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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 66**

**PLANNING**

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

*Made* - - - - *17th February 2015*

*Coming into operation* *1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 130(1) and (2), and 247(1) of the Planning Act (Northern Ireland) 2011<sup>(1)</sup>.

**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.

**Interpretation**

2.—(1) In these Regulations—

“the 1965 Act” means the Land Development Values (Compensation) Act (Northern Ireland) 1965<sup>(2)</sup>;

“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<sup>(3)</sup>;

“balloon” means a tethered balloon or a similar tethered object;

“commission” means the planning appeals commission;

“deemed consent” means consent given by regulation 5;

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(1) 2011 c.25 (N.I.)

(2) 1965 c.23 (N.I.) as amended by 2011 c.25 (N.I.) section 179(4) Schedule 4

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

“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(4);

“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;

“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(l) 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).

### **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.

### **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

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

## PART 2

### DEEMED CONSENT

#### Deemed consent for the display of advertisements

5.—(1) Subject to regulations 6 and 7, deemed consent is hereby granted for the display of an advertisement falling within any class specified in Part 1 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, except that paragraph 4 of Schedule 1 does not apply in the case of any Class 13 advertisement.
- (2) Part 2 of Schedule 3 applies for the interpretation of that Schedule.

#### Directions restricting deemed consent

6.—(1) If the Department is satisfied, upon a proposal made to it by a council, that the display of advertisements of any class or description specified in Schedule 3, other than Class 10 or 12, should not be undertaken in any particular area or in any particular case without express consent, it may direct that the deemed consent for that class or description shall not apply in that area or in that case, for a specified period or indefinitely.

- (2) Before making any such direction, the Department shall—
  - (a) where the proposal relates to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality and, where the Department maintains a website for the purpose of advertisement, on its website a notice that such a proposal has been made, and such a notice shall—
    - (i) contain a full statement of the effect of the direction,
    - (ii) name a place or places in the locality where a copy of the proposed direction and of a map defining the area concerned may be inspected at all reasonable hours; and
  - (b) where the proposal relates to a particular case, serve, or cause to be served, on the owner and occupier of the land affected and on any other person who, to its knowledge, proposes to display on that land an advertisement of the class or description concerned, a notice that a proposal has been made, specifying the land and the class or description of advertisement concerned.

(3) A notice under paragraph (2) shall state that any representation about the making of a direction may be made to the Department in writing within such period, being not less than 21 days from the date when the notice was first published or served (as the case may be), as is specified in the notice.

(4) The Department shall not make a direction under this regulation until after the expiry of the specified period.

- (5) In determining whether to make a direction, the Department—
  - (a) shall take into account any representation made in accordance with paragraph (3) (a “paragraph (3) representation”);
  - (b) where any paragraph (3) representation consists of an objection, may give to the council and to any other person who has made a paragraph (3) representation, an opportunity of appearing before and being heard by the commission and shall take into account any report produced by the commission; and

- (c) may modify the proposal of the council if—
  - (i) it has given to that council and every person who has made a paragraph (3) representation, notice in writing of its intention and the reasons for it and has given them a reasonable opportunity to respond; and
  - (ii) the intended modification does not extend the area of land specified in the proposal.

(6) Where the Department makes a direction, it shall send it to the council, with a statement of its reasons for making it, and shall send a copy of that statement to every person who has made a paragraph (3) representation.

(7) Notice of the making of any direction for a particular area shall be published by the council in at least one newspaper circulating in the locality and, where the council maintains a website for the purpose of advertisement, by publication of the notice on the website, and such 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 inspected at all reasonable hours; and
- (c) specify a date when the direction shall come into force, being at least 14 and not more than 28 days after the first publication of the notice.

(8) Notice of the making of any direction for a particular case shall be served by the council 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 council, proposes to display on that land an advertisement of the class or description concerned.

(9) A direction for an area shall come into force on the date specified in the notice given under paragraph (7), 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.

### **Discontinuance of deemed consent**

7.—(1) If it appears to the council 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 council 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 council 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 council shall afford to that person an opportunity of appearing before and being heard by the commission.

- (3) A notice under paragraph (2) shall contain a statement of the reasons why the council—
  - (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 council 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 council shall have regard to any material change in circumstances that has occurred.

## PART 3

### EXPRESS CONSENT

#### **Applications for express consent to display advertisements**

**8.**—(1) The provisions of section 40 of the 2011 Act specified in column 1 of Part 1 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 specified in column 2.

(2) The provisions of section 40 of the 2011 Act as modified are set out in Part 2 of Schedule 4.

(3) An application for express consent must be made in writing to the appropriate council.

(4) The application must include the following particulars—

- (a) a written description of the advertisement to which it relates;
- (b) the postal address of the site, or if the site in question has no postal address, a description of the location of the site;
- (c) the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent; and
- (d) 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.

(5) Where the application is one to which directions given by the Department under regulation 9 apply, the applicant shall send with the application (whether electronically or otherwise) the particulars specified or referred to in those directions as may have been notified to the applicant by the council.

(6) The council may give directions generally, or in relation to a particular case or class of case, specifying the kinds of particulars, plans or information to be contained in an application for express consent.

(7) On receipt of an application for express consent, the council shall send an acknowledgment in writing to the applicant.

#### **Department's directions**

**9.** The Department may give directions to a council, either generally or in relation to a particular case or class of case, specifying the kinds of particulars, plans or information that are to accompany an application for express consent.

#### **Duty to consult**

**10.**—(1) Before granting an express consent, the council shall consult—

- (a) any neighbouring council, any part of whose district appears likely to be affected;

- (b) where the council considers that a grant of consent may affect the safety of the persons using any road, the Department for Regional Development;
- (c) where the council considers that a grant of consent may affect the safety of persons using any railway, waterway, dock, harbour or aerodrome (civil or military), the person responsible for its operation and, in the case of coastal waters, the Commissioners of Irish Lights; and
- (d) where the application—
  - (i) relates to an advertisement with moving features, moving parts or flashing lights, and
  - (ii) is visible from a road,

the Department for Regional Development.

(2) The council shall give to those with whom consultation is required at least 14 days notice that the relevant application is to be considered and shall take into account, in dealing with the application, any representations made in response to that consultation.

#### **Determination of applications by the council**

**11.**—(1) Where an application for express consent is made to the council it may—

- (a) refuse consent; or
- (b) subject to paragraphs (3) and (4), grant consent, in whole or in part, subject to the standard conditions and to such additional conditions as it thinks fit.

(2) An express consent may be granted—

- (a) for the display of a particular advertisement or advertisements with or without illumination;
- (b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, dimensions or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure; or
- (c) for the retention of any display of advertisements or the continuation of the use of a site, begun before the date of application.

(3) The conditions imposed under paragraph (1)(b) may in particular include conditions—

- (a) regulating the display of advertisements to which the consent relates;
- (b) regulating for the display of advertisements the use of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;
- (c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works then required for the reinstatement of the land.

(4) The council shall not, under paragraph (1)(b), impose any conditions in relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, more restrictive than those imposed by that part in relation to that class.

#### **Applications by interested councils**

**12.**—(1) An application made by an interested council (whether solely or jointly with any other person) for express consent to display an advertisement shall be determined by the council concerned unless the application is referred to the Department under section 29 of the 2011 Act (as modified by paragraph 2) for determination by it.

- (2) Where such an application is referred to the Department, section 29 shall apply as if—
- (a) in subsection (1), for “applications for planning permission made to a council, or applications for the approval of a council of any matter required under a development order”, there were substituted “applications for the display of advertisements pursuant to regulations made under section 130 of this Act”;
  - (b) subsections (3) and (5) were omitted; and
  - (c) in subsection (6) the words “, other than an application mentioned in subsection (5),” were omitted.
- (3) Where the Department gives a direction under section 29 in respect of an application for express consent, regulations 10 to 13 shall apply to that application as if—
- (a) references to the council (in whatever terms) were references to the Department; and
  - (b) references to “applicant” were references to an “interested council”.

### **Notification of decision**

**13.**—(1) The grant or refusal of an express consent by the council shall be notified in writing to the applicant within a period of 8 weeks from the date of the receipt of the application or such longer period as the applicant may, before that date, agree in writing.

- (2) The council shall state in writing its reasons for—
- (a) any refusal, whether total or partial; and
  - (b) any decision to attach any conditions under regulation 11(1)(b) to a consent, except a condition specified in Part 1 of Schedule 3 in a case to which regulation 11(4) applies.

(3) Where a request has been made to the Secretary of State for a certificate in respect of section 235(1) of the 2011 Act or the Department of Justice in respect of section 235(4) of the 2011 Act, the period specified in paragraph (1) of this regulation shall begin on the date that the council is notified of that decision.

### **Notice requiring application for express consent**

**14.**—(1) The provisions of sections 43 and 44 of the 2011 Act specified in column 1 of Part 1 of Schedule 4 shall apply to the display of advertisements as if references in those provisions to planning permission were references to consent for the display of an advertisement and subject to the modifications specified in column 2.

(2) The provisions of sections 43 and 44 of the 2011 Act as modified are set out in Part 2 of Schedule 4.

### **Appeals to the planning appeals commission**

**15.**—(1) Where an application is made to the council for consent to display an advertisement and the consent is refused or granted subject to conditions, the provisions of sections 58 to 60 of the 2011 Act specified in column 1, of Part 1 of Schedule 4 shall apply 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 set out in column 2.

(2) The provisions of sections 58 to 60 of the 2011 Act as modified under paragraph (1), are set out in Part 2 of Schedule 4.



### **Revocation or modification of express consent**

**16.**—(1) The provisions of sections 68 and 70 of the 2011 Act specified in column 1 of Part 1 of Schedule 4 shall apply to the revocation or modification of a consent for the display of an advertisement subject to the modifications set out in column 2.

(2) The provisions of sections 68 and 70 of the 2011 Act as modified under paragraph (1), are set out in Part 2 of Schedule 4.

### **Compensation for revocation or modification of consent**

**17.**—(1) Where a consent for the display of an advertisement has been revoked or modified by an order made under section 68 of the 2011 Act as applied by regulation 16 and a claim is made in accordance with paragraph (3) the provisions of section 26 of the 1965 Act specified in column 1 of Part 3 of Schedule 4 shall apply subject to the modifications set out in column 2.

(2) The provisions of section 26 of the 1965 Act as modified under paragraph (1) are set out in Part 4 of Schedule 4.

(3) A claim for compensation must be made in writing and received by the council within 6 months of the date from the making of the order to which it relates, or such extended period as the council may allow in any particular case.

### **Use of electronic communications**

**18.**—(1) Paragraphs (2) and (3) apply where a person uses electronic communications for any of the following purposes—

- (a) making an application for express consent under regulation 8;
- (b) serving notice of appeal to the commission under regulations 14 or 15;
- (c) making a claim for compensation under regulation 17;
- (d) giving notice to the council under a deemed consent under Part 1 of Schedule 3 which is subject to a condition to give such a notice.

(2) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the application, claim or giving or serving notice shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application, appeal, claim or notice (as the case may be) which are capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, appeal, claim or notice;
- (c) that the person's deemed agreement under this paragraph shall subsist until that person gives notice in writing that he or she wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by that person in the notice but not less than seven days after the date on which the notice is given.

(3) The requirement in regulation 8(4)(d) that an application for express consent to display advertisements shall include a plan sufficient to identify the site is satisfied where the applicant identifies the site on an electronic map provided by the council and for this purpose a map is taken to be provided where the council has published it on its website.

## PART 4

### MISCELLANEOUS

#### **Exercise of discontinuance powers by the Department**

**19.**—(1) If it appears to the Department, after consultation with the council, that a discontinuance notice should be served under regulation 7, the Department may itself serve such a notice.

(2) Where the Department exercises its powers under paragraph (1), regulation 7 shall apply in relation to it as it applies in relation to a council as if for references to the council there were substituted references to the Department.

#### **Discontinuance notice in respect of council's advertisement**

**20.**—(1) If the Department is satisfied that it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public, it may serve a discontinuance notice under regulation 7 in relation to an advertisement displayed by an interested council.

(2) Regulation 7 shall apply in relation to a discontinuance notice served under paragraph (1) as it applies in relation to a discontinuance notice served by a council, with such modifications as may be necessary.

#### **Revocation**

**21.** The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(5) are revoked.

Sealed with the Official Seal of the Department of the Environment on 17th February 2015.



*Angus Kerr*  
A senior officer of the Department of the  
Environment

SCHEDULE 1

Regulation 2(1)

STANDARD CONDITIONS

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the council.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required to be removed under these Regulations the removal shall be carried out to the reasonable satisfaction of the council.
4. No advertisement may be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement may be displayed on or so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any road, railway, waterway (including coastal waters) or aerodrome (civil or military).

SCHEDULE 2

Regulation 4(2)

CLASSES OF ADVERTISEMENT TO WHICH THE PROHIBITION IN REGULATION 4(1) DOES NOT APPLY

| <i>Class of advertisement</i>  | <i>Conditions and interpretation</i>   |
|--|--|
| <p><b>CLASS A</b></p> <p>The display on a site of an advertisement on or consisting of a balloon not more than 60 metres above ground level.</p> | <ol style="list-style-type: none"> <li>1. The site is not within an area of outstanding natural beauty, a conservation area, or a National Park.</li> <li>2. Not more than one such advertisement is displayed at any time.</li> <li>3. The site is not to be used for the display of advertisements on more than 10 days in any calendar year.</li> <li>4. For the purposes of this Class, “site” means—                             <ol style="list-style-type: none"> <li>(a) in a case where the advertisement is being displayed by a person (other than the occupier of the land) who is using, or proposing to use, the land to which the balloon is tethered for a particular activity (other than the display of advertisements) for a temporary period, the whole of the land used, or to be used, for that activity; or</li> <li>(b) in any other case, the land to which the balloon is tethered and all land normally occupied together therewith.</li> </ol> </li> </ol> |
| <p><b>CLASS B</b></p>  |  |

**Status:** This is the original version (as it was originally made).

| <i>Class of advertisement</i>  | <i>Conditions and interpretation</i>   |
|--|--|
| An advertisement displayed on enclosed land.   | <ol style="list-style-type: none"> <li>1. The advertisement is not readily visible from outside the land or from any part of the enclosed land to which the public have a right of access.</li> <li>2. For the purposes of this Class, “enclosed land” includes any railway station (and its yards), or bus station, together with its forecourt, whether enclosed or not; but does not include any public park, public garden or other land held for the use or enjoyment of the public, or (except as specified above) any enclosed railway land normally used for the carriage of passengers or goods by rail.</li> </ol> |
| <b>CLASS C</b>   |  |
| An advertisement displayed in or on a vehicle.   | <ol style="list-style-type: none"> <li>1. The vehicle is not—               <ol style="list-style-type: none"> <li>(a) normally employed except as a moving vehicle; or</li> <li>(b) used principally for the display of advertisements.</li> </ol> </li> </ol>  |
| <b>CLASS D</b>   |  |
| An advertisement incorporated in the fabric of a building.   | <ol style="list-style-type: none"> <li>1. The building or any external face of it is not used principally for the display of advertisements.</li> <li>2. For the purposes of this Class—               <ol style="list-style-type: none"> <li>(a) an advertisement fixed to, or painted on, a building is not to be regarded as incorporated in its fabric;</li> <li>(b) a hoarding or similar structure is to be regarded as a building used principally for the display of advertisements.</li> </ol> </li> </ol>  |
| <b>CLASS E</b>   |  |
| An advertisement displayed on an article for sale or on the container in, or from which, an article is sold.   | <ol style="list-style-type: none"> <li>1. The advertisement refers only to the article for sale.</li> <li>2. The advertisement is not illuminated.</li> <li>3. It does not exceed 0.1 square metre in area.</li> <li>4. For the purposes of this Class, “the article” includes gas or liquid.</li> </ol>   |
| <b>CLASS F</b>   |  |
| An advertisement required to be displayed by Standing Orders of either House of Parliament or by any enactment or any condition imposed by any enactment on the exercise of any power or function. | <ol style="list-style-type: none"> <li>1. The size, height and number of advertisements displayed do not exceed what is necessary to achieve the purpose for which the advertisement is required.</li> <li>2. The advertisement is not displayed after the expiry of the period during which it is required</li> </ol>   |

| <i>Class of advertisement</i>   | <i>Conditions and interpretation</i>   |
|---|--|
|   | or authorised to be displayed, or, if there is no such period, the expiry of a reasonable time after its purpose has been satisfied.   |
| <b>CLASS G</b>  |  |
| 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(6) |  |
| <b>CLASS H</b>  |  |
| The national flag of any country.   | <ol style="list-style-type: none"> <li>1. Each flag is displayed on a single flagstaff.</li> <li>2. Neither the flag nor the flagstaff display any advertisement or subject matter additional to the design of the flag.</li> </ol>  |
| <b>CLASS I</b>  |  |
| An advertisement displayed inside a building.   | <ol style="list-style-type: none"> <li>1. The advertisement is not illuminated.</li> <li>2. The building in which the advertisement is displayed is not used principally for the display of advertisements.</li> <li>3. No part of the advertisement is within 1 metre of any external door, window or other opening, through which it is visible from outside.</li> </ol> |

SCHEDULE 3

Regulation 5

PART 1

CLASSES OF ADVERTISEMENTS WHICH MAY BE DISPLAYED WITH DEEMED CONSENT

|                |  |
|----------------|--|
| <b>CLASS 1</b> | <b><i>Functional advertisements of government departments, district councils, statutory undertakers and public transport undertakers</i></b>   |
| Description    | <p>An advertisement displayed wholly for the purpose of announcement or direction in relation to any of the functions of a government department or a district council or to the operation of a statutory undertaker or a public transport undertaking, which—</p> <ol style="list-style-type: none"> <li>(a) is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking; and</li> <li>(b) cannot be displayed by virtue of any other specified class.</li> </ol> |

(6) [S.I.1997/276 \(N.I.2\)](#)

*Status: This is the original version (as it was originally made).*

|                 |   |
|-----------------|---|
| Conditions      | <p>Illumination is not permitted unless reasonably required for the purpose of the advertisement.</p>   |
| <hr/>           |   |
| <b>CLASS 2</b>  | <b><i>Miscellaneous advertisements relating to the premises on which they are displayed</i></b>   |
| (1) Description | An advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed.  |
| Conditions      | <ul style="list-style-type: none"> <li>(a) The advertisement does not exceed 0.3 square metre in area.</li> <li>(b) Illumination is not permitted.</li> <li>(c) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(d) No part of the advertisement is more than 5 metres above ground level.</li> </ul>  |
| (2) Description | An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed.   |
| Conditions      | <ul style="list-style-type: none"> <li>(a) The advertisement does not exceed 0.3 square metre in area.</li> <li>(b) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(c) No part of the advertisement is more than 5 metres above ground level.</li> <li>(d) Not more than 1 such advertisement is permitted for each person, partnership or company or, in the case of premises with entrances on different road frontages, 1 such advertisement at each of the 2 such entrances.</li> <li>(e) Illumination is not permitted unless the advertisement states that medical or similar services or supplies are available on the premises and the illumination is in a manner reasonably required for that purpose.</li> </ul> |
| (3) Description | An advertisement relating to any institution of a religious, educational, cultural, recreational, or medical character, or to any hotel, restaurant, guest house or public house, block of flats, club, boarding house or hostel, at the premises where it is displayed.  |
| Conditions      | <ul style="list-style-type: none"> <li>(a) Not more than 1 such advertisement is permitted in respect of each premises or, in the case of premises with entrances on different road frontages, 1 such advertisement at each of the 2 such entrances.</li> <li>(b) The advertisement does not exceed 1.5 square metres in area.</li> <li>(c) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(d) No part of the advertisement is more than 5 metres above ground level.</li> <li>(e) Illumination is not permitted unless the advertisement states that medical services or supplies are available at the premises and the illumination is in a manner reasonably required for that purpose.</li> </ul>                       |
| <hr/>           |   |
| <b>CLASS 3</b>  | <b><i>Miscellaneous temporary advertisements</i></b>  |
| (1) Description | An advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use, of the land or premises on which it is displayed.  |

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|-----------------|---|
| Conditions      | <ul style="list-style-type: none"><li>(a) (i) Not more than 1 such advertisement consisting of a single board or 2 joined boards, is permitted.</li><li>(ii) Where more than 1 such advertisement is displayed, the first to be displayed shall be taken to be the one permitted.</li><li>(b) No advertisement is displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.</li><li>(c) The advertisement is removed within 14 days after the sale is completed or a tenancy is granted.</li><li>(d) The advertisement does not exceed in area—<ul style="list-style-type: none"><li>(i) where the advertisement relates to the sale or letting of agricultural land 10 square metres;</li><li>(ii) where the advertisement relates to the sale or letting of any other land or development for residential, industrial or commercial use, 2 square metres or, in the case of 2 joined boards together, 2.5 square metres in aggregate.</li></ul></li><li>(e) Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.</li><li>(f) Illumination is not permitted.</li><li>(g) No character or symbol on the advertisement is more than 0.3 metre in height.</li><li>(h) No part of the advertisement is higher above ground level than 5 metres or in the case of a sale or letting of part only of a building, the lowest level of that part of the building on which display is reasonably practicable.</li></ul> |
| (2) Description | An advertisement announcing the sale of goods or livestock, and displayed on the land where the goods or livestock are situated or where the sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding such sales.   |
| Conditions      | <ul style="list-style-type: none"><li>(a) (i) Not more than 1 such advertisement is displayed at any one time on the land concerned.</li><li>(ii) Where more than 1 such advertisement is displayed, the first to be displayed shall be taken to be the one permitted.</li><li>(b) No advertisement is displayed earlier than 28 days before the day (or first day) on which the sale is due to take place.</li><li>(c) The advertisement is removed within 14 days after the sale is completed.</li><li>(d) An advertisement relating to the sale on agricultural land, does not exceed 10 square metres in area.</li><li>(e) An advertisement relating to the sale on any other land, does not exceed 1.5 square metres in area.</li><li>(f) Illumination is not permitted.</li><li>(g) No character or symbol on the advertisement is more than 0.3 metre in height.</li><li>(h) No part of the advertisement is more than 5 metres above ground level.</li></ul>  |
| (3) Description | An advertisement relating to the carrying out of building or similar work on the land on which it is displayed, not being land which is normally used,  |

*Status: This is the original version (as it was originally made).*

whether at regular intervals or otherwise, for the purposes of carrying out such work.

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|-----------------|--|
| Conditions      | <ul style="list-style-type: none"> <li>(a) (i) Not more than one such advertisement is displayed at any time, on each road frontage of the land, in respect of each separate development project.</li> <li style="padding-left: 2.5em;">(ii) Where more than 1 advertisement is displayed, the first to be displayed shall be taken to be the one permitted.</li> <li>(b) The advertisement is not displayed except while the relevant works are being carried out.</li> <li>(c) The advertisement does not exceed 4 square metres in aggregate.</li> <li>(d) Illumination is not permitted.</li> <li>(e) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(f) No part of the advertisement is more than 5 metres above ground level.</li> </ul> |
| (4) Description | <p>An advertisement—</p> <ul style="list-style-type: none"> <li>(i) announcing any local event or activity of a religious, educational, cultural, charitable, political, social or recreational character; or</li> <li>(ii) relating to any temporary matter in connection with an event or local activity of such character;</li> </ul> <p>not being an event or activity promoted or carried on for commercial purposes.</p>   |
| Conditions      | <ul style="list-style-type: none"> <li>(a) The advertisement does not exceed 1 square metre in area.</li> <li>(b) The advertisement is not displayed earlier than 28 days before the day (or first day) on which the event is due to take place.</li> <li>(c) The advertisement is removed within 14 days after the end of the event.</li> <li>(d) Illumination is not permitted.</li> <li>(e) No character or symbol is more than 0.3 metre in height.</li> <li>(f) No part of the advertisement is more than 5 metres above ground level.</li> <li>(g) The advertisement does not relate to an election specified in Class 13 of Schedule 3.</li> </ul>  |
| (5) Description | <p>An advertisement relating to any demonstration of agricultural methods or processes, on the land on which it is displayed.</p>  |
| Conditions      | <ul style="list-style-type: none"> <li>(a) The advertisement is not displayed for more than 6 months in any period of 12 months.</li> <li>(b) The advertisement is limited in respect of each demonstration to 10 square metres in area.</li> <li>(c) The advertisement is not displayed earlier than 28 days before the day (or first day) on which the demonstration is due to take place and shall be removed within 14 days after the end of the demonstration.</li> <li>(d) Illumination is not permitted.</li> <li>(e) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(f) No part of the advertisement is more than 5 metres above ground level.</li> </ul>  |



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|-----|-------------|---|
| (6) | Description | An advertisement relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place.   |
|     | Conditions  | <ul style="list-style-type: none"> <li>(a) The advertisement does not exceed 1 square metre in area.</li> <li>(b) The advertisement is not displayed earlier than 14 days before the first performance or opening of the entertainment at the place specified.</li> <li>(c) The advertisement is removed within 7 days after the last performance or closing of the specified entertainment.</li> <li>(d) At least 14 days before the advertisement is first displayed, the person displaying the advertisement notifies the council in writing of the first date on which, and of the site at which, it is to be displayed.</li> <li>(e) Illumination is not permitted.</li> <li>(f) No part of the advertisement is more than 5 metres above ground level.</li> </ul> |

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**CLASS 4**

***Illuminated advertisements on business premises***

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|-----|-------------|---|
| (1) | Description | An illuminated advertisement displayed on the frontage of premises forming part of a retail park, which overlook or face on to a car park wholly or mainly bounded by the retail park, where the advertisement refers wholly to the business carried on, 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.   |
|     | Conditions  | <ul style="list-style-type: none"> <li>(a) Subject to condition (k), the advertisement is not permitted within a conservation area, an area of outstanding natural beauty or a National Park.</li> <li>(b) In the case of a shop, the advertisement is not displayed except on a wall containing a shop window.</li> <li>(c) Not more than 1 advertisement parallel to a wall and 1 projecting at right angles from such a wall are permitted, and in the case of any projecting advertisement— <ul style="list-style-type: none"> <li>(i) no surface is greater than 1 square metre in area;</li> <li>(ii) the advertisement does not project more than 1 metre from the wall; and</li> <li>(iii) it is not more than 1.5 metres high.</li> </ul> </li> <li>(d) Illumination may be— <ul style="list-style-type: none"> <li>(i) by halo illumination; or</li> <li>(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.</li> </ul> </li> <li>(e) The advertisement does not include any intermittent light source, moving feature, exposed cold cathode tubing or animation.</li> <li>(f) Where the method of illumination is that described in paragraph (d)(ii), the luminance of the advertisement may not exceed the permitted limits specified in paragraph 2 of Part 2.</li> <li>(g) In the case of any advertisement consisting of a built-up box containing the light source, the distance between— <ul style="list-style-type: none"> <li>(i) the face of the advertisement and any wall parallel to which it is displayed, at the point where it is affixed; or</li> <li>(ii) the 2 faces of any advertisement projecting from a wall, does not exceed 0.25 metre.</li> </ul> </li> </ul> |

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- (h) The lowest part of the advertisement is at least 2.5 metres above ground level.
  - (i) No part of the advertisement is higher above ground level than 5 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.
  - (j) No character or symbol on the advertisement is more than 0.3 metre in height.
  - (k) An advertisement displayed on the date of designation of an area or Park referred to in condition (a) may continue to be displayed for a period of 5 years from that date.
- (2) Description An illuminated advertisement, other than the one falling within Class 4(1), displayed on business premises wholly with reference to the business carried on, 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.
- Conditions
- (a) Subject to condition (1) the advertisement is not permitted within a conservation area, an area of outstanding natural beauty or a National Park.
  - (b) In the case of a shop, the advertisement is not displayed except on a wall containing a shop window.
  - (c) Not more than 1 advertisement parallel to a wall and 1 projecting at right angles from such a wall is permitted, and in the case of any projecting advertisement—
    - (i) no surface is greater than 1 square metre in area;
    - (ii) the advertisement may not project more than 1 metre from the wall or two-thirds of the width of any footway or pavement below, whichever is the less;
    - (iii) the advertisement is not more than 1 metre high; and
    - (iv) it does not project over any carriageway.
  - (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.
  - (e) The advertisement does not include any intermittent light source, moving feature, exposed cold cathode tubing or animation.
  - (f) Where the method of illumination is that described in paragraph (d)(ii), the luminance of the advertisement may not exceed the limits specified in paragraph 2 of Part 2.
  - (g) In the case of any advertisement consisting of a built-up box containing the light source, the distance between—
    - (i) the face of the advertisement and any wall parallel to which it is displayed, at that point where it is affixed; or
    - (ii) the 2 faces of any advertisement projecting from a wall, does not exceed 0.25 metre.
  - (h) The lowest part of the advertisement is at least 2.5 metres above ground level.
  - (i) No part of the advertisement is higher above ground level than 5 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.
  - (j) No character or symbol on the advertisement is more than 0.3 metre in height.

- (k) No surface of the advertisement exceeds 0.17 of the frontage on which it is displayed, measured up to a height of 5 metres from ground level or 0.2 of the frontage measured to the top of the advertisement, whichever is the less.
- (l) Any advertisement displayed on the date of designation of an area or park referred to in condition (a) may continue to be displayed for a period of 5 years from that date.

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**CLASS 5**                      ***Advertisements (other than illuminated advertisements) on business premises***

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|-------------|--|
| Description | Any advertisement which does not fall within Class 4(1) or 4(2) displayed on business premises wholly with reference to the business carried on, and/or the goods sold or services provided, and/or the name and qualifications of the person carrying on the business, and/or supplying the goods or services, on those premises.   |
| Conditions  | <ul style="list-style-type: none"> <li>(a) In the case of a shop, the advertisement is not displayed, except on a wall containing a shop window.</li> <li>(b) Illumination is not permitted.</li> <li>(c) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(d) No part of the advertisement is higher above ground level than 5 metres or the bottom of any first floor window on the wall on which the advertisement is displayed, whichever is the lower.</li> </ul> |

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**CLASS 6**                      ***An advertisement on a forecourt of business premises***

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|-------------|---|
| Description | An advertisement displayed on the forecourt of business premises, wholly with reference to all or any of the matters specified in the description in Class 5.   |
| Conditions  | <ul style="list-style-type: none"> <li>(a) The advertisement is displayed on a forecourt or, in the case of a building with a forecourt on 2 or more frontages, the advertisement on each of those frontages, does not exceed in aggregate 5 square metres in area.</li> <li>(b) Illumination is not permitted.</li> <li>(c) No character or symbol on the advertisement is more than 0.3 metre in height.</li> <li>(d) No part of the advertisement is more than 5 metres above ground level.</li> </ul> |

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**CLASS 7**                      ***Flag Advertisements***

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|-----------------|--|
| (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"> <li>(a) No advertisement is permitted other than one— <ul style="list-style-type: none"> <li>(i) bearing the name and/or device of any person occupying the building; or</li> <li>(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.</li> </ul> </li> <li>(b) No character or symbol on the flag may be more than 0.3 metre in height.</li> </ul> |
| (2) Description | An advertisement in the form of a flag attached to a single flagstaff erected on a site which forms part of an area of land in respect of which  |

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|   |   |
|---|---|
| <p>Conditions</p>                                       | <p>planning permission has been granted for development of which the only principal component is residential development and on which—</p> <ul style="list-style-type: none"> <li>(a) operations for the construction of houses are in progress pursuant to that permission; or</li> <li>(b) such operations having been completed, at least one of the houses remains unsold.</li> </ul> <ul style="list-style-type: none"> <li>(a) No such advertisement is permitted within a conservation area, an area of outstanding natural beauty or a National Park.</li> <li>(b) The number of such advertisements on the land concerned shall not exceed— <ul style="list-style-type: none"> <li>(i) where the aggregate number of houses on that land does not exceed 10, one;</li> <li>(ii) where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two;</li> <li>(iii) where the aggregate number of houses on that land exceeds 100, three.</li> </ul> </li> <li>(c) No part of the flagstaff may be more than 4.6 metres above ground level.</li> <li>(d) No flag shall exceed 2 square metres in area.</li> <li>(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.</li> </ul>   |
| <p><b>CLASS 8</b><br/>Description</p> <p>Conditions</p> | <p><b><i>Advertisements on hoardings relating to building operations</i></b></p> <p>An advertisement on a hoarding which encloses, either wholly or in part, land on which building operations are taking place or are about to take place, if those operations are in accordance with planning permission (other than outline permission) for development primarily for use for commercial, industrial or business purposes.</p> <ul style="list-style-type: none"> <li>(a) Subject to condition (g) below, the advertisement is not displayed in a conservation area, an area of outstanding natural beauty or a National Park.</li> <li>(b) The advertisement is not displayed earlier than 13 weeks before the commencement of the building operations.</li> <li>(c) The advertisement is at least 1.5 metres high and 1 metre long and not more than 3.1 metres high and 12.1 metres long.</li> <li>(d) At least 14 days before the advertisement is first displayed, the council is notified in writing, by the person displaying it, of the date on which it will first be displayed and is sent a copy of the relevant planning permission.</li> <li>(e) The advertisement is not displayed for more than 3 years.</li> <li>(f) Illumination is permitted in a manner and to the extent reasonably required to achieve the purpose of the advertisement.</li> <li>(g) An advertisement displayed on the date of designation of an area or Park referred to in condition (a) may continue to be displayed for a period of 1 year from the date or 2 years from the date of commencement of the display, whichever is the later.</li> </ul> |
| <p><b>CLASS 9</b><br/>Description</p>                   | <p><b><i>Directional advertisements</i></b></p> <p>An advertisement on a single flat surface directing potential buyers and others to a site where residential development is taking place.</p>   |

|                 |   |
|-----------------|---|
| Conditions      | <ul style="list-style-type: none"> <li>(a) The advertisement may not exceed 0.15 square metre in area.</li> <li>(b) No part of the advertisement is of a reflective material.</li> <li>(c) The design of the advertisement is not similar to that of a traffic sign.</li> <li>(d) The advertisement is displayed on land adjacent to a road, in a manner which makes it reasonably visible to an approaching driver, but not within 50 metres of a traffic sign intended to be observed by persons approaching from the same direction.</li> <li>(e) The advertisement is not more than 2 metres from the main entrance of the site.</li> <li>(f) The council is, at least 14 days before the advertisement is first displayed, notified in writing of the place at which, and the first date on which, it will be displayed.</li> <li>(g) The advertisement is not displayed after the development of the site is completed or, in any event, for more than 2 years.</li> <li>(h) Illumination is not permitted.</li> <li>(i) Any character or symbol on the advertisement is at least 0.04 metre high.</li> <li>(j) No character or symbol on the advertisement is more than 0.3 metre high.</li> <li>(k) No part of the advertisement is more than 5 metres above ground level.</li> </ul> |
| <b>CLASS 10</b> | <b><i>Advertisements inside buildings</i></b>   |
| Description     | An advertisement, displayed inside a building, which does not comply with the conditions relating to Class I in Schedule 2.   |
| <b>CLASS 11</b> | <b><i>Advertisements for neighbourhood watch schemes</i></b>  |
| 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 Police Service of Northern Ireland is in operation in the area.  |
| Conditions      | <ul style="list-style-type: none"> <li>(a) No such advertisement may exceed 0.2 square metres in area.</li> <li>(b) The council 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 Police Service of Northern Ireland— <ul style="list-style-type: none"> <li>(i) that the scheme has been approved by the Police Service of Northern Ireland;</li> <li>(ii) that the Police Service of Northern Ireland has agreed to the display of the advertisement.</li> </ul> </li> <li>(c) Any such advertisement shall be removed within 14 days after— <ul style="list-style-type: none"> <li>(i) the relevant scheme ceases to operate;</li> <li>(ii) the relevant scheme ceases to be approved by the Police Service of Northern Ireland.</li> </ul> </li> <li>(d) Illumination is not permitted.</li> <li>(e) No part of the advertisement may be more than 3.6 metres above ground level.</li> </ul>   |
| <b>CLASS 12</b> | <b><i>Advertisements on sites used for preceding ten years for display of advertisements without express consent</i></b>  |
| 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.  |

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| Conditions | <ul style="list-style-type: none"> <li>(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.</li> <li>(b) If any building on which such an advertisement is displayed—             <ul style="list-style-type: none"> <li>(i) is removed in compliance with a requirement of, or under, any statutory provision;</li> <li>(ii) is removed in any other circumstances; or</li> <li>(iii) is destroyed by any means;</li> </ul>             the erection of any building to continue the display is not permitted.           </li> <li>(c) Illumination is not permitted unless—             <ul style="list-style-type: none"> <li>(i) the advertisement is displayed with illumination on 19th February 2009; or</li> <li>(ii) the advertisement is first displayed after that date, and the advertisement most recently displayed was illuminated.</li> </ul> </li> <li>(d) An advertisement that—             <ul style="list-style-type: none"> <li>(i) comprises sequential displays; or</li> <li>(ii) otherwise includes moving parts or features; or</li> <li>(iii) features intermittent lighting in a manner designed to give the appearance of movement,</li> </ul>             is not permitted unless it is displayed on 19th February 2009 and falls within the description specified in any of the subparagraphs (i) to (iii); or it is first displayed after that date, and the advertisement most recently displayed fell within any such description.           </li> </ul> |
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|-----------------|--|
| <b>CLASS 13</b> | <b><i>Advertisements relating to an election</i></b>   |
| Description     | An advertisement relating specifically to a pending Parliamentary, European Parliamentary, Northern Ireland Assembly or district council election. |
| Conditions      | The advertisement is removed within 14 days after the close of the poll in the election to which it relates.                                       |

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## PART 2

### INTERPRETATION

1.—(1) In Part 1 of this Schedule—

“agricultural” has the same meaning as in section 43(1) of the Agriculture Act (Northern Ireland) 1949(7);

“business premises” means any building or part of a building normally used for the purpose of any professional, commercial or industrial undertaking or for the purpose of providing services to members of the public or of any association, and includes a public restaurant, licensed premises and a place of public entertainment, but not—

- (a) unless it was normally used immediately before 1st October 1973 for any such purpose or has been adapted for use for any such purpose by the construction of a shop front or

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(7) 1949 c.2 (N.I.)

the making of a material alteration to its external appearance, a building designed for use as one or more separate dwellings;

- (b) a building used as an institution of a religious, educational, cultural, recreational or medical character;
- (c) any forecourt or other land forming part of the curtilage of a building;
- (d) any fence, wall or similar screen or structure, unless it forms part of the fabric of a building;

“existing directional advertisement” does not include any advertisement displayed without express or deemed consent;

“forecourt” includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises;

“ground level”, in relation to the display of advertisements on any building, means the ground floor level of that building;

“joined boards” means boards joined at an angle, so that only 1 surface of each is suitable for advertising;

“public transport undertaking” means a non-statutory undertaking engaged in the carriage of passengers;

“retail park” means a group of 3 or more retail stores, at least 1 of which has a minimum internal floor area of 1,000 square metres and which—

- (a) are set apart from existing shopping centres but within an existing or proposed urban area;
- (b) share 1 or more communal car parks.

(2) Where a maximum area is specified in relation to any class in this Schedule, in the case of a double-sided board, the area of 1 side only shall be taken into account.

2.—(1) The permitted limits of luminance for advertisements falling within Class 4(1) or 4(2) are, subject to sub-paragraph (2), for an illuminated area measuring not more than—

- (a) 0.5 square metre, 1,000 candela;
- (b) 2 square metres, 800 candela;
- (c) 10 square metres, 600 candela;

and for any greater area, 400 candela.

(2) For the purpose of calculating the relevant area for the permitted limits—

- (a) each advertisement, or in the case of a double-sided projecting advertisement, each side of the advertisement is to be taken separately;
- (b) no unilluminated part of the advertisement is to be taken into account.

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;

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“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).

SCHEDULE 4

Regulations 8(1), 14(1), 15(1) and 16(1)

PART 1

MODIFICATIONS OF SECTIONS 40, 43, 44, 58, 59, 60, 68 AND 70 OF THE PLANNING ACT (NORTHERN IRELAND) 2011

| Column 1  | Column 2   |
|---|--|
| <i>Provision of the 2011 Act</i>                              | <i>Modifications</i>   |
| Section 40(1) (form and content of applications)              | None.  |
| Section 40(2)   | None.  |
| Section 40 (3) to (5)   | Omit.  |
| Section 43 (notice requiring planning application to be made) | In the title, for “planning application” substitute “application for consent”.   |
| Section 43(1)   | For the words “development has been carried out —(a)” substitute “any advertisement has been displayed”.<br><br>Omit “in accordance with this Part; or”.<br><br>Omit paragraph (b).<br><br>Omit the words “or approval”. |
| Section 43(2)   | For the words “5 years” to the end substitute “10 years from the date on which the advertisement to which it relates was first displayed”.   |
| Section 43(3)   | For the words “matters alleged to constitute development” substitute “advertisement”.  |



| Column 1  | Column 2  |
|---|---|
| <i>Provision of the 2011 Act</i>  | <i>Modifications</i>  |
| Section 43(4)   | For the words “owner” to the end substitute “person displaying the advertisement”.  |
| Section 43(5)   | For the word “any” substitute “the”.  |
| Section 43(6) & (7)   | Omit.   |
| Section 43(8)   | For the words “subsections (5) to (7)” substitute “subsection (5)”.   |
| Section 43 (9) to (11)  | None.   |
| Section 43(12)  | Omit the words “or approval”.   |
| Section 44(1) (appeal against notice under section 43)                    | None.   |
| Section 44(2)   | For paragraphs (a) to (c) substitute— <ul style="list-style-type: none"> <li>“(a) that the display of the advertisement referred to in the notice does not require consent;</li> <li>(b) that no advertisement has been displayed as alleged in the notice;</li> <li>(c) that the period of 10 years referred to in section 43(2) had elapsed at the date when the notice was issued.”</li> </ul> |
| Section 44(3) to (7)  | None.   |
| Section 58(1) (appeals)   | Omit the words “to develop land; or” in paragraph (a).<br><br>Omit paragraphs (b) and (c).<br><br>For the words “permission, consent, agreement or approval” substitute “consent”.  |
| Section 58(2)   | Omit.   |
| Section 58(3)   | None.   |
| Section 58(4)   | Omit the words “, subject to subsections (5) to (7),”.  |
| Section 58 (5) & (6)  | None.   |
| Section 58(7)   | Omit.   |
| Section 59(1) (matters which may be raised in an appeal under section 58) | Omit the words “or, as the case may be, the Department”   |
| Section 59(2)   | “None”  |
| Section 60 (appeal against failure to take planning decision)             | After the words “section 58(1)” insert the words “as applied and modified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015”.   |

**Status:** This is the original version (as it was originally made).

| Column 1  | Column 2  |
|---|---|
| <i>Provision of the 2011 Act</i>  | <i>Modifications</i>  |
|   | <p>Omit the words “either—”, “(a)”, and “; or” in paragraph (a).</p> <p>Omit paragraph (b).</p> <p>Omit paragraph (c).</p> <p>In head (i) for the words “permission, consent, agreement or approval” substitute “consent”.</p>  |
| Section 68 (revocation or modification of planning permission by council) | In the title for “planning permission” substitute “express consent”.  |
| Section 68  | <p>Substitute the following—</p> <p>“(1) If it appears to a council that it is expedient to revoke or modify any consent for the display of an advertisement, the council may, subject to subsections (3) and (4), by order revoke or modify the consent to such extent as it considers expedient.</p> <p>(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.</p> <p>(3) The power conferred by this section to revoke or modify consent for the display of an advertisement may be exercised—</p> <p>(a) where the consent relates to a display which involves the carrying out of building or other operations, at any time before those operations have been completed;</p> <p>(b) in any other case, at any time before the display of the advertisement has begun;</p> <p>except that the revocation or modification of consent for a display which involves the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.</p> <p>(a) (4) Where the council makes an order under this section it must serve a notice on—</p> <p>(i) the person who applied for the consent;</p> <p>(ii) the owner and occupier of the land affected; and</p> |

| Column 1   | Column 2  |
|--|---|
| <i>Provision of the 2011 Act</i>                               | <i>Modifications</i>  |
|  | <ul style="list-style-type: none"> <li>(iii) any other person who, in its opinion, would be affected by the order;</li> <li>(b) the order shall take effect on the day after that on which the council complies with the requirements of paragraph (a).”</li> </ul>   |
| Section 70(1) (procedure for section 68 orders: opposed cases) | For the words “Except as provided in section 71, an” substitute “An”.   |
| Section 70(2)  | <p>For subsection (2) substitute the following subsection—</p> <p>“(2) Where a council submits such an order to the Department for confirmation, it must serve notice on—</p> <ul style="list-style-type: none"> <li>(a) the person who applied for the consent;</li> <li>(b) the owner and occupier of the land affected; and</li> <li>(c) any other person who, in its opinion, would be affected by the order.”</li> </ul>   |
| Section 70(3) to (5)   | None.   |
| Section 70(6)  | <p>For subsection (6) substitute the following subsection—</p> <ul style="list-style-type: none"> <li>(a) “(6) The Department may confirm an order submitted to it under this section either without modification or subject to such modifications as the Department considers expedient;</li> <li>(b) without prejudice to the generality of paragraph (a), in considering whether to confirm an order submitted to it under this section, the Department— <ul style="list-style-type: none"> <li>(i) may have regard to any material change in circumstances that has occurred since the consent was granted;</li> <li>(ii) where a hearing is held under subsection (3), the Department shall consider the report of the commission.”</li> </ul> </li> </ul> |

Regulations 8(2), 14(2), 15(2) and 16(2)

## PART 2

### SECTIONS 40, 43, 44, 58, 59, 60, 68 AND 70 OF THE PLANNING ACT (NORTHERN IRELAND) 2011 AS MODIFIED

#### **Form and content of applications**

- 40.—(1) Any application for consent to display an advertisement—
- (a) must be made in such form and in such manner as may be specified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015;
  - (b) must include such particulars, and be verified by such evidence, as may be required by the Regulations or by any directions given by a council or the Department under the Regulations.
- (2) A direction under subsection (1)(b) must not be inconsistent with the Regulations.

#### **Notice requiring application for consent to be made**

43.—(1) Where it appears to a council that any advertisement has been displayed without the grant of consent for the display of an advertisement required in that behalf the council may issue a notice under this section requiring the making of an application for such consent to the council within 28 days from the service of the notice.

(2) A notice under this section may be issued only within the period of 10 years from the date on which the advertisement to which it relates was first displayed.

(3) A notice under this section must specify the advertisement to which the notice relates.

(4) A copy of a notice under this section must be served on the person displaying the advertisement.

(5) Where a copy of a notice under this section has been served on the person referred to in subsection (4), then if the application referred to in the notice is not made to the council within the period allowed for compliance with the notice, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) If, after a person has been convicted under subsection (5), the application referred to in the notice under this section is not made to the council, that person shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one tenth of level 3 on the standard scale for each day following his first conviction on which the offence continues.

(9) The council may, at any time before the end of the period allowed for compliance with a notice under this section, withdraw the notice.

(10) If it does so the council must as soon as is reasonably possible give notice of the withdrawal to every person who was served with a copy of the notice.

(11) Any reference in this section and section 44 to the period allowed for compliance with a notice under this section is a reference to the period mentioned in subsection (1) or such extended period as may be allowed by the council for compliance with the notice.

(12) For the purposes of this section an application to the council for any consent shall not be taken to be made unless it is accompanied by the fee prescribed under section 223 in relation to that application.

### **Appeal against notice under section 43**

44.—(1) A person on whom a copy of a notice has been served under section 43 may, at any time before the end of the period allowed for compliance with that notice, appeal to the planning appeals commission against the notice.

(2) An appeal may be brought on any of the following grounds—

- (a) that the display of the advertisement referred to in the notice does not require consent;
- (b) that no advertisement has been displayed as alleged in the notice;
- (c) that the period of 10 years referred to in section 43(2) had elapsed at the date when the notice was issued.

(3) An appeal under this section shall be made by notice in writing to the planning appeals commission and such notice shall indicate the grounds of the appeal and state the facts on which it is based.

(4) Before determining an appeal under this section, the planning appeals commission must, if either the appellant or the council so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(5) Where an appeal is brought under this section the notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(6) On an appeal under this section the planning appeals commission—

- (a) must quash the notice, vary the terms of the notice or uphold the notice;
- (b) may correct any informality, defect or error in the notice, or vary its terms, if it is satisfied that the correction or variation can be made without injustice to the appellant or to the council.

(7) The validity of a notice under section 43 shall not, except by way of an appeal under this section, be questioned in any proceedings whatsoever on any of the grounds on which such an appeal may be brought.

### **Appeals**

58.—(1) Where an application is made to a council for consent for the display of an advertisement then if that consent is refused or is granted subject to conditions, the applicant may by notice in writing appeal to the planning appeals commission.

(3) Any notice under this section must be served on the planning appeals commission within 4 months from the date of notification of the decision to which it relates or such other period as may be specified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015.

(4) Where an appeal is brought under this section from a decision of a council, the planning appeals commission may allow or dismiss the appeal or may reverse or vary any part of the decision whether the appeal relates to that part thereof or not and may deal with the application as if it had been made to it in the first instance.

(5) Before determining an appeal under this section, the planning appeals commission must, if either the applicant or the council so desires, afford to each of them an opportunity of appearing before and being heard by the commission.

(6) If at any time before or during the determination of an appeal under this section it appears to the planning appeals commission that the appellant is responsible for undue delay in the progress of the appeal, it may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and

- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

### **Matters which may be raised in an appeal under section 58**

59.—(1) In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission—

- (a) that the matter could not have been raised before that time, or
  - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
- (a) the provisions of the local development plan, or
  - (b) any other material consideration.

### **Appeal against failure to take planning decision**

60.—(1) Where any such application as is mentioned in section 58(1) as applied and modified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is made to a council, then unless within such period as may be specified by the Regulations, or within such extended period as may be agreed upon in writing between the applicant and the council, the council gives notice to the applicant of its decision on the application, section 58 shall apply in relation to the application—

- (i) as if the consent to which it relates had been refused by the council; and
- (ii) as if notification of the council's decision had been received by the applicant at the end of the period so specified, or at the end of the said extended period, as the case may be.

### **Revocation or modification of express consent by council**

68.—(1) If it appears to a council that it is expedient to revoke or modify any consent for the display of an advertisement, the council may, subject to subsections (3) and (4), by order revoke or modify the consent to such extent as it considers expedient.

(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.

(3) The power conferred by this section to revoke or modify consent for the display of an advertisement may be exercised—

- (a) where the consent relates to a display which involves the carrying out of building or other operations, at any time before those operations have been completed;
- (b) in any other case, at any time before the display of the advertisement has begun;

except that the revocation or modification of consent for a display which involves the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out

- (a) (4) (a) Where the council makes an order under this section it must serve a notice on —
  - (i) the person who applied for the consent;
  - (ii) the owner and occupier of the land affected; and
  - (iii) any other person who, in its opinion, would be affected by the order;
- (b) the order shall take effect on the day after that on which the council complies with the requirements of paragraph (a).

**Procedure for section 68 orders: opposed cases**

- 70.—(1) An order under section 68 shall not take effect unless it is confirmed by the Department.
- (2) Where a council submits such an order to the Department for confirmation, it must serve notice on—
- (a) the person who applied for the consent;
  - (b) the owner and occupier of the land affected; and
  - (c) any other person who, in its opinion, would be affected by the order.
- (3) The notice must specify the period within which any person on whom it is served may require the Department to give that person an opportunity of appearing before, and being heard by, the planning appeals commission.
- (4) If within that period such a person so requires, before the Department confirms the order it must give such an opportunity both to that person and to the council.
- (5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.
- (a) (6) (a) The Department may confirm an order submitted to it under this section either without modification or subject to such modifications as the Department considers expedient;
  - (b) without prejudice to the generality of paragraph (a), in considering whether to confirm an order submitted to it under this section, the Department —
    - (i) may have regard to any material change in circumstances that has occurred since the consent was granted;
    - (ii) where a hearing is held under subsection (3), the Department shall consider the report of the commission.

Regulation 17(1)

**PART 3**

**MODIFICATIONS TO SECTION 26 OF THE LAND DEVELOPMENT  
VALUES (COMPENSATION) ACT (NORTHERN IRELAND) 1965**

| Column 1   | Column 2  |
|--|---|
| <i>Provision of the 1965 Act</i>   | <i>Modifications</i>  |
| Section 26 (compensation where planning permission is revoked or modified) | In the title for “planning permission” substitute “consent”   |
| Section 26(1)  | For the words “planning permission” and “permission” substitute “consent for the display of an advertisement”.<br><br>Omit the words “or 72”<br><br>After “of the Planning Act” insert the words “as modified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015”. |

**Status:** This is the original version (as it was originally made).

| Column 1                         | Column 2  |
|----------------------------------|---|
| <i>Provision of the 1965 Act</i> | <i>Modifications</i>  |
|                                  | Omit the words “unless compensation” to the end.  |
| Section 26(2)                    | None.   |
| Section 26(3)                    | For the word “permission” where it twice occurs substitute “consent”.<br><br>After the word “work” in paragraph (a) insert the words “including the preparation of plans or similar material”.<br><br>In paragraph (b) omit the words “(not being loss or damage consisting of depreciation of the value of a compensatable estate in any land)”. |
| Section 26(4) to (6)             | Omit.   |
| Section 26(7)                    | None.   |
| Section 26(8)                    | In section 26(8) omit the words from “or,” to the end.  |

Regulation 17(2)

## PART 4

### SECTION 26 OF THE 1965 ACT AS MODIFIED

#### **Compensation where consent is revoked or modified**

26.—(1) Where any consent for the display of an advertisement is revoked or modified by an order under section 68 of the Planning Act as modified by the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 then, if on a claim duly made to the council in accordance with this section, it is shown that a person interested in the land to which the consent for the display of an advertisement related—

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification;

the council shall pay to him compensation in respect of that expenditure, loss or damage.



(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to subsection (2), compensation shall not be paid under this section in respect of—

(a) any work including the preparation of plans or similar material carried out before the grant of the consent which is revoked or modified; or

(b) any loss or damage arising out of anything done or omitted to be done before the grant of that consent.

(7) The Department may make regulations under this section as to the manner in which any claims for compensation under this section must be made.

(8) Claims under this section shall be made to and paid by the council which made the order in question.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

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

Paragraph (1) of regulation 3 requires councils to exercise their powers under the Regulations in the interests of amenity and public safety.

Paragraph (3) of regulation 3 allows account to be taken of any material change in circumstances likely to occur within the period for which the consent is required or granted.

Paragraph (5) of regulation 3 specifies the effect of consent for the display of advertisements.

Paragraph (1) of regulation 4 prohibits the display of advertisements unless the display has either deemed consent (Part 2 of the Regulations) or express consent (Part 3 of the Regulations), unless the advertisement is one to which paragraph (2) of regulation 4 applies.

Paragraph (2) of regulation 4 specifies cases in which Parts 2 and 3 of the Regulations do not apply. Where the display of an advertisement within any of the Classes in Schedule 2 except Class F complies with the conditions and limitations specified in that Schedule as applicable to advertisements of that Class and also with the conditions specified in Schedule 1 (“the standard conditions”), Parts 2 and 3 of the Regulations do not apply. Those Parts do not apply to Class F advertisements if the conditions and limitations set out in Schedule 2 for that Class are met and if the requirements of paragraphs 1 to 3 and 5 of the standard conditions are complied with.

In Part 2, regulation 5 grants deemed consent for the display of an advertisement of any class specified in Part 1 of Schedule 3, subject to the standard conditions and the conditions and limitations specified in Part 1 of Schedule 3 in relation to that class and:

(a) (except in the case of an advertisement within Class 13) the standard conditions;

(b) in the case of an advertisement within Class 13, paragraphs 1 to 3 and 5 of the standard conditions.

Regulation 6 enables a council to ask the Department to direct that express consent is required before advertisements for which deemed consent would otherwise be available may be displayed.

Directions may not be given in respect of advertisements in Class 10 (advertisements inside buildings) or 12 (advertisements on sites used for preceding ten years for display of advertisements without consent) in Part 1 of Schedule 3. There are procedures for giving notice of proposals for directions, and of the making of directions.

Regulation 7 enables a council to remedy what appears to the council to be a substantial injury to the amenity of the locality or a danger to members of the public, by serving a discontinuance notice. A discontinuance notice may require the display of a particular advertisement for which there is deemed consent, or the use of a particular site for the display of advertisements for which there is deemed consent, to be discontinued.

Part 3 of the Regulations deals with express consent for the display of advertisements.

Paragraph (1) of regulation 8 applies, with modifications, section 40 of the Planning Act (Northern Ireland) 2011 (“the 2011 Act”) to applications for consent to display advertisements. The modifications are specified in Part 1 of Schedule 4, and the provisions of that section, as so modified, are set out in Part 2 of that Schedule.

Paragraphs (3) and (4) of regulation 8 specify how an application for express consent must be made and what must be included in the application.

Regulation 9 enables the Department to give directions to a council, either generally or in relation to a particular case or class of case, specifying the kinds of particulars, plans or information that are to accompany an application for express consent.

Regulation 10 requires the council to consult before granting express consent.

Regulation 11 sets out a council’s powers once an application has been received.

Paragraph (1) of regulation 12 deals with applications by interested councils (defined in section 107 of the 2011 Act).

Regulation 13 specifies the steps to be taken by a council once express consent has been granted.

Regulation 14 deals with notices requiring applications to be made. Sections 43 and 44 of the 2011 Act are applied with the modifications specified in Part 1 of Schedule 4. The provisions of those sections as so modified are set out in Part 2 of that Schedule.

Regulation 15 deals with appeals to the planning appeals commission. Sections 58 to 60 of the 2011 Act are applied with the modifications specified in Part 1 of Schedule 4. The provisions of those sections as so modified are set out in Part 2 of that Schedule.

Regulation 16 enables a council to make an order revoking or modifying an express consent. Such an order has no effect unless it is approved by the Department. Sections 68 to 70 of the 2011 Act are applied with the modifications specified in Part 1 of Schedule 4. The provisions of those sections as so modified are set out in Part 2 of that Schedule.

Regulation 17 deals with claims for compensation arising from an order revoking or modifying an express consent. Section 26 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 is applied with the modifications specified in Part 3 of Schedule 4. The provisions of that section as so modified are set out in Part 4 of that Schedule.

Regulation 18 allows the use of electronic communications for making applications and sending certain notices under the Regulations, subject to specified conditions.

In Part 5, regulation 19 enables the Department to make a discontinuance order.

Regulation 20 enables the Department to make a discontinuance order in respect of the display of advertisements by a council.

Regulation 21 revokes the 1992 Regulations.