



WRITTEN STATEMENT OF CASE

**On behalf of Cornerstone Telecommunications
Infrastructure Limited and Vodafone Ltd**

Appeal against the refusal by Wrexham County Borough Council for the erection of a radio base station consisting of the installation of a 17.5m monopole supporting 3 no. antennas, 1 transmission dish, 3 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including installation of a 2.1m palisade fence to form a compound.

**Land to the rear of the Welsh MG Centre, Wrexham Road,
Rhostyllen, North Wales, LL14 4DW NGR E: 331759 N:
348717**

LPA REF: P/2016/1058

Prepared by
Clarke Telecom Limited
Unit E, Madison Place
Northampton Road
Manchester
Greater Manchester
M40 5AG

Tel: 0161 785 4500
Fax: 0161 785 4501

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1.0 INTRODUCTION

1.1 This statement considers the refusal of planning permission by Wrexham County Borough Council for the erection of a 17.5m monopole supporting 3 no. antennas, 1 no. transmission dish, 3 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including installation of a 2.1m palisade fence to form a compound on land to the rear of the Welsh MG Centre, Wrexham Road, Rhostyllen, North Wales, LL14 4DW on behalf of Cornerstone Telecommunications Infrastructure Limited and Vodafone Ltd. The compliance of the proposed development with the development plan and national planning guidance will be assessed together with any other material considerations.

1.2 The application for planning permission to install a telecommunications mast, associated equipment cabinets and ancillary development was determined at the planning committee heard on 3 January 2017. Contrary to the planning officer recommendation to approve the application, members overturned the recommendation for the following reason:

1. *'The proposed mast by virtue of its siting, height and scale would have an adverse impact upon the wider visual amenity of the area. The allow the proposed development would be contrary to Policy GDP1 of the adopted Wrexham Unitary Development Plan'.*

1.3 The decision notice followed shortly after, dated 3rd January 2017, and can be found at Appendix CTL 1.

1.4 This statement will demonstrate that:

- i) The proposed scheme fully accords with all relevant provisions of the statutory development plan;
- ii) The appeal proposals will support economic growth, limit visual harm and is the best option in the local area. This will outweigh the limited visual harm to the surrounding residential/light industrial, commercial area;
- iii) The appeal proposals in terms of their siting and appearance would not be unduly prominent and incongruous in the streetscene to the detriment of the wider visual amenity of the area. The appeal proposals would respect the context of the appeal site and the character of the surrounding area. As such, the appeal proposals would not have a detrimental effect on the visual amenity of the locality and the character and appearance of the wider area;

- iv) The appeal proposals in terms of their size, design and positioning would not have an overbearing impact on neighbouring residential properties. As such, the appeal proposals will not cause any detrimental harm to the occupants of nearby dwellings;
- v) This scheme will allow two operators to utilise the same structure and therefore will avoid the proliferation of masts in the locality;
- vi) The proposed column height at 17.5m above ground level is the lowest possible that will allow both operators to obtain their required high quality, indoor 2G/3G and 4G coverage to the surrounding area, and fill the current virtually none existent 3G and 4G coverage in and around Rhostyllen, in line with the Welsh Government aspirations for improved service and infrastructure;
- vii) There are no more suitable, available sites within the operators cell search area;
- viii) The appeal proposals will not cause any demonstrable harm to any interest of acknowledged importance, and as such planning permission should be granted.

2.0 SITE AND SURROUNDINGS

- 2.1** The current land use of the site is a car sales showroom. The site is located on private land to the rear of The Welsh MG Centre, a former petrol station site with associated forecourt and single storey buildings. Agricultural fields surround the site to the east, south and west. To the north, beyond the MG Centre complex is Wrexham Road (A5152) part of the core highway network which links Wrexham to the east with the urban villages of Johnstown, Rhos and Ruabon to the west, a former public house which is now a Chinese Restaurant and the junction with Henblas Road beyond which are residential properties.
- 2.2** The site is set some 62m from Wrexham Road at the rear of The Welsh MG Centre nestled between existing commercial buildings. It is positioned some 97m south east of the nearest residential dwelling. Between these residential dwellings and the application site is Wrexham Road, the Welsh MG Centre and the former Malcolm Hughes Car Sales building.
- 2.3** The target coverage area is to provide coverage to Rhostyllen. Due to the dense residential nature of the search area, this severely limits the opportunities for siting a radio base station in this area. The appeal site was chosen as it would provide the necessary coverage to the target coverage area and would be well screened by the existing buildings to the north, north east and north west of the site. It is located within a break from the residential nature of the search area, which is centred on the town of Rhostyllen. The appeal site is also positioned within a light industrial/commercial complex further reducing its prominence in the surrounding area.
- 2.4** The appellants acknowledge that this area is highly residential, however, they are proposing to locate this essential infrastructure, in a break from the residential nature of the area, set well back from the highway and nearest residential dwelling. This area is where the operators urgently require a radio base station in order to address the significant lack of 2G, 3G and 4G coverage in the primary target area of North East Rhostyllen, the A5152 and the rail route between Rhosrobin and Rhostyllen.
- 2.5** There are no existing telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area. Similarly, there are no existing buildings which are suitable and available that the operator could utilise to operate their equipment.
- 2.6** There are a number of linear structures within the streetscene most notably lighting columns on both sides of the highway, telegraph poles, road signage, commercial signage, brick walls

and bollards.

3.0 PLANNING BACKGROUND AND HISTORY

Operators History

- 3.1** Vodafone Ltd has entered into an agreement with Telefónica UK Ltd pursuant to which the two companies jointly operate and manage a single network grid across the UK. These arrangements are overseen by Cornerstone Telecommunications Infrastructure Ltd (CTIL) which is a joint venture company owned by Telefónica UK Ltd and Vodafone Ltd (“the operators”). Due to the dramatic rise in the use of mobile data, the industry has had to consider new operating models that are efficient at delivering 3G and 4G services to a much larger percentage of the UK population, as well as supporting 2G services.
- 3.2** The agreement allows both organisations to pool their basic network infrastructure, while running two, independent, nationwide networks allowing consumer choice. By doing this, they will both reach far more of the country far faster than they could achieve on their own. This single network grid will automatically increase each operator’s footprint by 40%, adding competition and choice for customers in areas that previously only had one operator’s coverage available.
- 3.3** Following agreement with the two operators, some ownership of the equipment will change to allow the commissioning of the proposed Multi-Operator Radio Access Network (“MORAN”) required to deliver the single network grid. This will have little impact from a planning standpoint. However, it forms an important part of the agreement between the companies. It will also provide enhanced capacity for both operators’ customers in the future, which will be especially important with the launch of the 4G and the future 5G networks. Therefore from a customer perspective they won’t see any change as customers will continue to use each operator’s network. This agreement is about consolidating infrastructure assets, clearing the way for innovation and the creation of new services that customers really want.
- 3.4** In addition, as part of Vodafone’s commitment to Grow the Grid and Telefónica’s 4G license obligation to provide 98% coverage by 2017, Vodafone is in the process of progressing a number of suitable sites for radio base stations. The appeal proposal is required to provide new and improved indoor voice calls (2G coverage) 3G coverage and 4G service where currently there is no indoor coverage within the cell area. Indeed, some areas of Rhostyllen have no 3G coverage at all whether that is indoor or outdoor. This requirement is being proposed by the operator to ensure that all areas benefit from high speed internet connections in line with the Welsh Government aspirations for improved service and

infrastructure. This appeal scheme will enable Rhostyllen and the surrounding area to finally have the latest high quality indoor coverage and capacity requirements, essential for the economy, the area's social well-being and meeting the region's ambitious growth plans.

- 3.5** The consolidation and joint deployment of telecommunications base stations which form part of two separate networks has many obstacles which have to be overcome. Each installation can have a direct impact upon the operator's neighbouring sites in their wider networks, where the siting of a dual user column may work for one operator but may prove unsuitable for the sharer due to the makeup of their surrounding network. There are many factors which affect the location of a mast share such as the technical proximity of adjoining installations, obtaining planning permission and coming to an agreement with existing and new landlords. These can all affect the approach taken.
- 3.6** Historically, both operators have grown their networks independently of each other and they are now mature. To align together two existing networks where best possible by using the optimal choice of sites can cause complications in achieving new and retained coverage. With this in mind, the geographical search area for new dual user sites is often very small. Not only is the search area small due to the operators existing sites in the immediate area which provide coverage in this area but cannot provide coverage to the target coverage area, but the sites also need to be close to customer demand which is normally in residential areas. Therefore identifying possible opportunities is limited in this regard.
- 3.7** Ordinarily, as part of the two operators agreement to jointly operate and manage a single network grid and pool their basic network infrastructure, whilst running two independent nationwide networks, they would upgrade their existing sites to allow for the single network grid at the same time increasing their coverage and capacity in the area and enable 4G services to be provided simultaneously. However, as the Code of Best Practice acknowledges this is not always possible. More base stations will be needed in areas where there has previously been only limited or no coverage, and where coverage and capacity needs to be enhanced in line with Government Policy and customer demand. This is the case in this appeal situation.
- 3.8** In line with the operators' joint agreement, rather than both operators separately seeking new sites, they can both provide their services from the same installation. The appeal site will provide the necessary high quality indoor 2G coverage and capacity to the surrounding local area as well as new 3G and 4G coverage, which is not currently available in this cell area for either operator.

- 3.9** National guidance on telecommunications development strongly supports operators sharing their telecommunications equipment in order to minimise the overall number of masts. In this instance, Vodafone and Telefónica have a common interest in providing indoor 2G, 3G and 4G coverage and capacity from the same site in order to fill this current 'not spot' in line with their 4G license obligation to provide 98% coverage by 2017. It will also be in full accordance with the Welsh Government's aspirations that everyone should have access to the information super highway and provide a high quality service.
- 3.10** The appeal site is required to fundamentally allow the operators Vodafone and Telefónica to provide improved 2G services to the surrounding area, whilst also providing new 3G and 4G coverage and capacity. The proposed installation will also enable the operators to jointly operate and manage a single network grid across the UK, using MORAN technology, in accordance with the CTIL joint venture arrangements. This will ensure that additional masts will not be required in the future for these two operators.
- 3.11** The enclosed coverage plots (see Appendix CTL 2) indicate the existing and proposed coverage for all technologies (2G, 3G and 4G) within the target coverage area. The U900 plots are representative of 2G, 3G (U9) and L8 (4G) technologies. U900 mainly provides coverage to the cell area, but does provide some capacity as well. The U900 is a low band frequency, which enables the signals to operate most efficiently. It provides the backbone of coverage to the cell area.
- 3.12** As can be seen from the U900 plot, the existing coverage is, at best, in car/rural to the majority of the built up area of Rhostyllen. Therefore customers are unable to utilise their handheld devices indoors which is contrary to the purposes in which they were purchased, and the Government's aspirations that Wales gets the connectivity it requires for a prosperous and well connected Wales. The appeal scheme would fill this 'not spot' providing high quality 2G, 3G and 4G coverage to this part of Rhostyllen, the surrounding highway of A5152 and the rail route between Rhosrobin and Rhostyllen.
- 3.13** The U2100 plots show 3G coverage. U2100 is a high band frequency and generally provides capacity in to the network. Although it does provide some 3G coverage as well. This improved coverage is demonstrated on the submitted coverage plots. The U2100 plot shows that without this installation there is outdoor coverage at best with some parts of the residential area of Rhostyllen experiencing no 3G (U2100) service provision. The proposed installation would significantly fill this hole in coverage providing high quality 3G service provision to the surrounding area.

- 3.14** The coverage plots cannot illustrate the capacity of the site which the surrounding sites cannot fill. Therefore coverage is currently worse than the plots can predict. The term 'Capacity' refers to the fact that each base station can only provide service to a certain number of users at any one time. When this 'Capacity' is exceeded, although 'Coverage' remains present, the base station cannot provide service to any further users and calls/text/data usage would be unavailable.
- 3.15** The coverage plots indicate that the appeal installation is required in order to provide high quality indoor coverage to the whole of the cell area, providing continuous indoor coverage between the adjacent cells. Consequently, users of their handheld devices in this dense residential area of Rhostyllen would be able to utilise them for the purposes in which they were intended. In turn, this would provide significant social and economic benefit to the residents and businesses in the wider area.
- 3.16** The operators' license obligations requires them to meet customers "reasonable demand". Reasonable demand would be to provide indoor 2G/3G/4G coverage as customers expect to be able to use their smart devices indoors. The operators also have a market driven "requirement" to provide a high quality service as well as a license obligation to provide indoor 2G/3G and 4G services to 98% of the population by 2017.
- 3.17** Without this proposed installation, the opportunity to provide high quality communications infrastructure which the Government acknowledges as being essential for sustainable economic growth will be lost. The ability to develop high speed telecommunications networks and expand these networks which is known to play a vital role in enhancing the provision of local community facilities and services will also be lost. Therefore the surrounding area of Rhostyllen will continue to fall behind the rest of the country, and will not encourage economic growth and detrimentally reduce the community facilities and services within the area. This is contrary to Welsh Government guidance and the latest Government aspirations that 'Wales gets the mobile coverage it needs' (see Appendix CTL 3 for Welsh Government statement issued 24.1.2017).
- 3.18** With the advent of smartphones, the demand for 3G and 4G coverage is increasing and therefore the network providers are obliged to improve their network coverage to their customers, in line with their license obligations. This gap in continuous coverage and lack of indoor dense urban coverage is clearly shown on the coverage plots. A copy of these coverage plots is enclosed at Appendix CTL 2.
- 3.19** In the latest Ofcom Infrastructure Report - Connected Nations 2015, it is said that "High

quality, widespread communications, fixed and mobile, are an engine of our economy and the pulse of our society. They are not nice-to-haves, but essential enablers of our working and social lives. As businesses and consumers drive an ever-increasing demand for communications, the infrastructure that serves them must keep pace with their demands and needs."

- 3.20** The report also outlines that in the UK there is an increasing trend towards mobile phone usage only, in which voice calls via traditional landline telephone is falling. Wireless broadband within households remains to play an important role in connectivity, however given the very nature of mobile devices, a robust telecommunication infrastructure needs to be in place throughout the UK to support people's everyday needs. Indeed, it is said, in the 2015 Ofcom report, that more consumers have switched from traditional mobile handsets to smartphones over the past year with over 66% of the adult population now using a smartphone when compared to 39% ownership in 2012.
- 3.21** The increasing use of 3G and 4G compatible mobile smartphones and tablets has led to an increase in the amount of data used by consumers, which grew, by a factor of 64% over the past year. Indeed 2015 statistics suggest that 93% of UK households and business premises are covered by all the established operators that provide 2G networks. With regards 3G services 88% of the UK are said to be covered by all four operators, but for 4G this drops to 46%.
- 3.22** The British Infrastructure Group of MPs (BIG) led by Grant Shapps MP is dedicated to championing better infrastructure across the UK. The October 2016 BIG Report has investigated how the Government can improve mobile coverage for the millions of customers who receive inadequate service. It demands that all operators improve their mobile coverage with a deadline of December 2017. The report calls for the Digital Economy Bill to be prioritised by the Government to reform the Electronic Communications Code and allow Ofcom to fine mobile operators that do not meet their coverage targets. This report is signed by numerous MPs, many of which have made detailed comments regarding poor connectivity in the UK (see Appendix CTL 4).
- 3.23** In this particular area of Rhostyllen, the appeal site has been identified as a location where both Vodafone and Telefónica have a common urgent interest in providing 2G/3G/4G services from the same site. The proposed site will also enable the network to be expanded in order to provide new 3G and 4G provision which is currently not available. For the avoidance of doubt Vodafone are referred to as the appellant as they are the lead operator

for this site, in which Telefonica wish to be incorporated as a sharer into the appeal scheme in order to address their own 2G/3G/4G coverage/capacity needs within this area of Rhostyllen, west of Wrexham.

Pre-Application Consultation

- 3.24** A formal pre-application letter was issued on 10 October 2016 to the Planning Department informing them of a requirement to erect a new radio base station on land to the rear of the MG Centre, Wrexham Road, Rhostyllen, in order to provide enhanced 2G coverage and new and improved 3G and 4G coverage and capacity to this part of Rhostyllen. Enclosed with the letter were a set of plans detailing the proposed scheme (the same scheme as that which is the subject of this appeal). No specific comments were received from the LPA in relation to the proposed scheme.
- 3.25** At the same time, an initial community consultation exercise was undertaken with local Ward Councillor for Esclusham Ward (Cllr M Pritchard) Clerk to Esclusham Community Council, the local MP Susan Jones and the local AMs (K Skates, L Gruffydd, N Gill, M Brown, M Isherwood). The Headteacher and Chair of Governors for the Rhostyllen CP School, School Street were also consulted. Informative consultation letters and a set of plans were sent to all these parties on the 10 October 2016. No specific comments were received regarding the proposed scheme prior to the application being submitted to the Council 16th November 2016.
- 3.26** CTIL's Regional Planning and Community Specialist – North West (Sean McHenry) met with John Rooney from the North Wales Economic Ambition Board in autumn 2016 to discuss the operators requirement to Grow the Grid in to not spot areas. He was very supportive, given the economic benefits attached to connectivity with North Wales. This led to a letter of support written to the appellant's and which can be found at Appendix CTL 5.
- 3.27** The appellant has engaged with contacts within the ICT Infrastructure department at Welsh Government who has facilitated positive relationships within local authorities to support delivery of the infrastructure required to improve service across Wales.
- 3.28** The target coverage area is to provide coverage to Rhostyllen. Due to the residential nature of the search area, the opportunities for locating telecommunications equipment in this area are heavily constrained in this regard. The operators were unable to locate any more suitable, available sites which would meet the appellant's technical operational requirements. Consequently, the operators decided that the only option available to them was to appeal the

refused application.

- 3.29** The operator not only has a license requirement to provide a certain level of 2G/3G coverage to the population and more recently 4G coverage with its 4G licence requirements to provide 98% coverage, which by definition is the majority of the country, more importantly going forward, the appellants' are obliged to meet the growing consumer demand for 3G and 4G coverage especially with the advent of smartphones, in line with their license obligations and the operators competitive market driven "requirement" to provide a high quality service. Customers expect to be able to access their portable hand held devices wherever they are, whether that be indoors or outside. There is currently a significant gap in the coverage that is provided by both operators in this cell area. This gap can only be filled by providing a new installation within this locality.

Technical Justification

- 3.30** A mobile phone transmitter is designed to cover a specific area and links its coverage to the next site in the network, creating a patchwork of overlapping coverage 'cells' across the country. So, if a person is on the move, the network will transfer their calls from one site to the next. However, in certain areas there will be gaps between these cells, resulting in a loss of coverage. This can be for a variety of reasons, the most common being topography or buildings which block the path of the signal. The operators' network rollout programme is designed to identify and address these gaps within their coverage and ensure that people can use their phones whenever and wherever they are.
- 3.31** There is a specific requirement for a new radio base station at this location to allow Vodafone to improve its 2G services to Rhostyllen, and the road networks as well as providing new 3G and 4G services to this, mainly residential area west of Wrexham. The new installation will also provide a single grid network using MORAN technology. This will enable the operators to meet their efficiency, capacity and ever increasing technical capability requirements within a single grid network.
- 3.32** As such, the need for indoor 3G and 4G coverage is becoming ever more necessary and significant especially with the growth in the smartphone take-up which has significantly altered consumer use of mobile data services. Indeed, Julie James AM (Minister for Skills and Science) has released a Welsh Government statement on 24 January 2017 (see Appendix CTL 3) acknowledging that Mobile phone connectivity is becoming increasingly important as more people use mobile devices to carry out everyday tasks such as banking, entertainment and keeping in touch with friends and relatives. The statement goes on to

recognise the economic benefits to having usable and reliable mobile coverage, keeping in touch on the move and allowing machines to share real time information. Indeed, the statement acknowledges that it is essential that Wales has the mobile connectivity to allow people and 'things' to connect reliably where they are located.

- 3.33** In light of this, the Minister hosted a round table of representatives in mid January 2017 from the mobile industry, Ofcom, local planning officers and Welsh Government officials to explore how these stakeholders can all work together to improve phone services across Wales. Following on from this, the Minister intends to publish a mobile action plan for improving mobile connectivity in Wales and to provide a road map to achieving it.
- 3.34** An installation located outside of this search area would not allow either operator to provide their desired level of 2G, 3G or 4G coverage and therefore would not adequately fill the current coverage gap. Continuous coverage is also required in order to ensure that calls are not 'dropped' within the operators target coverage area.
- 3.35** It is extremely important to remember that due to the physics of radio frequency, each base station can only provide service to a limited geographic area and this is reduced further by topography and population density, amongst other things such as 'clutter' which is a technical term referring to near or distant line of sight obstruction or 'clutter' between the base station and the areas it is trying to provide service to. This 'clutter' can take the form of high trees or buildings in the wider area which obstruct the signal and severely disrupt the service or make a base station redundant entirely.
- 3.36** The fact is, these base stations are required **where the service is required**, where there is a population who demand service provision, placing an installation a distance away from a population means the installation cannot provide the service to where it is needed.
- 3.37** In places of dense population, like London or Manchester, where the geographic distance for service provision from a base station is greatly reduced due to capacity issues, these bases stations are typically little over 100m apart such is the necessity for siting adjacent to where demand is and the inability for service provision over huge distances.
- 3.38** Service may be provided over large distances but this requires an excessively tall installation of upwards of 40m-50m. It also must be remembered that to host the required equipment at that height the supporting mast itself must be much more robust and bulky to structurally support the equipment.
- 3.39** New, excessively tall and bulky structures are often used in industrial areas which are

generally insensitive but are clearly not appropriate for this area due to its residential nature, with much of the search area being located within a tight residential area and as such alternative, appropriate, means of service provision must be found, taking account of all other associated variables and constraints associated with such development.

Site Selection – Discounted Sites

3.40 In accordance with the licence obligations and advice in Planning Policy Wales and the Code of Best Practice in Wales the applicant's network rollout team investigated the following siting and design options using this sequential approach to site selection:

- Upgrading their own existing base stations;
- Using existing telecommunications structures belonging to another communications operator. i.e. Mast and/ or site sharing, co-location;
- Installations on existing high buildings or structures including National Grid pylons;
- Using small scale equipment; and finally
- Erecting a new ground based mast site – (1st) Camouflaging or disguising equipment. (2nd) A conventional installation e.g. a lattice mast and compound.

3.41 The applicant's site selection strategy is to keep the overall environmental impact to a minimum. Utilising existing masts is always progressed where it is technically and legally possible and where it is the local planning authority's preferred environmental solution.

3.42 A number of sites have been considered prior to the appeal site being selected. These were given careful consideration with regard to the impact of development at each location in terms of visual and residential amenity, other planning issues as well as the technical suitability of each site to both Vodafone and Telefónica. In selecting the site and design of the proposed installation the views that have been received as a result of the consultation exercise have been taken into account. The location considered most acceptable in terms of all these factors was then selected.

3.43 The details of alternative sites considered prior to selecting the proposed site and design are contained in the list below. The search area is centred on the residential area of Rhostyllen. Therefore the operators search area is highly constrained in this regard. As already explained in paragraph 3.6 above the operators search area is small due to the operators existing sites in the immediate area which provide coverage in this area but cannot provide

coverage to the target coverage area.

3.44 D1 – Greenfield - The Bersham Club, Bersham Road, Rhostyllen, Wrexham, Clwyd, LL14 4HS NGR E: 331321 N: 349344

The site provider has confirmed that he is not interested in allowing a telecommunications installation to be located at this site. Therefore the site has to be discounted as the operators do not have the landowner's permission to utilise the site for a telecommunications installation.

3.45 D2 - Greenfield– Coleg Cambria, Wrexham Road, Wrexham, Clwyd, LL13 7RF NGR E: 332379 N: 349347

The land level is too low in this location to provide the necessary coverage to Rhostyllen and its immediate area. Furthermore, there are a significant number of trees in the surrounding area which would have a detrimental effect on the effective operation of the antennas and transmission dish. Therefore this site has been discounted as the antennas would not be able to reach the target coverage area. This would lead to an additional installation being required elsewhere within this area, contrary to local and national guidance.

3.46 D3 - Greenfield – Car & Van Hire/Wrexham Tyres, Wrexham Road, Wrexham, Clwyd, LL13 7RF NGR E: 332454 N: 349332

The land level is too low in this location to provide the necessary coverage to Rhostyllen and its immediate area. Furthermore, there are a significant number of trees in the surrounding area which would have a detrimental effect on the effective operation of the antennas and transmission dish. Therefore this site has been discounted as the antennas would not be able to reach the target coverage area. This would lead to an additional installation being required elsewhere within this area, contrary to local and national guidance.

3.47 D4 - Rooftop – Tabernacle Chapel, 18 School Street, Rhostyllen, Wrexham, LL14 4AU NGR E: 331202 N: 348825

The church roof is too low in order to provide the operators with their necessary coverage to the target coverage area. Furthermore, the construction of the church does not lend itself to accommodate a telecommunications installation. Therefore this site has been discounted for build and operational reasons.

3.48 D5 - Greenfield – Malcom Hughes Car Sales, Wrexham Road, Rhostyllen, Wrexham,

LL14 4DW NGR E: 331777 N: 348719

The landowner has ceased trading at this location and has not confirmed any interest in allowing a telecommunications installation to be installed at this site.

3.49 D6 - Greenfield – Manor Farm, Rhostyllen, Clwyd, LL14 4AS NGR E: 332176 N: 348772

The landowner has confirmed that he is not willing to allow a telecommunications installation to be installed on this site, due to his plans for redeveloping the site.

3.50 D7 - Rooftop – Holy Trinity Church, Wrexham Road, Rhostyllen, Clwyd, LL14 4DW NGR E: 331527 N: 348581

The church roof is too low in order to provide the operators with their necessary coverage to the target coverage area. Furthermore, the construction of the church does not lend itself to accommodate a telecommunications installation. Therefore this site has been discounted for build and operational reasons.

3.51 These discounted options have been plotted on a map and can be found at Appendix CTL 6.

3.52 Whilst the application was being considered by the Council, the local community council raised strong objections to the proposed siting of the new telecommunications installation. They considered that there were a number of other more suitable locations such as the existing installation near the A483 roundabout.

3.53 Following on from the objections raised by the community council, the case officer sought reasons as to why this existing installation could not be used. It is located approximately 900m to the south-west NGR E: 330997 N: 348276 see email trail within Appendix CTL 7.

3.54 The agent initially responded to the case officer advising that 900m is too far away to provide the necessary coverage to the target coverage area, and is thus outside the search area. The data hungry applications of 3G and 4G mean that the antenna signals just do not travel that far (see email trail at Appendix CTL 7). The appellant's radio engineer also fully investigated this existing site, confirming what the agent had advised to the case officer. He also advised that the existing site that the community council suggested was already being used by the appellant (site ref: 7734). Whilst it provided coverage to the surrounding area, could not provide coverage to the target coverage area due to the distances/terrain involved. Hence, the appellants need for this installation to cover the existing 'not spot' in and around Rhostyllen. If the existing radio base station could provide the necessary coverage then the appellant would not be wasting time and money searching for a new installation, to provide

the necessary coverage to Rhostyllen and the surrounding area (see emails within Appendix CTL 7 to the case officer which fully explains the situation).

- 3.55** A simple bird's eye view of the appeal cell area of Rhostyllen is shown below. This clearly indicates the dense residential nature of the area. It also demonstrates the lack of any break in this character of the locality, apart from on the periphery, where the land is unavailable to the appellants.



Source: Google

- 3.56** Although the site is located within a highly residential area, this is where the operators need to provide their coverage and best Multi-Operator Radio Access Network ("MORAN") service provision as it is one of the only suitable and available options within the operators search area which would provide the necessary coverage to the target coverage area.

4.0 THE APPEAL PROPOSALS

- 4.1** Application ref: P/2016/1058, which is the subject of this appeal, was submitted to the local planning authority on 16 November 2016. The application was validated on 17th November 2016 and the following description was given:

'Installation of a 17.5m monopole supporting 3 no. antennas, 1 transmission dish, 3 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including installation of 2.1m palisade fence to form a compound'

- 4.2** The main column width is proposed to be some 500mm at the base tapering slightly towards the top of the column which is some 400mm in width. This main column rises to some 14.1m above ground level. Above the main monopole is an open head frame supporting 3 no. antennas and a transmission dish. The overall top height of the supporting monopole is 17.5m.
- 4.3** The antennas are required to have a top height of 17.5m in order to clear the surrounding trees and urban clutter to provide the necessary MORAN technologies including 2G, 3G and 4G services in to the target coverage area (mainly Rhostyllen). If the antennas were to be any lower in height then they would not be able to clear the tree canopy and urban clutter or reach the target coverage area and an additional base station would be required in this cell area. This would lead to a proliferation of masts, contrary to national guidance.
- 4.4** The transmission dish is required in order to provide a link in to the network. Without this transmission dish the site could not be connected to the grid and therefore an alternative location would need to be sought. In order to obtain a clear line of sight the dish needs to have a centre line height of 15m in order to clear the natural and urban clutter in the surrounding area. If the transmission dish were to be any lower in height then it would not be able to link in to the appellants network and the radio base station would not be operational. Therefore an additional site would still be required leading to the proliferation of masts in this area, contrary to local and national guidance.
- 4.5** The Panoramic Survey enclosed with the original application documents and with this appeal statement (see Appendix CTL 8) clearly shows that any lower heights would cause a blocking effect on the antennas and transmission dish which, for technical reasons, would prevent them from working effectively.
- 4.6** The monopole has been designed to resemble other vertical structures within the immediate

area including lighting columns, telegraph poles and road signage. The monopole is proposed to be galvanised in order to blend in with the adjacent linear street furniture and existing commercial buildings within the immediate locale. However, this column can be finished in any other colour if the Inspector considers another colour to be more appropriate.

- 4.7** Exposed antennas have been designed in this location, as the site is located on private land over 60m from the nearest highway and nearly 100m from the nearest residential dwelling. Antennas in an open head frame are the most efficient way of providing coverage to the target coverage area. The antennas could also be upgraded in the future without significant design changes, whilst maintaining quality telecommunications in this area both now and in the future. If the antennas were shrouded they would not provide such a good a coverage. It is also likely that radical design changes would need to be made in the future in line with changes in technology and consumer demand.
- 4.8** The radio base station has been carefully located at the back of the Welsh MG Centre nestled between existing industrial/commercial buildings. There are a number of trees and bushes surrounding the site. This natural vegetation together with the existing commercial units will ensure that the majority of the monopole and ground level equipment cabinets will be screened from the surrounding area. This will ensure that the proposal will not appear prominent in the streetscene. Shrouding the antennas would lead to unwarranted inefficiencies considering the nearest residential property is some 97m away and the nearest road some 62m away. As such, it is not considered reasonable to reduce the ability of this site to maximise the opportunity of providing the necessary coverage to the target coverage area. This is especially true given the significant social and economic benefits of providing the latest high quality 2G, 3G and 4G mobile service provision to Rhostyllen.
- 4.9** The equipment housing requirements are for three dual user equipment cabinets and one meter cabinet. They will be located to the west/north west of the proposed monopole and will be a BTS 3900AL equipment cabinet (dimensions 770mmx750mmx1925mm), a TSC equipment cabinet with the dimensions 600mmx600mmx1415mm and a combiner cabinet with the dimensions 750mmx350mmx1130mm. The meter cabinet will have the dimensions 655mmx260mmx1015mm. Each of these cabinets is small for telecommunications apparatus, each being less than 2.5m³. As such, they could be implemented under the appellants permitted development rights but have been included on the plans and in the description in order to remain fully transparent.
- 4.10** The ground based equipment cabinets have a similar appearance to other communications

and electrical service boxes found in most streetscenes in which similar operations can be likened. The site is likely to be visited infrequently and generally for maintenance purposes only. Access to the site will be by foot in order to gain access to the equipment housed within the cabinets. In the event of the antennas within the mast needing to be maintained this will be achieved by siting a cherry picker with a hydraulic platform alongside the base station.

- 4.11** The equipment cabinets are proposed to be painted fir green, RAL 6009. This is a common colour that is utilised by other statutory undertakers such as BT OpenReach. However, if the Inspector considers that any other colour is more appropriate, then the appellant is happy to ensure that the equipment is finished in any other colour via an appropriately worded condition. The size, height and design of the cabinets will ensure that they will not be readily visible in the streetscene due to their location in between a number of light industrial/commercial buildings.
- 4.12** The proposed column and equipment cabinets will house equipment for two mobile telephone operators (Vodafone and Telefónica) and as such it will effectively be a mast share. However, as already explained earlier in this appeal statement it will link into a single network grid supporting modern MORAN technology for both Vodafone Limited and Telefónica UK Limited. It will also allow the expansion of the network. The site will be operated by CTIL and Vodafone Limited but the new radio base station will enable both operators to provide new and improved 2G, 3G and 4G coverage and capacity for both operators including MORAN services on private land to the rear of the Welsh MG Centre. While negating the need to build two single operator installations in the locality to meet obligations. As such the proposal is minimising proliferation.
- 4.13** The new site will improve the significant 'gap' in 2G/3G and 4G coverage for the whole of Rhostyllen, and the surrounding road network for both operators. Currently coverage is 'in car' at best. This will meet their customers' demands for a better service in this area west of Wrexham.
- 4.14** The current land use of the site is a car sales area on a former petrol station site. The appeal site is located at the back of the premises nestled between existing light industrial commercial buildings which rise to some 11m. The appeal scheme will be seen in the context of commercial buildings and other linear forms such as lighting columns, road signage, commercial signage, telegraph poles and trees/bushes.
- 4.15** Vodafone Limited and Telefónica UK Ltd are operators of an electronic communications

network. They comply with the Electronic Communications Code as enacted under the Communications Act 2003, which provides the necessary legislative basis to run an electronic communications network. The proposed installation is needed to provide new indoor high quality 2G, 3G and 4G coverage, in line with their license agreement and aligned to the latest Government thinking for a prosperous economy and well-connected Wales, to Rhostyllen and the surrounding road network as is shown in the coverage plots within Appendix CTL 2 of this appeal statement. It will also enable the latest technologies to be provided, which is essential to ensure that with the growth in the smartphone take-up consumers will be able to access their devices in line with the purposes in which they were purchased.

- 4.16** Since the advent of the Smartphone in 2009 consumer demand for indoor 3G coverage and high speed data capture has increased significantly so that as more people use their smartphones, those customers who are on the periphery of the 3G coverage area will be unable to utilise their mobile devices contrary to the purposes in which they were purchased. The proposed installation is needed to vastly improve existing 2G, 3G and 4G services to this densely populated area of Rhostyllen, the A5152 and the rail route between Rhosrobin and Rhostyllen, where currently the existing coverage is mainly 'in car' at best with some areas suffering from no current provision.
- 4.17** The application was refused at planning committee on 3 January 2017 and the decision notice was issued shortly after (Appendix CTL 1). The reasons included that the proposed mast due to its siting, height and scale would have an adverse impact upon the wider visual amenity of the area.
- 4.18** It is noted that the case officer fully supported the application for the erection of a telecommunications mast and ancillary development recommending that planning permission be granted. See Appendix CTL 9 for a full copy of the officer's committee report. Extracts of the officer's support for the proposed scheme are set out in the following paragraphs.
- 4.19** The officer in his report to committee (see Appendix CTL 9) notes that there are no more suitable alternative sites in which to site the proposed installation at page 65 stating:

'I note the Community Council's comments about utilising an existing mast adjacent to the A483. That mast is nearly 1km to the south west of the application site. It is already in use by the applicants but is too far away to provide the required level of 2G, 3G and 4G coverage in areas of Rhostyllen where it is currently poor. The level

of coverage can only be improved by a new installation in this vicinity and I am satisfied that there are no alternatives to the current proposals'.

- 4.20** In relation to siting and appearance the case officer notes the location of the mast and its height in relation to the surrounding buildings and their use. He notes that it will be visible when passing along Wrexham Road. However, he states that this would not detract from the appearance of the area see page 66 of the report at Appendix CTL 9:

'The mast will be located towards the rear of the Welsh MG Centre site close to a building on the adjoining Malcolm Hughes Car Sales site. The mast and associated antennae, taken together, will be 6.5m higher than that building. Whilst the mast will be visible when passing along Wrexham Road, it will not be unduly prominent within the streetscene and will be viewed in the context of two adjoining sites that are of commercial character. It will not detract from the appearance of the area. Three equipment cabinets will be located adjacent to the mast; however they will be screened from view by existing buildings'.

- 4.21** The case officer also comments on the concerns raised by the Community Council in relation to the proximity of existing residential properties and an adjacent site which has the planning permission for housing, on page 66 of the committee report he acknowledges:

'I note the Community Council's concerns about the mast being located in a residential area and adjacent to land owned by the National Trust benefitting from planning permission for housing. There are no local or national planning policies that seek to prevent the siting of telecommunications equipment in residential areas. Indeed, if telecommunication equipment were prevented from being sited in or close to residential areas, it would deny local residents and businesses the ability to use mobile communication equipment'.

- 4.22** The case officer also makes detailed comments regarding the perception of health risks and that this can be a material consideration which must be weighed with other material considerations:

'...where transmissions from a proposed base station meet the ICNIRP guidelines it is unnecessary for a local planning authority to consider further the health aspects and concerns about them when processing a planning or prior approval application'.

With regard to 'perception of risk', it is clear that this can be a material consideration. However, it must be weighed along with other material

considerations, including government policy guidance and the expertise of its independent advice. It is also clear that there must be some reasonable substance to those fears and totally unsupported fear should have very limited weight indeed. Whilst I accept the materiality of concerns about the health and wellbeing of those who live in the locality, I consider that there is no basis in national or local policy for refusal for that reason alone. A finding of 'no risk' can never be achieved with complete certainty in relation to any form of development and, in the absence of any widely-accepted demonstrable risk, there only remains a perception. Whilst perception or risk must be considered it has been given little weight by Planning Inspectors and the Court in the decision making process where conformance with the ICNIRP guidelines is demonstrated.

The application documents include a Declaration of Conformity with ICNIRP Public Exposure Guidelines'.

4.23 The officer's report concluded that:

'The proposals accord with policies GDP1 and CLF8'.

4.24 In light of the above, the officer's recommendation was as follows:

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) number 100 Revision A, 201 Revision A and 301 Revision A and contained within the application documentation.

4.25 Members, at the planning committee, heard this application on 3 January 2017. The webcast of the committee can be found at the following link http://wrexham.public-i.tv/core/portal/webcast_interactive/261557. Local Member Cllr Mark Pritchard spoke against this scheme as he, along with the Community Council, considered it was in the wrong location and would not be in keeping with the existing area. He outlined that the existing site off the A483 should be utilised by the appellants. However, this site has been fully discounted for the reasons as set out in the above paragraphs 3.52-3.54, not least because the appellants are already located on this site and it does not provide the necessary coverage to Rhostyllen. The Local Member also expressed strong concerns that the proposed scheme would be adjacent to the planning permission which had been granted adjacent to this site for 226 houses.

- 4.26** Following on from the comments made by the Local Member, the Chair asked the planning officer whether any alternative locations had been considered. The case officer fully explained that 7 alternative sites had been considered and that the landowners were either not interested or the site would not provide the necessary coverage. He explained that a sequential approach had been fully carried out. The planning officer went on to remind members that monopoles are not uncommon in urban areas or indeed other urban areas in Wrexham or throughout the country. He also reminded members that permission had been recently granted in a residential area. The planning officer noted that the site was nestled between commercial properties and would not look out of place just 6.5m taller than the tallest nearby commercial buildings. He advised members that with regard to existing planning permission for a residential development on the adjacent land members had to determine the application on what is there now which is an open area and not a housing estate. Permission has not been implemented but even if it had, the officers recommendation would unlikely be amended. The planning officer also advised members, that the National Trust, as land owners of the planning permission site had not responded to consultation and as such had no issues. The operators need the coverage where the demand is, rather than in more remote locations as this would not provide the necessary coverage. This is a reasonable location.
- 4.27** The chair suggested that there were two possible reasons for refusal: impact on visual amenity of the area and insufficient alternative sites considered. The planning officer, advised that a thorough sequential site search had been undertaken and that the operators would not choose a location which would not provide the necessary coverage. Therefore members agreed to refuse the application on the grounds of the detrimental impact on the visual amenity of the area.
- 4.28** The Minutes noted the Local Member objections to the siting of the proposed telecommunications scheme due to its siting, height and scale which would have an adverse impact upon the wider visual amenity of the area and that the committee concurred with the views of the Local Member. However, they did not note the discussion relating to the impact on an unimplemented planning permission and that a sequential test for alternatives had been fully carried out and that this was the most suitable available site (see minutes of the committee meeting at Appendix CTL 10)
- 4.29** It is noted that even with the strong national and regional push for Wales to get connected with an intention from Government to publish a mobile action plan for improving mobile connectivity in Wales, that the British Infrastructure Group of MPs demands that all

operators improve their mobile coverage by the end of 2017, and that the North Wales Economic Ambition Board fully supports the expansion of the network in to not spot areas, not to mention the backing from PPW and TAN19 for a Well-Connected Wales, these well documents social and economic benefits were not discussed or even considered once by the committee in a balancing exercise.

5.0 NATIONAL PLANNING POLICY

5.1 Introduction

5.1.1 Planning policy is provided at the national level by Planning Policy Wales Edition 9. It is a material consideration in planning decisions.

5.1.2 It is not necessary to quote extensively from this document but the following points are highlighted.

5.2 Planning Policy Wales Edition 9 (November 2016)

5.2.1 The Government's Planning Policy Wales latest edition was published in November 2016. *Planning Policy Wales* (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters. It translates the Government's commitment to sustainable development into the planning system so that it can play an appropriate role in moving towards sustainability.

5.2.2 PPW sets out Welsh Government Duty. The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development.

5.2.3 The Act sets out 7 well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. Two of these goals are relevant to telecommunications development: A Prosperous Wales and A Wales of Cohesive Communities.

5.2.4 PPW sets out its goal for 'A Prosperous Wales' being an innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

5.2.5 PPW envisages 'A Wales of Cohesive Communities' to be attractive, viable, safe and have well-connected communities.

5.2.6 PPW defines sustainable development in Wales as meaning the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being

goals.

- 5.2.7** This approach is consistent with ensuring ‘a strong, healthy and just society’ – focusing on how a sustainable approach will improve the quality of life and well-being of the people of Wales and especially those in less well off communities.
- 5.2.8** A Prosperous Wales – In order to achieve this, PPW states there is an important role in securing the provision of infrastructure to form the physical basis for sustainable communities (including telecommunications).
- 5.2.9** Chapter 7 of PPW sets out the Government’s aims for economic development. Paragraph 7.1.1 states that for planning purposes the Welsh Government defines economic development as development for land and buildings for activities that generate wealth, jobs and incomes.
- 5.2.10** PPW para 7.1.3 states that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.
- 5.2.11** Paragraph 7.2.2 of PPW acknowledges that there will be times when economic benefits outweigh social and environmental considerations. It states *‘local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations’*.
- 5.2.12** Chapter 12 of PPW sets out the Government’s aims for infrastructure and services, which includes telecommunications. The Government’s latest thinking continues to strongly support Communications Infrastructure. Paragraphs 12.11, 12.12 and 12.13 refer specifically to telecommunications however the importance of supporting sustainable communications infrastructure runs throughout the document.
- 5.2.13** PPW sets out a number of objectives relating to infrastructure and services. The Government acknowledges at paragraph 12.1.1 that adequate and efficient infrastructure including telecommunications is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working.
- 5.2.14** The Welsh Government aims to secure the environmental and telecommunications infrastructure necessary to achieve sustainable development objectives, whilst minimising

adverse impacts on the environment, health and communities. New approaches to infrastructure will be needed in light of the consequences of climate change. The objectives are inter alia: (para 12.1.4)

- To facilitate the development of an advanced broadband telecommunications infrastructure throughout Wales.
- To promote an integrated approach to the provision and renewal of environmental and telecommunications infrastructure.
- To ensure that environmental and telecommunications infrastructure is provided in such a way as to enable sustainable development objectives to be met, avoiding adverse impacts on the environment, local communities and health.
- To ensure that in considering environmental and telecommunications infrastructure account is taken of the impacts of climate change in the location, design, build, operation and where appropriate, the decommissioning of new infrastructure.

5.2.15 The Welsh Government recognises that widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales. It is important that the telecommunications infrastructure in Wales is able to meet this challenge, helping to build a thriving and prosperous Welsh economy...Local Planning Authorities are encouraged to respond positively to telecommunications development proposals whilst taking account of the advice on the protection of urban and rural areas (paragraph 12.11.1).

5.2.16 PPW advises that the installation of many telecommunications systems is covered by permitted development rights, which may be subject to the local planning authority's prior approval of details of siting and appearance.

5.2.17 PPW states that development plans should set out policies and proposals for the location of telecommunications development (para 12.12.1).

5.2.18 Paragraph 12.13.2 advises that where approval of details of planning permission is required for telecommunications development the following should be taken into account:

- The extent to which radio and telecommunications masts can be shared; and
- The need for dishes and other installations to blend with their backgrounds.

- 5.2.19** Paragraph 12.13.3 states that the Welsh Government attaches considerable importance to keeping the number of masts, and the number of sites for such installations, to the minimum consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Use should also be made of existing buildings and other structures to site new antennas. Siting should, so far as is practicable, minimise the impact on amenity and the external appearance of the building.
- 5.2.20** PPW states that planning permission or approval of details should not be refused on the basis of policies that take insufficient account of the growth and characteristics of modern telecommunications (paragraph 12.13.5).
- 5.2.21** PPW states that authorities should not question the need for the telecommunications system that the proposed development is to support, nor seek to prevent competition between different operators. The aim should be for the authorities and operators to work together to find optimum solutions to development requirements. The Welsh Government strongly encourages telecommunications operators and local planning authorities to carry out annual discussions about rollout plans for each authority's area. Pre-application discussions should be carried out between operators and local planning authorities on a specific development proposal (paragraph 12.13.6)
- 5.2.22** With regard to the health implications of proposed development, it is the Welsh Government's view that, if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. All new base stations are expected to meet the ICNIRP guidelines (paragraph 12.13.9).
- 5.2.23** The Stewart Report suggested a number of specific precautionary actions that have been accepted by the Welsh Government. The report does not provide any basis for precautionary actions beyond those already proposed. In the Welsh Government's view, local 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 (paragraph

12.13.10).

5.3 Technical Advice Note 19 Telecommunications (August 2002)

5.3.1 TAN 19 is somewhat dated, published in August 2002, it makes reference to the Stewart Report which is now dated and makes no mention of the 4G network. Therefore PPW Edition 9 has greater material weight in the determination of telecommunications applications.

5.3.2 Paragraph 32 of TAN 19 states that development plans should cater for telecommunication development by taking account of the strategic requirements of telecommunications networks. Development Plan policies should take account of:

- The Assembly Government's overall policy approach to planning for telecommunications development set out in Chapter 12 of Planning Policy Wales.
- The requirements of the Telecommunications Act 1984.
- The need to minimise the impact of development and in particular the need to protect the best and most sensitive environments.
- The limitations imposed by the nature of the telecommunications network and the technology.

5.3.3 With regard to technical constraints, Paragraph 46 states that *'each telecommunications system has different antennas, siting needs and other characteristics. Planning authorities should have regard to any technical constraints 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'*.

5.3.4 In terms of environmental considerations, paragraph 56 identifies that an important consideration in determining applications will be the protection from visual intrusion and the implications for subsequent network development. It acknowledges that masts 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 this may conflict with policies for the protection of high quality landscapes and quality in urban areas. High priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance.

- 5.3.5** Additionally paragraph 57 considers mast and site sharing, stating that Local Planning Authorities may expect applications to identify that the possibility of erecting antennas on an existing structure has been explored. An authority should, however, bear in mind the technical constraints upon network development in reaching any decision on an application before it (paragraph 58).
- 5.3.6** Furthermore paragraph 65 identifies the consideration of siting and design in addition to the height, ancillary development and the scope for landscaping and screening. It also states that, *'many antennas have special siting needs because they have a limited range or require line-of-site. Authorities should take full account of these needs.'*
- 5.3.7** Paragraph 66 goes on to state that 'Local planning authorities should ensure that they understand the constraints the operator faces, whether due to the nature of the technology or the legal requirement to provide a service'.
- 5.3.8** Paragraph 67 encourages the use of sympathetic design and camouflage to minimise the impact of the development on the environment.
- 5.3.9** Paragraph 68 relates to design solutions for minimising the visual impact on the area. It states that 'the telecommunications industry is encouraged to continue to develop innovative design solutions, in terms not only of the structure of the masts and antennas but also the materials and colouring. A number of different design solutions are currently available. These include masts designed to look like street furniture'.

5.4 Welsh Government Written Statement – Mobile in Wales 24 January 2017

- 5.4.1** The Minister for Skills and Science announced in a Written Statement on 24 January 2017 (see Appendix CTL 3) that 'mobile connectivity is becoming increasingly important as more people use mobile devices to carry out everyday tasks such as banking, entertainment and keeping in touch with friends and family'.
- 5.4.2** The Minister noted that there are economic benefits to having usable and reliable mobile coverage, allowing people to keep in touch on the move and allows machines to share real time information.
- 5.4.3** The Written Statement goes on to state that *'ensuring Wales has the mobile connectivity to allow people and 'things' to connect reliably wherever they are located will become essential'*.

5.4.4 The Minister advised that a round table meeting was held in mid January 2017 with representatives of the mobile industry, Ofcom, local planning officers and Welsh Government officials to explore how each can work together to improve phone services across Wales.

5.4.5 Following on from this round table meeting the Written Statement advised that the Minister intends to publish a mobile action plan for improving mobile connectivity in Wales and to provide a road map to achieving it, such is the strong Government support for improved connectivity in Wales.

5.5 Code of Best Practice on Mobile Phone Network Development in Wales (July 2003)

5.5.1 This code provides clear and practical advice to ensure the delivery of significantly better and more effective communication and consultation between operators, local authorities and local people. Standardised practice will promote greater consistency of approach and aid the transparency of the process for all concerned.

5.5.2 Modern telecommunications systems have a vital part to play in our national life and bring about significant and economic and social benefits. It's essential that the infrastructure needed to underpin these systems is delivered sensitively, keeping the impact on the environment to a minimum.

5.5.3 The Code is non-statutory and does not purport to given a definitive interpretation of the legal planning requirements, which is ultimately a matter for the courts.

5.5.4 The Code acknowledges in paragraph 10 that a real requirement for a telecommunications service may be:

- To provide coverage
- To provide capacity
- To improve quality of service
- To replace an existing site

5.5.5 Paragraph 31 of the Code sets out the Criteria other than the planning and environmental reasons which affect a location's suitability or use as a base station, the main factors are:

- Access – For ground based installations access for vehicles is required from a public highway.
- Electricity Supply – Sites need a reliable power supply

- Technical suitability – Each site is developed to meet a certain task in the network e.g. providing coverage to an unconventional area, extra capacity to a busy area or bolstering current inadequate coverage. A site needs to be located such that it performs its required task. Less than optimum locations can result in additional sites being required.
- Health and Safety – The apparatus of all sites has to be maintained regularly and it's the operators' responsibility to ensure a safe working environment in line with national safety standards is provided for maintenance personnel. All sites must be designed to comply with national health and safety legislation and compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) public exposure guidelines as expressed in the EU Council Recommendation 12 July 1999.
- Network Link – All sites must be linked in to the network, usually with the use of radio transmission dish antenna. These require a clear line of sight and therefore may impact on the height required in order to achieve this. Where this is not possible, a land line may be used.
- Agreement with the property owner.

5.5.6 Paragraph 121 of The Code acknowledges that the Welsh Assembly Government's general policy on telecommunications development is to facilitate the growth of efficient and effective telecommunications systems whilst keeping the environmental impact of such development to a minimum. Good siting and design should not only be respected in environmentally sensitive areas but also be applied to all telecommunications development.

5.5.7 The Code identifies design principles in paragraph 123 which should be regarded as important considerations with regards to telecommunication developments. Such principles include; a thorough assessment of the character of the area, holistic design, analysis and respect of the surrounding views, preserving the skyline and offering a choice of designs in keeping with the surroundings.

5.5.8 Options for design are acknowledged in paragraph 124 of The Code which states that design will be affected by site conditions, technical constraints, landscape features and capacity requirements. The main options would include:

- Mast and/or site sharing;

- Installation on existing buildings and structures;
- Camouflaging or disguising equipment;
- Using small scale equipment; and
- Erecting new ground based masts.

5.5.9 Both the Welsh Assembly Government Policy and The Code encourage the sharing of masts and sites, where possible, as a means of reducing overall mast numbers (see paragraph 125).

5.5.10 However, The Code acknowledges the limitations on mast sharing in paragraph 128:

- Visual impact may be detrimentally impacted upon;
- Coverage problems – existing site may be poorly located or not have sufficient height to give the required coverage;
- Radio interference – vertical separation distances required can lead to increased visual impact; and
- Structural loading – existing mast may not be able to safely hold additional equipment leading to existing masts being strengthened or replaced with bigger structures which leads to increased visual impact.

5.5.11 Paragraph 131 of The Code supports the use of existing buildings and structures to reduce environmental impact on their networks.

5.5.12 The Code provides guidance on siting and design and continues to acknowledge that camouflaging or disguising equipment is considered materially appropriate with more modern masts frequently able to blend into their surroundings far more effectively than some of the older masts (paragraph 138). Innovative and appropriate use of shapes and colourings can also help disguise proposed equipment. The use of street furniture may also help to disguise small antennas. Larger antennas are also acknowledged as being effectively concealed by similar methods such as flag poles, street lamps, signs and church towers.

5.5.13 Paragraph 146 of The Code acknowledges that there are many ways in which the environmental and visual impact of a ground based mast can be greatly reduced such as:

- Placing a mast near to similar structures e.g. industrial and commercial premises, road signs, lamp posts;

- Using similar and unfussy designs. Masts which have complex designs are more likely to dominate and be in discord with the landscape and have adverse visual impacts;
- Appropriate colouring – masts seen against the sky, for example, are best left in the galvanised state or painted pale grey. Against a wooded backdrop a matt green or brown colour scheme would be more applicable.

5.6 Conclusion

- 5.6.1** At the heart of Planning Policy Wales is a presumption in favour of sustainable development. Indeed, the Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development.
- 5.6.2** Two of the goals relate directly to telecommunications development: A Prosperous Wales and A Wales of Cohesive Communities. The aspirations of the Government are to improve the quality of life and well-being of the people of Wales.
- 5.6.3** PPW strongly supports telecommunications development as the Government acknowledges that adequate and efficient infrastructure including telecommunications is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working.
- 5.6.4** PPW acknowledges that there will be times when economic benefits outweigh social and environmental considerations.
- 5.6.5** The Welsh Government fully supports the development of an advanced broadband telecommunications infrastructure throughout Wales.
- 5.6.6** PPW understands the importance of widespread access to affordable, secure telecommunications infrastructure to citizens and businesses across Wales. PPW acknowledges that high quality mobile communications helps to build a thriving a Prosperous Welsh economy. PPW encourages LPAs to respond positively to telecommunications proposals. It expressly states that telecommunications proposals should not be refused on the basis of policies that take insufficient account of the growth and characteristics of modern telecommunications.
- 5.6.7** Further to this support the Minister for Skills and Science, Julie James, published a Written Statement relating to Mobiles in Wales. This statement fully acknowledged the importance of

mobile devices in everyday life and the economic benefits that a reliable, high quality mobile coverage can bring. She announced that a mobile action plan for improving mobile connectivity in Wales will be published to ensure that Wales gets the mobile coverage it needs.

- 5.6.8** TAN19 relates to telecommunications and supports telecommunication development. It states that planning authorities should have regard to any technical constraints on the location and proposed development. This technical advice note acknowledges that the significance of the proposed development as part of a national network is a material consideration.
- 5.6.9** TAN19 in line with PPW supports mast sharing and the use of sympathetic design and camouflage.
- 5.6.10** The Code of Best Practice acknowledges the vital role that a good telecommunications service provision plays in our everyday lives, together with the significant economic and social benefits it brings, whilst keeping the impact on the environment to a minimum.
- 5.6.11** The Code notes that a real requirement for a telecommunications service may be: to provide coverage, capacity; improve quality of service or replace an existing site.
- 5.6.12** The Code also sets out ways in which the visual impact of telecommunications installations can be reduced such as placing the mast near to lamp posts, using similar and unfussy designs and appropriate colouring.

6.0 THE DEVELOPMENT PLAN

6.1 Introduction

6.1.1 Section 70 (2) of the 1990 Town and Country Planning Act and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.

6.1.2 The statutory development plan as defined by the Planning and Compulsory Purchase Act 2004 Wrexham County Borough Council comprises the Wrexham Unitary Development Plan 1996-2011.

6.1.3 Following the Planning and Compulsory Purchase Act 2004, each Unitary Authority in Wales is required to prepare a Local Development Plan (LDP) for its area. These will replace the previous Unitary Development Plan and will become the sole development plan for each Council and National Park. It will be a single document, setting out strategy as well as site specific and development control policies.

6.1.4 Wrexham's Local Development Plan 2 2013 to 2028 is currently being prepared by the Borough Council. It will eventually replace the current adopted Unitary Development Plan. The LDP will be a long term land use and development strategy focused on achieving sustainable development. This document is still at the early stages of production. The submission of the deposit LDP to Welsh Government is not expected until June 2017, with adoption anticipated in March 2018. Therefore, the emerging LDP has not reached the examination stage and therefore carries no material weight in the determination of planning applications.

6.1.5 Consequently, although time expired the adopted UDP is still in force today, and guides the determination of planning applications in the Borough.

6.2 Wrexham's Unitary Development Policy 1996-2011

6.2.1 The Wrexham UDP was adopted in February 2005 and is the current development plan for the Borough. This plan contains a specific policy on telecommunications, namely, Policy CLF8 (see Appendix CTL 21). This policy states that the development of telecommunications facilities and related infrastructure will be permitted, having regard to technical and operational considerations, where an appraisal has been carried out:

- Firstly, of the potential for sharing other masts and sites; if there is no potential;
- Secondly, of the potential to use existing buildings and structures; if there is no potential;
- Thirdly, of the potential to use other sites.

6.2.2 The policy goes on to state that the siting of any development should minimise the impact on the local landscape/townscape, and should comprise measures of mitigation of any adverse impact, as appropriate.

6.2.3 The justification to this policy states at paragraph 9.8 that modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy. The justification acknowledges that new communications technology is now spreading rapidly to meet the growing demand for better communications at work and home, in business and in public services. It goes on to note that modern telecommunications can also enable people to work with less need to travel. This policy aims to facilitate the growth of new and existing systems whilst ensuring that masts or installations are carefully sited to avoid or minimise any visual intrusion upon the landscape/townscape.

6.2.4 Whilst the Council has a specific telecommunications policy, it chose to ignore its own guidance in this respect and determined the proposed telecommunications scheme solely on a more general design policy, namely Policy GDP1 which relates to all new development (see Appendix CTL 22). This policy sets out a number of criteria that all new development should meet. However, there are only two criteria which are relevant to the installation of essential infrastructure such as the appeal proposals:

- Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

6.2.5 Policy GDP2 is also relevant to this appeal scheme (see Appendix CTL 23). It relates to the Capacity of infrastructure and community facilities. It states that

'Where the capacity of infrastructure, is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off site, and/or provides funding for the Council to provide the additional capacity itself. Requirements will be fairly and reasonably related in scale and kind to the proposed development'.

6.2.6 The Council also has a Council Plan 2012-2017 which was last updated in May 2016, see Appendix CTL 11. The Council Plan's Foreword is signed by the Leader of the Council Cllr Pritchard. This councillor also spoke against the proposed scheme in this location. However, in his Foreword he states that *'Wrexham County Borough Council's purpose is to ensure the people of Wrexham are supported and enabled to fulfil their potential, prosper and so achieve a high standard of well-being'*.

6.2.7 The opening paragraph of the Council Plan welcomes the reader to the Council's Plan and states that *'Wrexham County Borough Council delivers, and enables the delivery of, services to people who live in, work in and visit the County Borough'*.

6.2.8 The Council Plan sets out 3 Strategic Themes relating to: the Economy; People and Place and 1 Corporate Theme relating to Organisation. The Strategic Theme: Place is directly relevant to telecommunications. PL4 specifically relates to 'well-connected communities'. Its aims are to invest in attractive, safe and inclusive communities, see Appendix CTL 11.

6.2.9 Within the Strategic Theme Place PL4 – Well Connected Communities it states:

'Over the next few years accessibility will increasingly become a 'virtual' issue, with more and more services being available on-line. We want these opportunities to be just as accessible to local people and will work to influence providers to improve the quality of local broadband availability...There is a national roll-out programme for improving broadband across Wales and we will continue to push for the County Borough to be a higher priority'.

6.2.10 The Strategic Theme Place PL4 then sets out specifically how the Council will support this priority objective inter alia:

- *'Monitor the Welsh Government "next Generation" broadband scheme and identify opportunities for the County Borough once a decision is taken'*

- *‘Redesigning Wrexham County Borough Council web information systems to support smart technology applications’.*
- *‘Proactively lobby broadband providers to ensure that Wrexham has a fit for purpose broadband network’.*

6.3 Conclusions

- 6.3.1** The Council has a specific telecommunications policy relating to telecommunications development, Policy CLF8. This policy seeks a sequential approach to site selection, endorsing the potential to share other masts and sites first, then the potential to use existing buildings and structures before using other sites whilst having regard to technical and operational constraints.
- 6.3.2** Policy CLF8 aims to facilitate the growth of new and existing systems whilst ensuring radio base stations are carefully sited to minimise/avoid any visual intrusion upon the landscape/townscape.
- 6.3.3** The Council has determined this application in line with the more general policy GDP1. This policy provides guidance for all new development. Whilst the policy states that development is required to ensure that the scale, design, layout, landscaping and use of materials accords with the character of the site and makes a positive contribution to the appearance of the locality and that the development secures sustainable communities, it is clearly not designed to provide guidance and support for essential infrastructure which is needed to be located close to the demand for such services.
- 6.3.4** The Council’s Plan 2012-2017 is also important, given that the UDP is time expired. This plan sets out the current thinking of the Council and the local people. It notes the importance of the connectivity for the Borough and states that the Council will proactively lobby broadband providers to ensure that Wrexham has a fit for purpose broadband network.

7.0 PLANNING ISSUES

- 7.1** The main issues arising from this planning appeal is whether the proposed siting, height and scale of the telecommunications mast would have a detrimental impact upon the wider visual amenity of the area. Whether this harm would outweigh the significant social and economic benefits associated with the vastly improved 2G/3G and 4G service provision attributed to the proposal and other valid material considerations as outlined within PPW and TAN19.
- 7.2** The appeal scheme fully complies with the relevant aspects of the aspirations set out in Policy GDP1 of the Wrexham Unitary Development Plan (UDP). However, it is noted that this policy is a general policy. Policy GDP1 is not designed to meet the particular requirements of the local need to provide coverage to 'not spot' areas and expand the mobile phone network.
- 7.3** As already explained in paragraph 6.2.4 above there are only two criteria within Policy GDP1 which are relevant to the appeal proposals. These are that: the built development in its scale, design and layout accords with the character of the site and makes a positive contribution to the appearance of the nearby locality and that the appeal proposals secure sustainable communities, through the promotion of the economic, social and environmental well-being of the area.
- 7.4** A telecommunications mast is a piece of essential infrastructure to enable the mobile network to function. Similarly lighting columns, telegraph poles, road signage and equipment cabinets are all essential infrastructure but will not necessarily create places that are locally distinctive, people friendly, provide natural surveillance, nor improve the built character and quality of an area and the way it functions. Indeed, few if any essential infrastructure linear structures found in the vicinity of the appeal site make a positive contribution to the appearance of the nearby locality.
- 7.5** The appeal proposals have been carefully designed in relation to the existing linear street furniture, in the immediate vicinity. The installation of this 17.5m monopole, designed to be as similar as possible to the other linear structures found in the immediate area, will be no more at odds with the streetscene and character of the area than the other lighting columns and telegraph poles within the locale.
- 7.6** It is accepted that the height of the proposed installation is taller than other pieces of surrounding street furniture, and buildings but this in itself is not a valid reason to conclude that it is not appropriate at a specific location. Telecommunications apparatus by its very

nature must be taller than surrounding built and natural form to ensure its efficient operation. To suggest that it is inappropriate because it is taller than adjacent street lighting columns or buildings is no more relevant than suggesting that street lighting columns are inappropriate because they are taller than road signage or traffic lights. They are all essential pieces of infrastructure within a streetscene that carry out differing functions and therefore cannot be considered on the same merits. Should a street lighting column be capable of the provision of high quality 2G/3G/4G telecommunications services for two separate operators then this would be a reasonable consideration, but this is clearly not the case. As such, the proposal should not be considered negatively due to it being taller per se than adjacent buildings and linear structures.

7.7 The following paragraphs will demonstrate how the appeal proposals will not appear out of place in its setting in relation to its scale, design and layout and that every effort has been made to minimise any potential impact, while still ensuring efficient service provision to the local community, it's businesses and residents.

7.8 This appeal statement will clearly demonstrate the strong economic, social and environmental well-being benefits for the area if the proposed telecommunications installation is allowed to be installed in this location. See paragraphs 7.80-7.90 below for further details.

Design

7.9 The monopole has been designed to resemble other vertical structures within the immediate area including lighting columns, telegraph poles and road signage. The monopole is proposed to be galvanised in order to blend in with the adjacent linear street furniture and existing commercial buildings within the immediate locale. It therefore accords with the character of the site. This is especially true given the light industrial/commercial nature of the appeal site. As such, the proposed monopole would not appear prominent or incongruous within the context of its setting. The appeal proposals therefore fully accord with the general design criteria set out in Policy GDP1 of the Wrexham UDP. The appeal proposals are also in full compliance with TAN19 and PPW which encourages minimising the impact on the environment.

7.10 The open head frame is a technical requirement for the operators. It enables the appellants to provide the maximum coverage to the target coverage area, with the smallest column height. If the antennas were to be shrouded then they would not be as efficient at providing the necessary coverage to the target coverage area. Therefore either a taller mast would be

required or the cell split in to two which would lead to the proliferation of radio base stations contrary to local and national guidance. A taller mast would have a greater impact on the visual amenity of the area.

- 7.11** An open head frame will enable greater flexibility so that as technologies and demand changes the site can be upgraded without significant design amendments, enabling the latest technologies to continue to be provided throughout Rhostyllen, in line with the Governments push for high quality connectivity throughout Wales.
- 7.12** TAN19 acknowledges that telecommunications operators have technical constraints, and state that planning authorities should have regard to any technical constraints on the location and proposed development (TAN 19 para 45). The advice in TAN 19 goes on to state that *'local planning authority's should ensure that they understand the constraints that the operator faces, whether due to the nature of the technology or the legal requirement to provide a service'*. It is also noted that Policy CLF8 has regard to technical and operational constraints.
- 7.13** There are strong technical reasons justifying the proposed height at 17.5m above ground level. In order for the antennas to be able to provide the necessary coverage to the target coverage area, the whole of the antenna, which are 2 metres in length, need to be clear of immediate clutter whether that be from urban form or natural vegetation such as trees.
- 7.14** As can be seen from the Panoramic Survey enclosed within Appendix CTL 8, if the top height of the antennas were to be any less than 17.5m then the antennas would 'clip' the rooftops of the adjacent commercial buildings. This would prevent the antennas from being able to be directed in to their target coverage area, rendering them ineffective. Furthermore, there are also trees and other urban clutter which would also block the antennas from working effectively at lower heights.
- 7.15** It is not only the antennas which require a clear line of sight in order to work effectively. The transmission dish which links the site in to the appellants network also has to have a clear line of sight. If trees and roofs are in the way then transmission will be prevented from working and the site will be inoperable.
- 7.16** Consequently, the proposed column height of 17.5m is the absolute minimum in order for both telecommunications operators to obtain their coverage requirements and effectively fill the existing hole in 3G and 4G service provision to Rhostyllen. The nearby trees and urban clutter, would mean that a column of lesser height would effectively block the antennas so

that they do not work effectively. Consequently, they will be unable to reach the target coverage area, and Rhostyllen and the surrounding area would remain a black spot without the installation of an additional base station in this cell area. An additional installation would lead to a proliferation of masts, contrary to national guidance contained in PPW, TAN 19, and the Code of Best Practice.

- 7.17** PPW promotes sustainability through good design (PPW para 4.11). Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development (PPW para 4.11.1). Good design can protect and enhance environmental quality (PPW para 4.11.2).
- 7.18** The design of the proposed column and equipment cabinets are good and well considered. They will resemble other vertical structures within the streetscene and will be nestled between existing light industrial/commercial units. There are also numerous other vertical structures within the streetscene that the monopole can assimilate with including telegraph poles, lighting columns, road signage, commercial signage, trees and bushes. The column is proposed to be finished in a grey colour as it will be set against the backdrop of a commercial building some 11m in height. The proposed installation will therefore comply with the general design criteria of Policy GPD1 of the Wrexham UDP, the telecommunications policy CLF8 of the Council's UDP, PPW, TAN19 and The Code of Best Practice.
- 7.19** Whilst the monopole top height is 17.5m, the actual main column is some 14.1m in height. Above this main column height is a much slimmer pole which enables the antennas and transmission dish to be securely attached to the monopole. This minimises the impact on the surrounding area in line with Policy GPD1 of the Wrexham UDP, PPW and TAN19.
- 7.20** The case officer's report to committee supports the appearance of the proposed column on page 66 of Appendix CTL 9:

'The mast and associated antennae, taken together, will be 6.5m higher than that building [Malcolm Hughes Car Sales site]. Whilst the mast will be visible when passing along Wrexham Road, it will not be unduly prominent within the streetscene and will be viewed in the context of two adjoining sites that are of commercial character. It will not detract from the appearance of the area. Three equipment cabinets will be located adjacent to the mast; however they will be screened from view by existing buildings'.

- 7.21** The appellants note that the appeal column design is deployed in many residential areas such as this throughout the country. Its design does not render it incongruous within the streetscene and has been designed to resemble other common forms of linear structures within the urban area. Indeed, the case officer acknowledged that the site is located within a residential area, but that there are no local or national planning policies which prevent such installations in residential areas:

'...There are no local or national planning policies that seek to prevent the siting of telecommunications equipment in residential areas. Indeed if telecommunication equipment were prevented from being sited in or close to residential areas, it would deny local residents and businesses the ability to use mobile communication equipment'.

- 7.22** Furthermore, the planning officer at committee reminded members that Wrexham Council has approved many monopoles for telecommunications development and there are numerous examples throughout the Borough. Indeed, the case officer reminded them of one such monopole that was recently approved. The webcast of the planning committee can be seen at the following link http://wrexham.public-i.tv/core/portal/webcast_interactive/261557.

- 7.23** National guidance contained within paragraph 4.2.4 of the PPW, states that legislation secures a presumption in favour of development in accordance with the development plan for the area *unless* material considerations indicate otherwise. Where: (inter alia) there are no relevant policies there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives. Where these are not in place, the well-being goals contained in the Well-being of Future Generations (Wales) Act should be used.

- 7.24** The Council does have a policy relating to telecommunications development, policy CLF8. However, the Council's reason for refusal does not make any reference to this policy. The appeal proposals fully comply with Policy CLF8 of the Wrexham UDP. This policy seeks a sequential approach to site selection with regard to the technical and operational considerations. The appellants have fully considered alternative sites via a sequential approach, but there are no more suitable, available sites that would provide the appellant with the necessary coverage to the target coverage area. Siting is fully discussed in the next section see paragraphs 7.32-7.68 and therefore is not repeated here.

- 7.25** However, it is noted that the installation will make efficient use of the land by allowing two operators to utilise the same structure, and that they will be able to both provide 2G/3G and 4G services from the same installation rather than needing two separate installations. This is in full accordance with PPW, TAN19 and the Code of Best Practice which all support sharing of apparatus in order to minimise the impact on the area by limiting the amount of radio base stations required in the local vicinity, as does policy CLF8 of the Wrexham UDP.
- 7.26** The policy also states that any development should minimise the impact on the local landscape/townscape. As set out above, the appeal proposals incorporate a monopole with a main height of 14.1m before the pole is significantly reduced in width to support the antennas and transmission dish. This monopole will resemble many other vertical structures within the immediate area including telegraph poles and lighting columns. It has been set within a commercial context and therefore will not appear out of place in this location. As such, the appeal proposals fully comply with Policy CLF8 of the Council's UDP.
- 7.27** However, policy CLF8 of the Council's UDP stays silent on the economic and social benefits of providing the latest technologies to an area and filling current not spots. Such a lack of coverage is a material consideration which needs to be taken in to consideration as part of this appeal scheme. This is discussed in much greater detail in paragraphs 7.112-7.145 below.
- 7.28** The equipment cabinets at ground level are designed to resemble, as closely as possible, other utility operators equipment which are commonly found in urban environments. This ensures that the cabinets will not appear out of character in the streetscene. The equipment cabinets are ancillary to the functionality of the antennas. They are needed to be located close to the mast and are justified items of street furniture. The proposed equipment cabinets will not be seen in the wider area due to their location set well back from the roadside on private land adjacent to a number of commercial buildings. They are proposed to be coloured green, the same colour as other statutory equipment cabinets and as such will not appear out of place nor have any detrimental impact on the visual amenity of the area. This is in full accordance with policies CLF8 and GDP1 of the Council's UDP.
- 7.29** As the equipment cabinets are ancillary to the functionality of the monopole and its antennas, the ground based equipment cabinets will soon become an established part of the streetscene. The ground based development will not therefore have any detrimental impact on the visual amenity of the area. This is in line with PPW, TAN19, Policies CLF8 and GDP1 of the Wrexham UDP and the Code of Best Practice.

- 7.30** Furthermore, the dimensions of the equipment cabinets are considered small for telecommunications apparatus at just 1.11m³, 0.51m³, 0.17m³ and 0.30m³. As such, the equipment cabinets are each less than 2.5m³ and can be installed under the operators permitted development rights. However, they have been included on the plans and in the description for transparency.
- 7.31** The case officer in his report to committee acknowledged that the proposed equipment cabinets would not cause any detrimental harm to the locality, see page 66 of Appendix CTL 9.

‘Three equipment cabinets will be located adjacent to the mast; however they will be screened from view by existing buildings’. ‘

Siting

- 7.32** As is clearly shown in the enclosed coverage plots (see Appendix CTL 2), Rhostyllen, the A5152 (part of the core highway network which links Wrexham to the east with the urban villages of Johnston, Rhos and Ruabon to the west) and the rail route between Rhosrobin and Rhostyllen is a ‘not spot’ area and therefore does not have high quality indoor 2G/3G and 4G coverage and capacity. Thus users of their handsets are unable to utilise their devices for the purposes in which they were purchased. In line with the operators ‘Grow the Grid’ requirements, which is also aligned to the latest Government thinking for a prosperous economy and well-connected Wales, there is an urgent need to fill this hole in coverage.
- 7.33** This area has traditionally been a ‘not spot’ location due to the difficulties in providing a service to this difficult to reach cell area for the operators. The search area is constrained by a number of factors including the dense residential nature of the area, the positioning of the Chester-Shrewsbury Railway Line which bisects the search area, and that a large area of agricultural land is earmarked for residential development and therefore is unavailable to the operators. Consequently, the only real option for siting a telecommunications installation in this area is on the edge of the residential area. Hence the proposed appeal location on the edge of the residential area, nestled between commercial properties.
- 7.34** Conscious of the need to minimise the impact on development, the appellants have carefully considered the siting of the radio base station. To this end, the proposed siting of the installation is on private land to the rear of the MG Centre, a car sales and parts centre, adjacent to a former car sales showroom. The site is therefore light industrial/commercial in character. This site offers a break in the residential nature of the cell area.

- 7.35** There is at least 94m between the habitable windows of the nearest residential property and the proposed monopole. Furthermore, there is also a wide road junction where Henblas Road and Wrexham Road meet. Views from the habitable room windows of the nearest residential property and the appeal site are also significantly interrupted by the building mass of the commercial/light industrial units which are located to the north/north west of the appeal site.
- 7.36** The Code of Best Practice acknowledges a number of ways in which the environmental and visual impact of a ground based mast can greatly be reduced such as by placing the mast near to similar structures such as industrial and commercial premises, road signs or lamp posts. The appeal proposals are positioned adjacent to commercial/light industrial premises and there are a number of similar vertical structures nearby such as telegraph poles and lighting columns. Therefore, the appeal proposals fully comply with the requirement to minimise the environmental and visual impact on the surrounding area, in line with the Code of Best Practice, policies GDP1 and CLF8 of the Wrexham UDP, PPW and TAN19.
- 7.37** The Code goes on to advise other ways of minimising the impact on the surrounding area, such as by using similar and unfussy designs. The proposed column is a simple monopole and will resemble other vertical structures in the streetscene. As such it will not be in discord with the landscape and will not have a detrimental effect on the visual amenity of the area. As such, the proposals fully comply with The Code of Best Practice, policies GDP1 and CLF8 of the Council's UDP, TAN19 and PPW.
- 7.38** The Code also suggests that masts seen against the sky are best left in the galvanised state. The appeal proposals are for the monopole to be galvanised, thus minimising its impact on the surrounding area. This is in line with the Code of Best Practice, PPW, TAN19, and policies GDP1 and CLF8 of the Wrexham UDP to minimise the impact of the proposals on the surrounding area.
- 7.39** Not only is the proposed site nearly 100m from the habitable room windows of the nearest residential property, that there are a number of buildings between this dwelling and the appeal site, but also the site is set back from the main A5152 Wrexham Road by some 62m. Users of the highway would have to turn their heads away from the road in order to view the proposed installation which would be an unnatural stance. Even if they were to do this then the existing trees, hedgerow and commercial buildings between the appeal site and the road would screen much of the views of the monopole. As such, the proposed column would not appear prominent in the streetscene given its orientation, distance from the highway,

proposed colouring and design. The appeal proposals therefore fully comply with policies GDP1 and CLF8 of the Wrexham UDP, the Code of Best Practice, PPW and TAN19.

- 7.40** The case officer found that the proposed scheme would not be unduly prominent. In his report to committee on page 66 within the siting and appearance section he stated that *'Whilst the mast will be visible when passing along Wrexham Road, it will not be unduly prominent within the streetscene and will be viewed in the context of two adjoining sites that are of commercial character. It will not detract from the appearance of the area'*.
- 7.41** There are strong technical and planning reasons why the proposed radio base station cannot be located outside this residential area. There are no existing telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area. Similarly, there are no buildings which are suitable and available that the operator could utilise to operate their equipment.
- 7.42** As part of the sequential approach to site selection the potential for sharing other masts and sites and using existing buildings and structures is considered first. However, not only do these sites have to be available to the appellant to utilise, they also have to be able to provide the necessary coverage to the target coverage area. If these sites do not provide the necessary coverage then it is irrelevant as to whether the site is available or not.
- 7.43** The Community Council, remained silent following the pre-application consultation that was carried out, but raised significant concerns relating to the siting of the proposed installation once the application was submitted to the local planning authority. They stated that the suggested location would be 'totally unsuitable'. The Community Council considered that the installation would be too close to existing residential housing. Given that the site is nearly 100m from the nearest residential dwelling with commercial properties in between and a road junction, it is difficult to understand the Community Council concerns in this respect.
- 7.44** The appeal proposals are not a building but essential infrastructure, just like lighting columns and telegraph poles. The column does not have significant massing, overshadowing or overbearing qualities, indeed the main column is just 14.1m in height where the principle of development would be permitted by the Government under the operators normal permitted development rights. However, because the supporting pole extends to 17.5m, albeit a slim pole sufficient just to enable the antennas and transmission dish to be attached to it, then full planning permission is required. However, the column will still resemble the other vertical structures common in the area and as such will not appear out of place.

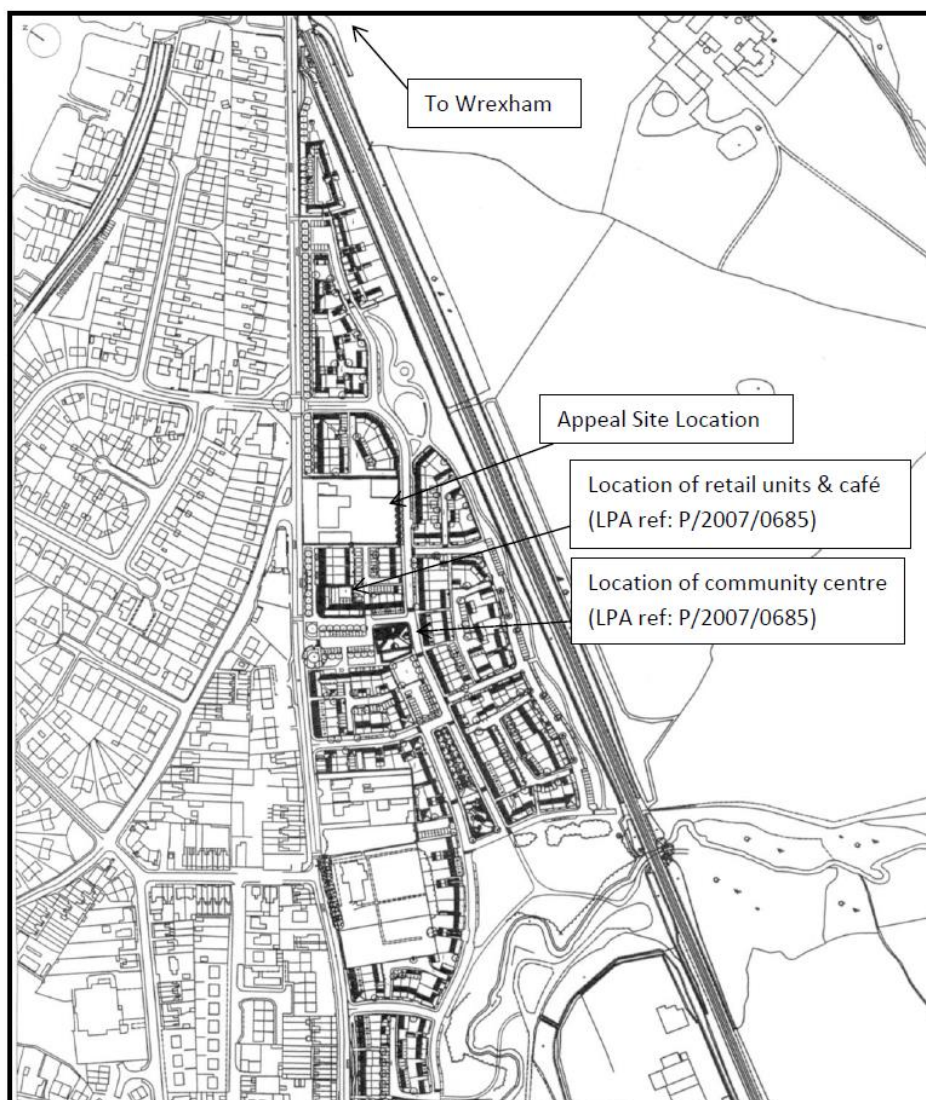
- 7.45** The Community Council, during the application process, suggested that the existing mast adjacent to the A483 should be shared. The Local Member, Cllr Pritchard, at the committee meeting also stated that this site should be used instead of the appeal site. However, it would appear that the Local Member did not read the committee report or the appellants agent's response during the application process, which clearly explained why this site could not provide the necessary coverage.
- 7.46** The agent in an email to the case officer dated 16 December 2016 (see Appendix CTL 7), advised that there is currently zero in building U21 (3G) coverage in the immediate area around the site location. The closest site (7734) which is already being utilised by the appellants, (and is the existing site mentioned by the community council and the Local Member at planning committee) is approximately 1km away. Due to the terrain/distance this site is unable to provide any in building U21 coverage within the target area, hence the need for a telecommunications installation in this area. If the existing site provided the necessary coverage to this part of Rhostyllen then the appellant would not be wasting time and money submitting an application and appealing the Council's decision. It simply would not make financial or operational sense.
- 7.47** The case officer provided a similar explanation as to why the existing site could not be used stating at page 65:
- 'I note the community council's comments about utilising an existing mast adjacent to the A483. That mast is nearly 1km to the south west of the application site. It is already in use by the applicants but is too far away to provide the required level of 2G, 3G and 4G coverage in areas of Rhostyllen where it is currently poor'.*
- 7.48** 3G and 4G signals by their very nature (as they carry high data rates) do not penetrate over long distances, just a few hundred metres, depending on the topography of the land, building clutter and vegetation including trees in the area which can reduce their effectiveness. Therefore 3G and 4G radio base stations need to be close to their customer demand which is normally in residential areas, as is the case in this appeal situation.
- 7.49** The discounted options are set out in paragraphs 3.41-3.54 above. These options have been discounted for a number of reasons including: the landlord not being interested, land levels being too low and a number of trees preventing the antennas from working effectively, church rooftop too low and not designed to be able to support a telecommunications installation, and a large area of farm land being unavailable due to the site being earmarked for residential development. Therefore the only realistic option to provide the latest 2G, 3G and

4G coverage to this area of Rhostyllen is an installation on the edge of the residential area.

- 7.50** The bird's eye view of the cell area shown at paragraph 3.55 above highlights this dense residential character of the area. A map of the discounted options at Appendix CTL 6 clearly shows the options considered by the appellants. Whilst the appellant could have proposed a streetworks option, this would be outside residential dwellings within a few metres, rather than nearly 100m away (as is proposed by the appeal scheme). A streetworks option would have a greater impact on the visual amenity of the area than the appeal proposals.
- 7.51** The appeal scheme has already compromised on coverage by locating on the edge of the residential area rather than the centre of Rhostyllen. Whilst a more central location would provide better 360 degree coverage, it would also have a greater visual impact on the surrounding area than the appeal proposals. Therefore, conscious of the need to minimise the impact of the development on the surrounding locality, the operators have carefully sited the monopole and associated equipment over 60m from the highway, nearly 100m from the nearest residential dwelling, adjacent to commercial properties and close to similar vertical structures.
- 7.52** The case officer confirmed in his report to committee that 7 alternative sites in the locality were considered. Some were unavailable as the landowners were not interested whilst others would not provide the necessary coverage to the target coverage area. The case officer concluded that *'I am satisfied that there are no alternatives to the current proposals'*.
- 7.53** The committee report concluded that the proposals accord with policies GDP1 and CLF8 of the Wrexham UDP and therefore recommended that planning permission be granted.
- 7.54** As already stated above, the cell area is highly residential and as such there are no existing telecommunications installations within the operators search area which are available and capable of being utilised by both Vodafone and Telefonica to provide the necessary coverage to the target coverage area. In addition, there are no buildings or structures which are available to the operators and which will provide them with their required height/coverage to their target coverage area. Therefore a new installation is being proposed. However, this still accords with PPW, TAN19, policies GDP1 and CLF8 of the Wrexham UDP because the equipment will resemble other linear structures within the area and will be utilised by two telecommunications operators, will expand the network, ensure high quality communications infrastructure is provided whilst minimising the number of radio base stations in the area.
- 7.55** Concerns have been raised by both the Community Council and the Local Member Cllr Mark

Pritchard at planning committee (see webcast http://wrexham.public-i.tv/core/portal/webcast_interactive/261557) that the siting of the appeal proposals are also unacceptable as the proposed installation will be adjacent to land owned by the National Trust which benefits from planning permission for residential development.

- 7.56** The appellants note that planning permission has been granted: outline permission under LPA ref: P/2004/0940 on 6.12.2004 and reserved matters under LPA ref: P/2007/0686 with amendments granted to include the development of a community centre (D1), retail (A1) and café (A3) under LPA ref: P/2007/0685 on the adjacent land to the appeal site (see Appendix CTL 12). However, this development has not commenced and the land is still used for agricultural purposes.
- 7.57** The planning officer advised members at planning committee that the application had to be determined on its own merits in relation to how the situation is at the current time. However, he went on to state that even if the development had been built out, officers recommendation would still be the same. *'It is not uncommon for monopoles to be installed in residential areas. The Borough has approved many such monopoles in residential areas and they are common features'*. Indeed, members approved one in a residential area very recently the planning officer advised.
- 7.58** The committee report clearly states (on page 66 Appendix CTL 9) that *'there are no local or national planning policies that seek to prevent the siting of telecommunications equipment in residential areas. Indeed if telecommunication equipment were prevented from being sited in or close to residential areas, it would deny local residents and businesses the ability to use mobile communication equipment'*
- 7.59** The below plan indicates the proposed layout of the unimplemented residential development adjacent to the appeal site.



- 7.60** As can be seen from the layout above the boundary of the appeal site would be adjacent to the proposed main highway through the development. Whilst residential dwellings would be located further east, their frontages would not face the proposed installation. Boundary treatment is also proposed to screen this commercial site from the proposed residential use. This is in line with the Council's development brief for the allocated site as can be found at Appendix CTL 13, which stated that there had to be screening around the garage site.
- 7.61** Therefore this distance and screening would effectively minimise the impact of the proposed radio base station on the future occupants of the nearby proposed residential dwellings.
- 7.62** The Community Council, Local Members and planning committee members all raised concerns about the impact that the appeal proposals would have on the future residential development. However, no-one considered the lack of mobile coverage in the area at the current time and how the development of an additional 223 dwellings would further erode the

capacity and therefore use of the network by these additional residents and businesses, nor the effect this would have on the economic and social well-being of the area. This is contrary to Policy GDP2 of the Wrexham UDP. This policy specifically relates to the capacity of infrastructure and community facilities. It states that where the capacity of infrastructure is likely to be deficient as a consequence of new development, a planning agreement/obligation will be negotiated whereby the developer provides the additional capacity either on or off site.

- 7.63** The coverage plots at Appendix CTL 2 clearly show the existing lack of coverage. Any further demands on the network without a new installation will mean that the poor patchy in car at best coverage will be further eroded to outdoor or none existent coverage. The capacity of the network will be further reduced leading to dropped calls and a severe lack of service provision.
- 7.64** Consequently, the appeal installation is not only needed to fill the existing hole in coverage and capacity but the increased deficiencies that will inevitably occur as more people try to access the network once the new residential development is occupied.
- 7.65** The Local Member in his speech to the planning committee on 3rd January 2017 see webcast link http://wrexham.public-i.tv/core/portal/webcast_interactive/261557, simply stated that he and the Community Council would support an increase in height on the existing mast adjacent to the A483 in order to provide the necessary coverage to the target coverage area of Rhostyllen. This is a sweeping, simplistic statement.
- 7.66** The operators are already located on this existing site. To simply raise the height of a mast is not always the technical solution. The appellant avoids the need to install new sites at all costs. Indeed, proposing a new site is the last resort for the appellant.
- 7.67** Over the last 4 years the operators have analysed all their existing sites and upgraded wherever possible in order to cover as much holes in coverage and capacity as possible avoiding the need for new installations wherever possible. This project was called Beacon. This project is nearing its end, and there are still holes that remain outside of the existing sites, where the existing sites cannot reach due to the distances involved, terrain etc.
- 7.68** The existing site adjacent to the A483 has already been 'beaconised'. This means it has been upgraded so that both operators can utilise the site and provide the latest technologies to this cell area. However, as already set out in paragraph 3.52-3.54 above this site would not provide the necessary coverage even if the height were to be increased. Increasing the

height would also cause load bearing issues and consequently detrimental build problems. Therefore this existing site is simply not capable of providing coverage everywhere. Indeed, 3G and 4G antennas do not travel long distances. This has been fully explained in paragraph 7.48 above.

Conformity with National Planning Policies – Economic and Social Benefits

- 7.69** As previously stated there is a specific telecommunications policy within the Council's UDP. The above paragraphs fully set out how this appeal proposal fully complies with this policy. However, the Council has relied on a more general policy as set out in Wrexham UDP Policy GDP1, rather than also taking in to account policy CLF8 of the Council's UDP, Planning Policy Wales and TAN19 as a whole.
- 7.70** The Council's local policy GDP1 is not designed to meet the particular requirements of the local need to provide coverage to 'not spot' areas and expand the mobile phone network, neither is Policy CLF8 of the Wrexham UDP. Whereas, national guidance set out in PPW, which was recently revised in November 2016, and is therefore the most up to date plan, fully supports telecommunication development, noting that adequate and efficient infrastructure including telecommunications is crucial for the economic, social and environmental sustainability of all parts of Wales. To this end, PPW sets out a number of objectives which include facilitating the development of an advanced broadband telecommunications infrastructure throughout Wales. The proposed installation will meet this criteria.
- 7.71** Neither the committee report, nor the members at the planning committee mentioned the economic and social well-being benefits of closing the gap in the existing coverage to Rhosyllen, before reaching their decision that the proposed scheme would have a detrimental effect on the visual amenity of the area. As such, they did not carry out a balancing exercise weighing the benefits of the proposal against the perceived harm to visual amenity of the area.
- 7.72** The social and economic benefits are a significant material consideration which should be weighed against the minimal visual impact associated with an installation at this location. In particular, PPW para 7.1.3 states that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. Indeed, para 7.2.2 of PPW acknowledges that there will be times when economic benefits outweigh social and environmental considerations.

- 7.73** Inspectors at appeal have determined that a balancing exercise must be carried out weighing the need for additional telecommunications equipment in the area and the lack of alternatives against the harm in allowing the development to take place. In a recent appeal decision for a 10m streetworks installation on Chelsfield Road, Orpington, the Inspector allowed the appeal stating that the proposals would not detrimentally affect the character and appearance of the area and the visual and residential amenity of occupiers of neighbouring properties would not be adversely affected (see para 11 PINS ref: APP/G5180/W/3151769 at Appendix CTL 14)
- 7.74** The Inspector in relation to the same site on Chelsfield Road allowed a full award of costs against the Council. The reasons are set out in paragraphs 7 and 8 of the PINS decision APP/G180/W/16/3151769 see Appendix CTL 14. The Inspector found that *‘there is no specific reference in either the officer’s report or indeed the Minutes of the Council’s Plans Sub-Committee to indicate that the need for additional telecommunications equipment in the area or the implications of a lack of alternative sites were weighed in the balance in the Council’s decision of the proposal and its subsequent decision to refuse to grant prior approval’*. The Inspector went on to state at paragraph 8 *‘The somewhat cursory reference in the Council’s appeal statement stating that it was not considered that the need outweighed the material harms identified is not sufficient evidence to indicate that an appropriate balancing exercise had been undertaken to support its decision. Without any evidence to demonstrate that this had been done therefore I consider that for the Council to have refused to grant prior approval and to continue to pursue the appeal amounts to unreasonable behaviour’*.
- 7.75** Members at committee did not carry out any balancing exercise in relation to the proposals and just decided that the location was unsuitable due to its proximity to residential development and therefore should be refused without taking any account of the social and economic benefits of the proposals.
- 7.76** In light of Inspectors previous decisions, the appellant’s could submit a cost claim against members as they did not consider all the material facts of the case. However, after some deliberation they have considered not to submit a cost claim but they do strongly feel that the Council has acted unreasonably to have refused to grant planning permission for a much needed new radio base station especially as it has been discreetly sited on the edge of the residential area.
- 7.77** Policy GDP1 of the Wrexham UDP is a general policy which is not specifically designed for

telecommunications development. A telecommunications mast is a piece of essential infrastructure to enable the mobile network to function. Similarly lighting columns, telegraph poles, road signage and equipment cabinets are all essential infrastructure but will not necessarily enhance its locality, or have regard to the impact on adjacent properties. Indeed, few if any essential infrastructure linear structures found in the vicinity of the appeal site enhance the character, quality or function of the area.

- 7.78** Although policy CLF8 of the Council's UDP does provide some guidance for telecommunications development, the UDP is time expired and PPW is now more relevant. Therefore in line with PPW, there is a presumption in favour of this appeal proposal in accordance with the well-being goals contained in the Well-being of Future Generations (Wales) Act.
- 7.79** A new installation within this highly dense residential area would provide a significant benefit for the local community, outweighing the limited harm of installing a radio base station in this location.
- 7.80** The appeal scheme fully complies with national guidance set out in PPW. Filling a significant coverage and capacity hole in the 2G/3G and 4G communications network is essential for sustainable economic growth in line with achieving two of the well-being goals of 'A Prosperous Wales' and 'A Wales of Cohesive Communities'. This is acknowledged in PPW particularly at paragraph 12.1.1, stating that adequate and efficient infrastructure including telecommunications is crucial for the economic, social and environmental sustainability of all parts of Wales, but is also echoed throughout PPW.
- 7.81** It therefore follows that the proposed development also fully complies with Policy GDP1 to secure development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.
- 7.82** Mobile communications network development plays a vital role in enhancing the provision of local community facilities and services. Indeed, the provision of new community facilities together with the enhancement of existing community facilities, where these positively contribute to a higher quality of life is fully supported by the Council's Plan 2012-2017, PPW, TAN 19, the Code of Best Practice and the Council's telecommunications policy CLF8 and policy GDP1 of the UDP.
- 7.83** Being able to use smartphones, and other mobile devices such as tablets whenever and wherever you are is essential for the community as a whole. Indeed, there are some users

who rely solely on their mobile devices as their form of communication and do not have a land line. As such, to be unable to use their handsets would render them unable to call upon the emergency services should they need to, potentially putting their lives at risk.

- 7.84** The development proposals are fully in line with the whole essence of PPW of ensuring a strong, healthy and just society, focusing on how a sustainable approach will improve the quality of life and well-being of the people in Wales. Providing high quality indoor 2G, 3G and 4G service provision to this area of Rhostyllen which currently has no existing indoor 3G and 4G coverage, will fully meet the well-being goal of a 'A Prosperous Wales', securing the provision of telecommunications infrastructure to form the physical basis for sustainable communities. It is therefore also in full accordance with Policy GDP1 which seeks to secure the development of sustainable communities.
- 7.85** PPW envisages that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development (para 7.1.3).
- 7.86** Telecommunications development is highly sustainable. Indeed, mobile communication plays a significant role in sustainable development. Being able to access the internet via a mobile device allows people to access a wide range of central and local government services, buy groceries, manage finances, apply for jobs/university, and carry out school projects, send emails, download applications, send and receive instant messages, streaming and downloading data, video and voice calls to name just a few of the benefits of being able to use an internet enabled handheld device. It also allows people to work from home or on the move without needing to return to the office. This reduces travel time, carbon emissions and increases the speed in which information is processed/shared. The proposals therefore comply with PPW to minimise the effects of climate change reducing the need to travel and therefore the carbon footprint, TAN19 and Policies GDP1 and CLF8 of the Wrexham UDP.
- 7.87** The growth of the telecommunications network has a vital role to play in the modern day economy and can attract businesses to an area. It is known to be important for broadcasting and small businesses, reducing the need to travel, through flexible working practices such as working from home.
- 7.88** The Government clearly sets out in paragraph 12.1.1 of the PPW that adequate and efficient infrastructure including telecommunications is crucial for social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways

of living and working. Therefore the growth of the telecommunications network is considered essential for sustainable economic growth. The Welsh Government aims to secure the telecommunications infrastructure necessary to achieve sustainable development objectives including to facilitate the development of an advanced broadband telecommunications infrastructure throughout Wales.

- 7.89** Both operators currently have a significant shortage of 2G/3G/4G coverage and capacity in this area of Rhostyllen. As such many customers are unable to access their portable devices which is: contrary to the purposes in which they were purchased; contrary to the aspirations of the PPW which strongly supports and encourages telecommunication development; and contrary to the operators license agreement.
- 7.90** PPW strongly encourages local planning authorities to respond positively to telecommunications development. The Government recognises that widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales. It is important that the infrastructure in Wales is able to meet this challenge, helping to build a prosperous Welsh economy.
- 7.91** The PPW also clearly states that *'planning permission or approval of details should not be refused on the basis of policies that take insufficient account of the growth and characteristics of modern telecommunications'* (PPW para 12.13.5). The Council has not acknowledged the growth and characteristic of modern telecommunications. Therefore the environmental considerations of the proposed development should be considered in light of the strong economic and social benefits of providing high quality indoor 2G, 3G and 4G service provision to residents, businesses and visitors alike to this urban area, centrally placed to the gateway to North Wales and Ireland beyond.
- 7.92** The North Wales Economic Ambition Board, whose purpose is to promote and support the economic development of the North Wales economy, acknowledges that improved mobile communication connectivity is fundamental to achieving this.
- 7.93** In line with the North Wales Economic Action Board and PPW, the proposed scheme will support business growth and the local economy. The proposed scheme in this location will fill the current deficit in high quality continuous indoor 2G, 3G and 4G coverage and capacity enabling Rhostyllen and the surrounding area to finally have the latest high quality indoor coverage and capacity requirement, essential for the economy, the area's social well-being and meeting the region's ambitious growth plans.

- 7.94** In a letter to the operators, relating to the latest roll-out plans to 'Grow the Grid', including providing coverage in to 'not spot' areas, the North Wales Economic Ambition Board states that the latest mobile communication connectivity is one of the essential components contributing towards the economic prosperity of North Wales by helping existing businesses expand and attract new ones into the region. Business productivity is enhanced by facilitating the essential link between customer and supplier, and hi speed mobile connectivity is central to the successful development of the Enterprise Zones, Wylfa Newydd as well as emerging sectors such as renewables, digital healthcare and cloud computing.
- 7.95** The letter goes on to state that the North Wales economy cannot afford to be held back by a patchy standard of mobile connectivity and the expansion of the latest generation network coverage which is seen as essential to meeting the region's ambitious growth plans (see letter attached at Appendix CTL 5).
- 7.96** As such, there is continuing and growing strong regional and national support for high quality communications infrastructure.
- 7.97** The new installation will provide high quality 2G/3G and 4G mobile communications in an area where currently there is little to no coverage, supporting the Government's aim of '*facilitating the development of an advanced broadband telecommunications infrastructure throughout Wales*'. This fully meets the aspirations of PPW, TAN19, the Code of Best Practice and North Wales Economic Action Board. The new site will ensure that the expansion of the electronic communications network is facilitated and that high quality communications infrastructure is provided to the immediate area. This is in full accordance with the operator's 4G license obligations.
- 7.98** The proposed new radio base station will support the Welsh Government objective to facilitate the development of an advanced broadband telecommunications infrastructure throughout Wales. The provision of adequate and efficient infrastructure including telecommunications is seen as crucial for the economic, social and environmental sustainability of all parts of Wales. High quality telecommunications underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. This is in full accordance with the Council Plan 2012-2017 for Wrexham, allowing the communities of Wrexham to be more sustainable and providing a higher quality of life than would otherwise be the case in this residential area of Rhostyllen.
- 7.99** Appeal decisions in the past have supported the growth of the telecommunications network,

in particular a streetworks slim-line column rising to 17.5m with associated equipment cabinets on Tollesby Road, Acklam, Middlesbrough (PINS ref: APP/W0734/A/11/2154882). A copy of this appeal decision can be found at Appendix CTL 15. Paragraph 9 of the Inspector's decision quotes from the local plan policy which requires the visual appearance of development and its relationship with the surroundings to be of a high standard, and that there should be minimal impact on the surrounding environment. Whilst the Inspector acknowledges that it cannot be claimed that the proposal achieves these requirements, he states that this policy is not designed to meet the particular requirements of the local expansion of the mobile phone network, and no policy specifically designed to help in considering such proposals was drawn to the Inspector's attention. Therefore this was part of the reason for allowing this appeal. The same can be said for the current scheme in Rhostyllen. There is no local policy which relates to the expansion of the telecoms network and therefore the Government's requirement to support the expansion of electronic communications networks is not supported in the UDP. Indeed, PPW states that development plans should set out policies and proposals for the location of telecommunications development. However, the County has not adhered to this guidance, as the UDP is time expired. As a consequence the PPW, in particular paragraph 4.2.4, should carry significant weight, which states that where there are no relevant policies there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives. Where these are not in place, the well-being goals contained in the Well-being of Future Generations (Wales) Act should be used. As such, the time expired Wrexham UDP cannot be afforded such weight.

- 7.100** In a BBC article <http://www.bbc.co.uk/news/uk-wales-politics-38379849> it was noted that Wales is lagging behind England in plugging the mobile phone “not-Spots” by easing restrictions on taller masts, the UK Government has claimed. Welsh Secretary Alun Cairns said he was “disappointed” that Wales was following, instead of leading”. Mr Cairns went on to say that UK Government would “happily look at any calls” to extend network coverage.
- 7.101** The Council has published a Council Plan 2012-2017 which was last updated in May 2016, and therefore provides an insight into the Council's current aspirations for the Borough. It's Foreword is written by the Leader of the Council Cllr Pritchard who fully endorses *‘the Council's purpose to ensure the people of Wrexham are supported and enabled to fulfil their potential, prosper and so achieve a high standard of well-being’* (see Appendix CTL 11). This Council Plan has a priority objective (Strategic Theme Place PL4) which specifically

relates to 'well-connected communities'. This priority objective acknowledges that *'over the next few years accessibility will increasingly become a 'virtual' issue, with more and more services being available on-line. We want these opportunities to be just as accessible to local people and will work to influence providers to improve the quality of local broadband availability....*

7.102 This Strategic Theme Place PL4 then specifically sets out how the Council will support this priority objective, in a number of ways including:

- *'monitoring the Welsh Government "next Generation" broadband scheme and identify opportunities for the County Borough once a decision is taken.*
- *Redesigning Wrexham County Borough Council web information systems to support smart technology applications'.*
- *Proactively lobby broadband providers to ensure that Wrexham has a fit for purpose broadband network.*

7.103 It must therefore follow that the Councillor also fully supports the contents of the Council Plan. Ironically, this is the same councillor who strongly criticised the siting of the proposed installation, stating that it was too close to residential properties [nearly 100m away from the existing nearest residential property, set back over 60m from the highway, between existing commercial buildings, and as such minimal impact on any visual amenity to the surrounding area. Indeed, national guidance and The Code of Best Practice fully support the siting of this development in just such a location as that proposed at the appeal site].

7.104 The Council, in refusing this new telecommunications installation, has failed to identify the opportunity to provide the *"next generation" broadband scheme'*. It has failed to *'support smart technology applications'* and it has failed to *'proactively lobby broadband providers to ensure that Wrexham has a fit for purpose broadband network'*. Consequently, it goes against the whole ethos of the Council Plan for well-connected communities. It is decisions like this which have led to many parts of North Wales remaining in not spot areas.

7.105 There is little point in spending taxpayers money to redesign the Council's web information system *'to support smart technology applications'* if the Council will not support the operators attempts to vastly improve access to 2G, 3G and 4G technologies for two mobile operators Vodafone and Telefonica. Smart technology applications simply will not work without the infrastructure which is needed to enable the network to operate. Rhostyllen will therefore fall behind the rest of Wales and indeed the UK, as coverage and capacity will become worse as

the demand on the appellants network grows.

- 7.106** It is somewhat disingenuous for the Leader of the Council to state at the planning committee (see the webcast link), that the applicant should have come to liaise with both himself and the Community Council in order to find a more suitable location. The appellants carried out full pre-application consultation with local stakeholders, as per The Code of Best Practice guidelines which included both the local ward councillor Cllr Pritchard and the Community Council on 10th October 2016. Copies of all letters sent to the local stakeholders together with the Consultation Plan are provided within the original application documents and submitted elsewhere within this appeal. However, the letters to both Cllr Pritchard and Esclusham Community Council are attached to Appendix CTL 16 for ease of reference.
- 7.107** The application was not submitted to the Council until the 14th November 2016 which is over a month from the pre-application information being sent to local stakeholders. The operators allow 14 days for a response to be made before they submit an application, in line with the Code of Best Practice guidelines. There was no contact from either of these parties during this time and so they failed to 'proactively lobby the broadband providers'. As a result, Rhostyllen remains 'not fit for purpose' as customers remain unable to access their hand held devices for the purposes in which they were purchased.
- 7.108** It would appear that the Council does want well-connected communities on paper, but when the operators proactively seek to address the well-known gaps in coverage, they vehemently oppose the proposed scheme. Neither the Community Council nor the Local Member or indeed other members took the technical constraints of the operators in to account, nor the social and economic benefits of providing a service. To simply state that the Community Council nor the Local Member are against the principle of telecommunications development per se, they just don't want it in this location, is more like saying 'not in my back yard'.
- 7.109** As already explained earlier in this statement, this is the best environmental option. There are no more suitable, available sites that would provide the appellants with their required coverage to Rhostyllen. A sequential approach has been fully carried out, if the installation is not allowed in this location then the operators will need to install a streetworks installation within the heart of Rhostyllen which would be much closer to residential properties and would have a far greater impact on the visual amenity of the area than the appeal site which is located in such a discreet location.
- 7.110** The Code of Best Practice acknowledges that modern telecommunications systems have a vital part to play in our life and brings about significant economic and social benefits, whilst

keeping the impact on the environment to a minimum.

- 7.111** The Code acknowledges that a real requirement for a telecommunications service may be: to provide coverage; capacity; improve quality of service or to replace an existing site. A new installation in this location is needed in order to provide 3 out of these 4 requirements namely: coverage, capacity and improve quality of service.

Lack of Coverage – Material Consideration

- 7.112** The proposed installation is significant to enable continuous coverage of the telecommunication network, ensuring that Wales gets the mobile coverage it needs. The appeal proposals will facilitate the development of an advanced broadband telecommunications infrastructure in line with National Government guidance contained within the latest edition of PPW.
- 7.113** The coverage plots submitted with this appeal (see Appendix CTL 2) demonstrates that there is no U2100 (3G) indoor coverage with some parts of the built up area of Rhostyllen being unable to receive any form of U21 coverage. The U900 plot illustrates the ‘backbone’ 2G, 3G and 4G coverage as being patchy with large parts of Rhostyllen and the surrounding area receiving in car coverage at best. As already described earlier, coverage is currently worse than the plots can predict as they cannot indicate capacity. Thus, if capacity is exceeded, which is becoming an increasing issue for the operators due to the data hungry applications within smart phones and tablets, then whilst coverage might be available capacity is not. Dropped calls and no service are the result. This will only get worse as the population increases with the development of a new housing estate adjacent to the appeal site. Therefore consumers hand held devices would still be unable to work in this part of Rhostyllen. This is contrary to PPW, TAN 19, policy GDP2 of the Wrexham UDP (which specifically seeks that capacity of infrastructure and community facilities is addressed where new development is likely to cause deficiencies in the capacity of infrastructure. Clearly where there is already a gap in the service provision of 2G, 3G and 4G adding more demand on the network will further erode the ability of the this area to have any form of usable mobile service), policy CLF8 of the Council’s UDP, the Council Plan 2012-2017, and the recently published Ministerial Written Statement advising that such is the need for mobile coverage in Wales that the Welsh Government are to publish a new action plan for improving mobile coverage. It would also be contrary to the North Wales Economic Action Board which has been specifically set up to promote and support the economic development of the North Wales economy.

- 7.114** An installation in this location would meet the operators' capacity requirements for 2G/3G and 4G provision. It would also significantly improve and provide the latest 2G/3G/4G coverage in the area. Therefore, an installation in this location would help meet the 3G and 4G license obligations of meeting customers' reasonable demands including providing indoor 3G and 4G coverage and high speed data levels and coverage to 98% by 2017. This would be wholly in line with the Welsh Government's latest aspirations to strongly support communications infrastructure in order to provide adequate and efficient telecommunications which is known to be crucial for the economic, social and environmental sustainability of all parts of Wales. An installation outside this search area, regardless of whether there are existing sites, would not allow either operator to provide their desired level of coverage and therefore would not adequately fill the current coverage gap.
- 7.115** The need for this new site is now critical, as this cell area has historically remained a black spot for mobile coverage. This prevents the residents, businesses and visitors to Rhostyllen to be able to access the high quality service that people expect nowadays. A mobile service is not just a nice to have but has become an essential part of everyday living.
- 7.116** There are several appeal decisions where Inspectors have noted that the deficiency of radio coverage is a significant material consideration and where the streetscene containing a number of linear items of street furniture already in situ together with street trees will not cause a significant loss of amenity.
- 7.117** At a recent appeal site in Leeds, the proposal related to a 16m column with 6 antennas, 2 equipment cabinets, and 1 meter cabinet and ancillary development thereto at Beechgrove Farm, Wetherby Road, Scarcroft, Leeds (PINS ref: APP/N4720/W/16/3163871 see Appendix CTL 17). This proposed scheme lies in the Green Belt and a Special Landscape Designated Area, some 100m from a conservation area. The Council refused this application due to the detrimental impact on the Green Belt, its openness, and the effect on the character and appearance of the countryside. The Inspector overturned the council's decision and allowed the appeal. The Inspector found, at paragraph 5, that the proposals would result in limited harm to the openness of the Green Belt and therefore would conflict with national planning guidance. At paragraph 8 the Inspector found some harm to the character and appearance of the countryside and the designated Special Landscape Area. However, at paragraph 9 the Inspector noted that *'Vodafone and Telefonica have extremely poor indoor 2G and 3G coverage in the village of Scarcroft and the surrounding area. Furthermore, these operators need to provide new 4G coverage which is virtually non-existent for large parts of the area'*. The Inspector found at Paragraph 13 that the proposal constitutes inappropriate

development in the Green Belt. As such, the national guidance requires that the harm by reason of inappropriateness be accorded substantial weight. On the other hand at paragraph 14 the Inspector notes the national planning guidance importance attached *‘to high quality communications infrastructure in respect of the economy and community. The appellant has demonstrated the need for the installation and I therefore accord the public benefits of the proposal and lack of alternative sites more than substantial weight.*

7.118 The Inspector went on to *‘conclude that, when taken together, the public benefits of the proposal would clearly outweigh the harm to the Green Belt and to the character and appearance of the area, and would amount to very special circumstances sufficient to justify permitting the proposal’.*

7.119 It is noted that this appeal was allowed in England, rather than Wales. However, the advice contained in the English National Planning Policy guidance in relation to telecommunications is very similar to that contained within Planning Policy Wales in that they both strongly encourage telecommunications development, especially due to their economic and social benefits, whilst minimising the impact on the surrounding area. Whilst the appeal proposals are not located in the Green Belt, nor in a designated Special Landscape Area (and as such are not as heavily protected), there are significant parallels that can be drawn from these two appeals in as much as the current appeal proposals has a significant lack of coverage. The lack of coverage together with the lack of suitable and available alternatives was the main reason why this installation was allowed in this protected area. It is noted that the Inspector carried out a balancing exercise weighing the harm to the green belt and the Special landscape area designation against the benefits of filling a hole in service provision. The Council did not carry out such a balancing exercise before they determined to refuse this planning application. The appeal site the subject of this appeal also has a significant lack of service provision and there is a lack of suitable and available alternative sites.

7.120 At an appeal site in the East Riding of Yorkshire Council, the proposal related to a 12.5m monopole, an equipment cabinet and an electrical cabinet on the adopted grass verge on Hull Road, Hull (PINS ref: APP/E2001/A/11/2160758 see Appendix CTL 18). The Council refused this prior approval application due to the detrimental harm on the appearance of the surrounding area as well as potential health concerns. The Inspector overturned the council’s decision and allowed the appeal. At paragraph 8 the Inspector noted *“as to the visual impact of the monopole itself, I recognise the validity of a third party comment that the site could not be more visible from all approach roads. But that visibility has to be put into context of the appellant’s remarks that the proposed monopole location is one where already*

there are considerable number of linear features such as lighting columns and telegraph poles. Although the monopole would be thicker and higher than these features, their existence (especially the lighting columns) on both Hull Road and Bricknell Avenue is particularly important. Clearly, anyone seeing the monopole from a public place would tend to have lighting columns also in view". The Inspector concluded that given the visual context together with street trees in view, the monopole and cabinets would not cause a significant loss of visual amenity.

7.121 This is a similar scenario to the appeal proposals. Both sites are located in residential areas, both sites have linear structures and trees in view. However, the appeal site (located on private land rather than the street containing houses on either side) at the MG Centre also has commercial units adjacent to it and the existing residential properties are nearly 100m away with no clear views of the monopole due to the presence of these commercial units which rise to some 11m in height.

7.122 In another appeal decision on Anlaby Road in Hull (PINS Ref: APP/V2004/A/11/2154903 see Appendix CTL 19), which related to a 12.5m high dual user replica telephone pole, one equipment cabinet and ancillary development thereto. The Council refused the application on the grounds of the detrimental impact on visual amenity and would fail to preserve the character or appearance of a conservation area. The Inspector allowed the appeal. At paragraph 7 he noted that the harm caused by the monopole would be outweighed by the deficiency in radio coverage to the surrounding area: *"to the extent that the proposed pole would be more prominent than the lighting columns or a telephone pole there would be a marginal failure to preserve the appearance of the conservation area, a desirable objective by virtue of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant development plan policies. Even so, I am satisfied that the very limited harm caused is outweighed by the deficiency in radio coverage in the surrounding area, the Government's support for the growth of telecommunications systems, the benefits of mast sharing and the lack of suitable alternative locations"*.

7.123 This appeal is very similar in that both are in residential areas. However, the current appeal site is not located within a conservation area and as such is not afforded as much material weight as a site within a conservation area. Yet, it highlights that the lack of radio coverage, the Government's support for the growth of telecommunications system, the benefits of mast sharing and the lack of suitable alternative locations are strong material considerations to take in to account when determining telecommunications proposals.

- 7.124** In another appeal the proposals related to a 17.5m mast, 1 number equipment cabinet and 1 meter cabinet to the rear of a footpath which fronts an open sports ground on Tollesby Road in Middlesbrough (see Appendix CTL 15 PINS ref: APP/W0734/A/11/2154882) . The main issue considered was the effect the column and equipment would have on the character and appearance of the streetscene, and the outlook of the occupiers of nearby houses. The Inspector overturned the Council's decision and allowed the appeal. At paragraph 10 the Inspector concluded that Government guidance makes clear the priority attached by the Government to the completion of a high quality network. The gaps in coverage and the absence of alternative sites have been demonstrated, and are not disputed. The proposal would meet the needs of two companies, and reflects the encouragement in national guidance for mast-sharing. The Inspector stated that he understood the concern of the Council and residents about the visual impact of the proposal. However, he concluded that the need for the proposal outweighs the inability to comply fully with the relevant parts of the Core Strategy.
- 7.125** The appeal proposals are a similar situation to that at Tollesby Road, Middlesbrough, in as much as the search area is highly residential with few breaks in the residential nature of the area, where there was a significant gap in mobile coverage to the local area. However, the MG Centre offers a break in the residential nature of the area, is commercial in character, is set well back from the road and there are a number of linear structures for the monopole to assimilate with.
- 7.126** The appeal proposals relate to filling a significant gap in 2G/3G/4G coverage/capacity in this area of Rhostyllen, the installation will allow two operators to share the same equipment and there are no more suitable, available sites for the operators to locate their equipment.
- 7.127** The appeal proposals relate to improving and providing new 2G/3G/4G coverage/capacity in this area of Rhostyllen, as well as enabling improvements to be made to this part of the network to keep up to date with technology changes and changes in consumer demands, so that this area does not fall behind the rest of the country in technology advancements.
- 7.128** The operators have adhered to advice contained within PPW, TAN19 and policies GDP1 and CLF8 of the Wrexham UDP to minimise the impact on the surrounding area and site the equipment adjacent to other similar vertical structures such as telegraph poles adjacent to commercial units to ensure that the proposed scheme blends in rather than appears alien in the streetscene. When viewed in context with these linear structures which have a similar design to the proposed column, users of the highway will see this column more like a lamp

post which is not an unusual item of street furniture in this urban location. The existing commercial units and trees/hedgerows to the north east and south west of the appeal site will also help to soften the column's appearance in the streetscene. Thus minimising the impact of the proposals on the surrounding locality which is in full accordance with The Code of Best Practice, which encourages the siting of telecommunications apparatus adjacent to similar vertical structures, adjacent to commercial units and to be of a simple unfussy design to minimise the environmental and visual impact of the mast within the locality. If the appeal proposals were to be sited on the street it would appear more prominent, obtrusive in the streetscene and out of character with the area than what is being currently proposed. This is one of the reasons for not choosing a streetworks location.

7.129 A National Needs Assessment – A Vision for UK Infrastructure has been published in October 2016 ([https://www.ice.org.uk/getattachment/media-and-policy/policy/national-needs-assessment-a-vision-for-uk-infrastr/National-Needs-Assessment-PDF-\(1\).pdf.aspx](https://www.ice.org.uk/getattachment/media-and-policy/policy/national-needs-assessment-a-vision-for-uk-infrastr/National-Needs-Assessment-PDF-(1).pdf.aspx)). It sets out the infrastructure needs for the UK which includes the importance of digital technology. An extract of this assessment can be found at Appendix CTL 20 which states that:

'A lack of digital connectivity has a detrimental effect on business operations, productivity and output and hence competitiveness in the global market place. Securing digital connectivity is thus critical to the UK's long term prosperity. A key challenge for the digital sector is a persistent digital divide between those who have access to the latest technologies and those who do not, with resulting social and economic exclusion, particularly as dependence on e-services and digital communications increases' (page 66 A National Needs Assessment).

7.130 The Assessment goes on to note that *'Universal digital connectivity would serve as an equaliser of economic opportunity in that it enables participation in a modern digital economy'*. Therefore this Needs Assessment further explains the consequences of a lack of coverage and the effects this has on social and economic prosperity. This clearly highlights the importance of closing the large hole in 2G, 3G and 4G coverage to this urban area of Rhostyllen, where the economic benefits will outweigh social and environmental considerations (PPW para 7.2.2)

7.131 The Ofcom's Communications Report 2016, found that 71% of all adults now own a smartphone, up from 66% in 2015. This results in a rise in use of on-demand and on-line services.

7.132 The report acknowledges that wider internet availability, the provision of faster connection

speeds and the popularity of using a smartphone to go on-line all contribute towards changing patterns of consumption.

- 7.133** The Report found that instant messaging surged in 2016; the proportion of adults using services such as Facebook Messenger and WhatsApp at least once a week rose from 28% in 2014 to 43% in 2016. Photo and video messaging, such as Snapshot or MMS is now used by one fifth of adults on a weekly basis. In contrast, texting or e-mailing has fallen.
- 7.134** Daily internet use is now almost universal. A survey was carried out by Ofcom in 2016, to find out how people felt about the world being increasingly connected. Many respondents said they felt lost without the internet and six in ten admit to being 'hooked' on their smartphones, tablets or other connected devices. 21% were said to be 'hooked', 23% were 'very hooked' and 15% were 'completely hooked'.
- 7.135** The availability of broadband still varies widely across the UK. There are a range of initiatives aimed at improving broadband coverage so that these consumers are not left behind. For mobile broadband services, these include the insertion of coverage obligations in mobile licenses. This is one of the reasons for this appeal so that the appellant can meet its 4G license requirements to provide 98% coverage by 2017 and aspirations to Grow the Grid in line with Government support to get high quality connectivity across Wales.
- 7.136** The report found that traditional landlines are in decline as mobile phone use increases. This highlights the need for improved infrastructure that these mobile devices rely on, without which their products simply will not work.
- 7.137** In 2016, 93% of consumers aged 16 and over had a mobile phone, whereas 86% had a fixed land line. Consequently, the use of mobile data services is continuing to grow. The growth of 4G has been rapid. 4G accounted for 46% of all mobile subscriptions in Q4 2015, compared to 28% in 2014. Therefore, this further highlights the importance of providing coverage to this area in line with changing patterns of consumption.
- 7.138** Smartphone is now the device of choice for using the internet. Consumers who use the internet identified smartphones as their most important device for going on line in 2016 (36%), this rises to 56% of internet users aged 16-34. 71% of all adults claimed to own a smartphone – more than any other connected device. Therefore, ensuring that Rhostyllen and the surrounding area is connected and has access to the latest technology will mean that it does not get left behind, from the use of 21st Century technology, which is now considered to be as essential to everyday life as gas and electricity.

- 7.139** The Ofcom Communication Report 2016 concludes that the communications market plays a crucial role in the lives of citizens and consumers, and the fast-paced nature of the market means that this role is ever changing.
- 7.140** We all need high quality communications. In the modern world, a huge amount of time is spent using communications services: for work, to stay in touch with family and friends and in order to go about our daily lives. This is acknowledged in national planning guidance as well as the latest Ministerial Written statement from the Skills and Science Minister Julie James stated *'ensuring Wales has the mobile connectivity to allow people and 'things' to connect reliably wherever they are located will become essential'* (see Appendix CTL 3).
- 7.141** Our ability to access and use reliable mobile and broadband connections has become fundamental to the way we live and work, and the ability of businesses of all sizes to thrive.
- 7.142** The 3G and 4G provision allows internet access, video calling, data down streaming, accessing social media networks and emailing to name just a few of the benefits. This is not possible on 2G service only. Therefore, to provide high quality indoor 2G, 3G provision and new 4G services in this area would promote activity in line with the general population demand as the ownership of smartphones increases.
- 7.143** This illustrates the importance of mobile communications to businesses and individuals alike. Being able to use e-mail, VoIP, video calls using hand held devices is becoming increasingly important for business and domestic use as the up take in smartphones increases. Without 3G/4G connection this part of Rhostyllen would fall behind the rest of the UK and would not meet the growing demand for such services by businesses or domestic users alike or the Governments aspirations that Wales is connected with the mobile service it needs. Therefore, the provision of high quality 2G/3G/4G services would take the opportunity of achieving the best for the people of Rhostyllen now and in the future (especially as the population is set to grow with the addition of 223 residential units a community centre and retail shops and a café), supporting the economy to be both prosperous and sustainable and all communities to be successful. This is in full accordance with the aspirations of PPW and the well-being goals set out in the Well-Being of Future Generations (Wales) Act 2015 and the Council's Plan 2012-2017.
- 7.144** Consequently, it has been demonstrated that the proposed monopole which would rise to 14.1m in height before significantly reducing in width where the antennas and transmission dish will attach to the supporting column, would be seen in the context of commercial units and linear structures, set back over 60m from the main highway of the A5152 and nearly

100m from the nearest existing residential dwelling. As such it would not appear prominent in the streetscene. As a result, the appeal proposals would not have a detrimental effect on the wider visual amenity of the area. The equipment would be sited as unobtrusively as possible and will integrate visually and physically with its surroundings. The proposed installation would also enhance and provide new community facilities, positively contributing to the quality of local community life, promoting activity and making efficient use of land by ensuring that two operators can utilise the same site without the need for two separate installations for each operator. Therefore the appeal proposals fully accord with policies GDP1, GDP2 and CLF8 of the Wrexham UDP, PPW, TAN 19 and The Code of Best Practice.

- 7.145** As such there are no grounds for withholding planning permission for the installation of a telecommunications installation at this location on the grounds of its siting, height and scale having an adverse impact upon on the wider visual amenity of the area as it would not appear incongruous within its surroundings. Furthermore, there are strong economic and social benefits to the proposed scheme which will outweigh the limited harm to the streetscene and occupants of neighbouring properties.

8.0 CONCLUSIONS

8.1.1 Having had regard to all the evidence in relation to this matter the following conclusions have been reached:

- i) Paragraph 4.2.4 of the PPW, states that legislation secures a presumption in favour of development in accordance with the development plan for the area *unless* material considerations indicate otherwise. It has been demonstrated that the proposed scheme is in full accordance with the policies of the Wrexham UDP including policies GDP1, GDP2 and CLF8. The limited harm caused by the installation would not outweigh the benefits of enhancing and providing new community facilities, that a high quality indoor 2G/3G/4G communications network in this area would bring. It has been shown that such provision is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services in full accordance with the PPW, TAN 19, policies GDP1, GDP2 and CLF8 of the Wrexham UDP together with the priorities of the Council Plan 2012-2017 and the North Wales Economic Ambition Board. It will also make efficient use of land by allowing two operators to utilise the same structure and promote activity by the provision of new 3G and 4G services which are essential for enabling customers to make full use of their smartphones and tablets which has seen a large growth in their take up over the past year which in turn has led to increased usage of instant messaging, data downloading, video calls, emailing etc. As such, the proposals fully comply with Policies GDP1, GDP2, CLF8 of the Wrexham UDP, PPW and TAN19 and the latest Welsh Government aspirations that Wales gets the mobile coverage it needs.
- ii) The proposed monopole and associated equipment cabinets have been discreetly located adjacent to commercial units, over 60m from the highway and over 100m from the nearest residential property so as not to look incongruous in the streetscene and will resemble other street furniture within the local vicinity. As such, the proposed scheme would integrate well with the existing character of the area and the vertical structures within the immediate vicinity of the appeal site, including the nearby telegraph poles, lighting columns, road signage and commercial signage. They would not result in a particularly dominant structure incongruous with its surroundings and would not cause detrimental harm to the overall character and appearance of the residential area nor visual amenity of neighbouring properties. Thus the appeal proposals would be in full compliance with the requirements of PPW, TAN 19 policies GDP1, GPD2 and CLF8 of the Wrexham UDP. The proposed scheme will also be in full compliance with The Code of Best Practice which encourages installations to be located adjacent to commercial premises, or linear structures such as lamp posts and road signage

in order to minimise the impact on the surrounding area

- iii) It has been demonstrated that whilst there is planning permission for over 220 dwellings on the land surrounding the site, this has yet to be implemented. Furthermore, the plans show that there are no residential properties proposed on the boundary of the appeal site. A road is proposed in this location and screening from the existing garage site in line with the development brief requirements for this previous residential allocation. No residential frontages are proposed to face the installation, rear gardens are proposed. The actual residential properties will be some distance from the monopole given the presence of the road. There will also be significant screening as part of the proposed landscaping scheme. As such, there will be no detrimental impact on the wider visual amenity of the area.
- iv) It has also been demonstrated that a new radio base station in this location would not only fill a significant hole in 2G, 3G and 4G coverage for the existing residents, businesses and visitors to the area, but also considering the extra demands on the network that will stem from the approved adjacent residential scheme, once occupied, is even more vital that provision is made. Otherwise the deficiencies on the network will prevent anyone using their mobile devices anywhere within Rhostyllen, whether that be indoors or outside. This would be contrary to Policy GDP2 of the Wrexham UDP which states that where deficiencies in the capacity of infrastructure is likely to occur as a result of a development then this deficiency should be met by the developer of the development. The appellant is proposing to fill this hole in service provision and therefore will in turn fully meet the requirements of Policy GDP2 of the Council's UDP.
- v) The proposed scheme will not represent a prominent and alien feature out of character with the locality, by reason of its design, scale and siting;
- vi) The proposal will not cause a detrimental loss of visual amenity to the surrounding area;
- vii) It has been demonstrated that the proposed 17.5m monopole height is the lowest possible that will allow both operators to obtain their required indoor 2G coverage/capacity and new 3G/4G services to the surrounding predominantly residential area. At lower heights the antennas would be blocked by the urban clutter and tree canopies in the immediate area;
- viii) There are no more sequentially preferable sites that would provide the required 2G/3G/4G coverage and that would cause less visual harm than the appeal scheme;
- ix) It has been demonstrated that the installation of the new telecommunications radio base station in this location will help to secure urgently required continuous 2G, 3G and 4G

service provision within the local area and would be important for the operators network. An installation in this location will provide security for the operators and their customers for continuous 2G provision as well as the opportunity to provide 3G and 4G services to this populated area of Rhostyllen and important gateway to Wrexham, North Wales and Ireland beyond. As such, it will allow the operators to maintain, as well as expand, the electronics network for two operators, carrying significant economic benefits, including facilitating home working (which in turn has its environmental benefits through reducing the need to travel) easier access to emergency services, social inclusion, greater connectivity for businesses to their suppliers, customers, operating systems etc. to name just a few. This is in full accordance with PPW which states that adequate and efficient infrastructure including telecommunications is crucial for the economic, social and environmental sustainability of all parts of Wales and Policy GDP1 of the Council's UDP. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working;

- x) The appeal scheme will improve and provide new 2G/3G/4G coverage for both operators in this area of Rhostyllen. Both operators will utilise one structure and as such will negate the need for an additional mast within this cell area, avoiding the proliferation of masts, in line with national guidance contained within the PPW, TAN19, Policy CLF8 of the Wrexham UDP and advice in The Code of Best Practice; and
- xi) The installation of the new telecommunications equipment will help to maintain continuous coverage within the local area. This will comply with the operators' legal requirements to provide a quality 2G/3G/4G service to the local population. The installation will also provide indoor 2G/3G/4G services for their customers whose demand is ever increasing with the increasing uptake of smartphones and tablet computers.

8.1.2 In the light of the foregoing, it is asked that this appeal be allowed and planning permission granted. It has been demonstrated that the appeal proposals fully accord with national guidance and the Council's development plan.

8.1.3 In making their decision Committee members attached no weight upon the significant material social and economic benefits the proposal would provide.

8.1.4 This appeal statement has addressed all the relevant policies of the statutory development plan and national guidance and shown the appeal proposals accord with the relevant policies and guidance. It is considered that there are no other material considerations of sufficient weight that indicate the appeal should not be allowed.

- 8.1.5** It has also been shown that the proposed development will cause no detrimental harm to interests of acknowledged importance.
- 8.1.6** For the above reasons, it is respectfully requested that the Inspector allows the appeal and grants planning permission for the proposed installation of the monopole, transmission dish, associated equipment cabinets and ancillary development thereto.

Appendices