

Our ref: 115558  
Your Ref: 2023/N/93317/E

05/12/2023

Dear Sir/Madam,

## **Planning Objection to Application Ref: 2023/N/93317/E, Wheatley Hill Farm**

Cornerstone is the UK's leading mobile infrastructure services company. Set up in 2012 as a joint venture between Vodafone and Telefonica (VMO2) we acquire, manage, and own over 20,000 sites and are committed to enabling best in class mobile connectivity for over half of all the country's mobile customers. We oversee works on behalf of telecommunications providers and wherever possible aim to:

- promote shared infrastructure
- maximise opportunities to consolidate the number of base stations
- significantly reduce the environmental impact of network development

It is our intention to comment on the application insofar as it purports to represent the future interests of our customers (Vodafone and Telefonica (VMO2)) and the merits of the scheme as a whole.

At the outset it should be noted that this proposal appears fundamentally the same as 2023/N/91040/E which was refused in June 2023. This new application does nothing to address the previous refusal.

It is of note that the planning application (ref no 2023/N/93317/E) submitted by Icon Tower Infrastructure Group Limited, refers only in passing to Telefonica (VMO2) in the planning submission and both Vodafone and Telefonica (VMO2) on the ICNIRP certificate of compliance. As a point of note, when searching for the name of the other operators in the application document no others were found. We wish to clarify that at this stage neither Telefonica (VMO2) or Vodafone have any requirement to upgrade their existing network necessitating either their relocation or deployment of a new mast. So far as Cornerstone is aware, it is the intention of both Vodafone and Telefonica (VMO2) to continue to provide coverage from their existing location.

It is anticipated that any future upgrade required to improve the local mobile digital network can be completed with adjustments to the existing tower carried out as Permitted Development. While the applicant for the proposed new mast does suggest that all Operators can be accommodated on the new structure, no such commitment has been secured from either Vodafone or Telefonica (VMO2) that they will be relocating their existing equipment to the new tower, nor are there details of which other operators will be relocating to this site. As is clearly set out in the Code of Practice for Wireless Network Development 2022 a sequential approach is required for new site selection, the application states that '**...proposed development is intended to in time replace existing telecommunication installations which are already established feature in the area...**' This clearly accepts that at this time no such commitment has been received and is in line with the commitment from both Vodafone and Telefonica (VMO2) to remain on their current location – one from which they can upgrade with minimal effort utilising Permitted Development Rights. As noted, no other operators are mentioned in the application.

Whilst the supporting information submitted with the application clarifies that the 30 metre mast would facilitate 5G connectivity, the sequential requirement to first consider whether the existing mast(s) sited further along the ridge with a tree screen could be upgraded if 5G is required in the locality has not been met. This is also contrary to Para 117 c) that requires the upgrade of an existing mast to first be considered. The application (Technical Justification) states '**The existing masts**

**cannot support the necessary upgrades.** (based on what assessment?) **To prevent the proliferation of mast Icon Tower has decided to relocate all existing equipment to one new mast which has the capability for upgrades and the ability to host new and antenna systems and preparing the site for future innovations in telecommunication equipment.'** And yet, this is proliferation by any other name as it will increase the number of masts in the area contrary to NPPF, and they have no power or commitment to force a relocation of operators equipment from existing sites nearby.

Further, the Supplementary Information Template "Ten Commitments Consultation" the applicant States:

**'In accordance with the Code of Best Practice this site has been given a rating of Green. Existing installations which are being removed as part of this development in the same area, therefore the principle of telecommunications equipment has been established in this area. The proposal is consolidating equipment on to one single shareable mast, a relatively short distance away from the existing site(s).'**

As has been noted above, as far as Cornerstone are aware neither Vodafone nor Telefonica (VMO2) have any intent to relocate, have no need to relocate and have no agreement to relocate, to this end the application is incorrect and speculates on events that are not envisaged to occur at any point in the foreseeable future. The apparent result would be a 30m lattice mast with no operator equipment installed but a number of lower height structures remaining and continuing to provide network coverage to the area.

The statement then goes on to refer to the NPPF 2021 (revised in 2023) and refers to para 116 **'...acknowledge that the numbers of radio and telecommunications masts and the sites for such installations should be kept to the minimum consistent with the efficient operation of the network..'** As noted above, so far as Cornerstone is aware there is no demand for a new site, Vodafone and Telefonica (VMO2) are not seeking to relocate their coverage, no other operators are referenced in the application – (when searched by name) accordingly there is no merit in a proposed 30m lattice when less than 20m is currently providing coverage. There is no detail of any coverage provision or comments about poor coverage included with the application, accordingly there is no need – proven or otherwise - for a new structure.

Whilst National Policy and Local Plan Policy is supportive of such development in the right circumstances, in this instance no supporting information has been submitted to demonstrate that there is a need for the new mast, or that the existing could not be shared, or upgraded if required. It has therefore failed the sequential test for site selection in discounting utilising existing sites before proposing new.

The applicant has provided a document "An Introduction for Local Planning Authorities", the purpose of this document is to set out the case for an additional infrastructure provider . in the section **2.4 A Competitive Offering**, the applicant seeks to set out why they should be considered over and above the existing Mobile Network Operators **'..it is very obviously not feasible or practicable for one Infrastructure System provider to share with another as they are in direct competition with each other..'** This statement is inaccurate given that the four Network Operators have sharing agreements in place with each other, the sequential approach to site selection directly states that sharing on each others sites forms a crucial part of the selection process, and a significant portion of the national mobile network is provided from shared sites. Indeed, the existing Cornerstone site is shared by Vodafone and Telefonica (VMO2).

It has to be an accepted fact that mobile networks have now matured and accordingly each Operator have their own individual network requirements. It is likely that any deployment of an additional mast here by the applicant would result in a number of masts being in place indefinitely. The existing masts will only be removed when redundant and no longer required for electronic communication purposes – at this stage there is no prospect of the existing masts becoming redundant in the foreseeable future and this will remain the case even with the deployment of the proposed new installation. In the first instance the operators will look to see what they can achieve on their respective sites through permitted development works.

As an aside, the Supplementary Information template refers to Chipping Ongar. This is in Essex so of little relevance here, other than noting that again the detail is inaccurate, misleading and irrelevant in this instance.

**'As referred to above, the applicant has taken a sequential approach. It is considered that developing a multiuser, sharable lattice tower is preferable to developing multiple, single user sites in more sensitive areas around Chipping Ongar. It then goes on to note '..The proposed mast has been sited on the land which is in a relative industrial use. The proposed mast is co-located to overhead electricity transmission poles and the proposal has a simple, unclutter design..'**

Turning to the policy aspect:

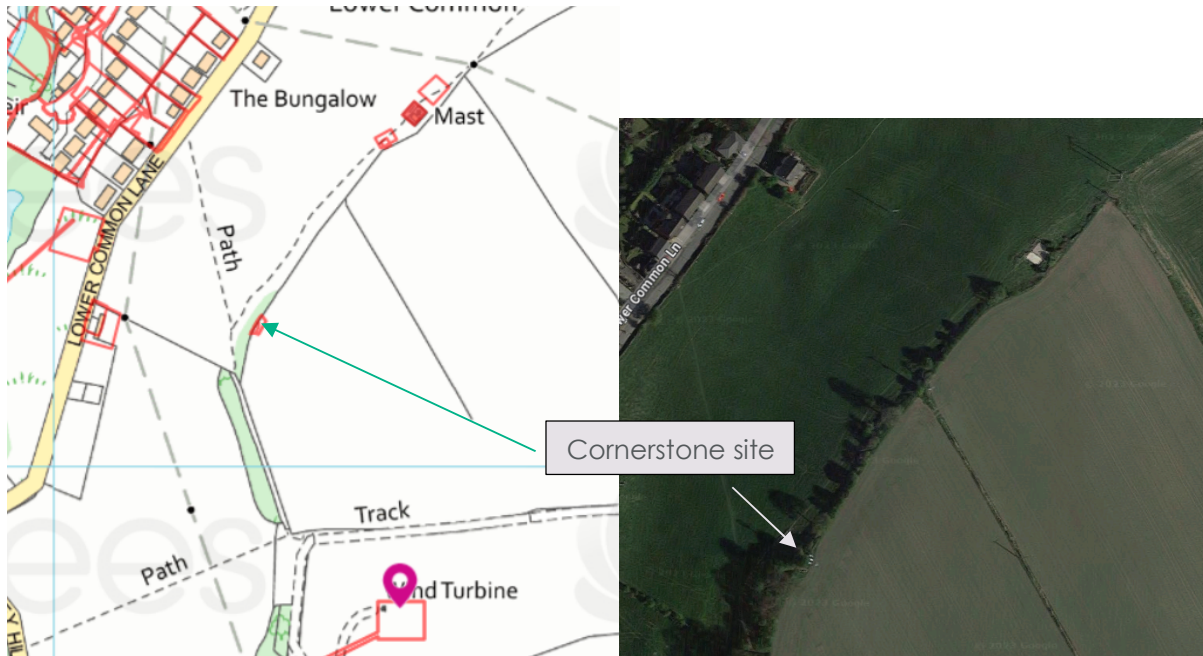
The Adopted Development Plan is the Kirklees Local Plan, 2019:

Policy LP24 Design

Proposals should promote good design by **scale layout** and relationship **with heritage assets** and **landscape**.

The application as proposed seeks consent for a 30m lattice on the brow of a hill:

This extract from the LPA application search tool identifies the application (solid red) and existing sites nearby: Google imagery shows the context – open farm land – existing masts are visible along the field boundary



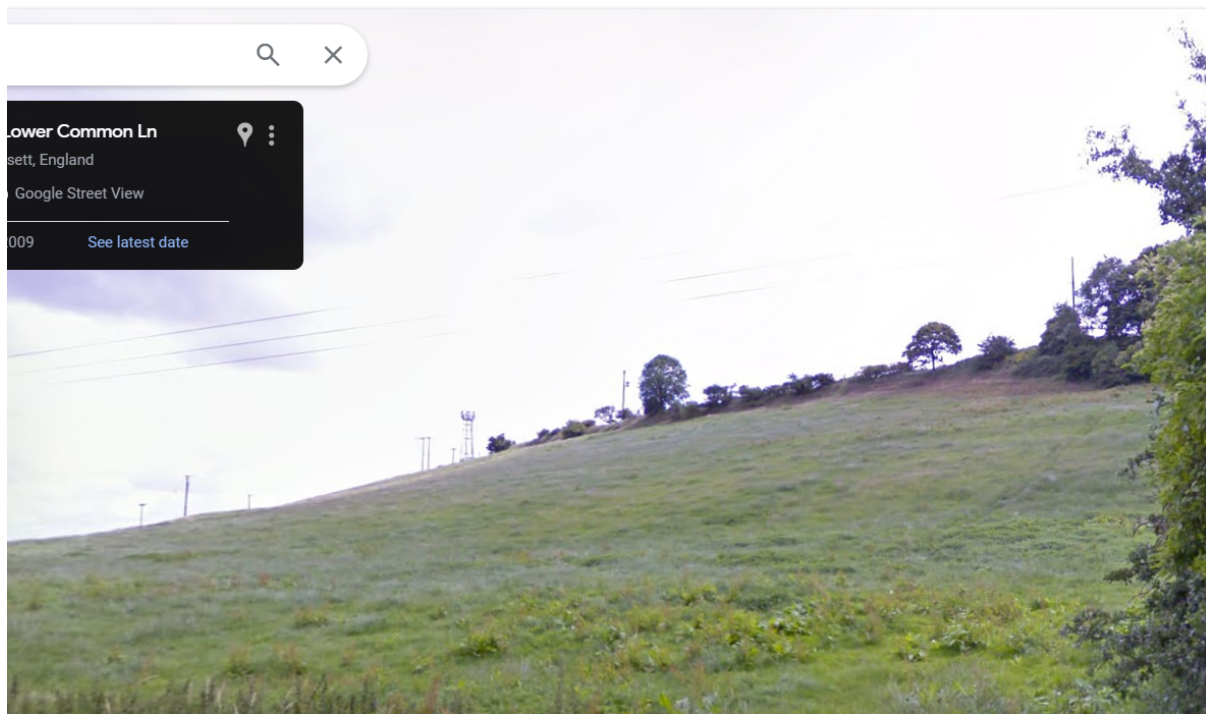
Looking back to the site from the Lower Common Road – viewing past 'The Bungalow' the existing 12.5m monopole is visible, the run of power lines which provides a clear indication of where a 30m lattice is proposed which would dominate the skyline.



No assessment has been provided as to any impact on heritage assets in the area – less than 500m distant at a lower level.

The supplementary information template refers to a secure compound, and yet the drawings describe a 1.2m stock proof fence as opposed to the 2.4m Galvanised security fence. The drawings indicate 1 no

headframe and yet the description refers to 2no headframes, 12no antennas and 4no 600mm link dishes and 6no cabinets, the site is on that of the old 15m lattice – now no longer in situ



Google Street view 2009

As is clear from the application search tool extract above, the overhead imagery and the street scene extract, the proposed site is in the vicinity of the power line pole on the ridgeline – central to the image above. The details in the planning submission state

“... We acknowledge that the authority accepts the importance of telecommunications infrastructure and the NPPF guidance on the this is particularly relevant. **The mast is marginally taller and is no hardly any wider than the existing mast**, which is already an established feature in the landscape. This is an important consideration in balancing the importance of the telecommunications infrastructure, against visual impact in line with local and national policy. Visual impact will be **minimal, particularly as the existing mast is so tall and well screened from public areas such as the nearby road network. The proposed works will not require any increase in the footprint of the compound, therefore there will be no loss of greenspace or wildlife.**” (Emphasis added). The reality is, the proposal is on the site of a former 15m lattice, the proposed 30m lattice will be in a defined compound 12m x 12m approx. – so a significant land take, screening in this area is minimal at best, despite what is stated.



(View to site from Wheatley Hill Lane)

**'...visual impact has also been reduced by the choice of colours and materials for this development for example the galvanised finish helps the lattice frame to blend with the sky and reduces its visual prominence where it does break the skyline. The proposed mast has been intentionally sited adjacent to existing semi mature and mature vegetation, offering a good level of screening...'**. And yet, looking at the screen shot this is not the case in this instance.

To summarise:

The application has no merit. It does not have any operator specific details, and the only reference to any operator in the application is currently accommodated elsewhere on a site that meets their requirements and should it be the case that in the future it needs changing then there are Permitted Development Rights that can be utilised for this.

The details in the application are misleading and make assumptions that a new 30m lattice will be preferable to the LPA and operators with no evidence of such. It is clear that a 15m lattice that was previously in situ was visually prominent, to double its height with no justification – just because the GPDO allows – would result in a visually dominant structure in a prominent location to the detriment of the amenity of local residents.

Information has been provided by the applicant to specify that no alternative sites have been considered for the development. This is because the proposed mast is speculative with no end users currently identified. The supporting documentation advises that as the proposed mast is higher than the closest mast then there is a hope existing operators may choose to relocate to the proposed mast. There is no evidence that this is the case. No assessment of whether there are any issues with coverage from the existing operators, whether existing masts could be shared or upgraded which have to be asked and answered before a new ground based structure can be approved has been provided - the end result would be multiple structures with no mechanism to remove the existing sites.

This proposal is fundamentally the same as 2023/N/91040/E which was refused in June 2023. This new application does nothing to address the previous refusal and accordingly it is suggested that this should again be refused.

"It is considered that the proposed telecommunications equipment is sited in a visually prominent location resulting in a visually unacceptable overt feature within an area of open countryside largely devoid of any other tall structure. The mast is open to views from several lower vantage points thus exacerbating its prominence. The applicant has not clearly demonstrated other more suitable locations for telecommunication equipment could not be found within the wider vicinity of the proposed site"

Yours faithfully,

(for and on behalf of Cornerstone)