

Appellant reference: CD/MBNL/99309/APPEAL
LPA application reference: 2020/5822/P
Appeal reference: APP/X5210/W/21/3279455

Section 78 of the Town and Country Planning Act 1990 (as amended)

Appellant's comments on the Local Authority's Statement of Case and Third Party Representations

On behalf of MBNL, EE (UK) Ltd and H3G (UK) Ltd

The appellant's comments on the Local Authority's Statement of Case relating to the London Borough of Camden Council's decision to refuse prior approval for the installation of 6no. antenna apertures, 2no. transmission dishes and 8no. equipment cabinets plus ancillary works thereto at Matilda Apartments, 4 Earnshaw Street, London, WC2H 8AJ

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Statement of Case of the London Borough of Camden

The Council's Statement of Case reiterates the reasons for their refusal of the prior approval application as is detailed within their Delegated Report. Therefore, the Appellant has nothing further to add over and above the Appeal Statement save for the following matters:

1. Pre-application advice.

The Appellant did receive a response to the pre-application advice request from the Council on the 26.10.2020. Within the correspondence it was noted that a fee was required for the provision of pre-application advice, however, that required fee was £1,008.80. The fee for a formal submission is £462, when weighed against the fee for pre-application advice it was considered that the pre-application advice fee was disproportionate and so the decision was made to proceed to a formal determination.

2. Design.

The Council's Statement of Case states that every design should be bespoke implying that it is not the case with the Appeal proposal. The Appellants would like to assert that every design is bespoke as each individual site location has different challenges and constraints which are required to be taken into account when any telecommunications development is designed. The Appeal site is no exception. The reasons why this particular design was adopted are detailed within the Appeal Statement and also within the Site Specific Supplementary Information document submitted as part of the prior approval application. The suggestion has also been made within the Council's Statement of Case that the antennas could be face-mounted off the side of the building. However, this was an option which was investigated but subsequently found not to be viable as the fixing points onto which the antennas would be mounted are not available due to the presence of cladding and glazing.

Third Party Representations

It is noted that there is significant local interest, however, most of the issues are addressed within the Appeal Statement and the Appellant has nothing further to add save for the following matters raised:

1. Property Values.

Concerns were raised that the presence of telecommunications infrastructure would negatively impact the value of their property. Property buying is a subjective rather than definitive issue in that not everyone wants the same thing from a property or an area. Whilst there may be some people who do not like having communications infrastructure, other people will specifically check for communications and connectivity services before considering moving into a property or area. Whilst anecdotal evidence can be found to support a case for or against, there is no actual hard evidence of a negative correlation between telecommunications network development and property values. This matter is not a planning consideration.

2. Noise from the telecommunications apparatus and during construction and build.

In relation to noise during construction of the site, a meeting prior to build would take place to ascertain what mitigations could be put in place to limit the noise to residents. Once the site is built, visits to the site will only be once or twice a year for maintenance purposes and in the unlikely event the site ceased to be operational. These usually entail one or two people in a van with little or no equipment and access would be secured and limited to authorised personnel

only. The apparatus proposed is specifically designed to be located on the roofs of residential buildings and so issues in relation to noise would not be anticipated.

3. Health concerns in relation to 5G technology.

All EE and Three installations are designed to comply with the precautionary International Commission on Non-Ionizing Radiation Protection (ICNIRP) public exposure guidelines. The World Health Organisation, the UK Government and Public Health England support this view. As a result the telecommunications industry in the UK comply with these Guidelines. Many countries have adopted international guidelines developed by ICNIRP and they also have the formal backing of the World Health Organisation and were developed following a thorough review of the science that took into consideration both thermal and non-thermal effects. They are designed to protect all sectors of the population, 24 hours a day, wherever they are in relation to a radio base station. In March 2020 ICNIRP reaffirmed that their safety guidelines provide protection against all known health effects of radiofrequency signals. As a certificate of compliance with ICNIRP guidelines was included with the prior approval application this is not a planning consideration.

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