



Appeal Decision

Site visit made on 1 March 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/B1930/W/21/3281039

North Orbital Road Streetworks, North Orbital Road, Waterdale, Bricket Wood AL2 3ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of St Albans City Council.
 - The application Ref 5/2021/1537, dated 14 May 2021, was refused by notice dated 14 July 2021.
 - The development proposed described as '20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issues

3. Having regard to the above, and the Council's reason for refusal, the main issue in this case is the effect of the siting of the proposal on highway safety.

Reasons

4. The proposal seeks to install a 20 metre monopole with a wraparound cabinet at the base and three further equipment cabinets within the grass verge to the side of the A405 North Orbital Road, just to the south of its junction with the M25 motorway. The equipment would stand in a line 2.325 metres from the main carriageway.
5. National Highways (NH) (formerly Highways England) has objected to the proposal on the basis that the mast would be located close to the Strategic road network (SRN) and insufficient information has been submitted to demonstrate that the siting of the equipment would not have adverse impacts on the operation of the SRN either during its installation or subsequently when undergoing maintenance. NH advises that it generally expects masts to be

installed more than 1.5 times the height of the mast from the carriageway. This would suggest a setback of 30 metres in this case. At just 2.325 metres from the edge of the carriageway, the siting of the equipment would fall significantly short of this guidance and be within close range of passing traffic.

6. The proposed equipment would stand within a grass verge between the carriageway and a footpath running immediately alongside. I saw that the site is located within an area where traffic is accelerating having left the roundabout. Being part of the SRN and a distributor road off the M25, traffic levels were high at the time of my visit and are likely to be so most of the time. The presence of vehicles and workers in close proximity to fast moving traffic when installing or maintaining the equipment would be a potentially significant risk to highway safety.
7. Despite the concerns expressed by NH, I have no details before me from the appellant as to the means by which the equipment would be installed and later maintained. There is a lay-by just to the south of the appeal site which is large enough for several vehicles to park. Whilst this could be used for maintenance vehicles, I am not provided with details of the means of installation or the equipment or space required, and so I cannot be certain this would be an adequate space. It may be that the installation of the monopole and associated equipment can be undertaken without risk to the operation of the SRN, but in the absence of any details of how this would be achieved, I cannot conclude that the risk would be satisfactorily mitigated.
8. Had the mast been located further away from the carriageway, in line with NH's expectations, such concerns may not have arisen. However, the equipment would be particularly close to the main carriageway and therefore I find that NH's concerns are reasonable in this case. Moreover, the GPDO does not provide any specific authority to impose conditions when granting prior approval beyond the deemed conditions for development by electronic communications code operators. It would not be possible, therefore, to impose a condition to secure details of the means of installation or a maintenance plan.
9. I note that Hertfordshire County Council (HCC) as the local highway authority did not object to the proposal. However, HCC's comments were concerned with the verge land and adjacent footpath, rather than the operation of the SRN. Consequently, whilst no harm was identified by HCC, this does not outweigh or diminish the concerns raised by NH.
10. The appellant has set out a number of other sites that it has discounted as alternative locations for the proposal in the site selection process. However, the reasons given for these are brief and generalised, relating to insufficient space, obstructing trees, underground services or proximity to residential dwellings. Moreover, the locations are identified only by markers on a wide satellite image, which makes it difficult to verify their exact position and precludes a detailed comparison with the appeal site. However, from what I could glean on site, the reasons given for at least one of the sites, D4, did not appear accurate with respect to there being an obstructing tree canopy, and others, based on their approximate locations, appeared to have similar space to the appeal site. In the absence of more detail, I cannot be satisfied that these other sites have been discounted for valid reasons.
11. As a result, I find that the evidence does not conclusively demonstrate that the proposed site represents the only suitable or viable location for the mast in the

search area. Consequently, I do not find the search and assessment of alternative sites to be sufficiently robust, and I afford only limited weight to the argued need for the proposal in this specific location.

12. For the reasons set out, therefore, I conclude that the proposal would pose a significant risk to highway safety due to its siting adjacent to the SRN. Furthermore, the search for and assessment of alternative sites is not sufficiently robust and so I cannot be certain that there are no other sites available where the harm would be less severe. I acknowledge that the proposal would deliver tangible social and economic benefits in the form of improved mobile telecommunications technology in the immediate area, including provision of 5G services, which is supported under Paragraph 114 of the Framework. However, I find that these public benefits would not outweigh the significant harm that the proposal would pose to highway safety.
13. So far as it is relevant to the appeal as a material consideration, there would be conflict with Saved Policy 34 of the St Albans District Local Plan Review 1994 which requires consideration of road safety in applications for new development. There would also be conflict with the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

14. I conclude, therefore, that the appeal should be dismissed.

K. Savage

INSPECTOR