



## Appeal Decision

Site visit made on 30 November 2006

by **S J Turner** RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date

- 8 JAN 2007

**Appeal Ref: APP/F1610/A/1199731**  
**Birdlip Radio Station, Shab Hill, Gloucestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990.
- The appeal is made by GCHQ against the refusal by Cotswold District Council to grant approval under Circular 18/84.
- The consultation under Circular 18/84, Ref 06/0001/CIRC, dated 14 December 2005, was the subject of an objection by the Council dated 10 March 2006.
- The development proposed is a proposed telecommunications installation.

**Summary of Decision: I dismiss the appeal.**

### Procedural Matters

1. The application was made as a formal consultation under the provisions of Circular 18/84. Following the Council's objection dated 10 March 2006 the appellant appealed under the same Circular. However Circular 18/84 was removed in June 2006 and the appeal now falls to be dealt with under section 78 of the Town and Country Planning Act 1990.
2. The proposed installation comprises 2 No 21.6 high square lattice towers, approximately 273.8 metres apart; installation on the eastern tower of a 4.3 metre radius radome and the provision of a new vehicular access; installation of 3 No underground ducts running between the two towers; installation of 9 metre x 2.37 metre radio equipment containers; gantries, cabling and associated development at each tower site, contained within new compounds formed by 2.5 metre high palisade security fencing, coloured to the PFA's preference; the provision of indigenous landscaping around the new compounds, the extent and composition of which are to be agreed with the LPA.
3. Both parties state that the proposal is not a telecommunications development. I note that levels and frequency of transmissions would be significantly lower than those of commercial mobile telephone operators, but the proposal is for testing communications and would accommodate equipment which would emit non ionising radiation. On this basis I have treated the application as if it were for telecommunications development.

### Main Issue

4. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the Cotswold Area of Outstanding Natural Beauty (AONB).

### Planning Policy

5. The development plan includes the Gloucestershire Structure Plan Second Review 1999 and the Cotswold District Local Plan 2006 and I consider that Structure Plan Policy NHE.4 and Local Plan Policy 7, which both seek to conserve and enhance the natural beauty of the

AONB, are particularly relevant to this appeal. I have also had regard to Government advice in PPG8: Telecommunications and PPS7: Sustainable Development in Rural Areas.

### Reasons

6. The appeal site is a single field situated within the High Wold zone of the Cotswolds AONB. Its immediate surroundings are dominated by the existing masts, neighbouring buildings such as Acorn House and its outbuildings and the nearby kennels. However it lies in an attractive area of predominantly unspoilt countryside and has an open character with extensive views over the surrounding landscape. Its location on a plateau of high ground close to the edge of the Cotswold Escarpment makes it highly visible from the surrounding area, especially from the floor of the Severn Valley to the west. I consider that the site's high, exposed location, the natural beauty of its surroundings and its prominence and visibility from a wide area make it an extremely sensitive location.
7. Birdlip Radio Station is a longstanding site used for telecommunications purposes and was occupied by many towers and masts during the Second World War. Now it accommodates a 66.7 metre high lattice tower used by the National Grid (NG), a 35 metre high timber National Air Service Tower (NATS) and a 22 metre tower used by OFCOM. These appear as prominent features in the landscape and the NG tower in particular is visible in long views from the surrounding area.
8. The site is bounded by a mix of tall hedges and fences with access tracks running alongside the south east and part of the south west boundaries. The proposed landscape scheme would add planting along the south eastern site boundary and blocks of mixed tree and shrub planting to the north of both towers. I am satisfied that existing vegetation together with the new landscaping, which would include evergreen species, would provide screening for the ground level equipment, the lowest part of the towers and the security fencing. However it is clear that the upper part of both towers would remain visible.
9. I recognise that the height of the towers has been minimised as far as operational parameters will permit and that they have been designed to accommodate equipment and allow safe access. However as a result both towers would be large, bulky and clumsy features that would be very different in appearance to the nearby masts and would in my view be significantly more prominent. It seems to me that their appearance has been determined solely by technical requirements, with little evidence of attempts to minimise their visual impact or consideration of alternative designs.
10. The appellant has carried out a detailed assessment of the zone of visual influence of each of the towers within a radius of approximately 6 kilometres, outside which it is considered their visual influence would be minimal. I agree that their visual impact would decrease with distance and in distant views, such as from the M5 motorway, the towers would be barely perceptible. However they would each be visible from a number of public viewpoints within the 6 kilometre radius and would appear particularly prominent in close views from footpath 5, which runs immediately to the north east of the site. From many viewpoints the western mast would be seen in the context of existing masts adjacent to the site and would appear as part of the existing loose grouping of tall features. However from close to the site it would appear as a dominant independent feature. The eastern tower, with its bulky radome, would be set apart from the existing masts and would appear from close

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to the site as a single feature. From more distant views it would significantly extend the grouping of existing features, adding to its visual impact in this open part of the AONB.

11. Within the constraints of national security the appellant has provided information to support the need for the installation to test equipment needed to safeguard the UK's national security interests. The current arrangement with temporary locations used for testing has restricted the appellant's ability to carry out a full testing regime before products are deployed. From the information provided I recognise that there is a pressing need for the proposed development and note that it represents an exceptional and rare requirement and there is no expectation that another similar facility will be needed in the near future.
12. In the search for a suitable site it has not been possible to consider mast sharing due to the nature of the work, in the interests of national security and consequently none of the existing masts at the site can be utilised. The appeal site meets very specific criteria including the need for a suitable Radio Frequency environment, space to allow the two towers to be erected at least 250 metres apart, suitable vehicle access and the need to be within a 20 mile radius and within line of sight of CGHQ. The appellant has provided evidence to demonstrate how this line of sight would be achieved.
13. However the appellant states that the Radio Frequency required is generally found at 200 metres above sea level and over, but has considered six sites of which some are below 200 metres. I find this evidence contradictory and whilst the appellant states that the appeal site is the best available, I am not persuaded that the search for alternative sites has been logical and thorough. The Council points out that a large part of the 20 mile radius around GCHQ lies outside the AONB and I do not consider that the availability of other suitable sites outside the AONB, which might be capable of meeting the necessary criteria, has been thoroughly explored. Furthermore no information has been submitted to indicate that alternative design solutions have been considered. In these circumstances I consider that there is insufficient evidence to indicate that the appellant has taken a rigorous approach in seeking to protect the special qualities of the AONB.
14. I conclude that the proposal would have an extremely harmful effect on the character and appearance of the surrounding countryside and the natural beauty of the AONB. It would conflict with the objectives of Structure Plan Policy NHE.4 and Local Plan Policy 7 and with Government advice in paragraph 21 of PPS7 which assigns the highest status of protection on the landscape and scenic beauty of AONB's. Whilst I recognise the pressing need for the proposed development, I am not satisfied that alternative sites or designs have been explored with sufficient rigour to outweigh the harm to the AONB.

#### **Other matters**

15. Concerns have been raised that the proposed installation would be a danger to health. Paragraph 97 of PPG8 confirms that health considerations and public concern can in principle be material considerations. However the guidance adds that if a proposed installation meets the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure it should not be necessary to consider further the health aspects and concerns about them. I have taken account of the proximity of the proposal to the nearby offices, Rushwood Kennels and of the presence of horses grazing nearby and I have treated health concerns as an important material consideration. However the appellant has confirmed that the proposed installation would be

in full compliance with the ICNIRP guidelines on limiting public exposure to radio waves. I have therefore found no overriding reason to outweigh Government advice with regard to this issue and do not consider that health concerns justify withholding planning permission.

16. Some local residents argue that the proposal would have a harmful effect on highway safety, ancient woodland and the nearby Shab Hill Farm which is a listed building. However the Council has not objected to the proposal on these grounds and from my reading of the evidence I have no reason to differ. These matters have therefore had no bearing on my conclusion.

#### **Conclusions**

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

#### **Formal Decision**

18. I dismiss the appeal.

*Sue Turner*

INSPECTOR