Town Planning Statement

Electronic Communications Base Station

At the Existing Cellnex UK Site

Existing Rooftop Telecommunications Site, Ramsdens Solicitors, Ramsden Street, Huddersfield, West Yorkshire, HD1 2TH (NGR: E 414465 N 416475).

Site Reference – COM-0025118 Huddersfield Ramsden Street

CELLNEX UK AND MBNL

June 2023

TELIGENT Ltd.
Office 314, Merlin House, Brunel Road, Theale RG7 4AB

Teligent Ltd is registered in England and Wales, Registration number: 2893478.
Registered office: 2 Kings Hill Avenue, Kings Hill, West Malling, Kent, ME19 4AQ.
www.teligent.co.uk

1. *Introduction*

1.1. This statement is submitted in support of an application for prior approval for 5G capable antennas to be added to an existing mobile base station for the mobile network operator(s) (MNOs) EE Ltd and Hutchison 3G UK Ltd, in conjunction with Mobile Broadband Network Limited (MBNL). The application site is operated by Cellnex UK, a radio site infrastructure provider.

1.2. The application includes:

- A description of the site and surrounding area
- A description of the proposal
- A statement of prior engagement
- A review of planning policy considerations
- A review of design and access considerations
- An overview of relevant health and safety concerns

1.3. A number of other accompanying documents have been submitted in support of the application and these are referred to and should be read in conjunction with this statement.

2. The Site and Surrounding Area

2.1. The proposal site is located on the roof of the Ramsdens Solicitors building. The rooftop is in operation as a telecommunications base station, currently housing a plentiful and diverse array of telecommunications apparatus. The Ramsdens Solicitors building is found at 5 Ramsden Street, within Huddersfield town centre, with the ground floor serving as a Cancer Research UK retail unit. The majority of buildings in close vicinity offer similar retail/town-centre usage, including nearby New Street to the west which serves as the town's main shopping thoroughfare. Huddersfield Town Hall is located to the south-east.

2.2. The site is located in within Article 2(3) Land, specifically the Huddersfield Town Centre Conservation Area, which encompasses the majority of the area within the A62 ring road. The implications of the proposal and any effects it could have on the Conservation Area is addressed later in this statement.

2.3. The Kirklees Council Public Access identifies several applications submitted on the site in relation to the development of telecommunications apparatus. The initial formation of a telecommunications base station was approved in two applications, approved in November 2021 and September 2022 respectively (Refs: 2001/N/92995/W1 & 2002/62/92563/W1), with the most recent application on the site approved in October 2012 (Ref: 2012/62/93207/W).

3. *The Proposal*

3.1. The development proposed is shown in detail in the drawings submitted and is for new 5G capable antennas to replace the antennas located on an existing electronic communications base station. The deployment of 5G will utilise the MNOs existing 3G and 4G networks such as the base station already existing at the application site. As such, the application site is likely to carry different mobile connectivity services in parallel, with high data uses operating through the 4G and 5G higher capacity network apparatus subject of this application.

3.2. Unlike earlier generations of mobile connectivity, 5G has more significant technical and operational requirements and this has implications on the amount, height, position and design of the base station.

3.3. The principal elements of the proposed development at the application site reflect these various siting and design factors within the technical support document:

- ***The Removal of 3 no. Existing Antennas 22.7m AGL***
- ***The Relocation of 3 no. Existing Antennas 22.7m AGL***
- ***The Installation of 6 no. New Antennas 22.7m AGL***
- ***The Removal of 2 no. Existing Rooftop Cabinets***
- ***The Installation of 1 no. New Rooftop Cabinet***
- ***Associated Ancillary Upgrades***

3.4. The radio equipment housing will need to be mechanically ventilated to avoid overheating of equipment. The ventilation equipment is only likely to operate during the day during hot weather. If it is considered specific noise attenuation measures to be necessary, we would be pleased to discuss practicable solutions.

3.5. Paragraphs 16 & 17 of the Code of Practice for Wireless Network Development in England, published in March 2022, explains how mobile networks operate. In the annual network rollout information supplied, the operators will have explained their

network requirements for 4G and 5G and the anticipated use of existing sites, including those owned by site infrastructure providers like Cellnex UK.

3.6. The application site has been selected by the operator as this will provide the required level of network coverage while properly meeting national town planning policy objectives for the shared use of existing electronic communications masts and sites, in this case owned / operated by Cellnex UK.

4. Prior Engagement

4.1. The recently revised National Planning Policy Framework (NPPF) and the Code of Practice for Wireless Network Development in England requires a consultative approach to network development with the planning authority and local community, reflecting the particular sensitivities of any given site. The proposal received amber when assessed against the traffic light rating model as referenced in the Code of Practice.

4.2. Our best practice engagement with the local community entailed notifying an extensive range of nearby local business, in addition to the Local Ward Councillors and Kirklees Council, of our intention to submit this application, alongside supporting information and contact details should they wish to discuss further. We did not receive any feedback back from local stakeholders, whilst Kirklees Council informed us that they did not have any comments to make.

5. Planning Policy

5.1. The relevant planning policy and best practice framework is found principally within:

- National Policy, especially the National Planning Policy Framework (NPPF).
- The local policy framework set out in the adopted Local Development Plan.
- The Code of Practice for Wireless Network Development in England.

5.2. From these documents can be discerned the general policy background that exists for electronic communications development, site specific policies and the key considerations relevant to the siting and design of appropriate electronic communications development. As the local planning authority, you will be familiar with this framework and so, in the interests of brevity, we do not rehearse it back to you in detail but instead address the principal themes to demonstrate that the application accords with them.

National Support for Modern Communications

5.3. There is significant UK Government support for the delivery of 5G, particularly as this new connectivity will be a step change from earlier generations of mobile connectivity and will be critical to economic growth and sustainable communities.

5.4. Our accompanying document of national policy 'National Policy - Delivering Ultra Fast Broadband Mobile Connectivity' sets out how 5G mobile connectivity will underpin the UK Digital Economy and the significant social, economic and sustainability benefits of advanced modern connectivity. To deliver improvements to existing services and supporting future mobile technologies, it is essential that the planning system looks to support and facilitate new base station installations such as that proposed to meet the Government's Digital Strategy. In addition, modern connectivity, such as 5G, will be essential to help the Government meet its wider sustainability and climate change targets.

Balancing Operational and Environmental Considerations

5.5. The special operational and technical factors that require specific siting of a base station should be balanced by the need to minimise environmental and visual impact.

5.6. However, there is now far greater emphasis that visual impact should not override significant radio planning requirements to achieve mobile coverage to a particular area, particularly with the need to support the massively growing and intensifying demand for mobile communications across the UK. Indeed, in terms of looking to meet operational needs for 5G, the NPPF now applies a reduced policy test compared to previous guidance. This helps to clarify that an operator is only required to satisfy the normal test of acceptability having regard to all material planning circumstances, rather than looking for the 'optimum' solution as required under the former PPG8.

5.7. In balancing these requirements, the starting point for the expansion of 5G networks is to use existing electronic communications sites owned by other operators or radio site management companies such as Cellnex UK. This policy objective is backed with the statutory obligation placed upon operators to share apparatus, where practicable out under General Condition 3(4) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as amended.

5.8. The installation of new antennas are required to improve 5G connectivity. The development entails the use of an existing site owned or managed by Cellnex UK which is in operational use and where telecommunications apparatus is already an established feature of the site and wider landscape. Within this context, the installation of new apparatus will be seen as an acceptable and justified use, reflecting all of the considerations within paragraphs 114 - 118 of the NPPF, furthermore:

- The base station is required as part of a national mobile communications network, necessary to extend and improve mobile connectivity to the local area.
- All reasonable steps have been taken, through careful siting at an existing Cellnex UK communications site, to moderate the visual impact of the development, having regard to technical and operational factors. In this case,

new antennas of comparable dimensions to those that already exist on the site in a location that is not visible from street level.

- The proposal to share this existing communication site, through the installation of new antennas, looks to strike the optimum solution, particularly when compared with the alternative of erecting a new base station elsewhere and the development of an associated compound on a site nearby and with it the associated additional resources in developing a new site.

- The new antennas will appropriately integrate both visually and technically with the existing infrastructure associated with base station.

5.9. The installation of new antennas requires full planning approval, as the site is located within a Conservation Area which does not benefit from outright permitted development pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO'), as amended most recently on the 4 April 2022. However, the relaxation of permitted development rights within the Amendment Order clearly reflects the Government's strong emphasis towards the reuse and redevelopment of existing electronic communications installations to minimise the need for further structures elsewhere and this proposal clearly follows the emphasis within that particular guidance.

5.10. Paragraphs 206 and 207 of the NPPF outline the role of Conservation Areas in relation to National Policy, with Paragraph 206 noting that *proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*. Although it is extremely difficult for telecommunications infrastructure to make a positive contribution to a Conservation Area, the proposal should be seen to preserve elements of the setting through an appropriate and minimal design that does not result in an obvious harmful impact to the Conservation Area. Furthermore, in line with Paragraph 207, the proposal does not seek the removal of any assets that may contribute to the Conservation Area.

Local Policy Considerations

5.11. Kirklees Council's adopted Local Development Plan is comprised of the Kirklees Local Plan, which was adopted in February 2019.

5.12. The local plan does not contain a policy specifically dedicated to telecommunications development, however there are several policies that can provide guidance in the determination of this application.

5.13. Policy LP4 Providing Infrastructure, whilst primarily concerned with the provision of new infrastructure, outlines that the council should work positively to bring forward *necessary and proportionate essential and desirable infrastructure*. As outlined in national policy, the implementation of telecommunications infrastructure is necessary, essential and desirable, whilst the scale of this development, which entails the use of an existing telecommunications site, should be considered proportionate.

5.14. In the justification for Policy LP24 Design, it is outlined that *all telecommunications infrastructure should be capable of accommodating changes in technological requirements, without having a negative impact on the streetscene*. This proposal fully meets this criteria by installing apparatus that has the capability to transmit at multiple frequencies, including the most recent 5G, whilst also located on a rooftop site which does not have any impact on the streetscene.

5.15. Policy LP17 Huddersfield Town Centre, prescribes the types of development which will be supported in this area. Whilst there is no mention of the types of infrastructure required in the town centre, the provision of telecommunications infrastructure, and the service which it provides, is conducive to the functions and operations of a modern town centre.

5.16. In relation to the Huddersfield Conservation Area, Policy LP35 Historic Environment outlines that *proposals within Conservation Areas conserve those elements which contribute to their significance*. This proposal will have limited, if any, impact on the Conservation Area as the rooftop site is not of any historical significance and is already in operation as a telecommunications base station. The proposal is not intrusive to any heritage assets within the Conservation Area and therefore should not be viewed as problematic or inappropriate.

5.17. As recorded on the Kirklees Council website, the Huddersfield Town Centre Conservation Area is not supported by a Conservation Area appraisal, therefore this could not be considered in relation to this application.

5.18. The proposed development is considered to strike the optimal balance between meeting the specific network requirements for the operator and minimising environmental impact, whilst maintaining accordance with the relevant policy framework and should therefore be acceptable. In the next section, the Design Considerations are reviewed to demonstrate that the detail of the development is also acceptable and that in accordance with the presumption in favour, planning permission should be granted.

6. Design Considerations

6.1. To assist your consideration of the detail, this section provides a description of the process adopted in the design of the proposals and explains the access considerations. Due regard has been given to the factors addressed from Paragraph 20 of the Code of Practice.

Physical Context

6.2. The proposal site, despite being located within a wider urban context, is in current operation as a telecommunications site which establishes the immediate physical context. All proposed development is situated within, and in proportion to, the existing rooftop site and therefore any impacts on the wider urban context are severely reduced. Furthermore, the site's rooftop location ensures that it benefits from reduced visibility from the street scene. The proposal does not encroach on any previously undeveloped land and should result in minimal, if any, impacts on the existing physical context of the local area.

Design, Layout and Scale of Development

6.3. The scale, layout and design of the development has been guided by the special technical and operational factors dictating the need to provide coverage to the local area, whilst having regard to the need to minimise visual impact. The design and scale of the proposed antennas are as minimal in width as technically possible to allow the installation of the necessary apparatus to establish connectivity.

6.4. The proposal is in no way disproportionate to the compound's existing features. Compared to other forms of infrastructure also found in the townscape, the antennas proposed are a minimal structure.

6.5. The layout of the proposal is optimal, with all development taking place within the existing compound, and the proposed antennas to be installed on existing apparatus.

6.6. The number of antennas and their size has been kept to the minimum necessary to provide coverage and to link this site back into the operator's network. In this instance the removal of 3 existing antennas and installation of 6 new antennas is proposed, the design of which is driven by operational and technical factors.

6.7. The number of radio equipment cabinets and their size has been limited to what is required to meet the operator's current and foreseeable network requirements. The location and design of the equipment cabinets, and the electronic communications equipment housed within them, reflects their functionality and the technical and operational requirement to be in reasonable proximity to the antenna systems that they support. This avoids exceptionally large runs of feeder cables and associated supporting trays, and the subsequent loss of signal.

Access Considerations

6.8. The site is accessed via the roof of the Ramsdens Solicitors Building.

6.9. Once constructed, the development will be unmanned requiring only periodic visits, typically once every two to three months for routine maintenance and servicing.

6.10. In accordance with all relevant health and safety legislation and guidelines, access to the site will be restricted to authorised personnel and the routine maintenance and servicing of the apparatus will only be carried out by properly trained and qualified staff. Electronic communications base stations are specifically designed to prevent unauthorised access by members of the public and, therefore, there is no requirement to incorporate inclusive access arrangements into the proposed layout and design of the development.

Appearance

6.11. The sensitive approach to siting and design should minimise the appearance of the development proposed. In addition, as indicated earlier, the rooftop location should help minimise views. Insofar as the antennas may be visible, they should look straightforward in appearance and reflect their function. To that extent it will in time become an accepted feature of the local environment as with other forms of communications networks and essentially public utility infrastructure, such as roads and railways.

7. Health and Safety

7.1. In support of the application, we include a separate document called '5G Health and Safety' which sets out in more detail the associated health and safety considerations. Every installation on a site owned or managed by Cellnex UK will be compliant with international standards adopted by the UK Government.

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

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

8. Conclusion

8.1. In summary, this application is in respect of the required upgrading of a electronic communications base station necessary to improve a vital network that provides public services.

8.2. The service provided by the operator is in the public interest and is in very high demand with 5G being the next and highly significant advancement in mobile connectivity. In the UK there are now more than 92.5 million subscriptions to mobile networks and mobile services now exceed fixed landlines in terms of customer numbers and usage.

8.3. The public interest of the system is clear from the considerable benefits that will flow and it makes a significant and major contribution towards sustainable objectives.

8.4. The operator's requirement is in the context of network needs associated with a 4G and 5G cellular system. These impose particular locational and siting requirements which are even greater with 5G. The technical justification clearly demonstrates the need for this apparatus proposed within the context of the operator's surrounding network.

8.5. The operator has followed national and local planning policy and best practice guidance in the siting and design of its apparatus in recognition of the need to minimise visual impact. This has included:

- Network planning based upon existing sites, including those controlled by Radio Site Management companies like Cellnex UK.
- Siting at an existing electronic communications site to minimise new sites and help avoid the unnecessary proliferation of new radio masts and sites for them.
- Engagement in accordance with the Code of Practice procedures.
- An examination of design options to try and minimise potential visual impact.

8.6. The proposed antennas will comply with all relevant health and safety requirements and will be compliant with the ICNIRP guidelines. There are no

exceptional circumstances in this case and therefore no need to consider health effects and related concerns such as the perception of risk further.

8.7. This statement and the other accompanying material has demonstrated that the proposal is in accordance with local Development Plan policy and national policy set out in particular within the NPPF. In particular, it is a form of development that is specifically encouraged as a matter of principle and in its detail complies with the policy objective of minimising potential environmental impact.

8.8. In conclusion, the application is for sustainable development, acceptable as a matter of principle and appropriate in its detail and so one which the presumption in favour of granting approval applies.