

2012 No. 2372

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Control of Advertisements)
(England) (Amendment) Regulations 2012**

<i>Made</i> - - - -	<i>13th September 2012</i>
<i>Laid before Parliament</i>	<i>17th September 2012</i>
<i>Coming into force</i> - -	<i>12th October 2012</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 220, 221 and 333(1) of the Town and Country Planning Act 1990(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2012 and shall come into force on 12th October 2012.

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

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

2.—(1) The Town and Country Planning (Control of Advertisements) (England) Regulations 2007(b) are amended as follows.

(2) In Schedule 1 (classes of advertisement to which Parts 2 and 3 do not apply) for Class H substitute—

“CLASS H

(a) Any country’s national flag, civil ensign or civil air ensign;

(b) The flag of the Commonwealth, the European Union, the United Nations or any other international organisation of which the United Kingdom is a member;

(c) A flag of any island, county, district, borough, burgh, parish, city, town or village within the United Kingdom;

(d) The flag of the Black Country, East Anglia,

1. Neither the flag nor the flagstaff may display any advertisement or subject matter additional to the design of the flag other than a black mourning ribbon.

2. In paragraphs (a) and (g) of this Class, “country” includes any of the Channel Islands, the Isle of Man and any British Overseas Territory.”

(a) 1990 c.8; there are amendments to sections 220 and 221 that are not relevant to these regulations. Section 333(1) was amended by section 78 of, and paragraph 32 of Schedule 10 to, the Environment Act 1995 (c. 25).

(b) S.I. 2007/783 as amended by S.I. 2007/1739 and S.I. 2011/2057.

Wessex, any Part of Lincolnshire, any Riding of Yorkshire or any historic county within the United Kingdom;

- (e) The flag of Saint David;
- (f) The flag of Saint Patrick;
- (g) The flag of any administrative area within any country outside the United Kingdom;
- (h) Any flag of Her Majesty's forces;
- (i) The Armed Forces Day flag.

(3) In Schedule 3 (classes of advertisement for which deemed consent is granted) in Class 7 (Flag advertisements)—

- (a) after paragraph 7A(1)(a) delete “or”;
- (b) in paragraph 7A(1)(b) for “that event.” substitute “that event;”;
- (c) after paragraph 7A(1)(b) insert—
 - “(c) bearing the device of any sports club;
 - (d) bearing six horizontal equal stripes of red, orange, yellow, green, blue, and violet; or
 - (e) bearing the device of any one of the following award schemes—
 - (i) Eco-Schools;
 - (ii) the Queen's Awards for Enterprise; or
 - (iii) Investors in People.”;
- (d) for paragraph 7A(2) substitute—

“(2) Within a conservation area, an Area of Outstanding Natural Beauty, a National Park or the Broads 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.

(3) No advertisement shall be displayed at the same time as an advertisement of the description set out in paragraph 7AA.

(4) No advertisement shall be displayed at the same time as two advertisements of the description set out in paragraph 7AB (but an advertisement may be displayed at the same time as one advertisement of the description set out in paragraph 7AB).

(5) Subject to (3) and (4), not more than one advertisement is permitted.”; and

- (e) after paragraph 7A insert—

“Description	7AA. An advertisement in the form of a flag attached to a single flagstaff projecting from any part of a building other than vertically from the roof.
Conditions and Limitations	7AA. —(1) No advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park, the Broads or an area of special control. (2) No advertisement is permitted other than one— <ul style="list-style-type: none">(a) bearing either the name or device, or both the name and device, of any person occupying the building;(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;(c) bearing the device of any sports club;(d) bearing six horizontal equal stripes of red, orange, yellow, green, blue, and violet; or(e) bearing the device of any one of the following award schemes—<ul style="list-style-type: none">(i) Eco-Schools;

- (ii) the Queen’s Awards for Enterprise; or
- (iii) Investors in People.

(3) No advertisement shall be displayed at the same time as an advertisement of the description set out in paragraph 7A.

(4) No advertisement shall be displayed at the same time as two advertisements of the description set out in paragraph 7AB (but an advertisement may be displayed at the same time as one advertisement of the description set out in paragraph 7AB).

(5) Subject to (3) and (4), not more than one advertisement is permitted.

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

Description	7AB. An advertisement in the form of a flag attached to a single flagstaff erected on a site within the curtilage of a building.
Conditions and Limitations	<p>7AB.—(1) No advertisement is permitted within a conservation area, an Area of Outstanding Natural Beauty, a National Park, the Broads or an area of special control.</p> <p>(2) No advertisement is permitted other than one—</p> <ul style="list-style-type: none"> (a) bearing either the name or device, or both the name and device, of any person occupying the building; (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; (c) bearing the device of any sports club; (d) bearing six horizontal equal stripes of red, orange, yellow, green, blue, and violet; or (e) bearing the device of any one of the following award schemes— <ul style="list-style-type: none"> (i) Eco-Schools; (ii) the Queen’s Awards for Enterprise; or (iii) Investors in People. <p>(3) Not more than two advertisements may be displayed or not more than one at the same time as an advertisement of the description set out in paragraph 7A or paragraph 7AA.</p> <p>(4) No part of the flagstaff may be more than 4.6 metres above ground level.</p>
Description	7AC. An advertisement in the form of a flag attached to a single flagstaff erected on a site which forms part of a beach or marina.
Conditions and Limitations	7AC. No advertisement is permitted other than one bearing the device of the Blue Flag award scheme.
Description	7AD. An advertisement in the form of a flag attached to a single flagstaff erected on a site which forms part of a park, garden or other green space.
Conditions and Limitations	7AD. No advertisement is permitted other than one bearing the device of the Green Flag Award scheme or the Green Flag Community Award scheme.”.

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

Nick Boles

Parliamentary Under Secretary of State

Department for Communities and Local Government

13th September 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the 2007 Regulations”) (S.I. 2007/783) which provide for the controls on the display of advertisements including flags.

Regulation 1 of the 2007 Regulations provides that the requirements for deemed consent in Part 2 of those Regulations or express consent in Part 3 of those Regulations do not apply to the display of advertisements set out in Column 1, subject to the conditions in Column 2, of Schedule 1. Class H makes provision for the display of certain flags. Regulation 2(2) of these Regulations substitutes a new Class H for Class H of Schedule 1 to the 2007 Regulations allowing a wider range of flags to be displayed.

Regulation 6 of the 2007 Regulations provides for deemed consent for the display of an advertisement in a class specified in Schedule 3. Regulation 2(3) of these Regulations amends Class 7 of Part 1 of Schedule 3 to the 2007 Regulations. Paragraph 7A is amended to permit a wider range of flags to be displayed and to remove restrictions on the size of the characters or symbols that may be displayed on the flag. New paragraph 7AA gives deemed consent to the display of a flag from a single flagstaff projecting from any part of a building other than vertically from the roof (as paragraph 7A governs flags attached to flagstaffs projecting vertically from roofs). New paragraph 7AB gives deemed consent to flags flown from up to two flagstaffs on land within the curtilage of a building. Flag advertisements within these classes may not be displayed in a conservation area, an Area of Outstanding Natural Beauty, a National Park, the Broads or an area of special control. New paragraph 7AC gives deemed consent for the display of Blue Flag Award scheme flags from flagstaffs on beaches or in marinas. A new paragraph 7AD gives deemed consent to the display of Green Flag Award or Green Flag Community Award scheme flags from flagstaffs in parks and other green spaces.

An impact assessment has been prepared in relation to these Regulations. It has been placed in the library of each House of Parliament and copies can be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU or <http://www.communities.gov.uk>.

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£4.00

E4494 09/2012 124494T 19585

ISBN 978-0-11-152878-5



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