



An
Bord
Pleanála

Board Direction
BD-000661-18
ABP-300447-17

The submissions on this file and the Insepctor's report were considered at a Board meeting held on 11/07/2018.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether an illuminated advertisement inside the premises at No. 124-127 St Stephen's Green West is or is not development or is or is not exempted development:

AND WHEREAS Indeed Ireland Operations requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 20th day of November, 2017 stating that the matter was not exempted development:

AND WHEREAS Indeed Ireland Operations referred this declaration for review to An Bord Pleanála on the 13th day of December, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 2 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (f) The exhibition of advertisements is development, as defined in Section 3 of the Planning and Development Act 2000, as amended.
- (g) The development that has taken place does not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as it constitutes signage which involves works which are not for the maintenance, improvement or other alteration of a structure.
- (h) The development comes within the scope of Class 2 of Part 2 of Schedule 2 of the Planning and Development Regulations 2001, but does not comply with the conditions and limitations to which this class is subject as the total area of the advertisement in this case exceeds one quarter of the area of the swindow through which the advertisement is exhibited and is therefore not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the signage comprising an illuminated advertisement is development and is not exempted development.

Board Member

Date: 12/07/2018

Terry Prendergast