

The Board's decision was quashed by order of the High Court on 21 December 2018.

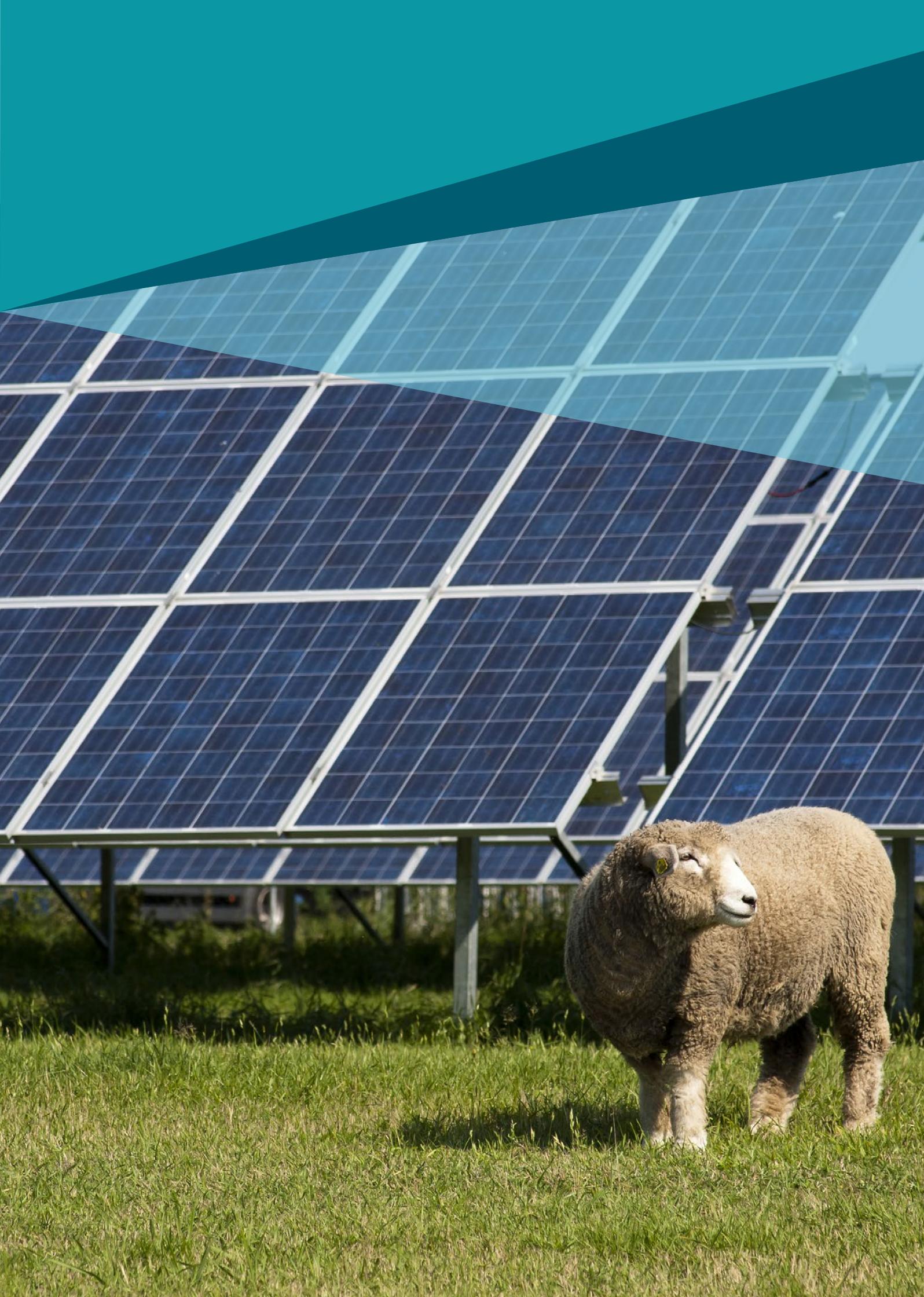
6. *Eircell v Bernstoff*. (unreported) High Court, Barr J, 18 February 2000

A temporary five year permission was granted by An Bord Pleanála to Eircell for a phone mast and ancillary buildings in January 1999, subject to conditions. Condition no. 6 required details of the colour scheme for the structures to be agreed; condition no. 7 required lodgement of security covering the cost of removing the mast at the end of the five year period. In both cases, the requirements were to be met prior to commencement of development but were not satisfied until a few days after work started. Members of the local community sought a planning injunction. Therefore, this was an enforcement case relating to compliance with conditions.

Judge Barr did not accept the arguments that the pre-commencement conditions should be strictly interpreted or that subsequent compliance does not make legal what was already an unlawful development. He held that:

“No court should make an order which is potentially futile. If the mast were declared to be an unlawful development, no doubt application would be made to the planning authority for a retention order and in the circumstances that would be granted for the asking.”

Emphasis added.



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