
WELSH STATUTORY INSTRUMENTS

2017 No. 553 (W. 127)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2017

<i>Made</i>	- - - -	<i>5 April 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>11 April 2017</i>
<i>Coming into force</i>	- -	<i>5 May 2017</i>

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

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Town and Country Planning (Control of Advertisements) (Amendment) (Wales) Regulations 2017 and they come into force on 5 May 2017.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations, “the 1992 Regulations” (“*Rheoliadau 1992*”) means the Town and Country Planning (Control of Advertisements) Regulations 1992(3).

Amendment to the 1992 Regulations

2.—(1) The 1992 Regulations are amended as follows.

(2) In regulation 15 (appeals to the Secretary of State) omit paragraph (2).

(3) In Schedule 4, Part 3 is amended as follows—

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- (1) [1990 c. 8](#). Section 220 was amended by sections 31, 32 and 84 of, and paragraph 20 of Schedule 6, paragraph 34 of Schedule 7 and Parts 1 and 2 of Schedule 19 to, the Planning and Compensation Act 1991 ([c. 34](#)) and section 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 ([c. 5](#)) (“the 2004 Act”). Section 333(2A) was inserted by section 118(1) of, and paragraphs 1 and 14 of Schedule 6 to, the 2004 Act. Other amendments to sections 220 and 333 are not relevant to these Regulations.
- (2) The functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)). See appropriate entry in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 ([c. 32](#)).
- (3) [S.I.1992/666](#); see regulation 15 of [S.I. 2008/1848 \(W. 177\)](#) in relation to the application of [S.I. 1992/666](#) to the display on any site in a voting area of an advertisement relating specifically to a referendum. Other amendments are not relevant to these Regulations.

- (a) in paragraph 1(a) for “paragraphs (a), (b) and (c)” substitute “paragraphs (a), (aa), (b) and (c)”;
 - (b) in paragraph 1(c)—
 - (i) in the substituted subsection (3A) after “subsection (3) shall” insert “, in the case of an appeal against the refusal of express consent,”; and
 - (ii) after the substituted subsection (3A) insert—
 - “(3B) The notice mentioned in subsection (3) must, in the case of an appeal against the grant of express consent which is granted subject to conditions or an appeal under subsection (2), be accompanied by a copy of each of the documents mentioned in subsection (3A)(a) to (d) and a full statement of case.”;
 - (c) for paragraph 1(d) substitute—
 - “(d) for subsection (4) substitute the following subsections—
 - “(4) The appellant must, in the case of an appeal against the refusal of express consent, serve on the local planning authority, as soon as reasonably practicable, a copy of the notice mentioned in subsection (3).
 - (4ZA) The appellant must, in the case of an appeal against the grant of express consent which is granted subject to conditions or an appeal under subsection (2), serve on the local planning authority, as soon as reasonably practicable, a copy of—
 - (a) the notice mentioned in subsection (3); and
 - (b) the full statement of case.”;
 - (d) after paragraph 1(d) insert—
 - “(da) omit subsections (4A) to (4BB);”;
 - (e) after paragraph 1(e) insert—
 - “(f) after subsection (5) insert—
 - “(6) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;
 - (f) for paragraph 2(b) substitute—
 - “(b) omit subsections (1A) to (4);”;
 - (g) after paragraph 2(d) insert—
 - “(da) omit subsection (6ZA);”.
- (4) Omit Part 4 of Schedule 4.
- (5) In Schedule 4, Part 5 is amended as follows—
- (a) in paragraph 1—
 - (i) at the end of the substituted subsection (2)(b) omit “and”;
 - (ii) after the substituted subsection (2)(c) insert—
 - “and
 - (d) a full statement of case.”;
 - (iii) for the substituted subsection (3) substitute—

“(3) The appellant must serve on the local planning authority, as soon as reasonably practicable, a copy of—

- (a) the notice of appeal mentioned in subsection (2); and
- (b) the full statement of case.”;

(iv) after the substituted subsection (3) insert—

“(4) In this section “full statement of case” means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence.”;

(b) after paragraph 2(a) insert—

“(aa) omit subsections (1A) to (3A);”;

(c) for paragraph 2(c) substitute—

“(c) omit subsections (6) and (6ZA);”.

Transitional and saving provisions

3.—(1) Where an appeal is made in relation to an application for express consent which was made before these Regulations come into force the 1992 Regulations apply to that appeal as though the amendments made by regulation 2(3)(b), (c) and (e) had not been made.

(2) Where an appeal is made in relation to a discontinuance notice which was served by a local planning authority under regulation 8 of the 1992 Regulations before these Regulations come into force the 1992 Regulations apply to that appeal as though the amendments made by regulation 2(5)(a) had not been made.

5 April 2017

Jane Hutt
One of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Control of Advertisements) Regulations 1992 (“the 1992 Regulations”).

They amend the provisions in regulation 15 and Parts 3 to 5 of Schedule 4. Those provisions in the 1992 Regulations apply sections 78 and 79 of the Town and Country Planning Act 1990 (“the Planning Act”), as modified, to appeals in relation to applications for express consent and where a discontinuance notice is served under regulation 8 of the 1992 Regulations.

The effect of the amendments is to require—

- (a) a notice of appeal to be accompanied by a full statement of case comprised of a written statement containing full particulars of the appellant’s case and copies of supporting documents in the case of appeals—
 - (i) against the grant of express consent which is granted subject to conditions;
 - (ii) where a local planning authority has failed to determine an application for express consent; and
 - (iii) in relation to discontinuance notices; and
- (b) the appellant to serve on the local planning authority, as soon as reasonably practicable, a copy of the notice of appeal and, in the case of the appeals mentioned in paragraph (a) above, to also serve a copy of the full statement of case.

These Regulations also remove Part 4 of Schedule 4 which set out sections 78 and 79 of the Planning Act as modified by the 1992 Regulations in relation to applications for express consent.

There are transitional and saving provisions.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales .