

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/08/2025	Ref: 72102/TEL
Registration: 24/06/2025	LDfC: 17/07/2025	Expiry Date: 18/08/2025
Site Visit: 11/07/2025	Site Notice: 11/07/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed telecommunications installation comprising of 30M lattice tower supporting 12 no. antennae and 4 no. 300mm dish antennas and 6 no. equipment cabinets, enclosed within a fenced compound and ancillary apparatus

Location: Land at Castlebrook Farm, Castle Road, Bury, BL9 8QR

Description

the application relates to a field in a rural countryside location which is located in a Landscape Character Area as defined under PfE policy JP-G1. The field is located on the eastern side of the M66 motorway. The site itself is in the south western corner of the field next to the boundary with the motorway which is accessed via a gate from castle Road to the east.

This application has been submitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and seeks Prior Approval for the installation of a telecoms base, apparatus to include a 30m lattice tower supporting 12 no antennae and 4 no 300mm dish antennas and 6 no equipment cabinets, enclosed within a fenced compound.

For clarity, the application relates to a prior approval development not a planning application.

The prior approval procedure means that the principle of development has already been established. The matters which the local planning authority can only consider relate to the siting and appearance of the proposal.

The proposed telecommunications equipment would be a 30m high lattice tower design supporting 12 no. antennae and 4 no 300mm dish antennas and 6no associated equipment cabinets. The development would be enclosed by a 2.1m high palisade fence with a 1m wide access gate.

Relevant Planning History

02556/E - Demolition of existing barn and stable outbuildings and erection of three new residential eco dwellings - Enquiry completed 19/04/2021

Publicity

Letters sent to 25 properties on 25/6/25.
Site notice posted 11/7/25.

One objection received with the following comments -

- The tower would be extremely close to my home and clearly visible from many windows and a huge blot on the landscape.
- We already have a communication tower positioned in the next field, so another seems

totally unfair.

- Surely there are other locations nearby which would not cause such a negative impact. The next field along would be more suitable.
- I feel that the positioning of this tower for both my existing residence and any future housing is totally unacceptable.
- I believe a planning application is due to go into Bury for a new housing development in this area very soon.
- I know communication companies now have much greater powers but individual home owners need and deserve support in these matters.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Environmental Health - Contaminated Land - No response received

National Highways - No objection

Greater Manchester Ecology Unit - No objection - would not require BNG due to the size of development.

GMCA - Minerals and Waste consultations - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide
EN1/2	Townscape and Built Design
EN1/10	Telecommunications
GMMWP	Greater Manchester Minerals and Waste Plan
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-G1	Landscape Character
JPA1.1	Heywood/Pilsworth (Northern Gateway)

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policy Considerations

Chapter 10 of the NPPF - Supporting high quality communications of the NPPF at para 119 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including the next generation mobile technology (such as 5G) and full fibre broadband connections.

At paragraph 120, 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, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

At paragraph 122, applications should be supported by the necessary evidence to justify the proposed development, which should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

Chapter 12 of the NPPF Achieving well designed places, states that the creation of high quality places is fundamental to what the planning and development process should achieve.

UDP Policy EN1/10 - Telecommunications states that the Council will give favourable consideration to proposals for new telecommunications developments. In assessing such proposals, the Council will have regard to the following:

the operating requirements of available and new telecommunications technology, and the national telecommunications network;
the legal requirements of the telecommunications code systems operators;
siting and design - including the opportunity for sharing masts or siting on existing buildings, height and ancillary development, landscaping, screening and the type and colour of materials used;
the visual and physical impact especially on sensitive or special landscapes/buildings.

UDP Policy EN1/2 - Townscape and Built Design considers factors including the external appearance and design of the proposal in relation to height, scale, density and layout, relationship to the surrounding area and access and servicing.

UDP Policy EN1/4 - Street Furniture - Seeks to ensure that amongst other factors, the siting and design meets the needs of all users including the mobility impaired, does not detract from highway safety and does not interrupt main pedestrian flows.

PfE Policy JP-C1 - An Integrated Network confirms support to enable the provision of high quality digital infrastructure. This is further supported by PfE Policy JP-C2 - Digital Connectivity that seeks to support the provision of affordable, high quality digital infrastructure by enabling the roll-out of latest generation mobile technology in a way that maximises coverage whilst protecting townscape quality and ensuring an ability to respond to updated/changing technology.

Policy JP-G1 - Landscape Character Areas states development within a Landscape Character Type should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to: Topography, geology and drainage; Land use and field patterns; Semi-natural habitats and woodland cover; Archaeology and cultural heritage; Settlement, road pattern and rights of way; and Views and perceptual qualities.

The interface of new development with the surrounding countryside/landscape is of particular importance. These transitional areas require well-considered and sensitive treatment. In particular, opportunities to improve the intactness and condition of the landscape should be taken, especially in conjunction with seeking a net enhancement of biodiversity/geodiversity resources under policy JP-G8 'A Net Enhancement of Biodiversity and Geodiversity'.

Site location

The site is within the Places for Everyone (PfE) allocation JPA1.1 - Northern Gateway (Heywood/Pilsworth). JPA1.1 is an employment-led allocation which straddles the administrative boundaries of Bury and Rochdale.

The Northern Gateway Development Framework (NGDF) Supplementary Planning Document (adopted March 2025) establishes the parameters against which future planning applications within JPA1.1 will be considered.

The NGDF identifies character areas within the allocation and whilst these do not have defined boundaries and often overlap, they do identify where built development will be located. The location of the mast is outside the proposed residential and employment development areas.

It is therefore considered the proposed development would not conflict with the future aspirations and development of the NHDF.

Site selection process

Paragraph 119 of the NPPF states that LPA's should aim to keep the number of radio and telecommunications masts sites to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need

for a new site has been justified. Mast or site sharing is encouraged.

In accordance with the NPPF and Code of Best Practice in England, an application should demonstrate that a sequential approach to site selection has been investigated and include the reasons why alternatives are not suitable.

The applicant states that as part of their continued network improvement programme, there is a specific requirement for an upgrade at this location to provide improved technical provisions, greater capacity and coverage as well as introducing 5G connectivity.

The applicant has submitted 9 alternative sites that have been reviewed and discounted as part of the site selection process.

There is an existing mast nearby which currently hosts equipment for four operators which was investigated to establish if it could be upgraded to support the applicant's equipment. The existing mast failed structural calculations to be able to provide new and improved connectivity for the operators and a new site was the only option in the search area.

The other sites were reviewed and discounted for the following reasons -

- Ineffective radio and connectivity signals would not reach the target coverage areas
- Challenging land levels
- Disruption to landowners farm business
- Visually harmful to nearby residential properties
- Insufficient space to provide a 30m mast which is needed for operational purposes.
- Location of large overhead power cables.
- Disruption to future plans for the development of the Northern gateway site.
- Proximity to residential properties.

The proposed site was chosen due to the proximity to the boundary with the motorway so as not to interfere with development at Northern Gateway. The site is also screened by mature and established trees along the motorway boundary and the topography of the surrounding land is such that some views of the site and proposed mast would be limited.

Closer to the site and particularly when viewed from the south, the mast would be visible and this is where the nearest residential properties are located. There would be a distance of 110m from the rear of these dwelling from the proposed site.

The mast would be viewed against the backdrop of mature trees and given the site setting and distance away, it is considered that impacts on the visual amenity of the nearby residents would not be significantly harmful.

Whilst there is an existing mast directly to the north of the site and adjacent to the site boundary, this mast is more than 200m away and given the topography of the land and the separation distance, there would be limited if any views of the masts together from public areas.

It is therefore considered that the applicant has carried out a comprehensive and robust site sequential site selection approach.

Siting, visual impacts and Landscape Character Area.

The site is located in a Landscape Character Area under the adopted PfE Policy JP- G1.

The application proposes a lattice style mast, which can tend to be more visually intrusive especially in more exposed areas comparative to monopole type masts.

As concluded by an Inspector in a planning appeal for the siting of a telecommunications mast, in the Green Belt (APP/L3625/W/23/3314614 – Jan 2024), the Inspector stated that there is no requirement to have regard to the development plan as there would be for any

development requiring planning permission. It was however acknowledged that local policy is a material consideration to the extent that prior approval applications encompass siting and appearance.

Therefore, Policy JP-G1 is a material consideration.

The site would be located in the corner of a field next to the M66 motorway. There is a bank of mature trees which would provide some screening of the apparatus from this direction although the site is open to views particularly from the south.

The applicant has submitted a photomontage report which provides views of the site with the tower superimposed which includes views from nearest sensitive receptors and residential properties. The photomontages demonstrate that whilst the tower would be visible from some directions, visual impacts would not be significantly harmful to the Landscape Character Area.

The applicant has also demonstrated that a sequential approach to site selection has been investigated to include the reasons why alternatives are not suitable.

On balance, given the site selection process, tree coverage and screening of the site, distance away from the nearest sensitive receptors, balanced with the public benefits to improve digital connectivity, it is considered the proposed development would be acceptable and comply with policies EN1/10, JP-C1, JP-C2, JP-G1 and the principles of the NPPF.

Appearance

Whilst a lattice type design can often appear more visually intrusive than a monopole, the proposed tower is relatively simplistic in its appearance, the length of which narrows at approximately the half way point to be relatively slim at the top end. The proposed antennas which would be fixed to the top of the tower would not project significantly to cause excessive bulk.

The tower would be set against the backdrop of mature trees when viewed from some directions and as discussed above, the photomontage demonstrates that there would not be a significantly harmful impact on the landscape character or visual qualities of the area.

It is therefore considered that the proposed development would be acceptable and comply with EN1/2, EN1/10 and the principles of the NPPF.

Health and Technical Issue

The NPPF states that applications for telecommunications development should include a statement that self certifies that the cumulative exposure, when operational, will not exceed the International Commission on non-ionising radiation protection guidelines. Local Planning Authorities must determine applications on planning grounds. They should not seek to determine health safeguards if the proposal meets International Commission guidelines for public exposure. In this case, the applicant has confirmed that the proposal would meet the ICNIRP guidelines through the submission of a certificate.

Highway issues

Castle Hill Road to the east carries Public Right of Way 85BUR.

The siting of the mast would not impact the PRoW but in the event the development affects the PRoW an appropriate closure or diversion order may be required.

This would be included as an informative.

National Highways

Given the proximity to the motorway, National Highways have been consulted.

National Highways have raised no objection to the proposal but advise the applicant that a technical approval would be required if the proposed telecommunications mast is to be

located within 'falling distance' of the highway boundary (ie its overall height would be greater than the distance to the highway boundary).

This would be included as an informative.

Response to objection

- The proposed mast would be more than 100m away from the nearest residential property. there would be views of the mast but given the distance and some screening by mature trees and vegetation it is considered that views and impacts would not be significantly harmful.
- The applicant has demonstrated that the existing mast is not capable of an upgrade to facilitate their coverage and needs.
- A comprehensive site selection process has been carried out and the chosen site considered less harmful in terms of residential and visual impacts whilst providing sufficient coverage.
- Given the location, the siting of the mast would not significantly impact the development of Northern Gateway.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

- 1 The development must be begun not later than five years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -

Site location maps 1 of 2 100 B
Site location maps 2 of 2 100A B
Existing site plan 200 B
Proposed site plan 201 B
Existing site elevation 300 B
Proposed site elevation 301 B
Site specific supplementary information
Search area

and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction" and any works to trees shall be carried out in accordance with the approved Arboricultural Impact Assessment Method Statement January 2025. The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development

DELEGATED REPORT

has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 4 The telecommunications equipment hereby approved is required to be respectively removed as soon as reasonably practicable after it is no longer required for telecommunications purposes and the land restored to its condition before the development took place.

Reason: In the interests of the visual amenity pursuant to Policies EN1/2 and JP-G1.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/8/25	DM	14/8/25