

Hennys, Middleton and Twinstead Parish Council

Response to Consultation with Waldon Telecoms Ltd (WTL). RE Proposal for a Mobile Phone Mast at Pelham Hall, Twinstead

Submitted by Hennys, Middleton and Twinstead Parish Council

Hennys, Middleton and Twinstead Parish Council (HMTPC) strongly object to the proposed mobile phone mast at Pelham Hall, Twinstead.

Limitations to this interim consultation response

This response is formed subject to insufficient information being provided by the proposer, WTL.

This Council holds that the information supplied lacks the necessary detail needed to enable an appropriate level of understanding of the proposal by lay parishioners.

This lack of detail which includes a paucity of labelling and referencing of drawings and imaging leads to residents struggling to apprehend the potential impact on them, the amenity of local assets, and the area in which they live.

This Council has therefore engaged with residents in a manner hampered by this paucity of information from WTL. Nonetheless, HMTPC has used social media and direct contact in order to raise awareness, inform and gauge our parishioners' response to the proposal as presented, and to represent their responses into this currently excessively time constrained consultation.

A fuller and more detailed response will follow in light of further information and consultation with parishioners.

The structure of this response

This response outlines the key policy considerations and detrimental impacts that would flow from the phone mast if implemented as proposed. The Council will be pleased to support all assertions with documentary evidence upon request.

This response covers a number of aspects of benefit and detriment that would flow from the proposed development. They are:-

- ◆ Benefit to the wider community from improved communications.
- ◆ Detriment to Amenity
- ◆ Detrimental impacts on health
- ◆ Detriment to a listed building
- ◆ Detriment to the natural landscape
- ◆ Detriment to protected species and wildlife

The response then goes on to cover the planning background to consideration of the proposal.

Benefit to the wider community from improved communications.

HMTPC acknowledges the wider benefit of improved telecommunications and of mobile phone service availability to the community. These benefits include wellbeing and socio economic benefits.

HMTPC consider that on balance these benefits are outweighed by the detrimental impacts of a phone mast at the proposed location.

All of the benefits can be delivered from alternative sites within the cell without delivering the significant detriments that would be felt by residents local to the proposed site.

No information as to the exploration by WTL of alternative sites has been made available and we note that demonstrating such research and the rationale for discounting all alternatives is an obligation upon proposers of such developments.

Detriment to Amenity

In its simplest meaning, amenity is about how a development impacts the way a place looks. The proposed mast would be detrimental to all surrounding residential properties and this would negatively effect wellbeing within the community and parishioners enjoyment of the surroundings within which they live.

In planning the concept of amenity is a catch-all term encompassing visual and socio economic impacts amongst others. HMTPC has researched this issue with property agents who posit that the mast if installed would have a significant negative impact on the saleability and value of Pelham Hall and also of all nearby properties. The negative impact on the value of Pelham Hall and its attached amenity space (garden) was estimated to be of the order of 5-10%.

Whilst this equity detriment is not strictly a planning matter, the impact this would have on spacial planning for the vicinity and the future usages of the farm building complex is. The community has an interest in the usage this complex of building finds in future and the impact that has on them.

The agents also cited a further impact, limiting the ceiling value of Pelham Hall and therefore the potential for any future development of the house that represents sound investment. Pelham Hall is a listed building and under current legislation, should the owner fail to maintain asset, then such maintenance becomes the responsibility of the District Council. This means any choking off of the future potential of the building and thereby the future fiscal sustainability of the building leads to a potentially socialised cost, a liability that should not be increased by poor planning decisions.

Taken together, this means that the amenity detriment is considered to be high and multi faceted.

Detrimental impacts on health

WTL have stated that the proposed mast is compliant with current guidelines on emissions and health impacts. However there is a significant body of evidence indicating that the guidance and legislation is out of date. This body of evidence is publicly available and influences public responses to phone mast proposals. This evidence generates fear from the perception of health impacts. This issue is covered in legal case law from the High Court of Justice, Queens Bench Division who in May 2003 determined that "FEAR or the PERCEPTION by the local community with respect to the installation of a telecommunications tower being injurious to health is a REAL factor that MUST be taken into account by planning authorities. To say that health is not a material planning issue is factually incorrect. Any decision made which fails to take the real fear of people with respect to health into account will be a decision made contrary to law."

HMTPC have looked carefully at technical implications of the proposed siting of a mast at Pelham Hall. Amongst other issues, what is technically termed the "skip distance" is of worrying pertinence. The skip distance is the distance that defines the area around a phone mast where the emissions are at the highest level. It defines the area where the signal from the antennas first hits the ground and bounces off. Having consulted with a radio engineer we have established that the skip distance and the area defined by it takes in a number of surrounding dwellings within Twinstead Green area of the village. From the scientific evidence we have, the skip distance identifies the area within which residents are at heightened risk of developing cancer. This therefore is reason for residents in these properties to FEAR a health risk from a mast at Pelham Hall because the PERCEPTION of such risk is supported by sound and recent scientific evidence in terms of both health impacts of electromagnetic radiation and by the well established physics of electromagnetic radiation and the way in which it is emitted by phone mast antenna into the surrounding environment.

HMTPC contend therefore that the negative health impacts that would flow from the proposed mast are both real and perceived, and are a material consideration in determining this application.

Detriment to a listed building

Planning policy clearly precludes developments that are detrimental to listed buildings and such policy has lead in a number of local cases to REFUSAL of permission for mobile phone masts in the vicinity of a listed building. Planning cases identified below evidence this point.

That the proposed location would be detrimental to Pelham Hall is irrefutable as the site is within the traditional amenity space or gardens of the listed asset. Redrawing of the boundaries of the garden would not alter this fact. The mast would be visually significantly at odds with the vernacular and traditional appearance of Pelham Hall when viewed from the extensive number of publicly accessible vantage points. The appearance of the mast cannot be masked or in any real sense mitigated by existing trees or any new planting of same. The existing trees are only around half as tall at the proposed mast and the Council is aware that forthcoming 5G upgrades would significantly add to the visual detriment of the upper part of the mast and antennas.

HMTPC therefore hold that the detriment to Pelham Hall would be significant and highly visible to the public.

Detriment to the natural landscape

Both extant and emerging planning policy precludes development that is detrimental to the aspiration to extend the AONB in this area and the proposed mast would be visually detrimental to the setting of the AONB extension and also to the views out of the extended AONB. Whilst we have seen argument that the extension has yet to be agree by Government, that decision is immanent and the fact that the decision has yet to be taken is dealt with by the LPA's policy which specifically is designed to protect the prospect of designation from damage through inappropriate development such as a phone mast at Pelham Hall.

Detriment to protected species and wildlife

No environmental or wildlife survey for the Pelham Hall site has been supplied to HMTPC and yet within the documents supplied by WTL, badgers are identified as a protected species that live on the site. This area hosts populations of extremely rare bats along with other protected species including newts as have been identified on nearby farms by survey. It is therefore likely that Pelham Hall provides habitat for not just one but a number of protected species.

HMTPC urge WTL to have a full wildlife survey conducted as a matter of urgency if they decide to proceed with an application to site a phone mast at Pelham Hall despite this response and the evidence contained therein.

Planning Background

HMTPC understand that all planning applications are judged on their own merit. However, HMTPC contend that for consistency within the planning system, similar planning proposals determined under the same policies should deliver similar outcomes.

HMTPC note that there have been four applications to the Local Planning Authority (LPA), Braintree District Council (BDC) in the past two decades that are relevant in determining their response to such planning proposals as the phone mast one for Pelham Hall, Twinstead.

In 2002, the LPA refused an application for a phone mast at Pelham Hall on grounds of impact to a listed building and impact on the landscape. Policy around impacts on listed buildings remains functionally the same and policy protecting the landscape has changed but this area is now protected by existing and emerging policy to prevent developments damaging the aspiration to extend the Dedham Vale AONB.

In 2004, the LPA refused an application to add phone mast antennas and associated equipment to the water tower at Maplestead, a local parish. The given reasons for refusal included impact on a listed building and negative amenity impacts from introducing alien objects into a natural setting. Further, the proposal did not take account of replacement structure policy that precludes telecommunications installations siting which would adversely impact landscape quality and traditional character. The current Pelham Hall proposal conflicts with this policy.

In 2018 a proposal for a Mobile Phone Base Station at the Junction of A131 and Old Road, Wickham St Paul, Essex (actually located within the parish of Twinstead) was objected to in great detail by Grahame Stuteley BSc (Hons) MSc MRTPI on numerous planning policy grounds which HMTPC hold to be relevant to any decision by the LPA to confirm Permitted Development Rights at Pelham Hall. This site has not been taken forward.

In 2020, a proposal to site a mobile phone mast at Oak Farm, Oak Road, Pebmarsh (an adjoining parish) was refused because "The proposed mast, by virtue of its excessive height and latticework structure would result in an inappropriate form of development, incompatible with sensitive countryside landscape, visible from public footpaths and would cause harm to the setting of nearby heritage assets."

In every respect, this recent determination is relevant to the LPA's decision with respect to Pelham Hall in that the proposal is set within the amenity land of a listed house, within sensitive landscape in terms of its being the potential setting for an enlarged AONB and environment that is according to the documents supplied by WTL, is home to protected species.

Conclusion

The planning balance with this proposal clearly lies with REFUSAL of permission in keeping with planning policy as applied to the recent cases highlighted above and in light of the significant and well evidenced detriment that would be delivered by a phone mast located as proposed.

The radio engineer with whom we consulted assures us that there are numerous local locations that would be at least equally technically beneficial for this mast but would not deliver the significant detriments outlined above.

HMTPC concludes that WTL have selected the proposed site fundamentally on grounds of cost benefit to themselves rather than in the best interests of wider society. These commercial benefits flow from ease of access to the site and the nearby availability of a suitable electricity supply.

In deciding to propose this site for a phone mast, the proposers appear to consider their commercial interest in cost saving to be a far higher priority than their responsibility to deliver such infrastructure developments in keeping with planning policy and the best interests of the community that hosts it. That is to say that WTL seem to consider the cost advantage to them of the site to be a higher priority than the socio economic and health cost to the community that hosts it.

In so doing this proposal highlights the importance of the role of the planning system in defending the interests of communities that host such infrastructure against detriments that would flow from commercial development, the siting of which is determined primarily on cost grounds with inadequate consideration of the wider impacts.

This being the case, HMTPC look to the LPA and Braintree District Council to reject this site proposal and insist that WTL find a less detrimental site.