

Draft Supplementary Planning Guidance: Telecommunications

There are a number of challenges and competing factors facing the City Of Salford in determining telecommunications applications which are addressed in this Supplementary Planning Guidance (SPG) for telecommunications development. Where telecommunications development requires planning permission or prior notification the City Council will have regard to advice and Policies within this document (which expands upon Policy SC14 of the City Of Salford Unitary Development Plan) and to any other material considerations. This SPG has been prepared in response to Planning Policy Guidance Note (PPG) 8 issued on 27th August, 2001. The SPG is divided into the following sections:

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1. Introduction and Background

Social and economic demands for communications continue to rise, consequently a requirement rests with telecommunications companies to provide additional capacity in the national network. A large part of this additional capacity involves new mobile phone antennae and other transmitting equipment. An increase in telecommunications provision can contribute to a reduction in the need to travel, thereby lowering vehicle emissions. This Supplementary Planning Guidance (SPG) proposes policies to meet the needs of telecommunications operators whilst protecting the amenity of the people and visitors to the City Of Salford.

The City Of Salford recognises Governments general policy on telecommunications of facilitating the growth of new and existing systems whilst, at the same time, also being fully committed to environmental objectives aimed at safeguarding both urban and rural areas. Some telecommunications developments emit electromagnetic waves (or EMF's) which the Government provide advice to Local Planning Authorities in terms of safety levels and maximum levels of emissions to ensure public safety. The City Of Salford will respond positively to telecommunications development proposals both those requiring planning permission and also prior notification, whilst taking account of the need to protect health and to protect both urban and rural areas. The determination of such proposals must have regard to the Unitary Development Plan (UDP), principally Policy SC14*, and Planning Policy Guidance Notes (PPG's).

(*Contained in Appendix 1).

2. Health Implications

Mobile phones and their associated base stations transmit and receive radio signals using electromagnetic waves, (referred to as EMF's). EMF's are all around us and often occur naturally, such as within the earth's own electromagnetic field. There are also a wide range of man made sources of EMF's emissions i.e. from domestic appliances, power lines and electric trains.

The Government's statutory advisers on radiological protection matters are the National Radiological Protection Board (NRPB). They provide expert advice and information to local planning authorities and the general public on health matters associated with EMF's. Guidelines on exposures have also been published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) which works closely with the United Nations and the World Health Organisation.

In recognition of public concern about the possibility of health effects associated with mobile phone masts and equipment, the Government set up the Independent Expert Group on Mobile Phones chaired by Sir William Stewart. The subsequent report (The Stewart Report) concluded that whilst recognising that mobile phones and base stations emit RF radiation, "the balance of evidence to date suggests that exposures to RF radiation below both the NRPB and ICNIRP guidelines do not cause adverse health effects to the general population".

Following the Stewart Report Government has issued a revised Planning Policy Guidance Note 8 (PPG8) on Telecommunications. Within PPG8 the Government sets out its firm view that the planning system is not the place to determine health safeguards of telecommunications development. Government further considers that where a proposed mobile phone base station meets the International Commission on Non-Ionising Radiation (ICNIRP) guidelines the Local Planning Authority should not need to consider any further the health implications of an application for telecommunications development. Consequently all applicants should include with their applications, a statement to the effect that the apparatus when operational will meet the guidelines.

3. Government Guidance and Planning Policy

As already mentioned the Governments approach to telecommunications development is that the planning system should facilitate growth of the telecommunications network whilst minimising the environmental impact. Within PPG8 the government sets out its view of the health implications and ICNIRP compliance certification. The government also advises planning authorities not to implement their own precautionary policies e.g.

by imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new development and residential properties.

Unitary Development Plan

Most recent Government guidance within PPG8 requires that Part 1 of the UDP take account of the strategic requirements of telecommunications networks, and provide an appropriate framework for plan policies. Advice also requires Part 2 of the UDP to include criteria based policies to guide telecommunications developments with a flexible criteria to allow the efficient development of the network and the demands imposed by the technology.

In determining planning applications for telecommunications development the City Council will have regard to Policy SC14 of the Adopted UDP, to PPG8 and to other material considerations. There are however other forms of telecommunications development that do not require a full planning application.

General Permitted Development Order – Part 24

Permitted Development rights for a range of telecommunication development are given to code system operators under Class A, Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended (GPDO). This provision allows a code operator to carry out certain types of development listed under Class A of Part 24 of the GPDO without the need to obtain formal planning approval.

Telecommunication developments not specified under Class A, Part 24 will normally require full planning permission. However, certain smaller developments may not require planning approval, as they are considered to be ‘de-minimus’ i.e. they are of such a small scale as not result in a significant visual impact.

Prior Approval Procedures

Certain developments permitted under Part 24 of the GPDO are conditional upon the code operator applying to a local planning authority for a determination as to whether ‘Prior Approval’ to the siting and appearance of the proposed development will be required before it is erected on site. The Prior Approval procedure enables local planning authorities limited and discretionary control, over the siting and appearance only, of the following types of development:-

- A ground based mast of up to and including 15 metres in height;
- A mast of up to and including 15 metres in height installed on a building or other structure;
- An antenna which exceeds the height of the building or structure (other than a mast) by 4 metres or more at the point where it is installed or to be installed;
- Radio equipment housing with a volume of in excess of 2.5 cubic metres;

- Development ancillary to radio equipment housing (e.g. fence, access roads etc.);
- Development within Conservation Areas;
- A public call box.

For this type of telecommunications development, the operator must submit the following information as part of the Prior Approval application procedures:-

- A detailed location plan at scale 1:1250;
- Relevant plans showing the siting, design and appearance of the proposed equipment to an appropriate scale i.e. not less than 1:200;
- Evidence that pre-application discussions with the Local Planning Authority (City Of Salford) and also where relevant with schools, colleges and other educational establishments have occurred. As far as technically possible the operator should take account of these views when submitting an application.
- A statement that the base station, when operational, will meet the ICNIRP guidelines;
- To provide with each submission for advice and formal application evidence showing;
 - i. the proven need for the development to meet the needs of the national network,
 - i. full search of possible alternative locations for site and/or mast sharing and why these sites do or don't meet the operators needs,
 - ii. various design options including innovative design and
 - iii. screening and planting where appropriate;
- The appropriate application fee.

The local planning authority, will then have 56 days from the date the application was received in which to make its determination on whether prior approval is required for the siting and appearance of the proposed development and to notify the Applicant of its decision to give or refuse such approval. If no decision is made, or the local planning authority fails to notify the applicant of its decision within the 56 day period then permission is deemed to be granted. The applicant has a right of appeal if the application is refused.

Where an application falls outside permitted development under Class A, Part 24 of the GPDO and outside of the prior approval procedure the telecommunications development will require planning permission. An application for planning permission involving telecommunications development should be supported by the same information as the prior approval applications.

Publicity and Processing Applications

The City Council recognises that prior approval and full planning applications require the same public consultation process. The City Council will consult through a notification letter neighbouring properties, schools and other educational establishments in the local area following the registration of an application. Schools and other educational establishments would be consulted where they are within 200m of a proposed development. The City Council will also display a site notice and a press notice where

appropriate. Following the application publicity the City Council will determine the application based upon planning policy, supporting information within the application, comments from third parties and any other material consideration. If the City Council receive a written objection to an application, or if any Council Member requests that the proposal be heard at the Planning and Transportation Regulatory Panel, the application will be determined at the Panel, otherwise the application will be determined under the Council's officer delegation procedure. The Council will make a commitment to undertake following actions and activities:

- a) To keep an up to date register of telecoms applications and sites available for public inspection at all times. For a similarly up to date register to be available on GIS.
- b) To enter into pre-application discussion with applicants and to provide a written response.
- c) To ensure Schools, Colleges and other educational establishments are notified within a distance of 200 metres.
- d) To undertake discussion with the telecoms industry on their annual roll out plans.

4. Environmental Implications

Mast/Site Sharing

The City Council and the Government positively encourages the careful selection of sites and buildings for the installation of telecommunications equipment. Where technically feasible the City Council will encourage the sharing of existing masts in order to minimise visual intrusion. Use should be made of existing buildings rather than automatically seeking purpose built masts. Applicants should demonstrate they have thoroughly explored the possibility of erecting antennas on an existing mast, building or other structure. If the evidence submitted with an application is not considered satisfactory, the City Council will refuse planning permission.

The City Council will, however, be mindful of the potential negative impact mast sharing can have on the local environment. In certain instances, the shared use of a mast might necessitate an increase in the height of that mast to the detriment of the amenity of an area or its residents. If this situation were to occur, then site sharing may be a more appropriate solution. A second installation located alongside or behind the principal installation may, for example, provide a more beneficial solution in environmental and planning terms. The City Council will consider the cumulative impact upon the environment of a number of masts sharing a site and the cumulative emissions. In other cases, technical and design considerations may point to a new site. The City Council is prepared to work with operators to find the optimum environmental and network solution on a case by case basis. Where it is agreed that the future sharing of a particular mast or site is desirable, the City Council will wish to be satisfied that the site can accommodate any additional apparatus that would be required.

Design

Inextricably linked to selecting the best practicable choice of site and siting is the design. A number of designs are now available to cater for different locations. Examples include models that resemble street furniture, trees, steeples and chimneys. The City Council encourages the telecommunications industry to develop innovative design solutions, in terms of physical appearance, materials colour, finish and landscaping. When considering and discussing issues of design with an operator, the suitability for expansion and/or sharing will be borne in mind.

Pre-Development Discussions and Consultation

The telecommunications industry is required under the Telecommunications Act, 1984 to provide the local planning authority of their intention to develop in the City Council and to provide the authority with written details of the particular development. In addition mobile phone operators have made a commitment to provide Local Planning Authorities with an annual roll out plan for all proposed telecommunications development, that requires permission, in the City. The City Council welcomes this consultation as a way of enabling both the operators and the City Council to identify possibilities for site/mast sharing and design alternatives at an early stage.

Prior to an application being submitted applicants should enter into discussions with the Local Planning Authority on individual applications in order to identify potential issues or problems. The applicant is also expected to consult local educational establishments, residents groups and any other interested local group and to take account of their comments prior to a formal submission.

Summary

The Council and telecommunications operators can co-operate prior to an application being submitted in order to best achieve a minimal effect upon the natural and built environment.

5. The Guidance

TEL 1 – having regard to central government guidance and the provisions of the development plan, applications for telecommunications development will normally be granted unless they:

- (I) are considered to be detrimental to the appearance, character or fabric of an ancient monument, listed building and/or conservation area;
- (II) fail to meet the detailed siting and design criteria set out in policy **TEL 2**;
- (III) detract from the amenities of any open space, green belt, Sites of Scientific Special Interest, Site of Biological Importance, site of high ecological, archaeological or geological value;
- (IV) have failed to demonstrate all possibilities for site and/or mast sharing have been exhausted;
- (V) have failed to demonstrate that all possibilities for locating the development on an existing building have been exhausted;
- (VI) have failed to provide various and innovative design solutions; and
- (VII) have failed to demonstrate ICNIRP compliance.

TEL 2 – in determining applications falling within the categories set out in policy **Tel 1**, particular regard shall be had to:

- (I) whether the height of the proposed mast or equipment is appropriate in the context of the prevailing topography;
- (II) the applicants use of screening features to minimise visual intrusion;
- (III) whether the resultant effect on the skyline is deemed acceptable;
- (IV) the choice and appropriateness of design;
- (V) whether the finish of the development is appropriate;
- (VI) similarly, whether the type, height and colour of compound fencing is considered to be appropriate; and
- (VII) whether the use of landscaping is necessary, to render a particular development acceptable.
- (VIII) Local visual amenity

TEL 3 – operators shall provide the following information with each application for planning permission or prior notification:

- (I) evidence for the need of development to meet the needs of the national network;
- (II) rationale and justification of site selection;
- (III) consideration of the potential for mast/site sharing;
- (IV) consideration of the potential for development on existing buildings structures;
- (V) height of mast and/or antennae – indicating on scaled drawings;
- (VI) certification that development and operator are ICNIRP compliant;
- (VII) evidence of pre-application discussions with local educational establishments within 200 metres of the development.
- (VIII) Certification that where telecommunications developments site share or mast share the cumulative emissions would be ICNIRP compliant.

UDP Policy SC14 (Adopted October 1995)

SC14 – The City Council will normally grant planning permission for telecommunications development where such development would not have an unacceptable effect upon:-

- I) visual amenity;**
- II) residential amenity;**
- III) areas of high ecological, archaeological or geological value; and**
- IV) conservation areas, listed buildings and ancient monuments.**

In determining applications for telecommunications developments, the City Council will take into account the following factors:-

- a) the significance of the proposed development as part of a national telecommunications network;**
- b) whether there are any satisfactory alternative sites for telecommunications development available;**
- c) whether there is any reasonable possibility of sharing existing telecommunications facilities;**
- d) in the case of radio masts, whether there is any reasonable possibility of erecting antennas on an existing building or structure; and**
- e) whether the development would have an unacceptable visual impact in terms of siting and design, subject to technical and operational considerations.**

Reasoned Justification

The City Council recognises that modern telecommunications are an essential and beneficial element in the life of the local community and in the national and local economy, and that there is a need to facilitate the growth and improvement of telecommunications systems. The City Council also recognises that some telecommunications developments may have particular locational and siting requirements in order to work effectively and that such requirements may occasionally be at odds with environmental objectives.

The City Council will therefore seek to balance the needs of the telecommunications industry with the need to preserve residential amenity and protect environmentally sensitive areas. Exceptions to this policy may be permitted, however, where there is a clear and overriding case in favour of the proposed development and there are no alternative sites which would be more suitable in amenity and environmental terms.

The above UDP policy is currently under review. The review will incorporate guidance within the most recent PPG8. The revised policy will supersede the above policy.