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STATUTORY INSTRUMENTS

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**1989 No. 670**

**The Town and Country Planning (Control  
of Advertisements) Regulations 1989**

**PART II**

**DEEMED CONSENT**

**Deemed consent for the display of advertisements**

**6.—**(1) Subject to regulations 7 and 8 below, deemed consent is hereby granted for the display of an advertisement falling within any class specified in Part I of Schedule 3, subject—

- (a) to any conditions and limitations specified in that Part in relation to that class; and
- (b) to the standard conditions.

(2) Part II of Schedule 3 applies for the interpretation of that Schedule.

**Directions restricting deemed consent**

**7.—**(1) If the Secretary of State is satisfied, upon a proposal made to him by the local planning authority, that the display of advertisements of any class or description specified in Schedule 3, other than Class 11B, 12 or 13, should not be undertaken in any particular area or in any particular case without express consent, he may direct that the consent granted by regulation 6 for that class or description shall not apply in that area or in that case, for a specified period or indefinitely.

(2) Before making any such direction, the Secretary of State shall—

- (a) where the proposal relates to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality, and on the same or a subsequent date in the London Gazette, a notice that such a proposal has been made, naming a place or places in the locality where a map or maps defining the area concerned may be inspected at all reasonable hours; and
- (b) where the proposal relates to a particular case, serve, or cause to be served, on the owner and occupier of the land affected and on any other person who, to his knowledge, proposes to display on such land an advertisement of the class or description concerned, a notice that a proposal has been made, specifying the land and the class or description of advertisement in question.

(3) Any notice under paragraph (2) above shall state that any objection to the making of a direction may be made to the Secretary of State in writing within such period (not being less than 21 days from the date when the notice is given) as may be specified.

(4) The Secretary of State shall not make a direction under this regulation until after the expiry of the specified period.

(5) In determining whether to make a direction, the Secretary of State—

- (a) shall take into account any objections made in accordance with paragraph (3) above;

- (b) may modify the proposal of the local planning authority if—
  - (i) he has notified, in writing, that authority and any person who has made an objection or representation to him of his intention and the reasons for it and has given them a reasonable opportunity to respond; and
  - (ii) the intended modification does not extend the area of land specified in the proposal.

(6) Where the Secretary of State makes a direction, he shall send it to the local planning authority, with a statement in writing of his reasons for making it, and shall send a copy of that statement to any person who has made an objection in accordance with paragraph (3) above.

(7) Notice of the making of any direction for a particular area shall be published by the local planning authority in at least one newspaper circulating in the locality and, unless the Secretary of State otherwise directs, on the same or a subsequent date in the London Gazette, and such a notice shall—

- (a) contain a full statement of the effect of the direction;
- (b) name a place or places in the locality where a copy of the direction and of a map defining the area concerned may be seen at all reasonable hours; and
- (c) specify a date when the direction shall come into force, at least 14 and not more than 28 days after the first publication of the notice.

(8) Notice of the making of any direction for a particular case shall be served by the local planning authority on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the authority, proposes to display on such land an advertisement of the class or description affected.

(9) A direction for an area shall come into force on the date specified in the notice given under paragraph (7) above; and a direction for a particular case shall come into force on the date on which notice is served on the occupier or, if there is no occupier, on the owner of the land affected.

### **Discontinuance of deemed consent**

**8.—(1)** The local planning authority may serve a notice requiring the discontinuance of the display of an advertisement, or the use of a site for the display of an advertisement, for which deemed consent is granted under regulation 6—

- (a) if they are satisfied it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public; and
- (b) in the case of any advertisement within Class 12 in Schedule 3, if the advertisement is not also within Class F or G in Schedule 2.

(2) A discontinuance notice—

- (a) shall be served on the advertiser and on the owner and occupier of the site on which the advertisement is displayed;
- (b) may, if the local planning authority think fit, also be served on any other person displaying the advertisement;
- (c) shall specify the advertisement or the site to which it relates;
- (d) shall specify a period within which the display or the use of the site (as the case may be) is to be discontinued; and
- (e) shall contain a full statement of the reasons for taking discontinuance action.

(3) Subject to paragraphs (4) and (5) below, a discontinuance notice shall take effect at the end of the period (being at least 8 weeks after the date on which it is served) specified in the notice.

(4) If an appeal is made to the Secretary of State under regulation 15, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(5) The local planning authority, by a notice served on the advertiser, may withdraw a discontinuance notice at any time before it takes effect or may, where no appeal to the Secretary of State is pending, from time to time vary a discontinuance notice by extending the period specified for the taking effect of the notice.

(6) The local planning authority shall, on serving on the advertiser a notice of withdrawal or variation under paragraph (5) above, send a copy to every other person served with the discontinuance notice.