

PLANNING COMMITTEE	DYDDIAD: 03/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	SIAMBR DAFYDD ORWIG, CAERNARFON

**Number:** 3

**Application Number:** C16/1450/03/HT

**Date Registered:** 11/11/2016

**Application Type:** Telecommunications Notification

**Community:** Ffestiniog

**Ward:** Bowydd and Rhiw

**Proposal:** Erection of pole with three antenna, a total height of 20m, installation of one communications satellite together with three equipment cabinets, one to include a meter with a surrounding 2m high fence

**Location:** Land adjacent to y Ddôl, Tanygrisiau, Blaenau Ffestiniog, Gwynedd LL41 3SL

**Summary of the Recommendation** APPROVE WITH CONDITIONS

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## 1. Description:

- 1.1 An application to erect a pole with three antenna to a total height of 20m, install one communications satellite together with three equipment cabinets, one to include a meter with a surrounding 2m high fence
- 1.2 The site is located on the outskirts of the village of Tanygrisiau, within a site that is used for parking / recycling bins. There is vehicular access to the site from the adjacent highway and fairly substantial vegetation surrounds the site. There are a variety of dwellings scattered around with a playing field directly nearby. Planning consent was recently granted to erect a building for Mountain Rescue services nearby.
- 1.3 The proposal achieves the Government's aim to provide a 4G signal supply where it does not exist in rural areas. It is proposed that the mast will be in a brown olive colour and the cabinet will be green.
- 1.4 The following documents have been submitted as part of the application:
  - Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines
  - Radio Planning and Propagation
  - North Wales Economic Ambition Board letter
  - General Background Information for Telecommunications Development
  - Copy of Pre Application Consultation Letters
  - Notice Served on Landowner/Tenant
  - Landscape and Visual Impact Assessment

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

### POLICY B12 - PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS

Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

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POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING  
Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A, unless they conform to a series of criteria that are relevant to the features on the site and to the purpose of the development.

**POLICY C1 - LOCATING NEW DEVELOPMENT**

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY CH20 - TELECOMMUNICATIONS EQUIPMENT - Proposals for telecommunications equipment requiring planning consent will be approved provided that a series of specific criteria are met concerning visual matters, environmental and health matters. The development should try to utilise appropriate existing structures or buildings and the telecommunications equipment should be removed from the site if it is no longer required.

POLICY CH33 – SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

**2.4 Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

SP 3: Information Technology and Communication

PCYFF 1: Development criteria

PCYFF 2: Design and place shaping

PCYFF 3: Design and landscaping

AT 1: Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens

**2.5 National Policies:**

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Technical Advice Note 15: Development and Flood Risk

Technical Advice Note 19: Telecommunications

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A letter from the Welsh Government's Chief Planner dated 29.11.16, stating that Planning Policy Wales encourages local planning authorities to respond positively to telecommunication applications when taking into consideration the advice on safeguarding urban and rural areas. Such applications are part of the Government's framework to make the country a digital nation.

### 3. Relevant Planning History:

C09M/0047/03/R3 - PROPOSED RECYCLING CENTRE, FACILITY TO TRANSFER MATERIALS, SALT DOME AND COUNCIL SERVICES DEPOT - WITHDRAWN - 28-Jul-2010

### 4. Consultations:

Community/Town Council:	No objection
Transportation Unit:	It is assumed that the proposed development would not have a detrimental impact on any road or proposed road.
Natural Resources Wales:	General observations and no objection
Welsh Water:	General observations
Public Protection Unit:	Not received
Ministry of Defence:	No objection
Biodiversity Unit/Trees:	<p>Both Ash trees are in an acceptable condition. The one on the western side of the pair has been subject to trauma in recent years and there are traces of scars and dead branches on this tree. Despite this, there is 'reaction wood' growing back over the scars and there is a crop of new twigs on the tree that indicate it has overcome whatever occurred - possibly creating the car park? Both trees should have a long lifespan.</p> <p>There is rhododendron on the site and this is isolated from any other clusters. It would be excellent if it were possible to get the developer to dispose of these and re-plant native tree species as part of the development.</p>
Snowdonia National Park:	No observations to offer
Public Consultation:	<p>A notice was posted on the site and nearby residents were notified. The advertisement period has expired and several letters including a petition stating the following have been received:</p> <ul style="list-style-type: none"> <li>• Impact of rays</li> <li>• Proximity to the School and residential dwellings</li> <li>• Not required</li> <li>• Visual impact on the area</li> </ul>

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## 5. Assessment of the material planning considerations:

### The principle of the development

5.1 It is required to make a decision about planning applications in accordance with the adopted development plan, unless other material considerations note otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the Joint LDP will be adopted during July 2017.

5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The Joint LDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.

5.4 Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

5.5 The requirements of Policy C1 approve proposals that give priority to land or buildings situated within development boundaries. The site is located within the Blaenau Ffestiniog development boundary and it is considered that the principle of the proposed development is acceptable as it makes good use in terms of a site *situated within the development boundary*.

5.6 In the same manner, policy CH20 approves proposals for new infrastructure and telecommunications equipment subject to full consideration of specific criteria attached to this policy namely:

1. that the development utilises appropriate existing structures (including other telecommunications equipment) or buildings unless it can be clearly proven that this would not be feasible and appropriate;
2. that the scale, location, design and prominence of the development will not cause significant harm to the landscape, the coast, biodiversity or historic areas/features, particularly within or near designated areas/buildings;
3. that the development is certified to conform to the ICNIRP guidelines;
4. that if the telecommunications equipment is no longer needed, it will be removed from the site and appropriate restoration work undertaken.

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- 5.7 The applicant has stated in the planning application the reasons why this location has been chosen for the development, and notes that it is part of the Government's aim to provide a 4G signal supply where it does not exist, and specifically in rural areas.
- 5.8 An Assessment of the Visual Impact on the Landscape has been submitted as part of the application. The assessment recognises that the site lies within a Landscape of Outstanding Historic Interest and is close to the boundary with Snowdonia National Park, but it notes that the visual impact of the development on the landscape is moderate to minor.
- 5.9 The Local Planning Authority has some concern regarding the visual impact of the development, especially from the direction of Tanygrisiau; and having considered that the Snowdonia National Park do not object to the proposal, and the contents of the Visual Impact Assessment on the Landscape, it is considered that impact will not be significant in this case.
- 5.10 The Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines has been submitted as part of the application before you, this confirms that the development has been certified in compliance with the ICNIRP guidelines.
- 5.11 An objection was received based on the impact of the development on health, and specifically on the health of the children in the nearby Primary School. Criterion number 3 of the above policy ensures that proposed developments satisfy the International Commission on Non-Ionizing Protection (ICNIRP) Public Exposure Guidelines. Every new station is expected to satisfy the ICNIRP guidelines. Information has been received indicating compliance with these standards. Although we recognise that concern has been raised, this proposal is not considered to be contrary to national policies or the Unitary Plan and there is no need for further information to assess the possible impact of the development.
- 5.12 It is possible to impose a condition if the equipment is no longer needed, for it to be removed from the site and appropriate restoration work undertaken. Given the above, it is considered that the proposal complies with the requirements of Policy B20.
- 5.13 The site is located within a C2 flood zone. However, Technical Advice Note 15: Development and Flood Risk states that this type of development is defined as developments that are less open to flood damage. The development will not entail that there will be workers on the site daily (there is no office provision etc. as part of the application) and Natural Resources Wales have not noted any need for a Flooding Consequences Assessment.
- 5.14 Therefore based on the type of development and location, it is considered that the proposal conforms to the principles of policy B29 and Technical Advice Note 15: Development and Flood Risk. It is also considered that the proposal is in compliance with the requirements of the policies in the Local Development Plan (Composite Version including Matters Arising Changes, January 2017).

### **Visual amenities**

- 5.15 With this type of development, it is inevitable that the proposed structure is partly visible from public places due to the need for it to be in a fairly open location to ensure that it is working to its full capacity. However, as stated above, the Local Planning Authority has some concern regarding the visual impact of the development,

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especially from the direction of Tanygrisiau and having noted the condition of the existing trees around the site; and that the Snowdonia National Park do not object to the proposal, and the contents of the Visual Impact Assessment on the Landscape, it is considered that impact will not be significant in this case.

- 5.16 A number of narrow, high structures already exist in the area, such as electricity poles and street lighting, and the proposed mast also backs onto the existing high landscape. The nearest residential dwelling is approximately 25m away. It is recognised that the development will have some visual impact on the nearest dwellings, however, it is considered that impact will not be significant in this case. Therefore, it is considered that the general requirements of policy B23 are satisfied.
- 5.17 The finish of the mast will be in brown, which in this case is acceptable due to the nature of the land that is a background to the development; as it is considered that it will blend in better with this finish. The associated equipment namely the cabinets and the surrounding fence, are also acceptable because of their finish. In terms of finishes, the proposal is considered to be acceptable from the point of view of the requirements of policy B25.
- 5.18 In essence, this is a narrow and simple structure that is unlikely to have an obvious long term impact on the visual amenities of the local area. It is believed that the proposal in terms of this element is acceptable and therefore satisfies the requirements of the second criterion in Policy CH20 that states that the development should not cause significant harm to the landscape, as noted above.
- 5.19 In the same manner, it is not considered that the development would cause more than a local impact on the Historical Landscape, and therefore it is considered that the proposal is in compliance with the requirements of policy B12 that safeguards Landscape of Exceptional Historic Interest.

#### **General and residential amenities**

- 5.20 Information has been submitted with the application that lists other sites near the site that were considered prior to deciding on this site. It can be seen that many of these have been disregarded due to their possible detrimental impact on general and residential amenities within those areas, and rent implications on private land.
- 5.21 It is considered that the proposal would not have a significant impact in terms of noise and would not impair on the nearby area's general and residential amenities regarding this aspect. As mentioned above, information has been received confirming that the development has been certified in compliance with the ICNIRP guidelines, despite public concern regarding the impact on health. The proposal therefore is not unacceptable in terms of the third criterion of policy CH20.
- 5.22 It is considered that this site is suitable in terms of location and acceptable in terms of its impact on the area's general and residential amenities and fully conforms to the requirements of policy B23.

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## Transport and access matters

- 5.23 The location of the structure and all the associated equipment in the far end of the site that is occasionally used for parking, would not impair in any way on the movement of vehicles in and out of the site itself. Although it would be partly visible from adjacent public highways, there is no objection to the proposal from the Transportation Unit and therefore it is considered that there is no concern in terms of compliance with the requirements of policy CH33.

## Response to the public consultation

- 5.24 Following a period of public consultation a number of letters have been received including a petition stating the following, and it is considered that the above report has dealt fully with these matters.

- Impact of rays
- Proximity to the School and residential dwellings
- Not required
- Visual impact on the area

## 6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, it is not believed that this application to erect a telecommunications mast is unacceptable and that it complies with the requirements of all the relevant policies as noted above.

## 7. Recommendation:

- 7.1 To approve – conditions
1. Time
  2. Comply with the plans
  3. Remove the mast and associated equipment and restore the land if the use has terminated.
  4. Condition regarding the colour of the mast and the antenna/satellite
  5. Condition regarding the colour of the cabinet and the fence
  6. Agree to a landscape scheme and rhododendron disposal