

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 12m high mast with 3 antennas and associated works.

LOCATION: Saumarez Reservoir, Ruelle De La Tour, Castel.

APPLICANT: Sure Guernsey Ltd

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: 15/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site location plan (1:2500), Block plan (1:1250), Sure Guernsey Ltd: Elevation Proposed (south), Proposed Plan and Proposed Structure Replacement.

Application Ref: FULL/2024/0482

Property Ref: D01921F000

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. 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 15/05/2027 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/2024/0482
Property Ref: D01921F000
Valid date: 10/04/2024
Location: Saumarez Reservoir Ruelle De La Tour Castel Guernsey GY5 7TR
Proposal: Install replacement 12m high mast with 3 antennas and associated works.
Applicant: Sure Guernsey Ltd

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).

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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. 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 application site comprises a water reservoir and pumping station, located to the east of Ruelle de la Tour. The site is elevated slightly above the road and is separated from it by a high bank, limiting views to the site entrance at the south-west corner. The site is bounded by residential properties to the north and across the road to the west, and by a large wooded area to the east and south. The Saumarez Park Nature Trail runs along the south and east boundaries of the site.

The site is located Outside of the Centres in the Island Development Plan, to the west of an Area of Biodiversity Importance.

The Planning permission is sought to replace the existing monopole mast with a 12m high slimline lattice mast incorporating three antenna bringing the overall height to 15m. The existing cabinet and concrete plinth are shown to be retained.

The application has been accompanied by an ICNIRP declaration of conformity.

Relevant History:

FULL/2020/2186 - Install mast (10m wooden mast supporting 3no antenna) and cabinet – granted

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:

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

Representation:

Two letters of representation have been submitted. The first querying details of the application, safety measures and ICNIRP guidance along with concerns regarding other, existing masts elsewhere on island. The second querying why planning permission was granted for the original mast in such an open area and expressing concerns regarding radiation, seeking to ensure that all safety and other considerations to neighbours and the environment have been followed. The antennae have a direct visual impact on Les Fourches. Why could the equipment not be situated further east, away from the reservoir and towards the telephone pole and trees so there is less impact on the area.

Consultation:

Office of Environmental Health and Pollution Regulation – is concerned about the risk of public exposure from non-ionizing radiation from such installations. I note that the applicant intends to follow the recommendations of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), however we would recommend that a post-commissioning certificate is produced, from an independent party, which confirms that the installation complies with the guidelines once the installation has been completed and tested. A condition to this effect is recommended.

Conclusion/Brief comment:

The development is considered to be of strategic importance and offers connection between other parts of the island. 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. This is also the broad objective of Policy IP11 in terms of maintaining and supporting efficient and sustainable infrastructure provided it has been demonstrated that sharing sites/facilities/apparatus etc is not practically possible. Policy S5 is also applicable and requires an application to demonstrate that there is no alternative site available that would be more suitable for the proposed development and that a scheme accords with the Principal Aim and relevant Plan Objectives.

The submission sets out that this proposal is to replace an existing mast, a direct replacement in the same position as the existing and using the existing concrete pad. As with other recent proposals by the same operator it is likely that the mast will improve and provide all aspects of mobile telephony services in the area having regard to network/customer demand) 4G, 5G and mobile broadband). The submission sets out that there are no other structures buildings or masts nearby for alternative accommodation which was an influencing factor when the site was chosen (2020/2021) for the mast that currently sits on the site.

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 proposal will be visible at points from the adjacent road and footpath, however it will be read amongst the existing infrastructure at the pumping station and against the wooded area beyond, and any visual impact will be limited and would not have a significant impact on the character and amenity of the locality.

The concerns raised regarding impacts from radiation are noted. A declaration of conformity has been provided in respect of Public RF Exposure Guidelines and in line with the recommendations from OEHPR an appropriately worded condition should be incorporated into the decision to ensure compliance with this.

Although comments have been received regarding the location of the mast the Planning Service must assess the proposals presented to them. The existing mast was granted permission just 4 years ago (application report is available online along with details of making property search requests in relation to viewing the approved drawings) and under the same Development Plan. In this case there have been no changes in the policies against which an application must be assessed and no overriding reasons to withhold permission for a mast in this location.

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.

In view of the above it is recommended permission is granted for the proposed development.

Recommendation:

Grant with Conditions



Date: 13/05/2024

