1. PURPOSE

1.1 This Guidance Note is one of a series that are intended to complement the polices of the Congleton Borough Local Plan and that will be used in the determination of planning applications and other consents dealt with by the Council as Local Planning Authority. The guidance was formally adopted by Congleton Borough Council on the 29th July 2004.

1.2 This particular Guidance Note is concerned with Telecommunications development and explains for the benefit of prospective applicants and for members of the public the approach that the Council will adopt in the determination of applications for that type of development.

2. POLICY CONTEXT

2.1 The policy context for this guidance note is provide by Policy E19 of the Congleton Borough Local Plan First Review which was approved for the purposes of development control in July 2001.

2.2 This policy, which is reproduced in full in Appendix 1 of this report, seeks to ensure the optimum siting of telecommunications installations and seeks to ensure the minimum visual impact especially in sensitive areas.

2.3 The policy encourages the sharing of existing telecommunications facilities and the use of existing structures or buildings.

2.4 The Government has published its own guidance on planning for telecommunications development in Planning Policy Guidance Note 8 ‘Telecommunications’ published in August 2001. Furthermore the Office of the Deputy Prime Minister published its Code of Best Practice on Mobile Phone Network Development in November 2002 outlining the best practice in development procedures, and for the siting and design of equipment and base stations.

2.5 The PPG reflects changes that were made to the statutory regulations relating to telecommunications in 2001 and gives guidance on radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires. It also provides advice in respect of the extent to which health considerations may be taken into account in making decisions on telecommunications developments.

2.6 The policy advice contained in PPG 8 is reflected in this Supplementary Planning Guidance Note.

3. THE NEED FOR TELECOMMUNICATIONS SYSTEMS

3.1 There has been a tremendous growth in mobile phone use in the UK in recent years with over 40 million users of mobile phones and continued growth is likely. Networks now operate on a digital basis, which has lead to an increase in the number of base stations because of the shorter transmission...
capability of digital systems compared to the previous analogue systems.

3.2 In April 2000 the Government awarded licences to five operators to provide a 'Third Generation' service, which will allow for enhanced services for mobile phone users including higher quality Internet access. All operators of this service must provide a network covering 80% of the population by 2007.

3.3 The major impact in terms of planning of the growth in mobile communications systems is the need for base stations, which receive radio signals to and from mobile phones. Each base station comprises radio equipment that is contained in a cabinet and antennas mounted on freestanding structures or on existing buildings and structures.

3.4 The structures used to support the antennas vary in size and design, depending upon such factors as the amount of equipment they need to support. Antennas usually need to be at a certain height, hence their location on roofs and on freestanding masts.

3.5 The area that each base station covers varies, dependent upon factors such as the amount of mobile phone use; consequently there is a need for more base stations in urban areas where there is a higher density of mobile phone users.

4. **PLANNING CONTROLS**

4.1 The majority of telecommunications development proposed by mobile phone operators does not require planning permission, being given blanket permission under Parts 24 and 25 of the Town and Country Planning (General Permitted Development) Order 1995. This includes replacement or additional equipment and new masts of less than 15 metres in height that stand on the ground.

4.2 Some of these permitted development rights are, however, dependent upon the operator submitting an application for 'prior approval' to the local planning authority. This allows the local planning authority to consider only whether the siting and appearance of the proposed equipment is acceptable. It has to make its decision and communicate this to the applicant within 56 days otherwise prior approval will be deemed to have been given.

4.3 For those applications requiring full planning permission, a formal planning application will be required. Local Planning Authorities are expected to decide planning applications within eight weeks of their submission.

4.4 For both prior approval applications and planning applications, where these are refused by the Local Planning Authority, the operator has the right of appeal to the Secretary of State.

4.5 Under the constitution of Congleton Borough Council, all applications for prior approval and for full planning permission for telecommunications development fall to be determined by the Council's Planning Committee.

5. **CONSULTATION ARRANGEMENTS**

5.1 PPG 8 encourages operators to enter into pre application discussions with the local planning authority and other organisations that may have an interest in the proposed development. In addition, operators are also expected to discuss their annual roll out plans for
future telecommunications installations with the relevant local authorities.

5.2 The Borough Council’s public consultation procedures are identical for applications for prior approval and for applications for planning permission and are as follows:

(i) Details of the application are recorded on the planning register held at the Council Offices, Westfields, Middlewich Road, Sandbach.

(ii) Details of the application appear on the weekly list of applications received which is available from the Council. The weekly list is also available from local information centres and is published on the Council’s website www.congleton.gov.uk. It is sent to all Town/Parish Councils and is also usually published in the local press.

(iii) The Council will notify the occupiers of properties in the vicinity of the site of the proposed development.

(iv) For telecommunication development proposals within 100 metres of a school premises, the Council will consult with the school concerned.

(v) The Council will display a site notice on or near the proposed development site.

5.3 Where the proposed development is within a Conservation Area or is on a listed building or will affect its setting, the Council will place a public notice in the local press.

5.4 All written representations received within the period specified in the notices referred to above will be taken into account in the determination of the application in question.

6. SITING AND DESIGN GUIDELINES

Mast and Site Sharing

6.1 To minimise visual impact, it will be preferable normally to site a new antenna onto an existing mast, building or other structure before considering a new mast. Operators will, therefore, be expected to provide evidence that they have explored all reasonable possibilities for siting the proposed equipment on an existing mast or structure. To assist operators in locating sites the Borough Council maintains a register of existing antenna used by mobile phone operators within the Borough, which is continually updated.

6.2 The Borough Council accepts, however, that in some instances mast sharing may require an existing mast to be increased in height to accommodate more equipment, thus increasing visual impact. In some exceptional cases, therefore site sharing (i.e. two masts within the same site) may be a more effective way of minimising visual impact.

6.3 It is also the case that fixing telecommunications equipment on an historic building or structure can detract from its appearance and may also cause physical damage. The placing of apparatus on a listed building or on a building in a Conservation Area or Registered Historic Park or Garden, or such that the setting of such protected features would be affected, is unlikely to be acceptable, therefore unless it can be demonstrated that the impact of the proposal would not cause any harm to
Mast Siting

6.4 Where it is not possible to use an existing mast or structure, any proposed new installation should be designed and sited so as to minimise the visual impact on the environment.

6.5 In rural areas, sites within or close to existing mature woodland are preferred as they are likely to have less visual impact. Large masts should not be sited in open areas of the countryside and should avoid elevated sites where there would be a significant impact on the skyline such as on a ridge or elevated ground.

6.6 Locations within areas designated as being of landscape, historic or nature conservation significance will not normally be acceptable.

6.7 In the built up areas of towns or villages, enclosed sites within industrial areas or operational land associated with railways are more likely to be acceptable as normally masts will be less intrusive against a background of other buildings and structures.

6.8 New mast installations will not be permitted where they are considered to impinge directly upon the character, appearance or setting of a listed building, scheduled ancient monument or Conservation Area or Registered Historic Park or Garden.

Mast Design

6.9 The design of masts should be sympathetic to the proposed site in order to minimise visual impact. Generally slim-line monopole masts are less intrusive than lattice towers but may be less suitable for mast sharing.

6.10 Operators will be encouraged to explore innovative design solutions, which minimise visual impact. For example, in some circumstances the use of masts designed to resemble trees or street lamp columns may be appropriate whilst in other situations it may be possible sometimes to incorporate equipment unobtrusively inside buildings such as church towers or utilise existing street lamp columns.

Fencing

6.11 The design of fencing of equipment compounds should be sympathetic to its surroundings. The use of sensitively designed fencing will normally be the most appropriate solution in terms of visual impact and security. Steel palisade fencing will only be appropriate in exceptional circumstances such as locations within industrial estates. All fencing should be of a dark colour.

Equipment Cabin

6.12 The materials and colour of equipment cabinets, cable boxes and other associated items should assist in minimising the visual impact of the installation. Operators should explain in their submissions how the selected materials and colours achieve this objective. Wherever possible equipment cabins and other equipment to serve rooftop installations should be placed inside buildings or be concealed by existing structures.

6.13 The impact of associated infrastructure such as equipment cabins, fencing and access roads can be significant and have an adverse effect upon the visual amenities of an area particularly in rural areas. Where the siting of a mast is otherwise considered to be acceptable, the visual impact of associated infrastructure will normally be expected to be minimised by the
implementation of a landscaping scheme previously agreed by the Council.

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7. HEALTH CONSIDERATIONS

7.1 The issue of health effects from the use of mobile phones, base stations and transmitters was considered by the Independent Expert Group on Mobile Phones, the findings of which were published as the Stewart Report. 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.”

7.2 In PPG8 the Government acknowledges that health considerations can, in principle, be material planning considerations when determining applications for planning permission or prior approval. It is the Government’s firm view, however, that:

“the planning system is not the place for determining health safeguards. It remains Central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view if a proposed mobile base station meets ICNIRP* guidelines for public exposure it should not be necessary for a local planning authority to consider further the health aspects and concerns about them.”

7.3 In the light of the Government’s advice the Borough Council will require all operators to provide self-certification within their applications that, when operational, proposed base stations will meet ICNIRP guidelines. Where a mobile phone base station is added to an existing mast or site, the Borough Council will require the operator to confirm that the cumulative exposure will not exceed the ICNIRP guidelines.

*International Commission on Non Ionising Radiation Protection
APPENDIX

POLICY E19

CONGLETON BOROUGH LOCAL PLAN FIRST REVIEW (REVISED DEPOSIT DRAFT)

PROPOSALS FOR TELECOMMUNICATIONS INSTALLATIONS, INCLUDING SATELLITE DISHES, REQUIRING PLANNING PERMISSION WILL ONLY BE PERMITTED WHERE THE FOLLOWING CRITERIA ARE SATISFIED:

I) THE PROPOSAL WOULD NOT ADVERSELY AFFECT THE AMENITIES OF LOCAL RESIDENTS;

II) THE PROPOSAL WOULD NOT HAVE AN UNACCEPTABLE IMPACT UPON IMPORTANT AREAS OR FEATURES OF LANDSCAPE, NATURE CONSERVATION, ARCHITECTURAL AND HISTORIC VALUE;

III) THE PROPOSAL WOULD NOT HAVE AN UNACCEPTABLE IMPACT ON THE LANDSCAPE OR TOWNSCAPE OR ADVERSELY AFFECT VIEWS OF LOCAL SIGNIFICANCE OR VISUAL AMENITY IN GENERAL;

IV) THE PROPOSAL INCORPORATES SUITABLE LANDSCAPING WHERE APPROPRIATE;

V) ADEQUATE ACCESS ARRANGEMENTS AND UNOBTRUSIVE ON-SITE PARKING IS PROVIDED WHERE THIS IS NECESSARY FOR OPERATIONAL REASONS;

VI) THE PROPOSAL IS SITED IN SUCH A WAY AS TO MINIMISE IMPACT ON THE APPEARANCE OF ANY BUILDINGS OR STRUCTURES USED FOR INSTALLATION IN SO FAR AS IS PRACTICABLE AND WHERE THIS IS OPERATIONALLY OR TECHNICALLY FEASIBLE;

PREFERENCE SHOULD BE GIVEN WHENEVER POSSIBLE TO PROPOSALS WHICH AVOID THE NEED TO ERECT LARGE NEW MASTS BY USING EXISTING BUILDINGS OR SHARING EXISTING FACILITIES.