

Section 78 of the Town and Country Planning Act 1990 (as amended)

Full Statement of Case

CK Hutchison Networks (UK) Ltd

In respect of:

Land at Varley Street, Beswick, Manchester, M40 7AT

By:

Sinclair Dalby Limited

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May 2022

Reference: CA/H3G/MAN16337

LPA application reference: 131934/TEL/2021

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Appendices

- 1 DCMS letter dated 24 May 2021.
- 2 Code of Practice for Wireless Network Development in England.
- 3 Appeal decision - MBNL Vs Birmingham City Council (ref. 3241791).
- 4 Appeal decision – H3G Vs Liverpool City Council (ref. 3269643).

1. INTRODUCTION

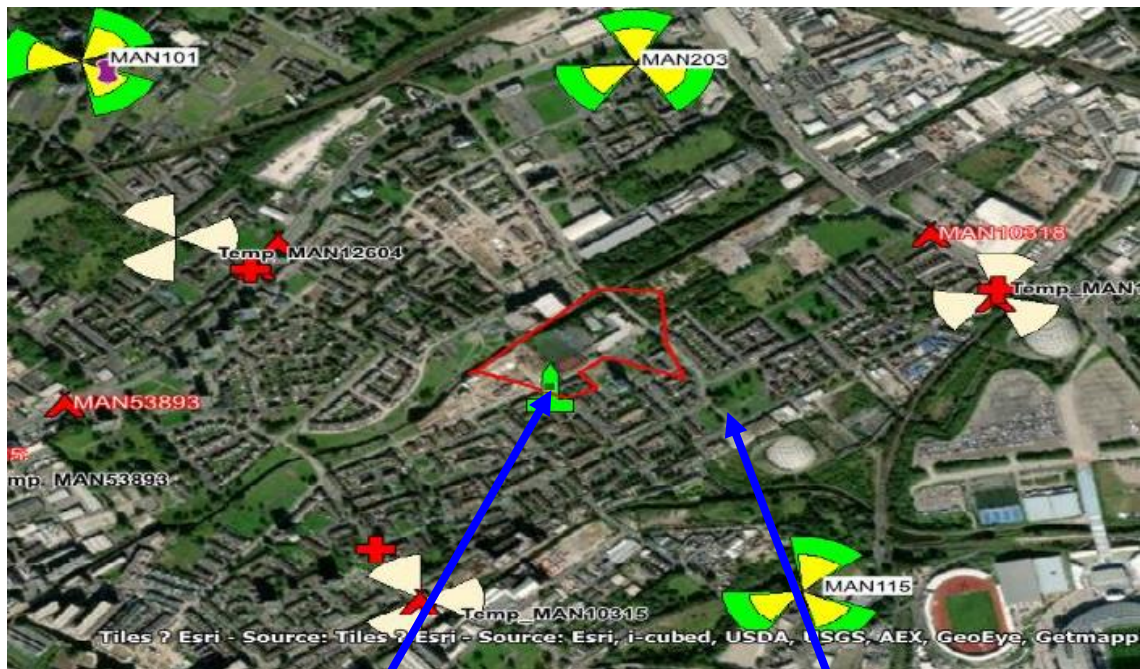
- 1.1 This statement is prepared by Sinclair Dalby Ltd in support of an appeal on behalf of CK Hutchison Networks (UK) Ltd (the Appellant) against the refusal by Manchester City Council (the Council) for a determination as to whether the prior approval of the Council was required for the siting and appearance of the development of an electronic communications installation at 'Land at Varley Street, Beswick, Manchester, M40 7AT' (application reference: 131934/TEL/2021).
- 1.2 CK Hutchison Networks (UK) Ltd are a licensed operator of an electronic communications network in accordance with the Communications Act 2003, (Code Powers received on 23rd March 2021). The proposed development is submitted on behalf of Hutchison 3G UK Limited (trading as '3'), to provide new 5G coverage, along with enhanced 4G coverage to this area of Manchester. Hutchison 3G UK Limited (H3G) are licensed to operate Third (3G), Fourth (4G) and Fifth Generation (5G) electronic communications services, and this development is part of a major upgrade of the national network to provide additional coverage and capacity, in particular to cater for the significant increase in demand for data services in the next few years.
- 1.3 The proposed development comprises the installation of a 20 metre high monopole supporting 6 no. antennas, 4 no. equipment cabinets and development works ancillary thereto. A 'Prior Approval' application was submitted via the Planning Portal to Manchester City Council on 15 October 2021. The application was refused under delegated powers on 9 December 2021. The decision notice (included within the appeal documents) set out the reason for refusal as:
- "1) The City Council is not satisfied that this development has been sited and designed to minimise the impact upon visual amenity. The proposed telecommunication installation by reason of its height, siting and appearance, would be unduly harmful to the character and visual amenity of the streetscene, whilst also being visually intrusive to current and future neighbouring residential properties along this part of Varley Street. The proposed telecommunications equipment would therefore be contrary to policies DM1 and SP1 of the Manchester Core Strategy (2012), saved policy DC17.1 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework (NPPF)."*
- 1.4 This statement provides background information about the Appellant and the requirement for an installation in this location; it outlines relevant national and development plan policy and assesses the appeal against planning policy based on the Council's reason for refusal. It concludes that permission should be granted on the grounds that the proposed development is a suitable one in terms of design and location and would provide enhanced coverage and capacity in this locality. It is considered that this is a suitable site, alternatives have been fully assessed, and the consideration that has been given to sensitive siting and design outweigh any impact on the character and appearance of the local area, and that compliance with local and national level

planning policy was demonstrated within the application submission, thus prior approval should have been granted at that time.

2. THE NEED AND PUBLIC BENEFITS OF THE PROPOSAL

Need for the site

- 2.1 There is a need for enhanced coverage and capacity to this area of Manchester as part of H3G's national programme of upgrading their network. The coverage map below sets out the need for the development:



Centre of search area

Appeal site

Image 1: Coverage map

- 2.2 The map above is marked with the appeal site and the centre of the search area (north-west of the appeal site) and also includes existing sites in the network. The map also identifies the preferred search area marked by a red line.
- 2.3 The proposed mast seeks to provide new signal to areas where currently coverage is limited and improve capacity where existing pathways are overloaded. The site is proposed to deliver improved coverage to the area to ensure that it benefits from adequate coverage levels as well as new 5G coverage. 5G coverage is currently being rolled out by all operators across the country and is supported and encouraged at government level.
- 2.4 For an infill site with such a specific coverage requirement, it is important to stay close to the centre of the search area. Moving too far one way will move too close to an existing installation, and a development may not successfully meet the coverage requirement, potentially requiring an additional installation to

rectify the deficiency in coverage. Potential options will therefore be extremely limited. In this case it has been necessary to widen the area of search due to the lack of suitable siting opportunities.

- 2.5 Added to the current deficiency in coverage in the area, additional coverage and capacity is also required for future projected increases in demand. Included with the application documents was a document providing general background information on the expansion of the H3G network, entitled '3UK Information Document'. Copied below (at image 2) is a slide from that document which illustrates the rapidly increasing demand for mobile services, with a projected 13-fold increase forecast between 2017 and 2025. This further confirms the need for an additional site in the area.

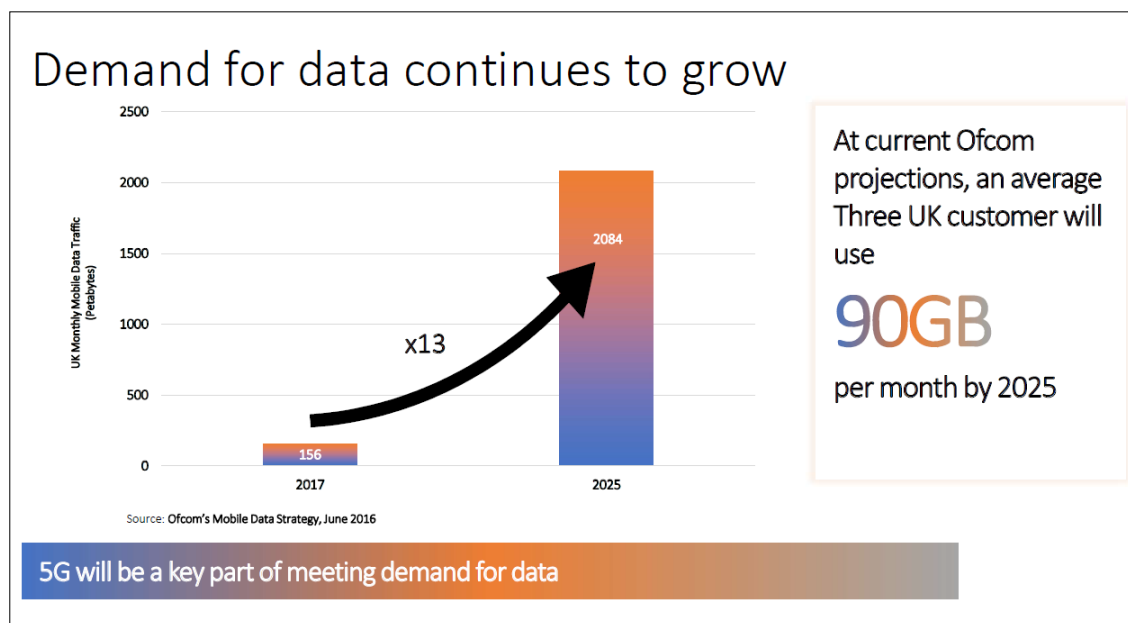


Image 2 – Extract from 3UK Information document

Public Benefits of the Proposal

- 2.6 Mobile telecoms networks are now ubiquitous throughout the UK. Individuals and businesses expect to be able to connect and use their mobile device whenever and wherever they so require. Access to quality mobile communication services is an essential utility for the residents, businesses and for people travelling through the area. High quality communications infrastructure is essential for sustainable economic growth and high-speed broadband technology and other communications networks also play a vital role in enhancing the provision of local community facilities and services. Mobile connectivity allows business to be done on the move, enables access to information and services anywhere, and opens up new opportunities and markets.

- 2.7 At the time of writing the critical nature of these services has been ever more apparent. Restrictions on travel resulting from the Coronavirus pandemic resulted in a massive shift from office based to home working, from physical professional and social gatherings to virtual ones and to unprecedented reliance on online shopping and entertainment services. Usage within suburbs and residential areas increased dramatically as less people travelled to town and city centres. Maintaining and enhancing the mobile networks is of vital national importance, and it is significant that telecoms was designated as “critical work” during this time, but it is anticipated that the current shift towards homeworking and online services will persist, although to a lesser degree, in the future. It is vital that the infrastructure is in place throughout the UK to meet this demand.
- 2.8 Prior to the recent rise in mobile dependency, the importance of connectivity was already well recognised. This is emphasised by data from Ofcom’s 2018 annual communications report which confirmed the importance of mobile technology in the UK, and its contribution to the sustainability agenda. The report provides a figure of 92 million active mobile subscribers in the UK at the end of 2017. It details that 78% of adults now use a smartphone and that 76% of mobile users are using their devices for web and data access.
- 2.9 Further, the report notes that *“Falling call volumes are symptomatic of a fundamental change in people’s behaviour; web-based forms of communication are now the primary way in which many consumers use their mobile phones”*. Following on from this, the report states also that *“Growing numbers of smartphone users, faster mobile networks, the launch of new bandwidth-hungry services such as video streaming, and larger pay-monthly data allowances have all contributed to rapid growth in subscribers’ average mobile data use.”* According to information provided to Ofcom by the major mobile providers, this increased from 0.2GB per month in June 2012 to 1.9GB per month in June 2017 (an eight-fold increase). Thus, it is clear that data-based technologies, such as 4G and 5G services (provided by this proposed development), are increasingly important to our everyday lives, even during more normal circumstances.
- 2.10 In 2016 a report, “Connected Future”, was published by the National Infrastructure Commission which addressed the steps necessary to put the UK at the forefront of emerging digital communications technology which it described as *“critical to the growth of our economy”* and made recommendations to the Government on how to achieve them. The commission reported, on page 2, that:

“The Commission’s central finding is that mobile connectivity has become a necessity. The market has driven great advances since the advent of the mobile phone but government must now play an active role to ensure that basic services are available wherever we live, work and travel, and our roads, railways and city centres must be made 5G ready as quickly as possible...Greater connectivity is inevitable and essential. The UK cannot be left behind”.

- 2.11 The London Assembly's Regeneration Committee described digital connectivity within its "Digital Connectivity in London" report, published in June 2017, as the *"fourth utility", an everyday necessity alongside water, gas and electricity* and also noted that *"mobile broadband is, and will continue to be, an essential complement of fixed broadband"*.
- 2.12 The appeal proposal would remedy the current network shortfall in the area, which is clearly in the wider public interest. The refusal of the subject application is in conflict with the National Planning Policy Framework ('NPPF'), which places a strong emphasis on encouraging the continued rollout of high-speed digital infrastructure networks.
- 2.13 The Government unambiguously recognises the vital importance of the development of essential modern electronic communications services for residents and local economies. As such, the urgent delivery of the required network services continues to be a government priority. Within his presentation to Parliament in July 2015 of the Government report "Fixing the Foundations: Creating a more prosperous nation" the then Chancellor of the Exchequer reiterated the importance of a high-speed digital communication infrastructure:

"7.1 Reliable and high quality fixed and mobile broadband connections support growth in productivity, efficiency and labour force participation across the whole economy. They enable new and more efficient business processes, access to new markets and support flexible working and working from home.

By reducing regulatory red tape and barriers to investment, the government will support the market to deliver the internationally competitive fixed and mobile digital communications infrastructure the UK's businesses need to thrive and grow, and which will enable the UK to remain at the forefront of the digital economy. The government is working with business so that the market can play the lead role in delivering against the ambitions set out in the Digital Communications Infrastructure Strategy, published in March, of near-universal 4G and ultrafast broadband coverage."

- 2.14 This position was reinforced by a statement made by, then incumbent Prime Minister, David Cameron, in March 2016, when he specifically addressed the vital importance of mobile connectivity for residents and local economies and highlighted that the urgent delivery of the required network improvements is a government priority;

"Ten years ago, we were all rather guilty of leading campaigns against masts and all the rest of it. Our constituents now want internet and mobile phone coverage. We need to make sure that we change the law in all the ways necessary, that the wayleaves are granted, that the masts are built, that we increase coverage and that everyone is connected to the information superhighway."

- 2.15 The Planning Inspectorate has also shown recognition of the vital importance of mobile connectivity. One such example is appeal reference APP/L1765/W/18/3197522. This saw the decision of Winchester City Council to refuse prior approval for the installation of a 17.5m high monopole and associated equipment housing overturned. In doing so, the Inspector stated:

“Having regard to all relevant considerations...my findings are that the proposal’s public benefit in maintaining and enhancing local telecommunication coverage and capacity would outweigh the limited harm arising to the character and appearance of the area”.

- 2.16 On a local level, West Midlands 5G (WM5G) is an organisation set up to accelerate the benefits of 5G throughout the region. Although a different part of the country to the appeal site the example highlights the importance of improved connectivity. WM5G is wholly owned by the West Midlands Combined Authority and works in partnership with public and private sector organisations. The following are examples of case studies which demonstrate how 5G technology can be applied to provide public benefits. These case studies are taken from the WM5G website (www.wm5g.org.uk). The following extracts, illustrating the positive benefits of 5G connectivity, are considered relevant:

*‘The outbreak of COVID-19 has cast a spotlight on mobile and broadband technology, the enabler for so many of the services we now rely on. **Keeping connected helps our healthcare services and other key workers respond to the COVID-19 pandemic, it helps those in lockdown at home interact** with their loved ones via Zoom and other conferencing services, and it is also **helping tens of millions of employees to work remotely.**’*

*‘No matter how we end up emerging from this global crisis, the **trend of an increased demand for digital connectivity will only continue.** For example, now that the possibility has been proven, millions more workers will continue to rely on remote working in order to increase productivity and improve their respective work-life balances.’ (emphasis added)*

Recovering after coronavirus will require disseminating vital information, connecting crucial services, leveraging big data and artificial intelligence (AI) as well as adopting new ways of working – and this all needs to be supported by ensuring stable network connectivity.’

5G and Education

*‘From an academic perspective, **the ubiquity of high-speed broadband and mobile connectivity, combined with new virtual learning platforms, creates the opportunity to deliver education to anyone, anywhere in the world.** The ways in which we can all access and benefit from education are changing. Many are choosing to study online now... Equally, learning on the job is now possible too, thanks to technologies such as Augmented Reality (AR) goggles, which can **give engineers real-time***

instructions on how to fix a machine on a production line, for example.’ (emphasis added)

5G and Manufacturing

*‘5G’s increased capacity (ability to support thousands of devices on a factory floor at once), low-latency (ability to connect high volumes of devices in real-time) and enhanced security (through private networks which securely store data locally and can be managed on-site rather than in the cloud) make it ideal to support manufacturers to **transform productivity**. This opens up **endless possibilities for advancements** such as predictive maintenance, virtual reality and augmented reality.’ (emphasis added)*

5G and Healthcare

*‘**5G will prove critical in providing the infrastructure required to deliver remote health services over the next decade.** By design, 5G’s ability to deliver real-time information (low latency), ultra-fast speeds (critical for high definition images and video), increased capacity and heightened security are going to be fundamental in scaling the patient benefits of remote healthcare and keeping medical records secure and private’*

*‘trial demonstrated how a **paramedic was able to perform a remote-controlled ultrasound scan on a patient in an ambulance over a public 5G network.** Real-time high definition imagery was fed back to a physician over a 5G video link – something that 4G is not fast enough to support. The doctor in the hospital was able to control the ultrasound scan through a special haptic glove. This meant that the doctor could make a more accurate diagnosis on behalf of the paramedic, allowing the patient to be transferred to the most appropriate hospital to receive the right care’ (emphasis added).*

- 2.17 Finally, a more recent letter from Matt Warman MP, the minister for Digital Infrastructure, to English Local Authority Chief Executives, has re-affirmed the importance of digital connectivity. The letter dated 24 May 2021 (attached at **appendix 1**). The letter states:

‘Digital connectivity is – now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity...The planning system plays a key role in delivering the infrastructure that we need as households and businesses become increasingly reliant on mobile connectivity.’

- 2.18 The vital importance of mobile connectivity services, and in particular 5G provision, is a material consideration in this case. It is submitted that the Council failed to fully consider the public benefits associated with the Appeal proposal. It follows that the balancing exercise regarding the public benefits of proposals versus the impact of development was not properly applied. Had it been, the Appellants argue that the test would have found in favour of the appeal proposal.

3. SITE LOCATION AND DESCRIPTION OF PROPOSALS

- 3.1 The appeal site is located on the eastern side of Varley Street, north-west of its junction with Bradford Road. The site is a grassed verge between the highway and the pedestrian footpath. The proposed installation comprises a 20-metre-high monopole which would support 6 no. antennas at the top of the structure. At the base of the mast four equipment cabinets are proposed. Full details of the proposed equipment are shown on the planning drawings included with the appeal documents - drawings reference 002A, 100A, 150A, 215A and 265A.
- 3.2 Whilst it is accepted that the equipment cabinets were included by the Appellants in the description of works, it is noted that equipment housings are permitted by Class A of Part 16 of Schedule 2 of the GPDO. The equipment cabinets have been included in the description and drawings to show their relationship with the proposed mast.
- 3.3 The area surrounding the site is predominantly residential in character. It is an area currently undergoing redevelopment. To the south of the site across Bradford Road is an industrial site, although this is to be redeveloped for a mixed-use scheme. The closest residential properties to the site are to the west and south-west, on Charnley Close and at the junction of Varley Street and Ridgway Street, the closest being approximately 50 metres from the site. There is also the usual street furniture found within urban areas, in particular lighting columns, which, although not as tall as the proposed monopole, would assist in assimilating the equipment into its surroundings. There are also trees, both close to the site and in the wider surrounding area, which would provide a degree of screening to the proposed development.
- 3.4 Land to the rear of the site (to the east) is a large area of open space. Along with an area of trees to the north, this provides a backdrop to the site. Outline planning permission does exist for the redevelopment of the site as part of the wider regeneration of the area (outline application reference 079633/OO/2006/N1). It is understood that no detailed application has been submitted for this part of the application of the site. In the absence of any detailed proposals for the site, this appeal proposal has been assessed as suitable in terms of the current position.
- 3.5 A photograph of the proposed site is included below:



Image 3: Appeal site viewed from Varley Street looking north towards the site

4. BACKGROUND TO THE APPEAL PROPOSALS

- 4.1 The requirement for an installation in the area stems from H3G's need to provide infill coverage and capacity to this area of Manchester, as part of its national rollout of a network upgrade to provide new 5G and improved 4G services throughout the UK.
- 4.2 Prior to the submission of a formal application, pre-application consultation was sent to local stakeholders on 10 August 2021. Letters were sent explaining the need for the installation, detailing the proposal and drawings were attached. The Council's Planning Department, the Miles Platting & Newton Heath Ward Councillors (Councillors June Hitchen, John Flanagan & Carmine Grimshaw) were consulted, along with Park View Community School, which is located to the north-west of the appeal site on Varley Street. No responses were received from local stakeholders.
- 4.3 Following this, a Prior Approval planning submission was prepared and submitted to the Council for the proposed development on 15 October 2021 (the appeal submission). The application was validated by the Council and given the reference 131934/TEL/2021. The application was refused under delegated powers on 9 December 2021.
- 4.4 Following the receipt of the decision, H3G has reviewed their requirement in the area, assessed the reason for refusal and whether or not there were any measures that might be proposed that would address the concerns raised. It was concluded that, contrary to the assessment of the Council, the proposal is

wholly suitable in terms of both siting and design and does not conflict with the planning policies cited as grounds for refusal. Thus, it was decided to lodge an appeal against the decision of the Council.

5. PLANNING POLICY FRAMEWORK

5.1 National Planning Policy Framework

5.1.1 The relevant national planning guidance in respect of the appeal proposal is contained within the National Planning Policy Framework (NPPF) (revised July 2021). The framework stipulates that the NPPF is a material consideration in planning decisions (para. 2).

5.1.2 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The main thrust of the guidance is a presumption in favour of sustainable development. The NPPF identifies objectives to achieve the aim of sustainable development (paragraph 8):

*'a) an **economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an **environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

5.1.3 The Appeal proposal would meet the broad aims of achieving sustainable development. It would provide infrastructure to underpin local economic growth; facilitate social inclusiveness through the provision of effective electronic communication services (which has been particularly important in the current pandemic); and in respect of the environmental objective through supporting home-working, for example, which is linked to a reduction in transport emissions and therefore climate change mitigation.

- 5.1.4 The NPPF directly addresses the need for enhanced wireless communication services, first mentioned in paragraph 20, which states that an LPA's strategic policies must make sufficient provision for:

*"b) infrastructure for transport, **telecommunications** (our emphasis), security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)".*

- 5.1.5 Leading on from this, Section 10 'Supporting high quality communications' sets out national policy objectives for electronic communications. Paragraph 114 emphasises the significance of delivering the latest communications infrastructure:

*'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' (emphasis added).*

- 5.1.6 Paragraph 115 encourages the number of masts to be kept to a minimum:

*'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, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate' (emphasis added).*

5.2 Development Plan Policies

- 5.2.1 Section 70 of the Town and Country Planning Act 1990 requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2.2 The current adopted development plan for Manchester City Council comprises the Manchester Core Strategy 2012-2017 and the saved policies of the Unitary Development Plan for the City of Manchester (1995). The extract below is taken from the Council's Interactive Proposals Map. It confirms that there are no designations affecting Permitted Development rights. The yellow line denotes the boundary of a 'Regional Centre' and the blue line the boundary of an "Inner Areas" policy.

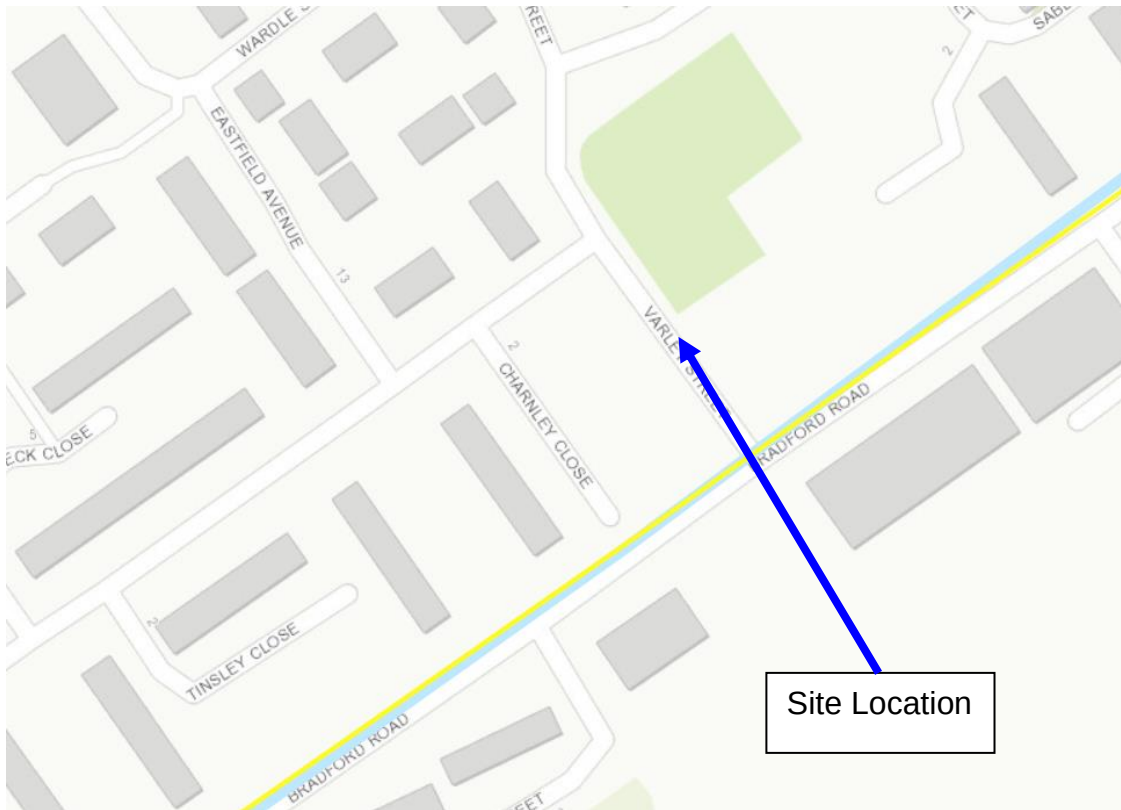


Image 4: Extract from Manchester City Council's Interactive Proposals Map

- 5.2.3 The Council's decision referred to policies DM1 (Development Management) and SP1 (Spatial Principles) of the Manchester Core Strategy and saved policy DC17.1 (Telecommunications) of the Unitary Development Plan. Saved policy DC17.1 of the Unitary Development Plan is considered most relevant to the proposed development, dealing with 'Telecommunications', and for ease of reference is copied in full below:

"DC17.1 Applications for telecommunications developments will normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities, to be fully explored before agreeing to additional separate development."

The proposal is considered to conform to the policy for the following reasons:

- There are no existing structures – either masts or buildings – capable of accommodating the requirement hence the need for a new freestanding site (details of sites considered and discounted are set out in section 6 below).

- The structure as proposed is designed for a single operator and not for sharing. This is to keep the impact of the development to a minimum. Any structure for more than one operator would need to be taller and more substantial. In theory, the installation could be shared in the future, however this would require redevelopment of the site. When there is no evidence of other operators having a requirement in the area, it is more appropriate to keep impact to a minimum with a single operator development.
- The installation has been designed for use within the street-scene. The monopole has a slim and unfussy profile, has a minimal footprint and is proposed to be coloured grey to match existing street furniture in the area. The site is located at a sufficient distance from current residential properties to ensure impact on residential amenity is kept to an acceptable level. There are a number of trees, both close to the site and in the wider surrounding area, which would assist in mitigating the impact of the development. This is aided by other street furniture in the area, in particular lighting columns.
- The installation is not within a conservation area or close to listed buildings. Heritage assets would not be harmed.

5.2.4 The other policies referred to in the delegated report are from the Manchester Core Strategy. These are policies DM1 (Development Management) and SP1 (Spatial Principles). Policy DM1 is a general policy requiring development to have regard to the impact of the development on local areas, including its impact on amenity. Policy SP1 is also a general policy, requiring development to make a positive contribution to neighbourhoods. A slim and unfussy design of pole is proposed. The general area is predominantly residential in character, however a site has been found set away from residential properties to minimise impact, and there are trees in the area to mitigate impact to an acceptable level. The development would bring enhanced connectivity to the area, providing a benefit to the residents in the area. The development accords with both of these policies.

5.3 Summary

5.3.1 Government guidance emphasises the importance of telecommunications infrastructure to sustainable economic development. Equally, current Development Plan policy supports telecommunications development subject to the protection of amenity. It is submitted that the decision by the Council to refuse prior approval for the appeal proposal was done in a manner that contravened its own policy and disregarded the clear guidance contained within the NPPF. As such, approval should have been granted for the proposal at that time.

6. PLANNING ASSESSMENT

- 6.1 This section of the statement assesses the appeal proposal against the reason for refusal stated in the Council's decision notice and should be read in conjunction with the previous section wherein an assessment of national and development plan policies has already been provided.
- 6.2 The prior approval application was refused with a single reason for refusal, as quoted in full within section 1. The reason considered that the proposed development would harm the visual amenities of the streetscene, and be visually intrusive to residential properties. These issues will now be considered.

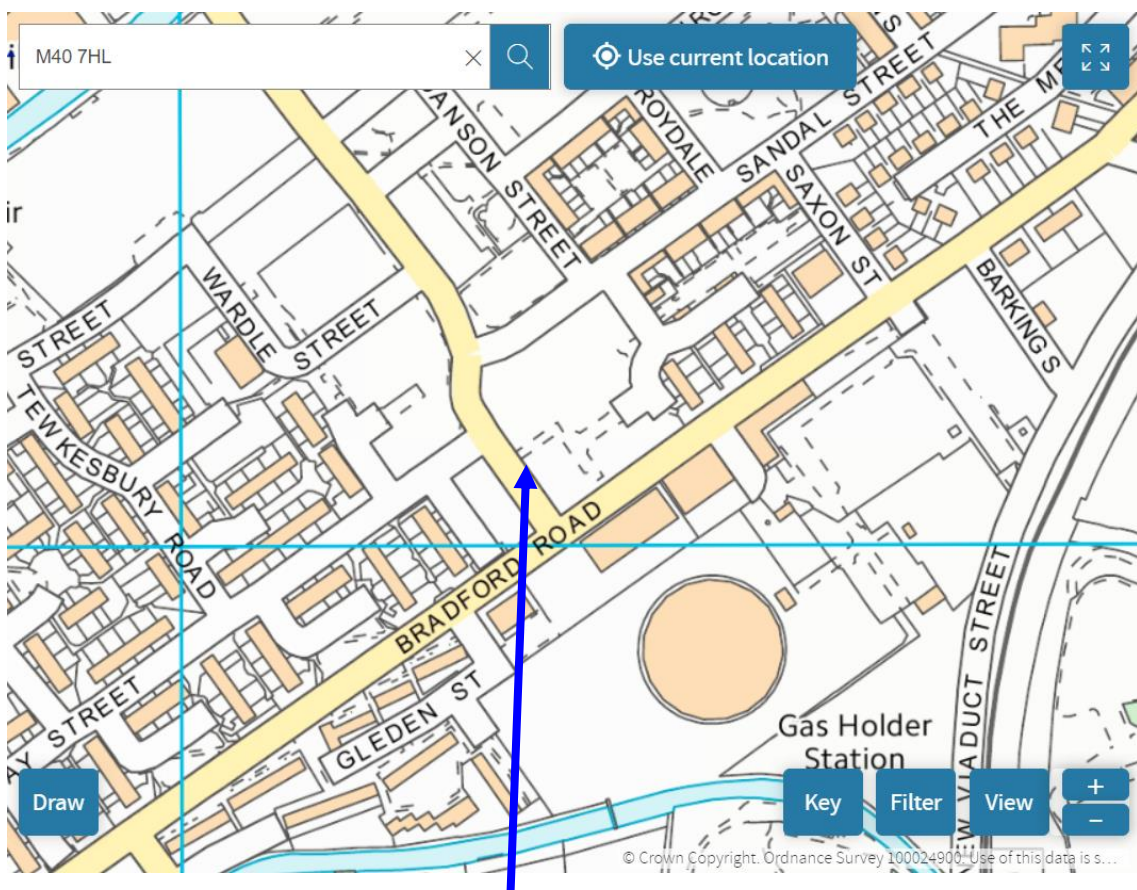
Site selection

- 6.3 When seeking to identify a location for a site to provide enhanced coverage and capacity to an area, the Appellants' Agents applied the sequential site selection process, as is advocated within the Code of Practice for Wireless Network Development in England (2022) ('the Code'). The Code (attached at **appendix 2**) is designed to provide guidance to the mobile operators, Local Planning Authorities and relevant stakeholders on how to undertake their roles and responsibilities in the delivery of wireless infrastructure. It has been produced to support the government's objective of delivering high quality wireless infrastructure whilst balancing these critical needs with important environmental considerations. The Appellants take guidance from it in the siting and design of all their new sites and upgrades.
- 6.4 The Code of Practice recognise the rapid evolution of wireless technology and the impact of technical constraints on design. Paragraph 22 states that: *"The choice over the site selection and design of equipment is primarily dependent upon the coverage and capacity requirements and technical constraints of a specific location, although operators should make efforts to reduce visual impacts where possible"*.
- 6.5 Paragraph 27 of the Code of Practice states that: *"Planning authorities should consider these issues and consider the need for a site within a limited search area alongside the public benefit of improved connectivity. In general, it should not, therefore, be appropriate for planning authorities to seek wider evidence of alternative sites (beyond that required by the NPPF), unless they consider the proposed development is unacceptable having regard to the relevant material planning considerations"*.
- 6.6 Paragraph 28 of the Code of Practice echoes the sentiment of paragraph 115 of the NPPF with regards to design, stating that: *"When possible, operators should look to use sympathetic designs, materials and colour (including camouflage where appropriate) to minimise the contrast between infrastructure and the area. Operators should also consider the design principles set out in the NPPF and local planning policies, and consider any relevant local and national design codes"*.

- 6.7 Paragraph 29, however, goes on to recognise that numerous factors can affect the type of infrastructure that can be deployed and paragraph 37 states: *“Operators have committed to use existing structures for network deployment wherever viable to reduce the need for new development and minimise visual impact. However, new ground-based masts will sometimes be required to accommodate the ever-increasing coverage and capacity needs of the country. 4G and 5G are likely to require further network densification in order to meet growing customer demand for data. Where higher frequencies are used, with lower signal propagation characteristics, apparatus will need to be located in closer proximity to user devices. The type of mast deployed will depend upon the location and setting, as well as the coverage requirements of the site. There are many ways by which the potential for environmental and visual impact of a ground-based mast can be reduced”*.
- 6.8 With regards to the use of sympathetic design and camouflage of street furniture style designs, paragraph 40 of the Code of Practice notes that: *“Where appropriate, masts should be coloured to match their backdrop to minimise contrast in an urban or rural setting. Streetworks monopoles can utilise design features such as shrouding or banding to protect visual amenity, though, for some 5G infrastructure, camouflage design solutions may not be practicable. Simple designs should be encouraged - masts which have complex designs are more likely to dominate and be in discord with the landscape and have adverse visual impacts”*.
- 6.9 With specific reference to sites incorporating 5G technology, paragraph 67 goes on to state that: *“Due to the scale and technological constraints of 5G equipment, in some cases previous camouflage design solutions, such as tree mast designs and concealing antennas in flagpoles, may not be practicable or suitable. In these cases, simple designs with particular attention to colouration and finishes may help reduce visual impacts on a site-specific basis” (emphasis added)*.
- 6.10 In this case, the Appellants have selected a slimline street furniture style structure from its portfolio, for the reason that it is the most suited to a roadside environment such as the appeal site. The height and scale of the mast have been limited to the minimum with which the specific technical objectives of the development can be achieved. The mast and accompanying radio equipment housing were deliberately coloured grey in order to complement existing street furniture observed in the area. Working within the confines and constraints set by the technical requirements, the Appellants achieved a design that minimises impact as far as practicable, in line with the NPPF requirement.
- 6.11 As noted above, when searching for a location for a new base station site a sequential approach is taken. Firstly, existing telecommunications sites, either rooftop or freestanding, are sought to assess whether they are suitable or available for sharing. If none are available then rooftops and existing structures are considered. This ‘stepping down’ approach then considers new ground-based structures if there are no rooftops or existing structures that are suitable, available or viable. The final and least preferred option is the installation of a new ground-based structure. An initial desktop assessment is further augmented by a physical search of the area prior to the selection of a site as

the preferred option.

- 6.12 A review of the Council's website and, in addition, the operators' site share websites has identified that there are no other telecommunications installations within or close to the search area, therefore a new installation is required.
- 6.13 In the absence of any existing base station sites within the area, the search progressed to consideration of buildings and other structures on which to install the required apparatus. No suitable rooftop sites were identified in the search.
- 6.14 The next step in the sequential approach was to search for a suitable location for a ground-based structure. Again, a limited number of potential sites were identified, due to the constraints already set out.
- 6.15 A location for a site also needs to ensure there would be no unacceptable impact on heritage assets. Image 4 above (at paragraph 5.2.2), an extract of the Council's Local Plan proposals map, confirms the site is not located within a conservation area. Image 5 below is an extract of Historic England's interactive mapping service, and confirms there are also no listed buildings or structures located close to the site.



Appeal site location

Image 5: Extract of Historic England's Interactive mapping service

Discounted options

- 6.16 The prior approval planning application included, within the Supplementary Information form, the alternative sites considered when searching for a suitable site. For ease of reference these are set out below, along with a plan showing their location (Image 6).

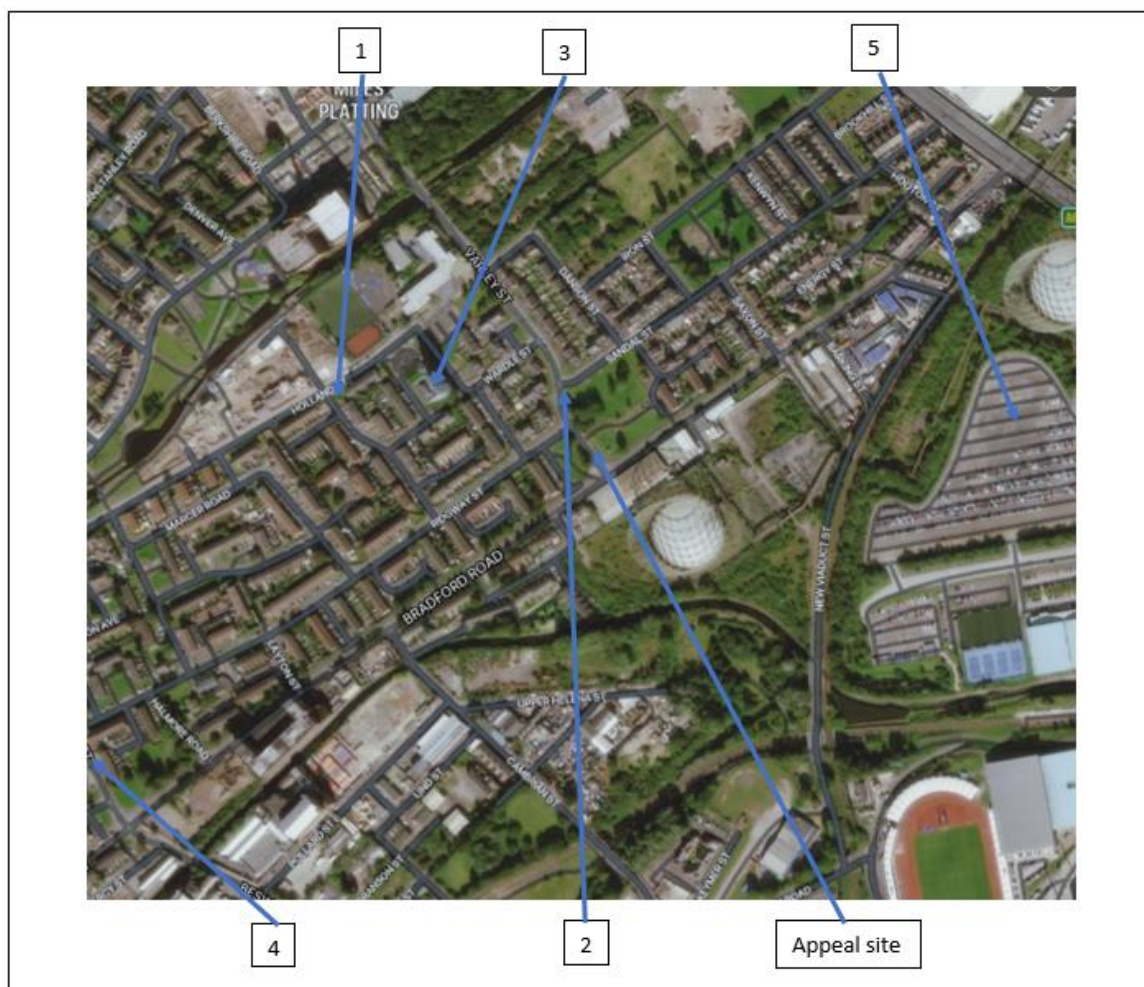


Image 6: Map showing location of discounted options

1 Holland Street, Beswick, Manchester, M40 7HL (NGR: 385920, 399099)

This is the nominal location for an installation and was considered as it would provide the optimal level of coverage to the area. Unfortunately, there are no potential siting opportunities in this location. It is entirely residential and not considered suitable for an installation of this nature.

2 Sandall Street, Beswick, Manchester, M40 7BH (NGR: 386168, 399103)

This option is the wide grassed verge at the junction of Varley Street and Sandall Street. It is not considered as suitable as the appeal site – it is a more prominent location and is further from trees, resulting in a site which is less well-screened.

3 Queensbury Court, Wardle St, Beswick, Manchester, M40 7DD (NGR: 386019, 399109)

The building is too tall for an installation – the site is required to provide 5G coverage to the local area and a site at this height would leave a “shadow” of non-coverage bypassing much of the area it is designed to serve. This option has therefore been discounted.

4 Community Centre, Butler St, Beswick, Manchester, M4 7JD (NGR: 385666, 398694)

This location is too far away from the cell nominal to provide the required level of coverage to the target area. In addition, it is too close to an adjacent cell with which it would interfere.

5 North Car Park, Sport City, Beswick, Manchester, M11 3DU (NGR: 386627, 399062)

This site is located too far to the east to provide the required levels of coverage and too close to the adjacent cell with which it would interfere.

- 6.17 The sequential search process convincingly led the Appellant to select the appeal site as the best available siting option from the limited options available to meet its requirement. The area requiring coverage is predominantly residential in character, and a site has been proposed which, although still close to residential properties, is not going to harm residential amenity. The Appeal site is close enough to the centre of the search area to provide the required level of coverage to the whole of the target area from a single development, and this is achieved with only a minimal harm to amenity, a level of harm which would be outweighed by the significant public benefits of the proposal in terms of improved connectivity.

Siting and design

- 6.18 The Council in its decision considered the siting and appearance of the equipment would be visually harmful to the area. In terms of design, it is useful to highlight that there are three main elements to a base station installation; the cabin or cabinets which contain the equipment used to generate the radio signal, the supporting structure that holds the antennas in the air or fixes them to a building or structure, and the antennas themselves, which emit the radio signals (along with any necessary amplifier or receiver units). The type of technology to be deployed determines the type of equipment and antennas required, which in turn impacts upon the type of support structure and or design methods than can be employed on an aesthetic level. In order for the base station to effectively provide coverage to the desired areas and fit in with the established network pattern, specific antenna orientations and heights, determined by radio planners, must be also achieved. Features of the surrounding area such as existing buildings and trees, referred to as “clutter” must also be cleared in order that they do not block the signals from the antennas, this being particularly important for signals from 5G antennas. All of this imposes technical limitations on what can be achieved through site layout and design. Due regard must be had in considering the impact of the selected design to such technical constraints.
- 6.19 As already set out in this Statement, there are no existing installations, rooftops or other structures available within the area of search; therefore, the sequential

approach has resulted in the need for a new greenfield site. Following a robust search, the appeal site has been identified as the most suitable site and in this location a monopole structure is the most appropriate. The benefit of a monopole design is that it has a slim and unfussy profile and has a minimal footprint. The monopole would be taller than the buildings and street furniture in the area, in particular lighting columns, however this height is required for technical reasons, to ensure the antennas are located above local clutter, referred to above.

- 6.20 In this case the available options within the search area are extremely limited. This is because the search area is constrained by it being predominantly residential in nature. The chosen site is considered to be the most suitable, and allows for the provision of enhanced services to the area with a minimum level of impact on amenity, an impact which would not be sufficient to harm either visual or residential amenity. This minimal level of impact would be outweighed by the significant public benefits of the proposal, in terms of improved connectivity.
- 6.21 The development requires a total of six antennas to provide the required level of coverage to the target area. This consists of three antennas to provide 5G coverage and three antennas to provide 4G coverage. 5G uses higher frequencies which do not propagate through material and potential obstructions (clutter) as well as lower frequencies, thus there is a need to ensure that the antennas clear local clutter. The antennas are proposed in a stacked formation with the 5G antennas at the top of the pole and the 4G antennas below. The photograph below illustrates the layout of the antennas (it is noted that this site would not provide 3G coverage):

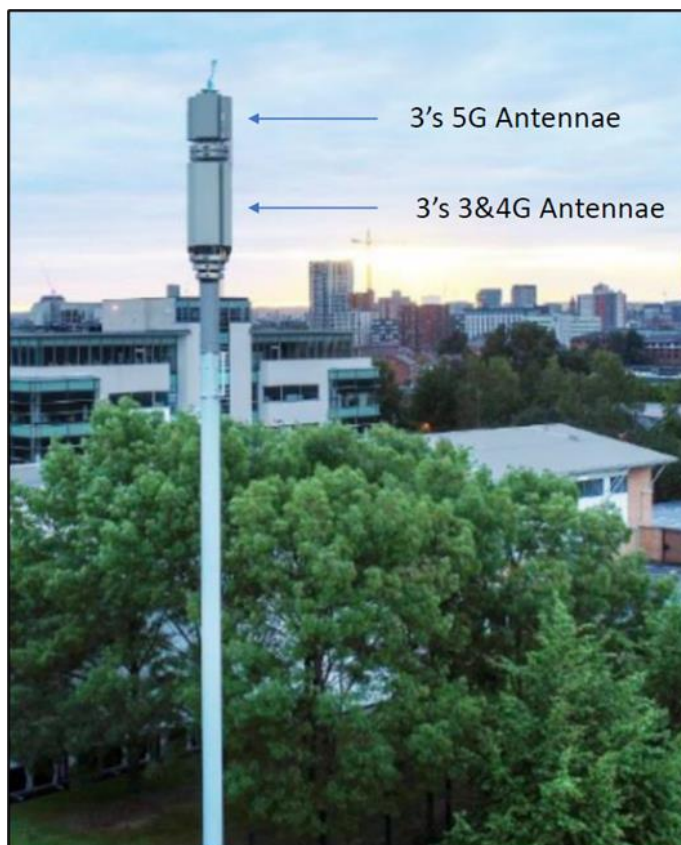


Image 7: Photograph illustrating stacked formation of antennas

- 6.22 The colour of the monopole and equipment cabinets are proposed to be grey (RAL 7035). This is the most suitable colour as it matches the existing street furniture in the area. The lighting columns close to the site are grey and there is an existing cabinet across Varley Street from the site which is also grey.
- 6.23 The equipment cabinets are proposed to be located adjacent to the monopole, with one cabinet wrapped around the pole and the remaining three cabinets to the south-east of the monopole. The cabinets and monopole are proposed between the road and pedestrian footpath on a grassed verge. This ensures there would be no obstruction to pedestrians passing the site.
- 6.24 Equipment cabinets are now normal elements of street furniture seen in urban locations, associated with both telecommunications sites and for other users. As noted earlier in this Statement, the cabinets are permitted and included as part of the description and drawings to show their relationship with the proposed mast.
- 6.25 As has previously been noted, siting opportunities are extremely limited, and the limited impact of the development, would be outweighed by the significant public benefits of the proposal in terms of improved connectivity. Whilst the Council's concerns are noted in respect of the impact of the development on the surrounding area, they have not taken sufficient account of the difficulties of finding a suitable site in this instance. As has already been mentioned, no more suitable alternative sites have been found which can provide the required level of coverage, taking into account the constraints of having a limited search area due to the infill requirement of the site. Having said that, the site is considered to be suitable in terms of its siting and design, with a slim and unfussy design of pole at a minimal height and with a minimal footprint, and sited where impact would be kept to an acceptable level.
- 6.26 In this instance, an important element when searching for potential sites is the impact of the proposed development on residential amenity, as the area of search is predominantly residential in character. As noted earlier, currently the closest residential properties to the site are to the west and south-west, on Charnley Close and at the junction of Varley Street and Ridgway Street, the closest being approximately 50 metres from the site. These properties would have views of the equipment. Houses on Charnley Close would have direct views of the equipment, however this would be mitigated by distance, as there are two roads and an area of open space between the site and the houses, and there are also a number of trees between the properties and the site. From this distance, the equipment would be visible, however would not be close enough to have an unacceptable impact on residential amenity. Properties at the junction of Varley Street and Ridgway Street would have more of an oblique view of the equipment, with impact mitigated by adjacent trees and the backdrop of a gas holder (although it is understood this will be removed at some point). Impact would be mitigated sufficiently to ensure impact on residential amenity is kept to an acceptable level. Other residential properties in the area are considered to be far enough from the site to not be impacted by the site.

- 6.27 The delegated report refers to the land to the rear (to the north-east) having planning permission for residential development. As mentioned earlier in this statement, it is understood the outline consent only sought consent for access and no layout has been approved. The delegated report refers to an objection to the proposed mast by the developer (Lovell) and the report notes *“The mock-up provided by Lovell shows how the mast could be positioned in front of a new residential home.”* This representation is not included with the application documents on the Council website, and the Appellant has not seen the mock-up referred to, so not comment can be made on this. In proposing the scheme, the Appellant has assessed the impact against publicly accessible information and concludes the proposed installation would have a minimal impact. No detailed application has been submitted for the site; therefore, it is considered the correct way to assess the site is how it is viewed now, rather than how it may be viewed in several years’ time once the site has been developed. Plans change over time, for example the area may remain as open space in the longer term.
- 6.28 The installation would be visible; however, visibility does not necessarily equate to harm and impact would be mitigated to an acceptable level. Existing street furniture, trees and buildings in the area would also assist in mitigating impact. In terms of street furniture, there are lighting columns in the area. Although shorter than the proposed monopole they are existing vertical features which would help to assimilate the new monopole into its surroundings. There are also a number of trees in the area, both close to the site and in the wider surrounding area, which would assist in mitigating impact. The trees would act as a screen or a backdrop, dependant on viewpoint. Colouring of the equipment grey to match the existing lighting columns also assists in mitigating impact. These elements all assist in keeping the overall level of impact to an acceptable level, which would be outweighed by the significant public benefits of the proposal. Overall, it is considered the impact of the development on amenity would be kept to an acceptable level.
- 6.29 Any impact would be minimal and not sufficient to cause harm to visual and residential amenity. There would be an impact due to the height of the monopole, however this is considered to be minimal and has to be set against the benefits of the proposal. On balance, the significant benefits of the proposal in terms of improved connectivity to the area outweigh its very limited impacts.

Relevant appeal decisions

- 6.30 It is considered that previous appeal decisions support this development in respect of the social and economic benefits of improved connectivity of communications sites. A recent decision supported the social and economic benefits of improved communications, allowing an appeal which resulted in limited harm to the visual amenity of the area. The Inspector considered the economic and social benefits would outweigh the harm caused (full decision letter attached at **appendix 3**). The appeal was for an upgraded streetworks column in Sutton Coldfield, West Midlands (appeal reference APP/P4605/W/19/3241791). At paragraph 14 the letter stated *“I conclude that this harm would, on balance, be outweighed by the economic and social benefits that would stem from the proposed upgrade.”* This supports the

Appellant in their view that this development would provide social and economic benefits to the area, and the minimal impact of the development would be outweighed by its substantial public benefits.

- 6.31 A more recent decision considered the impact of the development for a monopole in an urban area of Liverpool (appeal reference APP/Z4310/W/21/3269643 – decision letter attached at **appendix 4**). In terms of the effect on the character and appearance of the area, the decision letter notes (at paragraphs 5 to 7): *“The proposal would be taller than the majority of structures and buildings in the area. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and the existing CCTV monopole mast...The proposal would mainly have a vertical emphasis, which would be in keeping with similar structures in the near locality. The proposal would be visible however due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings...The proposal would not have a harmful effect on the character and appearance of the surrounding area.”* This current appeal proposal would also be taller than existing elements of street furniture, however it is considered would not appear as an intrusive feature in the street scene.

Summary

- 6.32 On balance it is considered the appeal proposal achieves the objective of providing the required level of coverage to the area in the public interest with only a limited harm in terms of visual and residential amenity. Telecommunications infrastructure is now an everyday feature in urban locations. The proposal utilises sensitive siting and design to ensure impact on the surrounding area is limited to an acceptable minimal level, and to a level which is outweighed by the need for the installation and the substantial public benefits it would bring in terms of improved connectivity to the area.
- 6.33 Telecommunications installations can be locally sensitive uses and, therefore, schemes have to be devised carefully. It is considered the proposed development achieves the objective of providing the required level of coverage to the target area whilst keeping impact on the surrounding area to an acceptable level. Utilising a slim and unfussy structure with a minimal footprint, and with a minimal height of monopole ensures impact is minimised. All development has an impact, and this impact has to be set against the benefit of the proposal. Enhanced coverage and capacity would be provided for the H3G network, in particular in terms of new 5G coverage. It is submitted that the minimal impact of the development would be outweighed by its significant benefits.
- 6.34 Although the need for the development has not been questioned, it is considered that the Council has not given sufficient weight to the benefits of the proposal when balancing the limited impact of the development against the increasing importance of providing reliable digital connectivity in the UK, nor to the attempts of the Appellant to keep impact to an acceptable level through siting and design initiatives.

7. CONCLUSIONS

- 7.1 The appeal site has been identified as an appropriate location to provide a suitable level of network coverage for the Appellant in order to meet the current and future demands of their customers in the area and to expand coverage and capacity to this area of Manchester currently seeing significant redevelopment, in particular in terms of 5G coverage, in accordance with Government guidance on sustainable development and the development of a high-quality communications infrastructure.
- 7.2 It has been demonstrated, within the submitted application papers and within this statement, that the development complies with both national and development plan policy in the form of the National Planning Policy Framework (NPPF) and the policies within the Manchester Core Strategy 2012-2017 and the saved policies of the Unitary Development Plan.
- 7.3 The site has been designed to keep any impact on the surrounding area to an absolute minimum. In particular, the slim and unfussy design of the monopole with a minimal footprint, and siting close to trees, assists in minimising impact to an acceptable level.
- 7.4 It is further considered the minimal impact on amenity, associated with the Appeal proposal is outweighed by the need for the development, and its substantial benefits in terms of improved connectivity, in the wider public interest and that the Council did not give sufficient weight to this need or to the siting and design initiatives undertaken by the Appellant or the technical constraints faced.
- 7.5 It is respectfully requested that the Inspector allows this appeal.



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Local Authority
Chief Executives - England Only

INT2021/09526/DC
24 May 2021

Dear Chief Executives

Mobile Connectivity and 5G infrastructure - Planning

Digital connectivity is – now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity.

The Government is committed to extending mobile network coverage across the UK and providing uninterrupted mobile signal on all major roads, and our ambition is for the majority of the population to have access to a 5G signal by 2027. Last year we agreed a £1 billion Shared Rural Network deal with the UK's mobile network operators to extend 4G mobile geographical coverage to 95% of the UK by 2025.

The Government is also investing £200 million in a programme of 5G testbeds and trials to encourage investment in 5G so that communities and businesses can benefit from this new technology. The increased capacity, reliability and functionality offered by 5G is opening-up the potential for new, innovative services for individuals and increased productivity for industry.

The planning system plays a key role in delivering the infrastructure that we need as households and businesses become increasingly reliant on mobile connectivity. Following our consultation on the principle of reforms to permitted development rights to support 5G deployment and extend mobile coverage¹, we recently published a technical consultation on the details of our proposed changes.²

¹ [Proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage](#)

² [Changes to permitted development rights for electronic communications infrastructure: technical consultation](#)

The National Planning Policy Framework (“the Framework”) for England states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.

The Framework is clear that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. In relation to electronic communications development, it also states that local planning authorities must determine applications on planning grounds only and they should not seek to prevent competition between different operators, or question the need for an electronic communications system. As set out in planning practice guidance, it is in the public interest for local planning authorities to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.³

We know that some constituents have expressed concerns about the potential harmful effects on human health of 5G. Public Health England (PHE), the Government’s independent advisers on matters of public health, is clear that there is no credible evidence of a negative impact of mobile technology, including 5G on people’s health. Central to PHE’s advice are the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which is formally recognised by the World Health Organisation.⁴

The National Planning Policy Framework requires mobile infrastructure providers to self-certify their compliance with the ICNIRP guidelines. It also sets out that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure.

The Government has developed guidance to help councils and local politicians deal with queries from the public, counter misinformation and explain the facts about 5G.⁵ This will help support your role in facilitating the rollout of next-generation infrastructure, and prevent misleading claims becoming a barrier to rollout. As part of the support the Government is providing to local authorities on mobile infrastructure and the Town and Country Planning Regulations, we will be arranging a webinar on this topic for local authorities, and would encourage your planning teams to attend. Please contact the email address below for further information.

³ [Planning Practice Guidance - Determining a planning application](#)

⁴ A summary of Public Health England’s advice on radio waves can be accessed at: <https://www.gov.uk/government/collections/electromagnetic-fields#radio-waves>; Ofcom takes frequent measurements of EMF levels near mobile base stations to ensure compliance with international guidelines. These measurements can be found on Ofcom’s website at: <https://www.ofcom.org.uk/spectrum/information/mobile-operational-enquiries/mobile-base-station-audits>.

⁵ [5G mobile technology: a guide](#); Mobile UK, the industry representative body, has also published a [Local Authority Toolkit](#) for councillors and officers to help explain how 5G technology works.

If you or any of your colleagues have any questions, please contact the Department for Digital, Culture, Media and Sport at localconnectivity@dcms.gov.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Warman', with a horizontal line underneath the name.

Matt Warman MP
Minister for Digital Infrastructure

Cc: Local Authority Chief Planning Officer



Department for
Digital, Culture,
Media & Sport

Code of Practice for Wireless Network Development in England

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Introduction and scope

1. The Code of Practice provides guidance to Code Operators (referred to as 'operators' throughout the Code of Practice), including the Mobile Network Operators and wireless infrastructure providers, their agents and contractors, local planning authorities, and all other relevant stakeholders in England on how to carry out their roles and responsibilities when installing wireless network infrastructure. It is also a useful tool for other interested stakeholders such as community groups, amenity bodies and individuals with an interest in mobile connectivity.
2. The aim of the Code of Practice is to support the government's objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.
3. The Code of Practice covers all forms of wireless infrastructure development, including mobile masts and cabinets. It is recommended that other wireless communications operators follow the principles of this Code of Practice, where appropriate.
4. Led by the Department for Digital, Culture, Media and Sport (DCMS), this Code of Practice has been developed in collaboration with representatives of the mobile network industry, other government departments and public bodies, local planning authorities, and protected landscapes. This document replaces the previous *Code of Best Practice on Mobile Network Development*, which was published in 2016.

Legal framework

5. The guidance provided by this Code of Practice brings together the principles agreed between operators and local planning authorities, in relation to the siting and design of mobile infrastructure, and the approach to consultation and engagement. This Code of Practice sets out best practice when stakeholders are carrying out their responsibilities under the principal legislation. Operators should also adhere to the guidance set out under the Code of Practice for the Electronic Communications Code..
6. This section sets out the principal legislation that applies to the installation of mobile infrastructure.
7. The Code of Practice is best practice guidance. The legislation that applies to this type of development, which includes (at the time of publication)::
 - The Town and Country Planning Act 1990
 - The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

- The Electronic Communications Code (Schedule 3A to the Communications Act 2003)
- The Electronic Communications Code (Conditions and Restrictions) Regulations 2003
- The New Roads and Street Works Act 1991
- The Highways Act 1980
- The Ancient Monuments and Archaeological Areas Act 1979
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Wildlife and Countryside Act 1981
- The National Parks and Access to the Countryside Act 1949
- The Environment Act 1995¹
- The Traffic Management Act 2004
- The Countryside and Rights of Way Act 2000²

Policy framework

8. Digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital connectivity can deliver economic, social and well-being benefits for the whole of the UK.
9. As the demand for mobile data in the United Kingdom is increasing rapidly, it is important that everyone has access to dependable and consistent mobile coverage where they live, work and travel.
10. The [Future Telecoms Infrastructure Review](#) (FTIR) and the [National Infrastructure Strategy](#) set out the government's long-term strategy for meeting its digital connectivity targets and delivering high quality, reliable digital infrastructure that works across the UK.³
11. The government has committed to extending mobile coverage across the UK. The government's Levelling Up White Paper has set a mission that the UK will have nationwide 4G coverage, with 5G coverage for the majority of the population by 2020. In support of this, the government and the UK's mobile network operators agreed a [£1 billion Shared Rural Network deal](#) to extend 4G mobile geographical coverage to 95% of the UK by the end of the programme.
12. [Next Generation Mobile Technologies: A 5G Strategy for the UK](#), and the [update](#) to this, set out the government's ambition for the UK to be a global leader in 5G to take early advantage of its potential and help to create a world-leading digital economy that works for everyone. The government also wants businesses and communities

¹ Section 62 of the Environment Act 1995 makes it a duty for all relevant authorities to have regard to National Park purposes when coming to decisions or carrying out their activities.

² Includes Section 85, which places a general duty on relevant authorities to 'have regard' to the purpose of conserving and enhancing the natural beauty of an Area of Outstanding Natural Beauty, 'in exercising or performing any function in relation to, or so as to affect, land' in these areas.

³ The [Statement of Strategic Priorities for Telecommunications, The Management of the Radio Spectrum, and Postal Services](#) followed the publication of the FTIR and reflects its conclusions.

to benefit from investments in 5G as soon as possible. Through the government's 5G Testbeds and Trials programme we have seen its value to manufacturing, farming, transport networks and healthcare.

13. The planning system plays a key role in delivering the digital infrastructure that we need, in a sustainable and well-designed way, especially as households and businesses become increasingly reliant on mobile connectivity.
14. The [*National Planning Policy Framework*](#) ("the NPPF") sets out the government's planning policies for England and how these should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, and at the heart of the NPPF is a presumption in favour of sustainable development.
15. Section 10 of the NPPF sets out the planning policies for communications development in England, and states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The NPPF also sets out that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technologies (such as 5G). Other sections of the NPPF set out how these policies should be balanced with other considerations, including conserving and enhancing the natural environment and historic environment.⁴

How wireless networks function

16. Cellular wireless networks use base stations to provide an area of radio coverage. Wireless technology uses the radio spectrum to broadcast radio waves between base stations and devices. Different radio frequencies have different characteristics which, along with the density of cell site locations, affect the extent of coverage and how much data can be carried over the network. Depending on the radio frequencies used, base stations can deliver coverage over a wide area or provide extra network capacity in areas where there is a high demand for network bandwidth.
17. Wireless technology continues to evolve rapidly, and mobile devices are now capable of much more. Second generation (2G) technology gave us voice calls and text messages, 3G led to the launch of smartphones, and 4G, which enabled faster browsing, allowed us to do things like watching videos on the move. 5G, the latest generation of wireless technology, is much faster than previous generations of wireless technology and can offer greater capacity and lower latency, allowing thousands of devices in a small area to be connected at the same time. 5G networks, and future mobile generations, will be vital for a range of Internet of Things uses (IoT) and Smart City applications.

⁴ The National Planning Policy Framework - sections 15 & 16.

Principles and commitments

18. Operators should develop their networks and install wireless infrastructure according to the following principles and commitments:

- *Site sharing and use of existing infrastructure*: make use of existing structures, sites and masts wherever possible to reduce the need for new development. The NPPF states that, [when installing mobile infrastructure](#), the number of masts and sites 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.
- *Consultation with local planning authorities, local communities and other stakeholders*: participate in dialogue with local planning authorities, along with other relevant stakeholders such as the highways authorities, Area of Outstanding Natural Beauty bodies, Historic England, and Natural England, including pre-application discussions, where appropriate. Maintain clear procedures, and high-quality communication and consultation with local communities and other interested parties. Operators should agree community engagement with local planning authorities and share information as appropriate (see *pre-application consultation with local communities* below).
- *Standardised and high-quality approach to planning applications, and the notification procedure*: provide standardised supporting documentation for planning applications (where appropriate) within the context of national and local requirements. Ensure planning submissions are of high-quality and provide the necessary evidence to support the application (as per the NPPF).⁵
- *Prompt responses to enquiries*: respond to complaints and enquiries within a timely manner (see *Review and Enquiries* section below).
- *Siting and Design*: wireless infrastructure should be deployed in accordance with the guidance set out within this Code of Practice. Where appropriate, equipment should comply with the principles set out in the NPPF and consider any local planning policies, including any local and national design codes. When located in protected landscapes and other designated land, the sensitive nature of these areas must be considered.⁶
- *Removal of redundant equipment and site restoration*: ensure that when infrastructure is upgraded, any equipment that is made redundant by the upgrade, such as brackets, is removed to benefit the local environment.

⁵ Operators will provide a range of supporting information with their planning applications, including a Supplementary Information Template and ICNIRP Declaration (Annexes B and C). The information will not be identical for all applications but should be provided in a standardised format where possible.

⁶ Paragraph 115 of the National Planning Policy Framework states that where new mobile infrastructure sites are required the equipment should be sympathetically designed and camouflaged where appropriate; The National Model Design Code provides guidance on the production of design codes, guides and policies to promote successful design. The National Planning Policy Framework makes clear that local planning authorities should ensure that visual tools such as local design codes and guides are used to inform development proposals.

Where a whole site is no longer in use, the site should be restored to its original state.

- *Compliance with guidance laid out in the International Commission on Non-ionizing Radiation Protection (ICNIRP) public exposure levels guidance:* as required by spectrum licences, comply with international guidelines for limiting exposure to electromagnetic fields (EMF) - including, as set out in the NPPF, providing a statement that self-certifies that ICNIRP guidelines will be met with all applications (see Annex C).

19. Local planning authorities should support the deployment of digital infrastructure by:

- *Incentivising connectivity:* support the expansion of telecommunications networks, and take a 'joined-up' approach to the wireless infrastructure planning process, including ensuring that Local Plans effectively support the deployment of digital infrastructure.⁷
- *Facilitating sites:* engage with operators when new sites have been proposed and discuss site requirements.
- *Engagement with operators:* respond positively to requests for engagement and make decisions in line with national policy and Local Plans. For planning applications, find solutions to issues and ensure timely decisions are made.
- *Information and communication:* ensure that members of the public can access information about any development proposals within their local area.⁸ Send communications promptly to an appropriate operator contact (or their representatives).

Siting and design

20. The government's objective is to deliver high quality, reliable wireless infrastructure whilst ensuring the impact of new network development is kept to a minimum. The siting and design of wireless network infrastructure is central to achieving this. Good siting and design principles should apply to all wireless network development and take into account any site-specific considerations and context. Both can create better places in which to live and work and help make development acceptable to communities.

21. Siting and design should be considered throughout the development process and early discussion between operators, local planning authorities and communities about the location, design and style of the proposals should be encouraged for clarifying expectations and reconciling local and commercial interests.

⁷ The Digital Connectivity Portal provides guidance for local authorities and network providers on improving connectivity in local areas, including how local authorities can create a digital strategy and identify a 'digital champion' to lead the process.

⁸ Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application - this includes applications for prior approval for development which is subject to permitted development rights. Further information on the public consultation processes can be found at [Consultation and pre-decision matters - GOV.UK](#)

22. The choice over the site selection and design of equipment is primarily dependent upon the coverage and capacity requirements and technical constraints of a specific location, although operators should make efforts to reduce visual impacts where possible.
23. There should be a presumption in favour of facilitating sustainable network development and, as such, operators and local planning authorities, as well as all other bodies involved in the deployment process, should work together to ensure connectivity needs are met and find viable solutions to deployment issues.⁹

General siting and design principles

Site selection

24. Operators use a range of sophisticated, computer-based planning tools to predict levels of signal strength and coverage from sites for 2G, 3G, 4G and now 5G. Once an operator has identified a requirement for a new cell site, a suitable site needs to be found. Elements that make a site favourable include: having existing or ready access to a power supply, access to fibre optic cables, vehicular access, and, other buildings and development which may provide a level of existing screening. Operators will typically look to upgrade existing infrastructure prior to considering a new deployment, in particular for initial 5G deployment.
25. When selecting sites for mobile infrastructure, operators should examine local plans and designations for the area, as well as carrying out an in-person site search to identify potential options which meet their requirements. Operators should follow these general siting and site selection principles:
- *Installation on existing buildings/structures*: where possible, operators should look to use existing buildings/structures for hosting wireless infrastructure, to reduce the environmental impact of installation.¹⁰ Where the erection of a new ground-based mast is required, operators should seek measures to reduce the impact of the development, where possible. For example, measures such as siting near similar structures, screening, and using simple designs and appropriate colouring can help reduce the impact of the new infrastructure in certain locations (see *Design* section below).¹¹

⁹ Paragraph 11 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development and proposals should be approved without delay where they accord with development plans, or no relevant plan exists.

¹⁰ The National Planning Policy Framework states that the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.

¹¹ In selecting sites for new electronic communications infrastructure, paragraph 115 of the National Planning Policy Framework sets out that the number of radio and electronic communications masts, and their installation sites, 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; An

- *Sharing sites/masts*: sharing sites should always be considered as this reduces the total number of sites/masts required for the network and also minimises the visual intrusion caused by wireless infrastructure. This may involve redeveloping an existing site, including installing a replacement mast that can accommodate additional radio equipment. However, the visual impact of site or mast sharing should be considered in the context of each individual location.

26. The installation of all wireless infrastructure requires a balanced approach between the technical needs and constraints of the proposed site and the potential impact of the development. These constraints are set out in detail in the section '*Technical and Operational Considerations*'. The three key technical and operational considerations for installation sites are:

- *Coverage*: wireless infrastructure needs to provide an appropriate level of coverage over the intended geographical area. This involves ensuring that antennas are elevated sufficiently (often via masts) to provide clear lines of sight for signals.
- *Capacity*: where existing network infrastructure can no longer meet the demand for network capacity in a particular area, additional sites may be required within that coverage area to meet the demand. This is more likely to be required in densely populated areas or areas of high footfall.
- *Backhaul*: the radio access network requires a connection to the core network. Backhaul is sometimes provided by a microwave link, which requires a clear line of sight between the two ends of the link.

27. Planning authorities should consider these issues and consider the need for a site within a limited search area alongside the public benefit of improved connectivity. In general, it should not, therefore, be appropriate for planning authorities to seek wider evidence of alternative sites (beyond that required by the NPPF), unless they consider the proposed development is unacceptable having regard to the relevant material planning considerations.¹²

Design

28. The siting of wireless infrastructure will influence which design options are most appropriate for reducing the visual impact. The following design principles are important considerations:

- *Protecting visual amenity*: a comprehensive assessment of the area should be carried out to ensure that the design solution appreciates the context of its

application for a new site should also include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or structure.

¹² Paragraph 118 of the National Planning Policy Framework also states that local planning authorities should not seek to prevent competition between different operators or question the need for an electronic communications system.

location by fitting with both the site and the wider setting. Proposals should take into account protected sightlines, landmarks and vistas. This is particularly important when mobile infrastructure is located in protected landscapes or heritage sites and their settings (see '*Natural Environment and Heritage Assets*' section below).

- *Mitigating visual impacts*: when possible, operators should look to use sympathetic designs, materials and colour (including camouflage where appropriate) to minimise the contrast between infrastructure and the area. Operators should also consider the design principles set out in the NPPF and local planning policies, and consider any relevant local and national design codes.¹³

29. There are factors that can affect the type of infrastructure that will be deployed (set out in more detail below in the section '*Technical and Operational Considerations*'), including location and the coverage and capacity requirements. Planning authorities should be aware of these constraints when considering proposals. In particular:

- In urban areas, where there is a high level of demand for mobile data, mobile base stations are likely to need to be deployed more densely. In these settings you can expect to see more use of streetwork monopoles and rooftop installations and, in future, we are likely to see a larger number of smaller units (so-called "small cells") deployed on buildings and on street furniture.
- In rural areas, base stations often need to cover wider geographic areas. Operators may need to use tall masts or lattice towers to provide the required coverage. The location of masts can sometimes be dictated by access to transmission links back to the operator's main network and proximity to a power supply. Coverage in some areas can be limited because of the geography, topography and terrain.

Radio equipment housing (cabinets) principles

30. Cabinets protect radio transmitters and receivers, provide the power source for mobile equipment, and are connected to antennas via cables. Equipment cabinets are likely to be needed at most sites. The cabinets must be of sufficient size to facilitate hosting various operating equipment whilst also allowing air circulation to reduce the potential for overheating.

Planning and visual considerations

¹³ Paragraph 115 of the National Planning Policy Framework states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

31. Colouring: cabinets should be coloured appropriately to match surrounding street furniture or assimilate with the setting¹⁴. If required, operators should offer a selection of colours to the local planning authority.
32. Siting on highways and footways: obstructions on footways should be minimised. New, upgraded or replacement sites should be sited so that they do not have an adverse impact upon available footway width to maintain unrestricted pedestrian access. This is particularly important for disabled people, and advice on designing an accessible public realm is given in the Department for Transport's [Inclusive Mobility](#) guidance document. Where possible, cabinets should be sited parallel to the carriageway edge in order to minimise any obstruction to pedestrians. Equipment should not obstruct cycle routes, including any shared use routes. The Department for Transport's [Manual for Streets](#) and [Manual for Streets 2](#) provide applicable guidance on the siting of street furniture in residential areas and on busy urban and rural streets.¹⁵
33. Highway safety: operators must give due consideration to ensure that new, upgraded or replacement sites do not adversely impact upon highway safety or road junctions. They should comply with visibility and line of sight requirements and should not obscure highway nameplates.¹⁶ Operators and highways authorities should work collaboratively in assessing and addressing potential safety issues in order to facilitate network development.
34. Listed buildings/ scheduled monuments and Conservation Areas: the siting of equipment housing adjacent to any listed building and/ or scheduled monument should be avoided. Scheduled monument consent will be required to site any equipment housing (and associated underground ductwork) within a scheduled monument. Siting of equipment in Conservation Areas should take account of Conservation Area Appraisals and Management Plans.
35. Access: equipment housing must not obstruct any existing means of entering or leaving land, including avoiding obstruction of existing vehicular or pedestrian access to properties and public or private rights of way.
36. Trees: equipment housing installed near a tree should conform to the guidelines in the current National Joint Utilities Group Ltd (NJUG) publication [Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees - volume 4](#).

¹⁴ See relevant guidance on the selection and use of colour in development in Areas of Outstanding Natural Beauty and National Parks.

¹⁵ [Inclusive Mobility](#) provides further guidance on minimum widths on footways for mobility impaired and visually impaired people is provided on page 5 of Inclusive Mobility. Guidance on footway space requirements for pedestrians is contained in Section 6.3 of [Manual for Streets](#).

¹⁶ See [Manual for Streets](#) for urban and rural environments under 40mph; see [Design Manual for Roads and Bridges](#) for high speed roads.

Ground-based masts

37. Operators have committed to use existing structures for network deployment wherever viable to reduce the need for new development and minimise visual impact. However, new ground-based masts will sometimes be required to accommodate the ever-increasing coverage and capacity needs of the country. 4G and 5G are likely to require further network densification in order to meet growing customer demand for data. Where higher frequencies are used, with lower signal propagation characteristics, apparatus will need to be located in closer proximity to user devices. The type of mast deployed will depend upon the location and setting, as well as the coverage requirements of the site. There are many ways by which the potential for environmental and visual impact of a ground-based mast can be reduced.

Planning and visual considerations

38. New masts should be sited in accordance with the relevant guidance stated in the section above (paragraphs 31-36). In addition, the following will apply:
39. Mast positioning: all new masts should be sited, so far as is practicable, so as to minimise their impact on their setting, including the landscape and any buildings. This includes siting next to similar structures - streetworks masts, for example, should ideally be sited in line, and in harmony, with existing vertical infrastructure, such as street lighting columns, to minimise their visual impact. Placing a mast within or adjacent to an existing group of trees, vegetation and other natural features can reduce visual impact. Care should be taken to minimise the unnecessary loss of existing trees, though antennas will need to be sufficiently elevated to clear the tree-line and the trees may need to be maintained to prevent growth above a certain level.
40. Colouring and camouflage: where appropriate, masts should be coloured to match their backdrop to minimise contrast in an urban or rural setting. Streetworks monopoles can utilise design features such as shrouding or banding to protect visual amenity, though, for some 5G infrastructure, camouflage design solutions may not be practicable. Simple designs should be encouraged - masts which have complex designs are more likely to dominate and be in discord with the landscape and have adverse visual impacts. Operators and planning authorities should work collaboratively to agree on the optimal design solution on a site-specific basis.

Building-based masts and rooftop installations

41. Operators should look to utilise existing buildings and structures before deploying ground-based equipment. The use of buildings and rooftops by operators as sites for the installation of wireless network equipment has greatly helped to reduce the environmental impact of these networks. The siting and design of building-based apparatus will be dictated by the rooftop on which it is located. As such, building-

based installations will be site-specific in nature and dependent upon the technical constraints of a particular rooftop (see the section below on '*Technical and Operational Considerations*' for the constraints that affect this). However, operators should seek to reduce visual impacts where possible.

Planning and visual considerations

42. Mast positioning: building-based masts have to be sited to provide sufficient coverage for the surrounding area and positioned to avoid shadowing and antenna 'clipping'. 'Clipping' is dealt with by locating antennas nearer the building edge or on taller structures. The height of the surrounding buildings also affects the antenna height. The mast siting should minimise the impact above the roofline, commensurate with technical constraints, and/or avoid creating unnecessary clutter on the rooftop. This includes striving to preserve rooftop amenity and retain existing other uses. When using pole mounts¹⁷, operators should consider, where technically possible, the feasibility of setting apparatus away from the edge of buildings to reduce prominence and minimise the need for potentially intrusive edge protection. Further considerations will need to be taken when installing equipment on structures and/or buildings located in areas where there are heritage assets or within a protected landscape (including within the setting of these areas). Extra care will need to be taken when installing equipment on listed buildings, and within scheduled monuments (see section on '*Listed Buildings and Scheduled Monuments*').
43. Mast design: although there is no standardised rooftop design (it will depend upon structural integrity, accessibility, surrounding buildings, aesthetics and building-owner requirements), masts and equipment on buildings and rooftops should, as far as practicable, be designed so as to fit and/or respect the architectural style of the building/rooftop. This could include being painted or clad to correspond with the background and/or surroundings and should minimise the impact on important views and skyline.
44. Health and safety: many older buildings are not capable of taking extra weight from wireless infrastructure. These structural limitations may affect potential sites and should be considered as part of the selection process. Building-based masts require ancillary equipment, such as handrails and rooftop grillage, to ensure access and safety compliance. All rooftop installations will be subject to ICNIRP guidelines, which may restrict siting locations on the rooftop. Antennas (particularly 5G antennas which operate at higher frequencies) need to be elevated higher off building rooftops to ensure that exclusion zones can be maintained, particularly when the rooftop is accessible to the public (see Annex C). Where these types of considerations arise, it is vital that operators and local planning authorities discuss and agree solutions to any matters that could restrict siting options.

¹⁷ Pole mounts are used to secure and support telecommunications poles to hold them in place.

Compounds

45. Masts and associated cabinets are sometimes fully enclosed within a compound, particularly in more rural locations. Compounds are generally surrounded by a fence and provide additional security for electronic communications equipment.
46. Operators and planning authorities should engage collaboratively to ensure that compounds are designed so that they are, as much as possible, in keeping with the character of the area, and that the most appropriate materials and colourings are used, for example, for perimeter walls and fencing. In rural areas this could include planting new trees or hedgerows to integrate the site into the landscape.¹⁸

Natural environment and heritage assets guidance

Protected landscapes

47. Many rural areas of England are covered by National Parks and Areas of Outstanding Natural Beauty designations. In these areas, as well as the Broads, operators should recognise the increased importance of sensitive siting and design, and seek measures to minimise the impact of wireless network development.
48. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It also sets out that development within the setting of these areas should also be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.¹⁹
49. Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated.²⁰ The duty is also relevant in considering development proposals that are situated outside National Parks or Areas of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection. Local authorities and statutory undertakers²¹ (including Mobile Network Operators) should have regard to these purposes when coming to decisions

¹⁸ Appropriate consideration should also be given to materials used for access/hardstanding.

¹⁹ The National Planning Policy Framework - Paragraph 176.

²⁰ Section 11A(2) as amended by section 62 of the Environment Act 1995; Section 17A as amended by section 62 of the Natural Environment and Rural Communities Act 2006.

²¹ The list of public bodies and persons covered by this duty can be found in the guidance note: Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads.

or carrying out their activities relating to or affecting land within these areas, to deliver the overall achievement of sustainable development.²²

50. In relation to electronic communications development, the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of wireless communications networks, including next generation mobile technology. Planning authorities, and those who represent rural areas, should recognise the importance of access to reliable mobile broadband and services for those who live and work in rural communities, including coverage for the emergency services network. The benefits of high quality wireless connectivity to the rural economy are far reaching - better wireless infrastructure will give rural communities greater choice and access to services, allow businesses to grow, and have positive impacts on healthcare, education, tourism, and remote working.²³
51. A [Joint Accord](#) has also been agreed between National Parks England and the Mobile Network Operators which aims to help communities living in National Parks benefit from consistent high quality connectivity; protect the special qualities of the National Parks by minimising any adverse environmental impacts; and support close working between the Mobile Network Operators and National Park Authorities to achieve these aims.
52. Operators and planning authorities should work collaboratively to ensure that where network deployment is required to provide connectivity in these areas, it is carried out in a way that provides positive benefits to communities, whilst respecting the sensitive nature of these areas (including considering any technical constraints). Operators are advised to seek a meeting at the earliest possible opportunity with the relevant protected landscapes representative.²⁴

Designated nature conservation sites and protected species

53. A site of special scientific interest (SSSI) is designated under the Wildlife and Countryside Act 1981 (as amended).²⁵ Planning authorities and operators, when exercising their statutory functions on this land, need to be aware that the features of Sites of Special Scientific Interest may be affected, directly or indirectly, and avoid or mitigate any adverse impacts. The NPPF provides the highest level of protection for these areas.²⁶

²² Also see relevant management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty which help to set out the strategic context for development. They provide evidence of the value and special qualities of these areas, and provide a basis for cross-organisational work to support the purposes of their designation.

²³ Also see <https://srn.org.uk/> for the potential benefits the Shared Rural Network programme will bring to these areas.

²⁴ Including the relevant National Park Authority, the Broads Authority, or AONB Partnership or Conservation board.

²⁵ Amended primarily by the Countryside and Rights of Way Act 2000.

²⁶ The National Planning Policy Framework - Paragraph 180.

54. The legislation places a general duty on all public bodies to take reasonable steps to further the conservation and enhancement of the special features of sites of special scientific interest. Natural England expects that public bodies will take full account of these responsibilities under this duty whenever their actions may affect sites of special scientific interest. Consent may be required from Natural England in some cases.²⁷
55. In most cases, permitted development rights do not extend to sites of special scientific interest.
56. Designated nature conservation sites of international importance or 'Habitats Sites' have additional protection as under the Conservation of Habitats and Species Regulations 2017 (as amended) and the NPPF.²⁸ Additional approval from the planning authority, or a habitats regulations assessment, may be needed to ensure compliance with these regulations. Natural England is a statutory consultee in such cases.²⁹
57. Impacts on protected species protected by legislation also need to be considered. A protected species mitigation licence may be required from Natural England in some cases. Natural England has prepared guidance on protected species for developers.³⁰

Heritage assets

58. Heritage assets are an irreplaceable resource and the NPPF requires that they are conserved in a manner appropriate to their significance.³¹ The NPPF requires planning authorities to assess the significance of heritage assets affected by proposed development and take this into account to ensure that any conflict between the conservation of the heritage asset and its setting and any aspect of the proposals is avoided or minimised.³²

²⁷ [Sites of special scientific interest: managing your land - GOV.UK](#)

²⁸ The National Planning Policy Framework defines a habitat site as 'any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites'.

²⁹ [Habitats regulations assessments: protecting a European site - GOV.UK](#); General guidance on when to obtain advice from Natural England and Environment Agency on these and other natural environment issues can be found at [Habitats regulations assessments: protecting a European site - GOV.UK](#).

³⁰ [Prepare a planning proposal to avoid harm or disturbance to protected species - GOV.UK](#)

³¹ The National Planning Policy Framework defines heritage assets as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'.

³² The National Planning Policy Framework - Paragraph 195.

59. The siting and location of any wireless infrastructure can be critical to visual impact. Operators should therefore consider how harm to heritage assets from both the process of installation of equipment, and subsequent visual impacts, can be avoided or minimised. Appropriate expertise should be sought in order to understand the significance of affected assets and the impact of the proposals on that significance.
60. Where proposals would impact a designated heritage asset³³, the NPPF requires that great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be), and that any harm requires clear and convincing justification³⁴. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.³⁵
61. Particular care should therefore be taken for sites that are located within heritage assets or their settings to ensure that they are conserved in accordance with the requirements of the NPPF.³⁶ The design and siting of equipment should, as far as possible, avoid or minimise impacts on local context and character, and the significance of heritage assets or their setting. This may include visible installations on modern buildings that are within conservation areas or are in close proximity to listed buildings.³⁷ Adverse visual impacts are not the only impacts relevant to heritage assets, for example, the laying of cables can result in the disturbance or loss of archaeological deposits. There are likely to be cases where it will not be possible to avoid harm, and therefore it is important to mitigate harmful impacts through design or positioning, and therefore solutions should be explored to ensure the proposal of least impact is progressed. Early engagement with the local planning authority, and where appropriate Historic England, is advised.³⁸
62. In considering any proposals on a listed building or scheduled monument, operators and planning authorities should be aware that any such developments require listed building consent from the local planning authority/scheduled monument consent from the Secretary of State, irrespective of whether planning permission or prior approval is required.

³³ A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

³⁴ The National Planning Framework - Paragraphs 199-200.

³⁵ The National Planning Policy Framework - Paragraph 202.

³⁶ The National Planning Policy Framework defines "setting of a heritage asset" as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

³⁷ The National Church Institutions (NCIs) of the Church of England, the Department for Digital, Culture, Media and Sport (DCMS) and the Department for the Environment, Food and Rural Affairs (Defra) signed an [accord](#) in 2018 to encourage the Church of England to use its buildings and other property to improve broadband, mobile and WiFi connectivity for local communities.

³⁸ Advice from Historic England should be sought in cases which would impact Grade I and II* listed buildings, scheduled ancient monuments or conservation areas, and their settings.

63. Where heritage sites and assets require service provision, infrastructure will be needed within or in close proximity to them. Operators and the relevant bodies should work collaboratively to ensure the proposal of least impact is progressed, while considering technical constraints and the need to provide connectivity in these areas.

Technical and operational considerations

64. All wireless network installations are principally guided by the technical need for the site and the technical constraints placed upon transmitting a signal. The siting and design of such installations must therefore be balanced between visual impact and these needs and constraints. As set out in the siting and design section above, the three primary technical and operational considerations for installation sites are: ensuring that wireless infrastructure provides an appropriate level of coverage over the intended geographical area; ensuring that sites have sufficient capacity to meet user demand; and, requiring a connection to the wider network 'backhaul'.
65. Planning authorities should take account of these constraints, and those set out below, on network deployment and siting and design, when considering proposals.

5G network deployment considerations

66. With the introduction of 5G, more equipment will be required to provide coverage and capacity. 5G, as well as 4G, are data-driven technologies, and high volumes of data will be transmitted between base stations and wireless devices. 5G will require a denser network of base stations than previous generations, including more fixed line fibre optic cable for reliable and high capacity backhaul. The siting of 5G installations will be more constrained and guided by these special technical and operational considerations.
67. Due to the scale and technological constraints of 5G equipment, in some cases previous camouflage design solutions, such as tree mast designs and concealing antennas in flagpoles, may not be practicable or suitable. In these cases, simple designs with particular attention to colouration and finishes may help reduce visual impacts on a site-specific basis.

Power accessibility in rural areas

68. Mobile base stations require a power supply to function. In urban areas this is rarely a problem, but it can sometimes be a challenge to find suitable connections in rural areas. Often it is not commercially feasible to install a new power source to a remote site and wayleaves with third party landowners can be required to deliver the power.

Site sharing and structural loading

69. Operators should seek to share sites where possible, site sharing reduces the number of sites required and network proliferation. However, site sharing means that masts must safely accommodate equipment for all technologies (2G- 5G) from multiple operators. Existing masts may be required to be strengthened or replaced with a larger, lattice-type structure. This may be desirable and more appropriate in rural areas, but less so in more urban environments, where greater densities of base stations will be required.

Site accessibility and availability

70. Access to a site is required for build and maintenance. Base stations may require heavy duty machinery to install them, whilst maintenance work sometimes requires specialist equipment. Access is often subject to permission from third parties who may not grant it and therefore this can limit the number of viable sites.
71. An agreement, or code agreement, is often needed by Code Operators and landowners in order to access land and install wireless infrastructure.³⁹ However, it is not always possible for an operator and a landowner to reach agreement and this limits the number of sites available to operators for locating their equipment. In addition, the Notice to Quit (NTQ) provisions within code agreements mean that sites have to be relocated. Where NTQs are proposed, the existing coverage and capacity will be removed and as such a replacement site is needed within close proximity to where the existing site was located.

Topography

72. The physical layout of an area can have a significant impact on how radio signals travel. Radio signals will be blocked when they encounter raised land and therefore need to be transmitted over these areas to provide coverage. The taller the base station, or the higher its position on raised land, the better it can enable a larger area to be covered.

Consultation and applications

73. Consultation and engagement are vital for ensuring the installation of electronic communications infrastructure is carried out in a transparent and appropriate way. The type and level of consultation and engagement required will depend on a number of factors, and should therefore be decided on a case by case basis. In general, it is expected that there will be a greater level of consultation for a new site

³⁹ The Electronic Communications Code is set out in Schedule 3A of the Communications Act 2003.

as opposed to upgrades to an existing site.⁴⁰ In all instances, it is important for all parties involved in the process to take a positive approach to consultation and engagement.

74. High-quality applications are essential and this includes ensuring the information provided in the application is of a good standard. The application information should be complete and straightforward. This allows stakeholders with an interest in the development to understand what is being proposed and its likely impact. It will also benefit applicants by avoiding unnecessary time and effort spent explaining the proposals, and can help allay concerns caused by ambiguous and incomplete information. In addition, good quality submissions are likely to result in more timely and better informed decisions by local authorities.
75. Operators should adhere to the guidance on consultation and application set out below, in order to achieve the required quality of engagement and applications.

Pre-application consultation

76. Pre-application discussions are important in helping to identify the most appropriate solution for any proposed individual development. Consultation is important for ensuring the appropriate design and siting for wireless infrastructure and should take place as part of the pre-application process, where appropriate. Effective consultation also enables local planning authorities to give feedback on the planned installation of wireless infrastructure in a timely manner and provides transparency for the public.
77. Operators should identify and consult with all relevant stakeholders at the earliest possible opportunity. This will always involve engaging with the local planning authority but there will be instances when it should include other stakeholder groups, such as executive agencies and non-departmental government bodies, statutory consultees, protected landscape bodies, and community groups. The extent of pre-application consultation will depend on the scale and sensitivity of the proposal. Once contacted, the stakeholder should engage with the consultation process, including providing prompt and timely responses, as engagement is at its most effective when approached as a partnership. Each party should provide a clear point of contact for the consultation.

Pre-application consultation with local authorities

78. Meaningful pre-application consultation is highly valuable. It should be seen as a two-way partnership between the operator and the local planning authority and, if conducted in this way, it can lead to a more efficient process and better outcomes for

⁴⁰ Operators can refer to the Traffic Light Rating System as a general guide for consultation and engagement requirements.

all involved. Pre-application discussions are important in helping to identify the most appropriate solution for any individual development.

79. Where multiple installations are planned over an area, it is useful for the operator and the local planning authority to discuss the rollout plan. Operators should highlight their wider plans where relevant and local planning authorities should be open to having this engagement. Strategic-level engagement can build understanding of the proposals, set out expectations and establish ways of working.
80. It is beneficial for operators and local planning authorities to meet to discuss the proposal prior to submitting an application to allow the planning authority to comment on the appropriateness of the siting and design of the proposals, as well as allow the operator to explain how the installation supports the rollout of wireless infrastructure in the local area.
81. Formal pre-application consultation may be of particular importance where the proposal is located in, and likely to have an impact on, protected landscapes or heritage sites and their settings. In these cases the operator should engage with the relevant local planning authority (including National Park authorities) at the earliest possible stage to discuss the proposal prior to submitting a formal application.⁴¹
82. The operator should seek to provide all necessary information in relation to the proposal at the first available opportunity. At the pre-application consultation stage the operator may provide the following information to the planning authority:
- an explanation of their needs in a particular area;
 - details of the location and type of telecommunications equipment or structure intended to be constructed;
 - details of any other telecommunications equipment on the building or site;
 - the area of search and details of possible alternative options, which may include other methods of providing the required coverage (where appropriate and requested by the planning authority), and;
 - design options, and where required, an outline of measures to mitigate visual impacts for particular sites.⁴²
83. Local planning authorities may charge fees for pre-application services. However, they should consider the extent to which pre-application consultation fees and any associated formal process are appropriate, particularly for strategic level meetings pre-rollout, and relatively minor upgrades or replacement sites. If any pre-application consultation fees or charges are imposed then these should be based on a cost recovery basis only.⁴³ Local Authorities should provide meaningful, site-specific feedback on proposals during pre-application consultations.

⁴¹ Where relevant, the operator may also wish to consult with other parties such as Historic England and the respective Area of Outstanding Natural Beauty body at this stage.

⁴² This consultation period should be a minimum of 14 days.

⁴³ Section 93 Local Government Act 2003; also see the [Local Government Association's Pre-application Suite](#), which provides advice on calculating the cost of pre-application services.

Pre-application consultation with local communities

84. For some applications, it may be appropriate for the operator to consult with local residents. For example, a greater level of community consultation may be considered for a new site or where there is a high-level of community interest in development, though the type of engagement should be considered on a case by case basis. Operators should discuss and agree this requirement with the local planning authority. Forms of community engagement which may be appropriate include:

- Consultation/Notification letter to local residents, communities and their representatives, including parish and town councils
- Site Notice
- Key stakeholder briefing
- Leaflets

Consultation with schools

85. Where it is proposed to install, alter or replace a base station in the vicinity of a school or college, operators should discuss the proposed development with the relevant body of the school or college before submitting an application to the local planning authority.⁴⁴

86. Operators should agree with the planning authority which schools and colleges should be consulted on a case by case basis, and this should form part of the consultation plan shared with the planning authority. In determining whether a school or college should be consulted, the following factors should be taken into account by operators and planning authorities:

- The proposed site is on school or college grounds;
- The site is on a main access point used by pupils or students to the school or college;
- The planning authority has requested consultation with the school or college; and,
- The school or college has requested to be included in any consultation.

87. At a minimum, the operator should send a consultation letter or email to the school or college. This should be sent by recorded delivery in the case of a letter, or an email that is saved and referenced within any subsequent application. Correspondence should be addressed to the head teacher or principal, and the chair of governors (or equivalent). The operator should wait a minimum of 14 days from the recorded

⁴⁴ A school is an institution providing education for children within the nursery (2-5), primary (5-11), and secondary (11-16) education ranges. A college of further education is an institution providing full- or part-time education for students over the age of 16. This includes sixth form colleges (16-19).

delivery of the letter to allow an opportunity for the school to respond prior to submitting an application for planning permission or prior approval.

88. As per the National Planning Policy Framework, planning applications and prior approval applications should include information on the outcome of such consultations with schools and colleges.⁴⁵

Consultation with other stakeholders

89. Operators should assess whether they should undertake pre-application consultation and publicity, including where prior approval is not required, with statutory consultees and other interested groups on a case by case basis. Stakeholders that fall into this category could include Area of Outstanding Natural Beauty bodies, Historic England, Natural England, the Environment Agency, the Health and Safety Executive, and the Church of England.⁴⁶

Consultation with safeguarding stakeholders

90. Operators should notify the appropriate aerodrome safeguarding stakeholder where the proposed development is within a safeguarding area.⁴⁷ Evidence of this notification is required where the prior approval process applies.⁴⁸

Consultation record

91. To ensure complete record keeping of the consultation process, a copy of the operator's completed consultation assessment should be retained on the operator's site files and recorded as part of the consultation plan. This will ensure accurate records that can be referred back to in discussions with the local authority in respect of any subsequent planning submission. Copies of the outcome of any consultations undertaken and any responses should be included with any subsequent application if required by the planning authority.

⁴⁵ See paragraph 117a of the National Planning Policy Framework.

⁴⁶ Planning law prescribes circumstances where local planning authorities are required to consult specified bodies or 'statutory consultees' prior to a decision being made on an application - See the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Town and Country Planning (General Permitted Development) (England) Order 2015 also sets out statutory consultees for applications of prior approval. Where beneficial, operators may seek to engage with these bodies as part of their pre-application consultation process.

⁴⁷ Safeguarded areas include aerodromes and technical sites as set out in [Annex 1 - The Circular: The Town and Country Planning \(Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas\) Direction 2002](#).

⁴⁸ See regulations 8B of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) and paragraph A.3(3) of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Applications

92. There are three types of planning permission that cover the installation of wireless infrastructure⁴⁹, these are:

- permitted development with the requirement to notify;⁵⁰
- permitted development with the requirement for prior approval;
- planning permission that requires a planning application to be submitted to the relevant planning authority.⁵¹

93. As the information required by a planning authority is broadly the same for applications for prior approval and for planning permission, these are treated the same for the purposes of best practice within this document.

Permitted development - prior notification

94. Not all telecommunications development that benefits from permitted development rights will require the prior approval of the local planning authority. In these cases, the operator must provide the local planning authority with written notice of its intention to install and a description of the apparatus and location it proposes to install it. It can then exercise the permitted development right after 28 days' notice. This is sometimes referred to as a 'regulation 5 notification' or 'code notification'. The local planning authority may within this period give written notice of conditions with which they wish the operator to comply in respect of the installation of the equipment. Operators should respond positively and promptly to any requests for engagement from local planning authorities and work towards solutions where reasonable concerns are raised about the proposed development.

Prior approval and planning permission

95. The quality of information submitted as part of an application for telecommunications development is very important. It should always be clear, accurate and complete. The information should also be site-specific where appropriate. Good quality submissions can help explain to consultees and local people, as well as officers and elected members, exactly what is being proposed and its likely impact. By adopting high standards, unnecessary time and effort in trying to explain proposals can be avoided and help allay concerns that ambiguous and incomplete information can

⁴⁹ Section 57 of The Town and Country Planning Act 1990 sets out development that requires planning permission and Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 covers permitted development rights for electronic communication infrastructure.

⁵⁰ Regulation 5 of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended).

⁵¹ Development may also require Listed Building Consent or Scheduled Monument Consent. See the Planning (Listed Building and Conservation Areas) Act 1990 and Ancient Monuments and Archaeological Act 1979.

cause. In addition, good quality submissions are likely to result in faster and better informed decisions. Local authorities should seek to provide straightforward templates as part of their planning process and align these with other local authorities where possible.

96. An application to the planning authority for planning permission or prior approval will normally be made via the planning portal. Planning legislation sets out validation requirements for applications for planning permission and prior approval applications.⁵²
97. National planning policy also states that applications should be supported by the necessary evidence to justify the proposed development. This should include a declaration as to compliance with the ICNIRP guidelines.⁵³
98. Operators may provide additional information beyond the statutory requirements where appropriate. This could include:
- Drawings - along with the location plan that shows the application site in relation to the surrounding area, operators should consult the relevant local list of information requirements for any additional plans and drawings that will be necessary to describe the proposed development.
 - Maps - a map of an appropriate scale should be supplied to highlight all alternative sites that have been considered and discounted, including existing masts and structures.
 - Photo montage - a photo montage is helpful to portray the siting and design of the wireless infrastructure, particularly when infrastructure is being installed on a heritage site or in a protected landscape. This will generally consist of a before and after photomontage of the radio base station, fencing, landscaping and access (where applicable), and when requested, a Landscape and Visual Appraisal should be provided.
99. Applications should be submitted via the planning portal and the determination period starts once a valid application has been received by the local planning authority, that being day one of the determination period. Where a planning portal is not used, the application should be sent by recorded delivery, with the determination period starting once the application has been received by the local planning authority.

⁵²See the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015. Also see [Planning Practice Guidance - Making an Application](#) for further guidance on validation requirements and application information

⁵³ See paragraph 117 of the National Planning Policy Framework. This sets out that, when submitting planning applications (including applications for prior approval under the General Permitted Development Order), mobile operators should certify that the installation will operate in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

100. Where appropriate, operators should provide supplementary information to their application, a supplementary information template can be found in Annex B, although supporting information may be presented in a different format.

Timescales

101. Under the prior approval regime a local authority has 56 days, beginning with the date on which it receives a valid application, in which to make its determination and to notify the applicant of the decision to give or refuse such approval. If no decision is made, or the planning authority fails to notify the developer of its decision to refuse the application within the 56 days, permission is deemed to have been granted.
102. Confirmation should be sent to the developer of the date on which the application has been received by the planning authority, and the planning authority is satisfied that it is valid. The date a valid application is received is day 1 of the 56-day period. It is advisable that the expiry of that period is communicated promptly to all relevant planning authority staff.⁵⁴
103. It is not sufficient for a planning authority simply to have made a decision regarding the application. Such a decision must be communicated to the applicant in a formal written notice, which must be received by the applicant before the end of the last day of the 56-day period. The authority therefore needs to bring such a notice to the attention of the applicant.
104. For applications for both planning permission and prior approval, operators and local planning authorities may agree to extensions of time for the determination of such applications in writing.⁵⁵ Both parties should consider the merits of doing so where the planning authority asks the applicant to consider an agreed extension of time. This may be mutually beneficial where the proposed development is complex or sensitive and further engagement is required. Any such agreement must be in writing and set out the timescale within which a decision is expected.

Delegation

⁵⁴ The development may only commence after: the planning authority has stated in writing that prior approval is not required; the authority has stated in writing that prior approval is required, and has given such approval in writing before the end of the 56-day period; the authority has stated in writing that prior approval is required, and the 56-day period has expired without the authority having notified the applicant in writing that approval is given or refused; or, the 56-day period has expired without the authority having notified the applicant in writing whether prior approval is required.

⁵⁵ Article 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, allow for agreed extensions to determination periods for prior approval applications and planning applications.

105. The 56-day period may make it difficult for planning authorities to use the committee system in determining prior approval applications and therefore effective arrangements to delegate decision-making to officers may be needed.
106. An officer may take executive action on behalf of the council to determine:
- whether or not prior approval is required;
 - if prior approval is required whether to approve or refuse consent; and,
 - planning applications for telecommunications development.
107. The planning authority should consider the circumstances in which elected members should make the decision (within the time allowed).

Publicity following application

108. Additional publicity for prior approval applications should be considered to allow people likely to be affected by the proposed development to make their views known to the local authority. Where planning authorities consider additional publicity with respect to prior approval applications may be helpful, they should give due consideration to:
- the relevance and amount of information to be made available;
 - the timeliness for providing and evaluating this information;
 - access to this information; and,
 - any special needs of the local community.⁵⁶

Specialist advice and training

109. Certain aspects of telecommunications development (whether in relation to prior approval or planning applications) are complex, and specialist advice may be required to verify whether or not certain technical constraints or arguments are valid. Where the planning authority considers that specialist advice in relation to a certain proposal may be necessary, this should be sought at the earliest opportunity in order to reduce any delays in determination.
110. Given the continuing scale and pace of change in the telecommunications industry, it is important that all who are involved in the planning aspects, including agents and consultants, keep up to date with legislation and the latest guidance and technological advances so that at all times the public receive the highest quality of advice. Local planning authorities should look to maintain an appropriate level of knowledge on telecommunications for their planning officers and members of planning committees. Consideration should be given to encouraging planning officers, as well as elected members, to take up opportunities to attend professional development workshops on technological developments within telecommunications.

⁵⁶ The Traffic Light Rating system can provide a guide for when additional publicity should take place.

111. Where resources allow, planning authorities may consider appointing a specialist officer(s) who are familiar with the special operational and technical considerations of telecommunications development and can be the main point of contact. Local authorities could also look to appoint a Digital Champion, and/or Digital Infrastructure Coordinator to work closely in partnership with network operators to develop, implement and advocate a local area digital infrastructure strategy in line with other local policies and priorities.⁵⁷

Review and enquiries

Monitoring and review

112. To ensure the effectiveness of the Code of Practice is kept under review, the Code of Practice Working Group (see Annex D) will meet on a biannual basis. These meetings will be convened and chaired by DCMS. The meetings will provide an opportunity for stakeholders to input on how the Code of Practice is operating and confirm all stakeholders are complying with its provisions, and facilitate engagement and resolution regarding the application of the Code of Practice.

Enquiries

113. Operators have processes in place to handle enquiries from members of the public and other parties about wireless network development.⁵⁸
114. For enquiries concerning the application of the Code of Practice, these should be directed to Mobile UK (info@mobileuk.org) in the first instance.⁵⁹ Operators will provide an update on enquiries they have received related to the Code of Practice at the relevant review meeting (see above), including any agreed metrics to measure the effectiveness of the Code of Practice.

⁵⁷ See guidance on [Digital strategy and leadership](#) and the [Digital Connectivity Portal](#).

⁵⁸ General enquiries about mobile network infrastructure should be directed to the relevant operator.

⁵⁹ Mobile UK can also be contacted at: 1 Carnegie Road, Newbury, Berkshire, RG14 5DJ

Annex A: Glossary

5G: The fifth generation of mobile technology.

Antenna: a device that transmits and receives radio waves.

Area of Outstanding Natural Beauty (AONB): the primary purpose of an AONB designation is to conserve and enhance the natural beauty of the area.

Backhaul: transmission of signals from a cell site or mast which is part of the radio access network to the core or backbone network.

The Broads: The Broads National Park is managed by the Broads Authority for the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads; promoting opportunities for understanding and enjoyment of the special qualities of the Broads by the public; and protecting the interests of navigation.

Code Operator: Code Operators exercise Code rights under the Electronic Communications Code. Operators can include providers of electronic communications networks and providers of infrastructure systems. The operator must normally have been granted operator status by Ofcom under section 106 of the Communications Act 2003.

Designated Heritage Asset: a World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Electronic Communications Code: the Electronic Communications Code ('the Code') is set out in Schedule 3A of the Communications Act 2003 and is designed to facilitate the installation, maintenance and upgrade of electronic communications, through a statutory framework of specific duties, obligations and protections that apply to the deployment of digital communications networks by Code Operators.

General Permitted Development Order: The Town and Country Planning (General Permitted Development) Order 2015 grants planning permission for different types of development in specified circumstances. The permissions granted by the Order are commonly known as permitted development rights.

Historic England: a public body that champions and protects England's historic places.

ICNIRP: an independent non-profit organisation, the International Commission on Non-ionizing Radiation Protection (ICNIRP) provides scientific advice and guidance on the health and environmental effects of non-ionizing radiation.

Internet of Things (IoT): a system of interrelated, internet-connected devices that are able to collect and transfer data over a wireless network without human intervention.

Latency: the delay before a transfer of data begins following an instruction for its transfer.

Local Planning Authority (LPA): the public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

Local Plans: are prepared by the Local Planning Authority (LPA), usually the Council or the National Park authority for the area. Local plans set out a vision for the future of each area and a framework for addressing housing needs and other economic, social and environmental priorities.

Listed Building: a listed building, or listed structure, is one that has been placed on one of the four statutory lists maintained by Historic England.

Macro site: a macro site is a cell in a mobile phone network that provides radio coverage served by a high power cell site (tower, antenna or mast).

Mast: a structure that supports antennas at a height where they can satisfactorily send and receive radio waves. Masts are typically of either a lattice design (used more in greenfield areas) or monopole style (used in more urban areas). Masts themselves play no part in the transmission of the radio waves for mobile telecommunications.

Monopole Mast: a ground-based mast of non-lattice structure. Monopoles are usually deployed in the urban or suburban street scene to provide extra capacity or coverage for a network.

National Highways: formerly Highways England, is a government-owned company charged with operating, maintaining and improving motorways and major A roads in England.

National Park: the purpose of a National Park designation is to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for understanding and enjoyment of the special qualities of National Parks by the public. In carrying out these purposes, National Park Authorities are also required to seek to foster the economic and social well-being of local communities in the National Park.

National Parks Joint Accord/Memorandum of Understanding: an [accord](#) signed (2018) by National Parks England and Mobile UK to complement the Code of Practice to recognise the special nature of National Parks and the public benefit of mobile telecommunications.

Natural England: a non-departmental public body in the United Kingdom sponsored by the Department for Environment, Food and Rural Affairs. Their purpose is to help conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development.

Network capacity: the amount of traffic that a network can handle at any given time.

Network resilience: the ability to provide and maintain an acceptable level of service in the face of faults and challenges to normal operation.

Notice to Quit: a notice given by a site provider to an operator that brings a Code agreement to an end.

Permitted development rights: a national grant of planning permission which allows certain building work and change of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.

Prior approval: prior approval means that a developer has to seek approval from the local planning authority that certain elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development - for mobile network development these include the siting and appearance of the equipment to be deployed.

Protected Landscapes: nationally important landscapes that are protected by law. Includes National Parks, the Broads, and Areas of Outstanding Natural Beauty.

Radio equipment housing: radio equipment housing, or equipment cabinets, protect radio transmitters and receivers from damage and can range in size from a small cabinet to a purpose-built cabin serving several operators.

Radio spectrum: is part of the electromagnetic spectrum. Different spectrum bands have different characteristics, which affect the extent of coverage and how much data can be carried.

Scheduled Monument: a nationally important archaeological site or historic building, given protection against unauthorised change.

Shared Rural Network: the Shared Rural Network (SRN) is a programme that will be delivered by the government and mobile network operators. The agreement will see the government and industry jointly invest over £1 billion to increase 4G mobile coverage throughout the UK to 95% geographic coverage by the end of the programme.

Sites of special scientific interest: sites designated by Natural England under the Wildlife and Countryside Act 1981.

Small Cells: small cells are wireless network access transmitters, used to extend network coverage and additional capacity in specific locations. Small cells typically have a small range and operate at much lower power levels than larger mobile base stations.

Annex B: Supplementary information template

SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:		National Grid Reference:	
Site Address:			
Site Ref Number:		Site Type:	

2. Pre-application Checklist

Site Selection (for New Sites only)

(Would not generally apply to upgrades/alterations to existing site including redevelopment or replacement of an existing site to facilitate an upgrade or sharing with another operator)

Was a local planning authority mast register available to check for suitable sites by the operator or the local planning authority?	Yes	No
If no explain why:		
Were industry site databases checked for suitable sites by the operator:	Yes	No
If no explain why:		

Site Specific pre-application consultation with local planning authority

Was there pre-application contact:	Yes/No
Date of pre-application contact:	
Name of contact:	

Summary of outcome/Main issues raised:	
--	--

Annual area wide information to planning authority

Has annual area wide information been provided?	Yes/No
If no explain why	
Summary of issues raised	

Community Consultation

Rating of Site under Traffic Light Model: Red Amber Green
Outline of consultation carried out:
Summary of outcome/main issues raised (include copies of relevant correspondence):

School/College

Location of site in relation to school/college (include name of school/college):
Outline of consultation carried out with school/college (include evidence of consultation):
Summary of outcome/main issues raised (include copies of main correspondence):

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation

Will the structure be within 3km of an aerodrome or airfield?	Yes	No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?	Yes	No
Details of response:		

Developer's Notice

Copy of Developer's Notice enclosed?	Yes No
Date served:	

3. Proposed Development

The proposed site:

Enclose map showing the cell centre and adjoining cells if appropriate:

Type of Structure (e.g. tower, mast, etc):
Description:

Overall Height:
Height of existing building (where applicable):
Equipment Housing:
Length:
Width:
Height:
Materials (as applicable):
Tower/mast etc – type of material and external colour:
Equipment housing – type of material and external colour:

Reasons for choice of design, making reference to pre-application responses:

Health and Safety - including ICNIRP compliance

4. Technical Justification

Enclose predictive coverage plots if appropriate, e.g. to show coverage improvement.
Proposals to improve capacity will not generally require coverage plots.

Reason(s) why site required e.g. coverage, upgrade, capacity

--

5. Site Selection Process

Alternative sites considered and not chosen (not required for upgrades/alterations to existing sites including redevelopment or replacement of an existing site to facilitate an upgrade or sharing with another operator).

Site Type	Site name and address	National Grid Reference	Reason for not choosing site

If no alternative site options have been investigated, please explain why:

Land use planning designations:

Additional relevant information (include planning policy and material considerations):

Confirmation that submitted drawings have been checked for accuracy

Name (Agent):	_____	Telephone:	_____
Operator:	_____		_____
Address:	_____	Email Address:	_____
	_____		_____
Signed:	_____	Date:	_____
	_____		_____
Position:	_____	Company:	_____
	_____		_____

Annex C: ICNIRP declaration and rooftop deployment constraints and solutions

ICNIRP Declaration

Address

Agent Address

Dear Sir/Madam

CLARIFICATION OF THE DECLARATION OF ICNIRP COMPLIANCE ISSUED AS PART OF THE SUBMISSION ATTACHED FOR SITE (INSERT SITE REF NO.) AT (INSERT SITE ADDRESS)

I refer to the Declaration of Conformity with ICNIRP Public Exposure Guidelines ("ICNIRP Declaration"), sent with this submission in relation to the proposed telecommunications installation as detailed above.

The "ICNIRP Declaration" certifies that the proposed site shall be operated to be in full compliance with the requirements of the radio frequency (RF) guideline limits of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and UK legislation.

This ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.

All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation, or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

If you have any further enquiries concerning the "ICNIRP Declaration" certificate or anything else in this letter, then please contact me.

Yours faithfully

The Project Manager

Insert agent name

Insert position in organisation

Insert company name

Insert email address

Insert direct telephone number

(for and on behalf of)

Address

Agent Address

Declaration of Conformity with ICNIRP Public Exposure Guidelines
("ICNIRP Declaration")

Name and address of Lead Operator

Declares that the proposed equipment and installation as detailed in the attached submission at;

Insert address

Insert address 2

Insert town

Insert county

Insert Postcode

Insert NGR

shall be operated to be in full compliance with the requirements of the radio frequency (RF) public exposure limit of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and UK legislation.

Date: *Insert Date*

Signed: _____
Project Manager to sign

Name: _____
Insert Project Manager's name

Position: _____
Project Manager for (Company)

Scenario 1.



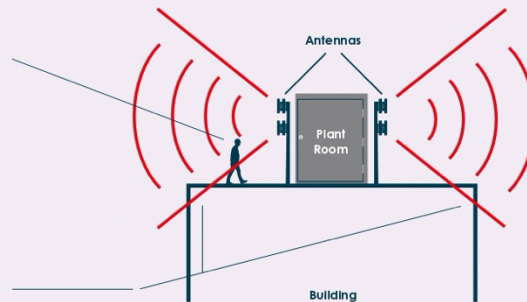
Antennas are of low elevation and set back from the rooftop edge.

The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has developed exposure limits adopted by the UK Government. All mobile network operator installations are designed to comply with the ICNIRP exposure limits as adopted in European Union directives and UK legislation.

This scenario might be considered the most visually sympathetic solution as antennas are both set back from the rooftop edge and are of lower elevation. However, the below example is not an ICNIRP compliant design, and therefore would not be proposed.

The person shown is within the exclusion zone – this is not ICNIRP compliant, as the antennas are too low.

With the antennas positioned here “clipping” occurs. This is when the radio frequency signal propagation from an antenna ‘clips’ the building edge and would result in exclusion zones over sections of the rooftop. This will impact radio performance and service provision to the point that the solution is not viable.



Each Scenario is indicative and a simplified version to demonstrate the technical constraints and solutions. Although 2D was used for simplicity, antennas must be carefully sited at locations on a building to provide 360 degree coverage, and must always be ICNIRP compliant.

Scenario 2.

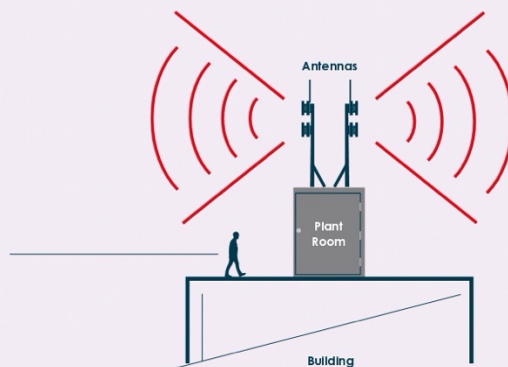


Antennas are set back from the rooftop edge and must be elevated.

This scenario is sometimes considered a more visually sympathetic solution, as the antennas are sited away from the rooftop edge. This solution means the antennas must be placed higher, which typically requires more robust support structures, and the essential additional height and bulk can be less desirable in some situations.

The person is accessing the rooftop and is not in the exclusion zone. As the antennas are of sufficient height, there is no RF ‘clipping’ and the rooftop remains accessible, which may be necessary for access to plant, maintenance or fire escape. The rooftop is safe to access and this ensures that the design remains ICNIRP compliant.

No rooftop edge clipping occurs – ICNIRP compliance is achieved, and there will be no impact upon radio performance or service provision – the design solution remains viable.



Scenario 3.

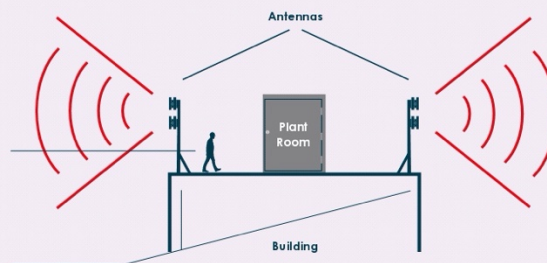


Antennas are near edge of rooftop, but less elevation may be required.

This scenario is sometimes considered a less visually sympathetic solution as the antennas are sited on the rooftop edge. However, with this solution there is a reduced necessity for additional antenna elevation, which typically means less structural bracing is needed. The reduced necessity for additional elevation and bracing can, in practice, be the most visually sympathetic solution in some situations, albeit closer to the rooftop edge. This is especially true on medium height to tall buildings, where the natural elevation of the building takes it away from the public realm and provides sufficient antenna elevation for viability.

The person is accessing the rooftop and is not in the exclusion zone. Antennas propagate outward – siting at the edge with outward orientation means that the rooftop remains accessible and there is no rooftop ‘clipping’.

ICNIRP compliance is achieved and there will be no impact upon radio performance or service provision – the design solution remains viable.



Annex D: Code of practice working group members

1. This Code of Practice was developed by a Working Group made up of representatives from the following organisations:

- The Department for Digital, Culture, Media and Sport
- The Department for Levelling Up, Housing and Communities
- The Department for Environment, Food and Rural Affairs
- The Department for Transport
- Mobile UK
- Cornerstone Telecommunications Infrastructure Limited
- Mobile Broadband Network Limited
- Cellnex UK
- Wireless Infrastructure Group
- Local Government Association
- Planning Officers Society
- National Association of Areas of Outstanding Natural Beauty
- National Parks England
- Ofcom
- Historic England
- Natural England
- National Highways

Appeal Decision

Site visit made on 12 March 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/P4605/W/19/3241791

SW Crown PH Walsall, Walsall Road, Sutton Coldfield, West Midlands B74 4RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MBNL (EE Ltd and Hutchinson of 3G UK LTD) against the decision of Birmingham City Council.
 - The application Ref 2019/07090/PA, dated 15 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is a proposed telecoms upgrade. Proposed phase 8 monopole, c/w wrapround cabinet at base and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed telecoms upgrade. Proposed phase 8 monopole, c/w wrapround cabinet at base and associated works at SW Crown PH Walsall, Walsall Road, Sutton Coldfield, West Midlands B74 4RA in accordance with the terms of the application, Ref 2019/07090/PA, dated 15 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Site Location Drawing; 003 Access Plan; 005 Cherry Picker/Crane Location(s); 215 Maximum Configuration Site Plan Issue A; and 265 Maximum Configuration Elevation Issue A.

Main Issue

2. The main issue is the effect of the proposed development on the visual amenity of the area, with particular regard to the proposal's scale and siting.

Reasons

3. The appeal site lies within a grassed triangle of land at the junction of Crown Lane, Walsall Road and Four Oaks Common Road next to The Crown public house. An existing telecommunications installation can be found within the grassed area of land. The existing mast which is around 12.5 metres in height would be replaced by the proposed monopole, with some equipment being retained and new associated equipment installed. The appeal scheme seeks to upgrade the existing apparatus to improve the existing mobile signal offering in the area and to provide a '5G' network.
4. Ground levels in the area generally fall from the north-east and south-east to

the north-west and south-west. The site and the highway junction have an open character, which is aided by the public house, residential dwellings and a small parade of shops being set back from their respective highways. A variety of uses populate the immediate area, but buildings are typically two storeys high. Street trees line the highway verge on Walsall Road. Trees and other street furniture, such as street lighting columns, telegraph poles, bus stops and a further telecommunications installation populate the wider area.

5. Paragraph 112 of the National Planning Policy Framework (the Framework) outlines that 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). Framework paragraph 113 sets out that the number of masts should be kept to a minimum and where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.
6. The site is not in a sensitive area according to saved Policy 8.55A of 'The Birmingham Plan', Birmingham Unitary Development Plan 2005 (UDP). Saved UDP Policy 8.55B explains that in assessing visual obtrusiveness, views from neighbouring properties and the street will be considered. Detailed guidance on telecommunications equipment is laid out in the Council's Telecommunications development: mobile phone infrastructure Supplementary Planning Document (SPD). As there is an existing ground-based telecommunications mast, the appeal site is a 'less sensitive location' based on the SPD. Given this and Framework paragraph 112, I agree with the Council that the principle of the proposed upgrade should be looked upon favourably.
7. That said, consideration does need to be given to the proposal's effect on the visual amenity of the area. The proposal would be roughly in a similar location to the existing apparatus, which is an accepted part of the street scene. The relatively sleek design of the existing mast is broadly comparable to the height of the street lighting columns. Even so, the site is still located in a prominent position and there are numerous short and long-range opportunities to view the site. The proposed new mast would rise above built form in the locality and street furniture. The Council estimate that the proposed monopole would be around 60% higher and around 30% wider, with the antenna being around 20% wider also. The appellant company does not dispute these figures.
8. The width of the proposed monopole would not be a significant visual change, especially as the mast would be viewed in the context of nearby street trees, street furniture and buildings. Street trees would also, to an extent, screen or lessen the effect of the proposal especially when viewed from either direction on Walsall Road. However, the height of the mast would, at roughly 20 metres, be considerably higher than the existing mast and that of existing buildings, trees and street furniture. So, despite the appellant company's efforts to create a discreet design, the proposal would be of a scale that would harm the visual amenity of the area as it would unduly dominate what is a relatively low-scale suburban environment to the extent that it would be overbearing. The degree of harm caused would vary locally due to the undulating ground levels.
9. While the proposed monopole would be static does not change my view about the harm that I have identified. As such, the proposal would not respond to the site's conditions and those of the local area. I am also not satisfied that

colouring the mast would overcome the harm.

10. However, saved UDP Policy 8.55A recognises that modern and comprehensive telecommunications systems are an essential element in the life of the local community and the economy of the City. I am also mindful, in the context of saved UDP Policy 8.55B that the proposal has been designed to make use of an existing site and with sharing in mind, as H3G and EE have a network sharing agreement and the Emergency Services Network uses EE equipment.
11. There is no evidence to counter the appellant company's view that the area suffers from poor access to digital services. Hence, the proposed upgrade would contribute to delivering a modern, advanced, high quality and reliable communications infrastructure that supports a range of consumers, including the emergency services. It follows that the upgraded mast would support economic growth and the local community by enabling fast and reliable communication to take place, for example by helping people gain employment, access services, support their health and well-being, whilst also assisting new technologies. There is also no substantive evidence before me to suggest that the proposal could be lowered in height without: compromising the scheme's ability to comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines; or the coverage that the proposed upgrade would provide. In short, the benefits outlined would not be realised.
12. The associated cabinets may well be permitted development, but as the Council has not raised any concerns to the cabinets, I have no reason to form a different view. Reference is made by an interested party to the grassed triangle of land already having two monopoles. This was not the position that I observed on site as only a single monopole was present. Furthermore, the resident refers to the approval of a third monopole and an associated set of cabinets. However, there are no details of this before me, and my decision is based on the submitted evidence.
13. Despite concerns about potential health and wellbeing impacts, the appellants have provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the ICNIRP. Framework paragraph 116 explains in these circumstances, that health safeguards are not for the decision-maker to question. As there is no substantive evidence to suggest that the ICNIRP guidelines would not be met, there are insufficient grounds to depart from the position explained in the Framework.
14. In this case, the proposed development would result in harm to the visual amenity of the area, with particular regard to the proposal's scale and siting. As such, conflict would arise with Policy PG3 of the Birmingham Development Plan insofar as the development would not reinforce local distinctiveness with a design that responds to site's conditions and the context of the local area. However, I conclude that this harm would, on balance, be outweighed by the economic and social benefits that would stem from the proposed upgrade which would not be realised whilst reducing the height of the mast. Therefore, in the round, the proposal would accord with saved UDP Policies 8.55 and 8.55A-C, the SPD and Framework paragraphs 112 and 113. Collectively, these seek to support the expansion of shared next generation mobile technology to create a modern, high quality and reliable communications infrastructure that is essential for economic growth and the life of the local community.

Conclusion and conditions

15. In addition to the standard time commencement condition, I have imposed an approved plans condition in the interests of certainty. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR



Appeal Decision

Site Visit made on 21 June 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/Z4310/W/21/3269643

Mill Street Streetworks, Mill Street, Liverpool L8 5UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Hutchison 3G UK Ltd against the decision of Liverpool City Council.
- The application Ref 20PT/2447, dated 16 September 2020, was refused by notice dated 9 November 2020.
- The development proposed is to install 15 metres high 5G monopole with associated cabinet equipment.

Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for proposal to install 15 metres high 5G monopole with associated cabinet equipment at Mill Street Streetworks, Mill Street, Liverpool L8 5UD in accordance with the terms of the application, Ref 20PT/2447, dated 16 September 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan; Existing Elevation A; Proposed Site Plan; Proposed Site Elevation A; Site Location Plan.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area and the effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to overbearing effects.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised by a mix of single and two storey properties including residential and commercial and would be

- directly adjacent to the Mersey Park Care Home. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting, road signs, litter bins, post boxes and CCTV mounted on monopoles.
5. The proposal would be taller than the majority of structures and buildings in the area. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and the existing CCTV monopole mast.
 6. The proposal would mainly have a vertical emphasis, which would be in keeping with similar structures in the near locality. The proposal would be visible however due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings.
 7. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with saved Policy HD27 of the City of Liverpool Unitary Development Plan 2002 (UDP) and the National Planning Policy Framework (the Framework) which seeks proposals for masts and other structures to have regard to the visual impact on the built and natural environment.

Living conditions

8. The proposal would be situated close to the buildings and private amenity spaces of Mersey Park Care Home and other residential properties. The width of the proposal would not be excessively bulky and whilst the proposal is tall in nature, the slimline design would ensure that any overbearing effects would not adversely compromise the living conditions of residents at the Mersey Park Care Home and neighbouring properties.
9. Due to the proposals siting, height and bulk, it would not have a significant overbearing effects on the buildings and amenity areas of the Mersey Park Care Home and surrounding buildings that would be to the detriments of its residents.
10. Accordingly, the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with regards to overbearing effects. The proposal would be in accordance with saved Policy HD27 of the UDP and the Framework which seeks proposals for masts and other structures to not have a detrimental effect on the amenity of adjoining premises.
11. Representations have been made to the effect that the rights of a neighbouring occupiers, under the Human Rights Act 1998, Article 8, would be violated if the appeal were allowed. I do not consider this argument to be well-founded, because I have found that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8 of the Human Rights Act 1998.

Other Matters

12. I have had regard to concerns raised from Ward Councillor and local residents which include matters on health issues with reference to the Stewart Report,

public consultation of the scheme and availability of proposed plans, occupancy rates, anti-social behaviour including risk of arson, and the previous planning refusal¹. I have given careful consideration to these matters, some of which the Council have not raised any objections to, but they do not lead me to a different conclusion on the main issue nor do they amount to harm in which would justify withholding consent.

13. The proposal would be used by a single operator however I am satisfied that alternative sites were explored and that an appropriate sequential approach was taken by the appellant, therefore the proposal would not be contrary to the Framework.

Conditions

14. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Chris Baxter

INSPECTOR

¹ Local Planning Authority Reference Number: 20PT/1707