
STATUTORY INSTRUMENTS

2007 No. 783

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

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.

(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 premises) for which express consent has not been granted.	5 years from the date on which the area of special control order comes into force.
An advertisement within Class 8 in Schedule 3 (advertisements on hoardings) for which express consent has not been granted.	Whichever is the longer of— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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).