

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: Install 3 antenna with associated framework to existing lattice mast.

LOCATION: Torteval Transmitting Station, Pleinmont, Torteval.

APPLICANT: Cellnex UK & Jersey Telecom

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: 02/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arqiva - 141719-00-001-MD009 Rev 9 (sheet 1 of 1, 1 of 4 and 3 of 4) & -004-ML003 Rev 3.

Application Ref: FULL/2023/1430

Property Ref: G006540000

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.

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

5.Within one year of the commissioning of the equipment hereby approved, a post-commissioning International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification in respect of the proposed installation to demonstrate that they comply with the ICNIRP Public Exposure Guidelines shall be provided in writing to the Authority.

Reason - To ensure that the estimated level set out in the submitted commissioning certificate is achieved.

Expiry Date: This permission will cease to have effect on 01/01/2027 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/2023/1430
Property Ref: G006540000
Valid date: 26/09/2023
Location: Torteval Transmitting Station Pleinmont Torteval Guernsey
GY8 OPS
Proposal: Install 3 antenna with associated framework to existing lattice
mast.
Applicant: Cellnex UK & Jersey Telecom

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.

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

5. Within one year of the commissioning of the equipment hereby approved, a post-commissioning International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification in respect of the proposed installation to demonstrate that they comply with the ICNIRP Public Exposure Guidelines shall be provided in writing to the Authority.

Reason - To ensure that the estimated level set out in the submitted commissioning certificate is achieved.

OFFICER'S REPORT

Brief Description of the site:

The Torteval Transmission Station is situated on the Pleinmont Headland, adjacent to an isolated bungalow and surrounded by fields and the cliffs/cliff paths. The mast is 33m high with various equipment cabinets/housing situated at its base but which are screened from many view points. The mast is visible both in short and long distance views, from adjoining roads, cliff paths and fields and from the coast road at Fort Grey.

The application relates to the installation of three additional antenna to the existing mast at 14.7 m(x2) and 13.9m. The site location plan was amended during the course of the application as the incorrect site had been outlined/labelled.

The site is located Outside of the Centres and within a Site of Special Significance as designated in the Island Development Plan. The site is adjacent to an Area of Biodiversity Importance.

Relevant History:

Over the last 20 years there have been various successful applications to install addition and/or replacement antenna and equipment to the mast along with associated equipment cabinets.

Existing Use(s):

Mast site

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP8 Design
IP11 Small-scale infrastructure provision
GP9 Sustainable development

Representation:

One letter of representation has been submitted commenting on the application as originally submitted and raising the following points:

- A meeting is requested because 5G is banned by some countries
- There is no sign of the site notice being on display
- Why is Les Soliers outlined instead of the mast site?
- Cellnex Statement refers to works to be carried out in a field to the east of Rue Des Plaines, but the tower lies to the west

Consultation:

Office of Environmental Health and Pollution Regulation - understand that the initial description given for the proposals is incorrect and instead this application is for the installation of three antennas to the mast.

This department is concerned about the risk of public exposure from non-ionizing radiation from such installations. I would therefore recommend that a condition is attached to any consent granted for this application which relates to a post-commissioning ICNIRP Certificate.

Conclusion/Brief comment:

For the purposes of S40 (5) of The Land Planning and Development (Guernsey) Law, 2005, the development is considered of a minor nature, incapable of having a significant effect on the quality of the environment, the use of natural resources or biological diversity to be considered as EIA development as set out in S2 of The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007.

The development 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. The proposal accords with the Principal Aim of the Plan and Plan Objective 6.

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 applicant has provided information regarding the proposal and the location share. The information submitted is sufficient to demonstrate that the antenna would contribute to the maintenance and support of infrastructure, in accordance with Policy IP11.

The existing mast is substantial in height and visible in long and short distance views. The mast currently incorporates various antenna, dishes and other equipment. The visual impact will not significantly change from the existing situation. The installation of three additional antenna will not result in undue harm to the character and appearance of the locality as they will be seen in the context of the existing telecommunications equipment installed at the site. The size, materials and appearance of the proposed development is considered satisfactory given its intended purpose in line with Policy GP8: Design.

The significant health concerns raised in relation to this development 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 have recommended that post-commissioning certification is requested by condition in order to address their comments and concerns regarding the proposals. There are no ground on which to recommend that the application is refused permission in relation to public exposure/safety.

The error in the accompanying document relating to the location of the site (east/west) is noted however, from the application drawings and visit to the site the position of the existing substantial mast is readily apparent and this discrepancy would not fundamentally alter the assessment and recommendation of the scheme.

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.

It is recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 22/12/2023

