
STATUTORY INSTRUMENTS

1989 No. 670

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

PART I
GENERAL

Citation and Commencement

1. These Regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations 1989 and shall come into force on 22nd May 1989.

Interpretation

2.—(1) In these Regulations—

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

“advertisement” does not include anything employed wholly as a memorial or as a railway signal;

“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(1);

“area of special control” means an area designated by an order under regulation 18;

“balloon” means a tethered balloon or similar object;

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

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

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

“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;

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

“site” means any land or building, other than any advertisement, on which an advertisement is displayed;

“standard conditions” means the conditions specified in Schedule 1 to these Regulations;

“statutory undertaker” includes, in addition to any person mentioned in section 290(1) of the Act, the Civil Aviation Authority, any relevant airport operator within the meaning of section 57 of the Airports Act 1986(2), the British Airports Authority, the British Coal Corporation, any public gas supplier within the meaning of Part I of the Gas Act 1986(3) and any telecommunications code system operator; and statutory undertaking shall be interpreted accordingly;

(1) 1949 c. 97.
(2) 1986 c. 31.
(3) 1986 c. 44.

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the Telecommunications Act 1984⁽⁴⁾ which applies the telecommunications code to him in pursuance of section 10 of that Act;

“vehicle” includes a vessel on any inland waterway.

(2) In these Regulations, “local planning authority” means—

- (a) for land in the area of an urban development corporation, which is the local planning authority for the purposes of sections 63 and 109 of the Act, and except in regulation 18, that corporation;
- (b) for land in a National Park outside the metropolitan counties, the county planning authority for the area; and
- (c) in any other case, the district planning authority for the area.

(3) Any reference in these Regulations to the person displaying an advertisement includes—

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

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

Application

3.—(1) These Regulations apply to the display on any site in England or Wales of any advertisement.

(2) Parts II and III of these Regulations do not apply to an advertisement within any description set out in Schedule 2, which complies with—

- (i) any conditions and limitations there specified; and
- (ii) the standard conditions, except that paragraph 4 of Schedule 1 does not apply in the case of any Class G advertisement.

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

4.—(1) A local planning authority shall exercise their powers under these Regulations only in the interests of amenity and public safety, taking account of any material factors and in particular—

- (a) in the case of amenity, of the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding, if they think fit, any advertisements being displayed there;
- (b) in the case of public safety—
 - (i) the safety of any person who may use any road, railway, waterway (including coastal waters), docks, harbour or airfield;
 - (ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

(4) 1984 c. 12.

(2) 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.

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

(4) A consent for the display of advertisements shall take effect as consent for the use of the site for the purposes of the display, whether by the erection of structures or otherwise, and for the benefit of any person interested in the site.

Requirement for consent

5. Except as provided by regulation 3(2) and regulation 19(1)(9), 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 granted by regulation 6 below (referred to in these Regulations as “deemed consent”).

PART II

DEEMED CONSENT

Deemed consent for the display of advertisements

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

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

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

Directions restricting deemed consent

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

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

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

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

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

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

- (a) shall take into account any objections made in accordance with paragraph (3) above;
- (b) may modify the proposal of the local planning authority if—
 - (i) he has notified, in writing, that authority and any person who has made an objection or representation to him of his intention and the reasons for it and has given them a reasonable opportunity to respond; and
 - (ii) the intended modification does not extend the area of land specified in the proposal.

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

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

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

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

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

Discontinuance of deemed consent

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

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

(2) A discontinuance notice—

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

- (d) shall specify a period within which the display or the use of the site (as the case may be) is to be discontinued; and
 - (e) shall contain a full statement of the reasons for taking discontinuance action.
- (3) Subject to paragraphs (4) and (5) below, a discontinuance notice shall take effect at the end of the period (being at least 8 weeks after the date on which it is served) specified in the notice.
- (4) If an appeal is made to the Secretary of State under regulation 15, the notice shall be of no effect pending the final determination or withdrawal of the appeal.
- (5) The local planning authority, by a notice served on the advertiser, may withdraw a discontinuance notice at any time before it takes effect or may, where no appeal to the Secretary of State is pending, from time to time vary a discontinuance notice by extending the period specified for the taking effect of the notice.
- (6) The local planning authority shall, on serving on the advertiser a notice of withdrawal or variation under paragraph (5) above, send a copy to every other person served with the discontinuance notice.

PART III

EXPRESS CONSENT

Applications for express consent

- 9.—(1) An application for express consent shall be made—
- (a) where it relates to land in a National Park outside a metropolitan county, to the district planning authority; and
 - (b) in any other case, to the local planning authority.
- (2) In a case to which paragraph (1)(a) above applies—
- (a) the district planning authority shall transmit the application to the county planning authority; and
 - (b) the application shall be treated as if made on the day on which it is received by the county planning authority.
- (3) Such an application shall be made on a form—
- (a) provided by the local planning authority; and
 - (b) containing the particulars required by the form, accompanied by such plans as the authority may require and by 2 copies of the form and plans.
- (4) The local planning authority may, if they think fit, accept an application in writing which does not comply with any of the provisions of paragraph (3).

Secretary of State's directions

10. 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 to be contained in an application for express consent.

Receipt of applications

11. On receipt of an application for express consent, the local planning authority—
- (a) shall send an acknowledgement in writing to the applicant;

- (b) may direct the applicant in writing to provide one of their offers with such evidence as may be reasonably called for to verify any particulars or information given to them.

Duty to consult

12.—(1) Before granting an express consent, a local planning authority shall consult—

- (a) any neighbouring local planning authority, any part of whose area appears likely to be affected;
- (b) where they consider that a grant of consent may affect the safety of persons using any trunk road (as defined in section 329 of the Highways Act 1980⁽⁵⁾) in England, the Secretary of State for Transport;
- (c) where they consider that a grant of consent may affect the safety of persons using any railway, waterway (including any coastal waters), dock, harbour or aerodrome (civil or military), the person responsible for the operation thereof, and, in the case of coastal waters, the Corporation of Trinity House.

(2) The local planning authority shall give anyone whom they are required to consult at least 14 days' notice that the relevant application is to be considered and shall take into account any representations made by any such person.

Power to deal with applications

13.—(1) Subject to regulation 19 below, where an application for express consent is made to the local planning authority, they may—

- (a) refuse consent; or
- (b) grant consent, in whole or in part, subject to the standard conditions and to such additional conditions as they think fit, subject to paragraphs (3) to (6) below.

(2) An express consent may be—

- (a) for the display of a particular advertisement or advertisements with or without illumination, as the applicant specifies;
- (b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or
- (c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(3) The conditions imposed under paragraph (1)(b) above may in particular include conditions—

- (a) regulating the display of advertisements to which the consent relates;
- (b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;
- (c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works then required for the reinstatement of the land.

(4) The local planning authority shall not, under paragraph (1)(b) above, impose any conditions in relation to the display of an advertisement within any class specified in Schedule 3, more restrictive than those imposed by that Schedule in relation to that class.

(5) 1980 c. 66.

(5) Subject to paragraph (4) above, an express consent shall be subject to the condition that it expires at the end of—

- (a) a period of 5 years from the date of the consent, or
- (b) such longer or shorter period as the local planning authority may specify in granting the consent.

(6) A local planning authority may specify a period under paragraph (5)(b) above as a period running in the alternative, from the date of commencement of the display or a specified date not later than 6 months after the consent is granted, whichever is the earlier.

(7) An application for the renewal of an express consent may not be made at a date earlier than 6 months before the expiry of that consent.

Notification of decision

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

- (2) The authority shall state in writing their reasons for—
 - (a) any refusal of consent in whole or in part;
 - (b) any decision to attach any condition under regulation 13(1)(b) to a consent, except a condition specified in Schedule 3 in a case to which regulation 13(4) applies; and
 - (c) any condition imposing a shorter period than that specified in regulation 13(5)(a), except where the application specified that shorter period.

Appeals to the Secretary of State

15.—(1) Sections 36 and 37 of the Act shall apply, in relation to applications for express consent under these Regulations, subject to the modifications set out in Part I of Schedule 4.

(2) The provisions of sections 36 and 37, as modified under paragraph (1) above, are set out in Part II of Schedule 4.

(3) Where a discontinuance notice is served under regulation 8, section 36 of the Act shall apply with the modifications specified in Part III of Schedule 4.

Revocation or modification of express consent

16.—(1) If a local planning authority are satisfied that it is expedient, they may by order revoke or modify an express consent, subject to paragraphs (2) to (6) below.

(2) An order under paragraph (1) above shall not take effect without the approval of the Secretary of State, which may be granted with or without modifications.

(3) When an authority submit an order made under this regulation to the Secretary of State for approval, they shall serve notice on the person who applied for the express consent, the owner and the occupier of the land affected and any other person who, in their opinion, will be affected by the order, specifying a period of at least 28 days from the service of the notice, within which an objection may be made, as provided in paragraph (4) below.

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

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

- (a) in a case which involves the carrying out of building or other operations, at any time before those operations have been completed;
 - (b) in any other case, at any time before the display of advertisements is begun.
- (6) In a case to which paragraph (5)(a) above applies, the revocation or modification of consent shall not affect such operations as have already been carried out.

Compensation for revocation or modification

17.—(1) Where—

- (a) an order under regulation 16 takes effect; and
- (b) a claim is made in accordance with paragraph (2) below,

a local planning authority shall pay compensation to any person suffering loss or damage in the circumstances and to the extent specified in paragraph (3) below.

(2) A claim for compensation shall be made in writing and served on the local planning authority, by delivery at the offices of the authority or by post to their offices, within 6 months of the approval of the order to which it relates.

(3) Compensation is payable if, and to the extent that, any person has—

- (a) incurred expenditure in carrying out abortive work, including the preparation of plans or similar material;
- (b) otherwise sustained loss or damage directly attributable to the order, other than loss or damage consisting of any depreciation in value of any interest in land,

but excluding any work done, or loss or damage arising out of anything done or not done before the grant of consent.

PART IV

AREAS OF SPECIAL CONTROL

Area of Special Control Orders

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

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

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

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

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

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

(6) A local planning authority shall not exercise their power under this regulation in the interests of public safety within the meaning of regulation 4(1).

Control in areas of special control

19.—(1) No advertisements may be displayed in an area of special control unless they come within—

- (a) Classes B to J in Schedule 2;
- (b) Classes 1 to 3 and 5 to 14 in Schedule 3; or
- (c) paragraphs (2) to (5) below.

(2) Advertisements of the following descriptions may be displayed in an area of special control with express consent, subject to paragraph (3) below—

- (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, reasonably required having regard to the nature and situation of such buildings or other land;
- (c) any advertisement required in the interests of public safety;
- (d) any advertisement which could be displayed under paragraph (1) above but for some non-compliance with a condition or limitation as respects size, height from the ground, number or illumination imposed by Schedule 3.

(3) Express consent may not be given for the purposes of paragraph (2) above for an illuminated advertisement, other than one illuminated for the purpose of indicating that medical or similar services or supplies are available at the premises on which the advertisement is displayed.

(4) On the coming into force of an area of special control order—

- (a) any advertisement within paragraph (2)(d) above for which express consent has been granted may continue to be displayed after the expiry of that consent, by virtue of Class 14 in Schedule 3, subject to the power of the local planning authority to serve a discontinuance notice under regulation 8;
- (b) any other advertisement for which express consent has been given may continue to be displayed for 6 months from the date on which the order comes into force or for the remainder of the term of the consent, whichever is the longer; and
- (c) any other advertisement displayed in accordance with these Regulations may continue to be displayed for 8 months from the date on which the order comes into force.

(5) Where paragraph (4)(b) or (c) above applies, the relevant advertisement shall be removed forthwith, at the end of the relevant period, unless a further consent is granted for its continued display in accordance with this regulation.

(6) Nothing in the foregoing provisions of this regulation shall—

- (a) affect a notice served under regulation 8 at any time;
- (b) override any condition attached to a consent, whereby the 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 an advertisement of a class in respect of which a direction under regulation 7 is in force.

PART V

MISCELLANEOUS

Compensation under section 176 of the Act

20.—(1) The time limit prescribed for the purpose of making a claim for compensation under section 176 of the Act is a period of 6 months from the completion of works carried out—

- (a) to remove an advertisement displayed on 1st August 1948; or
- (b) to discontinue the use for the display of advertisements of a site used since that date.

(2) Any such claim shall contain such information as the local planning authority consider is required to enable them properly to determine the claim.

Register of applications

21.—(1) Every local planning authority shall keep a register containing particulars of—

- (a) any application made to them for express consent for the display of an advertisement, including the name and address of the applicant, the date of the application and the type of advertisement concerned;
- (b) any direction given under these Regulations relating to the application;
- (c) the date and effect of any decision of the local planning authority on the application;
- (d) the date and effect of any decision of the Secretary of State on an appeal.

(2) The register shall include an index to enable a person to trace any entry therein.

(3) Any part of the register which 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) Subject to paragraph (3) above, the register shall be kept at the office of the local planning authority.

(5) Every entry in the register consisting of particulars of an application shall be made within 14 days of the receipt of that application.

(6) The register shall be open to public inspection at all reasonable hours.

Powers of the Secretary of State

22.—(1) The Secretary of State may give a direction to a local planning authority, or to such authorities generally, requiring them to provide him with information required for the purpose of any of his functions under these Regulations.

(2) Subject to regulation 23 below, if it appears to the Secretary of State, after consultation with the local planning authority, that—

- (a) a discontinuance notice should be served under regulation 8; or
- (b) an area of special control order or a revocation order under regulation 18 should be made,

he may himself serve such a notice or make such an order.

(3) Where the Secretary of State proposes to exercise his power under paragraph (2) above, the provisions of regulations 8, 15 and 18 shall apply, with such modifications as may be necessary, as they apply to the action of a local planning authority.

Secretary of State's discontinuance notice

23.—(1) If the Secretary of State is satisfied that it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public, he may serve a discontinuance notice under regulation 8 above in relation to an advertisement within Class 1B in Schedule 3.

(2) Paragraphs (2), (5) and (6) of regulation 8 shall apply to a discontinuance notice to which paragraph (1) above applies as if references to the local planning authority were references to the Secretary of State.

(3) Regulation 15(3) above shall apply to a discontinuance notice to which paragraph (1) above applies, with such modifications as may be necessary.

Extension of time limits

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

Directions

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

Contravention of Regulations

26. 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 an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, £40 for each day during which the offence continues after conviction.

Statutory Instruments revoked

27. The Town and Country Planning (Control of Advertisements) Regulations 1984(6), the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1987(7) and the Town and Country Planning (Control of Advertisements) (Amendment No. 2) Regulations 1987(8) are hereby revoked.

13th April 1989

Nicholas Ridley
Secretary of State for the Environment

13th April 1989

Peter Walker
Secretary of State for Wales

(6) S.I.1984/421.
(7) S.I. 1987/804.
(8) S.I. 1987/2227.