

## **POLICY NOTE**

### **THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) AMENDMENT (No. 2) REGULATIONS 2014**

#### **SSI 2014 No. 249**

1. The above Regulations are to be made in exercise of the powers conferred on the Scottish Ministers by section 182 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 above Regulations insert a new class (Class VII) into the Schedule of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The new class allows the display of certain advertisements on ground based housing for electronic communications apparatus.

#### **Policy context**

3. Digital Scotland is managing a project to roll out superfast broadband across the country. This is in line with the Scottish Government's vision for Scotland to be a world class digital nation by 2020. This work involves the installation of equipment and suitable protective housing to provide essential infrastructure.

4. The project receives public funding, including £14.2m from European Regional Development Funding (ERDF). It is a legal requirement of the ERDF that every equipment cabinet installed carries a sticker or advertisement bearing their logo and acknowledging ERDF input. Failure to do so could result in funding being withdrawn. The requirement is set out in Articles 8 and 9 of Commission Regulation (EC) No. 1828/2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No. 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund.

5. In addition, a major component of the roll out of Superfast Broadband is the stimulation of demand for the services. The Programme will benefit financially if the uptake of the service is maximised, which in turn will lead to further investment in the roll out across the country

6. Such advertisements would require permission under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. This would result in significant costs, diverting funding from the primary aim of the project. Additionally, were consents to be refused this could lead to uncertainty for the project.

7. The 1984 Regulations allow certain classes of advertisement to be displayed without the need for permission to be granted provided they meet certain criteria (known as deemed

consent). Currently the proposed advertisements would not meet the criteria of any of these classes.

8. The Scottish Government is therefore seeking to amend the Regulations by creating a class that would permit certain advertisements required by the Commission Regulation to be displayed on electronic communications equipment housing with the benefit of deemed consent.

### **Consultation**

9. The proposed amendments to the 1984 Regulations are considered to be minor in that they create a class of deemed consent for certain advertisements for a specific purpose. As noted above this is to meet the legal requirements of the ERDF. The Scottish Government has not therefore undertaken public consultation on this matter. The dimensions of advertisements are in line with those set out in other classes of the Schedule.

### **Financial Implications**

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

### **Regulatory Impact Assessment**

11. A Business and Regulatory Impact Assessment is not considered necessary for this amendment as we consider there will be no negative impact on legitimate advertisements. As part of the funding agreement with the ERDF requires the display of such advertisements, the costs of manufacturing will already be factored into the overall project costs. Removing the need for an advertisement consent to be made and granted in respect of each individual advertisement will result in a saving of the costs of applications, releasing that money to provide more infrastructure, benefiting the wider community.

12. There will also be benefit to planning authorities in that they will not incur additional costs or require additional resources to handle such applications. There would be no additional enforcement requirements as enforcement measures for unauthorised advertisements are already a function of the planning authorities.

### **Equalities Impact Assessment**

13. The Scottish Government is committed to ensuring the planning system is designed and delivered in a way that is sensitive and relevant to the diverse needs and experiences of all people living in Scotland. We consider the impact of policy on particular groups of people (whatever their age, gender, sexual orientation, religion or belief, or whether disabled or not). We are not aware of any evidence that any of these groups will be negatively affected by the proposed amendment. There is a positive element in that the advertisements can assist in raising awareness of infrastructure services available to all groups in the community.

**Scottish Government**  
**September 2014**