

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART 3

MODIFICATIONS OF SECTIONS 78 AND 79 OF THE ACT (APPLICATIONS FOR EXPRESS CONSENT)

1. In section 78 of the Act—

(a) in subsection (1), for paragraphs (a) to (c) substitute “ refuse an application for express consent or grant it subject to conditions, ”;

(b) for subsection (2) substitute—

“(2) A person who has made an application for express consent may also appeal to the Secretary of State if within the period of 8 weeks from the date when the application was received by the local planning authority, that authority have neither given him notice of their decision on it nor given him notice that they have exercised their power under section 70A to decline to determine the application.”;

(c) for subsection (3) substitute the following subsections—

[^{F1}“(3) An applicant who wishes to appeal under subsection (1) or (2) shall give notice of appeal to the Secretary of State by—

(a) serving on the Secretary of State within—

(i) 8 weeks from the date of receipt of the local planning authority’s decision, or, as the case may be, within 8 weeks from the expiry of the period mentioned in subsection (2); or

(ii) such longer period as the Secretary of State may, at any time, allow, a completed appeal form, obtained from the Secretary of State; and

(b) serving on the local planning authority a copy of the completed appeal form mentioned in sub-paragraph (a) as soon as reasonably practicable.]

(3A) The [^{F2}appeal form mentioned in subsection (3)(a)] shall be accompanied by a copy of each of the following documents—

(a) the application made to the local planning authority;

(b) all relevant plans and particulars submitted to them;

(c) the notice of the authority’s decision (if any); and

(d) any other relevant correspondence with the authority.”;

[^{F3}(d) omit subsection (4);

(da) omit subsections (4A) to (4D); and]

(e) in subsection (5), omit the references to sections [^{F4}79(3),] 253(2)(c) and 266(1)(b).

Textual Amendments

F1 Words in Sch. 4 Pt. 3 para. 1(c) substituted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(2)(a)(i)** (with reg. 5(4))

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PART 3*. (See end of Document for details)

- F2** Words in Sch. 4 Pt. 3 para. 1(c) substituted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(2)(a)(ii)** (with reg. 5(4))
- F3** Sch. 4 Pt. 3 para. 1(d)(da) substituted for Sch. 4 Pt. 3 para. 1(d) (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(2)(b)** (with reg. 5(4))
- F4** Word in Sch. 4 Pt. 3 para. 1(e) inserted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(2)(c)** (with reg. 5(4))

2. In section 79 of the Act—

(a) after subsection (1) insert—

“(1A) The Secretary of State may, in granting an express consent, specify that its term shall run for such longer or shorter period than 5 years as he considers expedient, having regard to the interests of amenity (including aural amenity) and public safety, and taking into account—

- (a) relevant provisions of any applicable development plan;
- (b) the factors referred to in regulation 3 of the [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#); and
- (c) any period specified in the application for consent.”;

(b) omit [^{F5}subsections (2) to (4)];

(c) in subsection (5), for “such an appeal shall be final”, substitute “an appeal under section 78 shall be final, and shall otherwise have effect as if it were a decision of the local planning authority”;

(d) in subsection (6)—

(i) omit “such”; and

(ii) for the words from “an application for planning permission” to “planning permission for that development”, substitute “in respect of an application for express consent, the Secretary of State forms the opinion that, having regard to the Regulations mentioned in subsection (1A) and to any direction given under them, consent”;

(e) in subsection (6A), after the word “appeal”, the first time it appears, insert “as is mentioned in subsection (6)”.

Textual Amendments

- F5** Words in Sch. 4 Pt. 3 para. 2(b) substituted (1.10.2013) by [The Town and Country Planning \(Appeals\) \(Written Representations Procedure and Advertisements\) \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2114\)](#), regs. 1(1), **3(3)** (with reg. 5(4))

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, PART 3.