

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0132-25 **Applicant:** MBNL

Proposal: Installation of 30m slimline lattice tower with 6 antenna apertures, 4 600mm transmission dishes, 4 equipment cabinets and ancillary works

Location: Land Off Enterprise Way Benner Road Industrial Estate Pinchbeck

Terminal Date: 4th April 2025

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
07	Improving South East Lincolnshire's Employment Land Portfolio

National Guidance**National Planning Policy Framework December 2024**

Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY	0	1	0	0

BODIES				
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks determination as to whether the prior approval of the Local Planning Authority for the installation of a 30m slimline lattice tower with 6 antenna apertures, 4,600mm transmission dishes, 4 equipment cabinets and ancillary works on Land off Enterprise Way, Pinchbeck.

Site Description

The site is within the settlement boundaries of Spalding/ Pinchbeck outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The area is distinctly industrial in character and is allocated as a "main employment site" within Policy 7 of the SELLP. The area is dominated by large industrial units, the majority of which are of a relatively significant height. Several other large towers, both telecommunication towers and others, are visible from the site.

Relevant History

H14-0535-24 - Full. Temporary change of use from B8 to Sui Generis (HGV maintenance & HGV parking) for a period of 10 years. Approved 29/07/24.

H14-0614-11 - Condition Compliance. Details of Green Transport Plan submitted (Condition 3 of H14-0406-11). Approved 06/09/11.

H14-0406-11- Full. Temporary change of use from B8 (storage and distribution) to D1 (non-residential institutions) for a period of 11 years. Approved 15/07/11.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage."

SHDC Assets

"Approved work - No further comment from the Council Asset team"

Environment Agency

"There are no matters for consideration for this prior approval application which comes under Schedule 2, Part 16, Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) within the remit of the Environment Agency. We therefore have no comments to make on the application."

Pegasus Group on behalf of Arqiva Ltd

"Thank you for the opportunity to review and comment on the amended proposal above.

Arqiva is responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links. Tall infrastructure such as wind turbines and other tall structures have the potential to block radio transmission links and rebroadcasting links (through direct blocking of radio signal or deflecting signal). Our radio transmission networks normally operate with a 100m buffer either side of a radio link, free from interference by tall development.

We have considered whether this development will have any adverse effect on our operations and have concluded that we have no objection"

NATS Safeguarding

"The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted."

Ministry of Defence

"Thank you for consulting the Ministry of Defence (MOD) on permitted development application reference H14-0132-25.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of Defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. I can confirm that, following review of the application documents, the proposed development falls outside of MOD safeguarded areas and does not affect other Defence interests. The MOD, therefore, has no objection to the development proposed.

The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided via email on 17 February 2025 by South Holland District Council.

Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of Defence sites or assets.

In the event that any:

revised plans;

amended plans;

additional information; or

further application(s)

are submitted for approval, the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and provide a formal response whether the proposed amendments are considered material or not by the determining authority."

Highway and Lead Local Flood Authority

Additional Information Required - "No details have been supplied regarding the vehicle movements associated with the construction of the proposal."

Historic Environment Officer

"Thank you for consulting us on this application. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of objection have been received.

These can be summarised as:

- Development will cause disruption to existing business activities
- Loss of land to run business from
- Loss of income as a result of the two points
- Loss of customers due to the tower's presence - caused by both stigma surrounding 5g masts and the aesthetic impacts
- Health and safety concerns
- Implications on lease of property
- Alternative sites should be considered

Key Planning Considerations

Principle of Development - Town and Country Planning (General Permitted Development) Order, 2015 (as amended)

The development is proposed under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended) provides that the following development as described below is permitted:

'Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of -
(a) the installation, alteration or replacement of any electronic communications apparatus,
(b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
(c) development ancillary to radio equipment housing..'

Part 16 Class A details that development is not 'permitted' for 'ground-based apparatus', that:
"(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if -
(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;"

A.1(1)(c) to (e) of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) state:

"A.1-(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if -

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of-

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway;

(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of

(i) 30 metres above ground level on unprotected land; or

(ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or

(e) in the case of the alteration or replacement of a mast

(i) the mast is on any land which is, or is within, a site of special scientific interest; and

(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third".

Para. A.2 sets out conditions in which the aforementioned development must comply with in order for the development to be permitted. In this regard Para A.2(2) provides that:

"Class A development is permitted subject to the condition that -

(a) any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated:

(i) if such development was carried out in an emergency, at the expiry of the relevant period; or

(ii) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and

(b) such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer."

A.2(3) of Part 16, Class A, expresses that development under Class A of Part 16 is permitted subject to the conditions set out in paragraph A.3 (prior approval). This specifically states that "Subject to sub-paragraph (5), Class A development - is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval)".

Paragraph A.3 sets out that before beginning the development, the developer must write to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

Specifically, A.3(4) states that: "(4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development", with A.3(5) detailing the requirements for such submission.

Accordingly, the only matters that may be considered are the siting and appearance of the development, as stated by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Notification of Development

Paragraph A.3(1) of Part 16, Class A of the Order states that "Before making the application required by sub-paragraph (4), the developer must give notice of the proposed development to~~A.3(1)~~(a)any person (other than the developer) who is an owner of the land to which the development relates". Paragraph A.3(2) expands upon this, listing the details which must accompany a notification to the developer. Amongst these is "the date by which any such representations should be received by the local planning authority, being a date not less than 14 days from the date of the notice".

Submitted as part of this application was a copy of this notification, submitted to the site owner. However, it must be noted that there is an error within this letter. The notice is dated within the letter as 19-02-25, which is contrary to the date on the covering letter for this notice of 05-02-25.

Within the notice, it is stated that "Any representations must be received no later than: 05-02-2025". This is less than the 14 days required under A.3(2)(viii). This is a clear clerical error, and the actual meaning of the letter is readily implied. In any event, the Officer has placed a site notice and conducted a consultation exercise to ensure the site owner is notified regardless. As such, despite this clerical error, it is considered that the application proceed.

Assessment

Officers note that Section 10 of the National Planning Policy Framework (December 2024) (NPPF), relating to 'Supporting high quality communications' states, within Paragraph 123, that: "Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure".

With regard to the aforementioned, the applicant has submitted a declaration of conformity in relation to the International Commission on Non-Ionizing Radiation Protection (ICNIRP) within the application as required.

Siting and Appearance

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Due to the significant scale of the proposal, it is considered that the monopole will be readily visible and prominent in the location. That being said, due to the industrial character of the area, where taller building and practical materials are prevalent, it is not considered that this effect would be overly detrimental to the character and appearance of the area. As the proposal is located well within an industrial area, most views from residential properties or key points within the wider area are obscured by the existing buildings. In any event, the proposal is deep enough within the industrial site so that any views gained of the monopole from residences are at such a distance as to negate the significance of the height and instead ensure the proposal blends in with the scene. This prevents significant harm arising from the proposal.

Furthermore, comparable structures are present in the wider area, thereby naturalising the proposal to a certain extent. It should be noted that the existing monopoles in the area are not considered to create a cumulative effect in this instance, but are broadly considered to be consistent with the industrial nature of the area.

As outlined in Page 10 of the "Supplementary Information" accompanying this proposal, several other sites have been discounted, primarily on design reasons. It should be noted that two of these sites appear to be within 50 metres of the site selected here, and four of the sites are within 150 metres of the selected site. At these distances, the differences in character impact are unlikely to be

overly significant, particularly given the relative regularity of building height in the area. The search for alternative sites was not overly significant, only including six sites including an existing tower, and the justification as to why each option was discounted is relatively limited. However, despite this, it is still considered that adequate justification has been put forward as to why this site is preferable and that a more comprehensive search for sites would be inappropriate given that the site is considered acceptable from a siting and appearance standpoint.

Objections have been received relating to the visual impact of the development and stating that alternative sites would be preferable. However, given the scope of the search for sites (i.e., all having been within the Wardentree Lane area) it is considered that a comparable visual impact would occur irrespective of where within the search area the development would be located.

Objections have also been received stating that the site is impractical, as it would interfere with an existing business. While this may be the case, this is not considered to be an adequate reason to warrant resistance here. Irrespective of the outcome of this application, an agreement between the land owner and the developer would have to be reached for the permission to be implemented. Therefore, should the proposal be unacceptable to the business which operates from the site, then the permission could not be implemented anyway. It is viewed that there is likely a solution possible that allows for its siting without impacting upon the business; however, the matters in respect of land agreement is not that of the Local Planning Authority's duty.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Communication Infrastructure

Paragraph 119 of the NPPF states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections".

Paragraph 120 goes on to detail that "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate".

Outstanding Matters from Representations

As advised above, the only matters that can be considered in the determination of this application are appearance and siting. The Local Planning Authority cannot take health considerations into account when determining such mast proposals.

All proposals for telecommunications development should be submitted with an International Commission on Non-Ionising Radiation Protection (ICNIRP) Certificate. This certificate confirms that the mast meets the guidelines for public exposure. A Declaration of Conformity with ICNIRP Public Exposure Guidelines has been submitted with the application. Beyond this, the health effects in relation to the development or concerns about them, cannot be considered further by the Local Planning Authority.

An objection has been received stating that the development would lead to a loss of business. The impact upon the revenue of the business must be balanced against the wider gains which the development would bring. Paragraph 119 of the NPPF is explicit that supporting the development of telecommunications infrastructure is essential for wider economic growth. Seeing as the existing tower which provides coverage for the area is to be removed due to being unstable, then significant weight would be given in favour of this application so that it may meet the needs of the area, and therefore enable growth, in this respect.

Furthermore, due to the limited scope and timeframe of this application type, the request by the Highway Authority for additional information has not been actioned here. Furthermore, the

construction process itself sits outside of the scope of an assessment under Permitted Development Order, and as such, to require additional information on these points would likely be considered excessive. In any event, the construction period would be relatively short lived, thereby reducing the potential highway impacts.

While the only matters that can be considered in the determination of this application are appearance and siting, it is of note, as expressed above, that Section 10 of the NPPF does give weight in favour of the development of communication equipment. Paragraph 119 states "Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)".

Planning Balance

As stated by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the only matters that may be considered as part of an application of this nature are the siting and appearance of the development.

The siting, scale and design of the proposed equipment is considered to cause minor harm to the character of the area, but the chosen siting is viewed as reasonable, and the visual harm caused is considered to be outweighed by the social, technological and economic benefits of improved services provided by the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal constitutes permitted development Class A, Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The siting and appearance of the development is considered acceptable.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.