

EXECUTIVE BOARD – January 17th 2017

Subject:	City Centre Digital Media Planning Statement
Corporate Director(s)/Director(s):	David Bishop, Deputy Chief Executive/Corporate Director for Development
Portfolio Holder(s):	Councillor Jane Urquhart, Portfolio Holder for Planning and Housing
Report author and contact details:	Phil Shaw, Principal Planning Officer, 0115 8764076 philip.shaw@nottinghamcity.gov.uk Paul Seddon, Chief Planner paul.seddon@nottinghamcity.gov.uk
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criteria for Key Decision:	
(a)	<input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input type="checkbox"/> Revenue <input type="checkbox"/> Capital
Total value of the decision:	Nil
Wards affected:	Arboretum, Bridge, Dales, Radford and Park, St Anns
Date of consultation with Portfolio Holder(s):	07 September 2016
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input checked="" type="checkbox"/>
Schools	<input type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>The City Centre Digital Media Planning Statement (“the Planning Statement”) sets out the matters to be considered when siting large digital screens within the City Centre (the area of which is as defined in the Land and Planning Policies Document (Local Plan Part 2), Publication Version, January 2016). The matters to be considered vary for screens aimed at advertising to passers-by, and those aimed at also showing content to congregations of people, where additional matters will be relevant. It also identifies possible first phase locations for digital screens in the city centre.</p>	
Exempt information: State ‘None’ or complete the following	
None.	
Recommendation(s):	
1 To adopt the City Centre Digital Media Planning Statement as appended to this report	

- 2 Support in principle the first phase locations for digital screens
- 3 Establish a Nottingham Digital Advertising Forum

1 **REASONS FOR RECOMMENDATIONS**

- 1.1 Once adopted, the Planning Statement will provide guidance to ensure that planning decisions on large digital screens can be made in a consistent and informed manner.

2 **BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 The Planning Statement will be used to provide further guidance (in addition to the saved Local Plan policies, policies in the adopted Core Strategy, and policies in the emerging Local Plan Part 2, for development of large digital screens in the City Centre. Following a six week consultation period and formal adoption, the Planning Statement is capable of being a material consideration in planning decisions.
- 2.2 The Planning Statement sets out the matters to be considered when siting large digital screens aimed at providing advertising, publicising events, providing public information or showing commercial television coverage within the City Centre. A two-stage approach to digital media is proposed, with this statement covering the City Centre, and a further statement to cover the whole of the City to be prepared in due course. In the meantime, proposals for digital media outside of the City Centre will be determined in the light of existing policies.
- 2.3 In summary, digital screens should:
 - Be visible to the target audience
 - Contribute to positive place-making
 - Be well designed in their own right
 - Have an acceptable impact on public amenity, including in visual terms and also in terms of any sound
 - Not impact on public safety (including highway safety)
 - For digital screens aimed at showing public events, allow for safe congregation of people.
- 2.4 The Planning Statement seeks a comprehensive assessment of these matters to inform the decision making process.
- 2.5 The Planning Statement also sets out possible first phase locations for digital screens within the City Centre:-
 - **Victoria Centre** – Mounted on the new facade of the intu Victoria Centre, promoted by intu and was granted advertisement consent by Planning Committee in September 2016.
 - **Broadmarsh / Collin Street area** – the proposed pedestrian environment and public realm and redevelopment of Broadmarsh Multi-storey car park offer opportunities for a screen to be well integrated in this area, capitalising on this main pedestrian route into the City Centre from the south.
 - **Maid Marian Way Roundabout** – provides an opportunity to install a screen well related to major highway routes.

- In addition, there is an opportunity to replace and digitise the City Centre Wayfinder signs.

- 2.7 The Draft Planning Statement was authorised for consultation by the Portfolio Holder for Planning and Housing and reported to Planning Committee for comment/noting at its meeting on the 21 September 2016. The Committee welcomed the Statement and wider consultation took place with interested parties for a six week period which commenced on Friday 7 October 2016 and ended on Friday 18 November 2016. Comments were received from 5 other interested parties.
- 2.8 Nottingham City Council cannot require operators to display community content on screens through the planning process, but this is something that can be negotiated with operators when they put forward schemes. The Communications and Marketing team at Nottingham City Council will lead on programming any community content on screens, liaising with partners such as Notts Police on appropriate content for inclusion.
- 2.9 The Highway Authority has noted that screens on the highway will need a safety audit and requests this be adopted for any that can be viewed from the highway. This is agreed and has been added to paragraph 4.4, together with the criteria to be considered in a safety audit.
- 2.10 Highways England welcomes the principle that screens should not impact on public safety, including highway safety.
- 2.11 Historic England welcomes the clarity that the statement brings to planning decisions and particularly the elements relating to considerations regarding the historic environment.
- 2.12 Intu Broadmarsh request that the Lister Gate entrance to intu Broadmarsh be included as a first phase location. This site has been considered but thought unlikely to be suitable for first phase, large scale digital media. Any applications would be considered on their own merits. Intu also consider that clarification is required regarding the Planning Statement's status alongside Local Development Framework – this is clarified in para 2.14 below. Intu express concern over mention of 'curation' of content of screens. Reference to this should be removed as should the section on 'Managing Visual Content' as these matters are outside the scope of Planning Control. 'Curation' of content is managed by operators, accepted advertising standards and commercial interests and the Local Planning Authority where public and highway safety is concerned. It is considered that this is covered by para 5.6 below.
- 2.13 At the Planning Committee meeting of 21st September 2016 members of the Committee welcomed the Statement.
- 2.15 All comments have been considered and some minor changes to the Statement are proposed as noted, and the amended version is appended to this report. A Report of Consultation has been prepared, setting out the comments received and the City Council's response to them, and is also appended to this report.
- 2.16 Having undergone consultation, and having considered all the consultation responses, the City Centre Digital Media Planning Statement can now be adopted as planning guidance to ensure that planning decisions on large digital screens can be made in a consistent and informed manner.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not producing a Statement was rejected as digital media is increasingly being used for public advertising and communication, and guidance is required to allow applications for advertisement consent to be considered appropriately.

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 There are no direct financial implications arising from the adoption of the Digital Media Planning Statement. Costs associated with the preparation of the Statement have been met from within current budgeted resources. There may be revenue from digital media screens sited on land owned by the city council.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 Planning statements are informal documents, not being part of the statutory process of local policy adoption under the Planning and Compulsory Purchase Act 2004. As indicated in the main body of the report the adoption of Planning Statement will add more detail and clarity to local plan policies and is capable of being a material consideration in planning decisions. Adoption of the Statement is within the Board's power following consideration of the consultation responses outlined in the report and appendices.
- 5.2 The siting of digital screens is governed by the advertisement consent process, which is a separate control regime within the planning system. Applications are made and determined under the Town and Country Planning (Control of Advertisements) England Regulations 2007, which provides less scope for control than for planning applications.
- 5.3 The display of advertisements can be controlled only in the interests of amenity and public safety (Regulation 3(1)). Although neither term is exhaustively defined in the legislation, amenity includes aural and visual amenity, and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (Regulation 3(2)(a)). Factors relevant to public safety include the safety of persons using any highway, railway or waterway, whether the display of the advertisement is likely to obscure or hinder the ready interpretation of any traffic sign or railway signal, and whether the display of the advertisement is likely to hinder the operation of any device used for security or surveillance or for measuring the speed of any vehicle (Regulation 3(2)).
- 5.3 The legislation also prohibits an express consent for the display of advertisements containing any limitation or restriction relating to the subject matter, content or design of what is to be displayed, unless it is required in the interests of amenity or public safety (Regulation 3(4)). The Council in its capacity as local planning authority may not, therefore, seek to control what is to be displayed (although the Council also has an advertising policy which can be applied where the Council is acting in another capacity, such as landowner.)
- 5.4 Similarly, the Council as local planning authority cannot require a commitment to "community advertising" through the Policy Statement. This may however be secured by way of a contract between the operator and the Council acting in

another capacity. In the absence of such a contractual relationship delivery of such advertising would be by way of a voluntary arrangement.

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)

- 6.1 No negative Strategic Asset and Property implications anticipated relating to this report. However, Strategic Property will be further consulted on the second and further phases in terms of locations and any commercial opportunities.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 The opportunity exists to display community content on screens. This cannot be required through planning decisions but initial responses from media operators and experience from elsewhere are supportive of council and community content.

8 REGARD TO THE NHS CONSTITUTION

- 8.1 Not applicable.

9 EQUALITY IMPACT ASSESSMENT (EIA)

- 9.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

The Planning Statement does not introduce new policy and local plan policies have been subject to EIA.

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

- 10.1 Draft City Centre Digital Media Interim Planning Statement (revised)

10.2 List of consultees

10.3 Summary of consultation responses

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

- 11.1 Not applicable.

12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

12.1 Matt Gregory, Policy and Research Manager

12.2 Judith Irwin, Senior Solicitor

12.3 Ann Barrett, Team Leader Legal Services

12.4 Ruby Bhattal, Head of Communications and Marketing

12.5 Jen Lewis, Corporate Marketing Manager