



An
Coimisiún
Pleanála

Inspector's Report ABP-322698-25

Development	The provision of an ancillary off-licence sales area in the existing Tesco retail unit
Location	Watch House Cross Shopping Centre, Kileely Road, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2589
Applicant(s)	Tesco Ireland Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Bart O'Hallaran, Patrick McCarthy, Cornelius McCarthy
Observer(s)	None
Date of Site Inspection	15 th August 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1.1. The appeal site is located within an existing Tesco retail store and forms part of an overall retail / commercial development within a neighbourhood centre known as Watch House Cross Shopping Centre, and is located on the western side of the R464. Access to the shopping centre is off the Meelick Road which lies to the northeast. The shopping centre accommodates Tesco, Carry Out, a newsagent store and fuel forecourt, and a range of other neighbourhood uses including a beauty salon, betting office, post office, café/restaurant and a public library. Surface car parking is available at the front and to the rear of the building, and it is served by 3 no. accesses off the adjoining R464, the Meelick Road and the Moyross Road to the north.
- 1.1.2. The surrounding area is characterised by suburban medium-low density housing. There is a solid fuel depot bounding the site to the south and a small business park to the west. The site of a burial ground is located to the south of the appeal site. It appears that there is a gated access to the graveyard from the R464, running along the southern boundary of the appeal site.

2.0 Proposed Development

- 2.1.1. Permission is sought for the provision of an ancillary off-licence sales area (68.15 m²) within the existing Tesco retail shop.
- The appeal site has a stated area of 0.14 ha and the gross floor area of the existing building is 1,403 m².
 - The application is accompanied by a planning statement document.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 15th May 2025, Limerick City and County Council decided to grant permission subject to one standard condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report forms the basis of the assessment and recommendation to grant permission. The following points are noted:

- The lands are zoned 'District Centre'.
- Off-licence use is not identified in the Zoning Matrix of the development plan, however alcohol is considered as 'retail convenience' which is generally permitted on lands zoned 'District Centre'.
- Tesco has a wine licence and the applicant wishes to extend alcohol sales to spirits and beers, no new additional gross floor area is proposed and hours of operation will remain unchanged.
- Proliferation of off-licences was noted as raised in the third party submissions, and alcohol sales was noted to be typical of supermarket sales.
- Regarding precedent cases in particular P.A. Ref. 21/399, the circumstances differ to the subject application, which was assessed under a previous development plan.
- The Planning Authority (PA) was satisfied that the proposed development would not lead to the quantum of off-licences being disproportionate to the character of the area, having regard to Section 11.6.2.3 of the development plan.

3.2.2. Other Technical Reports

- Fire Officer – No objection.

3.3. Prescribed Bodies

- HSE – No objection subject to compliance with Section 22 of the Health (Alcohol) Act 2018.

3.4. Third Party Observations

Three third party observations were made in relation to the proposed development. The matters raised are largely covered by the grounds of appeal.

4.0 Planning History

Appeal Site – Most Recent

- P.A. Ref. 17/2 – Retention permission granted for the subdivision of a ground floor unit to create a new off-licence unit, first floor to gym, and permission for subdivision of a ground floor retail unit into 2 no. units (10th May 2017).
- P.A. Ref. 17/403 – Permission granted to amend P.A. Ref. 17/2 to amend the subdivided ground floor retail units to 1 no retail unit (23rd August 2017).

5.0 Policy Context

5.1. Limerick City and County Development Plan 2022-2028

➤ Chapter 3 Spatial Strategy

Section 3.4.6.5 Moyross

Objective M 01 Moyross

It is an objective of the Council to:

(q) Promote Watchhouse Cross as the District Centre for the area of Moyross, Kileely, Ballynanty and Parteen in accordance with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.

➤ Chapter 5 A Strong Economy

Section 1 Retail

Table 5.1b Limerick Shannon Metropolitan Area Retail Hierarchy

- Moyross District Centre – Tier 2 Major Town Centre

Section 5.7.4 District Centres

- There are also a number of other Tier 2, Level 2 District Centres throughout the suburbs, including the Jetland Shopping Centre, Castletroy Shopping Centre, Watch House Cross, the Parkway Shopping Centre and Roxboro Shopping Centre.
- The District Centres should progressively develop as mixed-use urban centres to include residential, supporting services and commercial office components where appropriate. Any proposed retail development in a District Centre shall comply with the specific objectives set out in the Retail Strategy under Volume 6 of the Plan.

- Objective ECON O3 District Centres

It is an objective of the Council to:

- a) Protect and enhance the mix of services and facilities in existing District Centres, which provide for the day-to-day needs of local communities in accordance with the Retail Strategy.
- b) Enable development of the District Centres in accordance with the specific objectives and assessment criteria of the Retail Strategy.
- c) Require improvement to the quality of the public realm in any proposals for the Crescent Shopping Centre and the Castletroy Shopping Centre, including hard and soft landscaping.
- d) Promote improved pedestrian accessibility, permeability and safety within any proposed redevelopment works.
- e) Promote the redevelopment of the Roxboro Shopping Centre, enhance the overall appearance and public realm in line with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.

Other Relevant Objectives

- Objective ECON 02 Limerick Suburbs Retail

It is an objective of the Council to ensure proposals which would undermine the vitality and viability of Limerick City Centre will not be permitted. The sequential approach to retail development set out in the Retail Planning – Guidelines for Planning Authorities, 2012 will be enforced, in the interests of supporting the

City Centre at the top of the retail hierarchy. Any retail development in the District or Local Centres or Retail Warehousing zone shall comply with the Retail Strategy.

➤ **Chapter 11 Development Management Standards**

Section 11.6.2.3 Off-licences/Betting Shops

- Off-licences and betting shops should generally be located in Limerick's commercial areas. The Planning Authority will seek to ensure that the quantum of off-licences/ betting shops is not disproportionate to the overall size and character of the area. However, the number and control of off-licences/betting shops will primarily be a licensing issue. In any consideration of proposals for off-licences/betting shops, regard to the amenities of nearby residents - i.e. noise, general disturbance, hours of operation and litter, will be paramount. Any application for betting shops shall include details as to the location and size of any/all satellite dishes required to serve the unit, in addition to proposed signage and advertising.

➤ **Chapter 12 Land Use Zoning Strategy**

- Land Use Zoning

Zoning – District Centre

Objective: To provide for a mixture of retail, residential, commercial, civic and other uses.

Purpose: To facilitate a district level centre consisting of a compatible mix of uses complementary to the City Centre, having regard to the principles of compact growth, consolidation and densification. A diversity of uses for both day and evening may be considered. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible). Retail proposals which would undermine the vitality and viability of Limerick City Centre will not be permitted. The sequential approach to retail development set out in the Retail Planning Guidelines for Planning Authorities, 2012 will be strictly enforced. Any development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.

➤ **Volume 6 Retail Strategy for Limerick-Shannon Metropolitan Area County
Limerick 2022-2028**

Objective MASP01: Convenience Retail Floor Space:

It is an objective of the Council to ensure emphasis remains to attract high quality convenience retail to the City Centre. However, there is a demand for new convenience floor space within established residential areas and within neighbourhood areas with growing residential communities and regeneration sites. This shall include: City Centre; Moyross; Ballysimon; Southern Environs.

Objective MASP04: District Centres (Tier 2, Level 2):

- The role and scale of the District Centres as primarily convenience shopping centres capable of supporting a main food shopping trip will be maintained.
- Reinvestment and regeneration of existing District Centres will be supported, but only provided where it does not change their role and scale.
- District Centres should remain primarily convenience goods and service centres and should not develop into primarily comparison goods retail destinations.
- District Centres should not be allowed to expand significantly above the 10,000 sqm (net) size threshold set out in the Retail Planning Guidelines for Planning Authorities.
- To support opportunities for brownfield redevelopment to support mixed-use sustainable urban development for day and evening use, which include retail, residential, commercial, civic and other uses. This will ensure that a mix of uses is facilitated by a district level centre that would complement the uses of the City Centre, having regard to the principles of compact growth, consolidation and densification. Any such development considerations should account for high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).
- Retail proposals at District Centre level which would undermine the vitality and viability of Limerick City Centre should not be permitted.

5.2. Natural Heritage Designations

- SAC: 002165 - Lower River Shannon SAC – approx. 80 to the northeast and 259 m to the east.
- pNHA: 002001 - Knockalisheen Marsh – approx. 80 to the northeast.
- pNHA: 002048 - Fergus Estuary And Inner Shannon, North Shore – 1.18 m to the southeast.
- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – 1.86 m to the south.

6.0 EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 appended to this report.

7.0 The Appeal

7.1. Grounds of Appeal

Three third party appeals were received by Bart O'Halloran, Cornelius McCarthy and Patrick McCarthy which may be summarised as follows:

Proliferation of Off-licences

- There is no demonstrable need for another off-licence in the area and exceeds reasonable provision in a regeneration zone and constitutes over proliferation.
- Two existing off-licences within Tesco (Carry Out and Tesco) and shared entrance. Five off-licences within a 1.5 km radius including Kinsella's, Johnsey's, Fitzgerald's Bar, Fine Wines.

Planning Policy

- The site is located within Moyross regeneration zone which is a priority area under the Limerick Regeneration Framework Implementation Plan and the current Limerick City and County Development Plan which aims to reduce

addiction related harm and anti-social behaviour, improve public health outcomes, create a safer more sustainable urban environment.

- Granting a second off-licence within the premises would undermine objectives in the plans.
- The approval of another off-licence in the area would conflict with key objectives of the Retail Planning Guidelines 2012 and Limerick Retail Strategy as it duplicates services already existing in the area rather than meeting an unmet demand. It risks undermining viability of the existing licenced unit thereby potentially destabilizing the tenant mix in the shopping centre, it fails to consider available, underutilized floor space within the same premises.
- The proposed development contradicts the stated aims of the development plan in this case regeneration, amenity protection and balanced retail. Permission can only be granted where Section 37(2)(b) applies and overcoming the tests. In this case, no justification has been made and the proposed off-licence is not of strategic or national importance.
- Planning policy should favour developments to improve the local community.

Precedent Decided Cases

- ABP Ref. 310590-21 An Comisiún Pleanála refused an application for ancillary off-licence in a Circle K service station on grounds relating to over concentration and local amenity risk. Similarly Cork City Council refused permission P.A. Ref. 20/38963 for an off-licence on the basis of harm to residents amenity from cumulative alcohol sales.
- ABP Ref. 314911-22 objectors successfully argued that the new store would undermine the Watch House Cross District Centre by diluting footfall and duplicating existing services and a similar logic applies to the current development.
- Limerick City and County Council P.A. Ref. 21/399 refused permission for an off-licence at Circle K in Thomandgate due to over-provision and potential anti-social behaviour. This site is within 2 km of the appeal site. Allowing a similar development in Moyross within the same functional urban catchment, without

addressing the same policy concerns, would represent an inconsistency in local authority reasoning.

Amenity Risk and Security Concerns

- Anti-social behaviour is a problem in the area as a result of the current off-licence.
- Granting permission will increase risk of anti-social behaviour at the shared entrance of Tesco and Carry Out premises.
- Concerns raised in regard to increased crime, loitering, public drinking, littering, harm to public safety, pressure on Gardaí and local community resources.
- The proposed off-licence is in close proximity to a public library and other community facilities.
- Negative impact on businesses in the area and customers. Current property management has failed to address behaviour outside the premises.
- The application is on the boundary of a historically significant site Paupers Graveyard. There is no provision for the protection of the site or its flora and fauna and anti-social behaviour is a problem. This is not addressed in the application.

Procedural and Legal Issues

- There is judicial review of ABP Ref. 314911-22 which the Commission is party to on grounds relating to alleged failure to properly consider retail policy, inadequate assessment of cumulative impact, and failure to conduct proper environmental or impact screening.
- Lack of consultation with local residents.
- The Public Health Alcohol Act 2018 and Section 22 is not adhered to in this application.
- The court judgement Tivoli Cinema Ltd (1992) IR 412 considered neighbourhood to be a radius of 250 yards for the purposes of licensing laws. As the proposed off-licence is within the same building, planning permission would contravene the national courts.

- The fire alarm is blocked in Tesco by a vending machine which also hinders entrances public access, and wheelchair access to the building, and is an offence under the Health and Safety at Work Act 2005 (supplementary photos included).

7.2. Applicant Response

A response to the third party grounds of appeal was received from the applicant which can be summarised as follows:

Nature and Extent of Ancillary Alcohol Sales

- An ancillary off-licence sales area which is distinctly different from a standalone off-licence.
- In reference to the point that it will result in two full off-licences (Tesco and Carry Out) within the same building, the proposed development is for an ancillary part off-licence where the display and sale of alcohol products for consumption off the premises is subsidiary to the main use for the sale of convenience goods, rather than being a destination alcohol only sales outlet.
- The proposed alcohol sales area is less than 10% of the gross floor area of the unit. The Limerick development plan does not provide a maximum cap for part off-licences. It is widely accepted it that ancillary alcohol sales within convenience stores should not be more than 10% of the total floor area. An example of this is referenced in Section 15.14.8 of the Dublin City County Development Plan 2020-2028 which notes there is a benchmark as a reference to the inclusion of alcohol sales that is ancillary in nature to the primary retail function, nor is it a change of use.
- The proposal will not be a destination alcohol retailer but rather the alcohol sales element represents an ancillary part of the general convenience offer serving the local catchment. The limit is ancillary sale of alcohol at less than 10% of the retail unit is not expected to attract customers from outside the centers catchment.

Proliferation of Off-licences

- It is acknowledged that there is a full off-licence located within the same building however the inclusion of an ancillary off-licence element within a convenience store of this size does not amount to over concentration of alcohol sales. This was acknowledged by the area planner in their assessment.
- In reference to the 5 alcohol units within 1.5 km radius, 1 is a wine specialist and caters to a specific market, 2 are public houses and not off-licences (Kinsellas and Fitzgeralds). Public houses are distinctly different, they have own catchment areas and clientele and cannot be compared to the proposal. Johnesys is a foodstore and located 13 minute walk from Tesco and would serve its own local catchment. There is 1 comparable convenience retailer within a 1 km radius which serves a separate local catchment. Therefore the proposal cannot be considered to result in over concentration of such uses.

Licensing and Anti-social Behaviour

- Section 22 of the Public Health (Alcohol) Act – the proposed development will comply with all relevant legislation governing the display, separation and advertising of products.
- The store holds a wine licence and operates in full compliance with all licensing requirements including the sale of alcohol to persons under 25 years of age.
- The proposed development will be located in a secure and monitored area within the store which is segregated from the main retail areas in line with the Act.
- There is a security presence in the store.
- Matters regarding anti-social behaviour, public safety risks, crime resulting from off-licences are not material planning considerations in the context of the application, as previously determined in decisions by the Commission regarding a number of off-licences in an area.

Precedent Decided Cases

- ABP Ref. 319041-24 – it was decided that the proposed change of use of part of a retail floor area to ancillary off-licence would not result in an oversupply off-licence floor area and that it would be consistent with the development plan

retail hierarchy. The ancillary nature of the off-licence area was modest and the proposal would not displace the substantive retail use on site.

- In reference to a decision refusing permission for a change of use from the general retail to retail use including the sale of alcohol for consumption off premises, the refusal was specifically due to the proliferation of off-licence outlets within an area zoned for residential use which would materially contravene the development plan (2016) which explicitly stated 'off-licence facilities shall not be permitted in petrol stations' ABP Ref. 310590-21 refers.
- It has previously been stated by the Commission that decisions regarding the number of off-licences in an area is the responsibility of the district courts and the role of the Gardaí to respond to anti-social behaviour.

Planning Policy

- The Retail Planning Guidelines 2012 encourage a competitive, efficient, and conveniently located retail sector and specifically support the integration of food and beverage sales within convenience stores provided that the use remains ancillary.
- The land use zoning objective for the site 'District Centre'. Retail convenience >/1,800 m² nfa and retail convenience </1,800 m² nfa are open for consideration. The proposal aligns with the overarching land use zoning objective and cannot be considered to materially contravene the development plan.
- The inclusion of a modest off-licence area within a larger convenience store is consistent with the function of a district centre which is intended to provide a balance of mixed uses.
- The proposed development does not undermine regeneration objectives, rather it contributes to the economic vitality and viability of key stores in the district centre. No evidence is provided to demonstrate that it would harm the amenity or wellbeing of the area.
- Regarding the provisions of Section 11.6.2.3 of the Limerick Development Plan the PA noted that the proposal would not lead to the disproportionate to the character of the area, and would be ancillary to the main supermarket use.

Negative Impact on Local Businesses and Services

- The proposed development will be located within the store. Passive surveillance by staff and security personnel, the physical barriers in place and strict operational policies particularly in regard to age verification, will ensure that the operation of the unit will not have a spill over effect onto adjoining public facilities.
- The proposed ancillary off-licence is consistent with objective ECON 02 of the development plan as it forms part of a wider convenience retail offering within a designated district centre. It does not introduce a standalone retail use and does not undermine the vitality of the city centre.
- There is no evidence to suggest that the inclusion of an ancillary off-licence within a convenience store would negatively impact surrounding businesses. Alcohol sales are intended to complement the main retail offering providing customers who are already visiting the store with the added convenience of purchasing alcohol as part of their shopping.

Other Matters

- Paupers Graveyard – no physical works are proposed as part of the application which relates solely to use.
- Reference to Cork City Council P.A. Ref. 20/38963 – unable to locate the application to compare and appraise similarities, if any.
- Reference to the case the subject of judicial review proceedings – this has no relevance to the subject application.

7.3. Planning Authority Response

Response received from PA noting that no further comments to make outside of the assessment of the planning application.

7.4. Observations

None.

8.0 Assessment

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development & Compliance with Planning Policy
- Proliferation of Off-licence Uses
- Material Contravention
- Other Matters

8.2. Principle of Development & Compliance with Planning Policy

Principle of Development

8.2.1. The appeal site is located in Tesco which forms part of the Watch House Cross shopping centre in Moyross. Moyross is designated as a Tier 2, Level 2 District Centre in the Limerick City and County Retail Hierarchy. The site is zoned 'District Centre' the objective for which is 'to provide for a mixture of retail, residential, commercial, civic and other uses'. The broad objective for this zoning is to facilitate a mix of compatible uses complementary to the city centre.

8.2.2. Retail convenience includes for alcoholic beverages, as noted in the Retail Planning Guidelines 2012. The zoning matrix indicates that within 'District Centres' a retail convenience less than 1,800 m² net floor area (nfa) is 'Open for Consideration'. *'A use open for consideration is one which the Council may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with existing uses or the proper planning and sustainable development of the area'.*

8.2.3. The operational relationship between the off-licence area as a use ancillary to the main retail use is evident. Accordingly, I note that the gross floor area of the proposed ancillary off-licence amounts to 68.15 m². It will replace the existing minerals section on the aisle which is adjoined by the existing wine sales area, and it will integrate with

the overall supermarket layout. I noted on day of site inspection that the area is enclosed by barrier/gates and that there is a dedicated security presence at the main entrance to the supermarket.

- 8.2.4. It is not envisaged that the additional floor space would result in significant increase in pedestrian and vehicular traffic movements as the additional floor area would be ancillary to the established retail use of the site. It is marginal in terms of floor area and will not operate independently of the main retail unit. The opening hours of operation are governed by Tesco's operating hours. In that regard I am satisfied that the proposed development aligns with the zoning objective for the site and would not undermine the overall role of the district centre and is broadly consistent with Objective ECON 03 of the development plan. As such, the principle of the proposed use is acceptable subject to compliance with other development plan policies and objectives and the proposed planning and sustainable development of the area.

Compliance with Planning Policy

- 8.2.5. The planning policy related to designated district centres particularly set out in the Retail Strategy for Limerick, places a specific focus on the role of district centres in areas such as Moyross in providing convenience shopping centres to serve the local population, while also safeguarding retail vitality and viability of Limerick city centre. Objective MO 1 (q) of the development plan aims to promote the Watch House Cross District Centre to progressively develop as a mixed use urban centre to serve the Moyross area and the catchment beyond Kileely, Ballynanty and Parteen.
- 8.2.6. I acknowledge the point raised by the appellant that the proposed development would provide the same consumer product that the adjoining Carry Out unit provides, however the retail premises are two separate entities and are governed by two separate licences. It is recognised in the Retail Planning Guidelines 2012 that expansion of the retail sector enables more choice and enhanced competition to the benefit of consumers, however the role of the planning system is not to inhibit competition or preserve existing commercial interests. Therefore I am satisfied that the proposed development is consistent with the land use zoning objective for the site and the strategic policy framework of the development plan in particular ECON 02, and MASP 01 and MASP 04 of the Limerick Retail Strategy.

8.2.7. In relation to the Limerick Regeneration Framework Implementation Plan (2013), I note that this is a non-statutory plan and is incorporated into the development plan with the overall aim to support its delivery and implementation. I note the concerns raised by the third party that the proposed development would undermine the stated objectives to address addiction, anti-social behaviour and creating safer environments, however, I do not agree that the proposal would hinder these stated objectives. The planning policy that is in place in regard to District Centres is informed by the Retail Strategy for Limerick-Shannon Metropolitan Area County Limerick 2022-2028, and the Limerick Retail Strategy Volume 6 of the development plan and therefore I am satisfied that the proposed development aligns with the stated objectives.

8.3. Proliferation of Off-licence Uses

8.3.1. Concerns are raised that the proposed development would result in an over-concentration of off-licences within 1.5 km radius. 5 outlets are referenced in the grounds of appeal including the independent off-licence Carry Out within the appeal site and the proposed development itself.

8.3.2. I note that the applicant in response to the grounds of appeal has indicated that 2 of the off-licences refer to public houses and not off-licences (Kinsellas and Fitzgeralds) and are different in nature and serve a separate local catchment. In reference to Johnesys, I note that this is a grocery store with an off-licence which is located less than 1 km to the south of the appeal site. Similarly the applicant states that this retail unit serves its own district catchment area, and I agree that this would be the case.

8.3.3. I note Section 11.6.3.3 of the development plan which states that the PA will seek to ensure the quantum of off-licences/ betting shops is not disproportionate to the overall size and character of the area. I note that the PA was satisfied that the proposed development would be ancillary within the existing Tesco retail store and would not result in the quantum of off-licences being disproportionate to the character of the area.

8.3.4. Section 11.6.2.3 further states that premises are primarily a licensing issue. This is my view does not relate to the regulation of the land use itself, and in that regard the PA is not constrained by same. The proposed development is for a limited off-licence floor area and is ancillary to main convenience retail store and I consider that it does not

result in an over concentration of off-licence uses within the Watch House Cross District Centre.

8.4. Other Matters

Precedent

- 8.4.1. The matter of precedent cases arises in regard to a number of previously decided permissions by An Comisiún Pleanála. In this regard, reference is made to ABP Ref. 314911-22 whereby it is stated that it is pending judicial review, and ABP Ref. 310590-21 which is located in Dublin. In reviewing both of these case files I note that ABP Ref. 314911-22 refers to the constriction of a new discount food store including off-licence, and ABP Ref. 310590-21 refers to the change of use of existing retail floor space to provide an ancillary off-licence within an existing service filling station.
- 8.4.2. The third party appellant submits that the grounds of appeal are similar to that refused by the Commission under ABP Ref. 310590-21, however I have clarified that although the PA refused permission, the Commission decided to grant permission in this case. In the other case 314911-22, I note that the nature of the development is not comparable to that proposed under this application.
- 8.4.3. In relation to P.A. Ref. 21/399 this relates to a proposal for an ancillary off-licence area approx. 9.3 m² in an existing service station at Sexton Street. I note that the subject site is in the locality of the other off-licences highlighted by the appellant. In this case, I note that the PA exercised its discretion in the application of Section 11.6.2.3 of the development plan, and refused permission on the basis of the proliferation of off-licences in a limited area and in an area of residentially zoned lands.
- 8.4.4. Having regard to the foregoing, I am of the view that the subject appeal should be considered on its own merits and on a site-specific basis, having regard to national and local planning policy and other relevant planning.

Anti-social Behaviour

- 8.4.5. Anti-social behaviour is raised in the grounds of appeal, as a result of the proposed development. There is no evidence that the proposed development would result in anti-social behaviour. However, such issues are not planning considerations and the

policing of such problems are matters for other appropriate authorities and An Garda Siochana.

- 8.4.6. In relation to compliance with the Section 22 of the Health (Alcohol) Act 2018 not being adhered to, I note that this is a separate legal code and therefore does not concern the Commission for the purposes of this appeal.

Adjoining Burial Ground

- 8.4.7. In the appeal, reference is made to Paupers Graveyard. I note that the location of the burial ground is to the south of the Watch House Cross District Centre, and that access to same appears to be via a strip of land that immediately adjoins the southern boundary of the appeal site. Having regard to the nature of the use which does not entail any development works external to the existing Tesco retail unit, I am satisfied that no impacts arise in relation to this existing burial site.

Access within the Existing Tesco Shopping Centre

- 8.4.8. Concern has been raised regarding health and safety, access to fire alarms and wheelchair access within the Tesco premise as a result of existing return vending machines hindering access to same. I would note that compliance with fire safety legislation and building regulations would be addressed under the relevant separate legal codes and in this regard, is not a matter for the Commission to consider for the purposes of this appeal.

8.5. Material Contravention

- 8.5.1. The grounds of appeal have raised that the proposed development contradicts the stated aims of the development plan in this case in relation to regeneration, amenity protection and balanced retail. Reference is made to Section 37(2)(b) which applies, where the proposed development is granted. No specific development plan objectives are referenced in this regard by the appellant.
- 8.5.2. Section 37(2)(a) of the Planning and Development Act 2000 (as amended) (the Act) states that the Commission may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the PA to whose decision of the appeal relates. Section 37(2)(b) of the Planning and Development Act 2000 (as amended)

sets out the criteria that allows the Commission to grant permission where the PA decided to refuse permission on the grounds that a proposed development materially contravenes the development plan. In this case, the PA decided to grant permission and the question of material contravention did not arise in the PA's assessment. As I do not consider that such a scenario arises in this case, I therefore submit that the Commission is not constrained by the terms of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

8.5.3. Notwithstanding, having examined the plans and particulars submitted, and having regard to my assessment and to the land use zoning objective for this site, and to the appeal in the context of the proposed development being at variance with regeneration, amenity protection and balanced retail, I consider that the proposed development does not constitute a material contravention for the following reasons:

- Objective ECON 03 requires the mix of services and facilities in existing district centres to be protected and enhanced to serve the day-to-day needs of local communities in accordance with the Retail Strategy and to enable development of district centres in accordance with the specific objectives and assessment criteria of the Retail Strategy. Objective MASP 04 of the Retail Strategy for Limerick-Shannon Metropolitan Area County Limerick 2022-2028 provides for a number of objectives including that district centres should not evolve into primarily comparison goods retail destinations, or expand significantly above the 10,000 sqm (net) size threshold set out in the retail Planning Guidelines for Planning Authorities. Having regard to the assessment in Section 8.2 above, I am satisfied that the proposed development is in accordance with these stated objectives and the zoning objective for the site.

9.0 AA Screening

9.1.1. I have considered the proposed extension in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The nearest European Sites located relative to the appeal site are as follows:

- SAC: 002165 - Lower River Shannon SAC – approx. 80 to the northeast and 259 m to the east.

- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – 1.86 m to the south.

9.1.2. The proposed development comprises the provision of an ancillary off-licence sales area within an existing convenience retail centre. No conservation concerns were raised in the planning appeal.

9.1.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- The small scale and the nature of the proposal which does require construction works to be carried out.
- Its location within an existing retail/commercial development.
- Location-distance from nearest European Sites and lack of connections.
- Taking into account the AA Screening determination by the PA.

9.1.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

9.1.5. Likely significant effects are excluded and therefore appropriate assessment (stage 2) (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

10.0 Water Framework Directive

10.1.1. The subject site is located within an existing retail development. The nearest waterbody is the River Shannon which is located approx. 259 m to the east of the existing district centre. The proposed development comprises the provision of an ancillary off-licence sales area in the existing Tesco retail unit.

10.1.2. No water deterioration concerns were raised in the planning appeal.

10.1.3. I have assessed the ancillary off-licence sales area which is to be provided within an aisle and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water

waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works i.e. the small scale and nature of the development within an existing retail shopping centre.

10.1.4. Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission is granted, subject to conditions as set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Limerick City and County Development Plan 2022-2028, the land use zoning objective for the site within which retail convenience less than 1,800 m² net floor area is open for consideration and which includes for off-licence use, the established retail use of the site, the pattern of development within the vicinity, and to the limited scale of the proposed use for the purposes of an off-licence ancillary to the overall footprint of the existing retail unit, it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not seriously injure the amenities of the area, and would not result in an over-concentration of off-licence uses in the existing district centre. The proposed development, would, therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as received by the planning authority on the 25th day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) No advertising of the sale of alcohol products shall occur on the front (eastern) elevation of the existing shop or on the internal windows of the Tesco retail shop, or within or on the boundaries of the District Centre site.</p> <p>(b) The alcohol sales area shall be limited to the area as shown on DWG Ref. PL.101 submitted with the planning application.</p> <p>Reason: In the interest of clarify and the visual amenities of the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Clare Clancy
Planning Inspector

04th September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP Ref. 322698-25
Proposed Development Summary	The provision of an ancillary off-licence sales area in the existing Tesco retail unit.
Development Address	Watch House Cross Shopping Centre, Kileely Road, Limerick
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i></p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____

WFD – Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322698-25	Townland, address	Watch House Cross Shopping Centre, Kileely Road, Limerick
Description of project		The provision of an ancillary off-licence sales area in the existing Tesco retail unit	
Brief site description, relevant to WFD Screening,		The site is located within an existing commercial retail shopping centre and comprises the provision of an off-licence area within a supermarket aisle.	
Proposed surface water details		Existing. No issue arises.	
Proposed water supply source & available capacity		Existing.	
Proposed wastewater treatment system & available capacity, other issues		Existing. The proposed development will not impact on same.	
Others?		Not applicable	