FULL PLANNING APPLICATION: PL/2023/08914 Hazelwood Farm

Response to Cellnex Objection:

Cellnex is keen to emphasise that it is an Electronic Communications Code Operator, given its role as a Wholesale Provider of shared wireless infrastructure. This, as acknowledged by Cellnex, is the same legal status enjoyed by Icon Tower. Wholesale Providers own or control sites that are typically shared by all the Mobile Network Operators (MNOs), as well as broadcasters and other code and non-code operators. The significance of the role of Wholesale Providers and the growing contribution expected to aid the deployment of 5G and 6G (which is now on the horizon) is set out in the Wireless Infrastructure Strategy that was published by Government on 11 April 2023. The competition between Wholesale Providers, as well as the improved economics associated with developing shareable sites, is expected to deliver major public benefits in terms of the speed and extent of network deployment that should also feed down to competitive pricing for customer services.

This fact somewhat underlines that the matters raised by Cellnex are essentially matters of commercial competition between rival companies and land ownership (which is a private interest), neither of which are material town planning considerations and so cannot be taken into account.

Whilst Cellnex may have security of tenure under the Electronic Communications Code or the Landlord and Tenant Act 1954, they place a gloss on the protection given. This is because Icon Tower can, in conjunction with its group company AP Wireless (APW), secure possession on the grounds of redevelopment, as proposed in this case. It is because this situation prevails in relation to many Cellnex sites that it considers Icon Tower to be a real competitive risk to its business. This is because in these circumstances, the MNOs, EE Ltd (EE) and Hutchison 3G (H3G), would transfer their operations onto the replacement tower and compound. Insofar as this would result in a change of Wholesale Provider for the MNOs is irrelevant to the determination of this application because it is ultimately a commercial competition issue and has nothing to do with material planning considerations.

We therefore emphasise that what Cellnex is inviting the Council to do is to refuse the application in principle, which goes beyond the scope of determination. Increasing competition in the Wholesale Provider market is now clearly part of the Government's Wireless Infrastructure Strategy. By contrast, the stance adopted by Cellnex seeks to stifle increased commercial competition, which is clearly against the public interest.

The proposal is not speculative as the intention is to provide a replacement facility for the existing MNOs and in so doing, one that is suitable for 5G upgrades and sharing by other operators.

The proposed location is the site of an existing electronic communications installation which will be removed and redeveloped, nearby the M4 which is a large piece of infrastructure and generally set away from any sensitive receptors. The redevelopment of the existing installation is therefore consistent with the NPPF policy in paragraph 119 which seeks to keep the number of sites for such installations to a minimum. The main basis of the objections made by Cellnex is that the existing mast will not be removed and that the siting so close to their mast would cause interference as well as resulting in a second mast. This is incorrect and again, linked to the private matter of land ownership.

As explained in the Supplementary Information, a lattice tower as proposed, which permits views to be seen from it such as the surrounding landscape, and typically found in rural locations.

Icon Tower would not implement the development until it has obtained a Court Order for possession of the existing installation.

We trust with this clarification the Council can make a proper determination on material planning considerations and not the irrelevant matters raised by Cellnex, which are based upon commercial competition and land ownership concerns.

Development in compliance with NPPF policy Para. 121:

121. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; **The mast is not located near a school or college etc.**

and b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; **This has been provided with the rest of the application.**

or c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met. *This is the redevelopment of an existing site*. **There is an existing mast there at present which will be removed and replaced with a mast capable of supporting multiple MNOs and future upgrades. It is therefore not on a greenfield site. There is already the existing access track, access gates, existing timber fence, screening available from trees. It is therefore deemed the most suitable option, as there is existing infrastructure in place, and the fact that it will be a replacement mast.**

122. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure. **Cellnex's objection relates to matters of commercial competition.**