

Wandsworth Council
Housing and Community Services Department
The Town Hall
Wandsworth High Street
London SW18 2PU

Attn. Ms Jennifer Knox, Planning Officer – Enforcement

Your ref: 2014/3865; 2014/4720

Our ref: BZY1-001/AC

Email: acopithorne@richardbuxton.co.uk

9 March 2016

Dear Sirs

Rosslyn Park RFC digital advertisement displays – appl. to discharge con 1

We have considered the application to discharge condition 1 to the advertisement consent (2014/4720) made by JC Decaux UK Ltd. Our clients' views are set out below. Their conclusion is that the only adequate mitigation for the impact of the screens on visual amenity is that they are permanently shut off.

Lighting Analysts Ltd report 6 February 2016

The report prepared by Lighting Analysts Ltd which is relied upon by JC Decaux only considers the power output of the LED screens and their identifiable contribution to the levels of light experienced in their vicinity. Although it has a section purporting to consider visual amenity, it actually considers only the contribution of the screens to the general levels of light in the area, concluding that the increase in levels contributes to increased feelings of safety by pedestrians.

Whilst that may be the case, it singularly fails to appreciate the objections on grounds of visual amenity which have been made by more than 500 members of the public. These objections are on a whole that the screens are intrusive, distracting and inappropriate for their setting. The report does not attempt to take these views into account and therefore is only a partial assessment.

The report refers to the area as being of 'limited amenity value' as it is mainly a transit route for pedestrians and vehicles. It is clear that the authors of the report failed to understand the site is situated within Metropolitan Open Land and is adjacent to Barnes Common Conservation Area. It is within a highly sensitive landscape. Without that key understanding any assessment of the impact of the lighting is inadequate.

The report also takes as its starting point a presumption that the area in which the signs are located should be categorised as "E3 – medium district brightness – small town centres or urban locations". However, the report then goes on to refer at 6.8 to

the ecology report by Greengage Environmental LLP submitted in the advertising consent application, which stated the site is positioned in the “Richmond to Barnes ‘Dark Corridor’”. It would seem the most appropriate category therefore for the site is “E2 – Low district brightness areas – rural, small village, or relatively dark urban locations”.

It is not clear though whether that change in presumption would affect the conclusion of the report since, like the figure 3, which gives ‘Obtrusive Light Limitations for Exterior Lighting Installations – General Observers’, it is not clear where these criteria are carried through the assessment to inform the conclusions. The only objective factor which the report appears to consider in full is the contribution the signs make to the levels of light in the area on a whole at the various power settings from 100 to 300 cd/m2. It is unclear why this is the focus, particularly given that JC Decaux has voluntarily agreed to limit the output of light from the screens to 100 cd/m2. There is no attempt in the report to analyse whether the 20% contribution to light levels is acceptable in this particular context.

The report in fact concludes that “all practical mitigation measures which can aid in reducing negative impacts upon the night-time environment have already been implemented within the design and operation of the installation.” This does not follow from the report as there is no consideration there as to whether the illumination of the screens could be reduced further from 100 cd/m2 or the hours of operation reduced further.

Our clients’ position is however that the only mitigation measure which will properly address the objective and subjective detrimental impact of the screens is for them to be turned off and dismantled. The Lighting Analysts report does nothing to dispel this view.

Transport for London – Guidance for Digital Roadside Advertising & Proposed Best Practice

Our clients have identified a report prepared by Transport for London to produce a ‘best practice approach’ for roadside digital advertising (attached). We do not understand why this was not referred to in the 2014 application for planning permission and advertising consent as it appears to be directly pertinent.

The report notes that typical night time values of illumination in “urban areas” would be 100-300 cd/m2. This value is reflected in the consideration of the Rosslyn Park screens but it indicates that this range of values is too high for this site given its sensitive location in a ‘dark corridor’.

We have summarised the recommendations in the report against the Rosslyn Park consent in the following table:

Recommendation	Rosslyn Park Installation
Sites adjacent to rural roads may not be acceptable if there are otherwise low levels of information in the external environment.	This was really a rural location before the works started and undoubtedly had low levels of information
Locations with tight geometry or major junctions, merges, diverges or pedestrian crossings and	The junction of the URR with Roehampton Lane is complex (particularly eastbound), with pedestrian

located in the urban environment would require detailed analysis.	crossing, difficult cycle paths and bus stops
Drivers should only see the details of a roadside digital advertisement one screen, or a pair of synchronised screens, at a time. This is to ensure that multiple images do not change at different times, which can add to driver distraction.	Eastbound drivers see a landscape and portrait screen at the same time – they are not synchronised
Digital advertisement is likely to best be located alongside the nearside carriageway or overhead to reflect where official road signs would normally be located. This approach will locate the advertisement in driver's eye line and reduce the risk of drivers turning attention away from the road.	Eastbound screens are on the opposite side of the road. Westbound the screen is high and away from the road at a time when drivers should be very aware of undertaking cyclists
The minimum message display duration should ensure that the majority of approaching drivers do not see more than one or two messages. This reduces the risk of driver's attention being focused on the digital display for long periods in anticipation of the next image.	The eastbound portrait display could go through many changes on approach. Generally drivers in either direction are subjected to five or six changes
At sites where the cognitive demands on a driver may be higher, restricting the rate of change further to reduce the risk of a driver seeing more than one message at a time on a digital advertisement should be considered.	See above
Where the advert is visible in the same view as traffic signals, the timing of the signals should where possible be taken into account when calculating the message display.	This is the case – but there is no evidence of it being taken into account
The nature of advertising content is outside the scope of this report to a certain extent as the advertising standards agency is responsible for the advert content. However, the research investigated suggests the following best practice: a) - Phone numbers / web addresses details should be avoided in most circumstances. b) - Advertising that requires excessive eye dwell time to assimilate information should be avoided.	Condition about websites is only a guidance note in the planning consent and therefore not binding. Car adverts have a huge amount of text about emissions etc.

In light of the above points, it is clear that there are many areas where the consent for the screen does not comply with highly relevant guidance. We suggest that if the guidance had been taken into account at the time the consent was considered it would not have been granted.

Our clients also note that the screens at the current time frequently feature JC Decaux's own marketing images in their 'beframeus' campaign. Given that the purpose of the screens was to show revenue generating content in order to raise funds for the rugby football club, we suggest that the content be limited accordingly. This will give some comfort to local residents who otherwise object to the impact on their amenity.

Taken as a whole, the points above come down strongly in favour of our clients' position. The only appropriate mitigation for the screens is that they are switched off and no similar consent be given in future.

Yours faithfully

A handwritten signature in black ink that reads "Richard Buxton". The signature is written in a cursive, slightly slanted style.

Richard Buxton
Environmental & Public Law