



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/08/21

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/8/21

Appeal Decision

Site visit made on 10/08/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 27/8/21

Appeal Ref: APP/Y6930/H/21/3278568

Site address: Baglan Way, Port Talbot (Easting 275161, Northing 191438)

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by Elonex against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2021/0224 dated 2 March 2021, was refused by notice dated 8 June 2021.
 - The advertisement proposed is a double sided internally illuminated sign measuring 5.2m wide by 8m high mounted on a 6m high column (total height 14m).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the information given on the application form, I have taken the description of the advertisement from the Council's Decision Notice, which more accurately describes the proposal.
3. In determining this appeal, I have had regard to Technical Advice Note 7 'Outdoor Advertisement Control' ('TAN 7') and Welsh Office Circular 14/92 ('Circular 14/92'), which comprise part of the national planning policy framework for Wales¹.

Main Issues

4. The main issues are the effect of the proposed advertisement on: a) public safety; and: b) amenity, with particular regard to the area's character and appearance.

Reasons

5. The appeal site lies within a landscaped strip of grass, trees and shrubs which separates the M4 motorway from Baglan Way. The proposed advertisement would be positioned perpendicular to the M4, but the supporting column and double-sided LED

¹ As indicated at paragraph 1.1 of Planning Policy Wales Edition 11.

screen would also be visible from Baglan Way, a distributor road which serves the Baglan Industrial Park.

Public safety

6. Paragraph 10 of TAN 7 says, amongst other things, that in assessing impacts on public safety, regard should be had to an advertisement's effect upon the safe use and operation of any form of traffic or transport on land. Appendix B to the Annex of Circular 14/92 further indicates that illuminated signs where the means of illumination is directly visible from any part of the road, or which, because of their size of brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather, are likely to cause danger to road-users.
7. Since Circular 14/92 was published, LED screens have become more commonly encountered either as traffic information signs or for advertising purposes. Consequently, I have carefully considered Circular 14/92's applicability to assessing modern LED screens of the type proposed.
8. The section of the M4 from which the proposed advertisement would be visible is lit, relatively straight and subject to a 50mph speed limit which is enforced by average speed cameras. Due to the alignment of the motorway, the LED screens would be visible to vehicle occupants approaching from either the northwest or southeast for a considerable distance. The siting and height of the advertisement would also avoid concealing drivers' sightlines of the highway or other traffic signs, the nearest of which are well separated from the appeal site. Subject to conditions to control minimum display times, image changeovers, and to ensure only the display of static images, these factors would limit the potential for advertising displayed on the LED screens to cause out-of-vehicle distraction to drivers. The straight alignment of the M4 near to the appeal site would also assist in this regard, minimising any element of 'surprise' which may otherwise harmfully draw away drivers' attention.
9. Nonetheless, whilst the absence of junctions and the enforced 50mph speed limit on this section of the M4 may limit the frequency of weaving or lane-changing, to my mind the substantial daily traffic flows in this location would require a high level of driver concentration to enable the motorway to operate safely. I therefore dispute the assumption in the appellant's Road Safety Risk Assessment Report ('the Risk Assessment') that the advertisement is located outside an area where a high level of driver concentration is required. Moreover, although the Risk Assessment concludes that automatic adjustment of the screens' luminance would not dazzle drivers, there is little in the submitted documents to confirm that luminance emanating from the LED screens, which would be significant in size, would adequately avoid a harmful level of glare and dazzle, particularly during the misty or rainy conditions which may occur frequently and swiftly in this coastal location. Consequently, I am not persuaded that the evidence demonstrates that conditions to control and vary the luminosity of LED screens of the scale proposed would sufficiently avoid danger to road users on this section of the M4.
10. I acknowledge that there have been only a limited number of traffic collisions or accidents near to the appeal site, including during a period when two billboards were positioned northwest of the proposed LED screens. Although relevant insofar as they relate to the immediate context, however, these statistics are of limited assistance in gauging the specific effects of the appeal scheme. Whilst the Risk Assessment indicates that research indicates that the presence of advertising near motorways does not increase the occurrence or severity of personal injury collisions, I also note its acknowledgement that, in the absence of data collected over a prolonged period, there

can be little statistical evidence either way. Similarly, whilst I do not dispute that the appellant operates similar or larger screens elsewhere without safety issues, there is little evidence that the site contexts of those other examples are comparable to that of the appeal scheme. I therefore afford these matters limited weight.

11. There is little evidence of significant traffic volumes on Baglan Way, which in the vicinity of the appeal site is a well-lit, relatively straight distributor road which features a continuous and wide footway on its western side. Consequently, I do not consider that the appeal scheme would harmfully distract drivers using Baglan Way to the detriment of public safety, even in poor weather. Nonetheless, the absence of harm in this regard does not outweigh the potentially serious adverse impacts of the proposal on the safety of users of a motorway which carries a substantial volume of traffic. I therefore conclude that the proposed advertisement would result in unacceptable harm to public safety, contrary to the objectives of TAN 7 and Circular 14/92, and of policies TR2 and BE1 of the Neath Port Talbot Local Development Plan (LDP), which seek to avoid adverse impacts on highway safety and so are material in this case.

Amenity

12. Built-up areas of a commercial or residential character lie to the appeal site's southwest, and the residential district of Baglan lies beyond the M4 to the north. Despite the proximity and extent of these built-up areas, however, in views from the M4 the area in the vicinity of the appeal site exhibits a markedly open character and appearance.
13. The appeal site is located on the fringe of Baglan Industrial Park and therefore lies within a predominantly commercial area. Paragraph A13 of Annex A of TAN 7 states that free-standing roadside panels in such locations should always be in scale with the buildings on either side and in the surrounding area. Whilst Baglan Industrial Park forms the backdrop to the appeal site in views from the M4, whether seen from the northwest or southeast, the sparsity and modest height of the industrial park's buildings and structures ensure that they are well screened by the landscaped margin between the motorway and Baglan Way. Viewed from the motorway, other than lighting columns there are few other structures visible within the vicinity of the appeal site, with little evidence of the land beyond having a commercial function. In this context, the appeal proposal, due to its substantial height and prominence, would appear as a dominant and obtrusive structure which would significantly detract from the area's relatively open, uncluttered character and appearance.
14. Seen from Baglan Way, the commercial character of Baglan Industrial Park is readily apparent. Nonetheless, the siting of the advertisement within a landscaped margin, well separated from nearby structures or buildings, and with a height and luminance without precedent in visual range, would harmfully conflict with the otherwise orderly, open appearance of the immediate area.
15. My attention has been drawn to other examples of roadside digital advertising. The full details of those cases are not before me, but as all appear to be viewed against the context of more obviously urbanised locations, I do not consider them to be comparable to the proposal before me. Irrespective of the apparent absence of any Conservation Area or other historic asset in the immediate vicinity, for the above reasons I conclude that the advertisement would result in unacceptable harm to amenity, contrary to the objectives of TAN 7 and LDP policies SP21 and BE1, which amongst other things seek to secure high quality design and protect arterial gateways from intrusive and inappropriate development, and so are material in this case.

Other Matters and Conclusion

16. The appellant refers to the potential for the advertisement to be let or rented out to town centre businesses or public information campaigns, including to support local shopping, tourism or recreation opportunities or for long periods. Whilst recognising that this could support the economy of Port Talbot town centre, the appeal concerns a digitally illuminated sign rather than any particular advert displayed on it. In any case, any local economic benefits of the proposal would not outweigh the identified harm.
17. I have considered the other matters raised but none alter my decision. For the reasons given above I conclude that the appeal should be dismissed.
18. In reaching my decision I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Paul Selby

INSPECTOR