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27 August 2023

Dear Sirs,

Town and Country Planning (Control of Advertisement) (England) Regulations 2007

Buxton Football Club Ltd, The Tarmac Silverlands Stadium, Silverlands,
Buxton SK17 6QH

Proposed Retention of Electronic Scoreboard

The above application for advertisement consent is submitted today via the Planning Portal, reference PP 1239 5095, for determination by High Peak Borough Council (HPBC).

The fee payable of £132 has been paid via the Portal.

The documents and drawings submitted in support of the application are as follows:

- L684 01 Location Plan
- L684 10 Block Plan
- L684 11 Plan and Elevations
- photo 1
- photo 2
- Lighting Details
- Technical Specification

Background

HPBC advised that it had been made aware, by others, of the initial construction works on the scoreboard, and soon after invited the submission of this application. The structure and fascia advertisement was subsequently completed and is now operational. This application is therefore to retain the advertisement as is it stands.

Legislation and Guidance

Regulation 3 provides that HPBC as local planning authority shall exercise its powers to determine this application 'in the interests of amenity and public safety', taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Regulation 2 provides that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, and factors relevant to public safety include the safety of persons using any highway, impact on any traffic sign, and impact on any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

The Planning Practice Guidance (PPG) gives more advice in relation to the meaning of ‘amenity’ and ‘public safety’. It advises that ‘amenity’ is not defined exhaustively in the Regulations, is a matter of interpretation by the local planning authority as it applies in any particular case and is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood where residents or passers-by will be aware of the advertisement. The LPA will need to consider whether any advertisement is in scale and in keeping with local characteristics and features.

The concept of ‘public safety’ in the context of advertisements is extensively considered in the PPG in relation to travel by road, rail, air and water. In the case of the Buxton FC scoreboard the proximity of the adjacent public highway is the only one of those factors considered to be relevant. The PPG identifies such issues as visibility and sight-lines; obstruction to/distracton from road traffic sign; clearance for vehicles on the carriageway; means of illumination directly visible from any part of the road; confusion with traffic lights or any other authorised signals; glare and dazzle, or distraction; frequent changes of the display; moving or apparently moving elements in the display. These are considered to be the most relevant ‘public safety’ considerations in the context of the football ground and its surroundings.

Under Regulation 14 HPBC is able to grant express consent subject to a condition that it expires at the end of such period as it may specify in granting the consent or where no period is so specified, a period of 5 years.

Under Schedule 2 of the Regulations ‘Standard Conditions’ are set out which apply to all advertisements granted express consent, dealing with such routine matters as the safety and condition of the advertisement and state of the site on removal.

Under S222 of the Town and Country Planning Act 1990 Act planning permission is not needed for any structure or development which is integral to the display advertisements granted consent in accordance with the Regulations.

HPBC Policy

The HPBC Adopted Local Plan 2016 contains policies which are relevant:

-Policy CF 4 says the Council will seek to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and well being of local communities.

-Policy CF 5 says the Council will seek to maintain and improve the provision of local community services and facilities by supporting proposals which protect, retain or enhance existing community facilities (including multi use and shared schemes) or provide new facilities.

-Policy EQ 6 says the Council will require that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The football ground is not in a designated area such as a Conservation Area or Area of Special Control for advertisement purposes.

Assessment

Buxton Football Club is a successful organisation, recently having been promoted to the National League North. It has featured in a live BBC match broadcast in the FA Cup, bringing much national attention to its achievements and to the town.

As well as official first team match day fixtures the Club is firmly rooted in the local community such that there is extensive use of the football ground throughout the week for both football and other activities. Such success inevitably brings with it requirements and expectations for enhanced spectator facilities. The Council has indeed been very supportive of the Club's progress by approval of recent planning

applications for educational facilities, replacement pitch and floodlights, lounges, shop, canteen, gym and changing room.

The scoreboard which is the subject of this application is clearly further tangible evidence of this continued long-term investment in the quality of the infrastructure of the Club. This aligns well with the Council's stated ambitions for the Borough in Policies CF 4 and CF 5 of the Adopted Local Plan as noted above, for enhancement and improvement of sport, recreational and community facilities where possible.

Policy EQ 6 relates to the 'amenity' and 'public safety' considerations of the Advertisement Regulations. **Firstly**, Regulation 2 highlights that 'amenity' includes consideration of the general characteristics of the locality. This is particularly important to note since the football ground includes large spectator stands and shelters, other buildings adjacent to the perimeter of the ground, 8xhigh floodlights around the perimeter, high netting, and high boundary walls. These established features and structures would be expected at any football ground of this type / status and clearly contribute significantly to the 'general characteristics of the locality'.

The Police Station occupies a substantial building and plot immediately opposite to the north side of the ground. A large allotments facility sits opposite to the east, and railway line to the west.

Residential development also sits in close proximity with the football ground, to the north-east and south.

As noted above, the 'amenity' test for an advertisement is not defined in the Regulations or PPG but requires interpretation by HPBC and consideration whether any advertisement is in scale and in keeping with local characteristics and features. This locality is not exclusively residential. The dwellings to the south back onto the south perimeter of the football ground, with some close, and adjacent, to the scoreboard. The outlook and amenity for those dwellings already comprised – prior to the construction of the scoreboard - the rear wall of the spectator stand running virtually the full length of that perimeter; high level netting at the same height as the scoreboard; four of the floodlights which are much higher than the adjacent dwellings; concrete boundary walling. In fact almost the whole of the football ground will probably be visible, to varying degrees, from the upper windows of those adjacent dwellings.

The football ground is a dominant and established feature among other non-residential developments in this locality. As such the scoreboard is 'in scale and keeping with local characteristics and features' as set out in the PPG and would not look out of place to residents – particularly those living closest who already have a direct outlook to the football ground - and passers-by, and so aligns with how the PPG explains 'amenity'. The rear of the scoreboard is not illuminated when in use so light pollution for those closest residents is not an issue.

Secondly, in terms of public safety, it is highly unlikely that users of the adjacent highway would experience any adverse impact on their safety and convenience by the use of the scoreboard. This is a no through road which leads to a limited residential area, traffic speeds are relatively low, and commercial traffic is very minimal. Any view of the scoreboard for drivers is only over a restricted area. There is no conflict with the 'public safety' aspect of the Regulations.

Conclusions

The installed scoreboard raises no significant issues on amenity and public safety grounds when examined as required by the Regulations and PPG and accords with relevant Policies in the Council's Adopted Local Plan. There are no other factors to suggest otherwise.

The Football Club seeks a permanent period of consent (although ten years is stated in the application form as dates had to be provided) since the scoreboard is required for use on a permanent basis and represents a significant investment as part of the continuous improvement of the ground and facilities.

Should any further information be required then this will be provided on request.

Yours sincerely,

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