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STATUTORY INSTRUMENTS

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**1992 No. 666**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Control  
of Advertisements) Regulations 1992**

<i>Made</i>	- - - -	<i>11th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 220, 221, 223(1), 224(3) and 333(1) of the Town and Country Planning Act 1990(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**PART I  
GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations 1992 and shall come into force on 6th April 1992.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Town and Country Planning Act 1990;

“advertisement” does not include anything employed wholly as a memorial or as a railway signal;

“area of outstanding natural beauty” means an area designated as such by an order made under section 87 of the National Parks and Access to the Countryside Act 1949(2);

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(1) 1990 c. 8; *see also* the definition of “prescribed” in section 336(1).  
(2) 1949 c. 97.

“area of special control” means an area designated by an order under regulation 18;

“balloon” means a tethered balloon or similar object;

“deemed consent” has the meaning given by regulation 5;

“discontinuance notice” means a notice served under regulation 8;

“express consent” has the meaning given by regulation 5;

“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;

“National Park” has the meaning given by section 5 of the National Parks and Access to the Countryside Act 1949;

“site” means any land or building, other than an advertisement, on which an advertisement is displayed;

“standard conditions” means the conditions specified in Schedule 1;

“statutory undertaker” includes, in addition to any person mentioned in section 262(1) of the Act, the Civil Aviation Authority, the British Airports Authority, the British Coal Corporation, any public gas supplier within the meaning of Part I of the Gas Act 1986<sup>(3)</sup>, any public electricity supplier within the meaning of Part I of the Electricity Act 1989<sup>(4)</sup>, the Post Office, the National Rivers Authority, any water or sewerage undertaker and any telecommunications code system operator; and statutory undertaking shall be interpreted accordingly;

“telecommunications code system operator” means a person who has been granted under section 7 of the Telecommunications Act 1984<sup>(5)</sup> a licence which applies the telecommunications code to him in pursuance of section 10 of that Act;

“vehicle” includes a vessel on any inland waterway; and

“waterway” includes coastal waters.

- (2) In these Regulations, “local planning authority” means—
- (a) for land in the area of an urban development corporation, except in regulation 18, that corporation where it is the local planning authority for the purposes of sections 220 and 224 of the Act;
  - (b) for land in a National Park which is land that is not in a metropolitan county, the county planning authority for the area where the land is situated; and
  - (c) in any other case, the relevant district planning authority or metropolitan district or London borough council.
- (3) Any reference in these Regulations to a person displaying an advertisement includes—
- (a) the owner and occupier of the land on which the advertisement is displayed;
  - (b) any person to whose goods, trade, business or other concerns publicity is given by the advertisement; and
  - (c) the person who undertakes or maintains the display of the advertisement.
- (4) Except in Class A in Schedule 2, any reference in these Regulations to the land, the building, the site or the premises 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 land, the building, the site or other premises to which the balloon is attached and to all land, buildings or other premises normally occupied therewith.

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(3) 1986 c. 44.

(4) 1989 c. 29.

(5) 1984 c. 12.

### **Application**

3.—(1) These Regulations apply to the display on any site in England and Wales of any advertisement.

(2) Parts II and III of these Regulations do not apply to any advertisement falling within a description set out in Schedule 2 provided it complies with any conditions and limitations specified in that Schedule; and—

- (a) in the case of an advertisement falling within Class G, it complies with the standard conditions set out in paragraphs 1, 2, 3, and 5 of Schedule 1; or
- (b) in any other case, it complies with all the standard conditions.

### **Powers to be exercised in the interests of amenity and public safety**

4.—(1) A local planning authority shall exercise their powers under these Regulations only in the interests of amenity and public safety, taking account of any material factors, and in particular—

- (a) in the case of amenity, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding, if they think fit, any advertisement being displayed there;
- (b) in the case of public safety—
  - (i) the safety of any person who may use any road, railway, waterway, dock, harbour or aerodrome;
  - (ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air.

(2) In determining an application for consent for the display of advertisements, or considering whether to make an order revoking or modifying a consent, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is required or granted.

(3) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

(4) A consent for the display of advertisements shall take effect as consent for the use of the site for the purposes of the display, whether by the erection of structures or otherwise, and for the benefit of any person interested in the site.

### **Requirement for consent**

5.—(1) No advertisement may be displayed without consent granted by the local planning authority or by the Secretary of State on an application in that behalf (referred to in these Regulations as “express consent”), or granted by regulation 6 (referred to in these Regulations as “deemed consent”), except an advertisement displayed in accordance with paragraph (2) below.

(2) The display—

- (a) outside any area of special control, of such an advertisement as is mentioned in regulation 3(2); or
- (b) within an area of special control, of such an advertisement as is so mentioned, other than one falling within Class A in Schedule 2,

is in accordance with this paragraph.

## PART II

### DEEMED CONSENT

#### **Deemed consent for the display of advertisements**

6.—(1) Subject to regulations 7 and 8, and in the case of an area of special control also to regulation 19, deemed consent is hereby granted for the display of an advertisement falling within any class specified in Part I of Schedule 3, subject—

- (a) to any conditions and limitations specified in that Part in relation to that class; and
  - (b) to the standard conditions.
- (2) Part II of Schedule 3 applies for the interpretation of that Schedule.

#### **Directions restricting deemed consent**

7.—(1) If the Secretary of State is satisfied, upon a proposal made to him by the local planning authority, that the display of advertisements of any class or description specified in Schedule 3, other than Class 12 or 13, should not be undertaken in any particular area or in any particular case without express consent, he may direct that the consent granted by regulation 6 for that class or description shall not apply in that area or in that case, for a specified period or indefinitely.

- (2) Before making any such direction, the Secretary of State shall—
- (a) where the proposal relates to a particular area, publish, or cause to be published, in at least one newspaper circulating in the locality, and on the same or a subsequent date in the London Gazette, a notice that such a proposal has been made, naming a place or places in the locality where a map or maps defining the area concerned may be inspected at all reasonable hours; and
  - (b) where the proposal relates to a particular case, serve, or cause to be served, on the owner and occupier of the land affected and on any other person who, to his knowledge, proposes to display on such land an advertisement of the class or description concerned, a notice that a proposal has been made, specifying the land and the class or description of advertisement in question.

(3) Any notice under paragraph (2) above shall state that any objection to the making of a direction may be made to the Secretary of State in writing within such period (not being less than 21 days from the date when the notice was given) as is specified in the notice.

(4) The Secretary of State shall not make a direction under this regulation until after the expiry of the specified period.

- (5) In determining whether to make a direction, the Secretary of State—
- (a) shall take into account any objections made in accordance with paragraph (3) above;
  - (b) may modify the proposal of the local planning authority if—
    - (i) he has notified, in writing, that authority and any person who has made an objection or representation to him of his intention and his reasons for it and has given them a reasonable opportunity to respond; and
    - (ii) the intended modification does not extend the area of land specified in the proposal.

(6) Where the Secretary of State makes a direction, he shall send it to the local planning authority, with a statement of his reasons for making it, and shall send a copy of that statement to any person who has made an objection in accordance with paragraph (3) above.

(7) Notice of the making of any direction for a particular area shall be published by the local planning authority in at least one newspaper circulating in the locality and, unless the Secretary of

State otherwise directs, on the same or a subsequent date in the London Gazette, and such notice shall—

- (a) contain a full statement of the effect of the direction;
- (b) name a place or places in the locality where a copy of the direction and of a map defining the area concerned may be seen at all reasonable hours; and
- (c) specify a date when the direction shall come into force, being at least 14 and not more than 28 days after the first publication of the notice.

(8) Notice of the making of any direction for a particular case shall be served by the local planning authority on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the authority, proposes to display on such land an advertisement of the class or description affected.

(9) A direction for an area shall come into force on the date specified in the notice given under paragraph (7) above, and a direction for a particular case shall come into force on the date on which notice is served on the occupier or, if there is no occupier, on the owner of the land affected.

#### **Discontinuance of deemed consent**

8.—(1) The local planning authority may serve a notice requiring the discontinuance of the display of an advertisement, or of the use of a site for the display of an advertisement, for which deemed consent is granted under regulation 6 if they are satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public: but in the case of an advertisement within Class 12 in Schedule 3, they may not do so if the advertisement is also within Class F or Class G in Schedule 2.

- (2) A discontinuance notice—
  - (a) shall be served on the advertiser and on the owner and occupier of the site on which the advertisement is displayed;
  - (b) may, if the local planning authority think fit, also be served on any other person displaying the advertisement;
  - (c) shall specify the advertisement or the site to which it relates;
  - (d) shall specify a period within which the display or the use of the site (as the case may be) is to be discontinued; and
  - (e) shall contain a full statement of the reasons why action has been taken under this regulation.

(3) Subject to paragraphs (4) and (5) below, a discontinuance notice shall take effect at the end of the period (being at least 8 weeks after the date on which it is served) specified in the notice.

(4) If an appeal is made to the Secretary of State under regulation 15, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(5) The local planning authority, by a notice served on the advertiser, may withdraw a discontinuance notice at any time before it takes effect or may, where no appeal to the Secretary of State is pending, from time to time vary a discontinuance notice by extending the period specified for the taking effect of the notice.

(6) The local planning authority shall, on serving on the advertiser a notice of withdrawal or variation under paragraph (5) above, send a copy to every other person served with the discontinuance notice.

## PART III

### EXPRESS CONSENT

#### **Applications for express consent**

**9.**—(1) An application for express consent shall be made to the local planning authority.

(2) Such an application shall be made on a form provided by the local planning authority and give the particulars required by that form. There shall be annexed to the form such plans as the authority require.

(3) An applicant shall provide the local planning authority with 2 additional copies of the completed form and the annexed plans.

(4) The local planning authority may, if they think fit, accept an application notwithstanding that the requirements of paragraph (2) or (3) above are not complied with, provided the application is in writing.

(5) A local planning authority shall not employ a form or require the submission of plans or information inconsistently with any direction which the Secretary of State may have given as to the matter.

(6) An application for the renewal of an express consent may not be made at a date earlier than 6 months before the expiry of that consent.

#### **Secretary of State's directions**

**10.** The Secretary of State may give directions to a local planning authority, either generally or in relation to a particular case or class of case, specifying the kinds of particulars, plans or information to be contained in an application for express consent.

#### **Receipt of applications**

**11.** On receipt of an application for express consent, the local planning authority—

- (a) shall send an acknowledgement in writing to the applicant and, in the case of a county planning authority, shall also send a copy of the application and the accompanying plans to the district planning authority within whose area any part of the application site is situated;
- (b) may direct the applicant in writing to provide one of their officers with such evidence as may reasonably be called for to verify any particulars or information given to them.

#### **Duty to consult**

**12.**—(1) Before granting an express consent, a local planning authority shall consult—

- (a) any neighbouring local planning authority, any part of whose area appears likely to be affected;
- (b) where the application relates to land in a National Park which is land that is not in a metropolitan county, the district planning authority for the area in which the land is situated;
- (c) where they consider that a grant of consent may affect the safety of persons using any trunk road (as defined in section 329 of the Highways Act 1980<sup>(6)</sup>) in England, the Secretary of State for Transport;

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(6) 1980 c. 66.

- (d) where they consider that a grant of consent may affect the safety of persons using any railway, waterway, dock, harbour or aerodrome (civil or military), the person responsible for the operation thereof, and, in the case of coastal waters, the Corporation of Trinity House.

(2) The local planning authority shall give anyone whom they are required to consult at least 14 days' notice that the relevant application is to be considered and shall take into account any representations made by any such person.

### **Power to deal with applications**

**13.**—(1) Subject to regulation 19, where an application for express consent is made to the local planning authority, they may—

- (a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (3) to (6) below, to such additional conditions as they think fit; or
- (b) refuse consent; or
- (c) decline to determine the application in accordance with section 70A(7) of the Act, which shall apply in relation to the application subject to the modifications specified in Part I of Schedule 4, the provisions of that section as modified being set out in Part II of that Schedule.

(2) An express consent may be—

- (a) for the display of a particular advertisement or advertisements with or without illumination, as the applicant specifies;
- (b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or
- (c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(3) The conditions imposed under paragraph (1)(a) above may in particular include conditions—

- (a) regulating the display of advertisements to which the consent relates;
- (b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;
- (c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(4) The local planning authority shall not, under paragraph (1)(a) above, impose any condition in relation to the display of an advertisement within any class specified in Schedule 3 more restrictive than those imposed by that Schedule in relation to that class.

(5) Subject to paragraph (4) above, an express consent shall be subject to the condition that it expires at the end of—

- (a) such period as the local planning authority may specify in granting the consent; or
- (b) where no period is so specified, a period of 5 years.

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(7) Section 70A was inserted by section 17 of the Planning and Compensation Act 1991 (c. 34).

(6) A local planning authority may specify a period under paragraph (5)(a) above as a period running from the earlier of the following, namely the date of the commencement of the display or a specified date not later than 6 months after the date on which the consent is granted.

#### **Notification of decision**

**14.**—(1) The grant or refusal of an express consent by a local planning authority shall be notified in writing to the applicant within a period of 8 weeks from the date of the receipt of the application or such longer period as the applicant may, before the expiry of that period, agree in writing.

(2) The authority shall state in writing their reasons for—

- (a) any refusal of consent in whole or in part;
- (b) any decision to impose any condition under regulation 13(1)(a) on a consent, except a condition specified in Schedule 3 in relation to a class within which the advertisement falls; and
- (c) any condition whereby the the consent expires before the expiry of 5 years from the date on which it is granted, except when the consent is granted for the period for which it was applied for.

#### **Appeals to the Secretary of State**

**15.**—(1) Sections 78 and 79 of the Act<sup>(8)</sup> shall apply, in relation to applications for express consent under these Regulations, subject to the modifications specified in Part III of Schedule 4.

(2) The provisions of those sections, as modified under paragraph (1) above, are set out in Part IV of that Schedule.

(3) Where a discontinuance notice is served under regulation 8, sections 78 and 79 of the Act shall apply subject to the modifications specified in Part V of Schedule 4.

#### **Revocation or modification of express consent**

**16.**—(1) If a local planning authority are satisfied that it is expedient, they may by order revoke or modify an express consent, subject to paragraphs (2) to (7) below.

(2) An order under paragraph (1) above shall not take effect without the approval of the Secretary of State.

(3) When an authority submit an order under paragraph (1) above to the Secretary of State for approval, they shall serve notice on the person who applied for the express consent, the owner and the occupier of the land affected and any other person who, in their opinion, will be affected by the order, specifying a period of at least 28 days from the service of the notice within which objection may be made.

(4) If, within the period specified in the notice, an objection to the order is received by the Secretary of State from any person on whom notice was served, the Secretary of State shall, before approving the order, give to that person and to the local planning authority an opportunity of appearing before and being heard by a person appointed by him.

(5) The power to make an order under this regulation may be exercised—

- (a) in a case which involves the carrying out of building or other operations, at any time before those operations have been completed;
- (b) in any other case, at any time before the display of advertisements is begun.

<sup>(8)</sup> Section 78(2) was amended by the Planning and Compensation Act 1991, section 17(2), which inserted paragraph (aa); and section 79 by section 18 of that Act, which inserted subsection (6A).



(6) In a case to which paragraph (5)(a) above applies, the revocation or modification of consent shall not affect such operations as have already been carried out.

(7) The Secretary of State may approve an order submitted to him under this regulation either without modification or subject to such modifications as he considers expedient.

### **Compensation for revocation or modification**

**17.**—(1) Where—

- (a) an order under regulation 16 takes effect; and
- (b) within 6 months of its approval a claim in writing is served on the local planning authority, either by delivery at or by post to their offices,

the authority shall pay compensation to the claimant for any loss or damage suffered in the circumstances and to the extent specified in paragraph (2) below.

(2) Compensation is payable if, and to the extent that, the claimant has—

- (a) incurred expenditure in carrying out abortive work, including the preparation of plans or similar material;
- (b) otherwise sustained loss or damage directly attributable to the order, other than loss or damage consisting of any depreciation in value of any interest in land,

but excluding any work done, or loss or damage arising out of anything done or not done, before the grant of consent.

## **PART IV**

### **AREAS OF SPECIAL CONTROL**

#### **Area of Special Control Orders**

**18.**—(1) Every local planning authority shall from time to time consider whether any part or additional part of their 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 them 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 which is land that is not 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 their power under this regulation in the interests of public safety within the meaning of regulation 4(1).

**Control in areas of special control**

19.—(1) Subject to the provisions of this regulation, no advertisements may be displayed in an area of special control unless they fall within—

- (a) Classes B to J in Schedule 2;
- (b) Classes 1 to 3, 5 to 7 and 9 to 14 in Schedule 3;
- (c) paragraph (2) below.

(2) Advertisements of the following descriptions displayed with express consent come within this paragraph—

- (a) hoardings or similar structures to be used only for the display of notices relating to local events, activities or entertainments;
- (b) any advertisement for the purpose of announcement or direction in relation to buildings or other land in the locality, where reasonably required having regard to the nature and situation of such buildings or other land;
- (c) any advertisement required in the interests of public safety;
- (d) any advertisement which could be displayed by virtue of paragraph (1)(b) above but for some non-compliance with a condition or limitation imposed by Schedule 3 as respects size, height from the ground, number or illumination or but for a direction under regulation 7;
- (e) any advertisement within Class 4A, 4B or 8 in Schedule 3.

(3) Express consent may not be given for the display in an area of special control of an illuminated advertisement falling within sub-paragraph (2)(a) or (b) above.

(4) Without prejudice to paragraph (2) above, where an area is designated as an area of special control, advertisements within paragraph (5) below which are being displayed immediately before the relevant order comes into force may continue to be displayed, but only for the period specified in relation thereto in that paragraph.

(5) The advertisements and specified periods mentioned in paragraph (4) above are—

- (a) any advertisement within Class 4A or 4B in Schedule 3 for which express consent has not been granted, 5 years from the date on which the order comes into force;
- (b) any advertisement within Class 8 for which express consent has not been granted, 1 year from the date on which the order comes into force or 2 years from the date on which the advertisement was first displayed, whichever period expires later;
- (c) any advertisement for which express consent has been granted, 6 months from the date on which the order comes into force or for the remainder of the period of the express consent, whichever period expires later.

(6) Nothing in paragraphs (1) to (5) above shall—

- (a) affect a notice served at any time under regulation 8;
- (b) override any condition imposed on a consent, whereby an advertisement is required to be removed;
- (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 express consent or to Class 14 in Schedule 3, of an advertisement mentioned in paragraph 2(d) or (e) above.

## PART V

### MISCELLANEOUS

#### **Repayment of expense of removing prohibited advertisements**

**20.** The time limit prescribed for the purpose of making a claim for compensation under section 223 of the Act for the recovery of expenses reasonably incurred is a period of 6 months from the completion of the works.

#### **Register of applications**

- 21.**—(1) Every local planning authority shall keep a register containing particulars of—
- (a) any application made to them for express consent for the display of an advertisement, including the name and address of the applicant, the date of the application and the type of advertisement concerned;
  - (b) any direction given under these Regulations relating to the application;
  - (c) the date and effect of any decision of the local planning authority on the application;
  - (d) the date and effect of any decision of the Secretary of State on an appeal.
- (2) The register shall include an index to enable a person to trace any entry therein.
- (3) Any part of the register which relates to land within a particular part of the area of a local planning authority may be kept at a place within or convenient to that part of their area.
- (4) Subject to paragraph (3) above, the register shall be kept at the office of the local planning authority.
- (5) Every entry in the register consisting of particulars of an application shall be made within 14 days of the receipt of that application.
- (6) The register shall be open to public inspection at all reasonable hours.

#### **Directions requiring information**

**22.** The Secretary of State may give a direction to a local planning authority, or to such authorities generally, requiring them to provide him with information required for the purpose of any of his functions under these Regulations.

#### **Exercise of powers by the Secretary of State**

- 23.**—(1) If it appears to the Secretary of State, after consultation with the local planning authority, that—
- (a) a discontinuance notice should be served under regulation 8; or
  - (b) an area of special control order, or an order revoking such an order, should be made under regulation 18,

he may himself serve such a notice or make such an order.

(2) Where the Secretary of State proposes to exercise his powers under paragraph (1) above, the provisions of regulations 8 and 15 (in relation to sub-paragraph (a)), and of regulation 18 and Schedule 5 (in relation to sub-paragraph (b)), shall apply as they apply to the action of a local planning authority, with such modifications as may be necessary.

### **Discontinuance notice in respect of authority's advertisement**

**24.**—(1) If the Secretary of State is satisfied that it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public, he may serve a discontinuance notice under regulation 8 in relation to an advertisement within Class 1B in Schedule 3.

(2) Paragraphs (2), (5) and (6) of regulation 8 shall apply to a discontinuance notice to which paragraph (1) above applies as if references to the local planning authority were references to the Secretary of State.

(3) Paragraph (3) of regulation 15 shall apply to a discontinuance notice to which paragraph (1) above applies, with such modifications as may be necessary.

### **Extension of time limits**

**25.** The Secretary of State may, in any particular case, extend the time within which anything is required to be done under these Regulations or within which any objection, representation or claim for compensation may be made.

### **Cancellation or variation of directions**

**26.** Any power conferred by these Regulations to give a direction includes power to cancel or vary the direction by a subsequent direction.

### **Contravention of Regulations**

**27.** A person displaying an advertisement in contravention of these Regulations shall be liable on summary conviction of an offence under section 224(3) of the Act<sup>(9)</sup> to a fine of an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, one-tenth of level 3 on the standard scale for each day during which the offence continues after conviction.

### **Statutory Instruments revoked**

**28.** The Town and Country Planning (Control of Advertisements) Regulations 1989<sup>(10)</sup>, the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1990<sup>(11)</sup> and the Town and Country Planning (Control of Advertisements) (Amendment) (No. 2) Regulations 1990<sup>(12)</sup> are hereby revoked.

11th March 1992

*Michael Heseltine*  
Secretary of State for the Environment

11th March 1992

*David Hunt*  
Secretary of State for Wales

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<sup>(9)</sup> Section 224(3) was amended by the Planning and Compensation Act 1991, Schedule 7, paragraph 38.

<sup>(10)</sup> S.I. 1989/670.

<sup>(11)</sup> S.I. 1990/881.

<sup>(12)</sup> S.I. 1990/1562.

SCHEDULE 1

Regulation 2(1)

STANDARD CONDITIONS

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. 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.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

SCHEDULE 2

Regulation 3(2)

CLASSES OF ADVERTISEMENTS TO WHICH PARTS  
II AND III OF THESE REGULATIONS DO NOT APPLY

<i>Description of advertisement</i>	<i>Conditions, limitations and interpretation</i>
<b>CLASS A</b> The display of an advertisement on or consisting of a balloon not more than 60 metres above ground level.	<ol style="list-style-type: none"><li>1. The site of the advertisement is not within an area of outstanding natural beauty, a conservation area, a National Park, the Broads or an area of special control.</li><li>2. Not more than one such advertisement may be displayed on the site at any one time.</li><li>3. The site may not be used for the display of advertisements on more than 10 days in total in any calendar year.</li><li>4. For the purposes of Class A, “the site” means—<ol style="list-style-type: none"><li>(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; or</li><li>(b) in any other case, the land to which the balloon is attached and all</li></ol></li></ol>

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

<i>Description of advertisement</i>	<i>Conditions, limitations and interpretation</i>
<p><b>CLASS B</b> An advertisement displayed on enclosed land.</p>	<p>land normally occupied together therewith.</p> <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 B, “enclosed land” includes 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 (save as herein specified) any enclosed railway land normally used for the carriage of passengers or goods by rail.</li> </ol>
<p><b>CLASS C</b> An advertisement displayed on or in a vehicle.</p>	<ol style="list-style-type: none"> <li>1. The vehicle is not—               <ol style="list-style-type: none"> <li>(a) normally employed except as a moving vehicle; or</li> <li>(b) used principally for the display of advertisements.</li> </ol> </li> </ol>
<p><b>CLASS D</b> An advertisement incorporated in the fabric of a building.</p>	<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> <li>2. For the purposes of Class D—               <ol style="list-style-type: none"> <li>(a) an advertisement fixed to, or painted on, a building is not to be regarded as incorporated in its fabric;</li> <li>(b) a hoarding or similar structure is to be regarded as a building used principally for the display of advertisements.</li> </ol> </li> </ol>
<p><b>CLASS E</b> An advertisement displayed on an article for sale or on the container in, or from which, an article is sold.</p>	<ol style="list-style-type: none"> <li>1. The advertisement refers only to the article for sale.</li> <li>2. The advertisement may not be illuminated.</li> <li>3. It may not exceed 0.1 square metre in area.</li> <li>4. For the purposes of Class E, “article” includes a gas or liquid.</li> </ol>
<p><b>CLASS F</b> An advertisement relating specifically to a pending Parliamentary, European Assembly or local government election.</p>	<ol style="list-style-type: none"> <li>1. The advertisement shall be removed within 14 days after the close of the poll in the election to which it relates.</li> </ol>
<p><b>CLASS G</b></p>	

<i>Description of advertisement</i>	<i>Conditions, limitations and interpretation</i>
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 power or function.	<ol style="list-style-type: none"><li>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.</li><li>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.</li><li>3. The advertisement may not be displayed after the expiry of the period during which it is required or authorised to be displayed, or if there is no such period, the expiry of a reasonable time after its purpose has been satisfied.</li></ol>
<b>CLASS H</b> A traffic sign.	<ol style="list-style-type: none"><li>1. For the purposes of Class H, a traffic sign means a traffic sign as defined in section 64(1) of the Road Traffic Regulation Act 1984(13).</li></ol>
<b>CLASS I</b> The national flag of any country.	<ol style="list-style-type: none"><li>1. Each flag is to be displayed on a single vertical flagstaff.</li><li>2. Neither the flag nor the flagstaff may display any advertisement or subject matter additional to the design of the flag.</li></ol>
<b>CLASS J</b> An advertisement displayed inside a building.	<ol style="list-style-type: none"><li>1. The advertisement may not be illuminated.</li><li>2. The building in which the advertisement is displayed is not used principally for the display of advertisements.</li><li>3. 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.</li></ol>

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(13) 1984 c. 27.

SCHEDULE 3

Regulation 6

CLASSES OF ADVERTISEMENTS WHICH MAY  
BE DISPLAYED WITH DEEMED CONSENT

PART I

SPECIFIED CLASSES AND CONDITIONS

*Class 1*

*Functional advertisements of local authorities,  
statutory undertakers and public transport undertakers*

**1A Description.**

**1A.** An advertisement displayed wholly for the purpose of announcement or direction in relation to any of the functions of a local authority or to the operation of a statutory undertaking or a public transport undertaking, which—

- (a) is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking, and
- (b) cannot be displayed by virtue of any other specified class.

**1A Conditions and Limitations.**

- (1) Illumination is not permitted unless reasonably required for the purpose of the advertisement.

**1B Description.**

**1B.** An advertisement displayed by a local planning authority on land in their area.

**1B Conditions and Limitations.**

(1) In an area of special control, such an advertisement may be displayed only if the authority could have granted express consent for its display.

*Class 2*

*Miscellaneous advertisements relating to the premises on which they are displayed*

**2A Description.**

**2A.** An advertisement displayed for the purpose of identification, direction or warning, with respect to the land or building on which it is displayed.

**2A Conditions and Limitations.**

- (1) No such advertisement may exceed 0.3 square metre 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.

#### **2B Description.**

**2B.** An advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where it is displayed.

#### **2B Conditions and Limitations.**

(1) No advertisement may exceed 0.3 square metre in area.

(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.

(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.

(4) Not more than one such advertisement is permitted for each person, partnership or company or, in the case of premises with entrances on different road frontages, one such advertisement at each of two such entrances.

(5) Illumination is not permitted unless the advertisement states that medical or similar services or supplies are available on the premises and the illumination is in a manner reasonably required to fulfil the purpose of the advertisement.

#### **2C Description.**

**2C.** 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 or hostel, at the premises where it is displayed.

#### **2C Conditions and Limitations.**

(1) Not more than one such advertisement is permitted in respect of each premises or, in the case of premises with entrances on different road frontages, one such advertisement at each of two such entrances.

(2) No such advertisement may exceed 1.2 square metres in area.

(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) Illumination is not permitted unless the advertisement states that medical or similar services or supplies are available at the premises and the illumination is in a manner reasonably required to fulfil the purpose of the advertisement.

### ***Class 3***

#### ***Miscellaneous temporary advertisements***

#### **3A 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.

### **3A Conditions and Limitations.**

- (a) **3A.** (1) (a) Not more than one such advertisement, consisting of a single board or two joined boards, is permitted.
- (b) Where more than one such 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) Any such advertisement shall be removed within 14 days after the sale is completed or a tenancy is granted.
- (4) No such 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 together, 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 together, 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.

### **3B 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 normally used, whether at regular intervals or otherwise, for the purpose of holding such sales.

### **3B Conditions and Limitations.**

- (a) **3B.** (1) (a) Not more than one such advertisement may be displayed at any one time on the land concerned.
- (b) Where more than one such advertisement is displayed, the first to be displayed shall be taken to be the one permitted.
- (2) No such advertisement may be displayed earlier than 28 days before the day (or first day) on which the sale is due to take place.
- (3) Any such advertisement shall be removed within 14 days after the sale is completed.
- (4) No such advertisement may exceed 1.2 square metres in area.
- (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.

### **3C Description.**

**3C.** 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.

### **3C Conditions and Limitations.**

- (a) **3C.** (1) (a) Not more than one such advertisement shall be displayed at any one time, on each road frontage of the land, in respect of each separate development project, except in the case mentioned in paragraph (4) below.
- (b) Where more than one such advertisement is displayed, the first to be displayed on any frontage shall be taken to be the one permitted.
- (2) No such advertisement may be displayed except while the relevant works are being carried out.
- (3) No such advertisement may exceed in aggregate—
  - (a) in the case of an advertisement referring to one person—
    - (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 additional person, or
    - (ii) in any other case, 2 square metres plus 0.4 square metre for each additional person, together with 0.2 of the area permitted under sub-paragraph (a) or (b) above for the name, if any, of the development project.
- (4) Where any such 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.

### **3D Description.**

**3D.** An advertisement—

- (i) announcing any local event of a religious, educational, cultural, political, social or recreational character,
- (ii) 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.

### **3D Conditions and Limitations.**

- (1) No such advertisement may exceed 0.6 square metre in area.
- (2) No such advertisement may be displayed earlier than 28 days before the day (or first day) on which the event or activity is due to take place.

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

- (3) Any such advertisement shall be removed within 14 days after the end of the event or activity.
- (4) Illumination is not permitted.
- (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.
- (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.

**3E Description.**

**3E.** An advertisement relating to any demonstration of agricultural methods or processes, on the land on which it is displayed.

**3E Conditions and Limitations.**

- (1) Advertisements of this Class may not be displayed on any land for more than 6 months in any period of 12 months.
- (2) The maximum area of display permitted in respect of each demonstration is 1.2 square metres.
- (3) No single advertisement within such a display may exceed 0.4 square metre in area.
- (4) No such 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.
- (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.

**3F Description.**

**3F.** An advertisement relating to the visit of a travelling circus, fair or similar travelling entertainment to any specified place in the district.

**3F Conditions and Limitations.**

- (1) No such advertisement may exceed 0.6 square metre in area.
- (2) No such advertisement may be displayed earlier than 14 days before the first performance or opening of the entertainment at the place specified.
- (3) Any such advertisement shall be removed within 7 days after the last performance or closing of the specified entertainment.
- (4) At least 14 days before the advertisement is first displayed, the local planning authority are to be notified in writing of the first date on which, and of the site at which, it is to be displayed.
- (5) Illumination is not permitted.
- (6) No part of the advertisement may be more than 3.6 metres above ground level.

#### **Class 4**

#### ***Illuminated advertisements on business premises***

##### **4A Description.**

**4A.** 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 matters, namely the business carried on or the name or qualifications of the person carrying on a business from the premises.

##### **4A Conditions and Limitations.**

(1) Subject to paragraph (11) below, no such advertisement is permitted within a conservation area, an area of outstanding natural beauty, a National Park or the Broads.

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

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

- (a) no surface may be greater than 1 square metre in area;
- (b) the advertisement may not project more than 1 metre from the wall; and
- (c) it may not be more than 1.5 metres high.

(4) Each character of the advertisement but no part of the background is to be illuminated from within.

(5) No such advertisement may include any intermittent light source, moving feature, exposed cold cathode tubing, animation or reflective material.

(6) The luminance of any such advertisement may not exceed the limits specified in paragraph 2 of Part II of this Schedule.

(7) In the case of any 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.

(8) The lowest part of any such advertisement must be at least 2.5 metres above ground level.

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

(10) 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.

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

##### **4B 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 matters, namely the business carried on or the name or qualifications of the person carrying on a business from those premises.

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

#### **4B Conditions and Limitations.**

(1) Subject to paragraph (12) below, no such advertisement is permitted within a conservation area, an area of outstanding natural beauty, a National Park or the Broads.

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

(3) Not more than one such advertisement parallel to a wall and one projecting at right angles from such 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) it may not be more than 1 metre high; and
- (d) it may not project over any carriageway.

(4) Each character of the advertisement but no part of the background is to be illuminated from within.

(5) No such advertisement may include any intermittent light source, moving feature, exposed cold cathode tubing, animation or reflective material.

(6) The luminance of any such advertisement may not exceed the limits specified in paragraph 2 of Part II of this Schedule.

(7) In the case of any such 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 2 faces of an advertisement projecting from a wall,

may not exceed 0.25 metre.

(8) The lowest part of any such advertisement shall be at least 2.5 metres above ground level.

(9) No surface of any 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 0.2 of the frontage measured to the top of the advertisement, whichever is the less.

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

(11) 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.

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

#### ***Class 5***

#### ***Advertisements on business premises***

#### **5 Description.**

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 matters, namely 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.

## **5 Conditions and Limitations.**

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

(2) In an area of special control, the space occupied by any such advertisement may not exceed 0.1 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 any such advertisement shall, notwithstanding that it is displayed in some other manner, be calculated as if the whole advertisement were displayed flat against the face of the building.

(3) Illumination is not permitted unless the advertisement states that medical or similar services or supplies are available at the premises on which the advertisement is displayed and the illumination is in a manner reasonably required to fulfil the purpose of the advertisement.

(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; or
- (b) the bottom level of any first floor window in the wall on which the advertisement is displayed.

### ***Class 6***

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

## **6 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.

## **6 Conditions and Limitations.**

(1) Advertisements displayed on any such forecourt or, in the case of a building with a forecourt on two or more frontages on each of those frontages, shall not exceed in aggregate 4.5 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 7***

#### ***Flag advertisements***

## **7 Description.**

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

## **7 Conditions and Limitations.**

- (1) No such advertisement is permitted other than one—
  - (a) bearing the name or 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.

### ***Class 8***

#### ***Advertisements on hoardings***

## **8 Description.**

**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.

## **8 Conditions and Limitations.**

- (1) Subject to paragraph (7) below, no such advertisement shall be displayed in a conservation area, a National Park, an area of outstanding natural beauty or the Broads.
- (2) No such advertisement may be displayed earlier than one month before the commencement of the building operations.
- (3) Any such advertisement shall be at least 1.5 metres high and 1 metre long and not more than 3.1 metres high and 6.1 metres long.
- (4) At least 14 days before the advertisement is first displayed, the local planning authority shall be notified in writing by the person displaying it of the date on which it will first be displayed and shall be sent a copy of the relevant planning permission.
- (5) No such advertisement shall be displayed for more than 2 years.
- (6) Illumination is permitted in a manner and to the extent reasonably required to achieve the purpose of the advertisement.
- (7) Paragraph (1) above does not preclude the continued display of an advertisement being 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.

### ***Class 9***

#### ***Advertisements on highway structures***

## **9 Description.**

**9.** An advertisement displayed on a part of an object or structure designed to accommodate four-sheet panel displays, the use of which for the display of such advertisements is authorised under section 115E(1)(a) of the Highways Act 1980(14).

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(14) 1980 c. 66; section 115E was inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Schedule 5, Part I.



## **9 Conditions and Limitations.**

- (1) No such advertisement may exceed 1.6 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.

### ***Class 10***

#### ***Advertisements for neighbourhood watch and similar schemes***

## **10 Description.**

**10.** An advertisement displayed on or near highway land (but not in the window of a building), to give notice that a neighbourhood watch scheme or a similar scheme established jointly by the police authority and a local committee or other body of persons is in operation in the area.

## **10 Conditions and Limitations.**

- (1) No such advertisement may exceed 0.2 square metre in area.
- (2) No such 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 have agreed to the display of the advertisement; and
  - (c) where relevant, that the consent of the highway authority has been given.
- (4) Any such 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 withdraw their 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***

#### ***Directional advertisements***

## **11 Description.**

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

## **11 Conditions and Limitations.**

- (1) No such advertisement may exceed 0.15 square metre in area.
- (2) No part of the advertisement may be of a reflective material.
- (3) The design of the advertisement may not be similar to that of a traffic sign.
- (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 local planning authority shall, at least 14 days before the advertisement is first displayed, be notified in writing of the place at which, and the first date on which, it will be displayed.
- (7) No such 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) Any character or symbol on the advertisement shall be at least 0.04 metre high.
- (10) No character or symbol on the advertisement may be more than 0.25 metre high.
- (11) 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***

### ***Advertisements inside buildings***

## **12 Description.**

- 12.** An advertisement displayed inside a building which does not fall within Class J in Schedule 2.

## ***Class 13***

### ***Sites used for the display of advertisements on 1st April 1974***

## **13 Description.**

- 13.** An advertisement displayed on a site which was used for the display of advertisements without express consent on 1st April 1974 and has been so used continually since that date.

## **13 Conditions and Limitations.**

- (1) No substantial increase in the extent, or substantial alteration in the manner, of the use of the site for the display of advertisements on 1st April 1974 is permitted.
- (2) If any building or structure on which such an advertisement is displayed is required by or under any enactment to be removed, no erection of any building or structure to continue the display is permitted.

### ***Class 14***

#### ***Advertisements displayed after expiry of express consent***

#### **14 Description.**

14. An advertisement displayed with express consent, after the expiry of that consent, unless—
- (a) a condition to the contrary was imposed on the consent,
  - (b) a renewal of consent was applied for and refused.

#### **14 Conditions and Limitations.**

- (1) Any condition imposed on the relevant express consent is to continue to apply to any such advertisement.
- (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.

## **PART II**

### **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 not—

- (a) a building used as an institution of a religious, educational, cultural, recreational, or medical or similar character;
- (b) a building designed for use as one or more separate dwellings, unless it was normally used, immediately before 1st September 1949, for any such purpose or 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;
- (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;

“forecourt” includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises;

“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;

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

“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;

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- (b) sell primarily goods other than food;
- (c) share one or more communal car parks.

“traffic sign” means a sign falling within Class H of Schedule 2 to these Regulations.

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

**2.—**(1) Subject to sub-paragraph (2), the permitted limits of luminance for advertisements falling within Class 4A or 4B are, for an illuminated area measuring not more than—

- (a) 0.5 square metre, 1,000 candela per square metre,
- (b) 2 square metres, 800 candela per square metre,
- (c) 10 square metres, 600 candela per square metre,

and for any greater area, 400 candela per square metre.

(2) For the purposes of calculating the relevant area for the permitted limits—

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

## SCHEDULE 4

Regulations 13 and 15

### MODIFICATIONS OF THE ACT

#### PART I

##### 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 since the dismissal mentioned in paragraph (a) in any material consideration.”;

(b) in subsection (2)—

- (i) for “planning permission for the development of any land” substitute “express consent”;
- (ii) for “development” substitute “subject matter of the applications”; and
- (iii) for “the applications” substitute “they”.

## PART II

### 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 since the dismissal mentioned in paragraph (a) in any material consideration.

(2) For the purposes 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 III

### 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), (b) and (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) any notice of decision; 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 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).”;

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- (e) in subsection (5), omit 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 the term thereof shall run for such longer or shorter period than 5 years as he considers expedient, having regard to regulation 4 of the Town and Country Planning (Control of Advertisements) Regulations 1992 and to 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), for the words from “in respect of 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 IV

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

**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.

(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) any notice of decision; 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 an 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 the term thereof shall run for such longer or shorter period than 5 years as he considers expedient, having regard to regulation 4 of the Town and Country Planning (Control of Advertisements) Regulations 1992 and to 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 such 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 V

### 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) Regulations 1992 that person may, if he is aggrieved by the notice, appeal by notice under this section to the Secretary of State.

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(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(3), taking account where appropriate of any extension of time under regulation 8(5), of those Regulations, or such longer period as the Secretary of State may allow, and the notice shall be accompanied by a copy of each of the following documents—

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

(3) 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) reverse or vary any part of the discontinuance notice (whether the appeal relates to that part of it or not),

and may 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.”;

(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 in favour of the appellant.”;

(c) omit subsection (6);

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

## SCHEDULE 5

Regulation 18

### AREA OF SPECIAL CONTROL ORDERS

#### PART I

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

1. A local planning authority who propose—

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



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

**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 their 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 these boundaries and the proposed modifications; and
- (d) any additional certified copy of any of the material in subparagraphs (a) to (c) above, which the Secretary of State requires.

**4.** The authority shall forthwith publish in the London Gazette, and in two successive weeks in at least one newspaper circulating in the locality, a notice in prescribed Form 1.

**5.** If any objection is made to an order, in the manner and within the time provided for in the prescribed form, the Secretary of State—

- (a) may offer all interested parties an opportunity to make representations to him in writing about any such objection before such date as he 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 him.

**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 below, approve the order with or without modifications.

**7.** If the Secretary of State proposes to make a modification for the inclusion of additional land in an order, he shall—

- (a) publish notice of his intention to do so;
- (b) afford an opportunity for the making of objections to, or representations about, the proposed modification; and
- (c) if he 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 prescribed 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 propose to make an order revoking an area of special control order, a map showing the existing area shall be annexed to the order, and the procedure prescribed in paragraphs 2 to 9 of this Schedule in relation to an order modifying an existing order shall be followed, subject to the modification that the prescribed forms of notice under paragraphs 4 and 8 respectively are prescribed Forms 3 and 4.

**11.** Any reference in this Part of this Schedule to a prescribed form is to the form bearing that number in Part II of this Schedule or a form substantially to the like effect.

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PART II  
FORMS OF NOTICE

PART II  
FORMS OF NOTICE

FORM 1

NOTICE OF AN AREA OF SPECIAL CONTROL ORDER

*Town and Country Planning Act 1990*

**Town and Country Planning (Control of Advertisements) Regulations 1992**

1. We, the *(insert name of Council)* give notice that we have submitted an area of special control order, made under regulation 18 of the Town and Country Planning (Control of Advertisements) Regulations 1992, to the Secretary of State \*for the Environment/for Wales for approval under Schedule 5 to the Regulations.

2. \*The order designates the area of land described in the Schedule hereto and shown on the map accompanying the order.

*Or*

\*The order modifies the *(insert name of relevant order)* by \*adding/removing the area of land described in the Schedule hereto and shown on the map accompanying the order.

3. A copy of the order and of the statement of the reasons for making it have been deposited at and will be available for inspection free of charge between the hours of

4. The order is about to be considered by the Secretary of State. Any objection to it must be made in writing, stating the grounds of objection, and sent to the \*Department of the Environment/Welsh Office at before *(insert a date at least 28 days from the date of first publication of the local advertisement)*.

Signed .....

On behalf of .....

Date .....

\*Delete whichever is inappropriate

**SCHEDULE**

*(insert description of land)*

FORM 2

NOTICE OF APPROVAL OF AN AREA OF SPECIAL CONTROL ORDER

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) Regulations 1992

1. We, the (insert name of Council) give notice that the Secretary of State \*for the Environment/for Wales has approved \*with modifications the (insert name of order) for the purposes of Schedule 5 to the Town and Country Planning (Control of Advertisements) Regulations 1992.

2. The order \*designates as an area of special control the land described in the Schedule hereto/modifies the (insert name of relevant order) by adding/removing the land described in the Schedule hereto.

3. The order comes into force on (insert date of publication in London Gazette).

4. A copy of the order as approved has been deposited at \_\_\_\_\_ and will be available for inspection free of charge between the hours of \_\_\_\_\_

IMPORTANT

Regulation 19 of the 1992 Regulations contains important provisions about-

- The advertisements permitted in an area of special control.
- The circumstances in which existing advertisements must be removed after this order comes into force.

Signed .....

On behalf of .....

Date .....

\*Delete inappropriate words

SCHEDULE

(insert description of land)

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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) Regulations 1992

1. We, the (insert name of Council) give notice that we have submitted an order revoking the (insert name of relevant order) made under regulation 18 of the Town and Country Planning (Control of Advertisements) Regulations 1992 to the Secretary of State \*for the Environment/for Wales for approval under Schedule 5 to the Regulations.

2. A copy of the revocation order and of the statement of the reasons for making it have been deposited at and will be available for inspection free of charge between the hours of

3. The revocation order is about to be considered by the Secretary of State. Any objection to it must be made in writing, stating the grounds of objection, and sent to the \*Department of the Environment/Welsh Office at before (insert a date at least 28 days after the first publication of the local advertisement).

Signed .....

On behalf of .....

Date .....

\*Delete whichever is inappropriate

FORM 4

NOTICE OF APPROVAL OF AN ORDER REVOKING AN AREA OF SPECIAL CONTROL ORDER

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) Regulations 1992

1. We, the (insert name of Council) give notice that the Secretary of State \*for the Environment/for Wales has approved an order revoking the (insert name of order revoked) for the purposes of Schedule 5 to the Town and Country Planning (Control of Advertisements) Regulations 1992.

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

3. A copy of the revocation order as approved has been deposited at and will be available for inspection free of charge between the hours of .

Signed .....

On behalf of .....

Date .....

\*Delete whichever is inappropriate

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace with amendments the Town and Country Planning (Control of Advertisements) Regulations 1989 and two amending instruments.

The main provisions of the Regulations, which apply to England and Wales, concern the control by local planning authorities of the display of outdoor advertisements.

Subject to the exclusion of memorials and railway signals, the term "advertisement" has the meaning given by section 336(1) of the Town and Country Planning Act 1990, as amended by section 24 of the Planning and Compensation Act 1991 ("the 1991 Act"). The main change is that an awning or blind used wholly or partly for advertising purposes is now included in the definition.

Part II of the Regulations provides for specified classes of advertisements to be displayed with deemed consent, subject to stated conditions and limitations and to the power of the local planning authority to serve discontinuance notices. Part III provides for applications for express consent to be made to the local planning authority, with a right of appeal to the Secretary of State where consent is refused or granted conditionally, or where the local planning authority fail to determine the application as required by the Regulations. Also included in Part III is provision for appeals to the Secretary of State in respect of discontinuance notices, and for the revocation or modification

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of express consent. The advertisements mentioned in regulation 3(2) are excluded from Parts II and III. Part IV deals with areas of special control, and Parts I and V with general and miscellaneous provisions.

The main changes made by the Regulations are consequential upon provisions in the 1991 Act:

- (a) all applications for express consent are now to be made to the authority to whom it falls to determine them (regulation 9(1));
- (b) the power given to the local planning authority to decline to determine a planning application which is the same, or substantially the same, as one dismissed by the Secretary of State on appeal within the previous two years, is applied to applications for express consent (regulation 13(1)(c) and Part I of Schedule 4); and
- (c) the power given to the Secretary of State to dismiss planning appeals where there is undue delay in their progress is applied to appeals in respect of applications for express consent (regulation 15(1) and Part III of Schedule 4); and to appeals in respect of discontinuance notices (regulation 15(3) and Part V of that Schedule).

There are also minor and drafting amendments.