

STATUTORY INSTRUMENTS

1984 No. 421

TOWN AND COUNTRY PLANNING,
ENGLAND AND WALESThe Town and Country Planning (Control of Advertisements)
Regulations 1984

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The Secretary of State for the Environment, in exercise of the powers conferred by sections 63, 109, 176 and 287 of the Town and Country Planning Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

PART I

CITATION, COMMENCEMENT, INTERPRETATION, APPLICATION AND REVOCATION

Citation and Commencement

1. These Regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations 1984 and shall come into operation on 2nd May 1984.

Interpretation

2.— (1) In these Regulations—

“the Act” means the Town and Country Planning Act 1971;

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure or any balloon used, or adapted for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“advertiser” means a person who himself, or by his servant or agent, undertakes or maintains the display of an advertisement;

“area of outstanding natural beauty” means an area designated as such by an order made under section 87 of the National Parks and Access to the Countryside Act 1949(b);

“area of special control” means an area defined by an order made under regulation 26 as an area of special control in respect of the display of advertisements;

“balloon” means a tethered balloon or similar object;

(a) 1971 c. 78; section 63 was amended by section 3(1) of the Town and Country Amenities Act 1974 (c. 32); section 109 was amended by paragraph 16 of the Schedule to the Local Government and Planning (Amendment) Act 1981, c (41).

(b) 1949 c. 97.

“building” includes any structure or erection, and any part of a building as so defined;

“business premises” has the meaning assigned to it by regulation 14(3);

“the Common Council” means the Common Council of the City of London;

“conservation area” means an area designated under section 277 of the Act;

“development plan” means:—

- (a) a development plan within the meaning of section 20 of the Act;
- (b) the development plan approved under Part I of Schedule 5 to the Act, or under any enactment which is re-enacted in that Schedule; or
- (c) an old development plan within the meaning of Schedule 7 to the Act;

“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 for the purposes of advertisement, announcement or direction at any time after the date on which these Regulations come into operation;

“land” includes buildings, and land covered with water;

“local authority” means the council of a county or district, the Common Council, the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are a local authority within the meaning of the Local Loans Act 1875(a), and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;

“National Park” has the meaning assigned to it by section 5 of the National Parks and Access to the Countryside Act 1949;

“site”, in relation to an advertisement, means any land, or any building other than an advertisement as herein defined, on which an advertisement is displayed;

“specified classes” means the classes of advertisements specified in regulation 14(1);

“standard conditions” means the standard conditions set out in Schedule 1;

“statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking” shall be construed accordingly, and, in relation to the display of advertisements of descriptions specified in Class I in regulation 14(1), shall be deemed to include any undertaking carried on by the National Coal Board for the winning or supply of coal, and any undertaking carried on by the British Airports Authority, by the Civil Aviation Authority, by the Post Office or by British Telecommunications for the purposes of their respective functions;

“urban development area” means an area designated as such by virtue of an

(a) 1875 c. 83.

order made under section 134 of the Local Government, Planning and Land Act 1980(a).

(2) Subject to the provisions of regulation 26(6), any reference in these Regulations to a local planning authority shall be construed:—

- (a) in respect of land in a London borough, as a reference to the council of that London borough;
- (b) in respect of land in the City of London, as a reference to the Common Council;
- (c) in respect of land in an area outside Greater London and not within a National Park, as a reference to the district planning authority for that area;
- (d) in respect of land in an area within a National Park, as a reference to the county planning authority for that area:

Provided that, where the land is in an urban development area, any such reference shall be construed as a reference to the urban development corporation for the area, if that corporation is a local planning authority by virtue of an order made under section 149 of the Local Government, Planning and Land Act 1980 and the powers relating to the control of advertisements contained in sections 63 and 109 of the Act are vested in it.

(3) Any reference in these Regulations to the person displaying an advertisement shall be construed as a reference to the advertiser, and shall be deemed to include—

- (a) the owner and occupier of the land on which the advertisement is displayed; and
- (b) any person to whose goods, trade, business or other concerns publicity is given by the advertisement.

(4) Subject to the provisions of regulation 3(3) and (4), references in these Regulations to the land, the building, the site or premises on which the advertisement is displayed shall be construed, in the case of an advertisement which is displayed on, or which consists of, a balloon, as references to the land, the building, the site or other premises (as the case may be) to which the balloon is attached.

(5) A regulation or Schedule referred to only by number in these Regulations means the regulation or Schedule so numbered in these Regulations.

Application

3.— (1) Subject to the provisions of paragraph (3) of this regulation, these Regulations shall apply to the display on sites in England and Wales of all advertisements, except any advertisement—

- (a) displayed on enclosed land, and not readily visible from land outside that enclosure or from any part of any public right of way over such enclosure or from any land on such enclosure to which the public have a right of access;

(a) 1980 c. 65.

- (b) displayed within a building, other than an advertisement of a description specified in regulation 12;
- (c) displayed on or in a vehicle;
- (d) displayed on, or which consists of, a balloon flown at a height of more than 60 metres above ground level;
- (e) incorporated in, and forming part of, the fabric of a building, other than a building used principally for the display of such advertisements or a hoarding or similar structure;
- (f) displayed on an article for sale or on the package or other container in which an article is sold, or displayed on the pump, dispenser or other container from which an article is sold, being an advertisement wholly with reference to the article for sale, which is not an illuminated advertisement and does not exceed 0.1 square metre in area.

(2) For the purposes of paragraph (1) of this regulation—

- (a) “article” includes a gas or liquid;
- (b) the expression “enclosed land” means land which is wholly or for the most part enclosed within a hedge, fence, or wall or similar screen or structure, and shall be deemed to include any railway station (and its yards) or bus station, together with their forecourts, whether enclosed or not; but shall not include any public park, public garden or other land held for the use or enjoyment of the public, or (save as herein specified) any enclosed railway land normally used for the carriage of passengers or goods by rail;
- (c) “vehicle” means a vehicle normally employed as a moving vehicle on any highway or railway, or a vessel normally employed as a moving vessel on any inland waterway, but shall not include any such vehicle or vessel during any period when it is used primarily for the display of advertisements;
- (d) no advertisement shall be deemed to be displayed within a building unless there is access to the advertisement from inside the building;
- (e) no advertisement shall be deemed to form part of the fabric of a building by reason only of being affixed to, or painted on, the building.

(3) These Regulations shall not apply to the display of an advertisement on, or which consists of, a balloon on a site (as defined in paragraph (4) of this regulation) which is not within an area of special control, a conservation area, a National Park or an area of outstanding natural beauty, so long as the following conditions are complied with:—

- (a) not more than one such advertisement shall be displayed at any one time on the site; and
- (b) the site shall not be used for the display of such advertisements on more than 10 days in total in any one calendar year (taking into account all occasions on which such an advertisement is displayed on any part of the site by any person for any purpose).

(4) For the purposes of paragraph (3) of this regulation, “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, building or other premises to which the balloon is attached for a

particular activity (other than the display of advertisements) for a temporary period only, the whole of the land, building or other premises used or to be used by that person for the carrying on of that activity; or

- (b) in any other case, the land, building or other premises to which the balloon is attached and all land, buildings or other premises normally occupied together therewith.

Revocation

4. The Regulations specified in Schedule 6 are hereby revoked:

Provided that where, immediately before the coming into operation of these Regulations, an advertisement was being displayed with consent deemed to be granted under the Town and Country Planning (Control of Advertisements) Regulations 1960(a) (by virtue of regulation 4 of the Town and Country Planning (Control of Advertisements) Regulations 1969(b)) that advertisement shall be treated, for the purposes of regulations 14 and 16 of these Regulations, as being an advertisement of one of the specified classes which is being displayed in accordance with the provisions of regulation 14.

PART II

GENERAL PROVISIONS

Control of advertisements to be exercised in the interests of amenity and public safety

5.— (1) The powers conferred by these Regulations with respect to the grant or refusal of consent for the display of advertisements, the revocation or modification of such consent, and the discontinuance of the display of advertisements with consent deemed to be granted, shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers a local planning authority—

- (a) shall, in the interests of amenity, have regard to the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of a locality the authority may disregard any advertisements being displayed therein;
- (b) shall, in the interests of public safety, have regard to the safety of persons who may use any road, railway, waterway (including any coastal waters), dock, harbour or airfield affected or likely to be affected by any display of advertisements; and shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air,

but without prejudice to their power to have regard to any other material factor.

(a) S.I. 1960/695. (b) S.I. 1969/1532.

(3) In determining an application for consent for the display of advertisements, or considering whether to make an order revoking or modifying a consent, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is required or granted.

(4) Subject to the provisions of these Regulations, express consent for the display of advertisements shall not contain any limitation or restriction relating to any particular subject matter or class of subject matter or to the content or design of any subject matter to be displayed, but shall take effect as consent to the use of the site for the purpose of displaying advertisements in the manner authorised by the consent whether by the erection of structures on the site or otherwise, as the case may be:

Provided that nothing in this paragraph shall affect the duty of the local planning authority, when dealing with an application for consent for the display of a particular advertisement, to have regard to the effect on amenity and public safety of the display of that advertisement.

Consent required for the display of advertisements

6.—(1) No advertisement may be displayed without consent granted by the local planning authority or by the Secretary of State on an application in that behalf (referred to in these Regulations as “express consent”), or deemed to be granted under paragraph (2) below.

(2) Consent shall be deemed to be granted for the display of any advertisement displayed in accordance with any provision of these Regulations whereby advertisements of that description may be displayed without express consent; and where the display of such advertisements is allowed subject to the power of the local planning authority to require the discontinuance of the display under regulation 16, the consent so deemed to be granted shall be consent limited until such time as a notice served under regulation 16 takes effect; without prejudice however to the provisions of regulation 27 as respects the removal of advertisements which are being displayed in an area of special control, a conservation area, a National Park or an area of outstanding natural beauty.

(3) In so far as the nature of the consent permits, consent for the display of advertisements shall enure for the benefit of the site to which the consent relates and of all persons for the time being interested in that site; without prejudice however to the provisions of these Regulations as respects the revocation or modification of an express consent.

(4) Save where an advertisement of the description specified in regulation 9(1)(b) is required to be displayed, it shall be a condition (whether expressly imposed or not) of every consent granted by or under these Regulations that before any advertisement is displayed on a site in pursuance of the consent the permission of the owner of that site or other person entitled to grant permission in relation thereto shall be obtained.

The standard conditions

7. Without prejudice to the power of the local planning authority to impose additional conditions upon a grant of consent under these Regulations, the standard conditions set out in Schedule 1 shall, subject to the provisions of these Regulations, apply to the display of all advertisements; and in the case of

advertisements being displayed with consent deemed to be granted by these Regulations or granted under regulation 23, the conditions set out in Part II of that Schedule shall also apply.

Contravention of Regulations

8. A person displaying an advertisement in contravention of these Regulations shall be liable on summary conviction of an offence under section 109(2) of the Act to a fine of £200 and, in the case of a continuing offence, £20 for each day during which the offence continues after conviction.

PART III

ADVERTISEMENTS WHICH MAY BE DISPLAYED WITHOUT EXPRESS CONSENT

Election notices, statutory advertisements and traffic signs

9.— (1) Advertisements of the following descriptions may be displayed without express consent—

- (a) any advertisement relating specifically to a pending parliamentary, European Assembly or local government election;
- (b) advertisements required to be displayed by an enactment for the time being in force, or by Standing Orders of either House of Parliament, including (but without prejudice to the generality hereof) advertisements the display of which is so required as a condition of the valid exercise of any other power, or proper performance of any function, given or imposed by an enactment;
- (c) advertisements which are traffic signs employed wholly for the control, guidance or safety of traffic, and displayed by, or with permission of, a local highway, traffic or police authority in accordance with regulations and general directions made by the Secretary of State or in accordance with an authorisation and any relevant direction given by him.

(2) Consent deemed to be granted by virtue of these Regulations for the display of advertisements of the foregoing descriptions shall be subject to the following conditions in addition to the standard conditions—

- (a) where advertisements of the description specified in paragraph (1)(b) above could, apart from this regulation, be displayed pursuant to regulation 14 as advertisements of a specified class they shall conform with any provision of that regulation as respects size, number or height in relation to the display of advertisements of that class, and otherwise shall not exceed in those respects what is necessary to achieve the purpose for which the display is required; without prejudice, however, to the express requirements with regard to size, number or height as aforesaid of any enactment or Standing Orders under which such advertisements are displayed;
- (b) an advertisement of the description specified in paragraph (1)(a) above shall be removed within fourteen days after the close of the poll in the election to which the advertisement relates; and any other advertisement displayed for a temporary purpose in accordance with this regulation shall be removed as soon as may be after the expiry of the period during which such advertisement is required or authorised to be displayed, or, if no such period is specified, shall be removed

within a reasonable time after the purpose for which such advertisement was required or authorised to be displayed is satisfied.

(3) With respect to the display of advertisements of the description specified in paragraph (1)(a) above standard condition 1 in Schedule 1 shall not apply.

Display of advertisements by local planning authorities

10.— (1) Subject to paragraph (2) of this regulation, a local planning authority may without express consent display advertisements on land in their area; but shall not display in an area of special control any advertisement for the display of which they could not, by virtue of regulation 27, grant express consent.

(2) The Secretary of State shall have power to serve a notice requiring the discontinuance of the display of any advertisement for which consent is deemed to be granted under paragraph (1) of this regulation, and regulation 16 shall apply to such a notice as though it were a discontinuance notice served by a local planning authority under that regulation.

Advertisements on sites used for the display of advertisements on 1st August 1948

11.— (1) Subject to paragraph (3) below, where a site was being used for the display of advertisements on 1st August 1948 the site may continue to be so used after the date of the coming into operation of these Regulations without express consent, subject to the power of the local planning authority to require the discontinuance of the use of that site under regulation 16.

(2) Consent deemed to be granted for the continued use of a site for the display of advertisements pursuant to paragraph (1) above shall be subject to the following conditions and limitations—

- (a) there shall be no substantial increase in the extent, or substantial alteration in the manner, of the use of the site as it was used for the display of advertisements on 1st August 1948;
- (b) where a building or structure on which advertisements were being displayed on 1st August 1948 is removed (whether in pursuance of a requirement under any enactment or otherwise) the consent deemed to be granted under this regulation shall not extend to the erection of any building or structure on which to continue the display of such advertisements.

(3) Nothing in this regulation shall restrict the exercise by a local planning authority of any power hereinafter conferred on them to decide any application which may be made to them in respect of the display of advertisements on a site to which paragraph (1) above applies or to take action in respect of any contravention of these Regulations.

Control of advertisements displayed within buildings

12.— (1) The display of an advertisement within a building so as to be visible from outside that building shall be subject to these Regulations if the advertisement is—

- (a) an illuminated advertisement; or
- (b) an advertisement displayed within any building used principally for the display of advertisements; or

(c) an advertisement any part of which is within a distance of one metre from any external door, window, or other opening through which the advertisement is visible from outside the building.

(2) Any advertisement the display of which is made subject to these Regulations by paragraph (1) above may be displayed without express consent, subject, except where the advertisement is of a description specified in regulation 9, to the power of the local planning authority to require the discontinuance of the display under regulation 16.

(3) For the purpose of the exercise of any of the powers conferred by these Regulations, the display of any advertisement made subject to these Regulations by paragraph (1) above shall be treated as if it were the display in accordance with regulation 14 of an advertisement of a specified class.

Display of advertisements after the expiration of express consent

13.— (1) Except where the local planning authority, when granting express consent, impose a condition to the contrary, or where the renewal of consent is applied for and is refused, advertisements displayed with express consent granted under these Regulations may on the expiration of the consent continue to be displayed without express consent, subject to the power of the local planning authority to require the discontinuance of the display under regulation 16.

(2) Consent deemed by virtue of regulation 6(2) to be granted in respect of the continuance of such display shall be subject to the like conditions as those to which the immediately preceding express consent was subject, and, unless previously brought to an end under these Regulations, shall expire when the site ceases to be used for such display.

The specified classes

14.— (1) Advertisements of the following classes may be displayed without express consent, subject to the provisions of this regulation and to the power of the local planning authority to require the discontinuance of the display under regulation 16—

CLASS I—Functional advertisements of local authorities, statutory undertakers and public transport undertakers.

Advertisements employed wholly for the purposes of announcement or direction in relation to any of the functions of a local authority or to the operation of a statutory undertaking or of a public transport undertaking engaged in the carriage of passengers in a manner similar to that of a statutory undertaking, being advertisements which are reasonably required to be displayed in the manner in which they are displayed in order to secure the safe or efficient performance of those functions, or operation of that undertaking, and which cannot be displayed as such, or in such a manner, under the provisions of this regulation relating to advertisements of any other of the specified classes.

CLASS II—Miscellaneous advertisements relating to premises on which they are displayed.

(a) Advertisements not exceeding 0.2 square metre in area displayed for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed.

- (b) Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where they are displayed; limited to one advertisement, not exceeding 0.3 square metre in area, in respect of each such person, partnership or company, or, in the case of premises with entrances on different road frontages, one such advertisement at each of two such entrances.
- (c) Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, block of flats, club, boarding house or hostel at the premises where they are displayed; limited to one advertisement, not exceeding 1.2 square metres in area, in respect of each such premises or, in the case of premises with entrances on different road frontages, two such advertisements displayed on different road frontages of the premises.

CLASS III—Certain advertisements of a temporary nature.

- (a) Advertisements relating to the sale or letting of the land on which they are displayed; limited, in respect of each such sale or letting, to one advertisement consisting of a board (whether or not attached to a building) not exceeding 2 square metres in area, or of two conjoined boards, together not exceeding 2.3 square metres in area; no such advertisement, when displayed on a building, to project further than one metre from the face of the building.
- (b) Advertisements announcing sales of goods or livestock, and displayed on the land where the goods or livestock are situated or where the sales are held, not being land which is normally used, whether at regular intervals or otherwise, for the purposes of holding such sales; limited to one advertisement not exceeding 1.2 square metres in area at each site where such advertisements may be displayed.
- (c) Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work; limited to one advertisement (on each road frontage of the land) in respect of each separate development project, being an advertisement not exceeding in aggregate, in the case of an advertisement referring to one person, 2 square metres, or, in the case of an advertisement referring to more than one person, 2 square metres together with an additional 0.4 square metre in respect of each additional person referred to, and, in either case, together with one-fifth of the area permitted above for the name, if any, of the particular development project:

Provided that—

- (i) where such an advertisement is displayed more than 10 metres from a highway, there shall be substituted for the references to 2 square metres references to 3 square metres, and for the reference to 0.4 square metre a reference to 1.6 square metres;
- (ii) any person carrying out such work may, if an advertisement displayed in accordance with the preceding provisions of this paragraph does not refer to him, display a separate advertise-

ment which does so, not exceeding 0.5 square metre in area, for a period not exceeding three months, on each road frontage of the land.

- (d) Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character, and advertisements relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes; limited to a display of advertisements occupying an area not exceeding a total of 0.6 square metre on any site.
- (e) Advertisements relating to any demonstration of agricultural methods or processes on the land on which they are displayed; limited, in respect of each such demonstration, to a display of advertisements occupying an area not exceeding a total of 1.2 square metres, no one of which exceeds 0.4 square metre in area, the maximum period of display for any demonstration to be six months in any period of twelve months.

CLASS IV—Advertisements on business premises.

Advertisements displayed on business premises wholly with reference to all or any of the following matters, namely, the business or other activity carried on, the goods sold or services provided, and the name and qualifications of the person carrying on such business or activity, or supplying such goods or services, on those premises:

Provided that—

- (a) no such advertisement may be displayed on the wall of a shop, unless the wall contains a shop window;
- (b) no such advertisement may be displayed so that the highest part of the advertisement is above the level of the bottom of any first-floor window in the wall on which it is displayed;
- (c) the space which may be occupied by such advertisements on any external face of a building in an area of special control shall not exceed one-tenth of the overall area of that face up to a height of 3.6 metres from ground level; and the area occupied by any such advertisement shall, notwithstanding that it is displayed in some other manner, be computed as if the advertisement as a whole were displayed flat against the face of the building.

CLASS V—Advertisements on the forecourts of business premises.

Advertisements displayed on any forecourt of business premises wholly with reference to all or any of the matters specified in Class IV above; limited, as respects the aggregate area of the advertisements displayed under this class on any such forecourt, to 4.5 square metres:

Provided that a building with a forecourt on two or more frontages shall be treated as having a separate forecourt on each of those frontages.

CLASS VI—Flag advertisements.

An advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a building, and which bears no inscription or emblem other than the name or device of a person or persons occupying the building.

CLASS VII—Certain advertisements displayed on hoardings.

Advertisements on hoardings enclosing, either wholly or in part, land on which building operations are taking or are about to take place and which is allocated in any development plan for the time being in force primarily for use for commercial, industrial or business purposes:

Provided that—

- (a) no such advertisements shall be displayed on hoardings enclosing land situated within a conservation area, an area of special control, a National Park or an area of outstanding natural beauty; and
- (b) the display of such advertisements shall be subject to the limitations specified in Schedule 2, but without prejudice to the provisions of paragraph (2) of this regulation.

(2) Consent deemed to be granted by virtue of these Regulations for the display of advertisements of the foregoing classes shall be subject to the following conditions in addition to the standard conditions—

- (a) no such advertisement, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding 0.75 metre or, in an area of special control, 0.3 metre;
- (b) no such advertisement, other than an advertisement of Class I or Class VI, shall be displayed so that the highest part of the advertisement is above 4.6 metres from ground level, or, in an area of special control, above 3.6 metres from ground level:

Provided, in the case of an advertisement of Class III(a) relating to the sale or letting of part of a building, that where that part of the building is above the height limit specified above, the advertisement shall be displayed on the building at the lowest level above the specified limit at which it is reasonably practicable to display the advertisement;

- (c) no such advertisement shall be illuminated except as follows—
 - (i) an advertisement of Class I may be illuminated in a manner reasonably required to achieve the purpose of the advertisement;
 - (ii) advertisements of Class II or Class IV may be illuminated for the purpose of indicating that medical or similar services or supplies are available at the premises on which they are displayed, provided that they are illuminated in a manner reasonably required for that purpose;
- (d) no advertisement of Class III relating to a sale or other matter which is due to begin or take place on a specified date shall be displayed earlier than twenty-eight days before that date and every advertisement of that class shall be removed within fourteen days after the conclusion of the event or other matter to which it relates;
- (e) an advertisement of Class III relating to the carrying out on land of building or similar works may be displayed only while such works are in progress.

(3) In this regulation:—

“business premises” means any building normally used for the purpose of carrying on therein any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of

Class II(c) may be displayed) normally used for the purpose of providing therein services to members of the public or of any association, and includes public restaurants, licensed premises and places of public entertainment; but—

- (a) in the case of any building normally used only partly for such purposes, the expression means only the part of the building normally used for such purposes; and
- (b) the expression does not include—
 - (i) any building designed for use as one or more separate dwellings, unless the building was normally used immediately before 1st September 1949 for the purpose of carrying on therein any such undertaking or providing therein any such service as aforesaid, or unless the building has been, or is at any time, adapted for use as business premises by the construction of a shop front or the making of a material alteration of a similar kind to the external appearance of the building;
 - (ii) any forecourt or other land forming part of the curtilage of a building;
 - (iii) any fence, wall or similar screen or structure, unless it forms part of the fabric of a building constituting business premises;

“forecourt” for the purposes of Class V includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises;

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

(4) The reference in Class III(d) of paragraph (1) above to events of a recreational character shall not be construed as including the carrying on of sports, games or physical training primarily as a commercial undertaking.

(5) On the determination of an application for express consent made in respect of an advertisement of a specified class, the provisions of this regulation whereby advertisements may be displayed without express consent shall cease to apply with respect to the advertisement; and, in the event of refusal of consent, the provisions of this regulation whereby the display of advertisements may be undertaken without express consent shall not apply to the subsequent display on the same site of any advertisement by, or on behalf of, the person whose application was so refused.

(6) Where an application is made for consent to display an advertisement of a specified class and such consent is granted subject to conditions in the nature of restrictions as to the site on which, or the manner in which, the display may be undertaken, or both, the provisions of this regulation whereby the display of advertisements may be undertaken without express consent shall not apply to the subsequent display, by or on behalf of the person to whom that consent was granted subject to such conditions, of any advertisement on the same site unless such advertisement is displayed in conformity with the requirements of those conditions.

(7) The conditions and limitations specified in this regulation apply only to the display without express consent of an advertisement within any class or description therein mentioned, and shall not restrict the powers of a local planning authority with regard to the determination in accordance with these

Regulations of any application for express consent for the display of advertisements.

Power to exclude the application of regulation 14

15.— (1) If the Secretary of State is satisfied, upon representations made to him by the local planning authority, that the display of advertisements of a class or description specified in regulation 14 should not be undertaken in any particular area or in any particular case without express consent, he may direct that the provisions of that regulation shall not apply to the display of such advertisements in that area or in that case.

(2) Before making a direction under this regulation, the Secretary of State shall—

- (a) where the representations for such a direction relate to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality in which the area is situated, and on the same date or a subsequent date in the London Gazette, a notice indicating that representations for such a direction have been made to him and naming a place or places in the locality where a map or maps defining that area may be inspected at all reasonable hours; and
- (b) where the representations for such a direction relate to a particular case, serve, or cause to be served, on the owner and occupier of the land in respect of which the representations have been made, and on any other person who, to the knowledge of the Secretary of State, proposes to display on such land an advertisement of the class or description referred to in the said representations, a notice indicating that representations have been made to him and specifying the land and the class or description of advertisement to which those representations relate;

and in each instance the notice shall state that any objection to the making of a direction under this regulation shall be made to the Secretary of State in writing within such period (not being less than 21 days from the date when the notice is given) as may be specified in the notice.

(3) The Secretary of State shall not make a direction under this regulation until after the expiration of the period specified in the notice referred to in paragraph (2) above, and in determining whether to make such a direction he shall take into account any objections made in accordance with that paragraph.

(4) Where the Secretary of State makes a direction under this regulation he shall send it to the local planning authority with a statement in writing of his reasons for making it, and shall send a copy of that statement to any person who has made an objection in accordance with paragraph (2) above.

(5) Notice of any direction given by the Secretary of State under this regulation with respect to a particular area shall be published by the local planning authority in at least one newspaper circulating in the locality in which the area is situated, and, unless the Secretary of State otherwise directs, on the same date or a subsequent date in the London Gazette; and such notice shall—

- (a) contain a concise statement of the effect of the direction;
- (b) name a place or places in that locality where a copy of the direction

and of a map defining the area to which it relates may be seen at all reasonable hours; and

- (c) specify a date when such direction shall come into force, being a date not less than fourteen and not more than twenty-eight days after the first publication of the notice.

(6) Notice of any direction given by the Secretary of State under this regulation in a particular case shall be served by the local planning authority on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the authority, proposes to display on such land an advertisement of the class or description referred to in the direction.

(7) A direction given under this regulation with respect to an area shall come into force on the date specified in the notice given under paragraph (5) above; and a direction given under this regulation in a particular case shall come into force on the date on which notice thereof is served on the occupier or, if there is no occupier, on the owner of the land to which the direction relates.

Power to require the discontinuance of the display of advertisements displayed with deemed consent

16.— (1) The local planning authority, if they consider it expedient to do so in the interests of amenity or public safety, may serve a notice under this regulation (referred to in these Regulations as a “discontinuance notice”) requiring the discontinuance of the display of an advertisement which is displayed with consent deemed to be granted under these Regulations, other than an advertisement of a description specified in regulation 9, or requiring the discontinuance of the use of a site for the display of such an advertisement:

Provided that, in relation to the display in accordance with the provisions of regulation 14 of an advertisement of a specified class, the authority shall not serve a discontinuance notice unless they are satisfied that the service of such a notice is required to remedy a substantial injury to the amenity of the locality or a danger to members of the public.

(2) Where the local planning authority serve a discontinuance notice, the notice—

- (a) shall be served on the advertiser and on the owner and occupier of the site on which the advertisement is displayed; and
(b) may, if the local planning authority think fit, also be served on any other person displaying the advertisement.

(3) A discontinuance notice shall—

- (a) specify the advertisement or the site to which it relates;
(b) specify a period within which the display or the use of the site (as the case may be) is to be discontinued; and
(c) contain a full statement of the reasons why the authority consider it expedient in the interests of amenity or public safety that the display or the use of the site (as the case may be) should be discontinued.

(4) Subject to paragraph (5) below, a discontinuance notice shall take effect at the end of such period (not being less than two months after the service thereof) as may be specified in the notice:

Provided that if an appeal is made to the Secretary of State under regulation 22 the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(5) The local planning authority, by a notice served on the advertiser, may withdraw a discontinuance notice at any time before it takes effect or may, where no appeal to the Secretary of State is pending under regulation 22, from time to time vary a discontinuance notice by extending the period specified therein for the taking effect of the notice; and on any such variation the period for appeal to the Secretary of State under regulation 22(2) shall be increased by the number of days by which the period specified was extended or further extended.

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

PART IV

APPLICATIONS FOR EXPRESS CONSENT

How to apply for consent

17.— (1) Subject to the provisions of paragraph (6) below, an application for consent to display advertisements shall be made on a form issued by the authority to whom the application is to be made and obtainable from that authority, and shall include the particulars required by such form and shall be accompanied by such plans, together with such additional number of copies (not exceeding two) of the form and plans, as may be required by the authority:

Provided that, where the Secretary of State has issued a direction under paragraph (5) below which relates to the application (or to a class in which the application is included), the particulars and plans furnished by the applicant shall be such as may be specified in that direction.

(2) Subject to paragraph (3) below, the application shall be made to the local planning authority.

(3) Where the application relates to land in a National Park, it shall be made to the district planning authority, who shall transmit it to the county planning authority; and an application so made shall be treated for the purposes of these Regulations as an application made to the local planning authority and received by the local planning authority on the date when it is received by the county planning authority.

(4) On receipt of the application the local planning authority shall send an acknowledgement to the applicant, and the authority may by a direction in writing addressed to the applicant require the applicant—

- (a) to supply such further information, in addition to that contained in the application, as may be requisite to enable the authority to determine it; or
- (b) to produce to an officer of the authority such evidence as may be reasonably called for to verify the particulars and information contained in the application or given to the authority.

(5) 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 which an applicant may be required to furnish in an application made under this regulation.

(6) Notwithstanding the provisions of paragraph (1) above a local planning authority may accept an application in writing made otherwise than on the form therein referred to, in any case in which the information provided is sufficient to enable the authority to determine the application.

Duty to consult with respect to an application

18.— (1) A local planning authority shall, before granting consent for any display of advertisements, consult with the following authorities, persons or bodies, namely—

- (a) with any neighbouring local planning authority whose area, or any part thereof, appears likely to be affected by the display of advertisements to which the application relates;
- (b) where it appears to the local planning authority that the display of advertisements to which the application relates may affect the safety of persons using any trunk road (within the meaning of that term as defined in section 329 of the Highways Act 1980(a)) in England, with the Secretary of State for Transport;
- (c) where it appears to the local planning authority that the display of advertisements to which the application relates may affect the safety of persons using any railway, waterway (including any coastal waters), dock, harbour or aerodrome (civil or military), with the authority, statutory undertaker, body or person responsible for the operation thereof, and, in the case of coastal waters, with the Corporation of Trinity House also.

(2) The local planning authority shall give to any authority, person or body with whom they are required to consult as aforesaid not less than fourteen days' notice that the relevant application is to be considered and shall, in determining the application, take into account any representation made by such authority, person or body.

Power of local planning authority to deal with applications

19.— (1) Subject to the provisions of these Regulations, where application for consent for the display of advertisements is made to the local planning authority, that authority may grant consent subject to the standard conditions specified in Part I of Schedule 1 and to such additional conditions (if any) as they think fit, or may refuse consent:

Provided that where the application relates to the display (in accordance with the relevant provisions of regulation 14) of an advertisement of a specified class the authority shall not refuse consent, or impose a condition more restrictive in effect than any provision of that regulation in relation to advertisements of that class, unless they are satisfied that such refusal or

(a) 1980 c. 66.

condition is required to prevent or remedy a substantial injury to the amenity of the locality or a danger to members of the public.

(2) Without prejudice to the generality of paragraph (1) above and subject always to the provisions of regulation 5, conditions may be imposed on the grant of consent under this regulation—

- (a) regulating the display of advertisements to which the consent relates, or the use of land by the applicant for the display of advertisements (whether it is land in respect of which the application was made or adjacent land under the control of the applicant), or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the display of advertisements authorised by the consent;
- (b) requiring the removal of any advertisement authorised by the consent, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period.

(3) Consent under this regulation may be—

- (a) for the display of a particular advertisement or advertisements with or without illumination, as the application specifies; or
- (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.

(4) The power to grant consent for the display of advertisements under these Regulations shall include power to grant consent for the retention on a site of any advertisement being displayed thereon before the date of the application or for the continuance of any use of a site for the display of advertisements begun before that date; and reference in these Regulations to consent for the display of advertisements and to applications for such consent shall be construed accordingly.

Consent to be limited

20.— (1) Subject to paragraph (4) of this regulation, every grant of express consent shall operate for a period of five years from the date of the granting of consent:

Provided that the local planning authority may, in the document granting consent, specify such shorter or longer period as they may consider expedient having regard to the provisions of regulation 5 and any period specified in the application for consent.

(2) The limitation on the duration of an express consent (whether specified by the local planning authority when granting consent or imposed by the provisions of paragraph (1) above) shall, for the purposes of these Regulations, be deemed to be a condition imposed upon the grant of consent.

(3) Where the local planning authority grant consent for a period of less than five years they shall (unless the application specified such shorter period) state in writing their reasons for doing so.

(4) Where, at the time when a consent is granted for the display of advertisements, the display to which the consent relates has not already begun, the local planning authority may express the specified period as a period running, in the alternative, from the date of commencement of the display or from a date not later than six months after the date on which the consent is granted, whichever is the earlier.

(5) At any time within a period of six months before the expiry of a consent granted under these Regulations, application may be made for the renewal thereof, and the provisions of these Regulations relating to applications for consent and to the determination thereof shall apply where the application is made for such renewal.

Notification of local planning authority's decision

21.— (1) The grant or refusal by a local planning authority of consent for the display of advertisements shall be in writing and, where the authority decide to grant consent subject to conditions in addition to the standard conditions, or to refuse consent, the reasons for their decision shall be stated in writing.

(2) The local planning authority shall, within two months from the date of receipt of the application, give notice to the applicant of their decision:

Provided that such period of two months may, at any time before the expiration thereof, be extended by agreement in writing made between the authority and the applicant.

Appeals to the Secretary of State

22.— (1) Where an application under these Regulations for consent to display an advertisement is refused by the local planning authority or is granted subject to conditions, the provisions of sections 36(a) and 37 of the Act shall apply for the purposes of these Regulations as if the decision of the authority were a decision to refuse planning permission or to grant planning permission subject to conditions, but subject to the modifications set out in paragraphs (2) and (3) below.

(2) In section 36 of the Act, as applied by paragraph (1) above:—

(a) in subsection (1), for the words from “for planning permission” to “permission, consent, agreement or approval”, there shall be substituted the words “for consent under the Town and Country Planning (Control of Advertisements) Regulations 1984 to display an advertisement and that consent”;

(b) for subsection (2) there shall be substituted the following subsections:—

“(2) Notice of appeal shall be given in writing to the Secretary of State within two calendar months from the date of receipt of notification of the local planning authority's decision, or such longer period as the Secretary of State may at any time allow, and the notice shall be accompanied by a copy of each of the following documents:—

(a) Section 36 was amended by the Local Government, Planning and Land Act, 1980 (c. 65), Schedule 15, paragraph 4(2).

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

(2A) 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 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 subsection (4) of this section.”;

- (c) the following subsection shall be inserted after subsection (3):—

“(3A) The Secretary of State may, in granting consent for the display of advertisements, specify that the term thereof shall run for such longer or shorter period than the period of five years specified in regulation 20(1) of the Town and Country Planning (Control of Advertisements) Regulations 1984 as he considers expedient having regard to the provisions of regulation 5 of those regulations and to any period specified in the application for consent.”;
 - (d) subsection (5) shall be omitted;
 - (e) at the end of subsection (6) there shall be added the words “and shall otherwise have effect as if it were a decision of the local planning authority”;
 - (f) in subsection (7), for the words from “in respect of an application for planning permission” to “planning permission for that development”, there shall be substituted the words “in respect of an application under the Town and Country Planning (Control of Advertisements) Regulations 1984, the Secretary of State forms the opinion that, having regard to the provisions of those regulations and to any direction given under them, consent for the display of the advertisement in respect of which the application was made”.
- (3) In section 37, as applied by paragraph (1) above:—
- (a) for the words from the beginning of the section to the word “order” in the first place where it appears there shall be substituted the words “Where any such application as is mentioned in section 36(1) of this Act (as applied by paragraph (1) and modified by paragraph (2)(a) of regulation 22 of the Town and Country Planning (Control of Advertisements) Regulations 1984) is made to a local planning authority then unless within the period of two calendar months from the date when the application was received by the local planning authority”;
 - (b) for the words from “either” to “section 35 of this Act” there shall be substituted the words “give notice to the applicant of their decision on the application”;
 - (c) after the words “of this Act” there shall be inserted the words “(as so modified)”; and

- (d) for the words “at the end of the period prescribed by the development order” there shall be substituted the words “at the end of the period referred to above”.
- (4) The provisions of section 36 of the Act (as applied by paragraph (1) above and modified by paragraph (2) above) are set out in Part I of Schedule 3, and the provisions of section 37 (as applied and modified by paragraph (3) above) are set out in Part II of that Schedule.
- (5) Where a local planning authority serve a discontinuance notice on any person under regulation 16, the provisions of section 36 of the Act, as modified by paragraph (2) above, shall apply as if—
- (a) that person had made an application for consent for the display of the advertisements, or for the use of the site, to which the notice relates and the local planning authority had refused consent for the reasons stated in the notice; and
- (b) the notice constituted notification of a decision to refuse consent,
- and subject to the following further modifications:—
- (a) in subsection (2):—
- (i) the following subparagraphs shall be substituted for subparagraphs (a) to (d)—
- “(a) the discontinuance notice;
- (b) any notice of variation thereof;
- (c) any relevant correspondence with the authority.”; and
- (ii) the period prescribed for giving notice of appeal is varied as set out in paragraph (5) of regulation 16 in any case where notice varying a discontinuance notice has been served by the local planning authority under that paragraph;
- (b) the following subsection shall be added after subsection (5):—
- “(5A) On the determination of an appeal under this section as applied by regulation 22(5) of the Town and Country Planning (Control of Advertisements) Regulations 1984, 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 the terms of the discontinuance notice in favour of the appellant.”.

PART V

SPECIAL CASE

Advertisements relating to travelling circuses and fairs

23.— (1) On application in that behalf being made to them, a local planning authority may grant consent for the temporary display, on unspecified sites in their area, of placards, posters or bills relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place in the district; and for the purposes of this regulation the expression “in the district” means in the

area of the local planning authority to whom application for such consent is made or in the area of any neighbouring local planning authority.

(2) Consent granted under this regulation shall be subject to the following conditions in addition to the standard conditions set out in Parts I and II of Schedule 1:—

- (a) no such advertisement shall exceed 0.6 square metre in area or be displayed so that any part of the advertisement is above 3.6 metres from ground level;
- (b) no such advertisement shall be displayed earlier than fourteen days before the first performance or opening of the circus, fair or other entertainment in the district at a place specified in the advertisement, and every such advertisement shall be removed within seven days after the last performance or closing of the circus, fair or other entertainment in the district at a place specified in the advertisement;

and it shall be the duty of the local planning authority, when granting consent for the display of such advertisements, to inform the applicant that consent does not extend to the display of any advertisement on a site without the prior permission of the owner of the land or other person entitled to grant permission in relation thereto.

(3) Without prejudice to the right to apply under Part IV of these Regulations for consent to display advertisements of the foregoing description on specified sites, the provisions of that Part shall not apply to an application for consent under this regulation, and the decision of a local planning authority on any such application shall be final.

PART VI

REVOCATION AND MODIFICATION OF EXPRESS CONSENT

Revocation and modification of consent

24.— (1) Subject to regulation 5 and this regulation, if it appears to the local planning authority that it is expedient that any express consent for the display of advertisements should be revoked or modified, they may by order revoke the consent or modify it to such extent as appears to them to be expedient:

Provided that no such order shall take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any order submitted to him either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Secretary of State for confirmation under this regulation, that authority shall serve notice on the person on whose application the consent was granted, on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Secretary of State shall, before confirming the order, afford to that person and to the local planning authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) The power conferred by this regulation to revoke or modify consent for the display of advertisements may be exercised—

- (a) where the consent relates to a display which involves the carrying out of building or similar operations, at any time before those operations have been completed;
- (b) where the consent relates to a display which involves no such operations as aforesaid, at any time before the display is begun:

Provided that the revocation or modification of consent for a display which involves the carrying out of building or similar operations shall not affect so much of those operations as has been previously carried out.

Supplementary provisions as to revocation and modification

25.— (1) Where express consent for the display of advertisements is revoked or modified by an order made under regulation 24 then if, on a claim made to the local planning authority in writing and served in the manner indicated in paragraph (3) below within six months after the confirmation of the order, it is shown that any person has incurred expenditure in carrying out work, in connection with the display in question, which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage:

Provided that no compensation shall be payable under this paragraph in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(2) For the purposes of this regulation, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but no compensation shall be paid under this regulation in respect of any work carried out before the grant of the consent which is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that consent.

(3) A claim for compensation made to a local planning authority under paragraph (1) above shall be served on that authority by delivering it at the offices of the authority or by sending it by pre-paid post to those offices.

PART VII

AREAS OF SPECIAL CONTROL

Definition of areas of special control

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

(2) An area of special control shall be defined by an order made by the local planning authority and approved by the Secretary of State in accordance with the provisions of Schedule 4.

(3) An order made under this regulation defining an area of special control

may be revoked or modified by a subsequent order made by the local planning authority and approved by the Secretary of State in accordance with the provisions of Schedule 4.

(4) Where an order is made under this regulation, the local planning authority shall consider, at least once in every five years while the order remains in force, whether it should be revoked or modified.

(5) Where an order defining an area of special control is in force at the date of the coming into operation of these Regulations, the appropriate local planning authority shall consider the question of whether that order should be revoked or modified:—

- (a) within five years from the date on which the order came into force or within five years from the date on which such matters were last considered, whichever period last expires; and
- (b) thereafter, at least once in every five years while the order remains in force.

(6) In paragraph (5) of this regulation, “the appropriate local planning authority” means:—

- (a) where the area of special control defined by the relevant order is within Greater London, the London borough council within whose area it is situated or, in the case of an area of special control within the City of London, the Common Council;
- (b) where the area of special control defined by the relevant order is outside Greater London and no part of it is within a National Park, the district planning authority within whose area it is situated;
- (c) where the area of special control defined by the relevant order is wholly within a National Park, the county planning authority within whose area it is situated;
- (d) where the area of special control defined by the relevant order is partly within a National Park and partly outside it—
 - (i) the county planning authority in whose area the land is situated, insofar as the order relates to land within the National Park; and
 - (ii) the district planning authority in whose area the land is situated, insofar as the order relates to land outside the National Park.

(7) Before making an order under this regulation a local planning authority shall consult—

- (a) where it appears to them that the order will be likely to affect any part of the area of a neighbouring local planning authority, with that authority;
- (b) where the order will relate to any land within the boundary of a National Park, with any district planning authority within whose area any of that land is situated.

(8) A local planning authority shall exercise their functions under this regulation only in the interests of amenity and for this purpose shall have regard to the general characteristics of their area, including the presence therein of any feature of historic, architectural or cultural interest.

Display of advertisements in areas of special control, conservation areas, National Parks and areas of outstanding natural beauty

27.— (1) No display of advertisements may be undertaken in an area of special control except—

- (a) the display of advertisements of the classes and descriptions specified in regulations 9, 12, 14 and 23; or
- (b) the display of advertisements in accordance with the provisions of paragraph (2) below.

(2) Without prejudice to the provisions of these Regulations with respect to advertisements of the descriptions referred to in paragraph (1)(a) above, advertisements of the following descriptions may be displayed in an area of special control with express consent granted in accordance with these Regulations—

- (a) hoardings or similar structures to be used only for the display of notices relating to local events, activities or entertainments;
- (b) any advertisement for the purpose of announcement or direction in relation to buildings or other land in the locality, being an advertisement which, in the opinion of the local planning authority or of the Secretary of State on appeal, is reasonably required having regard to the nature and situation of such buildings or other land;
- (c) any advertisement which, in the opinion of the local planning authority or of the Secretary of State on appeal, is required to be displayed in the interests of public safety;
- (d) any advertisement which could be displayed as an advertisement of a specified class but for some non-compliance with a condition or limitation as respects size, height from the ground, number or illumination imposed by regulation 14 in relation to the display thereunder of advertisements of that class, being an advertisement which, in the opinion of the local planning authority or of the Secretary of State on appeal, may in all the circumstances reasonably be allowed to be displayed notwithstanding that it does not comply with that condition or limitation.

(3) The power conferred on local planning authorities by regulation 19 to grant consent for the display of advertisements shall, in relation to the display of advertisements in an area of special control, be limited to advertisements of the descriptions mentioned in paragraphs (1) and (2) above, including illuminated advertisements of those descriptions.

(4) On the coming into force of an order defining an area of special control or modifying an existing order by the definition of an additional area of special control, advertisements then being displayed in accordance with these Regulations in the area may continue to be displayed as follows:—

- (a) advertisements of the descriptions specified in regulations 9, 12 and 23 may continue to be displayed in accordance with the provisions of those regulations respectively;
- (b) advertisements of the specified classes and advertisements of the description specified in paragraph (2)(d) above may continue to be displayed with or without express consent, subject, after the term of any express consent has expired, to the power of the local planning

authority to require the discontinuance of the display of any such advertisement under regulation 16;

- (c) any other advertisement may continue to be displayed—
- (i) in a case where express consent has been granted, for a period of six months from the date on which the order defining the area comes into force or for the remainder of the term of the express consent, whichever is the longer; or
 - (ii) in a case where no express consent has been granted, for a period of six months from the date on which the order defining the area comes into force and then for a further two months,
- and, in either case, the advertisement shall, at the end of the relevant period, be forthwith removed, unless consent is granted for its continued display in accordance with this regulation.

(5) On the designation of an area as a conservation area, National Park or area of outstanding natural beauty, advertisements of Class VII specified in regulation 14 which are then being displayed in the area may continue to be displayed until the expiration of two years from the date of commencement of the display, or one year from the date of designation of the relevant area (whichever period last expires), subject to the power of the local planning authority to require the discontinuance of the display of any such advertisement under regulation 16.

- (6) Nothing in the foregoing provisions of this regulation shall—
- (a) affect a notice served under regulation 16 before the coming into force of an order defining an area of special control or designating a National Park or area of outstanding natural beauty, or before the designation of an area as a conservation area;
 - (b) override any condition attached to a consent, whereby an advertisement is required to be removed;
 - (c) restrict the powers of a local planning authority, or of the Secretary of State, in regard to any contravention of these Regulations;
 - (d) restrict the power of the local planning authority, or of the Secretary of State, to consent to the display in an area of special control of advertisements of the specified classes in respect of which a direction under regulation 15 is in force.

PART VIII

MISCELLANEOUS

Powers of the Secretary of State

28.— (1) The Secretary of State may, if he thinks fit, give a direction to a local planning authority, or to local planning authorities generally, requiring them to furnish him with such information as he may require for the purpose of exercising any of his functions under these Regulations.

(2) If it appears to the Secretary of State, after consultation with the local planning authority, to be expedient that an order should be made under regulation 26 defining an area of special control or revoking or modifying such

an order, or that a notice should be served under regulation 16, he may himself make such an order or serve such a notice; and any reference in these Regulations to the power of the local planning authority under regulation 16 shall be deemed to include a reference to the power of the Secretary of State.

(3) Where the Secretary of State proposes to make an order under regulation 26 he shall prepare a draft of the order in the form in which he proposes to make it, defining an area of special control, or the modifications to be made to the existing order, by reference to a map and in all other respects the provisions of Schedule 4 shall apply, with such modifications as may be necessary, to the making of the order by the Secretary of State as they apply to the making of such an order by the local planning authority.

Extension of time

29. Subject to the provisions of the Act and of these Regulations—

- (a) the Secretary of State may if he thinks fit, in any particular case, extend the time within which anything is required under these Regulations to be done, or within which any objection, representation or claim for compensation may be made thereunder;
- (b) the local planning authority may, on reasonable cause being shown to them, extend the time within which an application for consent is required to be, or may be, made to them under these Regulations,

and any such extension may be granted either unconditionally or subject to such conditions as the Secretary of State or the local planning authority, as the case may be, think fit to impose:

Provided that nothing in this regulation shall authorise a local planning authority to grant an extension of the time within which the authority is required, under regulation 21, to notify an applicant of the manner in which his application has been dealt with, otherwise than in the manner expressly provided in that regulation.

Recovery of compensation under section 176 of the Act

30.— (1) Where, for the purpose of complying with these Regulations, works are carried out by any person—

- (a) for removing an advertisement which was being displayed on 1st August 1948; or
- (b) for discontinuing the use for the display of advertisements of a site used for that purpose on that date,

and that person desires to recover compensation under section 176 of the Act in respect of any expenses reasonably incurred by him in that behalf, he shall submit a claim in writing to the local planning authority within six months after the completion of those works; and that claim shall contain sufficient information to enable the local planning authority to give proper consideration thereto.

(2) If the local planning authority consider that the information furnished by any claimant under this regulation is insufficient to enable them properly to determine the claim, they may call for such further particulars as they require for that purpose.

Register of applications

31.— (1) Every local planning authority shall keep a register containing the following information in respect of land within their area namely:—

- (a) particulars of any application made to them for consent for the display of advertisements on any such land, including the name and address of the applicant, the date of the application, and brief particulars of the type of advertisement forming the subject of the application;
- (b) particulars of any direction given under these Regulations in respect of the application;
- (c) the decision (if any) of the local planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Secretary of State in respect of the application given on appeal.

(2) Such register shall include an index for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the local planning authority:

Provided that so much of the register as relates to land within a particular part of the area of a local planning authority may be kept at a place within or convenient to that part of their area.

(4) Every entry in such register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

(5) The provisions of section 34(3) of the Act shall apply to every register kept under paragraph (1) above.

Directions and notices

32.— (1) Any power conferred by these Regulations to give a direction shall be construed as including power to cancel or vary that direction by a subsequent direction.

(2) Any notice to be served or given under these Regulations may be served or given in the manner prescribed by section 283 of the Act and by regulation 15 of the Town and Country Planning General Regulations 1976(a).

Other statutory obligations unaffected

33. Without prejudice to section 64 of the Act, nothing in these Regulations, or in a consent granted under these Regulations, shall operate so as to affect any obligation or liability imposed or incurred under any other enactment in relation to anything involved in the display of advertisements.

(a) S.I. 1976/1419.

Regulation 7

SCHEDULE 1

THE STANDARD CONDITIONS

PART I

Conditions attaching to all consents granted or deemed to be granted for the display of advertisements

1. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the local planning authority.

PART II

Conditions attaching to consent deemed to be granted, or to consent granted under regulation 23

4. Advertisements shall not be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Regulation 14

SCHEDULE 2

LIMITATIONS ON THE DISPLAY OF ADVERTISEMENTS ON HOARDINGS UNDER THE PROVISIONS OF REGULATION 14(1) CLASS VII

1. Advertisements shall not be displayed earlier than one month before the date of commencement of building operations.

2. The consent shall not apply to advertisements which are less than 1.5 metres in height and 1.00 metre in length or more than 3.1 metres in height and 6.1 metres in length.

3. The advertiser shall, not less than 14 days before the commencement of the display of an advertisement, notify the local planning authority in writing of the date of the commencement of the display of the advertisement and such notification shall be sent by recorded delivery.

4. No advertisement shall be displayed for more than two years from the date of the commencement of the display of the advertisement.

SCHEDULE 3

Regulation 22

APPEALS TO THE SECRETARY OF STATE

PART I

Provisions of section 36 of the Town and Country Planning Act 1971 (as modified)

“36.— (1) Where an application is made to a local planning authority for consent under the Town and Country Planning (Control of Advertisements) Regulations 1984 to display an advertisement and that consent is refused by that authority or is granted by them subject to conditions, the applicant, if he is aggrieved by their decision, may by notice under this section appeal to the Secretary of State.

(2) Notice of appeal shall be given in writing to the Secretary of State within two calendar months from the date of receipt of notification of the local planning authority's decision, or such longer period as the Secretary of State may at any time allow, and the notice 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 decision; and
- (d) all other relevant correspondence with the authority.

(2A) 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 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 subsection (4) of this section.

(3) Where an appeal is brought under this section from a decision of a local planning authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the local planning authority, whether the appeal relates to that part thereof or not, and may deal with the application as if it had been made to him in the first instance.

(3A) The Secretary of State may, in granting consent for the display of advertisements, specify that the term thereof shall run for such longer or shorter period than the period of five years specified in regulation 20(1) of the Town and Country Planning (Control of Advertisements) Regulations 1984 as he considers expedient having regard to the provisions of regulation 5 of those regulations and any period specified in the application for consent.

(4) Before determining an appeal under this section, other than an appeal referred to a Planning Inquiry Commission under section 48 of this Act, the Secretary of State shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

(7) If, before or during the determination of an appeal under this section in respect of an application under the Town and Country Planning (Control of Advertisements) Regulations 1984, the Secretary of State forms the opinion that, having regard to the provisions of those regulations and to any direction given under them, consent for the display of the advertisement in respect of which the application was made—

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

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

(8) Schedule 9 to this Act applies to appeals under this section, including appeals under this section as applied by or under any other provision of this Act”.

PART II

Provisions of section 37 of the Town and Country Planning Act 1971 (as modified)

“37. Where any such application as is mentioned in section 36(1) of this Act (as applied by paragraph (1) and modified by paragraph (2)(a) of regulation 22 of the Town and Country Planning (Control of Advertisements) Regulations 1984) is made to a local planning authority then unless within the period of two calendar months from the date when the application was received by the local planning authority, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority give notice to the applicant of their decision on the application, the provisions of section 36 of this Act (as so modified) shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority, and as if notification of their decision had been received by the applicant at the end of the period referred to above, or at the end of the said extended period, as the case may be”.

Regulation 26

SCHEDULE 4

PROCEDURE FOR DEFINING AREAS OF SPECIAL CONTROL

PART I

Procedure for defining areas of special control or modifying orders defining areas of special control

1. Where a local planning authority propose to define an area of special control they shall make an order defining the area by reference to a map annexed thereto, and where they propose to modify an existing order defining an area of special control they shall make an order defining the modifications by reference to a map annexed thereto showing the modifications either in

relation to the whole boundary of the existing area of special control or in relation only to such parts thereof as it is proposed to modify. Any order made in accordance with the provisions of this paragraph may contain descriptive matter in relation to the area to be defined or the modifications to be made, and in the case of any discrepancy between that descriptive matter and the map, the descriptive matter shall prevail except insofar as may be otherwise provided by the order.

2. As soon as may be thereafter the authority shall submit the order to the Secretary of State for approval, together with two certified copies of the order and a statement of their reasons for proposing that the area to which the order relates should be defined as an area of special control or their reasons for proposing that an existing order should be modified. In the case of an order modifying an existing order, except where the map annexed to the order shows the modifications in relation to the whole boundary of the existing area of special control, the statement of reasons shall be accompanied by a plan showing both the existing area of special control and the modifications which are to be made thereto. Where it appears expedient to the Secretary of State in any particular case so to do, he may direct the authority to send to him an additional certified copy of the order, map and any descriptive matter.

3. The authority shall forthwith publish in the London Gazette, and in each of two successive weeks in one or more newspapers circulating in the locality in which the area is situated—

- (a) in the case of an order defining an area of special control, a notice in the appropriate form prescribed in Schedule 5, or in a form substantially to the like effect, describing the area, stating that an order defining it as an area of special control for the purposes of these Regulations has been submitted to the Secretary of State for approval, naming a place or places where a copy of the order and of the statement of reasons mentioned in paragraph 2 above may be seen at all reasonable hours without payment of fee and specifying the time, not being less than 28 days from the date of first publication of the local advertisement, within which objections or representations with respect to the order may be sent in writing to the Secretary of State;
- (b) in the case of an order modifying an existing order, a notice in the appropriate form prescribed in Schedule 5, or in a form substantially to the like effect, describing the modifications which it is proposed to make to the existing order, stating that an order making the necessary modifications to the existing order for the purposes of these Regulations has been submitted to the Secretary of State for approval, naming a place or places where a copy of the order and of the statement of reasons and any accompanying plan mentioned in paragraph 2 above may be seen at all reasonable hours without payment of fee and specifying the time, not being less than 28 days from the date of first publication of the local advertisement, within which objections or representations with respect to the order may be sent in writing to the Secretary of State.

4. If any objection is duly made as aforesaid and is not withdrawn the Secretary of State shall, before approving the order, either cause a local inquiry to be held or afford to the person making the objection an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and if any such person avails himself of the opportunity of being heard, the Secretary of State shall afford to the local planning

authority, and to any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of being heard on the same occasion.

5. After considering any representation or objection duly made and not withdrawn and the report of the person by whom any inquiry or hearing was held, the Secretary of State may approve the order with or without modifications:

Provided that if the Secretary of State proposes to approve the order subject to any modification involving the inclusion therein of any area of land not included in the order as submitted and, in the case of an order modifying an existing order, not defined as an area of special control in the existing order, he shall publish prior notice of his intention so to do and shall afford an opportunity for the making of objections and representations with respect to the proposed modification and for such further hearing as may appear to him, in the light of any such objections or representations, to be necessary or expedient.

6. As soon as may be after the order has been approved, the local planning authority shall publish in the London Gazette, and in each of two successive weeks in one or more newspapers circulating in the locality in which the area is situated, a notice in the appropriate form prescribed in Schedule 5, or a form substantially to the like effect, stating that the order has been approved and naming a place or places where a copy or copies thereof may be seen at all reasonable hours without payment of fee; and any such order shall come into force on the date on which notice of the approval thereof is published in the London Gazette.

PART II

Procedure for revoking existing orders defining areas of special control

7. Where a local planning authority propose to make an order revoking an existing order defining an area of special control, a map showing the existing area of special control shall be annexed to the order, and the procedure prescribed in paragraphs 2 to 6 of Part I of this Schedule in relation to an order modifying an existing order shall be followed, subject to the modification that the statement submitted to the Secretary of State, and all notices published in accordance with paragraph 3 of the said Part I, shall set out the local planning authority's reasons for proposing that the existing order be revoked.

SCHEDULE 5

FORMS OF NOTICES

FORM 1

Form of notice of submission for approval of an order defining an area of special control or modifying an existing order

TOWN AND COUNTRY PLANNING ACT 1971

Town and Country Planning (Control of Advertisements) Regulations 1984

Notice is hereby given that the (1) _____ in
exercise of their powers under regulation 26 of the Town and Country Planning

(Control of Advertisements) Regulations 1984 have submitted for the approval of the Secretary of State for the Environment/Secretary of State for Wales (2) an order defining as an area of special control for the purposes of the said Regulations/an order modifying the (3) order by adding thereto/removing therefrom (2) an area of land situated at _____ and described in the Schedule hereto, which land is shown coloured _____ on the map accompanying the order, and that order is about to be considered by the Secretary of State.

A copy of the order and of a statement of reasons submitted therewith have been deposited at _____ and will be available for inspection free of charge between the hours of _____

Any objection to the order must be made in writing, stating the grounds of the objection, and addressed to the Secretary, Department of the Environment/Welsh Office (2) at _____ before (4)

19 .

SCHEDULE

(Here insert description of land comprised in the order)

19 (Signature)

Directions for completing this form

- (1) Insert name of authority.
- (2) Delete words inapplicable.
- (3) Insert details of order defining area of special control.
- (4) Insert a date not less than 28 days from the date of first publication of local advertisement.

FORM 2

Form of notice of the approval of an order defining an area of special control or modifying an existing order

TOWN AND COUNTRY PLANNING ACT 1971

Town and Country Planning (Control of Advertisements) Regulations 1984

Notice is hereby given that the Secretary of State for the Environment/Secretary of State for Wales (1), in exercise of his powers under section 63 of the Town and Country Planning Act 1971 and regulation 26 of the Town and Country Planning (Control of Advertisements) Regulations 1984, has approved [with modifications] (2) an order defining as an area of special control for the purposes of the said Regulations/an order modifying the (3) order by adding thereto/removing therefrom (1) an area of land situated at _____ and described in the Schedule hereto, which land is shown coloured _____ on the map referred to in the order.

The order comes into force on _____ 19 . (4)

A copy of the approved order has been deposited at _____ and will be available for inspection free of charge between the hours of _____

SCHEDULE

(Here insert description of land comprised in the order)

19 . (Signature)

IMPORTANT

Attention is directed to the provisions of regulation 27 of the above-mentioned Regulations which specify the advertisements which may be displayed in areas of special control and which require the removal in certain circumstances of advertisements already being displayed in the area at the time of its designation as an area of special control.

Directions for completing this form

- (1) Delete words inapplicable.
- (2) Delete words in square brackets if inapplicable.
- (3) Insert details of order defining area of special control.
- (4) Insert date of publication in London Gazette.

FORM 3

Form of notice of submission for approval of an order revoking an existing order

TOWN AND COUNTRY PLANNING ACT 1971

Town and Country Planning (Control of Advertisements) Regulations 1984

Notice is hereby given that the (1), in exercise of their powers under regulation 26 of the Town and Country Planning (Control of Advertisements) Regulations 1984, have submitted for the approval of the Secretary of State for the Environment/Secretary of State for Wales (2) an order revoking the (3) order.

A copy of the order and of a statement of reasons submitted therewith have been deposited at and will be available for inspection free of charge between the hours of .

Any objection to the order must be made in writing, stating the grounds of the objection and addressed to the Secretary, Department of the Environment/Welsh Office (2) at before (4)

19 .

19 . (Signature)

Directions for completing this form

- (1) Insert name of authority.
- (2) Delete words inapplicable.
- (3) Insert details of order defining an area of special control.
- (4) Insert a date not less than 28 days from the date of first publication of local advertisement.

FORM 4

Form of notice of the approval of an order revoking an existing order

TOWN AND COUNTRY PLANNING ACT 1971

Town and Country Planning (Control of Advertisements) Regulations 1984

Notice is hereby given that the Secretary of State for the Environment/Secretary of State for Wales (1), in exercise of his powers under section 63 of the Town and Country Planning Act 1971 and regulation 26 of the Town and Country Planning (Control of Advertisements) Regulations 1984, has approved an order revoking the (2) order.

The order comes into force on 19 . (3)

A copy of the approved order has been deposited at
and will be available for inspection free of charge between the
hours of .

19 . (Signature)

Directions for completing this form

- (1) Delete words inapplicable.
- (2) Insert details of the order.
- (3) Insert date of publication in London Gazette.

SCHEDULE 6

<i>Regulations revoked</i>	<i>Regulation 4 References</i>
The Town and Country Planning (Control of Advertisements) Regulations 1969.	S.I. 1969/1532.
The Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1972.	S.I. 1972/489.
The Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1974.	S.I. 1974/185.
The Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1975.	S.I. 1975/898.

23rd March 1984.

Patrick Jenkin,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, made by the Secretary of State for the Environment after consultation with the Secretary of State for Wales, consolidate, with amendments, the Town and Country Planning (Control of Advertisements) Regulations 1969, the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1972, and the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1974. They also revoke the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1975, the purpose of which is spent.

The Regulations, which are made under section 63 of the Town and Country Planning Act 1971, provide for the control by local planning authorities in England and Wales of the display of advertisements. They specify certain classes of advertisements which may be displayed without express consent (subject to certain limitations and conditions and subject to the power of the local planning authority to serve a notice requiring the display to be discontinued); make provision for the making of an application to the local planning authority for express consent for the display of an advertisement, and for the granting of such consent; give power to the local planning authority to revoke or modify an express consent; provide for the definition by the local planning authority of areas of special control; and impose limitations on the display of certain classes of advertisements in areas of special control and in conservation areas, National Parks and areas of outstanding natural beauty.

The following substantive changes have been made—

- (a) in regulation 2(1) the definition of “advertisement” is enlarged to include tethered balloons and similar objects which are used or adapted for use for the display of advertisements; and there is a new paragraph (4) in regulation 2 which provides that references in the Regulations to the land, the building, the site or the premises on which an advertisement is displayed shall be construed in relation to an advertisement displayed on, or consisting of, a tethered balloon as a reference to the land, building, site or premises to which the balloon is attached;
- (b) regulation 3 (which specifies categories of advertisements to which the Regulations shall not apply) contains two new provisions: subparagraph (d) of paragraph (1) exempts from the Regulations advertisements displayed on, or consisting of, a tethered balloon flown at a height of more than 60 metres above ground level, and paragraph (3) exempts the display of one such advertisement (flown at any height) on a site for not more than ten days in any calendar year;
- (c) in regulation 8 (contravention of the Regulations) paragraph (2) of the 1969 Regulations, which made a modification to the provisions now contained in section 109(2) of the Act of 1971, is not reproduced;
- (d) in regulation 14 (which specifies classes of advertisements which may be displayed without the grant of express consent) there is a new class (Class VII) relating to the display of advertisements on hoardings round building sites: advertisements on hoardings may not, however, be displayed without express consent in areas of special control or in conservation areas, National Parks and areas of outstanding natural beauty;

- (e) regulation 15 (power to exclude the application of regulation 14 in relation to the display of particular classes or descriptions of advertisements in particular areas or particular cases) contains a new provision that where representations are made to the Secretary of State by the local planning authority that a direction be made by him under the regulation he shall, before making such a direction, afford an opportunity for objections to be made to such proposal; and that he shall, in determining whether a direction should be made, take into account any objections which are made in accordance with the regulation, and shall give reasons in writing for his decision;
- (f) in regulation 20 (limitation on the duration of express consents) the former requirement that local planning authorities should obtain the approval of the Secretary of State before granting express consent for more than 5 years is not reproduced;
- (g) the provisions of sections 36 and 37 of the Town and Country Planning Act 1971 (appeals against planning decisions) are applied, with modifications, in relation to appeals to the Secretary of State against the refusal of consent to display advertisements, or the grant of such consent subject to conditions; and the provisions of Schedule 9 to the Act of 1971 (determination of certain appeals by persons appointed by the Secretary of State) are thereby also applied in relation to appeals made to the Secretary of State under these Regulations (regulation 22);
- (h) the provisions relating to the definition of areas of special control (regulation 26) have been amended to take account of the fact that, by virtue of the provisions of paragraph 15 of Schedule 15 to the Local Government, Planning and Land Act 1980, county planning authorities no longer have power to define such areas save in respect of land in National Parks;
- (i) the powers of the Secretary of State to issue directions to local planning authorities (regulation 28) have been reduced: he no longer has power to issue directions requiring authorities to refer to him for decision particular applications for consent or any class or description of such applications; nor does he now have power to issue directions requiring authorities to consult, in the exercise of their functions under the Regulations, with particular persons or classes of persons, bodies or authorities; and
- (j) in regulation 31 (register of applications) the former provision requiring that the index to the register of applications for consent be in the form of a map, unless the Secretary of State has approved some other form, is not reproduced.

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