



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 12TH DECEMBER 2017

SUBJECT: PLANNING CONSULTATION PROCEDURE FOR APPLICATIONS THAT INVOLVE TELECOMMUNICATION MASTS

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To consider a proposal to amend the local planning authority's current consultation procedure with regard to telecommunications masts.

2. SUMMARY

- 2.1 Council resolved in 2005 to adopt a consultation procedure whereby any application for planning permission for, or a notification about telecommunications masts should be subject to the following public consultation: all local education establishments within 300m, and all residential development within 250m of the proposed site. Consideration is now being given to reduce that requirement so that telecommunications masts are subject to the similar consultation procedures to other developments, i.e. only adjoining properties will be sent a letter, but a site notice will be posted in every case, and the need to consult local schools will be retained.

3. LINKS TO STRATEGY

- 3.1 The following are the Well-being Goals within the Well-being of Future Generations Act (Wales) 2016:

- *A prosperous Wales**
- *A resilient Wales**
- *A healthier Wales**
- *A more equal Wales**
- *A Wales of cohesive communities**
- *A Wales of vibrant culture and thriving Welsh language**
- *A globally responsible Wales**

The recommendation at the end of this report does not make a significant contribution to these goals, but is a response to changing circumstances.

4. THE REPORT

- 4.1 Following a notice of motion to the Policy and Resources Scrutiny Committee, Council of 11 January 2005 resolved that:

- (i) the Local Planning Authority advise telecommunication companies and developers of the Welsh Assembly Government Code of Best Practice on Mobile Phone Network Development which recommends they undertake full consultation and full disclosure of information to local communities prior to submitting any planning application for telecommunication equipment and will request such telecommunication companies and developers to comply with this Code of Best Practice;
- (ii) in the interests of transparency, consultations be extended to local education establishments such as Schools and FE Colleges within 300m of the proposed site, residential development within 250m of the proposed site as well as Town and Community Councils;
- (iii) part 3 of the Notice of Motion in respect of the request that delegated powers to Officers be removed be referred to the Modernisation Working Group and its recommendations be referred to Council for consideration;
- (iv) all planning notices for telecommunications equipment should contain information on the actual purpose so that all residents of this county borough have the full facts and a chance to object within the 21-day period;
- (v) Caerphilly County Borough Council notes that the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows for the emergency site moveable apparatus purely where required for the replacement of unserviceable apparatus and this does not extend to greenfield sites.

4.2 That approach reflected the concerns of members and the public about the effect of telecommunications masts on health. It would now be reasonable to consider whether the consultation process set out in point (ii) above is necessary, taking account of the response of the public to the applications received over the past twelve years, which is considered further below, and set out in table form in paragraph 4.6 it is likely that with the growing use of mobile phones there is a greater acceptance of the associated masts. Also, budgetary and time pressures on local government services mean that it would be prudent to review this procedure.

4.3 Welsh Assembly Government adopted the document *Code of Best Practice on Mobile Phone Network Development* in 2002, which amongst other things encourages telecommunications companies to consult ward councillors, community councillors and schools in certain cases. Extensive advice is given by the code on the need to consult schools and FE colleges. 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 that particular institution before submitting an application for planning permission, or a notification to the local planning authority.

4.4 The code states that there are no hard and fast rules in determining whether a mast should be considered as being close to a school or college, but the following matters should be taken into account:

- the proposed site is on the school or college grounds
- the proposed development would be seen from the school or college grounds
- the site is the main access point used by students at the school or college
- the local planning authority has requested consultation with the school or college
- the school or college has requested that it be included in any consultation
- there is a history of concern about base stations within the local community

On the basis of that advice alone, this Council's current practice of consulting schools within 300m of a mast site would appear excessive, although it was taken into account by members at the time the consultation procedure was adopted.

- 4.5 With regard to publicity, Welsh Government Technical Advice Note 19 (Telecommunications) (2002) states:

53. Local planning authorities are advised to 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. Pre-application discussions with the developer should have helped the authority to identify who those interested parties might be. Authorities are strongly encouraged to undertake any additional publicity that they consider necessary to give people likely to be affected by the proposed development an opportunity to make their views known to the authority. Local authorities should bear in mind that, on occasion, this may include people outside of the authority area.

This Council clearly took this advice on board when it considered its consultation procedures in 2005. However, the number of replies generated by the consultations carried out since then suggests that the scale of publicity is greater than the actual public concern would merit.

- 4.6 The procedure was adopted in 2005, and up to the end of May 2017, 62 cases had been considered by the local planning authority where public consultation had to be carried out. An analysis of those cases reveals the following.

Number of consultees	Number of cases
Under 20	20
20 -100	16
101-200	13
201 - 300	5
301 - 650	7
650 - 730	1

The following table takes the ten cases that had the highest number of consultees, and then shows how many responses were received for each of those applications.

Number of responses in the cases with the ten highest number of consultations	
Number of consultees	Number of responses
211	0
288	0
307	1
321	1
336	6
346	2
450	4
520	0
641	1
730	2

The next table takes the ten highest levels of responses and shows the corresponding number of consultation letters sent in each case.

Ten highest level of responses compared to number of consultations	
Number of responses	Number of consultations
4	179
4	450
5	144
6	176
6	204
6	336
9	44
9	53
16	144
25 (including letter from head teacher)	99

- 4.7 It is evident from the analysis that the number of comments received is very small compared to the number of consultations sent out. A recent application required 730 consultations, and it is estimated that the total cost of carrying out that level of publicity, including postage, paper and printing was £508.80. That cost did not include staff time, or the cost of determining the application which included a professional officer's time, and members' time because it was reported to Planning Committee and involved a site visit. The statutory fee received for the application in that case was only £380
- 4.8 Sixteen South Wales local planning authorities were consulted about this matter in May 2017, and replies were received from six. None of those that replied have consultation procedures as extensive as those adopted by this council. Of those that have a policy or have adopted a practice, these are the only special requirements they have:
- "... the Authority would display at least five site notices and at the discretion of the Director of Environment and Development send letters to nearby properties."
 - "... the nearest residential property would be notified on all occasions."
 - "... ensure at least one site notice is displayed."
- 4.9 Whatever the costs involved, it is evident that the level of consultation currently carried out is disproportionate to the response it is prompting. Also, it is unlikely that any other LPA is consulting to the same extent as Caerphilly. In view of those factors, it is recommended that consideration is given to reducing the level of consultation to something similar to that carried out for other applications and notifications, i.e. adjoining properties will be sent a letter, but a site notice would also be posted in every case. Also, experience suggests that it is the proposals near schools that generate the most concern, so that aspect of the extended consultation procedures should be retained.
- 4.10 All applications for planning permission or notifications have to be accompanied by a certificate of compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to transmission from masts. That has long been regarded, including by environmental health officers, as sufficient assurance that the masts are acceptable from a public health point of view.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal will not make a significant contribution to the Well-being Goals as set out in Links to Strategy above, but it is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:
- Long Term – it ensures that the Council uses its resources prudently so that the planning service is delivered in an efficient manner that is focused on the appropriate material planning issues;
 - Prevention - it prevents the inappropriate use of resources on wasteful consultation, but through retaining the consultation of schools will ensure that the impact of masts on future generations will be taken into account;
 - Involvement – it maintains the involvement of the public in the planning determination process in an appropriate manner as set out in the development management procedure order (wales) 2012.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 There will be a small financial saving to the Council. It is unquantifiable as the number of most related applications received is unpredictable, as is the number of consultees in each case.

8. PERSONNEL IMPLICATIONS

- 8.1 It will release administration officers to carry out other tasks.

9. CONSULTATIONS

- 9.1 Swansea, Blaenau Gwent, Torfaen, Monmouth, Merthyr and Neath Port-Talbot county borough councils replied to a consultation of 16 local planning authorities in South Wales.

10. RECOMMENDATIONS

- 10.1 That the committee considers the reasons and rationale relating to the recommendation to reduce the level of planning consultation to that associated with other applications and notifications, and an amended procedure is supported which includes a site notice in each case, and the consultation of all local education establishments within 300m, and offer their views, prior to decision by full Council.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To offer a more appropriate, efficient and effective consultation procedure, based upon evidence gathered from previous applications.

12. STATUTORY POWER

- 12.1 Town and Country Planning Act 1990.
Town and Country Planning (General Permitted Development) Order 1990 as amended.
Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Author: Tim Stephens - Interim Head of Planning
Consultees: Christina HARRY - Corporate Director - Communities
Richard Crane - Senior Solicitor