

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) AMENDMENT REGULATIONS 2013

SSI 2013/154

Introduction

1. The above instrument was made in exercise of the powers conferred by section 182, 186 and 275 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative procedure.

Background

2. These regulations make consequential amendments to the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 (“the 1984 Regulations”) as a result of extending the streamlined appeal procedures in the Town and Country Planning (Appeals) (Scotland) Regulations 2013 to appeals in relation to advertisement consent.
3. A specific planning consent is required to display advertisements or other signage which does not benefit from the exemptions in the 1984 Regulations. These consents are time limited and while advertisements can remain in place after consent has expired, the planning authority can, if necessary, serve a discontinuance notice requiring its removal. Applicants can appeal against refusal of consent, failure to determine an application, the service of a discontinuance notice or an enforcement notice served regarding a breach of advertisement control.
4. In August 2009 amendments to the Town and Country Planning (Scotland) Act 1997 removed the right for the appellant and the planning authority to require to appear before and be heard by a person appointed by Scottish Ministers (“the right to be heard”) in relation to a number of planning appeal procedures. Procedures in the Town and Country Planning (Appeals) (Scotland) Regulations 2008 (“the 2008 Regulations”) provided that the reporter considering the appeal could decide whether further processing is required and what form it should take (written submissions, a site inspection, hearing session(s), inquiry session(s) or combination of these).
5. Since then we have extended these procedures to appeals on listed building and conservation area consent cases. We are now taking the opportunity to extend this to advertisement consent cases.
6. These regulations amend the 1984 Regulations to remove the existing provisions on appeals, which will now be covered by the Town and Country Planning (Appeals) (Scotland) Regulations 2013 (a consolidation of the 2008 Regulations). We are also taking the opportunity to update the references in the 1984 Regulations to how provisions of the Town and Country Planning (Scotland) Act 1997 on appeals apply to advertisement cases.

Policy Objectives

7. These regulations make consequential amendments as part of a wider package of changes included in the following (which are also before Parliament):
 - The Town and Country Planning (Appeals) (Scotland) Regulations 2013
 - The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
 - The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
8. The package of legislative changes are to help streamline the overall planning process and so improve its role in supporting sustainable economic growth.

Consultation

9. The extension of the newer appeals procedures to advertisement consent cases has not been the subject to additional consultation – it is an extension of the policy and procedures introduced under the Planning etc. (Scotland) Act 2006, that are already in place for appeals regarding planning permission, listed building consents, conservation area consents, the modification or discharge of planning obligations or good neighbour agreements and other planning enforcement appeals.

Impact Assessments

10. A final Business and Regulatory Impact Assessment for the overall package of changes is attached. While we believe these changes will improve the system as a whole, streamlining processing and avoiding the need for appeals to Ministers unnecessarily, these amendments are not expected to have any significant impacts on particular businesses. An Equalities Impact Assessment is also attached, though there are not expected to be any implications for equalities groups arising from these amendments.

Scottish Government
Directorate for Local Government and Communities
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