Appeal Decision

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by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 02/04/2025

Appeal reference: CAS-04052-L2J7D6

Site address: Land at Ruabon Service Station, Wrexham LL14 6YY

- 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 Estates Limited against the decision of Wrexham County Borough Council.
- The application Ref: P/2024/1314, dated 9 August 2024, was refused by notice dated 10 December 2024.
- The advertisement proposed is for the erection of new digital display.
- A site visit was made on 20 March 2025.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address as stated on the application form is inaccurate, therefore I have taken the address as stated on the decision notice.

Main Issue

3. This is the effect of the proposed advertisement upon public safety.

Reasons

4. 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.
5. The proposed freestanding 48-sheet digital display (display) would be located at the service station off the A483 trunk road (A483), adjacent to the petrol filling station (PFS). It would be prominently positioned close to the A483 carriageway and the slip road leading from the service station to the trunk road. This section of the A483 has two lanes, a broadly straight alignment, a 70 miles per hour speed limit and I observed continuous traffic movements. There are various existing signs at the service station, some of which are illuminated, including two largely non-digital totem signs.

6. Due to the orientation of the proposed display towards the A483 carriageway, drivers exiting the service station via the road behind the PFS would have limited visibility of it and are, therefore, unlikely to be distracted. Drivers leaving the PFS via the exit directly opposite the proposed display may experience some initial distraction. However, since they have priority at the junction, would be travelling at low speeds and would pass the proposed display almost immediately, their primary focus would quickly shift to merging onto the A483.

7. Notwithstanding this, northbound drivers on the A483 would have a clear and prolonged view of the proposed display, which would be first visible near the start of the slip road leading to the service station. As they approach, its prominent position to their left, would increasingly draw their attention away from the road ahead. Although the display would be static with instant transitions, the display changeover every 10 seconds combined with its illumination, especially at darker times, would likely cause momentary draws of attention and increase driver distraction to a far greater extent than the existing signage. This heightened level of distraction would occur at a critical point where drivers, likely travelling at high speeds, require vigilance and awareness of other vehicles changing lanes or adjusting their speed to enter or exit the service station. This would, in my view, pose a material harm to the public safety of highway users, which aligns with the view of Welsh Government's Department for Economy and Infrastructure (Trunk Road Agent, North and Mid Wales).

8. The appellant has suggested conditions which I am aware take account of the Outsmart code of practice. I have also considered the varying levels of illumination throughout the day and night which aligns with the guidance contained in the Institution of Lighting Professionals' "The Brightness of Illuminated Advertisements including Digital Displays". Nevertheless, due to the proposal's prominent position combined with the road conditions of the A483, and based on the evidence before me, I do not consider that measures to control luminosity, changeover frequency and speed would be effective in satisfactorily reducing the risk of driver distraction.

9. I note the lack of past accidents on this part of the A483, however, I do not find this to be compelling evidence that the proposal is acceptable. Neither am I persuaded that the service station approach sign significantly reduces the risk, as implied in the appellant's Highway Safety Report. The appellant has cited an example of a consented display which, notwithstanding its significant distance away from the appeal site, is positioned offside to approaching vehicles and, therefore, not directly comparable to the proposal. As such, I have considered the appeal on its own merits.

10. I note the Council has referred to Policy DM1 and T1 of the Wrexham Local Development Plan in coming to its decision, which I have taken into account as a material consideration. However, the Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. Whilst the Council's policy has not, by itself, been decisive, for the reasons given above I nonetheless conclude that the proposal would be detrimental to the interests of public safety.

Other Matters

11. The Council have not raised the effect of the proposal on amenity in their reason for refusal. Given the evidence before me, particularly the positioning of the proposal in close proximity to the service station and its associated signage, I am satisfied the proposal would not adversely affect the appearance of the surrounding area.

12. I note the proposal's benefits as cited by the appellant including, amongst other things, that it may reduce maintenance and associated vehicular trips and waste compared to traditional poster and paste adverts, support the digitisation and rationalisation of roadside

advertisements, provide better advertisement opportunities for local businesses and be able to broadcast emergency messaging. However, given the small-scale nature of the proposal, I find the scope of these benefits to be limited and would not outweigh the significant highway safety risks that I have identified.

Conclusion

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

14. 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.

L Hughson-Smith

INSPECTOR