
2022/0672

Cellnex UK Ltd

Replacement of the existing 15m mast with a new shared 15m monopole and open antenna headframe, upgraded sector antennas, associated support apparatus, upgrading of existing ground-based radio housing equipment, the installation of cabling and associated development (Application to determine if prior approval is required for a proposed telecommunications installation).

Land at Lane Side Farm, Higham Lane, Dodworth, Barnsley, S75 3UB

Site Location and Description

The proposed replacement mast is sited in a field alongside the M1 motorway. The field is situated to the north of Capitol Close industrial estate and the field itself is now allocated for employment development in the adopted plan. The proposed mast will replace the existing mast which can be seen in the following photos.

Viewed from Motorway (google street view)



Viewed from Higham Lane



Viewed from Capitol Close



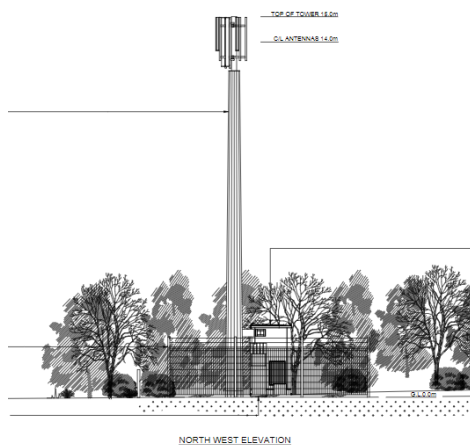
Proposed Development

The applicant has submitted a Prior Notification application for the erection of a 15m high mast with associated equipment, including new cabinets in the existing base station cabin and on the existing concrete base.

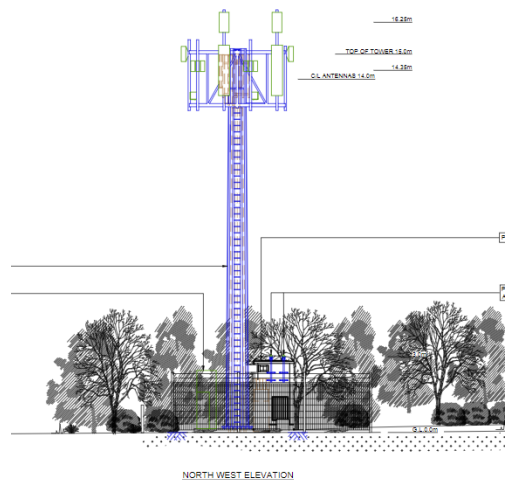
The applicant has submitted a letter, planning statement and other reports in support of the application which indicates that:

- The proposal will enable the operator to secure an upgrade from the existing 3G and 4G to 5G in this location
- A certificate of ICNIRP compliance is submitted
- Since the proposal is permitted development under the GDPO, consideration is limited to issues of the precise siting (not the general location) and appearance.
- Access to the site is required 4 times a year by qualified staff – this will not increase as a result of the development proposed
- This is a sequentially preferable solution and fits in the existing network configuration
- The site is screened to some extent by existing commercial buildings, by an adjacent block of woodland and by trees defining field and road boundaries in the vicinity.
- The replacement mast is required because the existing mast is incapable of supporting more radio apparatus for 5G – the proposal will eliminate the need for another entirely new mast in the locality.
- Acknowledging the Green Belt location, it is noted that the development already benefits from planning permission under the GDPO and therefore the issue of inappropriate development does not arise.
- There are no sites located outside the Green Belt that are preferable, suitable or available alternatives.
- Equipment within and adjacent to the existing cabin will be upgraded
- The pole itself and the principle headstock is 15m high, there will be antenna on it to a total height of 16.25m.
- Confirm that all proposals have to operate within the prevailing ICNIRP (International Commission on Non-Ionising Radiation Protection)

Existing pole



Proposed pole



Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process.

Local Plan

The site is allocated as Green Belt within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy D1 High Quality Design and Place Making
Policy GD1 General Development
GB1 Green Belt

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Section 10 – Supporting high quality communications of the NPPF, paragraph 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G and full fibre broadband connections).

Paragraph 115 goes on to state that the number of electronic communications masts, and the site for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. 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.

Paragraph 117 states that applications for communications development (including applications for prior approval) should be supported by the necessary evidence to justify the proposed development including:

- The outcome of consultations with organisations with an interest in the proposal (noting where a mast is to be installed near a school/college or within a statutory safeguarding zone)
- A statement that self-certifies that any cumulative exposure arising from and addition to an existing mast/base station will not exceed international commission guidelines (ICNIRP)
- For a new mast, 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 international commission guidelines will be met.

Paragraph 118 states that local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Consultations

Highways DC – The mast and associated apparatus are located at the end of an unmade track that takes access from Higham Lane adjacent the accesses of Lane Side Farm. The site access is substandard in terms of surfacing and severely substandard in terms of visibility to the right (North) along Higham Lane. However, it is noted that due to the nature of the proposals no formal planning approval is required as it falls within permitted development.

As such I shall not raise objections to the proposals, however, I would be grateful, given the unmade nature of the access, if you could make the applicant/agent aware that it is an offence under the Highways Act 1980 for anyone to deposit anything on the highway (mud, debris etc.) which may cause a nuisance or possible danger to road users

National Highways – offer no objection; the application will not have a significant impact on the safe and efficient operation of the Strategic Road Network.

Ward Councillors – No comments received.

Representations

Neighbour notification letters have been sent to surrounding properties including residential property on the other side of the railway line, and the application has been advertised by the way of a site notice (2 - 23 August); no representations have been received.

Assessment

Schedule 2, Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) sets out the permitted development rights for electronic communications code operator with regards to development for the purpose of the operators electronic communications network.

Class A –electronic communications code operators
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

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;
- (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;
- (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;or
- (d) in the case of the alteration or replacement of a mast, 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
- (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.

Development not permitted: radio equipment housing

(9) Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—

- (a) the development is not ancillary to the use of any other electronic communications apparatus;
- (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
- (c) on any article 2(3) land, or 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.

This application is for prior notification and this assessment relates to whether or not the Council would seek a prior approval application for the proposed works. The proposed complies with these restrictions as set out in Schedule 2, Part 16, Class A of the GPDO (as amended) and is therefore permitted development, subject to adequate siting and appearance.

Siting and Appearance

The proposed replacement mast is located in the Green Belt but as noted in the applicants submission, the mast benefits from permitted development and as such the principle of

development is already established and considerations of whether the proposal is inappropriate are not required. The proposal involves the replacement of an existing mast which is already an established feature at the site and in this Green Belt location. The mast is screened to some extent by existing commercial buildings, by the adjacent stand of trees and by trees on nearby highway and field boundaries. That said, it will be visible, including from the motorway and from the nearby dwellings to the west (at the closest, approximately 178 metres away). There are no other masts near the site and so the development will not result in the proliferation of masts or associated cabinets. The permitted development regulations make it clear that the visual impact of such development on the surrounding area must be minimised so far as practicable; and that it is only permitted subject to the conditions that it is removed as soon as reasonably practicable after it is no longer required and that the land is restored to its condition before the development took place. The proposed mast can't be erected before the existing mast is removed so there is no risk that the old mast won't be removed.

Given the above, the siting and appearance of the mast and electronic communications apparatus to be installed is such that the visual impact of the development on the surrounding area is minimised, so far as practicable, and is considered to be acceptable.

Recommendation

Prior Approval – Required and given