

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish 2 existing masts and erect replacement mast to west of building.

LOCATION: Fort George Radio Station, Rue De La Douzaine, Fort George, St. Peter Port.

APPLICANT: Sure Guernsey Limited

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 21/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Sure Guernsey Ltd: Site Plan, Drawing AB_01 & Elevation plan

Application Ref: FULL/2022/2351

Property Ref: A41110B000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development

(Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.The equipment hereby permitted shall be removed from the site when no longer required for telecommunications purposes or should future developments allow for a reduction in the impact of the equipment or should alternative provision be made on a more satisfactory site elsewhere, whichever is the sooner. The land shall be reinstated to its former condition, in accordance with a scheme previously agreed in writing by the Authority.

Reason - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

5.The mast hereby permitted shall be made available for mast sharing in the event of other telecommunications operators requiring similar facilities in the future.

Reason - To prevent an unnecessary proliferation of masts in this area, which would adversely affect the character and appearance of the locality.

6.The two existing masts shall be dismantled and all materials removed from the site within three months of the mast hereby approved being constructed and first brought into use.

Reason - To avoid a proliferation of telecommunication equipment in the interests of visual amenities.

Expiry Date: This permission will cease to have effect on 20/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2351
Property Ref: A41110B000
Valid date: 07/12/2022
Location: Fort George Radio Station Rue De La Douzaine Fort George
Fort George St. Peter Port Guernsey
Proposal: Demolish 2 existing masts and erect replacement mast to
west of building.
Applicant: Sure Guernsey Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The equipment hereby permitted shall be removed from the site when no longer required for telecommunications purposes or should future developments allow for a reduction in the impact of the equipment or should alternative provision be made on a more satisfactory site elsewhere, whichever is the sooner. The land shall be reinstated to its former condition, in accordance with a scheme previously agreed in writing by the Authority.

Reason - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

5. The mast hereby permitted shall be made available for mast sharing in the event of other telecommunications operators requiring similar facilities in the future.

Reason - To prevent an unnecessary proliferation of masts in this area, which would adversely affect the character and appearance of the locality.

6. The two existing masts shall be dismantled and all materials removed from the site within three months of the mast hereby approved being constructed and first brought into use.

Reason - To avoid a proliferation of telecommunication equipment in the interests of visual amenities.

OFFICER'S REPORT

Site Description:

The site comprises two masts, one 23m and the other 35m, either side of 36m the Fort George Radio Equipment Building with various antenna and dishes situated at different heights.

Relevant History:

None recent. Alterations to the existing masts have been granted permission during the period 2000 – 2007.

Existing Use(s):

Mast site

Brief Description of Development:

Permission is sought to remove two existing masts (23m and 35m) and their replacement with one 36m high lattice tower mast with equipment spread up its height and with a security compound around the base.

The application has been accompanied by supporting information regarding the replacement of the existing masts and an Emissions Survey. The masts host important harbour communications antennas, the only link to Sark (all telephony and data traffic), mobile antennas (for Sure, Jersey Telecoms and Airtel) and taxi and transport radio antennas. A declaration of conformity with ICNIRP Public Exposure Guidelines has also been provided.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

S5 Development of Strategic Importance
GP8 Design
IP11 Small-scale infrastructure provision
GP9 Sustainable development

Representations:

Fort George Estate Company Limited (FGECL)

- Include comments in their correspondence from property owners
- The site is surrounded by a well-established residential environment
- The proposed change to the location of the tower was seen as an improvement but the amendment did not see the tower moved far enough to ensure that the significant available screening from the tree canopy could be effective and it was requested that Sure seek advice to check whether the erection of the tower could be erected to maximise screening
- It has not fully been determined what capacity/requirements the mast is required to provide
- The visual bulk of the proposed tower is approx. 5 times that of the current 35m mast is this necessary?
- The presence of equipment over the mast will increase prominence
- The proposals for the existing and proposed landscaping is welcomed
- It should also be developed to ensure that it is sufficient for all reasonable eventualities without being over configured in height or bulk making it more visually intrusive and as new technologies develop the appropriateness of the mast should be considered
- Concerns were raised regarding the number of estate properties affected and any shadowing effects particularly in relation to residents closest to the site
- The existing masts appear to contribute to wind noise – a benefit of their removal

- The potential for wind noise is difficult to predict because the changes would involve removal of the stays currently holding the existing masts upright and the level of noise from just the existing stay cables is not known
- A reduction in wind noise should be a factor for design – tree screening will help in some circumstances
- A secondary noise effect heard occasionally is a loud, low frequency hum – this is suspected to come from vibrations or standing waves in the multiple stay cables with a steady wind of appropriate speed and momentum
- Sure should avoid, remove or mitigate any wind noise by taking appropriate action
- It is noted that an ICNIRP certificate is submitted which notes levels are acceptable for passing members of the public, however what about for residents that live close to the mast?
- It would be useful to know the time line for this work and why it is needed now.

One letter of representation has been submitted by a local resident expressing similar concerns as that above in relation visual impact; overshadowing of properties, and sound. Comments are also made regarding requirements to continue to meet the ICNIRP levels and potential safety risk with Aurigny aircraft.

Consultations:

The Office of Environmental Health and Pollution Regulation do not wish to raise any objections to the proposals

Summary of Issues:

The key issues relate to the principle of the proposed development, its effect on the character and appearance of the locality and on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The public consultation process has raised the possible need for an Environmental Impact Assessment as an infrastructure project of island-wide significance. The development is considered to be of strategic importance and offers connection between other parts of the island/other islands. It is not of island-wide significance for the purposes of EIAs and an EIA is not deemed necessary in this case.

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Consistent with the SLUP, the policies of the IDP make provision for new infrastructure (basic facilities, services and installations needed for society including communications systems, water, power lines) while seeking to support and make better use of existing infrastructure to prevent unnecessary provision to the detriment of other objectives of the Island Development Plan. Infrastructure is taken as physical structures and large physical networks needed for the functioning of a modern society including communications infrastructure (fixed and mobile telephone networks, transmission stations, Internet, etc.).

Plan Objective 6 seeks to achieve the provision of infrastructure where required for the most effective and efficient functioning of the Island, in order to meet the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan.

Policy IP11 (Small-scale infrastructure provision) states that proposals for small-scale infrastructure will be supported where this would contribute to the maintenance and support of efficient and sustainable infrastructure and accords with the other relevant policies of the Plan. In all cases the applicant will first be required to demonstrate that the sharing or co-location of facilities, buildings, apparatus and support structures is not practically possible.

The IDP confirms that proposals for new telecommunication masts will be considered under Policy S5: Development of Strategic Importance and in relation to such proposals the impacts on public health will be assessed by the Office of Environmental Health and Pollution Regulation against latest standards and guidance. For the purposes of this application, therefore, the most relevant planning policy against which to assess the proposal is Policy S5: Development of Strategic Importance.

Policy S5 (Development of Strategic Importance) states that:

"Proposals for development that is of Strategic Importance and which may conflict with the Spatial Policy or other specific policies of the Island Development Plan but which is clearly demonstrated to be in the interest of the health, or well-being, or safety, or security of the community, or otherwise in the public interest may, exceptionally, be allowed where:

- a.** there is no alternative site available that, based on evidence available to the Authority, is more suitable for the proposed development; and,*
- b.** the proposals accord with the Principal Aim and relevant Plan Objectives".*

The purposes of this development is to maintain harbour, taxi and transport communications, communications for Sark and mobile telecommunication

equipment whilst futureproofing the site by ensuring the replacement mast can accommodate modern, often heavier, equipment and having regard to the extensive use of 4G and the future in 5G.

This is an existing telecommunication site and the proposal would see the consolidation of two masts into one with mast sharing between multiple providers. Based on evidence available to the Authority therefore, there is not a more suitable alternative site for the proposed development. The proposal accords with the Principal Aim of the Plan, Plan Objective 6 and S5, as described above.

The two existing masts are visible in the local area given their height and position. The lattice mast proposed will be visible at points from the adjacent roads, however it will replace two masts and be only marginally taller than the existing north mast. As a result the visual impact will not significantly change from the existing situation where the masts are partially obscured from Fort Road by the mature landscaping and their remote setting from many houses in this part of the Fort George Estate.

The public consultation process has posed queries regarding the accuracy of the plans provided regarding the fine detail of the proposed mast (fine metalwork or chunky metalwork) and the mast in the context of surrounding houses. The developer has engaged with the local community on the development however it is not reasonable for the Authority to insist that such further information be supplied. The information contained in this submission is sufficient to enable a full assessment of the scheme to be carried out. The mast will be designed in order to be sufficient in height and size in order to be strong enough to hold its own weight and accommodate the anticipated existing and future equipment whilst offering the necessary level of coverage. Equipment and fencing at the base of the site will be screened by mature landscaping with limited visibility from the Estate road. The size, materials and appearance of the proposed development is considered satisfactory given its intended purpose in line with Policy GP8: Design.

Concerns have been raised regarding noise from the installation (the structure itself and the antenna etc. installed). There is no evidence to demonstrate that the effect of the wind, in particular weather scenarios would be sufficient in its own right to warrant the refusal of planning permission. The mast is to be situated further from the properties in the Estate which reduces its visual impact and the potential for noise nuisance to occur. Furthermore, the slight increase in mast height is not considered so significant as to represent a safety concern regarding aircraft passing overhead nor is there evidence that there will be falling debris from the replacement mast once constructed, in the same way that this does not occur with the existing structures. With regard to highway safety concerns, the replacement mast will not be more visually prominent in the locality than the existing 35m high mast which is not particularly noticeable from Fort Road and the replacement will not pose a distraction to motorists or a highway safety risk.

The significant health concerns raised in relation to this development, future developments and mast sharing are noted. The application can only be considered on

the basis of the current proposals. Any subsequent schemes would need to address safety requirements in place at that time. A declaration of conformity has been provided in respect of Public RF Exposure Guidelines and the Office of Environmental Health & Pollution Regulation raise no objections.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Although comments have been received regarding the position of the development and whether further changes could be made in order to further reduce its visual impact on the wider area the Authority must assess the application presented to them with regard to the IDP. Based on the above assessment, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions. It would therefore be unreasonable to require the application to be amended.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations. These issues where relevant have been considered in the assessment of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 17 February 2023

