

In March 2019, Planning Permission (LPA Ref: 18/01522/FUL) and Listed Building Consent (LPA Ref: 18/01523/LBA) was refused for "the proposed removal and replacement of 3 no antenna, removal of existing 2no Ultrasite cabinets to be replaced with proposed 2no Flatpack Racks on existing concrete base at ground level, removal of existing 1no Eltek to be replaced with proposed 1 no Eltek on existing concrete base at ground level and ancillary development thereto".

The reasons for refusal stated:

LPA Ref: 18/01522/FUL:

"The proposed replacement antennas due to their size and location would result in material visual harm to the existing building as well as substantial harm to a designated heritage asset contrary to Paragraph 194 of the NPPF, and Policy DM8 and DM18(i)(iii) of the Development Management Policies Document 2015".

LPA Ref: 18/01523/LBA:

"The proposed replacement antennas due to their size and location would result in substantial harm to a designated heritage asset contrary to Paragraph 194 of the NPPF and contrary to the objectives of Policy DM8 of the Development Management Policies Document 2015 and Policy CS5 of the Core Strategy".

Written representations appeals were subsequently lodged and dismissed.

In dismissing the appeals APP/P3610/W/19/3237463 and APP/P3610/Y/19/3237467, the Inspector stated:

"8. The proposal is described as replacements and the Council had previously granted permission and consent for antennae on the same chimney stacks (Refs 16/00386/FUL and 16/00106/LBA dated 24 October 2016). The building was listed in August 2015 and hence that previous grant was made in the knowledge of the significance of the building, since such a recent listing description, in this case of 21/2 pages, goes into considerable detail and is more than just an aid to identification; in particular, the listing refers to 'imposing brick chimneystacks'.

10. The existing installation on the 2 double stacks on the Broadway (north) and Kenilworth Road (east) sides are reasonably well assimilated into the bulk of the stacks and acceptably disguised by the painting, so that their presence is not immediately obvious, taken together with the other miscellaneous modern technical items fixed on and around the building. The antenna are seen in longer views as a projection from the stacks, but the effect is acceptable in its impact on the listed building at the distances involved.

11. The third existing antenna to the south-west is however poorly assimilated into the architecture of the building, being fixed at an angle to the slimmer single stack and bracketed out into the open air, presenting an incongruous feature in plain view at the exit from the station, albeit hidden by the roof slope and gable ends from ground-level view from in front of the building and on approaching along Kenilworth Road, although from the private car park the effect is apparent.

12. Turning to the proposals, both of the installations to the double stacks, north and east, would be larger as shown on the drawings, but no taller and both would, with the Revision B works, cause some more harm than is the case at present, due to the addition of the support pole and bracketry, as well as the combiners needing to be fixed high on another face of the stack. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

13. The appellant has provided information on coverage and the intention of providing improvements and upgrading to 4G within buildings, referring to the expectations of the market and to Government policy. There would be public benefits to the economy in productivity and connectivity, and the alternatives considered do not appear to offer the same benefits while bringing the risk of visual harm

themselves. The 2 double chimney-stack installations would be justified by the public benefits outweighing the limited additional harm identified over that previously permitted.

14. Turning to the single stack south-west installation, the present level of harm is already greater, and the proposed installation would display its greater depth and width in open air bracketed out from the stack, as would be the support pole, and the Revision B works would do nothing to assimilate the antenna into the architecture or construction of the listed building due to the distance that the antenna would be projected away from the brickwork. The installation would appear as a jarring feature in sufficient public views as to cause harm to the appreciation of the architectural significance of the listed building and its setting, while the preservation of listed buildings does not rely on a public view in any event.

17. As stated in the Framework, great weight should be given to the conservation of designated heritage assets such as listed buildings, and in the case of the single stack south-west antenna, the weight attaching to the public benefits of the installation upgrade do not outweigh or otherwise justify the harm. The proposal does not accord with Policies DM8 and DM18(i) and (iii), and would fail the statutory tests in Sections 16(2) and 66(1) of the 1990 Act concerning listed buildings. For the reasons given above, it is concluded that both appeals should be dismissed".

Further to the planning refusal and dismissed appeals, radio planners have revisited their coverage requirements and have accepted a compromise in order to address the previous reason for refusal.

When compared to the applications refused in 2018 and appeal in 2019, the current proposals see a reduction in the extent of the equipment proposed with the number of antennas being reduced from 3 to 2. Moreover, unlike the 2018 proposals the site will provide for upgraded 4G as well as new 5G services which carry significantly more public benefits than previously.

The overall appearance and positioning of the replacement equipment has been carefully developed so as to reflect the location of the existing equipment and the overall form of the building, in order to limit potential changes to the silhouette and the extent of visibility from street level. The antenna on the south west chimney stack has been removed in response to the appeal decision Para. 14. As previously stated Para. 13 of the Inspector's decision acknowledges that "here would be public benefits to the economy in productivity and connectivity, and the alternatives considered do not appear to offer the same benefits while bringing the risk of visual harm themselves. The 2 double chimney-stack installations would be justified by the public benefits outweighing the limited additional harm identified over that previously permitted".

The proposed replacement antennas and associated equipment will also be painted with a brick pattern to match the detailing of the chimney-stacks in this location.

1. Site Details

Site Name:	Stoneleigh Public House	Site Address:	Existing Rooftop Base Station
NGR:	E:522081 N:164110		The Station Public House (formally Stoneleigh Public House) Epsom Surrey KT17 2JA
Site Ref Number:	CTIL_137526_TEF_10121_VF_85373	Site Type: ¹	Macro

2. Pre-Application Check List

Site Selection (for New Sites only)

¹ Macro or Micro

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

Was an LPA mast register used to check for suitable sites by the operator or the LPA?		
If no explain why: N/A – Upgrade of existing base station.		
Was the industry site database checked for suitable sites by the operator:		
If no explain why: N/A – Upgrade of existing base station		

Site Specific Pre-application consultation with local planning authority

Date of written offer of pre-application consultation:	07.12.2018 in respect of LPA Ref: 18/01522/FUL and Listed Building Consent LPA Ref: 18/01523/LBA	
Was there pre-application contact:		No
Date of pre-application contact:	N/A	
Name of contact:	N/A	
Summary of outcome/Main issues raised: LPA Ref: 18/01522/FUL and Listed Building Consent LPA Ref: 18/01523/LBA were refused and an appeal was subsequently dismissed. As noted above when compared to the applications refused in 2018 and appeal in 2019, the current proposals see a reduction in the extent of the equipment proposed and the retention of the existing equipment, where possible. The existing antenna installed on the south west chimney-stack, highlighted by the Inspector as having a 'greater level of harm' than the north and east antennas has been removed.		

Community Consultation

Rating of Site under Traffic Light Model:	Red	Amber	Green
Outline Consultation carried out: Prior to the submission of this application the applicant initiated pre-consultation discussions with the local planning authority. This provides an opportunity for the LPA to discuss the development proposals and identify specific issues early. Consultation with Stoneleigh Ward Councillors and Chris Gayling MP. Pre-application consultation letters and drawings of the proposals were sent on the 07.12.2018 in respect of LPA Ref: 18/01522/FUL and Listed Building Consent LPA Ref: 18/01523/LBA.			
Summary of outcome/main issues raised (include copies of relevant correspondence): No site-specific comments were received prior to the submission of LPA Ref: 18/01522/FUL and Listed Building Consent LPA Ref: 18/01523/LBA or during the course of the determination of these applications.			

School/College

Location of site in relation to school/college (include name of school/college): Nonsuch Primary School (Circa 1 mile away).
Outline of consultation carried out with school/college (include copies of main correspondence): N/A
Summary of outcome/main issues raised (include copies of main correspondence): N/A

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation (only required for an application for prior approval)

Will the structure be within 3km of an aerodrome or airfield?		No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?		No
Details of response: N/A – Full Planning Application.		

Developer's Notice

Copy of Developer's Notice enclosed?		No
Date served:	N/A – Full Planning Application	

3. Proposed Development

The proposed site:
<p>The site</p> <p>The application site comprises a public house 'The Station Public House' formerly known as The Stoneleigh Inn, a two-story building located on the southern side of Stoneleigh Broadway, on the junction with Kenilworth Road, and abutting the railway line to the west.</p>  <p>The public house was built as the Stoneleigh Hotel in 1934, and was designated Grade II Listed Building status in 2015. Although the building is of architectural merit as a particularly good example of the</p>

'Brewers' Tudor' style, the listing describing emphasises its historic value and social importance as part of the 'improved' public house movement of the inter-war period.

The site is an established rooftop radio base station comprising 3 no. antennas mounted on support poles fixed to the chimneystacks of the host building on the north, east and south elevations; 3 no. equipment cabinets are located at ground level behind a close boarded fence to the west of the host building and ancillary development thereto. The host building also contains a number of modern additions including several satellite dishes, alarm boxes, TV aerials and floodlighting. The front of the building facing The Broadway Stoneleigh has a line of posts containing fairy lights. Tables and chairs are also located at this front elevation together with a series of pub signs.

To the south and west/north west of The Station public house listed building is the associated car parks, although these are not free of charge. There are parking meters and associated signage located in both car parks.

The surrounding area is mixed use in nature. The site is located adjacent to Stoneleigh Station (to the west) and Stoneleigh local centre (to the east and north/north east) where there are a number of shops and businesses. Opposite the site are ground floor retail units, and at first floor residential accommodation. Diagonally opposite the site to the north west is another operator's 15m monopole with antenna open head frame. Planning permission has recently been granted to upgrade this ground based structure with a 20m monopole high capacity 5G structure with a head frame circa 4m in width and antennas 4.4m in length (under LPA ref: 19/00628/FUL).

To the east beyond Kenilworth Road is a row of shops and businesses with residential accommodation above over two floors. To the south beyond the car park are residential properties.

There are a number of vertical structures in the streetscene which include commercial signage, lighting columns, road signage, CCTV and associated poles, equipment cabinets, bike racks, bollards, litter bins, benches and street trees.

Cornerstone and Telefonica UK Limited are looking to progress works comprising the proposed upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2 no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto.

The site has been chosen as this is the most suitable, available option, where the principle of the proposed scheme has already been accepted by the Council and become part of the established streetscene.

As this proposal is an upgrade to the existing radio base station with minimal alterations to the overall appearance of the equipment currently in situ, no other alternative options have been considered.

The proposals represent a carefully designed and informed telecommunication scheme, developed so as to provide the telecommunications provision needed in this location whilst also respecting the overall architectural and historic interest of the Grade II Listed Stoneleigh Public House.

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

The target coverage area is Stoneleigh. The upgrade is required to improve existing 2G/ 3G/ 4G coverage and capacity to this area for Telefonica, as well as providing new 5G services.

Fact sheets on Radio Planning and Propagation and Public Benefits have been attached to this application for reference.

Type of Structure: Rooftop

Description:	
<p>Cornerstone and Telefonica UK Limited are looking to progress works comprising the proposed upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2 no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto.</p> <p>All elements of the proposals can be painted to the Local Planning Authority's requirements.</p>	
Overall Height:	14.40m (as existing)
Height of existing building:	16.40 metres (top of chimneystacks)
Equipment Housing: 2 x Flatpack Racks	
Length:	600mm
Width:	750mm
Height:	1980mm
Equipment Housing: 1 x Eltek	
Length:	600mm
Width:	750mm
Height:	1800mm
Materials:	
Tower/mast etc – type of material and external colour:	Pole mounted antennas anchored to chimney stack to match the colour, design and detailing of the existing chimney stack and antenna.
Equipment housing – external colour:	Grey (located in existing fenced compound)

Reasons for choice of design, making reference to pre-application responses:	
<p>While it is noted that the Stoneleigh Inn is a Grade II Listed Building it is not considered that the upgraded installation will have a detrimental impact on this heritage asset and as such any harm will be less than substantial.</p> <p>In light of the above and the site's context, it is considered that the installation in terms of its siting and appearance, when compared to the existing scheme (in situ) would not cause harm on the streetscene when weighed against the need for the proposal when balanced against the development plan and other material considerations. The proposal as a whole is justified and strikes a good balance between technical constraints and environmental considerations.</p> <p>The proposals seek the removal and upgrading of existing telecommunications equipment, and the installation of new and replacement telecommunications equipment.</p> <p>The choice of design of this proposal has been influenced by the new base station's siting and appearance, the need to improve the 2G and 3G and provide 4G network coverage and capacity to the Stoneleigh Broadway area of Epsom for Telefonica. The area suffers from inadequate coverage, either as a result of no coverage at all leaving a gap in their networks or poor coverage from surrounding cells as evidenced on the attached coverage plots. An upgraded rooftop installation which will significantly improve network coverage and capacity to this area of Epsom was the preferred option, as a greenfield and/or streetworks options would not provide the coverage required or considered appropriate for such a location and setting. Such an approach keeps the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network, which is in accordance with NPPF.</p> <p>The proposed antennas and their position on the building offer a technically preferred solution, in which where possible the antennas will be tilted and orientated so as to provide cell specific coverage to the demands of the target area. Taking into account the architectural and historic interest of the listed building and the character and appearance of the surrounding area, the extent of development has been kept to a minimum.</p>	

When compared to the applications refused in 2018, the current proposals see a reduction in the extent of the equipment proposed.

In terms of the south-west chimney-stack, the proposals are considered to represent a betterment to the current arrangement and appearance. This is demonstrated by the photomontages included as part of this application.

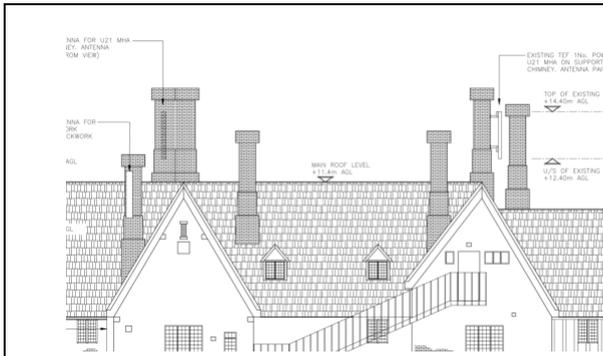


Image 2: Existing site elevation with antenna on south west elevation

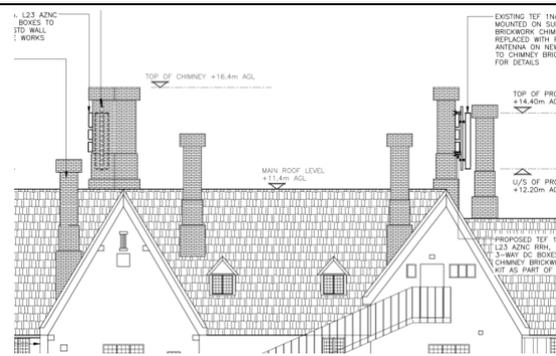


Image 3: Proposed elevation with south west chimney stack antenna removed

It is considered that the proposed antennas camouflaged form will reduce their visibility on the host building. Coupled with their position at height and overall reduction in antenna numbers, it is considered that their visual impact will be softened and their presence is likely to go unnoticed on the streetscape and skyline when seen in perspective from ground level.

This proposal also includes the replacement of equipment cabinets housed within an existing equipment compound. These will not be visible from the public realm.

In light of the above it is considered that every effort has been made to limit the visual impact of the proposal and respond to the previous reason for refusal and dismissed appeal.

It is considered that the proposal before you strikes a good balance between environmental impact and operational considerations. The proposed height and design represents the best compromise between the visual impact of the proposal on the surrounding area and meeting the technical requirements for the site.

Technical Information

<p>International Commission on Non-Ionizing Radiation Protection Declaration attached</p>	<p>Yes</p>	
<p>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.</p>		
<p>When determining compliance, the emissions from all mobile phone network operators on or near the site are taken into account.</p>		

<p>In order to minimise interference within its own network and with other radio networks, Telefonica UK Ltd operates its network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision.</p>	
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As part of Telefonica 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 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.

4. Technical Justification

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

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

A retained base station site is required in this location in order to maintain existing network coverage and capacity, as well as catering for added multiple technologies, for Telefonica.

Good connectivity allows people to access a wide range of essential services including emailing; downloading apps; social media; helping with homework; researching local events, businesses or transport timetables; managing personal finances; shopping; contacting local authorities; arranging medical appointments; general business functions; and much, much more.

Fact sheets on Radio Planning and Propagation have been attached to this application for reference. In addition, 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 authority in understanding any technical constraints on the location of the proposed development.

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

In accordance with the licence obligations and advice in the National Planning Policy Framework and the Code of Best Practice in England the applicant's network rollout team investigated the following siting and design options using this sequential approach to site selection:

- **Upgrading their own existing base stations;**
- Using existing telecommunications structures belonging to another communications operator. i.e. Mast and/ or site sharing, co-location;
- Installations on existing high buildings or structures including National Grid pylons;
- Using small scale equipment; and finally
- Erecting a new ground-based mast site – (1st) Camouflaging or disguising equipment. (2nd) A conventional installation e.g. a lattice mast and compound.

Alternative site options considered and rejected are as follows:

Site	Site Name and address	National Grid Reference	Reason for not choosing
N/A	N/A	N/A	N/A

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

As referred to above, the applicant has taken a sequential approach and is seeking to retain the existing radio base station. When compared to the applications refused in 2018 the current proposals see a reduction in the overall extent of the existing equipment.

These minor amendments to the existing radio base station will ensure that the latest superfast technologies will be able to be accessed by users in this area of the city, in line with the operators legal license obligations, and the Government's aspirations that everyone has access to the information super highway network, that the UK becomes a world leader in connectivity and the customers' expectations that their handheld devices are able to operate wherever they are located whether that be indoors or outside.

It is considered that utilising an existing established radio base station installation is preferable to pursuing a second base station within the immediate vicinity, as it would reduce the visual impact therefore preserving the character and appearance of the surrounding area. Given the makeup of the area and the siting of existing telecoms infrastructure on the site, it was established that the upgrading of facilities through the use of existing infrastructure would be the most viable solution. Based on this sequential approach no other sites have been considered.

Environmental Information (refer to Section 2 of Site Finder Report):

See below.

Land use planning designations (if Heritage Statement is required then include here or make reference to attached Heritage Statement).

Please refer to the Heritage Statement which forms part of this submittal pack.

Additional relevant information (planning policy and material considerations):

From the outset, it should be appreciated that irrespective of the proposed installation's use as a telecommunications base station, any change in form in the streetscene will always be, to some degree, a noticeable alteration to those residents and regular passers-by found closest. However, it should be recognised that visibility or a development's siting and appearance, does not automatically result in an overwhelming adverse harm.

In light of the above it is considered that the planning assessment of this case should concentrate on whether the effect of the proposed installation in terms of its siting and appearance, when compared to the existing scheme (in situ) would cause harm on the streetscene and whether any harm caused is outweighed by the need for the proposal when balanced against the development plan and other material considerations.

The following assessment of this proposal is based on a comparison of the existing scheme, compared to the proposed scheme rather than considering the latest proposal afresh.

National Planning Guidance

Planning policy is provided at the national level by the National Planning Policy Framework (NPPF). It is a material consideration in planning decisions. The NPPF is pro – development with a **'presumption in favour of sustainable development'** being seen as a golden thread, running through both plan making and decision taking'.

The thrust of this guidance is positive and a reminder to LPAs that we need to build the requisite infrastructure to enable economic growth.

It is not necessary to quote extensively from this document but the following points are highlighted.

National Planning Policy Framework (2019)

The government's National Planning Policy Framework (NPPF) was published on 24 July 2018 and updates the 2012 version. In February 2019 the NPPF was revised again, with minor alterations to wording relating to housing supply and not any parts relating to telecommunications. The Government's latest thinking continues to strongly support communications infrastructure. The NPPF remains very supportive of high-quality communications. Indeed, a whole chapter is dedicated to high quality communications, emphasising the importance that the Government attaches to digital connectivity. Paragraph 112 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. This wording echoes guidance set out in paragraph 42 of the 2012 version of NPPF. However, it also includes the importance of *reliable* communications infrastructure for both economic growth *and social well-being*.

The NPPF continues to support the expansion of electronic communications networks at paragraph 112. It notes that policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time. The economic and social benefits of providing high quality and reliable communications infrastructure are well documented and can be found later in this Supporting Information Statement.

The NPPF makes reference to 5G:

'Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)...'

With the above in mind, the Government is already forward thinking the evolution of data networks and seeks planning decisions to take account of this. 5G technology provides increased speed of data and more capacity in the network, to ensure that handheld devices can continue to be used for the purposes in which they were purchased. This will bring even greater economic and social benefits to the area.

Paragraph 113 of the NPPF retains the requirement to minimise the number of installations consistent with the efficient operation of the network but also includes being consistent with the needs of consumers and providing reasonable capacity for future expansion.

Paragraph 116 of the NPPF retains the guidance set out in paragraph 46 of the 2012 NPPF version which relates to determining 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.

At the heart of the NPPF is the retained presumption in favour of sustainable development (para 11). For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay or 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 the application of policies within the revised Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised Framework taken as a whole.

The NPPF continues to provide guidance on decision-making. At paragraph 38 it 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...permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

The NPPF builds on the aspiration to build a strong, competitive economy. Paragraph 80 states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development. The approach taken, should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁰'...

Footnote 40 of the NPPF states:

'The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future'.

In order for the UK to benefit from the huge potential of 5G Local Planning Authorities will have to weigh the Public Benefits of such connectivity with the requirements to instruct and manage the built environment. Central Government understands that this may present concerns with the various design solutions proposed but it is important that all Local Planning Authorities understand the technical needs of 5G and better understands the wider advantages of such new technology. This is further emphasised within the National Infrastructure Commission's report in 2016, where National Digital Strategy will be directed through the Economy and Industrial Strategy Cabinet Committee in order to:

"Support and challenge local government in their plans to enable the delivery of digital infrastructure; both in terms of ensuring that these plans help the UK to meet its national objectives, and that local authorities develop consistent approaches to support the deployment of mobile infrastructure across the country". 'Connected Future', National Infrastructure Commission 2016.

Section 16 of the NPPF relates to 'Conserving and Enhancing the Historic Environment' and outlines the national planning policy context for the assessment of proposals that affect listed buildings or Conservation Areas and other (non-designated) heritage assets. The importance of conservation of the historic environment is highlighted at paragraph 185 which sets out a requirement for an LPA to develop a positive strategy for conservation of the historic environment that includes taking account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation.

Paragraphs 184-192 specifically address conserving the built historic environment. Paragraph 190 highlights that the significance of a heritage asset should be explained by an applicant at a level of detail proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on the significance.

Paragraph 192 sets out factors that should be taken into account by an LPA in determining an application. These reflect the considerations outlined in paragraph 185 and underline the positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality. In considering the impact of proposed development on the significance of a heritage asset paragraph 193 notes that great weight should be given to its conservation with a greater weight being placed where the asset has greater importance.

Where proposals are considered to lead to harm to an asset's significance paragraph 195 sets out circumstances in which such harm, substantial or less than substantial, could be considered acceptable. These include situations where public benefits outweigh such harm. This is set out in paragraph 196 which states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. The test of whether any harm is "substantial" or "less than substantial" is for the decision maker. The NPPG states that substantial harm is a high test, so it may not arise in many cases.

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

Code of Best Practice on Mobile Network Development in England (2016)

The Code of Best Practice has been fully revised in November 2016 and is now even more supportive of mobile network provision in line with Government aspirations that everyone should have access to the information super highway no matter where they are located whether that be in rural or urban areas. This Code provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England. It supersedes the Code of Best Practice on Mobile Phone Network Development (2013).

The principal aim of this Code is to ensure that the Government's objective of supporting high quality communications infrastructure, which is vital to continued economic prosperity and social inclusion for all, is met. The development of such infrastructure must be achieved in a timely and efficient manner, and in a way which balances connectivity imperatives and the economic, community and social benefits that this brings with the environmental considerations that can be associated with such development. The Code also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

Section 2 of the Code highlights the Government's Communications Policy and Planning Policy. It acknowledges that the continued expansion and development of mobile networks is a key element of the National Infrastructure Delivery Plan 2016 – 2021. This recognises that digital communications are now a crucial component of everyday life, with improvements in connectivity being key to a vibrant economy (para 2.1).

Paragraph 2.2 goes on to state that consumers, businesses and public bodies increasingly rely on mobile communications and expect to receive a signal wherever they are. The Code indicates that recent changes in planning policy [and regulation] are intended to align with Government communications policy, where the ultimate goal is to achieve mobile coverage wherever it is needed.

Section 2 of this Code also reiterates NPPF guidance in strongly supporting high quality communications infrastructure, which is seen as essential for sustainable economic growth.

Section 3 of this Code acknowledges that there are special operational and technical considerations associated with mobile network development, which have changed over time due to changes in technology and associated changes in demand. The Code acknowledges that there remains a reliance on radio masts to provide the main umbrella of coverage. Paragraph 3.1 explains that radio signals operate like light and must "see" over the target coverage area, they cannot be hidden and so there will always be a degree of visual impact.

Paragraph 3.2 clearly indicates that in assessing the visual impact, greater emphasis than previously should now be placed on the radio planning requirements to achieve mobile coverage (as shown in the recent changes to permitted development rights, at the end of November 2016, and the reduced test in the most recent NPPF).

Paragraph 3.3 goes on to highlight that the operator systems tend to be demand-led or to fulfil coverage obligations. With the ever-increasing demand for data hungry applications available to a range of connected devices, such as smart phones and tablets, the requirement to upgrade and improve networks through changes to existing sites and the development of new sites is constant. As most parts of the country move on to a superfast highway, so the need to bring coverage to 'not spots' (i.e. areas where there is no mobile coverage from any operator) and improve coverage in 'partial not spots' (i.e. where there is some coverage but not from all operators) intensifies.

Paragraph 3.4 of The Code provides advice to local Planning authorities who are concerned about proposals, stating that they should not 'look for problems' but should work proactively with the Mobile Network Operators to find solutions.

Section 4 of the Code sets out the evolution of mobile networks from 2G voice calls and text to 4G superfast mobile broadband which are now approximately the same speeds as fixed broadband connection.

Paragraph 4.1 of the Code acknowledges that customer expectations have evolved with technology. The expectation is that they will always be connected and able to access services in exactly the same way as fixed broadband for personal, educational and business purposes.

Paragraph 4.2 acknowledges that data, i.e. using the internet, puts increased demand on capacity and therefore the need for additional base stations to keep abreast of customer demand. Also, 3G base stations, originally using higher frequencies didn't travel as far and therefore each base station covered a smaller area. However, changes in working practices for the operators, in line with national guidance, streamlining networks, sharing base stations has reduced the overall amount of infrastructure required.

The Code goes on to acknowledge that operators maximise the use of their existing network infrastructure for the provision of 4G services and are similarly upgrading their 3G network infrastructure to improve capacity and coverage. However, the revised Code continues to advise that this does not mean that there will not be a need for any new base stations. Indeed, for example, more base stations will be needed in areas where there has previously been only limited or no coverage and where coverage and capacity needs to be enhanced in line with Government commitments and customer demand.

Similarly, some new sites will be required to replace existing sites that are lost, for example, through redevelopment of an existing building. Some masts may need to be redeveloped or replaced to enable an upgrade in services to take place.

Section 5 relates to mobile connectivity in the 21st Century, explaining that mobile phones and other devices are now everywhere. Mobile connectivity is not just making calls and texts but also mobile broadband. The majority of mobile phones in the UK are Internet-enabled smartphones and large numbers of people also now own tablet devices. People are increasingly choosing to access the internet using a mobile device even when they have fixed broadband connection available.

The Code acknowledges that by the second decade of the 21st Century, the greatest increase in traffic across mobile networks was in data i.e. internet use (para 5.3). Paragraph 5.4 states that in terms of the wider economic impact of mobile connectivity, research by Deloitte on the economic impact of mobile broadband across a range of countries, showed that a doubling of mobile data use leads to an increase of 0.5% in the Gross Domestic Product per capita, while another study put the benefit of 4G mobile broadband to the UK economy at £75 billion over a decade.

Section 5 of the Code goes on to highlight that connectivity promotes social inclusion. In recent years, more people rely on a mobile phone than they rely on a landline. Furthermore, people on lower incomes are even more likely to live in a mobile only household, or to access the Internet using a mobile connection (para 5.5).

The Code illustrates that mobile connectivity helps in the delivery of public services e.g. to access Central and Local Government via online services, acknowledging that lives are more likely to be saved when a 999 call is made from a mobile than from a landline, Telehealth is becoming increasingly important and text message reminders also improve compliance with medication and keeping NHS appointments.

Good mobile connectivity also promotes sustainability e.g. it reduces the need to travel and thus carbon emissions (para 5.7). The Code continues to support mobile telecommunications network as it is seen as a crucial piece of national infrastructure in economic, community and social terms (para 5.8).

Paragraph 5.9 states that there is a need to continually upgrade and improve mobile networks, which will not function without the necessary infrastructure on which they rely. This is driven by increasing consumer demand for data, improved connectivity and more capacity, together with Government aspirations for improving connectivity and coverage.

Section 7 of the Code sets out the need for all agencies to work together to deliver connectivity that is essential to the country's economy and society including Central Government which provides the overall strategy for connectivity, mobile operators to deliver the mobile network development through the planning system and helping to identify land and structures suitable for mobile infrastructure. Local Planning authorities can also ensure that the planning function works in tandem with other relevant departments and agencies such as their own economic development departments and appropriate digital connectivity teams in order to facilitate digital connectivity.

The Code provides guidance on siting and appearance principles at Appendix A. It sets out a number of design principles in respect of telecommunications development. However, the code acknowledges that the options for design used by an operator will be affected by site conditions including requirement to link the site to the network, landscape features and coverage and capacity requirements. The main options for the operator include:

- Mast and/or site sharing (including redevelopment of a site to enable upgrade or sharing with another operator);
- Installation on existing buildings and structures;
- Erecting new ground-based masts;
- Camouflaging or disguising equipment where appropriate;
- Using small scale equipment (although small cells themselves are generally used to address capacity issues as opposed to providing coverage).

The Code in Appendix A acknowledges that it has been a long-standing Government policy objective to support the sharing of masts and sites. Operators also aim to site share wherever viable. If operators are able to share sites, and install more equipment on each site, this reduces the overall visual impact of network infrastructure, because even though shared sites will tend to be slightly bigger, it means that fewer sites are needed to improve coverage and capacity, infrastructure becomes more feasible, and is more cost-effective to deploy. In fact, sharing of sites is now the norm, and network operators now share much of their network infrastructure via joint venture commercial arrangements.

However, the Code also highlights the constraints of mast sharing. Acknowledging that mast sharing may not be an appropriate environmental or technical solution in all cases. Visual intrusion may occur. The Code indicates other constraints which may include:

- Coverage problems – The existing mast may be poorly located or not have sufficient height to give the required coverage;
- Radio interference – Antennas need a separate amount of vertical and horizontal separation. This could lead to the visual impact of the mast significantly increasing;
- Structural Loading – The existing mast may not be able to hold extra equipment. The existing mast may need to be strengthened, redeveloped or replaced with a bigger structure with a consequent effect on visual amenity.

Concerning the erection of new ground-based masts; The Code at Appendix A page 27 provides examples of where the environmental and visual impact of the mast can be greatly reduced. Placing the mast near similar structures. For example, industrial and commercial premises, road signs and lamp posts; Placing a mast within or adjacent to an existing group of trees. This option is more successfully implemented in or near wooded areas. It should also be noted that the top of the mast placed in trees will need to be above the tree-line in order for the equipment to work for the allowance of future tree growth; Using simple and unfussy designs. Masts which have complex designs are more likely to dominate and be in discord with the landscape and have adverse visual impacts, and Appropriate colouring. Masts seen against the sky are best left in their galvanised state or painted pale grey. Against a wooded backdrop, a matt green or brown colour scheme would be more applicable.

The Code continues to support sympathetic design and camouflaging including concealing antennas in familiar features such as flagpoles, street lamp posts, telegraph pole style designs and signs.

The Code also provides advice on more sensitive locations including conservation areas and listed buildings. It states that operators may be able to avoid specific locations such as listed buildings, but not an entire protected area. In such cases, they should seek to minimise the impact through sensitive design and appropriate siting of the proposals.

Local Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Development Plan as defined by the Planning and Compulsory Purchase Act 2004 for Epsom and Ewell Borough Council currently comprises the following documents:

- Epsom and Ewell Core Strategy (adopted 2007)
- Epsom and Ewell Development Management Policies (adopted 2015)

Epsom and Ewell Core Strategy

The new Local Plan envisages that "sustainability" becomes the core principle underpinning planning decisions. This is highlighted in the foreword to the Local Plan which states that *'At the heart of sustainable development is the concept of ensuring a better quality of life for everyone, now and for future generations. It means an approach which will help us meet the environmental, social and economic challenges that face us all'*.

The 'Vision Our Vision - What are we planning for by 2022?' sets out that the strategy envisages the Borough as *'economically strong and a good place to live, work and visit ('working' within this context also includes those who study in the Borough). New development will support and enhance the attractiveness of local places, and be designed and located in a way that is safe, accessible and sustainable. There will be greater biodiversity, more effective use will be made of natural resources, and carbon dioxide emissions will have been reduced. The Green Belt countryside surrounding Epsom will continue to retain its character and quality, define the extent of the Borough's built up areas, and provide a special experience for residents and visitors'*.

Paragraph 2.61 of the Core Strategy states that *'In preparing the Core Strategy we presented a number of key objectives. These have been developed during the course of the consultation on the preferred options and again following the responses we received. They are now targeted at four broad aims:*

- *Conserving resources*
- *Creating a quality environment and special places*
- *Addressing community needs - now and in the future*
- *Encouraging a prosperous economy*

Paragraph 2.32 of the Core Strategy identifies a number of critical challenges that the Borough will face over the period of the Plan including that infrastructure needs are met.

The Core Strategy sets out a number of policies which guide development within the Borough. The most relevant to this appeal are policies CS1 and CS5.

Policy CS 1 relates to 'Creating Sustainable Communities in the Borough'. The policy states that *'the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development'*.

Policy CS5 relates to 'Conserving and Enhancing the Quality of the Built Environment. The policy states *'the Council will protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character'*.

Epsom and Ewell Development Management Policies (Adopted 2015)

Policy DM8 relates to Heritage Assets and states 'we will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development'. It goes on to state: 'Development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset* or a non- designated Heritage Asset) when determining whether the impact of any proposed development is acceptable'.

Policy DM18 relates to 'Communications' and is the most relevant to the appeal proposal as it directly relates to telecommunications development. It states that: Policy DM18 states that 'planning permission will be granted for the erection of telecommunications apparatus which satisfies the following criteria:

- (i) the apparatus uses an existing mast or building where practicable, without causing serious harm to the appearance of the site or building to which it relates;
- (ii) where an existing mast or building is not available, the apparatus would be screened as far as practicable by the existing landform and trees, or by landscaping and planting incorporated in the proposal;
- (iii) the apparatus would not cause harm to the visual amenity of listed buildings, conservation areas or other sensitive areas;
- (iv) the proposal incorporates appropriate materials or treatments for any associated buildings or supporting structures;
- (v) the potential for physical interference has been minimised in the siting and design of the apparatus'.

Within the supporting text relating to Policy DM18 paragraph 3.56 states: 'Advanced, high quality communications infrastructure is essential for sustainable economic growth. In particular, the development of high- speed broadband technology and other communications networks plays a vital role in enhancing the provision of local community facilities and services'.

Epsom and Ewell Economic Development Strategy

The Economic Strategy sets out a long-term vision for Epsom and Ewell's economy. The Borough's aim is:

"The Council's aim is for the Borough to remain affluent, by anticipating and responding to changes in employment and business patterns and stimulating both. The area needs to keep its high income and highly skilled residents, while also continuing to invest in skills provision and graduate retention".

The Economic Strategy sets out strategic outcomes and acknowledges that to realise the vision for Epsom and Ewell's economy, five significant challenges are faced:

- Improve accessibility and infrastructure;
- Widen the choice of commercial property
- Secure business investment and growth in the Borough
- Support skills development
- Development Town Centres.

To address these challenges the Economic Strategy focuses on the following economic outcomes (inter-alia) for the area:

- Improved attractiveness of Epsom as a business location
- Enhanced workspace provision for small businesses
- Reduced dependency on London for employment
- Retention and support of existing business in the Borough
- Securing a diverse, self-sufficient local economy

Epsom and Ewell Digital Strategy 2016 to 2020

The purpose of the Council's Digital Strategy is to set digital expectations across the Borough to move to a place that is digital by default, enabling everyone who wishes to do so to interact with public services using their preferred digital device.

The Vision of the Digital Strategy is that use of ICT must add value to the customer, whether a citizen, a business, a partner organisation or other service within the Council.

The Digital Strategy acknowledges the digital revolution is moving at an ever faster pace and is at the core of economic and social success in Britain. The vision is for the residents to get the services and information they need online and for these services to be accessible from mobile devices.

Policy Conclusion

There are 2 main policies which are relevant in the Core Strategy in relation to the appeal proposals. Namely policies CS1 and CS5. There are 3 main policies which are relevant in the Development Management Policies. The most directly relevant are policies DM8 and DM18 as they deal with heritage assets and telecommunications respectively.

Policy DM8 notes that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non- designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.

Policy DM18 is supportive of telecommunications development. It also states that planning permission will be granted for the installation of telecommunications apparatus where the apparatus would not cause harm to the visual amenity of listed buildings. The policy also supports a sequential approach to site selection. The justification to the policy notes the importance of a high-quality communications network.

Policy 6 supports development which will create, expand or alter service facilities including key infrastructure to meet the needs of existing and new communities.

The Economic Strategy envisages that the Borough will remain affluent, by anticipating and responding to changes in employment and business patterns and stimulating both. The area needs to keep its high income and highly skilled residents, while also continuing to invest in skills provision and graduate retention.

The Economic Strategy acknowledges a number of challenges that the Borough will face in the coming years which need to be addressed including creating the right environment to attract and sustain business investment.

The vision set out in the Council's ICT Digital Strategy is to improve the opportunities for all by enabling all customers and businesses to be included in and benefit from the digital economy and digital society. Where digital expectations across the Borough are to move to Epsom and Ewell being a place that is digital by default to enable everyone who wishes to do so to interact using their preferred digital devices.

Planning Assessment

The proposal for the upgrading of the existing installation on the rooftop of The Station Public House fully meets with the requirements of the NPPF and the aspirations of the Core Strategy and the Development Management Policies policies. The requirement for the additional and new capacity and coverage is urgently required and the operator is complying with the policy guidelines in that they are utilising an existing installation.

Cornerstone and Telefonica UK Limited are looking to progress works comprising the proposed upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced

with proposed 2 no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development thereto.

The pole mounted antennas will be anchored to the chimney stacks at the same top height and to match the colour, design and detailing of the existing chimney stack and antenna, albeit the replacement antenna will be slightly longer and wider in appearance. Overall, there is reduction in the amount of equipment in situ and this represents a betterment of the existing situation.

It is not considered that the design and appearance of this replacement proposal would be detrimental to the character and appearance of the locality, indeed given the reduction in the number of antennas and locations of the equipment this represents a betterment of the existing situation as alluded to above.

When taking the proposals for this elevation as a whole, it is not considered that they would result detract from the overall architectural detailing of the building, or the experience and appreciation of the asset from within its surrounds. This is demonstrated by the photomontages included as part of this application and included below:



Image 4: Existing Equipment



Image 5: Image Proposed equipment

This is the most suitable, available option, where the principle of the proposed scheme has already been accepted by the Council and become part of the established streetscene. Indeed, in considering the 2018 applications at appeal the Inspector considered that the 2 double chimney-stack installations on the north and east chimney-stacks would be justified by the public benefits outweighing the limited additional harm identified over that previously permitted.

As this proposal is an upgrade to the existing radio base station with minimal alterations to the overall appearance of the equipment currently in situ, no other alternative options have been considered.

The upgraded installation will meet the aspirations of the NPPF which encourages the use of sympathetic design to minimise the impact of the development on the environment as well as the utilisation of existing masts.

The proposals have been designed to resemble as closely as possible the existing antenna already in situ as well as the other linear structures which populate the immediate area. The replacement antenna will be located in the same position as the existing antenna already in situ on the north and east and which has become an established part of the streetscene and the antenna on the south west has been removed. The antennas are to be painted to match the existing brickwork and therefore will not have a detrimental impact on the visual amenity of the area.

The proposed replacement telecommunications mast fully complies with national guidance contained within the NPPF, NPPG and Core Strategy (CS5) and Development Management policies (DM8 and DM18). Government guidance states that in order to limit visual intrusion the number of radio and telecommunication masts and the sites should be kept to a minimum consistent with the efficient

operation of the network. Existing masts, buildings and other structures should be used unless the need of a new site has been justified.

The application site is an established telecommunications radio base station. Given that the proposal is to replace the existing site with one capable of allowing the operator to provide enhanced 2G, 3G, 4G as well as new 5G services from the same site, then this is in accordance with the NPPF and the Code of Best Practice. This offers the best environmental solution, limiting the amount of new sites required in this area. For the avoidance of doubt, the existing antenna would not be able to support all the technologies.

The proposed upgrade to the existing site is sequentially the most preferable option in accordance with NPPF and the Code of Best Practice. Given that a sequential approach to site selection has been undertaken, whereby the proposal seeks to replace the existing antenna in the same location on the established telecommunications site, it should be acknowledged that the proposed works would have limited impact on the streetscene as the replacement antenna will appear as similar as possible to the existing antenna already in situ.

The Government fully supports high quality communications infrastructure. NPPF states that local planning authorities should support the expansion of electronic communications networks, including telecommunications and high-speed broadband. It acknowledges that high quality communications infrastructure is essential for sustainable economic growth. The NPPF also highlights that the development of high speed broadband technology also plays a vital role in enhancing the provision of local community facilities and services.

This upgrade fully meets the aspirations of NPPF and NPPG as it will improve the coverage and capacity in this area enabling users of their hand-held devices to be able to continue using their products whenever and wherever they are, enhancing the provision of local community facilities and services benefitting the life of local communities. The upgraded site will ensure that the expansion of the electronic communications network is facilitated and that high-quality communications infrastructure is provided to the immediate area allowing the latest superfast technologies to be provided in the form of upgraded 4G services and new 5G services.

Less Than Substantial Harm Outweighed by Public Benefit

Para. 190 of the NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

In considering the potential impacts of any development, Local Planning Authorities are required to quantify the level of harm to heritage assets. The Local Planning Authority have quantified the harm arising from the proposals as less than substantial.

The Town and Country Planning Act requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In quantifying harm to the heritage asset as a result of this upgrade, it is considered that the harm is less than substantial.

In the case of telecommunications proposals where less than substantial harm is identified, it is necessary to carry out this balancing exercise weighing the need for development and the magnitude of public benefits of the proposed in this case upgraded base station against the perceived concerns about the development's visual impact locations and the possibility to design the scheme differently without impacting the technical constraints and operational needs of the operator.

As has already been presented, there is a clear and demonstrable need for an upgraded radio base station in the area. Similarly, the equipment proposed to achieve this is not greater than what is required. The same applies to the height of the proposed antennas. The selected location and design is a compromise between technical requirements and the impact on the wider streetscene and heritage assets.

Inspectors at appeal have determined that a balancing exercise must be carried out weighing the need for telecommunications equipment and the associated public benefits against the harm in allowing the development to take place, including in situations where para 196 of the NPPF doesn't apply.

In an appeal decision for a 10m streetworks installation on Chelsfield Road, Orpington, the Inspector allowed the appeal stating that the proposals would not detrimentally affect the character and appearance of the area and the visual and residential amenity of occupiers of neighbouring properties would not be adversely affected (see para 11 PINS ref: APP/G5180/W/3151769).

The Inspector in relation to the same site on Chelsfield Road allowed a full award of costs against the Council. The reasons are set out in paragraphs 7 and 8 of the PINS decision APP/G5180/W/3151769. The Inspector found that *'there is no specific reference in either the officer's report or indeed the Minutes of the Council's Plans Sub-Committee to indicate that the need for additional telecommunications equipment in the area or the implications of a lack of alternative sites were weighed in the balance in the Council's decision of the proposal and its subsequent decision to refuse to grant prior approval'* (emphasis added). The Inspector went on to state at paragraph 8 *'The somewhat cursory reference in the Council's appeal statement stating that it was not considered that the need outweighed the material harms identified is not sufficient evidence to indicate that an appropriate balancing exercise had been undertaken to support its decision. Without any evidence to demonstrate that this had been done therefore I consider that for the Council to have refused to grant prior approval and to continue to pursue the appeal amounts to unreasonable behaviour'*. (emphasis added). Although this relates to a streetworks installation rather than a roof base installation which is sequentially preferable it demonstrates the weight that the Planning Inspectorate place on benefits of connectivity.

The issue of benefits and planning balance was also considered in Appeal Ref: APP/X5990/W/16/3162918, 55 – 59 Oxford Street, London, W1D 2EQ. The proposal related to the installation of 9 no antenna inside a 'replica' GRP extension to the plant room.

The Inspector found that the proposal would cause some limited harm, due to the increased height of the plant room and, to a lesser extent the additional cabinets on the roof. However, the Inspector concluded *'whilst I have paid special attention to the desirability of preserving or enhancing the character and appearance of the conservation area, the above factors lead me to conclude that there is less than substantial harm to the character of the building and the Soho Conservation Area, Therefore, whilst there is some conflict with WCP and UDP policies, the less than substantial harm that I have identified is outweighed by the clear public benefits of the proposal in maintaining and improving vital communications infrastructure at an important location'*.

In July 2020 the decision of Royal Borough of Windsor and Maidenhead to refuse planning permission for a roof based telecommunications base station was overturned by the Planning Inspectorate at (PINS Ref: APP/T0355/W/20/3246710) Intersystems House, 70 Tangier Lane, Eton SL4 6BB. Within the decision notice, the Inspector stated:

'Taking all of the above public benefits, in particular the support given within the Framework for the delivery of mobile technology and the absence of suitable alternative sites within the vicinity and applying the balancing test of paragraph 196 of the Framework, I am of the view that taken together, these provide a clear and convincing justification to outweigh the considerable importance and weight to the desirability of conserving the heritage asset, which in this case is the Eton Conservation Area'.

The social and economic benefits are a significant material consideration. HM Treasury outlined such benefits in its report *'Fixing the Foundations: Creating a More Prosperous Nation'* – July 2015. Paragraph

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

Paragraph 7.2 goes on to highlight strong support for high quality communications infrastructure. It states:

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

MPs have noted in parliament that the UK's Superfast Broadband connectivity was 'relatively poor' and businesses in rural areas, in particular, were losing out from patchy coverage.

As such, there is continuing and growing strong national support for high quality communications infrastructure. This is demonstrated in the commitment to review permitted development rights and as discussed by David Cameron in Prime Ministers questions in March 2016, where he stated:

'Our constituents now want coverage for the internet, they want coverage for mobile phones...we need to make sure we change the law in all the ways necessary to make sure...the masts are built, we increase coverage and we ensure everyone is connected to the information superhighway'.

The British Infrastructure Group of MPs (BIG) led at the time by Grant Shapps MP is dedicated to championing better infrastructure across the UK. The October 2016 BIG Report has investigated how the Government can improve mobile coverage for the millions of customers who receive inadequate service. It demanded that all operators improve their mobile coverage with a deadline of December 2017. The report called for the Digital Economy Bill to be prioritised by the Government to reform the Electronic Communications Code and allow Ofcom to fine mobile operators that do not meet their coverage targets. This report was signed by numerous MPs, many of which have made detailed comments regarding poor connectivity in the UK. An extract of this assessment can be found below:

"A lack of digital connectivity has a detrimental effect on business operations, productivity and output and hence competitiveness in the global market place. Securing digital connectivity is thus critical to the UK's long term prosperity. A key challenge for the digital sector is a persistent digital divide between those who have access to the latest technologies and those who do not, with resulting social and economic exclusion, particularly as dependence on e-services and digital communications increases".

*"The Assessment goes on to note that 'Universal digital connectivity would serve as an equaliser of economic opportunity in that it enables participation in a modern digital economy'. Therefore, this Needs Assessment further explains the consequences of a lack of coverage and the effects this has on social and economic prosperity. This clearly highlights the importance of maintaining high quality 2G, 3G and 4G coverage to this very busy area of the capital, where the social and economic benefits outweighed the environmental considerations"*².

This commitment has now been fully endorsed with amendments under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which came into force on 24th November 2016 and the new Electronic Code which came into force at the end of December 2017.

The Future Telecoms Infrastructure Review³, produced by DCMS, sets out the future for telecoms in the UK and the opportunities that these advancements in digital connectivity will create.

² <http://www.britishtelecomsgroup.org.uk/reports-and-briefings/mobile-coverage/>

³ <https://www.gov.uk/government/publications/future-telecoms-infrastructure-review>

Digital infrastructure is central to the future of the UK economy. This national strategy will create the right market and policy conditions to secure world-class connectivity for all, but it needs to be accompanied by changes from within the sector. Industry has a critical role in delivering the world-class connectivity we need, and the focus should be on growing the market and improving consumer experiences. This is a long-term strategy and one which will only be achieved by government and industry working together.

Paragraph 3 states: *'Wide-scale deployment of these next generation technologies will be key to the UK remaining globally competitive, and support the regional rebalancing of the economy by creating new opportunities, in areas like health, education and public services'*.

Paragraph 46 states *'The security and resilience of the UK's telecoms networks is also of paramount importance. The Government expects operators to invest in the security and resilience of the new networks, and build effective supply chain relationships that support this.'*

Ministers from the DCMS and MHCLG wrote to all CEOs of Council's in England setting out its position 'Collaborating for digital connectivity' (March 2019) in respect of supporting investment in high-quality, reliable digital connectivity. The Government acknowledges that such infrastructure is essential for communities to benefit from faster economic growth and greater social inclusion. Ministers state:

'It is essential to keep pace with growing demand for internet bandwidth and mobile data from local businesses, residents and those who visit our communities. As outlined in the Future Telecoms Infrastructure Review, the Government would like to see nationwide full fibre coverage by 2033. We would also like the UK to be a world leader in 5G, with the majority of the population covered by a 5G signal by 2027. We are writing to ask for your help in supporting the investment necessary to achieve these objectives.'

Recent years have seen substantial investment in mobile and fixed digital infrastructure across the UK.

While mobile coverage across the UK has been significantly improving, there are still too many areas where coverage is poor. The UK has now achieved 95% superfast broadband coverage but still only 6% full fibre coverage.

We need to create the market and policy conditions necessary to support the large-scale commercial investment required to extend and future-proof digital connectivity. A key part of this is making it easier for operators to deploy infrastructure. To help to achieve this, the Government recently reformed the Electronic Communications Code - the statutory framework which underpins agreements between communications network providers and those in both the private and public sector who can provide sites for the installation of network equipment. The purpose of the reforms was to make it easier and more cost effective for communications network providers to deploy and maintain digital infrastructure.

Local authorities have an essential role to play as site providers. As Chief Executives, you can support investment in digital communications infrastructure by ensuring your organisations have policies and procedures in place that promote effective engagement with the digital communications industry and minimise barriers to deployment'.

DCMS have produced 'Connected Growth: A Manual for Places Working to Boost their Digital, Cultural and Social Connectivity'⁴. The Manual recognises that Digital Infrastructure underpins the digital, cultural and social infrastructures to develop places where people want to live, work and visit. Over the next few decades our digital networks will be the enabling infrastructure that drives economic growth and productivity.

The Manual recognises that *'the Digital Infrastructure sector contributed £33bn to the UK economy in 2017 (1.8% of GVA), up by a third since 2010. A core contributor to connected growth in local areas,*

⁴ <https://www.gov.uk/government/publications/connected-growth>

direct benefits from improved digital connectivity include large increases in download speeds leading to more productive economic activity. It is estimated that by subsidising upgraded infrastructure in certain postcodes £9bn of turnover was added to firms in those postcodes'.

Moreover, a range of evidence shows direct benefits from improved digital connectivity, including large increases in download speeds leading to more productive economic activity. Wider potential impacts are in areas such as remote healthcare, education, travel and transport, and wellbeing, including loneliness. Gigabit- capable technology will ensure future opportunities in these areas, plus technologies such as AI or the Internet of Things, will be available to everyone in every region.

Page 38 states:

'Designing intervention - Public funding will be dependent on local areas having a clear plan to reduce and remove barriers to deployment and adopting best practice. You should work with providers to support commercial deployment of both broadband networks and mobile coverage infrastructure (in terms of conventional macro-level mast deployment and small-cell deployment at street-level):

- The Digital Connectivity Portal provides guidance for local authorities and network operators on effective policies and processes to facilitate deployment of broadband and mobile networks.*
- Introduction to Community-led schemes provides guidance on options'.*

There have been numerous appeal decisions where the Inspector has attached significant weight to the benefits, alternative options, technical constraints and NPPF in a balancing exercise of all the valid material considerations, including visual impacts and the impact on heritage assets.

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 on Andover Road, Winchester, required to replace an established site being lost from Vodafone's network, was overturned by the, PINS Ref: 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, 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".

In determining another such appeal in December 2017, in which the decision of the London Borough of Harrow to refuse prior approval for the installation of a 12.5 metre high monopole and associated equipment housing on highways land, the Corner of Wendela Court and Sudbury Hill within a Conservation Area was overturned, (APP/M5450/W/17/3180345, 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. "

These findings echoed those of a previous case determined in 2016 where the decision of the London Borough of Hillingdon to refuse planning permission for a 15 metre high monopole and associated equipment cabinet on land at the junction of Harmondsworth Road and Sipson Road, West Drayton, UB7 9JJ in a Conservation Area was overturned (PINS Ref: APP/R5510/W/16/3143922. The Inspector in that case 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”.

In the latter two mentioned appeals (APP/M5450/W/17/3180345/APP/R5510/W/16/3143922), the Inspector found that the developments 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 Inspector and was awarded due weight in the determination of the cases brought. That weight was sufficient for the appeals to be successful despite the recognised harm. In the case of this appeal, the same public benefit would occur, which must again be weighed against harm to heritage assets. In contrast to the above mentioned appeals the operator is seeking to utilise an base station on which to deploy their upgraded equipment which is clearly sequentially preferable to the installation of a new ground-based mast. Also, notably as with the case brought against Winchester City Council, the dismissal of the appeal would contribute to a loss of existing services rather than a delay to network expansion.

Although these appeals relate primarily to streetworks installations rather than roof based equipment which is sequentially preferable they demonstrate that the impact on the streetscene and Conservation Area (heritage assets) was outweighed by the benefits of essential connectivity which is critical infrastructure.

The NPPF strongly supports sustainable development, as does Policy CS1 which supports sustainable urban neighbourhoods. Mobile communication plays a significant role in sustainable development, being able to access the internet via a mobile device allows people to access a wide range of central and local government services buy groceries, manage finances, apply for jobs/university, and carry out school projects, send emails, download applications, send and receive instant messages, participate in social media, streaming and downloading data to name just a few of the benefits of being able to use an internet enabled handheld device. It also allows people to work from home or on the move without needing to return to the office. Residents and businesses will enjoy better accessibility, assisting home-base working by improving the electronic means of communication and the roll-out of high-speed broadband helping to promote live-work development. This reduces travel time, carbon emissions and increases the speed in which information is processed/shared. The proposals therefore fully comply with NPPF and Policy CS1 of the Core Strategy to minimise the effects of climate change reducing the need to travel and therefore the carbon footprint.

In such instances, as described above, the NPPF supports development that improves the economic, social and environmental conditions in the area. Enhancing the 2G, 3G, 4G coverage and capacity in this area whilst providing new 5G services will fully meet this national policy objective.

Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026 (Councils and Connectivity Sept 2018). Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being. Mobile connectivity is essential to fulfilling the potential of new technologies. Innovations such as artificial intelligence and connected cars will change how we work, spend our leisure time and run our public services. This is in full accordance with the Greater Manchester Infrastructure Framework acknowledges the importance of 5G and states that '*as our homes businesses and cities become more reliant on digital technology to function the robustness of these systems becomes even more critical*'.

Providing the latest digital infrastructure to enable improvements in digital technology empowers and enables residents to have the highest quality of life, supports the creation of high-quality jobs and achieves the maximum productivity levels.

The enclosed Cornerstone Local Authority Engagement Brochure September 2020, emphasises further the benefits of high quality mobile connectivity including: promoting economic growth by attracting investment from business, which creates jobs and regional prosperity in line with national and local economic strategies; helps local businesses to offer a broader range of services, boosting the local economy; helps local Councils to offer online services such as school admissions and local information for residents supports local companies by facilitating working from home, offers social benefits such as

being able to connect with vulnerable family and friends (a life line during COVID 19 lockdown) or contact the emergency services 24/7, and helps local councils to offer online services such as paying council tax bills which provides a more efficient service to name but a few benefits.

There is a demand for mobile connectivity in areas where geography, logistics or economics – or a combination of all 3, make it difficult. Mobile network capacity needs to grow to meet the demand of mobile users, who are consuming ever increasing amounts of data.

Paragraph 38 of the NPPF 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...permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

Providing improved 3G and 4G coverage and capacity in this area will fully meet paragraph 38 of the NPPF, DM18 of the Development Management Strategy and the ICT & Digital Strategy, Infrastructure and Economic Strategy aspirations.

A National Needs Assessment – A Vision for UK Infrastructure was also published in October 2016 ([https://www.ice.org.uk/getattachment/media-and-policy/policy/national-needs-assessment-a-vision-for-uk-infrastr/National-Needs-Assessment-PDF-\(1\).pdf.aspx](https://www.ice.org.uk/getattachment/media-and-policy/policy/national-needs-assessment-a-vision-for-uk-infrastr/National-Needs-Assessment-PDF-(1).pdf.aspx)). It sets out the infrastructure needs for the UK which includes the importance of digital technology. An extract of this assessment can be found below:

'A lack of digital connectivity has a detrimental effect on business operations, productivity and output and hence competitiveness in the global market place. Securing digital connectivity is thus critical to the UK's long-term prosperity. A key challenge for the digital sector is a persistent digital divide between those who have access to the latest technologies and those who do not, with resulting social and economic exclusion, particularly as dependence on e-services and digital communications increases'

The Assessment goes on to note that *'Universal digital connectivity would serve as an equaliser of economic opportunity in that it enables participation in a modern digital economy'*. Therefore, this Needs Assessment further explains the consequences of a lack of coverage and the effects this has on social and economic prosperity. This clearly highlights the importance of maintaining and enhancing high quality 2G, 3G, 4G coverage and capacity and new 5G services in Epsom, where the social and economic benefits will outweigh the environmental considerations.

The Government's continued strong support for connectivity is further evidenced by the DCMS who launched their UK wide Digital Connectivity Portal on 20 December 2018. The Digital connectivity portal provides guidance for local authorities and network providers on improving connectivity in local areas. The Government wants everyone in the UK to benefit from world-class connectivity no matter where they live, work or travel. The Future Telecommunications Infrastructure Review outlines a package of measures to create the right market and policy conditions to deliver world-class connectivity for citizens and businesses. As a result, the pressure to provide an upgrade to the existing radio base station in this part of Epsom to provide 2G, 3G, 4G and 5G is significant.

Online Nation is an annual research report, published for the first time in 2019. Using research produced both by Ofcom and others, it looks at what people in the UK are doing online, how they are served by online content providers and platforms, and their experiences of using the internet, alongside business models and industry trends. As well as looking at long-term trends, this year's report includes more recent data looking at online behaviour in the UK during the coronavirus (Covid-19) pandemic.

The Report sets out its findings:

With respect to the consumer and industry it found that time spent online, and associated revenues grew in 2019.

- In September 2019 the average time spent online each day by adults aged 18+ was 3 hours 29 minutes. In comparison, on average, adults spent 3 hours 19 minutes watching TV on a TV set each day,² and 2 hours 40 minutes listening to radio each day.
- 71% of all measured time spent online was on smartphones. 35% of internet users only accessed the internet on mobile devices (smartphone or tablet).
- Just 13% of adults do not use the internet
- In 2020, a fifth (22%) of UK adults have a smart speaker in the home and 11% of all UK households own some kind of 'smart home' technology (including devices such as smart home security, smart lighting and smart heating).

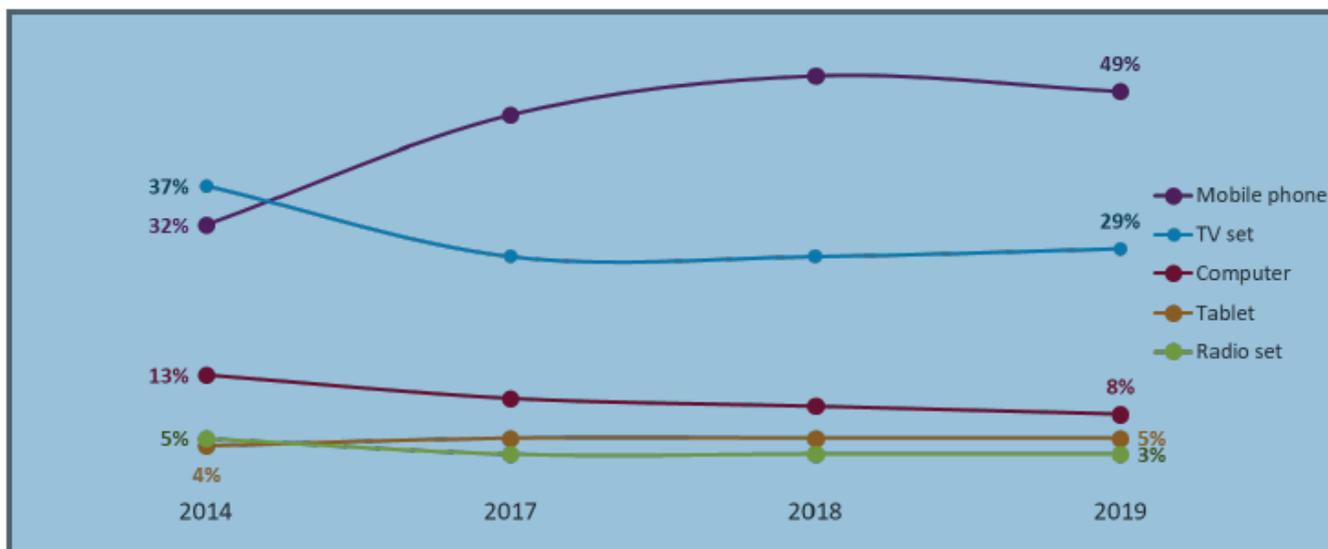
Key Metrics Online Consumer Market

UK online consumer market	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Internet take-up (%)	76	79	80	82	85	86	88	87	87	89
Smartphone take-up (%)	27	39	51	61	66	71	76	78	79	82
Tablet take-up (%)	2	11	24	44	54	59	58	58	54	52
Laptop take-up (%)	55	61	62	63	65	64	64	63	60	57
Consideration that the smartphone is the most important device for internet access (%)	n/a	n/a	n/a	32	32	38	46	48	52	60

As the table above highlights 60% of the consumer market consider Smartphones are now the most important device for internet access.

In September 2019, 81% of all measured time spent online was on a mobile device (both tablet and Smartphone).

The table below indicates the most-missed device among adults: 2014-2019 were it be taken away from them. As can be seen, nearly half of all adults say that their mobile device is the device they would miss most were it taken away from them.



Source: Ofcom Adults' Media Literacy Tracker 2014-2019

The Report found that social media and messaging sites reach 98% of the UK adult digital population. On average, visitors aged 18+ spent 49 minutes per person per day on social media sites, considerably more time on average than in key areas such as news sites (12 minutes per user), e-commerce sites (14 minutes) and even gaming sites (31 minutes).

Ninety-two per cent of time spent on social media sites took place on a mobile device (smartphones and tablets) rather than on a computer, compared to 81% of total time spent online.

The Ofcom Connected Nations 2019 Report (published December 2019 and reissued in March 2020) measures progress in broadband and mobile services in the UK and highlights the work Ofcom is doing, alongside UK and devolved governments and communications companies, to improve the availability of these services. Ofcom has aspirations for people in the UK to be able to easily access good broadband and mobile connections wherever they live, work and travel.

The report notes that over the last few years, the availability and take up of superfast and ultrafast broadband and the coverage and take-up of 4G mobile services have dramatically increased. The UK holds a leading position on current 4G mobile network coverage compared with other large European countries. It highlights that this demonstrates that policy and regulatory decisions made in the past few years have supported investment in new networks and technology and delivered a good outcome for consumers.

The Report goes on to state in the Overview that '*emphasis must now turn to the initiatives needed to ensure that the next wave of network deployment can meet future needs as quickly as possible by further extending the reach of full fibre and mobile networks*' (emphasis added).

The Connected Nations Report 2019 found that 5G services have been launched by all four mobile network operators over the past year and are now operating in over 40 towns and cities across the UK. Initial offerings are focused on densely populated areas. As well as providing improved broadband services for consumers via public networks, future 5G networks could provide specialist services to organisations and businesses.

The report highlights that the UK is a 5G leader in Europe, because it is one of the first countries where all of the Mobile Network Operators have started 5G deployment. These initial 5G networks target mobile broadband services, providing several enhancements over 4G networks, including higher speeds and the capability to deliver extra capacity where needed, such as in urban areas or sports stadiums. It goes on to state that future evolutions of these initial 5G networks will enable additional services that rely on a near instantaneous network response and need high reliability, with applications in sectors such as manufacturing, logistics, agriculture, transport/automotive, energy, media and entertainment and healthcare. Examples include controlling vehicles at distance e.g. in mines, or enabling robots in automated factories to communicate with each other.

The Report acknowledges that 5G roll out has so far focused on areas with higher populations, where capacity demands are likely to be greatest. In the near term, operators are likely to continue rollout in areas where 5G will deliver significant quality of service improvements needed to meet consumer demand.

The Report highlights the benefits of 5G for organisations and businesses noting that Public mobile networks, in addition to providing broadband services for consumers, could also be used to provide specialist services to organisations and businesses. Organisations and businesses could also decide to access 5G services via a local private 5G network, either self-deployed or deployed by a third party.

The Report also notes that 4G carries 90% of data traffic, but only 21% of voice traffic, with 3G and 2G carrying 73% and 6% of voice traffic respectively. The vast majority of traffic (82%) is generated in urban areas, and data growth in these urban areas is continuing rapidly, up 35% on 2018.

The Connected Nations December 2020⁵ report is published as the UK continues to address the challenges of the coronavirus (Covid-19) pandemic; a time when people, families and businesses have come to rely on their phone and broadband connections as never before. We report on how the networks have performed during this period and how the availability of services has evolved.

The report sets out in its findings:

⁵ <https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-2020/main-report>

- **The UK's fixed and mobile networks have generally coped well with increased demands during the pandemic.** A shift to more people being at home drove increased demand on broadband networks during the day, although peak usage remained in the evening. Mobile networks also experienced increases in voice traffic.
- **The number of mobile base stations providing 5G services has risen ten-fold, to around 3,000 across the UK.** 87% of these are in England, 7% in Scotland and 3% in both Wales and Northern Ireland.
- **Mobile coverage is generally stable.** The four mobile network operators (MNOs) – EE, O2, Three and Vodafone - each estimate they provide outdoor coverage to 98%-99% of premises. Their networks' coverage of the UK landmass ranges from around 79% to around 85%. The Shared Rural Network programme agreed in March 2020 will extend coverage beyond this by 2025.
- **A small, but significant number of properties are still struggling to get connected.** We estimate that 43,000 premises cannot access either a decent fixed broadband service, or good 4G coverage, indoors.
- **Mobile data consumption continues to rise, increasing by 42% compared with last year.** 83% of the total data traffic was consumed in England with about 10% in Scotland, 4% in Wales and 3% in Northern Ireland (largely in line with UK population distribution). Reflecting this growth, the traffic carried in England in June exceeded that carried across the whole UK in February.

The report acknowledges that being connected has never been more important in the UK. *“People have been relying on phone and broadband services more and more over recent years, and the Covid-19 pandemic during 2020 has brought this reliance into even sharper view. In March 2020, life changed suddenly for millions of people across the UK. Fast, reliable broadband and mobile connections were essential to allow them to work from home, keep up with schoolwork, access medical appointments and public services, stay in touch with friends and family, order shopping online, and keep themselves entertained”.*

The report acknowledges that *“during the first COVID 19 lockdown, UK MNOs coped successfully with the changes in data and voice traffic volumes and distribution as many people began working from home and schools were shut during the Covid-19 spring lockdown. New peaks were reached for most of the network metrics reported by MNOs just before or during the week lockdown measures were first introduced across the UK in March 2020. Although these peaks generally reduced with the gradual easing of lockdown, they have remained higher than they were before (in line with the historical trend for incremental growth in data consumption)”.*

The report further notes that the *“MNOs all experienced some form of congestion on their networks in this period, but successfully mitigated this, in part by increasing interconnect capabilities between themselves. Some operators applied further temporary upgrades to their voice and data capabilities in order to cope with increased demands during this period, for example deploying temporary base stations in and around hospitals (particularly at the Nightingale hospitals) to provide additional capacity”.*

“Compared to periods before the spring lockdown, mobile voice traffic increased by 10-45% across the operators. One operator observed an increase in average call duration from about 2.5 minutes (pre-lockdown) to 4 minutes in the week lockdown measures were introduced. These call lengths and volumes spiked in March, before gradually stabilising. Within this general trend for growth, we can also observe drops in average call duration and data traffic around 8pm for the 10-week period from 26 March 2020, coinciding with the nation coming together to applaud the efforts of the NHS during the Covid-19 crisis. Increased amounts of voice traffic were also offloaded to Wi-Fi, although with significant variations between operators”.

Consumers in the UK continue to decrease their use of landline calls in favour of using mobile calls and mobile data. Between 2012 and 2018, the total volume of outgoing landline calls in the UK more than halved, decreasing by 59 billion minutes, from 103 to 44 billion minutes. Over the same period the volume of outgoing mobile phone calls increased, but only by 29 billion minutes, from 132 to 161 billion minutes. This suggests that consumers are not simply substituting landline calls with mobile networks calls. There are indications that they are substituting at least some landline calls with online voice and video calls. On smartphones, online calling can offer a lower cost alternative to making calls using a voice tariff: 87% of UK adults who have ever used online voice or video calls did so using a smartphone.

On the 23 September 2020, the Digital Infrastructure Minister Matt Warman MP spoke about the ongoing work by the Government and telecoms industry to boost the UK's world class digital connectivity in his keynote speech at Connected Britain 2020⁶

...'I'd like to take this opportunity to thank everyone in the industry for their tireless efforts at keeping us all connected through an unprecedented period of disruption.

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

People have referred to the internet as “the fourth utility” – and it's true. For countless people across the country, having fast and reliable broadband and a good mobile connection is as essential and vital to our daily lives as gas, water and electricity.

That's why I'm committed to working with you to ensure the entire nation has access to world-class, next generation gigabit connectivity that is secure and resilient enough to deal with all sorts of future challenges.

This Government is ambitious for the UK's digital infrastructure.

And because we know that more citizens are increasingly living their lives online, we will be one of the earliest adopters of 5G coverage, with the majority of the population able to access 5G by 2027.

...We know how important local authorities are to the delivery of digital infrastructure, which is why I have written to them, together with the Local Government Minister, to outline how they can work more effectively with the industry...

....Turning to 5G, while the commercial rollout of 5G continues at pace, we're pushing ahead with plans to make sure all sorts of industries benefit from this game-changing technology.

....since the start of the 5G Testbeds and trials programme, we've now funded 24 5G testbeds across the UK. Between them, those testbeds have trialled almost 70 different 5G technologies, products and applications. And more importantly than ever, we are investing in a range of sectors to foster, build and grow 5G cross wider industry...

...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...

This Keynote Speech by Matt Warman MP highlights the importance that Government places on 5G and advanced, reliable, high quality 5G technology. To prevent this technology from being brought into the area would be contrary to the Government's key aims.

On the 1 October 2020, as part of the Speed up Britain Campaign, The Centre of Policy Studies Report published 'Upwardly Mobile: How the UK can gain the full benefits of the 5G revolution'⁷. The report identifies what the 5G opportunities are and what the Government needs to do so we can all benefit from this vital new technology. It states that delays to the rollout of 5G could cost the country tens of billions of pounds in lost economic output. The former Government advisers Alex Jackman and Nick

⁶ https://www.gov.uk/government/speeches/matt-warman-keynote-speech-at-connected-britain-2020?utm_source=01ad07cc-6884-4d9b-a0ca-8c212f0a4289&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

⁷ <https://www.cps.org.uk/research/upwardly-mobile>

King argue that Government's 'levelling up' agenda and the UK's recovery from the COVID-19 pandemic is at risk without a faster 5G rollout – to the tune of £41 billion.

The report highlights that if delays continue at their current rate, by 2027, over 11 million households and businesses could be missing out on vital digital connectivity. Improving digital infrastructure supports the Government's 'levelling up' agenda, by helping local areas to retain and attract businesses and talent as well as by reducing regional inequalities.

The report states that *'the UK must have a functioning network to now support the recovery from the pandemic, empowering businesses and communities with wider coverage, and preparing the ground for the services that 5G can provide'*.

Using analysis by the independent consultancy Policy Points, the report estimates that if 5G coverage reaches a quarter more of the population than the Government's current target of 51%, it will produce GDP gains of £41.7 billion by 2027. It highlights that the difference between the UK being a leader and a laggard in 5G adoption could be as much as £173 billion in incremental GDP over the coming decade, as estimated by the Future Communications Challenge Group.

The manufacturing, construction and agricultural sectors have been hit particularly hard by the pandemic, and these would benefit significantly from improved connectivity. However, onerous planning rules and loopholes in existing legislation are slowing down the infrastructure upgrades needed to make the most of this mobile revolution in these much-needed industries.

Digital networks and services have underpinned our resilience to the COVID-19 pandemic and they will drive our recovery. By expanding them, we deliver not only immediate benefits but also the essential foundation stone for future prosperity.

The report highlights that while 5G promises to create economic benefits through increased capacity, reliability and speed – vastly improving business productivity and removing barriers imposed by poor digital connectivity – the system is plagued by red tape.

The report acknowledges that the gains are not just at national level. A more extensive digital infrastructure helps local areas to attract and retain businesses and talent, thereby playing a vital role in reducing regional inequalities. Providing a supportive environment for digital infrastructure is one of the few things the Government can do that costs little, boosts growth and helps level up the UK....the key is speed. **The faster a network is built, the bigger the regional gains** (emphasis added). The telecommunications industry faces challenges on this front. The COVID-19 pandemic has increased demand on networks but delayed the availability of new spectrum to provide additional capacity.

The report notes that the reliability and reach of 4G is more important than ever. It is needed both to quench immediate demand, and also to facilitate future 5G rollout, as the underlying passive infrastructure will initially support both technologies. Every failure to provide better coverage not only presents an immediate opportunity loss for local business and consumers but also has a bigger downstream economic impact. It acknowledges that productivity gains to business, equality gains for regions and economic gains for the country are only as achievable as the networks they can access.

The report recommended that the Government should reform the strategic planning framework to compel local authorities to ensure that the needs of future mobile connectivity are adequately addressed in Local Plans and that new developments are assessed on how they might impact, or could support, local connectivity.

The proposed upgraded installation in this location will allow the operator to provide new and improved high quality 2G, 3G, 4G coverage and capacity as well as new 5G services supporting the Government's aim of *'focusing on ensuring that everyone is connected to the information superhighway'*. This fully meets the aspirations of the NPPF, and the Economic Strategy and ICT Digital Strategy.

In considering the 2018 proposal at appeal, the Inspector concluded that the 2 chimney-stack installations would be justified by the public benefits outweighing the limited additional harm identified

over that previously permitted. It is noted that the latest proposals include 5G coverage and as such significantly greater public benefits.

Health and Safety

The proposed installation conforms to current government planning guidelines regarding potential health effects arising from telecommunications development. The operator has attached a declaration that the site conforms to ICNIRP guidance. This is in full accordance with NPPF.

Recent court cases have confirmed that the *public perception* of health risks can be a material consideration within the land-use planning system. The weight to be attached to this issue has to be determined accordingly in each case by the decision maker. It has been generally held, and widely established at planning appeal, that health concerns are not a sufficient basis alone for withholding planning permission providing it has been demonstrated that the proposed installation will comply with the ICNIRP guidelines.

The publication of the National Planning Policy Framework continues to highlight the Government's view that the planning system is not the appropriate mechanism for determining health safeguards. It sends a clear message to local planning authorities stating that they must **'determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure'**. This is reiterated in the Code of Best Practice.

In this instance, Telefonica believes that it is not necessary to consider health effects further, as recommended by NPPF. The operator is committed to ensuring that all new and existing installations are ICNIRP compliant, and consequently it is considered that there is no basis for this application to be refused on health and safety grounds or for reasons relating to public concerns about health and safety. ICNIRP compliance certificates are enclosed for the operator with this application. If required, additional information regarding the operation of mobile telephone base stations and health and safety considerations can be provided.

Summary

To summarise the case in favour of the proposals the following points are of relevance:

- Site selection was progressed in accordance with the applicant's licence obligations, advice in NPPF and the Code of Best Practice and represents the least environmentally intrusive, technically suitable, available option;
- Installing an upgraded radio base station in this location, providing 2G/3G /4G coverage as well as new 5G services will fully meet the national Government's aim of '*ensuring that everyone is connected to the information superhighway*' and the national policies set out in NPPF;
- With the advent of smartphones and tablet computers the demand for indoor 3G and 4G coverage and high-speed data capture is increasing rapidly and the operators are obliged to meet this demand and provide a high-quality service in line with the NPPF guidance;
- An existing structure is being upgraded by the applicant with minimal alterations in order to allow the operators to manage a single network grid and which fully accords with NPPF guidelines;
- The operators site selection strategy is to keep the overall environmental impact to a minimum through utilising the same sites wherever possible. The operators are utilising the same site where it is technically and legally possible and is the sequentially preferable environmental solution. This negates the need to site further within the residential area and thus reduces impact on residential amenity;
- The proposals would not constitute a proliferation of telecommunications installations as advocated by NPPF;
- The replacement antenna are required to provide Telefonica with enhanced capacity and coverage from the installation to cope with the soaring demands on the network within this dense urban environment as well as new 5G services. The proposed alterations have been kept to the absolute operational minimum to clear the immediate buildings/clutter and provide adequate service coverage and capacity for the operator to the immediate area;

- The proposed design respects the Grade II Listed Building status. Accordingly, any harm to these heritage assets is considered to be less than substantial.
- This is the only sustainable option which balances all social, economic and environmental factor;
- The social and economic benefits of providing reliable and high quality fixed and mobile broadband connections support growth in productivity, efficiency and labour force participation across the whole economy. These benefits are strong material considerations which outweigh any minor loss of visual amenity to the surrounding area.

The applicant considers that the effect of the proposed installation in terms of its siting and appearance when compared to the existing scheme (in situ) would not cause significant harm on this Grade II Listed Building or the wider streetscene and any harm caused would be outweighed by the need for the proposal when balanced against the development plan and other material considerations.

Confirmation that submitted drawings have been checked for accuracy

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		(on behalf of Cornerstone and above operator)	