

SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:	Anne's Court	Site Address:	Anne's Court
National Grid Reference:	E471350 N098950		Seafront Hayling Island Hampshire PO11 0AJ
Site Ref Number:	HVT009	Site Type: ¹	Macro

2. Pre-Application Check List

Site Selection

Was a local planning authority mast register available to check for suitable sites by the operator or the local planning authority?		No
If no explain why: N/A		
Were industry site databases checked for suitable sites by the operator:		No
If no explain why: This proposal involves the upgrading of an existing and established telecommunications base station. As such, this site is also the optimum technical solution to provide 5G coverage to the local and surrounding area.		

Site Specific Pre-application consultation with local planning authority

Was there pre-application contact:	Yes
Date of pre-application contact:	19/5/2021
Name of contact:	
Summary of outcome/Main issues raised: A pre-application consultation letter was issued to Havant Borough Council on 19 th May 2021. This letter contained details of the proposed upgrade at this existing telecommunications site, as well as design drawings. Feedback was requested from the Council. As of the date of this planning submission, no formal response has been received from the LPA	

¹ Macro or Micro

Community Consultation

Rating of Site under Traffic Light Model:			Green
Outline of consultation carried out: A pre-application consultation letter was issued to the local Ward Councillors of the Hayling West Ward on 18 th May 2021. Detailed design drawings of the proposal were provided alongside the consultation letter and feedback was requested. As part of the pre-application consultation exercise, neighbour notification letters were issued to the following residential properties: • 1 – 45 Anne's Court, Seafront, Hayling Island, Hampshire, PO11 0AJ			
Summary of outcome/main issues raised (include copies of relevant correspondence): As of the date of this planning submission, no formal response has been received from the Ward Councillors, or any of the residents of Anne's Court.			

School/College

Location of site in relation to school/college (include name of school/college): As there are no educational establishments within 850 metres of the application site, it was considered that the issuing of notification letters was unnecessary.
Outline of consultation carried out with school/college (include evidence of consultation): N/A
Summary of outcome/main issues raised (include copies of main correspondence): N/A

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation

Will the structure be within 3km of an aerodrome or airfield?		No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?		No
Details of response:		
As the application site does not lie within 3km of an aerodrome, then no notification is necessary		

Developer's Notice

Copy of Developer's Notice enclosed?	Yes	
Date served:	5/7/2021 – Proof of Delivery included within application	

3. Proposed Development

The proposed site:

The site, Anne's Court, on Seafront, currently accommodates existing and well-established telecommunications equipment on the building rooftop. The current apparatus is positioned on the building's two plant rooms' and consists of multiple pole-mounted antennas. These antennas are operated by Three UK, EE, CTIL and Airwave, making this building a multi-operator site. The associated equipment cabinets are positioned internally, within the plant rooms. In order to provide brand-new 5G coverage to the local area for Three UK, the upgrading of this established base station is considered the best environmental and town planning solution.

Telecommunications apparatus has been in situ on the rooftop of Anne's Court since the early 1990s (LPA Ref: 95/55790/001). As can be seen in Figure 1, below, the building currently accommodates a significant amount of apparatus, spread across two separate plantrooms. The current top height of the antennas measures 23.5m. The upgrading of the Three UK base station will result in a small increase in the top height of the building's apparatus, increasing it to 25.2m. As a consequence of this base station, the individual Three UK support-poles will be removed, to be replaced with two specially-designed rooftop tripods. These tripods, positioned on the two plantrooms, will allow other existing antenna to be mounted, again resulting in the removal of additional, stand-alone support poles. The overall impact of this upgrade is that the proposed, and some existing, apparatus will be consolidated on to the two rooftop tripods, rather than deployed on individual support-poles. As such, it is considered that the upgrading of this base station will improve the visual amenity of the host building and restrict the spread of individually-mounted antennas.



Figure 1 – Anne's Court and existing telecommunications apparatus (Source: Google maps).

The upgraded base station will provide enhanced 3G and 4G coverage for Three UK, as well as brand-new 5G coverage to the surrounding area. The height increase of the overall rooftop apparatus, of 1.7m, is considered appropriate, given the improved network connectivity and capacity which will be achieved from the upgraded apparatus. Two tripods are proposed for deployment, with one tripod on each of the building's plantrooms. It is considered that the deployment of two tripods, one at each end of the building, is wholly appropriate. The minimum level of apparatus is proposed for deployment, and therefore the visual impact of the scheme has been reduced as far as practicable. One existing support-pole will be utilised and with the existing antenna 'swapped' for a more modern antenna. The result of this is that there will be marginal difference to this element of the rooftop. The social, economic and environmental benefits that will be brought forward through the upgrading of this base station are significant, greatly outweigh any perceived visual impact that may be caused by two isolated height increases of 1.7 metres.

It is considered that the proposed equipment is acceptable and frequently viewed within urban environments. That 5G coverage can be achieved to the wider area via such a small equipment upgrade must be acknowledged by the Council – given that much of the upgrade essentially requires the 'swapping', and redeployment, of existing equipment for newer, more modern, apparatus.

The Applicants submit that the only element of this base station upgrade that requires assessment, is the installation of the tripods on each of the building's plantrooms. Given that these locations currently accommodate a number of pole-mounted antennas, it is clear that the position of this apparatus, and indeed the principle of the development at this location, has already be considered acceptable by the Council.

The proposed development will allow the provision of new 5G coverage to the wider area. It is anticipated that there will not be any significant negative visual impact associated with this proposal, but that the upgrading of this established telecommunications site offers the optimum solution in terms of both town planning and network requirements. The proposed upgrade will follow the form of previous developments on the rooftop – in that the most modern apparatus will be deployed, and any redundant apparatus will be removed, thereby reducing the visual impact of the scheme as far as practicable. As such, it is considered that the proposal in front of the Council is acceptable and it is anticipated that Council support will be forthcoming.

Type of Structure (e.g. tower, mast, etc):

Description:

The installation of 2no. rooftop tripods supporting 2no. antennas (1no antenna per tripod), with a top height of 25.2m; the installation of 1no. antenna on to an existing support-pole; the removal of 3no. existing pole-mounted antennas; the relocation of 2no existing pole-mounted antennas onto two of the proposed rooftop tripods; and ancillary development thereto.

An internal equipment upgrade will take place within the existing cabin.

Overall height of proposed development:	25.2 Metres
Top height of existing Three UK apparatus:	20.5 Metres
Top height of existing Airwave building apparatus:	23.5 Metres
Equipment Housing:	
Length:	N/A

Width:	N/A
Height:	N/A
Materials (<i>as applicable</i>):	
Tower/mast etc – type of material and external colour:	Steel – Galvanised
Equipment housing – type of material and external colour:	N/A

Reasons for choice of design, making reference to pre-application responses:

In designing the proposed upgraded installation, the applicant has sought to achieve a balance between the technical requirements of the Operator and minimising environmental impact as far as was practicable. It, however, must be acknowledged that technical constraints heavily influenced the design and limited the scope to alter the appearance of the site to a significant degree.

There are three main elements to a radio base station; the cabin or cabinets which contain the equipment used to generate the radio signals, the supporting structure that holds the antennas in the air or fixes them to a building or structure and the antennas themselves, which emit the radio signals (along with any necessary amplifier or receiver units). Other elements necessary for the base station to function are the links into the network either by fibre cabling or by dish antennas, power source (meter cabinet or generator where a REC supply cannot be utilised), feeder cables that link the equipment housing to the antennas and the various support structures, grillages and fixings, often referred to in general terms as “development ancillary to” the base station.

The application proposes to remove three existing support-poles and antennas, replacing them with two new specially-designed rooftop tripods and the most modern antennas available. Additionally, the new tripods will allow two existing antennas to be redeployed on to them, allowing the support-poles to be removed from the rooftop. The upgrading of this installation would provide improved 3G and 4G coverage, as well as new 5G coverage, for Three UK. This will ensure that the surrounding area will be at the forefront of the next advance in technology being deployed.

Overall, the aesthetics of the building are unlikely to change significantly as a consequence of this upgrade, and, when compared to the public benefits of the scheme, it is considered that the changes are wholly acceptable.

The top height of the existing telecommunications apparatus currently on the rooftop measures 23.5 metres. These antennas are operated by Airwave. The development proposed as part of this upgrade would increase the top height of the apparatus on the rooftop from 23.5m to 25.2m. It is considered that this increase, of just over 1.5 metres, is wholly appropriate for the host building, and the surrounding area, given the significant public benefits that will be brought forward as part of this upgrade.

The installation of specially-designed rooftop tripods is a significant one, as this future-proofing of the base station will allow for the easy upgrading (and removal) of equipment when the next generation of technology (6G/7G etc) is eventually rolled-out. The proposed development is considered to offer the best option from an environmental and town planning perspective, whilst simultaneously achieving the technical requirements associated with a base station upgrade.

The site is situated within an urban environment, and therefore it is not anticipated that the upgraded installation will look incongruous across the wider environment. The upgrading of this existing and established telecommunications site is seen as the optimal solution in terms of both town planning and achieving the maximum level of enhanced network coverage. The site has been specifically selected to ensure the impact of the development is kept to an acceptable level and minimised as far as practicable.

It is considered, overall, that the design is appropriate to the host building and the surrounding area, and avoids any unacceptable level of impact.

Technical Information

International Commission on Non-Ionizing Radiation Protection Declaration attached (see below) International Commission on Non-Ionizing Radiation Protection public compliance is determined by mathematical calculation and implemented by careful location of antennas, access restrictions and/or barriers and signage as necessary. Members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines. When determining compliance the emissions from all mobile phone network operators on or near to the site are taken into account. In order to minimise interference within its own network and with other radio networks, Three operates its network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision As part of Three's network, the radio base station that is the subject of this application will be configured to operate in this way. All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference. The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.	Yes	
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4. Technical Justification

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

The development is required to provide improved connectivity and network enhancement for Three UK in the area. As noted above, apart from providing improved 3G and 4G coverage, 5G coverage will be deployed from the site, ensuring the surrounding area benefits from the latest technology.

High-quality communications infrastructure is essential for sustainable economic growth. High-speed broadband technology and other communications networks can play a vital role in enhancing the provision of local community facilities and services. Furthermore, mobile telecommunications are vital for the UK's economic competitiveness and in promoting social inclusion. The very high level of mobile phone use and ownership within the UK population is a very clear indication of the public's overwhelming acceptance of the benefits of mobile communications, which requires the installation and maintenance of base stations to provide the necessary connection between the mobile phones and the UK telecommunications network.

One of numerous benefits of this, on a wider scale, is that this allows for an increase in home working, by providing the opportunity to create a "virtual office", reducing in the need to travel for work as a consequence, which is helpful in supporting the sustainable development agenda.

The UK Government recognises the benefits to commerce, industry and the public in general, and so places great emphasis on the benefits of mobile telecommunications to modern life and this is promoted throughout the planning system. The very high level of mobile phone use and ownership within the UK population is a very clear indication of the public's overwhelming acceptance of the benefits of mobile communications, which requires the installation and maintenance of base stations to provide the necessary connection between the mobile phones and the UK telecommunications network.

The Planning Inspectorate too has in recent years continually recognised the importance of this issue and cited it in appeal decisions that have overturned the decisions of local authorities across the UK where there has been a failure to apply due weight to the value of connectivity to social and economic prosperity in the assessment of applications made for telecommunications development, even in protected or sensitive areas.

As an example, in October 2020, the decision of the Council of the London Borough of Islington to refuse planning permission for the installation of 6no antennas and 2no. 0.3 metre dishes on to the rooftop of 74-76 St John Street, was overturned by the Planning Inspectorate (Cornerstone, Telefonica and Vodafone Vs the Council of the London Borough of Islington, appeal reference APP/V5570/W/20/3246770). The appeal site was within the Clerkenwell Green Conservation Area (CGSA) and immediately adjacent to, and visible from, the Charterhouse Square Conservation Area (CSCA). In allowing this appeal, the Inspector offered the following comments in their Appeal Decision:

"I am mindful of the statutory duties that require special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and of preserving or enhancing listed buildings, their settings or any special architectural or historic interest which they possess. I am also conscious that the Framework indicates that, when considering the impact of a proposal upon the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any identified harm to its significance is at a substantial or less than substantial level."

Nevertheless, I am content that the minor level of less than substantial harm that I have identified to multiple designated heritage assets, even when considered in a cumulative sense, would be outweighed by the significant public benefits that would be achieved by the proposal.

I have found **that the proposal would fail to preserve the character or appearance of the CGCA** and would cause a minor level of less than substantial harm to the heritage significance of the CGCA and various other designated assets through development within their settings. I have also identified associated policy conflicts. Indeed, **the proposal conflicts with the development plan when read as a whole** (emphasis added).

However, I have also found that the proposal would deliver significant public benefits through improved digital communications networks. **These benefits would outweigh the heritage harms that I have identified.** Thus, material considerations indicate that, in this instance, the proposal should be determined other than in accordance with the development plan” (emphasis added).

Despite the Inspector considering that the appeal proposal would cause harm to numerous heritage assets, and would be in direct conflict with the Local Authority’s development plan, the appeal was allowed.

In May 2019, the decision of the Royal Borough of Kingston-upon-Thames Council to refuse planning permission for the replacement of a 2no flagpole antennas with 3no antennas on the new raised roof level was overturned by the Planning Inspectorate (EE Ltd and H3G UK Ltd Vs the Royal Borough of Kingston-upon-Thames Council, appeal reference APP/Z5630/W/19/3221200). The appeal site, 145-155 Ewell Road, is situated within the Oakhill Conservation Area, and within the setting of locally listed buildings. Despite this, within the decision notice, the Inspector stated that, in reference to the proposed antennas:

*“Their visual impact is consequently quite localised to the immediate vicinity of the appeal site, but where they are visible, they are prominent. **When seen in this visual context and commercial urban setting and atop a modern building which is itself different from the wider character and appearance of the area, I am satisfied that the antennas would not appear out of place*** (emphasis added).

The antennas are located on a building adjacent to and close to locally listed buildings. While the full height of the antennas can be seen alongside these buildings, their position on the roof top of an already contrasting and considerably taller, modern building limits their impact on the setting of these buildings whose visual interest is largely experienced at street level.

I therefore conclude that the development does not harm the character and appearance of the area or the significance of the CA or the settings of locally listed buildings nearby. As such the character, appearance and significance of the CA would be preserved” (emphasis added).

The Applicants submit that the same conclusions can be drawn from the two above appeals (APP/V5570/W/20/3246770 & APP/Z5630/W/19/3221200) as a very similar circumstance exists in this case, with the application proposal required to improve existing connectivity and capacity on already established Operator networks within the local area, a matter certainly in the public interest. One significant difference between the proposed development and the above appeal cases is that the proposed development is not situated within a Conservation Area and will cause no harm to the setting of any Listed Buildings.

The upgrading of an existing base station offers the best technical and environmental planning solution to improve network coverage within the local area. It is considered that the enhancement of the existing 3G and 4G networks, as well as the provision of brand-new 5G coverage, for Three UK, is of paramount importance – especially given the current circumstances in which we are living our lives.

In November 2020, the decision of the Council of the London Borough of Islington to refuse planning permission for the installation of 12no antennas mounted on 6no. 3.15m high support poles, 3no. 0.3m microwave dishes & 1no. 0.6m dish, plus the installation of 6no cabinets on the rooftop of 127 Chiswell Street, was overturned by the Planning Inspectorate (Telefonica UK Vs the Council of the London Borough of Islington, appeal reference APP/V5570/W/20/3251047). The majority of the appeal site was within the Finsbury Square Conservation Area and within close proximity to Grade II Listed Buildings within Finsbury Square. In allowing this appeal, the Inspector once again offered comments in support of the provision of high quality communications networks, as encouraged by national planning policy. In their Appeal Decision, they stated the following:

*“The Council states that any benefits arising from the scheme would be ‘not entirely public in the manner of, for example, a fire station’. As a statement of bare fact this is not inaccurate, inasmuch as the scheme is being brought forward on behalf of two network operators, presumably in anticipation of it contributing to their business revenues. The Council also asserts that ‘any harm to a conservation area [...] is only acceptable in extraordinary circumstances, usually in order to secure the optimum viable use of an asset or better reveal its significance’ and its expectation that there should necessarily be an ‘accompanying heritage benefit’. In my view this is a misinterpretation of the requirements of the Framework. **Paragraph 196 is quite clear about the balancing exercise which must be carried out in cases where less than substantial harm to heritage assets is found, which is not that any benefits should be entirely public, but that such public benefits as can be identified are weighed against any harm to the significance of the heritage asset.** In this case, there would be a considerable public benefit arising from the provision of improved digital communications networks in this busy commercial area, and I consider that this carries significant weight”* (emphasis added).

*“I have found that the proposal would fail to preserve or enhance the character or appearance of the Bunhill Fields and Finsbury Square Conservation Area, and would cause less than substantial harm to the significance of the Conservation Area as a designated heritage asset. **In this respect I have also found conflict with planning policies, and indeed the proposal would conflict with the development plan as a whole**”* (emphasis added).

*However, I have also found that a **significant public benefit would be delivered through the provision of improved mobile communications networks, which would outweigh the limited harm to the heritage asset which I have identified.** The material considerations therefore indicate that, in this case, the proposal should be determined other than in accordance with the development plan”* (emphasis added).

In November 2020, the decision of the London Borough of Barnet Council to refuse planning permission for the installation of a 6no antenna apertures, 4no 600mm dishes and 4no equipment cabinets on the rooftop of Lisle Court, and 1no. equipment cabinet at ground level plus development ancillary thereto was overturned by the Planning Inspectorate (EE Ltd and H3G UK Ltd Vs the London Borough of Barnet Council, appeal reference APP/N5090/W/20/3250662).

This development proposed the installation of new base station which would replace the existing base station which serviced the local area, but was due to be lost from the network. The

replacement base station on the rooftop of Lisle Court would ensure continued 2G, 3G and 4G coverage, as well as brand-new 5G coverage.

In allowing the appeal, the Inspector included the following in their decision notice:

*“I conclude that the effect of the new antenna, dishes and cabinets on the character and appearance of the property and the wider streetscape will be limited. This limited harm, which local plan policy seeks to avoid from the installation of telecommunications equipment, is **outweighed by the national policy which places considerable emphasis on providing and maintaining high quality and reliable communications infrastructure**” (emphasis added).*

The Applicants submit that comparisons can be drawn from the above, allowed, appeals and applied to the proposed scheme. Despite the visibility of the apparatus on the rooftop of Lisle Court, the Inspector gave significant weight to the provision of a high quality telecommunications network. It is submitted that this same weight should be given to the scheme at Anne’s Court, in which the applicant aims to improve connectivity in the wider area, whilst also ensuring that the visual impact of the proposed scheme is reduced as far as practicable. Consequently, only two areas of the rooftop (on both plantrooms) will see any increase in height in terms of the supporting apparatus, with that height increase minimised to circa 1.7 metres.

More recently, in March 2021, the decision of Norwich City Council to refuse planning permission for the installation of 6no antennas and 4no. 0.6 metre transmission dishes on to the rooftop of Epic Studios, 112-116 Magdalen Street, Norwich, was overturned by the Planning Inspectorate (MBNL (EE (UK) Ltd and H3G (UK) Ltd) Vs Norwich City Council, appeal reference APP/G2625/W/20/3254990). The appeal site was within the City Centre Conservation Area (CA), opposite a number of Grade II Listed Buildings (LBs) and a locally listed buildings (LLB). In allowing this appeal, the Inspector offered the following comments in their Appeal Decision:

*“**Given the nature of the apparatus and operational requirements in regard to its positioning to provide an efficient signal I am not persuaded that any more effective measures to mitigate the visual impact of the proposal are feasible** or that there is a realistic alternative to this rooftop location. The proposal would replace existing plant in the area and is necessary to provide continuity of signal coverage (emphasis added).*

*Bringing these matters together, **the proposal would introduce a large structure to the roof of the Epic Studios building and this structure would intrude, with a harmful effect, in views of the skyline, including views encompassing the LLB at No 102. Notwithstanding any existing impact on these views from the existing buildings and apparatus already on their roofs, the proposal would result in harm and would, thus, neither preserve nor enhance the character or appearance of the CA** (emphasis added).*

*I therefore find that **the development would cause material harm to the character and appearance of the area with particular reference to the City Centre Conservation Area and nearby heritage assets**. The proposal would not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would be contrary to Policies DM3 & DM9 of the Norwich Development Management Policies Local Plan -2014- which, amongst other things, require that development proposals should respect, enhance and respond to the character and local distinctiveness of the area having regard to the character of the surrounding neighbourhood and the elements contributing to its overall sense of place, giving significant weight to the historic context of the site (emphasis added).*

The development would, in the face of the loss of a nearby existing site, provide public benefits in terms of continuity of public access to existing signal for users of the networks which it would provide, together with access to 5G connectivity. I note that one of the service providers has been awarded a contract by the Home Office to provide future communications for the emergency services. The Government recognises and supports the economic and social benefits and importance of the development of high quality, reliable electronic communications services. I attach significant weight to the public benefit arising from the continuation of local service provision and securing future coverage of the area for emergency services communications (emphasis added)

*In applying the balancing test of paragraph 196 of the Framework, I consider that **the benefits identified above substantially outweigh the harm** that would arise from the proposal's impact on the character and appearance of the CA* (emphasis added).

*Thus, I find that **the material harm that would arise from the proposal would be outweighed by its substantial public benefits**. Accordingly, there is clear and convincing justification for the proposal to proceed, in accordance with the Framework"* (emphasis added).

The comments above are particularly relevant – with the recognised harm considered to be outweighed by significant public benefits which will be brought forward by the deployment of this replacement base station. Four of the five appeals outlined above relate to the installation of rooftop apparatus within a Conservation Area, and within close proximity to Listed Buildings.

The appeal decisions highlighted within this application show a clear trend that the Planning Inspectorate places great emphasis on retaining and improving mobile communications networks, and therefore providing significant public benefits, when assessing planning appeals. Despite harm to heritage assets being identified, there are now a number of appeals that have been allowed to ensure that these services continue. The application before the Council is no different in the sense that it will ensure that established network coverage is enhanced for the benefit of the wider community and that the most recent technologies are available within the area.

In terms of upgrading established rooftop base stations, and providing brand-new 5G coverage to a surrounding area, then an excellent comparable is the Planning Inspectorate's May 2021 decision to overturn Bristol City Council's refusal of planning permission for the installation of supporting steelwork accommodating 6no antenna apertures and 2no transmission dishes, plus 4no equipment cabinets, on to the rooftop of TA Centre Horfield, Dorian Road, Horfield, Bristol, BS7 0XL (Mobile Broadband Network Limited Vs Bristol City Council, appeal reference APP/Z0116/W/21/3266931).

Similar to the application currently before the Council, the upgrading of the TA Centre Horfield would result in a height increase to the existing apparatus.

In allowing the appeal, the Inspector offered the following comments in their Appeal Decision:

"the appeal proposal would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (the Core Strategy) which, amongst other things, requires development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. For the same reasons, the scheme would fail to accord with Policy DM26 of the Site Allocations and Development Management Policies (2014) (the SADMP). Furthermore, whilst noting that Policy DM29 of the SADMP concerns high quality design of buildings, the appeal scheme would not accord with the aims and objectives of this policy which also seeks to ensure that external installations avoid harm to the appearance of the host building".

The Council's decision notice also cites Policy DM36 of the SADMP within the reason for refusal. Policy DM36 of the SADMP specifically concerns telecommunications and provides support for new and upgraded equipment subject to a number of criteria. In this regard, I would concur with the Appellant that, given the structure and equipment would be used by a number of providers and given that the host building has been used for a number of years to site such equipment, the proposal would accord with criteria (ii) and (iii) of Policy DM36 of the SADMP.

The evidence before me indicates that the scale of the proposed structure and equipment has been kept to the minimum required for the efficient operation of the networks. Furthermore, the evidence confirms that the proposal would contribute to delivering high quality, modern and advanced communications infrastructure that would improve reliability and would support a range of customers including the emergency services (emphasis added).

In addition to the above, it is apparent that the proposal would provide significant economic and social benefits in terms of improving connectivity and communications, for both businesses and individuals. The scale and scope of these benefits can properly be described as significant and substantial (emphasis added).

The proposal would result in limited harm to the character and appearance of the surrounding area and to the host building and would conflict with the policies of the development plan as identified above. However, on the balance of considerations I conclude that the significant and substantial benefits associated with the proposal would outweigh the limited harm to the character and appearance of the surrounding area and the host building”.

Given the current situation in which the country finds itself, with a significant percentage of the country's workforce now displaced into working from home, the demand on the existing networks is at its peak. Upgrading existing base stations, where practicable, to improve connectivity and capacity is of paramount importance to addressing the long-term trends of network reliance, something which has only been exacerbated over the preceding 15 months.

As can be seen by a number of appeal decisions which have been overturned by the Planning Inspectorate in recent times, ensuring the continued and improved network coverage is now of vital importance. At the time of writing, our dependence on network services and connectivity is ever more apparent. Restrictions on travel resulting from the Coronavirus pandemic, combined with a third national lockdown, have resulted in a massive shift from office based to home working, from physical, professional and social gatherings to virtual ones, and to unprecedented reliance on online shopping and entertainment services. Data usage within suburbs has increased dramatically as less people are travelling to town and city centres. Maintaining and enhancing the mobile networks is of vital national importance, and it is significant that telecoms has been designated as “critical work” during this time. It is anticipated that the current shift towards homeworking and online services will persist, to a lesser degree, in the future. It is vital that the infrastructure is in place throughout the UK to meet this demand.

The Ofcom Connected Nations 2020 UK Report outlines a sharp increase in both mobile and voice data, particularly during the enforced national lockdowns of 2020. The report states that average call volumes and average call duration increased in the week that national lockdown was introduced in March 2020, with mobile hotspots shifting away from city centres to the suburbs and residential areas as restrictions continued.

Significantly, the same report states that the consumption of mobile data saw a staggering rise of 42%, when compared with the previous year. Additionally, the traffic carried in England in June

2020 (during lockdown) exceeded that carried across the whole of the UK (England, Scotland, Wales, and Northern Ireland) in February 2020 (prior to lockdown).

In his speech at Connected Britain 2020 , in September 2020, Digital Infrastructure Minister, Matt Warman, stated the following:

“COVID has altered the way we live, work and, most importantly, stay connected with our family and friends. The digital infrastructure that keeps us all connected was essential to our daily way of life under lockdown - and is now more important than ever as we head into recovery. Many of these changes - such as increased working from home - will stay with us for the foreseeable future”.

The implementation of a third national lockdown in January, February, March and April 2021 has seen a return of most aspects of life associated with the two previous lockdowns, and the same increases in voice calls and mobile data consumption is expected. Mr Warman also stated the following:

“The world is in the middle of a digital revolution. COVID has accelerated this process, digitising almost every part of our everyday lives and making the infrastructure that connects us more important than ever. That’s why it is at the top of the government’s agenda”.

Central Governments’ direction of travel is to support the roll-out of 5G technology and this was the case pre-pandemic. Since its initial roll-out in 2019, Operators have continued to deploy 5G across the UK, largely via the upgrading of existing base stations. Around 3,000 base stations now carry 5G technology. Mr Warman also confirmed that legislative reforms were being undertaken to make it easier for Operators to deploy and upgrade telecommunications base stations.

In May 2021, Mr Warman also wrote to Local Authority Chief Executives in England, making it clear to Local Authority’s that they have a role to play in supporting improved connectivity, and also stating the following:

“Digital connectivity is – now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity.

The Government is committed to extending mobile network coverage across the UK and providing uninterrupted mobile signal on all major roads, and our ambition is for the majority of the population to have access to a 5G signal by 2027. Last year we agreed a £1 billion Shared Rural Network deal with the UK’s mobile network operators to extend 4G mobile geographical coverage to 95% of the UK by 2025” (emphasis added).

Notwithstanding the Covid-19 pandemic, and the increase in network reliance, a look at past data shows that our reliance on mobile networks was increasing year-on-year, prior to 2020. Ofcom’s Communications Market Report 2018 provides a figure of 92 million active mobile subscribers in the UK at the end of 2017. It details that 78% of adults now use a smartphone and that 76% of mobile users are using their devices for web and data access. Figures within the report also confirm that users are spending an increasing amount of time per day using their mobile phone. 68% of participants in the Touchpoints research reported that they “could not live without” their mobile phone (rising to 78% among 25-34s). Whilst not included within the research figures, anecdotal evidence suggests that this number is greater still amongst those aged under 18. All of which points towards the nation’s increasing dependency on mobile services and connectivity.

As recognised by the London Assembly's Regeneration Committee within its "Digital Connectivity in London" report, published June 2017, digital connectivity is now widely regarded as the "*fourth utility, an everyday necessity alongside water, gas and electricity*" and also noted that "*mobile broadband is, and will continue to be, an essential complement of fixed broadband*". It is no longer a luxury, but a service essential to modern life.

As introduced above in Section 3 of this document, the objective of this site is to ensure that the existing base station on the rooftop of Anne's Court is upgraded to the most modern available.

On a wider scale, the proposal would contribute towards the country's connectivity and digital economy future via the provision of brand-new 5G network coverage for Three UK. The provision of 5G services is seen as vital for the UK's economic competitiveness and in promoting social inclusion.

Ofcom's 2018 Communications Market Research Report shows that smartphones are owned by four of every five UK consumers and smart TVs are in almost half of all households. Demand for data continues to grow rapidly for UK consumers, with 1.9GB consumed by an average mobile subscription per month in 2017, (up from 1.3 GB the previous year). The report found that more than seven in ten now use their mobile to access the internet, sufficient coverage is obviously vital for this basic utilities service to be provided.

The UK Government, recognising the benefits to commerce, industry and the public in general, places great emphasis on the benefits of mobile telecommunications to modern life. This position was reinforced by a statement made by then Prime Minister David Cameron in March 2016 when he specifically addressed the vital importance of mobile connectivity for residents and local economies and highlighted that the urgent delivery of the required network improvements is a Government priority;

"Ten years ago, we were all rather guilty of leading campaigns against masts and all the rest of it. Our constituents now want internet and mobile phone coverage. We need to make sure that we change the law in all the ways necessary, that the wayleaves are granted, that the masts are built, that we increase coverage and that everyone is connected to the information superhighway. This is substantiated in the most recent budget announcement of 16th March 2016, which commits to provisions for "greater freedoms and flexibilities for the deployment of mobile infrastructure".

Since 2016, and particularly during the enforced lockdowns of 2020 and 2021, public and business reliance on the established mobile networks has continued to increase. Improved mobile coverage and connectivity is now no longer viewed as a 'luxury', but rather an every-day necessity. This has been further exacerbated as, at the time of writing, the country remains ensconced in a third national lockdown, but with the gradual opening up of public services and workplaces. Despite the opening up of workplaces, early evidence suggests that a significant proportion of the working population may continue to work from home, in some capacity. It is therefore imperative that connectivity and capacity is continuous – to allow such home-working. Our reliance on these established networks is at an unprecedented level and it must therefore be ensured that coverage is not only continued, but also improved, with the provision of brand-new 5G technology.

5. Site Selection Process

Alternative sites considered and not chosen

Site Type	Site name and address	National Grid Reference	Reason for not choosing site
N/A	N/A	N/A	N/A

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

Paragraph 113 of the revised National Planning Policy Framework, in which the Government's supportive stance towards developing high-quality communications infrastructure is laid out, 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.*"

This proposal is for the upgrading of an established telecommunications site and not for the development of a brand-new site, thus the consideration of alternative sites is not appropriate. However, the applicant has examined its portfolio of sites in this region and determined that there are no other, viable alternatives in the area which can be upgraded to meet the specific technical requirement for providing 5G network coverage to the surrounding area. The application site, therefore, represents the only feasible option in this instance which allows the requirement to be met without the deployment of an additional base station in the locality.

As the proposed upgrade will replace older technologies with the most modern available, it is considered the best planning option. This wholly accords with national planning guidance.

Additional relevant information (include planning policy and material considerations):

It is considered that the proposed location is the least visually intrusive site and design available to the applicant which also ensures suitable continued and enhanced mobile coverage can be provided. The site is an existing and established communications installation situated on the rooftop of Anne's Court on Seafront.

The proposed upgrade is not dissimilar to previous upgrades which have been undertaken at the site and will lead to the provision of new cutting-edge 5G coverage. This upgrade is the next step in technological progression. The current installation is not seen as a prominent or incongruous development on the rooftop and it is not anticipated that the upgraded installation will be seen as such. As part of this upgrade, like previous upgrades undertaken at the application site, redundant equipment and steelwork will be removed to ensure that the visual amenity of the building is not unnecessarily impacted. The rooftop accommodates apparatus for a number of network operators and has been upgraded frequently since the mid-1990s. Currently, the rooftop accommodates apparatus for Three UK, EE, CTIL and Airwave. As an established telecommunications site, the upgrading of the base station follows national planning policy and is the preferred town planning solution when compared to the deployment of a brand-new base station within the local area.

For operational reasons, it is imperative that the antennas sit above the rooftop and therefore network signals are not obscured or blocked. As discussed elsewhere in this document, the proposed upgrade has been minimised as far as practicable, in terms of its visual impact.

Essentially this upgrade can be divided into five separate elements. These are:

Eastern-Plantroom:

- One tripod, accommodating one antenna, will be installed on to the plantroom.
- One existing pole-mounted antenna will be removed from the plantroom and will redeployed on to the proposed tripod.

Western Plantroom:

- One tripod, accommodating one antenna, will be installed on to the plantroom.
- One existing pole-mounted antenna will be removed from the plantroom and will redeployed on to the proposed tripod.
- An existing pole-mounted antenna will be removed. A new, more modern, antenna will be installed on to the existing support-pole.

The installation of the proposed tripods will result in a 1.7m height increase to the top height of the current rooftop apparatus. The Applicants therefore respectfully suggest that this is the only element of this base station upgrade that should be taken into consideration, when assessing the scheme. It is considered that a small increase of 1.7m to the top height of the building's antennas should be viewed as acceptable, when the public benefits of providing high-quality telecommunications services, in the form of brand-new 5G network coverage, are assessed against the perceived visual impact of the scheme.

The Council are respectfully asked to make a clear distinction between 'harm' and 'visibility'. Just because something is visible, does not necessarily infer that it is inappropriate to the streetscene, or will lead to 'harm'.

The selected siting is considered wholly appropriate. The proposal has been designed specifically to achieve a balance between meeting the technical requirement of the operator and avoiding harm to the site or the surrounding area. It is considered that this location offers the optimum location in terms of siting and design, with no significant impact on the surrounding area likely to be caused as a consequence of the proposed development. As such, equilibrium will be achieved between technical requirements and environmental impact. The provision of enhanced services to the area is in the public interest and there is no justification for this proposal not to receive Council support.

Planning Policy Context:

The new National Planning Policy Framework came into force in July 2018 replacing the guidance published in March 2012. The guidance has subsequently been updated in February 2019. The NPPF sets out the Government's planning policies for England and how these should be applied.

Paragraph 7 of the NPPF states *“The purpose of the planning system is to contribute to the achievement of sustainable development”*, and in paragraph 10 that *“at the heart of the Framework is a presumption in favour of sustainable development”*. In order to achieve the sustainable development objective, the NPPF has identified 3 overarching objectives (paragraph 8):

*“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

For **decision-taking** (paragraph 11) this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Further to this, paragraph 38 states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.”*

The proposed site will enable the provision of enhanced reliable mobile communications services to the wider area, bringing about substantial public benefit both socially as well as the allowing for certain businesses to expand, adapt and thrive as well as access new markets.

Government advice in recent years has been to promote and encourage communications services. Within his presentation to Parliament in July 2015 of the Government report *“Fixing the Foundations: Creating a more prosperous nation”* the Chancellor of the Exchequer reiterated the importance of a high-speed digital communication infrastructure. *“7.1 Reliable and high quality fixed and mobile broadband connections support growth in productivity, efficiency and labour force participation across the whole economy. They enable new and more efficient business processes, access to new markets and support flexible working and working from home.*

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

The NPPF (2019) directly addresses the need for enhanced wireless communication services, first mentioned in paragraph 20, which states that an LPA's strategic policies must make sufficient provision for:

*"b) infrastructure for transport, **telecommunications** (our emphasis), security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)"*

Leading on from this, 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"*.

While supported, the number of base stations are encouraged to be kept to a minimum in which the efficient operation of the network can be provided. 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"*.

By upgrading this existing telecommunications site, and providing coverage for multiple technologies, the proposal is in line with the above policy.

It should be noted that paragraph 116 states that *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure"*.

The proposal outlined within this document and the supporting enclosures, is in complete accordance with the guidance as set out in the National Planning Policy Framework.

Development Plan Policy:

Section 70 of the Town and Country Planning Act 1990 as amended requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

For the purposes of Section 70, the current adopted development plan for Havant Borough Council, relevant to the proposal, comprises:

- Havant Borough Core Strategy (March 2011).

Havant Borough Core Strategy (March 2011):

The Council's Local Plan does not include a specific telecommunications policy. As such, greater weight should be given to the NPPF, which, as outlined above, encourages the upgrading of existing telecommunications sites ahead of the deployment of new base stations, as well as the use of existing buildings and structures. It is considered that the scheme before the Council is wholly acceptable and in full accordance with national planning policy.

No conflict with been identified with any other development plan policies.

This application proposes the upgrading of an existing telecommunications site, which is actively encouraged within the NPPF. This proposal will result in a direct improvement to telecommunications provision within this area. This follows the Governments direction of travel in regard to providing high quality communications networks across the UK.

The upgrading of the site to incorporate the most modern technology (5G), will assist in keeping the overall number of telecommunications installations to a minimum within the Council area.

It has been demonstrated that the proposed scheme utilises good design. Whilst the apparatus may not be considered attractive, it is of 'high quality' design. As detailed at length within this application, the apparatus is dictated solely by function. The apparatus is required to provide 5G network coverage to a specific target area. It has no other function and, as such, this must be acknowledged by the Council.

It is of significance that the development will provide the next generation of network coverage to the local area – 5G – ensuring continued enhancement of services to the local community.

Summary

National planning policy is to facilitate the growth of new and existing telecommunications systems, and operators have obligations to meet customer demands for a continued and improved quality of service.

The specific requirement of the operator in this instance is to provide improved connectivity and network enhancement to the area. This proposal achieves this aim. The proposed development is compliant with the NPPF. This siting and design are considered the most appropriate solution to providing the coverage requirements to the area.

The proposal is fully compliant with ICNIRP guidelines.

Name: (Agent)	<u>Nick Allan</u>	Telephone:	<u>01932 411 011</u>
Operator:	<u>Three UK Limited</u>		
	<u>(H3G UK Ltd)</u>		
Address:	<u>C/o Agent</u>	Email Address:	<u>Nick.allan@waldontelecom.com</u>
		Date:	<u>5/7/2021</u>
Signed:	<u>N. Allan</u>	Company:	<u>Waldon Telecom Limited</u>
Position:	<u>Town Planner</u>		
		(on behalf of	<u>Waldon Telecom (Agent)</u>
		Three UK Limited)	<u>Phoenix House</u>
			<u>Pyrford Road</u>
			<u>West Byfleet</u>
			<u>Surrey</u>
			<u>KT14 6RA</u>