

SCHEDULE 3

Regulation 5

PART 1

CLASSES OF ADVERTISEMENTS WHICH MAY
BE DISPLAYED WITH DEEMED CONSENT

CLASS 1	<i>Functional advertisements of government departments, district councils, statutory undertakers and public transport undertakers</i>
Description	An advertisement displayed wholly for the purpose of announcement or direction in relation to any of the functions of a government department or a district council or to the operation of a statutory undertaker or a public transport undertaking, which— <ul style="list-style-type: none"> (a) is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking; and (b) cannot be displayed by virtue of any other specified class.
Conditions	Illumination is not permitted unless reasonably required for the purpose of the advertisement.
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CLASS 2	<i>Miscellaneous advertisements relating to the premises on which they are displayed</i>
(1) Description	An advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed.
Conditions	<ul style="list-style-type: none"> (a) The advertisement does not exceed 0.3 square metre in area. (b) Illumination is not permitted. (c) No character or symbol on the advertisement is more than 0.3 metre in height. (d) No part of the advertisement is more than 5 metres above ground level.
(2) Description	An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed.
Conditions	<ul style="list-style-type: none"> (a) The advertisement does not exceed 0.3 square metre in area. (b) No character or symbol on the advertisement is more than 0.3 metre in height. (c) No part of the advertisement is more than 5 metres above ground level. (d) Not more than 1 such advertisement is permitted for each person, partnership or company or, in the case of premises with entrances on different road frontages, 1 such advertisement at each of the 2 such entrances. (e) Illumination is not permitted unless the advertisement states that medical or similar services or supplies are available on the premises and the illumination is in a manner reasonably required for that purpose.
(3) Description	An advertisement relating to any institution of a religious, educational, cultural, recreational, or medical character, or to any hotel, restaurant,

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guest house or public house, block of flats, club, boarding house or hostel, at the premises where it is displayed.

- Conditions
- (a) Not more than 1 such advertisement is permitted in respect of each premises or, in the case of premises with entrances on different road frontages, 1 such advertisement at each of the 2 such entrances.
 - (b) The advertisement does not exceed 1.5 square metres in area.
 - (c) No character or symbol on the advertisement is more than 0.3 metre in height.
 - (d) No part of the advertisement is more than 5 metres above ground level.
 - (e) Illumination is not permitted unless the advertisement states that medical services or supplies are available at the premises and the illumination is in a manner reasonably required for that purpose.

CLASS 3

Miscellaneous temporary advertisements

- (1) Description An advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use, of the land or premises on which it is displayed.
- Conditions
- (a) (i) Not more than 1 such advertisement consisting of a single board or 2 joined boards, is permitted.
 - (ii) Where more than 1 such advertisement is displayed, the first to be displayed shall be taken to be the one permitted.
 - (b) No advertisement is displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.
 - (c) The advertisement is removed within 14 days after the sale is completed or a tenancy is granted.
 - (d) The advertisement does not exceed in area—
 - (i) where the advertisement relates to the sale or letting of agricultural land 10 square metres;
 - (ii) where the advertisement relates to the sale or letting of any other land or development for residential, industrial or commercial use, 2 square metres or, in the case of 2 joined boards together, 2.5 square metres in aggregate.
 - (e) Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.
 - (f) Illumination is not permitted.
 - (g) No character or symbol on the advertisement is more than 0.3 metre in height.
 - (h) No part of the advertisement is higher above ground level than 5 metres or in the case of a sale or letting of part only of a building, the lowest level of that part of the building on which display is reasonably practicable.
- (2) Description An advertisement announcing the sale of goods or livestock, and displayed on the land where the goods or livestock are situated or where the sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding such sales.

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| Conditions | <ul style="list-style-type: none">(a) (i) Not more than 1 such advertisement is displayed at any one time on the land concerned.(a) (ii) Where more than 1 such advertisement is displayed, the first to be displayed shall be taken to be the one permitted.(b) No advertisement is displayed earlier than 28 days before the day (or first day) on which the sale is due to take place.(c) The advertisement is removed within 14 days after the sale is completed.(d) An advertisement relating to the sale on agricultural land, does not exceed 10 square metres in area.(e) An advertisement relating to the sale on any other land, does not exceed 1.5 square metres in area.(f) Illumination is not permitted.(g) No character or symbol on the advertisement is more than 0.3 metre in height.(h) No part of the advertisement is more than 5 metres above ground level. |
| (3) Description | An advertisement relating to the carrying out of building or similar work on the land on which it is displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purposes of carrying out such work. |
| Conditions | <ul style="list-style-type: none">(a) (i) Not more than one such advertisement is displayed at any time, on each road frontage of the land, in respect of each separate development project.(a) (ii) Where more than 1 advertisement is displayed, the first to be displayed shall be taken to be the one permitted.(b) The advertisement is not displayed except while the relevant works are being carried out.(c) The advertisement does not exceed 4 square metres in aggregate.(d) Illumination is not permitted.(e) No character or symbol on the advertisement is more than 0.3 metre in height.(f) No part of the advertisement is more than 5 metres above ground level. |
| (4) Description | An advertisement— <ul style="list-style-type: none">(i) announcing any local event or activity of a religious, educational, cultural, charitable, political, social or recreational character; or(ii) relating to any temporary matter in connection with an event or local activity of such character; <p>not being an event or activity promoted or carried on for commercial purposes.</p> |
| Conditions | <ul style="list-style-type: none">(a) The advertisement does not exceed 1 square metre in area.(b) The advertisement is not displayed earlier than 28 days before the day (or first day) on which the event is due to take place.(c) The advertisement is removed within 14 days after the end of the event.(d) Illumination is not permitted.(e) No character or symbol is more than 0.3 metre in height.(f) No part of the advertisement is more than 5 metres above ground level. |

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- (g) The advertisement does not relate to an election specified in Class 13 of Schedule 3.
- (5) Description An advertisement relating to any demonstration of agricultural methods or processes, on the land on which it is displayed.
- Conditions
 - (a) The advertisement is not displayed for more than 6 months in any period of 12 months.
 - (b) The advertisement is limited in respect of each demonstration to 10 square metres in area.
 - (c) The advertisement is not displayed earlier than 28 days before the day (or first day) on which the demonstration is due to take place and shall be removed within 14 days after the end of the demonstration.
 - (d) Illumination is not permitted.
 - (e) No character or symbol on the advertisement is more than 0.3 metre in height.
 - (f) No part of the advertisement is more than 5 metres above ground level.
- (6) Description An advertisement relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place.
- Conditions
 - (a) The advertisement does not exceed 1 square metre in area.
 - (b) The advertisement is not displayed earlier than 14 days before the first performance or opening of the entertainment at the place specified.
 - (c) The advertisement is removed within 7 days after the last performance or closing of the specified entertainment.
 - (d) At least 14 days before the advertisement is first displayed, the person displaying the advertisement notifies the council in writing of the first date on which, and of the site at which, it is to be displayed.
 - (e) Illumination is not permitted.
 - (f) No part of the advertisement is more than 5 metres above ground level.

CLASS 4

Illuminated advertisements on business premises

- (1) Description An illuminated advertisement displayed on the frontage of premises forming part of a retail park, which overlook or face on to a car park wholly or mainly bounded by the retail park, where the advertisement refers wholly to the business carried on, the goods sold or services provided, and/or the name and qualifications of the person carrying on the business, or supplying the goods or services, on those premises.
- Conditions
 - (a) Subject to condition (k), the advertisement is not permitted within a conservation area, an area of outstanding natural beauty or a National Park.
 - (b) In the case of a shop, the advertisement is not displayed except on a wall containing a shop window.
 - (c) Not more than 1 advertisement parallel to a wall and 1 projecting at right angles from such a wall are permitted, and in the case of any projecting advertisement—
 - (i) no surface is greater than 1 square metre in area;
 - (ii) the advertisement does not project more than 1 metre from the wall; and

- (iii) it is not more than 1.5 metres high.
 - (d) Illumination may be—
 - (i) by halo illumination; or
 - (ii) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.
 - (e) The advertisement does not include any intermittent light source, moving feature, exposed cold cathode tubing or animation.
 - (f) Where the method of illumination is that described in paragraph (d)(ii), the luminance of the advertisement may not exceed the permitted limits specified in paragraph 2 of Part 2.
 - (g) In the case of any advertisement consisting of a built-up box containing the light source, the distance between—
 - (i) the face of the advertisement and any wall parallel to which it is displayed, at the point where it is affixed; or
 - (ii) the 2 faces of any advertisement projecting from a wall, does not exceed 0.25 metre.
 - (h) The lowest part of the advertisement is at least 2.5 metres above ground level.
 - (i) No part of the advertisement is higher above ground level than 5 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.
 - (j) No character or symbol on the advertisement is more than 0.3 metre in height.
 - (k) An advertisement displayed on the date of designation of an area or Park referred to in condition (a) may continue to be displayed for a period of 5 years from that date.
- (2) Description An illuminated advertisement, other than the one falling within Class 4(1), displayed on business premises wholly with reference to the business carried on, the goods sold or services provided, and/or the name and qualifications of the person carrying on the business, or supplying the goods or services, on those premises.
- Conditions
- (a) Subject to condition (1) the advertisement is not permitted within a conservation area, an area of outstanding natural beauty or a National Park.
 - (b) In the case of a shop, the advertisement is not displayed except on a wall containing a shop window.
 - (c) Not more than 1 advertisement parallel to a wall and 1 projecting at right angles from such a wall is permitted, and in the case of any projecting advertisement—
 - (i) no surface is greater than 1 square metre in area;
 - (ii) the advertisement may not project more than 1 metre from the wall or two-thirds of the width of any footway or pavement below, whichever is the less;
 - (iii) the advertisement is not more than 1 metre high; and
 - (iv) it does not project over any carriageway.
 - (d) Illumination may be—
 - (i) by halo illumination; or
 - (ii) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.

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- (e) The advertisement does not include any intermittent light source, moving feature, exposed cold cathode tubing or animation.
- (f) Where the method of illumination is that described in paragraph (d)(ii), the luminance of the advertisement may not exceed the limits specified in paragraph 2 of Part 2.
- (g) In the case of any advertisement consisting of a built-up box containing the light source, the distance between—
 - (i) the face of the advertisement and any wall parallel to which it is displayed, at that point where it is affixed; or
 - (ii) the 2 faces of any advertisement projecting from a wall, does not exceed 0.25 metre.
- (h) The lowest part of the advertisement is at least 2.5 metres above ground level.
- (i) No part of the advertisement is higher above ground level than 5 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.
- (j) No character or symbol on the advertisement is more than 0.3 metre in height.
- (k) No surface of the advertisement exceeds 0.17 of the frontage on which it is displayed, measured up to a height of 5 metres from ground level or 0.2 of the frontage measured to the top of the advertisement, whichever is the less.
- (l) Any advertisement displayed on the date of designation of an area or park referred to in condition (a) may continue to be displayed for a period of 5 years from that date.

CLASS 5 ***Advertisements (other than illuminated advertisements) on business premises***

Description	Any advertisement which does not fall within Class 4(1) or 4(2) displayed on business premises wholly with reference to the business carried on, and/or the goods sold or services provided, and/or the name and qualifications of the person carrying on the business, and/or supplying the goods or services, on those premises.
Conditions	<ul style="list-style-type: none"> (a) In the case of a shop, the advertisement is not displayed, except on a wall containing a shop window. (b) Illumination is not permitted. (c) No character or symbol on the advertisement is more than 0.3 metre in height. (d) No part of the advertisement is higher above ground level than 5 metres or the bottom of any first floor window on the wall on which the advertisement is displayed, whichever is the lower.

CLASS 6 ***An advertisement on a forecourt of business premises***

Description	An advertisement displayed on the forecourt of business premises, wholly with reference to all or any of the matters specified in the description in Class 5.
Conditions	<ul style="list-style-type: none"> (a) The advertisement is displayed on a forecourt or, in the case of a building with a forecourt on 2 or more frontages, the advertisement on each of those frontages, does not exceed in aggregate 5 square metres in area. (b) Illumination is not permitted.

- (c) No character or symbol on the advertisement is more than 0.3 metre in height.
- (d) No part of the advertisement is more than 5 metres above ground level.

CLASS 7

Flag Advertisements

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| (1) Description | An advertisement in the form of a flag attached to a single flagstaff projecting from the roof of a building. |
| Conditions | <ul style="list-style-type: none"> (a) No advertisement is permitted other than one— <ul style="list-style-type: none"> (i) bearing the name and/or device of any person occupying the building; or (ii) referring to a specific event (other than the offering of named goods for sale) of limited duration, which is taking place in the building, for the duration of that event. (b) No character or symbol on the flag may be more than 0.3 metre in height. |
| (2) Description | <p>An advertisement in the form of a flag attached to a single flagstaff erected on a site which forms part of an area of land in respect of which planning permission has been granted for development of which the only principal component is residential development and on which—</p> <ul style="list-style-type: none"> (a) operations for the construction of houses are in progress pursuant to that permission; or (b) such operations having been completed, at least one of the houses remains unsold. |
| Conditions | <ul style="list-style-type: none"> (a) No such advertisement is permitted within a conservation area, an area of outstanding natural beauty or a National Park. (b) The number of such advertisements on the land concerned shall not exceed— <ul style="list-style-type: none"> (i) where the aggregate number of houses on that land does not exceed 10, one; (ii) where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two; (iii) where the aggregate number of houses on that land exceeds 100, three. (c) No part of the flagstaff may be more than 4.6 metres above ground level. (d) No flag shall exceed 2 square metres in area. (e) No such advertisement shall be displayed after the expiration of the period of one year commencing on the day on which building operations on the land concerned have been substantially completed. |

CLASS 8

Advertisements on hoardings relating to building operations

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| Description | An advertisement on a hoarding which encloses, either wholly or in part, land on which building operations are taking place or are about to take place, if those operations are in accordance with planning permission (other than outline permission) for development primarily for use for commercial, industrial or business purposes. |
| Conditions | <ul style="list-style-type: none"> (a) Subject to condition (g) below, the advertisement is not displayed in a conservation area, an area of outstanding natural beauty or a National Park. |

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- (b) The advertisement is not displayed earlier than 13 weeks before the commencement of the building operations.
- (c) The advertisement is at least 1.5 metres high and 1 metre long and not more than 3.1 metres high and 12.1 metres long.
- (d) At least 14 days before the advertisement is first displayed, the council is notified in writing, by the person displaying it, of the date on which it will first be displayed and is sent a copy of the relevant planning permission.
- (e) The advertisement is not displayed for more than 3 years.
- (f) Illumination is permitted in a manner and to the extent reasonably required to achieve the purpose of the advertisement.
- (g) An advertisement displayed on the date of designation of an area or Park referred to in condition (a) may continue to be displayed for a period of 1 year from the date or 2 years from the date of commencement of the display, whichever is the later.

CLASS 9	<i>Directional advertisements</i>
Description	An advertisement on a single flat surface directing potential buyers and others to a site where residential development is taking place.
Conditions	<ul style="list-style-type: none"> (a) The advertisement may not exceed 0.15 square metre in area. (b) No part of the advertisement is of a reflective material. (c) The design of the advertisement is not similar to that of a traffic sign. (d) The advertisement is displayed on land adjacent to a road, in a manner which makes it reasonably visible to an approaching driver, but not within 50 metres of a traffic sign intended to be observed by persons approaching from the same direction. (e) The advertisement is not more than 2 miles from the main entrance of the site. (f) The council is, at least 14 days before the advertisement is first displayed, notified in writing of the place at which, and the first date on which, it will be displayed. (g) The advertisement is not displayed after the development of the site is completed or, in any event, for more than 2 years. (h) Illumination is not permitted. (i) Any character or symbol on the advertisement is at least 0.04 metre high. (j) No character or symbol on the advertisement is more than 0.3 metre high. (k) No part of the advertisement is more than 5 metres above ground level.
CLASS 10	<i>Advertisements inside buildings</i>
Description	An advertisement, displayed inside a building, which does not comply with the conditions relating to Class I in Schedule 2.
CLASS 11	<i>Advertisements for neighbourhood watch schemes</i>
Description	An advertisement displayed on or near a road (but not in the window of a building), to give notice that a neighbourhood watch scheme approved by the Police Service of Northern Ireland is in operation in the area.
Conditions	<ul style="list-style-type: none"> (a) No such advertisement may exceed 0.2 square metres in area. (b) The council shall, at least 14 days before the advertisement is first displayed, be given particulars in writing of the place at which it

is to be displayed and a certificate issued by the Police Service of Northern Ireland—

- (i) that the scheme has been approved by the Police Service of Northern Ireland;
 - (ii) that the Police Service of Northern Ireland has agreed to the display of the advertisement.
- (c) Any such advertisement shall be removed within 14 days after—
- (i) the relevant scheme ceases to operate;
 - (ii) the relevant scheme ceases to be approved by the Police Service of Northern Ireland.
- (d) Illumination is not permitted.
- (e) No part of the advertisement may be more than 3.6 metres above ground level.

CLASS 12	<i>Advertisements on sites used for preceding ten years for display of advertisements without express consent</i>
Description	An advertisement displayed on a site that has been used continually for the preceding ten years for the display of advertisements without express consent.
Conditions	<ul style="list-style-type: none">(a) The advertisement does not fall within this description if, during the relevant 10-year period, there has been either a material increase in the extent to which the site has been used for the display of advertisements or a material alteration in the manner in which it has been so used.(b) If any building on which such an advertisement is displayed—<ul style="list-style-type: none">(i) is removed in compliance with a requirement of, or under, any statutory provision;(ii) is removed in any other circumstances; or(iii) is destroyed by any means;the erection of any building to continue the display is not permitted.(c) Illumination is not permitted unless—<ul style="list-style-type: none">(i) the advertisement is displayed with illumination on 19th February 2009; or(ii) the advertisement is first displayed after that date, and the advertisement most recently displayed was illuminated.(d) An advertisement that—<ul style="list-style-type: none">(i) comprises sequential displays; or(ii) otherwise includes moving parts or features; or(iii) features intermittent lighting in a manner designed to give the appearance of movement,is not permitted unless it is displayed on 19th February 2009 and falls within the description specified in any of the subparagraphs (i) to (iii); or it is first displayed after that date, and the advertisement most recently displayed fell within any such description.

CLASS 13	<i>Advertisements relating to an election</i>
Description	An advertisement relating specifically to a pending Parliamentary, European Parliamentary, Northern Ireland Assembly or district council election.

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Conditions	The advertisement is removed within 14 days after the close of the poll in the election to which it relates.
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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;

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

(c) 10 square metres, 600 candela;

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).