
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 156

The Town and Country Planning
(Appeals) (Scotland) Regulations 2013

PART 6

Appeals in relation to the display of advertisements

Appeals in relation to consent for the display of advertisements

19.—(1) Subject to regulation 20, this regulation and the provisions of these Regulations specified in paragraph (2) apply to an appeal under section 47 of the Act (as applied by regulation 21 of the 1984 Regulations) in relation to—

- (a) an application for consent to display advertisements;
- (b) a condition imposed on the grant of such consent; and
- (c) an application for any consent, agreement or approval required by a condition imposed on the grant of such consent,

subject to the modifications specified in paragraph (3).

(2) The provisions are—

- (a) Parts 1, 2, 3, 9 and 10;
- (b) the Hearing Session Rules; and
- (c) the Inquiry Session Rules.

(3) The modifications are—

- (a) regulation 3(2)(b) applies as if the reference to the validation date is a reference to the date of receipt by the planning authority of the application for consent to display advertisements;
- (b) regulation 3(3) is subject to regulation 33;
- (c) regulation 4(2) applies as if—
 - (i) sub-paragraph (c) is omitted; and
 - (ii) in sub-paragraph (d) the reference to permission is a reference to consent to the display of advertisements; and
- (d) regulation 5 applies as if—
 - (i) the references to the development in paragraphs (2)(b) and (3)(b) are references to the advertisement; and
 - (ii) the reference in paragraph (3)(c) to land to which the development relates is a reference to the site where the advertisement is to be displayed.

Appeals in relation to discontinuance notices

20.—(1) This regulation and the provisions of these Regulations specified in paragraph (8) apply to an appeal under section 47 of the Act (as applied by regulation 21 of the 1984 Regulations) in relation to a discontinuance notice subject to the modifications specified in paragraph (9).

- (2) The notice of appeal must be served on the Scottish Ministers—
 - (a) before the expiry of the period specified in the discontinuance notice after which the discontinuance notice is to take effect; or
 - (b) where notice is given under regulation 14(5) of the 1984 Regulations to vary the discontinuance notice to extend that period, before the expiry of such extended period.
- (3) The notice of appeal (on a form obtained from the Scottish Ministers) must include—
 - (a) all matters which the appellant intends to raise in the appeal;
 - (b) the name and address of the appellant;
 - (c) a copy of the notice against which the appeal is made;
 - (d) the name and address of the representative of the appellant (if any) and whether any notice or other correspondence which is required by these Regulations to be sent to the appellant should be sent to the representative instead of the appellant;
 - (e) a note of the matters which the appellant considers require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 9(4) the appellant considers the appeal should be determined.
- (4) Notice of appeal is to be accompanied by copies of all documents, materials and evidence which the appellant intends to rely on in the appeal.
- (5) The planning authority must not later than 14 days following notification of the appeal by the appellant give notice of the appeal to each person (other than the appellant) on whom the discontinuance notice was served.
- (6) Notice under paragraph (5) is to—
 - (a) state the name of the appellant and specify the advertisement or the site to which the appeal relates;
 - (b) describe the steps required by the discontinuance notice;
 - (c) state that representations may be made to the Scottish Ministers and provide information as to how and by when such representations may be made; and
 - (d) state where a copy of the notice of appeal and of the planning authority's response may be inspected.
- (7) The period allowed for making representations is to be no less than 14 days from the date on which notice is given under paragraph (5).
- (8) The provisions are—
 - (a) Parts 1 and 3, regulation 15, Part 9 (other than regulation 29) and Part 10;
 - (b) the Hearing Session Rules; and
 - (c) the Inquiry Session Rules.
- (9) Regulation 15 applies as if—
 - (a) references to the notice of appeal were to the notice of appeal mentioned in paragraph (2);
 - (b) the reference in paragraph (1)(c) to regulation 14(4) were a reference to paragraph (4) of this regulation; and
 - (c) paragraphs (1)(b) and (4)(b) were omitted.

(10) In this regulation “discontinuance notice” means a notice served under regulation 14 of the 1984 Regulations.