
STATUTORY INSTRUMENTS

1989 No. 670

**The Town and Country Planning (Control
of Advertisements) Regulations 1989**

PART III

EXPRESS CONSENT

Applications for express consent

- 9.**—(1) An application for express consent shall be made—
- (a) where it relates to land in a National Park outside a metropolitan county, to the district planning authority; and
 - (b) in any other case, to the local planning authority.
- (2) In a case to which paragraph (1)(a) above applies—
- (a) the district planning authority shall transmit the application to the county planning authority; and
 - (b) the application shall be treated as if made on the day on which it is received by the county planning authority.
- (3) Such an application shall be made on a form—
- (a) provided by the local planning authority; and
 - (b) containing the particulars required by the form, accompanied by such plans as the authority may require and by 2 copies of the form and plans.
- (4) The local planning authority may, if they think fit, accept an application in writing which does not comply with any of the provisions of paragraph (3).

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;
 - (b) may direct the applicant in writing to provide one of their offers with such evidence as may be reasonably 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 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(1)) in England, the Secretary of State for Transport;
 - (c) where they consider that a grant of consent may affect the safety of persons using any railway, waterway (including any coastal waters), 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 below, where an application for express consent is made to the local planning authority, they may—

- (a) refuse consent; or
 - (b) grant consent, in whole or in part, subject to the standard conditions and to such additional conditions as they think fit, subject to paragraphs (3) to (6) below.
- (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)(b) 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 then required for the reinstatement of the land.
- (4) The local planning authority shall not, under paragraph (1)(b) above, impose any conditions 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) a period of 5 years from the date of the consent, or
 - (b) such longer or shorter period as the local planning authority may specify in granting the consent.

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

(7) 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.

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 that date, 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 attach any condition under regulation 13(1)(b) to a consent, except a condition specified in Schedule 3 in a case to which regulation 13(4) applies; and
- (c) any condition imposing a shorter period than that specified in regulation 13(5)(a), except where the application specified that shorter period.

Appeals to the Secretary of State

15.—(1) Sections 36 and 37 of the Act shall apply, in relation to applications for express consent under these Regulations, subject to the modifications set out in Part I of Schedule 4.

(2) The provisions of sections 36 and 37, as modified under paragraph (1) above, are set out in Part II of Schedule 4.

(3) Where a discontinuance notice is served under regulation 8, section 36 of the Act shall apply with the modifications specified in Part III 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 (6) below.

(2) An order under paragraph (1) above shall not take effect without the approval of the Secretary of State, which may be granted with or without modifications.

(3) When an authority submit an order made under this regulation 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 an objection may be made, as provided in paragraph (4) below.

(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 is 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.

(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.

Compensation for revocation or modification

17.—(1) Where—

- (a) an order under regulation 16 takes effect; and
- (b) a claim is made in accordance with paragraph (2) below,

a local planning authority shall pay compensation to any person suffering loss or damage in the circumstances and to the extent specified in paragraph (3) below.

(2) A claim for compensation shall be made in writing and served on the local planning authority, by delivery at the offices of the authority or by post to their offices, within 6 months of the approval of the order to which it relates.

(3) Compensation is payable if, and to the extent that, any person 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.