

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 5 SEPTEMBER 2000

PROPOSED NEW PLANNING PROCEDURES FOR TELECOMMUNICATIONS DEVELOPMENTS

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 The purpose of this report is to review the implications of a recently published report on proposed new planning procedures for telecommunications developments by the Transport and Environment Committee of the Scottish Parliament and the Independent Expert Group Report on Mobile Phones.

2. BACKGROUND – CURRENT ACTION

2.1 At the Development Services Committee on 20 January 2000 proposals were agreed for an interim Council policy designed to extend the Council and local communities' influence over the pattern of the above installations, and the Director of Development Services was requested to submit this interim policy statement to the Scottish Executive and Scottish Parliament as a contribution to their ongoing reviews of controls over mobile phone operatives. This interim is attached in Annex 1.

2.2 In accordance with the decision of the Development Services Committee on 20 January 2000 the Head of Planning and Building Control has advised the following mobile phone operators of the Interim Council Policy on telecommunications developments as set out in Annex 1 below:-

Cellnet
Vodafone
Orange
One to One

The above operators were also requested to provide details of their existing mobile phone mast installations within East Ayrshire and all the above operators have responded.

2.3 The Planning Division is currently consulting the National Databank with a view to assembling further information on telecommunications developments within East Ayrshire through using the Operators Property Database. It is intended to create an internal database for this information which could be regularly updated.

2.4 Procedures have also been introduced to notify Elected Members of proposals to install masts on their wards, including proposals which are covered by Permitted Development rights.

3. CONCLUSIONS OF RECENT REPORTS

3.1 Since the above Council interim policy guidance was produced, and in response to the concerns of the public and local authorities the Transport and Environment Committee of the Scottish Parliament concluded it should conduct an inquiry into proposals to introduce new planning procedures for telecommunications developments. Following publication of the report of this inquiry in March 2000 the Scottish Executive made an interim statement on it in May 2000 pending the imminent publication of the Government's Independent Expert Group Report on Mobile Phones (which has since been published).

The principal implications of the interim response by the Scottish Executive are:-

- a commitment to bring telecommunications proposals under full planning control,
- recognition of the need to develop further guidance and formulate a strategy to consider the siting and visual impacts of telecommunications and that this should provide greater protection to those sensitive areas from potentially intrusive telecom developments while also minimising the cumulative impact of development.

3.2 The report by Independent Expert Group Report on Mobile Phones was commissioned by the Government to investigate the potential effects of mobile phone technology on human health. In its advice to the Government the Group concluded that there was no general risk to the health of people living near was recognised that visual intrusion and perceived health issues have an indirect effect on people's well-being in some cases. Overall the Group also considered that public concerns about the siting of base stations demanded changes in the planning process. The recommendations are contained in Annex 2.

4. IMPLICATIONS FOR COUNCIL POLICY

4.1 The proposals to bring telecommunications developments under full planning control and provide improved guidance on criteria against which to assess the siting of masts are broadly welcomed as ensuring that sensitive urban and rural environments will be better protected from intrusive proposals of this type.

4.2 In view of the conclusions of the Expert Group it is suggested that additions to the Council's Interim Policy should be made;

- “Request operators to locate installations wherever possible at least 100 metres from continuously occupied premises in **educational, health service or residential use**”.

This will have the effect of relaxing policy guidance relating to premises such as shops, offices and factories in town centres as in practice adherence by operators to distance limits from such premises cannot be expected in such locations.

- “Telecommunications operators shall, when submitting information about proposed mobile phone installations, indicate on plans areas where there would be greatest intensity of emission”.

This policy is considered necessary owing to the variability of the angle of mobile phone masts which affects the distribution and intensity of emissions over property – it is this angle which determines how close to a mast effects may be encountered.

- That operators should be encouraged to share masts wherever possible.

4.3 In view of the fact that the Scottish Executive has yet to decide how the findings of the above Reports should be formulated into national planning guidance and how a national register of mobile phone operations should be set up and funded, it is not considered appropriate for the above current Interim Council Policy to be incorporated in the Local Plan at this stage.

4.4 Finally as a supplement to the work being undertaken to provide a register in East Ayrshire, the Ayrshire Joint Structure Plan Committee recently agreed to collect information at an Ayrshire level. This is welcomed and should continue in advance of the Executive’s guidance on a National framework.

5. LEGAL/FINANCIAL IMPLICATIONS

5.1 Applications for masts should have regard to this interim policy.

6. PERSONNEL IMPLICATIONS

6.1 None.

7. RECOMMENDATIONS

7.1 **It is recommended that the Committee;**

(i) note the response of the Scottish Executive to the findings of the Transport and the Environment Committee 3rd Report 2000,

(ii) note the findings of the Government’s Independent Expert Group on Mobile Phones and

(iii) authorise the Head of Planning and Building Control to modify the Interim Council Policy on telecommunications developments as referred to in this report.

**Stephen Chorley
Director of Development Services**

(JT/MS)
FV-AN
21 August 2000

LIST OF BACKGROUND PAPERS

- 1. Transport and the Environment Committee 3^d Report 2000: Report on Inquiry into the proposals to introduce new Planning Procedures for Telecommunications Developments (March 2000).**
- 2. Interim response by Scottish Executive to above report (July 2000).**

Implementation Officer: Alan Neish

ANNEX 1: INTERIM COUNCIL POLICY

The Council's interim policy on controlling mobile phone installations in East Ayrshire, as referred to in Section 2 above, sets out a number of steps to extend the Council's and Local Communities' influence over the pattern of such future installations by,

- requesting mobile phone operators to inform the Council consistently of all proposed installations, and to advise the operators that this information will be passed on to local community councils in the public interest.
- asking the operators to provide information on existing installations and forward plans and invite operators to review their forward plans with Council officials to provide an opportunity to suggest alternative locations before negotiations with land owners have been concluded.
- requesting operators to locate installations wherever possible at least 100 metres from continuously occupied properties as a precautionary principle until the current official research on potential health risks has been completed.
- advising operators that Council properties would only be considered as potential locations if they conform to this precautionary principle and provide opportunities for installations which avoid excessive visual intrusion.
- asking the Scottish executive in reconsidering the planning framework to change the Regulations to require operators to submit full applications for mobile phone masts (the scope of this change would require consideration of details of scope of the Regulations and national guidance on considerations to be taken into account in determining applications).

The interim policy also incorporates the provisions of Policy CS2 of the Local Plan which specifies that the Council will assess each application for telecommunications developments against the following criteria:

- (i) the visual impact of the proposal on townscape and the environment,
- (ii) the possibility of shared operational facilities and
- (iii) the availability of suitable and alternative sites.

The approved Ayrshire Joint Structure Plan does not contain any specific policies relating to the development of mobile phone installations.

There is currently no national planning guidance regarding the development of mobile phone installations.

ANNEX 2: RECOMMENDATIONS OF INDEPENDENT GROUP REPORT ON MOBILE PHONES

- (i) that for all base stations, including those with masts under 15 metres, permitted development rights for their erection be revoked and that siting of all new base stations should be subject to the normal planning process;
- (ii) that the Government should establish a protocol to inform the planning process and this should require,
- All telecommunications network operators to notify the local authority of the proposed installation of base stations. This should cover installations for macrocells, microcells and picocells.
 - The local authority to maintain an up-to-date list of all such notifications, which should be readily available for public consultation.
 - The operator to provide to the local authority a statement for each site indicating its location, the height of the antenna, the frequency and modulation characteristics, and details of power output.
 - Any change to an existing base station which increases its size, or the overall power radiated to be subject to the normal planning process as if it were a new development.
- (iii) that within one year a planning framework be developed to formally incorporate the involvement of the public and health authorities/boards and that this be open to inspection by the general public;
- (iv) that a national database be set up by the Government giving details of all base stations and their emissions,
- (v) that an independent random audit of all base stations be carried out to ensure exposure guidelines are adhered to where base stations fail to meet such guidelines they should be decommissioned until it is verified they comply,
- (vi) that priority should be given to the auditing of base stations near schools, hospitals and other sensitive sites,
- (vii) that beams from microcell stations should not fall on any part of school grounds or buildings without the consent of the school and parents,
- (viii) that planning authorities should have power to ensure that public exposure to RF fields will be kept to lowest practical levels commensurate with effective operation of the system,

- (ix) that clearly defined physical exclusion zones should be established around base station antennae to delineate areas within which exposure guidelines may be exceeded. Such zones should be incorporated within the planning framework referred to in (iii) above.*

* ***Note: this relates to areas in the immediate vicinity of masts which should be enclosed within secure fencing.***

AGENDA