



Committee and date
South Planning Committee
1 August 2017

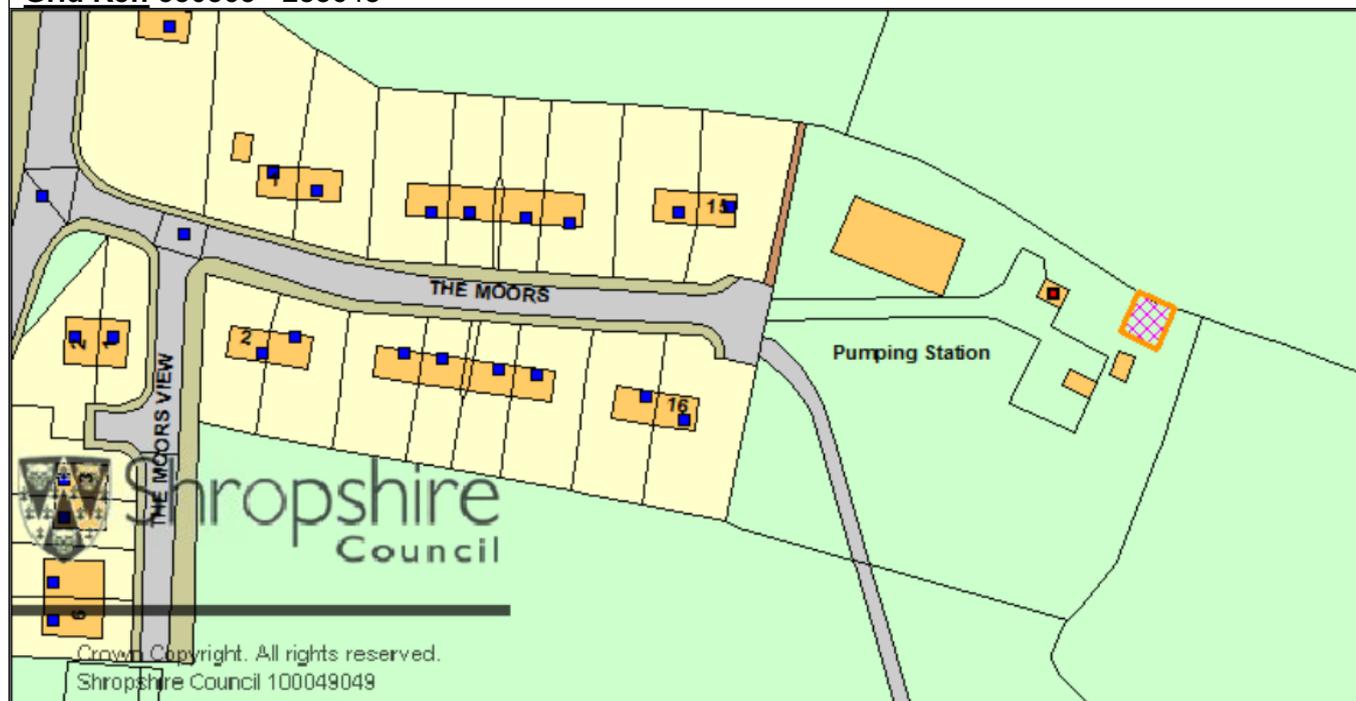
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/03071/TEL	Parish: Diddlebury
Proposal: Installation of a 15 metre high monopole accommodating 3no antennas and 2no 600mm dishes with 3no equipment cabinets all located within a 7 metre by 7metre stock proof fenced compound	
Site Address: Pumping Station The Moors Diddlebury Shropshire SY7 9JZ	
Applicant: Vodafone Ltd And CTIL	
Case Officer: Heather Bradley	email: planningdmsw@shropshire.gov.uk

Grid Ref: 350563 - 285648



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Contact: Tim Rogers (01743) 258773

Recommendation:- Prior Approval Not Required, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is an application for prior notification under Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, November 2016.

1.2 The application proposes the following:-

- 15m high monopole;
- 3no. Antennas;
- 2no 600mm dishes;
- 3no equipment cabinets;
- 1 meter cabinet;
- 1.2m stock proof fence;

1.3 The mast is proposed to provide improved mobile network coverage for two providers (Vodafone and Telefonica) who have an agreement to work together to jointly operate and manage a single network grid across the UK and provide 3G and 4G coverage and capacity.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises of a compound around 14sqm in size and would sit within the grounds of an existing water pumping station set at the end of a residential cu-de-sac known as The Moors in the settlement of Diddlebury.

2.2 The site itself is made up of a group of existing purpose built brick buildings, the mast and associated equipment is proposed to be located in the north east corner of the site. Fields bound the north, east and south of the pumping stations grounds. Approximately 240m to the southeast lies Corvedale Primary School. The nearest residential properties are around 70m away at The Moors. A public right of way runs west-east along the northern boundary of the site.

2.3 Whilst the application site itself is outside of any nationally designated area, the boundary of the Diddlebury Conservation Area lies some 140m to the south east of the site and the boundary with the Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 207m to the west, running along the main highway of the B4368.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council object to the proposal and due to the level of public objection and potential impact on surrounding landscape the Chair and Vice Chair of the South Planning Committee requested that this application be considered at Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Diddlebury Parish Council – Objected at preapplication stage.

Diddlebury Parish Council will be considering this application at its meeting on 26th July 2017. The Parish Council is disappointed that this application has come forward as it was asked by the applicant CTIL to consider it as a pre-application proposal. This Diddlebury Parish Council duly did on the 17th May 2017 and the Parish Council's objection is set out below: -

'As you are aware, your pre-planning application was debated by Diddlebury Parish Council last night.

A number of residents from The Moors attended and voiced their very considerable concerns about this proposed application, especially a resident who lives adjacent to the proposed site and who has a young family – as do many residents of The Moors.

The information you sent us on the 11th May states, inter alia, that all CTIL & Telefonica installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection, and that these guidelines are supported by the UK government, the EU and the WHO. That may well be the case, but it does little to reassure parents and members of the public who can find an abundance of contradictory scientific evidence supporting the view that a proximity of less than 300 metres from such an installation is unsafe. You have stated two houses are 80 metres from the site. Not only is this site within a village it is also close to the school.

Quite apart from the health and safety aspects, which may be arguable, an unarguable fact is this installation will be hideous intrusion in an otherwise attractive village in an Area of Outstanding Natural Beauty, visible to much of the village.

Whilst Diddlebury Parish Council are only too well aware of the very poor mobile telephone coverage in this area, we doubt that many of our parishioners would welcome this intrusive development or regard it as a price worth paying for improved mobile telephone coverage. The parish council may well support an application from you if the site was in an appropriate rural area where it was screened and well away from residential buildings. This is a big parish: we cannot believe a more appropriate site cannot be found. Studying your list of other options considered, we feel that insufficient effort has been made by your company to find a more appropriate location: perhaps your being based in Glasgow is a factor here.

I am instructed to advise you that as your proposed application stands, there is no possibility that the parish council will support it.'

4.1.2 SC Rights of Way – No comments.

4.1.3 SC Conservation Officer – No objection - The impact on the existing designated and non-designated heritage assets is considered to be negligible in terms of harm on the 'less than substantial harm' spectrum (as defined by paragraph 134 of the NPPF), where this needs to be balanced with the proposed public benefits of the proposal.

4.1.4 SC Ecologist – No objection - Recommend informatives regarding general site information for wildlife protection, bats and great crested newts.

4.2 Public Comments

4.2.1 Corvedale Primary School - Object –

- This objection is on behalf of the children, head teacher, teachers, governors and parents of Corvedale CE Primary School.
- Not assured by compliance with guidelines established by the International Commission on Non-Ionizing Radiation Protection as there is much contradictory scientific evidence to suggest that proximity of less than 300m is unsafe. The School is only 240m away.
- The impact on is not a price worth paying for improved coverage.
- Mast would be intrusive in an attractive village in an AONB.
- There are numerous, more remote places with the dale where such an installation could be hidden away.

4.2.2 21 Objections received:

4.2.2.1 Adverse impact on Health

- Too close to residential properties which house in-excess of 25 children.
- Too close to primary school – there must be a better place for it to be erected away from young children.
- There is much contradictory scientific evidence as to the safety of such an installation in such close proximity to residential areas and in this particular case, so close to a school.
- Many rigorous and respected studies have concluded that there are detrimental effects or require more research to be done - The Stewart Report by an Independent Expert Group set up by National Radiological Protection Board (NRPB) concludes that "It is not possible at present to say that exposure to Radiofrequency Radiation, even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach."
- The Stewart reports also states that children may be more vulnerable to low level radiation from masts due to developing nervous systems and bone structures.
- Whilst there remains any doubt as to the health risks posed, surely it would be sensible to site this mast away from a street of houses of mainly families with young children?
- A small sample of other research into health impacts:
Research involving humans - cancer
1. Wolf R, Wolf D, (April 2004) Increased incidence of cancer near a cell-

phone transmitter station, International Journal of Cancer Prevention, 1(2)
April 2004

2. Eger H et al, (November 2004) The Influence of Being Physically Near to
a Cell Phone Transmission Mast on the Incidence of Cancer, Umwelt
Medizin Gesellschaft 17,4 2004

Research involving humans - non-cancer

3. Augner C et al, (September 2008) GSM base stations: Short-term effects
on well-being, Bioelectromagnetics. 2008 Sep 19. [Epub ahead of print]

4. Preece AW et al, (June 2007) Health response of two communities to
military antennae in Cyprus, Occup Environ Med. 2007 Jun;64(6):402-8

5. Abdel-Rassoul G et al, (March 2007) Neurobehavioral effects among
inhabitants around mobile phone base stations, Neurotoxicology. 2007
Mar;28(2):434-40

6. Yurekli A et al, (2006) GSM base station electromagnetic radiation and
oxidative stress in rats, Electromagn Biol Med 25(3):177-88

7. Bortkiewicz A et al, (2004) Subjective symptoms reported by people living
in the vicinity of cellular phone base stations: review, Med Pr.
2004;55(4):345-51

8. Nikolova T et al, (October 2005) Electromagnetic fields affect transcript
levels of apoptosis-related genes in embryonic stem cell-derived neural
progenitor cells, FASEB J. 2005 Oct;19(12):1686-8

9. Santini R et al, (September 2003) Symptoms experienced by people in
vicinity of base stations: II/ Incidences of age, duration of exposure, location
of subjects in relation to the antennas and other electromagnetic factors,
Pathol Biol (Paris). 2003 Sep;51(7):412-5

10. Navarro EA et al, (December 2003) The Microwave Syndrome: A
Preliminary Study in Spain, Electromagn Biol Med 22(2-3): 161-169

11. Santini R et al, (July 2002) Investigation on the health of people living
near mobile telephone relay stations: I/Incidence according to distance and
sex, Pathol Biol (Paris) 2002 Jul;50(6):369-73

REFLEX Report - Risk Evaluation of Potential Environmental Hazards From
Low Frequency Electromagnetic Field Exposure Using Sensitive in vitro
Methods. A project funded by the European Union under the programme
"Quality of Life and Management of Living Resources"

Research involving animals

11. Everaert J, Bauwens D, (2007) A possible effect of electromagnetic
radiation from mobile phone base stations on the number of breeding house
sparrows (*Passer domesticus*), Electromagn Biol Med. 2007;26(1):63-72

12. P Balmori A, (October 2005) Possible Effects of Electromagnetic Fields from Phone Masts on a Population of White Stork (*Ciconia ciconia*), *Electromagn Biol Med* 24: 109-119, 2005

- Applications for masts have been rejected on health grounds in numerous places, including Barnet, Harrow, Kent and Worcester.
- Some children live just 80m away from the proposed mast – far below the guidelines stated.

4.2.2.2 Visual Impact

- Clear from the Photo Montages the 15m high mast will be highly conspicuous.
- Detrimental feature of the landscape.
- The Corevdale is part of the AONB set between Wenlock Edge and Brown Clee Hill – the scheme is not sensitive to the character of the area.
- Mast would be a blot of the landscape and the village.
- Mast will be visible in the wider area of the parish.
- Harm to the appearance of the Conservation Area.
- The photomontages are taken during the summer months when trees are in full, the view will be very different during the autumn and winter months.
- This area should remain untouched.
- Consider the preapplication advice given by the Area Planning Manager indicating scheme is unlikely to give rise to concerns on locational grounds contradicts the Councils Core plan policies to ensure the character, quality and diversity of Shropshire natural and historic environment is protected, restored and enhanced.
- The mast should be relocated to the poultry sheds at Corfton, they are an existing blot of the landscape so all of the eyesores could all be kept together.

4.2.2.3 Other Matters

- Dispute that the applicant has undertaken a neighbour and local community consultation as only found this out via the parish council and the Councils own consultation letter.
- Already endure disturbance, noise and traffic from the pumping station to which tried to find solutions, however this scheme is a step too far.
- Lighting at night, further construction works and maintenance will be a significant disturbance.
- The Council should be supporting and protecting the people that live and work here, especially the children.
- Application has not been publicized well enough.
- Property prices will be de-valued.
- Local Communities are not listened to by Local Authorities this has been learnt recently in London.
- The Moors residents and their housing matters, it is a residential area, it is not just functional.
- The affects of microwaves are not limited to humans – bees, bats and migratory birds will be affected – as a beekeeper for some 20 years – only too aware of the effects on honeybee populations.

- Electromagnetic radiation can affect soil, tree cells, harm development of tadpoles and other pond flora and fauna.
- Loss of view.
- Health and Safety risk to users of the footpath in the event of high winds in the area due to falling debris from the mast.

5.0 THE MAIN ISSUES

Principle of development

Siting and external appearance

Health Impacts

Other Issues raised –

- Alternative Sites
- Ecology
- Noise and Disturbance
- Loss of View and devaluation of property
- Consultation procedure

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The works proposed are judged to be permitted development under Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, amended 24th November 2016. The purposes of this application is to enable the Local Planning Authority to determine whether or not prior approval of the siting and external appearance of the development will be required and if so whether prior approval is granted or refused.

6.1.2 Part 5 of the National Planning Policy Framework seeks to support high quality communications infrastructure. This is supported by local plan policy through CS7, CS8 and CS13 of Shropshire Council Core Strategy and MD8 of the Sites and Allocation of Development (SAMDev) Plan, which seeks to improve, maintain and promote communications infrastructure.

6.1.3 The principle of updating telecommunication networks is welcomed provided that the installation of the necessary equipment does not harm the surrounding environmental assets. The principle of mast-sharing by different network operators is encouraged in the National Planning Policy Framework since the erection of additional masts can be visually more intrusive.

6.2 Siting and external appearance

6.2.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved.

- 6.2.2 Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD12 of the SAMDev Plan sets out the level of protection offered and criteria by which Shropshire's natural assets will be conserved, enhanced and restored.
- 6.2.3 Given the development of modern technologies and the increasing dependence on mobile and digital communications it's increasingly important to provide an efficient and usable signal. Any visual impact as such has to be carefully balanced against the social and economic benefits of a strong communications infrastructure.
- 6.2.4 The design and materials of the structures proposed are largely constrained by the function and needs of the telecoms provider to provide an optimum service. The scheme in this case proposes a slimline mono-pole design rather than the use of a lattice structure and the applicant confirms that the dimensions proposed are the thinnest available to support the technically preferred antennas and feeder cables which would run internally through the structure. The column is proposed to be painted grey (RAL 7035).
- 6.2.5 The proposed equipment cabinets would be less than 2.5 cubic metres each and located along side the mast. In terms of the heights of the cabinets, at a maximum they are not proposed to exceed 1.8m in height. The size of these structures is determined by the need to accommodate the technology and ensure sufficient airflow around the equipment for cooling, which in turn minimises the noise generated. The equipment housing is proposed to be painted green (RAL 6009).
- 6.2.6 The base station is proposed to be located within the grounds of an existing pumping station compound within which already exists a number of utilitarian structures and equipment. Although it is also noted that domestic style properties are located adjacent the site and thus the built character of the immediate area is a mix, although predominately residential.
- 6.2.7 The mast would be visible from public view points, including the public right of way which runs immediately alongside the boundary of the site. The application is accompanied by photo montages taken from key points in the wider area to illustrate the potential visual impact of the scheme. It is noted that the photographs are summer pictures and that the tree cover in the area is in the majority deciduous so during the autumn and winter months less foliage cover will be available.
- 6.2.8 However the proposed scheme would be viewed against the existing pumping station buildings and the wider built development of Diddlebury and thus seen as part of a group of existing development rather than as an isolated feature within the countryside. The cabinets are considered to be low level structures which would not dominate the site or appearance of the surrounding area.
- 6.2.9 Even during the autumn and winter months when there is less leaf cover it is considered there will remain a degree of tree coverage with the mast viewed

alongside tree branches and it is not considered that at a height of 15m the mast would be any more adversely prominent than surrounding telegraph and electricity poles. The proposed finished colours for the mast and the cabinets would also aid with the assimilation into the area.

- 6.2.10 Although the mast itself would sit outside any nationally designated area, the boundary with the Shropshire Hills AONB falls some 207m away to the west and thus there is potential for the proposed development to impact on the setting of the Shropshire Hill AONB and which the Local Planning Authority has a duty to consider.
- 6.2.11 There are likely to be views of the site when looking across the valley from and towards the AONB. However as noted the base station would be read against the backdrop of existing mature landscaping. In addition it should be noted that the wider landscape as with all rural landscapes is peppered with larger functional agricultural buildings, access tracks, telegraph and electricity lines.
- 6.2.12 It is acknowledged that the presence of the proposed phone mast and associated structures would alter the existing appearance of this part of the landscape thus changing its character to an extent. However it is considered due to the surrounding mature landscaping the impact of the alteration to the character and appearance of the area would not be detrimental to visual amenity or setting of the Shropshire Hills AONB.
- 6.2.13 The impact on the setting of the Conservation is a matter which requires consideration. The Conservation Officer also identifies other designated and non-designated heritage assets which lie beyond the Conservation area boundary including The Glebe Farmhouse (Grade II listed), Diddlebury War Memorial (Grade II listed), The Parish Room (Grade II listed) and the Church of St Peter (Grade II*). These designated heritage assets lie approximately 320 metres or more away from the site. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 that same act is also relevant in this case stating that local planning authorities should pay special attention to the desirability of preserving or enhancing the setting of a listed building. Part 12 of the NPPF, Core Strategy policy CS17 and SAMDev policy MD13 supports the above. Any impact however has to be weighed against the public and economic benefits of improved network coverage in this part of South Shropshire.
- 6.2.14 There is a degree of inter-visibility between the site and the heritage assets although this is interrupted by existing trees and hedgerows. In addition when considering the proposal against its context of the existing Severn Trent paraphernalia, trees and telegraph poles, it is judged that the mast and cabinets themselves would not appear unduly prominent, although it is accepted that the topmost antennae will be mostly visible. The Conservation Officer notes other locations have been explored included the Grade II* listed St Peters Church and accepts that the location subject to this application is the most appropriate in terms of potential impact on heritage assets. Overall it is judged that the impact on existing designated and non-designated heritage assets in the context of

paragraphs 134 and 135 of the NPPF would be less than substantial.

6.3 Health Impacts

6.3.1 Of the objections received it is noted that the potential impact on health as a result of Electro magnetic fields, emitted by antennas, in particular on the younger community given the proximity to the primary school and residential properties is a prevalent concern.

6.3.2 The objections received from the public include reference to both The Stewart report and a number of other studies regarding the impacts of such development as proposed on health. It is noted that the Stewart report was published in 2000 and the other reports referenced between 2002-2007. All of those studies are prior to the Central Government Guidance set out in the NPPF, 2012, which at paragraph 46 states the following: -

'Local planning authorities must determine applications on planning grounds.

They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.'

6.3.3 This application is accompanied by documents regarding research undertaken into the health impacts of such development and the completed declaration of conformity that the proposed base station and its associated structures would be compliant with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines concerning public exposure to electromagnetic fields.

6.3.4 Central Government are of the firm view that the planning system is not the place for determining the health safeguards and if a mast meets the ICNIRP guidelines. Given this and the Councils decision making has to accord with the requirements of the NPPF it is considered that the Council could not reasonably seek to require any further information regarding health impacts or justify its relocation or refusal of this application. The enforcement of health and safety issues relating to Masts is a matter for the Health and Safety Executive and not the local planning authority.

6.4 Other Issues raised – Alternative Sites

6.4.1 The NPPF at paragraph 44 states that Local Planning Authorities should not levy a ban on new telecommunications development, impose blanket Article 4 Directions or insist on minimum distances between new telecommunications development and existing equipment. Furthermore paragraph 46 confirms that Local Planning Authorities should not seek to prevent competition between different operators or question the need for the telecommunications system.

6.4.2 The Code of Best Practice on Mobile Network Development in England (July 2013) sets out that there should be an emphasis on site sharing. The applicant has confirmed that all existing sites in the surrounding Vodafone and Telefonica networks have been upgraded and optimised to their full potential, in which a hole in coverage and capacity has been identified within the search area, hence the

need for a new base station to fulfil this requirement.

- 6.4.3 The search area is primarily focused on the built up area of Diddlebury where the customers are found. 5 other locations have been considered by the telephone operators all bar one of the sites being within Diddlebury. These other sites are either unavailable or technically unsuitable.

6.5 Ecology

- 6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.
- 6.5.2 The site has been considered by the Council's Planning Ecologist whom notes the presence of existing trees and hedging. It is not proposed to remove any of this existing habitat as part of the proposal and subject to its retention the Council's Ecology is content that ecological interests can be safeguarded by informatives.

6.6 Noise and Disturbance

- 6.6.1 Concern has been expressed regarding the noise and disturbance that would be generated by the development. In respect to this the applicant's agent has confirmed that the proposed monopole and antennas will generate no operational noise. For the majority of time the proposed equipment cabinets would also operate at near silent, however as the volume of network traffic increases the temperature within the cabinet would rise and the cabinet's air conditioning systems become active. At these times there may be some intermittent low level noise, although this is considered unlikely to be of a significant level of cause undue harm to residential amenity.
- 6.6.2 Traffic movements to and from the site once constructed would be limited for maintenance of around once a year and repair purposes only. The applicant's agent envisages the need for any large repair vehicles such as cherry pickers would be rare. Daily traffic generation to and from the site would not be required and the impact on residential amenity from disturbance of vehicles would be negligible.

6.7 Loss of View and De-valuation of property

- 6.7.1 The loss of a view and the impact on property values are not material planning considerations and cannot be given any significant weight in the determination of applications.

6.8 Public Consultation

6.8.1 Concern has been raised regarding the level of public consultation with application both at this stage and at the pre-application stage. Any pre-application consultation with the local community is the responsibility of the telephone operators and the Code of Best Practice is used by the operators to determine the level of consultation. In this case the applicants confirm the Parish Council and Local Ward Member were consulted which is the minimum requirement as set out in the Code of Best Practice. The primary school was also written too.

6.8.2 In terms of this application for prior notification, the level of consultation required by the Local Planning Authority is set out in section A.3 (5)(d) of Part 16 of the GPDO. This required the local planning authority to give notice of the proposed development by either a site notice to be displayed on or near the land to which the application relates for not less than 21 days OR by serving notice on any adjoining owner or occupier. In this case the Council have served notice in the form of letters to all properties along The Moors. As with all applications the Parish Council are also notified.

7.0 CONCLUSION

7.1 Part 16 of the Town and Country Planning (General Permitted Development) Order 2016 effectively grants 'planning permission' for Electronic communications code operators, such as the applicants, to undertake development subject to conditions and notification to the Council. This application falls within the conditions subject to Part 16 and the scheme is as such permitted development. In accordance with Part 16 Local Planning Authority can only consider the impact of the siting and external appearance of the development, whether prior approval will be required on these aspects and if so whether it is granted or refused.

7.2 The dimensions of the proposed mast are the thinnest available to the applicant so as to accommodate the antennas and feeder cables which would run through the main body of the structure. The equipment cabinets proposed would be less than 2.5 cubic metres each and located along side the mast. These have similar appearance to the structures conventionally used by utility operators. Whilst it is acknowledged that the proposed monopole would be partially visible in the immediate area, it would be viewed within the context of the existing built and mature landscaped environment and given its relatively slim form would not appear as an intrusive feature in the area or harm the existing setting of the Shropshire Hills AONB, Conservation Area or listed buildings.

7.3 The visual impact of the proposed mast and associated apparatus on the area would not be sufficiently acute or significant to be regarded as unacceptable or require further information on the siting or appearance of the scheme.

7.4 It is therefore considered that prior approval is not required subject to the conditions as set out under Conditions A.2 and A.3 of Part 16 of the GPDO. The proposal is considered to comply with policies CS7, CS8 and CS13 of the Core Strategy, policy MD8 of SAMDev and with the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, as amended November 2016
National Planning Policy Framework
National Planning Practice Guidance

Core Strategy:

CS6: Sustainable Design and Development Principles
CS7: Communications and Transport
CS8: Facilities, Services and Infrastructure Provision
CS17: Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan:

MD2 Sustainable Design
MD8 Infrastructure Provision
MD12 Natural Environment

Other documents:

Code of Best Practice on Mobile Network Development in England, July 2013

RELEVANT PLANNING HISTORY:

SS/1981/630/P/ Erection of a new control building. PERCON 5th February 1982

SS/1982/49/P/ Installation of a radio mast. PERCON 14th April 1982

SS/1989/1043/P/ Erection of a building for additional water treatment. PERCON 18th December 1989

SS/1/8145/P/ Erection of a chlorination equipment building PERCON 25th September 1997

SS/1/05/17419/F Erection of 1 nitrate extraction building & 1 treated water booster station. PERCON 26th October 2005

SS/1/06/17795/F Erection of combined nitrate removal building and high lift pump station and associated works. Amendment to application 1/05/17419/F approved 26.10.05. PERCON 24th February 2006

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OS5T98TD06Z00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development must begin not later than the expiration of 5 years from the date of receipt of this application.

Reason: To accord with Part 16, Class A, Condition A.3 (11) of the Town and Country Planning (General Permitted Development) (Amendment) (no 2) Order 2016

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The electronic communications apparatus hereby permitted, shall be removed from the site as soon as reasonably practicable after it is no longer required for electronic communications purposes.

Reason: To comply with Part 16 (A.2.)(2) (a ii) and (2) (b) of the Town and Country Planning (General Permitted Development) (England) Order, 2016.

Informatives

1. WIDLIFE PROTECTION

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

GREAT CRESTED NEWTS

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

Although great crested newts usually utilise high quality terrestrial habitats associated with ponds, they do occasionally travel significant distances and can be found in unexpected locations. Contractors should be aware of the small residual risk of finding a great crested newt and should be vigilant when carrying out works.

If a great crested newt is discovered then all work must halt and a licensed ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

BATS

Special consideration should be made to minimise the impact lighting would have on any bats. Lighting should be avoided on this site. If it is required then it should not shine on potential ecological corridors and should be in line with the advice available in the Bat Conservation Trust booklet Bats and Lighting in the UK.

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