Design, Access and Supporting Statement
in respect of
GPDO Application
On behalf of MBNL, EE (UK) and Three (UK)

At

On Land a ALLESTREE PARK
FIELD SOUTH OF 33 WOODLANDS LANE
WOODLANDS ROAD
QUARND0N, DERBY
DE22 5JU



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Table of Contents

1.0 Proposed Development 3
2.0 Planning Policy 12
3.0 Access 24
4.0 Regulatory Statement 25
5.0 Health and Safety 26
6.0 Conclusions 27

Rev	Originator	Date
	Name	Day/Month/Year
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Introduction

This Supporting Planning Statement has been prepared by Telent Technology Services on behalf of MBNL Limited. The statement has been prepared in support of the application to install an The proposal is for a 30m high slimeline lattice tower with a total of 6No. antenna, 3no. equipment cabinets and associated supporting apparatus including a 2.4m mesh fence with 3m double gates on private land at Field South of 33 Woodlands Lane, Woodlands Road, Quarndon, Derby, DE22 5JU .The proposed lattice tower will host telecommunications equipment for both EE (UK) and Three (UK).

Please note this is revised submission to application PDR/2024/0061 which was mistakenly refused by the council on 17th January 2025 for reasons relating to not providing a tree survey however it was confirmed to the council the tree survey would be provided as part of the on going application. It is of note that the LPA initially dealt with the application as a prior notification and not a prior approval as such the site would be granted via deemed consent. Following correspondence with the council on this matter, it was agreed that a fresh application would be submitted and considered more favourable with the tree survey being included as part of the application documents. It is of note that the design has slightly changed due to technical reasons as such to a less cluttered headframe, reduction in equipment cabinet and removal of 4no. transmission dishes.

In accordance with the Code of Best Practice on Mobile Network Development and published Government guidance, this proposal was drawn up having regard to the need for good design. This statement sets out the most relevant considerations in respect of the proposed development. This provides context for the proposal, reasoning, technical justification and planning constraints, policy guidance and alternatives.

In particular:

- Considerations of design and layout are informed by the context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology all help to determine the character and identity of the development.
- The scale, massing and height of proposed development have been considered in relation to that of adjoining buildings; the topography, the general pattern of heights in the area; and views, vistas, and landmarks.

The following general design principles have been taken into account in respect of this proposed telecommunications development:

- A proper assessment of the character of the area concerned.
- That the design shows an appreciation of context;

1.0 Proposed Development

1.1 The Site

The proposal is for a 30m high slimeline lattice tower with a total of 6No. antennas, 3no. equipment cabinets and associated supporting apparatus including a 2.4m mesh fence with 3m double gates on private land at Field South of 33 Woodlands Lane, Woodlands Road, Quarndon, Derby, DE22 5JU.

The lattice tower is to be located on private land, the general area is that of mixed use containing rural land and residential properties. Educational facilities in proximity include The Curzon CofE Primary School, approximately 400 yards away, and Allestree Woodlands School, a secondary institution about 0.7 miles from the address. he area is well-served by healthcare amenities, with Park Lane Surgery located roughly 1 mile away, and Park Farm Medical Centre about 1.4 miles distant. transportation links are accessible, with the nearest railway station, Duffield, situated approximately 1.7 miles. he vicinity also offers recreational spaces; Allestree Park, a substantial public park featuring a golf course and nature trails, is located nearby, providing residents with opportunities for outdoor activities.

Image 1: Proposed site location



The proposed installation would see the replacement and upgrading of existing infrastructure within the same required coverage area at this location and therefore, represents the upgrading of an established telecommunications site in this respect. The relocated site has been chosen as it is only circa 30m from the existing infrastructure and location of the Water Tower to be removed. Whilst the new mast would introduce a new vertical structure within this semi-rural area, the mast and associated equipment would be located in close enough proximity to the existing Water tower, which has been a long established feature of the landscape setting at this point and as such, given the same linear nature of the proposed mast at this location, would not therefore appear as being unduly visually incongruous at this location, and not introduce a form of development that would be entirely out of keeping with the historic street scene setting within the immediate locale. While the proposed mast would be within the vicinity of a number of residential properties, so to was the existing Water Tower, and as such it is not considered that matters relating to potential impact on the visual amenity of these residential properties, by way of outlook, would be subsequently impacted upon in this instance to any significant detrimental or demonstrable degree, when considering the long established siting of the Water Tower, that would merit refusal of any application on this basis.

This would also be the same consideration in respect of the overall visual amenity of the locale, which would not see any significant change in respect of this long-established Water Tower as a feature in the landscape. The proposed siting is not within any national sensitive land designation, and while situated within what appears to be the very edge of the Green Belt at this point, which ends at the site and gives way to the built environment, matters relating to appropriate development or otherwise within the Green Belt is not for consideration because this will be a prior approval application where planning permission has already been granted by Parliament under Article 3(1) of the GPDO and so the issue of inappropriate development and the related test of very special circumstances cannot apply. Additionally, it is not considered that the proposal would in any way impact on the openness of the Green Belt at this location, particularly given the existing and long established Water Tower immediately adjacent to the proposed site, and as such there is no requirement to justify ‘very special circumstances’ in this instance.

While it is also noted that the site is within, albeit on the very edge of, the Allestree Local Nature Reserve, given its location to the very south western edge, and given the scale of the Local Nature Reserve the spreads a significant distance to the north/north east of the site, it is not considered that the proposal would have any subsequent impact on the function of the Local Nature Reserve at this point. As stated, it is considered that the existing Water Tower sets a very strong precedent for this type of liner structure within the immediate setting.

The proposed site will benefit from being set behind and against some tall mature trees at this point, and this would assist in providing a degree of screening as well as backdrop against which the lightweight and transparent lattice designed mast would be viewed against, which would further ensure that visual impact is, as far as is practicable, minimised. The mast can be finished in a colour that would further camouflage the structure within its surroundings, which can be agreed by the LPA in their response to this pre-application engagement.

The below image shows the location of the proposed replacement site relative to the existing NTQ site, with the existing site location indicated by way of a yellow star and the proposed site location by way of a red star for context.



Image 2: Existing site and proposed relocation site locations

This specific mast design is often utilised in such areas to meet the specific visual requirements of the local area. The height of the proposal, and the overall design of the lattice tower, have been kept to a minimum to ensure that any visual impact is reduced where practicable, the antennas are structurally stable, and that continued/improved network coverage is provided to the local area. The replacement mast will not only service voice calls but will include provision for 2G/4G and new 5G data use. Furthermore, as you may be aware, EE have been awarded the contract to provide network services to the Emergency Services, and as such this site will be necessary in continuing to provide coverage for all the blue light services.

The replacement site must be in the same geographical area to ensure that the network coverage is both maintained and improved effectively. To this end, the site has been carefully selected in a position whereby such equipment would not have any significant detrimental or demonstrable impact on the immediate and surrounding landscape, which as set out is that of a commercial context at this point.

1.2 Application History

As highlighted above, the requirement for a replacement mobile phone base station is needed in order to maintain coverage to this part of Quarndon, and surrounding residential and commercial properties, as the installation on the water tower currently providing coverage to

these areas is to be decommissioned and removed as the water tower will also be decommissioned.

As previously mentioned this is a resubmission to the refused application PDR/2024/0061 which was mistakenly refused by the council on 17th January 2025 for reasons:

The documents and information submitted do not demonstrate that the siting would not cause significant harm to the woodland type TPO No. 235 trees to the west of the site and whether that harm would be reasonable and the impacts of that on the visual amenity of the area. Therefore, without the required documents outlining the tree protection measures in place, the proposal is unable to be fully assessed in terms of siting and appearance. For this reason, Prior Approval is refused. It is considered that the proposal is contrary to the GPDO Part 16 Class A.2 (1) and therefore planning permission is required.

it is of note that to state planning permission is required is completely incorrect as such a fresh (following dialogue with the council) prior approval application is now being submitted with a less cluttered headframe for technical reasons.

1.3 The Proposal

The proposal is for a 30m high slimeline lattice tower with a total of 6No. antenna, 3no. equipment cabinets and associated supporting apparatus including a 2.4m mesh fence with 3m double gates.

The proposed structure is to be galvanised and the ground-based equipment cabinets are RAL7035 light grey.

1.4 Alternative Site Assessment

The information below contains details of the alternative sites that were investigated when searching for a viable location. These locations were assessed to ascertain whether they would provide the technical and operational requirements necessary for the surrounding area. The search area is particularly restricted by geographical and distance factors, with close proximity to the target coverage area of major importance. As you can see from the map below, there are no existing masts/sites, buildings or structures within the search area suitable to progress.

1.Equestrian Area, Woodlands Road - E: 378331 / N: 3696858.
Discounted due to presence of tall trees to the north, approx 35-40m, meaning that any subsequent mast would need to be on a similar height in order to maintain line of site over this clutter.

2. Land South of 50 Woodland Road - E: 433910 / N: 340711.
Land has permission for a residential property and as such any option here cannot be progressed.

3. Field West of Woodlands Lane - E: 433786 / N: 340823.

There is no obvious source of power at this location. In any event, it is likely that any proposal here would see objections from properties on Woodlands Road due to impact on views from the rear of the properties, and with no existing context within the locale, this option has been discounted on this basis**.**

4. Quarndon Parish Council Hall - E: 433533 / N: 341028.
While this was looked at, there is insufficient space within the car park which was full during site visit, and likely full at other times. The loss of a parking space or more would likely give rise to highways objection and so this option has been discounted on this basis.

5. Cnr Sulleys Field & Burley Lane - E: 433650 / N: 341076.
It is considered that any option here would likely see significant planning objections anticipated from local residents, and it is therefore considered that the proposed site in this instance represents a better option from a material planning consideration.

6. Field North of Footpath to Bunker's Hill - E: 433753 / N: 341263.
This has been discounted due to the steep gradient of the land meaning that a build option would unlikely be a practicable or viable option here. Additionally, there is no vehicular access to this area from Montpelier, and this would introduce further material planning consideration. This option has been discounted as a result.

7. Field North of Burley Lane – E: 434193 / N: 341216.
This location is too far east of search area on lower lying land, meaning that any option here would require a larger ,mast than the proposed option, and with nothing in the way of vertical context would mean any application here would not likely be supported.

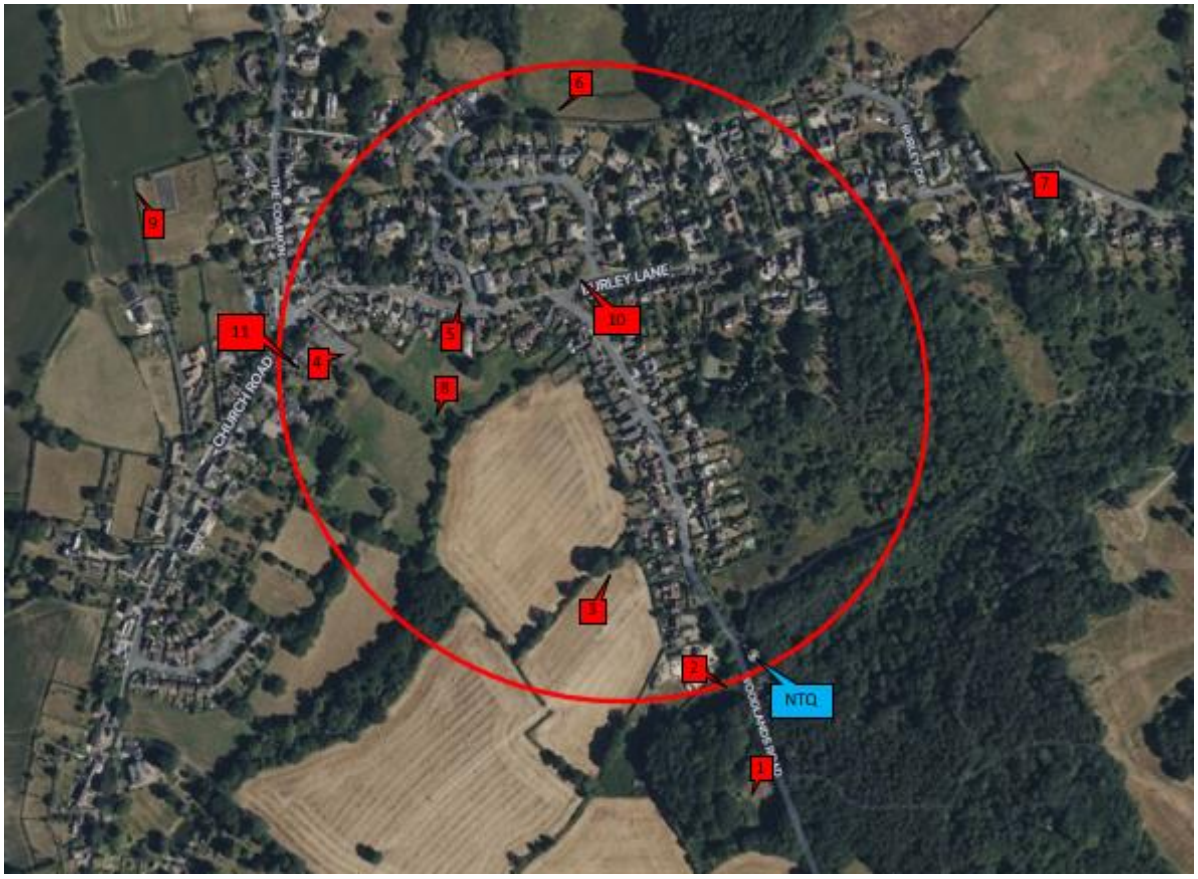
8. Field South of Burley Lane – E: 433633 / N: 340969.
There is no obvious power source close to the site, meaning build would likely be impractical. Additionally, this site would be highly visible to the rear of properties on Burley Lane, who would likely raise objections and as such is it considered any option here is unlikely to be granted planning permission.

9. Recreational Land – E: 433331 / N: 341184.
This looks like a shared space which appears to be used by adjacent 3 properties, meaning that acquiring the site would be a lengthy process and no be in keeping with the timelines required in this instance, especially when considering the need to deploy the replacement equipment. Furthermore, there is no obvious access suitable, which would again present further impractical issues. This option has therefore been discounted for these reasons.

10. Cnr Montpelier & Burley Lane – E: 433770 / N: 341098.
Given the location, it is anticipated that any proposal here would see significant planning objections from local residents, and any application is unlikely to be supported. This location has been discounted on this basis.

11. St Paul's Church - E: 433498 / N: 341018.
The option of building a based solution was investigated here. However, in this instance the louvers are not suitable for antenna installation and as such no option can be progressed here. There is no option to install any antenna internally, as this would compromise the technical requirements for coverage.

The below image shows the discounted options.



In terms of how this information on alternative options should be assessed, the following paragraph from a recent appeal decision [8] should be the starting point:

> *I note the Council's reservations regarding the appellants' list of alternative sites, and to that extent I accept that the appeal site has not been shown conclusively to be the least environmentally damaging option possible. But the National Planning Policy Framework (NPPF) does not support that approach. Given that I have found no significant harm, it is unnecessary to consider other alternatives in any more detail. This appeal decision confirms the approach in the NPPF which provides policy on this matter in three specific ways, with the most relevant being:*
>
> - *That LPAs should determine applications on planning grounds and should not seek to prevent competition between operators or question the need for the system (para 118)*

1.5 Local Engagement

Industry best practice encourages engagement with the local community (if applicable), reflecting the particular sensitivities of any given site. The proposal received an Amber score when assessed against the industry traffic light rating model.

Consultation was done with local Ward Councillors in Councillor Steve Hassall, Councillor Ged Potter and Councillor Kieran Morgan-McGeehan. We are also proposing to engage with the Parish Council and a number of nearby residents to the site, namely No's 33, 35 40, 42, 44, 46, 48, 50 Woodlands Road.

The parish council responded on as a summary of their points below:

- Need for Mobile Coverage: General agreement on the need for better and reliable mobile phone coverage.
- Concerns about Visual Impact: The lattice tower is deemed unsightly, though the current water tower-mounted transceivers are also unattractive.
- Proposed Location: Seen as the "least bad" option, but requests for a more visually appealing structure in line with government guidelines on mitigating visual impacts.
- Health Reassurances: Residents need assurance of no adverse effects from the new transceivers.
- Community Benefits: Suggest linking the initiative to improved access to Allestree Park, safer footpaths on Woodlands Lane, and a multi-user path for walkers and cyclists.
- Greenbelt Considerations: Development is in the greenbelt, presumed allowable for mast installation.
- Nature Reserve Impact: Concerns about the impact on Woodlands Field, a key part of the Local Nature Reserve and habitat for rare species. The area is protected under Natural England's stewardship scheme.
- Construction Disruption: Significant disturbance during construction and maintenance, with potential loss of hedgerows, trees, and a valuable footpath used for surveys.
- Alternate Solutions: Suggestions include retaining the water tower or relocating the mast to less sensitive areas

A response was issued by Telent to the Parish Council 12th December 2024 stating:

- Structure Type: The lattice tower was chosen for its transparency and suitability in semi-rural settings with a tree backdrop. A monopole, more suited to industrial areas, was considered less appropriate. Painting the tower to reduce visual impact is an option if requested by the planning authority.
- Health Compliance: The proposal will comply with ICNIRP guidelines, with a certificate provided during planning submission.
- Improved Access: Enhancements to Allestree Park access must be funded and implemented by Derby City Council, this must be reviewed directly with the council on where funds are to be allocated.
- Ecological Impact: Any ecological concerns will be addressed in the planning submission.

- Water Tower Replacement: MBNL cannot retain the water tower due to its structural issues and lack of control over its demolition. Alternative site options and justifications will be included in the planning submission.

1.6 Additional Justification

Need Justification

Digital connectivity is vital to enable people to stay connected and businesses to grow. Almost every aspect of everyday life is now increasingly reliant on easy and ubiquitous access to mobile networks. People have an increasing expectation that mobiles will connect them anytime and anywhere, and both private and public sector organisations are increasingly relying on mobile communications to increase efficiency and reduce costs. People want to make voice calls and send text messages, and there is a rapidly burgeoning demand for high-speed data to enable social networking, video streaming, web browsing and many other applications supporting today's social and business needs. Supporting advanced, high quality, and reliable communication infrastructure forms an important pillar to delivering sustainable development and communities. The Government is committed to supporting investment in advanced, high-quality, and reliable digital connectivity so that it can deliver sustainable economic growth and social wellbeing benefits for the whole of the UK. As the demand for mobile data in the United Kingdom is increasing rapidly, and people and businesses have become increasingly reliant on mobile connectivity, it is essential the infrastructure is in place to keep pace with growing demand, so present and future generations have access to dependable and consistent mobile coverage where they live, work and travel. This increasing demand for mobile connectivity inevitably drives demand for more radio base station sites in all areas. The government's objective is to deliver high quality, reliable wireless infrastructure whilst ensuring the impact of new network development is kept to a minimum.

As highlighted above, there is a requirement in this instance to provide a replacement mast as a result of the appellant being served with a Notice to Quit (NTQ) as an existing base station site that provides historic coverage within this cell area. As a result, the proposal would be considered as being that of a replacement mast in this instance, albeit at a new site location which has ben selected when factoring all relevant material planning considerations.

Emergency Services Network Requirement (ESN):

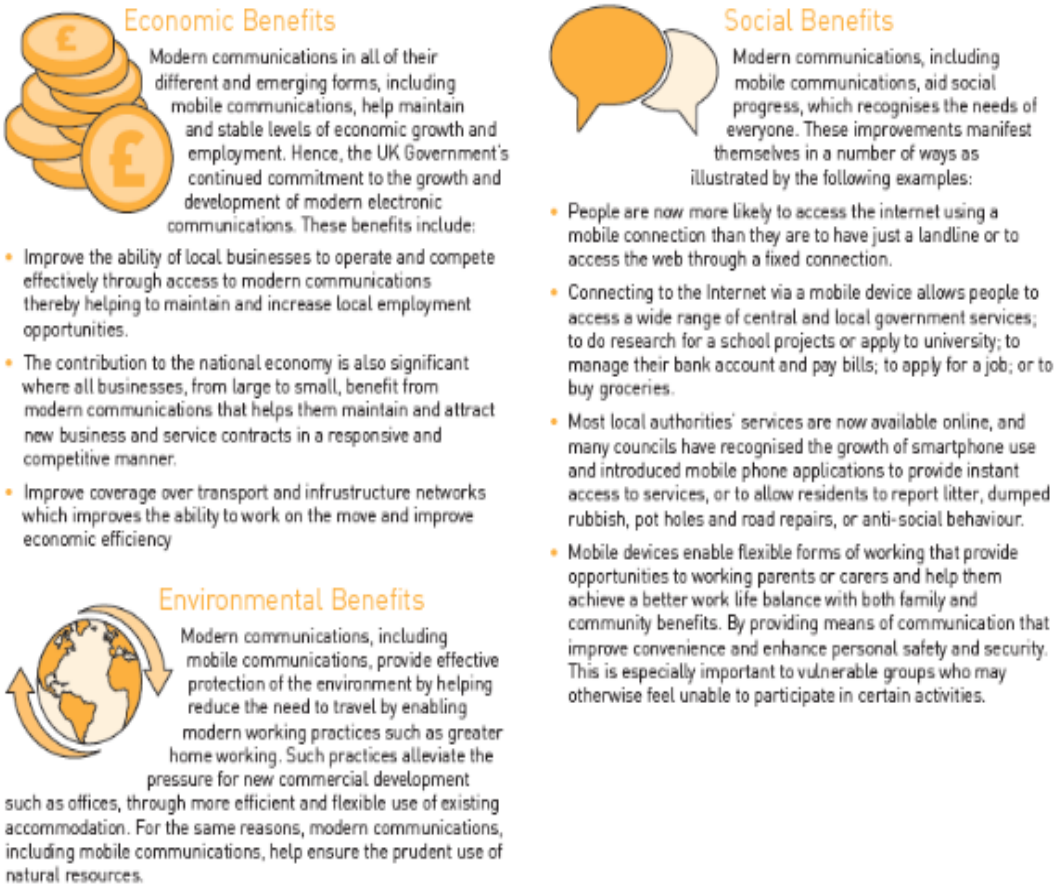
In 2015, EE won the contract from UK Government to deliver a mobile network specifically for all blue-light emergency services across the country to provide a seamless 4G mobile service. The communications system will be critical in improving response times and improving communications between all of the blue-light services and providing critical infrastructure across the length and width of the United Kingdom. EE have committed to add over 500 new 4G sites to accommodate this commitment in that will eventually replace the existing Airwave TETRA radio system. This EE proposal will form part of the new 4G emergency services network and should be considered critical infrastructure within the UK to support the local community in perpetuity**.**

Shared Access – The Benefits of Mobile Technology

Mobile phones and other similar communication devices are ubiquitous both for business and personal use. Mobile connectivity is now about fast, secure access to the internet anywhere. People and businesses are increasingly choosing to access the internet using a mobile device, and the numbers doing so are growing, as ownership of internet-enabled devices rises.

Smartphones are integral to people's lives as mobile devices supporting a growing range of functions from communication to navigation, to use as principle sources of news media, cameras, diaries and numerous other functions.

Overall, 94% of adults personally own/use a mobile phone with 52.4 million 4G mobile subscriptions. The proportion of adults in the UK with a smartphone has now reached 76% (as of 2017), with 18% of adults living in a mobile phone only home. Increasing coverage and take-up of higher speed 4G services is driving data use. The average volume of data consumed per subscriber per month is now 1.9GB.



2.0 Planning Policy

2.1 National Planning Guidance

National Planning Policy

National Planning Policy Framework (NPPF 2024)

Planning policy is provided at the national level by the National Planning Policy Framework (NPPF). It is a material consideration in planning decisions. The NPPF is pro – development with a 'presumption in favour of sustainable development' seen as a golden thread, running through both plan making and decision taking'. The thrust of this guidance is positive and a reminder to LPAs that we need to build the requisite infrastructure to enable economic growth. In this regard the Framework can be summarised as follows:

- Government policy is to support high quality communications infrastructure and systems, as essential for sustainable economic growth;
- Government policy is to keep the inevitable environmental impact associated with electronic communications development to the minimum;
- The keyway to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites;
- Great weight should be given to conserving landscape and scenic beauty in certain specified designated landscapes, e.g., National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, etc.;
- The emphasis on minimising environmental impact is greater per the sensitivity of the site. The emphasis on exploring and utilising site sharing opportunities is consequently higher in these circumstances;
- Best practice encourages a consultative approach and one that seeks to minimise potential visual impact and
- The starting point for planning new networks or the expansion of existing networks is, therefore, to use existing electronic communications sites owned by other operators or radio site management companies.

The NPPF as a whole is aimed at encouraging a more positive approach to town planning. While the NPPF builds environmental protection into the definition of sustainable development, there is also a very clear emphasis that local planning authorities should be looking for ways to help development come forward and not reject applications simply on environmental grounds. This is emphasised in paragraph 10 of the NPPF, which states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. The NPPF recognises that this is especially relevant where a development might have other significantly important benefits such as being essential to meet, for example, sustainable economic growth or a national need which can include upgrading to or the provision of new infrastructure.

It is important to reflect on some key points within The Framework which are relevant to the very important development at this site and the general planning principles that should apply when determining the merits of the application:

a. Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It then states that: “At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.” [our emphasis];

b. Paragraph 11 advises that authorities should:

- “positively seek opportunities to meet the development needs of their area” [as part of plan making];
- meet objectively assessed needs unless the adverse effects would “significantly and demonstrably outweigh the benefits”;

As such, development proposals that accord with the provisions of the Development Plan should be approved without delay. In respect of this guidance, the following sections of this statement demonstrate that the proposed development accords fully will all relevant Development Plan and NPPF policies and, therefore, permission should be granted for the development.

The importance of the proposed development in providing the upgrading and expansion of the existing communications network is clearly an important material planning consideration as it directly supports sustainability and is also precisely the type of new digital infrastructure that the NPPF is seeking to support. The development proposed is comparatively small scale, and has been designed in a way that is predominately consistent with the existing infrastructure setup and so should be acceptable in every respect.

However, for completeness we still highlight some of the key points within the NPPF as they help demonstrate why the application should be permitted:

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It then states that: *“At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”* [our emphasis];

Paragraph 20 advises that strategic policies should *“make sufficient provision for…….telecommunications” and that it should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”*

Paragraph 39, on “decision-making” states that authorities should *“work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

The NPPF builds on the aspiration to build a strong, competitive economy. Paragraph 81 states: 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development. The approach taken, should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation[40]'...

Footnote 42 of the NPPF states: 'The Government's Industrial Strategy, *HM Government (2017) Industrial Strategy: Building a Britain fit for the future',* sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility and catering for an ageing society.

The NPPF (2024) directly addresses the need for enhanced wireless communication services, first mentioned in paragraph 20, which states that an LPA's strategic policies must make sufficient provision for:

"b) infrastructure for transport, telecommunications (our emphasis), security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)"

Leading on from this, paragraph 119 states that *"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time……".* This wording echoes guidance set out in previous versions of the NPPF. However, unlike the previous version it also includes the importance of reliable communications infrastructure for both economic growth and social well-being.

While supported, paragraph 120 of the NPPF retains the requirement to minimise the number of installations consistent with the efficient operation of the network but also includes being consistent with the needs of consumers and providing reasonable capacity for future expansion.

Paragraph 123 retains the guidance set out in previous versions of the NPPF version and states that *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure".*

As can be seen from the above, the NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives,

and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic communications development and this must include an understanding of the associated special problems and technical needs of developing and upgrading communications networks.

Public benefits are defined within the NPPF and could be anything that delivers economic, social or environmental progress. Benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

2.2 Local Planning Policies

The application in front of the Council is for prior approval. This is because the scale of the development proposed mean that it benefits from permitted development rights set out in Part 16 of Schedule of the GPDO.

Described above, this is a light-touch process. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. With regard to the policies of the local plan and the National Planning Policy Framework (the NPPF) regard should be had to these only.

Section 70 of the Town and Country Planning Act 1990, as amended, requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

The relevant planning policy framework taking into consideration is found principally within the following local plan and supplementary planning documents:

- The Development Plan, which in this instance comprises;
    - Amber Valley Borough Local Plan (2006)
- National Planning Policy Framework (NPPF 2024)
- The Code of Best Practice on Mobile Network Development in England (2022)

In respect of the Local Development Plan, the following policies would be of relevance;

<u>Amber Valley Borough Local Plan (2006)</u>

The following policies would be applicable:

Policy EN34 -

Planning permission will be granted for new telecommunications infrastructure, providing that:-

a) the proposals are part of a planned network expansion

b) there are no existing buildings, masts or other structures that could either be utilised or suitably expanded with less environmental impact

c) the proposals are designed to minimise the need for additional masts or structures in the future

d) the proposals can be sited and designed to minimise any impact on visual amenity, including by providing suitable landscaping where necessary

e) the developer will undertake to remove all structures and restore the site to a standard deemed acceptable by the planning authority, within a reasonable timescale, should the structure become permanently inoperative

f) for proposals within the Green Belt, it can be demonstrated that there are no suitable alternative locations outside the Green Belt

Proposals in designated areas of particular environmental importance (including the World Heritage Site and its Buffer Zone, Historic Parks and Gardens, Conservation Areas and SSSIs) will be subject to special scrutiny to ensure their protection, taking account of the limitations imposed by the nature of the telecommunications network and the technology. Operators will be expected to demonstrate that alternative suitable locations are not available outside the designated areas, and that the proposals can be successfully blended into the landscape.

Policy EN7

In considering development proposals, the Borough Council will require that the design of development is appropriate to the landscape character type within which it is proposed, having regard to:-

a) landform and natural drainage patterns

b) the pattern and composition of trees, woodlands and field boundaries

c) the type and distribution of wildlife habitats

d) the pattern and distribution of settlements and roads

e) the presence and pattern of historic landscape features

f) the scale, layout, design and detailing of local buildings and other traditional man made feature

Policy EN13

Development will not be permitted which would have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992 or that are listed as Nationally Rare, or their habitats

Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

a) facilitate the survival of individual members of the species

b) reduce disturbance to a minimum

c) provide adequate alternative habitats to sustain the current levels of population

2.3 Planning Assessment

The application in front of the Council is for prior approval. This is because the scale of the development proposed mean that it benefits from permitted development rights set out in Part 16 of the GPDO.

Planning Practice Guidance explains how a prior approval application differs from a planning application at paragraph 28. It states that:

'The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established (emphasis added). Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion on what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system' (emphasis added).

The Planning Portal also provides Application Type Guidance. This guidance states that:

'Certain forms of telecommunication development, for example, mobile telephone masts, are known as 'permitted development' and subject to prior approval from the local planning authority. The prior approval procedure means that the principle of development is not an issue. The LPA can only consider the siting and appearance of the proposal'.

The proposed base station, required to replace the existing base station site which is to be decommissioned and removed as highlighted previously under Section 1 of this Statement, will enable the operators to maintain secure permanent 2G, 3G, 4G and 5G services to the surrounding area, thus improving the existing network of high technology. These services all allow home working and working on the move and subsequently reduce the need to travel, thus contributing to both Central and Local Governments sustainability agenda and also in line with the national and local policy.

While it is considered that the proposal would be consistent with the aims of NPPF in respect of supporting high quality communications, it remains the case that any such proposal should be well located and ensure there is no significant visual impact that would outweigh the social and economic benefits of the proposal.

Technical and Operational Constraints

The physics of RF creates technical constraints that must be overcome - this directly dictates siting and design of infrastructure. Higher RF means significantly more data can be transmitted, but it cannot propagate as far or through material as well. It is a necessity that sites are sited directly within or as close to practicably possible to the target service area (search area will be smaller) and are sufficiently tall to see over trees/buildings/topography

that will impact propagation. The technical requirements of mobile communication operators are acknowledged in the National Policy Framework which states that local planning authorities should support electronic communications networks and their provision.

Height

The proposed height of 30m is the necessary height to fulfil technical and operational requirements. These requirements are provided below:

1. Coverage: Essential to achieve the coverage footprint of the existing rooftop site and fit in with the established network pattern, as determined by the network radio planners;
2. Clutter: the height of the proposed lattice tower enables the antennas to surmount the surrounding urban 'clutter' to avoid interference and impact on mobile signal quality. Feature of the surrounding environment, especially trees in this location, must be cleared so the antenna can 'see over' any obstructions so they do not block the signals from the antennas.
3. ICNIRP Compliance: Ensures compliance with site-and-technology-specific ICNIRP public exposure certifications; and
4. 5G technologies: New 5G radio technologies operate in higher frequency bands than older technologies. Since it operates at higher frequencies where attenuation of the radio signal is naturally higher, and the effects of clutter are greater it will normally require a higher structure to achieve the same coverage footprint. Furthermore, to increase capacity and data speeds for users, the antenna will normally need to be mounted higher than conventional antennae. These factors drive a requirement for an increase in antenna height in 5G.

In addition to the above, in this instance, and as shown on the plans accompanying the planning submission, the mast will host equipment from two separate operators. The layout of antenna for separate operators naturally means that there will be an increased height of structure required. However, this is offset by the fact that in doing so, the number of masts and base stations sites is kept to a minimum, consistent with the sequential approach. As such the proposals would be in line with policies EN7, EN13 and EN34 of the Amber Valley Borough Local Plan.

Lattice Design

The proposed lattice tower design is not uncommon in a semi-rural setting and provides structural benefit for the infrastructure provider which can support all the required technologies from both operators on a single structure. As such is transparent to an extent that allows light to pass through and promotes reduction in visual impact given the benefit from the backdrop of mature trees that rise to from 12-18m. If the lattice tower was any lower in height, it would require another installation, this would lead to the proliferation of masts contrary to planning policy. The lattice tower will be galvanised, with the aim of blending with the often grey skyline.

As such, in accordance with the NPPF and policies EN7, EN13 and EN34 of the Amber Valley Borough Local Plan, the proposed design has been elected to minimise visual impact upon the areas landscape and nearby residential amenity. As previously noted the existing water tower at a current height of 30m is to be decommissioned and it is deemed that the installation

of a 30m lattice tower with only the top part of the lattice tower protruding from certain vantage points would be of less than substantial harm and the fact that an existing water tower that hosts the operators current equipment is to be decommissioned in its entirely the replacement lattice tower circa 30m, would not cause detrimental harm to the character and appearance of the area nor would it appear incongruous within its setting..

As highlighted above, the proposed lattice tower would be shared by two operators. While operators utilise different technology spectrums to provide their mobile services, both can be accommodated on the proposed lattice tower which ensures that the number of base station sites is kept to a minimum and matters in respect of potential proliferation avoided.

Greenbelt and Local Nature Reserve

As previously stated earlier within this statement and in reiteration:

While situated within what appears to be the very edge of the Green Belt at this point, which ends at the site and gives way to the built environment, matters relating to appropriate development or otherwise within the Green Belt is not for consideration because this will be a prior approval application where planning permission has already been granted by Parliament under Article 3(1) of the GPDO and so the issue of inappropriate development and the related test of very special circumstances cannot apply. Additionally, it is not considered that the proposal would in any way impact on the openness of the Green Belt or lead to urban sprawl at this location, particularly given the existing and long established Water Tower immediately adjacent to the proposed site, and as such there is no requirement to justify ‘very special circumstances’ in this instance.

In regard to the site being within the local nature reserve it is deemed that a phase 1 habitat survey would not be required, as the proposals would have no impact upon the nearby habitats.

Tree Survey

A full tree report has been provided as such in summary, the proposed development at Allestree Park has been carefully assessed in accordance with BS 5837:2012 guidelines, and with the implementation of appropriate protective measures, it is fully feasible with minimal arboricultural impact. Only one low-grade tree (T3227) is recommended for removal, while all other trees and hedges are to be retained and protected through a robust Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). The design ensures the telecom mast and associated structures are sited outside the Root Protection Areas (RPAs) of valuable trees, thereby avoiding root damage. With proper installation of protective barriers, adherence to access routes, and implementation of ground protection and safe construction practices, the project can proceed without significant risk to the existing tree stock. Therefore adhering to national and local policies.

The enclosed tree protection plan identifies and protects trees near the proposal site in accordance with BS 5837:2012 and confirms that the development area **does not encroach upon the TPO 235 (W1) woodland boundary**.

Further consideration summary

The proposal plays a part in meeting economic development objective and maintaining the area's competitiveness. The Proposed Site has been identified and justified as the most appropriate solution following a search for alternative locations and options, including sharing or co-location of sites. Section 6 of this report details the search for alternative sites and the reasons for discounting each option. Visual impact has been minimised by ensuring that, as far as is practicable:

- The base station has been sited to avoid being located within any national sensitive land designations
- The base station has been relocated to ensure it is not in any close proximity to any heritage assets whereby maters relating to setting could be impacted upon
- The base station has been positioned on private land in a semi-rural setting considered in a break of the residential nature of the area.
- The placement within the context of mature trees and vegetation is considered to help assimilate the site into the area.
- The lattice tower design support all the technologies of both operators, whilst allowing light to pass through, not appearing incongruous within its setting.
- The lattice is to be galvanised and the cabinets are proposed to be painted grey to assimilate with the skyline
- As the alternative sites considered and discounted section below demonstrates, there are no opportunities for rooftop developments in the search area or more suitable sites that are located within less sensitive locations than the current proposed site.

In summary, the application site has been specifically selected to assimilate into the existing character of the area on private land. The proposal complies fully with national planning guidance and as such it is considered to provide the best location from both a technical and town planning view. As such the proposals would be in accordance with the NPPF and policies EN7, EN13 and EN34 of the Amber Valley Borough Local Plan,

Economic and Social Benefits

Both national and local policy supports sustainable development. Mobile communications play 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 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 the need to return to the office. This reduces travel time, carbon emissions and increases the speed in which information is processed/shared. This fully complies with the aims of national and local policy to minimise the effects on climate change by reducing the need to travel and as a consequence the carbon footprint.

It is therefore clear that the Government places significant importance on reliable communications and as such the Planning Inspectorate gives significant weight to the public benefit arising from local service provision. The issue of benefits and planning balance is considered in Appeal Ref: APP/L1765/W/18/3197522 (Land at the junction of Andover Road and Athelsan Road, Winchester for the erection of a 17.5m street works pole).

The Inspector found at Paragraph 9 *'The Government places a high priority on the provision of high-quality communications. The National Planning Policy Framework (the Framework) at Paragraph 112 states, "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections". In this instance, the proposal is not so much seeking to provide significantly higher standards but to maintain recent local provision of 2G, 3G and 4G services as a result of a notice to quit from a nearby site that was providing these services. The Council has commented that service provision would be 'adequate' without the proposal, but the appellant has an obligation to provide not only appropriate coverage but also capacity for the network. I attach significant weight to the public benefit arising from the continuation of local service provision'.*

Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026 (Councils and Connectivity Sept 2018). Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being. Mobile connectivity is also essential to fulfilling the potential of new technologies. Innovation such as artificial intelligence and connected cars will change how we work, spend our leisure time and run our public services.

Maintaining and enhancing high quality 2G, 3G, 4G and 5G coverage and capacity within the area fully meets government aims. The social and economic benefits are significant material considerations which should be weighed against any visual impact associated with any mast at this location, whether a new mast or the replacement of an existing mast as is the case here. In addition to the above, HM Treasury outline such benefits in its report *'Fixing the Foundations: Creating a more Prosperous Nation'* (July 2015). Paragraph 7.1 states that reliable and high quality fixed and mobile broadband connections support growth in productivity, efficiency and labour force participation across the whole economy. They enable new and more efficient business processes, access to new markets and support flexible working and working from home. Paragraph 7.2 goes onto highlight strong support for high quality communications infrastructure. It states:

> *'By reducing regulatory red tape and barriers to investment, the government will support the market to deliver the internationally competitive fixed and mobile digital communications infrastructure the UK's businesses need to thrive and grow, and which will enable the UK to remain at the forefront of the digital economy. The government is working with business so that the market can play the lead role in delivering against the ambitions set out in the Digital Communications Infrastructure Strategy, published in March, of near-universal 4G and ultrafast broadband coverage'.*

Indeed, MPs have noted in parliament that the UK's Superfast Broadband connectivity was 'relatively poor'. As such, there has been continuing and growing strong national support for a high-quality communications infrastructure that is fit for purpose and helps promote the UK as a world leader in this regard, particularly with the roll-out of 5G coverage. Further to Governments commitment to improve connectivity, on 24th November 2016 the new 'permitted development' rights for telecommunications operators came into force, designed to lift the restrictions on mobile operators such is the significance of the significant weight that Government places upon the benefits attached to modern connectivity.

In October 2016, there was also the BIG Infrastructure Group (as chaired by MP Grant Shapps) Report release calling on operators to improve their network. This is signed and has comments from numerous MPs nationally. A National Needs assessment – A Vision for UK Infrastructure was also published in October 2016. It sets out the infrastructure needs for the UK which includes the importance of digital technology. An extract of this assessment can be found below:

'A lack of sufficient digital connectivity has a detrimental effect on business operations, productivity and output and hence competitiveness in the global marketplace. 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.'

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'.* This Assessment goes on to further explain the consequences of a lack of coverage and the effects this has on social and economic prosperity. This clearly highlights the importance of maintaining high quality 2G, 3G, 4G and 5G coverage to this busy area a short distance to the east of the capital, where the social and economic benefits significantly outweigh the environmental considerations.

Ministers from the DCMS and MHCLG wrote to all CEOs of the Council's in England (March 2019) setting out the position in respect of supporting investment in high-quality, reliable digital connectivity. The Government acknowledges that such infrastructure is essential for communities to benefit from faster economic growth and greater social inclusion. Ministers state:

'*it is essential to keep pace with growing demand for internet bandwidth and mobile data from local businesses, residents and those who visit our communities. As outlines in the Future Telecoms Infrastructure Review, the Government would also like to see national full fibre coverage by 2033. We would also like the UK to be a work leader in 5G, with the majority of the population covered by a 5G signal by 2017. We are writing to ask for your help in supporting the investment necessary to achieve these objectives. Recent years have seen substantial investment in mobile and fixed digital infrastructure across the UK. While mobile coverage across the UK has been significantly improving, there are still too many areas where coverage is poor. The UK has now achieved 95% superfast broadband coverage but still only 6% full fibre coverage.*

We need to create the market and policy conditions to support the large-scale commercial investment required to extend and future-proof digital connectivity. A key part of this is making it easier for operators to deploy infrastructure. To help to achieve this, the Government recently reformed the Electronic Communications Code – the statutory framework which underpins agreements between communications network providers and those in both the private and public sectors who can provide sites for the installation of network equipment. The purpose of the reform was to make it easier and more cost effective for communications network providers to deploy and maintain digital infrastructure.

Local Authorities have an essential role to play as site providers. As Chief Executives, you can support investment in digital communications infrastructure by ensuring your organisations have policies and procedures in place that promote effective engagement with the digital communications industry and minimise barriers to deployment'

The replacement site will continue to provide high quality 2G, 3G, 4G and 5G coverage and capacity, supporting the Government's aim to 'focus on ensuring everyone is connected to the information highway'.

Trials have already begun across the UK to demonstrate the potential of 5G and how it can improve and drive productivity and efficiency. For instance, In June 2019, West Midlands 5G partnered with BT and University Hospitals Birmingham to trial the UK's first 5G Connected Ambulance. Real-Time communications between the paramedics and the hospital doctors enabled the effective diagnosis of the patient at an early stage of care. The trial showed how a paramedic performed a remote-controlled ultra-sound scan on a patient in an ambulance over a public 5G network. These trials show how digital connectivity and technology can reduce patient waiting times and save lives (Source: WM5G).

In line with the national and local policy, the proposal will continue to provide world-class connections and access to opportunity for all in this cell area, as well as providing world-class digital infrastructure which provides the platform for the area to embrace emerging technologies and societal changes. 5G infrastructure is fundamental to enable digital technologies to function. The proposals will ensure that any of the operators customers in this cell area will be able to continue to access resilient, seamless connectivity at a speed they need anywhere at any time. Without the more basic technology solutions such as 5G, smart-region solutions and value-added outcomes will struggle to be brought to fruition. If the replacement site is not in-situ by the time the existing installation at the water tower providing established coverage is decommissioned and removed, then the economic and social benefit loss could have significant ramifications to local residents and businesses, including that of the nearby fire station, who utilise the EE (UK) network as stated previously.

3.0 Access

Under section 42 of the 2004 Act, access requirements both to and around the site should be considered. It must be considered that this site is for telecommunications purposes only. In principle, no access to the cabinets or the mast is allowed and as such access requirements are not considered an issue.

3.1 Construction and Maintenance

Access to the site will be taken directly via the adjacent road. Maintenance visits are required approximately every 3-6 months by an operative with a light vehicle. Consequently, it is not envisaged that access to the site would cause traffic management or other issues. During the construction process all build, and maintenance regulations will be complied with. Proof of compliance can be confirmed closer to the time of construction if necessary.

It should be noted that the install of the equipment will be as per the latest NJUG guidelines which will of course consider the proximity of trees in the site area.

3.2 Public Access

Radio base stations are not designed to be accessible by the public. The equipment cabinets would always be locked and only accessible by authorised persons. Therefore, no specific public access provisions are required to be incorporated into the design of the proposal.

4.0 Regulatory Statement

Both EE (UK) and Three (UK) are authorised to operate a public electronic communications network and supply public electronic communications services under the provisions of the Telecommunications Act 1984, the Communications Act 2003 and the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 and aims to meet all reasonable customer demand for that service.

OFCOM statistics show that in 2013 mobile phones are owned / used by 92% of UK adults. This demonstrates the vital role mobile communications play in the social and economic wealth of the country. Whilst most of the UK now benefits from mobile coverage there are still spots without coverage. EE under their communications code licence to run a public communications network are duty bound to provide equal coverage to all areas of the UK. Therefore, the need for communications systems should not be tested by Local Planning Authorities, as it is for the communications code operators to determine locations where coverage is required and demonstrate in evidence.

The development proposed is to replace an installation hosting both operators which is to be decommissioned and removed. Should this proposal **not** proceed, the area will be left with significantly reduced coverage or no coverage whatsoever in the future.

5.0 Health and Safety

Telecommunications planning guidance states that it is not for the local planning authority to seek to replicate through the planning system controls under the health and safety regime as it is a matter for the Health and Safety Executive. The Government guidelines state that provided a proposed base station meets the ICNIRP guidelines for public exposure, then it should not be necessary for the local planning authority to consider the impacts of health concerns.

It is confirmed that the proposed equipment and installation complies with ICNIRP guidelines and a Declaration of Conformity has been submitted in support of the application.

6.0 Conclusions

The proposal is required as a replacement site to an existing and established base station site located on the nearby Water Tower, to which the infrastructure provider has been served with a Notice to Quit (NTQ) meaning that the existing cell coverage provided by the existing base station site will be lost. In addition, EE provide the new UK wide Emergency Services Communications Network (ESN) and their 3G/4G/5G network will support this service. As such, the proposed replacement installation will form part of the ESN for all of the emergency services operating within this area.

The telecommunications installation proposed as set out in this application has been designed and sited having regard to technical, engineering and land use planning considerations in order to minimise its impact on the local environment. The mast height has been kept to the minimum required to ensure operational efficiency - a structure with an overall height of 30 meters is needed in this locality because of the surrounding environmental clutter and the extent of coverage required, as well as its ability to host more than one operator and as such keep the number of masts and base stations to a minumum. Consideration has been given to the design of the mast and this is reflected in the lattice design used in semi-rural areas and not uncommon.

We consider the development complies with both central government and local planning policy guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of the community while minimising visual impact.

Taking into account the factors of technical constraints, available sites and planning constraints we consider that this site and design clearly represents the optimum environmental solution.

On the basis of a recognised need to expand and promote telecommunications networks across the region, it is considered that the proposal fully accords with the requirements of the National Planning Framework and Local Plan Policies.

The Council are therefore respectfully asked to approve its siting and appearance, in the event that they consider such prior approval is required.