

## TORBAY COUNCIL

Report No: **F/30/04**

Title: **Location Of Telecommunications Masts**

To: The Executive on 30<sup>th</sup> March 2004

---

### **1. Purpose**

- 1.1 This report sets out to give members background information to assist them to reconsider the existing Council Policy for the location of telecommunications masts on land and buildings where the Council is landowner.

### **2. Relationship to Corporate Priorities**

- 2.1 This issue relates to the current Corporate Priorities as stated within the “Transforming Torbay” Plan as follows:

#### **Activity 2 – Performance Management**

##### **Action 2 – Effective use of resources**

Maximise the use of Council property resources by generating income to apply to the provision of Council Services within Torbay.

#### **Activity 4 – Corporate Capacity**

##### **Action 4 – Produce clear strategies & Business Plans to help us focus & prioritise**

Establish clear policy guidance to enable Officers to apply current Strategies & Business Plans in a clear and time efficient manner.

### **3. Recommendation**

- 3.1 That the current policy for the location of telecommunications masts on land and buildings where the Council is landowner be reconfirmed without applying an over riding restriction to the total number of sites acceptable at any one time on Council owned land.
- 3.2 That the recommendation of individual sites remains subject to all relevant planning requirements having first been satisfied in accordance with existing policies.
- 3.3 That point (i) of the existing policy be amended to clarify that regard should be had to cumulative emissions from base sites within close proximity.

### **4. Reason for Recommendation**

- 4.1 The introduction of new 3<sup>rd</sup> Generation networks has resulted in a significant increase in market activity and requests to grant leases for new sites.

### **5. Background**

- 5.1 The Council’s policy regarding the location of telecommunication masts on land and buildings owned by the Council was last considered by the Environment Services Committee on 12<sup>th</sup> December 2001. After consideration of Report Number Env/247/01 a policy was adopted as detailed within published minutes as follows:

(i) that a policy be adopted to allow existing mast sites to remain in operation but that any applications to erect masts on land or buildings owned by the Council should comply with the current guidelines regarding emissions and, at renewal or review, a statement to that effect be obtained from the operator;

(ii) that the release of sites on land owned by the Council which pass the sequential test and meet the precautionary principle in relation to the vicinity of school sites be approved;

(iii) that the use of parts of buildings which pass the sequential test and are not constantly occupied, such as car parks, be particularly supported;

(iv) that the Council, in so far as its consent is required, will not allow new telecommunications equipment on school sites and recommends Governing Bodies to adopt a similar policy on the basis of the precautionary approach.

5.2 The published policy and copies of the original Report Number Env/247/01 are attached at Appendix 1 and Appendix 2.

5.3 During the intervening period all issues have been dealt with in accordance with this policy. However, the level of activity has changed significantly in recent months with the introduction of 3<sup>rd</sup> Generation Technology or 3G. The introduction of 3G networks has affected the type and number of transmission base stations resulting in a marked increase in market activity.

5.4 In respect of the upgrade to 3G of existing 2G networks already operating within Torbay a number of requests to renegotiate leases are being received to enable equipment to be changed. In some cases approaches are also being received for additional sites.

5.5 Hutchison 3G also have plans to introduce a new 3G network to Torbay and this has generated a requirement for approximately 15 new sites. For example an initial approach was received to establish whether the Council would consider installing masts at seven locations as follows:

Oldway Mansion, Torquay Road, Paignton  
Kings Ash House, Kings Ash Road, Paignton  
Public Open Space, Westleaf Avenue, Paignton  
Paignton College, Waterleaf Road, Paignton  
Brixham St Mary Bowling Club, Vicarage Road, Brixham  
Torquay Community College, Fairfield Road, Torquay  
Recreation Grouand, Barton Road, Torquay

This list is included to demonstrate the level of potential activity only and not to examine the merits of any specific site. Any specific proposals would be required to be approved by the Executive and comply with existing policy that places restrictions for example on the use of educational sites.

5.6 It is quite possible for Officers to continue to deal with each site under the existing policy having regard to planning requirements and the merits of each site. However, this could generate an overall scale of activity that may or may not be acceptable to the Council Members.

- 5.7 Leases for communication masts continue to generate revenue for the Council and so there would be an increase in overall revenue from renegotiating existing leases and the granting new leases for additional sites. Recent agreements have been reached in the order of £6,000 to £8,000 per annum.
- 5.8 Location of communication masts remains an emotive issue. For example there has been significant recent press activity in respect of plans to upgrade a mast in Ocombe Valley.
- 5.9 Communications companies have powers to acquire sites to enable networks to be installed by virtue of the Telecommunications Code. Therefore, it is likely that the networks will be installed in Torbay with or without the use of Council property. Some Councils have concluded that it is better to exercise as much control as possible by using Council sites rather than relying on commercial landlords.
- 5.10 A sequential test is applied to planning whereby the applicant is required to prove the merits of each particular application but not the principle of the installation of a communication mast. Any recommendation for sites to be located on Council land would continue to have to first satisfy these planning tests before being considered for approval as is currently the case.
- 5.11 Attached at Appendix 3 are details of the sites already located on land owned by the Council to provide Members with the scale of current operations.
- 5.12 The proposed addition to point (i) of the existing policy is shown in underlined italics below:
- (i) that a policy be adopted to allow existing mast sites to remain in operation but that any applications to erect masts on land or buildings owned by the Council should comply with the current guidelines regarding emissions *both in respect of that particular site and cumulative emissions from other base stations within close proximity* and, at renewal or review, a statement to that effect be obtained from the operator;
- 6. Alternative Options (if any)**
- 6.1 That the Members determine a specific numerical restriction to the total number of sites acceptable at any one time on Council owned land.
- 6.2 To introduce a moratorium on any new sites being established.

**Richard Thorpe**  
**Divisional Director of Finance**

Contact Officer: Chris Sexton  
Extension: 7918

## IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

### Part 1

These sections may be completed by the Report author but must be agreed by named officers in the Legal, Finance, Human Resources and Property Divisions. If these are not completed and agreed the Report will not be included on the agenda.

Does the proposal have implications for the following issues?

Insert name of  
responsible officer

Legal (including Human Rights)	See Report	Stephen Dunn
Financial - Revenue	Any additional income generated will be incorporated within the Council's budget setting and monitoring processes	Martin Phillips
Financial – Capital Plan	None	Lynette Royce
Human resources (including equal opportunities)	None	Clare Armour
Property	See Report	Chris Sexton.

### Part 2

These sections must be completed by the author of the Report.

Does the proposal have implications for the following issues?		
Please give details as appropriate		
Sustainability	No	
Crime and Disorder	No	
*OfSTED Post Inspection Action Plan	No	
*Social Services Action Plan	No	
*Change Management Plan	No	

\* not applicable to reports to Licensing, Development Control and Area Development Committees

### Part 3

These sections must be completed by the author of the Report.

Does the proposal have implications for the following Directorates? If so, please inform the relevant Director.		
Please give details as appropriate		
Chief Executive/Corporate Services	No	May result in increased conveyance workload
Education Services	No	
Environment Services	Yes	The majority of communication mast sites are located on land held within this Directorate
Social Services	No	
Strategic Services	No	

#### Part 4

Is the proposal contrary to or does it propose amendment to the Policy Framework or contrary to (or not wholly in accordance with) the Council's budget?	Yes	Fill in Box 1	No	✓	Fill in Box 2
1. Details of the nature and extent of consultation with stakeholders and relevant select committees.  N/A					
2. Details and outcome of consultation, as appropriate.  Consultation carried out with appropriate Council Officers as stated above.					

#### Part 5

Is the proposal a Key Decision in relation to an Executive function?	Yes	✓	Reference Number X74/2003	No
--	-----	---	------------------------------	----

#### Part 6

##### **Ward**

All Wards are potentially affected

##### **Appendices**

- Appendix 1 Minutes of Council Policy Decision
- Appendix 2 Original Report Number Env/247/01
- Appendix 3 Schedule of Existing Sites on Council Land (exempt appendix)

##### **Background Papers:**

The following documents/files were used to compile this report:  
See Appendix 1 & 2 details above

Asset Number - Various