

# North Tyneside Council Report to Planning Committee Date: 8 January 2013

## ITEM 6

Title: Consultation  
protocol for telecom  
operators and schools

Report from Directorate: Chief Executive's Office

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Wards affected: All

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### PART 1

#### 1.1 Purpose:

The purpose of the report is obtain Planning Committee's approval to refer to Full Council a proposed protocol in the form of an Advice Note regarding consultation by Telecomm Operators in relation to the submission of planning applications for Telecommunication Masts and Notifications under the Prior Approval procedures for development under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

#### 1.2 Recommendation(s):

It is recommended that Planning Committee:

- a) Authorise the Head of Regeneration, Development and Regulatory Services to prepare a report for Council recommending that the draft Telecom Advice Note attached at appendix 1 be adopted by the local authority for the purposes of considering submissions by Telecom 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 National Policy

- 1.4.1 Section 45 of the National Planning Policy Framework 2012 (NPPF) states in relation to Telecoms Masts that:

"Applications for telecommunications development (including prior approval under part 24 of the General Permitted Development Order) should be supported

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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.

1.4.2 The Code of Best Practice on Mobile Phone Network Development (2002) is the government endorsed advice for Telecom Operators. It states that where it is proposed 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 of further education concerned before submitting an application for planning permission.

1.4.3 The Code of Best Practices 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.

1.4.4 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 Council Policy

1.5.1 The North Tyneside Statement of Community Involvement LDD1 states that the Council will encourage applicants, as part of a pre-application consultation exercise to seek the community's views on options for their development through a variety of consultation methods.

## 1.6 Information:

1.6.1 At the meeting of Council on 25 October 2012 the following motion was carried

“The National Planning Policy Framework 2012 relating to Telecoms Masts section 45 states that "Applications for telecommunications

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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.”

- 1.6.2 A report is being prepared identifying all applications and notifications for telecom masts in the past year and the report will be made available at the meeting of the Planning Committee as a further appendix.
- 1.6.3 A Telecom Advice Note has been drafted which requires that prior to the submission to the local authority of any planning application or Notifications under Part 24 of the Town and Country Planning General Permitted Development Order 995 for telecom masts, the relevant Telecom Operator will undertake consultation with any school within a 1-mile radius of the proposed development. The details of that consultation would be submitted with any planning application or Prior Notification to the Local Planning Authority. The draft Telecom Advice Note is attached as Appendix 1.
- 1.6.4 The NPPF sets out national planning policy on a range of issues including telecommunications equipment. It advises Local Planning Authorities to support the expansion of communications networks but maintain the number of masts to the minimum required for the efficient operation of the network. NPPF directs Local Planning Authorities not to impose a ban on new telecommunications development but ensure that applications for telecommunications development are supported by a range of evidence, including the outcome of consultations with interested organisations and education establishments nearby.
- 1.6.5 NPPF is not explicit about the extent of such consultation but operators are also guided by the non-statutory Code of Best Practice (published by central government in 2002). Both the Code, and the Council’s published statement of community involvement encourage operators to carry out pre-development consultation, and operators have committed to carrying out consultation based on the sensitivity of a potential site.
- 1.6.6 The Best Practice Code specifically recommends consultation with schools and colleges where equipment is proposed in close proximity, however no distance is specified. The Code goes on to state that operators should agree with Local Planning Authorities which schools should be consulted in each case.

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- 1.6.7 If Council adopted a protocol which detailed expected consultation, it would be consistent with the advice in the established Best Practice Code and would provide operators with a clearer understanding of the extent of consultation which the Council would expect to be undertaken where equipment is proposed near to a school/college. At formal application/notification submission stage the Local Planning Authority can ensure schools are notified about the receipt of an application.
- 1.6.8 If the protocol of a defined consultation zone of a 1-mile radius around schools opted by Full Council, the Local Planning Authority will need to advise telecommunications operators through the provision of Telecom Advice Note, about the expected extent of pre-submission consultation. A draft Telecom Advice Note forms Appendix 1 to this report. It should be noted that it would not be possible to compel the operators to undertake the consultation of schools as the Best Practice Code is non-statutory guidance and the lack of consultation would not represent a valid reason for refusal.

### 1.7 Decision options:

The following decision options are available for consideration by Planning Committee

#### Option 1

Committee can approve the recommendation set out at section 1.2 of this report and authorise the Head of Regeneration, Development and Regulatory Services to prepare a report for Full Council recommending the adoption of a consultation protocol in the form of an advice note for Telecommunication Operators.

#### Option 2

Committee can make amendments to the advice note and then authorise the Head of Regeneration, Development and Regulatory Services to prepare a report for Full Council recommending the adoption of a consultation protocol for Telecommunication Operators in the form of the amended advice note.

#### Option 3

Committee can not agree the recommendations set out in section 1.2 of this report.

Option 1 is the recommended option.

### 1.8 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Protocol would provide clarity for Telecom 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.

### 1.9 Appendices:

Appendix 1: Draft Telecom Advice Note 2013

### 1.10 Contact officers:

Sarah Davitt, Principal Planning Officer, tel. (0191) 643 6332  
Alison Campbell, Finance Business Manager, tel. (0191) 643 7038

### 1.11 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) North Tyneside Council Unitary Development Plan, 2002
- (2) North Tyneside Statement of Community Involvement LDD1 2010
- (3) Council Minutes 25 October 2012
- (4) National Planning Policy Framework 2012
- (5) The Code of Best Practice on Mobile Phone Network Development (2002)

## PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

### 2.1 Finance and other resources

The costs of preparing a Telecomm Advice Note will be met from existing revenue budgets. Photocopying costs only will be incurred and are estimated to be not more than £200.

### 2.2 Legal

There are no legal implications arising from the proposed telecomm consultation protocol however if adopted it would **not** be a material consideration in the determination of planning applications and appeals.

### 2.3 Consultation/community engagement

Internal Consultation - None considered necessary to support the development of this protocol.

External Consultation/Engagement - None considered necessary to support the development of this protocol.

### Human rights

There are no human rights implications arising directly from this report.

### 2.5 Equalities and diversity

There are no equalities or diversity implications arising directly from this report.

### 2.6 Risk management

Any risks arising will be monitored through the Service's usual risk management process.

### 2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

## 2.8 Environment and sustainability

The objectives of the Consultation Protocol will be consistent with the aims of promoting environmental and sustainable development.

### PART 3 - SIGN OFF

- Chief Finance Officer

- Monitoring Officer

- Strategic Manager, Policy and Partnership