



An
Coimisiún
Pleanála

Inspector's Report PL-501708-MH-26

Development	Internal alterations to retail shop to accommodate off licence and associated site works.
Location	Maydenhayes Road, Donacarney, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2660468
Applicant(s)	AMA Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant:	Cliffmont Ltd.
Observer	Siobhan Mc Elearney
Date of Site Inspection	30 th September 2026
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The proposed development site is in the village settlement of Donacarney in North County Meath and is located at the junction of the Maydenhayes Road and the R150, approximately 6km to the south-west of Drogheda. The R150 connects the settlements of Bettystown to the south and Drogheda to the northwest.
- 1.2. The site has a stated area of 0.047ha and comprises the footprint of a single storey detached, commercial unit that is currently vacant. The unit sits on a larger commercial plot of c. 0.2ha that accommodates on-site parking for 21no. cars to the front (south). Access to the site is from Maydenhayes Road to the south. The site entrance was blocked on the date of inspection.
- 1.3. The surrounding area is predominantly residential. The site and its associated curtilage are positioned at the southeast corner of the Maydenhayes residential estate and are bounded to the west by No. 1 Maydenhayes Road and No. 15 Maydenhayes Lane. An area of green space, associated with houses in Maydenhayes Lane directly adjoins the commercial property to the north. In the wider area, a new neighbourhood centre, which includes a retail unit (Spar) with ancillary off-licence, is located approximately 150m to the south

2.0 Proposed Development

- 2.1. Permission is sought for internal alterations to an existing (vacant) retail shop to accommodate an off-licence area (33 sq. m) for the sale of alcohol products and associated site development works. The proposed works include the instillation of internal walls, refrigerated units and shelving units for the off-licence area. No changes to the external elevations of the building are proposed.
- 2.2. The following table presents a summary of the key elements of the proposed development, which are extrapolated from the application documentation

Table 2.1 – Key Development Details and Statistics		
Site Area	0.047ha	
Floor Areas	GFA	428 sq. m (existing and proposed)
	Net Retail Area (permitted)	Unknown
	Net Retail Area (proposed)	332.51 sq. m
	Alcohol Sales Area	33 sq. m <i>equating to c.7.71% of GFA (9.92%net).</i>
Car Parking	Existing	21
	Proposed	21

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Meath County Council decided (17/06/2026) to grant permission for the proposed development subject to 6 No. conditions, the following of which are of note:

Condition 2: The terms and conditions of the grant of permission under Reg. Ref. LB180389 shall be complied with in full in the course of the development herein permitted, save for the changes to plans submitted for this application.

Reason: In the interest of clarity and orderly development.

Condition 4: The operation of the facility shall be confined to between the hours of 7am – 10pm, unless otherwise agreed with the Planning Authority in writing.

Reason: In order to protect the amenity in the area.

Condition 5: The applicant shall comply with Section 22 of the Public Health (Alcohol) Act 2018 which stipulates that advertisements for alcohol products and the exposure for sale of alcohol products will be exclusively confined to;

- (i) a single area in the premises to which the off-licence is attached;

- (ii) which is separated from the remainder of the premises by means of a physical barrier which has a minimum height of not less than 1.2 metres and;
- (iii) through which alcohol products and advertisements for alcohol products are not visible to which members of the public do not have to pass through in order to gain access to, or make a purchase of products other than alcohol products.

Reason: In the interest of public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Local Authority Case Planner has regard to the locational context and planning history of the site, to relevant local, regional and national planning policy, to the third-party submissions received and to the reports of MCC's Transportation Section and the HSE Department National Environmental Health Service. Section 10 of the report comprises the planning assessment, the following points are noted:

- The Case Planner notes that the proposal is for internal alterations to accommodate an off license. The addition of an off-licence is deemed acceptable subject to compliance with the relevant planning principles and considerations.
- No significant impacts on the residential or visual amenity of the area are anticipated.
- No changes to parking or access are proposed.
- The subject site is not located within a Flood Zone.
- The need for Appropriate Assessment and Environmental Impact Assessment is ruled out.
- The report concludes with a recommendation to grant permission subject to 6no. conditions as per final grant.

3.2.2. Other Technical Reports

- Transportation Department:

Comments: Access is via a permitted entrance off the L-16112 Local Tertiary Road. The proposed development will not create a greater parking demand over the existing development.

Recommendation: No objection to the proposed development.

3.3. Prescribed Bodies

- National Environmental Health Service:

The submission of the NEHS is made under the remit of public health policy in relation to Alcohol. The submission refers to Irish Government policy objectives in relation to Alcohol as outlined in the Public Health (Alcohol) Act 2018, specifically to Part 1(a)(i) of the Act which states:

“the holder of an off-licence shall ensure that, advertisements for alcohol products and the exposure for sale of alcohol products are exclusively confined to—a single area in the premises to which the off-licence is attached—
(I) which is separated from the remainder of the premises by means of a physical barrier which has a minimum height of not less than 1.2 metres and through which alcohol products and advertisements for alcohol products are not visible,

(II) to which members of the public do not have to pass through in order to gain access to, or make a purchase of products other than alcohol products”

The NEHS state that in the current plans for an off-licence as submitted by the applicant it would appear the proposed off licence complies with these requirements.

No further observations are raised.

3.4. Third Party Observations

The planning authority received 4no. objections/submissions. The issues raised are similar to those set out in the grounds of appeal and observation received. These are summarised in Section 6 below.

4.0 Planning History

- 4.1. The subject site forms part of a wider residential development which has an extensive planning history. The most relevant planning files are outlined below.

ABP-314456-22 (MCC PL. Ref: 22/572)

Permission **refused** (9th January 2024) for the subdivision of the existing single storey commercial building into 3 units along with the provision of a 7-space car park to the rear of the building with a new entrance off Maydenhayes Lane for staff parking only; the retention of a new external escape door and the omission of 4 no. windows on the rear elevation. Permission was refused for the following reasons and considerations:

- With respect to the proposed changes to the Public Walkway, the Board considered that the previously permitted permeability, under PL Ref: LB180389, was preferable.
- With respect to the proposed development on the previously conditioned open space, re. ABP Ref.PL.17.220138, in deciding not to accept the Inspector's recommendation to grant permission, the Board were mindful of the wider impacts on the residential amenity of the proposed development.

MCC PL. Ref: LB180389:

Planning permission **granted** by the PA on the 12th day of August 2018 for the development of a 433m² single storey commercial building for retail and cafe use with off-street car-parking complete with fenced and screened external spaces, illuminated signage, retractable awnings, terrace to accommodate external seating, planting and associated site works.

ABP- PL.17.220138, (MCC PL. Ref. SA/60384):

Planning permission **granted** by the Board on the 5th day of August 2008 for development of the site to include 713 dwellings, creche, community centre, retail/commercial neighbourhood centre, 1,102 car parking spaces and associated development works. (**Amended** under ABP- PL.17.243541, (PA Ref. LA/140305) 14th day of November 2014 – change of changing house types).

- 4.2. The following applications associated with Donacarney Village Square are also of note:

MCC Reg. Ref: LB191761

Permission granted (June 2020) for a mixed-use retail commercial and residential development

MCC Reg. Ref: 221372

Permissions granted (2022) for the provision of Off Licence subsidiary to the main retail use (8.5 sqm) and fascia signage at North, South, West and East Elevations

5.0 Policy Context

5.1 Development Plan:

- 5.1.1. The Meath County Development Plan 2021-2027 (incl. variations 1, 2, 3, 4 and 5) is the operative plan for the area. The Meath County Development Plan 2021-2027 hereafter referred to as MCDP, includes in volume 2 a written statement, a land use zoning map and cultural heritage map for the East Meath area which consists of Bettystown-Laytown-Mornington East and Donacarney.

5.1.2. Zoning.

Zoning Category: A1 Existing Residential

Objective: To protect and enhance the amenity and character of existing residential communities

Guidance: Lands identified as 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area.

5.1.3. Relevant Chapters:

- Chapter 4 of the Meath County Development Plan 2021-2027 sets out the Economy and Employment Strategy.
- Chapter 11 of the Meath County Development Plan 2021-2027 sets out the Development Management Standards and Land Use Zoning Objectives.

5.1.4. The following MCDP Policy is relevant:

SH Pol 7: To encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities, and services that meet the needs of the entire community and accord with the principles of universal design, in so far as practicable

5.2. **National Policy and Guidance**

5.2.1. Retail Planning Guidelines (2012), Department of Environment, Community and Local Government.

The aim of the Guidelines is to ensure that the planning system continues to play a key role in supporting competitiveness in the retail sector for the benefit of the consumer in accordance with proper planning and sustainable development. In addition, the planning system must promote and support the vitality and viability of

city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport.

Section 4.6 Sequential Approach and Extension – Change of Use Applications

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.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located on or adjacent to any designated site. The closest designated sites are the River Boyne and River Blackwater SAC and SPA which are located c1km to the north.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been lodged on behalf of Cliffmont Ltd against the decision of Meath County Council (MCC) to grant permission for the proposed development. The grounds of appeal can be summarised as follows:
- Consolidation of Unauthorised Development: The appeal refers to a piece of land to the north of the appeal site that is shown on the submitted plans to be within the applicants blue-line (landownership) boundary. It is alleged that this piece of land was originally permitted as part of a larger area of public open space for the neighbouring Maydenhayes development and that it has been fenced off and incorporated into the commercial site in breach of the MCC PI. Ref: 17.220136. It is further alleged that this constitutes unauthorised development.

- The appeal refers to the planning history of the site, notably *ABP-314456-22* (*MCC Pl. Ref. 22572*) under which permission was refused, for the subdivision of the existing commercial building into 3 units along with ancillary works including a new entrance to the rear of the site off Maydenhayes Lane for staff parking. The reasons for refusal cited changes to the permitted public walkway and public open space. The concern was that the applicant will fail to implement the parent permission (*ABP-314456-22*) in totality and that this would result in a material loss of amenity to neighbouring houses.
- The appeal submits that the Council failed to consider this as a critical aspect of the application and that Condition No. 2 attached to the PA decision (which requires compliance with the terms and conditions of the grant of permission under Reg. Ref. LB180389) is not sufficient.
- The appeal requests that Commission refuse permission, in part, for reason of unauthorised development. The appeal references Section 35 of the Planning and Development Act, 2000 (as amended), in which the Commission may refuse new applications if the applicant has significant, uncorrected, or unauthorized developments from previous projects.
- *Validity of Application*: It is contended that proposal as presented would result in the removal of the permitted café element and in material changes to the internal layout of the store (increase in net retail floor area) and that these changes have not been adequately described in the planning notices.
- *Nature and extent of the proposed development*: It is alleged that the proposed internal changes, including the off-licence, self-scanning area, and area in front of checkouts, will result in a material change of the net retail floor space. It is further alleged that the proposed off-licence equates to over 10% of the retail area; and such cannot be considered ‘ancillary’ to the main retail offer.
- It is contended that the loss of a community focussed café and the introduction of a large off-licence will have a negative impact upon the creation of the sustainable neighbourhood function of the area contrary to Policy SH POL7 of the County Development Plan, and is grounds for the refusal of permission in this instance.

- *Lack of justification for the proposed development:* It is alleged that no reasoned agreement has been put forward for the need for an off-licence at this location. The appeal references the lack of an alcohol sales study and the existence of an existing off-licence, (within the Spar retail unit) located with the local village centre, c150m to the south of the site. It is contended that the need for the proposed development must be assessed against the existing retail and commercial offer within Donacarney, Bettystown, Laytown and Mornington East.
- *Residential Amenity:* It is contended that the proposed development would negatively impact upon the amenity of the adjacent residential zoned lands and would amount to '*bad-neighbour*' development that would be incompatible with the overall residential function and amenity of the area. The appeal refers to the negative impacts of licensed premises and take-aways etc in terms of noise, odour, litter, can general disturbance to residential amenity and states that if such impacts were to occur in this instance, there would be a further loss of amenity to the adjoining houses.
- *Traffic:* Concerns are raised that the scale of the off-licence proposed would result in additional car-based traffic contrary to Council policy to reduce the demand for car-based travel.
- *Display of Alcohol:* Concerns raised regarding the positioning of the alcohol sales area adjacent to a front facing window that faces towards the car park where it would be visible from the car park and public realm, contrary to Retailing of Alcohol in Ireland code which requires alcohol sales to be positioned away from windows.
- The appeal requests that permission be refused on the basis of the:
 - Failure to implement, and the undertaking of unauthorised works in implementing the parent permission under Planning Ref. LB180389 and the parent permission for the houses and its public open space to the north of the vacant unit.
 - Overconcentration of off-licences in the local area; and

- Lack of mix of uses proposed within the subject site that will denude the neighbourhood function of the commercial unit.

6.2. Applicant Response:

- The commercial building, the subject of this application is its associated curtilage, were constructed circa 2022 but were left vacant. The applicant purchased the property with the intention of opening a local convenience shop / supermarket as per the extant permissions.
- Validity of the Appeal: The case is made that the submitted appeal is invalid within the context of Section 138(1) of the planning and development Act 2000 as amended in that it is both frivolous and vexatious.
- The applicant contends that the appeal raises the same issues / complaints as outlined in the appellants submission to the planning authority with no explanation as to why MCC's assessment of the application was deficient or in error and that the case for overturning the decision is not grounded in any quoted national guidance, retail strategy objective or CDP policy.
- The applicant alleges that the appeal fails to disclose the appellants' interest (as owners / occupiers) in the existing retail unit with off-licence, at Dunacorney Village Centre, c150m to the south of the appeal site. On this issue, the applicant refers to the 2012 Retail Planning Guidelines which state that the planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation".
- Consolidation of Unauthorised Development: Regarding the alleged unauthorised capture of dedicated public open space to the north of the vacant unit, the applicants' states that the fence was installed approximately six to seven years ago by the developer; that the Applicant purchased the appeal site and building as is and has not carried out any alterations to the interior and exterior of the property.
- The applicant contends that the appeal fails to establish if the area in question was ever earmarked for open space, suggesting that it is entirely possible that the application site denoted on the site layout plan for MCC' Reg. Ref. 22572

did not accurately reflect the boundaries of the properties legal folio, and that the Appellant is confusing an application site line for a property line.

- The applicant refers to Section 5.13 of the '*Development Management Guidelines for Planning Authorities*' (2007) which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts'.
- It is submitted that issues of non-compliance / planning enforcement sit outside the purview of the appeals process and are completely immaterial to ACP's consideration of this appeal.
- The applicant queries the amenity value of this space for residents as it comprises only a narrow, sloping, vestigial strip of ground hidden behind a nature Laurel hedge.
- Without prejudice to the above, the Applicant states that they are amenable to resolving any potential issue regarding the fence and area in question with the correct and appropriate parties.
- The applicant queries the relevance of MCC Reg. Ref. 22572 (ABP 314456-22) to this appeal given that it resulted in a refusal of planning permission.
- The applicant queries the need for condition 2 as attached to MCC's decision, and whether it meets the basic criteria for conditions set out in Section 7.3 of the '*Development Management Guidelines for Planning Authorities*-(2007)',
- *Nature and Extent*: Regarding the appellant's contention that the proposed development would result in a material change in the net retail floor space of the unit, the applicant notes the failure of the appellant to submit any evidence to support this claim.
- Regarding the applicant's contention that the proposal would result in an off license of more than 10% of the retail area and as such could not be considered as 'ancillary' to the main retail offer. The applicant notes that the 10% cap referenced in the appeal is not supported by current planning policy / guidance. Notwithstanding, the applicant notes that the proposed off-licence

equates to 7.71 % of the gross floor area and 9.92% net floor area and states that it would remain a subservient element of the primary retail offer.

- The applicant notes that no alteration to the building's external profile or internal floor area is proposed.
- Regarding the appellants contention that the loss of the permitted cafe space would materially impact the function vitality and viability of the neighbourhood centre and would be a material contravention of Policy SH POL7 of the MCDP. The applicant notes that the extant permission is for a single retail unit not a neighbourhood centre. In their opinion the proposed development would positively contribute to and complement the range of facilities that the local community can access as envisaged under Policy SH POL7 of the MCDP.
- The applicant queries the appellants contention that the permitted café space was 'community focused' and not a commercial entity to be run in the same vein as the remaining retail floorspace. In their opinion, it is somewhat redundant and self-serving to lament the loss to the community of a facility that was never built.
- Display of Alcohol: Regarding concerns that the alcohol display area would be visible to the public realm, the applicant refers to submitted drawing No. MAY_PA_003 to illustrate how little of the proposed off-licence area would abut one of the windows. They note that the referenced code '*Responsible Retailing of Alcohol in Ireland*' is a voluntary industry code of practice launched by Retail Ireland in 2008 as an alternative to statutory structural separation laws under the Intoxicating Liquor Act, governing how supermarkets and convenience stores display, market, and sell alcohol and states that this has nothing to do with planning.
- They refer to the National Environmental Health Service's submission to Meath County Council which confirms the proposals compliance with relevant Government policy objectives.
- Lack of justification for the proposed development: Regarding the need for the proposed off-licence and the lack of an alcohol sales study to support the application, the applicant contends that there is no legitimate planning basis

or requirement to submit an alcohol sale study, that the inclusion of an off-licence is a standard component of many convenience stores and, that an off-licence is required in this instance to ensure long-term viability and success of the store and to provide its future customer base with the greatest range of products they and the market would expect and require.

- It is further contended that the Council's failure to request an alcohol sales study cannot be considered a material deficiency in their assessment of the application nor is the lack of one a reasonable or legitimate ground to refuse planning permission.
- Residential Amenity: Regarding the concern that the proposed development would negatively impact the amenity of adjacent residential zoned lands and would amount to a 'bad neighbour' development. The applicant notes that the proposal is not for a 'takeaway' or 'licence premises'; and is unclear how the proposed off-licence as part of the overall retail unit would give rise to negative impacts of noise, odour, litter or anti-social behaviour.
- Traffic: regarding the concern that the proposed off-licence, due to its scale would result in additional car-based traffic the applicant notes the location of the proposed development and the likelihood that walking and cycling will be a predominant mode of transport for the greater majority of local residents. The case is made that the site is adequately served in terms of car -parking (21no. spaces) and that in line with current MCDP standards, the proposed development does not generate a need for additional spaces.

6.3. Observations

One observation received from Siobhan McElearney, a resident of the neighbouring residential estate of Maydenhayes, whose property directly adjoins the proposed development site. The issues raised in the submission can be summarised as follows:

- The need for a shop at this location is questioned given the location of an existing shop c. 200m to the south.

- Concerns are raised that a shop at this location would give rise to increased traffic, litter and anti-social behaviour.
- Reference is made to the planning history of the site, notably An Coimisiún Pleanála - Case reference: PL17.314456 (MCC Ref: 22572) under which permission was refused, in part, for an access to the development from Maydenhayes Lane. The concern is that the current application would facilitate such an access.
- The observer requests that the existing boundary wall between the front of property and the neighbouring commercial site is built up to ensure privacy.

7.0 Assessment

7.1. Introduction

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

- Preliminary Matters
- Principle of Development: Zoning
- Nature and Scale of Development
- Visibility of Alcohol Sales Area

7.2. Preliminary Matters:

7.2.1. In the first instance, I note that parties to this appeal have raised various legal and procedural issues which I will consider under the following sub-headings.

- Scope of the Proposed Development
- Validity of the Appeal
- Validity of the application

Scope of the Proposed Development:

- 7.2.2. The proposal relates to an existing vacant retail unit that was constructed on foot of a previous grant of planning permission, *MCC PL. Ref: LB180389*. I have consulted Meath County Council's (MCC's) on-line planning directory (5th October 2026), and I note that the development permitted under MCC PL. Ref: LB180389 was for a 433m² single storey commercial building for retail and cafe use. The permission included for off-street car parking (21 no spaces), fenced and screened external spaces, illuminated signage, retractable awnings, terrace to accommodate external seating, planting and associated site works. I note that the internal layout of the permitted building was shown on the approved plans as an indicative layout and that the net retail floor area of the building was not stated.
- 7.2.3. In accordance with the information provided with this current and appeal the building, as constructed, has a GFA of 428 sq. m. I note that this is 5 sq. m less than the GFA of the permitted unit, however, I consider this is to be minor deviation from the permitted development and not a material consideration in this appeal. I also note that the applicant has clarified, in their appeal response document, the net retail floor area of the unit as 332.51 sq. m.
- 7.2.4. The proposal, currently before the Commission, is for internal alterations to the existing retail shop to accommodate an off-licence area for the sale of alcohol products and associated site development works. The proposal relates solely to internal alterations to the existing building, no changes to the external elevations of the building or the wider commercial site are proposed.
- 7.2.5. I note that third parties to this appeal have raised broader issues relating to the need for and potential impacts of a shop at this location as well as alleged issues of unauthorised development, which in my opinion extend beyond the scope of this application. In this regard, I note that the principle of a shop at this location was established under the grant of permission, *MCC PL. Ref: LB180389*. I further note that issues of enforcement fall under the remit of the planning authority.
- 7.2.6. To clarify, I do not intend to address those issues raised in the grounds of appeal / observation received which do not relate to the works proposed under this application, as I do not consider that such issues are relevant to the assessment of

this application nor do I consider that the Commission are in a position to adjudicate on or draw any conclusions in relation to such issues. Furthermore, I note that no evidence has been presented that would suggest that Section 35 of the Planning and Development Act¹ is applicable in this case.

Validity of Application:

- 7.2.7. The Third-Party Appellant raises concerns regarding the adequacy of the development description as set out in the public notices.
- 7.2.8. The development as described in the public notices is for internal alterations to an existing retail shop to accommodate an off-licence area for the sale of alcohol products and associated site development works. It is the contention of the third-party appellant that the proposal as presented would result in material changes to the internal layout of the store and the removal of the café element and that these changes have not been adequately described in the public notices.
- 7.2.9. As previously noted, the grant of permission under *MCC PL. Ref: LB180389*, was for a 433m² single storey commercial building for retail and cafe use. The net retail floor area of the unit was not indicated. The internal layout shown on the approved plans was stated as 'indicative' only, which in my opinion, allows for the internal layout to be finalised at construction / fit-out stage.
- 7.2.10. I acknowledge that the proposed internal layout presented to the Commission for consideration, omits the permitted café use. Notwithstanding, I am of the opinion that the description of the subject proposal, as set out in the notices, provides for a sufficient and reasonable explanation of the nature of the development proposed for the benefit / notification of third parties and I note that the planning authority, who have the responsibility in determining the adequacy (or otherwise) of the public notices and the subsequent validation (or not) of a planning application, were satisfied that the submitted documentation met the regulatory requirements.

¹ Section 35 of the Planning and Development Act 2000 allows a planning authority to refuse planning permission where an applicant has a history of substantial non-compliance with previous permissions, substantial unauthorised development, or convictions under the Act

7.2.11. I am further satisfied that any perceived discrepancies in the description did not impinge upon or prejudice third party rights in respect of submitting observations or appealing the planning application.

Validity of Appeal:

7.2.12. The applicants have requested that the Commission dismiss this appeal as frivolous and vexatious in accordance with the provisions of the Planning and Development Act 2000 (as amended).

7.2.13. I have considered the issues raised in the grounds of appeal and having considered the relevant sections of the Planning and Development Act 2000 (as amended), I am satisfied that the documentation submitted is sufficient to form the basis of a valid appeal and that legitimate material planning considerations have been raised, therefore I do not recommend that the appeal be dismissed.

Conclusion: Preliminary Matters

7.2.14. I have considered the legal and procedural issues raised by the parties. I am satisfied that the information / documentation submitted with the application is sufficient to permit, at least, the making of a valid application and that no substantial legal / procedural issues arise that would preclude the Commission from deciding this appeal.

7.2.15. In the interests of clarity, the following shall comprise a de novo assessment of the works proposed under this application.

7.3. Principle of Development: Zoning

7.3.1. The appeal site is located on lands zoned A1 Existing Residential in the Meath County Development Plan 2021-2027 (as varied) hereafter referred to as MCDP. The objective for this area is to protect and enhance the amenity and character of existing residential communities.

- 7.3.2. The MCDP (Chapter 11, Section 14) provides a list of ‘use classes’ that are either ‘*Permitted*’ or ‘*Open for Consideration*’ within each land use zoning category. Convenience Outlets are listed as uses that are open for consideration within the A1 Existing Residential zone. I note that the principle of retail unit on this site has been established under *MCC PL. Ref: LB180389*.
- 7.3.3. The applicants propose to alter the internal layout of the permitted retail unit to accommodate an off-licence area for the sale of alcohol products. Off-licences are not listed as a use class in the MCDP. The MCDP states, in section 11.14.2, that any use not listed in the ‘*permissible*’ or ‘*open for consideration*’ categories is deemed not to be acceptable in principle and that such uses will be considered on their individual merits and will only be permitted if they enhance, complement, are ancillary to, or neutral to the zoning objective.
- 7.3.4. I consider alcohol sales areas / off-licences to be a common feature of modern-day convenience shops. In my opinion the provision of an alcohol sales area / off-licence, that is ancillary to the main use of the premises for the sale of convenience goods, would accord with the permitted retail use and would not undermine the A1 zoning objective for the area. I note however, that the appellant in this case has raised concerns regarding the scale of the proposed off-licence relative to the unit’s net retail floor area and whether it would constitute an ‘*ancillary*’ use. I will consider this issue along with other relevant matters concerning the nature and scale of development in the following section.

7.4. Nature and Scale of Development:

- 7.4.1. The proposal is for alterations to the internal layout of and existing (vacant) retail unit to accommodate an off-licence. The existing retail unit has a stated gross floor area of 428 sq. m. and a net retail floor area of 332.514 sq. m. The floor area proposed for alcohol sales is 33sq. m., this equates to 7.71% of the unit’s gross floor area (GFA) and approx. 9.92% of the units proposed net retail area. In my opinion, the quantum of floor area proposed for alcohol sales is not significant and could reasonably be

considered ancillary to the main use of the premises for the sale of convenience goods.

- 7.4.2. Given the ancillary nature of the proposed off-licence, I consider it unlikely that it would generate a significant increase in traffic movements at the site or a need for additional parking. I also consider it unlikely that the proposal would give rise to significant negative impacts in terms of noise, odour, litter or anti-social behaviour.
- 7.4.3. The appellants have questioned the need for the proposed off-licence, given the existence of an off-licence in the local village centre, c150m to the south of the site. It is their contention that the proposed development must be assessed against the existing retail and commercial offer within Donacarney, Bettystown, Laytown and Mornington East and they ask the Commission to refuse permission, in part, on the basis of the overconcentration of off-licences in the local area.
- 7.4.4. The application is not supported by an alcohol sales study; however, as noted by the applicants in their response to the grounds of appeal, there is no specific policy requirement to submit one. While I note that an off-licence already exists in Donacarney, it, like the proposed off-licence, is ancillary to the main use of the premises for the sale of convenience goods and as I have previously stated, I consider alcohol sales areas / off-licences to be a common feature of modern-day convenience shops. While the proposed scheme would introduce competition, there is no evidence to suggest that it would result in an over concentration of off-licences in the local area. Furthermore, I do not consider that the proposal would be of a nature or scale that would detract from existing retail and commercial business in the wider geographical area.
- 7.4.5. The applicants have also raised concerns regarding the loss of the permitted café element, stating that it would materially impact the function, vitality and viability of the neighbourhood centre. In their opinion the replacement of a community focussed café and the introduction of an off-licence would have a negative impact upon the creation of the sustainable neighbourhood function of the area and that it would be contrary to MCDP Policy SH POL 7 which reads as follows:

SH POL 7 Seeks to encourage and foster the creation of attractive, mixed use, sustainable communities that include a suitable mix of housing types and tenures with supporting facilities, amenities, and services that meet the needs of the entire community and accord with the principles of universal design, in so far as practicable.

- 7.4.6. I disagree with the contention of the appellant in this regard. While I accept that the commercial unit as originally permitted includes a café element, the unit never operated as such and has remained vacant since its construction. The exclusion of the café element is, I consider, a commercial decision. Furthermore, I note that since granting permission for the development of this commercial unit in 2018, permission has been granted for a larger mixed use (commercial and residential development) on lands zoned commercial town and village centre, c. 150m to the south of the appeal site (MCC Reg. Ref: LB191761). I note from my observations during site inspection that the development is substantially complete with a number of units occupied. This development, referred to as Donacarney Village Square, will likely act as a neighbourhood centre for the settlement and will (in addition the retail offering on the appeal site) provide for a suitable mix of services and facilities to support the existing and future residents of the area, in accordance with MCDP Policy SH POL 7.

Conclusion: Nature and Scale of Development

- 7.4.7. In conclusion, I am satisfied that the proposed development, comprising the internal alteration of an existing retail shop unit to accommodate an off-licence area (33 sq. m) for the sale of alcohol products, is acceptable in principle and would support the function and vitality of the permitted retail unit and the day-to-day needs of the existing and expanding local community.

7.5. Visibility of Alcohol Sales Area

- 7.5.1. The appellants have raised concerns regarding the positioning of the proposed alcohol sales area adjacent to a front-facing window that faces towards the car park and the lack of clarity as to whether it would be visible from the car park and public

realm. The appellants refer to 'Responsible Retailing of Alcohol in Ireland' code which requires alcohol sales to be positioned away from windows. They consider non-compliance with this code justification for a refusal of permission.

7.5.2. In response, the applicants state that the referenced code '*Responsible Retailing of Alcohol in Ireland*' is a voluntary industry code of practice launched by Retail Ireland in 2008 as an alternative to statutory structural separation laws under the Intoxicating Liquor Act, governing how supermarkets and convenience stores display, market, and sell alcohol and states that this code has nothing to do with planning. The applicants note, with reference to submitted *Drawing No. MAY_PA_003*, that only a small section of the off-licence area abuts one of the windows. They consider this a minor issue that could be easily addressed for example through the application of stickers to the inside of the window.

7.5.3. I note that the sale and display of alcohol (and alcohol related advertising) is governed under separate legislation and that it is the role of the National Environmental Health Service (NEHS) to enforce this legislation. In this regard, I refer to the report of the NEHS on the application to the planning authority (May 2026). The report refers to section 22 of the Public Health (Alcohol) Act 2018 regarding the separation and visibility of alcohol products in a licenced premise and concludes that the submitted plans for an off-licence would appear to comply with these requirements.

7.5.4. Further to the above, I refer the Commission to Condition 5 as attached to the planning authority's decision. Condition 5 requires compliance with Section 22 of the Public Health (Alcohol) Act 2018. As this condition relates to a separate legal code and given the comments of NEHS in relation to same, I do not consider it necessary to include this as a condition in the event that the Commission is of a mind to grant permission.

8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

- 8.2. The subject site is located within the settlement of Donacarney in North County Meath, at the junction of the Maydenhayes Road and the R150. approximately 6km to the south-west of Drogheda. The site lies approximately 1km to the south of the River Boyne and River Blackwater SAC and SPA.
- 8.3. 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:
- The small scale and nature of the development
 - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats.

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

9.0 EIA Screening

- 9.1. The proposed development is not of a type listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning and Development Regulations. An EIAR is not therefore required.

10.0 Water Framework Directive

- 10.1. I have considered the proposal in light of the objectives 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. 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

11.1. I recommend that permission be granted subject to condition as outlined below.

12.0 Reasons and Considerations

12.1. Having regard to the planning history of the site, the nature of the development proposed, the location of the development and the objectives for the current Meath County Development Plan in relation to this area, it is considered that subject to compliance with the conditions set out in the schedule below the proposed development would not seriously injure the amenities of the area or properties in the vicinity and would therefore be in accordance with the proper planning and development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd of April 2026 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.

Reason: In the interest of clarity.

2. The off-licence use permitted under this application shall be a subsidiary use within the main convenience store use. The off-license use shall not be operated separately or independently from or, outside the hours of opening of the main convenience store use.

Reason: In the interest of clarity and proper planning and development.

3. Site development and building works shall be carried out between the hours of 07:00 and 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Lucy Roche

Planning Inspector

7th October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501708-MH-26
Proposed Development Summary	Internal alterations to retail shop to accommodate off licence and associated site works.
Development Address	Maydenhayes Road, Donacarney, Co. Meath
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. <i>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</i>	<i>State the Class here</i>
☒ 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?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	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 (or Part V of the 1994 Roads

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	<i>State the Class and state the relevant threshold</i>
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<i>State the Class and state the relevant threshold</i>
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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____