



An
Bord
Pleanála

Board Direction
91.RL3600

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 26th 2018.

The Board decided, as set out in the following Order, that the parking of a mobile advertising structure within the forecourt of the Union Bar and Restaurant, St. Nessan's Street, Limerick is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the erection of external 3 sq metre advertising panel mounted on a metal frame advertising structure with negligible surface area located within the boundaries of the Unicorn Bar and Restaurant, St. Nessan's Street, Limerick is or is not development or is or is not exempted development.

AND WHEREAS Limerick City and County Council requested a declaration on this question from An Bord Pleanála, on the 30th day of June 2017.

AND WHEREAS, in the light of the documentation on the file, An Bord Pleanála has reformulated the question as follows:-

“Whether the parking of a mobile advertising structure within the forecourt of the Union Bar and Restaurant, St. Nessian’s Street, Limerick is or is not development and is or is not exempted development “

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

- (a) Sections 2(1), 3(1) and 3(2) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9, and the classes set out in Part 2 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (c) The planning and enforcement history of the site, and other documentation submitted with the request for the declaration, and the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The parking of the mobile structure at this location for the purpose of advertising constitutes a material change of use of the land on which it is located, being the use of land for the exhibition of advertisements, pursuant to section 3 (2)(a) of the Planning and Development Act, and is therefore “development” within the meaning of section 3 of that Act;
- (b) The mobile advertising structure does not come within the scope of any of the exemptions provided for in Part 2 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and is therefore not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (4) of the Planning and Development Act, 2000, as amended, hereby

decides that the parking of a mobile advertising structure within the forecourt of the Union Bar and Restaurant, St. Nessian's Street, Limerick is development and is not exempted development.

Note: In deciding to reformulate the question in a different manner to that recommended by the Inspector, the Board took into account the fact that the metal frame that is referred to by the Planning Authority is not physically attached to any part of the structure of the Union Bar and Restaurant, and in fact constitutes a mobile trailer on which advertisements of various sizes have been placed, and is therefore a mobile advertising structure that is parked in the forecourt of the premises concerned. Accordingly, the Board had regard to its precedent decision under file reference 04.RL.3118, which related to a similar form of trailer used for advertising purposes (and which is the only Section 5 declaration made by An Bord Pleanála in respect of this form of advertising). The Board considered that, irrespective of the area of advertisements placed upon it, the placing of the mobile advertising structure consisted of development, as defined in Section 3 (2)(a) of the Act, and there are no exemptions provided for in the Act or Regulations by which this form of advertisement would be classified as exempted development.

[Please issue a copy of this Direction with the Board Order to the planning authority and to the owner/occupier]

Board Member

Date: 27th April 2018

Philip Jones