

SCHEDULE 4

MODIFICATIONS OF THE ACT

PART 3

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

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 [^{F1}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

- F1** 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, Paragraph 2.