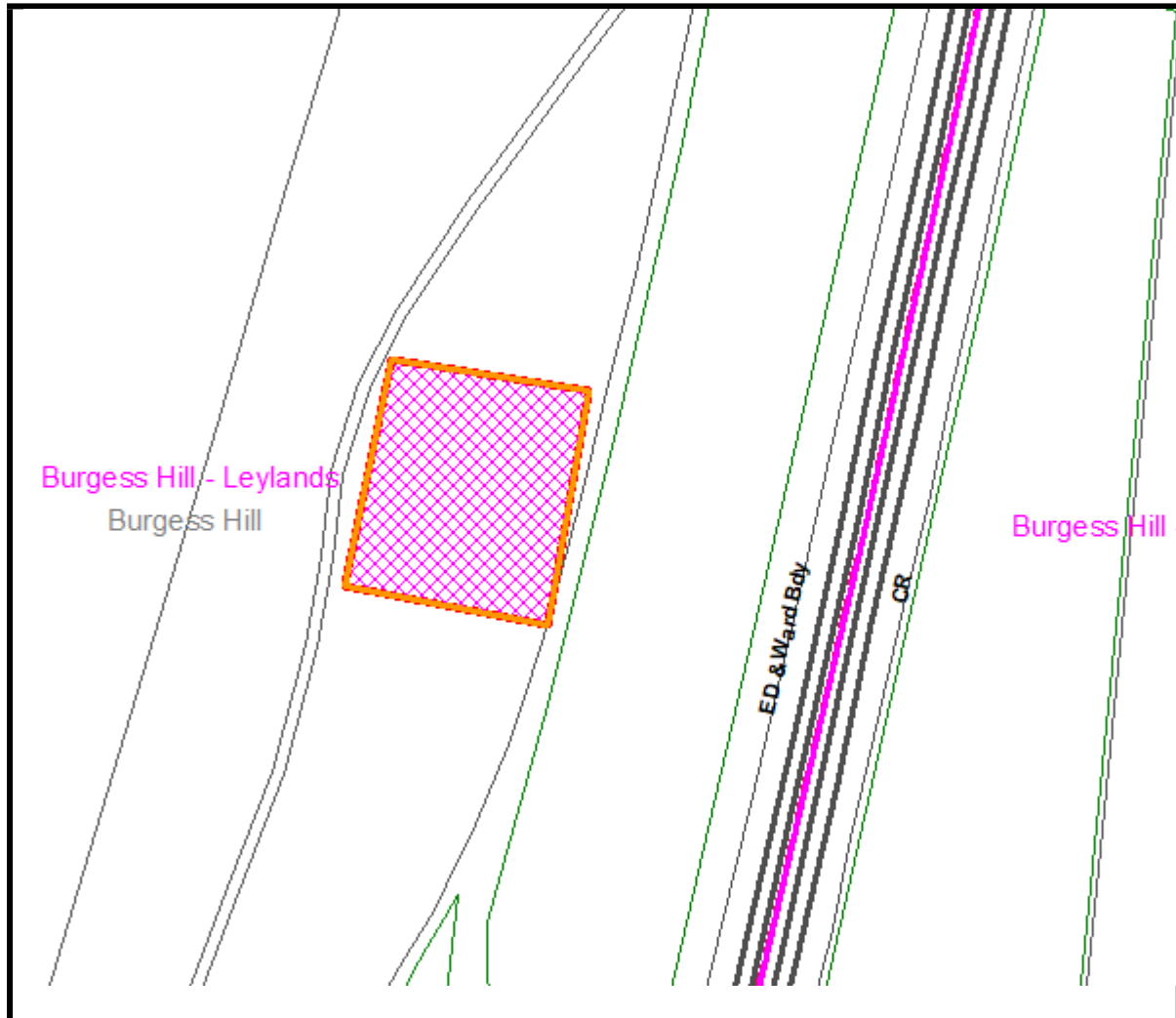


Planning Committee

Recommended for Permission

9th October 2025

DM/25/0589



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Site:	Land North Of Leylands Road Burgess Hill West Sussex
Proposal:	The installation of 1 No. 30 metre high lattice tower mounted with 6 No. antennas, 12 No. cabinets, within a compound comprised of 2.4 metre high palisade fencing painted green, 1 No. electrical metre cabinet and associated development thereto. (amended plans received 25.04.2025, amended photo montage received 01.05.2025, amended description 06.05.2025 and amended Ecology information 19.06.2025)
Applicant:	Cellnex Connectivity Solutions Limited (CCSL)
Category:	Prior Not. Telecommunications

Target Date:	10th October 2025
Parish:	Burgess Hill
Ward Members:	Cllr Simon Hicks / Cllr Anne Eves /
Case Officer:	Hamish Evans

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SSRDHKKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for prior approval as detailed above.

2.0 Executive Summary

- 2.1 The prior notification application is submitted on behalf of Cellnex, which is a mobile infrastructure services company. The application seeks a determination under Schedule 2, Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the Local Planning Authority is required for the siting and appearance of the installation of a 30 metre high lattice tower within a fenced compound and associated infrastructure at Land North of Leylands Road Burgess Hill.
- 2.2 Under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), prior notification of development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code must be submitted to the Local Planning Authority for consideration as to the siting and appearance of the development.
- 2.3 The Local Planning Authority must thereafter issue a decision as to the requirement for prior approval of the development, whether the prior approval of the development is granted or refused within 56 days of the receipt of the application or by a date otherwise agreed with the applicant.
- 2.4 It is considered that there are clear benefits from the proposal in relation to improved telecommunications infrastructure within the district. These are matters that weigh in favour of the application when considering the siting and design of the proposal. It is noted that the proposal will have an impact on the character of the area, however it is considered that due to its location it would address the character

and scale of the surrounding buildings and landscape and be supported by policy DP23 of the Mid Sussex District Plan.

- 2.5 Taking into account the scale and location of the proposal it would not impact the use of the site as a local green space and the siting of the development would protect the existing use of the site.
- 2.6 It is further considered that the site's selection and equipment specification have been sufficiently justified through the application documentation. Taking into account the above assessment, the proposal is considered to comply with policies DP23 and DP26 of the Mid Sussex District Plan, policies G1 and G4 of the Burgess Hill Neighbourhood Plan and the relevant provisions of the National Planning Policy Framework (NPPF). Prior approval of the appearance and siting of the development can therefore be granted in accordance with Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3.0 Recommendations

3.1 Recommendation

- 3.2 It is recommended that members agree that Prior Approval is Granted and can therefore proceed in accordance with the submitted details and the conditions outlined at Appendix A.

4.0 Summary of Representations

- 4.1 68 third-party letters of representation have been received in respect of this application. 66 letters were received which raised objection to the proposal, the reasons for their objections have been summarised below:
- Proposal is visible, incongruous and industrial development,
 - Proposal would be an eyesore,
 - The site is designated as Local Green Space by Policy G2 of the Burgess Hill Neighbourhood Plan,
 - The proposal would result in the loss of trees,
 - The proposal would result in the loss of and harm to existing wildlife, including insects, birds, mammals, bats and other protected species,
 - Proposal will impact surrounding properties value,
 - Proposal will have an overbearing impact on surrounding residents and users of the site,
 - Proposal will lead to loss of outlook and views,
 - It consists of an intrusion into the countryside,
 - Too close to residential properties,
 - The proposal will cause ongoing noise pollution,
 - Would result in a precedence for future development,
 - The proposal will lead to health risks due to radiation and EMF,
 - Minimal benefits to the local community,
 - Height is excessive in relation to surrounding built and natural form,
 - Significant visual impact,
 - The submitted information and montage do not accurately reflect the site,
 - Application not presented in a transparent and appropriate way,

- The construction works will cause significant nuisance and noise pollution to nearby residents and users of the site,
- Site was subject to a landslip and the proposed development would impact the recovery from this,
- Unsuitable for a residential area,
- Loss of open space,
- Non-compliance with policies DP26 and DP37 of the Mid Sussex District Plan,
- Site located in close proximity to sensitive locations and receptors, schools, residential streets, playing fields and care facilities,
- Site is located on a Conservation Area,
- Cumulative impact with existing masts,
- Insufficient justification for height or design of proposal,
- Lack of compliance with code of best practice,
- Area served by fibre optic network and existing coverage adequate so unnecessary,
- No studies and benefit analysis undertaken,
- ICNIRP out-of-date and self-policed,
- ICNIRP does not include active medical devices or those with metal implants,
- No need for 'smart town' and Artificial Intelligence causing harm to residents,
- Alternative sites discounted for being in close proximity to railway line and housing which the proposal is also,
- Economic benefits don't outweigh negative impacts,
- The proposal would result in the installation of surveillance equipment,
- Land adjacent to Burgess Hill Green Circle,
- Close proximity to Gatwick airport,
- Speculative application and no Mobile Network Operator,
- The proposal may be redundant in the future,
- No Environmental Impact Assessment has been submitted,
- 5G health risks are uninsurable,
- Proposal does not comply with The Pollution Prevention and Control Act 1999, Environmental Protection Act 1990, National Health Service Act 2006 and paragraphs 135 and 198 of the NPPF (2024),
- A local risk assessment, disability impact assessment and equality impact assessment have not been undertaken,
- Increase in carbon footprint due to reliance on technology,
- Overshadows residential properties,
- Overshadowing impact on existing solar PV panels,
- Proposal causes fear and anxiety,
- Proposal will generate significant heat so will not be sustainable,
- No need as there are existing operators,
- Should use an existing mast,
- Light pollution from security lighting,
- Interference for nearby aerials and sky dishes,
- Liable to vandalism,
- Does not comply with Biodiversity Net Gain requirements,
- Proposed landscaping insufficient,
- Council may be liable for claims due to impact of proposal,
- Existing grid network cannot supply the proposal,
- Existing site difficult to access due to wet ground in winter,
- Proposal will increase the risk of the country being cyber hacked,
- Network rail not installing the proposal on their own land is unsustainable,
- Impact on school children accessing the compound,
- Use not in-keeping with the landowners wants,

- The submitted application documents are inaccurate in respect of Biodiversity Net Gain, the distance to a watercourse, position of the photomontages, coverage map and the need for power and internet connectivity,
- Increase in traffic due to maintenance need, and
- Commercially motivated application.

4.2 One letter of representation has been written in support of the application advising that the proposal may improve the mobile reception with the existing reception being poor.

4.3 One letter of representation has written neither supporting nor objecting to the proposal but queries the location of the proposal.

4.4 A number of representation letters query the number of notification letters that were sent out notifying residents of the application and some state that they were not notified of the application. They state that no consultation was undertaken with local residents, users of the site or local schools. They also query why the Council purchased the land in 2013 and what knowledge the Council had of the proposal prior to the application. One also queries whether a full ecological survey will be required. A representation letter queries whether a local risk assessment, disability impact assessment and equality impact assessment have been undertaken.

5.0 Summary of Consultees

5.1 MSDC Tree Officer - No objection, although concern regarding categorisation of T1 Oak.

5.2 WSCC Local Highways Authority – No objection.

5.3 MSDC Ecology – No objection subject to conditions.

6.0 Town/Parish Council Observations

6.1 Burgess Hill Town Council – Recommend refusal, due to non-compliance with policies DP23, DP26, DP29 and DP38 of the Mid Sussex District Plan and policies G1 and G4 of the Burgess Hill Neighbourhood Plan.

7.0 Introduction

7.1 This application seeks a determination under the prior notification procedure as laid out under Schedule 2, Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of the installation of a 30 metre high lattice tower within a fenced compound and associated infrastructure at Land North of Leylands Road Burgess Hill.

7.2 The application is before members as the Council (MSDC) are the owners of the land that the application relates to. It should be noted that while the Council has an interest as a landowner, this report represents your officers' views in relation to the Council's role as the Local Planning Authority (LPA). It is important to highlight that these are two wholly separate functions. As such it is considered appropriate

that the decision should be made by the Committee in accordance with the Council's Constitution.

- 7.3 It is important to note that the Council are required to determine applications of this nature within 56 days of receipt of the application or on a date agreed with by the applicant. The current agreed deadline is 10.10.2025 and if the Council do not issue a decision within this time period, the proposal can proceed.

8.0 Relevant Planning History

- 8.1 None relevant.

9.0 Site and Surroundings

- 9.1 The application site consists of an open area of local green space which includes a significant number of trees and hedgerows and open grass areas. The maximum height of the trees within the surrounding area is some 22 metres. The proposal would be sited on an area of grassland to the east of an existing footpath.
- 9.2 The application site is situated within the built-up area of Burgess Hill, and it is designated as a local green space by the Burgess Hill Neighbourhood Plan. To the east of the site is Network Rail land and the existing railway line. The local green space would be located to the north, south and west of the site. There are significant trees to the north, south and west of the proposal. The nearest residential properties to the site are located some 60 metres to the west on Maple Close and to the east, the properties within Grange Close are some 80 metres away from the proposal. A Public Right of Way is located some 48 metres to the north of the site.

10.0 Application Details

- 10.1 The proposed works consist of the erection of a lattice tower which measures some 1.9 metres in depth, 1.4 metres in width and 30.0 metres in height. The tower would have 9 antennas connected to the proposed head mast, they would measure some 0.3 metres in depth, 0.5 metres in width and 3.3 metres in height. The overall height of the structure would be some 31.3 metres above ground level.
- 10.2 The proposal includes the creation of a dedicated compound. The compound would consist of the proposed lattice tower, 12 cabinets and a shared metre cabinet. The compound will be surrounded by a 2.4 metre high palisade metal fence. The proposed cabinets and fencing will be characterised by steel in a fir green colour RAL 6009. The submitted plans show that the proposed compound will be screened by a mixture of Hawthorn, Hazel, Blackthorn, Field Maple and Holly, which will be maintained to a maximum height of 3.0 metres.
- 10.3 The proposal includes a temporary access track which leads to Leylands Road to the south of the site. The submitted plans also show a route to the south of the site for a fibre cable connection and a route to the north of the site for a power cable connection.
- 10.4 The submitted documents advise that the proposal would result in the loss of an existing dead tree to the south of the existing compound. The submitted documents also propose a number of tree protection measures including tree protection fencing.

- 10.5 The submitted documents state that the proposal is part of a larger scheme to provide macro-level mobile media connectivity to fill gaps where existing Mobile Network Operators' sites do not provide coverage along the London to Brighton railway line. It also states that the proposal will provide improved coverage within the local area.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocation DPD and the Burgess Hill Neighbourhood Plan.

- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

- 11.8 The PPG explains that *'Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.'*

- 11.9 In the case of telecommunications development, the Town and Country Planning (General Permitted Development) Order 2015 states that before beginning development that is classified as permitted development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.
- 11.10 Under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), prior notification of development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code must be submitted to the Local Planning Authority for consideration as to the siting and appearance of the development.
- 11.11 The Local Planning Authority must thereafter issue a decision as to the requirement for prior approval of the development, whether the prior approval of the development is granted or refused within 56 days of the receipt of the application or by a date otherwise agreed with the applicant. The current agreed deadline is 10.10.2025 and if the Council do not issue a decision within this time period, the proposal can proceed.

Mid Sussex District Plan

- 11.12 The District Plan was adopted at Full Council on the 28th March 2018. Relevant policies;

DP23 – Communication Infrastructure
DP26 - Character and Design

Site Allocation DPD

- 11.13 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. No policies are considered relevant to this application.

The Burgess Hill Neighbourhood Plan

- 11.10 The Hassocks Neighbourhood Plan was formally made on 24th June 2020. Relevant policies;

Policy G1 – Areas of Open Space
Policy G4 – Local Green Space

Other Material Considerations

Mid Sussex District Plan 2021-2039 Submission Draft (Regulation 19)

- 11.11 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st

October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

A list of relevant policies can be found here:

DPB1: Character and Design

DPI4: Communications Infrastructure

DPI5: Open Space, Sport and Recreational Facilities

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

- 11.13 The NPPF is a material consideration with specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

12.0 Assessment

- 12.1 This prior approval application needs to be considered against Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 12.2 The development complies with the technical requirements, subject to the prior approval process where the LPA must consider as to whether the prior approval of the authority will be required for the siting and appearance of the development. To assist in that regard, the development should be considered against the development plan policies.
- 12.3 Policy DP23 of the District Plan relates to communication infrastructure and states that:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development. The expansion of the electronic communication network to the towns and rural areas of the District will be supported.'

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;

- New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;

- Preference will be for use to be made of existing sites rather than the provision of new sites. When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'

12.4 Paragraphs 122 and 123 of the NPPF state:

'122. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

123. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'

12.5 Policy DP26 of the District Plan relates to character and design and states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;

- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

- 12.6 The site is designated as a local green space by policy G4 of the Burgess Hill Neighbourhood Plan.
- 12.7 Policy G4 of the Burgess Hill Neighbourhood Plan states that sites that are designated as local green spaces are protected from development. A similar ethos is contained within policy G1 of the Burgess Hill Neighbourhood Plan.
- 12.8 The proposed mast would be located within the built up area boundary of Burgess Hill and it is within an urban area. There are residential dwellings to the east and west of the proposal, the site is located within an area of local green space used by members of the public and a Public Right of Way is located to the north of the site. The proposed lattice tower, including the proposed antenna, would measure some 31.3 metres in height. Given its siting and scale there would be views of the proposed tower from the surrounding area. The surrounding trees measure some 22.0 metres high with the proposed mast extending some 9.3 metres above those trees.
- 12.9 The views of the proposal would be partially screened by the existing trees within the surrounding area and the topography of the surrounding landscape. Clear views of the apparatus will be mainly confined to the immediate vicinity. The proposed

mast is to be galvanised steel which would assimilate with the predominant colour of the UK sky. It is not uncommon for tall metal structures to be sited within the built-up area along the trainline.

- 12.10 The site is located within a local green space which is protected from development by policy G4 of the Burgess Hill Neighbourhood Plan. Whilst the proposal does represent development within the local green space, the size of the compound is relatively small in its nature and it would be set some 5.8 metres away from the established path through the local green space. As such it is considered that the proposal would not impact the use of the site as a local green space and the siting of the development would protect the existing use of the site.
- 12.11 In respect of public benefits, the proposal is considered to represent the expansion of electronic communications technology, and it would facilitate the development of next generation mobile technology, specifically 5G. It would also improve the existing mobile network infrastructure along the trainline and coverage to the local area. Paragraph 119 of the NPPF states *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).'* It is considered that the proposal would accord with this advice, which should be afforded significant weight.
- 12.12 Comments have been received which object to the proposal due to its proximity to residential properties, businesses, schools, wildlife, nature reserves and that the proposed use of the land is unacceptable. Whilst these comments are noted, the proposal is at least some 60 metres from the nearest residential properties, businesses, schools and other sensitive receptors, this is considered to be a relatively significant distance. It is not considered that conclusive evidence has been provided that the proposal would have an impact on existing wildlife and the Council's Ecologist has raised no objection to the proposal subject to the imposition of conditions. Taking the above assessment into account the proposed location is considered to be acceptable. The Council's Ecologist has recommended a condition to secure details of any external lighting. No external lighting is proposed and as such it is not considered necessary to impose the recommended condition.
- 12.13 Comments have been received which object to the proposal due to its appearance, visual impact and location within the green circle and an open space. Whilst these comments are noted, given the above assessment, the siting and appearance of the proposal is considered to be acceptable.
- 12.14 Taking into account the above the proposal is considered to minimise the impact on the visual amenity, character and appearance of the surrounding area, and its siting and appearance is considered acceptable. It is also considered to be supported by policy DP23 of the Mid Sussex District Plan. As such the proposal is considered to comply with the above parts of policies DP23 and DP26 of the Mid Sussex District Plan.

Other matters

- 12.15 Several objection letters have been received in respect of the application and whilst a number of the issues raised have been addressed above, it is considered important to address the remaining issues. It should be noted that due to the type of application the relevant matters to be taken into consideration in the determination of the application are the siting and appearance of the development.
- 12.16 Representation letters have been received that question whether a local risk assessment, disability impact assessment and equality impact assessment have been undertaken. It is not considered necessary to submit a local risk assessment at this stage as this would be dealt with by other statutory regimes such as health and safety regulations and building control regulations. As set out within a previous section of this report, paragraph 123 states that LPAs should not seek to set health safeguards different from the International Commission guidelines for public exposure. A Declaration of Conformity Public RF Exposure Guidelines (“Guidelines”) formerly known as an ICNIRP (health) compliance certificate, is included with the application thereby ensuring compliance with paragraph 122 of the NPPF. The representations received in relation to the health impacts of the proposal are noted, however having regard to the scope of the Guidelines the representations are not considered to provide the weight of evidence to suggest that the proposal would have adverse effects on health, including to local users of pacemakers and similar devices. It is acknowledged that the guidelines do not deal with the specific risk of harm which may potentially be caused by EMFs unintentionally interfering with active implantable medical devices. Part of the consultation process is an attempt to elicit what may not yet be known to the Council about the potential impact of the proposed equipment on local people with disabilities and people who may not be disabled but have health issues being managed by pacemakers and other similar active implantable medical devices. In this respect regard has been had to the Council’s public sector equality duty as a thorough advertisement process has been undertaken by the LPA in respect of this application. The representations received regarding pacemakers (and similar devices) give limited indication of the numbers and location of local people who might be affected or that they are currently affected by existing telecommunications equipment which might be exacerbated. Thus, careful consideration has been given to this issue and in light of the limited evidence that has been provided relating to this issue, it has been given little weight.
- 12.17 The submitted representation letters do not clearly identify how the proposal does not comply with the Pollution Prevention and Control Act 1999, Environmental Protection Act 1990, National Health Service Act 2006 and Paragraphs 135 and 198 of the NPPF (2024). Representation letters also raise concern that a local risk assessment, disability impact assessment and equality impact assessment have not been undertaken. Taking the above assessment into account it is considered that the Council have had due regard to the above legislation and material planning considerations however, as with the above assessment this issue is given little weight and it is not considered necessary for further assessments to be undertaken.
- 12.18 Furthermore, comments have been received which state that the proposed mast is unnecessary, is a speculative application, with no end users, the proposal should use an existing mast, that the proposal would have a cumulative impact with existing masts, a studies and benefit analysis has not been undertake, the economic benefits don’t outweigh the negative impact and that it could be obsolete in the future. These comments are noted however paragraph 123 of the NPPF states that Local Planning Authorities should not ‘*question the need for an electronic communications system*’. As the proposal is for an electronic communications system, the LPA are not able to question the need for this system

in accordance with the above part of paragraph 123 of the NPPF. There are no similar masts located within the surrounding area and as such there is not considered to be a cumulative impact with existing masts. Therefore, the application cannot be refused on the above grounds.

- 12.19 Representation letters have been received which object to the proposal due to its close proximity to Gatwick Airport. A letter from the Aerodrome Safeguarding Officer on behalf of London Gatwick was submitted with the application and they raised no objection to the proposal.
- 12.20 The impact of the proposal on property values, the enabling of mass surveillance and the enabling of Artificial Intelligence are not considered to be material planning considerations. Whether the Council are liable for future litigation or not is not considered to be a material planning consideration.
- 12.21 The representations against the proposal also object to the proposed impact on existing residents specifically in terms of noise and light pollution, overbearing impact, fear and anxiety and loss of light. The proposal is set some 60 metres away from the nearest residential property and there is a some 22.0-metre-high tree line surround the site, as such the proposal is considered to have an acceptable impact on the existing residential properties in relation to the above issues.
- 12.22 Each application is assessed on its own merits and as such the proposal is not considered to set a precedent for future development. It should be noted that condition 2 of Class A, Part 16, Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires that development is removed as soon as reasonably practicable after it is no longer required for electronic communications purposes.
- 12.23 No evidence has been provided that the proposal would interfere with existing aerials or sky dishes, that the proposal is not in-keeping with what the landowners wants, that previous landslips on the site would impact the development or that the development would impact recovery from previous landslips.
- 12.24 The Council's Tree Officer has raised no objection to the proposal, however they have raised concern over the loss of an existing oak tree on the site. Whilst this concern is noted, the tree has been categorised as a U class tree and as such its loss is considered to be acceptable. Representation letters have also been received which object to the proposal due to the loss of trees however, given the above assessment the proposal is considered to be acceptable in this regard.
- 12.25 The application was advertised in accordance with MSDC policy and the Town and Country Planning Development Management Procedure England Order 2015. Representation letters have also raised concerns over the quality of the application documents that have been submitted however they are considered to be accurate and comply with the relevant legislation. Due to the nature of the application, it is not subject to BNG requirements. No definitive evidence has been provided to show that the applicants have not complied with the Code of Practice. The site selection process that has been undertaken is considered sufficient for the purposes of this application. The application is not of a scale or within an area that would require the submission of an Environmental Impact Assessment. The site is not located within a Conservation Area or the Countryside.
- 12.26 The nature of the application requires the LPA assess the siting and appearance of the proposal as such its impact on sustainability, impact on traffic, climate change

and whether it would lead to anti-social behaviour is not considered to be relevant. It should be noted that the Local Highways Authority have raised no objection to the proposal.

13.0 Planning Balance and Conclusion

- 13.1 It is considered that there are clear benefits from the proposal in relation to improved telecommunications infrastructure within the district. These are matters that weigh in favour of the application when considering the siting and design of the proposal. It is noted that the proposal will have an impact on the character of the area however it is considered that due to its location it would address the character and scale of the surrounding buildings and landscape and be supported by policy DP23 of the Mid Sussex District Plan.
- 13.2 Taking into account the scale and location of the proposal it would not impact the use of the site as a local green space and the siting of the development would protect the existing use of the site.
- 13.2 It is further considered that the site's selection and equipment specification have been sufficiently justified through the application documentation. Taking the above assessment into account, the proposal is considered to comply with the above parts of policies DP23 and DP26 of the Mid Sussex District Plan, policies G1 and G4 of the Burgess Hill Neighbourhood Plan and the relevant provisions of the NPPF. Prior approval of the appearance and siting of the development can therefore be granted in accordance with Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. No development shall take place unless and until details of the layout and specification of the proposed temporary access track are submitted to and approved by the Local Planning Authority. The temporary access track shall be constructed in accordance with the approved details prior to the construction of the proposed mast. On completion of the development hereby permitted the temporary access track shall be removed and the land it is sited on shall be reverted back to its state prior to the temporary access tracks construction.

Reason: To secure a satisfactory standard of access, to address the character of the surrounding landscape and to accord with policy DP26 of the Mid Sussex District Plan.

2. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include

amongst other matters details of: measures to control noise or vibration affecting nearby residents, artificial illumination and site contact details in case of complaints, all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity in accordance with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031 and national policy contained within the National Planning Policy Framework.

3. The works shall be carried out in accordance with the recommendations within the Tree Survey and Arboricultural Impact Assessment which were submitted on the 06.03.2025.

Reason: To ensure the works are carried out to a satisfactory standard, to protect the existing trees on the site and to accord with policy DP37 of the Mid Sussex District Plan.

4. Before the end of the next planting season following the implementation of this permission, the proposed landscaping details as set out in the submitted Proposed Site Plan_S5-13A-00-001-MD003 Rev 3A shall be planted and maintained in accordance with those submitted details. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity of the area and to accord with policy DP26 of the Mid Sussex District Plan.

5. All mitigation measures and works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Version 2.0 (Betts Ecology, June 2025) as already submitted with the planning application.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan.

6. Prior to beneficial use, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (PEA) Version 2.0 (Betts Ecology, June 2025) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions to achieve stated objectives;
- b) locations of proposed enhancement measures by appropriate maps and plans (where relevant);

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024, s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan.

Biodiversity Net Gain

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Full consultation responses can be found on the Planning Register on the Council's website.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Other	11420-D-AIA	A	06.03.2025
Existing Site Plan	S5-13A-00-000-MD003	3A	25.04.2025
Proposed Site Plan	S5-13A-00-001-MD003	3	25.04.2025
Existing Elevations	S5-13A-00-002-MD003	3	25.04.2025
Proposed Elevations	S5-13A-00-003-MD003	3	25.04.2025
Photographs	30058-NPA-XX-XX-RP-Y-0001	-	01.05.2025
Location Plan	S5-13A-00-004-ML002	2	06.03.2025
Planning Statement	-	-	06.03.2025