

REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE – 24 SEPTEMBER 2001

REPORT ON: NON-STATUTORY PLANNING POLICIES IN RELATION TO TELECOMMUNICATIONS MASTS AND OTHER APPARATUS

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 526-2001

1 PURPOSE OF REPORT

1.1 To report back to the Committee on the outcome of the consultation exercise authorised by the Committee on 26 March 2001; to seek Committee's approval for amendments to the non-statutory policies resulting from the consultation exercise and as a result of the publication by the Scottish Executive of NPPG 19 "Radio Telecommunications" and PAN 62 "Radio Telecommunications"; and to obtain the Committee agreement to the publication and circulation of the policy document to Code System and other operators and their consultants, Community Councils and other consultees.

2 RECOMMENDATIONS

2.1 It is recommended that the Committee:

- a adopts the revised non-statutory planning policies in relation to telecommunications masts and other apparatus as outlined in Appendix 2 to this report;
- b agree to the publication of the policy document and makes it available to Code System and other operators, their consultants, Community Councils and other consultees; to the issuing of a suitable explanatory leaflet; and to placing the policy documentation on the Council's web site;
- c has regard to the non-statutory policy document as a material consideration in the determination of planning applications;
- d adopts the revised non-statutory planning policies as a basis for the definition of an appropriate policy approach in the review of the Dundee Local Plan.
- e remits the contents of this report and specifically Recommendation (c) to the Development Quality Committee at its meeting on 29 October 2001.

3 FINANCIAL IMPLICATIONS

3.1 The cost of the preparation and publication of the publicity material is likely to be in the order of £500 and this expenditure can be met from the Planning and Transportation's Revenue Budget for 2001/2002.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 The proposed policies address the following Local Agenda 21 Key Themes:

- Places, spaces and objects combine meaning and beauty with utility.
- Access to facilities, services, goods and people are not achieved at the expense of the environment and are accessible to all.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The application of the policies should result in benefits for all sections of the Dundee community.

6 BACKGROUND

- 6.1 Reference is made to Article ... of the Minutes of the meeting of the Planning and Transportation Committee of 26 March 2001 wherein it was agreed to undertake consultations and report back on proposed non-statutory planning policies in respect of telecommunications masts and related developments. This consultation exercise was undertaken between April and June 2001.

- 6.2 Members may also be aware that on 23 July 2001 the Scottish Executive introduced new legislative controls with considerably reduced permitted development rights. NPPG 19 "Radio Telecommunications" and PAN 62 "Radio Telecommunications" which respectively explain Government policy and offer best-practice guidelines to Councils and operators have also been published. The opportunity is taken in this report to summarise the main provisions but in particular to explain the situation concerning health issues.

Appendix 1 to the report summarises the results of the consultation exercise and Appendix 2 provides the proposed finalised policies indicating the proposed changes from the consultation draft.

7 REVISED PERMITTED DEVELOPMENT RIGHTS

- 7.1 On 23 July 2001 the following changes to permitted development rights came into force. These may be summarised as follows:

- All ground based masts require planning permission.
- On buildings over 15 metres high, only 8 antennae will be permitted and no apparatus must be more than 4 metres high.
- On buildings under 15 metres high, only 4 antennae up to 0.9 metres or 8 antennae up to 0.5 metres will be permitted development.
- For equipment housing the qualifying dimensions for permitted development will be reduced to 3 metres in height and 90 cubic metres (ground based) and 3 metres in height and 30 cubic metres (on buildings).
- Permitted development rights are withdrawn completely in conservation areas, national scenic areas, natural heritage areas, historic gardens or designated landscapes, sites of special scientific interest, European sites, Category A listed buildings and their settings and scheduled ancient monuments and their settings.

- 7.2 The requirements for planning permission under these changes did not apply to developments commenced before 23 July 2001 and competed within 14 days ie by 6 August 2001.

- 7.3 The new controls will not, however, apply retrospectively.

- 7.4 Even though a proposal is still permitted development, it will still be a requirement for the operator to notify the Council and allow 28 days for the receipt of any comments which the authority may wish to make.

- 7.5 The legislative changes are in general viewed by Councils as a welcome move although there remain concerns that the remaining permitted development rights will lead to added clutter on rooftops and on existing masts.
- 7.6 The operators, however, are concerned that the changes will frustrate or delay the achievement of economic development objectives which will ultimately have a detrimental effect on the economy of Scotland.
- 7.7 The Scottish Executive considers that an appropriate balance has been achieved between the demands of the industry and national economic and environmental considerations. The effectiveness of the legislation will be monitored by the Scottish Executive.
- 7.8 Arising from these changes the main issues which are likely to confront the Council in the future are:
- the increase in numbers of planning applications submitted;
 - continuing public concern about health related (see Section 11 below) and design matters;
 - achieving mast-share solutions without adversely impacting on the environment;
 - striking a balance between potential mast share solutions and the proliferation of smaller ground based solutions and antenna/apparatus on buildings and existing mast structures.

8 NPPG 19 “RADIO TELECOMMUNICATIONS”

- 8.1 The National Planning Policy Guideline was published by the Scottish Executive in July 2001 to coincide with the legislative changes. This document outlines the Scottish Executive's policy concerning telecommunications setting these in the context of the requirements of the telecommunications industry, the planning system and the legislative framework. It also outlines the responsibilities of Councils as local planning authorities (development planning and development control).
- 8.2 The content of NPPG 19 will be a material consideration in the determination of planning applications for telecommunications developments.

9 PAN 62 “RADIO TELECOMMUNICATIONS”

- 9.1 The publication of the Planning Advice Note is anticipated prior to the meeting of the Committee. However, it is known that the PAN will provide operators, their consultants, Councils and the general public with best practice advice concerning the siting and design of proposals. Dundee City Council's computer database used for the logging and monitoring of developments will be quoted as a best practice example.
- 9.2 Like the NPPG, PAN 62 will be a material consideration in the determination of planning applications for telecommunications developments.

10 COMMITMENTS BY THE TELECOMMUNICATIONS INDUSTRY

- 10.1 The Federation of the Electronics Industry, and in agreement with the five Code Systems Operators (Orange, One 2 One, Vodaphone, BT Cellnet and Hutchison 39) has published a list of 10 commitments. These are listed at Appendix 3.
- 10.2 In addition the industry is developing a model approach to public consultation and Councils are being invited to participate in its development.
- 10.3 In general these initiatives should be welcomed but local authorities and the Scottish Executive will wish to monitor progress by the industry and their agents in achieving these objectives.

11 TELECOMMUNICATIONS AND HEALTH ISSUES

- 11.1 The report of the Independent Expert Group on Mobile Phones (IEGMP) which reported in May 2000 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 public exposure guidelines of ICNIRP”.¹
- 11.2 In relation to the planning process, legislation now provides that each application for planning permission involving antennae **must** be accompanied by a signed declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radio frequency radiation. These arrangements will also apply to installations where permitted development rights continue to apply. It is the Scottish Executive’s view, therefore, that there should be no need for planning authorities to consider power outputs and their implications for public health.
- 11.3 The planning system should not be used to secure objectives properly achieved under other legislation and it is for the DTI and the Radio Communications Agency and the Health and Safety Executive, in their respective roles, to enforce matters relating to telecommunications and health.
- 11.4 It is recommended that Dundee City Council’s position as local planning authority should reflect the above and, therefore, it is unlikely that the Council will find justification for applying extended or alternative arrangements in the determination of planning applications in respect of technical issues relating to purported health dangers.

12 IMPLICATIONS FOR THE NON-STATUTORY AND STATUTORY POLICIES

- 12.1 The results of the consultation exercise confirmed that the operators considered that the Council’s proposed stance in most policies, particularly in respect of residential areas, was over restrictive and inflexible. On the other hand non industry consultees supported the proposals whilst community groups considered that health issues should be a material planning consideration.
- 12.2 In response to the consultation exercise and the publication of NPPG 19 and PAN 62, it is proposed that several of the policies should be amended. The proposed changes are **indicated in italics** in Appendix 2. The most fundamental proposed change is in respect of the policy for residential areas where it is considered that an absolute embargo should not be imposed in all residential areas. Nevertheless a strict criteria based approach will apply.
- 12.3 The review of the Dundee Local Plan is underway and the non statutory policies will provide the basis for an appropriate statutory policy approach to this issue.

13 CONSULTATIONS

- 13.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, and , have been consulted and are in agreement with the contents of this report.

14 BACKGROUND PAPERS

- 14.1 Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2001 (SI No 266)
- 14.2 Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 2001 (SI No 245)

¹ International Convention on Non Ionising Radiation Protection

- 14.3 NPPG19 "Radio Telecommunications" SEDD July 2001
- 14.4 PAN62 "Radio Telecommunications" SEDD September 2001
- 14.5 Consultation exercise response letters (April-June 2001)

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3 September 2001

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**APPENDIX 1 : DRAFT NON-STATUTORY PLANNING POLICIES IN RELATION TO TELECOMMUNICATIONS MASTS AND OTHER APPARATUS :
PUBLIC CONSULTATION – JUNE 2001**

| Consultee/Respondent | Comment | Response | Implications for Policies |
|---|--|-----------------|--|
| Orange PCS Ltd | Guideline 2 : Should be deleted in light of NPGG | Agree | Delete Guidelines 1 and 2 |
| | Guideline 3 : Does not acknowledge operator responsibilities | Disagree | |
| | Guideline 4 : "Presumption against" policy in residential area not wholly feasible | Agree in part. | See proposed Policy 2 as amended |
| | Guideline 5 : Adequate network coverage not possible in this context | Disagree | Minor change only to Policy 3 |
| | Guideline 6 : Unrealistically restrictive | Disagree | No change |
| | Guideline 7 : Inappropriate | Disagree | No change |
| | Guideline 8 : Supported | None | None |
| | Guideline 9 : Blanket policy not supported | Disagree | No change |
| | Guideline 10 : Not relevant | Disagree | No change |
| | Guideline 11 and 12 : Blanket restriction not supported; site by site assessments required | Disagree | No change |
| | Guideline 13 and 14 : Blanket restriction not supported; site by site assessments required | Agree in part | See proposed changes to Policies 11 and 12 |
| | Guideline 15 : More flexibility necessary | Disagree | No material change |
| | Guideline 16 : Locations in such areas often necessary to ensure coverage | Disagree | No change |
| | Guideline 17 : Superfluous and unnecessary in light of licence conditions | Disagree | Retain as Policy 15 with minor change as indicated |
| Guideline 18 : Should be in line with legislation | Agree | No change | |
| One 2 One Personal Communications Ltd | Guideline 2 : Should be deleted in light of NPGG | Agree | Delete Guidelines 1 and 2 |
| | Guideline 3 : Does not acknowledge operator responsibilities | Disagree | |
| | Guideline 4 : "Presumption against" policy in residential area not wholly feasible | Agree in part | See proposed Policy 2 as amended |
| | Guideline 5 : Adequate network coverage not possible in this context | Disagree | Minor change only to Policy 3 |
| | Guideline 6 : Unrealistically restrictive | Disagree | No change |
| | Guideline 7 : Inappropriate | Disagree | No change |
| | Guideline 8 : Supported | None | None |
| | Guideline 9 : Blanket policy not supported | Disagree | No change |
| | Guideline 10 : Not relevant | Disagree | No change |

| Consultee/Respondent | Comment | Response | Implications for Policies |
|---------------------------------|--|----------------------|---|
| | Guideline 11 and 12 : Blanket restriction not supported; site by site assessments required | Disagree | No change |
| | Guideline 13 and 14 : Blanket restriction not supported; site by site assessments required | Agree in part | See proposed changes to Policies 11 and 12 |
| | Guideline 15 : More flexibility necessary | Disagree | No material change |
| | Guideline 16 : Locations in such areas often necessary to ensure coverage | Disagree | No change |
| | Guideline 17 : Superflows and unnecessary in light of licence conditions | Disagree | Retain as Policy 15 with minor change as indicated |
| | Guideline 18 : Should be in line with legislation | Agree | No change |
| Vodafone Ltd | No response | - | - |
| BT Cellnet | No response | - | - |
| Hutchison 3G UK Ltd | Policies over-restrictive. Limited recognition given to technological requirements | Accepted to a degree | See various qualifications to be attached to several policies |
| | Guideline 3 : Aspects require clarification | Agreed | Minor change to Policy 1 |
| | Guideline 4 : Too restrictive and will frustrate third generation roll-out | Agreed in part | See proposed Policy 2 as amended. |
| | Guideline 5 : Flexibility required in relation to point iii) | Disagree | Minor change only to Policy 3 |
| | Guideline 7 : Criteria based approach should be applied | Disagree | No change |
| | Guideline 9 : Unnecessarily restrictive. Blanket policy discourages innovation. More pro-active approach appropriate | Disagree | No change |
| | Guideline 11 : Too draconian. More flexible wording suggested | Disagree | No change |
| | Guideline 12 : Overly restrictive. Delete | Disagree | No change |
| | Guideline 14 : Too restrictive in respect of unlisted buildings in conservation areas | Agree in part | See proposed changes to Policies 11 and 12 |
| | Guideline 15 : Mast sharing should not be ruled out as design solutions available | Disagree | No change |
| | Guideline 16 : Unduly restrictive and "unsubtle" | Disagree | No change |
| | Guideline 17 : Supported | Noted | Policy 15 remains in modified form. |
| Dolphin Telecommunications Ltd | No response | - | - |
| Atlantic Telecommunications Ltd | No comment | None | None |

| Consultee/Respondent | Comment | Response | Implications for Policies |
|--|--|---|--|
| Scottish and Southern Energy plc | No response | - | - |
| Spectra Site Transco Communications Ltd | No response | - | - |
| Kingfisher Estates (Agents) | No response | - | - |
| HSB Partnership (Agents) | No response | - | - |
| Knight Frank Associates (Agents) | No response | - | - |
| James Barr (Agents for Orange PCS Ltd and One 2 One) | See above for Orange PCS Ltd and One 2 One | - | - |
| Walker Fraser and Steele (Agents) | No response | - | - |
| Messrs Lambert Smith Hayston (Agents) | No response | - | - |
| Stoppard Howes Association (Agents) | No response | - | - |
| Patrick Forfern Associates Ltd (Agents) | No response | - | - |
| Lawrie Neave (Agents) | No response | - | - |
| Messrs Drummonds (Agents) | No response | - | - |
| Mr J McAllion MP | No response | - | - |
| Mr E Ross MP | No response | - | - |
| Association of Dundee Community Councils | No response | - | - |
| Broughty Ferry Community Council | No response | - | - |
| Fintry Community Council | No response | - | - |
| Hilltown and District Community Council | No response | - | - |
| Stobswell and District Community Council | No response | - | - |
| West End Community Council | Health remains an issue despite self certification by operators; masts should not be located in or near residential areas. | See references elsewhere in this report to health issues (Section 10) | Guidelines 1 and 2 to be deleted |
| | Presumption against masts in residential area should be retained | <u>General</u> presumption against to be retained. | Policy 2 amended to be more flexible whilst retaining general presumption against. |

| Consultee/Respondent | Comment | Response | Implications for Policies |
|---|---|--|---|
| | Masts should not be located at the Airport | <u>Disagree</u> – Airport a suitable general location provided design and airport safety considerations satisfactory | None |
| | All masts should require planning permission | Now largely the case for ground based masts under new legislation. See Section 7 of report | None |
| COSLA | No response | - | - |
| Health and Leaflets Executive | No response | - | - |
| Historic Scotland | No comment | None | None |
| NOSWA | No response | - | - |
| SEPA | General comments made on the 'precautionary principle' and pollution control | Noted | None |
| RFACS | The telecommunications industry should be encouraged to adopt the most technically advanced and appropriate design solutions. | Agreed | New SE Guidance and proposed policies encourage this. |
| | Landscape can mitigate visual intrusion. | Agree in part | See Policy 7 |
| | Design solutions should be "simple, honest, elegant and less utilitarian" than to date. | Agreed. | See terms of Policy 15. |
| SET | No response | - | - |
| Scottish Executive Development Department | No response | - | - |
| Scottish Executive National Roads Directorate | No response | - | - |
| Scottish Federation of Housing Associations | No response | - | - |
| Scottish Housebuilders Association | Protectionist policies relating to residential areas should be extended to land immediately adjacent | Policy 2 already provides for this | None |
| Scottish Natural Heritage | Guideline 3 : Recommended | Noted | None |
| | Guideline 9 : Suggest amendment relating to immediately adjacent sites | Accepted | Amend Policy |

| Consultee/Respondent | Comment | Response | Implications for Policies |
|---|--|---|---|
| | Guideline 16 : Commended | Noted | None |
| Scottish Civic Trust | No response | - | - |
| RTPI | No response | - | - |
| The Planning Exchange | No response | - | - |
| Dundee Federation of Tenants Associations | Precautionary approach should mean that no masts should be located in residential areas irrespective of exposure guidelines compliance | Reference is made to policy on health matters elsewhere in this report (Section 10) | See above relating to Policy 2 (residential areas). |
| | Council should maintain embargo on masts on its own buildings including industrial buildings near residential areas including playing fields | The Council's policy as landlord was established by the Policy and Resources Committee in October 1999. Health issues are not material planning considerations. | No change |
| | Guideline 2 should be deleted | Agree | Deletion in line with advice contained in NPPG19 |
| | Planning permission will only be required for ground based masts above a certain height – unsatisfactory | Planning permission is now required for all ground based masts irrespective of height. | None |
| Dundee Citizens Advice Bureau | No response | - | - |
| Civil Aviation Authority | No comment | Noted | None |
| Dundee & Tayside Chamber of Commerce and Industry | No response | - | - |
| Dundee Civic Trust | Comprehensive; supported | Noted | None |
| Dundee Institute of Architects | Guideline 9 may be over-restrictive. Innovative design is capable of concealing structures | Disagree | None |
| Forth Ports (Dundee) | No response | - | - |

| Consultee/Respondent | Comment | Response | Implications for Policies |
|--|--|---|--|
| Tayside Health Board | No response | - | - |
| Tayside Police | No response | - | - |
| Tayside Fire Brigade | Excellent report Policies welcomed Supports provision of ICNIRP Certificate as pre-requisite | Noted | None |
| University of Abertay, Dundee | No response | - | - |
| University of Dundee | Policy of rejecting proposals on University premises : concern over health implications; disruption to sensitive activities; appearance on University skyline | Noted | None |
| Tayside University Hospitals NHS Trust | No response | - | - |
| Angus Council | Council complimented on its initiative | Noted | None |
| | Guideline 2 could give false sense of security | Agreed | Delete |
| | Guideline 4 over-sensitive | Agreed. Given policy on health matters wholesale embargo in residential areas is considered not to be a tenable option. | See proposed Policy 2 |
| | Guideline 17 commended but may lead to visual amenity problems | Recognised. An 'on merit' approach will be required | None |
| | Guideline 18 may require amendment in light of legislative change | Disagree. The Council ought to continue its present approach of seeking best practice design solutions irrespective of the need for PP. | None |
| Perth & Kinross Council | General comments only. However concern over ability to sustain blanket restriction policies and Guidelines 1 and 2 may need reviewed in light of continuing debate on health issue | Agreed | Guidelines 1 and 2 to be deleted. See revisions to several policies, especially proposed Policy 2. |
| Fife Council | Response received quoting Fife Council policy but no comment specific to the proposed policies | Noted | None |

APPENDIX 2

TELECOMMUNICATIONS DEVELOPMENTS

NON-STATUTORY PLANNING GUIDELINES

September 2001

1 PURPOSE OF THESE GUIDELINES

1.1 The purpose of these non-statutory planning guidelines is to inform officers and Members of the Council, the telecommunications industry, applicants for planning permission and their consultants, community groups and the general public, of the material planning considerations which will inform the Council in:

- determining applications for planning permission in respect of telecommunications developments;
- advising network operators of the Council's views, when consulted, on proposals **at the pre application stage**.

2 BACKGROUND ISSUES

2.1 In drawing up the guidelines the Council has been mindful to attempt to reach a reasonable balance between the inevitable demands of a rapidly expanding and increasingly competitive industry and the duty which it has to protect and whenever possible enhance the local environment.

2.2 The Council acknowledges that there is likely to be a significant increase in demand for mobile telecommunications services and that the industry is obliged by statute to respond to this demand by expanding the extent of networks and improving the quality of service to its customers. The Council wishes its citizens and businesses to benefit from technological advances.

2.3 However, the Council **considers that** an appropriate balance **needs** to be struck between the industry's requirements in the future and the Council's objective of ensuring that the appearance of the City is not adversely affected. It wishes to achieve this balance by firmly yet sensitively controlling the location and appearance of telecommunications developments and to work with the industry to promote **sharing where appropriate; to promote innovation in design; to consider alternative locational solutions;** and to maintain a working dialogue with each network operator with the objective to minimising the overall environmental impact on Dundee resulting from their activities.

3 STATUTORY FRAMEWORK FOR DECISIONS

3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 indicates that planning authorities have a duty to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

3.2 The development plan comprises:

- a the Tayside Structure Plan 1993, approved by the Secretary of State in 1997; and
- b the Dundee Local Plan adopted by the Council in 1998

3.3 Other "material considerations" include:

- a Government policy as reflected in related legislation, Circulars, and National Planning Policy Guidelines;
- b Best Practice advice contained in Planning Advice Notes published by the Scottish Executive Development Department.
- c Planning considerations relevant to any particular proposal. In the case of telecommunications developments the most common issues are likely to be visual impact (location and design), impacts on traffic movement and pedestrian movement and safety;

visual impact within conservation areas or other sensitive areas; impact on listed buildings and their environs.

- d Consultation responses and representations received from the general public where these are relevant to planning issues.

4 GOVERNMENT ADVICE

- 4.1 Government advice in relation to this issue is **available in** National Planning Policy Guideline **19** "Radio Telecommunications". Complementary Planning Advice Note **62: "Radio Telecommunications" is also available**. These documents will both be material considerations in determining planning applications for telecommunications developments. This non statutory guideline document is designed to be consistent with both these documents.

5 THE TAYSIDE STRUCTURE PLAN 1993

- 5.1 The Tayside Structure Plan 1993 (approved by the Secretary of State in 1997) contains no policies which directly mention telecommunications developments. However, the Plan contains a range of Environment Policies (1, 2, 5, 7, 8, 8A, 9, 11, 12, 13, 15) which are concerned with:

- a improving environmental quality in general; and
- b the sensitive siting and design of new development in relation to significant landscape character, nature conservation and the cultural heritage; and
- c the protection and improvement of the built environment, viz listed buildings, conservation areas, scheduled ancient monuments, designed landscapes etc.

- 5.2 These policies **may be material considerations** in the determination of planning applications in respect of telecommunications developments.

- 5.3 The Draft Dundee and Angus Structure Plan was published for public consultation in February 2001. The document makes no specific mention of telecommunications as a key strategic issue but the general thrust of its environmental policies are complementary to and supportive of the approach advocated in the draft NPPG.

6 THE DUNDEE LOCAL PLAN 1998

- 6.1 The second element of the development plan, the Dundee Local Plan, adopted by the Council in 1998 contains a policy (BE31) which is directly related to telecommunication proposals. The terms of the policy are repeated in Annex A. Rather than setting out in precise terms the detailed criteria against which telecommunications developments will be judged in the decision-making process, the policy sets the framework within which such an assessment would take place. **Policy 2** below builds upon and clarifies this policy.

- 6.2 A range of other Local Plan policies will be relevant by degrees in assessing telecommunications proposals. Their applicability will vary for each proposal and accordingly in assessing compliance with all these non statutory guidelines it should not be interpreted that any proposal is acceptable on policy grounds.

- 6.3 The formal review of the Dundee Local Plan **has begun**. As advocated in the NPPG (Para **58**) the review will be expected to:

- Present development control criteria for telecommunications development, including siting and design matters;

- Outline the types of location eg industrial areas, suitable for the more sizeable pieces of equipment;
 - Identify the designated areas specified in the GPDO where there are no permitted development rights for telecommunications development, and set out policies to control the standard of development for these areas; and
 - Identify other areas, for example, the isolated coast or green belt where special care should be exercised.
- 6.4 This non statutory policy guideline will assist in informing the content of revised statutory local plan policies and the reasoned justification for them.

7 HEALTH ISSUES AS A MATERIAL CONSIDERATION

- 7.1 The report of the Independent Expert Group on Mobile Phones (IEGMP) which reported in May 2000 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 public exposure guidelines of ICNIRP”.²
- 7.2 *In relation to the planning process, legislation now provides that each application for planning permission involving antennae must be accompanied by a signed declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radio frequency radiation. These arrangements will also apply to installations where permitted development rights continue to apply. It is the Scottish Executive’s view that there should be no need for planning authorities to consider power outputs and their implications for public health.*
- 7.3 *The planning system should not be used to secure objectives properly achieved under other legislation and it is for the DTI and the Radio Communications Agency and the Health and Safety Executive, in their respective roles, to enforce matters relating to telecommunications and health.*
- 7.4 *Dundee City Council’s position as local planning authority reflects the above and it is unlikely that the Council will find justification for applying extended or alternative arrangements in the determination of planning applications in response to public concerns relating to telecommunications and health issues.*
- 7.5 *In the light of the above and the content of the NPPG and PAN it is proposed to delete Guidelines 1 and 2 as unnecessary.*

8 NON-STATUTORY LAND USE PLANNING POLICIES

- 8.1 Across a range of land use planning issues the **policies** below are designed to assist Members, officers, the general public, operators and their consultants in reaching an appropriate balance between the industry’s requirements and the protection of the City’s environment.

² International Convention on Non Ionising Radiation Protection

Policy 1

In the case of every application for planning permission for telecommunications masts or apparatus the Council will require applicants to provide details relating to:

an operational justification for the location and design of the proposal;

a justification for the proposal against alternative sites considered and rejected and the prospects for mast/apparatus sharing;

an assessment of the cumulative impact of individual proposals where other telecommunications developments are present nearby or are proposed to be located nearby;

in the case of free-standing proposals, an assessment of the opportunities available for locating the apparatus on buildings, *in order that the visual impact of the proposals may be minimised;*

an analysis of the proposal's environmental impact in relation to statutorily designated protection or other sensitive areas as outlined in relevant Structure Plan or Local Plan policies.

(For the avoidance of doubt similar information may be required by the Council prior to the issuing of informal opinions in respect of proposals which do not require the benefit of planning permission.)

8.2 Residential Areas

Policy 2

There will be a general presumption against the siting of free-standing masts, similar structures and ground-base apparatus within or immediately adjacent to existing residential areas or within or immediately adjacent to sites allocated for residential development in the Dundee Local Plan 1998. *However exceptions to the general presumption may be made where the proposal is considered to be sensitively located and designed and where the operator has demonstrated that the proposal is the most appropriate from other options investigated.*

Relevant Local Plan Policies: H1; various housing proposals.

Reasoned Justification: *It is anticipated that although the design and location of telecommunications developments will be of concern to residents, health issues are likely to remain the prime reason for lodging objections. Health concerns, however, are not a material consideration in the determination of planning applications and objections on those grounds will not be considered valid. (See Paras 7.1-7.5 above)*

From the content of the NPPG and PAN it is anticipated that wholesale embargoes or the imposition of 'cordon sanitaires.' around residential areas are unrealistic options. Accordingly Policy 2 seeks to achieve a realistic balance between the protection of residential amenity and the objectives of the telecommunications industry.

8.3 Industrial Areas

Policy 3

There will be a general presumption in favour of the location of ground-based and rooftop telecommunication masts and related apparatus within existing industrial

estates and sites allocated for industrial development in the Local Plan provided such proposals:

- i are located and designed so as to minimise their visual impact;
- ii do not prejudice the achievement of the objectives of the Plan's employment policies.
- iii *Deleted (covered by amended Policy 2)*

Relevant Local Plan Policies: EU1, EU1(E), EU2, EU3, EU5, EU6, EU8, EP5, EU12

Reasoned Justification: It is accepted by the Council that visual amenity issues are less significant in industrial as opposed to residential and other sensitive locations. Operators are directed to these locations as first area of search for mast/apparatus structures. However, the guideline includes safeguards which are nevertheless considered important.

8.4 City Centre, District Centres, Offices and Further/Higher Education Establishments

Policy 4

Subject to the provisions of *policies* relating to conservation areas and listed buildings, the following criteria will apply:

within the City Centre and District Centres there will be a general presumption against the erection of free standing mast structures and associated ground based apparatus;

within the City Centre, District Centres and on office buildings and higher or further education establishments roof mounted "stub" masts, *antennae*, and other related apparatus, which require planning permission will be acceptable provided measures are taken to maximise opportunities for the sharing of such facilities and to ensure that locations and designs are selected which minimise their visual impact on the built environment.

Relevant Local Plan Policies: S21, BE31

Reasoned Justification: This guideline does not *entirely* rule out the possibility that structures would be unacceptable in these locations. However, free standing ground-based locations *in these areas* are likely to be intrusive to a degree *and are likely to* be unacceptable in principle. *However*, many buildings in these categories of location already support mast structures and related apparatus without undue harm to the environment *and this option, subject to satisfactory location and design, is considered preferable.*

8.5 Medi-Park and Technology Park

Policy 5

There will be general presumption against the siting of free standing masts, other ground apparatus or the siting of mast structures on existing or proposed buildings within the Ninewells Medi-Park or Dundee Technology Park unless it can be demonstrated *to the satisfaction of the Council*, that the mast or structure has a direct, essential and functional, relationship with the building or site concerned.

Relevant Local Plan Policies: BE31

Reasoned Justification: These locations are designed to support uses and buildings which are designed to the highest quality in support of the City's expanding importance as a world renowned centre of excellence in the biomedical services sector in particular. It would not be appropriate for the Council to encourage the location of telecommunications apparatus here

except where it can be demonstrated that to do so was essential to the operational requirements of the site/building concerned. Even if this was to prove to be the case the operator would be expected to meet the highest possible **locational and** design standards to the satisfaction of the Council.

8.6 Dundee Airport

Policy 6

Subject to operational and safety considerations (as advised by the Director of Economic Development, the Airport Manager, the Civil Aviation Authority and the Health & Safety Executive) which will be taken as paramount, there is no general objection to the location of ground based or rooftop telecommunications apparatus within the operational confines of Dundee Airport *subject to design considerations.*

Relevant Dundee Local Plan Policies: MV3

Reasoned Justification: Communications apparatus is already in evidence at Dundee Airport and additional installations are not considered to be incompatible although security, safety and operational considerations will always be paramount. **Policy 13** in relation to Ambassador routes is also relevant.

8.7 Public Parks and Public Open Spaces

Policy 7

There will be a presumption against the location of telecommunications masts and related apparatus within existing public parks, existing or proposed public open spaces, play areas, and areas of designed or historic landscape.

Relevant Local Plan Policies: OS1, BE31

Reasoned Justification: Although operators are increasingly paying attention to designs which seek to camouflage a mast or give them, in some cases the appearance of trees, the Council's view is that it is inevitable that these structures would be incongruous within the City's open spaces and that landscaping schemes are likely to be ineffective in minimising this impact.

8.8 Traffic/Transportation Policies

Policy 8

There will be a presumption against telecommunications proposals which would:
prejudice the implementation of the Council's proposals for the management of traffic and the promotion of public transport, cycling and walking; and
be prejudicial to the free and safe movement of vehicles, pedestrians and cyclists and impede the safe and convenient access to land and buildings.

Relevant Local Plan Policies: MV1, MV5, MV9, MV19, MV20

Reasoned Justification: In considering mast/apparatus proposals, locations can be selected which might prejudice the Council's core transportation objectives or interrupt the free and safe movement of pedestrians or cyclists. It is also important that satisfactory standards of access are maintained.

8.9 Listed Buildings

Policy 9

There will be a presumption against telecommunications proposals located on listed buildings or structures or which are considered to adversely affect the setting of a listed building or structure.

Policy 10

Subject to the informal support of Historic Scotland and the receipt of a comprehensive justification and restoration details acceptable to the Council, telecommunications apparatus may be located inside a listed building subject always to the proviso that no part of the apparatus is externally visible and is appropriately housed internally.

Relevant Local Plan Policies: BE17, BE31

Reasoned Justification: The location of a mast, antenna or other apparatus on (as opposed to within) a building listed as being of architectural or historic interest is likely to adversely affect its character and may irrevocably damage its external fabric. When detached from the building itself even the most imaginative design solution is unlikely to overcome the likely adverse impact on a listed building's setting.

However, apparatus may be located **within** a listed building (eg within a church belltower) provided every element of the apparatus is not visible externally, that no internal features worthy of preservation or restoration are disturbed and provided any externally visible fabric is replaced or repaired to the satisfaction of the Council, with minimal interference to the historic fabric and where any alterations are fully reversible.

8.10 Conservation Areas

Policy 11

There will be a presumption against the location of ground based masts and apparatus within conservation areas where *by virtue of their location and design, they are considered likely* to adversely affect the setting of the conservation area.

Policy 12

Rooftop masts, antennae and other structures proposed to be located on unlisted buildings in conservation areas (including on facades) will be acceptable where their location and design is such that *the character of the building and the surrounding area is complemented and enhanced and residential amenity is not compromised.*

Relevant Local Plan Policies: BE11, BE31

Reasoned Justification: Conservation areas are designated by planning authorities in order that their character and appearance which is of special architectural or historic interest is preserved or enhanced. These objectives can be compromised by poorly designed and located alterations or additions to buildings or spaces between buildings. In this context, although ground based masts and apparatus are not considered to be compatible with this objective, it may be possible to locate apparatus on unlisted buildings in conservation areas with ***the proviso that the character and appearance of the building and the conservation area is not compromised and residential amenity is not adversely affected.***

8.11 Ambassador Routes

Policy 13

Subject to the policies of the Dundee Local Plan and these guidelines, ground based masts and structures adjacent to the City's ambassador routes and 'gateways' may be acceptable provided these do not adversely impact on proposals for environmental improvements works, are slimline, *innovative in their* design and not capable of mast sharing.

Relevant Local Plan Policies: BE23, BE31

Reasoned Justification: The Council is implementing a phased programme of environmental improvements along the following Ambassador Routes: Riverside Drive (Swallow Roundabout-Marketgait); Tay Road Bridge; Arbroath Road; Greendykes Road; East Dock Street; Forfar Road; Kingsway East. This programme is designed to improve the image and appearance of the principal traffic routes into the city. Although other guidelines may, for other reasons, discourage mast developments along these routes their designation should not preclude imaginatively designed and located solutions which would be compatible with programmed environmental works. ***Their incorporation into public artworks is a possibility.***

- 8.12 Scheduled Monuments, Areas of Archaeological Interest, Sites of Special Scientific Interest, Proposed Special Protection Area

Policy 14

There will be a general presumption against the location of telecommunications apparatus within and adjacent to the sites of Scheduled Monuments, areas of archaeological interest, Sites of Special Scientific Interest or the Special Protection Area.

Relevant Local Plan Policies: BE25, BE31

Reasoned Justification: Planning and related legislation seeks to safeguard environmentally sensitive areas from inappropriate developments. This is backed up by the policies of the Local Plan. Ground based masts and support apparatus are considered to be developments which are likely to have an unacceptably adverse impact on the appearance and environmental integrity of these sensitive areas.

- 8.13 Mast Sharing and Design Issues

Policy 15

The Council will encourage a partnership approach between itself and telecommunication Code System *and other* Operators and their consultants to the forward planning of "roll-out" programmes of proposed works. In particular, opportunities for mast sharing will be maximised *subject to satisfactory location and design controls, except where specified in these guidelines.*

Innovative approaches to mast, antenna and other apparatus design will be encouraged.

The Council will seek to agree a Code of Best Practice for mast, antennae and related apparatus design with all operators on a joint basis.

Relevant Local Plan Policies: BE31

Reasoned Justification: In previous discussions between the Council and the principal operators and their consultants, there appeared to be a mutual understanding of ***each party's*** respective statutory responsibilities. Accordingly, the Council wishes all parties to work

together to create a mutually agreeable balance between planning and environmental objectives and those of a rapidly expanding and increasingly sophisticated industry servicing a growing customer base both nationally and locally.

8.14 Permitted Development

Policy 16

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| <p>When notified of proposals which do not require the benefit of planning permission, the Council will, where necessary, offer best practice advice reflecting the non statutory planning guidelines.</p> |
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Reasoned Justification: Although certain categories of proposal will be categorised as not requiring planning permission in terms of the Town & Country Planning General Permitted Development (Scotland) **Amendment** Order **2001** operators are required, as part of their licensee responsibilities, to advise Councils of the proposals and to invite representations. The Council will take such opportunities to offer best practice advice and in doing so to reflect the thrust of these guidelines.

ANNEX 1

DUNDEE LOCAL PLAN 1998: Policy BE31 Telecommunications Developments

Policy BE31 Telecommunications Developments

- a Proposals for telecommunications developments will be assessed against the following criteria:
- b Proposals will be assumed to carry an operational justification, but in cases where there is good reason to anticipate a general proliferation and resultant clutter in the local landscape, the planning authority retains discretion to explore this justification;
- c There are no satisfactory alternative sites available;
- d There is no reasonable prospect of sharing existing facilities;
- e In the case of radio masts there is no reasonable possibility of erecting antennae on an existing building or other structure; and
- f The development should avoid conflict with other policies or proposals of the Local Plan, with the Structure Plan, with National Planning Policy Guidelines, and with other protective designations (eg listed buildings, SSSI's etc). Where such conflicts emerge or where major visual intrusion is in prospect, applicants may be required to demonstrate over-riding need.

Source: Dundee Local Plan 1998

APPENDIX 3: THE OPERATORS' "TEN COMMITMENTS"

The operators' "Ten Commitments" are to:

- 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 with telecommunications for local authority officers and elected members.
- 5 Delivery, with the Government, a database of information available to the public on radio base stations.
- 6 Assess all radio base stations for ICNIRP compliance for public exposure, and produce a programme for ICNIRP compliance for all radio base stations as recommended by the Stewart report.
- 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 documentation for all planning submissions whether full planning or prior approval.

Source: Federation of the Electronics Industry August 2001.