

***Contents - Chapter 9, Infrastructure***

<i>Section No.</i>	<i>Subject</i>	<i>Page No(s).</i>	<i>Recommendation No(s).</i>
9.1	<i>Policy IN1 (D IN1) – Water, drainage and sewerage infrastructure</i>	315-16	9.01
9.2	<i>Policy IN2 (D IN2) – High voltage power lines</i>	317-19	9.01-9.05
9.3	<i>Policy IN3 (D IN4) – Telecommunications</i>	319-21	9.06

## Chapter 9 – Infrastructure

### 9.1 Policy IN1 (D IN1) – Water, drainage and sewerage infrastructure

#### 9.1.1 Objections

*RD/7652/0001/10111/IN1/\* - Government Office for the South West*  
*D/7652/4048/9466/IN1/0 - Government Office for the South West*  
*D/7652/4048/9467/IN1/0 - Government Office for the South West*  
*D/7674/3349/4821/IN1/0 - The House Builders Federation*  
*D/2808/5000/6657/IN1/0 - Friends of the Earth, Torbay*  
*D/2808/5000/6658/IN1/0 - Friends of the Earth, Torbay*  
*D/2808/5000/6656/IN1/0 - Friends of the Earth, Torbay*  
*D/2847/4143/7565/IN1/0 - South West Water*

#### 9.1.2 Issues

- a) The need for and coverage of the policy;
- b) Whether the policy deals adequately with the matter of pollutants in surface water.

#### 9.1.3 Conclusions

##### Issue a.

1. GOSW (7652) questioned the rationale for the DV policy, commenting that it appears likely to simply add to the length of the Plan and also duplicate other controls, notably infrastructure charges payable under the Water Industry Act 1991. They also took the view that as the policy explicitly relates to ‘major new developments’, it would be helpful if the Plan identified such components on a site by site basis, rather than relying on general criteria. However, whilst I agree that the DV policy duplicated other policies to some extent, particularly policy CF6 (*Community infrastructure contributions - formerly DV policy CF7*), I am not persuaded that specific identification of developments would result in any real benefit in terms of Plan clarity. In coming to this view I have been mindful of the Council’s comments, in Topic Paper 9, that they do not consider this approach would be practical as the exact scale of infrastructure requirements is not known at this stage for all of the major sites. I also share the Council’s view that even if this were possible, a general policy would be needed in any case for application to windfall sites. On balance I therefore consider that the policy should remain.

2. Changes have been made, however, to take the policy forward to RDV stage and these have covered many of the points of objection. Specifically, the concerns of the House Builders Federation (7674), that the policy wording went further than guidance in Circular 1/97 has been addressed by the deletion of references to Section 106 Agreements in the policy itself. In my opinion the remaining reference within the explanatory text is appropriate, as paragraph B12 of Circular 1/97 indicates that developers may reasonably be expected to pay for or contribute to infrastructure costs which are required as a result of their development. Policy CF6 refers to general developer contributions and a cross-reference to this has been included as explanatory paragraph 9.17.

3. South West Water's (2847) objection was not to the principle of DV policy IN1, but because they considered that it did not adequately reflect Objective 1 of Aim 7, namely to establish a framework which allows for developer contributions to ensure the provision of various elements of essential infrastructure. These are listed within Objective 1 as an adequate water supply and sewage treatment, power, energy, waste management and telecommunications. However, as indicated at RD paragraph 9.16 the provision of water supply, sewerage and sewage disposal is the developer's responsibility under the Water Industry Act 1991, and would not in itself be the subject of a Section 106 Agreement. In addition, as already noted above policy CF6 sets out a framework for seeking developer contributions in order to ensure the provision of adequate physical (and other) infrastructure. In view of these points I see no need to recommend any modifications to policy IN1 to satisfy this objection.

#### Issue b.

4. Friends of the Earth (*FotE* - 2808) were not satisfied that Plan policies deal adequately with the matter of pollutants in surface water from urban run-off. They contended that the reference to surface water drainage should be removed from DV policy IN1 and that a new policy dealing with this matter created. However it seems to me that the issue of the pollution of groundwater or controlled waters by surface water run-off resulting from development is adequately covered by policy EP9 'Groundwater', detailed later in this report. In addition, FotE's concerns that development should have sufficient capacity to accept and, where necessary, treat surface water run-off is directly addressed by policy EP11. This requires developers to demonstrate that their proposals do not create an increase in the risk of flooding or are not detrimental to the water flow regime. Moreover, PFC 13/7 introduces a requirement for an environmentally sensitive approach to the provision of drainage systems to be considered, with references to the Environment Agency's booklet 'Sustainable Urban Drainage – An Introduction' given in the explanatory text.

5. Taken together it is my view that the above points satisfactorily address the concerns raised by FotE. On this topic I have also noted the Council's stated intention to cross-reference policy EP11 with the explanatory text to policy IN1, in view of the greater weight now being given to the issue of Sustainable Urban Drainage Systems through the various PFCs.

#### 9.1.4 Recommendation

##### **9.01 Make no modifications to policy IN1.**

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## 9.2 Policy IN2 (D IN2) – High voltage power lines

### 9.2.1 Objections

*RD/7608/0122/10079/IN2/\* - The National Grid Company Plc*  
*RD/7608/0122/108/IN2/\* - The National Grid Company Plc*  
*D/7297/4173/7755/IN2/0 - Cavanna Homes Ltd*  
*D/2808/5000/6660/IN2/0 - Friends of the Earth, Torbay*  
*D/7608/1127/2390/IN2/0 - The National Grid Company Plc*

### 9.2.2 Issues

- a) The appropriateness of making reference to health risks in the explanatory text;
- b) Safety considerations;
- c) The underground routing of high voltage cables.

### 9.2.3 Conclusions

#### Issue a.

1. The FotE supported DV policy IN2, but contended that it should be extended to cover all sources of electromagnetic radiation. To achieve this they seek restrictions on the development of cellular radio base stations on schools, offices and other buildings or within 100 metres of residential properties because of what they describe as ‘the uncertainties about the effects of high-frequency radio emissions on human health’. A contrary view is, however, taken by Cavanna Homes Ltd, who point out that not only does the policy duplicate health and safety legislation, but that as no conclusive scientific evidence exists concerning health risks, the policy would simply sterilise large tracts of land which could otherwise be suitable for development. Another objector strongly opposed to the DV policy and its explanatory text, particularly the references to concerns about long-term health risks and the under-grounding of high voltage cables, is the National Grid Company Plc (*NGC - 7608*).

2. The Council have taken on board many of the points raised and have made substantial changes to both the policy itself and also the explanatory text. In so doing they have acknowledged that the National Radiological Protection Board is the competent body to advise on health risks from electromagnetic radiation, and that no research has identified an association between power lines and health risk. Accordingly, the RD policy and PFC 9/1 seek to address land use planning issues such as amenity and landscape impact, associated with high voltage power lines. In addition, the cost of locating cables underground is referred to in the explanatory text.

3. The references to studies aimed at investigating any links between power lines and health risks included in explanatory paragraph 9.20 are factual, and I see no reason why they should not be included in the Plan. I have noted that the Council seek to add a further reference to this paragraph, regarding more recent research, by means of PFC 9/2. Again, as this information is factual I see no reason why it should not be included and I shall recommend accordingly. I note that the NGC is content with this amended paragraph.

Issue b.

4. I am, however mindful that certain of the changes to the explanatory text introduced by the Council at RDV stage have not found favour with the NGC. Moreover, PFCs 9/1 and 9/2 do not, in my opinion, fully address the areas of concern. In particular, objection is made to the reference to operational clearance under overhead power lines, and safety considerations, contained in the last sentence of paragraph 9.18. NGC point out that they undertake safety measures which are set and controlled by the Electricity Supply Regulations 1988, and that as the Council are not the relevant Authority to decide whether or not such safety measures are sufficient, this sentence is unjustified and should be deleted. In my opinion it is indisputable that there are important safety considerations relating to overhead power lines, and in this regard the sentence is factually correct. But in the light of the comments made by the NGC I am not persuaded that the inclusion of this sentence adds anything to the Plan, or indeed relates to any planning duties or responsibilities of the Council. I therefore consider that it should be deleted.

Issue c.

5. The second objection raised by the NGC relates to the substantial economic, technical, operational and environmental disadvantages which can arise when high voltage cables are routed underground. It is contended that the cost of under-grounding such cables is between 15 and 25 times that of building a similar length of high voltage overhead power line. The point is also made that repairs to underground high voltage cables are much more complex and expensive than repairs to overhead lines, as well as taking up to 25 times longer to effect. In addition, NGC maintain that it is much harder to locate underground faults in the first place. Finally they point out that the under-grounding of high voltage power lines effectively sterilises a significant swathe of land above and alongside the cable route and can also cause substantial and irreversible damage to areas of archaeological or nature conservation interest. In view of these points NGC contend that routing such cables underground is likely to be the best solution only in exceptional circumstances.

6. Some, but not all of these points have been taken on board by the Council in PFCs 9/1 and 9/2, which I have noted are supported by the NGC. However, as the explanatory paragraphs, even as amended by the PFCs, do acknowledge the practical and technical difficulties which under-grounding of high voltage cables can give rise to, I consider that a further re-wording of paragraph 9.19 is necessary and shall recommend accordingly.

#### 9.2.4 Recommendation

**9.02 Make no modifications to policy IN2.**

**9.03 Delete the second sentence of explanatory paragraph 9.18.**

**9.04 Delete the first sentence of explanatory paragraph 9.19 and replace it with the following: 'Locating high voltage power cables underground has many disadvantages, although it can sometimes alleviate some of the amenity problems noted above. Nevertheless, in view of the practical, technical and cost disadvantages involved it is only likely to be appropriate in exceptional circumstances. Careful line routing will often be a more appropriate way of minimising the visual impact of high voltage power lines'. The final sentence of this paragraph should remain. Having made these changes, the Council should consider combining paragraphs 9.18 and 9.19 into a new paragraph 9.18.**

**9.05 Modify paragraph 9.20 to read as follows: 'The term 'high voltage is taken to include any power lines in excess of 132kV. There have been a number of studies on the link between high voltage power lines and health risks. The most comprehensive recent report, the UK Childhood Cancer Survey (UKCCS), found no association between power lines and health risks. A more recent report, the advisory group on non-ionising Radiation (AGNIR) on ELF Electromagnetic Fields and the Risk of Cancer (January 2001) called for further research into the effects of prolonged exposure to magnetic fields on children. The Council will have regard to the advice of the National Radiological Protection Board on these issues when determining relevant planning applications'.**

## **9.3 Policy IN3 (D IN4) – Telecommunications**

### **9.3.1 Objections**

*D/2829/4129/7259/IN4/0 - Devon Wildlife Trust*  
*D/2828/4128/9586/IN4/0 - RSPB*  
*D/2808/5000/6661/IN4/0 - Friends of the Earth, Torbay*  
*RD/2962/0119/10074/IN3/1 - Maidencombe Residents Association*  
*D/2213/3351/5172/IN4/1 - Mercury Personal Communications Ltd*  
*D/2843/4158/7555/IN4/1 - Orange Personal Communications*  
*D/2213/3351/4863/IN4/2 - Mercury Personal Communications Ltd*  
*D/7652/4048/9469/IN4/3 - Government Office for the South West*  
*D/2213/3351/5177/IN4/3 - Mercury Personal Communications Ltd*

### **9.3.2 Issues**

- a) The scope and wording of the policy;
- b) The need for a criterion dealing with landscaping;
- c) Site specific concerns.

### **9.3.3 Conclusions**

#### Issue a.

1. At DV stage the FotE requested that the policy be amended to restrict the development of cellular radio base stations on schools, offices and other buildings, or within 100 metres of residential properties. They argue that this is necessary because there are uncertainties about the effects of high frequency radio emissions on human health. However, similar points apply here as with policy IN2. Government guidance is clear that issues regarding health concerns should not be addressed through the planning system. In my opinion the situation is made plain by new explanatory paragraph 9.28. This discusses the report by the Independent Expert Group on Mobile Phones (IEGMP) chaired by Sir William Stewart, commissioned by the Government, to investigate the possible health concerns associated with telecommunications base stations.

2. As a result of this report the current Government advice is that if a proposed development meets the ICNIRP (International Commission on Non-Ionising Radiation Protection – 1998) guidelines it should not be necessary for a local planning authority, in processing the application, to consider the health aspects further. As the Council have made it clear in explanatory paragraph 9.28 that they will have regard to this, and any subsequent guidance

from the National Radiological Protection Board and IEGMP when determining applications, I consider that no changes need be made to policy IN3 to address FotE's concerns.

3. Although Mercury Personal Communications Ltd (2213) have not objected to the principle of mast sharing, they contended that reference to it in the policy is superfluous as the requirement to share sites or use existing buildings, wherever possible, is inherent in all forms of control and has also been advocated through relevant planning guidance. Furthermore, they maintained that licence conditions strengthen these requirements. Nevertheless, it remains a fact that the principle of mast or site sharing is an important element in the Council's objective of reducing the proliferation of masts. Because of this I share the Council's view that a reference to mast sharing is justified, especially as it is not just those with an intimate knowledge of the issue, and of licensing matters, who will turn to the policy for guidance. In any case I have noted that the policy was amended at RDV stage to make reference to technical and physical limitations to mast sharing. This may well have allayed some of Mercury's concerns on this matter as this objection was not pursued at RDV stage.

4. A second area of concern to Mercury Personal Communications Ltd was the reference to alternative sites within the policy, an approach which the objector considers to be confrontational and ill-advised. However, I do not agree. As the whole thrust of the policy is to establish a sequential test for the location of telecommunications developments, the reference to alternative sites, together with criteria to assess their suitability, seems to me to be entirely appropriate within this policy.

5. The concerns expressed by both the RSPB (2828) and the Devon Wildlife Trust (2829), that the policy does not adequately seek to protect sites of local nature conservation interest, have been satisfactorily addressed by the changes to part 3(b) of the sequential test contained within the policy. GOSW commented that the wording of part 3(a) in the DV policy appeared to place a burden of proof on developers. To remedy this they suggested that the passage 'the developers are able to demonstrate that' should be deleted. This was done in the RDV and no further amendments are therefore necessary to meet GOSW's concerns.

#### Issue b.

6. Although Mercury Personal Communications Ltd do not object to the principle of carrying out suitable landscaping, and indeed point out that they endeavour to carry out appropriate landscaping schemes in all suitable cases, they objected to the inclusion of such a criterion in the Local Plan policy. However, whilst I accept the objectors' point that not all base stations involve the erection of a free standing mast, this does not constitute a good reason why a criterion dealing with this matter should not be included in the policy. In my opinion such a criterion is a normal and legitimate Local Plan consideration. In this regard I am also mindful of the Council's comments that as such a requirement is included in policies relating to many other types of development, it would be somewhat anomalous to omit reference to landscaping for telecommunication developments, particularly as these can have a significant landscape impact.

#### Issue c.

7. The Maidencombe Residents Association object to the removal of the reference to the height of the mast at Great Hill, Torquay, as they see this as giving operators the right to extend the mast which would have a greater impact on the environment. However, I share the Council's view on this matter, namely that it would be excessively detailed to seek to control the height of one particular mast through a Local Plan policy. Furthermore, no persuasive

reasons have been put forward to persuade me that any specific proposal for this mast could not be considered on its merits at the appropriate time. Accordingly, I shall not recommend that the relevant sentence is re-introduced to the policy.

8. Orange Personal Communications (2843) requested an amendment to the wording of part 1(a) of the DV policy, dealing with the mast at Great Hill, Torquay, so that it would only be required to reasonably accommodate antennae from all operators. Although the Council have not made this specific alteration the changes at RDV stage, which acknowledge the technical and physical limitations to mast sharing, satisfactorily address this matter.

9. In view of all the above points I consider that no changes are necessary to this policy.

#### 9.3.4 Recommendation

**9.06 Make no modifications to policy IN3.**

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