

EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING CONTROL OF
ADVERTISEMENTS (ENGLAND) (AMENDMENT) REGULATIONS 2007

2007 No. 1739

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

The memorandum contains information for the Joint Committee on Statutory instruments.

2. **Description**

- 2.1 These Regulations substitute condition (6) of Class 5 in Schedule 3 to the Town and Country Planning Control of Advertisements (England) Regulations (“the 2007 Regulations”) and substitute new Parts for Parts 1 and 2 of Schedule 4 to the 2007 Regulations.

- 2.2 The new condition (6) in Class 5 has the effect of restricting to 1.55 square metres the size of a Class 5 advertisement on business premises where the advertisement consists of a single placard or poster. New Part 1 of Schedule 4 modifies section 70A of the Town and Country Planning Act 1990 for the purposes of applying it to applications for express consent for the display of advertisements. New Part 2 sets out the text as modified. (Section 70A enables local planning authorities to decline to determine applications for planning permission in certain circumstances.)

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 The Regulations correct errors reported by the Joint Committee in paragraph 1 of their 17th Report for the 2006/7 Session. They are being issued free of charge to all known recipients of the 2007 Regulations.

4. **Legislative Background**

- 4.1 As the Joint Committee noted, section 70A was substituted by section 43(1) of the Planning and Compulsory Purchase Act 2004. The substitution was effective from 24 August 2005, by virtue of S.I. 2005/2081.

5. Extent

5.1 The Regulations apply in relation to England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As the result of representations received since the 2007 Regulations came into force, the Department has realised that condition (6) of Class 5 in Schedule 3 produces an unintended effect. It had not been the Department's intention to apply the restriction on size to advertisements on business premises where those advertisements fell outside Classes 4A and 4B (the classes relevant to illuminated advertisements on business premises) and thus within Class 5. The substituted condition makes it clear that the size restriction applies only to a Class 5 advertisement that consists of a single placard or poster.

7.2 The amendment to Schedule 4 ensures that the power to decline to determine an application for express consent for the display of advertisements operates as nearly as possible in the same way in which the power conferred by section 70A of the Town and Country Planning Act 1990 operates in relation to applications for planning permission.

7.3 By virtue of regulation 3(1) to (3) of the 2007 Regulations, local planning authorities are required to exercise their powers with regard to amenity and public safety, and various factors relevant to amenity and public safety are mentioned. These factors have been expressly incorporated into the modified section 70A (see the modified subsection (6)).

7.4 No consultation has been undertaken in respect of these Regulations. The Class 5 substitution gives effect to representations made by the advertising industry and reflects the Department's policy intention. The Schedule 4 substitutions make no policy change.

8. Impact

8.1 The impact of the Regulations is limited to the correction of errors in Schedules 3 and 4 to the 2007 Regulations.

9. Contact

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can answer any queries regarding the instrument.