

**APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED
DEVELOPMENT**

Part 1 Section 5 of Planning and Development Act 2000-2018, as amended.

1. Name: Pargo Properties One Limited

Address: Unit 13, the Courtyard, Fonthill Business Park, Fonthill Road,
Ballyowen, Dublin 22

Phone No: _____ **E-mail :** _____

2. Address for correspondence:

Address: John Spain Associates, 39 Fitzwilliam Place, Dublin 2, D02 ND61

Phone No: 01 662 5803 **E-Mail:** eplanning@johnspainassociates.com

3. Location of Development and/or Subject Site: Units 17/18, Ashbourne
Retail Park, Ashbourne, Co. Meath

4. Description of Development:

***Whether the proposed use of Unit 17/18 at Ashbourne Retail Park—as
detailed in the enclosed planning cover letter—complies with the
Condition 2 enclosed with planning permission under Reg. Ref.: 23/60504,
and consequently, whether it constitutes development or exempted
development.***

5. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES _____ NO X

**6. Will / does development take place in / on a Protected Structure or within
the curtilage of a Protected Structure?**

Please tick as appropriate: YES _____ NO X

**6(b) If "YES", has a Declaration under Section 57 of the Planning &
Development Act 2000 – 2018, as amended, been requested or issued for the
property by the Planning Authority?**

Please tick as appropriate: YES _____ NO n/a



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no additional floor area proposed _____

Architects Issue Sheet

Owner _____

Please tick as appropriate: YES _____ NO X

11 (b), If "YES" please supply details:

Please tick as appropriate: YES X NO

12 (b), If "YES" please supply details:

Jan Spier-Aron

SIGNED: _____

DATE: 19th May 2025

NOTES

- ## 1. Application Fee of €80

- 2. Application shall be accompanied by:**
- **2 copies of site location map to scale 1:2500** clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - **2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.**

- **Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.**

**Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.
Contact Details: Phone: 046 9097500 Fax: 046 9097001
Email: planning@meathcoco.ie**

Meath County Council
Planning Department
Buvinda House
Dublin Road
Navan
County Meath
C15 Y291

Date: 19th May 2025
JSA Ref.: DC/ES JN 25007

Dear Sir/Madam,

RE: **SECTION 5 DECLARATION REQUEST IN RESPECT OF UNIT 17/18, ASHBOURNE
RETAIL PARK, COUNTY MEATH**

1.0 INTRODUCTION

John Spain Associates, Chartered Town Planners, 39 Fitzwilliam Place, D02 ND61, on behalf of our clients and the applicants, Pargo Properties One Ltd., Unit 13, the Courtyard, Fonthill Business Park, Fonthill Road, Ballyowen, Dublin 22, hereby wish to request a Section 5 Declaration from Meath County Council in respect of the following proposed works at Unit 17/18, Ashbourne Retail Park, County Meath:

Whether the proposed use of Unit 17/18 at Ashbourne Retail Park—as detailed in the enclosed planning cover letter—complies with the Condition 2 enclosed with planning permission under Reg. Ref.: 23/60504, and consequently, whether it constitutes development or exempted development.

We enclose the following information with the Section 5 application:

- Statutory fee of €80;
- Completed Section 5 Declaration Application Form;
- A digital copy of Cover Letter prepared by John Spain Associates;
- A digital copy of the following drawings prepared by John Hodgins Architect;
 - Site Location Map;
 - Site Layout Plan;
 - Existing and Proposed elevation drawings; and
 - Drawings Issue Sheet.

This Section 5 application seeks confirmation on whether the proposed use of Unit 17/18 at Ashbourne Retail Park, with Army Surplus Warehouse as the prospective tenant and primarily selling bulky products, complies with Condition 2 of the planning permission under Reg. Ref.: 23/60504. This cover letter outlines the intended use and demonstrates compliance with the relevant criteria, including the Retail Strategy Guidelines, 2012.

Please refer to the accompanying drawings prepared by John Hodgins Architect for further details.

Managing Director: P. Turley, Executive Directors: R. Kunz | S. Blair | B. O'Regan | L. Wymer | K. Keenan
Senior Associate Directors: M. Nolan | B. Coughlan | L. Livingstone, Associate Director: T. Devlin
John Spain Associates Ltd. trading as John Spain Associates

Registered Address: 39 Fitzwilliam Place, Dublin 2 | Directors: A. Murphy | J. Brennan
CRO No. 396306 | VAT No. IE 6416306U

AS525059

2.0 SITE LOCATION & DESCRIPTION

The site in question, Units 17/18, is located within the purpose-built Ashbourne Retail Park, situated at No. 1 Ballybin Road on the northern outskirts of Ashbourne, County Meath, approximately 1.5 km northwest of the town centre. The units, which have been subject to several planning applications, as contained in Section 3.0, are currently vacant.

Access to the subject site is via a pedestrian footpath at the front, with additional access to a service area at the rear. The subject site is located around 90 meters to the west of the shared entrance onto Ballybin Road (local road L5018-16), which serves the retail park. The entrance is approximately 100 meters south of the L5018-16 T-junction with the R135

Figure 2-1. Aerial View of Ashbourne Retail Park within Ashbourne as the second largest and a Self-Sustaining Growth Town in Meath (approximate boundary outlined in yellow)



Source: Google Map

Ashbourne Retail Park offers a diverse range of uses, with key tenants including Choice, JYSK, Mr Price, Screwfix, Maxi Zoo, Chemist Warehouse, Village Vets, and EZ living Furniture. The park also features a selection of restaurants, takeaways/drive-thrus, and leisure facilities, such as the Leisure Dome family entertainment centre and Vue Cinema.

With over 1,000 car parking spaces and dedicated bicycle parking along the pedestrian footpath surrounding the main L-shaped cluster of retail and warehouse units, the park accommodates over 10,000 sqm of retail, leisure, and medical services.

Figure 2-2. Aerial View of the Subject Site within Ashbourne Retail Park (approximate boundary outlined in red)



Source: Google Map

3.0 RELEVANT PLANNING HISTORY

The following provides an overview of the relevant planning history for the application site and its broader context, focusing on the most pertinent applications in the area. While not exhaustive, this summary highlights the key applications that are most relevant to the subject site.

This search was conducted through the Meath County Council (MCC) and An Bord Pleanála (ABP) planning portals.

Reg. Ref.: 23/60504 – MCC Grant

MCC issued a Final Grant on 26th March 2024, subject to 5 no. conditions, for *“a change of use from vacant café/restaurant to retail warehouse at Unit 17 and from storage area to retail warehouse in the Ashbourne Retail Park, Ashbourne, Co. Meath. It is also proposed to amalgamate Unit 17 and the storage area with Unit 18 to form one larger retail warehouse unit. The proposed development includes for a new fire exit door to the rear of the unit and internal alterations to the existing floor layout to provide for the proposed amalgamated retail warehouse unit. The proposed development will result in a total gross floor area of c. 850.5 sqm. There are no changes to the front elevation as part of the proposed development for the subject unit”*.

In the context of this Section 5 application, Condition 2 enclosed with the decision states:

“The use of the amalgamated units hereby permitted shall be limited to the sale of ‘bulky household goods as defined by the Retail Planning – Guidelines for Planning Authorities (April 2012)

REASON: *To prohibit an unacceptable change of use.”*

Reg. Ref.: 22/251 (ABP. Ref.: 313574-22) – ABP Grant

MCC issued a notification of refused planning permission on 19th April 2022 for a *“change of use from vacant retail warehouse to motor showroom, on a site area of 696.6 sqm [Unit 18]. The proposed development includes for internal alterations to existing floor layout to provide for car showroom, customer reception, offices, pre-delivery inspection / valeting, toilets and staff canteen. No increase in gross floor area arises and there are no changes to the elevations as part of the proposed development for the subject unit. The development includes all ancillary works to facilitate the development”*.

There were two reasons for refusal, reading as follows:

“1. It is considered that the proposed development by virtue of its nature as a proposed motor showroom to be located in Ashbourne Retail Park, which is zoned B2 ‘Retail Warehouse Park’ in the Ashbourne Written Statement, which forms part of the Meath County Development Plan, 2021 to 2027, would materially contravene the B2 Retail Warehouse zoning objective ‘to provide for the development of a retail warehouse park’ as the proposed motor showroom (car sales) use does not fall within the definitions of Retail Warehousing as set out in the Retail Planning Guidelines, 2012. The proposed development would therefore materially contravene the B2 Retail Warehouse Park objective indicated in the Meath County Development Plan, 2021 to 2027 and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively not be in the interest of the proper planning and sustainable development of the area.

2. The proposed development by virtue of its nature for a motor showroom (car sales) in an area zoned B2 ‘Retail Warehouse Park’ in the Ashbourne Written Statement with the zoning objective for B2 ‘to provide for the development of a retail warehouse park’ would be contrary to the Retail Planning Guidelines 2012 guidance in relation to the types of goods permitted to be sold in retail warehouses. Said guidelines require that ‘the goods being sold are consistent with the definition of non-portable bulky goods in order to promote and protect the vitality and viability of city and town centres’. It is considered that the proposed development for a motor showroom (car sales) use would not be compliant with the definition of non-portable bulky

goods and would therefore result in the proposed development being contrary to the Retail Planning Guidelines for Planning Authorities issued to Planning Authorities under Section 28 of the Planning and Development Acts 2000-2021."

Subsequently, a first party against the Council's decision was submitted to An Bord Pleanála, followed by a Final Grant, subject to 6 no. conditions, issued by the Board on 9th November 2023. In the context of this Section 5 application, Condition 3 enclosed with the decision states:

"Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, the site shall not be converted to retail or other use unless authorised by a further grant of planning permission."

REASON: *In the interest of the proper planning and sustainable development of the area."*

Reg. Ref.: DA901192 – MCC Refusal

MCC issued a notification of refused planning permission on 15th September 2009 for the "amendments to the internal layout and elevations of units 14, 15, 16, 17 and 18 (formerly food units 1 and 2 and unit 3) previously approved under Reg. Ref.: DA70117. The area of unit 18 has decreased from 776 sqm to 636 sqm. The proposed development consists of the change of use of unit 14 (332 sqm) from cafe/restaurant use to use as a recreation/leisure facility and the inclusion of a 54 sqm unit for use as storage".

Reg. Ref.: DA901603 – MCC Grant

MCC issued a Final Grant on 30th December 2009, subject to 8 no. conditions, for the "retention of amendments to the internal layout and elevations of units 14, 15, 16, 17 and 18 (formerly food units 1 and 2 and unit 3) previously approved under Reg. Ref.: DA70117. The area of unit 18 has decreased from 776 sqm to 704 sqm".

Reg. Ref.: DA70117 – MCC Grant

MCC issued a Final Grant on 25th September 2007, subject to 21 no. conditions, for "a proposed extension to the existing retail warehouse park, with a total gross floor area of 7486 sqm. comprising of the construction of 4 additional double height retail warehouse units with a total gross floor area of 4604 sqm, ranging in size from 872 sqm to 1987 sqm, units 3 & 4 include mezzanine levels, 2 food and beverage outlets with a total gross floor area of 906 sqm and a 1000 seater cinema with a gross floor area of 1814 sqm at first floor level above units 1, 2 & 3 respectively and a 162 sqm ground floor entrance foyer. Units 1, 2, 3 will be two-storey units with a maximum ridge height of 15m. Development works also include alterations to the existing car parking layout to provide an additional 210 spaces, associated signage, hard and soft landscaping and all associated site works".

Considering that the planning permission under Reg. Ref.: 22/251 has not been implemented, the following Table summarises the existing and permitted uses within units 17 and 18 at Ashbourne Retail Park.

Table 3-1. Existing & and Permitted Uses in Units 17 and 18

	Floor Area	Existing Use	Permitted Use
Unit 17	635 sqm	Vacant Café/Restaurant	Retail Warehousing (Reg. Ref. 23/605040)
Unit 18	215 sqm	Vacant Retail Warehousing	Retail Warehousing (Reg. Ref. 23/60504) Motor Sales (Reg. Ref. 22/251)

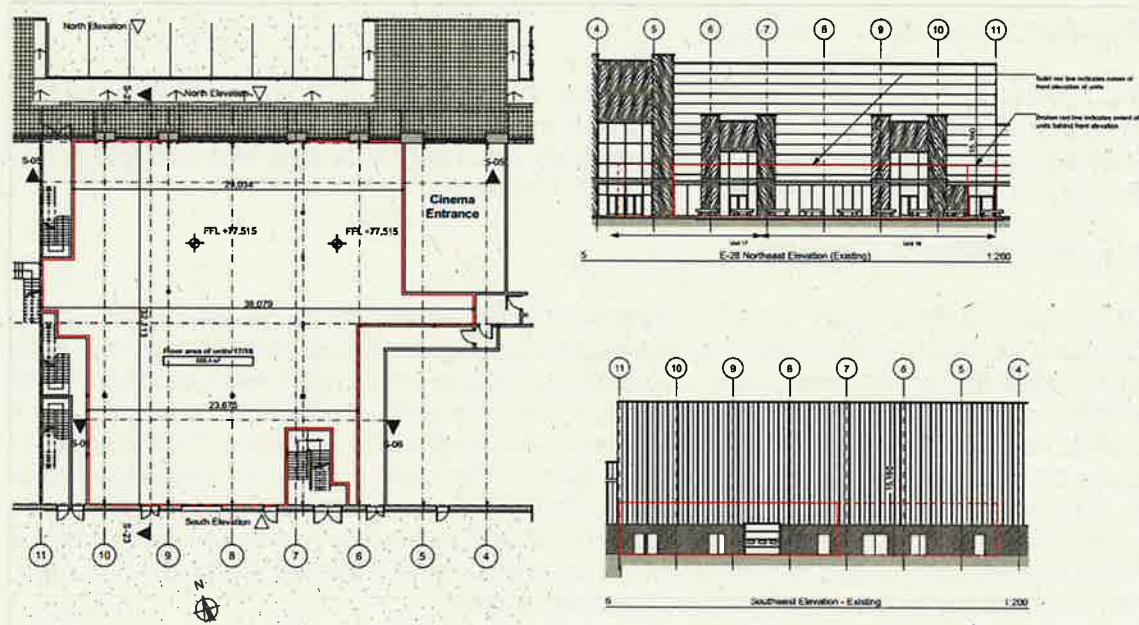
4.0 PROPOSED WORKS

In line with the approved scheme under Reg. Ref.: 23/60504, the proposed works will build upon the previously permitted alterations by amalgamating and reconfiguring Units 17 and 18 with the intention to accommodate Army Surplus Warehouse, as the prospective tenant, offering a wide range of products, including tools, hardware, clothing, equipment, home essentials, gardening supplies, and outdoor gear. This is further discussed in the following section.

It is noted that both units have been vacant for an extended period, and this proposal aims to meet current market demands by re-activating the space with a viable, new use. The goal is to breathe new life into these units, transforming them into a functional space that responds to the needs of today's market. This will help attract new customers and ensure the long-term success of the retail park.

In terms of the works to be carried out, there will be no additional alterations or modifications beyond what has already been permitted under Reg. Ref.: 23/60504. The permitted floor area will remain unchanged, and there will be no alterations to the building's external elevations. For Further details, please refer to the enclosed architectural drawings prepared by John Hodgins Architect.

Figure 4-1. The Permitted Layout and Elevations under Reg. Ref.: 23/60504



Source: John Hodgins Architect

5.0 INTENDED USE

As noted earlier, Unit 17/18, a permitted retail warehouse unit, is proposed to accommodate Army Surplus Warehouse as the prospective tenant. This section provides a detailed overview of the operator, including their product range, retail strategy, stocking methods, and examples of their operating branches across Ireland.

With approximately 36,000 square feet (3,344 sqm) of retail space and nearly 60,000 square feet (5,574 sqm) of storage space, Army Surplus Warehouse/Home Depot carries a diverse selection of around 7,000 product lines. The operator operates across four key locations in

Ireland, including Midleton (Market Green Retail Park), Killarney (Killarney Outlet Centre), Carlow (Barrow Valley Retail Park), and Portlaoise (Portlaoise Retail Park). These stores are designed with large footprints to accommodate the extensive product range and significant storage needs.

Figure 5-1. Army Surplus Warehouse at Portlaoise Retail Park, Portlaoise



Source: Google Map

Figure 5-2. Army Surplus Warehouse at Barrow Valley Retail Park, Carlow



Source: Google Map

Figure 5-3. Army Surplus Warehouse at Market Green, Midleton, Cork

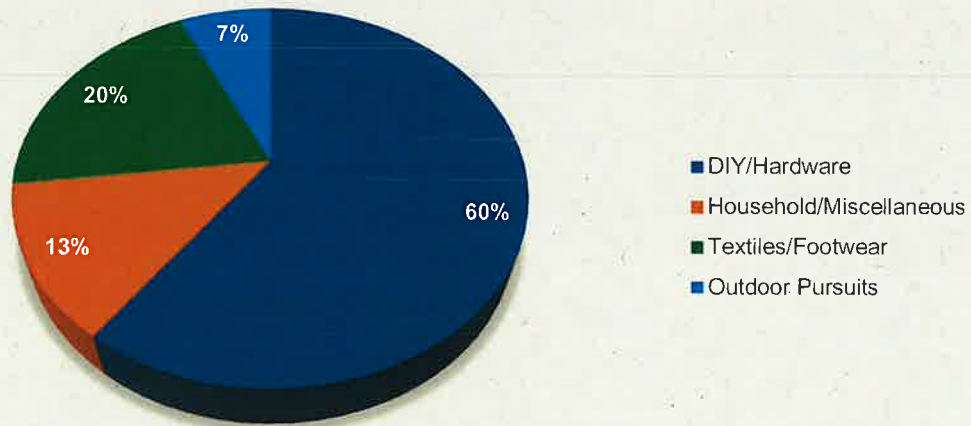


Source: Google Map / Street View

The product range at Army Surplus Warehouse/Home Depot includes categories such as tools, hardware, clothing, outdoor and camping equipment, home essentials, and gardening supplies. The majority of their products fall within the bulky goods category, with DIY/Hardware

items representing 60% of the store's product range. The remainder is divided between textiles/footwear (20%), household/miscellaneous items (13%), and outdoor pursuits (7%).

Figure 5-4. Breakdown of Army Surplus Warehouse Market Sectors



Source: Army Surplus Warehouse

Figure 5-5. Images of Army Surplus Warehouse products





Source: Army Surplus Warehouse

These bulky products—tools, outdoor gear, and equipment—require ample space for both storage and display. To properly showcase and stock these space-demanding items, a large retail footprint is necessary, both horizontally and vertically.

The operator's business model emphasises maintaining large stock reserves—well beyond the inventory levels of conventional retail stores—ensuring they can meet high customer demand. Additionally, most goods are ordered six months in advance, facilitating more effective planning and stock management.

This operational strategy, along with examples of the operator's established locations, indicates that no conventional town centre retail stores could accommodate the scale and range of products required by Army Surplus Warehouse/Home Depot. This makes the retail park an ideal setting for their operations.

The following Section builds upon the details provided above to clarify the type of intended use in light of the Retail Planning Guidelines.

6.0 PLANNING POLICY FRAMEWORK

6.1 Retail Planning Guidelines, 2012 & Retail Design Manual, 2012

The Retail Planning Guidelines, initially issued in 2000 and revised in 2005, were further updated in 2012 with the publication of the third iteration, accompanied by the Retail Design Manual. These guidelines establish the strategic policy framework for the spatial distribution of new retail development. They offer a comprehensive framework to guide local authorities in preparing development plans and assessing planning applications, as well as assisting retailers and developers in formulating development proposals.

In the context of this Section 5, Annex 1 of Retail Planning Guidelines, 2012, outlines *"although there is a trend for "scrambled merchandising" whereby some retail businesses sell both convenience goods and comparison goods, greater definitional clarity is obtained by adopting*

a *goods-based retail classification*". Under the prescribed classification, "bulky goods" are categorised as "comparison goods" encompassing the following:

*"Goods generally sold from retail warehouses where **DIY goods** or goods such as flatpack furniture are of such size that **they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floorspace would be required to display them** e.g.*

- *repair and maintenance materials;*
- *furniture and furnishings;*
- *carpets and other floor coverings;*
- *household appliances;*
- *tools and equipment for the house and garden;*
- *bulky nursery furniture and equipment including perambulators;*
- *bulky pet products such as kennels and aquariums;*
- *audio-visual, photographic and information processing equipment;*
- *catalogue shops and other bulky durables for recreation and leisure."*

However, the Guidelines go on to add *"The list is not exhaustive – **bulky goods not mentioned in the list should be dealt with on their merits in the context of the definition of bulky goods.**"* [emphasis added]

With respect to Section 5, and based on the Guidelines, the proposed use for Unit 17/18, with Army Surplus Warehouse as the prospective tenant, clearly aligns with the definition of "bulky goods" and in turn Condition 2 of Reg. Ref. Reg. Ref.: 23/60504. The operator's product range, which predominantly includes DIY/Hardware items, outdoor gear, tools, and large home and garden equipment, is consistent with goods typically sold in retail warehouses that require large floor space for display and are too bulky to be easily transported by customers using public transport, foot, or cycle. These items, due to their size and weight, are primarily taken away by car, further supporting their classification as bulky goods. This is keeping with the Guidelines' classification, which encompasses products that necessitate substantial retail space both horizontally and vertically. Therefore, the proposed use is in full accordance with the definition of bulky goods as outlined in the Guidelines.

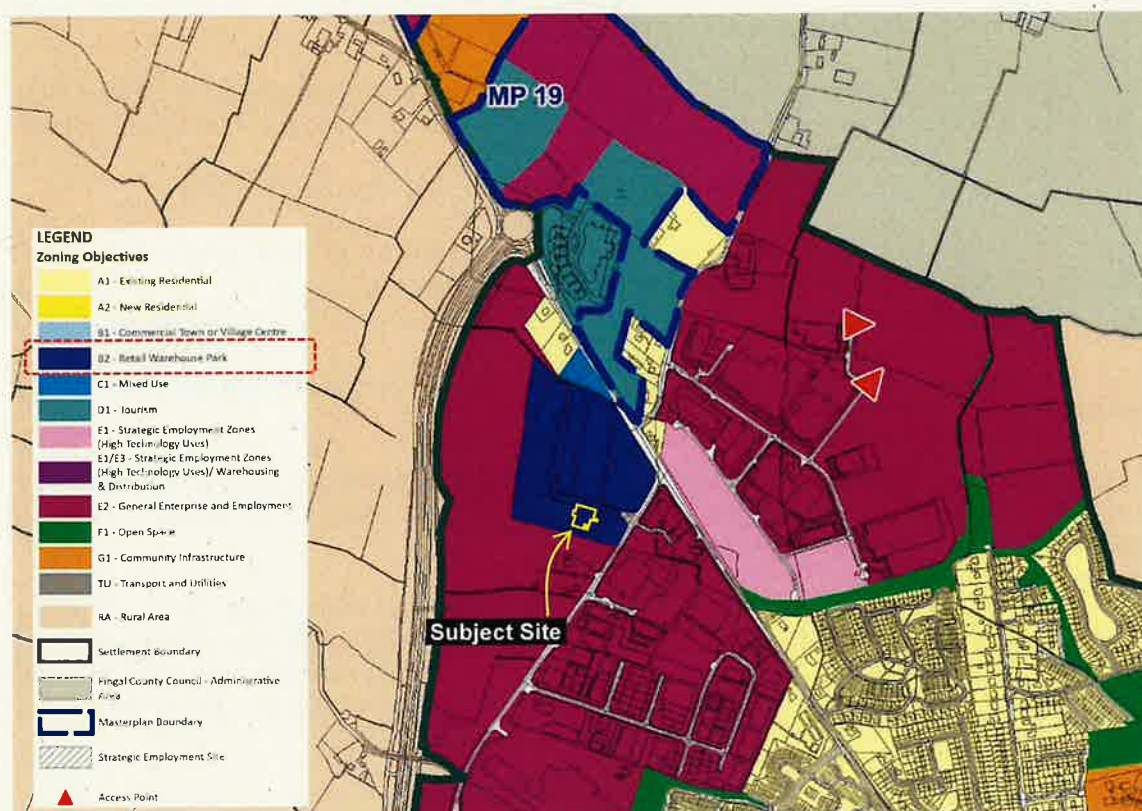
6.2 Meath County Development Plan 2021-2027 (as varied)

The Meath County Development Plan 2021-2027, adopted on 22nd September 2021 with an effective date of 3rd November 2021, has since been superseded by the Consolidated version of the Plan, which incorporates Variations 1 and 2 (adopted on 13th May 2024) and Variation 3 (adopted on 27th January 2025). The Consolidated Meath County Development Plan, as varied, outlines a vision and overall strategy for the proper planning and sustainable development of County Meath over the six-year period.

6.2.1 Land Use Zoning

Under the current Consolidated Development Plan, the subject site is located within the wider retail park, all of which are designated as **"B2 – Retail Warehouse Park"**, with an objective *"To provide for the development of a retail warehouse park"*. The Guidance for this zoning objective, as set out in the Development Plan, is *"to provide for the development of retail warehouse parks"*.

Figure 6-1. Extract from Ashbourne Zoning Map indicating the subject site land use zoning (approximate boundary of the site outlined in yellow)



Source: Consolidated Meath County Development Plan, as varied, Ashbourne—Sheet No 1(a)

The following Figure, extracted from the Consolidated Development Plan—Chapter 11, outlines the permitted and open for consideration uses under the pertinent land use zoning. This indicates the existing retail park—including the subject site—is in keeping with the relevant land use zoning.

Figure 6-2. Matrix of Uses under “B2” Zoning Objective outlining the prescribed uses under two categories of “Permissible” and “Open for Consideration”

Permitted Uses

Cinema, Factory Outlet Stores, Leisure / Recreation / Sports Facilities, Retail Warehouse, Telecommunication Structures, Service Stations, Utilities.

Open for Consideration Uses

Bring Banks, Childcare Facility, Children Play / Adventure Centre, Drive Through Restaurant, Enterprise Centre, Garden Centre, Research & Development, Motor Sales / Repair, Offices Uses (where the services are not principally for visiting members of the public), Restaurant / Café, Take-Away / Fast Food Outlet, Science & Technology Based Enterprise, Wholesale Warehousing / Cash and Carry

Source: Consolidated Meath County Development Plan, as varied, Chapter 11

7.0 LEGISLATIVE FRAMEWORK & EXEMPTED DEVELOPMENT

7.1 Planning and Development Act 2000 (as amended)

The Planning and Development Act 2000, as amended, ('The Act' hereinafter) at Section 3(1) provides a definition of development for the purposes of The Act. Section 3(1) reads as follows:

"In this Act, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*
- (b) development within the meaning of Part XXI (inserted by section 171 of the M."*

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon ..."

As demonstrated in Section 4.0 above, the proposed change to Unit 17/18 at Ashbourne Retail Park does not involve any physical works beyond that permitted nor constitute a material change of use from the permitted use.

The intended use, as detailed in Section 5.0 of the report, falls within the definition of 'bulky goods' as set out in the Retail Planning Guidelines, 2012, and aligns with the original permitted use of the retail warehouse unit. Given that the nature of the use remains consistent with the initial classification of the unit, there is no material change of use. Accordingly, the proposed change does not constitute 'development' under The Act.

8.0 CONCLUSION

This application for a Section 5 Declaration is made on behalf of the applicants, Pargo Properties One Ltd., and seeks a declaration in respect of the following:

Whether the proposed use of Unit 17/18 at Ashbourne Retail Park—as detailed in the enclosed planning cover letter—complies with the Condition 2 enclosed with planning permission under Reg. Ref.: 23/60504, and consequently, whether it constitutes development or exempted development.

As set out in the above cover letter, Condition 2 enclosed with the planning permission under Reg. Ref.: 23/60504 stipulates that the use of the amalgamated units shall be limited to the sale of 'bulky household goods' as defined by the Retail Planning Guidelines. Furthermore, the Consolidated Meath County Development Plan (as varied), while acknowledging the high levels of vacancy in Ashbourne Retail Park, requires that any retail warehousing development shall be restricted to 'bulky goods' with a cautionary approach towards retail warehousing.

The report provides a comprehensive outline of the intended use and the range of products offered by the prospective tenant, demonstrating how it accords with the definition of bulky goods. On that basis, it is respectfully submitted that the proposed use satisfies the Condition 2 enclosed with the permission under Reg. Ref.: 23/60504, does not give rise to a material change of use of the permitted unit and therefore it would not constitute development.

For further information, we respectfully invite the Planning Authority to refer to the enclosed drawings prepared by John Hodgins Architect.

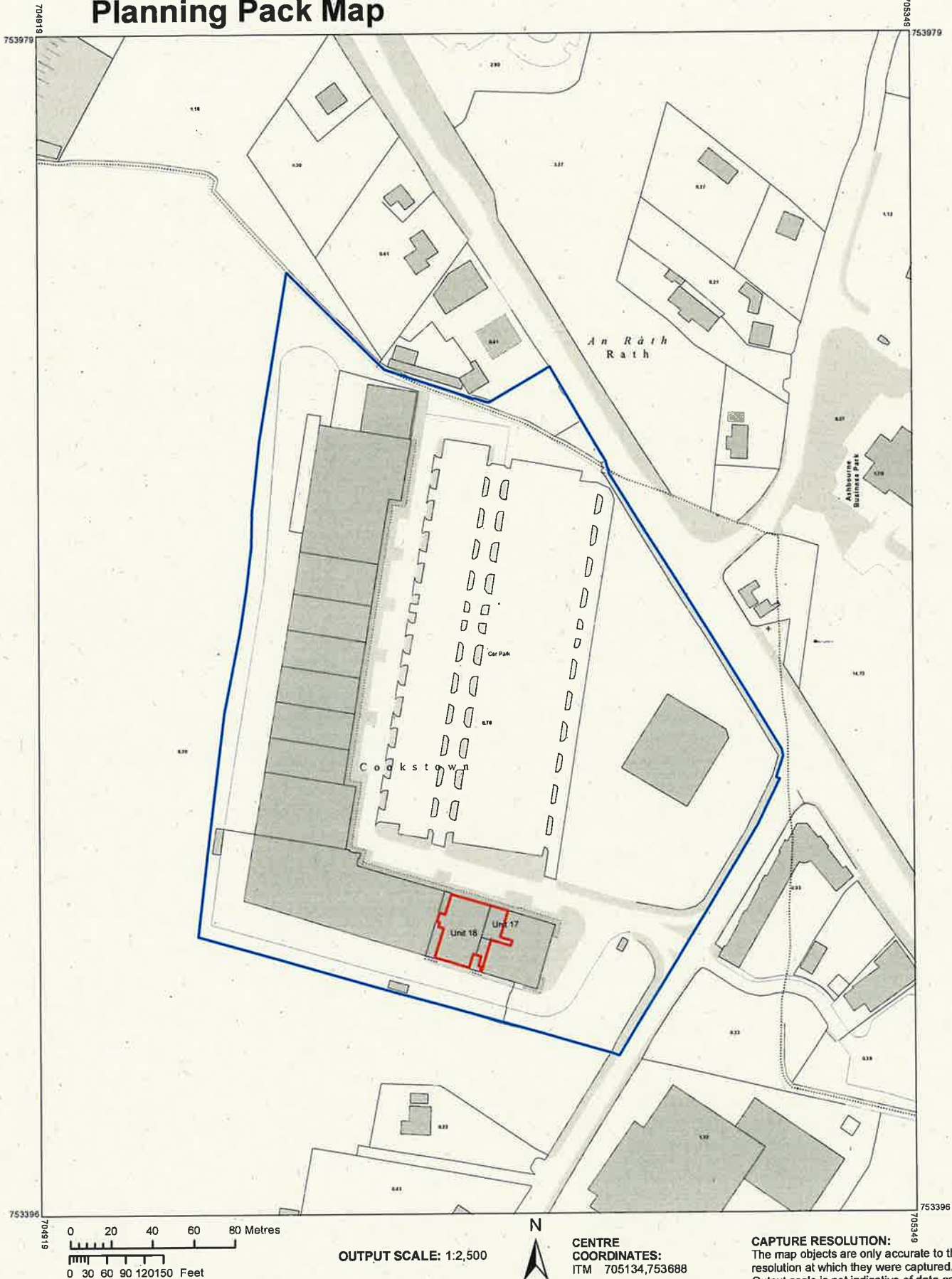
Please do not hesitate to contact us should you require any further information in relation to the application for a Section 5 Declaration.

Yours sincerely,



John Spain Associates

Planning Pack Map



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Phoenix Park,
Dublin 8,
Ireland.

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OUTPUT SCALE: 1:2,500



**CENTRE
COORDINATES:**
ITM 705134,753688

PUBLISHED:
10/04/2018

MAP SERIES:
1:2,500

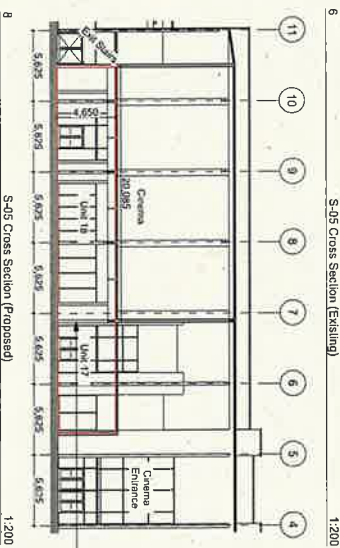
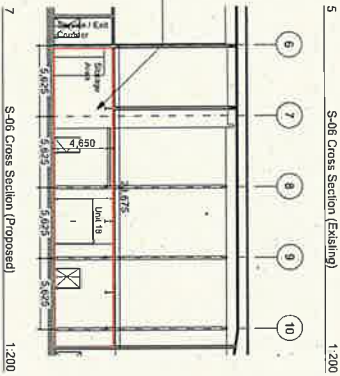
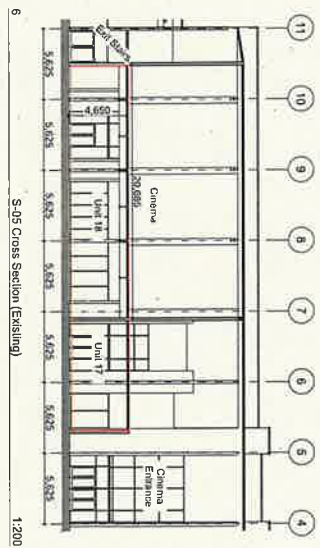
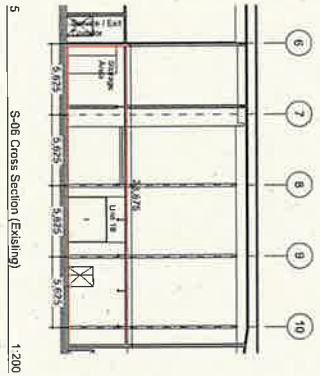
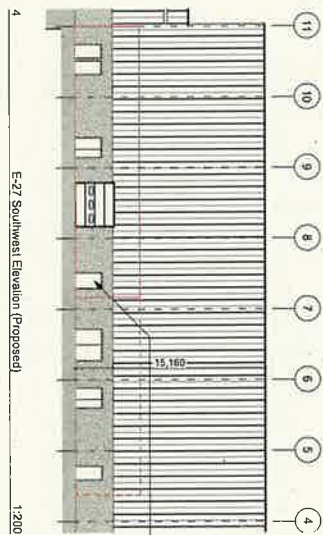
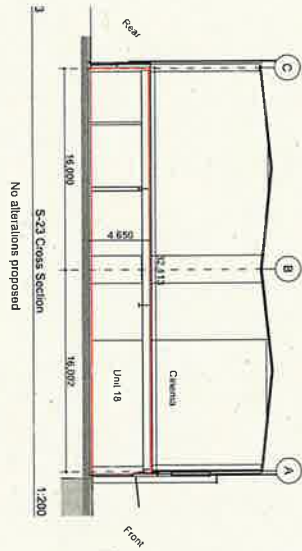
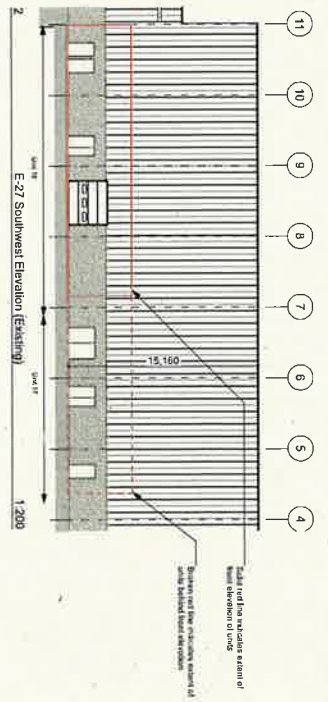
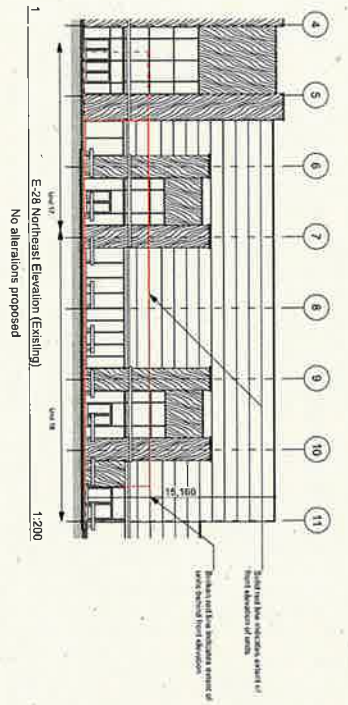
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MAP SHEETS:
2786-C

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resolution at which they were captured.
Output scale is not indicative of data capture
scale.
Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'
LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'

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AS525059



Hodgins Architects

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Ph: +353-(0)868133456

E-mail : hodginsarchitects@gmail.com

Project No 06050	<i>Ashbourne Retail Park</i>	Sheet 1 of 1
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AS5 25059

Scale: 1:1000	North Arrow
Project Name: Ashbourne Retail Park	Client: Ashbourne Retail Park
Project No: 06050-HA	Revision: 2

Planning

Ref: 06050-HA

Scale: 1:100

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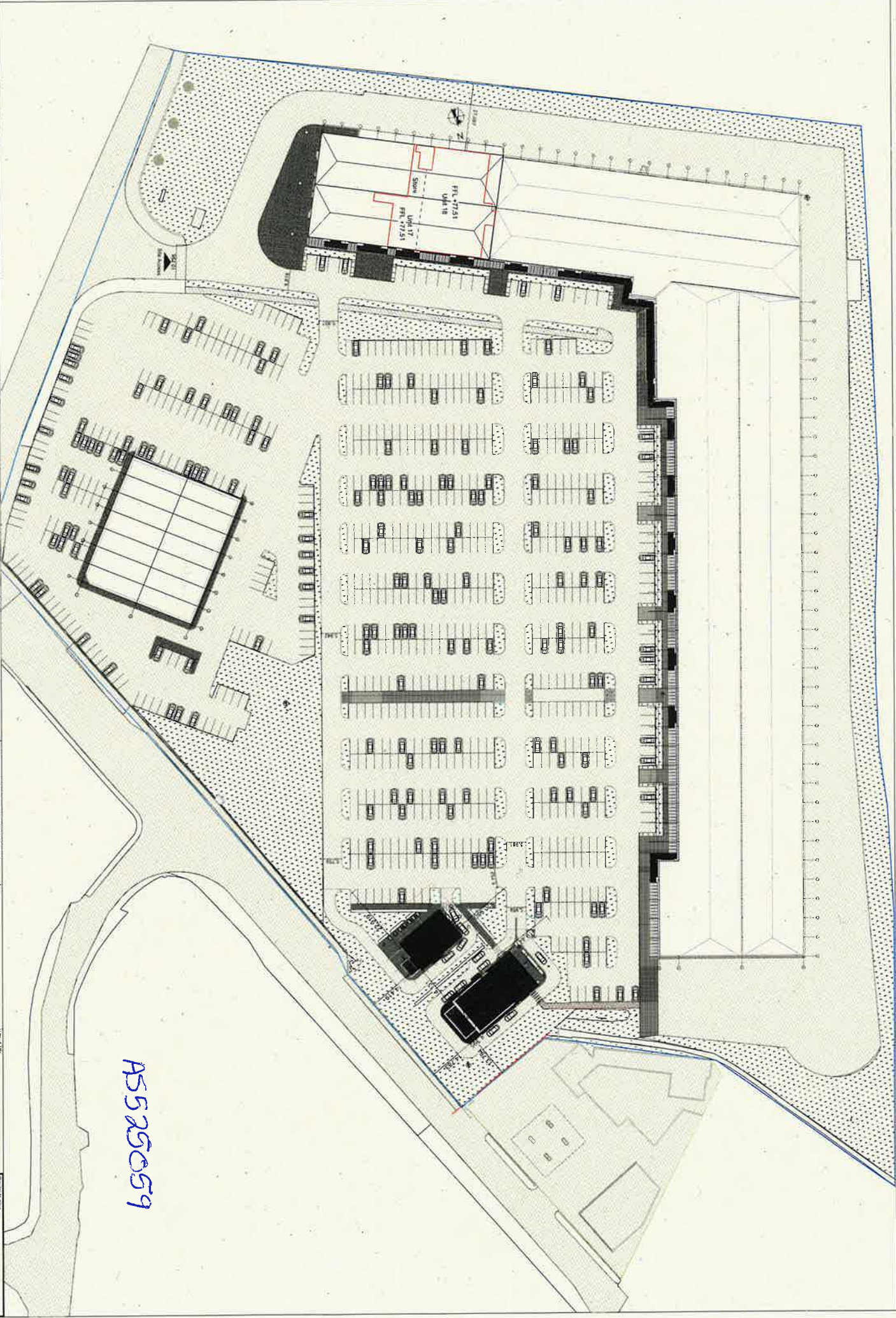
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MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1017/25

Reference Number: AS525059

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

Name of Applicant: Pargo Properties One Ltd

Address: Pargo Properties One Ltd
c/o John Spain Associates
39 Fitzwilliam Place
Dublin 2
DN0 ND61

Nature of Application: Whether the proposed use of Unit 17/18 at Ashbourne Retail Park—as detailed in the enclosed planning cover letter—complies with the Condition 2 enclosed with planning permission under Reg. Ref.: 23/60504, and consequently, whether it constitutes development or exempted development

Location of Development: Units 17/18 Ashbourne Retail Park, Ashbourne, Co Meath

DECLARATION: This development is **EXEMPT** from Planning Permission.

ORDER:

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

SIGNED: Alan Russell
On Behalf of Meath County Council

DATE: 13.06.25

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

**To: Pargo Properties One Ltd
c/o John Spain Associates
39 Fitzwilliam Place
Dublin 2
DN0 ND61**

**PLANNING REFERENCE
NUMBER:** AS525059

APPLICATION RECEIPT DATE: 19/05/2025

FURTHER INFORMATION DATE:

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 13.06.25 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: Whether the proposed use of Unit 17/18 at Ashbourne Retail Park—as detailed in the enclosed planning cover letter—complies with the Condition 2 enclosed with planning permission under Reg. Ref.: 23/60504, and consequently, whether it constitutes development or exempted development at **Units 17/18 Ashbourne Retail Park, Ashbourne, Co Meath.**

Date: 13.06.25


On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2023 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie Web: www.pleanala.ie

Meath County Council



Planning Report

To:	Alan Russell, A/Senior Planner
From:	Michael McKenna, Executive Planner
Report Date:	11/06/2025
File Number:	AS525059
Applicant Name(s):	Pargo Properties One Limited
Development Address:	Units 17/18, Ashbourne Retail Park, Ashbourne, Co. Meath
Inspection Date(s):	N/a
Application Type:	Section 5 Exemption Certificate
Development Description:	Whether the proposed use of Unit 17/18 at Ashbourne retail park – as detailed in the enclosed planning cover letter – complies with Condition 2 enclosed with planning permission under reg: 23/60504, and consequently, whether it constitutes development or exempted development.

1.0 Site Location



Figure 1.0: Map extract showing the approximate location of the application site.

The application site relates to Unit No. 17 and Unit No. 18 which are located within the established Ashbourne Retail Park to the north-western periphery of the settlement of Ashbourne. From an inspection of the area, the subject units appear to be currently vacant. Ashbourne Retail Park is accessed from the Ballybin Road (L5018-16) and essentially comprises an 'L' shaped block of conventional design and layout. The units in the retail park contain a variety/mix of uses including but not limited to a restaurant, cinema, play zone, gym, hardware, electrical outlet, convenience superstore, furniture store and, chemist superstore. It would appear that the majority of the units in the retail park are occupied excluding the subject units pertaining the subject application. The subject site is zoned as 'B2' Retail Warehouse Park in the Meath County Development Plan 2021-2027. There are no Protected Structures or Recorded Sites and Monuments located on the application site. The site is not within a Flood Zone.

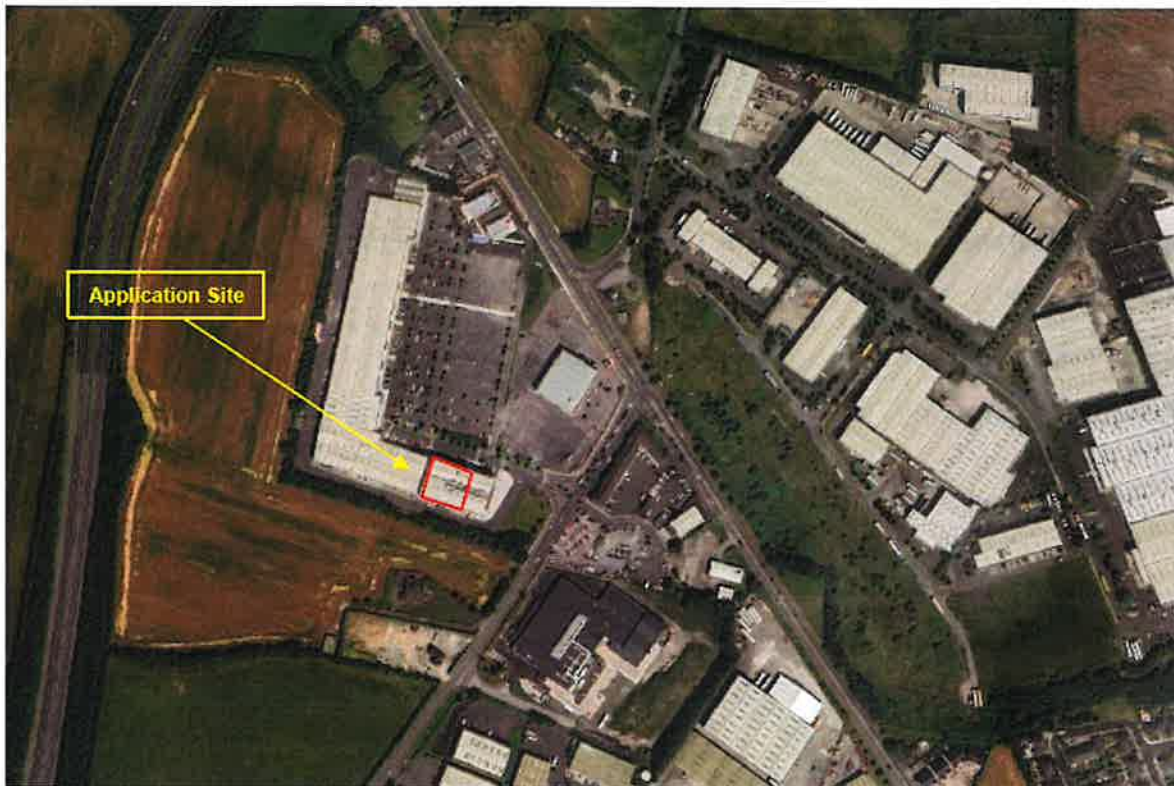


Figure 2.0: Aerial image of the subject site (outlined in red) in the context of the immediate surrounding area.

2.0 Proposed Declaration

The referrer seeks a declaration as to, *"Whether the proposed use of Unit 17/18 at Ashbourne retail park – as detailed in the enclosed planning cover letter – complies with Condition 2 enclosed with planning permission under reg: 23/60504, and consequently, whether it constitutes development or exempted development"*.

3.0 Planning History

2360504 Application Granted by Meath County Council for Pargo Properties One Ltd. for a change of use from vacant café/restaurant to retail warehouse at Unit 17 and from storage area to retail warehouse in the Ashbourne Retail Park, Ashbourne, Co. Meath. It is also proposed to amalgamate Unit 17 and the storage area with Unit 18 to form one larger retail

warehouse unit. The proposed development includes for a new fire exit door to the rear of the unit and internal alterations to the existing floor layout to provide for the proposed amalgamated retail warehouse unit. The proposed development will result in a total gross floor area of c. 850.5 sq. m. There are no changes to the front elevation as part of the proposed development for the subject unit. The development includes all ancillary works to facilitate the development.

22251 Application REFUSED by Meath County Council for change of use from vacant retail warehouse to motor showroom, on a site area of 696.6 sq m. The proposed development includes for internal alterations to existing floor layout to provide for car showroom, customer reception, offices, pre-delivery inspection / valeting, toilets and staff canteen. No increase in gross floor area arises and there are no changes to the elevations as part of the proposed development for the subject unit. The development includes all ancillary works to facilitate the development

The decision of Meath County Council was subject to a third party appeal to An Bord Pleanála under Ref. ABP-313574-22 where the decision to refuse permission was overturned.

DA 901192 Permission REFUSED for amendments to the internal layout and elevations of units 14, 15, 16, 17 and 18 (formerly food units 1 and 2 and unit 3) previously approved under ref ref DA 70117. The area of unit 18 has decreased from 776 sqm to 636 sqm. The proposed development consists of the change of use of unit 14 (332 sqm) from cafe/restaurant use to use as a recreation/leisure facility and the inclusion of a 54 sq m unit for use as storage. Applicant: Ashbourne Retail Park Ltd.

DA901603 Permission GRANTED for retention of amendments to the internal layout and elevations of units 14, 15, 16, 17 and 18 (formerly food units 1 and 2 and unit 3) previously approved under ref ref DA70117. The area of unit 18 has decreased from 776 sqm to 704 sqm. Applicant: Ashbourne Retail Park Ltd.

DA70117 Permission GRANTED for a proposed extension to the existing retail warehouse park, with a total gross floor area of 7486 sq.m. comprising of the construction of 4 additional double height retail warehouse units with a total gross floor area of 4604 sq.m, ranging in size from 872 sq.m to 1987 sq.m, units 3 & 4 include mezzanine levels, 2 food and beverage outlets with a total gross floor area of 906 sq.m and a 1000 seater cinema with a gross floor area of 1814 sq.m at first floor level above units 1, 2 & 3 respectively and a 162 sq.m ground floor entrance foyer. Units 1, 2, 3 will be two-storey units with a maximum ridge height of 15m. Development works also include alterations to the existing car parking layout to provide an additional 210 spaces, associated signage, hard and soft landscaping and all associated site works. Applicant: Ashbourne Retail Park Ltd.

4.0 Legislative Context

Planning and Development Act 2000 (as amended):

In this Act, except where the context otherwise requires –

Section 2(1)

"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...

Section 3(1)

"Development" in this Act 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(2)(a)

"The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (i) "the development is authorised, or is required to be authorised, by or under any enactment...."*

Section 4(2)(b)

"Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations."

Section 4(2)(c)

"Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act".

Section 4(4) 4)

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 177U(9)

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

Planning and Development Regulations 2001 (as amended):**Article 6(1)**

"Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1".

Article 9(1)

*"Development to which Article 6 relates shall not be exempted development for the purposes of
of
the Act – 9(1)(a) – if the carrying out of such development would" conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.*

Article 10 – Change of Use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

- (a) involve the carrying out of works other than works which are exempted development,*
- (b) contravene a condition attached to a permission under the Act*
- (c) be inconsistent with any use specified or included in such a permission, or*
- (d) be a development where the existing use is an unauthorised use, save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

Schedule 2 Part 1 Class 14 (Change of Use)

Development consisting of a change of use—

- (a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop*
- (b) from use as a public house, to use as a shop,*
- (c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop*
- (d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,*
- (e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,*
- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.*

5.0 Assessment

(i) Does the proposal constitute development:

Having regard to the definition of 'development' within the Planning and Development Act 2000 (as amended) it is considered the applicant is not proposing to carry out works and is seeking a declaration as to whether the proposed use is in compliance with Condition no. 2 of the parent permission 23/60504 which limits the sale of goods unless they are classed as bulky goods.

(ii) Does the proposal constitute exempt development:

Based on the documentation submitted, the applicant is seeking to use the units for the purposes of an Army Surplus Store. The applicant has provided a breakdown of the items for sale in the store and I am satisfied that these goods can be classed as bulky goods.

I am satisfied that the use of the units for the proposed army surplus store is in line with Condition no. 2 of planning permission 23/60504 which states:

"The use of the amalgamated units hereby permitted shall be limited to the sale of 'bulky household goods as defined by the Retail Planning – Guidelines for Planning Authorities (April 2012)

REASON: To prohibit an unacceptable change of use. (PLANNING)"

Based on the above I am satisfied that the development does not constitute a material change of use.

(iii) Appropriate assessment:

Having regard to Sections 4(4) and 177U(9) of the Planning and Development Act 2000-2022, consideration is required regarding the need for Appropriate Assessment of the proposal. The site is not within or directly adjoining any Natura 2000 site. A number of sites are within a 15-kilometre (approximate) distance of the site:

- Malahide Estuary SAC (Site Code: 000205) – c. 14.83km E
- Rogerstown Estuary SAC (Site Code: 000208) – c. 14.85km E

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s).

(v) Environmental Impact Assessment:

The Planning Authority is required to determine if the proposed development requires an Environmental Impact Assessment (EIA). This determination is based on the requirements set out in Schedule 5 of the Planning & Development Regulations 2001-2025, that does not exceed the stated threshold (as per Article 92). The proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations 2001-2025 nor is it considered a sub-threshold development for the purposes of Schedule 7 of the Planning & Development Regulations 2001-2025 and will not on its own or cumulatively with other projects result in significant effects on the environment and as such the need for an EIA can be excluded at preliminary examination and a screening determination is not required.

(vi) Conclusion:

In conclusion, based on the information provided, the proposal for *“Whether the proposed use of Unit 17/18 at Ashbourne retail park – as detailed in the enclosed planning cover letter - complies with Condition 2 enclosed with planning permission under reg: 23/60504, and consequently, whether it constitutes development or exempted development”* is considered to be in line with the restrictions placed on the development by condition 2 of parent permission 23/60504.

6.0 Recommendation

It is therefore recommended that a declaration be issued for *the proposed use of Unit 17/18 at Ashbourne retail park – as detailed in the enclosed planning cover letter – complies with Condition 2 enclosed with planning permission under reg: 23/60504, and consequently, whether it constitutes development or exempted development*, which states that it is not a material change of use from the parent permission 23/60504 and represents the sale of bulky goods as per condition 2 of planning ref: 23/60504.

WHEREAS a question has arisen as to whether, *Whether the proposed use of Unit 17/18 at Ashbourne retail park – as detailed in the enclosed planning cover letter – complies with Condition 2 enclosed with planning permission under reg: 23/60504, and consequently, whether it constitutes development or exempted development”* on lands at Units 17/18, Ashbourne Retail Park, Ashbourne, Co. Meath is or is not exempted development:

AND WHEREAS Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2(1), 3(1), 4 & 177U(9) of the Planning and Development Act 2000 (as amended),
- (b) Articles 6, 9 & 10 of the Planning and Development Regulations, 2001-2025
- (c) Information provided.

AND WHEREAS Meath County Council has concluded: -

- (a) The development does not constitute a material change of use from the development as permitted under planning reference: 23/60504 and represents the sale of bulky goods as per condition 2 of planning ref: 23/60504.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2023, hereby decides that the said development as detailed on particulars submitted on 19th May 2025 is compliant with Condition Number 2 of the parent permission 23/60504 and does not represent a material change of use and is therefore **Exempted** development.

Michael McKenna

Michael McKenna
Executive Planner



Alan Russell
A/Senior Planner