

WEXFORD COUNTY COUNCIL

PLANNING AND DEVELOPMENT REGULATIONS 2001 - 2013

EXEMPTED DEVELOPMENT RURAL



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 or contact Planning Customer Service Unit on 053 9196101 or email planning@wexfordcoco.ie

Limited Use for camping

CLASS 1

Temporary use of any land for the placing of any tent, campervan or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping.

Conditions and Limitations

1. Not more than one tent, campervan or caravan shall be placed within 100 metres of another tent, campervan or caravan at any time.
2. No tent, campervan, caravan or vessel shall remain on the land for a period greater than 10 days.
3. No tent, campervan, caravan or vessel shall be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
4. No tent, campervan or caravan shall be placed on land within 50 metres of any public road unless the land is enclosed by a wall, bank or hedge, or any combination thereof, having an average height of not less than 1.5 metres.

CLASS 2

Temporary use of land by a scouting organisation for a camp.

Conditions and Limitations

The land shall not be used for such purposes for any period or periods exceeding 30 days in any year.

Minor works and structures

CLASS 3

Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works.

CLASS 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

Conditions and Limitations

1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.
2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.

Minerals and petroleum prospecting

CLASS 5

(a) The carrying out of works on any land for the purpose of minerals prospecting and the erection or placing on land of any structures required for that purpose, where the prospecting is carried out pursuant to and in accordance with the terms and conditions of a licence, lease or permission granted by the Minister for the Marine and Natural Resources under the Minerals Development Acts, 1940 to 1999.

(b) The carrying out of works on any land for the purpose of searching for petroleum and the erection or placing on land of any structures required for that purpose, where the searching is carried out pursuant to and in accordance with the terms and conditions of an exploration licence, a petroleum prospecting licence or a reserved area licence granted by the Minister for the Marine and Natural Resources under the Petroleum and Other Minerals Development Act, 1960 (No. 7 of 1960).

Agricultural Structures

CLASS 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 7

Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.

3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
8. Boundary fencing on any mink holding must be escape-proof for mink.

CLASS 8

Works consisting of the provision of roofless cubicles, open loose yards, self- feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

3. No such structure shall be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
2. No such area shall be used for the staging of public events.
3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
4. The height of any such structure shall not exceed 2 metres.

Land Reclamation

CLASS 11

Development consisting of the carrying out of drainage and/or reclamation of wetlands

Conditions and Limitations

1. The area to be affected shall not exceed 0.1 hectares.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.

Miscellaneous

CLASS 12

Works consisting of the provision of a roofed structure for housing grey-hounds, having a gross floor space not exceeding 50 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the keeping of greyhounds.

2. The gross floor space of such structure together with any other such structures situated within a premises or within 100 metres of that premises shall not exceed 75 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

CLASS 13

Works consisting of the provision, for any purpose in connection with the keeping of greyhounds, of a roofless hard-surfaced yard, or of a roofless hard-surfaced enclosed area, having an area not exceeding 100 square metres (whether or not by extension of an existing yard or area) and any ancillary provision for effluent storage.

Conditions and Limitations

1. The gross floor space of such structure or structures together with any other such structures situated within the same complex or within 100 metres of that complex shall not exceed 150 square metres gross floor space in aggregate.
2. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.
3. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

CLASS 16

Replacement of broadleaf high forest by conifer species.

Conditions and Limitations

The area involved shall be less than 10 hectares.

Peat extraction

CLASS 17

- (a) Peat extraction in a new or extended area of less than 10 hectares, or**
- (b) Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these**

Renewable Technologies

CLASS 18

- (a) The construction, erection or placing within an agricultural holding of a structure for the purposes of housing a (fully enclosed) Combined Heat and Power system.**

Conditions and Limitations

1. The gross floor area of the structure shall not exceed 300 square metres.
2. No such structure shall exceed 8 metres in height, or 40 metres in length.

3. No such structure shall be within:
 - (a) 10 metres of any public road.
 - (b) 100 metres of the nearest habitable house (other than the house of the person providing the structure) or any other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner, and, as appropriate, the occupier or person in charge thereof.
4. No such structure shall have more than 2 flues, neither of which shall exceed 16 metres in height from ground level.
5. The diameter of any flue shall not exceed 1 metre.
6. Noise levels must not exceed 43db(A) during normal operation, as measured at the party boundary.
7. Not more than one such structure shall be erected within the agricultural holding.
8. The structure shall be used for the purposes of housing a Combined Heat and Power unit only.

b) The construction, erection or placing within an agricultural holding of a wind turbine.

Conditions and Limitations

1. The turbine shall not be erected on or attached to a building or other structure.
2. The total height of the turbine shall not exceed 20 metres.
3. The rotor diameter shall not exceed 8 metres.
4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres.
5. The supporting tower shall be a distance of not less than:
 - (a) one and a half times the total structure height (including the blade of the turbine at the highest point of its arc) plus 1 metre from any party boundary.
 - (b) The total structure height (including the blade of the turbine at the highest point of its arc) plus:
 - (i) 5 metres from any nonelectrical overhead cables,
 - (ii) 20 metres from any 38kV electricity distribution line,
 - (iii) 30 metres from the centreline of any electricity transmission line of 110kV or more.

6. The turbine shall not be located within:
 - (a) 100 metres of an existing wind turbine.
 - (b) 5 kilometres of the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.
7. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest habitable house.
8. Not more than one turbine shall be erected within the agricultural holding.
9. All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals.
10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine.

(c) The installation or erection on an agricultural structure, or within the curtilage of an agricultural holding, of solar panels (thermal collector or photo-voltaic).

Conditions and Limitations

1. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said holding, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser.
2. The distance between the plane of the wall and the panel shall not exceed 15cm.
3. The distance between the plane of a pitched roof and the panel shall not exceed 50cm.
4. The distance between the plane of a flat roof and the panel shall not exceed 2 metres.
5. The solar panel shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted, or 2 metres in the case of a flat roof.
6. The total aperture area of any wallmounted panel or free-standing solar array shall not exceed 25 square metres.
7. Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building.
8. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.

9. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the panels.

(d) The installation within an agricultural holding of a ground source heat pump system (horizontal and vertical) or air source heat pumps.

Conditions and Limitations

1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
2. The total area of any air source heat pumps shall not exceed 10 square metres.
3. The air source heat pump shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted.
4. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest habitable house.
5. Distances from party boundaries and from the foundations of any structure or building shall be maintained in line with the Sustainable Energy Ireland Renewable Energy Information Office Procurement Guidelines on Heat Pump Systems for the time being in force.

(e) The provision as part of a heating system for an agricultural building of a biomass boiler, including a boiler house, flues mounted on the boiler house, and over-ground fuel storage tank or structure.

Conditions and Limitations

1. The gross floor space of the boiler house shall not exceed 20 square metres.
2. The capacity of the fuel storage tank or structure shall not exceed 75 cubic metres.
3. The height of a boiler house or fuel storage tank installed above ground level shall not exceed 3 metres.
4. The height of a flue mounted on a biomass unit shall not exceed 20 metres, measured from ground level.
5. No more than 2 flues shall be erected.
6. Not more than one such structure shall be erected within the agricultural holding.
7. The diameter of any flue shall not exceed 1 metre.
8. The boiler house shall not be located within:
 - (a) 10 metres of any public road,
 - (b) 100 metres of the nearest habitable house (other than the house of the person providing the structure) or other residential building or

school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

9. Noise levels must not exceed 43db(A) during normal operation, as measured from the site boundary.

10. The fuel shall not include products derived from wood containing dangerous substances.

Temporary Structures and Uses

CLASS 19

The erection of a mast for mapping meteorological conditions.

Conditions and Limitations

1. No such masts shall be erected for a period exceeding 15 months in any 24 month period.
2. The total mast height shall not exceed 80 metres.
3. The mast shall be a distance of not less than:
 - (a) the total structure height plus:
 - (i) 5 metres from any party boundary,
 - (ii) 20 metres from any nonelectrical overhead cables,
 - (iii) 20 metres from any 38kV electricity distribution lines,
 - (iv) 30 metres from the centrelines of any electricity transmission lines of 110kV or more.

- (b) 5 kilometres from the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.
4. Not more than one such mast shall be erected within the site.
 5. All mast components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunications signals.
 6. No sign, advertisement or object, not required for the functioning or safety of the mast shall be attached to or exhibited on the mast.

Rainwater Harvesting

CLASS 20

Works consisting of the provision of a tank or tanks for the storage of rainwater collected from the roofs of agricultural buildings and any ancillary equipment to collect and distribute the rainwater.

Conditions and Limitations

1. No such structure situated fully underground shall exceed 10 metres in length, 5 metres in width or 4 metres in depth.
2. No such structure that is totally or partially above ground shall exceed metres in length, 5 metres in width or 4 metres in height.
3. All such structures shall have a solid, impervious roof.
4. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

(4) (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.I. No. 497 of 1997) shall, in the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before 1 June 1992, be exempted development.

(b) Paragraph (a) shall not apply in the case of development consisting of the construction of a building designed for use as 2 or more separate dwellings.

Development under other enactments.

7. (1) Works consisting of or incidental to the carrying out of development referred to in section 86(8) of the Environmental Protection Agency Act 1992 (No.7 of 1992), as amended for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development.

(2) Works consisting of or incidental to the carrying out of development referred to in section 54(4) (a) of the Waste Management Act, 1996 (No. 10 of 1996) for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part V of the said Act shall be exempted development.

Works specified in a drainage scheme

8. Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act 1945 (No. 3 of 1945) or the Arterial Drainage (Amendment) Act 1995 (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development.

8A. Initial afforestation shall be exempted development.

8B. Works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, shall be exempted development.

- 8C. Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.
- 8D. Works consisting of the removal for the purposes of agriculture of field boundaries including stone walls, clay banks or wire or post fences shall be exempted development.
- 8E. Articles 8B to 8D shall not apply in an area to which a special amenity area order relates.
- 8F. Development consisting of the thinning, felling or replanting of trees, forests or woodlands, or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species, shall be exempted development.
- 8G. Development (other than where the development consists of provision of access to a public road) consisting of the construction, maintenance or improvement of a road (other than a public road), or works ancillary to such road development, where the road serves forests and woodlands, shall be exempted development.

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.**