



HOUSE OF COMMONS

LONDON SW1A 0AA

Business Growth & Infrastructure  
Development Management Team  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ.

Our Ref: JD22823

7 October 2022

Dear Sirs

**Re: Planning Application 68813 – Objection**

I am writing to request that an application to Bury Council for prior approval for a proposed 5G 16m telecoms installation: H3 G street pole and additional equipment cabinets (Planning Ref: 68813) be referred to the planning committee for final decision.

At the time of writing, there are 147 comments recorded on the Council's Planning Portal. On this ground alone, I urge that local democratic accountability is essential in determining this application. It should be inconceivable that this matter is decided by delegated decision when there has been such a large number of comments from local residents, the vast majority of which strongly oppose the application. The legitimacy of planning decisions, especially when related to public policy, can only have credibility when done openly in public.

In my view, this application is clearly deficient, and as a matter of public policy, these issues must be examined in a public forum. The following summarises my objections to the current application.

The National Planning Policy Framework states that applications should include:

Para 117 (a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college.

It seems extraordinary that the only consultation the applicant conducted was with Bury Council, and a single e-mail sent to Greenmount Primary School during the summer holidays. There is no evidence to say that this e-mail was sent to the correct e-mail address or that it was indeed received. It is inconceivable that this consultation should have completely discounted all local residents and other interested local organisations. The required consultations were not sufficient or in line with the requirements of the NPPF. If allowed to proceed by way of delegated decision, the local Greenmount community will have been completely excluded from the process and any views or questions they may have had or have been treated with utter contempt by the applicant.

The applicant should not simply avoid the requirements of local consultation outlined in the NPPF.

The NPPF further:

Para 114 Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.

Para 115 The number of radio and electronic communication masts and the sites for such installations, should be kept to a minimum consistent with the needs of consumers.

The current Bury Council Policy (EN1/10 ) definitively does not address these fundamental requirements and is clearly deficient and not in line with NPPF requirements. It is also concerning that the issue of public consultation has been explicitly excluded from the document. Where is the plan to identify the sites needed? Where is the analysis of the needs of consumers? With respect to this application, it is clear that many of those objecting are stating clearly that there is no local need for this provision and, therefore, the needs of consumers are not being met. This decision should not even be considered before Bury Council develop an appropriate and more detailed local policy on which to judge such applications.

However, it is somewhat ironic that the application is in breach of the Council's existing policy document with reference to the visual and physical impact of the proposed structure.

The visual and physical impact of the 16 m mast on local homes is obvious. It should be subject to far more detailed analysis and scrutiny, and the opportunity in a public forum should be given to local residents to share their views on this legitimate planning ground for objecting to the application. I would also refer to the numerous objections received from residents living in the immediate vicinity. It is truly extraordinary that the structure should be twice the size of the neighbouring properties.

I further support in its entirety the submission of Ursula Humphreys, which clearly outlines the legitimate planning objections which should lead to the application being refused. I would reiterate that this application would lead to an unacceptable loss of Amenity Greenspace. I quote Ms Humphreys, "the proposal would have a detrimental impact on the only Amenity Greenspace in the search area, which is used passively and actively and has been identified as having a deficiency with access to such space in the Bury Greenspace Audit and Strategy. The retention of this land would no doubt have been a planning requirement when the area was originally developed." This is undoubtedly correct, putting the application in breach of existing Council policies AG2, OL3 and EN1/3. Together with being at odds with the intention of the original planning application for the homes in the vicinity.

I also support the objection to the application from Andrew Southgate, Head of Engineering at Bury Council. Mr Southgate's view is clear, "I recommend this application should be refused." He comments further: "The application and submitted plans contain insufficient information to properly assess the impact of the proposed installation on the adjacent highway tree and does not provide adequate accommodation works around the perimeter of the whole installation to ensure that the highway verge can continue to be properly maintained." In my view, it is inconceivable that the application should proceed in breach of such a clear recommendation for refusal from the Local Authority and a legitimate planning ground on which to object.

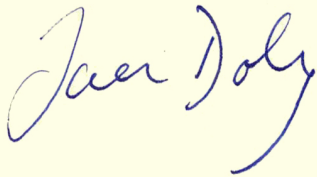
I would also argue that the application's wording does not clearly explain the current position in the NPPF as to how such applications should be considered. In my view, the selective choice of certain paragraphs within the NPPF creates a distorted view of the guidance LA's should follow when considering such applications. The matters set out above are not referenced as they hinder the application, and it is not made clear in the application that "Local planning authorities must determine applications on planning grounds only" para 118.

The application is lacking in supporting evidence and creates only a partial picture, in my view, of NPPF guidance. This clearly should not be acceptable and could possibly lead to misunderstanding or concern from residents who may be unaware of their right to object to this application and the grounds upon which that can be done.

I agree that "the quality of the application is poor and falls short of the code of practice referred to in the March 2022 paper – Building Broadband and Mobile Infrastructure." Paragraph 94 of the same refers to the quality of the information submitted which should be clear, accurate and complete. This application falls short on all three grounds.

For these reasons, as the local Member of Parliament, I believe this application should be refused but, at a bare minimum, should be referred to the Planning Committee for consideration.

Yours sincerely

A handwritten signature in blue ink that reads "James Daly". The signature is written in a cursive, flowing style.

James Daly MP