
Site Address: Verge outside Rachel Madocks School, Eagle Avenue,
Waterlooville, PO8 9XP

Proposal: Application for prior approval of proposed 5G telecommunications
installation of a 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment
cabinets and ancillary development thereto.

Application Type: Telecommunications Notification

Application No: APP/23/00400 Expiry Date: 20/09/2023

Applicant: CK Hutchinson Networks (UK)
Ltd

Agent: Mr Osborne Case Officer: Tina Pickup
WHP Telecoms Limited,

Ward: Hart Plain

Recommendation: **GRANT PRIOR APPROVAL**

1 Site Description

- 1.1 The application site relates to a grass verge north of the vehicular access to Rachel Madocks School which is located on the eastern side of Eagle Avenue. The front boundary of the school comprises a hedge with trees behind at this point. The adopted highway verge in front of the hedge includes a wide grass verge, some 6 - 8m wide, which has a tarmaced pavement running along it. There is an 8m high street lamp within this verge to the north of the access. Opposite the site are rows of terraced dwellings, some of which are set at right angles to the Eagle Avenue.

2 Planning History

None relevant

3 Proposal

- 3.1 Application for prior approval of proposed 5G telecommunications installation of a 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto.
- 3.2 During the course of determining this application the mast and associated equipment has been re-sited 2m further east, closer to the hedge line, to overcome highway concerns. This then necessitated Arboricultural reports to ensure no impact on the adjacent trees.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1 (Health and Wellbeing)
CS16 (High Quality Design)
CS19 (Effective Provision of Infrastructure)
CS20 (Transport and Access Strategy)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - on initial plans & siting

RECOMMENDATION- Approve, subject to conditions

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The application would require the siting of a street pole and additional equipment cabinets on a grass verge in close proximity to a hedgerow and row of trees that form part of the boundary landscaping of Rachel Madocks School.

The trees vary in age, size and species and make a positive contribution towards the amenity of the area, but are not within a conservation area or subject to a Tree Preservation Order.

Details of works in relation to the adjacent trees should be secured by condition prior to commencement and any pruning works, if required, should be undertaken in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

It is requested that the applicant consider the impact of the street pole in relation to the future canopy spread of the adjacent trees to avoid reactive pruning works to address any future concerns of interference caused by the trees to the communications equipment. The agent is asked to provide details of a management plan as part of an Arboricultural Method Statement (to be secured by condition) to identify how pruning works would form part of a plan to retain the trees, and their high amenity value, but ensuring they don't interfere with the signal strength. The intention is to consider formative pruning works at the earliest opportunity rather than rely on more severe reactive pruning works in future years, which could have a more significant impact on the amenity value of the trees to the area.

If the officer were minded to grant permission for the application, the pruning works and tree protection measures should be secured by condition to be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommends Pruning Works and Tree Protection conditions - see full response for details

Arboriculturalist - on amended plans & siting and additional tree information

Details of works in relation to the adjacent trees has been submitted with an Arboricultural Impact Assessment (Arbtech AIA 01), Arboricultural Method Statement (produced by Arbtech) and the Tree Protection Plan (Arbtech TPP 01). The supporting information sets out the measures to protect the adjacent group of trees (G1) and hedgerow.

The Arboricultural Method Statement seeks to retain and protect the adjacent trees and hedgerow with ground protection measures and protective fencing. The Tree Protection Plan outlines the potential use of stabilisers struts to the protective fencing, but their use along the central fencing section could be limited and use of concrete or rubber feet would be acceptable as set out in the Arboricultural Method Statement.

The Arboricultural Method Statement outlines the need to prune the trees and hedgerow to achieve 2m clearance for the construction works. As stated in previous comments, if the adjacent trees are considered to be a future risk to the operation of the equipment, it would be beneficial if formative pruning works were also undertaken at this stage to avoid future reactive pruning works when the trees have grown further, which would have a more severe impact on their amenity value.

If the officer were minded to grant permission for the application, the pruning works and tree protection measures should be secured by condition to be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommends Pruning Works and Tree Protection conditions - see full response for details

Hampshire Highways - on initial plans & siting

The proposed location for the 5G mast and associated equipment cabinets is on a grass verge along Eagle Avenue adjacent to Rachel Maddocks School. The verge is currently grass with a hedge to the rear.

It is requested that the proposed location of the mast is moved further back towards the hedge to not prejudice against any possible footway widening works should this be a desire of the Highway Authority in the future. The current location shown is contrary to HCC's emerging LTP4 guidance which seeks to prioritise pedestrian and cycle movements and encourage modal shift away from the use of the private car in response to the climate emergency.

Having regard to the above, the Highway Authority object to the proposed location of the 5G mast and associated equipment cabinets for the following reason:

The location of the 5G mast and associated equipment cabinets will prevent the future delivery of footway widening works along Eagle Avenue and is therefore contrary to emerging policy LTP4 and NPPF Paragraph 112.

It is therefore requested that the mast is relocated based on the above comments, and that further consideration is given towards protecting the hedge from excavation and any associated construction works.

Hampshire Highways - On Amended plans & siting:

Following a request within Highway Authorities previous response dated 06 July 2023, the applicant has moved the 5G mast and associated equipment cabinets further back towards the hedge as shown within drawing HVT22359_M002 rev B. This revised location provides opportunities for footway widening works to be undertaken in the future should this be a desire of the Highway Authority.

The applicant should be made aware that the proposed 5G mast and associate equipment cabinets falls on land dedicated as highway and therefore should this application receive planning consent then the correct licenses should be obtained to undertake these works on the Highway. Further information can be found on Hampshire County Council's website.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 28

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Object as will rise above tree line of a busy road junction at Maddock school. What are the adverse effects on health of residents and animals in surrounding area? Inappropriate to have such an installation so near to all in this area	See Section 7 below
I object to the proposed mast installation because: 1. The 15m height would be much taller than any nearby structure, visually dominating the Rachel Maddocks school, residential houses on the opposite side of Eagle avenue and also any flats in the surrounding area. It is grossly inappropriate for such a residential area.	See Section 7 below

2. The health concerns relating to 5G technology have been well documented; regardless of current legislation, there is widespread popular concern about mast installations which have led to local protests, perception of being "dumped on" with masts and even criminal damage. Considering the social-economic issues in the Wecock farm area there is a risk this type of backlash would negatively impact the wider area and cause the Havant council considerable harm. 3. Anxious about the proposed installation.	The applicant has provided a briefing note on 5G and health - It remains the opinion of ICNIRP, and other bodies such as the WHO, that there is no convincing evidence of adverse health effects at exposure below the guideline levels. It is the Governments view that if a proposed development meets ICNIRP guidelines for public exposure to electromagnetic fields, it should not be necessary for an authority, in processing an application, to consider health aspects and concerns further.
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7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Background
- (iii) Siting and appearance
- (iv) Highways
- (v) Trees
- (vi) Impact on neighbour amenity

(i) Principle of development

7.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [GDPO], at Schedule 2, Part 16, Class A, provides permitted development rights for electronic communications code operators to install, alter and replace electronic communications apparatus, subject to certain criteria, and subject to the Local Planning Authority determining (a) whether Prior Approval is required for the siting and appearance of the proposal and, if so, (b) whether such Prior Approval should be granted or refused.

7.3 In this case, having reviewed the application, the local planning authority has determined that prior approval is required in this instance for the siting and appearance of the proposed development.

(ii) Background

7.4 The importance of mobile technology in the UK and its contribution to the sustainability agenda is recognised by planning legislation and national policy and to facilitate the growth of new and existing telecommunications systems, and operators have obligations to meet customer demands for improved quality of service. Additionally, the National Planning Policy Framework places emphasis on encouraging the continued roll out of high speed digital infrastructure networks, of which the proposal would form a part.

- 7.5 An Electronic Communications Code consultation was published on 27 January 2021. The consultation outcome – ‘Access to land: consultation on changes to the Electronic Communications Code-government response’, was updated 24 November 2021.
- 7.6 The Ministerial foreword of Julia Lopez MP of this document, states, inter alia, the government is committed to delivering lightning-fast, reliable broadband to everyone in the United Kingdom and making the country a global leader in digital connectivity.
- 7.7 It further states that the COVID-19 pandemic has highlighted how important it is to be connected - now more than ever – and having long-lasting gigabit capable connections in place will help to keep society functioning both now and in the future.
- 7.8 The Code of practice for wireless network development in England was published on 7 March 2022. The aim of the Code of Practice is to support the government’s objective of delivering high quality wireless infrastructure whilst balancing the needs with environmental considerations.
- 7.9 The new UK Product Security and Telecommunications Infrastructure Act 2022 received royal assent on 6 December 2022 and will come into effect on 29 April 2024. The Act supports the roll out of future-proof, gigabit capable broadband and 5G networks as soon as possible, and better protects citizens, networks and infrastructure against the harms enabled through insecure consumer connectable products.
- 7.10 The Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review (FTIR) published in 2018 (last updated 8 June 2022).
- 7.11 The Statement of Strategic Priorities for Telecommunications, The Management of the Radio Spectrum, and Postal Services published in July 2019 (last updated 31 October 2019) followed the publication of the FTIR and reflected its conclusions.
- 7.12 Another relevant document is the Government’s publication in November 2020 of its National Infrastructure Strategy. This covers a whole spectrum of infrastructure in the country. In the foreword of this document, among other things, the then Prime Minister comments that in a world likely to be working less from the office, its massive gigabit-capable broadband programme looks more important than ever.
- 7.13 In addition the Government held a Consultation on Changes to permitted development rights for electronic communications infrastructure and the consultation outcome was published in March 2022. The Ministerial foreword states, inter alia, that bringing forward these important changes will ensure that the planning system supports the delivery of mobile infrastructure, as part of the government’s mission that by 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
- 7.14 The Executive summary of the consultation outcome, comments that in considering the proposed reforms, the government has sought to ensure that it strikes an appropriate balance between providing local control over new development and delivering improved connectivity. In addition, it comments that while it is essential that communities and businesses have access to high-quality wireless connectivity, it recognises that it is important that the visual impacts of new network development are mitigated, and local amenity is protected as much as possible. It also comments that this is especially important in more sensitive locations such as National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and where development may impact designated heritage assets.

- 7.15 On 14th March 2022, secondary legislation was laid in Parliament to support the deployment of 5G and help extend mobile network coverage. Part 16 of the General Permitted Development Order 2015 (as amended) has subsequently been amended.
- 7.16 These amendments followed the announcements published in the government response to the 'Changes to permitted development rights for electronic communications infrastructure: technical consultation (Monday 7th March) noted above. This set out that, following consultation responses from 3,000 people and organisations, the Government has decided to take forward most of the proposed reforms including changes to enable:
- the deployment of taller and wider masts;
 - building-based masts located nearer to highways; and
 - deployment of radio equipment housing required alongside new antennae.
- 7.17 Whilst a number of changes have been introduced within the Permitted Development Order as a consequence of the consultation outcome, the government has decided that it will not be taking forward the proposal to permit the deployment of monopole masts without the requirement for prior approval on unprotected land at this time.
- 7.18 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 23 January 2023.
- 7.19 This guidance comments that the Home Office is leading a cross-government programme to deliver the new Emergency Services Network (ESN) critical communications system. This will replace the current Airwave service used by the emergency services in Great Britain (England, Wales and Scotland) and transform how they operate.
- 7.20 It comments that ESN will enable fast, safe and secure voice, video and data across the 4G network and give first responders immediate access to life-saving data, images and information in live situations and emergencies on the front line.
- 7.21 In addition, it comments that while the technology that supports Airwave is reliable and fit for purpose, its limited capability means it cannot match the opportunities offered by newer critical communications mobile technology.
- 7.22 ESN's high-speed mobile technology will mean communication between the emergency services will take priority over other network traffic, even at peak times in busy urban locations. It will mean the emergency services and other first responders can share vital data, information and expertise quickly and securely from the front line when it is needed most.
- 7.23 Users for ESN include the police, fire and rescue and ambulance services as well as other users stretching from local authorities and utility services to first responders like inshore rescue.
- 7.24 It further comments that there are 300,000 front line emergency service users who will depend on ESN, using handheld devices or operating equipment in 45,000 vehicles, 66 aircraft and more than 100 control rooms.

7.25 To ensure that the UK can realise the full economic and societal potential of 5G, the government has developed a UK Wireless Infrastructure Strategy, which sets out a strategic framework for boosting investment in and delivering nationwide coverage of standalone 5G to all populated areas by 2030. The Strategy also sets out the government's vision for 6G.

(iii) Siting and appearance and impact on character and appearance of the area

7.26 Under Part 16 the LPA can only consider the development on the basis of its siting and appearance, but also taking into account any representations received. Third party comments have been received objecting to the visual appearance noting it would be higher than any other structure and would dominate the area.

7.27 The proposed mast would be a slimline monopole having a maximum height of 15m and in its amended siting would be quite close to the adjacent trees and hedge line, which currently have a height of approximately 12m. The nearby street light is 8m in height. Given the height of the adjacent hedging it is considered that only the top few metres would be seen against the skyline and the majority of the mast would be seen against the backdrop of the trees and hedge and as such this would not appear overly visually prominent in street scene terms. Because the verge is so wide at this point and the mast and equipment cabins would be set back by 2.6m from the tarmaced pavement, then it is considered that the structures would not be overly dominant or overbearing to either pedestrians or wider views of the area.

7.28 In the additional information submitted with this application the developer has stated that the proposed siting of the telecommunications equipment would assimilate well within the streetscene. The applicant also states that the proposed site option is considered the best available compromise between extending 5G service across the target 'coverage hole' with the selected street works pole height and associated antenna and ground-based cabinets restricted to the minimum height which is capable of providing the required essential coverage.

7.29 The applicant has also carried out a site search which identified a number of possible locations, but these have been discounted for various reasons, including, proximity to housing, lack of suitability of pavement/ verge areas and visibility splay issues.

7.30 Overall the siting and appearance is not considered to result in any unacceptable harm to the wider character of the area. The balance between the need for the extended coverage has been taken into consideration.

(iv) Highways

7.31 Hampshire County Council initially objected to the siting of the mast which was just 0.6m from the back edge of the tarmaced pavement and could have impacted possible future widening of the path in line with their emerging policy LTP4 which seeks to prioritise pedestrian and cycle movements. Given the site location outside a school then the future encouragement of pedestrian and cycle movement is possible in this location. The agent has re-sited the mast 2m further back, such that it would now be 2.6m from the back edge of the existing pavement, maximising future potential to widen the path. As such HCC no longer object to the proposal but note that since the land is adopted highway then separate licenses will be required - an Informative can be added to this effect.

(v) Trees _

- 7.32 A consequence of re-siting further back was an impact on the adjacent trees due to proximity to the hedge and tree boundary. Therefore an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have been provided which indicate that some initial pruning work would be necessary to enable construction. These trees are not statutorily protected but do provide valuable public amenity. The Council's Arboricultural officer concludes that the submitted information is appropriate and should be conditioned to ensure the trees continue to provide public amenity in the future.

(vi) Impact upon residential amenity

- 7.33 The grounds for a local planning authority to refuse a prior notification application is limited only to the issues relating to the appearance and siting of the proposed mast, taking into account any representations received. Third party comments object to the mast as being inappropriate so close to the houses and flats in Eagle Avenue and has queried health and social implications including potential for crime.
- 7.34 It is acknowledged that the proposed mast and equipment would be sited relatively close to residential properties and would be clearly visible to some neighbouring properties whose outlook would be affected by the development. However, Government guidance in the NPPF is clear that local planning authorities should not insist on minimum distances between new electronic communications development and existing development. It is further considered that as a slim line mast set against the backdrop of the trees and hedge it would be visually discreet and not unduly impact any residential outlook.
- 7.35 It is for the local planning authority, having regard to the Stewart Groups report and Government guidance, to determine what weight to attach to such considerations in any particular case. It is the Government's view that if a proposed development meets ICNIRP guidelines for public exposure to electromagnetic fields, it should not be necessary for an authority, in processing an application, to consider health aspects and concerns further.
- 7.36 However, the prominent visual appearance of a mast within some sensitive locations, such as a predominantly residential area, may erode perceptions of the quality of the local environment and the well being of local residents, and this may form grounds of objection. Furthermore, the GDPO states, inter alia, that when determining applications made under sub paragraph (4), the local planning authority must take into account any representations made to them as a result of consultations or notices.
- 7.37 In this case the mast and equipment does meet all the guidelines regarding potential health effects and it conforms to ICNIRP guidance. There is no reason to believe that the proposed mast and cabins would actively encourage crime or antisocial behaviour and any subsequent criminal damage to the mast would be a police matter. As stated above it is considered that as a slim line mast set against a backdrop of vegetation it would be visually discreet and have little impact on residential amenity.

8 Conclusion

- 8.1 It is acknowledged that the requirement for improvement connectivity with 4G and 5G is clearly compelling particularly having regard to recent events of the COVID-19 pandemic. This has seen a complete change in working practices in that home working had to develop in order to allow businesses to function and provide services.
 - 8.2 The need for such infrastructure is even more compelling with the changes to how emergency services of all types will communicate in the future new Emergency Services Network (ESN) critical communications system. However, ESN can operate across the 4G network.
 - 8.3 However, as recognised by the Government, there is a recognition that there needs to be a balance of the benefits of improved connectivity with local control and environmental protections.
 - 8.4 The applicant has provided the necessary evidence to justify the proposed development and the National Planning Policy Framework recognises that planning decisions should support the expansion of electronic communications networks.
 - 8.5 As such, it is considered that the siting and appearance of the proposed development will not result in any adverse impact on the character and appearance of the area and is considered acceptable.
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9 **RECOMMENDATION:**

That Prior Approval is required for the siting and appearance of the development and that the Head of Place be authorised to **GRANT PRIOR APPROVAL** for application APP/23/00400 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

5G Masts & Health Factsheet
5G, EMF Exposure and Safety Briefing
Allaying Health Concerns regarding 5G and Exposure to Radio Waves
UK GOVT-OFCOM - 5G EMF Guide
Mobile UK 5G Local Authority Toolkit
Declaration of Conformity
Cover letter by WHP Telecomms Ltd dated 18th May 2023
Supplementary Information by WHP Telecomms Ltd
Site Location Plan - Drawing Number HVT22359_M002 Rev B
Proposed Site Plan - Drawing Number HVT22359_M002 Rev B
Proposed Elevations - Drawing Number HVT22359_M002 Rev B

Arboricultural Impact Assessment - Drawing Number Arbtech AIA 01
Arboricultural Method statement - Drawing Number Arbtech AMS 01
Tree Protection Plan - Drawing Number Arbtech TPP 01

Reason: To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall only be carried out in accordance with Arboricultural Impact Assessment (Arbtech AIA 01), Arboricultural Method Statement (produced by Arbtech) and the Tree Protection Plan (Arbtech TPP 01).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.