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Your ref:
Our ref:

Date: 11 September 2008

Dear Ms Kennedy

CONSULTATION PAPER ON THE CONTROL OF ADVERTISEMENTS REGULATIONS

Thank you for your letter of 16th June 2008 seeking views on the above consultation paper. Roads Service wishes to make the following comments:-

Key Reply and Comment:-

The above proposal intends to introduce deemed consent for advertisements on sites used for the preceding ten years or more for the display of advertisements without the required express consent. Roads Service is strongly opposed to this proposal on the grounds of road safety.

Current planning policy is contained in PPS17: The Control of Outdoor Advertisements. It allows for some advertisements on a controlled basis. Any advertisement has the potential to distract drivers, cyclists or pedestrians and therefore impact on safety. If an advertisement is not properly assessed and approved under the PPS17 criteria it should be removed. Roads Service has highlighted a number of unapproved advertisements along protected routes where we have asked for planning enforcement (unsuccessfully so far) and where we would have serious reservations if deemed consent were granted.

Further General Comments:-

The following general comments relate to the content of the Consultation Paper:-

- Roads Service does not consider the procedures suggested for "discontinuance" powers to be practicable. Recent research carried out at Brunel University and the University of Hull confirms that roadside advertising does increase the likelihood of instigating road accidents. Deemed consent must not be allowed. Planning Service must take positive enforcement action to remove illegal signs.



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- With regard to the section of the regulations that deals with 'discontinuance action' I note that when the Dept (DoE) issues such a notice it must contain the reasons why an order is needed and why it considers that a substantive injury has been caused to the amenity of the locality or public safety. It goes on to say substantive injury is a more rigorous test than the interest of amenity. Planning Service would need to define how to differentiate between the two or how to quantify this.
- There are a number of references in the draft to "public safety", and that this can be cited as a reason for seeking "discontinuance" etc. Does this include "road safety"? Roads Service would often argue that an advert is prejudicial to "road safety" as a refusal reason. Draft regulation 3 provides a definition of amenity, given the legalistic interpretation the PAC puts on policy wording there is also a need to define public safety. Adverts are assessed against two criteria, amenity and public safety. Parts of the regulations mention public safety including road safety. Other parts mention just public safety.

I hope you find these comments helpful.

Yours sincerely

R J M CAIRNS
Director of Engineering