

Subject: RE: DET 2021 0021 - mast application – your [LPA] e-mail of 28th May 2021

Importance: High

Mr Swithenbank

I hope you enjoyed your time off. I realise you are busy, but I note that I have not received a reply from my last email (below). Can you please reply to this and the previous email.

As agreed in that email, our emails could be listed onto the public representation, I have not been able to locate them on the SDMC planning website. If it makes it easier for you I have attached a PDF file (my contact details removed). Can you please add this email and the previous communications to the public representation on the SMDC website (previous condition still apply).

As per previous emails, in which I requested an extension to the public consultation period, you replied that you would be looking to extend this and you were working on a decision date of 1st July 2021. From the SMDC website I now find that the consultation period has not been extended and the decision date has been moved forward to the 22nd June 2021. The actual decision has also been omitted. I also note that the applicant has submitted amended proposal drawings, on the day before the decision date. As the public consultation period had already closed, the public have no way to review, object or accept the new proposal.

This appears again to colour the water and bypass the ability of the public to comment on the application prior to any decision being made. The applicant and / or the authority should have extended the public consultation period and if any party considered the amended drawings to be a significant change then the application should have been rejected and resubmitted,

With reference to the amended drawings, they still remain an inaccurate representation of the site and the original application. One comment: the side elevation indicates cabinets of height 1800 & 1900. Both of these are shown below the top of the fence (1800 high), but will in actual fact be higher than the fence and therefore viewable from the bungalows in Hill Rise. This condition is again aggravated by the fact that all of the equipment will be mounted on concrete plinths. The finished plinth height, for this type of installation is normally set above ground level (AGL). An assumption would be Ground level + 125mm. Therefore Plinth AGL would be 125mm. The reason for this increase would be to protect the cabinets from surface or ground water. Having increased the mounting height of the equipment all of the applicates high measurements would increase by 125mm, hence increasing the structure high = 15m + 125mm.

The applicant's amended drawings decrease the nominal height of the mast from 18m to 15m. This only changes the ratio of the structure to the adjacent bungalow from 4x to 3.75 x bungalow height. In my opinion this has not made any significant difference to the application and all of the previous objections and reasons would remain unchanged.

The applicant has also changed the finished colour of the equipment from a galvanised steel finish to a RAL 6006 (Fir Green). As most persons viewing this proposed equipment (mast) would be faced with a wide green line against the sky. The aerial array would I believe not be painted as this would affect its operation. Also if the equipment was painted galvanised steel or painted Stainless, the paint would have a reduced life span as paint bonding would be an issue.

I believe that with the number of false statements and misleading information, that applicant's agent (Sam Wismayer) and therefore the applicant (Hutchison UK Ltd) have knowingly provided misleading and / or false information within their planning application, with the intent to obtain benefit or gain for themselves. If proven this could lead to prosecution under the Fraud Act (2006).

My personal position remains unchanged and I still OBJECT to this application on the grounds I listed in my original objection (SMDC site) and all of my communications with yourself.

Regards

John Mather

15th June 2021

Mr Swithenbank

Thank you for the reply. To confirm your request I have no issue or objection to my communications with yourself (past, present or future) being placed on the public representation for this planning application, provided my contact details (Phone number and email addresses) are removed first and future permission is not withdrawn.

I agree and understand that no decision or appeal exists on this application and the one mentioned by the applicant has been added to colour the water. I believe that the applicant is trying to imply that the appeal reference and subsequent comment for an unconnected application, have in some way confirmed the validity of this application (DET/2021/0021). I also believe this to be at the very least a deliberate action to knowingly provide incorrect information on a planning application.

I have at the moment not had time to fully review the GPDO legislation.

If however, we were to consider GPDO Part 16, A.(a) [Quote]:

“A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

(a)the installation, alteration or replacement of any electronic communications apparatus,”

This would imply the development would consist of ALL apparatus being installed and therefore the planning application is incomplete, having excluded the three additional cabinets and therefore the application is Invalid. As indicated above the whole development now falls within the “Development Not Permitted” category, being in part consisting of an 18m mast. (>15m).

If we consider Article 2(3) land, I believe that the applicant has deliberately placed the proposed site at the edge of the Conservation area (Article 2(3) land), and so this may be legal, but morally wrong to spoil the historic village visual amenities and the visual approach to the conservation area.

On another note I believe DEFRA class most of the Alton village as a National Historic Landscape – Settlement.

Regards

John Mather