WELSH STATUTORY INSTRUMENTS

2012 No. 791 (W.106)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2012

Made - - - -	*10 March 2012*
Laid before the National Assembly for Wales - -	*13 March 2012*
Coming into force - -	*30 April 2012*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 220(1) and (2A) and 333(1) of the Town and Country Planning Act 1990(**1**) and now exercisable by them(**2**), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2012 and they come into force on 30 April 2012.

(2) These Regulations apply in relation to—

(a) applications made on or after 30 April 2012; and

(b) Wales.

Amendment of the Town and Country Planning (Control of Advertisements) Regulations 1992

2.—(1) The Town and Country Planning (Control of Advertisements) Regulations 1992(**3**) are amended as follows.

(2) For regulation 9 substitute—

(**1**) 1990 c. 8. Section 220 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 42(4). Section 333(1) was amended by the Environment Act 1995 (c. 25), section 78 and Schedule 10, paragraph 32(12).

(**2**) Functions under those sections, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), those functions are now exercisable by the Welsh Ministers.

(**3**) S.I. 1992/666, to which there are amendments not relevant to these Regulations.

"**Applications for express consent**

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

(2) Subject to paragraph 6, the application must be made electronically or in hard copy on a form published by the Welsh Ministers or a form substantially to the same effect.

(3) The applicant must—

(a) include the particulars specified in the form; and

(b) send with the application (whether electronically or otherwise) a plan which—

(i) is drawn to an identified scale,

(ii) shows the direction of north,

(iii) identifies the location of the site by reference to at least two named roads, and

(iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that fewer copies are required, three copies of the completed form and the plan must accompany the application.

(5) Where the application is one to which directions given by the Welsh Ministers under regulation 10 apply, the applicant must send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 30 April 2012 and before 31 May 2012, otherwise than by a local planning authority, may be made in writing on a form devised by the local planning authority.

(7) Where an application is made electronically, the applicant is taken to have agreed—

(a) to the use by the local planning authority of electronic communication for the purposes of the application;

(b) that the applicant's address for that purpose is the address incorporated into, or otherwise logically associated with, the application; and

(c) that deemed agreement under this paragraph subsists until the applicant gives notice in writing—

(i) withdrawing any address notified to the authority for that purpose, or

(ii) revoking that deemed agreement,

and such withdrawal or revocation is final and takes effect on a date specified by the applicant in the notice at least seven days after the date on which the notice is given.

(8) An application made electronically must, unless the contrary is proved, be treated as having been delivered at 9.00 a.m. on the next working day after the day on which it is transmitted.

(9) This regulation applies to applications for renewal consent as it applies to applications for consent.

(10) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.".