

Report on	Planning Appeal Decision 2020/A0024
Date of Meeting	8 June 2021
Reporting Officer	Melvin Bowman
Contact Officer	As above.

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

1.0	Purpose of Report
1.1	To inform members of an Appeal decision dated the 18 th May 2021 relating to an Advertisement consisting of a flat screen fixed to a gable wall with brackets at Walsh's Hotel, 53 Main Street, Maghera (sign to be displayed on the Coleraine Road side of the building).
1.2	The appeal is allowed subject to conditions.
2.0	Background
2.1	<p>Mid Ulster District Council received the application on 23rd November 2016. By notice dated 5th February 2020 the Council refused consent giving the following reasons:-</p> <p>1. The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity, when assessed in the context of the general characteristics of the locality.</p> <p>2. The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.</p> <p>3. The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign would be visually intrusive and distract the attention of road users thereby prejudicing the safety and convenience of traffic on this Protected Traffic Route.</p>

3.0	Main Report
3.1	<p>The Commissioner noted that the sign is positioned centrally on a gable where no other advertisements are displayed. Guidance on the design of different types of advertisements is contained in Annex A of PPS 17. Paragraph 14 confirms that large electronic screen displays are covered by the design guidelines for gable mounted advertisement displays. The appeal sign is sited to meet all four design guidelines for this type of advertisement, it is sympathetic to the host building and no windows or other architectural features are obscured.</p>
3.2	<p>The signage at the filling station, approximately 60 metres north of the appeal sign, partially screens the appeal sign on approach from the north. As a result, it was concluded that the advertisement is not unduly prominent. When read with the existing signage, the screen is not over dominant or out of place and it balances the impact of the gable mounted sign at the Credit Union without resulting in visual clutter. The screen when read with the existing advertisements does not harm the character and appearance of the town centre and its impact is limited in that it is viewed only when travelling south</p>
3.3	<p>The Commissioner was therefore satisfied that the sign respects amenity when assessed in the context of the general characteristics of the locality.</p>
3.4	<p>The consultation response from DFI Roads, dated January 2017, had highlighted the proximity of the sign to a traffic light controlled junction and that vehicles regularly queue at the site. The road authority was concerned that the sign may distract drivers and lead to shunting type collisions on approach to the junction. They also argued that weight should be given to the fact that the Coleraine Road is a protected route.</p>
3.5	<p>The Commissioner visited the site on a wet winter day and drove and walked past the site in both directions making use of the signalised junction and pedestrian crossings. The sign was regarded as being sufficiently separated from the traffic lights and is not in the natural line of sight towards them. Moreover it does not obstruct or confuse a road user's view or reduce the clarity or effectiveness of the governing signals. Drivers approaching the junction already negotiate a succession of shop signage along this lower section of Coleraine Road and, in the Commissioners opinion, the presence of this illuminated sign on a gable perpendicular to the road did not unduly distract</p>
3.6	<p>In a town centre context with extensive advertising in the area, the sign was not so unusual as to distract the attention of drivers in a manner that would prejudice road safety during the day. The lack of any evidence that road traffic accidents have occurred at the junction during the time the advertisement screen has been operational reinforces the above assessment.</p>
3.7	<p>Whilst the sign appears much brighter in the absence of ambient light and its current brightness results in some very limited glare and dazzle, particularly when an advertisement with a white background is displayed the Commissioner considered</p>

<p>3.8</p> <p>3.9</p>	<p>that if a condition was imposed requiring the illumination level of the sign not to exceed industry standards, these concerns would be satisfactorily mitigated.</p> <p>It was recognised that the use of moving images or text can be problematic because such movement has the potential to distract drivers at any time of day or night as motion would attract attention more so than a static display would. This would be concerning given the proximity of the sign on approach to the junction and its potential capacity to distract drivers. Therefore the imposition of a planning condition allowing only the display of static images changing at a set minimum frequency in a manner that does not give the appearance of movement is necessary to ensure that there is no undue distraction to drivers.</p> <p>With regard to the Coleraine Road being a protected route, the Commissioner saw nothing in PPS 17 that suggests it should be treated differently from the majority of the road network with respect to advertisements. In the evidential context of this appeal, the sign is visible travelling in only one direction on the A29 in a 30mph zone and provided its brightness, movement and minimum display duration are controlled, it would not prejudice road safety on the protected route. The Council's third refusal reason has not been sustained.</p> <p>Decision – the appeal is allowed and consent to display an advertisement is granted, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The digital advertising screen shall display only static images and shall not contain sequential displays, moving images or features designed to give the appearance of movement. 2. The minimum duration any static image shall be displayed shall not be less than 21 seconds. 3. Within 14 days of the date of this decision, the luminescence of the advertising screen shall be controlled by light sensors which will automatically adjust screen brightness for ambient light levels in order to avoid glare at night and facilitate legibility during daytime. The screen shall comply with the Institution of Lighting Professionals' guidance PLG05'TheBritness of Illuminated Advertisements'
<p>4.0</p>	<p>Other Considerations</p>
<p>4.1</p>	<p>Financial, Human Resources & Risk Implications</p> <p>Financial:</p> <p>Human:</p> <p>Risk Management:</p>
<p>4.2</p>	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications:</p>

	Rural Needs Implications:
5.0	Recommendation(s)
5.1	That members note the appeal decision
6.0	Documents Attached & References
6.1	Copy of PAC decision.

PLANNING APPEALS COMMISSION

**Planning (Control of Advertisements) Regulations (Northern Ireland) 2015
Regulation 15**

**Appeal by Mr Kieran Bradley
against the refusal of consent to display an advertisement
consisting of a flat screen fixed to a gable wall with brackets
at Walsh's Hotel, 53 Main Street, Maghera
(sign to be displayed on the Coleraine Road side of the building)**

**Report by
Commissioner Gareth Kerr**

Planning Authority Reference: LA09/2016/1654/A

**Procedure: Written representations with Commissioner's site visits on 18th February
& 18th March 2021**

Report Date: 10th May 2021

1.0 **BACKGROUND**

1.1 Mid Ulster District Council received the application on 23rd November 2016. By notice dated 5th February 2020 the Council refused consent giving the following reasons:-

1. **The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity, when assessed in the context of the general characteristics of the locality.**
2. **The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.**
3. **The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign would be visually intrusive and distract the attention of road users thereby prejudicing the safety and convenience of traffic on this Protected Traffic Route.**

1.2 The Commission received the appeal on 3rd June 2020. No representations were received from third parties. The Council forwarded to the Commission one objection it had received at application stage.

2.0 **SITE AND SURROUNDINGS**

2.1 The site contains Walsh's Hotel, a two to three storey building in the centre of Maghera. The complex contains a hotel, bar and restaurant and has frontage to Main Street and Coleraine Road, both of which are Protected Routes. There is a signalised junction and pedestrian crossings at the intersection of the two streets. The electronic advertising screen subject of the appeal, which measures 5 metres by 3 metres, is already installed on the northern gable of the hotel, approximately 40 metres from the junction, and is visible when travelling south on the Coleraine Road towards the centre of the town. The screen is positioned centrally on the gable of a 2 storey section of the hotel and 2.9 metres above ground level. It is visible over a 2.8 metre high wall that encloses an outdoor seating area and marquee at the northern end of the hotel property.

2.2 There are a variety of other town centre land uses in the surrounding area including shops, hot food takeaways and a petrol filling station. There is some residential use on upper floors. Coleraine Road widens opposite the site to provide a double row of car parking separate from the main carriageway. The local businesses display a range of shop signage. There is prominent signage on the filling station canopy and free standing totem signs at the filling station and at a supermarket opposite it. There is a similar sized billboard on the gable of the Credit Union at 24 Coleraine Road, opposite the site, and a large artwork on the main gable of the hotel at the road junction. There are several other electronic advertising screens in the town, particularly along Main Street and Church Street which are part of the A42 Protected Route.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 Policy AD1 of Planning Policy Statement 17 (PPS 17) provides for outdoor advertisement consent where the proposal respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety. The three refusal reasons are based on the elements of this policy.
- 3.2 The site is located within the settlement limits of Maghera at the junction of Main Street and Coleraine Road, both designated as protected routes. The LCD screen is attached to the northern gable of Walsh's Hotel and has been erected without consent. The sign does not respect the amenity of the surrounding area and dominates it, given its size and the moving images displayed both day and night. The sign appears incongruous and dominant on the hotel building.
- 3.3 When approaching the site from Coleraine Road towards the town centre, there are long distance views of the sign showing its dominance in the Maghera streetscape. Shorter distance views are also unacceptable.
- 3.4 Annex A of PPS 17 provides guidance for outdoor advertisements and poster panel displays, such as this sign. It acknowledges poster panel displays rely on their size and siting for impact, so there is a need to ensure such displays respect the scale of their surroundings. In this case, the guidance reinforces the unacceptability of the sign at this location due to its size and scale when assessed in the context of the characteristics of the locality.
- 3.5 The electronic sign operates in a running mode. It is located at the junction of two protected routes and could prejudice public safety, specifically road safety. PPS 17 paragraph 4.11 (e) and (f) specifically identifies signs which are directly visible from any part of the road or incorporate moving parts or displays and being visible to drivers and pedestrians is likely to pose a greater risk to public safety. This is further endorsed by the Strategic Planning Policy Statement for Northern Ireland (SPPS) in paragraph 6.54, in which it places great emphasis on restricting the display of advertisements in the interest of public safety.
- 3.6 The sign is a threat to road safety as it is illuminated and results in glare and dazzle, especially in misty or wet conditions, whilst the moving and colour displays distract motorists' attention away from the public road while reading the alternating messages. The location and running operation of the sign distracts users of the protected route and thus poses a risk to road users and pedestrians. At night time and in winter months with reduced hours of daylight, the sign can be seen from a significant distance and the illumination and moving images prejudice road safety.
- 3.7 Coleraine Road is a heavily trafficked route and DFI Roads are concerned that the sign is mounted on the approach to a busy traffic light controlled junction. Vehicles regularly have to queue here and the electronic sign will distract drivers and increase the accident potential as moving vehicles approach the slowing and queueing vehicles along the front of Walsh's Hotel. The sign is visually intrusive and distracting to road users prejudicing the safety and convenience of traffic. Weight should be given to the fact that the A29 Coleraine Road is a protected route. DFI Roads has confirmed that no level of illumination would be acceptable to them at this location and the sign would still be perceived as a hazard if the level of illumination was reduced.

- 3.8 Background papers indicated a third party's concern that consent should have been sought before the sign was installed. The sign is very bright and at times blinding during the night. It is also a distraction because you tend to sit watching the video rather than concentrating on the road junction and pedestrian crossing ahead. It would be better if it was mounted higher above eye line.
- 3.9 If the appeal is allowed, the following conditions are suggested on a without prejudice basis:
- The static display in the advertisement should not change at a frequency greater than once in any two minute period.
 - The advertisement shall not comprise sequential displays, moving parts or features, or intermittent lighting in a manner designed to give the appearance of movement.
 - The illumination level of the sign must comply with the Institution of Lighting Professionals Technical Report No. 5 "Brightness of Illuminated Advertisements".

While these conditions would mitigate the impact of the sign if consent is granted, the Council remains of the view that the proposal is unacceptable in terms of road safety and amenity.

4.0 APPELLANT'S CASE

- 4.1 The proposal is for a LCD screen measuring 5m by 3m attached by brackets to the north elevation of Walsh's hotel, a large two/three storey building. The screen is located 2.9m above ground level and includes moving and static images. The site is located in the town centre of Maghera where the immediate area comprises mainly retail uses. There have been a number of consents for similar LED screens in other Council areas across Northern Ireland.
- 4.2 The site is located on white land within the town centre of Maghera (Designation MA 15), as defined by the Magherafelt Area Plan 2015 and is located adjacent to the A29, a protected route. There is no specific policy within the local development plan material to this application.
- 4.3 Regulation 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 states, "A council shall exercise its powers under these Regulations only in the interests of amenity and public safety, taking into account— a) the provisions of the local development plan, so far as they are material; and b) any other relevant factors." It indicates factors relevant to amenity to include the general characteristics of the locality, including the presence of any feature of historic, archaeological, architectural or cultural interest, disregarding, if it thinks fit, any advertisements being displayed there. Factors relevant to public safety include –
- (i) the safety of any person who may use any road, railway, waterway (including coastal waters), docks, harbour or airfield;
 - (ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway sign, or aid to navigation by water or air.

- 4.4 Paragraph 6.52 of the SPPS notes that outdoor advertising can have an impact on amenity, both positive and negative and that there is a need to balance the requirements of the industry with the protection of our towns and a corresponding need to ensure that advertisements will not prejudice public safety. It goes on in paragraph 6.54 to highlight that planning legislation enables planning authorities to restrict or regulate the display of advertisements in the interests of amenity or public safety, including road safety. Furthermore, roads legislation provides additional controls on advertisements in, or on, a public road. In addition, Paragraph 6.57 states, “Well designed advertising which respects the building or location where it is displayed and which contributes to a quality environment should be encouraged. Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety.” Finally, paragraph 6.59 advises that “care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings.”
- 4.5 PPS 17 is a retained policy within the SPPS and it sets out planning policies for the display of outdoor advertisements which require consent. Policy AD1 Amenity and Public Safety states that consent will be given for the display of an advertisement where:
- (i) It respects amenity when assessed in the context of the general characteristics of the locality; and
 - (ii) It does not prejudice public safety.
- Paragraph 4.11 of the Justification and Amplification text sets out types of advertisement which are likely to pose a threat to public safety. Annex A of PPS 17 sets out supporting guidance for various categories of signage including gable mounted advertisements in paragraph 12. There is no conflict between the SPPS and the retained policies.
- 4.6 The screen has been designed to an appropriate scale in the context of the entire gable elevation of the building. There are no other advertisements on this elevation so the screen will not result in an accumulation of signage. The sign sits flush with the gable elevation and will be visible in the background of the fuel filling station canopy and totem pole signage when approaching from the north along Coleraine Road. In this context the screen is of a suitable design, respects the scale of advertisements in its immediate surroundings and will not be overly dominant in the streetscape. The Council have not provided any specific viewpoints that show how the screen adversely affects the amenity of the area. The brightness of the screen varies between day and night and the lumen of the screen can be set to satisfy prevailing guidelines. A planning condition can ensure that the screen will satisfy the standards of the Institute of Lighting Professionals Guidance. On this basis the screen will not cause light pollution or impact the amenity of other land uses or road users.
- 4.7 The location of the sign means that it does not have any direct visual relationship with existing traffic signals, such that it could give rise to confusion as to the ready interpretation of the signals as a result of the screen display. The road traffic signage at the Coleraine Road / Main Street junction is located more than 50 metres beyond the sign and therefore is not located close to or will not be read in conjunction with the sign. The closest traffic signage / signals to the north are located 130 metres away from the appeal site. At this distance the screen will not obstruct or confuse a road user’s view or reduce the clarity or effectiveness of a traffic sign or signal. No evidence

has been provided by DFI Roads in their consultation responses to demonstrate how the location and nature of the screen will diminish the ready interpretation of nearby traffic signals and give rise to a prejudice to road safety.

- 4.8 A condition could be attached to ensure that a suitable minimum message display duration is observed to control the number of advertisements that can be viewed when approaching the sign. The advertisement first becomes visible on approach towards the site at the junction of Coleraine Road and O'Hara Road, which is 280 metres before the location of the screen, and will not be readable until much closer to the site. The display duration should be set so that approaching drivers do not see more than two consecutive messages. On this basis a minimum message display of 21 seconds is required to ensure that drivers travelling at the speed limit of 30mph do not see more than two consecutive advertisements. The two minute period proposed in the Council's draft conditions is excessive and out of step with standard practice.
- 4.9 The proposed screen does not protrude beyond the building line towards the public footpath / road, limiting the potential for the screen to be visually intrusive. It is considered that during inclement weather conditions or during the hours of darkness, an uncontrolled LCD sign's brightness or level of variation in terms of timings and changes to display / colour could feasibly distract or confuse road users at a junction or reduce the prominence of traffic signal heads and their interpretation. However, the screen is located in a well-lit area with comprehensive street lighting which will assist in reducing the perceived brightness of the LCD screen during the hours of darkness and the LCD screen's brightness can be adjusted to ambient light levels via sensors which adjust to natural background light changes, which may form potential mitigation to any issue regarding excessive luminosity. The screen has been operating at this location since 2015 and there is no evidence that the sign has contributed to traffic accidents in the five years it has been displayed. No evidence has been provided to demonstrate how the screen is visually intrusive / distracting to road users to the point that it creates a road safety issue. An appropriate condition could be attached to the consent to control the length and type of static or moving advertisement that is acceptable on the screen. The screen meets the requirements of Policy AD1 and does not harm amenity or public safety.

5.0 CONSIDERATION

- 5.1 The main issues in this appeal are whether the advertisement screen prejudices the amenity of the area and public safety.
- 5.2 For advertisements such as the appeal proposal that require express consent under Part 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, regulatory powers must be exercised only in the interests of amenity and public safety, taking into account the provisions of the local development plan (LDP), so far as they are material, and any other relevant factors. The Magherafelt Area Plan 2015 operates as the LDP for this part of the Mid Ulster district. In it, the site is located within the town centre of Maghera and adjacent to two protected routes: the A29 Coleraine Road and the A42 Main Street. The LDP contains no specific policies for advertisements.
- 5.3 Regional policy relevant to the appeal is found in the SPSS and the retained policies of PPS 17. Both documents recognise that advertisements affect the character and

appearance of the building or place where they are displayed and that they can have both positive and negative impacts on the amenity of an area. There is no conflict between the provisions of the SPPS and the retained policies on the issues raised in this appeal. In accordance with the transitional arrangements set out in the SPPS, the appeal should be determined in accordance with the retained Policy AD1 – Amenity and Public Safety of PPS 17. Policy AD1 states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and it does not prejudice public safety.

- 5.4 The advertisement subject of the appeal is an electronic screen measuring 5 metres by 3 metres attached to the northern gable of Walsh's hotel, a large two/three storey building in the town centre. The bottom of the screen is 2.9 metres above ground level. It displays a series of different advertisements, mainly for local businesses including the hotel. I visited the site during daylight hours and separately at night. I observed that the advert changed approximately 7 times per minute. The images were mostly static, but a few of the adverts had a small amount of moving text or background.
- 5.5 Paragraph 4.4 of the Justification and Amplification of Policy AD1 states that in relation to advertisements the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views. The northern section of the hotel, where the sign is located, is a modern extension with dormer windows facing the street. There are no other advertisements on the northern elevation. There is fascia signage and projecting signs along both roadside elevations and a large artwork on the main gable at the road junction, all of which contribute positively to the townscape of the area. Because of the advertisement's orientation, it is viewed principally on approach along the Coleraine Road towards the town centre and it does not read with the other signage on the building which faces in different directions. The sign is positioned centrally on a gable where no other advertisements are displayed. Guidance on the design of different types of advertisements is contained in Annex A of PPS 17. Paragraph 14 confirms that large electronic screen displays are covered by the design guidelines for gable mounted advertisement displays. The appeal sign is sited to meet all four design guidelines for this type of advertisement, it is sympathetic to the host building and no windows or other architectural features are obscured.
- 5.6 The sign is viewed in context with the totem sign and canopy at Bradleys Filling Station to the north, the shop signage on the buildings on the opposite side of the Coleraine Road and a gable mounted sign on the Credit Union building at the northern end of that row of shops. The signage at the filling station, approximately 60 metres north of the appeal sign, partially screens the appeal sign on approach from the north. As a result, the advertisement is not unduly prominent. When read with the existing signage, the screen is not over dominant or out of place and it balances the impact of the gable mounted sign at the Credit Union without resulting in visual clutter.
- 5.7 The Council has not referenced the context of other advertisements in the area and has not identified any specific short and long distance critical views which it considers unacceptable. Notwithstanding, the appellant has provided short and long range views of the sign for consideration. The screen when read with the existing advertisements does not harm the character and appearance of the town centre and its impact is limited in that it is viewed only when travelling south. There is no harm to features of

historic or architectural interest on the hotel or the wider area and the scale of the advertisement is in keeping with its large host building and with the overall expanse of the arterial route from which it is viewed. Although the advertisement is internally illuminated, I do not consider that it causes undue light pollution in the context of a well lit town centre environment. For the reasons given, I am satisfied that the sign respects amenity when assessed in the context of the general characteristics of the locality. The Council's first refusal reason has not been sustained.

- 5.8 The Council's evidence on the issue of public safety relates to road safety. They highlight paragraph 4.11 (e) and (f) of PPS 17 and are concerned that the sign's illumination and the moving elements in the display have the potential to distract road users, especially in wet conditions and at night. The Council states that the sign can be seen from "a significant distance away", but again, no specific viewpoints have been provided. The consultation response from DFI Roads, dated January 2017, highlights the proximity of the sign to a traffic light controlled junction and that vehicles regularly queue at the site. The road authority is concerned that the sign may distract drivers and lead to shunting type collisions on approach to the junction. They also argue that weight should be given to the fact that the Coleraine Road is a protected route.
- 5.9 I first visited the site on a wet winter day and drove and walked past the site in both directions making use of the signalised junction and pedestrian crossings. The traffic lights at the junction with Main Street are located 40 metres beyond the site. The sign is sufficiently separated from the traffic lights and is not in the natural line of sight towards them. Moreover it does not obstruct or confuse a road user's view or reduce the clarity or effectiveness of the governing signals. Drivers approaching the junction already negotiate a succession of shop signage along this lower section of Coleraine Road and, in my opinion, the presence of this illuminated sign on a gable perpendicular to the road does not unduly distract. From longer range views (at the traffic lights and pedestrian crossing around 130 metres away from the sign), it is partially obscured by the petrol station signage and the screen does not obstruct or confuse a road user's view or reduce the clarity or effectiveness of the signals. In a town centre context with extensive advertising in the area, the sign is not so unusual as to distract the attention of drivers in a manner that would prejudice road safety during the day. The lack of any evidence that road traffic accidents have occurred at the junction during the time the advertisement screen has been operational reinforces the above assessment.
- 5.10 I visited the site on another occasion at night time to assess its impact during the hours of darkness. The sign appears much brighter in the absence of ambient light and its current brightness results in some very limited glare and dazzle, particularly when an advertisement with a white background is displayed. The appellant argues that the screen can be adjusted to ambient light levels via sensors if there is excessive luminosity and states that if the screen is operated in accordance with industry standards as suggested in the Council's draft condition, it will not create glare or dazzle. I consider that if a condition was imposed requiring the illumination level of the sign not to exceed such standards, these concerns would be satisfactorily mitigated. As it is unclear whether the sensors are currently in place, it is necessary to impose a time limit of 14 days for this requirement to take effect. The Council has the power to enforce against any breach of such a condition. With suitable control of the illumination level of the sign, it would not prejudice road safety.

- 5.11 The Consent to Display Form indicates that the sign seeks to display both moving and static images. In respect of static displays, the parties disagreed over the appropriate minimum message display duration. When I visited the site the entire image changed approximately 7 times per minute which is much shorter than the safe interval suggested by either party. The appellant has stated that standard practice is that the minimum message display duration should be such that the majority of approaching drivers do not see more than two consecutive messages. The minimum message display duration may be calculated by dividing the maximum sight distance to the advertisement (280 metres) by the speed limit in metres per second (13.4 m/s). This identifies the period of time which it takes a driver to travel along the section of the Coleraine Road where the sign is in view and equates to a minimum display duration of 21 seconds. I consider that such a restriction, combined with the existing signage and canopy at the filling station (which obscures the sign for much of the approach), would ensure that changes to the static display would not prejudice road safety by distracting drivers.
- 5.12 In my judgement, the use of moving images or text can be problematic because such movement has the potential to distract drivers at any time of day or night as motion would attract attention more so than a static display would. This would be concerning given the proximity of the sign on approach to the junction and its potential capacity to distract drivers. Therefore the imposition of a planning condition allowing only the display of static images changing at a set minimum frequency in a manner that does not give the appearance of movement is necessary to ensure that there is no undue distraction to drivers. As the Council's concerns regarding road safety at the junction can be addressed in respect of static images by the conditions outlined above, its second refusal reason has not been sustained.
- 5.13 With regard to the Coleraine Road being a protected route, I see nothing in PPS 17 that suggests it should be treated differently from the majority of the road network with respect to advertisements. Paragraph 2.10 refers to special roads designated under Article 15 of the Roads (Northern Ireland) Order 1993 – these comprise only the motorway network and the Westlink. Several consents for similar signage across Northern Ireland are cited by the appellant. As the decisions referred to have been made by other planning authorities, they are not binding on Mid Ulster District Council and the appeal proposal must be considered on its own merits. In the evidential context of this appeal, the sign is visible travelling in only one direction on the A29 in a 30mph zone and provided its brightness, movement and minimum display duration are controlled, it would not prejudice road safety on the protected route. The Council's third refusal reason has not been sustained.

6.0 RECOMMENDATION

- 6.1 I recommend to the Commission that the appeal be allowed and that consent to display be granted, subject to the following conditions:-
1. The digital advertising screen shall display only static images and shall not contain sequential displays, moving images or features designed to give the appearance of movement.
 2. The minimum duration any static image shall be displayed shall not be less than 21 seconds.

3. Within 14 days of the date of this decision, the luminescence of the advertising screen shall be controlled by light sensors which will automatically adjust screen brightness for ambient light levels in order to avoid glare at night and facilitate legibility during daytime. The screen shall comply with the Institution of Lighting Professionals' guidance PLG05 'The Brightness of Illuminated Advertisements'.

6.2 This recommendation relates to the following drawings:-

Number	Title	Scale	Date Received
01	Site Location Map	1:1250	23 November 2016
02	Existing Rear Elevation	1:50	23 November 2016
03	Proposed Rear Elevation	1:50	23 November 2016
04	Photograph	-	23 November 2016
05	Photograph	-	23 November 2016

List of Documents

Planning Authority:-	A	Written Statement of Case Mid Ulster District Council
	B	Written Rebuttal Statement Mid Ulster District Council
Appellant:-	C	Written Statement of Case Turley
	D	Written Rebuttal Statement Turley