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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.

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

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.

**Changes to legislation:**

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