

Agenda for a meeting of the Planning Committee, 24th June 2024, Afternoon session reconvened 1pm

Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

5. To consider and determine Planning Applications

To continue consideration of Items 5.7 onward

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

To note any applications where Section 13 Agreements have been concluded since the last sitting.

8. Any other business

9. Next meeting of the Planning Committee

Set for 8th July 2024.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.7

Proposal : Installation of five 9-metre wooden telegraph poles with associated overhead wires

Site Address : Marlborough Crescent
Ramsey
Isle Of Man

Applicant : Manx Telecom Ltd

Application No. : 24/00257/B- [click to view](#)

Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No's;1, 2, 4, 7 Marlborough Crescent
No's 5, 7, 10 Marlborough Way
No. 4 Clifton Drive

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is identified in red is concerned to the pavements of Marlborough Crescent/ Marlborough Way, Ramsey. The site sits within a wider residential estate and contains approx. 16 dwellings formed in a loop road with dwellings either side of the highway and access from Clifton Drive. This site is broadly located to the north of Ramsey toward the north western edge of the Ramsey Town plan boundary.

1.2 The dwelling here are a mixture of traditional bungalows and some chalet bungalows with accommodation in the roof space giving a slightly higher ridge height. Properties are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.3 The pavements here vary in width and connect all the properties in the wider estate and finished with tarmacadam with dropped kerbs to each residential property.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of FIVE x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. Off each of these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband". The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the public footpath adjacent to the boundary and on the divide between the following properties in Marlborough Crescent/ Way, namely;
Pole 1 - Corner of Marlborough Way & Marlborough Crescent
Pole 2 - Across Road from No 5 Marlborough Way
Pole 3 - Boundary of No 9 & 10 Marlborough Way
Pole 4 - Boundary of No 4 & 6 Marlborough Crescent
Pole 5 - OS 2 Marlborough Crescent

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then

be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" .

2.4 Premises eligible to be connected to the new telegraph pole are properties referenced; No's 1-8 & 10 Marlborough Crescent; 1, 5, 7, 9, Marlborough Way. (13 properties in total).

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

o 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the (Ramsey Local Plan) Order 1998, Map No.1 North. Within the written statement accompanying the plan, the statement is silent on telecoms and their inherent infrastructure.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 2 Named service centre (Ramsey)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;
Class 2 Telecommunications Structures on Land -
Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

- o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

4.4 Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings; Class 10 - Electric Supply (a) electric line - which includes the supporting poles.

Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

STATUTORY CONSULTTEES

5.1 Ramsey Town Commissioners: OBJECT (10/05/24) "The Board considered these applications on the 17th April at their Board meeting. They wish to submit a comment in that they prefer to have communications in public between Manx Telecom and residents of the affected area before any applications are granted. They feel that the aesthetics have a large impact on the residents and their view should be taken into account".

5.2 DoI: Highways Services do not object (18.03.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as any reductions in footway widths are momentary and no less than 1.2m".

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in summary)

5.5 EIGHT Comments of OBJECTION have been received from a number of properties in the area namely No's;1, 2, 4, 7 Marlborough Crescent and No's 5, 7, 10, Marlborough Way, 4 Clifton Drive, who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Drawings and information are not clear
- o Would have the appearance of being untidy in the street
- o Seek better artists impressions

- o Poles heights too large
- o Poles will be clearly visible and tower over the houses
- o Interruption of views of the hills
- o Visually would blight the area
- o No other areas have poles in the area
- o Other areas have buried cables why not here
- o Unsightly appearance
- o Archaic use of infrastructure
- o Will result in an eyesore
- o Existing ducts should be used
- o Poles will create a noise nuisance
- o MT stated in 2021 they would not use poles
- o Decision is driven by cost not practicality
- o Perceives the application is defective citing the wrong addresses
- o Existing services (gas, water, electric, telecom, drainage,) and all underground
- o Mature trees on site and cables would interfere with the trees
- o Telegraph poles have been phased out since the 1980's
- o Why can't the cabling be mole plough underground

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP2,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with SP2 as Ramsey is a named village in the strategic plan and the site is identified on the Ramsey plan as within the settlement boundary of Ramsey and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp2 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Government's strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new

residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (Ramsey being identified as one of the intervention zones as a top priority area and referenced as 'Zone 2' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Ramsey is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a series of below ground

ducts and in some instances (as noted by the applicants) the cable is simply buried in the ground. It is noted that where there is above ground fibre cabling, this is distributed by Manx Telecom's telegraph poles and some is also distributed using Manx Utilities power poles as evidenced on sections of the A9 Andreas Road. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles is acknowledged as being widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Ramsey, telegraph poles and their suspended cables are evidence in sections along the main highways off; Andreas Road and Jurby Road (within the town boundary). Equally they are utilised in other neighbouring residential areas of; Richmond Road, and Richmond Grove; Grove Mount West; Ash Grove; Westlands Close and Avenue; and Riverbank Road. It is acknowledged there are none to the application site or along Clifton Drive or the cul-de-sacs feeding off.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene / estate as part of the government's strategic drive whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights of the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be visible on this streetscene as individual telegraph poles and their cabling above, where at present there are no telegraph poles, but they will not read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective and it is accepted at present there are no telegraph poles in the streetscene. However, the introduction of the poles and cabling would be different and their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. Equally it would be read against the residential context of the streetscene where the pole height would broadly be higher in height to the ridge of the surrounding properties (bungalows) as to would the cabling between the poles and the properties which would broadly be above eaves level. However while noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape given the existing use in the immediate area.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyhn Estate.

6.24 When visiting Ballamillagyhn, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Broadband network. In terms of visual impact here it is considered that they do not visually detract from the character of the streetscene and do not result in any visual harm to the surrounding area.

6.25 On balance, the overall siting of the poles and their cabling and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Marlborough Crescent & Marlborough Way Residents - Information letter outlining the planning application been submitted. Ramsey Town Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applicant's statement on underground duct/trenching that; "Marlborough Way/Crescent does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 5 telegraph poles is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

- o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the levels of objection, it's clear the residents are against the proposals to use above ground fibre broadband via poles and cables and the Commissioner's object, the proposed connectivity would seek to serve the entire estate here with the opportunity for faster broadband and would have a uniform appearance throughout. Of those properties to be connected, there are 8 written objections from the 16 properties here and no comments from the remaining properties. A balance has to be struck here noting the level of objection, which is a strong material consideration, the competing planning policies and legislative documentation as noted above but to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.8

Proposal : Installation of 12 x 9-metre wooden telegraph poles with associated overhead wires.

Site Address : Cloughbane Estate
Ramsey
IM8 2BH

Applicant : Manx Telecom Ltd

Application No. : 24/00227/B- [click to view](#)

Senior Planning Officer : Jason Singleton

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Reason for approval:

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Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No's 57, 52, 48, 58, 33, 40, 27, 47, 41, 50, 27, 51, 38, 53, 56, 46, 54, 30, 37, 39, 45, 60, 49, 31, 38, 44, 43, 49 Cloughbane Drive

No's 17, 21 Cloughbane Avenue

No's 12, 14 Barrule Park

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT, THERE ARE MORE THAN 4 OBJECTIONS AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is identified in red relates to the pavements of Cloughbane Estate, Ramsey. The site sits within a wider residential estate and is broadly formed in a straight road off Parliament Square leading into Brookfield Avenue and then becomes Cloughbane Drive and continues south up to the top with dwellings either side of the highway and a series of cul-de-sacs feeding off. To the west is Cloughbane Avenue which links Cloughbane Drive to Fairway Drive. This site is broadly located to the south of Ramsey toward the southern edge of the Ramsey Town plan boundary.

1.2 The dwellings here are a mixture of traditional bungalows and some chalet bungalows with accommodation in the roof space (via dormers or gable windows) giving a higher ridge height. Properties are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.3 The pavements vary in width and connect all the properties in the wider estate and finished with tarmac with dropped kerbs to each residential property.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of TWELVE x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. From each of these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband". The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the public footpath adjacent to the boundary and on the divide between the following properties in Cloughbane Drive, namely;

Pole 1 - OS No 62 Cloughbane Drive

Pole 2 - OS No 55&57 Cloughbane

Pole 3 - OS No 41 Cloughbane

Pole 4 - OS No 31&33 Cloughbane

Pole 5 - OS No 43&45 Cloughbane Drive

Pole 6 - OS No 42&44 Cloughbane Drive

Pole 7 - OS No 21&27 Cloughbane Drive
Pole 8 - OS No 47&49 Cloughbane Drive
Pole 9 - OS No 44&46 Cloughbane Drive
Pole 10 - OS No 58 Cloughbane Drive
Pole 11 - OS No 40&42 Cloughbane Drive
Pole 12 - OS No 36 Cloughbane Drive

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

2.4 Premises eligible to be connected (38 properties) to the new telegraph pole are properties referenced ;
17, 19, 21, 27, Cloughbane Avenue
29 -58, 60 & 62 Cloughbane Drive
12 & 14 Barrule Park

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

o 23/01236/B - 1-29 Ballamillagyhn Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the (Ramsey Local Plan) Order 1998, Map No.2 South. Within the written statement accompanying the plan, the statement is silent on telecoms and their inherent infrastructure.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 2 Named service centre (Ramsey)

General Policy

2 General Development Considerations (b,c,g,i,m)

Environment Policy

22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;

Class 2 Telecommunications Structures on Land -

Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

- o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

STATUTORY CONSULTTEES

5.1 Ramsey Town Commissioners commented 18/06/24 to object. "The Board wish to submit a comment in that they prefer to have communications in public between Manx Telecom and residents of the affected area before any applications are granted. They feel that the aesthetics have a large impact on the residents and their view should be taken into account".

5.2 DoI: Highways Services do not object (02.04.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as there is a retained 1.2m minimum width footway achieved at pole locations".

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

REPRESENTATIONS (in summary)

5.5 THIRTY TWO comments of OBJECTION have been received from a number of properties in the area and a petition (90% of the 38 affected home owners) against the proposals, namely from; (numbered below as they appear online)

No's 57, 52, 48, 58, 33, 40, 27, 47, 41, 50, 27, 51, 38, 53, 56, 46, 54, 30, 37, 39, 45, 60, 49, 31, 38, 44, 43, 49 Cloughbane Drive

No's 17, 21 Cloughbane Avenue

No's 12, 14 Barrule Park

who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Drawings and information are not clear
- o Backwards step to providing a phone service
- o Should use existing ducting
- o Unsightly appearance
- o Reduction in property values
- o Will give a low frequency humming noise
- o Subject to interference with the weather
- o Unsightly view of the cables and poles
- o Loss of views and very un-aesthetic
- o Petition from 90% of those 38 affected homes
- o Backwards step
- o Petition is clear high speed broadband is not wanted here
- o Cabling over driveway and property is not warranted
- o Should be located underground and ducted not poles.
- o Impacts visual amenity
- o Cables will be a danger so small birds and bats
- o MT are wealth plundering at the residents expense
- o Will result in a poor service as the cables will be subject to the wind and weather
- o Roads and footpaths already in poor condition and needs repairing
- o Visual impact and not in keeping
- o Will impact upon existing trees and hedges
- o Cris cross of cables will be unsightly and an eyesore
- o Narrowing of the pavement making it difficult for prams and wheel chairs
- o Restrict visibility when existing their property
- o Backwards step for the area
- o Other residents in the area have broadband and is ducted.

ASSESSMENT

6.1 The pertinent issues to consider are:

- Principle for development (Stp1c, SP2,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with SP2 as Ramsey is a named village in the strategic plan and the site is identified on the Ramsey plan as within the settlement boundary of Ramsey town and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with SP2 and StP1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (Ramsey being identified as one of the intervention zones as a top priority area and referenced as 'Zone 2' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out of new telecoms infrastructure that is accessible to all. It is particularly noted that

those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works. That is, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Ramsey is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a series of below ground ducts and in some instances (as noted by the applicants) the cable is simply buried in the ground. It is noted that where there is above ground fibre cabling, this is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles are widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Ramsey, telegraph poles and their suspended cables are evidence along; Brookfield Crescent and Brookfield Avenue, then stops at the point it becomes Cloughbane Drive, broadly in the area off Greenside Court and Brookfield Court. It is acknowledged there are none to the application site or along Cloughbane Drive, Cloughbane Avenue or Fairway Drive or the cul-de-sacs feeding off.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene / estate as part of the government's strategic drive whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, the openness of the area is noted. The property heights of the dwellings and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be partially visible on this streetscene as individual telegraph poles and their cabling above, where at present there are no telegraph poles, but they will not be read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective and it is accepted at present there are no telegraph poles in the streetscene. However, the introduction of the poles and cabling would be different and their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. Equally it would be read against the residential context of the streetscene where the pole height would broadly be higher in height to the ridge of the surrounding properties (bungalows) as to would the cabling between the poles and the properties which would broadly be above eaves level. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape given the existing use in the immediate area.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillaghyh Estate.

6.24 When visiting Ballamillagyh, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cabling serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Broadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and their inherent cabling and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Cloughbane Drive Residents - Information letter outlining the planning application been submitted. Ramsey Town Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Cloughbane Drive does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 12 telegraph poles is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

- o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the levels of objection from residents, commissioners and the signed petition, it's clear the residents are against the proposals to use above ground fibre broadband via poles and cables. The proposed connectivity would seek to serve the entire upper proportions of this estate with the opportunity for faster broadband and would have a uniform appearance throughout. Of those properties to be connected, there are 32 written objections from the 38 properties here and no comments from the remaining few properties. A balance has to be struck here noting the level of objection, which is a strong material consideration, the competing planning policies and legislative documentation as

noted above but to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as and when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.9

Proposal : Installation of 6 x 9-metre wooden telegraph poles with associated overhead wires.

Site Address : Fairways Drive, Ramsey
Ramsey
IM8 2BA

Applicant : Manx Telecom Limited

Application No. : 24/00234/B- click to view

Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No's; 35,28,23,21,15,31,11,7,9,13,6,27,39,4 Fairway Drive

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT, THERE ARE MORE THAN 4 OBJECTIONS AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is identified in red is concerned to the pavements of Fairway Drive, Ramsey. The site sits within a wider residential estate and is broadly formed in a straight road off with dwellings either side. Fairways drive is accessed from Parliament Square that leads into Brookfield Avenue and then becomes Cloughbane Drive with a spur/junction to the west heading south west which becomes Fairway Drive. To the east is Cloughbane Avenue which links Cloughbane Drive to Fairway Drive. This site is broadly located to the south of Ramsey toward the southern edge of the Ramsey Town plan boundary.

1.2 The dwellings here are a mixture of traditional bungalows and some chalet bungalows with accommodation in the roof space (via dormers or gable windows) giving a higher ridge height. Properties are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.3 The pavements here vary in width and connect all the properties in the wider estate and finished with tarmacadam with dropped kerbs to each residential property.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of SIX x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. Off each of these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband". The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the public footpath adjacent to the boundary and on the divide between the following properties in Fairway Drive, namely;

- o Pole 1 OS No 39 & 37
- o Pole 2 OS No 31 & 33
- o Pole 3 OS No 28 & 30
- o Pole 4 OS No 17 & 15
- o Pole 5 OS No 4 & 6
- o Pole 6 OS No 2 Fairway Drive

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen

service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

2.4 Premises eligible to be connected (18 properties) to the new telegraph pole are properties referenced; 5,7,9,11,13,15,17,21,23,25,27,29,31,33,35,37,39,41.

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

o 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the (Ramsey Local Plan) Order 1998, Map No.2 South. Within the written statement accompanying the plan, the statement is silent on telecoms and their inherent infrastructure.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 2 Named service centre (Ramsey)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;
Class 2 Telecommunications Structures on Land -
Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

STATUTORY CONSULTEES

5.1 Ramsey Town Commissioners commented 18/06/24 to object; "The Board wish to submit a comment in that they prefer to have communications in public between Manx Telecom and residents of the affected area before any applications are granted. They feel that the aesthetics have a large impact on the residents and their view should be taken into account".

5.2 DoI: Highways Services do not object (02.04.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as there is a retained 1.2m minimum width footway achieved at pole locations".

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in summary)

5.5 FOURTEEN comments of OBJECTION have been received from a number of properties in the area against the proposals, namely from; (numbered below as they appear online) 35,28,23,21,15,31,11,7,9,13,6,27,39,4 Fairway Drive, plus a signed petition from approx. 40 properties, who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Retrograde approach to the service
- o Existing cables underground and these should be
- o Detrimental effect of the poles and cabling
- o MT have reverted to a cheaper option of service delivery

- o Half the estate are ducted, why not this half
- o Returning to the dark ages
- o Strong winds will affect the cabling and will be a maintenance issue
- o Welcome the investment but should be buried
- o Affect views of the hills and appearance of the estate
- o Petition against the proposals
- o Upgrade is not necessary- internet speed is adequate for many devices
- o Economics should not be at the residents detriment
- o Will result in a loss of a view from properties
- o Will appear a miserable place with cables everywhere
- o Not the image the IoM should be proud off
- o No consultation from MT or the commissioners
- o Ruin the aspect of the property
- o Reduce property values
- o Damaging to properties when connecting
- o Poles will be twice the height of the properties
- o Will have a cluttered landscape / streetscape
- o Cables crossing the street 11 times
- o Frustrating for everyone and not having a say
- o Negative impact on the aesthetics and safety of residents
- o Visual blot on the landscape
- o Overhead wires present a hazard
- o Residents petition considers the proposals monstrosities
- o Junction boxes in the pavement and should be able to connect to them
- o Location of the pole pose a safety risk when exiting properties
- o No existing overhead wires
- o Cables should be micro-trenched to properties
- o Cables will be cluttered on the skyline

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP2,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp2 as Ramsey is a named village in the strategic plan and the site is identified on the Ramsey plan as within the settlement boundary of Ramsey town and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp2 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (Ramsey being identified as one of the intervention zones as a top priority area and referenced as 'Zone 2' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out of new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works. That is, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Ramsey is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a series of below ground ducts and in some instances (as noted by the applicants) the cable is simply buried in the ground. It is noted that where there is above ground fibre cabling, this is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles are widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Ramsey, telegraph poles and their suspended cables are evidence along; Brookfield Crescent and Brookfield Avenue, then stops at the point it becomes Cloughbane Drive, broadly in the area off Greenside Court and Brookfield Court. It is acknowledged there are none to the application site or along Fairway Drive.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene / estate as part of the government's strategic drive whilst helping to mitigate any visually

intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights of the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be visible on this streetscene as individual telegraph poles and their cabling above, where at present there are no telegraph poles, but they will not be read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective and it is accepted at present there are no telegraph poles in the streetscene. However, the introduction of the poles and cabling would be different and their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. Equally it would be read against the residential context of the streetscene where the pole height would broadly be higher in height to the ridge of the surrounding properties as to would the cabling between the poles and the properties which would broadly be above eaves level. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape given the existing use in the immediate area.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyhn Estate.

6.24 When visiting Ballamillagyhn, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Boadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and their inherent cabling and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Fairway Drive Residents - Information letter outlining the planning application been submitted. Ramsey Town Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Fairway Drive does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 12 telegraph poles is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

- o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the levels of objection from residents, commissioners and the signed petition, it's clear the residents are against the proposals to use above ground fibre broadband via poles and cables. The proposed connectivity would seek to serve the entirety of this part of the estate with the opportunity for faster broadband and would have a uniform appearance throughout. Of those properties to be connected, there are 14 written objections (plus a signed petition) of the 40 properties here and no comments from the remaining 26 properties. A balance has to be struck here noting the level of objection, which is a strong material consideration, the competing planning policies and legislative documentation as noted above but to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and

(g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.10

Proposal : Installation of five 9 metre and one 10 metre wooden telegraph poles with associated overhead wires

Site Address : Ballaterson Fields
Ballaugh
IM7 5AW

Applicant : Manx Telecom Ltd

Application No. : 24/00260/B- click to view

Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 4, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2): referenced;

No's 12,37,20,35,36,19,38,29,27,18,15,22,32,23,16,24,26,14,28,31 Ballaterson Fields

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT, AND THERE ARE MORE THAN 4 OBJECTIONS AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is identified in red is concerned to the pavements of the southern part of Ballaterson Fields estate, Ballaugh. The site sits within a wider residential estate (36 Properties) and is formed in a three cul-de-sacs with dwellings either side of the highway. This site is broadly located to the south of Ballaterson Road and to the north eastern part of Ballaugh Village.

1.2 The dwellings here are traditional bungalows with off centre chimney stacks and the addition of integrated garaging that sit on generous plots sizes where the orientation of the dwellings fronts onto the highway. The dwelling are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.3 The pavements here vary in width and connect all the properties in the wider estate and finished with tarmacadam with dropped kerbs to each residential property.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of FIVE x 9m and ONE x 10m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. Off each of these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband". The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m for the 9m pole and 7.8-8.5m for the 10m pole above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the public footpaths adjacent to the boundary and on the divide between the following properties;

- o Pole 1 OS No 31
- o Pole 2 OS No 14 & 15
- o Pole 3 OS No 18
- o Pole 4 OS No 21
- o Pole 5 OS No 27 & 28
- o Pole 6 OS No 22

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then

be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" .

2.4 Premises eligible to be connected to the new telegraph pole are properties referenced; 14-29; 31-36 (22 Properties).

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

o 23/01236/B - 1-29 Ballamillagyhn Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the 1982 Development Plan (North) Map. Within the written statement accompanying the plan, the statement is silent on telecoms and their inherent infrastructure.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 4 Named village (Ballaugh)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;
Class 2 Telecommunications Structures on Land -
Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

- o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

4.4 Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings; Class 10 - Electric Supply (a) electric line - which includes the supporting poles.

Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

STATUTORY CONSULTEES

5.1 Ballaugh Parish Commissioners commented (19/04/24) to OBJECT;

"The installation of these poles and the attached cables would not be in keeping with the area and would have a detrimental visual impact on the estate.

The Town and Country Planning (Telecommunications) Development Order 2019 states: Schedule 4 Section 2(7) The Department must only consider the following factors in determining an application - (b) the visual impact on the character and appearance of the area.

- o The use of telegraph poles is a huge step backwards, with underground cabling being the norm for several decades.

- o The siting of the poles would reduce the width of pavements in the estate.

The Town and Country Planning (Telecommunications) Development Order 2019 states: Schedule 1 Section 6 Development on or adjacent to a pavement must not take place - if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or in any other case, if doing so would reduce that width to less than 1500mm.

- o Half of Ballaterson Fields has already been made "fibre ready" without the need for telegraph poles and this proposal would appear to simply be a cost saving exercise by Manx Telecom. The Commissioners would be interested to see what other options Manx Telecom explored before deciding that the installation of telegraph poles would be best for Ballaterson Fields".

5.2 DoI: Highways Services do not object (02.04.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as there is a retained 1.2m minimum width footway achieved at pole locations".

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in brief)

5.5 Eighteen comments of OBJECTION have been received from a number of properties in the area against the proposals, namely from Ballaterson Fields, referenced; 12,37,20,35,36,19,38,29,27,18,15,22,32,23,16,24,26,14,28,31. (Numbered as they appear online) who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Visual impact and its adverse effects on character of neighbourhood
- o Proposals not in keeping with the area
- o Should be ducted and buried
- o No correspondence from Manx Telecom
- o Unsightly and would dwarf the bungalows
- o Half of the estate is underground and this half should be too
- o Out of keeping as there are no poles in the area
- o Devaluation of properties
- o Use of toxic causing chemicals on the poles
- o Retrograde step using poles and wires above ground
- o Eyesore towering over the bungalows
- o Alternative methods need to be undertaken
- o Estate is mainly elderly senior citizens who don't want this
- o Loss of a view and poor outlook
- o Quick and cheap and easy route and should be underground
- o Archaic technology being used
- o Poles not suitable for small villages
- o Bungalows only 6m high and poles 7.5m and 9m high is out of scale
- o Restricting the width of pavements
- o Affects land owners right having cables suspended over their property
- o Site will not benefit from the poles and cables
- o Negative aesthetic impact on a well maintained estate
- o Danger of poor signal given suspended cables

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP4,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp4 as Ballaugh is a named village in the strategic plan and the site is identified on the 1982 Development Plan as within the settlement boundary of Ballaugh and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp4 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (The rural north to which Ballaugh is part off) being identified as one of the intervention zones as a top priority area and referenced as 'Zone 5' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure

which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Ballaugh is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a network of below ground ducts and in some instances (as noted by the applicants) the cable is simply buried in the ground and to which this application seeks to address. Out side of the site in the wider areas of the village, the above ground fibre cabling is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles is acknowledged as being widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Ballaugh, telegraph poles and their suspended cables are evidence in sections along the main highway (A10) Station Road Starting at the junction of Ballaugh Bridge and extending along its length to the old Railway line and then again opposite the entrance from St.Marys Meadow and continues along Station Road northwards to the Church.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace this existing cable would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the individual properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene as part of the government's strategic drive, whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights on the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be partially visible on this streetscene as individual telegraph poles but not read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective, it is noted at present there are no telegraph poles in the streetscene, and the introduction of the poles and cabling here would be different whilst noting the other half of the estate is underground ducted. Their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyh Estate.

6.24 When visiting Ballamillagyh, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted

to upgrade to the Ultra-Fast Broadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Ballaterson Field Residents - Information letter outlining the planning application be submitted. Ballaugh Parish Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that their residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Ballaterson Fields, Ballaugh, does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 6 telegraph poles is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

- o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the levels of objection, it's clear the residents are against the proposals to use above ground fibre broadband via poles and cables and the commissioner's comments to object. The proposed connectivity would seek to serve the remainder of estate (southern half) with the opportunity for the faster broadband. Of those 24 properties to be connected, 19 objections from them have been received and no comments from the remaining 5 properties. A balance has to be struck here noting the level of objection, which is a strong material consideration, the competing planning policies and legislative documentation as noted above but to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the

ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband from the property owners or they choose to utilise a different method of internet connectivity, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 4, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.11

Proposal : Installation of 4 x 9-metre wooden telegraph poles with associated overhead wires.

Site Address : Larivane Close
Andreas
Isle Of Man

Applicant : Manx Telecom Ltd

Application No. : 24/00328/B- [click to view](#)

Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

4, 5, 15, 17, 18, Larivane Close, Andreas

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT, THERE ARE MORE THAN 4 OTHER OBJECTIONS AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site identified in red is concerned to the pavement of Larivane Close, Andreas. This site sits within a residential estate and contains approx. 18 dwellings which is formed with a through road and half way along a T-junction leading into a cul-de-sac to the south.

1.2 The site is accessed from the main highway of Andreas Main Road (A17) and connects through to Leodest Road within a central cul-de-sac. The pavements here vary in width and connect all the properties in the wider estate and finished with tarmac with dropped kerbs to each residential property.

1.3 The dwellings here are predominately bungalows and are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of four x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The four poles would be located within the public footpath adjacent to the boundary and on the divide between the following properties in Larivane Close. Pole 1 - on the boundary of 17/18; Pole 2 - 1/3; Pole 3 - 4/5; Pole 4 - 9/10. Off these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband" and would seek to connect 18 properties.

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

o 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.

o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the 1982 Development Plan.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

1 Development should make the best use of resources (c)

4 Protection of the landscape and biodiversity (b)

Spatial Policy

3 Named service Village (Andreas)

General Policy

2 General Development Considerations (b,c,g,i,m)

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22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

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3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings; Class 10 - Electric Supply (a) electric line - which includes the supporting poles.

Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

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Development on or adjacent to a pavement must not take place-

(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or

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Schedule 2, Part 2 Telecommunication Structures - Table 2;

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- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

STATUTORY CONSULTEES

5.1 Andreas Parish Commissioners: OBJECT (09/04/24) "The Commissioners are concerned that this is a backward step for bringing fibre to homes and businesses on the Island, and other options must be found. There are no other overhead services within this close as all are laid underground. In recent years the MUA have worked through a programme to remove overhead wires to improve services and visual impact for amenity areas so it is somewhat incredulous that this is being proposed by Manx Telecom Ltd. The illustrations do not show the overhead wires which would be attached to the poles and therefore don't give a true picture of the cluttered view these poles would create. They would be unsightly and a visual eyesore. The Commissioners look forward to learning of alternative options from Manx Telecom Ltd to deliver this service".

5.2 DoI: Highways Services do not object (02.04.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as there is a retained 1.2m minimum width footway achieved at the pole location."

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in summary)

5.5 Five Comments of OBJECTION have been received from a number of properties in the area namely; No's 4, 5, 15, 17, 18 Larivane Close and a Petition with 33 signatories, who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Visually detrimental to the environment
- o No existing overhead cabling or telegraph poles in Larivane close
- o Poles and cabling not aesthetic
- o Impact upon highway manoeuvring when exiting properties
- o No benefit to the streetscene
- o No demand for the cabling in the area
- o New cabling should be routed underground
- o Reduction in property values
- o Not in keeping in this rural environment
- o Will be a visual blight on the street
- o Retrograde step in technology
- o Reduction in quality of life
- o Is being done at the expense of the local community
- o Loss of a view towards the mountains
- o Visually polluting the environment

- o Manx Telecom have gone for a cheaper option
- o Petition of 33 signatories from all residents in the street
- o Archaic technology
- o Cabling over individuals garden and house will be an issue
- o Fibre will be provided to the base of each pole but not to each property
- o Why has a wireless system not been proposed in this day and age

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP3,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp3 as Andreas is a named village in the strategic plan and the site is identified on the 1982 plan as within the settlement boundary of Andreas and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp3 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention

zones" (The rural north to which Andreas is part off) being identified as one of the intervention zones as a top priority area and referenced as 'Zone 5' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Andreas is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a series of above head cabling along Andreas Main Road and this site and those properties of Larivane Close (as noted by the applicants) the cable is simply buried in the ground. Some of the above ground fibre cabling is distributed by Manx Telecom's telegraph poles and some is also distributed using Manx Utilities power poles as evidenced on Andreas Road. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles is acknowledged as being widely used across the Island in both rural and urban settings, more in our rural communities in providing

critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Andreas, telegraph poles and their suspended cables are evidence in sections along the main Andreas Road through the village but initially on the Leaocest Road that runs to the north east of the site from the village shop and heads north which terminates before the junction of Larivane Close estate.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those 18 properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace this, would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene / estate as part of the government's strategic drive, whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights of the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be partially visible on this streetscene as individual telegraph poles, where at present there are no telegraph poles, but not read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective and it is accepted at present there are no telegraph poles in the streetscene. However, the introduction of the poles and cabling would be different and their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. Equally it would be read against the residential context of the streetscene where the pole height would broadly be higher in height to the ridge of the surrounding properties (bungalows) as to would the cabling between the poles and the properties which would broadly above eaves level. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape given the existing use in the immediate area.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyh Estate.

6.24 When visiting Ballamillagyh, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Boadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and their cabling and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Larivane Close Residents - Information letter outlining the Planning application been submitted; Andreas Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Larivane Close, Andreas, does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 4 telegraph poles is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

- o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the levels of objection, it's clear the residents are against the proposals to use above ground fibre broadband via poles and cables and the commissioner's comments to object, the proposed connectivity would seek to serve the entire estate with the opportunity for faster broadband and would have a uniform appearance throughout. Of those properties to be connected, there are 5 written objections and 1 petition from the 18 properties (it is noted within the petition this alludes to all residents of Larivane Close) to be connected and no comments from the remaining 10 properties. A balance has to be struck here noting the level of objection, which is a strong material consideration, the competing planning policies and legislative documentation as noted above but to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as and when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 3, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.12

Proposal : Installation of 1 x 9-metre wooden telegraph pole with associated overhead wires.
Site Address : 2-8 Ballasteen Drive
Andreas
Isle Of Man
Applicant : Manx Telecom Ltd
Application No. : 24/00445/B- [click to view](#)
Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 3, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No's 2, 3, 6, 7 Ballasteen Drive, Andreas

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT AND THE APPLICATION HAS BEEN RECOMMENDED FOR APPROVAL.

THE SITE

1.1 The application site identified in red is concerned to the pavement of Ballasteen Drive, Andreas opposite dwelling house No.2. This site sits within a residential estate which is formed with two cul-de-sacs referred to as Ballasteen Drive and Ballasteen Road with pedestrian link to the residential estate of Ballaradcliffe Road to the north.

1.2 The site is accessed from the main highway of Andreas Main Road (A17) and forms part of the cul-de-sac contains 8 dwellings numbered 1-8 Ballasteen Drive. The pavements here vary in width and connect all the properties in the wider estate and finished with tarmacadam with dropped kerbs to each residential property.

1.3 The dwellings here are predominately bungalows and are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of One x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The pole would be located within the public footpath adjacent to the western boundary with No.2 and opposite 'Kimmeridge'. Off this pole would be a series of network cables that would criss-cross out to the respective properties (No'2,3,4,5,6,7,8 Ballasteen Drive) for the provision of "Ultra Fast Fibre Broadband".

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

- o 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.
- o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.
- o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the 1982 Development Plan.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 3 Named service Village (Andreas)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;
Class 2 Telecommunications Structures on Land -
Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

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4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

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4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;
o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

STATUTORY CONSULTTEES

5.1 Andreas Parish Commissioners: OBJECT (10/05/24) "The Commissioners are concerned that this is a backward step for bringing fibre to homes and businesses on the Island, and other options must be found. There are no other overhead services within this estate as all are laid underground. In recent years the MUA have worked through a programme to remove overhead wires to improve services and visual impact for amenity areas so it is somewhat incredulous that this is being proposed by Manx Telecom Ltd. The illustrations do not show the overhead wires which would be attached to the poles and therefore don't give a true picture of the cluttered view these poles would create. They would be unsightly and a visual eyesore. The Commissioners look forward to learning of alternative options from Manx Telecom Ltd to deliver this service".

5.2 DoI: Highways Services do not object (19.04.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as there is a retained 1.2m minimum width footway achieved at the pole location.".

5.3 DEFA: Climate Change Transformation Team commented (on 22/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in brief)

5.6 Four Comments of OBJECTION have been received from a number of properties in the area namely; No's 2, 3, 6, 7 Ballasteen Drive who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Confirm there at present no overhead cables or poles
- o Will result in a detrimental visual impact upon the estate
- o Result in an eyesore from their kitchen and bedroom
- o Cables suspended above their garden
- o Lack of plan showing overhead wires
- o Result in a loss of value to their property
- o Archaic form of infrastructure
- o Will be an eye sore for all to see
- o Cables should be underground
- o Would ruin the appearance of the neighbourhood
- o Many neighbours against the proposals (4/7)
- o Would ruin this aesthetically pleasing environment
- o Would ruin the view when viewed from their property
- o Suspended cables would be unsightly and cluttered appearance
- o Poles would be wrong for this area and an alternative should be sought
- o Why not use the existing underground infrastructure in place
- o Presence of existing BT boxes in the street and why can't they be used

- o Placement of the pole lack residents requirements
- o Siting needs to be more inconspicuous
- o No engagement from the applicants
- o Why are there no funds left from the £10+m grant to lay cables underground

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP3,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp3 as Andreas is a named village in the strategic plan and the site is identified on the 1982 plan as within the settlement boundary of Andreas and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp3 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (The rural north to which Andreas is part off) being identified as one of the intervention zones as a top priority area and referenced as 'Zone 5' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Andreas is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a series of above head cabling along Andreas Main Road with some properties (to the north of the site) being connected through a network of below ground ducts and in some instances (as noted by the applicants) the cable is simply buried in the ground. The above ground fibre cabling is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities

relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles is acknowledged as being widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Andreas, telegraph poles and their suspended cables are evidence in sections along the main Andreas Road through the village but lesser on the approach to the application site, with the exception of a single wooden telegraph pole in the footpath adjacent to No.1 and the junction to Ballasteen Drive.

6.16 In terms of siting of the single pole to the west of No.2, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties (8No.) to be linked to the broadband network are likely supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene as part of the government's strategic drive, whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights of the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be partially visible on this streetscene as individual telegraph poles, where at present there are no telegraph poles, but not read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective, given the isolation of one pole in this location, to the west of No.2 where the immediate area is open and adjacent to the rear garden of No.2 that is laid with grass would be prominent. The introduction of the poles and cabling would be different whilst noting the other half of the estate to the north is ducted. Their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. Equally it would be read against the residential context of the streetscene where the pole height would broadly be higher in height to the ridge of the surrounding properties

(bungalows) as to would the cabling between the poles and the properties which would broadly above eaves level. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape given the existing use in the immediate area.

6.21 Whilst this proposal would be introducing additional street furniture into the streetscape where at present there is none, it would be visible from within the estate and from some of the properties. This visual aspect would be more aligned with an individual's view and outlook. The level of objections to the proposals are noted as being from those properties that would face onto the telegraph pole on this part of the estate. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyhn Estate.

6.24 When visiting Ballamillagyhn, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Boadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the pole and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 Taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Ballasteen Drive does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 1 telegraph pole is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths.

6.30 Striking a balance and noting the levels of objection and the commissioner's comments to object, the proposed connectivity would seek to serve the remainder of estate (southern half) with the opportunity for the faster broadband. Of those properties to be connected, and objections from some of them and no comments from the remaining properties. A balance has to be struck here, as to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 3, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.13

Proposal : Installation of 11 x 9-metre wooden telegraph poles with associated overhead wires.

Site Address : Ballalough Estate
Andreas
Isle Of Man

Applicant : Manx Telecom Ltd

Application No. : 24/00330/B- click to view

Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 3, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No's;15, 13, 1, 44, 14, 2, 50, 55, 56, 21, 29, 37, 22, 43, 28, 41, 51, 53, 49 Ballalough Estate

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT, THERE ARE MORE THAN 4 OBJECTIONS AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is identified in red is concerned to the pavements of Ballalough Estate, Andreas. This site sits within a residential estate within a wider rural area to the north of Andreas village and contains approx. 58 dwellings which is formed in a series of cul-de-sacs with a single access road off the Smeale Road. The estate is also adjacent to Andreas Parish Hall that sits to the (side) north of the access road into this estate

1.2 The dwelling here are a mixture of traditional bungalows and some chalet bungalows with dormers giving a higher ridge height. Properties are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.3 The pavements here vary in width and connect all the properties in the wider estate and finished with tarmac with dropped kerbs to each residential property.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of ELEVEN x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The eleven poles would be located within the public footpath adjacent to the boundary and on the divide between the respective properties in Ballalough Estate. Off each of these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband".

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

- o 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.
- o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.
- o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the 1982 Development Plan.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 3 Named service Village (Andreas)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;
Class 2 Telecommunications Structures on Land -
Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

STATUTORY CONSULTEES

5.1 Andreas Parish Commissioners: OBJECT (09/04/24) "Andreas Parish Commissioners have now considered the above plans as received 22nd March 2024 and strongly object to this application. They are in full support of the majority of residents of the estate who have lodged their objections. The Commissioners are concerned that this is a backward step for bringing fibre to homes and businesses on the Island, and other options must be found. There are no other overhead services within this estate as all are laid underground. In recent years the MUA have worked through a programme to remove overhead wires to improve services and visual impact for amenity areas so it is somewhat incredulous that this is being proposed by Manx Telecom Ltd. The illustrations do not show the overhead wires which would be attached to the poles and therefore a visual eyesore. This particular area is also subject to strong winds throughout the year, and recent damage and destruction to the local amenity fencing and trees is testament to this. There is, therefore, a high likelihood that overhead wires in this area could become damaged during the strong winds making for problems in delivering the services. The Commissioners have received further correspondence from residents who object to this application, and look forward to learning of alternative options from Manx Telecom Ltd to deliver this service".

5.2 DoI: Highways Services do not object (02.04.24) but comment; " After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as there is a retained 1.2m minimum width footway achieved at pole locations".

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in brief)

5.5 EIGHTEEN Comments of OBJECTION have been received from a number of properties in the area namely No's;15, 13, 1, 44, 14, 2, 50, 55, 56, 21, 29, 37, 22, 43, 28, 41, 51, 53, 49, plus a petition of 41 signatories who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Pole will result in overshadowing and loss of outlook
- o Out of keeping within the estate
- o No evidence of telegraph poles in the area or in the estate
- o Damaging to the area
- o Wooden poles are unreliable and unsightly
- o This method is the cheapest and not cost effective
- o Pole 3 sited over a sluice valve
- o Bungalows not suited for overhead connecting as the eaves are too low
- o Should be ducted in the pavements
- o Manx Telecom being underhand and not spending the loan money correctly

- o One pole located next to a water main
- o Visually intrusive infrastructure
- o Poles will leach chemicals into the ground and affect the Biosphere
- o Will obstruct the pavement
- o Pavements already in a poor condition
- o Wires will result in wind noise and vibration.
- o Cables should be buried in duct to each property
- o No joined up government thinking
- o Result in a cluttered streetscene
- o Spiders web of cables will be unsightly
- o Impact on Bats in the area
- o Reduction in property values
- o Smell from the poles
- o All existing services (water, gas, electric) are underground
- o Will reduce the pavement width and pavements need restoration

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP3,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp3 as Andreas is a named village in the strategic plan and the site is identified on the 1982 plan as within the settlement boundary of Andreas and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp3 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new

residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (The rural north to which Andreas is part off) being identified as one of the intervention zones as a top priority area and referenced as 'Zone 5' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment here is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a network of buried cables

(no duct work) in the ground and to which this application seeks to address. Outside of the site in the wider areas of the village, there is evidence of above ground fibre cabling that is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles is acknowledged as being widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Andreas, a network of telegraph poles and their suspended cables are only evidenced within Andreas village and closer is Orchard Close (approx. 450m to the south of the site.) There are none in the site or the immediate vicinity, albeit there is one telegraph pole outside of Andreas Parish Hall with cabling extending across to those properties opposing on the Smeale Road.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace this existing cable would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the individual properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene as part of the government's strategic drive, whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights on the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be partially visible on this streetscene as individual telegraph poles but not read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective, it is noted at present there are no telegraph poles in the streetscene, and the introduction of the poles and cabling here would be different whilst noting the proposals is to the entirety of the estate. Their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyh Estate.

6.24 When visiting Ballamillagyh, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Boadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Larivane Close Residents - Information letter outlining the Planning application been submitted; Andreas Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Larivane Close, Andreas, does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 4 telegraph poles is required".

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

- o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the levels of objection and the commissioner's comments to object, the proposed connectivity would seek to serve the entire estate with the opportunity for faster broadband but it's clear the residents are against the proposals to use above ground fibre broadband via poles and cables a uniform appearance throughout. Of those properties to be connected, 18 objections from them have been received and no comments from the remaining properties. A balance has to be struck here noting the level of objection, which is a strong material consideration, the competing planning policies and legislative documentation as noted above but to refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't formally commented and possibly in support, from having the ability to be connected to an improved broadband service and being denied critical infrastructure. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with

EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 One of the comments raised an issue regarding bats in the area and any potential impact upon this species. The concern was circulated to Ecosystems Policy Officer who didn't have any concerns regarding bats and noted their ability to navigate and avoid static objects including wires and poles.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 3, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 24th June 2024

Item 5.14

Proposal : Installation of 9 x 9-metre wooden telegraph poles with associated overhead wires.

Site Address : Howe Road
Onchan
Isle Of Man

Applicant : Manx Telecom Ltd

Application No. : 24/00331/B- click to view

Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No's

33,45,26,36,54,47,48,57,61,39,35,59,40,31,20,51,6,58,43,44,25,60,30,34,41,37,51,56,42,38,
32,46 Howe Road, Onchan

No. 111 King Edward Road, Onchan

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AS THE LOCAL AUTHORITY OBJECT, THERE ARE MORE THAN 4 OBJECTIONS AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application site is identified in red is concerned to the pavements of Howe Road, Onchan The site sits within a wider residential estate and is broadly formed in a straight road running east to west with dwellings either side and runs parallel with Kind Edward Road but set back and at a higher level. The properties here are broadly on two levels with those to the north of Howe Road being higher and those to the south being lower than Howe Road.

1.2 The dwelling here are a mixture of traditional bungalows and some chalet bungalows with accommodation in the roof space (via dormers or gable windows) giving a higher ridge height. Properties essentially front onto the highway and are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.3 The pavements here vary in width and connect all the properties in the wider estate and finished with tarmacadam with dropped kerbs to each residential property.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of NINE x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. Off each of these poles would be a series of network cables that would criss-cross out to the respective properties for the provision of "Ultra Fast Fibre Broadband". The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the public footpath adjacent to the boundary and on the divide between the following properties in Howe Road, namely;

- o Pole 1 - OS No 26
- o Pole 2 - OS 32&34
- o Pole 3 - OS 38&40
- o Pole 4 - OS 46&48
- o Pole 5 - OS 54&56
- o Pole 6 - OS No 62
- o Pole 7 - OS No 55 & 57
- o Pole 8 - OS No 57 & 59

- o Pole 9 - OS No 59 & 61

2.3 The applicant 'Manx Telecom' notes; "Installation of the telegraph pole will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

2.4 Premises eligible to be connected (40 properties) to the new telegraph pole are properties referenced; 23,25 and 27 - 65 Howe Road, Onchan.

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note are similar applications referenced;

- o 23/01236/B - 1-29 Ballamillagyhn Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. Approved.

- o 24/00258/B - 22 - 28 Riverbank Road Ramsey. Installation of three 9-metre wooden telegraph poles with associated overhead wires. Approved.

- o 24/00259/B - Thornhill Park Ramsey. Installation of four 9-metre wooden telegraph poles with associated overhead wires. Refused.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential" under the Area Plan for the East, Map No.6 Onchan. Within the written statement accompanying the plan, broader "Telecommunications" are broadly supported though the Area Plan Objectives are para 7.4 (page 59) where it says "iv. To provide and support the best quality telecommunications networks and to support the economy by doing so"... and further supported through paragraphs 7.13 and encapsulated as a policy guidance depicted below (from page 70);

Telecommunications Proposal 1

New developments should:

- a) Make provision for fibre optic cables directly to each dwelling or commercial premises.
- b) Within Comprehensive Treatment Areas (see Chapter 13), be phased so as to ensure that telecommunications structures are installed efficiently and will avoid ongoing disruption to site foundations.
- c) Design facilities so as to be able to host equipment from more than one operator, and that such sharing be encouraged.
- d) Demonstrate that the proposal has taken into account radio networks in particular those used by the emergency services (TETRA).

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 2 Named service centre (Onchan)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

OTHER MATERIAL CONSIDERATIONS

4.4 Permitted Development provides for a generic grant of planning approval.

4.5 The Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings;
Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.6 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;

Class 2 Telecommunications Structures on Land -

Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

4.7 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.8 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

4.9 National Telecommunications Strategy, October 2018 which concluded; "The National Telecoms strategy, laid out in six themes, looks to set a direction of travel by which the Island's telecom infrastructure can be recognised as being world class. It defines strategic outcomes to make it happen, in regulation and legislation, a national broadband plan, subsea cables and planning and wayleaves. The Government has made it clear that enhanced telecoms infrastructure is a top priority. "The Isle of Man Government is determined to support the development of telecoms infrastructure which meets the needs of both businesses and the public now and into the future".

4.10 The National Broadband Plan, outlined in the Isle of Man's National Telecoms Strategy, sets out to deliver Island wide ultrafast fibre broadband to more than 99% of the Island's premises with Manx Telecom as the preferred supplier to enable over 40,000 premises (residential and commercial) to have 'access' to the fibre network. Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. This project, was initiated in July 2020 and is set to conclude by August 2024.

4.11 Commissions Act 2021 (Schedule 5; Part 11- Power to fly lines)

4.12 Cabinet Siting and Pole Siting, Code of Practice, Issue 2; November 2016. (UK Guidance for best practice).

4.13 Assessment of the Impact of the National Broadband Plan on Telecoms Regulation. Publication Number: 16/20 from Communications Commission.

4.14 The Island Plan 2023; Within the section entitled "Outstanding lifelong learning and development opportunities for all" the plan says; "Ensure that public services are increasingly digitally-enabled, and residents have access to fast, reliable internet via the Island's National Broadband Plan to create enhanced opportunities for learning in the Digital Age."

4.15 The Island Plan was Updated in March 2024 and notes on;

- o Page 19; "The National Broadband Plan continued, with over 75% of targeted homes passed, so supporting ongoing continued investment to deliver 99% of all homes fibre ready".

- o Page 27; "Complete the rollout of the National Broadband Plan, driving 99% Fibre Broadband available Island wide such that all parts of our economy and society can benefit from modern and ultrafast internet capability".

STATUTORY CONSULTEES

5.1 Onchan District Commissioners commented (04/04/24) to OBJECT;"Does not comply with the Strategic Plan, Infrastructure Policy 3 as the applicant has not demonstrated the national need that supports an exception to not comply with the presumption that visually intrusive masts will not be installed in sensitive landscapes;

Other less visually intrusive development methods are available as demonstrated by the applicant's own publicly available literature that advertises that fibre is currently available to properties on the same road via an underground/duct service, namely property numbers 1 to 21 inclusive on Howe Road; Does not comply with Strategic Plan, General Policy 2 as the development does not respect the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them, will adversely affect the character of the surrounding landscape or townscape, and will adversely affect the amenity of local residents and the character of the locality."

5.2 DoI: Highways Services do not object (02.04.24) but comment; "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as there is a retained 1.2m minimum width footway achieved at pole locations".

5.3 DEFA: Climate Change Transformation Team commented (on 28/05/24) with no objection.

5.4 DfE: (Digital Infrastructure and Telecommunications) commented (on 03/06/24) at length to highlight the political steer and the adopted 2018 National Telecom Strategy and National Broadband Plan that classes the telecoms network as critical national infrastructure. "The applications, currently being considered by planning officers and the Committee, are intended to facilitate the delivery of the fibre network in areas which form part of the National Broadband Plan".

NEIGHBOUR REPRESENTATIONS (in brief)

5.5 THIRTY SIX comments of OBJECTION, Plus a letter from an MHK for Garff, have been received from a number of properties in the area against the proposals, namely from; (numbered below as they appear online); 33,45,26,36,54,47,48,57,61,39,35,59,40,31,20,51,6,58,43,44,25,60,30,34,41,37,51,56,42,38, 32,46. Howe Road, Onchan, & No.111 King Edward Road, Onchan - who between them raise the following material planning considerations that have been thematically categorised;

General Development impacts;

- o Will be detrimental to the streetscene
- o The exposed setting will be detrimental to the cables and life
- o Possibility of humming from the cable
- o Impact on quality of life
- o Connecting to properties can cause damage
- o Will be an eyesore
- o Other half has cabling underground, why not this side
- o Poles and cabling will be unsightly
- o Affect property valuations
- o Will result in damage to the property
- o Not a reasonable approach
- o Eyesore to the area
- o At odds with the overall policy of removing the poles over the years
- o Residents want the infrastructure in the ground not suspended
- o MHKS disagree with the proposals
- o Poles will be ugly and will ruin the character of this area
- o Loss of visual amenity
- o Loss of a view and outlook from their properties
- o Will create a third world appearance in the area by poles and cables
- o Will blight the neighbourhood
- o Will affect the sunlight to their property
- o MT artist impressions not a true representation, it will be worse.
- o MT are opting for the cheapest option
- o This option is not for the greater good
- o There is sufficient underground ducting in the area
- o MT going for the cheapest option and profiteering from the loan
- o Will create an undesirable visual appearance
- o Poles will tower over the properties here
- o Inspection chambers are in the pavements so why not connect to them
- o Impact upon the occupants lifestyle

- o Its business before the residents and no concern for them
- o Ugly spiders web of cables crossing over the roads
- o Poles not suitable for a residential urban area of modern bungalows
- o Taxpayers money being wasted & already contributed to fibre internet
- o Existing internet is already quick enough
- o Modern technology should be used not overhead cables
- o This is a knee jerk reaction to meet their deadline of July
- o No display of the yellow planning notice

ASSESSMENT

6.1 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP2,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp2 as Onchan is a named village in the strategic plan and the site is identified on the APE Onchan plan Map 6 as within the settlement boundary of Onchan and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp2 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan (NBP) to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National

Telecom Strategy, (to which the NBP is part off) was unanimously approved by Tynwald in October 2018.

6.7 It is understood that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (Onchan being identified as one of the intervention zones as a top priority area and referenced as 'Zone 1' will have access to the faster Fibre broadband.

6.8 It is noted from CURA's own website (CURA being telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021) on the NBP; "Given the diversity of the Isle of Man's landscape and the remote nature of some of the properties, the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that funding should be made available to ensure that properties in nine intervention zones will have access to the Fibre. With Manx Telecom chosen as the preferred supplier, the National Broadband Plan commenced on 1st July 2020 and it is expected that 99% of households will be installed with Fibre broadband by 2024".

6.9 The comments from DfE (Digital IoM) are helpful to understand the context of the NBP and the strategic national need underpinned by the Governments ambition to facilitate the roll out of new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works. That is, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

6.11 The defined residential catchment of Onchan is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the existing network to the wider area would appear to be from a series of below ground ducts and in some instances (as noted by the applicants) the cable is simply buried in the ground. It is noted that where there is above ground fibre cabling, this is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. The applicant noted; "On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted in the comments from DfE, that "Manx Utilities relies on

around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles are widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such given their prolific use across the Island the broad principle of use would be an acceptable method of providing suspended network cabling via wooden telegraph poles.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Onchan telegraph poles and their suspended cables are not widely utilised as a form of infrastructure and it is acknowledged there are none to the application site or along Howe Road, Links View or even King Edward Road.

6.16 In terms of siting of the individual poles, it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. The document also notes where appropriate they are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole.

6.17 Those current properties to be linked to the broadband network are likely to be supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace would involve digging up the pavement and roadway to install ducted network amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge, if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customer's expense.

6.18 In terms of the principle use of telegraph poles, their design and siting, it's clear that best practice has been followed to connect to the remaining properties in the streetscene / estate as part of the government's strategic drive whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights of the bungalows and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, with a lantern atop) at the rear of the pavements. The proposed telegraph poles will be partially visible on this streetscene as individual telegraph poles and their cabling above, where at present there are no telegraph poles, but they will not be read collectively given their separation distances and the strategic placement and layout of the estate.

6.20 When standing on the site, the level of visual intrusion into the streetscene can be subjective and it is accepted at present there are no telegraph poles in the streetscene. However, the introduction of the poles and cabling would be different and their use would be utilitarian as too would their appearance and certainly different from the existing method of delivery. It is accepted that this approach can be seen as a retrograde approach and not without its criticism. Equally it would be read against the residential context of the streetscene where the pole height would broadly be higher in height to the ridge of the surrounding properties (bungalows) as to would the cabling between the poles and the properties which would broadly be above eaves level. However noting the level of objection to the proposals and considering this level of "different" service delivery, in terms of overall

visual impact, it would not be so great to be considered an incongruous feature on the wider streetscape.

6.21 Whilst this proposal would be introducing additional "street furniture" into the streetscape of bungalows where at present there is none, they would equally be visible from within those respective properties facing onto the poles. However, this visual aspect could be more aligned with an individual's view and outlook. Whilst there will be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally add to the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (noted in planning history para 3.2) which proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been approved and implemented in Ballamillagyhn Estate.

6.24 When visiting Ballamillagyhn, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Boadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and their inherent cabling and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 As part of the application the applicant notes; "In parallel to submitting the application, we will write to and inform the following parties: Howe Road Residents - Information letter outlining the planning application been submitted. Onchan Town Commissioners - Letter informing of application". However, taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Howe Road does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 9 telegraph poles is required."

6.28 In terms of alternative options that have been considered the applicants have noted the following;

- o "Underground duct/trenching - It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property".

o "Sharing other infrastructure - Where possible we share infrastructure to reduce the visual impact and avoid the need for new deployments. There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements".

6.29 With this in mind, it can be assumed that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths. (To which it has been noted the DOI seek full width restoration of the footpaths.)

6.30 Striking a balance and noting the strong levels of objection from residents and MHK, the proposed connectivity would seek to serve the half of the upper proportions of this estate with the opportunity for faster broadband and would have a uniform appearance throughout. Of those properties to be connected, there are 36 written objections of the 40 properties here. It's clear the residents are against the proposals to use above ground fibre broadband via poles and cables, however a balance has to be struck here noting the level of objection, which is a strong material consideration and the competing planning policies and legislative documentation as noted above. On reflection of the previous paragraphs. To refuse the application based on residents requests when the principle, need and visual impact is considered to be acceptable could have a deleterious impact on the ability to provide improved broadband service and being denied critical infrastructure which is contrary to policy. Equally future occupants of the properties could equally be disadvantaged.

6.31 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.32 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.33 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.34 This proposal is not seeking to install any radio frequency or electromagnetic field communication or non-ionising devices, as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.35 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees,

hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.36 None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.