
ADVERTISEMENT REGULATIONS

1 SUMMARY

- 1.1 This report provides some background on the advertisement regulations and the arrangements for enforcement of the rules in the District, particularly commenting on the display of temporary signs and banners at prominent locations around the District.

2 REGULATIONS EXPLAINED

- 2.1 The Town and Country (Control of Advertisements) Regulations 2007 set out the rules for the display of advertisements. Local planning authorities are responsible for the day to day operation of the rules and making decisions about whether an advertisement is acceptable or not.
- 2.2 In the context of the rules, the term ‘advertisement’ covers a wide range of items, including posters and notices, placards and boards, fascia signs and projecting signs, pole signs and canopy signs, advance signs and directional signs, estate agents’ boards, balloons, flags, price markers and displays, and town and village hall name signs.
- 2.3 As in other areas of the planning system, some forms of advertising are not within the control of the local planning authority or have deemed consent from the regulations. Other categories require ‘express consent’, from the local planning authority, the equivalent of planning consent, but for advertisements.
- 2.4 All outdoor advertisements must comply with five ‘standard conditions’. They must:-
- Be kept clean and tidy
 - Be kept in a safe condition
 - Have the permission of the owner of the site on which they are displayed
 - Not obscure or hinder the interpretation of road signs etc
 - Be removed carefully where so required by the planning authority.
- 2.5 In addition to the regulations, policies SAT9, SAT10 and SAT11 of the Council’s replacement Local Plan are applied to the consideration of applications for express consent. In particular, policy SAT10 applies to illuminated signs in Conservation Areas.
- 2.6 The advertisements regulations are complicated and as a result the government has published a guide for advertisers that seeks to explain how the system works (www.communities.gov.uk/publications/planningandbuilding/outdooradvertisements). A Government Circular 03/2007 also provides information about

adverts and policy advice is included in PPS19: Outdoor Advertisement Control.

- 2.7 The draft National Planning Policy Framework (NPPF) includes a short paragraph about control of advertisements:-

‘Control over outdoor advertisements should be efficient, effective and simple in concept and operations. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety.

- 2.8 The Council has also made efforts to clarify the regulations by providing an interactive guide on our website (www.rochford.gov.uk/planning/advice/advertisements_and_signs.aspx).

- 2.9 The regulations are broken down into sixteen classes of advertisements, as follows:-

Class 1: Advertisements used by public bodies

Class 2: Miscellaneous advertisements on any premises

Class 3: Temporary advertisements

Class 4: Illuminated advertisements

Class 5: Advertisements on business premises

Class 6: Advertisements on the forecourts of businesses

Class 7: Flag advertisements

Class 8: Hoardings around temporary constructions sites

Class 9: Advertisements on purpose-designed highway structures

Class 10: Signs for neighbourhood watch or similar schemes

Class 11: Directional advertisement

Class 12: Advertisements displayed inside buildings

Class 13: Advertisements displayed for more than 10 years

Class 14: Advertisements displayed after expiry of express consent

Class 15: Captive balloon advertisements

Class 16: Advertisement on telephone kiosks

- 2.10 Appendix 1 to this report, drawn from the Council’s website, provides further information about the rules in relation to Classes 1 and 2 to illustrate the way the controls are expressed and the detail in terms of the sizes of advertisements that are permissible and other restrictions.

- 2.11 In terms of the assessment of applications for express consent to display an advertisement, it is important to note that local planning authorities can only consider two issues – amenity and public safety. It will be noted that whilst the text from the draft NPPF quoted above includes these two issues there is no information about what will happen to the current regulations.

ENFORCEMENT

- 2.12 The Council has generally taken a proactive approach to dealing with unauthorised advertisements. Unauthorised advertisements on the highway, street furniture, railings and so on (often referred to as fly-posting) will generally be removed very quickly. If there is an immediate concern about road safety, Essex County Highways will remove advertisements.
- 2.13 In other cases where advertisements are close to, but not on the highway, the Council has generally operated a policy of low tolerance to such adverts. In some cases these advertisements will simply be removed, but in other cases, due to the size and location of the advert, the person or organisation displaying the advert will be contacted and given two days' notice to remove. There is little doubt that ignoring unauthorised advertisements results in a proliferation of often scruffy, poor quality advertisements appearing in the same location. Taking early and firm action is important to prevent this from happening. It is also the case that advertisements, banners and posters for temporary events are placed in prominent locations at the entrances to the District and it is therefore all the more important these are removed as quickly as possible where it is practicable to do so.
- 2.14 Illuminated shop signs can be controversial given the Council's policy not to accept internally illuminated signs in Conservation Areas. Businesses do on occasion get round the regulations by switching off the illumination from a sign. In such cases, it is not generally possible for the Council to take further action notwithstanding the fact that the sign would look better if redesigned and provided with external illumination.
- 2.15 The Council can also take enforcement action to require unauthorised advertisements to be removed. However, there is inevitably a delay in progressing proceedings and many unauthorised advertisements relate to events two or three weeks into the future, and banners and posters are very often removed before action is taken. It is therefore important to take a balanced approach to dealing with unauthorised advertisements and as indicated above early action to simply remove banners can be the most effective way to reach a satisfactory conclusion.
- 2.16 Advertisements for businesses can be a problematic issue to deal with. Many businesses want to use their forecourts to display advertisements and the regulations do allow for this; garden centres are a good example where forecourt advertising is extensively used. However, some businesses display advertisements that go well beyond their allowance with a resultant negative effect visually on the district. Dealing with such cases can be difficult since

there is a balance to be struck between taking appropriate action and not undermining the ability for a business to trade effectively. The Council's economic development officer can help to broker discussions with businesses so that practical help and advice is available to enable better quality advertising to be provided.

- 2.17 Advertisements for charity events also cause problems - posters and banners are often attached to railings, lamp columns and so on. Whilst it is understood that charities do want to ensure their fund-raising events are well attended, the impact on the appearance of the District and concerns about highway safety are also important considerations. It is also the case that advertisements in the District often relate to events being held elsewhere in neighbouring districts.
- 2.18 Mobile advertisements also pose a difficult challenge. Many advertisements are displayed on trailers left in lay-bys. The County Highways department has taken the view there is little that can be done to remove these trailers, though it seems highway authorities elsewhere take a much harder line to anything that may be considered to constitute a safety issues on the highway. Lorries and trailers are also regularly used to display advertisements on privately owned sites. The fact that the vehicles are regularly moved means that initiating enforcement action is extremely difficult.

3 RISK IMPLICATIONS

- 3.1 It is important the Council takes a firm, consistent approach to dealing with unauthorised advertisements. Failure to do so will result in reputational risk and as set out below a negative impact on the character and appearance of the District.
- 3.2 Equally though, advertising is linked to business success and the actions taken by the Council to protect the visual amenity of the District needs to be balanced against the needs of businesses.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 There is no doubt that unauthorised advertisements, including banners for events, posters for birthdays and so on, can have a significant deleterious impact on the appearance and character of the District. Some advertisements are also a road safety hazard.
- 4.2 It is therefore important that action is taken as quickly as possible to deal with unauthorised advertisements, particularly where there is a likelihood of a proliferation of advertisements at a roundabout, on road junctions and so on. For advertisements at business premises, a more measured approach is usually required, but fewer, better quality advertisements may have more impact and benefits for a business. In such cases, the Council's economic development officer would usually discuss options with the business concerned.

5 PARISH IMPLICATIONS

- 5.1 Some Parish Councils have asked if it might be useful if they were able to make arrangements for unauthorised advertisements to be removed. Whilst the intentions are laudable, there are concerns around safety to consider and of course it must first be established whether an advertisement does require express consent.
- 5.2 It is suggested that the best arrangement is for Parish Councils to continue to report the details of advertisements considered to be unauthorised to the planning department.

6 RECOMMENDATION

- 6.1 It is proposed that, subject to the views of Members, the Committee resolves to note the contents of the report

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Background Papers:-

PPG19: Outdoor advertisement control

Draft National Planning Policy Framework

Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007

The Town and Country (Control of Advertisements) Regulations 2007

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Appendix 1

Class 1: Advertisements used by public bodies

Advertisements needed by public bodies, including local authorities and government departments, providing information or directions about services.

Rules



- Max size - 1.55 square metres
- Reasonable degree of illumination allowed.

Examples

- Noticeboard at a Council swimming pool
- Display of bye-laws at recreation ground
- Bus or rail timetables

Class 2: Miscellaneous advertisements on any premises

Display of small notices and signs on premises or buildings.

Class 2(A) - Notice on buildings or land to give warnings or directions



Rules

- Max size - 0.3 of a square metre
- No illumination

Examples

- Street number or house name
- Sign on field gate - 'please shut the gate'
- Private sign - 'no parking please'

Class 2(B) - Notices for partnerships or companies



Rules

- Max size - 0.3 of a square metre
- Can be illuminated if medical supplies are available

Examples

- Name of doctor's surgery
- Name of company or partnership

Class 2(C) - Various religious, educational signs etc.



Rules

- Max size - 1.2 square metres
- Can be illuminated if medical supplies are available

Examples

- Religions, educations, cultural, recreational, medical or similar institutions
- Hotel, inn, public house, block of flats, boarding kennel or hostel