



Development	Change of use from retail warehouse to convenience store incorporating off-license together with the provision of associated signage.
Location	Westpoint, Kilrush Road, Ennis, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2560515
Applicant(s)	Tempside Ltd. (T/A Polonez)
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	RK Supernetto Ltd. O'Sullivan & Hansbury Motors Ltd.
Observer(s)	MAOM Properties Ltd
Date of Site Inspection	28 th January 2026.

Inspector

Kathy Tuck

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1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c.0.048ha is situated within the established Westpoint Retail Park, Kilrush Road, Ennis, Co. Clare. Westpoint Retail Park comprises of an existing two storey, contemporary style building. The unit subject to this appeal is situated at the end of the existing building and is currently unoccupied.
- 1.2. Westpoint Retail Park is situated approximately 2 km to the south of Ennis Town Centre and currently comprises of an Aldi supermarket, a home furnishing store, a toy shop, Ennis Hospital Outpatients department and a nursery. There is a large area of surface car parking provided.
- 1.3. The site is served with two access points one at the south-east of the site from the Clonroadbeg Road and one to the north-west from the Kilrush Road (R475).

2.0 Proposed Development

- 2.1. This development is seeking permission for a change of use from retail warehouse to convenience store incorporating off-license at unit 11 Westpoint Retail Park.
- 2.2. Permission is also sought for associated signage. The area of the change of use is given at c.476sq.m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant planning permission subject to 5 no. conditions on the 15th October 2025. Conditions of note are as follows:

- Condition no. 4

No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.

Reason: To control the layout and scale of the development in the interest of protecting the vitality and viability of the area.

- Condition no. 5

Opening hours shall be in accordance with details as received by the Planning Authority on 21st August 2025, namely 09:00 hrs to 20:00 hrs Monday to Saturday, and 11:00 hours to 19:00 hours on Sunday.

Reason: In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Authority sets out details of the appeal site, the proposed development, relevant planning policy, planning history pertaining to the site, summary of submissions, summary of internal and external reports received and provides for an AA Screening and EIA Screening determination.

The assessment considered that the change of use proposed would be acceptable in terms of the land use zoning together with the site-specific objective 'COM6' which seeks to transform the retail park into a neighbourhood centre, with a mix of convenience retail and other neighbourhood centre uses. The quantum of retail being proposed was also considered to be acceptable in terms of the Clare Retail Strategy 2023- 2029. Overall, the assessment considered the proposal to be acceptable and recommended that permission be granted in line with the decision issued.

3.2.2. Other Technical Reports

Road design Office: Notes concern over the shortfall in parking serving the full retail park and requests the applicant to carry out a survey or assessment of available parking spaces during their proposed peak times.

Ennis MD: Raised the same concern as the Road Design Officer.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 2 no. submissions which the Planning Officer provided a detailed synopsis within their report. The concerns raised reflect the same issues as set out within the appeals received.

4.0 Planning History

PA 05/21134 Permission GRANTED for the demolition of existing sheds, and for permission to erect a retail warehouse development consisting of four ground floor units and one first floor unit, with bicycle and car parking and associated external works and services, and to provide a new vehicular access via the Kilrush Road, and a secondary access via R475 link road from Kilrush Road to St. Flannan's Drive. This is the parent permission.

ABP-300046-17 Permission REFUSED on appeal for a Change of use from warehouse to mixed use neighbourhood centre & medical services, to provide for supermarket, 8 retail units, new foyer, shop front canopies, service yard, electrical switch room, parking & associated site works. (PA Ref 17613). The reason for refusal was as follows:

Having regard to –

(a) the scale of the proposed development which would provide for a total floor area in excess of 6,000 square metres served by 216 car-parking spaces,

(b) the mix of uses proposed including retail and medical uses of a significant scale in the context of Ennis,

(c) the pattern of development in the area, the distance of the site from the town centre of Ennis and the location of the site on a major link road between the town centre and the N85 ring road and M18 motorway, and

(d) the existing quantum of retail and commercial development within Ennis and the level of vacancy currently prevailing therein,

It is considered that, notwithstanding the zoning of the site for use as a neighbourhood centre, and objective COM6, the proposed development would be of an excessive scale which is beyond what would be reasonably envisaged for a neighbourhood centre in this area and would be of a nature and scale that would create a counter-attraction to existing town centre services. This would seriously impact on the vitality and vibrancy of Ennis town centre and would constitute an unsustainable form of development which would be principally dependent on private car based transport and on serving a wider catchment than the Cahircallamore neighbourhood area, as envisaged by objective COM6 in the Development Plan. The proposed development would, therefore, contravene the policies of the Mid-West Retail Strategy and Mid-West Regional Planning Guidelines 2010-2022 and the strategic aim of the current Clare County Development Plan, which seek to consolidate town centres and coordinate transport and land use planning thereby reducing the need to travel, and would conflict with objective V3(2)(8)(c) of the Development Plan, which seeks to encourage the provision of new neighbourhood centres...in order to provide a mix of uses and services suited to the scale of the local neighbourhood. Furthermore, having regard to the "Retail Planning Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in April 2012, which seek to protect the vitality and viability of town centres as the primary focus for retailing development, the Board is not satisfied that a location closer to the town centre of Ennis is not available for the scale of development proposed. The proposed development would, therefore, be contrary to these Ministerial Guidelines, to the overall provisions of the Development Plan and to the proper planning and sustainable development of the area.

- PA Ref 18632 Permission GRANTED for a change of use of part of the existing Westpoint Building on site from Retail Warehouse use to Medical Services incorporating outpatients facility.
- ABP-311569-21 Permission GRANTED for Change of use from retail warehouse to discount foodstore. (PA Ref 21756).

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

5.1.1. The subject site is zoned under Objective Commercial under the current development plan which seeks to be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail/office type uses as appropriate. Shops (excluding Retail Warehousing) is listed as being normally accepted under the commercial land use zoning.

5.1.2. Other relevant policies

Objective CDP4.1 Ennis – 1. Monitor progress made on the delivery of projects resulting from Ennis 2040 Spatial and Economic Strategy 2. Delivery of Mobility Plan for Ennis 3. Completion of the annual town centre health check 4. No. of public realm projects planned/commenced/ delivered.

Objective CDP6.25 - To facilitate and support the implementation of the County Clare Retail Strategy 2023-2029 and to harness the economic potential of retail development at appropriate locations throughout the County.

CDP7.11 Over-Concentration of Uses - To ensure that, in the interest of vitality and viability, development proposals result in a balance of services and outlets thus avoiding an over-concentration of a particular type of retail activity in a given area.

CDP7.18 Retail Parks/Retail Warehousing - a) To encourage and facilitate an improved bulky comparison retail offer in Ennis where it can be achieved through a qualitative improvement of existing retail floorspace; and b) To consider new retail warehouse development in the other retail catchment areas, in instances where it

would target a qualitative improvement of existing bulky goods retailing and without exceeding the additional requirements identified. Further, that any such consideration be subject to the application of the sequential test and the preparation of a Retail Impact Assessment to ensure that there will be no negative impacts on the vitality and viability of associated town centre areas.

5.1.3. Ennis Settlement Plan - Vol 3(a) of the County Development Plan

Section 1.7 – Retail Development

Section 1.7.5 Neighbourhood Centres

COM6 Cahircallamore:

The HSE has recently opened an Out-Patient Clinic in part of this development, mainly at first floor level. Planning permission has also recently been granted for a discount food store at ground and first floor levels. The principal development objective for this site is to secure the optimum re-use of the remainder of the building, by providing a neighbourhood centre that serves the Cahircallamore neighbourhood.

The neighbourhood centre shall provide for a mix of uses including convenience retail and other uses that may include hairdresser/barber shop, café or restaurant, fitness centre or children's indoor play centre will be encouraged. Given the proximity of this neighbourhood centre to the national school that also serves this neighbourhood, there is an opportunity that initiatives for active and safe travel to the school can be facilitated here as part of the overall promotion of behavioural change towards more active travel to schools.

Objective V3(a)7 - It is an objective of Clare County Council:

- (a) To retain the vitality and viability of existing neighbourhood centres and local shops, ensuring their sustainable development;
- b) To work to ensure that all residential areas have easy access to, and are adequately serviced by, local/neighbourhood facilities and services;
- (c) To encourage the provision of new neighbourhood centres, in the areas identified, to provide a mix of uses and services suited to the scale of the local neighbourhood.

Such developments will be the subject of a retail impact assessment to ensure that there will be no resultant negative impacts on the vitality and viability of the town centre; and

(d) To ensure that a physical buffer is provided between new neighbourhood centres and adjoining residential areas to avoid disturbance and promote compatibility.

5.1.4. The Clare Retail Strategy 2023-2029 – Volume 7 of the County Development Plan

Section 7.3.1.1 General Strategy

- Objective CCC02: When assessing retail planning applications, it will be the objective of the Council to have regard to the findings of the capacity assessment contained in the Clare Retail Strategy 2023-2029, including the ability to counteract expenditure leakage. The onus will be on any applicant to demonstrate in a Retail Impact Assessment that the proposed floorspace is appropriate having regard to the quantum of floorspace required within that specific urban centre or settlement, in addition to evidencing all other relevant variables, as specified within the Retail Planning Guidelines.
- Objective CCC14: The Council shall require that applications for new supermarkets on Neighbourhood Centre sites shall be accompanied by a Retail Impact Assessment.
- Objective CCC15: Proposals for new supermarket developments in Neighbourhood centre sites should support the sustainable upgrade of neighbourhood centres and facilities and demonstrate that they facilitate improved access to public transport and/or cycling and walking for their catchment in accordance with the Retail Policy Guidelines.

Section 7.4.2 – Retail Impact Assessments will be required for significant retail development where due to its scale and/or location; it may impact on the vitality and viability of centres. Significant retail development in County Clare constitutes development proposals for both comparison and convenience type development of:

- greater than 1000m² of net floorspace outside of Shannon (within MASP);
- greater than 500m² in all other settlements,

- or where Clare County Council considers the development may impact on the vitality and viability of a town centre.

Section 7.4.3 - Traffic and Transport Assessment (TTA) may be required for retail developments outside of town centre sites over a particular threshold (1,000m²), as set out in the Traffic Management Guidelines 2003, and the Traffic Transport Assessment Guidelines 2014.

Section 7.4.5 – Local Shops should be encouraged in large or growing residential catchments. Such developments should be designed to a high standard and be easily accessible to all members of society.

5.2. Ministerial Guidelines

5.2.1. Retail Planning Guidelines for Planning Authorities April 2012

Chapter 4 deals with Retailing and Development Management and outlines a number of 'Key Messages' including:

- The development management process must support applications for retail development which:
 - are in line with the role and function of the city or town in the settlement hierarchy of the relevant development plan; and
 - accord with the scale and type of retailing identified for that location in the development plan and relevant retail strategy.
- Development proposals not according with the fundamental objective to support the vitality and viability of city and town centre sites must demonstrate compliance with the sequential approach before they can be approved.
- Retail impact assessment and transport impact assessments may be required for significant retail development which due to their scale and/or location may impact on the vitality and viability of city and town centres.

Section 4.4 deals with the 'Sequential Approach to the Location of Retail Development' and details –

- Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it

complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies are not required.

Section 4.6 deals with 'Sequential Approach and Extension - Change of Use Applications and states –

- “The sequential approach should also be used to assess proposals for the extension or material change of use of existing development where they are of a scale which could have a significant impact on the role and function of the city/town centre. Such extensions will of course also have to be assessed in the context of the floorspace requirements of the development plan/relevant retail strategy where appropriate.”

Section 4.9 deals with Retail Impact Assessment and States:

- The threshold at which an RIA will be required will be determined in the context of the development plan policies and objectives for retailing or may be raised by the planning authority in pre-application discussions or in the course of determining the planning application.

Section 4.10 deals with Transport Impact Assessment and states:

- A Traffic and Transport Assessment (TTA) may be required for retail developments over a particular threshold (1,000 M2 gross floorspace for retail/leisure) as set out in the Traffic Management Guidelines 20036 the Traffic and Transport Assessment Guidelines 2007 .

Section 4.11 deals with Assessment of Specific Categories of Retail Development.

- Section 4.11.6 Local Retail Units - Local retail units such as corner shops or shops located in local or neighbourhood centres serving local residential districts perform an important function in urban areas. Where a planning authority can substantiate the local importance of such units in defined local centres, they should safeguard them in development plans, through appropriate land-use zoning.

Annex 1 sets out a Glossary of terms. The following are considered relevant:

A 1.2 Types of Retail Goods

- Convenience Goods:

Food; alcoholic and non-alcoholic beverages; tobacco; non-durable household goods.

A 1.3 Types of Retailing

- Supermarket - Single level, self-service store selling mainly food, with a net retail floorspace of less than 2,500sq.m.

A 1.5 Types of Centres

- Local Centre or Neighbourhood Centre Comprise a small group of shops, typically comprising newsagent, small supermarket/ general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population.

5.3. Natural Heritage Designations

The site is located within or directly abutting any Natura 2000 sites. The subject site is situated c.1.8km west of the Lower River Shannon SAC (002165), c.1.5km north of the Newhall and Edenvale Complex SAC (002091), c. 2.6 km east of the Pouladatig Cave SAC (000037), c. 4 km south of the Ballyallia Lough SPA (004041), and c. 2.9 km north east of the River Shannon and River Fergus Estuaries SPA (004077).

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received 2 no. 3rd Party Appeals from RK Supernetto Ltd. and O'Sullivan and Hansbury Motors LTD. both of which were prepared by P. Coleman & Associates. I note from reviewing both appeals submitted that the grounds raised are identical and I have provided a summary of these below:

1. Contrary to the County Development Plan

Commercial Zoning and Objective COM6- Cahircallamore:

- Objective to create balanced neighbourhood hub rather than retail cluster dominated by a single use.
- Objective COM6 requires TTA to be undertaken – including an assessment of Cumulative Impacts.
- Planning Authority made no reference to this requirement and concluded TTA not necessary as floor area fell below 1,000sq.m (Transport Infrastructure Ireland threshold):
 - Development Plan carries strategic weight, and its specific provisions take precedence over general guideline thresholds.
 - In not requesting a TTA the Planning Authority acted contrary to their adopted Development Plan and Adopted policy.
- Existing uses on site prevents site operating as a balanced neighbourhood centre in line with CMO6:
 - HSE not a neighbourhood use – granted after lands zoned and doesn't contribute to a mix of local services.
 - Majority of buildings serving a much wider car-based catchment area.
- Planning Authority primary focus was on filling empty unit rather than ensuring a proposed use appropriate in term of objective COM6:
 - Should have been complimentary neighbourhood use that adds to diversity

- Proposal duplicates existing supermarket.
- Roselevan and Lifford neighbourhood centres demonstrate what CMO6 was meant to achieve:
 - Westpoint moving in opposite direction.
- Grant of permission would consolidate 2 full supermarkets and transform site from neighbourhood centre to a car-based retail designation – contrary to objective CM06.

2. Proliferation of Similar Use

Objective CDP7.11 seeks to avoid over-concentration of any retail use.

- Locating two supermarkets together in the same building is inconsistent with this objective.
- No reasoned basis for conclusion drawn by Planning Officer:
 - Unsupported and illogical given pattern of development at Westpoint and wider area.
 - Aldi already operating and filling that role.
- Little housing delivered in Cahircallamore to support such expansion
 - Local population doesn't justify 2nd supermarket.
 - Combined net convenience cumulative would be close to 1,500sq.m.
 - Exceeds both scale envisaged in development plan and previously refused by the Commission under ABP-300046-17.
- A Lidil Supermarket and 2 ancillary retail units permitted nearby:
 - Total convenience retail will exceed 3000 sq.m within short suburban corridor.
- Over concentration – extends to alcohol sales
 - Lidil already sells alcohol.
 - 7 other retailers within vicinity include off-licence which represents an excessive over concentration.

- Landowner – MAOM – lodged a submission on PA Ref 2560571 which related to a modest off-licence at a long-established supermarket which was in operation for over 40 years.
 - Inconsistency is striking.
 - Proposal is a car dependent supermarket in same building as an identical use.
- Inconsistency in what is being proposed as a 'mainstream convenience store' vs what is presented on web site of applicant positions itself as a specialised grocery retailer.
- Type of offering is not aligned with typical neighbourhood centre supermarket – day to day basis.
- If considered specialised retailer then it does not fulfil COM6 function:
 - Serving immediate local community.
 - Contrary to Objective CDP 7.11.
- Proposed inconsistency with the purpose of COM6 and definition of neighbourhood centre in Retail Planning Guidelines and the Clare Retail Strategy.
- Applicant conflicting description of store type highlights need for a Retail Impact Assessment.

3. Failure to Apply the Sequential Test

Cumulative concentration of convenience retail development in this corridor:

- Concerning Planning Authority failed to request a sequential test/Retail Impact Assessment.
- Clear policy requirement under RPG's and Clare Retail Strategy.
- Sequential test as described in the RPGs reiterated in Clare Retail Strategy:
 - Reinforced by Objective CC05 – presumption against retail development on out of centre sites.

- Omission of sequential test mirrors the legal failing identified in ‘Watchhouse Cross / Moyross Aldi Judgement (Humphries J. 8 October 2025) –
 - Decision quashed as Board failed to engage with objective of development plan requiring retail to be located in existing centres.
 - Court critical of failure of Commission to apply sequential test.
 - Same error is occurring here.
- Section 7.4.2 of the Clare Retail Strategy identifies developments over 500sq.m require RIA but also includes the caveat:-
 - Where Clare County Council considers the development may impact on the vitality and viability of a town centre.
 - Does not exempt small developments from this requirement.
 - Given the cumulative floor area at Westpoint and out of town location – RIA would be required under Objective CC02, CCC14 and CCC15.
- Since site zoned as neighbourhood centre:
 - Only 40 houses completed at Cnoc na Scoile and 41 at Ballymacaula View.
 - Only modest population increase that can’t be used to justify another supermarket.
 - Existing offering already fulfils neighbourhood retail requirement.
 - No demonstrated need for proposal.
- ABP-300046-17 – permission refused for supermarket on this site as it would create a counter attraction from the Town Centre.
 - Same concern remains valid.
 - Cumulative scale of retail has reached a point where it effectively functions as competing retail destination – undermining primary function of Ennis Town Centre.
- Unplanned shift in retail gravity of Ennis –
 - Creating a competing retail core on southern approach to town.

- Conflicts with Objective V3(a)5 ad V3(a)7 of the Settlement Strategy.
- Reference to RPG's and Clare Retail Strategy by Planning Officer not supported by evidence:
 - No reference to sequential approach/cumulative floorspace analysis/ no RIA as required by objective CCC14 of Clare Retail Strategy.
 - Lack of Retail Impact Assessment – no independent verification has been provided to establish if proposed store functions as mainstream or specialised retailer.
 - Represents material failure in assessment and departure from plan led approach.
- COM6 zoning does not exempt proposal from proper retail scrutiny.
- Convenience retail already fulfilled at Westpoint
 - Any further convenience retail cannot rely on zoning to justify reduced assessment.
 - Neighbourhood centre has already been satisfied with convenience floorspace.
 - Proposal should be subject to level of scrutiny and testing as any other out of centre supermarket – RIA and Sequential Test should have been requested.

4. Traffic, Parking and Access Deficiencies

- Objective COM6 explicit – any application on subject site must be accompanied by a Traffic and Transport Assessment – including an assessment of cumulative impacts at junctions – nothing submitted.
 - Omission is serious – site accommodates high frequency car based uses.
 - Site originally design for retail warehousing which carries materially lower parking requirements.
 - Incremental conversions altered traffic and parking profile.

- Further convenience store will intensify peak hour movement and parking demands.
- Absence of TTA – no evidence that road network access/internal layout can accommodate proposal.
- Planning Officer states TTA not required as under 1000sq.m – TII threshold.
 - Conclusion ignores site specific requirements that all proposals must be accompanied by a TTA.
 - Development Plan policy takes statutory weight and precedent over TII guidance.
 - Contrary to COM6 zoning.
- Both internal consultees requested a cumulative parking assessment
 - Including parking numbers and impact on R475.
 - Concerns over parking pressure
 - Planning Officer did not seek further information to this extent.
- Dual Trips and shared parking not supported:
 - Weekly shop not typically combined with a second grocery shop/furniture shop.
 - No evidence to support.
- Car parking pressure already evident:
 - HSE operating at a shortfall of 53 car parking spaces – 210 provided – 263 required.
 - Reduction was also accepted for the ALDI supermarket.
- Cumulative effect of Plannign Authority and An Coimisiún Pleanála now twice accepted sub-standard parking quantum.
 - Undermines development plan requirements.
- Statement by landowners in observation on another development confirms existing parking and circulation pressures in area – proposal conflicts with objective COM6 and Appendix 1 of the CDP.

- Planning Authority should have required applicant to confirm correct and current number of spaces and provide a use-by-use brake-down of parking demand.
- A full TTA should have been required.

5. Piecemeal Development Approach

- Site developed to date in a piecemeal manner – intended function has been eroded.
- No co-ordinated evolution of combined impact on traffic, parking, retail policy, or impact on Town Centre.
- Commission refusal under ABP-300046-17 identifies risks associated with excessive convenience retailing at this location:
 - Inappropriate for neighbourhood centre – drawing trade from Ennis.
 - Concerns directly relevant in this case.
- What has occurred is opposite to what Objective COM6 sought to achieve at this site permitting proposal reinforces piecemeal patten rather than delivering a neighbourhood centre.

6. Previous An Bord Pleanála Decision and Inconsistent Approach

- Two previous Commission decisions relevant - 300046-17 and 311569-21.
- 311569-21:
 - No clear rational given for Commission not accepting the inspectors' recommendation to refuse.
 - Decision relied primarily on numerical figures fell below the 1200sq.m threshold.
 - Proposal being in same building brings convenience retail floorspace above level previously refused by the Commission:
 - No planning rational provided to explain why a greater level should now be acceptable.
 - Existing ALDI fulfils convenience retail requirement.

- Granting permission for the proposed development would be inconsistent with the Commissions previous determinations.

7. Strategic Location and Car Based Catchment

- Location desirable for car based shoppers – highlighted previously by Planning Inspector.
- Car dominance character of site conflicts with principles of RPG's and Clare County Development Plan.
 - Seeking to promote compact urban growth, sustainable travel and reinforce role of Town Centre.
 - Site will inevitably operate as out-of-centre retail.
 - Contrary to nationals and local policy.

7.2. Applicant Response

A response from the applicant was received by the Commission on the 4th December 2025 and can be summarised as follows:

1. Nature of Proposal

- Planning history of site – evident utility of building has changed.
- When supermarket was granted – development plan objective for site was to allow for an anchor food store of up to 1200 sq.m.
- Appellant suggests this is a retail chain specializing in eastern EU products – suggesting will not be suitable emporium to occupy in neighbourhood centre.
- Appendix 1 includes a business model of Polzien
 - Cannot be described as ethnic shop or niche market.
 - Provides interactive counters including bakery/fish monger/butcher/fresh foods.
 - Such is recommended in the RPG's for neighbourhood centres.
- RPGs cited by 3rd Party appellants reinforce the provision of the kind of shopping which Polonez embodies.

- Provides services that would traditionally have been provided by small corner shop.

2. Appellants

- 3rd party appeals have a primarily anti-competitive spirit – continually trying to stop all developments in Westpoint with always the same reasons.
- More appropriate to put services in place before additional housing:
 - Cahircallamore neighbourhood has extensive area of lan that could be developed (subject to recent planning applications).

3. Refutation of Appeal Points

a. RSES

- Laudable to consider small local shop would impact on the vitality of Town Centre – not justified in appeals submitted.

b. Zoning

- Provision of complementary shop is entirely consistent with previous plan and needs to fully occupy the building with uses to serve the local population.
- Description of COM6 envisages a move away from retail warehouse to incorporate convenience shopping.

c. Appropriateness of Use

- Appellant suggests retail centre is dominated by a single use:
 - Retail unit proposed differs from existing uses as if not ALDI would have objected.
 - As part of lease agreement ALDI has the right to prohibit proposed competitors opening in Westpoint.
 - Polonez stores operate in many locations nationwide in close proximity to large change stores, including ALDI, Lidil and Tesco.

d. Car Based Development

- Landowners found from feedback from local community has been positive in that it obviates the necessity of their housing to drive to secure groceries:

- Envisaged it will be used by locals and people who live in west Clare but may work in Ennis.
- Responds to need of locals on a well-established route where others will pass by.
- Area indicated in the Development Plan as one which is a sustainable area zoned for the provision of housing.

e. Car Parking

- Appellants have a rigid view on car parking – suggesting that given convenience store has a higher requirement for car parking standards.
- There is a move away from traditional excessive provision of car parking as it encourages greater vehicle movement.
- No issued in Westpoint with regards provision of car parking – peak demand will be Friday evening and Saturday –
 - Appendix 3 includes a video of Saturday afternoon (29th November) indicates vacant spaces.
 - Appendix 3 also includes for a survey of the parking provision available in Westpoint which was undertaken on various dates.
- Complementary nature of use in tandem with ALDI is unlikely to be a generator of significant additional traffic.
- Changing nature of retail – not simply a manner of summing the floor areas but examining different natures of retail.
 - Inadequate methods of assessment.
- Design manual of RPG's seeks to ensure that shopping facilities would not be lost in a sea of car parking spaces.
 - Flexibility therefore required.
 - Refers to page 35 & 38 of the design manual.

f. Retail Impact

- Appellants suggest that Planning Authority not seeking a sub-threshold RIA not just a mistake but also contradiction of a high court case:

- High court case refers to Boards failure to engage with Development Plan requirements to conduct a RIA – constituted a material contravention.
- No such argument in this case as level of development is below the suggest threshold.
- Section 7.4.2 of the Clare Retail Strategy (CRS) requires an RIA for development over 500sq.m or where the Planning Authority has reason to believe it would negatively impact upon the viability of the Town Centre:
 - Given the zoning of the site inconceivable Planning Authority could consider it would give rise to a negative impact on Town Centre.
 - Inappropriate to suggest Plannign Authority should have sought an RIA or is in breach of its Development Plan policies and objectives.
- Threshold in Clare County Development Pan 2023-2029 is rather low in comparison to Section 28 guidelines.
- RIA was submitted under ALDI application
 - Indicated 35% surplus in catchment post opening.
 - Included in Appendix 4.

g. Traffic

- Proposal falls below threshold for the requirement of Traffic and Transport Assessment.
- Transport Infrastructure Ireland indicates that a TTA is only required for developments in excess of 1000sq.m
 - There is already permission for commercial floorspace in place.
 - Little reason for any variant in traffic volumes given compatible/dual usage of site.
 - Possible that there will be negligible traffic increase.
- Reference made to Section 4.10 of the RPG's:
 - Considered absurd to require for very substantially below threshold development consisting of a change of use.

- No useful purpose would be served by seeking such an assessment – position taking by Planning Authority.
- Given existing use on site – dual usage will occur
 - Accepted by the Planning Authority.
 - Health facility only opens weekdays and closes by 6pm.
 - Peak hours for shoppers is weekends.
- No supporting evidence that Westpoint parking provision is under pressure:
 - Appendix 3 includes recent parking survey undertaken on the 25th October and 29th October 2025 providing evidence substantial parking available.
 - Appears no shortfall exists.
- Appellants suggest Roads Section and District Engineer of Local Authority requested a TTA
 - Not correct that concern related to quantum of car parking.

4. MAOM Objection on PA REF 25/60571

- Reference to excessive proliferation of off-licence use was a quote from a previous objection made by one of the 3rd Party Appellants in relation to a previous development on subject site.
- Landowner (MAOM) made no input into this appeal and made no comment one way or another on proliferation in terms of any other application for such:
 - Only concern raised related to congested nature of the existing O’Sullivan and Hansbury site.
 - Copy of the submission is included in appendix 2.
 - Does not suggest congestion on Kilrush Road.

5. Appropriate Planning Approach

- Appellants suggest that proposal represents a haphazard development
 - Layout of building remains much as was permitted under parent application.
- Zoning has significantly changed

- Extraordinary to suggest that the application for a change of use which reflects change in zoning represent piecemeal development or that it disregards planning process.
- Original Permission granted 20 years ago
 - Both planning policy and retail demand has significantly changed.
 - Appropriateness that change of use reflects this.
- Should landowner leave premises vacant as no longer a demand for original permission granted.
 - Appellants suggest ongoing change of use in a multi user facility represents bad planning/piecemeal approach.
 - It is considered to be a considerable approach.
 - Danger of planning process becoming subservient to decisions/codes that are no longer relevant.

6. Planning Consistency

- Reference is made to ABP-311569-21 – no recognition that permission was granted. Decision included in Appendix.
 - Board Order gives cogent reason for granting permission.
 - Reference to development plan objective which seeks to secure optimum reuse of buildings on site – remains in position.
 - Reference also made to capacity in Cahircallamore area, accessibility and pedestrian access.
- 3rd Party places greater emphasis on permission refused under ABP-300046-17.
 - Important not to confuse planning decisions with legal judgment.
 - Appellants highly critical of Boards recent decision which forms context within which current application must be assessed.
 - Proposed and existing stores are very different in the offering they provide.
- Planning context is now as follows:

- Cahircallamore neighbourhood contains sustainable areas of residential zoned lands
- PA Ref 23/9000 – permission granted for 289 units.
- New LRD applications for 300 units under assessment.
- Important for facilities to be in place to provide sustainable and accessible retail.
- Change in surrounding zoning provides for a different context for the assessment as what was set out under ABP-300046-17.
 - Fig 1 and Fig 1 provides a comparison of the change in land use zoning in the surrounding area.
 - Far from being ‘no material change of circumstances’.

The response was accompanied by the following:

- Appendix 1 – Detailed description of the Polonez business model.
- Appendix 2 – Copy of the submission made by MAOM on PA Ref 25/60571.
- Appendix 3 – Traffic counts and video of car parking spaces on various dates.
- Appendix 4 – RIA submitted as part of PA Ref 21/756 and ABP-311569-21.
- Appendix 5 – Board Order issues under ABP-311569-21.
- Appendix 6 – A3 Copy of 1,200m radius line from Westpoint.

7.3. Planning Authority Response

The Commission received a response from the Planning Authority on the 5th December 2025 which states that they have no further comments and requests that the Commission uphold the decision and grant planning permission.

7.4. Observations

An observation was received from MAOM Properties, the Landowners. The contents can be summaries as follows:

- Statements made referring to submission made on PA Ref 25/60515 by both 3rd Party Appellants both at submission stage and in appeal documents are completely untrue:
 - Simply quoted from previous objections made by the 3rd Party Appellants relating to proliferation of off-licence use.
 - Both 3rd Party Appellants littered with misinformation which could deem the submission to be invalid.
- Project undertaken in Westpoint Retail Park has been a huge success:
 - Major benefit to people living and working in the area.
 - Some residents have expressed annoyance at the continuous level of objections being submitted on premise of baseless accusations.

7.5. Further Responses

The Commission received 2 no. further response both of which were submitted by P. Coleman and associates on behalf of both of the 3rd Party Appealing to this appeal.

- The submission on behalf of O’Sullivan & Hansbury Motors Ltd states that having reviewed the appeal submitted on behalf of RK Supernetto Ltd, the contents of which correspond closely with the concerns set out in their 3rd party appeal, and that they wish to formally support the appeal submitted by RK Supernetto Ltd.
- The submission on behalf of RK Supernetto Ltd states that having reviewed the appeal submitted on behalf of O’Sullivan & Hansbury Motors, the contents of which correspond closely with the concerns set out in their 3rd party appeal, and that they wish to formally support the appeal submitted by O’Sullivan & Hansbury Motors.

8.0 Assessment

8.1. Introduction

Having reviewed the 3rd party appeal and all-other documentation on file including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Requirement for Retail Assessments.
- Traffic Concerns.
- Other Issues.

8.2. Principle of Development

- 8.2.1. The subject site is zoned under the Commercial Land Use zoning as per the Clare County Development Plan 2023-2029. This appeal is seeking permission for a change of use from the permitted retail warehouse use to provide for a convenience store with associated off-license facility. The proposed convenience store has a stated area of c.476sq.m.
- 8.2.2. Having regard to the indicative zoning matrix as set out within Appendix 2 of Volume 1 of The Clare County Development Plan 2023-2029 (CCDP), I note that both shops (excluding retail warehousing) and liquor licensed premises are both identified as being 'acceptable in principle' under the commercial zoning objective. Therefore, I accept that the proposed change of use on this subject site to be acceptable in principle.
- 8.2.3. The Westpoint Retail Park has a site-specific objective 'COM6 - Cahircallamore' under the CCDP which recognises that the principal development objective for this site is to secure the optimum re-use of the remainder of the building, by providing a neighbourhood centre that serves the Cahircallamore neighbourhood. This entails providing for a range of uses which include shops, café or restaurants or children's indoor play centre, all of which will be encouraged.

- 8.2.4. Appellants to this appeal contend that the uses that are in operation within Westpoint prevents the site from operating as a balance neighbourhood centre. It is considered by the appellants that the HSE outpatients facility operating in Westpoint does not contribute to a mix of local services and that the majority of the building serves a much wider car based catchment. It is contended that the Planning Authority were focused on filling empty units as opposed to ensuring appropriate uses which accord with Objective COM6 are provided.
- 8.2.5. I do not accept the contention of the Appellants and consider that having regard to the land use zoning pertaining to the subject site under which shop is considered to be acceptable, the specific site objective which seeks to secure the optimum re-use of the remainder of the building, by providing a neighbourhood centre and the development subject to this appeal which is seeking to provide for a convenience shop, that the proposal would support the development of a neighbourhood centre to serve the surrounding Cahircallamore Residents. Furthermore, the inclusion of a health facility within Westpoint, I, consider only strengthens the neighbourhood centre facilities available to the residents within the immediate environs.

8.3. Requirement for Retail Assessments

- 8.3.1. Appellants to this appeal consider that the Planning Authority failed within their assessment of the proposed development by not seeking that a Retail Impact Assessment or a Sequential Assessment of the proposed development be submitted. It is contended that the lack of a detailed retail assessment contravenes the Clare Retail Strategy with a specific reference to Section 7.4.2 and Objective CCC02, CCC14 and CCC15.
- 8.3.2. It is further contended by the Appellants that the cumulative convenience floor space within this corridor is concerning. Reference is also made to the High Court Judgement [2025] IEHC 520 where Mr. Justice Humphries found that the Commission (ABP-314911-22) failed to apply the sequential approach in their assessment of a development seeking permission for the construction of a food store with a floor area of 1,315 sq.m and as such the decision was quashed.
- 8.3.3. Section 7.4.2 – Retail Impact Assessments of the Clare Retail Planning Guidelines states inter alia *‘RIAs will be required for development proposals..... greater than*

500m² in all other settlements other than within Shannon or where Clare County Council considers the development may impact on the vitality and viability of a town centre'. There is no requirement for the Planning Authority to offer a reason as to why they are not requesting a RIA for retail developments that fall below the 500 sq.m threshold.

- 8.3.4. In this instance the applicant is seeking permission for a change of use to provide for a convenience shop with off-licence facility which has a stated area of c.476sq.m. The proposal falls below the threshold identified within Section 7.4.2 of the Clare Retail Strategy.
- 8.3.5. The ALDI supermarket already operating within Westpoint was subject to a fully robust assessment under ABP-311569-21 where a detail Retail Impact Assessment, which included a sequential assessment, was submitted and accepted by the Commission (formerly The Board). I note that the RIA submitted as part of this application identified that there is a proven demand for additional convenience retail floorspace within the hinterland and Town Centre of Ennis (Pg. 39 of RIA submitted as part of ABP-311569-21).
- 8.3.6. I note that Objective CCC14 of the Clare Retail Strategy provides conflicting advice from that of Section 7.4.2, in that CCC14 requires that applications for new supermarkets on Neighbourhood Centre sites to be accompanied by a Retail Impact Assessment whereas Section 7.4.2 provides for a threshold for such. This is a clear conflict in policy.
- 8.3.7. Having regard to the scale of the proposed development and the aim of the site specific Objective COM6, I consider that in line with Section 7.4.2 of the Clare Retail Strategy that a RIA would not be required in this instance. This is also supported within the Section 28 Retail Planning Guidelines for Planning Authorities, 2012 where it is stated that *'the threshold at which an RIA will be required will be determined in the context of the development plan policies and objectives for retailing'*. To this end Clare County Council has clearly set out this threshold under Section 7.4.2 of their retail strategy.
- 8.3.8. With regard to the reference made to the High Court Judgement [2025] IEHC 520, (ABP-314911-22) I would note that this related to a development for a supermarket which was substantially larger than the development subject to this appeal. Permission was sought under ABP-314911-22 for a supermarket with a total floor area of

1,315sq.m, which is over twice the size of the convenience store subject to this appeal and as such I do not consider the findings of this Judicial Review relevant.

8.3.9. With reference to the requirement for a sequential assessment, Objective CCC05 of the Clare Retail Strategy states that *there shall be a presumption against retail developments on edge of centre sites or out of town centre sites. Such proposals will only be considered when it has been clearly demonstrated that all viable, available and suitable sites in the core retail area have been fully investigated and considered in accordance with the Retail Planning Guidelines and in particular the sequential test.*

8.3.10. In this instance the subject site has been identified as a neighbourhood centre to serve the surrounding population of Cahircallamore where a site-specific objective is seeking to secure the optimum re-use of the remainder of the building to provide neighbourhood facilities. I therefore consider the provision of a local convenience store with a floor area of c. 476sq.m would be fully in accordance with the site-specific objective and not impact negatively upon the viability or vitality of Ennis Town Centre.

8.4. **Traffic Issues**

8.4.1. The Appellants have raised a number of concerns in this regard which can be summarised as including-

- Traffic Impact, Congestion and Capacity
- Car Parking Provision
- Pedestrian connectivity

Traffic Impact, Congestion and Capacity

8.4.2. The appellants contend that the Planning Authority failed in their assessment of the proposed development as they did not seek the applicant to submit a Traffic and Transport Assessment and that this would contravene Objective COM6 – Cahircallamore which requires a TTA for development proposals for this site which includes an assessment of the cumulative impact of traffic/transport generated by planned development in the area on significant junctions in the vicinity. The appellants further state that the Development Plan takes a statutory weight and precedent over guidelines.

- 8.4.3. Under section 2.5.1 of the Ennis Municipal District Settlement Plan which forms Volume 3A of the CCDP 2023-2029 it is stated that a TTA should be undertaken on the subject site for any development. However, it further states that this TTA should be undertaken in accordance with the NRA/TII Traffic and Transport Assessment Guidelines (2014).
- 8.4.4. Table 2.1 of these guidelines sets out the thresholds for Transport Assessments and states for TTA's should be required for retail developments in excess of 1000 sq.m. Noting that the development subject to this appeal has a floor area of c.476sq.m, this would fall significantly below that threshold.
- 8.4.5. In this instance having regard to the Table 2.1 of the Traffic and Transport Assessment Guidelines (2014), as referenced specifically by section 2.5.1 of the Ennis Municipal District Settlement Plan, there is no requirement for a TTA to be submitted having regard to the scale of development proposed. As such the Planning Authority were correct in their assessment to not require a TTA and did not therefore contravene their development plan objective.

Car Parking Provision

- 8.4.6. A further concern has also been raised by the 3rd Party Appellants to this appeal over the shortfall in parking provision to serve the proposed development. It is asserted that this concern was raised by both the Roads Design Office and the Ennis MD in their reports submitted but that this concern was not accepted by the Planning Officer in their assessment.
- 8.4.7. The appellants considered that the cumulative effect of the uses now granted on site, that being the ALDI and HSE Outpatients facilities which were both granted at a reduced car-parking rate, has already created a parking shortfall in the retail park.
- 8.4.8. The applicant has provided as part of their appeal response a parking survey (appendix 3 of the 1st Party Response) which demonstrates that there is ample parking available within the vicinity that can be utilised by potential customers of the proposed development .
- 8.4.9. The report from the Ennis MD states that there is a concern that the quantity of car parking available in Westpoint is not sufficient to serve the proposed development as it currently serves a number of other businesses and commercial offerings. The report

requests that a parking survey be requested from the applicant to determine the proposal can be sufficiently serviced in terms of parking provision. However, I note that no reference is made to what would be required in terms of Development Plan policy.

8.4.10. While I note reference is made to a report received from the Roads Design Office within the Planning Officers report this report was not available to me either on file or on the Local Authorities planning portal.

8.4.11. Table A3 of the CCDP 2023-2029 sets out the car parking standards required. Convenience retail has a requirement of 8 spaces per 100 sqm. The proposal subject to this application has a gross floor area of c.476sq.m and a net retail floor area of c.358sq.m. Footnote 2 of Table A3 of the County Plan states that Where reference is made to floor area, this refers to gross floor area unless otherwise stated. Therefore, the proposal would be required to provide for c.38 car parking spaces.

8.4.12. The existing building on site which was permitted under PA Ref 05/21134 provided for a total of 210 car parking spaces. The HSE Outpatients facility was permitted under PA Ref 18/632 had a parking demand of 55 car parking spaces. As part of the assessment of that permission it was considered by the Planning Officer that there would be a requirement for 208 additional parking spaces to serve the remainder of the commercial operators on site. This resulted in a shortfall of 53 no. car parking spaces. However the Planning Officer considered that having regard to the Section A.1.9.3 of Volume 1 of the Clare County Development Plan 2017-2023 which allowed for the consideration of dual usage of car parking spaces for mixed use development, and that the out patients facility wouldn't operate at the weekends, that peak usage rates would not coincide with the retail offering operating on site and the shortfall would therefore be acceptable.

8.4.13. Under ABP-311569-21 permission was granted for a change of use to provide for a supermarket which included for an extension to the building permitted under 05/21134 which would in turn lead to the re-configuration of the remaining car parking area. This reconfiguration provided for a total of 209 car parking spaces. The Planning Officer within their assessment stated that the supermarket would have a gross floor area parking requirement of 182 spaces and a net floor area car parking demand of 80 spaces. The assessment noted that there is an overall shortfall in car parking spaces

and noted that the Clare County Development Plan 2010-2023 does not allow for a relaxation for parking standards in particular for a change of use. However, again the duality of uses on site was relied on to justify the shortfall.

- 8.4.14. In this instance, in considering car parking the Planning Authority noted a shortfall but further acknowledged there will be a duality of uses and dual trips with the medical services not operating beyond normal hours. The assessment notes that *'the previous decision and report by An Bord Pleanála (now An Coimisiún Pleanála) in respect of the adjacent Aldi (ref: 21/756 & ABP-311569-21), referenced there are 209 spaces in the car park, with approximately 100 required for Aldi and 55 required for the medical centre (HSE Out-Patients) which is adjacent to the subject unit.'* This leaves an overall provision of 54 spaces for the remainder of the development.
- 8.4.15. I note that Footnote 10 associated with Table A3 of the CCDP 2023-2029 states that in mixed use development proposals, consideration will be given to dual parking usage, where peak times do not coincide. Furthermore, I note section A1.0 of the CCDP dealing with Development Management Guideline states "It is envisaged that these guidelines will be applied in a flexible manner".
- 8.4.16. I am satisfied that having regard to the other uses on site and given the duality of such uses, and the evidence provided by the applicant in terms of the parking surveys and what I observed myself when on site, that the overall shortfall estimated is not significant and that the Clare County Development Plan 2023-2029 has made allowances for duality of uses to cover car parking shortfalls.

Pedestrian connectivity

- 8.4.17. The appellants contend that the location of the appeal site makes it desirable for car-based shoppers and that this as highlighted by the Inspector in the previous assessment under ABP-311569-21 which is not in accordance with the principles of the Regional Planning Guidelines and the Clare County Development Plan 2023-2029 which both seek to promote compact urban growth.
- 8.4.18. Objective 'COM6' of the CCDP which pertains to the subject site recognises the proximity of this neighbourhood centre to facilities such as the national school and zoned residential land and that there is an opportunity to provide for initiatives for active and safe travel. From undertaking a site visit I note that the site is served with footpaths and pedestrian access where the site addresses the Kilrush Road and also

where it addresses Clonroadbeg Road. The application is for a change of use of an existing retail development. In this context I consider existing pedestrian connectivity to be acceptable and do not consider it to be car dependent.

8.5. Other Issues

8.5.1. Proliferation of Use

A significant concern raised by the appellants to this appeal relates to the over proliferation of the same use within the Westpoint retail park and its immediate environs which would not accord with Objective CDP 7.11 of the CCDP. It was further contended that this was not adequately addressed by the Planning Authority. It is stated that there are already 7 no. retailers, equating to 3000sq.m of convenience retail floor space, operating within the immediate vicinity.

The Planning Officer within their assessment made reference to this concern and stated that *'I do not consider this convenience store would result in an over-proliferation of similar uses on the site or in the surrounding area and I consider any grant of permission should include a condition to restrict the change of user without prior agreement with the Planning Authority.'*

Objective CDP 7.11 of the CCDP states that *'It is an objective of Clare County Council: To ensure that, in the interest of vitality and viability, development proposals result in a balance of services and outlets thus avoiding an over-concentration of a particular type of retail activity in a given area.'*

While I note that there is already a supermarket operating on the subject site, I consider that the proposal subject to this appeal is considered to be a complementary use to that already in operation in the immediate vicinity and its inclusion at Westpoint will achieve the principal development objective of COM6 which pertains to the appeal site and will provide the emerging population of Cahircallamore with a choice of retail outlets.

Comments relating to submissions made on other planning applications within the vicinity of the site are not relevant to my assessment of the subject appeal.

8.5.2. Development Approach

The appellant to this appeal considers that the appeal site to date has been developed in a piecemeal manner with the intended function now having been eroded. It is further contended that what has occurred is opposite to what Objective COM6 sought to achieve at this site and that permitting this proposal further reinforces piecemeal patten rather than delivering a neighbourhood centre.

The appeal site was originally granted planning permission under PA Ref 05/21134 for the provision of retail warehouse development consisting of four ground floor units and one first floor unit. Overtime, through a change in Development Plan policy and objectives, the site became recognised as a neighbourhood centre through the inclusion of Objective COM6, which has a principal aim to secure the optimum re-use of the remainder of the building, by providing a neighbourhood centre.

As such I do not accept the contentions of the appellants that the proposed development represents a piecemeal form of development and consider that the change in development plan policy has led to a change in the intended function of Westpoint and the inclusion a convenience store only solidifies the intensions of Objective COM6- Cahircallamore of the Clare County Development Plan 2023-2029.

9.0 **Appropriate Assessment**

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Slieve Lower River Shannon SAC (002165), the Newhall and Edenvale Complex SAC (002091), the Pouladatig Cave SAC (000037), the Ballyallia Lough SPA (004041), or the River Shannon and River Fergus Estuaries SPA (004077) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.1. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.

- Taking into account screening determination by LPA.

9.2. See Appendix 2 of this report for Appropriate Assessment Screening Determination. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

10.1. The subject site is situated at Westpoint Retail Park, Kilrush Road, Ennis, Co. Clare. The application is seeking permission for a change of use from retail warehouse to convenience store incorporating off-license together with the provision of associated signage.

10.2. The River Fergus is situated approximately 218.25m to the south of the subject site. The status of the River Fergus is moderate. The site is also situated within the Ennis groundwater catchment.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies 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.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. 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 the decision of the Planning Authority be upheld and permission be granted for the reasons and considerations set out below:

12.0 Reasons and Considerations

Having regard to the land use zoning objective pertaining to the subject site, the site specific objective COM6 of the Clare County Development Plan 2023-2029 which seeks to secure the optimum re-use of the remainder of the building on site , by providing a neighbourhood centre and the scale of the convenience store being proposed, it is considered that, subject to compliance with the conditions set out below, the development would not seriously detract from the vitality and viability of Ennis Town Centre, would provide for an additional amenity for the residents of the surrounding area and would be acceptable in terms of traffic and car parking. The development seeking permission would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 21st August 2025 , except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No change of use or change of occupier shall take place other than with the consent of the Planning Authority whether or not such change of use would but for the terms of this condition constitute exempted development.

Reason: In the interests of development control and orderly development.

3. No advertisement signs or structures, other than those shown on the drawings as received by the Planning Authority 21st August 2025, shall be erected or displayed on the building or within the curtilage of the site without planning permission having first been obtained.

Reason: In the interest of traffic safety and visual amenity.

4. No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.

Reason: To control the layout and scale of the development in the interest of protecting the vitality and viability of the area.

5. Opening hours shall be in accordance with details as received by the Planning Authority on 21st August 2025, namely 09:00 hrs to 20:00 hrs Monday to Saturday, and 11:00 hours to 19:00 hours on Sunday.

Reason: In the interest of residential amenity.

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.

Kathy Tuck

11th February 2026.

Appendix 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500237-25		
Proposed Development Summary	Change of use from retail warehouse to convenience store incorporating off-license together with the provision of associated signage.		
Development Address	Westpoint, Kilrush Road, Ennis, Co. Clare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	
			No EIAR or Preliminary Examination required
Yes			
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The subject site is located at Westpoint, Kilrush Road, Ennis, Co. Clare and situated c.1.8km west of the Lower River Shannon SAC (002165), c.1.5km north of the Newhall and Edenvale Complex SAC (002091), c. 2.6 km east of the Pouladatig Cave SAC (000037), c. 4 km south of the Ballyallia Lough SPA (004041), and c. 2.9 km north east of the River Shannon and River Fergus Estuaries SPA (004077). The application is seeking permission for a change of use from retail warehouse to convenience store incorporating off-license together with the provision of associated signage.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I conclude, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

