
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 147

PLANNING

**Planning (Control of Advertisements)
(Amendment) Regulations (Northern Ireland) 1998**

Made - - - - *6th April 1998*

Coming into operation *18th May 1998*

The Department of the Environment, in exercise of the powers conferred by Articles 67(1) and (2) of the Planning (Northern Ireland) Order 1991(1) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Planning (Control of Advertisements) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 18th May 1998.

Interpretation

2. In these regulations—

“the principal Regulations” means the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(2);

“the Class 4 conditions” means the conditions applicable to advertisements described in Class 4(1) and 4(2) in Part I of Schedule 3 to the principal Regulations; and

“the Class 8 conditions” means the conditions applicable to advertisements described in Class 8 in Part I of Schedule 3 to the principal Regulations.

Amendment of regulations

3. The principal Regulations are amended in accordance with regulations 4 to 9.

Classes of advertisements to which the prohibition in regulation 4(1) of the principal Regulations does not apply

4.—(1) In Schedule 2 in Class F for “European” substitute “European Parliamentary”.

(1) S.I.1991/1220 (N.I. 11); see Art. 2(2) for the definition of “the Department”

(2) S.R. 1992 No. 448

(2) In Schedule 2 for Class H substitute—

“CLASS H

A traffic sign provided under Article 29(3) or placed under Article 30(1)(b), 30(2), 31(1)(b) or 32 of the Road Traffic Regulation (Northern Ireland) Order 1997(3).”.

Illuminated advertisements on business premises

5. In Part I of Schedule 3, in Class 4—

- (a) in the descriptions of Class 4(1) and 4(2), for the words after “carried on”, substitute in each case, “the goods sold or services provided, and/or the name and qualifications of the person carrying on the business, or supplying the goods or services, on those premises.”;
- (b) for paragraph (d) of the Class 4(1) and 4(2) conditions substitute the following—
 - “(d) Illumination may be—
 - (i) by halo illumination; or
 - (ii) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.”;
- (c) in paragraph (e) of the Class 4(1) and 4(2) conditions for “, animation or reflective material” substitute “or animation”; and
- (d) in paragraph (f) of the Class 4(1) and 4(2) conditions for “The luminance” substitute “Where the method of illumination is that described in paragraph (d)(ii), the luminance”.

Flag advertisements

6. In Part I of Schedule 3 for Class 7 substitute—

“CLASS 7	<i>Flag advertisements</i>
(1) Description	An advertisement in the form of a flag attached to a single flagstaff projecting from the roof of a building.
Conditions	<ul style="list-style-type: none"> (a) No advertisement is permitted other than one— <ul style="list-style-type: none"> (i) bearing the name and/or device of any person occupying the building; or (ii) referring to a specific event (other than the offering of named goods for sale) of limited duration, which is taking place in the building, for the duration of that event. (b) No character or symbol on the flag may be more than 0.3 metre in height.
(2) Description	An advertisement in the form of a flag attached to a single flagstaff erected on a

“CLASS 7	<i>Flag advertisements</i>
Conditions	<p>site which forms part of an area of land in respect of which planning permission has been granted for development of which the only principal component is residential development and on which—</p> <p>(a) operations for the construction of houses are in progress pursuant to that permission; or</p> <p>(b) such operations having been completed, at least one of the houses remains unsold.</p> <p>(a) No such advertisement is permitted within a conservation area, an area of outstanding natural beauty or a National Park.</p> <p>(b) The number of such advertisements on the land concerned shall not exceed—</p> <p style="padding-left: 40px;">(i) where the aggregate number of houses on that land does not exceed 10, one;</p> <p style="padding-left: 40px;">(ii) where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two;</p> <p style="padding-left: 40px;">(iii) where the aggregate number of houses on that land exceeds 100, three.</p> <p>(c) No part of the flagstaff may be more than 4.6 metres above ground level.</p> <p>(d) No flag shall exceed 2 square metres in area.</p> <p>(e) No such advertisement shall be displayed after the expiration of the period of one year commencing on the day on which building operations on the land concerned have been substantially completed.”.</p>

Advertisements on hoardings relating to building operations

7. In Part I of Schedule 3, in Class 8—
- (a) in paragraph (b) of the Class 8 conditions for “28 days” substitute “13 weeks”;
 - (b) in paragraph (c) of the Class 8 conditions for “6.1 metres long” substitute “12.1 metres long”; and
 - (c) in paragraph (e) of the Class 8 conditions for “2 years” substitute “3 years”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. In Part I of Schedule 3 after Class 10 add the following—

“CLASS 11	<i>Advertisements for neighbourhood watch schemes</i>
Description	An advertisement displayed on or near a road (but not in the window of a building), to give notice that a neighbourhood watch scheme approved by the Royal Ulster Constabulary is in operation in the area.
Conditions	<ul style="list-style-type: none"> (a) No such advertisement may exceed 0.2 square metre in area. (b) The Department shall, at least 14 days before the advertisement is first displayed, be given particulars in writing of the place at which it is to be displayed and a certificate issued by the Royal Ulster Constabulary— <ul style="list-style-type: none"> (i) that the scheme has been approved by the Royal Ulster Constabulary; (ii) that the Royal Ulster Constabulary has agreed to the display of the advertisement. (c) Any such advertisement shall be removed within 14 days after— <ul style="list-style-type: none"> (i) the relevant scheme ceases to operate; (ii) the relevant scheme ceases to be approved by the Royal Ulster Constabulary. (d) Illumination is not permitted. (e) No part of the advertisement may be more than 3.6 metres above ground level.”.

Interpretation of Part I of Schedule 3 to the principal Regulations

9. In Part II of Schedule 3 after paragraph 2 insert the following—

“3. In relation to advertisements within Class 4(1) or 4(2) “halo illumination” means illumination from within built-up boxes comprising characters or symbols where the only source of light is directed through the back of the box onto an otherwise unilluminated backing panel.

4.—(1) For the purposes of Class 7(2)—

“aggregate number” means the aggregate of the number of houses constructed, in the course of construction or proposed to be constructed on the land concerned;

“flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“house” includes a flat;

“planning permission” does not include any outline planning permission in relation to which some or all of the matters reserved for subsequent approval remain to be approved; and

“the land concerned”, in relation to any development, means—

- (a) except in a case to which sub-paragraph (2) or (3) applies, the land to which the planning permission for the development relates;
- (b) in a case to which sub-paragraph (3) applies, the land on which a particular phase of that development was, or as the case may be, is being or is about to be carried out;
- (c) in a case to which sub-paragraph (3) applies, the part of the land to which the permission relates on which a person has carried out part of that development, or as the case may be, is carrying it out or is about to carry it out.

(2) Subject to sub-paragraph (3), this sub-paragraph applies where the development is carried out in phases.

(3) This sub-paragraph applies where the development is carried out by two or more persons who each carry out part of it on a discrete part of the land to which the planning permission relates (whether the whole of the development or any part of it is carried out in phases or otherwise).”.

Sealed with the Official Seal of the Department of the Environment on

L.S.

6th April 1998.

J. McConnell
Assistant Secretary

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 (“the principal Regulations”).

The main changes made by the Regulations are—

- (a) the means of illumination for illuminated advertisements for which deemed consent is given (Class 4 in Part I of Schedule 3 to the principal Regulations) are extended to include “halo” illumination (defined in a new paragraph 3 in Part II of that Schedule);
- (b) the class of flag advertisement for which deemed consent is given (Class 7 in Part I of Schedule 3 to the principal Regulations) is extended so as to permit flag advertisements on certain sites on which houses have been or are being constructed. Some of the terms used in relation to the new Class 7(2) are defined in a new paragraph 4 in Part II of that Schedule;
- (c) restrictions as to the size of advertisements on hoardings (Class 8) and the period for which their display is permitted are relaxed; and
- (d) the introduction of deemed consent in relation to advertisements for neighbourhood watch schemes (Class 11, Part I of Schedule 3 to the principal Regulations).