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An Runaiocht Angla Eireannach,  
Beal Feirste

20 March, 1986

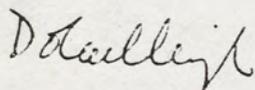
S24404

Mr. Eamonn O'Tuathail,  
Assistant Secretary,  
Anglo-Irish Section

Dear Eamonn,

The British side have now responded to our request for information about planning permission for the "Belfast Says No" banner at Belfast City Hall, which was raised with them on 19 February (0048). A copy of their response is attached. The Department of the Environment has concluded that temporary consent for a period of three months should be granted from the 12 March 1986 for Belfast and the other relevant Councils.

Yours sincerely,



Daithi O'Ceallaigh

cc. PSM  
PSS  
Mr. Nally  
A-I SECTION  
Amb. London

## DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

## "SAYS NO" BANNERS

## BACKGROUND

1. In response to the signing of the Anglo Irish Agreement on 15 November 1985 "SAYS NO" banners have been erected in a number of locations in Northern Ireland (see Appendix). Some banners are on Council buildings, others are strung across thoroughfares. Most have been displayed by District Councils. Others have been displayed by neighbourhood groups.
2. Legal advice is that the banners come within the definition of the word "advertisement" as used in the Planning (Control of Advertisements) Regulations (NI) 1973 (SR&O 1973 No 324). These Regulations provide that if an advertisement is displayed without the consent of the Department of the Environment an offence is committed and the person displaying the advertisement can be fined an initial amount plus a daily penalty for each day on which the unauthorised development remains. The Department also has default powers to have an unauthorised advertisement removed.
3. In considering an application for advertisement consent the Department is directed to have regard to 2 issues, namely visual amenity and public safety. The Department then consults with the appropriate District Council giving an opinion as to how the Department considers the application should be decided. After this consultation the Department proceeds to issue its decision.
4. Against this background the Department drew the attention of Council Clerks to the provisions of the Regulations relating to the display of advertisements and applications for consent have been received from all Councils. No applications have been received from neighbourhood groups.

## THE BELFAST BANNER

5. On 10 January Mr David Cook issued a writ against the City Council to try to stop the erection of a banner at City Hall. Nevertheless the banner was erected on Saturday 11 January and an application for advertisement consent to display was received by the Department on 14 January. On 7 February the High Court, in response to an action initiated by Mr Cook and others and heard on 28 January, held inter alia that the banner was being displayed without the necessary consent from the Department of the Environment and should be taken down. This decision was upheld at appeal on 14 February, costs in both cases being awarded against the City Council.

## THE DEPARTMENT'S POSITION

6. The applications for advertisement consent which have been received from the Councils are being considered and the Department has concluded that the same decision should issue in respect of each application.
7. Since the question of public safety (see paragraph 2) is unlikely to arise the determining factor is one of visual amenity - the message on the banner is not a relevant consideration under the Regulations. In visual terms the banners would be unacceptable as fixed and permanent appendages to the buildings on which they are displayed - or as a permanent feature of a thoroughfare.
8. However, custom and practice in the administration of the advertisement code has been to allow banner type advertisements for a temporary period. In size and design the "SAYS NO" banners are no different from other banners advertising an agricultural show, a garden fete, a civic arts festival and the like. The Department would not normally object to the display of such banners for a temporary period.

## THE DEPARTMENT'S DECISION

9. In the light of these circumstances the Department has concluded that temporary advertisement consent for a period of 3 months would be appropriate and the statutory consultation with District Councils is taking place on this basis. After the consultation period the formal consents will issue.

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10. The position is summarised in the Appendix.

12th March 1986

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"ULSTER SAYS NO" BANNERS

DISTRICT COUNCIL	ERECTED	APPLICATION
Antrim BC	Yes	Received : 14.2.86
Ards BC	Yes	Received : 27.2.86
Armagh DC	No	Non Council Banners in Richhill, Tandragee and Hamiltonsbawn.
Ballymena BC	Yes	Received 9.1.86 - Opinion to approve issued. - Non Council Banner erected in Harryville - no application.
Ballymoney BC	No	-
Banbridge DC	Yes	Received 27.1.86 - Opinion to approve issued
Belfast CC	Yes	Received 14.1.86 - ditto
Carrickfergus BC	Yes	Received 13.1.86 - ditto
Castlereagh BC	Yes	Received 30.1.86 - ditto
Coleraine BC	Yes	Received 22.1.86 - ditto
Cookstown DC	Yes	None
Craigavon BC	Yes	4 erected (2 Civic - ditto Centre, 1 Lurgan, 1 Portadown) Applications received.
Derry CC	No	Non Council Banner at Newbuildings
Down DC	No	-
Dungannon DC	No	-
Fermanagh DC	No	-
Larne BC	Yes	Received 13.1.86
Limavady DC	Yes	Received 24.1.86 - Opinion to approve issued

DISTRICT COUNCIL	ERECTED	APPLICATION
Lisburn BC	Yes	Received 18.2.86
Magherafelt DC	No	-
Moyle DC	No	-
Newry and Mourne DC	No	Non Council Banner erected in Kilkeel
Newtownabbey BC	Yes	Received 17.2.86
North Down BC	Yes	Received 26.2.86
Omagh DC	No	-
Strabane DC	No	Non Council Banner erected in Castlederg. Banner erected in Dunnamanagh.