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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace with amendments the Town and Country Planning (Control of Advertisements) Regulations 1989 and two amending instruments.

The main provisions of the Regulations, which apply to England and Wales, concern the control by local planning authorities of the display of outdoor advertisements.

Subject to the exclusion of memorials and railway signals, the term “advertisement” has the meaning given by section 336(1) of the Town and Country Planning Act 1990, as amended by section 24 of the Planning and Compensation Act 1991 (“the 1991 Act”). The main change is that an awning or blind used wholly or partly for advertising purposes is now included in the definition.

Part II of the Regulations provides for specified classes of advertisements to be displayed with deemed consent, subject to stated conditions and limitations and to the power of the local planning authority to serve discontinuance notices. Part III provides for applications for express consent to be made to the local planning authority, with a right of appeal to the Secretary of State where consent is refused or granted conditionally, or where the local planning authority fail to determine the application as required by the Regulations. Also included in Part III is provision for appeals to the Secretary of State in respect of discontinuance notices, and for the revocation or modification of express consent. The advertisements mentioned in regulation 3(2) are excluded from Parts II and III. Part IV deals with areas of special control, and Parts I and V with general and miscellaneous provisions.

The main changes made by the Regulations are consequential upon provisions in the 1991 Act:

- (a) all applications for express consent are now to be made to the authority to whom it falls to determine them (regulation 9(1));
- (b) the power given to the local planning authority to decline to determine a planning application which is the same, or substantially the same, as one dismissed by the Secretary of State on appeal within the previous two years, is applied to applications for express consent (regulation 13(1)(c) and Part I of Schedule 4); and
- (c) the power given to the Secretary of State to dismiss planning appeals where there is undue delay in their progress is applied to appeals in respect of applications for express consent (regulation 15(1) and Part III of Schedule 4); and to appeals in respect of discontinuance notices (regulation 15(3) and Part V of that Schedule).

There are also minor and drafting amendments.