

**Our ref:** 221785 MAIDA VALE TE

**Date:** 29<sup>th</sup> March 2022

The Chief Planning Officer,  
Camden Council,  
2<sup>nd</sup> Floor,  
5 Pancras Square,  
c/o Town Hall, Judd Street  
London,  
WC1H 9JE

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

Dear Sir or Madam,

**EE Ltd and Hutchison 3G UK Ltd**

**Submission of an Application for a Prior Approval Determination**

**Proposed Alterations to Existing Base Station Installation at Telecommunications Site 168856, Maida Vale TE, Maida Vale, Camden, London, W9 1QD**

On behalf of EE Ltd and Hutchison 3G UK Ltd, in conjunction with Mobile Broadband Network Limited (MBNL), we submit herewith an application for a prior approval determination for alterations to the existing mobile base station at the above site.

You may be aware that The Court of Appeal upheld a High Court decision - *Mawbey, R (On the Application Of) & Orsv Cornerstone Telecommunications Infrastructure Ltd. [2019] EWCA Civ 1016 (17 June 2019)* - which confirms the meaning of 'mast' for the purposes of permitted development within Part 16. The judgement has stated that a mast will be any '*...upright pole, or lattice-work structure whose function is to support an aerial or antenna.*'

The consequence of this is that if the installation of antennas onto a building necessitates a vertical 'main' support pole physically attached to the rooftop to support antennas, then the pole itself must be treated as a mast for the purposes of Part 16. This will mean that new antennas requiring new or replacement main support poles, taken as a mast, will normally trigger a need for planning permission or prior approval of the LPA in most cases. This judgement is relevant to the proposed development within this application.

The application is submitted in accordance with the requirements of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and seeks a determination as to whether the Authority's approval will be required for the siting and appearance of the development.

The application comprises:

- i. The written description of the development:

- ii. ***Removal of 6 no. antennas and associated apparatus and installation of 12 no. antennas and supporting steelwork, re-location of 2 no. 300 millimetre dish antennas, and associated apparatus and ancillary works.***
- iii. An O.S. Site Location Plan scale (1:2500) showing the location where the apparatus will be installed
- iv. The Developer's Notice served on the landowner
- v. The Developer's contact details

The following information is also provided to assist with your determination of the application:

- vi. The Authority's Form for telecommunications development prior approval applications
- vii. Drawing reference numbers 06\_000, 06\_002, 06\_103 & 06\_153 providing further details of the siting, layout and design of the development
- viii. 5G Technical Support document
- ix. National Policy – Delivering Ultra Fast Broadband Mobile Connectivity
- x. 5G – Helping tackle climate change document
- xi. 5G Health and Safety document
- xii. Certificate of ICNIRP compliance
- xiii. Completed CIL Questions Form

Payment of the appropriate application fee has been made via the Planning Portal.

### **Developer's Contact Details**

All correspondence and queries relating the determination of this application should be submitted to the undersigned.

However, in accordance with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, any correspondence to the developer should be sent to:

MBNL, Sixth Floor, Thames Tower, Station Road, Reading, RG1 1LX

MBNL: [will.osborne@mbnl.co.uk](mailto:will.osborne@mbnl.co.uk)

EE: [public.affairs@ee.co.uk](mailto:public.affairs@ee.co.uk)

Three: [jane.evans@three.co.uk](mailto:jane.evans@three.co.uk)

### **The Scope of the Prior Approval Determination**

The permitted development rights granted by Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), exist to facilitate the establishment of modern communications apparatus and infrastructure,

judged by successive governments to be important to a modern economy and in attaining sustainability objectives.

The permitted development granted subject to the prior approval procedure is similar to the grant of outline planning permission, with details of precise siting and appearance being reserved. This is explained at paragraph 8.4 of the Code of Best Practice on Mobile Network Development in England, November 2016. The National Planning Policy Framework is also accordingly clear that permitted development rights should not generally be withdrawn.

As a consequence, the scope of determination does not extend to whether the site selected is needed, as the development is acceptable in principle due to the rights conveyed by the GPDO. Likewise, whilst information on alternative sites may be supplied by way of background and context, the extent of control on siting is limited to the precise siting on a site and not the general location.

As the principle of development at the application site is permitted by the GPDO, the submitted Planning Statement focuses on the statutory criteria of detailed siting and appearance. In so doing, this is considered against current town and country planning guidance, including the development plan, being material considerations, and with reference to the operational requirements of the operator.

### **The Proposed Development**

The operators already provide coverage from the existing base station at this site, and have a requirement to install the 5G electronic communications apparatus referred to in this letter and shown in the submitted drawings in order to provide 5G coverage to its network.

There is significant UK Government support for the delivery of 5G, particularly as this new connectivity will be a step change from earlier generations of mobile connectivity and will be critical to economic growth and sustainable communities. We explain this in more detail in the document 'National Policy – Delivering Ultra Fast Mobile Connectivity' which supports this application. In addition, modern connectivity, such as 5G, will be essential to help the Government meet its wider sustainability and climate change targets and we explain this in more detail in our accompanying document '5G – Helping tackle climate change'.

The amount of development, its design and the location of the apparatus at this existing electronic communications site has been guided by the technical and operational requirements of the of the operators 5G system, having regard to minimise appearance.

Unlike earlier generations of mobile connectivity, 5G has more significant technical and operational requirements and this has implications on the amount, height, position and design of development. This out in more detail in our accompanying '*5G Technical Support*' document.

Having regard to the nature and appearance of the structure as a whole, it is considered that the proposed works should have no more than a minor impact on its appearance. The electronic communications apparatus proposed should not significantly affect views from local public vantage points. The development includes replacement of existing apparatus at an established rooftop telecoms site and where visible proposed apparatus would be viewed including in a foreground / background context of existing apparatus.

The apparatus proposed will not bring about any additional requirements with regard to access. Access to this operational site will, therefore, remain the same as the current arrangements.

In accordance with all relevant health and safety regulations and guidelines, access to the site is restricted to authorised personnel and access for maintaining or servicing all the apparatus is only carried out by properly trained and qualified staff. Such routine operations will continue to be carried out roughly once a quarter, with no requirement to increase this arising out of the development proposed. The application does not therefore give rise to any public issues associated with access.

As the apparatus proposed will lead to significant improvements to a public service provided in the local area, the application is considered to merit support and to accord with national policy, especially the National Planning Policy Framework. The proposed development is considered to be consistent with local planning policy including having regard to the support for electronic communications development under the Digital Infrastructure Camden Planning Guidance (March 2018). It is noted that the Camden Local Plan 2017 (Adopted 3 July 2017) does not contain any policies regarding telecommunications infrastructure. The proposed development is considered to be consistent with the support for the provision of digital infrastructure set out in section 9.6.1 of the London Plan 2021.

This letter and the enclosures also provide due notification, as may be required, under the relevant conditions of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, as amended. In particular, you are given notice of the intention to install the electronic communications apparatus described in more detail in the application documentation (including the scale drawings) and to be located as shown on the application plans. No fee is required for this separate statutory notification.

The Traffic Light Rating for the site is Green. In accordance with best practice guidelines, industry Best Practice informal engagement information including drawings of the proposal was sent to Naima Preparatory School, St Augustine's C of E Primary School and St Augustine's CE High School. Engagement has also been carried out with the occupants of 10 nearby properties. No responses were received.

## **Health and Safety**

A certificate confirming compliance with the relevant ICNIRP guidelines on public exposure has been supplied with this application as mentioned above.

The ICNIRP guidelines seek to protect against the well-known thermal effects of radio emissions and include a significant precautionary factor. These guidelines apply to all forms of electronic communications and mobile technology is one of the lowest powered of these.

National planning policy remains clear, provided an application is certified as ICNIRP compliant, local planning authorities should not seek to effectively set different guidelines through the refusal of planning permission.

We would be willing to meet with you or assist with any visits to the site and the surrounding area, if this is beneficial to the determination of the application.

Finally, your attention is drawn to the statutory 56 days period for the determination of this application of this nature upon which detailed advice is given at paragraph 8.2 onwards of the Code of Best Practice on Mobile Network Development in England.

We trust everything is in order, but please contact me if you require any further information or clarification.

Yours faithfully,

*Michael Doyle*

**Michael Doyle MRTPI**  
Planning Consultant

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