



Jersey

PLANNING AND BUILDING (DISPLAY OF ADVERTISEMENTS) (JERSEY) ORDER 2006

Arrangement

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PLANNING AND BUILDING (DISPLAY OF ADVERTISEMENTS) (JERSEY) ORDER 2006

Made

28th June 2006

Coming into force

1st July 2006

THE MINISTER FOR PLANNING AND ENVIRONMENT, in pursuance of Articles 76 and 124 of the Planning and Building (Jersey) Law 2002¹, orders as follows –

1 Interpretation

In this Order –

“application” means an application to display an advertisement made in accordance with Article 2(1)(b) or Article 7(1);

“by local advertisement”, in respect of an application, means in a manner –

- (a) that is likely to bring the application to the attention of the public of Jersey;
- (b) that advises members of the public of Jersey where they may obtain further details of the application; and
- (c) that advises members of the public of Jersey of the manner in which they may provide representations to the Minister in respect of the application;

“by site display”, in respect of a notice, means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“Law” means the Planning and Building (Jersey) Law 2002;

“protected site” means –

- (a) a site of special interest; or
- (b) a building included on a register published by the Minister of buildings of architectural, archaeological or historic interest.

2 Permission required for the display of advertisements

- (1) A person must not display an advertisement on a building or land except with and in accordance with the permission of the Minister granted –
 - (a) by Article 10; or
 - (b) by the Minister on application made to the Minister by that person and (if different) by the owner of the building or land on which the advertisement is to be displayed.
- (2) A person is not displaying an advertisement in accordance with permission granted by the Minister if when doing so the person fails to comply with any condition subject to which that permission was granted.

3 Publicity for applications

- (1) An application must be publicized in accordance with this Article.
- (2) All applications will be publicized by the Minister by local advertisement.
- (3) An application must also be publicized by the applicant giving requisite notice by site display in at least one place on or near to the land or building where the advertisement will be displayed.
- (4) The notice –
 - (a) must be displayed within 3 days of the applicant receiving from the Minister an acknowledgement of the receipt of the application; and
 - (b) must be displayed for at least 21 days.
- (5) In paragraph (3) “requisite notice” means notice in the form set out in Schedule 2 or in a form substantially to the like effect.
- (6) This Article does not apply to any change in an application where the Minister has advised the applicant that the change is so minor that the change does not need to be publicized in accordance with this Article.

4 Evidence of compliance

- (1) An applicant must show the Minister that the applicant has complied with Article 3(3) and (4) by requisite notice given to the Minister accompanied by a copy of the relevant site notice displayed by the applicant.
- (2) Article 10 of the Law shall apply to a notice given under paragraph (1) and the site notice accompanying it as if they were part of an application for planning permission.
- (3) In paragraph (1) “requisite notice” means notice in the form set out in Schedule 3 or in a form substantially to the like effect.

5 Providing representations in respect of an applications

- (1) Except as provided by paragraph (4), any representation in respect of an application must be provided to the Minister within 21 days of the application –

-
- (a) first being publicized by the Minister by local advertisement in accordance with Article 3(2); or
 - (b) first being publicized by site display by the applicant in accordance with Article 3(3),
- whichever is the later.
- (2) A representation must be provided in writing and must contain the name of the person providing the representation and details of how the person may be contacted.
 - (3) It may contain such other information as the person providing the representation considers appropriate.
 - (4) If the Minister considers that it would be in the public interest to do so, the Minister may extend the period of 21 days mentioned in paragraph (1) by such further period as the Minister consider appropriate.
 - (5) The Minister may do so before or at any time after the end of the period of 21 days.

6 Grant of permission to display an advertisement

- (1) When considering an application the Minister –
 - (a) will take into account all representations made to him or her; and
 - (b) will also take into account all material considerations including the effect the proposed advertisement would have on the environment generally and in particular on the environment of any protected site; and
 - (c) will not grant permission to display an advertisement in a way that is inconsistent with the Island Plan unless he or she has been satisfied by the applicant that there is sufficient justification for doing so.
- (2) The Minister may –
 - (a) grant permission to display an advertisement on a building or land unconditionally or subject to conditions; or
 - (b) refuse to grant the permission sought.

7 Minister may grant permission for advertisement already displayed

- (1) The Minister may, on an application made to the Minister, grant permission for the display of an advertisement on a building or land where the advertisement was already being displayed –
 - (a) without permission from the Minister; or
 - (b) without complying with a condition subject to which permission for the display of the advertisement was given.
- (2) The Minister may grant permission under paragraph (1) to have effect from the date the advertisement was first displayed.

8 Conditions attached to the grant of permission to display an advertisement

The conditions the Minister may attach to the grant of permission to display an advertisement on a building or land will fairly and reasonably relate to the proposed display of the advertisement and may, in particular, relate to all or any of the following –

- (a) the dimensions, design, structure or external appearance of the advertisement;
- (b) the materials to be used in the construction of the advertisement;
- (c) the position where the advertisement may be sited on the building or land;
- (d) any illumination of the advertisement.

9 Permission to display advertisement attaches to land

- (1) The grant of permission to display an advertisement inures (except insofar as the permission otherwise provides) for the benefit of the building or land on which the advertisement is displayed and of each person for the time being having an estate or interest in that building or land.
- (2) A condition attached by the Minister to the grant of permission to display an advertisement on a building or land binds and is enforceable by the Minister against a person for the time being having an estate or interest in that building or land.

10 Approved advertisements

- (1) Subject to the provisions of this Order, permission is hereby granted for the display of an advertisement described as an approved advertisement in Schedule 1.
- (2) The permission granted by paragraph (1) for the display of an approved advertisement is subject to any relevant exceptions, limitations or condition specified in Schedule 1 in respect of that advertisement.
- (3) This Article does not apply in respect of a protected site.

11 Directions restricting approved advertisements

- (1) This Article applies where the Minister is satisfied that in respect of a particular building or area of land it is expedient that approved advertisements of a class specified in Schedule 1 should not be displayed on the building or area of land unless permission is granted by the Minister on application made to the Minister.
- (2) The Minister may give a direction that the permission granted by Article 10 shall not apply in respect of the building or area of land to the display of advertisements of the class specified in the direction.

- (3) The Minister will serve notice of a direction given under paragraph (2) on the owner and occupier (if different) of the building or land to which it applies.
- (4) A direction under paragraph (2) has effect from the service of the notice on the owner of the building or land in accordance with paragraph (3).

12 Revocation and modification of permission

- (1) The Minister may revoke or modify his or her permission to display an advertisement (including permission given by Article 10) by giving the owner of the land on which the advertisement is displayed at least 28 days written notice.
- (2) If permission to display an advertisement is revoked in accordance with paragraph (1) the owner of the building or land must remove the advertisement or cause the advertisement to be removed before the end of the period specified in the notice.
- (3) If a notice under paragraph (1) requires any modification to be made to or in respect of an advertisement that modification must be made before the end of the period specified in the notice.
- (4) Articles 27(5) – (10) and 116 of the Law (in respect of compensation and appeals) shall apply to a decision by the Minister to revoke or modify his or her permission to display an advertisement as if it were a decision to revoke or modify planning permission.

13 Citation and commencement

- (1) This Order may be cited as the Planning and Building (Display of Advertisements) (Jersey) Order 2006.
- (2) It shall come into force on 1st July 2006.

SENATOR F.E. COHEN

Minister for Planning and Environment

SCHEDULE 1

(Article 10)

APPROVED ADVERTISEMENTS

PART 1	
OFFICIAL ADVERTISEMENTS	
Class A	
Approved advertisement	A. An advertisement employed wholly for the purpose of announcement or direction in relation to a function of the States, a Minister or a parochial authority, being an advertisement that is reasonably required to be displayed in the manner in which it is displayed in order to secure the safe or efficient performance of that function.
Conditions	<p>A.1 The advertisement must be maintained in a clean and tidy condition.</p> <p>A.2 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>A.3 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>A.4 The advertisement must not be illuminated except to achieve the purpose of the advertisement.</p>
Class B	
Approved advertisement	B. An advertisement employed wholly for the purpose of announcement or direction in relation to the operation of the provider of a public service, being an advertisement that is reasonably required to be displayed in the manner in which it is displayed in order to secure the safe or efficient performance of that operation.
Conditions	<p>B.1 The advertisement must be maintained in a clean and tidy condition.</p> <p>B.2 Any hoarding or similar structure used to display the advertisement must be maintained in a safe</p>

	<p>condition.</p> <p>B.3 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>B.4 The advertisement must not be illuminated except to achieve the purpose of the advertisement.</p>
Interpretation of Class B	B.5 For the purpose of Class B “provider of a public service” means a person who provides sewerage, gas, water or electricity to the public or to a portion of the public.
Class C	
Approved advertisement	An advertisement required to be displayed by virtue of an enactment (including an advertisement that is required by an enactment to be displayed as a condition of the valid exercise of a power, or the proper performance of a function).
Conditions	<p>C.1 The advertisement must be maintained in a clean and tidy condition.</p> <p>C.2 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>C.3 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>C.4 The advertisement must not be illuminated except to achieve the purpose of the advertisement.</p>
Class D	
Approved advertisement	An advertisement in the nature of a traffic sign employed wholly for the control, guidance or safety of traffic.
Conditions	<p>D.1 The advertisement must be maintained in a clean and tidy condition.</p> <p>D.2 Any hoarding or similar structure used to display the advertisement must be maintained in a safe</p>

	<p>condition.</p> <p>D.3 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p>
PART 2	
ADVERTISEMENTS RELATING TO PREMISES ON WHICH THEY ARE DISPLAYED	
Class A	
Approved advertisement	<p>A. An advertisement –</p> <p>(a) for the purpose of identification, direction or warning with respect to the land or building on which it is displayed;</p> <p>(b) relating to a person, partnership or company carrying on a profession, business or trade on the land or building on which the advertisement is displayed;</p> <p>(c) relating to an institution of a religious, educational, cultural, recreational or medical or similar character, situate on the land on which the advertisement is displayed.</p>
Advertisement not approved	<p>A.1 An advertisement is not approved by Class A if it has an area exceeding 2 square metres.</p> <p>A.2 An advertisement is not approved by Class A if there is already on the land or building an advertisement to the same effect.</p>
Conditions	<p>A.3 The advertisement must be maintained in a clean and tidy condition.</p> <p>A.4 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>A.5 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>A.6 The advertisement must not contain letters, figures, symbols, emblems or devices of a height</p>

	<p>exceeding 400mm.</p> <p>A.7 The advertisement must not be displayed so that the highest part of it is above 4 metres from ground level.</p> <p>A.8 The advertisement must not be illuminated except to indicate that medical or similar services or supplies are available at the premises on which it is displayed, when it may be illuminated in a manner reasonably required for that purpose.</p>
Interpretation of Class A	A.9 For the purpose of Class A “ground level”, in relation to the display of an advertisement on a building, means, where the ground-floor level of the building is the same as the adjoining road, the ground floor level of the building.
Class B	
Approved advertisement	B. An advertisement incorporated in, and forming part of, the fabric of a building.
Advertisement not approved	<p>B.1 An advertisement is not approved by Class B if the building is used principally for the display of advertisements or is a hoarding or similar structure.</p> <p>B.2 An advertisement is not approved by Class B if it has an area exceeding 2 square metres.</p> <p>B.3 An advertisement is not approved by Class B if there is already an advertisement incorporated in, and forming part of, the fabric of the building.</p>
Conditions	<p>B.4 The advertisement must be maintained in a clean and tidy condition.</p> <p>B.5 The advertisement must not be illuminated except to indicate that medical or similar services or supplies are available at the premises on which it is displayed, when it may be illuminated in a manner reasonably required for that purpose.</p>
Interpretation of Class B	B.6 For the purpose of Class B an advertisement is not to be taken to form part of the fabric of a building by reason only of being affixed to, or painted on, the building.
PART 3	
ADVERTISEMENTS OF A TEMPORARY NATURE	
Class A	
Approved advertisement	An advertisement relating to the sale or letting of the building or land on which it is displayed.

Advertisement not approved	<p>A.1 An advertisement is not approved by Class A if it has an area exceeding 2 square metres.</p> <p>A.2 An advertisement is not approved by Class A if there is already on the land or building an advertisement in respect of the sale or letting (whether or not attached to a building).</p>
Conditions	<p>A.3 The advertisement must be maintained in a clean and tidy condition.</p> <p>A.4 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>A.5 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>A.6 The advertisement must not contain letters, figures, symbols, emblems or devices of a height exceeding 400mm.</p> <p>A.7 The advertisement must not be displayed so that the highest part of it is above 4 metres from ground level except that an advertisement relating to the sale or letting of a building higher than that height limit may be displayed above that limit at the lowest level at which it is reasonably practicable to display the advertisement.</p> <p>A.8 The advertisement must not be illuminated.</p> <p>A.9 The advertisement must be removed within 14 days after the building or land is sold or let, as the case may be.</p>
Interpretation of Class A	A.10 For the purpose of Class A “ground level”, in relation to the display of an advertisement on a building, means the ground-floor level of the building.
Class B	
Approved advertisement	B. An advertisement by a contractor or sub-contractor, or firm of contractors or sub-contractors relating to the carrying out by them of building or similar work on land on which the advertisement is displayed.
Advertisement not approved	B.1 An advertisement is not approved by Class B if it has an area exceeding 2 square metres.

	<p>B.2 An advertisement is not approved by Class B on the frontage of premises if there is already an advertisement in respect of the contractor or sub-contractor, or firm of contractors or sub-contractors on that frontage.</p> <p>B.3 An advertisement is not approved by Class B if it is displayed on land normally used, whether at regular intervals or otherwise, for the purpose of carrying out building or similar work.</p>
Conditions	<p>B.4 The advertisement must be maintained in a clean and tidy condition.</p> <p>B.5 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>B.6 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>B.7 The advertisement must not contain letters, figures, symbols, emblems or devices of a height exceeding 400mm.</p> <p>B.8 The advertisement must not be illuminated.</p> <p>B.9 The advertisement must not be displayed except while building or similar work is in progress on the land.</p>
Interpretation of Class B	<p>B. 10 For the purpose of Class B “ground level”, in relation to the display of an advertisement on or in respect of a building, means the ground-floor level or proposed ground floor level of the building.</p>
Class C	
Approved advertisement	<p>C An advertisement announcing a local event of a religious, educational, cultural, political, social or recreational character (including an advertisement relating to a temporary matter in connection with such an event).</p>
Advertisement not approved	<p>C.1 An advertisement is not approved by Class C if it has an area exceeding 2 square metres.</p> <p>C.2 An advertisement is not approved by Class D if it relates to an event promoted or carried on for a commercial purpose.</p>

<p>Conditions</p>	<p>C.3 The advertisement must be maintained in a clean and tidy condition.</p> <p>C.4 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>C.5 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign or an aid to navigation by water or air; or</p> <p>(b) to render hazardous the use of a road or airfield.</p> <p>C.6 The advertisement must not contain letters, figures, symbols, emblems or devices of a height exceeding 400mm.</p> <p>C.7 The advertisement must not be displayed so that the highest part of it is above 4 metres from ground level.</p> <p>C.8 The advertisement must not be illuminated.</p> <p>C.9 The advertisement must not be displayed earlier than 28 days before the date of the event and must be removed within 14 days after its conclusion.</p>
<p>Interpretation of Class C</p>	<p>C.10 For the purpose of Class C “ground level”, in relation to the display of an advertisement on a building, means the ground-floor level of the building.</p>
<p>Class D</p>	
<p>Approved advertisement</p>	<p>D. A free standing 1 or 2 sided advertisement stationed on a public road in front of the premises or business it is advertising.</p>
<p>Advertisement not approved</p>	<p>D.1 An advertisement is not approved by Class D if it has an area exceeding 1 square metre.</p> <p>D.2 An advertisement is not approved by Class D if its placement on the road has not been approved by the highway authority with responsibility for the road.</p>
<p>Conditions</p>	<p>D.3 The advertisement must be maintained in a clean and tidy condition.</p> <p>D.4 The advertisement must not be sited or displayed so as –</p> <p>(a) to obscure or hinder the ready interpretation of a road traffic sign; or</p> <p>(b) to render hazardous the use of a road.</p>

PART 4	
ADVERTISEMENTS IN ENCLOSED AREAS	
Class A	
Approved advertisement	A. An advertisement displayed on enclosed land.
Advertisement not approved	<p>A.1 An advertisement is not approved by Class A if it readily visible –</p> <ul style="list-style-type: none"> (a) from land outside the enclosure in which it is displayed; or (b) from a part of that enclosure over which there is a public right of way or to which the public has a right of access. <p>A.2 An advertisement is not approved by Class A if the enclosed land is or is part of a site of special interest.</p>
Conditions	<p>A.3 The advertisement must be maintained in a clean and tidy condition.</p> <p>A.4 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p> <p>A.5 The advertisement must not be illuminated.</p>
Interpretation of Class A	A.6 For the purpose of Class A “enclosed land” means land that is wholly or mainly enclosed by a hedge, fence, wall or similar screen or structure, but does not include a public park, public garden or other land held for the use or enjoyment of the public.
Class B	
Approved advertisement	B. An advertisement displayed within a building.
Advertisement not approved	B.1 An advertisement is not approved by Class B if it can be readily seen from outside the building.
Conditions	<p>B.2 The advertisement must be maintained in a clean and tidy condition.</p> <p>B.3 Any hoarding or similar structure used to display the advertisement must be maintained in a safe condition.</p>

SCHEDULE 2

(Article 3(5))

SITE NOTICE

NOTIFICATION OF AN APPLICATION FOR PERMISSION TO DISPLAY AN ADVERTISEMENT ON THIS LAND	
Name and address of applicant	
Details of proposed advertisement	
FURTHER DETAILS OF THE PROPOSED ADVERTISEMENT	
<p>Further details of the proposed advertisement may be viewed at the offices of the Planning Department at South Hill, St. Helier, at the Parish Hall of the Parish in which this land is situated or on the Planning Department’s website – www.gov.je/PlanningEnvironment</p>	
HOW TO PROVIDE A REPRESENTATION	
<p>Any person may, with 21 days of the first display of this notice, provide the Minister with a representation in respect of the application.</p> <p>It must be provided in writing to the Minister for Planning and Environment c/o The Planning Department, States Offices, South Hill, St. Helier JE2 4US or by email to planning@gov.je</p> <p>It must contain your name and details of how you can be contacted.</p> <p>It may also contain such other information as you consider appropriate.</p>	

SCHEDULE 3

(Article 4(3))

CERTIFICATE OF COMPLIANCE

CERTIFICATE OF COMPLIANCE	
Name and address of person giving certificate	
Brief details of proposed advertisement	
Date site notice first displayed	
I certify that a site notice, a copy of which is attached, was displayed on the site of the proposed advertisement in such a way as to be easily visible and legible by members of the public for at least 21 days.	
Signature:	
Date:	

¹

L.36/2002