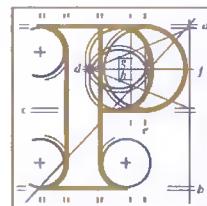


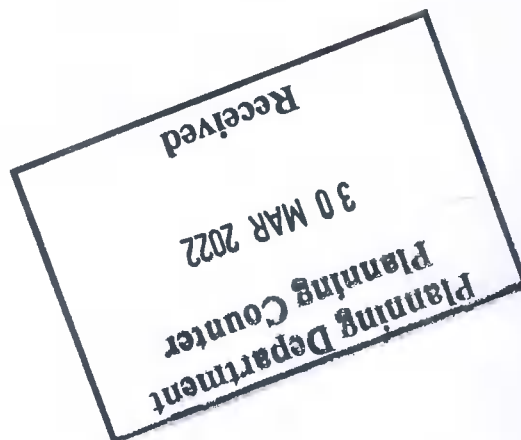
**Our Case Number: ABP-313141-22**

**Planning Authority Reference Number: SD22A/0002**



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 29 March 2022

**Re:** Provision of 2 double sided projecting signs.  
The Arena Centre, Whitestown Way, Dublin 24

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

<b>Tel</b>	<b>Tel</b>	(01) 858 8100
<b>Glaó Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	www.pleanala.ie
<b>Ríomhphost</b>	<b>Email</b>	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.


I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313141-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: \_\_\_\_\_

Print:( \_\_\_\_\_ )

Date: \_\_\_\_\_

Yours faithfully,



\_\_\_\_\_  
Rory Kelliedy  
Administrative Assistant  
Direct Line: 01-8737163

BP07

Teil (01) 858 8100  
Glao Áitiúil LoCall 1890 275 175  
Facs (01) 872 2684  
Láithreán Gréasáin Website www.pleanala.ie  
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street  
Baile Átha Cliath 1 Dublin 1  
D01 V902 D01 V902



The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

AN BORD PLEANÁLA  
LDG- 050625-22  
ABP- \_\_\_\_\_  
28 MAR 2022  
Friday, 25<sup>th</sup> March 2022  
[By Post]  
Fee: € 1,500 Type: cheque  
post

Dear Sir / Madam

RE: FIRST PARTY APPEAL AGAINST DECISION TO REFUSE PERMISSION FOR PROPOSED SIGNAGE AT THE ARENA CENTRE, WHITESTOWN WAY, DUBLIN 24

SOUTH DUBLIN COUNTY COUNCIL REG. REF: SD22A/0002

1.0 INTRODUCTION

1.1 Outline, Proposed Development & Appeal Summary

Planning Counter

30 MAR 2022

Received

The Applicant, Lidl Ireland GmbH, Lidl Regional Distribution Centre, Littleconnell, Newbridge, Co. Kildare have retained The Planning Partnership, McHale Retail Park, Castlebar, Co. Mayo, F23 TD25 to prepare this First Party Appeal against a Notification of Decision to Refuse Permission dated 28<sup>th</sup> February 2022, for the development as outlined below. A copy of the Notification is set out as Appendix A. A cheque for €1,500 is also enclosed along with a Planning Appeal Form under Appendix B.

The proposed development relates to the provision of 2 no. double sided projecting signs to the existing mall entrance at the Northern elevation of the Arena Centre. The Planning Authority refused permission for one reason, with a number of issues raised therein, as detailed in Section 2.0 below.

1.2 Rationale for the Proposed Development

The following outlines (in summary) the rationale and context for / of the proposed development, whilst we also refer the Board to the detailed documentation provided at application stage:

- The location of the proposed signs is somewhat devoid of detailing and 'grain' to the façade, being rather sterile in character. The proposed sign would in our opinion contribute to providing some level of visual interest and relief to the large expanse of relatively blank façade;
- The existing entrance and overall façade is significant in scale and mass, such that the scale of signage proposed is inconsequential (as has been confirmed by the local Planning Authority assessment);
- As such, the proposed signage has clear and measurable positive effects, without having any tangible or material negative impacts in our opinion;
- The existing Lidl store is an Anchor unit within the Arena Centre, hence has an expectation of attracting customers to and from all directions and entrances to the Centre, and a priority in terms of signage, irrespective of direction and distance to the store itself within the site;
- The proposed signage is consistent and compatible with policy, as substantially confirmed by the local Planning Authority, with limited exceptions relating to interpretation and perspective;
- The proposed signage is supported by examples and precedents in the South Dublin area, where a *qualitative* approach to other cases cited herein facilitated the granting of planning permission; and,
- On the basis of the above, we consider that the proposal herein is consistent with the proper planning and sustainable development of the area and should be permitted accordingly.

## 2.0 DECISION TO REFUSE TO GRANT PERMISSION

The planning application was refused for 1 no. reason, as outlined below:

- 1) ***"Due to the siting of the proposed signage, removed from the associated retail unit and frontage, which is served by existing signs, the proposed development is considered to give rise to unwarranted and unacceptable visual impact, contrary to Section 11.2.8 the Outdoor Advertising Strategy (2019) of the South Dublin County Development Plan 2016-2022. Furthermore, having regard to the presence of neighbouring commercial units operating within the Arena Centre, the development if permitted, would potentially set an undesirable precedent for similar proposals and would therefore be contrary to the proper planning and sustainable development of the area."*** [Our emphasis]

From a review of the planning officer's report on file we note the following considerations / conclusions of their assessment:

*"A third party submission was received raising the following concerns (in summary):*

- *Noise from construction works.*
  - *Objects to any works that will cause noise.*
  - *Applicant does not own Block C and therefore does not have the right to put a sign on this building.*
  - *The proposed signage would look unsightly, distasteful and devalue property.*
- This submission has been reviewed in full and taken in consideration in this assessment of this application.*

***The proposed development is consistent in principle with zoning objective 'REGEN': 'To facilitate enterprise and/or residential-led regeneration'. Advertisements and Advertising Structures are Permitted in Principle under this zoning objective.***

***The proposed signage has been designed in accordance with the branding of the subject retail unit. The signs would be of a high quality design and materials. Given its location it would not obstruct the footpath or roadway. However, the proposed internal illumination of the signage is not acceptable. The design is discussed further in the following section.***

***The signage is advertising a supermarket unit located within the Arena Centre. However, it is noted that the entrance at which they proposed is to a separate mall to the actual mall the supermarket is located. The proposed location would not be proximate to the unit they are advertising. There are existing advertising signs along the northern elevation in relation to the retail unit, hotel and bar/restaurant directly accessed from this elevation.***

***The signage would be simple in design and integrate with the architecture of the contemporarily designed building they would be attached to.***

***The sign would be proportionate to the scale of the entrance and building, and to the surrounding environment.***

***The signage would not be located on nor proximate to a Protected Structure nor within an Architectural Conservation Area.***

***The Roads Department has no objections to the proposed development subject to a condition relating to no lighting or illumination. The signage is proposed to be internally illuminated, which is not acceptable.***

*The proposed materials are considered appropriate. The internal illumination of the signage should be omitted.*

*Advertising and Advertising Structures are Permitted in Principle within the REGEN Zoning Objective. The design and materials of the signage would be of a high quality and would not obstruct or endanger road users or pedestrians (once the internal illumination is omitted).*

*The site is not located within or proximate to the historical village of Tallaght.*

*The applicant states that the proposed signage is part of an independent modernisation and upgrade of the existing store. They state the need for this signage arises due to the lack of animation to the street, which is lacking a pedestrian scale and would benefit from measures that could improve footfall through this entrance.*

*There are a number of existing and permitted signs associated with this subject retail unit. It is also noted that the entrance at which they are proposed is not proximate to the retail unit. The mall in which the unit is located is a separate mall to the one at which the signage is proposed. There is also existing advertising signage along the northern elevation for other units. The rationale for the proposed signage is therefore not acceptable and the proposal should be refused.*

*There is existing signage along the northern elevation associated with another existing retail unit, hotel and bar/restaurant. It is also noted that there are a number of signs existing and permitted for the subject supermarket retail unit. This includes:*

- the totem sign permitted under Reg. Ref. SD18A/0267*
- projecting sign permitted under Reg. Ref. SD18A/0232*
- existing signage and an advertising banner along Whitestown Way*
- existing signage above the entrance inside the mall*
- existing signage at the entrance via the rear car parking area.*

*The proposal would add 2 no. more signs advertising this retail unit. This is considered to be an overprovision of signage for one business and would set an undesirable precedent. The proposed development should therefore be refused.*

*The design and materials of the proposed signage would be of a high quality.*

*The scale of the signage is considered appropriate in relation to the entrance, streetscape, and surrounding vicinity.*

*Given that 2 no. signs are proposed at the same location, it is considered that the proposal would have an unacceptable impact on the character of the street and amenities of the area.*

*There are no Protected Views or Prospects on the site or within the vicinity.*

*Having regard to the proximity of the signage from the supermarket unit it is advertising and the existing and permitted signage associated with this unit, the proposed development is not acceptable. There are several retailers and businesses within the Arena Centre and the proposed development would set an undesirable precedent for advertising (in terms of proximity and number) at this location. Due to a lack of rationale and potential overconcentration, the proposal is not considered to fully comply with Section 11.2.8 and the Outdoor Advertising Strategy (2019) of the South Dublin County Development Plan 2016-2022 and should be refused permission."*

The above report extracts are referenced where relevant in the following grounds of appeal. We note the following principal points / issues arising from the refusal reason and Planners Assessment:

- a) The qualitative and policy assessment of the proposed signage by the local Planning Authority is overwhelmingly positive, where the high quality of the proposed signage design is confirmed;
- b) The sole design / specification issue raised in the assessment relates to the internal illumination of the signage;
- c) The distance / separation of the proposed signage from the Lidl unit within the development appears to have been a determining factor in undermining the merit of the proposed signage from the local Planning Authority perspective;
- d) The accumulation of signage (existing and extant) across the overall site also appears to have been a determining factor in undermining the merit of the proposed signage from the local Planning Authority perspective;
- e) The absence of a coordinated signage strategy for this entrance to the Centre as a whole also appears to have been a determining factor in undermining the merit of the proposed signage from the local Planning Authority perspective; and,
- f) The assessment concluded that the proposal would result in over provision in relation to the Lidl Unit and set a precedent.

The refusal reason is addressed in detail, along with any other relevant issues, as follows under Section 3.0 below.

### 3.0 GROUNDS OF APPEAL

The following sets out the detailed grounds of appeal in support of a grant of permission for the proposed development. The following headings relate to the key issues highlighted by the local Planning Authority in refusing permission, and other issues arising / relevant to the Board's determination.

#### 3.1 Third Party Submission

We note the comments of the third party submission as summarised in the Planners Assessment on file. We submit that the works required to erect the signage would be minimal and fleeting in nature with no tangible effects on residential or other amenities likely.

The design and quality of the signage has been verified by the Planning Authority in their own assessment whilst the rationale for the signage at this location is addressed in detail below.

#### 3.2 Quality of the Proposed Signage

We note that the Planners Assessment repeatedly confirms that the detail of the proposed signage would be high quality and acceptable from a design perspective, stating for instance that: "*the proposed signage has been designed in accordance with the branding of the subject retail unit. The signs would be of a high quality design and materials*", that "*the signage would be simple in design and integrate with the architecture of the contemporarily designed building they would be attached to*", that "*the sign would be proportionate to the scale of the entrance and building, and to the surrounding environment*", that "*the proposed materials are considered appropriate*", and "*the design and materials of the signage would be of a high quality*".

We therefore submit that it is clear that the design and quality of the proposed signage is more than adequate and there is no 'impact' arising in terms of architectural or townscape or other visual effects.

We also note that the determination of the Planners Assessment as noted above directly contradict the later conclusion where it states that "*the proposal would have an unacceptable impact on the character of the street and amenities of the area.*"

We respectfully submit that on balance, the Planners Assessment overwhelmingly concludes that the proposed signage would be appropriate from a design quality perspective hence there is no obstacle to a grant of permission in terms of design or visual impact.

In terms of a formal landscape / townscape and visual impact assessment approach, which is not considered necessary to submit in this instance, we note in summary the methodology typically employed in same, to further demonstrate the absence of any material impact.

The degree of impact is based on a combination of the *presence* or *extent* of the proposed development and the *impact* of the proposed development.

The *presence* element relates to how visually dominant the development is on the landscape and is synonymous with the concept of magnitude (ranging from *invisible* to *imperceptible* to *slight* to *moderate* to *significant* to *profound*, e.g. a lighthouse in an exposed area scenario being highly dominant or significant in terms of visibility (though not necessarily in terms of effect).

The *impact* element relates to the aesthetic relationship of the development to its context and whether it results in a negative or positive change (ranging from *major negative* to *moderate negative* to *minor negative* to *neutral* to *minor positive* to *moderate positive* to *major positive*).

In our professional planning opinion, having regard to the foregoing, the proposed development would most appropriately be considered in the *imperceptible* to *slight* range of *presence* and be in the *neutral* range of *impact*.

The submitted drawings illustrate that the proposed development will have an inconsequential visual impact on the area in our opinion.

Compared to the existing character of the area, the proposed development will not appear out of scale or out of place. Accordingly, we consider that the 'impact' of the change in views would be within the range of *neutral*.

We therefore reiterate that there is no obstacle to a grant of permission in terms of design or visual impact.

### 3.3 Consistency with Planning Policy

Similar to the issue of design quality, we note the Planners Assessment concludes that the proposed signage would be largely consistent with policy, reviewing the various policies and criteria of the Development Plan.

Specifically, the proposal is assessed against Section 11.2.8 and 10 no. criteria thereunder. The proposed development is consistent or compatible with all of these criteria as confirmed by the Planners Assessment, save queries on internal illumination, the proximity of the sign to the Lidl unit and a separate consideration of the Outdoor Advertising Strategy.

In relation to internal illumination and the proximity of the sign to the Lidl unit, Sections 3.4 & 3.5 below elaborate.

In relation to the Outdoor Advertising Strategy, we respectfully submit that it may have been misapplied or misinterpreted in terms of its relevance to the subject proposal.

For instance, the Strategy explicitly states that *"this policy position predominantly relates to outdoor advertising. Proposals that relate to signs erected on the exterior of buildings, within windows, as stand alone structures or attached to public utilities that advertise goods or services associated with that premises are generally addressed and assessed under Section 11 of the Development Plan."*

The Board are requested in the first instance to consider the applicability of the Strategy to the subject proposal. If the Strategy is deemed relevant, we note as follows.

The Planners Assessment concluded that the proposed development was consistent or compatible with the Strategy, save as follows (our comment provided also):

- (Section 7) Criteria no. 2 re. the rationale for the signage in terms of its separation from the Lidl unit – in response we refer to Section 3.5 below;
- Criteria 3 re. the cumulative signage (existing and extant) for the premises – in response we refer to Section 3.7 below;
- Criteria 6 re. *"Impact on the character of the street and the amenities of adjoining properties, in particular residential properties"* – in response we refer to Section 3.2 above which comprehensively addresses the issue; and,
- Criteria 9 re. internal illumination – in response we refer to Section 3.4 below.

Having regard to the foregoing, as elaborated on below, we submit that there is no policy impediment whatsoever to a grant of permission for the subject proposal.

### 3.4 Internal Illumination

With regard to the internal illumination of the proposed signage, we submit that such would not be of material consequence in terms of visual impact or distraction, etc. with backlit signage an everyday occurrence in all urban areas.

We note that legacy connotations regarding inappropriate, e.g. 'neon' signage, etc. continues to influence signage policies, whereas modern materials and lighting technology should not be considered as comparable to same in our opinion.

In this regard we note the Outdoor Signage Strategy states that: *"SDCC acknowledges the ever-changing technological advances in this sector, most notably with the emergence of digital advertising and will therefore consider new and innovative advertising format solutions, subject to compliance with development management standards."*

Appropriate backlighting of the proposed signage would therefore be an entirely reasonable, and uncluttered solution, in our opinion. As noted at application stage, the lighting would be intended to be linked to the building management system with the signs to be illuminated during opening hours only.

Nonetheless, should illumination be of material significance to the Board, the Applicant would be amenable to an alternative solution, e.g. to provide separate lighting, or to have the signs unlit.

The Applicant is also amenable to other alterations as may be deemed appropriate (however we note the repeated confirmation in the Planners Assessment regarding the design quality of the signage in question).



### 3.5 Distance from Lidl Unit to Proposed Signage

The Planners Assessment (and refusal reason) places substantial weight on the distance / separation of the existing Lidl unit and the location of the proposed signage.

We respectfully submit that such weight, where applied to diminish the rationale for the proposed signage, is inappropriate.

The existing Lidl unit is a key destination outlet, and an Anchor unit in the Arena development. It is a major driver of footfall to the site / Arena Centre in general, as would be the case with Anchor units in general.

Anchor units are key to ensuring the viability and vitality of ancillary / adjoining units, who thrive from the footfall and linked trips created by the Anchor. A Foodstore / supermarket is a significant presence in this regard.

As such, it is entirely reasonable that the Applicant (as facilitated by the Arena Centre owner) would seek to improve the legibility of the Centre as a whole and to encourage footfall to the Lidl store from the northern Mall entrance, in addition to the Eastern entrance.

Encouragement and promotion of this desire line would only improve the vitality and viability of the Northern mall area, and the businesses therein.

We therefore respectfully submit that the distance / separation of the existing Lidl unit and the location of the proposed signage is irrelevant to the merits of and rationale for the signage, whilst in focusing on the issue of separation / distance, the assessment and refusal does not consider the wider benefits of encouraging pedestrian movement to, and through, the Arena Centre.

The proposed signage will also serve to provide a pedestrian / human scale to the existing façade and mall entrance, which is currently limited in terms of detail and grain.

### 3.6 Absence of a Coordinated Signage Strategy for the Centre

The Planners Assessment and refusal also infers that the absence of a coordinated signage strategy for the Centre would warrant a refusal of permission in this instance, which we respectfully reject.

As noted above, Lidl are an anchor tenant in the Centre, and as such it would be expected that an anchor tenant would have a prominent position and priority in terms of signage, particularly given the spill over trade created by the Anchor unit to the other units in the Centre.

As such, the provision of 'Anchor' signage would not precipitate a demand for similar signage by other occupants within the Centre.

In addition, we note that ownership and ultimate control of the area is held by the landowner, HPREF Ireland Arena DAC, whose role includes to manage the premises, which role would naturally provide oversight as to the extent of signage and advertising allowable (in addition to the planning process).

As such, there is coordination and strategy in terms of the management and maintenance of the Centre. The proposed signage would not undermine same.

### 3.7 Over Provision of Lidl Related Signage

The extent of signage permitted in relation to the existing Lidl store is also referenced in part as justification for refusal of the subject application. We submit that such a determination is inappropriate.

The subject site is unusual in terms of having multiple access points from different directions by different modes of transport, e.g. two pedestrian mall entrances along with separate vehicular entrances.

In our professional planning opinion it is entirely reasonable that each of the principal entrances should indicate the presence of a major Anchor unit within the Centre. Such would be commonplace in many large scale mixed use and retail developments, and would not ordinarily be controversial.

As noted at application stage, in relation to the number of signs, whilst the policy preference is for a maximum of one sign, we note that the façade pattern is not conducive to a single 'central' projecting sign, hence an alternative arrangement of two signs is proposed, which would in our opinion 'read' or integrate much better than a single asymmetrical sign to one or other side of the façade.

In terms of these types of signs being *generally not appropriate* we submit that the subject scenario is not a *general* or typical scenario. The subject scenario relates to a substantial façade on main road, rather than a small shopfront on a main street for instance.

In this regard, we submit that the proposed signage is entirely *proportionate to the scale of the building* as has been confirmed by the local Planning Authority.

We also confirm however that the Applicant is amenable to a single sign should that be deemed more appropriate by the Board.

### 3.8 Precedent

As noted above, the local Planning Authority have referred to the potential of the proposed development to set an undesirable precedent.

As noted above, the Lidl store is an Anchor unit and as such would typically be a primary user of shopping centre signage. Anchor signage strategy is different to that for the remaining smaller units within such centres. Therefore, the proposed development would not create a precedent locally.

In relation to the wider context, we reiterate the example of the Lidl development at the former Belgard Inn site. Under *Planning Ref: SD21A/0110* the Planning Authority granted permission for two projecting signs for the pharmacy unit within the development. In recommending a grant of permission, the case officer noted:

*"... consideration has been given to the site context, surrounding area, the scale of the advertisements and ... based on the scale, design and siting of the two green crosses they are considered to be acceptable in this case."*

In another case at Liffey Valley Shopping Centre, where parallels exist in terms of the scale of the centre / complex being distinct from a main street / high street scenario, we note that the Planning Authority permitted multiple (3 no.) projecting signs under *Planning Ref: SD16A/0281*, all larger in scale than the subject proposal.

The Case Officer notes as follows in assessing the proposal (which departed from the letter of the Development Plan standards):

*"Having regard to the large scale of the buildings and setting, it is considered that the proposed signs either side of the doorway are acceptable in this instance. The Planning Authority has no objection to the proposed signage. Having regard to the dimensions and scale of the proposed signs and their relationship to the subject unit, the civic area to the front and the streetscape, it is considered that the proposed signs would not create visual clutter and would not cause a nuisance; it is therefore considered that the proposed signs would be acceptable in terms of visual amenity of the area."*

In this regard we respectfully submit that the proposed development would not create a precedent, rather it is supported by examples of a *qualitative* approach in other instances.

As such, we consider that a consistent approach in the subject case would support the assessment of the proposed signage on its *qualitative* merits.

We also reiterate that the submitted drawings (in particular the contiguous elevation and photomontage prepared by the scheme Architects), in our opinion similarly demonstrate that *the proposed signs would not create visual clutter and would not cause a nuisance therefore the proposed signs would be acceptable in terms of the visual amenity of the area.*

#### 4.0 CONCLUSION

In summary, we request that the Board overturn the decision of South Dublin County Council to Refuse to Grant Permission.

The above grounds of appeal assesses each of the material planning issues raised in the refusal reason and demonstrates that each issue can be dismissed or overruled, based on the proper planning and sustainable development of the area.

In particular we highlight the highly positive initial assessment by the local Planning Authority, whilst the concerns raised thereafter leading to the refusal can be overcome / set aside as detailed herein.

The Board are therefore requested to reverse the decision and based on a *de novo* determination of the proposal, grant permission for the scheme as proposed.

I trust the above is of interest and should you have any queries or wish to discuss further please do not hesitate to contact me.

Yours faithfully



**Fintan Morrin**  
**Associate**  
**The Planning Partnership**

Encl.

**APPENDIX A**

**NOTIFICATION OF DECISION TO REFUSE PERMISSION DATED 28<sup>TH</sup> FEBRUARY 2022  
SOUTH DUBLIN COUNTY COUNCIL PLANNING REGISTER REFERENCE SD22A/0002**

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdblincoco.ie](mailto:planning.dept@sdblincoco.ie)

The Planning Partnership  
McHale Retail Park  
Castlebar  
Co. Mayo  
F23 TD25

**NOTIFICATION OF DECISION TO REFUSE PERMISSION  
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND  
PLANNING REGULATIONS THEREUNDER**

<b>Decision Order No.</b>	<b>0264</b>	<b>Date of Decision</b>	<b>28-Feb-2022</b>
<b>Register Reference</b>	<b>SD22A/0002</b>	<b>Date</b>	<b>04-Jan-2022</b>

**Applicant:** Lidl Ireland GmbH  
**Development:** Provision of 2 double sided projecting signs to the northern elevation at the existing mall entrance.  
**Location:** The Arena Centre, Whitestown Way, Dublin 24  
**Time extension(s) up to and including:**  
**Additional Information Requested/Received:** /  
**Clarification of Additional Information Requested/Received:** /

**DECISION:** Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

**REASON(S)**

1. Due to the siting of the proposed signage, removed from the associated retail unit and frontage, which is served by existing signs, the proposed development is considered to give rise to unwarranted and unacceptable visual impact, contrary to Section 11.2.8 the Outdoor Advertising Strategy (2019) of the South Dublin County Development Plan 2016-2022. Furthermore, having

regard to the presence of neighbouring commercial units operating within the Arena Centre, the development if permitted, would potentially set an undesirable precedent for similar proposals and would therefore be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

**Register Reference: SD22A/0002**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

  
for Senior Planner

02-Mar-2022

## NOTES

### **(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

### **(B) APPEALS**

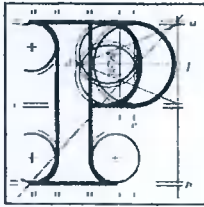
1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.**
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000.00 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal..... €110.00
  - (f) Appeal following a grant of leave to appeal..... €110.00
  - (g) Referral ..... €220.00
  - (h) Reduced fee (payable by specified bodies) ..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification  
at Telephone 01-858 8100

**APPENDIX B**

**PLANNING APPEAL FORM**





An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

#### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Lidl Ireland GmbH

(b) Address

Lidl Regional Distribution Centre, Littleconnell,  
Newbridge, Co. Kildare

### Agent's details

#### 2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

The Planning Partnership

(b) Agent's address

McHale Retail Park, Castlebar, Co. Mayo, F23  
TD25



## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

**(a) Planning authority**

(for example: Ballytown City Council)

South Dublin County Council

**(b) Planning authority register reference number**

(for example: 18/0123)

SD22A/0002

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

The Arena Centre, Whitestown Way, Dublin 24

## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

See attached appeal document.

## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.

