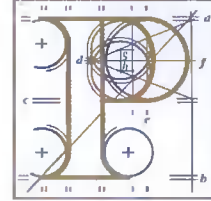


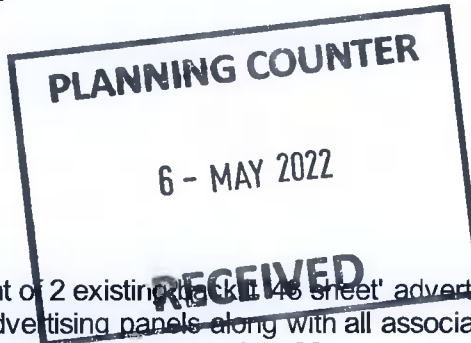
Our Case Number: ABP-313488-22

Planning Authority Reference Number: SD22A/0046



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 05 May 2022

Re: The replacement of 2 existing 'A3 sheet' advertising panels (6.0m x 3.0m) with a single 6.0m x 3.0m digital advertising panels along with all associated site works and services.
22 Fox and Geese, Naas Road, Dublin 22

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,

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D01 V902 D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

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under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your 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-_____) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Patrick Buckley
Administrative Assistant
Direct Line: 018737167

BP07

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04 May 2022

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG-	052009 - 22
ABP-	
04 MAY 2022 OK	
Fee: €	1500 Type: Canal
Time:	14.18 By: hmad

Dear Sir/Madam,

Re: South Dublin County Council Pl. Reg. Ref. SD22A0046 - First Party Appeal against Refusal

On behalf of our client, GWR Property Co. Ltd¹, we hereby submit a First Party Appeal against South Dublin County Council's decision to refuse permission for the above-referenced planning application. An Appeal Statement with appendices is enclosed, and payment of the appropriate fee (€1500) has been made directly at the Board's offices.

We trust that the enclosed information is clear and look forward to the Board's assessment in due course. Please do not hesitate to contact the undersigned in the event of any queries.

Yours sincerely,

Ed Barrett
Gravis Planning
ebarrett@gravisplanning.com

¹ Suite 6 Provident House, Havilland Street, St. Peter Port, Guernsey, GY1 2QE



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GWR Property Co. Ltd.

**First Party Appeal against Decision to Refuse
Planning Permission**

**South Dublin County Council Pl. Reg.
Ref. SD22A0046**

May 2022

Prepared By:

Gravis Planning
Denshaw House,
121 Baggot Street,
Dublin 2,
Ireland

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Appendices

- A. Planning Appeal Form
- B. Notification of Decision to Refuse Permission, 7 April 2022
- C. Revised Illustrated Foundation Design Specification drawing (no. 19086-PA-08)
- D. Highway Safety Statement, Steer, May 2022
- E. Pl. Reg. Ref. SD20A/0241 SDCC Roads Department Submission
- F. Pl. Reg. Ref. SD20A/0241 SDCC Record of Executive Business and Chief Executive's Order
- G. Pl. Reg. Ref. SD20A/0240 SDCC Roads Department Submission
- H. Pl. Reg. Ref. SD20A/0240 SDCC Record of Executive Business and Chief Executive's Order

1.0 Introduction

- 1.1 We, Gravis Planning¹, act on behalf of GWR Property Co. Ltd², the applicant for the proposed development which is the subject of this First Party Appeal.
- 1.2 A cheque for the applicable appeal fee of €1500 accompanies this submission.
- 1.3 The planning application concerned (Pl. Reg. Ref. SD22A/0046) proposes the digital upgrade of an established advertising site at 22 Fox and Geese, Naas Road, Dublin 22 ('the Site'). The development description ('the Proposed Development') reads as follows:
- "The replacement of 2 no. existing backlit '48 sheet' advertising panels (6.0m x 3.0m) with a single 6.0m x 3.0m digital advertising panel along with all associated site works and services at 22 Fox and Geese, Naas Road, Dublin 22."*
- 1.4 The Applicant forms part of the Wildstone Group, an outdoor media infrastructure business, which currently owns or rents c. 3,000 roadside advertising sites across the UK, Netherlands and Ireland. Wildstone Group has secured planning permission to digitise c. 300 advertising panels in the past 18 months, including in South Dublin³.
- 1.5 The existing panels are within a car park located on the southern side of the R110 Naas Road, which is equidistant from the Long Mile Road/ Killeen Road junction to the northeast and the N7/M50 junction to the west. There is no recorded planning history for the existing advertising structure on site, however, there have been advertising panels in place there since before 1980. The applicant previously applied for a digital upgrade at this site in 2020⁴, following direct pre-application engagement with the local authority.
- 1.6 The Proposed Development will contribute to the rationalisation of outdoor advertising in line with the objectives of the Council's Outdoor Advertising Strategy⁵. The proposed digital panel will replace two existing, long-established panels, and represents a significant overall reduction (50% in terms of both area and panel numbers) in advertising space at this location. The new panel will address eastbound traffic and the existing panel addressing westbound traffic will be removed. In accordance with established precedent for developments of this nature, a planning condition can be applied to secure the decommissioning of the westbound facing panel.
- 1.7 The Council's Outdoor Advertising Strategy states that the Council will consider digital advertising formats in locations such as this subject to compliance with development

¹ Gravis Planning, Denshaw House, 121 Baggot Street Lower, Dublin 2

² Suite 6 Provident House, Havilland Street, St. Peter Port, Guernsey, GY1 2QE

³ Refer to SDCC Planning Reg. Ref. SD20A/0240

⁴ Refer to SDCC Planning Reg. Ref. SD20A/0241

⁵ Refer to Variation 5 South Dublin County Development Plan 2016-2022 (2019), Schedule 6

management standards. There is no 'in principal' objection to digital advertising as a format. The proposed digital panel will enable a series of advertisements to be displayed on-screen, with a rate of change no more frequent than one every 10 seconds. It will eliminate the need for frequent site visits to replace advertising sheets and, as a modern platform capable of facilitating multiple campaigns at once, will reduce demand for additional advertising space in the surrounding area.

- 1.8 The development management standards within the Council's Outdoor Advertising Strategy are clear that panels will not be permitted where they interfere with the safety of pedestrians or traffic. Accordingly, the planning application was supported by a detailed Highway Safety Report which examines whether the proposal, by nature of its location or form, would result in a public safety concern. This assessment has been carried out in accordance with the CDP Outdoor Advertising Strategy and industry best practice guidance⁶. It considers whether mitigation measures are required to address potential concerns. The Report confirms that a replacement digital panel, at this location, "would not be unexpected and would not by their nature be fundamentally distracting" and that "there are no specific accident patterns or road geometry that makes this site inappropriate".
- 1.9 The planning application was submitted to South Dublin County Council ('SDCC') on 11 February 2022. This application followed a refusal of planning permission by the Council for an alternative digital panel proposal on the Site on 12 November 2020 (Reg. Ref. SD20A/0241) ('the previous application')⁷. The previous application was refused primarily on visual amenity grounds. We consider that the Proposed Development which is the subject of this appeal positively addresses the previous reasons for refusal in full, as detailed in Section 5 of this Statement.
- 1.10 The planning application was refused by the Council on 7 April 2022. The single Reason for Refusal provided by the Council states that:

"1. The proposed development would endanger public safety by reason of traffic hazard. The Planning Authority have concerns that the illuminated display panel sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in proximity to major junctions resulting in substantial traffic movements. Even considering the controls suggested in the Digital Advertising Highway Safety Report submitted with the application, it is considered that the distraction potential of an illuminated digital sign on road users constitutes a traffic hazard. As the proposal would impact injuriously on road safety this would not comply with Schedule 6 Implementation of the Outdoor Advertising Strategy of Variation 5 Outdoor Advertising of the South Dublin County Development Plan 2016-2022."

⁶ Transport for London (TfL) Guidance for Digital Roadside Advertising and Proposed Best Practice (2013)

⁷ Reg. Ref. SD20A/0241. The Chief Executive's Order for the previous application is enclosed at Appendix F

- 1.11 The SDCC Roads Department recommended that the application be refused in their submission (9 March 2022) stating:

“Roads have concern that the illuminated sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in leading proximity to major junctions resulting in substantial traffic movements. Even considering the suitable controls suggested in the Digital Advertising Highway Safety Report submitted with the application the Roads Department consider the distraction potential of an illuminated digital sign constitutes a traffic hazard.”

- 1.12 The key planning consideration is therefore whether a digital advertisement panel at this location, along a busy regional road, would constitute a traffic hazard by reason of its potential to distract drivers.

- 1.13 It is important to note in this regard that the Council **did not** raise any highway safety concerns in relation to the principle of digital advertising at this location during the determination of the previous application on the Site, for an identical digital format albeit for a larger panel (Reg. Ref. SD20A/0241)⁸.

- 1.14 In light of this, Steer engaged with the SDCC Roads Department following the receipt of the Notification of Decision to discuss its Officers’ specific concerns with the Proposed Development. The Highways Officer explained that the objection was an *“in principle”* objection as the Naas Road was considered to be very busy and hence, he had concerns regarding the introduction of a digital advertising screen. The Officer did not indicate any specific concerns with the proposal or the highway safety report. Somewhat strangely, the Officer also commented to Steer that he had been under the impression that the previous proposal on site was not for a digital panel, and this was the reason why no objection had been raised. This runs entirely contrary to the written comments of the Roads Department on the previous application⁹.

- 1.15 We consider that the Council’s position in this respect runs contrary to the objectives of the CDP Outdoor Advertising Strategy which identifies the Site as being in a location where outdoor advertising is open for consideration, subject to compliance with development management standards¹⁰. The stance of the Roads Department is also inconsistent with its previous consultation response on the application site and comparable applications¹¹. There have been no changes in circumstance since the previous application which would justify the Roads Department adopting an entirely contrary stance in relation to digital advertising on the Site.

- 1.16 The Council’s inconsistent application of CDP policy on this Site runs contrary to the Development Management Guidelines for Planning Authorities, which identify

⁸ Reg. Ref. SD20A/0241 Roads Department Submission and Chief Executive’s Order enclosed at Appendix E and F.

⁹ Pl. Reg. Ref. SD20A/0241

¹⁰ Variation 5 South Dublin County Development Plan 2016-2022 (2019), Schedule 6, Section 6.0, p7

¹¹ Refer to SDCC Planning Reg. Ref. SD20A/0240

consistency in the interpretation of development plan policies as *essential* if public confidence in the planning system is to be maintained¹².

- 1.17 There is established precedent for roadside digital advertising panels along national and regional roads across Dublin. In Section 3 we identify twelve digital advertisement upgrade proposals permitted by planning authorities in the Dublin area within the last four years.
- 1.18 In this respect we highlight that SDCC itself, in December 2020, granted planning permission to the Applicant for a digital panel overlooking the New Nangor Road/Killeen Road junction, subject to standard conditions to control luminosity and display change mechanism (Reg. Ref. SD20A/0240). Again, we note that the Roads Department did not raise any highway safety concerns in relation to the principle of digital advertising on this site, which looks directly onto a busy junction¹³.
- 1.19 A Highway Safety Statement has been prepared by Steer to support this appeal. This considers the concerns raised by the SDCC Roads Department from a professional, evidence-based perspective¹⁴. The Statement has been prepared by Philip Rust, Director at Steer, a Chartered Engineer, a Member of the Institution of Civil Engineers and a Member of the Chartered Institution of Highways and Transportation. The Statement finds that there are no valid highway safety reasons to justify refusal of the application.
- 1.20 Irish Water and SDCC Water Services both made submissions to the planning application requesting further information in relation to existing drainage infrastructure. This appeal is supported by a revised Foundation Design Specification drawing (no. 19086-PA-08)¹⁵ which addresses the further information requests. The applicant was not provided with an opportunity to respond to these requests during the determination of the application.
- 1.21 Taking account of the Site context, the long history of advertising on the Site and the established operational conditions for roadside digital advertisements throughout Dublin, which should be applied to any grant of permission, we consider that the proposed panel at this location would not represent a traffic hazard or endanger public safety. The Proposed Development will secure a significant reduction in existing advertising space at this location and will reduce demand for additional advertising space in the area.
- 1.22 The appeal is set out as follows:
1. Introduction
 2. Proposed Development
 3. Planning Context

¹² Development Management Guidelines for Planning Authorities (June 2007) DEHLG, p12-13

¹³ Reg. Ref. SD20A/0240 Roads Department Submission and Chief Executive's Order enclosed at Appendix G and H.

¹⁴ Enclosed at Appendix D

¹⁵ Enclosed at Appendix C

May 2022

4. Local Authority Assessment
5. Grounds of Appeal
6. Proposed Planning Conditions

2.0 Proposed Development

- 2.1 The proposed development comprises the replacement of the 2no. existing, long established, backlit '48 sheet' panels measuring 3.0m x 6.0m (facing eastbound and westbound along the Naas Road) with a single digital advertising panel measuring 3.0m x 6.0m (facing eastbound traffic only). Figures 2.1 and 2.2 show the existing panels on the Site.



Fig. 2.1 Westbound view of existing advertising panel from Naas Road



Fig. 2.2 Eastbound view of existing advertising panel from Naas Road

- 2.2 The proposed digital panel will address eastbound traffic only. The digital panel, measuring 3 sqm x 6 sqm, will be mounted within a high-quality metallic frame supported by 4 supporting columns which will be covered at the front by a ribbed metallic plate with a backlit logo box and a camera for screen monitoring¹⁶. The Proposed Development will result in a total reduction in advertising space from 36sqm to 18sqm at this location and a reduction in the number of advertisement panels from two to a single panel. The massing of the existing advertising structure will also be reduced – the depth of the proposed single panel measures just 0.25m compared to the existing backlit panels at c. 3.0m.

¹⁶ Refer to drawing no. 19086-PA-07

- 2.3 The digital panel will be secured by three supporting columns, each cast in a concrete root base (measuring 2600mm deep by 500mm diameter). A drawing showing the revised foundation design has been submitted with this appeal¹⁷. The detailed foundation design would be prepared by the appointed contractor as part of the design and build process following a grant of planning permission.
- 2.4 The proposed structure measures 6.65m (height) by 3.0m (width) by 0.25m (depth) in total¹⁸. Figure 2.3 shows an example of the proposed advertising structure.
- 2.5 The proposed digital panel will display advertisements on-screen, with a change frequency no greater than one every 10 seconds in line with industry standards. The changeover between adverts will be instantaneous in order to minimise the potential for driver distraction. Furthermore, it is not proposed to display any animated or moving images¹⁹.



Fig. 2.3 Example of proposed digital panel

- 2.6 The proposed level of illumination of the LED digital panel will not exceed 300 cd/sq. m. at night-time in accordance with established best practice and the recommendations of the 'Institution of Lighting Professionals (ILP) Professional Lighting Guide 05 (PLG05):

¹⁷ Refer to drawing no. 19086-PA-08 enclosed as Appendix C

¹⁸ Refer to drawing no. 19086-PA-07

¹⁹ The operation of the sign can be controlled using standard planning conditions

Brightness of Illuminated Advertisements'. The ILP guide provides established and universally accepted industry guidance which is used across the UK and Ireland.

- 2.7 The ILP guide sets out a series of area classifications/zones and maximum recommended night-time luminance for each, based on the size of the signage involved, as shown in Table 1 and 2 below.

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically Dark	National Parks, Areas of Outstanding Natural Beauty
E2	Rural	Low District Brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium District Brightness	Small Town Centres or suburban locations
E4	Urban	High District Brightness	Town/city centres with high levels of night-time activity

Table 1 ILP Guide – Environmental Zones

- 2.8 As a large panel in an urban area (Zone E4), the maximum recommended luminance for this proposal should not exceed 300 cd/sq. m. This can be controlled by way of standard planning condition. In any event, the Applicant does not envisage or propose night-time luminance to exceed that of the existing backlit panels (i.e., 150 cd/sq. m.).

Illuminated Area	Zone E0	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10 sq. m.	0	100	400	600	600
Over 10 sq. m.	0	n/a	200	300	300

Table 2 ILP Guide - Maximum Recommend Luminance

3.0 Planning Context

3.0.1 In this Section we briefly set out relevant planning history for the Site and precedent digital advertising applications in the Dublin area and identify relevant policies applying to the Council's reason for refusal.

3.1 Site Planning History

3.1.1 There is no recorded planning history for the existing panels onsite, however panels have been in place at this location since before 1980. There is no record of any historic Warning Letters or Enforcement proceedings relating to the site.

Previous planning application (Reg. Ref. SD20A/0241)

3.1.2 As noted in Section 1, the Council refused planning permission for an alternative replacement digital advertising panel on the Site on 12 November 2020 comprising "The replacement of 2 no. existing backlit '48 sheet' advertising panels (6m x 3m) with a single pole-mounted digital advertising panel (5m x 7m)". The three reasons for refusal stated on the Decision Order Notice are summarised below:

- I. *"The proposed advertisement structure, by reason of its excessive height, scale and significant increase in size in comparison to the existing structure, would result in an incongruous and visually prominent feature that would detract from the visual amenity and character of the area..."*
- II. *"Having regard to the lack of information submitted in relation to the stability of the structure, and the proximity of the footpath and road, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not result in a traffic hazard and endanger pedestrian/public safety..."*
- III. *"Having regard to the lack of information submitted in relation to foul and surface water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health..."*

3.1.4 The applicant took the decision not to appeal this decision and instead submit a revised application to address the primary visual amenity reason for refusal. The Proposed Development which is the subject of this appeal positively addresses all the previous reasons for refusal, as detailed in Section 5 of this Statement.

3.2 Planning Precedent

3.2.1 There is now a significant amount of established planning precedent for roadside digital advertisements along national and regional roads throughout Dublin. These precedent planning applications demonstrate that the digital upgrade of existing advertising

May 2022

panels can be carried out safely by imposing appropriate planning conditions to control the use of digital panels in a manner which does not impact injuriously on road safety. The Highways Safety Report details twelve roadside digital advertisement upgrade proposals permitted by planning authorities in the Dublin area within the last four years²⁰. These permissions are at the following locations:

- I. 37 Main Street (R138), Donnybrook
- II. 29 Ranelagh (R117), The Triangle, Ranelagh
- III. 280-284 Lower Rathmines Road (R114) Rathmines
- IV. North-East side of Loughlinstown Roundabout (N11), Co. Dublin
- V. Corner of Cuffe Street (R110) and Wexford Street (R114), Dublin 2
- VI. Railway Bridge over Pearse Street (R118) Dublin 2
- VII. Railway Bridge over Drumcondra Road Lower (N1), Drumcondra
- VIII. Railway Bridge over Amiens Street (R105), Mountjoy
- IX. Railway Bridge over North Strand Road (R105), North Strand
- X. New Nangor Road (R134) and Killeen Road, Fox and Geese
- XI. 88-95 Amiens Street (R105), Mountjoy
- XII. Swords Road (N1), Whitehall, Dublin 9

3.2.2 In all cases permission has been granted subject to standard controls, secured by condition, to ensure that advertisements do not adversely affect road safety. Standard conditions applied include:

- Prior to the first operation of the digital advertising, a scheme for the testing of the appropriate level of illumination shall be submitted to and approved in writing by the local planning authority. Nonetheless, the maximum intensity of illumination of the digital advertisement signs shall not exceed 300cd/sqm at night-time.
- The signs shall not display any moving, or apparently moving, images.
- The sequential advertisements shall not change more than once every 10 seconds.
- Any change between advertisements will be immediate.

New Nangor Road and Killeen Road (Reg. Ref. SD20A/0240)

3.2.3 Of particular note as a precedent permission is the digital upgrade at the junction of New Nangor Road (R134) and Killeen Road in South Dublin, which is operated by the Applicant (Reg. Ref. SD20A/0240). This application was also supported by a Highways Safety Report prepared by Steer which applied the same method of assessment as the Report prepared in support of the Proposed Development.

3.2.4 The context of the proposal is comparable to the subject Site, being alongside a busy major regional road with up to three lanes of traffic (two general lanes and a bus lane). Both sites are also zoned REGEN under the CDP and assessed by the Council as being with Zone 5 under the CDP Outdoor Advertising Strategy. The panel at New Nangor Road directly addresses the junction with Killeen Road and as such is visible to road

²⁰ Refer to Highway Safety Statement (May 2022) Steer, Appendix May 2022
May 2022

users travelling southbound along Killeen Road, and eastbound and westbound along New Nangor Road. The proposal comprised the replacement of an existing blacklit advertising panel (12m x 3m) with a 6m x 3m digital advertising panel mounted on a frame approximately 9.15m high. We note that the overall height of the panel is c. 3m taller than the Proposed Development and as such would be visible to road users in longer range views. Accordingly, we consider that the approved panel at New Nangor Road occupies a more visually prominent location alongside a regional road with more complex traffic movements than the Site of the Proposed Development.

3.2.5 In their submission on the application SDCC Roads Department accepted the findings of the Applicant's Highways Safety Report and raised no road safety concerns in relation to the proposed digital upgrade, stating: *"the applicant has submitted a "Digital Advertising Highway Safety Report... detailing Policy consideration and General Safety consideration which includes issues and responses to possible issues associated with the installation of a Digital Advertising Panel, this satisfactory to roads department..."*²¹

3.2.6 The Planner's Report considered the proposal to be in accordance with the CDP, noting *"the REGEN zoning objective of the site, the SDCC Outdoor Advertisement Strategy and the nature and scale of the proposed signage"* and, accordingly, permission was granted by the Council on 17 December 2020 subject to four conditions including standard advertisement conditions controlling luminance and 'fade transition' of the digital display:

3. *"The development hereby approved shall incorporate the following: a) The maximum luminance of the advertisement display between dusk and dawn shall not exceed 300 candelas per square metre. The applicant shall be required to review the luminance level with the planning authority within 12 months... Reason: To ensure that the advertisements do not have any adverse effects on the amenity of the area or road safety.*

4. *The mechanism of changing the digital advertising display hereby approved shall be by means of a fade transition of the display at intervals of 10 seconds or more. Any change to the nature of the advertising display including to a flick or scroll transition between advertisements, shall be subject to a prior grant of planning permission. Reason: In the interest of the proper planning and sustainable development of the area."*

3.3 Policy Context

South Dublin County Council County Development Plan 2016-2022

Zoning

²¹ Reg. Ref. SD20A/0240 SDCC Roads Department Submission enclosed at Appendix G May 2022

- 3.3.1 The Site, as noted above, lies within an area that is zoned 'REGEN' (Objective: To facilitate enterprise and/or residential led regeneration) under Variation 3 of the CDP²². The CDP confirms that advertisements and advertising structures are 'Permitted in Principle' in such areas subject to further assessment against the relevant policies, objectives and standards set out in the CDP²³.

Outdoor Advertising Strategy

- 3.3.2 SDCC adopted an Outdoor Advertising Strategy under Variation 5 of the CDP in 2019 (refer to Schedule 6) in which, it states, the key aims are to "create a high-quality public domain" and "rationalise the location and concentration of existing advertising structures"²⁴.

- 3.3.3 The Outdoor Advertising Strategy is the key policy and guidance document against which new or replacement advertising proposals such as this must be assessed. It was adopted by the Council to provide an up-to-date policy position which reflects advances in modern technology. It states that the Council:

"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"²⁵.

- 3.3.4 The Outdoor Advertising Strategy is based on geographical zones. We consider that the Site falls within 'Zone 3' (i.e., 'the main transport corridors into, out of and within the county') because the advertising panels address road users along Naas Road which is one of the main transport corridors within the County. However, we note that the Council, in their assessment of the application, consider the Site to fall within 'Zone 5' (i.e., 'significant developing areas where advertising could form an integral part of newly created streetscapes'). Regardless, Zone 3 and Zone 5 are both identified as locations which are open for consideration for outdoor advertising subject to compliance with development management standards.
- 3.3.5 Section 4.0 recognises that "Illuminated signs and advertising in appropriate locations can provide both information and colour in urban areas after dark" and sets out a series of guidelines for assessing such proposals. The guidelines state that illuminated LED or LCD signs will be considered having regard to the development management standards outlined in Section 7.

²² Variation 3 South Dublin County Development Plan 2016-2022 (2019)

²³ South Dublin County Development Plan 2016-2022 (2016), Table 11.2, p189

²⁴ Variation 5 South Dublin County Development Plan 2016-2022 (2019), Schedule 6, p32

²⁵ Variation 5 South Dublin County Development Plan 2016-2022 (2019), Schedule 6, Section 6.0, p7

3.3.6 Section 7.0 sets out a series of development management standards against which applications for advertising structures on private lands (adjacent to primary routes) will be considered:

1. The geographical zone in which the site is located.
2. The rationale for the proposed advertising structure, including proposals for the removal and/or rationalisation of existing outdoor advertising structures.
3. The concentration of existing advertising structures in the area.
4. The design of the advertising panel and the use of high-quality materials.
5. The scale of the panel relative to the buildings, structures, roads and streets in which the advertising panel is to be located.
6. Impact on the character of the street and amenities of adjoining properties, in particular residential properties.
7. Impact of the structure and any proposed lighting on biodiversity.
8. Impact of the structure on Views and Prospects.
9. Advertising panels will not be permitted where they interfere with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or if they obscure road signs.
10. Impact on the character and integrity of Architectural Conservation Areas and Protected Structures.
11. Proposals must meet the safety requirements of Transport Infrastructure Ireland (TII) where appropriate including the policy and codes associated with signage, safety and operational requirements...for both light rail and national roads where appropriate.

3.3.7 The Proposed Development fully complies with the development management standards, as detailed in the submitted Planning Statement which provides a comprehensive assessment of the Proposed Development against the standards²⁶.

Draft South Dublin County Development Plan 2022-2028

3.3.8 The Council is currently preparing the Draft South Dublin County Development Plan 2022-2028 ('Draft CDP'), which is expected to come into effect by August 2022. In accordance with Section 43(2)(a) of the Planning and Development Act (as amended)²⁷, while the Council can have regard to the draft CDP, planning applications should be determined under the current CDP which constitutes the Development Plan for the area.

3.3.9 It should be noted that the draft CDP does not contain a new signage strategy, rather it refers to the Outdoor Advertising Strategy adopted as Variation 5 to the current CDP in 2019. As such, the current Outdoor Advertising Strategy will remain the key policy and guidance document for advertising proposals once the new CDP is adopted.

²⁶ Planning Statement (February 2022), Gravis Planning, p17-19

²⁷ Section 34 (2)(a) Planning and Development Act, 2000 (as amended)

4.0 Local Authority Assessment

4.0.1 The Council's sole reason for refusal concerns road safety matters. The key planning consideration is whether a digital advertising panel in this location, along a wide, straight stretch of regional road, would constitute a traffic hazard by reason of its potential to distract drivers. The Council's key concerns with the Proposed Development relate to the format of the advertisement (i.e., being an illuminated digital display) in the context of its location.

4.1 Road Safety

Format of Proposed Development

4.1.1 The reason for refusal states that the Proposed Development would not comply with the Outdoor Advertising Strategy of the CDP as the proposal would impact injuriously on road safety. It specifically notes that:

"The Planning Authority have concerns that the illuminated display panel sign will be a distraction to road users... Even considering the controls suggested in the Digital Advertising Highway Safety Report submitted with the application, it is considered that the distraction potential of an illuminated digital sign on road users constitutes a traffic hazard²⁸."

4.1.2 The SDCC Roads Department's comments on this matter are reflected in the reason for refusal as summarised above. The SDCC Planners Report expands on this matter somewhat, stating:

"Although the height difference of c.0.4m for the proposal would only be slightly more visually prominent, the level of distraction the proposed digital sign panel would create for road users with a change of frequency approximately every 10 seconds would be of serious concern to the Planning Authority"

4.1.3 The Council acknowledges that the format of the proposed digital panel in terms of its overall scale and height is acceptable noting that it "*would only be slightly more visually prominent*" than the existing panel. We consider that the proposed height increase, at 0.4m, will be imperceptible given the height of the existing structure and the surrounding context. In this respect, the Council recognises that the Site is surrounded by roadside advertisements which form part of the established streetscape along Naas Road. However, the existing concentration of advertisement signs is not noted as a concern by the Council:

"In terms of the concentration of advertisements in the area, it is noted that there are examples of existing advertisements along this stretch of the Naas Road associated with commercial premises including car show rooms, petrol stations and restaurants..."

²⁸ Reg. Ref. SD22A0046 Chief Executive's Order, p9

- 4.1.4 The Council's assessment notes that one of the key aims of the Outdoor Advertising Strategy is to encourage the upgrade and replacement of outdated advertising structures. In this respect it acknowledges that the *"proposal would see a more modern design and the replacement of two existing backlit '48 sheet' advertising panels (6m x 3m) with a single 6m x 3m digital advertising panel"* in accordance with the aims of the Outdoor Advertising Strategy. The Council also acknowledges that the impact of the proposal on the visual amenity of the surrounding area would not be unacceptable, noting that *"there are not considered to be any harmful impacts on... protected views and prospects"*.
- 4.1.5 The Council's outstanding concern with regard to the format of development is that the proposed digital upgrade would create an unacceptable level of distraction to road users as a result of the proposed level of illumination (300cd/sq. m.) and the change frequency of advertisements (no more than once every 10 seconds).
- 4.1.6 The Council's assessment directly contradicts its previous assessment of the approved New Nangor Road digital panel, in which it found the proposed illumination levels and the change frequency controls to be sufficient to ensure that 'advertisements would not have any adverse effect on road safety'²⁹ (Reg. Ref. SD20A/0240).
- 4.1.7 Furthermore, the lighting and change frequency controls proposed in this case represent established precedent for developments of this nature (as detailed in Section 3) and have been informed by universally accepted industry guidance³⁰ (as detailed in Section 2). The Council's assessment provides no reasoning as to why the proposed luminance levels are not acceptable having regard to the relevant industry guidance and the Site's context.

Location of Proposed Development

- 4.1.8 The reason for refusal states that: *"The Planning Authority have concerns that the illuminated display panel sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in proximity to major junctions resulting in substantial traffic movements."*
- 4.1.9 The Council's assessment provides limited justification as to why a digital panel would be unacceptable in this specific location taking account of the established precedent for digital advertisements along national and regional roads in the Dublin area. It does not challenge any of the findings contained in the assessment of the Site within the Highways Safety Report which concludes that *"there is no specific element of the local road features that makes advertising unacceptable in this location"*. The Council's assessment does not identify any specific features of the road in the direct vicinity of the

²⁹ Maximum level of illumination (300cd/sq. m.) and maximum change frequency of no more than once every 10 seconds imposed under Condition nos. 3 and 4.

³⁰ Lighting Professionals (ILP) Professional Lighting Guide 05 (PLG05): Brightness of Illuminated Advertisements (2013)

Site which would make advertising unacceptable at this location. The objection therefore, appears to be an *"in principle"* position.

4.1.10 Again, the Council's assessment of this application contradicts its previous assessment of the approved New Nangor Road digital panel, which is located overlooking the junction New Nangor Road, a regional road with up to three lanes of traffic, and Killeen Road which also experiences substantial traffic movements. The Council did not raise any highway safety concerns in relation to the principle of digital advertising on the site at New Nangor Road.

4.2 Overcoming Previous Reasons for Refusal (Reg. Ref. SD20A/0241)

4.2.1 The Council's assessment considers that the Proposed Development does not address the previous refusal reasons (Reg. Ref. SD20A/0241) as follows³¹:

1. *"This application reduced the size of the advertising sign and proposed to remove one of the existing signs. However due to the Planning Authority concerns that the proposal would endanger public safety by reason of a traffic hazard it should therefore be refused.*
2. *This application has addressed this previous reason for refusal regarding the stability for the structure. However due to the Planning Authority concerns that the proposal would endanger public safety by reason of a traffic hazard it should therefore be refused.*
3. *This application has not overcome this previous reason for refusal as sufficient information regarding Irish Water and Surface Water Drainage requirements have still not been submitted. Therefore, the proposed development would be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area. Further consideration required."*

4.2.2 Further to previous refusal reason no. 3, the Council's assessment of the current planning application highlights that Irish Water and SDCC Water Services both made submissions to the planning application requesting **further information** in relation to existing drainage infrastructure.

4.2.3 SDCC Water Services requested the Applicant submit a revised drawing to show foundations of the proposed sign at least 3m from the outside diameter of an existing 225mm surface water sewer north of site. Irish Water requested that the applicant submit a revised drawing to show a minimum distance of 3m from the foundation of the proposed sign to the existing adjacent 100mm uPVC watermain north of site, or submit proof in writing that Irish Water are in agreement with the proposed development.

³¹ Reg. Ref. SD22A0046 Chief Executive's Order, p7-8

4.2.4 We consider that this revised proposal positively addresses each of the previous reasons for refusal in full. We review the previous refusal reasons in the context of the current application in Section 5.

5.0 Grounds of Appeal

- 5.0.1 We do not consider the refusal reason that has been advanced in this case to be justified taking account of the Site context, the long history of advertising on the Site and the established precedent for roadside digital advertisements across Dublin.

5.1 Road Safety

Format of Proposed Development

- 5.1.1 The reason for refusal states that the Proposed Development would not comply with the Outdoor Advertising Strategy of the CDP because the format of the proposed digital panel would impact injuriously on road safety by reason of the potential to distract drivers. In this respect the Council's assessment specifically notes:

"The Planning Authority have concerns that the illuminated display panel sign will be a distraction to road users."

"the level of distraction the proposed digital sign panel would create for road users with a change of frequency approximately every 10 seconds would be of serious concern to the Planning Authority."

- 5.1.2 The Council's concerns with the format of the Proposed Development are that the proposed digital upgrade would create an unacceptable level of distraction to road users as a result of the proposed level of illumination (300cd/sq. m.) and the change frequency of advertisements (no more than once every 10 seconds).
- 5.1.3 The proposed method and level of illumination is entirely appropriate taking account of the Site's context, best practice guidance, established precedent and guidance contained in the CDP Outdoor Advertising Strategy.
- 5.1.4 The CDP Outdoor Advertising Strategy confirms that illuminated LED or LCD signs will be considered but that internally illuminated scrolling signs or signs with exposed neon tubing are generally not acceptable. The proposal is for an illuminated LED digital panel and as such the method of illumination is acceptable in principle under the CDP.
- 5.1.5 The proposed maximum level of illumination, at 300cd/sqm, accords with best practice guidance issued by the ILP which provides established and universally accepted industry guidance adopted across the UK and Ireland. The existing lighting environment of the Site can be classified as a suburban medium district lighting environment according to the ILP Guide - the Site is surrounded by illuminated road signs and advertisements as well as streetlights along either side of Naas Road. Accordingly, the guide recommends a maximum level of illumination of 300cd/sqm during night-time for advertisements and road signs. In this respect we note that the Council's assessment does not seek to challenge our assessment that the Site's context is a 'medium district lighting environment' surrounded by existing illuminated signs.

- 5.1.6 Given the Site's context we maintain that the proposed level of illumination is in keeping with the surrounding light environment and, as such, would not create an unacceptable level of distraction to drivers since illuminated signs form an existing part of the streetscape along Naas Road. The level of illumination can be controlled by way of standard planning condition in accordance with established precedent for developments of this nature.
- 5.1.7 The Highway Safety Report confirms that, subject to appropriate controls to limit the level of illumination as outlined above, *"drivers would not be distracted by the nature of the illumination or form of adverts in a manner that would create a hazard"*³².
- 5.1.8 The proposed change frequency of advertisements is entirely appropriate taking account of the Site's context, established precedent and the established nature of advertising use on the Site.
- 5.1.9 The proposed change frequency, at no more than every 10 seconds, has been informed by an assessment of the Site's context and, most importantly, the speed limit (60 kph) of the adjacent road. The Highway Safety Report confirms that drivers are likely to see no more than a single change unless stationary at the signal junction, which means most drivers would only see two advertisements at a rate of change of every 10 seconds.
- 5.1.10 The impact of the Proposed Development on road safety must be considered in the context of the established nature of advertising use on the Site - the proposals will replace an existing static backlit panel with a digital panel of the same dimensions. The Council's assessment recognises that large format advertisements and signs form an existing part of the streetscape along Naas Road. The Highway Safety Report finds that the proposed digital panel would not be unexpected and therefore would not, by its nature, be fundamentally distracting to drivers since other large format signs and advertising boards are located along Naas Road³³.
- 5.1.11 As such we conclude that the Proposed Development will not create an unacceptable level of distraction for drivers subject to controls to limit the rate and method of change. The change frequency can be controlled by way of standard planning condition in accordance with established precedent for developments of this nature.
- 5.1.12 The Council's assessment directly contradicts its assessment of the previous application on the Site in which it accepted that advertising controls could be used to mitigate against the risk of inappropriate driver distraction and also its assessment of the approved New Nangor Road digital panel in which it found the proposed illumination levels and the change frequency controls to be sufficient to ensure that *"advertisements would not have any adverse effect on road safety"*³⁴ (Reg. Ref. SD20A/0240).

³² Enclosed at Appendix D, p9

³³ Enclosed at Appendix D, p9

³⁴ Maximum level of illumination (300cd/sq. m.) and maximum change frequency of no more than once every 10 seconds imposed under Condition nos. 3 and 4.

- 5.1.13 The Council's inconsistent approach to accepting planning conditions to control digital displays is contrary to the Development Management Guidelines for Planning Authorities, which identify consistency and procedural fairness as key guiding principles³⁵.
- 5.1.14 The Council's assessment accepts that the format, design and scale - including the height - of the proposed advertisement structure is acceptable in all other respects.

Location of Proposed Development

- 5.1.15 The reason for refusal states that: *"The Planning Authority have concerns that the illuminated display panel sign will be a distraction to road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in proximity to major junctions resulting in substantial traffic movements."*
- 5.1.16 The Council's assessment provides insufficient justification as to why a digital panel would be unacceptable in this specific location, particularly taking account of the established precedent for digital advertisements along national and regional roads in the Dublin area and the established nature of advertising use on the Site.
- 5.1.17 The Council's assessment of this application also contradicts its assessment of the previous application on the Site in which the Council did not raise any highway safety concerns in relation to the principle of digital advertising on the Site (Reg. Ref. SD20A/0241).
- 5.1.18 We consider that the Site is a suitable location for the proposed digital panel subject to the controls recommended within the Highways Safety Report and reproduced in full in this Statement in Section 6.
- 5.1.19 The Highways Safety Report considers whether any features of the Site or the surrounding area, including local road geometry, would make the Site an unsuitable location for displaying advertisements by reason of creating a road safety hazard. The assessment is based on best practice guidance for assessing such proposals³⁶.
- 5.1.20 The Report finds that the *"the proposed location of the digital advertising is adjacent to a relatively straight section of Naas Road, remote from the highway and does not conflict with existing signage"* and concludes that *"there is no specific element of the local road features that makes advertising unacceptable in this location"*³⁷.

³⁵ Development Management Guidelines for Planning Authorities (June 2007) DEHLG, p12-13

³⁶ Transport for London (TfL) Guidance for Digital Roadside Advertising and Proposed Best Practice (2013)

³⁷ Enclosed at Appendix D, p8 & 9

- 5.1.21 The Council's assessment does not properly evaluate the information contained in the Highways Safety Report or provide a robust rebuttal of its conclusions.
- 5.1.22 As stated in Section 4, we consider that the Council's assessment of this application contradicts its assessment of the previous application on the Site and also its assessment of the approved New Nangor Road digital panel, which is located overlooking the junction between New Nangor Road, a regional road with up to three lanes of traffic, and Killeen Road which also experiences substantial traffic movements.
- 5.1.23 We note that the Council's assessment does not identify any specific features of the road or the surrounding area which would make advertising use unacceptable in this location or provide a robust rebuttal of the conclusions contained in the Highways Safety Report. It is also notable that the Council's assessment does not identify any historic road safety issues associated with the long-established advertisement panels on-site.
- 5.1.24 On behalf of the Applicant, Steer engaged directly with the SDCC Roads Department following the receipt of the Notification of Decision in order to discuss Officer's specific concerns with the Proposed Development and potential further advertisement controls as additional mitigation. However, the SDCC Roads Department advised that their objection was an *"in-principle"* position regarding digital advertising at this location which could not be overcome by advertisement controls. We consider that the Council's position in this respect runs contrary to the objectives of the CDP Outdoor Advertising Strategy, which identifies the Site as being open to consideration for new proposals, subject to compliance with development management standards.

Conclusion

- 5.1.25 To conclude, taking account of the Site context, the long history of advertising on the Site and the established precedent for roadside digital advertisements throughout Dublin, we maintain that the proposed digital advertising panel would not represent a traffic hazard or endanger public safety.
- 5.1.26 The proposed replacement structure is acceptable, and wholly appropriate, under the applicable zoning contained in the CDP and guidance contained in the Outdoor Advertising Strategy for the reasons summarised below:
- The Site is located in 'Zone 3', which is one of the locations where new proposals are 'open for consideration' under the Outdoor Advertising Strategy.
 - The proposal will rationalise existing outdoor advertising structures – the proposal involves removing 1 no. existing 3.0 x 6.0m panel (westbound facing) and replacing 1 no. existing 3.0 x 6.0m panel (eastbound facing) with a new digital panel of the same dimensions, resulting in a total reduction of advertising space on the Site.
 - The proposal will reduce the concentration of existing advertising structures in the

area – the existing westbound facing panel will be removed as part of this proposal.

- The proposal represents a significant visual enhancement to the streetscape compared to the existing panels on the Site - the proposed digital panel will be set within an upgraded durable frame using high quality materials.
- The height and scale of the proposal is entirely appropriate to its context, being located along a major regional transportation corridor surrounded by large scale commercial warehouse buildings. The proposed digital panel is the same size as the existing panels on the Site at 3.0m x 6.0m. The depth of the replacement structure will be significantly reduced, resulting in a less bulky presence when viewed from the public highway.

5.2 Overcoming Previous Reasons for Refusal (Reg. Ref. SD20A/0241)

5.2.1 As identified in the Section 1, the Council refused planning permission for an alternative replacement digital advertising panel on the Site on 12 November 2020. We review the Proposed Development against the three previous reasons for refusal below.

5.2.2 The first reason for refusal states that the proposed advertisement structure would contravene the Council's Outdoor Advertisement Strategy by reason of its excessive height, scale and significant increase in size in comparison to the existing structure³⁸.

5.2.3 The Proposed Development will replace two existing backlit panels (3.0m x 6.0m) with a single digital panel (3.0m x 6.0m) of the same dimensions. The Council's assessment recognises the reduced scale of the proposal and notes that it "*would only be slightly more visually prominent*" than the existing panel³⁹. We consider that the scale of the proposed advertising structure is entirely appropriate in its surrounding context, located along a major regional transportation corridor and surrounded by large light industrial/commercial warehouse buildings. Furthermore, it would, in our view, represent a significant improvement to the streetscape. As such, we consider that the Proposed Development positively addresses this refusal reason.

5.2.4 The second reason for refusal states that the Planning Authority is not satisfied that the proposed development would not result in a traffic hazard and endanger pedestrian/public safety because insufficient information was submitted to demonstrate the stability of the structure throughout its design life⁴⁰.

5.2.5 To address the Council's concerns in this area the planning application was accompanied by a typical Illustrated Foundation Design Specification for the proposed advertising structure which has been used in the construction of over 300 advertisement panels in the last 24 months in the UK⁴¹.

³⁸ Reg. Ref. SD20A/0241 Decision Order Notice (No. 1039)

³⁹ Reg. Ref. SD22A0046 Chief Executive's Order, p5

⁴⁰ Pl. Reg. Ref. SD20A/0241 SDCC Record of Executive Business and Chief Executive's Order

⁴¹ Refer to drawing no. 19086-PA-08

- 5.2.6 The third reason for refusal states that the Planning Authority was not satisfied that the proposed development would not be prejudicial to public health due to the absence of information confirming distances between the proposed structure and existing adjacent watermains and surface water sewers⁴². To address the Council's concerns, the planning application was accompanied by a drawing showing the distance between the proposed structure and all existing watermains and surface water sewers⁴³.
- 5.2.7 Further to previous refusal reason no. 3, Irish Water and SDCC Water Services both made submissions to the planning application requesting **further information** in relation to existing drainage infrastructure. SDCC Water Services requested the Applicant to submit a revised drawing to show foundations of the proposed sign at least 3m from the outside diameter of an existing 225mm surface water sewer north of site. This appeal is supported by a revised Illustrated Foundation Design Specification⁴⁴, which places the proposed foundations a minimum distance of 3.9m away from existing drainage infrastructure to the north. Accordingly, we consider that the Proposed Development, with this revision included, positively addresses this refusal reason.

⁴² Pl. Reg. Ref. SD20A/0241 SDCC Record of Executive Business and Chief Executive's Order

⁴³ Refer to drawing no. 19086-PA-04

⁴⁴ Refer to drawing no. no. 19086-PA-08

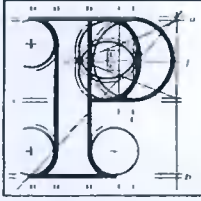
6.0 Proposed Planning Conditions

6.0.1 In accordance with established precedent for developments of this nature, the Applicant proposes that conditions are applied to ensure the following:

- I. Prior to the first operation of the digital advertising, a scheme for the testing of the appropriate level of illumination shall be submitted to and approved in writing by the local planning authority. Nonetheless, the maximum intensity of illumination of the digital advertisement signs shall not exceed a 300cd/sqm at night-time.*
- II. The signs shall not display any moving, or apparently moving, images.*
- III. The sequential advertisements shall not change more than once every 10 seconds.*
- IV. Any change between advertisements will be immediate.*

Appendix A





An
Bord
Pleanála

Planning Appeal Form

Your details

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

Your full details:

(a) Name

GWR Property Co. Ltd.

(b) Address

Suite 6 Provident House, Havilland Street, St.
Peter Port, Guernsey, GY1 2QE

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

Ed Barrett

(b) Agent's address

Gravis Planning, Denshaw House, 121 Baggot
Street Lower, Dublin 2, Ireland

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)

SD22A0046

(c) Location of proposed development

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

22 Fox and Geese, Naas Road, Dublin 22

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 enclosed Appeal Statement from Gravis Planning

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.



Appendix B



South Dublin County Council
An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

Francesca Rowson,
Gravis Planning
Denshaw House,
120-121 Baggot Street Lower
Dublin

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

Decision Order No.	0446	Date of Decision	07-Apr-2022
Register Reference	SD22A/0046	Date	11-Feb-2022

Applicant: GWR Property Co. Limited

Development: The replacement of 2 existing backlit '48 sheet' advertising panels (6.0m x 3.0m) with a single 6.0m x 3.0m digital advertising panels along with all associated site works and services.

Location: 22 Fox and Geese, Naas Road, Dublin 22

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. The proposed development would endanger public safety by reason of traffic hazard. The Planning Authority have concerns that the illuminated display panel sign will be a distraction to



road users. This location is alongside a wide section of road containing two traffic lanes and a bus lane. It is in proximity to major junctions resulting in substantial traffic movements. Even considering the controls suggested in the Digital Advertising Highway Safety Report submitted with the application, it is considered that the distraction potential of an illuminated digital sign on road users constitutes a traffic hazard. As the proposal would impact injuriously on road safety this would not comply with Schedule 6 Implementation of the Outdoor Advertising Strategy of Variation 5 Outdoor Advertising of the South Dublin County Development Plan 2016-2022.

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/0046

Signed on behalf of the South Dublin County Council.

Yours faithfully,


for Senior Planner

08-Apr-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 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 C

