

From: planninginfo@midsussex.gov.uk <planninginfo@midsussex.gov.uk>
Sent: 28 July 2025 12:23:38 UTC+01:00
To: "Hamish Evans" <hamish.evans@midsussex.gov.uk>
Subject: Mid Sussex DC - Online Register - Comments for Planning Application
DM/25/1495

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 28/07/2025 12:23 PM.

Application Summary

Address:	Land Adj. To Rocky Lane Haywards Heath West Sussex
Proposal:	The installation of a 22.5 metre lattice mast, mounted with 9No. antennas, 12No. cabinets, 1No. Electrical meter cabinet located within a compound comprised of 2.4 metre high chain-link fence topped with 3 strands of barbed wire and the creation of a new access from Rocky Lane and ancillary development thereto. (Additional Highways information received 08.07.2025)
Case Officer:	Hamish Evans

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Customer Details

Address: 12 Buckeridge Way Haywards Heath West Sussex

Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	I object to the installation of the lattice mast because it will be an incongruous alien addition to the landscape. Referring to the law and policy in support my objection, I state the following: As regards Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015

(as amended), the sitting and appearance of the proposed mast will have a significant visual intrusion against local plan policies on protecting vistas, open space, or character of the area. Residents of Rocky Drive at Foundry Gardens have already made detailed representations regarding the visual prominence of the proposed lattice mast when viewed from their properties. Furthermore, even those residents of Foundry Gardens, like myself, whose homes will not directly overlook the mast will inevitably encounter it, along with its associated, visually discordant cabinet enclosures, when walking or driving to and from their homes via the roundabout at the entrance to Foundry Gardens. The proposed development would, therefore, not only have a direct visual impact on adjacent properties but also significantly affect the wider visual experience of the local community.

The appearance of the proposed mast with its large cabinets will also have an out-of-local-character visual impact, which does not align with relevant development plan policies on design and landscape.

As regards the relevant policies, the key policies of the Mid Sussex District Plan 2014 - 2031 provide the following

DP12 emphasises safeguarding the rural landscape. It states that all development outside defined built-up areas must "maintain or enhance the intrinsic beauty and tranquillity of the countryside". The policy only permits countryside development if it maintains (or where possible enhances) the quality of the rural and landscape character of the District. This effectively means visually intrusive structures in rural areas are discouraged unless they are essential and sensitively sited.

DP13 aims to preserve the open gaps between settlements. Development is allowed in the countryside gaps "provided it...would not have an unacceptably urbanising effect on the area between settlements". This policy protects open rural vistas between towns/villages - a tall modern structure like a mast with large cabinets that urbanises a gap could conflict with this policy's intent to retain separate identity and rural character.

DP23 is the policy directly governing telecom masts and similar equipment. While it supports expansion of digital networks, it sets clear criteria to minimise visual harm. "The location and appearance of the proposed apparatus...should seek to minimise impact on the visual amenity, character or appearance of the surrounding area." Furthermore, "new telecommunication equipment should not have an unacceptable effect on sensitive areas," to avoid damage to the local landscape character". The policy also expresses a preference for using existing masts/sites over new sites to reduce proliferation. Supporting text highlights that landscape guidelines (from the West Sussex Landscape Strategy) will be used when implementing this policy. In sum,

DP23 implicitly opposes visually intrusive masts by requiring sympathetic siting, and avoidance of the most sensitive viewpoints. When deciding telecom applications, the Council will "give regard to the operational requirements of networks and technical limitations" - but this comes after considering those visual criteria.

DP26 ensures that all development respects local townscape and landscape character. It requires high-quality design that "reflects the distinctive towns and villages" of Mid Sussex and protects what is valued about the built and natural environment. Key criteria include that development "creates a sense of place while addressing the character and scale of the surrounding buildings and landscape" and "protects open spaces, trees and gardens that contribute to the character of the area". It must also "protect[] valued townscapes and the separate identity and character of towns and villages". Additionally, new development should not cause significant harm to nearby residents' amenity or outlook. Taken together, DP26 would guide decision-makers to consider a mast's impact on the street scene or skyline - if a mast erodes a valued view, open area, or the distinct identity of a settlement, it could be judged contrary to this design policy.

The above explanations signal the Council's intent: while infrastructure and growth are needed, they should not come at the expense of Mid Sussex's valued views, open spaces, and local distinctiveness.

I further note in the Mid Sussex District Plan 2021-2039 (<https://www.midsussex.gov.uk/media/n1rddogj/district-plan-reg19-accessible-version.pdf>) that the emerging plan continues and in some cases strengthens the above principles. The draft District Plan retains a dedicated policy on communications infrastructure (renumbered as Policy DPI4). It carries forward the same protective criteria - the draft text emphasises that while digital connectivity is crucial, "infrastructure should take into account the visual amenity, character and appearance of a local area and should not have an unacceptable impact on sensitive areas."

When assessing new telecom equipment, the exact same tests regarding minimising visual impact and using existing sites are proposed, mirroring current Policy DP23. Likewise, the countryside protection policy (draft DPC1) still prioritises intrinsic landscape beauty, and a new draft DPI5 specifically covers and preventing the loss of important open spaces unless strict replacement or surplus criteria are met. Moreover, many draft policies include clauses to safeguard character and views. For instance, proposals for community facilities must demonstrate they "will not adversely affect the character, landscape...appearance and amenity of the area" and that their design is "sensitive to the existing character and setting.". This

shows the emerging plan remains aligned with protecting vistas and local character district-wide.

Mid Sussex has additional guidance in its Supplementary Planning Documents, drafted in support of local plan policies (<https://www.midsussex.gov.uk/planning-building/supplementary-and-other-planning-documents/>). Notably, the Mid Sussex Design Guide SPD (2020) provides detailed design principles to ensure new development is contextually appropriate and high quality. While not specific to telecommunications, it reinforces that developments should respond to their surroundings and landscape setting. Following this guide helps developers design structures (including infrastructure) that are less visually obtrusive.

In summary, Mid Sussex's planning framework, both the adopted 2014-2031 Plan and the emerging replacement, contains robust provisions to protect open countryside and local character.

Turning to the National Planning Policy Framework (NPPF), it is immediately obvious from NPPF Chapter 10 that the Policy recognises the need for modern telecommunications but couples support with safeguards for visual amenity. Its paragraph 120 requires minimising the proliferation and visual intrusiveness of masts. "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion." Use of existing masts or structures is encouraged, and new equipment must be "sympathetically designed and camouflaged where appropriate."

National policy expects operators to share facilities where possible and design new masts in a way that reduces their visual impact on the landscape and townscape.

NPPF Chapter 12 reinforces that developments must respect local character, landscape and views. Paragraph 135(c) requires that new development is "sympathetic to local character and history, including the surrounding built environment and landscape setting", even as it accommodates innovation.

Further, National Planning Practice Guidance (PPG) elaborates on NPPF policies. The PPG on telecommunications (part of "Digital Communications" guidance) reinforces that local planning authorities should support network enhancement while minimising visual impacts. It advises that, when processing applications or prior approval submissions under permitted development rights (GPDO Part 16), councils should focus on siting and appearance - the key factors through which visual intrusiveness is assessed.

In 2022, the Department for Digital, Culture, Media & Sport (DCMS) published a new Code of Practice for Wireless Network

Development in England (a non-statutory but endorsed guidance) which provides best-practice principles for telecom mast installations. This Code echoes many NPPF/PPG themes. It urges operators and authorities to work together to reduce environmental and visual impacts from the outset of site selection (<https://www.gov.uk/government/publications/code-of-practice-for-wireless-network-development-in-england/code-of-practice-for-wireless-network-development-in-england>)

Finally, coming back to law but on a different aspect of this matter, following the House of Lords reasoning in *Tesco Stores Ltd v Secretary of State for the Environment and others* [1995] 2 All ER 636; [1995] 2 EGLR 147, in making their decision, the LPA, under Section 70(2) of the Town and Country Planning Act 1990, "shall have regard ... to any other material considerations" and act reasonably in the *Wednesbury* sense. Since the ICNIRP guidelines do not cover interference with medical implants (in fact, they expressly exclude such risks), the Applicant's (i.e. Cellnex Connectivity Solutions Limited's) self-certification of compliance with ICNIRP does not address the specific concern raised by some residents in connection with interference with medical devices and implants. Some residents referred to an opinion of Professor Thornhill who indicated that intensity of radiation which will come out of the proposed mast will be outside the normal range covered by existing guidelines or certification, such as ICNIRP, particularly in relation to individuals with medical implants or electronic medical devices. Therefore, the LPA's attention is invited to this aspect of this matter.

For these reasons, I respectfully urge the LPA to refuse the Application.

Kind regards