

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: Remove existing mast, install replacement mast and associated equipment.

LOCATION: Harbour Office, St Julian's Emplacement, 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: 12/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (1:1250), Sure - AB-01, 02, 03, Plan View

Application Ref: FULL/2024/0740

Property Ref: A411190004

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. 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, within a Conservation Area.

6. 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.

Expiry Date: This permission will cease to have effect on 12/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2024/0740
Property Ref: A411190004
Valid date: 13/05/2024
Location: Harbour Office St Julian's Emplacement St. Peter Port
Guernsey
Proposal: Remove existing mast, install replacement mast and
associated equipment.
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.

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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. 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. 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, within a Conservation Area.

6. 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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Brief Description of the site:

The Harbour Office is part of a cluster of buildings with generally pitched roofs and a mix of granite and render exterior situated to the south of St Julian's Emplacement. The existing mast, with multiple antenna and dishes installed, is situated on the two-storey flat roof part of the building, to the south of that fronting St Julian's Emplacement. A ground based equipment enclosure, with high palisade fencing is also situated to the south of the building. The site is visible from various locations along the seafront.

The application relates to the removal of the existing 10m high mast and its replacement with a slimline 12m high lattice mast utilising the existing roof framework. The purpose of its replacement is to future proof for refresh works proposed by Sure and JT plus improving network and customer demand for future services (faster 4G, 5G and mobile broadband services).

The site is located in the Main Centre, Harbour Action Area, Archaeological Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

PAPP/2001/2523 - Erect a radio antenna – approved

PAPP/2003/4145 - Installation of two support poles with GSM antennas and microwave dishes – granted

PAPP/2004/0337 - Variations to works previously approved - reposition support poles

PAPP/2005/2649 - Replace antenna support with a post mast – granted

PAPP/2006/1206 - Install telecoms mast and antenna's – granted

PAPP/2006/4104 - Replace antenna – granted

PAPP/2007/3544 - Install antennae and dishes to existing monopole – granted

FULL/2013/0387 - Install 3 dual-band directional antennas onto existing telecom mast – granted

Existing Use(s):

Harbour offices

Various other uses found in wider complex of buildings

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:

Policy IP11: Small-Scale Infrastructure Provision

Policy GP4: Conservation Areas
Policy GP8: Design
Policy GP17: Public Safety and Hazardous Development

Representation:

Commercial & Estates Executive - Guernsey Ports – have come across application online and would like to note that the owner of the site is States Trading Supervisory Board (Guernsey Harbours) not Sure as implied on the application form. As Sure's Landlord we have not provided Owners Authority for this application to be made therefore the Planning Application should not be registered as valid.

Guernsey Ports have not had any communication with Sure in relation to this and have concerns in relation to the height of the mast and the structural integrity of the roof to be able to hold the two antennas at the same time. We will be requesting from Sure engineering calculations to check that the base is suitable for the extra load, a Technical Radiation Safety Survey and a Health & safety assessment. We will also need to check if there would be any negative impact on our communication systems. This will be ahead of any Owners Authority being provided for the application.

Consultation:

Office of Environmental Health and Pollution Regulation - have reviewed the proposed plans to remove the existing mast and install a replacement mast with associated equipment at the above site.

This department 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. I would therefore recommend that a post-commissioning International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate be required by condition.

Conclusion/Brief comment:

The comments received regarding land ownership are noted. The application was deferred to enable the applicant to address these matters however, no response was provided. Furthermore, the grant of planning permission does not override or prejudice any legal rights or constraints which exist in relation to the application site and any issues regarding land ownership disputes are a civil matter that would need to be resolved through the courts. It is recommended that an informative is included on any permission to advise the applicant of this.

The replacement mast is minor and inconsequential and would not prejudice the outcome of a Development Brief for the Harbour Action Area and its implementation (Policy MC10).

Policy IP11 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 other relevant policies of the Plan.

The applicant has provided information regarding the proposal and that the location share will ensure customers continue to benefit from 3G and 4G technology. The information submitted is sufficient to demonstrate that the replacement mast and associated antenna would contribute to the maintenance and support of infrastructure, in accordance with Policy IP11.

The equipment will be viewed in the context of the built development on this site and commercial port activities. Although situated in a Conservation Area, the replacement mast would have a neutral impact on the character and appearance of the Conservation Area, in accordance with Policy GP4.

An 'Emissions from Radio Masts' and with the 'pre-commissioning' estimated public ICNIRP levels have been provided. It is recommended however, that post-commissioning certification is requested by condition.

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.

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

Recommendation:

Grant with Conditions



Date: 10/06/2024

