

2007 No. 783

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country
Planning (Control of
Advertisements) (England)
Regulations 2007

Made - - - - -

8th March 2007

Laid before Parliament

15th March 2007

Coming into force - - -

6th April 2007



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The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 220, 221, 223(1), 224(3) and 333(1) of the Town and Country Planning Act 1990(a), makes the following Regulations:

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations apply in relation to the display of advertisements on sites in England only.

(a) 1990 c. 8.

- (3) Parts 2 and 3 of these Regulations do not apply to the display of an advertisement of a description set out in column (1) of Schedule 1 to these Regulations so long as—
- (a) the display complies with the conditions and limitations specified in column (2) of that Schedule as applicable to advertisements of that description; and
 - (b) except in the case of an advertisement within Class F, all the conditions specified in Schedule 2 are complied with;
 - (c) in the case of an advertisement within Class F, the requirements of paragraphs 1 to 3 and 5 of the standard conditions are complied with.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Town and Country Planning Act 1990;

“advertisement” does not include—

- (a) anything employed wholly as a memorial or as a railway signal; or
- (b) a placard or other object borne by an individual or an animal;

“advertiser”, in relation to an advertisement, means—

- (a) the owner of the site on which the advertisement is displayed;
- (b) the occupier of the site, if different; and
- (c) any other person who undertakes or maintains the display of the advertisement;

and any reference in these Regulations to the person displaying an advertisement shall be construed as a reference to the advertiser;

“amenity” includes aural and visual amenity;

“Area of Outstanding Natural Beauty” means an area designated as such by an order made under section 82 of the Countryside and Rights of Way Act 2000(a);

“area of special control” means an area designated by an order under regulation 20;

“balloon” means a tethered balloon or similar object;

“deemed consent” means consent granted by regulation 6;

“discontinuance notice” means a notice served under regulation 8;

“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000(b), the processing of which on receipt is intended to produce writing;

“electronic communications code operator” means—

- (a) a provider of an electronic communications network in whose case the electronic communications code applies by virtue of a direction given by OFCOM under section 106 of the Communications Act 2003(c); and
- (b) a person who, by virtue of paragraph 17(1) and (2) of Schedule 18 to that Act, is treated after the commencement of that section as a person in whose case that code applies by virtue of a direction given by OFCOM;

“electronically” means by electronic communication;

“express consent” has the meaning given by regulation 5;

“highway authority” has the meaning given by sections 1 to 3 of the Highways Act 1980(d);

“highway land” means any land within the boundaries of a highway;

“illuminated advertisement” means an advertisement which is designed or adapted to be illuminated by artificial lighting, directly or by reflection, and which is so illuminated (whether continuously or from time to time);

“local planning authority”—

- (a) as regards land in a National Park, other than land within a metropolitan county, means the county planning authority for the area where the land is situated;

(a) 2000 c. 37.

(b) 2000 c. 7.

(c) 2003 c. 21. As to “the electronic communications code”, see section 106 of the Communications Act 2003 (“the 2003 Act”) and Schedule 2 to the Telecommunications Act 1984 (c. 12). As to “electronic communications network”, see the definition of that expression in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984, inserted by the 2003 Act, Schedule 3, paragraph 2(2). See also section 32(1) of the 2003 Act. As to “OFCOM”, see the definition in section 405(1) of the 2003 Act.

(d) 1980 c. 66.

- (b) as regards land in the area of an urban development corporation, means (except in regulation 20) that corporation where it is the local planning authority for the purposes of sections 220 and 224 of the Act; and
 - (c) as regards any other land, means the relevant district planning authority, metropolitan district or London borough council or urban development corporation;
 - “National Park” has the meaning given by section 5 of the National Parks and Access to the Countryside Act 1949(a);
 - “site” means any land or building, other than an advertisement, on which an advertisement is displayed;
 - “standard conditions” means the conditions specified in Schedule 2;
 - “statutory undertaker” includes, in addition to any person referred to in section 262(1) of the Act—
 - (a) any person deemed to be a statutory undertaker under subsection (3) or (6) of that section(b),
 - (b) the British Airports Authority,
 - (c) the Coal Authority or any licensed operator within the meaning of section 65(1) of the Coal Industry Act 1994(c),
 - (d) any electronic communications code operator, and
 - (e) any person who is a licence holder, or who has the benefit of a licence exemption, within the meaning of Part 1 of the Railways Act 1993(d),
- and “statutory undertaking” shall be construed accordingly;
- “traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984(e);
- “vehicle” includes a vessel on any inland waterway or in coastal waters; and
- “working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(f).

(2) Except in Class 15 in Schedule 3, any reference in these Regulations to the building, the land, the premises or the site on which an advertisement is displayed includes, in the case of an advertisement which is displayed on, or which consists of, a balloon, a reference to the building, the land, the premises or the site to which the balloon is attached and to all buildings, land or premises normally occupied therewith.

Powers to be exercised in the interests of amenity and public safety

- 3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—
- (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
- (2) Without prejudice to the generality of paragraph (1)(b)—
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(a) 1949 c. 37.

(b) Subsection (3) was amended by section 76(7) of the Utilities Act 2000 (c. 27), the Transport Act 2000 (c. 38), Sch. 5, para 6, S.I. 1996/593, and S.I. 2001/1149.

(c) 1994 c. 38.

(d) 1993 c. 43.

(e) 1984 c. 27.

(f) 1971 c. 80.

- (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Requirement for consent

4.—(1) Subject to paragraph (2), no advertisement may be displayed unless consent for its display has been granted—

- (a) by the local planning authority or the Secretary of State on an application in that behalf (referred to in these Regulations as “express consent”); or
- (b) by regulation 6 (referred to in these Regulations as “deemed consent”).

(2) An advertisement to which, by virtue of regulation 1(3), Parts 2 and 3 of these Regulations do not apply may be displayed without express consent or deemed consent.

(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested.

General effect of consent

5. A consent for the display of advertisements (whether deemed or express) shall have effect—

- (a) as consent for the use of the site for the purposes of the display of advertisements, whether by the erection of structures or otherwise; and
- (b) for the benefit of any person interested in the site.

PART 2

DEEMED CONSENT

Deemed consent for the display of advertisements

6.—(1) Subject to regulations 7 and 8, and in the case of an area of special control also to regulation 21, consent is granted for the display of an advertisement of any class specified in Part 1 of Schedule 3, subject to—

- (a) the standard conditions; and
- (b) in the case of any class other than Class 12, the conditions and limitations specified in that Part in relation to that class.

(2) Part 2 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 her by the local planning authority, that the display of advertisements of any class or description specified in Schedule 3, other than Class 12 or 13, should not be undertaken in any particular area or in any particular case without express consent, she may direct that the deemed consent 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 her knowledge, proposes to display on that 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 concerned.

(3) A notice under paragraph (2) shall state that any representation about the making of a direction may be made to the Secretary of State in writing within such period, being not less than 21 days from the date when the notice was first published or served (as the case may be), as is specified in the notice.

(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 representation made in accordance with paragraph (3) (a “paragraph (3) representation”);
- (b) where any paragraph (3) representation consists of an objection, may give to the local planning authority and to any other person who has made a paragraph (3) representation, an opportunity of appearing before and being heard by a person appointed by her for the purpose; and
- (c) may modify the proposal of the local planning authority if—
 - (i) she has given to that authority and every person who has made a paragraph (3) representation, notice in writing of her 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, she shall send it to the local planning authority, with a statement of her reasons for making it, and shall send a copy of that statement to every person who has made a paragraph (3) representation.

(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 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, being 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 that land an advertisement of the class or description concerned.

(9) A direction for an area shall come into force on the date specified in the notice given under paragraph (7), 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) Subject to paragraph (2), the local planning authority may, if it is satisfied that 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, serve a notice requiring the discontinuance of—

- (a) the display of a particular advertisement for which there is deemed consent; or
- (b) the use of a particular site for the display of advertisements for which there is deemed consent.

(2) Paragraph (1) does not apply in relation to an advertisement that is within both Class 12 in Schedule 3 and Class E or Class F in Schedule 1.

(3) A discontinuance notice—

- (a) shall be served on the advertiser;

- (b) shall specify the advertisement or, as the case may be, the site to which the notice relates;
- (c) shall specify a period within which the display or the use of the site, as the case may be, is to be discontinued;
- (d) shall contain a statement of the reasons why the local planning authority—
 - (i) considers that a substantial injury to the amenity of the locality or a danger to members of the public, as the case may be, has been caused; and
 - (ii) considers it necessary to serve the notice; and
- (e) shall include the names and addresses of all persons on whom the notice has been served.

(4) Subject to paragraphs (5) and (6), 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.

(5) If an appeal is made to the Secretary of State under section 78 of the Act (as applied by regulation 17(3)), the notice shall be of no effect until the appeal is finally determined or withdrawn.

(6) The local planning authority may, by notice served on every person on whom the discontinuance notice was served under paragraph (3)—

- (a) withdraw the discontinuance notice at any time before it takes effect; or
- (b) unless an appeal is made to the Secretary of State, from time to time vary the discontinuance notice by extending the period at the end of which the notice is to take effect.

(7) For the purposes of paragraph (5), an appeal is finally determined—

- (a) if the period for bringing any further appeal has ended without an appeal having been made, or
- (b) if it is withdrawn or otherwise ceases to have effect.

(8) In considering whether to serve a discontinuance notice, the local planning authority shall have regard to any material change in circumstances that has occurred.

PART 3

EXPRESS CONSENT

Applications for express consent

9.—(1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

- (a) include the particulars specified in the form; and
- (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,
 - (ii) shows the direction of North,
 - (iii) identifies the location of the site by reference to at least two named roads, and
 - (iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

- (a) to the use by the authority of electronic communication for the purposes of his application;
- (b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—
 - (i) withdrawing any address notified to the authority for that purpose, or
 - (ii) revoking that deemed agreement,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Application of section 77 of the Act to applications for express consent

10.—(1) Section 77 of the Act (reference of applications to Secretary of State) shall apply to applications for express consent made by an interested planning authority subject to—

- (a) in subsection (1), the substitution, for “applications for planning permission, or for the approval of any local planning authority required under a development order”, of “applications for the display of advertisements pursuant to regulations made under section 220 of this Act”; and
- (b) the omission of subsections (4) and (6).

(2) Where the Secretary of State gives a direction under section 77 of the Act in respect of an application for express consent, regulations 13 to 16 shall apply to that application as if—

- (a) references to the local planning authority (in whatever terms) were references to the Secretary of State;
- (b) regulation 13(1)(c) were omitted; and
- (c) in regulation 16(1), for “applicant” there were substituted “interested planning authority”.

Secretary of State’s directions

11. The Secretary of State may give directions to a local planning authority, either generally or in relation to a particular case or class of case, specifying the kinds of particulars, plans or information that are to accompany an application for express consent.

Receipt of applications

12. On receipt of an application for express consent, the local planning authority—

- (a) shall send an acknowledgement to the applicant;
- (b) may direct the applicant to provide one of the authority’s officers with such evidence as may reasonably be called for to verify any particulars or information given to the authority; and
- (c) if it is the county planning authority, shall send a copy of the application and the accompanying plan to the district planning authority within whose area any part of the application site is situated.

Duty to consult

- 13.—(1) Before granting an express consent, the local planning authority shall consult—
- (a) any neighbouring local planning authority, any part of whose area appears likely to be affected;
 - (b) where the application relates to land in a National Park, other than land within a metropolitan county, the district planning authority for the area in which the land is situated;
 - (c) where the authority considers that a grant of consent may affect the safety of persons using any trunk road (as defined in section 329 of the Highways Act 1980^(a)), the Secretary of State for Transport;
 - (d) where the authority considers that a grant of consent may affect the safety of persons using any railway, waterway, dock, harbour or aerodrome (civil or military), the person responsible for its operation and, in the case of coastal waters, the Corporation of Trinity House; and
 - (e) where the application—
 - (i) relates to an advertisement with moving features, moving parts or flashing lights, and
 - (ii) is visible from a highway,the highway authority.

(2) The local planning authority shall give to those with whom consultation is required at least 14 days' notice that the relevant application is to be considered and shall take into account, in dealing with the application, any representations made in response to that consultation.

Power to deal with applications

14.—(1) Where an application for express consent is made to the local planning authority, the authority may—

- (a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;
- (b) refuse consent; or
- (c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

- (4) Express consent may be granted—
- (a) for the display of a particular advertisement or advertisements with or without illumination;
 - (b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or
 - (c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.
- (5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—
- (a) regulating the display of advertisements to which the consent relates;
 - (b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;
 - (c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

^(a) 1980 c. 65.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

- (a) such period as the local planning authority may specify in granting the consent; or
- (b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

- (a) the date of the commencement of the display; and
- (b) a specified date not later than 6 months after the date on which the consent is granted.

Applications by interested planning authorities

15.—(1) An application made by an interested planning authority (whether solely or jointly with any other person) for express consent to display an advertisement shall be determined by the authority concerned unless the application is referred to the Secretary of State under section 77 of the Act for determination by her.

(2) Any consent granted pursuant to paragraph (1) shall expire—

- (a) at the end of such period as the authority may specify in granting the consent;
- (b) where no period is so specified, at the end of a period of 5 years; or
- (c) on the date on which the interested planning authority ceases (whether solely or jointly) to display the advertisement,

whichever is the earlier.

Notification of decision

16.—(1) The grant or refusal by a local planning authority of an application for express consent shall be notified in writing to the applicant within a period of 8 weeks from the date of the receipt of the application or such longer period as the applicant may, before the expiry of that period, agree in writing^(a).

(2) The authority shall state in writing its reasons for—

- (a) any refusal of consent in whole or in part;
- (b) the imposition of any condition under regulation 14(1)(a), other than—
 - (i) a standard condition;
 - (ii) a condition specified in Part 1 of Schedule 3 in relation to a class within which the advertisement falls; and
- (c) the imposition of a condition whereby the consent expires before the expiry of 5 years from the date on which it is granted, unless the period specified in the condition is a period proposed by the applicant.

Appeals to the Secretary of State

17.—(1) Sections 78 and 79 of the Act^(b) shall apply in relation to applications for express consent under these Regulations subject to the modifications specified in Part 3 of Schedule 4.

(2) The provisions of those sections, as so modified, are set out in Part 4 of that Schedule.

(3) Where a discontinuance notice is served under regulation 8, sections 78 and 79 of the Act shall apply in relation to that notice subject to the modifications specified in Part 5 of that Schedule.

(a) See also regulation 22 as to electronic communications.

(b) In section 79, subsection (6A) was inserted by section 18 of the Planning and Compensation Act 1991(c. 34).

Revocation or modification of express consent

18.—(1) Subject to paragraphs (3) and (4), if a local planning authority is satisfied that it is expedient to do so, it may by order revoke or modify an express consent.

(2) Without prejudice to the generality of paragraph (1), a local planning authority may have regard to any material change in circumstances that has occurred since the consent was granted.

(3) An order under paragraph (1) shall not take effect without the approval of the Secretary of State.

(4) The power to make an order under this regulation may be exercised—

(a) in a case which involves the carrying out of building or other operations, at any time before those operations have been completed;

(b) in any other case, at any time before the display of advertisements is begun.

(5) When an authority submits an order under paragraph (1) to the Secretary of State for approval, it shall serve notice on the person who applied for the express consent, the owner and any occupier of the land affected and any other person who, in the authority's opinion, will be affected by the order, specifying a period of at least 28 days from the date of service of the notice within which objection may be made.

(6) If, within the period specified in the notice, an objection to the order is received by the Secretary of State from any person on whom notice was served, the Secretary of State shall, before considering whether to approve the order, give to that person and to the local planning authority an opportunity of appearing before and being heard by a person appointed by her.

(7) In considering whether to approve an order submitted to her under this regulation, the Secretary of State may have regard to any material change in circumstances that has occurred since the consent was granted.

(8) The Secretary of State may approve an order submitted to her under this regulation either without modification or subject to such modifications as she considers expedient.

(9) Where the Secretary of State approves an order submitted to her under this regulation, the local planning authority shall, within 14 days of the receipt of the Secretary of State's decision, send to every person notified under paragraph (5) notice of the Secretary of State's approval.

(10) An order which has been approved under this regulation shall take effect on the day after that on which the local planning authority complies with the requirements of paragraph (9).

(11) Where an order is made in a case to which paragraph (4)(a) applies, the revocation or modification of consent shall not affect such operations as have been carried out before the date on which, in accordance with paragraph (5), notice of the order is served.

Compensation for revocation or modification

19.—(1) Where—

(a) an order under regulation 18 takes effect; and

(b) within 6 months of its approval a claim in writing^(a) is served on the local planning authority, either by delivery at or by post to the authority's offices,

the authority shall pay compensation to the claimant for any loss or damage suffered in the circumstances and to the extent specified in paragraph (2).

(2) Compensation is payable if, and to the extent that, the claimant has—

(a) incurred expenditure in carrying out abortive work, including the preparation of plans or similar material;

(b) otherwise sustained loss or damage directly attributable to the order, other than loss or damage consisting of any depreciation in value of any interest in land,

but compensation is not payable for work done, or loss or damage arising out of anything done or not done, before the grant of consent.

(a) See also regulation 22 as to electronic communications.

PART 4
AREAS OF SPECIAL CONTROL

Area of special control orders

20.—(1) Every local planning authority shall from time to time consider whether any part or additional part of its area should be designated as an area of special control.

(2) An area of special control shall be designated by an area of special control order made by the local planning authority and approved by the Secretary of State, in accordance with the provisions of Schedule 5.

(3) An area of special control order may be revoked or modified by a subsequent order made by the authority and approved by the Secretary of State, in accordance with the provisions of Schedule 5.

(4) Where an area of special control order is in force the local planning authority shall consider at least once in every 5 years whether it should be revoked or modified.

- (5) Before making an order under this regulation, a local planning authority shall consult—
- (a) where it appears to the authority that the order will be likely to affect any part of the area of a neighbouring local planning authority, that authority;
 - (b) where the order will relate to any land in a National Park, other than land in a metropolitan county, any district planning authority within whose area any of that land is situated.

(6) A local planning authority shall not exercise its functions under this regulation in the interests of public safety and, in particular, shall disregard the factors mentioned in regulation 3(2)(b).

Control in areas of special control

21.—(1) Subject to the provisions of this regulation, no advertisement may be displayed in an area of special control unless it falls within one or more of the following—

- (a) any Class in Schedule 1;
- (b) any of Classes 1 to 3, 5 to 7 and 9 to 14 in Schedule 3;
- (c) paragraph (2).

(2) An advertisement falls within this paragraph if it is displayed with express consent and—

- (a) it is a hoarding or similar structure to be used only for the display of notices relating to local events, activities or entertainments;
- (b) it is—
 - (i) for the purpose of announcement or direction in relation to buildings or other land in the locality; and
 - (ii) reasonably required having regard to the nature and situation of such buildings or other land;
- (c) it is required in the interests of public safety;
- (d) it could be displayed by virtue of paragraph (1)(b) but for—
 - (i) a condition or limitation imposed by regulation 6(1)(b) as respects size, height from the ground, number or illumination; or
 - (ii) a direction under regulation 7; or
- (e) it falls within Class 4A, 4B or 8 in Schedule 3.

(3) Express consent may not be granted for the display in an area of special control of an illuminated advertisement falling within paragraph (2)(a) or (b).

(4) Where an area is designated as an area of special control, advertisements of any description in column (1) of the Table below, which are being displayed in that area immediately before the area of special control order comes into force, may continue to be displayed, but only for the period specified in column (2) as applicable to advertisements of that description.

Table

<i>(1) Description</i>	<i>(2) Period</i>
An advertisement within Class 4 in Schedule 3 (illuminated advertisements on business premises) for which express consent has not been granted.	5 years from the date on which the area of special control order comes into force.
An advertisement within Class 8 in Schedule 3 (advertisements on hoardings) for which express consent has not been granted.	Whichever is the longer of— (a) 1 year from the date on which the area of special control order comes into force; and (b) 2 years from the date on which the advertisement was first displayed.
An advertisement for which express consent has been granted.	Whichever is the longer of— (a) 6 months from the date on which the area of special control order comes into force; and (b) the remainder of the period of the express consent.

- (5) Nothing in paragraphs (1) to (4) shall—
- (a) affect a notice served at any time under regulation 8;
 - (b) override any condition, imposed on a consent, which requires the removal of an advertisement;
 - (c) restrict the powers of a local planning authority, or of the Secretary of State, in regard to any contravention of these Regulations;
 - (d) render unlawful the display, pursuant to—
 - (i) express consent; or
 - (ii) deemed consent by virtue of Class 14 in Schedule 3, of an advertisement referred to in paragraph (2)(d) or (e).

PART 5

MISCELLANEOUS

Documents in electronic form

22.—(1) The requirements—

- (a) of regulation 7(8) (notice of direction restricting deemed consent in a particular case);
- (b) of regulation 8(3) and (6) (service, withdrawal and variation of discontinuance notice);
- (c) of regulation 18(5) (notice of modification or revocation of express consent);
- (d) of paragraphs 4, 7 and 8 of Schedule 5, and of paragraphs 4 and 8 as applied as mentioned in paragraph 11 of that Schedule (notice of making, modification or revocation of area of special control order),

are not capable of being satisfied by transmitting the notice electronically or by making it available on a web-site.

(2) A claim for compensation under regulation 19 may not be made electronically or by making it available on a web-site.

(3) The delivery of any other document to a person (“the recipient”) may be effected for any purpose of these Regulations other than the purposes of regulation 9—

- (a) by transmitting it electronically, or
- (b) by making it available on a web-site,

but only if it is transmitted or made available in accordance with paragraph (4) or (6).

- (4) A document is transmitted electronically in accordance with this paragraph if—
- (a) the recipient has agreed that documents may be delivered to him by being transmitted to an electronic address and in an electronic form specified by him for that purpose; and
 - (b) the document is a document to which that agreement applies and is transmitted to that address in that form.
- (5) A document which is transmitted in accordance with paragraph (4) by means of an electronic communications network shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.
- (6) A document is made available on a web-site in accordance with this paragraph if—
- (a) the recipient has agreed that documents may be delivered to him by being made available on a web-site;
 - (b) the document is a document to which that agreement applies and is made available on a web-site;
 - (c) the recipient is notified, in a manner agreed by him, of—
 - (i) the presence of the document on the web-site;
 - (ii) the address of the web-site; and
 - (iii) the place on the web-site where the document may be accessed.
- (7) A document made available on a web-site in accordance with paragraph (6) shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which the recipient is notified in accordance with paragraph (6)(c).
- (8) In this regulation—
- “electronic address” includes any number or address used for the purposes of receiving electronic communications; and
 - “electronic communications network” has the meaning given by section 32(1) of the Communications Act 2003(a).

Repayment of expense of removing prohibited advertisements

23. The time limit prescribed for the purpose of making a claim for compensation under section 223 of the Act for the recovery of expenses reasonably incurred is a period of 6 months from the completion of the works.

Register of applications

- 24.**—(1) Every local planning authority shall keep a register containing particulars of—
- (a) any application made to the authority for express consent for the display of an advertisement, including the name and address of the applicant, the date of the application and the type of advertisement concerned;
 - (b) any direction given under these Regulations relating to the application;
 - (c) the date and effect of any decision of the local planning authority on the application;
 - (d) the date and effect of any decision of the Secretary of State on an appeal.
- (2) The register shall include an index to enable a person to trace any entry in the register.
- (3) Subject to paragraph (4), the register shall be kept at the principal office of the local planning authority.
- (4) Any part of the register which relates to land within a particular part of the area of the local planning authority may be kept at a place within or convenient to that part of the authority’s area.
- (5) Every entry in the register consisting of particulars of an application shall be made within 14 days of the receipt of the application.
- (6) The register shall be open to public inspection at all reasonable hours.

(a) 2003 c. 21.

Directions requiring information

25. The Secretary of State may give a direction to a local planning authority, or to such authorities generally, requiring them to provide her with information required for the purpose of any of her functions under these Regulations.

Exercise of powers by the Secretary of State

26.—(1) If it appears to the Secretary of State, after consultation with the local planning authority, that—

- (a) a discontinuance notice should be served under regulation 8; or
- (b) an area of special control order, or an order revoking such an order, should be made under regulation 20,

she may herself serve such a notice or make an order.

(2) Where the Secretary of State exercises her powers under paragraph (1)—

- (a) regulations 8 and 17 (in relation to sub-paragraph (a) of that paragraph); and
- (b) regulation 20 and Schedule 5 (in relation to sub-paragraph (b) of that paragraph),

shall apply in relation to her as they apply in relation to a local planning authority as if for references to the local planning authority there were substituted references to the Secretary of State.

Discontinuance notice in respect of authority's advertisement

27.—(1) If the Secretary of State is satisfied that it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public, she may serve a discontinuance notice under regulation 8 in relation to an advertisement displayed by an interested planning authority.

(2) Paragraphs (3) and (6) of regulation 8 shall apply in relation to a discontinuance notice served under paragraph (1) as they apply in relation to a discontinuance notice served by a local planning authority as if for references to the local planning authority there were substituted references to the Secretary of State.

(3) Paragraph (3) of regulation 17 shall apply in relation to a discontinuance notice served under paragraph (1) as it applies in relation to a discontinuance notice served by a local planning authority, with such modifications as may be necessary.

Extension of time limits

28. The Secretary of State may, in any particular case, extend the time within which anything is required to be done under these Regulations or within which any objection, representation or claim for compensation may be made.

Cancellation or variation of directions

29. Any power conferred by these Regulations to give a direction includes power to cancel or vary the direction by a subsequent direction.

Contravention of Regulations

30.—(1) Subject to paragraph (2), a person displaying an advertisement in contravention of these Regulations shall be liable, on summary conviction of an offence under section 224(3) of the Act, to a fine of an amount not exceeding level 4 on the standard scale^(a) and, in the case of a continuing offence, one tenth of level 4 on the standard scale for each day during which the offence continues after conviction.

(2) Paragraph (1) does not apply to the Crown^(b).

(a) See section 53 of the Anti-social Behaviour Act 2003 (c. 38).

(b) As to application to the Crown, see Part 7 of the Planning and Compulsory Purchase Act 2004 (c. 5).

Transitional provisions

31. Advertisements of any description in column (1) of the Table below, which are being displayed before these Regulations come into force, may continue to be displayed, but only for the period specified in column (2) as applicable to advertisements of that description.

Table

<i>(1) Description</i>	<i>(2) Period</i>
An advertisement within any of the following classes in Schedule 3, for which express consent has not been granted: (a) Class 5 (advertisements on business premises), (b) Class 6 (an advertisement on a forecourt of business premises), (c) Class 15 (advertisements on balloons).	5 years from the date on which these Regulations come into force.
An advertisement within Class 8 (advertisements on hoardings), for which express consent has not been granted.	3 years from the date on which these Regulations come into force.
An advertisement within Class 16 in Schedule 3 (advertisements on telephone kiosks), for which express consent has not been granted.	2 years from the date on which these Regulations come into force.

Principal Regulations ceasing to have effect in relation to England, with savings

32.—(1) Subject to paragraphs (2) and (3), the Town and Country Planning (Control of Advertisements) Regulations 1992(a) (“the principal Regulations”) shall cease to have effect in relation to England.

(2) Nothing in paragraph (1) shall affect—

- (a) any direction given by the Secretary of State under the principal Regulations in relation to matters affecting any part of England; or
- (b) any area of special control order made under the principal Regulations in relation to any part of England.

(3) Subject to paragraph (4), the principal Regulations shall continue to have effect as respects England for the purposes of the consideration or determination of any application or appeal (or further appeal) made before the coming into force of these Regulations; and, accordingly, that consideration or determination shall be made by reference to the principal Regulations.

(4) Where, in consequence of an order of any court (whenever made) the Secretary of State re-determines, after the coming into force of these Regulations, an application or appeal made under any provision of the principal Regulations, the re-determination shall be made by reference to these Regulations.

Signed by authority of the Secretary of State
for Communities and Local Government

Yvette Cooper
Minister of State

8th March 2007

Department for Communities and Local Government

(a) S.I. 1992/666, amended by S.I. 1994/2351 and 1999/1810.

CLASSES OF ADVERTISEMENT TO WHICH PARTS 2 AND 3 DO NOT APPLY

<i>(1)</i> <i>Description of advertisement</i>	<i>(2)</i> <i>Conditions, limitations and interpretation</i>
<p>CLASS A An advertisement displayed on enclosed land.</p>	<ol style="list-style-type: none"> 1. The advertisement is not readily visible from outside the enclosed land or from any place to which the public have a right of access. 2. For the purposes of Class A, “enclosed land” includes— <ol style="list-style-type: none"> (a) any railway station (and its yards) or bus station, together with its forecourt, whether enclosed or not; but does not include any public park, public garden or other land held for the use or enjoyment of the public, or (except as specified above) any enclosed railway land normally used for the carriage of passengers or goods by rail; (b) any sports stadium; and (c) any shopping mall or covered shopping arcade other than an historic shopping arcade. 3. In paragraph 2(c) “historic shopping arcade” means a group of buildings— <ol style="list-style-type: none"> (a) of which more than 50%— <ol style="list-style-type: none"> (i) are listed buildings within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990 (whether listed individually or for their group value); or (ii) are located within a conservation area within the meaning of that Act; and (b) in more than 50% of which at least 75% of the ground floor is used for retail purposes.
<p>CLASS B An advertisement displayed on or in a vehicle normally employed as a moving vehicle.</p>	<p>The vehicle is not used principally for the display of advertisements.</p>
<p>CLASS C An advertisement incorporated in the fabric of a building.</p>	<ol style="list-style-type: none"> 1. The building or any external face of it is not used principally for the display of advertisements. 2. For the purposes of Class C— <ol style="list-style-type: none"> (a) an advertisement fixed to, or painted on, a building is not to be regarded as incorporated in its fabric; (b) a hoarding or similar structure is to be regarded as a building used principally for the display of advertisements.
<p>CLASS D An advertisement displayed on an article for sale or on the container in, or from which, an article is sold.</p>	<ol style="list-style-type: none"> 1. The advertisement refers only to the article for sale. 2. The advertisement may not be illuminated. 3. It may not exceed 0.1 square metre in area. 4. For the purpose of Class D, “article” includes a gas or liquid.
<p>CLASS E An advertisement relating specifically to a pending Parliamentary, European Parliamentary or local government election or a referendum under the Political Parties, Elections and Referendums Act 2000(a).</p>	<p>The advertisement shall be removed within 14 days after the close of the poll in the election or referendum to which it relates.</p>

(a) 2000 c. 41.

<i>(1)</i> <i>Description of advertisement</i>	<i>(2)</i> <i>Conditions, limitations and interpretation</i>
<p>CLASS F An advertisement required to be displayed by Standing Orders of either House of Parliament or by any enactment or any condition imposed by any enactment on the exercise of any function.</p>	<p>1. If the advertisement would, if it were not within this Class, fall within any Class in Schedule 3, any conditions imposed on that Class as to size, height or number of advertisements displayed, shall apply to it.</p> <p>2. In a case to which paragraph 1 does not apply, the size, height, and number of advertisements displayed shall not exceed what is necessary to achieve the purpose for which the advertisement is required.</p> <p>3. The advertisement may not be displayed after—</p> <p style="margin-left: 20px;">(a) the expiry of the period during which it is required or authorised to be displayed, or</p> <p style="margin-left: 20px;">(b) if there is no such period, 14 days after its purpose has been satisfied.</p>
<p>CLASS G A traffic sign^(a).</p>	
<p>CLASS H</p> <p style="margin-left: 20px;">(a) Any country's national flag;</p> <p style="margin-left: 20px;">(b) The flag of the Commonwealth, the European Union or the United Nations;</p> <p style="margin-left: 20px;">(c) The flag of any English county;</p> <p style="margin-left: 20px;">(d) The flag of any saint.</p>	<p>1. Neither the flag nor the flagstaff may display any advertisement or subject matter additional to the design of the flag.</p> <p>2. An advertisement within paragraph (d) of this Class may be displayed only in the county with which the saint is associated.</p>
<p>CLASS I An advertisement displayed inside a building.</p>	<p>1. The advertisement may not be illuminated.</p> <p>2. No part of the advertisement may be within 1 metre of any external door, window or other opening, through which it is visible from outside the building.</p>

SCHEDULE 2

Regulation 2(1)

THE STANDARD CONDITIONS

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

(a) See the definition in regulation 2(1).

**CLASSES OF ADVERTISEMENT FOR WHICH DEEMED
CONSENT IS GRANTED**

PART 1

SPECIFIED CLASSES AND CONDITIONS

Class 1	Functional advertisements of government departments and their agencies, local authorities, public transport undertakers, statutory undertakers and Transport for London
Description	1A. An advertisement displayed wholly for the purpose of announcement or direction in relation to any of the functions of a government department, an agency of a government department, a local authority or Transport for London, or to the operation of a statutory undertaking or a public transport undertaking, which— (a) is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking, and (b) cannot be displayed by virtue of any other specified class.
Conditions and Limitations	1A.— (1) Illumination is not permitted unless reasonably required for the purpose of the advertisement. (2) No advertisement may exceed 1.55 square metres in area.
Description	1B. An advertisement displayed by a local planning authority on land in its area.
Conditions and Limitations	1B. In an area of special control, the advertisement may be displayed only if the authority could have granted express consent for its display.
Class 2	Miscellaneous advertisements relating to the premises on which they are displayed
Description	2A. An advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed.
Conditions and Limitations	2A.— (1) No advertisement may exceed 0.3 square metre in area. (2) Illumination is not permitted. (3) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control. (4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.
Description	2B. An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed.
Conditions and Limitations	2B.— (1) No advertisement may exceed 0.3 square metre in area. (2) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control. (3) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control. (4) Not more than one advertisement is permitted for each person, partnership or company or, in the case of premises with entrances on different road frontages, one advertisement at each of two such entrances. (5) Illumination is not permitted unless— (a) the advertisement states that the services of a practitioner in human health or a veterinary surgeon are available at the premises on which the advertisement is displayed, or that medical or veterinary supplies are available there; (b) the illumination— (i) is by static means, (ii) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and (iii) is in a manner reasonably required to fulfil the purpose of the advertisement; and (c) the levels of luminance do not exceed the levels set out in paragraph 2 of Part 2.

- (2) No advertisement may be displayed earlier than 28 days before the day on which the sale is due to begin.
- (3) The advertisement shall be removed within 14 days after the sale is completed or, if the sale is cancelled or postponed, within 14 days of the day on which it was due to begin.
- (4) No advertisement may exceed 1.2 square metres in area.
- (5) Illumination is not permitted.
- (6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.
- (7) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.

Description	3C. An advertisement relating to the carrying out of building or similar work on the land on which it is displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purposes of carrying out such work.
Conditions and Limitations	<p>3C.—(1) Except in the case mentioned in paragraph (4), not more than one advertisement shall be displayed at any one time on each road frontage of the land, in respect of each separate development project; and where (otherwise than as authorised by paragraph (4)) more than one advertisement is displayed, the first to be displayed on any frontage shall be taken to be the one permitted.</p> <p>(2) No advertisement may be displayed except while the relevant works are being carried out.</p> <p>(3) No advertisement may exceed in aggregate—</p> <ul style="list-style-type: none"> (a) in the case of an advertisement referring to one person— <ul style="list-style-type: none"> (i) if the display is more than 10 metres from a highway, 3 square metres in area; or (ii) in any other case, 2 square metres; (b) in the case of an advertisement referring to more than one person— <ul style="list-style-type: none"> (i) if the display is more than 10 metres from a highway, 3 square metres plus 0.6 square metre for each person in excess of one; or (ii) in any other case, 2 square metres plus 0.4 square metre for each person in excess of one, <p>together with 0.2 of the area permitted under sub-paragraph (a) or (b) for the name, if any, of the development project.</p> <p>(4) Where the advertisement does not refer to any person carrying out such work, that person may display a separate advertisement with a maximum area of 0.5 square metre, which does so refer, on each frontage of the land for a maximum period of 3 months.</p> <p>(5) Illumination is not permitted.</p> <p>(6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(7) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
Description	3D. An advertisement—
Conditions and Limitations	<ul style="list-style-type: none"> (a) announcing any local event of a religious, educational, cultural, political, social or recreational character, or (b) relating to any temporary matter in connection with an event or local activity of such a character, <p>not being an event or activity promoted or carried on for commercial purposes.</p> <p>3D.—(1) No advertisement may exceed 0.6 square metre in area.</p> <p>(2) No advertisement may be displayed earlier than 28 days before the first day on which the event or activity is due to take place.</p> <p>(3) The advertisement shall be removed within 14 days after the end of the event or activity.</p> <p>(4) Illumination is not permitted.</p> <p>(5) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(6) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>

Description	3E. An advertisement relating to any demonstration of agricultural methods or processes, on the land on which it is displayed.
Conditions and Limitations	<p>3E.—(1) Advertisements of this Class may not be displayed on any land for more than 6 months in any period of 12 months.</p> <p>(2) The maximum area of display permitted in respect of each demonstration is 1.2 square metres.</p> <p>(3) No single advertisement may exceed 0.4 square metre in area.</p> <p>(4) No advertisement may be displayed earlier than 28 days before the day (or first day) on which the demonstration is due to take place and shall be removed within 14 days after the end of the demonstration.</p> <p>(5) Illumination is not permitted.</p> <p>(6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(7) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
Description	3F. An advertisement relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place in the locality.
Conditions and Limitations	<p>3F.—(1) No advertisement may exceed 0.6 square metre in area.</p> <p>(2) No advertisement may be displayed earlier than 14 days before the first performance or opening of the entertainment at the place specified.</p> <p>(3) The advertisement shall be removed within 7 days after the last performance or closing of the specified entertainment.</p> <p>(4) At least 14 days before the advertisement is first displayed, the local planning authority is to be notified in writing of the first date on which, and of the site at which, it is to be displayed.</p> <p>(5) Illumination is not permitted.</p> <p>(6) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
Class 4 Illuminated advertisements on business premises	
Description	4A. An illuminated advertisement displayed on the frontage of premises within a retail park, which overlook or face on to a communal car park wholly bounded by the retail park, where the advertisement refers wholly to any or all of the following: the business carried on, the goods sold or services provided, or the name or qualifications of the person carrying on the business, or supplying the goods or services, on those premises.
Conditions and Limitations	<p>4A.—(1) Subject to paragraph (2), no advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park or the Broads.</p> <p>(2) Paragraph (1) does not preclude the continued display of an advertisement that is displayed at the date of designation of the relevant area until the expiry of 5 years from that date.</p> <p>(3) Not more than one advertisement of the prescribed description parallel to a wall and one projecting at right angles from a wall is permitted, and in the case of any projecting advertisement—</p> <ul style="list-style-type: none"> (a) no surface may be greater than 1 square metre in area; (b) the advertisement may not project more than 1 metre from the wall; and (c) the advertisement may not be more than 1.5 metres high. <p>(4) The lowest part of the advertisement must be at least 2.5 metres above ground level.</p> <p>(5) No character or symbol on the advertisement may be more than 0.75 metre in height.</p> <p>(6) No part of the advertisement may be higher above ground level than 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.</p> <p>(7) Illumination is permitted only where—</p> <ul style="list-style-type: none"> (a) it is by static means, (b) it includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and

- (c) it is in a manner reasonably required to fulfil the purpose of the advertisement.
- (8) Illumination may be—
 - (a) by halo illumination^(a), or
 - (b) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.
- (9) Where the method of illumination is that described in paragraph (8)(b), the luminance of the advertisement may not exceed the levels specified in paragraph 2 of Part 2.
- (10) In the case of an advertisement consisting of a built-up box containing the light source, the distance between—
 - (a) the face of the advertisement and any wall parallel to which it is displayed, at the point where it is affixed, or
 - (b) the two faces of an advertisement projecting from a wall, may not exceed 0.25 metre.

Description	4B. An illuminated advertisement, other than one falling within Class 4A, displayed on business premises wholly with reference to any or all of the following: the business carried on, the goods sold or services provided, or the name or qualifications of the person carrying on the business, or supplying the goods or services, on those premises.
Conditions and Limitations	<p>4B.—(1) Subject to paragraph (2), no advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park or the Broads.</p> <p>(2) Paragraph (1) does not preclude the continued display of an advertisement that is displayed at the date of designation of the relevant area until the expiry of 5 years from that date.</p> <p>(3) In the case of a shop, no advertisement may be displayed except on a wall containing a shop window.</p> <p>(4) Not more than one advertisement parallel to a wall and one projecting at right angles from a wall is permitted, and in the case of any projecting advertisement—</p> <ul style="list-style-type: none"> (a) no surface may be greater than 0.75 square metre in area; (b) the advertisement may not project more than 1 metre from the wall or two thirds of the width of any footway or pavement below, whichever is the less; (c) the advertisement may not be more than 1 metre high; and (d) it may not project over any carriageway. <p>(5) The lowest part of the advertisement shall be at least 2.5 metres above ground level.</p> <p>(6) No surface of the advertisement may exceed one-sixth of the frontage on which it is displayed, measured up to a height of 4.6 metres from ground level or one-fifth of the frontage measured to the top of the advertisement, whichever is less.</p> <p>(7) No character or symbol on the advertisement may be more than 0.75 metre in height.</p> <p>(8) No part of the advertisement may be higher above ground level than 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.</p> <p>(9) Illumination is permitted only where—</p> <ul style="list-style-type: none"> (a) it is by static means, (b) it includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and (c) it is in a manner reasonably required to fulfil the purpose of the advertisement. <p>(10) Illumination may be—</p> <ul style="list-style-type: none"> (a) by halo illumination^(b), or (b) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within. <p>(11) Where the method of illumination is that described in paragraph (10)(b), the luminance of the advertisement may not exceed the levels specified in paragraph 2 of Part 2.</p>

(a) See paragraph 3 of Part 2 of this Schedule.
 (b) See paragraph 3 of Part 2 of this Schedule.

- (12) In the case of an advertisement consisting of a built-up box containing the light source, the distance between—
- (a) the face of the advertisement and any wall parallel to which it is displayed, at the point where it is affixed, or
 - (b) the two faces of an advertisement projecting from a wall,
- may not exceed 0.25 metre.

Class 5	Other advertisements on business premises
Description	5. Any advertisement which does not fall within Class 4A or 4B displayed on business premises wholly with reference to any or all of the following: the business carried on, the goods sold or services provided, or the name or qualifications of the person carrying on the business, or supplying the goods or services, on those premises.
Conditions and Limitations	<p>5.—(1) In the case of a shop, no advertisement may be displayed except on a wall containing a shop window.</p> <p>(2) In an area of special control, the space occupied by the advertisement may not exceed one-tenth of the overall area of the face of the building on which it is displayed, up to a height of 3.6 metres from ground level; and the area occupied by the advertisement shall, notwithstanding that it is displayed in some other manner, be calculated as if the whole advertisement were displayed flat against the face of the building.</p> <p>(3) Illumination is not permitted unless—</p> <ol style="list-style-type: none"> (a) the advertisement states that the services of a practitioner in human health or a veterinary surgeon are available at the premises on which the advertisement is displayed, or that medical or veterinary supplies are available there; (b) the illumination— <ol style="list-style-type: none"> (i) is by static means, (ii) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroflective material, and (iii) is in a manner reasonably required to fulfil the purpose of the advertisement; and (c) the levels of luminance do not exceed the levels set out in paragraph 2 of Part 2. <p>(4) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(5) No part of the advertisement may be higher above ground level than whichever is the lower of—</p> <ol style="list-style-type: none"> (a) 4.6 metres, or 3.6 metres in an area of special control; and (b) the bottom level of any first floor window in the wall on which the advertisement is displayed. <p>(6) No single advertisement may exceed 1.55 square metres in area.</p>
Class 6	An advertisement on a forecourt of business premises
Description	6. An advertisement displayed on any forecourt of business premises, wholly with reference to all or any of the matters specified in Class 5.
Conditions and Limitations	<p>6.—(1) Advertisements displayed on any forecourt or, in the case of a building with a forecourt on two or more frontages, on each of those frontages, shall not exceed in aggregate 4.6 square metres in area.</p> <p>(2) Illumination is not permitted.</p> <p>(3) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p> <p>(5) No single advertisement may exceed 1.55 square metres in area.</p>
Class 7	Flag advertisements
Description	7A. An advertisement in the form of a flag attached to a single flagstaff projecting vertically from the roof of a building.
Conditions and Limitations	<p>7A.—(1) No advertisement is permitted other than one—</p> <ol style="list-style-type: none"> (a) bearing either the name or device, or both the name and device, of any person occupying the building; or

	<p>(b) referring to a specific event (other than the offering of named goods for sale) of limited duration, which is taking place in the building, for the duration of that event.</p> <p>(2) No character or symbol on the flag may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p>
Description	<p>7B. An advertisement in the form of a flag attached to a single vertical flagstaff erected on a site which forms part of an area of land in respect of which planning permission has been granted for development of which the only or principal component is residential development and on which—</p> <p>(a) operations for the construction of houses are in progress pursuant to that permission, or</p> <p>(b) such operations having been completed, at least one of the houses remains unsold.(a)</p>
Conditions and Limitations	<p>7B.—(1) No advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park, the Broads or an area of special control.</p> <p>(2) The number of advertisements on the land concerned shall not exceed—</p> <p>(a) where the aggregate number of houses on that land does not exceed 10, one;</p> <p>(b) where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two;</p> <p>(c) where the aggregate number of houses on that land exceeds 100, three.</p> <p>(3) No part of the flagstaff may be more than 4.6 metres above ground level.</p> <p>(4) No flag shall exceed 2 square metres in area.</p> <p>(5) No advertisement shall be displayed after the expiration of the period of 1 year commencing on the day on which building operations on the land concerned have been substantially completed.</p>
Class 8	Advertisements on hoardings
Description	<p>8. An advertisement on a hoarding which encloses, either wholly or in part, land on which building operations are taking place or are about to take place, if those operations are in accordance with a grant of planning permission (other than outline permission) for development primarily for use for commercial, industrial or business purposes.</p>
Conditions and Limitations	<p>8.—(1) Subject to paragraph (2), no advertisement shall be displayed in a conservation area, a National Park, an Area of Outstanding Natural Beauty or the Broads.</p> <p>(2) Paragraph (1) does not preclude the continued display of an advertisement that is displayed at the date of designation of the relevant area until the expiry of 1 year from that date, or 2 years from the date of commencement of the display, whichever is the later.</p> <p>(3) No advertisement may be displayed earlier than three months before the commencement of the building operations.</p> <p>(4) No advertisement shall exceed 38 square metres in area.</p> <p>(5) No part of the advertisement may be more than 4.6 metres above ground level.</p> <p>(6) At least 14 days before the advertisement is first displayed, the person who proposes to display it shall notify the local planning authority in writing of the date on which it will first be displayed and shall send a copy of the relevant planning permission.</p> <p>(7) No advertisement shall be displayed for more than 3 years.</p> <p>(8) Illumination is not permitted unless it—</p> <p>(a) is by static means,</p> <p>(b) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and</p> <p>(c) is in a manner reasonably required to fulfil the purpose of the advertisement.</p>

(a) For definitions relevant to this Class see paragraph 4 of Part 2 of this Schedule.

Class 9	Advertisements on highway structures
Description	9. An advertisement displayed on a part of an object or structure designed to accommodate six-sheet panel displays, the use of which for the display of advertisements is authorised under section 115E(1)(a) of the Highways Act 1980(a).
Conditions and Limitations	9.—(1) No advertisement may exceed 2.16 square metres in area. (2) Illumination is not permitted. (3) No character or symbol on the advertisement may be more than 0.75 metre in height or 0.3 metre in an area of special control. (4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.
Class 10	Advertisements for neighbourhood watch and similar schemes
Description	10. An advertisement displayed on or near highway land (but not in the window of a building), to give notice that a closed circuit television surveillance scheme, or a neighbourhood watch or similar scheme, established jointly by the police authority and a local committee or other body of persons, is in operation in the area.
Conditions and Limitations	10.—(1) No advertisement may exceed 0.2 square metre in area. (2) No advertisement may be displayed on highway land without the consent of the highway authority. (3) The local planning authority shall, at least 14 days before the advertisement is first displayed, be given particulars in writing of the place at which it is to be displayed and a certificate— (a) that the scheme has been properly established; (b) that the police authority has agreed to the display of the advertisement; and (c) where relevant, that the consent of the highway authority has been given. (4) The advertisement shall be removed within 14 days after— (a) the relevant scheme ceases to operate; (b) the relevant scheme ceases to be approved by the police authority; or (c) the highway authority withdraws its consent to its display. (5) Illumination is not permitted. (6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control. (7) No part of the advertisement may be more than 3.6 metres above ground level.
Class 11	Directional advertisement
Description	11. An advertisement on a single flat surface directing potential buyers and others to a site where residential development is taking place.
Conditions and Limitations	11.—(1) No advertisement may exceed 0.15 square metre in area. (2) No part of the advertisement may be of a retroflective material. (3) The design of the advertisement may not be similar to that of a traffic sign. (4) The advertisement is to be displayed on land adjacent to highway land, in a manner which makes it reasonably visible to an approaching driver, but not within 50 metres of a traffic sign intended to be observed by persons approaching from the same direction. (5) No advertisement may be more than two miles from the main entrance of the site. (6) The person who proposes to display the advertisement shall notify the local planning authority, in writing, at least 14 days before the advertisement is first displayed, of the place at which, and the first date on which, it will be displayed. (7) No advertisement may be displayed after the development of the site is completed or, in any event, for more than 2 years. (8) Illumination is not permitted. (9) No character or symbol on the advertisement shall be less than 0.04 metre high or more than 0.25 metre high. (10) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.

(a) 1980 c. 66. Section 115E was inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Sch. 5, Part 1, para 1.

Class 12	Advertisements inside buildings
Description	12. An advertisement displayed inside a building, other than an advertisement falling within Class I in Schedule 1.
Class 13	Advertisements on sites used for preceding ten years for display of advertisements without express consent
Description	13. An advertisement displayed on a site that has been used continually for the preceding ten years for the display of advertisements without express consent.
Conditions and Limitations	<p>13.—(1) An advertisement does not fall within this description if, during the relevant 10-year period, there has been either a material increase in the extent to which the site has been used for the display of advertisements or a material alteration in the manner in which it has been so used.</p> <p>(2) If any building or structure on which such an advertisement is displayed—</p> <ul style="list-style-type: none"> (a) is removed in compliance with a requirement of, or under, any enactment, (b) is removed in any other circumstances, or (c) is destroyed by any means, <p>the erection of any building or structure to continue the display is not permitted.</p> <p>(3) Illumination is not permitted unless—</p> <ul style="list-style-type: none"> (a) the advertisement is displayed with illumination on 6th April 2007; or (b) the advertisement is first displayed after that date, and the advertisement most recently displayed was illuminated. <p>(4) An advertisement that—</p> <ul style="list-style-type: none"> (a) comprises sequential displays; or (b) otherwise includes moving parts or features; or (c) features intermittent lighting in a manner designed to give the appearance of movement, <p>is not permitted unless—</p> <ul style="list-style-type: none"> (i) it is displayed on 6th April 2007 and falls within the description specified in any of sub-paragraphs (a) to (c); or (ii) it is first displayed after that date, and the advertisement most recently displayed fell within any such description.
Class 14	Advertisements displayed after expiry of express consent
Description	14. An advertisement displayed after the expiry of express consent, unless—
Conditions and Limitations	<ul style="list-style-type: none"> (a) it would contravene a condition subject to which express consent was granted; or (b) an application for renewal of consent has been refused. <p>14.—(1) The terms of the express consent, including any conditions to which it was subject (to the extent that those terms and conditions are not incapable of performance by reason of the passage of time), shall be treated as applying to the continued display.</p> <p>(2) No advertisement may be displayed under this class except on a site which has been continually used for the purpose since the expiry of the express consent.</p> <p>(3) Unless authorised by the express consent, an advertisement that—</p> <ul style="list-style-type: none"> (a) comprises sequential displays; or (b) otherwise includes moving parts or features; or (c) features intermittent lighting in a manner designed to give the appearance of movement; or (d) is illuminated, <p>is not permitted.</p>
Class 15	Advertisements on balloons
Description	15. The display of an advertisement on, or consisting of, a balloon not more than 60 metres above ground level.
Conditions and Limitations	<p>15.—(1) The site^(a) of the advertisement is not in an Area of Outstanding Natural Beauty, a conservation area, a National Park, the Broads or an area of special control.</p> <p>(2) Not more than one advertisement may be displayed on the site at any one time.</p> <p>(3) The site may not be used for the display of advertisements on more than 10 days in total in any calendar year.</p>

(a) See paragraph 5 of Part 2 of this Schedule as to “the site” for the purposes of this Class.

Class 16	Advertisements on telephone kiosks
Description	16. An advertisement displayed on the glazed surface of a telephone kiosk, other than a kiosk of type K2 (1927) or K6 (1935) designed by Giles Gilbert Scott.
Conditions and Limitations	<p>16.—(1) No advertisement may be displayed in an Area of Outstanding Natural Beauty, a conservation area, a National Park, the Broads or an area of special control.</p> <p>(2) Illumination is not permitted.</p> <p>(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.</p> <p>(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.</p>

PART 2

INTERPRETATION

1.—(1) In this Schedule—

“business premises” means any building or part of a building normally used for the purpose of any professional, commercial, or industrial undertaking, or for providing services to members of the public or of any association, and includes a public restaurant, licensed premises and a place of public entertainment, but does not include—

- (a) a building designed for use as one or more separate dwellings, unless—
 - (i) it has normally been used in each of the preceding ten years for the purpose of any professional, commercial, or industrial undertaking, or for providing services to members of the public or of any association; or
 - (ii) it has been adapted for use for any such purpose by the construction of a shop front or the making of a material alteration of a similar kind to its external appearance;
- (b) a building used as an institution of a religious, educational, cultural, recreational, or medical or similar character;
- (c) any forecourt or other land forming part of the curtilage of a building;
- (d) any fence, wall or similar screen or structure, unless it forms part of the fabric of a building;

“electronic communications apparatus” means apparatus falling within the definition of that term in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984(a);

“electronic communications code operator” means—

- (a) a provider of an electronic communications network in whose case the electronic communications code applies by virtue of a direction given by OFCOM under section 106 of the Communications Act 2003(b); and
- (b) a person who is treated after the commencement of that section as a person in whose case that code applies by virtue of a direction given by OFCOM(c);

“electronic communications service” means a service falling within the definition of that term in section 32(2) of the Communications Act 2003;

“forecourt”, in relation to any building or part of a building, means an area of land (whether or not enclosed) within the curtilage of the building or part, to which the public may have access only with the permission (express or implied) of the owner; and includes any fence, wall or similar screen or structure that defines the boundaries of that area;

“ground level”, in relation to the display of advertisements on any building, means the ground-floor level of that building;

“highway land” means any land within the boundaries of a highway;

“joined boards” means boards joined at an angle, so that only one surface of each is usable for advertising;

“practitioner in human health” includes a chiropodist, chiropractor, dentist or doctor of medicine, an optician or osteopath, and a physiotherapist;

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- (a) 1984 c. 12. The definition was inserted by the Communications Act 2003 (c. 21), Schedule 3, paragraph 2(2).
 - (b) 2003 c. 21. As to “the electronic communications code”, see section 106 of the Communications Act 2003 (“the 2003 Act”) and Schedule 2 to the Telecommunications Act 1984 (c. 12). As to “electronic communications network”, see the definition of that expression in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984, inserted by the 2003 Act, Schedule 3, paragraph 2(2). See also section 32(1) of the 2003 Act. As to “OFCOM”, see the definition in section 405(1) of the 2003 Act.
 - (c) See paragraph 17(1) and (2) of Schedule 18 to the Communications Act 2003.

“public transport undertaking” means an undertaking engaged in the carriage of passengers in a manner similar to that of a statutory undertaking;

“retail park” means a group of 3 or more retail stores, at least one of which has a minimum internal floor area of 1,000 square metres and which—

- (a) are set apart from existing shopping centres but within an existing or proposed urban area;
- (b) sell primarily goods other than food; and
- (c) share one or more communal car parks; and

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

(2) Where a maximum area is specified, in relation to any class in this Schedule, in the case of a double-sided advertisement, the area of one side only shall be taken into account.

2.—(1) The permitted levels of luminance for advertisements falling within Classes 2B, 2C, 4A, 4B or 5 are—

- (a) where the illuminated area is not more than 10 square metres, 600 candela per square metre; and
- (b) where the illuminated area is more than 10 square metres, 300 candela per square metre.

(2) In calculating an area for the purposes of paragraph (1)—

- (a) each advertisement, or in the case of a double-sided projecting advertisement, each side of the advertisement, is to be taken separately; and
- (b) no unilluminated part of the advertisement is to be taken into account.

3. In relation to advertisements within Class 4A or 4B, “halo illumination” means illumination of the background to the text of the advertisement, where the light source cannot be viewed directly from any angle.

4.—(1) For the purposes of Class 7B—

“aggregate number” means the aggregate of the number of houses constructed, in the course of construction, or proposed to be constructed, on the land concerned;

“flat” means a separate and self-contained set of premises constructed for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“house” includes a flat;

“planning permission” does not include any outline planning permission in relation to which some or all of the matters reserved for subsequent approval remain to be approved; and

“the land concerned”, in relation to any development, means—

- (a) except in a case to which sub-paragraph (2) or (3) applies, the land to which the planning permission for the development relates;
- (b) in a case to which sub-paragraph (2) applies, the land on which a particular phase of that development was or, as the case may be, is being or is about to be carried out;
- (c) in a case to which sub-paragraph (3) applies, the part of the land to which the permission relates on which a person has carried out part of that development, or, as the case may be, is carrying it out or is about to carry it out.

(2) Subject to sub-paragraph (3), this sub-paragraph applies where the development is carried out in phases.

(3) This sub-paragraph applies where the development is carried out by two or more persons who each carry out part of it on a discrete part of the land to which the planning permission relates (whether the whole of the development or any part of it is carried out in phases or otherwise).

5. For the purposes of Class 15, “the site” means—

- (a) in a case where the advertisement is being displayed by a person (other than the occupier of the land) who is using, or proposing to use, the land to which the balloon is attached for a particular activity (other than the display of advertisements) for a temporary period, the whole of the land used, or to be used, for that activity;
- (b) in any other case, the land to which the balloon is attached and all land normally occupied with it.

MODIFICATIONS OF THE ACT

PART 1

MODIFICATIONS OF SECTION 70A OF THE ACT (POWER OF LOCAL PLANNING
AUTHORITY TO DECLINE TO DETERMINE APPLICATIONS)

1. In section 70A of the Act—
 - (a) in subsection (1)—
 - (i) for “planning permission for the development of any land” substitute “express consent”;
 - (ii) in paragraph (a), omit the words “has refused a similar application referred to him under section 77 or”; and
 - (iii) for paragraph (b) substitute—

“(b) in the opinion of the authority there has been no significant change in any material consideration since the dismissal mentioned in paragraph (a).”;
 - (b) after subsection (1) insert the following subsection—

“(1A) A local planning authority may decline to determine an application for express consent if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.”; and
 - (c) in subsection (2)—
 - (i) after “the purposes of” insert “subsection (1) of”;
 - (ii) for “planning permission for the development of any land” substitute “express consent”;
 - (iii) for “development” substitute “subject matter of the applications”; and
 - (iv) for “the applications” substitute “they”.

PART 2

SECTION 70A OF THE ACT AS MODIFIED

- 70A.**—(1) A local planning authority may decline to determine an application for express consent if—
- (a) within the period of two years ending with the date on which the application is received, the Secretary of State has dismissed an appeal against the refusal of a similar application; and
 - (b) in the opinion of the authority there has been no significant change in any material consideration since the dismissal mentioned in paragraph (a).

(1A) A local planning authority may decline to determine an application for express consent if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.

(2) For the purposes of subsection (1) of this section an application for express consent shall be taken to be similar to a later application if the subject matter of the applications and the land to which they relate are in the opinion of the local planning authority the same or substantially the same.

PART 3

MODIFICATIONS OF SECTIONS 78 AND 79 OF THE ACT
(APPLICATIONS FOR EXPRESS CONSENT)

1. In section 78 of the Act—
 - (a) in subsection (1), for paragraphs (a) to (c) substitute “refuse an application for express consent or grant it subject to conditions.”;
 - (b) for subsection (2) substitute—

“(2) A person who has made an application for express consent may also appeal to the Secretary of State if within the period of 8 weeks from the date when the application was received by the local planning authority, that authority have neither given him notice of their decision on it nor given him notice that they have exercised their power under section 70A to decline to determine the application.”;
 - (c) for subsection (3) substitute the following subsections—

“(3) Any appeal under subsection (1) or (2) shall be made by notice served within 8 weeks from the date of receipt of the local planning authority’s decision, or, as the case may be, within 8 weeks from the expiry of the period mentioned in subsection (2), or within such longer period as the Secretary of State may in either case at any time allow.

- (3A) The notice mentioned in subsection (3) shall be accompanied by a copy of each of the following documents—
- (a) the application made to the local planning authority;
 - (b) all relevant plans and particulars submitted to them;
 - (c) the notice of the authority’s decision (if any); and
 - (d) any other relevant correspondence with the authority.”;
- (d) for subsection (4) substitute—
- “(4) Where an appeal is made to the Secretary of State as mentioned in subsection (3), he may require the appellant or the local authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the application as he may specify, and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).”;
- (e) in subsection (5), omit the references to sections 253(2)(c) and 266(1)(b).
2. In section 79 of the Act—
- (a) after subsection (1) insert—
- “(1A) The Secretary of State may, in granting an express consent, specify that its term shall run for such longer or shorter period than 5 years as he considers expedient, having regard to the interests of amenity (including aural amenity) and public safety, and taking into account—
- (a) relevant provisions of any applicable development plan;
 - (b) the factors referred to in regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; and
 - (c) any period specified in the application for consent.”;
- (b) omit subsection (4);
 - (c) in subsection (5), for “such an appeal shall be final”, substitute “an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority”;
 - (d) in subsection (6)—
 - (i) omit “such”; and
 - (ii) for the words from “an application for planning permission” to “planning permission for that development”, substitute “in respect of an application for express consent, the Secretary of State forms the opinion that, having regard to the Regulations mentioned in subsection (1A) and to any direction given under them, consent”;
 - (e) in subsection (6A), after the word “appeal”, the first time it appears, insert “as is mentioned in subsection (6)”.

PART 4

SECTIONS 78 AND 79 OF THE ACT AS MODIFIED

78.—(1) Where a local planning authority refuse an application for express consent or grant it subject to conditions, the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for express consent may also appeal to the Secretary of State if within the period of 8 weeks from the date when the application was received by the local planning authority, that authority have neither given him notice of their decision on it nor given him notice that they have exercised their power under section 70A to decline to determine the application.

(3) Any appeal under subsection (1) or (2) shall be made by notice served within 8 weeks from the date of receipt of the local planning authority’s decision, or, as the case may be, within 8 weeks from the expiry of the period mentioned in subsection (2), or within such longer period as the Secretary of State may in either case at any time allow.

(3A) The notice mentioned in subsection (3) shall be accompanied by a copy of each of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans and particulars submitted to them;
- (c) the notice of the authority’s decision (if any); and
- (d) any other relevant correspondence with the authority.

(4) Where an appeal is made to the Secretary of State as mentioned in subsection (3), he may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the application as he may specify, and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).

(5) For the purposes of the application of sections 79(1) and 288(10)(b) in relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

79.—(1) On appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(1A) The Secretary of State may, in granting an express consent, specify that its term shall run for such longer or shorter period than 5 years as he considers expedient, having regard to the interests of amenity (including aural amenity) and public safety, and taking into account—

- (a) relevant provisions of any applicable development plan;
- (b) the factors referred to in regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; and
- (c) any period specified in the application for consent.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Subsection (2) does not apply to an appeal referred to a Planning Inquiry Commission under section 101.

...

(5) The decision of the Secretary of State on an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority.

(6) If, before or during the determination of an appeal in respect of an application for express consent, the Secretary of State forms the opinion that, having regard to the Regulations mentioned in subsection (1A) and to any direction given under them, consent—

- (a) could not have been granted by the local planning authority; or
- (b) could not have been granted otherwise than subject to the conditions imposed,

he may decline to determine the appeal or to proceed with the determination.

(6A) If at any time before or during the determination of such an appeal as is mentioned in subsection (6) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

(7) Schedule 6 applies to appeals under section 78, including appeals under that section as applied by or under any other provision of this Act.

PART 5

MODIFICATIONS OF THE ACT (DISCONTINUANCE NOTICES)

1. In section 78, for subsections (1) to (5) substitute—

“(1) Where a discontinuance notice has been served on any person by a local planning authority under regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

(2) Notice of appeal shall be given in writing to the Secretary of State at any time before the date on which the discontinuance notice is due to take effect under regulation 8(4), taking account where appropriate of any extension of time under regulation 8(6), of those Regulations, or such longer period as the Secretary of State may allow.

(3) A notice of appeal shall be accompanied by a copy of each of the following documents—

- (a) the discontinuance notice;

- (b) any notice of variation; and
- (c) any relevant correspondence with the authority.

(4) Where an appeal is brought under this section, the Secretary of State may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the discontinuance notice as he may specify and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal, he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).”.

2. In section 79—

(a) for subsection (1) substitute—

“(1) Where an appeal is brought in respect of a discontinuance notice the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) subject to subsection (1A)—
 - (i) correct any defect, error or misdescription in the discontinuance notice; or
 - (ii) reverse or vary any part of the notice (whether the appeal relates to that part of it or not),

and deal with the matter as if an application for express consent had been made and refused for the reasons stated for the taking of discontinuance action.

(1A) The Secretary of State may take any action mentioned in subsection (1)(b) only if he is satisfied that the correction, reversal or variation will not cause injustice to the appellant or the local planning authority.”.

(b) for subsection (4) substitute—

“(4) On the determination of an appeal under section 78 the Secretary of State shall give such directions as may be necessary for giving effect to his determination including, where appropriate, directions for quashing the discontinuance notice or for varying its terms.”;

(c) omit subsection (6); and

(d) in subsection (6A), after the word “appeal”, the first time it appears, insert “in respect of a discontinuance notice”.

SCHEDULE 5

Regulation 20

AREA OF SPECIAL CONTROL ORDERS

PART 1

PROCEDURE FOR AREA OF SPECIAL CONTROL ORDERS

1. Where a local planning authority proposes—

- (a) to designate an area of special control; or
- (b) to modify an area of special control order,

it shall make an area of special control order designating the area or indicating the modifications by reference to a map annexed to the order.

2. If an area of special control order contains any descriptive matter relating to the area or the modifications in question, that descriptive matter shall prevail, in the case of any discrepancy with the map, unless the order provides to the contrary.

3. As soon as may be after the making of an area of special control order, the authority shall submit it to the Secretary of State for approval, together with—

- (a) two certified copies of the order;
- (b) a full statement of the authority’s reasons for making it;
- (c) in the case of an order modifying an existing order, unless the boundaries of the existing area of special control are indicated on the map annexed to the order, a plan showing both those boundaries and the proposed modifications; and
- (d) such additional certified copies of any of the material referred to in subparagraphs (a) to (c) as the Secretary of State may, by notice in writing to the authority, require.

4. The authority shall, as soon as reasonably practicable after the making of an area of special control order, publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice in Form 1.

5. If any objection is made to an order, in the manner and within the time specified in the notice, the Secretary of State—

- (a) may offer all interested parties an opportunity to make representations to her in writing about any such objection before such date as she may specify;
- (b) may, and at the request of any interested party shall, either provide for a local inquiry to be held or afford to the parties an opportunity of a hearing before a person appointed by her.

6. After considering any representations or objections duly made and not withdrawn and, where applicable, the report of any person holding an inquiry or hearing, the Secretary of State may, subject to paragraph 7, approve the order with or without modification.

7. If the Secretary of State proposes to modify an order by the inclusion of additional land, she shall—

- (a) publish notice of her proposed modification;
- (b) afford an opportunity for the making of objections to, or representations about, the proposed modification; and
- (c) if she considers it expedient, provide for a further inquiry or hearing to be held.

8. As soon as may be after the order has been approved, the local planning authority shall publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice of its approval in Form 2.

9. An area of special control order shall come into force on the date on which the notice of its approval is published in the London Gazette.

10. Where a local planning authority proposes to make an order revoking an area of special control order, a map showing the area then subject to special control shall be annexed to the order.

11. Paragraphs 3 to 6, 8 and 9 shall apply in relation to an order under paragraph 10 as they apply in relation to the making and approval of an area of special control order, as if—

- (a) for references to the area of special control order (in whatever terms) there were substituted references to the revocation order;
- (b) paragraph 3(c) were omitted;
- (c) in paragraph 3(d), for “(a) to (c)”, there were substituted “(a) and (b)”;
- (d) in paragraph 4, for “Form 1”, there were substituted “Form 3”;
- (e) in paragraph 6 the words “, subject to paragraph 7,” were omitted; and
- (f) in paragraph 8, for “Form 2” there were substituted “Form 4”.

12. Any reference in this Part to a form followed by a number is a reference to the form bearing that number in Part 2 of this Schedule or a form substantially to the like effect.

PART 2

FORMS OF NOTICE

FORM 1

NOTICE OF AN AREA OF SPECIAL CONTROL ORDER

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

1. The (*insert name of Council*) has submitted to the Secretary of State for approval an area of special control order.

2.* The order designates as an area of special control for the purpose of the display of advertisements the land described in the Schedule to this notice and shown on the map annexed to the order.

OR

2.* The order modifies the (*insert name of relevant order*) by *adding/removing the land described in the Schedule to this notice and shown on the map annexed to the order.

3. A copy of the order and of the statement of the Council’s reasons for making it have been deposited at and will be available for inspection, free of charge, between the hours of and on any working day during the period

4. Any objection to the order must be made in writing, stating the grounds of objection, and sent to the Secretary of State, Eland House, Bressenden Place, London SW1E 5DU, quoting the reference before (*insert a date at least 28 days from the date of first publication of the local advertisement*).

Signed

On behalf of

Date

**Delete inappropriate words*

SCHEDULE

(insert description of land)

FORM 2

NOTICE OF APPROVAL OF AN AREA OF SPECIAL CONTROL ORDER

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

1. The Secretary of State has approved **with modifications the (insert name of order)*.
2. The order **designates as an area of special control for the purpose of the display of advertisements the land described in the Schedule to this notice/*modifies the (insert name of relevant order) by *adding/ removing the land described in the Schedule to this notice.*
3. The order comes into force on *(insert date of publication of approval in the London Gazette)*.
4. A copy of the order as approved has been deposited at and may be inspected there, free of charge, on any working day between the hours of and

Signed

On behalf of

Date

**Delete inappropriate words*

SCHEDULE

(insert description of land)

IMPORTANT

Regulation 21 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007/xxx) describes—

The advertisements that are permitted in an area of special control.

The circumstances in which existing advertisements must be removed after this order comes into force.

FORM 3

NOTICE OF REVOCATION OF AN AREA OF SPECIAL CONTROL ORDER

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

1. The *(insert name of Council)* has submitted to the Secretary of State for approval an order revoking the *(insert name of relevant order)*.
2. A copy of the revocation order and of the statement of the Council's reasons for making it have been deposited at and will be available for inspection there, free of charge, between the hours of on working days during the period

3. Any objection to the revocation order must be made in writing, stating the grounds of objection, and sent to the Secretary of State, Eland House, Bressenden Place, London SW1E 5DU, quoting the reference before (*insert a date at least 28 days from the date of first publication of the local advertisement*).

Signed

On behalf of

Date

FORM 4

NOTICE OF APPROVAL OF AN ORDER REVOKING AN AREA OF SPECIAL CONTROL ORDER

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

1. The Secretary of State has approved an order revoking the (*insert name of order revoked*). Once the revocation order is in force the land to which the (*insert name of order revoked*) relates will cease to be subject to special control as regards the display of advertisements.

2. The revocation order comes into force on (*insert date of publication of approval in the London Gazette*).

3. A copy of the revocation order as approved has been deposited at and may be inspected there, free of charge, on any working day between the hours of and

Signed

On behalf of

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace, as to England only, the Town and Country Planning (Control of Advertisements) Regulations 1992 (“the principal Regulations”). Many provisions of the principal Regulations are carried forward subject, in some cases, to minor drafting changes. The opportunity has been taken to re-order some of the material.

Regulation 1(3) specifies cases in which Parts 2 and 3 of the Regulations do not apply. Where the display of an advertisement within any of the Classes in Schedule 1 except Class F complies with the conditions and limitations specified in that Schedule as applicable to advertisements of that Class and also with the conditions specified in Schedule 2 (“the standard conditions”), Parts 2 and 3 of the Regulations do not apply. Those Parts do not apply to Class F advertisements if the conditions and limitations set out in Schedule 1 for that Class are met and if the requirements of paragraphs 1 to 3 and 5 of the standard conditions are complied with.

Regulation 2 defines some of the terms used in the Regulations.

Regulation 3 requires local planning authorities to exercise their powers under the Regulations in the interests of amenity and public safety, taking into account material provisions of the development plan and any other relevant factors.

Regulation 4 prohibits the display of advertisements unless the display has either deemed consent (Part 2 of the Regulations) or express consent (Part 3 of the Regulations), unless the advertisement is one to which regulation 1(3) applies. Paragraph (3) of regulation 4 allows account to be taken of any material change in circumstances likely to occur within the period for which the consent is required.

Regulation 5 specifies the effect of consent for the display of advertisements.

In Part 2, regulation 6 grants deemed consent for the display of an advertisement of any class specified in Part 1 of Schedule 3, subject to the standard conditions and the conditions and limitations specified in Part 1 of Schedule 3 in relation to that class. Regulation 7 enables a local planning authority to ask the Secretary of State to direct that express consent is required before advertisements for which deemed consent would otherwise be available may be displayed. Directions may not be given in respect of advertisements in Class 12 (advertisements inside buildings) or 13 (advertisements on sites used for preceding ten years for display of advertisements without consent) in Part 1 of Schedule 3. There are procedures for giving notice of proposals for directions, and of the making of directions. Regulation 8 enables a local planning authority to remedy what appears to the authority to be a substantial injury to the amenity of the locality or a danger to members of the public, by serving a discontinuance notice. A discontinuance notice may require the display of a particular advertisement for which there is deemed consent, or the use of a particular site for the display of advertisements for which there is deemed consent, to be discontinued. A discontinuance notice may not be served in relation to an advertisement which is within both Class 12 in Part 1 of Schedule 3 (advertisements inside buildings) and Class E or Class F in Schedule 1 (advertisements relating to certain elections or referendums, or required to be displayed by Parliamentary standing orders, enactments or conditions imposed by any enactment on the exercise of any function).

Part 3 of the Regulations deals with express consent for the display of advertisements. Regulation 9 specifies the procedure for making an application for express consent. Alternative forms and procedures may be used for the first six months following the coming into force of these Regulations. Regulation 10 applies, with modifications, section 77 of the Town and Country Planning Act 1990 (“the 1990 Act”), which enables the Secretary of State to direct that an application be made to her where it is an application for express consent made by an interested planning authority (defined in section 316 of the 1990 Act, as substituted by section 20 of the Planning and Compensation Act 1991 (c. 34)). Regulation 11 enables the Secretary of State to give directions to a local planning authority, either generally or in relation to a particular case or class of case, specifying the kinds of particulars, plans or information that are to accompany an application for express consent.

Regulation 12 specifies the steps to be taken by a local planning authority on receipt of an application and regulation 13 requires the authority to consult before granting express consent.

Regulation 14 sets out a local planning authority's powers once an application has been received. The authority may grant consent or refuse consent or, in the two cases mentioned below, decline to deal with the application. The first case is where the authority cannot lawfully grant consent for the display of the advertisement because of the provisions of regulation 21(1). The second case is where, within the period of two years ending with the date on which the application is received, the Secretary of State has dismissed an appeal against the refusal of a similar application and, in the authority's opinion, there has been no significant change in any material consideration since that dismissal. These two cases depend on a modified version of section 70A of the 1990 Act. The modifications are specified in Part 1 of Schedule 4, and the provisions of section 70A, as so modified, are set out in Part 2 of that Schedule.

Regulation 15 deals with applications by interested local planning authorities. Regulation 16 specifies the steps to be taken by a local planning authority once express consent has been granted.

Regulation 17 deals with appeals to the Secretary of State. Sections 78 and 79 of the 1990 Act are applied with the modifications specified in Part 3 of Schedule 4. The provisions of those sections as so modified are set out in Part 4 of that Schedule. Where there is an appeal against a discontinuance notice, those sections are modified as shown in Part 5 of that Schedule.

Regulation 18 enables a local planning authority to make an order revoking or modifying an express consent. Such an order has no effect unless it is approved by the Secretary of State. Regulation 19 deals with claims for compensation arising from an order under regulation 18.

Part 4 of the Regulations is concerned with areas of special control. Regulation 20 enables a local planning authority to make an area of special control order. Such an order may be made only on amenity grounds, and has no effect unless approved by the Secretary of State. The procedure is set out in Schedule 5. That Schedule also deals with the procedure for revoking or modifying an area of special control order. Regulation 21 provides that, in an area of special control, only advertisements of any class in Schedule 1 or any of Classes 1 to 3, 5 to 7 and 9 to 14 in Schedule 3 may be displayed without express consent. Certain other advertisements may be displayed if express consent has been granted (regulation 21(2)). Regulation 21(4) contains special provisions allowing certain advertisements that were displayed immediately before the coming into force of an area of special control order to be continued for a limited period.

In Part 5, regulation 22 allows certain documents to be sent or notices to be given by email or publication on a web-site.

Regulation 23 prescribes a time limit for making a claim under section 223 of the Act for compensation for the repayment of expenses reasonably incurred in removing prohibited advertisements. Claims must be made within 6 months from the completion of the works.

Regulation 24 requires each local planning authority to keep a register of applications, decisions and directions relevant to the display of advertisements. The register is to be available for public inspection.

Regulation 25 enables the Secretary of State to require local planning authorities to provide her with information for the purpose of any of her functions under the Regulations.

Regulation 26 enables the Secretary of State to make a discontinuance order or to make or revoke an area of special control order.

Regulation 27 enables the Secretary of State to make a discontinuance order in respect of the display of advertisements by a local planning authority.

Regulation 28 enables the Secretary of State to extend the time within which anything is required to be done under the Regulations or within which any objection, representation or claim for compensation may be made.

Regulation 29 provides that any direction given under the Regulations may be cancelled or varied by a subsequent direction.

Regulation 30 specifies the penalty on summary conviction for an offence under section 224(3) of the 1990 Act for displaying an advertisement in contravention of the Regulations. The penalty is a fine of an amount not exceeding level 4 on the standard scale (£2,500 as at the date on which the Regulations were made). In the case of a continuing offence, the maximum fine is one tenth of level 4 on the standard scale for each day during which the offence continues after conviction.

Regulation 31 allows certain advertisements that were displayed immediately before the coming into force of the Regulations to be continued for a limited period.

Regulation 32 provides for the principal Regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) to cease to have effect in relation to England, but to continue to apply for the purpose of considering or determining any application or appeal (or further appeal) made before the coming into force of these Regulations. Directions given by the Secretary of State under the principal Regulations in relation to matters affecting any part of England, and special control orders made under those Regulations in relation to any part of England are unaffected. Where, after the coming into force of these Regulations, the Secretary of State re-determines an application or appeal made under the principal Regulations, the re-determination is to be made by reference to these Regulations.

A full regulatory impact assessment has been prepared in relation to the Regulations. It has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or viewed at www.communities.gov.uk

2007 No. 783

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning
(Control of Advertisements) (England) Regulations 2007

