

## **The Hennys, Middleton and Twinstead Parish Council**

### **Response To Waldon Telecom from the Hennys, Middleton and Twinstead Parish Council (HMTPC)**

to:-

**CONSULTATION BY EE LTD AND HUTCHISON 3G LTD  
PROPOSED SHARED MOBILE TELECOMMUNICATIONS RADIO  
EQUIPMENT AT GREENFIELD BEHIND RYES LANE, SUDBURY,  
SUFFOLK, CO10 7DZ (NGR: 585423, 238659) – REPLACING SITE 96398  
“LAND AT DOVE HOUSE FARM”**

### **HMTPC's stance on this phone mast proposal**

**Please be advised that on behalf of the parishioners of Little and Great Henny, HMTPC strongly object to the siting of new telecommunications equipment including the proposed 25m lattice tower on the site NGR: 585423, 238659, close to the settlement of Little Henny.**

The reasons for this objection are laid out in the following pages of arguments which link to relevant planning policy. Taken together, the arguments we provide show that the proposed site is inappropriate to place and contrary to planning policy at both national and local level. Thus the planning balance securely lies with refusal to confirm prior approval by the Local Planning Authority (the LPA), Braintree District Council.

## **Time frame and information available to enable and inform consultation responses**

Clearly, a phone mast of 25 metres height in open countryside and located around 500 metres from the majority of inhabitants of the country settlement of Little Henny will deeply affect not just those in the immediate 500m zone from the proposed mast. It will affect all residents of the Little Henny community along with those those in the closest adjoining settlements of Great Henny and Bulmer Tye. And yet the developers have sought responses from only a minority of households in the community. It is hard to understand why that might be. Henny residents are aggrieved at this failure to communicate the developer's proposals appropriately and comprehensively to affected households and again (and not for the first time in these parishes), this evidences the inadequacy of the developer's approach to the pre application consultative process.

Residents in and around Little Henny have complained at the lack of clarity within the drawings and documents supplied to them. This has been a common feature in consultations instituted by Waldon Telecom in the parishes covered by HMTPC. It is simply not appropriate for the developers to assume that documents prepared for administrative bodies such as the LPA with its professionally qualified planning officers will provide the level of accessibility to information to allow lay residents to acquire a clear and precise understanding of what is proposed.

This response is an interim response consequent of Waldon Telecom / EE Ltd. / Hutchinson 3G Ltd. (the Developers) constrained time limits to respond and the failure of the proposers to provide adequate information upon which to base a full response. Indeed, the surveying needed to fulfil the developers obligations in making an application for confirmation of prior approval has to the best of our knowledge not been carried out. Furthermore, environmental and ecological surveys cannot meaningfully be carried out for some months due to the hibernation of species known to reside in and around the proposed mast site.

This indicates that the undue time constraints imposed by the developers are unreasonable and unnecessary and that a more sensible time frame would be to institute the consultation now with an end date 28 days after the community are provided with the outputs of all surveying required by the relevant planning decision making process.

## **Planning policy relevant reasons for this strong objection and for refusal by the LPA**

Note: The proposed site is outside any built up area boundary (BUAB) and therefore countryside policies apply.

### **Landscape character and visual impact.**

HMTPC hold that the proposed phone mast located at NGR: 585423, 238659 would be an inappropriate, alien, and out of scale addition to the landscape which could not be visually mitigated to any impactful degree, and which is therefore totally at odds with many aspects of countryside planning policy at both national and local level.

The site lies within a high sensitivity landscape character area within the Braintree District known as the 'Wickham Farmland Plateau'. The Wickham Farmland Plateau character area encompasses the rolling hills and valleys between Bulmer and Little Henny in the north, Twinstead in the east, Halstead in the south-west and Gestingthorpe in the west. The hills are known for having large arable fields on flat tops. The proposed site and its setting is an unspoilt example of such landscape.

Throughout this landscape, hedgerows and ditches delineate the large open fields and tall trees screen settlements from view. Little Henny and its surrounding countryside is one of the last unspoiled areas within the Wickham Farmland Plateau character area and both national and local planning policy is in place not only to protect such landscape but also to enhance it. The proposal for a phone mast at NGR: 585423, 238659 is totally contrary to both these policies and their objectives. Indeed, this location is particularly sensitive due to its very open, flat nature with no effective natural screening of the site that would mitigate the visual impact of so alien a structure as a 25 metre tall mast with complex rectilinear antenna atop, set on high yet predominantly open ground.

BDC's landscape character assessment identifies one of the main sensitivities to change for the Wickham Farmland Plateau landscape character area as being the open skyline which is sensitive to new development (in particular tall vertical development).

Proposed strategy objectives identified in the assessment include conserving and enhancing the integrity of the landscape and reinforcing its character. The proposed development is therefore contrary to this principle given its plateau top location and lack of sufficient vegetation for shielding. The assessment also sets out suggested landscape planning guidelines which include consideration of the visual impact of new development which seeks to maintain characteristic views of the valleys and hills, ensuring any new exposed development is small-scale. The assessment concludes that the Wickham Farmland Plateau has a relatively high sensitivity to change for these reasons and this should therefore carry significant weight in the overall planning balance and this therefore is a strong policy related argument for refusal of confirmation of prior approval in this case.

The NPPF makes reference to the protection of character areas and states that '*planning policies and decisions should support development that makes efficient use of land, taking into account... the desirability of maintaining an area's prevailing character and setting*'. The NPPF also states that '*planning policies and decisions should ensure that developments... are sympathetic to local character and history, including the surrounding built environment and landscape setting*'. The proposed development would therefore be contrary to the principles of the landscape character assessment and also the policy requirements set out in the NPPF.

At local level, Braintree District Council's (BDC) has in place Core Strategy objectives relating to the environment. An important objective being '*to protect, restore and enhance the natural habitats, biodiversity, landscape character, amenity and environmental quality of the countryside*'. It is therefore quite clear that the protection and enhancement of rural landscape character areas is of significant importance to the LPA, Braintree District Council, their stance being underpinned by national planning policy.

Local Plan policies also include such decision relevant statements as '*development outside development boundaries will be strictly controlled to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside*'.

Recent reviews of planning policy by BDC have included assertions that include: '*development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside*'. From this it is very clear that a key objective in BDC countryside planning policy is to protect the natural landscape from developments such as that which the developers through Waldon Telecom propose at Little Henry.

HMTPC also note that The 'Vision for North Essex' states '*the countryside and heritage assets will be protected and enhanced*'. This is a notion echoed in the 'Spatial Strategy' which states that '*areas outside of the development boundaries are considered countryside*'. The Spatial Strategy defines '*The Countryside*' as '*all other areas of the District, including hamlets and small groups of homes, which are outside development boundaries are considered to be within the countryside. In order to protect the intrinsic beauty of the countryside, development here is normally restricted to that which supports countryside uses*'.

## **Broader aspects of amenity impact**

HMTPC are cognisant of the fact that within the planning system, the term amenity covers not only visual aspects but also development consequent detriment to property values, along with detriment to the views residents enjoy both from their homes and whilst travelling to and from same. Property value reduction and impacts to view are not separately dealt with by the planning system and a right to a view has little or no standing in arriving at a planning decision.

Nevertheless, it is a fact that the community of Little Henny fear the detriment that would flow from a phone mast as proposed on their lives, wellbeing, their enjoyment of the place in which they reside and the potential detriment to their equity interests. We are advised by specialist country property agents that a phone mast located within the setting of rurally located residential property can reduce the saleability of property when marketed. This is a consequence of the mast reducing the size of the market for said property. The corollary is that in order to remediate that impact, the asking price must be reduced.

The broad assumption within the planning system is that the benefit of a phone mast is socialised across the entire community while the detriment is born by the few. However, that is not the case in this area and it is not even a majority of the community who have indicated that they would benefit from the proposed mast as they are not customers of the mast proposing companies. A mast located as proposed would exist to the detriment of all residents of the Little Henny (amongst others) and yet the benefit would accrue to the few. Residents therefore hold that this is a wholly unfair imposition on them wherein they gain little socialised benefit but suffer a great cost to themselves and they seek to have the LPA consider this in reaching their planning decision with respect to this phone mast proposal.

## **Detriment to a significant cultural heritage landscape asset**

Local and more widely held knowledge indicates that the 18th century painters John Constable and Thomas Gainsborough were active in and around Little Henny and that the landscape there has inspired important works by these internationally revered artists. That these artists were of pivotal influence in the development of British Landscape Painting Movement is irrefutable in the view of art academia.

The Little Henny hamlet located around 500m from the proposed mast site hosts a number of listed buildings (See appx. 1), the nearest of which is the Barn at Lodge Farm, now a dwelling. The listed heritage asset Ryes Hall which also lies in close proximity to the proposed phone mast site is essentially the manor house and epicentre of Little Henny. In the 18th century, the Hall hosted acclaimed landscape painter, John Constable. Thomas Gainsborough was a resident of nearby Sudbury. The land from Ballingdon up to and including the Hennys was in their time owned by a close friend of Thomas Gainsborough and various landscape features (eg barns, churches, etc.) on this land appear in the “masterpieces” by Gainsborough, a masterpiece being a very “cut and paste” amalgam of landscape features in a landscape painting of that era.

John Constable has been long known to have painted topographical views and "Stour Valley and Dedham Village" is a well known example. However, until the 21st century the art world held that Gainsborough's works were not topographical. This notion was overturned when it was recognised that the painting that is held at Sudbury's nationally significant Gainsborough's House Museum known as "*Wooded Landscape with Herdsman Seated*" is a topographical view from a now public footpath through Ryes Farm, Little Henny looking across the valley floor toward St Mary's Church, Great Henny.

The view was recognised because whilst over the centuries the fields within the landscape have been flattened by agriculture, the relationship between the church and Thornycroft Farm seen below it have remained the same. For reference, this is the church that appears in some of the most highly treasured Gainsborough landscape paintings that are hosted by some of the most prestigious public art galleries in the world. Also pertinent is the fact that the owners of the land seen in the foreground of the painting are committed to allowing it to revert to its natural uncultivated form and thus deliver to the joint objectives of enhancing both the cultural heritage landscape asset and the role of this countryside as high quality habitat for protected and other species.



Wooded Landscape with Herdsman Seated Courtesy of Gainsborough's House Museum, Sudbury (Current day image of same view inset)

The import of this view in our cultural heritage was hugely impactful in National Grid's decision to avoid detriment to the Stour Valley landscape in the vicinity of the Hennys by proposing to invest an additional £150 million in the undergrounding of their new proposed high voltage electricity grid connection in this area. That project is expected to go ahead in the coming years in keeping with the plan to include the undergrounding with a projected completion date on record as being 2028.

The proposed phone mast site at NGR: 585423, 238659 lies within the setting of this specific landscape. The setting provides the context within which the asset is approached and perceived. Due to the very limited highways access to this heritage asset, the setting of the proposed mast is the very landscape through which this heritage asset must be approached in any manner other than on foot.

It is therefore the case that a structure as alien to the natural landscape as the proposed 25 metre tall mast set on the plateau above and across from this cultural heritage landscape must be deemed unacceptably detrimental. The degree to which the mast's height together with the elevated nature of its plateau location indicates that the mast would impact views both into and out of this valuable landscape and renders the amenity impact for a so located phone mast beyond mitigation.

## **Wildlife and protected species**

As no ecological survey appears to have been conducted by the developers it falls to the local community to provide local knowledge on this matter. The local farmers, being the predominant custodians of the countryside around Little Henny can attest to the presence of protected species across the area. Along with very rare and more common species of bats, it is known that badgers are a widespread protected species for which the site and surrounding countryside provides habitat. Whilst the arable fields that provide the immediate setting for the proposed farmland site are open and are in current use, nearby farmland is being allowed to revert to the more natural uncultivated state seen in the above mentioned painting, *Wooded Landscape with Herdsman Seated*. This means that in keeping with national planning, environmental and ecological objectives, local initiatives are being implemented to enhance wildlife habitat in and around Lt Henny and such initiative is actively supported by word, action and resource deployment by members of the community of Little Henny.

It is therefore the case that the proposed mast would be wholly incompatible with the wildlife supporting commitments and policies of central and local government and is also incompatible with the commitment of the local community to improving wildlife habitat across a sensitive landscape that hosts a culturally significant asset.

## **Health issues.**

HMTPC have received representations from Little Henny residents about the mental health impact of the developers phone mast proposal at this initial response, pre-application stage of the planning process. This impact on mental health can only be expected to be exacerbated by an actual mast located in the proposed proximity to the dwellings in Little Henny and at Bulmer Tye.

It is well understood that phone mast developers turn to government documents which state that there is no scientific basis for concern about health impacts that are consequent of phone masts. Waldon Telecom have in their letters to councils and a limited number of Little Henny residents 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 readily and 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.”*

It is therefore already clear that the mental health impact that would flow from the erection of a phone mast at the proposed site at Little Henny would have unacceptable mental health impacts on community members based on real worries about wider health impacts and that this must by law be considered in making any decision about the confirmation of prior approval for the proposed mast.

## Conclusion

For all of the above outlined reasons, HMTPC consider the proposed phone mast located at NGR: 585423, 238659 to be:-

- contrary to a large number of local and national planning policies protecting the countryside
- contrary to the national and local interest with respect to preserving the historical record as represented by a unique cultural heritage asset and its setting
- wholly unwelcome by the communities who would be subject to the amenity detriments that would be consequent of the mast
- detrimental to the wildlife of the area and the habitat improvement initiatives that are current and ongoing around the site
- and highly detrimental to the health and wellbeing of members of the community.

**For these reasons HMTPC call on the LPA to refuse to confirm prior approval for the proposed mast location at NGR: 585423, 238659, Little Henny.**

## Notes:

HMTPC acknowledge the socialised and economic benefits of good telecommunications and do not oppose appropriately located phone masts. This Council does not see its role to be to find suitable sites for phone masts for developers. However the Council is aware of previously explored and rejected sites which the telecoms industry has considered in these parishes and is confident that an appropriate site can be found in a location that has yet to be considered by the telecommunications industry. Indeed, we are aware of at least one such suggestion from a resident being forwarded to the developers.

HMTPC provide this response as an interim response pending the outputs of necessary site surveying and other information from the Developers. This Council will provide a more comprehensive response to both the Developers and the LPA after considering that further information.

## ENDS

Appendix 1

### Listed buildings in Little Henny

Image from: <https://britishlistedbuildings.co.uk/england/little-henny-braintree-essex#.X8TqvS2I1Tb>

### Listed Buildings in Little Henny, Braintree, Essex

1. **II Barn at Lodge Farm**  
Little Henny, Braintree, Essex, CO10
2. **II Barn, 20 Metres South West of Gentry's Farmhouse**  
Little Henny, Braintree, Essex, CO10
3. **II Cart Lodge at Gentry's Farmhouse**  
Little Henny, Braintree, Essex, CO10
4. **II Gentry's Farmhouse**  
Little Henny, Braintree, Essex, CO10
5. **II Outbuilding at the Ryes**  
Little Henny, Braintree, Essex, CO10
6. **II Ryes Hall**  
Little Henny, Braintree, Essex, CO10
7. **II The Ryes**  
Little Henny, Braintree, Essex, CO10

