

DEVELOPMENT & PLANNING AUTHORITY

NOTICE OF OPEN PLANNING MEETING

An Open Planning Meeting will be held at Beau Sejour Centre, Cambridge/Delancey Rooms, on **Wednesday 13 January 2021 starting at 09:30hrs.**

The following application will be considered at the Open Planning Meeting:-

APPLICATION NUMBER:	FULL/2020/1525
APPLICATION ADDRESS:	Mount Durand Car Park Mount Durand St. Peter Port
DESCRIPTION OF WORK:	Install communication tower, ground based cabin, meter cabinet and fenced compound.
NAME OF APPLICANT:	Arqiva Ltd

The agenda for the open planning meeting, along with the planning application report relating to the above application, are made available five working days before the date of the Open Planning Meeting on the States' website. The planning application report contains a summary of any consultation responses and of any representations received on the application from third parties.

There will be provision for **public speaking** at the open planning meeting. The opportunity to speak is afforded only to persons who:

- have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- who have notified the Planning Service in writing (by letter or by e-mail addressed to Planning@gov.gg) of their intention to speak which is received by the Planning Service by 12:00 Noon two working days prior to the date of the Open Planning Meeting (**i.e. by 12:00 Noon on Monday 11 January for the OPM held on Wednesday 13 January**).



PLANNING APPLICATION REPORT

Application No: FULL/2020/1525
Property Ref: A40349A000
Valid date: 27/08/2020
Location: Mount Durand Car Park Mount Durand St. Peter Port Guernsey GY1 1EB
Proposal: Install communication tower, ground based cabin, meter cabinet and fenced compound.
Applicant: Arqiva 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.

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. The existing mast situated at Hauteville, St Peter Port (Cadastre reference A40662A000) shall be removed from that site in its entirety within three months of the installation of the mast hereby approved.

Reason - To secure the removal of the existing mast and thereby prevent an unnecessary proliferation of masts in this area, which would adversely affect the character and appearance of the locality.

5. 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.

6. 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, whichever is the sooner. The land shall be reinstated to its former condition, in accordance with a scheme previously agreed in writing by the Authority.

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

OFFICER'S REPORT

Site Description:

The application relates to the south east corner of a private car park located to the south of Mount Durand and accessed between 32 and 36 Mount Durand. The site is within the St Peter Port Main Centre and Conservation Area.

To the east and south of the car park is undeveloped land containing a number of trees. This adjoining land is recognised as Important Open Land and the area to the east and south east is designated as an Area of Biodiversity Importance in the Island Development Plan.

Relevant History:

Application site

FULL/2016/2974 - Demolish existing garages and alterations to existing parking and erect covered garages – approved 05/04/2017

FULL/2018/1479 - Install electronic gate/barrier, fencing, two new walls and lighting and cut back existing wall (retrospective) – approved 05/10/2018

Hauteville site

The existing mast at Hauteville was erected in 1983 following the granting of planning permission for the erection of a relay tripod tower base with ancillary equipment housing, transmitter kiosk and screen walls in January of that year.

PAPP/2000/4496 - Permit to erect a radio antenna on existing tower and install an equipment cabinet – approved 14/02/01

FULL/2010/0493 - Install a VSAT dish on existing tower – approved 14/05/2010

FULL/2018/3059 - Install three antennas on existing telecommunications mast and two electrical cabinets at ground level – approved 05/02/2019

Existing Use(s):

Car park

Brief Description of Development:

The proposal relates to relocation of an existing broadcasting relay transmitter used by Arqiva Limited as a key part of the terrestrial television broadcast network serving Guernsey, which provides Freeview services including for the BBC, Sky, ITV, Channel 4 and Channel 5. These services are currently provided from the Hauteville relay transmitter to about 2,420 households, equating to about 6,000 people, along with business users.

The relay transmitter is currently located within a car park off Hauteville, St Peter Port, where there is a 25 metre high lattice tower with cardioid antenna on top to a total height of 28.4 metres. Relocation of the transmitter is required due to expiry of the lease on the Hauteville site in June 2021, with no option to renew and the possibility of only a limited extension until December 2021.

The proposal is to relocate the relay transmitter to the corner of a private car park situated to the south of Mount Durand. This involves the installation of a 15 metre high lightweight lattice tower, triangular in section with each plane measuring approximately 40 centimetres, surmounted by a cardioid antenna in an off-white cylinder to a total height of 18.3 metres. Two UHF antennas would also be attached to the tower (these are similar to TV aerials in appearance). The tower itself would be of galvanised metal, grey in colour. Also proposed are a ground based cabin, meter cabinet and fenced compound. The proposal would occupy two existing private car parking spaces within the car park which would be relocated immediately to the north of the compound.

A comprehensive site selection study has been undertaken by the applicant which confirms that the proposed site at Mount Durand is the best alternative to the existing Hauteville site in terms of balancing the technical and operational criteria essential to the continued operation of the broadcasting service along with environmental factors. A statement setting out the criteria and giving details of the alternative site search and selection accompanied the application.

The proposed site would be around 185 metres north-west of the existing site, across the valley, which would prevent significant loss of coverage which could happen if the lateral displacement from the existing location was greater. Furthermore, as the proposed site is higher above sea level than the existing, a shorter mast would be required. The overall

height of the proposed mast and antenna would therefore be more than 10 metres lower than the existing Hauteville mast.

A declaration of conformity - public radio frequency exposure guidelines (formerly known as an ICNIRP declaration) confirming compliance with the relevant public exposure health and safety guidelines has been provided with the application.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan (IDP) policies:

S5: Development of Strategic Importance

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP17: Public Safety and Hazardous Development

IP11: Small-scale Infrastructure Provision

Representations:

46 letters or emails of objection, one of which is signed by six people, on the grounds summarised below.

In addition to the summaries of representations contained within this report, full copies of all letters/emails of representation are provided to the D&PA Committee members to be read prior to a decision on the application being made.

- Possible public health risks relating to high frequency transmissions
 - Telecommunications strategy has not yet been approved by the States
 - Possible noise pollution
 - Mast out of keeping with surroundings/visual impact
 - Impact on setting of protected buildings
 - Impact on the Conservation Area
 - Trees will not effectively screen the mast
 - Biodiversity or landscape impacts
 - Effect on outlook from homes and gardens
 - Internet and satellite TV may make conventional television broadcasting obsolete and the mast not required
 - Fear of proliferation of masts
 - Fear of more antennas
 - Conflict with various policies of the IDP
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- Effect on private views and possible devaluation of property – However these are not material planning considerations which can be taken into account in making planning decisions.

Consultations:

Office of Environmental Health and Pollution Regulation - notes the declaration of conformity has been provided and does not raise any objection.

Guernsey Airport - the applicant must advise Guernsey Airport of any intention to use any equipment higher than the proposed mast height in the planning application. This must be assessed and approved prior to commencement of works taking place to ensure no impact on aviation safety and compliance with the Air Navigation Order.

Summary of Issues:

- Principle of the development proposal
- Effect on the character and visual amenity of the area
- Effect on the character and appearance of the conservation area
- Effect on the setting of protected buildings
- Effect on the amenity of people living in the vicinity of the site
- Effect on airport operations

Assessment against:

1 - Purposes of the law.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

3 - General material considerations set out in the General Provisions Ordinance.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

Legal Background

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.

Section 35(1) goes on to set out that:

There is a strong presumption against planning permission being granted for any development which –

- (a) Involves the demolition or destruction of any part of a protected building, or*
- (b) Adversely affects its special character or features.*

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which 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. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (c) the likely effect of the development on the character and amenity of the locality in question,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of the development proposal

The existing mast and antenna must be removed from its existing site at Hauteville during 2021, due to expiry of the existing lease. It is therefore necessary to relocate the transmitter to ensure continuation of the broadcast services.

With regard to comments made by representors about the need for a mast (irrespective of its location), whilst internet and satellite TV are options for consumers, the BBC are contracted to provide the digital terrestrial television (DTT) services currently delivered from the Hauteville site until 2030 with a right to extend for a further 3 years. The views of the UK Government Department for Digital, Culture, Media and Sport, Ofcom and the Broadcasters is that DTT will be required until the mid 2030's. DTT is still the preferred option for viewing for households with potentially poor broadband connectivity and is also the most popular platform for the elderly. It is also the most cost effective as it is still a requirement for householders using a television to have a TV licence even if they watch TV using the internet or satellite.

The preamble to IDP Policy IP11: Small-scale Infrastructure Provision states at paragraphs 20.12.1 and 20.12.2 of the Plan as follows:

“Modern infrastructure is vital to the Island and its timely provision is an important objective of the Strategic Land Use Plan which supports making better use of existing, and providing additional capacity by extending existing or providing new, infrastructure. This is reflected in the Plan Objectives of the Island Development Plan.”

*“Infrastructure includes the basic physical structures and large physical networks needed for the functioning of the Island community. In some instances, infrastructure requirements may be large scale and/or of strategic importance, or requirements may be identified at some stage in the future that were not envisaged at the time this Plan was prepared. Consequently, Policy S5: Development of Strategic Importance has been prepared and is appropriate where development is demonstrated to be essential to the public interest or health or safety or security of the community. **For the avoidance of doubt proposals for new telecommunication masts will be considered under Policy S5: Development of Strategic Importance** (emphasis added) 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. Some forms of infrastructure may affect the operation of the airport and Policy GP17: Public Safety and Hazardous Development and Annex IX: Public Safety Areas are relevant in this respect.”*

In light of the nature and purpose of the development, the proposal therefore falls to be considered under IDP 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.*

In relation to criterion (a) of Policy S5, and as noted above, a comprehensive site selection study has been undertaken by the applicant which confirms that the proposed site at Mount Durand is the best alternative to the existing Hauteville site in terms of balancing the technical and operational criteria essential to the continued operation of the broadcasting service along with environmental factors. A statement setting out the criteria and giving details of the alternative site search and selection accompanied the application.

Having regard to the detailed information provided, and also having undertaken an independent assessment of the proposed site relative to the potential alternatives, it is

considered that there is no alternative site available that, based on evidence available to the Authority, is more suitable for the proposed development.

The Principal Aim of the Plan is to ensure land planning policies are in place that are consistent with the Strategic Land Use Plan and which 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. To deliver its Principal Aim, the Island Development Plan has six overarching Plan Objectives which (in no particular order) are to:

- Make the most effective and efficient use of land and natural resources;
- Manage the built and natural environment;
- Support a thriving economy;
- Support a healthy and inclusive society;
- Ensure access to housing for all;
- Meet infrastructure requirements.

The proposal would clearly and directly meet infrastructure requirements through relocation of the existing mast and continuation of the DTT broadcast services currently provided. By ensuring continuation of the broadcast services it would help support the economy and also support an inclusive society. In addition, by virtue of its location on a small footprint within an existing car park, the proposal would make effective and efficient use of land resources. The Plan Objective regarding access to housing is not specifically relevant to this proposal. The Objective concerning managing the built and natural environment is addressed through the assessment of the impacts of the proposal later in this report.

Subject to the assessment below in relation to the built and natural environment, it is considered that the proposal accords with the Principal Aim and relevant Plan Objectives. The principle of the development therefore accords with Policy S5: Development of Strategic Importance.

Effect on the character and visual amenity of the area, on the character and appearance of the conservation area and on the setting of protected buildings

The existing mast located at Hauteville is highly prominent and is within, and visible from many public places within, the Conservation Area. It is positioned close to existing housing and appears on the skyline in public views.

The proposed mast would be more than 10 metres shorter in height and would be less visible than the existing within the Conservation Area. It is of lightweight lattice design. The majority of possible views would be glimpsed or be predominantly screened by the mature trees to the south and east of the car park, which would be unaffected by the development both during construction and subsequently. The hillside rises to the south and west and this combination would serve to conceal the mast. In views from Burnt Lane and St Peter Port Harbour, from which it would be more visible, the positioning would ensure no harm to the Conservation Area. Views from Mount Durand itself would be minimal. The proposal would therefore have no adverse effect on the Conservation Area.

The proposed site would be sufficiently far from any Protected Building to have no adverse effect on setting. There would be no impact on wildlife or biodiversity.

Effect on the amenity of people living in the vicinity of the site

The proposed site is about 185 metres from the existing mast at Hauteville and is further from existing housing than the existing mast is. The proposal would have no adverse effect on the reasonable amenities of nearby residents in terms of overbearing, overshadowing or overlooking impacts. As noted above, representors' concerns regarding potential effect on private views and possible devaluation of property are not material planning considerations which can be taken into account in making planning decisions.

Many of the representations received appear to suggest that the proposal is intended for 5G mobile telecommunication services. However, this is not the case, as the proposal is specifically intended to ensure continuation of the DTT broadcast services currently provided via the Hauteville mast, as described above. The addition of any further antennas, should the proposed mast be approved, would require separate prior planning consent and would have to be considered on their own merits at that time. The Office of Environmental Health and Pollution Regulation raises no objection to the present application.

Effect on airport operations

Guernsey Airport was consulted on the application and has advised that the applicant must advise Guernsey Airport of any intention to use any equipment (e.g. a crane) higher than the proposed mast height in the planning application. The applicant would be advised of this safety requirement in the event of the grant of planning permission.

Conclusion

The proposal satisfies the requirements of Policy S5 and all other relevant policies of the Island Development Plan. It is recommended that planning permission be granted with conditions, including the requirement for removal of the existing Hauteville mast within three months of the installation of the proposed replacement mast, to allow for continuity of service, and for mast sharing in the event of proposals by other operators, to avoid potential future proliferation of antennas in this area. Notwithstanding any planning condition, the existing Hauteville mast will have to be removed by the end of 2021 in any event at the insistence of the landowner.

Date: 31/12/2020