

Delegated Report

Telecommunications Determination (PRIOR)

Planning Application No: 20251016

Location: National Gas South Of Shornemead Fort Queens Farm Road Shorne

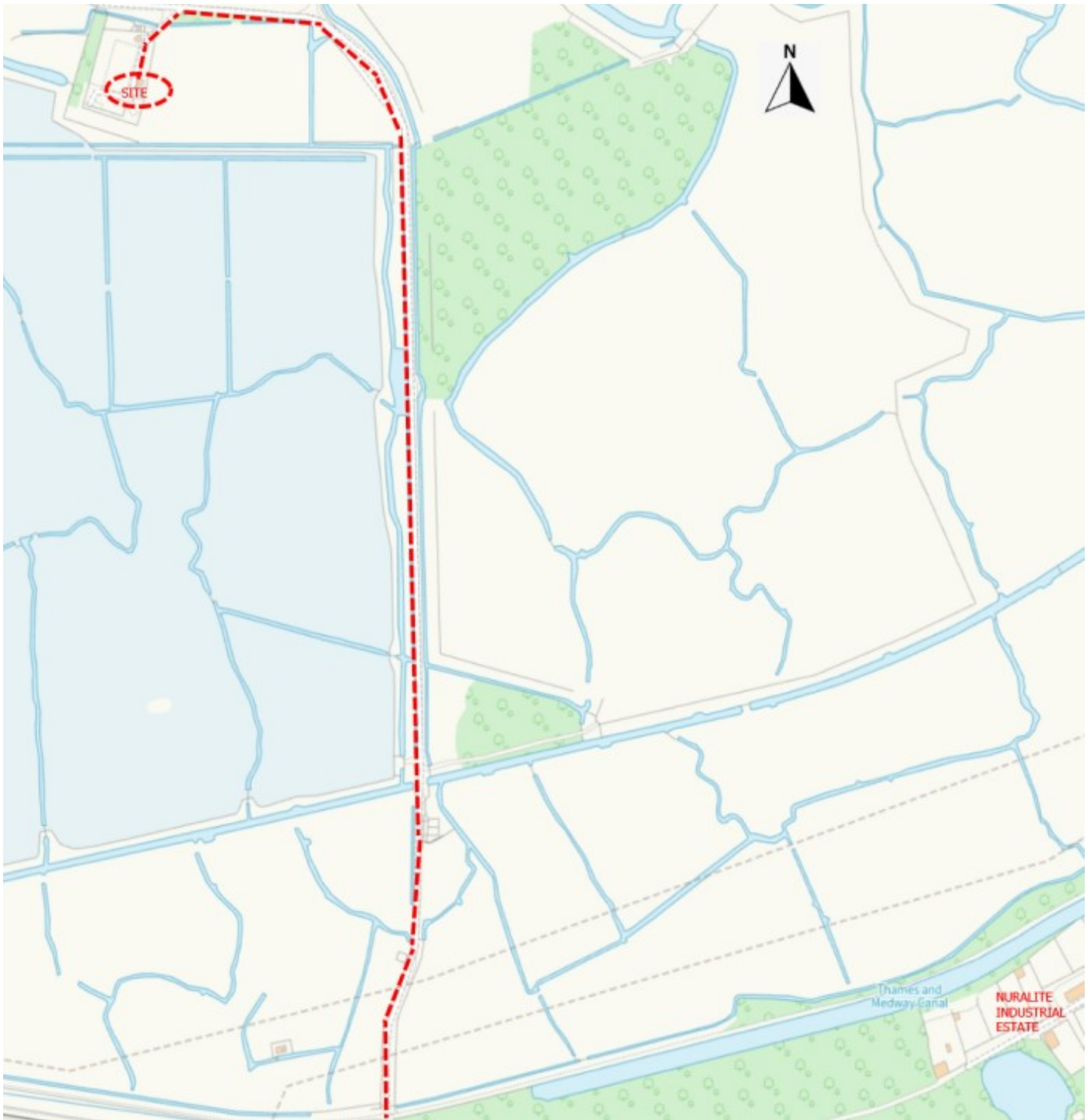
Description: Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications installation of Gravesend Multijunction GRSC Shorne DA12 3HU 1190M Duct 56, 6M Duct 54, 7 X JMF102, 2 X JBF 104, External Cable 1460.

Applicant: Openreach

Site Visit Date: 22 October 2025

Site Description

The site consists of a long section of land starting just north of the Thames and Medway Canal leading to and within the National Gas site which is situated to the south of Shornemead Fort. The site is located in a Site of Special Scientific Interest (SSSI). The site is shown with the red line in the site map submitted with the application as follows:



The area is shown in the aerial photo below:



Submitted Documents/Plans

- Cover Letter;
- Application form;
- Site Plan (Un-numbered);
- Regulation 8 Notice; and
- Site Photos.

Relevant Planning History

Reference	Description	Decision	Decision Date
20070571	Application for Lawful Development Certificate for the proposed installation of underground and overground equipment in connection with laying of national pipeline from Isle of Grain to Shorne.	Certificate Granted	20.07.2007

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS10 – Physical and Social Infrastructure
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 10 – Supporting high quality communications
- Section 12 – Achieving Well-Designed Places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Consultations, Publicity and Representations

Neighbouring properties

A notice was displayed on site on 22 October 2025.

Description of the Development

This application proposes the installation of fixed line broadband apparatus in the form of:

- 1190m duct 56;
- 6m duct 54;
- 7 X JMF 102;



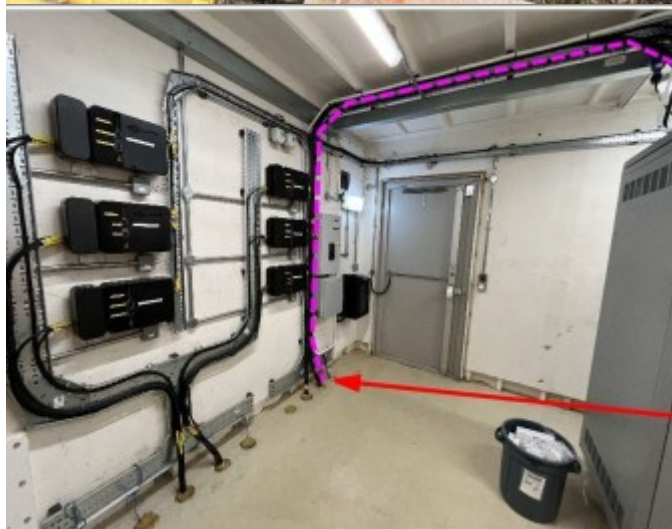
- 2 X JBF 104; and
- External cable 1460.

No drawings have been submitted to demonstrate the proposed development. The site plan submitted (as shown above) shows the area that the proposed development would cover and annotated photos have also been submitted which are as follows:









USE CUSTOMER OWN PIT
AND DUCT INTO CABIN



A JMF 102 and a JBF 104 have been researched as to what they are. The ‘Quick Guide Joint boxes, footways and frames and covers’ by Openreach dated August 2024 [New-Sites-Joint-Box-Frames-Covers-Quick-Guide-August-2024-online.pdf](#) shows what they are.

A JMF 102 is a ‘modular jointing chamber’

Modular jointing chambers

Available size range

At least 5 sections are needed to meet the minimum box depth of 750mm.
At no time must minimum box depth of 750mm be compromised.
Consult your FBC if minimum depth cannot be achieved

JMF Type	Clear Opening	Depth Per Section
104	915 x 445mm	150mm
106	1310 x 610mm	150mm

Chamber base

Modular chambers must be installed on a 150 mm concrete base for JMF102/104 and 200mm concrete base for JMF106. Base must be level and clean.



Duct entries

Duct entries can be cut as and where required using a hole saw mounted on a cordless drill.
The chambers incorporate guides which identify drilling points to ensure correct duct spacing.
A maximum of 4 duct entries can be made into a single wall of the modular box.



A JBF 104 is a ‘Joint Box Footway’ and an example diagram is shown as follows in the Quick Guide:



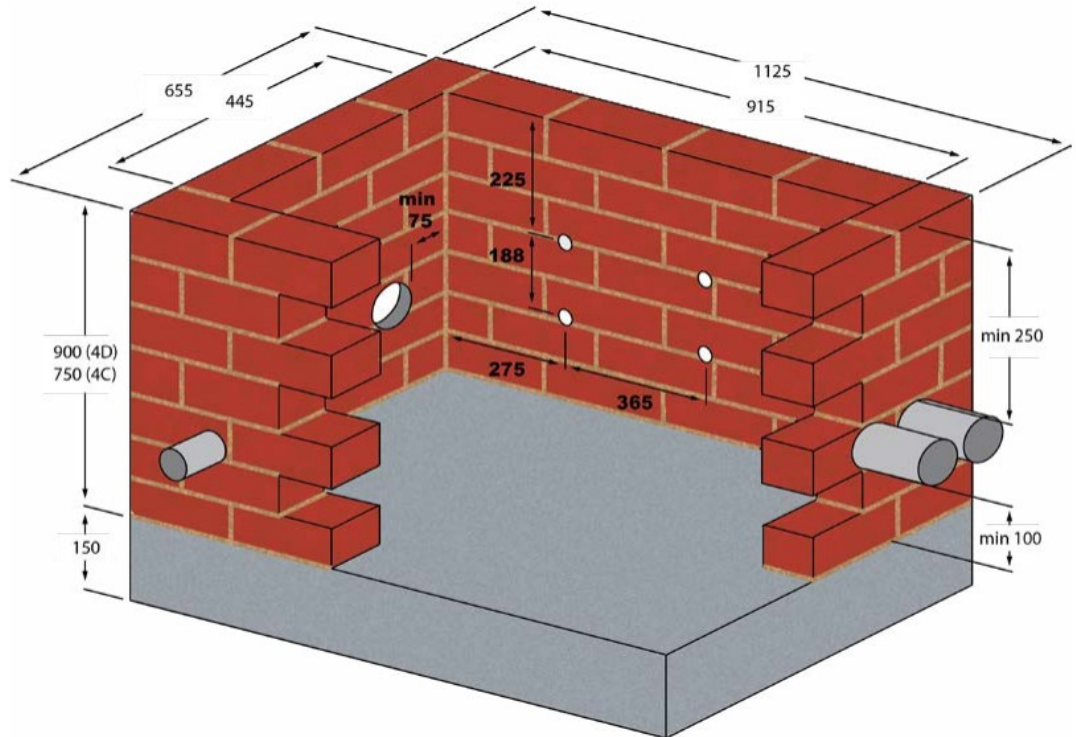
Joint Box Footway 104

– the preferred option



Internal dimensions. Brickwork Stretcher Bond.

Dimensions in mm (not to scale)
Maximum depth 900mm



Officer's Analysis

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

The GPDO at Schedule 2, Part 16 provides the following definitions:

“permitted compound” means a compound which— (a) is no more than 100 square metres in area; and (b) has a closed perimeter;

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

Of these the proposed development of ducts, JMF102's and JBF104's could be permitted development under Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically A.1(1) (Ground-based apparatus) and A.1(7) (ground or base area).

A.1(1) (Ground-based apparatus)

Paragraph A.1 (1) (Ground-based apparatus) – this states that ground-based apparatus would not be permitted if:

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—

(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 - **The proposed ducts, JMF102's and JBF104's would not exceed a height of 15m 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 – **N/A The proposal is not for the alteration or replacement of electronic communications apparatus that is already installed;**

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

(i) 25 30 metres above ground level on unprotected land; or

(ii) 20 25 metres above ground level on article 2(3) land or land which is on a Highway –

N/A The proposal is not for the installation of a mast.

(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

N/A The proposal is not for the installation or replacement of a mast.

(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.

N/A The proposal is not for the installation or replacement of a mast.

As such, the proposed development complies with paragraph A.1 (1).

A.1(7) (ground or base area).

A.1 (7) (ground or base area) states:

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

(c) a public call box;

(d) any apparatus which does not project above the level of the surface of the ground;

or (e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

Elements of the proposed development would project above the surface of the ground as demonstrated in the annotated photographs so A.1(7) is applicable for the proposed development to be assessed under. As can be seen from the site plan and the annotated photographs, it would appear that the ground or base area of development which is proposed in terms of all of the following:

- 1190m duct 56;
- 6m duct 54;
- 7 X JMF 102;
- 2 X JBF 104; and
- External cable 1460.

would exceed more than 1.5 sq. m in area.

As such, the proposed development does not comply with paragraph A.1 (7).

Conditions

Of all of the conditions set out in paragraph A.2 the ones that would be applicable are as follows.

A.2(3) Subject to sub-paragraph (5), Class A development—

(b) on land which is, or is within, a site of special scientific interest;

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 5 states:

(5) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband.

As the site is not on Article 2(3) land paragraph 5 is not applicable.

As well as A.2(3) stating that the prior approval process must be followed due to the site being in a SSSI, under paragraph A.3 (4) there is also 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.

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.

In this case, a Regulation 8 notice and a covering letter have been submitted to Gravesham Borough Council (GBC), however GBC are not in ownership of the site for the proposed development. The applicant has not identified who the owner of the land is and has not provided evidence to confirm that the owner has been notified of the development by the applicant.

Therefore, the application has not been accompanied by evidence required under paragraph A.3 (1) and therefore fails to meet the requirement set out in paragraph A.3 (5) (c). As such, the application has not been received by the Local Planning Authority (LPA) in accordance with paragraph A.3 (5) and Prior Approval is required and refused.

Given that the application fails under paragraph A.3 (5), no detailed assessment has been made against the siting and appearance or other matters relating to the proposal. However, brief comment is provided below from the very limited and scarce information that has been submitted with no actual drawings just a site plan and annotated photographs:

Siting and Appearance

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (LPCS) (2014) states that the design, layout and form of new development will be derived from a robust analysis of local context and character, and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. In addition, Section 12 (Achieving Well-Designed Places) of the NPPF (2024) sets out that the creation of high-quality places is fundamental and should add to the overall quality of the area, over the lifetime of the development. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

In assessing this application, regard must be paid to the NPPF (2024) and the development plan. The NPPF supports high quality communication infrastructure with Paragraph 119 noting that *"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"*. Furthermore, the NPPF continues to state that the use of existing masts and structures should be encouraged and that equipment should be sympathetically designed and camouflaged where appropriate.

The proposed ducts would appear to be mostly below ground as would the JMF102's. However, from the annotated photos it is stated there would be some elements of the ducts that would be located above ground level. Furthermore, from the research which has been carried out on what JBF's are it would appear these would also be above ground with the brick wall elements. Given the limited information that has been submitted, that the works would take place in a SSSI and that some of the works would be above ground, the Local Planning Authority have significant concern that the location of the proposal would impact on the siting and appearance of the area. Shornemead Fort is situated to the north, however given the relatively low nature of any above ground works it is not considered it would be likely to have an impact on

the setting of this Ancient Monument.

Amenity of Adjoining Properties

In considering any proposals for development, it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

The proposed development is in a very remote location far from any residential dwellings.

The proposed development will not cause material harm to the amenity of any residential properties.

Highways Issues

There are no highway implications related to the proposed development. The proposed development would appear to be along the edge of, and underneath, the roadway which runs through the site and then other parts of the development are within the National Gas site itself. As such, the proposed telecommunications equipment is considered acceptable in terms of highways.

Any Other Material Planning Considerations

Health Impact Issues – 5G frequencies

No information has been submitted on the proposed development in terms of health and safety requirements.

Conclusion

The proposed development would exceed more than 1.5 sq. m in ground or base area and therefore does not comply with paragraph A.1 (7) of Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The site is in a Site of Special Scientific Interest (SSSI) and there are significant concerns that the above ground elements of the proposal may impact on the siting and appearance of the area. Furthermore, the application has not been accompanied by evidence required under paragraph A.3 (1) and therefore fails to meet the requirement set out in paragraph A.3 (5) (c). No information has been submitted of who the landowner(s) is/are and no evidence has been provided to the Local Planning Authority to confirm that the owner(s) was/were notified of the development. As such, the application has also not met the requirement set out in paragraph A.3 (5), by virtue of there being no evidence to satisfy paragraph A.3 (1). Therefore, for these reasons Prior Approval is required and refused.

Recommendation

Prior Approval is Required and Refused

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	4th December 2025	Dated:	4th December 2025