

## TELECOMMUNICATIONS

### 8.68. POLICY TC/1 & CHANGES NOS 238 & 239

#### Objections

32	Orange Personal Communications Services Ltd
67	Mercury Personal Communications Ltd
292	Vodafone Limited
1104	Countryside Commission

#### Conditionally withdrawn objection

164	Council for the Protection of Rural England
-----	---

#### Supporter of PC238

2472	Council for the Protection of Rural England
------	---

#### Inspector's notes

Objection 164 is conditionally withdrawn in response to the requirement in PC238 to remove redundant masts.

There are no objections to PC239, which rounds out the Plan's telecommunications policy by stating as (new) Policy TC/2 the LPA's stance on apparatus proposed to be installed under permitted development rights, and it does not fall to me make a recommendation.

Notwithstanding the reference to 'the revised PPG8' in paragraph 8.5.1 of the deposit draft Plan that refers to the version published in December 1992 which was current during the deposit period. It is the version on which, as quoted below on various issues, objectors rely. That was replaced by a new version in August 2001 to which I have had regard in my appraisal of the objections and my recommendations.

#### Issues

- (i) Whether in view of the national policy in PPG8 there should be presumption in favour of telecommunications development.
- (ii) Whether 'unacceptable' should be deleted from criterion (i) of the Policy to narrow the scope for its interpretation.
- (iii) Whether, having regard to the requirements of the licensing conditions that the erectors of proposed new masts should investigate the possibility of using an existing mast or mast-sharing; should replace an existing mast; or in the case of a new installation should operate mast-sharing, it is appropriate for the Policy to refer to mast-sharing.
- (iv) Whether, with regard to the consideration of the effect of telecommunications development on materially important landscapes, the reference to a 'designated landscape policy area' should be limited to nationally designated areas only.

- (v) Whether, in accordance with paragraph 8(ii) of PPG8, mention should be made of the legal obligation of licensees to expand their networks to accommodate customer requirements of service and quality.
- (vi) Whether the Policy should follow paragraph 5 of PPG8 in recognising the reduction in travel costs achievable through the expansion of the telecommunications network.

### **Inspector's reasoning and conclusions**

#### Issue (i)

Government support for growth in telecommunications is not challenged by the LPA. However, national policy in PPG8 does not itself confer any explicit presumption in favour of such development, proposals for which remain subject to the Development Plan unless material considerations indicate otherwise. Any such presumption is therefore inappropriate in the Local Plan.

#### Issue (ii)

I consider objection 1104 could be interpreted to imply that since almost any telecommunications development would have some adverse effect it should never be permitted. In terms of national policy that is not a realistic stance since it is the degree of adverse effect that is crucial. In that context I regard the replacement in PC238 of 'unacceptable' by 'serious' as appropriate.

#### Issue (iii)

Paragraphs 39 and 40 of PPG8 clarify the matters that are appropriate in a Local Plan policy. While mast-sharing is to be encouraged in the event of the allocation of specific sites it otherwise falls to be dealt with under the licensing legislation. As paragraph 66 of PPG8 points out, conditions in code operators' licences require applicants to explore the possibility of sharing an existing radio site and evidence of that should accompany any application made to the LPA. In my view it is not appropriate to incorporate that requirement in criterion (ii) as though it were a planning condition as such. I shall recommend it be stated in a way that expresses the sequential interdependence of the licensing and planning regimes but does not imply any duplication of controls.

#### Issue (iv)

The second paragraph of PC238 declares the national designation of the Quantock Hills AONB. However, the linkage between 'character and appearance of the area' in criterion (i) and the reference to 'other environmentally sensitive areas' in the second paragraph is to my mind unclear. Page 1 of PPG8 emphasises the protection to be afforded to AONBs, SSSIs, and Heritage Coasts and page 8 repeats the high degree of protection merited by AONBs. Nowhere in national policy is it implied that local sites are of the same degree of particular environmental importance. I consequently take the view that 'other environmentally sensitive areas' should be deleted from the second paragraph as a sufficient degree of protection should derive from the interpretation under criterion (i) of PC238 of the quality of the landscape character areas introduced by PC14.

#### Issue (v)

I accept that PC238 expresses Policy TC/1 in a more positive mode than in the deposit draft Plan. When taken with the explanatory justification in paragraphs 8.5.1 to 8.5.4 of the Plan I consider it establishes a suitable balance between the public interests of facilitating the growth of telecommunications and that of protecting of the environment.

Issue (vi)

The LPA accepts that Policy TC/1 should be more explicit in detailing the terms for the acceptability of telecommunications development. In that connection I support PC238, subject to the amendments I recommend with regard to the issues above.

### 8.68.1. RECOMMENDATIONS

**I recommend that the Plan be modified by PC238, subject to:**

**(i) The deletion of the text of criterion (ii) and its replacement by:**

**It can be demonstrated that, as is required by the requirements of the licensing régime, the applicant has investigated the possibilities of sharing an existing radio site; and**

**(ii) the deletion from paragraph (ii) of 'and other environmentally sensitive areas,'.**

---

### 8.69. OMISSION - TELECOMMUNICATIONS IN REMOTE RURAL AREAS

**Objector**

293	Vodafone Limited
-----	------------------

**Issue**

Whether the Plan should accord with the guidance in paragraph 9.32 of RPG10 and recognise the need to provide information services in the remoter rural areas.

#### **Inspector's reasoning and conclusion**

Vodafone claim that telecommunications development in remoter rural areas would be in the interests of economic development, the quality of day-to-life, and tourism.. Furthermore, it would recognise the reduction in travel costs and pollutant emissions achievable though the use of an expanded telecommunications network.

I am inclined to agree with the LPA that while this issue has particular importance in relation to economic development many of the considerations involved fall outside the ambit of the Development Plan. They are more appropriately addressed in the Council's Economic Development Project Work. In that context I note that the Northern Devon-West Somerset Integrated Area Plan, an economic document, identifies a number of rural-based projects for European funding assistance. The town planning régime is only one consideration attendant on such development and I consider a wider review of such subjects as information technology or telematics in the Local Plan is unnecessary.

### **8.69.1. RECOMMENDATION**

**I recommend that no modification be made to the plan in response to this objection.**