

PLANNING COMMITTEE	DATE: 14/05/2018
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	PWLLHELI

Number: 1

Application Number: C17/1266/16/LL

Date Registered: 27/12/2017

Application Type: Full - Planning

Community: Llandygai

Ward: Tregarth and Mynydd Llandygai

Proposal: Erect a 17.5m high telecommunications mast, including 3 antennae, 2 broadcast satellites, 2 equipment sheds and one measuring cabinet and associated work

Location: Land at Bryn Cul 2, Tal Gae, Tregarth, Bangor, Gwynedd, LL57 4AE

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an application to erect a 17.5m high telecommunications mast on rough agricultural land approximately 40m west of the development boundary of the Local Village of Tregarth, as defined in the Gwynedd and Anglesey Joint Local Development Plan (LDP). The mast would be a 'monopole' on a concrete base 3.6m x 3.6m. There would be three antennae and two transmission dishes at the top, three equipment cabinets at its base, and a 1.2m high fence around it to create a compound.
- 1.2 The site is located on a high, wooded ridge above the A55 trunk road. The land is wet and with a water course and well nearby and Public Footpath Number 12, Llandygai Community, runs past approximately 25m to the north. The aim is to ensure vehicular access to the site across agricultural land to the south, to connect with a private road that leads to the class three road that runs along the north eastern boundary of the village.
- 1.3 The nearest house, Bwthyn Pennau'r Bronnydd, is approximately 45m from the site whilst six other houses, including Pennau'r Bronnydd Terrace, stand within approximately 100m. The site lies within a Special Landscape Area designated by the LDP and also within the Ogwen Valley Landscape of Outstanding Historic Interest, recognised by CADW and Natural Resources Wales.
- 1.4 The proposal would involve erecting the steel tower and three cabinets of varying sizes, the largest being 2.1m high, and other associated equipment to be housed in a purpose-built compound. From the information submitted, it is noted that the intention is that two companies, such as Telefónica UK Plc. (O2) and Vodafone Plc., would use the facility to improve the 2G and 3G provision and provide a new 4G service because of a lack of current local provision. The applicants emphasise that they are trying to meet Welsh Government's wish to ensure better digital infrastructure in rural communities.
- 1.5 This plan is an amendment of a previously submitted plan on a site approximately 200m south that was withdrawn because of concerns about the possible impact on a nearby scheduled ancient monument.
- 1.6 The documents below were submitted as part of the application:
 - A "General Background Information for Telecommunications Developments" document
 - Specific Supplementary Information Statement for the Site
 - "Radio Planning and Expansion" Information Leaflet
 - Copies of consultation letters sent with the pre-planning application
 - "Planning for a Better Network" statement
 - "Health and Mobile Phone Base Stations" Document
 - Declaration of Conformity with the ICNIPR requirements (International Commission on Non-Ionizing Radiation Protection)
 - Service Area Maps showing improvements to the 2G, 3G and 4G service
 - Article from the Daily Post (03/08/16) "Listen to our demand for signal coverage parity"
 - Ecological Assessment Report
 - Tree Survey Report to British Standard 5837: 2012 including an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan

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1.7 The decision on this application was deferred at the Planning Committee meeting on 26/02/18 in order for the Committee to conduct a site inspection visit. Also, the applicant's response to some of the matters raised during the discussion at the Committee meeting was requested. Further information was received from the applicant's agent responding to the points raised. The information includes:

- Maps showing the improvements to the services deriving from the development
- There would be substantial improvement to the 3G (mobile broadband) and 4G (super-fast broadband) provision
- This development is a part of a national scheme to improve the provision throughout rural Wales
- The target here is to improve the services in the built-up part of the village of Tregarth specifically, together with the main roads into and out of the village
- A map and a list of the 12 other options considered as sites for the development were provided, together with a table explaining the reasons why these were considered unsuitable
- It should be noted that, from a technical perspective, a limited area only could be reached from all basic station sites and landscape features such as trees, hills and buildings prevent the signal.
- In order to ensure the best possible improvement to the service, ideally, the development would be in the centre of the village but this site on the outskirts of the village was chosen in order to reduce the amenity effects.
- The developers believe that the chosen option is the best compromise in relation to ensuring the best improvement in the network while reducing the visual effect as much as possible
- On the whole, only telephoning and text messaging services are available in the village of Tregarth. This development would allow a super-fast mobile broadband service for the residents, businesses and tourists, in accordance with the objectives of Welsh Government
- Electricity to the site will be provided via underground wires and the land will be restored to its original condition
- Access to the site for the construction work would be gained from a temporary road which would be placed on the surface of the land and would be removed at the end of the development work. No permanent hard standing would be created.
- There would be no change to the flow of water on the site and there is no activity on the site which could pollute any watercourse
- No harm to trees is likely to derive from the development and the applicants are willing to comply with a planning condition involving tree protection.

1.8 The application was deferred for the second time at the Committee on 16/04/18 in order to hold a second site visit. In addition, correspondence was received from an objector, questioning the validity of the process of dealing with the application. The points below respond to the concerns raised:

- A planning application was received in order to erect a 17.5m high telecommunications mast on this site by Gwynedd Council on 27 December, 2017. The application was assessed and it was deemed valid under the criteria noted in Welsh Government's Development Control Handbook.

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- The application was registered as "Erect a 17.5m high telecommunications mast, including three antennae, two broadcast satellites, two equipment sheds and one measuring cabinet and associated work" - it is not believed that there is anything vague in this description.
- A 21 day consultation process (commencing 11/01/18) was undertaken, including a consultation with statutory consultees and local residents in accordance with the requirements of the Town and Country Planning (Development Control Procedure) Order (Wales) 2012
- All responses to the consultation process (including any observations received after the formal consultation ended) were assessed and the Planning Officer's Report to the Committee on 26/02/18 notes the material planning matters and, in response to Questions from the Committee's Members, these were re-reported and expanded upon in the Officer's Report for the Planning Committee on 16/04/18.
- It should be noted that the proposed development is clearly shown within the three plans submitted for approval (Plan numbers 100, 201 and 301) and they are described in full within the development's description as shown on all correspondence presented in relation to the proposal.
- It is accepted that considerable background information has been submitted to support the application and this has been useful when drawing-up the recommendation, however, the nature of the development has been clear since the application has been received and all interested parties have had sufficient time to raise any concerns they may have. All concerns raised have been considered when dealing with the application and they are reflected in the Planning Officer's Reports.
- It should be noted that the Applicant is responsible for any procedural matters relating to pre-application matters, e.g. the process of site selection, prior consultations, etc.
- The information submitted by the applicants is assessed by the Local Planning Authority when making a decision on a planning application in the context of the adopted planning policies for the area and any other material considerations, including responses received to the consultation process. In this case, it is considered that sufficient information has been submitted to allow for a thorough evaluation of material planning matters, thus leading to a clear and unambiguous recommendation.
- This application was dealt with in a similar way to another planning application from the same applicants in Tanygrisiau, Blaenau Ffestiniog (Application Ref. C16/1450/03/HT). The Council's decision to approve that application was the subject of a request for a Judicial Review where it was found that the Local Planning Authority had dealt with the application in an appropriate way.

2. Relevant Policies:

- 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 seven 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.

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

PS 3: Information and Communications Technology
 PCYFF1: Development boundaries
 PCYFF 2: Development criteria
 PCYFF 3: Design and place shaping
 TRA4: Managing transport impacts
 AMG 2: Special Landscape Areas
 AT 1 : Conservation Area, World Heritage Sites and Landscapes, Registered Historic Parks and Gardens
 AT 3: Non-designated Heritage Assets that are of local or regional significance.
 AMG 5: Local Biodiversity Conservation

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.

Technical Advice Note 19: Telecommunications

Technical Advice Note 24: The Historic Landscape

3. Relevant Planning History:

3.1 None

4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection

Footpaths Unit: Not received

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Biodiversity Unit:	<p><u>Comments</u> The applicant should provide an Ecological Impact Assessment for the site. Further information is needed about the proposed access road A tree report needs to be provided in order to ensure that nearby trees are not harmed.</p> <p>In response to a further consultation regarding the Ecological Assessment Report and Tree Survey Report submitted, the following response was received from the Biodiversity Unit. That there is a need to ensure the following:</p> <ul style="list-style-type: none"> • Fencing-off a hedge protection area before anything else • An Environmental Building Control Plan must be submitted • The mitigation measures in the Ecology report need to be strictly observed <p>Details of the planting plan are needed</p>
Welsh Water	No objection
Natural Resources Wales	No objection - observations for the applicant
CADW:	No objection
Gwynedd Archaeological Planning Service :	<p><u>Comments</u> It is not believed that the proposed development would have a detrimental impact on the Cytiau Parc Gelli (CN202) ancient monument. There is potential that archaeology from the most recent prehistoric period exists in the area; it, therefore, suggests a condition to ensure that an archaeological survey of the site be carried out before beginning the work of erecting the tower.</p>
Snowdonia National Park:	Not received
Public Protection Unit:	Not received
Land Drainage Unit:	Not received

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Public Consultation:

A notice was posted on the site and neighbours were notified. The advertising period has ended and the observations below were received objecting to the proposal on the grounds of material planning matters:

- Concern about the possible impact on wildlife
- Detrimental visual impact
- Harm to the designated historic landscape
- Harmful impact on nearby ancient monuments
- Possible harm to nearby trees
- Harmful to the amenities of the users of the busy public footpath nearby
- The development could be detrimental to the historic fountain nearby, polluting the water flowing from it.
- The correct processes were not followed when dealing with the application.

In addition, the following observations were received in support of the application:

- Any harmful impact on local people will be minimal
- There would be an improvement to communication for the people of the area

The following observations were received; these are not material planning considerations:

- The applicant does not have the right of way to use the vehicular access shown on the plans
- Concern about the impact on the health of nearby residents
- Shortcomings in the consultation beforehand with neighbours
- That other sites had been dismissed because of their proximity to houses
- A sufficient 4G service already exists in the area
- Shortcomings in the information submitted with the application
- The tower would be too close to houses
- The tower should be moved to a more acceptable site
- The impact on private views
- Detrimental impact on the value of property in the area
- The need for the development has not been proved
- The documents submitted with the application are misleading
- The site is not suitable for a mast as it does not meet the criteria used by the applicant on other sites
- The application appears to have been submitted in a hurry after the other application was withdrawn and due care has not been given to details

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Gwynedd and Anglesey Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. Policy PS 3 of the LDP supports provision of new facilities to extend or improve connectivity through communication technologies; therefore, the principle of the development meets the adopted strategy of the Local Development Plan.
- 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 an 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.
- 5.3 A declaration of Conformity with the ICNIPR requirements (International Commission on Non-Ionizing Radiation Protection) has been submitted as part of the application, which confirms that the development has been certified as complying with the ICNIRP guidances, namely the internationally recognised guidance for this type of development. A number of objections were received based on concern about the possible impact of the proposed development on the health of local residents. However, Planning Policy Wales states clearly that 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.
- 5.4 The points below are also relevant when considering the principle of the development, as they relate to planning considerations:
- Local and national planning guidances and advice do not state that telecommunications masts must not be located within, or adjacent to, residential areas.
 - Welsh Government has stated its support to updating and providing the next generation communication system throughout Wales and it expects Local Planning Authorities to determine planning applications for mobile infrastructure as soon as possible in order to ensure that there is no unnecessary delay in establishing such a network.
 - By their nature, 3G or 4G signals cannot travel long distances and, therefore, locating masts and the associated equipment within or adjacent to residential areas is unavoidable.
 - In accordance with statutory requirements, the applicant has submitted a list of 11 other sites in the area before deciding on this specific site and has disregarded them for various reasons, including technical matters, land ownership, and amenity impacts.
 - 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

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field is a matter for the Health and Safety Executive (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.

Visual amenities

- 5.5 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.
- 5.6 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 believed that the site's wooded location means that the tower would be fairly hidden from most public places. The nearby trees grow to a height of 15m and, therefore, only the tower's uppermost 3 - 4 metres will be visible from many viewing spots; and from other places, the tower is seen with a backdrop of trees, and will not, therefore, be visible in the landscape. The tower would be visible from the nearby public footpath but, again, because of its wooded setting, it is not believed that it would be visible to users of the path, especially when there are leaves on the trees. In addition, because of the form of the landscape, the orientation of the houses in the area, the wooded site and the tower's relatively small size, it is not believed that the facility will be a dominant or oppressive element in any private property.
- 5.7 It must also be borne in mind that a number of high, narrow towers already exist in the area, including a number of substantial trees, telegraph line poles, and a chain of electric pylons that cross the land toward the north between the site and the A55.
- 5.8 The tower would be a single narrow structure, and a condition could be imposed to ensure it is finished with an appropriate dark colour; in so doing, it is believed that the development will blend into the local environment in an acceptable way. In addition, it is not believed that the associated equipment, namely the cabinets and surrounding fence, will be prominent in the landscape and it is also possible, through a condition, to ensure a suitable colour for these.
- 5.9 In general, it is believed that the tower is unlikely to have any obvious long term impact on the visual amenities of the local area and the proposal is, therefore, believed to be acceptable under policies PCYFF 2 and PCYFF 4 of the LDP as they relate to the impact on the visual amenities of the local area.
- 5.10 Likewise, it is not believed that the development will have any significant impact on designated landscapes, such as the Special Landscape Area and the Dyffryn Ogwen Landscape of Outstanding Historic Interest and the development is, therefore, believed to be acceptable under the requirements of policies AMG 2 and AT 1 of the LDP.

General and residential amenities

- 5.11 Information has been submitted with the application that lists other sites near the village that were considered prior to deciding on this site. It is clear that these have been disregarded for various reasons including their likely detrimental impact on residential

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amenities, land ownership matters, shortcomings with the signal from the location, and other technical reasons. It is therefore acknowledged that an attempt has been made to identify other sites but that this has been identified as the most suitable for the proposal following the consideration of practical, technical and amenity matters.

- 5.12 Despite some public concern about the possible impact of the development on the health of local residents, it is not for the Local Planning Authority to consider the matters involving health and safety of such facilities since the applicant has confirmed that the development will conform with ICNIRP guidances.
- 5.13 It is believed to be unlikely that there will be any significant detrimental impacts on the amenities of local residents as a result of the development. This site is believed to be suitable in terms of its location and acceptable in terms of its impact on the area's general and residential amenities and that the proposal fully complies with the requirements of Policy PCYFF 2 and PCYFF3 of the LDP.

Transport and access matters

- 5.14 The Transportation Unit has not expressed any concerns about the access arrangements to the site and considering, once the facility becomes operational, that vehicular access to the site will be infrequently required, it is not believed that there are any concerns relating to compliance with the requirements of TRA 4 of the LDP.

Historic Heritage

- 5.15 CADW confirmed that the proposed development would not have a detrimental impact on any scheduled ancient monument. Nevertheless, the Gwynedd Archaeological Planning Service stated that there was potential that archaeology from the most recent prehistoric period existed in the area and, therefore, suggested a condition to ensure an archaeological survey of the site be carried out before the construction work begins. In imposing such a condition it is believed that the application meets the requirements of Policy AT 3 of the LDP.

Biodiversity Matters

- 5.16 The location of the application is not within any designated wildlife site and Natural Resources Wales confirmed that they do not anticipate any harm to Tyddyn Dicwm Fields SSSI which lie approximately 300m north east of the site.
- 5.17 Because the site of the development is unimproved agricultural land and that mature, native trees grow nearby, the biodiversity unit has requested an additional report about the impact on ecology and trees. Nonetheless, it is believed, because of the small footprint of the development and that the land does not have a designation relating to wildlife interest, that it will be possible to manage the ecological effects of the development in an acceptable way by imposing appropriate conditions to ensure a Construction Methods Statement before commencing the development and by imposing a condition to protect the trees and their roots. It is believed, in imposing such conditions, that the proposal is acceptable under policy AMG 5 of the LDP.

Response to the public consultation

- 5.18 Following a period of public consultation, a number of observations were received objecting to the proposal on the material planning grounds discussed above. In addition, a number of other matters were raised that are not considerations for the Local Planning

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Authority, especially involving health matters, and matters such as land ownership, the need for the development and the impact on views from private property. It is not believed that any of the objections raised were commensurate with a valid planning reason that justifies refusing this application.

6. Conclusions:

- 6.1 The applicant has responded in full to the points raised by members when the application was discussed previously and it is believed that this response, which is summarised in 1.7 above, is comprehensive and explains the logic behind the proposal and shows that there are valid reasons for approving the development in this location.
- 6.2 Having considered the above, and all the material planning matters including the local and national policies and guidances, and all comments received, it is believed that this application to erect a telecommunications mast on this site is acceptable and that it does comply with the requirements of all the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve the application subject to material planning conditions involving:
1. Time
 2. Adheres to the plans
 3. Remove the mast and associated equipment and restore the land should its use end.
 4. An Environmental Construction Method Statement must be submitted before commencing the development.
 5. Work on trees must not be undertaken unless previously agreed with the Local Planning Authority.
 6. Condition regarding the colour of the mast and the antenna/satellite dish
 7. Condition regarding the colour of the fence and cabinets
 8. An archaeological survey must be undertaken before work commences
 9. A hedge / tree protection area must be fenced-off before any other work is commenced on the site.
 10. The recommendations in the Ecological Assessment Report must be strictly observed
 11. A Planting Plan must be submitted and strictly observed.

Notes

Advice about Protected species