
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.