

DC/2015/01331

INSTALLATION OF 30.5m HIGH LATTICE TELECOMMUNICATION TOWER TO SUPPLY BROADBAND TO THE SURROUNDING AREA, AS PART OF A CONTRACT AWARDED BY THE DEPARTMENT OF CULTURE, MEDIA AND SPORT TO SUPPLY SUPERFAST BROADBAND TO A NUMBER OF RURAL AREAS IN MONMOUTHSHIRE, WHERE TRADITIONAL MEANS ARE UNAVAILABLE

PEN-Y-GARN FARM, PENALLT

RECOMMENDATION: APPROVE

Case Officer: Andrew Jones

Date Registered: 5th November 2015

1.0 APPLICATION DETAILS

- 1.1 This application relates to a parcel of land currently managed as pasture within the farmstead known as Pen-y-Garn Farm. The site is located approximately 3km to the south of Monmouth on elevated ground above the southern side of the Wye Valley.
- 1.2 AB Internet have been contracted by the Department of Culture, Media, and Sport to supply super-fast rural broadband to a number of areas in Monmouthshire, where no alternative options are available in the area. This proposal forms part of a wider scheme to install a combination of towers and 'Ecopops' throughout the County that would effectively communicate with one another.
- 1.3 It is proposed to erect one 30.5m high communication tower within a new fenced compound in the corner of the field. The lattice tower, which would sit on a concrete plinth approximately 5m x 5m, would host six radios. Two of these would receive connectivity from existing infrastructure, whilst the remaining four would broadcast the signal to the surrounding area. The area would be enclosed by 2m high fencing. Additional apparatus includes an outdoor cabinet measuring 882 x 600 x 600mm.
- 1.4 The application site is also located within the Wye Valley Area of Outstanding Natural Beauty (AONB).

2.0 RELEVANT PLANNING HISTORY

None.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S13 – Landscape, Green Infrastructure and the Natural Environment

S16 – Transport

S17 – Place Making and Design

Development Management Policies

EP1 – Amenity and Environmental Protection

EP4 - Telecommunications

DES1 – General Design Considerations

MV1 – Proposed Developments and Highway Considerations

NE1 – Nature Conservation and Development
LC4 – Wye Valley AONB
LC5 – Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 SEWBREC Search Results – various Category 1, 2 and 3 species recorded within 500m of the site, nearest SINC (Little Bottom Barn) is 248m from the site.

4.1.2 Trellech United Community Council – recommend the application is approved, also noting the following points:

- Councillors recognised that the scheme had the potential to offer benefit to Monmouthshire residents; and noted that the visual impact statement suggested no serious impact. They felt however that the application included insufficient details of exactly which areas would benefit from the scheme.
- Where exactly are the "white areas"? Ideally a map should be included to articulate this clearly.
- It was also important that the AONB be consulted.

4.1.3 Western Power – have not responded to date.

4.1.4 Highway Engineer – has not responded to date.

4.1.5 AONB Officer – provided the following comments:

- The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance.
- The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the natural beauty of the landscape.
- The application appears to fail to have regard to the Strategic Objectives and policy proposals set out in the Wye Valley AONB Management Plan and does not adequately seek to address the conservation and enhancement of the unique character and special qualities of the landscape.
- Wye Valley AONB Management Plan (2009-2014 and Draft Plan 2015-2020) recognises that some change to the outstanding landscape of the Wye Valley is inevitable; however it needs to be carefully managed to sustain the distinctive landscape features and special qualities of the area.
- We recognise that Mobile phones and Broadband have revolutionised modern life and that the topography and rurality of the AONB means that coverage is not consistent. However, in the aspiration to reach comprehensive high speed Broadband coverage, the balance has to be reached so that the valley sides don't end up bristling with masts to achieve this.
- There are already a number of examples of effective technical options improving Mobile phone and Broadband coverage in AONBs without impacting negatively on the landscape.
- The AONB Management Plan suggests that masts should use optimum designs or involve innovative solutions, such as incorporation in church towers or farm buildings, which when accompanied by adequate landscaping where appropriate, minimises the landscape impacts in the AONB.
- Similarly the AONB Management Plan suggests that mast sharing may be an option. It is stated a number of times in the application documents that the site has been chosen as having the least landscape and visual impact to meet the

topographic requirements which would enable this technology to function effectively.

- However, we failed to find any information within the application documents to demonstrate which alternative sites had been considered and why this is the most appropriate site for the development.
- It is not clear what alternative designs or mitigation measures have been considered which result in this being the optimum solution.
- We note that a Landscape and Visual Impact Assessment has been undertaken which identifies that landscape effects are likely to be not significant, and only relatively few receptors will experience significant visual effects. However, we do not observe that any aspects of this application assist in the conservation and enhancement of the natural beauty of the area.
- We also consider that, in line with Policy EP4 of the Monmouthshire County Council Adopted Local Development Plan 2011-2021, a mast of this height within the AONB is major development which requires a comprehensive justification in the national interest.
- We consider that there are significant details lacking, and it cannot be considered at present that the form and location of the development has been comprehensively justified as being in the national interest.

4.1.6 MCC Landscape Officer – provided the following comments:

Following a site inspection and a desk top study of site constraints, management policies, design guidelines and the LVIA; it is considered that the proposed development would be acceptable based on the following condition.

In addition to the proposed mitigation measures (LVIA), to satisfactorily reduce the adverse impact on landscape character a GI Bond of £7000 is required to mitigate its adverse impact on landscape character; to improve the connectivity between other important GI Assets, by improving the quality of the PROW network.

Reasons:

1. A poorly located and designed telecommunication project will negatively affect perception and increase resistance to necessary change, as well as diminish the beauty of the Welsh landscape which is essential for quality of life and something we should be safeguarding for 'future generations'.
2. There are many complex tensions in the landscape which need to be managed and balanced.
 - a) The introduction of a strong vertical element onto a distinctive and prominent landform will cause a significant change.
 - b) The proposal will have many benefits to the wider community and its end use supports other important Green Infrastructure benefits; my opinion is balanced with this in mind.

4.2 Neighbour Notification

4.2.1 There have been seven representations received to date, the points raised are summarised below:

- The commercial case for a wireless broadband solution of this scale in Penallt is difficult to see
- There will be very few who will benefit from this encroachment into the landscape within the AONB
- The location and size of this mast will make it a valuable site for any mobile phone operator and may be vital to EE in deploying their 4G replacement services to Airwave
- Lack of information on additional apparatus
- Major adverse visual impact on the AONB
- Many residents have already benefited from Spectrum Internet project

- Lack of early consultation
- How will this benefit the community?
- Some local residents not aware of proposal

5.0 EVALUATION

5.1 Principle of Development

5.1.2 Planning Policy Wales (PPW, 2014) recognises that *widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales*. However, it also acknowledges well-established policies for the protection of the countryside, including AONBs.

However it does set out that *Local Planning Authorities are encouraged to respond positively to telecommunications development proposals, whilst taking account of the advice on the protection of urban and rural areas*.

PPW also makes clear the following key considerations for determining applications for planning approval:

- the extent to which radio and telecommunications masts can be shared; and
- the need for dishes and other installations to blend with their backgrounds.

In this instance a new structure has been chosen, as there are no structures in the area with both line of sight to the two uplink sites (from which the site will receive broadband connectivity) and line of sight to the areas that require connectivity. The site needs to have clear line of sight to the uplink site in order to receive broadband connectivity wirelessly so that this can be transmitted to properties in the surrounding area. Trees can affect the line of sight, as 5GHz radio frequencies cannot pass through trees, therefore a location has been chosen in which trees will not have an adverse impact.

5.1.3 Further guidance is provided in Technical Advice Note (TAN) 19 *Telecommunications* which reaffirms the importance of sensitive sites in that *high priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance. In National Parks and Areas of Outstanding Natural Beauty proposals should be sensitively designed and sited and the developer must demonstrate that there are no suitable alternative locations*.

The applicant has advised that surveying in the area found that no sites within a workable radius (3-4km) that would see any of the other infrastructure sites in the network. Other locations for a new tower were deemed unsuitable due to the coverage that they would supply to connect customers and also had constraints with seeing the other masts in the network.

5.1.4 Policy EP4 *Telecommunications* of the Monmouthshire Local Development Plan (LDP) sets out various criteria to be satisfied for such development to be considered acceptable. Of particular relevance is criterion (e) which states that *within the Wye Valley AONB masts over 15 metres in height will be considered as major development and will require a more comprehensive justification in the national interest*.

Given the position within the AONB the proposal has been advertised as major development in the local press accordingly. In terms of national interest, the proposal does form part of a wider project to deliver superfast broadband to private residents and business in rural areas. The project will also overlap with neighbouring local authorities and therefore given this regional importance it is considered to be justified. National guidance in PPW sets out main policy objectives and principles; it

asserts that adequate and efficient infrastructure, including telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales.

5.2 Visual Amenity and Landscape Impact

- 5.2.1 The Countryside Council for Wales (now part of NRW) undertook an extensive landscape character assessment of Wales using the LANDMAP information system. LANDMAP is a Geographical Information System-based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent set of data. In LANDMAP the landscape is defined under five separate categories: geological; habitat; visual & sensory; historic and cultural. LDP Policy LC5 refers to LANDMAP. In determining the landscape impact of this application, each of these five elements of the landscape must be explored in relation to the site and surroundings.
- 5.2.2 The Landscape and Visual Impact Assessment (LVIA) submitted in support of the planning application has analysed the landscape character of the proposed development site and its surroundings using current LANDMAP data. This proposal is located in a landscape identified through LANDMAP as being of high landscape sensitivity.
- 5.2.3 The A40 passes through the valley of the River Trothy to the north and west of the site and at its closest point is approximately 1.8km away. However, this road is mostly set within heavily wooded embankments and there are few glimpses of the escarpment where the mast is proposed. For this reason, the LVIA attests that the visual effects on users of the A40 are assessed as *negligible adverse* at all stages of the development and therefore '*Not Significant*'. There would be clear views for users of the B4293 travelling south. A section of this road, west of Troy Farm, almost aligns on the mast site and here the structure will be prominent on the ridge line. The maximum visual effects for users of the B4293 are *moderate adverse* and therefore '*Potentially Significant*'.
- 5.2.4 In terms of Public Rights of Way (PROW) there is a PROW within 50m along the western boundary of the site although only a short section of the footpath will be affected and visual effects are therefore assessed as *moderate adverse* during and immediately after construction. There is another PROW approximately 400m to the south-east of the site which will have, for a short section, clear views of the mast on the skyline. In relation to the visual effects from this greater distance, the LVIA assesses these as *minor adverse* during construction and *moderate adverse* on completion.
- 5.2.5 The LVIA concludes that *the landscape character of the area will not be significantly affected by the mast development...Although, for operational necessities, an elevated site, it is comparatively discreet, with existing woodland and local topography combining to reduce visibility.* In spite of this conclusion, the Council's Landscape Officer is of the view that the introduction of a strong vertical element onto a distinctive and prominent landform will cause a significant change to the landscape. However, it is considered that on balance a Green Infrastructure (GI) Bond would help to satisfactorily reduce the adverse impact on landscape character. A sum of £7000 would help to improve the connectivity between other important GI Assets, by improving the quality of the PROW network. This will be the subject of a section 106 legal agreement.
- 5.2.6 Policy EP4 sets out planning conditions may be imposed to secure within an agreed timescale the removal of telecommunication apparatus and site restoration following

permanent decommissioning. Therefore a condition is to be attached to ensure the tower is removed and a scheme is agreed for the restoration of the land. It is considered that this would have many benefits to the wider community and its end use supports other important Green Infrastructure benefits.

- 5.2.7 Other forms of mitigation have been considered including the phasing of the installation, in addition to the provision of new planting. The 30.5m high tower could not be phased and installed in sections owing to the presence of the Graig Woodland in that the height of these trees would obstruct the signal if the tower were to be shorter. At 30.5m in height it would not be possible to screen the development from wider vantage points and similarly more immediate planting would cause signal disruption issues. Therefore on balance it is considered that additional planting would not provide effective or viable mitigation.

5.3 Residential Amenity

- 5.3.1 Telecommunication Towers do not create any discernible noise, nor do they produce traffic nor any further noise or disturbance once operational. The impact of this type of scheme on local residents is therefore limited to visual impact. Residential properties within the vicinity of the site are considered amongst the most sensitive to visual impact.

- 5.3.2 Crick Farm and the property known as The Craig have been identified as the individual residential properties most likely to experience the most significant effects. The LVIA acknowledges that the majority of the lattice tower will be seen against the backdrop of sky. However the lightweight structure will not be a dominant feature in the view, although clearly visible.

- 5.3.3 Whilst seven objections have been received from local residents, no correspondence submitted has referred to public health, which can be a material planning consideration. The Welsh Government set out in PPW that *'if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission, to consider further the health aspects and concerns about them.'*

In this instance the applicant has provided a copy of the appropriate ICNIRP certification and therefore it is not considered that it would cause unacceptable harm to public health.

- 5.3.4 Therefore, on balance, it is considered that whilst the proposed development would be visible from a number of receptors in the vicinity, it would not cause such harm so as to warrant refusal. The development would not be contrary to Policy EP1 of the Monmouthshire LDP.

5.4 Access/Traffic

- 5.4.1 The construction of the proposed lattice tower would result in temporary generation of construction and staff-related vehicle trips. The site would be accessed via the existing track leading to Pen-y-Garn Farm. However, construction traffic would be limited to a maximum of three vehicles over a period of only seven days. Long term, the site will only be accessed up to twice a year for maintenance works and therefore

it is not considered that it would adversely impact on local highway safety (or for that matter local amenity in terms of inconvenience to regular road users).

5.5 Response to the Representations of the Community Council/ Other Parties

5.5.1 Concerns raised through the consultation exercise relating to siting and visual impact, particularly impact on the AONB, have been addressed in the preceding sections of this report.

5.5.2 Other points raised relate to the questioning the benefits of the proposal to local residents. A large number of properties in the immediate vicinity already benefit from faster broadband that was provided approximately 18 months ago by 'Spectrum Internet' that was funded by the Welsh Government. Therefore whilst it is acknowledged that a number of immediate residents would not benefit directly from the superfast broadband to be provided by this proposal, it would provide benefits to businesses and residents in wider rural areas as part of the overall project.

5.5.3 With regard to the lack of associated apparatus, full drawing details of the tower and associated cabinets are provided on the Council's website.

5.5.4 It is also commented that the application has been subject to a lack of public consultation. Any community work and engagement at a pre-application stage is currently at the discretion of the applicant. The planning application has been advertised in the local press and a site notice erected in a prominent public place. In addition eleven letters were sent directly to properties closest to the site. It is therefore considered that the Local Planning Authority has carried out its duty in terms of public consultation fully and correctly.

6.0 **RECOMMENDATION: APPROVE subject to a s106 agreement to secure a Green Infrastructure Bond**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The tower hereby approved shall be painted the colour RAL 7047, the fencing shall be 385 v-pressed mesh fencing coloured RAL6005 and shall remain as such in perpetuity.
4	Within 3 months of the cessation of tower being used for the purposes hereby approved, all associated works/equipment shall be removed from the site and the land restored to its previous condition in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority prior to those works commencing.