Application Number: ADC/0100/07 Recommendation – APPROVE

Site: **East of Mill Hill, North of A27 cutting (New Erringham Farm), Shoreham-by-Sea**

Proposal: **Telecommunications 'telegraph pole' type mast (10m high including antennae) with ground compound (25m west of existing telecom mast)**

The Application

The proposal is submitted on behalf of T-Mobile and is for planning permission (rather than just a GPDO determination) because the site is within the AONB.

The proposed telecommunications mast and ground cabinets would be on the north side of the A27 Shoreham by-pass, 65m east of the bridge to Mill Hill. The A27 is in a cutting at this point but the ground slopes steeply down to the east. It would be situated on the south side of a field, adjacent to a 4m tall hedgerow.

There is an existing 12m tall Hutchison 3G mast 25m to the east which was allowed on appeal in 2005 (SU/238/04).

The proposed mast would be an imitation telegraph pole made of glass reinforced plastic with a matt brown finish similar to that of the existing nearby mast. It would have 3 small antennae at the top enclosed in a sheath. At ground level would be two dark green cabinets (one 1.6m high by 1.3m long by 0.7m wide and the other 1.2m by 06m by 0.5m)), in a compound surrounded by 2m high chainlink fencing plus barbed wire.

The application is accompanied by a supporting letter from the agent plus a technical justification, plot coverage maps, etc. It states that the proposal is chosen because it is provides the least impact upon both the environmental and visual amenities of this area, being as unobtrusive as possible, whilst providing the levels of coverage required for the network. There is currently a shortfall in 2G coverage in this local area. Whilst the site is in the AONB, it is nevertheless considered to be the most appropriate location. All of the search area to the north of the A27, as well as the south west, is in the AONB. The remaining area to the south is built-up and predominantly residential. Sites for 'streetworks' options within the residential area were sought but none found. Other alternatives considered were sharing a mast with H3G on the same site north of the A27 (ruled out because it would need a taller steel monopole or lattice mast having a greater visual impact); adjoining the river or on the east side of the A283 (unsuitable because it is low-lying flood plain and would not meet technical requirements); Buckingham Park area (felt to be more visually

obtrusive); and Shoreham Airport (existing mast site too far away to provide adequate coverage).

Consultations and Representations

South Downs Joint Committee: To ~~be reported~~ Objects (NB. objected to adjacent mast which was subsequently allowed on appeal).

Corporate Director Services: The EHO has no objection.

Shoreham Airport Manager: To ~~be reported~~ No obj (NB. did not object to the adjacent mast).

Third Parties

6 letters have been received.

5 of these letters are objections from residents at No's 10, 21 & 30 Mill Hill, 40 Mill Hill Drive and 57 Chanctonbury Drive. The main grounds are:-

- visual detraction from the AONB landscape; it would be an ugly intrusion negating the environmental benefit of introducing cattle to the Mill Hill nature reserve on the other side of the hill.

- insufficient need to outweigh the harm; it amounts to commercial greed and local people should not be forced by central Government to have to accept masts that they do not want.

- precedent for further masts in this downland setting; the existing mast has already opened the floodgates to another mast.

- the existing mast (or another in the wider area) should be shared.

- health hazard, especially to children living nearby.

- degradation of the natural habitat of the downland (with its rare chalk blue butterfly) and the Adur estuary SSSI

- inadequate access road to support the traffic generated.

The local branch of the CPRE state that whilst they do not generally approve of masts in rural areas, they do not object in this particular case.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC2, NE23, CH2, DEV1
Adopted Adur District Local Plan (ADC 1996): AG1, AC1, AC2-3, AB29
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007): R1, C12, ENV5, ENV7

Planning Policy Statement PPS7 "Sustainable Development in Rural Areas" (ODPM 2004)
PPG8 "Telecommunications" (DTLR 2001)

Planning Assessment

Policies

The site lies within the Sussex Downs Area of Outstanding Natural Beauty, proposed to be designated a National Park (NB. the designated AONB predates the by-pass and the actual AONB boundary is some distance to the south of the A27).

Under the above policies, in AONBs, any development will be required not to detract from their outstanding natural beauty, distinctive landscape character and remote and tranquil nature.

Local Plan policy AB29 telecommunications development states that permission will be granted where it can be demonstrated that there is no reasonable possibility of sharing existing facilities or using existing buildings or structures but expects apparatus to be sited and designed to minimise its visual impact. It adds that masts will not be permitted where they would be visible in the wider landscapes of the AONB except where special siting needs attributable to technical requirements dictate otherwise.

PPG8 (Telecommunications) states that "The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum – the Government also has the responsibility for protecting public health." It encourages Local Planning Authorities to respond positively to telecommunications development proposals, working with operators to find optimum solutions and taking account of advice about mast sharing and siting/design as well as advice in other PPGs on the protection of urban and rural area. Modern telecommunications are an essential and beneficial element in local community life and the national economy, meeting the growing demand for improved communication at work and home and can assist in attracting industry to an area and contribute to sustainable development by avoiding the need to travel. Operators are obliged by license to expand networks to accommodate customer requirements of service and quality. The size of each cell is determined by the number of subscribers expected to require access to the system. Many antennae have special siting needs because they have a limited range or require line of sight. Siting a mast within an AONB should only be a last resort.

The main issues to consider in the present case are the impact on the landscape of the AONB and whether the justification for the proposal is sufficient to demonstrate that there is no alternative less environmentally harmful site or design available. Concerns related to possible effects on health also need to be considered.

Visual effect

The visual impact on the outstanding quality of the AONB landscape is the prime consideration. In the instance of the appeal concerning the adjacent mast, the Inspector disagreed with the views of the Council and the South Downs Joint Committee, and concluded that:-

> "I conclude on the main issue that the proposal would cause some harm to the natural beauty of the AONB, but I accept that there is a compelling need for the proposal in relation to the social and economic benefits of improved telecommunications and that an extensive search has not identified suitable alternative locations. The siting and design of the proposal would minimise the impact of the mast. I therefore conclude that the need outweighs the limited harm to the AONB and therefore the proposal would not conflict with the aims and objectives of the policies..."

The design of the mast now proposed is almost identical to that allowed on appeal, being a close imitation of a telegraph pole. The main difference is that it would be 2m shorter but, because it is on a slope, the overall height would be only marginally higher than the existing mast.

The provision of a second mast would increase the visual effect as seen when approaching along the by-pass from the east. However, it is difficult to see, taking account of the previous Inspector's conclusions, that refusal on visual grounds would be justified. As it is relatively small and designed to imitate a commonplace type of structure found in many views, the combined effect would still be limited.

The siting proposed is 80m from the nearest dwelling to the west (No.19 Mill Hill) and 120m from the nearest dwelling to the south (No.68 Chanctonbury Drive) and would not have any significant impact on views from those properties or others in the local area.

Need for the proposal

PPG8 emphasises importance of providing adequate telecommunications coverage and this featured strongly in the Inspector's decision to allow the appeal related to the existing mast. There is no disputing the case that the present applicants also have a gap in coverage in north Shoreham (as shown on their detailed coverage maps submitted with the application). The applicants have existing installations at the Norfolk bridge, the Radio transmitter site off Middle Road, and Kingston Broadway, Shoreham and Lancing Business Park which are too far away to provide adequate coverage of this particular area. Their applications for a mast within the built-up area at Downsway, Shoreham and one within the AONB at Steyning Road, Shoreham were both refused. They have now listed various other alternatives which they conclude to be unsuitable.

It is important to search in each case for the optimal location but it is considered in the present case, as with the one allowed on appeal, that, whilst a site within the AONB is a last resort, the proposed design and site is the least harmful option for this locality.

Highway safety

The proposal only involves a small number of vehicular movements using the existing field gate for the purposes of initial erection and subsequent maintenance. There would be no significant effect on road safety on this minor road.

Health

With regard to the possible effects on health, which are generally recognised as being a relevant planning consideration, the Stewart Report concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines - however, there can be indirect adverse effects on their well being in some cases". Consequently, a precautionary approach was recommended by the Report until there is more scientifically robust information.
Nevertheless, PPG8 states that this does not mean that individual local authorities should introduce their own precautionary policies for determining applications (including any minimum distances between installations and existing development) or a moratorium on mobile phone applications on health grounds. The PPG recognises that health considerations, in principle, can be a material planning consideration in determining applications but states that whether such a matter is material in a particular case is ultimately a matter for the Courts. It states that "the planning system is not the place for determining health safeguards" and that "In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure, it should not be necessary for an LPA, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

There have been some Court cases where evidence has been given that the advice in PPG8 cannot fetter the jurisdiction of the LPA or avoid a requirement to consider the effects on health on a case by case basis. However, the Court of Appeal in November 2004 (in the case of T-Mobile and others v First Secretary of State and Harrogate Borough Council) upheld the High Court's decision to quash an Inspector's decision to refuse a mast on health risk grounds. This was on the basis that the reason the Inspector had given (which was that a precautionary approach should be adopted because the mast was near 3 schools) was not sufficiently exceptional as to justify departure from the Government's view that the ICNIRP declaration of conformity is all that is necessary. The Court was of the view that the ICNIRP declaration was ample to cover the case.

In the present instance, the application is accompanied by a Declaration of Conformity with the International Commission on Non-Ionising Radiation Protection guidelines. There is no evidence to indicate that there would be an actual risk to health and the proposal is by no means exceptional in terms of its distance from houses. The Council has no evidence to substantiate refusal on health grounds.

There have been a few cases where Planning Inspectors have dismissed appeals because the mast applied for would be so close to or prominent from houses that it would be a constant visual reminder to the occupants leading to anxiety for some and an appreciable and enduring diminution of their quality of life and alternative less harmful sites had not been explored. However, as stated earlier, the site is a considerable distance from residential properties being 80m from the nearest one. The proposal could not reasonably be said to be so close to residences as to be a constant reminder to those residents.

Recommendation

Subject to consideration of any comments from the South Downs Joint Committee and the Manager of Shoreham Airport received by 30 March 2007, APPROVE for the reason:-

The proposed installation would meet the need for additional provision for telecommunications and, by reason of its design and siting, is considered to be the least environmentally harmful option available. It would not harm the landscape of the AONB to a significant degree and the need is such as to outweigh any harm. It would consequently not conflict with the relevant policies of the West Sussex Structure Plan (LOC2, CH2 and NE23), the Adur District Local Plan (AG1, AC1, AC2-3 & AB29) and the Adur Development Plan Submission Core Strategy 2006-26 (R1, C12, ENV5, ENV7)

Subject to:-

1. C1Ci (Standard time limit)
2. C11Ai (Landscaping scheme) (amended)
3. If and when the installation hereby permitted in no longer required for operational purposes, it shall be removed within a period not exceeding 2 months from the time that it ceases to be used.

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