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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**

**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.

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**Commencement Information**

**II** [Reg. 6](#) in operation at 1.4.2015, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, Section 6.