

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

**SUBJECT: TELECOMMUNICATIONS DEVELOPMENTS
ADVICE NOTE**

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report presents for public consumption, an Advice Note on telecommunications developments in response to the recent changes planning legislation.

1 RECOMMENDATION

It is recommended that the Committee approves the appended Advice Note as representing Council policy on telecommunications developments.

2 INTRODUCTION

2.1 At the Committee meeting on 30 August 2001 a report (994/01) was presented highlighting the changes to the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 which brought under planning control the majority of telecommunications developments previously deemed to constitute permitted development.

2.2 These changes are far-reaching and the Committee adopted a recommendation that the Director of Planning & Transport produce a policy in respect of these new powers. These policies have been produced in the form of an Advice Note appended to this report.

2.3 Members should be aware that Council policy on telecommunications currently contained in the Adopted Angus Local Plan is broadly reflective of the planning requirements outlined in the appended Advice Note. Opportunity will be available to review the Angus Local Plan in the near future and take account of any adjustments brought about from the Council's Advice Note.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4 HUMAN RIGHTS IMPLICATIONS

4.1 There are no human rights implications arising from this report.

5 CONSULTATION

5.1 The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the preparation of this report.

NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above Report.

- Development Control Committee Report 994/01 (30 August 2001) : Radio Telecommunication – Revision of General Permitted Development Order.
- NPPG 19 : Radio Telecommunications, Scottish Executive Development Department 2001
- PAN 62 : Radio Telecommunications, Scottish Executive Development Department 2001

AA/JJ/KW
10 October 2001

Alex Anderson
Director of Planning and Transport

ADVICE NOTE : TELECOMMUNICATIONS DEVELOPMENTS

BACKGROUND

The purpose of this Advice Note is to inform interested parties of the considerations that Angus Council will apply to planning applications submitted in respect of telecommunications developments.

The Scottish Executive has amended the planning regulations to require the majority of telecommunications developments to seek planning approval. Previously only the most significant developments required planning permission but this has now been reversed to exclude only the most minor developments.

However, the local Planning Authority has not been given a free-hand to determine applications as it sees fit and considerable guidance and instruction from the Executive has accompanied the change in planning legislation. The Executive has emphasised the economic and social necessity to maintain the momentum in continuing to develop the telecommunications infrastructure. It is obvious that the Executive intends the changes to the legislation to permit greater local input but not at the expense of unduly constraining the industry's advancement. It is for Angus Council, therefore, as the Planning Authority, to secure a balance between the demands of the telecommunications industry and its duty to protect and enhance wherever possible, the local environment.

In the perception of the general public and indeed, the elected representatives on the Council, there are two primary issues in respect of telecommunications developments – their visual impact and potential to create a health risk.

HEALTH ISSUES

The Scottish Executive makes it clear in its National Planning Policy Guideline (NPPG 19) on Radio Telecommunications that responsibilities for health lie with the Government and “they are not matters for the planning system”. It reminds Planning Authorities that the system should not be used to secure objectives that are more properly achieved under other legislation. Radio frequency emissions are regulated by the D.T.I. and Radio Communications Agency. With these arrangements in place, the NPPG concludes that “it is not necessary for Planning Authorities to treat Radio Frequency emissions as a material consideration”.

A Planning Authority, in processing planning applications, can only take into account “material considerations”. In excluding Radio Frequency emissions from potential material considerations, the Council will be unable to take into account any objections from residents based solely on the suspicion of health risk.

The regulations, however, do require that all planning applications must be accompanied by a signed declaration that the equipment is designed in full compliance with ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure to radio frequency radiation. These guidelines represent what the experts believe to be safe levels of exposure below which there is no proven health risk. In compliance with the regulations, Angus Council will not entertain an application that does not include the declaration.

Although the Planning Authority is not able to determine an application on health grounds, Angus Council will nevertheless, in negotiation and with the co-operation of the

telecommunications operators, endeavour to discourage the siting of installations close to the most sensitive land uses (e.g. schools). Operators will be pressed to consider alternative, less sensitive locations. The same approach will be taken where considerable levels of objection are received on health grounds in response to the submission of an application. Again it must be emphasised however, that notwithstanding the weight of such objections, it will not be possible to refuse an application solely on health grounds.

VISUAL IMPACT

“The siting and design of telecommunications development are the key issues to be addressed through the planning system”, National Planning Policy Guideline 19.

Built-Up Areas : The most preferred location for telecommunications installations is in industrial areas (including railway land, wastewater treatment sites, landfill sites, etc.) away from any boundary with residential properties. Business and town centre locations (especially if mounted on buildings) are also likely to be generally acceptable subject to their visual impact being minimised particularly in conservation areas.

Residential areas are best avoided as telecommunications structures are likely to be intrusive and unsightly and disturb the enjoyment by householders of their residential amenity. Where for operational reasons it is impossible to avoid predominantly residential locations, careful siting and design selection will be paramount to make a proposal acceptable.

As there is likely to be strong local opposition to a siting close to a school, nursery, hospital or other sensitive land uses, operators will be encouraged to seek alternative solutions. A site within a public open space/parkland is also likely to be obtrusive and over-dominant and, therefore, is best avoided. Installations on listed buildings are not necessarily ruled-out but will demand particularly careful and sensitive treatment.

Open Countryside : Site selection in the countryside has in the past been largely driven by purely technical demands but operators will now be expected to give greater consideration to visual impact alongside their practical requirements. It is possible to find perfectly acceptable rural locations by carefully exploiting topographical features, for instance by utilising the land form to hide or partly screen a mast. Skyline locations will only be acceptable when the operator can prove there are no better practical solutions, i.e. only as a last resort.

Locating a mast within a group of existing trees or even against a backdrop of trees will certainly assist in making a site more acceptable. A proposal to plant trees at an otherwise unsatisfactory location is unlikely to be acceptable due to the time taken for sufficient growth to occur.

It may be possible to utilise concentrations of existing rural “clutter” (e.g. existing masts or pylons, farm buildings (e.g. silos) or other structures and buildings) to accommodate new installations in a less visually obvious manner. Attaching the equipment to these structures will usually be preferable to a further free-standing mast. Operators have been reluctant to install equipment on electricity pylons but this is possible and can provide an ideal solution. In Scandinavia installations attached to trees are not unknown. Mast sharing is also highly recommended although this is not always a panacea as it can mean an unacceptable increase in the height of a mast. On the other hand, every effort should be made to avoid known or fine views and designated areas.

DESIGN

Sensitive, appropriate and innovative design goes hand in hand with careful site selection. Examples exist of equipment disguised as street furniture, in buildings behind glass reinforced plastic screens, even as public art or simply by painting in a colour akin to the background can help 'camouflage' equipment.

In rural areas masts can be disguised as trees but this design needs to be used carefully and only really works in the vicinity of or amongst existing trees.

Good advice is to keep the installation simple, e.g. slimline monopoles, as complex structures attract attention. Lampost designs may provide a very acceptable solution in some urban areas but, dependent on their height, may be over-dominant in a village streetscape.

Before opting for ground mounted installations, attachment to existing buildings or structures (including chimneys, water towers, pylons, silos, churches etc.) should be considered as invariably the latter will provide a better visual solution. Smaller installations on buildings, with careful siting in relation to architectural features and detailing, can be made to almost disappear, especially if finished in a matching colour.

Amongst trees, a dark matt green or brown finish is ideal; in open rural areas, pale grey; and on buildings the best colour finish is one that matches the background.

PLANNING REQUIREMENTS

The first requirement of the Planning Authority will be evidence that these guidelines have been followed, i.e. that the preferred or suggested locations, designs, etc. have been fully considered before alighting on less desirable or less supported solutions.

Depending on how close the proposal achieves the preferred solutions, the Planning Authority is likely to request:-

- an operational justification for the chosen location;
- consideration given to other sites;
- a statement justifying the design adopted;
- consideration given to or potential for mast sharing;
- what opportunities exist for locating on buildings.

On rarer occasions the operator may be asked to submit a photomontage or analysis of environmental impact (e.g. if located in a designated area).

CONCLUSION

"Radio telecommunications has an important role to play in supporting the further social and economic development of Scotland. The challenge is to ensure that radio telecommunications development can be made an accepted and unobtrusive feature of urban and rural areas, through high standards of siting and design and sensitive, imaginative and creative design solutions".

Planning Advice Note 62
Scottish Executive