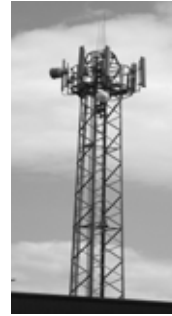


Telecommunications



Chapter No:

2

62 - British Telecommunications plc [Written Submissions]

BACKGROUND

1. The objector considers that the council should include additional policies in the Wester Ross Local Plan, namely a telecommunications policy and an established utility sites policy. The company also criticises Policy 1 of the plan, inasmuch as it contains no acknowledgement of the contribution that it claims communications networks make to local economies.

2. The Highland Structure Plan includes Policies U4: Telecommunications and U5: Telecommunications and Council Property. These are set out in the following terms:

“Policy U4: Telecommunications

The council will give favourable consideration to proposals for the erection of radio masts and other telecommunications structures, provided that there is compliance with Strategic Policy G2, and that:

- ☐ existing masts or other structures cannot be shared;
- ☐ existing services are not interfered with;
- ☐ there is no discernible risk to public health;
- ☐ the operator is licensed (except in domestic circumstances);
- ☐ the proposal forms part of a network (except in domestic circumstances); and
- ☐ redundant masts and equipment are removed (without prejudice to their possible re-use elsewhere).”

and

“Policy U5: Telecommunications and Council Property

New installations of microwave telecommunications equipment on and within the curtilage of the council’s own ‘sensitive’ properties, including schools, colleges, residential establishments and offices, will not be permitted.”

3. Another structure plan policy referred to in relation to this objection is Policy G2: Design for Sustainability, which identifies a number of criteria upon which proposed developments would be assessed. Those referred to specifically in relation to this objection are:

“Proposed developments will be assessed on the extent to which they:

- ☐ ...
- ☐ make use of brown field sites, existing buildings and recycled materials; [and]
- ☐ contribute to the economic and social development of the community...

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the structure plan.”

4. Policy 1: Settlement Development Areas, one of the Wester Ross Local Plan’s own policies, is also referred to in relation to this objection (see Appendix 1 to this report: The Local Plan Policies).

SUMMARY OF THE OBJECTION

5. In order to facilitate economic growth within the local plan area, it was considered by the objector to be imperative that a full and comprehensive telecommunications network should be in place. A policy to permit this type of development, and which defined the parameters within which it should occur, should ensure that the opportunity to develop such infrastructure and promote the area for inward investment would not be lost.

6. Reference was made to the contribution that could be made to business and to business development through the implementation of an extensive telecommunications network. This was advocated in National Planning Policy Guideline 19: Radio Telecommunications; in particular, paragraph 58 of this guideline set out how local plans should specify development control criteria for such development (for full text of this paragraph, see Appendix 3 to this report). While consideration required to be given to the siting and design of any such equipment, the objector believed that any concerns which the planning authority might have could be addressed within the confines of a telecommunications policy and suggested that one along the following lines be included in the Wester Ross Local Plan:

“Telecommunications Development

Planning permission will be granted for telecommunications development where:

- the siting and design of this equipment is in accordance with Planning Advice Note 62: Radio Telecommunications;
- there are no satisfactory alternative sites;
- appropriate landscaping and screening works are incorporated where necessary; and
- there are no significant adverse effects on the natural and built heritage.

The application of the above criteria will take into account technical and operational requirements.”

7. As to the addition of an Established Utility Sites Policy, the objector explained that, as a major investor in telecommunications infrastructure, it was constantly reviewing its property portfolio. This included sites within the plan area where disposal might be required within the plan period. It was therefore important that local plans were sympathetic to the potential for change and

that maximum flexibility be retained in order to promote and sustain telecommunications investment for the future. Other local authorities had recognised that the disposal of and redevelopment or re-use of surplus utility property was a forward planning issue. For example, such a policy had been included within the latest Uist and Benbecula Local Plan, Orkney Islands Development Plan, Polmont District Local Plan, Glenrothes Local Plan and Kirkcaldy Area Local Plan. The objector therefore sought that the future development potential of all such sites be considered to be a forward planning issue of this plan as well.

8. Accordingly, a further policy for the Wester Ross Local Plan was promoted in the following terms:

“Established Utility Sites

In circumstances where established utilities and their associated land holdings are no longer required for their original purpose, the council will positively consider change of use or new development proposals in light of other development plan policies and the surrounding land uses.”

A paragraph of support for the policy should include the following:

“A range of essential services [is] provided within the local plan area such as energy, telecommunications, water supply and sewerage. Often these are provided in specialised buildings (eg. telephone exchanges), and protected by wayleaves which safeguard tracts of land from encroaching development.”

9. The objector was also critical of Policies 1 and 2 of the plan, as the company considered it important that general development policies within local plans acknowledged the contribution that communication networks made to local economies. With this in mind, it sought a re-wording of Policy 1 to the following (proposed amendments shown in *italics*):

“Policy 1: Settlement Development Areas

We will support proposals within Settlement Development Areas (as shown on the proposals map) as long as they meet Structure Plan Policy G2 Design for Sustainability, in particular the following:

- compatibility with service provision;
- sensitivity of siting and high quality design; and
- impact on individual and residential amenity.

We will also judge proposals in terms of how compatible they are with the existing pattern of development, *their contribution to the economic development of the community*, how they conform with existing and approved adjacent land uses, and the effect on any natural and cultural heritage resources within these areas (see Box 1 and Background Maps) and trees.

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the local plan.”

10. In order to ensure the future viability of its telecommunications network, there were circumstances when it was necessary for the company to locate equipment in areas not normally considered suitable for other forms of development. Accordingly, in regard to Policy 2: Countryside (see paragraph 3 of Appendix 1 to this report), amendments to this policy were also sought, as follows (amendments sought shown in *italics*):

“When making decisions on development proposals outwith Settlement Development Areas, we will take account of the level of sensitivity of, and the effect on the natural and cultural heritage (see Box 1 and Background Maps) and compatibility with structure plan Policy G2: Design for Sustainability.

1. In areas of **low** sensitivity, we will assess developments for their effects on any relevant interests. We will allow them if we believe that they will not have an unreasonable effect, particularly where it can be shown that it will support communities in fragile areas which are having difficulties in keeping their population and services, *and/or sustaining their local economy*.

2. In areas of **medium** sensitivity, we will allow developments that can be shown not to compromise the amenity and heritage resource. For national designations, where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits *greater than local* importance. It must also be shown that the development will support communities in fragile areas which are having difficulties in keeping their population and services, *and/or sustaining their local economy*.

3. In areas of **high** sensitivity, we will only allow development where there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required, unless the development is necessary for public health and safety reasons.”

SUMMARY OF THE COUNCIL’S RESPONSE

11. The council pointed out that section 2 of the Wester Ross Local Plan stated that

“You **must** read this plan with the Highland Structure Plan...”

and that in this case, the structure plan included two related policies, U4 and U5, as shown in paragraph 1 (above). These set out the criteria against which proposals for the erection of radio masts and other telecommunications structures would be assessed.

12. In addition, Planning Advice Note 62: Radio Telecommunications covered siting and design issues. It was not necessary for the local plan to repeat policy guidelines set out elsewhere; nor was it necessary for the plan to include policies for specific forms of development such as telecommunications; rather it set out the criteria against which all development proposals would be assessed. A recent consultation paper from the Scottish Executive had highlighted the need to make development plans shorter and more concise, stating that they should not be all-embracing, with their policies limited to what was essential. The council added that the Scottish Executive had welcomed the succinctness of this local plan and applauded the way that it provided clear guidance without resorting to a compendium-of-policies approach.

13. In regard to the objector’s proposed policy for established utilities, local plan Policy 1 (see Appendix 1 to this report) and structure plan Policy G2 (see paragraph 3 above) aimed to promote development consistent with the existing and approved adjacent land uses, with such guidance being refined by further site specific provisions. These policies indicated where the council would support development and the criteria against which such an assessment would be made, in this case including the use of brown field sites and existing buildings. The plan therefore already enabled the suitability of individual utility sites to be considered for different purposes in the event that they were declared surplus to the operator’s requirements. Meanwhile, the council suggested that the objector liaise closely with it in order to ensure that any surplus sites be included as allocations for housing or other appropriate uses if they were available at the time of preparation of future local plans.

14. Finally, in regard to the objector's proposed alterations to Policies 1 and 2, the council considered that, while the contribution made by any development to the economic development of the community might be a material consideration for individual planning applications, it was a matter already covered by Policy G2 of the structure plan and, as before, it was not considered necessary to repeat this in Policy 1.

15. Local plan Policy 2 recognised that not all development would be able to be accommodated within the Settlement Development Areas and aimed to set out the conditions under which different forms of development might be appropriate within the countryside, based upon the level of sensitivity of the natural and cultural heritage it contained. The level of sensitivity determined how acceptable any development proposals might be, although account would also be taken of the nature and scale of development.

16. The policy also aimed to support appropriate development in fragile areas (see also Chapter 7). In defining fragile areas, account had been taken of the social and economic circumstances of communities. It was not considered necessary therefore to make explicit reference to sustaining their local economy. The terminology relating to fragile areas in the plan was consistent with that used in the structure plan which made reference to communities experiencing difficulty in maintaining population and services. The council therefore opposed the type of change to policies sought by the objector.

CONCLUSIONS

17. Scottish Planning Policy 1: The Planning System explains how structure plans should provide a long-term vision for settlement strategy and change over the following 10 years at least, and further; while local plans should set out detailed policies and specific proposals for the development and use of land within the plan area in order to guide day-to-day planning decisions (see paragraphs 32 and 37 of Scottish Planning Policy 1 in Appendix 3 to this report). Accordingly, I would not have expected the structure plan to carry the type of development control policy exemplified at the start of this chapter – and nor it seems would the objector. It is perhaps less surprising therefore that the local plan is so succinct, when the structure plan already carries its policies, a matter to which I have already referred in my introduction to this report.

18. Be that as it may (because the structure plan has been approved by Scottish Ministers and has been in place for some years), it is necessary to consider whether the objector's concerns are resolved by what the structure plan contains. I find that Policy U4 already carries a presumption in favour of telecommunications masts, subject to certain criteria, at least one of which coincides with the suggested criteria put forward by the objector. Similarly, structure plan Policy G2 already covers the point sought by the objector in relation to any economic contribution. Accordingly, it seems to me that these structure plan policies must meet the objections, and I have noted that there has been no further response from the objector.

19. In my opinion, it is not incumbent upon a planning authority to allow the continued life of any structure erected as permitted development by a statutory undertaker, and I consider the policies at the start of this chapter to be benign in this regard. This is because not only does the telecommunications policy restrict its removal requirement to redundant masts and equipment (which notably excludes buildings and structures), but it can be inferred from Policy G2 on the re-use of redundant buildings that it also presumes in favour of such re-use, provided as much as possible of the former building or structure is re-used. This appears to me to leave the way open for

a variety of potentially undesirable re-uses; nevertheless, this can only be of advantage to the objector who, despite the objections, must be well satisfied with the terms of this policy.

20. Despite its opposition to references being included in regard to sustaining the economies of communities in fragile areas, in Chapter 7 of this report, the council accepts change to paragraph 7.12 of the plan to reinforce its commitment to supporting such communities. In view of the changes, which I have accepted and supported in that chapter, I see no need for the further adjustments to the policy on countryside as well.

RECOMMENDATION

21. Accordingly, I recommend that there be no alteration to the plan in respect of this objection.