

Citizen Participation and Public Petitions Committee  
Wednesday 12 June 2024  
11th Meeting, 2024 (Session 6)

## PE2090: Update the legislation granting permission for Digital Display Boards, submitted by Stephen Henson

### Introduction

**Petitioner** Stephen Henson

**Petition summary** Calling 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.

**Webpage** <https://petitions.parliament.scot/petitions/PE2090>

1. This is a new petition that was lodged on 28 March 2024.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 41 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received written submissions from the Scottish Government and the Petitioner, which are included at **Annexe C** of this paper.

### Action

7. The Committee is invited to consider what action it wishes to take on this petition.

**Clerks to the Committee**  
**June 2024**

## **Annexe A: Summary of petition**

**PE2090: Update the legislation granting permission for Digital Display Boards, submitted by Stephen Henson**

### **Petitioner**

Stephen Henson

### **Date Lodged**

28 March 2024

### **Petition summary**

Calling 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.

### **Background information**

The existing planning laws are not adequate and generally result in a default go ahead for any application covering an existing display site. These display boards are bright, intrusive and affect public amenity. Within 200 yards of my home, there are now four such displays, one in particular is very large and is positioned 20 feet in front of a small row of terraced houses. Another two face across the main road into a residential square, three sides of flatted accommodation. I mention these two examples, along with my own home, as being entirely residential on a street that is also largely residential apart from a short stretch owned by a company. The guidance for applications to upgrade existing display boards to Internally Illuminated Display boards does carry within a proviso that these would normally be granted where the existing boards were in an already busy commercial area. I think I have highlighted that the four around me are clearly not in a busy commercial area. There is no requirement for "neighbours" to be informed in order to object.

## Annexe B: SPICe briefing on petition PE2090



### Background

The display of advertisements, including outdoors digital advertising displays, is controlled under the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. These Regulations categorise adverts into three classes:

- **Excepted:** adverts which are not subject to control, such as adverts within buildings, displayed on vehicles or balloons.
- **Deemed consent:** adverts that are automatically deemed to have consent. This class includes functional adverts from public authorities, small scale adverts on business, educational, cultural, and other premises, temporary adverts such as estate agent boards, and small illuminated adverts within buildings.
- **Express consent:** Any advert that does not fall within the above classes normally requires an explicit grant of consent from the planning authority before it can be displayed.

Large digital advertising displays are very likely to fall into the “express consent” category, meaning that permission must be obtained before such a display can be installed and used.

Many local authorities already set limits on where digital advertising displays can be located, e.g. Glasgow City Council’s [Supplementary Planning Guidance](#) (see page 77) on outdoor advertising displays states:

“8.19 Advertising displays must not give rise to an adverse effect on public safety. Digital advertising where images change frequently can raise particular concern for traffic, cycle and pedestrian safety. The level of illumination of digital or internally illuminated signs can also have an effect on both traffic safety and amenity. For this reason the following standards apply for internally illuminated display screens:

- a) they will only be permitted where they do not contain moving or flashing content, particularly where they are considered to have a potentially significant adverse impact on pedestrian and vehicular traffic safety;
- b) they must not use a slow dissolve between advertisements;

c) they will only be permitted in areas which are already busy commercial areas; and

d) the cumulative effect of such advertisements will be taken into account in assessing the impact on amenity and public safety.”

Planning authorities can also designate Areas of Special Control, subject to Scottish Ministerial approval, within which stricter standards of advertisement control apply.

## **Scottish Government Action**

The Scottish Government has not recently considered the safety or amenity impact of digital advertising displays.

## **Scottish Parliament Action**

To date, the Scottish Parliament has not considered this issue in any detail.

**Alan Rehfish**  
**Senior Researcher**  
26 April 2024

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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## **Annexe C: Written submission**

### **Scottish Government submission of 31 January 2024**

#### **PE2090/A: 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.

## **Petitioner submission, 20 May 2024**

### **PE2090/B: Update the legislation granting permission for Digital Display Board**

I thank the Scottish Government for its response to my petition prior to it being discussed by the Committee. I now respond with a few points and further information. I have made each of my points in relation to the paragraphs in the Scottish Government's response, although some relate back to previous statements in previous paragraphs.

Paragraph 3 of the response mentions the Control of Advertisement (Scotland) Regulations 1984, I'm sure no irony intended, I'm not sure anyone directed me to these in my research as all the discussion seemed to be around and relevant to Planning Law and the erection of structures, effectively.

Paragraph 4 moves on to notification of the public. I did not say there was no notification requirement, I stated that there is no requirement to notify neighbours of any such hoarding. I will refer back to this in a later point. As far as I can see this element of notification would be via the local Planning Portals and websites which obviously require a proactive member of the public to go looking for something that they may not even know has been applied for or that there is something to be viewed.

Paragraphs 5 and 6 can be distilled into the fact that many decisions are made at local level by the relevant authority by way of saying that they have control and the final say. My whole point however is that I believe these requirements are not strict enough and the message to me via Senior Glasgow Planning officials is that any change would have to be via the Scottish Government.

Paragraph 7 discusses further the notification requirements and ties back to paragraph 4. There seems to be great importance put on the 20m distant notification requirement.

So, we talk about statutory notifications on websites (proactive public required), statutory notifications in at least one local paper (hardly any left and again requires proactive public), and planning authority portals, again proactive public required, there are many areas of the city where that proactive public simply will not exist. It will in Bearsden and Milngavie though!

Should I wish to erect a small extension on my house I have to notify individually and directly any neighbours that may be affected by my building works, no such rule applies in this case, whatever the Scottish Government's response states in any paragraph. These constructions can easily slip past members of the public due to the nature of the regulations and the lack of the "Neighbour Notification" let's call it, requirement.