



An  
Bord  
Pleanála

## Board Order 91.RL.3556

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: EC17/04**

**WHEREAS** a question has arisen as to whether the partial use of Unit H3 for local retail convenience, ancillary to the primary use of the unit as a wholesale and distribution hub for selected units nationwide along with supporting office and administration at Unit H3 Eastway Business Park, Ballysimon, County Limerick is or is not development or is or is not exempted development:

**AND WHEREAS** Polish Family Foods Limited care of Adam Kearney Associates of 56 Siúl na hAbhann, Mill Road, Corbally, Limerick requested a declaration on the question from Limerick City and County Council and the Council issued a declaration on the 23<sup>rd</sup> day of February, 2017 stating that the matter is development and is not exempted development:

**AND WHEREAS** Polish Family Foods Limited care of Adam Kearney Associates of 56 Siúl na hAbhann, Mill Road, Corbally, Limerick referred the declaration for review to An Bord Pleanála on the 8<sup>th</sup> day of March, 2017:

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

- (a) Section 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (d) the report of the Planning Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the current use of the premises as a retail use represents a new and separate use,
- (b) such use would constitute a change of use, which would constitute development, being a material change of use, having regard to its character and its material external impacts (such as its possible impact on city centre retailing, traffic and parking) on the proper planning and sustainable development of the area, and

- (c) such material change of use would be inconsistent with the use specified and included in the original grant of permission for the site, that is use for retail warehousing, as per the definition set out in Annex 1 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2012 and would, by reason of Article 10(1)(c) of the Planning and Development Regulations, 2001, as amended, not be exempted development:

**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 the partial use of Unit H3 for local retail convenience, ancillary to the primary use of the unit as a wholesale and distribution hub for selected units nationwide along with supporting office and administration at Unit H3 Eastway Business Park, Ballysimon, County Limerick is development and is not exempted development.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

**Dated this          day of                                  2018**