WHP Telecoms

Appeal against the decision of South Tyneside Council to refuse planning permission (ref: ST/0918/22/TPN) for the proposed installation of 30m high Valmont climbable Monopole on 6.6 x 6.6 x 1.4m deep concrete base with 6 no. Antenna Apertures at 300°/120° /190° and 4 no. 600 dia. Dishes, RRU's, MHA's, Active Routers and BOB's to be fixed to support poles below Antennas and associated ancillary works

At land off Cleadon Lane, Cleadon Lane, East Boldon, NE36 0AJ

APPEAL STATEMENT OF CASE

Date: 19.01.2023

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Agents Ref: 95842

EE Ltd and Hutchison UK Ltd

Prior Approval of the proposed installation of 30m high Valmont climbable Monopole on 6.6 x 6.6 x 1.4m deep concrete base with 6 no. Antenna Apertures at 300°/120° /190° and 4 no. 600 dia. Dishes, RRU's, MHA's, Active Routers and BOB's to be fixed to support poles below Antennas and associated ancillary works at land off Cleadon Lane, Cleadon Lane, East Boldon, NE36 0AJ

Appeal Statement of Case

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1.0 **Introduction:**

1.1 It is imperative for the Inspector to consider that this is not a new additional mast in the area but a replacement due an NTQ (Notice to Quit) being served on MBNL. This Appeal seeks the Inspector to consider the proposal for the siting and design of a 30m monopole tower and associated works. This appeal seeks the Inspector to gauge if the proposal could be to the detriment of neighbouring amenity, when weighed against the 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 In the reasons for refusal, as given by South Tyneside Council in their decision notice ST/0918/22/TPN of the 4th January 2023, they state that:

1. *The proposed mast and the proposed 2.4 metre high boundary treatment enclosing the mast and its associated structures by virtue of their prominent location in open countryside, Green Belt and a green infrastructure corridor between the villages of East Boldon and Cleadon, their proximity to Cleadon Lane, the 30 metre height of the mast, the bulky design of the mast supporting 6 antennae and 4 dishes and the materials and height of the proposed boundary treatment, results in features that would appear incongruous and would give rise to visual clutter causing significant harm to the visual amenities of the locality. Furthermore, it is not considered that less visually harmful alternative sites for the mast on the nearby Cleadon Lane Industrial Estate have been sufficiently considered. These deficiencies would be contrary to Policies EB2, EB5 and EB6 of the East Boldon Neighbourhood Plan, Policies EA1 and DM1 of the South Tyneside Local Development Framework (LDF) and the NPPF.*

1.3 The justification, reasoning and decision for the refusal of the Planning Application, by South Tyneside Council are the subject of this appeal.

1.4 The Grounds for Appeal are:

- The proposal is in accordance with the National Planning Policies (NPPF)
- The proposal is in accordance with Policies EB2, EB5, EB6, EA1 and DM1 of the Development Plan.
- As outlined in this supporting statement the applicant is confident that the proposed telecommunications installation and ancillary infrastructure would not, by virtue of its design, be detrimental to amenity, and that suitable and robust evidence has been provided to demonstrate the need for this location.

Key Issue/s

1.5 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);
- Whether alternative options have been sufficiently considered and discounted
- The site identified is as a result of receipt of a 'Notice to Quit' (NTQ) of the existing site at Cleadon Lane Industrial Estate (the location suggested as appropriate by the LPA in the refusal notice, but no longer available due to redevelopment of the Industrial Estate (see reasoning in the submitted SSSI)) and the obligation to provide comparable / enhanced service on a site in suitably close proximity.

Technical Considerations

1.6 The LPA have not published the recommendation report online, and no details of consultee or members of the public's comments are available to view.

2.0 **Procedural Matters**

2.1 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders. The local Ward Councillors and the LPA were consulted with prior to the submission of this application. This new proposal seeks to replace the installation that is at the appeal site (the existing installation would be removed, subject to the success of this appeal). Pre-application was undertaken for the scheme with no responses from Ward Councillors. Pre-application was taken with, and responses received from, the LPA and the East Boldon Community Forum prior to the submission of the application. Their comments were appreciated and helped form the submission as detailed (comments and correspondence are identified and detailed in the SSSI as submitted with the application).

2.2 At present the EE Ltd and Hutchison UK Ltd site at Cleadon Industrial Estate is the subject of the NTQ and an alternative site has to be found in close proximity. The proposed site has been sited with consideration of a sequential approach to site acquisition (in this instance the proposal is not to add additional masts, but seeks to replace an existing site that is to be removed as the result of receipt of an NTQ notice). With 5G the design of the installations must change. EE Ltd and Hutchison UK Ltd are now deploying 2G/3G/4G and 5G antennas in order to provide the best possible mobile experience for all our customers. Without the site being lost to the NTQ, those within the cell area will not have such a mobile experience (as is expected).

2.3 At times new (replacement) monopoles are required due to the level of data demand in that area, or as a result of a change in circumstances for the existing infrastructure (as applies in this case). The reasons for the replacement are to manage the demands in data and so that each of the Mobile Operators – EE and Three – can optimise the best use of the spectrum available to them. Where possible the applicants have designed and located equipment so that it presents the least visually obtrusive feature within the landscape. As captured above this site's driver is the need to replace an existing site (that will be lost due to the NTQ (and service lost as a result)). The status quo in terms of installations will be maintained.

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 land off Cleadon Lane, East Boldon, NE36 0AJ seeks to replace what was an established telecommunication installation (now the subject of an NTQ) with replacement mast of comparable height dimensions. This planning application, which is the subject of this appeal, is purely to maintain and improve digital coverage within this existing cell with new equipment to facilitate 5G coverage. The proposal will involve the installation of a 5G monopole and associated works, which is to the north east of, and seen in context with, the neighbouring Industrial Estate.

3.2 It is proposed that the installation replace the installation to be lost due to the NTQ (Notice to Quit) requirement, and is designed to facilitate significantly improved connectivity. The sharing of base stations between multiple operators is one of the key strategic policy principles contained within the NPPF. H3G and EE have a network sharing agreement and the ESN (Emergency Services Network) utilise EE equipment and thus these installations are fully compliant with the NPPF.

3.3 As stated above it is imperative to consider that the ESN (Emergency Services Network) also share on EE masts and thus this installation will also be compatible for the Police, Fire and Ambulance Services. The replacement of the site has both commercial and national importance serving both EE and H3G LTE on the commercial side and ESN on the national side.

3.4 The location and position of the proposal is not identified as sensitive (e.g., Article 2 (3) land), and the area is semi-urban in character. The site is located on land adjacent to the highway, seen in a context where telecommunications installations are not unusual with a backdrop of the Industrial Estate to the south / south west, and electricity pylons / horse fields to the north. The site has sought to keep the position as close to the existing lattice tower that is being lost as part of the redevelopment of the Industrial Estate (the site to be lost is at NGR: E: 437028; N: 561661). The site proposed is on the periphery of, but within the Green Belt. The form of development proposed would not result in the loss of openness and the function of the Green Belt would remain intact. The location of the proposal could not be more suitable given the uses that surround the site and that there is no scope for negative residential amenity to consider as a factor (with identified distances to properties to the north, and the intervening electricity pylons / wires). As captured in the Supporting Statement supplied with the GPDO application (SSSI) the fact that the site is within the Green Belt is not for consideration. The application that was refused is a Prior Approval Application and thus any debate around the Green Belt is not applicable for the reasons captured by the Planning Inspectorate. The Prior Approval Application included two recent appeal decisions that capture the endorsement of Prior Approval Applications in the Green Belt Appeal Ref: APP/K3605/W/19/3243050 & APP/G5180/W/19/3240742. Please see the two areas captured by the Inspector in relation to Green Belts. The Council has also raised the issue of the mast being positioned within the Green Belt. Under Class A of Part 16 of Schedule 2 of the General Permitted Development Order (GPDO) 2022, the only issues which can be considered in respect of a prior approval application for telecommunications equipment are siting and appearance. Accordingly, the principle of development is not a consideration and the question of whether the proposal represents inappropriate development in the Green Belt does not arise. Notwithstanding this, the slender mast would not result in any discernible loss of openness to the Green Belt. Although the appeal site is within the Metropolitan Green Belt and much of the evidence relates to the analysis of this matter, the only issues that I can consider in respect of a prior approval appeal for telecommunications equipment are siting and appearance. Accordingly, the principle of development is not a consideration and the question of whether or not the proposal represents inappropriate development in the Green Belt

does not arise. The Government has set targets that the UK has blanket mobile coverage or as close to that as possible. Given the Green Belt covers large swathes of the UK it would be impossible to achieve this target without masts being located in the Green Belt. The Emergency Services use the EE network and thus the need is clear and pronounced. The need for coverage in the Green Belt is an exceptional circumstance if mobile phone infrastructure is deemed "inappropriate".

3.5 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, and 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:

3.6 As stated above the proposed telecommunication equipment designed to facilitate 5G sharing at the site. EE Ltd and Hutchinson UK Ltd and now ESN (Emergency Services Network) share the same network. The proposal is essential for the Operators to bring optimum telecommunications / mobile broadband services to the area. The works (being a comparable replacement monopole and ancillary infrastructure) would be located in the same general location as the existing telecommunications installation adjacent to the appeal site.

3.7 The proposed installation has been designed to be shared between EE Ltd and Hutchinson UK Ltd and ESN.

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 South Tyneside Council and other key stakeholders to meet to discuss the application prior to submission. In this instance no comments were received from South Tyneside Council or Ward Members following the original pre-application submission (see Section 2.1. above).

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 need for the pole to be a minimum of 30 metres high is essential. The height of the monopole must be sufficient to enable local provision and clear surrounding buildings. The monopole with 5G also needs to be 30 m to clear ICNIRP guidelines and thus there is no scope to lower the monopole. 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 (notably buildings). 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 the level of service expected would be compromised. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance in this case is the perceived effect on setting 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 has sought to mitigate any perceived detrimental effects with its position near the existing installation (that is to be removed subject to the success of this appeal) and the blank gables that characterise the immediate area. In the reasons for refusal the Council is concerned that the replacement installation would, in essence, have a detrimental effect on the character of the area (amenity). In accordance with published guidance, this site is the only viable solution and is in the most appropriate location.

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. Upgrading the existing site has not been possible here (due to the NTQ) so a replacement mast is required. The proposal is from a site selection perspective the sequentially optimum solution.

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 stated above this is a replacement for a site affected by an NTQ, so options 1-4 were not feasible, and option 5 has had to be pursued. Thus the sequential site selection process has been adhered to.

3.15 This is a replacement of an existing site (nearby) and other standalone new facilities have been investigated (as detailed in the discounted options). As stated, the most sequentially preferable option has been progressed. The discounted options were included with the Prior Approval submission but are also captured below for completeness.

Site	Site Name and Address	NGR	Reason for not choosing
GF	Land off Moor Lane	E: 437353, N: 561568	Land recently bought by a property development company. Therefore land likely redeveloped in the near future as part of the new South Tyneside Local plan.
GF	JT Dove	E; 437271, N: 561517	Building materials supplier with good sized yard to rear however, the site has limited space for any installation due to storage use.
GF	East Boldon Metro Station Car Park	E: 437257, N: 561501	Small car park which serves both the East Boldon Metro Station and Beggars Bridge Pub & Kitchen. Car park has very limited space for equipment and is fully used throughout the day
GF	Land off Glencourse	E: 437167, N: 561447	Small strip of common land off Glencourse. Land is between Metro line and residential. Proximity to residential may cause amenity issues in planning, therefore discounted.
GF	Cleadon Lane Industrial Estate		The whole of the industrial estate is discounted due to being designated in the South Tyneside Emerging Local Plan as a 'Regeneration Site' and is allocated for mixed use development comprising approx. 245 new homes and 2.1 hectares of employment land.
GF	Land South of Whiteleas	E: 437173, N: 562058	Small storage yard with a couple of warehouse units within a secure compound. Site backs onto residential and with the 30m height requirement, may struggle with planning. Site is also slightly North of targeted area so may only provide limited coverage.
GF	The Old Cooperage	E: 437109, N: 562142	Old Cooperage site located North of Tileshed Lane/Boldon Lane. Site is too far North to replicate existing coverage
GF	Tileshed Manor Farm	E: 436742, N: 562013	Large farm located to the North West of the existing site. Site is too far North so would not provide required coverage

3.16 Discounted options were supplied with the original planning submission and thus the principle of the siting is already established. On this point, and in relation to the reason for refusal in the decision notice, the SSSI as submitted with the Prior Approval application stated:

The need for this new mast stems from MBNL having been issued with an NTQ (Notice to Quit). The proposed site at Cleadon Lane, East Boldon, Sunderland, Tyne & Wear NE36 0AJ.

The DSA (Designated Search Area) centres around the NTQ site 95883 Cleadon

Orange. The landlord has plans to redevelop the area, so a replacement site is urgently required. The site forms part Cleadon Lane Industrial Estate which is designated in the South Tyneside Emerging Local Plan as a 'Regeneration Site' and is allocated for mixed use development comprising approx. 245 new homes and 2.1 hectares of employment land.

4.0 **Consideration / Justification:**

Policy / Guidance Consideration:

4.1.0 Local Plan Policy:

4.1.1 The decision notice as issued by South Tyneside Council states:

1. *The proposed mast and the proposed 2.4 metre high boundary treatment enclosing the mast and its associated structures by virtue of their prominent location in open countryside, Green Belt and a green infrastructure corridor between the villages of East Boldon and Cleadon, their proximity to Cleadon Lane, the 30 metre height of the mast, the bulky design of the mast supporting 6 antennae and 4 dishes and the materials and height of the proposed boundary treatment, results in features that would appear incongruous and would give rise to visual clutter causing significant harm to the visual amenities of the locality. Furthermore, it is not considered that less visually harmful alternative sites for the mast on the nearby Cleadon Lane Industrial Estate have been sufficiently considered. These deficiencies would be contrary to Policies EB2, EB5 and EB6 of the East Boldon Neighbourhood Plan, Policies EA1 and DM1 of the South Tyneside Local Development Framework (LDF) and the NPPF.*

4.1.2 Identified policies are highlighted below and will be addressed in this supporting statement.

Policy EB2 reads:

General location of new development

To promote sustainable development, the focus of new development across the East Boldon Neighbourhood Area will be within the East Boldon Settlement Boundary, as defined on the policies map and Map 2 of Annex 3 to the Plan.

Land outside the settlement boundary lies within the Green Belt, therefore development proposals will be assessed against national Green Belt policy.

Policy EB5 reads:

Green and blue infrastructure

New development should seek to protect and where practical, improve and extend the green and blue infrastructure network, as defined on the policies map. Where appropriate, in determining planning applications, consideration will be given to how development proposals:

a. Protect and enhance green and blue infrastructure assets;
b. Provide high quality links between existing assets and/or provide additional uses for multi functionality where appropriate;
c. Secure improved access to green infrastructure;
d. Create a sense of place by protecting and/or fully integrating high quality, green infrastructure into the proposed development to reflect the character of the neighbourhood plan area;
e. Integrate green and blue infrastructure with sustainable drainage systems and the management of flood risk; and
f. Address the management and maintenance of new and existing green and blue infrastructure throughout and beyond the plan period through the use of appropriate

planning conditions or planning obligations.

Improvements include:

g. Naturalising watercourse channels;
h. Improving the biodiversity and ecological connectivity of watercourses;
i. Safeguarding and enlarging river or stream buffers with appropriate habitat;
j. Controlling and mitigating potential pollutants likely to arise from the development, as appropriate;
k. Ensuring that all drainage of new development is connected correctly and within the capacity of existing water and sewerage systems, ensuring early engagement with Northumbrian Water;
l. Seeking opportunities to incorporate creation of wetland habitat in designs;
m. Ensuring that development does not fragment the wildlife corridor associated with the stream or pond; and
n. Preventing introduction of non-native species via construction or other works and managing present invasive non-native species where practical.

Policy EB6 reads:

Landscape

Development proposals should maintain and where appropriate enhance positive elements of the landscape character of East Boldon, as defined in the East Boldon Design Code, South Tyneside Landscape Character Study or other relevant documents.

When determining planning applications, consideration will be given to how relevant development proposals:

a. Preserves, enhances and positively contributes to the character of the landscape of East Boldon;
b. Has been informed by the context of the site and its surrounding landscape in terms of: height; scale; massing; orientation; and position;
c. Seeks to conserve important local landscape features such as mature hedgerows and boundaries. Mature and established trees should be protected and incorporated into the development wherever possible;
d. Sits comfortably within the landscape, by taking account of the topography and natural features of the development site;
e. Creates new landscape features, including trees, hedgerows, shrubs and water features; and
f. Includes tree lined verges along new roads, where appropriate and safe.

Policy EA1 reads:

Local Character and Distinctiveness

To conserve the best qualities of South Tyneside's built and natural environment the Council will:

A. improve the distinctive urban characters of South Shields, Jarrow and Hebburn;
B. protect and enhance the openness of Green Belt;
C. preserve the special and separate characters of the urban fringe villages of Boldon Colliery, West Boldon, East Boldon, Cleadon and Whitburn; and
D. implement the Great North Forest's strategies for access, education, enterprise and biodiversity in a forestry framework by:

i) enhancing the River Don Valley farmland into a well-wooded recreational landscape enclosing a network of open corridors;
ii) reconstructing the Boldon / Cleadon fringe as an informal and wooded local recreation area that softens intrusive urban edges;
iii) conserving the open limestone grassland character of the Cleadon Hills;
iv) enhancing North Sunderland fringe by significantly increasing tree cover; and
v) restoring the small-scale agricultural field pattern of Downhill.

The Green Belt and Great North Forest are shown on the Key Diagram.

Policy DM1 reads:

Management of Development

In determining all applications under the planning Acts we will ensure that, where relevant:

A. the development, including new buildings, extensions and alterations to existing buildings, is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing;
B. the development is acceptable in relation to any impact on residential amenity;
C. the development protects existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary;
D. new development provides well-designed external spaces including streets, squares and parks, where possible linked to the wider green infrastructure network, with hard and soft landscaping to provide a high quality setting for buildings, improve visual amenity, enhance community activity and support the provision of priority natural habitats and species;
E. the design of buildings and external spaces incorporates focal points and landmarks to aid recognition and legibility of the townscape and streetscape, including public art, where possible;
F. the design of advertisements complements the architecture to which it relates and the local context, and is considered as an integral part of the development;
G. the impact of the development is acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts;
H. new development provides site layouts that facilitate convenient and safe routes between facilities, and prioritises movement by pedestrians and cyclists;
I. the needs of all users for access around sites and into buildings for public use are considered as an integral part of the development;
J. the development is designed to achieve lower carbon emissions, and to be energy efficient and maximise the use of renewable and low carbon energy sources, having greater resilience to the likely affects of climate change, including higher summer temperatures and increased prevalence of flood events. Where relevant, development should incorporate green spaces to mitigate the heating of urban areas and should create and support opportunities for sustainable forms of transport, drainage and waste management;
K. the development is designed to minimise and mitigate localised flood risk, both on site or elsewhere, where this has been identified by the Strategic Flood Risk Assessment, Site-Specific Flood Risk Assessment or Surface Water Management Plan. For any development proposed in a Critical Drainage Area, as identified by the Strategic Flood Risk Assessment, a full flood risk assessment and drainage impact assessment may be required. Development on any sites allocated in Flood Risk Zones will only be permitted in accordance with the findings of a Sequential Flood Risk Assessment;

L. the development does not adversely impact upon air pollution levels, particularly of nitrogen dioxide in the Boldon Lane/Stanhope Road and Leam Lane/Lindisfarne Roundabout Air Quality Management Areas (as shown on the Proposals Map), or any other designated area where air quality objectives are not met or not likely to be met in the foreseeable future or as a result of the proposed development;
M. any risks of contamination have been fully assessed and, where necessary, remediation measures, appropriate to the intended use of the land, are included as part of the development proposals; and
N. the development takes into consideration the potential legacy of mineral workings, particularly in areas of known former mine shafts (see Annex D), and also the existence of landfill sites at Newton Garths, Temple Park, Trow Quarry and Gypsies Green.

4.1.3 The provision of the installation (to maintain the obligated level of service following receipt of the NTQ) and ancillary infrastructure, as detailed in the submitted Planning Application, is to maintain existing levels of service and aid the rollout of the 'Next Generation' of telecommunication services and mobile broadband. The dimensions of the monopole would be such that it can ensure site sharing and that multiple operators (EE Ltd and Hutchinson 3G UK Ltd and ESN) can deliver the requisite service from one installation. The applicant appreciates that the monopole is in a slightly different location to the one it seeks to replace but seeks to reflect the character of the area (industrial estate / electricity pylons (but be tall enough to allow communication to other cells with no interference). There is, however, no scope to lower the new 5G site sharing monopole and the height will not be detrimental to the immediate or wider locale (it is suitably distant from properties and would not affect the ability of the Green Belt to continue its function). The proposed scale of development is comparable to similar installations seen in such urban environs, and although taller than the surrounds, it has to be to ensure clearance of building heights and ensure the level of service of the whole cell (including those nearer the NTQ site to be decommissioned).

4.1.4 The 5G installation is required to ensure mast sharing can be facilitated (as prescribed by policy) and remove the need for any future additional telecommunications masts in this location, as well as allow the continued delivery of service that, without this installation, will be lost due to the inability of the existing installation to maintain delivery (it has to be removed due to the NTQ).

4.1.5 The opinion of South Tyneside Council that the development would be contrary to the objectives of the policy as detailed above is challenged.

4.1.6 Contrary to the opinion of South Tyneside Council, it is considered that the proposed development would accord with all elements of this policy, notably in the fact that the design and siting of the installation is one that would not be detrimental to amenity (due to its siting with no direct, close overlooking).

4.1.7 It is worth noting that the site is not in an area with a statutory designation for particular protection for its character (e.g., Conservation Area or World Heritage Site, SSSI or National Park). 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.

4.1.8 In light of the above reasoning, it is suggested that the development does accord with the requirements of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users, sufficient to outweigh the tangible public benefits the proposal would deliver. 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.

4.1.9 Provision of this infrastructure, in an area identified as one that will lack in connectivity (due to the loss of the site the subject of the NTQ), 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. 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.

In this instance there is the possibility for replacing an existing (but soon to be removed) installation, so according with the sequential approach – see the submitted SSSI document for additional justification and reasoning.

4.1.10 The type of 30m monopole that the applicant has proposed is the optimum design solution that can take both operators and the height as detailed is the very lowest that works effectively for both Operators and the ESN. Given the siting preference, the location proposed is deemed acceptable and appropriate. If the monopole was reduced lower than that detailed the installation would not give adequate coverage for the Operators. The cabinets are required to serve the Operator and these have been kept to a minimum (the existing cabinets are to be removed and replaced with cabinets that have a comparable scale / mass). 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 and in themselves would not result in visual clutter (knowing those associated with the existing lattice tower are to be removed (as is the lattice tower due to the NTQ)). 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.

4.1.11 In the reason for refusal, the LPA also suggested the replacement installation could be on the Cleadon Industrial Estate. As evidenced in the SSSI, such a location is not feasible as the LPA have identified the location they suggest as one for regeneration / alternative uses.

4.1.12 Knowing the above, and that the Development Plan has identified the location the LPA suggest as one for change, and that the site has been served with an NTQ, locating such infrastructure on the Industrial Estate was not feasible.

4.1.13 In light of the above reasoning, it is suggested that the development does accord with the requirements of policies of the Development Plan as it would not result in harm (perceived or otherwise) to amenity such that it would warrant the refusal as issued by the LPA. 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.

4.2.0 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 would deliver 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 multiple users, 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 development at the site to mitigate for the loss of the site due to the NTQ, using the recommended sequential approach (as evidenced in the original submission) which accords with the objectives of paragraph 114 of the NPPF, demonstrates the operator's attempts to address the impending lack of requisite cell coverage in the area, which would if allowed maintain and improve network coverage considerably with minimal negative effect on the visual amenity of this industrial / 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 **Conclusion and Planning Balance**

5.1.0 Reasoning and Summary

5.1.1 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 South Tyneside Councils 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 this is a replacement for a site that is to be lost due to the NTQ and is needed to provide expected levels of digital service in the cell. It is imperative to understand that there is to be a 5G coverage hole in the area and thus all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or character of the area will not be adversely affected, yet still deliver existing and enhanced levels of digital provision.

5.1.2 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.

5.1.3 On balance, we consider any perceived impact on amenity or character the site may have will be outweighed by the considerable positive benefits that telecommunications bring to the economy and community (as evidenced in the Government-published Future Telecoms Infrastructure Review'). As detailed above, the development meets the requisite criteria and standards, as well as contributes and accords with the 'Planning for Growth' objectives. In addition, as the site is a replacement of the existing development (subject to the NTQ), in the location as detailed (periphery of the Industrial Estate), it is considered it meets the requirements of site selection / consideration of amenity (as well as the expectation to deliver a digital service), and as such suitable justification for site selection has been evidenced.

5.1.4 As such, it is respectfully requested that the appeal be allowed.