

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 upgrade and additional equipment to existing telecoms mast and associated works.

LOCATION: St Peter Port Relay Station, Mount Durand, St. Peter Port.

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: 13/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arqiva:307251-00-004-ML003 Rev 3, 307251-24-100-MD006 Rev 6, 307251-24-150-MD006 Rev 6 (Sheets 1, 2, 3 & 4), 307251-24-157-MD006 Rev 6 and 307251-24-151-MD006 Rev 6.

Application Ref: FULL/2024/0670

Property Ref: A40349A000

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. 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.

5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises shall not exceed a level 5dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142:2014.

Reason - The equipment is close to residential properties and a limit on the noise generated by new associated equipment is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 13/06/2027 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/2024/0670
Property Ref: A40349A000
Valid date: 23/04/2024
Location: St Peter Port Relay Station Mount Durand St. Peter Port
Guernsey
Proposal: Install upgrade and additional equipment to existing telecoms
mast 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.

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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.

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Reason - The equipment is close to residential properties and a limit on the noise generated by new associated equipment is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The site is the south east corner of a private car park located to the south of Mount Durand and accessed between 32 and 36 Mount Durand. The site is within the St Peter Port Main Centre and Conservation Area.

To the east and south of the car park is undeveloped land containing a number of trees. This adjoining land is recognised as Important Open Land and the area to the east and south east is designated as an Area of Biodiversity Importance in the Island Development Plan.

The site houses an existing mast and associated equipment cabinets and compound fencing. This is a 15m high lattice, relay transmitter tower but totalling 18.3m in height due to the siting of cardioid antenna.

Relevant History:

FULL/2020/1525 - Install communication tower, ground based cabin, meter cabinet and fenced compound – granted with conditions relating to mast sharing, removal when no longer required and requiring the shroud to be finished in light grey

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:

Island Development Plan (IDP) policies:

GP8 Design
IP11 Small-scale infrastructure provision
GP9 Sustainable development

Representation:

Two letters of representation have been submitted objecting to the application and expressing concerns relating to emissions and health implications associated with the development along with the visual impact of the development.

Concerns have also been raised regarding the position of the site notice.

Consultation:

Office of Environmental Health and Pollution Regulation – initially OEHPR requested further information regarding the associated ground equipment and possible noise generation. Additional information was supplied for further comment.

OEHPR have reviewed the proposed plans for the installation of additional equipment to an existing telecoms mast at the above site. I have also reviewed the additional information which was supplied by email on 15th May 2024. There are a number of issues of concern.

OEHPR is concerned about the risk of public exposure from non-ionizing radiation from such installations. The application includes a certificate confirming compliance with 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. This matter should be controlled by condition.

OEHPR also note the plans include the installation of mechanical ventilation within the radio equipment housing and there are concerns that the noise associated with this ventilation system could cause a detriment to the amenity of nearby neighbours and would therefore recommend that a condition regarding noise generation is also imposed.

Guernsey Airport – commented on the 2020 application for the mast itself highlighting that the Airport must be notified of the intention to use any equipment higher than the mast and the use of the equipment must be assessed and approved by the Airport prior to work taking place to ensure no impact on aviation safety and compliance with the Air Navigation Order.

Conclusion/Brief comment:

The application relates to the installation of three sector antennas at 11m on the existing frame with ancillary equipment, support structures and other ancillary equipment at ground level within the existing compound and all associated cabling. It is noted that the radio equipment housing at ground level will be mechanically ventilated to avoid overheating but that this is only likely to operate in the day during hot weather. Reference is made to the possibility of installing acoustic attenuation measures if necessary.

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 information submitted is sufficient to demonstrate that the antenna would contribute to the maintenance and support of infrastructure, in accordance with Policy IP11.

The mast currently incorporates various antenna, dishes and other equipment and 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.

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.

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

The Land Planning and Development (General Provisions) Ordinance, 2007, Section 10: Publicity for planning applications states in part 4 that 'the applicant must take the following steps, (a) display the site notice for not less than 21 days by fixing it firmly to some object on or near the land and in such a way and in such a position that it is visible and legible from a place to which the public have access.....' In this case the notice was posted in the entrance area to the car park which is publicly accessible, although not in the street, Mount Durand. Nonetheless, the notice was visible and legible from a place to which the public has access in line with the requirements of this Ordinance.

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

Recommendation:

Grant with Conditions



Date: 12/06/2024

