PLANNING STATEMENT

BUS SHELTER CONTRACT

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

September 2024

1. INTRODUCTION

1.1 The applicant, Clear Channel UK, enjoys a Contractual arrangement with the Council in respect of Bus Shelters, including the advertising rights relating thereto. The Contract involves the installation of new or replacement Bus Shelters, the maintenance thereof, and the installation and operation of 6-sheet advertising displays within the Bus Shelters.

1.2 The installation of Bus Shelters on land owned by the Authority or on designated Highway does not require Planning Permission. Proposed 6-sheet advertising displays within Bus Shelters require Advertisement Consent, and the applicant is responsible for obtaining Advertisement Consent from the Council as Local Planning Authority (LPA).

1.3 A large proportion of Bus Shelters within urban areas already feature 6-sheet advertising within them, typically in the form of internally illuminated 6-sheet displays. Reflecting technological advancements, in 2007, the UK street furniture advertising sector began transitioning from internal illumination to Digital, digital representing the latest technology for outdoor signage applications. It did so because Digital is significantly more flexible compared to previous formats and thus significantly more effective, and does away with the otherwise intensive processes of printing, flighting, and on-site maintenance of traditional internally illuminated displays. Given its advantages, as an advertising medium, Digital is capable of increased revenue generation via smaller, rationalized advertising estates overall compared to the internally illuminated 6-sheet estates of the past.

1.4 Applications therefore are for either Double-sided digital displays, or for a Single digital display with a non-advertising non-illuminated panel on the reverse for Council / Community content, replacing previous internally illuminated 6-sheet displays.

1.5 The Contract's purpose is to deliver the following with the associated public benefits:

- Bus Shelters across the Council area;
- Inspection, cleaning and maintenance of the said Bus Shelter estate;
- Bus Shelter advertising displays, and with them, a significant income stream for the Council from the sale of the advertising display space;
- An upgraded Bus Shelter advertising estate comprising the latest generation Digital displays; and
- In some cases, a rationalized estate of Bus Shelter advertising displays across the Council area, with the associated amenity related benefits.

1.6 The above significant public benefits are dependent upon the positive determination of this application for proposed Digital display(s).

2. DEVELOPMENT CONTROL FRAMEWORK - ADVERTISEMENTS REGULATIONS

2.1 The display of advertisements is subject to a lighter touch consent process within the planning system, comprising the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under the Regulations, a Local planning authority (LPA) shall exercise its powers in the interests of *amenity* and *public safety*, taking into account (1)(a) the provisions of the development plan, so far as they are material, and (1)(b) any other relevant factors. Without prejudice to the generality of paragraph (1)(b), factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Development plan policies are material insofar as they are relevant to the proposal but cannot by themselves be decisive in any determination.

National Planning Policy Framework (NPPF) 2023

2.2 NPPF para. 141 states, "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*"

Planning Practice Guidance – Advertisements (July 2019)

2.3 Planning Practice Guidance (PPG) states that amenity includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In practice, amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a proposed advertisement, where residents or passers-by will be aware of it. In assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood / locality and consider whether the advertisement is in keeping and in scale with features that characterize the locality.

2.4 PPG adds, "*This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.*"

3. AMENITY

3.1 Amenity is not defined exhaustively in the Advertisements Regulations. It includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Planning Practice Guidance (PPG) states that amenity is a matter of interpretation by the LPA and the Secretary of State (SoS) as it applies in any particular case. It adds, *"in practice, amenity is usually understood to mean the effect on visual (and aural) amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement."* In assessing amenity, the LPA would consider the local characteristics of the neighbourhood / locality and consider whether the proposal is in scale and in keeping with these features. As noted above, PPG adds, *"This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site."*

3.2 Advertising displays integrated within street furniture have existed since the 1960s and are therefore commonplace in urban areas, typically alongside main movement corridors. They exist in the form of Bus Shelter 6-sheet advertising displays, Free-standing advertising units, and as displays within Telephone Kiosks of various kinds.

3.3 As noted in section 1, applications will be for either Double-sided digital displays or for Single digital displays with a non-advertising non-illuminated display on the reverse for Council / Community purposes, typically replacing existing internally illuminated 6-sheet paper displays. Therefore, it is important to weight the existing 6-sheet advertising displays in the planning assessment. These existing displays are established features within the street scene and locality, within the Conservation Area as existing (if applicable), and/or within the setting of any listed buildings as existing (if applicable), among the features characterizing the locality in question. As with the existing Bus Shelter 6-sheet advertising displays, the proposed Digital display(s) would be contained physically and visually within the host Bus Shelter, which would to a degree mitigate their appearance within the street scene.

3.4 Digital displays of the kind proposed are becoming the accepted norm in street furniture advertising in towns and cities across the UK, and are viewed increasingly by passers-by as simply the latest evolution of this established street furniture advertising format. Proposed Digital displays replacing existing internally illuminated 6-sheet advertising displays would be in scale and in keeping with features that characterize the locality, thereby preserving the amenity, character and appearance of the locality.

Scale

3.5 Pursuant to the Contract in this case, the applications seek to replace existing Double-sided internally illuminated 6-sheet advertising displays with either Double-sided digital displays or Single digital displays with a non-advertising, non-illuminated space on the reverse for Council or Community content.

3.6 The existing internally illuminated 6-sheet displays each measure 1800mm H x 1200mm W with an active area per display of 2sq.m. The proposed replacement Digital displays each measure 1635mm H x 924mm W with an active area of 1.5sq.m. Therefore, the proposed Digital displays are less tall, narrower and 0.5sq.m (25%) smaller in terms of display active area compared to the existing internally illuminated 6-sheet displays. In short, they are appreciably smaller in scale than the existing internally illuminated 6-sheet advertising displays, which requires weighting in the planning assessment.

Means of illumination

3.7 The proposed Digital display(s) represent current outdoor signage technology which, in the UK, has been being installed for the past 15 years. Accordingly, Digital displays of the kind proposed are increasingly the accepted norm in street furniture advertising, representing the latest incarnation of street furniture advertising which has existed since the 1960s.

3.8 As per the established norm, the proposed Digital display(s) would portray static advertising images that change sequentially, every 10 seconds. Between midnight and 5am, the displays are turned off.

<u>Daytime</u>

3.9 The latest authority document on illuminated advertisements is 'PLG 05/23 The Brightness of Illuminated Advertisements including Digital Displays', published in 2023 by the Institute of Lighting Professionals. PLG 05/23 recognizes that in daytime, appropriate advertisement luminance is dependent on ambient light conditions and, as such, is variable. Therefore, PLG 05/23 recommends that digital displays have a control system or similar technology that ensures the display luminance relates to ambient light levels.

3.10 In accordance with PLG 05/23, the proposed Digital display(s) have an in-built sensor control system. In daytime, this control system reads ambient light levels and adjusts display luminance to the ambient light level prevailing; this means lower display luminance when ambient light levels are lower, and higher display luminance when ambient light levels are higher.

3.11 For information, on average brightness days, average luminance of bright colours within advertisements is around 2,500 cdsq.m. The Specification accompanying the application states that the maximum Daytime luminance for displaying full white (which is the brightest content) is 3,500 cdsq.m. This value, which is the maximum potential luminance during daytime, is applicable only to full white content in very bright ambient light conditions as and when detected by the in-built sensor control system. For noting, on bright sunny days, ambient light levels can reach 47,000+ lux.

Darkness

3.12 In darkness, the proposed Digital display(s) operate at set very low levels not exceeding 300 cdsq.m.

3.13 Therefore, in both daytime and darkness, the proposed Digital display(s) operate in full accordance with recommendations within the latest authority document on illuminated advertisements, 'PLG 05/23 The Brightness of Illuminated Advertisements including Digital Displays' (2023), specifically Table 10.4 (Recommended maximum night-time permitted values of display luminance) and Table 10.5 (Recommended maximum daytime permitted values of sign luminance) therein.

Case evidence of how digital displays are considered by a sample of Planning Inspectors

3.14 The replacement of internally illuminated 6-sheet advertising displays with digital displays is increasingly accepted and therefore commonplace in towns and cities across the UK. To assist, we refer below to various recent cases involving this change of display type. All cases need to be considered on their individual merits of course, but we include the below excerpts as evidence of how digital displays are considered by a sample of Planning Inspectors.

London Borough of Hillingdon Appeal Ref: APP/R5510/Z/16/3157043

3.15 This case involved the same proposed Digital advertisement displays albeit housed within a telephone kiosk. Specifically, we refer to the Inspectors' findings on the digital nature of the proposed advertising displays, the same technology proposed in this case.

In this Hillingdon cases, para. 18 of the decision letter states, *"Whilst I can appreciate the Council's concerns, there is no technical reason why digital displays should be any brighter or more intrusive than a conventional advertisement display unit with internal fluorescent lighting"*.

Islington Appeal Ref: APP/V5570/Z/17/3169006

3.16 This case also involved the same proposed Digital advertisement displays albeit housed within a telephone kiosk. In the above Islington case, para. 8 of the decision letter states, *"I accept that this form of display technology is increasingly common in major urban areas, and I see no reason why it should be any brighter or more intrusive than some other forms of display such as those with fluorescent lighting."*

Birmingham City Council Appeal Ref: APP/P4605/Z/18/3204927

3.17 In this case, para. 7 of the decision letter states, *"The proposed advertising display would be digital and internally illuminated but this would not necessarily make it brighter or more prominent in the street scene than the existing display which is also internally illuminated."*

East Hertfordshire District Council Appeal Ref: APP/J1915/Z/18/3208972

3.18 Para. 8 of the decision letter states, *"Although they would be digital and internally illuminated, this would not necessarily make them brighter or more prominent in the street scene than the existing display which is also internally illuminated."*

3.19 In summary, the proposed change from internal illumination to digital illumination is increasingly accepted and therefore commonplace in urban settings across the UK, reflecting the view that there is no technical reason why digital illumination should be any brighter or more intrusive than conventional internal illumination.

4. PUBLIC SAFETY

4.1 National Planning Practice Guidance recognizes that while all advertisements are intended to attract attention, advertisements that are proposed at points *"where drivers need to take more care are more likely to affect public safety"*. The guidance lists such points as being junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. The Guidance adds that there are less likely to be road safety problems if the advertisement is within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign or a normal poster panel, and if the advertisement is not on the skyline. (Paragraph: 067 Reference ID: 18b-067-20140306).

4.2 We refer to the recent findings of an Inspector in respect of various proposed digital Bus Shelter advertisements in Bristol. The Decision Letter states, *"13. Digital advertisements of the size and form proposed are commonly seen in urban areas on highway networks. Consequently, having regard to the Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature'. Therefore, they are generally unlikely to be a distraction to road users in normal driving conditions." (*Appeal A Ref: APP/Z0116/Z/22/ 3309965).

4.3 We refer below to the guidance document produced by Transport for London (TfL) which is used by London Boroughs and other Local Authorities across the UK in assessing proposed roadside digital advertisement displays. Key provisions within the document that are relevant to this proposal are reproduced below.

TfL Guidance for Digital Roadside Advertising and Proposed Best Practice (2013)

4.4 Under the heading 'Locations' the document states, "*Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted."*

4.5 Section 5 'Summary and Conclusion', states:

"5.2 Sites at locations with increased driver cognitive demand should not immediately be excluded or discounted, but should be subject to detailed assessment.

5.4 Controls over the use of digital adverts should follow the best practice guidelines in this report and should be secured by special condition, with more careful management required in higher risk locations. As a minimum, the OMC roadside digital code should be complied with (Appendix B).

5.5 Not all sites will be appropriate for [digital] advertising, but with appropriate controls, digital advertising should be no more or less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl etc).”

4.6 The OMC roadside digital code is reproduced below:

- *“Mirroring current roadside legislation, there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays.*
- *The advertising copy on digital roadside displays should not change more frequently than every 5 seconds unless consent has been granted for such displays.*
- *Luminance levels shall comply with the recommendations of the Institute of Lighting Professionals.*
- *Roadside digital displays shall conform to the five 'Standard Conditions' specified in the Advertisements Regulations.”*

4.7 The above TfL Guidance takes a pragmatic approach to proposed roadside digital advertising displays, stating that static digital advertising (which is proposed in this case) is likely to be acceptable in locations where static advertising exists or would be accepted (which is the case with these applications), and that with appropriate controls digital advertising should be no less acceptable than traditional forms of advertising, including backlit / internally illuminated displays, these being the existing advertising displays in this case.