



**COTSWOLD DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1990**

**CONSULTATION UNDER CIRCULAR 18/84**

Alan Dick UK Ltd  
7 Beech Tree Drive  
Clowne  
Chesterfield  
Derbyshire  
S43 4UJ

**Telecommunications installation at Birdlip Radio Station Shab Hill Birdlip  
Gloucester Gloucestershire**

**APPLICATION REF: 06/00001/CIRC      DATE: 10th March 2006**  
**FILE REF: CT.7002/1/A**

A copy of this notice has been sent to the following Parish Council/Meeting or Town Council: Cowley.

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**DECISION NOTICE**

In pursuance of their powers under the above Act, the Council **OBJECTS** to the above development for the following reasons:-

- 1     The two lattice towers and radome by virtue of their size, design, form and location would be visually prominent within the immediate rural locality and the wider landscape for some significant distance. The surrounding landscape is recognised nationally as having a unique quality and natural beauty and is designated as an Area of Outstanding Natural Beauty. As such the proposed structures and radome would be harmful to the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies 2 and 19 of the adopted Cotswold District Local Plan, Policy NHE4 of the adopted Gloucestershire Structure Plan Second Review, Government advice contained in PPS1 and PPS7 and Policies 7 and 19 of the emerging Cotswold District Local Plan Review.
  
- 2     The two lattice towers and radome by virtue of their size, design, form and location would be visually prominent and would appear incongruous when viewed from the Public Right of Way situated adjacent to the east tower. As such the proposal would be harmful to the setting of the Public Right of Way. The proposal is therefore contrary to Policies 2 and 32 of the adopted Cotswold District Local Plan, Government advice contained in PPS1 and PPS7 and Policy 19 of the emerging Cotswold District Local Plan Review.

As a Circular 18/84 notification, if the applicants are minded to implement the scheme, the Local Planning Authority respectfully ask that you seek compliance with the following conditions:-

- 1 The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall not start before a comprehensive scheme of landscaping has been approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must also show details of all planting areas, species and proposed means of enclosure and screening, including mounding, walls and fences, with details of the materials of which they will be built and details of all the paving and other hard surface materials to be used throughout the proposed development.

**Reason:** The proposed development and its location is such that in accordance with Cotswold District Local Plan Policy 41, landscaping is necessary to enable it to fit in with its surroundings, enhance the locality and to enhance the quality of the development itself for those using it. The Council places a high priority on good quality landscaping.

- 3 The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 41.

- 4 The development shall not start before the finish for all external surfaces including lattice structures, radome, equipment cabinets, fencing surround has been approved in writing by the Local Planning Authority. The external woodwork shall be finished and thereafter maintained in the approved colour.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies 2 and 19, Policy NHE4 of the Gloucestershire Structure Plan, Government Advice in PPS1 and PPS7 and emerging Cotswold District Local Plan Review Policies 7 and 19, the development will safeguard the character of this building which is situated within the Cotswolds Area of Outstanding Natural Beauty. It is important to protect and maintain the character and appearance of the area in which this development is located. The colour of the finish of the external woodwork will have a significant effect on the appearance of the proposed development.

- 5 Within twelve weeks of the telecommunications equipment the subject of this notification being brought into operational use, measurements shall be undertaken of the emission of non-ionising radiations from the telecommunications equipment the subject of this Notification when operating under maximum power conditions and the results shall be submitted to the Local Planning Authority to assess compliance with the ICNIRP declaration submitted as part of this Notification. Measurements should be taken at the boundary to the Birdlip Radio Station compound, Cuckoo Pen, Birdlip, Rushwood Kennels, Birdlip, Birdlip and Shab Hill Farm, Birdlip. In the event that emissions exceed guidelines set out within the ICNIRP declaration, the equipment should cease operation.

**Reason:** To ensure that the amenities of the local residents are protected in accordance with Cotswold District Local Plan Policies 2 and 17 and guidance contained within PPG8.

Your attention is drawn to the NOTES overleaf.

A handwritten signature in black ink, appearing to read 'A. Pellegram', followed by a long horizontal line extending to the right.

Dr. Andrea Pellegram

Head of Development Services on behalf of Cotswold District Council

## INFORMATION ABOUT THIS DECISION

This is the Council's formal decision on your application. If your application has been agreed conditions may have been attached. It is very important that you take careful note of the conditions and comply with them. If your application has been refused, the refusal reasons are set out.

If there is anything about the decision, conditions or refusal reasons that you do not understand, then please contact the Planning Service, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX (Telephone (01285) 623000. Please quote the application reference number if writing.

### ENFORCEMENT

It is very important that you comply with the Council's decision. If your application has been allowed, you must follow the agreed plans carefully and comply with the conditions. If your application has been refused, then you cannot carry out the work or use that you applied for.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990 or other legislation. In such circumstances, the Council may well initiate enforcement action.

### APPEALING AGAINST A DECISION

If you disagree with the Council's decision, you can appeal against it. You can appeal against refusal of your application or against any of the conditions that have been imposed.

Depending on the type of application, the right to appeal is given by different parts of planning legislation

For applications for planning permission an appeal is under Section 78 of the Town and Country Planning Act 1990.

Appeals associated with applications for planning permission, Listed Building or Conservation Area Consent must be lodged within **SIX** months of the date of this Decision Notice. The Secretary of State can allow longer for you to lodge an appeal, but only in cases where there are special reasons which excuse the delay.

To appeal, you must complete a form which you can obtain from:

The Planning Inspectorate  
Customer Support Team  
Room 3/02(K) (Kite Wing)  
Temple Quay House,  
2 The Square,  
Temple Quay  
Bristol BS1 6PN

The Secretary of State need not consider an appeal if it seems to him that the Council have no option under planning legislation but to refuse permission or impose particular condition, having regard to the statutory requirements the provisions of any development order and to any directions given under a development order.

### BUILDING REGULATIONS

The development may involve building work which requires approval under the Building Regulations. Information about Building Regulation approval, the procedure to be followed and application forms can be obtained from the Council's Building Control Section, Trinity Road, Cirencester, Gloucestershire or from the Area Centre, High Street, Moreton-in-Marsh, Gloucestershire.

### DEMOLITION AND OTHER APPROVALS

If the development involves demolition you should contact the Building Control Section for advice on how to proceed.

If the development involves the alteration of an access onto a highway or the crossing of a highway verge or kerb, you should consult the County Divisional Surveyor, Gloucestershire County Council, 2 Love Lane, Cirencester, Gloucestershire, GL7 1YG, before starting work.

If the development requires a water supply, connections with public sewers, an electricity supply or the provision of other services, you should contact the appropriate supplier as soon as possible.

### COMPENSATION

In certain circumstances, compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions imposed by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in section 114 of the Town and Country Planning Act 1990 and related provisions.