

# **Telecommunications Masts, Antennas And Base Stations**

**Supplementary Planning Guidance**

**Adopted 22<sup>nd</sup> April 2003**

**Cheltenham Borough Council**

# **SUPPLEMENTARY PLANNING GUIDANCE TELECOMMUNICATIONS MASTS, ANTENNAS AND BASE STATIONS**

## **1. INTRODUCTION**

- 1.1 This guidance relates to policy UI 123 in the Cheltenham Borough Local Plan Second Review Revised Deposit Draft (2004).

## **2. BACKGROUND**

- 2.1 The telecommunications sector is a vital part of the UK economy. It is an industry that is innovating and developing rapidly. 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 Some installations, by virtue of their location, size, appearance or number, can have significant visual impacts on local environments or on sensitive locations. There are also public concerns about the adverse effects of telecommunications apparatus on public health, which the Government has responsibility for protecting.
- 2.3 This guidance sets out Cheltenham Borough Council's concerns, requirements and approach regarding proposals for new telecommunications masts, antennae and base stations.

## **3. POLICY CONTEXT**

### **Government policy**

- 3.1 Government policy is set out in Planning Policy Guidance Note 8 (PPG8), Telecommunications (2001). The aim of telecommunications policy is 'to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available.'
- 3.2 The Government places great emphasis on its well established national policies for the protection of the countryside and urban areas – in particular 'Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, the Green Belts and areas and buildings of architectural or historic importance.'
- 3.3 Local authorities are encouraged to respond positively to telecommunications development proposals. In considering proposals for development they should have regard to the significance of proposed development as part of the national network, and any technical constraints on the location and proposed development. They should also take account of other guidance on the protection of urban and rural areas. The sharing of sites and masts is strongly encouraged.
- 3.4 Local authorities should not question the need for the telecommunications system which a proposed development is to support, nor seek to prevent competition between operators.
- Regional Planning Guidance for the South West**
- 3.5 Regional Planning Guidance (RPG10) was published in 2001. It supports the development and expansion of information and communications technologies, having regard to local environmental and amenity considerations. Policy EC5 states:

**Local authorities, telecommunication operators, the business community and other agencies should:**

- **support and encourage investment in the development and expansion of communications networks and associated technology, to support the region's economic development;**
- **enhance the opportunities for business and reduce social exclusion;**
- **promote the choice of location of sites and design of necessary equipment that has regard to local environmental and amenity considerations.**

#### **Structure Plan**

3.6 Policy TEL.1 in the Structure Plan for Gloucestershire (1999) states:

**Provision will be made for telecommunications structures where their visual impact is minimised by careful positioning and design. Priority will be given to the conservation and enhancement of the natural beauty of Areas of Outstanding Natural Beauty.**

**Consideration should also be given to their cumulative effects, and opportunities to use existing structures should be maximised.**

#### **Cheltenham Borough Local Plan**

3.7 Policy UI 123 in Cheltenham Borough Local Plan Second Review Revised Deposit Draft (2004) states:

**The installation of telecommunications equipment will be permitted, subject to the following criteria:**

- (a) no suitable alternative location is identified (note 1); and**
- (b) the installation is sited, designed and landscaped to minimize its impact on amenity of a locality or the appearance of a building (note 2); and**
- (c) there would be no harm to an interest of acknowledged importance (notes 3 and 4); and**
- (d) the equipment satisfies ICNIRP guidelines on the exposure of the general public to electromagnetic fields (note 5); and**
- (e) noise levels are acceptable (note 6).**

#### **Note 1**

The Borough Council will require operators to demonstrate that consideration has been given to all suitable locations, including mast sharing and the use of existing buildings and structures (see Council's register of masts).

#### **Note 2**

See Code of Best Practice: on mobile phone network development, ODPM (2002)

#### **Note 3**

Interests of acknowledged importance are conservation areas, ancient monuments, sites included on the Register of Historic Parks and Gardens, Area of Outstanding Natural Beauty, Green Belt, Sites of Special Scientific Interest, Registered Parks and Gardens, nature reserves, and listed and locally listed buildings.

#### **Note 4**

In Green Belts, development is likely to be inappropriate unless it maintains openness, or unless special circumstances exist, such as the lack of a suitable alternative site to meet the needs of network coverage or capacity.

#### Note 5

Refers to the guidelines of the International Commission on Non-Ionizing Radiation Protection on the limitation of exposure of the general public to electromagnetic fields, as expressed in the European Union Council recommendation of 12 July 1999.

#### Note 6

See also supplementary planning guidance on Telecommunication Masts, Antennas and Base Stations.

## **4. PLANNING PERMISSION**

- 4.1 The Town and Country (General Permitted Development) (Amendment) (England) Order (GPDO) 2001, sets out permitted development rights for telecommunications code system operators, including masts and other apparatus. These include the erection, alteration or replacement of a mast up to 15 metres in height (except in conservation areas, areas of outstanding natural beauty and sites of special scientific interest), subject to a condition that requires the operator to satisfy a 'prior approval procedure'. Under this procedure, the local planning authority has the opportunity to say within 56 days whether they wish to approve details of the siting and appearance of a proposed mast. The authority is able to refuse approval where they consider that the development will pose a serious threat to amenity. Further advice on permitted development and the prior approval procedure is set out in Appendix 1.
- 4.2 The Council has the option to intervene in the details of certain permitted development if it considers that equipment has not been sited so as to minimise its effect on the appearance of the building on which it has been installed, and does not therefore comply with the conditions of the GPDO. This option does not allow the Council to remove the right to install equipment, only to control the details of the installation.
- 4.3 Development by telecommunications operators that does not come within the scope of the rights granted by the GPDO will normally require a full planning application. This includes the erection of a mast over 15 metres in height. Apparatus sited on a building must not exceed 15 metres in height if the building is 30 metres or more high, or exceed 10 metres if the building is less than 30 metres high.
- 4.4 Some equipment may not fall within the legal definition of development. Such equipment may include small antenna systems which are defined as de minimis, or equipment which does not have a material effect on the external appearance of the building on which it is to be installed. Such development will not require express permission.

## **5. NOISE CONSIDERATIONS**

- 5.1 Telecommunication equipment is relatively quiet in operation. However cabins associated with base stations can produce significant noise levels from equipment such as air-conditioning plant or condenser/cooler.
- 5.2 Base stations operate continuously, so any noise emitted from a base unit will also be present at night when background noise levels are much quieter. Where base stations are proposed near to an existing noise sensitive land use such as housing, the Borough Council will take into account noise levels produced by equipment.

## **6 HEALTH CONSIDERATIONS**

- 6.1 Telecommunications base stations use and transmit electromagnetic waves. There is some public concern that such waves may have adverse effects on health.
- 6.2 In 1999, the Government asked the National Radiological Protection Board to set up the Independent Expert Group on Mobile Phones. This group, under the chairmanship of Sir William Stewart, published its report in 2000. The report concluded 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.’ The report also said that the possibility of harm cannot be ruled out with confidence and that the gaps in knowledge are sufficient to justify a precautionary approach. The Government indicated that it has accepted the precautionary approach advised by the group and is responding to the Group’s specific recommendations, see Appendix 2.
- 6.3 Health issues are the subject of separate legislation, and local authorities should not seek to replicate or replace this through the planning system. Enforcement is a matter for the Health and Safety Executive, not local planning authorities.
- 6.4 However, health issues and public concern can in principle be material considerations in applications for planning permission and prior approval. It is for the local planning authority in the first instance (and ultimately the courts), having regard the Stewart Group’s report and Government guidance, to determine what weight to attach to such considerations in any particular case. It is the Government’s view that if a proposed development meets ICNIRP guidelines for public exposure to electromagnetic fields, it should not be necessary for an authority, in processing an application, to consider health aspects and concerns further.
- 6.5 It is also the Government’s view that the Stewart Group’s report does not provide any basis for precautionary actions beyond those already proposed and accepted by the Government. Local planning authorities should not implement their own precautionary policies, e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.
- 6.6 However, the prominent visual appearance of a mast within some sensitive locations, such as a predominantly residential area, may erode perceptions of the quality of the local environment and the well-being of local residents, and this may form grounds for objection.

## **7. THE COUNCIL’S APPROACH Concerns**

- 7.1 Whilst it accepts the need for and benefits of the development of communication networks, the Council has two principal concerns relating to the installation of new masts. These are their possible effects on amenity and public health. The following approach is intended to ensure that these concerns are adequately addressed during the planning process.

### **Pre-application discussion**

- 7.2 PPG8 strongly encourages pre-application discussions between operators and local planning authorities on proposals for the installation of new telecommunications masts. Such discussions should help to establish the context

for a proposed installation, clarify the policy approach, identify information to be sought and work to be undertaken prior to submission, including technical and environmental constraints, and agree documentation to be submitted in support of an application. The Council's aim will be to work with the operator to find the optimum environmental and network solution to a proposal.

- 7.3 Pre-application discussion may also involve other organisations with an interest in the proposed development, such as the Highways Agency, parish councils and residential or amenity groups. Where an installation could affect a feature of national or local interest, such as the area of outstanding natural beauty or a site of special scientific interest, the involvement of other bodies, such as the Countryside Agency, English Heritage or English Nature, may be helpful.
- 7.4 The Council will encourage operators making planning applications to provide information relating to health, amenity, environmental and other concerns to help inform the local community. Where a mast is to be installed on or near a school or college, operators should discuss the relevant body of the school or college before submitting any application to the Council.

#### **Information to accompany planning applications and applications for prior approval**

- 7.5 The Borough Council will normally require applications for planning, prior approval and other permissions for new telecommunications masts to be supported by:
- (a) Full details of the site including: an Ordnance Survey based 1:1250 scale plan clearly identifying the site by outlining it in red, the means of access to it (for both construction and maintenance) and the means of supplying power to it.
  - (b) The operator's strategy for telecommunications development in the area, including the area to be served by the new mast and its relationship to adjoining facilities, whether built permitted or planned.
  - (c) A Statement indicating the consideration given to alternative locations such as existing masts, buildings or other structures, including sites on the councils register of masts and other structures (see paragraphs 7.11 – 7.12), including any relevant or technical or environmental constraints which justifies their rejection.
  - (d) A statement explaining the reasons for the choice of design, providing full details, including metric scaled drawings, of the proposed mast, including its height, colour and type of construction.
  - (e) full details of the antenna(e), including height, appearance, frequency and modulation characteristics, and power output.
  - (f) full details, including metric scaled drawings, of any ancillary or related structures, including enclosures, and landscaping.
  - (g) A signed declaration that the equipment meets the ICNIRP guidelines on the limitation of exposure to the general public to electro-magnetic fields.
  - (h) Evidence that the relevant body of a school or college has been consulted about any proposed installation, alteration or replacement of a mobile phone base station on or near that school or college.
  - (i) Where relevant, photo montages of the proposed development, illustrating all equipment, fencing landscaping and access.

### **Publicity for and consultation on planning applications and applications for prior approval**

- 7.6 In addition to statutory requirements for consultation, the Council will undertake any additional publicity, which it considers necessary to give people likely to be affected by the proposed development an opportunity to make their views known to the Council. It will also consult the relevant body of any school or college likely to be affected by a proposal.

### **Assessment of applications**

- 7.7 In determining planning and other applications for telecommunications masts, the Council will need to balance the need and demand for a modern, comprehensive, public telecommunications network with the impact on local townscape/landscape and amenity. Protection from visual intrusion and the implications for subsequent network development will be important considerations. To help achieve this, the telecommunications industry is encouraged to develop innovative design solutions, particularly in terms of the structure, materials and colouring of equipment.

- 7.8 In assessing applications, the Council will take account of the following considerations:

- (a) the potential for mast sharing or for locating the antenna(e) on existing buildings or other structures;
- (b) whether a new mast or antenna is of appropriate size, design, materials and colour to minimise visual impact;
- (c) whether public perceptions of the health risks of the proposal are likely to contribute materially to a general loss of amenity;
- (d) the cumulative impact upon the environment of antennas sharing a mast, of masts sharing a site, or of masts within a locality;
- (e) the degree to which the mast or antenna is and will continue to be screened by existing trees, buildings or other structures at all times of year; and, where the acceptability of a mast is dependent on existing trees or woodland, whether the application site includes sufficient land to ensure that the applicant has control over the future management of such screening.
- (f) the impact a proposal might have on sensitive environments, including Sites of Special Scientific Interest, nature reserves, Green Belt, Area of Outstanding Natural Beauty, conservation areas, ancient monuments, Registered Parks and Gardens, and listed and locally listed buildings, and the availability of suitable alternative locations.

### **Planning obligations and conditions**

- 7.9 In granting permission for new masts, the Council may seek legal agreements with land owners and/or mast operators which:

- make legal and/or structural provision for future mast sharing, if appropriate;
- contribute to public art.

- 7.10 When granting permission, the Council may impose conditions relating to any or all of the following:

- the colour of the equipment;

- the replacement of any trees within a site which provide screening for a mast in the event of their death or removal;
- the removal of obsolete masts, normally within six months of their becoming obsolete.

### **Register of existing masts and tall buildings**

- 7.11 The Council will maintain a register of existing masts and tall buildings, which might be suitable for the installation of antennae. This register is available for consultation by request and via the Council's Website. It will be for the operator to investigate issues relating to potential use of a property.
- 7.12 The Council will encourage owners of suitable buildings to make them available to operators and will consider making its own property available.

## **8 FURTHER INFORMATION**

### **Relevant Legislation**

- The Town and Country Planning (General Permitted Development) (Amendment) (England) Order. HMSO (2001)

### **Guidance**

- PPG8 Telecommunications. ODPM (2001)
- Mobile Phones and Health (Stewart Report). Independent Expert Group on Mobile Phones (2000)
- Code of Best Practice on Mobile Phone Network Development. ODPM (2002)
- Cheltenham Borough Local Plan Second Review Revised Deposit Draft, Cheltenham Borough Council (2004)

### **Useful Websites**

- [www.planning.odpm.gov.uk](http://www.planning.odpm.gov.uk)
- [www.iegmp.org.uk](http://www.iegmp.org.uk) (Independent Expert Group on Mobile Phones)
- [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)
- [www.nrpb.org.uk](http://www.nrpb.org.uk) (National Radiological Protection Board)
- [www.doh.gov.uk](http://www.doh.gov.uk) (Department of Health)

## **9 Contacts**

- 9.1 The following officers of Cheltenham Borough Council will be able to offer further advice on the issues set out in this guidance:

Development Control Duty Officer  
**01242 775090**

Strategic Land Use Officer  
**01242 264382**