

Planning Appeal

Appellant:	Cornerstone
Cell Reference:	CS-30879800 VF-027880
Site Address:	Field at Lower Stakehill Farm, Stakehill Lane, Middleton, Manchester, Greater Manchester, M24 2SA
NGR:	388851, 408637
Appeal:	Against the Refusal of Prior Approval
Proposed Development:	Installation of: • 25m lattice mast with headframe (galvanised grey steel) • 6No. antennas (RAL7035 Grey) • 2No. dishes (1No. 300mm; 1No. 600mm) (RAL7035 Grey) • 4No. cabinets (2No. 600x750x2200mm; 1No. 823x600x1722mm; 1No. 1100x470x1000mm) (RAL6009 Green) • All ancillary development
Local Planning Authority:	Rochdale Metropolitan Borough Council
Planning Reference:	24/00733/TELE
Date of Decision:	02 October 2024
Date of Appeal Submission:	31 March 2025

CONTENTS

Section 1	Introduction Details of the proposed development, the Council's reason for refusal and why an appeal is being submitted.
Section 2	Operational Context Why the proposed development is required and the operators' associated network requirements: • Background • Operational Justification • Demand and Expectation • How mobile networks operate • Public benefit • Who will be affected by a lack of coverage and capacity? • How people in the UK are using mobile communications networks and industry trends
Section 3	Cell Area and Site Description This section of the statement describes the characteristics of the target coverage area and the setting of the appeal site itself.
Section 4	Background Information Why development is necessary and how the proposed site and design solution has been identified along with a detailed description of the planning process that has preceded the refusal of planning permission. • Why is the development necessary? • Siting and Design Considerations • Building-based design options • Ground-based design options • Search Area and Alternative Site Options
Section 5	Planning Policy and Other Material Considerations Reference to the following national, regional and local planning policy: • Overview • National Planning Policy and Guidance • Local Planning Policy and Guidance • Policy Summary
Section 6	Case for the Appellant An assessment of the Council's reason for refusal including a full evaluation of the merits of the proposed development, clarifying why the siting and appearance of the proposal is acceptable, as defined under the following sub-headings: • Reason for Refusal • Site Selection • Design • Impact upon Amenity • Planning Policy and Best Practice • Case Summary
Section 7	Government Ambition and Legislative Reforms Details of how government is seeking to facilitate access to efficient and UpToDate mobile network services for all. • National Government • Regional Government • Local Government

- Summary

Section 8

Conclusion

A summary of why the appeal of this planning refusal should be upheld.

LIST OF APPENDICES

1.0 Decision and Assessment

- 1.1 Decision Notice
- 1.2 Delegated Report

2.0 Documentation relating to the Subject Application

- 2.1 Application Forms¹
- 2.2 Plans
- 2.3 Developer Notice
- 2.4 Application documents
 - 2.4.1 Site Specific Supplementary Information
 - 2.4.2 ICNIRP Declaration
 - 2.4.3 Additional Supporting Information

3.0 Post application correspondence with Local Planning Authority (LPA)

- 3.1 Registration letter
- 3.2 Correspondence with LPA
- 3.3 Conservation Officer Consultation Response

4.0 Supporting Information

- 4.1 Coverage Plots
- 4.2 Heritage Statement

5.0 Planning History

- 5.1 Planning reference 01/D38458 Decision, Map and Google Earth Images
- 5.2 Planning reference 03/D41677 decision notice and public access screenshot along with plans for most recent (2022) permitted development upgrade (NTQ site)
- 5.3 Planning reference 24/00329/SCO Request for Scoping opinion
- 5.4 Planning reference 23/00650/HYBR Location Plan and Master Plan

6.0 Legislation, policy, guidance and best practice documents

- 6.1 National
 - 6.1.1 Planning System Guidance 'When is permission required?'
 - 6.1.2 Explanatory Memorandum to the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022
 - 6.1.3 National Planning Policy Framework December 2024
 - 6.1.4 Code of Practice for Wireless Network Development in England
 - 6.1.5 Code of Best Practice on Mobile Network Development in England 2016 (superseded)
 - 6.1.6 BS5837:2012 'Trees in relation to design, demolition and construction'
 - 6.1.7 National Joint Union Group (NJUG) Volume 4 'Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees'
 - 6.1.8 Department for Transport's 'Inclusive Mobility' guidance document
- 6.2 Regional
 - 6.2.1 Places For Everyone Joint Development Plan, March 2024
 - 6.2.2 JPA2 Stakehill Allocation Topic Paper

¹ Original and amended

6.3 Local

- 6.3.1 Rochdale Core Strategy
- 6.3.2 Rochdale Unitary Development Plan

7.0 Other relevant information and reference points

7.1 Ofcom

- 7.1.1 Ofcom 'Mobile Networks and Spectrum – Meeting Future Demand for Mobile Data' Discussion Paper
- 7.1.2 Ofcom 'Future Approach to Mobile Markets and Spectrum' Conclusions Paper
- 7.1.3 Ofcom 'Online Nation 2024 Report'
- 7.1.4 Ofcom Connected Nations England Report 2024
- 7.1.5 Ofcom website extract on Communications Code

7.2 National

- 7.2.1 Labour Manifesto
- 7.2.2 Matt Warman's Keynote Speech, Connected Britain 2020
- 7.2.3 UK Wireless Infrastructure Strategy
- 7.2.4 UK Digital Strategy Policy Paper
- 7.2.5 Levelling Up the UK
- 7.2.6 Future Telecoms Infrastructure Review
- 7.2.7 Science, Innovation & Technology's Minister of State, Chris Bryant MP, letter to Council Leaders
- 7.2.8 The Times article quoting Prime Minister, Sir Keir Starmer,

7.3 Regional

- 7.3.1 Greater Manchester Combined Authority (GMCA) Digital Blueprint
- 7.3.2 Greater Manchester Combined Authority (GMCA) Local Industrial Strategy 2019
- 7.3.3 Greater Manchester Combined Authority (GMCA) Infrastructure Framework 2040

7.4 Local

- 7.4.1 Rochdale Borough Council Digital Experience Strategy 2022-2025

7.5 General

- 7.5.1 www.which.co.uk 'Best and Worst UK Mobile Networks' online article extracts

8.0 Appeal decisions

- 8.1 PINS reference 3334595 St Mildred's Road
- 8.2 PINS reference 3271840 Dogpool
- 8.3 'Save Brook' and Birmingham City Council Judicial Review Decision
- 8.4 PINS reference 3314614 Reigate Road
- 8.5 PINS reference 3183040 Lodge Farm

LIST OF FIGURES

- Fig. 1: Proposed development (extract taken from plan 301)
- Fig. 2: Site Photos
- Fig. 3: Google Earth Aerial Imagery of the General Area
- Fig. 4: Existing Cornerstone base station site (the NTQ site)
- Fig. 5: 4G network coverage with the NTQ site operating
- Fig. 6: 4G network coverage without the NTQ site operating
- Fig. 7: 4G network coverage with the Appeal site operating via a 25m mast
- Fig. 8: Topography Map
- Fig. 9: English Heritage Map showing nearest Listed Buildings
- Fig. 10: JPA Stakehill allocation
- Fig. 11: Network Planner Issued Search Area
- Fig. 12: 'Scenario 1-3' Code of Practice for Wireless Network Development in England - Annex C – Rooftop Developments
- Fig. 13: Stub mast design example
- Fig. 14: Wall-mounted support poles design example
- Fig. 15: Wall-mounted antennas design example
- Fig. 16: Rooftop pole-mount design example
- Fig. 17: Lattice mast design examples
- Fig. 18: Monopole mast design examples
- Fig. 19: Street furniture mast design examples
- Fig. 20: Search Area Map and Discounted Site Information
- Fig. 21: Views showing intervisibility of Grade II Listed St John Church with pylons
- Fig. 22: Viewpoint Map
- Fig. 23: Photomontage Viewpoint 1 - View from the footbridge over the A627(M)
- Fig. 24: Photomontage Viewpoint 2 - View from Thornham Lane west, close to No.s 43/45 Thornham Lane
- Fig. 25: Photomontage Viewpoint 3 - View from road connecting St John's Church to Thornham Lane
- Fig. 26: Photomontage Viewpoint 4 - View from Thornham Lane East

Fig. 27: Photomontage Viewpoint 5 - View from St John's Church building

1.0 Introduction

- 1.1 This appeal is submitted under section 78 of the Town and Country Planning Act 1990 on behalf of Cornerstone, (the Appellant), against a refusal of prior approval by the Rochdale Metropolitan Borough Council, (the Council), as Local Planning Authority, (LPA).
- 1.2 As part of a continued network maintenance and improvement program on behalf of Vodafone Limited, there is a specific requirement for a replacement network solution within the Stakehill and Slattocks area of southern Rochdale to prevent a total loss of coverage due to the pending decommissioning of the established base station site deployed elsewhere on Lower Stakehill Farm at a site just south of the A627 (M) and off Stakehill Lane to the north east of Stakehill Industrial Estate. This Cornerstone site currently provides Vodafone Limited with a 2G and 4G network solution in the area. However, the Appellant and the operator have been served with a 'Notice to Quit' (the NTQ Site) to allow for redevelopment plans to proceed².
- 1.3 As well as replicating the existing coverage that will be lost when the existing site is decommissioned, the Appellant and the operator would like to take this opportunity to improve network services and capacity, and to establish new 5G connectivity.
- 1.4 To address the network requirement, an application seeking consent for a new ground-based mast, antennas, cabinetry and all ancillary development was submitted in July 2024 and was registered under reference 24/00733/TELE. Specific details of the proposed development are provided below:

- 25m lattice mast with headframe (galvanised grey steel)
- 6No. antennas (RAL7035 Grey)
- 2No. dishes (1No. 300mm; 1No. 600mm) (RAL7035 Grey)
- 4No. cabinets (2No. 600x750x2200mm; 1No. 823x600x1722mm; 1No. 1100x470x1000mm) (RAL6009 Green)
- All ancillary development

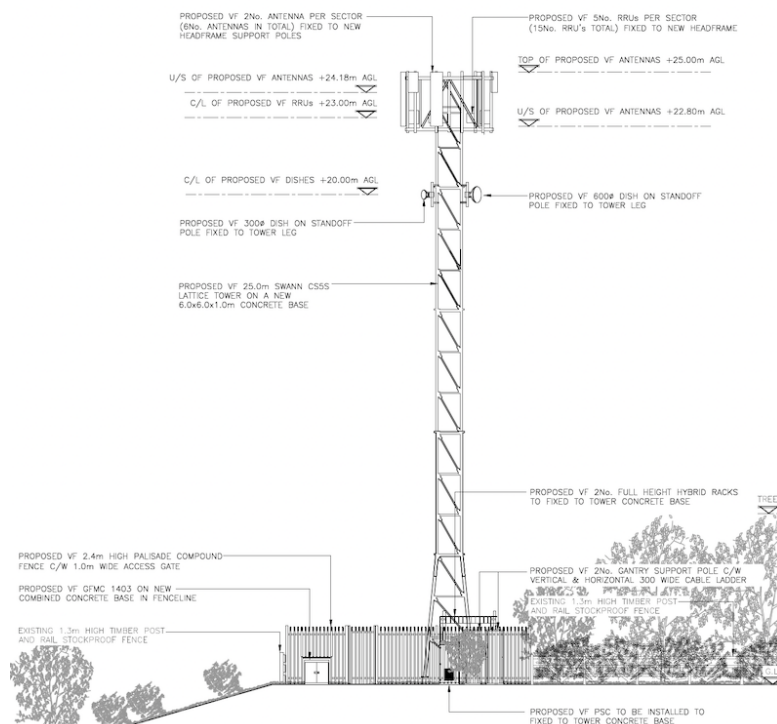


Fig. 1: Proposed development (extract taken from plan 301, Appendix 2)

² The site has been included within the land that formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3)



Fig. 2: Site Photos

- 1.5 The development site is located at an agricultural field at Lower Stakehill Farm, Stakehill Lane, Middleton, Manchester, Greater Manchester, M24 2SA; the grid reference of which is: 388851, 408637.
- 1.6 The application for the proposed development was determined under delegated powers and a decision notice refusing prior approval was issued on 02 October 2024.
- 1.7 The Decision Notice states the reasons for refusal as follows:

“The site is in the vicinity of Grade II listed St Johns Church. The proposed 25 metre lattice tower, by reason of its significant scale, siting and appearance, would fail to sit sympathetically in the context of the environment. The proposal would result in less than substantial harm to the significance of St Johns Church. By reason of its siting and scale, the proposed lattice tower would also give rise to an unacceptable impact to the character and appearance of the area and would comprise a wholly inappropriate addition to the townscape generally and would undermine the goal of JPA.2 Stakehill of the adopted Places For Everyone Joint Development Plan. The proposals would set a dominant and incongruous feature in a prominent location relative to current and future development within Stakehill. In the absence of a comprehensive assessment of alternative sites for the proposed development, it is not possible to definitively conclude that there are no more suitable sites reasonably available that would result in a lesser degree of visual harm, and the public benefits of the proposal are not considered to outweigh the less than substantial harm identified. On this basis the application is contrary to Policies P1, P2, P3, and DM1 of the adopted Rochdale Core Strategy, Policies JP-P1, JP-P2 and JP-C2 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.”

Decision Notice, **Appendix 1.1**

- 1.8 The Appellant contends that in refusing this application the Council has not taken full account of the significant efforts employed by the Appellant to ensure that this replacement site and proposed design solution strike the best available balance between operational requirements to provide replaced coverage, improved network services and new 5G connectivity, and the environmental considerations of all relevant national, regional and local planning policy.
- 1.9 The Appellant would also argue that the LPA assessment of the subject application is flawed, and that the Council has refused the application for the essential infrastructure without undertaking a comprehensive and balanced assessment of all relevant planning considerations which must include the effects of the siting and appearance of the proposal on the character of the area; an evaluation of planning history, site suitability, design considerations; and whether any harm that may occur would be outweighed by the operational justification and associated benefits, in line with the economic, social and environmental objectives in favour of sustainable development, as outlined in Chapter 2 of the National Planning Policy Framework (NPPF), (**Appendix 6.1**).

2.0 Operational Context

Background

- 2.1 Cornerstone as a company was originally established by two mobile network operators (MNOs), Vodafone Limited and Telefónica UK Limited (O2) (now known as VMO2)³, to deploy and operate a shared single grid network providing 2G, 3G and 4G coverage at the time. However, the company now operates independently from the mobile operators, each of which, along with Cornerstone, is an Electronic Communications Code Operator licensed under the terms of the 2003 Communications Act, as amended, to provide mobile personal digital communications networks in the UK.
- 2.2 As outlined in the 'Introduction', coverage for both Vodafone Limited and VMO2 has previously been supplied by the Cornerstone base station site deployed at a site just south of the A627 (M), off Stakehill Lane and to the northeast of Stakehill Industrial Estate. This base station was initially deployed under planning reference 03/D41677, (see **Appendix 5.2**). At the time of this consent, Vodafone Limited had their own base station at a site opposite the appeal site, as was consented under planning reference 01/D38458, (see **Appendix 5.1**). However, this base station was removed to consolidate the Cornerstone infrastructure in the general area. Please see **Fig. 3** below.



Fig. 3: Google Earth aerial image of the general area

- 2.3 The current Cornerstone site, (Cell Ref: CS-12639823), i.e., the NTQ site, provides VMO2, (as host operator – Cell Ref: VMO2-092808), with 2G, 3G and 4G network services and Vodafone Limited, (the sharing operator-Cell Ref: VF-085171), with 2G and 4G network services in the area. Please see **Fig. 4** below. However, for reasons beyond the Appellant and operators' control, they have been served with a 'Notice to Quit' (NTQ) to allow for redevelopment plans to proceed as part of the JPA2 Stakehill Allocation Topic Paper, (see **Appendix 6.2**). One will note that the site was included in the land that formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (**Appendix 5.3**).
- 2.4 In order to prevent a total loss of coverage within the Stakehill and Slattocks area of southern Rochdale, the Appellant and the operator in question are seeking a replacement base station site to replicate and improve existing network coverage, improve network capacity and establish new 5G connectivity. VMO2 are also seeking a replacement but one will appreciate that the network plan and demand for each operator has been

³ Virgin Media O2 was formed in June 2021 as a 50:50 joint venture between Liberty Global and Telefónica through the merger of their respective Virgin Media and O2 UK businesses.

dynamic over the years and has had to adapt to changing demands and base station deployment successes and failures. As things stand, each operator now has differing network demands in this area, and each is using this opportunity to better address these needs, i.e., the VMO2 focus for a replacement site lies **much** further to the east closer to Slattocks Interchange with Vodafone Limited focusing on the Slattocks and Stakehill area.



Fig. 4: Existing Cornerstone base station site (the NTQ site)

Operational Justification

- 2.5 Without an effective replacement network solution in place, the area will effectively **become** ~~continue to be~~ a 'dead cell' within which customers will experience inadequate network services and capacity, and will be subject to dropped calls, poor connection and buffering. This will also have a knock-on impact upon the adjoining cell areas as network user handsets and devices struggle to connect to the nearest available base stations which exist **in** peripheral locations.
- 2.6 One will note that a set of coverage plots has been provided, (see **Appendix 4.1**), to help explain the operational context of the NTQ site and the appeal site, as its replacement. Extracts from these plots have also been provided in **Figs. 5-8** below. Please note that pink shows the highest level of coverage quality.

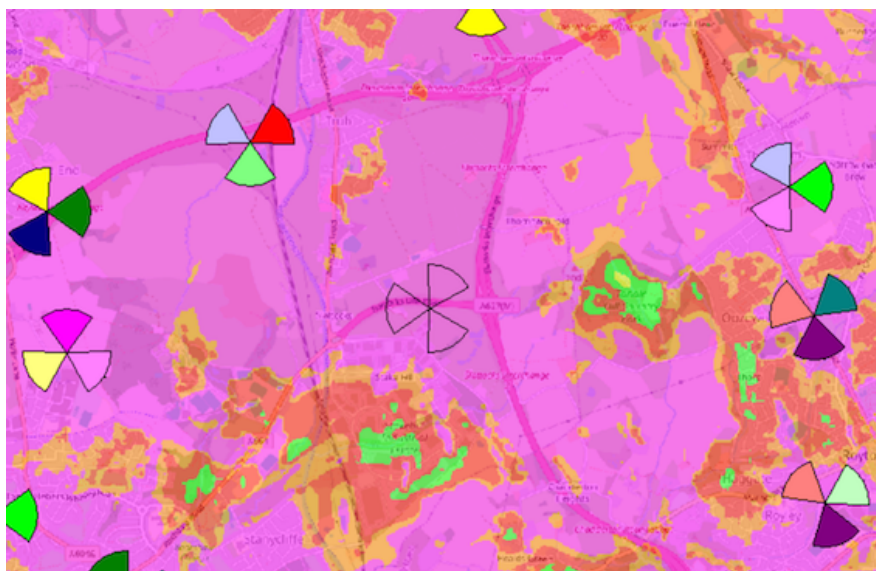


Fig. 5: 4G network coverage with the NTQ site operating

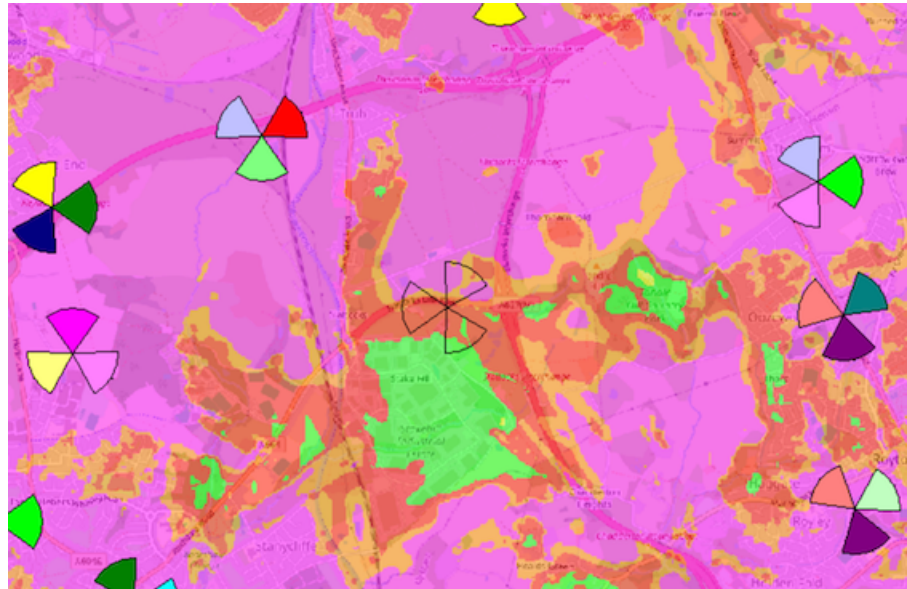


Fig. 6: 4G network coverage without the NTQ site operating

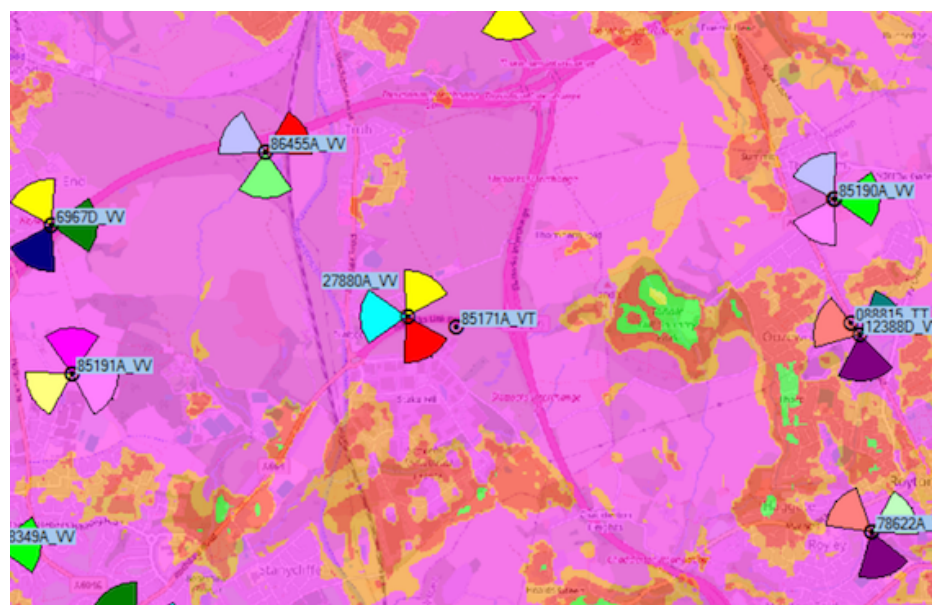


Fig. 7: 4G network coverage with the Appeal site operating via a 25m mast

- 2.7 It can clearly be seen from **Fig. 6** and the plots that the area will suffer a significant loss of network coverage if the NTQ site were to be removed from operation prior to an effective replacement being brought to fruition. Although a degree of coverage will still exist, i.e., provided by peripheral base stations in the wider network, as will be outlined below under the heading ‘Demand and Expectation’ below, each of these base stations has a maximum capacity and set geographical area in which to serve. Therefore, even when some coverage from these may be available in the target area, this will be limited and demand will exceed network capacity, resulting in inadequate services for those wishing to use the network both in the target cell area and the adjoining cells.
- 2.8 Furthermore, as **Fig. 7** and the plots show, replicated and significantly improved coverage within the area can be achieved via the Appeal proposal. Please note that 5G coverage in the area is non-existent so existing and proposed 5G specific plots have not been included. However, the plots provided show the latest 4G technologies and the extent of 5G coverage from the appeal site will be similar.

2.9 In addition to predictive plots, (as shown in Appendix 4.1 and the **Figs. 5-7** above), Cornerstone and most industry experts gather Android 'Crowd Source' data via 3rd party providers. This works by gathering actual data of network performance from android phones. (If you have an Android smartphone, you can look in the phone's settings under Signal Strength. Exactly where this is found varies between phone models, but it's usually somewhere in the phone's settings; possible locations include: Settings > About Phone > SIM Status > Signal Strength). Many applications, by user consent, share massive amounts of anonymised signal readings with crowd sourced providers to help industry experts like Cornerstone measure and improve network performance objectively, as experienced by the actual end-users, not just a predicted reading but the **ACTUAL** readings over 3 or 6 months or longer.

2.10 Apple handsets support the same information in 'field test mode' but Apple keeps the data private, under its privacy policies. Therefore, Apple handsets are not able to contribute to assist our understanding of the network performance in this same way Android handsets are. However, due to the high volumes of both phone types in the UK market, the data is statistically significant from just the Android smartphones (e.g. Samsung/Google/HTC etc.). It has been used for over a decade in international and domestic markets and is widely accepted as a good practice in the industry.

- **Signal Strength**

2.10.1 If you're phone is receiving less than -120 dBm RSRP, the phone user will probably have difficulty making phone calls, sending or receiving text messages, or using internet data. 4G and 5G cellular signal strength are measured using RSRP (Reference Signal Received Power). This is a basic 'coverage' measure. Excellent signal strength on the RSRP scale is anything stronger than about -85 dBm; poor signal strength is anything less than about -105 dBm. Cornerstone and most industry experts use as standard these ranges for good/fair/poor.

5G SA		5G NSA		4G		3G		2G	
RSRP	Ranges	RSRP	Ranges	RSRP	Ranges	RSSI	Ranges	RSSI	Ranges
> -90 dBm	Excellent	> -90 dBm	Excellent	> -90 dBm	Excellent	> -70 dBm	Excellent	> -70 dBm	Excellent
-105 to -90 dBm	Fair	-105 to -90 dBm	Fair	-105 to -90 dBm	Fair	-100 to -70 dBm	Fair	-100 to -70 dBm	Fair
< -105 dBm	Poor	< -105 dBm	Poor	< -105 dBm	Poor	< -100 dBm	Poor	< -100 dBm	Poor



2.10.2 The map above shows the current signal strength over the last 6 months for the Appellant in the area surrounding the proposed site. The operator's Radio engineers have provided **predicted** coverage plots which are a theoretical illustration of what signal is likely but are not able to take account of the impact of 'clutter' such as buildings or trees. This information below is actual data collected from android phones and demonstrates the actual strength of the signal rather than a prediction of where the signal should be available.

- 2.10.3 This show that approximately 3,000 uses of the Vodafone network were classed as 'poor' over the last 6months. It should be noted that this information is with the existing NTQ site still live and operation, so it is clear to see that once this site is decommissioned, the coverage will be far worse if a replacement base station site cannot be brought to fruition.
- 2.10.4 One will note that only a very small proportion of phone uses, i.e., 1,000 out of 9,000, were classes as 'excellent'. This data obviously misses the iPhone data but gives a very good picture of the situation in this particular location. As noted above, there is currently no 5G service in this area and this proposal will provide that service.

Demand and Expectation

2.11The dynamic nature of technological advances in the telecommunications industry coupled with ever increasing demand from subscribers dictates a continual reinvestment programme on the part of licenced operators and as a result, and in line with their licence requirements, companies such as the Appellant are constantly developing, refining and modernising mobile network infrastructure.

2.12To set the scene on the growing demand for effective communications networks over recent years the Appellant would refer the reader to the following Ofcom publications. One would first draw attention to an Ofcom discussion paper publication entitled 'Mobile Networks and Spectrum', dated 09 February 2022, (see **Appendix 7.1**), which considers the future demand for mobile services encouraging longer-term thinking about spectrum for mobile networks and how consumer and business needs can be met. Section 2 of the paper includes the following information under the subheading 'The growth of mobile':

"In the UK there are four Mobile Network Operators (MNOs) – EE, Three, Virgin Media O2 and Vodafone. The MNOs also provide wholesale mobile access to many mobile virtual network operators (MVNOs), such as Tesco, iD (Carphone Warehouse), Sky Mobile and others.

In recent years we have seen an average 40% year-on-year growth in demand for mobile services provided over public mobile networks. This growth has been driven by the development of new applications and enabled by evolving technologies and consequent changes in consumer behaviour.

We expect demand for mobile data will continue to grow as we rely on it ever more to carry out daily activities like shopping, gaming, banking and watching movies. Demand is likely to be stimulated further as new and more sophisticated applications are developed, and by the development of machine-to-machine and machine-to-device applications."

Paragraphs 2.5-2.7

2.13In publishing the discussion paper, Ofcom welcomed stakeholder inputs on the initial thinking, including on the potential opportunities and challenges associated with network densification in the UK and whether there are opportunities for more spectrum to be made available for mobile use on a local basis, so that they may then develop a future strategy for mobile spectrum.

2.14Following on from the above, a conclusions paper has since been published by Ofcom on 06 December 2022, entitled 'Ofcom's future approach to mobile markets and spectrum', (see **Appendix 7.1**), within which Section 1 'Overview' confirms:

"We expect demand for mobile data to continue to grow as greater use is made of data-hungry services and as new technologies enable new uses."

Paragraph 1.1

2.15And continues under the subheading 'Our future approach':

"Network quality is likely to be of growing importance to customers."

2.16 So, there should be no doubt that there is a customer expectation and Ofcom requirement for continued investment by operators to ensure they accommodate ever-increasing customer demands with network quality and improvement where necessary.

How mobile networks operate

2.17 The reader may be aware that cellular networks are made up of a series of individual cell areas, each of which has a base station within it to provide service to that particular area. Each base station has a maximum capacity for traffic, (i.e., the number of handset users that can connect to it at any one time), and oversubscription by users will result in poor customer connection experience such as connection failures, dropped calls and a reduction in mobile broadband data speeds for both uplink and downlink. It is therefore imperative that adequate network infrastructure is in place to cope with demand.

2.18 A good analogy for describing a cellular network is that of a patchwork quilt with each cell area being one of the many patches that are sewn together making up the network 'quilt'. The base stations themselves will require a supporting structure, such as a mast or high building, to support antennas and dish and to elevate such transmission equipment above clutter, such as tall trees and buildings and whilst taking account of topography, all of which that could impede signal, and to ensure ICNIRP compliance. Associated cabinets for housing radio equipment and power connections are also deployed to service the antennas.

2.19 Telecommunications base stations receive and transmit to mobile devices using radio waves. The antennas operate like an aerosol spray with signal transmitted along a central orientation and dissipating with distance. Transmission dish links (which are required where fibre connections are not available) operate on a direct line of sight basis, linking with dishes on other base station sites elsewhere within the wider network. The dish or fibre links also connect the base station to a master control centre that manages the call handover process that occurs when a mobile user moves from one cell area to another, whilst also providing telemetric monitoring to ensure the site is working properly and offer remote maintenance.

2.20 Mobile connectivity, service and capacity is required where customers live, work, travel and enjoy recreational time. In the early days of mobile communications, peripheral locations, high-level topographies and large-scale masts were often identified in order that transmission from a new base station could cover an expansive geographical area. However, whilst this approach was viable for early network generations, the number of mobile device users and the need for connectivity has dramatically increased with time, as have the advancements in mobile technology itself. Quite often it can be the case that although a degree of coverage is available in an area, demand exceeds the base station's capacity meaning that calls, text and data usage services are not available to all those wishing to use the network. As a result, the cellular network construction and operational criteria have changed over time too. Because modern networks use higher frequencies with faster data rates whilst serving significantly increased numbers of mobile device users, typical network cell areas (i.e., the geographical area targeted for coverage and capacity for which a base station development provides a solution), are now smaller in their geographical expanse and tend to be directly proportionate to the number of users within it. They are also, therefore, greater in their number with base stations operating at a lower power output than their predecessors.

2.21 Although Cornerstone was originally established by two mobile network operators to deploy and operate a shared single grid network providing 2G, 3G and 4G coverage, single grid development is not always possible for sites providing a 5G service. In the vast majority of cases where freestanding ground-based structures and rooftop installations are currently in place, these are often but not always able to remain shared base station sites where they are capable of achieving ICNIRP certification whilst also accommodating the weight, wind loading, individual operator antenna separations, additional ancillary infrastructure and technological requirements associated with providing multigenerational technology (2G, 3G, 4G and 5G) for 2No. separate operators at a single shared location, albeit sometimes via redevelopment of an existing base station.

2.22 It must be noted that in December 2021, the UK's mobile network operators (MNOs) confirmed to the Government (the Department for Digital, Culture, Media & Sport - DCMS) that they will not offer 2G or 3G services beyond 2033. Vodafone Limited have now switched off their 3G network. VMO2 will begin to switch

off their 3G network in early 2025. Switching off these networks will free up spectrum for 4G and 5G networks, enabling customers to benefit from better, faster and more reliable services. The 2G and 3G networks rely on older technology and running them alongside newer 4G and 5G services involves increased operating costs, as well as a less efficient use of spectrum and energy.

2.23 It is critical to understand that the UK's Mobile Network Operators (MNOs) all utilise different technology spectrums to provide their mobile service. The spectrums the Operators utilise are allocated by Ofcom, as industry regulators on behalf of UK Government, through licence agreements with each of the individual MNOs. As such, each MNO must utilise the spectrum licenced to them. Each part of the radio frequency (RF) spectrum has variations in terms of frequency propagation. Therefore, each individual MNO's network, and their sharing arrangements, cannot be compared directly and there will be variations in how each of these networks is deployed and developed. For this reason, all MNOs, have a completely different network configuration that they need to fit within and build 5G service around. Therefore, the networks must be built differently, with different antennas and equipment, to take account of those spectrum and licence variations. This will in turn lead to necessary infrastructure variations on a cell-to-cell basis, depending on site specific demand, local constraints and requirement. As such, the individual networks will have variations in how their infrastructure is deployed and developed.

Public Benefit

2.24 It is undeniable that mobile communication is now a key part of sustainable development and a vital tool in our personal lives and in both business activities and government operations. Indeed, the demand for faster and improved mobile connectivity continues to grow with modern society now expecting to be able to make use of mobile devices to their full potential where people live, work and travel. Each new generation of mobile communications technology has provided us with higher speed, better connection, and many more advanced features on our mobiles, and now with 5G, we can expect to experience an even more extensive range of telecommunication services. There is, therefore, a drive by the Government to ensure that all communities, both urban and rural, have access to the most up to date mobile technology, given the clear sustainability, social and economic benefits for doing so. Indeed, the new Government in Westminster has indicated that further reforms will take place to streamline the delivery process for critical infrastructure, which includes telecommunications, as outlined in their 2024-25 agenda via the King's speech on 17 July 2024.

2.25 The above is reflected in Chapter 2 'Achieving sustainable development' of the NPPF, (**Appendix 6.1**), which states:

"The purpose of the planning system is to contribute to the achievement of sustainable development. 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..."

Paragraph 7, NPPF

2.26 As will be expanded upon later within this **Statement**, the NPPF then goes on to outline its three interdependent and overarching economic, social and environmental objectives.

2.27 Good connectivity allows people to access a wide range of essential services and a further explanation on some of these key benefits is provided below:

- Economic benefits
 - Creating more productive and cost efficiencies for businesses
 - Businesses offering online services can extend their products to a broader audience
 - Local areas and businesses can benefit from tourists and visitors as hotels, attractions, and restaurants can be booked online from anywhere in the world
 - Business owners and services like doctors can provide a faster and more cost-effective service by offering both online appointments and ordering
 - Digital connectivity facilitates economic growth, something which the Government is keen to progress and promote

- 5G's ability to deliver real-time information (low latency), ultra-fast speeds (critical for high-definition images and video), increased capacity and heightened security will also facilitate learning on the job procedures, thanks to technologies such as Augmented Reality (AR) goggles, which, for example, can give the likes of engineers real-time instructions on how to fix a machine on a production line.
- Social benefit
 - Mobile communications can help people to stay in touch wherever and whenever, which can help improve social wellbeing
 - Convenient access to online commerce or businesses
 - Contacting emergency services is easier, especially in remote areas
 - Giving the ability to manage our personal finances and information 24/7
 - Using a mobile wherever you go can provide better personal security
 - Having access to social networking sites and applications can keep people entertained with their lifestyles and interests
 - Access to real-time transport information or timetables
 - Smart meter reads for utilities such as gas or electric
 - Contacting local authorities
 - Promotion of smarter and productive ways of working. For example, working from home can help minimise commuting which can provide better work and home life balance
- Sustainability and Environmental benefits
 - Facilitating remote access to services, education, and commerce, reducing the need to travel and in turn minimising carbon emissions.
 - Better monitoring and control of energy consumption through climate change technology, smart metering and smart energy grids.
 - 5G infrastructure requires fewer heat generating electronic components.
 - 5G enabling of the Internet of Things (IOT) sensor deployment can manage and alert us to pollution risks, health hazards and flood risk.
 - Provision of smart technologies within the agricultural sector will facilitate more efficient and less wasteful practices helping to limit negative impacts.
 - 5G networks allow monitoring of traffic flow resulting in less congestion and better air quality. They also make driverless cars possible; a means of transport that offers better fuel efficiency.
 - Smart cities and buildings can rely upon 5G networks to enable buildings and infrastructure to use automated energy saving through better and more efficient lighting, heating, cooling and other operations.
- Health benefits
 - Support the delivery of healthcare provision and accessibility by enabling people greater access to online services, NHS appointment reminders, reminders to take medicines, make appointments etc.
 - Patients across the country are now becoming accustomed to using remote healthcare services such as NHS 111, virtual GP appointments, and ordering online deliveries of essential medical supplies.
 - 5G's ability to deliver real-time information (low latency), ultra-fast speeds (critical for high-definition images and video), increased capacity and heightened security are going to be fundamental in scaling the patient benefits of remote healthcare and keeping medical records secure and private. For instance, trials have shown that connecting ambulance crews to expert resources using 5G allows paramedics to work with doctors and conduct specialist procedures in real time whilst on the road.
- Education benefits
 - Facilitates access to educational establishment databases or booking systems for securing places for the likes of school dinners, field trips, extra-curricular activities, student/teacher reviews, etc.

- Provides access to school/college/university apps for setting and submitting homework/coursework, ensuring news and notifications are delivered efficiently, and for parent/student/teacher interactions.
- The relationship between 5G and education is evolving at a massive rate with educators exploring the relevance of Virtual Reality (VR) technologies for education and training. Crucially, VR can support remote learning, allowing students a presence in the classroom even when working elsewhere.

2.28 Following on from the above, it is worth noting that the then Digital Infrastructure Minister, Matt Warman MP, gave a Keynote Speech at Connected Britain 2020, in September of 2020, (**Appendix 7.2**), and spoke about ongoing work by the government and telecommunications industry to boost the UK's world class digital connectivity. The Minister referred to 5G as 'game changing technology' and referenced its endless opportunities before concluding that:

"The world is in the middle of a digital revolution. COVID has accelerated this process, digitising almost every part of our everyday lives and making the infrastructure that connects us more important than ever. That's why it is at the top of the government's agenda."

2.29 In addition, on 29 November 2024, the Department for Science, Innovation & Technology's Minister of State. Chris Bryant MP, wrote a letter to Council Leaders, (**Appendix 7.2**), urging support for digital infrastructure deployment and collaboration with mobile network operators, stating:

"The Government is committed to supporting the delivery of next-generation connectivity to communities across the UK by driving towards nationwide gigabit broadband and 5G coverage by 2030.

We need your help to achieve these goals. Broadband and mobile rollout rely heavily on local authorities prioritising digital infrastructure and placing it at the heart of their wider Place strategy. I am writing to you today to highlight a number of areas that remain a challenge, and how they can be approached to boost telecoms investment in your area."

2.30 More recently again, on 05 December 2024, the Prime Minister, Sir Keir Starmer, was quoted in an article in The Times, (**Appendix 7.2**), confirming that housing needs to be supported by good infrastructure, stating:

"Every road, pylon and mast – which connect people with opportunity – must jump through endless hoops, only to be opposed, dragged out, before eventually, if lucky, approved..."

Who will be affected by a lack of coverage and capacity?

2.31 In considering the merits of this proposal for essential infrastructure, it is important to give due cognisance to those that will be impacted upon if the current network requirement is not addressed. The following paragraphs will provide some context on this issue using recent statistics and data.

2.32 According to approximate figures produced by www.which.co.uk in an article titled 'Best and Worst UK mobile networks', (extract from which is provided in **Appendix 7.5**), the approximate percentage of mobile device users in the UK market using the operator's network is as follows:

- Vodafone Limited (a Mobile Network Operator - MNO), and their Mobile Virtual Network Operators (i.e., Asda Mobile, Lebara, Talkmobile, Voxi), currently make up approximately 23% of mobile device user market in the UK.

2.33 It is reasonable to conclude from this that a pro rata percentage of the people in the area using their devices will benefit from improved network coverage, capacity and connectivity as a result of the subject proposal.

How people in the UK are using mobile communications networks and industry trends

2.34 In considering the subject Appeal, it is also important to evaluate this development within a context of how people in the UK are using mobile communications networks and industry trends, especially since those experienced during the peaks of the Covid-19 pandemic. We would therefore refer the reader to 'Online Nation 2024 Report' which has been produced by Ofcom and was published in November 2024, (see **Appendix 7.1**).

2.35 The report confirms the following:

- UK adults spend an average of 4 hours 20 minutes a day online
- 75% of the average time spent online per day by adults was via smart phones

2.36 Without the proposed radio base station that this Appeal site will bring, the operator's network users living, working and travelling in the local area, and those of the associated MVNOs, will not benefit from the most UpToDate, reliable mobile digital connectivity when using their smartphones for business, education and personal purposes.

3.0 Cell Area and Site Description

- 3.1 The reader will be aware from the preceding **Sections** that the proposed development has been devised by Cornerstone, on behalf of Vodafone Limited, to provide replacement and improved network coverage and capacity and to establish new 5G connectivity services to network users that live, work and travel in the Slattocks and Stakehill area of south Rochdale. The primary aim of a base station solution within any cell area is to help provide blanket coverage as part of a wider network plan. This applies in the case of the appeal proposal and subject cell area.
- 3.2 The area in which coverage is required includes the Slattocks settlement, the A664, the Stakehill Industrial Estate, the A627(M) Slattocks Link Road and the sections of A627(M) north and south of the Slattocks Interchange, the Caldervale Rail Line between Castleton (north) and Mills Hill (south), and the JPA2 Stakehill Allocation (north) area, (see **Fig. 10, Appendix 6.2**). One will note that this is a mixed landuse area at present and one that will be subject to significant redevelopment in the future. Please refer to the aerial image provided in **Fig. 3** above for further evidence of the landuse in the wider area.
- 3.3 As shown in **Fig. 8** below, the site sits at approximately 144m above sea level with the topography of the locale rising to approximately 163m in the east (i.e., close just west of the Slattocks Interchange) and 150m to the north, (i.e., within the Master Plan (north) area of the JPA2 Stakehill Allocation), and declining to 132m in the west, (i.e., along A664), and 130m within the central Stakehill Industrial Estate area.



Fig. 8: Topography Map

- 3.4 The site itself sits within the south eastern corner of an agricultural field that is bound by Thornham Lane to the north, Stakehill Lane to the east, Slattocks Link Road to the south and the Slattocks settlement to the west. The host field forms part of the Green Belt and is included as such in the JPA2 Stakehill Allocation Topic Paper – Appendix 1: Site Allocation Boundary, as per **Fig. 10**. To the east of Stakehill Lane, opposite the appeal site, lies further agricultural fields with a reservoir occupying the central area of the northern-most field. The northern embankment of Slattocks Link Road A627(M) is occupied by mature trees. The nearest residential properties are those located at 214-226 (even) Stakehill Lane, approximately 100m to the south east, beyond the A627(M).
- 3.5 The site is not subject to any restrictive planning policy designations and is well-removed from both natural and built heritage sensitivities. As per **Fig. 9** below, the nearest listed buildings are as follows:
- Grade II Listed Thornham Parish War Memorial (List Entry Number: 1452837), located approximately 225m N,NW of the appeal site

- Grade II Listed Church of St John (List Entry Number: 1390504), located approximately 230m N,NW of the appeal site

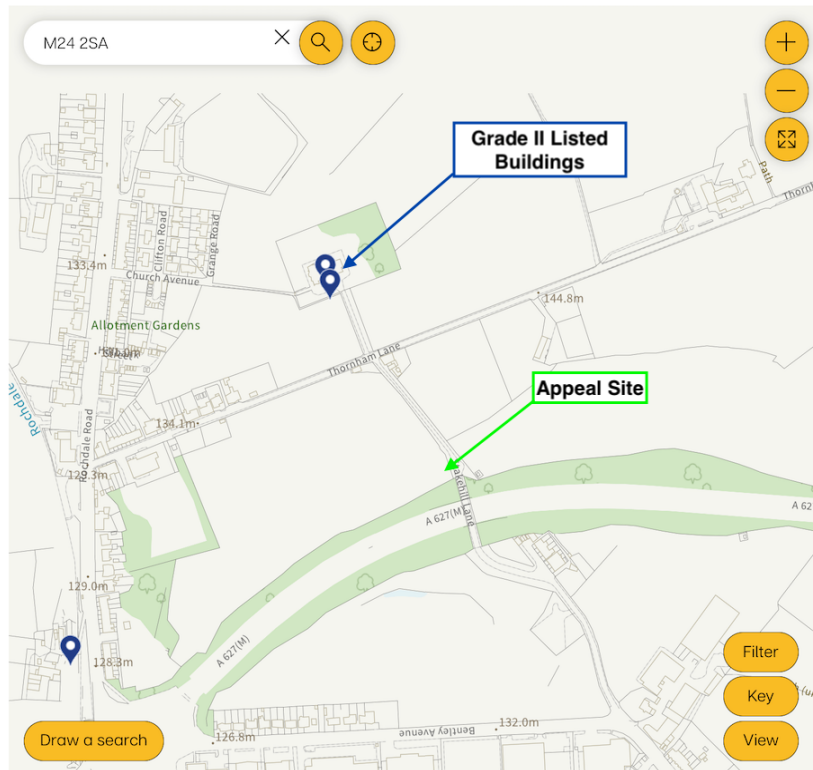
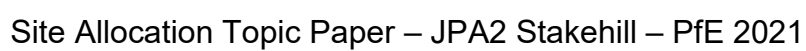


Fig. 9: English Heritage Map showing nearest Listed Buildings

3.6 Other features of note within the wider landscape include the pylon line that runs north-south to the west of Slattocks and sits between the A664 and the Caldervale Rail Line, (as per **Fig. 21** and as shown in Fig. 1 of the Heritage Statement provided in **Appendix 4.2**).

Fig. 10: JPA Stakehill Allocation

Appendix 1: Site allocation boundary



4.0 Background Information

Why is the development necessary?

- 4.1 Vodafone Limited require a significant number new and upgraded base station sites within the Rochdale area as part of their ongoing network improvement and rollout. As indicated in **Sections 1-3** above, network services for the operator are currently supplied by the infrastructure deployed at the shared Cornerstone base site at that lies approximately 300m south east of the Appeal Site. However, the Appellant and the operators are in receipt of a 'Notice to Quit' the site. If a replacement site cannot be deployed before the decommissioning of the existing site, then the area will effectively become a 'dead cell'. Cornerstone and Vodafone Limited are therefore seeking a replacement solution that will replicate existing coverage, improve network coverage and capacity, and establish new superfast 5G services to the benefit network users that live, work and travel in the Slattocks and Stakehill area, providing the quality of service required by the operator's Ofcom issued licence agreement.

Siting and Design Considerations

- 4.2 Following receipt of the 'Notice to Quit', Cornerstone and Vodafone Limited instructed a site search based upon specific parameters defined by the Network Planner within which a replacement solution must be deployed in order to replicate and improve existing network coverage, all whilst fitting seamlessly into the existing and planned network for the wider area. See **Fig. 11** below.

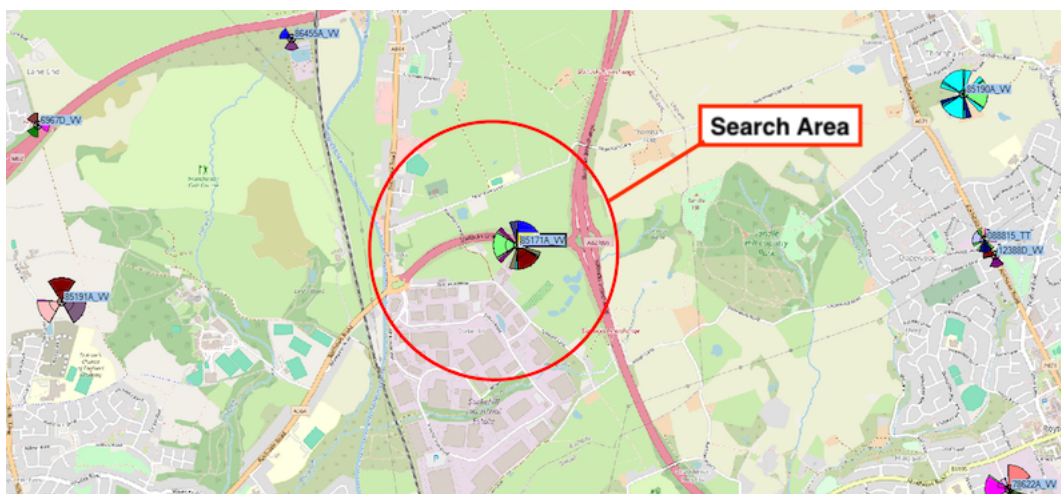


Fig. 11: Network Planner Issued Search Area

- 4.3 When seeking to identify any viable base station development, the Appellant and the operator always follow a sequential approach to site selection in line with national and local planning policy preferences. In doing so, the following factors are each considered in order:
- Is there any existing base station within the operator's network that, if redeveloped or upgraded, could address the operational requirement and, if so, would this option represent an appropriate balance between operational and planning considerations?
 - Is there any existing base station within another operator's network that, if redeveloped or upgraded, could address the operational requirement and, if so, would this option represent an appropriate balance between operational and planning considerations?
 - Are there any opportunities for the deployment of the operator's base station on a rooftop or at another structure and, if so, would this option represent an appropriate balance between operational and planning considerations?

- Is a new ground-based mast the only available option and, if so, would this option represent an appropriate balance between operational and planning considerations?

4.4 In seeking to identify a viable siting and design option capable of fulfilling the operational brief in question, the preceding process also must take account of the following factors:

- Development must take place at a location within the defined search area
- The base station must have access to a power source and the cost for connection must be within budget. Excessive grid connection costs can render certain base station developments financially unfeasible.
- Reasonable access for construction, maintenance and decommissioning purposes must be achievable.
- The development must facilitate the antennas being able to 'see' the area they are to serve, i.e., the antennas will need to protrude above surrounding clutter to ensure effective signal transmission and avoid infringement. On that basis, the support structure(s) on which they are located need to be structurally sound and of sufficient height.
- The base station design must be able to achieve compliance with ICNIRP Certification requirements, i.e., preventing members of the public being able to access the exclusion zones around the antennas.
- The base station development must be able to connect within the wider network via a fibre connection or a transmission dish link that can achieve direct line of sight with other base stations in the network.

4.5 The reader will appreciate that the Appellant has several options available for use in their design portfolio. As outlined in **Figs. 12-19** below, these range from building-based/other structure solutions, i.e., including stub masts, pole-mounted supports, wall-mounted supports and wall-mounted antennas, through to ground-based masts which include lattice, monopole and street furniture style masts. Operators also have the option of attaching their antennas to existing structures, which is usually done via brackets.

4.6 When considering the potential viability of a rooftop site or the use of another structure, the following factors must be taken into account:

- Height

It is imperative that the building or structure is of sufficient height, or can accommodate an antenna support of sufficient height, to allow the antennas 'see' the area they are to serve without being impeded by clutter.

- Type of building

Not all buildings or other structures will be viable for use and operators have a duty of care to ensure that their equipment is installed safely. For example, attaching apparatus to light weight, wooden rafters and joists is simply not an option, as these are just not strong enough to support the weight of modern communications apparatus. Mounting equipment upon walls or gable ends also requires sufficient bracing to account for wind loading and stability requirements, requiring bolts through the entire wall and fastened internally via a number of back plates. This would have legal implications and would be intrusive for the occupants, both during construction and maintenance with the backplates requiring to be checked at least once a year on routine maintenance visits. Also, telecommunications equipment cannot be supported on sloping roofs due to the simple laws of physics and the fact that such roof types offer nothing for the equipment to attach to. As such the equipment would slide off under its own weight taking any roof surface with it.

- Equipment weight and structural soundness

One must consider the structural integrity of the building or structure in question and take account of the weight of the proposed antennas and the associated wind loading requirements. Each modern antenna weighs approximately 50kg and would need to be supported by 3No. Remote Radio Units, each of which weighs approximately 30-35kg, i.e., 12No. antennas and 36No. RRUs for a shared rooftop site would weigh in the region of 1.6tonnes minimum excluding any support structures, steelwork or feeder cabling. On this basis the transmission equipment for a single operator site requiring 6No. antennas and 18No. RRUs would weigh in the region of 0.8 tonnes minimum.

One must also consider the support structure and steelwork required to accommodate the antennas at the required heights, be it a wall-mounted bracket, a wall-mounted support pole, a pole-mounted antenna scheme deployed upon steel grillage for stability or a stub mast. Please note that a 10m stub mast with headframe including the supporting steel grillage (excluding antennas, RRUs and feeder cables), weighs approximately 4.3tonnes. Without the headframe the weight would be circa 2tonnes (excluding antennas, RRUs and feeder cables).

Other weights that need to be accounted for include any cabinetry and the steel grillage upon which these elements must be set, the feeder cables that link the antennas to the cabinetry, and any handrailing required for health and safety purposes.

Undertaking structural alterations or modifications to buildings to make them capable of accommodating such weights is not an option for the Appellant. Therefore, if a building fails a structural survey, then the building is not suitable for use. In certain cases, it is obvious that the structural integrity of a building is an issue without the need for a detailed survey. In addition, standard 2-3storey buildings are not tall enough for multigenerational (inc. 5G) technologies to be accommodated at heights that will meet ICNIRP certification and avoid signal infringement, (5G being more prone to signal attenuation), by surrounding clutter, as the supporting structures would need to be taller than the host building itself, which would put undue stress on the building, especially when wind loading is taken into account. Lastly, from an aesthetical point of view, it is important that rooftop telecommunications development is proportional to the scale of the host building as deploying a support structure that far exceeds the height of the host building would look extremely out of place and prominent.

- General Health and Safety

The site in question must be capable of accommodating ancillary development required for health and safety of those that will be maintaining the site, i.e., the use of handrailing or latch systems.

- ICNIRP

To achieve ICNIRP compliance the operator must be certain that access to the antennas, be they on a rooftop or structure, is restricted to authorised personnel only. They must also consider if the available antenna locations will ensure ICNIRP compliance for neighbouring buildings, structures and accessible areas. Those maintaining neighbouring trees, structures and buildings must not be able to encroach upon the exclusion zones around the antennas.

- Signal Clipping

Clipping occurs when the expanse of a rooftop reflects the signal transmitted by the antennas. To avoid this, antennas either need to be positioned close to the edge of the rooftop or at a greater height in a central location. Please refer to **Fig. 12** which is 'Scenario 1' in the Code of Practice for Wireless Network Development in England - Annex C – Rooftop Developments, (see **Appendix 6.1**).

**Fig. 12: 'Scenario 1-3' Code of Practice for Wireless Network Development in England
Annex C – Rooftop Developments, (see Appendix 6.1).**

Scenario 1.

X

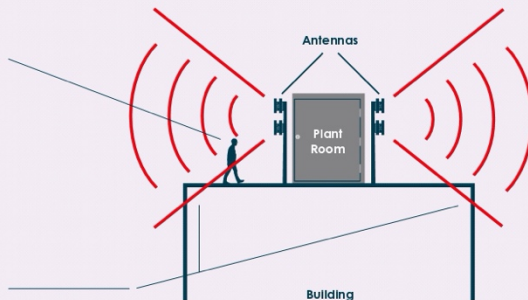
Antennas are of low elevation and set back from the rooftop edge.

The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has developed exposure limits adopted by the UK Government. All mobile network operator installations are designed to comply with the ICNIRP exposure limits as adopted in European Union directives and UK legislation.

This scenario might be considered the most visually sympathetic solution as antennas are both set back from the rooftop edge and are of lower elevation. **However, the below example is not an ICNIRP compliant design, and therefore would not be proposed.**

The person shown is within the exclusion zone – this is not ICNIRP compliant, as the antennas are too low.

With the antennas positioned here "clipping" occurs. This is when the radio frequency signal propagation from an antenna 'clips' the building edge and would result in exclusion zones over sections of the rooftop. This will impact radio performance and service provision to the point that the solution is not viable.



Each Scenario is indicative and a simplified version to demonstrate the technical constraints and solutions. Although 2D was used for simplicity, antennas must be carefully sited at locations on a building to provide 360 degree coverage, and must always be ICNIRP compliant.

Scenario 2.

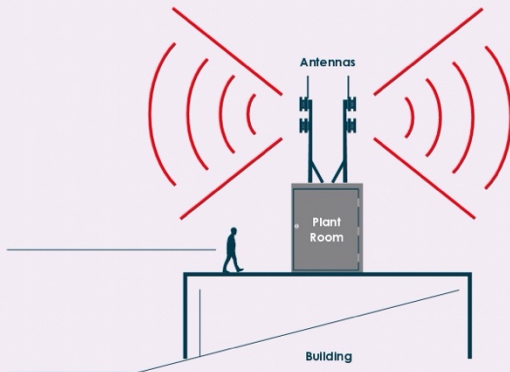


Antennas are set back from the rooftop edge and must be elevated.

This scenario is sometimes considered a more visually sympathetic solution, as the antennas are sited away from the rooftop edge. This solution means the antennas must be placed higher, which typically requires more robust support structures, and the essential additional height and bulk can be less desirable in some situations.

The person is accessing the rooftop and is not in the exclusion zone. As the antennas are of sufficient height, there is no RF 'clipping' and the rooftop remains accessible, which may be necessary for access to plant, maintenance or fire escape. The rooftop is safe to access and this ensures that the design remains ICNIRP compliant.

No rooftop edge clipping occurs – ICNIRP compliance is achieved, and there will be no impact upon radio performance or service provision – the design solution remains viable.



Scenario 3.

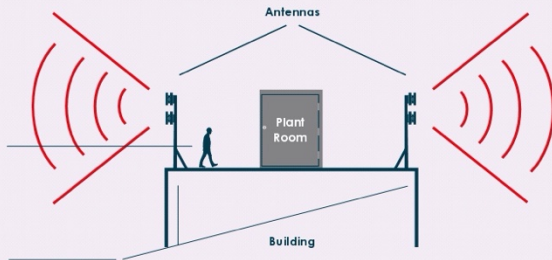


Antennas are near edge of rooftop, but less elevation may be required.

This scenario is sometimes considered a less visually sympathetic solution as the antennas are sited on the rooftop edge. However, with this solution there is a reduced necessity for additional antenna elevation, which typically means less structural bracing is needed. The reduced necessity for additional elevation and bracing can, in practice, be the most visually sympathetic solution in some situations, albeit closer to the rooftop edge. This is especially true on medium height to tall buildings, where the natural elevation of the building takes it away from the public realm and provides sufficient antenna elevation for viability.

The person is accessing the rooftop and is not in the exclusion zone. Antennas propagate outward – siting at the edge with outward orientation means that the rooftop remains accessible and there is no rooftop 'clipping'.

ICNIRP compliance is achieved and there will be no impact upon radio performance or service provision – the design solution remains viable.



4.7 When considering potential development options for new ground-based masts, there are several non-planning based general considerations that must be taken into account, namely:

- Underground utilities and services

The presence of underground services is commonplace, especially at roadside and adopted highway's locations. Underground services can limit the usable space, preventing necessary mast foundations from being achieved, rendering developments unviable. It is not possible to build on top of underground services. Whilst it may sometimes be possible to undertake diversions of existing services to facilitate development, subject to available route/space, one must appreciate that such works come at a cost and to do so can render the base station development financially unfeasible. Not all underground services can be diverted.

- Overhead utilities and services

The presence of overhead services can be problematic, not just for the construction of ground-based masts, but also for their operation, as operators must ensure that ICNIRP guidelines are adhered to and that those maintaining such infrastructure do not encroach upon the exclusion zones around the proposed antennas. Again, whilst it may sometimes be possible to undertake diversions of existing services to facilitate development, subject to available route/space, one must appreciate that such works come at a cost and to do so can render the base station development financially unfeasible. Not all overhead services can be diverted.

- Presence of trees

Developments must seek to minimise the risk of conflict with the root protection areas and overhanging canopies of mature trees to limit impact upon the health of the tree(s) in question. This matter becomes more sensitive when dealing with protected trees such as those in Conservation Areas or that are subject to Tree Preservation Orders. One must also appreciate that whilst trees can provide useful screening for ground-based masts, the antennas must be of sufficient height above the trees to provide effective coverage to the target coverage area and to ensure that signal transmission is not impeded.

4.8 When considering potential development options upon adopted highways land, or at roadside or pavement locations, there are several other general considerations that must be taken into account, namely:

- Existing street furniture

The presence of other street furniture elements, such as streetlights, telegraph poles, cabinetry, signage and other street furniture elements, can limit the usable space in / on adopted verges or footways and/or create an unacceptable level of clutter. The presence of such elements can often restrict new street furniture base station development to locations that may impact pedestrian flow or impede highways safety requirements, both of which must be avoided for the development to be viable. The presence of vertical street furniture elements like telegraph poles and streetlights can be problematic as operators must ensure that ICNIRP guidelines are adhered to and that those maintaining such infrastructure do not encroach upon the exclusion zones around the proposed antennas.

- Points of access/egress to private properties

Often in urban/suburban areas, public and private properties, (both residential and other), benefit from off-street parking. It is important that the development of street furniture base stations in roadside locations does not impede their safe access or prevent appropriate visibility splays from being achieved.

- Highways and pedestrian safety requirements

When nominating a site for street furniture base station development, it is imperative that the infrastructure does not infringe upon visibility splays and meets the requirements of the requirements of the Department for Transport's 'Inclusive Mobility' guidance document, for safe passage of pedestrians, including those using pushchairs and wheelchairs, (**Appendix 6.1**). It is also important that the speed limit of the road is taken into account as this can sometimes mean a requirement for the installation traffic barriers for road safety purposes.

- Design limitations of street furniture masts

The street furniture mast is the slimmest mast within the Cornerstone design portfolio and tends to be used in roadside locations and in more sensitive settings such as suburban or residential areas. Due to the weight of 5G antennas, the associated wind loading requirements and the need to ensure individual operator antenna separations to avoid interference with each other, Cornerstone no longer has a shared street furniture design solution that can supply a 5G compatible solution for 2No. operators, hence why previously shared street furniture solutions providing earlier generation technological services are being removed from Cornerstone's shared network.

Cornerstone's street furniture design options have a maximum height of 20m. If an operator has a technical requirement for the antennas of a ground-based mast to be located above this height, then a monopole with large open head frame or lattice structure would be necessary. Street furniture masts can only accommodate 3No. sector antennas at any one height and these must be set at 120° separations due to being positioned in a rigid, back-to-back formation. This prevents operators from being able to orientate or tilt antennas to direct their signal to the specific areas. Street furniture mast solutions are therefore much more limited in terms of operational potential when compared with the likes of a rooftop solution, or a monopole with an open headframe or lattice structure, all of which can provide bespoke antenna layouts.

Due to the multigenerational and modern nature of the technologies involved, the Appellant's design portfolio no longer includes a 'camouflaged' street furniture design option, (for example, as a timber effect 'telegraph pole' solution as was available in earlier generations of technology). This is because the 5G antennas are simply too big and heavy to be contained in a disguised solution. In addition, they cannot be enclosed within GRP shrouding due to the negative impact this has upon signal transmission. 5G signal is more prone to attenuation and therefore requires a higher position than earlier antenna generations to ensure the same degree of coverage is achieved.

In terms of the mast width, Cornerstone street furniture masts incorporate the minimum girth necessary to ensure the structural viability of supporting the transmission equipment and housing the associated feeder cables that connect these elements to the cabinetry. Please note that 4G and 5G antennas and their feeder cables are much bigger and heavier than their counterparts in earlier generations of base station development, as they carry more data. This larger equipment simply cannot be safely supported by or fit into a slimmer mast design.

Building-based design options

- 4.9 Following a sequential approach to site selection means that it is imperative that the use of existing buildings and structures is considered before any new ground-based mast solution is progressed. In doing to there are a number of design options available. Each of these is dealt with on an individual basis below.

Stub Masts

- 4.9.1 Due to the weights outlined above and the associated engineering and steelwork required involved, stub mast solutions tend only to be deployed on large buildings with significant structural capabilities, (e.g., multistorey residential tower blocks, car parks, hotels). These masts tend to be set upon a steel grillage base or concrete plinth which further increases the

structural demands upon the host building. Please see the design example below for further details as to what a stub mast looks like.

- 4.9.2 As outlined above, a 10m stub mast with headframe including the supporting steel grillage (excluding antennas, RRUs and feeder cables), weighs approximately 4.3tonnes. Without the headframe the weight would be circa 2tonnes (excluding antennas, RRUs and feeder cables).

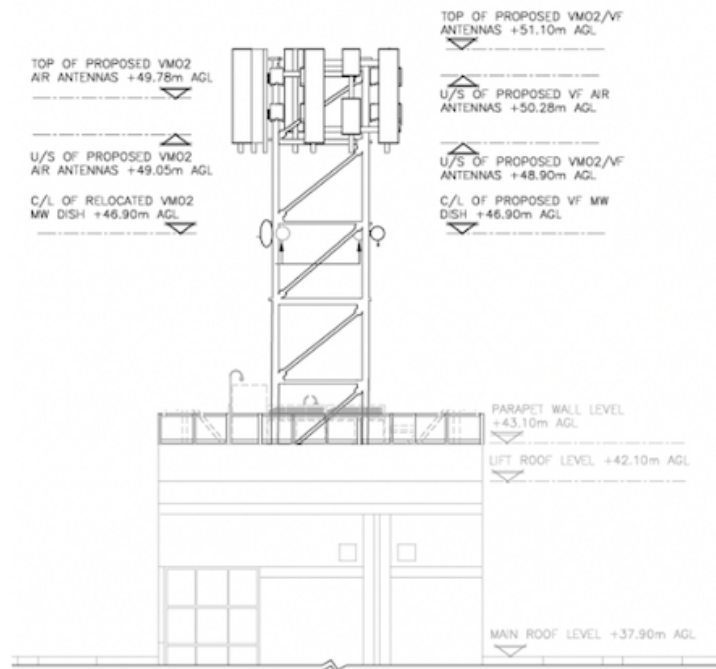


Fig. 13: Stub mast design example

Wall-mounted support poles

- 4.9.3 With regards to wall-mounted support poles tend to be deployed on the gable ends of commercial or industrial buildings in the region of 15-20m in height. On average, the poles and antennas will need to protrude 4-6m above the roofline to provide sufficient height for the antennas to reach the target coverage area and comply with ICNIRP requirements. However, the actual height requirement is dependent on the height of the host building, the technologies to be deployed and the presence of surrounding buildings and the way they are used, e.g. roof top terraces, balconies, windows etc. In addition, if support poles are not proportionate to the size of the host building, they will look out of place.
- 4.9.4 The host building would have to be of adequate height to secure these poles safely. This type of scheme requires sufficient bracing to account for wind loading, with brackets to be bolted at intervals down the side of the building, through the entire wall and fastened internally via a number of back plates to ensure stability. The support pole needs to be a minimum of equidistant in height above and below the building height to ensure sufficient fixtures can be achieved. The poles also have to protrude above the building and surrounding features to avoid signal clipping and ensure no person can access areas of the host building's roof that may encroach upon the exclusion zone around the antennas that are supported.
- 4.9.5 The internal back plate fixtures have legal implications and would be intrusive for the occupants, both during construction and maintenance with the backplates requiring checked at least once a year on routine maintenance visits. Backplates within residential properties is not viable as it would be too intrusive, both during construction and maintenance.

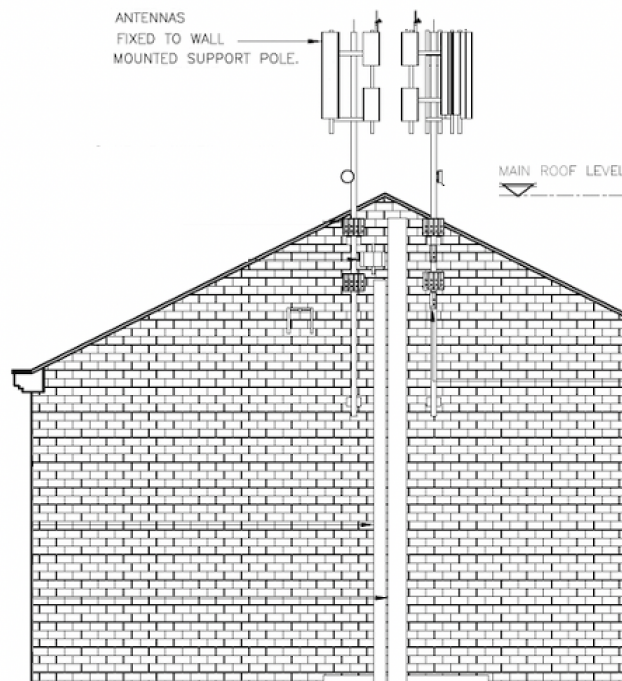


Fig. 14: Wall-mounted support poles design example

Wall Mounted antennas

- 4.9.6 Wall-mounting antennas, whereby antennas are fixed to brackets attached to the wall allowing them to sit out approximately 200mm from the building façade and be orientated to best address the operational need, tend only to be used on large buildings in the region of 20-25m in height and in setting where the neighbouring buildings are much lower in height. Antenna locations also need to avoid proximity to windows for ICNIRP reasons with easy access available for a cherry picker for construction and maintenance purposes. The bracketing upon which the antennas are fixed can either be direct to the wall, or they can incorporate a pole allowing for more acute antenna orientation, as per the design example below.

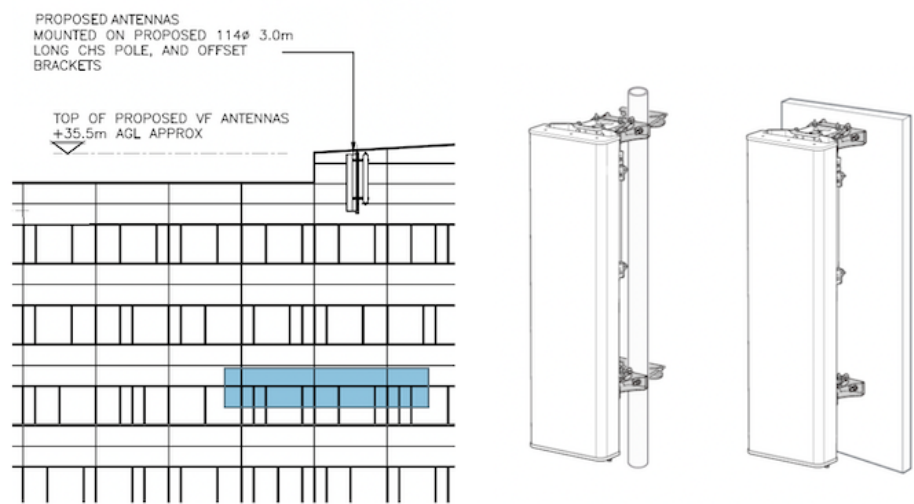


Fig. 15: Wall-mounted antennas design example

Pole-mounted antennas

- 4.9.7 Another design option is pole-mounting antennas, and these schemes tend to be deployed on medium scale, flat roofed, residential, commercial or industrial buildings. Using tripod style structures attached to newly deployed steel grillage, or the existing concrete or steelwork of the host building, the antennas will protrude 4-6m above the host building and are usually located on a central plantroom or close to the edge of the building to avoid signal clipping. The antennas also need to be positioned at a height and location that will ensure no person can access areas of the roof that may encroach upon the exclusion zone around the antennas that are supported.

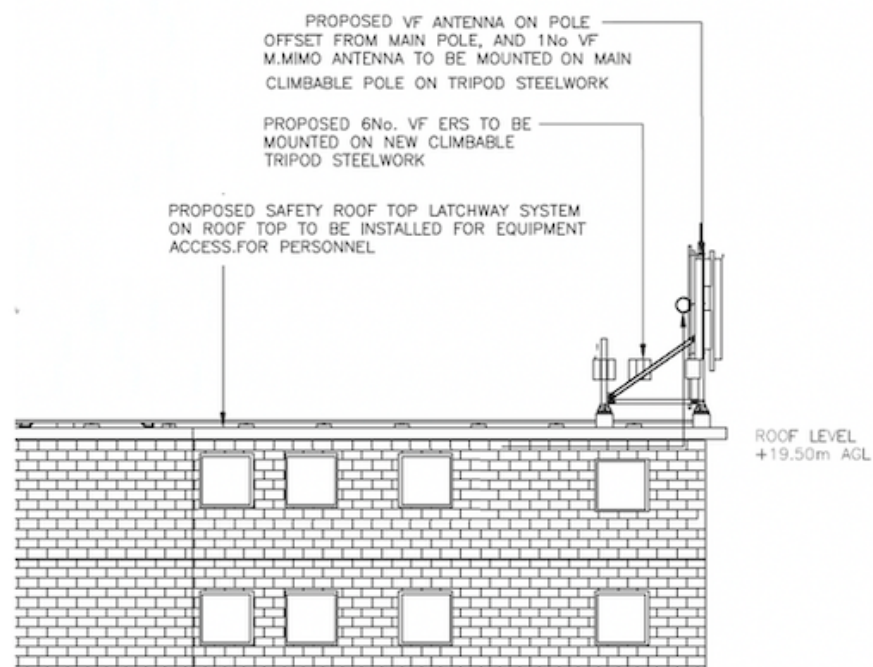


Fig. 16: Rooftop pole-mount design example

Ground-based design options

- 4.10 Once the use of existing base station sites, rooftop locations and the use of other structures has been evaluated, the Appellant and operator will then consider if a ground-based mast solution is viable. Again, there are a number of design options available. Each of these is dealt with on an individual basis below.

Monopole or lattice masts

- 4.10.1 Cornerstone has both single operator and shared, 5G compatible, multi-generational monopole and lattice style mast options within their ground-based mast, design portfolio and examples of these are provided below. These masts are significantly more substantial and structurally robust than street furniture masts, thus they have a wider girth and larger footprint. The headframes on these masts offer operators the ability to separate, orientate and/or tilt antennas to direct their signal to specific target areas, so their operational potential is much greater. Because these masts are climbable structures they need to be secured within a fenced compound, usually requiring a 10m x 10m area.

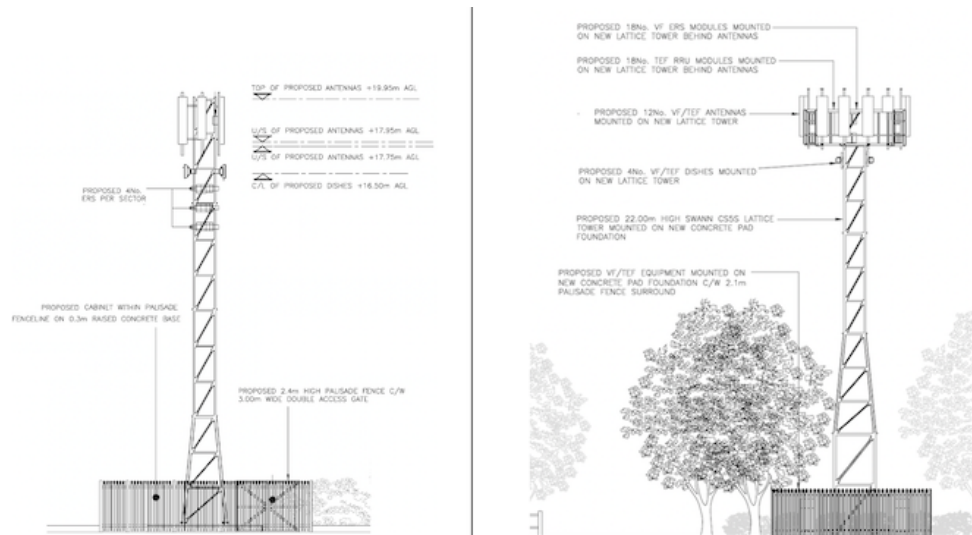


Fig. 17: Single operator and shared lattice mast design examples

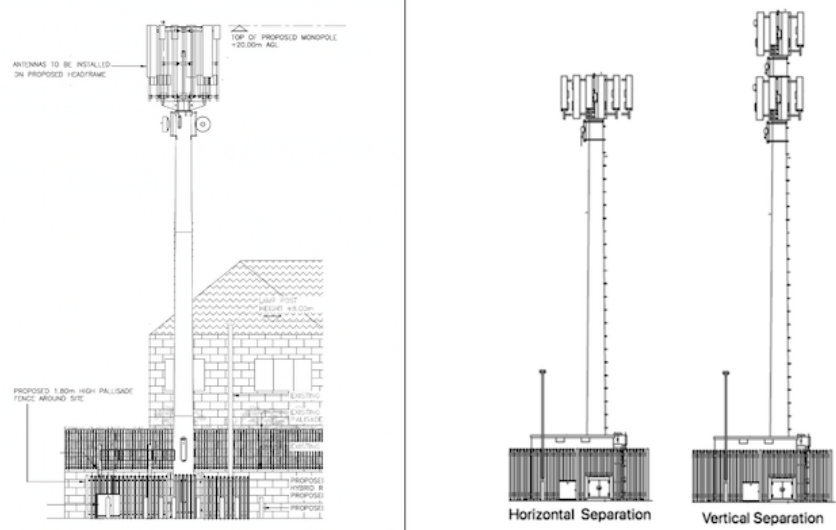


Fig. 18: Single operator and shared monopole mast design examples

- 4.10.2 Shared monopole masts need to incorporate either a single wide headframe or dual stacked headframe to ensure the necessary separation, (either horizontal or vertical), of each individual operator's transmission equipment. Shared lattice masts would incorporate a wide headframe to ensure the necessary horizontal separation of each individual operator's transmission equipment. Monopole and lattice solutions tend to be deployed in less sensitive urban/suburban areas, for example commercial/industrial estates or recreational grounds. Lattice structures tend also to be preferred to monopole solutions in more rural settings. Please note that monopole masts tend to have a maximum height of 25m, but lattice structures can provide much taller solutions.

Street furniture masts

- 4.10.3 Street furniture masts are the other available option. However, Cornerstone do not have a sharable street furniture mast solution that can provide 5G for 2No. operators. They only have 5G compatible, multi-generational street furniture style masts for individual operators, i.e., Vodafone Limited and for VMO2, within their design portfolio. These designs incorporate a dual-stacked antenna scheme whereby a 2No. sets of antennas would be located one below

the other with the 5G antennas occupying the top spot. A set of remote radio units (RRUs) that are integral to the function of the antennas, is installed just below the lower set of antennas. Street furniture masts are not a climbable structure and can therefore be deployed without the need for security fencing.

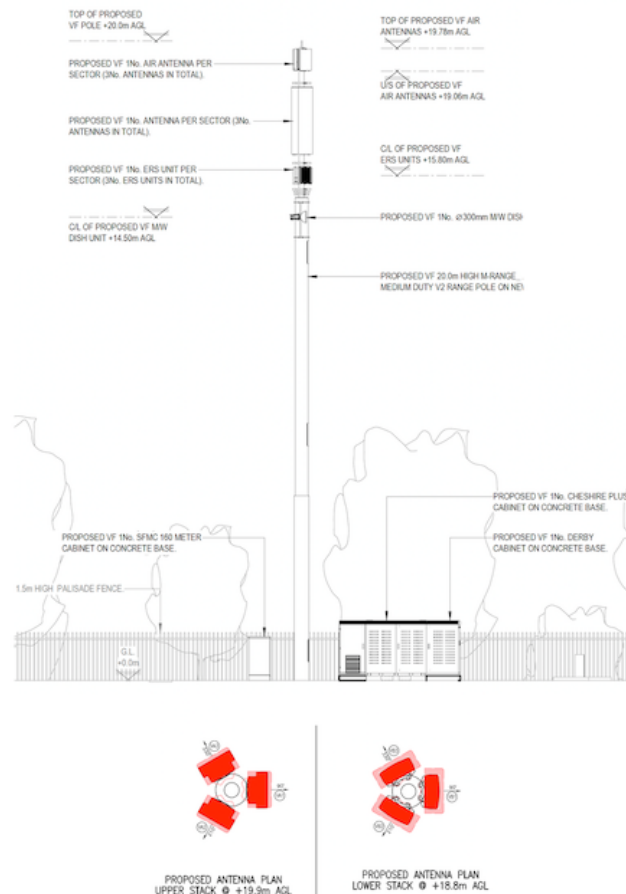


Fig. 19: Cornerstone's VMO2 5G compatible street furniture example

Search Area and Alternative Site Options

4.11AS touched upon above, the aim of a defined search area is to guide development so that it will fit into the existing and planned network for the wider area. However, this does not take account of topography, landuse, nor existing built or natural features within it, so one must appreciate that not every available site within the search area boundary will be viable from an operational perspective and equally there can be options around the search area peripheries that may be viable for use. Each cell area and associated search area must be considered on its own merit.

4.12In this case, Cornerstone and Vodafone Limited provided an initial search area with an instruction for a site finding exercise to commence in 2023. With full respect to national and local planning policy preferences, Cornerstone and their agent undertook a sequential approach to site selection as outlined above, involving a review of options for mast/site sharing; co-location alongside existing telecommunications development; installing equipment on existing buildings or tall structures; using small scale equipment; and finally, erecting a new ground-based mast. As will be further explained below, the site finding process confirmed that there were no other viable mast or site sharing opportunities present within the search area, nor were there any existing structures or buildings that offered a safe, operationally viable development potential with greater planning merit. Therefore, a new ground-based mast development was deemed necessary to facilitate the required essential replacement infrastructure. However, because of the specific locational requirement of the

technologies involved, the topography of the locale and the intended redevelopment of much of the search area, operationally viable site options that could be brought to fruition without unacceptable impact upon visual amenity were limited.

4.13 Details of the initial search area along with the site options that have been identified, considered and discounted in favour of the appeal site have been provided below in **Fig. 20**. This information is based upon a number of site searches that have taken place since the initial instruction, including a re-evaluation at appeal viability stage, and all of which have concluded that, on balance, the appeal site is considered to be the most viable option available that can be brought to fruition in a timely manner.

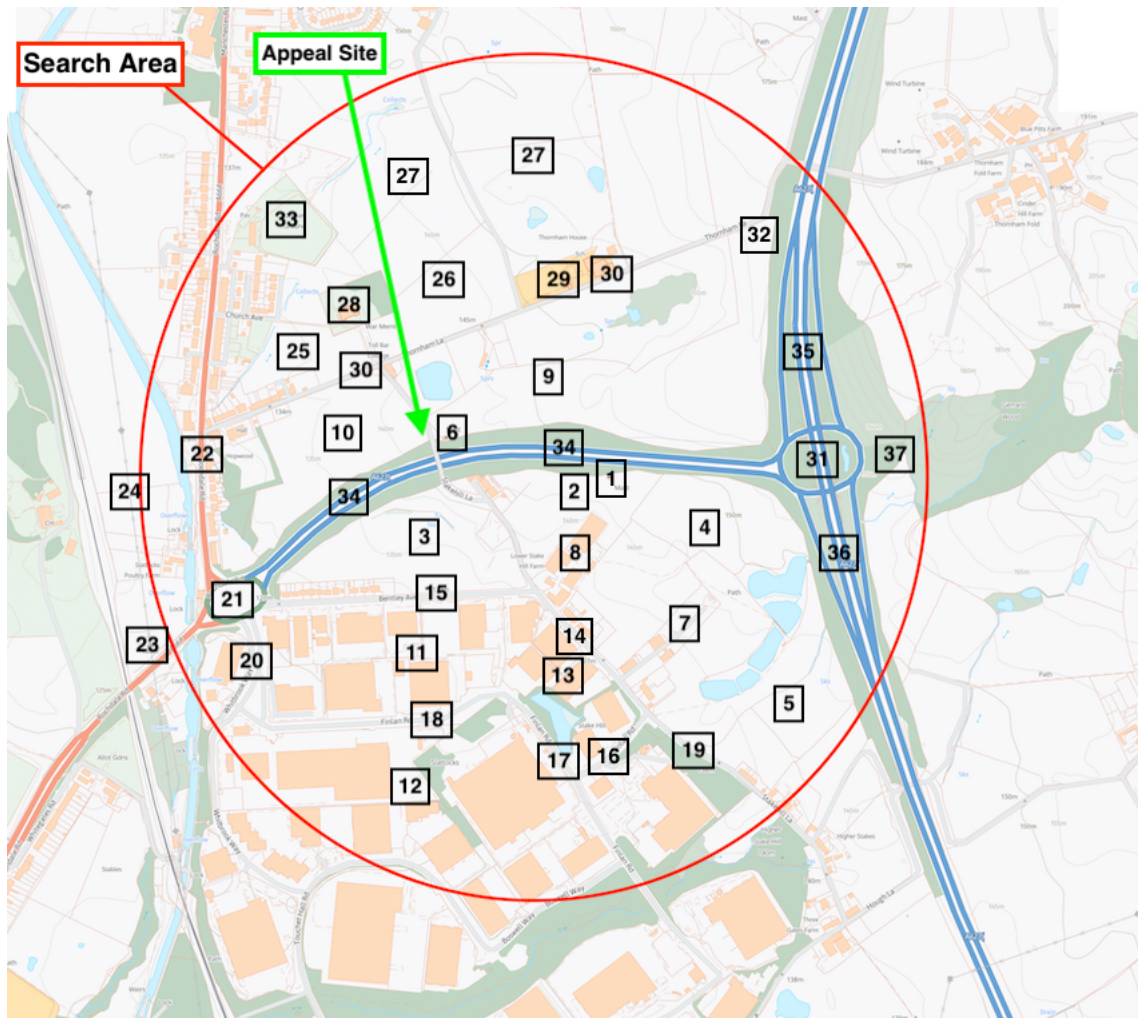


Fig. 20: Search Area and Discounted Site Information

Site	Name/Address	NGR	Reason for discounting
1	Existing Cornerstone base station site Stakehill Lane Middleton M24 2RZ	389150, 408572	This existing Cornerstone site, (Cell Ref: CS-12639823), provides VMO2, (host operator – Cell Ref: VMO2-092808), with 2G, 3G and 4G network services and Vodafone Limited, (sharing operator- Cell Ref: VF-085171), with 2G and 4G network services in the area. However, for reasons beyond the Appellant and operators' control, they have been served with a 'Notice to Quit' (NTQ) to allow for redevelopment plans to proceed as part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the site was included in the land that formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the

			development of B2/B8 land use and 350 residential dwellings (Appendix 5.3). The forecast date for decommissioning is July 2025; hence the need for a replacement to be found and brought into operation at the earliest opportunity to prevent a total loss of coverage in the area.
2	Other locations within the land that formed the basis of planning reference 24/00329/SCO, east of Stakehill Lane	Various	Similar to the existing Cornerstone site that is soon to be decommissioned, development in this locale has been discounted as unviable due to the redevelopment plans that form part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the land was included in the boundary that which formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3).
3	Other locations within the land that formed the basis of planning reference 24/00329/SCO, west of Stakehill Lane	Various	Similar to the existing Cornerstone site that is soon to be decommissioned, development in this locale has been discounted as unviable due to the redevelopment plans that form part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the land was included in the boundary that which formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3).
4	Other locations within the JPA.2 Southern Allocation, north of Stakehill Nurseries Limited	Various	Similar to the existing Cornerstone site that is soon to be decommissioned, development in this locale has been discounted as unviable due to the redevelopment plans that form part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the land was included in the boundary that which formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3).
5	Other locations within the JPA.2 Southern Allocation, south of Stakehill Nurseries Limited	Various	Similar to the existing Cornerstone site that is soon to be decommissioned, development in this locale has been discounted as unviable due to the redevelopment plans that form part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the land was included in the boundary that which formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3).
6	Historical Vodafone Limited Site, off east side of Stakehill Lane	388872, 408635	Vodafone Limited have previously operated a standalone base station at this site, as consented under planning reference 01/D38458, (see Appendix 5.1). However, this base station was removed to consolidate the Cornerstone infrastructure at the NTQ site. This site has been discounted for use due to being included in the boundary of planning reference 23/00650/HYBR, (see Appendix 5.4).
7	Stakehill Nurseries, off Stakehill Lane	Various	Similar to the existing Cornerstone site that is soon to be decommissioned, development in this locale has been discounted as unviable due to the redevelopment plans that form part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the land was included in the boundary that which formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in

			respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3).
8	Lower Stakehill Farm holdings	Various	Similar to the existing Cornerstone site that is soon to be decommissioned, the majority of this property has been included in the redevelopment plans that form part of the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). One will note that the land beyond the buildings closest to Stakehill Lane was included in the boundary that which formed the basis of planning reference 24/00329/SCO - Request for scoping opinion in respect of outline planning application for the development of B2/B8 land use and 350 residential dwellings (Appendix 5.3). The area that lies outside of the aforementioned boundary sits 8-10m lower than the NTQ site and 4m lower than the appeal site. Therefore, notwithstanding the limited available space or the planning implications of locating closer to residential properties, the network planner has discounted this option as it simply could not achieve effective coverage long the A627(M)/Slattocks Link road.
9	Other locations within Green Belt east of Stakehill Lane	Various	One will note that the topography of this land is more elevated than the appeal site, so development in this locale is likely to be more visible within the landscape than the appeal site. The land has also been included in the boundary of planning reference 23/00650/HYBR, (see Appendix 5.4), and was therefore deemed less viable for use. This option has therefore been discounted as less preferable than the appeal site.
10	Other locations within Green Belt west of Stakehill Lane	Various	The topography of this land declines in a westerly direction and therefore a larger mast structure would be necessary to compensate to achieve coverage to the east and south east. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape. This option has therefore been discounted as less preferable on planning and operational merit.
11	Stakehill Industrial Estate locations between Bentley Avenue and Finlan Road	Various	Whilst there is planning merit in utilising such site options, the majority of the industrial estate sits 8-10 lower than the appeal site and 16-18m lower than the existing NTQ site. The network planner has confirmed that this drop in height, when taken with intervening features, would prevent any development being able to provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area,

			which in turn would increase the cumulative impact of such infrastructure in the landscape. Therefore, notwithstanding any space limitations or impact upon the use of the premises in this locale, this option must be discounted on operational merit.
12	Stakehill Industrial Estate locations south of Finlan Road	Various	Whilst there is planning merit in utilising such site options, the majority of the industrial estate sits 8-10 lower than the appeal site and 16-18m lower than the existing NTQ site. The network planner has confirmed that this drop in height, when taken with intervening features, would prevent any development being able to provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape Therefore, notwithstanding any space limitations or impact upon the use of the premises in this locale, this option must be discounted on operational merit.
13	Stakehill Industrial Estate locations between Stakehill Lane and Finlan Road		Whilst there is planning merit in utilising such site options, the majority of the industrial estate sits 8-10 lower than the appeal site and 16-18m lower than the existing NTQ site. The network planner has confirmed that this drop in height, when taken with intervening features, would prevent any development being able to provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape Therefore, notwithstanding any space limitations or impact upon the use of the premises in this locale, this option must be discounted on operational merit.
14	Street furniture development options along Stakehill Lane, between Bentley Avenue and Finlan Road junctions	Various	One will note from the design considerations information supplied in this Statement that Cornerstone street furniture mast developments have a maximum height of 20m and are more operationally limited than a mast with an open headframe, due to the rigid back-to-back nature of their antennas. Whilst there is planning merit in pursuing site options that benefit from an industrial context, the land in this locale sits 8-10 lower than the appeal site and 16-18m lower than the existing NTQ site. The network planner has therefore confirmed that the drop in height, when taken

			with intervening features and more limited operational capabilities of this type of solution, would prevent any development being able to fulfil the operational brief. Development in this locale simply could not provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape. One will also note when visiting the area that the pavements in this locale have multiple manhole and inspection chamber covers present and bear the scars of multiple underground services being deployed. Therefore, notwithstanding any issues associated with conflict with underground services or highway/pedestrian safety, this option must be discounted as unviable on operational merit.
15	Street furniture development options along Bentley Avenue	Various	One will note from the design considerations information supplied in this Statement that Cornerstone street furniture mast developments have a maximum height of 20m and are more operationally limited than a mast with an open headframe, due to the rigid back-to-back nature of their antennas. Whilst there is planning merit in pursuing site options that benefit from an industrial context, as one travels west along the road the landuse becomes more sensitive with residential properties along the northern side, with a further drop in topography. The land at the mid-point and eastern end of the road sits 8-10 lower than the appeal site and 16-18m lower than the existing NTQ site. The network planner has therefore confirmed that the drop in height, when taken with intervening features and more limited operational capabilities of this type of solution, would prevent any development being able to fulfil the operational brief. Development in this locale simply could not provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape. One will also note when visiting the area that the pavements in this locale have multiple manhole and inspection chamber covers present and bear the scars of multiple underground services being deployed.

			Therefore, notwithstanding any issues associated with conflict with underground services, overhanging trees or highway/pedestrian safety, this option must be discounted as unviable on operational merit.
16	Street furniture development options along Finlan Road, west of Stakehill Lane	Various	One will note from the design considerations information supplied in this Statement that Cornerstone street furniture mast developments have a maximum height of 20m and are more operationally limited than a mast with an open headframe, due to the rigid back-to-back nature of their antennas. Whilst there is planning merit in pursuing site options that benefit from an industrial context, the land in this locale sits 6-8 lower than the appeal site and 14-16m lower than the existing NTQ site. The network planner has therefore confirmed that the drop in height, when taken with intervening features and more limited operational capabilities of this type of solution, would prevent any development being able to fulfil the operational brief. Development in this locale simply could not provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape. One will also note when visiting the area that the pavements in this locale have multiple manhole and inspection chamber covers present and bear the scars of multiple underground services being deployed. Therefore, notwithstanding any issues associated with conflict with underground services, overhanging trees or highway/pedestrian safety, this option must be discounted as unviable on operational merit.
17	Street furniture development options along Finlan Road, north-south	Various	One will note from the design considerations information supplied in this Statement that Cornerstone street furniture mast developments have a maximum height of 20m and are more operationally limited than a mast with an open headframe, due to the rigid back-to-back nature of their antennas. Whilst there is planning merit in pursuing site options that benefit from an industrial context, the land in this locale sits 6 lower than the appeal site and 14m lower than the existing NTQ site. The network planner has therefore confirmed that the drop in height, when taken with intervening features and more limited operational capabilities of this type of solution, would prevent any development being able to fulfil the operational brief. Development in this locale simply could not provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in

			the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape. One will also note when visiting the area that the pavements in this locale have multiple manhole and inspection chamber covers present and bear the scars of multiple underground services being deployed. Therefore, notwithstanding any issues associated with conflict with underground services, overhanging trees or highway/pedestrian safety, this option must be discounted as unviable on operational merit.
18	Street furniture development options along Finlan Road, east-west	Various	One will note from the design considerations information supplied in this Statement that Cornerstone street furniture mast developments have a maximum height of 20m and are more operationally limited than a mast with an open headframe, due to the rigid back-to-back nature of their antennas. Whilst there is planning merit in pursuing site options that benefit from an industrial context, the land in this locale sits 6-8 lower than the appeal site and 14-16m lower than the existing NTQ site and this declines further as one travels westerly. The network planner has therefore confirmed that the drop in height, when taken with intervening features and more limited operational capabilities of this type of solution, would prevent any development being able to fulfil the operational brief. Development in this locale simply could not provide effective services to the A627(M)/Slattocks Link road, the land to the north of the A627 (i.e., that which forms the basis of planning reference 23/00650/HYBR, (see Appendix 5.4)), or the area east of Stakehill Lane. If a base station solution were to be deployed in this locale, it would need to be supplemented by an additional base station development in the northern and possibly eastern sections of the target coverage area, which in turn would increase the cumulative impact of such infrastructure in the landscape. One will also note when visiting the area that the pavements in this locale have multiple manhole and inspection chamber covers present and bear the scars of multiple underground services being deployed. Therefore, notwithstanding any issues associated with conflict with underground services, overhanging trees or highway/pedestrian safety, this option must be discounted as unviable on operational merit.
19	Street furniture development options along Stakehill Lane, south of Finlan Road	Various	There are no verges or footways south in this locale and so the deployment of a street furniture style base station is out of the question.
20	Street furniture development options along Whitbrook way	Various	The topography of this locale sits some 16m and 24m lower than the appeal site and to the NTQ respectively. This when taken with the peripheral position within the search area would mean that development in this locale simply could not fulfil the operational brief. Therefore, notwithstanding the operational limitations of a street furniture development, any conflict with underground services or planning considerations, this option must be discounted as unviable.

21	Development at Slattocks Roundabout	Various	The topography of this locale sits some 12m and 20m lower than the appeal site and to the NTQ respectively. This when taken with the peripheral position within the search area would mean that development in this locale simply could not fulfil the operational brief. Therefore, notwithstanding the operational limitations of a street furniture development, any conflict with underground services or planning considerations, this option must be discounted as unviable.
22	Street furniture development along A664 / Rochdale Road	Various	The topography of this locale sits some 10-12m and 18-20m lower than the appeal site and the NTQ respectively. This when taken with the peripheral position within the search area would mean that development in this locale simply could not fulfil the operational brief. Therefore, notwithstanding the operational limitations of a street furniture development, any conflict with underground services or planning considerations, this option must be discounted as unviable.
23	Base station at pylon structure north of Rochdale Road	388392, 408324	Although another licenced operator has deployed apparatus on this structure, the pylon line sits west of the search area boundary and must be discounted as unviable from an operational perspective. Please also note that the size and weight of the latest 4G and new 5G apparatus and the more stringent ICNIRP certification requirements for 5G also means that deploying equipment on such structures is no longer viable.
24	Other structure north of Rochdale Road, west of Slattocks	Various	The topography of this locale sits some 10-12m and 18-20m lower than the appeal site and the NTQ respectively. This, when taken with the peripheral position within the search area, would mean that development in this locale simply could not fulfil the operational brief. Therefore, this option must be discounted as unviable
25	Development west of St John's Church within the JPA.2 Northern Allocation	Various	This option has been discounted on planning merit as it lies within the redlined planning unit for planning reference 23/00650/HYBR and sits adjacent to the Grade II Listed Buildings at St John's Church. Development here was considered to have a much greater impact upon built heritage and could limit the implementation of the redevelopment plans for the area as per the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). From an operational perspective, the peripheral position of this land has also resulted in the network planner discounting the option as it simply could not provide the A627(M)/Slattocks Link road with an effective coverage solution. On this basis the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
26	Development east of St John's Church within the JPA.2 Northern Allocation	Various	This option has been discounted on planning merit as it lies within the redlined planning unit for planning reference 23/00650/HYBR. Development in this locale could limit the implementation of the redevelopment plans for the area as per the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2).

			From an operational perspective, the peripheral position of this land has also resulted in the network planner discounting the option as it simply could not provide the A627(M)/Slattocks Link road with an effective coverage solution. On this basis the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
27	Other locations within the JPA.2 Northern Allocation		This option has been discounted on planning merit as it lies within the redlined planning unit for planning reference 23/00650/HYBR. Development in this locale could limit the implementation of the redevelopment plans for the area as per the JPA2 Stakehill Allocation Topic Paper, (see Appendix 6.2). From an operational perspective, the peripheral position of this land has also resulted in the network planner discounting the option as it simply could not provide the A627(M)/Slattocks Link road with an effective coverage solution. On this basis the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
28	St Johns Church, Thornham Lane	388721, 408847	As the most prominent and tallest building in the wider area, the use of this Grade II Listed Building was considered at survey stage. However, it has been discounted on both planning and operational merit. Given that 5G antennas are more prone to signal attenuation, internal location or screening behind GRP has a detrimental impact upon their operation. Whilst historically operators often sought to deploy internal antenna schemes in church bell tower and swap their louvres out for GRP replacements, this is no longer viable for the majority of 5G base stations, and this option has been discounted by the Network Planner on these grounds. The only reasonably viable operational solution for this site option would be to deploy antennas at an external location. Due to the height of the bell tower and its architecture, face mounting antennas would not be operationally feasible as the antennas would sit at too low a height to be capable of fulfilling the operational brief. Whilst pole-mounting antennas to the very top of the bell tower may hold some operational merit in principle, the peripheral position and limited antenna height would still mean that such a solution would not be capable of getting signal along the A627(M). An additional base station in a closer position would be required to do so, increasing the cumulative impact of infrastructure in the landscape. In terms of planning considerations, locating antennas on the top of this building would undoubtedly have a detrimental impact upon its aesthetic and would not be acceptable from a built heritage perspective.

			Deploying a new ground-based mast in the church grounds would have similar planning and operational issues. As a result of the above, this option has been discounted as less viable on planning and operational merit.
29	St John's CE Thornham Primary School	389122, 408917	The buildings on-site are single storey and are simply too small to accommodate an operationally viable rooftop development. One will also note when visiting the area that space in this educational establishment is at a premium and any new ground-based development would have a direct impact upon the host property's function. From an operational perspective, the peripheral position of this site has also resulted in the network planner discounting this option as it simply could not provide the A627(M)/Slattocks Link road with an effective coverage solution. On this basis the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
30	Street furniture development along Thornham Lane	Various	There are no verges or footways south in this locale and so the deployment of a street furniture style base station is out of the question.
31	Slattocks Interchange	Various	The network planner has discounted this option due to the peripheral location and the fact that it simply could not provide an effective service to the western section of the target coverage area. An additional base station would therefore have to be deployed to do so, increasing the cumulative impact of infrastructure in the landscape and this would in turn have planning implications. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
32	Land on between Thornham Lane and A627	389413, 408929	The network planner has discounted this option due to the peripheral location in the north east of the search area and the fact that it simply could not provide an effective service to the western section of the target coverage area and the A627(M)/Slattocks Link road. On this basis the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape which in turn would have planning implications. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
33	Thornham Cricket Ground	Various	The network planner has discounted this option due to the peripheral location in the north west of the search area and the fact that it simply could not provide an effective service to the eastern sections of the target coverage area and the A627(M)/Slattocks Link road.

			On this basis the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape which in turn would have planning implications. The use of the appeal proposal was therefore deemed to strike a more appropriate balance between planning and operational considerations.
34	Development along A627(M) / Slattocks Link highways land	Various	Development along the roadside of an 'A' road has health and safety implications for construction, access and maintenance and would likely require lane closure during construction periods. In addition, the land on either side of the road is banked steeply and therefore any development would also require regrading via significant groundworks. One must appreciate that there would be significant financial implications for doing so and this would push the project to an unacceptable budget. This option must therefore be discounted from as it would not be reasonably deliverable.
35	Development along A627(M) highways land, north of Slattocks Interchange	Various	Development along the roadside of an 'A' / 'M' road has health and safety implications for construction, access and maintenance and would likely require lane closure during construction periods. In addition, the land on either side of the road is banked and therefore any development would also require regrading via significant groundworks. One must appreciate that there would be financial implications for doing so and this could push the project to an unacceptable budget. Further to the above, the network planner has discounted this option due to the peripheral location in the east of the search area and the fact that it simply could not provide an effective service to the western section of the target coverage area and the A627(M)/Slattocks Link road. Therefore, the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape which in turn would have planning implications. The use of the appeal proposal was deemed to strike a more appropriate balance between planning and operational considerations.
36	Development along A627(M) highways land, south of Slattocks Interchange	Various	Development along the roadside of an 'A' / 'M' road has health and safety implications for construction, access and maintenance and would likely require lane closure during construction periods. In addition, the land on either side of the road is banked and therefore any development would also require regrading via significant groundworks. One must appreciate that there would be financial implications for doing so and this could push the project to an unacceptable budget. Further to the above, the network planner has discounted this option due to the peripheral location in the east of the search area and the fact

			that it simply could not provide an effective service to the western section of the target coverage area and the A627(M)/Slattocks Link road. Therefore, the operational brief could not be fulfilled without the deployment of an additional base station, increasing the cumulative impact of infrastructure in the landscape which in turn would have planning implications. The use of the appeal proposal was deemed to strike a more appropriate balance between planning and operational considerations.
37	Land east of A627(M)	Various	The network planner has discounted this option outright as it simply not be capable of fulfilling the operational brief or fitting into the existing and planned network for the wider area.

4.14 Following the selection of the appeal site as the best available development option, a detailed site survey was undertaken to devise a design solution, mast height and site layout that would best fit the site's context and strike the best possible balance between all operational and planning considerations. In order to determine the mast height required for the antennas to transmit efficiently without infringement by topography and surrounding clutter, i.e., mature trees and buildings, and without breaching ICNIRP requirements, a panoramic photograph assessment was undertaken. This confirmed that a top of 5G antenna height of 25m would be necessary to best allow antennas to 'see' the area they are to serve and to transmit effectively.

4.15 As per the siting and design considerations information outlined above, ground-based mast options for achieving a 25m antenna height are limited to monopoles and lattice style structures, as per **Figs. 17** and **18** above. Given that a monopole mast is a solid structure, that style of mast was avoided as it was considered more likely to have a greater degree of impact. A lattice style design was considered more transparent against the landscape and skyline and was also considered to reflect the general aesthetical principles of the pylon lines already established in the wider landscape.

4.16 A base station proposal incorporating a 25m mast, headframe, antennas, dishes, cabinetry and all ancillary development in this location was taken to formal pre-application stage in May 2024. With no feedback from the LPA having been received, an application was then submitted stage on 26 July 2024 and was registered by the Council under planning reference 24/00733/TELE, as per the registration letter dated 02 August 2024, (see **Appendix 2** and **3.1**). Correspondence with the Council was then undertaken between 13 August 2024 and 02 October 2024. In doing so, an error in the description of the development was identified and corrected, an extension of time for determination was agreed, a Conservation Officer request for the submission of a Heritage Statement was received and met, and in which further Conservation Officer comments were received and subsequently responded to, (see **Appendix 3.2**).

4.17 The application was subsequently refused prior approval on 02 October 2024, (see **Appendix 1.1**).

4.18 The Appellant has since downloaded a copy of the Delegated Report via the LPA Public Access system, (see **Appendix 1.2**).

5.0 Planning Policy and Other Material Planning Considerations

Overview

- 5.1 When considering the appropriateness of telecommunications development proposals, it is imperative that Decision Makers give precedence to telecommunications specific policy where it exists. If it does not exist at a local level, or if the policy is out of date, then the NPPF must prevail. One must also appreciate that it is extremely unreasonable to expect niche infrastructural development, such as that proposed in this appeal, to strictly adhere to more general policy criteria.
- 5.2 The Appellant would reiterate that permitted development rights allow the MNOs to deploy communication apparatus, such as the development proposed as part of this Appeal, within certain size restrictions and subject to the prior approval of the Council, i.e., there is a 30m high mast threshold for development under the changes to the prior approval process that were brought in in 2022. One will note that the appeal proposal incorporates a mast height of 25m, i.e., >16% below the overall threshold.
- 5.3 This prior approval relates to only the siting and appearance, nothing else can be taken into account. A prior approval is not like a planning application and The Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government have published updated guidance on the matter in July 2023, entitled 'When is permission required?', (**Appendix 6.1**).
- 5.4 Under the sub-heading 'Is a prior approval application like a planning application?', the guidance states:

"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. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to 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."

Paragraph: 028 Reference ID: 13-028-20140306

- 5.5 The following information outlines the various planning guidance and policy that has been considered relevant to the subject application.

National Planning Policy and Guidance (Appendix 6.1)

- **National Planning Policy Framework (NPPF) December 2024**

- 5.6 The application was determined prior to the 2024 publication of the NPPF. However, the latter is now relevant and the principles of the Framework remain unchanged.
- 5.7 The current NPPF recognises the role that modern communications systems must play in achieving sustainable economic growth and provides a set of national planning objectives which are designed to support growth, protect the environment and ensure decisions are made at a local level. It encourages a more positive approach to how LPAs view development proposals with an emphasis on the important benefits modern communications bring, for example helping to achieve sustainable economic growth and the need for access to high quality mobile services in all areas, both urban such as the appeal site, and rural.
- 5.8 Section 10 of the NPPF is entitled "Supporting High Quality Communications" and reiterates in paragraph 119 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)

5.9 Paragraph 120 advocates that:

- Site/mast sharing be encouraged; and
- New sites should be carefully designed using camouflage techniques where necessary and possible

5.10 Paragraph 121 then goes on to highlight that LPAs:

- Should not impose unnecessary restrictions on telecommunications development
- Should reassure themselves that no impact upon other electrical equipment or instrumentation will occur
- Should consider the possibility of the construction of new buildings or other structures interfering with broadcast or other electronic communications

5.11 Paragraph 122 requires that applications be supported by appropriate justification including consultation with educational establishments or safeguarding bodies and via the provision of an ICNIRP certificate. Most importantly 122 'c' states:

"c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure..."

5.12 Paragraph 123 also places an emphasis on the fact that LPAs must determine applications for communications infrastructure on planning grounds alone.

5.13 Other relevant Sections from the NPPF are outlined below:

- Section 2's 'Achieving Sustainable Development', promotes sustainable development via the support for economic, social and environmental objectives
 - Section 4's 'Decision Making', confirms the need for LPAs to approach decisions on proposed developments in a positive and proactive way, seeking to approve applications for sustainable development where possible.
 - Section 6's 'Building a strong, competitive economy', outlines the need to support economic growth highlighting the need to appreciate specific locational requirements; a matter that is which is very relevant to communications development which is based upon very specific geographical necessities. With modern technologies, coverage requirements must be addressed from within or extremely close to the target area.
 - Section 16's 'Conserving and enhancing the historic environment' confirms the need to consider the potential impact of development upon historic assets, advocating that any proposal that does result in harm to a designated heritage asset must have clear and convincing justification. Importantly it also confirms where a development proposal leads to less than substantial harm, then this harm must be weighed up against the public benefits of the proposal.
- **Code of Practice for Wireless Network Development in England, March 2022**

5.14 This document, known as 'the Code', provides guidance to Code Operators (referred to as 'operators' throughout the Code of Practice), including the Mobile Network Operators and wireless infrastructure providers, their agents and contractors, local planning authorities, and all other relevant stakeholders in England on how to carry out their roles and responsibilities when acquiring the land for and installing wireless network infrastructure. It is also a useful tool for other interested stakeholders such as community groups, amenity bodies and individuals with an interest in mobile connectivity.

5.15 The current Code of Practice builds upon the aims of that which it replaced, i.e., the Code of Best Practice 2016, to support the government's objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

5.16 It is also important to note that, although led by the Department for Digital, Culture, Media and Sport (DCMS), this Code of Practice has been developed in collaboration with representatives of the mobile network industry, other government departments and public bodies, local planning authorities, and protected landscapes.

5.17 The document outlines the Legal and Policy frameworks within which the document has been produced and reiterates the following:

"Digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital connectivity can deliver economic, social and well-being benefits for the whole of the UK.

As the demand for mobile data in the United Kingdom is increasing rapidly, it is important that everyone has access to dependable and consistent mobile coverage where they live, work and travel."

Paragraphs 8 and 9

5.18 It is also important to note the Code states that:

"Section 10 of the NPPF sets out the planning policies for communications development in England, and states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The NPPF also sets out that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technologies (such as 5G). Other sections of the NPPF set out how these policies should be balanced with other considerations, including conserving and enhancing the natural environment and historic environment."

Paragraph 15

5.19 With regards to how wireless networks function, and with specific reference to 5G, the Code states that:

"Wireless technology continues to evolve rapidly, and mobile devices are now capable of much more. Second generation (2G) technology gave us voice calls and text messages, 3G led to the launch of smartphones, and 4G, which enabled faster browsing, allowed us to do things like watching videos on the move. 5G, the latest generation of wireless technology, is much faster than previous generations of wireless technology and can offer greater capacity and lower latency, allowing thousands of devices in a small area to be connected at the same time. 5G networks, and future mobile generations, will be vital for a range of Internet of Things uses (IoT) and Smart City applications.

Paragraph 17

5.20 The Code also outlines its 'Principles and Commitment' as follows:

"Operators should develop their networks and install wireless infrastructure according to the following principles and commitments:

- *Site sharing and use of existing infrastructure: make use of existing structures, sites and masts wherever possible to reduce the need for new development. The NPPF states that, when installing mobile infrastructure, the number of masts and sites should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.*
- *Consultation with local planning authorities, local communities and other stakeholders: participate in dialogue with local planning authorities, along with other relevant stakeholders such as the highways authorities, Area of Outstanding Natural Beauty bodies, Historic England, and Natural England, including pre-application discussions, where appropriate. Maintain clear*

procedures, and high-quality communication and consultation with local communities and other interested parties. Operators should agree community engagement with local planning authorities and share information as appropriate (see pre-application consultation with local communities below).

- *Standardised and high-quality approach to planning applications, and the notification procedure: provide standardised supporting documentation for planning applications (where appropriate) within the context of national and local requirements. Ensure planning submissions are of high-quality and provide the necessary evidence to support the application (as per the NPPF).*
- *Prompt responses to enquiries: respond to complaints and enquiries within a timely manner (see Review and Enquiries section below).*
- *Siting and Design: wireless infrastructure should be deployed in accordance with the guidance set out within this Code of Practice. Where appropriate, equipment should comply with the principles set out in the NPPF and consider any local planning policies, including any local and national design codes. When located in protected landscapes and other designated land, the sensitive nature of these areas must be considered.*
- *Removal of redundant equipment and site restoration: ensure that when infrastructure is upgraded, any equipment that is made redundant by the upgrade, such as brackets, is removed to benefit the local environment. Where a whole site is no longer in use, the site should be restored to its original state.*
- *Compliance with guidance laid out in the International Commission on Non Ionizing Radiation Protection (ICNIRP) public exposure levels guidance: as required by spectrum licences, comply with international guidelines for limiting exposure to electromagnetic fields (EMF) – including, as set out in the NPPF, providing a statement that self-certifies that ICNIRP guidelines will be met with all applications (see Annex C)."*

Paragraph 18

5.21 Equally importantly, the current Code outlines the role of the Local Planning Authority stating:

"Local planning authorities should support the deployment of digital infrastructure by:

- *Incentivising connectivity: support the expansion of telecommunications networks, and take a 'joined-up' approach to the wireless infrastructure planning process, including ensuring that Local Plans effectively support the deployment of digital infrastructure.*
- *Facilitating sites: engage with operators when new sites have been proposed and discuss site requirements.*
- *Engagement with operators: respond positively to requests for engagement and make decisions in line with national policy and Local Plans. For planning applications, find solutions to issues and ensure timely decisions are made.*

Information and communication: ensure that members of the public can access information about any development proposals within their local area. Send communications promptly to an appropriate operator contact (or their representatives)."

Paragraph 19

5.22 On the matter of 'Site Selection', the Code states:

"Operators use a range of sophisticated, computer-based planning tools to predict levels of signal strength and coverage from sites for 2G, 3G, 4G and now 5G. Once an operator has identified a requirement for a new cell site, a suitable site needs to be found. Elements that make a site favourable include: having existing or ready access to a power supply, access to fibre optic cables, vehicular access, and, other buildings and development which may provide a level of existing screening. Operators will typically look to upgrade existing infrastructure prior to considering a new deployment, in particular for initial 5G deployment.

When selecting sites for mobile infrastructure, operators should examine local plans and designations for the area, as well as carrying out an in-person site search to identify potential options which meet their requirements. Operators should follow these general siting and site selection principles:

- *Installation on existing buildings/structures: where possible, operators should look to use existing buildings/structures for hosting wireless infrastructure, to reduce the environmental impact of installation. Where the erection of a new ground-based mast is required, operators should seek measures to reduce the impact of the development, where possible. For example, measures such as siting near similar structures, screening, and using simple designs and appropriate colouring can help reduce the impact of the new infrastructure in certain locations.*
- *Sharing sites/masts: sharing sites should always be considered as this reduces the total number of sites/masts required for the network and also minimises the visual intrusion caused by wireless infrastructure. This may involve redeveloping an existing site, including installing a replacement mast that can accommodate additional radio equipment. However, the visual impact of site or mast sharing should be considered in the context of each individual location.*

The installation of all wireless infrastructure requires a balanced approach between the technical needs and constraints of the proposed site and the potential impact of the development. These constraints are set out in detail in the section ‘Technical and Operational Considerations’. The three key technical and operational considerations for installation sites are:

- *Coverage: wireless infrastructure needs to provide an appropriate level of coverage over the intended geographical area. This involves ensuring that antennas are elevated sufficiently (often via masts) to provide clear lines of sight for signals.*
- *Capacity: where existing network infrastructure can no longer meet the demand for network capacity in a particular area, additional sites may be required within that coverage area to meet the demand. This is more likely to be required in densely populated areas or areas of high footfall.*
- *Backhaul: the radio access network requires a connection to the core network. Backhaul is sometimes provided by a microwave link, which requires a clear line of sight between the two ends of the link.*

Planning authorities should consider these issues and consider the need for a site within a limited search area alongside the public benefit of improved connectivity. In general, it should not, therefore, be appropriate for planning authorities to seek wider evidence of alternative sites (beyond that required by the NPPF), unless they consider the proposed development is unacceptable having regard to the relevant material planning considerations.:

Paragraphs 24-27

5.23 On the matter of ‘Design’, the Code states:

“The siting of wireless infrastructure will influence which design options are most appropriate for reducing the visual impact. The following design principles are important considerations:

- *Protecting visual amenity: a comprehensive assessment of the area should be carried out to ensure that the design solution appreciates the context of its location by fitting with both the site and the wider setting. Proposals should take into account protected sightlines, landmarks and vistas. This is particularly important when mobile infrastructure is located in protected landscapes or heritage sites and their settings (see ‘Natural Environment and Heritage Assets’ section below).*
- *Mitigating visual impacts: when possible, operators should look to use sympathetic designs, materials and colour (including camouflage where appropriate) to minimise the contrast between infrastructure and the area. Operators should also consider the design principles set*

out in the NPPF and local planning policies, and consider any relevant local and national design codes.

There are factors that can affect the type of infrastructure that will be deployed (set out in more detail below in the section ‘Technical and Operational Considerations’), including location and the coverage and capacity requirements. Planning authorities should be aware of these constraints when considering proposals. In particular:

- *In urban areas, where there is a high level of demand for mobile data, mobile base stations are likely to need to be deployed more densely. In these settings you can expect to see more use of streetwork monopoles and rooftop installations and, in future, we are likely to see a larger number of smaller units (so-called “small cells”) deployed on buildings and on street furniture.*
- *In rural areas, base stations often need to cover wider geographic areas. Operators may need to use tall masts or lattice towers to provide the required coverage. The location of masts can sometimes be dictated by access to transmission links back to the operator’s main network and proximity to a power supply. Coverage in some areas can be limited because of the geography, topography and terrain.”*

Paragraphs 28-29

5.24 With regards to development in a context of built heritage, the Code includes a subsection entitled ‘Heritage Assets’, which states:

“Heritage assets are an irreplaceable resource and the NPPF requires that they are conserved in a manner appropriate to their significance. The NPPF requires planning authorities to assess the significance of heritage assets affected by proposed development and take this into account to ensure that any conflict between the conservation of the heritage asset and its setting and any aspect of the proposals is avoided or minimised.”⁴

“...Operators should therefore consider how harm to heritage assets from both the process of installation of equipment, and subsequent visual impacts, can be avoided or minimised...”

“Where proposals would impact a designated heritage asset, the NPPF requires that great weight should be given to the asset’s conservation (the more important the asset, the greater the weight should be), and that any harm requires clear and convincing justification⁵. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use⁶.”

“Particular care should therefore be taken for sites that are located within heritage assets or their settings to ensure that they are conserved in accordance with the requirements of the NPPF.⁷ The design and siting of equipment should, as far as possible, avoid or minimise impacts on local context and character, and the significance of heritage assets or their setting... There are likely to be cases where it will not be possible to avoid harm, and therefore it is important to mitigate harmful impacts through design or positioning, and therefore solutions should be explored to ensure the proposal of least impact is progressed...”

Paragraph 58-61

5.25 The Code’s subsection entitled ‘Technical and operational considerations confirms that there are 3No. ‘primary technical and operational considerations for sites, i.e.:

⁴ NPPF (July 2021) paragraph 195

⁵ NPPF (July 2021) paragraphs 199-200 (NPPF December 2023, para 205-206)

⁶ NPPF (July 2021) paragraph 202 (NPPF December 2023, para 208)

⁷ Annex 2 of the NPPF defines ‘setting of a heritage asset’ as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

- They must supply appropriate coverage to the intended area
- They must offer sufficient capacity to meet demand; and
- They must be able to connect into the wider network

5.26 And with regards to '5G network development considerations' the Code reiterates that:

"...5G installations will be more constrained and guided by these special technical and operational considerations."

Paragraph 66

5.27 With regards to sites that receive a 'Notice to Quit', the Code's subsection entitled 'Technical and Operational considerations', includes the following under the heading 'Site accessibility and availability':

"...In addition, the Notice to Quit (NTQ) provisions within code agreements mean that sites have to be relocated. Where NTQs are proposed, the existing coverage and capacity will be removed and as such a replacement site is needed within close proximity to where the existing site was located."

Paragraph 71

Regional Planning Policy and Guidance (Appendix 6.2)

- **Places for Everyone Joint Development Plan, adopted 21 March 2024**

5.28 This is a joint Development Plan Document produced by the Greater Manchester Combined Authority on behalf of the nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan).

5.29 The plan sets out the kind of development that takes place across the city-region stating that it:

- maximises the use of brownfield land and urban spaces
- protects green belt land from the risk of unplanned development
- releases some sites for housing and employment in key locations
- ensures we integrate all new developments into Greater Manchester's transport network. Otherwise, new roads and transport will support them

5.30 The document highlights the need for the Greater Manchester area to be a place where everyone is connected socially, digitally and by a clean, integrated and accessible transport system and proposes that the boroughs be places where everyone can access the employment, culture, leisure and services that they require through high quality digital communications. Indeed, digital infrastructure is seen as a facilitator of economic growth with 'Objective 9' reiterating the need to ensure that improved network capacity and coverage exists. Furthermore, with regards to 'long-term economic growth' the plan proposes the creation of a digital-enabled, green city region.

5.31 The document contains a section entitled 'Connected Places' within which it states:

"Historically, connectivity has been primarily about transport, but increasingly digital connectivity is fundamental to our lives, enabling us to connect with people irrespective of location, and to access an unparalleled range of learning, employment and retail opportunities."

Paragraph 10.3

5.32 Before going on to state:

"...the rapid rise in digital demand seems likely to continue, with more services being delivered digitally and ever-increasing data transfers requiring faster, higher-capacity broadband and mobile connections. As the Plan area becomes 'smarter' – utilising data to deliver services more swiftly and efficiently and

adopting innovation such as connected and autonomous vehicles, artificial intelligence and the Internet of Things (where an increasing range of everyday devices are connected, monitored and operated via the internet) – travel patterns will change and digital will increase in importance. As stated in Our People, Our Place: The Greater Manchester Strategy, it is ultimately our ambition for the city-region to be the UK's leading digital city and one of Europe's top five."

Paragraph 10.21

5.33 This section also includes a sub-section specifically on 'Digital Connectivity' which acknowledges the importance of this and its constant advancement in modern society, especially with regards to business and social inclusion, and reducing the need to travel, by stating:

"Improving digital infrastructure and ensuring that new development is connected to it is therefore a high priority. The development industry has a significant role in enabling this priority, as well as benefiting from it. It will be important to accelerate the delivery of full fibre gigabit-capable networks and to be at the forefront of the roll-out of next generation mobile technology. Recent decades have shown the speed with which digital technology evolves, with a new generation of mobile technology being introduced around every ten years. The digital infrastructure will therefore need to adapt and evolve throughout the Plan period."

5.34 The document also includes the following specific policy:

'Policy JP-C2 Digital Connectivity

We support the provision of affordable, high quality, digital infrastructure. Developers are expected to work and share costs with telecoms operators as appropriate to maximise coverage and enable consumers to make informed choices. It is expected that internet connections will work immediately when residents move into new properties.

In making decisions we will support a range of measures, including:

- 1. Enabling the roll-out of latest generation mobile technology and full fibre to the premises connectivity, in a way that maximises coverage whilst protecting townscape quality and ensuring an ability to respond to updated/changing technology;*
- 2. Requiring all new development to have full fibre to premises connections, unless technically infeasible, and to incorporate multiple-ducting compliant with telecoms standards, to facilitate future-proof gigabit-capable network connections; and*
- 3. Facilitating the provision of free, secure, high speed public wi-fi connections, particularly in the most frequented areas.'*

5.35 Other policies that are considered to be relevant by the LPA are listed as follows:

- Policy JP-S1 Sustainable Development
- Policy JP-P1 Sustainable Places
- Policy JP-P2 Heritage
- Policy JP Allocation 2: Stakehill

5.36 In refusing prior approval the LPA has included a conflict with Policies JP-P1, JP-P2 and JP-C2 within the reason for refusal.

5.37 Given the sustainable economic benefits that modern communications services bring, the Appellant would also contend that policies that the following policy is also relevant:

- Policy JP-J1 Supporting Long-Term Economic Growth

Local Planning Policy and Guidance (Appendix 6.3)

- **The Rochdale Borough Council Local Plan**

5.38 The Council's Local Plan is made up of a number of adopted and as yet unadopted plans and those that are relevant are outlined below.

The Core Strategy, adopted 19 October 2016 (CS)

- 5.38.1 This is the lead document of the Rochdale Borough Local Plan. It provides an overview of the objectives for the whole of the borough. All other plans and policies must fit with the developments laid out in the Core Strategy.
- 5.38.2 The CS does not have telecommunications specific policy but in assessing the proposal the LPA's Delegated Report has listed the following as relevant:
- SO3 - Improving design, image and quality of place
 - P2 - Protecting and enhancing character, landscape and heritage
 - P3 - Improving design of new development
 - DM1 - General Development requirements
- 5.38.3 Only SO3 has not been listed as a reason for refusal and despite the above, the LPA have also included the following policy within the reason for refusal without including any detailed assessment as to why:
- P1 – Improving Image
- 5.38.4 Given that effective and UpToDate communications services offer economic benefits, inclusivity and accessibility to all, and help reduce the need to travel, the Appellant contends that other policies that should also be considered equally relevant in a direct or indirect manner are those listed below:
- SO1 – To deliver a more prosperous economy
 - SO5 – To improve accessibility and deliver sustainable transport
 - E6 – Supporting and diversifying the rural economy
 - G1 – Tackling and adapting to climate change
 - T2 – Improving accessibility

The Unitary Development Plan and Policies, adopted June 2006 (UDP)

- 5.38.5 The aged nature of this plan must be noted. The Plan includes telecommunications specific policy in the form of the following:
- CF/6 Telecommunications

“Applications for planning permission or for prior approval (as required under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) for telecommunications masts, satellite and terrestrial microwave antennae on masts, and satellite and terrestrial microwave antennae on a building or structure will be permitted where the following requirements are met:

- a) In the case of satellite and terrestrial microwave antennae on a building or structure the equipment is not detrimental to the character and design of the building or structure, to the character of the local street scene or to the visual amenity of the area;*
- b) In the case of telecommunications masts the development is not detrimental to the character and appearance of the local street scene or to the visual amenity of the area;*

- c) The opportunity is taken to share sites or erect telecommunications equipment on an existing mast, building or other structure, unless this would be unacceptable in terms of increased height or visual clutter.;*
- d) An applicant provides evidence of compliance with the Government guidelines on health impacts of telecommunications use;*
- e) The equipment is sited and designed so as to minimise its visual impact subject to technical and operational considerations; and*
- f) The operator removes any apparatus when it becomes redundant.*

The Council will use conditions and, where necessary, legal agreements to secure the above.

In the case of developments affecting landscape character, sites and features of nature conservation value, sites of archaeological importance, a Conservation Areas and Listed Buildings or their settings, applications will not be permitted unless the Council is satisfied that:

- i. the siting, scale or proliferation of facilities are not likely to injure significantly the special character or appearance of such areas, or that*
- ii. for technical and operational reasons, no alternative location is suitable and the proposed development is sited so as to minimise any injury to that special character or appearance.”*

5.38.6 However, the only policy from the UDP referenced by the LPA in their assessment is that of ‘G/D/1 Defined Urban Area’, and neither has been included as a reason for refusal.

Policy Summary

5.39The Appellant would again labour the fact that the development being proposed is nationally important essential infrastructure being deployed at a local level and in the public interest to reinstate, improve and upgrade network services. The development relates to a replacement base station with specific functional and operational criteria that cannot be expected to adhere strictly to more general policy criteria. Therefore, when considering the merits of the subject proposal against such policy it must be done in an appropriately weighted manner.

5.40The decision maker must also appreciate that Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to Class A of Part 16 of the GPDO because the GPDO does not require regard to be had to the Development Plan. However, Development plan policies may be of material consideration to this appeal, insofar as they relate to siting and appearance, hence their inclusion above.

5.41It must also be acknowledged that it is almost impossible for such development to enhance the character or setting of the area in which it is required to be deployed and more often than not all that can be done is to seek to minimise impact to an acceptable level through sensitive siting and design practices, as has been the case. As will be expanded upon later, one must also acknowledge that the NPPF does not oblige a telecommunications operator to identify the ‘ideal’ site but rather advocates the use of established base station sites and the application of a reasonable and sequential approach to site selection with the design process so as to ensure the final proposal is as sympathetic as operationally possible thereby limiting impact to an acceptable level.

5.42It is imperative that Decision Makers also take account of the impact of telecommunications development in a context of need, operational justification and the many significant social, economic and sustainability benefits it brings; a matter that is all the more pertinent in this instance as the operator seeks to prevent a loss of network services due to the forced decommissioning of their established base station site.

5.43One would also take this opportunity to reiterate that all relevant policy, i.e., that which can be applied directly or indirectly must be considered where appropriate and to fail to do so would result in an assessment failing to offer an appropriately balanced and comprehensive consideration of all relevant planning matters. It would also be

argued that a lack of reference to 'non-compliance' to policies within the Decision Notice would suggest that the development is therefore compliant by default

5.44The Appellant contends that the proposed development has achieved adherence with relevant National and Local Planning Policy and a full and further explanation in this regard is supplied in **Section 6** of this **Statement**.

6.0 Case for the Appellant

Reason for Refusal

- 6.1 The subject of this appeal is a replacement base station proposal by Cornerstone on behalf of Vodafone Limited, incorporating a 25m high mast with 6No. antennas, 2No. dishes, cabinetry and ancillary development, located in an agricultural field adjacent to the A627(M) at Stakehill Farm, off Stakehill Lane, Middleton.
- 6.2 Coverage for the Stakehill and Slattocks area of southern Rochdale is currently supplied by the shared base station site deployed elsewhere on Lower Stakehill Farm at a site just south of the A627 (M) and off Stakehill Lane to the north east of Stakehill Industrial Estate. However, the Appellant and the operator have, along with another operator, been served with a 'Notice to Quit' (NTQ) to allow for redevelopment plans to proceed. To prevent a substantial coverage deficit and to upgrade network services in the area, the Appellant and the operator are looking to deploy a replacement base station at the subject site, replicating and improving network coverage, improving network capacity and establishing new 5G connectivity in the local area; an issue that is all the more pertinent in the context of modern society's reliance upon and expectation for access to effective and UpToDate mobile communications networks.
- 6.3 Without an operational and UpToDate network solution in place, this area will effectively become a 'dead cell', resulting in the operator being unable to fulfil their legal licence requirements to meet their customers' demands. This operational requirement can only be addressed by the deployment of new replacement infrastructure in the local area and the subject of this appeal has been deemed the best available option for doing so.
- 6.4 As defined in **Section 1** above, and as per the appended Decision Notice, the Council has refused the subject application on the basis of the LPA's perception that, as a result of siting and design, the proposed development would be to the detriment of local amenity and would have a less than substantial harm to the significance of the Grade II Listed St John's Church, which would not be outweighed by benefit. They have also questioned the robustness of the alternative site assessment. Whilst it is understood that the Council may have concerns on the matters listed above, the Appellant has broken the reasons for refusal down into the following key elements and will seek to address each of these on an individual basis below:
- Site Selection
 - Design
 - Impact upon Amenity
 - Planning Policy and Best Practice
 - Case Summary
- 6.5 In doing so, it will be demonstrated that the Council assessment of the subject application has failed to give sufficient weight to the fact that the development is a replacement base station solution; the requirement for which has come about through no fault of the Appellant nor the operator but rather the proposed redevelopment of the land in question. The Appellant's hand has therefore been forced into seeking a replacement to prevent a direct and detrimental impact upon the operator's network services and capacity in the locale due to the pending decommissioning of the existing base. Implementing replacement infrastructure is critical for the local community.
- 6.6 In refusing prior approval, the LPA have overlooked both the lack of less harmful and available alternative site options, and the operational limitations of this functionality-led infrastructure, ignoring the technical justification for the siting and design of the proposed essential infrastructure. Equally, they have ignored the fact that telecommunications base stations have previously been present in the locale and have mistakenly assumed that visibility within the public domain and a visual context with both future redevelopment plans, and a heritage asset would automatically equate to detrimental impact. In doing so they have disregarded the site-specific mitigating factors that exist and have afforded little to no weight to the environmental, social and economic implications of not having an effective Vodafone Limited network service in the local area. The Council actions are therefore in direct contradiction with the ambitions of the National Government and the

UK's digital strategy aims. In refusing prior approval, appropriate respect appears not to have been given to the telecommunications specific policy, guidance and aspirations that exist at a National or Regional level via the NPPF and the Places for Everyone Joint Development Plan, with the LPA having instead sought to rely too heavily on cherry picked elements of general policy criteria, including those of their now ageing Core Strategy.

- 6.7 The Appellant contends that the utmost of effort has been made to ensure that the best possible siting and design solution is being taken forward to fulfil the operational brief and that an appropriate and acceptable balance between operational and all material planning considerations has been struck.

Site Selection

- 6.8 The reason for refusal suggests that the alternative site assessment provided with the application is not sufficiently robust. However, the information contained both earlier and later in this Statement clarifies why and how the site selection requirements of the NPPF have been met.
- 6.9 The Appellant would take this opportunity to reiterate that the matters of siting and design are intrinsically linked, i.e., the siting of a base station is dictated by operational need, the availability of viable site options, and the sensitivities and land uses present within the area in which coverage is required. The design of a base station is in turn dictated by function and the context/setting of the nominated site, including operational constraints and planning sensitivities. So, to understand if a development proposal is acceptable in terms of siting and appearance, it is imperative that there is an appreciation of both the development's operational context and how the nominated site has been identified for use.
- 6.10 There should be no doubt that in this case the operational brief is to achieve a replacement base station site for the provision of maintained coverage, improved network service and capacity, and to establish 5G connectivity for Vodafone Limited in the Stakehill and Slattocks area of southern Rochdale. Proximity to the NTQ site is a key consideration and the development must be located in a manner that fits into the existing and planned network for the wider locale, the latter of which is built around preceding generations of technologies and established base station sites.
- 6.11 As outlined in **Section 4** above, to ensure that the site in question is indeed the most viable option in terms of balancing planning and operational considerations, the Appellant, the operator and their appointed planning and surveying Agent first undertook a desktop review of the existing sites within the wider network to assess if any could address the network requirement. However, the existing peripheral infrastructure in the adjoining cell areas in the wider network is simply too far removed to do so, so a new base station development is absolutely necessary. One will also appreciate that if the Appellant could have upgraded their existing sites in the wider area to provide the necessary coverage and capacity to this particular cell area, they would have done so rather than spend time, money, effort, and uncertainty associated with progressing the preceding planning application and this appeal. The Appellant does not take the decision to install a new base station lightly and there is significant investment in such, above and beyond that of upgrading existing installations.
- 6.12 Cornerstone and their appointed agents have undertaken several detailed surveys within the area since early 2023, having employed a sequential approach to site selection. This process confirmed that there are no existing base stations present belonging to other licenced operators that would be available and viable for mast/site sharing. The possibility of deploying a base station upon an existing structure or a building rooftop has also been investigated. However, there are no operationally viable rooftop development options available that would strike a better balance with planning considerations. In addition, there are no other structures on which to locate the necessary antennas. The Appellant was therefore left with no choice but to identify a site for a new ground-based mast. To do so they had the option of either deploying apparatus on private land or using a street furniture development solution on adopted highways land, which would be accessible for build and maintenance without having to enter into any legal agreement under the New Roads and Street Works Act 1991 or the Electronic Communications Code. However, as a result of the topography and land use in the locale a street furniture base station solution was not an operationally viable option.

6.13 One must acknowledge that the information provided in **Section 4**, specifically that of **Fig. 20**, confirms that there are simply no operationally viable, less harmful site options available that offered greater planning merit. Therefore, the use of the appeal site was considered to offer the most viable development option in terms of striking a balance between planning and operational considerations for the following reasons:

- It is capable of fulfilling the operational brief;
- The site is not overly elevated or exposed and sits in a context with a major transport corridor and a visual context of pylon structures;
- The site is not subject to any restrictive planning policy designations, as confirmed by the Delegated Report;
- The site is offset and removed from as many residential vistas as possible and impact upon residential amenity is not a concern, as confirmed in both the Delegated Report comments and Decision Notice;
- The site is removed from built heritage assets, (i.e., approx. 225m away from the Grade II Listed War Memorial and St John's Church), and mitigation is also provided by intervening features;
- The site benefits from context, backdrop and screening provided by the mature planting on the adjacent land. Despite its proximity to the aforementioned planting, the nominated site avoids impacting upon the canopies and the root protection areas of any nearby trees, (none of which are the subject of Tree Preservation Orders);
- The site does not conflict with underground or overhead services;
- The development adheres to all relevant highways and pedestrian safety requirements; and
- A Vodafone Limited base station development has previously been considered acceptable and consented in the immediate locale.

6.14 The Appellant would take this opportunity to reiterate that the Code of Practice for Wireless Network Development in England, (led by the DCMS and in collaboration with representatives of the mobile network industry, other government departments and public bodies, local planning authorities and protected landscapes), which states the following on the issue of site selection within a defined search area:

"Planning authorities should consider... the need for a site within a limited search area alongside the public benefit of improved connectivity. In general, it should not, therefore, be appropriate for planning authorities to seek wider evidence of alternative sites (beyond that required by the NPPF), unless they consider the proposed development is unacceptable having regard to the relevant material planning considerations."

Paragraph 27, Code of Practice for Wireless Network Development in England, **Appendix 6.1**

6.15 The Appellant would highlight that the above criteria has been met with the operational context of the development, the search area and the many benefits associated with UpToDate mobile communications services having been expanded upon in this Statement, (see **Section 2**, **Appendix 4.1** and **Fig. 20**). The operator's search area has been defined to provide a geographical guide within which to achieve an effective solution for best fulfilling the operational brief whilst also preventing the replacement development from interfering with the services provided by the solutions within the neighbouring cells, which in turn would result in dropped calls and failed data connections for both cell areas.

6.16 We also contend that the alternative site considerations outlined by the NPPF in Paragraphs 120 and 122, (see **Appendix 6.1**), have been met and exceeded. After all, the NPPF places no obligation on the developer to identify the 'ideal' site but rather advocates that they undertake an alternative site assessment that includes consideration for the use of existing masts, buildings and other structures stating:

"...for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met."

Paragraph 122c, NPPF

6.17 There can be no doubt that this has been thoroughly investigated by the Appellant prior to progressing this appeal. One should be well aware that no mast sharing options exist and there are no viable options for locating

antennas on buildings or other structures. The Appellant would also reiterate that neither the LPA, nor indeed any other party, have put forward any alternative site suggestions.

6.18 In order to further support the Appellant's position of appropriate site selection procedures having been implemented, we would refer the reader to a number of appeal decisions that touch upon this very issue.

6.19 The first appeal example worth considering is that of PINS reference 3314614 which relates the installation of a 25m lattice mast, cabinetry and all ancillary development at off Reigate Road in Sidlaw. Whilst this site lies within the Reigate and Banstead Council jurisdiction, there are comparable issues in that the development is located in an agricultural field and in a context of both boundary planting and nearby pylon structure. The development is also required as a replacement to a nearby NTQ site. In seeking an appropriate site, the Appellant and operator had a limited search area within which to work and whilst the LPA found the site to be inappropriate, in considering the merits of the site selection process the Inspector has commented as follows:

"The installation would replace the existing 15m mast on the opposite side of Reigate Road, at Fontigarry Farm. The application explains that Notice to Quit has been served, due to the landowner's planned redevelopment of that site. A replacement installation is sought within approximately 250m of the existing base station, to maintain existing coverage, particularly along the Reigate Road transport corridor.

Several alternative sites for a new base station have been identified by the appellant, and reasons have been given why they were discounted...

Within the search area, any alternative sites would be within the same open, rural landscape and in most cases would be less effectively screened by existing vegetation and/or more conspicuous from nearby residential properties. In some cases, coverage would be compromised, without offering any clear advantage in visual terms.

Having considered the alternative sites presented, I am not persuaded that any realistic alternative options would be less harmful to the character and appearance of the area. The Council's evidence acknowledges the benefits of the proposal and does not identify any more suitable sites. Therefore, based on the evidence before me, I am satisfied that the appellant has demonstrated that the appeal site is the least harmful location available, and this weighs strongly in favour of the proposed installation."

Paragraphs 14, 17, 18 and 19

6.20 A second point of reference worth considering is that of the appeal decision issued under PINS reference 3334595. Although relating to a street furniture base station development at St Mildred's Road, Lewisham, (see **Appendix 8.1**), and not located in the Council's jurisdiction, the Inspector's comments in relation to the fact that alternative options have to have a realistic prospect of being deployed is an opinion that is relevant to any base station proposal. One must recognise that decision makers at all levels have to acknowledge that if there is little realistic prospect of a site being brought to fruition then really it is not a viable alternative and therefore little to no material weight can be attached to such alternatives.

6.21 The Inspector comments as follows on the matter of realistic 'Alternative Sites':

"The appellant has identified this area as having long standing poor mobile connectivity and refers to a need for partial replacement of 3G and 4G coverage as well as new 5G coverage and capacity. This has been supported by coverage plots showing signal strength across the area. Detailed evidence has been provided which identifies the cell search area and a number of alternative sites that were considered and discounted, including existing sites, buildings and structures and ground based installations. This reflects the sequential procedure as set out in paragraph 121 of the Framework⁸.

⁸ NPPF 2023 publication

The appellant has provided clear and detailed reasons why each of the alternative identified sites were discounted. The Council has not sought to challenge these reasons as such or suggest alternative sites. Instead, it contends that the assessment largely discounted each of these sites due to operational requirements, rather than considering their impact on public or neighbouring amenity. However, the Council's approach on this matter is flawed. Whilst there may be sites which are better sited in respect of character and appearance as well as amenity considerations, there is little point in assessing those sites if they do not meet operational requirements to support high quality communications. On the basis of the evidence before me, the appellant's site selection process is robust and the Council has provided no substantive evidence to demonstrate otherwise.

Based on what I have seen and read, I am satisfied that there are no other mast site sharing opportunities, suitable buildings or other structures within the required cell area that would be capable of, or more appropriate for, accommodating the proposed installation. The lack of alternative options to deliver improved coverage and capacity within the required area is a consideration which weighs strongly in favour of the appeal.

The proposal would also comply with the Framework in respect of the consideration of alternative sites, including the possibility of erecting antennas on an existing building, mast or other structure."

Paragraph 12-14, 16

6.22A third appeal decision worth considering on this matter is that of PINS reference 3271840 Dogpool, (**Appendix 8.2**). Again, whilst this development example relates to a different mast type in a different Council area, i.e., it incorporates a Cornerstone 20m street furniture mast, cabinetry and ancillary development in Birmingham City Council's jurisdiction, the Inspectors comments are applicable to any base station development. Whilst the LPA found the siting of this example was inappropriate and that the alternative site assessment that accompanied the proposal was lacking, the PINS commented as follows:

"...The appellant has provided details of a search area for the proposal that takes into account its service coverage and transmission requirements. Also, details are submitted of a number of other sites on private and public land and buildings which have been considered for the proposed equipment but discounted...

While noting comments that the proposal could be provided elsewhere, there is no substantive technical evidence that contradicts the appellant's submissions in respect of the area of search. Also, there is no convincing argument against the reasons for discounting alternative sites and no other locations are suggested. As such, I am persuaded that there is no reasonable alternative location for the proposal."

Paragraph 17 and 18

6.23The subject appeal equally meets the requirements of the NPPF, and the Appellant contends that the same findings as those outlined above should be applied when considering the issue of alternative sites in the defined search area parameters.

6.24Following on from the above, we would take this opportunity to refer the reader to the Judicial Review Decision relating to 'Save Brook' and Birmingham City Council, a copy of which has been included in **Appendix 8.3**. This court ruling also provides applicable evidence in support of the argument that alternative sites have to be reasonably deliverable to be considered viable. The ruling states:

"41. There is no general principle of law that the existence of alternative schemes is inevitably a mandatory material consideration in any case, even where the proposed development would cause adverse effects, but these are held to be outweighed by its beneficial effects: see R(CPRE) v Secretary of State for Transport [2023] EWHC 2917 (Admin) at [65].

42. Even where alternatives might be relevant, "vague or inchoate schemes, or which have no real possibility of coming about, are either irrelevant or, where relevant, should be given little or no weight": see R (Save Stonehenge) v Secretary of State for Transport [2022] PGSR 74, at [270]."

6.25 One will appreciate that the findings and court cases referred to by Justice Lang in the above confirm that alternatives are to be considered where harm is found in relation to the main proposal. However, in doing so, these alternative sites, even if visually more acceptable, have to be deliverable. If they are not deliverable, then such alternatives carry little to no weight.

6.26 To conclude, replacement network coverage, improved network services and capacity and new 5G connectivity is required in the locale as part of the Vodafone Limited solution to the pending decommissioning of the shared base station located elsewhere in Stakehill Farm. The appeal site has been nominated following an exhaustive and sequential site selection process which has confirmed that no existing base station sites exist that can be used and that there are no better operationally viable rooftop sites, other structures or ground-based mast locations which are less harmful than the appeal site. As such, it is the Appellant's belief that the appeal site has been progressed with full adherence to the Code of Practice guidance on the issue of 'Site Selection', as outlined in paragraphs 24-27, (see above and **Appendix 6.1**).

6.27 The appeal site strikes an appropriate balance between all relevant planning considerations and the need to provide reliable UpToDate mobile network services, which hold significant public benefits. Given the planning history and the non-sensitive context, this replacement site has been demonstrated to be a good compromise between meeting technical requirements and minimising impact, so far as is operationally possible. The Appellant would also contend that any limited harm that does occur from the siting of this proposal is acceptable and that any viable alternative site would result in far greater impact upon general amenity, (including that of the future redevelopment plans in the wider locale), and the setting of the Grade II Listed Buildings to the north west.

6.28 In light of the above, the LPA's opinion that the proposal is inappropriately sited is not sustainable.

Design

6.29 One will note from the wording in the reason refusal that the LPA believe that the proposed mast will be dominant in the landscape due to its scale and appearance and would be to the detriment of amenity and nearby heritage assets. However, the Appellant would dispute these comments for reasons that will be explained below.

6.30 The reader will be aware from **Section 4** that following the Appellant's selection of the appeal site, a detailed site survey was undertaken to devise a design solution that would best fit the site's context, the operational need in the public interest, and to strike a balance with planning policy. To do so the Appellant first sought to determine what antenna heights and orientations were required to satisfy the coverage requirement for the operator, both in the context of the coverage supplied by the existing mast that is to be replaced and the planned 5G network for the wider area. The antennas need to protrude above the surrounding manmade and natural features within the landscape, (known as clutter), and take account of topographical undulation to ensure that the antennas are not blocked and can operate effectively.

6.31 One must appreciate that as 5G uses adaptive beamforming technologies to increase capacity and data speeds to the user, and with attenuation of 5G radio signal naturally higher and more prone to the effects of clutter, operators will normally require a higher structure to achieve the same coverage footprint for 5G when compared with earlier generations of technologies. It is therefore the 5G antenna height requirements, along with the need to achieve ICNIRP certification, (which establishes a public exclusion zone around the antennas), that dictate the overall mast height.

6.32 The detailed technical visit confirmed that a top of 5G antenna height of 25m would be necessary and that a lower height simply could not be accepted on operational merit, so the Appellant and operator had the option of deploying either a monopole or a lattice style mast, as per **Figs. 17** and **18** above. Given that a monopole

mast is a solid structure, it was considered more likely to have a greater degree of impact and would be more noticeable against any skyline views. A lattice style design was considered to be better as this offers a greater degree of transparency against the landscape and skyline whilst also reflecting the general aesthetical principles of the pylon structures already established in the wider landscape. The open headframe is needed to allow the antennas to be tilted and orientated according to bespoke need and to maximise coverage, allowing them to best 'see' their target area.

- 6.33 The technology demands and data capacity requirements for the latest 4G and for 5G service provision mean that the antennas, remote radio units and feeder cables that link the transmission equipment to the cabinetry are now bigger and heavier than they used to be. Therefore, the mast width needs to be structurally sound for supporting the heavier transmission apparatus at a taller height and accommodating the larger feeder cables. One must also appreciate that any suggestion that the mast height and girth reflect that of other existing features within the landscape would show a lack of understanding of the operational criteria for telecommunications base station development and would conflict with the guidance on 'Design' offered by the Code of Practice, specifically paragraphs 28 and 29, (see **Appendix 6.1**).
- 6.34 Standard cabinetry was also proposed to support the transmission apparatus to be installed upon the mast and because the mast structure is considered a 'climbable' structure, all the equipment has been enclosed within a secure compound.
- 6.35 We would stress that the Appellant has made every effort to ensure that all elements of the final proposal have been limited to an absolute operational minimum in terms of both size and amount for the provision of an effective coverage and capacity solution to deliver reliable digital mobile connectivity to the target area.
- 6.36 Due to the multigenerational and modern nature of the technologies involved, the Appellant's design portfolio no longer includes a 5G compatible 'camouflaged' design option, (for example, a 'tree mast' solution, as available in earlier generations of technology). This is because any screening or shrouding of the 5G antennas seriously limits their operation due to the technology being prone to signal attenuation, as has already been noted above. Furthermore, with the increase in antennas and feeder cable sizes and weights, modern masts need to be both taller and wider in size than their counterparts in earlier generations of base station development, so disguising a modern mast structure as another feature becomes a much more difficult task.
- 6.37 With regards to the design layout, by siting the apparatus to close to the south eastern corner of the host field, the Appellant has been able to make best use of available natural screening and limited the intrusion into the landowner's property so as to limit impact upon the land's agricultural use. The Appellant has ensured that there will be no infringement upon highways safety requirements and the design layout avoids any impact upon nearby trees. Please note that the Appellant's design team always seek to ensure that development and associated groundworks comply with the requirements and recommendations of BS5837:2012 'Trees in relation to design, demolition and construction' recommendations and National Joint Union Group (NJUG) Volume 4 'Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees', (see **Appendix 6.1**). As a result of the above, a full tree survey and arboricultural implication assessment was not considered a necessary requirement at application stage or as part of this appeal. The reader will appreciate that neither impact upon highways/pedestrian safety, nor impact upon trees has been raised as a concern in either the Delegated Report or the Decision Notice.
- 6.38 In terms of the proposed colour scheme, the mast will be galvanised steel grey with grey antennas and transmission equipment, which both reflects that of the established pylon structures in the wider locale and offers a viable means of limiting contrast with the vegetation/trees (regardless of seasonal changes in foliage), nearby buildings, other vertical infrastructure features and any wider views of the mast that may be afforded against the street scene or the predominantly cloudy British skyline. The cabinetry will be coloured green as standard.
- 6.39 To conclude, we would argue that telecommunications masts are not incongruous features in our modern environment. For reasons already outlined above, the Appellant contends that the proposed design is acceptable for the appeal site. We would reiterate that an appropriate colour scheme and simplistic aesthetic

and functional form have been proposed, achieving an acceptable replacement coverage solution in the locale, in which a precedence for such development and similar structures has already been set in both the form of the NTQ site, the historic Vodafone Limited base station that once occupied the land on the opposite side of Stakehill Lane (see **Appendix 5.1**), and in the form of the nearby pylon structures, (see **Fig. 21** below).

Impact upon Amenity

6.40 The LPA are of the opinion that this replacement base station development would be an incongruous and feature to the detriment of the wider environment, resulting in less than substantial harm to the significance of the Grade II Listed and that any harm caused would not be outweighed by benefit, as per the reason for refusal on the Decision Notice, (see **Appendix 1.1**). However, the Appellant would contend that the LPA assessment is flawed and that their conclusion has been reached without a realistic or comprehensive balancing of operational need, planning history, site specific context, landuse, design justification and benefit. Additionally, the LPA appear to be overly optimistic in terms of their siting and design expectations and have failed to correctly interpret the requirements of the NPPF, all whilst also ignoring National, Regional and Local digital aspirations when determining the subject application's acceptability.

6.41 As explained in **Section 2** and **3** above, modern base stations must be deployed in the area in which they are to serve, regardless of landuse and planning designations that may be present. Customers expect to be able to make use of their devices where they live, travel and work, and without sufficient network coverage and capacity in place, operators will be unable to both provide efficient services and fulfil their Ofcom granted licence obligations. In addition, established infrastructure must be upgraded over time to ensure that the technologies deployed do not become obsolete; hence the inclusion of the latest 4G technology and 5G in this replacement base station proposal. Furthermore, if there is not sufficient capacity in the network and if the base station technology is not UpToDate, then network users' devices will not be able to function for the purposes in which they were purchased.

6.42 When introducing any new telecommunications infrastructural elements to any environment or landscape, the best approach is to seek to limit impact to an absolute minimum through sensitive siting and design practices, as has been the case in this instance. Therefore, when considering the issue of visual impact on amenity and character of an area, and upon the setting of any heritage assets that may exist, the Decision Maker must first consider the operational requirement, the development's context and any bespoke mitigation that may be in play. They must also acknowledge that general visibility and a position both within or close to the public domain and/or in general proximity to and intervisibility with planning sensitivities such as built heritage assets, does not necessarily equate to an unacceptable and detrimental impact.

6.43 In assessing the acceptability of a development proposal, all relevant planning considerations must be taken into account including site availability and the technical and design limitations faced by the operators, and these should be set in a context of the social, economic and environmental sustainability benefits that modern communications networks bring, as outlined in **Section 2** of this **Statement**. Equally, it is important for LPAs to be thorough and consistent in their assessment of such proposals and in consideration of planning history, whilst also ensuring their interpretation of both National and Local Policy is undertaken using accurate and UpToDate information, with a well-balanced and unbiased perspective.

6.44 The information contained in **Section 4**, specifically **Fig. 20**, and under the sub-heading 'Site Selection' earlier in this **Section** of the **Statement** has confirmed that when seeking to nominate an appropriate replacement solution in Vodafone Limited's search area, a sequential and exhaustive site selection process has been followed. In doing so it has been confirmed that no better operationally viable site option exists. As has also been explained, the NPPF preference for the use of established base station sites, site sharing options, rooftop locations and the use of other structures. The Appellant has confirmed that there are no existing base stations present, and no buildings or other structures present that could accommodate the necessary apparatus whilst both fulfilling the operational brief and achieving a viable planning solution, so a new ground-based mast is the last and only available option. We have also established that the NPPF clarifies that the developer's obligation is not to identify the 'ideal' site but to undertake an alternative site assessment in line with Chapter 10 criteria

and nominate a site that is acceptable, as has been the case. In doing so, the Appellant is in full adherence with the NPPF criteria.

6.45 One must acknowledge that limiting impact upon amenity is a matter that has very much influenced the siting and design of the appeal proposal. It is also important to acknowledge that the need for the appeal proposal has come about as a result of the Appellant and the operator having been served with a 'Notice to Quit' their current site, which will soon result in its decommissioning and a subsequent loss of coverage. Therefore, bringing a replacement solution to fruition in the locale at the earliest opportunity has been of absolute paramount importance to prevent the area becoming a 'dead cell'. Decision makers must accept that the removal of an existing mast solution has a direct impact on the need for the deployment of replacement infrastructure in the area.

6.46 Due to the landuse, topography and the pending redevelopment of a large portion of the target coverage area (see **Figs. 8, 10 and 11**), operationally viable alternative development options are extremely limited and, for reasons explained in **Fig. 20**, no better site option to that of the appeal site exists. One will also appreciate that the size and scale of the mast has been limited to a minimum operational size, with a height of 25m being the minimum necessary for effective 5G coverage in a context of existing features and topography. There is simply no merit in the suggestion that the proposal is too tall for the appeal site or the context within which it was set. If anything, the LPA should be acknowledging that the provision of efficient, replacement and UpToDate network services for the operator is being achieved via the use of a mast height that is 5m below the permissible threshold of permitted development rights established by the provisions of the GPDO.

6.47 In assessing the proposal, the Delegated Report states the following under the subheading 'Siting and appearance':

"The application site sits within an open field and the proposed lattice tower will be 25m in height. This is considered to be a substantial structure and top heavy due to the antenna. The upper part of the monopole will be seen against the sky as the proposed development will be taller than the existing street furniture and the limited vegetation will not mitigate the prominence and scale of the proposed structure."

6.48 One will note that the LPA appear to be harnessing unreasonable ambitions for the base station development, indicating a concern that the mast would be 'taller than the existing street furniture'. However, the reader will appreciate that any suggestion that a mast structure be of commensurate height to existing features goes against the operating principles of communications development and would be unreasonable. Expecting the installation to be a similar size and width to street lighting or telegraph poles would not be comparing like for like as each of these infrastructural elements are carrying out distinctly different operations.

6.49 As indicated above, it is absolutely critical to the proposed mast structure's effective operation that the antennas are located at a certain height, with an appropriate mast girth to ensure the safe structural support of the antennas so that they can provide effective service to the target coverage area, avoiding infringement by clutter and all whilst being ICNIRP compliant. All that other vertical street furniture elements can do is to provide a context in which the proposed installation can assimilate within.

6.50 In addition, it is clear from the information supplied in **Section 4** above and throughout this Statement that the proposed mast, whilst obviously having a functional aesthetic, is the least obtrusive option available. The LPA's expectations are not realistic and other essential utilities providers are not being subject to the same degree of scrutiny.

6.51 The Delegated Report continues that:

"The proposed development includes a 2.4m high galvanised fence around the boundary of the base of the tower and this would introduce a hostile and uninviting feature which would harm the character and appearance of the area..."

6.52 As indicated above, the mast structure is considered to be a 'climbable' structure, and it is absolutely imperative that the exclusion zone around the antennas is not publicly accessible. There is, therefore, a critical health and safety requirement for secure fencing in a similar manner to that associated with wastewater treatment facilities, electrical substations or other utilities operated sites. One will also appreciate that the compound is only visible when viewed from a point on Stakehill Lane immediately south east of the site. It will not be visible from other vistas due to boundary planting and topography. If the LPA, in their response to this appeal, were to confirm to the Inspectorate that a painted fence, i.e., Fir Green, were to be considered preferable, then the Appellant would be more than happy to incorporate this in the development.

6.53 The Delegated Report continues that:

"When considering the visual impact the proposed development will be seen from long range views in both directions from the motorway. There will be visibility of the tower from the Grade II listed building."

6.54 Whilst the issue of impact upon heritage assets is certainly a sensitive issue, impact upon the views associated with motorway traffic is not. One will appreciate that utilities operators often follow transport routes and use these corridors for development. A prime example is the fact that the nearby pylon line to the west follows the route of the Caldervale Rail Line between Castleton (north) and Mills Hill (south). It is also critical that continuous network services are provided for those travelling along such route and part of the proposed replacement base station's remit is to maintain and facilitate upgraded services for those using the Slattocks Link and Interchange. One will also appreciate that the NTQ site sits similarly close to the Slattocks Link with views of the mast being available from this road network and yet that was considered an acceptable location. Are the LPA now suggesting that major transport corridors should be afforded special protection from other critical infrastructural development?

6.55 Following on from the above, with regards to the matter of 'Heritage', the Delegated Report suggests that:

"...There will be visibility of the tower from the Grade II listed building."

...The submitted Heritage Statement states there are trees to provide screening along Thornham lane, whilst there are trees they will not provide screening all year and the proposed development will tower over them."

When considering the visual impact, the proposed development will be clearly visible from the listed building and monument. The Council's Conservation Officer has been consulted and set out 'the proposal by virtue of its height, siting and massing would result in some harm. This harm would be less than substantial and should be weighed against the public benefits of the proposal...'"

6.56 The Appellant cannot deny that there will be some intervisibility with the Grade II Listed St John Church. However, the views of the development from the listed building are more limited and less intrusive than the LPA suggest, and even during winter months the hedgerows and trees at intervening locations provide a good degree of screening. One would also question of the LPA's assessment had taken account of additional mitigation supplied by the intervening manmade features, i.e., street lighting columns and telegraph poles along Thornham Lane, as no mention is made of these?

6.57 The LPA have also drawn specific reference to the vista associated with those travelling towards the site from the south and this is undoubtedly the main opportunity to view the development in a context of the church. However, it is imperative that the decision maker considers the bigger picture. The LPA suggest that:

"...It is clear the proposed development will be seen in the context of the church and have a dominant appearance within the landscape."

6.58 In doing so they have provided a screenshot from Google Earth, which in itself could be interpreted that the case officer has not actually visited the site as part of their assessment preparation, which would be

disappointing to say the least. However, even without doing so, if one were to undertake a review of the Google Earth streetview to the west, one would soon appreciate that Church can currently be viewed in a context of several pylon structures to the west, as shown below in **Fig. 21**.

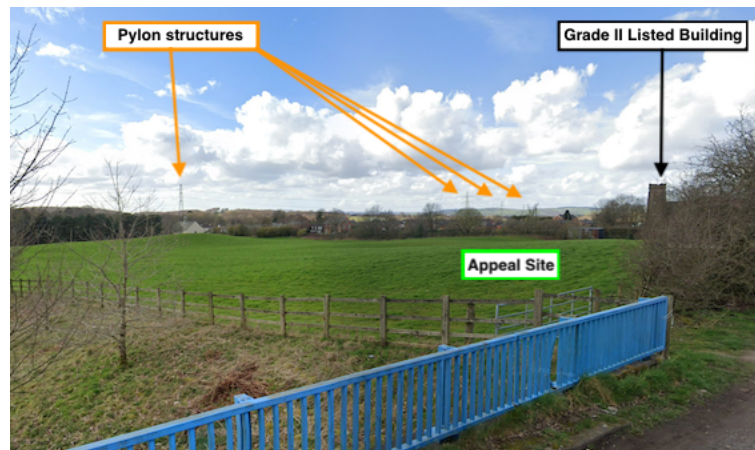


Fig. 21: Views showing intervisibility of Grade II Listed St John Church with pylons

6.59 This is very evident when one visits the site as is the fact that the vista of the development in a context of the Church is limited to views associated with those travelling north towards the site from approximately 100m to the south. Beyond this there is no intervisibility of note. It is also worth noting that these are vistas associated with road users, i.e., they are temporary perspectives that change as one travels through the area and as the Delegated Report suggests:

“...this area may not be frequented by the public currently.”

6.60 The Appellant notes that the use of this road network and the frequency of users could well increase as part of the JPA.2 Stakehill redevelopment. Indeed, the LPA suggest in the Delegated Report that:

“...The footbridge over the A627(M) provides a valuable pedestrian link for both existing and future residents that sit within the southern part of the allocation, being able to access the various amenities such as the proposed local centre and open space which are to be delivered in the north... It is envisaged that Stakehill Lane is to be a welltravelled (sic) route once the allocation is built out and whilst it may not be prominent now, this certainly will not be the case over the Plan period...”

6.61 However, the fact remains that Stakehill Lane is no more than a minor road, more akin to a single lane track, and unless it was significantly upgraded and widened, it has limited capacity for increased traffic flow. The land and future development that forms the basis of JPA.2, i.e. that which is the subject of scoping opinion under planning reference 24/00329/SCO, is much more likely to utilise a transport link to the west via Slattocks Roundabout. Whilst traffic along Stakehill Lane will no doubt increase slightly, it would be naive to suggest that this remain be anything other than a very minor ‘back’ road.

6.62 Despite the above comments, the future redevelopment plans for the wider area appear to be far from the LPA’s mind when considering the issue of ‘public benefit’ and when weighing up the less than substantial harm to the setting of the St John’s Church. When considering the issue of public benefit, the LPA state:

“As required by para 208 of the NPPF⁹ the heritage harm is assessed against any public benefits. These are social and economic benefits such as offering online services for businesses and helping people stay in touch. It is acknowledged in the information submitted it is states stated (sic) the Slattocks area needs service and when the existing base station is decommissioned this may be lost. However is it not though that the public benefits outweigh the harm from the proposed development.”

⁹ 2023 publication

6.63 In assessing and subsequently refusing the subject application, the LPA appear to be offering little appreciation to the bespoke operational need in this instance, nor the economic, social and environmental sustainability the implications of the present and future local community, including the residents and businesses within it, and those travelling in the area, (of which approximately 23% are likely to be Vodafone Limited network users, based on recent network user number – a figure that will increase significantly when the joint '3' and Vodafone Limited network is brought into force), being unable to access effective UpToDate network services and capacity.

6.64 In doing so, they have also chosen to completely ignore the Code of Practice for Wireless Network Development in England, (**Appendix 6.1**), which was also referred to by the Appellant within the submitted Site-Specific Supplementary Information document, (see **Appendix 2**). We would reiterate that the principal aim of the Code of Practice, which was established by the preceding 2016 publication of the Code of Best Practice on Mobile Network Development in England, states:

"...to ensure that the Government's objective of supporting high quality communications infrastructure, which is vital to continued economic prosperity and social inclusion for all, is met."

Paragraph 1.3

6.65 As outlined in **Section 5**, the current Code of Practice continues this aim to support the government's objective of delivering high quality wireless infrastructure for all whilst balancing these needs with environmental considerations. The Code states:

"Digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital connectivity can deliver economic, social and well-being benefits for the whole of the UK."

As the demand for mobile data in the United Kingdom is increasing rapidly, it is important that everyone has access to dependable and consistent mobile coverage where they live, work and travel."

Paragraphs 8 and 9

6.66 The comments contained within the LPA's Delegated Report would suggest that the Council do not see effective digital connectivity as 'vital' and fail to note NPPF's confirmation that modern network development is 'essential', as per Paragraph 119.

6.67 Further to the above, to provide a better understanding of the level of harm that is likely to occur as a result of the implementing the appeal proposal and to better facilitate a weighing up of harm versus benefit, one would refer the reader to the photomontages provided below in **Figs. 22-27**. The viewpoints used are based upon points within the locale that are deemed to be more sensitive and allow best visibility in the public domain, offering an accurate indication of how the development will appear within the landscape when implemented. When considering these, it is important to acknowledge the distances involved, the orientation and the frequency of the viewer, and the operational justification for the development.



Fig. 22: Viewpoint Map



Fig. 23: Viewpoint 1 - View from the footbridge over the A627(M), (as per LPA Delegated Report Fig. 1)

6.68 One will note that this offers the best visibility of the development in a context of the Grade II Listed St John's Church and has been taken in winter months to show a worst-case scenario in terms of intervisibility. However, as noted above, this vista is limited to views approximately 100m south of the appeal site and only to those that travel through the area in a northerly direction. These views will be temporary and transient. Given the distances involved and the temporary perspective of the viewer, impact is considered to be moderate. However, as noted above, when considered in a context of public benefit, the suggestion of 'less than substantial harm' is considered to be overridden.



Fig. 24: Viewpoint 2 - View from Thornham Lane west, close to No.s 43/45 Thornham Lane

6.69 One will note that visibility of the development is limited and any views that may be afforded will be set with vegetation and other vertical structures in intervening locations. These factors, when taken with distance and the orientation of the road network, will mean that impact upon views associated with this locale will be insignificant and acceptable.



Fig. 25: Viewpoint 3 - View from road connecting St John's Church to Thornham Lane

6.70 One will note that whilst the development will be visible, distance along with intervening vegetation and other vertical structures help the development to integrate into this vista. In addition, the lattice style design helps to mitigate impact against the skyline. Impact upon views associated with this vista is considered to be acceptable.



Fig. 26: Viewpoint 4 - View from Thornham Lane East

6.71 Although the road is lined by thick hedgerow that will in the most part screen the development, the break provided by this access point will allow the mast to be visible. This is one of the few publicly accessible vistas that shows the development in a wider landscape context, albeit at an offset angle from the road's orientation. Whilst visible, this is not a sensitive viewpoint and therefore impact is considered to be acceptable.



Fig. 27: Viewpoint 5 - View from St John's Church building

6.72 In this vista the Appellant has sought to show the best available visibility of the development from the Listed Building. Whilst the development will be visible, distance along with intervening vegetation and other vertical structures help the development to integrate into the landscape with limited impact. In addition, the lattice style design helps to mitigate impact against the skyline. Impact upon views associated with this vista is considered to be limited and acceptable.

6.73 Further to the above on the matter of harm versus benefit, the Appellant would take this opportunity to refer the reader to other development examples in similar contexts that have been refused by LPAs at application stage, only for PINS to overturn the decision.

6.74 We would first refer the reader back to that of PINS reference 3314614 for the development off Reigate Road in Sidlaw, (see **Appendix 8.4**). In weighing up the impact of the development in a context of benefit the Inspector makes the following comments:

"...The lattice mast framework, palisade fence and equipment cabinets would be exposed to view against the backdrop of the trees, while the top section of the 25m mast would also project well above them, exposing it to widespread view.

Hedgerows along Reigate Road would provide some screening at ground level, but they would do little to screen views of the upper portion of the mast, which would carry several antennas and dishes. The installation would be widely visible, and would introduce a tall, man-made structure within what is generally an open, rural landscape.

Other existing vertical structures include a few electricity pylons within the surrounding fields and a line of telegraph poles along Reigate Road. As such, structures supporting essential infrastructure are already part of the landscape...

...there would be harm to the character and appearance of the area as a result of the significant height of the mast and its relatively exposed siting in an open, rural landscape..."

Paragraph 8, 9, 10, 12

6.75 However, the Inspectorate has then gone on to consider the alternative site selection process that has preceded the nomination of the appeal site, the development's operational context and the aims of the NPPF, stating:

"...I have not been presented with any evidence confirming that this means the existing mast can remain on site, given that a Notice to Quit was served. Furthermore, the proposal would enable expansion of 5G technology, which is supported in principle in the Framework. The appellant has explained that a mast of minimum 25m height is required for 5G coverage, and this has not been disputed..."

Paragraph 15

6.76 Before noting:

"...I am satisfied that the appellant has demonstrated that the appeal site is the least harmful location available, and this weighs strongly in favour of the proposed installation."

Paragraph 19

6.77 In concluding their assessment the Inspector has confirmed that:

"...the harm I have identified to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed, taking into account the lack of any suitable alternatives."

Paragraph 23

6.78 The Appellant would suggest that the proposed development that is the subject of both this example and the subject appeal have significant similarities in terms of context in a wider rural landscape and would suggest that similar conclusions be drawn.

6.79 The second example to which we would refer the reader is that of the decision issued under PINS reference 3183040, which relates to the deployment of a 27m lattice mast and associated cabinetry at Lodge Farm, Nazeing, Essex, (see **Appendix 8.5**). This development example also sits in rural setting with the additional sensitivity of proximity to a built heritage asset; a Conservation Area. However, we would draw your attention to the weighting applied to the many benefits associated with the proposal, resulting in the Inspectorate ruling in favour of the Appellant despite considering there to be 'substantial' detrimental impact upon amenity and the heritage asset. The Inspector's decision states:

"The appellant confirms that the limitations of 3G and 4G technology ensure that the level of service in the locality is unsatisfactory, hence the need for the proposal. Paragraph 42 of the National Planning Policy Framework says that advanced, high-quality communications infrastructure is essential for sustainable economic growth and that the development of communications networks also plays a vital role in enhancing the provision of local community facilities and services. The proposal would therefore make an important economic and social benefit."

Paragraph 15

6.80 The Decision goes on to state that:

"I have found that the proposal would... fail to preserve or enhance the character or appearance of the CA¹⁰. However, the Framework clearly states the importance of high quality communications infrastructure and the contribution it makes towards the economy and community. The appellant has made a compelling case that there is a need for the proposed development and that sufficient attempts have been made to seek out an alternative site. Accordingly, I attribute more than substantial weight to the public benefits of the proposal..."

Paragraph 18

¹⁰ Conservation Area

6.81 Before concluding that:

“Overall, I consider that the public benefits of the proposal would outweigh the substantial harm... and would amount to very special circumstances that would justify permitting the development.”

Paragraph 21

6.82 The reader will appreciate that in the case of the subject appeal, we are looking at ‘less than substantial’ harm to a heritage asset and a smaller mast structure and would hope that similarly, the public benefit of maintained and improved network services would prevail over any limited harm that may occur.

6.83 To conclude on the matter of impact, the Appellant would contend that the LPA appear to be harnessing unreasonable ambitions for the base station development. It must be appreciated that when seeking to deploy such essential infrastructure, all that can be done is to employ well-considered siting and design practices to ensure that the final solution is as sympathetic as operationally possible to both the local setting, the natural and manmade features within it, and to the host site upon which it is located, all whilst ensuring that the operational brief is fulfilled.

6.84 Whilst the protection of heritage assets and their settings is of the utmost importance, one must assess each development on its own merits with due consideration for any mitigation that exists. In the case of the appeal proposal, the LPA has failed to apply a balanced assessment and appear to be taking a rather narrow view as to what is and is not acceptable when seeking to introduce essential infrastructure into the landscape.

6.85 There should be no doubt an exhaustive site selection process has been undertaken with no less harmful and operationally viable sites being available. As set out previously, each element of this multi-generational base station proposal has been limited to an operational minimum in terms of size and amount with a simplistic and functional design having been proposed. The network planner has confirmed that a 25m mast height is the minimum operational requirement and a lesser height simply would not provide adequate coverage or capacity, particularly into the motorway cutting, i.e. A627(M)/Slattocks Link road. In addition, there is no less intrusive mast option available for use. The Appellant would also take this opportunity to once again reiterate that the permitted development rights afforded to the Appellant under the GPDO have a 30m high threshold for development under the changes to the prior approval process that were brought in in 2022. The proposed mast is therefore well below the height the Government thought acceptable under the above regulations; this serves as further evidence of the Appellant’s efforts to limit impact.

6.86 One should not jump to the conclusion that an unacceptable and detrimental impact upon amenity will occur just because a mast structure is visible in the landscape. Indeed, Decision Makers must therefore acknowledge the fact that mobile telecommunications base stations, like street lighting, signage, bus stops, gas, electricity, water and any other utilities/infrastructural elements, are integral and accepted pieces of infrastructure upon which, now more than ever, our society is heavily dependent. As already indicated, it would, therefore, be wholly wrong to suggest that a base station development is an unexpected feature in any modern environment.

6.87 We would suggest that the lack of support for this much needed replacement base station is effectively excluding the current and future members of the local community from being able to do what they need to do online and preventing access to modern network services. This is contrary to the Council’s Digital Strategy, (which has been completely ignored as part of the assessment process), whose aim is to give everybody in Rochdale better access digital services and inclusivity.

6.88 The LPA also appear to be ignoring the fact that not everyone has access to fixed broadband, especially those in more rural areas. Access to smart devices tends to be more ubiquitous, regardless of demographic or geographical location. The latest annual Ofcom Online Nation Report for 2024 confirmed that 75% of the average time spent online per day by adults was via smart phones, (see **Appendix 7.1**). This highlights the reliance society has on smart phones in our everyday lives. However, the Council’s planning decision is prohibiting digitally inclusivity. If people cannot access these services via their preferred medium, (and sometimes their only option), because the infrastructure is not available or simply inadequate as it is unable to handle all the traffic and data, then this National, Regional and Council-wide digital aspiration will not be met.

Planning Policy and Best Practice

6.89As indicated in **Section 5** above, it is important for decision makers to ensure that the most recent NPPF publication be used as the overarching guide to any development proposal and that policy specific to communications infrastructure be used as the primary policy test when considering the subject application. In addition to the wider guidance offered by the NPPF, appropriate weighting must be applied to any more general policies that may be considered relevant.

6.90When assessing an application for a telecommunications development, Decision Makers must afford due cognisance to the fact that specific operational and functional criteria need to be met to make telecommunications development feasible. However, as indicated earlier, it is not for the decision maker to question the operational need. One will also appreciate that due to the operational nature of any infrastructure, it is virtually impossible to introduce new development in a way that will enhance the setting in which it is located. Indeed, more often than not with telecommunications infrastructure, all that can be done is to seek to limit impact to an absolute minimum through sensitive siting and design practices, as has been the case.

6.91To ignore the abovementioned facts and to refuse prior approval based merely upon general visibility would be unreasonable.

6.92In this instance, telecommunications specific policy does appear to exist at a local level, albeit in a very aged form via 2006 UDP Policy CF/6 Telecommunications which is not listed by the Council as 'superseded'. However, one will note that the development has not been assessed against this by the LPA with the more UpToDate regional 'Places for Everyone' Policy 'JP-C2 Digital Connectivity' taking priority. In refusing prior approval the LPA have found conflict with the aforementioned and following regional planning policies:

- JP-P1 Sustainable Places
- JP-P2 Heritage

6.93The LPA have also considered the development proposed to be in conflict with the following local plan policies of the Core Strategy:

- P1 Improving Image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development
- DM1 General Development requirements

6.94We have already established that Part 16 of the GPDO ratifies that prior approval applications, such as that which is the subject of this appeal, benefit from permitted development rights. They are therefore accepted in principle by virtue of the legislation. There is therefore no requirement to have regard to the development plan as there would be for any development requiring planning permission, unless needed to assess the merits of siting and design. In addition, it is unreasonable to expect telecommunications infrastructure proposal to adhere strictly to general policy criteria. This must instead be applied in a weighted and wider context.

6.95The Appellant would contend that their development proposal adheres fully to the abovementioned general policy criteria when applied with appropriate weighting. However, telecommunications policy at a National level must take precedence with the NPPF's Section 10 "Supporting High Quality Communications", which provides UpToDate guidance, advocating support for appropriately sited and designed telecommunications development. This must be the primary test.

6.96In addition to the above, we would labour the point that the overarching guidance offered by the NPPF has a presumption in favour of Sustainable Development; a matter which although referenced in the LPA's reference within the Delegated Report to certain 'Places for Everyone' policies, is not actually dealt with in any real detail within the LPA assessment. However, it is important to understand that the Framework confirms the strategic objectives for achieving sustainable development are as follows:

“Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways....:

- a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*
- b) A social objective - to support strong, vibrant and healthy communities ...with accessible services... ...that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

Paragraph 8, NPPF

6.97 With regards to the specific guidance offered on telecommunications proposals, the NPPF’s most relevant section is that of “Chapter 10: Supporting high quality communications” which includes the following advice:

“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”

Paragraph 120, NPPF

6.98 There is clear operational justification for the subject proposal given the pending decommissioning of the Appellant and operator’s existing apparatus due to the redevelopment plans associated with JPA.2 Stakehill and as per the scoping opinion request registered under planning reference 24/00329/SCO, (see **Appendix 5.3**), as defined by the coverage plots provided in **Appendix 4.1**, and as further explained throughout this **Statement**. The Appellant would reiterate that there are no other existing base stations present within the area, or close enough to it, that offer a viable sharing option for fulfilling the operational brief and a new ground-based mast development is the last and only available option in this instance.

6.99 There should now be no doubt that an exhaustive and sequential site selection process has preceded the submission of this appeal, with the proposed mast option having been deemed the most appropriate design solution to be used. As indicated above, due to the multigenerational and modern nature of the technologies involved, the Appellant’s design portfolio no longer includes a 5G compatible ‘camouflaged’ mast design option, (for example, a ‘tree mast’ solution as was available in earlier generations of technology), due to the negative impact shrouding/screening 5G antennas has upon signal transmission.

6.100 As indicated above under the subheading ‘Design’ above, the utmost of effort has been made to ensure that the final design scheme is as sympathetic as possible by incorporating a minimum operational size and amount of apparatus, an appropriate colour scheme and a simplistic aesthetical form for the provision of maintained and improved multigenerational network services. Whilst the proposed mast may be one of the tallest structures in the immediate locale, there are similarly sized pylon structures already established in the general landscape. One must also appreciate that the proposed height is a direct reflection of the operating principles of telecommunications sites, i.e., the antennas must ‘see’ the area they are to serve, and it would be unreasonable for any decision maker to expect the specific functional requirement of one set of infrastructure to be commensurate to that of another or other features that are present; a matter that the LPA’s Delegated Report seems to be suggesting as necessary. It is also important to appreciate that at no point in time has the

Appellant sought to maximise their permitted development rights, having instead limited the height of the mast to 25m, which is well below the GPDO's threshold for permitted development rights to apply. The structure has also been specifically chosen for its transparency, to limit intrusion on the landscape and skyline, and to reflect the general aesthetic of the aforementioned pylons.

6.101 Paragraph 122 of the NPPF continues:

"Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

6.102 The Appellant has confirmed within the Site-Specific Supplementary Information document submitted as part of the subject application, (see **Appendix 2**), that no notification of educational establishments or air safety notification was required. The Delegated Report confirms that no objections have been raised by aviation or educational bodies.

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

6.103 This is not applicable in this case as a new mast is being proposed.

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met."

6.104 The Appellant provided a list of alternative sites within their application, and this has been expanded upon in **Fig. 20** above. This information has confirmed that there was no existing base station sites present in the search area that offered a viable sharing opportunity and that there were no viable rooftop development options or other structures upon which to locate the required antennas. An ICNIRP Certificate was also provided with the subject application, (see **Appendix 2**).

6.105 Lastly, the Appellant would take this opportunity to address the issue of the LPA's reference to the proposed development's impact upon built heritage assets. Given that modern communications infrastructure must be deployed in the area in which it is to serve and must ensure that the antennas protrude above surrounding features to operate effectively, and with consideration for the fact that the St John's Church is the most prominent feature within the search area, development in some form of visual context with this listed building is unavoidable if the operational brief is to be fulfilled.

6.106 The NPPF's Chapter 16 'Conserving and enhancing the historic environment', offers clear guidance stating that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 212

6.107 And continues:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Paragraph 215

6.108 Whilst the significance of the Listed Building is appreciated, one must first deduce the level of impact that is likely to occur. Helpfully, the Delegated Report and Decision Notice clarify that the level of harm is considered to be ‘less than substantial’ given that the site is peripheral to the Church, i.e., located approximately 225m away with several manmade and natural features present at intervening positions. However, the Appellant would argue that the mitigating factors have been downplayed in the LPA assessment, as already been dealt with earlier in this **Section** under the heading ‘Impact upon Amenity’. We also contend that the Council have undervalued the operational need and technical justification for the proposed replacement development, along with the many benefits of modern communications network services, as outlined in **Section 2**. In doing so, they have failed to offer an appropriate weighing up against any harm caused by the proposal.

Case Summary

6.109 One must appreciate that the technical requirement for Vodafone Limited simply cannot be addressed from outside the area and, in progressing the proposed replacement base station development, which forms an effective solution to the pending decommissioning of the NTQ site, the criteria of the NPPF and both regional and local planning policy has been adhered to for the many reasons outlined above. With consideration for sequential site selection along with the technical and design limitations faced by the operator, the proposed development is considered to strike the best available balance between all relevant planning and operational considerations. What limited impact upon amenity that may occur, is both acceptable and well outweighed by operational need and the many social, economic and environmental sustainability benefits that modern communications networks bring. In addition, the Appellant would argue that any other available and operationally viable site options would undoubtedly have a greater degree of impact upon either built heritage or redevelopment proposed as part of the JPA.2 allocation. The Appellant would therefore question how the LPA could reasonably suggest that a less harmful solution could be achieved?

6.110 It is considered that the Appellant has made every effort to fulfil their Ofcom issued licence requirements in line with planning legislation and policy criteria but have been prevented from doing so by the Council’s decision to refuse prior approval, which sits at odds with the digital aspirations of both the Council itself and its wider regional area, (see **Appendix 7.3**). The Appellant would also suggest that the Delegated Report fails to offer a well-balanced, comprehensive assessment of all material planning considerations. Instead, it focuses on what the LPA perceive to be the negative aspects of the development.

6.111 Such poor decision making on the part of the Council is adding significant delay to successive Government’s quests for the provision of fast and reliable digital connectivity for all. Indeed, as indicated in **Section 2**, (and as per **Appendix 7.2**), Minister of State Chris Bryant MP recently wrote to all the Council leaders specifically requesting their help to support the delivery of next-generation connectivity to communities across the UK by driving towards nationwide 5G coverage by 2030. The letter goes on to urge Councils to support the deployment of this infrastructure wherever possible. This matter was further reflected in recent comments by the Prime Minister, Sir Keir Starmer in an article in The Times, noting that infrastructure developers such as the Appellant ‘*must jump through endless hoops, only to be opposed. Dragged out, before eventually, if lucky, approved*’.

6.112 Furthermore, if the Council’s approach to the subject telecommunications proposal were to be applied on a wider scale, then its rural environments, expanding urban area and major transport routes would not be supplied with the benefits of modern communications services, which directly contradicts National Government and regional aims to support the digital economy, global competitiveness, and the right infrastructure for underpinning world class connectivity.

7.0 Government Ambition and Legislative Reforms

- 7.1 It is important to consider the merit of the subject proposal in a wider context of Government guidance and ambition which clearly recognises the benefits that modern communications networks bring.

National

- **Labour Manifesto (Appendix 7.2)**

- 7.2 The Manifesto included a section entitled ‘Kickstart economic growth’ within which the subsection ‘Economic Infrastructure’ referenced their views on 5G as follows:

“In an ever more connected world, Britain’s communication network is also vital. Under the Conservatives, investment in 5G is falling behind other countries and the rollout of gigabit broadband has been slow. Labour will make a renewed push to fulfil the ambition of full gigabit and national 5G coverage by 2030.

- **UK Wireless Infrastructure Strategy (Appendix 7.2)**

- 7.3 The Strategy recognises the benefits that effective connectivity has brought to British households and business by boosting growth, productivity, and opportunity for all. Advanced wireless connectivity is heralded as the foundation on which to build industry, employment, skills and services for the future with 5G identified as being key to driving industry growth and improving public services and transport. Improving digital connectivity is also one of the government’s Levelling Up Missions and aims for all places and communities across the UK to share in the benefits of good connectivity, enriching lives and driving local growth.

- 7.4 The document references the Prime Minister’s 5 priorities for this government, i.e., to build a better, more secure, more prosperous future for the UK, including growing the economy, and creating better-paid jobs and opportunity right across the country, which this strategy is focused on delivering.

- 7.5 Chapter 5 of the Strategy deals specifically with ‘Realising the benefits of 5G and advanced wireless connectivity’ and states:

“5G and other forms of advanced wireless connectivity pave the way for new services and applications that can have a transformative effect on our public services, businesses and our local economies, delivering this government’s priority of growing the economy and creating better paid jobs. Wireless connectivity can support mobile healthcare workers and connected vehicles, improve traffic flow through our cities and enable our factories to be more productive, supporting the fourth industrial revolution. Our evidence is clear that the most significant economic benefits from 5G will come from widespread adoption of advanced 5G by industrial sectors, including manufacturing and logistics, and by public services.

The government is determined that the UK should take full advantage of these opportunities...

We are therefore providing the framework to ensure that people, businesses and public services across the UK are able realise the full benefits of 5G and advanced wireless connectivity as soon as possible.”

- 7.6 With regards to facilitating 5G at a local and regional level, Chapter 5 references the need for ‘Local Leadership and Coordination’ stating:

“Local leadership can help to identify and break down barriers to deployment at a local level by bringing together stakeholders across the public sector and building strong relationships with industry. The installation of telecoms infrastructure involves a number of different local government departments (such as planning, estates, highways) and their activities can be siloed and uncoordinated.

It is essential that, at a leadership level, local and regional authorities recognise the importance of wireless connectivity and identify decision-makers within the organisation who are empowered to facilitate private sector investment. By articulating the benefits of wireless infrastructure and connectivity and linking these to digital inclusion (and, in turn, tying these into local authorities' wider regeneration and growth or 'place' strategies) it can be viewed as an inward investment opportunity for places across the UK."

- **Ofcom Connected Nations England Report 2024 (Appendix 7.1)**

7.7 The annual Connected Nations report for England measures progress on the availability of broadband and mobile services across England and the UK, including the newest full fibre, fixed wireless access and 5G networks now being rolled out.

7.8 Section 1 'Overview' confirms that mobile availability continues to grow stating:

"The availability of mobile 5G continues to expand, with mobile network operators (MNOs) coverage ranging between 61% and 79% outside premises. However, 5G coverage where all MNOs are present outside premises remains low, at 38% for our High Confidence level. We continue to see significant differences across the UK, with 5G deployed in 42% of sites in urban areas, compared with 16% of sites in rural areas.

The deployment of mobile 5G standalone sites has increased to around 3,300 sites this year, representing just below 15% of reported mobile 5G sites. These sites carry 14% of the total 5G monthly traffic representing around 3% of overall monthly mobile traffic in the UK."

7.9 Before continuing that:

"4G remains the primary technology for mobile users, reaching outside more than 99% of UK premises and carries 78% of total mobile data traffic. 4G coverage where it is available from at least one MNO has now reached 95% of the UK landmass (delivering early on one of the key targets for the Shared Rural Network programme), with 4G geographic coverage across individual MNOs in the UK rising from a range of 80-87% last year to 88-89% this year. We note the 4G geographic coverage improvements because of the Shared Rural Network programme."

7.10 Section 3 of the report is titled 'Mobile, data and voice' and confirms:

"Mobile connectivity has become an integral part of modern living; it enables effective communication, provides access to information and services, enhances productivity, and supports various aspects of daily life."

7.11 Under the subheading 'Highlights' the following are listed:

- ***"The availability of 5G mobile continues to grow steadily*** with MNOs' coverage ranging between 61% and 79% outside premises. 5G coverage outside premises where it is available from at least one MNO has increased to 90-95%, up from 85-93% in 2023 (across a range covering Very High and High Confidence levels). MNOs' 5G predictions indicate that BT/EE has the most extensive outside premises coverage at both our High Confidence level (79%) and Very High Confidence level (76%).
- ***There has been further deployment of 5G standalone sites for mobile.*** Last year, we reported that the deployment of commercial 5G mobile standalone sites had begun, and this year, this has increased to over 3,300 sites accounting for just below 15% of 5G sites. 5G mobile standalone now carries 14% of the total monthly 5G traffic (around 3% of overall monthly mobile traffic in the UK).

- **4G continues to be the main technology for mobile users. 4G remains the primary technology for mobile users**, reaching outside more than 99% of UK premises and carries 78% of total monthly mobile data traffic. 4G geographic coverage where it is available from at least one MNO has now reached 95% (delivering early on one of the key targets for the Shared Rural Network programme), with 4G geographic coverage across individual MNOs in the UK rising from a range of 80-87% last year to 88-89% this year. We note the 4G geographic coverage improvements as a result of the Shared Rural Network programme.
- **Mobile traffic continues to grow, though at a slower pace**, with overall monthly traffic levels increasing by around 18% to 1069 PB this year compared to the c.25% growth between 2022 and 2023. Monthly 5G traffic has seen the highest increase from 151 PB in 2023 to 227 PB in 2024, an increase of around 50%.
- **MNOs have started switching off their 3G networks, with two of them having already completed the process.** MNOs have also committed to switching off their 2G networks by 2033 at the latest. The number of customers using devices reliant on 2G or 3G connectivity has fallen from 2.4 million down to 2.1 million.”

7.12 With regards to the relationship between 5G and 4G, the report confirms that:

“5G non-standalone (5G NSA) involves deploying 5G radio equipment alongside existing 4G and is supported by the 4G core network. This delivers an increase in capacity and allows MNOs to support demand as it continues to grow, without the congestion and degradation of service quality that would otherwise result.”

7.13 With regards to the switch-off of 2G and 3G networks, the report confirms that:

“All MNOs made a commitment to the Government to switch off their 2G and 3G networks by 2033 at the latest. This will result in improved network efficiency and enable more spectrum to be used for 4G and 5G services.”

- **UK Digital Strategy Policy Paper (Appendix 7.2)**

7.14 The UK Government’s Policy Paper was updated on 04 October 2022, within which ‘Section 1 Digital Foundations’ reiterates that digital infrastructure plays a vital role in the daily lives of modern society and is the foundation of a thriving digital economy. The Strategy confirms that every part of the UK needs world-class, secure digital infrastructure that enables people to access the connectivity and services they need, where they live, work or travel, and clearly states the ambition to supply the majority of the UK’s population with access to 5G by 2027. The Strategy also highlights the fact that enhancing digital connectivity is ‘Mission 4’ of the Government’s Levelling Up White Paper, (**Appendix 7.2**).

- **The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (Appendix 6.1)**

7.15 The reader will be aware that amended planning legislation was introduced on 04 April 2022 in the form of the above, which saw a relaxing of planning laws to facilitate Government ambition for all to have access to effective and UpToDate mobile communications services in recognition for the benefits that modern communications networks bring.

7.16 The ‘Explanatory Memorandum’ that accompanied this amendment confirms that:

“Permitted development rights have an important role to play in the planning system. They provide a more streamlined planning process with greater planning certainty, while at the same time allowing the local consideration of key planning matters through a light-touch prior approval process.

Policy Background, What is being done and why? Paragraph 7.1

It is essential that the planning system continues to effectively support the deployment of new mobile network infrastructure. The changes will provide Code Operators with flexibility to upgrade existing sites in England for 5G delivery, enhance coverage and meet growing demands for network capacity. They will also reduce the time, cost and uncertainty involved in upgrading mobile network infrastructure and encourage the use of existing infrastructure and promote site sharing to reduce the impacts of new deployment.

Policy Background, 'What is being done and why?' Paragraph 7.3

Article 3(2)(a) of this Order alters the height limits for the deployment of new ground-based masts through permitted development rights. These changes permit the installation of new ground-based masts of up to 30 metres in height on unprotected land, and up to 25 metres on Article 2(3) land. In both cases Code Operators would need prior approval from the local planning authority. These changes will reduce the number of new ground-based masts needed...

New ground-based masts, Paragraph 7.16

- **Future Telecoms Infrastructure Review (FTR) (Appendix 7.2)**

7.17 In 2018, the Department for Digital, Culture, Media and Sport published the FTR, outlining the Government's intent on being the best place to start and grow digital business with the aim of providing the majority of the population with 5G coverage by 2027. The FTR made it clear that 5G networks will deliver faster and better mobile broadband data services to consumers and businesses and will enable innovative new services for industry sectors, including manufacturing, transport, immersive technologies and healthcare.

- **Ofcom The Electronic Communications Code 2017 (Appendix 7.1)**

7.18 Government ambition and recognition for the benefits that modern communications networks bring is also clearly evident in the publication of this document which has made it easier for network operators to install and maintain apparatus, such as phone masts, exchanges and cabinets, on public and private land with Part 4, Paragraph 20, providing a mechanism for the courts to impose terms of occupation on a landowner and the Operator or infrastructure provider. Further amendments to this Code are imminent, to help streamline the acquisition process and clarify relationships between infrastructure providers and site owners.

Regional (Appendix 7.3)

- **Greater Manchester Combined Authority (GMCA) Digital Blueprint**

7.19 Originally launched in February 2020, the GMCA refreshed the Greater Manchester's Digital Blueprint in May 2023, identifying five digital priorities and four key strategic enablers, developed in collaboration with stakeholders from across Greater Manchester's digital sector, sharing strategic commitments to put people, environment, and place firmly at the heart of its plans.

7.20 The priorities are listed as:

- Empowering people and communities
Ensuring everyone in the GM area can safely access and benefit from digital opportunity
- Building responsible, data driven public service
Reforming and renewing public services with the needs of GM
- Digitally enabling a resilient and prosperous economy
Enabling businesses to use technology better and support its creation and scaling of digital organisations
- Creating connected, inclusive, sustainable places

Building out world class digital infrastructure, creating resilient, connected, accessible and sustainable places for everyone

- Strengthening our position as a global digital influencer
For GM to be further acknowledged as a global centre of digital innovation, research and practice

7.21 The strategic enablers are listed as:

- Building digital skills and literacy for life, education, work and business
- Strengthening digital talent pipeline
- Extending world class digital infrastructure, technology and data
- Harnessing academia, testbeds and research

7.22 The above demonstrates the Government's recognition of the increasing importance of reliable connectivity now and in the future and they set the scene in which Decision Makers must determine telecommunications applications, particularly in cases such as this where operators are seeking to prevent a loss of network services for their customers.

- **Greater Manchester Combined Authority (GMCA) Local Industrial Strategy 2019**

7.23 The Executive Summary of the Strategy states:

"Greater Manchester's ambitious Local Industrial Strategy is designed to deliver an economy fit for the future, with prosperous communities across the city-region and radically increased productivity and earning power."

7.24 The strategy references an aim to harness digital transformation to create better quality, future-facing jobs in all sectors of the economy, enabling the digitalisation of all sectors and capitalising on the links between digital and creative industries that feed internationally significant clusters in broadcasting, content creation and media, and maximising growing assets in cyber security.

7.25 It also acknowledges the benefits associated with clean and inclusive growth facilitated by digital connectivity, digital mobility solutions, and the need to meet nationwide targets on the roll out of 5G. Further to this, there is an aspiration to become the best-connected city-region in the UK and to be a top five city-region for digital economy in Europe.

- **Greater Manchester Combined Authority (GMCA) Infrastructure Framework 2040**

7.26 The Executive Summary of the Framework states:

"Greater Manchester has experienced major change over the past decades, and this is anticipated to continue, if not accelerate, in the future – particularly as a result of population and employment growth, environmental & climate change and technological advances. All of these changes have the potential to impact on Greater Manchester's infrastructure, which supports the residents, communities, environment and local economy of the City Region."

7.27 The Framework references three key trends, namely:

- Population and Employment
- The Environment and Climate Change
- Technological, Digitalisation and Wider Changes

7.28 With regards to digital communications, the Framework acknowledges that:

“Digital technology is increasingly the backbone of the major industries and our daily lives. Approaching 2040, GM will need to be a smart and digitally ready City Region. To achieve this, and support on-going digitalisation, the region will require resilient fixed connectivity (through full fibre) supported by 5G (and subsequent technologies).”

7.29 And goes on to state:

“Over the years approaching 2040, GM will move to become a smart and digitally-ready city region. To achieve this vision, the future digital infrastructure will require strong fixed resilience connectivity, supported by 5G (and beyond), big data systems and other nascent technologies such as Artificial Intelligence and machine learning. Without connectivity, processing the sheer volumes of data necessary to create a network of communicating devices will be impossible. As such, significant improvements are required to increase the provision of wired (through full fibre to the premises) and wireless (through 5G, or subsequent technologies, and wifi provision) across Greater Manchester. Without the more basic technology solutions (such as pervasive fibre connectivity and 5G), the smartregion solutions and value-added outcomes will struggle to be brought to fruition.”

7.30 The document also acknowledges that GMCA and the Districts, in conjunction with the digital and telecommunications providers, need drive forward opportunities to promote connectivity and uptake in the regional centre, referencing the Vodafone Limited 5G trial in Salford Quays which commenced operation in 2018, before the technology was rolled out in any other place in the UK.

Local (Appendix 7.4)

- **Rochdale Borough Council Digital Experience Strategy 2022-2025**

7.31 The opening statement of the Strategy suggests:

“The future growth of our borough relies on making more and better use of the opportunities that digital innovation and transformation provides. A digital place is one that utilises new technologies and systems. Digital people are able to take advantage of those new technologies and better their lives.”

7.32 The ‘Introduction’ to the Strategy then continues that:

“We want everyone to have a positive digital experience. The council is committed to creating a digital infrastructure that will provide fast and responsive public services across our borough, keep communities connected and promote digital security. We aim to improve the digital skills of our citizens, increase digital awareness and digital access and support businesses and employment in the digital sector...”

There is a gap that exists between individuals, households, businesses and geographic areas at different socio-economic levels with regards to their opportunities to access information and communication technologies (ICT)... The ‘digital divide’ contributes to the inequality of access to goods and services available through technology... Those without access are at a disadvantage...

Transforming health and care through technology has the potential to deliver better outcomes for patients and citizens. We will empower people to make healthy choices by enabling digital access to health and care information and we will support independent living through digital products and services...”

7.33 With regards to mobile coverage, the Strategy states:

“We want all areas of the borough to have increased and reliable mobile coverage and faster broadband connectivity to meet the increasing demands for digital access and use across homes, businesses, public services and transport networks.”

7.34 On the issue of 5G, the Strategy includes the following under the subheading ‘Digital Infrastructure: Future Outcomes’:

- *Improving availability and reliability of broadband and mobile access through 5G and full fibre.*

Summary

7.35 Each of the above demonstrates the national, regional governmental recognition of the increasing importance of reliable connectivity now and in the future and they set the scene in which Decision Makers must determine telecommunications applications.

8.0 Conclusion

- 8.1 The proposed development is for essential infrastructure that will act as an integral part of the current and future mobile network of Vodafone Limited. The Appellant and operator have been served with a 'Notice to Quit' their existing base station site elsewhere within Lower Stakehill Farm, (the NTQ site), and the pending decommissioning of their existing infrastructure will result in a loss of network services if a replacement solution is not first brought to fruition. The timely implementation of an effective replacement solution is therefore of the utmost importance and without this, the operator will be unable to provide the access to effective and UpToDate services that customers in the area expect, nor will they be capable of fulfilling their Ofcom licence agreement obligations.
- 8.2 The appeal proposal will resolve this by providing a replacement base station solution that will maintain coverage, improve network services and capacity, and establish new 5G connectivity services to those living, working, visiting and travelling in the Stakehill and Slattocks area.
- 8.3 In refusing to grant Prior Approval for the appeal proposal the Council have failed to pay due consideration to the operational limitations faced by the Appellant in terms of their locational requirements, site availability and the operational need to avoid transmission infringement by existing features and topography. Although the LPA assessment of the application has focused on the development's context with the JPA.2 redevelopment in the area and impact upon the Grade II Listed St John's Church, the Case Officer has offered little reasonable appreciation of the siting and design process that has preceded the proposal. Equally they appear to have ignored the planning history of base station development in this locale and the mitigating elements in play, nor have they sought to balance any limited harm that may occur against the operational need for maintained, improved and new UpToDate network services, the essential nature of the infrastructure, nor the many associated benefits the development will provide.
- 8.4 With regards to siting, the appeal site has been identified as a viable development option following the implementation of an exhaustive and sequential site selection process. One must appreciate that the nominated site is not subject to any statutory or non-statutory designations, has no impact upon residential amenity and makes best use of topography, trees and other features to soften impact. Indeed, the development site is only clearly visible from close quarters, specifically from the adjacent section of Stakehill Lane to the south east and within the host field. In all other cases, the existing features within the landscape provide context, mitigation and framing. The Appellant contends that there are no available development opportunities elsewhere in the operator's search area that would provide a less harmful site option and with a history of consented base station development in the locale, a siting precedent has been set.
- 8.5 In terms of design, the Appellant has achieved an effective multigenerational, 5G compatible solution that has seen all apparatus limited in amount and scale to a minimum operational requirement with a simplistic and functional mast design having been incorporated. A lattice style mast is considered the least intrusive design option for catering for the antenna height requirement of 25m. A lesser mast height would simply not be operationally feasible for fulfilling the operational brief.
- 8.6 One must acknowledge that telecommunication base station developments are accepted and essential infrastructural elements in today's modern society and all manner of landuses with current Government guidance in the form of the NPPF confirming that high quality electronic communications infrastructure is a vital component of sustainable economic growth. On this basis, Local Planning Authorities should support the expansion of the electronic communications networks, including telecommunications, broadband and mobile digital infrastructure, through the application of appropriate development plan and development management policies and decisions, taking full account of the economic and social implications of not having efficient and UpToDate coverage or capacity within any given area. Without a comprehensive balancing of all planning and operational considerations, the Government's objective to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities will not be achieved.
- 8.7 It is considered that the Appellant has fulfilled their role in seeking to achieve the above but has been prevented from doing so by Council's decision to refuse prior approval for the subject proposal; a sensitively sited,

sympathetically designed, replacement base station proposal providing an UpToDate network solution for Vodafone Limited in an area that is currently suffering from limited services and network capacity.

- 8.8 To conclude we would again reiterate that the proposed base station is essential infrastructure of national importance being delivered at a local level. It will provide replacement and improved network services along with reliable and world class digital connectivity, supporting the digital economy in both City-wide and regional contexts, helping to facilitate Rochdale's economic growth and England's pandemic recovery plan including the provision of social and environmental benefits, all of which is in the public interest.
- 8.9 As such, we would respectfully request that the Inspectorate upholds this appeal granting approval for the subject proposal.

APPENDIX 1

APPENDIX 2

APPENDIX 3

APPENDIX 4

APPENDIX 5

APPENDIX 6

APPENDIX 7

APPENDIX 8