



MILTON KEYNES
COUNCIL

TELECOMMUNICATIONS SYSTEMS POLICY

Adopted May 2005

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Introduction

1.1.0 Background

1.1.1 The number of people who use mobile phones and other wireless telecommunications equipment has grown enormously in the 20 years since the Telecommunications Act 1984 ushered in the modern telecommunications industry. The high demand for telecommunications services and continuing advances in technology mean that the need to site more telecommunications equipment in towns and countryside remains high.

1.1.2 Milton Keynes, in terms of population and built area, is one of the fastest growing areas in the Country. That growth further fuels the need for telecommunications development. At the same time the nature of business is evolving with more and more work being done outside the traditional business environment, with people seeking to work from home (occasionally or full time), whilst traveling or in some other location remote from a traditional notion of a work place. And outside the work environment, there is a growing demand for people to be able to keep in touch with friends, family and events and for them to be able to access a variety of entertainment media wherever they are.

1.1.3 A good telecommunications infrastructure is an essential ingredient in developing a successful, modern, community. A fact recognised in the Milton Keynes and South Midlands Study. Milton Keynes as the newest 'New Town' has embraced the opportunities that advances in telecommunications have brought. The Council has worked with organisations and businesses to try and ensure that the people of the Borough have access to the highest quality information and services. Examples of this are: working towards a development framework for Oakgrove which is designed to ensure that future occupiers will have full and ready access to the full range of modern telecommunications services; vigorously pursuing the benefits of e-government to enable public access to Council services out of normal office hours and from remote locations; the Council is seeking to ensure that the whole Borough can have access to a high quality Broadband service.

1.1.4 However, two important factors have to be balanced against the need to produce the ideal telecommunications infrastructure. The first of these is the physical impact of telecommunications equipment/structures upon the appearance of our countryside and townscape. The second is the very real concerns that people have about the effect telecommunications equipment may have upon public health. In 1999 the Council decided that it required a Corporate Policy to address the issues raised by telecommunications developments. At the same time it set up a specialist Telecommunications Policy Group to consider all telecommunications matters.

1.1.5 The Council set up the Telecommunications Policy Group (TPG) in November 1999. The TPG considers all telecommunications applications submitted to the Council as well as dealing with telecommunications issues that may affect the Borough of Milton Keynes. The Council formally adopted the Corporate 'Telecommunications Systems Policy' in November 2000. The Telecommunications Systems Policy comprises three distinct parts. These parts relate to health issues, planning and development control and finally, as telecommunications equipment is sometimes installed on property within the ownership of Milton Keynes Council, landlord interests. The Planning element of the policy was also adopted as Supplementary Planning Guidance in November 2000.

1.2.0 Why a Policy Review?

1.2.1 Following its adoption there have been minor amendments to the 'Telecommunications Systems Policy' to reflect changes in legislation and changes in the industry. However, since November 2000 telecommunications technology has continued to move on and the strategy and objectives of the telecommunications companies have evolved, to reflect both the changes in the technology and changing market factors. And now Milton Keynes is changing, with expansion into new areas and the redevelopment or re-planning of some existing areas. All of these changes present new challenges and new opportunities for telecommunications development in Milton Keynes and, in response, the Council has decided that it is time for a major review of the Telecommunications Systems Policy.

1.3.0 Policy Aims

1.3.1 The aim of the Policy is to provide a clear framework for the planning and development of telecommunications systems across the whole Borough of Milton Keynes. It gives guidance to telecommunications systems providers as to the forms of telecommunications developments that will be acceptable to the Council and those which will not. In particular the Planning section will again be adopted as Supplementary Planning Guidance and will be an important consideration for systems providers looking to develop their networks in Milton Keynes. The policy also sets out the actions the Council will take to facilitate the provision of up to date telecommunications services in the Borough. Finally the policy will provide the template for a consistent Corporate approach to all telecommunications issues considered by the Council.

1.3.2 In general reference to telecommunications throughout this document should be taken to include all forms of communications by electrical or optical wire and cable and radio signals (whether terrestrial or from satellite), both public and private, except where otherwise stated. Therefore, this policy is relevant not only to the mobile 'phone companies and other telecommunication network operators, but also to Radio Hams and residents and businesses wishing to put satellite dishes or other antennae onto their property.

The Telecommunications Policy Group

- 2.1** The Council set up the Telecommunications Policy Group (TPG) in September 1999 in response to the increasing number of telecommunications applications and the concerns that they generated. The group was formed to provide a level of expertise and knowledge within the Council that could advise Councillors, officers and the public about telecommunications issues.
- 2.2** The TPG consists of 3 Councillors, one from each of the main political parties, supported by officers from the Council's Development Control, Environmental Health, Estates and Sponsorship sections. The TPG meets regularly to discuss all proposals (both planning proposals and proposals to site telecommunications equipment on Council owned land) for telecommunications developments in the Borough of Milton Keynes. The TPG is an advisory group which makes recommendations to the Corporate Director Environment or in some cases Development Control Committee or the Cabinet Member responsible for Environmental Services, for a final decision to be made.
- 2.3** In addition to assessing proposals for telecommunications equipment, the TPG keep up to date with the latest changes in telecommunications technology, health reports and planning legislation and case law. The TPG also meets with operators to discuss their plans for telecommunication development in the Borough of Milton Keynes. This gives the TPG the opportunity to ask questions of the operators, understand the operators' strategic objectives and to influence the sites brought forward by the operators for development. This approach has enabled Milton Keynes to avoid some of the forms of telecommunications developments that have caused the most concern in other areas.
- 2.4** Over the last five years the TPG has built up a considerable level of knowledge and expertise about telecommunications. As a result, the TPG has not only fulfilled its original brief, but with its pro active approach, the TPG has made Milton Keynes Council one of the leading local authorities in the Country in the handling of telecommunications developments. However, the TPG recognises that it needs to maintain and improve on its current levels of knowledge and the need to keep up to date by responding to changes in technology, the latest accepted information on health and the Milton Keynes environment. This policy forms an important part of the TPG's response.

Summary of the Council's Corporate Telecommunications Policy

- 3.1** Milton Keynes Council supports and encourages the provision of up to date and comprehensive telecommunications services across the whole Borough. These services include mobile communications systems, Broadband Internet access and satellite communications. To this end the Council is prepared to make land and buildings in its ownership available for suitably sited and designed telecommunications equipment, and will encourage other land owners to do the same. The Council maintains a Register of Telecommunications developments. The Register can be used to help identify suitable opportunities for telecommunications development and includes information on landowners that may be willing to accommodate telecommunications equipment on their land.
- 3.2** The Council will seek to minimise the visual impact of telecommunications developments upon the appearance of the landscape/townscape by minimising the size of masts and encouraging the use of existing structures and buildings. Where it is not possible to blend a development into the landscape/townscape and the proposed site is in a particularly sensitive or prominent location the Council will seek innovative design solutions for new structures. Such structures will need to make a positive contribution to the appearance of the area and provide a landmark and sense of place.
- 3.3** The Council will not approve, as either a Landowner or as Local Planning Authority, telecommunications developments that would conflict with the Council's Public Transport Plan. The Council has been prepared to allow telecommunications developments on roundabouts and along grid road verges. However, in response to the growth of Milton Keynes and Government advice and policy the Council is reviewing the local transport network and is preparing a Public Transport Plan. Although, at the time of writing, the Public Transport Plan has not been finalised it is anticipated that it will result in a number of significant physical changes to the grid road network. The Council will not approve any developments which would inhibit the implementation of the Public Transport Plan.
- 3.4** The Council is aware that there is no, generally accepted, evidence that telecommunications equipment, which conform to current international standards, pose a threat to public health. However, the Council recognises that a significant number of people have very real concerns that the equipment does pose a threat to health. In response, and to give the public greater confidence in their safety, the Council will use their powers as a landowner to resist those forms of telecommunications that cause the greatest concern. The Council will, therefore, not allow transmitting telecommunications equipment to be sited on residential properties in its ownership or to be sited on land in its ownership

which is within 50m of any school, residential property or medical facility.

- 3.5** To improve public understanding of, and greater transparency in the consideration of, health issues surrounding telecommunications developments the Council will expect all proposals to site transmitting telecommunications equipment to be accompanied by information regarding power output, compliance with current international standards and (where applicable) beam of greatest intensity.

Environmental Health Policy (Public Health & Safety)

- 4.1 A great deal of public concern has been expressed over both the heating and, the non-heating effects on health of electromagnetic fields. This has resulted in intensive research programs being undertaken by many different organisations including, The World Health Organisation (WHO), The International Commission on Non-Ionizing Radiation Protection (ICNIRP) and The National Radiological Protection Board (NRPB). The topic however is especially controversial and there is often much confusion caused by conflicting findings that have resulted in a perceived health risk in the opinion of many people.
- 4.2 Research* maintains that although there is no conclusive evidence to show that electromagnetic fields (EMF) from telecommunication masts pose a risk to health there is enough evidence to suggest that further research is required. Recognised experts and organisations in the field of telecommunications invariably support this recommendation.
*The Stewart Report - May 2000
- 4.3 It is therefore the Policy of the Environmental Health Department to provide appropriate advice to the Council and local community, with regard to telecommunication equipment, based on current scientific and technical evidence obtained from recognised organisations. To help achieve this the Department will;
- i. Maintain a knowledge base through a process of regular reviews and research, in order to allow accurate advice and information to be provided upon request.
 - ii. Respond to concerns, consultations, requests for information and issues relating to EMF by providing current, accurate and unbiased advice to other departments within Milton Keynes Council, external organisations, businesses and members of the public. The Council has access to equipment which can be used to assess emissions, in response to serious public concern.
 - iii. To ensure that, in liaison with other sections of the Council, statutory duties and functions with respect to developments are met in full and that service is provided in accordance with the principles of Best Value and sustainability.

Supplementary Planning Guidance

5.1 Introduction

5.1.1 This section of the Telecommunications Systems Policy also forms Supplementary Planning Guidance (SPG) to the adopted Local Plan policies relating to telecommunications development. The Council has produced this SPG to provide greater detail than can be given in the Local Plan. However, whilst Supplementary Planning Guidance forms an important material consideration, it should be remembered that the Local Plan Policies provide the overriding general principles.

5.1.2 This SPG seeks to promote and encourage sensitive forms of telecommunication development, reassuring the community with regard to any perceived Public Health risks and limiting the impact of such development on the amenity of the area. In producing this SPG the Council has been guided by advice given in the Government's Planning Policy Guidance Note 8: Telecommunications (PPG8).

5.2 The Policy Context

5.2.1 The Council's published policies have two important functions. Firstly, they are a major consideration that the Council must take into account when considering proposals. Secondly, they provide guidance to both developers and members of the public as to what forms of development are likely to be acceptable to the Council and which are not. Those policies that have been through a statutory consultation procedure and have been formally Adopted by the Council carry the most weight. Policies which have not been formally Adopted by the Council still need to be considered and the weight they are given increases the further they progress through the Adoption process.

5.2.2 All planning and prior approval applications are assessed against the policies of the Adopted Local Plan, the 2nd Deposit Version of the new Local Plan and the Supplementary Planning Guidance contained in the Telecommunications Systems Policy. However, it should be noted that under current legislation each telecommunication operator is able to undertake some works without requiring planning permission or prior approval from the Council.

5.2.3 Borough of Milton Keynes Local Plan – Adopted January 1995 Policy DC27

The Borough Council will encourage all new development to be supplied with electricity and telephone services by means of underground supplies. In exceptional circumstances, for proven technical reasons, overhead services will be acceptable.

Policy DC28

The Borough Council will assess planning applications for the erection of small scale receiving, transmitting dishes and aerials, in accordance with its adopted criteria [this SPG provides that criteria].

Policy DC28a: Larger Telecommunication Developments

When considering applications for high masts and other large telecommunication apparatus, the Borough Council will wish to be satisfied that proposals have taken into account environmental factors. Operators will be encouraged to maximise the use of existing and proposed tall buildings and structures, and to share a limited number of masts.

5.2.4 Milton Keynes Local Plan – 2nd Deposit Version October 2002

As part of the Council's commitment to keeping development policies up to date, the existing Adopted policies have been revised as part of the review of the Local Plan. The review of the Local Plan has resulted in a new Local Plan known as the Milton Keynes Local Plan. The 2nd Deposit version of the Milton Keynes Local Plan includes two policies relating to telecommunications;

Policy D6: Mains and Telecommunications Services

Electricity and telecommunications services to new developments within the boundary of Milton Keynes City should be provided underground. Overhead services will only be acceptable if there are proven technical reasons why underground services cannot be provided.

Policy D7: Telecommunication Masts

Planning applications for masts and other telecommunications apparatus should demonstrate that adverse impact on the built or natural environment is minimised.

To limit the visual impact of masts and other apparatus, operators must show that they have sought to:

- i. Maximise the use of existing and proposed tall buildings
- ii. Share masts and sites
- iii. Develop innovative design solutions
- iv. Provide additional structured screen landscaping, where appropriate

Status of Milton Keynes Local Plan

The new Local Plan is well advanced in its preparation process – the local plan inquiry closed in June and Council has received the Inspector's Part One report which covers strategic matters. The Part Two report, which will consider

objections to individual detailed policies (including policies D6 and D7), is expected in November 2005.

5.2.5 The reform of the Planning system

The Planning and Compulsory Purchase Act (2004) introduces changes to the development plan system – local plans are to be replaced with local development frameworks with the intention of streamlining the local planning process and promoting a proactive, positive approach to managing development.

Under the transitional arrangements in the Regulations, policies in existing plans currently under preparation can be “saved” for a period of three years from the adoption or approval of the draft plan. During these three years local planning authorities should bring forward local development documents to replace saved policies in accordance with their local development scheme.

On commencement of the new system existing supplementary planning guidance (SPG) will continue to exist as non-statutory guidance whilst the relevant saved policies are in place. The local planning authority should however identify the programme for replacing SPG with supplementary planning documents (SPD) as new development planning documents replace saved policies. Alternatively, SPD can be prepared in advance of a development plan document provided that there is clear conformity with a saved policy.

The Council has chosen to update its existing SPG rather than produce new SPD to allow an up to date document to be produced more quickly. SPD will be produced in due course in accordance with the requirements of the legislation.

5.3 What Requires Planning Approval

5.3.1 Some telecommunications developments do not require planning approval from the Council. Legislation produced by Central Government classifies the erection/installation of many forms of telecommunication as “Permitted Development”. If equipment is designated “Permitted Development” planning permission is not required from the Council. The rules governing “Permitted Development” are contained in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The “Permitted Development” rules for the mobile ‘phone industry are contained in Part 24 of Schedule 2 of the Order which was most recently amended in August 2001. However, some of the equipment that is “Permitted Development” does require another form of planning approval from the Council.

5.3.2 Masts below 15m in height and some other forms of telecommunications development that are “Permitted Development” require Prior Approval. Prior Approval applications give the Council 56 days to consider the siting and appearance of telecommunications equipment. If the Council does not make a

decision (and inform the applicant) within that period, the development is considered to be approved and can be implemented. In all cases the description for the proposed development will identify clearly what type of application has been submitted.

- 5.3.3** Masts over 15m and some other forms of telecommunications development are not “Permitted Development” and full planning permission is required. When planning permission is required the Council has 8 weeks in which to make a decision. If the Council fails to make a decision within that period, the applicant can appeal against the Council’s failure to make a decision.
- 5.3.4** All applications for planning approval will make it clear whether they are for Prior Approval or planning permission. If you are unsure what, if any, planning approval is/was required for a particular item of telecommunications equipment call the Development Control Enquiries on 01908 252358.
- 5.3.5** All telecommunications operators are required by legislation to Notify the Council, 28 days before they install telecommunications equipment, about the equipment they intend to erect/install. Therefore the Council should have some information on telecommunications installations, even if the equipment does not need any planning approval.
- 5.3.6** Satellite dishes and aerials erected by businesses and residents often do not require planning permission. However, you should contact Development Control (see Who To Contact and How) before installing any dishes or aerials before installing any equipment.

5.4 Pre-application Consultation

- 5.4.1** The Council welcomes the opportunity to discuss telecommunications developments with operators prior to the submission of applications for planning permission or Prior Approval. Pre-application consultation with the Council’s Development Control Department by operators and their agents at an early stage will enable service objectives, technical constraints and environmental implications to be discussed and understood. If necessary possible alternative sites or design solutions can be explored at this stage. The discussions on any particular development proposal should be set in the context of the operator’s existing network and their strategy for developing that network in the area.
- 5.4.2** The Council also considers that it can be useful in some cases if pre application discussions involve other organisations within the community who may have an interest in the proposed development. This may include Town Councils, Parish Councils, residential groups or other amenity bodies.
- 5.4.3** The Council aims to take a pro-active role in the development of telecommunications networks within the Borough. The Council will attempt to identify areas where it believes there is likely to be pressure to site

telecommunications development in the future. The Council, using its knowledge of telecommunications networks and technological constraints, will work with local communities and landowners in those areas to identify acceptable sites for such development. Sites so identified will become central to discussions with telecommunications operators as they come to develop sites in that area. The Council has already undertaken this approach in relation to the village of Little Brickhill.

5.5 What issues does the Council take into account?

5.5.1 In deciding any telecommunications application the Council must consider the following -

- (i) Whether a proposal complies with planning policies of the Local Plan.
- (ii) The impact of the proposal upon the appearance of the area or (where appropriate) on the appearance of the building on which it is located
- (iii) All other material planning issues. This includes Government planning advice, technical information, compliance with international guidelines on public exposure to electromagnetic radiation and the views of the public.
- (iv) The obligations on operators, arising from their telecommunication licence, and of the requirements of their telecommunications network.

5.6 Public Consultation

5.6.1 When the Council receives either a Planning or a Prior Approval application it will seek to carry out notification on a wider scale than that advised by the Government. It is the Council's policy to consult all residents, schools, nurseries, playgroups, other educational and medical establishments within 100m of sites where an application to site telecommunications equipment has been received. However, where the proposal may have an impact over a wider area (for example, a particularly tall mast) the Council will consult more extensively.

5.6.2 In taking into account the views of the public, the impact of the proposed equipment upon the appearance of the area is the main issue that the Council has to consider. The Council can only consider health issues to a very limited extent when dealing with planning or Prior Approval applications. However, the Council will need to be satisfied that the emissions from the proposed equipment would meet the current international standards for safety. The following section provides more details on this issue.

5.7 Public Health & Safety

5.7.1 There has been well-documented public concern that telecommunications developments, particularly mobile phone antennae, may have an effect on the health of people who live or work or go to school in the vicinity of these developments. Health considerations and public concern about possible health effects is a material consideration when making planning decisions. However,

unless the Council can produce evidence to demonstrate that a development proposal would cause material harm to public health, it is most unlikely to be able to substantiate a refusal of permission on health grounds and may risk an award of costs against it for refusing permission unreasonably. In August 2001 the Government revised its Planning Policy Guidance Note 8 (PPG8). In PPG8 the Government states that “if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them”. A decision by the Court of Appeal in November 2004 makes it clear that if proposed mobile phone equipment meets ICNIRP guidelines, refusing permission for the equipment on health grounds can only be justified in “exceptional circumstances”.

5.7.2 Nevertheless the Council takes the health concerns of the public very seriously. Following the publication of the report of the Independent Expert Group on Mobile Phones (The Stewart Report) in May 2000 the Council adopted the precautionary approach advocated by the report in as far as this approach related to the planning system. The Council requires all applications to provide confirmation that the proposed equipment meets the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) on exposure to radio waves and provide information on where the beam of greatest intensity would fall, together with the maximum Effective Isotropic Power (EIRP) level. The Council believes that by making such information available public concerns can be alleviated to some extent and that correspondingly public confidence in the telecommunications industry can be improved. The Council carries out monitoring of the emission levels from telecommunications equipment. If it is discovered that any equipment is breaching ICNIRP guidelines the Council will inform the NRPB and will consider taking action, itself, to secure the removal of the equipment.

5.7.3 The Council encourages all schools which have telecommunications equipment on or near their premises to make use of the National Radiological Protection Board’s monitoring of electromagnetic radiation to ensure that levels comply with current guidelines.

5.7.4 The Council continues to monitor scientific reports and changes in legislation to ensure that its approach remains up to date (see the Environmental Health Chapter for more information).

5.8 The Visual Impact of Telecommunication Development

5.8.1 Milton Keynes Council considers that it is important to ensure that all telecommunication developments (including equipment erected and installed under permitted development rights) are carried out in such a way as to keep the environmental impact to a minimum. This is in accordance with advice given in Planning Policy Guidance Note 8 (PPG8).

5.8.2 The Council is aware of the special technical constraints each operator has to deal with. However, careful consideration of the siting and design of any installation, especially sensitively designed masts, can significantly reduce any adverse impact on the environment.

5.8.3 Siting

The most obvious way to address the visual impact of telecommunications development is to site it in such away that it either blends into or is hidden by the existing landscape/townscape. However, technological constraints mean that it is rarely possible/practical to totally hide the equipment.

Sites that are screened by tall trees often provide excellent locations for telecommunications masts. The trees can either provide a screen to the front of the mast or a background that the mast can blend into. Sites within industrial estates and business parks also provide excellent locations for telecommunications masts. The size and bulk of the buildings usually found on these estates can provide very effective screening of masts and minimise their visual impact beyond the immediate vicinity of the site. However, the periphery of these estates should be avoided, as these tend not to provide the advantages of sites located deeper into the estates.

Alternatively existing tall buildings and structures can provide good locations for telecommunications equipment without having a significant impact upon the area. Among the structures that can accommodate telecommunications equipment are electricity pylons and street furniture such as lampposts. Where equipment is provided on street furniture, the new furniture will need to echo the height and appearance of the furniture it replaced or surrounding furniture as appropriate. To avoid visual clutter additional items of street furniture are unlikely to be acceptable.

There is, obviously, a natural limit to the height to which trees grow and, in the Borough of Milton Keynes, there are few buildings over 12m high. It is therefore difficult to find sites where masts over 15m in height can be accommodated without having a significant and detrimental impact upon the appearance of the area. In addition, because building heights in the Borough of Milton Keynes are generally relatively low, great care is needed to ensure that roof top installations do not have a detrimental impact upon the appearance of the area. Large numbers of antennae on a roof, breaking the skyline, can have a significant impact upon the appearance of the area. Where the roof is very low (one or two storeys) or is overlooked by taller buildings even a few antennae can be visually intrusive.

The Council will not approve telecommunications developments that would conflict with the Council's Public Transport Plan. The Council is preparing a Public Transport Plan to improve the transport network in the city and to facilitate

further growth. The Public Transport Plan will result in significant physical changes to some of the grid roads and roundabouts in the city. Any development that would obstruct or delay those changes will be considered unacceptable.

Sensitive Sites

There are sites that present particular difficulties with regards to the siting of telecommunications equipment. These include:

- 1) Prominent locations such as hilltops, at the gateways to settlements and road junctions.
- 2) Conservation Areas – the Council has a duty to ensure that all developments within Conservation Areas preserve and enhance the character and appearance of the area. Sites close to the Conservation Area, but beyond its boundary can also have a significant impact upon the Conservation Area.
- 3) Residential Grid Squares or Estates – the scale of the buildings and the layout of residential areas make it very difficult to locate large structures in them without having a detrimental impact upon the appearance of the area. The Council also considers that siting telecommunications equipment in residential areas is likely to raise considerable public concern and increase public resistance to telecommunications development in general.
- 4) Scheduled Ancient Monuments and the area surrounding them.
- 5) Areas of Attractive Landscape.
- 6) Sites of Special Scientific Interest.
- 7) Listed Buildings and their curtilage. Sites adjoining the curtilage of a Listed Building can also have a significant impact upon the setting of the building.
- 8) The large grounds around schools, colleges, hospitals and other institutions.
- 9) Open countryside visible from settlements and/or main transport routes.
- 10) Parks.
- 11) Historic Parks and Gardens.

Just because a site may fall in one of the areas listed above does not necessarily mean that telecommunications equipment can not be sited there. However, it does mean that particular care in its siting and design will be required if an acceptable development is to be achieved. It should also be noted that as the number of telecommunication developments increases, areas where there is a high concentration of such developments are likely to become more

sensitive to additional proposals.

5.8.4 Design

A number of different design solutions are currently available to limit the visual impact of telecommunications development. These include masts designed as pieces of sculpture or to look like trees. Alternatively antennae can be incorporated within flagpoles or street furniture or other structures. On buildings, antennae can be coloured to blend into walls or can be located behind Glass Reinforced Plastic (GRP) designed to appear as part of the original building. This Council, in accordance with Government advice, will wish to see the development of further innovative design solutions to minimise the impact of telecommunication developments on the environment.

Where sites are in prominent locations it is unlikely that a standard telecommunications development will be acceptable and that an alternative design solution will be required if an acceptable development is to be achieved. Where the site has an important role to play either as a gateway to a settlement or area or as way-finding point along a transport corridor (road, cycleway or footpath), free standing structures will be expected to show a high quality of design and provide a landmark. In some locations it may be appropriate that the design should reflect and enhance the sense of place of the surrounding area.

5.9 Radio Interference

5.9.1 In any development, significant and irremediable interference with other electrical equipment of any kind can be a material planning consideration. There are essentially two types of interference. The first type is electromagnetic interference, caused by a radio transmitter or by unwanted signals emitted by other electrical equipment. Ofcom has statutory powers for dealing with this type of interference and, in general, concerns about interference should be dealt with through Ofcom rather than through the planning process. Only if there is clear evidence that significant electromagnetic interference will arise, or will probably arise, and that no practicable remedy is available, will there generally be any justification for taking it into account in determining a planning application.

5.9.2 The second type is physical interference. There is clear evidence that large, prominent structures such as tower blocks, or warehouses can cause widespread disruption to television and other telecommunications services due to the physical obstruction or reflection of the wanted signals. The Council will need to satisfy itself that the potential for interference has been fully taken into account in the siting and design of such developments

5.9.3 Where the potential for either type of interference is expected, co-ordination with the Ofcom and the broadcasters or fixed-link operators will be required, to ascertain whether an engineering solution to the problem is feasible. In such

instances they will be contacted at the earliest possible stage in the planning process and their advice taken into account. Where such problems are likely, the Council may grant planning permission subject to a condition that, before development commences, the developer will ensure that the quality of any reception affected by the development will be restored.

5.10 Environmental Principles

In order to resolve the increasing concern about the impact of telecommunication installations on the environment, Milton Keynes Council has formulated environmental principles against which telecommunication proposals will be assessed. Each proposal will be assessed on an individual basis and the least visually intrusive form of development will be permitted. The following environmental principles are by their nature generalised and intended to be applicable in a wide variety of situations.

- (i) Where appropriate, when considering the siting of a mast advantage should be taken of locations where other masts or similar structures are already found. Areas where such a structure would be seen as an alien feature should be avoided.
- (ii) Opportunity should be taken of using existing screening or backdrop to reduce the impact of a development. Wherever possible new masts should be sited where either existing mature trees screen the foreground or act as a backdrop, Tall buildings can also serve this purpose. Additional screening will be requested where this would be beneficial. Antennae and masts are most prominent when sited in open locations and /or viewed against the skyline. Such locations are best avoided and are unlikely to be acceptable to the Council.
- (iii) Normally, the installation of antennas upon buildings and existing structures will be considered to be more acceptable than erecting a new ground based mast. However, the applicant will be expected to locate the proposed installation in order to minimise its external visual impact upon the building or structure.
- (iv) Particular care should be taken when proposing the installation of equipment on Statutorily Protected buildings and features e.g. Conservation Areas, Sites of Special Scientific Interest and Listed Buildings. Where this is being proposed the applicant will need to demonstrate that the equipment can be installed without having a detrimental impact upon the protected area, the building or feature that the equipment is to be fixed to.
- (v) Where possible use of existing street furniture e.g. highway signs, street lighting columns etc, shall be used to install telecommunication

equipment. This would keep the visual clutter of land adjacent to the road or footpath to a minimum.

- (vi) Depending on the location, site sharing as opposed to mast sharing, may be more appropriate where a second installation located alongside or behind the principal installation can be shown to be the most beneficial solution in environmental and planning terms. However, each location will have to be judged on a case by case basis.

5.11 Broadband

The Council considers it important that as much of the Borough as possible is able to enjoy high quality Broadband access to the Internet. In some cases this can only be achieved through wireless technology. This will require the installation of antennae systems and this, in turn, may require the erection of masts. Where such new antennae and masts require planning approval they will be the subject of the same considerations and approach as apply to other forms of telecommunications systems and are described in this policy document. However, in most cases, the small antennae that will sometimes be need to be installed on the homes or business properties of subscribers will not normally require planning permission. Contact Development Control (See Who to Contact) for advice prior to the installation of equipment.

5.12 Telecommunications Aspects in Other Developments

In considering planning applications for other forms of development, the Council will wish to consider telecommunications issues. The Council will encourage prospective developers of new housing, office and industrial estates to make provision for the foreseeable telecommunications needs of future occupiers of the development. Developers should provide adequate ducting for telecommunication cables (and for other services where appropriate) to be installed at the outset both underground and in the structure of the building, sufficient to meet foreseeable demand for competitive services likely to be provided to those estates. This will help to minimise the disruption and expense that would be incurred if provision has to be made later, and reduce the need for new telecommunication apparatus above ground. In some cases, particularly in relation to larger developments it may be appropriate to design into the scheme sites, buildings or structures that would be suitable locations to accommodate antennae systems.

Milton Keynes Expansion Areas and Central Milton Keynes

Milton Keynes will continue to grow over at least the next 20 – 30 years, with significant areas beyond the current New Town boundaries and redevelopment of parts of Central Milton Keynes and possibly other areas. At the master planning stage and in drawing up development briefs for these areas, Milton

Keynes Council and its partners will make provision, in consultation with the relevant operators, for antennae based telecommunications systems. This will largely be through the provision of public owned buildings and structures, which will be suitable in terms of siting and design for the siting of telecommunications equipment. These buildings and structures will be made available for the telecommunications operators' use.

Landowner's Policy

6.1 Introduction

- 6.1.1** This Policy is applicable for new lettings where telecommunications equipment is to be sited on land or property within the ownership of Milton Keynes Council. The Council will also seek to encourage other landowners to adopt a similar approach to the one detailed below.

6.2 Policy

- 6.2.1** The Council recognises the importance of its position, as a major landowner in the Borough of Milton Keynes, in facilitating the provision of a modern telecommunications infrastructure. However, the Council has to balance this role with its duty, as a public body, to consider the interests and concerns of the people who live and work in Milton Keynes. Therefore, whilst the Council will normally be prepared to allow its land and buildings to be used for the siting of telecommunications equipment this is subject to the equipment/development meeting the conditions in the following paragraph.

6.2.2 Conditions

- (i) The equipment/development must be in accordance with the policies contained in the Environmental Health and Planning chapters of the Telecommunications Systems Policy.
- (ii) The telecommunications operator is to obtain all necessary statutory consents required in respect of the proposed installation.
- (iii) The telecommunications operator must demonstrate that the proposed installation will in no way damage the land or property upon which the equipment is to be installed.
- (iv) The telecommunications operator must demonstrate that the proposed installation will fully comply with current ICNIRP guidelines. Where necessary operator must maintain adequate exclusive zones around the installation. This is to ensure, employees of Milton Keynes Council, their tenants, inhabitants of Milton Keynes or those who have cause to pass within the locality of the installation are not exposed to emission levels above those contained within the ICNIRP guidelines or those of any superseding statutory body.
- (v) The telecommunications operator must provide relevant documentation that the proposed installation will comply with all Health and Safety

requirements.

- (vi) The Council will not normally permit equipment on its land within 50m of residential properties, nursery, playgroup or school grounds or medical facilities.
- (vii) The Council will not normally permit equipment on its land if the Beam of Greatest Intensity would fall on a nursery, playgroup or school grounds and the nursery, playgroup or school opposes the installation.
- (viii) The Council will not permit equipment to be sited on its land if it would conflict with the Council's Public Transport Plan.
- (vi) The telecommunications operator will be expected to enter into a lease agreement with Milton Keynes Council (the typical terms of which are enclosed as an annex to this Policy) in respect of the land or property upon which the operator is seeking to install the telecommunications equipment.

6.3.0 The Process and Requirements of Obtaining a Lease

6.3.1 Once a potential site has been identified the operator will enter into pre-application discussion with the relevant Development Control officer in order to consider the need for and the likelihood of gaining planning approval. At this stage, if the site is within the ownership of Milton Keynes Council, negotiations should commence with Milton Keynes Council as landlord. Details of whom to contact and how they may be contacted are to be found on page 24.

6.3.2 The telecommunications operator will be expected to demonstrate that the installation is suitable for the proposed location. In order to do this the following information will be required.

- (i) The Council should be given details of the proposed content and layout of the installation.
- (ii) Should the proposed installation be sited on a building or other structure owned by Milton Keynes Council, then details of the weight of the equipment should also be given.
- (iii) Details of the likely emissions of the equipment should also be given in order to demonstrate that the equipment does not pose an adverse health risk and that the equipment will operate within the current guidelines of ICNIRP or any superseding statutory body.

6.3.3 Should the proposed installation prove acceptable then negotiations concerning the proposed lease can proceed. Upon agreeing mutually acceptable lease terms then the Council's formal approval to the transaction can be sought

whereupon the Council's legal team will be instructed to prepare the necessary documentation.

- 6.3.4** It is expected that the telecommunications operators will meet all costs incurred by the Council in granting leases for telecommunications equipment. These costs will include surveyors fees, structural engineers' fees (where applicable) and legal fees. All leases will be referred to the Council's Telecommunications Policy Group for advice prior to the Council deciding whether to grant a lease or not. To avoid unnecessary delays, where an installation requires planning approval as well as landowner's consent, both issues will be considered at the same meeting of the Telecommunications Policy Group.
- 6.3.5** Telecommunications Operators are reminded that it may be necessary to obtain further statutory approvals for ancillary works in connection with the construction of a base station on Council owned land or property.
- 6.3.6** Lease or Licence will be terminated immediately if the Council can produce evidence to the Lessee/Licensee from the National Radiological Protection Board or from any recognised national or international organisation or research that the operation of any item of the associated equipment is dangerous to human or animal health. The Lessee/Licensee shall subsequently remove the equipment and reinstate the land at their cost to the satisfaction of the Council.

Conclusion

- 7.1** This Policy sets out the Council's Corporate approach to issues related to the installation of telecommunications equipment and ancillary matters. Therefore, whilst the specific details of each proposal are important considerations, in all instances where the Council makes decisions relating to telecommunications equipment, the particular merit of each proposal will be considered against the background of this policy

- 7.2** The continually changing nature of this industry means that this Policy document will have to be open to ongoing adaptation and review. Accordingly it is proposed that the Policy will respond to future changes in legislation, technology and scientific research.

Who To Contact And How

If you wish to discuss the contents of this Policy document, a telecommunications proposal or any telecommunications issues please contact the relevant officer/Section.

Development Control

Jeremy Lee – Tel: 01908 252316 E-mail jeremy.lee@milton-keynes.gov.uk

Gideon Richards – Tel: 01908 252039 E-mail gideon.richards@milton-keynes.gov.uk

Tanya Cosford – Tel: 01908 252313 E-Mail tanya.cosford@milton-keynes.gov.uk

Development Control Enquiries - 01908-252358

Environmental Health

Matt Gilbert – Tel:01908 252908 E-mail matthew.gilbert@milton-keynes.gov.uk

Estates

Graham Williams – Tel: 01908 252443 E-mail graham.williams@milton-keynes.gov.uk

Milton Keynes Council is located at the Civic Offices, 1 Saxon Gate East, Central Milton Keynes MK9 3HQ (near the library and opposite the main shopping centre). The usual hours of business are between 9.00 a.m. and 5.15 p.m. from Monday to Friday.

Other useful Contacts

Ofcom Contact Centre, Riverside House, 2a Southwark Bridge Road, London, SE1 9HA
www.ofcom.org.uk

Office of the Deputy Prime Minister, 26 Whitehall, London, SW1A 2WH
www.odpm.gov.uk

National Radiological Protection Board Chilton, Didcot, Oxon, OX11 0RQ
www.nrpb.org

Mobile Operators Association (MOA), Russell Square House, 10-12 Russell Square, London WC1B 5EE www.mobilemastinfo.com

All Party Parliamentary Group On Mobile Phones www.apmobile.org.uk

Independent Expert Group on Mobile Phones www.iegmp.org.uk

Mast Sanity www.mastsanity.org

Mast Action www.mastaction.org

ANNEX 1
Terms Included Within Typical Lease Agreements for Telecommunication
Installation Site

Typical Terms relating to Roof-Tops

- 1 The lessee may erect x no. sectored antennas, x no. microwave dishes and associated equipment cabin.
- 2 The annual rent will be £xxxx p.a. (rent will depend on the amount of equipment to be located on the site).
- 3 Upon the 3rd anniversary of the lease the lessee may determine the tenancy having previously served twelve months written notice upon the lessor. Subsequently either party may determine the tenancy upon serving 6 months written notice on the opposite party.
- 4 Upon every 3rd anniversary of the lease the rent will be increased to open market value or in line with the retail price index (RPI) whichever is the greater.
- 5 Access to the site is to be granted for routine maintenance purposes. In the case of emergency access being required the cost of the caretaker or key-holders attending to the lessee's representative's shall be duly reimbursed by the lessee.
- 6 The lessee is to be responsible for the cost of all power supply to the radio station and in the case that power is taken from the Landlord's supply the Landlord will have no liability to the tenant in the case of interruption to the supply.
- 7 The lessee is to be responsible for the installation, repair, maintenance and eventual removal of the installation and will also be responsible for all costs relating to or associated to the foregoing. At the lessee's cost an agreed Schedule of Condition is to be drawn up in respect of all the relevant areas of the building prior to the commencement of the works relating to the installation of the equipment.
- 8 The lessee is to obtain all necessary statutory approvals
- 9 The lessee is to ensure that no interference is to be caused either to the radio equipment already in situ or to the TV/radio reception of surrounding occupants.
- 10 The lessee shall indemnify the Council from all claims arising from the granting of this tenancy and public liability assurance to the value of £5,000,000.
- 11 The lessor's legal fees incurred as a result of the granting of this transaction are to be met by the lessee. Legal fees will be a minimum of £500 and surveyors costs at £500.
- 12 The Council would request that all telecommunications equipment is clearly tagged indicating the name and contact telephone number in the case of emergencies.
- 13 The Council's conveyancing department will supply a copy of their standard telecommunications lease.
- 14 The Lessee shall provide, at its cost, all information necessary for the Lessor to ensure the health, safety and welfare to its employees, contractors and servants who may require access to or work within the proximity of the Lessees undertaking.

- 15 The Lessee shall subsequently remove the telecommunications equipment and reinstate the site if the Lessor can produce evidence to the Lessee from any recognised national or international organisation or research that the operation of any item of the associated equipment is dangerous to human or animal health. In the event that the Lease is terminated by either party the Lessee will remove their telecommunications equipment and reinstate the site at no cost to the Council.
- 16 In the event that roof repairs are required the Tenant will co-operate with the Landlord by the switching off equipment and/or removal of masts, antennae, cabinets and other equipment or such other works as are necessary to allow the roof to be repaired by the Landlord.

Typical Terms relating to Lamp-Post Swap-outs

1. The length of the licence shall be between 5 – 20 years.
2. The Licensee may remove the identified lighting column and replace with a lighting column combining single microcell antenna and associated equipment. The antenna will be 1m x 0.11m and the supporting posts will be painted grey to match existing street lighting columns and will be to the satisfaction of the Street Lighting Engineer.
3. The annual rent will be £ xxxx p.a. exclusive.
4. Upon the 3rd anniversary of the licence the Licensee may determine the licence having previously served six months written notice upon the Licensor. Subsequently either party may determine the licence upon serving 6 months written notice on the opposite party.
5. Upon every 3rd anniversary of the licence the rent will be increased according to the open market value.
6. The Licensee is to be responsible for the cost of all power supply to the telecommunications equipment and in the case that power is taken from the Landlord's supply the Landlord will have no liability to the Tenant in the case of interruption to the supply.
7. The Licensee is to be responsible for the installation, repair and maintenance of the lamp column and antenna during the term of the licence and will be responsible for all costs relating to or associated to the foregoing.
8. The Licensee is to obtain all necessary statutory approvals
9. The Licensee is to ensure that no interference is to be caused to the TV/radio reception of surrounding occupants or that the operation and effectiveness of the existing street lighting is not impaired.
10. The Licensee shall indemnify the Council from all claims arising from the granting of this agreement and public liability assurance to the value of £5,000,000.
11. The Lessor's legal fees incurred as a result of the granting of this transaction are to be met by the lessee. Legal fees will be a minimum of £500 and surveyors costs of £500.
12. The Licensee will ensure that all telecommunications equipment is clearly tagged with public hazard warning notices, together with a name and contact telephone number in the case of emergencies.
13. The Licensee shall ensure that if the lighting columns are damaged in any way that the telecommunications equipment is immediately deactivated.
14. The Licensee shall supply a sufficient number of "access door keys" to the Licensor to enable column access for general maintenance of the lighting unit. The Licensor shall

- give reasonable prior notice to the Licensee of any planned maintenance to be carried out to the column.
15. The Licensee shall carry out periodic inspections of all equipment, including safety measures, contained within the column and shall maintain a record of their findings for the Licensors inspection.
 16. In the event of any third party damage or where corrosion has made the column unsafe, the Licensee will arrange for the lighting column to be removed with 24 hours or within 2 hours if the Police consider there is an immediate danger. The Licensee will then arrange for a new lighting column to be installed within 10 working days from the date of removal.
 17. The Licensee shall provide, at its cost, all information necessary for the Licensor to ensure the health, safety and welfare to its employees, contractors and servants who may require access to or work within the proximity of the Licensees undertaking.
 18. The Licensee shall not site share the lamp-column.
 19. The License can be terminated immediately if the Licensor can produce evidence to the Licensee from the National Radiological Protection Board or from any recognised national or international organisation or research that the operation of any item of the associated equipment is dangerous to human or animal health. The Licensee shall subsequently remove the equipment and replace the lighting column.
 20. In the event that the Licence is no longer required the Licensee will remove their telecommunications equipment and replace with an unadapted lighting column to the satisfaction of the Street Lighting Engineer. The Licensee will then carry out a legal transfer of ownership of the column to the Licensor at no cost.

Typical Terms relating to Roundabout Sites

1. The length of the licence shall be between 5-20 years.
2. The Licensee may erect a telecommunications mast together with x no. sectorised antennae and x no. microwave dishes and associated cabin on each site. The mast heights are shown below:
3. The annual fee will be £xxxx p.a. exclusive for the proposed equipment.
4. Upon the 3rd anniversary of the licence the Licensee may determine the licence having previously served six months written notice upon the Licensor.
5. Upon every 3rd anniversary of the licence the rent will be increased according to the open market value or increase in the Retail Price Index – whichever is the higher.
6. The Licensee is to be responsible for the cost of all power supply to the telecommunications equipment and in the case that power is taken from the Landlord's supply the Landlord will have no liability to the Tenant in the case of interruption to the supply.
7. The Licensee is to obtain all necessary statutory approvals
8. The Licensee is to ensure that no interference is to be caused to the TV/radio reception of surrounding occupants.
9. The Licensee shall have public liability insurance to £5 million.
10. The Licensors legal fees incurred as a result of the granting of this transaction are to be met by the Licensee. Legal fees will be a minimum of £500 and surveyors costs of £500.

11. The Licensee will ensure that all telecommunications equipment is clearly tagged with a name and contact telephone number in the case of emergencies.
12. The Licensee shall carry out periodic inspections of all equipment, including safety measures, attached and ancilliary to the mast and shall maintain a record of their findings for the Licensors inspection.
13. The Licensee shall provide, at its cost, all information necessary for the Licensor to ensure the health, safety and welfare to its employees, contractors and servants who may require access to or work within the proximity of the Licensees undertaking.
14. The Licensee shall remove the telecommunications equipment and reinstate the site if the Licensor can produce evidence to the Licensee from any recognised national or international organisation or research that the operation of any item of the associated equipment is dangerous to human or animal health.
15. In the event that the Licence is no longer required or is terminated by either party the Licensee will remove their telecommunications equipment and reinstate the land at no cost to the Council and to the satisfaction of the Highways department.
16. The Licensee shall not replace the mast during the term of the licence without the prior written consent of the Council.
17. The Licensee shall not site share the mast without the prior written consent of the Council.
18. The Licensee shall ensure that the landscaping works, agreed as part of any Planning Permission or Prior Approval Consent for each roundabout site, are fulfilled. Any dead or dying trees or shrubs shall be removed and replaced to the satisfaction of the Landscape manager.

Glossary

Electromagnetic field (EMF)

The region in which electromagnetic radiation from a source exerts an influence on another object with or without there being contact between them.

Electromagnetic radiation

Radiation that can be considered as a wave of electric and magnetic energy travelling through a vacuum or a material. Examples are gamma rays, X-Rays, ultraviolet radiation, light, infrared radiation and radiofrequency radiation.

Frequency

The number of complete cycles of an electromagnetic wave in a second. Unit hertz, symbol Hz. 1 Hz = 1 cycle per second.

ICNIRP

International Committee on Non-Ionizing Radiation Protection.

Ionising radiation

Radiation that produces ionisation in matter. Examples are alpha particles, gamma rays, X-rays and neutrons. When these radiation's pass through the tissues of the body, they have sufficient energy to damage DNA.

Non-ionising radiation

Radiation that does not produce ionisation in matter. Examples are ultraviolet light, infrared radiation and radiofrequency radiation. When these radiation's pass through the tissues of the body they do not have sufficient energy to damage DNA directly.

NRPB

National Radiological Protection Board.

Radiation

The process of emitting energy as waves or particles. The energy thus radiated. Frequently used for ionising radiation except when it is necessary to avoid confusion with non-ionising radiation.

SSSI

Site of Special Scientific Interest

Telecommunications

Communications using electronic equipment such as telephones, radio and television.

WHO

World Health Organisation