

Contents

| | | |
|------------|---|-----------|
| 1.0 | Introduction | 5 |
| | Member Workshops | 5 |
| | Advertisements..... | 6 |
| 2.0 | Legislative Arrangements | 7 |
| | Planning Legislation | 7 |
| 3.0 | Policy Context | 9 |
| | Regional Policy..... | 9 |
| | Local Policy Context | 14 |
| 4.0 | Issues and Approaches | 16 |
| | Summary of Key Issues..... | 16 |
| | Approaches | 17 |
| | Appendix 1 Planning Legislation | 19 |
| | Appendix 2 Enforcemrnt of Planning Control | 21 |
| | Appendix 3 Roads Legislation | 22 |

- 1.8 The original Topic paper entitled 'Control of Outdoor Advertising was presented at a workshop on 17th February 2016. It has since been updated to ensure the statistics referenced are up to date for publication alongside the Preferred Options Paper.

Advertisements

- 1.9 The purpose of this paper is to inform Council on how the provision of the Control of outdoor advertisements is to be addressed in the future. It sets out the regional context of the new Council area. It provides an overview of the legislative requirements and current planning policy covering outdoor advertisements in the interests of “**amenity**” and “**public safety**” which are the only considerations that can be assessed in the exercise of advertisement control. This paper allows members to consider of how advertising policy and guidance may be formulated within the context of the Regional Development Strategy (RDS) and the Strategic Planning Policy Statement (SPPS).

Roads Legislation

- 2.7 In addition to planning legislation, there are separate provisions within roads legislation for the control of advertisements. Article 87 of the Roads (Northern Ireland) Order 1993³ makes it an offence to display any advertisement on a public road, footway or verge or on any tree or structure in or on a public road. Article 21 of the same Order makes it an offence to erect or exhibit any advertisement or notice sited or designed primarily to be visible from a special road or which is likely to prejudice the safety of traffic using a special road. A special road is one designated under Article 15 of the Roads Order and at present these comprise the motorway network and Westlink.
- 2.8 Article 34 of the Road Traffic Regulation (Northern Ireland) Order 1997 makes it an offence to display any sign which resembles a traffic sign on or near a public road.

³ www.legislation.gov.uk/nisi/1993/3160/article/87

- 3.6 It seeks to promote employment and support economic development of the region while sustaining a high quality environment. The role of advertisements is not specifically referred to in the RDS, but advertising by its very nature contributes to the creation of a vibrant and competitive economy. Road Safety is also a key priority for Government.
- 3.7 The RDS is complemented by the DOE's Planning Policy Statements, the most relevant of which is Strategic Planning Policy Statement (SPPS), Planning Policy Statement 17 (PPS) Control of Outdoor Advertisements which sets out the Departments planning policies and guidance for the display of outdoor advertisements. It complements the Governments' commitment to amenity and public safety including road safety. In drawing up the guidance it is acknowledged that amenity and public safety are the only criteria that can be taken into account in assessing proposals for advertisements.

Strategic Planning Policy Statement

- 3.8 The Strategic Planning Policy Statement (SPPS) was adopted in September 2015 to replace DOE PPS's to consolidate policy and guidance. The SPPS sets the regional strategic objectives for the control of advertisements.
- Ensure that outdoor advertisements respect amenity and do not prejudices public safety, including road safety; and
- Help everyone involved in the display of outdoor advertisement contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns villages and the countryside.
- 3.9 The overall policy approach for the display of outdoor advertisements that require the consent of the planning authority is to ensure that proposals do not prejudice amenity or public safety, having regard to the specific circumstance of each proposal. Well designed advertising which respects the building or location where it is displayed and which contributes to a quality environment should be encouraged. Consent should be given for the display of an advertisement where it respects amenity, when assessed in to contact of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety.
- 3.10 Where appropriate councils should bring forward appropriate policies within Local Development Plans (LDPs) for the control of outdoor advertisements, tailored to local circumstances. Local policies may also be brought forward for the control of advertisements which affect Listed Buildings, Conservation Areas and areas of Townscape Character, and must be compatible with other policies set out within the SPPS.
- 3.11 Care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The subject matter of advertising is not normally a material planning consideration.

advertisement, where thought has been given to size, colours, siting and levels of illumination, can contribute positively to the visual qualities of an area. All too often, however, advertisements are added to a building or placed in a location as an afterthought. The result is that a good building, neighbourhood or sensitive location can be easily spoiled by poorly designed advertising, which appears over dominant, unduly prominent or simply out of place.

- 3.21 The amenity of the countryside is particularly important and there is a need to protect its unique qualities from the negative effects of advertising. The only advertisements likely to be acceptable in the countryside are those proposed on site and which relate to existing or approved commercial enterprises. These should be small in scale and not detract from the quality and character of the local landscape.

Public Safety

- 3.22 Advertisements by their very nature are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. In assessing the impact of an advertisement on public safety the Council will have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water or in the air. The vital consideration for the Council will be whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity, be they drivers, cyclists or pedestrians. The Council will also bear in mind that, on occasion, some advertisements can positively contribute to public safety, for example, by directing drivers and others to their destination.

Listed Buildings, Conservation Areas and Areas of Townscape Character (ATCs)

- 3.23 Specific policies for the control of advertisements affecting Listed Buildings, Conservation Areas and Areas of Townscape Character (ATCs) are set out in Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage'. Additional guidance for the display of advertisements in particular Conservation Areas is set out in the relevant designation documents and design guides produced by the Department of Environment (DOE) Planning. Additional guidance for the display of advertisements in particular ATCs may be included in any supplementary guidance produced by the DOE/Council for the ATC. (see para 4.23).

Countryside

- 3.24 Poster panel displays are out of place in the countryside and will generally be unacceptable. An exception may be made where the display advertises a particular event, such as a local agricultural show or fair, and is restricted to a specified time period.

the building. These considerations will to a large extent dictate the scale of any signage . In many cases a handwritten timber board or a brass plate will provide the most acceptable Planning, Archaeology and the Built Heritage solution. The use of standard corporate signage by major companies will generally be inappropriate.

- 3.31 Projecting signs can often adversely affect the appearance and character of listed buildings and will therefore require very careful consideration. Where their presence is considered acceptable particular attention will be paid to size, design and materials. In most situations signs and advertisements displayed on listed buildings should not be illuminated. Where illumination is justified it should be achieved unobtrusively: light fittings mounted above and projecting forward of the sign will not normally be acceptable.

The Control of Advertisements in Conservation Areas (Policy BH 13) and Areas of Townscape Character (Policy ATC 3)

- 3.32 The Council will not normally grant consent for the display of advertisements in or close to a conservation area and ATCs which would adversely affect the character, appearance or setting of the area or which would be detrimental to public safety.
-

- 3.33 Many conservation areas include thriving commercial areas where the normal range of advertisements is to be expected, provided they do not detract from visual amenity. The Council accepts that such outdoor advertising is essential to commercial activity, but in view of the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, it is also considered reasonable that more exacting standards of advertisement control should apply within such areas.

- 3.34 In assessing proposals for advertisements in a conservation area the Council will give careful consideration to the impact of the proposal on the visual amenity and overall character of the area. In particular, regard will be paid to the following - scale and proportions of the sign; the materials used and whether it is illuminated; architectural style or character of the building; proliferation of signage and large advertisements hoardings. Signage on the upper floors of buildings and the internal illumination of signs will not normally be acceptable.

- 3.35 Additional guidance for the display of advertisements in particular conservation areas is set out in the relevant designation documents and design guides produced by the DOE Planning Service.

- 3.36 The Council will only grant consent for the display of an advertisement in an Area of Townscape Character where it maintains the overall character and appearance of the area, and it does not prejudice public safety.

4.0 Issues and Approaches

Summary of Key Issues

- 4.1 The current planning policy and guidance appears to be operating reasonably well and propose no changes currently. Consideration however is required on the following areas:-

Shroud/ Mesh—gap in policy on these advertisements no control surrounding the buildings

No wraparound policy using poster panel

A Boards – No policy – rely on DRD to control regarding the footpaths



- For Sale to Let Board — concern from Residents in the Holylands area – work ongoing to look into this issue



- Forecourts Definition required

- Unauthorised Mobile Advertisements – difficulty in enforcing against
- A large number of advertisements on a building or along a road can create clutter and be disruptive to the appearance and character of an area.
- Film covering advertising on the inside window of the shop fronts in Conservation Areas and Listed buildings
- Banner advertising – control
- Illuminated Signs – cluttering of a building including forecourt
- Road Safety issues with flashing signs
- Residential areas in mixed land use can be severely affected by inappropriate or excessive display of illuminated signs.
- Display panels in the BUA on the main radial roads
- Accumulation of signs at particular locations/individual building
- Free standing panel are dominant and conspicuous can affect the character of the area.
- Wall mounted panels can be visually prominent.

Approaches

4.2 The following approaches should be given consideration in the context of the new LDP:

Prescriptive Guidance similar to the removed Development Guidance Notes detailing fascia board and height of the sign upper and lower limits
 Guidance on illuminated signs – height, projection, etc
 Conservation Areas and listed buildings guidance
 Shop front guidance

4.3 This paper highlights the importance of good outdoor advertising not only on the economy, cultural, tourism element, road safety but on the existing public realm of the city and its surrounding rural areas.

4.4 Belfast has a unique natural and urban built environment and the protection and enhancement through sensitive positioning of outdoor advertisings is not only vital to its built heritage and man-made attractions; but to its distinctive cultural scene and streetscape.

4.5 This paper suggested potential opportunities such as:

Use of existing powers to control advertisements that benefit from deemed consent. For Sale and to Let Boards facilitating greater control over its use and the ability to take effective enforcement action.

When preparing designs for new signage or advertisements, the opportunity should be taken to rationalise the number of signs on a building or in an area and remove those which are redundant or excessive.

An Area of Special Control of Advertisements could be applied to certain parts of a Conservation areas/ Areas of Townscape Character to avoid insensitive outdoor advertisements.

Greater powers to remove unapproved advertisements that would affect visual amenity and public safety.

- 4.6 Land use planning can encourage the provision of a quality environment that promotes and enhances whilst protecting the City's public realm, visual amenity and physical appearance of the cityscape, which will attract tourists, visitors, investors into Belfast LGD and aid to grow the economy.
- 4.7 This information contained within this topic paper has been used to inform the next stage of the LDP process, the Preferred Options Paper.
- 4.8 This information contained within this topic paper has been used to inform the next stage of the LDP process, the Preferred Options Paper.

Appendix 1 Planning Legislation

Planning Act (Northern Ireland) 2011

2011 Part 4 3Section 130 Control of advertisements

130—

(1) Subject to this section, provision must be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Department to be expedient in the interests of amenity or public safety.

(2) Without prejudice to subsection (1), any such regulations may provide—

(a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which advertisements may be displayed and the manner in which they are to be affixed to the land;

(b) for requiring the consent of the council to be obtained for the display of advertisements;

(c) for applying in relation to any such consent and to applications for such consent any of the provisions of Part 3 or 7 of this Act or Part 3 of the Act of 1965 subject to such adaptations and modifications as may be specified in the regulations.

(3) Without prejudice to the generality of subsection (1), the regulations may prohibit the display in any area of special control of all advertisements except advertisements of such classes (if any) as may be prescribed.

(4) Areas of special control for the purposes of regulations under this section may be defined by means of orders made or approved by the Department in accordance with the regulations.

(5) Where the Department is authorised by the regulations to make or approve any such order as is mentioned in subsection (4), the regulations must provide—

(a) for the publication of notice of the proposed order in such manner as may be prescribed;

(b) for the consideration of objections duly made to it; and

(c) for the holding of such inquiries or other hearings by the planning appeals commission as may be so prescribed, before the order is made or approved.

(6) Where the display of advertisements in accordance with regulations made under this section involves development of land, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under Part 3.

<http://www.legislation.gov.uk/nia/2011/25/section/130>

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 **No. 66 Made 17th February 2015 Operation 1st April 2015**. The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 130(1) and (2), and 247(1) of the Planning Act (Northern Ireland) 2011(1).

<http://www.legislation.gov.uk/nisr/2015/66/introduction/made>

Powers to be exercised in the interests of amenity and public safety

3.—(1) A council shall exercise its powers under these Regulations only in the interests of amenity and public safety, taking into account—

- (a) the provisions of the local development plan, so far as they are material; and
- (b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, archaeological, architectural or cultural interest, disregarding, if it thinks fit, any advertisements being displayed there;

(b) factors relevant to public safety include—

(i) the safety of any person who may use any road, railway, waterway (including coastal waters), docks, harbour or airfield;

(ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway sign, or aid to navigation by water or air.

(3) In determining an application for consent for the display of advertisements, or considering whether to make an order revoking or modifying a consent, the council may have regard to any material change in circumstances likely to occur within the period for which the consent is required or granted.

(4) Unless it appears to the council to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

(5) A consent for the display of advertisements shall take effect as consent for the use of the site for the purposes of the display, whether by the erection of structures or otherwise, and for the benefit of any person interested in the site.

Appendix 2

Enforcement of advertisement control

S 175—(1) The matters for which provision may be made by regulations under **section 130** shall include provision for enabling a council to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations, and for that purpose for applying any of the provisions of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations.

(2) Without prejudice to any provision included in regulations made under section 130 by virtue of subsection (1), if any person displays an advertisement in contravention of the regulations that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and, in the case of a continuing offence, to a fine not exceeding one-tenth of level 4 on the standard scale for each day during which the offence continues after conviction.

(3) For the purposes of subsection (2) and without prejudice to the generality of that subsection, a person shall be deemed to display an advertisement if—

(a) the advertisement is displayed on land of which that person is the owner or occupier; or

(b) the advertisement gives publicity to that person's goods, trade, business or other concerns,

but a person shall not be guilty of an offence under subsection (2) by reason only that an advertisement is displayed on land of which that person is the owner or occupier, or that that person's goods, trade, business or other concerns are given publicity by the advertisement, if that person proves either of the matters specified in subsection (4).

(4) The matters are that—

(a) the advertisement was displayed without the person's knowledge; or

(b) the person took all reasonable steps to prevent the display or, after the advertisement had been displayed, to secure its removal.

<http://www.legislation.gov.uk/nia/2011/25/section/175>

Appendix 3 Roads Legislation

Article 87 of the Roads (Northern Ireland) Order 1993

www.legislation.gov.uk/nisi/1993/3160/article/87/made

Advertisements, pictures, signs, etc.

87.—

(1) Any person who, without lawful authority—

(a) paints or otherwise inscribes or affixes any picture, letter, sign or mark; or

(b) displays any advertisement, upon the surface of a road or upon any tree, structure or other works in or on a road, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) Where any person contravenes paragraph (1), the Department may (whether or not any proceedings are instituted for an offence under that paragraph)—

(a) remove anything painted, inscribed, affixed or displayed in contravention of paragraph (1) and make good any damage done to the road or to the tree, structure or other works in question; and

(b) recover from that person any expenses thereby reasonably incurred.

(3) The Department may serve on the owner of any structure or other works in or on a road a notice requiring him, within 21 days of the service of the notice, to remove anything painted, inscribed, affixed or displayed on the structure or other works in contravention of paragraph (1).

(4) Where a person on whom a notice is served under paragraph (3) fails to comply with that notice within the period specified in that paragraph, the Department may—

(a) do anything which that person has failed to do; and

(b) recover from that person any expenses thereby reasonably incurred by it.

(5) Paragraph (1) does not apply to an advertisement relating specifically to a pending parliamentary election or to a pending election to the Assembly or a district council.

(6) Where an advertisement mentioned in paragraph (5) is displayed upon the surface of a road or upon a tree, structure or other works in or on a road in contravention of regulations under Article 67 of the Planning Order, the Department may serve a notice on the person who displayed the advertisement requiring him to remove the advertisement within 21 days of the service of the notice.

(7) Where any person on whom a notice is served under paragraph (6) fails to comply with that notice within the period specified in that paragraph, the Department may—

(a)do anything which that person has failed to do; and

(b)recover from that person any expenses thereby reasonably incurred by it.

(8) Paragraphs (3) and (4) apply to any advertisement mentioned in paragraph (5) which is displayed in contravention of regulations under Article 67 of the Planning Order as they apply in relation to anything displayed in contravention of paragraph (1).

(9) For the purposes of this Article a person displays an advertisement if—

(a)he undertakes or maintains, whether by himself or by a servant or agent, the display of the advertisement; or

(b)his goods, trade, business or other concerns are given publicity by the advertisement,

but a person shall not be guilty of an offence under paragraph (1) by reason only that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

(10) In this Article—

- “advertisement” has the same meaning as in Article 2(2) of the Planning Order;
- “remove” includes obliterate;
- “road” includes any retaining wall or flank wall belonging to a road.

(11) Section 1(1)(c) of the Printed Documents Act (Northern Ireland) 1970(1) shall, in its application to an advertisement printed by any person, have effect as if the reference to a member of the Royal Ulster Constabulary included a reference to the Department acting in pursuance of its functions under this Article.

Prohibition and control of advertising, etc. on or near special roads

21.—(1) Subject to paragraphs (2) and (3), any person who erects or exhibits or causes or permits to be erected or exhibited any advertisement or notice which is sited or designed wholly or mainly for the purpose of being visible to persons using a special road or which is likely to prejudice the safety of traffic using a special road shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Paragraph (1) shall not apply to—

(a)traffic signs or other notices erected or exhibited by, or by the direction of, an officer authorised by the Department or a member of the Royal Ulster Constabulary;

(b)advertisements or notices exhibited on any structure, wall, hoarding or other apparatus which was in use for the exhibition of advertisements or notices which are or would be visible to the users

of a special road at the time of the first publication in relation to that road of the notice referred to in paragraph 1 of Schedule 8.

(3) The Department may by regulations exempt from the provisions of paragraph (1) advertisements or notices of any class or description specified in the regulations or situated in any areas so specified or which comply with such conditions, if any, as may be so specified.

(4) Any person convicted of an offence under paragraph (1) shall within such period as the court may allow remove any advertisement or notice exhibited or displayed in contravention of that paragraph, and if he fails to do so he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding one-tenth of level 3 on the standard scale for each day upon which such failure continues.

(5) Where a person who has been convicted under paragraph (1) becomes liable to prosecution for an offence under paragraph (4), the Department may itself remove the advertisement or notice and do all such things as may be necessary for that purpose and may recover from that person any expenses thereby reasonably incurred by it.

(6) Where in the opinion of the Department any advertisement or notice referred to in paragraph (2)(b) is prejudicial to the safety of traffic using a special road, the Department may serve a notice upon the owner or occupier of the land on which the advertisement or notice is situated directing him to remove the advertisement or notice (including any structure, wall, hoarding or other apparatus on which the advertisement or notice is exhibited) and, where a notice is so served, paragraphs 3 to 8 of Schedule 4 shall apply as if the notice had been served under Article 49.