

APPENDIX B

Table of consultation representations on Telecommunications SPD

Section/ paragraph/ Page/ heading	Objector/ Comment Ref. no	Summary of representation	Officer response	Officer recommendation
WHOLE DOCUMENT				
Whole doc.	Mobile Operators' Association TSPD4/1	Generally support Council's commitment to preparation of a Telecommunications SPD and consider much of its content to be in accordance with PPG8 and the Code of Best Practice on Mobile Phone Network Development.	Support noted.	
Whole doc.	Jack Straw's Lane Association TSPD3/1	Generally agree with good intentions of the SPD and OLP Policy CP.24 to balance environmental, visual, amenity and health concerns with the future development needs of the mobile technology networks.	Support noted.	
Whole doc.	Jack Straw's Lane Association TSPD3/2	Support mast and site sharing and use of existing buildings where appropriate.	Support noted.	
Whole doc.	SEERA TSPD7/1	The Assembly considers that the SPD is in general conformity with the	Conformity noted.	

		adopted RSS and also with the emerging RSS.		
Whole doc.	English Heritage TSPD1/1	EH welcomes the production of the SPD, which is generally commendably clear in its advice.	Support noted.	
Whole doc.	Oxford Green Belt Network TSPD6/1	Congratulate Planning Policy team on producing a very clear, comprehensive and useful document.	Support noted.	
Section 2: PROCEDURE FOR NEW PROPOSALS				
Paragraph 12,19	Jack Straw's Lane Association TSPD3/3	Concerned that justifiable local objections to the siting of a mast could be overridden by the need to take account of national planning policies and Government advice. If there is to be a progressive relaxation of regulations governing the telecoms industry, the 'effective and meaningful public consultation' that the City Council hopes to see may well be hard to achieve.	Planning regulations require that planning authorities must give due weight to national planning policies and guidance, and this is set out in the SPD to provide clarity on the decision-making process.	No change.
Section 3: PROCEDURE FOR NEW PROPOSALS				
Paragraphs 21,23,28	Mobile Operators' Association TSPD4/2	In accordance with Reg.5 of the Electronic Communications Code (Conditions and Restrictions) 2003, a code operator must give one month's written notice of permitted development works.	Relevant wording changed, i.e. '28 days' substituted for '1 month' to align with regulations referred to.	Change wording paragraph 21: "...the City Council still expects should be given 28 days <u>1 calendar month's</u> prior notification..." & paragraph 23: "The City Council will expect to must be notified of any such

				development at least 28 days ¹ <u>calendar month</u> before it takes place...” & paragraph 38: “The City Council will expect to must be informed of all permitted development proposals at least 28 days ¹ <u>calendar month</u> before work starts on site...”
Paragraph 28	English Heritage TSPD1/2	Suggest that reference to the need for listed building consent needs to clarify that some listed ecclesiastical buildings benefit from ecclesiastical exemption. An appendix listing these, and detailing relevant procedures, would be useful.	Agree that this point needs clarifying. The suggested appendix however would be too detailed and unnecessary for the purposes of this SPD.	Add new paragraph after paragraph 28: “ <u>Buildings in ecclesiastical use may be exempt from requiring Listed Building Consent. Prospective applicants can consult the City Council’s Conservation team for further advice.</u> ”
Paragraph 35	Oxford Green Belt Network TSPD6/2	Support statement about Oxford’s character, with reference to sensitive areas of open landscape, and the need to take this into account in the ‘traffic light rating’.	Support noted.	
Paragraph 37	Mobile Operators’ Association TSPD4/3	Strongly object to requirement to requirement for HRIA to be submitted at pre-application stage, as this is unnecessary, has resource implications and may not progress to a full application.	Paragraph 37 of the SPD expects submission of a <i>draft</i> HRIA, to outline the format of information to be submitted. This allows officers to advise further on a specific HRIA at an early stage, if appropriate, to avoid	No change.

			delays at the formal application stage due to submission of an inadequate HRIA.	
Paragraph 37	Mobile Operators' Association TSPD4/4	Provision of site specific plans and elevations at pre-application stage is inappropriate. To enter into pre-application discussion with full plans indicates that a decision has already been made.	The Code of Best Practice (paragraph 34) expects operators to provide details at the pre-application stage of the location and type of telecoms apparatus proposed, and design options for particular sites. The SPD is in line with, and clarifies further on, this advice.	No change.
Paragraph 39	Mobile Operators' Association TSPD4/5	Requirement for operators to submit full list of supporting information (Appendix 4 of SPD) for permitted development proposals rated red or amber under TLM is particularly onerous, and exceeds PPG8 and code of Best Practice.	Submission of supporting information helps the Council to check the permitted development status of a proposal. The Council is also committed to notifying local ward members and residents of such permitted development. It is therefore beneficial for the Council to have an appropriate level of information, both to assess proposals against the GPDO (and avoid possible enforcement action in future), and to inform other interested parties of the proposal should details be requested. However wording	Wording changed: "...The City Council will expect <u>encourage</u> operators to submit scale plans and elevations at the time they inform the Council of their proposals. Operators should <u>are further encouraged</u> to submit supporting information in accordance with checklist in Appendix 4 , where the proposal would be rated amber or red under the TLM.

			changed so as not to mislead.	
Section 4: SUBMISSION CONTENT				
Paragraph 50	Mobile Operators' Association TSPD4/6	Although the submission of photomontages can be helpful in certain circumstances, the need to submit these with every planning application for telecommunications development is onerous to the operators. Alternative wording suggested.	Given the highly sensitive nature of telecommunications development in Oxford, and Oxford's often unique landscape character, photomontages are a highly valuable tool in this context. The wording as drafted sets out the City Council's approach clearly and unambiguously.	No change.
Paragraph 50	Oxford Green Belt Network TSPD6/3	Support requirement for applicants to submit a photo montage.	Support noted.	
Paragraphs 57 and 60	Oxford Green Belt Network TSPD6/4	Support statement that mobile phone masts should always be located and designed to respect their context and minimise their visual impact.	Support noted.	
Paragraph 57	Oxford Green Belt Network TSPD6/5	Support reference to the need for a design statement to help minimize visual impact.	Support noted.	
Paragraph 58	English Heritage TSPD1/3	Suggest that advice on the planning tests for conservation areas (preservation or enhancement of special character) should have an explicit reference – a dedicated paragraph would be more effective, dealing with unlisted buildings in	Reference to impact on conservation areas in paragraph 58. Appendix 2 cross refers to OLP Policy HE.7 (Conservation Areas and their settings). In addition, paragraph 35 refers to the importance of conservation	No change.

		conservation areas.	areas in respect of informal consultation ('traffic light rating'). It is considered that further reference would only duplicate the policies of the OLP.	
Paragraph 58	Oxford Green Belt Network TSPD6/6	Pleased to note reference to Green Belt as meriting special regard so far as siting and design are concerned. Hoped that this will strengthen Council's position on this matter.	Support noted.	
Paragraph 60	Oxford Green Belt Network TSPD6/7	Support reference to the importance of choosing a colour to suit the background surroundings.	Support noted.	
Paragraph 62	Highways Agency TSPD2/1	Recommend that line 7 should read: "The City Council will consult the local relevant highway authority..."	Agree to text change, for clarity.	Text changed to refer just to " <u>the highway authority</u> ".
Paragraph 62 Practice Note: Tree masts	Mobile Operators' Association TSPD4/7	Unclear from point 3 whether existing trees is required to be protected by a TPO, or whether the Council would subsequently promote such an order.	Agree that wording needs to be made clearer.	Change wording of point 3: " <u>The City Council will apply a tree preservation order (TPO) to surrounding trees, which must be implemented by the time the mast is erected.</u> "
Paragraph 62 Practice Note: Tree masts	Mobile Operators' Association TSPD4/8	Point 3 contradicts point 4, as condition re tree pruning can only be applied where trees are within control of applicant; furthermore, numerous treeworks applications would be needed for pruning of TPO trees.	Agree that approach needs clarifying. However TPOs for screening are legitimate as described in Government guidance: "Trees may be worthy of preservation... because they	Change point 4: " <u>The Council will apply conditions to subsequent TPO treeworks applications to ensure appropriate pruning.</u> "

		Hence TPO should only be promoted to protect trees that significantly contribute to character of the area, not just as screening.	serve to screen an eyesore or future development.” ¹	
Paragraph 63	Highways Agency TSPD2/2	Recommend that line 6 should read: “...and subject to the legal, technical and policy requirements of the local relevant highway authority.”	Agree to text change, for clarity.	Text changed to refer just to <u>“the highway authority”</u> .
Paragraph 67	Mobile Operators’ Association TSPD4/9	Should reiterate full Government advice in PPG8 on health issues, that it is ultimately a matter for the courts whether this consideration is material, and that it is for the decision maker (planning authority) to determine what weight to attach to such considerations in any particular case. Should also state that it is the Government’s firm view that the planning system is not the case for determining health safeguards, and it remains the Government’s responsibility to decide what measures are necessary to protect public health; if a mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority to consider further health aspects and concerns about them.	PPS12 makes clear that local development documents should not merely repeat national planning policy statements. The SPD states the Council’s approach taking due account of Government guidance contained in PPG8, and explicitly accepts ICNIRP guidelines as an appropriate precautionary standard. However it is not the purpose of the SPD to reproduce the Government’s detailed views as stated in PPG8.	No change.

¹ See paragraph 3.2 of Tree Preservation Orders: A Guide to the Law and Good Practice (DTLR, 2000)

		This view is supported by the National Radiological Protection Board.		
Paragraphs 67-71	Jack Straw's Lane Association TSPD3/4	We would like to draw attention to the opinion of Prof. Challis, chairman of the Mobile Telecommunications Health Research Programme, that further research is needed before mobile phone technology can be declared free from any health hazard.	Comment noted.	No change.
Paragraph 68	Mobile Operators' Association TSPD4/10	We welcome the Council's statement in paragraph 68 that the City Council accepts ICNIRP guidelines as an appropriate standard.	Support noted.	
Paragraph 69	Mobile Operators' Association TSPD4/11	Operators were not afforded opportunity to provide a generic example of a proposed HRIA prior to issuing of draft SPD.	The MOA have submitted their suggested HRIA template on 16 th July 2007, to feed into the final draft.	Changes to Appendix 5 to reflect some of MOA's suggested wording. Inclusion of RF Profile in new Appendix 6b as an alternative format to RF Map Plot. See revised SPD for detailed changes.
Paragraph 69	Mobile Operators' Association TSPD4/12	Strongly object to requirement for applicants to state how, and to what degree, the proposal complies with ICNIRP standards by submitting a HRIA. It is not appropriate for planning authorities to accept or reject planning applications based on their perspective of perceived health risk.	The adopted OLP states in paragraph 2.22.4 "[Additional information] should be submitted in the form of a HRIA which provides details on the expected microwave and other radiation from the proposed equipment and how this relates to the EU ICNIRP guidelines" Therefore the	No change.

			guidance on HRIA contained in the SPD as drafted is in conformity with the adopted development plan.	
Paragraph 69	Mobile Operators' Association TSPD4/13	It is not the place of operators to collate and summarise current scientific research on the effect of RF exposure. It is certainly not the place of local authorities to assess such information and set their own exposure limits.	The SPD as drafted states that HRIA should include reference to appropriate up-to-date scientific research on RF exposure and health. This is important to ensure applicants provide a balanced context to site specific information on RF emissions, and constitutes knowledge with which operators should be entirely familiar.	No change.
Paragraph 69	Mobile Operators' Association TSPD4/14	The requirement for an RF contour plot on an OS base map would be extremely difficult for the operators to comply with and should be removed. This may serve to increase, rather than address, community concerns. Reference in SPD to optimum beam pattern for addressing health concerns is likewise inappropriate and should be removed.	The City Council understands that the RF contour plot is a readily available and well-used software tool, and has received this form of illustration to support previous planning applications and appeal statements. The Council prefers this format which is easy to understand. However SPD has been amended to make this requirement more flexible, except where schools and similar uses are nearby.	Wording of SPD section on HRIA amended, such that an RF profile report (text and tables) may be used to illustrate site emissions instead of an RF plot, only with the agreement of the planning department. However the SPD still states that the Council will expect an RF plot where the proposed site is close to a school, nursery, playground or playgroup. See revised SPD for detailed wording.

Paragraph 71	Mobile Operators' Association TSPD4/15	Strongly object to paragraph 71 in the SPD, this paragraph should be removed. As this requirement duplicates the effects of other controls, and is not consistent with national planning policies, it contradicts Circular 11/1995: Use of Conditions. It would also impose an unnecessary financial burden on the operator.	After further consideration and in response to this objection, this paragraph has been removed.	Paragraph removed.
APPENDIX 2: SITING AND DESIGN: RELEVANT OXFORD LOCAL PLAN (OLP) POLICIES				
Appendix 2	Natural England TSPD5/1	Support references to Oxford's watercourses, trees and hedgerows, biodiversity value, SACs, SSSIs, SLINCs, LNRs and wildlife corridors in considering siting and design. However it is recommended that reference is also made to OLP Policy NE.21 – Species Protection.	Agree that reference to this additional OLP policy would be beneficial.	Add to table column 2 row 2 "Species Protection (NE.21)".
APPENDIX 3: SUMMARY OF TRAFFIC LIGHT MODEL FOR PUBLIC CONSULTATION				
Appendix 3	Natural England TSPD5/2	Natural England would be concerned about any proposals for ground-based towers close to or within statutorily designated nature conservation sites (SSSI/SAC) which could have an adverse impact. Would wish to be consulted at an early stage for such proposals.	Information in Appendix 3 reiterates national advice the Code of Best Practice on Mobile Phone Network Development (Annex D), and should not therefore be altered. However suggest additional sentence at end of paragraph 34 to clarify role of other bodies in pre-application discussions.	Add sentence after end of 2 nd sentence in paragraph 34: "Developers should also consult statutory and other expert bodies at the pre-application stage as appropriate.

SUSTAINABILITY APPRAISAL				
SA Paragraphs 5,6	Natural England TSPD5/3	Recommend adding objective to maintain and enhance biodiversity and sites of importance for nature conservation.	The objectives set out in paragraph 6 of the SA are drawn from the OLP and SPD project mandate. It would be inconsistent to change these objectives at this stage of producing the SPD.	No change.
SA Table 3	Natural England TSPD5/4	Makes no reference to possible conflicts with nature conservation. Some types of telecommunications facilities could potentially involve loss of wildlife habitat or species – should be acknowledged in table.	Table 3 identifies where the <u>SPD objectives</u> could conflict with SA Objective 13 – to conserve and enhance biodiversity. The purpose of this table is not to identify the negative effects of the development itself; impacts on nature conservation are dealt in the SPD (paragraph 58).	No change.
SA Table 6	Natural England TSPD5/5	Sites should not be targeted for new development without a prior survey of their biodiversity potential, to avoid excessive impact or mitigation incorporated. We would advise that full species surveys should be undertaken, together with methodology and mitigation strategies, with recommendations for licensing if required for protected species.	Appendix 2 cross-refers to potentially relevant policies in the OLP, including on impact on the natural environment.	See changes made to paragraph 34 of the SPD to encourage pre-application consultation with expert bodies, and to Appendix 2 – additional reference to OLP Policy NE.21 – Species Protection.
SA Table 6	Natural England	The selection of any greenfield locations should only be made after a	Appendix 2 cross-refers to potentially relevant policies in the	No change.

	TSPD5/6	survey and evaluation of each site's nature conservation value. Particular concern over ground-based towers close to or within SSSIs or SACs which could have adverse impact on their nature conservation.	OLP, including on SSSIs and SAC (Policy NE.18), and change proposed to refer to Policy 21 (species protection).	
	Natural England TSPD5/7	Should note British and European legislation to protect bats and their breeding and resting places.	This point in the SA will be carried through as an addition to the SPD.	New paragraph added after paragraph 58: <u>“Any proposal affecting a roof structure should be accompanied by an independent ecological survey, unless the applicant has otherwise satisfied the Council that no bats are present. The survey should assess impact on any bat population, and demonstrate full mitigation.”</u>

List of Respondents

Our reference	Respondent (Agent)	Our reference	Respondent (Agent)
TSPD1	English Heritage (South East Region)	TSPD5	Natural England
TSPD2	Highways Agency	TSPD6	Oxford Green Belt Network
TSPD3	Jack Straw's Lane Association	TSPD7	South East England Regional Assembly
TSPD4	Mobile Operators' Association*		

*The Mobile Operators' Association represents the five main UK telecommunications operators: T-Mobile, Orange, O2, Vodafone and 3