EXPLANATORY MEMORANDUM TO

THE PLANNING (CONTROL OF ADVERTISEMENTS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2014

2014 No. 118

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of the Environment to accompany the above named Statutory Rule which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 67(1) and (2) of the Planning (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.

1.3 The Rule is due to come into operation on 23 April 2014.

2. Purpose

2.1 The purpose of this Statutory Rule is to amend the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 ["the 1992 Regulations"] in order to remove the exemption from control of advertisements relating specifically to a pending Parliamentary, European Parliamentary, Assembly or district council election set out in Schedule 2 and insert them in a new deemed consent Class 13 in Schedule 3, Part 1. The permission of the owner of the site where the advertisement is displayed is not required for the display of a Class 13 advertisement.

3. Background

3.1 These amending Regulations were made following representations to the Department, including those from elected members of the Northern Ireland Assembly and district councils, to introduce into Northern Ireland controls on the display of advertisements relating to Parliamentary, European Parliamentary, Assembly or district council elections. The amending Regulations do not represent a fundamental review of advertisement control in relation to these advertisements but they do allow the Department to exercise control over their display through directions given under regulation 6 of the 1992 Regulations where this is necessary in the interests of amenity or public safety.

4. Consultation

4.1 Members of the Northern Ireland Assembly and district councils requested the Department to urgently amend the legislation to ensure that these election poster advertisements were not displayed along the route of the Giro D'Italia cycle race for the duration of that race i.e. 8 to 11 May 2014. Unfortunately it was recognised that there was insufficient time ahead of the event to allow for

any reasonable period of public consultation on these changes to the 1992 Regulations but the Department has informed the Environment Committee of the Assembly of the matter and the need for urgency.

5. Equality Impact

5.1 Equality Impact Screenings carried out in respect of these proposals found no evidence of any differential impact on any of the section 75 categories.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment was not carried out as the Department does not anticipate any significant compliance costs will be generated by the amendment.

7. Financial Implications

7.1 The amending Regulations will not result in any start-up costs as the enforcement regime is already fully established within the Department's Planning Service.

7.2 Some compliance costs may be incurred where the Department exercises enforcement powers.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers that the legislation complies with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 This is not a parity or replicatory measure.

11. Additional Information

11.1 This Statutory Rule breaches the 21-day rule. The Department apologises for this breach of the convention.

11.2 The legislation could not have been made and laid sooner as the Department's intention was to reach a voluntary agreement among those participating in the 2014 European Parliamentary and district council elections not to display these advertisements along the route of the Giro D'Italia cycle race for the duration of that race. However, while the main political parties in the Assembly agreed with the Departments objectives, they requested that the Department introduced legislation controlling the display of these advertisements. In order to allow the Department sufficient time to make a

direction under regulation 6 of the 1992 Regulations to remove deemed consent for the display of election posters along the Giro D'Italia route for the duration of the race it was necessary for the Statutory Rule to be in operation from 23 April 2014.

12. Contact

12.1 Please direct any queries to Joe Torney at the Department of the Environment

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