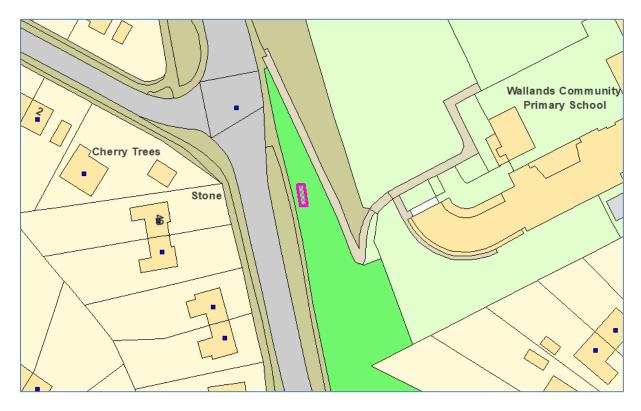
Report to:	Planning Applications Committee
Date:	11 th October 2023
Application No:	SDNP/23/02873/FUL
Location:	Land Opposite 40 Nevill Road, Lewes, BN7 1PQ
Proposal:	S.73 retrospective application for installation of an 18m high 5G telecom pole, along with associated equipment cabinets.
Applicant:	Mr C Wilson
Ward:	Lewes Priory
Recommendation:	 It is recommended that the application be approved subject to the conditions set out below.
Contact Officer:	Name: Chris Wright E-mail: <u>christopher.wright@lewes-eastbourne.gov.uk</u>

IMPORTANT NOTE: This scheme is not CIL liable.

Site Location Plan:



1	Executive Summary
1.1	The application seeks to regularise the siting and appearance of the existing 5G telecoms mast, which has been constructed with a different appearance and location to that set out in the Prior Approval application ref. SDNP/22/03133/PA16.
1.2	The siting and appearance of the mast is considered to be acceptable on the verge alongside the A275 and the applicant has agreed to paint the mast a dark green colour, reducing its visual impact on distance views.
	Government policy is very clear that it is beyond the remit of local planning authorities when considering the health impact of mobile phone masts to set health safeguards different to those set out by the International Commission guidelines for public exposure.
1.3	Approval is recommended subject to conditions, one of which is to ensure the mast is painted dark green within 3 calendar months of the decision notice.
1.4	The siting and appearance of the mast has previously been held to be acceptable under application SDNP/22/03133/PA16, which is approx. 3m north of its current position.
2.	Relevant Planning Policies
2.1	National Planning Policy Framework
	2. Achieving sustainable development
	4. Decision making
	4. Decision making
	4. Decision making10. Supporting high quality communications
2.2	 4. Decision making 10. Supporting high quality communications 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal
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LE1 – Natural Capital
LE2 – Biodiversity
HC3 A – Heritage Protection of Landscape and Townscape
PL2 – Architecture and Design
Appendix 5 – Key Views to be Protected

3.	Site Description
3.1	The application site comprises grass verge on the eastern side of Nevill Road (A275), on the opposite side of the road to 40 Nevill Road and a short distance southeast of the junction with Highdown Road. Behind the site is dense tree planting and vegetation, and further east, Wallands Community Primary School and nursery school
3.2	The site is within the South Downs National Park. It is not in a Conservation Area.

4.	Proposed Development
4.1	The application seeks planning permission retrospectively for a 5G mast and associated equipment cabinets.
4.2	The mast was previously considered under application ref. SDNP/22/03133/PA16 and would normally constitute permitted development subject to the outcome of an application to ascertain whether Prior Approval is required for the siting and appearance.
4.3	However, the mast has been constructed between 2.7m and 3.2m further south of the location shown on the plans submitted with the Prior Approval application and now requires regularisation by way of this planning application.
4.4	In addition, the mast as built is not to the same design as shown in the Prior Approval drawings, the antennas at the top being of a different appearance, and the thicker part of the mast being higher up the pole.
4.5	The plans submitted show an 18m high street pole (RAL 7035 - a light grey) with three equipment and transmission cabinets 1.5m away. The plan states that the tallest trees to the east of the site are 13m in height.
4.6	The base of the antenna is just above the adjacent tree height, and comprises a 4.7m antenna, featuring slotted discs and various stacked cylinders, topped with a GPS module. The height of the overall structure does not exceed 18m above ground level.
4.7	The applicant has agreed that in the event the application is approved, the mast will be painted a dark green colour (such as RAL 6005 Moss Green).

5.	Relevant Planning History:
5.1	SDNP/22/03133/PA16 - 5G telecoms installation: H3G street pole and additional equipment Cabinets. Prior Approval Not Required 10 August 2022.
5.2	The previous application was to ascertain whether Prior Approval would be required under the Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 16.

6.	Consultations:
6.1	Lewes Town Council
	Strong Objection
	1. The mast is incongruous for the area.
	2. The protected view has not been met.
	3. The proposal is within a conservation area.
	4. There will be an impact on the street scene.
	5. Significant concerns regarding the local school and nursery
	6. Impact on wildlife.
	7. Concerns if the mast were to fail creating any radiation leakage.
	8. This application is not in accordance with the South Downs Local Plan of which the following policies need to be taken into account.
	Development Management Policy SD54: Pollution and Air Quality
	 Development proposals will be permitted provided that levels of air, noise, vibration, light, water, odour or other pollutants do not have a significant negative affect on people and the natural environment now or in the foreseeable future, taking into account cumulative impacts and any mitigation.
	 Development proposals that by virtue of their location, nature or scale could impact on an existing AQMA, as shown on the Policies Map, will be required to:
	 a) Have regard to any relevant Air Quality Action Plan (AQAP) and to seek improvements in air quality through implementation of measures in the AQAP; and
	 b) Provide mitigation measures where the development and/or associated traffic would adversely affect any declared AQMA.
	 Development proposals will be required to provide mitigation measures where the development and/or its associated traffic could lead to a declaration of a new or extended AQMA.
	 Development proposals will be permitted where they follow best practice methods to reduce levels of dust and other pollutants

arising during a development from demolition through to completion. Development Management Policy SD44: Telecommunications and U Infrastructure	
	Jtilities
 To protect and provide for the social and economic wellbeing National Park communities supporting local jobs, affordable h and local facilities. 	
Provide infrastructure without harm to the National Park spec qualities.	al
Ensure all new dwellings are served by superfast broadband equivalent.	or
Removal, reduction in prominence and undergrounding of telecommunications/ utilities infrastructure where feasible.	
Members referred to previous comments regarding a rejected applic of a similar mast proposed elsewhere in the district where Lewes Dis Council refused permission to construct a 12 metre mast in an applic in Peacehaven, July 2022, It said the proposal was "incongruous, overbearing and overly dominant in the street scene and fails to inte- into, and take account of, the surrounding environment".	strict cation
6.2 Council Arboriculturalist	
No objection subject to appropriately worded condition(s) in relation trees that may be impacted during/post development. Advise the fo required: Arboricultural report to BS5837:2012, Arboricultural Impact Assessment, tree constraints plan, detailed landscaping scheme tog with a long-term maintenance and management plan where applicat	lowing ether
6.3 Council Conservation Specialist	
No Objection	
Subject to the following condition:	
The 5G mast to be painted or coated in a more appropriate rustic grashade selected from the RAL spectrum, to assist in concealing the more presence within the established trees alongside the site and in the immediate area.	
The mast does not project higher than the trees when observed from further afield and currently creates no interruption to views to or from Lewes due to the topography. It is more visible that necessary due existing colour.	1
Once painted or coated with an appropriate colour this will significan reduce the visual impact from the wider public realm and SDNP. If the correct shade is used, in summer months it will be a challenge to identify the structure from further afield.	ie
Autumn and winter may allow for the mast to be more visible when t growth has thinned and dissipated for those seasons.	ne tree
The existing mast is an alien object in the more rural setting of the o boundaries of Lewes, especially when observed at close range. This	

	cannot be disguised but the impact can be reduced as the mast is already sited in this position.
	The 3 proposed low level service cabinets (Bowler, Equipment and Transmission) will create a degree of visual 'clutter' to the immediate area, but the impact will be minimal.
	Once painted or coated in an appropriate shade (RAL 6005) to reduce the impact, the cabinets and mast, for the majority of the year, will have a neutral impact on the wider view paths and historic views to and from the town and therefore will have a neutral impact on the character and appearance of the conservation area.
6.4	Highway Authority
	No Objection
	The site is located on the grass verge on the A275, opposite number 40 Nevill Road in Lewes. The pole and cabinets would not interfere with a public footway or hinder any access point and they do not impede driver visibility. Although it would be difficult for service vehicles to park on the A275, vehicles could park on Highdown Road which is located a short distance from the site to the west. Service vehicles would only be stopping for a short period of time, and this is not expected to be frequent.
6.5	County Landscape Architect
	Objection
	The mast and associated utility box stand out as large and incongruous features in the local suburban townscape. The mast is prominent in views along Nevill Road on the approaches from north and south. It is also a dominant feature in views from Highdown Road on the approach to Nevill Road. The grey colour is a stark contrast to the trees which form a backdrop to the mast and utility box. There are other vertical structures along Neville Road in the form of street lights, however these are more slender and less intrusive than the mast.
	The mast is clearly visible from much the open access downland to the west of the Nevill estate. It stands out as an incongruous and urbanising vertical feature within the horizontal roofscape.
	NPPF 115 requires that technical equipment on the townscape/ landscape should be camouflaged where appropriate. In this case the grey colour of the mast is a stark contrast to the trees behind with no camouflage. It is recommended that if the planning authority is minded to approve the development that the mast is painted a moss green, RAL6005, or similar.
	It is recommended that the application is not supported as it does not demonstrate conservation and enhancement of the South Downs National Park.
7.	Other Penresentations:
1.	Other Representations:

7.	Other Representations:	
7.1	Friends of Lewes	

	The Friends of Lewes object to the installation of such a high pole at this location, which would be too prominent opposite the entrance to the Nevill housing estate. The Society would recommend that the applicant considers alternative locations for the erection of this 18m high 5g telecom pole, ideally at a more remote site.
7.2	One-hundred and seventeen representations have been received, objecting to the application for the reasons summarised as follows:
	 Close to nursery and primary school
	 Long term effects not yet known
	 Impact on people with metal implants
	 New and relatively untested technology
	 Should not be in heavily populated areas
	 Dominates outlook from houses opposite
	Affects protected and distance views
	Visually and physically obtrusive
	Visual and physical clutter
	Degrades aesthetics of area
	Large size
	Height
	Imposing and overbearing
	Prominent and intrusive siting
	Harmful to historic townscape
	 Detrimental to appearance and character of locality
	No robust search for alternative sites
	Not necessary
	Connectivity is already adequate
	No use to local people
	 Only serves customers on a specific network
	 Requires more power than 4G
	 Harmful to those with electro-hypersensitivity
	 Harmful to humans, animals and insects
	People's health will deteriorate
	Council should not just accept the ICNIRP certificate submitted
	 Local planning authority may not have the knowledge, skill or competence to assess the radiation impact
	Will the radiation be monitored?

	 It has been discovered that the power output of certain 5G masts might have output orders of
	 Magnitude in excess of the ICNIRP guidelines of 1mw/cm2 (for time averaged 6 or 30 minutes) in the near field.
	• 5G utilises beam waves, which are collimated microwave signals. Such 5G beams of energy can go for long distances at a high power intensity - distances much greater than 50m exclusion zones as often referred to - since the power of 5G beams, which are not isotropic, does not drop off in the near field in accordance with the inverse square law of physics, as does 2G, 3G and 4G radiation.
	Neighbouring school may experience reduce intake of new pupils
	 Public exclusion zone extends 29.15m in front of the antenna and 3.48m below it
	 Must be 500m or more from residential properties
7.3	The objections received include 40 copies of a template circulated with the following headings:
	Appearance
	 Negative impact on the local neighbourhood
	Siting
	Poor choice of location
	Proximity to the school
	Health and Safety
	Environment
	Equality
	Errors in the application
	Three representations have been received in support of the application for the reasons summarised as follows:
	 The mast does not spoil the view from the Downs
	 Mast is comparable in its visual intrusion to streetlights
	Blends in with natural surroundings
	The side of an A road is not a protected place
	The infrastructure is badly needed
	Connectivity in the Nevill Estate is poor
	Allows development of the local economy
	Numerous benefits for the local community
	 Better connectivity for remote working, online education and other digital services
	Enhance coverage for residents and visitors to the South Downs

	 Improved safety for walkers and horse riders
	 Poor connectivity in rural areas and small town necessitates more travel and a higher carbon footprint
	 There is no scientific evidence of any safety issues
	 Unfounded, unscientific and alarmist concerns have been raised regarding health and biodiversity despite large volumes of research to the contrary
	 Large number of objections following a standard template supplied by a local campaign than opposes 5G in any location
	 5G masts use similar frequencies to analogue TV transmissions
	 5G masts use similar frequencies to domestic wi-fi
	 Decision should be based on rational grounds

8.	Appraisal:
8.1	Key considerations The main considerations for this application are:
	Visual impact
	 Impact on neighbour amenity
	Ecosystem services
8.2 Planning Policy	
	National Planning Policy Framework
	Paragraphs 117 and 118 of part 10 "Supporting high quality communications" sets out the national position for support of telecoms proposals subject to evidence that other sites have been explored and that the proposals meet ICNIRP guidelines, and clearly states that decisions should be based only on planning grounds and in respect of health safeguards should not deviate from the ICNIRP guidelines for public exposure.
117. Applications for electronic communications development (inclu applications for prior approval under the General Permitted Development Order) should be supported by the necessary ev to justify the proposed development. This should include:	
	 a. the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
	 b. for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure,

when operational, will not exceed International Commission guidelines on non-ionising radiation protection;

- or
- c. for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 118. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

South Downs Local Plan

Development Management Policy SD44 "Telecommunications and Utilities Infrastructure"

- 1. Development proposals for new telecommunications and/or utilities infrastructure will be permitted where:
 - a. The identified need cannot be met using existing infrastructure or other appropriate structures;
 - b. They are of an appropriate design that would not have an adverse impact on the special qualities;
 - c. They make use of all available technologies and suitable mitigation designed to minimise the impact on the landscape and general amenity;
 - d. They minimise other relevant environmental impacts; and
 - e. They remove, reduce in prominence, or move underground related existing infrastructure, where feasible.
- 2. All new residential dwellings should be served by a superfast broadband connection, or an equivalent alternative technology, installed on an open access basis. All other non-residential buildings proposed to be regularly occupied must also be provided with this standard of connection when available, unless it can be demonstrated through consultation with relevant service providers that this would not be deliverable.

The supporting text goes on to say, "Access to superfast broadband is an issue within the National Park, which currently has more 'not-spots' than 'hot spots' and as such the key sectors of farming, forestry and tourism are notably disadvantaged by slow and unreliable internet connections."

"The visual impact of telecommunications infrastructure will generally be lower when it can be located in close proximity to existing buildings, where this would not damage the setting of buildings that contribute to the special qualities."

Strate	ic Policy SD6 "Safeguarding Views" states that:
	Development proposals will only be permitted where they preservent the visual integrity, identity and scenic quality of the National Park in particular by conserving and enhancing key views and views of key landmarks within the National Park.
	Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the Viewshed Characterisation & Analysis Study:
	 Landmark views to and from viewpoints and tourism and recreational destinations;
	 b. Views from publically accessible areas which are within, to and from settlements which contribute to the viewers' enjoyment of the National Park;
	 Views from public rights of way, open access land and oth publically accessible areas; and
	d. Views which include or otherwise relate to specific features relevant to the National Park and its special qualities, such as key landmarks including those identified in Appendix 2 the Viewshed Characterisation & Analysis Study, heritage assets (either in view or the view from) and biodiversity features.
Lewes	Neighbourhood Plan
Policy that:	HC3 A "Heritage Protection of Landscape and Townscape" states
charac	elopment proposals that obscure or result in the loss of the positiv teristics of significant views of and within the town as shown in dix 5 will not be supported.
	considering planning applications that could affect one or more of views, priority will be given to sustaining:
-	The visual significance of Lewes Castle
	The visibility of the open countryside setting from within the built-
	area
-	
-	area The historic character and form of streetscape within the

8.3	Justification for siting
	The applicant has stated that the industry site database was checked to see if other suitable sites were available. The site was chosen as it offers reduced visual impact on the area of adopted highway identified and the installation of new 5G mast infrastructure in an urban setting requires a highly considered balance between the need to extend practical coverage reach and minimising visual amenity intrusion.
	In the location specified there are no other masts available that could support the additional equipment required to extend the reach across the target area and prospective "in fill" masts are limited. In this location there is a need for a new base station in order to provide effective service coverage.
	The applicant's submission states that the chosen site must be near to Clare Road, Gundreda Road, Fitzjohns Road, Christie Road and Mildmay Road, which <u>is are</u> shown edged in yellow. The yellow are <u>a</u> measures approx. - 145 m x 223 m and covers approx. 32800 square metres (just under 3.3 hectares).
	Four other sites were looked at including Clare Road, Gundreda Road and Christie Road. However, these were found to be unsuitable due to the pavements being too narrow; restrictions to the movement of pedestrians and hampering accessibility; highway safety due to visibility at a junction; or being directly outside residential driveways.
	The applicant states that copies of the proposals were sent to Wallands Community Primary School but no response was received or issues raised (at that time), although it is understood the school objects to the mast.
	Your officers consider that the applicant has looked at alternative sites and agree with the conclusion that the siting alongside a busy classified road on a wide grass verge, where there is other street furniture including lampposts, signage and traffic lights, is appropriate.
	Some of the objections received refer to planning decisions on other applications, some of which are outside of the Lewes District area. However, it is important to note that each case must be considered on its merits and for the reasons given above the siting of the mast and cabinets is considered to be acceptable.
	Members are also advised that the Prior Approval decision ref. SDNP/22/03133/PA16 allows the siting of the mast in this locality already, but in a position which is approx. 3m north of its current siting. <u>The</u> <u>suitability of the current design and position of the mast must therefore be</u> <u>considered in the light of the fallback approval.</u>
8.4	Visual impact
	The comments from local residents are noted, as are the objections from Friends of Lewes and Lewes Town Council.
	The mast can be seen from the hillside through the Nevill Estate up to the Dew Pond, but it is part of a much wider and panoramic view and possibly stands out more if an observer is specifically looking for it. The mast is off to the left of views directly towards Lewes Castle with the Cliffe chalk face

	backdrop, but the mast does stand out in contrast to the trees behind due to its light grey colour.
	The council's Conservation Specialist as well as the County Landscape Architect both suggest that if the mast is painted a dark green colour it will blend into the townscape and its appearance would be reduced and better integrated into its surroundings, whilst at the same time reducing its impact on distance views from the hillside.
	The applicant has agreed to paint the mast a dark green colour, and a condition can be imposed to ensure this is done within a reasonable time frame. This would help to reduce the impact of the mast on the view to be protected set out in Appendix 5 of the Lewes Neighbourhood Plan.
	Regrettably the mast as erected lines up with the path to a property on the opposite side of the road, but taking into consideration the wider context of the locality, the mast is located on a wide verge alongside a busy classified road, which also features lampposts and signage as well as nearby traffic lights. Once painted a dark green colour the visual impact of the mast in the locality would be reduced and officers consider that the application can be approved on that basis.
8.5	Health implications
	The applicant has submitted a Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection public exposure guidelines.
	The equipment is stated as being in full compliance with the public exposure guidelines.
	The objections from many local residents are noted and while the views expressed are acknowledged, government and policy guidance are very clear that local planning authorities cannot impose their own guidelines that go beyond compliance with the ICNIRP requirements. Some objections refer to cases where applications have been refused or withdrawn due to the potential health impact of 5G masts and also call into question the veracity of the ICNIRP guidelines. However, refusal of planning permission on these grounds would be contrary to central government policy and guidance.
	The applicant has also submitted a copy of the Mobile UK Briefing Note: 5G and Health, which sets out common concerns and how research has concluded that 5G telecoms that are compliant with the ICNIRP guidelines and do not pose a risk to human health.
8.6	Human Rights Implications:
	The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

9.	Recommendations	
9.1	It is recommended that the application be Approved subject to the conditions set out below.	

10.	Conditions:	
10.1	Approved Plans	
	The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".	
	Reason: For the avoidance of doubt and in the interests of proper planning.	
10.2	Painting/Coating within 3 calendar months	
	Within a period of 3 calendar months from the date of this decision notice, the telecoms mast and associated equipment cabinets hereby permitted shall be painted on coated in the colour Moss Green (RAL 6005). The mast and cabinets shall be maintained as such thereafter.	
	Reason: In order to reduce the visual impact of the mast and associated equipment and assist in integrating the development into its surroundings in the interest of visual amenity.	
10.3	Arboricultural Assessment	
	Within a period of 3 calendar months from the date of this decision notice, the following shall be submitted to the local planning authority for approval in writing:	
	Arboricultural report to BS5837:2012	
	Arboricultural Impact Assessment,	
	Tree constraints plan,	
	 Detailed landscaping scheme together with a long-term maintenance and management plan where applicable 	
	Reason: In the interests of amenity and the landscape character of the area.	

11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	Date Received	Reference:

PLANS	07.07.2023	DRAWING REGISTER, LOCATION PLAN, PROPOSED SITE PLAN, PROPOSED
DOCUMENTS	07.07.2023	ELEVATIONS 5G SITE SPECIFIC SUPPLEMENTARY INFO AND PLANNING JUSTIFICATION STATEMENT
DOCUMENTS	07.07.2023	DECLARATION OF CONFORMITY WITH INTERNATIONAL COMMISSION ON NON-IONIZING RADIATION PROTECTION

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.