

Number: 2

Application Number: C17/0437/22/LL

Date Registered: 27/04/2017

Application Type: Full - Planning

Community: Llanllyfni

Ward: Penygroes

Proposal: Erect a 21m high telecommunications mast, including a radio station, 3 antennae, 2 equipment cabinets, associated equipment, along with a 1.8m high security fence

Location: Land adjacent to the Penygroes Telephone Exchange, County Road, Penygroes, Caernarfon, Gwynedd LL54 6HE

Summary of the Recommendation:

APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This application is resubmitted to the Committee as a result of the decision made to defer at the Planning Committee on 04.09.17. This is an application to erect a 21m high latticed telecommunications tower with two antennae and two satellite dishes on top of it, three measuring and equipment cabinets on the ground, and a 1.8m high fence to create a compound.
- 1.2 The site is located on the outskirts of Penygroes at the rear of the telephone exchange site which contains one permanent single-storey building, vehicular access off a parallel public road and turning and parking spaces. There is vehicular access to the site from the adjacent highway to the north, and a post and wire fence surrounds the site. There are residential properties on the far side of the public road toward the north, west and east and farther to the south, whilst open agricultural fields lie toward the south and east. The following are also nearby: Bro Lleu Primary School, Dyffryn Nantlle Secondary School, and Plas Silyn Leisure Centre. There are a number of mature trees within the site and also on parallel land.
- 1.3 The proposal entails the erection of a steel tower. In addition, three standard equipment cabinets of various sizes, to be finished in green, will be erected near the foot of the tower with a 1.8m high fence surrounding it. The site of the application is on a lower level than the existing building; consequently, a staircase will be constructed as an entrance to the site from the higher ground. From the information submitted, it is noted that the reason for the proposal is to carry out the Government's aim to provide a 4G signal where it does not already exist in rural areas.
- 1.4 The documents below have been submitted as part of the application:
- Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines
 - Radio Planning and Propagation
 - North Wales Economic Ambition Board letter
 - A statement providing General Information about Telecommunications developments
 - Copies of pre-application consultation letters sent
 - Report of a Panoramic Investigation
- 1.5 A pre-application enquiry was submitted for this proposal. It is noted that the location of the development has been amended from that originally shown for the pre-application enquiry. At that time, the development location was to the side of the site, but the Local Planning Authority advised that re-locating it to the rear of the site would be an improvement as it would be better screened by the existing building and would be farther away from nearby residential houses. The application has been submitted formally with the amended location amended.
- 1.6 In response to the objections voiced at the Committee on 03.07.17, the applicant has submitted additional information that justifies locating the mast on this specific site:
- The site is located near a parcel of land that has been allocated for housing in the Joint Local Development Plan - this concern is not material to the existing application as a planning application has not yet been submitted and, even if the application had been submitted, placing a mast on this site would not undermine this allocation. If housing had been erected on this allocated site, such a mast would not detrimentally impact on prospective residents of the housing on the basis of creating an oppressive

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structure and creating shadows, considering the design and light structural form of the mast itself.

- Local and national planning guidance and advice does not state that it is not possible to place telecommunications masts within, or adjacent to, residential areas. Indeed, Welsh Government has already stated their support in updating and providing the next generation's communication system throughout Wales and it expects Local Planning Authorities to determine planning applications for mobile infrastructure as soon as possible (e.g. for the emergency services) in order to ensure that there is no unnecessary delay in establishing such a network.
 - The British Infrastructure Group made up of Parliamentary Members has already stated since 2016 that every operator must disseminate their mobile coverage, and a deadline of December 2017 was determined.
 - By their nature, 3G or 4G signals cannot travel long distances and, therefore, it is obligatory to locate the masts and the associated equipment, in most situations, within or adjacent to residential areas.
 - It is believed that there are more suitable sites for erecting the mast in the vicinity of Penygroes - in accordance with statutory requirements, the applicant has submitted a list of 10 other sites in the village catchment area (before deciding on this specific site) and has disregarded them on the grounds that they would not allow sufficient coverage, other sites are located outside the search area, narrow paths, electricity lines, high density houses, proximity to houses without sufficient screening and a lack of space/gaps.
 - The impact on the health of local residents and school children - the applicant has carried out a radio frequency assessment for this specific site. The assessment comes to the conclusion that the density level of radio waves from the proposed mast is much lower than that noted by the *International Commission on Non-Ionizing Radiation Protection (ICNIRP)* and these guidelines are supported by the World Health Organisation and are currently subject to a review. A Compliance Statement with these guidelines (ref. 1999/519/E) has already been submitted with the original application.
 - Technical Advice Note 19: Telecommunications notes that local planning authorities should not attempt to duplicate the regulations of the health and safety system through the planning system. Enforcing health and safety legislation in this field is a matter for the Health and Safety Executive Authority (HSE). Once a mast is in operation, if there is evidence or concern that the operator is not meeting its responsibilities in a specific case, the HSE may investigate and, if needed, enforce action.
- 1.7 Following the discussion about the application at the Planning Committee on 05.09.17, correspondence was received from the applicant stating his intention to submit further explanations of the plan in response to the concerns raised by members. This information had not been received at the time of writing the report; therefore, any further information received will be reported upon on the additional observations form and distributed prior to the Committee meeting.

2. Relevant Policies:

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2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-26 adopted 31 July 2017**

SP 3: Information and Communications Technology

PCYFF1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

TRA4: Managing transport impacts

2.4 **National Policies:**

Planning Policy Wales Edition 9, 2016

Technical Advice Note 19: Telecommunications

A letter from the Welsh Government's Chief Planner dated 29.11.16 was published stating that Planning Policy Wales encourages local planning authorities to respond positively to telecommunication applications when taking into consideration the advice on safeguarding urban and rural areas. Such applications are part of the Government's framework to make the country a digital nation.

3. **Relevant Planning History:**

3.1 Application 3/22/123 - telephone exchange - approved 12.12.77

4. **Consultations:**

Community/Town Council: No objection to the application.

Transportation Unit: No observation as it is not presumed that it would have any impact

Ministry of Defence: No objection

Biodiversity Unit: No objection

Public Protection Unit: No observations if it meets the ICNIRP standards

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Public Consultation: A notice was posted on site and in the local press and nearby residents were informed. The advertisement period has expired and letters / correspondence were received objecting on the following grounds:

- Lack of consultation with local residents
- Effect of radio waves on children in the local schools
- Detrimental impact on a site, parallel to the site of the application, allocated for housing because of its oppressive impact; noise; its effect on residential and visual amenities; also, its inability to provide housing, including affordable housing, on the designated site; lack of compliance with relevant policies

As well as the above objections, objections were received that were not material planning objections and these included:

- Loss of view

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is mandatory that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. In this case, the adopted 'Development Plan' is the Gwynedd and Anglesey Joint Local Development Plan (LDP), and it is believed that the principle of the proposal is in accordance with the general requirements of Policies PS3, PCYFF1, PCYFF2, PCYFF3 and TRA4 of the LDP.
- 5.2 The general requirements of Policy PS3 allows infrastructure proposals that seek to extend or improve connectivity through existing and emerging communication technologies and for those that are being developed i.e. high-speed broadband, mobile phones and development in all parts of the Plan area, subject to appropriate safeguards. Chapter 12 of Planning Policy Wales (Version 9, 2016) states that Welsh Government acknowledges that affordable, secure and accessible telecommunications infrastructure over an extensive area is important for citizens and businesses throughout Wales, and it could be a way of promoting a thriving economy. Policy PCYFF1 approves proposals that have been located within development boundaries in accordance with other policies and proposals within the LDP, national planning policies and other planning considerations. In this case, the site is located within the Penygroes development boundary and it is considered that the principle of the proposed development is acceptable as it makes good use of a site that has already been developed (as a telephone exchange) and it therefore complies with the general requirements of Policy PCYFF1.
- 5.3 Policies PCYFF2 and PCYFF3 state that proposals should make the best use of land and ensure that no proposal would have a significant detrimental impact on health, safety or amenities of the occupants of local property, land uses or other property or the features of the local area due to an increase in activities, disturbance, noise or other forms of disturbance or pollution. Proposals are only allowed if assurance can be given that they respect the site context and its place in the local landscape, its impact on the street scene and the local historic and cultural heritage, that they

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consider the health and safety of future users and that they include infrastructure for telecommunications and up-to-date information. Having considered this application, it is believed that the application complies with the requirements of these specific policies.

- 5.4 The applicant has stated in the planning application documents, along with the response to concerns that were submitted following the statutory notification period, the reasons why this location has been chosen for the development, and notes that it is part of the Government's aim to provide 4G signal coverage in places where it does not currently exist, and specifically in rural areas.
- 5.5 A "*Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines*" has been submitted as part of this application. It confirms that the development has been certified as being in compliance with ICNIRP guidelines, which are the recognised guidelines for this type of development. As referred to above, the applicant has carried out a radio frequency assessment for this specific site and the results confirm that the radio waves density from the proposed mast is much lower than that noted by ICNIRP themselves (the levels are hundreds, if not thousands of times lower than the precautionary levels that have been set by ICNIRP).
- 5.6 An objection was received on grounds of concern about the impact of the development on health, and specifically on the health of the children at the nearby schools. One of the objectives of Policy PS3 of the LDP is to ensure that appropriate protective measures are in place for communication technology developments by, for example, complying with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Every new station is expected to satisfy the ICNIRP guidelines. Information has been received indicating compliance with these standards. Although we recognise that concern has been raised about the potential impact, this proposal is not considered to be contrary to national policies or the LDP and there is no need for further information to assess the possible impact of the development. Planning Policy Wales states clearly that in relation to the implications of such development proposals on health, Welsh Government's opinion is that the local planning authorities should not further consider any health impacts or the concerns about them when processing an application for planning permission or approval beforehand if the development satisfies the requirements of ICNIRP.
- 5.7 It is custom to impose a condition to ensure that equipment is removed from the site and that any necessary appropriate remedial work is carried out when the equipment is no longer needed. Based on the above, the principle of the development is considered to be acceptable and in compliance with the general requirements of the above policies.

Visual amenities

- 5.8 With this type of development, it is inevitable that the proposed structure will be partly visible from public places as it needs to be in a fairly open location to ensure that it works to its full capacity. Nevertheless, in this case it is deemed that a natural backdrop already exists when looking at the site from the north, north-west and the north-east because of the presence of mature trees along the side of Lôn Eifion, that runs past the nearby site.
- 5.9 Although the site borders open countryside, the nearby area has multiple uses which includes schools, a leisure centre and residential houses, which means that there are buildings of various sizes and appearances. A number of narrow, tall structures

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already exist in the area, such as electricity poles and street lighting. And, as can be seen farther away (approximately 340m) in a south-easterly direction, electricity pylons cross the land. The nearest residential properties stand approximately 50m and 90m away from the site of the application in various directions. It is acknowledged that this type of development will have some visual impact on the nearest dwellings, however, it is considered that impact will not be substantial in this case..

- 5.10 Looking at the site from the east, residential dwellings and the built form of the village are on the horizon; therefore, it is considered that the proposed location is not an entirely open space because of the surrounding landscape. Therefore, it is considered that the general requirements of policy PCYFF3 of the LDP are satisfied.
- 5.11 It is proposed that a condition be imposed on the finish of the mast; it is believed that this would be acceptable in this case as it would ensure that it blends in with the local environment. The associated equipment, namely the cabinets and the surrounding fence, are also acceptable because of their finish and mainly, because the application site has a ground level that is below the existing building nearby. In terms of finishes, the proposal is considered to be acceptable from the point of view of the requirements of policy PCYFF3. It also believed that it is appropriate to include a condition to agree on further landscaping measures, which, in doing so would satisfy the requirements of policy PCYFF4.
- 5.12 In essence, this is a narrow and simple structure that is unlikely to have a long term impact on the visual amenities of the local area. It is believed that the proposal in terms of this element is acceptable and therefore satisfies the requirements of the second criterion in Policy CH20 that states that the development should not cause significant harm to the landscape. Policy PCYFF3 states that the development should not have a detrimental impact on the landscape.

General and residential amenities

- 5.13 Information has been submitted with the application that lists other sites near the site that were considered prior to deciding on this site. Many of these have been disregarded for various reasons including their likely detrimental impact on general and residential amenities within those specific areas; lack of consent from landowners to use the identified sites, the signal would not be as good at these sites, and other technical matters. It is therefore acknowledged that an attempt has been made to identify other sites but that this has been identified for the proposal because of its suitability with regards technical matters and impacts on amenities.
- 5.14 It is considered that the proposal would not have a significant impact in terms of noise and would not have a negative impact on the nearby area's general and residential amenities as regards these matters. It is acknowledged that there are three prominent sites nearby which indicate the regular presence of children in the area. The Leisure Centre building is approximately 60m from the site of the application, the Ysgol Bro Lleu building is approximately 160m away, and the closest building belonging to Ysgol Dyffryn Nantlle is approximately 190m away. It is accepted that the land on these sites, including part of the Ysgol Bro Lleu site, which contains play equipment, is closer than the buildings themselves; but, as mentioned above, information has been received which confirms that the development has been certified as complying with ICNIRP guidance despite public concern about the impact on health. The proposal is, therefore, considered acceptable in that it conforms to the requirements of Policy PCYFF2 of the LDP.

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- 5.15 It is considered that this site is suitable in terms of location and acceptable in terms of its impact on the area's general and residential amenities and fully conforms to the requirements of Policy PCYFF 2 and PCYFF3 of the LDP.

Transport and access matters

- 5.16 The structure and all the associated equipment are at the far end of the existing site; it would not negatively impact the movement of vehicles in and out of the site itself in any way. Although it would be partly visible from adjacent public highways, there is no objection to the proposal from the Transportation Unit and therefore it is considered that there is no concern in terms of compliance with the requirements of Policy TRA4 of the LDP.

Any other considerations

- 5.17 As previously noted above, an enquiry was submitted prior to the submission of the application regarding this proposed development. The proposal was amended following a suggestion from the Local Planning Authority to re-locate the mast to the rear of the site and behind the telephone exchange building.

Response to the public consultation

- 5.18 Following a period of public consultation, including placing a notice in the local press and a public notice on the site, and sending letters to nearby residents, observations were received noting the following, and it is considered that the above report deals fully with these issues:

- Lack of consultation with local residents
- Effect of radio waves on children

- 5.19 An objection to the proposal was received from planning consultants on behalf of a housing association because of the detrimental impact the development would have on land, parallel to the site of the application, which has been allocated for housing, in terms of noise, impact on residential and visual amenities, inability to provide housing, including affordable housing on the designated site, lack of compliance with relevant policies

- 5.20 Part of the parallel land is allocated for housing in the LDP but no planning applications have been submitted so far for developing this land for residential purposes. It is believed that it is not, therefore, possible to assess the existing proposal in relation to that which could take place on this land in future. It is not believed, should permission be granted for this existing application, that this would prevent the future development of houses on adjacent land; it is possible to design a plan which gives consideration to any relevant restrictions (if such a mast as this did, in fact, restrict development on adjacent land).

6. Conclusions:

- 6.1 Having considered the above, and all additional information that has been submitted, and having considered all the relevant planning matters including the local and national policies and guidance, and all comments received, it is not believed that this application to erect a telecommunications mast is unacceptable and, consequently, it is believed that it does comply with the requirements of all the relevant policies as noted above.

7. Recommendation:

7.1 To approve – conditions

1. Time
2. Comply with plans
3. Remove the mast and associated equipment and restore the land should its use end.
4. Landscaping
5. Condition regarding the colour of the mast and the antenna/satellite dish
6. Condition regarding the colour of the fence