

North Tyneside Council

Report to Council

Date: 24 January 2013

ITEM 9
Title: Consultation
protocol for telecom
operators and schools

Portfolio(s): **Community and Regulatory
Services**

Cabinet Member(s): **George Westwater**

Report from Directorate: **Chief Executive's Office**

Report Author: **Graham Haywood – Chief Executive** Tel: (0191) 643 2000

Wards affected: **All**

PART 1

1.1 Purpose:

The purpose of the report, which is provided pursuant to a motion agreed by Council on 25 October 2012, is to obtain Council's approval to adopt for the purposes of considering proposals for Telecommunication Masts, a protocol in the form of an Advice Note regarding consultation by Telecommunication Operators in relation to the submission of planning applications for Telecommunication Masts and Notifications under the Prior Approval procedures for development provided by Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). In addition the report provides information, as requested in the Council motion of 25 October 2012, on phone mast applications and whether or not they met the consultation zone criterion referred to in the motion.

1.2 Recommendation(s):

It is recommended that Council adopt the Telecommunications Advice Note attached at Appendix 1 for the purposes of considering submissions by Telecommunication Operators for planning applications for Telecommunication Masts and Notifications for Masts under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

1.3 Forward Plan:

This report appears on the Forward Plan for the period 12 December 2012 to 31 March 2013.

1.4 Council Plan and Policy Framework

This report relates to Priority 2: Quality of Life, in the Council's Sustainable Community Strategy 2010/13; Provide opportunities for the borough's diverse communities to engage in public life, through shaping the decisions that affect their lives and volunteering.

1.5 Information:

1.5.1 At the meeting of Council on 25 October 2012 the following motion was agreed:

“The National Planning Policy Framework 2012 relating to Telecoms Masts section 45 states that "Applications for telecommunications development (including prior approval under part 24 of the general permitted development order) should be supported by the necessary evidence to justify the proposed development. This should include: the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory zone.

As there is no defined distance referred to in the Policy Framework this motion calls upon the Council to agree a defined required consultation zone of a 1-mile radius around all schools in North Tyneside to all current and future telecoms mast applications.

Council requests a report to be supplied to all members showing all phone mast applications in the past year and whether or not they met the consultation zone criterion.

The above matters be referred to the Planning Committee for consideration and then back to the next available Council meeting.”

Decision of Planning Committee 8 January 2012: Proposed adoption of Telecommunications Advice Note

1.5.2 At the meeting of Planning Committee on 8 January 2013, the Committee authorised the preparation of a report for full Council recommending that a Telecommunications Advice Note be adopted by the local authority for the purposes of considering submissions by Telecommunication Operators for planning applications for Telecommunication Masts under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Council is referred to the detailed information contained in the report considered by Planning Committee (with associated Telecommunications Advice Note) which is attached as Appendix 1 to this report.

1.5.3 Section 45 of the National Planning Policy Framework 2012 (NPPF) states in relation to Telecommunications Masts that:

"Applications for telecommunications development (including prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone...”

The NPPF does not provide any guidance as to what distance defines a statutory safeguarding zone.

- 1.5.4 The Code of Best Practice on Mobile Phone Network Development (2002) provides advice for Telecommunications Operators from Government. It states that where there is a proposal to install, alter or replace a mobile phone base station on or near a school or college, operators should discuss the proposed development with the relevant body of the school or college concerned before submitting an application for planning permission.
- 1.5.5 The Code of Best Practice advises that in determining whether a school or college should be consulted the following factors should be taken into account by operators and local planning authorities:
- a) whether the proposed site is on school/college grounds;
 - b) whether the proposed development would be seen from the school/college or its grounds;
 - c) whether the site is on a main access point used by pupils/students to the school/college;
 - d) whether there is a history of concern about base stations within the local community;
 - e) whether the school/college has requested that it be included in any consultation; and
 - f) where the local planning authority has requested consultation with the school/college.
- 1.5.6 A school is defined as an institution providing education for children within the nursery (2-5), primary (5-11), and secondary (11-16) education ranges. Schools can be maintained (i.e. funded by Government through local education authorities) or non maintained/independent (i.e. funded and run by other means). A college of further education is an institution providing full or part-time education for students over the age of 16. This includes sixth form colleges (16-19).
- 1.5.7 The proposed protocol set out in the Advice Note would require that Telecommunication Operators undertake consultation with schools within a 1 mile radius of the site of any proposed Telecommunication Mast, and that the outcome of those consultations be submitted with planning applications for Telecommunication Masts and Notifications for Masts under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Information on previous telephone communication mast applications

- 1.5.8 The Council motion of 25 October 2012 further requested that a report be supplied to all members showing all phone mast applications in the past year and whether or not they met the consultation zone criterion. This information is set out in Appendix 2 to this report.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Council can approve the recommendation set out at section 1.2 of this report and authorise the adoption of a consultation protocol in the form of an Advice Note for Telecommunication Operators.

Option 2

Council can decide not to agree the recommendation set out at section 1.2 of this report.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Advice Note would provide clarity for Telecommunication Operators on government policy set out within paragraph 45 of the National Planning Policy Framework as to the extent of consultation which the Council would expect for Telecommunication Masts in relation to schools and colleges. It will also enable local schools and colleges to be notified earlier in the process for considering proposals for telecommunication masts located within their vicinity.

1.8 Appendices:

Appendix 1: Report to Planning Committee dated 8 January 2013, Consultation Protocol for Telecom Operators and Schools (with Telecommunications Advice Note at Appendix 1)

Appendix 2: Information on Pre Application Consultations Undertaken by Telecommunication Operators between 25 October 2011 and 8 January 2013.

1.9 Contact officers:

Sarah Davitt, Principal Planning Officer, tel. (0191) 643 6332

Alison Campbell, Finance Business Manager, tel (0191) 643 7038

1.10 Background information:

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.2 Legal

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.3 Consultation/community engagement

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.4 Human rights

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.5 Equalities and diversity

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.6 Risk management

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.7 Crime and disorder

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

2.8 Environment and sustainability

As set out in the report to Planning Committee of 8 January 2013 at Appendix 1.

PART 3 - SIGN OFF

- Chief Executive X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Strategic Manager,
Policy and Partnerships X