

An
Bord
Pleanála

Board Direction
ABP-313933-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/09/2023.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether works which comprise the rebranding of external shopfront signage to the existing retail unit is or is not development or is or is not exempted development.

AND WHEREAS Circle K Ireland Energy Group Ltd. requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 02nd day of June, 2022 stating that the matter was development and was not exempted development

AND WHEREAS Circle K Ireland Energy Group Ltd. referred this declaration for review to An Bord Pleanála on the 29th day of June, 2022.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended, and,
- (c) Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of Part 3, section 3.4 of the written statement set out in the Special Planning Control Scheme O'Connell Street and Environs, 2019 in the context of sections 82, 84, 85 and 87 of the said Act, and
- (e) The submissions received by the Board and the report of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

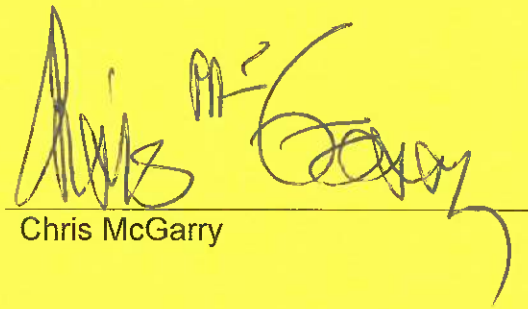
- (a) Works which comprise the rebranding of external shopfront signage to the existing retail unit at Unit 3 and 4 Ballast House, 17-21 Westmoreland Street, Dublin 2 entails "works" and so it constitutes development, under Section 3(1) of the Planning and Development Act, 2000 as amended,
- (b) The subject signage which is located in an Architectural Conservation Area, would comprise development which is not exempted development as set out in Article 9 of the Planning and Development Regulations, 2001, as amended;
- (c) The subject signage falls to be considered within the provisions of Part 3, section 3.4 of the written statement set out in the O'Connell Street Architectural Conservation Area and the Special Planning Control Scheme in the context of sections 82, 84, 85 and 87 of the Planning and Development Act, 2000 as amended,
- (d) the provisions of section 87(1) of the said Act state that "*notwithstanding paragraph... (h)... of section 4(1) or any regulations made under section 4(2) any development within an area of special planning control shall not be*

exempted development where it contravenes an approved scheme applying to that area”, and the subject premises is located within an area where such a Special Planning Control Scheme applies.

- (e) The provisions of section 87(1) are applicable in this case and serve to de-exempt the development, even should the provisions of section 4(1)(h) be otherwise considered to apply,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the rebranding of external shopfront signage to the existing retail unit is development and is not exempted development.

Board Member:


Chris McGarry

Date: 15/09/2023

