
STATUTORY INSTRUMENTS

2007 No. 783

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

PART 3

EXPRESS CONSENT

Applications for express consent

- 9.—(1) An application for express consent shall be made to the local planning authority.
- (2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.
- (3) The applicant shall—
- (a) include the particulars specified in the form; and
 - (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,
 - (ii) shows the direction of North,
 - (iii) identifies the location of the site by reference to at least two named roads, and
 - (iv) identifies the proposed position of the advertisement.
- (4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.
- (5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.
- (6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.
- (7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.
- (8) Where an application is made electronically, the applicant shall be taken to have agreed—
- (a) to the use by the authority of electronic communication for the purposes of his application;
 - (b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and
 - (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—
 - (i) withdrawing any address notified to the authority for that purpose, or
 - (ii) revoking that deemed agreement,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Application of section 77 of the Act to applications for express consent

10.—(1) Section 77 of the Act (reference of applications to Secretary of State) shall apply to applications for express consent made by an interested planning authority subject to—

(a) in subsection (1), the substitution, for “applications for planning permission, or for the approval of any local planning authority required under a development order”, of “applications for the display of advertisements pursuant to regulations made under section 220 of this Act”; and

(b) the omission of subsections (4) and (6).

(2) Where the Secretary of State gives a direction under section 77 of the Act in respect of an application for express consent, regulations 13 to 16 shall apply to that application as if—

(a) references to the local planning authority (in whatever terms) were references to the Secretary of State;

(b) regulation 13(1)(c) were omitted; and

(c) in regulation 16(1), for “applicant” there were substituted “interested planning authority”.

Secretary of State’s directions

11. 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 that are to accompany an application for express consent.

Receipt of applications

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

(a) shall send an acknowledgement to the applicant;

(b) may direct the applicant to provide one of the authority’s officers with such evidence as may reasonably be called for to verify any particulars or information given to the authority; and

(c) if it is the county planning authority, shall send a copy of the application and the accompanying plan to the district planning authority within whose area any part of the application site is situated.

Duty to consult

13.—(1) Before granting an express consent, the 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, other than land within a metropolitan county, the district planning authority for the area in which the land is situated;
- (c) where the authority considers 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(1)), the Secretary of State for Transport;
- (d) where the authority considers 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 its operation and, in the case of coastal waters, the Corporation of Trinity House; and
- (e) where the application—
 - (i) relates to an advertisement with moving features, moving parts or flashing lights, and
 - (ii) is visible from a highway,the highway authority.

(2) The local planning authority shall give to those with whom consultation is required at least 14 days' notice that the relevant application is to be considered and shall take into account, in dealing with the application, any representations made in response to that consultation.

Power to deal with applications

14.—(1) Where an application for express consent is made to the local planning authority, the authority may—

- (a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;
- (b) refuse consent; or
- (c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

- (a) for the display of a particular advertisement or advertisements with or without illumination;
- (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.

(5) The conditions imposed under paragraph (1)(a) 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.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), 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.

(8) The local planning authority may specify, as the date on which the period under paragraph (7) (a) is to begin, whichever is the earlier of—

- (a) the date of the commencement of the display; and
- (b) a specified date not later than 6 months after the date on which the consent is granted.

Applications by interested planning authorities

15.—(1) An application made by an interested planning authority (whether solely or jointly with any other person) for express consent to display an advertisement shall be determined by the authority concerned unless the application is referred to the Secretary of State under section 77 of the Act for determination by her.

(2) Any consent granted pursuant to paragraph (1) shall expire—

- (a) at the end of such period as the authority may specify in granting the consent;
- (b) where no period is so specified, at the end of a period of 5 years; or
- (c) on the date on which the interested planning authority ceases (whether solely or jointly) to display the advertisement,

whichever is the earlier.

Notification of decision

16.—(1) The grant or refusal by a local planning authority of an application for express consent 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).

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

- (a) any refusal of consent in whole or in part;
- (b) the imposition of any condition under regulation 14(1)(a), other than—
 - (i) a standard condition;
 - (ii) a condition specified in Part 1 of Schedule 3 in relation to a class within which the advertisement falls; and
- (c) the imposition of a condition whereby the consent expires before the expiry of 5 years from the date on which it is granted, unless the period specified in the condition is a period proposed by the applicant.

(2) See also regulation 22 as to electronic communications.

Appeals to the Secretary of State

17.—(1) Sections 78 and 79 of the Act⁽³⁾ shall apply in relation to applications for express consent under these Regulations subject to the modifications specified in Part 3 of Schedule 4.

(2) The provisions of those sections, as so modified, are set out in Part 4 of that Schedule.

(3) Where a discontinuance notice is served under regulation 8, sections 78 and 79 of the Act shall apply in relation to that notice subject to the modifications specified in Part 5 of that Schedule.

Revocation or modification of express consent

18.—(1) Subject to paragraphs (3) and (4), if a local planning authority is satisfied that it is expedient to do so, it may by order revoke or modify an express consent.

(2) Without prejudice to the generality of paragraph (1), a local planning authority may have regard to any material change in circumstances that has occurred since the consent was granted.

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

(4) 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.

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

(6) 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 considering whether to approve 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 her.

(7) In considering whether to approve an order submitted to her under this regulation, the Secretary of State may have regard to any material change in circumstances that has occurred since the consent was granted.

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

(9) Where the Secretary of State approves an order submitted to her under this regulation, the local planning authority shall, within 14 days of the receipt of the Secretary of State's decision, send to every person notified under paragraph (5) notice of the Secretary of State's approval.

(10) An order which has been approved under this regulation shall take effect on the day after that on which the local planning authority complies with the requirements of paragraph (9).

(11) Where an order is made in a case to which paragraph (4)(a) applies, the revocation or modification of consent shall not affect such operations as have been carried out before the date on which, in accordance with paragraph (5), notice of the order is served.

Compensation for revocation or modification

19.—(1) Where—

(a) an order under regulation 18 takes effect; and

(3) In section 79, subsection (6A) was inserted by section 18 of the Planning and Compensation Act 1991(c. 34).

(b) within 6 months of its approval a claim in writing⁽⁴⁾ is served on the local planning authority, either by delivery at or by post to the authority's 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).

(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 compensation is not payable for work done, or loss or damage arising out of anything done or not done, before the grant of consent.

⁽⁴⁾ See also regulation 22 as to electronic communications.