



An
Coimisiún
Pleanála

Inspector's Report

PL-501752-DS-26

Development

The replacement of the existing advertisement display (6m wide x 3m high) with a digital advertising display (6m wide x 3m high with a depth of 0.25m) including all associated site works and services

Location

2 Herberton Road, Dublin 12

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB2067/26

Applicant(s)

Wildstone Investments Ireland Limited

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First party

Appellant(s)

Wildstone Investments Ireland Limited

Observer(s)

None

Date of Site Inspection

12 September 2026

Inspector

Killian Harrington

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1.0 Site Location and Description

- 1.1 The subject site comprises a property currently utilised as advertising space located on Herberton Road, in close proximity to the junction with Crumlin Road. The site is an unused plot of land situated between two-storey commercial units on the corner facing onto Crumlin Road (Dave's Barber Shop and Door Choice) and 3 no. units facing onto Herberton Road (O'Neill Memorials, Grocery, Newsagent and a Coffee/Sandwich bar – which contains residential use). The advertising display is a traditional billboard (6m x 3m) supported by a concrete plinth and is set back behind the footpath. The total structure has a height of roughly 5.6m. The subject site is not adjacent any Protected Structures and is not located in a Conservation Area.

2.0 Proposed Development

- 2.1 The proposed development comprises the replacement of the existing advertisement display (6m wide x 3m high) with a digital advertising display (6m wide x 3m high with a depth of 0.25m) including all associated site works and services

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council refused permission with the following reason:

'1. Having regard to the proposed digital illuminated sign on lands zoned Z1 ('to protect, provide and improve residential amenities') on Herberton Road, it is considered that the development would seriously injure the visual and residential amenities of the area. Section 14.7.1 of the Dublin City Development Plan 2022-2028 states that outdoor advertising is not permitted or open for consideration in residential zones. The proposal is therefore not permissible in principle and would materially contravene the Z1 zoning objective. Furthermore, the site is located

outside Advertising Control Zone 3, and the applicant has not demonstrated compliance with the requirements of Appendix 17 (Advertising and Signage Strategy) in respect of replacement signage. The proposed development would therefore be contrary to the Dublin City Development Plan 2022-2028 and to the proper planning and sustainable development of the area. '

3.1.1. Planning Authority Reports

The Planning Authority were not minded to favourably consider the replacement of this sign, in an area under Z1 zoning, where, albeit the existing sign has been there for a while, it would appear to be unauthorised as no planning permission could be found, according to the planner's report. The requirements of Appendix 17 could not be met in this instance, as the operator noted that they do not own an alternative site in the vicinity that would facilitate decommissioning.

In terms of residential amenity and the Z1 zoning objectives, the advertising board is located opposite residential properties along Herberton Road. Within the Z1 zoning, 'advertisement and advertising structures' are neither a permissible use or open for consideration under this zoning. The advertisements in the digital display would be remotely changed at intervals of a minimal of 10 seconds with a smooth transition presenting up to six advertisements over a one-minute cycle. The luminosity of the digital advertising display fully complies with the best practice ILP guidelines, operating below the recommended maximum of 300 candelas per m² from dusk till dawn, and during the day time the display will operate no greater than 5,000 candelas per m².

The planner's report concludes that despite best practice adherence, there would be significant harm to visual amenity in a residential area and that the proposed use would materially contravene the objectives of the 'Z1' zoning as well as the criteria set out in Appendix 17 (Outdoor Advertising Signage) of the Dublin City Development Plan 2022-2028.

3.1.2 Other Technical Reports

- Drainage Division - No objection
- Transportation Planning Division – No objection

3.3. Prescribed Bodies

No relevant submissions

3.4. Third Party Observations

None received

4.0 Planning History

4.1 Subject site

- None

4.2 Surrounding area

- Reg. Ref. WEB1644/25: Planning permission granted at 1 Annesley Bridge for replacement of 1No. internally illuminated 12m x 3.2m Premiere advertising display with 1No. digital 12m x 3.2m advertising display at 1 Annesley Bridge Road, Dublin 3, and the permanent decommissioning of 2No. illuminated 6.3m x 3.3m advertising display at the site on Gardiner Place, Dublin 1, which is bounded by 22 Gardiner Place (Protected Structure), 23 Gardiner Place (Protected Structure), and to the rear by 27a Grenville Lane, and all associated site works and services.
- Reg. Ref. WEB1521/25: Planning permission granted at the junction of Macken Street, and Grand Canal Street Lower, Dublin 2 for the replacement of 3No. illuminated 6.28m x 3.5m advertising displays with 1No. digital 6.28m x 3.4m advertising display at the junction of Macken Street and

Grand Canal Street Lower, Dublin 2 and all associated site works and services.

- Reg. Ref. WEB1439/25: Planning permission granted at 397, North Circular Road, for the replacement of 2No. illuminated 6.36m x 3.43m scrolling advertising displays with 1No. digital 6.28m x 3.4m advertising display at 397 North Circular Road, Dublin 7, and all associated site works and services.
- Reg. Ref. 3098/25: Planning permission refused at number 41 Upper Gardiner Street for replacement of 1No. illuminated 12.85m x 3.5m advertising display with 1No. digital 6.28m by 3.4m advertising display at the side gable of 41 Upper Gardiner Street, Dublin 1, a protected structure and all associated site works and services. This is currently on appeal to An Coimisiún Pleanála, Ref. ABP-322608-25
- Reg. Ref. /25: Planning permission granted at number 54 Donnybrook Road for Replacement of 1No. internally illuminated 6.4m x 3.35m Premiere advertising display with 1No. digital 6.28m x 3.4m advertising display at 54 Donnybrook Road, Dublin 4 and permanent decommissioning of one 6.3m x 3.3m illuminated advertising display at 56 Donnybrook Road, Dublin 4 and permanent decommissioning of one 6.3m x 3.3m advertising display at 28 Emor Street, Dublin 8, and all associated site works and services.

5.0 Policy Context

5.1 Development Plan

The Dublin City Development Plan, 2022-2028 identifies that the site as being located in Z1 (Residential) land use with zoning objective: 'To protect, provide and improve residential amenities'. 'Advertisement and advertising structures' are neither a permissible use nor open for consideration under this zoning. Below are the relevant sections of the Development Plan for this appeal:

- Section 14.7.1 – This relates to Zone Z1: Sustainable Residential Neighbourhoods. The zoning objective is “to protect, provide and improve residential amenities.”. The section explains that the vision for Z1 areas is to provide a wide range of high-quality housing within sustainable communities and also notes that certain complementary uses can be appropriate within Z1 areas where they serve the local community and maintain high standards of amenity. The provision for outdoor advertising signage is neither permissible nor open for consideration.
- Section 7.5.9 - Outdoor Advertising Strategy - A strategy has been developed for commercial advertising in the public domain (Appendix 17). This strategy forms the basis of a practical policy to be applied to all proposals for outdoor advertising. This strategy is based on an analysis of how sensitive different parts of the city are to advertisement structures and identifies constraints and opportunities for the location of these structures.
- Policy CCUV45 – Advertising Structures – To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and of the outdoor advertising strategy (Appendix 17). In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.
- Appendix 17 – Advertising and Signage Strategy
The subject site is not located within an advertising zone but is located just outside Zone 3 advertising zone, which Section 1.0 describes as the radial routes leading into and out of the city are areas where opportunity exists for the managed provision of outdoor advertising. In such a zone, subject to compliance with the development management standards, as set out in Section 8, the development of outdoor advertising in this zone will be open for consideration.

In terms of digital signage, Section 2.0 of the Strategy states the following:

- 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.

In terms of illuminated signage, Section 3.0 states the following:

- Illuminated signs with the use of electronic visual display technology such as LED (light emitting diode) and LCD (liquid crystal display) will be considered having regard to the Advertising Management Standards.
- The number of illuminated signs in the vicinity of the site will be taken into consideration when assessing proposals.

Section 8.0 sets out the Advertising Development Management Standards and includes the following relevant criteria:

- The rationale for the proposed advertising structure, including proposals for the removal and/ or rationalisation of existing outdoor advertising structures
- The concentration of existing advertising structures in the area.
- The design of the advertising panel and the use of high-quality materials.
- The scale of the panel relative to the buildings, structures and streets in which the advertising panel is to be located.
- Impact on the character of the street and the amenities of adjoining properties

5.2. Natural Heritage Designations

Liffey Valley proposed NHA is c. 3km to the northwest, South Dublin Bay SAC & South Dublin Bay and River Tolka SPA c.6km to the east, North Dublin Bay SAC and North Bull Island SPA are c. 10km to the northeast and North Dublin Bay proposed NHA c. 9km to the northeast

6.0 EIA Screening

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 report.

7.0 The Appeal

7.1 Grounds of Appeal

The main grounds of the first party appeal can be summarised as follows:

- The reason for refusal failed to consider the proposed replacement advertising display in the context of non-conforming uses in a Transition Zonal area contained in Section 14.5 and Section 14.6 of the Development Plan which establish the principle of legally established uses being acceptable despite not conforming to zoning objectives and the need to consider transitions between land use zoning areas.
- The subject site is an established advertising display and there is no new specific impact on the visual amenity of the area and is in accordance with Appendix 17 of the Development Plan.
- The appeal contains planning precedent where permissions were previously granted by DCC or ACP
- The proposed development complies with Policy CCUV45 (Advertising Structures), which allows for the consideration of appropriately designed and located advertising structures provided zoning objectives and Appendix

17 criteria are met. The proposal will improve the quality and presentation of the existing structure without introducing any new impact on residential or visual amenity.

- The proposed signage faces the Crumlin Road junction, which is a Z3 Advertising Zone and a Radial/Orbital Route suitable for outdoor advertisement and so it does not introduce a new impact on the area. It has a neutral impact in terms of visual amenity
- The applicant is not in a position to decommission signage at another location. It is requested that the Commission consider what is replacement signage at this location on its own merits

7.2. Planning Authority Response

None

7.3. Observations

None

8.0 Assessment

- 8.1. Following a review of the file, assessment of the relevant planning policies and inspection of the site, I am satisfied that the primary concern in this appeal relates to (1) principle of development and (2) visual amenity

(1) Principle of Development

- 8.2 The proposed development will consist of the replacement of the existing the existing advertising display (6m wide x 3m high) with a digital advertising display. The display will be mounted in the same position as the existing display at an overall height of 5.65m. The proposed digital advertising display will provide for an upgrading in the quality of the advertising display, with a slim-line advertising structure. The advertisements in the digital display will be remotely changed at intervals of a minimal of 10 seconds with a smooth transition presenting up to six

advertisements over a one-minute cycle. The luminosity of the digital advertising display fully complies with the best practice ILP guidelines, operating below the recommended maximum of 300 candelas per m2 from dusk till dawn, and during the day time the display will operate no greater than 5,000 candelas per m2.

- 8.3 The Dublin City Development Plan, 2022-2028 identifies that the site as being located in Z1 (Residential) land use with zoning objective: 'to protect, provide and improve residential amenities'. 'Advertisement and advertising structures' are neither a permissible use nor open for consideration under this zoning (Section 14.7.1). I note that no planning history can be found for the existing sign but according to the applicants it has been in place for decades.
- 8.4 The Dublin City Development Plan 2022-2028 divides the City into different zones for the purpose of signage (Appendix 17). The map is an indicative map, and it would appear that the site is located just outside the boundary of Zone 3, which is the Crumlin Road area. Zone 3 are radial/orbital routes where opportunities exist for advertising in the street and where normal controls would apply. The preferred location for outdoor advertising panels in the city is on public thoroughfares, distributor roads and radial routes contained within Zones 2, 3 and 5.
- 8.5 Appendix 17 of the Dublin City Development Plan 2022-2028 notes 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 and 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'. I note the appeal states that it is not possible for the applicant to facilitate the decommissioning of another sign. Section 14.5 (Non-Conforming Uses) of the Development Plan refers to uses that do not conform to the zoning objective. 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. This wording appears to include development which may be unauthorised but is beyond enforcement and that such development shall be considered on their

merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.

- 8.6 I note the appellant refers to Section 14.5 and Section 14.6 of the Development Plan which establish the principle of legally established uses being acceptable despite not conforming to zoning objectives and the need to consider transitions between land use zoning areas. However this does not apply to advertising zones. In addition, there is no planning permission for the current sign and the site location is a residential area.
- 8.7 The guidance set out in Appendix 17 is very specific and so I consider that the proposed signage would not be in compliance with these development management standards for signage set out as a result of being located outside the zones for signage identified in Appendix 17 and also by not decommissioning an existing sign. The proposal would therefore not comply with Policy CCUV45 and would also be contrary to the Z1 zoning objectives, which prohibit the provision of outdoor advertising signage at this location.

(2) Impact on Residential Amenity

- 8.8 Appendix 17 also sets a test for impacts on residential amenity. The appeal states that the subject site is an established advertising display and there is no new specific impact on the visual or residential amenity of the area. It would have a 'neutral' impact. The appeal claims the proposal would also improve the quality and presentation of the existing structure. The appellant supports this with reference to various planning permissions that were previously granted for outdoor digital signage although I neither the land use zoning nor the location were residential areas.
- 8.9 While the sign currently exists, the application seeks to alter the sign considerably creating new illuminated visual impacts on the residential dwellings directly opposite. Reference to other planning permissions is noted but each must be assessed on its own merits and I note non-compliance with the development

management standards in Appendix 17 in this particular application, as mentioned above.

- 8.10 I note the standard design mitigation whereby control mechanisms enable the D-Poster to mimic a traditional 48 sheet poster during the day and ensure that it is muted and at a suitable contrast to the ambient light at night time. The advertisements in the digital display will be remotely changed at intervals of a minimal of 10 seconds with a smooth transition presenting up to six advertisements over a one-minute cycle. The luminosity would accord with the best practice guidelines, operating below the recommended maximum of 300 candelas per m² from dusk till dawn, and during the day time the display will operate no greater than 5,000 candelas per m². However, this alone does not make the proposal acceptable in a residential area. Whilst the appeal identifies the site as located in close proximity to the R110 Crumlin Road with varied land uses, Herberton Road is generally residential in character and the proposed sign directly faces terraced dwellings.
- 8.11 As the proposed sign would directly face residential properties and would be illuminated at night with up to 6 advertisements in one minute, this would be a significant design departure from the current sign and I do not agree that the new impact would be 'neutral'. The orientation of the sign towards the houses at c. 22 metres distance is a particular concern and weakens the suitability of the site for the proposal. It is considered that the proposed development would seriously injure the visual and residential amenities of properties in the area. Overall, the proposal would fail to accord with the development management criteria set out under Appendix 17 of the Dublin City Development Plan 2022-2028 and would fail to adhere to the zoning objectives for the site.
- 8.12 **Material Contravention**

The planning authority's refusal refers to a material contravention of the Dublin City Development Plan 2022-2028 based on outdoor advertising signage being neither a permissible use nor open for consideration and so the principle is a material contravention. The provisions of s.37(2)(b) of the Planning and Development Act

2000 apply in this case. I consider that a material contravention does arise as the principle of development is not permissible. In instances of a material contravention, the Commission may only grant permission where it considers that one of the following circumstances of Section 37(2)(b) apply:

1. Proposed development is of strategic or national importance.
2. There are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
3. Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the government, the Minister of the Government or
4. Permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan.

I am satisfied that the proposal for outdoor signage is minor and not strategic or of national importance. There are no conflicting objectives in the Development Plan for this type of development and the land use zoning objectives are clearly stated. The proposal has been assessed having regard to the RSES and all guidelines and directives of the government. Finally, the pattern of development on Herberton Street is residential in nature and the site location is outside an advertising zone. There are no planning permissions granted in the vicinity in a Z1 zoning area.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential and urban area c. 6 km west of South Dublin Bay SAC

& South Dublin Bay and River Tolka SPA and c.10km southwest of North Dublin Bay SAC and North Bull Island SPA.

- 9.2. The proposed development comprises the replacement of the existing advertisement display (6m wide x 3m high) with a digital advertising display (6m wide x 3m high with a depth of 0.25m) including all associated site works and services at 2 Herberton Road, Dublin 12. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established urban/residential area
 - Lack of connections to nearest European sites
- 9.4. I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located at 2 Herberton Road, Dublin 12 approximately 300 metres south of the Grand Canal.
- 10.2 The proposed development comprises the replacement of the existing advertisement display (6m wide x 3m high) with a digital advertising display (6m wide x 3m high with a depth of 0.25m) including all associated site works and services at 2 Herberton Road, Dublin 12. No water deterioration concerns were raised in the planning appeal.

10.3 I have assessed the development 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:

- Nature of works and the use proposed
- Location-distance from nearest water bodies and/or lack of hydrological connections

10.4 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.

11.0 Recommendation

11.1. I recommend that permission be refused

12.0 Reasons and Considerations

12.1 The proposed development, by failing to provide for the removal of an existing panel, would be contrary to Policy CCUV45 and Appendix 17 (Outdoor Advertising Strategy) of the Dublin City Development Plan 2022–2028, which states that new outdoor advertisement structures will generally require the removal of an existing

panel to rationalise advertising in the City. The proposal would set a precedent for the proliferation of similar undesirable signage, would cause serious harm to visual amenity and residential amenity of the area and, as such, would be contrary to the residential zoning objectives of the site. As advertising is neither a permissible use nor open for consideration for Z1 land use zoning, the proposal would be a material contravention of the Dublin City Development Plan 2022-2028 and would not accord with 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Killian Harrington
Planning Inspector

17 September 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501752-DS-26
Proposed Development Summary	The replacement of the existing advertisement display (6m wide x 3m high) with a digital advertising display (6m wide x 3m high with a depth of 0.25m) including all associated site works and services
Development Address	2 Herberton Road, Dublin 12
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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

1. Is the proposed development of a CLASS specified in <u>Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)</u> OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
2. 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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: 17 September 2026