WHP Telecoms Ltd

Telecommunication Appeal

for

CK Hutchison Networks (UK) Ltd

at

Station Road,
Kirtlington,
Cherwell,
Oxfordshire,
South East England,
England,
OX5 3EZ

Appeal Statement

Date: 07/01/2022

Prepared by WHP Ltd
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Agents Ref: CWL18719

Hutchison 3G UK Ltd (Three UK)

Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works on land adjacent to Station Road, Kirtlington, Cherwell, OX5 3EZ

Appeal Statement of Case.

Contents:

1.0 Introduction:

1.1 This appeal seeks the Inspectorate to consider the proposal for the siting and design of a proposed telecommunications installation. The proposal is a proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. This appeal seeks the Inspector to gauge if the proposal could be to the detriment of the amenity and character of the area when weighed against the considerable benefits the development would deliver in terms of sustainability and provision of enhanced digital communication for residents and businesses in the cell search area.

1.2 The Appellant wishes to pursue the written representations appeal procedure.

1.3 In the reasons for refusal, as given by Cherwell District Council in their decision notice **21/03452/TEL56** on the 3rd December 2021, they state that:

"The proposed 5G radio monopole and associated equipment by reason of its design and siting would result in less than substantial harm to the character and appearance of the Kirtlington Conservation Area. The identified public benefits are not considered to overcome the harm identified. The proposal would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance set out in the National Planning Policy Framework."

1.4 The justification, reasoning and decision for the refusal of the Planning Application, by Cherwell District Council are the subject of this appeal.

1.5 The Grounds for Appeal are:

- The proposal is in accordance with the National Planning Policies (NPPF)
- The proposal is in accordance with Policies of the Development Plan (Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance set out in the National Planning Policy Framework.).
- As outlined in this supporting statement, the applicant is confident that the proposed telecommunications monopole and ancillary infrastructure would not, by virtue of its design, be detrimental to the amenity or character of the area, and that robust evidence has been provided to demonstrate the need for this location.

Key Issue/s

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

- Whether the benefits of the appeal proposals outweigh the impact upon the character and amenity of the area (by virtue of its scale and position)

Technical Considerations

1.7 The published record of comments online suggests no statutory consultees have objected and a number of members of the public have commented, with some objections and letters of support. The Parish Council and Cherwell District Council Conservation have objected due to the perceived impact on the Conservation area and setting of Grade II* Church Tower.

2.0 Procedural Matters

2.1 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders, of which none were received prior to the submission of the Application. The local Ward Councillors and the LPA were consulted with prior to the submission of this application. Pre-application was undertaken for the scheme with no responses by the LPA or Ward Councillors prior to the submission of the application. Post GPDO submission a letter was received from the LPA objecting to the proposal on similar grounds as the reasons for refusal.

2.2 Three UK are in the process of building out the UK's fastest 5G network. Three UK has 140MHz of 5G spectrum (and 100MHz of it contiguous), which means their service will be much faster and able to handle more data. To bring this new technology to the people Three UK will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including the fact that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.

2.3 It should be noted however, that the nature of 5G and the network services it provides, means the equipment and antennas required differ to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

Future Telecoms Infrastructure Review

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

Public Benefits

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

Figure 3.

Figure 3: Examples of potential benefits arising from 5G[21]

Improved connectivity: Faster and more reliable 5G connectivity for users in a range of environments, including on road and rail networks, in dense areas and even at home.

- **Potential benefits:** Increased consumer value and productivity gains

New consumer devices and services: Smart devices and services enabled by 5G, from immersive media and entertainment through new healthcare wearables to connected and autonomous vehicles

- **Potential benefits:** A variety of consumer and business benefits driven by innovation

New IoT solutions: Opportunities for more advanced asset tracking, remote control, predictive maintenance and sensor-enabled optimisation of processes across sectors

- **Potential benefits:** Increased productivity

Smarter infrastructure and public services: Street lighting, traffic management systems, energy grids and other areas could be enhanced by 5G connectivity

- **Potential benefits:** More efficient and secure service delivery, environmental benefits

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

3.0 The Appeal Site / Context:

3.1 The proposed site on highways land adjacent to Station Road, Kirtlington, Cherwell OX5 3EZ. This planning application, which is the subject of this appeal, is purely to improve digital wireless, mobile coverage within this area with new equipment to facilitate 5G coverage. This planning application, which is the subject of this appeal, is purely to improve digital wireless, mobile coverage within this area with new equipment to facilitate 5G coverage. The proposal will involve the installation of a 5G 15m monopole and associated works.

3.2 It is proposed that the installation is to provide comprehensive digital coverage with a 5G installation, to facilitate significantly improved connectivity. Three UK utilise approved equipment and these installations are fully compliant with the NPPF.

3.3 The target coverage area includes the Kirtlington area and has been carefully selected as a position capable of providing the required essential coverage. In addition to this, this site maintains a reasonable distance from more sensitive receptors whilst remaining within the constraints of the cell search area (the cell search area is very constrained geographically (as evidenced in the submitted SSSI and is a predominantly residential area (beyond that of the appeal site)). The appeal site is situated on highways land within an area of mixed use (agricultural and residential) benefitting from screening provided by mature trees and existing street furniture which will prevent the site from appearing incongruous. The site has been strategically situated on a the grass verge at Station Road, as far as possible from sensitive receptors such as residential properties so as to prevent any infringement upon the view from such properties and the free-flow of pedestrians within the area. The site benefits from ample screening provided buy the surrounding tall, mature trees, of which the closest are approximately 5m taller than the proposal. Should the inspector deem the proposal acceptable, the equipment can be painted as per suggestions in order to further assimilate with the surroundings. The site has been carefully selected in a position capable of providing essential new 5G coverage and associated internet provision for the area.

3.4 The location and position of the proposal has been identified as part of Kirtlington Conservation area, and the area is urban in character (the location and wider cell search area is dominated by residential uses). The site is located on highways land adjacent to Station Road, close to tall existing street furniture (streetlights) and large mature trees. The area is of mixed agricultural and residential use, and therefore the designated search area is highly constrained; to the north and east, a number of residential streets and to the south and west large open spaces housing numerous tall mature trees and farm buildings. The site is set on highways land and is very well screened from views in all directions. The location of the proposal could not be more suitable given the screening that surrounds the site and that there is only limited scope for negative residential amenity.

3.5 The associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval and should not be considered as a reason for refusal. Notwithstanding this it is important to note that the equipment has been positioned on the grass verge to utilise the natural screening from the vegetation that fronts Station Road, so as to reduce the visual impact and to avoid impeding pedestrian flow. If the Inspector is minded to approve the installation, the colouring of the equipment can also be specified as deemed appropriate to enhance any merging effects with the existing street scene

3.6 It is considered that facilitating the delivery of what is seen by Government as a key part of the economic growth strategy for the UK would in this instance amount to special circumstances. Any refusal on the grounds that the development would not constitute special circumstance would delay and inhibit the delivery of this key driver of

the wider UK economy. The investment in mobile infrastructure will continue and it will evolve. Just as the use of 4G mobile technology becomes widespread, the adoption and use of 5G mobile technology needs to be planned and implemented. Getting this right is important for three reasons:

1. Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026

2. Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being.

3. Mobile connectivity is essential to fulfilling the potential of new technologies.

Innovations such as Artificial Intelligence and connected cars will change how we work, spend our leisure time and run our public services. The mobile industry has been able to enhance mobile connectivity across most of the country, but there is more to be done.

3.7 A slimline street pole design has been specified due to the target coverage area including a high density of residential users with a view to minimising visual intrusion or conflicting with the character of the area. It is important to note that a shared 5G structure would require multiple levels of open antenna headframes on a considerably more bulky and intrusive support structure and therefore the least intrusive equipment configuration has been specified. The proposal is essential for the Operator to bring optimum telecommunications / mobile broadband services to the area.

3.8 As stated previously, robust pre-consultation was conducted by the applicants' agent. This process included pre-application with the LPA and further consultation with the local Ward Councillors. The pre-application process invites Cherwell District Council and other key stakeholders to meet to discuss the application prior to submission. In this instance no comments were received from Cherwell District Council following the original pre-application submission. Pre-application was undertaken for the site with no responses by the LPA or Ward Councillors prior to the submission of the application.

3.9 In relation to perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.

3.10 The proposal has been designed to remain as discreet as physically possible yet still facilitate multiple 'sharers'. The installation must be high enough to ensure suitable coverage within the cell and provide connection between these cells. In this instance the height is required to clear surrounding clutter. If the pole were to be lower than that proposed, there would be significantly limited coverage as the cell could not effectively communicate with other cells and the wider network, meaning a compromised level of service. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance is the visual impact (and perceived harm to amenity) weighed against the need, technical requirements of the installation and availability of a suitable and available site. This balance is a well-known and most important matter for the determination of telecommunications applications and appeals. Had the Case Officer weighed perceived levels of harm to amenity against public benefit, as required by NPPF, they would ordinarily have concluded the balance was overwhelmingly in favour of support for such development.

3.11 The current scheme detailed in this appeal has sought to mitigate any perceived detrimental effects with its position that would benefit from being in an area where ethe presence of telecommunications infrastructure has already been established. In the

reasons for refusal the Council is concerned that the installation would, in essence, have a detrimental impact on the character and visual amenity of the area.

3.12 In accordance with the sequential approach outlined in the National Planning Policy Framework (NPPF) the following search criteria have been utilised. Firstly, consideration is always given to the possibility of erecting antennas on an existing building, mast or other structure. The proposal is from a site selection perspective the sequentially optimum solution. Option 1 below has been progressed rather than a new ground based mast. Approving this scheme will avoid telecoms proliferation and will negate the need for a new additional ground based mast or street works monopole.

3.13 This sequential approach is outlined below:

1. Upgrading an operator's own existing base station(s);

2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;

3. Co-location or site sharing alongside existing telecommunications development;

4. Installing a base station on an existing building or tall structure.

If 1-4 unavailable, the only viable option is

5. Erection of a new ground-based mast in street environment

3.14 In compliance with its licence and the sequential approach outlined in the NPPF all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed. As identified in the submitted documents that accompanied the planning application, no opportunities for site sharing are available, resulting in Option 5 of the sequential approach being the only viable route that would ensure delivery of the requisite digital service. As such, the sequential site selection process has been adhered to.

3.15 The cell search area is illustrated below and is extremely constrained with the only viable option having been put forward. Figure 5 below illustrates the parameters of the search area showing the coverage requirement between a cluster of existing cells. The existing cells are illustrated in Figure 5 by the conical shapes. If the equipment is shaded red then the cell is congested and there is an urgent requirement to install additional telecommunications equipment in order to "offload" the congested sector. Often the proposal has been pulled marginally outside of the cell search area due to residential amenity, pavement width, underground services and planning issues. There are also build constraints to take into account as the site must be selected in a position where the mast can be physically constructed. However, existing underground services continue to be a significant obstacle to the deployment of this roll out. As with all 5G cells the search area is highly constrained covering a small radius with extremely limited availability of options and the only viable solution from a planning and radio coverage perspective has been put forward.

Figure 4: Congested Cell Example

Figure 4 illustrates existing cell PLY041. One of the existing sectors is shaded red, thus showing that the sector does not have the required capacity to meet the demand in the area. Therefore there is a requirement to for additional telecommunications equipment in order to “offload” the congested cell. We must avoid these existing telecoms sites (rooftop antenna and masts) to avoid interference.

Figure 5: Cell Search Area Map with the Nominal illustrated by the white inverted ‘T’ marker below: We can see existing 3UK Sites surrounding the nominal. The area surrounding the nominal is lacking in coverage illustrated by unshaded areas and the areas shaded green have adequate coverage.

3.17 This is a standalone facility as opportunities for sharing have been investigated and exhausted. Ordinarily a new additional mast to facilitate the digital coverage upgrade would not be in line with NPPF, but due to technological constraints this is the only option available

4.0 Consideration / Justification:

Policy / Guidance Consideration:

4.1.0 Local Plan Policy:

4.1.1 The decision notice as issued by Cherwell District Council states:

"*The proposed 5G radio monopole and associated equipment by reason of its design and siting would result in less than substantial harm to the character and appearance of the Kirtlington Conservation Area. The identified public benefits are not considered to overcome the harm identified. The proposal would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance set out in the National Planning Policy Framework."*

Policy ESD15 of the Cherwell Local Plan 2011-2031 (Part 1) reads:

"Policy ESD 15: The Character of the Built and Historic Environment

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- *Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.*
- *Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions.*
- *Support the efficient use of land and infrastructure, through appropriate land uses, mix and density / development intensity.*
- *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting.*
- *Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged.*
- *Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.*
- *Respect the traditional pattern of routes, spaces, blocks, plots, enclosures*

and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.

- *Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette.*
- *Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features.*
- *Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.*
- *Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
- *Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation.*
- *Consider sustainable design and layout at the master planning stage of design, where building orientation and the impact of microclimate can be considered within the layout.*
- *Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy).*
- *Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality.*
- *Use locally sourced sustainable materials where possible.*

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site."

The proposal has been sympathetically designed and strategically located by the requirement to compliment, conserve and enhance the character of its context. The equipment has been proposed in its most condensed form, notably circa 5m shorter than the closest mature tree and would enhance the surroundings with greatly improved connectivity. Benefits of the proposal include social and economic, illustrated within Case Law (Ref. APP/G4240/W/20/3263529), safety benefits; the improved network speeds and connectivity within the surrounding area would result in improvements to features such as CCTV, communication services and emergency services will be more readily accessible, thus creating communities which are "safe" (ESD15) for all users. Clearly the benefits of such an installation are substantial.

The refusal notice states a "less than substantial harm to the character and appearance of Kirtlington Conservation area." The proposal has been strategically located on the edge of said Conservation area with the avoidance of Listed Buildings, in order to mitigate any impact to the setting of the Conservation area. The surrounding tall trees and shrubs (as noted mostly taller than the proposal) would provide ample screening and should the inspector deem the proposal acceptable the equipment would be painted as per suggestion in order to further assimilate with the surroundings.

The Officer's report states an "impact on the setting of a Grade II* Listed Church Tower", said Church Tower is located approximately 200m from the proposed site and the buildings and vast tall mature trees sited between the Tower and proposal site would therefore adequately screen the equipment and thus protect and conserve the setting of the heritage asset.

Policy C28 of the Cherwell Local Plan 1996 reads:

"Design Considerations

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required"

It is accepted that the equipment is a modern addition to the area, however the equipment has been sympathetically designed and proposed in its most condensed form. The equipment can be painted in order to further camouflage and assimilate with the surrounding area.

The proposal clearly complies with the relevant aims of the Cherwell Local Plan and thus contradicts the use of both policies as a valid grounds for refusal.

4.1.2 In accordance with the requirements of the Development Plan and policy requirements the site has been carefully selected in a position as far away as technically possible from the views of residential properties in a position benefitting from the masking effects associated with the surrounding large trees. Views to the site from beyond the Station Road area are extremely limited with a resultant visual impact being near benign. The site has also been selected nearby to numerous elements of street furniture with similar vertical lines that will allow the proposal to visually assimilate with its surroundings.

4.1.3 The site has been carefully selected to provide the required essential new 5G coverage whilst protecting the amenity of the residents further afield. Resultingly, any perceived harm will be considerably outweighed by the tangible public benefits the scheme will deliver. The proposed installation is required to deliver new 5G coverage

within the Kirtlington area and, given the build and technical coverage constraints, the least visually intrusive design solution available has been put forward.

4.1.4 The position of the site infrastructure (with a suitable and sympathetic design) and ancillary infrastructure, as detailed in the submitted Planning Application, is to facilitate the provision of enhanced digital connectivity and rollout of the 'Next Generation' of telecommunication services and mobile broadband. The applicant appreciates that the proposal is taller than the nearby street furniture with similar vertical lines however, there is no scope to lower the new 5G installation and the specified height will not be to the determinant of the immediate or wider locale. The applicant appreciates that the monopole would qualify as change, but not to the detriment of the aesthetics or character of the area.

4.1.5 The 5G installation is required to ensure mast sharing can be facilitated (as prescribed by policy and guidance) and remove the need for any future additional telecommunications masts in this location at a future date.

4.1.6 The opinion of Cherwell District Council that the development would be contrary to the objectives of the GPDO as detailed above is challenged.

4.1.7 Contrary to the opinion of Cherwell District Council, it is considered that the proposed development would accord with all elements of the GPDO (as well as Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996), notably in the fact that the design and siting of the installation is one that would not be alien in the existing context. The proposal would appear as a telecommunications installation, in a location where seeing such development would not appear unusual. It is of an appropriate design to ensure service delivery, yet is static and a vertical structure that does not visually jar or harm amenity. All efforts to keep the monopole out of and away from potentially sensitive receptors have been adhered to. There would be no tangible loss to existing levels of amenity as these would in the main be maintained through ample screening by the trees (albeit with greatly enhanced digital connectivity). If the Inspector is minded to approve the installation, the colour of the monopole can be coloured to one deemed appropriate to the location (to further minimise its' appearance and any perceived obtrusion on amenity).

4.1.8 For the proposal to be 'detrimental' to amenities of the area and for the scheme to constitute 'harm' (overbearing) regarding the character of the area, it would need to be 'unpleasant' or 'harmful' to the wider environment. In this instance it is noted that the site is well located with a backdrop of various streetlights and trees.

For clarity, the development seeks to minimise the mass and scale of the installation whilst delivering the service and operational requirements associated with providing new essential 5G coverage and future proofing the installation for deployment of other technologies. In addition, the cell area is one of high-density residential concentration. This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users (all those properties and businesses in the red shaded area in Figure 5 above), which by default emphasises a very evident and demonstrable public benefit. It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors. It would be similar to numerous similar structures in this location (streetlights) of which designs and installations are accepted and regularly seen in comparable locations across the UK.

4.1.9 As stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day-to-day life and business. The fact that the scheme seeks to provide a

suitable design is not considered to be so damaging or sufficiently obtrusive as to justify the stance taken by Cherwell District Council in this instance.

4.1.10 The development seeks to minimise the mass and scale of the installation as much as possible, yet still deliver the service and operational needs of future site sharing. In addition, the cell area is one constrained by residential uses. This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users, thus creating a very evident and demonstrable public benefit from the proposed enhancement of this cells coverage.

4.1.11 The applicant is confident that with the design proposed the character of the area is maintained. As stated above there is no scope to move the proposed site to an alternative location (see discounted options and reasons), given the extremely limited constraints within which the proposal strives to achieve improved digital delivery. Any move from this location could place the mast closer to other more sensitive receptors or require a monopole of increased height.

4.1.12 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement gives further details on the benefits of the proposal.

4.1.13 Provision of this infrastructure, in an area identified as one lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses. It is vital to consider that a new 5G option is required in this location.

4.1.14 As stated above from a planning perspective the sequential approach should be followed for all telecoms sites regardless of their location and this has been rigidly adhered to with this proposal. Operators are committed to provide coverage and improve capacity. Operators' need for a new base station derives from a sequential approach to a site selection process.

1. Upgrading an operator's own existing base station(s);
2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
3. Co-location or site sharing alongside existing telecommunications development
4. Installing a base station on an existing building or tall structure.

If 1-4 unavailable, the only viable option is

5. Erection of a new ground based mast in street environment.

4.1.15 In this instance the possibility of fulfilling the requirement by upgrading an existing site is not available hence the provision of the proposed standalone installation. However it still accords with the sequential approach (as demonstrated within the supporting statement the cell search area is extremely contained and the only viable option has been put forward). Furthermore, the LPA had an opportunity to offer alternatives at the point of pre-application consultation but chose not to take up this chance to guide development in a way they saw as appropriate.

4.1.16 The type of installation that the applicant has proposed is the optimum design solution for deploying 5G technologies and the height at 15m is the very lowest that works effectively for the Operator. Given the siting preference, the proposed location is deemed acceptable and appropriate. If the height of the monopole were to be reduced below 15m then the installation would not be able to provide adequate coverage for the Operator (it would need to be positioned in a more exposed location as it could not utilise the level of screening afforded by the trees). The cabinets are required to serve

the Operator and these have been kept to a minimum. The cabinets should not form part of the planning application process or this appeal as they are Permitted Development (without Prior Approval) however; all efforts are taken to keep these to an absolute minimum. Both the original planning submission and this appeal statement robustly assess how the proposal fits within the surrounding area including its planning designations and assesses the local and national policies. The National Policy section is assessed again below.

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

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

4.2.2 Paragraph 114 states that:

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

The improved service the proposed monopole would deliver would result in a direct contribution to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services (via better connectivity and communication).

4.2.3 Paragraph 115 states that:

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

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

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

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

5.0 Discounted Options

(Designated Search Area) covers this densely packed residential area. There is no scope to pull the mast outside of this area and give the cell 5G coverage.

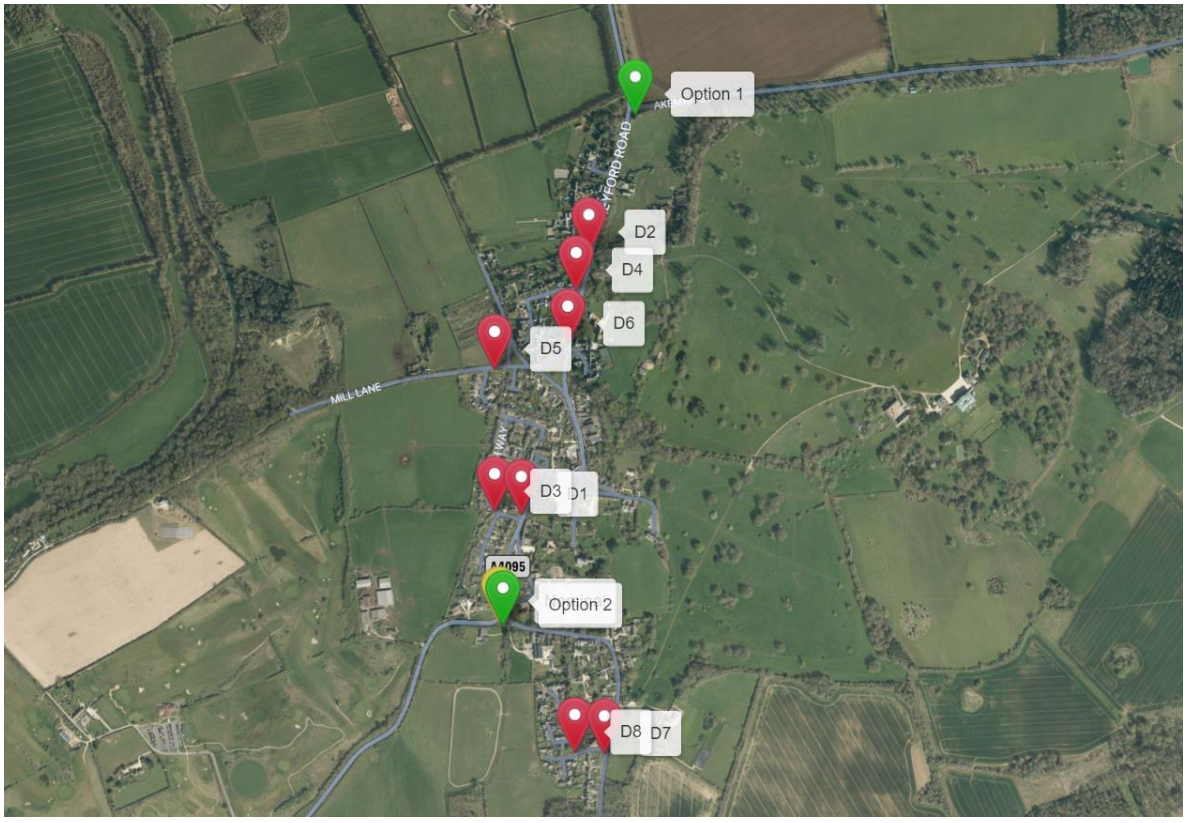
Shortlist of Options:

OPTION 1 – AKEMAN STREET – Discounted due to distance from nominal.
OPTION 2 – BLETCHINGDON ROAD – Selected as application site.

Discounted Options:

D1 - HEYFORD ROAD - Discounted due to obstruction of overhead cable and proximity to residential housing.
D2 - HEYFORD ROAD - Discounted due to obstruction of overhead cable.
D3 - HATCH WAY - Discounted due to insufficient pavement width and residential amenity issues.
D4 - PARK CLOSE - Discounted due to required removal of tree canopy and significant pavement width.
D5 - MILL LANE - Discounted due to required removal of tree canopy and visibility splay.
D6 - HEYFORD ROAD - Discounted due to obstruction of overhead cable.
D7 - BLETCHINGDON ROAD - Discounted due to visibility splay and proximity of residential housing.
D8 - GOSSWAY FIELDS - Discounted due to proximity to residential housing.

Figure 6: Discounted Options



6.0 Conclusion and Planning Balance

6.1.0 Reasoning and Summary

6.1.1. It is considered that the installation of the cabinets and monopole would not be contrary to but would contribute to the achievement of the Policy objectives of Cherwell District Council Development Plan and the NPPF. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area. The proposal would further the delivery of sustainable development through intelligently managed and considered change. As stated throughout this statement it is vital to consider that the proposal relates to an upgrade of digital connectivity to address a 5G coverage hole in the area. It must also be considered that all efforts have been applied to the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected. The proposed location benefits from the screening effects associated with a backdrop of trees with no tangible or long-lasting detrimental impact on amenity or character.

6.1.2 We consider the development complies with Government guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of business and the community while minimising visual impact.

6.1.3 On balance, we consider that any perceived impact on amenity or character the site may have will be outweighed by the considerable positive benefits brought to the economy and community by telecommunications (as evidenced in the Government-published Future Telecoms Infrastructure Review‘).There would be no impact on the character of the area. As detailed above, the development meets the requisite criteria and standards and accords with the ‘Planning for Growth’ objectives.

6.1.4 As such, it is respectfully requested that the appeal be allowed. If the Inspector deems that conditions on approval are required these will be welcomed (e.g. amending the colour scheme).