

**Telecommunications Development: Mobile Phone Infrastructure
Supplementary Planning Document (SPD)
March 2008**

Consultation Statement

People and Organisations Consulted on the Preparation of the SPD

The Draft SPD was prepared in consultation with key stakeholders and the public. The document replaces a previous Supplementary Planning Guidance document: "Location of Telecommunications Equipment (Mobile Phone Infrastructure)" adopted in 2002.

713 organisations were consulted on the draft document between 24 September and 05 November 2007. These included statutory consultees, in line with the Statement of Community Involvement (SCI), and taking the SCI's guidelines we considered who else might be interested in the document. Therefore we included in the consultation everybody who submitted a notification of intent to install telecommunications equipment or for planning permission for telecommunications equipment between January 2006 and August 2007, as well as mobile phone organisations, local telecommunications interest groups and key contacts from the 2002 overview and scrutiny report on telecommunications siting. We also consulted resident associations, neighbourhood forums MPs, Cllrs, standard planning application consultees, District Directors, CMT members, libraries, big developers and amenity associations.

There was also a press notice in the Birmingham Post and an article in the Birmingham Forward newspaper. The SPD was available to view at Alpha Tower reception, Neighbourhood Offices and online on the Internet.

Main issues raised during this consultation

A summary of the responses received is attached. The main issues raised were: that further restrictions should be imposed to restrict the installation of equipment close to residential, educational and health institutions, and that further protection should be included to protect major switching stations. There was also a request to include public open spaces as suitable sites for apparatus.

How have these issues been addressed in the SPD

Wording of the final document has been amended and further references included to address and clarify some of these points, where appropriate. A commentary of the amendments is attached highlighting the areas of significant change.

The consultation process

A full list of consultees and all other documents are available on request from Planning Direct on 0121 303 1115, or via e-mail on planning.enquiries@birmingham.gov.uk. All revised documents will be available on the Council website.

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Name / Organisation	Support / Comment / Object	Reference page / paragraph / section number	Comment	BCC response
Advantage West Midlands	Comment		No comment other than to advise that the LPA should have proper regard to other relevant plans, policies and strategies relating to the area or to adjoining areas, including The West Midlands Economic Strategy.	Noted
Birmingham International Airport	Comment		Request Aerodrome Safeguarding be identified and the need to consult with the relevant aerodrome operator where proposals are located within 3km of the perimeter of an aerodrome.	Noted. Reference inserted in Section 8
			Proposals for new telecommunications infrastructure on top of existing buildings or structures, which would result in an increase in overall height, compared to the existing, that the Aerodrome Safeguarding Map for Birmingham International Airport be consulted.	Noted. Reference inserted in Section 8.
Brook Area Residents and Shopkeepers Group Unity and Forum	Object		Masts should not be built in the three general locations detailed in the guidance	Noted, the UDP provides the statutory policy for controlling development in these locations
CABE	Comment		General comment to ensure design is used in the SPD to secure the right designed development.	Noted

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			General comment to ensure design policies is included and is robust.	“
			General comment for local planning officers to champion good design	“
			General comment to consider design in other policy areas.	“
			Design should reflect understanding of local context, character and aspirations.	“
			General comment to allow reference to and development of other design documents.	“
			Look at other CABE guidance for information.	“
Calthorpe Estates	Comment		SPD should explain that telecommunications provision is a key driver for business and future sustainable growth of Birmingham and its economy. There will also be situations where the economic and social benefits of a scheme outweigh any harm caused in visual terms.	Introduction to UDP and SPD includes reference and recognises role of modern telecommunications in the life of the community and the national and local economy. Consider this adequate.
			Should recognise the economic need for a comprehensive mobile phone network throughout the city which should be balanced against other material considerations such as visual impact	See comment above, the proposed policy is considered to undertake this objective.
		Page 8	Reference to the concerns of	Disagree. Perceived health concerns are

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			residents with regard to health should be removed from this section for the reasons set out in Section 7 of the draft SPD.	recognised as material planning consideration by Planning Inspectorate and are often stated in public consultation. Paragraph 97 of Government guidance PPG8 says it is up to the decision maker as to what weight to attach to these considerations.
		Page 9	Open space provision in public squares in new mixed use developments are an appropriate location for appropriately designed telecommunications apparatus and this should be reflected in the SPD.	Prominent locations in public squares / public realm where public art with pedestrian access may be available are seldom suitable on grounds of adverse impact on visual amenity for location of telecommunications. However may be suitable for very small or discreet antennae installations including Wifi. Recommend no change.
Environment Agency	Comment		Such infrastructure is often located in open space and should take account of the Environment Agency's flood zones.	Flood Zones are identified as a constraint during the planning application process.
Mast Action UK	Support	Page 7, Education and Health Institutions	Excellent in making it clear that the Stewart Report's precautionary approach guidance remains currently in force.	Noted
		Page 8, Section C	Exceptions on page 7, education and health institutions, are important.	Noted
		Page 8, Residential Areas	Fair assessment need to read in conjunction with the final paragraph on page 10. Approval procedure for masts less than 15metres in height needs to be amended to avoid masts near bedrooms.	Noted, page 10 bullet point about residential areas includes reference to habitable rooms, which include bedrooms.

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		Page 12,	Birmingham should continue to adopt the precautionary approach advocated by the Stewart Report due to evidence affecting ICNIRP guidelines. See documents provided by MAST	Noted. Section 7 regarded as reasonable summary of Government policy and City Council precautionary approach.
		Page 4	Correctly sets out the Government's Guidance.	Noted
		Page 12, last paragraph	Correctly states "it is unlikely that the Council will refuse any application on the ground of perceived harm to health".	Noted
Mobile Operators Association	Comment		Generally helpful document but would like some amendments.	Noted
		Page 2	Guidance will not reduce number of appeals as it contradicts Government guidance in PPG8. MOA opposes the inclusion of education and health institutions as sensitive locations and this reference should be removed.	Noted but disagree with comment. Also, inclusion of education and health institutions regarded as particularly important by City Council. Government did not direct removal of these as sensitive areas in UDP policy although had the power to do it.
			Previous telecommunications SPD should have come up for review in October 2008 and then be re-assessed in line with Government guidance and should be removed then.	Noted but SPD urgently needed revision to reflect changed UDP policy. It has been reviewed in light of recent appeal decisions and Government guidance which is largely the same.
			Any revisions to the telecommunications SPD should be bound by Planning Inspectorate's decision that references not in line with PPG8 should be removed. Guidance should be aligned to	Noted. Recent appeal decisions have indicated no consistent trend or stated that SPD policy should be given little weight.

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			national policy, not previous local policy.	
		Section 2	Seventh bullet point should continue quote from PPG8 as "in the Green Belt <i>unless it maintains openness.</i> "	Included.
		Section 4, Education and health institutions	This should be aligned to PPG8 and this point should be removed. Further justify this by stating precautionary approach including ICNIRP certificate, as a standard requirement for all sites for all applications. They are unlikely to pursue sites where no landlord approval obtained and as standard practise submit details of pre - application consultation with schools and a list of alternative locations and design options	Noted, but this is an adopted UDP policy and purpose of this document is to expand on and support it. Applications close to schools, day nurseries and pre school provision continue to be the most contentious applications and consider it important to repeat the information requirements also listed in section 8. Reference to the Stewart Report in section 4 replaced by PPG8, which is approved Government policy. Reference to design options is already made in Section 8.
		Page 8, Section C, fourth bullet point	Remove " <i>except in education and health uses</i> ".	Disagree. As mentioned previously, do not support deletion of education and health institutions. Community centres now sometimes include children's centres incorporating day nurseries.
		Page 9, Detailed Guidance, first paragraph	Remove reference to "the site in relation to residential property" as this is not mentioned in PPG8 as stated.	Retention supported as residential areas are mentioned in UDP as areas where location of telecommunications equipment should if possible be avoided. Statement inserted in first paragraph of Section 5 that the following factors also include some mentioned in PPG8.
		Page 10.	Delete sentence " <i>masts and</i>	Disagree. Although Code of Best Practice

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		detailed guidance, street locations	<i>equipment located in the street will be discouraged</i> " as this can be an option for least visually obtrusive and also opposes Best Practice codes.	includes reference to concealing larger antennae as street lamp posts these are rarely discreet, usually higher than existing adjacent lamp posts and often out of sequence in terms of regular distance between lamp posts.
		Page 10, detailed guidance, street locations	Replace word " <i>commercial</i> " in second sentence with "tall"	Consider it important to retain word commercial as some are no higher than similar residential properties which may be in the frontage. However, will add "tall".
		Page 10, Detailed guidance, Existing trees	Reword sentence to: " <i>where possible sites should have a backdrop of trees to reduce contrast and thereby visual contrast</i> "	Amended
		Page 10, Detailed Guidance, Residential Areas	Replace opening sentence to " <i>within residential areas, equipment should be sited sensitively...</i> "	Disagree that opening sentence should be changed by deleting first part of sentence as this reflects UDP policy
		Page 11, Detailed Guidance, Cabins	Remove third sentence " <i>There may be occasions where setting the cabinet into the ground would be appropriate</i> " reason that <i>underground cabins are not technically feasible</i>	Agree as operational and technical objections suggest inclusion of statement that there may be occasions when placing the cabinet off the public footway would be appropriate.
		Page 11, Installations on Existing...	Remove seventh bullet point as against national planning guidance	Disagree. Believe that use of the word "may" is important. This concern has emerged following specific problem on a site near a school. Suggest adding education and health institutions
		Page 12.	This section and the lifting of the	Noted

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		Health considerations	moratorium in Jan 2006 are welcomed.	
		Page 13 Consultation	Oppose 200m-consultation boundary. Last two sentences should be replaced with " <i>Consultation with schools should be undertaken in accordance with the advice in paragraphs 54-61 of the Code of Best Practice on Mobile Phone Network Development</i> "	Noted, there is nothing in PPG8 advising against a 200m consultation boundary suggest amendment to state as a minimum it should include any proposal within 200m of a school and college boundary. Agree with the inclusion of reference to Code of Best Practice
		Page 13, Photomontage	Oppose photo montage for all proposals and recommend amending this to: " <i>To assist in understanding the visual impact of some proposals, especially in relation to sensitive locations and buildings, photomontages of the proposal may be requested by the Council.</i> "	Agree to amended wording with slight alteration
		Page 14, Emission Levels	Object to this requirement as not in line with national guidelines	Disagree. Code of best practise does not state it is not required. It is useful information, sometimes provided as supporting information, which can help inform the public consultation
		Page 15, Publicity	Second bullet point should be amended as per previous comment or should confirm that the Heads of Schools should be notified of the application.	Noted, but see previous response
		Page 17, Annex of categories	Generally helpful, but suggest insert a section into Section 8 of the SPD summarising the Code of Best Practice and thereby explaining the	Agree. Sentence inserted first paragraph of Section 8 explaining the Traffic Light Rating. Consultation references in annexe retained but amended or added to clarify that they

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			Traffic Light Rating and relevant consultation procedures, and remove the reference to the consultation levels associated with planning types from the Annex which is not accurate.	only relate to planning.
Moseley Society	Comment		Prefer that equipment was smaller, more concealed and less visually obtrusive; preferably replace any interesting architectural details that have been lost using artists, old photos or alternatively modern artists.	Noted
			Prefer more widespread, lower intensity equipment rather than high-density areas.	Noted. Lower intensity equipment may mean more base stations required. Centre of Moseley has some low range base station units fixed to shop frontages
A resident	Comment	Page 12, Section 7, paragraph 2	Clarification if following ICNIRP standard to measure total human exposure over time or considering emissions from each base station in isolation.	Statement added in Section 8, ICNIRP requesting that the certificate takes account of cumulative emissions from other mobile phone companies sharing the site / apparatus, particularly important now that there is sharing of 3G antennae.
Natural England	Support		Support recognition given to subject proposed installations that would affect nature conservation sites to special scrutiny.	Noted
			Recommend the SPD remind applicants of the need to comply with legislation protecting certain species.	Agree. Sentence inserted in Section 4 paragraph, B
Network Rail	Comment		No comment.	Noted
Universitv Hospital	Comment	Page 17.	Recommend removal to be required	Noted

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Birmingham, NHS Trust		Annex of categories	on all categories which are not de minimis	
		Page 17, Annex of categories	Explanation needed of how to enforce removal if the developer claims rights under Communications Act to override removal of equipment.	Noted. However this is a matter for Communication Act 2003 property and particularly landlord and tenant legislation
Orange PCS	Comment		Small Heath Switching Station should be protected in the document and Orange request to be consulted on any planning application within proposed consultation zone. In line with with PPG8 and Business Focus	Noted. Short statement emphasising switching stations inserted in first paragraph. Will separately arrange for Orange to be consulted on applications close to their site.
		Section 1	SPD should positively facilitate proposed development and protect existing facilities. Not a retrospective policy for appeals.	Noted, but consider amended policy does provide a balance between facilitating development and protecting amenity
		Page 2, Section 1, First sentence	Amend to include reference to the value and importance of telecommunications equipment to the national economy and national security.	Noted. Consider existing first sentence adequate with addition at end of "national and local economy and national security" and deletion of economy of the city
		Page 2, Section 1, First paragraph	Amend text to read <i>"masts, switching and base stations"</i>	Agree.
		Page 2, Section 1, First paragraph	Insert new third sentence: <i>"The existence of telecommunications development and their sensitivity to adjacent development is a material planning consideration and when considering planning applications. and"</i>	Noted. Revised sentence inserted: "It is recognised that major switching stations significantly contribute to the delivery of the telecoms networks and there is a need to consider their operation. This may be a material consideration when considering"

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			<i>harm caused may be sufficient to justify a refusal of planning permission."</i>	planning applications in adjacent properties."
		Page 2, Section 1, Second paragraph	Add to first sentence: " <i>concern and that in turn some development proposals adjacent to existing facilities can be of concern to telecommunications operators."</i>	Noted. However consider this matter adequately covered by reference above
		Page 2, Section 1, Second paragraph	Delete " <i>public</i> " from second sentence	Agree
		Page 2, Section 1, Third paragraph	Add last sentence: " <i>In turn the City Council must have a positive attitude to the provision and protection of telecommunications apparatus."</i>	Disagree. Consider that amended first paragraph deals sufficiently with this suggestion.
		Section 2, policy context, first bullet point	Amended to: " <i>The significance of the proposal as part of the national network is material and in considering planning applications for other forms of development, planning authorities will wish to consider telecommunications issues."</i>	Noted, but can find no reference in PPG8 to support the amendment, consider it covered by amended Section 1
		Section 2, policy context, second bullet point	Amend to read: " <i>Operators may have to provide evidence regarding need for development."</i>	Noted. Consider as reference retained in first bullet point no change required.
		Section 3, fourth bullet point	Amend: " <i>Telecommunications equipment and individual buildings containing sensitive telecommunications equipment</i>	Noted. Amended sentence included.

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			<i>requiring an application for full planning permission."</i>	
			Insert new section 4 titled " <i>Development Guidance: Proposed Development Adjacent to Existing Telecommunications Buildings</i> " with suggested text.	Noted, but cannot agree that there is justification for this in the heading. Heading amended to include words "and in" to now read "Installations on and in Existing Buildings, Structures and Sites"
		Annex, part 4	Add final bullet point: " <i>Buildings containing sensitive telecommunications equipment</i> "	Bullet point inserted to include switching stations.
SCRAM	Comment	Section 1, third paragraph	More weight needs to be given to public fear on health issues than is presently given by planners.	Noted, but consideration and weight given to issue clearly stated by PPG8 and appeal and high court decisions
		Section 1, paragraph five	Greater understanding by Planning Inspectorate required preventing overturning local policy at appeal.	Noted
		Section one, paragraph six	There has never been consultation on 3G to the public.	Noted
		Unclear reference	Entertainment should be excluded	Noted. I understand that Scram takes the view that additional services such as can be provided on 3G are unnecessary. This is not a matter for local planning policy guidance
		Page 7, More sensitive locations	Insert in first sentence: " <i>In and adjacent to the more sensitive...</i> "	Noted, but policy and definitions related to sensitive areas are expanded in subsequent paragraphs of page 7. The term "adjacent" used in UDP policy 8.55A and is used only with education and health institutions. It is used in Chapter 3 in connection with listed buildings and conservation areas but not the other defined sensitive areas. As a result to maintain consistency with UDP policy that

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				this change is not included.
		Page 7, Conservation Areas	Amend to: "located within or adjacent <i>to 30m of conservation area...</i> "	Noted, but Govt advice in PPG8 Para. 31 is not to introduce minimum distances.
		Page 7, Education and Health Institutions	Amend to "within or adjacent <i>to 300m</i> to the ground..."	Noted, but see above
		Page 8, Section B	Amend title to "Residential Areas and High Quality Open Spaces <i>and</i> <i>adjacent to</i> "	Noted. As mentioned previously the term "adjacent to" is used for some of the designated sensitive areas in the UDP, but not for these two areas. Do not consider it should be altered as it would change rather than expand UDP policy
		Page 8, Section B, first paragraph	Add to end of last sentence: " <i>and be</i> <i>no closer than 200m</i> "	See comment above about minimum distances. However, for consistency with page 10, recommend the insertion of statement about avoiding locations immediately in front of habitable room windows in third sentence
		Page 8, Section B, second paragraph	Amend second sentence: " include playing fields <i>and parks</i> , which primarily..."	The sentence in the SDP is a direct quote from the UDP and therefore we are unable to amend this.
		Page 8, Section C, penultimate bullet point	Delete this until a safety assessment of a traffic collision with equipment is done.	Recommend no change. The City Council has recently been advised that if an installation is damaged in a road accident the installation either has a automatic cut off facility or has 24 hour monitoring by service engineers who would switch off the base station if it was damaged.

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		Page 9, Detailed Guidance	Insert penultimate paragraph: " <i>Where site sharing is proposed operators will need to demonstrate by measurement that the cumulative effect of multiple masts does not create a signal in excess of ICNIRP guidelines at any point</i> "	Noted, but suggest inclusion of statement in page 17 in section on ICNIRP guidelines: "Where the base station is or will become a shared site, the ICNIRP certificate should indicate cumulative data from all mobile phone base stations on the site / apparatus"
		Page 10, Existing Trees	Reword: "Sites having a background of trees and are not adjacent to <i>educational establishments, nursery facilities, medical facilities or open spaces</i> may be suitable."	Noted. Suggest amended wording concentrating on existing trees. New wording: "where possible, sites should have a backdrop of trees to reduce visual contrast". Reference to educational establishments made in Section 4.
		Page 10, Residential Areas	Insert: "not be sited immediately in front (<i>within 50m</i>) of habitable room..."	Noted, but disagree for reasons mentioned above related to advice in para, 31 of PPG8.
		Page 11, Cabins	Insert sentences at end advising to comply with local guidance, address safety of maintenance staff and potential traffic accident and providing insurance.	Noted. Agree to inclusion of "They must comply with City Council Guidelines for the installation of street furniture"
		Page 12, camouflage	Concerned about using lampposts due to maintenance staff potentially being exposed to a high level of radiation.	Noted. Maintenance staff, both city council and those employed by operators work to strict health and safety guidance
		Page 12, Section 7, paragraph 1	Moratorium should be reinstated, as several recommendations were not met.	Noted. All recommendations directly affected by this SPD are being fulfilled.
		Page 13, Consultation	Suggest 300m rather than 200m as maximum intensity can extend beyond 200m	Noted, but disagree. See earlier comment

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		Page 13, Plans	Insert extra requirement: " <i>The Plan shall show the location of the beam's maximum intensity</i> " for all proposals, not just schools.	Noted. However on page14 existing paragraph on emission levels requires a graph indicating radio frequency emission levels. It should be able identify distance where beam of maximum intensity falls.
		Page 14, ICNIRP	Add to end of sentence: " <i>to include cumulative exposures when site includes more than one mast.</i> "	Noted. Agree to an alteration. See above.
		Page 15, Publicity, first bullet point	Amend to within 500m as area of maximum intensity can be beyond 200m	Noted, but disagree for reasons stated previously
		Page 15, Publicity, second bullet point	Amend to 300m	Noted, but disagree for reasons stated previously.
		Page 15, Publicity, third bullet point	Define "close to" as within 500m of a Ward Boundary.	Noted but prefer to assess each application consultation individually.
		Page 16, bullet list	This should be a full list as some have not been implemented and are being forgotten. In particular the recommendations concerned with fees being charged.	Noted, however, only recommendations that are directly affected by this SPD are listed in section 10.
		Page 17, Annex, section 3, last bullet point	Amend "near to" to 300m away.	Noted. There is no recommendation in the Code of Best Practise approved by the main stakeholders relating to this matter. This relates to a summary of existing legislation not Council Policy. No change made.
		Page 18, Annex, section 4. first bullet	Amend "close to" as within 300m.	Noted. This section summarizes the national planning regulations which does not include any reference to consultation

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		point		distances.
		Sustainability Appraisal, page 16, Table 1A, Health Section	Amend to Negative, with assessment "A section of the public who are electro-sensitive (a condition recognised by the Health Protection Agency) are forced to avoid areas where electronic technologies are active."	Noted. However research published in 2007 by the Mobile Telecommunications and Health Programme (MTHR) concluded there was no convincing evidence linking unpleasant symptoms suffered by this group of people with base stations. It supported further research work on the impact of TETRA (emergency services mobile system) base stations
Sport England	Support	Section 8	Suggest siting of masts could interfere with the runoff areas which has happened in some previous planning applications. Suggest that planning applications show playing pitches and run-off areas of playing fields	After last sentence page 8 of section B, insert: " Where proposals involve development on playing fields, plans must define the extent of the playing fields and areas around the sports pitches to be affected by the development."
The Inland Waterways Association	Comment		Generally support the proposals.	Noted
		Page 7, Section 4, A, Other Sensitive Areas	Suggest Ancient Buildings go under "Listed Building" bullet point.	Noted. There is a reference to scheduled ancient monuments in last bullet point in section A.
		Page 7, Section 4, A, Other Sensitive Areas	Supports the inclusions listed but should also include canal and river corridors and their curtilages and settings.	Noted, but suggest inclusion of sentence in page 8 second paragraph B, before last sentence "This includes canal and river corridors and their curtilages where they form high quality open space"
		Page 8, High Quality Open	Should include canal and river corridors and honey pot sites.	Noted. See above

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		Space		
		Page 9, Section 5	Agree with proposals and hope that these are actively encouraged when considering applications.	Noted
Disability Rights Commission	Comment		Unable to comment.	Noted