

COMMITTEE DATE: 29th June 2020

APPLICATION NO: 20/0581/TEL

APPLICANT: WHP Telecoms Ltd and Hutchison 3G UK Ltd

LOCATION: St Thomas Centre, Cowick Street, Exeter

PROPOSAL: Installation of 20m high 5G telecommunication monopole with cabinet at base and associated ancillary works.

REGISTRATION DATE: 13th May 2020

RELATED DOCUMENTS: <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QA9XOIHBHM200>

DESCRIPTION OF SITE/PROPOSAL

The application site is part of an area of vegetation beside the St Thomas Shopping centre, on Cowick Street, which also includes a busy bus stop. A number of trees and street lights (approximately 10m tall) are in the vicinity. To the north east of the site is the railway viaduct of St Thomas Station. Following concerns raised by Highways that the site would cause a pinch point on a busy footway, the mast has been moved to an area of vegetation, located between two trees, and moved closer to the Buller Road and Cecil Road junction.

The site is within the Cowick Street Conservation Area, with nearby listed buildings including part of St Thomas railway station, 35-54 Cowick Street and St Thomas Church.

The area is allocated in the Local Plan as a District Centre.

The application is for prior notification, considering siting and appearance, for the installation of 20m high 5G telecommunication monopole with cabinet at base and associated ancillary works.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Technical information including safety certification.

Supporting statement outlining the justification of the site and reasons for ruling out other sites.

The proposal is required due to acute capacity issues and will facilitate significantly improved 5G in areas that have started to gain this service and newly introduce it to the areas that have not gained this level of connectivity yet.

As with all 5G cells this is an extremely constrained cell search area, with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locale. Options are extremely limited and the only viable solution that minimises amenity issues has been put forward.

Discounted locations include:

- Poundland, Cowick Street, discounted due to International Commission on Non-Ionizing Radiation Protection (ICNIRP) concerns.
- Farmers Friend, Cowick Street, discounted due to being in close proximity to railway tracks/ Bridge.
- Cowick Street - E: 291315, N: 091919. Discounted due to being in close proximity to listed buildings.

The proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing street furniture, having similar vertical lines and overall appearance to the numerous street lighting columns in this area.

REPRESENTATIONS

A total of 150 objections have been received, with just under half being received from Exeter residents.

Issues raised:

- Safety concerns
- Perception of health risks - the mast will cause fear and anxiety in the local community due to concerns over health impacts
- Fear and anxiety will result in people avoiding the area, including shops and businesses
- Further research should be done and application put on hold
- Glastonbury council invoked the precautionary principle to halt the rollout of 5G
- Bath council have already declined planning applications until an independent investigation has been undertaken into the harmful effects
- Countries and cities around the world have completely halted or postponed the roll out of 5G until its safety has been firmly established
- Precautionary principle should be applied
- Devon County Council are looking at risk of 5G but have not yet formed 5G policy
- Exeter City Council consultation has not published its results
- Proximity to three schools
- Potential impact on trees. The installation should include future provision that the trees in the area are not cut down and will be replaced if they die.
- Potential ecological impact
- 5G works in a short range, so further masts will be needed for it to work
- 4G provides adequate service
- Depreciation in the value of neighbouring properties
- It will use a vast amount of electricity, which does not conform to the Devon Carbon Plan
- Impact on outside sitting areas, and busy bus stop
- Visual impact due to height of mast on local area
- Impact on historic buildings
- Detracts from the character and appearance of the conservation area
- Impact on views

Five representations of support. Issues raised:

- Crucial IT Digital Infrastructure for the benefit of the City of Exeter, for St Thomas both for business and residential use.
- Don't listen to the unscientific anti-5G lobby.
- The Cowick St shopping Centre is not an attractive area so this will not make the area any worse

CONSULTATIONS

Awaiting formal responses from Network Rail, and Historic England.

Devon County Council Highways

The Highway Authority raised concerns with the initial plans regarding the location of the telecommunication mast and cabinets. The location of these protruded into the footway reducing footway width, creating a pinch-point where the footway is already reduced by the bus stop layby – as such this would be contrary to paragraph 110 of the NPPF, which advises that unnecessary street clutter creating conflict with pedestrians should be avoided.

However, revised drawings show that all of the equipment is behind the existing footway within the “vegetation” between the footway and the car park; therefore, the thoroughfare for pedestrians are as per existing and no objection can be formed.

The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to undertaking any work on the highway. In particular, the provision of Section 171 of the Highways Act 1980 will be of concern.

Finally, the proposals will require construction work adjacent in a sensitive area of the highway, where there is a busy area for pedestrians and is directly adjacent to a bus stop. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed, and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this.

No objection, subject to the revised plans and the recommended condition.

Principal Project Manager (Heritage)

As the proposed location is on the border of the Conservation Area and not in the immediate vicinity of listed buildings, this reduces the potential impact.

I would like to see a photomontage of what a 20m high pole is going to look like, which may need more than one view.

Wales and West Utilities

Provide details of a gas pipe in close proximity to the site.

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance
National Planning Policy Framework 2012

Exeter Local Development Framework Core Strategy
CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011
C1 – Conservation areas
C2 – Listed buildings
EN7 – Telecommunications
DG1 – Objectives of urban design

Exeter City Council Development Delivery DPD 2015
DD6 – Communication Networks
DD25 – Design Principles
DD28 – Heritage Assets

Conservation Area Appraisals and Management Plans
Cowick Street 2004

Summary of policy on telecommunications

Paragraph 112 of the NPPF supports the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

Paragraph 113 - Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 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.

Local Plan Policy EN7 states development of telecommunications equipment will be permitted, provided that: a) the siting and design of apparatus and antenna will minimise their visual impact and their impact on amenity; and b) there are no practicable alternatives such as re-siting or mast sharing.

DD6 states telecommunications development will be permitted provided that:

- a) the siting and design of the equipment will minimise visual impact and impact on amenity;
- b) the development does not have any unacceptable adverse impact on any area or site of historic, conservation, archaeological, landscape or biodiversity importance; and,
- c) the operator has investigated the availability, benefits and impacts of alternative sites and developments, including mast or site sharing, and has demonstrated that there are no practicable alternatives.

OBSERVATIONS

This is not a planning application. The development is permitted by The Town and Country Planning General Permitted Development Order. The only considerations in the determination of this prior approval application relate to the **siting** and **appearance** of the proposed development. The decision options are:

- Prior Approval of siting and appearance is not required;
- Prior Approval of siting and appearance is required and is granted;
- Prior Approval of siting and appearance is required and is refused (with clear reasons for refusal relating only to siting and appearance); or,
- Deemed consent if a decision is not made within the time limit of 56 days. This prior approval application will be granted deemed consent if a decision is not made before 8th July 2020.

Legal advice

The introduction of 5G is a controversial topic throughout the country, with many campaigners claiming the technology is unproven and potentially hazardous to health. The government of the United Kingdom and Public Health England have provided reports and guidance to state that 5G is safe and that there are no public health grounds for 5G installation to be refused.

Legislation for the installation of 5G apparatus

The installation of a mobile phone mast would count as development and would normally require a full application for planning permission. However, designated mobile network operators have certain permitted development rights, which means that they can build prescribed infrastructure without having to apply for planning permission from the local planning authority. "Prior approval" from the local planning authority regarding the siting and appearance of the development is required in certain circumstances; for example, all new ground-based masts require prior approval.

Determination of Prior Approval Applications

A mobile network operator may submit an application for prior approval under the General Permitted Development Order (Part 16 of Schedule 2 of the GPDO 2016). The Order grants approval of the principle of the development as permitted development but requires operators to obtain the prior approval from the LPA to the siting and appearance of the items to be installed, in addition to providing the 'necessary evidence' set out in NPPF Chapter 10 Section 115, including a statement that self-certifies that, when operational, International Commission guidelines will be met.

The factors which can be considered in relation to appearance as part of the prior approval process include:

- design, form, shape and dimensions
- colour and materials,
- whether there are more suitable sites for the proposed works.

The factors which can be considered concerning siting include:

- height of the site in relation to surrounding ground
- existing topographical features and natural vegetation

- the effect on the skyline or horizon
- the site when observed from any side
- the site in relation to areas designated for scenic value
- the site in relation to existing masts,
- the site in relation to residential properties

It is therefore clear that the considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited and do not include issues of public health.

Health impacts of 5G

The International Commission on Non-Ionizing Radiation Protection is a charitable body of independent scientific experts established by the International Radiation Protection Association whose principal aim is to disseminate information and advice on the potential health hazard of exposure to non-ionising radiation including electromagnetic fields. This organisation has produced guidelines for emissions from masts that are now used to determine the acceptability of emissions from such equipment.

In addition, the Health and Safety Executive has adopted policies on phone masts in particular, and radio wave safety in general, which are guided by organisations such as the World Health Organisation, the International Commission on Non-Ionizing Radiation Protection and the Health Protection Agency. A great deal of research has been, and continues to be undertaken on the health implications of masts. The weight of international evidence reviewed by these expert organisations indicates that there is no evidence of a direct link of harm or ill health from working or living close to phone masts.

In 2000 the UK Government commissioned the Independent Expert Group on Mobile Phones (IEGMP) chaired by Professor Sir William Stewart, to conduct a review of the possible health effects from the use of mobile phones, base stations and transmitters. It concluded that:

“The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of international guidelines”.

The rollout of 5G has again raised concerns regarding public health associated with telecommunication equipment and the implementation of electromagnetic fields. These concerns from the public resulted in a Parliament and Government petition calling for an independent inquiry into the health risks of 5G. Public Health England (PHE) updated its advice as a result. This states that international and UK expert groups have examined the evidence and “it is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.” PHE continues its monitoring of health related evidence on radio waves, and will update its advice as required.

The Glastonbury Town Council Report

The 5G Advisory Committee, formed by Glastonbury Town Council (GTC), has concluded a report with supplementary materials, both dated April 2020. Its recommendations refer to: writing to identified MPs (requesting that they establish a Select Committee or Committee

Inquiry into the safety or otherwise of 5G technology); writing to Public Health England and the UK Government (requesting inter alia an independent scientific study); and lobbying ICNIRP (to take into account the non-thermal effects of radiofrequency EMFs in their Guidelines on Limiting Exposure to Electromagnetic Fields).

The GTC Report's recommendations do not include the refusal of applications for planning permission or prior approval based on its findings to date. They are aimed instead at securing further research and consideration with a view to changing government policy. It is important that the significance and limitations of the GTC Report should be understood. It is also important to note that GTC is not a local planning authority.

The Precautionary Principle

The GTC Report makes reference to the Precautionary Principle, which is defined on the European Parliament website and states:

'The precautionary principle enables decision-makers to adopt precautionary measures when scientific evidence about an environmental or human health hazard is uncertain and the stakes are high'

Whilst the Precautionary Principle is an overarching principle relating to health concerns, it has no place in the consideration of this matter since the issues for determination are clearly set out by the legislative framework and in particular the Order. The health considerations relating to this type of development have been considered by the Government in developing permitted development rights which is reflected in the requirement for a certificate to accompany the application certifying that Radio Frequency public exposure guidelines of the International Commission on Non-Ionising Radiation protection has been met. Such a certificate has been submitted with this application.

Design and Heritage

The proposed mast is the standard size for a 5G mast at 20m in height. This is taller than 4G masts, which are typically between 12.5 and 15m throughout the city. A recent change in legislation has increased the height of some masts that do not require consent to 20m, therefore while this is taller than those currently in the city, a height of 20m will become more typical. The mast and cabinet would be grey in colour, but other options are available.

The site is located towards the edge of the Cowick Street Conservation Area, with the boundary running beside the highway. The nearby buildings in the St Thomas Shopping Centre, and buildings opposite (17-28 Cowick Street) are not within the Conservation Area. The wider area includes locally and nationally listed buildings, including part of St Thomas Station (Grade II), 35-54 Cowick Street (Grade II) and St Thomas Church (Grade I). 29-32 Cowick Street, 160 Cowick Street, and 90 Buller Road, are the closest locally listed buildings, but there are other locally listed buildings in the area. Given the height of the pole at 20m, the setting of other listed buildings across the city should also be considered.

The Conservation Area Appraisal describes Cowick Street as the main road within the conservation area. *There are both positive and negative characteristics of the Cowick Street Conservation Area when you approach from the east. Cowick Street has a strong identity and its building scale and subsequent strong lines create a good sense of enclosure and interesting views. However, much of the post war development and many of the modern shop frontages detract from the historic character of the area.*

While there are ample examples of street furniture in the area, including 10m high street lights along Cowick Street, CCTV mounted on tall poles, and a 17.5m high phone mast beside the Riverside Leisure Centre, the development of a 20m high pole will clearly have some effect on the setting of the Conservation Area, and wider views, including the setting of locally and nationally listed buildings. The mast would be a prominent addition to the area that would be visible in both short and longer views of the area. The proposal would therefore result in an adverse impact on the appearance of the area. Notwithstanding this, the applicant has submitted a justification for this location, based on technical and operational constraints.

Given the location beside the modern shopping centre, and presence of street furniture, the impact is considered to cause less than substantial harm to designated heritage assets.

Highway issues

The site is well used by pedestrians, including people waiting for the bus. The Highway Authority initially raised concerns regarding the location of the telecommunication mast and cabinets. The location of these reduced the footway width, creating a pinch-point where the footway is already reduced by the bus stop layby. Following the submission of revised plans, the Highway Authority has no objection to the proposal as the equipment is located behind the existing footway within the vegetation between the footway and the car park, and will not impede pedestrians.

Benefits

Paragraph 112 of the NPPF encourages the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide, including home working, connected transport and smart city applications. Central Government is also supportive of the provision of 5G network infrastructure. It is therefore considered that, whilst the proposal would result in some visual harm, this would not amount to a serious adverse impact on the character or appearance of the area, or setting of locally and nationally listed buildings. On balance, the visual impact is considered to be outweighed by the substantial public benefit arising from the provision of 5G services and therefore does not warrant the refusal of the application.

Health risk/perception of health risk

The health concerns raised in many of the letters of objection are noted. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) Guidelines as required by legislation. If the local planning authority were to refuse the application on health grounds this would be an impossible position to sustain at appeal.

Some of the objections cite perceptions of risk, causing anxiety and stress, and the potential for people to avoid shopping in the area. The application has addressed the need for the mast in the area, and options for locating elsewhere. The supporting information also confirms the mast can only be located in a small area for technical reasons. Moving the mast to another site in St Thomas would therefore not address perceptions of health risk. It is also considered that perception of health risk would not be grounds to refuse a prior approval application which only considers siting and appearance, and considering NPPF paragraph 116 which states local

planning authorities must determine applications on planning grounds only. They should not set health safeguards different from the International Commission guidelines for public exposure.

Summary

While the health risks in the objections are noted, they are not considered grounds for refusal based on national guidance. Subject to receipt and consideration of supporting material relating to visual impact on heritage assets, the proposal is considered to provide significant public benefit that outweighs any visual harm to the conservation area and the setting of locally and nationally listed buildings.

RECOMMENDATION

Subject to receipt and consideration of supporting material relating to visual impact on heritage assets, prior approval is required and is granted, subject to the following condition.

1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and public amenity