
STATUTORY INSTRUMENTS

2007 No. 783

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

PART 1
GENERAL

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

(1) 2000 c. 37.

(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.

(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,

(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

(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.

(7) 1994 c. 38.

(8) 1993 c. 43.

(9) 1984 c. 27.

“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.

⁽¹⁰⁾ 1971 c. 80.