

MINUTES OF LOCKERLEY ANNUAL PARISH MEETING
Held on Monday 29th March 2021 at 7.30 p.m. via zoom

PRESENT: Cllrs Len Arthur (Chair), Tim Coomer, David Jackson, Sue Kent, Jane Waller, Helen Woodfield. Also in attendance were the clerk, Mrs Sue Holder, Borough Councillors Adams-King and Johnson and 56 members of the public.

APOLOGIES: Cllr Hillier

1) CHAIRMAN'S REPORT:

Welcome ladies and gentlemen to our Annual Parish Meeting. For the first time this has been brought forward by the request of 6 parishioners. For the first time also, the questions can only come from parishioners from Lockerley. As per our standing orders the meeting will last for 2 hours only and the questions will stop at 21.15hrs leaving 15 minutes to recap the meeting. (The originator of the group email 'mastgrn@lockerley.org.uk' confirmed the questions sent in advance of the meeting were all from Lockerley residents.)

I can only repeat what the council has been saying from the start of the mast saga. Yes, the parish would benefit from a good mobile signal BUT the location on the green is unacceptable and does not cover all the mobile service providers. We seem to want the same thing, but we are pulling against each other and not together. To which end I feel it would be beneficial to everyone that the PC forms a committee consisting of 3 councillors and 2 parishioners. Members from the parish council will include Cllr Coomer, Hillier and Waller. If you as a parishioner wish to be involved please send an email to our clerk, Sue at Lockerley.clerk@gmail.com.

While reading some of the comments on spotted Lockerley after a post put on it, there has been a reference to "brown envelopes spring to mind" the only brown envelopes I get are 1 every year from the tax man, 2 or 3 a month from the ONS, 1 every 6 months from the MOD and some credit card information in recycled paper.

I would like to welcome Cllrs Nick Adams-King and Alison Johnson. Nick is here as an observer, to make sure we act accordingly to the Local Government Act.

2) CLLR NICK ADAMS KING, REPORT AS A CABINET MEMBER FOR THE PLANNING DEPARTMENT OF TEST VALLEY BOROUGH COUNCIL:

Cllr Adams King began with the statement that there are two issues regarding the siting of a phone mast on Lockerley Green – one to obtain the necessary planning permission and one to obtain permission from the landowners, Lockerley Parish Council.

It was then reported that a pre application had now been lodged with Test Valley Borough Council Planning Department which they will respond to within 28 days. It is anticipated that a Prior Notification Application will follow set against the national guidelines. Test Valley Borough Council can only consider the siting and appearance of the proposal but would suggest that the visual impact on the landscape here would be an issue from a planning perspective. A Prior Notification Application would not normally be called before the Planning Committee; however, Cllr Adams King would hope this may be an exceptional case. It was noted that there is a pre-disposition within law to allow phone masts, however.

It was also reported that Test Valley Borough Council Planning department have not been sent any information on alternative sites which they have rejected by the company on planning grounds and 'poor coverage' would not be a valid reason to reject an alternative site. In his view, Lockerley Green is an easy option.

With regards to any environmental issues with siting a mast on Lockerley Green applicants are permitted to deal with any issues post submission of the application.

To conclude, Cllr Adams King was of the strong opinion that everyone wants the same conclusion and will support Lockerley in finding an alternative site. He will also write to Galliford Try complaining that they have not followed their own code of conduct.

3) CORRESPONDANCE

- α) You say in the published summary of the Parish Council meeting held 15 March 2021 that you have spoken to Hampshire Association of Local Councils who advised that "communication with the company was key to obtaining a satisfactory solution and to suggest alternative sites if possible". Have you sought advice from them as to the main issue, namely the nature and strength of the Council's case in resisting the imposition of rights over the village green?
- β) You say the same thing in relation to RADAR solicitors under the Council's insurance policy. Does this policy cover the Council for legal fees for advice on this matter? Also have you sought advice from them on the main issue as mentioned above?
- χ) Please would you provide full details of the alternative sites which have been offered.
- δ) Is the Council aware of the parameters demanded by GallifordTry for the siting of their masts, if so what are they?
- ε) In any discussions with GallifordTry will you be making clear the strength of the Council's case against making this site available bearing in mind the two tests which have to be fulfilled before possession can be granted under Paragraph 21 of the Electronic Communications Code; and principally that it is not possible for the Council to be adequately compensated by money in its unique position of owning land registered as common land and which is held for the benefit of the community? Once taken land of this nature cannot be replaced.
- φ) The Parish Council have voted not to seek independent legal advice at this time. Given the complexities of this matter and local public opinion on the proposed position of the mast would the Council be prepared to appoint a professional surveyor to advise and assist discussions?
Initial enquires have established that a firm such as BCM, who have an office in Sutton Scotney, would be able to provide such advice and would act for the Parish Council. BCM have expertise in relation to the siting of telecommunications masts in rural locations. The surveyor spoken to, Hanna Rickards, stated that it is normal practice for their agreed fees to be paid direct to them by the Utility Companies seeking rights over land. Having regard to the fact GallifordTry has said they would fund £1500+VAT to cover such fees would this not be a sensible way forward? (We would request a show of hands from those in favour or against be taken at this point).
- γ) Can the meeting be informed what is the purpose of the mast; is it to improve mobile phone coverage, smart metering or both? What networks will use it? Is it 2G, 3G, 4G or 5G. Is it only required to provide a signal for smart metering? Will residents around the Green see an improvement in mobile coverage or are their properties too close so the signal passes

‘over’ their properties?

- η) Can the meeting please be informed who is dealing with all these matters on behalf of the Parish Council, what expertise do they have? What are their objectives?
- ι) How are local people being kept up to date on the progress of these matters? How does the Parish Council intend to harness the view of local people?
- φ) There has been a report that the intended site of the mast may be in the flight path of bats. This was made known to one local resident when seeking planning permission. Has this issue been considered?
- κ) Can the Parish Council please clearly explain why other potentially more suitable sites in the area have been rejected or not considered by GallifordTry (or the Parish Council)?
- λ) Where can residents see the ecological, economic and technical data outlining the appropriateness of their choice for Lockerley Green and rejecting the other sites?
- μ) Can the Parish Council assure the electorate of Lockerley Parish that other sites are still being considered and that it is not a fait accompli that “negotiations for an agreement to install telecommunications apparatus on land at Lockerley Green” is the only option?
- ν) Can the Parish Council please outline their thoughts on how monies for the preservation of Lockerley Green will be spent?
- ο) The process followed by Cornerstone Telecommunications ("the company") and Galliford Try ("The Agent") is flawed in that they have repeatedly broken rules and conventions. Sue Holder, at the recent Zoom meeting of the PC, mentioned that there are at least 5 (five) ways in which the company breached laws, e.g. E 1: digging up the Green without the permission of the landowner, E 2: lying to say they had made contacts which they had not. E 3: only writing to the nearest four households affected, rather than all of them.
- π) Common sense, and a few tests of signal strength, should reveal that there are several sites equally suitable from a telecomms point of view. I get the feeling from that PC meeting that the company has done little or no further research into a site that has far less impact on the visual quality of the village. Of the alternatives:
- θ) I believe Roger Henderson has volunteered a site. F 2: The Glebe Field is there - and the company's suggestion that it wasn't tested because of spoiling the view from the church (which is - ridiculously - a listed building) is just rubbish. F 3: How about the church tower (tho' I have no idea how this can be achieved, but it's not my expertise). F 4: Three-quarters of the way up the road onto Dean Hill (to Paul Stewart's) is a trig point - perfect, surely, for a good spread of signal. F 5: By the railway track half-way between Lockerley Green (railway bridge) and the Romsey Road railway bridge.
- ρ) From an environmental angle, i.e. the quality of living in this area, such a mast would reduce it markedly.
- σ) One of the correspondents works in the telecommunications industry for a company who specialise in gathering, maintaining, and analysing data relating to mobile telecommunications equipment. One of our specialities is the ability to calculate and understand the impact on coverage of changes in site location and height of masts etc. Our systems are used by most of the UK operators and installers to aid best practice in this field. My personal thoughts on the matter are that, given the mast is 20m tall, it must be a 5G mast. I believe I read it was a 5G and a 4G mast on the technical drawings provided in the planning application too.

- τ) In terms of whether or not it is actually necessary 5G is absolutely unnecessary. 4G is plenty fast enough that there is nothing you could possibly do on your phone or mobile device that would require a 5G connection. The main downside of 5G is that the coverage is not nearly as good as 4G or even 3G. In essence, the slower the network the better the coverage. Also, they have to be an unreasonable 20m tall, towering above the tallest trees. Given that Lockerley has a superb broadband network and we all have very good connections in our homes, the only thing missing for me is the ability to receive a text message, which could be solved by installing an old 2G mast positioned miles away. Things like smart meters do not require 5G, they barely transmit any data at all and would run perfectly on a 2G connection. I believe they could and should find a better site for the mast.
- υ) Have they approached the church around the corner for an antenna at the top of the steeple for example?
- ϖ) We have such a lovely community green that would be totally spoilt by this mast (and once built, potentially other masts as well!). I am concerned about potential H&S issues, especially for those (including myself) who live in the vicinity of the proposed mast. In addition, it could also potentially lower house values on the green.
- ω) It is totally incongruous with the locality and the Parish Council need to make it clear to GallifordTry that this site (chosen by GallifordTry with no consultation with the Parish Council) is totally unsuitable.
- ξ) I get the impression that GallifordTry are used to following their own agenda, with no respect to others. The audacity of them to 'test' out this site, with no permission from the owners (Lockerley Parish Council) and then draw up plans is just disgusting.
- ψ) I hear comments made by our Parish Councillors regarding timescales, etc but I am am very concerned that a clear and firm stance needs to be made.
- ζ) I know that the local community has raised money for the preservation and upkeep of Lockerley Green. What is this money for?
- αα) I am of the opinion that the Parish Councillors need qualified advice and support from an expert, now. Very soon it will be too late.
- ββ) I firmly believe that the vast majority of residents in Lockerley and the surrounding areas are keen to improve their mobile phone signal and I am personally not against this particular development in technology. I do feel though that they need to consider our views, regarding any siting of a mast. It is us who will live with it!
- χχ) I am sure that there are other sites (some have been kindly offered by the local community). GallifordTry need to meet with our Parish Council to hear our views and our proposals. We need to be positive and supportive of what they are trying to do (in improving our infrastructure) but not ride roughshod over our community lives.
- δδ) It is clear from the letter that the primary purpose of the proposed mast is to gather data on behalf of the energy companies viz. remote reading of smart meters. Thus - the primary purpose of the mast is not to improve mobile signal and access to the benefit of the occupants of Lockerley and surrounding area. It is made clear that - despite the company (Cornerstone Telecommunications Infrastructure Ltd) being jointly owned by both Vodafone and Telefonica - only those people or entities who are customers of Telefonica/O2 will be able to access better mobile signal.

- εε) This is not an acceptable position as many parish residents will be customers of other networks - including but not limited to 3, Virgin mobile, Tesco Mobile, EE and Vodafone (a co-owner of Cornerstone) - and will therefore gain no benefit from this proposed activity.
- φφ) Unless and until it is irrevocably committed and guaranteed by Cornerstone and or it's agents that all residents - no matter which operator they use - will receive better mobile network service and coverage as a result of this or any mast being erected - then I fully object to the proposal.
- γγ) The siting of any mast - and its visual and any possible health impacts - need to be carefully considered. The appearance of the mast must also be investigated - can it not be disguised as a tree? And a bloody great metal pole and a raft of hoardings and power units surrounding it sitting in the middle of the green?
- ηη) Can the mast be located adjacent to the railway line? Or hidden in the church spire (am sure that will get the conversation going!!)? Or in the large lines of trees running along the River Dun?? Elsewhere as appropriate.....?
- ιι) On balance am in favour but the proposed appearance and siting of the mast must cause as little visual 'interference' as possible - and be put to a vote for all parishioners to decide. Y: Have you a properly set out list of all the transgressions committed by Cornerstone and their agent (GallifordTry)? Such should include: Y 1: the digging of Lockerley Green without permission, and Y 2: making promises that were not kept, Y 3: If not, please explain why not.
- φφ) What do you know about alternative sites in the village? Such should include: Z 1: opinion from local people with knowledge of telecommunications, Z 2: offers of other sites Z 3: sites that seem just plain obvious (by the railway line between Lockerley Green and the railway bridge, or the Glebe Field, or the church tower, etc. etc. Z 4: all the information from Cornerstone about their supposed searches.
- κκ) We do need better mobile signal in the village, but it should be placed in an appropriate site that doesn't impact visually, particularly for householders living nearby.
- λλ) I believe the mast is very much needed, but that the location could certainly be improved. My thoughts about it being needed are based largely on the fact it will bring 5G Internet and therefore mean that the village will have access to ultrafast Internet. I can't see us having fibre to premises for at least 5 years, so 5g Internet will be a major boon. Can the council confirm that the mast will provide 5g, and that it will work with 5g routers such as that offered by Vodafone.

4 RESPONSE TO CORRESPONDENCE

The chairman responded to each question in turn, and a summary of those responses is as below:

- The parish council wrote to Galliford Try in advance of the meeting to request the following information, which to date we have not received:
 - a) What is the purpose of the mast – is it to improve mobile phone coverage, smart metering or both. What networks will use it? Is it 2G, 3G, 4G or 5G?
 - b) Precisely what coverage will it provide for the residents of Lockerley? Will the residents around The Green see an improvement or are their properties too close?
 - c) What is the exact target area?
 - d) What is 'decent' coverage and what is not, in terms of number of properties.

- The parish council have written to Galliford Try to advise them if a telecommunications service provider wishes to install equipment on Lockerley Green it will need an agreement with the parish council. Lockerley Parish Council own Lockerley Green and as the landowners we have not given our agreement for the siting of the mast on our land and do not give our consent. Furthermore, under Paragraph 21 of the Electronic Communications Code, it would not be possible for the council to be adequately compensated by money as in our unique position of owning land registered as common land, which is held for the benefit of the community, if this land is taken it cannot be replaced.
- The parish council have also made it clear that they are disappointed that we have offered alternative sites which have all been rejected. We also requested a meeting to discuss this matter further but have been advised that such meetings with 'local communities' 'rarely end up being productive'. More disappointingly, no part of this process so far has complied with the Landlords Guide.
- Hampshire Association of Local Councils have been consulted regarding the strength of the parish council's case in resisting the application, and the matter of compensation is complicated as no cases have been decided upon at Tribunal level so there is little in the way of precedents to go on. A Permitted Development application was successful in Nether Wallop in 2019 however the mast is yet to be erected.
- Alternative sites proposed include Mr Henderson's paddock, 2 sites offered by the Goodridge family, one by the railway bridge on the Romsey Road and one in the paddock behind the family home by the railway line, scout hut, church, Openreach site on Butts Green.
- **The residents at the meeting voted in support of the following:** Initial enquires have established that a firm such as BCM, who have an office in Sutton Scotney, would be able to provide such advice and would act for the Parish Council. BCM have expertise in relation to the siting of telecommunications masts in rural locations. The surveyor spoken to, Hanna Rickards, stated that it is normal practice for their agreed fees to be paid direct to them by the Utility Companies seeking rights over land. Having regard to the fact GallifordTry has said they would fund £1500+VAT to cover such fees would this not be a sensible way forward?
- The parish council use Facebook (209 people) Spotted Lockerley (855 people) and the Lockerley parish council website to keep parishioner's up to date.
- The money ringfenced from the LGPS is for the protection of all the village greens.
- According to the Cornerstone website there are no health risks associated with a mast.
- A letter of objection has been sent to Test Valley Borough Council Planning Department to advise them that as the landowners, we do not give permission for the siting of the mast on Lockerley Green.
- Galliford Try have refused a meeting with the parish council because 'there is never a productive outcome.'

5 OPEN FORUM

- (1) Mr Henderson reported that the site he has offered has not been rejected by Galliford Try and offered to assist the parish council in reaching a satisfactory outcome.

- (2) Mr Trickey reported that HALC and TVBC could only provide advice and was in support of a committee. He was concerned that a Permitted Development application could not be refused by TVBC, however Cllr Adams King felt there was the potential to refuse the application for reasons of appearance and the visual impact.
- (3) Mr Funnell thanked the parish council and felt that we were progressing in the right direction however was concerned that the vote to employ a surveyor was not binding on the part of the parish council.
- (4) Mr Jones reported that other village greens in Lockerley have benefitted from LGPS funding in the past and felt it was appropriate to use the funds now on Lockerley Green and would encourage getting professional support.
- (5) Mr Baker suggested Galliford Try were reported to the Ombudsman for not adhering to their own code of conduct.
- (6) Mrs Mornington-West asked who was taking the lead on behalf of the parish council and was advised that the parish council work as a body.
- (7) Malcolm (Mr ?) If the parish council do overturn the vote to employ a surveyor the parish need to know the reasons.
- (8) Mr Hunt was in support of the LGPS funds being used now to protect Lockerley Green.
- (9) Cllr Johnson concluded that she and Cllr Adams King would work with the parish to represent the community. She is aware of the depth of feeling and is on our side.
- (10) Cllr Adams King concluded, right mast:wrong location.

The Chairman thanked everyone for attending the meeting and there being no further questions, closed the meeting at 9.15pm