



1.0 TELECOMMUNICATIONS DEVELOPMENTS

- 1.1 In line with advice contained in National Planning Policy Guideline 19, 'Radio Telecommunications' (NPPG19), on 17 October 2001 Members considered draft policy guidelines for the determination of planning applications relating to telecommunications development.
- 1.2 The draft policy guidelines have now been subject to a consultation exercise and amended accordingly. The guidelines, as amended, should now form the basis of the determination of planning applications for radio telecommunication developments.
- 1.3 Members will recall that since July 2001, legislative changes mean that planning permission is necessary for an increased range of radio telecommunications development. Since then, the Council has received 23 applications for telecommunications apparatus. Of these, 21 planning applications are for new ground based masts and 2 are for other installations on buildings.
- 1.4 Of the 23 applications, 7 have been granted planning permission, 6 have been refused planning permission, 2 have been withdrawn and 8 are still pending determination. Of the 6 planning applications that have been refused planning permission, 4 of these decisions were contrary to officer's recommendations. There have been no appeals submitted against these refusals of planning permission at this time.

2.0 THE CONSULTATION EXERCISE

- 2.1 In order that the draft guidelines could be subject to wide publicity, copies were sent to each Community Council in West Lothian and to all telecommunications operators and their agents. Additionally, Members were invited to comment on the draft.
- 2.2 Responses to the document were received from three companies, Hutchison 3G, One-2-One Personal Communications and Orange PCS Limited. Comments made by the three companies have been assessed and the text of the draft policy document has been amended where appropriate.
- 2.3 The attached copy of the original draft guidelines, amended as indicated, reflects appropriate matters raised by the three companies that made representations.
- 2.4 NPPG19 requires the supplementary guidance to provide an interim basis for efficient and consistent decisions on planning applications prior to the matter being incorporated into a local plan. The non-statutory policy contained in the guidance will require to be incorporated into the Council's development plan but, in the meantime, the document, which has been subject to consultations will now form the basis for decision making on planning applications for radio telecommunications development.
- 2.5 To streamline the determination of planning applications for radio telecommunications development, a standard format for Committee reports has been prepared. This format will be used for future Committee reports when a telecommunications planning application requires to be brought to Committee.

3.0 RECOMMENDATION

- 3.1 Members are asked to note the changes to the Council's draft guidance on the consideration of planning applications for telecommunications development. This document will now be amended to reflect where appropriate the representations received and, thereafter, the final document will form the Council's policy for dealing with telecommunications planning applications.



West Lothian
Council

Development and Building Control

RADIO TELECOMMUNICATIONS

**POLICY GUIDELINES FOR
THE DETERMINATION OF
PLANNING APPLICATIONS**

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BACKGROUND

The introduction of new legislation on radio telecommunications development took effect in July 2001. These legislative changes were accompanied by National Planning Policy Guideline 19 'Radio Telecommunications' (NPPG19) and Planning Advice Note 62 'Radio Telecommunications' (PAN62) which both set out the government's guidance and best practice advice on this subject.

The purpose of these Policy Guidelines is to set out how West Lothian Council will interpret the recent changes in legislation, guidance and advice when dealing with planning applications for radio telecommunications development. In recognising the importance of telecommunications development to the local and national economy, the Council's Policy Guidelines seek to balance the legitimate economic need for telecommunications coverage within West Lothian with the environmental impact that the development could have.

PART I INTERNAL PROCEDURES

The Registration of Planning Applications

Revised legislation, effective from July 2001, requires planning permission to be sought for a wider range of radio telecommunications development, including all ground-based masts. NPPG 19 provides guidance on the determination of planning applications and sets out the information that is required to deal with a planning application. The receipt of the mandatory supporting material, the International Commission on Non-Ionising Radiation Protection (ICNIRP) declaration, the correct neighbour and land ownership notification, and the correct fee, including any additional statutory advertisement fee, is essential for the registration of all planning applications.

Accordingly, prior to a planning application being registered, applicants for planning permission must submit:-

- a correctly completed planning application form;
- a supporting statement containing the information sought by paragraph 61 of NPPG19;
- an ICNIRP certificate as prescribed by Annexe B to Circular 5/2001;
- the fee, based upon the "plant and machinery" category.

Without this requisite information planning applications for radio telecommunications shall not be registered.

Publicity for Planning Applications

A mandatory requirements for a planning application is the neighbour notification procedure which affords persons with a notifiable interest the ability to be informed of the proposal. However, the siting of radio telecommunications development can often take place in locations where few, if any, neighbours need to be notified. Nonetheless, there may well be a broader community interest in the proposed radio telecommunications development which could otherwise go unnoticed if the neighbour notification procedure was solely relied upon.

For its part the industry is implementing 10 best practice commitments in conjunction with the Federation of Electronics Industries. These commitments are based upon the need to provide more information to the public about each company's plans.

On occasion, telecommunications proposals may conflict with the development plan and the application will require advertising in accordance with established procedures. Additionally, section 34 of Town and Country Planning (Scotland) Act 1997 allows for the advertising of certain types of "bad neighbour" development. Whilst this includes masts over 20m in height, the interpretation of Schedule 7 to the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 can include radio telecommunications development where it involves the alteration to the character of an area of established amenity or will introduce change to a homogenous area.

The list of all planning applications, including telecommunications proposals, will continue to be sent to a wide range of bodies, including community councils, who may then request a copy of the application for consultation purposes.

Accordingly, radio telecommunications development proposals that conflict with the development plan will be advertised in accordance with Planning Advice Note 41. Those that are to be sited in homogenous areas such as areas characterised by a single landuse such as agriculture or forestry, established residential areas, attractive countryside and isolated locations will be advertised in accordance with Schedule 7 of Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and Section 34 of Town and Country Planning (Scotland) Act 1997.

Internal Consultation

On receipt of an application for radio telecommunications development, if so requested, a consultation will be carried out with the local member in view of the wider public interest in the subject. The Council's Highways staff will also be consulted where the development is likely to give rise to road safety considerations. Other consultations will be necessary, depending upon the location of the site.

In many cases the Council will be notified of the development as a neighbouring land owner. In such instances it will be for the Council's Property Service to co-ordinate a response from the respective service departments that will then be forward to the Development and Building Control Unit for consideration in the determination of the planning application.

Accordingly, if so requested, formal consultation with the local member and, where necessary, with service departments will be carried out as with any planning application. Responses to planning applications from the Council's service departments will be co-ordinated by the Council's Property Unit who will provide a corporate response, setting out the Council's position as land owner.

The Use of Council Land

The use of Council land for radio telecommunications development has, in the past, been an emotive issue, especially where that land comprises or is close to a sensitive building or land use. Conversely land such as road verges, and industrial estate land may, on occasion, mean the need for a more sensitive and alternative site elsewhere can be avoided. Additionally, Members should note that NPPG 19 cautions that the inability to use Council owned land may mitigate against the optimum siting solution being achieved. Conversely, the use of Council land, where the development is close to sensitive areas such as houses, community and education facilities will give rise to public concern.

Accordingly, in appropriate locations such as industrial estates, consideration should be given by the Council of the use of its land and property for the siting of radio telecommunications development. Appropriate circumstances could include industrial estate land and road side verges that are distant from sensitive land uses and from other areas of amenity, including the undeveloped countryside.

Scheme of Delegation

NPPG 19 stresses the importance of radio telecommunications development to the national economy and expects delays in the planning system to be minimised. Specifically applications that accord with policy should, it is advised, be delegated.

The Council currently operates a wide system of delegation on planning applications in any event and there are no reasons why applications for radio telecommunications development should be treated differently.

Accordingly, planning applications for radio telecommunications development which are not subject to representation and accord with policy and are acceptable in planning terms should be delegated to the Development and Building Control Manager for determination. Conversely, those that have attracted representation, conflict with policy or are unacceptable in planning terms and are to be refused will require to be considered by the Development Control Special Sub-Committee, all in accordance with the Council's agreed schedule of delegation.

Non Material Representations

NPPG 19, in its advice to planning authorities, considers that representations and that do not relate to material planning considerations should not necessitate a Committee decision on a planning application. Typically, and almost without exception, representations received on planning applications to date express concern about health. In accordance with the guidance of NPPG 19, such representations are not material and hence, if no other considerations are referred to, it follows that such representation should be set aside and the application determined under Delegated Powers.

However, Members will recall that many representations on any planning application can include matters such as property values, views and legal considerations that are not, in any event, material planning considerations. Nonetheless, these letters are referred to Members with a comment that the nature of the representation is non-material. It is considered that, in the case of non material objections to planning applications for radio telecommunications development, it is nevertheless drawn to Members attention that the representations have been received but with the advice that the non material matters so raised cannot be taken into account in the determination of the planning application. In practice this is unlikely to significantly extend the determination period of a planning application.

Accordingly, planning applications for radio telecommunications development that are subject only to non material representations, which could include health considerations, will continue to be referred to the Development Control Special Sub-Committee for Members information. Where the development is acceptable for planning reasons, that development will be recommended for approval. Members will be advised that health matters cannot be taken into account in the determination of that planning application.

Applications that have attracted no representations, are satisfactory in policy terms and are recommended for approval, will be determined in accordance with the existing scheme of delegation.

Compilation of Public Register

An extensive database exists setting out earlier notifications for permitted development throughout West Lothian. This will, in time, be augmented by planning permissions and further permitted development notifications. In an attempt to encourage the sharing of facilities and to allow members of the public access to this information which, in time, will contain details each facilities radio frequency data.

Accordingly, as required by statute, a register of radio telecommunications development throughout West Lothian will be compiled by the Development and Building Control Unit.

PART II SITING AND DESIGN CONSIDERATIONS

The aim of government policy on radio telecommunications development is to facilitate the expansion of the industry but in a manner that keeps the environmental impact of development to a minimum. This guidance aims to ensure that the development becomes an accepted and an unobtrusive feature in rural and urban areas. Against this policy guideline, the following are the key considerations for taking into account in dealing with applications for radio telecommunications development in West Lothian.

Members should note that the good practice and advice set out in Planning Advice Note 62 is a material planning consideration and it is not intended that the Council's own policy replaces or repeats that provision. All applications will be judged against PAN62 criteria, as augmented by the criteria set out below.

Site and Mast Sharing

Whilst licence requirements specify that operators must "explore the possibility" of mast sharing, the intrusive nature of a single mast is manifestly greater when additional base stations are located close by. In many cases when appropriately sited a single, larger mast can have a less of visual intrusion than three or four smaller structures. Conversely however a lesser environmental impact may arise from a dispersal of sites, rather than a concentration in a sensitive area

Accordingly, any application for planning permission for a ground based mast will be accompanied by a statement on mast sharing, including the options that have been investigated and the reasons why mast sharing has been discounted.

Additionally, where the principle of a ground based mast site is deemed by the Council to be acceptable, having regard to the visual impact of the site and the type of mast proposed, the Council may consider attaching a condition requiring that the mast is available for future sharing. This may necessitate an amendment to the design of the mast. If it is clearly established that the most appropriate environmental option is for two separate masts, this should not be discouraged.

The Urban Environment

The siting and design of any structure within the urban environment has the potential to cause unwelcome change to a streetscape and, in particular, to residential areas. In line with the consideration of all types of built development, the acceptability of ground based masts and other radio telecommunications equipment very much depends on the goodness of fit in the existing built environment, the existing use of the proposed site, the proximity to sensitive sites, including housing, community centres and schools. That goodness is less likely to be acceptable in a homogenous area, particularly where the structure is of a complex design such as a lattice tower. Conversely in areas of mixed development, especially where there is an existing lawful use for radio telecommunications infrastructure, including telephone exchanges, radio telecommunications equipment could be well be assimilated into the street scene. Apparatus resembling street furniture such as mono poles may be well be acceptable if sited where the visual impact is reduced.

Equally, an antenna on taller buildings has the advantage of not requiring support from a ground-based mast. The Council, when considering planning applications for such taller buildings will actively encourage designs that allow radio telecommunications development to be affixed to the building in an environmentally and architecturally sensitive manner.

The siting of telecommunications development in conservation areas and affecting the character and appearance of a listed building or its setting will be considered very carefully to protect built heritage interests. It is unlikely that a proposal will be acceptable where that built heritage interest is adversely affected.

The Council will support development on a listed building or within a conservation area if it can be established that the character and appearance of the building or conservation area will not be adversely affected by the development.

Accordingly, applications for radio telecommunications development, and in particular ground based masts, are likely to be more acceptable in areas characterised by mixed uses or distant from sensitive buildings especially where structures are of a simple design capable of easy assimilation into the street scene. Conversely more discordant features such as lattice towers are less likely to be acceptable, especially in areas of established amenity of homogenous land uses. The Council would expect that full use is made of existing telecommunications infrastructure prior to the consideration of new sites and especially new ground based masts. Proposals that adversely effect the character and appearance of a conservation area or a listed building are unlikely to be supported.

The Residential Environment

The Council accepts that due to the predominately residential nature of certain areas of the urban environment, and the required targets of operators, it may be necessary to site telecommunications apparatus in proximity to residential areas.

Whilst health effects of radio telecommunications development are, like the interruption of views, property values and legal issues, not material planning considerations in the determination of a planning application. Nevertheless, poorly designed and sited radio telecommunications development, and especially ground based masts, could have an adverse impact on the visual qualities of the residential street scene particularly where there are no non residential uses in the field of view of the proposal. The more established and uniform in character, the greater will be the environmental deterioration.

Accordingly, West Lothian Council will give particular regard to the siting of ground based masts and other telecommunications development in residential areas; in particular ground based masts are unlikely to be acceptable where they would be a discordant feature to the detriment of the visual qualities of the residential environment.

The Proximity to Other Sensitive Buildings

Other sensitive buildings include those buildings where large numbers of people, and especially vulnerable people, are concentrated and could, for example, include schools and residential homes. Here, any adverse affect on amenity are accentuated by the greater number of people who may see the installation. Whilst the Council encourages techniques that can lead to the shrouding of telecommunications infrastructure, particular care is still required to avoid the siting of radio telecommunications equipment adjacent to sensitive buildings. The Council acknowledges that operators who respect their sensitivity contribute to the good working relations between the industry and the Council.

Accordingly, developers should avoid, whenever possible, the siting of radio telecommunications equipment on or adjacent to sensitive buildings, even though the optimum siting of that equipment may not be achieved.

Transportation Corridors

West Lothian Council recognises the importance of telecommunications to the users of strategic transport corridors that cross the county. However, insensitively sited and poorly designed radio telecommunications equipment could have adverse and environmental impacts and generally devalue the qualities of transport routes through unspoilt and open countryside.

Accordingly, the Council will expect radio telecommunications development required adjacent to transport corridors to make use of existing tall buildings and other transportation infrastructure. Isolated developments in the countryside are unlikely to achieve the objective of landscape protection. Conversely the siting of telecommunications developments on tall buildings, infrastructure works, bridges, cuttings, bridge abutments or adjacent tall lighting columns are preferred options.

The Proximity to outdoor Recreation Facilities

Outdoor recreation facilities are a widespread land use throughout West Lothian where many residents gain enjoyment. Insensitive sited radio telecommunications equipment could reduce the quality of the recreational experience by visual intrusion or, in special circumstances, possible frequency interference with long established and popular local activities such as pigeon homing.

Accordingly, in determining planning applications for radio telecommunications development, the siting and design of equipment which would be incompatible with recreational development is unlikely to be acceptable. Conversely, sites chosen within areas which satisfy the tests of this policy and do not impact upon recreational activities are more likely to be acceptable.

The Protected Countryside

Whilst not possessing areas of national landscape importance, nonetheless the Pentland Hills Regional Park, areas of great landscape value, the areas of special landscape control and the three countryside belts in West Lothian all are areas of critical landscape importance, locally. The natural heritage is also protected by designations that include sites of special scientific interest, listed wildlife sites and European sites. It is likely that only exceptionally well designed radio telecommunications development within any area of great landscape value will be acceptable. Additionally, it is unlikely that poorly designed and sited radio telecommunications development adjacent to, but outwith an area of great landscape value but with a significant visual impact upon the designated area will be acceptable. Where an installation is to be permitted in an area of great landscape value, the Council will encourage off site works that assist in the mitigation of views and the betterment of the designated area generally..

Similarly, proposals that detract from the quality and character of the countryside within areas of special landscape control and countryside belts are unlikely to be acceptable unless there are overriding reasons why alternative sites cannot be provided.

Particular regard will be paid to any adverse effect on other designated sites and proposals that could have an adverse ecological effect are unlikely to be supported.

Accordingly, unless exceptionally designed and sited, applications for planning permission for radio telecommunications development in designated areas of nature conservation importance, the Pentland Hills Regional Park, or in areas of great landscape value are unlikely to be acceptable and will require alternative siting that does not, in any event, compromise the qualities for which the area was designated. Additionally, applications for radio telecommunications development within areas of special landscape control and designated countryside belts will, similarly, be unacceptable unless there is a proven overriding need for that site and that mast sharing is proven to be unworkable.

Rural Sites – General Considerations

Unsympathetic siting of radio telecommunications development in the countryside can give rise to a reduction in landscape quality and be visually intrusive. Specifically, in instances where radio telecommunications development breaks the skyline or detracts from other positive landscape elements such proposals are unlikely to be acceptable.

Accordingly, proposals for isolated radio telecommunications developments in the countryside, and especially ground based masts, are unlikely to be acceptable where the skyline is broken or where the proposal would comprise an isolated feature without any containment being provided by topography or other landscape elements.

PART III THE REGULATION OF RADIO TELECOMMUNICATIONS INFRASTRUCTURE

General Considerations

The criteria set out in Part II of this Policy Guideline are those matters that will be taken into account in determining the acceptability of radio telecommunications development. In recognising the wider need for radio telecommunications development, where the development is acceptable, West Lothian Council will require that steps are taken to conceal and disguise the apparatus. The Council expects that the best practice methods, as set out in PAN 62 and which seek to minimise contrasts between the equipment and its surroundings, are adopted.

Accordingly, in determining any planning application for radio telecommunications development, the Council expects that the applicant will have had full regard to the general principles of siting and design as set out in PAN 62. Specific attention should be paid to measures to conceal and disguise radio telecommunications equipment and the Council will welcome innovative solutions such as public art which incorporates antennae or radio based stations.

Colour and Background

The visual impact of ground based masts, and in particular lattice masts, can be reduced by the sensitive use of colour. Mono pole masts within the street scene can be assimilated more readily when painted to match existing lighting columns. Other antennae on buildings can be more readily assimilated by the careful use of colour.

Accordingly, the Council will expect the use of colour to form and intrical part in the submission of planning applications for ground bases masts and other radio telecommunications development , to offset the visual impact.

Trees and Landscape

Trees and other natural landscape features can afford opportunities for the screening of, in particular, ground based masts. Where a mast is to be sited in a location which benefits from such screening, those effects would be lost, over time, in the absence of proper woodland management. Similarly, over time, screening could assist in limiting the visual impact of telecommunications equipment.

Accordingly, West Lothian Council will require proper steps to be taken to protect the long term management of woodland which acts as screening to ground based masts. Planning applications which include proposals for landscaping, not necessarily immediately adjacent to ground basedmasts, should also be considered by developers.

Ancillary Off Site Development

The harmful visual impact of radio telecommunications developments can be increased by the addition of access tracks and overhead power supplies, particularly in sensitive rural areas where there is no landscape containment. In such areas, only temporary access track will be permitted and the Council will expect full reinstatement of disturbed land following the completion of construction works. Additionally, electricity supplies to sensitively located rural sites may well require to be underground. **Accordingly, the Council will expect that the visual impact of ancillary off site development of telecommunications development, that requires to be sited in sensitive rural areas, will be minimised by the reinstatement of access tracks and the undergrounding of power supplies.**

PART IV EXISTING STRUCTURES

Prior to the introduction of the current legislative framework for radio telecommunications development, many radio telecommunications installations have been erected in sensitive areas and are discordant visual features. In determining planning applications for new radio telecommunications apparatus, and discussing operator's plans for programme 'roll outs' the Council will discuss with operators any planning problems associated with existing permitted development structures.

The Council, in wishing to establish good working relationships with the industry, is anxious to explore with operators means of mitigating existing offensive structures as part of the consideration of the wider network. Mindful of section 41 (1) (a) of the Town and Country Planning (Scotland) Act 1997, steps to ameliorate adverse amenity, landscape or visual impacts, which could range from landscaping, the removal of access tracks or painting through to resiting, will be discussed with developers. The Council will look to the co-operation of industry in this regard.

Accordingly, the Council will have regard to the wider telecommunications network of the individual operators and look to working in partnership with operators to secure improvements to existing infrastructure.

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