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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 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.