

Appeal Statement

Submitted by

**Carolyn Wilson (BA) Hons MRTPI
The Harlequin Group
Rutland House
5 Allen Road
Livingston
EH54 6TQ**

Reference: Nominal Cell 92202

**Wrexham County Borough Council
Planning Authority Reference: P/2018/0748**

**Site: Land to the rear of east bound footway, Holt
Street, Wrexham, LL13 8DH**

**Proposal: Installation of a 20m high Phase 5 slimline
streetworks monopole with GRP shroud
3No. multiband antennas, 2No. 0.3m
diameter transmission dishes and 3No.
ground based equipment cabinets
and ancillary cabling.**

Contents

- 1.0 Introduction
- 2.0 Application Proposals & Site Description
- 3.0 Background to Requirements of Proposal; Alternative Site Evaluation; Radio Planning; and Health & Safety Issues
- 4.0 Planning Policy Framework
- 5.0 Grounds of Appeal & Council's Reason for Refusal
- 6.0 Conclusion
- 7.0 Appendices

1.0 **Introduction**

Qualifications & Experience

- 1.1 My name is Carolyn Wilson. I am a Chartered Town Planner with over twenty-eight years' experience both in local government and the private sector. I am currently employed in the position of Head of Town Planning with The Harlequin Group, a multi-disciplinary property and planning consultancy, offering specialist advice to the telecommunications industry. My current position requires me to advise clients throughout the UK on planning and development issues, particularly in relation to telecommunications proposals.

The Appeal

- 1.2 This submission is an independent expert view of the planning matters relating to the proposal based on the information provided by third parties. All technical and background information, which forms part of this submission, is assumed to be factually correct and accurate.
- 1.3 The Harlequin Group has been instructed by EE Ltd (the Appellant) to appeal against the refusal of Planning Permission for the installation of a 20m high telecommunications monopole and ancillary equipment by Wrexham County Borough Council ("The Council"). The Planning Application (LPA ref: P/2018/0748) was refused by the Council on the 8th October 2018 for the following reason:

"1. The telecommunications pole will have a detrimental impact upon visual amenity of the area and therefore the proposals are contrary to policies GDP1 and CLF8 of the Wrexham Unitary Development Plan."

This appeal is lodged against the decision of the Council.

- 1.4 This statement will set out a brief outline of our case comprising a number of interrelated sections which will:
- describe the appeal site and surroundings in respect of visual character of the area (Section 2),
 - provide a background to the EE network requirement for the appeal proposal and general statement in respect of health and safety issues (Section 3),
 - address alternative sites which have been considered as part of the appraisal (Section 3),

- describe the planning policy framework, in relation to the proposal, in terms of both the national and local policy framework (Section 4),
- focus on the grounds of appeal and the Council's reason for refusal (Section 5), and
- submit our conclusion (Section 6).

1.5 Reference will be made to the background papers that comprise the application. and further information attached as appendices to this statement, and it may expand on the documentation to support an opinion.

2.0 Application Proposals and Appeal Site Description

Application Proposals

- 2.1 The application proposed the erection of telecommunications apparatus, comprising the following components:
- Installation of a 20m high slimline telecommunications monopole with 3No. antennas within a GRP shroud, 2No. 0.3m diameter dishes at a height of 15m and 3No. ground based equipment cabinets and ancillary underground cabling.
- 2.2 The structure proposed is a 20m high slim line telecommunications monopole. It is of a streetworks design that has been developed for deployment in highways locations such as the appeal site and is typical of telecommunications equipment and apparatus located throughout the country and commonly found within urban areas, whereby it assimilates with existing utilitarian structures. The associated equipment cabinets will be located, 2No. to the northeast and 1No to the southeast of the monopole.
- 2.3 The location of the proposal within the appeal site is indicated in the drawings forming part of this appeal and as submitted to the Council for their prior approval of its siting and appearance.

Appeal Site Description

- 2.4 The appeal proposal is sited on the publicly maintained footway on the northwest approach to a roundabout junction at the intersection of Holt Street, Farndon Street, Bodhyfryd (A5152), Holt Road (A534), and the entrance into the Border Retail Park. The appeal site is located on the footway forming part of a widened splay at this busy roundabout which is a nodal point of main traffic routes to the east of the centre of Wrexham.
- 2.5 The appeal site is bounded to the northwest by a soft landscaped embankment with grass and shrubs forming the boundary of the grounds of the Freedom Leisure Centre with the highway. To the south side of Holt Street and beyond the roundabout to the south and southeast there are "out of town" large scale modern retail and commercial properties with associated parking. A modern designed office building and church are located to the north off Bodhyfryd. The Freedom Leisure Centre building to the northwest is of a significant scale and modern design measuring

approximately 18m high at its highest point. The immediate streetscape around this junction contains a number of streetlights, telegraph poles and road traffic signs and other items of street furniture, with floodlights set slightly further back within the car parks.

- 2.6 The appeal site does not impact on any heritage assets, or other environmental designations.

3.0 **Background to EE Ltd Requirements: Need for the Site; Alternative Sites Evaluation, and Health & Safety Issues.**

Need for the site

- 3.1 Network coverage in this area is currently provided by telecommunications apparatus located on the rooftop of the existing Police Headquarters on Bodhyfryd, LL12 7B. See Figure 1 below:



Figure 1: Former Wrexham Police HQ, Bodhyfryd.

- 3.2 Due to the relocation of the Police HQ to a new custom built site on Llay Industrial Estate and a site next to the library in the town centre, the existing buildings will be demolished and the land purchased by Lidl, who intend to develop a retail store and drive through coffee shop on the site. Due to this redevelopment EE Ltd through the existing lease terms have been served with a Notice to Quit to remove their equipment to allow the demolition of the buildings and redevelopment of the site.
- 3.3 In order to maintain the required level of network coverage for this area, as expected by their customers, the Appellant requires an alternative site for a suitable design of replacement equipment. Accordingly a full survey of the area was undertaken. Both the justification for the appeal site and the

alternative siting and design options considered were outlined in the appellant's Design, Access and Supporting Statement, as submitted with the application for Prior approval. (*Appellant Design, Access & Supporting Statement*)

- 3.4 Given the very high nature of the existing rooftop base station, it has not been possible to find another rooftop within the target coverage area of an equivalent height to replicate the existing coverage. The redevelopment of the site for a Lidl supermarket in terms of their standard design for their retail buildings would not provide an equivalent height for a replacement rooftop base station, and they have confirmed that insufficient space would be retained as part of their planned redevelopment of the site to allow for a replacement greenfield mast.
- 3.5 The current network coverage area was therefore subject of a cell split which has resulted in the need for two base stations to replicate the geographical coverage lost from the Policy HQ rooftop base station. A 12m high replica telegraph pole style mast is therefore proposed on the footway at Borrás Road to provide network coverage to the north of the target area and this was approved by the Council on 2nd January 2018 under application reference WRA P/2017/0922. The other proposed base station required to provide coverage to the remainder of the target area is subject of this appeal.
- 3.6 As part of the search for an alternative siting and design option for this part of the target coverage area the following options were considered, but duly discounted for the reasons stated, as being less preferable to the option subject of this appeal, which is considered to be the most appropriate to minimise visual impact, whilst meeting the technical and operational needs of the development. These are:
1. **Vodafone Mast (55490)** – Approx. NGR: E 333799 N 350735
Discounted as a non-shareable streetworks structure with no room for additional cabinets.
 2. **O2 Mast (34659)** – Approx. NGR: E 334181 N 351385
Discounted as a non-shareable streetworks structure with no room for additional cabinets.
 3. **O2 Mast (1913 \ Airwave NWA098B)** – Approx. NGR: E 333346 N 350710
The Network Planner has confirmed that this site does not provide the required coverage to the target area.
 4. **Crown Buildings** – Approx. NGR: E: 333636 N: 350522
The required antenna height cannot be achieved on this building.
Therefore, the required coverage would not be met at this location.

- 5. Trinity Church** - Approx. NGR: E: 333392 N: 350623
The building lends itself to potentially hosting face mounted antenna.
However, they would be too low to achieve the required coverage to the target area.
- 6. St Mary's Catholic Cathedral** – Approx. NGR: E: 333159 N: 350472
The limited orientation achievable and the reduction in land height meant that this site did not offer the same coverage or capacity of approved 93215 - Borrass Road to the north of Wrexham.
- 7. Regent House** – Approx. NGR: E: 333126 N: 350562
The antenna height that can be achieved on this building is not sufficient and therefore would not provide the required coverage to the target area.
- 8. College Cambria** – Approx. NGR: E: 333484 N: 350762
The antenna height that can be achieved on this building is less than approved 93215 - Borrass Road to the north of Wrexham.
- 9. Wrexham Telephone Exchange** – Approx. NGR: E 333361 N 350676
The Network Planner has confirmed that this site does not provide the required coverage to the target area.
- 10. Roxburgh Hill House** – Approx. NGR: E 333310 N 350344
The antenna height that can be achieved on this building is not sufficient.
- 11. Oak Drive Streetworks** – Approx. NGR: E 334163 N 351544
The mast would have to be more than 20m high to clear the surrounding trees to avoid coverage levels being reduced and therefore result in more visually intrusive structure within the residential area than approved 93215 - Borrass Road to the north of Wrexham.
- 12. Chester Road Streetworks** – Approx. NGR: E 333643 N 351369
The Network Planner has confirmed that this site does not provide the required coverage to the target area.
- 13. Aston Grove Streetworks** – Approx. NGR: E 334057 N 351072
The Network Planner has confirmed that this site does not provide the required coverage to the target area.
- 14. Bodhyfryd Streetworks** – Approx. NGR: E 333688 N 350657
The Network Planner has confirmed that this site does not provide the required coverage to the target area.
- 15. Chester Street Streetworks** – Approx. NGR: E 333625 N 350583
The Network Planner has confirmed that this site does not provide the required coverage to the target area.

16. A5152 Roundabout Streetworks– Approx. NGR: E 333818 N 350668

The Network Planner has confirmed that this site does not provide the required coverage to the target area.

17. Powell Road Streetworks – Approx. NGR: E 333788 N 350708

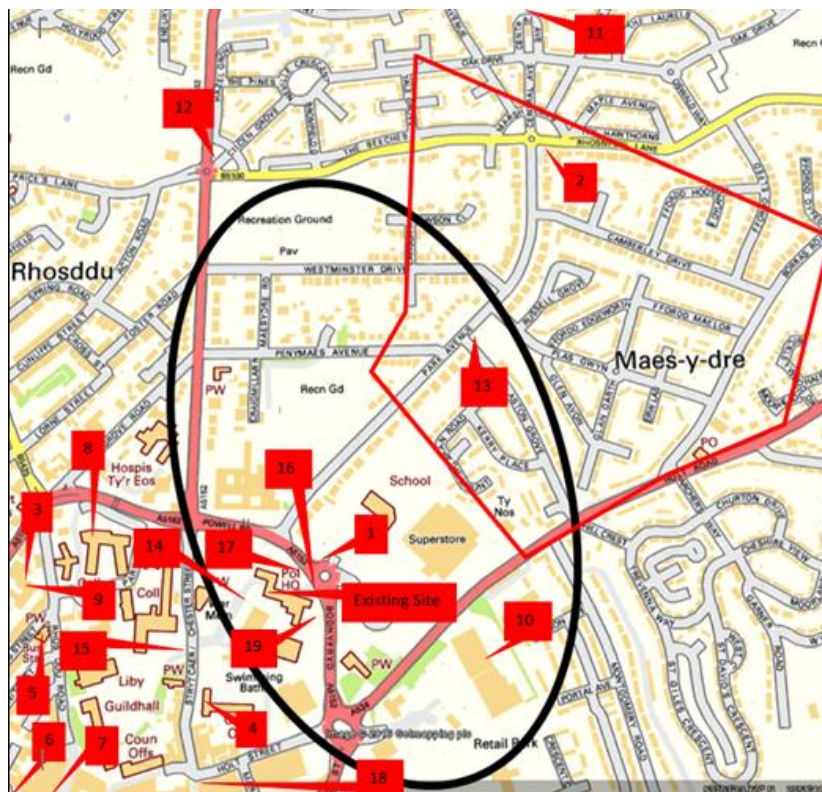
The Network Planner has confirmed that this site does not provide the required coverage to the target area.

18. Peoples Market Carpark – Approx. NGR: E 333637 N 350390

The Council are not progressing the legal agreement for this site at present. As this coverage is required to replace existing coverage to be removed from the Wrexham Police Station and to provide communications for the Emergency Services Network. Following the design visit, it was also confirmed that the current power room is to be moved which means the site would have no power at the proposed location. An alternative option must now be progressed.

19. Land off A5152 – Approx. NGR: E 333812 N 350620

Following the pre-application feedback received from the Local Planning Authority for the proposed site, the possibility of a 15m structure adjacent to the existing site was investigated as an alternative. However, proposed mast would have to be more than 20m at this location high to clear the surrounding trees to avoid coverage levels being reduced and therefore result in more visually intrusive development than that of the proposed site, as it was less of a backdrop and context for the mast of this height.



Map showing discounted siting and design options and cell split in relation to existing rooftop site on Police HQ building.

- 3.7 It was duly considered that a streetworks design of new mast would be the most appropriate to minimise environmental impact of the proposal, particularly in terms of visual impact and preserving the character of the area. Whilst a number of streets in the target coverage area could be considered, the nature of the location on Holt Street at this roundabout which connects a number of main transport corridors through the area, containing various items of street furniture for assimilation and the large scaled leisure centre building as a backdrop was considered the most appropriate location for such a design of mast. The commercial and retail character and nature of the properties in the immediate vicinity of the appeal site, together with its less cluttered appearance make it an acceptable location for the proposed replacement base station both in terms of providing an acceptable level of replacement network coverage for the this part of the target coverage area and in minimising environmental impact, particularly its visual impact.
- 3.8 Prior to the submission of the planning application, and as required by best practice guidance, an application for pre-application advice was made to the Council.
- 3.9 The Council's response acknowledged the need for the replacement coverage for that to be removed from the rooftop of the Policy HQ building, but were of the opinion that the discounted site at the Peoples Market would be preferable as this would be less visually intrusive than a free standing structure. In respect of the proposal suggested to the Council they considered that whilst the proposed monopole was a comparable height to the adjacent leisure centre building as it was a distance from this building it would be viewed in isolation and as a "clearly distinct structure" from most nearby vantage points. The monopole will be considerably taller than the existing street furniture and would appear discordant detracting from the appearance of the immediate locality. The Council confirmed they would not support the proposal on this basis.
- 3.10 The Appellant's Design, Access & Supporting Statement outlines the response to this, and in summary confirms that the Council would not agree terms for the People's Market building. Whilst the Appellant could now pursue the Council's site via the Code, this is a lengthy process involving the land tribunal and given the need to remove the equipment from the Policy HQ in the near future in accordance with the notice served under the terms of the lease by the landlord, replacement coverage is required in the shorter rather than longer term.
- 3.11 Without a design visit and drawings of the proposed rooftop equipment on the People's Market the Council cannot assume this would be less visually intrusive than the appeal proposal, which has only localised visual impact

on the immediate locality as recognised by them in their pre-application response. It could be that a rooftop design on the roof of this building has a similar visual impact to that of the current visually intrusive stub tower on the roof of the Police HQ building as illustrated in Figure 1 above. This rooftop structure, due to its significant elevation has a much wider visual impact on the wider area than any localised visual harm as a result of the appeal proposal. The Appellant considers that the contextual height of the adjacent leisure centre building and its substantial scale gives an appropriate setting to the taller monopole. Indeed the height of the building requires the taller mast to ensure antenna sectors can propagate the radio-frequency emissions to the wider target coverage area.

- 3.12 In accordance with best practice guidance the appeal proposal was rated Amber using the Traffic Light Rating Model (TLR). Consultation was then duly undertaken with the relevant ward councillor Paul Jones and Acton Community Council on 25th May 2018. A letter dated 31st May 2018 was also sent to the Head Teacher of Alexandra County Primary School. No responses were received other than that from Acton Community Council who were concerned regarding the proposal's proximity to Alexandra School (*approximately 260m away*), in terms of health impacts, as there was already considerable pollution issues at the school from vehicles using the inner ring road.
- 3.13 The Appellant recognises the concerns expressed by the community council in respect of perceived health impacts on the school and notes no response has been received directly from the school on this matter. The appeal proposal has been designed to operate within the ICNIRP guidelines which the UK Government have held to safeguard all members of the public, including the very young and elderly, against any adverse health impacts from radio-frequency emissions. The relevant ICNIRP declaration in respect of the appeal proposal was submitted with the planning application. Based on the advice of the UK Government and in the absence of any substantive evidence contrary to this advice, planning policy is such that where an ICNIRP declaration is submitted it should not be necessary for the decision maker to consider this as a material consideration.

Site Summary

- 3.14 In summary, the site search has been extensively undertaken to establish an acceptable siting and design for a replacement base station, whilst respecting the nature and character of the area and minimising environmental impact, as far as practicable as the technical and operational requirements would allow. The following section will outline the local and national policy context against which the appeal proposal should be assessed. This assessment is contained in section 5 of this statement in terms of the Appellant's grounds of appeal.

4. Planning Policy Framework

- 4.1 The consideration of the appeal proposal should be made against both the national planning policy guidance within Planning Policy Wales (Edition 10- December 2018), and the advice within Technical Advice Note (TAN) 19: Telecommunications (2002) and the relevant development plan comprising the Wrexham Unitary Development Plan 1996-2011 (adopted 14th February 2005).
- 4.2 The emerging Wrexham Local Development Plan (2013-2028) Deposit Plan is due to be approved by the Council, with subsequent consultation on focused and minor changes due to take place early in 2019. This plan does not mention the importance of digital connectivity in terms of its particular vision, or objectives and does not contain any policies relating to telecommunications development. As such it has little weight in relation to the appeal proposal in terms of any supporting material considerations.

National Planning Guidance

- 4.3 In this regard Planning Policy Wales (PPW) recognises at section 5.1.1 that infrastructure, be it physical, electronic or digital plays a pivotal role in maintaining the economic well-being of Wales.
- 4.4 Section 5.2 of PPW relates to electronic communications and confirms that affordable, secure electronic communications infrastructure is essential to people and businesses. Such connectivity ensures people are connected to important services within their communities and the wider world and is essential for long term prosperity. Modern society demands reliable, fast and high capacity communications networks to ensure large amounts of data can be accessed or exchanged. The provision of electronic communications infrastructure is supported by extensive permitted development rights to help facilitate its rollout.
- 4.5 Mobile telecommunications incorporates both mobile phone and mobile broadband technology and services. The planning system should help support such infrastructure, whilst taking account of the status of protected land and buildings and amenity considerations to protect what is valued most in communities and the environment. Impacts will be greatest in sensitive landscapes and other designated areas and require careful planning, especially within rural areas which are affected economically and socially by limited coverage.
- 4.6 Planning authorities should actively engage with mobile operators when preparing development plans to discuss service provision and these should set out policies, including criteria based policies to guide

development to suitable locations, but should be flexible enough to accommodate technical changes of the equipment. Policies should be concerned with siting and appearance in relation to minimising impact on amenity consistent with operational requirements. Planning authorities should not question the need for the system or seek to prevent competition between operators.

- 4.7 It is recognised new technologies such as 5G will result in the densification of mobile infrastructure, particularly in urban areas which could require more small cell sites in street settings and the planning system will need to respond positively to this revolution in technology whilst being mindful of impacts on amenity and the historic environment.
- 4.8 Mobile operators should share masts where possible to minimise environmental impact, but only where this represents the optimum solution in a particular case. The design of masts will be an important consideration. Wherever possible existing buildings and structures should be used and siting should allow the greatest possible coverage as far as practicable whilst minimising the external appearance of the building. As networks develop and technology changes the re-use of existing sites is encouraged to minimise the need for new sites and redundant equipment should be removed.
- 4.9 Where new masts are proposed on or near sensitive neighbouring uses, operators should engage with owners early in the development process to discuss any potential concerns. All new base stations are expected to meet the ICNIRP guidelines and where this is demonstrated it should not be necessary for planning authorities to consider the health aspects of the equipment. Furthermore planning authorities should not implement their own precautionary policies in respect of the siting of telecommunications development.
- 4.10 TAN 19: Telecommunications provides more detailed advice on telecommunications development in terms of procedure and siting and design. At paragraphs 65 and 66 in respect of siting and design it confirms planning authorities should take full account of the technical and operational needs of the development and that they should ensure they understand the constraints faced by operators in terms of providing their network service from both a legal and technological perspective. Further guidance confirms that sympathetic design should be considered and the industry should develop innovative design solutions, such as masts that are similar to street furniture.

Local Planning Policy

- 4.8 Section 54A of the Town and Country Planning Act 1990 (as amended) states that *“in making any determination under the planning Acts, regard is to be had to the development plan, the determination is to be made in accordance with the plan unless material considerations indicate otherwise.”*
- 4.9 Within the adopted Unitary Development Plan the Council consider the relevant policies to be GDP1: Development Objectives and CLF8: Telecommunications development, with the primary consideration against the provisions of CLF8 in terms of the specific technical and operational nature of the development which is accommodated for in this policy, whilst GDP1 is of a more generic nature relating to all types of development, most of which does not have the same locational and design requirements.
- 4.10 The Council consider the appeal proposal to conflict with the specific policy relating to telecommunications development and the more general development policy GDP1 due to its detrimental impact upon the visual amenity of the area. The Appellant's assessment of the appeal proposal against the development plan is contained in the following section stating the grounds of appeal.

5. Grounds of Appeal

- 5.1 The Council have not been specific in respect of their reason for refusal as to which particular aspects of the appeal proposal contribute to its detrimental impact on the visual amenity of the area. In further consideration however of their application report (**Appendix 1**) it would appear that it is the height of the structure that is of concern rather than its design, or this particular location.
- 5.2 The Council accept that the Appellant has given consideration to possible alternative sites and there are currently no realistic options that would meet the technical and operational needs of the development. In addition they recognise that as the ICNIRP declaration is submitted confirming the development's conformity with the guidelines and that no alternative substantive evidence is submitted to the contrary, that the health aspects of the development are not material considerations for its determination. (**Appendix 1**)
- 5.3 The Council consider that the visual harm relates to the height of the mast in relation to that of the other existing street furniture in the streetscape, and that whilst the adjacent leisure centre building provides a context for the height of the mast, the separation is such that the mast will not be backdropped sufficiently in all views and as such will appear as a prominent and discordant feature in the streetscene.
- 5.4 The Appellant appreciates that the height of the mast is significantly taller than the existing street furniture and in particular the street lighting, however these elements of infrastructure have different uses and thereby different technical and operational requirements. The mast requires to elevate the antennas above the surrounding building and tree clutter to propagate the radiofrequency emissions without significant attenuation thereby diminishing the network coverage to the area. The street lights only require to elevate the lamp to a level above the streetscape to ensure the safe operation of the road system during darkness. The panoramic photographs from the appeal site were submitted to the Council in support of this technical requirement as part of the planning application. (*Panoramic Survey Report*)
- 5.5 The Appellant considers that in terms of the application of policy CLF8 insufficient weight has been apportioned to the technical and operational requirements of the appeal proposal in terms of its required height by the Council. These requirements should be considered against the visual harm in the planning balance and in accordance with the recent updated Planning Policy Wales guidance should be afforded significant weight in terms of the design and siting of the development and should outweigh the less than substantial visual harm.

- 5.6 The Council consider that the distance between the adjacent leisure centre building and the appeal proposal is such that in a number of views it will not be viewed against the backdrop of the building and as such it will appear prominent due to its discordance with the other vertical structures in the streetscene. The Appellant appreciates that the appeal site at this roundabout junction has a number of views along different streetscenes and sought to demonstrate the visual impact of the mast in photomontages illustrating its visual impact. It is considered that even when not backdropped directly by the height and massing of the adjacent building, the assimilation with other albeit shorter vertical structures, such as street lights and flagpoles is such that it does not appear overly discordant. It is the vertical element of these utilitarian structures within the streetscene that is of importance in absorbing the mast into the streetscape, rather than a consideration of the difference in height. *(Photomontages – submitted as part of planning application)*
- 5.7 The Appellant considers that the number of vertical structures in the vicinity, the scale and massing of the adjacent building, and height of the nearby trees, together with the modern recreational, commercial and retail nature of the surrounding landuse and main transport route infrastructure setting for the appeal proposal, all result in an appropriate visual context. The particular siting of the appeal proposal has taken account of all of the above factors in trying to mitigate as far as practicable the visual impact of its design and height which are required for operational reasons.
- 5.8 The Council accept there are no better siting and design options available to the Appellant to meet its technical and operational requirements, but consider the visual harm too great to overcome such policy considerations. The Appellant considers for the reasons outlined above the visual harm has been over stated, and accepts the appeal proposal will have a significant visual impact on the streetscene, but this is outweighed by the need to provide network coverage in the area.
- 5.9 The Appellant would consider the application of Policy GDP1 of less relevance to the proposal, but in considering the criteria within the policy of relevance to the appeal proposal can find no particular contention, when taking into account the particular locational technical need for the development and its operational requirements which are more fully provided for in policy CLF8 relating to telecommunications development.
- 5.10 The Appellant considers that the provisions of policy CLF8 have been fully complied with in this instance and this policy and the support contained in the newly published Planning Policy Wales (2018) are such that planning permission should be granted for the appeal proposal to ensure network coverage is maintained in this area and upgraded to accommodate the new emergency service communications network.

6.0 Conclusion

- 6.1 Balancing the requirements of planning considerations and the need for electronic communications networks are issues for central government, local government and operators alike. The necessity to address all the pertinent factors in the consideration of telecommunications proposals is imperative to ensure that the most appropriate decision is reached.
- 6.2 Relevant legislation, government advice and development plan policy must be taken into full account when arriving at a decision. The relevance of the key issues will vary from one proposal to another, and therefore the weight attached to material planning considerations will change in each case.
- 6.3 The appeal proposal complies with national and local planning policy and is thereby acceptable. In demonstrating this the other alternative options identified require careful consideration, as do the particular merits of the siting and design of the chosen option.
- 6.4 In terms of this proposal, the special circumstances are considered to have been addressed in the forgoing information, namely:
- i. the need to maintain and upgrade the Appellant's network coverage in this specific location;
 - ii. the technical and operational criteria, necessitating the height requirements and the equipment;
 - iii. the lack of suitable and available alternative options in the vicinity;
 - iv. the use of a sensitive design to minimise the visual impact of the proposal;
 - v. the identification of the most suitable location for such a design, and
 - vi. the compliance with ICNIRP guidelines in respect of the perceived health and safety issues.
- 6.5 The Inspector is respectfully requested to consider the merits of the appeal proposal based on the evidence provided in support of this appeal and to grant planning permission, thereby ensuring the Appellant can continue to provide its customers with the desired level of service in this area.

7.0 Appendices

- 1 Report on Planning Application P/2018/0748.