



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26/05/2023

Appeal reference: CAS-02622-L9Z3G6

Site address: Land at Chepstow RFC, Burnt Barn Road, Bulwark, Chepstow NP16 5UP

- 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 Monmouthshire County Council.
 - The application Ref DM/2022/01617, dated 8 November 2022, was refused by notice dated 9 February 2023.
 - The advertisement proposed is the display of an illuminated signboard.
 - A site visit was made on 16 May 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The submission documents indicate that the proposed digital sign is to replace an existing sign at the site. During the site visit 3 signs were displayed at the appeal site and appeared to be larger than the single sign indicated on the existing plan for removal.

Main Issue

3. The main issue is the effect of the proposed advertisement on public safety, with particular regard to the safe use and operation of the highway.

Reasons

4. The proposed advertisement comprises a digital 6m x 3m LED sign, mounted on 2.5m high metal legs. The advertisement would display static images with no special effects or animation, with the image changing after 10 seconds. The display would be sited to the north of the roundabout at junction 2 of the M48 motorway, within the grounds of Chepstow RFC. Existing signage is present in this location and to the east of the Conway Drive exit, the RFC floodlights are also visible to the rear of the site.
5. Views of the proposed advertisement would be most prominent from the M48 junction 2 westbound entrance to the roundabout and traffic travelling northbound on the roundabout. Whilst there may be views of the sign for vehicles approaching the roundabout on the A466 from Chepstow, this would be limited due to the change in levels and existing vegetation.
6. Technical Advice Note 7 'Outdoor Advertisement Control' (TAN 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.

7. During my site visit I observed that the roundabout and A466 were busy with a constant flow of traffic, along with a frequent number of cyclists using the shared path from the A466. The shared path leads to a crossing point for cyclists/pedestrians to cross the Conway Drive exit slipway of the roundabout. The roundabout is subject to a 40mph speed limit, 50mph limit on the A466 and national speed limit on Conway Drive.
8. The Transport and Highways Written Evidence provided by the appellants states that the proposed sign is twice the size of the existing sign which can only display smaller fonts and graphics which are not easily identified until in close proximity to the sign. The report contends that the proposed advertisement would be larger and readily identifiable at a glance. Nonetheless, the increase in size, method of illumination and change in images every 10 seconds, would result in greater potential for distraction than the existing signage at the site.
9. The display would be located at a complex point on the roundabout where drivers need to be particularly vigilant in terms of observing road signs, taking exit routes and ensuring they observe any cyclists/pedestrians crossing the shared use path on the Conway Drive exit, immediately after the prominent viewpoint of the sign. The appellants claim that the sign would not be visible from the typical forward visibility as vehicles progress on the roundabout after the A466 exit. I disagree, the illuminated sign with image rotation would still be visible and therefore has the potential to distract drivers at this busy location.
10. The appellants' written evidence refers to personal injury data for the most recent 5-year period (2017-2021) and identifies 7 recorded accidents within the search area. Of these, 3 of the accidents, one classified serious, occurred in locations where the sign would be visible. Whilst the appellants suggest that the number of recorded incidents is in keeping with other motorway junctions, the proposed advertisement would introduce a larger more prominent feature for northbound drivers of the roundabout, increasing the risk of driver distraction and the potential for incidents. Reference is also made to the Conway Drive exit and crossing being within a stopping site distance (SSD) of 70m which is the Design Manual for Roads and Bridges (DMRB) requirement for vehicles travelling at 30mph. However, the appellant confirms that the roundabout is subject to a 40mph speed restriction and therefore the DMRB require a SSD of 120m. Although, I acknowledge that speeds are often lower on roundabouts, no evidence has been provided to demonstrate this at this location.
11. I appreciate that road users taking reasonable due care and attention should not be unduly distracted by any advert. Nonetheless, due to the scale and illuminated nature of the proposed display in a location where driver decisions are crucial, it would have significant potential to distract motorists to the detriment of highway safety; such a risk is unacceptable.
12. The fact that the displays would have static images, with no animation or special effects, and have an evening luminance level according with the relevant guidance does not negate the harm identified, nor would the appellants' suggested conditions. I acknowledge that the signs could promote businesses within the town and help to support the local RFC, however such benefits would not outweigh the harm identified.
13. Other digital displays and proposed advertisements have been referred to in the submission, including an appeal decision relating to digital signage at 164 Malpas Road, Newport. Whilst the full details of this and the other schemes are not before me, the position of the appeal sign directly facing drivers when making important decisions on highway manoeuvres is a key factor in this appeal and I do not consider the schemes to

be directly comparable. I therefore afford this matter limited weight. Reference is also made to digital roadside advertising guidance prepared by Transport for London and Bristol City Council. Nonetheless, these documents form guidance, and each proposal should be considered on the basis of site specific circumstances.

14. I conclude that having regard to the safe use and operation of the highway, the display of the advertisement would cause material harm to public safety interests.

Conclusion

15. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

16. 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.

Zoe Baxter

INSPECTOR