# 1992 No. 448

## PLANNING

## Planning (Control of Advertisements) Regulations (Northern Ireland) 1992

*Made* . . . . . *19th October 1992*

*Coming into operation* . . *1st December 1992*

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The Department of the Environment, in exercise of the powers conferred by Articles 2(2), 67(1) and (2), of the Planning (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf, makes the following Regulations:

PART I

GENERAL

*Citation and commencement*

**1.** These regulations may be cited as the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 and shall come into operation on 1st December 1992.

*Interpretation*

**2.**—(1) In these Regulations—

"the Act of 1965" means the Land Development Values (Compensation) Act (Northern Ireland) 1965(**b**);

"the 1991 Order" means the Planning (Northern Irleand) Order 1991;

(**a**) S.I. 1991/1220 (N.I. 11), Art 2(2) is cited because it contains a definition of "the Department"
(**b**) 1965 c. 23 (N.I.) as amended by S.I. 1991/1220 (N.I. 11) Art. 133(1) Sch. 5

"area of outstanding natural beauty" means an area designated by an order made under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(**a**);

"balloon" means a tethered ballon or a similar tethered object;

"commission" means the planning appeals commission;

"deemed consent" means consent given by regulation 5;

"Department" means the Department of the Environment for Northern Ireland;

"express consent" has the meaning given by regulation 4(1);

"illuminated advertisement" means an advertisement which is designed or adapted to be illuminated by artificial lighting, directly or by reflection and which is so illuminated;

"National Park" means an area designated by an order made under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

"site" means any land on which an advertisement is displayed but does not include a hoarding or similar structures;

"standard conditions" means the conditions specified in Schedule 1.

(2) Any reference in these regulations to a person displaying an advertisement includes—

(*a*) the owner and occupier of the land on which the advertisement is displayed;

(*b*) any person to whose goods, trade, business or other concerns publicity is given by the advertisement; and

(*c*) the person who undertakes or maintains the display of an advertisement.

(3) Except in Schedule 2, Class A, any reference in these regulations to the land, the building, the site or premises on which an advertisement is displayed includes, in the case of an advertisement which is displayed on, or consists of, a balloon, a reference to the land, the building, the site or other premises to which the balloon is tethered and to all land, buildings or other premises normally occupied therewith.

*The Department to exercise of its powers in the interests of amenity and public safety*

**3.**—(1) In the exercise of its powers under these regulations in the interests of amenity and public safety, the Department shall take account in particular of—

(*a*) in the case of amenity, the general character of the locality, including the presence of any feature of historic, archaeological, architectural or cultural interest, disregarding, if it thinks fit, any advertisements being displayed there;

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(a) S.I. 1985/170 (N.I. 1)

(*b*) in the case of public safety—

(i) the safety of any person who may use any road, railway, waterway (including coastal waters), docks, harbour or airfield;

(ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway sign, or aid to navigation by water or air.

(2) In determining an application for consent for the display of advertisements, or considering whether to make an order revoking or modifying a consent, the Department may have regard to any material change in circumstances likely to occur within the period for which the consent is required or granted.

(3) Unless it appears to the Department to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

(4) A consent for the display of advertisements shall take effect as consent for the use of the site for the purposes of the display, whether by the erection of structures or otherwise, and for the benefit of any person interested in the site.

*Requirement for consent*

**4.**—(1) Subject to paragraph (2), no advertisement may be displayed without the consent granted by the Department on an application in that behalf (referred to in these regulations as "express consent") or granted by regulation 5 (referred to in these regulations as "deemed consent").

(2) The prohibition in paragraph (1) does not apply to an advertisement within any class set out in Schedule 2, which complies with—

(i) any condition there specified; and

(ii) the standard conditions, except that paragraph 4 of Schedule 1 does not apply in the case of any Class F or G advertisement.

## PART II

## DEEMED CONSENT

*Deemed consent for the display of advertisements*

**5.**—(1) Subject to regulation 6, deemed consent is hereby granted for the display of an advertisement falling within any class specified in Part I of Schedule 3, subject—

(*a*) to any conditions and limitations specified in that Part in relation to that class; and

(*b*) to the standard conditions.

(2) Part II of Schedule 3 applies for the interpretation of that Schedule.

*Directions restricting deemed consent*

**6.**—(1) If the Department is satisfied after consultation with the appropriate district council, that the display of advertisements of any class specified in Part I of Schedule 3, other than Class 10, should not be undertaken in any particular area or in any particular case without express consent, it may direct that the consent granted by regulation 5 for that class shall not apply in that area or in that case, for a specified period or indefinitely.

(2) Notice of the making of any direction for a particular area shall be published by the Department in at least 1 newspaper circulating in the locality and such a notice shall—

(*a*) contain a full statement of the effect of the direction;

(*b*) name a place or places in the locality where a copy of the direction and of a map defining the area concerned may be seen at all reasonable hours; and

(*c*) specify a date when the direction shall come into force, at least 14 and not more than 28 days after the first publication of the notice.

(3) Notice of the making of any direction for a particular case shall be served by the Department on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the Department, proposes to display on such land an advertisement of the class affected.

(4) A direction for an area shall come into force on the date specified in the notice given under paragraph (2), and a direction for a particular case shall come into force on the date on which notice is served on the occupier or, if there is no occupier, on the owner of the land affected.

## PART III

## EXPRESS CONSENT

*Applications for express consent to display advertisements*

**7.**—(1) The provisions of Article 20 of the 1991 Order specified in column 1 of Part I of Schedule 4 shall apply to applications for express consent to display advertisements as if references in those provisions to planning permission were references to consent for the display of an advertisement, references to a development order were references to these regulations and subject to the modifications, if any, specified in column 2.

(2) The provisions of Article 20 of the 1991 Order as modified are set out in Part II of Schedule 4.

(3) An application shall be made on a form—

(*a*) provided by the Department; and

(*b*) containing the particulars required by the form, accompanied by a plan sufficient to identify the site to which it relates and such other plans and drawings as are necessary to describe the advertisement which is the subject of the application.