

DELEGATED DECISION REPORT

APPLICATION NUMBER

222130

Land at Caplor Farm, West of Mount Pleasant, Off B4224, Fownhope, Herefordshire,

CASE OFFICER: Mr Simon Rowles
DATE OF SITE VISIT: 12/07/22

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy:

SS1 - Presumption in favour of sustainable development
SS6 - Environmental quality and local distinctiveness
LD1 - Landscape and townscape
LD2 - Biodiversity and geodiversity
SD1 - Sustainable design and energy efficiency
MT1 - Traffic management, highway safety and active travel

Fownhope Neighbourhood Development Plan:

FW1 - Sustainable development
FW2 - Safeguarding the Wye Valley AONB
FW25 - Telecommunications
FW27 - Highways and infrastructure

NPPF (July 2021):

Section 2 - Achieving sustainable development
Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Relevant Site History:

203919/F – Installation of a 14.97m high monopole structure accommodating 3 antennas within and 2 dish antennas mounted externally; 3 equipment cabinets and 1 meter cabinet within a compound surrounded by 1.8m high chainlink fence and 1.2m high stock-proof fence. Installation of native planting on two compound edges for screening. A new approx. 20m long x 3m wide stone access track to be constructed from existing entrance from highway to compound together with associated visibility splays – Withdrawn by Applicant on 4th November 2021

000692/F (CE/2000/2735/F) – Installation of 15m mast with ancillary equipment, including an equipment cabin – Refused on 9th April 2001. The refusal reasons are set out below:-

1. *The application site is located within an Area of Outstanding Natural Beauty and Great Landscape Value in a prominent and elevated position adjacent to the B4224. By virtue of its location, design, height and means of access the installation of the 15 metre mast with ancillary equipment and cabin would be contrary to Policies GD1, C1, C4, C5, C6, C8, C9, C41 and C42 of the Adopted South Herefordshire Local Plan.*
2. *The vehicle access point proposed is sub-standard in design by virtue of its visibility, layout and arrangement and would be unacceptable on grounds of highway safety and therefore contrary to Policy T3 of the Adopted South Herefordshire Local Plan.*

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X				X
Transportation	X			X	
Ecologist	X	X			
Landscape	X				X
Natural England	X	X			
Press/Site Notice	X				X
Local Member	X				X

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

This planning application seeks permission for the installation of a 15m tall telegraph-pole style mast, antennas, ground-based cabinets and ancillary development. The development is intended to support the new 4G Emergency Services Network (ESN), which will be used by the emergency services. Commercial 4G coverage (EE) would also be provided by the installation to serve local residents, business and visitors.

The site lies along the B4224 in the open countryside to the south-east of Fownhope and within the designated Wye Valley Area of Outstanding Natural Beauty (AONB). Access arrangements are shown on the submitted plans, including a new track, as well as some new planting in mitigation for the proposed works. The proposed site compound would be defined by a 1.8m tall chainlink fence.

The application is essentially an alternative form of development to that shown under withdrawn application 203919/F, as referenced above.

Representations:

Landscape Officer –

The site is located in the Wye Valley AONB, and in accordance with Local Plan LD1 and NPPF, is a valued landscape. The installation of a 15m telegraph pole style mast, antennas, ground based apparatus and access track significantly impacts the landscape character of the Principal Settled Farmlands and Principal Wooded Hills.

Transportation –

The submitted plans do not show the proposed development correctly. The plans do not clearly show which access is going to be used. The visibility splays need to be shown correctly. The principle of development is agreed as it is an existing access and the development will only a minimal movements when constructed. If the development is permitted then a condition will be included to close the other access up; therefore please show on the drawings the closing up of this access.

Third Party comments –

Objections were received on the following grounds:-

- There is no specific detail as to where the access for this application is but, if it is in the same place, then our objection is that there was never an access there and the application should not be allowed on this basis.
- If the application is such that the access site has moved to the access closer to the agricultural barn, then we accept that there was and has been an access there but such access has been used only periodically for farm use only.
- Whatever access is used, the extra traffic which will be generated by this facility will be intolerable for such a fast road and the impact on us, as near neighbours, will be unbearable. There is a massive increase in the likelihood of accidents causing injury to human and potentially animal life.
- This is an amazing area for wildlife and the construction of this facility will have a very negative and detrimental impact to local wildlife.
- There is no need for any extra coverage in this area. There are many other masts, such as that at The Tump, which could have facilities attached to them without the need to cause such devastation to our local area.
- The proposal would damage to the quality of the AONB in which it is located.
- There would also be harm to the natural habit disrupted by the mast's siting, involving hedgerow and grassland removal.
- We object to the adverse visual impact of an antenna style mast on the AONB countryside within the parish of Fownhope.
- The amended access point will still necessitate the removal of a large amount of hedging to gain visibility; and it currently serves as a wildlife corridor.
- There are already two other masts in the local area.
- The long access road would cause harm to the old meadow land.

- Siting the mast next to the existing barn, or increasing the height of the existing mast at The Tump, would be more desirable.
- It is possible that the mast could be subsequently upgraded or added to; thereby increasing its presence and adverse visual impact.
- There is already a phone mast in the village of Fownhope, which could be shared or heightened to meet EE's needs.
- This is a very intrusive location with minimal scope for screening.

Local Member –

Updated by phone on 11/08/22. Cllr Hardwick raised no objection to the application being determined under delegated powers as a refusal of planning permission.

Pre-application discussion:

203482/CE – Proposed telecoms installation to support ESN

Constraints:

- Open countryside
- Wye Valley AONB

Appraisal:

Policy context and principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy and the ‘made’ Fownhope Neighbourhood Development Plan (NDP).

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed and are considered consistent with the NPPF and can therefore be attributed significant weight.

The principle of development is, in part, addressed within the executive summary to the NDP, which states that that one of the issues over the plan period until 2031 is “responding to new demands for

telecommunications". That said, one of the objectives of the plan is to "conserve and enhance the landscape, biodiversity, natural habitats and cultural heritage of the parish, having due regard to its designation as an AONB". Although Policy FW25 concerns "telecommunications", it is worded such that it specifically relates to superfast broadband provision and is therefore of limited relevance.

The policies of the Core Strategy are also relevant, albeit the plan does not contain a specific policy that addresses mobile phone infrastructure such as masts and antennae. It does however recognise that the principal barrier to business growth and diversification, particularly in rural parts of the county, is poor infrastructure, including poor broadband and mobile phone coverage.

The NPPF is an important material consideration. Section 10 sets out that decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. The NPPF places great value upon the role high quality and reliable telecommunications infrastructure plays in supporting economic growth and social well-being. However, it also states that mast sites should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. As such, applications should be supported by evidence to justify the proposed development. Moreover, paragraph 118 says that LPAs must determine applications on planning grounds only; and 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.

The application stresses that this area has been subject to extensive drive testing by ESN end users; and has been raised by the Home Office as an 'area of concern' (where coverage does not meet the contractual obligations). Whilst not disputing the need for additional cell coverage, both to serve the ESN and private individuals and local businesses, the ensuing section will consider the availability of existing mast sites and whether improvements could be made.

Consideration of existing mast sites

In response to a request for further information, the Agent has shared an email sent to the Parish Council, which was sent due to the perceived lack of information regarding the potential for sharing existing telecommunications infrastructure. The particular sites mentioned are the existing mast at Tump Farm and that found on Ridge Hill. When read in conjunction with the submitted diagrams of coverage, the justification provided for not being able to improve these sites was that the infrastructure would not work for EE or provide for the coverage required by the emergency services.

It is understood that EE already has antenna at 55m at Ridge Hill to the east but there is nothing that can be done due to the intervening terrain. The argument made in respect of the nearby Vodafone site at Tump Farm is less readily accepted, with the justification simply being that it would not provide the required coverage levels to the minor roads to the north and the south-west. On balance, given the importance of the landscape in which this new site would be situated, your Officer is not satisfied that information of a sufficient degree of certainty and clarity has been submitted to demonstrate that mast sharing and improvements at Tump Farm could not satisfy the need arising.

Highway safety

It should be observed that the previous refusal of planning permission in 2000, under ref. 000692/F, included a highway safety objection in relation to the access closest to the field barn.

As described in the Transportation comments, it is unclear precisely what access arrangements are now proposed from the submitted drawings. The existing unauthorised access onto the B4224 closest to the site of the mast is shown as to be retained. Whilst the Agent has explained that this access was previously considered unacceptable “due to its unauthorised status and poor visibility lines”, it has not been shown as to be closed up. The rationale for a new, longer access track to be used, based on an existing, lawful access to the field barn is nonetheless understood.

Whilst reinforcing that the Transportation comments do not object to the principle of using the existing lawful access, the visibility splays need to be shown correctly to assess the proposal. The failure to clarify matters on the submitted plans, by demonstrating the requisite visibility and by showing the unauthorised access to be permanently closed up, therefore leads to confusion and uncertainty. No response has been received in relation to an Officer request for the changes to be made. Accordingly, whilst conscious of the limited traffic flows once construction works have been completed, this forms a reason for withholding planning permission on highway safety grounds.

Landscape and visual impacts

An appraisal prepared by a suitably qualified person has been submitted in support of the application. The site is located in the Wye Valley AONB, and in accordance with Policy LD1 of the Core Strategy and paragraph 174 of the NPPF, is a ‘valued landscape’. Paragraph 176 also says that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs which have the highest status of protection in relation to these issues.

The Council’s Landscape Officer has commented that the installation of a 15m telegraph pole style mast, antennas, ground based apparatus and access track would significantly impact the landscape character of the Principal Settled Farmlands and Principal Wooded Hills LCTs. Whilst the design of the mast is streamlined, it would be 15m tall, occupy an elevated location in the landscape and require associated apparatus and access works. It would therefore appear as a prominent, man-made feature along the B4224 that would erode the natural and scenic beauty of the AONB.

Your Officer has also studied the LVA submitted and extracted relevant key findings:-

- The site lies within a landscape of high quality and high vale which overall has high sensitivity to change in relation to man-made infrastructure. The report seeks to underplay the degree of local sensitivity by reference to the “prevalence of existing infrastructure”. However, given the prevailing openness of the site surroundings, this is not accepted.
- Overall, the report concludes, the impact of the proposed development on the character of the Principal Settled Farmlands landscape character type will be adverse and minor; and the impact on the character of the Principal Wooded Hills and Riverside Meadows will be negligible. These conclusions conflict with the findings of the Council’s Landscape Officer. Whichever view is preferred, your Officer observes that the harm arising to the landscape would still amount to a significant objection in planning terms, having regard to paragraph 176 of the NPPF.
- The report also concludes that the proposed location enables a relatively short mast to be deployed, and in most views, will be seen against a backdrop of the wooded hills. It is further argued that the mast would be too visible if located on the more open lower slopes within the valley. It does however acknowledge that the proposed mast will have some local adverse impacts of moderate to major significance, in terms of the visual amenity enjoyed by local residents. These effects are defined as causing an easily noticeable degradation of the

landscape character/elements/existing views. In terms of views along the B4224, the residual impact on visual amenity is an adverse impact of moderate significance. These effects are defined as causing noticeable degradation of landscape character/elements/existing views.

It can be concluded that whilst the planting mitigation would soften impacts over time, there would remain adverse landscape and visual impacts on this designated landscape. This must be weighed in the overall planning balance. Your Officer has placed limited weight on the previous refusal of planning permission for a 15m tall mast, on a site lying in close proximity (000692/F refers). Whilst it is not known if the proposal is now for a more discreet design, it is understood that the application must be assessed against current policy, i.e. the previous application was determined at a time when less weight was placed on the importance of improving telecommunications networks.

Other matters

Whilst noting the natural environment in which the site is situated, and the potential loss of hedgerow, it is not considered necessary or proportionate to require a specific ecological survey. Suitable mitigation for the limited loss of hedgerow and trees could be secured through compensatory planting. In the event that more significant hedgerow loss was required due to visibility requirements, this could however necessitate a hedgerow survey to identify its ecological and historic value.

Conclusion

In summary, the proposed development fails to accord with the development plan when read as a whole, with great weight being given to the harm to the designated AONB landscape, in line with national planning policy under paragraph 176 of the Framework. Whilst noting the public benefits from improved mobile phone coverage, and that arising from enhancement of the ESN, these social and economic benefits are outweighed by the environmental harm arising.

The landscape harm arising and uncertainty over highway safety and the ability to accommodate the development elsewhere in a less obtrusive manner leads to the conclusion that permission should be withheld. Your Officer has had regard to an appeal decision cited by the Agent, where a monopole with headframe was allowed in Exmoor National Park (PINS ref. 3270428); however, each case must be determined on its own particular merits and circumstances.

RECOMMENDATION: **PERMIT** ☐ **REFUSE** ☒

REASON(S) FOR REFUSAL:

1. The application site lies within the Wye Valley AONB, which has the highest status of policy protection in relation to conserving and enhancing landscape and scenic beauty. It also occupies an elevated position within the landscape and would have an adverse impact on the character of the Principal Settled Farmlands landscape type and the visual amenity of the area. Within this natural context, the proposed 15m tall mast with associated apparatus would appear as an intrusive and damaging feature. In light of the great weight to be afforded to conserving and enhancing scenic beauty under paragraph 176 of the NPPF, this harm amounts to a significant objection in the planning balance.

Whilst recognising the social and economic benefits associated with improvement of the Emergency Services Network and network coverage for local residents and businesses, these gains are considered to be outweighed by the harm arising. Uncertainty over the potential for sharing and improvement of the existing mast site at Tump Farm, having regard to the lack of information submitted in this respect, adds further weight to the case for withholding permission. Accordingly, the proposed development is contrary to Policies SS6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies FW1 and FW2 of the Fownhope Neighbourhood Development Plan and paragraphs 115, 174 and 176 of the National Planning Policy Framework.

2. Insufficient information has been submitted to demonstrate to the satisfaction of the local planning authority that safe and suitable access arrangements would be provided, including ensuring appropriate visibility splays. The proposal therefore fails to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy FW27 of the Fownhope Neighbourhood Development Plan and paragraph 110 of the National Planning Policy Framework.

Informatives

1. IP3 – Refusal with no way forward
2. This application has been refused on the basis of drawing nos. ESN40194 - Planting Plan; ESN40194/100C; ESN40194/102C; ESN40194/103C; ESN40194/104C; ESN40194/109C; ESN40194/111C.

Signed:  Dated: 11/08/22

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☐

REFUSE ☒

Signed:  Dated: 18/8/22

Is any redaction required before publication? Yes/No