

SCHEDULE 1

Regulation 1(3)

CLASSES OF ADVERTISEMENT TO WHICH PARTS 2 AND 3 DO NOT APPLY

<i>(1)</i> <i>Description of advertisement</i>	<i>(2)</i> <i>Conditions, limitations and interpretation</i>
<b>CLASS A</b>	
An advertisement displayed on enclosed land.	<ol style="list-style-type: none"><li>1. The advertisement is not readily visible from outside the enclosed land or from any place to which the public have a right of access.</li><li>2. For the purposes of Class A, “enclosed land” includes—<ol style="list-style-type: none"><li>(a) any railway station (and its yards) or bus station, together with its forecourt, whether enclosed or not; but does not include any public park, public garden or other land held for the use or enjoyment of the public, or (except as specified above) any enclosed railway land normally used for the carriage of passengers or goods by rail;</li><li>(b) any sports stadium; and</li><li>(c) any shopping mall or covered shopping arcade other than an historic shopping arcade.</li></ol></li><li>3. In paragraph 2(c) “historic shopping arcade” means a group of buildings—<ol style="list-style-type: none"><li>(a) of which more than 50%—<ol style="list-style-type: none"><li>(i) are listed buildings within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990 (whether listed individually or for their group value); or</li><li>(ii) are located within a conservation area within the meaning of that Act; and</li></ol></li><li>(b) in more than 50% of which at least 75% of the ground floor is used for retail purposes.</li></ol></li></ol>
<b>CLASS B</b>	
An advertisement displayed on or in a vehicle normally employed as a moving vehicle.	The vehicle is not used principally for the display of advertisements.
<b>CLASS C</b>	
An advertisement incorporated in the fabric of a building.	<ol style="list-style-type: none"><li>1. The building or any external face of it is not used principally for the display of advertisements.</li></ol>

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(1) <i>Description of advertisement</i>	(2) <i>Conditions, limitations and interpretation</i>
	<p>2. For the purposes of Class C—</p> <p>(a) an advertisement fixed to, or painted on, a building is not to be regarded as incorporated in its fabric;</p> <p>(b) a hoarding or similar structure is to be regarded as a building used principally for the display of advertisements.</p>
<p><b>CLASS D</b></p> <p>An advertisement displayed on an article for sale or on the container in, or from which, an article is sold.</p>	<p>1. The advertisement refers only to the article for sale.</p> <p>2. The advertisement may not be illuminated.</p> <p>3. It may not exceed 0.1 square metre in area.</p> <p>4. For the purpose of Class D, “article” includes a gas or liquid.</p>
<p><b>CLASS E</b></p> <p>An advertisement relating specifically to a pending Parliamentary, European Parliamentary or local government election or a referendum under the Political Parties, Elections and Referendums Act 2000(1).</p>	<p>The advertisement shall be removed within 14 days after the close of the poll in the election or referendum to which it relates.</p>
<p><b>CLASS F</b></p> <p>An advertisement required to be displayed by Standing Orders of either House of Parliament or by any enactment or any condition imposed by any enactment on the exercise of any function.</p>	<p>1. If the advertisement would, if it were not within this Class, fall within any Class in Schedule 3, any conditions imposed on that Class as to size, height or number of advertisements displayed, shall apply to it.</p> <p>2. In a case to which paragraph 1 does not apply, the size, height, and number of advertisements displayed shall not exceed what is necessary to achieve the purpose for which the advertisement is required.</p> <p>3. The advertisement may not be displayed after—</p> <p>(a) the expiry of the period during which it is required or authorised to be displayed, or</p> <p>(b) if there is no such period, 14 days after its purpose has been satisfied.</p>
<p><b>CLASS G</b></p> <p>A traffic sign(2).</p>	

(1) 2000 c. 41.

(2) See the definition in regulation 2(1).

<i>(1)</i> <i>Description of advertisement</i>	<i>(2)</i> <i>Conditions, limitations and interpretation</i>
<b>CLASS H</b>	
(a) (a) Any country's national flag; (b) The flag of the Commonwealth, the European Union or the United Nations; (c) The flag of any English county; (d) The flag of any saint.	<b>1.</b> Neither the flag nor the flagstaff may display any advertisement or subject matter additional to the design of the flag. <b>2.</b> An advertisement within paragraph (d) of this Class may be displayed only in the county with which the saint is associated.
<b>CLASS I</b>	
An advertisement displayed inside a building.	<b>1.</b> The advertisement may not be illuminated. <b>2.</b> No part of the advertisement may be within 1 metre of any external door, window or other opening, through which it is visible from outside the building.

SCHEDULE 2

Regulation 2(1)

THE STANDARD CONDITIONS

- 1.** No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2.** No advertisement shall be sited or displayed so as to—
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3.** Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4.** Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5.** Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

SCHEDULE 3

Regulation 6

CLASSES OF ADVERTISEMENT FOR WHICH DEEMED CONSENT IS GRANTED

PART 1

SPECIFIED CLASSES AND CONDITIONS

<b>Class 1</b>	<b>Functional advertisements of government departments and their agencies, local authorities, public transport undertakers, statutory undertakers and Transport for London</b>
Description	<p><b>1A.</b> An advertisement displayed wholly for the purpose of announcement or direction in relation to any of the functions of a government department, an agency of a government department, a local authority or Transport for London, or to the operation of a statutory undertaking or a public transport undertaking, which—</p> <ul style="list-style-type: none"> <li>(a) is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking, and</li> <li>(b) cannot be displayed by virtue of any other specified class.</li> </ul>
Conditions and Limitations	<p><b>1A.</b> —</p> <ul style="list-style-type: none"> <li>(1) Illumination is not permitted unless reasonably required for the purpose of the advertisement.</li> <li>(2) No advertisement may exceed 1.55 square metres in area.</li> </ul>
Description	<p><b>1B.</b> An advertisement displayed by a local planning authority on land in its area.</p>
Conditions and Limitations	<p><b>1B.</b> In an area of special control, the advertisement may be displayed only if the authority could have granted express consent for its display.</p>
<b>Class 2</b>	<b>Miscellaneous advertisements relating to the premises on which they are displayed</b>
Description	<p><b>2A.</b> An advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed.</p>
Conditions and Limitations	<p><b>2A.</b> —</p>

	<p>(1) No advertisement may exceed 0.3 square metre in area.</p> <p>(2) Illumination is not permitted.</p> <p>(3) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
Description	<p><b>2B.</b> An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed.</p>
Conditions and Limitations	<p><b>2B.</b> —</p> <p>(1) No advertisement may exceed 0.3 square metre in area.</p> <p>(2) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(3) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p> <p>(4) Not more than one advertisement is permitted for each person, partnership or company or, in the case of premises with entrances on different road frontages, one advertisement at each of two such entrances.</p> <p>(5) Illumination is not permitted unless—</p> <p>(a) the advertisement states that the services of a practitioner in human health or a veterinary surgeon are available at the premises on which the advertisement is displayed, or that medical or veterinary supplies are available there;</p> <p>(b) the illumination—</p> <p>(i) is by static means,</p> <p>(ii) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroflective material, and</p> <p>(iii) is in a manner reasonably required to fulfil the purpose of the advertisement; and</p>

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Description	<p>(c) the levels of luminance do not exceed the levels set out in paragraph 2 of Part 2.</p> <p><b>2C.</b> An advertisement relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, block of flats, club, boarding house, hostel or Bed and Breakfast establishment, at the premises where it is displayed.</p>
Conditions and Limitations	<p><b>2C. —</b></p> <p>(1) Not more than one advertisement is permitted in respect of each premises or, in the case of premises with entrances on different road frontages, one advertisement at each of two such entrances.</p> <p>(2) No advertisement may exceed 1.2 square metres in area.</p> <p>(3) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p> <p>(5) Illumination is not permitted unless—</p> <ul style="list-style-type: none"><li>(a) the advertisement states that the services of a practitioner in human health or a veterinary surgeon are available at the premises on which the advertisement is displayed, or that medical or veterinary supplies are available there;</li><li>(b) the illumination—<ul style="list-style-type: none"><li>(i) is by static means,</li><li>(ii) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and</li><li>(iii) is in a manner reasonably required to fulfil the purpose of the advertisement; and</li></ul></li><li>(c) the levels of luminance do not exceed the levels set out in paragraph 2 of Part 2.</li></ul>

**Class 3**

**Miscellaneous temporary advertisements**

Description

**3A.** An advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use, of the land or premises on which it is displayed.

Conditions and Limitations

**3A.** —

(1) Not more than one advertisement, consisting of a single board or two joined boards, is permitted; and where more than one advertisement is displayed, the first to be displayed shall be taken to be the one permitted.

(2) No advertisement may be displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.

(3) The advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.

(4) No advertisement may exceed in area—

- (a) where the advertisement relates to residential use or development, 0.5 square metre or, in the case of two joined boards, 0.6 square metre in aggregate;
- (b) where the advertisement relates to any other use or development, 2 square metres or, in the case of two joined boards, 2.3 square metres in aggregate.

(5) Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.

(6) Illumination is not permitted.

(7) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.

(8) No part of the advertisement may be higher above ground level than 4.6 metres, or 3.6 metres in an area of special control or, in the case of a sale or letting of part only of a building, the lowest level of that part of the building on which display is reasonably practicable.

Description

**3B.** An advertisement announcing the sale of goods or livestock, and displayed on the land where the goods or livestock are situated or where the sale is held, not being land which is

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Conditions and Limitations	<p>normally used, whether at regular intervals or otherwise, for the purpose of holding such sales.</p> <p><b>3B. —</b></p> <p>(1) Not more than one advertisement may be displayed at any one time on the land concerned; and where more than one advertisement is displayed, the first to be displayed shall be taken to be the one permitted.</p> <p>(2) No advertisement may be displayed earlier than 28 days before the day on which the sale is due to begin.</p> <p>(3) The advertisement shall be removed within 14 days after the sale is completed or, if the sale is cancelled or postponed, within 14 days of the day on which it was due to begin.</p> <p>(4) No advertisement may exceed 1.2 square metres in area.</p> <p>(5) Illumination is not permitted.</p> <p>(6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(7) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
Description	<p><b>3C.</b> An advertisement relating to the carrying out of building or similar work on the land on which it is displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purposes of carrying out such work.</p>
Conditions and Limitations	<p><b>3C. —</b></p> <p>(1) Except in the case mentioned in paragraph (4), not more than one advertisement shall be displayed at any one time on each road frontage of the land, in respect of each separate development project; and where (otherwise than as authorised by paragraph (4)) more than one advertisement is displayed, the first to be displayed on any frontage shall be taken to be the one permitted.</p> <p>(2) No advertisement may be displayed except while the relevant works are being carried out.</p> <p>(3) No advertisement may exceed in aggregate—</p> <p>(a) in the case of an advertisement referring to one person—</p>



- (i) if the display is more than 10 metres from a highway, 3 square metres in area; or
  - (ii) in any other case, 2 square metres;
- (b) in the case of an advertisement referring to more than one person—
- (i) if the display is more than 10 metres from a highway, 3 square metres plus 0.6 square metre for each person in excess of one; or
  - (ii) in any other case, 2 square metres plus 0.4 square metre for each person in excess of one, together with 0.2 of the area permitted under sub-paragraph (a) or (b) for the name, if any, of the development project.

(4) Where the advertisement does not refer to any person carrying out such work, that person may display a separate advertisement with a maximum area of 0.5 square metre, which does so refer, on each frontage of the land for a maximum period of 3 months.

(5) Illumination is not permitted.

(6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.

(7) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.

Description

**3D.** An advertisement—

- (a) announcing any local event of a religious, educational, cultural, political, social or recreational character, or
- (b) relating to any temporary matter in connection with an event or local activity of such a character,

not being an event or activity promoted or carried on for commercial purposes.

Conditions and Limitations

**3D.** —

- (1) No advertisement may exceed 0.6 square metre in area.

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Description	<p>(2) No advertisement may be displayed earlier than 28 days before the first day on which the event or activity is due to take place.</p> <p>(3) The advertisement shall be removed within 14 days after the end of the event or activity.</p> <p>(4) Illumination is not permitted.</p> <p>(5) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(6) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p> <p><b>3E.</b> An advertisement relating to any demonstration of agricultural methods or processes, on the land on which it is displayed.</p>
Conditions and Limitations	<p><b>3E.</b> —</p> <p>(1) Advertisements of this Class may not be displayed on any land for more than 6 months in any period of 12 months.</p> <p>(2) The maximum area of display permitted in respect of each demonstration is 1.2 square metres.</p> <p>(3) No single advertisement may exceed 0.4 square metre in area.</p> <p>(4) No advertisement may be displayed earlier than 28 days before the day (or first day) on which the demonstration is due to take place and shall be removed within 14 days after the end of the demonstration.</p> <p>(5) Illumination is not permitted.</p> <p>(6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.</p> <p>(7) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
Description	<p><b>3F.</b> An advertisement relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place in the locality.</p>
Conditions and Limitations	<p><b>3F.</b> —</p> <p>(1) No advertisement may exceed 0.6 square metre in area.</p> <p>(2) No advertisement may be displayed earlier than 14 days before the first performance</p>

	<p>or opening of the entertainment at the place specified.</p> <p>(3) The advertisement shall be removed within 7 days after the last performance or closing of the specified entertainment.</p> <p>(4) At least 14 days before the advertisement is first displayed, the local planning authority is to be notified in writing of the first date on which, and of the site at which, it is to be displayed.</p> <p>(5) Illumination is not permitted.</p> <p>(6) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.</p>
<b>Class 4</b>	<b>Illuminated advertisements on business premises</b>
Description	<p><b>4A.</b> An illuminated advertisement displayed on the frontage of premises within a retail park, which overlook or face on to a communal car park wholly bounded by the retail park, where the advertisement refers wholly to any or all of the following: the business carried on, the goods sold or services provided, or the name or qualifications of the person carrying on the business, or supplying the goods or services, on those premises.</p>
Conditions and Limitations	<p><b>4A.</b> —</p> <p>(1) Subject to paragraph (2), no advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park or the Broads.</p> <p>(2) Paragraph (1) does not preclude the continued display of an advertisement that is displayed at the date of designation of the relevant area until the expiry of 5 years from that date.</p> <p>(3) Not more than one advertisement of the prescribed description parallel to a wall and one projecting at right angles from a wall is permitted, and in the case of any projecting advertisement—</p> <ul style="list-style-type: none"><li>(a) no surface may be greater than 1 square metre in area;</li><li>(b) the advertisement may not project more than 1 metre from the wall; and</li><li>(c) the advertisement may not be more than 1.5 metres high.</li></ul> <p>(4) The lowest part of the advertisement must be at least 2.5 metres above ground level.</p>

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(5) No character or symbol on the advertisement may be more than 0.75 metre in height.

(6) No part of the advertisement may be higher above ground level than 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.

(7) Illumination is permitted only where—

- (a) it is by static means,
- (b) it includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroflective material, and
- (c) it is in a manner reasonably required to fulfil the purpose of the advertisement.

(8) may be—

- (a) by halo illumination<sup>(3)</sup>, or
- (b) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.

(9) Where the method of illumination is that described in paragraph (8)(b), the luminance of the advertisement may not exceed the levels specified in paragraph 2 of Part 2.

(10) In the case of an advertisement consisting of a built-up box containing the light source, the distance between—

- (a) the face of the advertisement and any wall parallel to which it is displayed, at the point where it is affixed, or
- (b) the two faces of an advertisement projecting from a wall,

may not exceed 0.25 metre.

Description

**4B.** An illuminated advertisement, other than one falling within Class 4A, displayed on business premises wholly with reference to any or all of the following: the business carried on, the goods sold or services provided, or the name or qualifications of the person carrying on the business, or supplying the goods or services, on those premises.

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(3) See paragraph 3 of Part 2 of this Schedule.

## Conditions and Limitations

### **4B.** —

(1) Subject to paragraph (2), no advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park or the Broads.

(2) Paragraph (1) does not preclude the continued display of an advertisement that is displayed at the date of designation of the relevant area until the expiry of 5 years from that date.

(3) In the case of a shop, no advertisement may be displayed except on a wall containing a shop window.

(4) Not more than one advertisement parallel to a wall and one projecting at right angles from a wall is permitted, and in the case of any projecting advertisement—

- (a) no surface may be greater than 0.75 square metre in area;
- (b) the advertisement may not project more than 1 metre from the wall or two thirds of the width of any footway or pavement below, whichever is the less;
- (c) the advertisement may not be more than 1 metre high; and
- (d) it may not project over any carriageway.

(5) The lowest part of the advertisement shall be at least 2.5 metres above ground level.

(6) No surface of the advertisement may exceed one-sixth of the frontage on which it is displayed, measured up to a height of 4.6 metres from ground level or one-fifth of the frontage measured to the top of the advertisement, whichever is less.

(7) No character or symbol on the advertisement may be more than 0.75 metre in height.

(8) No part of the advertisement may be higher above ground level than 4.6 metres or the bottom level of any first floor window in the wall on which the advertisement is displayed, whichever is the lower.

(9) Illumination is permitted only where—

- (a) it is by static means,
- (b) it includes no intermittent light source, flashing lights, moving parts

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or features, exposed cold cathode tubing, animation or retroflective material, and

(c) it is in a manner reasonably required to fulfil the purpose of the advertisement.

(10) Illumination may be—

(a) by halo illumination<sup>(4)</sup>, or

(b) so long as no part of the background of the advertisement is illuminated, by illumination of each character or symbol of the advertisement from within.

(11) Where the method of illumination is that described in paragraph (10)(b), the luminance of the advertisement may not exceed the levels specified in paragraph 2 of Part 2.

(12) In the case of an advertisement consisting of a built-up box containing the light source, the distance between—

(a) the face of the advertisement and any wall parallel to which it is displayed, at the point where it is affixed, or

(b) the two faces of an advertisement projecting from a wall,

may not exceed 0.25 metre.

**Class 5**

Description

**Other advertisements on business premises**

5. Any advertisement which does not fall within Class 4A or 4B displayed on business premises wholly with reference to any or all of the following: the business carried on, the goods sold or services provided, or the name or qualifications of the person carrying on the business, or supplying the goods or services, on those premises.

Conditions and Limitations

5. —

(1) In the case of a shop, no advertisement may be displayed except on a wall containing a shop window.

(2) In an area of special control, the space occupied by the advertisement may not exceed one-tenth of the overall area of the face of the building on which it is displayed, up to a height of 3.6 metres from ground level; and the area occupied by the advertisement shall, notwithstanding that it is displayed in some

<sup>(4)</sup> See paragraph 3 of Part 2 of this Schedule.

other manner, be calculated as if the whole advertisement were displayed flat against the face of the building.

- (3) Illumination is not permitted unless—
  - (a) the advertisement states that the services of a practitioner in human health or a veterinary surgeon are available at the premises on which the advertisement is displayed, or that medical or veterinary supplies are available there;
  - (b) the illumination—
    - (i) is by static means,
    - (ii) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and
    - (iii) is in a manner reasonably required to fulfil the purpose of the advertisement; and
  - (c) the levels of luminance do not exceed the levels set out in paragraph 2 of Part 2.

(4) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.

(5) No part of the advertisement may be higher above ground level than whichever is the lower of—

- (a) 4.6 metres, or 3.6 metres in an area of special control; and
- (b) the bottom level of any first floor window in the wall on which the advertisement is displayed.

(6) No single advertisement may exceed 1.55 square metres in area.

**Class 6**

**An advertisement on a forecourt of business premises**

Description

6. An advertisement displayed on any forecourt of business premises, wholly with reference to all or any of the matters specified in Class 5.

Conditions and Limitations

6. —

(1) Advertisements displayed on any forecourt or, in the case of a building with a forecourt on two or more frontages, on each of

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those frontages, shall not exceed in aggregate 4.6 square metres in area.

(2) Illumination is not permitted.

(3) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.

(4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.

(5) No single advertisement may exceed 1.55 square metres in area.

**Class 7**

Description

**Flag advertisements**

**7A.** An advertisement in the form of a flag attached to a single flagstaff projecting vertically from the roof of a building.

Conditions and Limitations

**7A.** —

(1) No advertisement is permitted other than one—

- (a) bearing either the name or device, or both the name and device, of any person occupying the building; or
- (b) referring to a specific event (other than the offering of named goods for sale) of limited duration, which is taking place in the building, for the duration of that event.

(2) No character or symbol on the flag may be more than 0.75 metre in height, or 0.3 metre in an area of special control.

Description

**7B.** An advertisement in the form of a flag attached to a single vertical flagstaff erected on a site which forms part of an area of land in respect of which planning permission has been granted for development of which the only or principal component is residential development and on which—

- (a) operations for the construction of houses are in progress pursuant to that permission, or
- (b) such operations having been completed, at least one of the houses remains unsold~~(5)~~.

Conditions and Limitations

**7B.** —

(1) No advertisement is permitted within a conservation area, an Area of Outstanding

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(5) For definitions relevant to this Class see paragraph 4 of Part 2 of this Schedule.



Natural Beauty, a National Park, the Broads or an area of special control.

(2) The number of advertisements on the land concerned shall not exceed—

- (a) where the aggregate number of houses on that land does not exceed 10, one;
- (b) where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two;
- (c) where the aggregate number of houses on that land exceeds 100, three.

(3) No part of the flagstaff may be more than 4.6 metres above ground level.

(4) No flag shall exceed 2 square metres in area.

(5) No advertisement shall be displayed after the expiration of the period of 1 year commencing on the day on which building operations on the land concerned have been substantially completed.

**Class 8**

Description

**Advertisements on hoardings**

**8.** An advertisement on a hoarding which encloses, either wholly or in part, land on which building operations are taking place or are about to take place, if those operations are in accordance with a grant of planning permission (other than outline permission) for development primarily for use for commercial, industrial or business purposes.

Conditions and Limitations

**8.** —

(1) Subject to paragraph (2), no advertisement shall be displayed in a conservation area, a National Park, an Area of Outstanding Natural Beauty or the Broads.

(2) Paragraph (1) does not preclude the continued display of an advertisement that is displayed at the date of designation of the relevant area until the expiry of 1 year from that date, or 2 years from the date of commencement of the display, whichever is the later.

(3) No advertisement may be displayed earlier than three months before the commencement of the building operations.

(4) No advertisement shall exceed 38 square metres in area.

**Status:** This is the original version (as it was originally made).

(5) No part of the advertisement may be more than 4.6 metres above ground level.

(6) At least 14 days before the advertisement is first displayed, the person who proposes to display it shall notify the local planning authority in writing of the date on which it will first be displayed and shall send a copy of the relevant planning permission.

(7) No advertisement shall be displayed for more than 3 years.

(8) Illumination is not permitted unless it—

- (a) is by static means,
- (b) includes no intermittent light source, flashing lights, moving parts or features, exposed cold cathode tubing, animation or retroreflective material, and
- (c) is in a manner reasonably required to fulfil the purpose of the advertisement.

**Class 9**

Description

Conditions and Limitations

**Advertisements on highway structures**

**9.** An advertisement displayed on a part of an object or structure designed to accommodate six-sheet panel displays, the use of which for the display of advertisements is authorised under section 115E(1)(a) of the Highways Act 1980(6).

**9.** —

(1) No advertisement may exceed 2.16 square metres in area.

(2) Illumination is not permitted.

(3) No character or symbol on the advertisement may be more than 0.75 metre in height or 0.3 metre in an area of special control.

(4) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.

**Class 10**

Description

**Advertisements for neighbourhood watch and similar schemes**

**10.** An advertisement displayed on or near highway land (but not in the window of a building), to give notice that a closed circuit television surveillance scheme, or a neighbourhood watch or similar scheme, established jointly by the police authority and a

(6) 1980 c. 66. Section 115E was inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Sch. 5, Part 1, para 1.

Conditions and Limitations

local committee or other body of persons, is in operation in the area.

**10. —**

(1) No advertisement may exceed 0.2 square metre in area.

(2) No advertisement may be displayed on highway land without the consent of the highway authority.

(3) The local planning authority shall, at least 14 days before the advertisement is first displayed, be given particulars in writing of the place at which it is to be displayed and a certificate—

- (a) that the scheme has been properly established;
- (b) that the police authority has agreed to the display of the advertisement; and
- (c) where relevant, that the consent of the highway authority has been given.

(4) The advertisement shall be removed within 14 days after—

- (a) the relevant scheme ceases to operate;
- (b) the relevant scheme ceases to be approved by the police authority; or
- (c) the highway authority withdraws its consent to its display.

(5) Illumination is not permitted.

(6) No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.

(7) No part of the advertisement may be more than 3.6 metres above ground level.

**Class 11**

Description

**Directional advertisement**

**11.** An advertisement on a single flat surface directing potential buyers and others to a site where residential development is taking place.

Conditions and Limitations

**11. —**

(1) No advertisement may exceed 0.15 square metre in area.

(2) No part of the advertisement may be of a retroreflective material.

(3) The design of the advertisement may not be similar to that of a traffic sign.

**Status:** This is the original version (as it was originally made).

(4) The advertisement is to be displayed on land adjacent to highway land, in a manner which makes it reasonably visible to an approaching driver, but not within 50 metres of a traffic sign intended to be observed by persons approaching from the same direction.

(5) No advertisement may be more than two miles from the main entrance of the site.

(6) The person who proposes to display the advertisement shall notify the local planning authority, in writing, at least 14 days before the advertisement is first displayed, of the place at which, and the first date on which, it will be displayed.

(7) No advertisement may be displayed after the development of the site is completed or, in any event, for more than 2 years.

(8) Illumination is not permitted.

(9) No character or symbol on the advertisement shall be less than 0.04 metre high or more than 0.25 metre high.

(10) No part of the advertisement may be more than 4.6 metres above ground level, or 3.6 metres in an area of special control.

**Class 12**

Description

**Advertisements inside buildings**

**12.** An advertisement displayed inside a building, other than an advertisement falling within Class I in Schedule 1.

**Class 13**

Description

**Advertisements on sites used for preceding ten years for display of advertisements without express consent**

**13.** An advertisement displayed on a site that has been used continually for the preceding ten years for the display of advertisements without express consent.

Conditions and Limitations

**13. —**

(1) An advertisement does not fall within this description if, during the relevant 10-year period, there has been either a material increase in the extent to which the site has been used for the display of advertisements or a material alteration in the manner in which it has been so used.

(2) If any building or structure on which such an advertisement is displayed—

- (a) is removed in compliance with a requirement of, or under, any enactment,

- (b) is removed in any other circumstances, or
- (c) is destroyed by any means, the erection of any building or structure to continue the display is not permitted.
- (3) Illumination is not permitted unless—
  - (a) the advertisement is displayed with illumination on 6th April 2007; or
  - (b) the advertisement is first displayed after that date, and the advertisement most recently displayed was illuminated.
- (4) An advertisement that—
  - (a) comprises sequential displays; or
  - (b) otherwise includes moving parts or features; or
  - (c) features intermittent lighting in a manner designed to give the appearance of movement,is not permitted unless—
  - (i) it is displayed on 6th April 2007 and falls within the description specified in any of sub-paragraphs (a) to (c); or
  - (ii) it is first displayed after that date, and the advertisement most recently displayed fell within any such description.

**Class 14**

**Advertisements displayed after expiry of express consent**

Description

- 14.** An advertisement displayed after the expiry of express consent, unless—
- (a) it would contravene a condition subject to which express consent was granted; or
  - (b) an application for renewal of consent has been refused.

Conditions and Limitations

- 14.** —
- (1) The terms of the express consent, including any conditions to which it was subject (to the extent that those terms and conditions are not incapable of performance by reason of the passage of time), shall be treated as applying to the continued display.
  - (2) No advertisement may be displayed under this class except on a site which has been continually used for the purpose since the expiry of the express consent.

**Status:** This is the original version (as it was originally made).

(3) Unless authorised by the express consent, an advertisement that—

- (a) comprises sequential displays; or
- (b) otherwise includes moving parts or features; or
- (c) features intermittent lighting in a manner designed to give the appearance of movement; or

(d) is illuminated,  
is not permitted.

### **Class 15**

#### **Advertisements on balloons**

Description

**15.** The display of an advertisement on, or consisting of, a balloon not more than 60 metres above ground level.

Conditions and Limitations

**15.** —

(1) The site<sup>(7)</sup> of the advertisement is not in an Area of Outstanding Natural Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Not more than one advertisement may be displayed on the site at any one time.

(3) The site may not be used for the display of advertisements on more than 10 days in total in any calendar year.

### **Class 16**

#### **Advertisements on telephone kiosks**

Description

**16.** An advertisement displayed on the glazed surface of a telephone kiosk, other than a kiosk of type K2 (1927) or K6 (1935) designed by Giles Gilbert Scott.

Conditions and Limitations

**16.** —

(1) No advertisement may be displayed in an Area of Outstanding Natural Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Illumination is not permitted.

(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.

(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display

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(7) See paragraph 5 of Part 2 of this Schedule as to “the site” for the purposes of this Class.

of an advertisement on the face of any adjacent kiosk.

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## PART 2

### INTERPRETATION

#### 1.—(1) In this Schedule—

“business premises” means any building or part of a building normally used for the purpose of any professional, commercial, or industrial undertaking, or for providing services to members of the public or of any association, and includes a public restaurant, licensed premises and a place of public entertainment, but does not include—

- (a) a building designed for use as one or more separate dwellings, unless—
  - (i) it has normally been used in each of the preceding ten years for the purpose of any professional, commercial, or industrial undertaking, or for providing services to members of the public or of any association; or
  - (ii) it has been adapted for use for any such purpose by the construction of a shop front or the making of a material alteration of a similar kind to its external appearance;
- (b) a building used as an institution of a religious, educational, cultural, recreational, or medical or similar character;
- (c) any forecourt or other land forming part of the curtilage of a building;
- (d) any fence, wall or similar screen or structure, unless it forms part of the fabric of a building;

“electronic communications apparatus” means apparatus falling within the definition of that term in paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984<sup>(8)</sup>;

“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<sup>(9)</sup>; and
- (b) a person who 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<sup>(10)</sup>;

“electronic communications service” means a service falling within the definition of that term in section 32(2) of the Communications Act 2003;

“forecourt”, in relation to any building or part of a building, means an area of land (whether or not enclosed) within the curtilage of the building or part, to which the public may have access only with the permission (express or implied) of the owner; and includes any fence, wall or similar screen or structure that defines the boundaries of that area;

“ground level”, in relation to the display of advertisements on any building, means the ground-floor level of that building;

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

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<sup>(8)</sup> 1984 c. 12. The definition was inserted by the Communications Act 2003 (c. 21), Schedule 3, paragraph 2(2).

<sup>(9)</sup> 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.

<sup>(10)</sup> See paragraph 17(1) and (2) of Schedule 18 to the Communications Act 2003.

*Status: This is the original version (as it was originally made).*

“joined boards” means boards joined at an angle, so that only one surface of each is usable for advertising;

“practitioner in human health” includes a chiropodist, chiropractor, dentist or doctor of medicine, an optician or osteopath, and a physiotherapist;

“public transport undertaking” means an undertaking engaged in the carriage of passengers in a manner similar to that of a statutory undertaking;

“retail park” means a group of 3 or more retail stores, at least one of which has a minimum internal floor area of 1,000 square metres and which—

- (a) are set apart from existing shopping centres but within an existing or proposed urban area;
- (b) sell primarily goods other than food; and
- (c) share one or more communal car parks; and

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

(2) Where a maximum area is specified, in relation to any class in this Schedule, in the case of a double-sided advertisement, the area of one side only shall be taken into account.

**2.—**(1) The permitted levels of luminance for advertisements falling within Classes 2B, 2C, 4A, 4B or 5 are—

- (a) where the illuminated area is not more than 10 square metres, 600 candela per square metre; and
- (b) where the illuminated area is more than 10 square metres, 300 candela per square metre.

(2) In calculating an area for the purposes of paragraph (1)—

- (a) each advertisement, or in the case of a double-sided projecting advertisement, each side of the advertisement, is to be taken separately; and
- (b) no unilluminated part of the advertisement is to be taken into account.

**3.** In relation to advertisements within Class 4A or 4B, “halo illumination” means illumination of the background to the text of the advertisement, where the light source cannot be viewed directly from any angle.

**4.—**(1) For the purposes of Class 7B—

“aggregate number” means the aggregate of the number of houses constructed, in the course of construction, or proposed to be constructed, on the land concerned;

“flat” means a separate and self-contained set of premises constructed for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“house” includes a flat;

“planning permission” does not include any outline planning permission in relation to which some or all of the matters reserved for subsequent approval remain to be approved; and

“the land concerned”, in relation to any development, means—

- (a) except in a case to which sub-paragraph (2) or (3) applies, the land to which the planning permission for the development relates;
- (b) in a case to which sub-paragraph (2) applies, the land on which a particular phase of that development was or, as the case may be, is being or is about to be carried out;



- (c) in a case to which sub-paragraph (3) applies, the part of the land to which the permission relates on which a person has carried out part of that development, or, as the case may be, is carrying it out or is about to carry it out.
  - (2) Subject to sub-paragraph (3), this sub-paragraph applies where the development is carried out in phases.
  - (3) This sub-paragraph applies where the development is carried out by two or more persons who each carry out part of it on a discrete part of the land to which the planning permission relates (whether the whole of the development or any part of it is carried out in phases or otherwise).
5. For the purposes of Class 15, “the site” means—
- (a) in a case where the advertisement is being displayed by a person (other than the occupier of the land) who is using, or proposing to use, the land to which the balloon is attached for a particular activity (other than the display of advertisements) for a temporary period, the whole of the land used, or to be used, for that activity;
  - (b) in any other case, the land to which the balloon is attached and all land normally occupied with it.

#### SCHEDULE 4

Regulations 14 and 17

### MODIFICATIONS OF THE ACT

## PART 1

### MODIFICATIONS OF SECTION 70A OF THE ACT (POWER OF LOCAL PLANNING AUTHORITY TO DECLINE TO DETERMINE APPLICATIONS)

1. In section 70A of the Act—
- (a) in subsection (1)—
    - (i) for “planning permission for the development of any land” substitute “express consent”;
    - (ii) in paragraph (a), omit the words “has refused a similar application referred to him under section 77 or”; and
    - (iii) for paragraph (b) substitute—
      - “(b) in the opinion of the authority there has been no significant change in any material consideration since the dismissal mentioned in paragraph (a).”;
  - (b) after subsection (1) insert the following subsection—
    - “(1A) A local planning authority may decline to determine an application for express consent if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.”; and
  - (c) in subsection (2)—
    - (i) after “the purposes of” insert “subsection (1) of”;
    - (ii) for “planning permission for the development of any land” substitute “express consent”;

*Status: This is the original version (as it was originally made).*

- (iii) for “development” substitute “subject matter of the applications”; and
- (iv) for “the applications” substitute “they”.

## PART 2

### SECTION 70A OF THE ACT AS MODIFIED

**70A.**—(1) A local planning authority may decline to determine an application for express consent if—

- (a) within the period of two years ending with the date on which the application is received, the Secretary of State has dismissed an appeal against the refusal of a similar application; and
- (b) in the opinion of the authority there has been no significant change in any material consideration since the dismissal mentioned in paragraph (a).

(1A) A local planning authority may decline to determine an application for express consent if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.

(2) For the purposes of subsection (1) of this section an application for express consent shall be taken to be similar to a later application if the subject matter of the applications and the land to which they relate are in the opinion of the local planning authority the same or substantially the same.

## PART 3

### MODIFICATIONS OF SECTIONS 78 AND 79 OF THE ACT(APPLICATIONS FOR EXPRESS CONSENT)

1. In section 78 of the Act—

- (a) in subsection (1), for paragraphs (a) to (c) substitute “refuse an application for express consent or grant it subject to conditions.”;
- (b) for subsection (2) substitute—

“(2) A person who has made an application for express consent may also appeal to the Secretary of State if within the period of 8 weeks from the date when the application was received by the local planning authority, that authority have neither given him notice of their decision on it nor given him notice that they have exercised their power under section 70A to decline to determine the application.”;

- (c) for subsection (3) substitute the following subsections—

“(3) Any appeal under subsection (1) or (2) shall be made by notice served within 8 weeks from the date of receipt of the local planning authority’s decision, or, as the case may be, within 8 weeks from the expiry of the period mentioned in subsection (2), or within such longer period as the Secretary of State may in either case at any time allow.

(3A) The notice mentioned in subsection (3) shall be accompanied by a copy of each of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans and particulars submitted to them;
- (c) the notice of the authority’s decision (if any); and
- (d) any other relevant correspondence with the authority.”;

- (d) for subsection (4) substitute—
  - “(4) Where an appeal is made to the Secretary of State as mentioned in subsection (3), he may require the appellant or the local authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the application as he may specify, and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).”; and
  - (e) in subsection (5), omit the references to sections 253(2)(c) and 266(1)(b).
- 2. In section 79 of the Act—
  - (a) after subsection (1) insert—
    - “(1A) The Secretary of State may, in granting an express consent, specify that its term shall run for such longer or shorter period than 5 years as he considers expedient, having regard to the interests of amenity (including aural amenity) and public safety, and taking into account—
      - (a) relevant provisions of any applicable development plan;
      - (b) the factors referred to in regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; and
      - (c) any period specified in the application for consent.”;
    - (b) omit subsection (4);
    - (c) in subsection (5), for “such an appeal shall be final”, substitute “an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority”;
    - (d) in subsection (6)—
      - (i) omit “such”; and
      - (ii) for the words from “an application for planning permission” to “planning permission for that development”, substitute “in respect of an application for express consent, the Secretary of State forms the opinion that, having regard to the Regulations mentioned in subsection (1A) and to any direction given under them, consent”;
    - (e) in subsection (6A), after the word “appeal”, the first time it appears, insert “as is mentioned in subsection (6)”.

## PART 4

### SECTIONS 78 AND 79 OF THE ACT AS MODIFIED

**78.—(1)** Where a local planning authority refuse an application for express consent or grant it subject to conditions, the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for express consent may also appeal to the Secretary of State if within the period of 8 weeks from the date when the application was received by the local planning authority, that authority have neither given him notice of their decision on it nor given him notice that they have exercised their power under section 70A to decline to determine the application.

(3) Any appeal under subsection (1) or (2) shall be made by notice served within 8 weeks from the date of receipt of the local planning authority’s decision, or, as the case may be, within 8 weeks from the expiry of the period mentioned in subsection (2), or within such longer period as the Secretary of State may in either case at any time allow.

*Status: This is the original version (as it was originally made).*

(3A) The notice mentioned in subsection (3) shall be accompanied by a copy of each of the following documents—

- (a) the application made to the local planning authority;
- (b) all relevant plans and particulars submitted to them;
- (c) the notice of the authority's decision (if any); and
- (d) any other relevant correspondence with the authority.

(4) Where an appeal is made to the Secretary of State as mentioned in subsection (3), he may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the application as he may specify, and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).

(5) For the purposes of the application of sections 79(1) and 288(10)(b) in relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

**79.—**(1) On appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(1A) The Secretary of State may, in granting an express consent, specify that its term shall run for such longer or shorter period than 5 years as he considers expedient, having regard to the interests of amenity (including aural amenity) and public safety, and taking into account—

- (a) relevant provisions of any applicable development plan;
- (b) the factors referred to in regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; and
- (c) any period specified in the application for consent.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Subsection (2) does not apply to an appeal referred to a Planning Inquiry Commission under section 101.

...

(5) The decision of the Secretary of State on an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority.

(6) If, before or during the determination of an appeal in respect of an application for express consent, the Secretary of State forms the opinion that, having regard to the Regulations mentioned in subsection (1A) and to any direction given under them, consent—

- (a) could not have been granted by the local planning authority; or
- (b) could not have been granted otherwise than subject to the conditions imposed,

he may decline to determine the appeal or to proceed with the determination.

(6A) If at any time before or during the determination of such an appeal as is mentioned in subsection (6) it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, he may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

(7) Schedule 6 applies to appeals under section 78, including appeals under that section as applied by or under any other provision of this Act.

## PART 5

### MODIFICATIONS OF THE ACT (DISCONTINUANCE NOTICES)

1. In section 78, for subsections (1) to (5) substitute—

“(1) Where a discontinuance notice has been served on any person by a local planning authority under regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

(2) Notice of appeal shall be given in writing to the Secretary of State at any time before the date on which the discontinuance notice is due to take effect under regulation 8(4), taking account where appropriate of any extension of time under regulation 8(6), of those Regulations, or such longer period as the Secretary of State may allow.

(3) A notice of appeal shall be accompanied by a copy of each of the following documents—

- (a) the discontinuance notice;
- (b) any notice of variation; and
- (c) any relevant correspondence with the authority.

(4) Where an appeal is brought under this section, the Secretary of State may require the appellant or the local planning authority to submit to him, within such period as he may specify, a statement in writing in respect of such matters relating to the discontinuance notice as he may specify and if, after considering the grounds of appeal and any such statement, the Secretary of State is satisfied that he has sufficient information to enable him to determine the appeal, he may, with the agreement in writing of both the appellant and the local planning authority, determine the appeal without complying with section 79(2).”.

2. In section 79—

(a) for subsection (1) substitute—

“(1) Where an appeal is brought in respect of a discontinuance notice the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) subject to subsection (1A)—
  - (i) correct any defect, error or misdescription in the discontinuance notice; or
  - (ii) reverse or vary any part of the notice (whether the appeal relates to that part of it or not),

and deal with the matter as if an application for express consent had been made and refused for the reasons stated for the taking of discontinuance action.

*Status: This is the original version (as it was originally made).*

(1A) The Secretary of State may take any action mentioned in subsection (1)(b) only if he is satisfied that the correction, reversal or variation will not cause injustice to the appellant or the local planning authority.”.

(b) for subsection (4) substitute—

“(4) On the determination of an appeal under section 78 the Secretary of State shall give such directions as may be necessary for giving effect to his determination including, where appropriate, directions for quashing the discontinuance notice or for varying its terms.”;

(c) omit subsection (6); and

(d) in subsection (6A), after the word “appeal”, the first time it appears, insert “in respect of a discontinuance notice”.

## SCHEDULE 5

Regulation 20

### AREA OF SPECIAL CONTROL ORDERS

#### PART 1

##### PROCEDURE FOR AREA OF SPECIAL CONTROL ORDERS

1. Where a local planning authority proposes—

- (a) to designate an area of special control; or
- (b) to modify an area of special control order,

it shall make an area of special control order designating the area or indicating the modifications by reference to a map annexed to the order.

2. If an area of special control order contains any descriptive matter relating to the area or the modifications in question, that descriptive matter shall prevail, in the case of any discrepancy with the map, unless the order provides to the contrary.

3. As soon as may be after the making of an area of special control order, the authority shall submit it to the Secretary of State for approval, together with—

- (a) two certified copies of the order;
- (b) a full statement of the authority’s reasons for making it;
- (c) in the case of an order modifying an existing order, unless the boundaries of the existing area of special control are indicated on the map annexed to the order, a plan showing both those boundaries and the proposed modifications; and
- (d) such additional certified copies of any of the material referred to in subparagraphs (a) to (c) as the Secretary of State may, by notice in writing to the authority, require.

4. The authority shall, as soon as reasonably practicable after the making of an area of special control order, publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice in Form 1.

5. If any objection is made to an order, in the manner and within the time specified in the notice, the Secretary of State—

- (a) may offer all interested parties an opportunity to make representations to her in writing about any such objection before such date as she may specify;

- (b) may, and at the request of any interested party shall, either provide for a local inquiry to be held or afford to the parties an opportunity of a hearing before a person appointed by her.
- 6.** After considering any representations or objections duly made and not withdrawn and, where applicable, the report of any person holding an inquiry or hearing, the Secretary of State may, subject to paragraph 7, approve the order with or without modification.
- 7.** If the Secretary of State proposes to modify an order by the inclusion of additional land, she shall—
- (a) publish notice of her proposed modification;
  - (b) afford an opportunity for the making of objections to, or representations about, the proposed modification; and
  - (c) if she considers it expedient, provide for a further inquiry or hearing to be held.
- 8.** As soon as may be after the order has been approved, the local planning authority shall publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice of its approval in Form 2.
- 9.** An area of special control order shall come into force on the date on which the notice of its approval is published in the London Gazette.
- 10.** Where a local planning authority proposes to make an order revoking an area of special control order, a map showing the area then subject to special control shall be annexed to the order.
- 11.** Paragraphs 3 to 6, 8 and 9 shall apply in relation to an order under paragraph 10 as they apply in relation to the making and approval of an area of special control order, as if—
- (a) for references to the area of special control order (in whatever terms) there were substituted references to the revocation order;
  - (b) paragraph 3(c) were omitted;
  - (c) in paragraph 3(d), for “(a) to (c)”, there were substituted “(a) and (b)”;
  - (d) in paragraph 4, for “Form 1”, there were substituted “Form 3”;
  - (e) in paragraph 6 the words “, subject to paragraph 7,” were omitted; and
  - (f) in paragraph 8, for “Form 2” there were substituted “Form 4”.
- 12.** Any reference in this Part to a form followed by a number is a reference to the form bearing that number in Part 2 of this Schedule or a form substantially to the like effect.

## PART 2

### FORMS OF NOTICE

#### FORM 1 NOTICE OF AN AREA OF SPECIAL CONTROL ORDER

Status: This is the original version (as it was originally made).

*Town and Country Planning Act 1990*

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

1. The *(insert name of Council)* has submitted to the Secretary of State for approval an area of special control order.

2.\* The order designates as an area of special control for the purpose of the display of advertisements the land described in the Schedule to this notice and shown on the map annexed to the order.

OR

2.\* The order modifies the *(insert name of relevant order)* by \*adding/removing the land described in the Schedule to this notice and shown on the map annexed to the order.

3. A copy of the order and of the statement of the Council's reasons for making it have been deposited at ..... and will be available for inspection, free of charge, between the hours of ..... and ..... on any working day during the period .....

4. Any objection to the order must be made in writing, stating the grounds of objection, and sent to the Secretary of State, Eland House, Bressenden Place, London SW1E 5DU, quoting the reference ..... before *(insert a date at least 28 days from the date of first publication of the local advertisement)*.

Signed .....  
.....

On behalf of .....

Date: .....

\*Delete inappropriate words

SCHEDULE

*(insert description of land)*

FORM 2 NOTICE OF APPROVAL OF AN AREA OF SPECIAL CONTROL ORDER



Status: This is the original version (as it was originally made).

*Town and Country Planning Act 1990*

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

1. The Secretary of State has approved \*with modifications the *(insert name of order)*.
2. The order \*designates as an area of special control for the purpose of the display of advertisements the land described in the Schedule to this notice;\*modifies the *(insert name of relevant order)* by \*adding/ removing the land described in the Schedule to this notice.
3. The order comes into force on *(insert date of publication of approval in the London Gazette)*.
4. A copy of the order as approved has been deposited at ..... and may be inspected there, free of charge, on any working day between the hours of ..... and .....

Signed .....

On behalf of .....

Date .....

*\*Delete inappropriate words*

**SCHEDULE**

*(insert description of land)*

**IMPORTANT**

Regulation 21 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007/xxxx) describes

The advertisements that are permitted in an area of special control.

The circumstances in which existing advertisements must be removed after this order comes into force.

**FORM 3 NOTICE OF REVOCATION OF AN AREA OF SPECIAL CONTROL ORDER**

*Town and Country Planning Act 1990*

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

1. The *(insert name of Council)* has submitted to the Secretary of State for approval an order revoking the *(insert name of relevant order)*.
2. A copy of the revocation order and of the statement of the Council's reasons for making it have been deposited at ..... and will be available for inspection there, free of charge, between the hours of ..... on working days during the period .....
3. Any objection to the revocation order must be made in writing, stating the grounds of objection, and sent to the Secretary of State, Eland House, Brusseuden Place, London SW1E 5DU, quoting the reference ..... before *(insert a date at least 28 days from the date of first publication of the local advertisement)*.

Signed .....

On behalf of .....

Date .....

**FORM 4 NOTICE OF APPROVAL OF AN ORDER REVOKING AN AREA OF SPECIAL CONTROL ORDER**

**Status:** This is the original version (as it was originally made).

*Town and Country Planning Act 1999*

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

1. The Secretary of State has approved an order revoking the *(insert name of order revoked)*. Once the revocation order is in force the land to which the *(insert name of order revoked)* relates will cease to be subject to special control as regards the display of advertisements.

2. The revocation order comes into force on *(insert date of publication of approval in the London Gazette)*.

3. A copy of the revocation order as approved has been deposited at ..... and may be inspected there, free of charge, on any working day between the hours of ..... and .....

Signed .....

On behalf of .....

Date .....