

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 pole and 2 antennas and erect a 7.4m high replacement pole (3.2m taller than existing), install 3 new antennas, 2 ground mounted telecoms cabinets and relocate existing dish antenna.

LOCATION: Land, Rue Du Felconte, St. Pierre Du Bois.

APPLICANT: JT (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: 26/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Waddington: 5629-A-008-XX-DR-A-001B and 003F. Enclosure 6150AC details, Antenna 6600 2L 8M 2.6m details, Radio 446 B1 B3 B7 details, Radio 2479 Triple band details and Radio Rack details.

Application Ref: FULL/2024/1261

Property Ref: F002560000

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. The land shall be reinstated to its former condition.

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 26/09/2027 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/2024/1261
Property Ref: F002560000
Valid date: 20/08/2024
Location: Land Rue Du Felconte St. Pierre Du Bois Guernsey GY7 9QB
Proposal: Remove existing pole and 2 antennas and erect a 7.4m high replacement pole (3.2m taller than existing), install 3 new antennas, 2 ground mounted telecoms cabinets and relocate existing dish antenna.

Applicant: JT (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. 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. The land shall be reinstated to its former condition.

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

OFFICER'S REPORT

Brief Description of the site:

The application site is to the west of Ruelle du Felconte, access is via a farm track to the southeast. A dense area of landscaping exists around the existing telecommunication equipment and the equipment does not currently exceed the height of this. The equipment is not visible from the road.

The application relates to the replacement of the existing telecommunication equipment by removing the existing pole (c. 4.2m high) which supports two antenna and a dish antenna and erecting a new pole, 7.4m high to house three larger antenna and the dish antenna. Two replacement ground mounted cabinets (on an existing concrete pad) are also proposed within the compound area adjacent to a WWII bunker. The drawings refer to the pole height as being 9.45m tall but includes the buried element of the pole.

The application has been accompanied by a pre-commissioning ICNIRP Certificate. Issues relating to signal obstruction have been noted in the submission due to existing vegetation and the limited height of the equipment. The proposed increase in the height of the pole/equipment is to ensure uninterrupted clearance from surrounding vegetation. The cabinets are noted as being well screened at ground level.

The site is located Outside of the Centres, within the Agriculture Priority Area and Archaeological Area as designated in the Island Development Plan.

Relevant History:

PAPP/2006/0435 - Install GSM base station – granted

Existing Use(s):

Mast site

Assessment: *(Tick as appropriate)*

no representation	☐
accords with policy	☒
within curtilage	☐
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

IP11: Small-Scale Infrastructure Provision

GP1: Landscape Character and Open Land

GP8: Design

GP17: Public Safety and Hazardous Development

Consultation:

Office of Environmental Health and Pollution Regulation – is concerned about the risk of public exposure from non-ionizing radiation from such installations and it is recommended that a condition is attached relating to the submission of an ICNIRP Certificate to demonstrate that the installation complies with the Public Exposure Guidelines.

Conclusion/Brief comment:

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

As noted above, the existing telecommunications equipment is not visible from the road and is not highly visible in the wider open landscape. The application would

raise the height of the antenna above the established planting so that it would be seen from, but set well back from the lane. The increase in height is however, modest and will not result in unacceptable harm to the open landscape concerned and will not appear unduly obtrusive in long distance views to the west.

The functional appearance of the equipment is considered satisfactory given that the overall height of the antenna has been carefully planned to remain low whilst still offering better connectivity/signal and the associated equipment is situated adjacent to a bunker, surrounded by planting and only visible from private land/a field.

One of the replacement ground mounted cabinets is described in the submission as a radio rack c. 2m high but with a note that it can be raised to 2.4m in height. Although a condition could be imposed limiting the height to the 2m shown given the sunken nature of the ground around the telecommunication equipment and dense landscaping around the site this is not considered reasonable and necessary.

The scheme therefore complies with Policies GP1 and GP8 of the IDP.

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.

It is recommended permission is granted for the proposed development subject to a condition relating to post commissioning certification to address the comments received by the Office of Environmental Health and Pollution Regulation.

Recommendation:

Grant with Conditions



Date: 20/09/2024

