
STATUTORY INSTRUMENTS

1992 No. 666

**The Town and Country Planning (Control
of Advertisements) Regulations 1992**

PART III

EXPRESS CONSENT

Applications for express consent

9.—(1) An application for express consent shall be made to the local planning authority.

(2) Such an application shall be made on a form provided by the local planning authority and give the particulars required by that form. There shall be annexed to the form such plans as the authority require.

(3) An applicant shall provide the local planning authority with 2 additional copies of the completed form and the annexed plans.

(4) The local planning authority may, if they think fit, accept an application notwithstanding that the requirements of paragraph (2) or (3) above are not complied with, provided the application is in writing.

(5) A local planning authority shall not employ a form or require the submission of plans or information inconsistently with any direction which the Secretary of State may have given as to the matter.

(6) 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.

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 and, in the case of a county planning authority, shall also send a copy of the application and the accompanying plans to the district planning authority within whose area any part of the application site is situated;
- (b) may direct the applicant in writing to provide one of their officers with such evidence as may reasonably be 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 the application relates to land in a National Park which is land that is not in a metropolitan county, the district planning authority for the area in which the land is situated;
- (c) 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;
- (d) where they consider 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 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, where an application for express consent is made to the local planning authority, they may—

- (a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (3) to (6) below, to such additional conditions as they think fit; or
- (b) refuse consent; or
- (c) decline to determine the application in accordance with section 70A⁽²⁾ of the Act, which shall apply in relation to the application subject to the modifications specified in Part I of Schedule 4, the provisions of that section as modified being set out in Part II of that Schedule.

(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)(a) 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 required for the reinstatement of the land.

⁽¹⁾ 1980 c. 66.

⁽²⁾ Section 70A was inserted by section 17 of the Planning and Compensation Act 1991 (c. 34).

(4) The local planning authority shall not, under paragraph (1)(a) above, impose any condition 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) 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.

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

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 the expiry of that period, 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 impose any condition under regulation 13(1)(a) on a consent, except a condition specified in Schedule 3 in relation to a class within which the advertisement falls; and
- (c) any condition whereby the the consent expires before the expiry of 5 years from the date on which it is granted, except when the consent is granted for the period for which it was applied for.

Appeals to the Secretary of State

15.—(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 III of Schedule 4.

(2) The provisions of those sections, as modified under paragraph (1) above, are set out in Part IV of that Schedule.

(3) Where a discontinuance notice is served under regulation 8, sections 78 and 79 of the Act shall apply subject to the modifications specified in Part V 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 (7) below.

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

(3) When an authority submit an order under paragraph (1) above 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 objection may be made.

(3) Section 78(2) was amended by the Planning and Compensation Act 1991, section 17(2), which inserted paragraph (aa); and section 79 by section 18 of that Act, which inserted subsection (6A).

(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 was 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.

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

Compensation for revocation or modification

17.—(1) Where—

(a) an order under regulation 16 takes effect; and

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

(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 excluding any work done, or loss or damage arising out of anything done or not done, before the grant of consent.