

Planning Advice Note

Guidance on the Telecommunications Application Procedure



North Tyneside Council

Types of Telecom Proposals

There are two types of telecom proposals that the authority can consider;

- Notification of intent to carry out works, seeking clarification as to whether the Local Planning Authority intends to exercise control over the siting and appearance.

These will be considered in the same manner that any formal planning application for this type of development taking into account the impact upon the amenity of both the street scene and any neighbouring properties.

- Full Planning Application, this relates to any telecoms structure exceeding 15m in height.

Prior Notification Proposals

All telecommunications development is subject to consideration against local plan policies and national policy contained within the National Planning Policy Framework. However, under part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) (as amended) telecommunications code system operators enjoy general planning permission by way of permitted development. By Class A of part 24 subject to the exclusions set out in the GPDO, allows an operator to carry out certain developments without making a planning application to the Local Planning Authority.

The installation, alteration and replacement of masts up to 15 metres in height (subject to limitations, which seek to protect amenity and the environment,) are developments permitted by Class A of Part 24 of the GPDO. Under paragraph, A.2 (4), certain development permitted under Part 24 is conditional upon the operator making a prior approval application to the relevant Local Planning Authority. The prior approval procedure allows 56 days for the Local Planning Authority to consider the siting and appearance of the proposed development.

The Prior Approval Procedure

Several forms of telecommunications development are subject to the 56-day prior approval procedure under Class A of Part 24 of the GPDO. This procedure applies to the construction, installation, alteration or replacement (unless in an emergency) of:

- A ground based mast of up to and including 15 metres in height;
- A mast of up to and including 15m in height installed on a building or a structure;

- An antenna (including any other supporting structure) which exceeds the height of the building or structure (other than a mast) by 4 metres or more at the point where it is installed or to be installed;
- A public call box;
- Radio equipment housing with a volume in excess of 2.5 cubic metres;
- Development ancillary to radio equipment housing (e.g. fences access roads);
- Class A development on Article 1 (5) land or an SSSI which has not been excluded by paragraph A1 of the GDPO.

The above types of development require the developer to apply to the Local Planning Authority for its determination as to whether prior approval will be required to the siting and appearance of the proposed development. In determining the application the Local Planning Authority will have 56-days in which to make and notify its determination on whether control is required to be exercised over the siting and appearance and to notify the applicant of its decision to give or refuse such approval. The 56 day period begins upon receipt of the application and there is no power to extend this timescale. If the local planning authority fails to make a decision or notify the applicant within this timescale, permission is deemed to have been granted.

What is required of the Telecom Applicant

As part of an application to the Local Planning Authority regulations require that the following must accompany the application:

- A written description of the proposed development;
- A plan indicating its proposed location;
- Evidence that the owner or agricultural tenant of the land to which the application relates has been notified of the proposed development;
- Where the proposed development consists of the installation of a mast within three kilometres of the perimeter of an aerodrome, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator (as appropriate) has been notified of the proposal;
- The appropriate fee

Pre Application Consultation with Local Schools

In addition the Telecom Operator is strongly encouraged to undertake further consultation within the area. Where the proposed development consists of the installation of a mast within 1 mile of a nursery, school or college the authority request that the applicant/developer demonstrate that they have consulted those institutions as part of a pre application consultation process, in accordance with the advice set out in the Code of Best Practice on Mobile Phone Network Development (2002) and policy contained within the National Planning Policy Framework.

Additional Information Required

The applicant should also forward the following information to the Local Planning Authority:

- Evidence that the possible use of an existing mast, building or structure has been considered before submitting an application to erect a new mast;
- Information about the purpose and need for the particular development; where the proposed development consists of the installation, alteration or replacement of a mobile phone base station on or near a school or college, evidence that the relevant body of the school or college have been consulted about the proposal;
- A statement that a proposed mobile phone base station, when operational will meet the ICNIRP guidelines;
- A statement indicating the height of the proposed antenna, the frequency and modification characteristics, and details of power output.

Consultation Requirements for Local Planning Authority

The Local Planning Authority public consultation procedure for the 56-day prior approval proposals are the same as for developments requiring planning permission as set out in the Council's Neighbourhood Notifications Protocol.

As early as possible, upon receipt of the application the Local Planning Authority will begin the consultations and notifications in accordance with the Council's Protocol. This will allow sufficient time to consider the application in light of any representations received.

Any relevant representations received will be taken into account by the Local Planning Authority in determining whether to grant or refuse approval for the proposed telecommunication equipment. If there are possible modifications, which could be implemented to mitigate the concerns raised by the representation, received, the Local Planning Authority may discuss these options with the developer.

Siting and Appearance

Materials, colour and design are a few of the factors that will be assessed when considering the appearance of the mast and ancillary apparatus. The appropriate use of materials and colouration may allow a mast to blend more easily into its surroundings. Dimensions; overall shape; and whether the construction is solid or forms an open framework are features which the authority will also take into account.

Factors concerning siting may involve:

- The height of the site in relation to the surrounding land;
- The existence of topographical features and natural vegetation;
- The effect of the skyline or horizon;
- The site when observed from any side; including from outside the authority's own area;
- The site in relation to areas designated for their scenic or conservation value;

- The site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character;
- The site in relation to residential property;
- Any other relevant considerations.

Health Considerations

The possible impact on health is sometimes a concern for local residents when considering the position of telecommunications equipment in proximity to homes.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. The National Planning Policy Framework states that Local Planning Authorities must determine applications on planning grounds and should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

Determinations That Do Not Require Prior Approval

The development may proceed, if the Local Planning Authority determines that prior approval is not required when:

- The operator receives written notice of such a determination; or
- After the 56-day period has expired.

Rather than allowing the 56-day period to expire without notifying the applicant, the Local planning Authority will notify the developer of the determination as soon as possible. The development must be carried out in accordance with the details submitted with the application for the determination or as otherwise agreed in writing by the local planning authority.

Determination to Require Prior Approval

Prompt written notice will be given to the operator if the determination made by the Local Planning Authority requires prior approval for the siting and/or appearance of the development.

Granting Permission or Refusing Approval

Should the Local Planning Authority notify an applicant that prior approval is required, then the authority will ensure that the applicant receives the written decision to give or refuse approval before the end of the 56-day period.

This is because failure by the Local Planning Authority to serve written notification within the 56-day period, allows the development to proceed after that period has expired.

If the applicant has been notified within the 56-day period by the Local Planning Authority that approval has been given for the siting and/or appearance of the telecommunication equipment then the development may commence upon receipt of the decision. In these circumstances the development must be carried out in accordance with the details submitted with the application, or as otherwise agreed in writing by the local planning authority.

Should approval of the siting and/or appearance of the development be refused by the Local Planning Authority the applicant will be notified within the 56-day period and the reasons for refusal will be given. The authority can explore with the operator the possibility of modifying the siting and/or appearance of the proposed development where it considers that a refusal of the approval may be justified. The Local Planning Authority will take into account obligations on the code system operators to provide a service and technical constraints upon network development, when exercising this power.

Action Following Refusal of Prior Approval Notification

Applicants enjoy a right of appeal against a refusal made under the prior approval procedure, under section 78 (1) (c) of the Town and Country Planning Act 1990. Like most planning applications the appeal should be made to the Secretary of State within six months of the date of the decision notice.

If approval is refused, or if refusal is upheld on appeal, then the applicant has the right to submit a fresh application for prior approval determination to the Local Planning Authority. The application will be determined on its own individual merits.

Further details on the development management process are available on the Council's web site or at its offices at the address below. If you have any questions not answered by the advice in this guidance note please contact:

**Development Management, North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY (Tel: 0191 643 2310).
Or e-mail: development.control@northtyneside.gov.uk**

North Tyneside Council wants to ensure that its services are as easy to use as possible through their Fair Access Policy. All forms and guidance notes for making a planning application will be made available in minority ethnic languages, Braille, audiotape, large print or other format as requested.

If English is not your first language and you would like information about this document please contact North Tyneside Council at the Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY . Telephone: 0191 643 2310

You can visit the Council web site at: www.northtyneside.gov.uk

ଆମର ସର୍ବମୁଖ୍ୟ ଉଦ୍ଦେଶ୍ୟ ହେଉଛି ଯେତେକ ସମ୍ଭାଷଣ କ୍ଷମତା ନଥିବା ବ୍ୟକ୍ତିମାନଙ୍କୁ ଆମର ସେବା ସହଜରେ ବ୍ୟବହାର କରିବାକୁ ଅନୁମୋଦିତ କରିବା । ଆମର ସର୍ବମୁଖ୍ୟ ଉଦ୍ଦେଶ୍ୟ ହେଉଛି ଯେତେକ ସମ୍ଭାଷଣ କ୍ଷମତା ନଥିବା ବ୍ୟକ୍ତିମାନଙ୍କୁ ଆମର ସେବା ସହଜରେ ବ୍ୟବହାର କରିବାକୁ ଅନୁମୋଦିତ କରିବା ।

North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park
North Tyneside, NE27 0BY
) ଏ (ସାମାଜିକ କଲେକ୍ଟିଭ) (ପିନକୋଡ୍): 0191 643 2310

ଆମର କୌଣସି ସେବା ସେବା ସାଇଟ୍: www.northtyneside.gov.uk ଉପରେ ଉପଲବ୍ଧ ଅଟେ ।

Nëse anglishtja nuk është gjuhë juaj amtare dhe nëse dëshironi informata lidhur me këtë dokument, ju lutemi kontaktoni me North Tyneside Council (Këshilli North Tyneside) në North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park
North Tyneside, NE27 0BY Telefoni 0191 643 2310
Ndërsa website'in e Këshillit mund ta vizitoni të drejtë:
www.northtyneside.gov.uk

如果你日常並不使用英語，要索取此文件的詳細資料請聯絡北泰茵畔議會 (North Tyneside Council) ，地址：Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY
電話：0191 643 2310
亦可查閱議會網頁：www.northtyneside.gov.uk

اگر زبان انگلیسی زبان مادری شما نیست و می‌خواهید که اطلاعاتی در مورد این پروپوزال دریافت نمایید خواهشمند است لطفاً با شهرداری تاینساید شمالی به تماس:
North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY
و یا با شماره تلفن 0191 643 2310 تماس حاصل فرمایید.
همچنین می‌توانید از وب سایت www.northtyneside.gov.uk بازدید نمایید.

ਜੇ ਇੰਗਲਿਸ਼ ਡੁਰਾਡੀ ਮੁੱਖ ਭਾਸ਼ਾ ਨਹੀਂ ਹੈ ਅਤੇ ਤੁਸੀਂ ਇਸਦੀ ਮਤਾ ਵੇਚਦੇ ਥਾਵੇਂ ਜਾਣਕਾਰੀ ਲੈਣਾ ਚਾਹੋ ਤਾਂ ਕਿ ਪਾ
ਕਰਕੇ ਇਸ ਪਤੇ 'ਤੇ ਨੋਰਥ ਟਾਈਨਸਾਈਡ ਕਾਉਂਸਿਲ ਨਾਲ ਸੰਪਰਕ ਕਰੋ:
North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park,
North Tyneside, NE27 0BY
ਟੈਲੀਫੋਨ: 0191 643 2310
ਤੁਸੀਂ ਕਾਉਂਸਿਲ ਦੀ ਵੈਬਸਾਈਟ 'ਤੇ ਵੀ ਜਾ ਸਕਦੇ ਹੋ:
www.northtyneside.gov.uk