

Dear Sir/Madam,

20th July 2023

Town and Country Planning (Control of Advertisements) Regulations 1992 Conversion of poster advertisement display at The British Legion site, Neath, SA11 1LA

Please find enclosed an application for advertisement consent to replace a paper and paste advertising display (that was removed in 2019) to a modern digital format capable of being operated from a central location and without the requirement to visit the site.

This is part of an industry wide drive to modernise and upgrade advertising infrastructure to meet modern requirements. It is proposed to remove the existing fixing posts and replace with new and a new advertising display to be installed, using new display technology that is lightweight, durable, efficient, and can be easily erected, as it is of similar size and scale to the older advertisement board.

The scheme will meet modern requirements of advertisers. This will bring a wide range of benefits such as the reduction in vehicle trips for reposting adverts (i.e. from an average of 34 trips to 2), eradicating the need to print posters and avoiding the associated waste involved in the production process, the ability to broadcast emergency messaging (e.g. public health messaging), the ability for more creative real time and locally relevant advertising and the opportunity to integrate additional hardware to meet Smart City objectives.

Content will be controlled remotely in real time from a Networks Operation Centre (NOC) and the site will be monitored remotely 24/7 to facilitate responsive maintenance. Diagnostics software will report and resolve the majority of issues remotely.

The display would be limited to 300cd/m² at night-time (on a full white display) in accordance with the Institute of Lighting Professionals best practice guidance and the Brightness of Illuminated Advertisements PLG05 2015 and will be able to adjust according to ambient brightness.

The level of illuminance will be set on site manually to be at an appropriate level for the area.

The following conditions have become established as best practice for roadside digital displays and will be applied to control the operation of the digital poster in the interests of amenity and public safety:

- Static images to be displayed only (no moving or flashing images);
- Changes between adverts to take place instantly with no sequencing, fading, swiping or the merging of the images.
- Maximum level of night-time illuminance to be set to 300cd/m² in accordance with ILP Guidelines;
- Advertisements to change no more frequently than once every ten seconds.

Where circumstances demand, additional controls or variations of these conditions may be acceptable to the applicant. However, it would be expected that the Local Planning Authority present evidence-based justification for deviating from the standard approach as any planning conditions imposed must meet the six tests as set out in National Planning Policy Guidance (NPPG).

1. The Site

The proposal site is located in the car parking area of the old Neath British Legion site and faces onto the roundabout which merges Windsor Road, Eastland Road and Lewis Road. The site used to house a single non-illuminated billboard; however this was removed in the last few years. The site surroundings are predominantly residential in character. The surrounding area is well-lit area and includes other examples of outdoor advertisements, including a number of illuminated advertisements.

There are no site constraints, and the site is not within a conservation area or the setting of a listed building.

The proposed site was an established location for advertising having supported a paper-based hoarding since at least before 2010 as can be seen on Google street view.

2. Planning Policy

The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) Regulations 1992 (and 2017 Amendments) which states that advertising should be controlled in the interest of amenity and public safety, taking into account any material factors.

Planning Policy Wales (PPW) which is the National Planning Policy for Wales. Technical Advice Notes (TANs) supplement PPW and give greater clarification. TAN 7 'Outdoor Advertisement Control' provides advice on how Local Authorities should assess advertisement applications. The Guidance recognises *"...the importance of advertisements to the national economy and should not stifle original designs or new display techniques"* (Paragraph 4) and states that outdoor advertisements can only be controlled in the interests of "amenity" and "public safety" (Paragraph 6). The guidance states that in relation to assessing public safety, Local Planning Authorities are expected to have regard to advertisements' *"effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air"* (Paragraph 10).

TAN7 accepts that an applicant is not required to demonstrate a "need" for the advertisement and Paragraph 7 states that account should also be taken of factors which may be to the advantage of the amenity of the locality such as "adding appropriate colour and interest to a drab area or screening an eyesore". Additionally, the Guidance states that Local Authorities must be consistent in the "general approach towards the determination of applications in particular localities" (Paragraph A3).

3. Planning Considerations

It is acknowledged by the applicant that the new type of illuminated hoarding and the potential to increase the rate of change of the adverts would require express advertisement consent. The impact of these alterations has been considered in amenity and public safety terms as follows:

Amenity

The proposal looks to replicate the hoarding that was in position prior to its removal and as such it is deemed that there would be minimal impact on the visual amenity of the surrounding area.

The size and positioning of the advertisement will remain as the old hoarding and the level of illumination will reflect local and ambient conditions. In addition, the hoarding faces into the car park of the 'old British Legion site and up Eastland Road and as such will not be viewed from any residential properties.

The controls proposed over the level of luminance at night are in line with the ILP Guidelines and industry best practice and will ensure that the proposed display does not cause any material harm to amenity. The context of the surroundings, including illuminated shop signage, illuminated company names, other illuminated adverts and hoardings and street lighting establishes the site as appropriate for an illuminated advert of this type. Any additional controls over the display will be considered if necessary to remedy a specific amenity concern.

The proposed new hoarding would not be detrimental in either an immediate or wider sense. It will not be within a conservation area, attached or adjacent to any listed building, or within the area of heritage sites.

The character and setting of the site, street scene, and surrounding area is predominately residential, with a few commercial elements. The site is located at the rear of the Highlander Public House. The hoarding itself will be fixed into new metal posts fixed into the ground and as such will be self-supporting and not fixed to any walls (as the previous hoarding).

Travelling south towards Briton Ferry any road users would pass the proposed advertising display, which is offset to the left of the road and is naturally angled with the rear of the public house and so it is not located in direct eyeline. The proposal would not amount to clutter or contribute to any cumulative impacts, sitting comfortably in its visual context without harming amenity, the qualities of the site, or the character and appearance of the wider area.

Public Safety

When assessing public safety, the key considerations are whether the location is appropriate (i.e. undemanding on the driver) and whether the level of illumination and the sequential change between advertisements is controlled to prevent distraction from the driving task. As an advertising hoarding has already been established at this location, the Council must only consider whether the proposed controls are sufficient to ensure that there is no additional distraction which would cause an unacceptable impact on highway safety. However, if the Council's Highways department should identify any reasons why the location might be challenging to drivers, the applicant would be open to discussing alternative controls.

The proposed display would occupy the same setback and offset position as the previous hoarding, ensuring sight lines and visibility splays are maintained. It would be seen by traffic travelling onto the roundabout, which is limited to 30mph, is well lit, level, and has excellent forward visibility. Highway users would therefore be fully capable of glancing content far in advance of the site without being distracted from the road or traffic conditions ahead. The cognitive demand on road users at this point is low as there are no unusual highway complexities which would require extra care to be taken. As such, drivers would be entirely capable of viewing advertisements whilst maintaining stopping distances and an awareness of surrounding traffic movements.

Under these circumstances it is deemed that the new digital format advertising display would not constitute a hazardous distraction to anyone exercising a reasonable standard of care. Consequently, the proposal would not give rise to public safety issues, which would prevent the granting of an express advertisement consent.

Conclusion

The proposal will not change the size, position, or orientation of the previous advertising hoarding. As such the established acceptability of the advertisement should not change materially. The proposed conditions to control the luminance of the screens and the operation of the digital screens will ensure that there is no additional harm to amenity or road safety.

For these reasons and the positive benefits set out above, it is considered that the application should be granted consent.