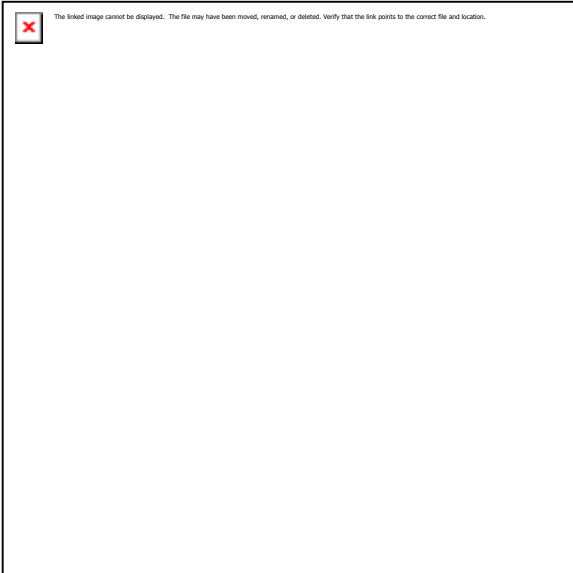




Delegated Report

Prior Approval Application

Planning Application No: 20220566

Location: Telecommunications Station Thames Way Gravesend Kent

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 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and; and 3 further additional equipment cabinets.

Applicant: Gallivan, CK Hutchinson Networks Ltd

Site Visit Date:

Submitted Documents/Plans

Planning Application Form;
5G Site Specific Supplementary Information and Planning Justification Statement, Prepared by Dot Surveying;
Briefing Note: 5G and Health, Prepared by Mobile UK;
Letter from Department of Digital, Culture, Media & Sport – Collaborating for digital connectivity, dated 7th March 2019;
002 Site Location Plan, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A;
100 Existing Site Plan, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A;
150 Existing Site Elevation A, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A;
215 Proposed Site Plan, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A;
265 Proposed Site Elevation A, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A.
304 Proposed Configuration Antenna Schedule, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A; and
307 Equipment Schedules & Dependencies, Drawing No. GVM20703_GVM079_85419_DA0564_GA_REV_A.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- T1-T3 Highways Network Primary Distributor.

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

Consultations, Publicity and Representations

Consultees

Internal consultees

Ward Councillors – no comments received.

External consultees

KCC – Heritage Conservation (E & W) – no comment received.

Neighbouring properties

A site notice was displayed nearby the site and 6 surrounding properties were consulted. The overall consultation period expired 24th June 2022. No comments have been received.

Officer's Analysis

Development has been submitted under the terms of the Schedule 2, Part 16, Class of the Town and Country Planning (General Permitted Development) Order 2015 (as amended.). It is not an application for planning permission. Therefore, development is permitted under the Class A for:

'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 in

accordance with the electronic Communications code, consisting of (a) the installation, alterations or replacement of any electronic communications apparatus.

Paragraph A1.1 requires all apparatus should not exceed 15 metres A1.1(a) and should not exceed 30 metres above ground level on unprotected land.

Paragraph A.2.1(b)(i) and (iii) requires the siting and appearance of any mast or supporting apparatus which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable.

Prior Approval

Before the application has been made, 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 specifies the details that are to be provided, see Paragraph A.3(2). The supporting supplementary information states that a Developer's Notice was served on 25th May 2022, 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 NPPF 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 where the mast, and associated, apparatus are to be installed would not be situated within 200m of a school or college. It will also not be within 3km of an aerodrome or airfield. As such no consultation was carried out. The Local Authority are satisfied that section (a) of Paragraph 117 of the NPPF has been met.

In relation to (c) a standard statement has been submitted regarding the relevant ICNIRP Guidance and the applicant has reviewed other areas in which the equipment could be located, but has provided reasons as to why these sites are not appropriate.

Public Health England (2019) maintain the following;

5G frequencies

'With the increase in the volume of information being transferred, more spectrum is being made available and the highest frequencies being discussed for future use by 5G are around 10 times higher than those used by current network technologies, up to a few tens of gigahertz (GHz).

Their use is not new, and they have been used for point-to-point microwave links and some other types of transmitters that have been present in the environment for many years. ICNIRP guidelines apply up to 300 GHz, well beyond the maximum (few tens of GHz) frequencies proposed for 5G.'

Siting and Appearance

The proposed mast and equipment cabinets are of a standard design, typical of many such installations which can be found throughout the Borough and indeed the country as a whole.

Given the height of the mast being approximately 20 metres above ground level, and the number of cabinets that are proposed within the public domain on a prominent junction, it is inevitable that the siting and design could have a substantial effect on the character and appearance of the site and the surrounding area.

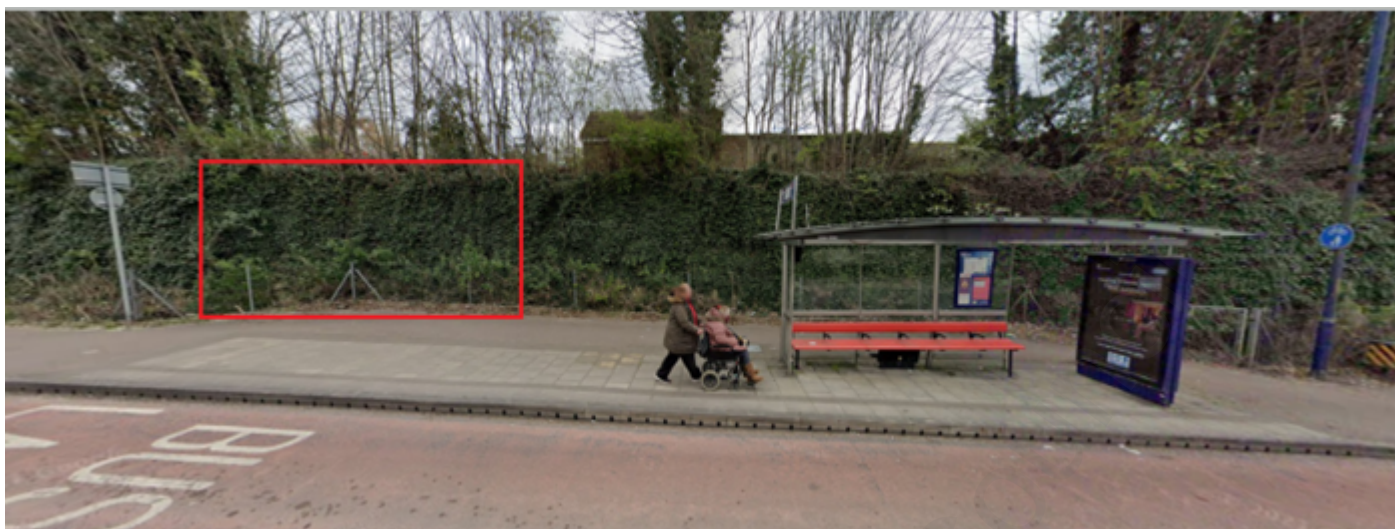
Paragraph 115 of the NPPF states that "where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate." As a result, whilst it is noted that the applicant has applied substantial emphasis on the need to support telecommunication equipment within the submissions that have accompanied this application, it is noted that the design requirements are specifically applicable to this type of development. Consequently, it is considered that any harm identified should not be outweighed by the benefits of providing improved communication infrastructure at the site.

Moreover, paragraph 4.2.4 of the 'Cabinet Siting and Mast Siting Code of Practice 2016' states:

"To minimise the visual impact, the cabinet should not be sited in a prominent position at a junction or on a bend of the public maintainable highway. Other prominent locations on grass verges or grassed amenity areas should be avoided unless there is a technical justification not to do so. Cabinets must not obstruct any existing means of entering or leaving land. Additional care is to be taken when siting cabinets in Conservation Areas and/or World Heritage Sites. For particularly sensitive parts of Conservation Areas and World Heritage Sites, identified in dialogue with the local planning authority, and where there is no alternative to siting a cabinet in a location deemed unacceptable by the local planning authority, then consideration should be given to using underground watertight cabinets"

Paragraph 197(c) of the NPPF requires Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed mast and equipment would be set 5.34m from the road, behind the existing bus layby, with the bus shelter being located further forward and to the west of the proposal. There is existing hedging and trees to the rear of the footpath and there are no other similar equipment within the immediate area. As such, it is considered that the siting of the mast and associated equipment would not be detrimental to the wider locality.



For these reasons, it is considered that the proposal would comply with Policies CS19 of the Gravesham Local Plan Core Strategy (2014) which requires that development conserves and enhances the local built, historic and natural environment and integrate well with the surrounding area.

Other Matters

The applicant has provided documentation that sets out Government support for telecommunications infrastructure provision. This is noted, but as the focus of the Local Planning Authority is required to be on the siting and appearance of the development, it is considered that this does not alter the assessment that is set out above.

In terms of the health implications, the Planning Statement references the ICNIRP Declaration is attached, but the attached document has not provided a clear declaration of compliance. Although, having reviewed the details above, it is likely that the proposal falls within the limitations of the exposure of the general public to electronic magnetic public exposure guidelines. In accordance with national guidance, it is not for the Local Planning Authority to infer whether the development complies with the international health guidance. Therefore, the LPA will add an informative to the decision notice to remind the applicant to comply with the relevant ICNIRP guidance.

Conclusion & Recommendation

Prior Approval not required.

The proposed installation of telecommunication mast and apparatus on the rear footpath of Thames Way has been considered against the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it is not considered that the Prior Approval of the Local Planning Authority in regard to siting and appearance of the development is required in this instance. Therefore Prior Approval is not required.

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

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>A Grout</i>	Signed:	<i>R Hart</i>
Dated:	20 th July 2022	Dated:	20th July 2022

Gravesham Borough Council