



An
Bord
Pleanála

Inspector's Report ABP-317175-23

Development	Replacement of existing displays with two digital advertising displays.
Location	Western side of the Cork Road and Inner Ring Road Roundabout, Kingsmeadow, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2389
Applicant(s)	Julie Mulleady
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Julie Mulleady / JC Decaux Ireland Limited
Observer(s)	None on file
Date of Site Inspection	29 th September 2023
Inspector	Sarah Moran

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Waterford City and County Development Plan 2022-2028.....	5
5.2. Natural Heritage Designations	8
5.3. EIA Screening	9
6.0 The Appeal	9
6.1. Grounds of First Party Appeal	9
6.2. Planning Authority Response to First Party Appeal.....	11
6.3. Observations	11
6.4. Further Responses.....	11
7.0 Assessment.....	11
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	14
10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The site is an existing V shaped static advertising display (6.369 m x 2.248m) on the western side of the Cork Road, close to the Kingsmeadow Roundabout at the junction of the Cork Road and Inner Ring Road at Kingsmeadow, Waterford City.

2.0 Proposed Development

- 2.1. Permission is sought to replace the existing static advertising displays and support structure with two digital displays, support structures and associated works including an electrical box pillar at ground level and new boundary treatment comprising railings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City and County Council (WCCC) issued a notification of a decision to refuse permission on 8th May 2023, for the following stated reason:

Having regard to the location of the application site at the Cork Road, and in close proximity to the Kingsmeadow Roundabout, it is considered that the proposed development which includes for digital advertisement display units, would represent a distraction to road users approaching a significant transport junction. Furthermore, it is considered that the proposed development would negatively impact on the amenities of the area, which is a main approach route to Waterford City Centre. The proposed development would, therefore, endanger public safety by reason of traffic hazard, and would seriously detract from, the amenities of the area and as such would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

WCCC Executive Planner, 3rd May 2023, recommends refusal.

WCCC Habitats Directive Project Screening Assessment, 3rd May 2023 (appendix to planning report). No likelihood of significant effects on Natura Sites.

3.2.2. Other Technical Reports

Comment of WCCC District Roads Engineer, 3rd May 2023:

- Against permission for the proposed development
- The development would be too much of a distraction for drivers coming into a significant junction and will lead to accidents.

3.3. **Prescribed Bodies**

- 3.3.1. Submission of Transport Infrastructure Ireland (TII), 24th March 2023. States that TII has no observations to make.

3.4. **Third Party Observations**

- 3.4.1. None on file.

4.0 **Planning History**

4.1. **Reg. Ref. 00/228 PL 31.120521**

- 4.1.1. Permission refused by the planning authority and by the Board on appeal for the replacement of one 6m x 3m static advertising panel with one 6m x 3m "trivision" advertising panel. The Board refused permission for the following stated reason:

The proposed trivision advertising panel, which would replace an existing static sign on the N25 National Primary Route directly on the approach to a heavily-trafficked roundabout, would, by reason of its regularly changing images, cause a distraction to motorists at this location and would, therefore, endanger public safety by reason of traffic hazard.

- 4.1.2. This is the most recent planning history relating to the development site, with previous permissions for advertising signage at this location dating back to 1975 (see WCCC planning report on file).

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

- 5.1.1. The site is subject to the zoning objective GB General Business. To provide for and improve General Business uses; this includes suburban district retail and local neighbourhood centres.
- 5.1.2. The site is within 100m of the Transport Objective: Proposed Active Travel and / or Public Transport.
- 5.1.3. The site is partly located within Flood Zones A and B.
- 5.1.4. Development plan Volume 2 Development Management Standards. The following policy objectives relating to advertising signage and hoardings are noted:

Development Management DM 20

- *The size and scale of signs should not conflict with existing structures in the vicinity;*
- *The size, form, scale, illumination, appearance and its proximity to existing advertising signage avoids the creation of visual clutter and a reduction to the character of the area;*
- *Large scale commercial advertisement structures are not acceptable on or near buildings of architectural or historical importance, in parks/ open public space, Architectural Conservation Areas and in areas of high amenity, and in residential areas;*
- *Signs will not be permitted if they compete with road signs or otherwise endanger traffic safety;*
- *Free standing signs will generally be resisted;*
- *Signs should not interfere with windows or other façade features or project above the skyline;*
- *Signs attached to buildings are preferable to those on freestanding hoardings;*
- *Signs should not exceed 5.4 sq.m;*

- *Digital advertising may be permitted, in certain locations subject to design, size, detail, and level of illumination and the above criteria;*
- *As with shopfront design, Waterford City & County Council will require commercial interests, especially chain outlets, to restrain the use of their corporate image advertising where these are considered to be too dominant; and,*
- *Bus and taxi shelters incorporating advertising panels shall be carefully sited and shall not impact on vehicular sightlines or the safe movement of all street/road users.*

Development Management DM 21

- 1. Signs will only be considered where an advertising “need” can be demonstrated. In this context the term “need” relates to the requirements of the travelling public and not the desire of the applicant to advertise as widely as possible. Each such need will be assessed on its merits. In relation to public institutions, Waterford City & County Council will determine the necessity for directional signs;*
- 2. Fingerpost signage is the preferred type of advertisement structure. Other types of advertisement structures will be discouraged unless a “need” can be demonstrated;*
- 3. Applications for advertisement structures will be refused where they give rise to a potential traffic hazard. In general, advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety;*
- 4. Applications for advertisement structures along national routes and along approach roads to towns and villages will generally not be permitted except for tourist attractions of national or regional importance. All such signage will require the written consent of the National Roads Authority, where appropriate;*
- 5. 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 Waterford City & County Council;*

6. *The number of advertisement structures that will be permitted on any one pole will be strictly limited by Waterford City & County Council. In the event of multiple applications for advertisement structures at any particular location, priority will be given to approved applicants on a first come first served basis;*
7. *Applications for advertisement structures shall comply with the requirements of the “Traffic Signs Manual” published by Department of the Environment, Community and Local Government and the “Policy on the Provision of Tourist and Leisure Signage on National Roads” published by the National Roads Authority in 2011 (or any such other relevant standards and legislation that may be enacted). All lettering, logos and symbols are subject to the approval of Waterford City & County Council. In general, the use of the standard brown background and white lettering will be preferred Furthermore the Planning Authority will have regard to the provisions set out in Section 3.8 ‘Signage’ of the ‘Spatial Planning & National Road Guidelines (2012)’ in relation to signage proposals affecting national roads in particular the requirement to control the proliferation of non-road traffic signage on and adjacent to national roads; and,*
8. *The use of electronic variable messaging signs commonly known as “VMS signs”, shall be reserved strictly for use in roadwork activities, hazard information and or as part of an approved event traffic management plan. Advanced written consent of Waterford City & County Council will be required prior to installation and use of such signage.*

Development Management DM 22

- *Outdoor advertising hoardings shall not be permitted where it would detract from the visual quality of the setting of protected structures;*
- *In all other cases, regard to the visual impact of a proposed advertising hoarding and potential of traffic hazard arising from same will be imperative;*
- *The scale of display panels must be related to the scale of the buildings and streets in which they are located;*
- *Where illuminated hoardings are proposed, their effect on the streetscape during the hours of darkness and on the amenities of the area will be considered;*

- *Display panels may form part of the visual screening around building sites or sites waiting re-development. In such cases, temporary permissions will be considered where appropriately sized panels form an integral part of an overall boundary treatment and do not comprise more than half of the total surface area of such treatment;*
- *As a general rule, planning permissions for outdoor advertising will be limited to a maximum of three years in the first instance, to enable the position to be reviewed by Waterford City & County Council in light of changing circumstances at the end of that period; and,*
- *The number and scale of hoardings in the vicinity of the site will be a material consideration.*

Development Management DM 23

- *The type of illuminated signs, internally or externally illuminated, individual letters/neon tubes, should be determined by consideration of the design of the building and its location.*
- *The design of an illuminated sign should be sympathetic to the building on which it is to be displayed. It should not obscure architectural features such as cornices or window openings in the area. On new buildings they should be part of the integral design.*
- *The daytime appearance when unlit will be considered;*
- *Sky signs, i.e. signs which project in any part above the level of a building parapet or obtrude on the skyline, are regarded as objectionable in principle and will not be permitted;*
- *Neon tubular strip lighting is generally not acceptable; and,*
- *The number of illuminated signs in the area*

5.2. Natural Heritage Designations

5.2.1. The following distances to designated sites are noted, having regard to the WCCC Habitats Directive Screening Assessment on file:

- 2.7 km northwest of the Williamstown Gold Course Ponds – 52 Wetlands Area

- 1.89 km south of the Lower River Suir SAC (002137)
- 11.76 km east of the Clodagh (Portlaw) Fresh Water Pearl Mussel Catchment Area
- 8.18 km north of the Tramore Back Strand SPA (004027)
- 165.84m west of the Johns River, a tributary of the Suir

5.2.2. Having regard to the nature and scale of the proposed development at serviced lands in a built up area within Waterford City, and the separation distances to European Sites, I do not consider that the proposal would be likely to significantly impact the qualifying interests of European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. The WCCC Habitats Directive Project Screening Assessment on file, dated 3rd May 2023, is also noted in this regard.

5.3. **EIA Screening**

5.3.1. Having regard to the nature of the development, being the replacement of an existing advertising signage structure, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 **The Appeal**

6.1. **Grounds of First Party Appeal**

6.1.1. The main points made in the grounds of appeal may be summarised as follows:

- The proposed development is to replace an existing advertising structure that has been in place since the 1970s. The new display will have the same position and orientation as the existing structure but will improve the overall site presentation through the introduction of railings and a replacement gate.

- The proposed advertising signage is acceptable in principle under the GB General Business zoning objective and is consistent with the OS Open Space zoning objective areas around the site.
- The development site is located within a 'Least Sensitive' scenic classification under the development plan Landscape and Seascape Assessment. The development would not have any adverse impact on the character of the area, or on the natural or built environments.
- The proposed design is sympathetic to the nearby surrounding environment including the Aldi supermarket and retail units on the opposite side of the roundabout as well as the Waterford Regional Sports Centre.
- It is submitted that the applicant has already removed a number of long established displays in Waterford City, which were located at more residential / sensitive locations. The development will rationalise advertising signage in the wider context of Waterford City.
- The subject site is located in an area zoned E3 – Suburban under the Professional Lighting Guide 05 (PLG 05): Brightness of Illuminated Advertisements published by the Institution of Lighting Professionals, known as the ILP Guide. The maximum recommended illuminance for displays up to 10 sq.m. is 600 cd/sq.m. at night in the E3 zone. The proposal will not exceed this criterion and the applicant is happy to accept a condition imposing a limit of 300 cd/sq.m. between the hours of dusk and dawn.
- Transport Infrastructure Ireland has made no objection to the development.
- The existing advertising structure has been in place for almost 50 years with no evidence of any accidents having occurred as a result of its presence. The planning report on file provides no evidence based justification for the assertion that the development would represent a distraction to road users.
- The appeal refers to reg. ref. D20A/0045, under which permission was granted by Dun Laoghaire Rathdown County Council for a similar development at Loughlinstown Roundabout in Dublin, involving the replacement of a digital advertising display of similar dimensions as the proposed structure. Photographs

of the permitted and completed structure are submitted with the grounds of appeal.

6.2. Planning Authority Response to First Party Appeal

6.2.1. The following points are noted from the planning authority response to the appeal:

- The planning authority considers that the substantive issues raised in the grounds of appeal are assessed in the planning reports on file.
- WCCC Road Section considers that the proposed display would represent a distraction to road users approaching a significant transport junction. The planning authority therefore considers that the development would endanger public safety by reason of traffic hazard.
- The planning authority further considers that the development would have an adverse impact on the amenities of the area.

6.3. Observations

6.3.1. None on file.

6.4. Further Responses

6.4.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of the Waterford City and County Development Plan 2022-2028, which came into effect on 19th July 2022. I have also carried out a site inspection. I consider that the main issues are those raised in the planning report on file and the stated refusal reason, i.e. impacts on amenities and traffic hazard. Overall, I am satisfied that no other substantive issues arise. The proposed advertising structures are acceptable in principle under the relevant GB General Business zoning objective and will replace an existing advertising structure at this location. While I note that the development site is partly located within Flood Zones A and B, I do not consider that the proposed

replacement of an existing advertising structure raises any issues in terms of potential flooding impacts.

- 7.2. The development involves the replacement of the existing V shaped hoarding structure with a new structure containing two digital displays. The applicant's documentation on file provides the following comparison between the dimensions of the existing and proposed structures at the site:

Item	Existing	Proposed	Difference in Size
Overall height of structure above ground level	4.43m	6.7m	2.27m
Overall width of advertising displays	6.39m	6.28m	-0.11m
Height of advertising displays	3.34m	3.40m	0.06m
Depth of displays	0.255m	0.303m	0.048m

The associated works include the provision of an electrical box pillar at ground level.

- 7.2.1. The WCCC refusal reason states that the development would negatively impact on the amenities of the area, which is a main approach route to Waterford City Centre. The site has a prominent location adjacent to the Kingsmeadow Roundabout, a busy traffic junction. The area is mixed in character with residential areas nearby to the north, a standalone supermarket to the southwest, Waterford Regional Sports Centre to the west and mixed commercial uses to the northeast. The site is not within any designated view, nor is it close to a protected structure, Residential Conservation Area or other area of high amenity.
- 7.2.2. I note the relevant development plan objectives set out above in particular Objective DM20, which states that signs should not exceed 5.4 sq.m. The overall size of the proposed structure is significantly greater than that at 21.352 sq.m., notwithstanding that it will replace an existing structure of a similar size. The development is to replace an existing long established advertising structure. The proposed replacement structure is 2.27m higher than the existing hoarding and provides digital displays on both sides. I consider that the development will have a significantly greater visual impact than the existing advertising hoardings, notwithstanding the submissions of the applicant with regard to the level of illumination.

7.2.3. In terms of the related issue of traffic hazard, I note the comment of WCCC District Roads Engineer (3rd May 2023), which recommends refusal on the basis that the development would be too much of a distraction for drivers coming into a significant junction and will lead to accidents. Due to the increased height and digital display of the proposed structure, I concur with the view of WCCC Roads Department and consider that the digital display in particular will create a distraction for drivers and other road users at a busy roundabout. I also consider that the development will contravene development plan Objective DM 20 as it will endanger traffic safety. In addition, development plan Objective DM 21 states that signs will only be considered where an advertising “need” can be demonstrated, relating to the requirements of the travelling public and not the desire of the applicant to advertise as widely as possible. I do not consider that the applicant has provided adequate justification for the proposed advertising signage in this context. Objective DM 21 further states that, in general, advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety and that advertisement structures will generally not be permitted along national routes and approach roads to towns and villages except for tourist attractions of national or regional importance.

7.2.4. I consider that the development will result in a traffic hazard and will contravene development plan objectives DM 20 and DM21, having regard to its overall height and scale and to the proposed introduction of digital displays. The proposed advertising signage will also be higher and more visually prominent than the existing structure at the site and I therefore also consider that it will have an adverse impact on visual amenities.

8.0 Recommendation

8.1. Having regard to the above assessment, I recommend refusal for the reasons and considerations stated below.

9.0 Reasons and Considerations

Having regard to the location of the application site at the Cork Road, and in close proximity to the Kingsmeadow Roundabout, it is considered that the proposed development which includes for digital advertisement display units, would represent a distraction to road users approaching a significant transport junction. Furthermore, it is considered that, due to the increased height of the structure and the inclusion of digital display, the development would negatively impact on the amenities of the area, which is a main approach route to Waterford City Centre. The proposed development would, therefore, contravene development plan objectives DM 20 and DM21, would endanger public safety by reason of traffic hazard, and would seriously detract from, the amenities of the area and as such would be 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.

Sarah Moran
Senior Planning Inspector

3rd October 2023