

Our ref: 222778

Date: 28th January 2021

The Director of Planning
The Planning Department
Sheffield City Council
Howden House
1 Union Street
Sheffield
S1 2SH

Dear Sir/Madam,

Cellnex UK and Vodafone Ltd and Telefónica UK Ltd

Submission of an Application for a Prior Approval Determination

Proposed Alterations to Existing Base Station installation on Rooftop at Sharrow Telephone Exchange, Aizlewood Road, Sheffield, South Yorkshire, S8 0YU.

On behalf of Vodafone Ltd and Telefónica UK Ltd, in conjunction with Cornerstone Telecommunications Infrastructure Ltd (CTIL), we submit herewith an application for a prior approval determination for the installation of a 5G mobile base station at the above site. This application follows the completion of our pre-application engagement exercise, reflecting so far as is practicable the guidance and comments offered.

You may be aware that The Court of Appeal recently upheld a High Court decision - *Mawbey, R (On the Application Of) & Orsv Cornerstone Telecommunications Infrastructure Ltd*. [2019] EWCA Civ 1016 (17 June 2019) - which confirms the meaning of "mast" for the purposes of permitted development within Part 16. The judgement has stated that a mast will be any "... upright pole, or lattice-work structure whose function is to support an aerial or antenna."

The consequence of this, is that the installation of antennas onto a building that necessitates a vertical 'main' support pole physically attached to the rooftop to support antennas, then the pole itself must be treated as a mast for the purposes of Part 16. This will mean that new antennas requiring new or replacement main support poles, taken as a mast, will normally trigger a need for planning permission or prior approval of the LPA in most cases. This judgement is relevant to the proposed development within this application.

The application is submitted in accordance with the requirements of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and seeks a determination as to whether the Authority's approval will be required for the siting and appearance of the development.

The application comprises:

- i. The written description of the development: Proposed upgrade on the existing Telecommunications Rooftop Installation as captured on the enclosed drawings.
- ii. An O.S. site plan scale (1:1250) drawing reference number 222778 (166228_00_004_ML003 Rev 3) showing the location where the apparatus will be installed.
- iii. Electronic payment of £462.00 in respect of the application fee.
- iv. The Developer's Notice served on the landowner.
- v. The Developer's contact details.
- vi. The Notification served on the Secretary of State for Defence/the Civil Aviation Authority of the aerodrome operator (where applicable).

The following information is also provided to assist with your determination of the application:

- vii. Drawing reference numbers: 222778 (166228_22_113_MD026 Rev 26, 166228_22_163_MD0026 Rev 26) providing further details of the siting, layout and design of the development.
- viii. A certificate of ICNIRP compliance
- ix. 5G Health and Safety document
- x. National Policy – Delivering Ultra Fast Broadband Mobile Connectivity
- xi. 5G Technical Support document
- xii. 5G – Helping tackle climate change document

Developer's Contact Details

All correspondence and queries relating the determination of this application should be submitted to the undersigned.

However, in accordance with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, any correspondence to the developers should be sent to:

For Cellnex:

Email: planning@cellnextelecom.co.uk

For Telefónica or Vodafone

CTIL Limited, Building 1330, Arlington Business Park, Theale RG7 4SA.

Email: emf.enquiries@ctil.co.uk

The Scope of the Prior Approval Determination

The permitted development rights granted by Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), exist to facilitate the establishment of modern communications apparatus and infrastructure such as 5G, judged by successive governments to be important to a modern economy and in attaining sustainability objectives.

The permitted development granted subject to the prior approval procedure is similar to the grant of outline planning permission, with details of precise siting and appearance being reserved. This is explained at paragraph 8.4 of the Code of Best Practice on Mobile Network Development in England, November 2016. The National Planning Policy Framework is also accordingly clear that permitted development rights should not generally be withdrawn.

As a consequence, the scope of determination does not extend to whether the site selected is needed, as the development is acceptable in principle due to the rights conveyed by the GPDO. Likewise, whilst information on alternative sites may be supplied by way of background and context, the extent of control on siting is limited to the precise siting on a site and not the general location.

As the principle of development at the application site is permitted by the GPDO, this support letter focuses on the statutory criteria of detailed siting and appearance. In so doing, this is considered against current town and country planning guidance, including the development plan which are material considerations, and with reference to the operational requirements of the operator and the attempts to accommodate the particular requirement.

The Proposed Development

The operators already provide coverage from the existing base station at this site but have a requirement to install the 5G electronic communications apparatus referred to in this letter and shown in the submitted drawings in order to provide improvements to its network.

The deployment of 5G will utilise the Mobile Network Operators (MNOs) existing 3G and 4G networks such as the base station already existing at the application site. As such, the application site is likely to carry different mobile connectivity services in parallel, with high data uses operating through the new 5G higher capacity network apparatus subject of this application. As a consequence, this particular technical requirement is not one that can be met on an alternative site.

There is significant UK Government support for the delivery of 5G, particularly as this new connectivity will be a step change from earlier generations of mobile connectivity and will be critical to economic growth and sustainable communities. We explain this in more detail in the document '**National Policy – Delivering Ultra Fast Mobile Connectivity**' which supports this application. In addition, modern connectivity, such as 5G, will be essential to help the Government meet its wider sustainability and climate change targets and we explain this in more detail in our accompanying document '**5G – Helping tackle climate change**'.

The amount of development, its design and the location of the apparatus at this existing electronic communications site has been guided by the technical and operational requirements of the operators 5G systems having proper regard to minimise appearance.

Unlike earlier generations of mobile connectivity, 5G has more significant technical and operational requirements and this has implications on the amount, height, position and design of the new base station apparatus. To help explain this important detail, we have set

this out in more detail in our accompanying '**5G Technical Support**' document 'which should be carefully considered.

Having regard to the nature and appearance of the structure as a whole, the proposed works should have no adverse impact, or no more than a minimal adverse impact, on its appearance. The 5G electronic communications apparatus proposed should not materially affect the overall appearance of the existing site to any noticeable or adverse degree from any public vantage points.

The apparatus proposed will not bring about any additional requirements with regard to access. Access to this operational site will, therefore, remain the same as the current arrangements.

In accordance with all relevant health and safety regulations and guidelines, access to the site is restricted to authorised personnel and access for maintaining or servicing all the apparatus can only be carried out by properly trained and qualified staff. Such routine operations will continue to be carried out roughly once a quarter, with no requirement to increase this arising out of the development proposed. The application does not therefore give rise to any public issues associated with access.

As the apparatus proposed will lead to significant improvements to a public service provided in the local area, the application merits support and accords in all respects with national policy as set out in our supporting document '**National Policy – Delivering Ultra Fast Mobile Connectivity**', especially the National Planning Policy Framework. The proposal looks to meet all relevant policy.

This letter and the enclosures also provide due notification, as may be required, under the relevant conditions of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as amended. In particular, you are given notice of the intention to install the electronic communications apparatus described in more detail in the application documentation (including the scale drawings) and to be located as shown on the application plans. No fee is required for this separate statutory notification.

Health and Safety

In support of the application, we include a separate document called '**5G Health and Safety**' which sets out in more detail the associated health and safety considerations. Every installation on a site owned or managed by Cellnex will be compliant with international standards adopted by the UK Government. A certificate confirming compliance with the relevant ICNIRP guidelines on public exposure has been supplied with this application.

The ICNIRP guidelines seek to protect against the well-known thermal effects of radio emissions and include a significant precautionary factor. These guidelines apply to all forms of electronic communications and mobile technology is one of the lowest powered of these.

National planning policy remains clear, provided an application is certified as ICNIRP compliant, local planning authorities should not seek to effectively set different guidelines through the refusal of planning permission.

We would be willing to meet with you or assist with any visits to the site and the surrounding area, if this is beneficial to the determination of the application.

Finally, your attention is drawn to the statutory 56 days period for the determination of this application of this nature upon which detailed advice is given at paragraph 8.2 onwards of the Code of Best Practice on Mobile Network Development in England.

We trust everything is in order, but if you do require any further information or clarification, please do not hesitate to contact me.

Yours faithfully

Damian Hosker BA (Hons) MA MRTPI



On behalf of Cellnex UK Limited