

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE-23 OCTOBER 2001

RADIO TELECOMMUNICATIONS

Report by Director of Development Services

1 PURPOSE OF REPORT

- 1.1 To advise the Committee of the coming into force of revised permitted development rights contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (GPDO), the introduction of PAN 62 and NPPG 19, both on Radio Telecommunications, and the proposed consequent withdrawal of the Interim Council Policy on Telecommunications Developments.

2 BACKGROUND

- 2.1 With a view to extending the influence of the Council and local communities over the installation of telecommunication developments the Development Services Committee agreed an interim policy statement on the subject in January 2000 and an update of same in September 2000. This interim policy statement was a response to the legislative position at the time which gave permitted development status to many forms of telecommunication development including, in general terms, mobile phone masts up to a height of 15 metres. Pending the arrival of formal government guidance, the policy statement addressed the real public concerns about health arising from such development as well as the visual impacts and issues of public information.
- 2.2 The policy statement sought the following:-
- information from operators to compile an East Ayrshire database;
 - information to enable notification of elected members of all mast proposals;
 - advance consultation on mast sites;
 - that installations be more than 100 metres from continuously occupied premises in educational, health service or residential use;
 - information confirming the locations of greatest intensity of emissions;
 - the sharing of masts by operators;
 - the use of Council properties assessed against visual impact and the precautionary principle in terms of health risk.
- 2.3 Following a public consultation exercise, and taking advice from local authorities, the industry, consultants and other professionals, the Scottish Executive has introduced the following Legislation, Guidance and Advice with a view to ensuring a world class telecommunications service while at the same time minimising the environmental impact of new or replacement

equipment. It has also set out how health issues and matters of public concern should be considered.

3 LEGISLATION

- 3.1 **Town and Country Planning (General Permitted Development) (Scotland) Amendment (No2) Order 2001: Development by Telecommunications Code System Operators.** In summary, Planning Permission is now required for the following:- new ground based masts; alteration or replacement of a mast which increases its height by 2m or 1m horizontally; specified works on buildings over 15 metres in height and on buildings under 15 metres in height; various works on dwellings; development on category "A" Listed Buildings, Scheduled Monuments and in other specified heritage areas.
- 3.2 Additionally, even where specific planning permission is not required for antennas or equipment housings, a set of environmental measures will still require developers to notify planning authorities about the proposal and its location. They will also need to submit a declaration that the apparatus complies with the guidelines on public exposure of the International Commission on Non-Ionising Radiation Protection (ICNIRP). The apparatus must be removed if no longer required and the site restored to its previous or to an agreed condition.

4 GUIDANCE

- 4.1 **National Planning Policy Guideline 19: Radio Telecommunications.** NPPG19 sets out the Scottish Executive's policy for allowing a sensitive expansion of radio telecommunications. As a response to the Inquiry by the Transport and Environment Committee of the Scottish Parliament into planning procedures for telecommunications and further to the report by the Independent Expert Group on Mobile Phones, (IEGMP), the NPPG's guidance concerns:-
- The further growth of existing second generation mobile phone systems;
 - The introduction of third generation mobile telecommunications; and
 - Fixed Radio Access telecommunication services.
- 4.2 The NPPG urges good communication between planning authorities and operators who should discuss network roll out plans with the authorities. Through policies and discussion the design of apparatus should have minimal environmental impact, (see also PAN 62). Options of concealing/disguising apparatus, mast and site sharing, installation on existing buildings and new masts as a last option should be thoroughly explored. Full account should be taken of natural and built heritage areas.
- 4.3 Emissions of radio frequency (RF) radiation are controlled by the Department of Trade and Industry, the Radiocommunications Agency and the Health and Safety Executive. The IEGMP recommended a precautionary approach to the development of mobile phone technologies, concluding that although there was no general risk to the health of people living near to base stations, there

could be “indirect adverse effects on their well-being in some cases”. The NPPG confirms that “it is not necessary for planning authorities to treat RF emissions as a material consideration.” However to demonstrate that known health effects have been properly addressed, certification must accompany applications both for planning permission and as a part of the “permitted development” prior notification process. The certification must affirm compliance with ICNIRP guidelines.

- 4.4 The NPPG advises on how Local Plans should provide consistent and positive guidance in terms of design and siting. The NPPG encourages discussions at pre-application stage and prior to network roll out. A register of sites, masts etc should be compiled by the planning authority. (The Planning Division is currently well advanced in the production of such a record.)

5 ADVICE

- 5.1 **Planning Advice Note 62** offers advice on good practice when dealing with Radio Telecommunications development. It provides a detailed analysis of the various systems and useful advice/case studies dealing with the siting, design and disguising of masts and antenna. It also details the Ten Operator Commitments that have been signed up to by the Federation of Electronics Industry, (FEI); see Appendix 1.

6 GENERAL IMPLICATIONS

- 6.1 The legislation, guidance and advice detailed above now effectively fill the vacuum which the Council’s Interim Policy statement had sought to address. It is considered that there now exists a formal regime of planning permissions, notifications and Operator Commitments allied to the controls exercised by other bodies, (see 4.3 above), such that the Interim Policy Statement can now be withdrawn. Planning permission will be required in a much wider range of situations, including for all ground based masts.
- 6.2 The Interim Policy Statement includes advisory stipulation that masts should be located at least 100m from premises occupied for residential, education or health purposes. In the context of the guidance now issued by the Scottish Executive it is unlikely that this could be sustained as a material consideration in the determination of planning applications although officers will continue to encourage operators to locate masts at some distance away from such properties.
- 6.3 The East Ayrshire Local Plan (Finalised Version with Modifications) contains Telecommunications policies pre-dating the new legislation/guidance/advice. It will be necessary to review these policies following adoption of the Local Plan. In accordance with Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the determination of applications will require to be in accordance with the development plan in force unless material considerations indicate otherwise. The East Ayrshire Local Plan will be a material consideration, together with NPPG 19 and PAN 62 until such time as it is adopted. The process of determining applications will require applying

appropriate weight to the development plan and the material considerations. The Council's Interim Policy need no longer be a factor in this process.

- 6.4 In the absence of the detailed regime now available, the current Scheme of Delegation reflects concern about telecommunication developments in general. As a consequence it requires all such applications, where the proposal involves the introduction of a fixed radio transmitter/receiver, to be determined by a Local Planning Committee. The new regime outlined above will safeguard the relevant interests of all parties. Members will note from the weekly lists that there is already an increase in the number of applications submitted.

It is suggested that the new regime detailed above would enable the determination of telecommunications development to be delegated to the Head of Planning and Building Control. Specifically therefore unless there were valid planning objections to the proposals, departures from the local plan or recommendations for refusal these telecommunication applications would be delegated.

- 6.5 It is likely that public interest in most locations will be sustained. Applicants will be required under current regulations to advertise proposals in the local press. The weekly list circulated to Members, Community Councils and others will also provide information to the general public.

7 FINANCIAL AND LEGAL IMPLICATIONS

- 7.1 There are no financial or legal implications with regard to this report other than that the determination of applications for telecommunication development should proceed in accordance with 6.3 above.

8 PERSONNEL IMPLICATIONS

- 8.1 None, other than the probable increase in workload mentioned above.

9 RECOMMENDATION

- 9.1 It is recommended that the Committee:

(1) Note the introduction and effect of the revisions to the GPDO,

(2) Agree to the withdrawal of the Council's Interim Policy on Telecommunications Development,

(3) Agree that an alteration to the Scheme of Delegation should be brought forward within its next formal review such that the determination of Telecommunications Developments is delegated to the Head of Planning and Building Control unless the application is subject to objection, is recommended for refusal or is contrary to the terms of the East Ayrshire Local Plan or NPPG 19.

Stephen Chorley
Director of Development Services

16 October 2001 (DVM/SA)

FV/AN

LIST OF BACKGROUND PAPERS

- 1. Interim Council Policy on Telecommunications Developments**
- 2. Town and Country Planning (General Permitted Development) (Scotland) Amendment (No2) Order 1992: Development by Telecommunications Code System Operators**
- 3. NPPG 19 Radio Telecommunications**
- 4. PAN 62 Radio Telecommunications**

For further information on the contents of this report contact Alan Neish, Head of Planning and Building Control. Telephone 01563 576782.

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APPENDIX 1

OPERATOR COMMITMENTS

The Federation of the Electronics Industry (FEI), representing the main mobile telecommunications operators, has made the following ten commitments to:

1. Develop, with other stakeholders, clear standards and procedures to deliver significantly improved consultation with local communities;
2. Participate in obligatory pre-rollout and pre-application consultation with local planning authorities;
3. Publish clear, transparent and accountable criteria and cross industry agreement on site sharing, against which progress will be published regularly;
4. Establish professional development workshops on technological developments within telecommunications for local authority officers and elected members;
5. Deliver, with the Government, a database of information available to the public on radio base stations;
6. Assess all radio base stations for international (ICNIRP) compliance for public exposure, and produce a programme for ICNIRP compliance for all radio base stations as recommended by the Independent Expert Group on Mobile Phones;
7. Provide, as part of planning applications for radio base stations, a certification of compliance with ICNIRP public exposure guidelines;
8. Provide specific staff resources to respond to complaints and enquiries about radio base stations, within ten working days;
9. Begin financially supporting the Government's independent scientific research programme on mobile communications health issues; and
10. Develop standard supporting documentation for all planning submissions whether full planning or prior approval.

The FEI template of information to be provided with a planning application explains the reasons why a base station is required, alternative options considered, the reasons for the choice of design as well as relevant technical information. It has also committed mobile operators to sending network plans to planning authorities before every major phase and on an annual basis, during September/October (starting 2001).

AGENDA