



Knowle, Dorridge and Bentley Heath (KDBH)

Neighbourhood Forum

Prior Notification PL/2020/01408/PN (Vodafone Mast)

**'Installation of an 18 metre lattice mast with 6 No. antennas and 1 No. 600mm dish and 1 No. 300mm dish, 3 No. equipment cabinets and 1 No. meter cabinet enclosed in a secure compound measuring 5.2m x 8m'
Land off Conker Lane, off Manor Road, Dorridge B93 8SN**

FAO Benn Watkinson, Case Officer

We refer readers to previous Forum responses to pre-application communications, dated 28 April and 2 June, available on our website <https://www.kdbh-np.org/planning-responses>. These highlight aspects from a Neighbourhood Plan (NP) perspective that we requested the applicant take into account when formally submitting their proposal.

1. Summary

In principle, the Forum is very open and sympathetic to enhancing the local communications infrastructure as a vital utility to modern day life. At issue here, however, is the choice of siting, on highly valued community recreational land that is also protected Local Green Space. Regrettably, the quality of information provided in this Prior Notification fails to establish a credible case that this site, out of the many considered, uniquely meets the technical needs. The applicant has not made the case clearly and sufficiently well to outweigh NP, Solihull Local Plan and NPPF Policies and to meet the requirement to demonstrate special circumstances for development in protected Local Green Space.

We therefore ask that the Council refuse this application.

Alternatively, the applicant is, of course, at liberty to reconsider its proposals to address specifically the many substantive points set out below. The Forum would welcome an application which fully addresses these concerns, particularly if on an alternative site. In any event, the Forum remains open to discussions with the applicant to clarify outstanding matters as quickly as possible.

In the event that Planning Officers do not concur with our recommendation, we request that this application be heard at Planning Committee.

2. Context

2.1 Proposed Conker Lane Site: Neighbourhood Plan Policy VC4

The chosen location is in a valued and very popular recreation area and green space in constant use by families, walkers, cyclists, local groups and residents from across the KDBH Area. The benefit of its natural environment has been particularly beneficial and heavily used recently due to Coronavirus.

At the specific request of residents, the area was included as one of the Local Green Spaces formally designated in the Neighbourhood Plan (which now forms part of Solihull Council's Development Plan). Relevant Neighbourhood Plan references are on Page 29, Policy VC4: Green Space; and page 70, graphic no 15 'Land at Conker Lane'. This means that the land benefits from enhanced protection where:

“development will not be allowed unless it is ancillary to use of that green space and does not diminish its character as a green space or it is demonstrated there are very special circumstances in which to make an exception”.

2.1 Neighbourhood Plan Policy U1: Mobile Phone and Broadband Infrastructure

The Forum fully recognises the ever-increasing importance of a good communications infrastructure to modern day life, as well as residents’ desire to improve reception in our Area. This is reflected in the NP Policy U1 which states that:

“The provision of mobile phone masts and other telephony or communications transmission or receiving equipment will be permitted provided that, either alone or in combination, they are not materially harmful to the character or appearance of the area within which they are located.”

In principle, therefore, the Forum welcomes, and is very supportive of, proposals to improve the mobile and broadband infrastructure in the KDBH Area *providing these proposals are in a suitable location.*

3. Balance of Planning Judgement

Assessing this application has been particularly challenging given the competing perspectives of NP policies on Local Green Space v. Communications Infrastructure. The Forum has therefore needed to make a balanced judgement.

After considerable debate, the primary factors determining our conclusion to request that the application be refused are the:

- a. lack of detail
- b. lack of meaningful engagement
- c. poor quality of documentation provided by the applicant (see below)

Together, these issues create the perception that the applicant is simply ‘going through the motions’ to serve their needs without having given due and proper consideration to the sensitivity of their proposals in the context of site location and impact on community amenity.

Prior to this application being submitted, the Forum welcomed contact from the applicant setting out their intentions. The Forum provided written responses and offered the opportunity for a meeting or site visit to discuss the proposals directly, which the applicant chose not to take up. Despite the Forum’s input, there is still a need for the applicant to remedy gaps and unacceptable flaws in the quality and accuracy of the documentation submitted, as set out in the following sections.

As a result, the Forum is not in a position to fully understand, and thus be able to communicate clearly to local residents, exactly why this is the only suitable location to address the issues with network coverage. The applicant has failed to convince us that all options for an alternative location have been *thoroughly and meaningfully* investigated, with substantive evidence to this effect provided by the applicant. Consequently, it is not possible for the Forum to support an application that it believes will harm Local Green Space and public amenity.

4. Planning Policy Assessment

The applicant highlights, in the penultimate paragraph of their 'Supplementary Information' report, the relevance of para 11d of the NPPF in determining this application. This states ' *where there are no relevant development plan policies, or the policies are out of date...*' and goes on to set out how applications should be dealt with in such circumstances.

This is incorrect. The NP is the most recent and up to date part of the Council's development plan and has relevant, up to date policies which should be complied with unless material considerations outweigh such policies. While the NPPF is a material consideration it is not, as the applicant states, of primary importance in this case. The NP policies are of primary importance here.

5. Justification of Chosen Siting

The absence of robust evidence explaining and justifying the reason for excluding all other potential locations in the long list of potential sites means the proposal does not stand up to scrutiny. For example, a signal analysis plan showing why the alternatives were rejected on the grounds of not serving the target area would demonstrate more objectively and convincingly the case for rejection.

The lack of evidence also leaves unanswered questions such as, by way of one example only:

- a. Overlaying the original 'discounted sites' list on Vodafone's 'Current Coverage' map reveals that site 5 is on average closer to the worst areas of coverage, closer to the centre of the circle shown on the coverage map, and slightly further away from the closest existing masts than the Conker Lane site. Site 5 is in the corner of the field adjacent to the bridge where Four Ashes Road crosses the railway. It is therefore just on the edge of the Green Belt. It is largely screened from view from either direction along Four Ashes by trees.

The discounted options list rules this site out simply by saying: "*This location is too far removed from the search area to provide the required level of coverage and capacity in which it would impact upon the neighbouring base station sites in the wider network. Therefore, this site has to be discounted as it does not meet the operator's technical requirements.*" This statement appears not to stand up to scrutiny. On the basis of the information provided, this site appears worthy of more serious consideration.

Given the context of the proposed siting, the applicant must be seen to have properly investigated alternative sites and have provided objective evidence supporting both their reasons for discounting sites and for the site finally selected. The Forum therefore maintains the lack of such evidence supports its objection to the application in its present form, which should therefore be refused.

6. Mast Design and Impact

The NPPF states that:

"where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate" (para 43).

Similar requirements are set out in the Solihull Local Plan and NP policies, with the added requirement in NP policy VC4 of impact on character and appearance of the area. The industry's own Code of Practice also reflects the importance of sympathetic design.

The information provided does not explain how this principle has been actively applied in this case. The applicant simply states that there is only one viable design, with the sole mitigation offered being to paint the mast grey and to use thinner metal. Again, this could be perceived as the applicant choosing the option to meet their needs without due and proper consideration given to local needs and the sensitivity of the location. The applicant therefore needs to provide evidence that all design options for the mast have been considered to try and minimise the height and extent of physical intrusion.

The applicant has rejected reducing the height on the grounds that an 18 metre mast is the lowest possible height and that any lower would be unsuitable for operators to invest in. However, they then say only that a lower mast *may* result in the need for another station. The Forum is therefore unconvinced that a lower mast could not be erected. An effective signal analysis plan showing the impact of a lower mast is relevant here.

There is also need for accuracy and transparency regarding the size of the mast. To most readers, it is not immediately apparent that the overall height is, in fact, 21m. In almost all cases, including importantly the application description of development, the applicant makes reference to an 18m mast. The Arboricultural report gives an accurate description, referring to the 18m mast, but also 'the 3m top headframe... overall height 21m ...'

7. Impact and Harm to the Location

The applicant sets out the main issue as being whether the mast siting and appearance creates a significant impact on the character and appearance of the area so as to outweigh other material factors. It concludes that *'it is considered the area's character and appearance will be preserved.'*

This is disingenuous. The Forum disagrees with this conclusion and does not believe that the applicant can justify this statement. The apparent inability to alter the design due to the chosen site's constraints coupled with the apparently very limited measures available to mitigate the impact of its height, results in a proposal that is not sympathetically designed or camouflaged and will certainly negatively impact both visually and on enjoyment of the amenity.

At the Council's request, the applicant has provided photographic views from nearby housing, but not, as we have previously requested, from the perspective of those actually using the amenity, which is a primary consideration. For full transparency, and to enable accurate impact assessment, the applicants need to provide:

- impact on views from the popular walk in Conker Lane (ie. a photomontage from the viewpoints along the main path passing this site)
- how the site (including all ground level works) will appear to those walking on the footpath which runs immediately alongside the mast, as well as from the wooded recreation area used by families and children.

The proposal needs to specifically address the following questions which we now raise:

- The footpath passing the site is well worn (not furrowed) but narrow. This area will have to be cut back heavily to allow vehicle access. What is the impact?



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- It is not clear how far the access trackway will extend. Does this involve the removal of grass and surface to lay the track all the way from Conker Lane across the open green space and round the wooded area. What is the impact and what steps are proposed to mitigate this? Is the track temporary or permanent?
- Why is it necessary to clear an area to the left of the compound measuring 11mtrs by 2.25mtrs to “accommodate proposed site”? What is this to be used for? Will there be more fencing? What is the impact?

This lack of detail further suggests an attitude being taken by the applicant that the result of this application is a forgone conclusion despite having been made aware by the Forum of the extent of our concerns.

8. Quality of Documentation

There are some very elementary mistakes in the information provided, again creating a perception that the applicant has not undertaken this proposal with all due and proper diligence:

- a. The Arboricultural report refers to Conker Lane, Droitwich.
- b. The GPDO Supplementary Report relates to a site in Leeds.
- c. The south east and south west plans are wrongly labelled.

In conclusion, the Forum readily concedes that it does not have the technical knowledge or skills to assess the most appropriate siting of masts. We do, however, owe it to all those local residents whose time and effort went into creating the Neighbourhood Plan to ensure that the applicant’s proposal demonstrably gives due and proper consideration and weight to the very particular issues relevant to this case so as to deliver local benefit while minimising negative impact. It is regrettable that the Forum finds itself in this position given that we recognise the need for signal improvements in this area; however, the above analysis of the extent of lack of detail provided in this application inevitably leads us to conclude that the application should be refused.

Jane Aykroyd
Chair, Knowle Dorridge and Bentley Heath Neighbourhood Forum