

SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:	Civic Way Car Park	Site Address:	CIVIC WAY CAR PARK, CIVIC WAY, HUYTON, LIVERPOOL, L36 9GE
National Grid Reference:	E: 344112, N: 390782		
Site Ref Number:	30880400	Site Type: ¹	Macro

2. Pre Application Check List

Site Selection

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

Site Specific Pre-application consultation with local planning authority

Was there pre-application contact:	Yes
Date of pre-application contact:	15/07/24
Name of contact:	
Summary of outcome/Main issues raised: A pre-application consultation letter was issued to Knowsley Council on 15/07/2024. This letter contained details of the proposed installation, as well as design drawings. As of this date, no response has been received by the LPA to the pre-application.	

Community Consultation

¹ Macro or Micro

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Rating of Site under Traffic Light Model:	Red	Amber	Green
Outline of consultation carried out: As part of the pre-application consultation exercise undertaken as part of this scheme, pre-application consultation letters were issued to the Ward Councillors of Roby Ward and residents of Priory Court whom have a potential impact on sight of the Application site. Detailed planning drawings were provided, and feedback was requested.			
Summary of outcome/main issues raised (include copies of relevant correspondence): As of the date of this planning submission, no responses have been received from all the consultees consulted as part of the proposed scheme.			

School/College

Location of site in relation to school/college (include name of school/college): There are no schools or education facilities in the immediate proximity to the proposed development site. We note that Huyton With Roby C of E Primary School is situated 247m North West of the proposed development site. Given the distance from the site, we did not deem it suitable to issue any pre-application documentation.			
Outline of consultation carried out with school/college (include evidence of consultation): Not applicable.			
Summary of outcome/main issues raised (include copies of main correspondence): Not applicable.			

Civil Aviation Authority/Secretary of State for Defence or the operator of the civil safeguarding area or defence safeguarding area notification

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Will the proposed development be on a civil safeguarding area or a defence safeguarding area?	Yes	No
Has the Civil Aviation Authority/Secretary of State for Defence/operator of the civil safeguarding area or defence safeguarding area been notified?	Yes	No
Details of response: N/A		

Developer's Notice

Copy of Developer's Notice enclosed?	Yes	No
Date served:	Owner's notice within the application itself.	

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3. Proposed Development

The proposed site:

The temporary site will be located at Civic Way Car Park, Civic Way, Huyton, Liverpool, L36 9GE (NGR: E344112, N390782) thereafter referred to as 'the Site'. Figure 1, below, shows the approximate location of the Site. The Site is situated within a section of the car park upon concrete hardstanding. The area is predominately commercial with some residential dwellings within the wider area.

The Site has been chosen as the most viable town planning solution within the local area which will meet the necessary coverage requirements of the Operator. The proposed development will provide enhanced mobile network coverage is provided to the surrounding area; providing improved connectivity, capacity and coverage for local residents and businesses and ensuring the next step in technological progression (i.e. 5G network coverage) is available within Huyton.

The application site situated within the corner of the car park provides an appropriate town planning solution and will ensure that excellent network coverage is provided to the wider area.

The existing street lighting columns situated along Poplar Bank, as well as road traffic signs, provide vertical engineered elements within the local area. It is hereby submitted that the application site is appropriate and could sufficiently absorb the apparatus into the locality.

The temporary apparatus is required to replace the current telecommunication site which services the local area – situated on Municipal Buildings, 20 Archway Road, Huyton, Liverpool, L36 9UX (NGR: E:344211 N:390875) – which is due to be lost from the network for reasons beyond the Operators control. In order to ensure that existing services are continued within the local area, a replacement base station must be deployed prior to the removal of the existing network cell. It should also be acknowledged that the proposed base station will provide brand new 5G connectivity to Huyton, at the point of the deployment. The proposed development will work in tandem with a recently approved site at Lathom Road SW (24/00106/TEL) and Roby Road (24/00249/TEL) to ensure that there are no 'coverage gaps' within the wider area as a result of the removal of the base station at Municipal Buildings from the network.

It should be noted that a new 30m mast could be installed with a Prior Approval application under Permitted Development Rights. However, given the mast is proposed as a temporary mast for 3 years this requires a Full Planning application for the proposed timeframe.

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Figure 1 – Aerial imagery of proposed site (approximate site outlined in red) (Source: Grid Reference Finder 2024)

The scheme proposes the temporary installation of a 24.66 metre-high lattice tower which will provide network coverage for Vodafone. This installation will provide 3G, 4G and 5G coverage. Given the level of public reliance on mobile networks, which has increased to an unprecedented level since March 2020, the scheme is considered wholly appropriate for the local area and will ensure that connectivity, capacity and coverage is improved within the local area. Public reliance on established mobile networks, and the increase in mobile data consumption, will be discussed in more detail within this document, with particular focus on social interaction and the opportunity for large scale 'home-working' as has become relatively normal over the last four years.

Whilst the Applicant accepts that the height of the installation will result in some visual impact on the local streetscene, the nature of the development will ensure that the visual impact is reduced as far as practicable. When this impact is assessed against

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the continued, and enhanced, provision of economic, social and environmental benefits that will be brought forward by the proposal, there is considered to be significant favour towards approving the scheme. The justification for the height of the proposed installation is that the next stage of technological advancement (5G) will be available from this network cell, providing new cutting-edge coverage for Vodafone to the local area.

The proposed apparatus only serves **one** function – to provide mobile network coverage to the local area. The equipment has no other function. As such, the appearance of the equipment, and the height of the equipment, is dictated by functionality and technical constraints. Indeed, the further relaxation of Permitted Development rights by Central Government in early 2022, shows a clear indication that 30m is now the accepted height for new base stations. It should also be noted that this juncture that the associated ground-based equipment cabinets qualify as outright Permitted Development.

The 'siting' of the proposed development has been carefully selected so the site will assimilate well into the street scene. Therefore, reducing any perceived visual impact associated with this application, as far as practicable.

It is considered that the proposal in front of the Council is acceptable, as this development will ensure local network coverage is improved at a time where it is becoming apparent that a significant proportion of the national workforce are opting to adopt a more hybrid-style of working – with many returning to an office environment for only a small proportion of the working week. As such, the necessary infrastructure must be deployed in order to assist with this hybrid working, with this typically occurring in a predominantly residential setting. The local community, at Huyton, will therefore be at the forefront of the next generation of technology (5G) roll-out.

Given the need to introduce a new temporary base station into the local area, it is considered that the best town planning solution has been brought forward as part of this application.

Ensuring that current network coverage is improved and enhanced is of vital importance, never more so than over the last three and a half years when the country moved towards an increased level of home-working, it is imperative that the public need is met by the Operators. This is a view which is also taken by Central Government, and is clear in their relaxation of Permitted Development rights for the second time in 5 years – firstly in 2017, and then again, more recently, in 2022.

It is considered that the proposal in front of the Council is acceptable. This development will ensure that continuous network coverage is provided to the local

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area for Vodafone and it is therefore considered that any visual impact caused by this proposal is greatly outweighed by the public economic, social and environmental benefits of ensuring that brand-new 5G coverage is provided to the wider area. The design of the lattice tower is the best technical solution to provide suitable coverage with limited impact on sighting an appearance. The utilisation of affixed apparatus to the tower prevents the need to utilise a headframe, further reducing impacts on sighting.

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

Description:

The installation of a 24m lattice tower with 6 no. antennas bringing the total height to 24.66m, with 15 no. RRU's, 1 no. 300mm dish and 1 no. 600m. Plus, 2no. ground based cabinets and ancillary development thereto for a timeframe of 3 years. The site will be enclosed by temporary Heras fencing.

Overall Height: 24.66m

Materials (as applicable):

Tower/mast etc – type of material and external colour:	Galvanised Steel - RAL7035 (unless otherwise suggested by the Local Authority)
Equipment housing – type of material and external colour:	Light Grey (RAL7035) (unless otherwise suggested by the Local Authority)

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

In designing this temporary telecommunications installation, the Applicants have sought to achieve a balance between the technical requirements of the Operator and minimising environmental impact as far as was practicable. It, however, must be acknowledged that technical constraints heavily influenced the design and limited the scope to alter the appearance of the site to a significant degree.

The application proposes to temporarily install a 24.66m lattice tower with 6 no. antennas bringing the total height to 24.66m, with 15 no. RRU's, 1 no. 300mm dish and 1 no. 600m for 3 years. Plus ancillary development thereto. The site will be enclosed by temporary Heras fencing.

The choice of design at the application site is governed by two main factors; the context and visual amenity of the area; and, the technical requirements.

Technical Objective and Technical Requirements

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The objective of this site is to provide continued network coverage to the local area that is due to be lost if no replacement for the NTQ - Municipal Buildings – is established. The proposed apparatus will maintain connectivity, capacity and coverage to the area for Vodafone, thereby maintaining mobile upload and download speeds.

By way of background information, in designing a radio base station it is necessary to incorporate certain vital elements and to work around a number of technical constraints. There are three main elements to a radio base station; the cabin or cabinets which contain the equipment used to generate the radio signal(s), 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).

Other elements necessary for the base station to function are the power source (a meter in a cabinet or a generator on sites where a REC supply cannot be utilised), feeder cables that link the equipment housing to the antennas, link dishes and the various support structures, grillages and fixings, often referred to in general terms as “development ancillary to” the base station.

The antenna height is determined by a specialist network radio engineer using specialist software which factors in the area that coverage is required; the relationship between the selected site location and existing cell sites in the linked network; and variances in land levels and elements such as nearby trees or buildings, which can block or weaken signals. This is vitally important when assessing new locations from base stations to fit into the existing and established Operator network patterns. The application site offers the optimum location in terms of operational effectiveness, ensuring it seamlessly transitions into the existing network, and does not overlap with adjacent network cells.

2no. equipment cabinets are required to house the radio equipment and will be positioned in a neat arrangement at ground level.

Visual Amenity

The Applicant gives due regard in designing all new sites to limit the visual impact through good design. In this instance, the proposed installation is subject to technical and build constraints. That notwithstanding, it is submitted that the appropriate siting and design put forth will mitigate any potential impact on the site and its surroundings to an acceptable level.

To achieve the required coverage and overall network improvement for Vodafone, a temporary 24.66-metre-high mast is required. The proposed installation will also be

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5G ready at the point of deployment. This innovative design is therefore the best technical solution available to the Operator and has been selected to ensure that any perceived visual impact is reduced as far as practicable. The application site also ensures that the installation will be situated close enough to the target area it is designed to serve. This is a very important factor and must be acknowledged by the Local Planning Authority.

Whilst the application site will provide a suitable technical solution for the local area, it is also considered that this location offers an appropriate town planning and environmental solution. The bulk and scale of the proposed equipment has been minimised as far as practicable. The apparatus has only **one** function – to provide network coverage to the local area. Its design, therefore, is solely dictated by operational functionality. The height of the antennas has been reduced to the lowest which would provide the required level of replacement coverage.

As this site will be deployed with 5G capability, this application is not to simply to ensure that the local area will be serviced with the same level of network coverage as much of the Local Authority area (i.e. 3G and 4G), but will actually surpass the current level of 'standard' coverage and connectivity with the provision of 5G coverage.

Whilst the Applicant accepts that there will be some level of visual impact, when this is compared to the numerous social and economic benefits which will be brought forward with the proposal, it is considered that the application should be deemed acceptable, and therefore receive Officer support.

The applicants encourage the Council to make a clear distinction between 'visibility' and 'harm', when assessing this proposal. At 24.66 metres in height, the structure will be visible. However, being able to see something does not immediately infer that it is either inappropriate or harmful. The applicants submit that, despite the proposed development being visible, it is not harmful, and that the height of the apparatus is solely dictated by its function. This must be acknowledged by the Council.

As outlined in the General Permitted Development Order, the deployment of mobile phone base stations, up to a height of 30 metres, is accepted in principle by virtue of the legislation. This position has been confirmed by the Planning Inspectorate in a number of appeal decisions.

For example, in allowing appeal APP/E2205/W/20/3261389, which proposed the installation of a 20m-high telecommunications monopole and associated ground-based equipment cabinets, the Inspector included the following in their decision notice:

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*"Part 16 of the Order establishes that **the proposal is permitted development** and therefore it is accepted in principle by virtue of the legislation. **Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.** Nevertheless, Policies SP1, SP6 and ENV13 of the Ashford Borough Council Local Plan to 2030 are material considerations as they relate to issues of siting and appearance. In particular, they seek to secure high quality design and to avoid development that would cause loss or substantial harm to the significance of heritage assets. **Similarly, the National Planning Policy Framework is also a material consideration and this includes a section on supporting high quality communications**" (emphasis added).*

In another example, in allowing appeal APP/G4240/W/18/3201704, which proposed the installation of a 20m-high telecommunications monopole and associated ground-based equipment cabinets, the Inspector included the following in their decision notice:

*"**The permission granted under the GPDO is equal to an outline planning permission** and the consideration of the proposed development is limited to its siting and appearance, not the principle of the development" (emphasis added).*

Due consideration has been given to the process and the proposal put forward is the best available option – it both achieves the technical requirements and does not bring unacceptable harm to the character of the area.

It is anticipated that this installation will become an accepted part of the built environment over time – as is the case with other established street furniture within the area.

Whilst it is accepted that the structure will be visible, it is considered that the economic, social and environmental benefits brought forward by retaining network coverage across the local area outweighs any harm that the proposal may cause.

It is considered, overall, that the design is appropriate to the site and surrounding area and avoids any unacceptable level of impact.

Technical Information

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International Commission on Non-Ionizing Radiation Protection Declaration attached (see below) International Commission on Non-Ionizing Radiation Protection public compliance is determined by mathematical calculation and implemented by careful location of antennas, access restrictions and/or barriers and signage as necessary. Members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines. When determining compliance, the emissions from all mobile phone network operators on or near to the site are taken into account. In order to minimise interference within its own network and with other radio networks, Vodafone operates its network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision. As part of Vodafone's network, the radio base station that is the subject of this application will be configured to operate in this way. 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	Yes	
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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.		
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4. Technical Justification

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

The proposed development will enable the provision of 2G, 3G, 4G and new cutting-edge 5G services for the Vodafone mobile network across the wider area.

2G was the second generation of mobile phone transmission, it introduced data services for mobile, starting with SMS text messages. 3G was an extension to this and enabled the use of data. The main technological difference that distinguishes it from 2G technology is the use of packet-switching rather than circuit-switching for data transmission. Increased data rate to a minimum of 2 Mbit/s for stationary or walking users, and 384 Kbit/s in a moving vehicle.

4G (LTE, the acronym used for 'Long Term Evolution') supports mixed data, voice, video and messaging traffic and offers speeds of up to five times faster than 3G, enabling network users with 4G devices to benefit from ultra-fast internet browsing, video streaming, gaming, e-mail and downloads. 5G is the next generation of mobile internet connectivity, offering faster speeds and more reliable connections on smartphones and other devices than ever before.

Compared to even the most recent and efficient generation of mobile network, 4G, 5G is set to be far faster and more reliable, with greater capacity and lower response times. The technological improvement of 5G when compared to 4G is particularly noticeable in three areas.

Firstly, the bandwidth of 5G is around 40 times faster than current 4G speeds, which will enable large amounts of data to be transferred in a few seconds – for example a full length HD movie of 15GB will take around 6seconds to download on 5G.

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Secondly, 5G has an ultra-fast 1ms latency time, providing reliable and near instantaneous responses between instructions to devices. This would result in an autonomous vehicle travelling at 100km/h would receive a stop signal after moving just 2.7cm. Connections are also ultra-reliable, with a very low error-rate.

Thirdly, 5G is able to support up to 1,000,000 devices within a 1km² area, which will provide the backbone for the evolution of the Internet of Things.

Base stations use radio signals to connect mobile devices and phones to the network, enabling people to send and receive calls, texts, emails, pictures, TV and downloads. The base stations are connected to each other (by cables or wireless technology) to create a network. The area each base station covers is called a cell. Each cell overlaps with its neighbouring cells to create a continuous network. There are several variables that determine the size and shape of each cell.

As base stations are low-powered radio transmitters they each have a limited range, meaning that they generally need to be located close to (or within) the target area which requires coverage. If a base station is moved too far away from the target area, then it is likely that some sections of the target area will remain without the network services which the Operator aims to provide.

High-quality communications infrastructure is essential for sustainable economic growth and that high-speed broadband technology and other communications networks can also play a vital role in enhancing the provision of local community facilities and services.

The UK Government recognises the benefits to commerce, industry and the public in general, and so places great emphasis on the benefits of mobile telecommunications to modern life and this is promoted throughout the planning system. The very high level of mobile phone use and ownership within the UK population is a very clear indication of the public's overwhelming acceptance of the benefits of mobile communications, which requires the installation and maintenance of base stations to provide the necessary connection between the mobile phones and the UK telecommunications network.

As stated, the temporary development will enable the enhanced provision of 2G, 3G, 4G and new cutting-edge 5G services for Vodafone's mobile network coverage across the wider area.

Practical Applications of 5G Connectivity as Example of Material Socio-Economic Benefit:-

Education:

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The relationship between 5G and education is evolving at a massive rate with educators exploring the relevance of Virtual Reality (VR) technologies for education and training. Crucially, VR can support remote learning, allowing students a presence in the classroom even when working elsewhere.

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 will also allow learning on the job, 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.

Health:

Patients across the country are now becoming accustomed to relying on remote healthcare services such as NHS 111, virtual GP appointments, and ordering online deliveries of essential medical supplies.

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. For instance, trials have shown that connecting ambulance crews to expert resources using 5G allows paramedics to work with doctors and conduct specialist procedures in real time whilst on the road.

High-quality communications infrastructure is essential for sustainable economic growth and that high-speed broadband technology and other communications networks can also play a vital role in enhancing the provision of local community facilities and services.

The UK Government, recognising the benefits to commerce, industry and the public in general, places great emphasis on the benefits of mobile telecommunications to modern life and this is promoted throughout the planning system. Paragraph 118 of the NPPF (2023) states 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**) ..."* (our emphasis). The NPPF takes account of the growth of the industry and technology, of the new social and economic demands for communications, and of the Government's environmental policies. This proposal, to enable Vodafone to provide enhanced network services to the surrounding area, will assist in achieving these objectives within Huyton.

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The Planning Inspectorate too has in recent years continually recognised the importance of this issue and cited it in appeal decisions that have overturned the decisions of local authorities across the UK where there has been a failure to apply due weight to the value of connectivity to social and economic prosperity in the assessment of applications made for telecommunications development, even in or close to protected or sensitive areas.

As an example, in October 2018 the decision of Winchester City Council to refuse prior approval for the installation of a 17.5m high monopole and associated equipment housing, required to replace an established site being lost from Vodafone's network, was overturned by the Planning Inspectorate (CTIL and Vodafone Vs Winchester City Council, appeal reference APP/L1765/W/18/3197522). Within the decision notice, the Inspector stated that:

*"I attach significant weight to the public benefit arising from the continuation of local service provision.....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**" (emphasis added).*

In November 2019, the decision of Woking Borough Council to refuse prior approval for the installation of a 20m high monopole and associated equipment housing, which would provide 'in-fill' network coverage for EE, was overturned by the Planning Inspectorate (EE Ltd. Vs Woking Borough Council, appeal reference APP/A3655/W/19/3234027). Within the decision notice, the Inspector stated that:

"the mast and antennas are reasonably slim and have an uncluttered form and thus would not be unduly intrusive in a wider panorama. Accordingly, the visual impact of the proposed base station would be limited, even when the vegetation is not in full leaf. It would also be seen in the context of the existing structures in the immediate area. Therefore, although the proposed development would not make a positive contribution to the street scene, neither would it be significantly harmful to the appearance of the area" (emphasis added).

In October 2020, the decision of Elmbridge Borough Council to refuse planning permission for the installation of a 15-metre-high monopole incorporating shrouded antenna and supporting 2no external dishes was overturned by the Planning Inspectorate (EE Ltd and H3G UK Ltd Vs Elmbridge Borough Council, appeal reference APP/K3605/W/19/3243927). Within the decision notice, the Inspector stated that:

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*"The mast would be taller and thicker than the existing nearby street lighting columns, road signs and overhead cable poles. Due to its height, the mast would be visible in local views from the public domain and from some residential properties in proximity....However, **such masts are becoming more commonplace within the urban environment and so it would not appear as an alien or unexpected feature**" (our emphasis).*

In June 2021, the decision of Sheffield City Council to refuse their Prior Approval for the installation of a 20-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (MBNL Limited Vs Sheffield City Council, appeal reference APP/J4423/W/21/3268791). Within the decision notice, the Inspector stated that:

*"Paragraph 80 of the Framework advises that **significant weight should be attached to the economic benefits of providing and enhancing electronic communications infrastructure**. Paragraph 112 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks, including next generation mobile technology, such as 5G, should be supported.*

The proposal would reinstate 2G, 3G and 4G coverage within the area as well as providing 5G coverage, services would collectively increase network capacity and provide ultra-fast and more reliable mobile connectivity, capable of handling ever-increasing data requirements. The development would provide extensive social and economic benefits to individuals, businesses, and public services, including education and healthcare. The Council does not question the social and economic benefits that would result from the proposal but concludes that they do not outweigh the harm found. However, as no suitable alternative sites have been identified, I attach substantial weight to the benefits that would result from the proposal.

***In weighing all the above matters, although I have found that the siting and appearance of the proposal would significantly harm the character and appearance of the area, I consider the substantial social and economic benefits of the proposal outweigh the harm identified"** (emphasis added).*

It is considered that when the balancing method advocated in the NPPF is applied to the proposal, where the need and significant public benefit of ensuring the best available network coverage is provided, especially given the current times in which we find ourselves ensconced a hybrid-level of remote working, is balanced against

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the appearance and level of associated visual impact of the proposed site, that the application proposal is positively in favour and is considered wholly appropriate.

In November 2021, the decision of the London Borough of Hillingdon Council to refuse their Prior Approval for the installation of a 20-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (MBNL Limited Vs London Borough of Hillingdon Council, appeal reference APP/R5510/W/21/3269903). Within the decision notice, the Inspector stated that:

***“Based on the evidence before me, the height of the monopole would be substantially taller than the mature trees which bound the site. Accordingly, it would represent a significant departure from the established height of existing lampposts with the height of the proposed structure representing a visually dominant addition to the existing environment. Due to the substantial height of the monopole, and plethora of associated cabinets, the proposal would detract from the pleasing greenery within which it would be located. This would harm the established landscape feature which positively contributes to the surrounding area as well as causing some harm to the visual amenities of surrounding properties, particularly those within converted office premises. (emphasis added).*”**

***“The proposal would also be located relatively close to three Grade II Listed Buildings. However, because the proposal does not seek planning permission or permission in principle, the duty established within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, does not apply to this proposal. Despite this, the Framework still requires the heritage implications to be fully considered”. (emphasis added).*”**

***“Accordingly, although the siting and appearance of the proposed development would cause some limited harm to the setting of the nearby listed buildings, I am satisfied that the economic and social benefits of the proposal, would outweigh this harm” (emphasis added).*”**

Again, in November 2021, the decision of Worthing Borough Council to refuse prior approval for the installation of a 20m high monopole with wraparound cabinet, which would replace an existing 12.5m high monopole on the same site, was overturned by the Planning Inspectorate (MBNL on behalf of EE (UK) Ltd. & H3G (UK) Ltd Vs Worthing Borough Council, appeal reference APP/M3835/W/21/3272207). Within the decision notice, the Inspector stated that:

However, the increase in height is dictated by the intention to upgrade two networks to 5G technology. This technology uses higher frequency

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transmissions, which have a lower range and a greater sensitivity to obstructions within the area of signal coverage. The need for higher masts to enable the upgrade of existing networks to 5G technology has been recognised by the Government through permitted development rights which enable taller masts.

*The proposal would replace an existing mast. **The opportunity for an alternative location is therefore limited, given the restrictions imposed by the two established telecommunications cellular networks of which it would form part.***

The principle of development including a mast up to 20m in height is established by the permitted development right in the Order, and consideration of its siting and appearance needs to be viewed in that context. In this case, while the increased height of the mast would have a greater impact on the character and appearance of the area, its height is the minimum required to deliver 5G technology. The appearance of the mast as a single monopole painted light grey is preferable to other mast designs, and comparable to the design of the existing mast.

I conclude that the installation is the least intrusive that can be achieved within the technical limitations of 5G technology, and that any harm arising from the additional visual prominence of the mast is outweighed by the benefits accruing from the provision of advanced, high quality and reliable communications infrastructure” (emphasis added).

Whilst the above appeals relate to the deployment of new ground-based installations, there are also now a number of appeals which have allowed the upgrading of existing installations up to a height of 20m. As such, it is clear that 20m is now the recognised, and accepted, height of telecommunications apparatus within the streetscene – regardless of setting – be it residential, suburban, commercial, or industrial. Given that the proposal before the Council is for an 20m installation, it is submitted that the same conclusions can be drawn from all six appeal schemes outlined above – in that the high quality provision of telecommunications services, and the public benefits that they provide, is essential to the economic and social prosperity of the local area, and, when compared to the visual impact that each scheme would cause, the development was found in favour. The same assessment can be applied in this instance.

Given that appeals APP/K3605/W/19/3243927 (15m); APP/L1765/W/18/3197522 (17.5m); APP/J4423/W/21/3268791 (20m); APP/A3655/W/19/3234027 (20m); APP/R5510/W/21/3269903 (20m) and APP/M3835/W/21/3272207 (20m) proposed

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brand-new monopoles measuring 15, 17.5m, and 20m, respectively, all were considered to be acceptable, even if they resulted in clear harm to their surroundings. Additionally, appeals APP/E2205/W/20/3261389 and APP/G4240/W/18/3201704, which were discussed in Section Three of this statement, proposed 20 metre-high monopoles and were both also considered acceptable by the Planning Inspector. The proposed site at 24.66m is accepted as possible under permitted development rights and hence like the appealed site this site should be considered the public benefits of this site outweighs the visual impact of this proposal.

The importance of continued, and improved, telecommunications network coverage cannot be underestimated, especially throughout the years 2020-22, when the dependence on these networks was higher than ever before. This dependence has continued into 2023 and 2024 as our online shopping, gaming, and social habits have changed, post-pandemic, as well as many people adopting a working-from-home or hybrid work pattern. There are now a plethora of appeal cases which have been considered appropriate by the Planning Inspectorate for installations very similar to the one proposed here, even within close proximity to residential housing.

Very recently, in March 2022, the decision of Broadland District Council to refuse their Prior Approval for the installation of a 17.5-metre-high monopole and associated cabinets was overturned by the Planning Inspectorate (MBNL Limited Vs Broadland District Council, appeal reference APP/K2610/W/21/3280694). Within the decision notice, the Inspector made specific reference to the 'Living conditions of the occupiers of neighbouring properties', stating that:

"At the location where the mast is proposed to be located there are houses which face onto, but are not accessed from, Dussindale Drive. These houses are set behind hedges and fences and separated from the proposed site of the mast by a cycleway and footpath. They also have front gardens and drives between the front elevation of the house and the cycleway and footpath. The proposed equipment cabinets would not be visible from these houses. However, the mast would be visible from the windows of their front elevations" (emphasis added).

"Policy GC4 of the DPD seeks, amongst other things, to consider 'the impact upon the amenity of existing properties' of new development. Whilst the proposed mast is significantly taller than other street fixtures in the area it has a slim profile and will be finished in a light grey colour. It is also set off the boundary with existing residential properties with a cycleway and footpath in between the proposed site and the boundary

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of the houses. In these respects, it is therefore consistent with Policy CG4 of the DPD” (emphasis added).

“Moreover, the residential properties have front gardens and drives between their front elevations and their boundaries. Consequently, given the slim profile of the mast, its light grey colour, and its distance from the front elevations of nearby properties I do not consider that its siting and appearance would unacceptably harm the outlook of the occupiers of these properties” (emphasis added).

Given that the Planning Inspectorate have, as recently as November 2021, determined that similar installations to the one proposed, are considered acceptable within close proximity to residential properties, then it is submitted that this scheme should be considered equally as acceptable. It is clear that Council support should also be offered to this proposal.

Furthermore, whilst the applicants do submit that the best town planning solution has been brought forward as part of this application, **clear precedence has been set by the Planning Inspectorate which suggests that this should not be a determining factor, and that the best town planning option does not need to be brought forward.**

In October 2020, MBNL (EE Ltd and H3G UK Ltd) vs Elmbridge Borough Council, appeal reference APP/K3605/W/19/3243927, which has already been discussed within this statement, the Planning Inspector included the following in the Appeal Decision Notice:

*“Interested parties indicate that there are alternative sites available for the proposed mast. However, given my conclusion on the main issue it is unnecessary to address the merits of alternative sites. **There is no requirement in the Framework or the GPDO 2015 to select the best feasible siting**”* (our emphasis).

In April 2021, Cornerstone, Telefónica UK Ltd and Vodafone Ltd vs the Council of the London Borough of Havering, appeal reference APP/B5480/W/20/3251086, the Planning Inspector included the following in the Appeal Decision Notice:

*“I note the Council’s reservations regarding the appellants’ list of alternative sites, and to that extent I accept that the appeal site has not been shown conclusively to be the least environmentally damaging option possible. **But the National Planning Policy Framework (NPPF) does not support that approach. Given that I have found no significant harm, it***

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is unnecessary to consider other alternatives in any more detail"
(emphasis added).

In May 2018, CTIL vs Sheffield City Council, appeal reference APP/J4423/W/17/3188962, the Planning Inspector included the following in the Appeal Decision Notice:

*"With regards alternative sites, I have noted the appellant's submissions within the supplementary information as well as the contention of interested parties regarding the need for fuller consideration of siting. Nevertheless, I am mindful that even if alternative sites were available, **there is no requirement within the Framework or the GPDO for developers to select the best feasible siting where a site as proposed is considered to be acceptable**"* (emphasis added).

For the avoidance of doubt, the Applicants do submit that the best environmental and town planning solution has been brought forward as part of this application, and an alternative site assessment has been included within this statement. It should, however, be noted that this is **not** required as part of the application, but rather forms part of the justification for site selection and outlines again, that no alternative, better, option could be identified within the local area that would satisfy the necessary technical criteria associated with a new base station.

At the time of writing, our dependence on network services and connectivity is ever more apparent. Restrictions on travel resulting from the Coronavirus pandemic, plus three national lockdowns, 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. Network usage within suburbs has increased dramatically as less people are travelling to town and city centres than during pre-pandemic times. Maintaining and enhancing the mobile networks is of vital national importance, and it was significant that telecoms was designated as "critical work" during that time. It is anticipated that the current shift towards homeworking and online services will persist, to a lesser degree, in the future. It is vital that the infrastructure is in place throughout the UK to meet this demand, and the needs of the public.

The benefit of having a strong and resilient network has been highlighted in the last 4 years following the sudden shift in the network requirements, as the demand on the network in residential areas increased with home-working and home-schooling. Research by Ofcom, Online Nation 2020 found that until early that year, online video calling was used much less than other online communication services, with 35% of online adults using online video calling at least weekly in the 12 months to February 2020. However, in May 2020, this had doubled to 71% of online adult consumers

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using online video calling services at least weekly, with 38% using them at least daily. Research suggests that 7% of adult internet-users used video calling for the first time as a result of the coronavirus pandemic.

The DCM and the RT Hon Oliver Dowden CBE MP highlighted the need for telecommunications companies to support the NHS by providing the connectivity it needed during the Covid-19 pandemic, stating the following in April 2020:

*"Telecoms companies and their workers are making a major contribution to **keeping the nation connected during the COVID-19 emergency**, ensuring that people can stay and work from home" (our emphasis).*

In the current climate, with a dramatic shift towards home-working, online shopping and virtual social gatherings, the importance of connectivity for economic, social and physical wellbeing is more apparent than ever before. Infrastructure needs to be in place in order for people to benefit from these services, and it needs to be located in or very close to the areas where the users are located.

The Ofcom Connected Nations 2020 UK Report outlined a sharp increase in both mobile and voice data, particularly during the enforced national lockdowns of 2020. The report states that average call volumes and average call duration increased in the week that national lockdown was introduced in March 2020, with mobile hotspots shifting away from city centres to the suburbs and residential areas as restrictions continued.

Significantly, the same report states that the consumption of mobile data saw a staggering rise of 42%, when compared with the previous year. Additionally, the traffic carried in England in June 2020 (during lockdown) exceeded that carried across the whole of the UK (England, Scotland, Wales, and Northern Ireland) in February 2020 (prior to lockdown).

Research by Online Nation 2020 found in April 2020, internet users in the UK spent an average of 4 hours 2 minutes online each day, 37 minutes more each day per online adult compared with January 2020. This emphasises the importance of telecommunications infrastructure in being able to provide internet users with reliable network coverage and capacity to deal with an increasing amount of time online each day.

In his speech at Connected Britain 2020, in September 2020, Digital Infrastructure Minister, Matt Warman, stated the following:

"COVID has altered the way we live, work and, most importantly, stay connected with our family and friends. The digital infrastructure that keeps

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us all connected was essential to our daily way of life under lockdown - and is now more important than ever as we head into recovery. Many of these changes - such as increased working from home - will stay with us for the foreseeable future".

The implementation of a third national lockdown throughout January, February, March and April 2021 saw a return of most aspects of life associated with the two previous lockdowns, and the same increases in voice calls and mobile data consumption is expected. Mr Warman also stated the following:

"The world is in the middle of a digital revolution. COVID has accelerated this process, digitising almost every part of our everyday lives and making the infrastructure that connects us more important than ever. That's why it is at the top of the government's agenda".

Central Governments' direction of travel is to support the roll-out of 5G technology and this was the case pre-pandemic. This has been emphasised by the Government's relaxation of Permitted Development rights, allowing Operators to more effectively and efficiently meet the needs of the general public and ever-increasing demand for mobile data consumption. Since its initial roll-out in 2019, Operators have continued to deploy 5G across the UK, largely via the upgrading of existing base stations. Around 12,000 base stations now carry 5G technology. Mr Warman also confirmed that legislative reforms were being undertaken to make it easier for Operators to deploy and upgrade telecommunications base stations.

In May 2021, Mr Warman also wrote to Local Authority Chief Executives in England, making it clear to Local Authority's that they have a role to play in supporting improved connectivity, and also stating the following:

"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" (emphasis added).

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Notwithstanding the Covid-19 pandemic, and the increase in network reliance, a look at past data shows that our reliance on mobile networks was increasing year-on-year, prior to 2020. Ofcom's Communications Market Report 2018 provides a figure of 92 million active mobile subscribers in the UK at the end of 2017. It detailed that 78% of adults used a smartphone and that 76% of mobile users were using their devices for web and data access. Figures within the report also confirm that users were spending an increasing amount of time per day using their mobile phone. 68% of participants in the Touchpoints research reported that they "could not live without" their mobile phone (rising to 78% among 25-34s). Whilst not included within the research figures, anecdotal evidence suggests that this number is greater still amongst those aged under 18. Given that two years have now passed since this report, it is anticipated that these figures have increased further. All of which points towards the nation's increasing dependency on mobile services and connectivity.

A YouGov survey, in January 2021, adds further support to this, with 67% of those who were at the time working from home during the pandemic confirming that they had been using mobile data, as opposed the fixed-line broadband, agreeing that access to it would be an important factor when choosing where to live in the future. This rises to 76% for 18 to 34-year olds. The survey also confirmed that 44% of one network Operator's data traffic in January 2021 went to streaming services, such as Disney+, and that 45% of 18 to 24 year olds confirming that they are more likely to use their mobile data for browsing social media.

All of the above occur in a domestic setting. There is a clear need and demand for connectivity and capacity, and it is anticipated that telecommunications infrastructure has become, and will continue to become, commonplace in residential and suburban settings, as well as more noticeably commercial areas, such as the application site.

As recognised by the London Assembly's Regeneration Committee within its "*Digital Connectivity in London*" report, published June 2017, digital connectivity is now widely regarded 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*". It is no longer a luxury, but a service essential to modern life.

The installation of this proposal will maintain and enhance 3G, 4G and 5G services for Vodafone to this area of Huyton. The fact that this installation will be 5G-ready at the point of the deployment will greatly improve the level, and quality, of network coverage to the surrounding area, placing it at the forefront of the latest technological advancement.

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At a local level, this installation continues to allow for an increase in home working, by providing the opportunity to create a “virtual office”, reducing the need to travel for work as a consequence.

It is therefore very important for ‘mobile only’ households that live and work and any businesses that operate in this part of the LPA’s area, together with visitors and others who are staying in or travelling through the area, that the necessary indoor RF coverage is provided to enable them to have satisfactory mobile telephone and internet access.

On a wider scale, the proposal would continue to contribute towards the country’s connectivity and digital economy future via the provision of brand-new 5G network coverage for Vodafone. Mobile telecommunications are vital for the UK’s economic competitiveness and in promoting social inclusion, and, on a local scale, it is important to ensure the continuation of established telecommunications networks in this area.

Ofcom’s 2018 Communications Market Research Report shows that smartphones are owned by four of every five UK consumers and smart TVs are in almost half of all households. Demand for data continues to grow rapidly for UK consumers, with 1.9GB consumed by an average mobile subscription per month in 2017, (up from 1.3 GB the previous year). The report found that more than seven in ten now use their mobile to access the internet, sufficient coverage is obviously vital for this basic utilities service to be provided.

The UK Government, recognising the benefits to commerce, industry and the public in general, places great emphasis on the benefits of mobile telecommunications to modern life. This position was reinforced by a statement made by then 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. This is substantiated in the most recent budget announcement of 16th March 2016, which commits to provisions for “greater freedoms and flexibilities for the deployment of mobile infrastructure”.

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Since 2016, and particularly during the enforced lockdowns of 2020 and 2021, public and business reliance on the established mobile networks has continued to increase. Improved mobile coverage and connectivity is now no longer viewed as a 'luxury', but rather an every-day necessity. This has been further exacerbated as, at the time of writing, the country appears to be adopting a more hybrid-working pattern, split between traditional office working, and working from home. As this 'working from home' naturally occurs within a residential setting, then it follows that the necessary infrastructure and apparatus must be in place to allow this to happen. As such, this type of infrastructure must be deployed within all settings – be it sub-urban, urban and residential areas. It is imperative that existing and established network connectivity and capacity is continuous, with any removal of services needing to be addressed immediately and prior to the removal of the existing base station. This is what is proposed in this application, with a 24.66m mast, as proposed in this instance, fully addressing any connectivity, capacity or coverage issues which may arise from the decommissioning of the current base station.

Further detail regarding the general operation of the network can be found in the accompanying document entitled 'General Background Information for Telecommunications Development'. This information is provided to assist the local planning authority in understanding any technical constraints on the location of the proposed development.

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5. Site Selection Process



Aerial Imagery of the Proposed Site (in green) with the discounted sites (in red) (Source: [Grid Reference Finder](#))

Alternative sites considered and not chosen

Site Type	Site name and address	National Grid Reference	Reason for not choosing site
RT	BT Exchange Derby Road Huyton L36 6NA	E:344245, N:390672	A rooftop installation at this location was investigated. However, the required coverage to the target area (to replicate the existing) would not

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			be fully replicated like the Applicant site can as it is a larger distance away from the Application site (circa 175m). As such, this option was considered to be a poorer operational and technical solution, when compared to the proposed development.
SW	Ellison Grove Car Park, 2 Ellison Close, Huyton, Liverpool, L36 9GA	E:343946 N:390688	This location was investigated to ascertain whether a new ground-based mast could be deployed here. Whilst this location does provide a suitable town planning option, it does not provide the necessary replacement coverage, due to it being situated too far south west of the target area. As with Option 1, above, this option was discounted as it offers a poorer operational and technical solution when compared to the application site.
SW	Archway Road Streetworks, Archway Road, Huyton, L36 9XS	E: 344050 N: 390881	This location was investigated for a new monopole. When comparing the two locations directly, it is clear that the Application site, at Civic Way Car Park, provides the best technical solution which enhances and replicates existing network coverage. As such, this option was discounted.
RT	Jobcentre Plus, Lathom Road, Huyton Knowsley, L36 9XS	E: 344330 N: 391070	A RT installation at this location was investigated. However, the required coverage to the target area (to replicate the existing) would not be achieved from this location, given its distance away from the Application site (circa 375m). As such, this option was considered to be a poorer operational and technical solution, when compared to the proposed development.

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GF	Lord Derby Academy, The Garth, Bakers Green, Roby, Huyton, L36 7XH	E: 344601 N: 391025	A GF option was investigated at this site. However, the site would be located in school grounds in the corner of the playing field and in close proximity residential housing with limited screening meaning the site would have a prominent visual impact on the local landscape. This option was considered a poorer town planning and environmental solution when compared to the proposed scheme. As such, this option was discounted.
RT	Lathom Road, Huyton Village, Roby, Huyton, England, L36 5YH	E: 344387 N: 390826	A RT option was investigated at this site. However, after some due diligence it was found that the existing car park structure was being redeveloped and was in the early phases of this. Hence, it would not be a viable option and discounted as an option.
SW	Rupert Road, Bakers Green, Roby, Huyton, L36 2PW	E:344068 N: 390898	Similarly to Archway Road, this location was investigated for a new monopole. When comparing the two locations directly, it is clear that the Application site, at Civic Way Car Park, provides the best technical solution which enhances and replicates existing network coverage. Also, the presence of manhole covers suggest a TH would be unsuccessful and so the option would not be viable. As such, this option was discounted.
GF	Asda, Huyton Lane, Bakers Green, Huyton, L36 7TX	E:344068 N: 390929	A GF installation at this location was investigated. However, the required coverage to the target area (to replicate the existing) would not be achieved from this location, given its distance away from the Application site (circa 410m). As such, this option was considered to be a poorer

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			operational and technical solution, when compared to the proposed development.
SW	Huyton Lane, Stanley Road, Bakers Green, Roby, Huyton, L36 9XW	E: 344288 N: 391083	A SW's site was investigated at this site. However, the site falls within St Michael's Church Conservation Area. Hence, to preserve and limit any impact on the Conservation Area an option outside of this site was deemed to provide a better town planning solution. Hence, this option was discounted.

Land use planning designations:

The site does not fall within any land use planning designations.

Additional relevant information

Given the nature of the site search – i.e. a very specific area of Huyton – there is a very restricted geographical area in which this base station can be deployed, to ensure that the necessary coverage footprint is serviced. The surrounding area is mainly commercial with residential dwellings in close proximity, and, as such is restricted in terms of opportunities to deploy the required temporary base station. The site search area was further restricted by the Local Planning Authority's recent approval of an application at Lathom Road (LPA Ref: 24/00106/TEL) and Roby Road (24/00249/TEL). The application now before the Council at Civic Way Car Park will work in tandem with the approved developments at Lathom Road and Roby Road to provide coverage to the area of Huyton. As such, it was necessary to ensure that the coverage areas do not overlap, and, that working collaboratively, provide excellent and enhanced coverage to the surrounding area, prior to the removal of the existing base station at Municipal Buildings.

As with any network planning, it is important to strategically position network cells sufficiently apart so that their coverage plots do not overlap (to any significant extent) and that the maximum coverage can be achieved from each separate base station. It is clear that the options within the local area are limited, with none of the alternative options considered to be preferable to the proposed development, in terms of either achievable network coverage or environmental impacts.

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It is considered that the application site offers an appropriate environmental and town planning solution, whilst simultaneously ensuring the operational parameters of the installation are met. It is considered that there is no better option within the search area, hence the application which sits before the Council. It is considered that the proposal is appropriate to the surroundings and that there is no better alternative location available which will provide the necessary coverage to the local area.

Environmental Information:

There is no evidence of protected species at this location, with the surrounding area consisting of large scale development and buildings. The proposal will subsequently not have any potential negative impacts on any sensitive habitats or species.

As far as practicable the proposed development has been designed to keep to a minimum the impact on amenity and the design of the development ensures there would be only a limited impact which would not be sufficient to harm visual or residential amenity.

Siting and Appearance:

This section should be read in conjunction with the preceding sections of this statement where a description of the application site, technical details and justification for the design and details of the public benefits of the proposal are provided.

It is considered that the proposal utilises the most suitable design available to meet the technical requirement within the very specific technical constraints. As discussed in Section 3 of this document, this site is required to provide replacement new Vodafone network coverage to the surrounding area. The proposed development before the Council has been specifically designed for use in urban areas and is the smallest and slimmest available to network Operator. It is considered that the use of a slimline monopole will reduce any perceived visual impact associated with the development (to the maximum extent) and restrict the visibility of the proposed structure within the local area. This will be assisted by the presence of existing vertical features in the immediate vicinity – i.e. the street lighting columns along Civic Way and the surrounding area. As such, the man-made features within the immediate area will be utilised to the best effect, to reduce any visual impact associated with the proposed development, as far as practicable.

This application will lead to significant connectivity improvements for the local area, with the provision of 3G and 4G network coverage for Vodafone, as well as brand-new 5G capabilities.

It is important to keep the impact of telecommunications development in the area to a minimum and it is considered that the proposed development achieves this.

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When considering the benefits of the proposal, the public benefit from retained and improved connectivity and wireless communication services is a significant one. The applicant considers that any perceived visual impact on the area, or skyline, has been mitigated, as far as practicable, through the best design available within the technical constraints of the site, and that this development will provide excellent public benefits – both in the present, and in the future.

In this case, it is suggested that the application of the balancing method advocated in the NPPF, for the provision of communications and connectivity services, in the public interest, be utilised to balance the need for continued connectivity with the potential impact of the site. It is considered that when this balance test is applied to the proposal, where the need and significant public benefit is balanced against the appearance and level of associated visual impact of the proposed site, that the application proposal is positively in favour and is considered wholly appropriate.

This has been emphasised by the Planning Inspectorate on a number of appeal cases where, the Planning Inspectorate has ruled in favour of proposed developments of a similar nature, where this balance was applied. Some recent examples of where this balance was applied by the Planning Inspectorate include appeal cases referenced APP/Q3305/W/18/3206555 and APP/L1765/W/18/3197522. Extracts from these appeal decisions are included below for your convenience:

*"In considering the need for the proposal, Government policy, as set out in the Framework states that advanced, **high-quality and reliable communications infrastructure is essential for economic growth and social well-being. In this respect, I have found that there is a need for the proposal which therefore weighs strongly in its favour.** As I have found that the level of harm relating to this second main issue would be low, that identified need would outweigh the harm in this case"* (emphasis added).

*"I conclude on this issue that despite the less than substantial harm that would be caused, the **public benefits of the proposal would outweigh that harm**"* (emphasis added).

*"9. The Government places a high priority on the provision of high-quality communications. The National Planning Policy Framework (the Framework) at Paragraph 112 states, "Advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections... The Council has commented that service provision would be 'adequate' without the proposal, but **the appellant has an obligation to provide not***

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only appropriate coverage but also capacity for the network. I attach significant weight to the public benefit arising from the continuation of local service provision" (emphasis added).

"13. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, 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" (emphasis added).

Whilst each application needs to be assessed on its own merits, the above appeals (along with a growing number of others, many of which are referenced in the preceding sections of this document) indicate a growing trend, based on national policy and guidance, to favour important utilities and infrastructure developments in the wider public interest when the potential harm is outweighed by the important and unavoidable public benefits they provide. Ensuring continued network coverage to the local area, for two major mobile Operators, is considered a major public benefit.

The selected siting is considered wholly appropriate. The proposal has been designed specifically to achieve a balance between meeting the technical requirement and avoiding harm to the local streetscene and the surrounding area. The application site has been strategically placed within close proximity to the target area that the base station is designed to serve. Additionally, existing vertically engineered structures in the form of street lighting columns and traffic road signs, will filter public and road-user views of the proposed development. These features, therefore, will assist the apparatus into assimilating into the wider streetscene with ease.

The context of the surrounding area is largely commercial but with some residential dwellings situated close by. The location of the mast has been proposed in this location due to having some commercial context and this will help to minimise any visual impact the proposal will have on the residential area. The commercial context will help to assimilate the proposed development into the surrounding area. A location has been identified which not only provides a suitable operational and technical solution, but also which will have less impact on the residential amenity within the wider area.

The application site will work in tandem with the recently approved application at Lathom Road SW and Roby Road SW to ensure that coverage is not lost within the wider area and ensure that the coverage footprints complement each other to provide continued, and enhanced, network services to the surrounding areas.

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The selection of a 24m high mast rather than a slimline monopole has been brought forward to ensure that the size and scaling of the proposed installation is reduced as far as practicable but also provides the best technical solution to replace the site at Municipal Buildings. Whilst it is accepted that the mast will be an addition to the streetscene, it is set in the context of a car park which makes the setting wholly accepting of additional utility infrastructure.

The antennas cannot be screened for operational reasons as this would result in an attenuation of the signal and reduced network coverage. However, strategically positioning the proposed installation a reasonable distance from residential properties, is considered that the least-impacting site has been brought forward as part of this application.

Planning Policy Context:

National Planning Policy Framework (2023) (NPPF)

The National Planning Policy Framework came into force in July 2018 replacing the guidance published in March 2012, was updated again in February 2019, July 2021, and then had a further update in December 2023. The NPPF sets out the Government's planning policies for England and how these should be applied.

Paragraph 7 of the NPPF states "*The purpose of the planning system is to contribute to the achievement of sustainable development*", and in paragraph 10 that "*at the heart of the Framework is a presumption in favour of sustainable development*". In order to achieve the sustainable development objective, the NPPF has identified 3 overarching objectives (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*

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pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

For decision-taking (paragraph 11) this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Further to this, paragraph 38 states that "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area."

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)"*

Leading on from this, paragraph 118 states 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) and full fibre broadband connections**". Again, the proposal is entirely consistent with the aims expressed within the NPPF.

Given that there appears to be no timeline as to when things may return to 'normal', in regard to the hybrid-working situation which was caused as a consequence of the

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global coronavirus pandemic, ensuring that improved network coverage is available to all communities is of paramount importance to the Operators, as well as Central Government. It does, in fact, appear that hybrid-working is here to stay, and that employees/commuters are taking the opportunity to improve their work-life balance and spend less time commuting. In addition the temporary development will provide continued connectivity for the adjacent commercial business. As such, the necessary infrastructure must be rolled-out to allow this to happen. The proposed development at the application site, will ensure 3G, 4G and 5G network coverage is provided to the local area.

It should be noted that paragraph 122 states that *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure"*. A certificate of compliance with ICNIRP guidelines is included within this application.

It is stated in Section 4 of this statement that the Planning Inspectorate has in recent years continually recognised the importance of connectivity. When applying the balancing exercise encouraged at paragraph 209 of the NPPF, the Inspectorate has found in multiple cases that the provision, or prevention of loss, to existing services can outweigh less than substantial harm to heritage assets.

In determining one such appeal, brought by operator Telefónica (O2) against the decision of the London Borough of Harrow to refuse Prior Approval for the installation of a 12.5 metre high monopole with shrouded antenna section and accompanied by an equipment cabinet on a roadside verge in the urban area of Harrow-on-the-Hill (appeal reference APP/M5450/W/17/3180345, determined in December 2017), the Inspector concluded that:

*"The proposal would be permitted development and provide public benefits in extending the telecommunications capacity of the area. In applying the balancing test of paragraph 134 of the Framework, I consider that these **benefits outweigh the harm that would arise from the proposal's impact on the character and appearance of the Conservation Area**"* (emphasis added).

These findings were echoed by the Inspectorate in determining a further case brought by the same Appellants against the decision of the London Borough of Hillingdon to refuse planning permission for a 15 metre high monopole with shrouded antenna section and associated equipment housing at a roadside location within the urban area of West Drayton (APP/R5510/W/16/3143922, 2016).

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The Inspector concluded:

*"The Framework sets out the importance of an advanced high-quality communications infrastructure for sustainable growth and makes specific reference to the development of high-speed broadband technology. **This is reflected in the London Plan and the public benefit arising from the improvement of the telecommunications infrastructure is a material planning consideration that weighs in favour of the proposal.***

*Taking account of all matters I have concluded that the **limited harm caused to the significance of the heritage asset (the CA) would be outweighed by the public benefit that would arise from improving the communications infrastructure**" (emphasis added).*

In both cases cited, the developments were new base station installations proposed within Conservation Areas and it was determined that they would give rise to a degree of harm to the heritage asset in question. Despite this, the importance of providing a quality communications infrastructure was recognised by the Inspectorate and awarded due weight in the determination of the cases brought. That weight was sufficient for both appeals to be successful, despite the recognised harm. In the case of this application, the same public benefit occurs, plus the deployment of apparatus with 5G capability, without the harm to any nearby designated areas.

Local Guidance:

Section 70 of the Town and Country Planning Act 1990 as amended 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.

For the purposes of Section 70, the current adopted development plan for Knowsley Council, relevant to the proposal, comprises:

- Knowsley Local Plan Core Strategy (Adopted January 2016)
- Knowsley Replacement Unitary Development Plan (2006)

Knowsley Replacement Unitary Development Plan (2006)

Knowsley Borough Council have a specific telecoms policy: *Policy ENV8 Telecommunications Development*. The policy states the following:

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1. *"Proposals for new telecommunications masts and associated antennae and buildings will not be permitted unless the applicant has demonstrated that the following criteria would be satisfied:*
 - a) *Where the proposal is for a free standing mast, the need for the development could not, for technical reasons, be met in a more environmentally acceptable manner by:*
 - *Sharing an existing mast or site,*
 - *Erecting antennae on an existing building or other structure;*
 - b) *The development would not, by reason of its scale, siting or design, have an unacceptable impact on the character or appearance of the surrounding area, or the amenity of nearby residents.*
2. *New telecommunications development will not be permitted within environmentally sensitive areas, such as Conservation Areas, residential areas or the Green Belt, unless the applicant has demonstrated that there are no other suitable alternative sites outside such areas and that appropriate steps have been taken to minimise any visual impact through careful siting, design and screening.*
3. *Applications for development by telecommunications code system operators must be accompanied by:*
 - a) *Evidence that the proposal would comply with all relevant ICNIRP14 Standards (or future guidance which may supersede the current guidelines), taking into account any cumulative emissions from other nearby telecommunications equipment;*
 - b) *Evidence of how the proposal fits into the wider network, regionally and nationally.*
 - c) *Where the telecommunication development would be on or near a school or college site, evidence that the governing body of the relevant school or college has been consulted".*

Whilst the proposed development would qualify as a visual change to the area, it is necessary to ensure improved delivery of service and connectivity with the public benefits of the scheme clearly outweighing perceived harm. As the Application Site has been strategically positioned away from residential properties, and within an area of densely-packed commercial and retail buildings it is considered that the deployment of the proposed infrastructure at this location wholly accords with the principles of the Development Plan.

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It is submitted that the proposed development has been put forward as it will have the least visual detriment to the surrounding area, given the mix of residential and commercial context. There is existing street furniture in and around the car park such as street lights meaning that the proposed apparatus will in time blend into the streetscene. There is some residential housing in close proximity, however, the proposed apparatus is vitally important in ensuring that existing connectivity, capacity and coverage is both continued, and enhanced (via the provision of 5G services). Therefore, in the wider public interest the potential harm of this application site is outweighed by the important and unavoidable public benefits they provide. This is a particularly important point and, as outlined in this statement, has formed the basis of numerous appeals which were allowed by the Planning Inspectorate where it was considered that the Local Authority did not give enough planning weight to ensuring existing high-quality network services were continued.

Capacity and coverage are the key drivers for this new 5G installation. The proposal would respect and continue to maintain the character of the area, would be suitably distant from potentially sensitive users, and so would accord with the principles of the Development Plan policies. It fully accords with the requirements of the NPPF.

The application site is considered the most appropriate available, within a very specific search area. The proposed development has been specifically located to ensure that the existing coverage footprint is serviced and enhanced. This design of the mast is considered wholly appropriate for urban and commercial areas, with masts now regularly rolled-out across the country, in all locations – be it urban, non-urban, industrial, or commercial.

Central Government attaches great importance to the design of the built environment and outlines this within Section 12 (para. 126) of the National Planning Policy Framework. It states:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

In keeping with the National Planning Policy Framework (NPPF) guidelines of using: *"high quality communications"* (Section 10), the proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing built environment.

The design of the proposed equipment is considered to be the least visually intrusive option available. Although it is accepted that there will be an intensification in the amount of ground-based equipment (an additional monopole and associated cabinets in the area) it is felt that such a minor increase would not detract from the character in which the proposal sits.

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As the 5G network roll-out is in its relative infancy, and as more sites are deployed, 20-metre high installations will soon replace existing 15 metre sites across the country – thereby becoming 'the new normal'. This is supported by the Government's relaxation of Permitted Development rights which have again been relaxed in early 2022 (after being previously relaxed in 2017), which allows the installation of up to 30m base stations on greenfield site determinant on planning designations. Hence, the proposed 24.66m is acceptable and provides the best technical and town planning solution.

This relaxation of these Permitted Development rights has been specifically undertaken to allow the smooth roll-out of 5G network services. It should be noted that, as a consequence of the new PD Rights, the ground-based equipment cabinets are outright Permitted Development.

No conflict has been identified with any other Development Plan policies.

Should this application not be supported, the need to deploy a base station within the local area will still remain. In that event, the applicants will therefore be directed towards locations which have already been assessed and considered to be less appropriate than the application site at Civic Way.

Conclusion

In summary, the application is in respect of electronic communications apparatus necessary to both continue, and improve, local connectivity and public infrastructure networks within this area of Huyton.

This statement has demonstrated that the proposal is in accordance with local Development Plan policy and national policy set out in the NPPF. In particular, it is a form of development that is specifically encouraged as a matter of principle and in its detail complies with the policy objective of minimising potential environmental impact, being appropriately designed and located, as far as practicable.

The temporary proposed apparatus will maintain and provide the 'standard' 3G and 4G network coverage for Vodafone within the local area, as well as providing brand-new 5G connectivity at the point of deployment.

In conclusion, the application merits support and there are no material considerations that indicate otherwise.

Confirmation that submitted drawings have been checked for accuracy

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Signed:		Date:	<u>15th August 2024</u>
Position:	<u>Graduate Surveyor</u>	(on behalf of Cornerstone)	

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