

Planning Committee

22 September 2020

Reference:
APP/20/00251

Area Team:
**Development
Management Team**

Case Officer:
Mr A Siddall

Ward:
Wallasey

Location: Various locations on Network Rail land between Bidston and New Brighton railway stations

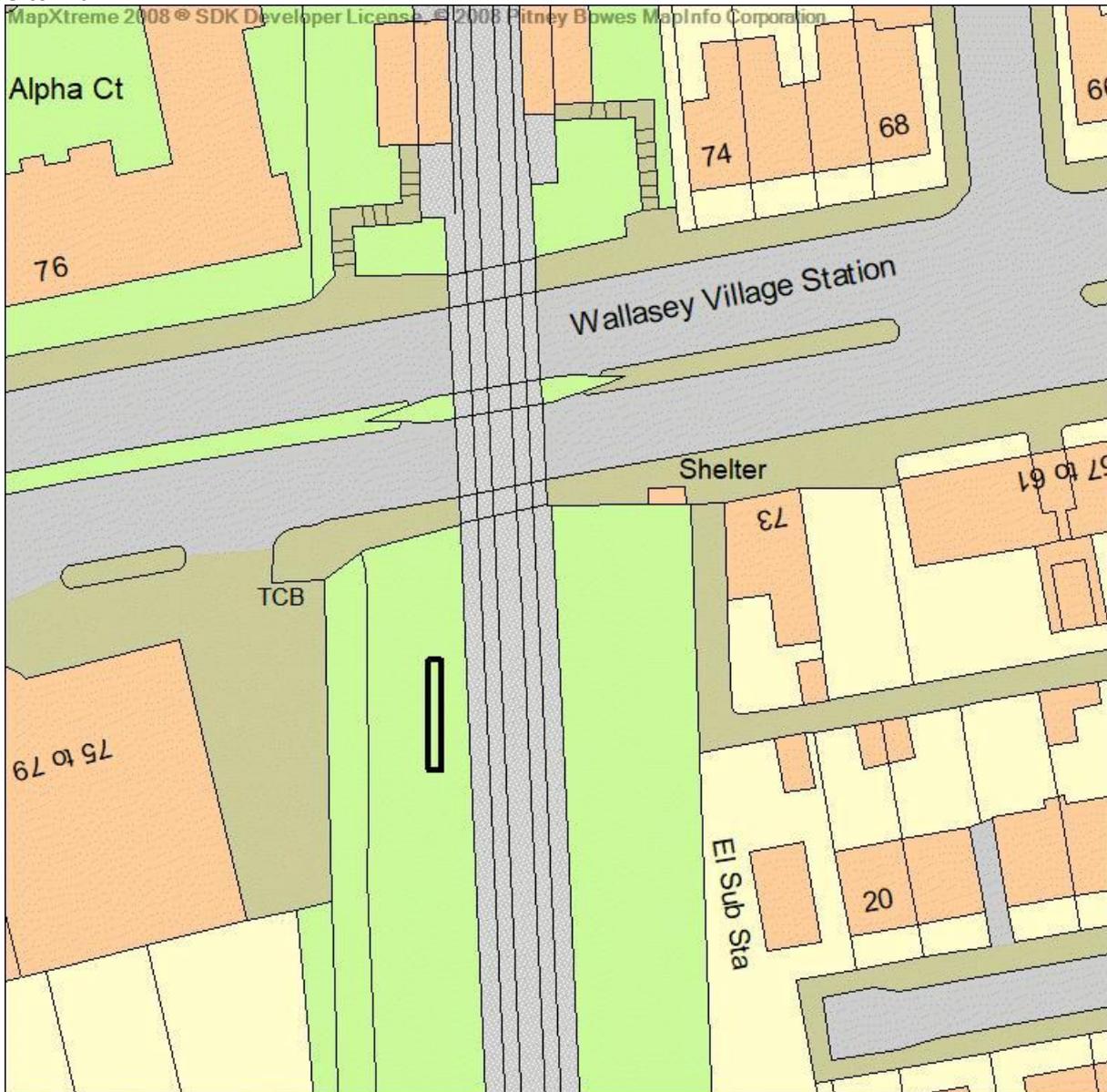
Proposal: The installation of five 8.6-metre-high telecommunication masts, each comprising 4 no. antenna, plus one electricity cabinet and associated equipment, to support and enhance internet connectivity for the future Merseyrail fleet.

Applicant: Alan Dick Communications Ltd, a Panasonic Company

Agent: Ruth Jackson Planning Ltd

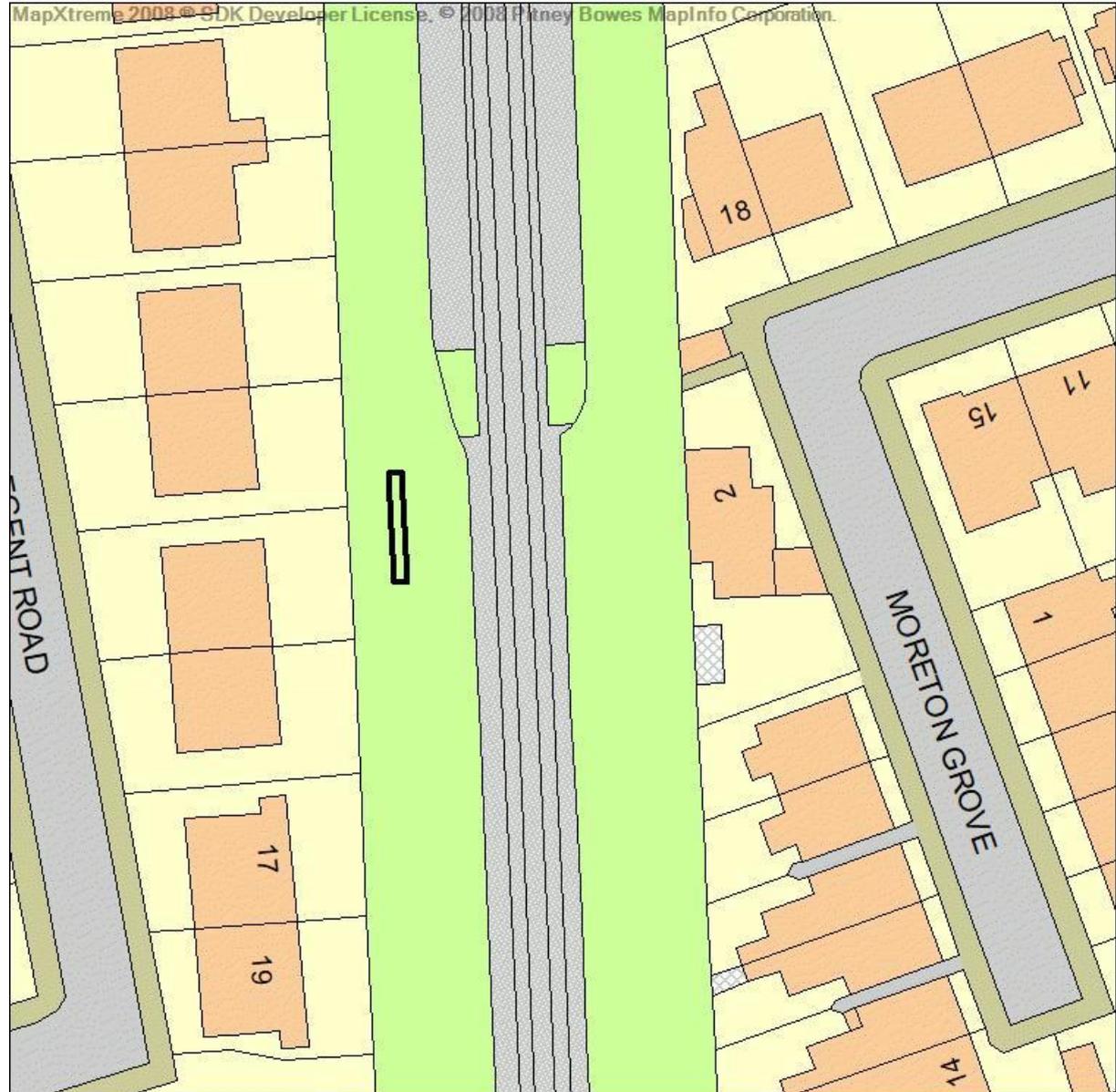
Qualifying Petition: No

Site Plan:



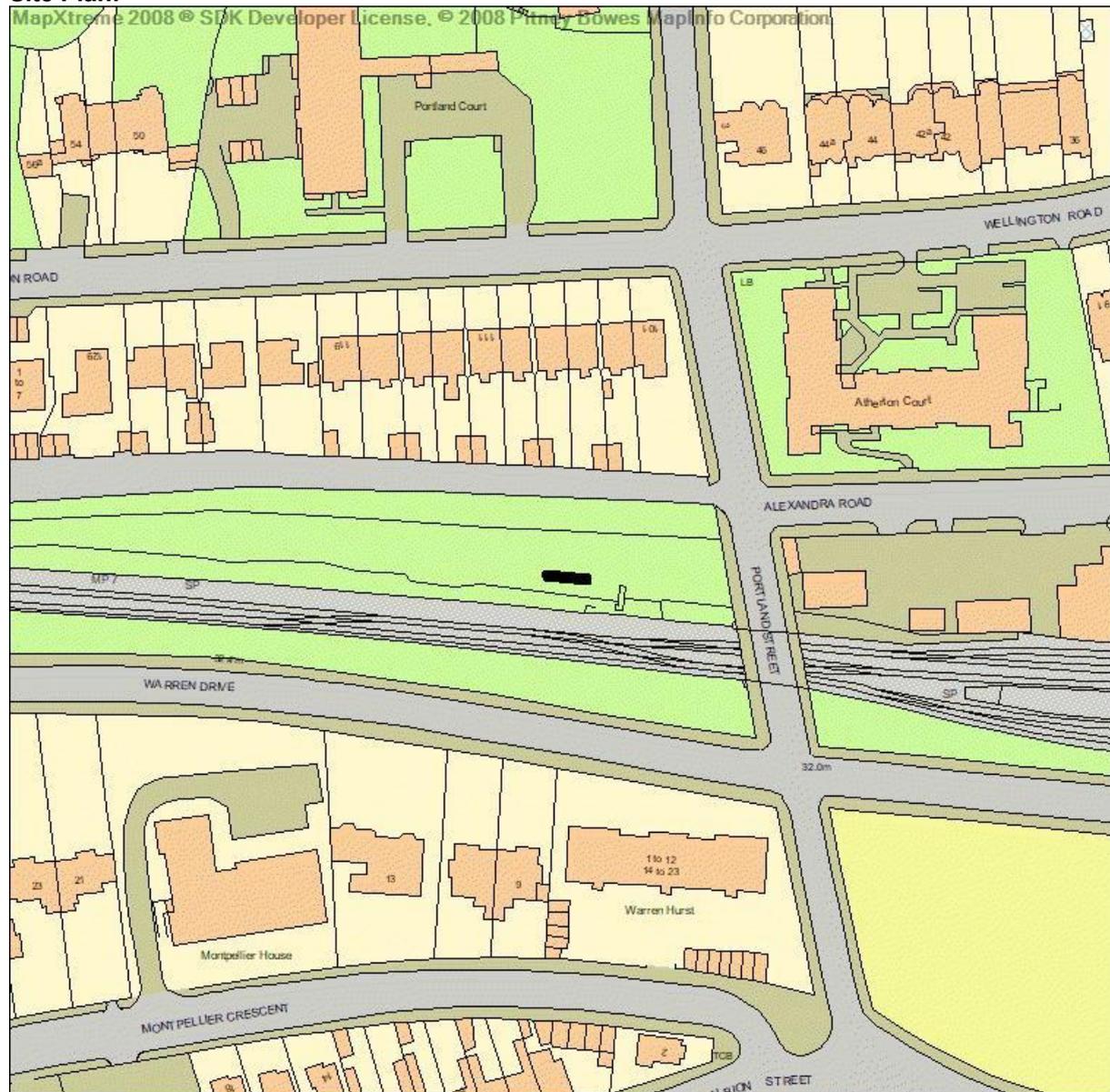
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Site Plan:



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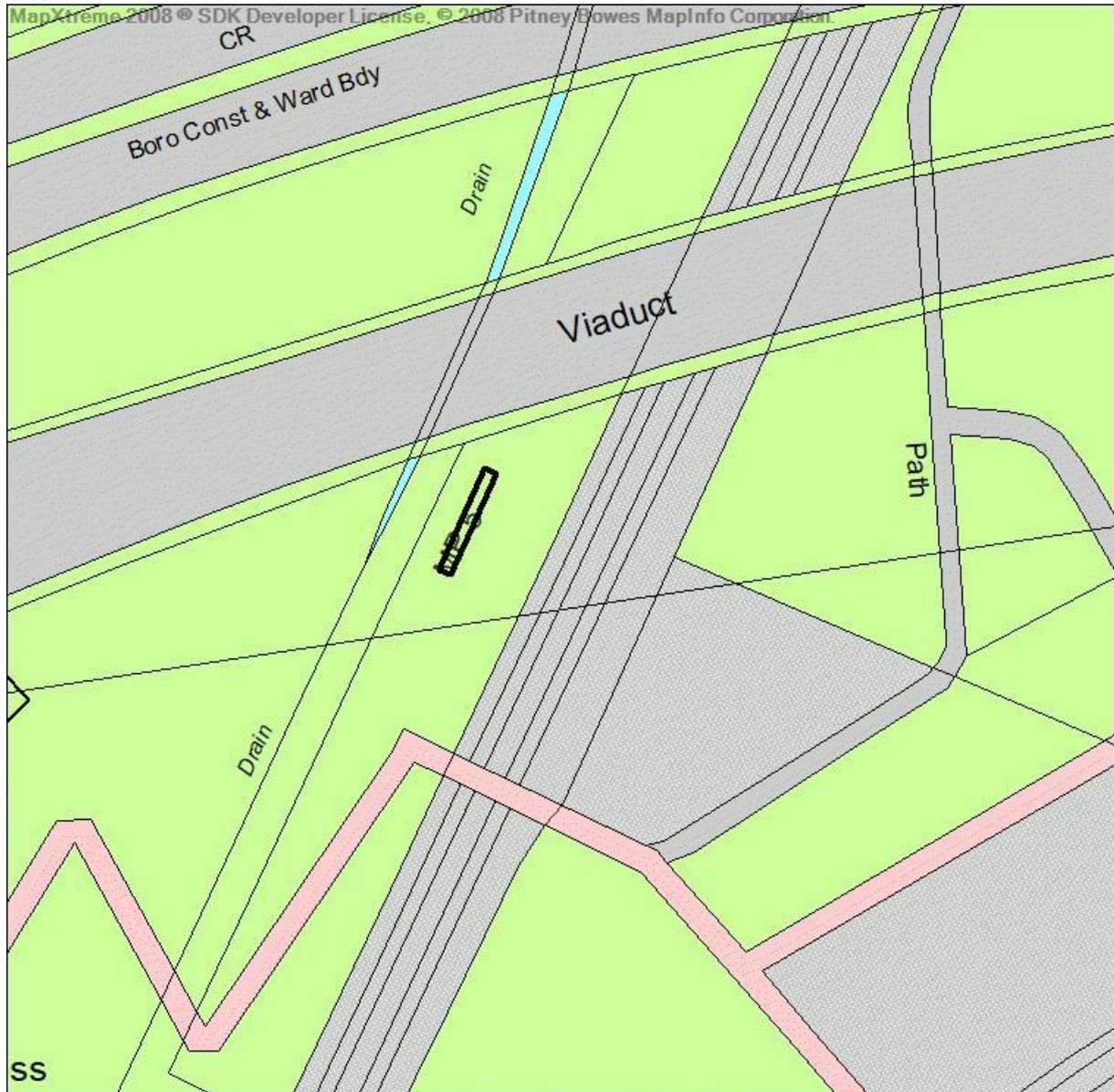
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Site Plan:



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Development Plan designation:

Primarily Residential Area
Coastal Zone

Planning History:

There is no relevant planning history for any of the five mast sites.

The Local Planning Authority has approved under delegated powers APP/20/00250 for four masts on railway land between Birkenhead Park and Bidston stations which forms the first phase of this wider Liverpool City Region project within Wirral.

APP/20/00474 for 11 masts in various locations on railway land between Bidston and West Kirby stations comprising the next stage of the project are presented to this Committee for a decision with a recommendation to approve.

Similar applications have been made and approved earlier in 2020 under both delegated powers and

by Planning Committee in the areas of Liverpool City, Knowsley, Sefton and West Lancashire Councils.

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 Councillor Ian Lewis (Wallasey) objects to this application and related application APP/20/00250 on the basis of the potential for loss of trees and wildlife should felling be required to undertake the installation of the masts and equipment. He also objects to the close proximity of the masts to housing and to the mast south of Wallasey Village station (TBS076) to its location on a steep embankment which could harm the visual amenity of the area.

2.0 SUMMARY OF REPRESENTATIONS

2.1 Having regard to the Council's guidance on publicity for planning applications, as a telecommunications application notification letters were sent on 26 March 2020 to a total of 432 addresses within 100 metres of each mast location. A site notice was posted to the public highway in close proximity to each mast location, with the exception of mast location TBS143 due to the lack of public access to the location. The deadline for receipt of representations and consultations passed on 21 May 2020.

2.2 REPRESENTATIONS

A total of 23 representations in objection have been received to the proposal. Of these, 15 were received from addresses within the 100-metre consultation zone, giving a response rate of 3.5% of those most affected by the development. A further eight objections were received from locations further afield, three from properties just outside the initial consultation zones, one from Leasowe, one from Liverpool and three from Buckinghamshire.

Objections were received from eight addresses in relation to mast TBS076 south of Wallasey Village station. The material planning considerations raised can be summarised as follows:

1. The decision should be delayed until after Covid-19 to allow for further consultation and investigation by local residents;
2. Telecommunications equipment such as this should not be located in residential areas
3. Health concerns from the signals and the risk of potential future increases in signal strength
4. The effect of development on bats and other wildlife species;
5. An adverse visual impact from the structures;
6. Potential structural damage to houses from installation;
7. The loss of trees to facilitate construction;
8. Potential for noise disturbance from the equipment;
9. Development would prejudice the potential redevelopment of an adjacent site for housing.

Objections were received from six addresses in relation to mast TBS077 south of Wallasey Grove Road station and all the objections from further afield related to this mast location. The material planning considerations raised can be summarised as follows:

1. Alternative locations along the railway away from residential areas should be used;
2. The mast would dominate and overshadow gardens;
3. The disturbance caused to local wildlife including bats;
4. Construction would cause noise and other disruption to residents;
5. Trees have already been removed and the risk of further felling;
6. The mast at this site is too close to location TBS076 and not in accordance with the applicant's own spacing guidelines.

Mast location TBS078 west of New Brighton station received one objection, a general

comment expressing concern about the effect of development on the environment and local residents.

Mast locations TBS102 and TBS143, with significantly fewer residential properties within 100 metres, received no objections.

2.3 CONSULTATIONS

Environmental Health - No objection, compliance with International Commission guidelines is shown;

Highways - No objection, the development has no impact on the adopted highway;

MEAS - No objection. A condition requiring a Construction Environmental Management Plan should be imposed to manage the effects of construction on biodiversity.

Natural England - No objection, No significant adverse impacts on statutorily protected nature conservation sites or landscapes

3.1 **Reason for referral to Planning Committee**

3.1.1 The application exceeds the threshold within the Planning Scheme of delegation of 15 individual letters of objection being received by the Local Planning Authority, with 23 letters in objection received. As such the application must be determined at Planning Committee.

3.1.2 At its meeting on 9th June 2020, In light of the objections raised to the application by Cllr Ian Lewis and by members of the public, Planning Committee resolved to defer this application to give the applicant the opportunity to consider carrying out further consultation with local residents and ward members. In reaching this decision Members of the Committee had regard to advice from the Legal Advisor surrounding the requirements of the applicant and Authority to consult. They heard how it is not a statutory duty of the Applicant to consult and that the Planning Authority had conducted its statutory consultation requirements.

3.1.3 Following the decision of the Committee, the applicant has carried out further engagement and the application is now brought back for consideration in light of the further consultation effort carried out.

3.2 **Update following deferral for further consultation with the community**

3.2.1 A statement of community involvement has been submitted which details the consultation effort undertaken. The statutory consultation carried out by the Local Planning Authority was wide ranging with every address within 100 metres of each mast location being notified and therefore, with the agreement of Officers, the consultation carried out by the applicant has been much more targeted involving letters sent to elected members and directly to those Wirral addresses where objections were received, explaining the project, seeking to understand the objections, and inviting those residents and elected members to virtual meetings.

3.2.2 The written representations received by the applicant centred on mast locations TBS076 and TBS077 with objectors considering that these masts could be relocated to reduce visual impacts on residents. It was also felt that the applicant should have carried out a sequential assessment to determine the siting of the masts. Concerns were raised around tree removal and the effect of development on local ecology, along with the potential for effects on public health arising from the proximity of the masts to houses.

3.2.3 Following receipt of the written representations two virtual meetings were held both of which involved Cllr Lewis and the first with two local residents and the second with three local residents. In response to the meetings further information has been provided by residents in relation to potential alternative locations and written responses as to the merits of these locations have been issued by the applicant, along with information around ecological effects and tree removal.

- 3.2.4 Residents proposed the relocation of mast TBS076 approximately 200 metres south to a raised embankment to the rear of Southbourne Road and Gainsborough Road. This location is more open, has a greater landscape impact and it directly affects a greater number of dwellings as more houses directly face the site. In amenity terms Officers consider the current site to be sequentially preferable to the alternative. There are no wider visual or residential amenity benefits to the relocation and it simply serves to remove the view of the mast from the objector's properties to the detriment of a greater number of residents.
- 3.2.5 Residents proposed the relocation of mast TBS077 to the north, firstly within Wallasey Grove Road station car park and secondly adjacent to a parcel of open space directly to the south of Harrison Drive. They recognised that this would result in a gap in signal coverage but considered that acceptable to allow an improvement in their amenity. In response the applicant notes that the site is too far from the running rails which would reduce the coverage of the highly directional signals, require further masts to compensate and potentially result in off-railway signal interference. Use of the car park would result in the loss of car parking spaces which could give rise to other planning harms. The applicant accepts that some gaps in coverage can be acceptable, but no more than 50 metres in each instance. To relocate the mast to the second proposed site would result in a coverage gap of over 130 metres due to the line of sight restrictions caused by the overbridges to the south of the station. The mast has to be located between these bridges to avoid a coverage gap.
- 3.2.6 The comments made by residents in relation to trees, ecology and public health are addressed in section 3.9 of this committee report and are unchanged from the original report. There is no requirement for the applicant to carry out a sequential test and a planning decision must be made on the merits of the sites put forward. It would not be reasonable to refuse this planning application on the basis that an applicant should consider alternative locations and Members are required to make a decision on the merits of the site locations in front of them.
- 3.2.7 The Statement of Community Involvement demonstrates that the applicant has listened to the objections of neighbouring residents and has explained why the relocation of the masts as requested would not be feasible in technical terms or desirable in planning terms. Officers accept the technical justification given by the applicant and remain of the view that the amenity impacts of the proposed locations are highly localised and outweighed by the wider economic and social benefits of the development to the public across the Merseyrail network. Officers remain of the view that the application is in accordance with national and local development plan policy and should be approved without delay. The original report is provided below.

3.3 Site and Surroundings

- 3.3.1 This application comprises five separate sites, all of which are located along the railway line between Bidston and New Brighton stations and are adjacent to the running lines within the Network Rail land boundary. The five locations, as identified using the location identifiers on the application documents are as follows:

TBS076 - To the west side of the railway line on a raised embankment approximately 45 metres south of the platform at Wallasey Village station within a primarily residential area. The location is immediately east of West Wallasey vehicle hire and approximately 40 metres north east of the rear elevation of 21 Southbourne Road and 20 metres from the garden boundary.

TBS077 - To the west side of the railway line approximately 15 metres south of the platform of Wallasey Grove Road station within a shallow cutting. The location is approximately 15 metres east of the rear elevation of 11/13 Regent Road and 8 metres east of the garden boundary, within a Primarily Residential Area.

TBS078 - To the north side of the railway line in a cutting approximately 35 metres west of

the overbridge carrying Portland Street, within a wider Primarily Residential Area. The site is approximately 55 metres south of 105/107 Wellington Road and 48 metres north of Warren Hurst apartments.

TBS102 - To the north side of the railway line on a raised embankment approximately 100 metres east of Sandcliffe Road and 130 metres east of the nearest residential dwellings on Smugglers Way. Land to the north and south of the railway is designed as Urban Greenspace.

TBS143 - To the west side of the railway line immediately to the south of the M53 viaduct adjacent to Bidston Moss. The site is adjacent to a local wildlife site, within flood zone 2 and an area requiring landscape renewal.

3.4 Proposed Development

3.4.1 At each location it is proposed to install an identical telecommunications mast. Each mast would be 8 metres high and take the form of a single galvanised steel monopole with a diameter of 200mm. Atop the mast would be bi-directional transmit and receive antennas with a height of 650mm, giving an overall height of 8.65 metres. The masts would be hinged at the base to allow ground level maintenance. Adjacent to each mast would be an equipment cabinet of 1.8 metres in height. The mast and cabinet compound would measure 12 metres in length and 1.8 metres in width (to allow a hinged mast to lie flat within the compound) and be fenced to a height of 1.1 metres. The masts would be approximately 4 metres distant from the running rails and require a poured concrete foundation. Mast location TBS077 will also require some excavation into the cutting with ground retention gabion baskets.

3.4.2 Officers consider the application to be for a 'connected transport' infrastructure project and forms part of Merseyrail's Train Connectivity Information System (TCIS) project which supports the new fleet of trains due to come into service in 2020. The infrastructure would support on-board monitoring systems, train performance, maintenance, passenger information and announcements, CCTV, location services, communication links to the control room and also wireless internet connectivity for passengers. The project is taking place throughout the Merseyrail network across the Liverpool City Region. Officers note that the constraints of the project mean that the transmitters and receivers have to be located on the lineside and this prevents third party buildings being used for the antennae. The need to ensure continuous line of sight between masts necessitates a closer spacing than the existing, larger Network Rail masts and precludes mast sharing.

3.5 Development Plan

3.5.1 UDP Part 1 Policy TEL1 advises that proposals for the provision of telecommunications antennae and their associated apparatus will be assessed with regard to their siting and design, environmental impact and impact on the amenity of neighbouring uses, to the strategic requirements of the telecommunications network concerned and to other technical constraints. UDP Part 2 Policy TE1 sets a presumption in favour of telecommunications apparatus, noting that they will be approved where the impact of the proposal on amenity is minimal through siting and design and where it is demonstrated that an existing building cannot be used or an existing mast shared. The Council recognises that there are technical considerations that often limit the choice of sites, and the type of apparatus used to achieve the optimum signal coverage, and this will be taken into account in the determination of planning applications for telecommunications apparatus.

3.5.2 Saved UDP policy GR7 seeks to ensure trees on development sites are considered during the application process and advises that the LPA will seek to substantially preserve the wooded character of a site or the surrounding area, provide for the protection of trees of greatest visual or wildlife value (or other vigorous healthy trees), ensure that retained trees have adequate space to prevent damage to the canopy or root structures, and protect trees on adjacent land which may be affected by development, amongst other considerations.

3.5.3 Saved UDP policy NC7 notes that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is

satisfied that the protection of the species can be secured through the use of planning conditions and or planning obligations.

3.5.4 Saved UDP policy HS15 confirms that within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

(i) be of such scale as to be inappropriate to surrounding development;

(ii) result in a detrimental change in the character of the area; and,

(iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

3.5.5 UDP Policy WAT1 indicates that planning permission will only be granted for new development which would not be at risk from fluvial or tidal flooding, or which would not increase these risks to other developments. UDP Policy WA1 adds that development may be permitted in areas at risk of flooding where land is protected by flood defences, subject to consultation with the Environment Agency and, where necessary, the imposition of appropriate conditions. Development which would itself increase the risk of flooding to other properties or which would reduce the effectiveness or impede the maintenance of flood control structures or works is not permitted.

3.5.6 Saved UDP policy NC5 advises that development affecting Local Wildlife Sites will only be permitted where the LPA is satisfied that the continued ecological viability of the habitat, or wildlife interest of the site, can be adequately safeguarded through the use of appropriate conditions and/or legal agreements.

3.5.7 Saved UDP policy LA3 notes that in areas requiring landscape renewal, proposals introducing additional intrusive development, or which would lead to a further loss of landscape features, will not be permitted.

3.6 Other Material Planning Considerations

3.6.1 The National Planning Policy Framework expects planning decisions to support the expansion of electronic communications networks whilst recognising that the number of masts should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Where new sites are required, such as for connected transport applications, equipment should be sympathetically designed and camouflaged where appropriate. LPAs should not insist on minimum distances between telecommunications development and existing development. For new masts, planning applications should be accompanied by evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures, and a statement that self-certifies that, when operational, International Commission guidelines will be met. At paragraph 116 it is made clear that LPAs must determine applications on planning grounds only. They should not question the need for an electronic communications system or set health safeguards different from the International Commission guidelines for public exposure.

3.6.2 NPPF paragraph 155 makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 158 refers). Planning Applications in areas at risk of flooding should, where required, be accompanied by a site specific flood risk assessment and development should only be

allowed in such area where, in light of the assessment, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location, and that the development is appropriately flood resistant and resilient, amongst other matters.

- 3.6.3 Paragraph 175 of the NPPF expects LPAs to avoid significant harm to biodiversity resulting from development through locating on an alternative site with less harmful impacts, adequately mitigating the harm or, as a last resort, compensating for it. If none of these can be achieved, planning permission should be refused.

3.7 Assessment

3.7.1 The main issues pertinent in the assessment of the proposal are;

- The Principle of Development;
- Overarching material considerations relating to public health, trees and protected species;
- Site Specific Visual and Residential Amenity Assessments;
- Flood Risk in relation to mast TBS143
- Effect on Local Wildlife Site in respect of mast TBS143
- Effect on Landscape Character in respect of mast TBS143

3.8 Principle of Development:

3.8.1 Both the UDP and the NPPF set a presumption in favour of new telecommunications development, subject to the effect of such development on amenity being minimised (taking into account the siting and design limitations necessary to ensure optimum signal coverage), that the wooded character of the lineside is 'substantially preserved,' that 'significant harm' to biodiversity is avoided and that where necessary the development is suitably flood resistant and resilient. If these, and other policy considerations are met the application should be approved as there would be no significant environmental harm to outweigh the economic and social benefits of enhanced digital connectivity for the Merseyrail network and its passengers.

3.9 Overarching Considerations

3.9.1 Public Health - The Government recognises that health considerations and public concern can, in principle, be material considerations when determining applications for planning permission or prior approval. The National Planning Policy Framework indicates that planning applications for masts should be accompanied by self-certification that International Commission guidelines will be met, and that LPAs should not set differing health safeguards. In this instance the application is accompanied by the relevant self-certification and therefore the apparatus is considered safe under International Commission guidelines. In this particular context the maximum safe level is only exceeded within an 89.8mm distance directly in front of the transmitters. There is no prospect of the general public coming so close to the antennae and there would be no justification for the LPA to refuse this application on grounds of public health.

3.9.2 Trees - Each mast location is accompanied by ecological survey reports confirming that to construct each mast and its base station no more than 25 square metres of vegetation will need to be cleared at each site. To put this in context, a domestic double garage with a floor area of 6 by 6 metres has an area of 36 square metres. This may include tree pruning or felling should trees encroach within this 25 square metre area. At location TBS076 there are scattered sycamore trees with ground flora and the report confirms that it is highly unlikely that these will need to be felled. At location TBS077 there are semi natural broad-leaved woodland species of Sycamore and Willow at an immature or early mature stage. At either location it is unlikely that felling will be required to construct the development although some pruning is likely, however should felling ultimately be required the small scale of this is such that Officers are satisfied that where the lineside is wooded, the character of this would be 'substantially preserved' in accordance with the requirements of saved UDP policy GR7.

The applicant confirms that they have not felled any trees along the lineside however it's

possible that Network Rail, as landowner and statutory undertaker may have carried out some felling for other reasons associated with maintaining the safe operation of the railway. Railway operators are statutory undertakers and have the right to fell trees on their operational land in the interests of safety, or when inspecting, repairing or renewing apparatus, which would override any attempt by the LPA to impose Tree Preservation Orders on lineside trees within their operational boundary.

3.9.3 Protected Species - The ecological reports confirm that trees at location TBS076 and TBS078 have some features that could support opportunistic roosts for small numbers of bats and therefore have low roost potential. Trees at location TBS077 were categorised as having negligible potential. MEAS are satisfied that if any of these need to be felled, then this should be done using 'soft-felling' techniques in accordance with ecological best practice which, if conditioned as part of a Construction Environmental Management Plan, would be sufficient to discharge the Council's duty to avoid significant harm to biodiversity. Soft felling presumes that bats may be present within the trees and requires a phased approach to felling to allow any roosting bats to safely escape and seek alternative nearby roosting opportunities. MEAS also assess the effect of development on the potential for harm to terrestrial mammals, Great Crested Newts and breeding birds and conclude that with pre-commencement ecological checks and reasonable avoidance measures conditioned as part of the CEMP, no significant harm will occur. On the subject of the railway being good foraging and commuting habitat for bats, the limited vegetation removal to facilitate mast would not materially affect the overall quality of the habitat. On this basis the development is compliant with paragraph 175 of the NPPF and meets the objectives of saved UDP policy NC7.

3.9.4 Covid-19 - Some representation has been received on the basis that this application should not be determined during the Covid-19 pandemic as local residents have not had the ability to meet, discuss and organise petitions against the scheme. The Government considers it important that planning applications are still determined in a timely manner to avoid delays to development as a result of the pandemic, whilst still maintaining public participation in the decision-making process. In this case the Council has maintained both the neighbour notification scheme and the posting of a site notice as required by its Guidance on publicity for planning application and, with letters sent to all addresses within 100 metres of each mast location, those most affected by the development have been given the opportunity to comment. Relevant documents have been made available to view on the Council's website and residents have made their views known via comments made on the website and received by email and post. The proper publicity procedures have been followed for this scheme.

3.10 Site Specific Amenity Assessments

3.10.1 Location TBS076 - The mast at this location will be visible from the station platform but in this context will be seen as a piece of railway infrastructure not out of context with the location. In wider public views the position on a raised embankment increases the potential for visibility but the adverse effects of this are largely mitigated by the built-up character of the area. On the approach from the east the presence of three storey buildings between the highway and the site limits the potential visibility whilst from the west the mast will largely be screened by trees, however the antennae are likely to be visible above the tree line. The effect of this is mitigated by the vertical point features of the large streetlights, telegraph poles, rooftop vents and television aerials which all result in a proliferation of such features in the landscape. In this context the slender profile of the mast will not be unduly prominent or eye-catching. In terms of residential amenity, the visibility of the mast from residential properties to the north side of Southbourne Road is accepted. As a vertical point feature, no larger in scale than a large street lighting column its 40-metre distance from the rear elevation of the nearest dwelling will not result in an overbearing or enclosing effect, with the elevated siting taken into account. Being offset to the side, it will not be prominent in the outlook from the rear windows of the dwelling and will be softened by trees along the embankment. For context, members are advised that taking into account the elevation difference, a two-storey dwelling at the distance of the mast location would be policy compliant and would not be reused on overbearing, overlooking or overshadowing effect.

- 3.10.2 Location TBS077 - The mast at this location will be visible from the station platform at Wallasey Grove Road but will be seen as a piece of railway infrastructure not out of context with the location. Other public views would be available looking west along Bidston Avenue, but otherwise the mast would only be glimpsed from the overbridges carrying Groveland Road and Green Lane. In the view from Bidston Avenue the mast will be softened by vegetation and seen in the context of existing vertical point features such as telegraph poles and street lighting columns meaning that it would not appear unduly intrusive. The mast is likely to be seen from the rear elevations of properties along the east side of Regent Road, particularly numbers 11 and 13. The profile of the mast is similar to a large street light and could not be considered to be overbearing, enclosing or of such bulk to cause harmful overshadowing. For context, at a distance of 15 metres from the rear elevation and 8 metres from the rear garden, a two storey dwelling (without facing windows) would be policy compliant and a structure of much greater bulk would not be refused by Officers on overbearing or overshadowing effects.

The applicant has provided detailed follow up information on the siting of this mast in response to neighbour concerns over the spacing between masts:

"TBS077 is located 100m south of Wallasey Grove Road station and 70m from Groveland Road bridge just off the platform at Wallasey Grove Road station. This location was selected in order to give sufficient clearance from the bridge to allow a useable radio signal both under the aperture of the bridge into the station and above the bridge along the track towards the extreme curve 460m to the north whilst still maintaining a good line of sight to TBS076 to the south of Wallasey Village station noting that there is another road bridge at Green Lane. TBS077 is almost equidistant from the bridges at Grove Lane and Groveland Road, making this a critical point where being closer to either bridge would create severe shadowing. In summary, we are extremely restricted in this area due to the curves in the track and the frequency of road bridges."

This additional information provides sufficient justification to Officers that the siting is necessary to ensure optimum signals given local topographical constraints and that the relocation of mast as desired by some residents will not be possible. Members are required by local and national policy to take these technical constraints and the efficient operation of the telecommunications network into account and weigh them against the amenity of local residents.

- 3.10.3 Location TBS078 - This mast is located in a deeper cutting with substantial vegetation to the north and south sides. This, along with the high parapets of the Portland Street overbridge restricts public visibility. The top of the mast and the antennae may be visible from the bridge but would not be visually intrusive. The vegetation screen, lower ground level of the railway line, and distance to neighbouring dwellings means that no adverse effect on residential amenity will arise.
- 3.10.4 Location TBS102 - This location has no effect on residential amenity due to the nearest dwellings being approximately 130 metres distant but has a greater effect on visual amenity due to its location on a vegetation free raised embankment adjacent to public open space. The full mast and its equipment cabinet will be clearly visible against the sky in public views however the slender profile of the mast, its siting adjacent to the larger Network Rail mast and the proliferation of other vertical point features visible from this urban location mean that the mast will not be so harmful to visual amenity to outweigh the wider benefits of this scheme to the Liverpool City Region as a whole.
- 3.10.5 Location TBS143 - This location has no effect on residential amenity with no dwellings in proximity to the mast. It is located immediately to the south of the M53 viaduct which dominates views from footpaths within the adjacent Bidston Moss and the mast will be viewed as a small-scale point feature, largely lost against the scale of the adjacent motorway infrastructure.

3.11 Flood Risk in relation to Location TBS143

3.11.1 This location is in flood zone 2 and an area benefiting from flood defences. The submitted flood risk assessment has considered the potential risk of flooding from all sources and concludes that it is low. The nature of the development as a small-scale piece of unattended infrastructure is also categorised as 'less vulnerable' to the effects of flooding as set out in the flood risk vulnerability classification. The assessment concludes that no specific flood risk mitigation measures are required however as a matter of standard design, and to meet Network Rail approval, the equipment cabinet is waterproofed with sealed compression cable entry points to prevent water ingress and the most significant sensitive equipment, the antennae are located well above flood level at the mast head. Officers are satisfied that the equipment is suitably flood resistant and resilient given the low level of risk and the objectives of development plan policy are met.

3.12 Local Wildlife Site in relation to Location TBS143

3.12.1 MEAS have considered the location of this mast adjacent to the Bidston Marsh Local Wildlife Site which has importance as habitat for overwintering birds in association with nearby European designated sites. MEAS conclude that due to the small scale of the works, wholly located within the railway boundary and with minimal habitat loss, which itself is of limited value to overwintering birds there are no likely significant effects on the local site or European sites and this conclusion is seconded by Natural England. Construction activity could cause some limited pollution of the local wildlife site and therefore mitigation measures, to include provision of spill kits should be proposed within the CEMP to be conditioned.

3.13 Landscape Character in relation to Location TBS143

3.13.1 Mast TBS143 is located within an area requiring landscape renewal. Being wholly located within the railway boundary, it does not result in any adverse impact on the wider character or pattern of the landscape in this area. Its slender profile and relatively low height at 8.6 metres which is dwarfed by the adjacent motorway viaduct and electricity pylon means that it would not be significantly intrusive in the landscape to warrant an objection under saved UDP policy LA3.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -

The proposed scheme forms part of wider Liverpool City Region connected transport infrastructure project for which there is general support in national and local planning policy. The siting of the five masts along this section of the route does not have a significant adverse impact on visual amenity and landscape character or on the outlook from nearby residential properties. Whilst some vegetation clearance will be necessary, the scheme is expected to substantially preserve the wooded character of the lineside in relevant locations, whilst significant harm to biodiversity can be avoided and mitigated through the use of planning conditions. There are no environmental effects of development that outweigh the economic and social benefits of enhanced digital connectivity for the railway operator and its passengers and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development under the terms of the National Planning Policy Framework.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 17 March 2020 and listed as follows:

003141 A01 (076 Location Plan) dated 18.12.19
003142 A01 (076 Plan View) dated 18.12.19
003143 A01 (076 Cross Section) dated 18.12.19

003137 A01 (077 Location Plan) dated 18.12.19
003138 A01 (077 Plan View) dated 18.12.19
003139 A01 (077 Cross Section) dated 18.12.19

003129 A01 (078 Location Plan) dated 18.12.19
003130 A01 (078 Plan View) dated 18.12.19
003131 A01 (078 Cross Section) dated 18.12.19

003133 A01 (102 Location Plan) dated 18.12.19
003134 A01 (102 Plan View) dated 18.12.19
003135 A01 (102 Cross Section) dated 18.12.19

003145 A01 (143 Location Plan) dated 18.12.19
003146 A01 (143 Plan View) dated 18.12.19
003147 A01 (143 Cross Section) dated 18.12.19

Reason: For the avoidance of doubt and to define the permission.

3. No development, to include vegetation removal or ground works, shall commence until a Construction Environmental Management Plan (CEMP) for the works has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the issues outlined at paragraphs 7 to 17 of the consultation response of the Merseyside Environmental Advice Service (document ref W120-032 dated 30 April 2020). Thereafter development shall be carried out in accordance with the approved CEMP.

Reason - To ensure the development avoids significant harm to biodiversity in accordance with the objectives of saved policies NC5 and NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

4. Any mast, apparatus or structure shall be removed from its site as soon as reasonably practicable after it is no longer required for the purposes hereby approved and the land be restored to its condition before the development took place, or to any other condition as agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity.

Further Notes for Committee:

1. Should further copies of the MEAS consultation response be required in order to inform the approval of details required by condition 3, these can be obtained from the Local Planning Authority by email via planningapplications@wirral.gov.uk quoting application reference number APP/20/00251
2. The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

Last Comments By: 21/05/2020

Expiry Date: 12/05/2020