
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 66

The Planning (Control of Advertisements)
Regulations (Northern Ireland) 2015

PART 1
GENERAL

Citation and commencement

1. These Regulations may be cited as the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

Commencement Information

II [Reg. 1](#) in operation at 1.4.2015, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the 1965 Act” means the Land Development Values (Compensation) Act (Northern Ireland) 1965(1);

“the 2011 Act” means the Planning Act (Northern Ireland) 2011;

“amenity” includes aural and visual amenity;

“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(2);

“balloon” means a tethered balloon 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;

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001(3);

“express consent” has the meaning given by regulation 4(1)(a);

“government department” has the meaning assigned to it by section 212 of the 2011 Act;

“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;

(1) [1965 c.23 \(N.I.\)](#) as amended by [2011 c.25 \(N.I.\)](#) section 179(4) Schedule 4

(2) [S.I. 1985/170 \(N.I.1\)](#)

(3) [2001 c.9 \(N.I.\)](#) as amended by [2003 c.21](#)

“interested council” has the meaning assigned to it by section 107(6) of the 2011 Act;

“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.

(4) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being carried out—

- (a) the expression “address” includes any number or address used for the purpose of such communications;
- (b) references to plans, notices or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(5) Paragraphs (6) to (10) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any plan, notice or other document to any other person (“the recipient”).

(6) The requirement shall (except in a case referred to in paragraph (7)) be taken to be fulfilled where the notice or other document transmitted by means of electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(7) The cases are—

- (a) serving notice under regulation 6(8);
- (b) serving notice under regulation 7(2);
- (c) serving notice requiring application for express consent under regulation 14;
- (d) serving notice under section 70(2) of the 2011 Act as applied by regulation 16.

(8) In paragraph (6), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(9) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(10) A requirement in these Regulations that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6).

Commencement Information

I2 Reg. 2 in operation at 1.4.2015, see **reg. 1**

Powers to be exercised in the interests of amenity and public safety

3.—(1) A council shall exercise its powers under these Regulations only in the interests of amenity and public safety, taking into account—

- (a) the provisions of the local development plan, so far as they are material; and
- (b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics 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;
- (b) factors relevant to public safety include—
 - (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.

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

(4) Unless it appears to the council 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.

(5) 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.

Commencement Information

I3 Reg. 3 in operation at 1.4.2015, see **reg. 1**

Requirement for consent

4.—(1) Subject to paragraph (2), no advertisement may be displayed unless consent for its display has been granted—

- (a) by the council or the Department on an application in that behalf (referred to in these Regulations as “express consent”); or
- (b) 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

Changes to legislation: There are currently no known outstanding effects for the The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, PART 1. (See end of Document for details)

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

Commencement Information

I4 [Reg. 4](#) in operation at 1.4.2015, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, PART 1.