

PLANNING STATEMENT

CARDIFF COUNCIL

BUS SHELTER ADVERTISING and **FREE-STANDING ADVERTISING UNIT** **CONCESSION**

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

April 2022

1. BACKGROUND

- 1.1 Following a competitive tender process, the applicant, Clear Channel UK (CCUK) has been awarded the new City-wide Bus Shelter Advertising and Free-Standing Advertising Unit (FSU) Concession by Cardiff Council. CCUK is the incumbent concessionaire so the award will see the City Council and CCUK's partnership continue.
- 1.2 Subject to Planning, the new concession will see the City-wide Bus Shelter advertising and FSU advertising estates transformed, upgraded and rationalized.

Bus Shelter Advertising estate

- 1.3 There are 137 existing Bus Shelters across the City, and the new concession will see all of the Shelters replaced. Within these Shelters, the existing Bus Shelter Advertising estate across the City comprises in the main internally illuminated 6-sheet ('classic') and a small number of digital advertising displays.
- 1.4 Under the new concession, subject to planning, the proposal is to replace a number of the existing internally illuminated 6-sheet 'classic' Bus Shelter advertising displays with digital displays. The new concession will also see a large number of the existing internally illuminated 6-sheet 'classic' displays across the City removed.

Free-Standing Advertising Unit estate

- 1.5 There are 22 existing Free-Standing Advertising Units (FSU's) located across the City, consisting of 20 single digital display FSU's and 2 internally illuminated 6-sheet 'classic' FSU's.
- 1.6 Under the new concession, subject to planning, the proposal is for 15 replacement double-sided digital FSU's. The outstanding 7 FSU's will be removed.
- 1.7 As noted, the new concession will see the Bus Shelter advertising and FSU advertising estates across the City rationalized and reduced. Each of the existing internally illuminated 6-sheet 'classic' advertising displays measures 2sq.m. The removal of 7 FSU's will therefore remove 28sq.m of internally illuminated advertising from locations across the City, delivering reasonably widespread decluttering of the public realm and associated amenity benefits.
- 1.8 As noted above, the new concession proposes a number of replacement digital Bus Shelter advertising displays, comprising a mix of double-sided and single digital displays. With the latter single digital units, the reverse side would feature a Non-advertising, non-illuminated graphic space for dedicated Council or Community content.
- 1.9 In summary, the new concession will deliver the following significant public benefits for the City Council and residents of Cardiff:
 - 1) The replacement and therefore transformation of the City's entire Bus Shelter estate;
 - 2) Transformed and also rationalized Bus Shelter and FSU advertising estates for the City;
 - 3) Significant income stream for the City Council;
 - 4) The removal of numerous existing internally illuminated 6-sheet Bus Shelter advertising displays across the City;
 - 5) The removal of 7 existing FSU's across the City;
 - 6) The Council will have access to display time on the proposed Digital displays for Council content, including important public health and emergency messaging;
 - 7) For Single digital units, the reverse side will feature a Non-advertising, non-illuminated graphic space for dedicated Council or Community content, including public street art;
 - 8) A comprehensive supply and maintenance contract for the new Bus Shelter estate, the new Bus Shelter advertising estate, and for the new FSU advertising estate.

2. DECISION MAKING FRAMEWORK

- 2.1 The Advertisement Regulations require that decisions on advertisement proposals are made in the interests of *amenity* and *public safety*, and this is reiterated in the National Planning Policy Framework. In accordance with the Regulations, development plan policies are material only insofar as they are relevant to the application but cannot by themselves be decisive in any determination.

National Planning Policy Framework (NPPF)

- 2.2 Para. 136 of the NPPF states, *"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."*

Planning Practice Guidance – Advertisements (updated July 2019)

- 2.3 This Planning Practice Guidance (PPG) states that "amenity" includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The test to be applied is whether the proposed advertisement is in scale and in keeping with these features.
- 2.4 In practice "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a proposed advertisement, where residents or passers-by will be aware of it. The PPG adds, *"This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site."*

3. AMENITY

- 3.1 Factors relevant to assessing amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural, or similar interest. In assessing the effect on visual amenity within the locality of a proposed advertisement as experienced by residents or passers-by, the test is whether the proposed advertisement is in scale and in keeping with features that characterize the locality.
- 3.2 Advertising displays integrated within street furniture, located in centres of activity and/or alongside main movement corridors, are no longer uncommon. They exist in the form of Bus Shelter 6-sheet advertising displays, as Free-standing advertising units (FSU's) and as displays integrated within Telephone Kiosks of various kinds.
- 3.3 With this suite of applications, the proposal is to change from the existing consented situation comprising internally illuminated 6-sheet 'classic' advertising displays to Digital displays, either Double-sided Digital displays or Single-sided digital displays. Therefore, it is important to weight the existing consented advertising displays in the planning assessment. These displays are established existing features within the street scene and locality, within the Conservation Area (if applicable) as existing, and/or within the

setting of any listed buildings (if applicable) as existing, that characterize the locality in question. As with the existing consented advertising displays, the replacement Digital display(s) would be contained physically and visually within the Bus Shelter or replacement FSU within the street scene, whichever is appropriate.

- 3.4 Digital displays of the kind proposed are well on the way to becoming the accepted norm in street furniture advertising in cities across the UK, and are viewed by passers-by as simply the latest evolutionary step for these established street furniture advertising structures. The proposed replacement displays would be in scale and in keeping with features that characterize the localities in question as existing, and would therefore preserve the amenity, character and appearance of the localities related to their siting.

Scale

- 3.5 The Bus Shelter applications propose replacing either existing Double-sided internally illuminated 6-sheet 'classic' advertising displays with either Double-sided Digital or Single-sided Digital displays. With the FSU's, the proposal is to replace existing Single-digital display FSU's with Double-sided Digital FSU's.
- 3.6 The existing internally illuminated 6-sheet 'classic' advertising displays each measure 1800mm H x 1200mm W with an active area per display of 2sq.m. The proposed replacement Digital displays measure 1635mm H x 924mm W with an active area of 1.5sq.m each. Therefore, the replacement digital displays would be less tall, narrower and 0.5sq.m (25%) smaller in terms of display active area compared to the existing internally illuminated 6-sheet advertising displays. In short, they would be appreciably smaller than the existing displays.

Means of illumination

- 3.7 The proposed replacement Digital displays would be Liquid Crystal Display (LCD) digital panels. This panel type represents the latest technology for outdoor signage applications and, accordingly, displays of this kind are increasingly commonplace in cities across the UK, in centres of activity and/or alongside main movement corridors. There are currently in the region of 4,000 such street furniture digital displays across the UK.
- 3.8 The replacement digital displays would portray static advertising images in sequence, changing every 10 seconds, the change occurring instantaneously. During periods of darkness, the displays operate at a set level whereby luminance does not exceed 300 cdsq.m, which is well within the levels recommended by the Institute of Lighting Professionals¹. Between midnight and 5am, the displays are turned off.

¹ Institute of lighting Professionals, Professional Lighting Guide 05, "The Brightness of Illuminated Advertisements."

- 3.9 The proposed displays have an in-built sensor system (comprising multiple sensors) which reads the ambient light level and adjusts the display luminance to that level. This means lower display luminance when ambient light levels are lower and higher display luminance when ambient light levels are higher. They therefore operate in full accordance with guidance issued by the Institute of Lighting Professionals, which states:

"Media screens that may be effective during the day are likely to exceed the night time luminance limits. They will require a system that controls luminance accordingly and takes into account any curfews, and the changing time of sunset, and dawn throughout the year."

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

London Borough of Hillingdon Appeal lead case. Ref: APP/R5510/Z/16/3157043 and Islington Appeal case Ref: APP/V5570/Z/17/3169006

- 3.11 These cases involved the same proposed LCD advertisement displays albeit housed within a telephone kiosk. Specifically, we refer to the Inspectors' findings on the digital nature of the proposed advertising displays, the same technology proposed in this case.

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

- 3.13 In the Islington case, para. 8 of the decision letter states, *"I accept that this form of display technology is increasingly common in major urban areas, and I see no reason why it should be any brighter or more intrusive than some other forms of display such as those with fluorescent lighting."*

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

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

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

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

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

3.17 See section 5 below which addresses illumination conditions.

4. PUBLIC SAFETY

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

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

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

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

4.4 In section 5 'Summary and Conclusion', the document states:

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

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

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

4.5 The OMC roadside digital code is reproduced below:

"THE CODE

- Mirroring current roadside legislation, there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays.
- The advertising copy on digital roadside billboards should not change more frequently than every 5 seconds unless consent has been granted for such displays.
- The luminance level of a digital roadside billboard shall comply with the Institute of Lighting Engineers Technical Report no 5 (2003).
- Roadside digital displays in England will conform to the five 'Standard Conditions' specified in Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, in Wales in Schedule 1 of The Town and Country Planning (Control of Advertisements) Regulations 1992, in Scotland in Schedule 1 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, and in Northern Ireland in Schedule 1 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992."

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

5. LUMINANCE CONDITIONS

- 5.1 The proposed replacement Digital displays would operate in full accordance with recommendations within the authority document on illuminated advertisements, namely 'The Brightness of Illuminated Advertisements' PLG05 2015, issued by the Institute of Lighting Professionals.
- 5.2 As noted earlier, the replacement displays have an in-built sensor system which reads the ambient light level and adjusts the display luminance to that level. This means lower display luminance when ambient light levels are lower and higher display luminance when ambient light levels are higher. During periods of darkness, the displays operate at a set level whereby luminance does not exceed 300 cdsq.m, which is well within the levels recommended by the Institute of Lighting Professionals. For displays up to 10sq.m in area, in Zone E3 Suburban and E4 Urban areas, the maximum brightness recommended in the ILP Lighting Guide at night / in darkness is 600 cdsq.m.
- 5.3 Table 4 of the ILP Lighting Guide includes recommended maximum luminance values for advertisements up to 10sq.m in area **during the night** in five zones, from Zone E0 (Protected, Dark environments) to Zone E4 (Urban, High district brightness). The relevant excerpt from Table 4 is reproduced below.

Zone	Surrounding	Lighting environment	Examples	Table 4: Maximum recommended luminance (cd/sq.m) during the night. Displays up to 10sq.m
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations	400
E3	Suburban	Medium district brightness	Small town centres or suburban locations	600
E4	Urban	High district brightness	Town/city centres with high levels of night time activity	600

- 5.4 The ILP Lighting Guide does not contain recommended maximum luminance levels for advertising displays during the day. In respect of day time operation of such displays, the Lighting Guide states:

"Media screens that may be effective during the day are likely to exceed the night time luminance limits. They will require a system that controls luminance accordingly and takes into account any curfews, and the changing time of sunset, and dawn throughout the year. The limit of luminance to be imposed as a condition of consent should be determined by relating the details of the application to Table 4 of this Report."

- 5.5 In terms of a maximum luminance during the day, the ILP Lighting Guide states, *"during daytime sign luminance should not exceed 5,000 cdsq.m."*
- 5.6 As stated above, when it comes to imposing luminance conditions, the ILP Lighting Guide states, *"The limit of luminance to be imposed as a condition of consent should be determined by relating the details of the application to Table 4 of this Report."* (which is reproduced above). This statement in the ILP Lighting Guide follows, and is based on advertising displays having a system that controls luminance during the day, which is the case with the proposed Digital displays.
- 5.7 Therefore, in accordance with the ILP Lighting Guide, luminance conditions should address proposed advertisements in darkness conditions, as addressed in Table 4 within the ILP Lighting Guide. As described earlier, during periods of darkness, the proposed Digital displays operate at a set level whereby luminance does not exceed 300 cdsq.m, which is well within the levels recommended in the ILP Lighting Guide Table 4; for displays up to 10sq.m in area in Zone E3 Suburban and E4 Urban areas, the ILP Lighting Guide Table 4 recommended maximum luminance in darkness is 600 cdsq.m.
- 5.8 During the day, in order to be effective (i.e. readily visible), the displays operate at higher luminance levels given daylight ambient light levels, which on bright, sunny days can reach 25,000+ cdsq.m. The displays have an in-

built sensor system which reads the ambient light level and adjusts the display luminance to that level. When ambient light levels are lower, the sensor system adjusts the displays to lower luminance levels. Conversely, when ambient light levels are higher (eg. on bright sunny days), the sensor system adjusts the displays to higher luminance levels to enable them to be effective (i.e. readily visible) in the higher ambient light conditions. Given that ambient light reaches high levels during the year, typically but not exclusively in the spring and summer months, it is both necessary and reasonable that at these times, when so required, the displays operate at luminance levels which enable them to be effective (i.e. readily visible) in those ambient light conditions.

- 5.9 For information, on bright sunny days, average luminance of bright colours within advertisements is around 2,500 cdsq.m. The Specification document accompanying the application states, the maximum Day time luminance for displaying full white (which is the brightest of the colour palette) is 3,500 cdsq.m. This value, which is the maximum potential luminance during daytime, is applicable only with full white imagery and only when necessary as detected by the inbuilt sensor system, that is, in very bright and sunny ambient light conditions. NB. This maximum operating value is well within the 5,000 cdsq.m daytime threshold as stated in the ILP Lighting Guide. In summary, the proposed replacement Digital displays would operate in full accordance with the authority document on illuminated advertisements, 'The Brightness of Illuminated Advertisements' PLG05 2015, issued by the Institute of Lighting Professionals.