

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 and associated equipment, relocate and install replacement mast with associated antennas and equipment cabinets.

LOCATION: First Tower Lane, St. Peter Port.

APPLICANT: JT (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: 11/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Waddington - 5629-WA-003-XX-DR-A-004C, 005D, 006A

Application Ref: FULL/2025/0062

Property Ref: A104320000

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.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(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 BS 4142:2014+A1:2019.

Reason - To prevent a nuisance or annoyance to nearby residents.

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.

6.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 10/03/2028 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/2025/0062
Property Ref: A104320000
Valid date: 28/01/2025
Location: First Tower Lane St. Peter Port Guernsey GY1 2RZ
Proposal: Remove existing mast and associated equipment, relocate and install replacement mast with associated antennas and equipment cabinets.

Applicant: JT (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 - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

6. 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 sits between First Tower Lane to the south and behind the frontage residential properties in Le Grand Bouet to the north. Views of the mast from Le Grand Bouet are visible between residential properties. The boundary to First Tower Lane is fenced but with views of the existing mast, to the west site boundary, visible. The existing mast has a lattice frame with antenna mounted at the top and also lower on the frame.

The site is located in a Main Centre Outer Area and area as risk of flooding as designated in the Island Development Plan.

Relevant History:

FULL/2012/2297 - Extend existing mast to 15 metres and install 4 no. telecommunications antennae – granted

FULL/2012/2855 - Install a mobile base station and extend existing mast - granted

FULL/2013/4025 – Install 3 telecommunications antennae to existing mast, extend existing plinth and install support cabinet – granted

FULL/2019/0852 - Install additional antennas and cabinets on existing mobile site - granted

Existing Use(s):

Mast site

Assessment: *(Tick as appropriate)*

no representation

x

accords with policy

x

within curtilage

x

design acceptable

x

visual amenity acceptable

x

no material neighbour impact

x

traffic not affected

x

Policies considered most relevant:

S5 Development of Strategic Importance

GP8 Design

IP11 Small-scale infrastructure provision

GP9 Sustainable development

Consultation:

Office of Environmental Health and Pollution Regulation - There are a number of issues of concern that I must raise.

This department is concerned with the risk of public exposure from non-ionizing radiation from such installations and I note that the submitted plans include a declaration that the installation will conform with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines.

The plans also include the installation of two Ericsson 6150 enclosures which contain a climate control system. I have concerns that the noise associated with these enclosures could cause a detriment to the amenity of nearby neighbours and would therefore recommend that a planning condition regarding noise associated with the plant/equipment is imposed should permission be granted.

Conclusion/Brief comment:

The application relates to the removal of the existing mast and associated equipment from the northwest corner of the site and to erect a replacement mast with associated equipment further south, within the car park area of the site. Some existing antenna and an equipment cabinet are to be taken from the removed mast and installed on the new mast site. The height of the mast will increase from c. 15.2m to 18m in height and the replacement retains the lattice style appearance. Equipment at the base of the mast is indicated as being within a fenced enclosure.

The application has been accompanied by an ICNIRP declaration. The height increase is explained providing uninterrupted signal clearance for the proposed, larger antennae. The submission sets out that the proposal is required to address technological improvements and public demand for island-wide benefit.

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.

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 address customer demand and technological changes. It is also noted that this is an existing telecommunication site with the existing mast granted permission in 2012 (with subsequent applications to extend and alter) when considering the matter of other structures, buildings or masts nearby that could be used for alternative accommodation. The lack of alternatives is why the site was chosen in 2012.

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.

Although the proposed mast will exceed the height of the existing mast and adjacent industrial buildings, it will remain set well back from the nearby roads and behind frontage development in Le Grand Bouet. Although taller, the location of the new mast, further from Le Grand Bouet will mean that its visual impact to the north will not significantly alter from the existing situation. To the south and First Tower Lane the mast will be more visible with its location pushed out into the open parking area on the site. It will, to a degree, be viewed in the context of the existing industrial style building on the site and in this built up location will not be unduly prominent. The proposal would not have a significant adverse impact on the character and amenity of the locality.

A pre-commissioning ICNIRP certificate has been provided and the Office of Environmental Health & Pollution Regulation have expressed concerns relating to the risk of public exposure from non-ionizing radiation which can be managed by planning condition. A further condition has been recommended in relation to noise associated with the equipment within the cabinets at the base of the mast in relation to residential amenity.

Condition 4 of the original 2012 permission specifies that the existing mast must be removed when no longer required which remains applicable and will ensure that the

existing mast and equipment is removed in connection with the construction of this replacement mast.

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.

Recommendation:

Grant with Conditions



Date: 04/03/2025

