

Outdoor Signage, Posters, Banners & Advertisements in Dronfield: a civic society guide for the town



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How the Advertisement Control System Works

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. This has been in force since 6 April 2007 and updated in March 2014.

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. For this purpose the local planning authority for this area is North East Derbyshire District Council.

Why is this an important issue?

The regulations about signage are complicated and it is the responsibility of the local authorities to decide what is and what isn't acceptable based on the rules made by the Secretary of State. Some of these rules exist to keep pedestrians safe from signs which may be hazardous if placed across pavements, or those fixed to street furniture which could cause a distraction to drivers.

The role of a Civic Society is not to judge what is legal or illegal, but to monitor signage and report it to the local authority so that it can decide whether any action is needed. A Civic Society also aims to maintain the attractiveness and local distinctiveness of a town, particularly within the Conservation Areas. Maps showing the extent of Dronfield's three Conservation Areas, accompany the Character Statements produced by the District Council, which are available to view on the Dronfield Town Council website.



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Which signs or advertisements are covered by the regulations?

The advertisement control system covers a very wide range of advertisements and signs. For planning purposes 'advertisement' is defined as: "any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of advertisement."

Advertisements therefore include:

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.

"All advertisements are subject to the standard conditions in Schedule 2 to the Regulations. These are:

1. No advertisement to be displayed without 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);
2. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;
3. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;
4. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public; and
5. If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity".

There are three categories of advertisement consent:

- Those permitted without requiring either deemed or express consent from the local planning authority
- Those which have deemed consent
- Those which require the express consent of the local planning authority



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Which signs or advertisements are covered by the regulations?

Advertisements not requiring consent from the local planning authority, are set out in Schedule 1 to the Regulations and include:

Advertisements displayed on enclosed land, such as a railways station forecourt

Advertisements displayed on a moving vehicle

Part of a building's fabric, such as carved stonework

Price tickets, markers, trade names e.g. on petrol pumps

Advertisements relating to Parliamentary or local elections etc.

Notices by Parliamentary Order

Traffic signs

A flag of any country so long as it doesn't have anything added to it

Advertisements inside a building

Temporary advertisements - such as 'House for sale' signs, church bazaars, school fetes, a sponsored marathon for charitable purposes (not organised for commercial purposes)

The name or qualifications of a person offering services. E.g. doctor, solicitor etc.

There are sixteen classes of advertisements for which deemed consent is granted set out in Schedule 3 to the Regulations. Amongst the sixteen are:

Miscellaneous advertisements relating to the premises on which they are displayed including signs identifying a building, signs identifying a person or company carrying on a profession, business or trade, and advertisements relating to any religious, educational, cultural, recreational or medical institution or to any hotel, inn or public house, block of flats, club, boarding house, hostel or Bed and Breakfast establishment.

Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character or relating to any temporary matter in connection with an event or local activity of such a character, not being an event or activity promoted or carried on for commercial purposes.

Advertisements displayed on the glazed surface of a telephone kiosk, other than a kiosk of type K2 (1927) or K6 (1935) designed by Giles Gilbert Scott.

PLEASE NOTE: although advertisements may be granted deemed consent, there are still conditions governing the size, location, luminance etc of the advertisement which must be met, which differ for each of the sixteen classes.

For example, the signs advertising a local event mentioned above may not exceed 0.6 square metres in area, illumination is not permitted, no character or symbol on the advertisement may be more than 0.75 metres in height, no part of the advertisement may be more than 4.6 metres above ground level, no advertisement may be displayed earlier than 28 days before the event, and it must be removed within 14 days of the end of the event.

You are best contacting the local planning department at North East Derbyshire Council BEFORE arranging your signage.

If advertisements don't fall under Schedules 1 and 3 to the Regulations, consent must be applied for and obtained from the local planning authority. **It is a criminal offence to display an advertisement without consent.**

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Public Safety

"Factors relevant to public safety include the safety of persons using any highway (including pedestrians), railway or waterway and whether the display of an advertisement is likely to obscure or hinder the ready interpretation of any traffic sign. 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 and possible confusion with any traffic sign or signal."



The Civic Society has a duty to monitor signage rather than to judge what is permissible and what isn't. The images in this document represent examples of signage seen in Dronfield and district over a number of years. They are used to illustrate some of the rules and regulations relating to permitted and non-permitted types of outdoor signage.

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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 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 or fastened to street furniture.

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Amenity (Location)

In assessing 'amenity' or location, the planning authority will always consider the local characteristics of the neighbourhood.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This responsibility extends to the display of advertisements.



For example, if an 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.

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The advertising of local events

Regulations permit 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 the Regulations must not exceed 0.6 of a square metre.



Advertisements on telephone kiosks K2 (1927) and K6 (1935) are not permitted

Advertisements for local events are bound by Regulations concerning public and highway safety.

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Fly-posting (that is, displaying an advertisement or other promotional sign without consent) on buildings, posts, poles, litter bins and elsewhere in public is illegal in certain circumstances under the Highways Act 1980 and the Town and Country Planning Act 1990. It is a means of advertising for free and many local councils have a 'zero tolerance' policy on it.

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 destroyed.

How to contact the local authorities about advertising signs and fly-posting

If you notice advertising signs causing distraction or affecting public safety, or fly-posting in your area you should report it to the district or county council. It will be useful if you could describe the location, the kind of material and whether it is offensive or a nuisance and any other relevant information.

For NEDDC: <https://www.ne-derbyshire.gov.uk/> **01246 231111 Planning Department**

To contact Derbyshire County Council:

<https://www.derbyshire.gov.uk/environment/rubbish-waste/flyposting/fly-posting.aspx>

For further information, the full version of the publication Outdoor advertisements and signs is available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf



Information from Communities and Local Government publication
Outdoor advertisements and signs: a guide for advertisers
© Crown Copyright 2007 updated in March 2014 by new planning practice guidance issued by the Ministry of Housing, Communities and Local Government.

The complete guide is also available for reference on the Library page of the DCS website.



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