

**SUPPLEMENTARY PLANNING GUIDANCE  
FOR  
TELECOMMUNICATIONS DEVELOPMENT**



**January 2003**

# Supplementary Planning Guidance For Telecommunications Development

## CONTENTS

	Page
1 Introduction	3
2 Background	5
3 Planning Policy	7
4 Planning Permission and Prior Approval	8
4.1 Permitted Development Rights and Prior Approval	8
4.2 Full Planning Permission	9
4.3 Information Requirements	10
5 Considerations	11
5.1 Discussions and Consultations	11
5.2 Health	12
5.3 Need for the Development	13
5.4 Mast Registers	14
5.5 Location and Mast/Site Sharing	14
5.6 Design	16
6 Contact Details	19
Appendix 1: Statement of Consultation	20
Appendix 2: Local Plan Policies	34
Appendix 3: Checklist of Information Required for Prior Approval and Full Planning Applications	35
Appendix 4: FEI and Operators' "Ten Commitments"	37
Appendix 5: Glossary	38

# 1 INTRODUCTION

- 1.1 This document sets out Supplementary Planning Guidance (SPG) for telecommunications development within North West Leicestershire. This guidance has been prepared by the District Council to supplement local plan policies in respect of telecommunications development having regard to national policy and guidance.
- 1.2 The Government has attached considerable importance to the development of the telecommunications industry, which has seen rapid growth in recent years and is now a major component of the UK economy. At the same time there has been a degree of public concern in respect of the siting and design of telecommunications development. As this sector of the economy continues to develop so shall the requirements for further infrastructure. The District Council seeks to facilitate the growth of modern telecommunications whilst minimising the environmental impact. Therefore this document aims to:
- Clarify local telecommunications development policy;
  - Provide guidance for telecommunications operators; and
  - Set out local planning authority requirements for telecommunications development.
- 1.3 Planning Policy Guidance Note 12 (Development Plans) advises that SPG may be taken into account as a material consideration in the determination of planning applications. The Secretary of State will give substantial weight to SPG which derives out of and is consistent with the development plan, and has been prepared in the proper manner.
- 1.4 SPG should be prepared in consultation with interested parties and their views taken into account before it is finalised. A statement of consultation which details the process undertaken in the preparation of this document is given at appendix 1.
- 1.5 Having considered the various representations made during the consultation process and the recommended amendments, the District Council's Executive Board of 14 January 2003 resolved that this document be adopted as Supplementary Planning Guidance to the policies of the North West Leicestershire Local Plan.

- 1.6 All references to the Local Plan are a reference to the North West Leicestershire Local Plan as adopted.
- 1.7 In discussing telecommunications development it has been necessary to refer to technical terms throughout this document. Definitions and further information on these terms, which have been highlighted as **bold** print within this guidance, are provided in the glossary at appendix 5.

## 2 BACKGROUND

### Telecommunications Development

- 2.1 The North West Leicestershire Local Plan identifies that modern telecommunications are an essential element in the life of both the local and national economies; fast, reliable and cost-effective communications can attract business to an area, and help firms remain competitive. The District Council also recognises the growth in popular demand for personal mobile telecommunications and the role that they play in everyday life. The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum.
- 2.2 In order to minimise their impact on both the countryside and towns and villages, it is essential that a proliferation of **masts** is avoided. It is also important to ensure that where new installations are necessary, they are located as sensitively as the limitations imposed by the demands of the industry and the capabilities of available technology will permit.

### Existing Telecommunications Network

- 2.3 The current UK mobile network, introduced in the early 1990's, is the **Second Generation Digital Cellular GSM** system. This network is served by four **licenced operators**: Orange, O2 (formerly BT Cellnet), Vodafone, and T-mobile (formerly One 2 One). The operators have met their licence targets and currently provide coverage for over 98% of the population. There will, however, remain a requirement for new infrastructure. Rapid growth within the telecommunications market continues to drive the need for **base stations**, and as a demand-led industry operators will continually need to accommodate customer requirements in terms of quality and service provision. In particular **capacity** is now a main driver for new sites. As each network "cell" can only handle a certain number of calls, additional **base stations** may be required if demand exceeds the maximum **capacity** of an existing site.

### Third Generation Network

- 2.4 Progress within the telecommunications industry has led to the development of new standards and services. In April 2000 five licences were granted to operators of **Universal Mobile Telecommunications Services (UMTS)**. This third generation mobile

phone system ("**3G**") is intended to enable access to enhanced services (such as viewing pictures or video) via higher data rates than the existing **GSM** network. The four existing **GSM** operators have been granted **3G** licences along with a new operator, Hutchison 3G. A requirement of this licence is for each operator to provide a network with coverage of 80% of the population by 2007. Whilst much of the current telecommunications infrastructure can be re-used to accommodate the new system there is expected to be demand for new sites.

### **3 PLANNING POLICY**

#### **National Planning Policy**

- 3.1 In August 2001 the Government published Planning Policy Guidance Note 8: Telecommunications (PPG8) which provides guidance on planning for telecommunications development. This sets out the framework for dealing with proposals for telecommunications development. It also offers guidance on, amongst other issues, consultations and environmental and health considerations. The guidance can be a material consideration in the determination of planning applications, applications for prior approval and appeals.
- 3.2 The Office of the Deputy Prime Minister published a revised Code of Best Practice on Mobile Phone Network Development in November 2002. Produced jointly by representatives from central and local government and the telecommunications industry this provides advice in respect of procedures and siting and design. It brings best practice guidance up to date and aims to encourage better communication and consultation, standardise procedures and forms, explain technical features of mobile phone systems and provide good practice guidance in respect of the siting and design of telecommunications development.

#### **Local Plan Policy**

- 3.3 The Adopted North West Leicestershire Local Plan includes policies which provide an appropriate balance between the need for additional telecommunications development and the need to minimise its environmental effects. These are reproduced here at appendix 2.
- 3.4 Policy E39 sets out the circumstances under which radio and telecommunications development will be permitted. Where the District Council determines that the siting or appearance of permitted development would pose a serious risk to amenity Policy E40 sets out the factors taken into account in determining the resulting application for prior approval. Policy E40 will be used to determine all prior approval applications.

## 4 PLANNING PERMISSION AND PRIOR APPROVAL

### 4.1 Permitted Development Rights and Prior Approval

- 4.1.1 All works require planning permission except those which are very minor (“de minimis”) or specifically excluded from the definition of development by the Town and Country Planning Act 1990. However, a general planning permission has been granted by the Secretary of State in the form of the Town and Country Planning (General Permitted Development) (amended) Order 1995 (GPDO) which effectively gives an automatic permission for a range of operations (“permitted development”).
- 4.1.2 Permitted development rights, as set out in the GPDO and as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, cover much of the development proposed by the telecommunications **code system operators**. Where proposals are permitted development the operator must apply for a determination by the District Council as to whether approval of the siting and design of the development is necessary. This system of prior approval allows the Council 56 days to consider whether the proposed siting and design requires prior approval and to notify the applicant of its decision to give or refuse such approval.
- 4.1.3 The prior approval process is too complex to summarise in its entirety within this guidance, however Paragraph 4 of Annex 1 to PPG8 states that:  
“...This procedure applies to the construction, installation, alteration or replacement (unless in an emergency) of:
- (i) a **ground based mast** of up to and including 15 metres in height;
  - (ii) a **mast** of up to and including 15m in height installed on a building or structure;
  - (iii) an **antenna** (including any supporting structure) 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;
  - (iv) a public call box;
  - (v) radio **equipment housing** with a volume in excess of 2.5 cubic metres;
  - (vi) development ancillary to radio **equipment housing** (e.g. fences, access roads);
  - (vii) Class A development on Article 1(5) land or an SSSI which has not been



excluded by paragraph A.1.”

Article 1(5) land is defined in the GPDO as land within:

- (a) a National Park;
- (b) an area of outstanding natural beauty;
- (c) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
- (d) an area specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);
- (e) the Broads.

4.1.4 Where it is considered that the exercise of a permitted development right may have a serious impact on amenity the District Council may withdraw this right by serving an **Article 4 direction**. The Council will not seek to withdraw permitted development rights unless a real and specific threat to a locality from development can be demonstrated.

## **4.2 Full Planning Permission**

4.2.3 A full planning application will be required for development which is not covered by permitted development rights (for example, **masts** exceeding 15m above ground level or development on listed buildings or scheduled monuments) or where such rights have been removed. Applications will be determined with regard to relevant Local Plan policies and any other material considerations.

4.2.1 Some minor telecommunications proposals are classed as “de minimis” and do not constitute development requiring planning permission. For example **microcells** (usually small boxes about the size of burglar alarms), additional **antennas** on existing **masts** and equipment **cabinets** less than 2.5 cubic metres in volume may not require permission. However each case will be assessed on its merits. Where proposals are not considered to be development, planning applications or applications for prior approval will not be required.

4.2.2 Previously telecommunications **code system operators** were required to provide 28 days notification to local planning authorities of their intention to install any telecommunications equipment, except when submitting an application for prior approval or planning permission. This is no longer a statutory requirement, however paragraph 67 of the Revised Code of Best Practice on Mobile Phone Network Development indicates that operators should continue to notify the local authority of the installation of **antennas**. It is therefore suggested that as a matter of best practice operators should continue to inform the local authority of their intention to undertake any development not requiring planning permission or prior approval.

### **4.3 Information Requirements**

4.3.1 Paragraph 69 of the Code of Best Practice identifies that the quality of information submitted by operators is very important. Clear and understandable information can result in speedier decisions. Appendix 3 identifies the information which should accompany applications for prior approval and full planning permission, derived from the advice in PPG8, the Code of Best Practice and this guidance. Operators are expected to have regard to the information requirements in order to ensure that the District Council is able to fully assess any proposed development.

## 5 CONSIDERATIONS

### 5.1 Discussions and Consultations

- 5.1.1 The District Council will look for early opportunities for discussion regarding operators' plans for development within the district. In line with the Code of Best Practice and PPG8 the operators will be encouraged to provide the Council with their annual roll-out plans and to inform the Council of any changes as they become available.
- 5.1.2 In respect of individual proposals the District Council will look to work with operators in order to ensure that the optimum solution in each case is achieved. Prior to the submission of a planning application or prior notification it is expected that operators will undertake consultations with the District Council.
- 5.1.3 The Code of Best Practice encourages the use of the **Traffic Light Model**, developed by the **Federation of Electronics Industries** (FEI) and telecommunications operators, to identify the appropriate level of community consultation for proposed development. This takes account of planning, environmental and community issues in relation to the proposed site to determine the amount and type of consultation required. The District Council will look for operators to utilise the **Traffic Light Model** and will encourage the identification of the appropriate level of consultation to form part of early discussions with the District Council.
- 5.1.4 In considering applications for planning permission or prior approval it may help the District Council to be aware of any discussions or consultations which have already taken place, for example with local communities. The District Council will look for applicants to provide details of such discussions.
- 5.1.5 Where proposed development is on or near a school or college the operator should consult with the appropriate bodies of those institutions. Further advice in respect of such consultations is given in the Code of Best Practice. In particular a number of factors are identified at paragraph 60 which should be considered in determining whether a school or college should be consulted:
- Whether the proposed site is on school/ college grounds;

- Whether the proposed development would be seen from the school/ college or its grounds;
- Whether the site is on a main access point used by pupils/ students to the school/ college;
- Whether there is a history of concern about **base stations** within the local community;
- Whether the local planning authority has requested consultation with the school/ college;
- Whether the school/ college has requested that it be included in any consultation.

5.1.6 In discussions with operators planning officers will pay particular attention to assessing the need for consultations with schools and colleges, having regard to the factors identified above and any other relevant considerations. The Council will expect operators to provide evidence of all consultations undertaken and will undertake any additional publicity as may be considered necessary in each case.

5.1.7 More information on the location of schools and colleges within North West Leicestershire is available from Leicestershire County Council as Education Authority. Lists and location maps are available on their website:  
[http://www.leics.gov.uk/education/about\\_schools.htm](http://www.leics.gov.uk/education/about_schools.htm)

## 5.2 Health

5.2.1 There has been mounting public concern regarding the siting of telecommunications development and the potential risk to health from exposure to **electromagnetic fields** associated with them. The Government has responsibility for protecting public health and in 1999 the **Independent Expert Group on Mobile Phones (IEGMP)** was set up to consider the health effects from mobile phone use, **base stations** and **transmitters**. The findings of this group published in 2000, commonly known as the Stewart Report, conclude that “the balance of evidence indicates that there is no general risk to the health of people living near to **base stations** on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases”.

5.2.2 The Government has accepted the precautionary approach recommended by the Stewart Report. This includes a programme of further research into the health effects of mobile phone technology and an independent audit of **base station emissions**. The Radiocommunications Agency (a Government body) is conducting this audit with the first stages concentrating on **base stations** near schools and hospitals. In 2001 100 school locations were surveyed and in all cases **emissions** were many times below the **ICNIRP** guidelines. More information on the audit is available from the Radiocommunications Agency website:

<http://www.radio.gov.uk/topics/mpsafety/school-audit/audit.htm>

5.2.3 PPG8 establishes that the planning system should not replicate existing controls under other legislation and is not the place to determine health safeguards. In its response to the Stewart Report the Government has taken the view that should proposals meet the guidelines for exposure to **electromagnetic fields** established by **ICNIRP** then further consideration of this issue will not be necessary. The District Council will therefore expect all applications for prior approval or planning permission to include confirmation that the proposal would comply with the **ICNIRP** guidelines.

### **5.3 Need for the Development**

5.3.1 Government policy aims to ensure that people have a choice as to who provides their telecommunications service. PPG8 establishes that local authorities should not question the need for a telecommunications system, however it is appropriate for authorities to request evidence from operators regarding the need for any proposed development forming part of the overall system.

5.3.2 The District Council will expect full planning applications and applications for prior approval to provide evidence of the need for development in relation to **network coverage** and/or **network capacity**, and how the proposal responds to this need. Where proposals are intended to increase **coverage** the District Council will look for operators to provide information regarding existing **coverage**. Where proposals are concerned with increasing **capacity** the District Council will look for information regarding existing traffic levels and evidence of a need for additional **capacity**, such as overloading of current systems, in the justification of the proposed development.

5.3.3 Where there are other technical reasons for new development, operators should provide all relevant information. It is acknowledged that such information may be complex, however where it is clearly explained this can help produce more informed, speedier decisions.

#### **5.4. Mast Registers**

5.4.1 The Government maintains a national database of mobile phone **base stations** and their **emissions**. The database is managed by the Radiocommunications Agency, an Executive Agency of the Department of Trade and Industry, on behalf of the Government. The database provides information on all operational, externally sited, **cellular radio transmitters** in England, Scotland and Wales and can be accessed at: [www.sitefinder.radio.gov.uk](http://www.sitefinder.radio.gov.uk).

5.4.2 In accordance with advice in PPG8 the District Council has produced a register of telecommunications development within North West Leicestershire. This contains information on existing sites, including their nature and location. The register is updated on a regular basis and will be helpful in assisting operators locate sites within the district and in identifying **mast** sharing opportunities. The register is available to view at the Council offices in Coalville and a summary of the register is available from the development planning section of the Council's website: [www.nwleics.gov.uk/development\\_planning](http://www.nwleics.gov.uk/development_planning).

#### **5.5 Location and Mast/Site Sharing**

5.5.1 In order to limit visual intrusion the Government attaches considerable importance to keeping the numbers of telecommunications **masts** and sites to the minimum consistent with the efficient operation of the network. Having regard to this, operators should demonstrate that the site chosen is the most environmentally suitable for the proposed development. The District Council will expect all possible options to have been considered before new development is proposed. For example there are opportunities for siting equipment on existing **masts**, buildings or structures such as electricity pylons. Operators should therefore provide clear evidence of such considerations and, where appropriate, will be required to demonstrate that existing structures are unsuitable.

- 5.5.2 The sharing of **masts** and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. However, it is acknowledged that sharing will not always be feasible. There may be technical constraints which prevent the installation of additional equipment, or the existing structure may be unsuitable for holding further apparatus. Operators should consider the potential for upgrading such sites to enable sharing where this may provide the optimum environmental solution whilst meeting operator needs. It may also be the case that **mast** sharing or the upgrading of an existing **mast** may have a more prominent environmental impact than the installation of a new structure. In such cases additional structures alongside the principal structure may provide a more beneficial solution.
- 5.5.3 Where **mast** sharing does take place the increase in **antennae** on an installation will increase the output of **radio waves** from the site. The District Council will therefore expect operators to provide certification that the combined output from a site complies with the **ICNIRP** guidelines regarding exposure to **electromagnetic fields**.
- 5.5.4 Careful consideration is required in respect of proposed **mast** development within or adjoining residential areas. Operators should demonstrate that industrial or other areas nearby are unsuitable for the proposed development and that need outweighs any harm to visual amenity. The District Council will look for proposals to demonstrate that the development will not be visually prominent from dwellings.
- 5.5.5 Where appropriate the District Council may seek to ensure that new telecommunications development can support **mast** sharing in the future. This will be achieved through the negotiation of a legal agreement between the District Council, the landowner and the **mast** operator.
- 5.5.7 Comprehensive and accurate information can help in establishing need and identifying suitable locations for development. In addition to computer modelling techniques physical trials may also be employed to ensure that site location, **mast** height and **antennae** height are appropriate and that proposals meet operator needs whilst providing the optimum environmental solution. It is acknowledged that such trials can be resource intensive and will not be required for all proposals. However where it is deemed appropriate the local planning authority may request such trials.

## 5.6 Design

- 5.6.1 Operators will be expected to undertake designs that limit the visual impact of the proposal. There may be circumstances in which technical limitations prevent the minimisation of visual impact. In such cases the District Council will expect operators to provide full justification of the design and appearance proposed.
- 5.6.2 Successful telecommunications development will be that which, by way of siting and design, minimises environmental impact and becomes accepted and unobtrusive. A key principle in this respect should be to minimise the contrast between the equipment and its surroundings. The District Council will expect proposals to demonstrate that they are appropriate for their particular area. Operators should therefore demonstrate the regard had to the site's context in the design and appearance of proposed development.
- 5.6.3 The District Council will look for operators to provide details of several types of design. This can help in identifying the most appropriate design solution for a particular site. The Council will also encourage the use of **photomontages** which illustrate how proposed development may appear when complete. These can be useful in showing how siting and appearance relate to the site context and in identifying opportunities for improvements or alterations.
- 5.6.4 A key factor influencing the appearance of any proposed development will be the height of the installation. Taking into account any requirement to enable future **mast** sharing, **masts** should be no taller than the minimum required to meet operational requirements. Where new development is proposed operators are expected to provide full justification for the height of both the **antennae** and the **mast**. Where the proposal involves **mast** sharing the height of a **mast** should not be unduly increased by the preference of the existing operator for their equipment to be on top. Operators are therefore expected to provide evidence of a need for the antennae height proposed and any increase in **mast** height.
- 5.6.5 Operators should consider a range of factors in the siting and design of telecommunications development in order to minimise visual impact. These will include:



- Opportunities for concealment of telecommunications equipment where this is feasible (for example, in buildings or within appropriate fibreglass housing).
- Opportunities to disguise telecommunications equipment (for example, as trees, street furniture or public works of art).
- Innovative solutions such as attachment of equipment to trees.
- Where possible the use of well concealed **microcells** in built up areas.
- Use of the most appropriate **mast** structure for the location. A **lattice tower** may provide opportunities for **mast** sharing but may be more visually intrusive. **Monopoles** may be more visually appropriate however they are not normally available for **mast** sharing.
- Siting new development within or close to existing trees.
- Appropriate colouring of equipment with respect to the site context. For example:
  - where equipment will be silhouetted against the sky it should be left unpainted or a suitable matt (i.e. non-reflective) colour chosen such as pale grey.
  - Where the equipment is set against a backdrop of trees or ground then a dark green or brown matt finish is likely to be most suitable.

5.6.6 Particular attention should be paid to proposed development within Areas of Particularly Attractive Countryside or other areas afforded protection in the Local Plan. Regard should be had to minimising the visual impact of development on the skyline and surrounding countryside. Proposals should demonstrate that **masts** would be screened from important views. Development will not normally be permitted on Listed Buildings or within or adjacent to Conservation Areas where this would affect their character or setting.

5.6.7 Proposals for locating telecommunications apparatus on buildings should pay particular attention to ensuring that development has a minimal impact on visual appearance. Successful developments are likely to be those located below the roofline, attached to existing surfaces and coloured to blend with the background. Such designs will be less visually intrusive than **antenna** arrays located above the roofline. Particular care will be required where proposals are located on distinctive rooflines such as towers or church spires which are important to the character of an area.

- 5.6.8 **Compounds** for telecommunications development should be at the minimum size required to meet operator needs, taking account of reasonable requirements to facilitate future **mast**/site sharing, and should provide an appropriate level of security having regard to the site context. Fencing will normally be required around a **compound** however the operator should demonstrate that the scale, form and colour of the fencing are appropriate to that particular setting.
- 5.6.9 **Cabinets** and **equipment housing** should be well related to the rest of the installation and painted to meet the surrounding context in order to minimise contrast. Proposals for development should demonstrate how the materials of construction and colours blend in as far as possible with the surroundings.
- 5.6.10 Operators will be expected to make provision for the appropriate screening of all ancillary development, including **compounds**. The site selection process should consider the opportunities for existing vegetation to contribute towards screening. Proposals should include details of the landscaping and screening scheme and demonstrate how the site will be assimilated into the surrounding area.

## **6 CONTACT DETAILS**

6.1 Further information in respect of this guidance can be obtained from:

Planning and Environment Division  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

Telephone: 01530 454678

## **Appendix 1: Statement of Consultation**

The draft supplementary planning guidance was published for consultation between 7 October and 15 November 2002. Consultations were undertaken with:

- Network operators (Vodafone, T-Mobile, Orange, O2 and Hutchison 3G);
- Agents acting on behalf of network operators (identified through a review of planning records since 2000);
- Parish Councils;
- The Civil Aviation Authority;
- East Midlands Airport.

Copies were made available for public inspection at the District Council offices, at public libraries throughout the district and on the development planning section of the Council's website ([www.nwleics.gov.uk/development\\_planning](http://www.nwleics.gov.uk/development_planning)). An on-line form on the website also enabled comments to be returned electronically.

10 letters of representation were received. A report summarising the main tenets of the representations along with an officer consideration of each was considered by the District Council's Executive Board of 14 January 2003. This report is included overleaf. Having considered the representations and recommended alterations the Executive Board resolved that the guidance be adopted as supplementary planning guidance to the policies of the North West Leicestershire Local Plan. Whilst not having the same status as an adopted plan policy the document may be taken into account as a material consideration in the determination of planning applications.

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**EXECUTIVE BOARD – 14 JANUARY 2003**

**REPORT OF THE MANAGER OF PLANNING AND ENVIRONMENT**

**DRAFT SUPPLEMENTARY PLANNING GUIDANCE FOR TELECOMMUNICATIONS DEVELOPMENT**

**Purpose of Report**

To consider the responses received to the consultation on the draft Supplementary Planning Guidance in respect of Telecommunications Development and to seek its adoption as Supplementary Planning Guidance

**Decisions Required**

Formal resolution

**Policy Matters**

The brief will supplement policies E39 and E40 of the North West Leicestershire Local Plan

**Anti Poverty**

No direct implications

**Crime and Disorder**

No direct implications

**Human Rights**

No direct implications

**Financial/Staff Resources**

None

**E Government**

None

## **1 BACKGROUND**

- 1.1 The Government has attached considerable importance to the development of the telecommunications industry which is now a major component of the UK economy. As the industry continues to grow so shall the requirements for new infrastructure, such as telecommunications masts. At the same time as the growth of the telecommunications industry there has been a degree of public concern in respect of the siting and design of equipment; in particular concern regarding risk to health.
- 1.2 National guidance in respect of telecommunications development is contained within Planning Policy Guidance Note 8 (PPG8). In November 2002 the Office of the Deputy Prime Minister published a revised Code of Best Practice on Mobile Phone Network Development which has been produced jointly by representatives from central and local government and the telecommunications industry.
- 1.3 Local telecommunications policy is set out in Policies E39 and E40 of the adopted North West Leicestershire Local Plan. National and local planning guidance seeks to facilitate the growth of the telecommunications industry whilst minimising the environmental impact. This guidance will supplement these policies.
- 1.4 It is intended that supplementary planning guidance (SPG) in respect of telecommunications will clarify local telecommunications development policy, provide guidance for telecommunications operators and set out local planning authority requirements for telecommunications development.

## **2 DRAFT SUPPLEMENTARY PLANNING GUIDANCE CONSULTATION**

- 2.1 Draft supplementary planning guidance for telecommunications development has been prepared. This was published for public consultation between 7 October and 15 November 2002 and included consultation with mobile phone network operators, agents acting on behalf of the operators, parish councils, the civil aviation authority and East Midlands Airport. The guidance was also made available for public inspection at libraries throughout the District, at the Council offices and on the Council's website. A copy of the draft SPG along with representations received has been placed in the Members' room.
- 2.2 10 submissions were received with comments on the draft guidance. The main tenets of each representation are summarised below along with an officer consideration of each submission. A number of comments in particular concerned the suggestion that schools are consulted where they are located within 400m of any proposed development and the section on health considerations. These comments are considered collectively at paragraphs 3.58 and 3.67 respectively.

## **3 RESPONSES RECEIVED**

- 3.1 **Adams Holmes Associates on behalf of Orange** consider that sections 1 to 4 are clear and helpful and that it may be appropriate to note that updated best practice guidance is shortly to be issued. It is suggested that requirements to provide evidence regarding coverage, capacity and need should apply to prior approvals and planning applications. It is also suggested that more specific guidance in terms of information

required would be helpful and it is noted that information regarding capacity can be difficult to obtain due to complexity and commercial confidentiality. There may also be other technical issues to be taken into account on a case by case basis. It is pointed out that physical trials are resource heavy and should only be used where there are difficulties in interpreting computer based modelling. Accordingly it is suggested that the SPG be amended to state that physical trials will only be required when necessary. It is considered that the general approach to design is sensible and appropriate although concerns are raised over concept of attaching equipment to trees. Concern is also expressed that keeping compounds small makes mast sharing more difficult.

### ***Considerations***

- 3.2 The revised Code of Best Practice was issued after the draft SPG was published for consultation. The SPG has been reviewed in light of the new Code and this is addressed at paragraph 3.71.
- 3.3 It is agreed that the information requirements in respect of need, capacity and coverage should apply to both prior approval and full planning applications.
- 3.4 The SPG gives some guidance regarding information which may be useful in assessing need in relation to network coverage/capacity (such as traffic levels and evidence of overload). However it will be for the operator to supply any information which it is considered supports the need for development in any particular case. It is acknowledged that such information can be complex, however as the draft guidance indicates all information provided should be clearly explained. In respect of confidentiality any information provided will be open to the same public scrutiny as information provided for other applications for planning permission.
- 3.5 It is recognised that physical trials may be resource heavy and will not be required for every application. However where it is considered appropriate the Council may request such trials.
- 3.6 Attaching antennae to trees is a method used successfully, although on a small scale, in Norway. Equipment is attached with rubber ties to both dead and living trees. The inclusion of this example is intended to demonstrate that the Council will look for innovative solutions to design and siting.
- 3.7 Paragraph 5.6.8 of the SPG states that compounds should be of the minimum size required to meet operator needs. This will take account of circumstances such as an identified possibility of future mast share. However it would be inappropriate to allow large compounds on a routine basis on the presumption that a site may be expanded in the future.

### ***Recommendations***

- 3.8 That paragraph 5.3.2 of the SGP be amended to clarify that information requirements in respect of need, capacity and coverage should apply to both prior approval and full planning applications.
- 3.9 That the SPG be amended after paragraph 5.3.2 to include a new paragraph stating that operators should provide all relevant information where there are other technical reasons

for new development and that whilst such information may be complex where it is clearly explained this can produce more informed, speedier decisions.

- 3.10 That paragraph 5.5.7 of the SPG be amended to acknowledge that physical trials will not be required for every application. However where it is deemed appropriate the Council may request such trials.
- 3.11 That paragraph 5.6.8 of the guidance be amended to state that compounds should be at the minimum size required to meet operator needs, taking account of reasonable requirements to facilitate future mast/site sharing.
- 3.12 **Mr Norman Bates** refers to the DETR Consultation Paper on Telecommunication Mast Development (July 2000) and suggests that the Council should adopt the recommendation (p12) of the removal of permitted developments rights for ground based masts not exceeding 15m high. It is also suggested that the District Council should make random regular audits of base station radio wave emissions and to ensure that the readings are available to the public.

### ***Considerations***

- 3.13 Telecommunications operators enjoy permitted development rights as set out at Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 and which was revised in 2001. As such ground based masts up to and including 15m in height are permitted subject to an application to the local planning authority to determine whether prior approval of the siting and design is required.
- 3.14 As the draft SPG indicates at paragraph 4.1.4 permitted development rights may be withdrawn via an Article 4 direction. However paragraph 46 of the appendix to PPG8 advises that such action should not be taken unless there is a real and specific threat to the locality in which development is to take place. In the absence of any such evidence it is considered that the removal of all permitted development rights for ground based masts would not be appropriate.
- 3.15 PPG8 indicates that it is not for the local planning authority to replicate controls under other legislation. Enforcement of health and safety legislation is a matter for the Health and Safety Executive (HSE). At paragraph 94 PPG8 states: " If, once a mast is in operation, there is evidence that an operator is not meeting its statutory responsibilities in a particular case, HSE may investigate and, if necessary, require action to be taken." Where proposals include a certificate indicating that a base station will meet the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines in respect of emissions there should be no further need to consider health concerns in determining planning applications. There is no requirement under national planning guidance to undertake audits of base station emissions and it should be appreciated that any such audit by the District Council would have substantial financial implications. At present there are approximately 60 live masts within the District. It is understood from the Radiocommunications Agency that to survey one base station costs around £1000. However the Radiocommunications Agency (a Government body) is itself undertaking a national audit of emissions. The first stages of this audit are concentrating on base station located near schools and hospitals. In 2001 100 surveys at schools were completed. The results indicated that in every case the levels of radiation were far below the ICNIRP guidelines.



### **Recommendation**

- 3.16 That the draft guidance be amended after paragraph 5.2.1 to give details of the Radiocommunications Agency audit.
- 3.17 Andy Bowe, Centac Limited on behalf of Hutchison 3G generally supports the publication of the SPG. More specific comments are made in respect of consultations with schools and the section on health.

### **Considerations**

- 3.18 Support for the SPG is noted. Comments in respect of consultations with schools and the section on health are considered in paragraphs 3.58 and 3.67 respectively.
- 3.19 **Mr and Mrs Crocket** comment that it is pleasing to see that more care is to be taken with the positioning and appearance of future masts, and that the public should be made well aware of the location of all future masts in their relevant areas.

### **Considerations**

- 3.20 Support for the guidance is noted. Section 5.4 of the draft guidance concerns mast registers and notes that the Council has produced a register of telecommunications development. This is available for inspection by members of the public and a summary can be found on the development planning section of the Council's website.

### **Recommendation**

- 3.21 That paragraph 5.4.2 of the SPG be amended to state that the register of telecommunications development may be inspected at the Council offices and that a summary of the register is available on the development planning section of the Council's website.
- 3.22 **Heather Parish Council** considers that the proposals provide no protection against a proliferation of masts and that the document is a "mast erectors charter". The Council also considers that no time was allowed for public consultation. Serious concern is expressed as to what are the "indirect adverse effects..." stated in paragraph 5.2.1 of the draft guidance. It is suggested that in addition to the visual impact of development, if there are indirect adverse effects then base stations should be away from residential areas.

### **Considerations**

- 3.23 Comments from Heather Parish Council were received after the consultation deadline however it was considered appropriate to take account of their response.
- 3.24 The document provides supplementary guidance in respect of local and national telecommunications policies – it does not set out new policy. In respect of a proliferation of masts both national guidance and the SPG identify that proposals for new telecommunications development should demonstrate that mast sharing and/or locating

equipment on existing buildings has been considered, or provide sufficient justification where this has not taken place.

- 3.25 The document has been subject to a six week period of consultation. This is based upon the period which Government regulations stipulate should be allowed for consultation on a deposit local plan. The exercise has included a press release, distribution of the document to all libraries within the District and the SPG has also been available to view at the Council offices and on the Councils website. It is considered that the consultation period has allowed sufficient opportunity for members of the public to view and comment upon the draft SPG as is evident from the responses received.
- 3.26 In 1999 the Independent Expert Group on Mobile Phones was set up by the Government to consider the health effects from mobile phone technology. In considering the effects of living near base stations their report (the 'Stewart Report') noted that there is no general risk to health but there can be indirect adverse effects on well being in some cases. A precautionary approach to the use of mobile phone technologies was recommended by the Report until there is more detailed and scientifically robust information on any health risks. The Government accepted this approach and in respect of base stations PPG8 notes that emissions from base stations should meet the ICNIRP guidelines and providing that proposals are accompanied by a certificate of ICNIRP compliance there should be no further need to consider health concerns in determining planning applications. However paragraph 5.5.4 of the SPG does indicate that in respect of proposals within or adjoining residential areas operators should demonstrate that industrial or other locations nearby are unsuitable and that need outweighs any harm to visual amenity.
- 3.27 It is considered that no change is required in response to these comments.
- 3.28 **Adrian Manger of T-mobile** comments that in paragraph 2.3 reference should be made to capacity as this is now one of the main drivers for network expansion and that the wording of the last line should be 'quality of service' rather than quality and service. It is suggested that reference should be made to amendment Orders as well as the main Town and Country Planning (General Permitted Development) Order (GPDO). It is also recommended that Appendix 3 of the draft guidance in respect of the information requirements for applications, the section on siting and design and the glossary should be cross referenced to ensure that they accord with the revised Code of Best Practice. The Council's compiling of a mast register is welcomed and it is suggested that this is made available on the website.

### ***Considerations***

- 3.29 It is acknowledged that capacity can be a main driver for new telecommunications base stations and it would be appropriate to include reference to this in the SPG. Paragraph 2.3 is intended to refer to continuing demand and the need for operators to meet customer requirements in respect of the quality and provision of services.
- 3.30 As a matter of clarity it would be appropriate for the SPG to note The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 in respect of telecommunications which came into force on 22 August 2001.

- 3.31 The revised Code of Best Practice was issued after the SPG was published for consultation. The SPG has been reviewed in light of the revised Code and is considered at paragraph 3.71.
- 3.32 The availability of the mast register for public inspection is considered at paragraph 3.20 and the recommendation at paragraph 3.21 of this report.

### ***Recommendations***

- 3.33 That the last line of paragraph 2.3 of the draft guidance be amended to refer to “quality and service provision”. This paragraph should also be amended to refer to base station capacity as a main driver for new development and that demand for new base stations may arise where existing stations reach their capacity to handle calls.
- 3.34 That paragraph 4.1.2 of the SPG be amended to include reference to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.
- 3.35 **Andrew Muir of Crown Castle** considers that the draft SPG is unduly prescriptive, otiose (i.e. serves no purpose), negative and fails to identify the benefits of a telecommunications network. It is considered that there is no indication that the local authority would allow larger structures to allow mast share. Paragraph 5.68 of the draft guidance states that compounds should be of a minimum size which may mean future expansion on site requires landscaping to be removed. It is noted that the 28 day Licence Notification is now no longer part of the operators’ licence and suggested that in general the SPG’s information requirements are too onerous. It is pointed out that the SPG states in 5.3.1 that there is no requirement for the LPA to question the need for an installation and then goes on to establish such a requirement. Mr Muir also comments that section 5.5 reiterates PPG8 and the guidance issued by the Scottish Assembly. It is suggested that the Government Office for the East Midlands should be consulted.

### ***Considerations***

- 3.36 The document takes account of guidance in PPG8 and the revised Code of Best Practice. It also addresses issues likely to be considered as part of the determination of any planning application or prior approval notification. Government policy acknowledges the need for new telecommunications development to keep the environmental impact to a minimum. This is reflected in national and local policy and within the SPG. As such it is considered that the guidance is not overly prescriptive or negative and that it provides guidance relevant to network operators, agents acting on their behalf and the general public. Section 2 of the draft guidance also acknowledges the role of modern telecommunications and associated benefits.
- 3.37 Paragraph 5.5.5 of the SPG states that where appropriate the Council will seek to ensure that new telecommunications development can support mast sharing in the future. This does not preclude larger masts being permitted where appropriate.
- 3.38 Comments in respect of compound size have been considered previously at paragraph 3.7 and in the recommendation at paragraph 3.11 of this report.

- 3.39 It is acknowledged that the 28 day Licence Notification is no longer a requirement, however it is noted that paragraph 68 of the Code of Best Practice indicates that operators should continue to inform local authorities of their intention to install antennas. It is therefore considered appropriate that the SPG suggest that operators continue to inform the local authority of their intention to install development not requiring planning permission or prior approval as a matter of best practice.
- 3.40 The draft guidance's information requirements are derived from the GPDO regulations, PPG8 and the revised Code of Best Practice. Other information is identified which would be required to assess proposals having regard to Local Plan telecommunications policies. It is not considered that the information requirements of the SPG are onerous.
- 3.41 Paragraph 8 of the Annex to PPG8 makes clear that the need for a telecommunications system should not be questioned. However it is appropriate to request evidence regarding the need for proposed developments which form a part of the overall telecommunications system.
- 3.42 With respect to mast and site sharing it is considered appropriate to re-iterate the general considerations outlined in national planning policy guidance and the Code of Best Practice.
- 3.43 It has not been standard practice in the past to consult the Government Office for the East Midlands on SPG. It is not considered that such consultation would be necessary in this case.

### ***Recommendations***

- 3.44 That the SPG be amended after paragraph 4.2.1 with a new paragraph to note that the 28 day Licence Notification is no longer required but that having regard to the revised Code of Best Practice it is suggested that operators continue to inform the Council of their intention to install development not requiring planning permission or prior approval as a matter of best practice.
- 3.45 That paragraph 5.3.1 of the draft guidance be amended to clarify that it is appropriate to request evidence of need in respect of proposals which form part a telecommunications system.
- 3.46 **Packington Parish Council** notes that the document presents appropriate information on the issues which should be considered in telecommunications development both clearly and comprehensively. It is suggested that it would be easier to read and digest if written in plainer English.

### ***Considerations***

- 3.47 The comments are noted and it is acknowledged that as a document discussing a technical subject there may be some issues of clarity and understanding. Where possible the SPG should be revised to ensure that it is comprehensible to as wide an audience as possible.

- 3.48 The draft guidance includes a glossary which explains the technical terms used within the document. It may be helpful if these terms were highlighted throughout the document.

### ***Recommendations***

- 3.49 That where appropriate the SPG be amended to be as comprehensible to as wide an audience as possible.
- 3.50 That the draft guidance be amended to include those terms with glossary references in bold type and that paragraph 1.7 be amended to explain this system.
- 3.51 **Andrew Tildesley, on behalf of Vodafone** considers that four of the points at paragraph 4.1.3 are factually incorrect and that the telecommunications legislation is too complex to be interpreted and summarised in this way. It is suggested that the paragraph is replaced with the following:

“The prior approval process as set out in Part 24 of the GPDO, is too complex to summarise in its entirety within the SPG. Typically, greenfield development of a ground based mast up to 15m in height, with equipment housing no bigger than 90 cubic metres requires a prior approval application. Rooftops are more complicated to assess as the interpretation of the legislation is dependent on building height. Typically, for a building of less than 30m, the antenna or supporting structure cannot exceed 10m above the rooftop, whilst equipment housing cannot exceed 30 cubic metres if it is to fall under prior approval legislation.”

It is also noted that there is no expansion on ‘de minimis’ development at paragraph 4.1.3. It is suggested that the following is included:

“Antenna’s and equipment housing of less than 2.5 cubic metres have default permission following submission of a 28 day Licence Notification. Does not apply on Article 1(5) land.”

### ***Considerations***

- 3.52 The complexity of the legislation is acknowledged, however paragraph 4.1.3 is based directly on paragraph 4 of Annex 1 (‘Guidance on Prior Approval Procedures for Telecommunications Development’) to PPG8 and as such is not considered to be factually incorrect.
- 3.53 “De minimis” development refers to minor works which it is considered do not constitute development, as set out in section 55 of the Town and Country Planning Act 1990; essentially in respect of telecommunications development this is development which does not materially affect external appearance. In such cases planning permission or prior approval is not required. This has not been expanded upon in the SPG, however it may apply to microcells (usually small boxes about the size of burglar alarms), additional antennas on existing masts and equipment cabinets less than 2.5 cubic metres in volume.

### ***Recommendations***

- 3.54 That paragraph 4.1.3 of the SPG be amended to acknowledge the complexity of the legislation and to quote directly from paragraph 4 of Annex 1 to PPG8.
- 3.55 That paragraph 4.2.1 of the SPG be amended to include the examples of “de minimis” development given at paragraph 3.52 of this report.
- 3.56 Vodafone Ltd, care of Tony Thorpe, comment that capacity is a main driver for new sites and that the SPG should be amended to include a section on capacity.

### ***Considerations***

- 3.57 The issue of including reference to capacity is considered at paragraph 3.29 and the recommendation at paragraph 3.33 of this report.

### **Other Considerations**

#### **3.58 Consultation with Schools and Colleges**

- 3.59 The draft guidance suggests that operators should undertake pre-application consultations with schools and colleges where they are within 400m of proposed development. Objections to this were received from the following: Andrew Tildesley (Vodafone), Andrew Muir (Crown Castle), Adams Holes Associates on behalf of Orange, Andy Bowe on behalf of Hutchison 3G, Vodafone (c/o Tony Thorpe), and Andy Manger (T-mobile).

- 3.60 In summary the objectors consider that:
- there is no requirement in government guidance for consultations within 400m of schools;
  - 400m is arbitrary, too prescriptive and may be seen as an ‘exclusion zone’;
  - the revised Code of Best Practice gives advice on consultations with schools and makes clear that each case for consultation must be determined on its own merits having regard to site specific factors;
  - reference to consultations within 400m be removed from the SPG and replaced relevant guidance from the revised Code;
  - Andrew Tildesley (Vodafone) suggests the following change:  
“The LPA would encourage consultation with all schools and colleges near to the proposed development. In particular, consultation should be undertaken when a site is in direct line of site, or within close proximity to a school.”

- 3.61 Heather Parish Council supports consultations within 400m of proposals and expresses concern that the Council does carry out such consultations and makes the evidence publicly available.

### ***Considerations***

- 3.62 It is noted that neither PPG8 nor the Code of Best Practice define “near” in respect of consulting educational establishments. Paragraph 59 of the Code of Best Practice notes that: “There are no hard and fast rules for determining whether a base station is near a school or college for the purposes of pre-application consultation. The institutions

concerned need to be considered on a case-by-case basis in the light of local circumstances.”

- 3.63 Paragraph 60 of the Code of Best Practice identifies a number of factors which should be taken into account in determining whether a school or college should be consulted; none of which include specifying distances for consultations. It is acknowledged that the 400m suggested has no basis in national guidance but that this was intended to provide a measure of certainty and clarity both for operators and for the general public. As there would be no firm basis for requiring operators to adhere to this suggestion it is considered that this element of the guidance may encounter problems of enforceability and raise expectations which may not be met. It is therefore considered that the 400m consultation element should be removed from the SPG. However it would be appropriate to make reference to the factors outlined in the Code of Best Practice which should be taken into account in determining whether a school or college should be consulted. Further, the SPG should indicate that in discussions with operators planning officers will pay particular attention to assessing the need for consultations with schools and colleges. In this respect Leicestershire County Council as Education Authority holds information on the location of schools and colleges within the District. It would therefore be appropriate for the SPG to provide details on the availability of this information.
- 3.64 Information on consultations will be open to the same public scrutiny as that provided for other applications for planning permission.

### ***Recommendations***

- 3.65 That reference to consultations with schools and colleges within 400m of proposed development be removed from paragraph 5.1.5 and appendix 3 of the draft guidance.
- 3.66 That paragraph 5.1.5 of the SPG be amended to refer to the factors identified in the Code of Best Practice in determining whether schools/colleges should be consulted and to state that in discussions with operators planning officers will pay particular attention to assessing the need for consultations with schools and colleges. This paragraph should also be amended to provide contact details for the Education Authority.

### **3.67 Health**

- 3.68 Andrew Muir (Crown Castle), Adam Holmes Associates (on behalf of Orange) and Andy Bowe, Centac Ltd (on behalf of Hutchison 3G) note that the Thurrock appeal decision referred to in paragraph 5.2.3 has now been quashed. Andrew Muir notes the guidance in PPG8 which indicates that where proposals can demonstrate compliance with ICNIRP guidelines then there should be no need to further consider the health aspects in determining planning applications and prior approvals. Andy Bowe suggests replacing references to the Thurrock case with extracts from PPG8 dealing with health (i.e. paragraphs 29-31 of PPG8, and paragraphs 82-101 of Appendix 1 – in particular should make reference to paragraphs 97-101)

### ***Considerations***

- 3.69 It is acknowledged that the Thurrock case has been quashed and that it should not form part of the SPG. It is considered that the remaining guidance in respect of health appropriately reflects the advice in PPG8.

### ***Recommendation***

3.70 That paragraph 5.2.3 of the draft guidance be amended by removing reference to the Thurrock appeal.

### **3.71 Revised Code of Best Practice on Mobile Phone Network Development**

The SPG has been reviewed in light of the recently revised Code of Best Practice which offers advice in respect of procedures and siting and design. It is considered that the SPG generally conforms with the advice in the Code.

3.72 It would be appropriate for the SPG be amended to make reference to the Code of Best Practice. Aside from aspects of the Code discussed previously in this report it is considered that the SPG information requirements should be amended to reflect the advice in respect of ideal scales for maps submitted by operators. In respect of determining the appropriate level of community consultation for proposed development the Code refers specifically to the use of the Traffic Light Model which has been developed by the Federation of Electronics Industries and telecommunications operators. Whilst this model is identified in the draft guidance it is considered appropriate for the SPG to be amended to state that the Council will encourage the use of the Traffic Light Model.

3.73 It is considered that the inclusion of more specific guidance from the Code of Best Practice is unnecessary but that operators are referred to the Code as a source of guidance in respect of procedures and siting and design.

### ***Recommendations***

3.74 That the draft guidance be amended after paragraph 3.1 by inserting a new paragraph giving brief details of the revised Code of Best Practice.

3.75 That where appropriate reference is made to the Code of Best Practice throughout the SPG.

3.76 That appendix 3 of the draft guidance be amended to refer to the ideal map scales set out at paragraphs 71 to 77 of the revised Code of Best Practice.

3.77 That paragraph 5.1.3 of the SPG be amended to state that the Code of Best Practice encourages the use of the Traffic Light Model and that the Council will look for operators to utilise this to identify the appropriate level of community consultation in each case.

## **4 CONCLUDING RECOMMENDATION**

- (i) THAT THE DRAFT SUPPLEMENTARY PLANNING GUIDANCE FOR TELECOMMUNICATIONS DEVELOPMENT BE AMENDED AS OUTLINED ABOVE AND;**
- (ii) THAT THE GUIDANCE BE ADOPTED AS SUPPLEMENTARY PLANNING GUIDANCE.**



Background Papers:

Adopted North West Leicestershire Local Plan  
Responses to consultation on file R/25  
Planning Policy Guidance Note 8: Telecommunications  
Code of Best Practice for Mobile Phone Network Development

B E Wolsey  
Manager of Planning and Environment

18 December 2002

(Officer to Contact – Ian Nelson, Ext no 677)

EB88

## **Appendix 2: Local Plan Policies**

### **POLICY E39**

Radio and telecommunications development will be permitted where:-

- a. Masts are sited so as to minimise their visual impact on the skyline and the surrounding countryside, particularly in Areas of Particularly Attractive Countryside or other areas afforded special protection in the Local Plan, and in relation to any nearby areas;
- b. It can be demonstrated that, given the needs of the industry and the limitations of currently available technology, the proposed site is the most environmentally suitable for the proposed development;
- c. When a new mast is proposed, it can be demonstrated either that all reasonable efforts have been made to secure the sharing of an existing mast, building or other structure, or that such sharing is not feasible;
- d. All ancillary apparatus incorporates appropriate screening.

### **POLICY E40**

Whenever the planning authority determines that the siting or appearance of permitted telecommunications development would pose a serious risk to amenity, it will take the following factors into account in determining the resulting application for its prior approval.

As to siting:-

- (a) The height of the site in relation to the surrounding land;
- (b) The existence of local topographical features and vegetation;
- (c) The effect of the development on the skyline or horizon;
- (d) The visual impact of the development when the site is viewed from any side, including from outside the District boundary;
- (e) The proximity of the site to existing masts, structures or buildings, including buildings of a historical or traditional character; and
- (f) The proximity of the site to residential property.

As to appearance:-

- (g) The materials, colour, design and overall shape of the development;
- (h) The dimensions of the development (other than height); and
- (i) Whether the construction of the development or any part thereof is to be of solid or open framework.

### **Appendix 3: Checklist of Information Required for Prior Approval and Full Planning Applications**

Applicants are expected to provide appropriate information in order that proposals can be fully assessed by the District Council. The following checklist, based on advice in PPG8, the Code of Best Practice and this guidance, identifies the information which the District Council will look for applicants to provide.

All maps, diagrams, tables and other supporting information should be clearly marked and labelled. Any maps provided should be at a recognised metric scale. The local planning authority will expect all information provided to be clearly explained.

- A written description of the proposal:
- Evidence of owner or agricultural tenant notification;
- Evidence that the Civil Aviation Authority, the Secretary of State for Defence or aerodrome operator (as appropriate) has been notified where the proposal includes the installation of a **mast** within 3km of the perimeter of an aerodrome; and
- The appropriate fee.
- A location plan. This should be at a minimum scale of 1:2500. In rural areas 1:50000 may be appropriate;
- Elevation and site layout plans. Site layout plans should be at a minimum scale of 1:500. Elevation/roof layout plans should be at a scale of 1:100;
- Plans to show the proposed landscaping scheme.
- Evidence that the use of existing **masts**, buildings or structures has been considered prior to an application for a new **mast**;
- Information in respect of the need and purpose of the proposed development;
- Evidence of **network coverage/network capacity**, including existing coverage and existing traffic levels;
- Justification of **mast**/antennae height and location;
- Details of discussions or consultations which have taken place;
- Where appropriate, evidence of consultations with relevant school or college bodies;
- Where appropriate, evidence of physical trials in addition to computer modelling techniques;

- Use of the “**traffic light model**” for determining the appropriate level of community consultation;
- The use of **photomontages**;
- A statement that a **base station** or other equipment will meet the **International Commission on Non-Ionizing Radiation Protection (ICNIRP)** guidelines; and
- Details of the proposed **antenna, power output** and information on **frequency** and **modulation**.

The FEI and the telecommunications code operators have established ten commitments which they are currently implementing (see appendix 4). In accordance with these the FEI and telecommunications operators have developed standard templates for certification of **ICNIRP** compliance and for the submission of supporting information for applications (covering some of the information above). These forms can be found in the Code of Best Practice. The District Council will encourage the use of these templates and will look for them, completed with all relevant information, to accompany applications.

## Appendix 4: The Mobile Phone Operators' Ten Commitments

The main mobile telecommunications operators are represented by **The Federation of the Electronics Industry (FEI)**. The **FEI** has made the following ten commitments which the operators are implementing:

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
10. develop standard supporting documentation for all planning submissions whether full planning or prior approval

## Appendix 5: Glossary

3G	Third Generation of mobile telephony technology which can carry large amounts of data. These systems have high-speed data capabilities and will offer advanced services to users (such as video). 3G describes a set of digital standards for mobile telecommunications.
Antenna	A passive electrical component designed to transmit and receive radio waves.
Article 4 direction	A direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 allows permitted development rights to be withdrawn in certain circumstances.
Base station	A fixed radio transmitter/receiver which electronically relays signals to and from handsets and other data terminals. Generally taken to include all the components of the development - the antenna, mast or supporting structure, equipment housing, cable runs, fencing, planting, landscaping, access, power supply and land lines.
Cabinet	Air-conditioned weather-proof enclosure housing transmitters and receivers.
Capacity	See network capacity
Cell; Cellular radio transmitter	Low power transmitters which use the same radio spectrum many times in one network. Radio transmitters are used to cover a limited area or 'cell' such that the frequencies in use can be re-used in other parts of the network. A 'cell' in the context of mobile phone technology is the area of geographical coverage from a radio base station.
Code system operator	An operator of a telecommunications system under Schedule 2 of the Telecommunications Act 1984, known as the "Telecommunications Code".
Compound	Area surrounding a mast and equipment housing, normally fenced off.
Coverage	See network coverage
Electromagnetic fields (EMFs)	The electric and magnetic fields associated with electromagnetic radiation. EMFs are both naturally occurring and produced by man-made sources such as television sets and electricity power lines.
Emissions	Electromagnetic radiation emitted from a base station
Equipment housing	See Cabinets
Federation of Electronics Industries (FEI)	Recently merged with Computing Services & Software Association (CSSA) to form Intellect and representing IT telecommunications and electronics industries.
Frequency	The frequency at which radio waves are transmitted. Radio waves are a type of electromagnetic field and are measured in units of hertz (Hz). Second generation GSM systems are operated by O2 and Vodafone at 900 MHz and 1800 MHz, and T-mobile and Orange at 1800 MHz. Unlike other forms of radiation, such as X-rays, radio frequency fields cannot cause ionization or radioactivity in the body.
Ground based mast	A mast constructed on the ground either directly or on a structure constructed for the purpose of supporting the mast.
Second Generation Digital Cellular Global System for Mobile Communications (GSM)	The second generation digital mobile technology used in Europe and other parts of the world. Introduced in the UK in the early 1990's. There are four national GSM networks operated by O2 (formerly BT Cellnet), Vodafone, T-mobile (formerly One2One) and Orange.

International Commission on Non-Ionizing Radiation Protection (ICNIRP).	An independent scientific organisation set up by the International Radiation Protection Association and responsible for providing guidance and advice on the health hazards of non-ionizing radiation exposure. Also see Frequency.
Lattice tower	Steel towers of a lattice construction. Usually available for mast sharing as they are of a more substantial construction than monopoles.
Licensed operators	see Code System Operators
Mast	A structure, which supports antennas at a height where they can satisfactorily send and receive radio waves. A mast is typically 15m high, and of steel lattice or tubular steel monopole construction, although other designs, including disguised structures, are available.
Monopole	Slimline masts of a tubular steel construction. Not normally suitable for mast sharing.
Microcell	Transmitters designed to boost coverage over small areas. They provide coverage and additional capacity where there are high numbers of users within urban and suburban macrocells. The antennas are mounted at street level and can often be disguised as building features. They have lower output powers than macrocells, typically a few watts.
Modulation	The process of adding information, such as text or speech, to carrier radio waves. The modulation process involves some property of the carrier wave being varied to enable the information to be conveyed.
Network coverage	The geographical area covered by cells within a network.
Network capacity	The capacity of a network to handle call traffic.
Photomontages	Illustrations which use photographs of the proposal site overlaid with appropriately scaled pictures of proposed development.
Power output	The power output of radio waves transmitted from a base station. Measured in Watts.
Radio waves	An electromagnetic wave of radio frequency which allows the transmission of signals at set frequencies over distance.
Radio equipment housing	See cabinets
The Independent Expert Group on Mobile Phones (IEGMP)	Established in April 1999 and chaired by Sir William Stewart. The groups remit was to examine the possible effects of mobile phones, base stations and transmitters on health. The group has completed its work and its Report (also known as the Stewart Report) published on 11 May 2000, presents its findings and recommendations.
Traffic light model	Sites are rated as green, amber or red following the consideration and rating of a number of community, environmental and planning issues. The overall rating can then be used to identify the appropriate type of public consultation.
Transmitters	Equipment which uses radio waves to convey information. See also "Cellular radio transmitter"
Universal Mobile Telecommunications System (UMTS)	UMTS is one of the 3G standards, and the one which all the UK operators have chosen to adopt.