

# MEMORANDUM

**CLIENT:** Stody with Hunworth Parish Council

**REF:** Proposed CTIL mast on Hunworth Common or on Stody Estate woodland nearby

**SUBJECT:** Update

**DATE:** 2<sup>nd</sup> December 2022

## Acronyms

CTIL – Cornerstone Telecommunications Infrastructure Ltd.

SHPC – Stody with Hunworth Parish Council

HC – Hunworth Common

HCS – Hunworth Common Site

NSES – New Stody Estate Site

FHC – Friends of Hunworth Common

NNDC – North Norfolk District Council

The position as it stands today, following an update conversation with Wasim Patel of Clarke Telecoms, is as follows:

- CTIL has Paragraph 33 Powers under the new Electronic Communications Code of 2017 to enable them to push through applications for new mast agreements via the Upper Tribunal. The powers granted to them emboldens their approach to all discussions around location and commercial terms and must be recognised as the mousetrap just waiting to be sprung.
- This is not a level playing field we are dealing with, and the odds are very much stacked in the favour of the operator.
- CTIL is tasked by the Government to improve the provision of a mobile data network for the smart meter roll out and this is the primary purpose of this mast.
- CTIL has invested considerable funds in on-site testing to support the HCS. They are satisfied that it meets network provision requirements.
- CTIL consider the HCS to be a good site because it is in a small clearing, has hard track access, power is available nearby and the mast would benefit from some natural screening.
- CTIL have 4G signal in the Village – it is poor, but present. The natural terrain is a barrier to good signal, but the village is not a “Not Spot” – which is an area classified as having no signal at all. ‘Not Spots’ are the subject of a separate government initiative regarding mobile coverage.
- Practical signal tests carried out by me showed I could send and receive emails in the village, albeit rather hit and miss, and on the hill just above the HCS, I had good enough mobile data signal to have a Teams meeting with video and sound.
- Questions might need to be asked of CTIL as to whether a mast on HCS or NSES will create a good signal in the valley bottom. It would be wrong to have all this trouble and then not have good signal in the valley.
- CTIL recognise the objections being made by the FHC and still consider the HCS to be viable.
- CTIL have a duty to listen to the representations of the public and the strength of response to the HCS resulted in them engaging with Stody Estate over the NSES.
- The NSES is close enough to the HCS to allow CTIL to carry out preliminary radio planning surveys and the feedback is that the site **should** work.
- CTIL will not commit to the NSES without carrying out more detailed surveys on the NSES site

Issues that may arise include

- terrain stability for the mast base,
- amount of tree clearance needed to build the mast
- tree clearance needed to protect the mast from windfall damage
- height of mast – noting that the NSES is lower than the HCS
- visual impact on the wider landscape
- visual impact on nearby property
- Site specific assessment is very costly for CTIL, they will do it again but need to know that the investment is going to have a return in the form of local support.
- There is no point in CTIL carrying out costly surveys and revisions of their planning application to move from the HCS to the NSES if they are going to face strong objection.
- CTIL are keen that SHPC support the NSES at planning.
- Only when these assessments have taken place will we all know for sure if the NSES can progress through to planning in place of the HCS.
- The only incentive for CTIL to invest in the new surveys is the certainty of support at planning and knowing that in the Stody Estate they will have a willing party with which to negotiate the Heads of Terms.

To summarise, CTIL have chosen a site they think works for them and have worked up an application to NNDC for planning consent. As part of that process SHPC has been asked to provide comment. The questions for SHPC are how to respond to this request for comments, which will ultimately lead to a request for a formal position (assuming the matter proceeds to application).

I can't get into the detail of what duty of care SHPC owes to the parish because I don't have professional knowledge on the responsibilities and roles of a parish council, but my thoughts on the matter are as follows.

- If the SHPC represents the parish as an elected body, it has the right (for want of a better word) to have an opinion and vote on a matter. Presumably like all matters of policy, the parishioners can lobby their PC and try to steer members to vote in a particular way.
- Trying to look at this as simple process:
  - 1. Does the SHPC support the erection of a telecoms mast on the HC?
      - Yes -
        - move to negotiate a deal
      - No -
        - object to the proposal throughout the planning process
        - CTIL may still seek an agreement through Para 33 of 2017 Code
    2. Does the SHPC support the erection of a telecoms mast on the NSES
      - Yes -
        - SE moves to negotiate deal with CTIL
        - SHPC makes positive representations to NNDC
      - No -
        - Object to the proposal throughout the planning process
        - CTIL may still seek an agreement under the Code on NSES
        - CTIL may still seek an agreement under the Code on HCS

There are no certainties either way. SHPC can object or support either of the options and CTIL could still decide to follow their own route on either HCS or NSES.

Two other points have been raised in discussion and I will discuss these below:

**Exclusion Zone:** There is an exclusion zone of around 21m in front of a 4G antenna and around 55m in front of a 5G antenna, although these are conservative as the radiation levels emitted by the antenna are understood to fall below those considered to be dangerous. However, we all know how research can evolve and across the country there is some strong feeling about the radiation emitted by these masts. As yet no adverse effects are proven, but I think the Health and Safety Executive are right to be conservative.

Another point to note is that the exclusion zone is from the face of the antenna and therefore often goes above normal house height, which is why some masts are so close to dwellings, indeed some are mounted on flat blocks. A tall mast on high terrain will automatically reduce the potential exclusion area from the antenna.

My estimate is that the HCS is 155m from the nearest dwelling and the NSES is around 110m from the same. There is also a notable terrain change from either mast base point to the nearest dwelling so this will help reduce the radiation exclusion zone impact.

Whilst it certainly looks like there are no houses within the Exclusion Zone, I would point out that my inspection did show a pretty good line of sight from the NSES to the nearest dwelling to the south (Blickling House). I would expect SHPC to make representations to CTIL on the screening of the mast from that dwelling. I could not say for certain, but looking at the location of that house, the proximity of the trees to its boundary and the location of the mast, I doubt the top of the mast would be visible from the house.

### **Emergency Service Network**

There has been discussion about how the new mast might play a role in enhancing access to the emergency services network (999).

When 999 is dialled on a mobile phone there is a provision within the UK mobile networks to allow the 999 service to be used by anyone, regardless of their network provider. If there is a signal on a network, a mobile phone will connect to the 999 service. The new mast will enhance connection potential and will enable other mobile data-based forms of communication work well. You just have to look at how the use of WhatsApp, Teams, Zoom and other online communication platforms has grown in recent times to see how important mobile communication has become. eg. a lot of correspondence with doctors seems to be remote these days.

The mast will be vulnerable to power cuts, like all properties on mains power, and when the power goes down so will the mast. The operators have a duty to maintain the telecoms network and every mast site has the provision for an on-site generator to deal with temporary power loss. It must be remembered that the mobile network is important for the emergency services and utility companies to coordinate response and repairs. Furthermore, the mast will be directly connected to the 3-phase primary network by an underground cable. The primary 3 phase network is the first to be repaired and is far more robust than the local distribution network. Of course, if the power cut goes on for too long everybody's phone will run out of battery anyway.

### **Summary**

There is much to think on and a risk of getting bogged down in all the 'ifs and buts' when the decision CTIL take will be the one that suits them best on the day. For now, I think SHPC need to understand what they & the majority of parishioners, both vocal and silent, want to do about the HCS and NSES sites and to vote accordingly.

It must always be remembered that even if the SHPC vote in a way that is unfavourable to one, or some of the parishioners they represent, those offended parties will have an equally strong voice in the planning process and will be heard.

Yours faithfully - **Jonathan Rush MRICS** – for and on behalf of **Brown & Co. Norwich**