



An
Bord
Pleanála

Inspector's Report

ABP-319413-24

Development

Erect a new stainless steel and glass bus shelter (5.2m X 1.85m x 2.8m high) with 1 no. double sided advertising display on the public footpath. One side of the advertising display is to be a 75 inch digital display and the other side is to be a static 6-sheet illuminated display with an area of 2sqm, along with all associated site works and services.

Location

Bus Stop 430, Sydney Avenue, Mount Merrion Avenue, Blackrock, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D24A/0031

Applicant(s)

National Transport Authority.

Type of Application

Permission.

Planning Authority Decision

Grant, subject to conditions.

Type of Appeal	Third Party
Appellant(s)	Peafield lane Residents Association.
Observer(s)	Three observations, see Section 6.4.
Date of Site Inspection	21 st May 2024
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to a bus stop located on the southern side of Mount Merrion Avenue in Blackrock. The existing bus stop is located at the eastern end of Mount Merrion Avenue, close to the junction with Sydney Avenue and opposite Pea Field Lane. Mount Merrion Avenue connects the N11 with the Rock Road, at the northern end of Blackrock Village. Mount Merrion Avenue is a substantial tree lined street served by several bus routes and cycle lanes in both directions.
- 1.2. The surrounding area is predominantly residential in nature, being a well-established suburban area. The houses on the opposite side of this stretch of Mount Merrion Avenue are all protected structure. There is also a row of houses that are protected structures to the east of the appeal site on the same side of Mount Merrion Avenue, between Sydney Avenue and Frascati Park. The southern boundary is marked by a crenelated stone wall, marking the boundary with 56 Sydney Avenue and the single storey building immediately adjacent. There is currently no shelter in place at this bus stop, which is marked solely by a standard bus stop pole/sign with timetable, a wooden bench, and a bin.

2.0 Proposed Development

- 2.1. Planning permission is sought for the installation of a bus shelter with a double sided advertising display. The bus shelter would be finished in stainless steel and glass and would measure 5.2m in width, 1.85m in depth and 2.8m in height. The advertising display would be a 75 inch digital display on one side and a 2sqm six sheet static display on the other. The bus shelter would also incorporate a small electricity box, digital real time passenger information, and a standard information board.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Dún Laoghaire-Rathdown County Council on the 4th of March 2024, subject to four standard conditions.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The subject site forms part of the public realm. The Planner's Report notes that this is under the responsibility of Dún Laoghaire-Rathdown County Council for maintenance. A letter of consent from the Property Management Section of the Council, dated 14/12/2023 has been submitted with the application giving consent for the inclusion of the lands in the application.
- Design and scale are considered to be acceptable and consistent with other shelters in the County. No objections are raised to the use of LEDS or signage, subject to ensuring they do not cause excessive glare.
- The advertising board is considered to be appropriately set back from the nearest dwelling to ensure there would be no impact on amenity.
- The design, scale and location are not considered to result in obstruction or conflict with pedestrians, cyclists, or traffic.

3.2.2. Other Technical Reports

3.2.3. **Transportation Planning (26.02.2024):** No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. One observation was submitted in response to the planning application raising similar issues to the grounds of appeal which are set out in detail in Section 6.0.

4.0 Planning History

Subject Site

4.1.1. **ABP Ref. 238805/Planning Authority Ref. D10A/0397:** Permission was granted by the Board in August 2011 for the retention of a bus shelter with internally illuminated advertising panels. In considering the pattern of existing and permitted bus shelters

on Mount Merrion Avenue, the Board decided to omit the proposed advertising panels. Condition 2 of this permission required the omission of the advertising panels and their replacement with a glazed end panel.

Nearby Sites

- 4.1.2. **Opposite 124 Mount Merrion Avenue: ABP Ref. 231087/Planning Authority Ref. D08A/0247:** Permission was granted by the Board in March 2009 for a bus shelter with illuminated display panels. Condition 4 limited advertising to the inner north fronting wall of the shelter only. Condition 5 required the glazed end panels to be free from advertising.
- 4.1.3. **Opposite Clonfadda Wood (Mount Merrion Avenue): Planning Authority Ref. D08A/0361:** Permission was granted by DLRCC in June 2008 for a new bus shelter with two illuminated display panels.
- 4.1.4. **Opposite 95 Mount Merrion Avenue: Planning Authority Ref: D08A/0249:** Permission was granted by DLRCC in May 2008 for a new bus shelter with two illuminated display panels.
- 4.1.5. **Opposite Glenvar Park (Mount Merrion Avenue): Planning Authority Ref. D08A/0246:** Permission was granted by DLRCC in May 2008 for a new bus shelter with two illuminated display panels.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2022-2028

- 5.1.1. The site relates to public realm land and as such does not benefit from a specific zoning objective. The surrounding land is categorised as zoning objective 'A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. Chapter 3: Climate Action, sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.
- 5.1.3. Chapter 5: Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their

homes, employment, education and the services they require by means of sustainable transport.

5.1.4. Chapter 11: Heritage and Conservation includes specific objectives and guidance relating to the protection of the County's heritage including architectural heritage.

5.1.5. Chapter 12: Development Management contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter include:

- 12.4.14: Signage, Bus Shelters and Taxi Ranks - All signs, bus shelters and taxi ranks should be designed in accordance with best accessibility practice and in a manner, which will not obstruct or distract or create a conflict with pedestrians, cyclists, public transport, or private vehicles. Adequate sightlines shall be provided in each direction, where signs, bus shelters and taxi ranks are located in close proximity to junctions and entrances.
- 12.6.8.4: Bus Shelters and Taxi Shelters - Shelters incorporating advertising panels shall be carefully sited and shall not impact on vehicular sightlines. Shelters will be considered generally in regard to convenience, visual amenity and the facilitation of the greater use of public transport.

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. The proposal does not constitute a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third Party appeal has been submitted by the Peafield Lane Residents Association (PLRA), c/o 21 Mount Merrion Avenue, Blackrock, Co. Dublin. The grounds of appeal are summarised as follows:

- The site notice was inappropriately located and in too high a position.
- The drawings are incomplete, inaccurate, and misleading.
- There are legal issues regarding the consent to make the application, the ownership of the land, and the dates that consent to make the application was granted.
- There are inaccuracies in the Planning Report including the site description, planning history, site notice, relevant policies and the reasons and considerations.
- Mount Merrion Avenue is one of the finest urban streetscapes in South County Dublin with high quality architecture and many protected structures. This should be protected in line with the zoning objective.
- The PLRA support the provision of well design and properly site bus stops but object to the inclusion of illuminated commercial posters and digital advertising in residential areas where they will have an impact on amenity.
- The CDP does not permit commercial advertising structures in Zone A areas. Such advertising would not be permitted in any other circumstances. The argument that advertising panels in bus shelters are justified because of public benefit is spurious.
- Digital advertising has a greater impact than static posters, they are brighter and change frequently. They are more likely to cause distractions/accidents, have an impact on residential amenity, use more energy, and cause light pollution.
- The sole motivation for providing bus shelters in residential areas is unrelated to the need for facilities and driven by lucrative revenue from advertising.
- The location of the bus shelter would cause an obstruction on the pavement and create a traffic hazard by obstructing pedestrians and wheelchair users, and distracting drivers.
- Without the need to provide advertising, bus shelters could be smaller and of a simpler design that could fit into different areas, less complex to install, and could be provided across the network.

6.2. Applicant Response

6.2.1. No response.

6.3. Planning Authority Response

6.3.1. The Planning Authority consider that the grounds of appeal do not raise any new matter that would justify a change in attitude to the proposed development. The Board are directed to the previous Planner's Report.

6.4. Observations

6.4.1. Three observations have been received that raise similar issues to the grounds of appeal (summarised in Section 6.0 above). The observations have been received from the following parties:

- Elizabeth and Stephen Kelly of 30 Mount Merrion Avenue, Blackrock, Co. Dublin.
- Maurice Murphy and Anne-Marie Close of 29 Mount Merrion Avenue, Blackrock, Co. Dublin.
- Patricia Mollahan, Service Coordinator, Blackrock Barrett Chesire Services, Cross Avenue, Blackrock, Co. Dublin.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Procedural Matters

- Siting and Amenity

7.2. Procedural Matters

- 7.2.1. The appellant raises concerns that the site notice was placed in an inappropriate location and illegible due to the height at which it was installed. The Site Notice was erected on the existing bus stop pole, and I note that this was considered acceptable by the Planning Authority. In any event, I am satisfied that the specific location of the site notice did not prevent concerned parties from making representations.
- 7.2.2. I note the concerns raised by the appellant regarding the drawings, which they consider to be incomplete, inaccurate, and misleading. Whilst I note that there is no contextual elevation showing the proposed bus shelter in relation to the stone wall, I am of the view that sufficient and acceptable information has been submitted to allow a full assessment of the proposed development.
- 7.2.3. It is stated in the appeal that there are legal issues regarding the consent to make the application on the basis that the Council do not own the land and that the time limit on the letter of consent was not complied with. The Council manage and maintain the specific area of public realm that is the subject of the appeal. A letter of consent has been submitted confirming that the Council consent to the application being made. I note the appellant's concern that the 28 day time limit specified on the letter of consent has not been complied with, however, validation is legally a matter for the Planning Authority rather than the Board and is not a matter that can be pursued as part of the appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.3. Siting and Amenity

- 7.3.1. The core issue in the appeal relates to the siting of the bus shelter and the proposed digital display/advertising panel. I note that the appellant is generally supportive of the principle of a bus stop, but objects to the design/location on the grounds of creating an obstruction and distraction to pedestrians, wheelchair users and other road users/vehicles.
- 7.3.2. The proposed bus shelter would have a maximum depth into the pavement of 1.85m and even at its narrowest point adjacent to the bus shelter, the pavement would retain a width of at least 2m which in my opinion is sufficient to ensure the safe and

unobstructed passage of pedestrians, wheelchair users, and people with prams. Appropriate visibility for vehicles would be retained in both directions along Mount Merrion Avenue, and visibility for vehicles emerging from Sydney Avenue would not be compromised. I am therefore satisfied that the bus shelter and advertising panel would not impact on pedestrians, cyclists or vehicles in terms of obstruction or compromised visibility.

- 7.3.3. In terms of the advertising boards, I note previous decisions of the Board on both the subject site and at 124 Mount Merrion Avenue (ABP Ref. 231087) where permission was granted subject to conditions restricting advertising panels. On the subject site the advertising panels were required to be omitted completely. At 124 Mount Merrion Avenue, conditions stated that advertising shall be permitted on the inner north-facing wall of the structure only, and that the glazed end panels of the structure shall be kept free of any advertising or informative material, to allow unobstructed sightlines through them at all times, in the interests of traffic safety.
- 7.3.4. The remainder of the bus shelters contain advertising boards, in many cases multiple advertising boards. In most cases these are on the main wall of the bus stop facing directly into the roadway, however, there is a bus stop with a similar arrangement to that proposed, where the advertising panel sits perpendicular to the roadway. The key difference in this case is the incorporation of a digital display as opposed to the static/rolling poster displays on other installations.
- 7.3.5. I have no objections to the provision of advertising/display boards as part of this specific bus shelter, nor do I have an objection to the specific design of the bus shelter proposed, with advertising being perpendicular to the road. Bus shelters with illuminated advertising boards are common installations in urban areas and there are several examples on Mount Merrion Avenue alone. However, I share the concerns of the appellant that the digital display board would be inappropriate in this area. Digital display boards are generally brighter, and the dynamic nature of the display makes them more visible, with the changing light levels and animation more likely to cause some level of disturbance in the evenings. I would be more disposed to digital displays on a street with a more mixed-use commercial/residential nature, however, this section of Mount Merrion Avenue is very much residential in nature with many protected structures, and in my opinion, the digital advertising display would be an obtrusive and incongruous addition that would be at odds with the character of the street. For that

reason, I recommend that a condition be applied omitting the digital display in lieu of a static advertising board. I am satisfied that with the omission of the digital advertising board, the proposed development would not have a detrimental impact on visual or residential amenity, nor would it compromise the character and setting of any of the adjacent protected structures.

8.0 AA Screening

- 8.1.1. I have considered the proposed new bus shelter and advertising panel in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 410m to the south west of the South Dublin bay and River Tolka Estuary SPA and the South Dublin Bay SAC which are the nearest European Sites.
- 8.1.2. The proposed development comprises the installation of a new stainless steel and glass bus shelter with a double display illuminated advertising panel and associated electricity box. No nature conservation concerns were raised in the planning appeal.
- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The nature of the proposed development and the limited scale of the works required.
 - The distance from the nearest European Site and the lack of any direct hydrological connection. The proposed development would not result in the creation of any new water or wastewater connections.
 - The Screening Determination of the planning Authority, concluding that the proposed development would not significantly impact on any European Site.
- 8.1.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1.1. I recommend that the Board uphold the decision of Dún Laoghaire-Rathdown County Council and grant permission subject to the conditions set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant adverse impact on the visual amenity of the area, would not result in a traffic or pedestrian hazard/obstruction and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 15 day of January 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The digital display shall be omitted and replaced with a static advertising display.

Reason: In the interests of [visual] [and residential] amenity.

3. Any lighting and/or LED signage of the bus shelter shall be provided in a manner which shall not result in excessive glare or distraction to road users.

Reason: In the interest of public safety and 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.

Terence McLellan

Senior Planning Inspector

27th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319413		
Proposed Development Summary	Erect a new stainless steel and glass bus shelter (5.2m X 1.85m x 2.8m high) with 1 no. double sided advertising display on the public footpath. One side of the advertising display is to be a 75 inch digital display and the other side is to be a static 6-sheet illuminated display with an area of 2sqm, along with all associated site works and services.		
Development Address	Bus Stop 430, Sydney Avenue, Mount Merrion Avenue, Blackrock, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____