

WHP Telecoms

Appeal against the decision of Kirklees Council to refuse planning permission (ref: 2021/N/90312/W) for the proposed installation of 20m high telecommunication mast with ancillary cabinets and works

At Woodcock & Wilson Ltd, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 7AA

APPEAL STATEMENT OF CASE

Date: 26/04/2021

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Agents Ref: 79781

MBNL (EE Ltd & Hutchinson 3G UK Ltd)

Proposed installation of 20m high telecommunication mast with ancillary cabinets and works at Woodcock & Wilson Ltd, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 7AA

Appeal Statement of Case

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1.0 **Introduction:**

1.1 This Appeal seeks the Inspector to consider the proposal for the siting and design of a 20m replacement installation and associated works. This appeal seeks the Inspector to gauge if the proposal could be to the detriment of the amenity and character of the area, and if the siting is acceptable in light of the reason for refusal, when weighed against the benefits the development would deliver in terms of sustainability and provision of enhanced digital communication for residents and businesses in the cell search area.

1.2 In the reasons for refusal, as given by Kirklees Council in their decision notice 2021/N/90312/W of the 23rd March 2021, they state that:

“1. The proposed installation, by reason of its siting, would prejudice the effective and efficient implementation of housing allocation HS22 within the Kirklees Local Plan. To allow the development would harm the Council’s ability to implement its five-year housing land supply and sustainable housing growth for the Local Plan’s period. Insufficient details have been provided to demonstrate other locations for such an installation are not viable on land beyond the housing allocation. To approve the siting of this would be contrary to Policy LP3 of the Kirklees Local Plan and the guidance of Chapter 5 of the National Planning Policy Framework.”

1.3 The justification, reasoning and decision for the refusal of the Planning Application, by Kirklees Council are the subject of this appeal.

1.4 The Grounds for Appeal are:

- The proposal is in accordance with the National Planning Policies (NPPF)
- The proposal is in accordance with Policies HS22 and LP3 of the Development Plan.
- As outlined in this supporting statement the applicant is confident that the proposed telecommunications installation and ancillary infrastructure would not, by virtue of its design, be detrimental to the amenity of the area or the areas character or appearance, it would not jeopardise future delivery of housing and that suitable and robust evidence has been provided to demonstrate the need for this location.

Key Issue/s

1.5 It is considered that the key issues for this appeal are:

- Whether the benefits of the appeal proposals outweigh the impact upon the character and amenity of the area
- The proposed installation and associated works are the result of receipt of a Notice to Quit (NTQ). The NTQ site is 53283 Orange Crosland Moor. The site is positioned adjacent to an industrial unit. It comprises a installation with a cabin within a secure fenced compound. The site currently has a planning application (Ref: 2019/62/93328/W) which was validated on 23/10/19 for the erection of an extension at Woodcock and Wilson. The existing industrial buildings are to be extended to include the area where the current site is positioned. There is there are need to replace the current mast with a new installation and this thus forms this proposal.

- This appeal of application 2021/N/90312/W follows the refusal of 2020/N/91034/W on 02/07/2020. The proposal has been reduced to robustly address the reasons for refusal.

Technical Considerations

- 1.6 The published Officer's report identifies no objections from Statutory Consultees, and comments from members of the public relating to character.
- 1.7 The appeal follows a previous refusal for a replacement mast to the NTQ site, and the subsequent amended scheme (that is the subject of this appeal).

2.0 **Procedural Matters**

- 2.1 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders. The local Ward Councillors and the LPA were consulted with prior to the submission of this application. This new proposal seeks to replace the installation that is to be lost following receipt of the aforementioned NTQ. Pre-application was undertaken for the scheme with no responses from Ward Councillors or the LPA prior to the submission of the application.
- 2.2 At present MBNL are embarking upon a process to upgrade their existing installations. These sites are predominantly located on Highways land close to population densities and have been sited with consideration of a sequential approach to site acquisition. With 5G the design of the installations must change. MBNL are now deploying 2G/3G/4G and 5G antennas in order to provide the best possible mobile experience for all our customers. In this instance MBNL are required to maintain service delivery following receipt of the NTQ.
- 2.3 At times new (replacement) installations are required due to the level of data demand in that area. The reasons for this are to manage the increased demands in data and so that each of the Mobile Operators – EE and Three – can optimise the best use of the spectrum available to them. Wherever possible MBNL have designed and located equipment so that it presents the least visually obtrusive feature within the landscape. As captured above this site's driver is the need to replace an existing site (that has to be removed following receipt of an NTQ). The status quo in terms of installations will be maintained.

Future Telecoms Infrastructure Review

- 2.4 In 2018, the Government published its Future Telecoms Infrastructure Review, which outlined plans to extend full-fibre broadband coverage across the country by 2033 and for the majority of the population to have access to 5G mobile coverage by 2027. The Government's policies within this document are based on the fact that the existing telecoms infrastructure requires investment. Now that the UK has left the European Union, there is a significant focus from the Government on boosting the UK's productivity, and the Government has signalled 'levelling up' digital connectivity as pivotal to their plans. The approval of this Appeal, and other similar applications, will assist the Government in achieving their aspirations regarding the 5G network.

Public Benefits

- 2.5 As well as the Appeal proposals being in line with Government aspirations, there are also clear and demonstrable public benefits arising from the provision of a 5G network in the proposed location. Figure 3 below (extrapolated from the Government Published 'Future Telecoms Infrastructure Review') summaries the economic and social benefits that 5G coverage can generate, at both a macro and micro scale.

Figure 3:

Figure 3: Examples of potential benefits arising from 5G²¹

	Improved connectivity: Faster and more reliable 5G connectivity for users in a range of environments, including on road and rail networks, in dense areas and even at home. • Potential benefits: Increased consumer value and productivity gains
	New consumer devices and services: Smart devices and services enabled by 5G, from immersive media and entertainment through new healthcare wearables to connected and autonomous vehicles • Potential benefits: A variety of consumer and business benefits driven by innovation
	New IoT solutions: Opportunities for more advanced asset tracking, remote control, predictive maintenance and sensor-enabled optimisation of processes across sectors • Potential benefits: Increased productivity
	Smarter infrastructure and public services: Street lighting, traffic management systems, energy grids and other areas could be enhanced by 5G connectivity • Potential benefits: More efficient and secure service delivery, environmental benefits

Source: Deloitte (2018), 'The impacts of mobile broadband and 5G. A literature review'

3.0 **The Appeal Site / Context:**

- 3.1 The proposed site seeks to replace the established telecommunication installation that is the subject of the NTQ to allow growth of the owners company, and is positioned circa 60 metres west of the appeal site, with an upgraded mast of comparable dimensions. This planning application, which is the subject of this appeal, is purely to maintain and upgrade digital coverage within this existing cell with new equipment to facilitate 5G coverage. The proposal will involve the replacement of the current NTQ site with a new 5G 20m installation and associated works close to the existing site. The proposed replacement of installations will ensure the aggregate of development remains the same at the location.
- 3.2 It is proposed that the current installation be replaced and upgraded, only with a 5G installation of similar installation, designed to facilitate significantly improved connectivity (and maintain existing levels of service in the HD4 post code area). The sharing of base stations between multiple operators is one of the key strategic policy principles contained within the NPPF. H3G and EE have a network sharing agreement and the ESN (Emergency Services Network) utilise EE equipment and thus these installations are fully compliant with the NPPF.
- 3.3 As stated above it is imperative to consider that the ESN (Emergency Services Network) also share on EE masts and thus this installation will also be compatible for the Police, Fire and Ambulance Services. The upgrade has both commercial and national importance serving both EE and H3G LTE on the commercial side and ESN on the national side.
- 3.4 The location and position of the proposal is not identified as sensitive (e.g. Article 2 (3) land or in close proximity to any listed buildings, and the area is urban in character. The existing site is located on private land, and set with a backdrop of tall industrial units. Beyond the site and highway the area is generally residential. The replacement site is in close proximity (within 60 metres east of the existing installation (that is subject to the NTQ)) to that it seeks to replace. The site is set on existing of industrial land. The location of the proposal could not be more suitable given the uses that surround the site and that there is limited scope for negative residential amenity to consider as a factor (over or above that currently experienced).
- 3.5 With regards the amenity concerns, and knowing the character of the surrounds, the findings of the appointed Inspector Darren Hendley MRTPI, in appeal reference APP/N4205/W/20/3258648, are important. He stated in the above referenced appeal that:

*“6. The scale of the proposed installation would be similar to the existing as regards the height and it would have a similar colour finish**. It would appear slightly bulkier and be more pronounced towards the top with the arrangement of the associated apparatus. Nevertheless, given the overall similarities with the existing installation that it is situ, it would not appear as an uncomfortable new feature in the streetscene.*

7. Within this residential setting, it would also not be an incongruous, dominant or an intrusive feature because it would be experienced visually in a not dissimilar way to the existing installation. The distances to the nearest residential properties would also be similar. The proposed wrap around cabinet would not appreciably add to the overall visual impact with the proposed installation because it would be at ground level.”

** The colour finish of the proposed installation can be secured by way of planning condition in this appeal.

- 3.6 It is considered that facilitating the delivery of what is seen by Government as a key part of the economic growth strategy for the UK would in this instance amount to special circumstances, and any refusal on the grounds that the development would not constitute special circumstance would delay and inhibit the delivery of this key driver of the wider UK economy. The investment in mobile infrastructure will continue and it will evolve. Just as the use of 4G mobile technology becomes widespread, the adoption and use of 5G mobile technology needs to be planned and implemented. Getting this right is important for three reasons:
1. 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
 2. 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.
 3. 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. The mobile industry has been able to enhance mobile connectivity across most of the country. But there is more to be done:
- 3.7 As stated above the proposed telecommunication equipment designed to facilitate 5G sharing at the site. EE Ltd and Hutchinson UK Ltd and now ESN (Emergency Services Network) share the same network. The proposal is essential for the Operators to bring optimum telecommunications / mobile broadband services to the area. The works (being a comparable 20m replacement installation and ancillary infrastructure) would be located in the same general location as the existing telecommunications installation at the site (that will need to be removed due to the NTQ).
- 3.8 The proposed installation has been designed to be shared between EE Ltd and Hutchinson UK Ltd and ESN.
- 3.9 As stated previously robust pre-consultation was conducted by the applicants' agent. This process included pre-application with the LPA and further consultation with the local Ward Councillors. The pre-application process invites Kirklees Council and other key stakeholders to meet to discuss the application prior to submission. In this instance comments were not received from Kirklees Council following the original pre-application submission (see Section 2.1. above). Pre-application was undertaken for the site with no responses from Ward Councillors prior to the submission of the application.
- 3.10 In relation to perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.
- 3.11 The need for the pole to be a minimum of 20 metres high is essential. The height of the installation must be sufficient to enable local provision and clear surrounding buildings and trees. The installation with 5G also needs to be 20m to clear ICNIRP guidelines and thus there is no scope to lower the installation. The proposal has been designed to remain as discreet as physically possible yet still facilitate multiple 'sharers'. The installation must be high enough to ensure suitable coverage within the cell and provide connection between these cells. In this instance the height is required to clear surrounding clutter (including the industrial buildings and trees). If the pole were to be lower than that proposed, there would be significantly limited coverage as the cell could not effectively communicate with other cells and the wider network,

meaning the level of service expected would be compromised. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance is the visual impact (and perceived harm to amenity (over or above that from the existing installation)) weighed against the need, technical requirements of the installation and availability of a suitable and available site. This balance is a well-known and most important matter for the determination of telecommunications applications and appeals. Had the Case Officer weighed perceived levels of harm to amenity against public benefit, and understood that the repositioning on land in the same ownership as the NTQ site (that could still be subjected to another NTQ in the future if deemed necessary to assist the delivery of Policy HS22) as required by NPPF, they would ordinarily have concluded the balance was overwhelmingly in favour of support for such development.

- 3.12 The current scheme has sought to mitigate any perceived detrimental effects with its position near the existing installation (that is to be removed due to the NTQ) and the industrial buildings that characterise the area. In the reasons for refusal the Council is concerned that the replacement installation would, in essence, have a detrimental impact on the potential to deliver future levels of housing, and that insufficient evidence of alternative sites have been submitted. In accordance with published guidance, this site is the only viable solution and is in the most appropriate location.
- 3.13 In accordance with the sequential approach outlined in the National Planning Policy Framework (NPPF) the following search criteria have been utilised. Firstly, consideration is always given to the possibility of erecting antennas on an existing building, mast or other structure. Upgrading the existing site has been utilised here before looking at a new additional mast. The proposal is from a site selection perspective the sequentially optimum solution.
- 3.14 This sequential approach is outlined below:
1. Upgrading an operator's own existing base station(s);
 2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
 3. Co-location or site sharing alongside existing telecommunications development;
 4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground-based mast in street environment.
- 3.15 In compliance with its licence and the sequential approach outlined in the NPPF all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed. As stated above this is an replacement proposal an existing site (in the same ownership as the NTQ site), and thus the sequential site selection process has been adhered to (the quantum of development will be maintained with the existing installation and cabinets removed and land made good once the proposed installation is operational).
- 3.16 In addition, and relative to the sequential approach, the text of paragraph 115 of the NPPF reads:
- “c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”*
- 3.17 In this case, the proposal is for a replacement mast (to ensure continuation of, and an upgrade to, the digital service in the area). The siting slightly away from the existing

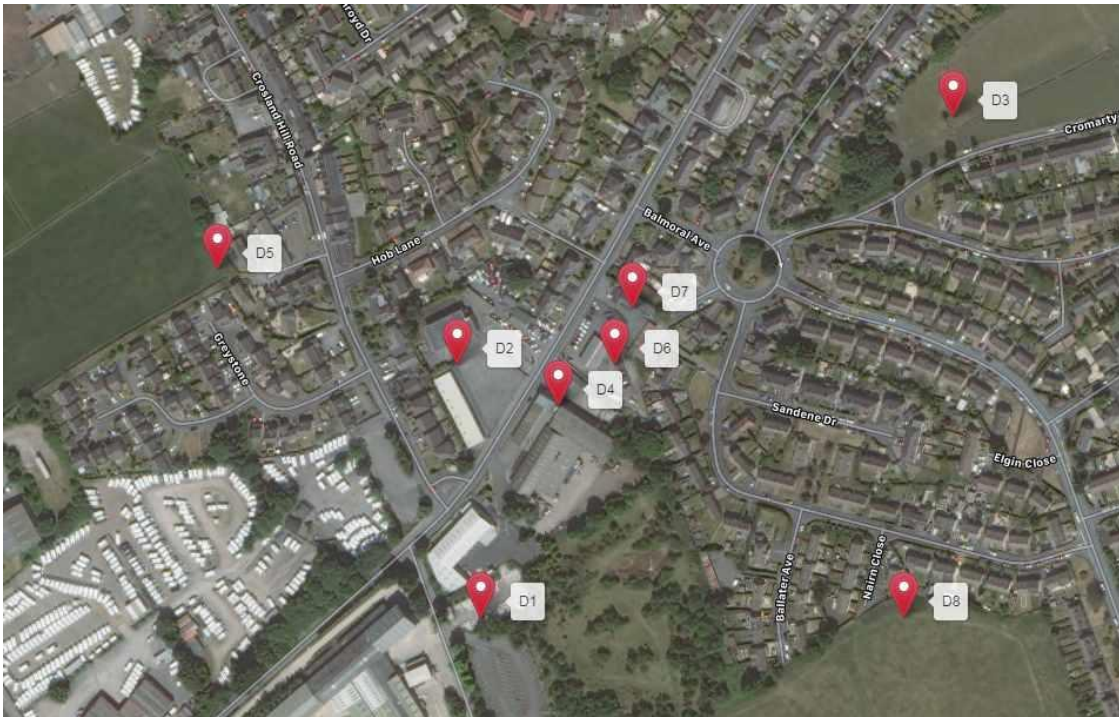
installation is to ensure the replacement can be constructed and operational before the existing installation is decommissioned (as needed due to the NTQ). As the proposal is not technically a new mast (it is a replacement), the requirements in paragraph 115(c) are technically applicable (although discounted options have been identified and evidenced in this submission (for completeness and contrary to the reason for refusal)).

- 3.18 This is an upgrade to an existing site but other standalone new facilities have been investigated. A new additional mast, to facilitate the upgrade would not be in line with NPPF. As stated by upgrading the current facility the most sequentially preferable option has been progressed (as is necessary due to the NTQ).
- 3.19 The current siting was historically agreed by the LPA as the most appropriate location when the original installation was approved by the Council. Discounted options were considered (see below) but as this is an existing site the principle of the siting is already established at this location. The existing mast and the associated cabinets will all be removed as part of this NTQ relocation and replaced with a installation that is the subject of this appeal.

Discounted Options:

- D1 Land of Thewlis Lane E: 411858, N: 414681. Small storage yard used to store limestone. Site discounted due to whole yard being used - limited space for equipment.
- D2 Signal House E: 411843, N: 414833. Small car park associated with commercial properties off Blackmoorfoot Road. Site discounted due to limited space for equipment.
- D3 Land Cromarty Drive E: 412142, N: 414983. Several fields used for grazing to the East of the search ring. Land falls away significantly so any site here would struggle to provide required coverage.
- D4 CTIL co/lo E: 411904, N 414808. Existing CTIL equipment located on the rooftop of Woodcock & Wilson. There is limited space for additional antenna and cabinets, therefore site discounted.
- D5 Land off Farmhouse Court E: 411698, N: 414890. Several fields used for grazing to the North of the Search ring. Site discounted due to proximity to houses with no tree cover.
- D6 Enkae Prestige Motors E: 411938, N 414833. Garage for used cars off Blackmoorfoot Road. Limited space on forecourt for equipment due to cars. Land falls away so any new site would struggle to provide required coverage.
- D7 G K Autos E: 411949, N: 414867. Small MOT unit with parking for 2 cars. Site discounted due to limited space for equipment.
- D8 Land off Nairn Close E: 412113, N: 414681. Several fields located to the rear of the Quarry, behind residential. Site discounted due to land falling away so wouldn't provide required coverage.

'Discounted Options – Map'



4.0 **Consideration / Justification:**

Policy / Guidance Consideration:

4.1.0 **Local Plan Policy:**

- 4.1.1 The decision notice as issued by Kirklees Council states: *“The proposed installation, by reason of its siting, would prejudice the effective and efficient implementation of housing allocation HS22 within the Kirklees Local Plan. To allow the development would harm the Council’s ability to implement its five-year housing land supply and sustainable housing growth for the Local Plan’s period. Insufficient details have been provided to demonstrate other locations for such an installation are not viable on land beyond the housing allocation. To approve the siting of this would be contrary to Policy LP3 of the Kirklees Local Plan and the guidance of Chapter 5 of the National Planning Policy Framework.”* These policies are highlighted below and will be addressed in this supporting statement.

Policy HS22 reads:

Site HS22	
Local Plan ID	HS22
Site address	Land east of Thewlis Lane, Crosland Hill, Huddersfield
Ownership	Private
Gross site area (Ha)	14.11
Net site area (Ha)	14.11
Constraints	• The provision of a pedestrian footway is required across the site frontage • Improvements to local highway links may be required • Additional mitigation on the wider highway network may be required • Public right of way crosses the site • Potentially contaminated land • Noise source near site - Noise from Johnson Wellfield Quarry • Site includes area of archaeological interest • Site is in an area that affects the setting of Castle Hill
Allocation	Housing
Indicative capacity	243 dwellings during the Local Plan period with potential for a further 257 dwellings beyond the plan period.
Reports required	• Transport Assessment • Travel Plan • Air Quality Impact Assessment • Contamination report (Phase 1 and 2) • Noise assessment • Pre-determination archaeological evaluation recommended • Flood Risk Assessment • Health Impact Assessment • Heritage Impact Assessment
Other site specific considerations	• Current planning permission for mineral extraction therefore housing is phased towards the end of the Local Plan period, with some development on this site coming after the plan period. • A masterplan is required for this site to be prepared in accordance with policies in the Local Plan.

Policy LP3 reads:

Location of new development

Development proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping. This means:

1) Development should reflect:

- a. the settlement's size and function; and*
- b. place shaping strengths, opportunities and challenges for growth; and*
- c. spatial priorities for urban renaissance and regeneration; and*
- d. the need to provide for new homes and jobs;*

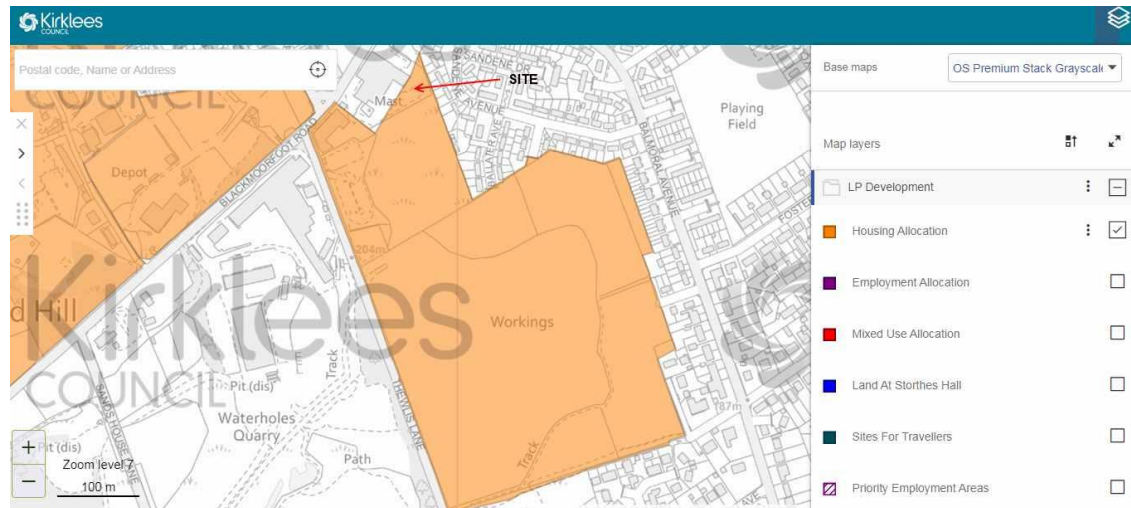
2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, taking account of the following criteria:

- a. delivering the housing and job requirements set out in the Local Plan;*
- b. the need to maintain a supply of specific deliverable sites, in accordance with national policy and enabling the delivery of allocations set out in the Local Plan or in Neighbourhood Plans;*
- c. ensuring that opportunities for development on brownfield (previously developed) sites are realised early in the plan, subject to maintaining a five year supply of housing land and to delivering the overall housing and jobs requirements;*
- d. ensuring delivery of housing and jobs in smaller settlements to meet local housing and employment needs;*
- e. ensuring that proposals have regard to connecting links to existing green and blue infrastructure networks;*
- f. co-ordinating housing and employment land delivery with the provision of new infrastructure.*
- g. providing access to a range of transport choices and access to local services..*

- 4.1.2 The replacement at the cell site with the installation proposed (with a comparable design) and ancillary infrastructure, as detailed in the submitted Planning Application, is to facilitate the maintenance and upgrade of the rollout of the 'Next Generation' of telecommunication services and mobile broadband. The dimensions of the installation would be such that it can ensure site sharing and that multiple operators (EE Ltd and Hutchinson 3G UK Ltd and ESN) can deliver the requisite service from one installation. The applicant appreciates that the proposal is in a slightly different location to the one that it is replacing. There is, however, no scope to lower the new 5G site sharing mast and the comparable height will not be detrimental to the immediate or wider locale (over or above that already experienced). Irrespective of this, the proposed scale of development is not dissimilar to that already in situ, and as such is considered to be of a scale consistent with the area.
- 4.1.3 The 5G installation is required to ensure mast sharing can be facilitated (as prescribed by policy) and remove the need for any future additional telecommunications masts in this location (as well as maintain service following the NTQ).
- 4.1.4 The opinion of Kirklees Council that the development would be contrary to the objectives of the policies as detailed above is challenged.
- 4.1.5 Contrary to the opinion of Kirklees Council, it is considered that the proposed development would accord with all elements of these policies, notably in the fact that the position of the mast would not jeopardise future housing delivery. The proposal

would appear as a telecommunications installation, in a location where there is a telecommunications installation already (albeit to be removed if permission is granted) and is of an appropriate design to ensure service delivery yet is static and a vertical structure that does not visually jar or harm amenity.

- 4.1.6 The position of the replacement mast is detailed on map below. It is clear the site is very much part of the existing industrial operation, and at present no application for housing has been submitted for the whole site. Furthermore, if control of the site were secured (which is not a guarantee) a future Notice to Quit can be then served on the replacement installation that is the subject of this appeal.



- 4.1.7 All efforts to keep the installation out of and away from potentially sensitive receptors have been adhered to. If the Inspector is minded to approve the installation, the colour of the installation can be one deemed appropriate to the location (to further minimise its' appearance and any perceived obtrusion on amenity (current or future)).
- 4.1.8 For the proposal to be 'detrimental' to amenities of the area and for the scheme to constitute 'harm' (overbearing) regarding the character of the area it would need to be 'unpleasant' or 'harmful' to the wider environs. In this instance it is noted that the site is well located with a backdrop of various industrial buildings and trees.

For clarity, the development seeks to minimise the mass and scale of the installation as much as possible, yet still deliver the service and operational needs of site sharing. It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors (the replacement infrastructure would only be marginally closer to residential properties than the existing installation).

- 4.1.9 Furthermore, it is worth noting that the site is not in an area with a statutory designation for particular protection for its character (e.g., Conservation Area or World Heritage Site, SSSI or National Park). As stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day to day life and business. The fact that the scheme seeks to provide a suitable design is not considered to be so damaging or sufficiently obtrusive as to justify the stance taken by Kirklees Council in this instance.

4.1.10 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users, it would not prejudice the bringing forward of site 'HS22' for future, and as yet unapproved housing, sufficient to outweigh the tangible public benefits the proposal would deliver. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement gives further details on the benefits of the proposal.

4.1.11 Provision of this infrastructure, in an area identified as one lacking in connectivity (as a result of the NTQ to allow the existing business to grow), would accord with the objectives above. As identified this area will suffer from poor access to digital services to the detriment of local residents and businesses. It is vital to consider that the NTQ replacement 5G option is required in this location. As stated above from a planning perspective the sequential approach should be followed for all telecoms sites regardless of their location and this has been rigidly adhered to with this proposal. Operators are committed to provide coverage and improve capacity. Operators' need for a new base station derives from a sequential approach to a site selection process.

1. Upgrading an operator's own existing base station(s);
 2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
 3. Co-location or site sharing alongside existing telecommunications development
 4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground based mast in street environment.

In this instance there is the possibility for relocate on the existing (with the removal of the existing mast due to the NTQ), so according with the sequential approach. Irrespective, and contrary to the assumption by the LPA, a number of discounted options were presented that more than evidenced consideration of alternative locations.

4.1.12 The type of replacement / upgrade that the applicant has proposed is the optimum design solution that can take both operators and the height at 20m is the very lowest that works effectively for both Operators and the ESN (as well as addressing reasons in the previous refusal on the same site (see above)). Given the siting preference, the location proposed is deemed acceptable and appropriate. If the installation was reduced lower than 20m it would not give adequate coverage for the Operators. The cabinets are required to serve the Operator and these have been kept to a minimum (the existing cabinets are to be removed and replaced with cabinets that have a comparable scale / mass, albeit on the opposite side of the road). The cabinets should not form part of the planning application process or this appeal as they are Permitted Development (without Prior Approval) however; all efforts are taken to keep these to an absolute minimum. Both the original planning submission and this appeal statement robustly assess how the proposal fits within the surrounding area including its planning designations and assesses the local and national policies. The National Policy section is assessed again below.

4.2.0 National Policy / Guidance – National Planning Policy Framework (NPPF)

4.2.1 National policy with regard to Telecommunications development is found within the NPPF. Contained within the NPPF, the following is of importance during deliberations:

4.2.2 Paragraph 112 states that:

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

The improved service by replacement and upgrading at the existing site would deliver a direct contribution to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services (via better connectivity and communication).

4.2.3 Paragraph 113 states that:

The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

The proposed development would utilise a site to provide for multiple users, so negating the need for subsequent new installations in the area and ensuring accordance with the objectives of the NPPF. The proposal would very much accord with this objective and negate the need for a demonstration ‘to the satisfaction of the Council’ in relation to the search for other sites.

The attempt to provide discreet development at the site, using the recommended sequential approach (as evidenced in the original submission) which accords with the objectives of paragraph 113 of the NPPF, demonstrates the operator’s attempts to address the lack of requisite cell coverage in the area, which would if allowed improve network coverage considerably with minimal negative effect on the visual amenity of this residential location.

4.2.4 In addition to the consideration given to the reasons for refusal, it is also noted that material consideration should be given to developments that contribute to the delivery of sustainability (which these cabinets and installation would do). Such an objective needs to inform decisions, and is a requirement detailed in the ‘Letter to Chief Planning Officers: Planning for Growth’ dated 31st March 2011.

5.0 **Conclusion and Planning Balance**

5.1.0 Reasoning and Summary

- 5.1.1 It is considered that the installation of the cabinets and installation would not be contrary to but would contribute to the achievement of the Policy objectives of Kirklees Councils Development Plan and the NPPF. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area. In addition it would not prejudice the delivery of future housing, and plentiful discounted options were evidenced in support of the site selection. The proposal would further the delivery of sustainable development through intelligently managed and considered change. As stated throughout this statement it is vital to consider that this is an upgrade to the existing street works cell. It is imperative to understand that there will be a 5G coverage hole in the area due to the NTQ, and thus all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or character of the area will not be adversely affected, nor future aspirations of the Local Authority, yet still deliver existing and enhanced levels of digital provision.
- 5.1.2 We consider the development complies with Government guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of business and the community while minimising visual impact.
- 5.1.3 On balance, we consider any perceived impact on amenity or character the site may have will be outweighed by the considerable positive benefits that telecommunications bring to the economy and community (as evidenced in the Government-published Future Telecoms Infrastructure Review'). As detailed above, the development meets the requisite criteria and standards, as well as contributes and accords with the 'Planning for Growth' objectives.
- 5.1.4 As such, it is respectfully requested that the appeal be allowed. If the Inspector deems that conditions on approval are required these will be welcomed (such as the colour scheme for the installation).