

Delegated Report

Telecommunication Works

Planning Application No: 20250327

Location: Hadlow Way Istead Rise Gravesend Kent

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of intention to install fixed line broadband apparatus 1 x 10M Medium Wooden Pole.

Applicant: Openreach

Submitted Documents/Plans

Regulation 5 Notice
Site Location Plan

Relevant Planning History

No relevant Planning History

Officer Note: It is noted that there are no Article 4 Directions applicable to this site.

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.*

Class A – electronic communications code operators

Part 16, Class A of the GPDO, 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 is not covered by article 2(3) land. The section of legislation which would most appropriately cover this proposal would be A.1 (1) Ground Based apparatus.

Permitted development

A. 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 or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,**
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or**
- (c) development ancillary to radio equipment housing.**

A.1(1) Development not permitted: ground-based apparatus

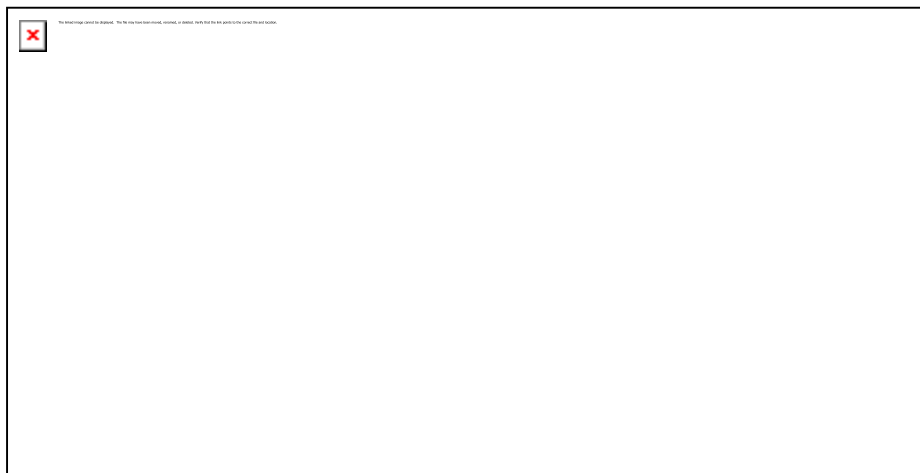
Section of Legislation	Requirement	(Y/N)
A.1 (1)	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—	(see assessment below)
(a)	in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;	N 10m High
(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
(c)	in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—	N/A

	(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;	
(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
(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

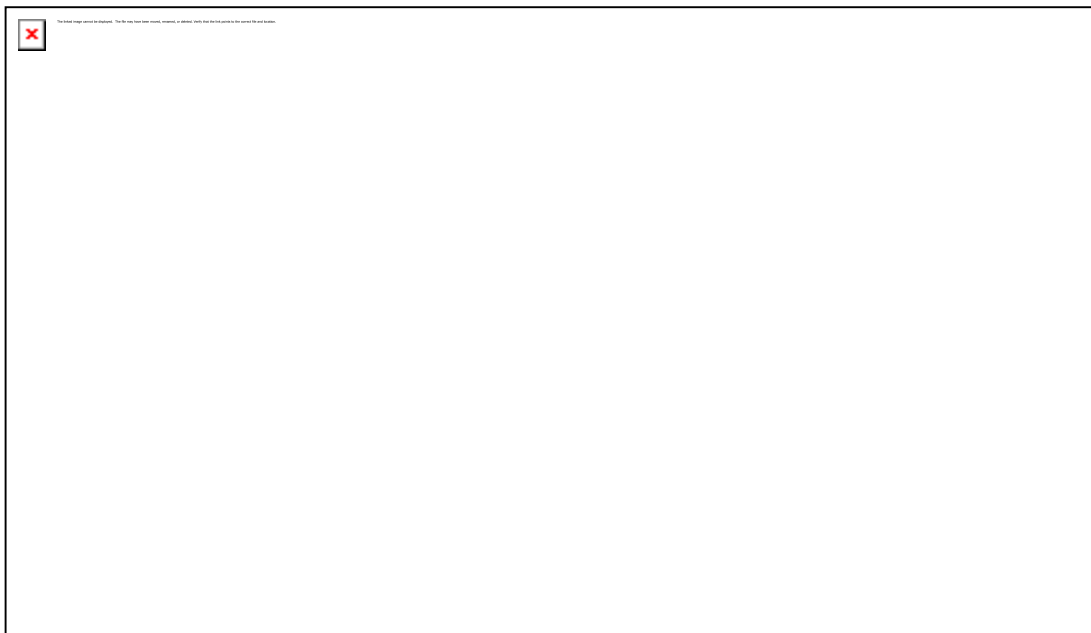
Assessment

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.

It is considered that that the new wooden pole in this location, would have a harmful effect on the external appearance of the area as it would be prominent corner fronting an area of trees, at 10m high. It is noted that there are existing poles in the area, and this additional pole would be adequately spaced from those in the wider vicinity not resulting in an over-condensation of telecommunications equipment in one area which is a positive. However, the pole would be positioned forward of any trees on the site resulting in high visibility;



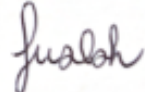
Due to the prominent location in this relatively soft landscaped area, the pole in this location, the siting and appearance of the development would be unacceptable. It may be suitable elsewhere in the area of soft landscaping, perhaps closer to the trees or away from the prominent corner. In order for the location to be acceptable, a more discreet location should be explored in the locality.



Conclusion & Recommendation

The proposed development requires prior approval under paragraph A.2(1)(a) of Schedule 2, Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the Local Planning Authority consider the siting and appearance of the development to have an adverse impact on the prominent location and resultant high visibility.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	10th April 2025	Dated:	10 April 2025