

28 October 2024

**Out of Home  
Media**

Angola  
Australia  
Austria  
Azerbaijan  
Bahrain  
Belgium  
Botswana  
Brazil  
Bulgaria  
Cameroon  
Canada  
Chile  
China  
Colombia  
Costa Rica  
Croatia  
Czech Republic  
Denmark  
Ecuador  
El Salvador  
Estonia  
Eswatini  
Finland  
France  
Gabon  
Germany  
Guatemala  
Hungary  
Honduras  
India  
Ireland  
Israel  
Italy  
Ivory Coast  
Japan  
Kazakhstan  
Korea  
Latvia  
Lesotho  
Lithuania  
Luxembourg  
Madagascar  
Malawi  
Mauritius  
Mexico  
Mongolia  
Mozambique  
Myanmar  
Namibia  
New Zealand  
Nicaragua  
Nigeria  
Norway  
Oman  
Panama  
Paraguay  
Peru  
Poland  
Portugal  
Qatar  
Saudi Arabia  
Singapore  
Slovakia  
Slovenia  
South Africa  
Spain  
Sweden  
Switzerland  
Tanzania  
Thailand  
The Dominican Republic  
The Netherlands  
Uganda  
Ukraine  
United Arab Emirates  
United Kingdom  
United States  
Uruguay  
Uzbekistan  
Zambia  
Zimbabwe

**Director of Planning**

London Borough of Camden Council  
Development Management  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8EQ

Dear Sir Madam,

**Town and Country Planning Act 1990**

**Town and Country Planning (Control of Advertisements) (England)  
Regulations 2007**

**RE: Advertisement Consent at an Existing Bus Shelter**

I enclose an application for advertisement consent to update the existing advertisement display at a bus shelter from static to sequential display.

The application is submitted on behalf of our client Transport for London (TfL) with whom JCDecaux UK Limited is a chosen partner to develop their advertised shelter estate. You will have previously received a letter from Emma Strain the Customer Director for TfL that explained the plan to improve the experience of passengers on the bus network in London and the continuing commitment to updating the shelter estate. This application is one of a number across the Capital and in your Borough that will see existing shelters that currently combine analogue and digital technology converted back-to-back advertising displays use the latest HD LCD screens. The physical and visual changes will be relatively minor with the updating of the technology, however the move to fully digitized displays represents a significant leap forward in modernizing the estate with a more sustainable display method that enables the automatic rather than manually change.

The proposed change will have a minimal impact upon the local environment, the shelter design and its position will not change, nor will the size of the advertisement on the screens. The use of digital technology to show commercial messaging and real time passenger information is already part of the fabric of TfL's estate. This current proposal seeks consent to change the existing outward facing advert, from

# JCDecaux

an internally illuminated printed display to an LCD screen to match the inward facing screen. Both advertisements would have been approved under an express consent but now benefit from deemed consent under the Regulations. The existing analogue printed display requires manual change every two weeks, whereas the images on an LCD screen are automatically changed in sequence every ten seconds. The change in manner of display, rather than technology employed, is a material alteration under the Regulation and thereby requires express consent.

The advertisements are currently and will continue to be illuminated and effectively controlled to a set luminance level during the hours of darkness in line with the recommendations of the Institute of Lighting Professionals (ILP) guide March 2023. During the daytime the lighting level is managed via an in-built sensor to automatically adjust the brightness to ambient levels to ensure the displayed images are capable of being seen without appearing overly bright.



## Background Detail

As part of TfL's commitment to improve public transport within the Capitol they have renewed the partnership with JCDecaux to expand the bus shelter advertising concession for the next eight years. The expansion of the network and investment in modern infrastructure is part of TfL's key objective to;

# JCDecaux

- **Delivery the Customer Experience** - Maintaining and enhancing the reliability, accessibility and quality of London's bus service network
- **Revenue Generation** - Maximize revenue income and reinvest it in the transport infrastructure of London
- **Improving the Environment** - continue to deliver environmental improvements to the natural environment and air quality for Londoner and reducing CO2 from ground-based transport and impacts of noise

The proposed upgrades are taking place across London and concentrated on major routes and in strategic commercial centres. The Capital's bus network delivers 1.8 billion passenger journeys every year supported by a network of almost 13,000 bus shelters across all of London. The maintenance of the network is a continual process and requires a substantial investment. The advertising revenue from over 4,500 advertised shelters, 13% of which comprise digital displays, is reinvested in the infrastructure to improve the network. TfL's aspiration is to keep transport costs as low as possible for London's residents and visitors, and the ability to generate revenue through advertising is a key component in supporting that objective and in making every journey matter.

## Proposal Detail

The bus shelter is a standard design found across the TfL estate and called the London "Landmark". The shelter is open on two sides with the advertising element located at one end of the structure. The advertisements are an integral part of the shelter design and is consistent across the Capital. The advertisement is a double-sided unit with one side facing waiting passengers and the other visible to pedestrians passing by. The external facing advertisement may also be visible to drivers, albeit fleetingly, in their offside view. The document at **Appendix A** provides the detail on both the advertising panel and the design and dimensions of the shelter.

This proposal seeks consent to change the printed display for an LCD screen. The use of digital technology will provide interactive functions and be capable of displaying live travel status updates and tourist information in addition to commercial messaging. In the event of an emergency, TfL will be able to override the commercial messaging to display important public information via a secure portal. The ability to change messages remotely through a secure ISDN line and to synchronize messaging across the entire network, which is both time sensitive and area specific, offers an unparalleled opportunity to improve the experience for the travelling public.

The size of advertisement is what is often referred to as a “6 sheet” panel, which is an industry standard portrait display of just under 2m<sup>2</sup>. This scale of display is best suited to the pedestrian environment and typical affixed to street furniture. The transformation from printed to digital forms of display offer unparalleled flexibility in display capability, efficiency savings in operational costs and a more sustainable answer to waste creation and energy consumption. This technology provides a more agile platform to enable the display of commercial and passenger service information, which is an important public benefit delivered through the improvement programme.

The digital SmartScreen product incorporates Power Factor Correction (PFC) technology to maximize the efficiency of all power connections. The units are RoHS approved and completely devoid of hazardous materials making them easier to recycle at end of life in accordance with the WEEE directive (Europe) on the recycling of electrical and electronic waste. The screens will be entirely operated using Green energy and serviced by a fleet of electric vehicles.

## **The Requirement for Advertisement Consent**

### **The Advertisement Regulations**

Advertisement control in England is operated through the 2007 Regulations. The 2007 Regulations states that all advertisements, other than certain exempted classes require consent before they can be lawfully displayed (**Reg. 4**).

The 2007 Regulations exist pursuant to s220 of the Town and Country Planning Act 1990. The 2007 Regulations create a separate self-contained code apart from mainstream planning controls. Regulation 3 states that;

- ‘1. A local planning authority shall exercise its powers under these Regulations in the interest of amenity and public safety, taking into account –
  - a) The provisions of the development plan, so far as they are material; and
  - b) Any other relevant factors*
  
- 2. Without prejudice to the generality of paragraph (1) (b)-
  - a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
  - b) Factors relevant to public safety include-
    - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air’*

Amenity impact concerns an assessment of the character of the local area, which includes the nature and type of surrounding land uses and the existing built form within the locality where the proposed advertisement is to be displayed. It is the impact upon local character and any feature of interest in the local environment that the proposed advertisement is assessed. In respect of public safety the primary consideration is the likely effect an advertisement display would have on drivers and pedestrians and whether the display of an advertising in the position and manner is likely to prejudice public safety.

It is recognised that the purpose of advertising is to be seen but this does not mean advertisements are likely to present a distraction. Advertising is characteristically part of the fabric of commercial centres and are often located alongside main transport routes where drivers and pedestrians are highly likely to see a range of commercial images. The application site has been identified for upgrade in light of the assessment criteria outlined in the Regulations. Furthermore, JCDecaux has followed the adopted TfL guidance on bus stop accessibility, ensuring the position of the advertising panel does not compromise bus access for waiting or alighting passengers and that footway width are maintained.

## **Policy Considerations**

### **National Guidance**

The National Planning Policy Framework 2023 (**NPPF**) sets out the Government's planning policies for England and how these should be applied. The framework reaffirms the role of the planning system in supporting sustainable forms of development. Advertising plays an important role in a diverse and vibrant market economy by encouraging consumer confidence and spending, which contributes to sustainable economic growth. Advertising is also an essential support for business through the promotion of products and services. The use of land for advertising purposes is therefore consistent with sustainability aims and support of a viable market economy. In respect of advertising the NPPF states that.

“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.”<sup>1</sup>

Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the **Communities and Local Government**

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<sup>1</sup> Para 141

**Planning Practice Guidance** (“PPG”), which contains the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising proposals. More specifically, on the matter of scale the guidance suggests that advertisements should respect the scale of the surroundings

“for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.”

It further advises that;

“This might mean that a large poster-boarding 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.”

It further advises that.

On matters of Public Safety, the PPG states that:

“All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site 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.”

In summary, this type of technical upgrade in the display method at the bus shelter is supported by guidance and policy.

## **Visual Amenity**

The main consideration in respect of visual amenity must be, in the case of the existing advertised shelters, an assessment of the likely impact of replacing the existing internal illuminated advertisement with an illuminated advertisement of the same dimensions but with the ability to automatically change the displayed image remotely. Policy guidance requires applicants to have regard to the general characteristics of the area in which a proposal is sited and is generally supportive of advertising within retail and commercial areas where advertising contributes to vitality without harm to visual amenity. In this case the advertisement will be sited

within a lit urban setting, alongside a busy thoroughfare and adjacent to active and brightly lit commercial frontages where advertising material would not appear out of place. Given the urban setting and character of the site, with continually passing pedestrians and traffic, the site is considered a suitable location for this type of sequential display. The impact of the proposed change in advertisement will be limited and confined to the street setting and immediate context.

The proposed advertisement would form part of a modern well designed bus shelter, which is an existing item of street furniture so is unlikely to be seen as contributing to visual clutter. Under these circumstances the proposed advertisement would represent a relatively minor addition to the street that would have a neutral impact on visual amenity in light of the context and scale of the surroundings.

The display would not be materially harmful to the surroundings and would be proportionate to the scale of the shelter structure. The size of the advertisement is designed as a proportionate and integral part of the shelter.

## **Public Safety**

All of the proposals have been safety audited through TfL Planning to ensure the location of the advertisement would not endanger drivers taking reasonable care of their safety and that the footpath widths remain sufficiently wide enough to accommodate pedestrian volumes.

In matters of highway safety, the primary consideration is the likely behaviour of drivers on seeing the advertisement on the approach to the site. In most cases an advertisement of the same size and position and degree of illumination as now applied for would have existed for many years without any evident harmful effect on public safety. In this case therefore the considerations are confined mainly to the effect of the change from an advertisement that does not change to one that would change every 10 seconds. The potential for distraction is less likely in areas where the presence of advertising is not uncommon. The application site is an existing use and the local area is a busy and vibrant setting. Drivers will be accustomed to seeing advertising imagery, including digital forms of displays associated with retailers and other commercial premises, such that it is less likely drivers will be easily distracted by any roadside display.

The application site, as with all locations identified for updating, have been assessed in light of their position in the street and proximity to points in the road where drivers and pedestrians are required to take special care. The approach to the application site has a good safety record and the position and manner of the

advertisement display, subject to conditions, is unlikely to have any impact on public safety.

## Conditions

All consents for express advertisement consent are covered by the standard conditions set out in Schedule 2 to the Regulations and are accepted. Additional conditions are suggested by TfL and reproduced at **Appendix B** and seek to limit the manner of use of the display screens in the interests of public safety. The conditions include a maximum nighttime luminance level of 300Cdm<sup>2</sup>, to accord with the ILP recommendations.

I trust that the above and enclosed documents clearly explain the nature of the development and there is sufficient information to enable you to determine the application. I should be happy to address any further matters on which you may need clarification.

Yours sincerely,



**Martin Stephens** BA(hons) Dip TP MRTPI

**Director of Planning**

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