



CK Hutchison Networks (UK) Ltd ‘Three’

**Planning Appeal Statement of Case for Refusal of Application for Prior Approval for
Proposed Telecommunications site located at:**

Stockwell Grove, Hightown, Offa, Wrexham, LL13 7HJ

(Cell reference WRX24987)

Wrexham County Borough Council

On behalf of:

CK Hutchison Networks (UK) Ltd (The Operator).

Against:

Wrexham County Borough Council

Planning Reference: WRO P/2023/0002

Date: 20th March 2023

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- Site Specific Supplementary Information (SSSI)
- ICNIRP Declaration
- Drawings
- Developer's Notice (Owner Notification)
- Government Statement
- 5G Health Document

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1.0 Introduction

- 1.1 This appeal has been prepared and is lodged by Dot Surveying Ltd ('agent'), on behalf of the original applicant here C/O Tom Gallivan (in his capacity as an agent), CK Hutchison Networks (UK) Ltd, under Section 78 of the Town and Country Planning Act 1990 against a refusal by the local planning authority, in this case Wrexham County Borough Council to grant approval required under Part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019, for a proposed 17m Phase 9 monopole complete with wraparound cabinet at base and three additional equipment cabinets and ancillary works – to be coloured grey RAL-7035 - at the location identified, as described herein, area of footpath, located adjacent to Stockwell Grove, Hightown, Offa, Wrexham, LL13 7HJ.
- 1.2 My name is Hannah Gibson BSc (Hons), and I am a Planner for Dot Surveying Ltd which is a multi-disciplinary surveying consultancy who specialise in a range of services, including telecommunications. Dot Surveying Ltd acted as the agent for the submission of an application for Prior Approval submitted to the local planning authority here, Wrexham County Borough Council, on behalf the mobile CK Hutchison Networks (UK) Ltd.
- 1.3 An application for prior approval for a proposed 17m Phase 8 monopole complete with wraparound cabinet at the base and three additional equipment cabinets, and ancillary works, was registered by the local planning authority; Wrexham County Borough Council, on the 6th January 2023 under reference WRO P/2023/0002. The application sought prior approval for a proposed 17m height free-standing 'slim line' telecommunications pole complete with wraparound cabinet and 3no associated equipment cabinets as detailed below: -
- 1no. 17m high H3G Phase 9 Street Pole with wraparound cabinet – coloured grey RAL-7035;
 - 3no. equipment cabinets
 - cabinet 1 – 600mm (w) x 500mm (d) x 1585mm (h)
 - cabinet 2 – 650mm (w) x 700mm (d) x 950mm (h)
 - cabinet 3 – 1900mm (w) x 600mm (d) x 1752mm (h) (all cabinets to be coloured grey RAL-7035.
- 1.4 The proposed site is an area of footpath lying off Stockwell Grove, Hightown, Offa, Wrexham. The grid reference for the site is Easting: 333494/Northing: 349136.

- 1.5 The application was determined under Delegated Powers with a Decision Notice, dated 16th February 2023, to confirm that prior approval is require and refused on the following basis: -

“1. The development would have a detrimental impact upon the street scene and therefore conflicts with PPW11 and TAN19 as well as policies GDP1 and CLF8 of the Wrexham UDP.”

- 1.6 In refusing the application, it is our opinion the local planning authority has not fully considered the significant efforts made by CK Hutchison Networks (UK) Ltd to ensure the subject site and proposed design solution strikes an appropriate balance between operational requirements, and the significant improvements enhanced 5G bring and the environmental considerations of all relevant National and Local Planning Policy, including National Planning Policy Framework and the adopted Local Plan.
- 1.7 The area subject to this application is not located within a conservation area or subject to any other such constraints and we therefore do not accept the premise that the proposed new street work pole will have a significantly detrimental impact upon the street scene here. Please note that at 17m this is the lowest mast required for the improved 5G service need identified in the area.
- 1.8 We do not consider that the decision issued by the local planning authority; Wrexham County Borough Council took sufficient or due weight to the importance placed on enhanced and improved telecommunications infrastructure within Wrexham Unitary Development Plan, nor the National Planning Policy Framework.
- 1.9 Within this Appeal Statement of Case and the supporting documents we seek therefore to present a case and make arguments which will result in the appeal being allowed, thereby providing the infrastructure deemed essential by the government to bring the benefits of 5G to this part of Stockwell Grove, Hightown, Offa, Wrexham.

2.0 Brief Overview of Telecommunications

- 2.1 Mobile phones and wireless devices have significantly evolved over the years and access to reliable communications are an integral part of society, both in terms of working and socialising. People are increasingly using their phones and other wireless technology to stream music, watch films and communicate on the move, while many in the current pandemic are working from home. In terms of OFCOM (The Office of Communications), the goal is to achieve comprehensive, high quality coverage across the UK from a choice of network operators. Indeed, the Government recognises that widespread coverage is essential for people and businesses. As a result, mobile operators such as CK Hutchison Networks (UK) Ltd (the Appellant) must continually invest in their networks, to keep pace with ever-increasing demands.
- 2.2 A mobile network is made up of multiple base stations, each of which will transmit and receive radio signals to a particular geographical area. A mobile network is similar to a large jigsaw, with each base station responsible for a specific cell or piece of the jigsaw. A base station will consist of a free-standing structure such as a tower or mast and subject to operational and other limitations, may also be housed upon buildings or other structures.
- 2.3 A brief look at the evolution of mobile networks within the UK: -
- Wireless telecommunications began operating on analogue networks and allowed users to make and receive telephone calls. This early system is referred to as 1G (First Generation)
 - 2G refers to second generation of mobile networks which as opposed to 1G, the radio signal became digitalised. 2G allowed higher data speeds to be achieved (typically 64 kbps) with better quality voice calls. 2G also enabled users to make and receive text and multimedia messages (MMS).
 - 3G – Third Generation or Universal Mobile Telecommunications System (UMTS) was launched in the UK during 2003 and brought much faster data rates of up to 14 Mbps. The new technology allowed users basic internet access and the ability to send and receive e-mails etc.
 - 4G – Fourth Generation was launched in the UK during 2012 and introduced much faster data speeds compared with 3G, allowing users to browse web pages and stream videos/music etc, far more quickly than before.
 - 5G – The first 5G service was launched in the UK during spring 2019 and has the benefit of very fast data speeds with very low latency (delay). In short, 5G is

estimated to be between 60 – 120 times faster than the average 4G latency and has the ability to handle large amounts of data.

- 2.4 While each generation brings technological advantages, due to the higher frequencies utilised, note 5G is expected to revolutionise mobile technology as we know it, the cell areas tend to be far smaller. For example, a 5G cell will have a typical radius of just 50 metres, which means the cell search areas are far smaller when compared with earlier network requirements. Consequently, the base stations must be situated within close proximity of the area they are designed to cover and will ultimately require the development of further base stations, sometimes within proximity of designated areas or sensitive locations.

3.0 Cell Area and Description

- 3.1 In accordance with the Communications Act 2003, CK Hutchison Networks (UK) Ltd holds a licence to provide a mobile personal communications network in the UK. CK Hutchison Networks (UK) Ltd has identified a requirement to provide new 5G (Fifth Generation) coverage, improving service in and around the Stockwell Grove, Hightown, Offa, Wrexham area.
- 3.2 A review of the Wrexham Borough County Planning Policy map shows that the site is not subject to any constraints, such as being located within a conservation area or covered by a Tree Preservation Order. We do consider that the proposed development would detrimentally impact upon the character and setting of this area and we provide further arguments as to why within this Statement of Case.
- 3.3 The intended target/search area has a radius of approximately 100 metres and is centred over the Stockwell Grove area.
- 3.4 A new site is required to meet CK Hutchison Networks (UK) Ltd operational requirements and to provide much needed coverage to this densely populated area. A plan of the intended cell area is outlined in Figure 1, below: -

Figure 1 – Plot showing the intended cell/target area relative to other sites within the wider locality.



4.0 Sequential Approach to Site Selection

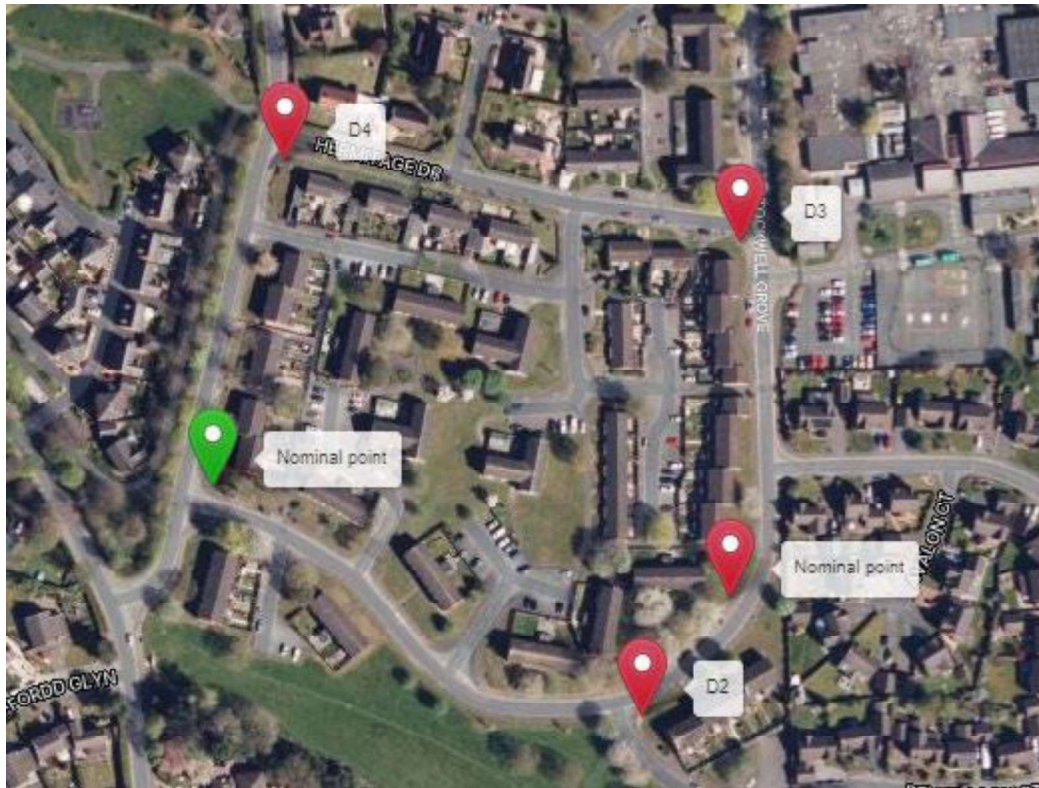
- 4.1 Upon identifying the requirement to provide the target area (cell) with new 5G coverage, the sequential approach as outlined in the National Planning Policy Framework 'NPPF', was adopted. Firstly, consideration was given to sharing any existing telecommunication structures in the immediate area, the utilisation of any suitable existing structures or buildings and finally, the identification of suitable locations for a free-standing (ground-based) installation.

The sequential approach is outlined below:

- a) Mast and site sharing
 - b) Existing buildings or structures
 - c) Ground based installations.
- 4.2 A desktop survey was initially completed before a physical inspection of the area. During this process, no mast/site sharing opportunities or existing buildings/structures were identified. Therefore, a new base station has been sought.
- 4.3 Owing to the constraints of the search area, and general makeup of the locality, a free-standing telecommunications pole with associated ground-based cabinets was quickly considered to be the most appropriate solution and in the right location, would balance the operational requirements of CK Hutchison Networks (UK) Ltd with visual impact upon the surrounding area.
- 4.4 Following a desktop analysis and physical search of the intended target/search area, a proposed location was identified upon an existing section of footpath, lying off Stockwell Grove, Hightown, Offa, Wrexham, LL13 7HJ – please refer to Drawing No WRX24987_WRX065_89936_LL0669_GA_REV A Title 215 Proposed Site Plan for this location. It is this location which forms the basis of the appeal.
- 4.5 There was one other option put forward during the site search process. A map of the intended target/search area is included in Figure 2 (pages 10 and 11), along with the location of sites that we discounted. The 'Site Specific Supplementary Information and Planning Justification Statement' prepare by Dot Surveying and submitted to the LPA details the other potential locations which were reviewed and subsequently discounted.

The application site (appeal site) is also indicated.

Figure 2 – Map showing the location of the proposed site for a new mast as refused and discounted sites



Site	NGR	Discounted Reason
D1 – Stockwell Grove	333680 , 349094	Nominal location - This option has been discounted due to very residential with insufficient pavements.
D2 – Stockwell Grove	333648 , 349051	This option has been discounted due to unsuitable pavements and visibility splay issues.
D3 – Hermitage Drive	333685 , 349222	This option has been discounted due to Proximity to school and visibility splay issues.
D4 – Hermitage Drive	333521 , 349254	This option has been discounted due to visibility splay issues and very residential.

5.0 The Proposed Scheme & Planning Application

- 5.1 After identifying the site, a detailed survey was undertaken with the aim of producing a set of plans/drawings for submission to the Local Planning Authority. The survey considered an array of items including the site characteristics, visual impact upon the immediate and wider area, impact to pedestrians/road users and CK Hutchison Networks (UK) Ltd operational requirements. Taking all matters into account, a street works pole with cabinets was considered to be an appropriate solution. Firstly, the pole and cabinets are designed to be installed alongside public roads and are often found in such urban locations. Secondly, the site lies in close proximity to lampposts, and trees which we felt would help to reduce any visual impact, while at the same time, achieving operational objectives to bring much needed coverage to the surrounding area. A detailed set of drawings were produced and included a 17m high telecommunications pole c/w wrap-around cabinet with 3no. additional equipment cabinets. The installation has been carefully and sensitively sited so as not to be directly in front of any residential properties. The site is positioned on an area of public realm and therefore it is not considered to be significantly or demonstrably detrimental to the amenity of residents.
- 5.2 Pre-consultation was undertaken with the local planning authority; Wrexham County Borough Council on the 20th December 2022, where the drawings were e-mailed to the Local Planning Authority. In addition, further information was also supplied – Site Detail Sheet - to explain the requirement for a new base station within the local area. Please note that we also notified the relevant Ward Members in respect of this proposal.
- 5.3 An application for prior approval for a proposed 17m monopole complete with wraparound cabinet and 3 no additional equipment cabinets was lodged with Wrexham County Borough Council – via the planning portal web site – on 6th January 2023. As detailed herein, the proposed scheme for this site incorporated a 17m high telecommunications pole complete with wrap-around cabinet and 3no. cabinets (application reference: WRO P/2023/0002).

6.0 Planning Policy and Other Material Considerations

- 6.1 In proceeding with the site in question, the overall scheme has been assessed against both national and local planning policies.

National Planning Policy Framework

- 6.2 The Government remains committed to promoting telecommunications and places emphasis on the importance of telecommunications to the wider economy. The National Planning Policy Framework (NPPF July 2018) sets out the Government's planning policies for England and how these are expected to be applied at the Local level. It provides a framework within which local people and their representative Councils can shape distinctive local and neighbourhood plans, which reflect the needs and priorities of their own communities. We note that the most recent National Planning Policy Framework document is dated February 2019.
- 6.3 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions of sustainable development, each of which give rise to the need for the planning systems to perform a number of roles including;
- Economic Role - contributing to building strong, responsive and competitive economy;
 - Social Role - Supporting strong vibrant and healthy communities; and
 - Environmental Role - Contributing to protecting and enhancing our natural, built and historic environment.
- 6.4 The NPPF contains at its core a presumption in favour of sustainable development which runs through both plan-making and decision-making processes. The NPPF recognises the vital importance of high-quality telecommunications and dedicates a whole chapter to this area. Chapter 10 of the NPPF outlines the Governments support for high quality communications. The paragraph extracts highlighted below, clearly outline the overarching support from Central Government for telecommunications and how Local Planning Authorities should embrace this vital infrastructure:

Planning Policy Wales (December 2018) (PPW)

PPW supports the provision of high-quality communications infrastructure. The relevant extracts are set out below:

Paragraph 5.2.1 states "Affordable, secure electronic communications infrastructure is essential to people and businesses. The availability and exchange of information afforded by telecommunications ensures people are connected to important services, their communities and the wider world and essential for long term prosperity. "

Paragraph 5.2.5 goes on to state “Mobile telecommunications incorporates both mobile phone and mobile broadband technology services. The planning system should help support telecommunications infrastructure where it *is required, whilst taking in to account the status of protected land and buildings as well as amenity considerations to protect what is valued most in our communities and environment.* ”

Paragraph 5.2.9 confirms that “*Planning authorities should not question the need for the telecommunications system or seek to prevent competition between different operators.*”

In terms of new 5G technology paragraph 5.2. 10 notes “*New technologies such as 5G will result in the densification of mobile infrastructure particularly in urban areas which could require more small cell sites in street setting. The planning system will need to respond positively to this evolution in technology whilst being mindful of the impacts on amenity and the historic environment.* ” Finally, in respect of health aspects paragraphs 5.2.15 and 5.2.16 states “*Provided that the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, planning authorities should not consider the health aspects of mobile telecommunication equipment. All new base stations are expected to meet the ICNIRP guidelines. Planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.*”

Technical Advice Note 19: Telecommunications (2002)

6.5 This guidance is now rather dated; however, the document is still of relevance. Paragraph 46 deals with technical constraints and notes: “Each telecommunications system has different antennas, siting needs and other characteristics. Planning authorities should have regard to any technical restraints on the location and proposed development. Each application should be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include the significance of the proposed development as part of a national network.”

Paragraph 56, dealing with environmental considerations states: “Mast and antennas often require a particular operating height, which allows signals to clear trees and urban clutter. Telecommunications development may therefore need particular locations in order to work effectively. But those may be exactly the prominent locations that pose challenges to policies for the protection of high-quality landscapes and quality in urban areas... and the developer must demonstrate that there are no

suitable alternate locations.” In this case, it is important for 5G coverage to clear surrounding clutter, in particular trees and buildings, hence its required height.

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

Local Planning Policy

- 6.6 As stated Wrexham County Borough Council, within the Decision Notice issued for this application, considered that the design of the pole was considered to be unacceptable in terms of siting.

7.0 Support for the Development

7.1 Reasons for Refusal

The Decision Notice issued by Wrexham County Borough Council for application reference WRO P/2023/0002 on 16th February 2023 gave the following reason for refusal: -

“1. The development would have a detrimental impact upon the street scene and therefore conflicts with PPW11 and TAN19 as well as policies GDP1 and CLF8 of the Wrexham UDP.”

7.2 Need

CK Hutchison Networks (UK) Ltd has identified a need to provide new 5G network coverage to the area in and around the area subject to this application. The proposed site will achieve this coverage objective.

Notwithstanding national planning guidance, Wrexham Unitary Development Plan recognises the importance of reliable and efficient digital communications to help meet the needs of businesses and communities, enabling business users to efficiently work wherever they are located. Additionally, the council is supportive of high-quality communications infrastructure as it is essential for sustainable economic growth.

It is our belief that the siting of our proposed development would aid in facilitating increased robust, reliable and efficient digital communications for the Wrexham area.

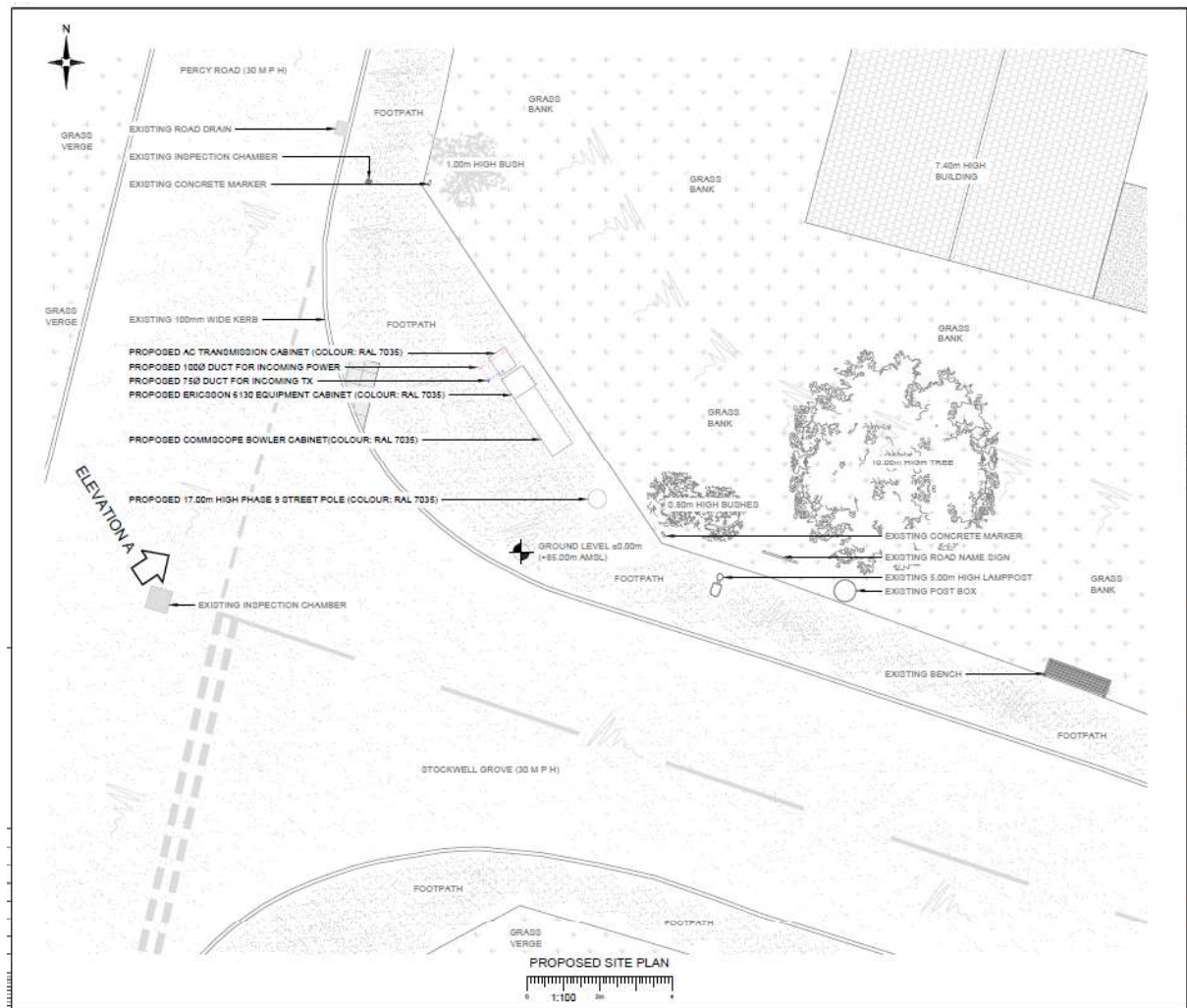
7.3 The Site

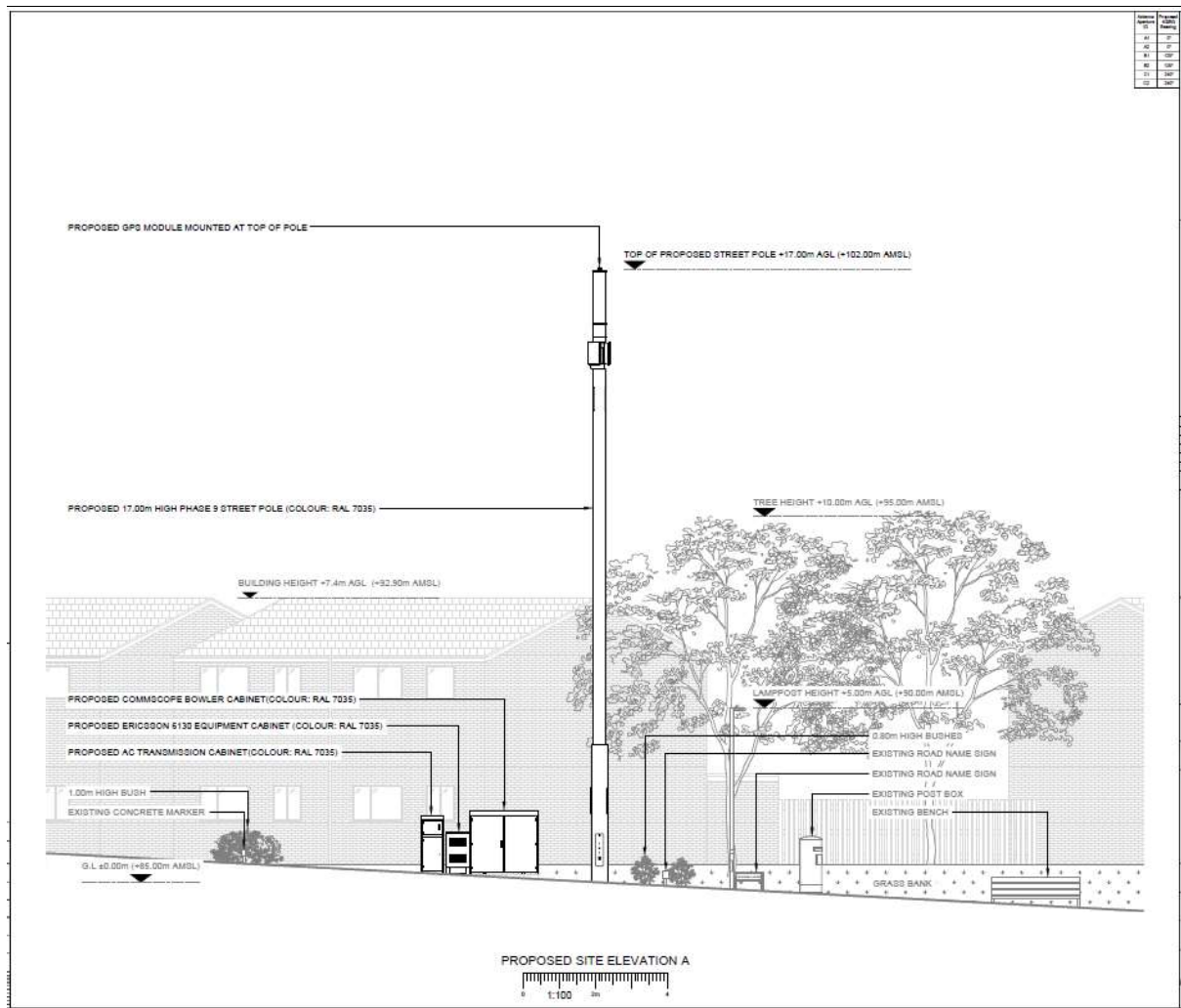
The location is set upon an area of adopted public highway as per the drawings and location plan submitted with the application.

7.4 The Design

The equipment will consist of a 17m high H3G Phase 9 street pole with built-in wraparound cabinet which will sit alongside 3no. additional equipment cabinets. The equipment will occupy a footprint of 1.8 square metres (approximately 4.3sqm) when factoring in the space between the individual items of apparatus. The equipment is designed to be installed upon grass verges and pavements where limited opportunities exist. Furthermore, the pole is designed to fit alongside street furniture including lamp posts, while the cabinets themselves are typical of control boxes commonly found along public highways, such as those within the immediate surround

area. Furthermore, and as outlined above, the site benefits from the presence of existing trees, which we consider will further reduce any visual impact.





CK Hutchison Networks (UK) Ltd has taken care in the siting of the proposed mast and cabins (see drawing extracts on page 17 and 18) to try to ensure that the proposed siting of the telecom's infrastructure will not have a significantly or demonstrably detrimental impact upon pedestrians using the footpath here. They have also sought to utilise the trees to reduce any impact upon amenity and the character of the area.

The proposed monopole and cabinets will be coloured grey in an effort to assist with assimilation of what is recognised as a 'functional', but essential telecoms infrastructure installation.

On balance we do not consider that the development will have a demonstrably negative impact upon the 'visual amenities' of the street scene here. We do not

consider that a 17m pole is dominant or out of scale due to the presence of tall street furniture within the vicinity of the site.

Taking both the site and design into consideration, it is considered the nature of the apparatus (telecommunications pole and associated cabinets) will blend into the existing street scene.

7.5 We consider that this particular area of adopted land does not have any relevant character which the proposed development will have a detrimental impact upon. Also given the nature of the outlook from residential properties in the vicinity, we do not consider or agree with the Local Planning Authority that the telecoms infrastructure will have a detrimental impact on the character and appearance of the street scene or amenity.

7.6 We consider that the evidence provided herein and also the 5G Site Specific Supplementary Information and Planning Justification Statement demonstrates that we have sought to be in compliance with the national and local planning policy.

We note that this is not a conservation area nor subject any environmental designations. We therefore do not agree that this proposal will materially harm the character and appearance of the street scene.

7.7 In submitting an application for prior approval, it is considered this has done so in accordance with National and Local Planning Policies: -

- 1) Justification for a new site and the operational requirements to bring new 5G network coverage to the residential area in and around the area subject to the application.
- 2) The adoption of a sequential approach to site selection which involved the completing of a desktop survey and physical search of the intended target/search area to identify suitable locations(s) that minimise impact to the immediate and wider area, including the possibility of sharing existing telecommunications infrastructure.
- 3) The use of a simplistic design which includes a free-standing telecommunications pole and associated cabinets. By their very nature of their purpose monopoles for the nationally important 5G rollout are taller than previous rollouts and are functional in their appearance.
- 4) The use of existing characteristics including wide footpath, existing street furniture and trees to further reduce visual impact and impact to road users/pedestrians.
- 5) The detailing of other sites that were considered and discounted, which were included with the initial and subsequent planning applications.

6) The inclusion of an ICNIRP certificate within the initial and subsequent planning applications.

7.8 We consider that when the proposed new 17m monopole is considered in the context of its overall proportions given the presence in the immediate vicinity of trees and lampposts, is not overbearing or significantly demonstrably dominant.

8.0 Conclusion

- 8.1 As detailed within the application for Prior Approval and this subsequent Planning Appeal Statement of Case, there is an identified a need to improve existing telecommunications network within the local area by supplying new 5G (Fifth Generation) mobile coverage. Telecommunications has become an integral part of society and the proposed scheme will bring a modern, high-speed communications service to this predominantly residential area where there is an increased demand for 5G particularly given the requirements to work for home during the pandemic. We do not consider that an appropriate weight of the economic and societal benefits of the proposal were given within the Council's decision.
- 8.2 Due to the high frequency and low power output of such installations, the cell areas are generally very constrained. Please note that existing telecommunications sites, structures and buildings, which could potentially accommodate the necessary equipment, were not identified. Therefore, a street works installation was considered to be the most viable solution.
- 8.3 While CK Hutchison Networks (UK) Ltd appreciates there may be a degree of visual impact from the erection of a new ground-based installation, the proposed installation has been carefully positioned to help with assimilation. Furthermore, the installation itself (pole and cabinets) are designed to be deployed upon pavements and verges in such urban locations. In terms of the discreet location and nature of the scheme proposed, it is considered the apparatus will blend into the existing street scene and the overall scheme represents an appropriate balance between visual impact and operational requirements. The mast is, at 17m, at the absolute minimum height which can be deployed to bring the benefits of 5G. We have also coloured the pole and cabinets grey to help assimilation here.
- 8.4 Local Planning Authorities are encouraged to support the expansion of telecommunications and local authorities received written communication from the Department for Digital, Culture, Media and Sport on the 27 August 2021. The letter urged local authorities to provide details of their plans to speed up digital infrastructure rollout. A copy of the letter was included with the planning application and can be viewed in Appendix 2. Clearly, local planning authorities should support the expansion of telecommunications so that everyone can enjoy the same level of access to high quality communications, something which this development will achieve.

- 8.5 Following the refusal of prior approval to implement a new telecommunications installation, which did not refer to the application being deemed to be in conflict with any specific local plan policies, and due to the operational requirements of CK Hutchison Networks (UK) Ltd and the importance of telecommunications in general, we would appreciate if the Planning Inspectorate could give due consideration to the proposed scheme and allow this appeal.