

## PLANNING STATEMENT AND SUPPLEMENTARY INFORMATION

### 1. Site Details

Site Name:	Cauldon	Site Address:	Cauldon 33/11kV Primary Substation Earlsway, Cauldon ST10 3EN
NGR:	407703, 349290		
Site Ref Number:	CAU	Site Type: <sup>1</sup>	Security Hub macro

### 2. Pre Application Check List

#### Site Selection

Was an LPA mast register used to check for suitable sites by the operator or the LPA?	<b>Yes</b>	<b>No</b>
If no explain why: LPA does not appear to maintain a mast register		
Was the industry site database checked for suitable sites by the operator:	<b>Yes</b>	<b>No</b>

Extract from Ofcom 'Sitefinder' databases, figure 1, below: there are no radio base stations in the surrounding area.

No stations found in this area; please try zooming out or search elsewhere to see base stations.	Single Operator GSM technology	Single Operator UMTS technology	Single Operator TETRA technology	Base stations with more than one operator or more than one technology
	0	0	0	0

**Figure 1: Extract from Ofcom 'Sitefinder' database**

<sup>1</sup> Macro or Micro

## Annual roll out consultation with LPA

Date of last annual rollout information/submission:	13 October 2015
Name of Contact:	planning@staffs Moorlands.gov.uk; mary.walker@staffs Moorlands.gov.uk
Summary of outcome/Main issues raised:	None noted.

## Pre-application consultation with LPA

Date of written offer of pre-application consultation:	12/1/16, 20/1/16 and 25/2/16
Was there pre-application contact:	<b>Yes</b> <b>No</b>
Date of pre-application contact:	19/1/16 and 3/3/16
Name of contact:	Arne Swithenbank
Summary of outcome/Main issues raised:	
Email dated 20/1/16: LPA's view is that an application for prior approval is required.	
Letter from LPA dated 3/3/16: There are two main considerations: (a) Yew Tree Inn 40m to west is a grade II listed building; (b) existing tree screening between road and southern site boundary and to west is valuable; any requirement to reduce tree cover either for construction work or for operational necessity could be harmful. .	

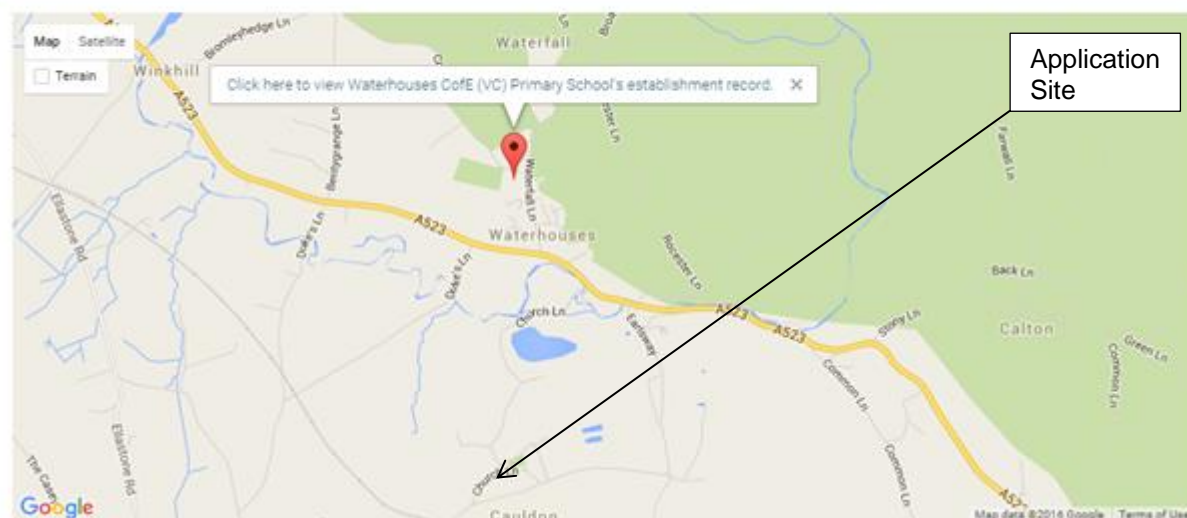
## Ten Commitments Consultation

Rating of Site under Traffic Light Model:			N/A
Outline Consultation carried out: N/A (but see below)			
Summary of outcome/Main issues raised:			
Ten Commitments Consultation and the Traffic Light Model are related to the commitments the mobile phone operators made to the Government following the publication of the report <i>Mobile Phones and Health</i> the Report of the Independent Expert Group on Mobile Phones, Chairman Professor Sir William Stewart ('Stewart Report') and relate solely to the deployment of mobile phone base stations. They have no relevance to the installation of a point-to-point microwave link, where the issues of non-ionising radiation and the ICNIRP guidelines do not arise.			
Nevertheless, pre-application consultations sent to Cllr Wain, ward councillor Hamps Valley Ward, and Clerk to Waterhouses Parish Council:			
Pre-application consultations sent 25/2/16 – No response received to date.			

## School/College

Location of site in relation to school/college:
No school or college in vicinity of application site.
Nearest school: Waterhouses C of E Primary School (see extracts from Department for Education's 'Edubase' database, figure 2, below):

EduBase holds the Registered address for Independent Schools and our mapping service plots these locations. It should be noted that the registered address may not be that of premises.



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**URN 124306** **Waterhouses CofE (VC) Primary School** [Printer friendly version](#)

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<b>Status:</b> Open	<b>Establishment Type:</b> Voluntary Controlled School
<b>URN:</b> 124306	<b>LA:</b> Staffordshire <b>LA/Estab:</b> 8603156
<b>Phase:</b> Primary	<b>Gender:</b> Mixed <b>Age Range:</b> 3 - 11
Waterhouses CofE (VC) Primary School	
Waterfall Lane	
Waterhouses	
Stoke-on-Trent	
Staffordshire	
ST10 3HY	

<b>Headteacher</b>	Mrs Anne Lockey
<b>Total Number of Children</b>	88
<b>Nursery Provider</b>	Has Nursery Classes
<b>Sixth Form</b>	Does not have a sixth form
<b>Trust</b>	
<b>UKPRN</b>	
<b>Special Measures</b>	Not in special measures
<b>School Website</b>	<a href="http://www.spsnall.co.uk/">www.spsnall.co.uk/</a>

**Figure 2: Extracts from Department for Education's 'Edubase' database**

Outline of consultation carried out with school/college: None required. Site is not 'on or near' a school or college.

Summary of outcome/Main issues raised: N/A

### Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation (only required for an application for prior approval)

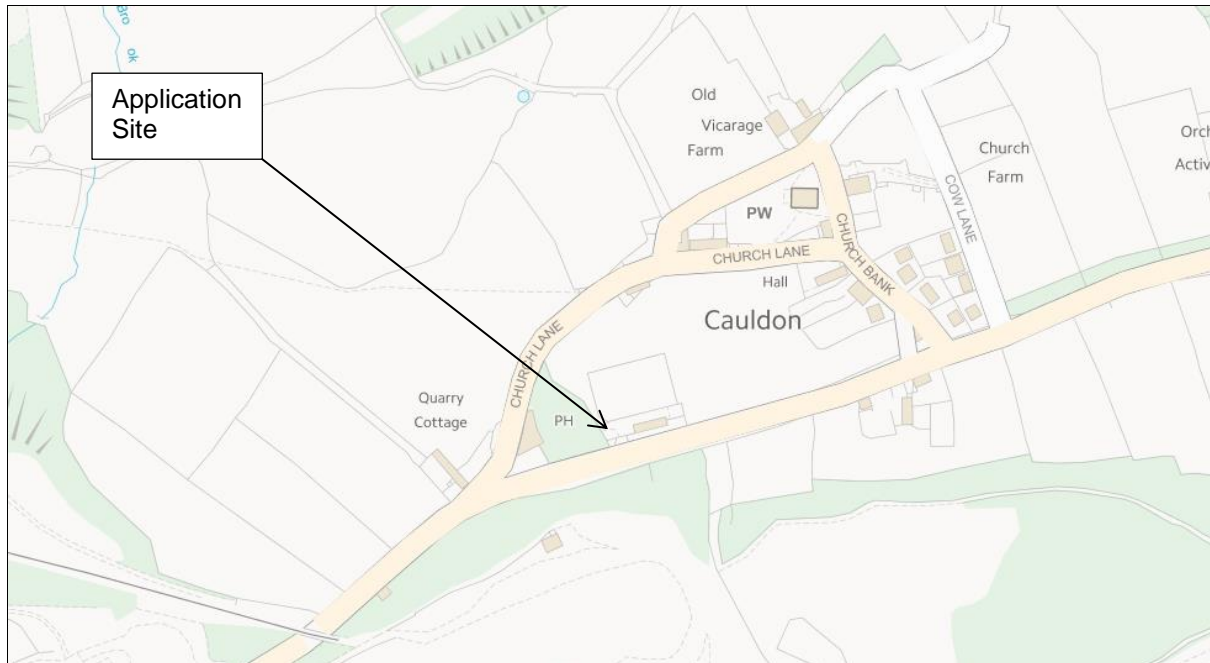
Will the structure be within 3km of an aerodrome or airfield?		No
Has the Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator been notified?		N/A
Details of response: N/A		

### Developer's Notice

Copy of Developer's Notice enclosed?		N/A
Date served:	Applicant is Landowner.	

### 3. Proposed Development

The application site is at Cauldon 33kV/11kV Primary Substation. The substation is long established and vitally important to providing mains electricity supplies to this part of Staffordshire Moorland District Council's area. The Cauldon Substation is responsible for supplying mains electricity to over 2,300 properties and businesses the surrounding areas in Staffordshire Moorlands district including Cauldon, Dove Dale, Blore, Waterhouses, Whiston, Swinscote and Cotton.



**Figure 3: Application site adjoining entrance to Cauldon Primary Substation, Earlsway, Cauldon**



**Figure 4: Entrance to Cauldon Substation, Earlsway, street-view looking west. The application site is within the grid substation to the west of the entrance shown in the image, where the 15m tower will be screened by existing mature trees.**

The 33kV/11kV primary substation occupies an extensive site between Earlsway and Church Lane, Cauldon, with gated access to the substation from Earlsway Road (figures 3 and 4). At the grid

substation there is currently a range of high voltage 33kV/11kV switching and transforming apparatus installed in the open air in its own high security compound. The Caudon local transformer is housed in buildings within the primary substation, together with control equipment (figure 5).

The application proposal is to site a 15m lightweight modular lattice tower with a single 600mm diameter transmission dish antenna on the tower at 13.5m AGL, as shown on the submitted application drawings. The tower is proposed to be located adjoining the entrance to the site, and for safety reasons there is no other location within the primary substation site where the tower can be sited: the tower is required to be located within the primary substation as far as possible from the high voltage switching and transforming equipment and apparatus. It is in a location where mature tree screening is available to both Earlsway to the south and to the Yew Tree Inn, a grade II listed building to the west. None of this existing mature tree screening will be affected by the application proposal. The application proposal will meet the concerns of the LPA as expressed in its pre-application letter of 3 March 2016.



**Figure 5: Caudon Grid Substation, bird's eye view looking north. The 33kV/11kV switching and transforming apparatus is sited in a secure compound in the open air, with the local transformer and control equipment in the buildings within the site. For safety reasons, the application site is at the southwest corner of the site adjoining the entrance, where it is distant from the switching and transforming apparatus. It is proposed to site the 15m tower in a location where the tower is screened by existing mature trees from both the road and the listed Yew Tree Inn to the west.**

As is described in detail in this planning statement the installation of the 15m tower, microwave antenna and communications apparatus is vital to the continued safe operation of the grid substation and security of electricity supplies in this part of Staffordshire Moorland district.

Type of Structure: Lattice tower.	
Description: slim-line, lightweight modular lattice tower	
Overall Height: 15m tower	
Height of existing building:	Existing electricity transformers ca 8m;
Equipment Housing: Apparatus sited within existing control building	
Length:	N/A

Width:	N/A
Height:	N/A
Materials	
Tower/mast etc – type of material and external colour:	Tower: galvanised steel, weathering to light grey Transmission dish antenna – light grey
Equipment housing – type of material and external colour:	N/A

Reasons for choice of design:
<p>A 15m modular lattice tower of the type proposed is the only design of structure that can be safely installed at the primary substation. For safety reasons it is not permitted to bring large cranes onto primary substation sites and so a modular tower that can be assembled on-site is the only feasible option. The tower is required to support the 0.6m diameter transmission dish antenna at the required 13.5m antenna height to provide the required microwave link to the Arqiva broadcasting tower at Ipstones Edge. The tower and antenna are light grey in colour, as this is considered to be the colour that has the minimum visual impact when seen against a typical grey English sky.</p>

#### 4. Technical Information

<p>ICNIRP Declaration attached</p> <p>The NPPF at paragraph 45 (see section 6 below) refers to the need for ‘a statement that self-certifies that, when operational, International Commission guidelines will be met’. This statement, commonly known as an ICNIRP declaration is not appropriate in this case. The transmissions between the microwave dishes will be linear, non-radiating signals: from point-to-point, one dish to another, and at very low power levels. These low power microwave signals do not fall under the scope of ICNIRP, which covers non-ionizing radiation that is emitted by the RF antennas that mobile phone operators install on their base stations and which emit EMF beams to provide RF coverage to the surrounding area.</p> <p>The only exclusion zone for the microwave dish antenna is directly in front of it, and as such it is installed so no access can be gained to the dish antenna, due to the interruption in service that would be result if that were possible. At the application site the microwave dish will be in its own fenced compound in the high security grid substation to which the public has no access and mounted at 13.5m AGL (to the centre-line of the dish antenna) on the lattice tower.</p>		No
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#### 5. Technical Justification

Reason(s) why site required:
<p><b>Need for the Development</b></p> <p>Western Power Distribution (WPD) is the electricity distribution operator for the Midlands and Southwest England and Wales. It is responsible for a network of over 220,000kms of overhead lines and underground cables and over 185,000 electricity substations.</p> <p>Cauldon Primary Substation is within WPD’s Midlands Region and is responsible for transforming and distributing electricity supplies to the surrounding area, and in particular as described currently serving respectively 2,233 properties in the immediately surrounding area in Staffordshire Moorlands district</p>

from final substations served by this primary substation.

At Cauldon Primary Substation electricity supplies are received at 33kV via WPD over and underground cables. The 33kV is then transformed down to 11kV. The 11kV supplies from the primary substation are then distributed via WPD's cables to final distribution substations in the service area: one, the Cauldon Local Transformer, is housed in its own building at the Cauldon Primary Substation, the others are located within the housing, commercial and industrial areas in the service area. At these final distribution substations the 11kV is further transformed down to 230V, single-phase, and 400V, three-phase supplies, for distribution to the 2,333 individual businesses and properties this primary substation serves.

Cauldon Primary Substation is an integral part of WPD's electricity supply network in Staffordshire Moorlands district. The electrical circuits through Cauldon run open; 33kV supplies are received from the Forsbrook 132/33kV grid substation with an auto reclosing circuit breaker to supply electricity to customers across the primary substation's extensive supply area network, as already described. When there is a fault in the network, the control system requires immediate connectivity to shut down the electricity supply lines for protection of the primary substation from the risk of permanent damage or fire. If there is a fault in the control system, such as an electricity transformer's failure to trip out, the consequences can be catastrophic (figure 6).



**Figure 6: Catastrophic Failure at a Primary Substation**

As well as shutting down the electrical supply lines in fault conditions to prevent such catastrophic failure, the protection system also sends signals back via the electronic communications network to WPD's control centre at Castle Donington. Any alarms generated at the control centre then allow remote switching of circuits to take place, where possible, to keep customers supplied with electricity, and/or for an engineer to be dispatched to carry out any necessary repairs and restore electricity supplies, as appropriate.

Real time monitoring and remote control of the electricity supply network takes place constantly by WPD's engineers from its control centre, to protect against such emergency situations arising so far as is possible, and to ensure when they do occur they are dealt with as quickly as possible.

Where there is a loss of supply through a fault either at a primary substation or elsewhere in WPD's electricity supply network, strict Government and OfGem targets require it to have 60% of customers'

electricity supplies restored within 60 minutes. Therefore the sooner WPD knows about a fault, the sooner an engineer can be sent to fix it. A robust, up-to-date high-speed communications network is therefore essential if these targets are to be met in the public interest.

To date WPD's control and communications network has been provided by private BT copper leased lines. However, BT has stated it can no longer continue to support WPD's existing copper network, which has gone far beyond its design life. Unfortunately BT's upgraded replacement copper system, under the BT21CN project, which is cloud based BT technology, will no longer meet the split level latency period of 19 milliseconds for circuit breakers to close the electricity supply lines immediately, which is a strict requirement for a safe electricity network protection system. WPD has therefore no choice but to replace the existing copper BT leased lines.

It is replacing them with a mixture of underground fibre optic cables and microwave links that will provide the necessary latency for its future protection system and also permit more sophisticated monitoring and control of its supply network.

Therefore, as can be clearly seen, the proposed development at the Caudon final substation site is required solely for the protection and security of the WPD electricity distribution network across this part of Staffordshire Moorlands district, and the continued safe and reliable supply of mains electricity is vital for viable communities and the economy in Staffordshire Moorlands.

The provision of real-time and comprehensive information about the status and operation of the company's electricity supply network, particularly the reporting of faults, is vital to the provision of reliable and safe electricity supplies to its customers throughout its operational area.

As is demonstrated below, the only feasible option for WPD's replacement protection communications network at Caudon Primary Substation is via a microwave link.



**Figure 7: A 'far-end' microwave dish is to be installed at 25m AGL on the Arqiva owned broadcasting tower at Ipstones Edge to link to the microwave antenna on the 15m tower proposed at Caudon Primary Substation.**

To provide this vital microwave link requires the installation of a 15m modular lightweight lattice tower with 0.6m microwave transmission dish antenna at Caudon Primary Substation, to link the site to the television and radio broadcasting tower at Ipstones Edge, on which Arqiva, the owners of the tower, have offered WPD a slot at 25m AGL to install a 'far-end' microwave dish (figure 7).

From Ipstones Edge microwave and fibre optic links are available back to WPD's control centre at Castle Donington.

## 6. Site Selection Process – alternative sites considered and not chosen

### Ofcom 'Sitefinder' database

Long established Government policy in PPG8, now the NPPF is that electronic communications code operators, including Surf Telecoms, should minimise the number of sites in electronic communications use to the minimum compatible with network development including the sharing of existing radio base stations. However, as can be seen in the Ofcom 'Sitefinder' database extract at figure 1, above, there are no existing electronic communications radio base stations in the area which can be shared. There are no other buildings or structures in the area on which WPD can site its microwave dish antenna; therefore, as is described in NPPF below a new mast is justified to meet this vitally important safety and control system requirement.

### Consideration of a Fibre Optic Connection

As described previously, communications between the Cauldon Primary Substation and WPD's Midlands control centre at Castle Donington is currently via its private lease line copper communication network, installed specifically for the protection of the electricity supply, and for the reasons previously given it is this obsolete private data and communications network that is being replaced with a mix of fibre and microwave links.

In respect of the Cauldon Primary Substation there is presently no WPD fibre in the area; the nearest is in Stoke-on-Trent. To provide a fibre optic connection between Cauldon and Stoke-on-Trent would require the laying of over 25km underground fibre optic cable. The estimated cost of this fibre optic connection is over £2.5million. The disruption to local communities and businesses from the necessary trenching works in the highway would be extraordinary. Most importantly, the cost would be prohibitive.

In accordance with the judgment in *R v Westminster City Council ex p Monahan*, Court of Appeal, 1990, financial considerations can be a most material consideration in the determination of planning applications where desirable improvements and modernisation are proposed and cannot otherwise be achieved.

As described, the modernisation and improvement of the communications network at Cauldon Primary Substation is of far greater importance than merely desirable, as it was the case at the Royal Opera House, Covent Garden. The replacement of the existing copper network is vital to the continued safe operation of the Cauldon Primary Substation and the distribution of electricity in the 2,233 businesses, industrial operations and households in Staffordshire Moorlands district, who are dependent on supplies from this primary substation for their mains electricity supplies.

It is clearly the case that there is an overriding need for the application to be permitted, as it is the only feasible and operable way of providing the necessary communications for the future safe operation of the Cauldon Primary Substation. All other options are totally constrained.

### The Development Plan

The planning system in England is 'plan-led'. In accordance with section 70 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 planning 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 such the proposed development is permitted development and can be carried out by Surf Telecoms, WPD's in-house electronic communications 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 electronic communications 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.

Notwithstanding the above as is described below it is considered the application is fully in accordance with the LPA’s development plan for the application site.

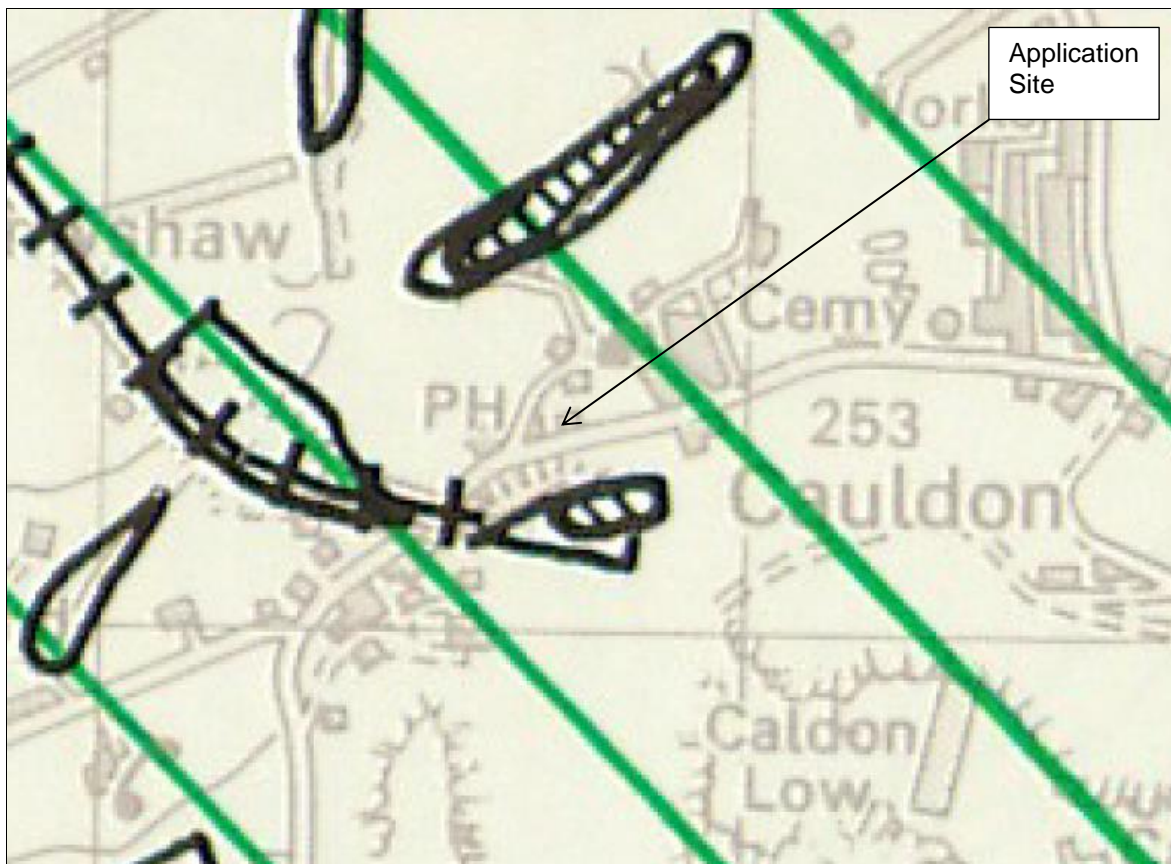
## Local Development Scheme 2012-2015 (published July 2012)

The LPA has published a revised LDS. In the LDS it is stated that:

*'Staffordshire Moorlands' current Development Plan consists of:*

*the Local Plan which was adopted in September 1998;  
the Biddulph Town Centre Area Action Plan which was adopted in February 2007;  
the Staffordshire & Stoke on Trent Structure Plan, adopted in February 2002;  
the County's Minerals and Waste Local Plans, adopted in December 1999 and February 2003 respectively;  
Regional Planning Guidance for the West Midlands (RPG11) since it became the Regional Spatial Strategy in 2004'.*

## Staffordshire Moorlands Local Plan Proposals Map



**Figure 8: Extract from Staffordshire Moorlands Local Plan Proposals Map**

On the Staffordshire Moorlands Local Plan Proposals Map the application site is shown within a Special Landscape Area where the key to the proposals map indicates policies N8 and N9 apply.

## Core Strategy (adopted March 2014)

At paragraph 1.4 of the core strategy it is stated: *'It should be noted that the Core Strategy contains all of the policies required to control development and that there will be no separate Development Control Policies document'.*

At Appendix H of the adopted Core Strategy it is indicated saved local plan policies N8 and N9 have been replaced by Core Strategy policies DC1, DC3, R1, SS7, SS6c and SS6a.

DC1 is the LPA's general design policy. It states:

## **‘DC1 - Design Considerations**

*All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design SPD. In particular, new development should:*

*be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;*

*be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance;*

*create, where appropriate, attractive, functional, accessible and safe public and private environments which incorporate public spaces, green infrastructure including making provision for networks of multi-functional new and existing green space (both public and private) in accordance with policy C3, landscaping, public art, ‘designing out crime’ initiatives and the principles of active design;*

*incorporate sustainable construction techniques and design concepts for buildings and their layouts to reduce the local and global impact of the development, and to adapt to climate change, in accordance with policy SD1;*

*protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping;*

*promote the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with policy NE1;*

*provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use;*

*ensure that existing drainage, waste water and sewerage infrastructure capacity is available, and where necessary enhanced, to enable the development to proceed;*

*ensure, where appropriate, equality of access and use for all sections of the community’.*

Insofar as DC1 is relevant to the siting and appearance of a 15m radio tower at a long established primary substation that is vitally necessary for its future safe operation, it is considered the application proposal accords with its provisions. The tower is to be sited in a location where it is screened by existing mature trees. As an open lattice tower rather than a solid monopole structure, it will allow both the tree cover against which it is set and the sky to be seen through it, further reducing any visual impact. Most importantly it is in the only location in the primary substation where it can be safely installed. It is considered the application proposal accords with DC1

DC3 deals with landscape and settlement setting. It states:

## **‘DC3 - Landscape and Settlement Setting**

*The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:*

*1. Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and important views into and out of the settlement as identified in the Landscape and Settlement Character Assessment;*

*2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character Assessment;*

*3. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;*

*4. Identifying through the Site Allocations DPD and protecting from inappropriate development, areas of visual open space where the intention will be to retain the land's open and undeveloped appearance. Where appropriate the Council will seek public access agreements with the land owners and seek proposals for the enhancement or improvement of these areas as part of the green infrastructure network in accordance with policy C3. In exceptional cases, limited development of areas of visual open space may be acceptable where this will bring about overriding improvements to the open space itself;*

*5. Recognising and conserving the special quality of the landscape in the Peak District National Park, and ensuring that development does not adversely affect the wider setting of the National Park’.*

Insofar as DC3 is relevant to the application proposal, the installation of the 15m radio tower at the application site will not harm the landscape setting of the primary substation. It is not proposed to remove any of the existing mature trees to allow the development to take place. If required by the LPA, WPD will agree to reasonable additional tree planting at the site to enhance the local landscape in this part of Staffordshire Moorlands district.

The application is considered to be fully in accordance with DC3.

Policy R1 is the LPA’s rural diversification policy it states:

*‘All development in the rural areas outside the development boundaries of the towns and villages will be assessed according to the extent to which it enhances the character, appearance and biodiversity of the countryside, promotes the sustainable diversification of the rural economy, facilitates economic activity, meets a rural community need and sustains the historic environment. Appropriate development should not harm the rural character and environmental quality of the area or any sites designated for their nature conservation, or historical interest by virtue of the scale, nature and level of activity involved and the type and amount of traffic generated or by other effects such as noise and pollution. Wherever possible development should be within suitably located buildings which are appropriate for conversion. Where new or replacement buildings are involved, development should have minimal impact on the countryside and be in close proximity to an existing settlement. Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances’.*

It is considered the application proposal is fully in accordance with R1. Safe and secure electricity supplies will facilitate economic activity and the application proposal will have minimal impact on the countryside.

Lastly, policy SS6c, the LPA’s other rural areas strategy provides for development which meets an essential local needs and sustains the rural economy. It is clearly the case that reliable electricity supplies are an essential local requirement that sustains the rural economy. The application proposal is clearly in full accordance with policy SS6c.

(Policy SS6a, which applies to larger villages, and SS7 which relates to the Churnet Valley are not relevant to the application proposal.)

To conclude, the application proposal is clearly in accordance with the relevant Core Strategy policies.

At section 9 the Core Strategy States:

### ***‘9 Delivering the Core Strategy***

*9.1 The delivery of the Core Strategy will require a partnership approach to implementing the policies and proposals. The Council cannot deliver everything itself nor can the outcomes be achieved just through the granting or refusal of planning permission. Implementation will involve other organisations and groups who will work within the framework of their own strategies and plans as well as the spatial plan for the District. It will be very important therefore for the Council to work closely with its partners to ensure the success of the LDF and to be clear about what is required to deliver development, who will deliver it and when it will be required’.*

WPD is one of those partners and maintaining reliable and safe electricity supplies to Staffordshire Moorlands district will require the upgrading of WPD’s communications network, as required, including as proposed in this application a tower and microwave link at Cauldon Primary Substation.

The application proposal is clearly in full accordance with the LPA’s adopted Core Strategy.

## Other Material Considerations

### Staffordshire Moorlands LDF Infrastructure Plan (published August 2012)

At paragraphs 1.3-1.5 the LPA's published Infrastructure Plan states:

*'1.3 In order to create sustainable communities, providing housing and employment opportunities alone is not sufficient. There is a need to provide the necessary supporting 'infrastructure' including utility services, transport, schools and health and leisure services. This requires joint working with key partners including external organisations, as the implementation of solutions often falls to an agency other than the local planning authority.'*

*1.4 Planning Policy Statement 12 (PPS12) states that the 'core strategy should be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area, taking into account its type and distribution. This evidence should cover who will provide the infrastructure and when it will be provided. The core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisations.'*

*1.5 The National Planning Policy Framework (NPPF) similarly requires local planning authorities to work with other authorities and providers to assess the quality and capacity of physical and social infrastructure and its ability to meet forecast demands; and to take account of the need for strategic infrastructure including nationally significant infrastructure within their areas'.*

Safe and secure electricity supplies are a vital utility service that is required to support the LPA's proposals for the future development of Staffordshire Moorlands, and permission for the proposed essential microwave communications link at the application site is vital to ensuring those safe and secure power supplies are available to this part of Staffordshire Moorlands district.

The application proposal is fully in accordance with the LPA's Infrastructure Plan.

### National Planning Policy Framework

The overriding emphasis in Government's current approach and policies for planning is that permission should be granted unless there are compelling reasons why it should not. The National Planning Policy Framework (NPPF), which sets out the Government's up-to-date planning policies for England, was published on 27 March 2012. In his Foreword to the NPPF the then Minister for Planning stated:

*'The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves doesn't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.'*

The Minister continued: *'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'*

The proposed microwave link is sustainable in itself, and moreover it supports other sustainable development. It supports better lives for us; it supports economic growth, choice and is part of the new technology the Government wishes to encourage and support. It fully supports the LPA's adopted Core Strategy and Infrastructure Plan.

At paragraph 7 of the NPPF the three dimensions to sustainable development are identified: economic, social and environmental. The proposed upgrade to the communications network at the primary substation meets all three dimensions to sustainable development. It is vital that a high-speed communications link is available at all times in the public interest to provide real-time information and

protection to this most important primary substation, which distributes power to over 2.200 houses, businesses and industrial customers in this part of Staffordshire Moorlands district.

At paragraph 14 the NPPF states:

*'14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:*

*local planning authorities should positively seek opportunities to meet the development needs of their area;*

*Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

*—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*  
*—specific policies in this Framework indicate development should be restricted.*

*For decision-taking this means:*

*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*  
*—specific policies in this Framework indicate development should be restricted.'*

The development proposed at the application site is sustainable, and, as demonstrated, is in full accordance with the LPA's Core Strategy. Moreover, it is considered the benefits associated with the development substantially outweigh any adverse impacts. The proposed development should be permitted without delay. .

At paragraph 17 the NPPF sets out 12 core land-use principles that underpin both plan-making and decision taking. Amongst others, these principles require that planning should:

- *'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*
- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities'.*

The application proposal accords fully with the LPA's development plan for the locality. In accordance with the plan-led system, permission should be granted for the proposal without delay, which is for vital infrastructure that is sustainable itself and supports sustainable development. Most importantly, there is a vital and urgent requirement for the development to ensure that reliable power supplies can continue to be distributed safely from the primary substation, to meet the current and future needs of housing, business and industry in this part of Staffordshire Moorlands district.

At paragraphs 19 and 20 the NPPF states:

*'19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

*'20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

The LPA's Core Strategy supports sustainable economic growth, the needs of business and support an economy fit for the 21<sup>st</sup> century. As demonstrated, the application proposal accords fully with those policies - clearly supporting sustainable economic development in the public interest.

Section 5 of the NPPF, at paragraphs 42 to 46, deals with Supporting High Quality Communications Infrastructure. The appeal proposal is for such development and these paragraphs of the NPPF are of particular direct relevance to the application proposal.

At paragraph 42 the NPPF states:

*'42. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.'*

At the application site, the proposal is to provide a high-speed microwave communications link which will provide real-time information of the operation of the primary substation. As demonstrated this microwave link plays a vital role as part of the primary substation's protection and communications system. The proposed development will therefore play a vital role in protecting and enhancing the provision of local community services - electricity supplies to over 2,200 properties in this part of Staffordshire Moorlands. The proposal is fully in support of paragraph 42 of the NPPF.

At paragraph 43 the NPPF states:

*'43. In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.'*

As described, the application is fully in accordance with the LPA's Core Strategy, and as demonstrated the proposal fully meets the requirements of paragraph 43: in respect of the design of the tower, the use of a lightweight open modular lattice structure, the only suitable design that can be safely installed at the primary substation, to accommodate microwave antenna. As stated, the open lattice structure, will allow light to pass through and will minimise any visual impact when seen against the sky and trees that surround the substation site.

At paragraph 45 the NPPF states:

*'45. Applications for telecommunications development (including for prior approval under Part 24 [now Part 16] of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:*

- *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 or technical site; and*

- *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 on non-ionising radiation protection guidelines; or*
- *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.'*

First, In relation to the first bullet point of paragraph 45: pre-application consultations have been carried out with the LPA, ward councillor and parish council fully in accordance with paragraph 45, and as demonstrated in this statement there is no school or college near the application site.

Secondly, as the proposal is for a new mast, in relation to the third bullet point in paragraph 45, as already demonstrated, there is no feasible alternative to the proposed tower at the application site. There are no masts, buildings or other structures on which WPD can site its microwave dish and no possibility of providing a fibre optic connection. The transmission dish antenna with its centre-line at 13.5m AGL is at the minimum height at which line-of-sight can be provided over intervening trees and topography to the Arqiva broadcasting at Ipstones Edge, as is shown on figure 7, the 'far-end' of the proposed microwave link.

Lastly, NPPF paragraph 45 refers to the need for '*a statement that self-certifies that, when operational, International Commission guidelines will be met*'. This statement, commonly known as an ICNIRP declaration, as previously described, is not appropriate in this case. As previously stated, the transmissions between the dish antennas will be linear, non-radiating microwave signals: from point-to-point, one dish to another, and at very low power levels. These low power microwave signals do not fall under the scope of ICNIRP, which covers non-ionizing radiation that are emitted by the RF antennas that the mobile phone operators install on their base stations. The only exclusion zone for microwave dishes is directly in front of them, and as such they are always installed so no access can be gained to the dish antennas, due to the interruption in service that would be result if that were possible. At the appeal site the antenna will be in the high security grid substation compound to which the public has no access and mounted at 18.5m AGL on the lattice tower.

To conclude, as demonstrated, the appeal proposal accords fully with the provisions of the development plan and NPPF and should be permitted without delay.

## **Planning for New Energy Infrastructure**

### **Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Electricity Networks Infrastructure (EN-5) (July 2011)**

In July 2011, the Department for Energy and Climate Change published two policy statements, both directly relevant to the application proposal. The documents emphasise energy underpins almost every aspect of our way of life. It enables us to heat and light our homes; produce and transport food; and travel to work and around the country. Our businesses and jobs rely on the use of energy, and energy is essential for the critical services we rely upon from hospitals to traffic lights to cash machines.

It is difficult to overestimate the extent to which the quality of our life is dependent upon adequate energy supplies. In the future, we are likely to become more dependent on particular sources of energy – for example, the demand for electricity will rise considerably if electric vehicles come into use in any great numbers. Consequently the two policy documents emphasise that security and protection of the electricity network will be vitally important and that interruptions to supply impose significant economic and social costs, both direct and indirect. The latter can include medical, fire and police costs. Even where they cannot be fully costed electricity supply interruptions are a significant disruption to people's lives.

For these reasons amongst other matters, EN-1 identifies the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and

affordable energy supply and supporting the Government's policies on sustainable development.

In particular EN-1 is explicit in the Government's requirements for the expansion and reinforcement of the UK's electricity distribution network. New electricity network infrastructure projects provide crucial national benefits, which all localities share. In particular, projects will add to the reliability of national energy supply, from which every user of the system benefits. The application proposal is clearly such a project.

Failure to put the necessary electricity network infrastructure in place will immediately, or over time, reduce the reliability of energy systems, with potentially damaging consequences for local, regional and national communities and economies. Lack of sufficiently robust electricity networks can cause, or contribute to large scale interruptions.

Lastly while the existing electricity network needs to be maintained and upgraded to safeguard on-going supply and accommodate new generation, it will also need to respond to the expected increases in demand due to the development of new housing and business premises, as well as technological shifts. Electricity networks therefore need to evolve on an on-going basis to ensure a reliable supply of energy is maintained.

The application proposal as described is fully in accordance with Government policy advice and guidance in EN-1 and EN-5 ensuring the security and protection of the electricity network in Staffordshire Moorlands.

## Conclusion

As demonstrated, there is an overriding, demonstrably urgent need for the application proposal, which cannot be provided any other way than by the installation of the proposed modular lattice tower and microwave link at Cauldon Primary Substation.

The proposed development is fully in accordance with the LPA's development plan for the locality; as demonstrated, it accords with the Core Strategy. It also complies with other material considerations including the LPA's Infrastructure Plan, and government policy in the NPPF and EN-1 and EN-5.

It is therefore requested the LPA grants approval for this demonstrably necessary development.

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