

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL



COUNTY BUILDINGS, ATHY ROAD, CARLOW.

Tel: Phone:059-9170300/ Fax: 059-9170836

Website: www.carlow.ie

Application Form for Section 5 Declaration on Development & Exempted Development

1. Name of applicant: Carlow

Hearing_____

2. Address of applicant: ____Unit C Hanover House , Hanover Road , Carlow town_____

3. Name and address for correspondence: _as above_____

Tel. No: ____0599137670_____ Fax No: _____E-mail:

4. Location of Development: Townland: _As above in Carlow town_____

Postal Address: (if different from Townland): _____

5. Name and Address of Agent: __Touchpoint media , Unit 10 Lorglenn Business Park , Hacketstown Road , Carlow Town_____

6. Outline clearly the description of the development / proposal: _____

_____ We wish to erect an outside sign above the entrance to our premises as per the attached photoshop picture _____

7. Is this a Protected Structure or within the curtilage of a Protected Structure: _____

_____ no _____
—

8. List any previous applications relating to the site:

___ none _____

9. Are you aware of aware of any enforcement proceedings relating to this site:

___ no _____

10. Please state applicant's interest in this site: ___ leasee of unit

C _____

11. List of plans, drawings etc. submitted with this application: ___ Please see Attached photoshop picture . The proposed sign will be of Foamex , 19mm in depth and approx. 2 metres in length . It will be attached to the wall with double sided tape so it can be easily attached and removed without leaving a trace . _____

Signed: _____ donal keane _____

Date:

_____ 16/11/23 _____

(Signature of Applicant)

Note: This application must be accompanied by:

Payment of Fee: This application must be accompanied by the statutory fee of €80

Lodgement: The application should be forwarded to:
Planning Department
Carlow County Council
Athy Road
Carlow

OFFICE USE ONLY

Date Received: _____

Date Decision Due: _____

Date of Decision: _____

Recommendation: _____

Advice Note:

This is a non-statutory advice note prepared by Carlow County Council for the purposes of advising applicants what information is required for a decision to be made under Section 5 by the Planning Authority.

Under Section 5 of the Planning and Development Act 2000 as amended any person may request in writing from the Planning Authority as declaration as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Planning and Development Act 2000 as amended.

The Planning Authority is required to make a decision within 4 weeks of receipt of a Declaration Request under Section 5, along with the prescribed fee, however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

Therefore, it is advised that the following information should be submitted to enable the Planning Authority to make a qualified decision within the prescribed period:

- A site location map (Scale 1:2500 in rural area and 1:1000 in an urban area), with the site clearly outlined in red.
- Site Layout Map (Scale 1:500) in compliance with Article 23 of the Planning and Development Regs 2001 as amended.

- Drawings (Scale 1:50) Where development involves any construction of a new structure, increase in size of existing structure or alterations to an existing structure, scaled floor plans and elevations. Drawings should differentiate between the original building, all extension and proposed development.

Carlow Hearing



OPEN



**CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

SECTION 5 DECLARATION

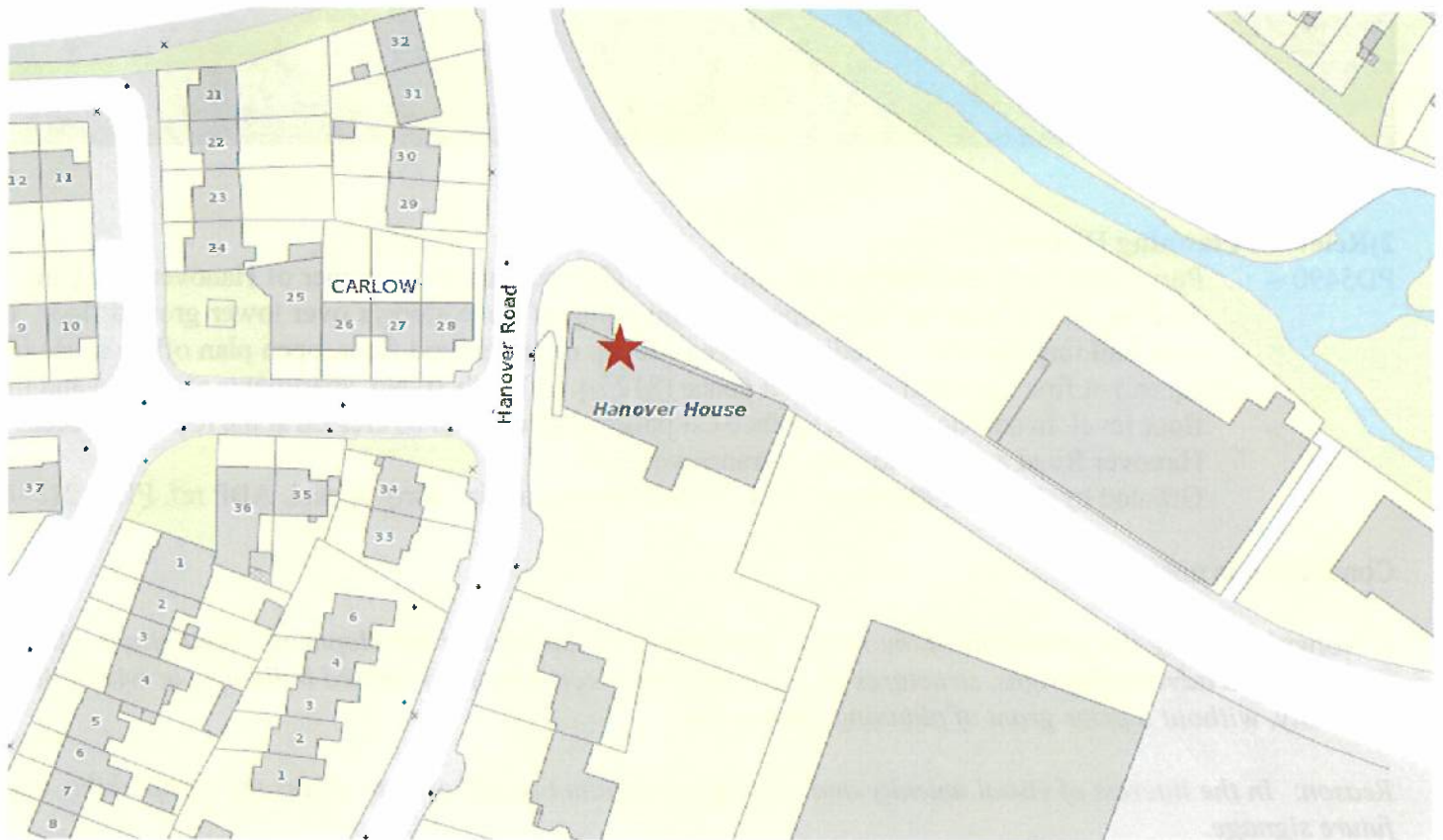


**COMHAIRLE CONTAE
CHEATHARLACH**
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/37
Name of Applicant	Carlow Hearing
Address of Development	Unit C, Hanover House, Hanover Road, Carlow
Development Description	Signage above entrance

1) Site Location/Context

The Section 5 declaration site relates to a property at Hanover House, Hanover Road, Co. Carlow. The site comprises a unit located within a mixed-use block of two to four-storey height.



SITE LOCATION



AERIAL IMAGE

2) Relevant Planning History

PD5490 – Permission for Demolition of existing house (335 sq. m.) at the corner of Hanover Road and the erection of a mixed use development comprising of three storeys over lower ground floor. The new building includes a medical centre (440 sq. m.) at ground floor, open plan office space (632 sq. m.) at first floor and residential apace (812 sq. m.) with 10 No. apartments at second and third floor level. In addition 45 No. surface car parking spaces will be created at the rear with access off Hanover Road and the existing entrance widened.
Granted by An Bord Pleanála 28/11/2005 following a third party appeal. ABP ref. PL42.213388.

Condition 4 is noted:

4. Notwithstanding the provisions of the Local Government (Planning and Development) Regulations, 2001 (as amended), no advertising signs, structures or logos shall be erected on the proposed buildings, or within the site generally, without a prior grant of planning permission.

Reason: In the interest of visual amenity and to permit the planning authority to assess the acceptability of any future signage.

PL07/5841 – Permission for material change of use of first floor unit (203 sq.m) from office use (Previously granted under Planning Reference No. 05/5490) to Medical Centre including; sub division of open-plan office into 3 no. consultation rooms, 1 no. treatment room, reception, waiting area, staff room, toilets, changing room and all associated ancillary spaces with the above use, change to bay window to west elevation, new brushed stainless steel lettering to north & south elevations and associated works with all of the above
Granted 28/05/2007

PL07/5846 – Permission for Alterations to the previously granted permission (reference no. P.D. 05/5494) to include change of use on ground floor medical centre to retail space (456m2). The ramp on the south elevation will be adjusted to gain easier access. Signage will be added as follows: North elevation signage: "THE NATIONALIST" 500 x 6000mm "AND LEINSTER TIMES" 300 x

4300mm on high level. Over main door signage "THE NATIONALIST" 350 x 4200mm. In the right top, corner -"HANOVER HOUSE" - 300x3500mm on high level. East elevation signage: "THE NATIONALIST" - 500 x 6000mm on high level.

Granted 28/05/2007

The following conditions are noted:

3. *The proposed development shall be for the medical centre activities only. Any subsequent change of use shall be referred to the Planning Authority.*

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

4. *(a) All conditions of previous planning permission granted PD 5490 in relation to this development shall be adhered to where necessary.*

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

PL08/6159 – Permission for Change of Use of portion of the ground floor and first floor from presently approved retail use (07/5846) and medical use (07/5841), to office use and for internal alterations to ground & first floor layouts, proposed signage, alterations to rear screen elevation, omission of canopy at 3rd floor roof level

Granted 23/03/2014.

Condition 3 is noted:

3. *Notwithstanding the provisions of the Planning & Development Regulations 2001, no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.*

REASON: In the interests of visual amenity.

This planning application relates to the adjoining unit and not the application site.

3)Description of the Referral/Proposal

An exempted development declaration is being sought for the provision of signage at front elevation of the unit which shall detail the name of the unit. The Applicant states that they are the leases of the subject property. The Section 5 application has been accompanied with a photoshopped image of the intended signage with the application form stating that it will be of foamex material, 19mm in depth and approx. 2m in length. It is to be attached to the wall with double sided tape.

4)Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended)

- Section 2

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

- Section 3(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

- Section 4(1)

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not

materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

Planning and Development Regulations 2001 (as amended)

- Article 6(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.

-Article 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 meters in width,

(iii) endanger public safety by reason of a traffic hazard or obstruction of road users.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) 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,

(v) 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 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,*

Schedule 2, Part 2, Class 1 (Advertisements)

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 / 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.

5) Assessment

The submitted Section 5 Declaration application relates to the provision of signage (business name) at the front elevation of the unit. Accordingly, the provisions of Class 1, Part 2, Schedule 2 would appear to be applicable.

Does the proposal constitute development?

Section 3 of the Planning and Development Act 2000 (as amended) defines development as “the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land”. The proposal, which involves the provision of signage to the front façade of the structure is deemed to constitute development within the meaning of this definition.

Does the proposal constitute exempted development?

Article 6(2) of the Regulations state that subject to Article 9, development of a class specified in Part 2 of Schedule 2 of the Regulations shall be exempted development provided that such development complies with the conditions and limitations specified.

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.*
 - *The proposed signage would appear compliant with the above. However, I note exact dimensions of the advertising have not been indicated except that the overall length would comprise 2m.*
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.*
 - *This is not applicable as the signage is solely at front elevation.*
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.*
 - *This is not applicable as the signage is proposed to be exhibited on the building.*
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.*
 - *The proposed signage would appear compliant with 4(a) and (b) above.*
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.*
 - *The proposed signage is not projecting over the public 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.*
 - *The above is not applicable.*
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.*
 - *The proposed signage is not on a fixed or swinging sign.*
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.*
 - *The dimensions of the signage have not been indicated, thus it is not possible to confirm that the proposed letters would not exceed this limitation.*
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.*
 - *The proposed signage is located above the doorway, thus is compliant with the above.*

Restrictions on Exemption

Having regard to Article 9(1) of the Planning and Development Regulations 2001 (as amended), I note that any applicable exemption would be de-exempt by way the following restriction.

9(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,*

The parent permission for the mixed-use structure included the below condition which states that planning permission is required for all advertising, structures, logos etc. on the building and within the site generally.

4. Notwithstanding the provisions of the Local Government (Planning and Development) Regulations, 2001 (as amended), no advertising signs, structures or logos shall be erected on the proposed buildings, or within the site generally, without a prior grant of planning permission.

Accordingly, the proposed signage is not considered to be exempted development pursuant to Article 9(a)(i) of the Planning and Development Regulations 2001 (as amended).

6) Recommendation

Having had regard to:

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part 2, Class 1 of the Planning and Development Regulations 2001 (as amended),

The Planning Authority considers that the provision of signage on the front elevation of the building, as submitted to the Planning Authority on the **16th November 2023** is development and is **NOT** exempted development as the the development would contravene Condition 4 of PD5490 / ABP Ref. 213388.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of Planning and Development Act 2000 (as amended), hereby decides that the proposed signage as submitted is development and is not exempted development.

**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)**

Reg. Ref: SEC5/23/37

WHEREAS a question has arisen as to whether the provision of signage to the front elevation of the unit (comprising foamex material, 19mm in depth and approx. 2 metres in length and attached via double sided tape extension) at Unit C, Hanover House, Hanover Road, Carlow, is or is not exempted development;

AS INDICATED on the particulars received by the Planning Authority on **16/11/2023**;

AND WHEREAS Carlow Hearing, Unit C Hanover House, Hanover Road, Carlow, requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 2 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Carlow County Council has concluded that works which comprise the provision of signage to the front elevation at Unit C, Hanover House, Hanover Road, Carlow, as detailed on the particulars received by the Planning Authority on 16/11/2023, entails works and so it constitutes development under Section 3(1) of the Planning and Development Act 2000 (as amended), may come within the scope of Class 1 in Part 2 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the provisions of Article 9(a)(i) of the Planning and Development Regulations 2001 (as amended) are applicable in this case and serve to de-exempt the development as it would contravene condition number 4 of An Bord Pleanála reference number PL42.213388 which specifically stated that notwithstanding the provisions of the Local Government (Planning and Development) Regulations, 2001 (as amended), no advertising signs, structures or logos shall be erected on the proposed buildings, or within the site generally, without a prior grant of planning permission.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising provision of signage to the front elevation of the unit (comprising foamex material, 19mm in depth and approx. 2 metres in length and attached via double sided tape extension) as indicated on particulars received by the Planning Authority on 16/11/2023 at Unit C, Hanover House, Hanover Road, Carlow, is development and is not exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: Brya Joyce
A/Executive Planner

Date: 29/11/23

Signed: A. S.
Senior Planner

Date: 29/11/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/37

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	Unit C, Hanover House, Hanover Road, Carlow
Total Site Area:	Not stated.
Floor Area of Proposed Development:	Not applicable.
Identification of Natura 2000 site(s):	River Barrow and River Nore cSAC.
Is the application accompanied by an EIAR?	No.

B. IDENTIFICATION OF RELVANT NATURA 2000 SITE(S):

The reasons for the designation of the Natura 2000 site:(A site synopsis can be obtained from www.npws.ie)The conservation objectives/qualifying interests of the site and the factors that contributes to the conservation value of the site:	
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C. NPWS ADVICE:

Summary of advice received in written form:	None Received.
Advice received over the over phone:	None Received.

D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(Purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).If answer yes to any of the questions, below then the effect is significant.

1.1	Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)	No.
1.2	Would there be a reduction in habitat area on a Natura 2000 site?	No.
1.3	Would there be direct/indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?	No.
1.4	Would there be serious/ongoing disturbance to species/habitats for which the Natura 2000 site is selected (e.g. because of increased noise, illumination and human activity)?	No.
1.5	Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?	No.
1.6	Would the project interfere with mitigation measures put in place for other plans/projects? (Look at in-combination effects with completed, approved but not completed, and proposed plans/projects. Look at projects/plans within and adjacent to Natura 2000 sites and identify/)	No.

E. SCREENING CONCLUSION

The development comprises the provision of signage to the front elevation of an existing building. Given the proximity of the nearest European Site and the nature and extent of the development on the site and intervening land uses located in the area, it is considered reasonable to conclude on the basis of the information available, that the development on its own or in combination with other plans or projects, would not be likely to result in any potential significant effects on the European Site. Therefore, a Stage 2 Appropriate Assessment is not required.

Signed:	<i>Beg Joyce</i>	Date:	28 th November 2023
Position:	A/Executive Planner		

Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/37



WHEREAS a question has arisen as to whether the provision of signage to the front elevation of the unit (comprising foamex material, 19mm in depth and approx. 2 metres in length and attached via double sided tape extension) at Unit C, Hanover House, Hanover Road, Carlow, is or is not exempted development;

AS INDICATED on the particulars received by the Planning Authority on 16/11/2023;

AND WHEREAS Carlow Hearing, Unit C Hanover House, Hanover Road, Carlow, requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 2 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Carlow County Council has concluded that works which comprise the provision of signage to the front elevation at Unit C, Hanover House, Hanover Road, Carlow, as detailed on the particulars received by the Planning Authority on 16/11/2023, entails works and so it constitutes development under Section 3(1) of the Planning and Development Act 2000 (as amended), may come within the scope of Class 1 in Part 2 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the provisions of Article 9(a)(i) of the Planning and Development Regulations 2001 (as amended) are applicable in this case and serve to de-exempt the development as it would contravene condition number 4 of An Bord Pleanála reference number PL42.213388 which specifically stated that notwithstanding the provisions of the Local Government (Planning and Development) Regulations, 2001 (as amended), no advertising signs, structures or logos shall be erected on the proposed buildings, or within the site generally, without a prior grant of planning permission.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising provision of signage to the front elevation of the unit (comprising foamex material, 19mm in depth and approx. 2 metres in length and attached via double sided tape extension) as indicated on particulars received by the Planning Authority on 16/11/2023 at Unit C, Hanover House, Hanover Road, Carlow, is development and is not exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed:

Nicola Lawler

Date:

05/12/2023