



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314544-22

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<b>Development</b>	Retention of 2 electronic signs and associated works
<b>Location</b>	Deerpark West Td, Deerpark Industrial Estate, Ennistymon, Co Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	22546
<b>Applicant(s)</b>	Daktonics Ireland Co. Ltd.
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Daktonics Ireland Co. Ltd.
<b>Observer(s)</b>	Dr. Stuart J. Woolley
<b>Date of Site Inspection</b>	25 <sup>th</sup> January 2023
<b>Inspector</b>	Liam Bowe

## 1.0 Site Location and Description

- 1.1. The subject site is located in the outskirts of the town of Ennistymon in West Clare, approximately 500m to the south-west of the town centre. The site is located on the western side of the local road approaching Ennistymon, which runs through Bogbere Street, Bridge Street (part of N67 national road) and onto the town centre. The site accommodates a large light industrial building which is used to manufacture electronic signage. There is a smaller light industrial unit on the site immediately to the south and Ennistymon Enterprise Centre is located approximately 70m to the southwest. There is no development immediately to the north or directly opposite the site on the eastern side of the local road.
- 1.2. The appeal site has a stated area of 1.36 ha. It accommodates the large light industrial unit, some surface car parking to the front, 75 no. car parking spaces for staff to the rear of the building, and two single storey storage buildings and a water storage tank also to the rear of the building. All vehicles circulate around the main building in a clockwise direction. On the day of my site inspection, some of the car parking spaces at the western end of the site were being used to store product. A low wall runs along the eastern / roadside boundary and the western and northern site boundaries are low natural stone walls. There is a low hedge planted along the shared southern site boundary.

## 2.0 Proposed Development

- 2.1.1. Retention of planning permission is sought for 2 electronic signs and associated support structures, all at Deerpark Industrial Estate, Ennistymon, Co. Clare.
- 2.1.2. One of the signs (signage 2) is located at the entrance to the front of the existing light industrial building. This sign is 6.5m in height. It is mounted on a 3m high steel pedestal with a 3.5m high x 3.97m wide dual sided digital display unit. The second sign (signage 1) to the rear of the building is 6.815m in height. It is mounted on two no. 2.5m high steel pedestals with a 4.015m high x 4.6m wide single sided south / inward facing digital display unit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. By order dated 11<sup>th</sup> August 2022 Clare County Council issued a notification to refuse permission for the following reason(s):

It is considered that the proposed signs for retention by virtue of their internal illumination, height, size, and nature (electronic variable messaging signs) at an elevated and visually prominent location on the outskirts of Ennistymon in a semi rural setting, would form an incongruous feature in the landscape, would be contrary to the standards for signage as set out in Section A1.10.1 of the Clare County Development Plan 2017-2023, as varied, and would therefore be seriously injurious to the visual amenities of the area. The proposed retention, if permitted, would also set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Report**

The Planning Officer stated that the location of the site is located in an area zoned as 'Industrial' within the settlement of Ennistymon under the Clare County Development Plan 2017-2023. The Planning Officer outlined the planning history, noted the contents of the third party submission, stated that the retention of the signs would be contrary to policy and detrimental to the visual amenities of the area and recommended that permission should be refused, which is reflected in the decision of the planning authority.

Appropriate Assessment Screening was carried out and concluded that there is no likely potential for significant effects to any Natura 2000 site.

#### **3.2.2. Other Technical Reports**

None.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

One submission was received, and the issues raised are generally similar to those referenced in the observation on this appeal. These include concerns regarding the visible nature and character of the signs in the countryside. It was also contended that the signs are unauthorised.

## 4.0 Planning History

### 4.1. Appeal site:

**P.A. Ref. No. 16/378:** Permission granted to construct first floor office extension area, new 4 No. additional windows to existing northern elevation along with all site works and internal and external alterations to existing light industrial unit.

**P.A. Ref. No. 18/645:** Permission granted for 1) change of use from creche to offices, 2) construct an extension to the factory including tracking for mobile gantry crane, 3) extend car parking to rear, 4) construct new sub-station and water storage tank, 5) remove existing water storage tank and water storage pond including all associated site works services.

**P.A. Ref. No. 19/766:** Permission granted for 1) to construct an external rainscreen canopy and crane to loading bay 2) extend southern road to include a new truck turning head area and retaining wall structure 3) realign front car parking and walls to allow for traffic movement 4) modification to existing planning ref: P18-645 by omission of windows on proposed factory extension south elevation, and raising of proposed extension parapet height by approx. 1000mm 5) retention permission of new relief road and pathway to north of existing buildings 6) retention permission of new ground floor window on easterly facade 7) new window to office block (east elevation), including all associated site works and services

**UD-21-130:** Warning letter issued to Daktronics Ireland Co. Ltd.

## 5.0 Policy Context

### 5.1. Clare County Development Plan 2023-2029

The Board should note that the Clare County Development Plan 2023-2029 came into effect on 20<sup>th</sup> April 2023.

5.1.1. Ennistymon is designated as a service town in the Development Plan due to its role as an important service centre in the Municipal District and due to its role as a driver of growth for the surrounding hinterland. **Objective CDP 4.5 Service Towns** in the Development Plan states that it is an objective of Clare County Council “To ensure that the Service Towns are individual drivers of growth and prosperity for their respective catchments, by consolidating their administrative, retail and service bases, protecting and enhancing their distinctive town centre characteristics and natural landscape settings, and maximising their role for sub-regional growth.”

5.1.2. The appeal site has a land use zoning of ‘Industry’. Section 19.4 of the Development Plan states:

“The use of land for industry uses shall be taken to include the use for industrial processing or manufacturing of a scale and nature where there is significant goods manufacturing and related uses. Uses of this nature may result in the generation of emissions.”

### 5.1.3. Appendix 1 Development Management Guidelines

#### A1.7.1 Signage – General

All proposals for signage shall:

- Not compromise road safety;
- Not be internally illuminated;
- Be of high visual quality in terms of design, colour and material;
- Be of a scale/character suitable to the building and the host environment;
- Not interfere with windows or other facade features or project above the skyline;
- Not detract from built or natural heritage;

- Comply with the shop front policies contained in this Plan;
- Comply with the TII Road Signage Guidelines;
- Be attached to a wall, pole or other solid structure – free standing signs will generally not be permitted;
- Where advertising is already a feature, prevent an impression of clutter in any location; and
- Ensure that the use of electronic variable messaging signs (VMS signs) is reserved strictly for use in roadwork activities, hazard information and/or as part of an approved event traffic management plan.

## 5.2. **Volume 3d West Clare Municipal District**

### 5.2.1. Employment and Enterprise in Ennistymon

“Ennistymon has a diverse economic base supported by industry, tourism and agriculture. Daktronics (formerly Data Display) is a key employer in the town and there is also an enterprise centre in the town.”

## 5.3. **Natural Heritage Designations**

- 5.3.1. The site is not located within any designated site. The closest Natura 2000 site is the Inagh River Estuary SAC (Site Code: 000036) which is located approximately 420m to the north of the appeal site.

## 5.4. **EIA Screening**

The development is not a class of development for which an EIA is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal are submitted by the first party, Daktronics Ireland Co. Ltd., Deerpark Industrial Estate, Ennistymon, Co. Clare and the main points made can be summarised as follows:

- State that the reason for the sign to the front of the building is to portray a positive corporate image for incoming visitors.
- State that the reason for the sign to the rear of the building is to show corporate clients the capability of the sign in exterior settings.
- State that the signs are located in an industrial zone within the settlement boundary of Ennistymon.
- State that the signs are operated Monday to Friday 8am to 5pm and, therefore, cast no lights at night.
- Contend that the sign to the front of the building would cast light towards Ennistymon during the day but would not cast light in the direction of the observer's house.
- Contend that the sign to the rear of the building would cast light toward the south, in the opposite direction to the observer's house.
- Contend that the signs cannot be seen from the Main Street in Ennistymon.
- Contend that the signs do not compromise road safety; are of high visual quality in terms of design, colour and material; do not detract from the built or natural heritage; and are not visually exposed.

### 6.2. Planning Authority Response

6.2.1. The planning authority considers that, notwithstanding the industrial zoning of the site and the nature of the activity on the site, the retention of the two signs does not comply with the policy that states 'electronic variable messaging signs are not generally permitted'. The planning authority does not consider the signs to be

appropriate abutting the rural countryside and considers that the technical capability of the signage is better demonstrated at a trade show or other indoor venue.

### **6.3. Observations**

6.3.1. An observation was submitted by Dr. Stuart J. Woolley, Lissatunna, Newtown, Ennistymon, Co. Clare and the main points made can be summarised as follows:

- Contends that the size and nature of the sign is more suitable for a city centre location rather than on a hill-top in a rural town such as Ennistymon.
- Contends that the sign is an eyesore and is visible from the Main Street in Ennistymon and from across the river valley.
- Agrees with Clare County Council that permission for the sign would set a dangerous precedent.

## **7.0 Assessment**

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of Development
- Visual Amenity
- Appropriate Assessment

### **7.1. Principle of Development**

7.1.1. The appeal site has a land use zoning of 'Industry' under the Ennistymon settlement plan in the Clare County Development Plan 2023-2029. Under the land use zoning matrix in the Development Plan, advertisement structures are 'Open to consideration', but subject to particular considerations for example, compatibility with adjoining uses, scale or whether or not the proposal is prejudicial to the amenities of an area or the residential amenities of an adjoining property.

7.1.2. In this instance, the development for retention is also subject to compliance with the development management standards for signage outlined in section 5.1.3 of this report per Appendix 1 of the Development Plan under A1.7.1 Signage – General. I



consider the principle of signage on the appeal site to be acceptable, subject to the detailed consideration about impact on the visual amenity of the area below.

## 7.2. Visual Amenity

7.2.1. In relation to reason for refusal issued by the planning authority in their notification of decision, I consider the planning authority's concerns to be two-fold and that the planning authority consider the signs for retention:

- a) To be contrary to the standards for signage as set out in Section A1.10.1 of the Clare County Development Plan 2017-2023, as varied, and
- b) By virtue of their internal illumination, height, size, and nature (electronic variable messaging signs) at an elevated and visually prominent location on the outskirts of Ennistymon in a semi-rural setting, would form an incongruous feature in the landscape.

7.2.2. The Board should note, and as outlined in the policy section above, that the Clare County Development Plan 2023-2029 came into effect on 20<sup>th</sup> April 2023. The Board should also note that all of the development management standards for signage contained in Section A1.10.1 of the 2017-2023 Development Plan are contained within Section A1.7.1 of the recently adopted Development Plan. The two relevant parts of these standards remain applicable under the new plan and state that all proposals for signage shall:

- Not be internally illuminated, and
- Ensure that the use of electronic variable messaging signs (VMS signs) is reserved strictly for use in roadwork activities, hazard information and/or as part of an approved event traffic management plan.

7.2.3. The drawings submitted to the planning authority do not indicate that the signs are electronic in nature although the electronic nature of the signs is stated in the development description and public notices. Following my site inspection, I can confirm that signage 2 indicated on the site layout plan is a dual sided electronic sign that faces both north and south at the entrance to the appeal site. I also confirm that signage 1 to the rear of the building is electronic in nature but only single sided and south facing.

- 7.2.4. Signage 2 at the entrance to the appeal site is 6.5m in height and mounted on a 3m high steel pedestal with a 3.5m high x 3.97m wide dual sided digital display unit. It is sited 7.255m to the west of the road boundary and the level of the base of the pedestal supporting the sign is approximately 1.5m above road level. Consequently, I consider that the sign due to its height, scale and being illuminated on two sides is extremely prominent on both approaches to the appeal site and out of character with its semi-rural setting.
- 7.2.5. I also note the concerns about this prominence and visibility outlined in the observation on this appeal. On the day of my site inspection, I walked the Main Street in Ennistymon in order to assess the visibility and prominence of the sign from that location. I was unable to see the sign from the Main Street, but I confirm to the Board that this sign, given its electronic / illuminated nature, is visible and I consider prominent when viewed further to the north from Church Street i.e., along the street between St. Andrew's Church and the Supervalu supermarket. Consequently, I agree with the observer and the planning authority, and I consider that this sign does form an incongruous feature in the landscape and is in direct conflict with the development management standards outlined in the Development Plan.
- 7.2.6. As stated earlier in this report, Signage 1 to the rear of the building is 6.815m in height and mounted on two no. 2.5m high steel pedestals with a 4.015m high x 4.6m wide single sided south / inward facing digital display unit. The planning authority and observer on this appeal also outlined similar concerns regarding the highly visible and prominent nature of this sign.
- 7.2.7. I note the first party's reason for needing this sign to the rear of the building is to show corporate clients the capability of the sign in exterior settings. On the day of my site inspection, this sign was not illuminated and not in use. I also note that the planning authority considers that the technical capability of the signage would be better demonstrated at a trade show or other indoor venue. However, I consider it reasonable that a sign manufacturing facility would have a means of demonstrating their product on-site to prospective customers, subject to the considerations outlined in section 7.1.1 above.
- 7.2.8. I confirm to the Board that this sign was not visible from the Main Street or Church Street in Ennistymon. I consider that the support structure for this sign is framed

within the existing buildings / structures on the appeal site when viewed from the north and, consequently, this sign does not form a prominent feature on the landscape. I was able to observe intermittent views of the sign from the local road to the south of the appeal site but, similarly, the sign is framed by the existing building / structures on the appeal site and the views of the sign are somewhat obscured by the vehicular parking between the sign and this local road.

7.2.9. On this basis, I consider that this sign does not form an incongruous feature in the landscape and, given its use for demonstration purposes only associated with the authorised manufacturing use on the appeal site, does not conflict with the development management standards outlined in the Development Plan. I note the first party's willingness to accept a condition limiting the hours of operation for both signs. Given the practical use of this sign and that it serves no purpose other than to show corporate clients the capability of the sign in exterior settings, I consider that limiting the use of this sign to daytime hours would prevent possible adverse visual impacts that the sign could have during the evening hours when it would be more visible from the wider countryside to the south of the appeal site.

7.2.10. In conclusion, I consider that signage 2 would conflict with the development management standards in the Clare County Development Plan 2023-2029, would be highly prominent and visible, and would form an incongruous feature on this semi-rural landscape. However, I consider that signage 1 is for demonstration purposes and not the normal use associated with signage. Consequently, I consider that this sign does not conflict with the development management standards and given the setting of the sign and the more limited and obscured nature of the views to this structure, that it would not form an incongruous feature on the landscape. On this basis, I recommend that the Board refuse permission for retention of signage 2 to the front of the building and grant permission for signage 1 to the rear of the building, subject to the conditions outlined above.

### 7.3. **Appropriate Assessment**

7.3.1. The nearest designated European site is located approximately is the Inagh River Estuary SAC (Site Code: 000036) which is located approximately 420m to the north of the appeal site. Having regard to the nature and scale of the development which relates to the retention of two signs on site and the nature of the receiving

environment together with the separation distance to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or on combination with other plans or projects on a European site.

## 8.0 Recommendation

I recommend a **Split Decision**:

Permission be granted for the retention of signage 1 for the following reasons and considerations, subject to conditions.

Permission be refused for the retention of signage 2 for the reason stated below.

## 9.0 Reasons and Considerations

Having regard to the design, siting to the rear of the main building, and nature of the use of the sign (signage 1) in association with the display of goods and operation of the permitted use on the overall site, it is considered that, subject to compliance with the conditions set out below, the development would not adversely impact on the visual amenities of the area, would be consistent with the provisions of the Clare County Development Plan 2023-2029, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development (signage 1) to the rear of the building on the site shall be retained 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 and the development shall be retained in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The sign shall only be operated between the hours of 8am to 5pm, Monday to Friday.</p> <p><b>Reason:</b> In the interest of clarity and the visual amenity of the area.</p>
3.	<p>The sign shall be solely for purposes of the display of goods in association with the operation of the permitted use on the overall site and shall not be used for other type of industrial, business and/or commercial purposes.</p> <p><b>Reason:</b> In the interest of clarity and the proper planning and sustainable development of the area.</p>
4.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the internal/external illumination, shall be the subject to a separate application for permission to the planning authority.</p> <p><b>Reason:</b> To enable the planning authority to ass the impacts of any such changes on the amenities of the area.</p>

## 11.0 Reason for Refusal

It is considered that the sign (signage 2) for retention to the front of the building by virtue of its internal illumination, height, size, and nature (electronic variable messaging signs) at an elevated and visually prominent location on the outskirts of Ennistymon in a semi-rural setting, would form an incongruous feature in the landscape, would be contrary to the standards for signage as set out in Section A1.7.1 of the Clare County Development Plan 2023-2027. The proposed retention, if permitted, would also set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area. The development, therefore, seriously injures the visual amenities of area and is contrary to the proper planning and sustainable development of the area.

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.

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Liam Bowe  
Senior Planning Inspector

11<sup>th</sup> May 2023