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<b>Development</b>	Replacement of existing static type advertising boards on both sides of railway bridge with a new static LED display on the south-eastern side.
<b>Location</b>	Railway Bridge over Amiens Street, Dublin 1.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	4639/17
<b>Applicant(s)</b>	Irish Rail
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Clr. Ciaran Cuffe
<b>Date of Site Inspection</b>	22 <sup>nd</sup> July 2018
<b>Inspector</b>	Suzanne Kehely

## 1.0 **Site Location and Description**

- 1.1. The site as delineated in red is on the southern elevation of the existing Irish Rail railway bridge where it crosses over Amiens St in the vicinity of Connolly Station in Dublin 1. The application drawings also outline the landholding in blue in the vicinity of the site and this includes the railway station and buildings and rail route corridor.
- 1.2. The bridge is a prominent component of the Dublin railway infrastructure and has been for over a century. It dates from around 1890 and is part of the original Dublin Junction Railway/Loop line Railway Bridge connecting what is now Connolly Station and Pearse Station in 1901. The Bridge is a riveted metal truss type structure with solid metal panels sitting on 2 pairs of cast iron columns with crick abutments and is included in the National Inventory of Architectural Heritage (details contained in submitted report) which the bridge crosses over the Amiens Street at an angle with the southern side oriented toward Irish Rail office buildings and the northern side angled towards a terrace of protected structures in mixed use including residential overhead. The North Star Hotel is on the southern side opposite the station.
- 1.3. There is one large sign on the southern side of the bridge at a high-level projecting higher than the structure. It is in addition to the traffic markings. There are three similar signs on the northern side. There are also a number of billboards of various sizes at pedestrian level around the base of the bridge at this point in Amiens Street. These are attached to Irish Rail property which is included in the site as outlined in blue.
- 1.4. The speed limit of 50kph applies to the stretch of Amiens Street on approaches to and passing under the Bridge.
- 1.5. I inspected the site during the day time and evening. For comparison I also inspected the sign at Pembroke Road as referred to in the submitted details as an example of the proposed LED system.

## 2.0 **Proposed Development**

- 2.1. The proposed development is for a new static LED display on the south-eastern elevation of the railway bridge. It is 18m x 2m. The LED panels are 5mm in thickness and are connected to a substructure which is connected to the bridge with struts located within bridge structure. (no section drawings of this element. Associated with the proposed sign is:

- The permanent removal of the existing static illuminated sign of 26m x 2.2m on the south-eastern side and replacement with above sign.
  - The permanent removal of a 25.75m x 2.75m sign and a 12m x 1.75m sign on the northern side of the railway bridge.
  - Removal of 12 advertisement signs in immediate vicinity of the bridge
- 2.2. The application is accompanied by a planning report which refers to the history of the structure and the established nature of the advertisements. The report also includes a lighting report and Road Safety statement.
- 2.3. Lighting: target light level for the LED screen in no greater than 300 cd/m<sup>2</sup> as recommended by the Institute of Lighting Professional publication PLG. Brightness will be programmed to automatically work below this limit during hours of darkness.
- 2.4. Road Safety: Based on the 50kph speed limit, industry guidance and the display sequence the sign is stated not to cause a distraction or safety risk to road users.
- 2.5. The proposal is described as one of 4 concurrent proposals which involve the removal of 31 advertisement signs in total.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority issued a decision to grant permission subject to 10 conditions.

Condition 1 refers to standard compliance.

Condition 2 requires that the mechanism of changing the digital display shall be by 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 advertisement shall be subject to a prior grant of permission.

Condition 3 stipulates nature of display:

- a) Maximum luminance not to exceed 250 candelas per square metre and the level shall be subject to review
- b) Only static images will be permitted, no animation, flashing, 3D effects, noise, smoke or full motion video shall be permitted

Condition 4 refers to decommission of advertising.

Condition 5 refers to compliance with council requirements for roads, traffic and drainage.

Conditions 6, 7 and 8 refer to construction.

Condition 9 refers to drainage.

Condition 10 refers to Roads and Traffic Planning Division conditions.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The **Planning Officer's** report of 25/8/16 notes the zoning provisions and the Other Technical Reports.

3.2.2. **Roads and Traffic Planning Division:** No objection subject to conditions relating to limited number of adverts per minute and no animation. The report refers to extensive pre-application consultation by the applicant with the division

3.2.3. The report notes the speed limit, the 10 second display duration, level of illumination and the road safety audit

**Drainage Division** raises no objection to the development.

### 3.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII) in their report of 26<sup>th</sup> January has no observations to make.

### 4.0 **Planning History**

An Bord Pleanála Ref: 29S.RL2097 refers to a reference case in which the Board determined that the retention of floodlighting and advertising structures on the Loop line Bridge over the River Liffey, Dublin 1 and 2 is development and is not exempted development. The report provides some background to the placing of advertising on the bridge before and after the appointed day.) i.e. Pre- and post the planning act enactment.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016-2022

5.1.1. The site is located in an area zoned Z5 - City Centre, with the following objective: 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Advertisement and advertising structures are 'open for consideration' in Z5 zoned areas.

5.1.2. Section 4.5.6 refers to outdoor advertising policy and the following policies apply:

- SC22 refers to policy to consider appropriately designed advertising billboards. Must of high quality design and not obstruct road users or pedestrians.
- SC23 refers to policy to actively seek removal of unauthorised advertisement structures.

5.1.3. Appendix 19 sets out the outdoor Advertising Strategy. This is based on geographic zones wherein different forms and degrees of advertising are permissible depend on the urban environment. The site is on a radial route and accordingly falls under zone 3 described as

The radial routes leading into and out of the city are areas where opportunity exists for the managed provision of outdoor advertising. Subject to compliance with the development management standards, as set out in Section 6, the development of outdoor advertising in this zone will be open for consideration.

Section 19.3 provides for illuminated signs subject to compliance with design criteria such as type, building features, skyline impact and LED is subject to further assessment of advertising management standards as set out in section 19.6. The criteria in this regard is based on:

- The geographical zone in which the site is located, as set out in the figure showing zones of advertising control.
- The rationale for the proposed advertising structure, including proposals for the removal and/or rationalisation of existing outdoor advertising structures.

- The concentration of existing advertising structures in the area.
- The design of the advertising panel and the use of high-quality materials.
- The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.
- Impact on the character of the street and the amenities of adjoining properties.
- 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.
- Impact on the character and integrity of Architectural Conservation Areas, Protected Structures and Conservation Areas.
- Proposals must meet the safety requirements of the Transport Infrastructure Ireland (TII), where appropriate.

## 6.0 The Appeal

Councillor Ciaran Cuffe has appealed the decision to grant on the following basis:

- The proposed development lies within the curtilage of a protected structure in that the support structures are within the railed area of such.
- The proposed development is in close proximity to a number of protected structures along Amiens Street -namely the North Star Hotel and numbers 36, 37 and 38 Amiens street.
- The Bridge is an example of an early riveted steel structure with fluted detailing and embossed panels and worthy of protection as supported by its inclusion in the NIAH. Current advertising has defaced the structure and detracts from the streetscape.
- The LED panel will distract roads users and constitute a traffic hazard
- A similar sign in Shaftesbury Square in Belfast is example of how such a sign will deface the streetscape
- The applicant has a poor record of removing graffiti
- Inappropriate for a state body to further deface urban settlements with additional advertisement structures.

- The strategy and process of employing the concept of planning gain to retrospectively regularise unauthorised advertisements lacks transparency and is disputed as being appropriate.
- No similar advertisement structures in more affluent parts of the city. In the context of physical urban infrastructure and streetscape in the North East Inner City which needs improvements, the addition of a garish LED sign on one of our finest railway bridges would be a retrograde step.

## 6.1. First Party Response

- 6.1.1. A letter was lodged by the applicant on 25<sup>th</sup> April and disputes all the grounds of appeal by reference to the planning history the nature of the proposal and the detailed contents of its supporting statement. It is emphasised how the development will result in an overall reduction and will expose an entire elevation of the bridge revealing the original elements of the structure.

## 6.2. Planning Authority Response

No further comments

## 7.0 Assessment

### 7.1. General

- 7.1.1. This appeal relates to an application by Irish Rail to change an advertising structure as part of its overall strategy of improving its advertising infrastructure as part of the advertising business operated by CAN within the organisation. The proposal is presented as part of a package in that many advertising structures will be removed. This has been the result of an agreement with the planning authority whereby the applicant has openly stated that a compromise was reached. The result it seems is that the applicant has achieved viable advertisement sites and the planning authority has achieved a reduction in signage. The appellant disputes this approach having regard to the merits of the proposed sign based on development plan advertising policy and particularly the nature and visibility of the proposed development in a sensitive location. Having examined the submissions and inspected the site during both daylight and evening hours I consider the issues are:

- Principle of development
- Traffic Safety
- Impact on the public realm

## 7.2. Principle of Development

- 7.2.1. The location of the site is in an area governed by the Zone 5 land use objective which permits outdoor advertising structures in that the principle is open for consideration. More specifically, Appendix 19 of the development plan sets out the outdoor advertising strategy for accommodating advertising which is acknowledged as playing a role in the city fabric. The site is also located within zone 3 for the purposes of outdoor advertising in that it is located on a radial route into the city centre and is not in a conservation area. While there is a presumption against advertising hoardings on railway bridges, the strategy provides for rationalising of signage for an overall improvement whereby such signs may be considered if the overall proposal provides for the removal and/or rationalisation of existing display panels to significantly improve visual amenity.
- 7.2.2. Accordingly, the principle of a large illuminated sign in the context of an advertising management strategy is acceptable subject to compliance with detailed criteria.

## 7.3. Traffic Safety

- 7.3.1. Road safety assessment has been carried out following consultation with Dublin City Council and by reference to industry standards for road advertising. In the first instance there will be less signs. Most significantly, on the northern elevation there are two sets of illuminated signs proposed for removal. This will eliminate potential conflict with the illuminated traffic signs on the northern side and will I accept, enhance traffic safety.
- 7.3.2. In respect of the proposed southern high-level replacement sign, various measures are incorporated to control screen changes and lighting intensity and are explained such that the proposed development is demonstrated to not interfere with the safety of pedestrians, the accessibility of the public footpath or roadway or the safety and free flow of traffic. Nor will the proposed development obscure traffic road signs. The assessment by the applicant takes account of the receiving environment in terms of

collision history, siting and design, together with the nature of the operation and management of sign. As a further safety measure, the LED type sign requires less hands-on maintenance and changing thereby requiring less road closures and disruption.

- 7.3.3. With respect to illumination levels, I note that by comparison, the current backlit sign emits minimal light into the surrounding street and even with a brighter advert it is stated to be 130cd/m<sup>2</sup> output, whereas the proposed screen output is 250cd/m<sup>2</sup> which is less than the 300cd/m<sup>2</sup> max for signs over 10m<sup>2</sup> in suburban areas of medium brightness. (Institute of Lighting Professional's publication PLG5 – Brightness of Illuminated Advertising Guidelines.)
- 7.3.4. With respect to positioning, the Advertising Sign Assessment Guidelines for Road Safety (Appended in submission) states that signage located above the centre of a road as compared to the side of the road is less of a distraction to motorists while also avoiding obstruction on footpaths.
- 7.3.5. The proposed sign also incorporates safety and regulatory features such as error shutdown and zero second transition (no scrolling /animation). Contrast and intensity are controlled and regulated. The timing is such that during a 10 second message display duration and consequent 10 second change interval, a vehicle travelling at 50kph, would travel 135 metres. I do however note that while the 135 metres distance is a good range by reference to the guidelines (cited in the Appendix of the planning report), this distance is based on a 50kph speed however in the city environs this is likely to be quite significantly less at peak travel times and the driver would consequently have the potential to be exposed to multiple displays and changes. It should also be noted that it is in the vicinity of a busy national, regional, local rail station on Amiens St which needs to be crossed to access Busarus, the retail core and multiple key destinations. I do however note that the collision history is 100m to the north of the bridge (e.g. 5 reported collisions -1 fatality 2005-12.) and that this is where signs (including high level) are to be removed and in terms of potential distractions, which is an improvement in many respects.
- 7.3.6. Notwithstanding, speed limits and traffic management issues change over time and for this reason it is I consider vital that the council maintains as much control as is reasonably possible over potential undesirable distractions for road and footpath users. While I accept that the Roads Acts confer powers in respect of the Road

Authority's statutory obligations to prevent traffic hazards, a condition in a grant of planning permission provides a wider base for controlling signage and is an additional precautionary measure. In this regard I note the Roads, Streets and Traffic Planning Division raises no objection subject to specific conditions relating to the LED specification and management which should be maintained in any grant of permission.

- 7.3.7. In light of my comments and as a further precaution I would recommend increasing the display period from 10 to 15 seconds to counter speed changes and risk of motorist distraction. As a further measure and rather than just controlling luminance, a road safety audit would provide for a more comprehensive review of the safety of the operation and potential modification to operations if needed to ensure no undue distraction to road users. As another further measure, the luminance limit could be lowered with the upper 250cd/sq.m. level being subject to on-going review and agreement.
- 7.3.8. Accordingly, in respect of traffic safety and having regard to the conclusion of the road safety statement and the satisfaction of the Roads Division in this regard and subject to further precautionary measures, I do not consider the proposed development can be reasonably refused on grounds of traffic hazard.

#### **7.4. Impact on the public realm**

- 7.4.1. The proposal seeks to replace a static type illuminated advertising board on the south elevation of the railway bridge crossing at Amiens street close to the Connolly Station. The south elevation is prominently sited catching north bound traffic in the direction of the airport and the more extend N1 /M1 catchment. It also is visible to those existing the train station in addition to the usual city traffic passing through or local.
- 7.4.2. On the southern elevation of the bridge structure there is a large illuminated sign which dominates views from a southerly approach for outbound traffic. The signage at ground level is more obvious to pedestrians, particularly during daytime hours. The replacement sign on the southern elevation will be smaller to the order of 63% as it will be reduced in depth by 200mm and 8 metres in length. It will accordingly reveal more of the bridge structure during daylight hours but during darker hours its visibility is likely to be enhanced by the nature of the illumination.

- 7.4.3. On its own merits the proposed LED sign breaches many standards of appropriate design by reference to Appendix 19. Most obviously the shape and extent breaks the line of the bridge structure as the rectangular shape extends beyond the curved line of the rail guard and arguably the skyline in certain views (discounting the overhead electrics/ supports). It is not integrated in design terms – It is not scaled or shaped to follow the line or proportions of the bridge.
- 7.4.4. The proposed sign is also highly luminous and will most certainly dominate views for north bound traffic and those exiting the Connolly Station. In this regard I inspected the LED sign of comparable specification on Pembroke Road, Ballsbridge. In comparison, the existing bridge sign is illuminated and clearly visible at a distance and legible in the photographs. However, the LED screen in Ballsbridge was appreciably brighter. While on its own merits there is I consider, grounds to refuse permission in the context of Appendix 19.6 (Advertising Development Management Standards) and the impact on the streetscape, the negative elements are countered by a sizeable reduction in advertising surface area. In this context the question is – will a highly luminous single smaller sign be worse than a plethora of signs? The trade-off is essentially the loss of a number of signs of varying degrees of visibility for a smaller but brighter sign.
- 7.4.5. In terms of the overall approach, the northern view of the bridge will be vastly improved particularly as viewed by traffic approaching the City, by revealing its entire facade following the removal of two illuminated high-level signs which presently block views of the bridge and dominate the views. The views are significant in that they form part of main approach to a zone 1 advertising area which encompasses those areas that are most vulnerable and sensitive in the City and where there is a strong presumption against outdoor advertising. The enhancement of the bridge is in addition to the removal of a large scaled externally lit billboard near the base of the structure. This side will be kept free of advertising. The removal of the additional advertising boards is highly desirable in terms of enhancing views of the bridge structure and the public realm and is consistent with the achievement of the objective for the streetscape in this regard.
- 7.4.6. Furthermore, the clutter at pedestrian level will also be addressed by the removal of the multiple advertisement boards and will have a more localised benefits near Connolly Station.

7.4.7. On balance the rationalising of signage by removal of the bridge signs and further multiple signs as shown in the planning report on and near to the bridge will enhance the visual aspect of the bridge and its environs and accordingly contribute to the visual enhancement of the area.

## 7.5. Other Matters

- 7.5.1. Finally, there is the matter that the existing signs may not have the benefit of permission. There is no clarification of planning status of the structures save that they have been there for many years. The applicant has not submitted evidence of any consent for the structures proposed to be removed or amended. The planning authority states it has no record of permission. The structures may have their origins from when the advertising structures were attached when Irish Rail as a state company did not require permission for certain developments.
- 7.5.2. The appellant emphasises this point of status and essentially makes the case that unauthorised development is not justification for permission. The planning status is I accept unclarified and in this regard, I note the decision of the Board in determining the status of other similar signs on the Loop line bridge wherein it was determined that signs were not exempted. While similar circumstances may apply the Board is not precluded from granting permission or indeed refusing permission. The planning authority is silent on the status but is however agreeable to the approach of removing extensive signage as part of its advertising strategy. As I have stated in my assessment the sign on its own merits does breach rules. It does however come with the removal of long established signs for which there is no evidence of enforcement action and may therefore be statute barred from enforcement under the planning acts if unauthorised. It is clear that the planning authority is seeking to rationalise the extent of advertising and on balance I consider the approach to be reasonable and to accord with the development plan advertising strategy.
- 7.5.3. While I am of the view permission should be granted, if the Board is of a mind to consider refusing permission an alternative option would be to restrict permission to a temporary duration or seek to reduce the proposed new sign to be reshaped to fit within the bridge rail guard silhouette.

## 8.0 **Appropriate Assessment**

- 8.1. The nearest Natura 2000 site is South Dublin Bay & River Tolka SPA. Having regard to the nature and scale of the development and the separation distance from the Natura 2000 site, I do not consider that the proposed development, either alone or in combination with other plans and project has the potential to impact on the qualifying interests of any Natura 2000 site. Appropriate Assessment is not therefore required.

## 9.0 **Recommendation**

- 9.1. Having considered the content of the application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and responses, my inspection of the site and similar proposed signage and my assessment of the planning issues, I recommend that permission be granted for the proposed development subject conditions.

## 10.0 **Reasons and Considerations**

Having regard to proposed development which includes the removal of signage both attached to the northern elevation of the bridge and in the vicinity of the bridge along Amiens Street, it is considered that the replacement sign on the southern elevation, would achieve an acceptable balance between providing advertising on a thoroughfare where billboard advertising exists and is permitted in principle and the protection of the amenities of a prominent streetscape which includes a number of protected structures. It is considered, that the proposed development would enhance views of the bridge and the streetscape character, and would not, therefore, in overall terms, be contrary to the Outdoor Advertising Strategy in Appendix 19 of the Dublin City Council Development Plan 2016-2022, or, the proper planning and sustainable development of the area.

### **Condition**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.  
Where such conditions require details to be agreed with the planning

authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional advertising signs or structures shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interests of visual amenity.

3. The developer shall comply with the requirements of the Roads Streets and Traffic Department of the planning authority and in this regard the following shall apply:
  - a. No more than one advertisement shall be displayed every 15 seconds. The fade method of transition shall be used between advertisements.
  - b. Only static images shall be permitted. No animation, moving images or video shall be displayed as part of the advertisement.
  - c. The maximum illumination of the advertisement display between dusk and dawn shall not exceed 250 candelas per square metre. The planning authority may reduce this to 200 candelas per square metre following a bi-annual review of its luminance.
  - d. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
  - e. A Road Safety Audit of the proposed development shall be carried out not later than 2 years after completion of the proposed development of the operations and submitted to the

planning authority together with recommendations if any to enhance the safety of road users and which shall be subject to the written agreement of the planning authority.

**Reason:** In the interest of traffic safety and amenity.

4. Prior to commencement of the development the developer shall remove, decommission and extinguish the licenses for the advertising displays on the northern elevation of the Railway Bridge at Amiens Street and the further ten advertising panels in the immediate vicinity of the Bridge as set out in section 1.8.3 of the Planning Report submitted with the application and any advertising use of these display locations shall be subject to a prior grant of planning permission. Details of the existing advertising displays to be removed including mapped location and photographs of the structure and a dated photographic record of their removal shall be submitted to the planning authority within one month of their removal.

**Reason:** In the interest of orderly development and visual amenity.

5. All advertising structures proposed to be removed as part of the development shall be done so in an orderly and safe manner and shall be removed in their entirety within 6 months of the installation of the proposed sign. All surfaces and structures from which they are removed shall be restored with appropriate materials and finishes. All details shall be submitted for the written agreement of the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development and visual amenity

6. All public service cables for the development, including electrical and telecommunications cables, together with support structures shall be located discreetly within the structure. Details shall be submitted for the written agreement of the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity

7. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of adjoining property in the vicinity.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Suzanne Kehely  
Senior Planning Inspector  
21<sup>st</sup> August 2018