DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0034-24**	**Applicant:**	**Cornerstone**
Proposal:	Telecommunications mast and equipment/power cabinets		
Location:	The Beeches The Beeches Farm Bridge Road		
Terminal Date:	11th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed and beautiful places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Schedule 2, Part 16, Class A of the Town & Country General Permitted Development Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS				

	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application is submitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It seeks determination as to whether the prior approval of the Local Planning Authority is required for the removal of an existing17.5m monopole supporting 3 no. antennas and the installation of a replacement 20m monopole supporting 3 no. replacement antennas and 3 no. additional antennas. Also, the installation of 2 no.300mm dishes, 3 no. equipment cabinets and 15 no. ERS Units, and all associated ancillary work. The works are to facilitate 5G roll out in the area.

The developer states that it is in accordance with VM02 standard ICNIRP guidelines. The latter are guidelines for limiting exposure to electromagnetic fields and are for the protection of humans exposed to radiofrequency electromagnetic fields. They cover many applications including 5G technologies.

Site Description

The application site is located in countryside on the northern side of Bridge Road between Little Sutton and Sutton Bridge. It is located at the rear of a farmyard at The Beeches and the proposal would replace one of two masts presently in situ. Access is via a private roadway off Bridge Road.

The nearest residential properties are The Beeches some 120m to the south-west and nos. 307 and 309 Bridge Road approximately 200m to the south. Nos. 350 and 352 Bridge Road are situated some 290m to the south-east and dwellings associated with Grove Farm approximately 320m top the south-west.

The site is within flood zone 3 in accordance with the Environment Agency Mapping Systems.

History

H18-0941-02 - Full - Erection of 20 metres high telecommunication mast, plus ancillary equipment - Approved 26 September 2002.

H18-1015-04 - Full - Erection of monopole mast and antennas with ancillary equipment cabinets - Approved 21 September 2004.

H18-0326-15 - Tel Det - Proposed monopole, equipment cabinets and ancillary works - Approved 11 May 2015.

Consultation Responses

Sutton Bridge Parish Council

No response.

LCC Highways and Lead Local Flood Authority

No objections.

South Holland Internal Drainage Board

No comments.

Environmental Protection

No observations

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Two letters of objection have been received (summarised):
- Unsightly and blot on landscape.
- Health and safety concerns for humans and also flora and fauna.
- Concerns about power output and frequencies the new antennae will be emitting.
- Not enough residents in the Long Sutton/Sutton Bridge area have been informed considering the potential harm from collimated 5G.
- High energy cost to run these masts.

Planning Considerations

Principle

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

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

Development not permitted: ground-based apparatus 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) 25 metres above ground level on unprotected land; or
(ii) 20 metres above ground level on article 2(3) land or land which is on a highway;

The proposal does not exceed the limitation set out and is therefore Permitted Development. However, as per A.2(3) of Class A of Part 16, development under Class A of Part 16 is permitted subject 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.

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).

Officers also note Paragraph 122 of the National Planning Policy Framework (Dec 2023) (NPPF) which states: *"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."*

Siting and Appearance

Paragraph 118 of the NPPF states: *"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)."* However, Paragraph 119 goes on to state that: *"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."*

Section 12 of the NPPF provides advice on achieving well designed and beautiful places. Paragraph 135 specifically requires developments to add to the overall quality of the area, be visually attractive and sympathetic to the local character, the built environment and landscape.

Permission should however be refused for development of poor design (Paragraph 139).

The proposal involves the replacement of an existing17.5m monopole supporting 3 no. antennas and the installation of a replacement 20m monopole supporting 3 no. replacement antennas and 3 no. additional antennas. The ancillary equipment is low level. The replacement mast has been sympathetically designed and is set well back from Bridge Road behind existing agricultural buildings. A row of mature trees front Bridge Road at this point. It is considered that it would not be significantly more intrusive that the existing mast.

Taking into account the aforementioned, therefore, the proposal is considered to be acceptable in terms of its siting and appearance and therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and advice within the NPPF. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: size, scale, layout, impact on trees, character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the scale and massing of neighbouring buildings and the landscape character of the location.

Other Matters

Concerns have been raised regarding the potential for impact on public health from the proposal. 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.

Whilst siting and appearance are the only planning considerations that can be assessed, for the avoidance of doubt, the Highway Authority were consulted as to whether the monopole's siting and appearance would unacceptably impact highway safety. The Highway Authority have raised no objection to the application.

Concerns have been raised concerning publicity. In response, the application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. A site notice was displayed at the entrance to the site and immediate neighbours have been consulted.

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.

Paragraph 118 of the NPPF states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 119 goes on to state that 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.

The proposal involves the replacement of an existing17.5m monopole supporting 3 no. antennas and the installation of a replacement 20m monopole supporting 3 no. replacement antennas and 3 no. additional antennas. The ancillary equipment is low level. The replacement mast has been sympathetically designed and is set well back from Bridge Road behind existing agricultural buildings. A row of mature trees front Bridge Road at this point. It is considered that the proposal would not be significantly more intrusive than the existing mast and would not materially harm the rural landscape.

The structure is approximately 120 metres from the nearest residential property (The Beeches). A declaration of conformity with ICNIRP public exposure guidelines has been submitted with the proposal.

The proposal then in terms of its visual impact (with regard to the benefits of improving telecommunications infrastructure) is considered acceptable on balance.

Conclusion

The proposal has been assessed in respect of its visual impacts upon the area and is considered acceptable and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and advice within the National Planning Policy Framework, December 2023.

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.

Recommendation

Prior approval is not required.