

# Bolton Metro

## Environment Department

### Planning Control Policy Notes

In December 1995 Bolton Council adopted its Unitary Development Plan (UDP) as the sole statutory land use plan for the whole Borough. This plan has since been reviewed. The latest plan is the Second Deposit UDP which was published in January 2001 and subject to Public Inquiry between November 2001 and December 2002. On adoption this plan will replace the 1995 UDP as the statutory plan for the Borough.

The Council has a number of Planning Control Policy Notes, of which this is one, providing detailed policy advice to supplement UDP policies and help those who wish to understand the Council's detailed planning requirements and advice. These notes will have been subject to public consultation before being finalised.

The interpretation of this advice will relate to the circumstances and particulars of a planning application which will be determined on its own merits.

In the context of changing local, regional and national planning policies it may be necessary for the Council to revise its Planning Control Policy Notes to take these changes into account.

Prospective applicants requiring clarification of the Note's contents should contact the Council's Planning Control Section.

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## **Introduction.**

- 1.1 Modern telecommunications are an essential and beneficial element in the life of the local community and the national economy. New communications technology has spread rapidly to meet the growing demand for better communications at work and at home, in business, in public services and in support of electronic commerce.
- 1.2 Investment in new technology and the maintenance and improvement of the established networks will entail developments which enhance geographical coverage and improve the quality of the service provided. This in turn can expand choice by providing a wider range of services and service providers.
- 1.3 The continued development of telecommunications networks, and the expansion and improvement of geographical coverage, will result in development proposals which may, or may not, need some form of approval from the Local Planning Authority. Therefore, the crucial consideration for the Council in the determination of any proposal for telecommunications development is:
  - **the appropriateness of an installation or apparatus in any given location.**
- 1.4 **It should be noted that the Council will not determine the need for the service the development is to provide, nor seek to prevent competition between different operators.**

**The Council's aim is to facilitate the growth of new and expanding telecommunications systems in ways which do not prejudice amenity and environmental quality.**

### **National Government Policy.**

- 2.1 Government policy on telecommunications is set out in Planning Policy Guidance Note 8 - Telecommunications (PPG8) (August 2001).
- 2.2 The Government's policy is to facilitate the growth of new and existing systems whilst also being fully committed to environmental objectives established by other national and local policies. The intention is to protect both the countryside and urban areas from inappropriate development, particularly in relation to landscape/townscape character, conservation areas, sites or features of nature conservation value, archaeological sites, and listed buildings.
- 2.3 The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available.
- 2.4 The Government strongly encourages close consultation between operators and local planning authorities, prior to making any application to install telecommunications apparatus. This will provide an opportunity to discuss technical and environmental constraints and to explore possible alternative approaches, particularly in terms of the siting and appearance of the development. Specific proposals should be set in the context of the operator's strategy for development in the area.
- 2.5 Pre-application discussions should involve other organisations with a potential interest in the proposed development, such as resident groups, Parish Councils, amenity bodies and schools. Early consultation will avoid costly planning inquiries and delay by negotiating, for example, minor changes in route strategies and site selection.
- 2.6 With regard to health concerns, operators are committed to provide with each application a certificate of compliance with International Commission on Non-Ionising Radiation Protection (ICNIRP) exposure guidelines. It is the Government's view that if a proposed development meets these guidelines it should not be necessary for the local planning authority to consider health aspects further and that the planning system is not the place for determining health safeguards.
- 2.7 The Government will continue to keep the whole area of mobile phone technologies under review in the light of further research.

### **Local Planning Policy.**

3.1 The following policies are contained in Bolton's Second Deposit Unitary Development Plan (January 2001) and are of particular relevance in the determination of telecommunications proposals.

3.2 **Policy D6 – Telecommunications:**

**The Council will permit telecommunication developments provided the following criteria are met:**

- (i) **the applicant has demonstrated that the sharing of a site or apparatus with another operator is not possible in the proposed location or it can be shown that a new facility would have less impact than the intensification of use of an existing site;**
- (ii) **the siting, scale and external appearance of the apparatus, and any associated landscaping, have been designed to minimise, eliminate or mitigate negative impacts on amenity, visual intrusion and, if applicable, the appearance of structures on which they are mounted;**
- (iii) **applications for masts demonstrate that the possibility of erecting antennas on existing buildings and other structures have been fully explored and that the size of the mast is justified in terms of operational efficiency, structural capacity and its relative importance in the network;**
- (iv) **the applicant has demonstrated that any adverse effect from the development on landscape/townscape character, sites or features of nature conservation value, archaeological sites, conservation areas and listed buildings or their setting, can be suitably ameliorated; and**
- (v) **the operator removes any apparatus when it becomes redundant and bears the costs associated with site restoration.**

**The Council will use conditions and legal agreements to secure the above.**

The Council recognises the social and economic benefits of modern telecommunications and the need to facilitate the growth of new and existing systems in line with Government Guidance. The Council also

acknowledges the importance of adequate infrastructure and facilities to meet current operational needs and the capacity for operators to meet future requirements. However, it is not desirable to allow unrestricted developments which may be damaging to the amenity and environment of the Borough. The Council will not determine the need for the development but its potential impact in the proposed locality. In considering proposals the Council will seek to achieve a balance between the requirements of the telecommunications industry and environmental concerns.

- 3.3 Other policies of the Plan that may be material in any determination of applications for Prior Approval or Full Permission are as follows:
- 3.4 **Policy R2 – Protected Open Land:** aims to restrict development in open countryside and protect these areas from impacts on nature conservation interest, landscape character, and visual intrusion.
- 3.5 **Policy R5 – Landscape Character:** aims to protect the defined Landscape Character Areas from development which would adversely affect the landscape and its distinctiveness.
- 3.6 **Policies G1 and G2 – Green Belt:** these policies seek to maintain the openness of the green belt and support the purposes for which it was designated, by protecting the land from inappropriate development.
- 3.7 **Policies N1, N2, N3, N4, N5, N7 and N9 – Nature Conservation:** these policies protect designated nature conservation sites or areas (Sites of Special Scientific Interest, Local Nature Reserves, Sites of Biological Importance and Green Corridors), other sensitive habitat and landscape features, and sites known to be important for protected or rare species.
- 3.8 **Policy EM2 – Environmental Management:** this policy protects existing land uses from unacceptable impacts, such as pollution, arising from incompatible development.
- 3.9 **Policies D1, D7, D10, D12, D14 and D15 – Design and The Built Environment:** these policies promote good design and aim to protect and preserve the built environment, particularly Conservation Areas, Listed Buildings, and archaeological sites, from unacceptable and inappropriate developments.

## **Guidance on the Implementation of Policy D6 - Telecommunications.**

- 4.1 The Council will permit telecommunications developments provided certain criteria are met. Criteria 1 to 5 of Second Deposit UDP policy D6 are set out below in bold type with guidance on how the Council expects the requirements of the policy to be met, and what information will be required.
- 4.2 ***Criterion 1. The applicant has demonstrated that the sharing of a site or apparatus with another operator is not possible in the proposed location or it can be shown that a new facility would have less impact than the intensification of use of an existing site.***
- 4.3 The Council will expect operators to share masts and sites unless they can clearly demonstrate that this is not practicable in the proposed location or they can show that a new facility would be less damaging, or have a lower impact on amenity and the environment. The submissions of evidence may take the form of that which must be produced by the Code System Operators in securing their licences, and shall include documentation which fully justifies the reasons why sharing is not possible. Applicants will be expected to provide a full list and plans of sites investigated, together with details of landowners the operator has contacted to ascertain the availability of sites for sharing. This should accompany all applications for Prior Approval or Full Planning Permission with the applicant also providing detailed answers to the following questions where applicable:
- Is the structural capability of the existing mast able to support the weight and additional load factors caused by wind resistance to the new antennas?
  - Is the required height available to provide coverage to the target area or will a mast extension be necessary?
  - Is there sufficient land controlled by the operator to accommodate the sharers additional equipment cabin without the need for further negotiations and legal agreements?
  - Will vertical separation between antenna systems result in higher and more substantial structures being unacceptable in environmental and planning terms?
- 4.4 Planning permission will not be forthcoming in cases where the information and evidence submitted in relation to mast or site sharing is considered inadequate or unsatisfactory. The Council may take independent advice to assist in the evaluation of applications.

- 4.5 In considering all proposals the Council will also, in order to limit visual intrusion, seek to keep the numbers of radio and telecommunications masts, and the sites for such installations to the minimum, consistent with the efficient operation of the network.
- 4.6 In considering applications for installations operators should also provide a reasoned assessment of all alternatives in respect of the potential impact on the local environment including instances where the site would involve the redevelopment of an existing mast for shared use. Issues to be addressed in such circumstances would include an assessment of the cumulative impact of an increase in the height and visibility of a mast, or the installation of additional masts within the site (if mast sharing is deemed inappropriate). The Council, its Officers and operators should co-operate to find the optimum environmental and network solution on a case-by-case basis as blanket type, arbitrary restrictions may result in the need to install a taller mast, or more than one mast detrimental to the amenity of the surrounding area.
- 4.7 In certain sensitive areas the Council may, for reasons of visual amenity, consider mast development should be restricted/confined to a single site. The Council will discuss with the operators and the relevant landowner the feasibility of entering into a planning obligation, under Section 106 of the Town and Country Planning Act 1990, in order to provide a binding and enforceable requirement that the mast site would be available for sharing.
- 4.8 *Criterion 2. The siting, scale and external appearance of the apparatus, and any associated landscaping, have been designed to minimise, eliminate or mitigate negative impacts on amenity, visual intrusion and, if applicable, the appearance of structures on which they are mounted.***
- 4.9 Information on siting, design, external appearance and landscaping will be required in the determination of any proposal. Details submitted should fully justify site selection and the design of the apparatus in order to ensure that the impact of the installation is minimised.

**Siting:**

- 4.10 All applications shall include scaled plans which clearly illustrate:
- the overall layout of the site showing the location and size of all buildings and structures proposed;
  - the orientation of all buildings and structures;
  - the relationship of the proposal to adjacent or surrounding buildings, structures, highways, and other features, including

topography of the site and levels of surrounding property or buildings; and

- the provision to be made within the curtilage of the site for parking and servicing.

### **Design and External Appearance:**

- 4.11 All applications shall include the following:
- scaled plans, levels, elevations and drawings of all apparatus, buildings and structures proposed;
  - the colour of any apparatus/installation and the type of facing materials to be used; and
  - the submission of a supporting statement giving a fully reasoned justification for the chosen design of all structures and the proposed colouring and/or landscape treatment.
- 4.12 The Council encourages the use of innovative design solutions and the provision of examples of different designs. In all cases the Council will seek the optimum solution in order to minimise, eliminate or mitigate negative impacts on amenity and visual intrusion. For example, a monopole resembling a lamp post may be the most appropriate design in a roadside location.

### **Landscaping:**

- 4.13 All applications shall include details of:
- the position and type of any walls and/or fences; and
  - the proposed screening, boundary treatments, and hard and soft landscaping, including the species and numbers of plants proposed along with specifications of all final ground levels.
- 4.14 The Council will expect applicants to have referred to the Borough-wide Landscape Assessment and Bolton's Biodiversity Action Plan where the proposals are in open land or may affect priority habitats. Applicants are encouraged to use locally native species in their planting proposals in areas of open land.
- 4.15 Conditions will be imposed to ensure that the development is sited and designed to the satisfaction of the Council and represents the best achievable result in minimising or eliminating visual intrusion, and negative impacts on amenity and the environment.
- 4.16 Landscaping should not offer opportunities for crime.
- 4.17 **Criterion 3. Applications for masts demonstrate that the possibility of erecting antennas on existing buildings and other structures have been fully explored and that the size of**

**the mast is justified in terms of operational efficiency, structural capacity and its relative importance in the network.**

- 4.18 As an alternative to mast sharing the Council will require operators to show that they have investigated fully the potential for the use of existing buildings or other structures where other installations already exist. In this instance the Council expects that operators will utilise sites within industrial, commercial or transport related zones, away from sensitive areas. These sites may include lighting columns, chimneys, towers, electricity pylons and other industrial/commercial buildings or structures.
- 4.19 Where such sites have been identified as meeting the locational criteria, but have not been selected, full details of the operator's decision and reasoning shall be submitted with any application. Applicants will be expected to provide a full list and plans of sites investigated, together with details of landowners the operator has contacted to ascertain the availability of sites. Planning permission will not be forthcoming in cases where the information and evidence submitted in relation to site availability is considered inadequate or unsatisfactory.
- 4.20 In submitting their proposals, operators will need to provide information regarding the relationship of the scheme under consideration with the rest of their network.
- 4.21 *Criterion 4. The applicant has demonstrated that any adverse effect from the development on landscape/townscape character, sites or features of nature conservation value, archaeological sites, conservation areas and listed buildings or their setting, can be suitably ameliorated.***
- 4.22 There is a presumption against developments involving listed buildings and scheduled monuments and their settings. All telecommunications developments are subject to the normal statutory procedures insofar as listed building consent is concerned. No exceptions have been made to the normal requirement to obtain such consent under Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 before executing works affecting a listed building. Any operator intending to carry out work which is likely to affect the character or appearance of a listed building is advised to contact the Council to check on the statutory position, discuss proposals with the Council's Conservation Officer and refer to Policies D10 and D12 of the Second Deposit UDP. Similarly, any works to, or on the site of, a scheduled ancient monument require scheduled monument consent from the Department of National Heritage under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979 and Policy D14 of the Second Deposit UDP will be taken into account.

- 4.23 There is a presumption against developments on Sites of Special Scientific Interest (SSSI). Where development is likely to affect a SSSI, discussions will involve English Nature. For local designations, such as Sites of Biological Importance, and where protected species and habitats are likely to be affected, applicants should consult the Greater Manchester Ecology Unit. Applications in the Green Belt or other open land will be expected to take account of the Borough-wide Landscape Assessment and Bolton's Biodiversity Action Plan.
- 4.24 In seeking to arrive at the best solution for an individual site, officers and operators will consider the use of sympathetic design to minimise the impact of development. Depending on the location an appropriately designed single mast may be less obtrusive than a shared one. Officers should discuss with operators different design options. Where it is agreed that a site is suitable for future mast sharing, it may be appropriate to install a mast specifically designed to facilitate redevelopment for sharing.
- 4.25 Applications from amateur radio operators, radio taxi firms and other private and commercial users for masts will usually present few potential planning problems in terms of size and visual impact over a wide area. Such masts need to be high enough for technical efficiency and located as far as possible from other antennas in order to minimise the possibility of interference. However, they will not normally be of such a scale as to have a serious impact on local amenity.
- 4.26 *The Council will not permit developments that have adverse impacts on landscape/townscape character, conservation areas, sites or features of nature conservation value, archaeological sites, listed buildings, and other sensitive locations unless suitable design, siting and/or landscaping can overcome adverse effects.*
- 4.27 **Criterion 5. The operator removes any apparatus when it becomes redundant and bears the costs associated with site restoration.**
- 4.28 As telecommunications technology continues to advance and technical solutions to operational difficulties are found, it is inevitable that some apparatus will become obsolete or surplus to requirements. In all cases operators will be bound by legal agreements to remove unwanted equipment and installations when they are no longer required. Sites should be restored to their condition before the apparatus was installed or, in some cases, a condition agreed between the Council and the operator. The operator will be expected to bear all costs associated with this process.

**In order to secure measures which allow proposals to meet the above criteria, the Council will, where appropriate, use conditions and legal agreements when determining any application.**

### **Health Considerations.**

- 5.1 There is a widely held public perception that telecommunications installations may have adverse effects on health. It was acknowledged in the Stewart Report (May 2000) 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, the gaps in knowledge and the possibility of harm justify a precautionary approach. Health considerations and public concern can in principle be material considerations in determining applications. The Council will consider on a case-by-case basis whether the statutory consultation arrangements for applications for planning permission and prior approval will adequately provide for interested parties to be notified of a particular development. Additional publicity may be undertaken to give people likely to be affected by the proposed development an opportunity to make their views known. Where proposals involve siting on or near a school or college the operator should consult with the relevant body of the school or college before submitting an application, and provide evidence of this consultation when the application is submitted.
- 5.2 In the Government's view if a proposed mobile phone base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.
- 5.3 Applications for radio base stations will be accompanied by a certificate of compliance with ICNIRP public exposure guidelines.

### **Health and Safety Legislation.**

- 5.4 Operators have responsibilities under health and safety legislation. It is not for the Council to seek to replicate these controls through the planning system. Enforcement of health and safety legislation is a matter for the Health and Safety Executive (HSE). The Council will only consult the HSE on planning applications near major hazard sites.

***\* As new Government guidance emerges, or changes are made to the Unitary Development Plan, it may be necessary to revise this document in order to take these changes into account.***

### **Current planning legislation governing telecommunications systems providers and their installations.**

- 6.1 Some minor operations or changes of use of land may not constitute development which requires planning permission. Many of the smallest antenna systems may be covered by the normal principle of *de minimis*, or they may not have a material effect on the external appearance of the building on which they may be installed, and therefore may not fall within the legal definition of development. Telecommunications code system operators are required under the terms of their licences to provide 28 days notification to local authorities of their intention to install any telecommunications equipment, except where they are submitting an application for prior approval or for planning permission.
- 6.2 Permitted development rights for telecommunications systems operators are summarised in the Annex to PPG8 and set down in full under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, subsequently amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.
- 6.3 There may be circumstances where the exercise of a permitted development right may have a serious impact on amenity. Under such circumstances, the Council may, if it believes that the telecommunications installations of any scale would provide a real and specific threat to the amenity of a locality, withdraw the Permitted Rights and serve a direction under Article 4 of the Order thereby requiring all telecommunications to be subject to obtaining planning approval. This power would normally only be used in exceptional circumstances and would, in respect of Code System Operators, require the approval of the Secretary of State.
- 6.4 Where proposed telecommunications installations fall within the definition under Part 24 of Schedule 2 to the GPDO, development of a certain nature is subject to a requirement on the systems operator to apply for Prior Approval determination. This procedure is outlined in Annex 1 of PPG8. The Council has, under the terms of the GPDO as amended, 56 days to carry out the Prior Approval process. The Code Systems Operator must erect a site notice to publicise the development proposed and the Council can, at their discretion, extend publicity to give the public an opportunity to comment on the siting and appearance of the proposal.
- 6.5 This approach is justified in light of the Stewart Report into the effects on health from mobile phones which suggested that public consultation under the previous prior approval arrangements was not working satisfactorily. It was also suggested that lack of public consultation is a

major cause of grievance in people who suffer loss of amenity when base stations are erected. The resultant frustration can also have a negative effect on people's health and well-being.

- 6.6 If the Council considers that the development will pose a serious threat to amenity, it is able to refuse approval. However, the Council could suggest their preferred siting to minimise the impact of the antenna.
- 6.7 Development of a scale which is beyond the scope of Permitted Development and the Prior Approval procedure will require full planning approval and will also be determined in accordance with the Unitary Development Plan, Planning Policy Guidance Note 8, and this Supplementary Guidance unless material considerations indicate otherwise, for example, the significance/importance of the proposed development as part of a national network.

## **TELECOMMUNICATIONS SYSTEMS.**

- 7.1 The following section describes briefly, the principal telecommunications systems and their associated developments.

### Public telecommunications.

- 7.2 Operated by 'code system operators', each system has different antenna types, siting needs and other characteristics.

### Fixed-link.

- 7.3 These operate through cable connections (copper wire or optical fibre) which require the erection of small junction boxes at intervals on the street, and radio signals transmitted through line of sight to antennas or satellites. The radio links require the provision of radio relay station which usually consists of a small building to accommodate the equipment and a tower normally of up to 60 metres in height supporting a number of antennas which may also be located on buildings or other structures and typically antennas are round 'dishes' with diameters of 0.3, 0.6, and 1.2 metres. Links must be free from obstructions such as hills, buildings, trees or large moving objects however to solve such difficulties, intermediate repeater stations may for a necessary addition to the network requiring a minimum of two antennas. Links via satellites use antenna that point towards the satellite.

### Radio-Fixed Access.

- 7.4 A sub-set of fixed-links allows operators to provide high data rate services as well as simple voice services.

### First Generation Mobile (Analogue).

- 7.5 The original analogue cellular networks now being phased out.

### Second Generation Mobile (Global System for Mobile, GSM).

- 7.6 The current generation of mobile networks including standard or in car mobile telephones cover 98% of the populated areas of the UK. This system is provided by a network of radio base stations comprising masts of varying height dependant on location, affixed to which are typically, vertical multiple pole type antennas about 1-3 metres in length together with a number of small terrestrial microwave antennas 0.3m-1.2m. Associated equipment housing is usually between 4 and 35 cubic metres in volume The erection of additional antennas and base stations are a result of the need to continually expand the networks to meet increases in demand, service and quality. The greatest need for

base stations is usually in built up areas and within a mile or two of main roads.

### Third Generation Mobile ('3G' or 'UMTS' Universal Telecommunications System).

- 7.7 3G describes the mobile telecommunications systems and packages currently being introduced on the market and further developed. The new mobile standards and services will enable mobile users to have access to enhanced facilities including the Internet via their mobile phones. All 3G operators have a requirement in their licences to build out a network covering 80% of the populated areas of the UK by 2007.
- 7.8 Four of the 3G operators are existing providers and will be expected for the most part, to re-use their current infrastructure to accommodate much of their new 3G network requirements. The fifth operator will need to build their own 3G network from scratch, but will be expected, for the most part to use existing structures (including those owned by other operators).

### Satellite television broadcasting.

- 7.9 Television signals are beamed direct from the satellite to individual receiving antennas (satellite dishes). Antennas have to be in direct line of sight of the satellite and are generally mounted outdoors with the location dependant on the direction of the satellite. Dish sizes will depend on the technology used, signal strength and problems of interference from other satellites. New antennas are coming onto the market offering a variety of visual characteristics with units getting smaller than the original dishes.

### Signal Interference.

- 7.10 Broadcasters and telecommunications service suppliers depend on good radio signal access to their customers and as part of their licences must ensure and maintain a satisfactory signal to all recommended equipment. The construction of new buildings or other structures, such as wind turbines, can interfere with signals and thus the operators' services. Such interference is a material planning consideration when judging applications for development affecting a service provider's signal.

# APPENDIX



















