

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 24/106

NAME OF APPLICANT: EURO GENERAL RETAIL LTD

ADDRESS FOR CORRESPONDENCE: C/O ARMSTRONG REAPE ARCHITECTURAL SERVICES,
CHARTER HOUSE, LINENHALL STREET, CASTLEBAR, CO.
MAYO, F23 AW86

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the proposed amalgamation of the existing EuroGiant express retail unit 22 into vacant retail unit 21 to form a single retail unit is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: UNITS 22 & 21, THE BRIDGE CENTRE, BRIDGE STREET,
TULLAMORE, CO. OFFALY, R35 R668.

WHEREAS a question has arisen as to whether or not the proposed amalgamation of the existing Eurogiant Express retail unit 22 into vacant retail unit 21 to form a single retail unit is or is not development or is or is not exempted development in the Bridge Centre Shopping Centre Tullamore, Co. Offaly

AS INDICATED on the particulars received by the Planning Authority on the 17th October 2024.

AND WHEREAS Euro General Retail Ltd requested a declaration on the said question from Offaly County Council.

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

- a) Section 2, 3(1) and 4(1)(h) of the Planning & Development Act 2000, as amended.
- b) The limited scale of the works which are located within a shopping centre.

AND WHEREAS Offaly County Council has concluded that the proposed amalgamation of the existing EuroGiant Express retail unit 22 into vacant retail unit 21 to form a single retail unit is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposed amalgamation of the existing EuroGiant Express retail unit 22 into vacant retail unit 21 to form a single retail unit **is development and is exempted development** at Unit 21 & 22 Bridge Street, Shopping Centre, Tullamore, Co. Offaly

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



Administrative Officer

13/11/24

Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

Planning Report

Section 5 Declaration

File Reference:	Dec. 24/106
Question:	WHETHER OR NOT THE PROPOSED AMALGAMATION OF THE EXISTING EUROGIANT EXPRESS RETAIL UNIT 22 INTO VACANT RETAIL UNIT 21 TO FORM A SINGLE RETAIL UNIT IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT
Applicant:	EURO GENERAL RETAIL LTD
Correspondence Address:	C/O ARMSTRONG REAPE ARCHITECTURAL SERVICES CHARTER HOUSE, LINENHALL STREET CASTLEBAR, CO. MAYO F23 AW86
Location:	UNITS 22 & 21, THE BRIDGE CENTRE, BRIDGE STREET, TULLAMORE, CO. OFFALY R35 R668

1. Introduction

The question has arisen as to whether or not the proposed amalgamation of the existing Eurogiant Express retail unit 22 into vacant retail unit 21 to form a single retail unit is or is not development or is or is not exempted development

2. Background

The subject 2 number units are located on the first floor of the Bridge Centre Shopping Centre, Tullamore, adjacent to the An Post Unit.



Photo 1: Vacant Unit 21

3. Site History:

- TU231190:** Ravine Ltd were **Granted** permission for a shopping centre complex and car park.
- TU265293:** Ravine Ltd were **Granted** permission for the Bridge Street development
- TU261693:** Ravine Ltd were **Granted** permission to alter internal layout
- TU279994:** Ravine Ltd were **Granted** retention permission of alternations to shopping centre.

4. Legislative Context

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

Statutory Provisions

Section 2 (1) Planning and Development Act 2000, as amended, states as follows:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) Planning and Development Act 2000, as amended, defines development.

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 - Exempted Development

Section 4 (1) (a) – (l) sets out what is exempted development for the purposes of this Act including:

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

5. Screening

Having regard to nature of the development to be which form the amalgamation of the existing Eurogiant express retail unit 22 into vacant retail unit 21 to form a single retail unit in the Bridge Centre Shopping Centre due to a lack of any pathway to a European site it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Please see EIA Screening below which concludes the works do not require EIA.

6. ASSESSMENT

The Applicants have indicated they intend to amalgamate the existing Eurogiant Express Retail (unit 22) into the adjacent vacant retail unit 21 to form a single Eurogiant Retail Unit. The application has been assessed against Section 4(1)(h) of the Planning and Development Act 2000 (as amended) which states that exempted development includes:

'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures'.

7. Evaluation

Question: Whether the proposed works (as listed) to the existing retail Units are development and if so, are they exempted development?

In considering the proposed works against the definitions of 'development' and 'works' as provided in the Act, it is the view of the Planning Authority that the proposed works are deemed as development as it includes the amalgamation of 2 small retail units as well as minor external works.

Question: Is this proposal considered as Exempted Development?

With regard to Section 4(1)(h) it is considered that the proposed development accords with this particular prescribed form of exempted development as the proposal development does not materially affect the external appearance of the units so as to render the appearance inconsistent with the character of the structure or of neighbouring units'.

7. Conclusion

It is recommended that the Applicants be advised that the proposed development is **development and is exempted development.**

Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether or not the proposed amalgamation of the existing Eurogiant express retail unit 22 into vacant retail unit 21 to form a single retail unit is or is not development or is or is not exempted development in the Bridge Centre Shopping Centre Tullamore, Co. Offaly

AS INDICATED on the particulars received by the Planning Authority on the 17th October 2024.

AND WHEREAS Euro General Retail Ltd requested a declaration on the said question from Offaly County Council;

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

- (a) Section 2, 3(1) and 4(1)(h) of the Planning & Development Act 2000, as amended.
- (b) The limited scale of the works which are located within a shopping centre

AND WHEREAS Offaly County Council has concluded that the proposed amalgamation of the existing Eurogiant express retail unit 22 into vacant retail unit 21 to form a single retail unit is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

The proposed amalgamation of the existing Eurogiant express retail unit 22 into vacant retail unit 21 to form a single retail unit is **development** and is **exempted development** at Unit 21 & 22 Bridge Street, Shopping Centre, Tullamore, Co. Offaly

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Michael Duffy

Michael Duffy

Executive Planner

12th November 2024

Ed Kelly

Ed Kelly

ASEP

12th November 2024



Comhairle Chontae Uíbh Fhailí
Offaly County Council

EIA Screening Form

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	DEC 24/106
Development Summary:	Amalgamate two shops in a shopping centre
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required