



Appeal Decision

Site visit made on 23 August 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/X2220/H/22/3313494

Land to the west of Ramsgate Road, Sandwich, CT13 9QN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Dover District Council.
 - The application Ref 22/00548, dated 13 April 2022, was approved on 29 November 2022 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is upgrade of 2no existing advertisement hoardings to display internally illuminated digital posters.
 - The condition in dispute is No 3 which state that: "The minimum display time for each advertisement shall be no less than 15 seconds."
 - The reason given for the condition is: "In the interests of highway safety".
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Decision

1. The appeal is allowed and advertisement consent Ref 22/00548 for upgrade of 2no existing advertisement hoardings to display internally illuminated digital posters at land to the west of Ramsgate Road, Sandwich, CT13 9QN granted on 29 November 2022 by Dover District Council is varied by deleting condition 3 and substituting for it the following condition: "The minimum display time for each advertisement shall be no less than 10 seconds."

Background and Main Issue

2. The digital posters that have been given consent would replace existing hoardings. The appellant wishes to amend condition 3 so that the minimum display time for each advertisement is no less than 10 seconds. Therefore, the main issue is the effect on public safety along Ramsgate Road of changing the minimum display time of the permitted digital posters from 15 to 10 seconds.

Reasons

3. The proposed signs would be located adjacent to Ramsgate Road (A256) which is a two-lane dual carriageway subject to a 50mph speed limit. They would be about 85m to the south of the Richborough roundabout. Other conditions attached to the consent limit luminosity, preclude moving images and require changes between advertisements to be instantaneous.
4. The display would be partially visible to northbound traffic over a distance of approximately 220m. It would be obscured by a directional sign and so would only be fully visible for about 160m. Even if drivers are slowing as they approach the roundabout, they are unlikely to see more than one transition if the message duration were to be 10 seconds. Some may see none.

5. Road conditions on the approach to the roundabout are not complex and drivers are assimilating visual information at all times. The absence of other visual clutter would nevertheless make the display quite obvious. On the other hand, the lack of other potential distractions means that a switch from one image to another is likely to be easily absorbed. Indeed, there is no clear evidence that an almost imperceptible change in the advertising material would lead to an overload of cognitive demands that would adversely affect driver behaviour. In any case, there would be a sufficient gap between the panel and the roundabout to allow time to regain concentration if necessary.
6. Heading south on the A256 the poster would be glimpsed across the roundabout but then attention is likely to be focussed on negotiating that junction safely. Vehicles would be picking up speed as they move away from it but the advertisements would be positioned on the other side of the carriageway and so on the periphery of vision.
7. The accident record at and near the roundabout does not reveal a discernible pattern relating to potential driver distraction. However, there are “many” unreported incidents of the roundabout being hit and the signs and light units being demolished and so creating an on-going maintenance burden. Whilst this is regrettable it is not obvious that a 10 second display period would increase the damage caused to street furniture. This is especially as there is already advertising material in this location and as the permitted posters would be about half the size.
8. Both parties refer to Transport for London guidance from 2013. This gives a formula to reduce the risk of drivers seeing more than one image. However, it also comments that the minimum message duration should ensure that most approaching drivers do not see more than one or two messages. Although this advice may be specific to London it does not indicate that observing the rotation of adverts is intrinsically liable to cause a distraction.
9. Furthermore, there are well over 1,000 digital display boards in operation across the country almost all of which have 10 second gaps. The appellant also cites a number of case studies across Kent. Many of these are considered to be in more challenging driver environments than that found along Ramsgate Road. In an appeal (Ref: APP/A2280/H/19/3236646) at Gun Lane, Rochester an Inspector found little evidence to indicate that the increased rate of change of display would harm public safety compared to the slower fall-back position. Although not decisive, all of this supports the finding that the shorter minimum display time proposed would not have an unacceptable impact on public safety.

Conclusion

10. For the reasons given above the appeal should succeed. The original consent will be varied by deleting the disputed condition and substituting another to specify a minimum duration of 10 seconds.

David Smith

INSPECTOR