

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014 No. 139

1. The above Regulations are to be made in exercise of the powers conferred on the Scottish Ministers by sections 182, 186 and 275 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so. The Regulations are subject to negative resolution procedure.

Introduction

2. The Regulations seek to increase the powers available to planning authorities to take swift action in the interests of amenity or safety against unauthorised advertisements. The existing power to issue an enforcement notice is extended to include powers to issue a stop notice in respect of a breach of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and to make it an offence not to comply with an enforcement notice or stop notice.

Policy context

3. The purpose of planning enforcement is to prevent or remedy breaches of planning control.

4. Planning authorities can, in respect of a breach of planning control issue an enforcement notice. Where it is considered that activity should halt before the enforcement notice comes into effect (a minimum of 28 days from the date of issue), planning authorities can issue a stop notice in conjunction with the enforcement notice. A stop notice normally takes effect after a 3 day notice period, however a shorter period can be imposed where the planning authority consider it appropriate to do so.

5. The 1984 Advertisement Regulations currently allow a planning authority to issue an enforcement notice and, where the authority consider it necessary in the interests of safety, the notice period may be reduced from 28 days to 7. The period cannot be reduced on the grounds of damage to amenity.

6. Introducing the power to issue a stop notice in respect of breaches of advertisement control would enable planning authorities to respond more rapidly to unauthorised advertisements and would bring the enforcement powers into line with those available to deal with other breaches of planning control.

7. A stop notice would also provide a useful tool to prevent harm to amenity or threats to safety occurring in the first instance; for example, to halt work on the erection of supporting structures for hoardings or other advertisements where the location of such advertisements could harm amenity or raise safety concerns.

Consultation

8. The proposed amendments to the Advertisement Regulations are considered to be minor and simply extend existing powers available to planning authorities to bring control of advertisements into line with the rest of the planning system. The Scottish Government did not therefore undertake public consultation on this matter.

Financial Implications

9. The proposed amendments do not introduce any statutory requirements that would have financial implications for either business or planning authorities.

Regulatory Impact Assessment

10. A Regulatory Impact Assessment is not considered necessary for this amendment as we consider there will be no impact on legitimate advertisements. Unauthorised advertisements are already potentially open to enforcement action which can require their removal, restoration of land to its original condition, etc. Failure to comply with enforcement action can result in direct action by the planning authority to carry out the work and recover costs from the relevant parties and/or prosecution. The introduction of stop notice in relation to breaches of advertisement consent will not introduce any new fines or costs for compliance.

11. Similarly there would be negligible additional cost or resource implications for planning authorities, given that a stop notice has to be issued in conjunction with an enforcement notice. There would therefore be no new requirement to investigate breaches.

Scottish Government