

09/14/0016

ARQIVA

ERECTION OF TELECOMMUNICATIONS BASE STATION, COMPRISING 1 NO. MAST, 6 NO. ANTENNAS, 2 NO. DISHES AND 6 NO. RADIO EQUIPMENT CABINETS AT LAND EAST OF BOUCHERS LANE, WATERROW

Location: LAND EAST OF BOUCHERS LANE, WATERROW, SOMERSET TA4
2QX

Grid Reference: 304683.125163

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

2. If the mast and its base station becomes redundant, ceases to be used, or if technology makes it no longer necessary, the mast and all accompanying equipment shall be dismantled and entirely removed from the site, to the satisfaction of the Local Planning Authority, and the land restored to its former condition in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason: To ensure that the land is returned to its former state in the interests of visual and landscape amenity in order to comply with policy CP8 (Environment) of the adopted Taunton Deane Core Strategy, should the mast cease to have any required use.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity

undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

This application is for the development of a new ground based telecommunications structure as part of the Mobile Infrastructure Project. The Mobile Infrastructure Project (MIP) is publicly funded by the Department for Culture Media and Sport (DCMS), which is investing £150 million to tackle market failure and facilitate the development of new base stations that will provide connections to all Mobile Network Operators (MNOs). The project offers a number of rural communities across England, Scotland, Wales and Northern Ireland a 'one-time' opportunity to provide mobile connectivity to rural areas, where existing mobile network coverage is non-existent. These areas are referred to as 'not-spots'.

The development proposed in this instance is a shared base station which will provide coverage by all four Mobile Network Operators (Vodafone, O2, 3 and EE) for communities and businesses that live and work in the Waterrow area. The proposal includes the development of a new shared radio tower of lattice construction and 20 metres in height; the installation of sector and dish antennas on the tower; the installation of ground based radio equipment housing; the installation of security fencing with gated access; the provision of a temporary access track; and the installation of cabling and associated development.

SITE DESCRIPTION AND HISTORY

The proposal site is located on elevated land to the east of Boucher's Lane and immediately due south-east of Bibors Hill. Bibors Hill runs in a south-westerly/north-easterly direction off the road through Waterrow. Both of these

roads are accessed off the B3227 at the point of Tone Valley Farm. Access to the site is from Bibor's Hill along Boucher's Lane and then a short new access track is required from this point to the specific location of the site. The proposal site sits on high land away from residential properties with undulating land in between and tree cover ensuring that the proposed mast would not be directly visible from residential properties. The site is located in the corner of the field adjacent to an animal loading bay and set against a hedge line which provides screening for the base of proposed installation.

There is no planning history for this site as it has never been developed or the subject of any proposals for development

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE –

The site for the mast is located within the landscape character area 15 - 'Farmed with river valleys' (15a - Brendon Fringe).

The nature of the proposal means that it has to be located on high land.

The mast, being 20 metres high and being located on a hill summit that offers fairly wide views to the south, will be viewed from the surrounding hills to the south. Topography and tree cover minimise the mast's impact from the north.

The mast is to be located close to an existing hedgerow that would help to screen the lower section of the installation, thus mitigating localised visual impact.

It would have an impact on the landscape but on balance the need to provide the mast does outweigh any adverse impact. I note that 5 electricity pylons are visible from the site and these have the same impact.

HERITAGE –

The proposal would not have any adverse impact on the settings of or the views to or from, the statutory listed buildings of West Bovey Farm, Trowell Farmhouse or Bethel Chapel.

MID DEVON – No response received at time of writing.

WEST SOMERSET DISTRICT COUNCIL - No response received at time of writing.

WIVELISCOMBE TOWN COUNCIL - No response received at time of writing.

CHIPSTABLE PARISH COUNCIL - No response received at time of writing.

STAWLEY PARISH COUNCIL - No observations to make on this application.

ASHBRITTLE PARISH COUNCIL - No response received at time of writing.

BATHEALTON PARISH COUNCIL - No response received at time of writing.

Representations

The following representations have been received - a 72 signature petition against; 7 letters against; and 4 letters in support.

Of those OBJECTING the mast, the following comments have been made –

Policy issues.

- The whole point of the planning system is to ensure that development proposals are properly and individually assessed on their merits having regard to established planning policies and other material considerations.
- National objectives must be shown to work within the context of the locality and must have regard to the concerns of local people. This is underpinned by the Government's drive for localism.
- The proposal is contrary to the landscape and amenity policies of the NPPF, the Taunton Deane Local Plan and Core Strategy and the supporting documents.
- The determining issue is whether the need for the mast in this particular site outweighs the adverse effects of the proposal on the special landscape character of the surrounding rural area.
- The applicant gives insufficient emphasis to the proviso in the NPPF that proposals for sustainable development will not be granted planning permission where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- The applicant gives insufficient attention in the site search to NPPF policies that state the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Policies CP8 (Environment), SP4 (Rural Policy), DM1 (General requirements) and DM2 (Development in the countryside) are all relevant and the proposal conflicts with all of them.
- The TDBC Core Strategy policies CP8 and SP4 use the phrase 'conserve and enhance'. This proposal does not meet the dictionary definition of enhance.

Comments on the applicant's submission.

- The applicant's site search has not been comprehensive. Many viable and workable locations in the area were not evaluated.
- The applicant has supplied no evidence of the land leasing arrangements and rental levels required or of the negotiations conducted. The reliability of the site search must therefore be brought into serious question.

- The applicant has not properly evaluated the impact of the proposal in terms of the landscape objectives of established planning policies.
- There are other sites which would meet the search criteria and have much less impact on the landscape and the character of the rural area.
- The applicants supporting statement states that there are no policies within the development plan that are directly relevant to electronic communications or the application site. This is misleading and incorrect. Policy E11 has been saved and provides that development which would harm the appearance, character and contribution to landscape quality of special landscape features will not be permitted unless conditions would prevent such harm. The proposal is contrary to this.

Landscape issues.

- The undisputed need for better mobile communications in the Waterrow area is matched by the sensitivity and special character of the landscape and the quality, unspoilt and natural beauty of this part of the countryside.
- The need for the mast is far outweighed by the detrimental impact that it would have on the landscape and amenities of the rural area.
- If allowed it would be an alien feature visible over a wide area.
- It would change the view and perception that local people, visitors and those passing through have of the special quality of the landscape
- There is no landscape and impact assessment.
- The mast would by reason of its purpose, height, design, construction and location, be an alien and intrusive feature visible over a wide area.
- The site forms part of an area of special landscape character described in the Taunton Deane Landscape Character Assessment as having a striking and varied landform comprising steep valley sides, narrow valley floors, prominent hills and ridges and a landscape of surprise.
- This area achieves the highest possible scoring in terms of landscape quality defined within the Landscape Character Assessment
- The proposed mast would not conserve the quality of the landscape but would significantly and demonstrably detract from it to the detriment of the character of the rural area.
- Photographs have been submitted to demonstrate that the mast is located on high ground on a prominent ridge/hilltop visible from a wide area.
- The mast cannot protect and enhance the landscape. The best that can be achieved is to move it to a less sensitive location. Such locations exist.
- Many people locally are worried that this is a one off and if permission is not granted the funds will go to other parts of the country. This has resulted in a failure to properly consider the issue of protecting the natural beauty of the area.
- The proposed mast would be an alien feature intruding upon and damaging a beautiful natural and unchanged landscape.
- The site proposed is in a beautiful rural area of Somerset countryside remote from significant developments of any kind.
- What is intended is to plant a massive mast complete with various transmission antennae and ground equipment, essentially an industrial site in the heart of English agricultural heartland.
- We are an outstanding beautiful area. Why spoil it.
- Given the local environment a full EIA must be required.

Visibility issues.

- The mast would be visible from many vantage points in the vicinity, from some

farms and residential properties, from roads footpaths and Rights of Way.

- Fortunately, it has already been formally recognised that there is a serious, undeniable visual impact arising from this proposal as noted by TDBC Planning Services Area Planning Manager from the pre-application consultation. He is absolutely right to do so.
- The purpose of planning systems is to control development balancing benefits and disbenefits. TDBC is asked to consider whether the minimal rewards in this case are worth the serious impact on the visual environment.

Amenity issues

- There is a direct significant and completely unacceptable impact on several properties overlooking the proposed site.
- There seems to have been little or absolutely no consideration to the proximity of the adjoining property where a family with three young children reside.
- Properties close by will be affected by the disruption and noise of many large vehicles travelling along the very narrow Bibors Hill.
- It is telling that the application discusses only listed buildings within 1 km of the site yet ignores badly impacted properties within a few hundred metres.

Other issues raised.

- There are landowners willing to discuss less sensitive sites with the applicant.
- When the special qualities of the area are lost they will not return.
- The applicant's pre-application consultation with the Parish Council and local residents has been one-sided, partial and misleading. Issues of planning policies, impact on the landscape, character of the countryside and visual amenities were not properly addressed at the public meeting hosted by the Parish Council on 27th August. The Agent representing the applicant refused to discuss them and the Chairman of the Parish Council allowed these issues to be swept aside. This makes the pre-application consultation process inadequate, biased and totally flawed.
- Only a limited number of local residents would benefit from this proposal.
- There are now innovative and small scale alternatives being developed by Vodaphone known as 'open sure technology'. This is efficient and appropriate to a rural setting providing necessary improvements to mobile phone coverage without offensive visual intrusion.
- We (CPRE) are not convinced that this is the best solution in this case.
- It seems doubtful that a significant number of homes will benefit from improved signal, yet there will be a significant adverse landscape impact.
- It appears that because of the limited time available the best site (least impact with greatest benefit) has not been found and the developer has gone for this site because it has a willing landowner.
- If this application is approved we (CPRE) ask TDBC to impose a redundancy condition requiring the mast to be removed in its entirety if technology makes it no longer necessary.
- If permission is granted it is a known fact that further applications can be made to extend the mast to as high as 40 metres as has been confirmed by the landowner.
- These MIP's are designed to deliver coverage improvements to around 60,000 premises and key stretches of the A road network. The road through Waterrow is the B3277.
- The implied threat of now or never is futile.
- The alternatives available render this application totally inappropriate as these

types of mast may soon be outdated and unnecessary.

- The mast would be a waste of Government and taxpayers resources.
- The applicant is relying on Government funding to drive through an application that would be otherwise not viable, riding roughshod over serious location problems in the process.
- It is extremely unfortunate that TDBC in the pre-application consultation demonstrate a view that mobile connectivity would outweigh benefits without qualification even of a massive and inappropriate structure planted directly in heartland rural Somerset and directly in line of site of several properties.
- There are other sites within a short distance which would meet the technical requirements without the level of harm this application causes.
- The Government has not provided funds for such schemes to progress at any local cost.
- The pre-app information was sent to a former parish clerk in error and so the public did not have the appropriate opportunity to register their opposition within the agreed 56 day period.
- Parishioners have not had sufficient public consultation with the applicant or the agent with respect to the chosen site and possible other sites.
- The applicant has not taken on board the approved development of a dwelling on the adjacent land to the proposed site which would be approximately 70 metres from the installation.

Those in SUPPORT of the mast make the following comments -

- I am saddened by the fact that so many of the objectors have both mobile phones and signals at their end of the village but do not think that others should share the same benefit.
- The idea that people have made do with no signal in the past and so should continue to do so is an invalid statement to any well thought out argument and does nothing for the community as a whole.
- Waterrow is foremost a working, breathing environment that is constantly evolving and needs to future proof its technology to ensure the longevity of businesses and local jobs to ensure that it does not merely become a retirement village,
- What will the emergency services do in the future as they phase out the analogue signal and start using mobile signal? This is a serious issue as 999 calls cannot always be made without a signal.
- The countryside is not just a pastoral snapshot for those who want a pretty view.
- The countryside is there due to the hard work of farmers, shoots and people who manage the land, and with the pubs, hotels and B & B's bring a lot of money into the local economy, and are some of the very people whose businesses would benefit from mobile phone signal.
- The argument that it will intrude into the landscape forgets the fact that from the road, like the mobile tower in Shillingford, the more you see it the more it will disappear.
- Protection of the countryside doesn't stack up when we have tarmac roads, telegraph poles, strings of pylons stretching into the distance and farm buildings the size of small airports.
- Waterrow was once a thriving and quite diverse community. Nowadays there are few children and mainly elderly people and many houses for sale. Why has Waterrow changed? One of the main reasons must be that it has failed to keep pace with a changing world - in modern terminology 'connectivity'.

- We have very slow broadband and no mobile reception. These 2 factors are simply unacceptable to many people, particularly younger people with children and to businesses.
- I will see the mast from my house but would accept it as being necessary so that we can take part in a changing world.
- I plead that this application be approved for the future of this community.
- Give Waterrow a chance to catch up with changing times and help it become a thriving diverse community again.
- Vodafone Open sure signal has been suggested as an alternative but it requires a minimum 4MBps broadband speed which is simply not available in this rural area. It has been tried and does not work.
- The mast will not just serve 44 properties. Many others will have their signal greatly improved but there is no way of assessing this as the phone companies will not release this information.
- This is the 21st century and such masts are just a part of life today.
- This is a once only opportunity for this community to have Government help in enabling modern forms of communication in the area.
- Mobile phones are today an integral part of all of our lives. Masts are needed and they have to be in prominent positions in order to work.
- Please do not condemn this community to living in the past, otherwise you are denying it a future and it will slowly die as the world moves on without it.
- The document refers to the new mast as only reaching 44 households. But what about the businesses in Waterrow that offer accommodation (Hurstons Country House, Handley Farm, Manor Mill, Rock Inn, Exmoor Lodges, Waterrow touring park, and others). There could be 92 mobile phones just on the touring park alone.
- The mast will allow people to use their mobile devices to contact the emergency services. This is not currently possible and every second counts. Public telephones can be a long way away and often very costly. The same would apply to vehicle breakdowns and vehicle accidents. The inability to use mobile phones will be very costly one day.
- There is currently very little signal around the middle to lower area of Waterrow.
- Holiday makers have categorically stated they will not return to this beautiful area because mobile phone services are important during their stay.
- Lack of mobile connectivity is having a financial impact upon local businesses.
- Waterrow is a declared 'not-spot'. There is an extremely high percentage of people objecting to this mast who live more in the Chipstable and nearby areas where there is currently mobile phone coverage. There is not in Waterrow.
- The pros for the mast certainly outweigh the cons. Careful consideration must be given to the more important factors.
- The future of Waterrow, local businesses and visitors are now depending on this once in a lifetime opportunity.

PLANNING POLICIES

NPPF - National Planning Policy Framework,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,

CP7 - TD CORE STRATEGY - INFRASTRUCTURE,

CP8 - CP 8 ENVIRONMENT,

SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

LOCAL FINANCE CONSIDERATIONS

There is no CIL liability for this proposal. Neither will the New Homes Bonus apply.

DETERMINING ISSUES AND CONSIDERATIONS

Background and technical issues.

This application is made under the Government's Mobile Infrastructure Project (MIP), which is designed to bring high speed wireless communications to assist in reducing the digital divide, thereby increasing economic opportunity, improving the social wellbeing of the local population and by having an environmental role through reducing the need to travel and allowing home working [*Government definition*]. By providing these benefits the Government argues that the MIP assists in achieving the goals of sustainable development. This is an accepted outcome, and given that all local planning authorities have a statutory duty placed upon them by the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF), the Borough Council should be embracing this proposal (subject to usual and accepted planning considerations).

The agent has stated that in accordance with best practice, site sharing and utilisation of existing buildings/structures has been explored in a sequential approach to best meet the operational need, whilst minimising environmental impact. However, none of these preferred options met the physical or technical requirements for site selection in accordance with best practice. So a new mast structure has had to be proposed in order to deliver the required level of service. The applicant has looked at a number of alternative sites, and the proposal site at Boucher's Lane has been concluded to offer the best balance between achieving the desired level of coverage to the maximum number of 'not-spots', whilst minimising the impact upon the character and appearance of the area and both residential and visual amenity.

Information on the MIP and the general locations being considered for the installations of shared base stations to provide coverage to 'not-spots' was first provided to the Council in October 2013. Pre-application consultation in relation to this application site was undertaken with Taunton Deane Borough Council Planning Services in July 2014 and the Officer commented that despite the visual prominence of the site, the benefits brought by mobile connectivity would outweigh the disbenefits and therefore support could be provided to this application.

Policy considerations.

Policy at national level is set out in the NPPF. The NPPF (in section 5) acknowledges that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The NPPF does qualify this

aim by stating that existing masts, buildings and other structures should be used, unless the need for a new site has been justified, and where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. The NPPF makes clear that in an application for a new mast or base station, evidence will need to be submitted to demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement must be provided that self-certifies that International Commission guidelines will be met when the new mast or base station becomes operational. The applicant has complied with these requirements. Section 11 of the NPPF (Conserving and enhancing the natural environment) sets out the Government's planning policies for the protection of a range of landscapes and habitats.

With regard to more local policy considerations, the relevant document is the Taunton Deane Core Strategy 2011-2028 (Adopted September 2012) and Some Saved Local Plan Policies. The relevant policies are SD1 (Presumption in favour of Sustainable Development), CP7 (infrastructure), SP4 (Realising the Vision for the Rural Areas), DM1 (General Requirements) and DM2 (Development in the countryside). With these in mind, officers are of the opinion that the appropriate consideration has been given to the need for the development being in the wider public interest and an appropriate balance has been struck between the objectives of developing new high quality communications infrastructure and environmental considerations. It is Officers view that on balance the proposal offers greater benefit than harm and therefore should be acceptable in principle, and not seen to be contrary to the spirit of any of the relevant policies. In reaching this conclusion, the following considerations have been taken on board. The site chosen does not fall within land designated for nature or built conservation. The site does lie within 320m of Grade II listed buildings located to the south at West Bovey Farm, however, due to the undulating topography and intervening tree cover no impact upon or from these buildings is perceived as the site simply would not be visible. Other listed buildings are 850m to the east the Grade II listed Bethel Chapel in Waterrow, and 890m to the north Grade II* listed Farmhouse at Trowell Farm. These both are significant distances from the site, and the site would not offer an impact upon their setting. With regards to design, layout and scale, this has been guided by the special technical and operational requirements that are associated with electronic communications development. Good practice guidance requires careful consideration of the siting and design to minimise appearance and to ameliorate potential visual impact. Officers consider that this has been met. These issues should now be explored in more detail.

Landscaping considerations.

This is clearly an important issue and does receive greatest prominence from those objecting to this proposal. Section 11 of the NPPF (Conserving and enhancing the natural environment) sets out the Government's planning policies for the protection of a range of landscapes and habitats. Paragraph 115 requires that great weight should be given to the objective conserving landscape and scenic beauty in National Parks, Areas of Outstanding Natural Beauty and The Broads, which enjoy the highest level of landscape protection in England. This proposal site is not within any such areas. It follows that in other areas not falling within these designated landscapes, weight should be given to the need to facilitate development that accord with the Development Plan.

Any potential impact of the proposed development is principally associated with radio tower, which is the most visible component of the base station, and which cannot be fully screened for operational reasons. The height of the mast (at 20 metres to the top of the structure) means that any attempt to screen it in its entirety would be unrealistic in any event. The proposal would be sited adjacent to a boundary hedgerow that would help to screen the lower sections of the installation and would assist in mitigating the localised visual impact. This would be further assisted by farm buildings to the south that will minimise its visual impact. For this reason, the agent considers that additional landscaping is not considered appropriate and has not been included within the scheme.

In the wider landscape, the extremely undulating topography, boundary hedgerows and tree clutter would assist in filtering views of the installation from the wider area, particularly residential properties, public highways and viewpoints. The use of a lattice tower, which is a relatively open and permeable structure, does assist by allowing views through the structure to the backdrop of vegetation and the sky, thereby minimising its visual impact.

There are no adopted Public Rights of Way in the area. Boucher's Lane can be traversed, but it is not a Public Right of Way and in any event is not hard surfaced, does not serve to link any communities or points of interest, and has limited use for recreational purposes by virtue of its location. Apart from the limited number of dwellings in the immediate vicinity, the site is considered to have very limited impact on residential amenity by virtue of visual intrusion. This of course is not a reason by itself to justify any landscaping impact, and it is clear that the mast will have a visibility beyond its immediate surroundings. The applicant has been asked for further information to show the potential visual impact of the proposed mast from further afield and any additional information received will be presented at the committee meeting. Additional landscaping could be requested by Members if it were considered essential and appropriate, but additional landscaping can in itself change perceptions of the scenery and views of it.

The benefits of the improvement to the mobile signal.

It is a verifiable fact that much of the village does not have any mobile coverage at the moment and other areas are have very poor signal strengths. Improving the signal locally would help all of those who need to use mobile phones but currently cannot. The planning statement submitted in support of the proposal states that this new mast would provide coverage to 24 'not-spots' and 82 premises in and around the Waterrow area. In fact the number of people who will benefit from the improvements would in reality be far greater than this because this estimation does not take into account the numbers of people who may come to Waterrow on business calls, holidaymakers who use the local hotels, guest houses and touring camp site, those who come to use the local restaurants and pubs, and indeed those who may be only passing through. This given number does not either recognise the number of existing mobile phone users who would benefit from an up-grade in signal strength. The benefits are clear, and Members will note that local people and businesses have written in support of the proposal with these improvements in mind.

The ability to contact the essential services with the proposed improvements is perhaps the most compelling argument in favour of the proposal. However, it is recognised that these undoubted improvements do have to be weighed up against any detriment that the siting of the mast could have to the appearance and character

of the landscape.

Health and safety considerations.

The proposed antennas comply with all relevant health and safety requirements, in accordance with ICNIRP guidelines. A certificate of compliance has been provided with this application. On this basis, it has been established in planning law that health considerations should not be an issue which the Local Planning Authority concerns itself with.

Other material considerations.

The financial constraints and time limits of the Mobile Infrastructure Project are also material planning considerations. It is clear that with so many alternative proposals throughout the country available for funding, any undue delays or issues associated is likely to result in the proposed site's cancellation and subsequent re-allocation of funds to fulfil another 'not-spot' area. This would not only affect the residents of the village, but also the many businesses in the area, particularly those in the tourism business, whose current operations are often close to financial non-viability. There is also the potential impact this would have on the emergency services and through traffic in general. These are all valid material considerations and need to be weighed against the considerations that seek to preserve the landscape.

The site will require periodic access for maintenance and servicing visits. This will be restricted to authorised personnel only, and therefore the proposal does not give rise to any issues associated with public access.

Conclusions.

There is no doubt that the improvements that would be provided by this new mast are both significant and beneficial. There is also no doubt that the provision of a new mast structure and ground level equipment would have an impact upon the landscape. Therefore, the primary consideration with this application is whether the improvements to the signal outweigh any detriment to the character and appearance of the landscape. There is no doubt that the impact upon the landscape arising from any proposal is a material consideration and can result in such injurious harm to amenity that refusal is the only option. In order to assess this in respect of this proposal for the mast, one really needs to understand the harm that would be caused and who, and how many people, would be prejudiced by its siting as proposed. It is not considered that the mast would be visible from the village itself due to intervening topography and vegetation. It would be viewed from Boucher's Lane, but this is not a public right of way. There are a few dwellings in the nearby vicinity who would have site of some or all of the mast. It is also true that the mast would have visibility from distance, particularly to the south, although the further away one views the mast, the less significance it will appear to have in the landscape particularly when viewed against all the other obstructions and man-made features. The decision is very much 'on-balance', but given that there are many people and businesses that would greatly benefit from the proposal and relatively few who would perceive disbenefit to the environment, my recommendation to

Members is that the proposal should be approved with relevant safeguards built in by way of suitable conditions. It will be noted that this approach is supported by the councils Landscaping Officer.

In conclusion, the proposed development has been sited and designed in order to locate the structure as sensitively and as practicable as possible. Specific consideration has been given to technical requirements and national and local planning policy. The proposal is state funded and will provide a one-time opportunity to provide vital communications coverage to the local area. The proposal is supported by both local and national planning policy, and as such it is considered that the application should be looked upon favourably. Conditions are suggested in order to mitigate any perceived impact upon the landscape.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J Burton Tel: 01823 356586