SUPPLEMENTARY INFORMATION FORM

1. Site details

Site Name	Westwood New Road Streetworks	Site Address	Highways land on Westwood New Road, near the A61 / A616 roundabout, Tankersley, Barnsley, S75 3DL
NGR	433786, 399094		
Site Ref Number	SYO011	Site Type[2]	macro

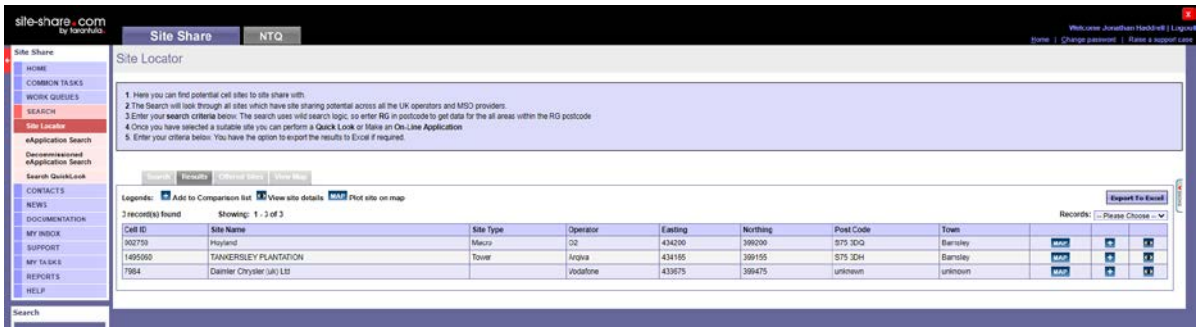
2. Pre Application Check list

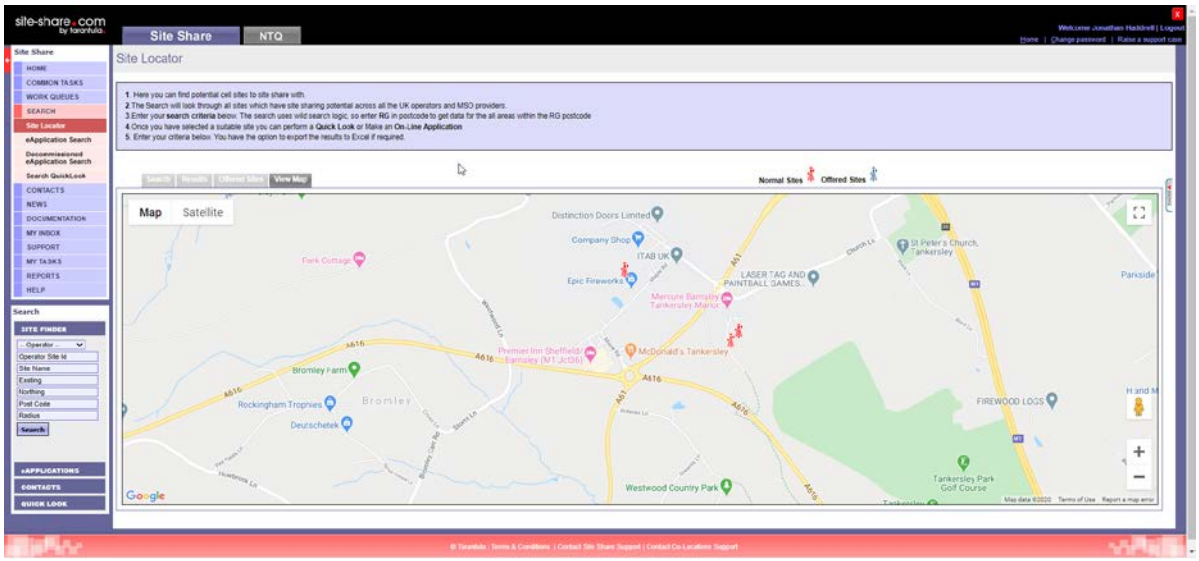
Site selection (for New Sites Only)
(would not generally apply to upgrade/alterations to existing sites)

Was a local planning authority mast register available to check for suitable sites by the operator or the local planning authority?	~~yes~~	**no**
if no explain why Unable to trace a mast register that the Authority keep		
Were industry databases checked for suitable sites by the operator?	**Yes**	~~No~~

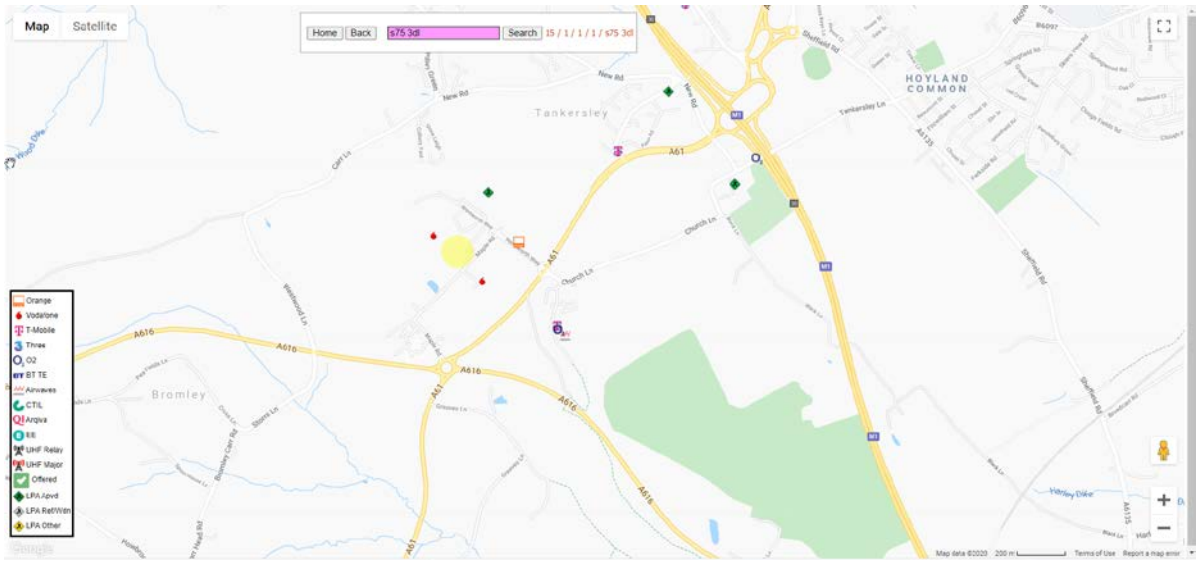
[2] Macro or micro

Extract from industry Site Share OLO.com – results within 1 mile





Extract from Mastdata.com showing all nearby sites and planning applications, not just shareable sites



Annual Area Wide information to local planning authority

Date of information submission to local planning authority	N/a
Name of contact	N/a
Summary of any issues raised Initial rollout consultation was undertaken by Airwave back in 2000. Currently the network is established and mature which means, unlike mobile phone operators, there is no annual rollout plan. Airwave merely require to replace sites which are about to be removed from the network, such as those where landowners issue formal Notice To Quit requiring the removal of apparatus from their land, or alternatively need to improve coverage in areas as a result of other development works in the general vicinity of existing sites which may impact on coverage, such as new offices or high rise flats that impact on coverage footprint on existing radio sites.	

Pre-application consultation with local planning authority

Date of written offer of pre-application consultation	n/a	
Was there pre-application contact	yes	~~no~~
Date of pre-application contact	n/a	
Name of contact	n/a	
Summary of outcome/Main issues raised n/a		

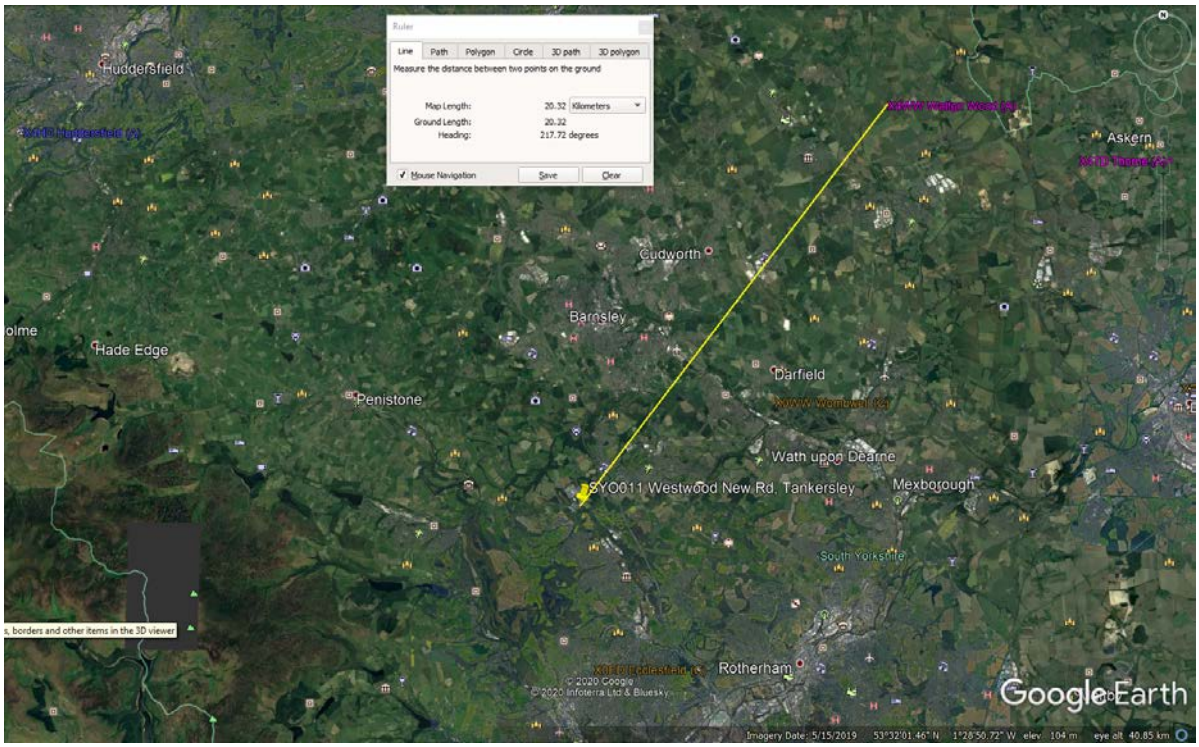
Ten Commitments Consultation

Rating of Site under Traffic Light Model	~~Red~~	~~Amber~~	**Green**
Outline Consultation carried out: n/a			
Summary of outcome / main issues raised: n/a			

School / College

Location of site in relation to school / college (include name of school / college): No school within 500m of site
Outline of consultation carried out with school / college (include evidence of consultation): n/a
Summary of outcome / main issues raised: n/a

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation (only required for prior approval applications - this is a full planning application and so notification is not required).

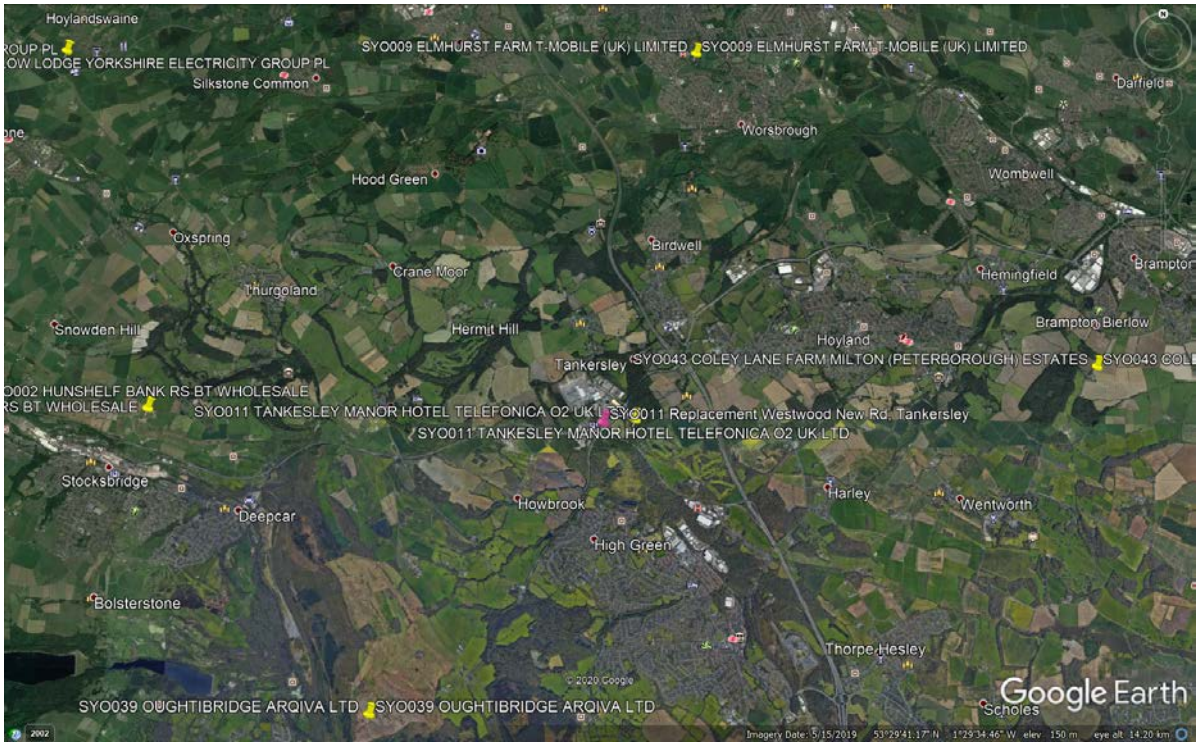
Will the structure be within 3km of an aerodrome or airfield?	~~Yes~~	**No**
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified	~~Yes~~	**No**
Details of response Nearest operational site is X4WW Walton Wood (A). However this is in excess of 20kms from the site 		

Developer's Notice

Copy of Developer's Notice enclosed?	**Yes**	~~No~~
Date served	22 December 2020	

3.0 Proposed Development

The proposed site
Highways land on Westwood New Road, near the A61 / A616 roundabout, Tankersley, Barnsley, S75 3DL

Enclose map showing the cell centre and adjoining cells on next page
The yellow pins in the satellite image below show the surrounding sites to SYO011 O2 csr 2750 under Notice To Quit (and the planned replacement site SYO011 Westwood New Road Streetworks – coloured pink). 

Type of Structure (e.g. tower, mast, etc.): Non-ground penetrating mast	
Description : monopole mast located on a steel grillage placed on concrete blocks	
Overall Height 20m to top of structure	
Height of existing building (where applicable)	N/a
Equipment Housing prefabricated steel cabin	
Length	2.712m
Width	2.712m
Height	2.81m
Materials (as applicable) -	
Tower/mast etc. – type of material and external colour	Steel finished RAL6009 fir green
Equipment housing – type of material and external colour	Steel prefabricated cabin, finished fir green RAL6009

Reasons for choice of design

In areas of limited space, such as the highway, it can become extremely difficult to design and deploy a traditional site of reinforced concrete tower and cabin bases. On a 20m tower alone, the size of traditional foundation would be a minimum of 4.5m x 5.5m which, coupled with a cabin base foundation of 3.5m x 3.5m, would make a land 'grab' of a minimum of 10m x 7m.

Consequently over the last 2 – 3 years, Airwave's design team have brought forward a simple non ground intrusive mast deployment design that has a number of specific advantages. Obviously it avoids the traditional issues of subterranean services and potential damage to trees and tree roots as there is no excavation for a 1.2 – 1.8m depth for a traditional tower foundation. However with an 'H' design for the tower support grillage, this has a specific additional benefit that allows the cabin to be positioned basically adjacent to the mast which thus massively reduces the actual land take footprint area of a site – reducing this by over 200sqft from a potential 754 sqft to 547 sqft compound area – which is a massive different when the site is positioned upon the highway.

A couple of photos of a non-ground penetrative 20m lattice mast installation which was installed earlier this year in Ascot together with a smaller coloured mast in Exmoor National Park are shown below.

Although the site is proposed to be secured with fir green coloured palisade fencing, the choice of monopole over a slimline lattice was specifically chosen for health and safety and security reasons as with a monopole there is absolute control of access to the antennas by authorised personnel only.







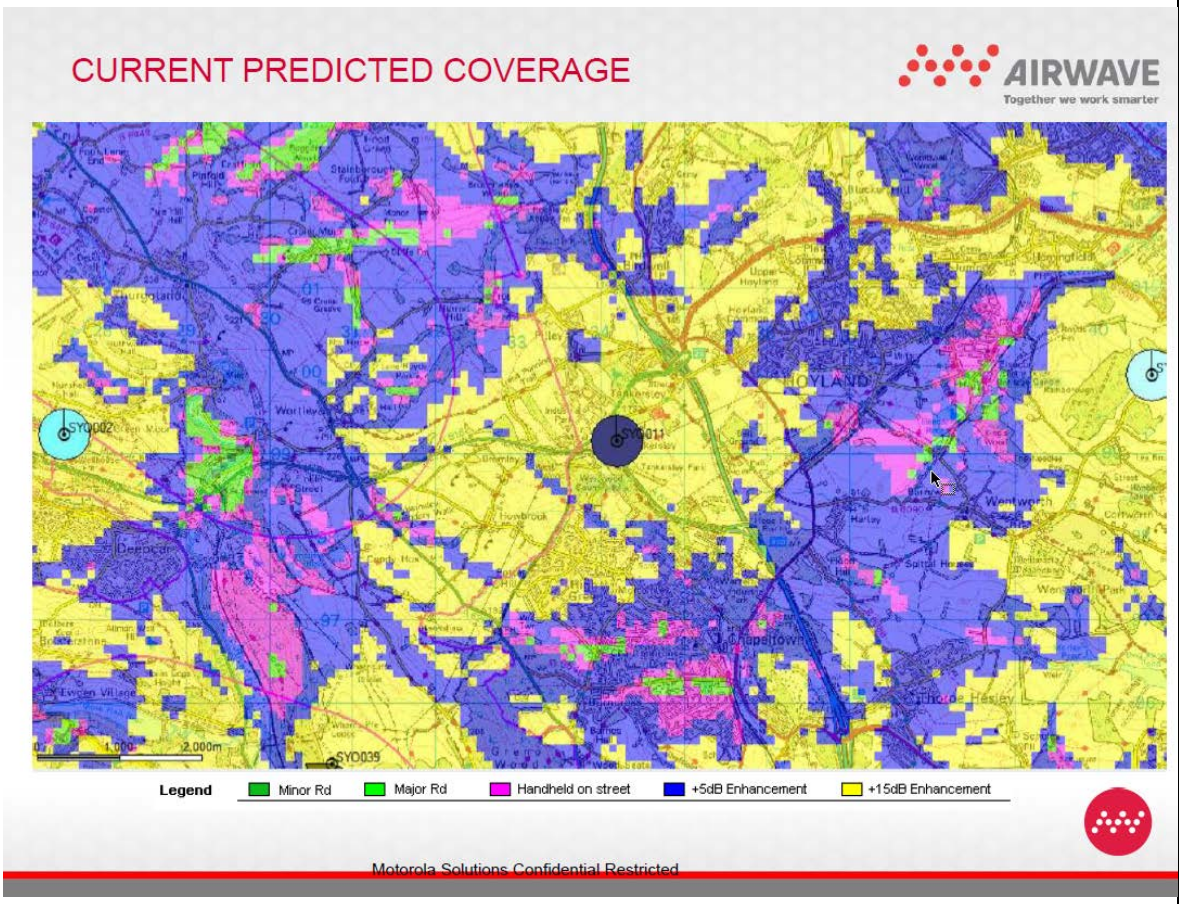
Technical information

International Commission on Non-Ionizing Radiation Protection Declaration attached (see below)* International Commission on Non-Ionizing Radiation Protection public compliance is determined by mathematical calculation and implemented by careful location of antennas, access restrictions and/or barriers and signage as necessary. Members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines. When determining compliance the emissions from all mobile phone network operators on or near to the site are taken into account. In order to minimise interference within its own network and with other radio networks, Airwave operates its network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision As part of Airwave's network, the radio base station that is the subject of this application will be configured to operate in this way. All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference. The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.	**Yes**	~~No~~

4.0 Technical Justification

Enclose predictive coverage plots if appropriate, e.g. to show coverage improvement. Proposals to improve capacity will not generally require coverage plots.

Reason(s) why site required e.g. coverage, upgrade, capacity
Airwave Solutions – radio coverage requirement – Notice To Quit Replacement Site The Airwave service is a modern, dedicated and private, fully integrated, state of the art, national, digital mobile radio communications service designed to serve the needs of the police and other 'Blue-Light' emergency services and public safety organisations. It is users of the TETRA system, normally the police, not Airwave, who specify the level of RF coverage to be provided in any location; Airwave is then contractually required to provide that level of RF coverage at all times, even if it means deploying temporary sites until permanent coverage can be provided. Within the Tankersley district of Barnsley, Airwave is contractually required by the Home Office and South Yorkshire Constabulary to provide a service level of +15db enhancement of radio coverage to the town, and a section of the M1 motorway at its junction 36, which is technically termed an E2 enhancement and in simple terms means that the Emergency Services must have "in-building" radio coverage to a minimum of 97% of all buildings within the defined target area (yellow); in effect in an urban district this means that the emergency services control room can maintain constant officer connection when they are inside of 97% of buildings with a specific stipulated area. Through the Tankersley area, radio coverage is currently provided by the existing SYO011 installation which is a site share of the existing O2 csr2750 Hoyland at Tankersley Plantation, Upper Tankersley, Barnsley. However, following network consolidation between O2 and Vodafone, the existing O2 cell site is no longer required and is to be removed. Consequently O2 has issued a legal Notice To Quit requiring vacant possession of the site so that the land can be returned to the land owner and their liabilities extinguished. Consequently, a replacement site is required to meet the emergency services specified level of service for the Tankersley area. Directly below is a radio plot showing the existing level of service provided for the emergency services from the existing site SYO011. As stated above, the required level of service for Tankersley and a section of the M1 MUST be yellow (defined E2 or +15dB enhancement).

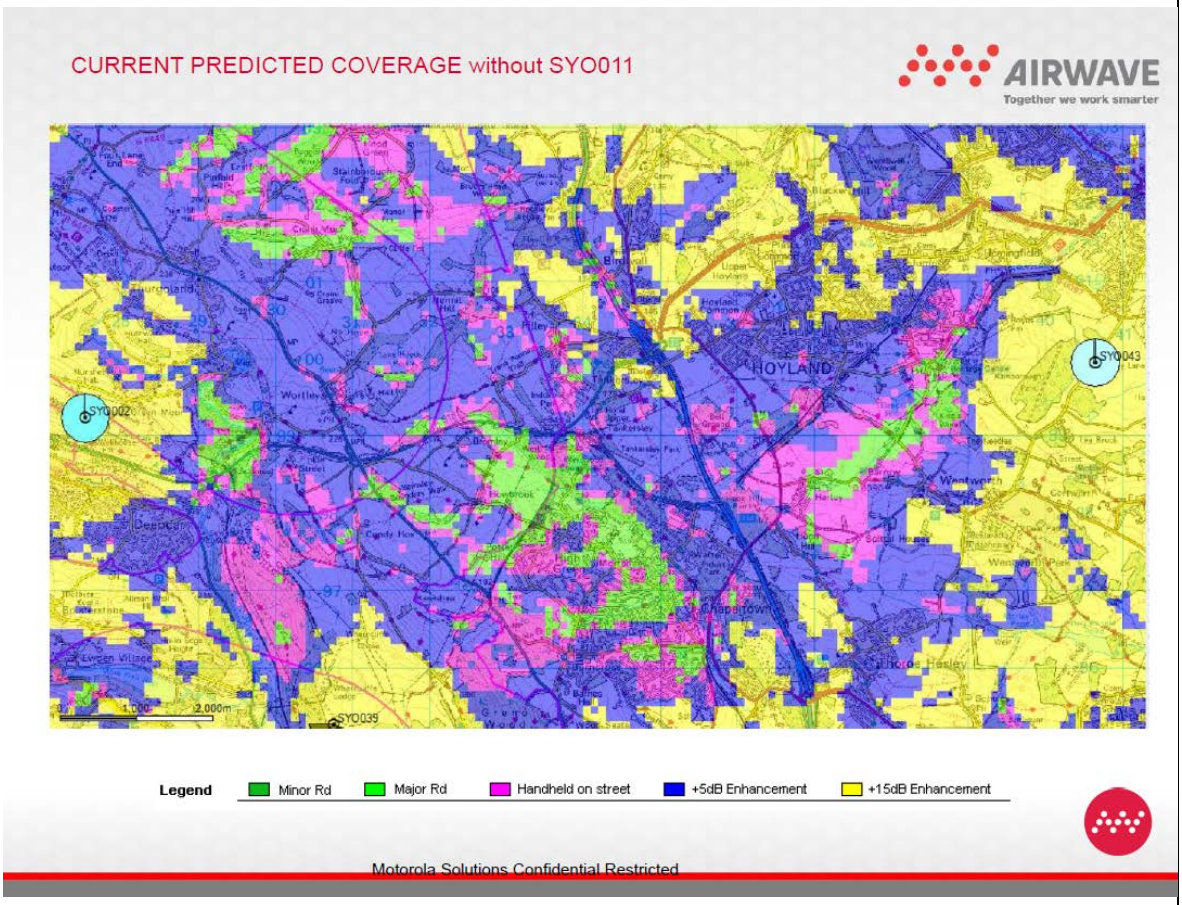


With the issue of the legal notice on Airwave, a Notice To Quit, requiring the removal of its equipment from the O2 mast, as the radio plot below clearly shows, this will leave major gaps in coverage in at the heart of Tankersley, Upper Tankersley, Bromley, the A616, A61 and the M1 around junction 36 which means mobile communications for ALL Emergency Services will only be achievable from a mixture, dependent upon precise location of officers, of vehicular sets and walkie talkies at street level with no penetration inside any buildings whatsoever.

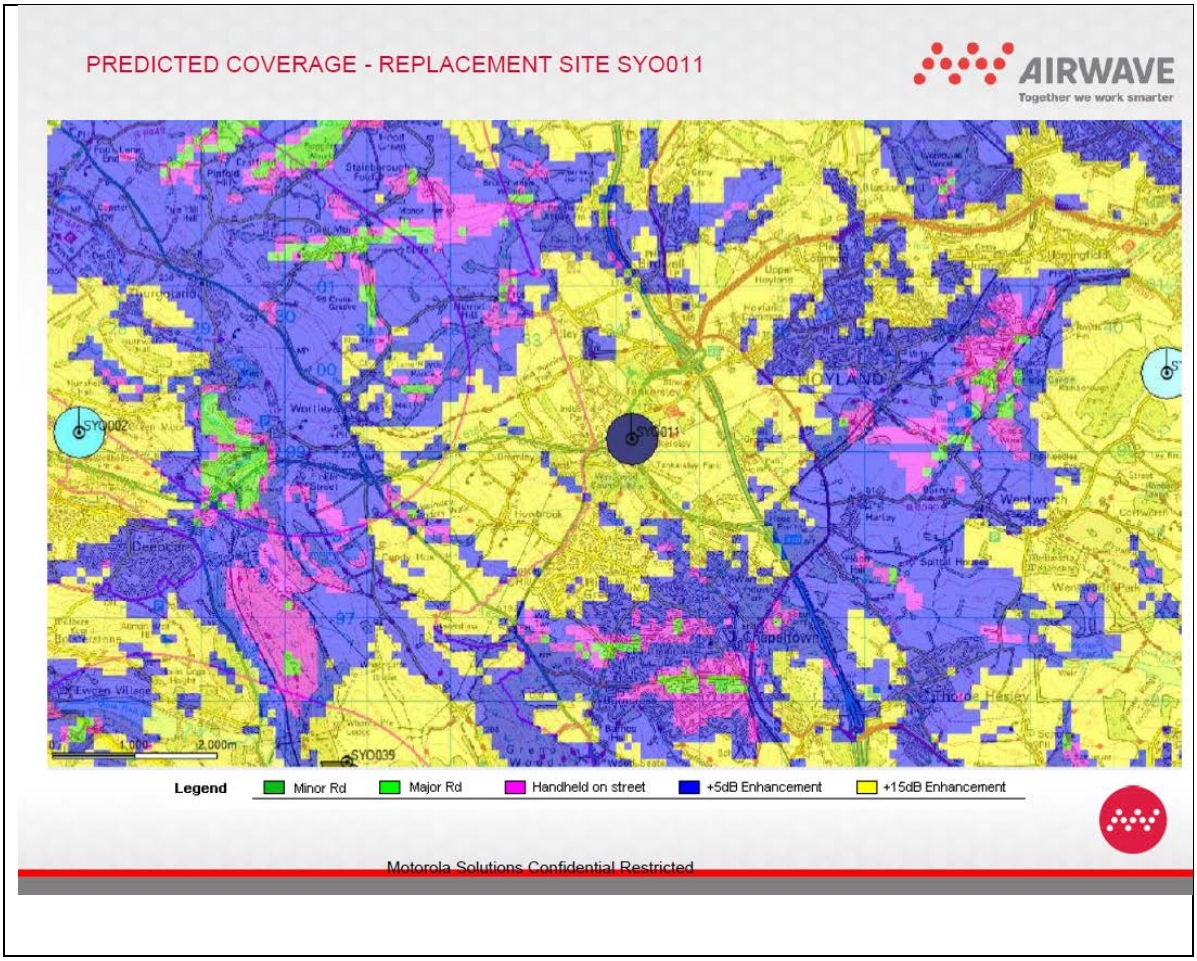
In reality, what this will mean is that officers will in some areas only be able to communicate with each other when using car / fire engine / ambulance vehicle communication sets and no hand held calls will be able to made by officers who are either on the street or inside buildings, whilst in other areas some hand held walkie talkie units will be able to be used but only by officers on the street.

Consequently the ramifications for public safety and national security would be extreme - potentially the police will have no communications between officers and control rooms/commanders, leaving the residents and businesses of these areas of Tankersley, Upper Tankersley and Bromley more exposed to crime; potentially the fire service will be similarly exposed to no communications between fire fighters and unable to coordinate a response to any fire in this area; and this will be no different for the ambulance service and will be a severe risk to human life in and around the aforementioned town centre and surrounding districts. Not only does the ambulance service rely on the Airwave service for communications between control rooms and paramedics, but the vehicles are fitted with communications services that provide a direct link to hospital emergency rooms so that the Doctors can actually see what the paramedics are doing and similarly are able to tell the paramedics what to do and prescribe drugs for immediate use that otherwise paramedics would not be able to do en-route.

The radio plot below demonstrates the loss of service as described above when the existing site share installation of the O2 mast site is removed and not replaced.



With the installation of replacement transmitting equipment on the highway at Westwood New Road near Sowell Wood, replacement in-building coverage to the areas previously described of Tankersley, Upper Tankersley, Bromley, the A616, A61 and the M1 around junction 36 will be provided. Thus ensuring there is no risk to the public, emergency services personnel or national security.


PREDICTED COVERAGE - REPLACEMENT SITE SYO011
AIRWAVE
Together we work smarter
SYD002
SYD011
SYD039
1,000
2,000m
Legend
Minor Rd
Major Rd
Handheld on street
+5dB Enhancement
+15dB Enhancement
Motorola Solutions Confidential Restricted

5.0 Site selection process

Alternative sites considered and not chosen (not generally required for **upgrades / alterations to existing sites** including redevelopment of an existing site to facilitate an upgrade or sharing with another operator)

Site	Site Name and address	National Grid Reference	Reason for not choosing
From Inter-Operator OLO.com database			
ES	O2 2750 Hoyland	434200, 399200	Existing site share operational site of Airwave's and subject to NTQ. Site to be removed and land reinstated.
ES	Arqiva 1495060 Tankersley Plantation	434165, 399155	Existing Arqiva/ EE site in the plantation. Unable to mount antennas above the existing EE antennas which means would have to be mounted below. With the technical requirement of vertical separation between operators antennas to avoid destructive interference, the site fails to clear the woodland and fails to provide any coverage to the required target area.
ES	Vodafone 7984 Daimler Chrysler UK	433675, 399475	Existing 17½ monopole site. Site incapable of being shared.
From Mastdata.com			
ES	Vodafone 83430 HSBC data centre	433847, 399365	In-building cell. Incapable of being shared.
ES	EE SYK7021	434000, 399530	Existing EE 11½m streetworks monopole site. Site incapable of being shared.
ES	Vodafone 7984 Daimler Chrysler UK	433643, 399554	Existing 17½ monopole site. Site incapable of being shared.
ES	LPA ref 2015/0508	433643, 399554	Redevelopment of Vodafone 7984 to a 17½m monopole .
ES	EE 75117	434408, 399911	Existing EE streetworks 'lollipop' stick on the highways junction of Westwood New Road and A61 opposite the primary school. Incapable of being shared.
	LPA ref 2015/0318		4G upgrade application to the EE streetworks above (75117). Incapable of being shared
ES	LPA ref 2006/1435		Original application for O2 37374 (described below)
ES	O2 37374	434989, 399884	Existing streetworks installation on Tankersley Lane adjacent to the north bound carriageway of M1. Site incapable of being shared.
Remaining identified options from site finding survey			
RT	S.Yorkshire Fire and Rescue Station, Maple Road	433797, 399560	Pitched roof fire station incapable of being shared. 4 storey training tower in rear yard. Structure too lightweight to support any electronic communications equipment and tower used with water cannons. Unable to structurally or technically share use of.

GF	Highways near Truck Stop	434151, 399490	Highways land too tight to accommodate an installation.
GF	Highways opposite Truck Stop	434122, 399500	Will not provide requisite radio coverage with target area
GF	Highways opposite Mecure Hotel	434065, 399416	Will not provide requisite radio coverage with target area
GF	Mecure Barnsley Tankersley Manor Hotel	434167, 399266	Land owner not prepared to treat / accommodate an installation.
GF	Premier Inn	433608, 399075	Landowner not prepared to treat and ultimately site too visually exposed and would fail to receive planning approval.
GF	Jimmy' Fireworks, Mapel Road	433675, 399386	Institutional investment landowner, not will to treat / accommodate an installation
GF	Tadano UK, Wentworth Ind Park	433627, 399721	Institutional investment landowner, not will to treat / accommodate an installation

Additional relevant information:

Background information – The Airwave TETRA System: The need for the Development

The electronic communications requirement of any public safety group including, the Police, Ambulance and Fire and Rescue services is to avoid putting human lives at risk.

In the past when UK disasters have struck, emergency response teams from different police forces and emergency services had a difficult time communicating with each other, due in part to the lack of standardisation in their mobile radio equipment. Each of the 45 (formerly 51 prior to the amalgamation in Scotland) geographic police forces in the UK was responsible for establishing and maintaining its own emergency telecommunications systems. This resulted in a situation when adjoining police forces often used systems employing different equipment and differing operating frequencies. This had the overall effect of providing a rigid, unresponsive and overloaded system (especially in periods of heavy demand) and affected the ability of the police forces to conduct their business effectively.

Other emergency services including Ambulance, Fire and Rescue, Mountain Rescue, British Transport Police, Civil Nuclear Constabulary, Military Police and local authority emergency planning, also used separate systems with limited interconnectivity and significant problems often arose during major incidents, when a fully coordinated approach of all services was required. This led to severe criticism in the reports of the inquiries following amongst others the Hillsborough football and Kings Cross rail disasters and more recently the London terrorist bombings.

In the past, the emergency services also suffered radio interference on their systems, originating both within and from outside of the UK, which caused severe operational difficulties. The systems used by the emergency services were also limited; almost every police force and other emergency service had areas in which they operated without any effective radio coverage. This led at times, such as during the Hungerford massacre incident, to emergency services falling back on using the commercial public mobile phone networks to try to improve communications, which were not secure.

Attempting to patch different systems together, in order to aid the deployment of officers and equipment by the emergency services significantly added to the congestion of the systems; especially in major incident situations, and because these systems offered no prioritisation of calls, overloaded radio channels could seize up and provide no effective communication at all.

Most forces' equipment could not transfer data or text, an important operational requirement, and few had any form of encryption (using a secret code, so as to make messages unintelligible to unauthorised parties). They were open to listening by anyone prepared to buy cheap scanning equipment.

Against this background, and following the events such as those previously described, where poor communications exacerbated already exceptional situations, the Association of Chief Police Officers (ACPO) requested the Home Office to carry out a review of police mobile communications. The ACPO decided that future policing demands required a radio service which:-

- Operated on a national basis
- Provided guaranteed levels of coverage and service
- Provided voice, text and data
- Could be used to access vital data bases, such as the Police National Computer, from vehicle or hand held radios.
- Would enable officers to work in separate 'talk-groups'
- Would allow seamless communications with officers in neighbouring forces and across the country.
- Would be encrypted to such a high standard that only a determined professional would have any chance of intercepting police communications.
- Have a panic button that the officer could press in an emergency and which would immediately alert the control room and colleagues.

This led to the Major Review of Emergency Services' Communications. The Home Secretary accepted the outputs of the Major Review, leading to the creation of the Public Safety Radio Communications Project. The aim was to have one totally integrated system across the UK for the police and also to allow for the integration of other emergency services into the system including Fire and Rescue, the Ambulance service, Coastguard, Mountain Rescue and HM Customs and Excise, amongst others.

The system identified as the most suitable to meet these requirements was TETRA (Terrestrial Trunked Radio) which is the only official European Standard for Digital Professional Mobile Radio. TETRA is a global standard for radio communication in the same way that GSM, UMTS and LTE are the standards for 2G, 3G, 4G and 5G mobile telephony, respectively.

TETRA is a trunked radio system where the radio channels are in a common pool and the TETRA system automatically allocates the radio channel to the radio users at the beginning of each call. The user does not need to know what channel he or she is using. This automatic allocation from a common pool is called trunking and the systems using this method area called trunked mobile radio systems.

A simple analogy to trunking is to compare it with a common queue in a bank, where the queue feeds several cashiers windows. This provides a more efficient service for the user when compared with forming separate queues at each cashier's window.

In addition to trunking, the TETRA system also employs Time Division Multiple Access (TDMA). This further saves channels as it can split the trunked channel between four users. That is to say that the channel is split into four timeslots enabling 4 users to be given a quarter of the time on the channel: each user is given approximately 14 milliseconds in every 56 milliseconds to transmit their signal.

The result is that TETRA gives better voice quality, more advanced data features, more efficient use of the valuable RF spectrum and security from eavesdropping through encryption (scrambling).

Following a European wide competition, Airwave Solutions Ltd, was awarded the contract by the Home Office for the UK wide project in February 2000. Airwave was formerly part of BT but in now in private ownership, following the demerger of O2 from BT and its subsequent sale.

Airwave Solutions Ltd is an Electronic Communications Operator pursuant to the Communications Act 2003, with the responsibility to establish and operate the emergency telecommunications network throughout the United Kingdom. For the police this had to be fully operational by 2005, before the old frequencies started to be withdrawn and the radio systems decommissioned. The Fire and Rescue and Ambulance services followed from 2006 onwards.

Airwave introduced the new network throughout the country on a police force by police force basis; Fire and Rescue and Ambulance services were similarly deployed on a county by county basis. The system has now been fully operational for some time with all the 'Blue Light' emergency services, together with other state security and rescue agencies including British Transport Police, Civil Nuclear Constabulary, Customs and Immigration, Mountain Rescue and the Coastguard using the system. The Airwave service is also used by the military, for example, when the Army runs major public events such as the 'Ten Tors Challenge' on Dartmoor.

The Airwave system is fully functioning and all its users have informed Airwave it is a considerable improvement over their previous systems. It has demonstrated its benefits at a number of major civil emergencies: the role of Airwave at the Boscastle emergency was the subject of praise by the Chief Constable of Devon and Cornwall. During the emergency in Carlisle, Airwave was the only telecommunication system not affected by the floods and continued to provide service throughout the emergency. During the terrorist bombings in London on 7 July 2005, Airwave provided a dedicated service for the British Transport Police and the City of London Police, and the system was deployed using 'leaky-feeders' to provide additional communications to aid the emergency services operations underground. The Airwave system was also made available to all the emergency services so that they could all communicate with each other, which aided the rescue operations. The Airwave service played a vital role in policing and customs and excise work following the grounding of the ship 'MSC Napoli' off the East Devon coast in January 2007. And of course more recently, Airwave provided the pivotal security communications role for all Homeland security during the 2012 Olympics.

The Airwave network is required to provide communications to all its subscribers without interruption, in contrast to the severe congestion sometimes experienced by the public cellular operators, where congestion on the public cellular networks results in calls being dropped or missed altogether, or their customers receiving an 'network busy' message and being unable to use their phones for many hours. On occasions, the commercial mobile networks are switched off; for example, following the terrorist bombings all the commercial mobile networks were switched off in London for some hours for security reasons to prevent further bombs being detonated using mobile phone signals or text messages.

In summary, the operational requirements mean that Airwave system must exhibit flexibility, reliability, rapidity and security, coupled with an excellent grade of service, with full radio coverage. The TETRA system more than meets these requirements and differs from public mobile radio systems primarily in terms of faster call set-up, group calls, prioritisation of call, enhanced security features and the possibility of direct calls from mobile station to mobile station without a connection via a base station, called direct mode operation.

These requirements, coupled with the need to avoid the frustrations and operational risks which would arise if there were, for example, excessive waiting time for call set-ups or frequent call disconnections, can be satisfied only through a system offering good and robust radio coverage, which requires a comprehensive network of telecommunications base stations to be available at all times.

In this part of South Yorkshire, and in particular in Tankersley and around J36 of the M1 motorway, Airwave have provided the specified level of RF coverage for the emergency services: it is primarily the police and sometimes other emergency services, not Airwave, who specify the level of RF coverage required to be provided in any particular locality, hand-held, in-car etc. However following the service of a legal Notice To Quit requiring the removal of the existing site apparatus from the shared O2 site, a replacement site is required to be built.

Additionally, the Home Office and South Yorkshire Police have specified that they require an area of Special Coverage, for operational purposes to what is termed enhanced level 2 RF coverage to be available across the Tankersley and M1 area.

What this means in practice is that a police officer should be able to be in constant contact with his/her control room including when he/she is attending an incident inside say Tankersley St Peter's Primary School or in the Mercure Barnsley Tankersley Manor hotel. It is vitally important for the safety of the police officer that he/she is able immediately to summon assistance if required. This can only be achieved if continuous RF contact is made available. Indeed, the TETRA hand-held radio that an officer carries has an in-built GPS system and an emergency call button, so that the exact location of the officer requiring emergency assistance can be identified and back-up sent without delay.

The same ability of the TETRA system to locate accurately the position of the caller is of course of vital importance to other users, for example a lost or injured child in or around Tankersley Plantation or the Trans-Pennine or Timberland Trails. When found, the location of the actual rescuer / officer can be immediately identified from the TETRA handset's GPS facility and the necessary back-up emergency services assistance directed to the exact location.

Similarly the ability of the Fire and Rescue and Ambulance services to call in assistance (say) of the Air Ambulance is greatly simplified by the Airwave TETRA system. The ability of the trauma doctor to talk directly to the paramedics already at the scene of (say) a major construction accident enables lifesaving treatment to begin earlier and the air medic to be briefed on the situation before he/she arrives at the scene of the incident. The ability of officers in police helicopters to speak directly to those on the ground and vice versa is also vital in police operations, where using conventional video, or infra-red heat seeking technology, the officers in the air are able to locate a suspected criminal hiding, or an injured person lying on the ground, even in the dark, and to be able to direct officers on the ground to where the person is hiding or lying injured.

This technology is also vital for apprehending suspected criminals driving high speed vehicles, where a police helicopter is able to easily and safely keep up with any road vehicle, rather than the police becoming involved in a dangerous high-speed chase. Officers in the air can talk directly to those in vehicles, keeping them informed about the vehicle the helicopter is tracking (often without the vehicle on the ground even being aware it is being tracked) and enabling the officers on the ground to plan

and be guided to a location where they can safely stop the vehicle without putting the general public at risk.

The data abilities of the TETRA system are also vital for Staffordshire Police, DVLA and immigration services, amongst others. Automatic number plate recognition systems in police vehicles, linked by the Airwave system to DVLA, identify untaxed and uninsured motor vehicles. Customs and immigration staff can easily check for illegal immigrants, failed asylum seekers etc., working or attempting to work illegally in the Cannock area with the use of hand-held thumb print scanners linked via the Airwave system to the immigration services databases to check the right of the individual to be working in the UK or even in the country.

A fully functioning and operational Airwave system is therefore of overriding importance to the security of state and the general public of Cannock, and the personal duties of those officers employed to carry out those often onerous and dangerous duties on behalf of state and public.

It is the users of the system, normally the police, not Airwave, who specify the level of RF coverage to be provided in any location; Airwave is then contractually required to provide that level of RF coverage at all times, even if it means deploying temporary sites until permanent coverage can be achieved.

PLANNING POLICY

The planning system in England is 'plan-led'. In accordance with s70 of the Town and Country Planning Act, 1990, and section 38 of the Planning and Compulsory Purchase Act, 2004, in determining planning applications the local planning authority is required to have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations, and is required to determine the application in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

However, in this case, the equivalent of outline planning permission is already granted for the development by Part 16 of the GPDO 2015 (as amended). As such the proposed development is permitted development and can be carried out by a code operator subject to limitations and before beginning the development by the submission of an application for a prior approval determination to the LPA.

Development Plan policies that seek to prevent or limit the installation of additional telecommunications apparatus, other than for siting and appearance reasons, or seek to restrict the installation of new masts, are therefore of no relevance to such proposals. In *Murrell v Secretary of State for Communities and Local Government and Another* Court of Appeal 2010, at paragraphs 44 to 50 of his judgment Lord Justice Richards confirmed this is the case in a case relating to agricultural buildings prior approval permitted development. He stated:

44. It is not strictly necessary for me to go on to consider the second issue, concerning the inspector's approach to the question whether, if prior approval was required, it should be given. But since permission to appeal on that issue was granted because it raised an important point of principle, and since we heard full argument on it, I think it right to make some observations on it.

45. The question of prior approval under paragraph A2(2) can only arise in respect of "permitted development" within Class A (i.e. development falling within the terms of Class A and not excluded by paragraph A1). Such development is permitted subject to the conditions in paragraph A2, including the condition relating to prior approval, but those conditions do not affect the principle of development. In recognition of the importance of agriculture and its operational needs, the GPDO has already taken a position on the issue of principle. Thus, as the guidance in Annex E spells out, if the GPDO requirements are met, "the principle of whether the development should be permitted is not for consideration" in the prior approval procedure (paragraph E15).

46. Paragraph E22 draws an analogy with outline planning permission, stating that details submitted for prior approval "should be regarded in much the same light as applications for approval of reserved matters following the grant of outline permission". The analogy is not a precise one and is not put forward as such in Annex E. One obvious difference is that in the case of an outline planning

permission there exists an accrued permission, whereas in a Class A prior approval case no permission accrues until the occurrence of one of the events in paragraph A2(2)(iii). In practice there may also be differences of detail: for example, although both cases may involve the approval of siting, design and external appearance, in the case of outline planning permission there is likely to have been an assessment of the general suitability of the site at the permission stage, leaving less flexibility at the reserved matters stage. Nevertheless, the two situations call for a broadly similar approach, and the analogy with outline planning permission has a real value in underlining the point that the assessment of siting, design and external appearance has to be made in a context where the principle of the development is not itself in issue.

47. What troubles me about the inspector's decision on the substantive appeal in this case is that, far from acknowledging that the principle of development was not in issue, she appears to have based herself on policies where the principle of development was very much in issue, so that on the question of impact on visual amenity her decision reads more like the determination of an ordinary planning application than the determination of an application for prior approval of a Class A permitted development. Thus:

i) She makes no explicit reference to Annex E, the most important policy guidance for the decision she had to make. I accept that there are indications that she had the guidance in mind: in particular, the passage in paragraph 13 of her decision about isolated buildings (cf. paragraph E27 of Annex E) and the passage in paragraph 15 about the operational needs of the agricultural business (cf. paragraph E16 of Annex E). All the same, the absence of explicit reference to Annex E is very surprising and there is insufficient in her reasons to show that she took the guidance properly into account.

ii) The only policy that she actually quotes is key principle 1(iv) of PPS7, which provides for strict control of new building development in the countryside. It is not apposite in the context of a Class A permitted development, and we were told that neither party referred the inspector to that sub-paragraph. The Local Plan policies to which she refers are likewise concerned with the principle of development in rural areas, and a number of them (Policies GS1, GS3 and ENV8) provide that development will not be permitted unless specified criteria are met. It is true, as Beatson J pointed out, that her reference to those policies reflected the cases put to her by the parties, but that does not meet my concern about the use she made of them.

48. It was permissible for the inspector to take the policies into account in so far as they bore on the question of impact on visual amenity, and it is possible that she did in fact use them only for that limited purpose: she said in paragraph 11 that the adverse effect of the proposed development on the open character and appearance of the surrounding countryside would be contrary to the "objectives" of the policies. I have borne in mind what was said by Hoffmann LJ in South Somerset District Council v Secretary of State for the Environment [1993] 1 PLR 80 as to how a decision letter of this kind should be read. Reading the decision letter in that way and as a whole, I am far from persuaded that the inspector did adopt the correct approach.

49. The question whether the particular form of development proposed is acceptable in terms of siting, design and appearance involves a balancing exercise. Paragraph E16 of Annex E refers to the weighing of two sets of considerations: on the one hand, the operational needs of agriculture and related matters; on the other hand, the effect of the development upon the landscape in terms of visual amenity, as well as the implications for ancient monuments, archaeological sites and sites of recognised nature conservation value. That exercise involves potentially difficult planning judgments, which are the province of the local planning authority and, on appeal, the planning inspector and with which the court will not interfere otherwise than on grounds of irrationality. That makes it all the important for the court to be satisfied that the decision-maker has approached the exercise from the right perspective when attributing weight to the competing considerations. An approach premised, for example, on the need for strict controls over development in the countryside could produce a different result from an approach premised on an acceptance of the principle of development in the countryside. This adds to my concern about the inspector's decision in this case.

50. Accordingly, if the substantive decision as to prior approval had been a live issue, I would have been in favour of allowing the appeal on that issue, quashing the inspector's decision and remitting the matter for a fresh decision.

This matter was also dealt with at a recent telecoms prior approval appeal in Cannock (PINS ref: APP/C3430/A/12/2172974) where in permitting a shared O2 and Vodafone base station in the Green Belt, Inspector Moon a very experienced telecoms inspector stated at paragraph 4 of his decision:

"4. The appeal arises from a decision of the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). The permission granted under the GPDO is equivalent to an outline planning permission and the Council's considerations of the matter are limited to the effects of the development arising from its siting or external appearance, not the principle of the development. Although the site is within the Green Belt, it seems to me, therefore, that there is no scope to consider whether the scheme represents inappropriate development in the Green Belt, or whether very special circumstances need to be demonstrated to justify the granting of approval for it. On that basis, the Council's first reason for refusal is outside the scope of the matters they were able to consider and should therefore be disregarded."

In accordance with the requirements of Part 16 of the Order only the siting and appearance of the development are relevant to the consideration of an application for a prior approval determination.

National Planning Policy Guidance

National Planning Policy Framework (2019) (NPPF)

The National Planning Policy Framework (NPPF), which came into effect on 27th March 2012 and revised in February 2019, provides the overarching policy guidance. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles: -

- ***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;*

- ***A social objective*** *– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

- ***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.*

With regard to communication infrastructure the NPPF specifically promotes the type of development proposed, and indeed provides a whole chapter to ***Supporting High Quality Communications*** – Chapter 10; paragraphs 112 – 116:-

"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

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."

In respect of NPPF guidance on the deployment of electronic communications apparatus in context of the current proposal the following is relevant: -

- *An assessment for the purposes of establishing the appropriate level of consultation has been carried out. Using this Traffic Light Rating assessment, the option of the operators sharing the proposed new communication tower has been categorised 'amber'. Not only have we undertaken pre-application negotiations with LPA for 5 months but we have actively engaged and been able to gain ward member support to the proposal as well a undertake further consultations with the headteacher of Cannock Chase High School. If you feel this to be incorrect then please let us know.*
- *The application for this essential replacement of the existing station that is under NTQ and that must be replaced for continuous emergency services communications and includes a signed certificate confirming that the installation would conform to ICNIRP Public Exposure Guidelines as required by the second bullet of paragraph 115b.*
- *The operator's proposal has been designed to help minimise as far as possible any potential visual impact.*

The proposed development is therefore in complete harmony with the thrust of the NPPF and should be acceptable in principle, the detail being subject to compliance with the site specific policy framework and other relevant material considerations.

Finally, Paragraph 116 clarifies that LPA's 'must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for the electronic communications system, or determine health safeguards different from the International Commission guidelines for public exposure.'

As with all of Airwave installations, we can confirm the installation of the apparatus has been designed and will be operated within the relevant ICNIRP guidelines on public exposure. Thus, the only remaining considerations must be planning related, in this case siting and design, both of which are considered wholly appropriate given the use of an existing facility mitigation of visual impact as discussed in the preceding subsection.

The proposal outlined within the document and the supporting enclosures, is in complete accordance with the guidance as set out in the National Planning Policy Framework.

Local Policy

The Barnsley Local Plan, adopted January 2019, will provide specific advice and guidance to the Authority in determining this application. It is noted that following adoption of the Local Plan, the Authority no longer have a specific telecommunications development policy and that therefore guidance in this regard is specific national planning policy framework advice.

An extract from the interactive map is shown below. The application site is shown within the Green Belt.



In the Green Belt, saved policies GB1, GB2 and GB3 apply. These policies states:

Policy GB1 Protection of Green Belt

The general extent of the Green Belt is set out on the Key Diagram. The detailed boundaries are defined on the Policies Map. Green Belt will be protected from inappropriate development in accordance with national planning policy.

Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt

Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

- *Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.*
- *Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.*
- *Dividing an existing house to form smaller units of accommodation.*

All such development will be expected to:

- *Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and*
- *Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.*

Policy GB3 Changes of use in the Green Belt

We will allow the change of use or conversion of buildings in the Green Belt provided that:

- *The existing building is of a form, scale and design that is in keeping with its surroundings;*
- *The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use;*
- *The proposed new use is in keeping with the local character and the appearance of the building; and*
- *The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.*

All such development will be expected to:

- *Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials;*
- *Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and*

- *Preserve the openness of the Green Belt.*

In addition to the above, when a residential use is proposed, we will allow the change of use provided that:

- *There are not strong economic reasons why such development would be inappropriate; and*
- *Residential use would be a more appropriate way of maintaining and improving the character and appearance of the building than any other use*

We will not generally allow the change of use of Green Belt land to extend residential curtilages for use as gardens.

The reasoned justification for policy GB1 states:

18.1 Most of Barnsley's countryside is Green Belt. With the changes proposed in this Local Plan to take land out of the Green Belt, primarily for development needs, the Green Belt will still account for almost 75% of the borough (The Green Belt in the last development plan proposals map, the UDP, amounted to 77% of the Borough). Further details can be found about proposed Green Belt release in the introduction section under 'our approach'. The Green Belt will continue to fulfill it's longstanding role in the Borough of helping to conserve the natural environment by restraining development and assisting in the process of urban renaissance. National guidance in the NPPF sets out some uses which are generally acceptable in the Green Belt. We will not allow proposals for other types of development unless it can be shown that there are very special circumstances that justify setting aside local and national policy. In these cases, we will weigh up the harm that would be caused by allowing development that would not normally be allowed in the countryside against any potential benefits. 18.2

18.2 The NPPF states at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *Buildings for agriculture and forestry*
- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries*
- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*
- *The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces*
- *Limited infilling in villages, and limited affordable housing for local community needs*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)*

18.3 All such buildings still have to be considered in terms of their impact on the openness of the Green Belt and whether they cause other harm.

18.4 In accordance with the NPPF and as set out in GB1, we will not allow proposals for 'inappropriate' development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy. As set out in paragraph 88 (as amended now 144) of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The application proposal is for an electronic communications base station and is not one of the categories of development that is identified in GB1 as being normally permitted in the Green Belt. Therefore in accordance with policy GB1 ‘very special circumstances’ need to be shown to override the presumption against inappropriate development in the Green Belt.

First, in respect of the reasoned justification for GB1 at paragraph 18.2, paragraph 89 of the NPPF has since been superseded by Chapter 13 of NPPF 2019, but the government’s overall approach to development in the Green Belt is unchanged. At paragraphs 133 and 144 respectively:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In the NPPF there is no published change in government policy regarding electronic communications development in the Green Belt. However, subsequently as a result of changes to Part 24 of the GPDO, brought into force by the Amendment No 2 England Order 2013 (SI 2013 No 1868), the General Permitted Development England Order 2015 (SI 2015 No 596) and the Amendment No 2 England Order 2016 (SI2016 No 1040) the Government's approach has been to materially relaxed in respect of electronic communications development including development in the Green Belt. Code operators are now permitted, amongst other relaxations to the increase the height of existing masts in the Green Belt from 15m to 20m as permitted development, without the need to obtain planning permission from the LPA, subject only to the limitations of the GPDO including the submission of an application for a prior approval determination to the LPA.

Therefore, having regard to Government guidance in the NPPF and the subsequent relaxation of the old Part 24, now Part 16, GPDO permitted development rights in the Green Belt, as previously demonstrated, there is no suitable alternative site that would meet the needs of Airwave and therefore the application proposal is considered to demonstrate 'very special circumstances' necessary to allow the development to proceed. Moreover, it is also considered the public safety needs and public interest, in permitting the proposed development at the application site, is overriding; these needs and requirements constitute 'very special circumstances' in themselves. The proposed development will solely provide communications for nation's 'Blue Light' services. Without the proposed development for the continual provision of communication services in the Tankersley area to the police, the fire brigade, the ambulance service as well as other users such as the RNLI, Bomb Squad and Immigration Services, the health and wellbeing together with security of all residents in the area will be at risk. This is non-negotiable in any civilised society and is demonstrably a 'very special circumstance'.

As perhaps in the words of Inspector Moon, an extremely experienced PINS telecommunications specialist, in APP/C3430/A/12/2172974:

It is Government policy that an advanced high quality communications infrastructure is essential for sustainable economic growth both for high speed broadband technology and other communication technology including multimedia applications and video telephony services. It is also accepted that the siting is more critical than for 2G services. The Government sets a high requirement for a strong, responsive and competitive economy to support growth and innovation in which new technology and the infrastructure to support it plays a very critical role. I attach considerable weight to this requirement.

In terms of potential effect on character and appearance is, by virtue of the type of installation proposed together with design and colouring of the equipment, going to minimal. The equipment does not have a degree of permanence as it is specifically designed to be a gravity based or non ground intrusive solution. This allows the equipment to be deployed basically next to trees without ensuring root damage in order that the installation gains maximum natural screening. With the equipment being painted fir green in order to minimise reflectivity and therefore reducing its visual impact when seen against the mature trees immediately to the east and further to the west of the highway. The site is on the urban edge of the green belt and adjacent to the main A road which itself lies between the belt of trees on either side. The higher trees within these belts will have the effect of minimising the perception of its scale.

To conclude, as demonstrated it is considered the application proposal is fully in accordance with saved policies GB1, GB2 and GB3 and the saved development plan policies for the application site.

Other Issues:-

Need – v – Harm

Occasionally there are instances, particularly in greenbelt or high landscape areas which obviously the subject site is not within, where there is a balancing act to maintain between the essential need for

the electronic communications services and potential harm to the character of visual amenity of an area. In this instance, there is an unquestionable need to maintain public safety and security of state as well as for the protection of emergency services personnel in the Cannock town centre area.

However, there are numerous appeal and Public Inquiry precedents setting out clear guidance in the event of such debate. In this regard we also attach, and refer to, the following Appeals and Public Inquiries:- Mill Hill (APP/N5090/W/16/3157831), Plumstead (APP/E5330/W/16/3159250), Barnet (APP/Q5300/W/16/3142885), Uxbridge (APP/R5510/W/15/3133767) and Widecombe in the Moor (APP/19497/A/08/2064768).

As Inspector Fort stated in Barnet:-

…..*I have had regard to the Framework's guidance at paragraphs 6-7, which state that the purpose of the planning system is to contribute towards the three dimensions of sustainable development, namely the economic, social and environmental. In considering the scheme I have had regard to the evidence submitted by the appellants that demonstrates the significant improvement to mobile phone 2g, 3g and 4g network coverage that would be achieved for both the residents of Hadley Wood and train passengers. The proposal would thus have demonstrable economic and social benefits, through facilitating digital connectivity for both employment and social purposes. Moreover, through enabling home working the proposal could have positive environmental effects by reducing the necessity for people to commute.*

Consequently, the appeal scheme would provide demonstrable economic and social benefits that would outweigh its minor effects on the character and appearance of the station. The proposal, due to its lack of significantly harmful visual effects on the character and appearance of the adjacent MGB would not conflict with the CP33 of the Enfield Core Strategy (adopted November 2010) ("the Core Strategy") or Policy DMD 83 of the Enfield Development Management Development Plan Document (adopted November 2014) ("the DMDPD"). Whilst I detect some conflict with the objectives of CP30 of the Core Strategy and DMD37 of the DMDPD, I have given greater weight to the Framework in these regards as the proposal's minor harms to the immediate character and appearance of the station are outweighed by its substantial economic and social benefits, and an appropriate condition could considerably soften any harmful visual effects.

In this particular case, it is recognised by the developer that at 20m in height there may be some affect on visual amenity. However with the site being in extremely close proximity to the trees and hedgerows screening, the development brought forward has done its best to minimise the overall affect of local amenity. However, without the proposed development, the future security and safety of the area is unquestionably in doubt. And thus, in perhaps the words of Inspector Fort, the minor harms to the immediate character and appearance of the town will be outweighed by the development's substantial economic and social benefits.

ICNIRP and Perceived Risks, Health and Wellbeing

In relation to health considerations, clear guidance has always been provided by the Government:

"It is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them" (PPG 8, Paragraph 97-101).

It goes on to add "local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development" (Paragraph 97-101).

Indeed this situation has been reinforced by the Government in the National Planning Policy Framework where at paragraph 116 it states:

"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure".

This position has been reinforced on numerous occasions by Planning Inspectorate decisions as well as High and Appeal Court rulings, but is perhaps best summed up in the Penally appeal for the installation of emergency services tetra equipment at The Ridgeway, APP/N6845/A/06/1199641 together with the Public Inquiry held in 2007 concerning the installation of an emergency services installation at North Walsham Police Station, APP/Y2620/C/06/2023392, both decisions of which are appended herewith.

These Inspectorate decisions have additionally been reaffirmed by the Court of Appeal in T- Mobile, Hutchinson, and Orange v First Secretary of State and Harrogate Borough Council (2004). Copies of this decision are attached as an embedded document for information.

Embedded document – Court of Appeal Harrogate Decision



Adobe Acrobat Document

Summary

National Planning Policy Framework is to facilitate the growth of new and existing communications systems, and the subject developer has a specific obligation to maintain essential replacement Emergency Services in-building radio coverage to Tankersley and its immediate surrounding area. This application demonstrates the technical need for the installation to provide such services.

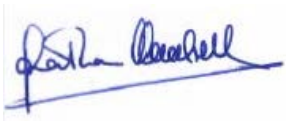
Section 54A of the Town and Country Planning Act 1990 (as amended) instructs Local Planning Authorities to determine applications in line with the policies of the development plan unless material considerations dictate otherwise.

The applicant believes that it has demonstrated beyond all reasonable doubt that both national and local plan policies have been fully complied with as the proposed development fully respects the immediate and wider townscape and landscape surroundings thus ensuring minimal adverse effect on its character and appearance; there is an undisputable and totally justified need for this electronic communications development and that there is no demonstrable alternative; and that through a careful site selection process, siting and good design practice, we trust you can agree that no risk to visual or residential amenity would arise.

For the reasons set out above, we recommend this application to the Authority and trust you can grant the appropriate planning permission for the proposal.

Contact Details

Name (agent)	**Jonathan Haddrell**	**Telephone**	**0845 481 8952**
Operator	**Airwave Solutions Ltd**	**Fax no**	**0845 481 8491**
Address	**Nova South** **160 Victoria Street** **London**	**Email address**	**Jonathan.haddrell@needhamhaddrell.com**

	SW1E 5LB		
Signed		**Date**	**22nd December 2020**
Position	**Director**	**Company**	**Needham Haddrell**
		(on behalf of the above operator)	