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19 June 2008

Dear Mrs Kennedy

Thank you for your letter dated 16<sup>th</sup> June 2008 regarding the Consultation Paper on the Control of advertisement Regulations.

My initial view on the proposal for deemed advertising consent after ten years is that this sends out the wrong signal to those who fail to obey the legislation on this matter.

I have to ask the obvious question – why should someone be awarded deemed consent simply because their unauthorized advert has not been detected for a decade?

Almost every street and road in Northern Ireland is blighted by ugly signs which not only distract motorists but also detract from the beauty of our countryside. Very few of the people who erect these signs ever consider applying for consent to display advertising and they know that the chances of action being taken against them is practically nil.

I believe that Northern Ireland is different from England in several respects. Firstly we have far more unauthorized signs (particularly along the many rural roads in the Province) and secondly due to staff shortages in Divisional Planning Offices very little enforcement action is taken against those who erect advertisements.

I have been directly involved in planning in Northern Ireland since 1981 and throughout the last 27 years I have been very concerned about the numerous abuses which subsequently become unenforceable due to the present 4 year and 10 year rules.

A typical example involves replacement dwellings where the planning approval normally includes a condition that the old building should be demolished as soon as the new house is occupied.

I have discovered that in many cases the applicant fails to demolish the old structure and waits for 10 years and applies to replace it again. Because of the ten year rule the Planning Service has no option but to grant permission for a second replacement dwelling.

For similar reasons I feel that to grant immunity for advertising will provoke additional difficulties. It will encourage a proliferation of new unauthorized signs as most of those responsible will know that if nobody complains about their signs for 10 years they will obtain deemed consent.

I would hope that in the future the Planning Service will have sufficient staff to mount a campaign to remove large numbers of unauthorized signs. If the proposed amendment is made the officers will be hampered by individuals stating that their sign has been there more than 10 years.

I am also worried about the criteria which will permit signs to be removed if they cause a 'substantial injury to the amenity or a danger to public safety'.

I know many rural roads where a proliferation of unauthorized signs causes a substantial loss of amenity but it would be difficult to prove that one individual sign is responsible for this situation. The exclusion fails to take into account cumulative impact of a large number of small to medium sized signs.

In summary I believe that there are far too many signs already and urgent action needs to be taken to have these removed. The proposed amendment will make this more difficult and should be reconsidered.

I trust that you will take these comments into account.

Yours sincerely

James H Wells MLA  
(Assemblyman for South Down)