
STATUTORY INSTRUMENTS

2007 No. 783

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

PART 1
GENERAL

Citation, commencement and application

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

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

(3) Parts 2 and 3 of these Regulations do not apply to the display of an advertisement of a description set out in column (1) of Schedule 1 to these Regulations so long as—

- (a) the display complies with the conditions and limitations specified in column (2) of that Schedule as applicable to advertisements of that description; and
- (b) except in the case of an advertisement within Class F, all the conditions specified in Schedule 2 are complied with;
- (c) in the case of an advertisement within Class F, the requirements of paragraphs 1 to 3 and 5 of the standard conditions are complied with.

Interpretation

2.—(1) In these Regulations—

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

“advertisement” does not include—

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

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

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

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

“amenity” includes aural and visual amenity;

“Area of Outstanding Natural Beauty” means an area designated as such by an order made under section 82 of the Countryside and Rights of Way Act 2000⁽¹⁾;

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

“balloon” means a tethered balloon or similar object;

“deemed consent” means consent granted by regulation 6;

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

“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000(2), the processing of which on receipt is intended to produce writing;

“electronic communications code operator” means—

- (a) a provider of an electronic communications network in whose case the electronic communications code applies by virtue of a direction given by OFCOM under section 106 of the Communications Act 2003(3); and
- (b) a person who, by virtue of paragraph 17(1) and (2) of Schedule 18 to that Act, is treated after the commencement of that section as a person in whose case that code applies by virtue of a direction given by OFCOM;

“electronically” means by electronic communication;

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

“highway authority” has the meaning given by sections 1 to 3 of the Highways Act 1980(4);

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

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

“local planning authority”—

- (a) as regards land in a National Park, other than land within a metropolitan county, means the county planning authority for the area where the land is situated;
- (b) as regards land in the area of an urban development corporation, means (except in regulation 20) that corporation where it is the local planning authority for the purposes of sections 220 and 224 of the Act; and
- (c) as regards any other land, means the relevant district planning authority, metropolitan district or London borough council or urban development corporation;

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

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

“standard conditions” means the conditions specified in Schedule 2;

“statutory undertaker” includes, in addition to any person referred to in section 262(1) of the Act—

- (a) any person deemed to be a statutory undertaker under subsection (3) or (6) of that section(6),
- (b) the British Airports Authority,

(2) 2000 c. 7.

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

(4) 1980 c. 66.

(5) 1949 c. 37.

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

- (c) the Coal Authority or any licensed operator within the meaning of section 65(1) of the Coal Industry Act 1994(7),
- (d) any electronic communications code operator, and
- (e) any person who is a licence holder, or who has the benefit of a licence exemption, within the meaning of Part 1 of the Railways Act 1993(8),

and “statutory undertaking” shall be construed accordingly;

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984(9);

“vehicle” includes a vessel on any inland waterway or in coastal waters; and

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(10).

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

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

3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
- (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

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

(7) 1994 c. 38.

(8) 1993 c. 43.

(9) 1984 c. 27.

(10) 1971 c. 80.

Requirement for consent

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

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

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

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

General effect of consent

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

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

PART 2

DEEMED CONSENT

Deemed consent for the display of advertisements

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

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

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

Directions restricting deemed consent

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

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

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

a proposal has been made, specifying the land and the class or description of advertisement concerned.

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

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

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

- (a) shall take into account any representation made in accordance with paragraph (3) (a “paragraph (3) representation”);
- (b) where any paragraph (3) representation consists of an objection, may give to the local planning authority and to any other person who has made a paragraph (3) representation, an opportunity of appearing before and being heard by a person appointed by her for the purpose; and
- (c) may modify the proposal of the local planning authority if—
 - (i) she has given to that authority and every person who has made a paragraph (3) representation, notice in writing of her intention and the reasons for it and has given them a reasonable opportunity to respond; and
 - (ii) the intended modification does not extend the area of land specified in the proposal.

(6) Where the Secretary of State makes a direction, she shall send it to the local planning authority, with a statement of her reasons for making it, and shall send a copy of that statement to every person who has made a paragraph (3) representation.

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

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

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

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

Discontinuance of deemed consent

8.—(1) Subject to paragraph (2), the local planning authority may, if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public, serve a notice requiring the discontinuance of—

- (a) the display of a particular advertisement for which there is deemed consent; or

- (b) the use of a particular site for the display of advertisements for which there is deemed consent.
- (2) Paragraph (1) does not apply in relation to an advertisement that is within both Class 12 in Schedule 3 and Class E or Class F in Schedule 1.
- (3) A discontinuance notice—
 - (a) shall be served on the advertiser;
 - (b) shall specify the advertisement or, as the case may be, the site to which the notice relates;
 - (c) shall specify a period within which the display or the use of the site, as the case may be, is to be discontinued;
 - (d) shall contain a statement of the reasons why the local planning authority—
 - (i) considers that a substantial injury to the amenity of the locality or a danger to members of the public, as the case may be, has been caused; and
 - (ii) considers it necessary to serve the notice; and
 - (e) shall include the names and addresses of all persons on whom the notice has been served.
- (4) Subject to paragraphs (5) and (6), a discontinuance notice shall take effect at the end of the period (being at least 8 weeks after the date on which it is served) specified in the notice.
- (5) If an appeal is made to the Secretary of State under section 78 of the Act (as applied by regulation 17(3)), the notice shall be of no effect until the appeal is finally determined or withdrawn.
- (6) The local planning authority may, by notice served on every person on whom the discontinuance notice was served under paragraph (3)—
 - (a) withdraw the discontinuance notice at any time before it takes effect; or
 - (b) unless an appeal is made to the Secretary of State, from time to time vary the discontinuance notice by extending the period at the end of which the notice is to take effect.
- (7) For the purposes of paragraph (5), an appeal is finally determined—
 - (a) if the period for bringing any further appeal has ended without an appeal having been made, or
 - (b) if it is withdrawn or otherwise ceases to have effect.
- (8) In considering whether to serve a discontinuance notice, the local planning authority shall have regard to any material change in circumstances that has occurred.

PART 3

EXPRESS CONSENT

Applications for express consent

- 9.—(1) An application for express consent shall be made to the local planning authority.
- (2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.
- (3) The applicant shall—
 - (a) include the particulars specified in the form; and
 - (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,
 - (ii) shows the direction of North,

- (iii) identifies the location of the site by reference to at least two named roads, and
- (iv) identifies the proposed position of the advertisement.

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

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

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

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

- (8) Where an application is made electronically, the applicant shall be taken to have agreed—
- (a) to the use by the authority of electronic communication for the purposes of his application;
 - (b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and
 - (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—
 - (i) withdrawing any address notified to the authority for that purpose, or
 - (ii) revoking that deemed agreement,and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

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

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

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

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

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

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

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

- (a) references to the local planning authority (in whatever terms) were references to the Secretary of State;
- (b) regulation 13(1)(c) were omitted; and

- (c) in regulation 16(1), for “applicant” there were substituted “interested planning authority”.

Secretary of State’s directions

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

Receipt of applications

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

Duty to consult

- 13.—(1)** Before granting an express consent, the local planning authority shall consult—
- (a) any neighbouring local planning authority, any part of whose area appears likely to be affected;
 - (b) where the application relates to land in a National Park, other than land within a metropolitan county, the district planning authority for the area in which the land is situated;
 - (c) where the authority considers that a grant of consent may affect the safety of persons using any trunk road (as defined in section 329 of the Highways Act 1980⁽¹¹⁾), the Secretary of State for Transport;
 - (d) where the authority considers that a grant of consent may affect the safety of persons using any railway, waterway, dock, harbour or aerodrome (civil or military), the person responsible for its operation and, in the case of coastal waters, the Corporation of Trinity House; and
 - (e) where the application—
 - (i) relates to an advertisement with moving features, moving parts or flashing lights, and
 - (ii) is visible from a highway,the highway authority.

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

Power to deal with applications

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

(11) 1980 c. 65.

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

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

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

(4) Express consent may be granted—

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

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

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

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

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

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

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

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

Applications by interested planning authorities

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

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

- (a) at the end of such period as the authority may specify in granting the consent;

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

whichever is the earlier.

Notification of decision

16.—(1) The grant or refusal by a local planning authority of an application for express consent shall be notified in writing to the applicant within a period of 8 weeks from the date of the receipt of the application or such longer period as the applicant may, before the expiry of that period, agree in writing⁽¹²⁾.

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

Appeals to the Secretary of State

17.—(1) Sections 78 and 79 of the Act⁽¹³⁾ shall apply in relation to applications for express consent under these Regulations subject to the modifications specified in Part 3 of Schedule 4.

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

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

Revocation or modification of express consent

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

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

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

- (4) The power to make an order under this regulation may be exercised—
 - (a) in a case which involves the carrying out of building or other operations, at any time before those operations have been completed;
 - (b) in any other case, at any time before the display of advertisements is begun.

(5) When an authority submits an order under paragraph (1) to the Secretary of State for approval, it shall serve notice on the person who applied for the express consent, the owner and any occupier of the land affected and any other person who, in the authority's opinion, will be affected by the

⁽¹²⁾ See also regulation 22 as to electronic communications.

⁽¹³⁾ In section 79, subsection (6A) was inserted by section 18 of the Planning and Compensation Act 1991(c. 34).

order, specifying a period of at least 28 days from the date of service of the notice within which objection may be made.

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

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

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

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

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

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

Compensation for revocation or modification

19.—(1) Where—

- (a) an order under regulation 18 takes effect; and
- (b) within 6 months of its approval a claim in writing⁽¹⁴⁾ is served on the local planning authority, either by delivery at or by post to the authority's offices,

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

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

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

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

PART 4

AREAS OF SPECIAL CONTROL

Area of special control orders

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

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

⁽¹⁴⁾ See also regulation 22 as to electronic communications.

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

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

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

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

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

Control in areas of special control

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

- (a) any Class in Schedule 1;
 - (b) any of Classes 1 to 3, 5 to 7 and 9 to 14 in Schedule 3;
 - (c) paragraph (2).
- (2) An advertisement falls within this paragraph if it is displayed with express consent and—
- (a) it is a hoarding or similar structure to be used only for the display of notices relating to local events, activities or entertainments;
 - (b) it is—
 - (i) for the purpose of announcement or direction in relation to buildings or other land in the locality; and
 - (ii) reasonably required having regard to the nature and situation of such buildings or other land;
 - (c) it is required in the interests of public safety;
 - (d) it could be displayed by virtue of paragraph (1)(b) but for—
 - (i) a condition or limitation imposed by regulation 6(1)(b) as respects size, height from the ground, number or illumination; or
 - (ii) a direction under regulation 7; or
 - (e) it falls within Class 4A, 4B or 8 in Schedule 3.

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

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

Table

<i>(1) Description</i>	<i>(2) Period</i>
An advertisement within Class 4 in Schedule 3 (illuminated advertisements on business	5 years from the date on which the area of special control order comes into force.

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

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

PART 5

MISCELLANEOUS

Documents in electronic form

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

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

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

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

- (a) by transmitting it electronically, or

- (b) by making it available on a web-site,
but only if it is transmitted or made available in accordance with paragraph (4) or (6).
- (4) A document is transmitted electronically in accordance with this paragraph if—
- (a) the recipient has agreed that documents may be delivered to him by being transmitted to an electronic address and in an electronic form specified by him for that purpose; and
 - (b) the document is a document to which that agreement applies and is transmitted to that address in that form.
- (5) A document which is transmitted in accordance with paragraph (4) by means of an electronic communications network shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.
- (6) A document is made available on a web-site in accordance with this paragraph if—
- (a) the recipient has agreed that documents may be delivered to him by being made available on a web-site;
 - (b) the document is a document to which that agreement applies and is made available on a web-site;
 - (c) the recipient is notified, in a manner agreed by him, of—
 - (i) the presence of the document on the web-site;
 - (ii) the address of the web-site; and
 - (iii) the place on the web-site where the document may be accessed.
- (7) A document made available on a web-site in accordance with paragraph (6) shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which the recipient is notified in accordance with paragraph (6)(c).
- (8) In this regulation—
- “electronic address” includes any number or address used for the purposes of receiving electronic communications; and
- “electronic communications network” has the meaning given by section 32(1) of the Communications Act 2003(15).

Repayment of expense of removing prohibited advertisements

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

Register of applications

- 24.**—(1) Every local planning authority shall keep a register containing particulars of—
- (a) any application made to the authority for express consent for the display of an advertisement, including the name and address of the applicant, the date of the application and the type of advertisement concerned;
 - (b) any direction given under these Regulations relating to the application;
 - (c) the date and effect of any decision of the local planning authority on the application;
 - (d) the date and effect of any decision of the Secretary of State on an appeal.
- (2) The register shall include an index to enable a person to trace any entry in the register.

(15) 2003 c. 21.

(3) Subject to paragraph (4), the register shall be kept at the principal office of the local planning authority.

(4) Any part of the register which relates to land within a particular part of the area of the local planning authority may be kept at a place within or convenient to that part of the authority's area.

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

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

Directions requiring information

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

Exercise of powers by the Secretary of State

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

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

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

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

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

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

Discontinuance notice in respect of authority's advertisement

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

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

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

Extension of time limits

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

Cancellation or variation of directions

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

Contravention of Regulations

30.—(1) Subject to paragraph (2), a person displaying an advertisement in contravention of these Regulations shall be liable, on summary conviction of an offence under section 224(3) of the Act, to a fine of an amount not exceeding level 4 on the standard scale⁽¹⁶⁾ and, in the case of a continuing offence, one tenth of level 4 on the standard scale for each day during which the offence continues after conviction.

(2) Paragraph (1) does not apply to the Crown⁽¹⁷⁾.

Transitional provisions

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

Table

<i>(1) Description</i>	<i>(2) Period</i>
An advertisement within any of the following classes in Schedule 3, for which express consent has not been granted: <ul style="list-style-type: none"> (a) Class 5 (advertisements on business premises), (b) Class 6 (an advertisement on a forecourt of business premises), (c) Class 15 (advertisements on balloons). 	5 years from the date on which these Regulations come into force.
An advertisement within Class 8 (advertisements on hoardings), for which express consent has not been granted.	3 years from the date on which these Regulations come into force.
An advertisement within Class 16 in Schedule 3 (advertisements on telephone kiosks), for which express consent has not been granted.	2 years from the date on which these Regulations come into force.

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

32.—(1) Subject to paragraphs (2) and (3), the Town and Country Planning (Control of Advertisements) Regulations 1992⁽¹⁸⁾ (“the principal Regulations”) shall cease to have effect in relation to England.

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

⁽¹⁶⁾ See section 53 of the Anti-social Behaviour Act 2003 (c. 38).

⁽¹⁷⁾ As to application to the Crown, see Part 7 of the Planning and Compulsory Purchase Act 2004 (c. 5).

⁽¹⁸⁾ S.I. 1992/666, amended by S.I. 1994/2351 and 1999/1810.

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

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

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

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

Yvette Cooper
Minister of State
Department for Communities and Local
Government

8th March 2007