



The submissions on this file and the Inspector's report were considered at a meeting held on 28 September 2026.

The Commission decided as follows:

Having regard to the nature of the conditions the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to AMEND condition number 4 and the reason therefor so that it shall be as follows, and to ATTACH condition number 8 and the reason therefor.

4. No unit permitted under this permission shall be occupied until all existing services, including water, surface water, wastewater, foul water, telecoms, electricity, roads, footpaths and public lighting within the estate are completed to the written satisfaction of the planning authority.

Reason: In the interest of orderly development.

Planning Commissioner:


Patricia Calleary

Date:

28th day of September 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In deciding to amend condition number 4, the Commission considered that the wording of the condition was onerous, unreasonable and unnecessary with respect to the requirement that no unit can be sold until all supporting water, surface water and wastewater services, roads, footpaths and public lighting within the estate are completed to the written satisfaction of the planning authority.

The Commission also decided to remove the word from the condition because it affords a wide discretion to the planning authority to include unspecified infrastructure after the proposed development is completed and adds an unnecessary element of uncertainty to the condition.

In deciding to attach condition number 8, the Commission noted that the planning authority has stated that the applicant was requested on two occasions to engage with Uisce Éireann and to submit a Confirmation of Feasibility. After the applicant did not comply with both requests, a standard planning condition was attached to the permission that no development should commence on site until the developer had obtained a Connection Agreement from Uisce Éireann for the provision of

water services necessary to service the proposed development. Furthermore, Uisce Éireann has made an observation to the Commission requesting that condition number 8 be retained because it must be satisfied that capacity exists in the water supply infrastructure to supply the proposed development. In addition, the Connection Agreement will set out the relevant standards to which any water services infrastructure must adhere to during the construction period, which is standard practice prior to the commencement of any development on site.