Site Address: Baybridge Road SWS, Havant
Proposal: Application for prior approval for proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.
Application Type: Telecommunications Notification
Application No: APP/22/00364 Expiry Date: 23/06/2022
Applicant: Gallivan
Hutchison CK Network UK Ltd
Agent: Mr Gallivan Case Officer: Graham Speller
Dot Surveying Ltd
Ward: Bondfields

Recommendation: **GRANT PRIOR APPROVAL**

---

1 Site Description

1.1 The site is located on the southern side of Baybridge Road outside the grounds of Sharps Copse Primary School.

1.2 The character of the area is mixed with the primary school immediately adjacent and commercial premises opposite with residential properties in the vicinity.

2 Planning History

2.1 There is no relevant planning site history.

3 Proposal

3.1 Application for prior approval for proposed telecommunications installation: Proposed ‘slim line’ phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works. The mast would be 16 metres in height.

3.2 The applicant has submitted a declaration of conformity with ICNIRP Public Exposure Guidelines. It states that the proposed development is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).

4 Policy Considerations

National Planning Policy Framework 2021
Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011
CS16 (High Quality Design)
CS19 (Effective Provision of Infrastructure)
DM10 (Pollution)

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

5 Statutory and Non Statutory Consultations

Councillor Alex Rennie
No comments received.

Councillor Richard Stone
No comments received.

Department of Trade and Industry
No comments received.

Environment Agency
No comments received.

Hampshire Highways
The Highway Authority are satisfied that the proposed location of the monopole and associated equipment cabinets will not block the visibility of pedestrians and vehicles nor cause a detrimental impact on the wider highway network. Thus, the Highway Authority provide no objections to the proposals.

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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

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) Impact upon the character and appearance of the area
(iv) Impact upon residential amenity
(v) Impact on highway and pedestrian safety

(i) Principle of development

7.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) established the principle of proposals of this nature provided that certain criteria would be met 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 (a) 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 Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review published in 2018.

7.9 In addition to the above, the Government also published a consultation on Changes to permitted development rights for electronic communications infrastructure (Published 20 April 2021) at how to implement the proposals consulted on in August 2019 to support the deployment of 5G and extend mobile coverage.

7.10 The Ministerial foreword commented that the case for 5G is compelling and that it will provide faster, more responsive and more reliable connections than ever before. Further, that the planning system plays a key role in delivering the infrastructure that is needed as households and businesses become increasing reliant on mobile connectivity.

7.11 On 7th March 2022, the consultation outcome of the changes to permitted development rights for electronic communications infrastructure was published.

7.12 The Ministerial foreword of Julia Lopez MP of this document, 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.

7.13 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.

7.14 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) was amended and came into effect on 4th April 2022.

7.15 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.

7.16 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.

7.17 As noted above, the Code of Practice for Wireless Network Development in England has been published alongside the changes to permitted development outcome. To further ensure that the delivery of high-quality wireless infrastructure is balanced with environmental considerations, among other things, the new Code of Practice will provide updated guidance for all those involved in network deployment, and it has a stronger focus on the siting and design of wireless infrastructure and the process for engaging with local authorities and communities. The government will introduce new planning conditions that require Code Operators to minimise the visual impact of new network development, particularly on Article 2(3) land, and to minimise impacts on the accessibility of footways and access to properties.

7.18 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 14 April 2022.

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 serves 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 capacity 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 frontline 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 frontline 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 Another relevant document is the Government's publication at the end of 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 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.

(iii) <u>Impact upon the character and appearance of the area</u>

7.26 The applicant's opinion is that the proposed design presents a better 'fit' within the local community and immediate street scape, offering a reduced visual impact upon an area of adopted highway and would assimilate well into the immediate street scene and not be detrimental.

7.27 Furthermore, the applicant states, inter alia, 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 units restricted to the minimum height which is capable of providing the required essential coverage.

7.28 The applicant considers that taking into account the site-specific factors and technical constraints, available options and planning constraints, the proposed street pole represents the optimum environmental solution to extend coverage to the target community.

7.29 Whilst the proposed mast is substantially higher than existing street lights, it would have a backdrop of some trees that would, to some extent, mitigate some wider views of the proposed telecommunications installation. It is acknowledged that the proposed mast and apparatus would be prominent within the street scene, however, the location of the proposed development is considered more appropriate than a wholly residential locality.

7.30 As noted in the background comments above, there is a need for such infrastructure and, where appropriate, such development should be supported.

7.31 The NPPF states, inter alia, that local planning authorities must determine applications on planning grounds only and 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.

7.32 Under the regulations, the local planning authority is required to assess the proposed development solely on the basis of its siting and appearance.

7.33 In this instance, the proposed development is considered acceptable in this location in terms of impact upon the character and appearance of the area.

(iv) Impact upon residential amenity

7.34 As noted above, the local planning authority can only assess the proposed development solely on the basis of its siting and appearance, but also taking into account any representations received.

7.35 Therefore, 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.

7.36 The proposed mast and associated cabinets and equipment would be some distance away from any residential properties, albeit it would be seen from some residential properties in the locality. Whilst the impact on residential properties is not a criterion to be taken into account for such applications, 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. However, that is not the case in this instance.

7.37 As noted above, the proposed development would be sited outside a primary school, however, the applicant has submitted a declaration of conformity with ICNIRP Public Exposure Guidelines. It states that the proposed development is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).

(v) Impact on highway and pedestrian safety

7.38 Whilst the proposed development would be sited adjacent to the main highway, as noted above, the Highway Authority are satisfied that the proposed location of the monopole and associated equipment cabinets will not block the visibility of pedestrians and vehicles nor cause a detrimental impact on the wider highway network. As such, no objection is raised on highway safety grounds.

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 and still unfortunate current 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 need 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 proposed development will not result in any adverse impact on the character and appearance of the area and is considered acceptable.

---

9 RECOMMENDATION:

That Prior Approval is required for the siting and appearance of the development and that the Head of Planning be authorised to **GRANT PRIOR APPROVAL** for application APP/22/00364 subject to the following conditions:

1 The development must be begun not later than five 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:

HVT20671_HVT057_85454_PO0867_GA_REV A – SITE LOCATION PLAN

HVT20671_HVT057_85454_PO0867_GA_REV A – PROPOSED SITE PLAN

HVT20671_HVT057_85454_PO0867_GA_REV A – PROPOSED SITE ELEVATION

Reason: To ensure provision of a satisfactory development.