



An
Coimisiún
Pleanála

Inspector's Report

ABP-322928-25

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| Development | Replace illuminated advert on Protected Structure with digital, illuminated advert and remove advert at 138 South Circular Road |
| Location | 40 Lower Kevin Street, Dublin 8 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 3159/25 |
| Applicant(s) | JcDecaux Ireland Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse permission |
| Type of Appeal | First Party |
| Appellant(s) | JcDecaux Ireland Limited |
| Observer(s) | Lynn Boylan MEP and Senator Chris Andrews |
| Date of Site Inspection | 2 nd September 2025 |
| Inspector | Tony Quinn |

1. Site Location and Description

- 1.1 The subject site is the side gable wall of 40 Lower Kevin Street, a protected structure (RPS Ref:4185) located west of St Stephen's Green in the central part of Dublin City. The advertising display faces west on this street and is at right angles to an adjacent block of five storey apartments known as Bishop Street flats. It also faces a block of seven storey apartments on New Bride Street, though these are located some distance away.
- 1.2 Built in 1922 No.40 is former Moravian church meeting room that is now used as offices. The adjoining office building (No.41) was a former vestry and is also a protected structure. The library facing these two buildings on Lower Kevin Street is also a protected structure.

2. Proposed Development

- 2.1 The proposed development consists of the replacement of the existing illuminated advert (6.29m by 6.64m) with a digital, illuminated advert (6.28m by 3.4m) that facilitates changes to displays. The replacement will be half the size of the existing and will be erected on the lower half of the gable wall. Its development includes the installation of a small ESB metering box and cabinet on the footpath below. The proposed development also involves the removal of an advert at 138 South Circular Road. The application and appeal were accompanied by a lighting assessment and an architectural heritage impact assessment.

3. Planning Authority Decision

Decision

- 3.1 There are two reasons for refusal. The first states that it is contrary to Development Plan policy in respect of protected structures BHA2 and advertising structures (policy CCUV45), as well as the advertising and signage strategy (Appendix 17).

- 3.2 The second relates to impact on the residential amenity and property value of Bishop Street flats, which have balconies and terraces.

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- 3.3 The site is zoned City Centre Z5 where advertisements are open to consideration. It is located within a Zone of Archaeological Constraint for recorded monuments DU018-020 (Historic City) and DU018-02033 (Meetinghouse Site).
- 3.4 Attention is drawn to recent refusals by the Board and by the local authority on the same site for replacement of existing signage by digital signage of similar scale (App Ref: ABP-314031-22, PA Ref: 3769/22) and (PA Ref: 3198/20).
- 3.5 While the record of planning history indicates that the Council did grant planning permission for digital displays in certain locations it also lists a refusal of a digital advert on a protected structure at 41 Gardiner Street (App Ref:3098/25) which was similarly reduced in size by half. This decision is now under appeal (PL29N.322608).
- 3.6 There is no record of enforcement on the site.
- 3.7 The planning report states that the Council would have preferred the proposed decommissioning of a similar like-for-like sign on a protected structure, though they did not specify where.
- 3.8 It states that the proposal is not on a radial route (Advert Control Zone 3), as asserted by the applicant, but in Advert Control Zone 2, which is a zone of significant urban quality with retail/commercial uses, where special controls apply to advertising in the street.
- 3.9 The planning report acknowledged the contents of the applicant's lighting report, which stated that there will be less ambient light associated with this proposal. This notwithstanding, given the 10m proximity of the advert to Bishop St flats, it was still considered injurious to the residential amenity of the occupants.
- 3.10 In keeping with the finding of the Conservation Officer, the Planning Report concluded that the proposal is contrary to Policy BHA2 in that it will not conserve and

enhance the protected structure and will negatively impact its special character and appearance.

Council's Conservation Officer

- 3.11 The Conservation Officer recommends refusal on the grounds of significant adverse visual impact and injury to the special architectural character and legibility of the protected structure, its setting and neighbouring protected structures.
- 3.12 Notwithstanding the fact that the proposed signage will reduce in scale by half it is still considered large, incongruous and visually dominant. This is particularly so given its location on a protected structure and the wider setting of Lower Kevin Street, which is an important vista towards St Stephen's Green.
- 3.13 The officer welcomes the removal of the advertising display from the gable of the terraced property at 138 South Circular Road. The officer incorrectly states that it is located in a Z2 Conservation Area, when it is actually located near it but outside it and in Zone Z1 Sustainable Residential Neighbourhoods.

Transportation Planning Division

- 3.14 The Transportation Planning Division considers the proposed development in a 30km/h zones acceptable but recommends refusal on the grounds that a Section 254 license for the installation of the ESB metering and data cabinets on the footpath should have been secured prior to lodging the application.

Council's archaeology department

- 3.15 The Council's archaeology department noted that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monuments DU018-020 (Historic City) and DU018-02033 (Meetinghouse Site). However, given the small scale nature of the proposed below ground works for ESB connection, no objection was made subject to archaeological notification of any material/deposits unearthed during works.

Drainage Division

No objection

Prescribed Bodies

- 3.16 If permitted the Land Use Planning Unit of Transport Infrastructure Ireland (TII) recommends the imposition of a Section 49 Supplementary Development Contribution Scheme levy linked to the LUAS Cross City line.
- 3.17 No other submissions were forthcoming from the Heritage Council, An Taisce, Department of Local Government and Heritage and Uisce Eireann.

Third Party Observations

- 3.18 A Submission by Philip O'Reilly stated that the former Moravian Church is a building of importance in the city and should not be subject to any advertising.

4. Planning History

- 4.1 Planning permission was refused in 2023 by both the Council (PA ref: 3769/22) and the Board (ABP-314031-22) for a digital advert of similar size to the existing.
- 4.2 The Council also refused a similar application on the same site several years back (App Ref: 3198/20). While similar reasons for refusal were cited as above, there was also an additional reason citing the lack of planning gain associated with the decommissioning aspect of the proposal. It should be noted therefore that the most recent refusals above related to a different proposal for decommissioning, namely South Circular Road as opposed to Lower Dominick Street.

5. Policy Context

Development Plan

- 5.1 Under the Dublin City Development Plan 2022-2028 the site is zoned Z5 City Centre with the objective “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.” Advertisements and advertising structures’ are open for consideration in the centre of Dublin.
- 5.2 Appendix 17 of the Development Plan outlines the advertising and signage strategy for the City and details specific guidance for Digital signage. It identifies 6 zones of advertising control. It states that *"any upgrading and/ or replacement of existing outdoor advertising (e.g. trivision, scrolling, electronic, digital) will only be permitted if it is acceptable in amenity/ safety terms and an agreement is made to decommission at least one other display panel in the city and to extinguish the licence for that panel. The purpose of this measure is to ensure that other operators do not use the site. Where such an arrangement is not feasible, consideration may be given to replacement signage which would be of a significantly smaller scale; sensitive to the setting; and, of high quality, robust design and materials."*
- 5.3 Reference to Figure 1 of Appendix 17, which is of poor scale, indicates that the subject site is either located in advertising control zone 2, for radial routes where normal controls apply, or zone 3 for areas of significant urban quality where special controls apply.
- 5.4 Appendix 17 also states that applications for digital signage should comply with the following design criteria:
- Set out the details for the material, finishes and colours of the signage structure.
 - The maximum luminance of the advertisement display between dusk and dawn shall not exceed 300 candelas per square metre.
 - Only static images without movement shall be permitted, i.e. no animation, flashing, three dimensional effects, noise, smoke or full motion video shall be permitted without a prior grant of planning permission.
 - No more than one advertisement shall be displayed every ten seconds.

- The mechanism of changing the digital advertising display shall be by means of a fade transition of the display at intervals of 10 seconds or more.

5.5 Policy BHA2 is cited in the reason for refusal and seeks to conserve and enhance protected structures and their curtilage. To this end, ten guidance criteria are listed which collectively aim to prevent development negatively impacting the special character and appearance of Protected Structures.

5.6 Policy BHA9 of the Development Plan pertains to Conservation Areas and states that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness. The application site is not located in a Conservation Area and the site for decommissioning is located near a Z2 Conservation Area but it is not within it.

National Policy

5.7 There are a number of National Policy Objectives of the National Planning Framework relevant to this proposal. These include:

- National Policy Objective 17 - Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.
- National Policy Objective 60 - Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

Natural Heritage Designations

5.8 There are no natural heritage designations on or in the vicinity of the subject site.

6. EIA Screening

6.1 The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is

also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

7. The Appeal

Grounds of Appeal

7.1 The first party grounds of appeal are as follows:

- The contemporary display will replace a dated display and will be 50% smaller. The overall visual impact is therefore neutral to positive, without any new impact on the protected structure.
- The orientation of the proposed digital display is towards Kevin Street Lower, which is defined as a Z3 Radial/Orbital route suitable for advertising. The first party contends that the Council have ignored the findings of the detailed lighting study by HighRes Lighting that was submitted with the application.
- Kevin Street Lower is experiencing considerable redevelopment, notably the mixed use office and residential development on the site of the former Kevin Street TU Campus (PL29S.309217 and DCC refs 2620/20 and 4308/23). It is within this changing urban context that the proposal to modernise signage should be appreciated. It will be a sleeker, less bulky, slimline design.
- The Board granted planning permission for two similar digital displays at Milltown (ABP-315763-23) and Clonliffe Road (ABP-315583-23).
- The site and neighbouring flats are zoned Z5 City Centre and advertising structures are open to consideration.
- The advertising and signage strategy states that the preferred location for outdoor advertising panels is on public thoroughfares, distributor roads and

radial routes contained within Zones 2, 3 and 5. Kevin Street Lower is on the border of advertising control zones 2 and 3 and can be said to belong to zone 3 because it faces in the direction of this radial route.

- The proposal complies with the digital design criteria in the advertising strategy.
- In terms of lighting, the site is located in an E4 urban surrounding that has a high district brightness lighting environment typical of a city centre area.
- This application is part of a wider strategy by the applicant to decommission twelve 48 sheet advertising displays and provide eight digital displays at established locations.
- It will reduce disruption in the area by reducing the need to regularly update the contents of the signage.
- The proposed luminance is below the maximum stated in the Development Plan - 250 cd/m² v 300 cd/m².

Planning Authority Response

- 7.2 No further correspondence from the planning authority was received in relation to the appeal.

Observations

- 7.3 A joint submission by Lynn Boylan MEP and Senator Chris Andrews concurs with the Council's decision and rebuts the applicant's responses to the reasons for refusal.

They highlight the following points:

- There is no planning permission for the existing advert and it can therefore be considered unlawful.
- A digital display would be out of character with the surrounding residential properties and would injure their residential amenity.
- Granting planning permission for a digital advert in place of unauthorised development on this protected structure would set an undesirable precedent.

Added to the above, the following points are stated:

- The proposal for a 48 sheet billboard is inconsistent with the advert and signage strategy of the Development Plan.
- The applicant's contention that it is a more sustainable alternative has not been explained and this is undermined by the need to provide power for the digital images.
- The decommissioning of the advert on South Circular Road is not like for like in that it is not illuminated.
- The purpose of the proposed camera on the replacement advert is not explained.

8. Assessment

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

- Principle of development
- Planning history
- Architectural heritage

- Residential amenity
- Traffic and pedestrian safety

Each of these subject matters is considered below.

Principle of Development

- 8.2 The site is zoned Z5 City Centre where advertising and advertising structures are open for consideration. The sign is an established non-conforming use and has been at this location for decades. Chapter 14 of the Development Plan states that all such uses, where legally established (the appointed day being 1 October 1964) or where in existence longer than 7 years, shall not be subject to proceedings under the Planning and Development Act 2000 (as amended) in respect of the continuing use. The Development Plan further states that extensions to, or improvements of, premises accommodating such uses shall be considered on their merits. Given the proposed reduction in size of the development the proposed development may be considered an improvement to these premises.
- 8.3 It would appear that the site is located in Advertisement Control Zone 3 relating to radial/orbital routes where normal as opposed to special controls apply, with the latter applicable to Zone 2. This differs from the opinion of the Council and the previous inspector's determination (ABP-314031-22) and is made on the basis of the orientation of the signage facing the radial route into the City. It is also based on the fact that, when compared to similar arterial road locations in Dublin, this radial route control designation would appear to have been specifically applied to this stretch of roadway.
- 8.4 Development Plan policy in relation to decommissioning other signs does not specify that these should be located in the same area as the replacement sign being proposed. They just have to be in the same Council area. The proposed removal of the advertisement display on South Circular Road is considered a positive contribution to the rationalisation of such advertisements in the City, particularly when appraised in conjunction with the 50% reduction of the application advert.

- 8.5 There is no history of enforcement action taken by the Council on this site. The proposed development is for the replacement of the existing advert with a smaller, albeit digital, advert. Guidance for Digital signage in Appendix 17 states that the acceptability of a replacement will be contingent on its impact on amenity/safety, together with an agreement to decommission at least one other display panel in the city. The subject proposal seeks to decommission another panel affixed to the side gable of a terraced row of residential dwellings on South Circular Road, which is located in Advertising Control Zone 6, where advertising is considered visually inappropriate. Its removal is considered a positive contribution to the rationalisation of advertising hoardings in the city. Viewed in the context of the foregoing, the principle of replacing the advertising display is considered acceptable and the application is entitled to be assessed on its merits.

Planning history

- 8.6 Previous refusals on this site by the Board and the Council have been issued in the past five years and little has changed in terms of relevant planning policy during that time. Concerns for impact on heritage and residential amenity featured in all refusals. The difference with this proposal is that it is half the size of previous refusals and it offers to remove an advertisement near a Conservation Area to assist with the rationalisation in the number of advertisements in the City.
- 8.7 The Council has also refused a digital advert on a protected structure at 41 Gardiner Street (App Ref:3098/25) that was similarly reduced in size by half. This is currently the subject of an appeal (Ref: PL29N.322608).
- 8.8 Mindful of the above, appreciable weight has to be attached to the recent planning history in respect of this site.

Architectural heritage

- 8.9 The existing advertisement effectively covers most of the gable wall of this protected structure. Its coverage is of mural proportions and there is little doubt that it is unduly prominent. In many respects, it overwhelms the presence of the protected structure when viewed from this direction. Against this background, there is merit in the applicant's proposal to reduce it by half and to install the advert on the lower half of

the gable wall. The proposal to reinstate the top half of the gable with a lime render finish is also to be welcomed. This notwithstanding, the very presence of the advertisement on this protected structure, which is still of considerable scale relative to other advertisements in the City, is central to this determination.

- 8.10 In keeping with the Conservation Officer's report there are legitimate grounds to conclude that it will continue to have a significant adverse visual impact on the special architectural character and legibility of the protected structure. This is especially so given its setting and relationship with nearby protected structures, namely the adjacent vestry and library opposite. Indeed, these red brick protected structures help define this vista to St Stephens Green.

Residential amenity

- 8.11 The advert display is presently at right angles to Bishop Street flats. The reduction in size of the display will result in the removal of the top half of the existing sign, which can only be viewed as a positive. However, while the existing lighting is cowled in towards the sign from the top, the proposed lighting will be integrated within the LED digital display. According to the applicant its brightness levels will be within the Institution of Lighting Professionals (ILP) standards. Indeed, the applicant's lighting report highlights how luminance levels will actually be lower than existing and how additional measures are incorporated to mitigate its luminosity on the right-hand side of the advertisement nearest Bishop Street flats. This relates to the use of Dabtronick right side shader technology to reduce light spill onto the flats. Added to this, the site visit demonstrated that tree cover to the front of these flats will help screen the signage in the dark hours of Spring/Summer, when leaves will be on the trees.
- 8.12 However, it is the adjacent proximity of the flats to the illuminated signage which underscores the requirement to adopt a precautionary approach to this application. The need to safeguard residential amenity is further underpinned by the digital advert's ability to change adverts every 10 seconds, which transforms the impact from one which is related to a static image to one which is connected to variable images.

Traffic and pedestrian safety

- 8.13 The Council's Roads Section does not consider it a risk to road safety and pedestrian/cycle movement on the footway. I would agree with this finding given the 30kmph speed limit, the proximity of junctions slowing traffic and the scope to accommodate the ESB metering box and data cabinet on the footpath without impeding pedestrian/cycle movement.

9. AA Screening

- 9.1 I have considered the proposed replacement advertising display in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is located approximately 3.6 kms from the nearest European Sites, namely South Dublin Bay Special Area of Conservation (SAC) and South Dublin Bay and River Tolka Estuary Special Protection Area (SPA).
- 9.3 The proposed development comprises the replacement of non-digital signage with a digital display half its size.
- 9.4 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 the small scale and nature of the development; together with its distance from the nearest European site.
- 9.5 I conclude that, on the basis of objective information, 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.

10. Water Framework Directive

- 10.1 The subject site is located approximately equidistant (c.850m) from the River Liffey and the Grand Canal.
- 10.2 The proposed development comprises the replacement of non-digital signage with a digital display half its size.

- 10.3 No water deterioration concerns were raised in the planning appeal.
- 10.4 I have assessed the proposed replacement advertisement and associated works and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- The reason for this conclusion is as follows:
- the small scale and nature of the development; and
 - The distance from nearest water bodies and/or lack of hydrological connections.
- 10.5 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11. Recommendation

Having regard to the foregoing it is recommended that planning permission be refused for the proposed development for the reasons and considerations outlined below.

12. Reasons and Considerations

- 12.1 The principle of upgrading advertisements to digital formats is reasonable and is not in dispute. The Council have granted them elsewhere in the City. It is the principle of permitting them on protected structures that is in question. There is little doubt that the former Moravian Church meeting room is worthy of protection and this is acknowledged by all.

12.2 While the applicant's proposal to reduce the scale of the advert is welcomed, together with the information to demonstrate the impact of the lighting, it does not detract from the fact that it is still a considerably large advertising display on a Protected Structure located next to residential use. In this regard, it fails to conserve or enhance the building under Policy BHA2 of the Development Plan. Added to this, recent determinations by the Council and the Board have generally been consistent in their approach to this site and similar proposals in the Council area. Against this background it is recommended that the application is refused for the following reasons.

1. Having regard to Policy BHA2 of the Dublin City Development Plan 2022-2028, which aims to conserve and enhance protected structures, it is considered that the proposed replacement digital signage, by reason of its prominence and scale, would adversely affect the legibility of the structure and would negatively impact the special character and appearance of this and neighbouring protected structures. It is considered that the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, comprising a digital advertising display in close proximity to the windows and balcony/terraces of Bishop Street Flats, would seriously injure the residential amenity of occupants and 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.



Tony Quinn
Planning Inspector

8th September 2025

Appendix 1 - Form 1 EIA Pre-Screening

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| Case Reference | ABP-322928-25 |
| Proposed Development Summary | Replace illuminated advert on Protected Structure with digital, illuminated advert and remove advert at 138 South Circular Road |
| Development Address | |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of | |

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| <p>proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | <p>State the Class and state the relevant threshold</p> |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>State the Class and state the relevant threshold</p> |

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| <p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p> | |
| <p>Yes <input type="checkbox"/></p> | <p>Screening Determination required (Complete Form 3)</p> |
| <p>No <input checked="" type="checkbox"/></p> | <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> |

Inspector:  Date: 8th September 2025