



Delegated Report

Telecommunication Works Application

Application No:	20230581
Location:	Communication Station, 76 Vale Road, Northfleet, Gravesend, DA11 8DA
Description:	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of the replacement of the existing 17.5m monopole with a new 22.5m monopole, accommodating 9no. new antennas, 2no. microwave dishes and RRU's, the replacement/installation of equipment with existing equipment cabin along with minor ancillary works.
Applicant:	Mr Craig Horn, Maxema Ltd

Site Description

The application site is located within the urban area of Northfleet and is adjacent to an industrial estate.



Relevant Planning History

Reference	Description	Decision	Decision Date
20230406	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of removal & replacement of the existing 3No. VF antenna with 6No. new VF antenna, relocation of the existing 2No. 0.3m dishes, installations of 1No. new 0.6m dish installed at 13.93m and internal alterations to the existing cabin.	NO OBJECTION	03.05.2023

20230388	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to upgrade Base Station.	NO OBJECTION	03.05.2023
20020728	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required for a replacement 15m high non-standard monopole mast with 6 no. antennae and 2 no. microwave dishes.	APPROVAL OF TELECOMMS	11.10.2002

Submitted Documents/Plans

Notification Letter from Cornerstone Telecommunications (dated - 30th May 2023);
 ICNIRP Declaration Letter (dated - 30th May 2023);
 Supplementary Information - General Background Information for Telecommunications Development
 Drawing no. 100 - Rev. A - Site Location Maps
 Drawing no. 200 - Rev. A - Existing Site Plan
 Drawing no. 201 - Rev. A - Proposed Site Plan
 Drawing no. 300 - Rev. A - Existing Site Elevation
 Drawing no. 301 - Rev. A - Proposed Site Elevation

Proposed Development

This is a 28day notice application for *“the replacement of the existing 17.5m monopole with a new 22.5m monopole, accommodating 9no. new antennas, 2no. microwave dishes and RRU's, the replacement/installation of equipment with existing equipment cabin along with minor ancillary works”*.

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 communication code operates

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. 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 (3m)
(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
(c)	in the case of the installation of a mast, the mast, excluding any antenna, would exceed 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;	N (23.3m)

(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 (23.3m)
(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

Development not permitted: apparatus on masts

Section of Legislation	Requirement	(Y/N)
A.1 (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.	N

Development not permitted: radio equipment housing

Section of Legislation	Requirement	(Y/N)
A.1 (9)	Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—	(see assessment below)
(a)	the development is not ancillary to the use of any other electronic communications apparatus;	N
(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	N
(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 emergency.	N/A not on SSI land

Assessment

The proposed development would not trigger the need for a prior approval assessment under paragraph A.2 (conditions), as although the mast exceeds the height of the existing mast the replacement does not exceed a height of 25m above ground level and therefore does not meet the requirement of A.2 (3) (c) (ii). Nevertheless, 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 alteration and subsequent increase in height to the existing monopole in this location is considered acceptable. The application site is adjacent to an industrial estate and next to a leisure centre and so there would not be any significant detriment to the character of the area.

Conclusion

The proposed development is considered to comply with the parameters set out in Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	13 th June 2023	Dated:	14th June 2023