

To be Retained by BSGA



Consultation Period: 14/4/20 **To:** 22/5/20
Development Plan: Local Development Plan 2 – Supplementary Guidance 04
“Shopfronts” - Draft
District: Falkirk Council
Relevant Policies: Passim
Or Narrative (refs): Passim

Background: This draft Supplementary Guidance Note is one of a series being published by the Council to support their policies in their new LDP. In the LDP draft submitted to Scottish Ministers, Policy PE03 stated that adverts would be refused where they were detrimental to amenity or public safety; clutter should be avoided; adverts should be sensitive to the host building in scale, design and positioning; and illumination will generally be refused outside urban limits. Advance directional signs would not generally be permitted except where required in the public interest.

We objected to the restrictions on illumination and advance directional signs and pointed out that the Regulations do not permit such arbitrary policies.

The Inspector agreed with us – in fact, he went further and stated that there should be no advertisement control policy at all, since the Regulations require control only in the interests of amenity and public safety. He recommended that Policy PE03 and supporting text be deleted entirely. This recommendation is (in Scotland) mandatory. The Council must therefore amend the Plan accordingly before adoption.

Comment: It is not clear why the Council have published this draft SG. It is clear that, since there is no longer any LDP policy on advertisements, there cannot possibly be any extra guidance to support it! We have objected accordingly.

Date sent to Council: 17/4/20 (by email)

Development Plan Monitoring

Local Development Plan Team - via LDP@Falkirk.gov.uk
Falkirk Council
Abbotsford House
David's Loan
Falkirk FK2 7YZ

17 April 2020

Dear Sir/Madam,

Falkirk Local Development Plan 2 – Consultation on Supplementary Guidance

SG04 “Shopfronts” – Draft - April 2020

These representations are submitted on behalf of the British Sign and Graphics Association (BSGA) in respect of the consultation on the above draft Supplementary Guidance.

The BSGA represents 65% of the sales of signage throughout the UK and monitors development plans throughout the country to ensure the emerging Local Plan Policies and Supplementary Guidance do not inappropriately apply more onerous considerations on advertisements than already apply within the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984 and SDD Circular 10/1984.

The preliminary note to the draft SG04 (second unnumbered page) states:

“These SGs seek to provide more detailed guidance on how particular local development plan policies should be applied in practice.”; and

“These SGs form a statutory supplement to LDP2 and are intended to expand upon planning policies and proposals contained in the proposed plan”.

Page 03 of the draft SG identifies the relevant policies in LDP2 as PE04 “Shopfronts” and PE03 “Advertisements”. So, by its own definition, the guidance is meant to offer more detailed advice on these policies.

We would, however, refer to page 282 of the Reporter’s Conclusions and Recommendations on the public inquiry into LDP2. His conclusions on Policy PE03 is that it is fundamentally unsound, misleading and unlawful to suggest that a development plan policy might exercise control over advertisements independently of the Regulations or in some way be necessary to supplement them. He recommended that Policy PE03 and its explanatory text be deleted in their entirety.

This therefore totally removes the justification for having any Supplementary Guidance on advertisements such as appears in draft SG04. In the Reporter’s words, “the proposed plan must accord with the law and win the confidence of the public”. It is clear that, with Policy PE03 deleted, any justification for any reference to

advertisements in Supplementary Guidance has been removed. The draft advice is therefore unsound, misleading and unlawful. The whole SG, or at least all reference to advertisements within it, must be removed.

Yours faithfully

Chris Thomas
for British Sign & Graphics Association