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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: DEC 23/30**

**WHEREAS** a question has arisen as to whether a circa 1.50 square metre illuminated rolling digital commercial advertising sign in O'Connor Square, Tullamore, County Offaly is or is not development or is or is not exempted development:

**AND WHEREAS** Fergal MacCabe of 4 Summerhill Parade, Sandycove, County Dublin requested a declaration on this question from Offaly County Council and the Council issued a declaration on the 3<sup>rd</sup> day of November, 2023 stating that the matter was development and was exempted development:

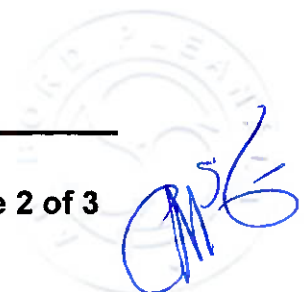
**AND WHEREAS** the said question was referred to An Bord Pleanála by Fergal MacCabe on the 16<sup>th</sup> day of November, 2023:

**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, and
- (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, and
- (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) of the 2000 Act, hereby decides that the 1.50 square metre illuminated rolling digital commercial advertising sign in O'Connor Square, Tullamore, County Offaly is development and is not exempted development.

**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 2<sup>nd</sup> day of October 2024.