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**Report to Planning Committees
Regarding Outcome of Planning
Services Summer 2009 Advertisement
Campaign**

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Introduction / Purpose of Report

The purpose of this report is to advise Members of the key outcomes achieved as a result of concerted efforts made by Planning Services staff across summer 2009 in regard to investigative actions carried out against unauthorised signage.

Legislative Background

Section 224 (3) Of the Town and Country Planning Act 1990 and Section 30 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 make it to be a criminal offence for persons to erect an advertisement without the requisite grant of Advertisement Consent being in place. The maximum fine for such an offence is £2,500 (level 4 in the Magistrates Court) and £250 per additional day the offences continues following prosecution.

However there are a number of exemptions from the requirement for consent from the Local Authority to be obtained to display an advertisement. These include categories of advertisements to which the Regulations do not apply (such as advertisements attached to a moving vehicle – bus / taxi for example or those displayed on wholly enclosed land – such as a sports stadium).

In addition certain forms of advertisement benefit from 'Deemed Consent', which again allows for them to be displayed without the need for Local Authority approval, subject to them meeting certain parameters. These are largely related to function, size and timescale. Examples include signs attached to business premises; flag advertisements, advertisements for Neighbourhood Watch schemes, or balloon advertisements. In the majority of cases the Deemed Consent allowances are also restricted by the location of an area in which they are proposed to be displayed. For example Deemed Consent rights do not apply for balloon advertisements erected in Conservation Areas or Areas of Outstanding Natural Beauty.

In all other cases if an advertisement is displayed without the consent of the Local Authority a strict offence has been created.

Applications for Advertisement Consent submitted to the Council in the first two Quarters of this year have numbered 78 from an overall total of 1,780 applications received; accounting for 4.3% of fee generating work. The standard fee for applications for Advertisement Consent are £335 for directional advertisements and £95 for all others (including advertisements attached to business premises).

Any investigation carried out by Officers into reports of advertisements being erected without Consent, have to follow relevant best practice advice. This is primarily found in the Enforcement Concordant, published by the Cabinet Office in 1998. This advice has been followed through in the drafting of the Council's Enforcement Policy, adopted March 2009 and in turn the Planning Services approved Planning Enforcement Protocol, approved in May 2009. This documentation acknowledges that the Council will act proportionally in carrying out its enforcement investigations and also in accordance with the principles of expediency.

National Policy background

The primary sources of ministerial advice on the subject of advertisement control lie in Planning Policy Guidance (PPG) Note 19: 'Outdoor Advertisement Control', published March 1992 and Circular 03/07, which largely provides interpretation to the 2007 Advertisement Regulations.

The PPG identifies that Local Planning Authorities have a key role to play in terms of balancing needs of organisations to advertise their goods and services, whilst at the same time protecting the environment of their areas. The PPG advises that decisions on applications for Advertisement Consent have to be made on two grounds; those of amenity and public safety.

Both the PPG and Circular also provide advice in respect to how Local Authorities should be prepared to use a range of potential powers, ranging from prosecution to removal / obliteration of unauthorised signage, to protect amenity and public safety. The advice pays particular attention to the need to protect sensitive areas; such as the open countryside. Balanced against this is the advice that Local Authorities should be prepared to meet with customers, in particular at the pre-application stage, to provide advice to persons with advertisement requirements as to what scale and form of advertising may be acceptable for a locality. Specifically attention is drawn in Circular 03/07 to the requirement for Local Authorities to have regard to the need for advanced signs designed to provide necessary direction to rural business, having regard to the fact that these signs are often essential to supporting rural businesses and therefore securing sustainable development of rural areas.

The County Durham 2009 Summer Campaign

In response to a number of concerns received by Officers, including from Elected Members, about the proliferation of signage, in particular alongside major transport routes throughout the County, Officers considered that increased attention should be paid to this area of work as part of the undertaking of normal enforcement operations.

The concept of undertaking a targeted campaign was considered appropriate in the context of the pro-active approach to unauthorised signage enforcement as contained in PPG 19 and Circular 03/07.

Having regard to the requirements of proportionality, as detailed in the Enforcement Concordant, Officers embarked upon the campaign in a balanced manner, including by:

- Providing timescales for persons found to be in breach of the Regulations, to voluntarily remove signs. A decision was made not to pursue direct prosecution of persons responsible for unlawful advertisements.

- Wherever possible providing advice to those persons who were requested to remove signage as to what alternatives may be available to secure a recommendation for approval for an alternative scheme, or how their advertisement needs could potentially be met by other means which would not be in breach of the Regulations (i.e. by signage which benefited from Express of Deemed consent).
- Applying the expediency principle; i.e. where signs were discovered which although technically in breach of the Regulations, but which were considered relatively minor in nature or where entirely acceptable on their planning merits for the locality in which they were display; these signs were not actively investigated or removal requested.
- Having regard to the aforementioned Circular 03/07 advice about the need to support rural businesses and also being mindful of the impact of the present economic downturn, longer timescales were applied to investigations in respect to unauthorised signage erected by small businesses.

The campaign was launched by a press release issued by the Portfolio Holder for Regeneration and Economic Development, on 23 July 2009 with relevant Area Mangers briefing area based Planning Enforcement Officers on the operational requirements immediately thereafter.

Analysis of Outcomes

At the time of report compilation a total of 175 unauthorised sings have been reported as being removed as a direct result of actions taken by Planning Enforcement Officers.

Out of this total, some 134 signs can be classed as being removed from sensitive areas; including in the Open Countryside, the Green Belt, Area of High Landscape value and Conservation Areas. The figures do not cover those unauthorised sings which upon investigation were discovered to be in the adopted highway and as such were referred to colleagues in Highway Services to pursue.

The following table shows the results of the work carried out by Officers, on an Area Office basis.

Area Office	Open Countryside	Greenbelt	Area of High Land Value	Conservation Area	Total
Chester-le-Street	3	1		15	21
Consett	2			2	23
Crook	4			21	29
Barnard Castle	25			28	58
Durham City	3	1	1	19	24
County Hall					1
Easington	4			4	16
Spennymoor	1				3
Total	42	2	1	89	Overall Total 175

Whilst the table shows merely the crude outcome of the campaign in terms of numbers of signs removed; it is also of relevance to note that there is some evidence to suggest that the proportionate approach applied to the campaign has been successful.

In particular there have been no reported formal complaints received against the planning service based around the actions taken by Officers; nor has any evidence come to light to suggest that the removal of advertisements has lead to any significant adverse economic impacts. Indeed conversely there is some empirical evidence to suggest that the actions of Officers have lead to better lines of communications with those responsible for advertising.

Conclusions

In summary it is considered that the summer 2009 Advertisement Campaign carried out by Officers has been successful. It has lead to the removal of a significant number of unauthorised advertisements which has brought about environmental and public safety improvements to communities in accordance with key aims of the adopted Sustainable Communities Strategy for County Durham and the Council Plan. The activity has also raised awareness of the issue of planning and advertisement controls which has lead to some improved communication channels between Officers and those who regularly have outdoor advertising needs.

Recommendation

It is recommended that Members note the contents of this report.

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