

SCHEDULE

Regulation 2

PARTS SUBSTITUTED FOR PARTS 1 AND 2 OF SCHEDULE 4 TO THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

“PART 1

MODIFICATIONS OF SECTION 70A OF THE ACT

1. In section 70A of the Act⁽¹⁾—
 - (a) in subsection (1), for paragraph (a), substitute—

“(a) the condition in subsection (3) or (4) is satisfied, and”;
 - (b) after subsection (1) insert the following subsection—

“(1A) A local planning authority may decline to determine a relevant application if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.”;
 - (c) omit subsection (2);
 - (d) in subsection (3), for “in that period”, substitute “in the period of two years ending with the date on which the application mentioned in subsection (1) is received”;
 - (e) for subsection (5) substitute—

“(5) A relevant application is an application under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for express consent to display an advertisement.”;
 - (f) in subsection (6), at the end of paragraph (b), insert—

“including, in particular, the factors relevant to amenity and public safety that the local planning authority are required to take into account when exercising their powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007”⁽²⁾;
 - (g) in subsection (7), in paragraph (a), for “subsections (2) and (4)”, substitute “subsection (4)”; and
 - (h) in subsection (8)—
 - (i) for “planning permission”, substitute “express consent”; and
 - (ii) for “the development”, substitute “the subject matter of”.

PART 2

SECTION 70A OF THE ACT AS MODIFIED

- 70A.**—(1) A local planning authority may decline to determine a relevant application if—
- (a) the condition in subsection (3) or (4) is satisfied, and

(1) Section 70A was inserted by section 17(1) of the Planning and Compensation Act 1991 (c.34) and substituted by section 43(1) of the Planning and Compulsory Purchase Act 2004 (c.5).

(2) See regulation 3(1) to (3) of S.I. 2007/783.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

(1A) A local planning authority may decline to determine a relevant application if, by virtue of regulation 21(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, they have no power to grant the consent applied for.

.....*subsection (2) omitted*

(3) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received the Secretary of State has dismissed an appeal—

- (a) against the refusal of a similar application, or
- (b) under section 78(2) in respect of a similar application.

(4) The condition is that—

- (a) in that period the local planning authority have refused more than one similar application, and
- (b) there has been no appeal to the Secretary of State against any such refusal.

(5) A relevant application is an application under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for express consent to display an advertisement.

(6) The relevant considerations are—

- (a) the development plan so far as material to the application; and
- (b) any other material considerations including, in particular, the factors relevant to amenity and public safety that the local planning authority are required to take into account when exercising their powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

(7) The relevant event is—

- (a) for the purposes of subsection (4) the refusal of the similar application;
- (b) for the purposes of subsection (3) the dismissal of the appeal.

(8) An application for express consent is similar to another application if (and only if) the local planning authority think that the subject matter of and the land to which the applications relate are the same or substantially the same.”