

To be Retained by ISA-UK



Consultation Period: 12/7/22 **To:** 6/9/22
Development Plan: Local Plan 2021-2036 – Public Inquiry – Council’s Proposed Modifications and Inspector’s Issues
District: Barnet LBC
Relevant Policies: CDH09
Or Narrative (refs): Paras 6.34.1 – 6.34.7

Background: This Local Plan will replace the adopted 2012 Local Plan (LDF). We commented on the first draft of this replacement plan in January 2020. As a result, the Council removed all reference to their ancient Area of Special Control. But in place, they added extra paragraphs of mostly drivel about estate agents’ boards, street furniture and high level signs. It is the last of these which is most concerning. Policy CDH09 advises that advertisements on shopfronts above fascia level will only be permitted “in exceptional circumstances”. This is supported in the text by statements that adverts above fascia level can appear visually obtrusive and unattractive and, where illuminated, can cause light pollution to neighbouring residential properties.

Otherwise, Policy CDH09 states that the Council will support advert proposals that do not cause unacceptable harm to amenity or public safety, and are sensitively designed and located. They should be of an appropriate size and siting that does not detract from the street scene, neighbouring properties or cause “physical” or visual obstruction, including light pollution from flashing or illumination.

Having now received our comments, the Council have proposed further changes. They partly accept our changes with regard to estate agents’ boards, but have changed nothing else to which we objected. And they have added a further paragraph about consultation with National Highways: this is partly wrong and otherwise misleading.

Comment: We have submitted a statement to the Inspector emphasising that the Council’s further proposed changes do not satisfy our earlier objections which stand. The statement also objects to the proposed new paragraph which is drivel; and also to the reference to a proposed Supplementary Planning Document which we have not even seen. How can a Local Plan place reliance on guidance which is not yet even drafted?

Date sent to Inspector’s Clerk: 12/7/22

Development Plan Monitoring

BRITISH SIGN AND GRAPHICS ASSOCIATION (BSGA)

STATEMENT TO INQUIRY

INSPECTOR'S ISSUES AND QUESTIONS 8

POLICY CDH09 AND SUPPORTING TEXT

1. The BSGA made substantive comments on the Submission Draft of the Barnet Local Plan on 28 June 2021. The objections made are partly satisfied by the Council's Proposed Modifications. But our substantive objections remain as stated to paragraphs 6.34.4.

2. In paragraph 6.34.6, the Council has accepted much of our suggested changes with regard to estate agents' boards. However, they have not included the commitment we requested to provide guidance on acceptable alternative advertising. The assumption from their proposed text would be that no estate agents' boards will be permitted at all if a Regulation 7 Direction is applied for and approved. This would be contrary to the Human Rights Act (right to advertise). We therefore consider it essential that the Council should provide a policy with a commitment to provide advice on suitable alternative advertising (after appropriate consultation). We therefore ask that our suggested amendment be included in full, including the commitment to provide advice on alternative acceptable advertising and consultation thereon.

3. The new paragraph proposed as 6.34.4A is partly incorrect and mostly simply confusing. It is not true that "most advertisements on land directly facing motorways and trunk roads require the express consent from the relevant LPA". Whether an advertisement requires express consent is not related to its proximity to any trunk road (which term includes motorways). The 2007 Regulations state clearly which advertisements do, and do not, require express consent. Proximity to, or visibility from, a trunk road is **never** a relevant consideration. There are probably hundreds of thousands of businesses with advertising visible from a trunk road but which does not require express consent.

The proposed new paragraph also refers to "trunk roads" and "motorways" and "the Strategic Road Network" without further definition. The 2007 Regulations (Regulation 13(1)(c)) requires consultation with "the Secretary of State for Transport" where a grant of consent may affect persons using any "trunk road". Whilst National Highways are now delegated this responsibility from SST, how does this affect roads which are not "trunk roads" as defined in the Highways Act 1980? Does the "Strategic Highway Network" include only "trunk roads", as so defined? And what about consultation with other highway authorities (ie TfL and the Council's own Highways Department)? These too are required to be consulted in certain circumstances (again as required by Regulation 13).

In all, we consider that the addition of this paragraph adds nothing of value and is partly wrong and partly confusing and misleading. For example, the landlord's consent is a requirement for the lawful display of **all** advertisements, whether or not they require express consent (the Standard Conditions in Schedule 2 to the Regulations). To mention it in apparently direct connection only with signs visible from a trunk road etc is again totally misleading. We consider that the proposed paragraph 6.34.4A should be entirely deleted.

4. Paragraph 6.34.7 is objectionable simply because it attempts to add the weight of a Local Plan to an SPD which is not even available for comment and which will not be subject to independent scrutiny like a Local Plan. We would draw attention to PPG ID 18b-029-20140306:

“A local plan does not have to contain advertisement policies. If such policies are considered necessary to protect the unique character of a particular area, these should be evidence-based.”

This effectively advises that a general “approach” (as in 6.34.7) to advertising is not appropriate. It follows the requirements of the Regulations to have regard only to amenity and public safety. No advertisement may be rejected solely because it is contrary to any local (or national) policy or guidance. The only “approach” permitted by law is that of the consideration of amenity and public safety. Additional guidance should be restricted to “the unique character of a particular area” and should be “evidence-based”. We therefore consider that the last sentence of paragraph 6.34.7 should be entirely deleted.