
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 66

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

PART 1
GENERAL

Interpretation

2.—(1) In these Regulations—

“the 1965 Act” means the Land Development Values (Compensation) Act (Northern Ireland) 1965⁽¹⁾;

“the 2011 Act” means the Planning Act (Northern Ireland) 2011;

“amenity” includes aural and visual amenity;

“area of outstanding natural beauty” means an area designated by an order made under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985⁽²⁾;

“balloon” means a tethered balloon or a similar tethered object;

“commission” means the planning appeals commission;

“deemed consent” means consent given by regulation 5;

“Department” means the Department of the Environment;

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001⁽³⁾;

“express consent” has the meaning given by regulation 4(1)(a);

“government department” has the meaning assigned to it by section 212 of the 2011 Act;

“illuminated advertisement” means an advertisement which is designed or adapted to be illuminated by artificial lighting, directly or by reflection and which is so illuminated;

“interested council” has the meaning assigned to it by section 107(6) of the 2011 Act;

“National Park” means an area designated by an order made under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“site” means any land on which an advertisement is displayed but does not include a hoarding or similar structures;

“standard conditions” means the conditions specified in Schedule 1.

(2) Any reference in these Regulations to a person displaying an advertisement includes—

(a) the owner and occupier of the land on which the advertisement is displayed;

(1) 1965 c.23 (N.I.) as amended by 2011 c.25 (N.I.) section 179(4) Schedule 4

(2) S.I. 1985/170 (N.I.1)

(3) 2001 c.9 (N.I.) as amended by 2003 c.21

- (b) any person to whose goods, trade, business or other concerns publicity is given by the advertisement; and
- (c) the person who undertakes or maintains the display of an advertisement.

(3) Except in Schedule 2, Class A, any reference in these Regulations to the land, the building, the site or premises on which an advertisement is displayed includes, in the case of an advertisement which is displayed on, or consists of, a balloon, a reference to the land, the building, the site or other premises to which the balloon is tethered and to all land, buildings or other premises normally occupied therewith.

(4) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being carried out—

- (a) the expression “address” includes any number or address used for the purpose of such communications;
- (b) references to plans, notices or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(5) Paragraphs (6) to (10) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any plan, notice or other document to any other person (“the recipient”).

(6) The requirement shall (except in a case referred to in paragraph (7)) be taken to be fulfilled where the notice or other document transmitted by means of electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(7) The cases are—

- (a) serving notice under regulation 6(8);
- (b) serving notice under regulation 7(2);
- (c) serving notice requiring application for express consent under regulation 14;
- (d) serving notice under section 70(2) of the 2011 Act as applied by regulation 16.

(8) In paragraph (6), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(9) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(10) A requirement in these Regulations that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6).