

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/24/032/FUL

**UPRN:** 000192001719

**Received on:** 25 April 2024

**Valid on:** 1 May 2024

**Application Expiry date:** 26 June 2024

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:** 24 May 2024

**Site notice posted:** 02/05/24

**Site notice expiry:** 23/05/24

**Applicant:** Cellnex UK Ltd  
**Site Address:** Television Mast And Stations  
Pendrathen Lane  
Halangy Down  
St Mary's  
Isles Of Scilly  
TR21 0NS

**Proposal:** Installation of; 6 antennas at 41m height on the existing ground level, a ground based generator on a concrete plinth and ancillary equipment.

**Application Type:** Planning Permission

---

**Recommendation:** PER

---

## Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Hours of Operations
4. Removal of Equipment

## Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

### Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 24/05/2024

## Site Description and Proposed Development

Application details: <https://www.scilly.gov.uk/planning-application/planning-application-p24032ful>

The Television Mast at Halangy Downs at the north end of St Mary's is a 76m high electronic communications mast. Carrying essential communications infrastructure it is prominent in the wider landscape and visually intrusive but a necessary structure.

This application is to install the following equipment on the existing structure:

- Installation of 6No antennas at 41m height on the existing frame
- Installation of 6No RRUs at 41m height behind the proposed antennas
- Installation of 1No cabinet at ground level
- Installation of a ground-based generator on a new concrete plinth
- Installation of ancillary equipment

The equipment is required to improve mobile communications network across the islands specifically the air to ground equipment to improve the air based emergency services coverage to benefit the National Police Air Service, Air Ambulance and Coastguard. The generator is to provide backup power and ensure continuous service in the event of a power disruption.

Certificate: B

Other Land Owners: Duchy of Cornwall

### Consultations and Publicity

The application has had a site notice on display for 21 days (02/05/24 – 23/05/24). The application appeared on the weekly list on 7<sup>th</sup> May 2024. Due to

the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly: NONE

[0] letters of objection have been received

[0] letters of support have been received

[1] letters of representation have been received.

### Summary of letter of representation:

During 2023, I uncovered a fraud by Dot Surveying, where they used a dissolved company that never had any relationship to telecommunications on over 500 ICNIRP safety declarations. These applications were submitted by Mr. Cameron Wilson. I effectively halted their activities in October 2023. I was alerted to the above application by a concerned resident of Scilly.”

The correspondence casts doubt on whether the Home Office is aware the ICNIRP declaration has been submitted on their behalf. Plans suggest the Home Office are manufacturers of the equipment. Suggests checking with the Home Office that they are aware and supportive of the application.

Provided links to videos to support claims. States that given their history, Dot Surveying should be barred from submitting planning applications.

Full representation can be found on the application webpage:

<https://www.scilly.gov.uk/planning-application/planning-application-p24032ful>

### Relevant Planning History:

There is a long planning history with the original 76m mast being permitted under application P0751 in 1968 for the transmission of television signals. Over the years there have been additions of telecommunications equipment permitted to the mast including masts, antennae's and dishes for mobile, radio and digital television communications.

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Scheduled Monument – Bants Carn/Halangy Down – Adjacent
- Archaeological Constraint Area - Bants Carn/Halangy Down - Adjacent

### Planning Assessment

Design	YES OR NO
--------	-----------

<b>Would the proposal maintain the character and qualities of the area in which it is proposed?</b>	Y
<b>Would the proposal appear in-keeping with the appearance of the existing structure and area?</b>	Y
<b>Would the materials, details and features match the existing structure and be consistent with the general use of materials in the area?</b>	Y
<b>Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?</b>	n/a
<b>Is the parking and turning provision on site acceptable?</b>	n/a
<b>Would the proposal generally appear to be secondary or subservient to the main building/structure?</b>	Y

<b>Amenity</b>	<b>YES OR NO</b>
<b>Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?</b>	Y
<b>Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?</b>	Y
<b>Is the proposal acceptable with regard to any significant change or intensification of use?</b>	Y

<b>Heritage</b>	<b>YES OR NO</b>
<b>Would the proposal sustain or enhance the character and appearance of the Conservation Area?</b>	Y
<b>If within the setting of, or a listed building,</b> a) <b>Will the development preserve the character and special architectural or historic interest of the building?</b> b) <b>Will the development preserve the setting of the building?</b>	n/a
<b>Within an Archaeological Constraint Area</b>	N
<b>Other Impacts</b> <b>Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?</b>	n/a
<b>Impact on protected trees</b> a) <b>Will this be acceptable</b> b) <b>Can impact be properly mitigated?</b>	n/a
<b>Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?</b>	n/a

<b>Does the proposal conserve and enhance the landscape and scenic beauty of the AONB</b>	Y
<b>Are the Water connection/foul or surface water drainage details acceptable?</b>	n/a
<b>If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?</b>	n/a
<b>Are there external lights</b>	N

<b>Protected Species</b>	<b>YES OR NO</b>
<b>Does the proposal include any re-roofing works or other alteration to the roof</b>	N
<b>Does the proposal include any demolition</b>	N
<b>Does the proposal include tree or hedge removal</b>	N
<b>Is an assessment of impact on protected species required</b>	N
<b>Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements</b>	n/a
<b>Are biodiversity enhancement measures required</b>	N
<b>Is a condition required to provide biodiversity enhancement measures</b>	n

<b>Waste Management</b>	<b>YES OR NO</b>
<b>Does the proposal generate construction waste</b>	N
<b>Does the proposal materially increase the use of the site to require additional long-term waste management facilities</b>	N
<b>Does the proposal include a Site Waste Management Plan</b>	N
<b>Is a condition required to secure a Site Waste Management Plan</b>	n

<b>Sustainable Design</b>	<b>YES OR NO</b>
<b>Does the proposal materially increase the use of the site to require additional sustainable design measures</b>	N
<b>Does the proposal include a any site specific sustainable design measures</b>	n
<b>Is a condition required to secure a Sustainable Design Measures</b>	n

**Analysis:**

Paragraph 114 of the National Planning Policy Framework 2021 (NPPF) outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

Furthermore, planning decisions should support the expansion of electronic communications network. Paragraph 115 of the NPPF establishes that where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

The development would be situated on the main Telecommunications mast on the largest island of St Mary's. This is an AONB and Conservation Area, adjacent to a Scheduled Monument.

The application submission sets out the Home Office requirements for the air-based emergency services coverage over the Isles and throughout the Cornwall and Devon coastline. The equipment will provide enhanced coverage, which is necessary for the use of, National Police Air Service, Air Ambulance Service and the Coastguard. Which is confirmed by the Home Office as being crucial site for the South West of England Air to Ground network.

The area is particularly visible and in a sensitive location, but it is considered that this location is preferable rather than a further mast elsewhere or on another island, for example.

The Home Office has confirmed the equipment has been designed and calculated in accordance with safety regulations for non-ionizing radiation protection by radio planners for the ground to air service required by the Home Office.

In weighing the harm against the benefits, and the need for the installation to be sited as proposed, it is concluded that these would outweigh the limited harm to the character and appearance of the area.

As noted above, and in response to the representation, the Home Office were contacted directly and confirmed that they had instructed the development.

The General Biodiversity Gain Plan Condition is imposed as worded in Schedule 7A Part 2 of the 1990 Planning Act.

**Biodiversity Net Gain Considerations:** The following section is included within the Government's Draft biodiversity net gain planning practice guidance:

**Does a local planning authority have to impose the general biodiversity gain condition when permission is granted?**

Planning conditions are normally imposed on the grant of planning permission under [section 70 \(1\) and section 72 of the Town and Country Planning Act 1990](#).

By contrast, the general biodiversity gain condition has a separate statutory basis as a planning condition under [Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#). The condition is deemed to apply to every planning

permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

In this case the development does not trigger the need for mandatory BNG delivery of 10% maintained for 30 years as this falls into the exempt category on the basis of not impact upon 25 square metres of priority habitat or 5 metres in length of linear priority habitat.

**EIA:** Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval and imposed conditions to enable the grant of planning permission.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

**Isles of Scilly Local Plan, 2015-2030**

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and	✓

seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan		✓	N
Sustainable Design Measures		✓	N
Biodiversity Enhancement Measures:		✓	N

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

**Considerations under Human Rights Act 1998 and Equalities Act 2010:** The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:



- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

**Recommended Conditions:**

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **Plan 1 Location Plan**
- **Plan 2 Site Plan, drawing number 140918-30-100-MD032 rev 32, dated 10<sup>th</sup> April 2024**
- **Plan 3 Site Elevation Proposed, drawing number 140918-30-150-MD032 rev 32, dated 10<sup>th</sup> April 2024**
- **Plan 4 AMENDED Antenna Plan Proposed, drawing number 140918-30-151-MD031 rev 31.A, dated 22<sup>nd</sup> February 2024**
- **Plan 5 Safety Compliance Certificate,**

**These are stamped as APPROVED**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

**C3 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

- C4 The telecommunications mast and equipment shall be permanently removed upon redundancy for its dedicated purpose and the land reinstated to its former condition within a period of six months unless agreed otherwise in writing by the Local Planning Authority.**  
Reason: The telecommunication mast and equipment has been permitted for a dedicated purpose and, if no longer needed, it should be removed from this part of the Isles of Scilly landscape in the interests of the visual amenities of the area.

---

---

**Print Name:** Lisa Walton

27/06/2024

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

---

---