

**WEXFORD COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT REGULATIONS 2001 - 2013**

# **EXEMPTED DEVELOPMENT**

# **ADVERTISING**



**The information contained in this booklet has been taken from the Planning and Development Regulations 2001-2013.**

**Please note that when considering whether works are Exempted Development the following are also taken into consideration;**

**Section 4 of the Planning & Development Act 2000 (as amended)**

**Sections 5, 6, 7 & 8 of the Planning & Development Regulations 2001 – 2013.**

**Should you require further assistance or confirmation that a particular development is exempted then you may apply for a Certification of Exempted Development (Section 5 application). The details can be found on our website [www.wexford.ie](http://www.wexford.ie) or contact Planning Customer Service Unit on 053 9196101 or email [planning@wexfordcoco.ie](mailto:planning@wexfordcoco.ie)**

## **CLASS 1**

**Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.**

### Conditions and Limitations

1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.
2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.
3. The total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.
4. (a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height.

- (b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.
5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.
  6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.
  7. Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.
  8. No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.
  9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.

## **CLASS 2**

**Illuminated advertisements exhibited as part of any shop or other window display on business premises and other advertisements affixed to the inside of the glass surface of a window of a business premises or otherwise exhibited through a window of such premises.**

### Conditions and Limitations

The total area of any advertisements so exhibited shall not exceed one quarter of the area of the window through which the advertisements are exhibited.

## **CLASS 3**

**Advertisements displayed within a business premises and which are not visible from outside the premises.**

## **CLASS 4**

**An advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a business premises and which bears no inscription or emblem other than the name, device or logo of a person or business occupying the business premises.**

### Conditions and Limitations

Not more than one such advertisement shall be exhibited on a business premises.

## **CLASS 5**

**Advertisements, exhibited at the entrance to any premises, relating to any person, partnership or company carrying on a public service or a profession, business or trade at the premises.**

### Conditions and Limitations

1. No such advertisement shall exceed 0.3 square metres in area.
2. Not more than one such advertisement, or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of each such person, partnership or company on the premises.

## **CLASS 6**

**Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, any guesthouse or other premises (other than a hotel) providing overnight guest accommodation or any public house, block of flats, club, boarding house or hostel, situated on the land on which any such advertisement is exhibited.**

### Conditions and Limitations

1. No such advertisement shall exceed 0.6 square metres in area.
2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.

3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises.

## **CLASS 7**

**Advertisements exhibited on land wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure (not being land which is a public park, public garden or other land held for the use and enjoyment of the public, or a part of a railway undertaking's enclosed land normally used for the carriage of passengers or goods by rail) and not readily visible from land outside the enclosure wherein it is exhibited.**

## **CLASS 8**

**Advertisements exhibited within a railway station, bus station, airport terminal or ferry terminal and which are not readily visible from outside the premises.**

## **CLASS 9**

**Advertisements relating to the sale or letting of any structure or other land (not being an advertisement structure) on which they are exhibited.**

### Conditions and Limitations

1. The area of any such advertisement shall not exceed—
  - (a) in the case of an advertisement relating to the sale or letting of a house, 0.6 square metres,

(b) in the case of an advertisement relating to the sale or letting of any other structure or land, 1.2 square metres.

2. Not more than one such advertisement shall be exhibited on the structure or other land.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the structure or land, for more than 7 days after the sale or letting to which the advertisement relates.

## **CLASS 10**

**Advertisements relating to the sale on or before a date specified therein of goods or livestock, and exhibited on land where such goods or livestock are situated or where such sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding sales of goods or livestock.**

### Conditions and Limitations

1. No such advertisement shall exceed 0.6 square metres in area.
2. Not more than one such advertisement shall be exhibited on the land concerned.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the date specified.



## **CLASS 11**

**Advertisements relating to the carrying out of building or similar works on the land on which they are exhibited, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such works.**

### Conditions and Limitations

1. Where only one advertisement is exhibited, such advertisement shall not exceed 3.5 square metres in area and shall not be exhibited more than 6 metres above ground level.
2. Where more than one advertisement is exhibited, no such advertisement shall exceed 0.6 square metres in area, the total area of such advertisements shall not exceed 3.5 square metres and no such advertisement shall be exhibited more than 4 metres above ground level.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the completion of the works.

## **CLASS 12**

**Advertisements for the purposes of announcement or direction or warning exhibited by a statutory undertaker in relation to the operation of the statutory undertaking.**

## **CLASS 13**

**Advertisements for the purposes of identification, direction or warning with respect to the land or structures on which they are exhibited.**

### Conditions and Limitations

No such advertisement shall exceed 0.3 square metres in area.

## **CLASS 14**

**Advertisements relating to an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1994.**

### Conditions and Limitations

No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the date of the election or referendum to which the advertisement relates.

## **CLASS 15**

**Advertisements required to be exhibited by or under any enactment, including advertisements the exhibition of which is so required as a condition of the valid exercise of any power, or proper performance of any function, given or imposed by such enactment, or for compliance with any procedure prescribed by or under any enactment.**

## **CLASS 16**

**Advertisements other than advertisements specified in class 17 of this Part of this Schedule, announcing any local event of a religious, cultural, educational, political, social, recreational or sporting character, and advertisements relating to any temporary matter in connection with any local event of such a character, not in either case being an event promoted or carried on for commercial purposes.**

### Conditions and Limitations

1. No such advertisement shall exceed 1.2 square metres in area.
2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the conclusion of the event or matter to which it relates.

## **CLASS 16A**

**Advertisements other than advertisements specified in Class 16 of this Part of this Schedule, announcing any local event promoted or carried on for commercial purposes.**

### Conditions and Limitations

1. No such advertisement shall exceed 1.2 square metres in area.
2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise be affixed to any structure other than an advertisement structure.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place for more than 7 days prior to the date of the event or for more than 3 days after the conclusion of the event to which it relates.
4. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement, at a distance greater than 15 kilometres from the location of the event.
5. The event shall not take place in the same location more than three times a year.
6. No advertisements shall be erected where they can be seen from any motorway or national primary road.

## **CLASS 17**

**Advertisements consisting of placards, posters or bills relating to the visit of any travelling circus, funfair, carnival, show, musicians, players or other travelling entertainment.**

### Conditions and Limitations

1. No such advertisement shall exceed 1.2 square metres in area.
2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the last performance or closing of the entertainment.

## **CLASS 18**

**An advertisement relating to any demonstration of agricultural methods or processes on the land on which the advertisement is exhibited.**

### Conditions and Limitations

1. No such advertisement shall exceed 0.6 square metres in area.
2. Not more than one such advertisement shall be exhibited on the land concerned.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the date of the demonstration to which it relates.

**In addition to the above exemptions, the following exemptions also apply**

(2) (a) Subject to article 9, development consisting of the use of a structure or other land for the exhibition of advertisements of a class specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—

- (i) such development complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1, and
- (ii) the structure or other land shall not be used for the exhibition of any advertisement other than an advertisement of a class which is specified in column 1 of the said Part 2 and which complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1.

(b) Subject to article 9, development consisting of the erection of any advertisement structure for the exhibition of an advertisement of any one of the classes specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—

- (i) the area of such advertisement structure which is used for the exhibition of an advertisement does not exceed the area, if any, specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1,

- (ii) the advertisement structure is not used for the exhibition of advertisements other than advertisements of the class to which the exemption relates,
- (iii) further to section 57 of the Act, the advertisement structure is not erected on a protected structure or a proposed protected structure save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2,
- (iv) further to section 82 of the Act, the advertisement structure is not located on the exterior of a structure where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft development plan, so as to materially affect the character of the area, save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2, and
- (v) where the advertisement structure is within a Gaeltacht area, any advertisement exhibited is
  - (I) in Irish, or
  - (II) in Irish and other languages, with prominence given to the Irish text, and identical content in all versions of the text.



## **Restrictions on exemption.**

### **9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—**

#### **(a) if the carrying out of such development would—**

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (ii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iii) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

- (iv) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
  
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
  
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the 24 competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

- (a) in an area to which a special amenity area order relates, if such development would be development:—**
- (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof ), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
  - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes,or
  - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
  - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

- (b) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,**
  - (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.**
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.**
- (3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.**