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(Department of the Environment)

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(Welsh Office)



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9 September 1994

### **Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1994**

1. The Secretary of State for the Environment and the Secretary of State for Wales have made the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1994 (SI 1994/2351) which will come into force on 1st October 1994. These Regulations amend the Town and Country Planning (Control of Advertisements) Regulations 1992 (SI 1992/666) as described in detail in paragraphs 3 to 12 below. The Regulations apply to England and Wales.

#### *Summary of main changes made by the Regulations*

2. Following Ministerial consideration of consultees' responses to some proposed de-regulatory changes in the advertisement control régime, canvassed in the Department's consultation paper "Streamlining Planning" (December 1993), amendments are being made to the provisions of "deemed consent" Classes 4A, 4B, 8 and 9 in Schedule 3 to the 1992 Regulations. New "deemed consent" provisions (defined in Class 7B) are being added to Schedule 3 permitting the display, subject to conditions and limitations, of flag advertisements on housebuilding sites during the building operations and any period during which completed, new houses remain available for sale. Minor changes are made to the definition of "statutory undertaker", in Regulation 2(1), and to the description of election notice advertisements which may be displayed under Class F in Schedule 2 to the 1992 Regulations.

#### *Classes 4A and 4B in Schedule 3 (signs on "business premises")*

3. The description of advertisements which may be displayed under the deemed consent provisions applicable to Classes 4A and 4B in Schedule 3 is, in each case, amended to permit the display of advertisements relating to *the goods sold or services provided* on the premises. These provisions are in addition to the present provisions which enable the business being carried on and the name and qualifications of the person carrying on the business, to be displayed with deemed consent (Regulation 5).

4. In each Class, the condition in paragraph (4) is amended (by Regulation 5) to permit the use of what is often called "halo" illumination, as well as the existing permitted form of individual letter internal illumination. What is meant by "halo" illumination is defined in an amendment to Part II of Schedule 3 (Regulation 9).

5. In each Class, the condition in paragraph (5) is amended to remove the prohibition on the use of any form of "reflective material", so as to permit the display, for example, of an advertisement with a stainless steel rim (Regulation 5).

*Class 7 in Schedule 3 (flag advertisements)*

6. Class 7 in Schedule 3 is sub-divided (by Regulation 6) into Classes 7A and 7B. The present Class 7 in the 1992 Regulations (an advertisement in the form of a flag on a single flagstaff projecting vertically from the roof of a building) becomes Class 7A but is otherwise unchanged. A new Class 7B is inserted, permitting the display of flag advertisements at housebuilding sites and where new houses remain available for sale, except in any Conservation Area, Area of Outstanding Natural Beauty, National Park, the Broads or an Area of Special Control of Advertisements. The number of such advertisements permitted, the maximum size of flag and height of flagstaff, and the maximum period of display are specified in conditions imposed by paragraphs (2) to (5) of Class 7B. Part II of Schedule 3 (Interpretation of Part I in that Schedule) is amended by a new paragraph 4 which defines the site on which such advertisements may be displayed and makes specific provision for joint or phased development of a larger site. The terms "flat", "house" and "planning permission" are also defined for the purpose of this new deemed consent.

*Class 8 in Schedule 3 (advertisements on hoardings)*

7. In Class 8 in Schedule 3, which permits temporary advertisements on hoardings around building sites, the condition in paragraph (2) is amended (by Regulation 7) to increase the period during which an advertisement may be displayed before building work commences, from one month to *three months*.

8. The condition in paragraph (3) in Class 8 is amended (by Regulation 7) to increase the maximum size of permitted advertisement under this Class, from 3.1 metres high by 6.1 metres long to *3.1 metres high by 12.1 metres long*.

9. The condition in paragraph (5) in Class 8 is amended (by Regulation 7) to increase from 2 years to *3 years* the maximum time during which an advertisement may be displayed with deemed consent by virtue of this Class.

*Class 9 in Schedule 3 (advertisements on highway structures)*

10. In Class 9 in Schedule 3, the condition in paragraph (1) is amended (by Regulation 8) to increase the maximum size of advertisement which may be displayed with deemed consent under this Class, from 1.6 square metres to *2.16 square metres in area*.

*Regulation 2(1) (Interpretation)*

11. In Regulation 2(1), the definition of "statutory undertaker" is amended (by Regulation 3) consequent upon the coming into force of the Railways Act 1993 and the Coal Industry Act 1994. Licence holders or those benefiting from licence exemption under the Railways Act 1993 are included within the definition of "statutory undertaker", as are the Coal Authority or licensed operators under the Coal Industry Act 1994. The reference to the British Coal Corporation is deleted.

*Class F in Schedule 2 (election notice advertisements)*

12. The reference to European Assembly elections in Class F in Schedule 2 is corrected (by Regulation 4) to refer to European *Parliamentary* elections.

*Explanatory booklet about outdoor advertisement control*

13. To help people affected by them to understand the statutory provisions for planning control over outdoor advertisements, an explanatory booklet is made available by the Departments. A revised edition of the booklet entitled "Outdoor Advertisements and Signs—A Guide for Advertisers" is being produced. As before, this is a comprehensive guide to the advertisement control system. Copies of the booklet will be distributed in due course to all planning authorities in England and Wales. They are intended to be available to enquirers at authorities' offices and at enquiry points where people may seek information about outdoor advertisements.

*Effects on local government manpower and expenditure*

14. No significant effect on local government manpower and expenditure is anticipated as a result of these amending Regulations.

D N DONALDSON, *Assistant Secretary*  
W P RODERICK, *Assistant Secretary*

The Chief Executive

County Councils in England and Wales

District Councils

London Borough Councils

Council of the Isles of Scilly

The Town Clerk, City of London

The National Park Officer

Peak Park Planning Board

Lake District Special Planning Board

The Chief Executive, Broads Authority

The Chief Executive

Urban Development Corporations

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1994 No. 2351

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

**The Town and Country Planning (Control of  
Advertisements) (Amendment) Regulations 1994**

<i>Made</i> - - - -	<i>7th September 1994</i>
<i>Laid before Parliament</i>	<i>9th September 1994</i>
<i>Coming into force</i>	<i>1st October 1994</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, and 333(1) of the Town and Country Planning Act 1990(a), hereby make the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1994 and shall come into force on 1st October 1994.

(2) In these Regulations—

“the principal Regulations” means the Town and Country Planning (Control of Advertisements) Regulations 1992(b);

“the Class 4 conditions” means the conditions and limitations applicable to advertisements described in Classes 4A and 4B in Part I of Schedule 3 to the principal Regulations; and

“the Class 8 conditions” and “the Class 9 conditions” mean the conditions and limitations applicable to advertisements described in Class 8 and in Class 9, respectively, in that Part.

**Amendment of the principal Regulations**

2. The principal Regulations are amended in accordance with regulations 3 to 9 below.

**Definition of “statutory undertaker”**

3. In regulation 2(1), in the definition of “statutory undertaker”—

(a) for “the British Coal Corporation” substitute “the Coal Authority or any licensed operator within the meaning of section 65(1) of the Coal Industry Act 1994”; and

(b) before “the Post Office” insert “any person who is a licence holder, or who has the benefit of a licence exemption, within the meaning of Part I of the Railways Act 1993,”(c).

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(a) 1990 c.8.  
(b) S.I. 1992/666.  
(c) 1994 c.21. 1993 c.43.

**Classes of advertisements to which Parts II and III of the principal Regulations do not apply**

4. In Schedule 2, in Class F, for "European Assembly" substitute "European Parliamentary".

**Illuminated advertisements on business premises**

5. In Part I of Schedule 3, in Class 4—

(a) in the descriptions of Classes 4A and 4B, for the words after "carried on", substitute in each case "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.";

(b) for paragraph (4) of the Class 4 conditions substitute the following—

"(4) Illumination may be—

(a) by halo illumination, or

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

(c) in paragraph (5) of the Class 4 conditions for "animation or reflective material" substitute "or animation"; and

(d) in paragraph (6) of the Class 4 conditions for "The luminance" substitute "Where the method of illumination is that described in paragraph (4)(b), the luminance".

**Flag advertisements**

6. In Part I of Schedule 3, for Class 7 substitute the following—

<b>"Class 7</b>	<b>Flag advertisements</b>
Description	<b>7A.</b> An advertisement in the form of a flag attached to a single flagstaff projecting vertically from the roof of a building.
Conditions and Limitations	<b>7A.—</b> (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.

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Description	<b>7B.</b> An advertisement in the form of a flag attached to a single vertical flagstaff erected on a site which forms part of an area of land in respect of which planning permission has been granted for development of which the only or principal component is residential development and on which— (a) operations for the construction of houses are in progress pursuant to that permission, or (b) such operations having been completed, at least one of the houses remains unsold.
Conditions and Limitations	<b>7B.—</b> (1) No such advertisement is permitted within a conservation area, an area of outstanding natural beauty, a National Park, the Broads or an area of special control.  (2) The number of such advertisements on the land concerned shall not exceed— (a) where the aggregate number of houses on that land does not exceed 10, one;

- (b) where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two;
  - (c) where the aggregate number of houses on that land exceeds 100, three.
- (3) No part of the flagstaff may be more than 4.6 metres above ground level.
- (4) No flag shall exceed 2 square metres in area.
- (5) No such advertisement shall be displayed after the expiration of the period of 1 year commencing on the day on which building operations on the land concerned have been substantially completed."

#### **Advertisements on hoardings**

7. In Part I of Schedule 3, in Class 8—
- (a) in paragraph (2) of the Class 8 conditions for "one month" substitute "three months";
  - (b) in paragraph (3) of the Class 8 conditions for "6.1 metres long" substitute "12.1 metres long"; and
  - (c) in paragraph (5) of the Class 8 conditions for "2 years" substitute "3 years".

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

8. In Part I of Schedule 3, in paragraph (1) of the Class 9 conditions, for "1.6 square metres" substitute "2.16 square metres".

#### **Interpretation of Part I of Schedule 3 to the principal Regulations**

9. In Part II of Schedule 3 after paragraph 2 insert the following—

"3. In relation to advertisements within Class 4A or Class 4B "halo illumination" means illumination from within built-up boxes comprising characters or symbols where the only source of light is directed through the back of the box onto an otherwise unilluminated backing panel.

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

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

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

"house" includes a flat;

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

"the land concerned", in relation to any development, means—

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

(2) Subject to sub-paragraph (3), this sub-paragraph applies where the development is carried out in phases.

(3) This sub-paragraph applies where the development is carried out by two or more persons who each carry out part of it on a discrete part of the land to which the planning permission relates (whether the whole of the development or any part of it is carried out in phases or otherwise)."

Signed by authority of the  
Secretary of State for the Environment

22nd August 1994

*Paul Beresford*  
Parliamentary Under-Secretary of State,  
Department of the Environment

Signed by authority of the  
Secretary of State for Wales

7th September 1994

*Gwilym Jones*  
Parliamentary Under-Secretary of State,  
Welsh Office

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Town and Country Planning (Control of Advertisements) Regulations 1992 ("the principal Regulations"). In addition to minor drafting amendments, the following changes of substance are made—

- (a) the means of illumination for illuminated advertisements for which deemed consent is given (Class 4 in Part I of Schedule 3 to the principal Regulations) are extended to include "halo" illumination (defined in a new paragraph 3 in Part II of that Schedule);
- (b) the class of flag advertisement for which deemed consent is given (Class 7 in Part I of Schedule 3 to the principal Regulations) is extended so as to permit flag advertisements on certain sites on which houses have been or are being constructed. Some of the terms used in relation to the new Class 7B are defined in a new paragraph 4 in Part II of that Schedule; and
- (c) restrictions as to the size of advertisements on hoardings (Class 8) and the period for which their display is permitted are relaxed; and similar restrictions as to size as regards advertisements in Class 9 (advertisements on highway structures) are relaxed.

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