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Our ref: CS 14893826
Your ref: PL/2026/01852

Wiltshire Council
Monkton Park Offices
Monkton Hill
Chippenham
SN15 1ER

26th May 2026

Dear Sir/ Madam,

REMOVAL OF DETAILS RESERVED BY A CONDITION, RELATING TO APPLICATION REFERENCE PL/2026/01852, FOR THE INSTALLATION OF A NEW TELECOMMUNICATIONS SITE AT CEMETERY GATE COPSE, OFF HOLT ROAD, BRADFORD-UPON-AVON, WILTSHIRE, BA15 1TS, NGR E: 383637 N: 160869

This approval of details of which requires varying and removing for application is submitted in relation to the installation of a new telecommunications site, at Cemetery Gate Copse, which was granted planning permission under LPA reference PL/2026/01852.

The details are as follows:

- Removal of condition 3

If you require any further information, please contact me using the details below.

Yours sincerely

joshua fiteni

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(for and on behalf of Cornerstone)

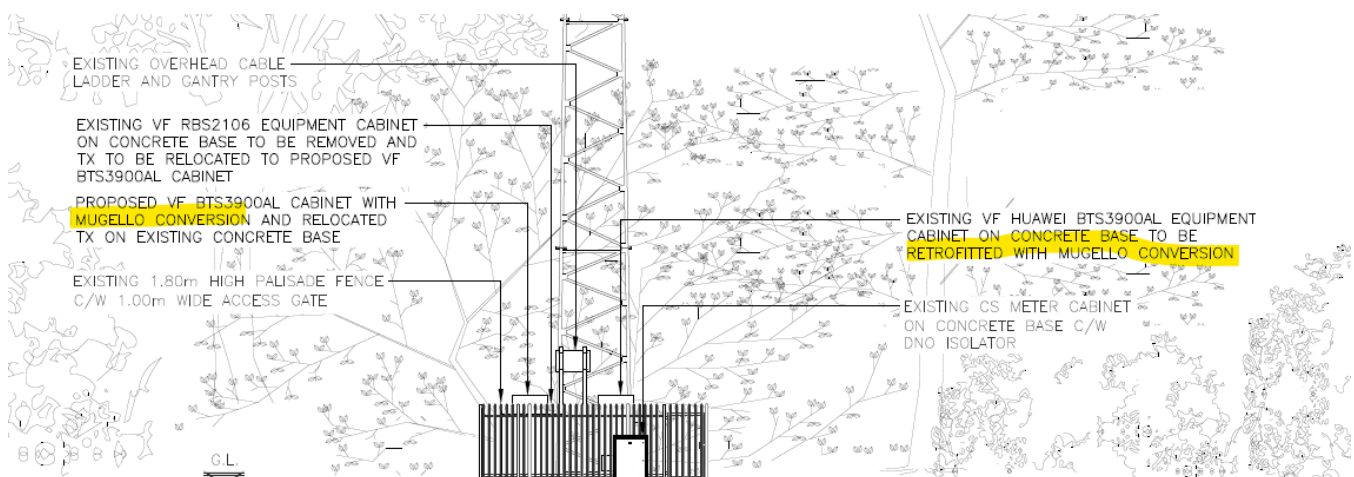
Enc. Drawings

Removal of Condition 3

'Prior to the first use of the upgraded equipment, an assessment of the acoustic impact arising from the operation of the mast infrastructure shall be undertaken in accordance with BS4142:2014 +A1:2019. Background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00- 23:00] and shall be expressed as an LA90 and LAeq 15 minutes during the night [23:00 – 07:00] at the boundary of the nearest residential noise-sensitive receptor'.

This proposal is to upgrade of an existing installation comprising the retention of the existing mast, replacement and addition of antennas and associated equipment on the mast, installation of ERSs on the mast and the installation of one replacement equipment cabinet which incorporates Mugello conversion.

The scheme relates to removing an equipment cabinet and the TX relocated to the new BTS3900AL cabinet with a Mugello conversion. The other existing Huawei BTS3900AL cab is to be retrofitted with a Mugello conversion.



A Mugello conversion is industry shorthand for upgrading a traditional equipment cabinet installation to a more compact, integrated system using Ericsson “Mugello” technology.

In practical terms it means replacing or rationalising older cabinets with Ericsson “Mugello” units (a type of compact radio/baseband equipment). Which is what is proposed here, replacing one cabinet and rationalising the other older cabinet with a Mugello unit.

This moves towards fewer/smaller cabinets and more integrated electronics. They are often paired with RRUs or ERS units mounted on the mast, as is the case here. Thus reduced reliance on large ground based infrastructure.

A Mugello conversion typically reduces noise risk rather than increases it. Newer equipment equals more efficient cooling, often with passive or low speed fan systems, lower heat output than legacy cabinets. It moves equipment off the ground. More electronics are mast-mounted (ERS/RRH units). These produce negligible audible noise at ground level. Results in smaller/fewer cabinets – less airflow demand, lower acoustic output.

A Mugello conversion is therefore a modernisation and rationalisation, not an intensification of noise-generating plant. The description of the works is mast retained, swap/add antennas, ERSs, dishes, GPS and one cabinet (Mugello conversion).

The condition itself is unusually onerous. The wording requires a full BS4142 assessment – a formal noise survey, background + ambient levels, nearest receptor testing and a strict performance target with a rating level of 5dB below background. That is very stringent. BS4142 usually considers +10dB to equal significant adverse impact and 0dB to equal low impact. In this case, the condition requires -5dB below background. That is far beyond normal mitigation thresholds.

The entire upgrade works would be permitted development including the replacement equipment cabinet had the Council not previously removed the operators permitted development rights in Condition 2 “*in the interests of protecting visual amenity of the area*” in relation to the original permission under LPA ref: W/07/01818/FUL.

The existing site has been in operation circa 18-19 years without any known history of noise complaints or enforcement action.

The original permission removed permitted development (PD) rights solely in the interests of protecting visual amenity of the area, did not impose any conditions relating to noise, and did not raise noise as a planning concern. This demonstrates that the site has operated historically without noise controls. The LPA did not consider noise to be an issue and the removal of PD rights was not linked to amenity concerns relating to noise.

Condition 3 of LPA ref: PL/2026/01852 requires a BS4142:2014 +A1:2019 acoustic assessment with submission prior to the first use of the upgraded equipment, demonstration of compliance with a -5dB rating below background noise and the submission and implementation of any required attenuation measures. See my email below for further comments as to why this is far too stringent and beyond what is normal requirements for noise abatement.

Planning conditions must meet the following 6 tests set out in para 57 of the NPPF:

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

The condition relates to the “*acoustic impact arising from the operation of the mast infrastructure*”. *In reality the mast, antennas, dishes and GPS emit no noise.* The ERS units mast mounted have negligible ground level noise. The upgraded cabinet is the only plausible noise source. Therefore the condition is not precise, it is poorly targeted, and it aims to regulate things that do not generate noise. This is a **clear failure of the precision test**.

The condition is not necessary. Environmental Health (EH) raised no objection to the development (officers report states ‘no objections’. The concern raised in the EH comments on line refer to ‘potential’ noise). No evidence has been provided that the development would cause unacceptable noise. The officer report concludes that ‘*the development would not result in unacceptable harm to residential amenity*’. Furthermore, the site has operated for nearly two decades without issue. Although there were a number of representations made with regards to this upgrade, none raised noise as a concern. The condition is therefore precautionary and unsupported by evidence.

However, the condition assumes the whole “mast infrastructure” is a noise risk. Only one modernised cabinet has any acoustic relevance and given the Mugello conversion will be quieter than that which it replaces. The other existing cabinet which is to be retrofitted with a Mugello conversion is internal works, thus not development and therefore is outside of the remit of planning control. If the upgrade does not materially increase noise and may even reduce it, then the condition **is not necessary**.

This is imposed on a single modern equipment cabinet, which has been explained above what the replacement involves. The existing equipment is located approximately 47-55m from the nearest residential building and screened by dense vegetation (evidence by the case officer delegated report photographs).

The development which is effectively requiring the noise assessment and mitigation scheme is for a like-for-like upgrade of an existing equipment cabinet. This incorporates modern equipment including a Mugello conversion which reduces noise output. The level of control is not proportionate to the scale or risk of the development.

The condition refers to *“the operation of the mast infrastructure”*. However, the mast, antennas, dishes and ERS units do not produce any noise. The only potential noise source would be from the proposed replacement equipment cabinet. The condition is therefore imprecise, poorly targeted and not clearly related to the actual source of potential impact.

Relevance to the development – the condition controls elements of the development which do not give rise to noise impacts and are not reasonably related to the issued being addressed. This further weakens its justification under the NPPF tests.

The condition requires compliance *“prior to the first use of the upgraded equipment”*. This has significant practical implications. The development relates to the upgrade of a live telecommunications site. Compliance with the condition would require the upgraded equipment to remain non-operational and delays while monitoring, reporting and approval are undertaken. This would result in a forced network outage leading to the temporary loss of network coverage, disruption to telecommunications services and adverse impacts on customers. This is particularly significant given that the NPPF supports the expansion and improvement of telecoms infrastructure. The officer report itself recognises the need to maintain reliable connectivity. The condition therefore has unacceptable operational consequences and is unreasonable.

Para 57 of the NPPF states *“conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”*. Thus, the NPPF discourages early-stage restrictive conditions. Condition 3 attached to the planning permission goes further than this early stage restriction it prevents the operation of a live telecoms site and there is no clear justification provided for this.

The site characteristics further undermine the condition. The nearest residential property is approximately 47-55m away. The EH comment refers to potential sensitivity within 40m. The site benefits from dense vegetation screening which help reduce noise impacts (as previously set out above). In addition, the equipment proposed is modern and efficient. The Mugello conversion reduces cooling requirements and noise levels and therefore, noise levels will reduce on site not increase as the older equipment is replaced with this Mugello conversion. There is therefore no substantive basis to conclude that noise impacts are likely.

Telecommunications upgrades of this nature are common across the UK, and are carried out under the operators PD rights (unless removed by express condition) and not typically subject to pre-use acoustic conditions. The imposition of this condition is therefore inconsistent with standard planning practice.

Condition 3 therefore fails multiple tests set out in NPPF. Specifically, it is not necessary, as no evidence of harm has been identified. It is not reasonable, given its disproportionate requirements, not precise, as it is not properly targeted and not proportionate, particularly in light of the operational consequences. It also represents an inconsistent approach when compared with the historical operation of the site and the original planning permission. The condition is unnecessary because noise is already controlled through separate legislation (Environmental Protection Act 1990 (statutory nuisance) and Environmental Health Powers. If noise did become an issue, then the council already have separate powers to act. Conditions

should not be imposed where other regimes adequately control the issue. Planning guidance is clear that conditions should not duplicate other controls. Condition 3 should therefore be removed in full.

The condition is unrelated to the purpose of removing PD rights (they were removed for visual amenity only, not noise) and imposes disproportionate additional control. The level of control imposed here is significantly greater than would normally apply to the same development where PD rights have not been removed which is the vast majority of situations where equipment cabinets are installed across the UK.

The condition fails the tests set out in para 57 of the NPPF and imposes a level of control that significantly exceeds that which would ordinarily apply to comparable development under permitted development rights contrary to para 55 of the NPPF.

It has been demonstrated above that imposing condition 3 to the decision notice for LPA ref: PL/2026/01852 fails to meet the six tests for imposing conditions where all 6 have to be satisfied. It is not necessary, it is not precise and is not reasonable in all other respects. It therefore follows that this condition should be removed.

I trust that the above is clear regarding the reasons removing condition 3. I look forward to confirmation of the same.

Yours sincerely

joshua fiteni

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