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STATUTORY INSTRUMENTS

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**2007 No. 783**

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

PART 2

DEEMED CONSENT

**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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Section 7.