

Local Planning Authority Costs Application

Proposal: Prior approval application for the installation of a 20m Streetworks monopole, 2No.0.3m dishes, and 6No antennae at 16.32m and 19.52m. Additionally, a GPS node will be installed on top of the monopole, along with four cabinets at ground base level and other ancillary equipment.

Location: Drummond Road, Hedge End

Local Authority Reference(s): PN/25/99280

Planning Inspectorate Reference(s): APP/W1715/W/25/3369416

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1.0 Introduction

- 1.1 This application for a full award of costs is submitted by Eastleigh Borough Council in accordance with the guidance set out within the Planning Practice Guidance (PPG), with specific reference to Paragraph 030 of the PPG on Appeals (Reference ID: 16-030-20140306).

In what circumstances may costs be awarded?

Costs may be awarded where:

- *a party has behaved unreasonably; and*
- *the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.*

Paragraph: 030 Reference ID: 16-030-20140306

- 1.2 The Council considers that the appellant has acted unreasonably by failing to substantiate key aspects of their proposal and by not responding appropriately to relevant technical objections. This has resulted in the Council incurring unnecessary expense in the preparation of its appeal case.

2.0 Grounds for the Application

- 2.1 The PPG advises that costs may be awarded where a party has acted unreasonably and caused another party to incur unnecessary or wasted expense in the appeal process. This

includes failing to provide adequate supporting evidence for an application or appeal (PPG Paragraph: 053 Reference ID: 16-053-20140306).

- 2.2 The Council considers that the appellant has failed to provide adequate technical and planning justification for the proposed development. The evidence submitted in support of the appeal does not demonstrate that a comprehensive or robust site selection process has been undertaken. Several alternative sites were dismissed without detailed assessment, including locations which may have offered opportunities for significantly reduced environmental, economic, and social impact. This falls short of the expectations in Paragraph 120 of the National Planning Policy Framework (NPPF), and guidance to operators from the Department for Digital, Culture, Media and Sport 'Code of Practice for Wireless Network Development in England' which requires applicants for electronic communications development to explore the possibility of erecting antennas on existing buildings, masts, or other structures.
- 2.3 In addition, while the appellant claims that the existing site is being decommissioned, no documentary evidence has been provided to support this assertion. The absence of coverage mapping, signal strength data, or information on the performance of nearby installations undermines the credibility of the claimed need for the proposed installation at this specific location. This omission is contrary to Paragraph 120 of the NPPF and results in the Inspector and Council being unable to assess the operational necessity of the specific appeal site proposal.
- 2.4 Most notably, the appellant failed to engage with a formal objection raised by Hampshire County Council in its capacity as the Local Highway Authority. That objection, submitted in response to the prior approval application, raised detailed concerns regarding highway safety. These included the narrowing of a shared pedestrian and cycle route, the creation of a pinch point in proximity to a community centre entrance, and the obstruction of visibility splays at a vehicular access. These are material considerations supported by national guidance, including Local Transport Note 1/20 (DfT, July 2020), which establishes minimum widths for shared paths and the importance of maintaining visibility for all users. It is also guidance that is specifically provided to operators within the Department for Digital, Culture,

Media and Sport guidance for telecommunications operators, 'Code of Practice for Wireless Network Development in England'.

- 2.5 Despite the clear and specific nature of this objection, the appellant did not instruct a highways consultant or submit any evidence to rebut the technical points raised. Instead, the appellant relied on generalised assertions regarding available clearance widths without reference to accepted design standards or site-specific safety analysis. This approach does not meet the level of rigour expected in response to a consultee objection and has required the Council to prepare a detailed response to matters that could have been resolved or narrowed through the submission of proportionate evidence.

3.0 Unnecessary and Wasted Expense

- 3.1 As a direct result of the deficiencies identified above, the Council has been obliged to invest Officer time and resources into the defence of an appeal that lacked adequate evidential support or reasonable prospect of success. The site selection rationale, justification of need, and technical highway considerations should have been fully addressed prior to submission or, at the very least, as part of the appeal documentation.
- 3.2 The failure to engage properly with the issues raised by the Local Planning Authority and the statutory consultee has led to unnecessary work in responding to a case that could not be reasonably sustained. In accordance with PPG Paragraph 030, the Council contends that the appellant has not demonstrated reasonable behaviour during the appeal process.

4.0 Conclusion

- 4.1 Eastleigh Borough Council submits that the appellant has failed to substantiate the proposal with the level of information expected under the prior approval regime, particularly in relation to site selection, network need, and highway safety. The appellant did not address significant technical matters raised by a statutory consultee, and has

submitted an appeal that lacks the evidence necessary for an informed planning judgement.

- 4.2 In light of the unreasonable behaviour outlined and the resultant wasted expense, the Council respectfully requests that the Inspectorate issues a **full award of costs** in favour of the Council.