

Delegated Report

Telecommunication Works Application

Planning Application No: 20231007

Location: Footpath Adjacent To Hall Road Wingfield Bank Gravesham

Description: Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications Installation. Installation of a 20m mast complete with 6 antennas, three associated radio equipment cabinets and development works ancillary thereto.

Applicant: Cornerstone

Submitted Documents/Plans

Cover Letter
ICNIRP Declaration with Clarification Letter
Site Specific Supplementary Information
Developers Notice
Radio Planning and Propagation Introduction
General Background Information
Location Plan
100A – Site Location Maps
200A – Proposed Site Plan
300A – Proposed Site Elevation

Relevant Planning History

No **relevant** planning history.

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 does not form part of an area covered by article 2(3) land or an area of special scientific interest. The sections of legislation which would most appropriately cover this proposal would be A.1 (1) Ground Based apparatus, A.1 (3) Apparatus on Masts, and A.1 (9) Radio Equipment Housing. No other sections would be relevant to the proposal.

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 Only the mast and antenna would exceed 15 metres in height.
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 Only the mast and antenna would exceed 15 metres in height.
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	Y The mast would have a height of 20m

	unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway;	
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 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	Y Not an alteration or replacement.
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

A.1 (3) Apparatus on Masts

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
3	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.	Y Height limitations in relevant policy complied with

A.1 (9) Radio Equipment Housing

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
9	Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—	See assessment below
9(a)	(a)the development is not ancillary to the use of any other electronic communications apparatus;	Y
9(b)	(b)the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or	Y Cubic volume of cabinets would be 3 cubic metres
9(c)	(c)on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an	Y Not on land which is or is within a site of special scientific interest.

	emergency.	
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Condition A.2 (3) (c) (i) indicates that development on unprotected land that consists of the installation of a mast (of any size) is subject to a requirement for prior approval under paragraph A.3.

Condition A.2 (3) (c) (iii) indicated that the construction, installation, alteration or replacement of radio equipment housing, where the volume of any single development, other than a single development within a permitted compound, exceeds 2.5 cubic metres. Is subject to a requirement for prior approval under paragraph A.3.

Under paragraph A.3 (4) there is a requirement that a determination should be sought as to whether prior approval of the Local Planning Authority is required as to the siting and appearance of the development.

Under paragraph A.3(7) the Local Planning Authority must:

- (a) take into account any representations made to them as a result of consultations or notices given under paragraph A.3; and
- (b) not grant prior approval contrary to the advice of any person consulted in accordance with sub-paragraph (6)(ab)

It is acknowledged that the development as proposed would fall within the permitted development provisions under Class A of Part 16 of the GPDO but that an application as to whether prior approval is required is necessary in this case.

Prior Approval

An application for prior approval under Part 16, Class A of the Town and County Planning (General Permitted Development) (England) Order, 2015, as amended, according to paragraph A.3 (5) (c), must be accompanied by evidence set out in paragraph A.3 (1). Paragraph A.3 (1) requires the developer to give notice of the proposed development to any person who is the owner of the land, to which the development relates, and paragraph A.3 (2) specifies the details that are to be provided.

A copy of the developers notice was provided and is dated as served on 21st September 2023, which covers these requirements.

As such, in accordance with Condition A.3(4) of the abovementioned legislation, the considerations of the Local Planning Authority can only be in relation to whether the prior approval of the Local Planning Authority is required in relation to the siting and appearance of the development.

However, in making this assessment, regard should be had to the importance placed on supporting high quality communications infrastructure at paragraph 114 of the National Planning Policy Framework (NPPF) (2023) which is identified to be essential for economic growth and social well-being. Although this is not directly related to matters of siting and appearance, it is an indicator that there should be a general acceptance that equipment of this nature is required and should be accommodated wherever possible.

Paragraph 117 of the NPPF states that “applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) for an addition to an existing mast or base station, a statement that self certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

In relation to (a) the applicant has identified that site is not situated close to any schools/colleges and as such none were notified. The nearest Primary School, Springhead Park Primary School which is 0.8miles away. The nearest secondary schools are Northfleet School for Girl (0.5 miles away) and Northfleet Technology College (1.2 miles away). It is considered that these schools are of a sufficient distance away from the proposed site so as to not be considered 'close' and require consultation.

The site is not within 3km of an aerodrome or airfield. As such no consultation was carried out. The Local Authority is satisfied that the second leg of section (a) of Paragraph 117 of the NPPF pertaining to statutory safeguarding zones has been met. Section (b) of Paragraph 117of the NPPF does not apply to this proposal.

In relation to (c) a standard statement has been submitted regarding the relevant ICNIRP Guidance. The Site Specific Supplementary Information provided to provide evidence that the applicant has considered locating the apparatus/mast on nearby buildings, as such, the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure the application is therefore compliant with the requirements of paragraph 117 of the NPPF (2023).

Siting and Appearance of the Development

The proposed development would 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.

It is considered that that the works proposed which would erect a new monopole 20m height, with 6 antennas and radio equipment cabinets, would have no significant effect on the external appearance of the surrounding 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:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	9th November 2023	Dated:	14th November 2023