

<b>Trottscliffe Downs</b>	<b>563817 160416</b>	<b>(A) 22.03.2005</b> <b>(B) 31.05.2005</b> <b>(C) 22.03.2005</b>	<b>(A) TM/04/03795/FL</b> <b>(B) TM/04/03800/FL</b> <b>(C) TM/04/03801/FL</b>
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Proposal:

- (A) Application under S73a for retrospective permission for 1 x wooden telegraph pole and overhead wires
- (B) Application under S73a for retrospective permission for 1 x telegraph pole and wires
- (C) Application under S73a for retrospective permission for 1 x wooden telegraph pole and overhead wires

Location:

- (A) The Nursery Taylors Lane Trottscliffe West Malling Kent
- (B) Land Opposite Middle Bramstead Taylors Lane Trottscliffe West Malling Kent
- (C) Land Opposite White Clouds Taylors Lane Trottscliffe West Malling Kent

Applicant: British Telecom Plc (AAPO)

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## 1. Description:

(A) TM/04/03795/FL, (B) TM/04/03800/FL & (C) TM/04/03801/FL:

1.1 The proposals seek retrospective planning permission for the erection of three wooden telegraph pole and overhead wires. The poles are under 15m high. However prior notification should have been given to the LPA prior to works commencing. On the basis that the poles were erected without the prior notification, planning permission is now required.

1.2 There are a number of telegraph poles adjacent to the new telegraph poles that are owned by EDF Energy. BT previously used these poles. The applicant states that the reason why they were erected was to raise the BT telephone wires over 5.9m above the carriageway to meet the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 C.

## 2. The Site:

(A) TM/04/03795/FL, (B) TM/04/03800/FL & (C) TM/04/03801/FL:

2.1 The sites are situated within the MGB, AONB, SLA and lie adjacent to the Trottscliffe Conservation Area. The telegraph poles are positioned on the grass highway verge. It is proposed to retain the electricity poles that are positioned adjacent to the telegraph poles.

**3. Planning History:**

3.1 None relevant.

**4. Consultees:**

(A) TM/04/03795/FL:

4.1 PC: The telegraph poles are much more substantial than existing and for that reason are much more obtrusive in a Conservation Area and an Area of Outstanding Natural Beauty. The siting of them seems to have been determined without thought of visual effect or consideration given to grass and hedge cutting in that area. If they are necessary we would like to see them sited in a more sensitive way, as other poles in that area which are set back.

4.2 KCC(Highways): No objections.

4.3 Private Reps: Art 8 Site Notice + 4/0S/0R/0X

(B) TM/04/03800/FL:

4.4 PC: The telegraph poles are much more substantial than existing and for that reason are much more obtrusive in a Conservation Area and an Area of Outstanding Natural Beauty. The siting of them seems to have been determined without thought of visual effect or consideration given to grass and hedge cutting in that area. If they are necessary we would like to see them sited in a more sensitive way, as other poles in that area which are set back.

4.5 KCC (Highways): No objections.

4.6 Private Reps: Art 8 Site Notice + 2/0S/1R/0X. One objection received raising the following concerns:

- The provision of additional poles will result in a blot on the landscape; The re-configuring of the wiring from these poles has also resulted in a greater proliferation of overhead wires, which is not appropriate for a country lane.
- The proximity of the poles is closer to the road than the existing ones and constitutes a danger to road users, as well as blocking a verge path/ bridleway traditionally used by walkers and horse riders to avoid being on this narrow country lane.
- The new plan showing the pole correctly positioned avoids showing the proximity of the original pole that is still standing less than 2 metres away, owned by EDF. This gives a false impression of the proliferation of poles the placement of the new BT pole has caused. It also confuses the proximity of the road by showing the solid and dashed outlines.

- If it is a fact that BT cables have to be at least 5.5m above the road and separated by half a metre from EDF cables at the fixing point on the pole, surely there must be a similar regulation for the EDF power cables, given that these are not insulated copper wires. In the past the two companies have been prepared to share poles owned by EDF. The only thing that has precipitated this particular problem is that these existing EDF poles formally used by BT are too short to allow the regulations to be met. Could taller poles replace the existing EDF poles?

(C) TM/04/03801/FL:

- 4.7 PC: The telegraph poles are much more substantial than existing and for that reason are much more obtrusive in a Conservation Area and an Area of Outstanding Natural Beauty. The siting of them seems to have been determined without thought of visual effect or consideration given to grass and hedge cutting in that area. If they are necessary we would like to see them sited in a more sensitive way, as other poles in that area which are set back.
- 4.8 KCC (Highways): No objections.
- 4.9 Private Reps: Art 8 Site Notice + 2/0S/2R/0X. Two objections received, raising the following concerns:
- Trottiscliffe is a village of high conservation value with an extensive Conservation Area.
  - Village is within an AONB.
  - The erection of the new wooden poles was to facilitate the switching of wires from original wooden poles which have remained in-situ and still have services on them.
  - The original poles have been there a number of years and have become 'neutral' in terms of their impact upon the natural beauty of the landscape and will therefore have a detrimental impact on the AONB.
  - The utility company may argue that the siting of new poles on the east side of Taylors Lane minimises the maintenance upon them and the wires as there is no requirement for tree works to keep the wires serviceable. However, in eight years tree works have only been carried out once in association with the existing wires.
  - The provision of additional poles will result in a blot on the landscape; The re-configuring of the wiring from these poles has also resulted in a greater proliferation of overhead wires, which is not appropriate for a country lane.

- The proximity of the poles is closer to the road than the existing ones and constitutes a danger to road users, as well as blocking a verge path/ bridleway traditionally used by walkers and horse riders to avoid being on this narrow country lane; The new plan showing the pole correctly positioned avoids showing the proximity of the original pole that is still standing less than 2 metres away, owned by EDF. This gives a false impression of the proliferation of poles the placement of the new BT pole has caused. It also confuses the proximity of the road by showing the solid and dashed outlines.
- If it is a fact that BT cables have to be at least 5.5m above the road and separated by half a metre from EDF cables at the fixing point on the pole, surely there must be a similar regulation for the EDF power cables, given that these are not insulated copper wires. In the past the two companies have been prepared to share poles owned by EDF. The only thing that has precipitated this particular problem is that these existing EDF poles formally used by BT are too short to allow the regulations to be met. Could taller poles replace the existing EDF poles?

**5. Determining Issues:**

(A) TM/04/03795/FL, (B) TM/04/03800/FL & (C) TM/04/03801/FL:

- 5.1 The main determining issues associated with the applications are the impact of the proposals upon the natural beauty of the AONB.
- 5.2 PPG8 (telecommunications) provides guidance on planning for telecommunication development. It states that the aim should be for apparatus to blend into the landscape. Policies ENV3 and ENV4 of the KSP and policies P3/5 and P3/6 of the TMBLP seek to ensure long term protection to the natural beauty of AONB's and SLA's. Policy P4/4 of the TMBLP seeks to ensure that proposals for land that adjoins a Conservation Area should respect the setting of the Conservation Area and views into or out of it.
- 5.3 The poles are wooden telegraph poles at a height of approximately 15m. The poles are adjacent to existing wooden telegraph poles, which have been in existence for over 8 years and are used for electricity purposes. The use of wooden telegraph poles along the highway verge is not uncharacteristic of surrounding rural localities.
- 5.4 Whilst the use of these poles for both services would to some extent reduce the impact upon the AONB, given the wires that both companies need to run off of the poles, I am of the opinion that the use of one pole for these wires will not be practical. The applicant previously used the same poles as EDF, but has erected new poles adjacent to these to allow them to increase the height of the wires to over 5.9m above the carriageway to meet EU and health and safety regulations.

- 5.5 The height of the BT wires are now 6.5m above the carriageway. The existing electricity wires are 5.7m above the carriageway. BT wires are required to be at least half a metre from the electricity wires. I note the questions raised by as to why the new pole cannot replace the old pole and be shared by EDF and BT.
- 5.6 Electricity policies require the clearance height of wires to be at least 6m above the highway. Whilst the information submitted indicates that these electricity wires are below 6m, we must therefore anticipate that the height may be increased in the future to meet these regulations. Electricity companies require at least a 1m clearance between their wires and the wires of another utility company sharing the pole. From a safety point of view, BT wires would need to be below electricity wires if sharing the same pole. Therefore, if legislation requires wires BT wires to be a minimum of 5.5m above the carriageway, with at least a metre clearance between BT wires and Electricity wires, this would mean that should the two companies share a replacement pole, the overall height of the pole is likely to be approximately 7m.
- 5.7 Therefore, the main consideration is whether the additional poles themselves are detrimental to the amenity of the surrounding locality. I am of the opinion that the materials are relatively rural in nature.
- 5.8 I note the concerns raised relating to the impact that the poles are having upon maintaining grass and hedges on the highway verge. However, these are not material planning considerations.
- 5.9 In light of the above, I am of the opinion that there is sufficient justification for the telegraph poles and am of the opinion that the proposal is in accordance with PPG8. I am also of the opinion that any impact on the character of the AONB or SLA is outweighed by the technical requirements.

**6. Recommendation:**

(A) TM/04/03795/FL:

- 6.1 **Grant Planning Permission**, as detailed in information date-stamped 02.11.2004 and 22.12.2004, subject to the following conditions:
- 1 If at any time the mast or any ancillary apparatus are no longer required for telecommunications purposes, the applicant shall notify the Local Planning Authority and within one month of such notification remove the apparatus necessary and restore the land to its former condition.

Reason: In the interests of long-term visual amenities of the locality, which falls within an Area of Outstanding Natural Beauty.

Informative:

- 1 With regard to works within the limits of the highway, the applicant is asked to consult The Highway Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522. (Q006)

(B) TM/04/03800/FL:

- 6.2 **Grant Planning Permission** as detailed in information date-stamped 02.11.2004 and 22.12.2004, subject to no further uncanvassed views, subject the following conditions:

- 1 If at any time the mast or any ancillary apparatus are no longer required for telecommunications purposes, the applicant shall notify the Local Planning Authority and within one month of such notification remove the apparatus necessary and restore the land to its former condition.

Reason: In the interests of long-term visual amenities of the locality which falls within an Area of Outstanding Natural Beauty.

- 1 Informative:

With regard to works within the limits of the highway, the applicant is asked to consult The Highway Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522. (Q006)

(C) TM/04/03801/FL:

- 6.3 **Grant Planning Permission** as detailed in information date-stamped 02.11.2004 and 22.12.2004, subject to the following conditions:

- 1 If at any time the mast or any ancillary apparatus are no longer required for telecommunications purposes, the applicant shall notify the Local Planning Authority and within one month of such notification remove the apparatus necessary and restore the land to its former condition.

Reason: In the interests of long-term visual amenities of the locality which falls within an Area of Outstanding Natural Beauty.

Informative:

- 1 With regard to works within the limits of the highway, the applicant is asked to consult The Highway Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522. (Q006)

Contact: Glenda Egerton