

Environment and Communities Committee

Date of Meeting:	7 th March 2022
Report Title:	Notice of Motion: Low Carbon Advertising
Report of:	Jayne Traverse, Executive Director of Place
Report Reference No:	EC/33/21-22
Ward(s) Affected:	All

1. Purpose of Report

- 1.1. At the full Council Meeting of 15th December 2021 a notice of motion was proposed in relation to Low Carbon Advertising. This report responds to that notice of motion.

2. Executive Summary

- 2.1. A Notice of Motion relating to Low Carbon Advertising, set out below, was proposed to Council at its meeting on 15th December 2021. The motion was proposed by Cllr Brian Puddicombe and seconded by Cllr Quentin Abel. Council referred the motion to the Environment and Communities Committee.
- 2.2. Notice of Motion: Low Carbon Advertising

This Council notes:

It is possible for local authorities to implement advertising policies against specific products if they consider them to be harmful to the amenity of an area.

The Council holds an Advertising Concession Agreement with ClearChannel UK (Adshel) to provide advertising on bus shelters.

The Council promotes advertising opportunities on roundabouts across the Borough.

That as a Local Planning Authority this Council is responsible for planning consent for advertising infrastructure.

This Council believes:

That the purpose of advertising is to stimulate demand for goods and services.

That some advertising content undermines the Council's objectives regarding public health, air pollution and sustainable consumption.

This Council resolves:

To review its Advertising Concession Agreement to investigate the current set of prohibitions to include products that undermine the Council's objectives regarding public health, air pollution and sustainable consumption.

To implement a Low Carbon Advertising Policy as part of the Council's planning policies to apply to bus stops, billboards and advertising spaces within the jurisdiction of the local planning area.

To adopt a presumption against planning applications for all new digital advertising screens due to the high electricity use of these technologies.

- 2.3. The Advertising Concession Agreement to provide advertising on bus shelters expires in 2022. Conditions on the type of advertising that is permissible could be reviewed prior to the procurement of a new contract.
- 2.4. The Council's draft Site Allocations and Development Policies Document (SADPD) includes policies relevant to this matter. Once the SADPD is adopted these policies will require applicants to demonstrate that their advertising illuminations are energy efficient.
- 2.5. Planning applications must be determined on their own merits and in accordance with the development plan. The Council cannot prejudice decisions by introducing any presumptions prior to the decision making process.

3. Recommendations

- 3.1. That the Committee:
 - 3.1.1. Notes that the current Advertising Concession Agreement is due for renewal in May 2022 which will provide an opportunity to review the current set of prohibitions.
 - 3.1.2. Decide what action, if any, they wish to take in response to the Notice of Motion.

4. Reasons for Recommendations

- 4.1. The Cheshire East Council Constitution sets out the procedure for Notices of Motion submitted to Council. A motion referred to the relevant decision-making body must be considered within two meeting cycles. At the meeting to which the motion has been referred for consideration, the proposer of the motion if present shall be invited to speak first, followed by the seconder. The matter will then be opened up to wider discussion.

5. Other Options Considered

- 5.1. None. The Constitution sets out the procedure for responding to Notices of Motion.

6. Background

- 6.1. The Council has a contract for the provision of an Advertising Concession Agreement providing on-street advertising at Bus Shelters. Advertising shelters are generally located on key bus routes with high levels of pass-by traffic. Advertising content at these sites is not controlled directly by the Council but is marketed through a third-party agency on a commercial basis. The current contract expires in 2022. If the Council wishes to condition the type of advertising that is permissible under the contract, this could be included within terms of the contract. The Highways and Transport Committee is responsible for developing policies and making decisions on matters relating to Transport.
- 6.2. The control of advertising is subject to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Many advertisements are either permitted or benefit from deemed consent where they meet criteria set out in the regulations. Where an advertisement does not fall into the classifications that mean it is either permitted or benefits from deemed consent, planning consent must be secured. Most illuminated adverts require planning consent and where consent is required, applications are subject to policies of the National Planning Policy Framework and those held in the Local Plan or relevant neighbourhood plans.
- 6.3. Planning policy may only be introduced through the local plan process or through a neighbourhood plan, both of which require significant time and resource to complete. The Council's draft Site Allocations and Development Policies Document (SADPD) includes three policies relevant to this matter: Policy GEN 3 Advertisements, Policy ENV 14 Light Pollution and Policy RET 4 Shop Fronts and Security.
- 6.4. Policy GEN 3 - Advertisements requires that illuminated adverts should be discrete and comply with provision of Policy ENV14 'Light Pollution'.
- 6.5. Policy ENV 14 - Light Pollution requires that lighting should be efficient as possible and follow guidance set out by the Institute of Lighting Engineers and the Institute of Lighting Professionals.
- 6.6. Policy RET 4 – Shop fronts and security may be relevant where advertising is a component part of a shop front and seeks to ensure positive design.
- 6.7. Once the SADPD is adopted (expected later in 2022) these policies may be applied and will require applicants to demonstrate that their advertising illuminations are as energy efficient as possible.
- 6.8. Where the Council leases out advertising space, the Council could include contractual terms that require illuminated advertisements are both energy efficient and powered by renewable electricity. However, neither the energy

source that advertisements use, nor the products being advertised are matters that may be controlled by planning policy itself.

- 6.9.** Planning applications must be determined on their own merits and in accordance with the development plan. The Council must use the policies it has to determine applications. Existing policies ensure that the energy use of illuminated advertisements is a criteria that may be assessed during consideration of a planning application and the Council cannot prejudice decisions by introducing any presumptions prior to the decision making process.

7. Implications

7.1. Legal

- 7.1.1. The control of advertising is subject to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- 7.1.2. Rejecting the part of Motion related to adopting a presumption against planning applications for digital advertising, would ensure the council continues to determine applications on their own merits in accordance with its legal duty in under section 70(2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning and Compulsory Purchase act 2004.

7.2. Finance

- 7.2.1. Rejecting the part of the Motion related to adopting a presumption against planning applications for digital advertising may have a positive financial impact by reducing the risk of costs awards against the Council through planning appeals.

7.3. Policy

- 7.3.1. There are no policy implications arising from this report. .

7.4. Equality

- 7.4.1. The Council needs to ensure that its policies and processes for planning engagement enable all sections of the community to be involved in the plan making and decision-making process. Rejecting the Motion preserves this ability by assuring that debate on the individual merits of an application may continue to take place.

7.5. Human Resources

- 7.5.1. There are no Human Resources implications arising from this report..

7.6. Risk Management

- 7.6.1. All decisions of a public authority are open to challenge by Judicial Review. Rejecting the Motion reduces the ability of the Council to make decisions contrary to its legal obligations and therefore continues the current

situation of ensuring proposals are in accordance with relevant legislation and current guidance.

7.7. Rural Communities

7.7.1. There are no implications for rural communities arising from this report.

7.8. Children and Young People/Cared for Children

7.8.1. There are no implications for children and young people / cared for children arising from this report.

7.9. Public Health

7.9.1. There are no implications for public health arising from this report.

7.10. Climate Change

7.10.1. Whilst supporting the motion may have some positive impacts on climate change through the reduction of carbon in powering digital advertisements, and through an unquantifiable reduction in carbon through sales of material that may have an impact on the environment, these matters do not fall within the remit of the planning system. Existing and emerging policies (via the SADPD) in the Councils' local plan provide a framework within which planning decisions can be made to support lower carbon development.

Access to Information	
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Appendices:	n/a
Background Papers:	n/a