

An
Bord
Pleanála

Board Direction
ABP-318487-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/09/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether a c. 1.50 sq. m. illuminated rolling digital commercial advertising sign in O'Connor Square, Tullamore, is or is not development and or is or is not exempted development.

AND WHEREAS Fergal MacCabe requested a declaration on this question from Offaly County Council and the Council issued a declaration on the 3rd day of November, 2023 stating that the matter was development and was exempted development

AND WHEREAS Fergal MacCabe referred this declaration for review to An Bord Pleanála on the 16th day of November, 2023.

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, as amended,

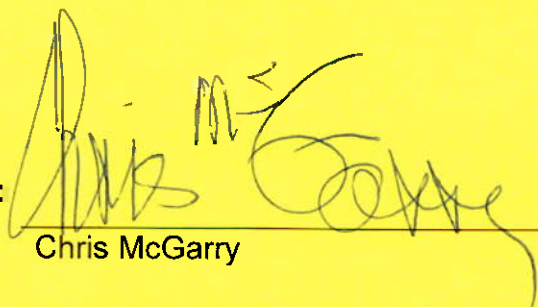
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 2 of Schedule 2 to the Planning and Development Regulations, 2001, as amended

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The illuminated rolling digital commercial advertising sign involving both works and use is development.
- (b) The illuminated rolling digital commercial advertising sign is not incidental to or necessary for the phone box structure to which it is affixed and is not ancillary to the phone box structure.
- (c) There is no allowable exemption in legislation for an illuminated rolling digital commercial advertising sign of this specific nature and extent.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the c 1.50 sq. m. illuminated rolling digital commercial advertising sign is development and is not exempted development.

Board Member:



Chris McGarry

Date: 01/10/2024