



An
Bord
Pleanála

Inspector's Report ABP-312681-22

Question

Whether the use of hoarding and advertising of Johnstown House Estate is or is not development or is or is not exempted development.

Location

Johnstown House Estate, Enfield, County Meath.

Declaration

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

TAS52160

Applicant for Declaration

Lefgem Limited.

Planning Authority Decision

Is exempted development.

Referral

Referred by

Lefgem Limited.

Owner/ Occupier

Lefgem Limited.

Observer(s)

1. Martin Kennedy.
2. Kieran O'Connell.
3. Seán O'Connell.
4. Gerry O'Gorman.

5. Peter Wilson.

Date of Site Inspection

6th day of September, 2022, and the
29th day of June, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The subject site relates to the grounds of the Johnstown Estate Hotel, a hotel centred around a 18th Century Georgian period rural residence, which is a designated Protected Structure, which sits in a 120ha parkland setting. The site is located to the southeast of Junction 9 of the M4 Motorway, in Enfield, County Meath.
- 1.2. The period Georgian country house has been extended and altered over recent decades to facilitate its use as a hotel. Immediately to the rear of the hotel there are forty lodges that are arranged in ten two storey blocks in an open mainly grassed manicured landscape. These lodges appear to date to circa 2006. In close proximity to five of the lodge blocks are stacked sea shipping containers that have hoarding and advertising tarpaulin attached to them. There is also hoarding and advertising provided separate to this in these particular locations.
- 1.3. Despite this sites proximity to the M4 corridor and being situated c1.8km by road from the centre of the settlement of Enfield the surrounding landscape has a rural character. There is a dense landscaped strip of planting along the northern boundary of the site in proximity to the lodges. This strip provides visual screening and a buffer to the M4 corridor.

2.0 The Question

- 2.1. A question has arisen pursuant of Section 5 of the Planning and Development Act, 2000, as amended, as to whether the use of hoarding and advertising at the Johnstown House Estate Hotel is or is not development and is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On the 13th day of January, 2022, Meath County Council, in accordance with Section 5 of the Planning and Development Act 2000, as amended, decided to issue a notification of declaration in relation to the question posed under Section 2.1 setting

out that the hoarding and advertising is development and that it is not exempted development.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports:** The planner's report serves as the basis for the declaration decision. It includes the following points:

- The use of hoarding and advertising constitute development under Section 3(1) of the Planning and Development Act, 2000, as amended and does not constitute exempted development as described in Schedule 2, Part 1, Class 16 of the Planning and Development Regulations, 2001, as amended.
- The works materially affect the character of the Protected Structure and therefore they do not represent exempted development under the provisions of Section 57(1) of the Planning and Development Act, 2000, as amended.
- The report concludes that the subject hoarding and advertising is development and is not exempted development.

3.2.2. **Other Technical Reports**

None.

4.0 **Planning History**

4.1. **Site**

4.1.1. **Concurrent Referral Cases with the Board**

- **ABP-312682-22:** This referral case also relates to the lodges at the Johnstown Estate Hotel and the question asked is whether the use of sea shipping containers on site (for exempted development for maintenance, repair and renewal works to Lodges on Johnstown Estate) is or is not development or is or is not exempted development.
- **ABP-312684-22:** This referral case also relates to the lodges at the Johnstown Estate Hotel and the question asked is whether the devaluation and vandalism of Properties at Lodge No.s 435, 432, 416, 426, 427 & 424 at The Johnstown House Estate is or is not development or is or is not exempted development.

4.2. **Other**

- **P.A. Ref. No. TA/40538:** On the 8th day of July, 2005, planning permission was **granted** for a development described as executive stay hotel suites comprising of 40 units in 10 blocks containing 24-bedroom suites and 16 one-bedroom suites together with 91 no. additional surface car parking, landscaping, connection to private treatment works within the curtilage of Johnstown House, subject to conditions.

Of note are the requirements of the following conditions:

Condition No. 1: The development shall be carried out in accordance with plans and particulars submitted.

Condition No. 5(b): Requires any signage to be submitted for the written agreement of the Planning Authority.

Condition No. 8: Requires all water supply, access, and drainage arrangements to comply with the requirements of the Planning Authority.

- **P.A. Ref. No. TA/60082:** Retention permission was **granted** for amendments to external treatments P.A. Ref. No. TA/40538. (Decision date: 20/07/2006).

- **P.A. Ref. No. TA/70146:** Permission for a sign on the lands of the Johnstown Estate Hotel and within the curtilage of Johnstown House was **refused** on the basis it was considered that it would be distraction to motorists and would endanger public safety by reason of a traffic hazard for motorway users. (Decision date: 29/06/2007).

- 4.2.1. Other: The hotel use and the associated alterations as well as additions to Johnstown House was permitted under P.A. Ref. No. 99/833. (Decision date: 16th day of December, 1999).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located on land zoned '*Rural Area*' - '*RA*' under the Meath County Development Plan, 2021-2027. The land use objective for such land is: "*to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.*"

- 5.1.2. The Record for Protected Structures includes Johnstown House (RPS Ref. No. MH048-103) and describes it as: *“an 18th century house of 5 bays, 3 storeys with parapet and cornice rendered with pedimented door case and four chimneystacks. The house dates from c1750.”*
- 5.1.3. Section 8.7.1 of the Development Plan deals with Protected Structures.
- 5.1.4. Policy HER POL 14 of the Development Plan sets out that the Council shall: *“protect and conserve the architectural heritage of County”*.
- 5.1.5. Policy HER POL 16 of the Development Plan sets out that the Council shall: *“protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate”*.
- 5.1.6. Section 10 of the Development Plan sets out the Advertising Standards.
- 5.1.7. Section 11.10.1 acknowledges that advertising structures are an accepted and necessary part of commercial activity.
- 5.1.8. Policy DM POL 30 of the Development Plan sets out that the Council will only permit advertisements which enhance the appearance and vitality of an area.
- 5.1.9. DM OBJ 103 of the Development Plan sets out signage that will be discouraged. With this including signs which advertise general products or services and billboards. In addition, DM OBJ 104 of the Development Plan sets out the criteria under which advertising signage will be considered. Of note this includes that:
- The size and scale of signs which should not conflict with existing structures in their vicinity.
 - In relation to Protected Structure large scale commercial advertisements are not acceptable near them.
 - That signs should not interfere with windows or other façade features.
- Further, DM OBJ 107 of the Development Plan sets out that: *“the number of advertisement structures for any one premises shall be kept to a minimum and will generally be restricted to a maximum of two in the local area. In exceptional cases this maximum may be exceeded at the discretion of the Council.”*

5.2. Natural Heritage Designations

- 5.2.1. The subject referral site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). The nearest European Sites, i.e., the River Boyne and River Blackwater SPA (Site Code: 004232) and the River Boyne and River Blackwater SAC (Site Code: 002299) are situated c9.8km to the northwest as the bird would fly. The nearest watercourse is the Blackwater River which is located c160m to the south of the site.

5.3. EIAR

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Referral

6.1. Referrer's Case

- 6.1.1. The referrer submission can be summarised as follows:
- The temporary use of the hoarding constitutes exempted development pursuant to Section 4(1)(h) of the Planning & Development Act, 2000, as amended, and Class 16 of the Planning and Development Regulations, 2001 to 2021, on the basis that the hoarding structure is in place during the carrying out of refurbishment of works in respect of 32 of their guest lodges.
 - As the use of the hoarding is temporary and is needed during the renovation works. They can it cannot be considered to materially affect the character of the protected structure.
 - The twenty-six sea containers placed adjacent to the lodges are being used for the storage and they have erected temporary advertising hoarding around the sea containers to ensure no entry.
 - The refurbishment works are limited to the interior of the lodges.

- The Board is requested to set aside the decision of Meath County Council.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- They issued a Section 5 Declaration on the 13th day of January, 2022, confirming that the use of hoarding and advertising at Johnstown House Estate constitutes development and is not exempted development within the meaning of the Planning & Development Act, 2000-2021.
- They are satisfied that they have had regard to all relevant planning considerations in making their determination.
- Reference is made to their Planning Officer's report.
- The Board is requested to uphold their decision.

6.3. Observers

6.3.1. The observations received from **Peter Wilson** on the 18th day of May, 2022 and the 7th day of June, 2022, can be summarised collectively as follows:

- The shipping containers placed around his property, No. 416, and five other private homes total twenty-six containers with six of them being containers that are 40 foot long and 20 being 20 foot long. These are stacked two high and welded together with their overall heights being 4.8m. The capacity of the six, 40-foot containers is equivalent to 216 pallets of storage and the twenty, 20-foot container has the capacity to store 316 pallets.
- Only one of the twenty-six containers are accessible with the others welded shut or constructed in a manner that they are not accessible.
- The 40-foot containers have surface areas when stacked two high of 57.6m².
- The containers have been placed between 40cm to 3m from windows and doors of six private properties.
- If the Board determined that the development was not exempt, then this could establish a dangerous precedent.

- The placement of the containers around lodges 416, 435, 432 and other private lodges is a breach of human and constitutional rights in relation to peacefully enjoy of private property.
- Blocking the pathways and natural light to their property, a property that they have enjoyed since 2006, is without merit or reason.
- The contention that the containers are used to store furniture is not supported by the fact that all properties have furniture and soft furnishings in them.
- The referral submission contains misleading and untrue information.
- There has been unwarranted interference with the enjoyment of their property and other privately owned properties by the referrer to date.
- The height, size, and proximity of the container structures to their property as well as the hoarding associated with them are objected to.
- This development has been carried out to harass and cause distress to the private lodge owners.
- This development has fire and safety risks for the properties impacted.

6.3.2. The observations from **Martin Kennedy** received on the 23rd day of May, 2022, and the 21st day of June, 2022, can be summarised as follows:

- The observer is owner of Lodge No. 435.
- Much is made of the temporary nature of the hoarding and storage arrangements the referrer has had in place. It would be reasonable to assume that a plan would be in place with timelines to support their temporary nature and their connection with the contended works they are associated with.
- No communication has been had between the referrer and the owners of the lodges impacted nor have they provided them with any time lines for these structures being in place.
- The slogan 'Executive Lodges Coming Soon' has little significance given little or no progress has been had on this proposed development.
- These structures relate to harassment and intimidation carried out on private lodge owners.

- The siting of the containers provide no protection to the lodges and the cutting off of services to properties not own by the referrer are not a result of the alleged works the referrer seeks to carry out.
- The standard of work with the hoardings and the visual incongruity of their appearance does not align with a high level development.
- The detailed inventory is an attempt to cover up the actual use of the containers.
- If the containers were required for temporary use why are they welded shut and provided in the manner that they have been provided.
- Are the works being carried out internally or are they going out to tender.
- Their property is hemmed in by the containers and hoarding. These structures also curtail natural light to their property.
- This development is part of a smoke-screen of the actual reasons behind the developments carried out in the proximity of the lodges in private ownership.
- The Board is requested to keep them informed on this case.

6.3.3. The observation from **Kieran O'Connell** received on the 24th day of May, 2022, and the 21st day of June, 2022, can be summarised collectively as follows:

- The advertising tarpaulin and hoarding adjacent to and on the sea shipping containers give a misleading impression to the public in relation to false claims that refurbishment and maintenance works are being carried out to Suite 426, their property, a property the Referrer does not own. Secondly, they are in place to hide the poor appearance of the sea shipping containers.
- The tarpaulin, hoarding as well as containers have been erected without their consent or planning consent.

6.3.4. The observation from **Seán O'Connell** received on the 23rd day of May and 20th day of June, 2022, can be summarised collectively as follows:

- The shipping containers have been placed under the guise of maintenance and refurbishment. To date no such works have been carried out.

- The advertisement tarpaulin is placed upon the shipping containers to hide the unsightly vista of them and to provide the false claim of refurbishment/maintenance of properties behind them which the referrer does not control.
- The tarpaulin does not displace either a CE or BS stamp and therefore their fire resistance is questioned.
- Suite 427, the observer's property, was purchased by them in 2007. Between 2007 and when the Referrer purchased the hotel in 2015, they enjoyed the services attached to their property. Since the Referrer purchased the estate, he has used his property without his consent and has not paid rent for his use of it. Therefore in 2021 the observer took possession of their suite and thereafter a representative of the referrer sought to buy the property for a substantially reduced cost to what it was originally purchased for.
- They have sought to pay the referrer for the cost of services and general maintenance of the property.
- After refusing the Referrers offer to buy their lodge, their water supply was dug up, their water pipes cut off despite the observer being the legal owner of them and the area excavated and backfilled with reinforced concrete. Further to this electricity as well as gas to his property was disconnected with the gas regulator stolen.
- This situation has resulted in undue distress and anxiety.
- As a result of the vandalism that has been carried out to his property and the continued intimidation in exasperation the observer painted slogans on their property which he has given an undertaken to the Council to remove on the condition that no other barriers, hoardings, and the like be placed at and in the vicinity of their property.

6.3.5. The observation from **Gerry O'Gorman** received on the 13th day of June, 2022, can be summarised as follows:

- The advertising tarpaulin and hoarding is place upon adjacent sea shipping containers to firstly give a misleading impression to the public that refurbishment and maintenance works are being carried out to Suite 424, their property, and a property the referrer does not own. Secondly it is to hide the poor appearance of the sea shipping containers that have been placed outside of this property.

- The Board is requested to help to resolve this situation.
- The Board is requested to keep them informed of this case.

6.3.6. The observation from **Dave Godwin** received on the 13th day of May, 2022, and the 13th day of June, 2022, can be collectively summarised as follows:

- They are the owner of No. 432.
- They objected to the shipping containers to the Council who subsequently issued an enforcement notice for their removal.
- I do not consider the painting of or wording used on my property as vandalism and I have consented to the painting of my property this way.
- My property has been devalued from the day the staff of Johnstown House cut pipes and cables to his property alongside placing shipping containers and hoarding resulting in it not being habitable.
- The works carried out outside of his property required planning permission.
- His property is not a Protected Structure.
- No murals or defamatory comments have been used on his property.
- The referrer has not responded to contact seeking resolution of this matter.
- The Board is requested to uphold the decision of the Planning Authority.
- The Board is requested to keep them informed of this case.

7.0 **Statutory Provisions**

7.1. **Planning and Development Act, 2000, as amended.**

Section 2(1) of the Act states: 'In this Act, except where the context otherwise requires—

“advertisement” means any word, letter, model, balloon, inflatable structure, kite, poster, notice, device, or representation employed for the purpose of advertisement, announcement, or direction.

“*advertisement structure*” means any structure which is a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements or any attachment to a building or structure used for advertising purposes.

“*works*” includes any act or operation of construction, excavation, demolition, extension, alteration, repair, or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

“*structure*” means ‘any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of any structure so defined and – (a) where the context so admits, includes the land on, in or under which the structure is situate...’ and land ‘includes any structure ...’

“*unauthorised development*” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use.

“*unauthorised use*” means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or (b) development which is the subject of a permission granted under Part IV of the Act of 1963, being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject

- Section 3(1): Development.

“*development*” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

- Section 3(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection -

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, the use of the land shall be taken as having materially changed.

- Section 4: Exempted development

Section 4(1) of the Act states that the following shall be exempted development for the purposes of this Act...

“(h) development consisting of the use of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

Section 4(2) of the Act provides for the making of Regulations. The main Regulations are the Planning and Development Regulations, 2001 (as amended).

Section 4(2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

Section 4(4) of the Act sets out that notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

- Section 5: Declaration & referral on development & exempted development.

- Section 57(1): Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of-

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest.

7.2. **Planning and Development Regulations, 2001, as amended.**

Article 6(1): Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided

that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 6(2): (a) Subject to article 9, development consisting of the use of a structure or other land for the exhibition of advertisements of a class specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that-

- (i) such development complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1, and
- (ii) the structure or other land shall not be used for the exhibition of any advertisement other than an advertisement of a class which is specified in column 1 of the said Part 2 and which complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1.

(b) Subject to article 9, development consisting of the erection of any advertisement structure for the exhibition of an advertisement of any one of the classes specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—

- (i) the area of such advertisement structure which is used for the exhibition of an advertisement does not exceed the area, if any, specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1,
- (ii) the advertisement structure is not used for the exhibition of advertisements other than advertisements of the class to which the exemption relates,
- (iii) further to section 57 of the Act, the advertisement structure is not erected on a protected structure, or a proposed protected structure save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2.

Article 9(1)(a): Development to which Article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of such development would –

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

Schedule 1 – Part 1 – Exempted Development

Class 11: The construction, erection, lowering, repair, or replacement, other than within or bounding the curtilage of a house of – (a) any fence (not being a hoarding or sheet metal fence) Subject to the following conditions and limitations:

1. The height of any new structure shall not exceed 1.2 metres, or the height of the structure being replaced, whichever is greater, and in any event shall not exceed 2 meters.
2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

Class 16: 'The erection, construction or placing on land on, in, over or under which, or land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out'.

Subject to the following conditions and limitations:

1. Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

Schedule 2 – Part 2 – Exempted Development

Class 1: 'Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.

Subject to the following conditions and limitations:

1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements

exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.

2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.

3. The total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.

4.(a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height.

(b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.

8. No such advertisement shall contain or consist of any symbol, emblem, model, logo, or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.

9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.

8.0 Previous Board References/Referrals

8.1. I have checked the Board's referral database and can find no previous Board decision which relates to the type of hoarding and advertising in relation to a similar site context.

9.0 Assessment

9.1. Preliminary Comments:

9.1.1. For clarity I note that the purpose of a referral is not to determine the acceptability or otherwise of the works to which this referral case relates in respect of the proper planning and sustainable development of the area, but rather whether or not the matter

in question constitutes development, and if so, does it fall within the scope of exempted development.

9.2. Is or is not development?

9.2.1. The first question for the Board to determine is whether the use of hoarding and advertising at Johnstown House Estate is or is not development.

9.2.2. In terms of assessing whether or not development has occurred at Johnstown House Estate Hotel in relation to the hoarding and advertising I consider that Section 2(1) of the Planning and Development Act 2000, as amended, is relevant. It sets out that “works” includes: “*any act or operation of construction, excavation, demolition, extension, alteration, repair, or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure*”. Of further relevance this section of the Act also provides the following definitions which are also in my view of relevance to this referral case: ‘advertisements’ which “*means any word, letter, model, balloon, inflatable structure, kite, poster, notice, device or representation employed for the purpose of advertisement, announcement or direction*”; “advertisement structure” which is given the meaning of: “*any structure which is a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements or any attachment to a building or structure used for advertising purposes*” and “structure” which is given the meaning of: “*any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of any structure so defined and – (a) where the context so admits, includes the land on, in or under which the structure is situate...’ and land ‘includes any structure ...’*”. The subject hoarding and advertising in its various guises in relation to the lodge blocks at Johnstown House Estate meet these definitions. They are attached and affixed to structures, including lodge blocks and sea shipping containers on land that was permitted and established as open space since the lodge blocks were completed on foot of the grant of permission P.A. Ref. No. TA/40538. The majority of the advertising I observed is in the form of an attached tarpaulin to sea shipping containers, but it is also attached to hoarding and ancillary structures that have been erected in the immediate vicinity as part of enclosures around lodges that are in private

ownership and not in the Referrers ownership. With the referrer owning thirty two of the forty lodges as well as the hotel complex.

- 9.2.3. In this case I consider that the erection of the hoarding and advertising structures involved acts of construction, excavation, alterations in order to erect, install and position them in place. This therefore meets the definition 'works' as set out under Section 2(1) of the said Act. With this conclusion of relevance given that Section 3(1) of the said Act, which defines development as the carrying out of any works on, in, over or under land and also the making of any material change in the use of any structures or other land.
- 9.2.4. In this context I therefore consider that works occurred and so development has occurred in relation to the hoarding and advertising subject of this referral case.
- 9.2.5. In my view there is also a question before the Board of whether or not any material change of use of any structure or land has occurred from the said hoarding and advertising development to which this referral case relates.
- 9.2.6. On this point I note that Section 3(2) of the said Act sets out for the purposes of subsection (1) and without prejudice to the generality of that subsection- (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, the use of the land shall be taken as having materially changed.
- 9.2.7. The hoarding and the advertising subject of this referral case are as said located on open space amenity permitted under P.A. Ref. No. TA/40538 and open space that was implemented in accordance with this grant of permission circa 2006/2007. Up until the erection of hoarding, advertising, and related structures the open space was maintained as part of the open space amenity around the lodge blocks and the larger hotel complex centred around Johnstown House. It is also of note that this open space included a hierarchy of spaces with the design including amenity spaces accessible immediately alongside the individual lodge units. With these containing hard standing for the occupants of the individual lodge units. These spaces were placed where maximum solar gain could be achieved and are therefore mainly positioned alongside the southerly elevations of the ten lodge blocks. The placement of the hoarding and advertising tarpaulin have also resulted in the functional recreational amenity values of these individual spaces for the lodges where they have been erected been

materially eroded to where they have no qualitative amenity value. With no definitive or arbitrary end point in time when the hoarding and advertising will be removed, and the open spaces impacted by them rehabilitated and returned to their permitted as well as established use. Further no compensatory amenity space has been provided to the lodges, which are outside of the applicant's legal interest, whose individual adjoining amenity spaces have effectively been eroded to having no qualitative functional use by the nuisances arising from the installation and erection of the hoarding as well as advertising around them. The primary nuisances being that they are significantly overshadowed and are enclosed by overbearing incongruous structures and fixtures.

- 9.2.8. It is also of note that the grant of permission P.A. Ref. No. TA/40538 related to the development of serviced lodges in a highly sensitive to change setting given their location to the rear of Johnstown House, a designated Protected Structure, within its curtilage which is its parkland setting. The grant of permission for the lodges had consideration and regard to the potential for them as new built insertions into this Protected Structures to adversely impact on this setting. The design of the lodges reflects the open character around buildings of built heritage merit within this parkland setting which has a clear building to space hierarchy of relationships. Further the Planning Authority in its notification to grant permission also sought to safeguard this sensitive to change setting by not only requiring the development to be carried out in accordance with Condition No. 1 which restricted this development to the plans and particulars submitted with this planning application and as amended by further information. But also sought to restrict future development on the land associated with the lodge application by for example restricting signage under Condition 5(b) with future signage requiring written agreement of the Planning Authority and Condition 5(a) restricting all external materials to be agreed in the interest of visual amenity.
- 9.2.9. The referrer has not demonstrated that they have the written agreement for any signage or signage associated structures in the open space area around the lodges permitted under P.A. Ref. No. TA/40538 or otherwise. Nor have they demonstrated that the hoarding and advertising is consistent with the agreed external palette of materials, treatments, and finishes.
- 9.2.10. Moreover, the parent permission for the hotel change of use, i.e., P.A. Ref. No. 99/833 also stated under Condition No. 17 that "*no advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on the site without a*

prior grant of permission". The stated reason for this condition is also given as being in the interest of visual amenity.

9.2.11. I also note that whilst the documentation provided by the Referrer does not specify a time where the works associated with the hoarding and advertising was carried out it would appear from the information available on file that they were provided circa 2021 and as such they are not a recent addition to the open space of this functioning hotel complex of buildings and spaces which in itself is a dynamic form and type of land use.

9.2.12. The referrer asserts the hoarding and advertising has arisen on site as a direct result of the need for temporary storage during refurbishment and maintenance works to the lodges. In addition, they also assert that the hoarding and advertising is required to prevent entry to the containers. Of concern there is no substantive physical or other tangible evidence to support that this is the case. It would also appear that for most of the containers that their open ends are not impeded by either the hoarding and/or advertising attached or affixed to them through to in their immediate vicinity.

9.2.13. Whilst it could be considered that hoarding could be a form of boundary around site works which as said there is no evidence of any having occurred or proposed in their vicinity. There is no necessity for advertising to be placed upon them. Particularly given that it is a type of development that was specified as requiring written agreement of the Planning Authority under P.A. Ref. No. TA/40538 and/or planning permission under the parent grant of permission P.A. Ref. No. 99/833. Further given the information provided on the main type of tarpaulin signage the carrying out of internal refurbishment and/or maintenance would not result in any new offer to customers of this hotel given that the lodges would remain as permitted serviced lodges within the grounds of Johnstown House Estate Hotel lettable by the Referrer. Moreover, some of the signage erected is also not necessarily advertising related and is intended for other purposes.

9.2.14. In conclusion

For there to have been development, there has – under the legislation – to either have been the carrying out of works and/or the making of a material change of use of land. It is evident that the provision of hoarding and advertising in this case did require the carrying out of works on the land in question. It is also evident that the hoarding and advertising on the land in question has involved a material change in its use. Taking

these considerations into account it is my opinion that the hoarding and advertising subject of this referral case is 'development' within the meaning of the Act.

9.3. Is or is not exempted development?

- 9.3.1. For the hoarding and advertisement to be exempted development, there must be a specific statutory provision providing for such exemption. The Referrer whilst accepting that the hoarding and advertising involved the carrying out of works assert that they are directly related to the refurbishment and maintenance of lodges within the Johnstown House Estate Hotel. They also asserted that the hoarding and advertising do not materially affect the appearance of the structures and spaces of where they have been provided. Therefore, they cannot be considered as being inconsistent in their appearance with structures in their vicinity, including Johnstown House, a Protected Structure. For these reasons they contend that the hoarding and advertising are 'exempt development' under Section 4(1)(h) and Section 57(1) of the Planning and Development Act, 2000, as amended. The Planning Authority did not concur with this conclusion as set out in this report above under Section 3.
- 9.3.2. In relation to Section 4(1)(h) of the PDA, I note that it states:- *“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”* In terms of the hoarding and advertising constitutes exempted development under the scope of this section of the PDA I raise concern that it has not been demonstrated to any satisfaction that they are either directly or indirectly related to the carrying out of works for the maintenance, improvement, or other alteration of any structure and works which affect only the interior of any of the lodge structure's within the Referrals control. In this regard, the documentation provides no robust evidence to support any of the alleged interior refurbishment and maintenance works of the referrer's thirty-two lodges. Further, the documentation provides no justification that even if there is a lack of evidence for refurbishment and maintenance works at the Referrer's lodges how the hoarding and advertising would be tangibly required for them. Through to the hoarding and advertisement are in proximity to lodges in private

ownership and are located at a greater lateral separation distance to the thirty two lodges in the referrer's ownership.

9.3.3. My second concern relates to the subject development when taken together with their associated structures materially affect and visually diminish the appearance, character, and legible functioning of the open space on which they are sited. In this regard, the hoarding is visually at odds with other boundary structures that are present in the vicinity of the lodges and within the wider setting of the lodges. Further, the advertising signage is not only a type of development that is restricted in this setting. A setting where it is limited to wayfinding and identifiers of the individual lodge units as such not functioning as advertising. It is in terms of its visual incongruity of the provision of such variable and large-scale advertising at a location whereby views of it are highly localised is visually overbearing given the similarity in height of many of the advertising tarpaulins with the eaves and in places above eaves height of the two storey lodge buildings. The signage is also visually at odds and inconsistent with the muted colour and material palette of external finishes that characterises the lodge blocks and other buildings as well as structures visible within their setting. Both the hoarding and advertising are also provided in an ad hoc and random fashion around lodges in private ownership whilst only neighbouring lodges that are in the Referrers ownership which are not enclosed by hoarding and advertising. Yet it is asserted that it is the lodges in the Referrers ownership that will at some arbitrary point in time be subject of refurbishments works. With this adversely impacting the legibility of the lodge blocks designed coherence when viewed from an open manicured landscape setting and clearly setting out the lodges that are in private ownership effectively being obscured from view.

9.3.4. In this context it has not been demonstrated that the hoarding and advertising relate to the interior of a structure that is the subject of works involving any 'maintenance, improvement or other alteration.' Also, the hoarding and advertising materially diminishes the lodges which are in closest proximity to them in a manner that is inconsistent with their designed and established character as well as in a manner that is inconsistent with the character of neighbouring lodge structures within this modest group of ten coherently designed and laid out lodge blocks containing forty lodge units within an open manicured landscape setting.

- 9.3.5. I also consider that Section 4(1)(h) of the PDA relates to works being carried out to structures and does not relate to works being carried out on lands. In this regard I again reiterate that Section 3(2)(a) of the PDA makes it clear that the use of land for the exhibition of advertisements is a material change of use of land, rather than works.
- 9.3.6. In relation to Section 57(1) of the Planning and Development Act, 2000, as amended, it sets out notwithstanding section 4(1)(a)(h) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of: a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest.
- 9.3.7. In this context, as set out above, the hoarding and advertisement is a type of development that is out of character with the building, structures, spaces through to building to space relationship permitted within the curtilage of Johnstown House. They are also a type of development that is restricted given the planning history pertaining of the site and in this case they also result in excessive visual clutter of unsympathetic structures and additions that together diminish the visual amenities, character, and qualities of this particular designated Protected Structures parkland setting which is a part of its overall special architectural interest.
- 9.3.8. Overall, the hoarding and advertising disrupt the evolution of buildings, structures, and spaces at Johnstown House and within its parkland curtilage in a manner that diminishes the visual setting of this Protected Structure by way of their visual incongruity.
- 9.3.9. Based on the above the hoarding and advertising at Johnstown House Estate Hotel which are the subject of this referral case do not constitute exempted development under the provisions of the Planning and Development Act, 2000, as amended.
- 9.3.10. **Is the hoarding and advertising exempt under the Planning & Development Regulations, 2001, as amended?**
- 9.3.11. Having regard to the definitions as set out in Section 2 of the Planning and Development Act, 2000, as amended, in relation to 'structure', 'advertisement' and 'advertisement structure'. In this case given the arrangement of hoarding and advertising together with other structures on site, I consider that hoarding is part of the

physical framework upon which the advertising signage of the Johnstown House Estate has in part been provided on. There are other types of signage present; however, this referral case relates to signage for advertising of the Johnstown House Estate. Notwithstanding, I consider the hoarding and advertising subject of this referral case are dependent upon one another and therefore would come within the definition of advertisement structure. That is to say a framework/device which is used or intended for use for exhibiting advertisements.

9.3.12. In relation to the hoarding in general I consider Class 11, Schedule 1, Part 1 – Exempted Development of the Planning and Development Regulations, 2001, as amended is therefore relevant.

9.3.13. Class 11 development relates to the construction, erection, lowering, repair, or replacement, other than within or bounding the curtilage of a house of – (a) any fence. In relation to fence it clarifies that it does not include hoarding or sheet metal fence. In addition, it states under condition and limitation no. 3 that the height shall not exceed 1.2m in the case of new structure. The hoarding therefore that is devoid of any specific advertising thereon is not exempted development under Class 11.

9.3.14. In relation to Class 16 Schedule 1, Part 1 – Exempted Development of the PDR, this I note relates to the *'erection, construction or placing on land on, in, over or under which, or land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out'*.

9.3.15. As discussed, the Referrer has provided no robust evidence to support that the hoarding and advertising is being carried out pursuant to a permission under the Act or as exempted development being development of structure and works that are temporarily needed in connection with that development during the period within which it is being carried out.

9.3.16. On this point I also note that the lodges, their associated structures, and spaces were permitted under P.A. Ref. No. TA/40538 in 2005 and were implemented soon thereafter. It would appear from the Third-Party observations received from private lodge owners impacted by the hoarding and advertising that they were completed and in use for occupation circa 2006/2007. With the hoarding and advertising sited on

permitted, as implemented, and as established open space amenity associated with the forty lodges.

9.3.17. Article 6(2)(b) of the regulations states that development consisting of the erection of such an advertisement structure for the exhibition of an advertisement of any one of the classes specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that the area of the structure to be used for the exhibition of an advertisement does not exceed the area, if any, specified in column 2 of the said Part 2 opposite the mention of that class in the said column.

9.3.18. Having regard to Schedule 2, Part 2 of the Planning and Development Regulations, 2001, as amended, Class 1 sets out that advertisement exhibited on business premises, wholly with reference to the business or other activity carried out on or the goods or services provided on those premises are exempted development subject to a number of specified conditions limitations. Despite the provision of detailed drawings and particulars of the hoarding and advertising it is evident from inspection of them on site that their built form, their dimensions, their overall nature, and scale are such that they conflict with the following conditions and limitations of Class 1.

- Firstly, condition and limitation 3 sets out that the total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres. It is noted that the manner in which the hoarding and advertising has been provided on site includes but is not limited to being affixed to exterior of lodge buildings. It is evident even without the provision of scaled drawings by the Referrer from the inspection of the site that the height and width of the advertisement structures exceed 3 square metres in its various contexts and therefore it does not meet this criterion.

- Secondly, condition and limitation 4(a) sets out that no part of such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited shall be more than 2.5 meters in height. The advertisement structures exceed this and in places appear to have a height of circa 4m. They therefore do not meet this criterion.

- Thirdly, condition and limitation 4(b) sets out that no part of such advertisement which is not exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level. The advertisement structure

exceeds this when one has regard to the standard dimensions of shipping containers stacked two high with their base raised off the ground alongside when compared to the overall building dimensions of the ten blocks of lodges as permitted. They therefore do not meet this criterion.

9.3.19. In addition, to conflicting with condition and limitation 3, 4(a) and 4(b) of Class 1 as a precautionary concern I also note that limitation no. 8 sets out that no such advertisement shall contain or consist of any symbol, emblem, model, logo, or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height. I am not satisfied based on the information provided by the referrer, the documentation contained in this file through to having conducting inspections of the site that the advertisements do not conflict with this condition and limitation as well.

9.3.20. Further condition and limitation no. 9 sets out that no such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed. I raise a concern that the manner in which the hoarding and advertisement has been provided on site includes situations where they form part of structures that wrap around shipping containers and screening structures that affix to the exterior of lodge buildings. When considered as a whole there are situations on site where there is very minimal lateral separation distance between them and window opening of lodges. On a side note, I accept that this in effect results in diminishment of daylight and poor-quality natural ventilation for the lodges in this situation.

9.3.21. In relation to Article 9(1) of the Planning and Development Regulations, 2001, as amended, it sets out a number of restrictions on exempted development with this including instances under which development in Part 1 is not exempted development. Of relevance in this case is Article 9(1)(i). This sets out that Development to which Article 6 relates shall not be exempted development where it would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

9.3.22. As set out previously the parent permission under Condition No. 17 restricted the provision of advertisement save without the benefit of a prior grant of permission.

- 9.3.23. In addition to this the grant of permission, P.A. Ref. No. TA/40538, as discussed previously included Condition No. 5(b) which required any signage to be submitted for the written agreement of the Planning Authority in the interest of visual amenities.
- 9.3.24. Moreover, the parent permission P.A. Ref. No. 99/833, under which the hotel use and associated alterations as well as additions were permitted, included Condition No. 17 which stated: “*no advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on the site without a prior grant of permission*” in the interest of visual amenity.
- 9.3.25. Based on the above a review of the conditions associated with the parent permission and subsequent permissions granted supports that the development subject of this referral case would contravene conditions attached to permissions granted under the Act and in the case of the uses indicated under P.A. Ref. No. TA/40538 and P.A. Ref. No. 99/833.
- 9.3.26. As the lands affected by the hoarding and advertising are part of the Johnstown House Estate Hotel, with this being a business use, I consider that the exemptions for boundaries in the curtilage of residential dwellings are not applicable in this case.
- 9.3.27. Accordingly, I am satisfied that the hoarding and advertising are not exempted development under the scope of the Planning and Development Regulations, 2001, as amended.

9.4. **Conclusion**

- 9.4.1. In conclusion, I am cognisant that the exempted development provisions exist to facilitate classes of development which would not offend against the principles of proper planning and sustainable development. In considering this referral case I have had regard to the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended. I have also examined referral cases determined by the Board in order to determine whether or not the existence of any similar precedents. I consider that in this case the development and the site context is in unique. In addition to this I have considered the planning history of the site and I have carried out two inspections of the site. Arising from my examination of this referral case I conclude that the hoarding and advertisement at the subject site is ‘development’ and is ‘not exempted development’ for the reasons set out in the assessment above.

9.5. Appropriate Assessment Screening

- 9.5.1. The proposal consists of hoarding and advertising in the setting of Johnstown House, a Protected Structure. I highlight to the Board that the referrer has not provided any detailed plans and particulars in relation to the same. They have also not provided any clarity on the manner in which surface water runoff would be collected from the structures associated with the hoarding and the advertisement tarpaulin. In addition, the shipping container structures used appear to predate that of being used on site and there appears to have been other works carried out as part of the overall development, including but not limited to excavation to erect the hoarding.
- 9.5.2. There is no drainage report on the case file.
- 9.5.3. I note that the development at its nearest point is located c.160m to the north and it would appear uphill of the Blackwater River. The site at its nearest point is located c948m to the south of Proposed Natural Heritage Areas: Royal Canal (Site Code: 002103). The settlement of Enfield and its hinterland lies together the M6 corridor lies in between.
- 9.5.4. In the absence of information indicating otherwise and despite the minor nature of the development there to be potential for surface water runoff to drain downhill towards the watercourse due to the overall footprint and area of the works. The nearest European Sites with a potential connection to the referral site (based on the principle of source-pathway-receptor) are the River Boyne and River Blackwater SPA (Site Code: 004232) and the River Boyne and River Blackwater SAC (Site Code: 002299) are situated c9.8km to the north west as the bird would fly. These European sites geographically overlap on another.
- 9.5.5. The qualifying interests of the aforementioned SAC are:
- Alkaline fens [7230]
 - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
 - *Lampetra fluviatilis* (River Lamprey) [1099]
 - *Salmo salar* (Salmon) [1106]
 - *Lutra lutra* (Otter) [1355]

- 9.5.6. In relation to the SPA the qualifying interests is the Kingfisher (*Alcedo atthis*) [A229].
- 9.5.7. The site-specific conservation objective for the SPA and SAC seeks the maintenance of the habitats and species at favourable conservation status at a national level.
- 9.5.8. Given the nature of the development, the significant lateral separation distance together with the nature of landscape in between despite the absence of an appropriate assessment screening report and/ or a natura impact statement, I consider that the Board can be satisfied that the proposal individually or in combination with other plans or projects would not result in an adverse effect on the integrity of either of these European Sites.

9.6. **Other Matters Arising**

- 9.6.1. **Enforcement of Unauthorised Development, Civil and Anti-social Behaviour:**
The observers in this appeal case raise issues that fall outside of the authority of the Board to deal with in this case. It is clear that as property owners they have had the peaceful enjoyment of their properties interfered with. This in my view is very visible during inspection of the site with their established residential amenities seriously injured by the manner in which the hoarding and advertising development has been carried out through to the significant duration of time since the development has occurred with no timeframe or assurance of end date for their removal. Notwithstanding, I am cognisant that the matter of enforcement of unauthorised development is one for the Planning Authority, which in this case is Meath County Council, to deal with as they see fit and all unauthorised development concerns of the observers should be referred to them to expediate a resolution to their current situation. Alongside this there are also clear civil matters that arise in this case that can only be resolved by agreement between the parties or in the civil courts. On this point I note that the Development Management Guidelines make this clear. In this regard, I note the provisions of Section 5.13 of the Guidelines which state ‘...the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the courts.’ Further matters such as anti-social behaviour, activities and other forms of harassment should also be directed to the Gardai to resolve.

- 9.6.2. **Depreciation of Property Values:** Given the nature of the development, the duration of time the hoarding and advertising have been in situ, the impact they have had on the residential amenities and visual amenities of the observers properties despite the lack of expert advice on property value it is clear from the evidence available on property values having regard to the depreciation of property values that occurred during the crash through to the current times where property values have by and large stabilised that there is merit in the observers contentions that a devaluation of their property values has arisen. With this added to by the disconnection of utilities and services upon which these properties are dependent upon for human occupation. This issue however falls outside of the authority of the Board to deal with in this referral case.
- 9.6.3. **Safety Concerns:** Safety concerns are raised by the observers in relation to the hoarding and advertising to which this referral case relates. Given the manner in which the construction has been carried out through to the materials used for the advertising I do not consider these concerns unreasonable given that in an adverse event such as fire the structures have been provided in close proximity to their properties and in cases obstructing window openings as well as limiting possible safe evacuation of their premises. There would also be a concern that the long-term disconnection of utilities including water and the manner in which this has been carried out. This is evident on site, and it is the case that where this has occurred property owners are dependent upon sourcing water in containers for use when they are in occupation of their properties. With water details for the forty lodges permitted under the grant of permission P.A. TA/40538. I raise a precautionary concern that it could be argued that the development subject of this referral case and the overall works that have been carried out on what was permitted open space through which water supply was obtained to the individual properties that there is also a conflict with this development and the water supply requirements of Condition No. 8. This therefore adds to the concerns already raised in the assessment above. In particular Article 9(1)(i) of the Regulations, which sets out that development to which Article 6 relates shall not be exempted development where it would contravene a condition attached to a permission under the Act.

10.0 Recommendation

10.1. Having regard to the above, I recommend that the Board should decide this referral in accordance with the following draft order:

WHEREAS a question has arisen as to whether the use of hoarding and advertising of the Johnstown House Estate is or is not development or is or is not exempted development:

AND WHEREAS Lefgem Limited requested a declaration on this question from Meath County Council and the Council issued a declaration on the 13th day of January, 2022, stating that the matter was development and was not exempted development:

AND WHEREAS Lefgem Limited referred this declaration for review to An Bord Pleanála on the 9th day of February, 2022:

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 3(2)(a) of the Planning and Development Act, 2000, as amended.
- (d) Section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- (e) Section 57(1) of the Planning and Development Act, 2000, as amended.
- (f) Article 6(1), 6(2) and Article 9(1)(i) of the Planning and Development Regulations, 2001, as amended.
- (g) Class 11 and Class 16 of Schedule 1, Part 1 of the Planning and Development Regulations, 2001, as amended.
- (h) Class 1 and Class 16 of Schedule 2, Part 2 of the Planning and Development Regulations, 2001, as amended.

- (i) The planning history of the site, and in particular P.A. Ref. No. 99/833 Condition No. 17 and P.A. Ref. No. TA/40538 Condition No. 5(b).
- (j) The character and pattern of development of the development's setting which includes forming part of the visual curtilage of Johnstown House, a Protected Structure, and its parkland setting,
- (k) The report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that the hoarding and advertising of Johnstown House Estate is 'development' and 'is not exempted development'.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning & Development Act, 2000, as amended, hereby decides that the hoarding and advertising of Johnstown House Estate **is development and is not exempted development.**

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Patricia-Marie Young
Planning Inspector - 6th day of October, 2023.