

Delegated Report

Telecommunications Works Application

Planning Application No: 20240047

Location: Greenacres Farm Brimstone Hill Meopham Gravesend

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of intention to install 1 x 8m wooden pole (6.35 above ground).

Applicant: James Sargent, Openreach

Submitted Documents/Plans

Regulation 5 Notification Letter

Relevant Planning History

No relevant planning history.

Proposed Development

This is a 28day notice application for:

- Installation of 1no. wooden pole.

Relevant Definitions:

The communications Act 2003 interprets the following terms as laid out below:

Apparatus

Includes any equipment, machinery or device and any wire or cable and the casing or coating for any wire or cable.

Electronic Communication Apparatus

- (a) apparatus designed or adapted for use in connection with the provision of an electronic communications network,
- (b) apparatus designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network,
- (c) lines, and
- (d) other structures or things designed or adapted for use in connection with the provision of an electronic communications network

Officer's Analysis

Whether prior approval is required for the works would be assessed under the legislation within The Town and Country Planning (General Permitted Development) (England) Order 2015. Part 16, Schedule 2 of this details the requirements for Communications. Class A specifically addresses electronic communications code operators, which is applicable to this case. The requirements specific to this case are laid out in the

table(s) below:

Class A – electronic communications code operators

Class A provides legislation which covers the following types of development within the electronic communication type:

A.1 (1) Ground Based apparatus

A.1 (2) Building-based apparatus other than small antenna and small cell systems

A.1 (3) Apparatus on Masts

A.1 (4) Antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

A.1 (5) Electronic communications apparatus installed, replaced or altered on a dwellinghouse

A.1 (6) Small antennas installed, replaced or altered on a building which is not a dwellinghouse

A.1 (7) Ground or Base Area

A.1 (8) Driver Information Systems

A.1 (9) Radio Equipment Housing

A.1 (10) Public Call Box

This application forms part of the Kent Downs National Landscape and therefore is covered by article 2(3) land or an area of special scientific interest. The section of legislation which would most appropriately cover this proposal would be A.1 (1) Ground Based apparatus. No other sections would be relevant to the proposal. Although it is covered by Article 2(3) land, A.1(4) would not be relevant as the proposal does not include an antenna and supporting structure.

A.1 (1) Ground Based apparatus

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
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—	See assessment below
1(a)	(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;	Y The pole would be 6.35m above ground level.
1(b)	(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;	Y No alteration or replacement proposed.
1(c)	(c)in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of— (i) 30metres 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;	Y The pole would be 6.35m above ground level.
1(d)	(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	Y No alteration or replacement proposed.

	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	
1(e)	(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.	Y No alteration or replacement proposed.

The proposed development would not trigger the need for a prior approval assessment under paragraph A.2 (conditions). However, the Local Planning Authority must determine whether the siting and appearance of the development is acceptable under A.2 (1) (a) and whether they wish to determine whether the prior approval of these matters is required.

The site is in the Kent Downs National Landscape and so careful consideration as to the impact of the development on this area of high visual quality. It is considered that that the works proposed which would erect a wooden pole 6.35m above ground level, would have no significant effect on the external appearance of the surrounding area. The area has two other similar poles nearby and the placement and position of this single additional pole, would not result in a cluttered and significant number of poles which cumulatively could result in deterioration of the character of the area. It is therefore determined that the siting and appearance of the development would be acceptable and planning permission would not be required for the development.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5th February 2024	Dated:	06 February 2024