

Planning Policy Statement 17: Control of Outdoor Advertisements

SUMMARY OF CONSULTATION RESPONSES

Introduction

1. On 20th February 2004, the Department issued for consultation draft Planning Policy Statement (PPS) 17 setting out the Department's planning policies and guidance for the control of outdoor advertisements.
2. The Department sent out copies of Draft PPS 17 to approximately 350 interested parties, including district councils, a wide range of public bodies, MPs, MLAs, non-governmental organisations, professional bodies, and business interests. Notices advertising consultation and inviting responses were posted in the Belfast Telegraph, the Irish News and the Newsletter, on 20th February 2004. The document was also made available on the Planning Service website. Consultation responses were requested by 18th June 2004, but a number of responses were received after the closing date. All the responses received were taken into account.
3. This report provides an overview of the findings of the consultation process. It is not intended to be a comprehensive report on every comment received but rather a summary of the key issues raised in the responses. A copy of the responses has been retained on file with the Department and is available by appointment for public inspection.

Overview of Consultation

4. The Department received a total of 25 responses to Draft PPS 17 from a range of interested parties, which can be categorised as follows:

District Councils and Political Parties	11
Government Departments and other Statutory Agencies	6
Professional Bodies and Voluntary Organisations	4
Industry Representatives	3
Individual Responses	1

5. Most of the responses covered a number of issues and several were detailed, particularly those from advertising industry representatives and from several of the district councils. Some of the comments referred to matters outside the scope of the consultation exercise, for example, suggesting changes to legislation and other Planning Policy Statements. One response registered support for the document but contained no additional comment. A full list of the respondents is provided in Annex 1.

Key Issues Emerging from Responses

6. The proposals in Draft PPS 17 were largely supported as progress in clarifying the Department's approach to dealing with the control of outdoor advertisements. In particular, several respondents welcomed the specific reference to the control of advertisements in the countryside and advertisements affecting listed buildings and conservation areas. There was also general welcome for the inclusion of the guidance set out in Annex A as additional clarification of what the Department considers acceptable in granting consent for the display of advertisements. However, there was some reservation from within the industry to the inclusion of specific comments made within the Annex.
7. Comments suggesting changes to the document were on the whole constructive and focussed. Aside from what the Department has identified as the key issues arising from the consultation, the majority of comments sought clarification and/or amplification of particular matters and elements of the text.

Control and Enforcement of Mobile Advertisements

8. The issue raised most by respondents, including district councils, government departments/agencies and voluntary bodies, was the matter of mobile advertisements and, in particular, the enforcement of such advertisements. A number of the respondents were critical of the Department's current approach. In all cases the respondents requested that the document clarify the Department's position on the control and enforcement of mobile advertisements.

Response: The Department acknowledges that mobile advertisements were not specifically dealt with in the document. For clarification, the Department would point out that mobile advertisements do fall within the definition of an advertisement contained in the Planning (Northern Ireland) Order 1991 and, as such, do require the Department's express consent under the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992. To take account of the comments, the Department has amended the document in order to clarify the position with respect to the display of mobile advertisements and to provide information on enforcement of such advertisements in particular.

Enforcement in the Control of Outdoor Advertisements in General

9. There was also significant comment on the enforcement of control for the display of outdoor advertisements in general, with district councils in the main seeking additional comment in the document on the Department's powers in this respect.

Response: The Department would point out that guidance on enforcement in the control of advertisements is dealt with in Planning Policy Statement (PPS) 9: The Enforcement of Planning Control. To take account of the comments however, the Department has amended the document in order to clarify the

position with respect to the enforcement of control in the display of outdoor advertisements.

Legislative Arrangements for the Control of Outdoor Advertisements

10. Two respondents from the industry raised the concern that Policy AD 1 and the guidance set out in Annex A went beyond the provisions of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 in addressing issues other than ‘amenity’ and ‘public safety’.

Response: The Department considers that Policy AD 1 and the guidance given in Annex A is intended to control the display of outdoor advertisements in the interests of amenity and public safety, in accordance with the statutory requirements. Notwithstanding this however, the Department would point out that, in response to comments received on this and other matters, the document has been amended in a number of ways which should give greater clarity to the Department’s policy and guidance and to the justification for this.

Clarification of the Status of Planning Policy and Planning Guidance

11. Two respondents raised the issue of there being some overlap between Policy AD 1 and the guidance given in Annex A, with representation from the industry suggesting the guidance contradicted the Policy in parts. Specific examples were drawn to the Department’s attention. A third respondent sought that the purpose of the Annex be clarified.

Response: The Department does not consider that there is any contradiction or significant overlap between Policy AD 1 and the guidance given in Annex A. The Annex provides supplementary guidance for the purpose of clarifying and illustrating by example Policy AD 1. This is explained in the opening paragraphs of the Annex. Notwithstanding this however, the Department would point out that, in response to a number of specific comments on Policy AD 1 and on the guidance given in Annex A, the document has been amended to give greater clarity to both the Department’s policy and guidance for the control of outdoor advertisements.

Other General Issues

Guide to Advertisements Not Requiring the Department’s Consent

12. A number of respondents requested that the document clarify which forms of advertisement do not require the express consent of the Department.

Response: The Department would point out that guidance on the classes of advertisement that can be displayed without the consent of the Department and with the Departments ‘deemed’ consent is set out in detail in Schedules 2 and 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992, respectively. The Department does not consider it appropriate to

reproduce this information in the document. Notwithstanding this however, the document has been amended to take account of the comments and now refers to the relevant schedules, where appropriate.

Definition of an Advertisement

13. A number of respondents commented on the list of examples of advertisements given in paragraph 3.2 of Draft PPS 17. Some respondents requested clarification of what was meant by certain of the examples. There were also suggestions that the list be extended to cover other types of advertisements. These comments and others on the document, including those seeking additional guidance on those forms of advertising requiring the Department's express consent, indicated a degree of confusion over the scope of the document and the Department's powers in the control of outdoor advertisements.

Response: From the specific comments on the definition of an advertisement and the scope of the document in general, the Department now considers that, on reflection, it is inappropriate to include within the document a list of examples of what can be defined as advertisements, in the form produced in paragraph 3.2 of Draft PPS 17. The Department does not consider it necessary for the purposes of explaining the Department's policy and guidance for the control of outdoor advertisements that such a list be included and considers that the document, as amended, sufficiently illustrates what can be described as an advertisement. Therefore, in taking account of the comments received, the Department has amended the document to remove paragraph 3.2.

Additional Supplementary Guidance

14. Two respondents requested that the document include supplementary guidance in the form of photographs and sketches illustrating good and bad examples of advertisements.

Response: The Department considers that given the range of advertisements covered by the document, and the different forms and design styles these can take in relation to the varied locations where they can be displayed, it would be difficult to include photographs and/or sketches which would comprehensively or adequately illustrate the guidance given in Annex A. The Department considers that the written guidance given in the Annex is at present sufficient to explain and illustrate the Department's policy for the control of outdoor advertisements.

Policy and Legislative Context

15. There were a number of suggestions, including from the Department of Regional Development's Roads Service, that the document refer to the statutory role of Roads Service in the control of outdoor advertisements.

Response: The Department has amended the document to take account of the comments.

Structure of the Document

16. It was suggested that the paragraphs of the document referring to the definition of an advertisement be brought forward into Section 2, allowing for Section 3 to be deleted and the introductory sections of the document streamlined.

Response: The Department has amended the document to take account of the comments.

Specific Issues

Policy Objectives

17. It was suggested that the second of the Department's stated policy objectives be more explicitly linked to amenity considerations, on the basis of the statutory powers afforded the Department in the control of advertisements by the Planning (Control of Advertisements) Regulations (NI) 1992.

Response: The Department would point out that the main policy objectives for PPS 17 are intended to be read together. Furthermore, the Department considers that when read together, as intended, the objectives sufficiently recognise and illustrate the Department's statutory powers to control the display of outdoor advertisements in the interests of amenity and public safety as laid out in the Advertisement Regulations.

Planning Policy AD 1

18. There was general support for Policy AD 1. It was suggested that the policy be amended to insert the word 'landscape' in the list of examples of features the Department will consider in assessing a proposal for the display of an advertisement in the context of respecting amenity.

Response: In taking account of this and other more general comments on what is meant by the term 'amenity', the Department has amended Policy AD 1, as well as the justification and amplification to the policy, in order to give greater clarity to what the Department will take into account in assessing the impact of an advertisement on the general characteristics of an area in the interests of protecting amenity.

19. The point was raised that the justification and amplification to Policy AD 1 gave the impression that advertisements always have an adverse effect on the visual amenity of the locality in which they are displayed, and that all illuminated signs are detrimental in terms of visual amenity.

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Response: The Department has amended the document to take account of the comments.

20. It was suggested that reference be made in the justification and amplification of the policy to the control of advertisements affecting archaeological sites and monuments.

Response: The Department has amended the document to take account of the comments.

Annex A – Guidance for Outdoor Advertisements

21. Respondents broadly welcomed the inclusion of Annex A as additional guidance on the control of outdoor advertisements. One respondent queried the purpose of the Annex. A number of respondents expressed concern that the guidance is overly prescriptive in parts, and in some cases unreasonable. Other comments, including responses from the advertising industry on certain of the terminology used to describe types of outdoor advertisements, highlighted that the nature of some of the guidance given in Annex A is unclear.

Response: The Department considers that the purpose of Annex A is adequately described in the opening paragraphs of the Annex. Regarding comments that the guidance is over prescriptive and unreasonable in part, the Department would point out that the intention with the guidance is to advise applicants how advertising can be appropriately displayed and sited. Notwithstanding this however, the Department has amended the Annex to take account of the comments, and other comments regarding clarity in general.

ANNEX 1: RESPONDENTS

Department for Regional Development (DRD) – Regional Planning & Transportation
Department for Regional Development (DRD) - Roads Service (Engineering)
Department of Enterprise, Trade & Investment (DETI) - Northern Ireland Tourist Board
Historic Buildings Council
Historic Monuments Council
Council for Nature Conservation & the Countryside
Ulster Unionists
NI Women’s Coalition
Rev W Martin Smyth MP
Lisburn City Council
Antrim Borough Council
Ards Borough Council
Ballymena Borough Council
Castlereagh Borough Council
Coleraine Borough Council
North Down Borough Council
Omagh District Council
Ulster Society for the Protection of the Countryside
Ulster Architectural Heritage Service
Gosford Housing Association
Institute of Directors
Outdoor Advertising Council
Outdoor Media Association
JCDecaux
Mr Tom Tuke