

New Referral Form

R13569

Lodged: 7/4/2017 Dev. Type: 11 No: _____

Case Type: 62 Class: 00 02

EO: SD Category: _____ Reg Ref: DC-412-15

Question: Whether the erection of internally illuminated billboard sign in place of a static tri-vision advertising panel at the gable wall of premises is development or exempt development.

Address: 23 Sarsfield Street, Limerick

PA Code: 91 Declaration: _____ No Declaration 42

PA Dec: _____ PA Dec Date: None PA Issue Date: N/A

Issue Code: - Fee Type: T OH Request Date: _____

Referrer: Limerick City + County Council

Address/Agent: Dooradoyle, Co Limerick

Owner/Occupier: JC Decaux Ireland Ltd

Address/Agent: 6 Sandyford Park, Burton Hall Road, Leopardstown, Dublin 18

M Ms. Collins

PA notified by phone

Yes
No

EO: S Deighan
Date: 11/4/2017

PA Contact: Carmel

Referral on Surfboard:

EO: S Deighan Date: 11/4/17

1. Acknowledge with: BPRLO1PA

Merge:	(1) psplit	<input type="checkbox"/>	(4) omitdoc	<input type="checkbox"/>
	(2) msplit	<input type="checkbox"/>	(5) info	<input type="checkbox"/>
	(3) revplan	<input type="checkbox"/>	(6) xmas	<input type="checkbox"/>

2. Issue Referral to:

(a) PA: _____

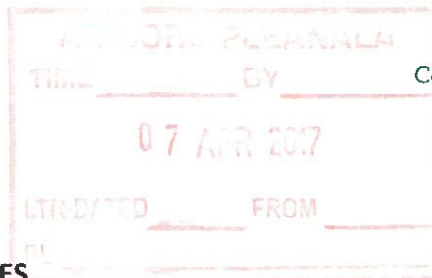
(b) Owner/Occupier: BPRLOS

(c) Other S.5(2): _____

Referral Number on Surfboard:

AA: Roddy Cull Date: 12-4-17

Comments: At screening, please check for other parties.



06/Apr/2017

An Bord Pleanála
64 Marlborough Street
Limerick.

RE: Whether the erection of an internally illuminated billboard sign in place of a static tri-vision advertising panel at the gable wall of Timmy Martins licensed premises at 23 Sarsfield Street, Limerick is development or is exempt development.

Dear Sir/Madam,

A question has arisen as to whether the erection of an internally illuminated billboard sign in place of a static tri-vision advertising panel at the gable wall of Timmy Martins licenses premises at 23 Sarsfield Street, Limerick is development or is exempt development.

The Council in considering this question had regard particularly to:

- (a) Section 2, 3, and 4 of the Planning and Development Acts 2000-2015
- (b) Article 6 of Part 2 of Schedule 2 of the Planning and Development Regulation 01 as amended.
- (c) The history of the site and the advertising structure thereon as described below.

A 6m x 3m static tri-vision billboard sign was erected at the site in 1992 (see copy of Google maps 2014 - **appendix A**) following the grant of Planning Permission reference 92/770088 granted on 10th April 1992. **See appendix B.** Site location map attached – **appendix C.**

The sign remained in place until a date unknown in 2015 and it was noted by the Council in December 2015 that the sign was replaced by an internally illuminated 6m x 3m static billboard sign.

See copy photography showing the sign in daylight hours – **see appendix D** and copy photograph showing the sign at night time – **see appendix E.**

It is the opinion of the Council that this change to the sign and the resultant increase in the intensity of light which emits from the sign is not appropriate in this location and may be a traffic hazard.

A Warning Letter under reference DC-412-15 was issued to JC Decaux on 22nd January 2016. **See appendix F**

A response was received from JC Decaux on 08th February 2016. **See appendix G**

A reply was issued from the Council stating that the Council considered the sign to be unauthorised and should be removed. **See appendix H**

An Enforcement Notice was issued on 10th June 2016 requiring the removal the sign. **See appendix I**

As the terms of the Enforcement Notice were not complied with, this matter was referred for prosecution. See report attached and **appendix J**.

The case is now listed for 07th September 2017 and the Council now require a Declaration from An Bord Pleanála as to whether the erection of an internally illuminated billboard sign in place of a static tri-vision advertising panel on the gable wall of Timmy Martin licensed premises at 23 Sarsfied Street, Limerick is development or is exempt development.

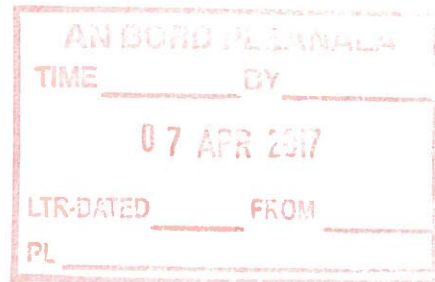
There are no other planning permissions affecting this site.
Fee of €100 is enclosed.

Any further queries in relation to this matter should be addressed to Pat Campbell, Development Inspector.

Yours faithfully,

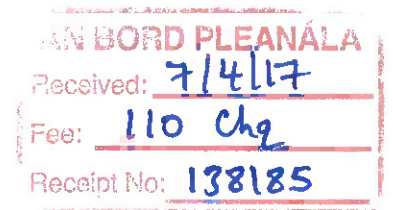


For Director of Service
Planning & Environmental Services

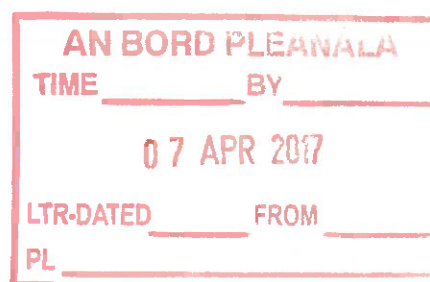


ENCLOSURE:

- Appendix A Google maps picture of original sign
- Appendix B Copy of planning permission reference 92/770088
- Appendix C Copy of site location map.
- Appendix D Copy photograph of new sign in daylight
- Appendix E Copy photograph of new sign at night time.
- Appendix F Copy of Warning Letter issued
- Appendix G Copy of response received to Warning Letter from JC Decaux
- Appendix H Copy of reply issued to JC Decaux from Council
- Appendix I Copy of Enforcement Notice issued.
- Appendix J Copy of report referring for prosecution.
Fee in the sum of €110



€220 covers
8138185
2 Separat
Referral





11/11/14
110 011
12/1/12

6750 count
R128122
3.000000
1.000000



57

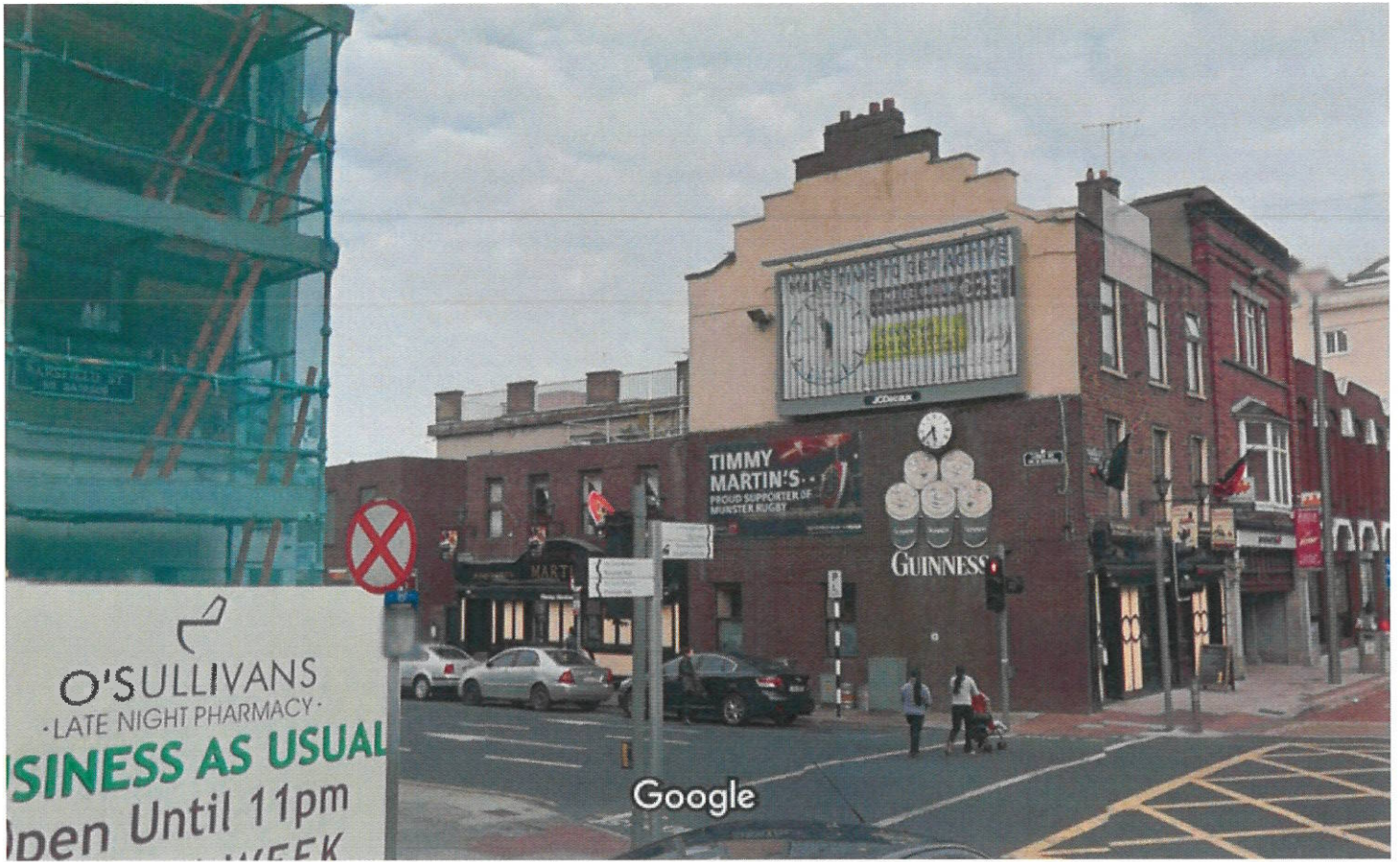
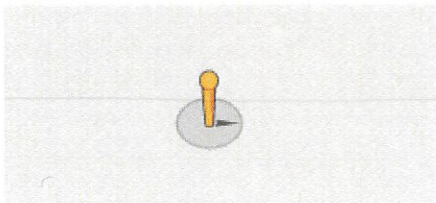


Image capture: Sep 2014 © 2017 Google

Limerick, County Limerick

Street View - Sep 2014

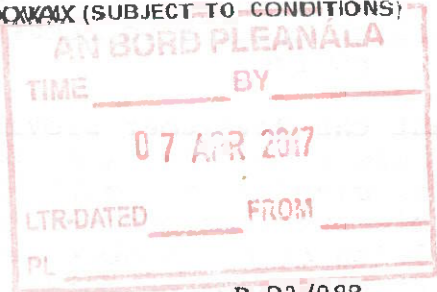


AN BORD PLEANALA	
TIME _____	BY _____
07 APR 2017	
LTR-DATED _____	FROM _____
PL _____	

CORPORATION OF LIMERICK

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 to 1990

NOTIFICATION OF DECISION TO GRANT A PERMISSION / ~~AMARPHOIX~~ (SUBJECT TO CONDITIONS) UNDER PART IV OF THE ACT



To: Electric Advertising Ltd.,
T/A Nat. Electric Advertising,
5 Magennis Place,
Dublin 2.

Reference No. in Planning Register P.92/088

Date application received 16/03/92

Additional Details requested 20/03/92 and received 27/03/92.

In pursuance of the powers conferred upon them by the above-mentioned Acts, the Corporation of Limerick have by order dated 10/04/92 decided to grant a permission/~~approval~~ for the development of land for the erection of an unauthorised structure, namely:

Erect a trivision sign in place of existing sign.

AT : 23 Sarsfield Street,

Limerick.

SUBJECT TO the conditions set out in Column 1 of the Schedule hereto. The reasons for the imposition of the said conditions are set out in column 2 of the Schedule.

See Schedule for Conditions 1 to 3 respectively.

If there is no appeal against the said decision, a grant of permission/~~approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala (see footnote).

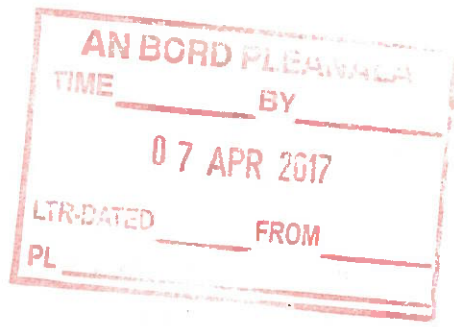
It should be noted that until a grant of permission/~~approval~~ has been issued the development/~~permission~~ in question IS NOT AUTHORISED.

Signed on behalf of the said Corporation

B. Hayes
City Manager and Town Clerk.

SCHEDULE

COLUMN 1—CONDITIONS	COLUMN 2—REASON FOR CONDITION
<p>1. That the lighting to the proposed sign be solely of the reflective type and that such "trough lighting" be so fixed as to be capable of solely shining inwards on to the sign and that the bracket and fixtures to such lighting be so galvanised or otherwise treated to render them non-corrosive.</p> <p>2. That the developer provide for the removal of the existing "clock sign" on the gable wall of this premises and for the provision of a suitable feature street name sign or mural in the location of the existing "clock sign". Details to be submitted and agreed with the Planning Authority prior to construction commencing.</p> <p>3. That the proposed sign be maintained in good working order and good condition to the satisfaction of the Planning Authority or alternatively be removed from the site on the giving of three months notice by the Planning Authority to the applicant that such sign was not being properly maintained and kept in good condition.</p>	<p>1. In the interest of proper construction and development particularly in view of the location of the proposed sign and in the interest of amenity.</p> <p>2. In the interest of amenity and proper development it is considered that the existing "clock sign" should be removed and only one advertisement feature provided at this gable wall particularly in view of the size of the proposal and in the interest of amenity.</p> <p>3. In the interest of amenity and proper development and particularly in view of the prominent location of this proposed sign.</p>



NOTE:

An appeal against a decision of the Planning Authority under Part IV of the Act of 1963 may be made to An Bord Pleanála. The applicant for Permission may appeal within **one month** beginning on the day of receipt by him of the decision. Any other person may appeal to the Board within **three weeks** beginning on the date of the decision.

Appeals should be addressed to **An Bord Pleanála, Floor 3, Blocks VI and VII, Irish Life Centre, Lower Abbey Street, Dublin 1** and all such appeals to the Board will be invalid unless accompanied by the appropriate appeal fee (Fee for appeal by applicant on planning application for commercial development = ~~€100~~ ^{€200}; All other appeals = ~~€50~~ ^{€100})

In addition, an Appeal by the applicant for Permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development, or of the structure to be retained, and the date of the decision of the Planning

PL 07 APR 2017 FROM PL
LTD-DATED BY



JcDecaux



GUINNESS

TIMMY MARTIN'S
PROUD SUPPORTER OF
MUNSTER RUGBY

P

20/03/2017 16:53

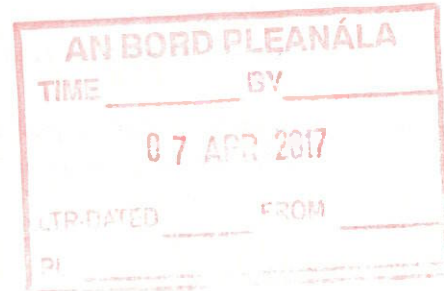






21/03/2017 00:05

AN BORD PLEANÁLA
TIME _____ BY _____
07 APR 2017
TR-DATED _____ FROM _____



ECONOMIC DEVELOPMENT & PLANNING

DC-412-15

JC Decaux
6 Sandyford Park
Burton Hall Road
Leopardstown
Dublin 18

WARNING LETTER

**UNDER SECTION 152(1) OF THE PLANNING AND DEVELOPMENT ACTS
2000 as amended**

Dear Sir/Madam,

- (A) You are the owner/occupier of certain lands situate at 23 Sarsfield Street, Limerick (hereinafter referred to as "the said lands") which lands are shown coloured red on the map attached hereto.
- (B) It has come to the attention of Limerick City & County Council as the Planning Authority that an unauthorised development may have been/is being/or may be carried out on the said lands, namely erection of an illuminated billboard sign in place of an existing static or tri-vision sign for which there is no record of a Planning Permission being granted and is subsequently unauthorised.
- (C) You being the person served with this warning letter may make submission or observations in writing to the said Planning Authority regarding the purported offence referred to in paragraph (B) not later than four weeks from the date of service of this warning letter

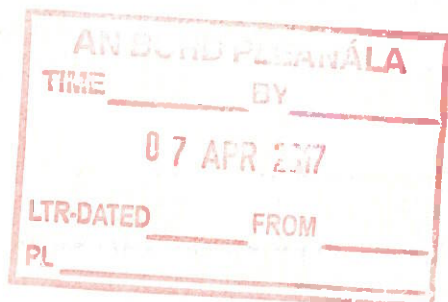
- (D) You are advised that if the said Planning Authority considers that an unauthorised development is being carried out an Enforcement Notice under the provisions of Section 154 of the Planning and Development Act 2000 as amended may be issued.
- (E) Officials of the said Planning Authority may at all reasonable times, enter the said lands for the purposes of inspection.
- (F) We also wish to point out that in the event of the Court holding that an offence has been committed under Section 151 or Section 154 you can be liable: -
- a. On conviction on indictment, to a fine not exceeding €12,697,380.78, or to imprisonment for a term not exceeding 2 years, or to both, or
 - b. On summary conviction, to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 6 months, or to both.
- (G) The costs reasonably incurred by the said Planning Authority in relation to Enforcement proceedings may be recovered from you in the event of an Enforcement Notice being served on you or where a Court action is taken.

Any queries in relation to this matter should be addressed to Pat Campbell, Development Inspector.

Dated this 22nd day of January 2016

Signed on behalf of the said Council.

UR
For Director of Service
Economic Development & Planning



RODRIK PLEANALA
TIME _____ BY _____
07 APR 2017
LTR-DATED _____ FROM _____
PL _____

Limerick City & County Council



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JCDecaux

10 FEB 2016

Director of Service
Economic Development and Planning
Limerick City and County Council
7-8 Patrick Street
Limerick

AN BORD PLEANÁLA	
TIME _____	BY _____
07 APR 2017	
LTR-DATED _____	FROM _____
PL _____	

8th February 2016

Ref: DC-412-15

A Chara

I refer to your Warning Letter dated 22nd January 2016 in relation to our advertising display at 23 Sarsfield Street, Limerick.

Under planning application number 92770088, planning permission was granted for an illuminated 6m x 3m trivision advertising display at this location.

Since 1992, a 6m x 3m advertising display has existed at this location. In recent times, relatively minor modifications have been undertaken, which have removed the movement (trivision) features from the display, making it a static image. Our advice is that this is a de-intensification of use. The position and display size of the unit has not changed.

I hope that this information is of assistance and that you will be able to close your file on this matter.

Yours faithfully



Julie Mulleady
Business Development Director

CC Mr Tim Martin, 23 Sarsfield Street, Limerick.

Out of Home Media

Algeria
Argentina
Australia
Austria
Azerbaijan
Belgium
Brazil
Bulgaria
Cameroon
Canada
Chile
China
Croatia
Czech Republic
Denmark
Estonia
Finland
France
Germany
Hungary
Iceland
India
Ireland
Israel
Italy
Japan
Kazakhstan
Korea
Latvia
Lithuania
Luxembourg
Malaysia
Norway
Oman
Poland
Portugal
Qatar
Russia
Saudi Arabia
Singapore
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland
Thailand
The Netherlands
Turkey
Ukraine
United Arab Emirates
United Kingdom
United States
Uruguay
Uzbekistan

JCDecaux

6 Sandyford Park - Burton Hall Road - Leopardstown - Dublin 18 - Ireland
Tel: +353 (0) 1 295 8170 - Fax: +353 (0) 1 295 8177 - www.jcdecaux.ie

Registered Office: JCDecaux Ireland Ltd Registered Office: 6 Sandyford Park, Burton Hall Road, Leopardstown, Dublin 18.
Registered in Ireland Company No. 318760

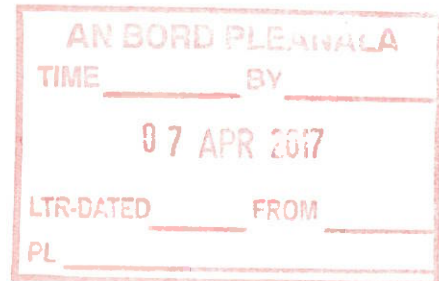


ECONOMIC DEVELOPMENT & PLANNING

DC-412/413/15/PC/CL

08th March 2016

Julie Mulleady
Business Development Director
JC Decaux
6 Sandyford Park
Burton Hall Road
Leopardstown
Dublin 18.



RE; Warning Letters – DC-412-15 & DC-413-15

Dear Madam,

I refer to your recent letters regarding the advertising displays which were the subject of the above Warning Letters.

The signs in question have been changed from television features to illuminated static images.

This change is unauthorised and you should now take immediate steps to remove these signs.

Any further queries in relation to this matter should be addressed to Pat Campbell, Development Inspector.

Yours faithfully,

VL
For Director of Service
Economic Development & Planning

RECORDED PLEAVALA	
TIME	BY
07 APR 2017	
LTP-DATED	FROM
PL	

PLANNING & ENVIRONMENTAL SERVICES

DC-412-15

REG POST:

The Secretary
JCDecaux Ireland Ltd
6 Sandyford Park
Burton Hall Road,
Leopardstown
Dublin 18

ENFORCEMENT NOTICE

UNDER SECTION 154 OF THE PLANNING AND DEVELOPMENT ACTS 2000-2015

The City & County Council of Limerick, the Planning Authority for Limerick, hereby gives you notice that you have carried out development of lands namely:

Erection of an illuminated billboard sign situate at 23 Sarsfield Street, Limerick, more particularly described on map annexed hereto (hereinafter referred to as "the site") for which there is no record of a Planning Permission being granted and is subsequently unauthorised.

FURTHER TAKE NOTICE that you are required within **one month** and thereafter of service of this notice (hereinafter called "the Notice period") to:

- (i) **Remove the unauthorised sign permanently.**
- (ii) **Refund to the Planning Authority the costs and expenses of €400 incurred to date in the investigation/detection and the issuing of Enforcement proceedings. Please note that, in the event of non-compliance, you may be liable to additional costs.**

AN BORD PLEANÁLA	
TIME	BY
07 APR 2017	
LTR-DATED	FROM
PL	

You are further warned that under the provisions of Section 154(5)(c) of the Planning & Development Acts 2000-2015 that if you do not fulfill the above requirements within the Notice period hereinbefore referred to then the Limerick City & County Council may enter on the site and take steps in order to carry out the above works and may recover any reasonable expenses incurred.

You are further advised that under the provisions of Section 154(5)(d) of the said Planning & Development Acts 2000-2015 that you will be required to refund to the Planning Authority the costs and expenses reasonable incurred by the Authority in relation to the investigation, detection and issue of this Enforcement Notice (and any warning letter issued under Section 152 of the said Acts) including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors.

Finally, the Planning Authority is obliged to warn you as the person served with this Enforcement Notice that if, within the Notice period specified the steps that you are required to carry out in compliance with this notice are not taken, that you may be guilty of an offence under the provisions of the Planning and Development Acts, 2000-2015.

Any further queries in relation to this matter should be addressed to Pat Campbell, Development Inspector.

Dated this 16th day of June, 2016

Signed on behalf of the said Council:

OR
For Director of Service
Planning & Environmental Services

AN BORD PLEANALA
TIME _____ BY _____
07 APR 2017
LTR-DATED _____ FROM _____
PL _____

Limerick City & County Council



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LIMERICK CITY & COUNTY COUNCIL

AN BORD PLEANÁLA
 TIME _____ BY _____
 07 APR 2017
 EXTENDED _____ FROM _____
 PL _____

ENFORCEMENT REPORT

TO:	Stephane Duclot, A/Senior Planner.
FILE REF:	DC-412-15
LANDOWNER/DEVELOPER:	JCDecaux Ireland Ltd
SITE LOCATION:	23 Sarsfield Street, Limerick

PLANNING HISTORY:

NATURE OF COMPLAINT:

Change of existing billboard sign to an illuminated sign

INSPECTOR'S REPORT:

I refer to the attached reference and Warning Letters dated 22nd January 2016.
 I also refer to correspondence dated 8th February and 08th March 2016.
 An inspection of the site and Planning Register on 22nd April 2016 has shown that the sign is still in place and is not authorised.

RECOMMENDATION:

I therefore recommend that an Enforcement notice be issued

SIGNED:

Pat Campbell
 Pat Campbell
 Development Inspector.

Date:

2/6/16

