

FINGAL COUNTY COUNCIL



Fingal County Council
Comhairle Contae Fhine Gall



POLICY ON ADVERTISEMENT STRUCTURES

ON

PUBLIC ROADS

EFFECTIVE FROM 1st JUNE, 2008

POLICY ON ADVERTISEMENT STRUCTURES ON PUBLIC ROADS

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Introduction

This policy is concerned with advertisement structures on the public road as defined by Section 254(d) of the Planning and Development Act, 2000. Typically, advertisement structures would include directional signs to tourist accommodation, tourist attractions, cultural, sporting, commercial and industrial premises. This policy relates to signage on the public road and does not relate to signage on private property.

There are a number of other types of signs permitted along a public road such as regulatory, warning and information signs, these are usually erected by the Local Authority. This policy does not relate to this type of signage.

Legal Framework

Advertisement structures are authorised under Section 254(d) of the Planning and Development Act 2000, and the Planning and Development Regulations 2001 (as amended) by way of a licence.

If an advertisement structure has not been authorised by the Local Authority it is an unauthorised structure. Therefore, all applications for advertisement structures should be made in accordance with the above legislation.

A Local Authority has power to remove an unauthorised structure from the public road under Section 71 of the Roads Act, 1993.

Advertisement structures of a temporary nature e.g. signs advertising a particular event require the approval of the Council's Environment Department under the Litter Pollution Act, 1997.

Policy Objectives

It is the policy of Fingal County Council:

- To provide a standard of signage information that will promote the safety of road users;
- To facilitate the ease of navigation using an appropriate combination of signs;
- To promote a safer environment for pedestrian usage with particular reference to the mobility impaired;
- To have regard to government and National Roads Authority policy;
- To adopt consistent technical standards, which facilitate road user recognition and comprehension;
- To encourage the use of the Irish language in signage;
- To ensure that signage complements, rather than dominates or intrudes upon, the character and visual amenity of an area;
- To encourage the rationalisation of signage;
- To utilise existing structures for the erection of signage as far as practicable;
- To remove unauthorised advertisement structures;
- To provide clarity for businesses/groups/individuals seeking to erect signage; and
- To process applications in accordance with the criteria set out in this policy.

Authorised Advertisement Structures

Advertisement structures along the public road require the approval of the County Council in the form of a licence. Section 254(d) of the Planning and Development Act, 2000 and the Planning and Development Regulations, 2001 – S.I. No. 600 of 2001 (as amended) provide that a planning authority may grant a licence for a range of structures on public roads including “advertisement structures”.

Extracts from the relevant legislation are contained in Appendix 1.

Advertisement structure is defined in the Planning and Development Act, 2000 as

...“any structure which is a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements or any attachment to a building or structure used for advertising purposes”.

Public road is defined by the Roads Act, 1993 as ;

“a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority”.

Road is defined in the Roads Act, 1993 – includes

- “(a) any street, lane, footpath, square, court, alley or passage
(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,
(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gulley, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and
(d) any other structure or thing forming part of the road and
- (i) necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or
 - (ii) prescribed by the Minister”.

Assessment Criteria

All applications for advertisement structures will be assessed in accordance with the following criteria:

1. Signs will only be considered where an advertising “need” can be demonstrated. In this context the term “need” relates to the requirements of the travelling public and not the desire of the applicant to advertise as widely as possible. Each such need will be assessed on its merits. In relation to public institutions, Fingal County Council will determine the necessity for directional signs.
2. Fingerpost signage is the preferred type of advertisement structure. Other types of advertisement structures will be discouraged unless a “need” can be demonstrated.
3. Applications for advertisement structures will be refused where they give rise to a potential traffic hazard. In general, advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety.
4. Applications for advertisement structures along national routes and along approach roads to towns and villages will generally not be permitted except for tourist attractions of national or regional importance.
5. The number of advertisement structures for any one premises shall be kept to a minimum and will generally be restricted to a maximum of two in the local area. In exceptional cases this maximum may be exceeded at the discretion of Fingal County Council.
6. The number of advertisement structures that will be permitted on any one pole will be strictly limited by Fingal County Council. In the event of multiple applications for advertisement structures at any particular location, priority will be given to approved applicants on a first come first served basis.
7. Applications for advertisement structures shall comply with the requirements of the “Traffic Signs Manual” published by Department of the Environment. All lettering, logos and symbols are subject to the approval of Fingal County Council. In general, the use of the standard brown background and white lettering will be preferred.

Unauthorised Advertisement Structures

Unauthorised advertisement structures can give rise to a potential traffic hazard and can hinder the reasonable use of the public road. In addition, such structures can intrude upon the character and visual amenity of an area and can create a nuisance.

All advertisement structures on the public road must be authorised by Fingal County Council by way of a licence. If an advertisement structure has not been authorised by the Council it is an unauthorised structure.

Under section 254(9) of Planning and Development Act, 2000 any person who erects an advertisement structure on the public road without having a licence, otherwise than in accordance with a licence or in contravention of any condition of a licence shall be guilty of an offence.

Under Section 71 of the Roads Act, 1993 it is also an offence to erect a sign or other structure on a public road without the consent of Fingal County Council. The Council has the power to remove, store and dispose of an unauthorised structure from the public road. Owners of such structures are liable for any costs incurred.

Extracts from the relevant legislation are contained in Appendix 1.

APPENDIX 1

SECTION 254 OF PLANNING AND DEVELOPMENT ACT 2000

SECTION 254

Licensing of appliances and cables, etc., on public roads.

254.(1) Subject to *subsection (2)*, a person shall not erect, construct, place or maintain—

- (a) a vending machine,
 - (b) a town or landscape map for indicating directions or places,
 - (c) a hoarding, fence or scaffold,
 - (d) an advertisement structure,
 - (e) a cable, wire or pipeline,
 - (f) a telephone kiosk or pedestal, or
 - (g) any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.
- (2) This section shall not apply to the following—
- (a) an appliance, apparatus or structure which is authorised in accordance with a planning permission granted under *Part III*;
 - (b) a temporary hoarding, fence or scaffold erected in accordance with a condition of planning permission granted under *Part III*;
 - (c) the erection, construction, placing or maintenance under a public road of a cable, wire or pipeline by a statutory undertaker.
- (3) A person applying for a licence under this section shall furnish to the planning authority such plans and other information concerning the position, design and capacity of the appliance, apparatus or structure as the authority may require.
- (4) A licence may be granted under this section by the planning authority for such period and upon such conditions as the authority may specify, including conditions in relation to location and design, and where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her own expense.
- (5) In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to—

- (a) the proper planning and sustainable development of the area,
 - (b) any relevant provisions of the development plan, or a local area plan,
 - (c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
 - (d) the convenience and safety of road users including pedestrians.
- (6)
 - (a) Any person may, in relation to the granting, refusing, withdrawing or continuing of a licence under this section or to the conditions specified by the planning authority for such a licence, appeal to the Board.
 - (b) Where an appeal under this section is allowed, the Board shall give such directions with respect to the withdrawing, granting or altering of a licence under this section as may be appropriate, and the planning authority shall comply therewith.
- (7) Development carried out in accordance with a licence under this section shall be exempted development for the purposes of this Act.
- (8) A person shall not be entitled solely by reason of a licence under this section to erect, construct, place or maintain on, under, over or along a public road any appliance, apparatus or structure.
- (9) Subject to *subsection (10)*, any person who—
 - (a) erects, constructs, places or maintains an appliance, apparatus or structure referred to in *subsection (1)* on, under, over or along any public road without having a licence under this section to do so,
 - (b) erects, constructs, places or maintains such an appliance, apparatus or structure on, under, over or along any public road otherwise than in accordance with a licence under this section, or
 - (c) contravenes any condition subject to which a licence has been granted to him or her under this section, shall be guilty of an offence.
- (10)
 - (a) A planning authority may, by virtue of this subsection, itself erect, construct, place or maintain, on, under, over or along a public road any appliance, apparatus or structure referred to in *subsection(1)*, and it shall not be necessary for the planning authority to have a licence under this section.
 - (b) Nothing in this subsection shall be construed as empowering a planning authority to hinder the reasonable use of a public road by the public or any person entitled to use it or as empowering a planning authority to create a nuisance to the owner or occupier of premises adjacent to the public road.
- (11) Where a planning authority is not the road authority for the purposes of national or regional roads in its area, it shall not grant a licence under this section in respect of any appliance, apparatus or structure on, under, over or along a national or regional road or erect, construct or place any appliance, apparatus or structure on, under, over or along a national or regional road except after consultation with the authority which is the road authority for those purposes.

S.I. 600 of Planning and Development Regulations 2001

Part 1

Appliances, apparatus and structures:

- (a) A vending machine or coin operated machine (not being a weighing machine).
- (b) A town or landscape map for indicating directions or places.
- (c) A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road).
- (d) An advertisement structure.
- (e) A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe).
- (f) A telephone kiosk or pedestal.
- (g) A case, rack, shelf or other appliance, apparatus or structure for displaying articles, whether or not for the purpose of advertisement or sale in or in connection with any adjacent business premises.
- (h) Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises.
- (i) An advertisement consisting of any text, symbol, emblem, model, device or logo.
- (j) A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe or appliance attached to a petrol or oil pump.
- (k) A weighing machine.
- (l) A bring facility.

Part 2

- (a) A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.
- (b) A lamp-post.
- (c) A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed on or after 1 October 1964.
- (d) A cellar or other underground structure constructed on or after 1 October 1964.
- (e) A cable for conducting electricity for domestic or agricultural purposes.

PLANNING AND DEVELOPMENT (NO. 2) REGULATIONS 2002.

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PLANNING AND DEVELOPMENT (NO. 2) REGULATIONS 2002 (as amended)

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by sections 246, 254 and 262 of [the Planning and Development Act 2000](#) ([No. 30 of 2000](#)) hereby makes the following Regulations:

1. (1) These Regulations may be cited as the Planning and Development (No. 2) Regulations 2002.
- (2) These Regulations and the Planning and Development Regulations 2001 to 2002 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2002.
2. Part 1 of Schedule 12 of the Planning and Development Regulations 2001 (S.I. 600 of 2001) is hereby amended-
 - (a) By the deletion of paragraph (d) in Column 1 and the amount indicated in Column 2 opposite the said paragraph, and
 - (b) By the substitution in Columns 1 and 2 of the following:

“

(d)	An advertisement structure (other than an advertisement structure specified in paragraph (dd)).	€30.
(dd)	An advertisement structure (being of a fingerpost type not exceeding 1 metre in length).	€50.

No. 14/1993: ROADS ACT, 1993

Unauthorised signs, caravans, vehicles, etc. on public roads.

71.—(1) (*a*)
Any person who, without lawful authority or the consent of a road authority—

(i) erects, places or retains a sign on a public road, or

(ii) erects, places or retains on a public road any caravan, vehicle or other structure or thing (whether on wheels or not) used for the purposes of advertising, the sale of goods, the provision of services or other similar purpose,

shall be guilty of an offence.

(*b*) A consent under *paragraph (a)* may be given by the road authority subject to such conditions, restrictions or requirements as it thinks fit and any person who fails to comply with such conditions, restrictions or requirements shall be guilty of an offence.

(2) Without prejudice to the liability of any person under *subsection (1)*, where there is a contravention of that subsection in the case of any sign or advertisement, the person on whose behalf the sign or advertisement is exhibited shall be deemed also to have contravened that subsection.

(3) Notwithstanding any other enactment, an authorised person may remove a sign, caravan, vehicle or other structure or thing to which *subsection (1)* applies.

(4) An authorised person may store, or procure the storage of, a sign, caravan, vehicle or other

structure or thing removed by him under *subsection (3)*.

(5) Where the name and address of the owner of a sign, caravan, vehicle or other structure or thing removed and stored under this section can be ascertained by reasonable inquiry, the road authority or the Commissioner shall serve a notice upon the owner informing him of its removal and storage and of the address of the place where it may be claimed and recovered, requiring him to claim and recover it within one month of the date of the service of the notice and informing him of the statutory consequences of his failure to do so.

(6) A sign, caravan, vehicle or other structure or thing removed and stored under this section shall be given to a person claiming it if, but only if, he makes a declaration in writing that he is the owner of the sign, caravan, vehicle or other structure or thing or is authorised by its owner to claim it and, at the discretion of the road authority concerned or the Commissioner, pays the amount of the expenditure reasonably incurred in removing and storing it.

(7) The road authority concerned or the Commissioner may dispose, or procure the disposal, of a sign, caravan, vehicle or other structure or thing removed and stored under this section if—

(a) the owner of the sign, caravan, vehicle or other structure or thing fails to claim it and remove it from the place where it is stored within one month of the date on which a notice under *subsection (5)* was served on him, or

(b) the name and address of the owner of the sign, caravan, vehicle or other structure or thing cannot be ascertained by reasonable inquiry.

(8) A sign, caravan, vehicle or other structure or thing shall not be disposed of under this section within six weeks of the date of its removal under this section.

(9) In this section—

"authorised person" means—

(*a*) a person authorised in writing
by a road authority for the purposes
of this section,

(*b*) a member of the Garda
Síochána;

"sign" includes any sign, hoarding or other
structure used for the purposes of advertising.

(10) This section shall not apply to a sign which
relates to a presidential election within the
meaning of the [Presidential Elections Act, 1937](#) ,
a general election or a bye-election, within the
meaning, in each case, of the [Electoral Act, 1923](#) ,
a local election, a referendum, within the meaning
of the Referendum Act, 1942, or an election of
members of the European Parliament, unless the
sign has been in position for seven days or longer
after the latest day upon which the poll was taken
for the election, bye-election or referendum
concerned.