
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

Fees for applications for consent for advertisements

13.—(1) Subject to paragraphs (9) and (11), where an application is made to a local planning authority under regulation 9 of the 2007 Regulations (applications for express consent) for consent for the display of an advertisement, a fee shall be paid to that authority in accordance with this regulation.

(2) Where the application relates to the display of one advertisement only the fee payable in respect of the application shall be the amount specified in the table in Schedule 2 for the appropriate category.

(3) Where the application relates to the display of more than one advertisement on the same site a single fee shall be payable in respect of all of the advertisements to be displayed on that site and listed in the application and—

- (a) if all of the advertisements are within the same category the fee payable shall be the amount specified for that category;
- (b) if all of the advertisements are within categories 1 and 2 the fee payable shall be the amount specified for category 1;
- (c) if one or more of the advertisements is within category 3 the fee payable shall be the amount specified for category 3.

(4) Where the application relates to the display of advertisements on parking meters, litter bins, public seating benches, bus shelters or charging points for electric vehicles within a specified area, the whole of the area to which the application relates shall be treated as one site for the purpose of this regulation.

(5) Where the application relates to the display of advertisements on more than one site, the fee payable in respect of the application shall be the aggregate of the sums payable in respect of the display of advertisements on each such site.

(6) Where the application is made by or on behalf of a parish council, the fee payable in respect of the application shall be one half of the amount that would otherwise be payable under this regulation.

(7) The fee due in respect of an application to which this regulation applies shall accompany the application when it is lodged with the local planning authority.

(8) Where the local planning authority who receive the fee in accordance with this regulation—

- (a) are not the local planning authority who have to determine the application; and
- (b) forward the application to that authority,

they shall remit the fee to that authority at the same time as they forward the application to them.

(9) Where all of the conditions set out in paragraph (10) are satisfied, this regulation shall not apply to—

- (a) an application under regulation 9 of the 2007 Regulations which is made following the withdrawal (before notice of decision was issued) of a valid application made by or on behalf of the same person; or
 - (b) an application under that regulation which is made following the refusal of consent (whether by the local planning authority or by the Secretary of State on appeal) for the display of advertisements on a valid application made by or on behalf of the same person.
- (10) The conditions referred to in paragraph (9) are—
- (a) that the application is made within 12 months of—
 - (i) in the case of an earlier valid application which was withdrawn, the date when that application was received; or
 - (ii) in any other case, the date of refusal;
 - (b) that the application relates to the same site or sites as that to which the earlier application related, or to part of that site;
 - (c) that the local planning authority to whom the application is made are satisfied that it relates to an advertisement, or advertisements, of the same description as the advertisement or advertisements to which the earlier application related;
 - (d) that the fee payable in respect of the earlier application was paid; and
 - (e) that no previous application has at any time been made by or on behalf of the same applicant which related to—
 - (i) the same site as that to which the earlier application related, or to part of that site; and
 - (ii) an advertisement, or advertisements, of the same description as the advertisement (or any of the advertisements) to which the earlier application related,and which was exempted from the provisions of this regulation by paragraph (9).
- (11) No fee is payable under this regulation in respect of an application for consent to display an advertisement if the application is occasioned by a direction under regulation 7 of the 2007 Regulations (directions restricting deemed consent) disapplying regulation 6 of those Regulations (deemed consent for the display of advertisements) in relation to the advertisement (or any of the advertisements) in question.
- (12) Any fee paid pursuant to this regulation shall be refunded if the relevant application is rejected as invalid.
- (13) In this regulation “site” has the same meaning as in the 2007 Regulations.