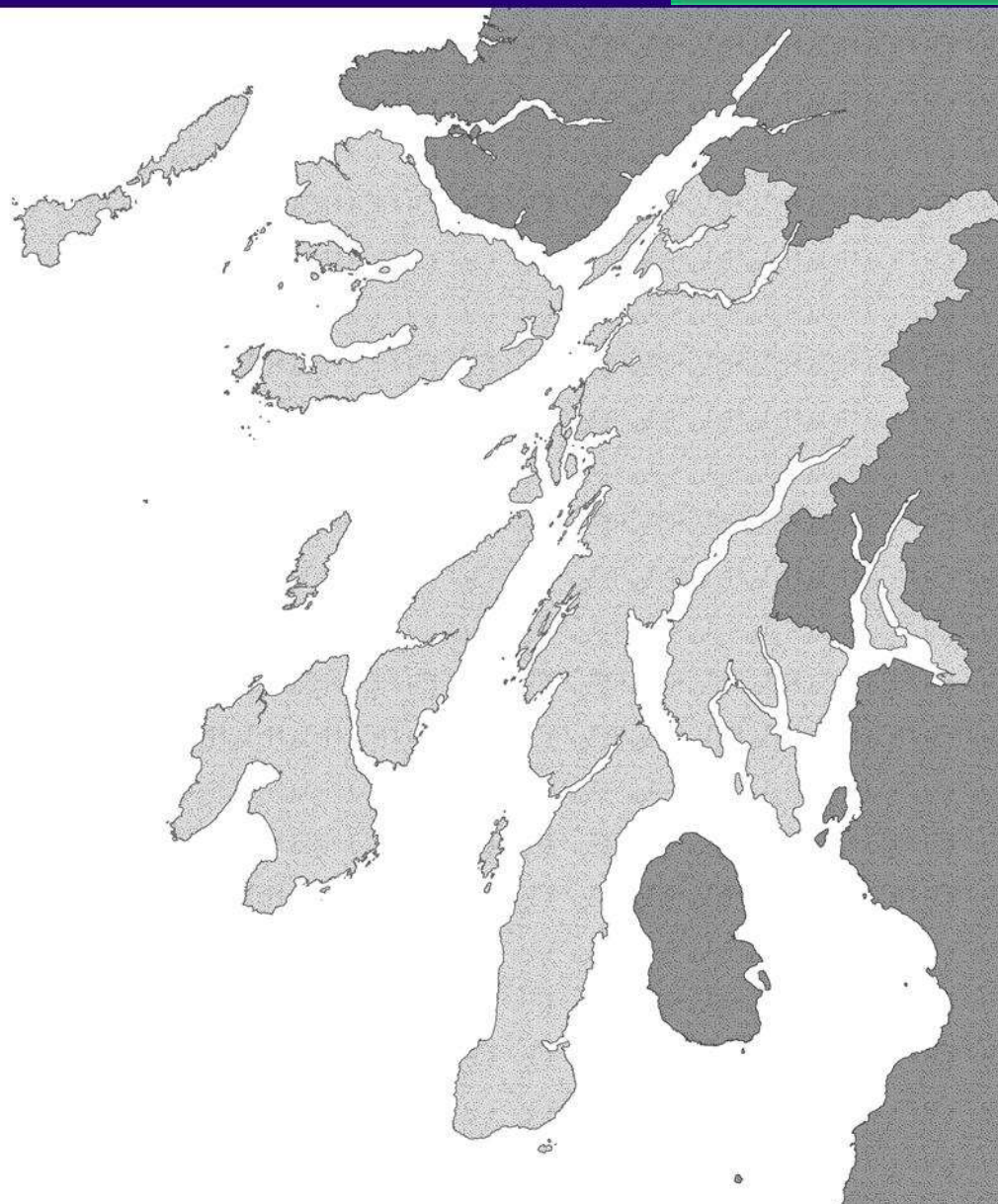


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Argyll and Bute Planning Service  
**ADVERTISEMENT & SIGNAGE POLICY**  
**TECHNICAL WORKING NOTES**  
2017



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# 1.0 INTRODUCTION

- 1.1 Advertising and signage are important to the viability of commercial enterprises and to the health of the local economy. It can be informative and, when well designed and sited, can add interest and vitality to an area. As well as having the practical purpose of providing information about businesses, goods, events and other matters, its presence is often a great influence on the appearance of that location as seen by the passer-by. However a proliferation of signs and advertisements of different sizes, colours, design etc. can create a cluttered appearance with no visual cohesion which may be damaging to the appearance of buildings, streets or areas. Moreover, because advertisement only works where it can be clearly seen, a clutter of signs may simply cause confusion, defeating its purpose and potentially impacting on public safety.
- 1.2 The overall design of individual advertisements, their size, what they are made of, whether they are illuminated, the type of building they are on, their position on the building, the appearance of surrounding buildings and their cumulative effect, are all important factors in the impact of a single advertisement on the street scene. A particular design may be appropriate in one location, on a particular building, but the same design may appear discordant on a different building or in a different place.
- 1.3 Argyll and Bute Council is principally concerned with ensuring that all outdoor advertising is of high quality, well suited to the building or street for which it is proposed and makes a positive contribution to the appearance and character of an area.
- 1.4 In general terms, the quality of advertisements depends primarily on whether they show concern for the buildings and the areas which they affect and, through this, respect for the public to whom they are directed. An advertisement can be visually good or bad irrespective of how much it costs and regardless of whether the firm or product it advertises is big, small, long established, new, traditional, modern, expensive or cheap. A building can easily be spoiled by the poorly designed or insensitively displayed sign or advertisement, or by a choice of advertisement materials, colour proportion or illumination which is alien to the building's design or fabric.
- 1.5 Under the **Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 1992** and the **Roads (Scotland) Act 1984**, the council has control over outdoor advertising in the interests of '**Amenity**' and '**Public safety**'. Decisions can only be made on these grounds but can take into account policy in the council's local development plan. In determining the acceptability of an advertisement display, each case will be assessed against its impact on:
  - **Amenity** –The term 'amenity' covers the effect of advertising on the appearance of a building or group of buildings and on the visual amenity in the locality where the advertisement is to be displayed. Attention will be paid to ensure that advertisements, either individually or cumulatively, are not damaging to the character and appearance of individual buildings, streets or areas.

- **Public safety** – The term ‘public safety’ refers to the potential impact of commercial advertising on transport and traffic (including pedestrians). Attention will be paid to the potential impact of the advertisement upon pedestrian and vehicular safety in terms of them being distracting, confusing, hazardous or dangerous.

All forms of sign, notice, or other device intended to announce or advertise something or somewhere are covered by the definition of an advertisement; for a full definition please see **Appendix A**.

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## 2.0 DESIGNING YOUR SIGN OR ADVERT

- 2.1 When considering your sign or advert design think about the following – as these are the factors the Council shall also be reviewing:-

- Size
- Design
- Colour
- Materials
- Lettering, including text and font size
- Illumination
- Means of fixture including poles and foundations
- Location
- Overall impact, individually and cumulatively with existing advertisements
- Pedestrian and road safety
- Visual impact on landscape and townscape

- 2.2 Argyll and Bute Council will seek to ensure that advertisements and signs are kept to a minimum and that they relate well to the function and use of the building or structure on which they are displayed. All advertisements should be carefully designed so that the appearance and character of the locality or area in which they are situated is preserved. The size of any sign should be proportionate to the scale of the building or structure to which it is fixed. The presence of existing poorly located or designed advertisements will **not** be considered to set a precedent for others in the area.

- 2.3 Careful considerations will be made in the interest of **Public safety**, Argyll and Bute Council will not permit any advertisement which:

- Obstructs the sightline of any bend, corner or road junction
- Interfere with the visibility of any traffic sign or signal

- Act as a distraction to drivers (text too small, too much information etc.)
- Simulate prescribed Road signs in content or colour
- Obstruct or cause a danger to any road or footway user
- Cause any other hazard to public safety
- Causes or exacerbates visual clutter in towns, villages and countryside zones.
- Harm landscape character, built and heritage assets.

## 3.0 WHAT PERMISSIONS OR CONSENTS DO YOU NEED?

### Is your sign located on a road?

The road is defined as the carriageway, footway and verge if located in a rural area, and the verge will generally extend out to the boundary fenceline.

**If so then you must apply for road authority consent first**

- 3.1 Anything which is placed on the public footway (such as **A Boards**) would be considered the responsibility of the Road Authority and will be individually assessed in terms of accessibility. To this end, the first step in the process is to obtain a Roads Authority Consent (sometimes referred to as a **pavement licence**).

### Roads (Scotland) Act 1984

Section 59 of the above Act states:

*"...nothing shall be placed or deposited in a road so as to cause an obstruction except with the Roads Authority's consent..."*

### Note:

The Council is responsible for local roads within Argyll and Bute and Transport Scotland are responsible for Trunk roads. If Advertisement consent is required to place a sign on a Trunk road, contact should first be established with Transport Scotland who can be contacted here:

development\_management@transport.gov.scot

- 3.2 In considering an application, the Council must ensure that sufficient footway width is retained for pedestrians to move about safely and will require indemnity against liability for injury to third parties caused by the advertisement or sign. Wherever

possible, licensed boards are required to be positioned in line with street furniture, flush with shop fronts or so placed to ensure straight, clear access ways.

- 3.3 It is important to note that The Roads (Scotland) Act 1984 (s100) makes it an offence to place anything on a public road without the consent of the Roads Authority. This includes any way over which there is a public right of access and includes the road verge, foot path, bridges or tunnels over or under which the road passes. It is an offence, under this Act, to paint, inscribe or fix upon the surface of a road or tree, traffic sign, milestone, structure or works a picture, letter, sign or other mark. Schedule 8 of the Act sets the penalty, where an offence is proven, up to level 3 of the standard scale.

3.4

Note:

Roads Authority Consent must be obtained before an application for Advertisement Consent will be considered by the Council.

### **Advertisement Consent**

- 3.5 While many advertisements require express consent, certain types do not need express consent as they have 'deemed consent'. You can check this by consulting **The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (see Appendix A for definition)**. Advertisements displayed in accordance with the advert regulations do not require planning permission. However depending on location, advertisements may also require an application for either Road Consent and or Listed Building Consent.
- 3.6 It should be noted that where an existing advertisement or sign is to be replaced by a new sign (for example where a new owner or business takes over the premises), the new sign will require consent unless it is covered by the relevant criteria for deemed consent.
- 3.7 Once granted, consent normally lasts for five years unless specified otherwise in the conditions to the consent, but the advertisement may continue to be displayed with deemed consent beyond that period unless the council has added a condition specifying immediate removal.
- 3.8 An application for Advertisement Consent should be made on the appropriate form (available from the Council's web-site) here:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

Applications can be submitted as hard copy or electronically and, in order to be valid should be accompanied by:

1. A scale plan that identifies the location of the site by reference to at least two named roads
2. A scale drawing that clearly identifies the proposed position where the advertisement(s) will be displayed on the building or structure. This should be at 1:50 or 1:100 scale. Where the advertisement is to project from the face of the building, a scale section drawing should be submitted to show the extent of projection.
3. Individual drawings or illustrations of the proposed advertisement(s), either to larger scale (1:10 or 1:20) or with all metric dimensions clearly marked. Where the proposed sign is a shop fascia, this should include a scale section through the fascia showing the projection of any sign, board, letters or blind box.
4. Full details, for each sign, of the proposed materials, finishes, colours, means of fixture and method and extent of illumination (where proposed).

3.9 Photographs and photomontages are not an acceptable substitute for scale drawings but they can be helpful when submitted as additional supporting information, particularly in order to show the adjoining buildings and context within the street scene.

3.10 A flow diagram illustrating the steps required to be considered by applicants applying for Advertisement Consent is shown in **Appendix B**.

## 4.0 SIGNAGE WITHIN SETTLEMENTS

### **'A' Boards and other similar free standing structures**

4.1 'A' Boards are one of the most common forms of signage which occupy footways with Argyll and Bute, because of this a number of considered measures and specific criteria have been developed to address potential obstruction difficulties as well as to protect the appearance and amenity of our towns and villages.

4.2 Definition of an A-board:

"An 'A' framed timber board, which advertises the operation or contents of business premises by being placed upon the footway outside the premises. Other erections such as 'barrels' or similar objects, which serve the same purpose as the above, are included in the assessment"

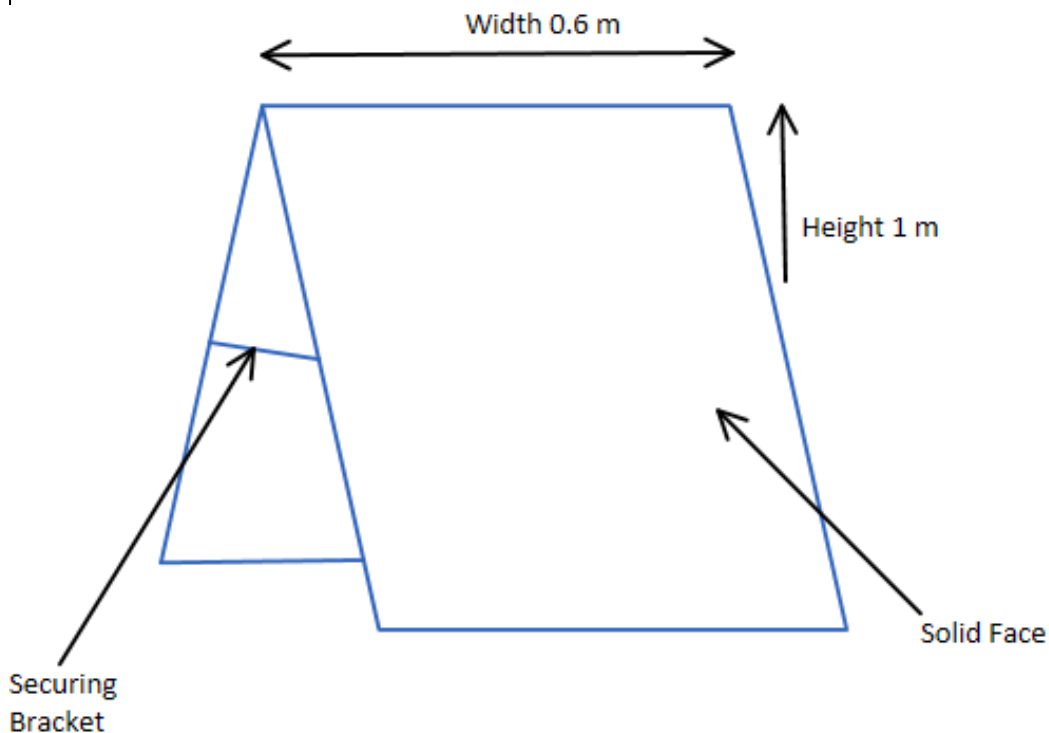
All 'A' Boards require Roads Authority Consent (sometimes referred to as a pavement licence) and planning permission as referred to Section 3 above.

4.3

**'A BOARD' REQUIREMENTS**

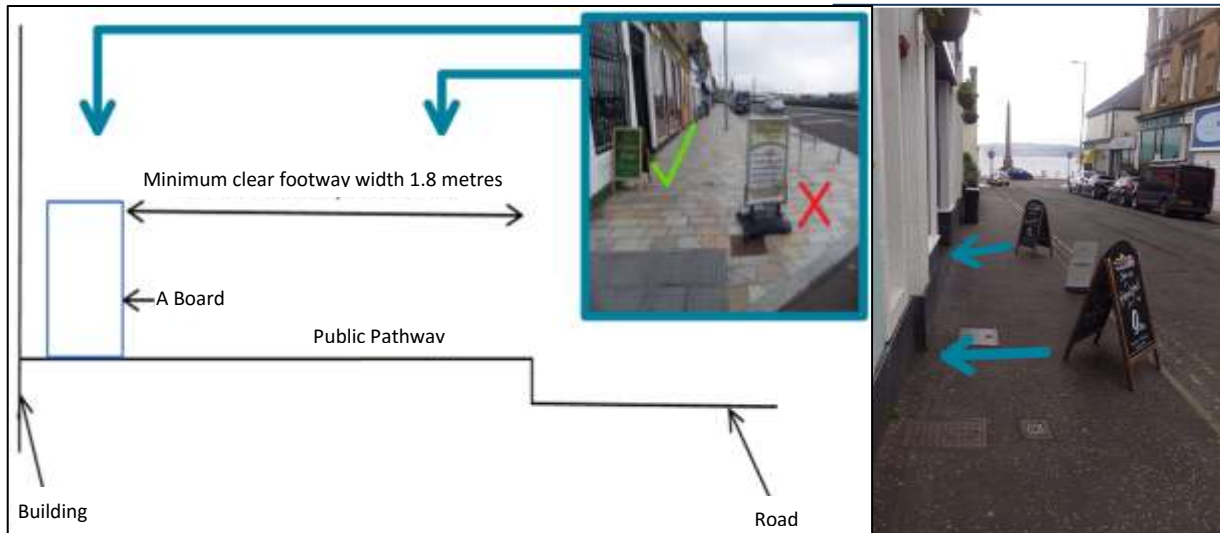
- Be positioned at the rear of the footway (abutting the shop frontage)
- Only 1 A-board permitted per shop premises to prevent sign clutter
- Minimum footway width of 1.8 metres required between board and carriageway
- Must be located directly outside the premises the board relates to
- Businesses without a frontage are not eligible for an A Board
- Present no hazard to pedestrians or wheelchair users (e.g. sharp edges, protruding nails or moving or rotating signs which could injure children)
- Be no more than 0.6 metres wide
- Be no more than 1 metre in height
- Be sufficiently stable so as not to be easily moved or blown over
- Not reduce visibility for road users at a junction, access or bend
- Not obscure any road signs
- Be covered by appropriate Public Liability Insurance
- A-boards must be removed from pavement areas when the shop premises are closed
- Businesses will be encouraged to group together and use 'column-style' signage for sign-posting and promotion wherever possible

**TYPICAL ADVERTISEMENT BOARD**



4.5 There should be a minimum distance of 1.8 metres clear width between the A board and carriageway. The diagram below displays this criterion in the street context:





'A' Boards can be a potential hazard to the public using the footway, people with impaired vision, in wheelchairs or with prams can be particularly disadvantaged. This criteria requires 'A' boards and similar advertisements to be placed close to the building or property they are advertising, allowing pedestrians' safe access to the footway.

**note: Transport Scotland (the Trunk Roads Authority) have a zero-tolerance policy on A-boards unless they are adjacent to the footway and on private ground.**

## 5.0 SHOP FRONT SIGNAGE

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### **Shopfront Guidelines**

- 5.1 Inappropriate shopfronts in Conservation Areas for example those constructed from inappropriate materials, can detract from the character of such areas. The use of non-traditional or gimmicky style shopfronts/architecture will be discouraged in the Conservation Areas.
- 5.2 Original 19thC and early 20thC shopfronts should be retained and restored. There will be a presumption against removal/alteration of surviving shopfronts that contribute to the architectural quality, or historic interest of the Town Centre.
- 5.3 Traditional timber fascias and shopfronts should be repaired as necessary and repainted or stained as appropriate. Colour schemes should where possible reflect the traditional or vernacular patterns where these exist, for example the black and white which typifies Inveraray.
- 5.4 Shop signs should preferably be painted onto the fascias or onto signboards on the masonry above shop windows where the original signs are likely to be found.
- 5.5 Signs should be contained within the fascia and not repeated on window glass.
- 5.6 Sign materials should be compatible with those of the historic (or modern) building.
- 5.7 The shopfront should not be designed in isolation from the rest of the building or adjoining frontages. The Council will seek to achieve a level of consistency in the style of shopfronts to ensure that new proposals blend in with neighbouring premises, displaying compatibility of design, materials, colours and lettering between a shop and its neighbours.
- 5.8 Where the same user occupies the ground floor of two buildings, taking one fascia across both frontages might destroy the individual character of the two. Two relating fascias should be installed, designed to suit each façade.
- 5.9 Lettering should be balanced-out on fascias to avoid overcrowding at one end and should not be oversized. If lettering is to be individually mounted it should be of good quality.
- 5.10 New signs should not obscure significant features of the historic building.

- 5.11 Where company signs are proposed they should be modified, where necessary, to ensure that the shop front harmonises with the character of the area and the building concerned.
- 5.12 If the need for externally mounted light fittings can be demonstrated they should be of unobtrusive design, size and colour, and fixed to the buildings in a manner that will not damage the building fabric.
- 5.13 No internally illuminated signs or plastic fascia signs will be permitted.
- 5.14 The Council will endeavour to negotiate improvements to shopfronts when applications are submitted for advertisement consent, listed building consent and planning permission in the Conservation Areas or Special Built Environment Areas.
- 5.15 All of these principles recognise that a shopfront must attract customers into a shop so a fair degree of flexibility must be exercised. Equally, a shopping area's character and attractiveness to customers can be destroyed by inappropriate or unsympathetic design.

#### **Projecting Signs**

- 5.16 The use of projecting signs are considered acceptable. For example on shops that are located on narrow streets. They should not be obtrusive or restrict pedestrian or vehicular movement and should be placed on the fascia board, clear of pedestrians, with a minimum clearance of 2.3 metres between the lowest edge of the sign and the footway below.
- 5.17 Projecting signs should be of a good design and be in proportion to the building and the fascia to which it is attached. Proliferation/clutter of signs should be avoided and a single projecting sign per building frontage will normally be the maximum acceptable.

**Note: On narrow streets or where there is limited space on footways, projecting fascia signs are preferred to A-Boards.**

#### **Sunblinds/Awnings and Dutch Canopies where they are acting as advertising**

- 5.18 The erection of sun blinds (also referred to as awnings) and canopies in Conservation Areas will generally be discouraged by the Council unless valid reasons for their introduction can be shown (e.g. to protect perishable goods from sunlight).
- 5.19 The following is therefore applicable for the reason of promoting good design and safeguarding the amenity of the town centre.
- 5.20 The Council will favour traditional flat projecting canvas sun blinds, which are hardwearing and fully retractable.
- 5.21 Proposals for Dutch canopies, designed with a curved profile and enclosed ends, will be discouraged on properties in Conservation Areas and Special Built Environment

Areas and on all Listed Buildings. This is because their size, shape and projection can make them appear intrusive thus creating difficulties of integrating them into a historic town centre.

- 5.22 The style/design of the proposal should be sympathetic to the building and its existing features and they should be restricted to the width of the individual window. Its size should also respect the proportions of the shopfront. In all cases the bottom of the awning should be no less than 2.3 metres above the footway.
- 5.23 The Council will favour the use of traditional sunblind materials, such as woven materials or canvas, in preference to PVC or plastic; in neutral rather than bright colours.

## 6.0 ADVERTISING ON STREET FURNITURE

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- 6.1 Street furniture within the context of this policy document, is a collective term for objects on streets and roads, including benches, bollards, post boxes, phone boxes, streetlamps, traffic lights, traffic signs, bus stops etc.
- 6.2 Free standing signs and signs on street furniture will not normally be accepted where they contribute to visual and physical clutter and create a hindrance to movement along the pavement or pedestrian footway.
- 6.3 Any advertisement or sign fixed to a lamp post or a similar road structure will require both advertisement consent and the consent of the Council as owner of the infrastructure.
- 6.4 The Trunk Road Authority (Transport Scotland) will not permit any advertisements or signs including banners or temporary signs to be fixed to road signs or street furniture under their jurisdiction.

## 7.0 ADVERTISEMENTS IN CONSERVATION AREAS & ON LISTED BUILDINGS

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- 7.1 When considering proposals for signs within conservation areas, the Council will expect signs to preserve the particular appearance and character of the conservation area in question. If well designed and sited, advertisements can make a positive contribution to commercial streets in conservation areas. Generally, those

conservation areas within the urban mixed use core of the town which contains significant commercial streets will be able to accommodate a wider range of signage (in terms of design, materials and illumination) than those conservation areas which are largely residential or village in character.

- 7.2 In the case of listed buildings and other historic buildings of merit within conservation areas, no advertisement or sign should have an adverse impact on the architectural or historic character of the building or its setting and should not, through its display or method of fixing, interrupt or obscure any architectural features of the building. Where a historic building forms part of a uniform or cohesive group, the Council will expect advertisements to reflect that uniformity or cohesiveness.
- 7.3 The choice between a contemporary or traditional approach to signage on historic buildings will depend upon the nature of the building's use, the scale and architecture of the building and the character of the area. Most importantly, all advertisements should be designed and constructed to a high quality and materials and finishes should be kept simple.
- 7.4 Corporate styles and images can be particularly damaging to listed buildings and within conservation areas, especially where applied indiscriminately across areas. The council will therefore expect corporate styles and images to be modified where necessary to suit the building and locality. This may mean a change in design, format, size or method of illumination.
- 7.5 An advertisement on a listed building will require an application for listed building consent.

## 8.0 COMMERCIAL BANNERS

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- 8.1 This section covers banners that are intended to form permanent advertisements on commercial properties or are fixed on other properties for commercial purposes. Banners have become an increasingly popular form of commercial advertising and in some areas banners may be suitable form of display. However, within residential and conservation areas and in the case of listed buildings, Argyll and Bute Council will be principally concerned to safeguard the character and appearance of the area and individual buildings. Listed Building Consent will be required if the banner is proposed to be fixed to a listed building (see image below). Note: **permanent banners are not acceptable.**

## 9.0 ESTATE AGENTS' BOARDS

- 9.1 Temporary signs, announcing that a property is for sale or letting, with certain specified limits as set out in Advertisement Regulations, can generally be erected without consent. However it is fundamental that estate agent boards are only located on the premises of the location they are advertising and nowhere else. They should not be placed within the boundaries of public roads, nor attached to any street furniture or other road signs.
- 9.2 The Council expects estate agents to be familiar with the restrictions in the Regulations and will expect these to be fully met. If estate agent boards are found outwith the location or property which they are advertising, the Council will reserve the right to remove these under the regulations set out within the Town and Country Planning Act. This type of Estate agent board (depicted below right) would not be considered acceptable as it is not located on the property which it is advertising.



## 10.0 OTHER TEMPORARY ADVERTISEMENTS

- 10.1 Temporary advertisements, either announcing special events or those of a seasonal nature, such as Christmas street displays can be common and may not require consent to be obtained provided that they are in place for no more than 28 days. As such, Argyll and Bute Council will consider these on their individual merits, taking into account the number, size, and form, period of display required, general location, and position in the street and the degree of 'commercial' advertising they display. Within conservation areas or in the case of advertisements located on or close to

listed buildings, as with any other type of advertisement, consent will normally only be granted where the proposal preserves or enhances the character or appearance of the area or building

- 10.2 Temporary signs concerned with **construction site works** are considered to be permitted development provided that they are only in place for the period of construction and removed thereafter.



## 11.0 ILLUMINATED SIGNS

- 11.1 Illumination can play a positive role in adding to the vitality of commercial areas and contributing to the evening economy. However, excessive or indiscriminate use of illumination can harm visual amenity and result in light pollution. It should therefore be confined to what is reasonably required to fulfil the purposes of the advertisement only. Illumination will generally be appropriate in commercial and mixed use areas but will be subject to more scrutiny in predominantly residential/rural areas or streets, where illumination may impact on the amenity of neighbouring property.
- 11.2 Because of their shape and design, internally illuminated signs remain prominent even when not illuminated and as such their use requires careful consideration. In particular, the use of standard sizings and formats in an indiscriminate fashion will be discouraged.

**Note** - The specific external illumination of a non-illuminated advertisement constitutes an illuminated sign for the purposes of the Regulations and this Policy.

- 11.3 Illuminated signs are generally considered to be appropriate only in the commercial centres of towns and large villages. Outwith these areas, illuminated signs should not normally be proposed unless it can be demonstrated that they are essential in relation to those premises where services are regularly provided during the hours of darkness and out with the normal business hours of 8.00am-6.00pm. The level of illumination of advertisements should not normally exceed 250 cd/m<sup>2</sup>.
- 11.4 Illuminated signs should not normally be proposed in areas of high townscape quality, including conservation areas and other areas such as residential areas where they could affect the general amenities of nearby residents; except where it can be demonstrated that they are essential in relation to premises where services are regularly provided during the hours of darkness and out with the normal business hours of 8.00am-6.00pm, or except where the illumination takes the form of suitably designed spotlighting, down-lighting or floodlighting of an otherwise non-illuminated sign, particularly where this is of a traditional form and style.

## 12.0 ADVANCE SIGNAGE

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- 12.1 Signs and adverts located along the side of a road, can be important to advertise and promote businesses, particularly in rural areas. However, considerations have to be made to ensure that these do not impact upon road safety and distract or endanger the people who use them.

### **Advance Signs**

- 12.2 The Council will not sanction advance signs for businesses within established town centres or other built-up areas. Advance signage will generally only be permitted where businesses are not on a main route, have a reliance on passing trade, are located in a by-passed or peninsular community or where advance signs would improve road safety.

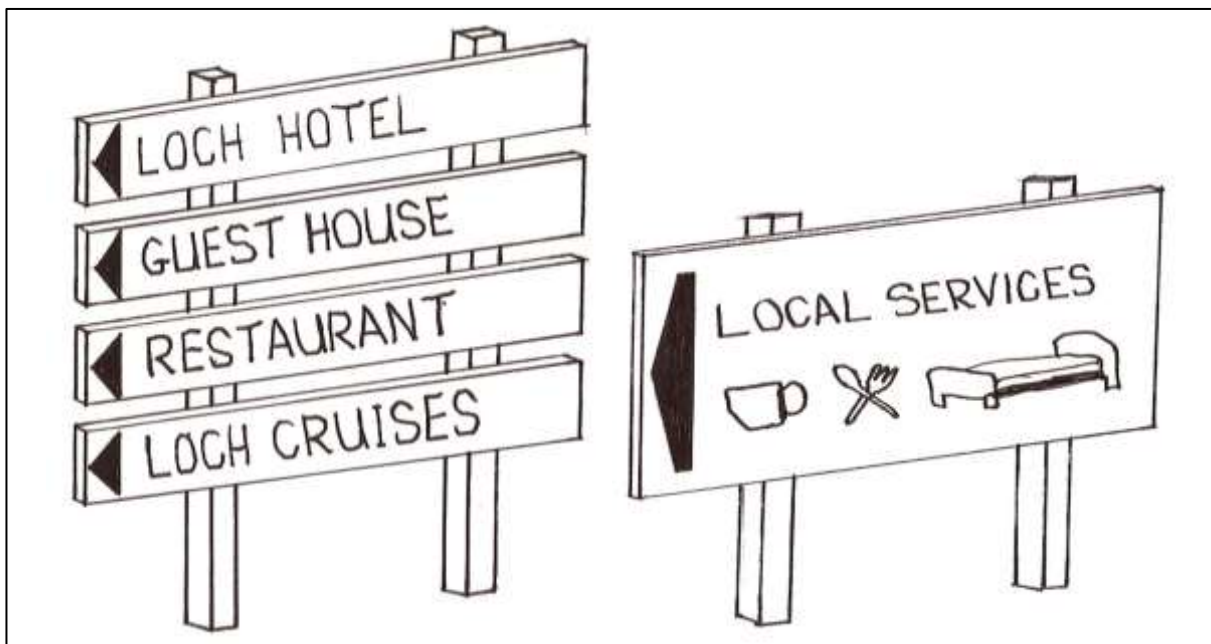
### **Composite Advance Signs**

- 12.3 Proposals for composite advance signs within the roads limits must be accompanied by the agreement of the Roads Authority. Where road safety or amenity considerations dictate otherwise, they should be erected out with the road boundary. Transport Scotland use the following standards for letter size, visibility and distance from road junctions for advance signage and the Council will apply the same standards where possible:



	85%ile of approach speeds of private cars		Lettering x-height (mm)	Minimum clear visibility distance of sign (m)	Distance from junction (m)
1	30mph to 40mph	Urban Fringe or Rural Village	100	75	90
2	40mph to 50mph	Rural	125	105	90-150
3	50mph to 60mph	High Standard Rural	150	135	150-225
4	60mph to 70mph	Dual Carriageway	200	180	225-300
5	70mph speed limit	Motorway		Not permitted	

12.4 Composite advance signs advertising a number of facilities could contain the names of individual establishments or attractions where space permits, but the emphasis should be upon indicating the services, facilities and amenities available. Wherever possible standard symbols should be used.



12.5 Composite advance signs must be constructed of durable materials and the structure should be capable of being added to and deleted from in an easy manner. Preference will be given to ladder board type signs employing a brown, olive green or black background with white lettering and symbols, but other recessive colours will be considered. The overall size of composite signs should not normally exceed 4.00 square metres and should not be more than 3.0 metres high overall. Selected locations should have a background of trees, shrubs, rising ground or buildings which

complement the prevailing landscape and minimize their visual impact. Lettering should be large enough to allow drivers to read the sign without significantly affecting traffic speeds and thereby creating a road safety hazard. In short, less is more.

### **Single Advance Signs**

- 12.6 Where the principle of an individual advance sign is agreed, display should normally comprise of one advance sign on either side of the road junction immediately prior to the premises advertised, or prior to the premises themselves, whichever is more appropriate. A series of repetitive signs will be deemed unacceptable.
- 12.7 The siting criteria for individual signs is the same as in the case of composite advance signs except that the distance from the junction or facility should not normally exceed 300m having regard to the prevailing road speed and geometry, and symbols indicating facilities and amenities available should be used wherever possible.
- 12.8 Individual advance signs must be constructed of durable materials and preference will again be given to ladder board type structures employing the brown, olive green or black background with white lettering and symbols, but other colours will be considered. In all cases signs must be located where road safety is not compromised.

- a) The overall size of individual advance signs for large commercial businesses, e.g. hotels should not normally exceed 1.0 square metre and should not normally be more than 1.5 metres in height.
- b) The overall size of individual advance signs for small businesses, e.g. bed and breakfast, farmhouses etc. should not exceed 750mm by 300mm.

### **12.9 Illumination**

Illumination of advance signage will only be permitted provided that it can be achieved without prejudice to road safety. External down lighting will be the preferred method of illumination and lights should be coloured to match the colour scheme of the sign.

### **12.10 'Brown' Tourist Directional Signs**

Where appropriate the Roads Authority will erect road directional and information signs pertaining to facilities such as historic properties, picnic sites and other eligible tourist attractions using the 'brown' tourist road direction signs scheme operated in conjunction with VisitScotland. In all cases the Council will seek to recover associated costs. Further details can be found here:

<http://www.visitscotland.org/pdf/Jan15GuideToSignpostingforTourismBusinesses.pdf>

Transport Scotland also provide guidance on the provision of brown tourist signage on the Trunk Road network and further details can be found here:

[http://www.transport.gov.scot/sites/default/files/documents/rrd\\_reports/uploaded\\_reports/j7818/j7818.pdf](http://www.transport.gov.scot/sites/default/files/documents/rrd_reports/uploaded_reports/j7818/j7818.pdf)



## 13.0 SIGNS ON VEHICLES IN RURAL AREAS (FIELDS)

- 13.1 Advertisements displayed upon or in a vehicle/trailer normally employed as a moving vehicle on any road will not require advertisement consent. However, this exception shall not apply to advertisements displayed on any such vehicle, during any period when it is being used primarily for the purpose of displaying an advertisement. In this instance, the static vehicle would be considered to constitute a material part of the advertisement, and as such advertisement consent would have to be obtained. The Council does not support the use of advertisements placed on parked vehicles or trailers, and any applications for these would likely be refused.



## 14.0 ENFORCEMENT –UNAUTHORISED ADVERTS

- 14.1 Argyll and Bute seeks to deliver a signage strategy that balances business needs along with obligations to ensure pedestrian/traffic safety and to protect the visual appearance of our Council area.
- 14.2 Any advertisement that does not have the appropriate roads / pavement licence and/or Advertisement Consent is classed as an **unauthorised advert** and will be dealt with in accordance with the Councils Enforcement Charter. Inaction in this field will only serve to undermine the successful implementation of the aims and objectives of the overall policy, as well as being unfair to those persons who apply for consent in the proper manner.
- 14.3 It is important to note than any persons who display an advertisement without the necessary consent is liable to prosecution. The Council will consider such action in cases where the unauthorised advertisement has not been voluntarily removed or

where a retrospective application for consent has not been received within a reasonable timescale.

- 14.4 If the property is a listed building, the alteration of the building by the fixing of a sign without consent is a criminal offence. In addition to prosecution proceedings, the Council can issue a 'Listed Building Enforcement Notice' to implement the removal of the sign.

## 15.0 ACTING ON UNAUTHORISED SIGNS

- 15.1 The Council must consider each case on its own individual merits and decide upon the most appropriate solution. Where an unauthorised advert has been identified, the Council will proceed with one or more of the following options:

### **Informal contact with the advert owner**

- 15.2 This is a favoured course of action, as more formal enforcement action is only taken as a last resort. In such cases, the sign / advert owners shall be contacted via letter and advised of our new signage policy. They will be asked to either (1) voluntarily remove their unauthorised sign or (2) submit the necessary applications to have it consented. Standard application forms and guidance shall be provided.

### **Retrospective Application**

- 15.3 A retrospective application (for pavement Licence and /or advertisement consent) is processed and determined like any other application. Such an application is invited on a "without prejudice basis"

### **Advertisement Enforcement Notice**

- 15.4 An enforcement notice may be served by the Council where it appears to them that any advertisement has been displayed without the necessary consent, or without compliance with a condition or limitation attached to a consent. The notice is served upon the owner, lessee and occupier of the land and on any other person known to the Council to be displaying the advertisement. The notice will require specific steps to be taken, within a specified period, to restore the land to the condition it was in before the display began or to secure compliance with the condition or limitation.
- 15.5 In addition the notice may specify, as an alternative, steps to be taken to bring the display up to an acceptable condition. Where any of the steps required by the notice have not been taken within the specified period the Council may enter the land and take those steps and recover its expenses from the owner or lessee of the land. Any person upon whom a notice of this type is served may appeal in writing to the Scottish Ministers. The notice will have no effect until the appeal is withdrawn or determined. The siting or erection of an unauthorised advertisement is an offence, with a current maximum fine of £1000.

- 15.6 In those cases where an advertisement has been placed on Council owned land or property without consent the advertisement may be removed and destroyed. Unlike a breach of planning control, a breach of advertisement control can never become immune from enforcement action.

#### **Advertisement Discontinuance Notice**

- 15.7 Some advertisements may be displayed without the requirement for advertisement consent and are therefore lawful. However, where the Council consider that such an advertisement harms the amenity of the local area or causes a danger to members of the public, the Council may serve a notice requiring the discontinuance of the display of that advertisement where it is considered expedient to do so.

#### **Removal of signs within the Roads Corridor or Pavements**

- 15.8 Where efforts to contact the owner of adverts is unsuccessful or where a retrospective application is refused but the sign remains in situ, formal action will be undertaken where the sign(s) represent a road safety hazard. The Council and Transport Scotland also have powers under the Road Scotland (Act) 1984 to remove unauthorised adverts within the road corridor which are unauthorised. Where it is considered that a sign may be detrimental to safety, the sign will be removed and stored at the nearest available depot. The sign will be returned to the owner on payment of the Council's reasonable cost incurred in collecting the sign. Signs will be held for a maximum of 28 days following which they will be disposed of. Adverts will be removed and stored at a local depot. This is the likely route of formal action in relation to A Boards.

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## 16.0 APPENDIX A - DEFINITION

The Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 1992, states that an advertisement is:

“ “advertisement” means any word, letter, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure or any balloon used or designed or adapted for use and anything else used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly.”



# Appendix A (contd.) Types and Categories of Sign That Do Not Require Consent

## SCHEDULE 4

Regulation 10

### THE SPECIFIED CLASSES OF ADVERTISEMENTS DISPLAYED WITH DEEMED CONSENT

<i>Description of advertisement</i>	<i>Maximum height of letters or figures</i>	<i>Maximum height above ground level of highest part of advertisement</i>	<i>Other conditions</i>
<b>CLASS I:</b>			
Functional advertisements of local authorities, community councils, statutory undertakers and public transport undertakers.			
(1) Advertisements relating to any function or operation of a local authority, community council, statutory undertaker or public transport undertaker which are reasonably required in order to secure the safe or efficient performance of those functions or operations and which cannot be displayed in such a manner under the provisions of these regulations relating to advertisements of any other specified class;			(i) Illumination is permissible for purposes of warning.
(2) Advertisements displayed by a planning authority on land in respect of which they are the planning authority.			
<b>CLASS II:</b>			
Miscellaneous advertisements relating to land on which they are displayed.			
(1) Advertisements for the purpose of identification, direction or warning with respect to the land or building on which they are displayed.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	(i) Maximum area for each advertisement—0.2 sq metre. (ii) Illumination is permissible for purposes of warning.



## THE SPECIFIED CLASSES OF ADVERTISEMENTS DISPLAYED WITH DEEMED CONSENT

<i>Description of advertisement</i>	<i>Maximum height of letters or figures</i>	<i>Maximum height above ground level of highest part of advertisement</i>	<i>Other conditions</i>
(2) Advertisements relating to any person, partnership or company separately carrying on a profession, business, or trade at the premises where any such advertisement is displayed.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	(i) Maximum area for each advertisement—0.3 sq metre. (ii) Limited to one advertisement in respect of each person, partnership or company or in the case of premises with entrances on different road frontages one advertisement at each of 2 such entrances. (iii) Illumination is permissible to indicate that medical services or supplies are available on the premises.
(3) Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, to any hotel, inn or public house, block of flats, club, boarding-house or hostel, situated on the land on which any such advertisement is displayed.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	(i) Maximum area for each advertisement—1.2 sq metres. (ii) Limited to one advertisement in respect of each person, partnership or company or in the case of premises with entrances on different road frontages one advertisement at each of 2 such entrances. (iii) Illumination is permissible to indicate that medical services or supplies are available on the premises.
<b>CLASS III:</b> Certain advertisements of a temporary nature.			
(1) Advertisements relating to the availability for sale or letting of the land on which they are displayed.	0.75 metre, or 0.3 metre in an area of special control	At the lowest level at which it is reasonably practicable to display the advertisement	(i) Limited in respect of each sale or letting to one advertisement consisting of a board (whether or not attached to a building) not exceeding 2 sq metres or of 2 conjoined boards together not exceeding 2.3 sq metres. (ii) When displayed on a building not to project further than 1 metre from the face of the building. (iii) When the sale is due to start on a specified date not to be displayed earlier than 28 days before that date. (iv) To be removed within 14 days after the conclusion of the sale or letting.

THE SPECIFIED CLASSES OF ADVERTISEMENTS DISPLAYED WITH DEEMED CONSENT

<i>Description of advertisement</i>	<i>Maximum height of letters or figures</i>	<i>Maximum height above ground level of highest part of advertisement</i>	<i>Other conditions</i>
(2) Advertisements announcing a sale of goods or livestock, and displayed on the land where such goods or livestock are situated or where such a sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding such sales.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	<ul style="list-style-type: none"> <li>(i) Limited to one advertisement not exceeding 1.2 sq metres at each place.</li> <li>(ii) When the sale is due to start on a specified date not to be displayed earlier than 28 days before that date.</li> <li>(iii) To be removed within 14 days after the conclusion of the sale.</li> </ul>
(3) Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	<ul style="list-style-type: none"> <li>(i) Limited to one advertisement not exceeding 2 sq metres on each road frontage of the land in respect of each contractor or sub-contractor carrying out such work.</li> <li>(ii) To be displayed only while such works are in progress.</li> </ul>
(4) Advertisements announcing any local event of a religious, educational, cultural, social or recreational character and advertisements relating to any temporary matter in connection with an event or a local activity of such a character, not in either case being an event or a local activity promoted or carried on for commercial purposes.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	<ul style="list-style-type: none"> <li>(i) Limited to a display of advertisements occupying an area not exceeding a total of 0.6 sq metre on any site.</li> <li>(ii) When the event is due to start on a specified date not to be displayed earlier than 28 days before that date.</li> <li>(iii) To be removed within 14 days of the conclusion of the event.</li> </ul>

## THE SPECIFIED CLASSES OF ADVERTISEMENTS DISPLAYED WITH DEEMED CONSENT

<i>Description of advertisement</i>	<i>Maximum height of letters or figures</i>	<i>Maximum height above ground level of highest part of advertisement</i>	<i>Other conditions</i>
(5) Advertisements relating to any demonstration of agricultural methods or processes on the land on which they are displayed.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	<ul style="list-style-type: none"> <li>(i) Limited in respect of each demonstration to a display occupying an area not exceeding 1.2 sq metres, no one advertisement of which exceeds 0.4 sq metre.</li> <li>(ii) Maximum period of display for any demonstration to be 6 months in any period of 12 months.</li> <li>(iii) When the demonstration is due to start on a specified date, not to be displayed earlier than 28 days before that date.</li> <li>(iv) To be removed within 14 days of the conclusion of the demonstration.</li> </ul>
(6) Advertisements on hoardings enclosing, either wholly or in part, land on which building operations are taking or are about to take place and which is designated in any development plan for the time being in force primarily for commercial, industrial or business purposes.	0.75 metre	4.6 metres	<ul style="list-style-type: none"> <li>(i) Not to be displayed in an area of special control or a conservation area.</li> <li>(ii) The consent shall not apply to advertisements which are less than 1.5 metres in height and 1 metre in length or more than 3.1 metres in height and 6.1 metres in length.</li> <li>(iii) When building operations are due to start on a specified date not to be displayed earlier than 28 days before that event.</li> <li>(iv) Not to be displayed for more than 2 years from the date of commencement of the display.</li> <li>(v) The advertiser shall not less than 14 days before the commencement of the display notify the planning authority of the date of the commencement of the display.</li> </ul>

THE SPECIFIED CLASSES OF ADVERTISEMENTS DISPLAYED WITH DEEMED CONSENT

<i>Description of advertisement</i>	<i>Maximum height of letters or figures</i>	<i>Maximum height above ground level of highest part of advertisement</i>	<i>Other conditions</i>
<b>CLASS IV:</b>			
Advertisements on Business Premises:			
(1) Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name and qualification of the person carrying on such business or activity or manufacturing or supplying such goods or services on those premises.	0.75 metre, or 0.3 metre in an area of special control	The bottom of the first floor level of the building or the wall on which the advertisement is displayed or, if lower, 4.6 metres or 3.6 metres in an area of special control	(i) Not to be displayed on the wall of a shop unless the wall contains a shop window. (ii) Aggregate area of such advertisements on any external face of the building in an area of special control not to exceed one-twelfth of the area of that face up to a height of 3.6 metres; the area occupied by any such advertisements to be computed as if the advertisement were displayed flat against the face of the building.
(2) Advertisements displayed on any forecourt of business premises wholly with reference to all or any of the matters specified in paragraph (1) above.	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	(i) Aggregate area of such advertisements on any forecourt not to exceed 4.5 sq metres and where a building has a forecourt on 2 or more frontages it shall be treated as having a separate forecourt on each of these frontages.
<b>CLASS V:</b>			
Advertisements within Buildings:			
Advertisements displayed within any building and not exempted from these regulations by virtue of regulation 3(2).	0.75 metre, or 0.3 metre in an area of special control	4.6 metres, or 3.6 metres in an area of special control	(i) When illuminated not to incorporate any moving feature or animation. (ii) Any one advertisement not to be more than 250 sq centimetres in area. (iii) Any group of such advertisements not to total more than one-tenth of the area of the door or window within which they are displayed.

## THE SPECIFIED CLASSES OF ADVERTISEMENTS DISPLAYED WITH DEEMED CONSENT

<i>Description of advertisement</i>	<i>Maximum height of letters or figures</i>	<i>Maximum height above ground level of highest part of advertisement</i>	<i>Other conditions</i>
<p><b>CLASS VI:</b> Illuminated Advertisements: Illuminated advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, goods sold or services provided and the name or names and qualifications of the person or persons carrying on such business or activity or providing such goods or services on those premises.</p>	0.75 metre	4.6 metres	<ul style="list-style-type: none"> <li>(i) Each character of such advertisements to be illuminated individually from within, the background to be non-illuminated.</li> <li>(ii) Not to be displayed in a conservation area or an area of special control.</li> <li>(iii) To be displayed only on the external face of business premises and parallel to that face.</li> <li>(iv) Not more than one such advertisement to be displayed on any external face of the business premises.</li> <li>(v) No part of the advertisement to be less than 2.5 metres above ground level.</li> <li>(vi) Not to incorporate any moving feature or animation or to be illuminated intermittently.</li> <li>(vii) Not to be displayed on any wall which does not contain a shop window.</li> <li>(viii) Any part of such an advertisement not to project more than 0.25 metre from the wall.</li> <li>(ix) Switches, wires or other electrical installations necessary for the purpose of illumination to be concealed as far as is reasonably practicable.</li> </ul>

## Areas of Special Control

The former Argyll County Council made an order defining the whole district as an area of special control, with the exception of the following geographical areas:

1. Ardrishaig
2. The coastal strip – Sandbank/Dunoon/Innellan
3. Campbeltown
4. Tighnabruaich
5. Lochgilphead
6. Oban and environs
7. Tarbert
8. Tobermory
9. Bute

There is also an area of special control of advertisements, covering the Helensburgh and Lomond area. This applies to the whole of the area apart from Helensburgh and Cardross.

Normally on business premises, signs may be displayed without express consent providing they relate to the business, the goods sold or the services provided. The signs are restricted to a height of 4.6 metres from ground level and the letters or symbols to a height of 0.75 metres.

Within an area of special control, the height restriction is 3.6 metres; the size of letters or symbols must not exceed 0.3 metres, and the area occupied by adverts must not exceed one-twelfth of the area of the face up to height of 3.6 metres.

In all cases express consent is required for illuminated signs.

# 17.0 APPENDIX B

