



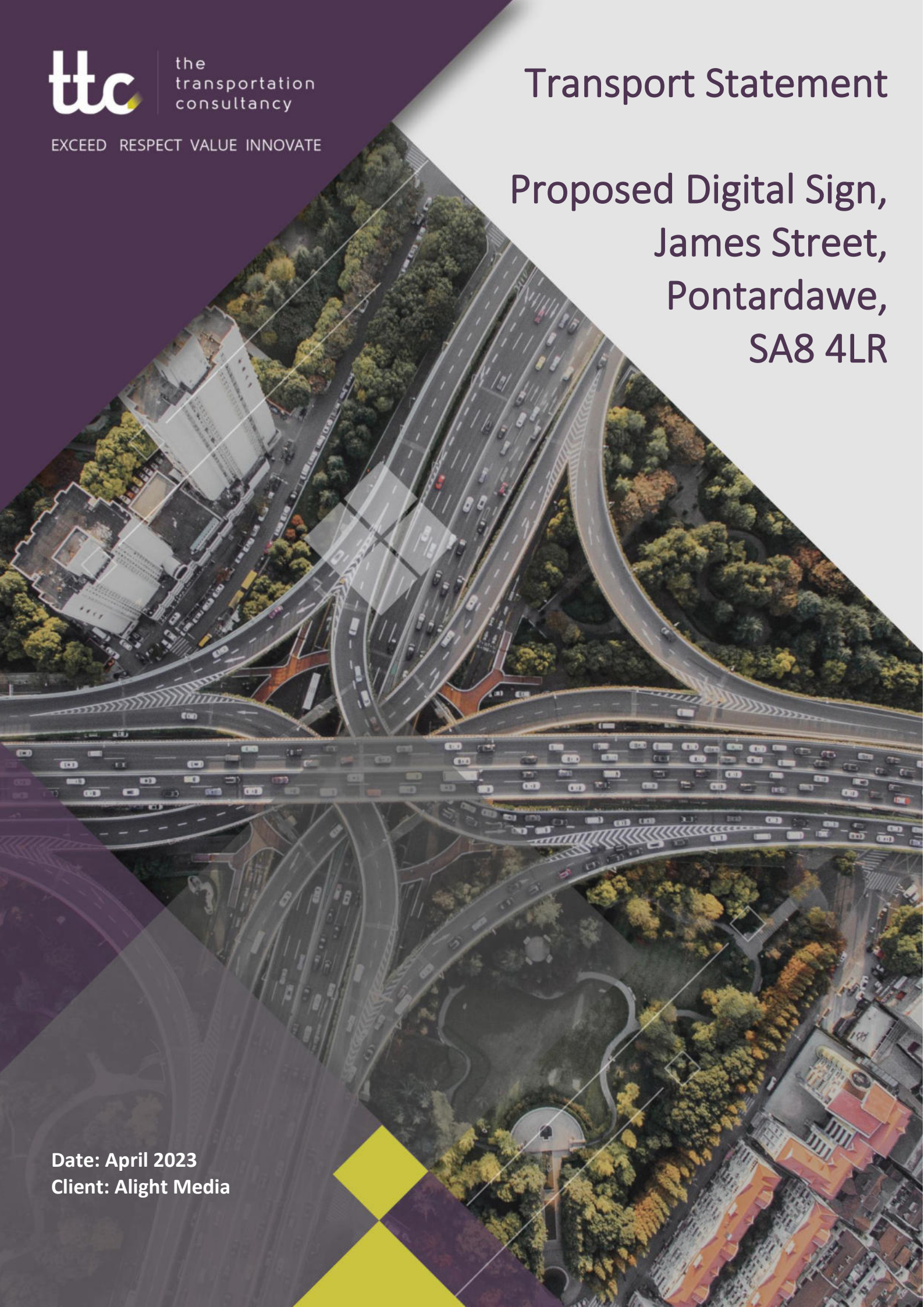
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transportation
consultancy

EXCEED RESPECT VALUE INNOVATE

Transport Statement

Proposed Digital Sign, James Street, Pontardawe, SA8 4LR

Date: April 2023
Client: Alight Media



1. Introduction

1.1 Introduction

This Transport Statement has been prepared by The Transportation Consultancy Ltd (ttc) to support an already registered planning application (P/2024/0111) for a digital advertisement display at James Street, Pontardawe in South Wales.

1.2 Application Consultation Response

Planning application (P/2024/0111) is an already registered application seeking permission for a digital advertising sign. As part of their role as a statutory consultee the Highway Authority, Neath Port Talbot County Borough Council (NPTCBC) have provided a recommendation for refusal, outlined in correspondence to the planning officer dated 22nd March 2024.

A full copy of the correspondence is provided in **Appendix A**. A summary of the reason for refusal which sets out the key items, is provided below.

“Due to the proximity of the sign to the junction, any such distraction would draw drivers’ attention away from observing other vehicular and pedestrian movements at a critical moment when approaching a busy crossing. To approve a sign of size and illuminated effects at the proposed location, which is heavily used by vehicles would encourage a very high risk of highway safety. Therefore, I would strongly recommend refusal for this application for reasons I have mentioned above”.

The following key points from the summary have been broken down, which are addressed throughout this report.

- The sign will distract Drivers and Pedestrians
- Proximity of the sign to a busy junction and crossing
- Size of the illuminated sign
- Very high risk to Highway Safety

1.3 Purpose of Report

This Transport Statement has been provided to support the application and address the consultation response from the Highway Authority on the application with specific regard to transport and highways.

The findings from this Transport Statement demonstrate that the scheme does not create harm to highway safety and that the proposal is supportive of both local and national planning policies in regard to digital advertisement signs.

2. Policy Guidance Context

2.1 Introduction

This section of the report reviews the policy and guidance reasons for refusal and also identifies other relevant guidance, which should be taken into account when making a decision in regard to advertising, transport and highways and highway safety.

2.2 Policy

Several local and national policies are relevant when considering this planning application, and the following have been identified and should be considered;

- Future Wales - The National Plan 2040
- Planning Policy Wales (PPW) Edition 11
- Town and Country Planning Act (Control of Advertisement) Regulations (1992)
- Planning Guidance (Wales), TAN 7: Outdoor Advertisement Control

Notwithstanding the relevance of the documents referenced, it is considered that the policy and design guidance contained within the following documents is most poignant:

- Welsh Government Planning Guidance
- Planning Guidance (Wales), TAN 7: Outdoor Advertisement Control

A summary of aforementioned policy and design guidance is presented within **Table 2.1**, alongside commentary on the applicability of the guidance/policy to the proposals.

Table 2.1 Policy & Regulation Reference

Document Reference	Policy / Guidance Reference	Applicability
Welsh Government Planning Guidance	The planning regime for larger, professional adverts, signs for businesses and so on is complex though all outdoor advertisements must comply with five 'standard conditions'. They must: • be kept clean and tidy • be kept in a safe condition • have the permission of the owner of the site on which they are displayed (this includes the Highway Authority if the sign is to be placed on highway land) • not obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport • be removed carefully where so required by the planning authority.	Notwithstanding the first points, which are readily achievable, the proposed advertisement has the permission of the landowner, is situated on private land to the rear set back from the highway and therefore does not obscure existing signage or hinder the interpretation of any existing transport signs. Therefore it can be concluded that the proposals are inline with the Welsh Government Planning Guidance.
TAN 7: Outdoor Advertisement Control	10. In assessing an advertisement's impact on public safety, local planning authorities should have regard to its 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, and in the air, including the likely behaviour of vehicle drivers who will see the advertisement, possible confusion with any traffic sign or	The advertising board would be sited approximately 17m from the centre of the junction and therefore off the highway, away from any traffic signage or signals and only be fully visible from certain directions for a short period of time.

Document Reference	Policy / Guidance Reference	Applicability
	other signal, and possible interference with a navigation light or an aerial beacon. 11. When considering public safety factors, local planning authorities should consult other relevant organisations such as the highway authority who have an interest.	As such, the likelihood of possible confusion or distraction is considered to be negligible, with further evidence presented within Chapter 4. As noted, the local highway authority has objection to the proposals and the contents of this written evidence will provide the evidence to allay their concerns and demonstrate the proposals are supportive of TAN 7.

As can be gauged from **Table 2.1**, it has been demonstrated that the proposals are policy compliant with the Welsh Government Planning Guidance and TAN 7 and concerns raised regarding highway safety and driver distraction are further considered within **Section 4**.

2.3 Research Papers

Whilst considered a fairly new addition to the advertising world, digital roadside advertising (of the type proposed) has been used across the UK for over 15 years and a number of research papers have been undertaken to establish whether or not it is safe to allow digital advertising close to the public highway.

The following sets out a summary of the research papers prepared by established national authorities:

Transport for London (TfL) produced ‘*Guidance for Digital Roadside Advertising and Proposed Best Practice*’ in March 2013. The document compiled the existing research and guidance on digital advertising and developed new guidance to best inform the acceptability of specific digital advertising proposals.

The report concluded that digital roadside advertising is not inherently unsafe and should be operationally managed in accordance with the specific constraints of the location.

Controls over the use of digital adverts should follow best practice guidelines and be secured by special condition, with more careful management required in higher risk locations.

The guidance states that as a minimum, the Outdoor Media Centre (OMC) roadside digital code should be complied with, which requires the following:

- *Digital roadside billboards should not change more frequently than every 5 seconds unless consent has been granted for such displays, and*
- *The luminance level of digital roadside billboard shall comply with the Institute of Lighting Engineers Technical Report. Now superseded by the (The Brightness of Illuminated Advertisements’ PLG05, 2015)*

Bristol City Council (BCC) conducted research into the upgrading of poster panel advertisements to LED display advertisement, examining locations where recent LED signs have been installed in 3 locations.

The report concluded that:

“There is no evidence within the accident record to confirm (or otherwise) whether the installation of a LED sign was a causal factor in any of the accidents mentioned above. There was no reference in any of the accident reports to state that drivers were distracted by an advertisement.”

The conclusions from the research led to planning permission being granted for an upgrade of one existing marketing sign to a digital sign.

2.4 Conclusion

It can be seen from research papers undertaken that digital advertisement signage is not inherently unsafe or poses a danger to highway safety, guidance from the TfL research paper demonstrates parameters which should be followed.

It has been demonstrated that the proposed digital signs are support of both TAN 7 and the guidance the Welsh Government Planning Guidance and further evidence is present in Section 4 to evidence this.

3. Precedent of Digital Sign Planning Applications

3.1 Introduction

It is important to determine other similar applications for digital signs which have been approved in South Wales for a point of reference. Similar planning applications can often be referenced to make decisions as a precedent. The following section identifies approved applications for digital signs.

3.2 Recent Planning Applications

Niche Pens Application, M4

A recent planning application (ref:19/1224) for “*Advertisement Consent for Display of LED Digital Smart Screen*” on Unit 12 Waterside Court, Albany Street Newport, NP20 5NT was **approved** by Newport City Council on 2nd April 2020, locally known as the Niche Pens site.

The new illuminated digital advertising board was a replacement for an existing advertisement display board. A copy of the case officer’s report is provided in **Appendix B**.

The approved application (ref:19/1224) is visible from the M4 as illustrated within **Figure 2.1** which carries a significant amount of traffic past the sign on a daily basis.

Figure 3.1 View of Approved Digital Advertising Board from the M4



Source: www.google.co.uk

This application should be taken account of when determining this application as it is important to note in the correspondence A474 is described as carrying a ‘significant’ amount of traffic by the highways officer. In the context of this application, the M4 carries substantially great numbers of traffic than the A474 and the digital screen is similar of a distance from the M4 to the A474.

Ibis Hotel, Newport

A further planning application, reference 22/0123, for the “advertisement consent for 1no. wall mounted illuminated digital sign” at 164 Malpas Road Newport was refused planning permission for the following reasons by Newport Borough Council.

‘01 The proposed advertisement by reason of its scale, illumination, changing display and location would represent a prominent and incongruous feature that would result in a harmful impact on the visual amenity of the area contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (Adopted January 2015)

‘02 The proposed advertisement by reason of its changing display, scale and proximity to the M4 motorway and event junction would result in an unacceptable distraction to drivers which would result in a detrimental impact on highway safety contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).’

The application was subsequently appealed by the applicant under reference AP/2022/0022 and approved by the Planning Inspector on the 28th September 2022, with both reasons for refusal dismissed, following a detailed review of the likely implications of the signage in terms of views from the highway, the likelihood of new signage being a distraction and its subsequent influence on driver behaviour.

Pre-consent and post-consent views of the approved digital signage are illustrated within **Figure 2.2** below and a copy of the Inspectors report is contained within **Appendix C**.

Figure 3.2 Pre-Consent and Post-Consent Views



The approved application is located directly next to the M4, and should be taken into context of this application that the M4 carries significant traffic levels, greater than the A474 and is located closer to the M4 than the proposed development.

Williams Place, Rhondda Cynon Taf

A recent planning application (ref: 22/0490/01) for “Modernisation of an existing advertising site” on Land at the South West side of Williams Place, adjacent to Upper Boat Interchange (A473) was **approved** by Rhondda Cynon Taf County Borough Council on 6th June 2022. The new illuminated digital advertising boards were replacements for existing advertisement display boards. A copy of the case officer’s report is provided in **Appendix D**.

The approved application (ref: 22/0490/01) is visible from the A470 Interchange as illustrated within **Figure 2.3**. The A470 forms part of the strategic trunk road network and is managed by the Welsh Government. The site characteristics are similar to the appeal site in that the proposed advertising signage is situated on the periphery of an important road network junction.

The Local Highway Authority were consulted and responded positively to the application, stating:

“The proposed illuminated signage will be visible from Cardiff Road and the Upper Boat Interchange. The proposed does not front directly onto the interchange, being set back some distance from road users. The proposed is also similar to existing signage present and is not envisaged to have any detrimental impact on highway or pedestrian safety, which is considered acceptable.”

Views of the existing signage boards are illustrated within **Figure 2.3**.

Figure 3.3 Pre-Consent Views



3.3 Conclusions

It can be concluded from the evidence provided by consented planning applications either by LPA approval or appeal that there is a clear precedent within South Wales for digital sign application to receive consent.

These cases should be taken account of when making a decision as clearly the location of some of the signs are closer to highway networks which carry a significantly higher level of traffic and have the propensity to have a greater impact on highway safety.

The fact that these have been approved where highway safety concerns have been carefully analysed and subsequently allayed to the satisfaction of an appointed Planning Inspector and local authority. The same principle should be applied in this planning application.

4. Response to Planning Application Consultation

4.1 Introduction

This section of the report addresses the recommendations for refusal outlined by the Highway Authority.

4.2 Key Points for Refusal

A summary of the recommendations for refusal are outlined within **Section 1**, with the full response from the Highway Authority provided in **Appendix A**. For reference, the key points for refusal can be categorised into the following points:

- The sign will distract Drivers and Pedestrians.
- Proximity of the sign to a busy junction and crossing.
- Size of the illuminated sign.
- Very high risk to Highway Safety.

Distraction Risk to Drivers and Pedestrians.

The dimensions of the proposed sign are 3.4m x 6.4m, consisting of a 48 panel display with LED modules (actually visual display is 3m x 6m). It should be duly noted in regard to distraction, that the proposals are to replace of an existing 48 sheet static advertisement sign, which is illuminated of the same size, which is currently in situ on the side of 1 James Street.

The proposed sign will be the same size as the existing and considering it is illuminated, the only alteration from the proposal will be to a digital format so advertisement can rotate every 10 seconds. Conversely, the proposed advertisement display would present a range of advertisements comprising of static images with no animation or special effects.

The advertisement would be inline with the standards which are outlined in Section 2. Such measures would maintain an element of fluidity and simplicity to the visual impact, with the safeguard that the display would be switched off in the event of a malfunction. Furthermore, the advertisement illuminance levels will be controlled during evening hours in accordance with industry standards (300 cd/m²). This ensures that signs do not glare and dazzle drivers during the hours of darkness and given the junction is illuminated by streetlights, and the existing sign is illuminated, the alteration to digital illumination would not be a discernible standalone distraction from the existing situation.

In addition to the above, several evidence papers prepared by nationally recognised highway authorities including Transport for London and Bristol City Council, have concluded that digital advertising is not inherently unsafe and that there is no evidence to contrary.

Given that the application is for an upgrade to the existing situation, drivers and pedestrians who frequently use the route are familiar with having a sign in situ. Therefore, given the digital sign will be used within standards and there is no proof or evidence that signs of this nature distract drivers and pedestrians, it is difficult to see how they would be distracted by the proposals to the detriment of highway safety.

Proximity of sign to a busy junction and crossing

The Highway Authority whilst commenting on the junction and crossing do not provide any evidence as to what level of traffic flow can be constituted as 'busy'.

Taking the examples from Section 3 of recently approved signs along the M4 corridor, it can be concluded that there is a precedent of applications which have been approved on busier strategic corridors that the proposed.

Size of Illuminated Sign

The highway authority comment in the recommendation for refusal that, *'to approve a sign of size and illuminated effects at the proposed location'*.

It should be noted that the proposals for the digital sign are a replacement of an existing illuminated non digital 48 sheet advertisement sign. So, in essence a sign of the proposed size had already been approved and operational from since 2008 or significantly before.

Therefore, the only upgrade to the sign is for a digital advertisement, the size of the sign will be exactly the same and is already illuminated. The digital sign if approved will operate within the guidance for illumination and 10 second dwell time.

Given that there is no link between digital advertising and harm to road safety confirmed by researched undertaken by TfL and Bristol City Council, it is difficult to come to any other conclusion than that a straight replacement would not cause any issues with highway safety.

Very High Risk to Highway Safety.

Firstly, it has been established that there are no known positive correlations between driver behaviour, distraction, highway safety and digital advertisement signs. This has been evidenced by both Transport for London and Bristol City Council and was also dismissed as a reason for refusal by the Planning Inspector in connection with Planning Appeal AP/2022/0022 (referred to in **Section 2.4**) for the Ibis Hotel near Newport.

Finally, with reference to the application site, the highway in the vicinity of the proposed digital advertising sign is subject to a 30mph speed limit, which in accordance with Manual for Streets (MfS) guidance, requires a stopping site distance of 43m.

The digital advertising boards will only be clearly visible for traffic travelling along the A474 towards High Street and from Herbert Street travelling northbound, therefore the sign will not be visible for traffic travelling southbound on James Street and westbound on High Street. Visibility splay envelopes of where the sign are currently visible are provided in **Figure 4.1** and full copy provided in **Appendix E**.

Figure 4.1 Visibility Splays on approach to proposed signage.



Figure 4.1 demonstrates that the proposed signage would only be visible to a small proportion of traffic users for the junction, as opposed to the whole junction.

The Highway Authority, quote search areas of 100m to and from the junction for highway safety, *“having reviewed traffic accident data from Crash maps UK, there has been nine accidents at the junction and within 100m of the approach within 10 years.”*

Figure 4.1 demonstrates the envelope of visibility available at the junction and when this is overlaid onto the accident search it can be seen that in fact only two accidents over a nine-year period were recorded within the visibility envelope. Therefore the highway authority are trying to over exaggerate the existing highway safety record of the junction to make it look worse than it is to support their case.

What should also be considered is that the sign is existing and that vehicles will be travelling in slow manner on approach to the signals and it is set back a distance of 17m from the junction, it is difficult to understand why the Highway Authority have determined that it will have a detrimental impact on highway safety. As a result of this analysis, we would contest the comment that it can be concluded that the proposals will not be detrimental to highway safety.

5. Summary and Conclusions

5.1 Summary

This document has been prepared to support an already registered planning application (ref: P/2024/0111) to provide a digital advertisement sign at James Street in Pontardawe in South Wales.

This Transport Statement has been produced to address specific reason for refusal outlined by the Highway Authority, Neath Port Talbot County Borough Council (NPTCBC).

In summary, evidence presented throughout this report has demonstrated;

- A number of recent research papers and guidance on Digital Media has confirmed that digital media is not inherently unsafe in the roadside setting and there is no positive link between signs placed close to the highway and personal injury accidents.
- A precedent has been set locally whereby three cases of digital media advertising application have been granted planning permission in similar locations in South Wales. With some locations which are situated closer to road networks carrying significantly higher numbers of vehicles than the A474.
- The proposals are for an upgrade to a digital screen and no increase in the size of the sign is proposed. The existing static advertisement sign is illuminated and has been in operation for a number of years without posing a problem to highway safety. Therefore the only proposed alteration is for the upgrade from sheet advertisement to digital and it has been confirmed that the illumination and dwell time of the proposed sign will be inline with standards for digital advertising.
- A highway safety search has revealed that using the areas where the sign is visible to traffic there have been no accidents or highway safety concerns at the location where the digital advertisement is proposed to be installed. It is noted that the Highway Authority have tried to inflate the accident problem by including areas around the junction where the sign is not visible.
- The digital media advertising boards will only be clearly visible along a short section of highway, where it has been demonstrated that adequate visibility can be obtained and there are no obstacles to forward visibility, which would endanger pedestrians or drivers.
- A thorough review of the reasons for refusal has established that there is no evidence or current guidance documents that would warrant a refusal on highway safety ground.

5.2 Conclusions

The weight of evidence presented has demonstrated that the development proposals will **not** result in a detrimental impact on highway safety. The proposals will align with all the relevant guidance in relation to digital advertising, regarding dwell times and illuminations as is standard practice, as well as planning guidance on the siting of advertisement signage.

As a result of the evidence presented throughout this transport and highways written representations, we would contest the decision by the Highway Authority to recommend refusal on the application in the interest of highway safety. Given the weight of evidence presented above we would wish a reconsideration on the recommendation.

Appendix A

Highway Consultation Response

George Bailes

From: Daisy Tomkins <d.tomkins@npt.gov.uk>
Sent: 22 March 2024 09:12
To: [REDACTED]
Subject: 1 James Street, Pontardawe (P2024/0111)

Dear Mr Paul Thacker,

I am writing to advise you that in response to the consultation period for the advertisement consent application at 1 James Street, Pontardawe (P2024/0111) I have received the following recommendation from the Authority's Highways Department:

"Refusal would be recommended on highway safety grounds due to the following reasons:

The proposed Digital Display panel is situated on the corner of the junction of James Street (A474), Swansea Road (A474), Herbert Street and High Street (B4603). The sign of this size, which is proposed to be interchangeable, would have a significant impact upon driver's awareness whilst commuting along Swansea Road (A474) and turning into either James Street or High Street. Likewise, for drivers that are coming from Herbert Street, the proposed digital sign would be visible.

The A474 is the main route from Pontardawe to Ammanford, which is classed as a Traffic Sensitive highway that carries a significant amount of vehicles, and is an abnormal loads route for vehicles such as deliveries of wind turbines.

The junction is situated in the middle of Pontardawe town centre, where shops are along High Street, Herbert Street and James Street. Pedestrians frequently use this junction to be able to cross safely, where there are pedestrian crossing points across all four roads on the junction. Each road crossing has a traffic-controlled pedestrian crossing, where Swansea Road has pedestrian guardrails directing where pedestrians are able to cross. This highlights the current potential danger for pedestrians crossing at this section of road. This crossing point is directly next to the proposed location of the digital signs for those crossing across James Street, where there is the potential that pedestrians could become dazzled by the proposed sign. It would also encourage pedestrians to be looking at the signs rather than concentrating on whether it is safe for them to cross at a busy junction. The location of this particular sign at the junction would only seek to distract both drivers and pedestrians' attention, which has the potential to create a highway and pedestrian hazard.

In addition, the sign proposed would also distract drivers from the existing traffic signs and signals at this junction. There are a number of traffic restrictions at this crossing, where vehicles from Swansea Road direction are unable to perform a right turn into Herbert Street. There are also restrictions for HGV's, where vehicles over 7.5 tonnes cannot use either Herbert Street or High Street, except for access. There are also restrictions for motor vehicles to use Herbert Street, except for access. The junction has a yellow box traffic restriction, to prevent vehicles from stopping within the junction. The proposed digital sign could lead to drivers to become disorientated, whereby drivers would be more likely to unintentionally ignore or be distracted from the existing mandatory signage currently in place.

The proposed digital sign would also be visible for vehicles at the junctions of both Works Road and private lane next to St James Medical Centre and the Public House Dillwyn Arms. Works Road is approximately 30 metres away from the junction, where the junction only permits one vehicle from being able to enter and exit at any one time. For vehicles exiting Works Road onto Swansea Road, there is limited visibility in a northerly direction of approximately 2.4 metres by 22 metres and in southern direction of approximately 2.4 metres by 8 metres. Swansea Road is a classified 20mph road, where visibility splays of 2.4 metres by 45 metres should be required, in accordance with TAN 18. The proposed sign would be in full view from this junction, where the location of the sign would only seek to distract the drivers' attention from a dangerous crossing point for vehicles on both Swansea Road and Works Road. Therefore, this would have the potential to create a vehicular safety issue. This is similar for the private lane next to St James Medical Centre and the Public House Dillwyn Arms, where the entrance is adjacent to Herbert Street

junction. Due to the close proximity to the traffic light junction, this would require drivers on both roads to have their full attention at this junction. The location of the digital sign would only seek to distract the drivers' attention from a dangerous crossing point, creating a vehicular safety issue.

It is noted there is currently a wall mounted 48 sheet advertisement sign situated on where the digital sign is proposed. However, a digital sign in its nature is designed to attract more attention compared with a traditional sign. This is due to the digital sign being lit plus the advertisements being able to rotate every 10 seconds, which draws individuals' attention to the advertisement. Therefore, this is deemed a greater risk of distraction compared with a classic panel advertisement.

TAN 7 states that in assessing an advertisement, consideration should be had for the potential impact upon public safety in respect of the safe use, and operation of any form of traffic. This includes the likely behaviour of vehicle drivers who will see the advertisement. The presence of rotating advertisements and the frequency of advert change would draw attention away from the road, together with the turning movements required and in particular to those using highway. This would therefore not be in accordance with TAN 7.

Having reviewed traffic accident data from Crash maps UK, there has been nine incidents at the junction and within 100m of the approach within the past 10 years. It therefore raises concerns that a digital sign with interchangeable signage would seek to increase risk to both pedestrians and vehicles.

Due to the proximity of the sign to the junction, any such distraction would draw drivers' attention away from observing other vehicular and pedestrian movements at a critical moment when approaching a busy crossing. To approve a sign of size and illuminated effects at the proposed location, which is heavily used by vehicles would encourage a very high risk of highway safety. Therefore, I would strongly recommend refusal for this application for reasons I have mentioned above".

If you have any queries, please contact me.

Kind regards,
Daisy

Daisy Tomkins

Planning Officer – Development Management / Swyddog Cynllunio - Rheoli Datblygu

Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

Email/ E-bost: d.tomkins@npt.gov.uk

Telephone/Ffôn: 01639 686747

The Quays, Brunel Way, Neath SA11 2GG / Y Ceiau, Ffordd Brunel, Castell-nedd, SA11 2GG

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni



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Appendix B

Planning Application Ref.19/1224

Notice of Decision



Ray Adams,
Niche
Unit 12 Waterside Court
ALBANY STREET
NEWPORT
NP20 5NT

**TOWN AND COUNTRY PLANNING ACT 1990 [as amended]
TOWN AND COUNTRY PLANNING [CONTROL OF ADVERTISEMENTS] REGULATIONS 1992 [as amended]**

Application No: 19/1224
Application Type: Advert Consent
Proposal: ADVERTISEMENT CONSENT FOR DISPLAY OF LED DIGITAL SMART SCREEN
Site/Location: Unit 12 Waterside Court, ALBANY STREET, NEWPORT, NP20 5NT
Decision Date: 02-Apr-2020

In pursuance of its powers under the above legislation the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 16 January 2020. The application has been:-

Granted with Conditions

for a period of **five years** from the date of this decision notice.

STANDARD CONDITIONS IMPOSED BY THE ABOVE REGULATIONS

1. Any advertisements displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant a permission.
5. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway [including any coastal waters] or aerodrome [civil or military].

ADDITIONAL CONDITIONS IMPOSED BY THE COUNCIL

1. The development shall be implemented in accordance with the following plans and documents; Drawing No. 15.01.2020 – Proposed Elevations.
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
2. The advertisement hereby approved shall operate at an illumination of 600 candela/sqm during the day and 150 candela/sqm during hours of darkness.
Reason: In the interest of highway safety, so as not to be a distraction to highway users, and visual amenity in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).
3. The advertisement hereby approved shall turn off (show a black screen) in the event that the display experiences a malfunction or error.
Reason: In the interest of highway safety, so as not to be a distraction to highway users, and visual amenity in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

4. The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
Reason: In the interest of highway safety, so as not to be a distraction to highway users in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).
5. The interval between successive displays shall be instantaneous, the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.
Reason: In the interest of highway safety, so as not to be a distraction to highway users, and visual amenity in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).
6. No individual advertisement displayed shall contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
Reason: In the interest of highway safety, so as not to be a distraction to highway users, and visual amenity in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

The development should be carried out strictly in accordance with the approved plans. Any subsequent modifications should be agreed in writing with the Head of Regeneration, Investment and Housing.

This decision notice is issued in respect of Planning Permission only and does not convey any approval which may be required under any other legislation or provisions, such as, but not limited to, Highways and Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email building.control@newport.gov.uk. For advice on obtaining relevant permissions from the Highway Authority, please contact streetscene@newport.gov.uk

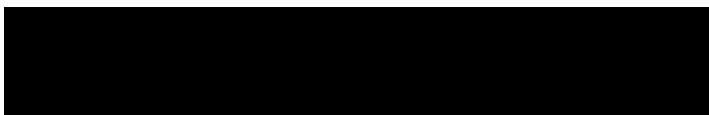
The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

Where there are conditions which require details to be approved prior to the commencement of development, failure to submit these details prior to commencement of development may result in the permission being invalidated.

The Local Planning Authority has a target to determine Discharge of Condition applications within 8 weeks of receipt of the details, and so you are advised to programme any work accordingly.

1. This decision relates to plan Nos: Drawing No. 15.01.2020 – Location Plan; Drawing No. 15.01.2020 - Existing Elevations; Drawing No. 15.01.2020 – Site Plan; Drawing No. 15.01.2020 – Proposed Elevations.
2. The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP4 were relevant to the determination of this application.
3. Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

Signed on behalf of the Council



Keir Duffin
Head of Regeneration, Investment and Housing / Pennaeth Adfywio Buddsoddi a Thai
Cyngor Dinas Casnewydd / Newport City Council

Newport City Council
Regeneration, Investment and Housing
Civic Centre
NEWPORT
South Wales
NP20 4UR

Application Number: 19/1224

Decision Date: 02-Apr-2020

IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).**

Appendix C

Planning Appeal Ref. AP/2022/0022



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17 Awst

gan I Stevens BA (Hons) MCD MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 28/09/2022

Appeal Decision

Site visit made on 17 August

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 28/09/2022

Appeal Ref: CAS-01969-Z3K0B2

Site address: 164 Malpas Road, Newport, NP20 5PP

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 Route Media against the decision of Newport City Council.
 - The advertisement proposed is 1 no. wall mounted illuminated digital sign.
-

Decision

1. The appeal is allowed and express consent is granted for 1 no. wall mounted illuminated digital sign at 164 Malpas Road, Newport, NP20 5PP as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached Schedule.

Procedural Matters

2. I have used the advertisement description as given in the Appeal Form, as it is more precise.
3. The Council has referred to Policies GP2 and GP4 of the Newport Local Development Plan (LDP), adopted January 2015, which it considers to be relevant to this appeal. I have taken these policies into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the Council's policies have not, by themselves, been decisive. Other material policy considerations include Planning Policy Wales (PPW) (Edition 11, February 2021) (PPW) and advice in Technical Advice Note (TAN) 7: Outdoor Advertisement Control (November 1996).

Main Issues

4. The main issues are the effect of the proposed advertisement on: (i) the visual amenities of the area and (ii) public safety with particular regard to highway safety.

Reasons

5. The appeal site comprises the side wall of a 5-storey building currently in use as a hotel. The wall faces towards an elevated section of the M4 motorway, north of Newport. The proposal is for a wall mounted illuminated digital advertisement, measuring about 6.4m wide by 3.4m high and 0.15m depth. The display would be positioned on the end wall, perpendicular to the M4 and about 7.5m above ground.

Visual Amenity

6. The character of the surrounding area is mixed. Dense residential streets define the area to the south, with further properties to the east and north beyond which lie wooded hillsides. When approaching the appeal site on the M4, the hotel building is apparent as one of the few buildings rising above the elevated height of the motorway. It is viewed alongside other commercial buildings between the appeal site and the Brynglas tunnels. In this context, while the proposal would introduce a new feature to the surrounding area, it would not appear as an alien feature given its proximity to the motorway and its position on a commercial building.
7. Given that the display would be located on the end wall of the hotel and facing the motorway, the proposal would be seen from the south. Terraced dwellings along Malpas Road to the south of the M4 face away from the proposal. Views from the street would be confined to glimpses of the top part of the display screen, due to the height of the M4 and the presence of passing traffic that would obscure views. Similarly, views of the proposal from the rear elevations of terraced dwellings along the northern side of Pant Road would be confined to the top part of the display screen. Views from Ross Street and Aston Crescent are restricted due to the road alignment and distance from the proposal. It is possible to view the appeal site from certain vantage points along Brynglas Road as the road rises. However, given the long-distance views from this street, the proposal would be viewed in the context of the motorway and its associated traffic.
8. While the curved roof provides some visual interest to the hotel building, the side wall is largely featureless, with small windows and an emergency exit door positioned off-centre and a static hotel logo towards the top-left corner. The proposed display would be aligned with the top floor window and sited on the right-hand side of the wall which is currently unrelieved. It would not cut across any architectural features and would not extend beyond the dimensions of the existing wall. Pedestrians navigating the adjacent subway that leads under the M4 would have full view of the display against the side wall. From this perspective, its proportions would not dominate the elevation and would add some interest to its appearance. Overall, the display would be in scale with the building and not appear unduly dominant.
9. The appellant has stated that the display would present a range of advertisements comprising static images with no animation or special effects. The advertisements would be on rotation at a frequency of once every ten seconds. Such measures would maintain an element of fluidity and simplicity to the visual impact, with a safeguard that the display would be switched off in the event of a malfunction. While there are no comparable displays in the surrounding area, the presence of the lit motorway, with passing traffic and the smaller illuminated hotel logo on the end wall would provide an appropriate context for the proposal during hours of darkness, such that the illuminated screen would not appear incongruous. The appellant's suggestion to control maximum luminance levels during evening hours, in accordance with industry recommended standards, would be an appropriate mechanism to safeguard visual amenity.

10. Overall, while the proposed display may be viewed from some vantage points in the surrounding residential area, for the reasons above, I find the proposed advertisement would not harm the visual amenity of the area.

Public Safety

11. TAN 7 states that in assessing an advertisement's impact on public safety, regard should be had to its effect upon the safe use and operation of any form of traffic, including the safety of pedestrians, the likely behaviour of vehicle drivers who will see the advertisement, and possible confusion with any traffic sign or other signal.
12. The Council is concerned that that the proposal will cause a distraction to road users on the M4, due to its sole purpose of attracting driver attention. The motorway section near the appeal site is relatively straight and while there is a slight bend on the westbound approach from the Brynglas tunnels, this does not impede forward visibility which I observed to be good on the approach to the appeal site. The road has a 50mph speed limit with a highway sign towards the Brynglas tunnels informing road users that this section of the M4 is subject to average speed checks. Apart from variable speed cameras fixed to an overhead gantry near the approach to Brynglas tunnels, there are no other traffic features in the immediate vicinity of the appeal site. Due to its wall mounted position on the side of the building, the proposal would not be mistaken for traffic signals or directions.
13. The Junction 26 roundabout is located west of the appeal site underneath the motorway and provides entry and exit points onto the motorway in both directions. For road users travelling eastbound on the M4, the Junction 26 exit to the roundabout is approximately 521m before the appeal site, along a long slip road. The side wall of the hotel building is only partially visible, with the rear elevation being most prominent in views from the slip road. For road users entering the M4 eastbound from the roundabout, the proposal would be visible to their left while travelling along the single-lane slip road. The slip road is relatively long and straight, such they would see the advert opposite the retaining wall and continue for approximately 161m before reaching the motorway merging point, when the display would be out of forward view. Similarly, for road users travelling east on the motorway, they would have viewed the display to their left at some distance before the slip road reaches the M4, at which point they may need to moderate their speed or change lane. The distance between the proposed display and the slip road entry onto the M4 is sufficiently far that it would not affect the likely behaviour of road users travelling eastbound or have a detrimental effect on public safety.
14. When travelling westbound on the M4, the proposed display would be seen across the eastbound lanes. The westbound exit for Junction 26 begins shortly after exiting the Brynglas tunnels, as the road bends slightly. Having joined the slip road exit, road users would be making their decision to turn left or right at the approaching roundabout, without the display being in close proximity and without causing confusion or distraction from the overhead gantry road signs. Road users entering the M4 westbound from the Junction 26 roundabout would not see the display up close, given the long distance to the merging point. I am satisfied that in both directions along the M4 the road alignment provides clear forward visibility and the Junction 26 merging points are sufficiently distanced so as not to cause a distraction for road users travelling on the motorway.
15. The proposed display would not be visible to road users of the Junction 26 roundabout, due to the orientation of the hotel facing the slip road and retaining wall for the elevated section of the motorway. As such, the proposed display would not have an impact on drivers using the roundabout. I recognise the proposed display would be partially visible on Malpas Road heading northbound to the roundabout for Junction 26. However, only

the top of the screen would be visible at a greater height than the roundabout, such that it would not interfere with drivers' sightlines of oncoming traffic when navigating the junction.

16. Concerns have also been raised that the illuminated sign could result in glare and dazzle to road users, particularly in misty or wet weather, which has the potential to compromise highway safety. While I recognise that weather conditions could change, drivers should moderate their speeds according to the road conditions. The proposal would not be sited in a complex driving location or be in the centre view of road users driving along the motorway. The luminance levels could be controlled through planning condition. I have seen no other evidence that the proposal could compromise highway safety in this location due to the potential glare or dazzle from the display.

Conditions

17. The appellant has suggested conditions and I have considered these in light of advice in Welsh Government Circular 16/2014 'The Use of Planning Conditions for Development Management'. The proposed conditions covering maximum luminance during daytime and evening hours and display controls are necessary in the interests of visual amenity and public safety.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.
19. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. 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.

I Stevens

Inspector

SCHEDULE OF CONDITIONS

- 1) The minimum display time for each advertisement shall be ten seconds.
Reason: In the interests of visual amenity and highway safety.
- 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 600 candela per square metre between the hours of sunrise and sunset or exceed 300 candela per square metre between the hours of sunset and sunrise, in accordance with the terms of the Institution of Lighting Professionals, Professional Lighting Guide (2014) recommendations for maximum luminance.
Reason: In the interests of visual amenity and highway safety.
- 3) All displayed images shall be entirely static with no moving images, animation, video or full motion images, and no messaging spread across more than one screen image in sequence.
Reason: In the interests of visual amenity and highway safety.
- 4) The advertisement permitted by this consent shall turn off (show a black screen) in the event that the display experiences a malfunction or error.
Reason: In the interests of visual amenity and highway safety.

Appendix D

Case Officers Report 22/0490/01

Uwchadran Adfywio a Chynllunio
Regeneration and Planning Division
Tŷ Sardis House, Heol Sardis Road, Pontypridd CF37 1DU
E-bost: gwasanaethaucynllunio@rctcbc.gov.uk
Email: planningservices@rctcbc.gov.uk

Town and Country Planning (Control of Advertisements) Regulations 1992

ADVERTISEMENT CONSENT

Client's Name and Address

Wellman
Ardent Land Limited
7 Bell Yard
London
WC2A 2JR

Applicant's Name and Address (if different)

Route Media
7 Stadium Close
Cardiff
CF11 8TS

Part I - Particulars of Application Number 22/0490/01

Proposal: Modernisation of an existing advertising site.
Location: LAND AT THE SOUTH WEST SIDE OF WILLIAMS PLACE, ADJACENT UPPER
BOAT INTERCHANGE (A473)
Grid Ref: 310461, 187143

Part II - Particulars of decision

In pursuance of the above-mentioned Regulations, the Rhondda Cynon Taf County Borough Council
CONSENTS to the display of the advertisement as specified in the application and plans submitted, subject
to compliance with the following condition(s):-

- 1 The advertisement displays shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous, with no visual effects including swiping or other animated transition methods between successive displays.

Reason: In the interests of amenity and highway safety, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 2 The intensity of luminance hereby permitted shall be restricted to no greater than 300 candelas per square metre during the hours of darkness and no greater than 5,000 candelas per square metre at day.

Reason: In the interests of highway safety, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

- 3 The advertisement displays shall not contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.

Reason: In the interests of highway safety, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 4 This consent shall expire five years from the date of this Notice.

Reason: Standard condition under the provisions of the above mentioned Regulations.

- 5 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

- 6 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned Regulations.

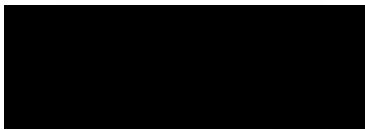
- 7 Where an advertisement is required under the above mentioned Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

- 8 No advert is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: Standard condition under the provisions of the above mentioned Regulations.

Dated:
Signed



Jim Bailey
Head of Planning

NOTES TO APPLICANT:

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Ministers under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice for Householder or Minor Commercial Developments or within 6 months of the date of this notice for all other appeals.

Appeals must be made using a form which you can get from the Welsh Ministers, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at <https://gov.wales/planning-appeals>

The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Welsh Ministers need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Ministers do not refuse to consider appeals solely because the local planning authority based their decision on a direction given by them.

Appendix E

Visibility of Sign



Date of 1st Issue 18/04/2024	Description First Issue	Drawn by CR	Checked by GB
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Key:

Application Boundary

Base Mapping

Forward Visibility (70m)

Notes:

1. Drawing units are in metres unless specified otherwise.

2. Drawing is based on OS Mapping.

A3 SCALE
1:500

0 m30 m
Scale 1:500 @ A3

Drawing Title

Digital Signs, Pontardawe
Design Package
Forward Visibility
Sheet 1 of 1

Client

Radiant Media

Drawing Status

Planning

27 Park Street
Leamington Spa
CV32 4QN
E: info@ttc-transportplanning.com

ttc

the
transportation
consultancy

Drawing Number

210991-01

Revision

-

