

# Public Document Pack



## Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.  
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Ladies and Gentlemen,

A meeting of the **PLACES SCRUTINY PANEL** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Thursday, 7th April, 2016** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs  
**Chief Executive**

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### **A G E N D A**

#### **APOLOGIES**

##### **1) RECORD OF MEETING**

To confirm the record of the meeting of the Places Scrutiny Panel on 4<sup>th</sup> February 2016 (previously circulated).

##### **2) DECLARATIONS OF INTEREST**

In accordance with the Regulations, Members are invited to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

##### **3) PETITIONS, DEPUTATIONS AND QUESTIONS**

To receive any petitions, deputations and questions received from Members of the Public in accordance with the provisions of Procedure Rule 217.

The total time allowed for this item shall be 30 minutes. Petitions, declarations and questions shall be dealt with in the order in which they are received. Question may also be submitted at short notice by giving a written copy to the

Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

**4) QUESTIONS WITH NOTICE FROM MEMBERS**

To consider any questions with notice from Members received in accordance with the provisions of Procedure Rule No. 219 and No. 219A.

**5) NOTICES OF MOTION FROM MEMBERS**

To consider any Notices of Motion from Members submitted in accordance with the provisions of Procedure Rule No. 220.

**6) CONSIDERATION OF ANY MATTER REFERRED TO THE PANEL FOR A DECISION IN RELATION TO CALL IN OF A DECISION**

To consider any matter referred to the Panel for a decision in relation to call in of a decision which relates to this Scrutiny Panel's remit and items on this Agenda.

**SCRUTINY**

Scrutiny provides the appropriate mechanism and forum for members to ask any questions which relate to this Scrutiny Panel's remit and items on this Agenda.

**7) RUTLAND LOCAL PLAN UPDATE**

To receive Report No. 73/2016 from the Director for Places (Development and Economy).  
(Pages 5 - 12)

**8) RUTLAND SIGN POLICY**

To receive Report No. 74/2016 from the Director for Places (Environment, Planning and Transport).  
(Pages 13 - 74)

**9) PERFORMANCE MANAGEMENT REPORT - QUARTER 3 2015/16**

To receive Report No. 37/2016 from the Chief Executive.

*(Previously circulated under separate cover.)*

**10) QUARTER 3 FINANCIAL MANAGEMENT REPORT**

To receive Report No. 27/2016 from the Director for Resources.

*(Previously circulated under separate cover.)*

**PROGRAMME OF MEETINGS AND TOPICS**

**11) SCRUTINY PROGRAMME 2015/16 & REVIEW OF FORWARD PLAN**

To consider Scrutiny issues to review.

*Copies of the Forward Plan will be available at the meeting.*

**12) ANY OTHER URGENT BUSINESS**

To receive any other items of urgent business which have been previously notified to the person presiding.

**13) DATE AND PREVIEW OF NEXT MEETING**

To be confirmed.

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**DISTRIBUTION**

**MEMBERS OF THE PLACES SCRUTINY PANEL:**

Mr J Lammie (Chairman)	
Mr E Baines	Mr O Bird
Mr G Conde	Mr W Cross
Mr J Dale	Mr A Mann
Mr M Oxley	K Thomas

**OTHER MEMBERS FOR INFORMATION**

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## PLACES SCRUTINY PANEL

7 April 2016

## RUTLAND LOCAL PLAN UPDATE

### Report of the Director for Places (Development and Economy)

Strategic Aim:	Creating an active and enriched community Creating a sustained environment Building our infrastructure	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Terry King, Portfolio Holder for Development and Finance	
Contact Officer(s):	Paul Phillipson, Director for Places (Development and Economy)	Tel: 01572 758321 pphillipson@rutland.gov.uk
	David Troy, Planning Policy and Housing Manager	Tel: 01572 758278 dtroy@rutland.gov.uk
Ward Councillors	ALL	

### DECISION RECOMMENDATIONS

That the Panel:

1. Note the progress on the Rutland Local Plan Review and the next stages in the review process.

#### 1. PURPOSE OF THE REPORT

- 1.1 To update Members on the progress on the Rutland Local Plan Review (LPR) and the next stages in the review process.

#### 2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The review of the Rutland Local Plan commenced in 2015. The existing Local Plan covering the period up to 2026 is being reviewed and extended to cover the next 10 year period up to 2036. The review is required in order to comply with national planning guidance and to meet the future needs for additional new housing, employment and other development over the extended period.
- 2.2 The review of the Rutland Local Plan commenced with a call for sites between September – November 2015 and the publication of an “Issues and Options” consultation document in November 2015 – January 2016. 126 sites have been submitted through the call for sites process and 106 responses to the Issues and Options consultation. These are currently being reviewed and mapped and a

summary of the consultation responses and call for site submissions will be published in April 2016.

- 2.3 The next stage in the process is to carry out a detailed appraisal of each of the sites submitted and assess the responses before preparing a “Preferred Options” document. This will set out the Council’s strategy for development considering all ‘reasonable alternatives’ for development and the proposed planning policies. It is anticipated that consultation on the Preferred Options will take place in late 2016.
- 2.4 To support the decision making process, the Council will be liaising with relevant officers and members on the proposed site allocations and draft policies and the service providers (e.g. education, health) to identify the main infrastructure requirements needed to support the planned growth over the plan period.
- 2.5 A number of evidence base studies have been undertaken to support the plan as follows:
- Waste Needs Assessment – August 2015
  - Strategic Housing Market Assessment (update) - October 2015
  - Sport and Recreation Facility Strategy and Open Space Informal Recreation Assessment – October 2015
  - Sustainability of Settlements Assessment – October 2015
  - Employment Land Assessment Update – January 2016
- 2.6 Further evidence base studies are being carried out to support the plan as follows:
- Retail Capacity Assessment
  - Transport Assessment
  - Local Aggregate Assessment
  - Gypsy, Traveller and Travelling Showpeople Accommodation Assessment
  - Review of Important Open Space and Frontages
  - Review of Parking Standards
  - Whole Plan Viability Assessment
- 2.7 A summary of the findings on the Employment Land Assessment Update and the Draft Retail Capacity Study is attached at Appendix A for information.

### **3. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 3.1 The Places Scrutiny Panel is asked to note the progress on the LPR and the next stages in the review process. A report will be brought back to the Panel to consider the responses to Issues and Options consultation, call for site submissions and the proposed site allocations and draft policies in the Preferred Options document prior to consultation with the local community and key stakeholders in late 2016.

### **4. BACKGROUND PAPERS**

- 4.1 Further information on the Local Plan Review and evidence base studies can be viewed on the Council’s website at [www.rutland.gov.uk/localplanreview](http://www.rutland.gov.uk/localplanreview)

## **5. APPENDICES**

Appendix A – Employment Land Assessment Update and Draft Retail Capacity Study  
– Summary of Findings

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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## Employment Land Assessment and Draft Retail Capacity Study

### Summary of Findings

#### 1.0 Purpose

- 1.1 To provide a summary of the findings on the Employment Land Assessment Update (January 2016) and the Draft Retail Capacity Study, which is due to be finalised in April 2016.

#### 2.0 Employment Land Assessment Background

- 2.1 Rutland County Council commissioned the consultants, BE Group to carry out an update of the Employment Land Assessment Review that was previously prepared for the Council in 2013.
- 2.2 The purpose of the update was to assess the supply, need and demand for employment land and premises in Rutland over the 21-year period to 2036 and to make recommendations as to the Council as to the future approach to employment land provision in its Local Plan.
- 2.3 Part of this assessment included, BE Group consulting with the key stakeholders (businesses, landowners, developers and their agents) in the area to further understand their needs, reasons for being in Rutland, and to understand any issues arising from their location/occupation of property in the County.

#### 3.0 Local Property Market

- 3.1 The main headlines from a survey of the Local Property Market is as follows:

Industrial

- Local demand start-up and business premises (as in 2013)
- Driven by strong growth in the rural market (Oakham Enterprise Park (OEP))
- Significant expansion requirements from larger local firms
- Industrial rents are £55-65/sqm.

Office

- Meets the needs of local service sector businesses
- Improving picture since 2013 employment study
- Demand for larger space remains limited
- Office rents vary from £65-130/sqm.

#### 4.0 Employment Land Supply and Needs

- 4.1 At 31st March 2015 there was a headline supply of 20.87 ha of available employment land, made up of nine sites. This is not a significant change on 2013, when a baseline supply of 19.98 ha, in ten sites was identified. Almost half of this (9.71 ha) comprises Employment allocation at Oakham North.
- 4.2 Of this supply, 1.94 ha comprises sites unlikely to be brought forward for development or already developed. Excluding these gives a realistic land supply of 18.93 ha.

## Employment Land Assessment and Draft Retail Capacity Study

### Summary of Findings

- 4.3 Some of issues identified on the employment land supply include OEP reaching capacity for more start-up business and loss of allocated employment land to other non-employment (B class uses) (e.g. Pub, hotel, Petrol station at Oakham North). Other employment allocations in Local Plan and Uppingham Neighbourhood Plan at Uppingham Gate and Pit Lane Ketton are still undeveloped at present but remain long term options
- 4.4 The employment study recommends that the Council through the Local Plan review protects the existing supply of employment land and premise (18.93 ha) and looks for 29 ha of new employment allocations primarily in and around the mains towns and large villages (Local Service Centres). It also recommends the provision for start-up and micro business premises.

### 5.0 Retail Capacity Study Background

- 5.1 Rutland County Council commissioned the consultants, Bilfinger GVA to carry out an update of the Retail Capacity Study that was previously prepared for the Council in 2010 and 2013.
- 5.2 The purpose of the update is to assess the following:
- Review of the current national trends in retailing and retail development and the implications this has for Rutland
  - Vitality and viability of the two main town centres of Oakham and Uppingham,
  - the need for additional retail floor space (food/non-food) in Rutland over the next 21-year period to 2036 and
  - to make recommendations as to the Council as to the future approach to retail land provision in its Local Plan.

### 6.0 National Retail Trends

- 6.1 The draft retail study sets out the national trends in retailing as follows:
- More On line retailing and expansion of discount retailers
  - 'Click and collect' forecasts to grow by 82% by 2019 (Verdict 2014)
  - Contraction of major supermarkets and focus out of centre locations
  - National comparison retailers focusing investment in larger centres
  - Town Centres needing to evolve to sell unique selling points including High quality shopping experience coupled with leisure and tourism activities

### 7.0 Retailing Patterns and Expenditure

- 7.1 GVA conducted a Household telephone survey of shopping patterns (800 households) to identify the current shopping patterns of residents in Rutland for their main comparison (non-food) and convenience (food) shopping.

## Employment Land Assessment and Draft Retail Capacity Study

### Summary of Findings

- 7.2 The study there is currently £96.3m of convenience goods expenditure available to residents of the survey area. Of this, £40.1m (41.7%) is spent at stores in Rutland (both in-centre and out-of-centre stores).
- 7.3 Oakham itself (zone 1) is reasonably self-sustaining as a convenience goods shopping destination, with just over 3/4 of available convenience goods expenditure to residents in this zone spent at stores in Oakham. Tesco store is the most popular foodstore which attracts almost half of all convenience goods spending of residents in the Oakham zone.
- 7.4 The remaining 25% of convenience goods spending available to residents in this zone is spent at stores in Stamford and Corby. The most popular location for convenience shopping in each of these towns is a discount retailer (Lidl in Stamford, 4.9% market share; Aldi in Corby, 4.5% market share), and the consultant would therefore expect a degree of this expenditure 'leakage' to be stemmed following the opening of the approved Aldi store at Lands End Way.
- 7.5 The food shopping patterns in the other areas/zones varies. The majority of residents in northern part of Rutland North (zone 3) look towards Oakham for their convenience goods shopping, although the Aldi store in Grantham is the third-most popular convenience goods shopping destination. Virtually all residents in the eastern part of the County (zone 7) undertake their convenience goods shopping in Stamford, which is more readily accessible than Oakham for residents in this part of the County.
- 7.6 There is currently £175.8m of comparison goods (non-food) expenditure available to residents of the survey area. Of this, £39.6m is retained by Oakham and Uppingham town centres, equivalent to a 'retention rate' of 22.5%.
- 7.7 Leicester draws the highest comparison goods turnover of residents in the survey area, accounting for £38.7m of comparison goods spending, or 22% of total available comparison goods expenditure.
- 7.8 Oakham town centre accounts for a further £33.6m (19%) of comparison goods spending, followed by Peterborough (£24.6m (14%)) and Stamford (£24.0m (13%)).
- 7.9 People are willing to travel further for comparison goods and the largest centres such as Leicester and Peterborough provide the greatest offer in places such as the Highcross Centre in Leicester and Queengates Centre in Peterborough.

### **8.0 Vitality and viability of Oakham and Uppingham Town Centres**

- 8.1 A Health check of Oakham and Uppingham Town Centres was undertaken and both centres were considered to be performing well. The most recent Experian Goad centre report for Oakham (August 2013) identifies that the

## Employment Land Assessment and Draft Retail Capacity Study

### Summary of Findings

centre has a vacancy rate of 11.2%, compared to the current UK average of 9.2%. The Council undertook their own assessment of the retail mix in the centre in September 2015 which identified that 11 of 207 units in the centre were vacant, equivalent to a vacancy rate of 5.3%, therefore significantly below the UK average. The Experian Goad centre report for Uppingham (August 2014) identifies the centre as having a low vacancy rate of 6.7%.

- 8.2 Oakham and Uppingham Town Centre continues to act as the focus of the independent/boutique retail sector (i.e. Mill Street) and Oakham is being an increasingly popular destination for national retailers, particularly in the café/restaurant sector.
- 8.3 Oakham and Uppingham continue to have attractive town centres. The buildings are, for the most part, of good quality and make a positive contribution to the overall environment. The areas outlined above were identified as potential areas that would benefit from some improvements to enhance the environmental quality and appearance of the area including West End, Gaol Street and North Street East. The Market Place in both town centres could be improved through the removal of the car parking spaces in these location and further environmental improvements and pedestrianisation.

### 9.0 Draft Retail Forecasts

- 9.1 The need for new comparison goods floorspace in the County is estimated to be between 1,300 sq.m net by 2025 and 4,000 sq.m net by the end of the study period at 2036 (all figures are cumulative), assuming current patterns of comparison goods shopping remain unchanged. The figures at the end of the Plan period should be considered indicative.
- 9.2 There is no quantitative need for any additional convenience goods provision in the County over the period to 2036, as there is a marginal over-supply of floorspace. These forecasts take into account the outstanding 'commitment' for a new Aldi foodstore in Oakham, which the applicants estimate will achieve a convenience goods turnover of £6.8m per annum at 2020. Other factors such as on-line grocery shopping is also reducing the need for additional convenience goods floorspace.
- 9.3 Emerging trends suggest that commercial leisure uses are playing an increasingly important role in the vitality and viability of centres by providing complementary uses that strengthen both the daytime and evening economies. The total spending on commercial leisure is expected to increase by £43.7m in the survey area between 2015 and 2036. Over 70% of this expenditure growth will be in the 'restaurants and cafes' sector and therefore there is considerable scope for the existing town centres to further capitalise on this growth in spending, building on current good levels of provision.

## SCRUTINY PANEL

7 April 2016

## RUTLAND SIGN POLICY

### Report of the Director for Places (Environment, Planning & Transport)

Strategic Aim:	Creating a safer community for all	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T Mathias, Portfolio Holder for Places (Highways, Environment, Transport and Community Safety)	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning & Transport)	01572 758461 dbrown@rutland.gov.uk
	Neil Tomlinson, Senior Highways Manager	01572 758342 ntomlinson@rutland.gov.uk
Ward Councillors	All	

### DECISION RECOMMENDATIONS

That the Panel:

1. Considers and comment on the updated sign policy as attached in Appendix 3.
2. Considers a definition of charity and community events in relation to the policy.

#### 1 PURPOSE OF THE REPORT

- 1.1 To consider the proposals for updating the Council's sign policy.

#### 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Rutland County Council originally approved a highways sign policy in June 2009. The revised policy aims to address concerns from residents, Members and our Member of Parliament regarding the proliferation of illegal signs within the highway. This includes addressing the numerous A-board used by businesses throughout (but not exclusively) Uppingham and Oakham.
- 2.2 Advertising signs at inappropriate locations not only cause an obstruction to highways users, but can cause a distraction to drivers. Signs in place for prolonged periods of time can cause obstructions for maintenance activities such as grass cutting, street cleaning and grip clearance. They also detract from rural and historic street scenes .

- 2.3 The principles of highway related signs remain largely un-changed with more detail being given to the size and type of community related signs, and the inclusion of further details on the provision of Brown Tourism signs (see Appendix 1 for a summary of the proposed changes).
- 2.4 The Highway Authority has powers under the Highways Act 1980 to remove obstructions within the highway. Signs can be treated as obstructions and this policy aims to ensure that signs within the Highway do not cause an unacceptable obstruction or distraction, whilst recognising the benefit that controlled signage can offer to community and charitable events.
- 2.5 All advertising signs should comply with the Communities and Local Government document, 'Outdoor advertisements and signs: a guide for advertisers'. (See Appendix 4).
- 2.6 All facilities utilising brown tourism signs will be contacted to ensure that they comply with the current policy, and agree to pay ongoing cleaning and maintenance costs in accordance with the policy. The review period will be reduced from 5 years to 2 years.
- 2.7 Advertising consent could be sought for the locations identified in Appendix C of the draft policy (Appendix 3) to allow for the control of advertising banner locations. This would also provide an income for the Council in relation to advertising. The advertising consent would have to be determined by the Development Control and Licensing Committee.

### **3 EVENT TYPES**

- 3.1 Section 12 seeks to allow the placement of advertising signs for community or charity events so as to acknowledge the valuable work that local charities and organisations undertake in bring communities together and raising funds. Some events are purely charitable, yet others may be a community event, but have a commercial element (e.g. businesses may be paying for trade stalls at the event).
- 3.2 The panel are asked to give comment on what could reasonably be expected to be classified as a commercial, community or charity event. Some examples (but not an exhaustive list) of events to be considered are:
- School fetes
  - Beer festivals
  - Charity Walks
  - The Bird Fair
  - The Rutland Show
  - Nursery place advertisements
  - Adult learning workshops
  - Classic car events
  - Cinema events
  - Firework displays
  - Gym memberships
  - Open gardens
  - Farmers Markets

## **4 CONSULTATION**

- 4.1 Consultation has taken place with Town Councils, business groups and Rutland Access Group and the following comments have been made:
- a) Oakham Town Council responded with several helpful comments, some of which have been incorporated into the draft policy.
  - b) Oakham Town Partnership - No comment was received.
  - c) Rutland Access Group would prefer to see a total ban on A-Board advertising signs, but offered similar comments to Oakham Town Council on the draft policy; most notably that the minimum height is increased to 1200mm, and that a 1.8m minimum footway width is mandatory, as opposed to desirable. The minimum width has not been made essential in recognition of the fact that some footways are already less than 1.8m.
  - d) Uppingham Business Forum objected to the A-Board proposals which they see as a form of taxation. They would rather see requests made to individual businesses if there are issues. They also asked that the timeframe for charity advertising be extended. This has been incorporated with the time for event banners being extended to 21 days.
  - e) Uppingham Town Council – Same views as Uppingham Business Forum.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 See Appendix 2 for a summary of potential income from policy revisions.
- 5.2 Last summer the Council undertook a 2 day County wide enforcement exercise with regards to illegal signs within the highway and over 250 signs were collected at a cost of £700. This will not be normal practice once a revised policy is in place and signs will generally be dealt with individually .
- 5.3 The proposed cost for removal of signs will be based on the Council's Term Contract rates. It is proposed a fee of £50 including admin be levied for each sign removed. This will cover the collection and administration of costs.
- 5.4 An initial license fee of £100 per A-board, with £50/year annual renewal fee is proposed. These costs are similar to those for the provision of benches and other obstructions within the Highway. There are approximately 50 A-boards in Oakham town centre and around 30 in Uppingham.
- 5.5 A fee of £100 per week is proposed for licensed advertising sites if advertising consent is granted.

## **6 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 7 The Places Scrutiny Panel are invited to consider the information set out in this report and the attached policy and make comments prior to consideration by Cabinet.

## **8 BACKGROUND PAPERS**

8.1 There are no additional papers to this report

## **9 APPENDICES**

9.1 Appendix 1 – Policy Changes Summary

9.2 Appendix 2 – Fees and Income

9.3 Appendix 3 – Draft Policy

9.4 Appendix 4 – Government Signs Guidance

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.



Appendix 1

<b>Old Policy</b>	<b>New Policy</b>
General Principles	No Change
Regulatory Signs	No Change
Warning Signs	No Change
Tourist Destination Signs	No change to fees and charges. Guidance noted combined and updated. Review period reduced from 5 to 2 years
Temporary Road Signs	No Change
Traditional Signs	No Change
Sign Placement and Orientation	No Change
Mounting Height	No Change
Grouping of Signs	No Change
Illumination	No Change
Convex Mirrors allowed when no other option available	Convex mirrors not permitted
Signs to Developments	No Change
Signs for Special Events	No Change
Advertising Signs	Proposals to reduce sign clutter
Advertising Signs	Proposal to license specific sites
Advertising signs on street	Proposal to license and control
Community & Charity Events	Proposal to formalise placement of signs
Implementation	No Change

Appendix 2

<b>Income Source</b>	<b>Income</b>	<b>Unit</b>	<b>No</b>	<b>Weeks</b>	<b>Total</b>
Licensed Advert Sites (based on 50% take up rate)	£100	per week	11	26	£28,600
Special Event Assessment	£205	per site	3		£615
Signs to Developments	£250	per site	3		£750
<b>Advertising Sign Licensing</b>					
Assessment	£100	per sign	80		£8,000
Annual License	£50	per sign	80		£4,000
Unlicensed sign removal	£50	per sign	200		£10,000
<b>Brown Tourism Signs</b>					
(assuming 6 signs per site)					
Assessment	£205	per site	3		£615
Sign design	£105	per sign	18		£1,890
Sign checking	£25	per sign	18		£450
Cleaning	£40	per sign	18		£720
Initial annual income					<b>£55,640</b>
Minimum ongoing income after year 1					<b>£32,600</b>

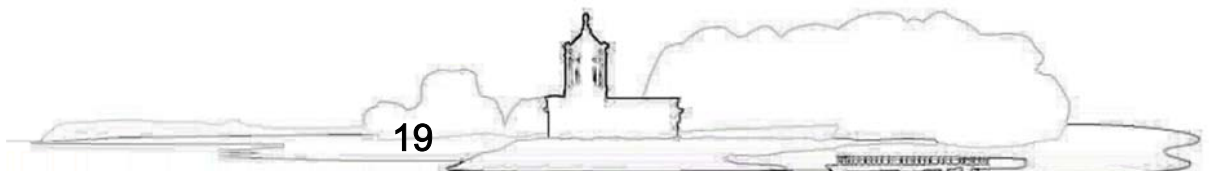


# Rutland County Council

## Sign Policy (Including Advertising Signs)

<b>Version &amp; Policy Number</b>	Version 1.0
<b>Guardian</b>	Neil Tomlinson 01572 758342 ntomlinson@rutland.gov.uk
<b>Date Produced</b>	16 <sup>th</sup> March 2016
<b>Next Review Date</b>	

<b>Approved by Scrutiny</b>	
Approved by Cabinet	
Approved by Full Council	



## Summary of document

This document sets out the Council's policy for controlling all types of signs in the highway and other land within its control.

## Contents

	<i>Page</i>
1.0 Introduction	3
2.0 General Principles	3
<b>PART 1 GENERAL SIGNAGE</b>	
1.0 Regulatory Signs	4
2.0 Warning Signs	4
3.0 Tourist Destination Signs	5
4.0 Temporary Road Signs	5
5.0 Traditional Signs	5
6.0 Sign Placement & Specifications	5
7.0 Grouping of Signs	6
8.0 Illumination	6
9.0 Convex Mirrors	6
10.0 Signs to Developments	6
11.0 Signs to Special Events	7
12.0 Community & Charity Events	8
13.0 Advertising Banners	9
14.0 Implementation	9
15.0 Fees and charges	9
<b>PART 2 ADVERTISING SIGNS &amp; GOODS ON DISPLAY</b>	
1.0 Introduction	10
2.0 Advertising Sign Locations	10
3.0 Advertising Sign Requirements	12
4.0 Display Specific Requirements	12
5.0 License Fees	13
6.0 General	13
Appendix A - Implementation of tourism signing	15
Appendix B - tourism signing guidelines for attractions and facilities	17

## 1.0 Introduction

- 1.1 The type, size and location of highway signs are prescribed by the Traffic Sign Regulations and General Directions 2002 (TSRDG) with additional guidance contained in the Traffic Signs Manual (TSM), with the explicit aim of ensuring the uniformity of highway signage across the country. The aim of this document is to provide guidance on how these documents will be interpreted and applied to highway signage in Rutland
- 1.2 The highway has increasingly become an area where business and organisations seek to advertise their products and events, leading to distraction for drivers, and obstructions for footway users, especially the visually impaired. This policy seeks to regulate the placement of advertising signs within the highway.
- 1.3 Advertising signs should comply with the Communities and Local Government document 'Outdoor advertisements and signs: a guide for advertiser'.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11499/326679.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf)

## 2.0 General Principles

- 2.1 Signage shall be kept to absolute minimum for the following reasons:
  - To enhance the environment by reducing the amount of roadside clutter;
  - To reduce the cost of new signage;
  - To reduce the cost of maintaining existing signs;
  - To increase the impact of important signs;
  - To minimise the chances of signs being obstructed by other signs;
  - To minimise electricity consumption;
  - To minimise the number of obstructions within the highway;
  - To minimise costs to Rutland County Council.

## PART 1 GENERAL SIGNAGE

### 1.0 Regulatory Signs

1.1 Regulatory signs shall be the minimum size prescribed by the TSRDG and only be used where there is a reasonable prospect of enforcement (eg speed limits). The following signs shall only be used in exceptional circumstances with the approval of the Director of Community Services:

- Diag.619 – Motor vehicles prohibited;
- Diag.642 – no stopping on main carriageway (clearway);
- Diag.956 - route used by pedal cycles and pedestrians, and associated signs. Road markings to diag.1057 and 1058 should be used instead.



Diag 619



Diag 642



Diag 956

### 2.0 Warning Signs

2.1 Warning signs shall only be used where there is a significant hazard that requires advanced warning due to a lack of forward visibility. The size shall be the minimum prescribed by TSRDG; however vehicle speed should be taken into account, in accordance with the TSM. The following signs shall only be used in exceptional circumstances with the approval of the Director for Places:

- Diag.950 – Cycle route ahead;
- Diag.506 – Side road ahead;
- Diag.510 – Roundabout ahead;
- Diag.543 – Traffic signals ahead.



Diag 950



Diag 506



Diag 510



Diag 543

### **3.0 Tourist Destination Signs**

- 3.1 Tourist destination signs (brown signs) shall only be erected where there is a demonstrable public interest. The attraction must be open for at least 150 days a year without prior booking and have a minimum of 10,000 visitors per year. Adequate off street parking must be provided. The guidelines and criteria for tourist attractions and facilities are included in Appendices A and B.

### **4.0 Temporary Road Signs**

- 4.1 Temporary signs for road works and new road layouts shall be signed in accordance with Chapter 8 of the TSM and the code of practice for Safety at Street Works and Road Works. All temporary signs shall be removed as soon as reasonably practicable. Signs to diag.7014 – permanent changes to the road layout shall be removed after 3 months.

### **5.0 Traditional Signs**

- 5.1 Traditional signs, such as finger posts, shall be retained wherever practicable. All maintenance or replacement shall be carried out sympathetically. Timber posts may be used on low speed roads. On high speed roads posts shall comply with BS EN 12899-1.

### **6.0 Sign Placement & Specifications**

- 6.1 Signs shall be placed in accordance with the TSM and take account of visibility requirements and the need to minimise the risk of vehicle collisions. Where signs provide information for vehicles turning from a major road to a minor road they shall be positioned in line with the highway boundary of the major road (i.e. on the hedge line or fence line of the major road). Signs shall be placed so as not to obstruct other signs. Where possible new signs shall be mounted on existing poles or lighting columns (see also section 10).
- 6.2 Signs shall be mounted in accordance with the following:
- Where there are no pedestrians the base of the sign shall be between 900mm and 1500mm above the height of the adjacent carriageway, taking account of summer verge growth and additional sign cleaning requirement due to vehicle spray;
  - Where pedestrians may be present the base of the sign shall be a minimum of 2100mm above the footway;
  - No part of the post shall project above the top of the sign.

## **7.0 Grouping of Signs**

- 7.1 Where multiple signs are essential they shall be mounted on a single post (or set of post if signs are large). The restrictions specified in Chapter 1 of the TSM shall apply.

## **8.0 Illumination**

- 8.1 Signs shall only be illuminated where required under Schedule 17 of TSRGD.
- 8.2 Where signs no longer require illumination, the lighting equipment will be removed when the sign reaches the end of serviceable life.

## **9.0 Convex Mirrors**

- 9.1 New mirrors are not permitted on the highway. Mirrors are not covered by regulation, and until June 2013 every mirror required special authorisation by the Department for Transport. The Department for Transport will no longer accept any applications for mirrors.
- 9.2 Whilst approval is not required from the DfT for mirrors erected on private land, planning permission may be required from our Planning Department. In addition, public liability insurance, in respect of the mirror, will be required in the event that the mirror is cited as a contributory factor in a road traffic accident.

## **10. Signs to Developments**

- 10.1. Developers may be permitted to put up signs advertising the location of a development if they meet certain conditions. A developer who wishes to put up a sign must apply to the Authority to do so. Signs may be permitted if:
- 10.2. Details of the location, number, wording and method of fixing of the signs, along with proof of the developer's public liability insurance must be provided to the council for approval prior to permission being granted. Only the minimum number of signs necessary only will be approved. In most cases, this is likely to be the minimum number of signs required to direct from the nearest classified road.
- 10.3. The developers or their contractor's public liability insurance shall indemnify the council against all claims for injury accident or damage which may arise due to the presence of the signs on or adjacent to the highway.



- 10.4. The development includes a minimum of 30 bedrooms.
- 10.5. Signs must conform to the Traffic Signs Regulations and General Directions diagram 2701 or 2071.1 (house symbol in black on a yellow background).
- 10.6. Each sign is mounted a minimum of 2.1m above the carriageway/footway/verge or 2.4m above a cycle route. Each sign is to be at least 0.45m from the edge of the carriageway and at least 600mm where there is a cross fall. On high-speed dual carriageway roads the clearance should be at least 1200mm
- 10.7. The signs shall be removed within six months of erection or on completion of the sale of 80% of the properties.
- 10.8. No direction sign is to be mounted a "warning" or "regulatory order" traffic sign.

## **11. Signs for Special Events**

- 11.1. Direction signs for special events will be considered if substantial vehicular flows are likely to be generated, causing congestion or a road safety hazard. Substantial flow is considered to be in excess of 400 vehicles attending the event. Event organisers should clearly demonstrate that their car parking provision would accommodate the expected visitor numbers. Parking should be on site and closely associated with the venue to reduce pedestrian movements.
- 11.2. All signs on the highway must be approved by the County Council.
- 11.3. Details of the location, number, wording and method of fixing of the signs, along with of the event organisers or contractor's public liability insurance which shall indemnify the council against all claims for injury accident or damage arising due to the presence of the signs on or adjacent to the highway must be submitted for approval.
- 11.4. Only the minimum number of signs necessary only will be approved. In most cases, this is likely to be the minimum number of signs required to direct from the nearest classified road.
- 11.5. Signs are to be erected no more than 48 hours before the event, any signs found erected in advance of this will be removed.
- 11.6. Signs are to be removed within 24 hours of the event.
- 11.7. When applications are made for a series of events the signs must be removed and re-erected for each event.

- 11.8. Signs must be of an appropriate size for the approach speeds of the road on which they are to be placed and must not interfere with any existing highway signage.
- 11.9. In the case of badly presented / designed applications where staff time is required to correct mistakes and check locations the applicant will be charged the cost of removal.
- 11.10. No direction sign is to be mounted a "warning" or "regulatory order" traffic sign.

## **12. Community and Charity Events**

- 12.1. For community and charitable events and other non-commercial activities, signing may be permitted within the highway provided that:-
- 12.2. The signs are put up no more than 21 days before the event and are removed immediately after it ends, any signs found erected in advance of this will be removed. The cost of sign removal shall be in accordance with Rutland County Council's fees and charges and reviewed annually.
- 12.3. The signs do not confuse drivers, obstruct visibility or block footways.
- 12.4. The signs are not attached to other highways signs (attachment to other street furniture may be allowed and further advice should be obtained from the Highways Department)
- 12.5. Each sign does not exceed 0.6 of a square metre in area
- 12.6. Permission in advance is sought and received from the Highways Department
- 12.7. Signs are to be removed within 24 hours of the event.
- 12.8. A maximum number of 6 signs per event

Any signs found to be breaching this condition will be removed to our contractors' depot, stored for 4 weeks, and then disposed of.

- 12.9. Consented advertising sites may be used free of charge, if there is sufficient space, in accordance with Section 13

## **13. Advertising Banners**

- 13.1. Banners shall only be erected in the highway at the consented locations shown in Appendix C
- 13.2. Permission is sought and received from the Highways Department at least 4 weeks in advance of installation date and a License obtained in accordance with Section 2 pt 5.1
- 13.3. Signs may only be erected for periods of one week blocks
- 13.4. Signs must be of size 3.0m x 1.0m and fixed securely to the posts provided. Insecure signs will be removed to our contractors' depot.
- 13.5. Signs are to be removed by the end of the license period. Signs not removed will be removed to our contractors' depot, stored for 4 weeks then disposed of.

## **14. Implementation**

- 14.1. This guidance applies to the erection of all new highway signs in Rutland. Existing signs will be modified as part of a rolling programme or whenever improvement schemes are carried out. The rate of change will be dependent on available funding. When signs are damaged or have reached the end of their life, this guidance will be used to determine whether they should be replaced.

## **15. Fees & Charges**

- 15.1 Any signs to be found to be installed not in accordance with the above policy items may be removed and stored at our contractor's depot for a period of up to 4 weeks, prior to disposal.
- 15.2 All costs associated with the design, installation, removal and/or storage of signs will be in accordance with the current Rutland County Council fees and charges schedule.
- 15.3 All fees for licensing are detailed in Part 2 and Appendices A & B.

## **PART 2**

# **ADVERTISING SIGNS, FREE-STANDING SIGNS & GOODS ON DISPLAY**

## **1.0 Introduction**

- 1.1 Free-standing advertising signs (sometimes referred to as A-boards), banners and goods on the highway are a fashionable way for businesses to promote their business in and around the towns and villages of the Rutland, adding to the colour and atmosphere of the street scene for residents and visitors alike.
- 1.2 Advertising signs, banners, and goods within the highway must be appropriate for the area and properly set up so that they benefit the business, enhance the shopping area and do not cause a problem for other users of the street.
- 1.3 Unlicensed advertising signs and banners shall not be permitted within the highway, either on freestanding posts, attached to street furniture, or adjacent structures.
- 1.4 The Council is prepared to allow advertising signs and goods for display to be placed on the highway on the strict understanding that the businesses that place them adhere to the terms of Rutland Signs Guidance Policy, and all such installations are licensed in accordance with this Policy.

## **2.0 Free-standing advertising signs - Locations**

- 2.1 The advertising sign should be located immediately outside the front of the business premises and not on highway fronting adjacent businesses or properties. The location of the advertising board will be determined during the application stage and specified on the license.
- 2.2 Permission is sought and received from the Highways Department at least 4 weeks in advance of installation date and a License obtained in accordance with Section 2 pt 5.1.
- 2.3 Advertising signs or displays will only be allowed on pavements where sufficient width of footway can be left clear and unobstructed for pedestrian usage of the area. An unobstructed footway width of 1.8 metres is desirable, but where this is not practicable a minimum width of 1.2 metres should be maintained. In pedestrianised areas a minimum width of 3.5 metres shall be provided.

- 2.4 Advertising signs must not be placed in the way of vehicle movements.
- 2.5 All advertising signs must be temporary in their nature so that they can be easily removed i.e. they require no excavation to be installed or removed. They are to be totally removed from the highway at the end of each day's trading.
- 2.6 Advertising signs must not be located within 1.2 metres of any other permanent or temporary sign, pillar, post, item of street furniture, other display or the edge of the carriageway.
- 2.7 Advertising signs must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for footway users, and must not impede vehicular emergency access.
- 2.8 Advertising signs must be such that they can easily be detected by blind or visually impaired people and negotiated by people with limited mobility.
- 2.9 On footways an advertising sign or display must not be placed within 2.0 metres of any tactile paving.
- 2.10 Advertising signs must not be fixed to lamp posts, bollards, seats, highway trees or other items of street furniture by means of chains, rope, etc. Any that are so fixed may be removed by the Council at any time without any reference to the owner.
- 2.11 Only one advertising sign will be permitted per business.
- 2.12 Advertising signs leant against walls etc will not be acceptable.
- 2.13 All signs and displays shall be removed prior to and during events likely to result in significant increase in level of footfall (i.e. carnivals, marathons, religious services and other public events).
- 2.14 No protruding elements that could cause a trip or fall.
- 2.15 No elements that could cause injury to passers-by i.e. splinters, snagging of clothes.

### **3.0 Advertising Sign Requirements**

- 3.1 Advertising signs and displays must be such that they can easily be detected by blind or visually impaired people and negotiated by people with limited mobility.
- 3.2 Advertising signs and displays must be stable and not represent a potential danger to any highway users. In particular, the structure must be of sufficient weight or design to prevent it being blown over in the wind.
- 3.3 Advertising signs or displays must not have a detrimental effect on the fabric of the highway.
- 3.4 Advertising signs should be no longer than 800mm on any edge and no higher than 1200mm above ground level.
- 3.5 Rotating or swinging advertising signs will not be permitted.
- 3.6 Advertising signs must not contain any visual or written material that could be construed as inappropriate or offensive. Any breach of this condition will result in the immediate removal of any such signs.

### **4.0 Display Specific Requirements**

- 4.1 Displays of goods may only be located immediately outside the frontage of the premises so that staff and customers do not have to cross the normal flow of pedestrians.
- 4.2 The items on display may only relate to the business or trade normally carried out and in any event the display of alcohol and gas bottles/canisters or other dangerous goods is not permitted.
- 4.3 The display must not obstruct fire door exits and statutory undertakers' plant and equipment.
- 4.4 The display must be entirely within the frontage of the trading establishment and be no wider than a third of the available highway footway up to a maximum of 2.5m. An unobstructed footway width of 1.8 metres is desirable, but where this is not practicable a minimum width of 1.2 metres should be maintained. In pedestrianised areas a minimum width of 3.5 metres shall be provided.
- 4.5 No selling or trading on the highway is permitted. All transactions must take place on the business premises.

## **5.0 License Fees**

- 5.1 The applicant shall agree to reimburse Rutland County Council the costs involved in the processing of the application, the investigation of and location of the signs, and the provision of the License by the Council. The cost of determining the application shall be in accordance with Rutland County Council's fees and charges and reviewed annually, payable at the time of submitting a formal application and will not be reimbursed if the application is not successful.
- 5.2 Provided there are no breaches of the licence, the licence would be renewed annually, for an administrative fee determined in accordance with Rutland County Council's fees and charges and reviewed annually.

## **6.0 General**

- 6.1 The Business/Trader must ensure that they have Public Liability Insurance to a value of £2 million and an original policy certificate provided to the Council where requested. The Business/Trader shall indemnify the Council as the Highway Authority against all claims that may arise in connection with the placing of an advertising sign or display on the highway.
- 6.2 The Council, as Highway Authority and Statutory Undertakers (gas, electricity and water) have the rights to carry out work within the highway. If required the advertising sign or display shall be removed to allow access for the Highway works or Statutory Undertakers.
- 6.3 The Council has powers under the Highways Act 1980 to take enforcement action where appropriate and to recover any expenses incurred. The Council is less likely to take enforcement action for obstructing the highway if the advertising sign and goods on the highway are displayed in compliance with the terms and conditions of this policy and the Licence.
- 6.4 The advertising sign or display will be expected to enhance the local area. Any Business or Trader who places an advertising sign or display on the highway without meeting the requirements of the Council's policy will be instructed by the Council to remove the offending advertising sign or display.
- 6.5 Any signs found to be breaching these conditions will be removed to our contractors' depot, stored for 4 weeks, disposed of, and the applicant charged the cost of removal and an administrative fee of 10% of the costs. The cost of sign removal shall be in accordance with Rutland County Council's fees and charges and reviewed annually.

**A large print version of this document is available on request**



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## RUTLAND COUNTY COUNCIL HIGHWAYS

### IMPLEMENTATION OF TOURISM SIGNING

The Council welcomes the changes to the legislation that allows greater flexibility to sign those genuine tourist establishments, which reinforce the image of quality underpinning national and local tourism policies. Such signs should make the tourists' journey safer, easier and less confusing whilst causing the minimum possible impact to the environment.

**The establishment shall normally be open for at least 6 hours per day and for at least 150 days a year and attract at least 10,000 visitors per year.**

#### **GENERAL PRINCIPLES APPLICABLE TO ALL ESTABLISHMENTS**

1. All costs incurred by Rutland County Council shall be paid by the applicant. Details of the appropriate costs are shown on the documents relating to **'Tourism Signing Guidelines for Attractions and Facilities'** (Appendix B)
2. Eligibility will not confer automatic entitlement for brown tourist signs. There may be factors that mean that it will not be possible to provide signs despite eligibility – for instance, where there already exists, or there is a commitment for, the maximum number of destinations at a particular junction, or where signs cannot actually be erected due to physical constraints.
3. In order to reduce costs to the applicant, brown tourism signs will not normally be incorporated into general directional signing but will be kept separate. This will also increase the emphasis of the brown tourism signs.
4. The minimum signs necessary for the safer and efficient direction of traffic to the establishment will be approved. Only in exceptional circumstances will signing begin beyond the nearest point of the nationally classified road network (ie A and B roads) and will not normally extend to that network.
5. Where there are two or more establishments of the same type either in one area or along a particular route, then normally generic legends rather than individual ones shall be used, eg. high street shops or hotels.
6. When a scheme has been agreed, it shall remain in that form for a period of two years where the circumstances at the time of the scheme design remain unchanged. After that time Rutland County Council reserves the right, subject to prior notification, to change or remove the scheme with no compensation to the applicant.
7. Subject to road safety and traffic management considerations, where there are too many tourist establishments wishing to be signed at a particular location, then Rutland County Council reserves the right to only sign the

appropriate number with the greatest number of tourist visitors (if this does not indicate any particular ranking then the establishments may be chosen on the basis of proximity to the location).

8. The applicant shall provide details of the number of tourists and the total number of customers using the establishment during the latest 12 month period.

#### **ADDITIONAL URBAN GUIDELINES**

9. In urban areas only comprehensive signing schemes shall normally be implemented. In this respect it will be necessary for the design of the signing scheme to include detailed consultations with the local Town and Parish Council and the relevant trade organisations in order to produce a satisfactory scheme.
10. Priority in urban areas should be to direct tourists to public car parks and to provide signing to facilities (and back) in the form of pedestrian signs. The erection of details at the car parks, in the form of Information Boards including maps of the area showing key attractions and facilities, is of particular benefit for tourists/visitors. In this respect, traffic entering the area should be directed to the car parks.
11. Pedestrian signing should also be considered for public transport facilities, particularly where access by private transport is difficult or discouraged for environmental reasons.

#### **ADDITIONAL RURAL GUIDELINES**

12. Where the identification of the designated network results in signing having to be provided over excessive distances, consideration will be given to signs only being provided from the nearest signed community.
13. To reduce environmental impact where a scheme involves signing through more than two junctions, Rutland County Council will consider the use of signs of the form "For X, follow Y" utilising existing signed destinations rather than erecting additional continuity signing.

RUTLAND COUNTY COUNCIL HIGHWAYS

TOURISM SIGNING GUIDELINES FOR ATTRACTIONS AND FACILITIES

ATTRACTION

For the purposes of this document an **attraction** is defined as an establishment that is provided for:-

1. The benefit of Tourists who are intent on visiting it, having seen it advertised in leaflets, the media etc., and;
2. which provides a recreational, educational and/or historical interest, and;
3. which is open to the public without prior booking during its normal opening hours.
4. Which is normally be open for at least 6 hours per day and for at least 150 days a year and attract at least 10,000 visitors per year

It may be, for example, historic house, museum, farm park, theme park or leisure complex.

To qualify for signing, the following requirements all apply to an **attraction**:-

- A. The attraction shall have agreed to abide by Visit England's National Code of Practise for Visitor Attractions, or similar.
- B. The applicant shall provide evidence that appropriate steps have been taken during the 12 months prior to the application, to publicise the attraction to tourists and informing them of the route to it. There shall normally be copies of tourism publicity brochures, details of where they have been distributed and copies of advertisements that have been published in the tourism media.

For newly established attractions, the applicant shall supply details of their proposed publicity. The Rutland County Council reserves the right to refuse applications for new venues where insufficient publicity is proposed.

- C. The applicant shall confirm in writing that he/she will not erect any unauthorised advertisement signs, and/or will remove any existing unauthorised signs relating to the attraction.
- D. The applicant shall provide evidence of over 10,000 visitors per year

- E. For vehicular signing, adequate on-site parking must normally be available. Where off-site parking is provided, this must be within a reasonable distance of the attraction. Signing to other car parks within a reasonable distance of the facility may be agreed subject to the applicant providing written confirmation from the owner of the car park that this is acceptable for the five year valid period for the signing scheme. It is suggested that up to 200 metres would normally be considered to be a reasonable distance from the car park to the attraction.
- F. The attraction shall have sufficient facilities for people with disabilities to enable them to make adequate use of the attraction.
- G. The applicant shall agree to reimburse Rutland County Council the costs involved in the processing of the application, the investigation of and design of the signs, and the provision and erection of the signs that are agreed by the Council. The cost of determining the application shall be in accordance with RCC fees and charges, payable at the time of submitting a formal application and will not be reimbursed if the application is not successful.

The cost of investigating and designing the signs shall be in accordance with RCC fees and charges for each sign which is requested or which is considered appropriate by the Council, whichever number is the greater (this design fee will be payable in advance, with any outstanding balance being paid before the instructions for the works are issued). The cost of the provision and erection of the signs is extra and will vary for each application and will be determined after the detailed design has been carried out. The applicant must pay for the provision and installation of the signs prior to the placing of a Works Order with our Contractor.

In addition, payment for cleaning the signs will be required in advance as a commuted sum. This payment will be in accordance with RCC fees and charges for each sign and will cover a two year period. The applicant will be contacted after the two year period has elapsed with regard to the continuation of the signs and a further payment for the future cleaning.

- H. There is the provision within the regulations for the applicant to arrange for the provision of the signs through a signing contractor. In such instances, Rutland County Council requires that the work shall be carried out to its specification and satisfaction and will charge be in accordance with RCC fees and charges per sign for the checking of the contractor's design and actual erection work. (This is in addition to the application fee that will have already been paid). The applicant's and/or the contractor's design work will include the liaison with the local Parish Councils and the relevant local trade organisations in order to determine whether or not the signing for other neighbouring attractions and facilities need to be taken into account. Copies of all the consultation documents shall be forwarded to Rutland County Council at the time of submission of the signing scheme.
- I. In all cases, Rutland County Council's maintenance obligations will only include routine inspection and washing (see paragraph F) above. All costs incurred with regard to repairs to the signs, howsoever the need for those

repairs came about, will be the responsibility of the applicant (these costs will take into account any money that may have been previously recovered from those people responsible for the damage). The applicant's financial responsibility could include repairs/replacement due to accident damage, vandalism, theft and making safe for other users of the highway. Refusal by the operator of the attraction to repair/replace any sign relating to that attraction, thereby resulting in a 'gap' in the signing scheme, will mean that Rutland County Council shall give consideration to the removal of the other signs associated with the attraction.

## **FACILITY**

For the purposes of this document a **facility** is defined as an establishment that is provided for:-

1. the provision of a service or services within an area which may be frequented by tourists
2. which is open to the public without prior booking during its normal opening hours.
3. Which is normally be open for at least 6 hours per day and for at least 150 days a year and attract at least 10,000 visitors per year

It may include, for example, hotels and other serviced accommodation, pubs, restaurants, cafes, shops, cinemas/theatres, sports and leisure facilities. (It should be pointed out that consideration will be given to removing any signs associated with the **facility** if the establishment is no longer part of any quality approval scheme, especially if membership has been suspended due to fallen standards).

To qualify for signing, the following requirements all apply to a **facility**:-

### General Requirements for all Facilities

- A. The applicant shall provide confirmation in writing that the facility is a quality tourist facility for tourism signing purposes from Visit England, Discover Rutland, Trade Association or any other body currently recognised by Rutland County Council as representing standards in the particular field of tourism.
- B. The applicant shall provide evidence of over 10,000 visitors over the last year
- C. The applicant shall provide evidence that appropriate steps have been taken during the 12 months prior to the application, to publicise the facility to tourists and informing them of the route to it. There should normally be copies of the tourism publicity brochures, detail of where they have been distributed or copies of advertisements that have been published in the tourism media.

For a newly established facility, the applicant shall supply details of their proposed publicity that is to be carried out in regard specifically to tourists. Rutland County Council reserves the right to refuse applications for new venues where insufficient tourism publicity is proposed.

- D. The establishment must show and provide evidence that over 50% of its customers are from outside the area (ie. more than 20 miles away), that there is a proven need for signs to enable tourists to find it and that the establishment is of significant value to the local tourist market. In cases where doubts exist as to whether these conditions are met, the applicants must carry out, at their own expense, a survey of customers to determine what proportion of customers are coming from outside the area and what problems were encountered in finding it. The survey shall be carried out over a period of seven consecutive days when the facility is open.
- E. The applicant shall confirm in writing that he/she will not erect any unauthorised advertisement signs, and/or will remove any existing unauthorised signs relating to the facility.
- F. For vehicular signing, adequate on-site parking must normally be available. Where off-site parking is provided, this must be within a reasonable distance of the attraction. Signing to other car parks within a reasonable distance of the facility may be agreed subject to the applicant providing written confirmation from the owner of the car park that this is acceptable. It is suggested that up to 200 metres would normally be considered to be a reasonable distance from the car park to the facility.
- G. The facility shall have sufficient amenities for people with disabilities to enable them to make adequate use of the facility.
- I. The facility shall have sufficient amenities for families with children of all ages to enable them to make adequate use of the facility.
- J. The facility shall comply with all relevant legislation, eg. valid fire certificates and health inspections, and if required shall supply evidence.
- K. The applicant shall agree to reimburse Rutland County Council the costs involved in the processing of the application, the investigation of and design of the signs, and the provision and erection of the signs that are agreed by the Council.

The cost of determining the application shall be in accordance with RCC fees and charges, payable at the time of submitting the formal application and will not be reimbursed if the application is not successful.

The cost of investigating the designing of the signs shall be in accordance with RCC fees and charges for each sign which is requested or which is considered appropriate by Rutland County Council, whichever number is the greater (this design fee will be payable in advance, with any outstanding balance being paid before instructions for the works are issued).

The cost of the provision and erection of the signs is extra and will vary for each application and will be determined after the detailed design has been carried out. The applicant must pay for the provision and installation of the signs prior to the placing of a Works Order with our Contractor.

In addition, payment will be required in advance for cleaning the signs. This payment will be in accordance with RCC fees and charges for each sign and will cover a two year period. The applicant will be contacted after the two year period has elapsed with regard to the continuation of the signs and a further payment for the future cleaning.

- L. There is the provision within the regulations for the applicant to arrange for the provision of the signs through a signing contractor. In such instances, Rutland County Council requires that the work shall be carried out to its specification and satisfaction and will charge in accordance with RCC fees and charges per sign for the checking of the contractor's design and actual erection work. (This is in addition to the application fee that will already have been paid). The applicant's and/or contractor's design work will include the liaison with the local Parish Councils and the relevant trade organisations in order to determine whether or not the signing for other neighbouring attractions and facilities need to be taken into account. Copies of all the consultation documents shall be forwarded to Rutland County Council at the time of the submission of the signing scheme.
- M. In all cases, the Council's maintenance obligations will only include for routine inspection and washing (see paragraph J above). All costs incurred with regard to repairs to the signs, howsoever the need for those repairs came about, will be the responsibility of the applicant (these costs will take into account any money that may have been previously recovered from those people responsible for the damage). The applicant's financial responsibility could include repairs/replacement due to accident damage, vandalism, theft and making safe for other users of the highway.

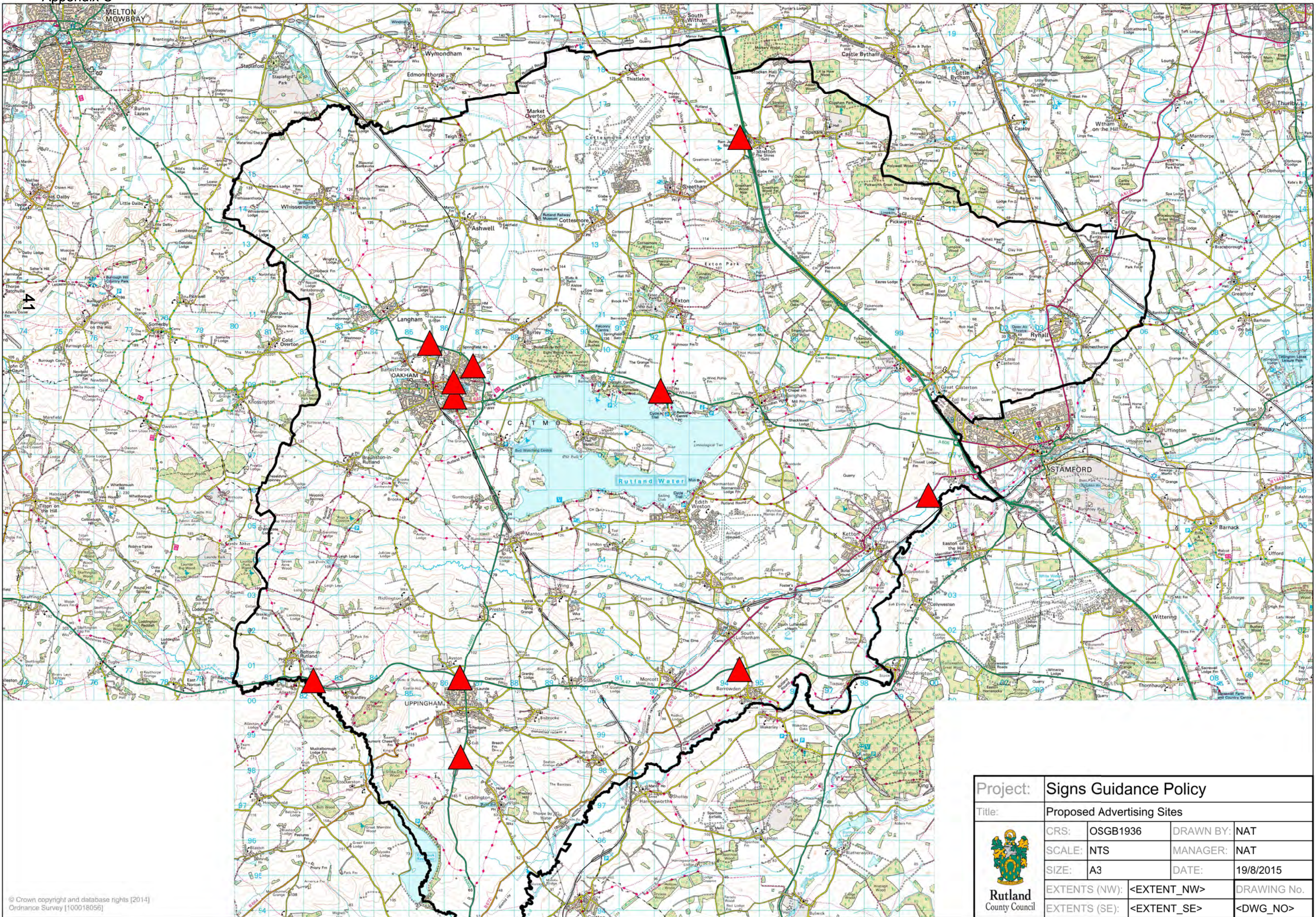
#### Additional Requirements for Different Types of Facility

1. **Hotels and Other Serviced Accommodation** – only inspected serviced accommodation will be considered for tourism signs. Examples of inspection schemes include Visit England, AA, and RAC. Applicants shall provide written confirmation of their grading and a copy of their current membership documentation.
2. **Self-catering Accommodation** – these will not normally be eligible because customers tend to have to book in advance. However, there may be instances where, for traffic management reasons, some of the larger establishments, for instance, holiday centres and parks may be eligible in view of the numbers of day visitors that they attract. Visit England and British Graded Holiday Park Schemes are examples of inspection schemes, and

applicants shall provide written confirmation of their grading and a copy of their current membership documentation.

3. **Public Houses** – the establishment shall be open at least six hours per day (including times during the day when tourists are likely to be visiting the area), six days a week for at least six months of the year and customers should normally be able to obtain a meal without pre-booking. The establishment shall provide a full menu including a la carte.
4. **Cafes/Take Away Food Outlets** – the establishment shall be open at least six hours per day (including times the day when tourists are likely to be visiting the area), six days a week for at least six months of the year and customers shall be able to obtain a meal without pre-booking.
5. **Recreational Facilities** – the establishment shall not have any limitations on use that is based upon any form of membership only or is dependent upon pre-booking. The establishment shall have amenities to enable tourists to have a meal and other refreshments at the times when they are likely to be visiting the area.
6. **Cinemas** – the establishment shall not have any limitations on use which requires pre-booking.
7. **Retail Outlets** – the outlet shall normally provide amenities or features that are aimed specifically at tourists.
8. **Camping and Caravan Sites** – only inspected sites and those sites with at least 20 pitches for casual overnight use are eligible and the site must be licensed under the Caravan Sites and Control of Development Act 1060 and/or the Public Health Act 1036. The British Graded Holiday Parks Scheme is an example of an inspection scheme, and applicants shall provide written confirmation of their grading and a copy of their current membership documentation of the inspection scheme.
9. **Youth Hostels** – those managed by the YHA may be granted tourist signing. Exceptionally those managed by other national bodies and open to the public without prior booking may be signed, but without the YHA symbol.
10. **Tourist Information Centres** – only those centres that meet the appropriate standards laid down nationally by Visit England and recognised by the Regional Tourist Board will be eligible for signs.





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# Outdoor advertisements and signs: a guide for advertisers





# **Outdoor advertisements and signs: a guide for advertisers**

June 2007  
Department for Communities and Local Government

Department for Communities and Local Government  
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## Outdoor advertisements and signs: a guide for advertisers

### Advertisement control

This booklet, prepared by Communities and Local Government, aims to explain to everyone who wants to display an outdoor advertisement how the system of advertisement control works in England.

Because you may find the system quite complicated at first, the booklet is arranged in separate sections and there are numerous illustrations which may show you how the system affects the type of advertisement you want to display.

The main sections in the booklet explain:

- How the advertisement control system works
- What advertisements are normally permitted
- What advertisements need specific permission and how to obtain it
- How planning authorities may control the display of advertisements in some special cases is explained in the Appendix.

**This booklet is intended only to give advice. It does not state the law.**

## Outdoor advertisements and signs: a guide for advertisers

### How the Advertisement Control System Works

#### Regulations for England

The advertisement control system in England consists of rules made by the Secretary of State, which is part of the planning control system. The present rule is the Town and Country Planning (Control of Advertisements) Regulations 2007 which has been in force since 6 April 2007.

If you need a copy of these rules, you can buy one from your nearest Stationery Office bookshop; you should ask for *Statutory Instrument 2007 No 783*. There is also an official Circular and Planning Policy Guidance Notes, produced by Communities and Local Government, which you may find helpful. You should ask for *Communities and Local Government Circular No 03/2007 and DOE Planning Policy Guidance (PPG) Note No 19*.

#### Who controls outdoor advertisements?

Throughout England, local planning authorities are responsible for the day-to-day operation of the advertisement control system, and for deciding whether a particular advertisement should be permitted or not. For this purpose the local planning authority for your area will normally be the district council, the County Council or the London borough council if you live in the Greater London area. But there are two exceptions to this arrangement:

- if your advertisement is to be displayed in any National Park, the planning authority is the National Park authority, or if it is to be displayed within the Broads area then the planning authority is the Broads authority;
- if your advertisement is to be displayed in an urban development area, the planning authority normally is the Urban Development Corporation for that area.

If the planning authority refuse consent for your advertisement, or require you to remove an existing advertisement, you have a right to appeal against their decision. In England, this appeal is to the Secretary of State. The operation of the appeal system is described below.

#### What is an 'advertisement'?

The advertisement control system covers a very wide range of advertisements and signs including:

- posters and notices
- placards and boards
- fascia signs and projecting signs
- pole signs and canopy signs
- models and devices
- advance signs and directional signs
- estate agents' boards
- captive balloon advertising (not balloons in flight)
- flag advertisements
- price markers and price displays

- traffic signs
- town and village name-signs

Memorials and railway signals are not regarded as advertisements

### Three different groups of outdoor advertisement

To enable you to understand more easily whether you need the planning authority's permission for the outdoor advertisement you want to display, this booklet divides all advertisements into three main groups, which are explained in more detail later on. These groups are:

- advertisements which the rules exclude from the planning authority's direct control;
- advertisements for which the rules give a 'deemed consent' so that the planning authority's consent is not needed, provided your advertisement is within the rules (see page 10); and
- advertisements for which the planning authority's 'express consent' is always needed.

### Three areas where special rules apply

Because there are some places in our cities and towns and many parts of the countryside in England which are especially vulnerable to the visual effects of outdoor advertisements, all planning authorities have three special powers which enable them to achieve a stricter control over advertisements than they can achieve in the ordinary way. These powers are:

1. to define an Area of Special Control of Advertisements;
2. to remove from a particular site or a defined area the benefit of the deemed consent normally provided by the rules; and
3. to require a particular advertisement, or the use of a site for displaying advertisements, to be discontinued.

The way in which the planning authority propose to use the first and second of these powers must be formally approved by the Secretary of State before it is effective; and there is a right of appeal to the Secretary of State against the planning authority's use of the third power (a 'discontinuance notice').

### The 'standard conditions'

All outdoor advertisements must comply with five 'standard conditions'. They must:

- be kept clean and tidy
- be kept in a safe condition
- have the permission of the owner of the site on which they are displayed (this includes the Highway Authority if the sign is to be placed on highway land)
- not obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport
- be removed carefully where so required by the planning authority.

## Outdoor advertisements and signs: a guide for advertisers

### Advertisements Which are Normally Permitted

#### Conditions for display without application

An outdoor advertisement is permitted for display without the planning authority's specific consent if:

- the effect of the rules is to exclude it from direct control; or
- it comes within the provisions of one of the 14 classes of deemed consent specified in the rules.

If your advertisement is not permitted in either of these ways, you must first obtain the planning authority's consent before you display it.

The description of advertisements which follows may not include all the conditions and limitations which apply to a particular class, and you are advised to consult the Regulations for all these details.

#### Advertisements which are excluded from direct control

There are 9 different classes of advertisement which are excluded from the direct control of the planning authority provided certain conditions are fulfilled. These categories are:

1. Advertisements displayed on enclosed land. These would include advertisements inside a railway station forecourt, or inside a bus station or sports stadium or shopping mall (see illustrations 1 and 2 [↓↗](#)).



1



Advertisements which are normally permitted



2. Advertisements displayed on or in any vehicle or vessel which is normally moving (see illustrations 3 and 4↓↘).



**Outdoor advertisements and signs: a guide for advertisers**

3. Advertisements which are an integral part of a building's fabric (see illustration 5↓).
4. Advertisements in the form of price tickets or markers, trade-names on branded goods, or displayed on petrol pumps or vending machines. These advertisements must not be illuminated, nor exceed 0.1 square metres in area. Examples are shown in illustrations 6 and 7.↙↓
5. Advertisements relating specifically to a pending Parliamentary, European Parliamentary, or local government election or a referendum. These advertisements must not be displayed more than 14 days after the close of the poll.
6. Advertisements required by any Parliamentary Order, or any enactment, to be displayed.
7. Traffic signs. Any traffic sign (as defined in section 64(1) of the Road Traffic Regulation Act 1984).
8. A national flag of any country, the flag of the European Union, the Commonwealth, the United Nations, English County flags and saints' flags associated with a particular county. Any national flag may be flown, so long as it does not have anything added to the design of the flag or any advertising material added to the flagstaff.





8

9. Advertisements displayed inside a building. These advertisements must not be illuminated or displayed within one metre of any window or other external opening through which they can be seen from outside the building (see illustrations 8 and 9↑↓).



9

## Outdoor advertisements and signs: a guide for advertisers

### Classes of advertisement benefiting from deemed consent

The rules enable certain 'specified classes' of advertisement to be displayed without application being made to the planning authority. There are 14 such classes of outdoor advertisement, each with its own particular conditions. So the practical effect is that the number of advertisements in that class, their size and duration of display, are limited for each deemed consent. There are also stricter rules for the display of deemed consent advertisements in any Area of Special Control of Advertisements. **Provided that the particular advertisement you propose to display conforms entirely to all the relevant provisions of its own class**, you do not need the planning authority's consent to display it. If you are in any doubt whether your advertisement benefits from deemed consent, you would be well advised to consult the planning authority before you display it.

#### Class 1 : 'functional advertisements' by public bodies

Advertisements in Class 1 are those which are needed by public bodies (such as government departments and local authorities, the public utilities and public transport operators) to give information or directions about the services they provide. These would include:

- a notice-board at a municipal swimming pool
- a bus or rail timetable
- a warning notice at an electricity sub-station
- the display of bye-laws for a recreation ground or common land.

Two examples of advertisements in Class 1 are shown in illustrations 10 and 11. ↙↓



Advertisements must not exceed 1.55 square metres in area and a reasonable degree of illumination is allowed to enable the information or directions to be read in hours of darkness.

A local planning authority may display advertisements in their own administrative area.

### Class 2: miscellaneous advertisements on any premises

Class 2 gives consent for a wide variety of small notices and signs to be displayed on the premises or buildings to which the notice or sign relates. Class 2 is divided into three separate categories, (A), (B) and (C), each with its own provisions for deemed consent.

**Class 2(A)** permits notices or signs to be displayed on buildings or land as a means of identification, direction or warning. These would include:

- the street number or name of a dwelling-house
- a field-gate sign saying *'Please shut the gate'*
- a warning notice saying *'Beware of the dog'*
- a private sign saying *'No parking please'*.

Advertisements in Class 2(A) must not exceed 0.3 of a square metre in area. Illumination is not allowed. Two examples of advertisements in this area are shown in illustrations 12 and 13. ↓ ↘



**Outdoor advertisements and signs: a guide for advertisers**

**Class 2(B)** permits notices or signs to be displayed on any premises for the purpose of advertising the fact that a person, partnership or company is carrying on a profession, business or trade at those premises. These would include:

- a brass plate outside a doctor's surgery
- a notice-board displaying the names of individuals in a partnership
- the name of a company operating from the premises.

An advertisement in Class 2(B) must not exceed 0.3 of a square metre in area, but if there is more than one entrance to the premises on different road frontages, two advertisements of 0.3 of a square metre each may be displayed (on a separate frontage), as in illustrations 14 and 15. ↙ ↓





16

**Class 2(C)** permits notices or signs which relate to:

- any religious, educational, cultural, recreational, medical or similar institution; or
- any hotel, inn or public house, block of flats, club, boarding-house or hostel;

provided that the advertisement is displayed at the premises and does not exceed 1.2 square metres in area. If there is more than one entrance to the premises on different road frontages, two advertisements of 1.2 square metres each may be displayed (each on a separate frontage). Two examples of advertisements in this class are shown in illustrations 16 and 17.↑↓



17

## Outdoor advertisements and signs: a guide for advertisers

Any advertisement in Class 2B and 2C may be illuminated, with deemed consent, **if the illumination is intended to indicate that medical or similar services or supplies are available at the premises.** But no letters, figures, symbols or similar features included in the advertisement in Class 2 may be over 0.75 of a metre in height, or 0.3 of a metre in height if the premises are in any Area of Special Control of Advertisements.

### Class 3: Temporary Advertisements

Class 3 gives consent for a wide variety of notices and signs which are usually displayed to publicise a forthcoming event, or to advertise a short-term use of the advertisement site. Class 3 is divided into six separate categories – (A), (B), (C), (D), (E) and (F) – each with its own provisions for deemed consent.

**Class 3(A)** permits boards to be displayed by such firms as estate agents, chartered surveyors, auctioneers and valuers, advertising that land or premises are for sale or to let. The advertisement board for each sale or letting must not exceed, if the sale or letting is for agricultural, industrial or commercial use or development for such use, 2 square metres; but, if two boards are joined together to form a single advertisement, a *total* surface area of 2.3 square metres is permitted. If the sale or letting is for residential use or development, the advertisement board must not exceed 0.5 of a square metre, or a total area of 0.6 of a square metre for two joined boards. No advertisement board is allowed to extend outwards from the wall of a building by more than 1 metre. In each case only one board may be displayed on premises and this must be removed not later than 14 days after completion of the sale or granting of the tenancy.

Two examples are shown in illustrations 18 and 19. ↙↓



18



19



**Class 3(B)** permits advertisements to be displayed announcing that there is to be a sale of goods or livestock on land or premises which are not normally used for commercial purposes. These would include:

- an auction sale of house-contents at the house
- a sale of livestock on farm premises.

The advertisement board or notice must not exceed 1.2 square metres at the place where the advertised sale is to be held.

**Class 3(C)** permits firms or individuals who are carrying out building, engineering or construction work to advertise the fact at the site. One firm or individual may display their own advertisement board, provided it does not exceed 2 square metres; but if all those engaged on the contract rely on a single advertisement board, it can have a total area of 2 square metres, plus a further 0.4 of a square metre for each additional firm or person mentioned on the board.

Additionally, if the development project is known by a particular name, the size of the advertisement board may be increased to enable the name to be displayed. When this type of advertisement board is more than 10 metres away from a highway, it can have a total area of 3 square metres, plus a further 0.6 of a square metre for each additional firm or person mentioned on it. If the board is already being displayed, so that it is impracticable or inconvenient to add another name to it, any other firm, contractor or individual working at the site may display their own separate board for up to three months, provided that it is no larger than 0.5 of a square metre on each road frontage to the site of the project. Class 3(C) permits this type of advertisement board only during the time when the building, engineering or construction works are actually taking place on site. An example of Class 3(C) is shown in illustration 20.↓



## Outdoor advertisements and signs: a guide for advertisers

**Class 3(D)** permits temporary notices or signs which are intended to advertise any local event being held for charitable purposes, which may be religious, educational, cultural, political, social or recreational, but not for any commercial purpose. This permission would include an advertisement for:

- a church bazaar
- a fete for a parent-teacher association
- a sponsored marathon in aid of charity
- an amateur sports event, but not any sporting event organised for commercial purposes.

The advertisement permitted by Class 3(D) must not exceed 0.6 of a square metre.

**Class 3(E)** permits temporary notices or signs advertising that a demonstration of agricultural methods or processes is taking place on the land where they are being displayed. The total area of all such notices must not exceed 1.2 square metres in aggregate and no individual notice is to exceed 0.4 of a square metre. They may be displayed only for a period of six months in any year.

**Class 3(F)** permits temporary notices or signs announcing the visit of a travelling circus or fair. These advertisements must not be displayed more than 14 days before the opening of the circus or fair and must be removed within seven days afterwards. The local planning authority must be told 14 days beforehand of the sites of the notice. The notice or sign must not exceed 0.6 of a square metre.

Advertisements permitted by Class 3 **must not**:

- have any letters, figures, symbols or similar features of the design over 0.75 of a metre in height, or 0.3 of a metre in height if they are in any Area of Special Control;
- have the highest part of the advertisement at more than 4.6 metres above ground-level, or 3.6 metres in any Area of Special Control (except for estate agents' boards, in Class 3(A), advertising a sale or letting of premises situated in a building above these specified height limits); or
- be illuminated in any circumstances.

And, if a Class 3 advertisement relates to a sale or event, **it must not be displayed more than 28 days before the sale or event begins and must be removed within 14 days after it ends.**

### Class 4: illuminated advertisements

Class 4 permits the display of advertisements with either internally illuminated letters or characters on an unilluminated background or lit by 'halo' illumination.

An advertisement permitted by Class 4:

- **must not** have any intermittent light source, moving feature, animation or exposed cold cathode tubing;

## Advertisements which are normally permitted

- **must not** have more than one such fascia panel and one projecting at right angles;
- in the case of a shop, **may only** be displayed on the wall with a shop window;
- **must be at least** 2.5 metres high at its lowest point;
- if a fascia panel, **must not** extend more than 0.25 of a metre from the wall;
- if a projecting sign, **must not** exceed 0.25 of a metre between the two sides.

Class 4 does not extend to any premises in a Conservation Area, Area of Outstanding Natural Beauty, National Park, the Broads, or Area of Special Control of Advertisements.

**Class 4(A)** permits internally or 'halo' illuminated advertisements on premises within a retail park but only on a frontage which faces or overlooks a communal car park. A projecting sign on these premises must not exceed 1 square metre, project more than 1 metre from the wall or be more than 1.5 metres high. An example is shown in illustration 21.↓



## Outdoor advertisements and signs: a guide for advertisers

**Class 4(B)** permits internally or 'halo' illuminated advertisements on other business premises (see Class 5 below) if they relate wholly to the business or name or qualifications of the person carrying on the business or the goods sold or services provided. A projecting sign must not exceed 0.75 of a square metre in area, project more than 1 metre from the wall, exceed two-thirds of the width of any pavement below it, or be more than one-sixth of the frontage measured to the top of the advertisement. An example is shown in illustration 22.↓

Maximum levels of luminance are detailed in the Regulations.



### Class 5: advertisements on business premises

Class 5 gives consent for a wide variety of notices, signs and advertisements to draw attention to any commercial services, goods for sale, or any other services available at the premises where the advertisement is being displayed. 'Business premises' means any building in which a professional, commercial or industrial undertaking is being carried on, or any commercial services are being provided for the public. This term would include:

- office buildings
- banks and building societies
- shops and shopping arcades
- supermarkets and hypermarkets
- theatres, cinemas and dance-halls
- bingo halls and amusement arcades
- vehicle showrooms and garages
- privately owned factories and works
- restaurants and cafes.

The advertisement must be displayed on the exterior of the building (see illustration 23↓).



Class 5 is not intended to permit all forms of outdoor advertising on any business premises; **it only permits advertisements for the goods or services available at the particular premises.** This means advertisements which refer to:

- the business or other activity at the premises;
- the goods for sale or the services available; and/or
- the name and qualifications of the firm or person providing the service in the premises.

An advertisement permitted by Class 5 **must not:**

- have any letters, figures, symbols or similar features in the design over 0.75 of a metre in height, or 0.3 of a metre in height if they are in any Area of Special Control of Advertisements;
- have its highest part at more than 4.6 metres above ground-level, or 3.6 metres in any Area of Special Control of Advertisements;
- have its highest part above the level of the bottom of the first-floor window in the wall where the advertisement is;
- be illuminated, unless the illumination is intended to indicate that medical or similar services or supplies are available at the premises; and
- if the premises are in any Area of Special Control of Advertisements, exceed in area 10 per cent of the external face of the building, measured up to a height of 3.6 metres above ground-level.

Additionally, if the business premises is a shop, an advertisement may be displayed only on an external wall which has a shop window in it.

## Outdoor advertisements and signs: a guide for advertisers

### Class 6: advertisements on forecourts of business premises

When business premises have a forecourt (or more than one), Class 6 gives a further consent to display the type of advertisement permitted by Class 5, namely notices, signs and advertisements to draw attention to any commercial services, goods for sale, or other services available at the premises. The term 'forecourt' includes any enclosing fence, wall, screen or other structure, so long as the means of enclosure is not part of the business premises itself. So a forecourt would include:

- the enclosed area in front of a newsagents or tobacconist's shop;
- the area at a petrol filling station where pumps are situated;
- a terrace in front of a restaurant or cafe.

A forecourt does not include the area of pavement in front of business premises which forms part of the highway.

Because Class 6 permits advertisements on the forecourt of business premises, any such notices, signs or advertisements must be at ground-level. And the total permitted area for all forecourt advertisements must not exceed 4.6 square metres on *each* forecourt frontage to the premises. So a building with two forecourt frontages may have advertisements not exceeding 9 square metres in all, provided that those on each frontage do not exceed 4.6 square metres. Forecourt advertisements must not be illuminated in any circumstances. Two examples are shown in illustrations 24 and 25. ↓ ↓



### Class 7: flag advertisements

Class 7 permits some flag advertisements. (This deemed consent has no effect upon any display of the national flag of any country – see number 8 on page 8). **Class 7(A)** permits an advertisement to be displayed as a flag, on one flagstaff, fixed upright on the roof of a building. There is no height limit for this consent, but the flag itself may only have on it the name, emblem, device or trademark of the company or person occupying the building, or refer to a specific event of a limited duration taking place in the building. So flags are not permitted to advertise products, unless they have the planning authority's specific consent.

**Class 7(B)** permits the display of advertising flags at housebuilding sites and where new houses remain available for sale, **except in a National Park, Area of Outstanding Natural Beauty, Conservation Area, the Broads or Area of Special Control of Advertisements**. The rules for Class 7(B) are:

- each flag must be on a single vertical flagstaff;
- a site where 10 houses or less are built may have one flag, 11 to 100 houses may have two flags, and over 100 houses may have three flags;
- the flagstaffs must not exceed 4.6 metres high;
- the flags must not exceed 2 square metres in area;
- the flags and flagstaffs must be removed at the end of one year after construction of the last house is completed.

There are special arrangements for sites being developed in phases or by more than one housebuilder. An example is shown in illustration 26.↓

26



## Outdoor advertisements and signs: a guide for advertisers

### Class 8: advertisements on hoardings around temporary construction sites

Class 8 permits the display, **for three years only**, of poster-hoardings which are being used to screen building or construction sites while the work is being carried out on site. The purpose of this consent is to bring about some environmental benefit on building sites, by enabling screening (and perhaps also temporary landscaping) of the site to take place, thus providing the advertisers with some financial incentive for this purpose. But the benefit of Class 8 is **not available in any National Park, Area of Outstanding Natural Beauty, Conservation Area, the Broads, or Area of Special Control of Advertisements**. Outside those designated and defined areas, this consent is limited to land being developed for commercial, industrial or business use, and is *not* available for any residential development.

Advertisements permitted by Class 8 **must not**:

- be displayed more than three months before the date on which the building or construction works actually start;
- be more than 38 square metres in area
- be more than 4.6 metres above ground level
- be displayed for more than three years.

Additionally, the advertiser must send written notification to the planning authority of his intention to display such an advertisement at least 14 days before the display starts, and provide a copy of the detailed planning permission for the site.

These advertisements may be illuminated in a manner reasonably required to fulfil the purpose of the advertisement. An example is shown in illustration 27.↓





**Class 9: advertisements displayed on purpose-designed highway structures**

Class 9 enables the smallest standard size of poster-panel (known as four-sheet) to be displayed on structures or objects placed on highway land with the local council's approval, under the Highways Act 1980 (section 115E). The rules for Class 9 are:

- the structure, such as a bus shelter or information kiosk, must be purpose-designed for displaying this size of poster-panel;
- the poster-panel must not exceed 2.16 square metres in area; and
- no illumination is permitted. An example is shown in illustration 28.↓

**Class 10: properly authorised signs for approved Neighbourhood Watch and similar schemes**

Class 10 enables outdoor signs for a closed circuit television surveillance scheme or a Neighbourhood Watch and other Watch schemes, jointly established by a local Watch committee and the police authority, to be displayed on, or near, highway land, saying that a Watch scheme is in operation in the area. This is also intended to include Home Watch, Crime Watch, Farm Watch and Industrial Watch schemes set up jointly with the police authority. The rules for Class 10 are:

- signs must not exceed 0.2 of a square metre in area;
- no sign may exceed 3.6 metres above ground level;
- for signs on highway land, the highway authority's permission *must* first be obtained;
- 14 days before any sign is put up, the local planning authority must be told where it is to be displayed and assured that it is properly authorised by the police and (if necessary) the highway authority; and
- if the police or highway authority withdraw their approval, or the Watch scheme ceases to operate, the signs must be removed within 14 days.

## Outdoor advertisements and signs: a guide for advertisers

### Class 11: directional advertisements

Class 11 permits housebuilding firms to put up temporary directional signs, telling potential housebuyers and other visitors how to reach a site where new residential development is taking place. The rules for Class 11 are:

- signs **must not** exceed 0.15 of a square metre in area;
- **no sign may** exceed 4.6 metres above ground level, or 3.6 metres in an Area of Special Control of Advertisements;
- any lettering or other information on the sign **must not be less than** 40 millimetres or more than 250 millimetres high;
- retroflective material and illumination **must not** be used;
- the sign **must not** look like an official traffic sign;
- the sign **must** be near to, but not on, highway land and not within 50 metres of an official traffic sign facing in the same direction;
- **no sign may** be more than two miles from the main entrance to the housebuilding site;
- 14 days before any sign is put up, the local planning authority **must be** told where it is to be displayed and from what date; and
- **no sign may** continue to be displayed after development of the housebuilding site is completed; or for more than two years.

An example is shown in illustration 29.↓



**Class 12: advertisements displayed inside buildings**

Class 12 permits advertisements to be displayed inside a building if;

- they are illuminated (for example, a sign in the window of a chemist's shop);
- the building is mainly used to display advertisements; or
- the advertisement is within one metre of any window or other external opening through which it can be seen from outside the building.

**Class 13: advertisements on sites used for the preceding ten years for displaying advertisements**

Class 13 allows advertisements to be displayed on a site that has been used continually for the preceding ten years for the display of advertisements. Class 13 does not permit any substantial increase in the extent, or alteration in the manner, of the use of the site or the display of the advertisement.

**Class 14: advertisements displayed after the expiry of express consent**

Class 14 permits the continued display of advertisements for which the permitted period of express consent (usually five years) has expired and for which the planning authority has not forbidden any further display of that advertisement, or refused an application for its renewed display.

**Class 15: Captive balloons advertisements**

One balloon advertisement may be displayed if it is:

- not more than 60 metres above the ground;
- not displayed for more than 10 days in any calendar year; and
- not in any Area of Special Control of Advertisements, National Park, Area of Outstanding National Beauty, Conservation Area or the Broads.

Although captive balloon advertisements displayed at a height of more than 60 metres above ground level may be displayed, they are subject to the civil aviation controls over all forms of aerial advertising, and you must obtain the Civil Aviation Authority's consent before you fly any balloon at a height of more than 60 metres.

**Class 16: advertisements on telephone kiosks**

Class 16 allows the display of an advertisement on the glazed surface of a telephone kiosk, other than a kiosk of type K2 (1927) or K6 (1935) designed by Giles Gilbert Scott.

- No advertisement may be displayed in an Area of Outstanding Natural Beauty, a Conservation Area, a National Park, the Broads or an Area of Special Control of Advertisements.
- Illumination is not permitted.
- With the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.
- Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.

## Outdoor advertisements and signs: a guide for advertisers

### Advertisements Which Need Specific Permission, and How to Obtain it

#### Express consent

If an advertisement you want to display is not excluded from control, and does not benefit from any of the provisions for deemed consent, you need the planning authority's express consent before you can display it. Some frequently displayed types of advertisement for which you need the planning authority's consent are:

- virtually all posters
- some illuminated signs
- fascia signs and projecting signs on shop-fronts or business premises where the top edge of the sign is more than 4.6 metres above ground level
- most advertisements on gable-ends.

#### How to obtain advertisement consent

To obtain consent to put up an advertisement or sign you will need to apply to the planning authority for the area where it will be displayed. Most planning authorities provide a standard application form, which you can obtain from the local Council's Planning Department. Electronic standard application forms are available from the Planning Portal via the following link: [www.planningportal.gov.uk](http://www.planningportal.gov.uk). In addition to the completed application form, illustrative plans and drawings are required; and you will have to pay the appropriate charge for the advertisement application. The tariff of charges is related to the type of advertisement involved in the application, and the amounts are reviewed annually. Information about current charges is given on the application form, or can be obtained from the Planning Department's area office.

#### How your application for consent is decided

Your application for consent to display an advertisement will usually be decided by the Planning Committee of the district council or London borough council, for the site where the advertisement is to be displayed. Alternatively, the Planning Committee may have delegated this responsibility to an officer of the Council's Planning Department. In deciding whether to approve your application, the planning authority may consider only two issues; these are described in the rules as the interests of amenity and public safety. Many planning authorities have formulated and adopted advertisement control policy statements, indicating what detailed considerations they regard as relevant to their decisions on advertisement applications. The statements often indicate the circumstances in which advertisements are likely to be permitted or refused. But while a relevant policy statement will be a material factor in deciding your advertisement application, it should not be the only decisive factor because the planning authority must always have regard to the circumstances of each individual advertisement application.

#### What do 'amenity' and 'public safety' mean?

The terms 'amenity' and 'public safety' are not defined in detail in the advertisement control rules, although advice on these terms is given in

## Advertisements which need specific permission, and how to obtain it

*Circular 03/2007* and *PPG 19*. Each planning authority (and the Secretary of State on appeal) must interpret what is meant by these expressions as they apply in particular cases. In practice, 'amenity' is usually understood to mean the effect upon visual and aural amenity in the immediate neighbourhood of displaying the advertisement, or using an advertisement site, where passers-by, or people living there, will be aware of the advertisement. So in assessing amenity, the planning authority will always consider the local characteristics of the neighbourhood. For example, if your advertisement will be displayed in a locality where there are important scenic, historic, architectural or cultural features, the planning authority will consider whether it is in scale and in keeping with these features. This might mean that the planning authority would refuse consent for a large poster-boarding which would visually dominate a group of 'listed' buildings. But where there are large buildings and main highways, for example in an industrial or commercial area of a major city, the planning authority may grant consent for large advertisements which would not adversely affect visual amenity in the neighbourhood of the site. Two examples are shown in illustrations 30 and 31.↓



## Outdoor advertisements and signs: a guide for advertisers

It also means aural amenity, so any noise the advertisement makes will be taken into account before express consent is given.

If you are in doubt whether an advertisement needing specific consent will be acceptable on grounds of amenity, staff in the local authority's Planning Department will usually advise you informally before you submit an application formally to them. Among amenity considerations the authority must not include the content or subject-matter of an advertisement, nor whether an advertisement would offend public decency, or moral values. These factors are controlled by a voluntary 'code of conduct' supervised by the Advertising Standards Authority.

'Public safety' means the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air. So, for this purpose, the planning authority must assess the likely effects of your advertisement in relation to such matters as the behaviour of drivers, possible confusion with any traffic sign or signal, or possible interference with a navigational light or aerial beacon. But the planning authority will assume that all advertisements are intended to attract people's attention, so that the advertisement you want to display would not automatically be regarded as a distraction to passers-by in vehicles or on foot. What matters is whether your advertisement, or the spot where you propose to site it, will be so distracting or so confusing that it creates a hazard for, or endangers, people who are taking reasonable care for their own and others' safety. When they are considering 'public safety' factors for your advertisement, the planning authority will normally consult other relevant bodies, for example the highway authority if your advertisement is alongside a major road.

### What happens after the authority's decision?

If the planning authority have granted consent for the display of your advertisement, the consent usually lasts for five years. But the authority may grant consent for a longer or shorter period than five years; so it is worth checking, in the notification of their decision, for how long the consent will last. However, unless the planning authority have imposed a condition that your advertisement must be removed after their consent expires, you may continue to display it without making any further application, although the authority may still take 'discontinuance action' against it.

### What happens if the planning authority refuse consent?

If the planning authority refuse consent for your advertisement, or they impose a condition on their consent with which you are dissatisfied (for example, the hours for illuminating a shop fascia sign are very strictly limited), you have a right to appeal against the authority's decision to the Secretary of State (as explained in the following paragraph). You also have a right to appeal to the Secretary of State if the planning authority fail to give their decision within eight weeks of the date of your advertisement application, or within any period longer than eight weeks which you and the planning authority may have agreed. But you have no right to appeal if the planning authority tell you that they have treated your application as withdrawn because it is similar, in all relevant respects, to one on the

same site which has been refused by the Secretary of State on appeal within the preceding two years.

### How and when you can appeal to the Secretary of State

If you wish to appeal against the planning authority's decision for an advertisement site in England, your appeal must be made to the Secretary of State for Communities and Local Government. The best way to appeal is to complete the official advertisement appeal form which is available from Communities and Local Government at the following address:

#### Department for Communities and Local Government

Customer Support Unit  
Room 315, Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Tel: 0117 372 6372

Your appeal must normally be made within eight weeks of the date when you receive notification of the planning authority's decision; but the Secretary of State has discretion to allow a later appeal if she considers that the circumstances justify it. The appeal procedure is fully explained on the appeal form, and Communities and Local Government will usually be able to provide any additional advice you need. The Secretary of State's decision on an appeal is usually the final determination, on 'amenity', and 'public safety', for your advertisement application, although there is a further right to appeal to the High Court, on a point of law or if there has been a breach of natural justice.

### Illegal advertisements

Anyone who displays an advertisement, or uses an advertisement site, or knowingly permits someone else to do so, without the consent required for it is acting illegally. It is then immediately open to the planning authority to bring a prosecution in the Magistrates' Court for an offence under section 224 of the Town and Country Planning Act 1990. But, unless an offence is especially flagrant or repeated, the planning authority may not initially consider it necessary to prosecute for an advertisement offence. Instead, they may invite the advertiser to apply for the consent they believe he needs, and, if consent is refused, there will be a right of appeal to the Secretary of State.

The continued display of any advertisement after consent has been refused, and any appeal dismissed, may well result in prosecution. The maximum fine on conviction of an offence is presently £2,500, with an additional daily fine of one-tenth of the maximum penalty on conviction of a continuing offence.

It is illegal to display any advertisement (even if it has deemed consent) without first obtaining the permission of the owner of the site, or any other person who is entitled to grant permission.

**Outdoor advertisements and signs: a guide for advertisers**

Any form of fly-posting (that is, displaying an advertisement without consent) is an offence which is immediately open to prosecution, or to the removal or obliteration of any fly-posting material if the district council or London borough council decide to take remedial action against fly-posting in their area. In the case of a placard or poster, if the material identifies the advertiser displaying it, the Council must give two days' written notice of the intention to remove or obliterate it. This advance notice gives the advertiser the opportunity to contest the Council's proposed actions, but if the advertiser is not identified a placard or poster may be immediately removed or obliterated.



## Appendix: Special Controls

### Power to take away the benefit of deemed consent

The rules enable the planning authority to invite the Secretary of State to order that, in any particular area, or on any particular site, an advertisement which would normally benefit from deemed consent is not to be displayed without the planning authority's specific consent. Before making any such order, the Secretary of State must ensure that the planning authority's representations to her are publicised, so that local people and interested organisations may have an opportunity to make whatever representations they wish about the merits of the proposed withdrawal of deemed consent. She must take account of any objections to the order; and, if she does decide to make it she must give her reasons in writing for doing so.

Because the withdrawal of a deemed consent may adversely affect people's livelihoods, it will be confined to those few circumstances where it is clear to the Secretary of State that one or more of the deemed consent provisions have had such adverse effects on the environment that there is no prospect of an improvement in the quality of advertising in the locality unless the planning authority are enabled to control that particular type of advertising. Once such an order has been made by the Secretary of State, the class of deemed consent to which the order relates is no longer available to advertisers after a specified date.

### Power to take 'discontinuance action'

The rules enable the planning authority to take discontinuance action against any advertisement, or the use of any advertisement site, which normally has the benefit of any of the categories of deemed consent. Action to serve a 'discontinuance notice' may be taken only if the planning authority are satisfied it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public.

When the planning authority decide to take discontinuance action they must ensure that a copy of their discontinuance notice reaches the advertiser and the owner and occupier of the site on which the advertisement in question is displayed. The discontinuance notice must state:

- the advertisement or advertisement site whose display or use is to stop;
- the period within which the display or use must stop;
- the reasons why the planning authority consider that the display or use should stop; and
- the effective date of the notice (not less than eight weeks after it is served).

Anyone who receives a discontinuance notice has a right of appeal against it to the Secretary of State before the specified date on which it is to take effect. The Secretary of State then considers the appeal on its own merits in the usual way. If the appeal succeeds, the discontinuance notice does not take effect; if the appeal fails, the display of advertisements, or the use of the advertisement site, must stop on the date specified in the decision on the appeal.

## Outdoor advertisements and signs: a guide for advertisers

### What is an Area of Special Control of Advertisements?

An Area of Special Control of Advertisements is an area specifically defined by the planning authority because they consider that its scenic, historical, architectural or cultural features are so significant that a stricter degree of advertisement control is justified in order to conserve visual amenity within that area. Legislation requires that Areas of Special Control are to be:

- rural areas; or
- other areas which appear to the Secretary of State to require 'special protection on grounds of amenity'.

Before any Area of Special Control defined by a local planning authority can be effective, the Secretary of State must approve it. This approval procedure ensures that nationally applicable standards are used in determining what areas are to have stricter advertisement control.

In practice, Areas of Special Control vary considerably in their extent. For example, large areas of the Lake District and the Peak District and of the counties of North Yorkshire, Norfolk, Devon and Cornwall are Areas of Special Control, as are, at the other extreme, the cathedral precinct in York, parts of Westminster and small areas in the city of Leeds. The boundary of any Area of Special Control must always be defined precisely, by reference to an Ordnance Survey base-map, so that it is possible to ascertain whether particular premises are within special control or not. For this reason, it may be worth checking exactly where the boundary is because there may be small enclaves (such as a moderately sized town) where the stricter provisions do not apply.

In any Area of Special Control of Advertisements three main categories of outdoor advertising are permitted. They are:

- public notices
- advertisements inside a building
- advertisements for which there is deemed consent.
- Additionally, the planning authority may give their specific consent in an Area of Special Control for:
  - notices about local events or activities;
  - advance signs or directional signs which are 'reasonably required' in order to direct people to the place identified by the sign;
  - an advertisement required for public safety reasons; and
  - an advertisement in any of the deemed consent classes if it is considered reasonable for the normal limits on that class to be exceeded.

The main consequence for advertisements which can be displayed with deemed consent in an Area of Special Control is that there are stricter limits on permitted height and size of the advertisement than elsewhere. These limits are explained in relation to each class of deemed consent.