

SCHEDULE 3

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⁽¹⁾;

“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 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;

(1) 1949 c.2 (N.I.)

Status: This is the original version (as it was originally made).

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;

“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).