DELEGATED REPORT

Application Reference:	PL/2024/00483
Application Type:	Prior notification: Development by telecoms operators
Site Address:	Burton Farm, Nettleton Road, Nettleton, Wilts, SN14 7LN
Proposal:	Installation of new sharable 21.20m monopole mast, collocated with an existing mast approximately 300m to the east of the site, to include the installation of 5no. operator cabinets, 1no. meter cabinet, 6no. antennas on 1no. headframe, 2no. 600mm diameter transmission link dishes and ancillary development thereto
Recommendation:	Approved

PROPOSAL

The application is for a prior approval under Class A to Part 16 of Schedule 2 to the GPDO, of proposed telecommunications development which proposes the development of a mast to be installed with a new sharable 21.20m monopole mast which is collocated with an existing mast approximately 300m to the east of the site. The proposal also includes the installation of 5no. operator cabinets, 1no. meter cabinet, 6no. antennas on 1no. headframe, 2no. 600mm diameter transmission link dishes and ancillary development.

An amended site plan was submitted by the applicant to show the proposed temporary footpath barriered off from construction works and pedestrian maps are to be installed.

SITE DESCRIPTION/CONTEXT

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside. The site is located immediately adjacent to the M4.

With regard to the site surroundings, the closest residential properties, Ivyleaze, East Cottage and West Cottage are located approximately 395m to the north – north-west. The settlement of Burton is located approximately 470m to the south – south-west. The site is surrounded by open fields. The site is located within the Cotswolds National Landscape (Formerly Cotswold AONB). PRoW NETT47 runs through the top right corner of the site.

HISTORY

PL/2023/02739- Prior notification for installation of sharable 30m lattice mast, collocated with existing mast approximately 300m to east the site, to include installation of 6no. cabinets, 6no.

antennas on 1no. headframe, 2no. 600mm diameter transmission link dishes and ancillary development thereto. – REFUSED

POLICIES

Class A, Part 16, Communications, of the Town and Country Planning (General Permitted Development) (England) (Amendment) (Schedule 2) Order 2015 as amended, and the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

ISSUES

Permitted development.
Impact on the character and appearance of the area.
Rights of Way

CONSULTATION

Nettleton Parish Council – No comment received

Council Rights of Way Officer – Initial objection:

> *"I object to this application as the proposed mast and enclosure will obstruct the route of public footpath NETT47. I have included the link to our online mapping below but I am also able to supply this information as a shape file if required.*
>
> *The applicant will need to provide a revised site plan that includes the route of footpath NETT47. The path must be accommodated on its legal line at a minimum width of 2 metres. Given the proximity of the site to footpath NETT47 and bridleway NETT34 the applicant should also provide a statement showing how access to the paths will be managed during construction. If the path requires a temporary diversion during construction this must be applied for at least 3 months in advance and an alternative route should be provided.*
>
> *Link to online rights of way map: https://wiltscouncil.maps.arcgis.com/apps/webappviewer/index.html?id=43d5a86a545046b2b59fd7dd49d89d22*

No objection subject to informatives following submission of amendment:

> *"I note from the detailed site plan submitted that the proposal will not obstruct the route of public footpath NETT47 which runs along the route marked as a temporary diversion on that plan. The path should be available on this route after construction as well as during the works. I am happy to withdraw my objection subject to the informatives below:*

SAFETY/REINSTATEMENT WORKS
The applicant should note that no construction / demolition vehicle access may be taken along bridleway NETT34 without prior consultation with the Rights of way Countryside Access Officer (CAO). Where appropriate any safety/mitigation/reinstatement measures must be approved by the CAO. It is an offence under section 131A of the Highways Act 1980 to disturb the surface of a public right of way without lawful authority to do so. The Highway Authority have the power to take enforcement action as necessary.

OBSTRUCTION DURING CONSTRUCTION
The applicant should note that it is a criminal offence to obstruct a public right of way under section 137 of the highways Act 1980 and therefore no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public rights of way whilst development takes place, without prior consultation with, and the further permission of, the highways authority at Wiltshire council."

While this comment has been received and the plans have been amended the paragraph A.3(4) to Class A to Part 16 allows only for a consideration of siting and appearance matters. The siting has been addressed.

REPRESENTATIONS

The application was publicised by a site notice and individual neighbour notification. Two representations have been received. They are summarised below and available in full on the Council's website.

- Concerned over the mast being on the line of a public footpath.
- States it is a legal requirement to keep the footpath open.
- Agrees with other comments regarding the blocking of the right of way and the right of way should be maintained during construction

ASSESSMENT

Permitted development

Class A, electronic communications code operators, of Part 16, Communications, of the Town and Country Planning (General Permitted Development) (England) (Amendment)(No.2) Order 2016 permits 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,
This criterial is met it is for the installation of telecommunications equipment (mast) by Icon Tower Infrastructure Group Limited (Icon Tower) – a code operator approved by Ofcom.

(b) the use of land in an emergency for a period not exceeding 6 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 reads as follows:
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;

The proposal is the installation of a mast.

(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;

The proposal is the installation of a mast.

(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;

The installation is for a mast on article 2(3) land the mast is approximately 21.20 metres high and meets criteria. (C) (ii)

(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;

The mast is not an alteration or replacement mast (d) (ii) would not apply in this case.

(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

The mast is not within a site of scientific interest this criterion does not apply.
The height of the proposal is for a mast at approximately 21.20 metres, the mast is to be situated on a article 2(3) land.

The development is permitted under Class A (a) above as being an installation of electronic communications apparatus, development is permitted at para A.1 – (1) (c) (ii).

Where in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of 25 metres above ground level on land which is on a highway. As such the mast at 21.20m metres on article 2(3) land is considered to fall as permitted development.

Paragraph A3 - (4) requires that a prior approval is made, the assessment is set out below.
Impact on the character and appearance of the area.

Prior Approval

Whilst it is determined that the development does accord with Schedule 2, Class A of The Town and Country Planning Order, it is noted the development should subsequently adhere to the conditions set out within Sub-Paragraphs A.2(2-6).

(1) Class A(a) and A(c) development is permitted subject to the condition that—

(a) the siting and appearance of any—

(i) mast;
(ii) electronic communications apparatus installed, altered or replaced on a mast;
(iii) antenna or supporting apparatus;
(iv) radio equipment housing; or
(v) development ancillary to radio equipment housing,
constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable;

The provisions of Paragraph A.2(1)(a) are not relevant in this instance given that the proposal does not relate to the construction of any equipment as defined through sub-paragraphs i-v on a building. Criterion A.2(1)(a) is satisfied.

(b) the siting and appearance of any—

(i) mast;
(ii) electronic communications apparatus installed, altered or replaced on a mast;
(iii) antenna or supporting apparatus;
(iv) radio equipment housing; or
(v) development ancillary to radio equipment housing, which has been constructed, installed, altered or replaced in a manner 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;

The visual impact of the mast, antenna or supporting apparatus and radio equipment housing would be installed in such a manner that the proposal would minimise the visual impact of the development on the surrounding area, as far as practicable. All elements of the proposal are necessary for its function and no unnecessary elements are included which would be of detrimental impact to the

character and appearance of the area. It is not considered reasonable to require additional design alterations on this basis. Criterion A.2(1)(b) is satisfied.

(c) the siting and appearance of any development which is visible from a site which is—

(i) article 2(3) land;
(ii) a scheduled monument or a listed building;
(iii) the curtilage of a schedule monument or a listed building;
(iv) a World Heritage Site;
(v) a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973; or
(vi) land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953,
are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site;

Given the positioning of the proposal, within the Cotwolds National Landscape, it is inevitable that the structure will be visible from the listed buildings to the north and south of the site albeit at a substantial distance as outlined above.

It is also noted that the proposal in this instance is in close proximity to the M4 its contextualised position within the M4 ensures that the proposal reads as a typical example of this form of development which is typically in close proximity to the motorway network.

It is considered that the visual impact of the development on the Listed Heritage Asset is minimised so far as practicable, and that the proposal would not be detrimental to its significance. Criterion A.2(1)(c) is satisfied.

(d) the siting of any development is such that it—

(i) does not prevent pedestrians from passing along a footway;
(ii) does not prevent access to premises adjoining a footway; and
(iii) is determined having regard to—
(aa) the needs of disabled people; and
(bb) the guidance document "Inclusive Mobility" issued by the department for Transport in December 2021.

Regard is had to the provisions of the Inclusive Mobility (2021) guidance document. The revised plans show the location of the temporary relocation of the footpath which will be barriered off from construction works and allow pedestrian movement. As such the run of public footpath NETT47 will not be obstructed as has been shown on the plans. It is understood that the path should be available on this route after construction as well as during the development. Criterion A.2(1)(d) is therefore satisfied.

CONCLUSION

The proposed development is considered to be Permitted by Class A to Part 16 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The information provided is considered sufficient to determine that the siting and appearance of the proposed mast is acceptable and therefore prior approval may be granted.

RECOMMENDATION:

The proposal is permitted development where further prior approval of certain details is required, these details have been provided within the submission and have been found to be acceptable. Prior approval is therefore GRANTED.