



Delegated Report

Telecommunications Works Application

Planning Application No: 20230972

Location: Vigo Southern Water Tower Beech Mast Vigo Gravesend

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to Install replacement of 3no. existing antennas with 6no. new antennas, the installation of RRU's, the replacement / installation of equipment within existing equipment cabinets, along with minor ancillary works.

Applicant: Craig Horn

Submitted Documents/Plans

100A – Site Location Maps
200A – Existing Site Plan
201A – Proposed Site Plan
300A – Existing Site Elevation
301A – Proposed Site Elevation
Regulation 5 Cover Letter
General Background Information for Telecommunications Development
Email received 27/09 confirming Antenna Type

Relevant Planning History

No relevant planning history.

Proposed Development

This is a 28day notice application for:

- The replacement of 3no. existing antennas with 6no. new antennas
- The installation of RRU's
- The replacement / installation of equipment within existing equipment cabinets

- 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 communications code operators

A.1 (4) Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
4	Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—	The site is in an Area of Outstanding Natural Beauty and so the site is on article 2(3) land as relevant to Section 4. (See assessment below)
4(a)	on any article 2(3) land unless— (i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; (ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within	Y • Small Cell Antenna's not on or within the curtilage of a dwellinghouse. • Assessment of A.1(6) to follow.

	(iii) the curtilage of a dwellinghouse; the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or (iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), F364A.1(1)(d)(ii) or A.1(2)(f);	
4(b)	on any land which is, or is within, a site of special scientific interest unless— (i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or (ii) the development is within the limitations specified in paragraph A.1(5).	Y • Not in a site of Special Scientific Interest • Paragraph A.1(5) not applicable.

A.1 (6) Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
6	Development consisting of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if—	(See assessment below)
6(a)	that antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;	Y • On Flat Roof (Not a wall or Roof Slope)
6(b)	the building is less than 15 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 1 small antenna; or	N/A • Greater than 15m in height
6(c)	the building is 15 metres or more in height, but less than 30 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 2 small antennas.	Y • Greater than 30m in height

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 works proposed which would replace 3 small cell antennas with 6, installation of Remote Radio Units atop the existing Water tower and associated works at the scale proposed and in

this particular location, would have a minimal effect on the external appearance of the building as there is an existing character of telecommunication apparatus and antenna in this area which has a similar appearance as proposed. 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.

Conclusion & Recommendation

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

(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:	28th September 2023	Dated:	28th September 2023