

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 replacement mast with 3 antennas to east of site.

LOCATION: Earlswood Garden Centre, Earlswood, La Ville Baudu, Vale.

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: 18/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Sure - AB1, 2, & 1:1250 scaled location plan & 1:500 scaled block plan

Application Ref: FULL/2023/1505

Property Ref: C010740000

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.Prior to the mast being first brought into use the lattice frame shall be painted black and thereafter be retained.

Reason - In the interests of visual amenity.

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.

6.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.

Expiry Date: This permission will cease to have effect on 17/10/2026 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/2023/1505
Property Ref: C010740000
Valid date: 08/09/2023
Location: Earlswood Garden Centre Earlswood La Ville Baudu Vale
Guernsey GY3 5AA
Proposal: Install replacement mast with 3 antennas to east of site.
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. Prior to the mast being first brought into use the lattice frame shall be painted black and thereafter be retained.

Reason - In the interests of visual amenity.

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.

6. 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.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The application site comprises the southeast corner of the overflow car park associated with Earlswood Garden Centre. Surrounding the site the area comprises residential properties to the north, and west, Earlswood Garden Centre to the southwest, a former quarry to the east with a field and residential properties beyond.

The site is situated Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

Relevant History:

PAPP/2006/2422	Install a GSM base station.	Granted 14/08/2007
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Existing Use(s):

Earlswood Garden Centre

Brief Description of Development:

Planning permission is sought to erect a 15m high slimline lattice mast to replace the existing 12m high monopole with telegraph pole appearance. The existing cabinet and concrete plinth are shown to be retained.

The application has been accompanied by an ICNIRP declaration.

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

S5: Development of Strategic Importance;
GP4: Conservation Areas;
GP8: Design;
GP9: Sustainable development;
IP11: Small-scale infrastructure provision.

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 20th September confirmed the following:

“I have reviewed the proposed plans for the installation of a replacement mast with three antennas to the east of the above site. This department is concerned about the risk of public exposure from non-ionizing radiation from such installations. I would therefore recommend that the following condition is attached to any consent granted for this application:

- The applicant must provide 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.*

I would be grateful if this issue is considered during the determination of this application.”

Summary of Issues:

The key issues relate to the principle of the proposed development, its effect on the character and appearance of the locality/surrounding Conservation Area 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.

Principle of the proposed development

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 submission sets out that the replacement mast will improve and provide all aspects of mobile telephony services (indoor & outdoor) in the area. Furthermore, the mast is to improve the network and customer demand in future including faster 4G, 5G and mobile broadband. The application submission also confirms that there are no other structures, buildings or masts nearby for alternative accommodation which is why the site was originally chosen in 2016.

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.

Impact on the character of the locality/surrounding Conservation Area

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development.

The telecommunication structure to be replaced comprises a 12m high monopole with telegraph pole appearance. This is to be replaced with a slimline 15m high lattice tower, which although slightly higher than the existing would be largely screened from the surrounding area by existing trees that surround the site. Whilst the mast has the potential to project slightly above the trees and could be seen when the trees are not in leaf, it will be set well back from the nearby roads, behind existing residential buildings and the surrounding roadside development, with limited visual impact. The proposal would not therefore have a significant impact on the character and amenity of the locality or the surrounding Conservation Area. It is noted that the submission refers to there being scope to paint the mast to blend in however no colour has been specified in the application material. Given the context of the site and to blend in with the natural environment it would be considered appropriate for the mast to have a black finish. This would blend comfortably with the surrounding trees with or without foliage and would reduce any impact of the development when the trees are not in leaf. It would also be consistent with other planning permission for other similar replacement structures in similar locations/settings.

Impact on residential amenity

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 to the proposal, subject to a condition being imposed on any permission to provide further International Commission on Non-Ionizing Radiation Protection (ICNIRP) certification post-commissioning to ensure that the equipment has been installed in the appropriate manner and to satisfy public safety guidelines/legislation. The recommended condition is acceptable in planning terms and should be included should planning permission be granted.

The installation of the lattice tower would be situated circa 90m from the nearest residential property and would not cause harm regarding overshadowing or loss of light.

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: 18/10/2023