

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0139/22**

**WHEREAS** a question has arisen as to whether works which comprise the rebranding of external shopfront signage to the existing retail unit at Units 3 and 4 Ballast House, 71-21 Westmoreland Street, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Circle K Ireland Energy Group Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork requested a declaration on the said question from Dublin City Council and the Council issued a declaration on the 2<sup>nd</sup> day of June, 2022 stating that the said matter was development and was not exempted development:

**AND WHEREAS** Circle K Ireland Energy Group Limited referred the declaration for review to An Bord Pleanála on the 29<sup>th</sup> 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 those Regulations,
- (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, 2022 (Dublin City Council) in the context of sections 82, 84, 85 and 87 of the Planning and Development Act, 2000, as amended,
- (e) the submissions received by the Board, and
- (f) 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 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, and
- (e) the provisions of section 87(1) of that Act 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 2000 Act, hereby decides that works which comprise the rebranding of external shopfront signage to the existing retail unit at Units 3 and 4 Ballast House, 71-21 Westmoreland Street, Dublin is development and is not exempted development.

  
Chris McGarry

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 29<sup>th</sup> day of September 2023.