



## Appeal Decision

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by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/02/2024

Appeal reference: CAS-03113-T1K7P0

Site address: Advertising board on the gable end of 27 Cwm Road, Waunlwyd, Ebbw Vale, NP23 6TR

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- 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 Wildstone Group Limited against the decision of Blaenau Gwent County Borough Council.
  - The application Ref C/2023/0144, dated 22 June 2023, was refused by notice dated 31 October 2023.
  - The advertisement proposed is the installation of a digital advertisement hoarding to display static advertisements on rotation.
  - A site visit was made on 17 January 2024.
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### Decision

1. The appeal is allowed and express consent is granted for the installation of a digital advertisement hoarding to display static advertisements on rotation 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 following additional conditions:
  - 1) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

Reason: In the interests of public safety.
  - 2) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction or if the advertisement is not in use.

Reason: In the interests of public safety.
  - 3) No individual advertisement displayed on the panel shall contain moving images, animation, video or full motion images.

Reason: In the interests of public safety.
  - 4) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m<sup>2</sup> in accordance with the recommended maximum night

time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals -Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m<sup>2</sup>.

Reason: In the interests of public safety.

### **Procedural Matter**

2. The Council has referred to policies from the Blaenau Gwent County Borough Council Local Development Plan. 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. The LDP policies are therefore not, by themselves, decisive factors and I have taken these into account only insofar as they are a material consideration.

### **Main Issue**

3. This is the effect of the proposed advertisement upon public safety, with particular regard to the safe use and operation of the highway.

### **Reasons**

4. The appeal site relates to a two storey southern flank wall of an end terrace house, positioned adjacent to a single lane, straight section of the A4046 with street lighting on both sides of the road. The speed limit on the A4046 reduces from 40mph to 30mph in the approach to the appeal site. I observed that the A4046 had a regular flow of traffic in both directions, however, I saw that Cemetery Road and Brynhyfryd Terrace, which have junctions onto the A4046, and the segregated section of Cwm Road providing access to the terrace of houses, were more lightly trafficked and have a speed limit of 20 mph. To the north of the site is a signalised pedestrian crossing. Other than the existing unilluminated poster board, the area in the immediate vicinity of the site is largely free from the clutter of advertisements and has limited directional road signage.
5. Welsh Government's Technical Advice Note 7 indicates 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 or transport on land, including the likely behaviour of vehicle drivers who will see the advertisement.
6. Owing to its position on a long straight section of the A4046, the advertisement would be visible for some distance when travelling northbound, at a time when drivers would be slowing down due to the reduction in the speed limit in the approach to the appeal site. Given the good forward visibility of the road and the reduction in the speed limit, drivers would have sufficient advance warning of vehicles slowing down or waiting to turn into the junctions of Cemetery Road and Brynhyfryd Terrace, and those stopping at the signalised pedestrian crossing. As the signalised pedestrian crossing is located some distance beyond the appeal proposal, drivers would have sufficient time to take in the content of the advertisement in the approach to the signalised crossing. I note the appellant's evidence of no accident records in the vicinity of the appeal site in the last 5 years. In the absence of any evidence to the contrary, and from my observations on site, the advertisement would not be located within an area of any particular highway complexity.
7. Conditions could be imposed to limit the speed of rotation of images at all times and level of illuminance during the hours of darkness when the illumination would be most apparent such that it would not cause undue distraction to road users. For this reason and having regard to the characteristics of the highway that I have identified above, whilst

the advert would attract their attention momentarily, drivers approaching the appeal site would have sufficient time to absorb the advertisement in advance of the junctions and pedestrian crossing and react appropriately, despite the rotating images and illuminance of the proposal. Consequently, the advertisement would not cause such a distraction to drivers that it would affect the safe use and operation of the highway.

8. For the reasons above, I conclude that the proposed advertisement would not cause any significant harm to public safety.

### **Conditions**

9. A condition requiring development to be carried out in accordance with the approved plans is unnecessary as the decision grants express consent, not planning permission. The standard condition in the Regulations state that consents are given for five years and therefore it is not necessary to impose a separate condition. I have not imposed the conditions suggested in relation to the condition, maintenance, siting and landownership of the advertisement as these are also addressed by the standard conditions in the Regulations.
10. Conditions to control the speed of the rotation of images is necessary in the interest of public safety. However, whilst it is necessary to control illuminance during the hours of darkness, given my findings and subject to the use of the condition to control the speed of the rotation of images, a condition to control daylight luminance would be unnecessary. A condition to control images that resemble road traffic signs, lights or matrix signs would be unnecessary given the acceptable impacts to highway safety. I have made minor amendments to the wording of some of the Council's and appellant's suggested conditions to align with the advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management', in the interest of preciseness.

### **Conclusion**

11. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.
12. 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.

*H Smith*

INSPECTOR