STATUTORY RULES OF NORTHERN IRELAND

2009 No. 17

PLANNING

The Planning (Control of Advertisements) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*19th January 2009*
Coming into operation	*19th February 2009*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 67(1) and (2) of the Planning (Northern Ireland) Order 1991(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Control of Advertisements) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 19th February 2009.

(2) In these Regulations "the principal Regulations" means the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(**2**).

Amendment of principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 7.

Insertion of definition

3. In regulation 2 (1) after the definition of "the 1991 Order" insert—

""amenity" includes aural and visual amenity;".

Deemed consent for the display of advertisements

4. In regulation 5 (1) for "regulation 6" substitute "regulations 6 and 6A".

Directions restricting deemed consent

5. In regulation 6 (1) for "other than Class 10," substitute "other than Class 10 or 12,".

(**1**) 1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I. 8) and S.I. 2006/1252 (N.I. 7)
(**2**) S.R. 1992 No. 448, relevant amending Regulations are S.R. 1998 No. 147, S.R. 2006 No. 218 and S.R. 2006 No. 276

Discontinuance of deemed consent

6. After regulation 6, insert the following regulation—

"**Discontinuance of deemed consent**

6A.—(1) If it appears to the Department that to remedy a substantial injury to the amenity of the locality or a danger to public safety—

(a) the display of a particular advertisement for which there is deemed consent should be discontinued; or

(b) the use of a particular site for the display of advertisements for which there is deemed consent should be discontinued or that any conditions should be imposed on the continuance of a use of the site,

the Department may by order require the discontinuance of that consent or use within such time as may be specified in the order, or impose such conditions as may be so specified on the continuance of the use, as the case may be.

(2) Before making an order under this regulation, the Department shall serve notice on the person displaying the advertisement and on any other person who in its opinion would be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than 28 days from the date of service thereof) any person on whom the notice is served so requests in writing, the Department shall afford to him an opportunity of appearing before and being heard by the planning appeals commission.

(3) A notice under paragraph (2) shall contain a statement of the reasons why the Department—

(a) considers that a substantial injury to the amenity of the locality or a danger to public safety, as the case may be, has been caused; and

(b) considers it necessary to make an order under paragraph (1).

(4) Where the Department makes an order under this regulation it shall serve a copy of the order on the person displaying the advertisement to which the order relates and on any person who in its opinion would be affected by the order.

(5) In considering whether to make an order under this regulation, the Department shall have regard to any material change in circumstances that has occurred.".

Advertisements on sites used for preceding ten years for display of advertisements without express consent

7. In Part 1 of Schedule 3 after CLASS 11 insert—

"CLASS 12	*Advertisements on sites used for preceding ten years for display of advertisements without express consent*
Description	An advertisement displayed on a site that has been used continually for the preceding ten years for the display of advertisements without express consent.
Conditions	(a) The advertisement does not fall within this description if, during the relevant 10-year period, there has been either a material increase in the extent to which the site has been used for the display of advertisements or a material alteration in the manner in which it has been so used. (b) If any building on which such an advertisement is displayed— (i) is removed in compliance with a requirement of, or under, any statutory provision;