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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 66**

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

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.