

! Metropolitan
Borough of Wirral

WIRRAL METROPOLITAN BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL

SUPPLEMENTARY PLANNING DOCUMENT

**SPD1 - DESIGNING FOR DEVELOPMENT BY MOBILE PHONE
OPERATORS**

OCTOBER 2006

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CONTENTS

1 INTRODUCTION	5
2 LEGAL BACKGROUND	5
3 POLICY CONTEXT AND OBJECTIVES	6
4 SITING, APPEARANCE AND DESIGN	8
5 HEALTH ISSUES	13
6 PRE-APPLICATION DISCUSSIONS AND CONSULTATION	13
7 INFORMATION TO BE SUBMITTED WITH APPLICATIONS	14
8 MONITORING	17
9 BACKGROUND DOCUMENTS	17

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1 INTRODUCTION

- 1.1** The purpose of the Supplementary Planning Document – Designing for Development by Mobile Phone Operators is to provide advice to all those who are interested in the installation of telecommunications apparatus for mobile telephone networks in Wirral.
- 1.2** The Supplementary Planning Document supplements Policy TEL1 and Policy TE1 in the Unitary Development Plan, adopted in February 2000 and will support Policy DP3 in the Regional Spatial Strategy for the North West (RPG13, March 2003). It also identifies other policies in the Unitary Development Plan that may be relevant in particular locations.
- 1.3** This Supplementary Planning Document has been prepared with community involvement and adopted subject to a Council resolution. It will, therefore, be a material consideration when determining applications for telecommunications development.
- 1.4** The Supplementary Planning Document provides information on:
 - the legislation for telecommunications development;
 - the planning policy context;
 - the siting and appearance of telecommunications development;
 - health considerations; and
 - details to be submitted with applications.

2 LEGAL BACKGROUND

- 2.1** Schedule 2, Part 24 of the Town & Country Planning (General Permitted Development) (Amendment) Order 2001 entitles operators of mobile phone networks to erect a range of telecommunications development without the need for any formal planning application to the Local Planning Authority.
- 2.2** However, some types of permitted development require prior approval from the Local Planning Authority.

Prior Approval Procedure

- 2.3** This procedure enables the Local Planning Authority to assess appearance and siting of permitted development (except in an emergency) for example:
 - masts up to 15 metres high;
 - antennae including supporting structures (except masts) that would exceed the height of a building by 4 metres or more;

- a public call box;
 - radio equipment housing with a volume greater than 2.5 cubic metres and development ancillary to radio equipment housing; and
 - permitted development on Article 1(5) land, such as designated Conservation Areas, or within Sites of Special Scientific Interest.
- 2.4** The Local Planning Authority has 56 days from the receipt of this type of application to make a determination and to notify the applicant of its decision. Permission is deemed to be granted if the applicant is not notified within this period.
- 2.5** If prior consent for the siting and appearance of telecommunications development is refused, the applicant has the right to appeal. A Planning Inspector appointed by the Secretary of State will then decide the application.

Full Planning Permission

- 2.6** Full Planning permission is required for development not covered by Schedule 2, Part 24 of the Town & Country Planning (General Permitted Development) (Amendment) Order 2001. For example masts above 15 metres in height or new antennae within Article 1(5) land such as a designated Conservation Area or a Site of Special Scientific Interest.
- 2.7** The Local Planning Authority have 56 days to determine a planning application. If a decision is not taken within that period, approval is not deemed to be granted. The applicant can, however, appeal on the grounds of non-determination or if planning permission is refused.

3 POLICY CONTEXT AND OBJECTIVES

National Planning Policy

- 3.1** National planning policy is set out in PPS1 - Delivering Sustainable Development (February 2005) and PPG8 – Telecommunications (August 2001). It is national policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum.
- 3.2** In 2002, representatives of Central and Local Government and the mobile phone industry agreed a Code of Best Practice, to reflect the changing nature of telecommunications design. UK Mobile Phone Network Operators have also produced 'Ten Commitments' (reproduced at Appendix 1) aimed at improving transparency when building mobile phone networks, by providing more information to the public and to local planners, boosting local communities' role in the siting of radio base stations.

Development Plan Policy

- 3.3** Both planning applications and applications for prior approval for telecommunications development will also need to be assessed against Policy DP3 - Quality in New Development in the Regional Spatial Strategy and against Policy TEL1 and Policy TE1 for telecommunications development in the Unitary Development Plan for Wirral. In accordance with national and regional planning policy proposals for telecommunications development will be given favourable consideration where design is good quality and the impact on the local environment and amenity will be minimal.
- 3.4** In sensitive areas applications will also be assessed under the following additional policies in the Unitary Development Plan for Wirral:
- **The Green Belt.** Policy GB2 makes a general presumption against inappropriate development in the Green Belt and applications for telecommunications development will not be approved except in very special circumstances. This is linked to RSS Policy SD5. National Policy PPG2 will also be a material consideration.
 - **Heritage and Conservation Areas.** Chapter 11 in the Unitary Development Plan sets out policies for the protection of the historic and archaeological environment. Proposals that would prejudice the objective of protecting Listed Buildings, Conservation Areas or important archaeological sites and monuments or designated Historic Parks and Gardens, including their wider settings, are unlikely to be permitted. This is linked to RSS Policies ER1 & ER3, National Policies PPG15 & PPG16 will also be material considerations.
 - **Nature Conservation.** Chapter 13 in the Unitary Development Plan contains policies for the protection of nature conservation and earth science. This is linked to RSS Policy ER5. National Policy PPS9 will also be a material consideration. Applicants should carefully check sites for the presence of protected wildlife species and are reminded that it is an offence to intentionally damage, destroy or obstruct the habitats of protected wild life species.
 - **Areas of Special Landscape Value.** Policy LA1 protects Areas of Special Landscape Value and does not permit proposals that would detract from the area or intrude within important views into or out of the area. This is linked to RSS Policies ER1 & ER2. National Policy PPS7 will also be a material consideration.
 - **Trees and New Development.** Policy GR7 reflects the wider responsibility to conserve and enhance the natural beauty of the area. This is linked to RSS Policy ER6. National Policy PPS9 will also be a material consideration.

Local Objectives

- 3.5** The main objective of local planning policy, consistent with national and regional objectives, is to ensure that the visual impact from new telecommunications development is minimal on the amenity of the area. However, in recent years there has been an increased demand from mobile telephone operators for new equipment and masts. This has led to local concerns in relation to health and that character of the area is being eroded due to the siting and appearance of telecommunications apparatus. The Supplementary Planning Document has been adopted to provide additional advice on the regulation of local impacts.
- 3.6** A Supplementary Planning Document must supplement adopted development plan policies and can only provide additional advice and guidance on the interpretation and implementation of adopted policies. The objectives of the Supplementary Planning Document are, therefore:
- to provide advice on the siting, appearance and design of mobile telecommunications apparatus;
 - to advise on how health concerns will be addressed; and
 - to encourage informed pre-application discussions and the submission of good quality applications.

4 SITING, APPEARANCE AND DESIGN

- 4.1** National Planning Policy Statement PPS1 makes it clear that high quality and inclusive design should be the aim of all those involved in the development process. Regard should be given to the good practice in Government documents such as *By Design – better places to live* or *Safer Places – the Planning System and Crime Prevention*. This sets out fundamental principles including:
- consideration of the design and position of development in context with neighbouring buildings, the townscape and landscape of the wider locality;
 - consideration of the scale, massing and height of intended development in relation to adjoining buildings, topography, views, vistas and general height patterns in the area; and
 - respecting the character of the area.
- 4.2** Wirral has a high quality environment bounded by a coastline, which is mainly a site of international importance for nature conservation. Large areas on the east side are the focus of urban regeneration. Villages and dormitory settlements on the west side are separated by an extensive Green Belt at the heart of the Borough. There are also a number of

nature and heritage conservation areas, listed buildings and areas of special landscape value throughout the Borough.

- 4.3** All operators will need to consider carefully how the design and siting of any proposed telecommunications development will impact on the amenity of each particular locality. Applicants will be expected to demonstrate that:

- the proposed scheme is the best environmental solution;
- the possibility of existing mast or site sharing and the use of existing buildings or structures has been fully explored;
- that the proposed scheme is the best design solution;
- the proposed site is the best available option;

Use of Existing Buildings and Structures

- 4.4** When considering options for the siting of telecommunications development, operators will initially be required, in line with Policy DP3 of the Regional Spatial Strategy and Policy TEL1 and Policy TE1 of the Unitary Development Plan, to explore innovative ways in which existing buildings and structures can be utilised in order to minimise the environmental impact.
- 4.5** Apparatus can be designed so that it is barely recognisable on the existing structure. It can be camouflaged or concealed in street furniture. Good examples of how telecommunications equipment has been installed on buildings and structures throughout Wirral include the use of church towers, flag poles, electricity pylons and chimney stacks.



Fig 1. Acceptable use of shrouding on chimney to conceal antennae

- 4.6** Any telecommunications development on buildings or structures must be sensitively designed so that the architectural quality is not compromised. This will involve careful consideration of the height, scale, colours and

materials to be used. For example, an extensive array of antennae projecting above the roofline in prominent or distinctive locations will not be acceptable.



Fig 2. Antennae fitted flush to original elevations would have reduced the impact on this building.

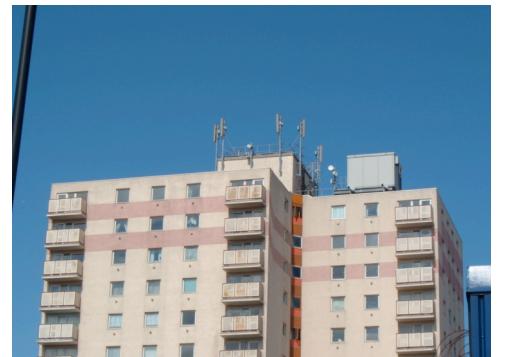


Fig 3. Siting the cabinet adjacent to the lift shaft and flush fitted antennae colour coated to match the building would have reduced visual impact here.

4.7 At the start of the development process, operators should consider Page 28 in the Government's Code of Best Practice on Mobile Phone Network Development. Any development on buildings or structures should be:

- painted or coloured to match the background or reduce the contrast;
- kept in proportion and respect architectural style;
- have clean lines and maintain symmetry; and
- avoid clutter.

4.8 Development affecting designated sites such as listed buildings and conservation areas is unlikely to be acceptable if their character, appearance or setting would be adversely affected. Operators should demonstrate that alternative sites have been fully explored and are not feasible before these options are considered.



Fig 4. Apparatus adversely affects character of listed building

New Masts and Ancillary Equipment

- 4.9** If it is not possible to share an existing mast or utilise existing buildings, new masts, cabinets, ancillary equipment or compounds must be designed and sited to minimise the environmental impact on the amenity of the area in order to comply with Policy DP3 in the Regional Spatial Strategy and Policy TEL1 and Policy TE1 in the Unitary Development Plan. This can be achieved in a number of ways such as:
- locating development in industrial areas with a design that blends into the background of existing factories, dockland cranes or other plant;
 - choosing a design to replicate or blend in with existing street furniture, for example imitation lamp posts positioned to avoid visual clutter;
 - siting equipment cabinets within existing buildings wherever possible, or designing purpose built cabins to fit in with the character of the area and the scale of general street furniture;
 - allowing sufficient space for new landscaping to screen the site;
 - using appropriate materials and colour finishes; and
 - the use of replica tree masts and landscaping within or next to wooded areas.
- 4.10** Imitation trees with a design, high quality materials and a height, which replicates or blends in with existing species in woodland areas can be an effective way to minimise the visual impact. However, care must be taken to avoid damage to existing trees and an extensive array of antennae or unscreened development projecting above the tree line in prominent or distinctive locations is unlikely to be acceptable.
- 4.11** Care must be taken that development including new access routes does not damage or adversely affect the appearance of adjoining landscapes. Applicants must demonstrate that all works and exclusion zones around retained trees and hedgerows would comply with BS5837 (2005).



Fig 5. Use of replica trees could reduce impact here.

4.12 Masts and ground-based compounds should not be located in areas of open countryside, on hilltops or ridgelines in a way that would have an unacceptable impact on the skyline and the appearance of the area. Operators, in consultation with the Local Planning Authority, will be expected to seek the optimum environmental solution for the targeted area.

Designing Out Crime

4.13 Masts and ancillary development should be orientated so that they do not act as a climbing aid into private or publicly owned property.

4.14 It is important that ground based equipment is located and designed to discourage the gathering of groups or anti-social behaviour. For example large equipment cabinets with flat tops that can be used for sitting and climbing in vulnerable areas are unlikely to be acceptable.

4.15 New fencing around ground based equipment compounds should be appropriately designed to respect the character of the area. The use of razor or barbed wire should be avoided. However defensible plantings such as hawthorn, blackthorn, barberry, rose, or firethorn may be used to create a buffer between publicly accessible areas and the site.

Highway and Pedestrian Safety

4.16 All ground-based development, including the area for door openings, must be sited to avoid obstruction to pedestrians and in particular for those who have disabilities.

4.17 In the interests of highway safety, operators will need to ensure that development does not impede roadside visibility splays and sight lines. Servicing arrangements should also be made to avoid interruption to the free flow of traffic in the surrounding roads and streets.

Removal of Redundant Telecommunication Apparatus

4.18 The Telecommunications Act 1984 indicates that an operator is not entitled to keep electronic communications apparatus installed when the apparatus is no longer used for the purposes of the operator's network, if there is no reasonable likelihood that it will be brought back into use.

4.19 Development under Class A (a) and (c) in Part 24 of the Town & Country Planning (General Permitted Development) (Amendment) Order 1995 is permitted subject to a condition which requires it to be removed and the land, building or structure restored to its former condition as soon as possible after it is no longer required for telecommunications purposes.

4.20 It will be appropriate for the Local Planning Authority to impose a condition on a development needing planning permission to require removal of redundant or obsolete telecommunications equipment and

the restoration of land or buildings in circumstances when it is no longer needed and environmental improvement justifies it.

5 HEALTH ISSUES

- 5.1** Mobile phones and their base stations transmit and receive radio signals using electromagnetic waves referred to as EMF's¹. EMF's can occur naturally from the earth's magnetic field or from a range of sources such as domestic appliances, power lines and electric trains.

- 5.2** In recognition of public concern about the possibility of health effects, the Government set up an Independent Expert Group on Mobile Phones, chaired by Sir William Stewart, to assess the potential impact of mobile phone equipment. The findings reported in May 2000 stated that:

"the balance of evidence to date suggests that exposures to RF² radiation below NRPB³ and ICNIRP⁴ guidelines do not cause adverse health effects to the general population."

- 5.3** In the later report, 'Mobile Phones and Health 2004', published in January 2005, the Board of the NRPB state that:

"there is no hard evidence at present that the health of the public, in general, is being affected adversely by the use of mobile phone technologies, but uncertainties remain and a continued precautionary approach to their use is recommended until the situation is further clarified."

- 5.4** The Government recognises that health considerations and public concern can, in principle, be material considerations when determining applications for planning permission or prior approval. National planning policy in PPG8, however, indicates that if base stations meet ICNIRP guidelines it should not be necessary for the Local Planning Authority to consider further the health aspects or concerns about them.

- 5.5** The Local Planning Authority expects all applications for mobile telephone equipment to be accompanied by a certificate confirming that all proposed apparatus would be compliant with ICNIRP guidelines. Mobile phone base stations may be subject to audit by OFCOM (Office of Communications). Further information is available through the following websites <http://www.ofcom.org.uk/sitefinder/> and <http://www.ofcom.org.uk/sitefinder/request>

6 PRE-APPLICATION DISCUSSIONS AND CONSULTATION

- 6.1** In response to concerns relating to telecommunications development, Mobile phone operators have issued "Ten Commitments", (reproduced at Appendix 1) to supplement the Code of Best Practice on Network Development and national planning policy.

¹ Electro Magnetic Fields

² Radio Frequency

³ National Radiological Protection Board

⁴ International Commission on Non-Ionising Radiation Protection

- 6.2** Operators are expected to consult the Local Planning Authority on their roll out plans on an annual basis. The information should include plans linked to a written schedule showing existing sites and the preferred locations for new sites for the whole of the Borough. Roll out information should be produced in MAPINFO or shape file format and addresses in the schedule linked to Ordnance Survey grid references to assist with analysis of the information.
- 6.3** The Local Planning Authority encourages pre-application discussions with operators on site specific proposals. Prior to any discussions we will require in writing, in accordance with the Code of Best Practice, an explanation of need, details of any other systems in the area, options for alternative sites, the design options considered, the 'Traffic Light Model' rating⁵ and the proposed strategy for consulting the local community on all base station and antennae development, including those where applications are not needed due to development rights or ecclesiastical exemptions. The community is defined as any individual, business or group likely to be directly affected by the proposed development. This includes sensitive uses such as education, nursery, medical and residential care establishments.
- 6.4** The strategy for consultation will depend on the location and type of development. In areas where the 'Traffic Light Model' rating is amber or red, in addition to Councillors being consulted in writing of the proposal within their ward if cell coverage extends into any adjacent ward those Councillors should also be notified in writing. Copies of each letter to the Ward Councillors should be sent at the same time to:

The Development Control Manager
 Department of Technical Services, Cheshire Lines Building
 Canning Street, Birkenhead
 Wirral CH41 1ND.

7 INFORMATION TO BE SUBMITTED WITH APPLICATIONS

Full Planning and Listed Building Applications

- 7.1** If you are submitting a planning application the following plans with the Local Planning Authority's application forms will be required:
- four sets of the site location plan on a separate sheet with an OS base to a scale of not less than 1:1250 or 1:2500 with the north point shown and a redline drawn around the site boundary including any proposed access - a blue line should draw around adjoining land in the ownership of the applicant;
 - four sets of the block plan for the site at a scale of not less than 1:500;

⁵ a method for ascertaining the type of public consultation as part of the Code of Best Practice for Mobile Phone Network Development

- four sets of existing and proposed elevations and plans (including roof plans when relevant) at a scale of not less than 1:100 showing:
 - ◆ all ancillary equipment, cable routes, access ladders etc.;
 - ◆ the relationship of the proposed development to neighbouring buildings or structures; and
 - ◆ a clear differentiation between any existing and proposed equipment;
- four sets of scaled existing and proposed cross sections where equipment would be partially hidden by other structures; and
- four sets of site survey plans to a scale of not less than 1:200 showing any existing and proposed features for the site, such as landscaping, trees, buildings and other structures.

7.2 The drawings should be accompanied with the following information:

- a statement, linked to the drawings, photographs or pictures, explaining the reasons for the choice of the materials and design along with a visual impact assessment of the proposal on the immediate and wider context of the surrounding area;
- details of the site type (micro or macro);
- details of annual rollout and pre application discussions with the Council;
- a statement of community involvement including details of **all** consultations carried out and copies of all written comments received by the operator;
- a scaled map cross referenced to a survey/schedule showing the relationship of the application site to schools and all other telecommunication equipment within the site, the cell area and the adjoining cell areas where coverage would overlap;
- a signed declaration that the development would fully comply with the ICNIRP requirements. Where a base station is added to an existing mast or site, the declaration must confirm that the cumulative impact of this and all other existing equipment which covers the cell area including that of all other named operators has been taken into account (as listed in the survey/schedule submitted with the application);
- technical information including the frequency, modulation/pulsation characteristics, power output (including the direction of the beams of intensity) and the height of the proposed antenna;

- a technical justification with details about the purpose of the site and why the particular development is required;
 - details of alternative sites considered including the area of search with a justification for rejecting them, to include existing masts, structures and other buildings within the search area. Written evidence of negotiations will be required, including correspondence between operators and land owners, to support cases where alternative sites are not available;
 - an explanation, if no alternatives are considered;
 - an acoustic report where relevant; and
 - details of any consultation carried out with the Civil Aviation Authority/Secretary of State for Defence and/or Aerodrome operator as relevant.
- 7.3** For applications affecting Listed Buildings or Conservation Areas, a full appraisal will be required on the impact of the proposed development including an assessment from all strategic vantage points. Statutory Instruments SI 2006 No.1062 and SI 2006 No.1063 now requires all applications for operational development to be accompanied by design and access statements (further advice on design and access statements is provided in DCLG Circular 01/2006 which can be viewed at <http://www.communities.gov.uk/index.asp?id=1500620>).
- 7.4** A full tree survey to the specifications of SPG17 and BS5837 (2005) identifying the name, position, canopy spread, height, and condition of all species within 12 metres of any part of the development (including any new access roads and cable route) will be required for sites where trees or woodland are present.
- 7.5** At sites where there is a reasonable likelihood of protected wildlife species being present and affected by the proposed development, a detailed ecological survey along with the proposed measures for ensuring long term protection of the species will be required.

Prior Notification Procedure

- 7.6** In addition to the information required to be submitted under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) for prior approval applications, it is recommended that the information needed for a full planning application is also submitted in order to assist with the processing of the application.

8 MONITORING

- 8.1** The impact of the operation of the adopted Supplementary Planning Document will be monitored through the Council's statutory Annual Monitoring Report.
- 8.2** The Council proposes to monitor the number of proposals for telecommunications development and to monitor the number of proposals affecting specially designated areas such as Listed Buildings, Conservation Areas, Historic Parks and Gardens, Scheduled Ancient Monuments, Areas of Special Landscape Value, nature conservation and earth science sites.

9 BACKGROUND DOCUMENTS

PPS1 - Delivering Sustainable Development (ODPM, January 2005) can be viewed at

http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_035506.hcsp

PPG8 – Telecommunications (ODPM, August 2001) can be viewed at

http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_606918.hcsp

National Code of Best Practice for Mobile Phone Network Development

http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index.hcst?n=2348&l=2

Regional Spatial Strategy for the North West (RPG13, March 2003) can be viewed at <http://www.go-nw.gov.uk/planning/rpg13.html>

Unitary Development Plan for Wirral (WBC, February 2000) can be viewed at www.wirral.gov.uk/udp and free of charge at local libraries

Local Development Scheme for Wirral (WBC, May 2005) can be viewed at www.wirral.gov.uk/ldf

Draft Sustainability Appraisal Framework for Wirral (WBC, July 2005) can be viewed at www.wirral.gov.uk/ldf

The SEA Determination for the SPD can be viewed at
www.wirral.gov.uk/ldf/lfspdtd.asp

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Appendix 1 – The Ten Commitments of Mobile Phone Operators

- 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 within telecommunications for local authority officers and elected members.
- 5.** Deliver, with the government, a database of information available to the public on radio base stations.
- 6.** Assess all radio base stations for international (ICNIRP^{6*}) compliance for public exposure, and produce a programme for ICNIRP compliance for all radio base stations as recommended by the Independent Expert Group on Mobile Phones.
- 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 supporting documentation for all planning submissions whether full planning or Prior Approval.

Source: Handbook on Mobile Telecommunications Community Consultation for Best Siting Practice (Mobile Operators Association 2004)

⁶ International Commission on Non-Ionising Radiation Protection

Wirral Borough Council

SPD1 - Designing for Development by Mobile Phone Operators
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