

PE2090/A: Update the legislation granting permission for Digital Display Boards

Scottish Government submission, 9 May 2024

Thank you for your e-mail of 2 April 2024, on behalf of the Citizen Participation and Public Petitions Committee, seeking the Scottish Government's views on Petition PE2090: Update the legislation granting permission for Digital Display Boards

Petition 2090 in the name of Stephen Henson calls on the Scottish Parliament to; 'urge the Scottish Government to update the Town and Country Planning (Control of Advertisements) (Scotland) (Regulations) 1984 to require application for express consent to advertise using a digital display, including where a site has been upgraded from a traditional paper-based display.'

The installation of a digital illuminated display replacing a traditional paper display on a billboard or hoarding already requires express consent under the Control of Advertisement (Scotland) Regulations 1984. While the regulations do confer permission for certain advertisements to be displayed without the need for express consent, they do not confer such permission for digital advertisements such as those referred to by the petitioner.

The petition further suggests that there is no notification requirement and no opportunity for members of the public to comment on an application. This is not the case. As with any application for consent under the planning system, applications for advertisement consent are required to be publicised in certain ways and an opportunity for comments to be made is included in the process for determining the application. Where any comments received from members of the public raise material planning considerations the planning authority are required to take these into consideration in determining the application.

We have considered the petition background information and note that the petition refers to a 'default position' that planning permission would be granted. It is a requirement of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 that decisions on applications consider the impacts on amenity and public safety of the proposed development.

The petition refers to guidance which they state contains a proviso that permission will normally be granted for illuminated advertisements where these replace existing boards in commercial areas. It is our understanding that the petitioner is referring to local guidance produced by the relevant planning authority. It is open to planning authorities to prepare such guidance and to take it into account where appropriate. Any decision to make such guidance and how it is applied to any particular application for advertisement consent is a matter of planning judgement for the relevant authority to consider on an individual case-by-case basis.

The statutory notification requirements are that the planning authority notify in writing any neighbours whose property lies or has a boundary up to 20 metres from the site of the application. Where there is no postal address for a property within the 20 metre notification area, an advertisement must be placed in at least one local newspaper. Additionally, the community council within whose area the development sits is notified through a weekly list of applications received in their area, and the application is published in the planning authority's Register of Applications where any member of the public can view it.

Given the existing requirements for an application and for opportunity for members of the public to make comments on an application for advertisement consent are those that apply to any application for planning consent, the Scottish Government consider that the existing provisions are appropriate and that there is no requirement to amend them at the current time.

Planning, Architecture and Regeneration Division