Application Number: ADC/0452/07 **Recommendation – APPROVE**

Site: **Southwick Football Club, Old Barn Way, Southwick**

Proposal: **Installation of new 17.5m telecommunications monopole, antenna and additional ground based equipment (replacing existing mast and antennae on SW corner of football ground)**

The Application

The proposal is to replace the existing 17.4m Vodafone slimline mast with a more substantial mast (and ground compounds) to enable it to be shared by both Vodafone and T-Mobile. The application is for planning permission in this case because the mast would be 17.9m high (NB. there is a 15m height limit for masts erected as 'permitted development').

The proposed mast and ground cabinets would be towards the southern end of the west side of the football ground, 25m north of the railway. There are 2 other masts (15m high) on the west side of the football ground, one serving H3G (SW/45/01) and the other Airwave mmO2 (SW/1/03).

The proposed mast would be an unpainted galvanised steel monopole which, scaling from the submitted plan, is approximately 0.7m diameter at the base tapering to 0.5m at mid-height and 0.35m at the top. It would also have a ladder attached. It would include floodlights for the football ground (as do the existing masts).

It would have two sets of 6 antennae, one set for each operator, one set mounted above 13m, the other above 15.5m. The antennae (2.4m in one case and 2m high in the other) would be mounted on frames with an overall width of 1.8m . There would also be two 0.3m dishes. At ground level, the compound would be enlarged on its northern side to accommodate additional cabinets, surrounded by matching palisade fencing.

The application is accompanied by a supporting letter and information from the agent including plot coverage maps (for both 2G and 3G) and an ICNIRP Declaration stating that the cumulative effect of the emissions from the Vodafone installation and all existing base stations at or near the site is within the international public exposure guidelines. It is stated that the proposal is considered to be the most sensitive design solution in terms of the technical requirements of T-Mobile with regard to their height needs in order to provide the necessary coverage whilst looking to minimise the overall impact. It allows 2 operators to utilise one mast as well as continuing to provide a floodlight solution for the football club.

Consultations and Representations

Director of Services: The EHO has no objection.

Third Parties: Residents of a house at Old Barn Way have objected on grounds that there are already enough masts, plus floodlights, at this football ground.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE23, CH1, DEV1
Adopted Adur District Local Plan (ADC 1996): AG1, AB29, AR3
PPG8 "Telecommunications" (DTLR 2001)

Planning Assessment

The main issue to consider is the impact of the proposed design and siting of the mast/antennae on the appearance and character of the locality and, if there would be a significant adverse impact, whether the justification for the proposal is sufficient to demonstrate that there is no alternative less environmentally harmful site or design available. Other concerns raised by third parties relating to the effects on human health also need to be considered.

Policies

The site lies on the edge of the football ground within an area identified for recreational use in the Local Plan.

Local Plan policy AB29, specifically relating to 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.
Structure Plan policy NE23 similarly states that development facilitating the growth of new and existing telecommunications systems should be permitted provided there is a demonstrable need, priority is given to using existing buildings, structures and masts and the impact on the environment is acceptable.

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.

Visual effect

The proposed monopole would have a significant visual impact because it would be much wider in diameter than the existing slimline pole it would replace and the antennae would be more obtrusive. The mast would also be significantly wider than the existing other 2 masts on the west side of the football ground and would also have a ladder attached to it. It would consequently result in added detraction from the appearance of the locality, especially when viewed from the west along the length of the recreation ground and from the rear of the houses to the south which back onto the railway and from the rear of those to the east which back onto the football ground.

However, the height is only marginally taller (by 0.4m) than the existing mast and the applicants' agent states that it is the slimmest monopole capable of supporting the 2 sets of antennae required for the 2 operators. Taking these factors into account and given that Government advice and policy AB29 encourage sharing of masts, it is considered that the degree of adverse visual impact is insufficient reason to justify refusal.

Whether a less harmful site is available

On the information available, T-Mobile only have a low-quality outdoor level of coverage in the southern part of Southwick/Portslade. They are required by their license to provide adequate coverage (including inside commercial and residential buildings) and meet reasonable demands placed upon their network. The applicants existing nearest installations are at Mile Oak Road (allowed on appeal), Kingston Broadway and the Transmitter site off Middle Road.

As to whether there is an alternative less harmful site, the applicants have listed various alternatives comprising existing large buildings in the locality (NTL at Gardner Rd, QS on the A259 and blocks of flats owned by the Council) but the owners in each case are not agreeable. They also list public houses and other commercial buildings which are stated to be too low and/or structurally unsuitable for the size of installation needed. Also listed is the existing O2 mast at Manor Hall allotments but this would need replacement with a larger mast and would give less coverage of the area where it is most needed.

They conclude that the submitted proposal, as a site-share replacing an existing mast of similar height (which itself replaced a previous football floodlighting column), is the optimum solution.

It is difficult to dispute this and the only practicable alternatives not already considered would appear to be an additional separate mast at the football ground or replacement of one of the other two existing masts at the football ground with the larger one proposed. The latter might be less harmful from some viewpoints and it would be further away from the houses to the south. However, it would be more prominent from the recreation ground to the west. It is felt that a separate mast for T-Mobile would be more objectionable as it would need to be on the east side of the football ground (replacing another floodlighting column), closer to bungalows in Old Barn Way. On balance, it is considered that the submitted proposal is the least harmful option.

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, a relatively recent Court of Appeal case in November 2004 (*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 the 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. This takes account of the cumulative effect. There is no evidence to indicate that there would be an actual risk to health and nothing to demonstrate that the present case is in any way exceptional. The Council has not been presented with any evidence which would be sufficient to substantiate refusal on health grounds. Although in another recent case (50 Overhill) the Committee, contrary to officer advice and that in PPG8, partly refused the siting of a mast on grounds of risk to health, the Council was unable to produce any evidence other than a newspaper report in April 2007 (relating to a cluster of cancer cases around a particular mast in the Midlands which O2 had agreed to remove) in which one particular scientist had said he was convinced it showed a potential link between the beam of emissions radiation and illnesses suffered by the local population, plus recent press releases from the pressure group 'Mast Sanity' and a summary of an Ecolog study for T-Mobile in 2000. Although the appeal decision is awaited, given other reported appeal decisions, it is highly unlikely that this evidence would result in the appeal being dismissed for health reasons.

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. In the High Court case of *Jodie Philips v First Secretary of State, Havant Borough Council and Hutchison H3G* in October 2003, the Court held that the consideration of alternatives is an integral part of the process of assessment of applications for prior approval – "the broad tenor of the guidance to accept the principle of telecommunications structures where they are needed for coverage but to acknowledge the sensitivity of the location of such structures and to emphasise the importance of searching in each case for the optimal location."

In the present case, however, as stated above, it is considered that the applicants have adequately searched the locality for alternative sites and, taking all factors into account, that the application site is the least harmful location within the search area and that the design is the least harmful option.

Recommendation

APPROVE for the reason:-

The proposed installation would meet the need for additional provision for telecommunications and is considered to be the least environmentally harmful option available. It would not conflict with policies LOC1, NE23, CH1 and DEV1 of the West Sussex Structure Plan or with AG1, AB29 and AR3 of the adopted Adur District Local Plan.

Subject to:-

1. C1Ci (Standard time limit)
2. The existing mast shall be removed (as stated on the submitted plan) within a period not exceeding one month of the erection of the new mast hereby permitted.
3. C14A 3

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