

Officers Report

Planning Application No: 138096

PROPOSAL: Planning application for the installation of 25m communications tower, antennas, ground-based apparatus and ancillary development.

LOCATION: Sewage Treatment Works Rasen Road Tealby Market Rasen LN8 3XP

WARD: Market Rasen

APPLICANT NAME: Wireless Infrastructure Group

TARGET DECISION DATE: 8/3/19

DEVELOPMENT TYPE: Minor - all others

WARD MEMBERS: Cllr Smith, Cllr J McNeill and Cllr Marfleet

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions

This planning application is reported to planning committee because it is considered the matters are finely balanced.

Description:

The application site is within an existing sewage treatment facility which features a large concrete pad, associated sewage treatment equipment and boundary security fencing. There is a large woodland to the north and east of the site.

The site is accessed via a single lane track from Rasen Road to the north.

There is an extensive Public Right of Way (PROW) network in the area:

- Teal/131/1 abuts the western boundary of the sewage treatment facility and leads to Rasen Road to the north
- PROW Teal/130/1, Teal/130/2 and Teal/131/2 are located to the west of the site
- PROW Teal/130/3 is located to the south and east of the site

The site is:

- Within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).
- Approximately 230m (closest point) to the west of the Tealby Conservation Area.
- Approximately 340m to the north east of the Tealby Thorpe Conservation Area.
- Approximately 330m to the west of 6 Sandy Lane (grade II listed building); 370m from 7 Sandy Lane (grade II); 400m north east of the Watermill and attached outhouse (grade II*) and Thorpe Mill (grade II);

500m north east of Thorpe Farm (grade II); 460m south east of Dovecote (grade II); 320m south west of 1 Cow Lane; 700m south west of the Church of All Saints (grade I) and 1km south of Castle Farm (grade II).

The River Rase meanders to the south of the sewage treatment facility. Beside its banks is a row of mature trees protected by Tree Preservation Order Tealby 1954 and Tealby No.1 2010.

The nearest residential dwelling is 3 Springfields which is approximately 180m to the North West of the site.

Planning permission is sought for a 25m high lattice tower, coloured goose grey, on a concrete base. At its base would be a cabinet, electric meter, ladder access and surrounding 1.8m high chain link fence. The application states the tower design has been chosen because it has a visual permeability.

The application declares the proposal accords with all relevant legislation and as such will not cause significant and irremediable interference with other electric equipment, air traffic services or instrumentation operated in the national interest. It continues, the development is necessary to provide both voice and data transmission including deploying 4G coverage to the area. 4G is the next major enhancement to mobile radio communications networks. 4G technology will allow customers to use ultra-fast speeds when browsing the internet, streaming videos, or sending emails wherever they are and allows faster downloads on the go.

A declaration of conformity with ICNIRP public exposure guidelines is provided stating the proposal:

“Is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 * “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”.

The applicant does not operate any retail network of their own, instead they create infrastructure for all network operators to access on a shared basis. The applicant intends the development to secure the future communications needs for the existing and future communities in and around Tealby. The height of the tower allows it to be shareable enabling future deployment and the upgrading to the latest telecoms equipment. The application includes maps (see below) demonstrating dramatic improvements in 2G, 3G and 4G network coverage in and around Tealby associated with the proposal.

The application states:

“The lightweight lattice structure proposed will ensure this infrastructure can be upgraded, if required, in the future whilst balancing the impact on the local environment until this is needed.”

“This is the second application for such a tower at this location. A previous application (Ref: 136506) was submitted in July 2017 however was withdrawn in October as the landowner and the applicant had to overcome a technical constraint for the specific location within the Sewage Treatment Works. In addition, an initial assessment was carried out by the case officer before the application was withdrawn. After this assessment, additional information relating to 4 main aspects were sought, these being:

- Design and height of tower
- Relationship between the proposed tower and immediate surrounding area
- Impacts on heritage assets nearby
- Impacts on the wider AONB

To address the first of these matters, we can confirm that due to the radio coverage requirements, the use of a lattice mast of 25m is required and represents the best solution available. To address the final three matters, we have submitted a Landscape and Visual Impact Assessment alongside this application. This demonstrates the relationship with the surrounding trees, impacts on the nearby heritage assets and the impacts on the wider AONB and landscape. This information should give the LPA enough information on which to make a full assessment.

It should be noted that it has taken some time to finalise the exact location with the land owner and the location now being proposed is virtually identical to the location of the previous planning application.”

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The development is of a type listed in schedule 2, 10. Infrastructure projects, (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas. The site is located in a sensitive area (the Lincolnshire Wolds Area of Outstanding Natural Beauty) therefore the applicable thresholds and criteria in column 2 do not apply and the proposal requires screening. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its character, location and the types and characteristics of the potential impact. Therefore, the development is not ‘EIA development’. A separate detailed screening opinion has been issued.

Relevant history:

Application site:

136506 Planning application for the installation of 25m communications tower, antennas, ground-based apparatus and ancillary development. Withdrawn by the applicant, 10/10/17.

Site approximately 20m north east within the sewage treatment works:

M01/P/1103 planning application to erect 22.5m lattice tower with 3 antennas, 3 dishes, equipment cabin and ancillary equipment. Withdrawn 4/2/02.

Representations:

Parish/Town Council/Meeting: no response.

Local residents:

45 objection letters have been received from residents of **Waterside House, 2, 3, 4, 5, 6, 8, 9, 11, 12 and 19 Springfields**, unspecified addresses in **Springfields, 8 Cow Lane, Tara, The Cottage, Sandy Lane, 18, 24, 25 and 32 Front Street, 2 and 5 Beck Hill**, unspecified addresses in **Rasen Road, 12, 22, 50b Rasen Road, Causeway Grange, Causeway Cottage, Heathvale, The Old Pottery, Rase Thatch, Westlyn, 1 Church Lane, Ford Cottage, The Willows and Victoria Villa** which are summarised as follows:

- The antennae and dishes will deliver conical beams of microwave energy @ 0.8-2.6 GHz with maximum ground level radiation levels occurring 150-300 metres from the mast. This means that most of the western end of Tealby will be blighted, including a large number of properties on Rasen Road, Cow Lane, Sandy Lane and Tealby Thorpe.
- Loss of property value.
- Impact on human health including radiation to residents and those using adjacent sports facilities and mental health.
- Supporters can use alternative provider.
- Lack of information, disclosure or discussion presented to residents.
- Risk to wildlife including bats, birds and others.
- Better alternatives exist. Have alternatives been considered? Could go on the Church.
- Visual impact from surrounding properties and landscape, including area of outstanding natural beauty due to design, height and dominance. Prominence from public footpaths.
- Doesn't sustain and enhance the significance of heritage assets. Can be seen from listed buildings and conservation area.
- Existing mobile and internet service is sufficient. No need for mast.
- The infrastructure proposed is needed but there must be a better site away from dwellings.
- Equipment should be sympathetically designed and camouflaged.
- Application and LVIA is deficient. More impact when trees are not in leaf.
- Height could be increased in the future.
- Urbanising effect on area and street scene and setting of village.
- This part of village shouldn't be over developed.
- Too close to tennis club.
- Smaller slim line design could be used.
- Application for mast on this site was refused previously.
- Tealby is a conservation area and arguably the most beautiful of the Wolds villages.
- Potential impact on dark skies if warning lights are required.

- Potential noise pollution from cooling equipment.
- Courts in France have required removal of telecoms masts.
- There are numerous international studies considering health risks.

12 support letters have been received from residents of **3, 10, 27, 36** and **37 Rasen Road, 7 and 10 Kingsway, Melbreak, 5 Sandy Lane** and **Cherry Cottage** which are summarised as follows:

- Improvements to signal.
- Asset to the village.
- Easily the best site in the village from aesthetic and technical point of view. Largely out of view of most of the dwellings in the village.
- Poor signal has affected business in Tealby.
- Rural counties need better communications infrastructure.
- Object to impact on AONB.
- Mast has to go somewhere. It should not be an eye sore.
- Businesses may not consider Tealby due to poor mobile network.
- The church is an inappropriate alternative location as it is a place of worship.
- It will assist home workers in the area.
- Would provide technological upgrade for the village.
- Village must move with the times and attract younger couples.
- Benefit to locals, visitors, emergency services.
- Recently a defibrillator was fitted at the tennis and bowls club, to gain access to it a call has to be made to the emergency services but there is no signal or landline at the club.
- The objections may not be credible and may be selective and not supported by scientific opinion.

5 general observation letters have been received from residents of **1a** and **48 Rasen Road, Tealby Tennis Club** and **17 Springfields** which are summarised as follows:

- Many tourists visit Tealby.
- There must be an alternative isolated location that gives Tealby good coverage.
- Tealby needs mobile phone coverage. People need to contact emergency services during power cuts. Two new defibrillators may result in need for mobile coverage in case of emergency.
- Lack of information and analysis including on Tennis Club. There should be an impact assessment on the tennis club.
- No contact from the applicant.
- Banner not connected to Tennis Club.
- Poor mobile reception is acknowledged and proposal may improve this.
- Construction phase problems may arise including access, parking, turning, deliveries, and cumulative impacts of construction and sewage works vehicles. This could impact the business and operation of tennis Club and the Council should consider restrictions on construction and maintenance phases.

- Application doesn't consider tennis club security, health and safety, child protection and safeguarding. Full and thorough assessment should be undertaken in consultation with the club before approval by the Council.
- Guidance on emissions from the proposal should be given.
- Welcome better mobile signal.
- May not be able to see mast in the winter from our house.
- The mast could look like a tree.

The Council's conservation officer considers there is insufficient evidence regarding the impact of the proposal on the Tealby Conservation Area and the parish church; key views and vistas are missing from the landscape study or have been considered and disregarded, for example, from the church. The conservation officer took their own photographs and considers views and vistas of significance will be impacted upon but how harmfully cannot be ascertained from the submission in their view. "I can only make one recommendation based on the current information, and that is one of refusal, for the impact upon various designated heritage assets, whereby this proposal fails to demonstrate the conservation area and its setting will be preserved or enhanced, and that the setting of the church and how this is experienced, will be preserved."

LCC Highways and Lead Local Flood Authority: no objections.

LCC Senior Countryside Officer: no comments regarding the impact on public rights of way.

LCC Archaeology: "There are no known archaeological implications of the proposed development. Therefore no archaeological input will be required."

Natural England:

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites. Generic guidance is set out.

Lincolnshire Wolds Countryside Service:

"I understand that this is a re-submission of a previous planning application (Planning Application Reference 136506). I note that the site is located within the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and subject to additional planning scrutiny as highlighted within the recently updated National Planning Policy Framework (July 2018) and in particular Paragraph 172 – where great weight should be given to not only conserving but enhancing the landscape and scenic beauty of AONBs (and National Parks).

Further to relevant Local Plan Policies, the statutory Lincolnshire Wolds AONB Management Plan 2018- 23 (recently adopted) recognises that the primary purpose of the AONB designation is to protect the natural beauty of the area, whilst recognising the need to take account of the needs of the rural economy and rural communities. Policy PP1 of the Management Plan highlights the need to protect and enhance local character and distinctiveness

through ensuring the highest quality of design for new development. The Plan does recognise the need to encourage and support the roll-out of appropriate and sensitively planned broadband provision and telecommunications services. In terms of this re-submission we welcome the applicants more detailed Supporting Statement for Planning Permission and the accompanying Landscape and Visual Impact Assessment. As detailed within the application we note that the applicant has undertaken a concise review of alternative site options and that on balance the site selected seeks to minimise the visual detrimental impacts upon the wider character of the AONB. I understand that there is no significant or substantial change to the original proposal, other than a minor adjustment to the site location within Anglian Water Services Compound.

As highlighted previously, the proposal will have a localised impact upon the AONB on account of both the mast's lattice design and its height. The landscape character to the south of the site is very pastoral in nature and the water treatment works are currently very well screened by both the adjacent woodland and surrounding mature hedgerows. A mast height of some 25 metres, will be visually prominent from a number of public footpaths and also a number of residential properties, most notably those bordering Sandy Lane and Thorpe Lane. If this application is supported by the local community we would recommend a modified mast design which could provide both a reduction in mast height, and a more tapered profile for the upper portions of the mast, which will be visible and prominent above the tree canopy. We also welcome any additional proposals to help not only minimise the developments visual impact, but also measures that could help to further ameliorate the scheme to its local surroundings and enhance the natural beauty of the AONB at this location.”

Humberside Airport:

“This application does not conflict with the Safeguarding Requirements at Humberside Airport.”

NATS safeguarding- formerly National Air Traffic Services (NATS provides air traffic navigation services to aircraft flying through UK controlled airspace and at numerous UK and international airports.):

“The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.”

Relevant Planning Policies:

Statutory tests

[Section 85\(1\) of the Countryside and Rights of Way Act 2000](#) places a general duty that:

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have

regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

<http://www.legislation.gov.uk/ukpga/2000/37/contents>

Planning (Listed Buildings and Conservation Areas) Act 1990

“66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

“72 General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

Development plan

Central Lincolnshire Local Plan

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP9: Health and Wellbeing

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire/>

These policies are considered consistent with the NPPF.

The site is not in any form of minerals or waste safeguarding area.

Other

There is no neighbourhood plan for Tealby.

NPPF 2018 and PPG

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<https://www.gov.uk/government/collections/planning-practice-guidance>

NPPF Section 10, Supporting high quality communications sets out, at paragraph 112, advanced, high quality and reliable communications

infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of communications networks including next generation mobile technology. Paragraph 113 seeks to minimise the number of masts, consistent with the needs of consumers, efficient operation of the network and provide reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 114 requires Council's not impose bans on communications development in certain areas or insist on minimum distances between new electronic communications development and existing development. Council's should ensure they have evidence to show the proposal is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

Paragraph 115 requires communications development be supported by evidence to justify the proposal including; the outcome of consultation with organisations with an interest in the proposal 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; 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.

Paragraph 116 requires applications are determined on planning grounds only; Council's 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.

Paragraph 170 requires decisions contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and of trees and woodland; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Paragraph 172 requires great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.

Paragraph 189 requires applicants describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 requires Councils identify and assess the particular significance of any

heritage asset that may be affected by a proposal, including setting. Paragraph 193 requires great weight be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 requires any harm to the significance of a designated heritage asset from development within its setting, should require clear and convincing justification. Paragraph 196 requires where proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

National Planning Practice Guidance ([Paragraph: 004 Reference ID: 8-004-20140306](#)) advises that:

“Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives.”

Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023¹

<https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

Page 38 identifies telecommunications infrastructure as a threat/pressure to landscape character.

Page 66 “5.2 Thriving Communities” states:

“There is recognition of the increasing importance of communication technologies and the ongoing need to upgrade and enhance the provision of IT and broadband services to many of our rural communities and businesses. The AONB Partnership respects this position and has sought to support and encourage the roll-out of both broadband and mobile phone coverage that is sympathetic and can ideally complement the landscape of the Wolds, through for example the careful siting, design, and landscaping of any critical infrastructure. Where ever possible, there should be an additional emphasis on encouraging mast sharing and the subsequent removal of any redundant infrastructure.”

Page 72 “7. Developing the Wolds - Theme 4”

“Key issues highlighted included:

- Proliferation of often unsightly telecommunication masts and their associated infrastructure (similarly with overhead powerlines).”

“Policies:

PP1 To protect and enhance local character and distinctiveness through the highest quality of design in new development and re-development, including

¹ Available at: <https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

making space for biodiversity, being sensitive to the considerations of heritage assets and tackling climate change.”

Main issues

- **Principle**
- **Design and impact on AONB, public rights of way and heritage**
- **Residential amenity, human health and aircraft**
- **Highways**
- **Ecology**

Assessment:

Principle

The site is located in an existing Anglian Water facility within the countryside on the outskirts of Tealby therefore tier 8 of LP2 applies which states:

“8. Countryside

Unless allowed by:

- a. policy in any of the levels 1-7 above; or
- b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
- renewable energy generation;
- proposals falling under policy LP55; and
- to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.”

Telecommunications infrastructure is a utility service.

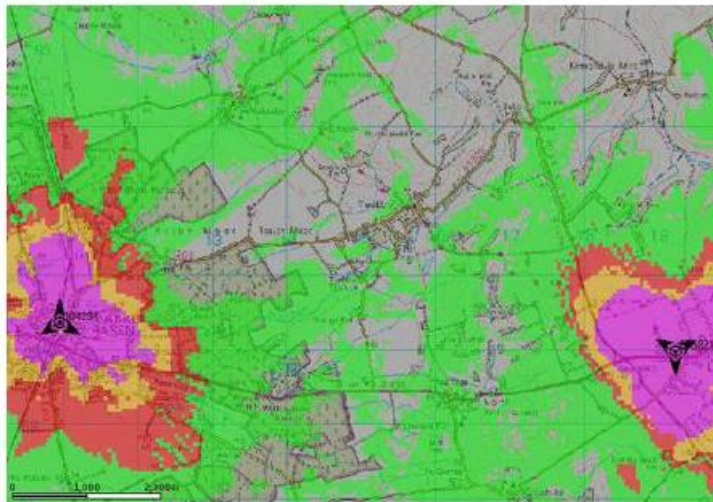
NPPF Paragraph 116 states that “*Local Planning Authorities... should not seek to... question the need for an electronics communication system...*”

With regards to whether the proposal is ‘demonstrably essential to the effective operation of’ this utility service, the following applies.

The applicant considers:

Existing mobile network data coverage for Telefónica O₂ is very poor within the area and especially in and around the village of Tealby. Mobile broadband connectivity (4G, or LTE) is insufficient to support the local community and the surrounding areas. This development is necessary to provide a high quality and reliable 4G (mobile broadband) networks to the area. 4G (LTE) is a major enhancement to mobile communications networks and allows communities to access ultra-fast, high quality and reliable connectivity when browsing the internet, streaming on-line services and for sending of electronic communications.

CTiL –LTE Coverage Without Proposed New Site



4G Coverage by Signal Level

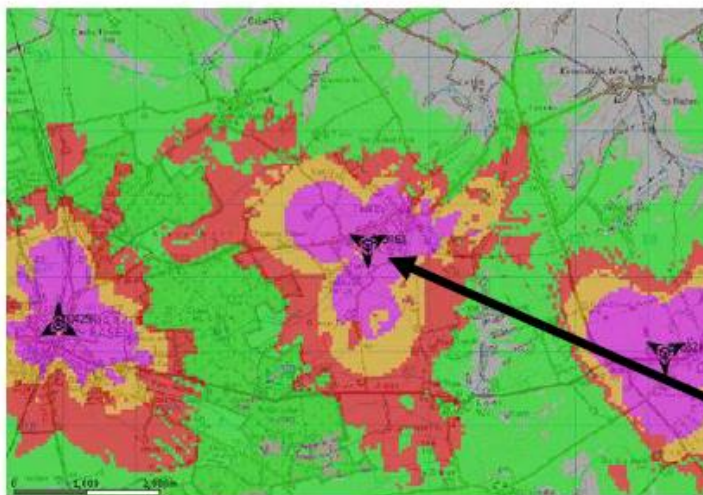
- Indoor Dense Urban
- Indoor Urban
- Indoor Suburban
- In Car
- Outdoor

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This coverage plan must be read in conjunction with the key and site specific supplementary information. Each colour block represents 50 metres square.

CTiL

CTiL –LTE Coverage With Proposed New Site



4G Coverage by Signal Level

- Indoor Dense Urban
- Indoor Urban
- Indoor Suburban
- In Car
- Outdoor

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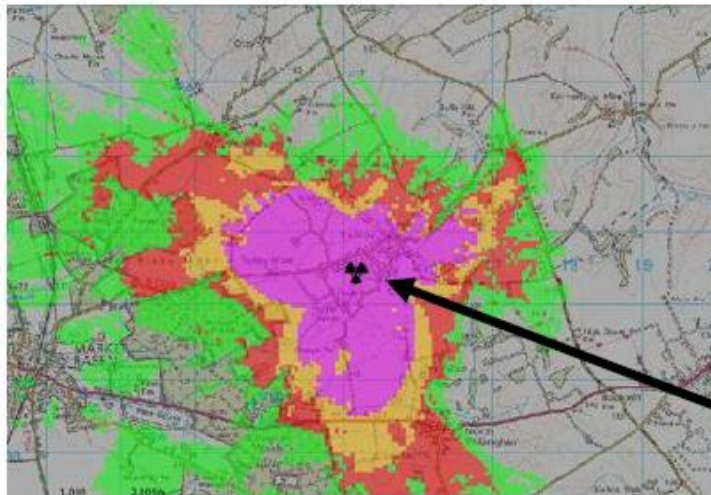
Site Location

This coverage plan must be read in conjunction with the key and site specific supplementary information. Each colour block represents 50 metres square.

CTiL

The coverage plots below highlight the improved coverage given by the inclusion of the proposal site into the network and will result in the whole of the area benefitting greatly from the improved coverage and introduction of 2G (voice) and 3G (data) services:

CTiL – 3G Coverage With Proposed New Site



| 3G Coverage by Signal Level | |
|-----------------------------|--------------------|
| | Indoor Dense Urban |
| | Indoor Urban |
| | Indoor Suburban |
| | In Car |
| | Outdoor |

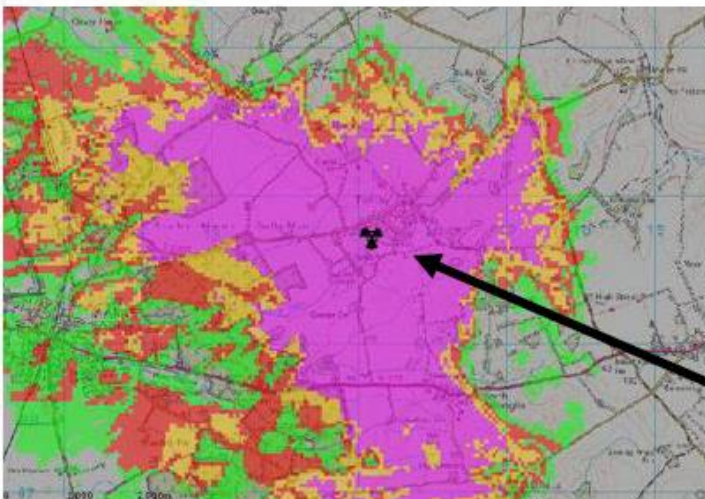
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Site Location

This coverage plan must be read in conjunction with the key and site specific supplementary information. Each colour block represents 50 metres square.

CTiL

CTiL – 2G Coverage With Proposed New Site



| 2G Coverage by Signal Level | |
|-----------------------------|--------------------|
| | Indoor Dense Urban |
| | Indoor Urban |
| | Indoor Suburban |
| | In Car |
| | Outdoor |

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Site Location

This coverage plan must be read in conjunction with the key and site specific supplementary information. Each colour block represents 50 metres square.

CTiL

The proposed new tower will provide high speed and reliable in-building coverage to Tealby and as well as the surrounding areas as per the coverage plots above (and enclosed with application). This will provide the benefit of 4G mobile broadband connectivity as well as more basic data and mobile voice coverage on the Telefónica O₂ network.

Residential and commercial premises and the local road network will, in many instances for the first time, be provided with high quality mobile connectivity on the Telefónica O₂ network.

Telefónica O₂ shares its network with Vodafone through their joint venture CTIL. It is expected that Vodafone will follow shortly providing enhanced voice and mobile broadband connectivity, again utilizing 4G services.

The lattice structure of the tower provides the basis for future upgrade to enable other operators to share the tower. Access to the tower will be offered to all other wireless operators including the EE and Three mobile networks.

The NPPF requires:

“116. 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.”

Policy LP12 deals with infrastructure to support growth including communications infrastructure. The foreword states:

“4.6.3 Communications infrastructure such as broadband has evolved and expanded rapidly in recent years and now forms an important part of successful business and individual lifestyles for both urban and rural communities. It is acknowledged however that there are pockets of poor provision which, if not addressed, could have an adverse impact on economic growth and development within the area. The Central Lincolnshire authorities are therefore keen to facilitate this improvement in service and expansion.”

The policy itself states “All development should be supported by, and have good access to, all necessary infrastructure.”

It is considered the proposal is demonstrably essential to the effective operation of the telecommunications network given the above improvements that would arise in a known not-spot (poor coverage area). The proposal complies with Policy LP2.

Policy LP55 does not set out, and is otherwise silent, on infrastructure provision which is otherwise covered by LP2.

LP55 Part E relates to “non-residential development” – providing telecommunications coverage would enhance the rural economy and the need for coverage justifies the rural location.

There is also broad support for the provision of telecommunications infrastructure in the NPPF noting planning decisions should support the expansion of electronic communications networks. Policy LP12 acknowledges

areas of poor coverage such as this and the need to address these to prevent adverse impacts on economic growth and development in the area.

Paragraph 4.6.2 of Policy LP12 refers to the Infrastructure Delivery Plan: “4.6.2 To set out what, where and how infrastructure will be needed and delivered an Infrastructure Delivery Plan (IDP) has been prepared alongside this Local Plan and will be regularly updated. It sets out the main items of infrastructure, when they are likely to be provided and who will pay for them. The broad categories of infrastructure covered include:

- Communications Infrastructure – improved broadband coverage and provision;”

The Central Lincolnshire Infrastructure Delivery Plan dated 7/4/2016 provides an overview of broadband and telecommunications requirements. Table 1 provides a summary table with the column entitled “Future infrastructure needs” stating “Additional services such as fixed wireless will provide additional service.”

Section 4.5 Telecommunications mainly focusses on fixed line broadband connections (copper and fibre) but, importantly for the current proposal, section 4.5.9 states:

“4.5.9 Satellite Broadband is already available in most parts of the county and like fixed wireless is improving significantly. A further opportunity may emerge over the next year or so with the development of 4G mobile broadband. There are currently four providers offering the service; EE, O2, Vodafone and Three. Indications to date are that the services provided are significantly better than 3G. As the market develops it is expected that 98% of the country will have mobile broadband access, with average speeds of about 9mbps.”

Whilst not the primary focus for broadband provision, there is explicit reference to mobile broadband, as proposed, being a further opportunity. The local plan does not differentiate between different types of broadband but simply supports broadband provision.

There is therefore specific policy support for the proposal in the Local Plan.

National Planning Practice Guidance ([Paragraph: 004 Reference ID: 8-004-20140306](#)) advises that “*local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty...*”

The AONB management plan at 5.2 Thriving Communities recognises the need for improved telecommunications infrastructure. It states:

“There is recognition of the increasing importance of communication technologies and the ongoing need to upgrade and enhance the provision of IT and broadband services to many of our rural communities and businesses. The AONB Partnership respects this position and has sought to support and encourage the roll-out of both broadband and mobile phone coverage that is sympathetic and can

ideally complement the landscape of the Wolds, through for example the careful siting, design, and landscaping of any critical infrastructure. Wherever possible, there should be an additional emphasis on encouraging mast sharing and the subsequent removal of any redundant infrastructure.”

Some neighbour representations highlight signal problems in the area whilst others point to a rival provider as having sufficient network coverage. The NPPF is clear that competition between operators should not be considered. However, the NPPF requires exploration of shared infrastructure to prevent harmful over proliferation, also encouraged by the AONB management plan. Some local residents claim EE provides good network coverage. The applicant was asked to locate the related mast and clarify whether the proposed infrastructure could share it. The agent responded stating they made enquiries with EE radio planners who confirm there are no new sites nearby so it must be a distant unknown 800MHz upgrade that has improved coverage. The applicant has not been able to identify any existing EE site sites close enough to provide coverage to Tealby. 800MHz travels some distances and so the signal could be coming from a number of different locations after these sites were upgraded to 800MHz. The nearest sites to Tealby appear to be other CTIL sites however as the CTIL/TEF radio signal does not travel as far, these are not options as they are the neighbouring cells i.e. the networks are different and display different characteristics due to radio frequency/wavelength and base station location.

It is clear there is no option to share masts in the area and avoid the need for the proposal. This satisfies the requirements of the NPPF in this regard.

NPPF paragraph 113 states that “Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.”

The application includes alternative site assessment.

Site 1) Tealby Tennis Club is discounted due to lack of space, more prominent location and proximity to houses.

Site 2) BT exchange on Rasen Road is discounted due to the small size of the site and building combined with its location in the village.

Site 3) Arqiva controlled land is discounted due to remoteness from search area and greater impact on the AONB.

Site 4) Thorpe House Farm is discounted because of unwilling owner.

Site 5) Sandy Lanes Barn is discounted due to greater impact on the AONB.

Site 6) Memorial Hall is discounted due to lack of space. The site is also in the conservation area.

Site 7) The Kings Head is discounted due to lack of space and land. This is also a listed building.

Site 8) All Saints Church is discounted due to signal and heritage concerns. This is discussed in more detail below.

Site 9) Land off B1203 is discounted because of the sites open nature and greater impact on the AONB than the application site. The site is not in the AONB but would be more conspicuous.

Site 10) Land near Castle Farm is discounted due to local opposition and greater impact on the AONB.

This is considered to be a reasonable assessment of alternatives.

The principle of a stand-alone mast, in order to provide effective communications is considered to accord with LP2, LP12, the NPPF and AONB management plan.

Design and impact on AONB, public rights of way and heritage

The applicant considers the design meets both the technical requirement to provide the necessary service in terms of height and type of antenna and practical designs to host the amount of equipment at the height required. The lattice structure is considered the most appropriate design providing a visual permeability to the structure minimising the visual impact of the installation against the adjacent trees and skyline.

The case officer queried an initial lack of exploration of the use of camouflage including a mast disguised as a tree, noting the LVIA acknowledges there would be some impact and the requirement to attach great weight to conserving and enhancing landscape and scenic beauty in the AONB.

The applicant responded, outlining the applicant provides for a neutral host whereby different operators have the opportunity to site apparatus on their masts; their infrastructure provides “reasonable capacity for future expansion” also being consistent with keeping the need for individual base station to a minimum; fake trees tend to divide opinion and do not really work in the same way insofar as they rarely become undistinguishable from their surroundings (occasions where they do tend to be where public views are so far away that a normal lattice mast would result in the same impacts); Councils have tended to move away from the tree design; tree mast design is not shareable and does not offer the flexibility required for an operator; tree masts were of a place and time and did not necessarily prove to be as sympathetic as first thought and do not provide the basis of an efficient infrastructure network due to the inherent inflexibility of the design; the girth of a monopole (the basis of the tree design) would be substantial due to the height and hence structural integrity required; one of the benefits of the lattice mast is that the bulk and form are broken up against the skyline and any backdrop to lessen impacts; examples of lattice masts approved in Scottish National Parks are provided; CTIL radio planners have confirmed this mast needs to be 25m tall to make it shareable and because 20m would give compromised coverage in Tealby and coverage for little else.

The site is within the Lincolnshire Wolds AONB. The statutory purpose of an AONB is to “conserve and enhance the natural beauty of the area” and the Local Planning Authority has a statutory duty² placed on it to “*have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*”

² [S85\(1\) of the Countryside and Rights of Way Act 2000](#)

A key consideration is NPPF paragraph 172 requiring great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

Local Plan Policy LP17 sets out the requirements of the policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB. These are:

“Character and setting

To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This is a methodical way of assessing landscape and visual impacts. It concludes:

*“There is considered to be a potential **major adverse effect** on landscape character within some 50-100m from the mast, a **moderate adverse effect** within some 100-200m and a potential **minor adverse to negligible effect** from over 200m distance*

It is considered that as the adjacent woodland plantation matured, with standard trees likely achieving a comparable height to the mast in the long term that the identified effects would be reduced, resulting in a moderate adverse effect on landscape character within some 50-100m from the mast, a minor adverse effect within some 100-200m and a likely residual negligible effect from over 200m distance.”

People using PROW No130 and 131 immediately south west of the site is considered to be potential minor adverse effect. Beyond the more localised area on these footpaths a moderate adverse effect is anticipated in the short to mid-term, reducing to minor adverse/negligible effect in the mid-long term as the adjacent woodland plantation matures.

People using PROW No123 along the edge of the paddock within the Tealby conservation area a moderate adverse effect is anticipated in the short to mid-term, reducing to minor adverse/negligible effect in the mid-long term as the woodland matures.

Other more distant PROW such as No121 (Viking Way long distance route) would experience negligible effects; users of No120 along the lower scarp face would experience a minor adverse effect reducing to negligible effect in the mid-long term.

The LVIA suggests strengthening a gappy hedge to the western boundary of the Anglian Water compound. This is not possible due to land ownership.

The aforementioned sections of the AONB management plan are also relevant. The proposal is identified as a threat/pressure to landscape character whilst there is recognition of the need to support and encourage the roll-out of both broadband and mobile phone coverage that is sympathetic and can ideally complement the landscape of the Wolds, through for example the careful siting, design, and landscaping. Management Plan Policy PP1 requires the highest quality design.

It is considered the proposal provides sufficiently detailed exploration and explanation as to why other masts cannot be shared. The mast needs to be 25m high in the interests of resolving the network coverage problems identified. Insistence on a meaningfully reduced height would create some visual impact and not solve network coverage issues. The comments of the Lincolnshire Wolds Countryside Service (LWCS) are noted which note the concise review of alternative site options and that on balance the site selected seeks to minimise the visual detrimental impacts upon the wider character of the AONB. It does not object to the proposal. LWCS recommend a modified mast design which could provide both a reduction in mast height, and a more tapered profile for the upper portions of the mast. Unfortunately, the height and design cannot be altered for the reasons given above. A tapered design would reduce the ability to share the mast and update infrastructure which is considered undesirable as it may prevent the ability to provide reasonable capacity for future expansion as noted in paragraph 113 of the NPPF and may result in the need for additional masts which could and should be avoided in this location.

The siting within the existing Anglian Water site with surrounding tree cover would provide effective siting and mitigated visual impact for the ground based infrastructure and lower section of the tower. This is considered the best available location for the proposal as discussed in the alternative site appraisal submitted by the applicant. The upper section of the tower would be

visible, particularly from the surrounding public right of way network described above and as noted in the LVIA. However, the design would allow an element of transparency.

The case officer has walked the PROW in the vicinity of the proposal to consider the visual impact. Based on this officer assessment, the LVIA is considered to represent a fair assessment of the impact of the proposal on landscape character and visual amenity. There would be visual impact in the immediate vicinity and from some medium and longer range views. Some of the short range views from public rights of way may be classed as resulting in significant harm but LP17 permits this if the overriding benefits of the proposal demonstrably outweigh the harm and in such circumstances the harm should be minimised and mitigated. The public benefits of the proposal are substantial and the harm has been minimised by design and placement.

The agent was asked to provide information setting out precisely what equipment would need to be added to the church so that a view as to whether this would be appropriate can be taken.

The agent states the church has not been investigated internally but external inspection has been undertaken. Bearing in mind the height required and the tree height surrounding the church then any antennas would need to be located on its tower, visually the most sensitive feature of the church. This could not be undertaken sensitively on the top of the tower and would also be intrusive on the tower faces. If located on the faces, there would be relatively extensive and intrusive stone work required to ensure that the antennas could be held on the stone work. In order to allow tilting and orientation, the antennas could also not be set flush with the stone and so would need to be set out on pole supports to allow for such 'optimisation'. Both from building inspection and from previous experience of working with listed buildings/churches, it would not be possible to locate apparatus on the church in a sensitive manner in line with its listing. Often it is possible to locate antennas behind louvres. This is usually the case where there are either no working bells or the louvres are set apart. Our understanding is that there are a number of working bells at All Saints which would mean that there would be no space for any telecommunications apparatus at that level. In any event, there are a number of other issues which would preclude the use of the church tower to locate antennas internally. The external face of the stonework is set quite far from the front of the louvres. This creates a problem for radio coverage as it creates a narrow funnel for the signal to travel through (rather than a full 120 degrees). This is compounded in this church tower by there being two louvres and to the middle stone upright would also block the radio signal. These shadowing effects, so close to the antenna, would make any of the louvres impractical for locating antennas. A further complication is that the orientations (obviously) are fixed. Whilst the church tower and the proposed WIG radio tower are set at very similar angles, the antennas on the WIG tower do not follow these orientations and so the coverage pattern would not work for the operator. Standalone antennas within the church grounds would be inappropriate.

It is not considered feasible to attach alternative infrastructure to the church as this would cause harm to its architectural and historic interest as a listed building.

The proposal is a significant distance from the two adjacent conservation areas. The surrounding trees would assist in mitigating views of the lower section of the mast and ground based infrastructure from them. The upper section would be visible from some areas of the conservation areas and from some listed buildings, but, at a distance and with a design that minimises the impact as far as practicable.

The conservation officer has concerns about the impact of the proposal on views from public rights of way, conservation areas, the grade I listed Tealby Church and Front Street. The conservation officer recommends refusal based on a lack of information and concerns about the impact of the proposal. It is considered the views of the proposal from the surrounding designated heritage assets would be distant (distances detailed above) and mitigated by the aforementioned design. The harm is considered to amount to less than substantial.

The Council is duty bound to have special regard to preserving the setting of nearby heritage assets. The NPPF requires great weight is given to an assets conservation, irrespective of the level of harm, in this case less than substantial harm. Any harm requires clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The less than substantial harm arising from the distant views of the proposal from these conservation areas and listed buildings is considered to be outweighed by the public benefits arising from better telecommunications/broadband infrastructure. Other users would benefit such as emergency services and businesses. These benefits are considered to outweigh the harm as required by the NPPF. In having special regard to the desirability of preserving the setting of the listed buildings and paying special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas, it is considered the proposal would have an acceptable impact.

Residential amenity, human health and aircraft

Policy LP26 states:

“Amenity Considerations

The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;
- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;
- u. Creation of safe environments.”

The proposal is 186m from 3 Springfields, the nearest residential dwelling. This distance prevents any harm to residential amenity. The tennis club is a significant distance from the proposal and there is no identifiable harm arising to its users. Reference is made via objection to potential loss of dark skies via artificial light atop the mast. No lighting is shown on the drawings. However, even if warning lighting is added it would be small scale in nature and would not be likely to result in demonstrable harm to dark skies. Whilst no noise assessment is provided the proposal is not considered to give rise to noise or vibration concerns.

There are numerous objections regarding the safety of the proposal in relation to the impact on human health, particularly cancer, unknown potential health impacts and mental health. LP26 seeks to create safe environments. LP9 notes “The potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.” This is a broad policy whereas the NPPF contains specific direction as to how such proposals should be dealt with which is a significant material consideration:

“115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence 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.

116. 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.” (my emphasis)**

As noted above, the application includes a declaration of conformity with ICNIRP public exposure guidelines therefore the Council is not in a position, based on the requirements of the NPPF, to refuse the application based on potential negative health impacts, despite objections received.

The impact on residential amenity and human health accords with LP9, LP26 and the provisions of the NPPF and are acceptable. It is noted Humberside airport raises no concerns with the potential impact on its operations.

Highways

The proposal would generate a small amount of temporary construction traffic and a smaller amount of maintenance traffic. The access is single track and would necessitate on-site turning on the Anglian Water site to allow vehicles to access Rasen Road in a forward gear. LCC Highways raises no objection to the highway implications of the proposal. Despite the letter from the adjacent tennis club, it is not considered there would be unacceptable highway safety and convenience implications arising from the proposal. The proposal complies with LP13 and the highway implications are acceptable.

Ecology

LP21 relates to biodiversity. There are various objection relating to ecological impacts, particularly to bats and birds. The application site features a large concrete pad that is not of ecological value, nor is the wider sewage works. The adjacent woodland may be of ecological value but the proposal does not effect this. The mast is not considered to pose a risk to bats nor would any form of signal emanating from it. The ecological impacts are acceptable in accordance with LP21.

Conclusion

The proposal has been considered in light of the statutory tests in section 85(1) of the Countryside and Rights of Way Act 2000, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, development plan policies Policy LP2: The Spatial Strategy and Settlement Hierarchy, Policy LP9: Health and Wellbeing, Policy LP12: Infrastructure to

Support Growth, Policy LP13: Accessibility and Transport, Policy LP17: Landscape, Townscape and Views, Policy LP21: Biodiversity and Geodiversity, Policy LP25: The Historic Environment, Policy LP26: Design and Amenity and Policy LP55: Development in the Countryside of the Central Lincolnshire Local Plan and other material considerations including NPPF 2018 and PPG, and Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023.

The application sufficiently justifies site selection, design and addresses technical matters appropriately. There would be some impact on landscape character and visual amenity in the AONB, and there would be views of the proposal from public rights of way, neighbouring conservation areas and some listed buildings. The most significant affects would be in the immediate vicinity of the proposal with impact decreasing with distance.

There would be substantial public benefit arising from the proposal in the form of much improved telecommunications infrastructure which is considered to demonstrably outweigh the harm arising from the proposal. The proposal has an acceptable impact on human health as prescribed in the NPPF and no harm to residential amenity would arise due to satisfactory separation distances. The proposal would not interfere with the operation of aircraft/airports in the area. The impact on highway safety and convenience would be minimal and acceptable. No harm to ecology would arise. The aforementioned statutory tests have been consciously applied in reaching the conclusion that planning permission should be granted.

Recommendation

It is recommended that planning permission is granted subject to the following conditions.

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. The development shall proceed in accordance with the following approved drawings: 100 Rev F; 200 Rev F and 300 Rev F.

Reason: For the sake of clarity and in the interests of proper planning.

3. The tower shall be coloured goose grey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the visual impact of the proposal in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

4. No lighting shall be added to the tower unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the visual impact of the proposal in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. Within 6 months of the ceasing of all telecommunications operations at the site, the tower, equipment and fencing shall be removed from the site and the ground returned to its current use.

Reason: To ensure that landscape quality of the area is retained in accordance with Policy LP17 of the Central Lincolnshire Local Plan.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report