X SYSTEMS LTD

APPLICATION NO:
TL/2000/2873

LOCATION:
Outside 2 King Street Lane, Winnersh Wokingham.

APPLICANT:
Orange P C S Ltd C/O Patrick Farfan Associates Ltd

PROPOSAL:
Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent.

EARLIEST DATE FOR DECISION: **25/12/2000**

APPLICATION WILL HAVE EXPIRED ON: 11/01/2001

REFUSED

CASE OFFICER: **Emy Circuit**

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

REFUSAL OF PRIOR APPROVAL OF TELECOMMUNICATIONS NOTIFICATION

Paul Fitzgerald
Acquisition Consultant
Patrick Farfan
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ

Notification No: TL/2000/2873

Parish: Winnersh

Proposal: Erection of an 8 metre high telecommunication telegraph pole with 3 directional antennae and equipment cabinet

Location: Outside 2 King Street Lane

The Wokingham District Council in pursuance of their powers under Part 24 of the Town and Country (General Permitted Development) (Amendment) Order 1998 **REFUSES** prior approval for the above stated telecommunications equipment, the reasons for which are specified hereunder.

Reason: The proposed telecommunications equipment would be unacceptably close to residential properties and places of employment.

John Mitchell
Development Control Manager
Date: 8 ~~December~~ JANUARY 2001

Amended :

Tel: (0118) 974 6479 (Direct Line)
Fax: (0118) 974 6484
Email: Emy.Circuit@wokingham.gov.uk
Date: 12 February 2002
My ref: EXC/TL/2000/2873
Your ref: OPCS/GPDO/7036.5

Jamie Philips
Patrick Farfan Associates
Salamander Quay West
Park Lane
Harefield
Middlesex
UB9 6NZ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Philips

PROPOSED MINOR AMENDMENT TO APPLICATION TL/2000/2873, OUTSIDE 2 KING STREET LANE, WINNERSH

I write in response to your letter of 25 January and apologise for the delay in doing so.

I confirm that resiting of the monopole, five metres from the edge of the foot path, as shown on you drawing 30/BRK7036A/04 Rev 0 would be acceptable as a minor amendment to this consent.

If you would like any further advice on this matter, please contact Emy Circuit on 0118 974 6479.

Yours sincerely

M L Thorp,
Principal Development Control Officer

EXC
reply rqd

52529

PLANNING SERVICES	HPT
POL	TLS
DC MK KM	ENF
APP	
CS	
30 JAN 2002	
COPIES TO:	ACK:
	FILE:

Patrick Farfan
ASSOCIATES LIMITED

Salamander Quay West
Park Lane
Harefield
Middlesex
UB9 6NZ

Tel +44 (0)1895 823700
Fax +44 (0)1895 821214
frog@patrickfarfan.com
www.patrickfarfan.com

Our Ref: OPCS/GPDO/7036.5
Your Ref: TL/2000/2873

M L Thorp
Wokingham District Council
PO Box 157
Shute End
Wokingham
RG40 1WR

25th January 2002

Dear Sir,

Proposed ORANGE PCS Ltd. Installation at:

Land outside 2 King Street Lane, Winnersh, Wokingham. RG41 5LT.

Please find enclosed drawing (30/BRK7036A/01 Rev 0) detailing an amendment to proposal. Due to safety reasons relating to the maintenance of existing services my client Orange PCS has been requested to relocate the proposed microcell antennae further away from the combined low voltage/BT line that follows the footway along King Street Lane.

This amendment relates only to the column and not to the equipment cabinet, which will remain in the originally proposed location. Please can you confirm that this amendment is acceptable to the authority?

Please do not hesitate in contacting me if you would like to discuss this matter.

Yours sincerely

Jamie Philips
Acquisition Consultant

Encl.

INVESTOR IN PEOPLE

Offices throughout the UK and Europe.

Registered in England Company Reg No 2875575 VAT Reg No GB 628944109

30 NOV 2000

TL/2000/2873

Patrick Farfan
ASSOCIATES LIMITED

Unit C Quay West
Salamander Quay
Park Lane Harefield
Middlesex
UB9 6NZ

Tel 01895 823700
Fax 01895 821214
email-frog@farfan.demon.co.uk

Planning Department,
1st Floor
Wokingham District Council,
Shute End,
Wokingham,
Berkshire,
RG40 1WR.

FAO Joss Miler.

29 November 2000.

Dear Madam,

ORANGE PCS Ltd. MICROCELL SITE BRK7036, King Street Lane, Winnersh.

Notice of intention to install telecommunications apparatus pursuant to:

1. The Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2 Part 24).

2. The licence granted to Orange Personal Communications Limited under Section 7 of the Telecommunications Act 1984.

I confirm that Patrick Farfan Associates Ltd act on behalf of Orange PCS Ltd in submitting this notification.

Orange Personal Communications Services Ltd is a Telecommunications Code System Operator. Under the terms of the licence issued by the DTI, Orange is under an obligation to provide a national telecommunications service and to meet all reasonable customer demands for the provision of that service.

The Orange Network is in direct commercial competition with other communications systems such as BT and cable operators. As a result their customers expect a reasonable level of service within buildings both at home and at work

Orange are sensitive to the fact that many locations do not lend themselves to the siting of Macrocells, commonly Rooftop Stub Masts or 15m high lattice masts or Columns with a 12m^2 fenced compound from a siting and appearance aspect.

With a requirement to provide a service to residential and commercial properties, in keeping with the Code of Best Practice, Orange have taken advantage of improvements in technology to reduce visual impact and developed the Microcell.

Patrick Farfan
ASSOCIATES LIMITED

This is a stand alone steel telegraph pole, mounted antenna. It has been designed to match existing street furniture such as Lampposts,and Electricity supply poles.

However, unlike BT or Cable Operators, Orange do not need to site telegraph poles every 30m or so, they do not need to fly overhead lines or dig up miles of footway and carriageway, to provide a communications connection to every commercial and residential property.

Orange need only deploy two or three carefully sited telegraph poles to provide coverage to an entire residential area, village, business or retail park. The telegraph pole and cabinet can even be painted to match a particular Local Authority colour scheme if required.

I appreciate that this technology is very new and that this method of providing communications is not something that people are used to seeing, however even BT telegraph poles were once not part of the street scene and they are now accepted as the norm.

Orange propose just one Microcell sites to cover the area of Winnersh around the King Street Lane junction with the A329 and Sainsbury supermarket where the signal level is particularly low.

Orange Personal Communications Ltd hereby give notice as required under the terms of their Licence and make application for determination with regard to details of siting and appearance pursuant to Part 24, Class A, Condition A.2(4) of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the following development:

The erection of a free-standing telegraph pole maximum 8m in height with 3 No directional antenna will be installed.

In conjunction with the above column, an equipment cabinet will also be installed with an overall dimension of 0.94 cubic metres.

Location. OS Grid Ref:E 478103 N 170528.

Address. West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT

Enclosures: Planning Drawing No 30/BRK7036/01
Location plan (1:1250)
Site Layout plan (1:250)
Elevations of column and cabinet (1:100 & 1:50)
Annex C from the Code of Best Practice.

Prescribed Fee. £35.00.

Patrick Farfan
ASSOCIATES LIMITED

The location was chosen for the following reasons:

1. It will improve coverage within the surrounding residential areas.
2. The location will maximise coverage and limit the number of installations required.
3. The verge is wide and the siting will not impede pedestrian movements.
4. The location will not encroach into visibility splays of traffic or pedestrian users of the Highway and access roads.
5. The column and cabinet are sited in line with adjacent street furniture so as to blend with the existing street scene.
6. There are no existing structures in the area that would be suitable for such installation.
7. The general area is one of a commercial aspect and not residential.

All communication regarding this notice should be made to myself at the address and telephone number given above,

Yours faithfully,

Paul Fitzgerald
Acquisition Consultant.

30·11·2000
TL/2000/2873

1: Pre-Application Consultation with Local Planning Authority

(i) Licence notification i.e. pre roll out of network Date.....

Name of L.P.A. Contact.....

Phone # of L.P.A. Contact.....

(ii) On sites in specific cell(s) Date....29.11.2000.....

Name of L.P.A. Contact.... .....Joss Miller.....

Phone # of L.P.A. contact.....0118 974 6000.....

2A: Name and Address of Applicant

Name... .....Orange PCS Ltd.....

Address: .Floor 2 & 3, Black Arrow House, 2 Chandos Road, London.....

Postcode...NW10 6NF....Tel.....0181 963 4100.....

2B: Agent's Name, Address and Contact

Name...Patrick Farfan Associates Ltd..... .....

Address.Unit "C", Quay West, Salamander Quay, Park Lane Harefield, Middx.

Postcode:..UB9 6NZ.....Tel: ...01895 823700.....

Contact:..Mr Paul Fitzgerald..... Tel:....01895 823700.....

2C: Location of Proposal

Location: West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT.

2D: O.S. Sheet / Grid Reference

Sheet and six figure grid reference of proposed development

Sheet.....Landranger..175 ..... Grid Reference: E 478103 N 170528.....

3: Purpose of Development

To enhance the radio signal to Orange mobile phone users at street level and in buildings where the signal is weak or non existant due to the absorption of the signal from macrocell rooftop sites by buildings in the urban area. To allow customers to operate their handsets without interuptions to their conversations, as could reasonably be expected by phone users.

4: The Proposed Structure *(Enclose a site plan and indicate details of cell boundaries, and whether shared mast / tower or freestanding)*

(i) Type of Structure (e.g. tower, mast etc):...Column.....

.Overall height....8..metres

(ii) Equipment Housing

Street cabinet of overall dimension 0.94 cubic metres.

(iii) Materials (as applicable) Tower / mast etc: type of material and external colour

.....Galvanised steel (Light Aircraft Grey).....

Equipment housing: type of material and external colour

.....Steel,....Midnight Green.....

(iv) Location of and Distance to nearest residential or commercial property (where applicable)
Site is on adopted highway on roadside, nearest commercial building is 25m.

5: Distance from Airfield or Aerodrome (Please tick as appropriate)

Will the structure be within 3 km of an aerodrome or airfield? ..... No.....

Has the CAA or Secretary of State for Defence been notified? ..... No.....

Signed..... Date.....28/11/00.....

On behalf of.....ORANGE PCS Ltd.....

Corr. 30·11·2000
TL/2000/2873

SITE NOTICE

Proposed development at .West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT.

OS Grid Ref. E 478103 N 170528.

I give notice that Patrick Farfan Associates Ltd

On behalf of Orange PCS Ltd

Is applying to Wokingham District Council

Under paragraph A.2(4A) of Part 24 of Schedule 2 to the Town and Country planning (General Permitted Development) Order 1995 for its determination as to whether the prior approval of the authority will be required to the siting and appearance of the erection of a free-standing telecommunications telegraph pole, maximum 8m in height housing 3 no. directional antennae. In conjunction with the above telegraph pole, an equipment cabinet will also be installed with an overall dimension of 0.94 cubic metres.

Under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, Wokingham District Council are allowed 42 days beginning with the date of application to consider whether prior approval will be required to the siting and appearance of the development proposed and, if so, to give or refuse such approval and to serve that decision upon the applicant.

Members of the public may inspect copies of the application and accompanying plans at;

Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR

Individuals and organisations wishing to make representation about the siting and appearance of the proposed development are invited to forward their views in writing no later than 9th September 1999 to J Millar, Wokingham District Council, Planning Department, Shute End, Wokingham, Berkshire, RG40 1WR.

Clearly stating that comments are being forwarded in relation to the proposed development of a ground based mast at West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT.

OS Grid Ref. E 478103 N 170528.

Signed : P. Farfan

On Behalf of : Orange PCS Ltd.

Dated : 29th November 2000

30.11.2000 TL/2000/2873

Dear Sir

RE: Enclosed planning application on behalf of Orange PCS Ltd

The Independent Expert Group on Mobile Phones (the Stewart Report) made various recommendation relating to base station sites.

One of the recommendations was that the guidelines for public exposure set by ICNIRP (International Commission on Non-Ionising Radiation Protection) should be adopted for use in the UK.

Orange have welcomed the recommendation that base station sites should comply with the ICNIRP guidelines for public exposure and we believe this will increase public confidence in the safety of transmitter sites.

The Department of Environment, Transport and the Regions have issued guidance to the Local Authorities stating that if a new telecommunications site meets the ICNIRP guidelines then it is not necessary for a Planning Authority processing an application to consider the health effects further.

Therefore the purpose of this letter is to confirm that the Orange site proposed at

BRK7036 **West Grass Verge**
Adjacent to Texaco Garage
King Lane Street
Winnersh, Wokingham, RG41 5LT

meets the ICNIRP guidelines.

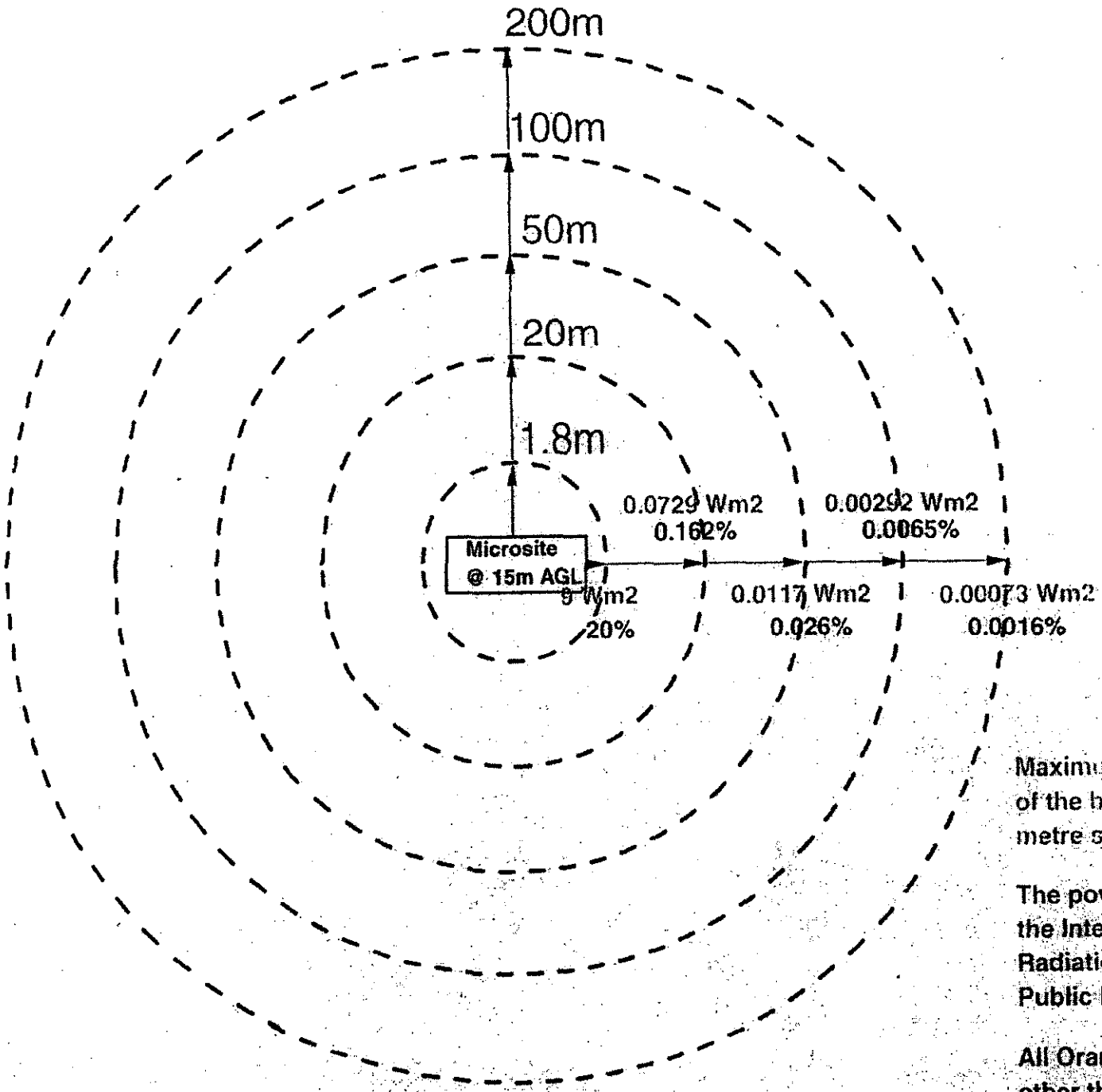
The attached sketch is for reference and gives outputs from a similar microcell to that which is proposed at the location above and relates power levels as a percentage of ICNIRP guidelines.

Yours faithfully,

P. Fitzgerald

Paul Fitzgerald

Microcell power levels along the centre of the beam



Maximum power levels that occur along the centre of the beam of the antenna measured in Watts per metre square.

The power output measured as a percentage of the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for Public Exposure.

All Orange sites that are used by workers and other third parties also comply with the ICNIRP guidelines for Occupational Exposure.

Applicationo	Name & Address
TL/2000/2873	Mr & Mrs P Dominy 404 Reading Road Winnersh RG41 5EP
TL/2000/2873	P Gibson Magnet Ltd Group Property Dept Roydings avenue Keighley West Yorkshire BD21 4BY
TL/2000/2873	J Taylor 19 King Street Lane Winnersh RG41 5AP
TL/2000/2873	S Adderley 295 Headley Road East Woodley RG5 4SE
TL/2000/2873	Mr 7 Mrs Robinson 381 Reading Road Winnersh RG41 5LT
TL/2000/2873	P Hampton Sweet Briar 16 King Street Lane Winnersh RG41 5AS
TL/2000/2873	R Brown 58 Delane Drive Winnersh RG41 5AT

App. refused
Letter sent 16/01/01

Wokingham District Council Environmental Services Department, PO Box 157, Shute End, Wokingh
Berks, RG40 1WR

FAX

Date: 9 January '01

Number of pages including cover sheet: ~~4~~ 5

To:
Paul Fizgerald
Patrick Farfan

Phone:

Fax phone:

CC:

From:
Emy Circuit

Phone:

Fax phone: 0118 9746484

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

TL applications at King St Lane + Reading Road Winnersh

* * * COMMUNICATION RESULT REPORT (9.JAN.2001 18:46) * * *

TTI WDC PLAN&TRANSPORT

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
765 MEMORY TX		901895821214	OK	P. 5/5

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) BUSY
E-3) NO ANSWER
E-4) NO FACSIMILE CONNECTION

Tel: (0118) 974 6479 (Direct Line)
Fax: (0118) 974 6484
Email: Emy.Circuit@wokingham.gov.uk
Date: 8 January 2001
My ref: EXC/TL/2000/2873
Your ref: Microcell site BRK7036

Paul Fitzgerald
Acquisition Consultant
Patrick Farfan
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Fitzgerald

PROPOSED ERECTION OF AN EIGHT METRE HIGH TELECOMMUNICATIONS POLE AND THREE DIRECTIONAL ANTENNA ON LAND OUTSIDE 2 KING STREET LANE, WINNERSH – APPLICATION NO TL/2000/2873

Please find enclosed the decision for the above proposal.

Yours sincerely

John Mitchell
Development Control Manager

WORK SHEET FOR : Emy Circuit

Application Number : TL/2000/2873

Applicant : Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Location : Outside 2, King Street Lane, Winnersh, Wokingham.

Proposal : Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent.

Site Notice Displayed ? :

YES	NO	DATE
	✓	5/12/00

(may have been removed)

2x orange s/n put up

Date of Neighbour Notifications : ~~[illegible]~~ additional neighbours - as previous app" 8/12 - see black "x" on consultation plan + those who wrote in

Date of Site Visit : 5/12/00

Date Registered : 30/11/2000

Earliest Date for Decision : 25/12/2000

Latest Consultation Date/Site Notice Expiry Date : 25/12/2000

This application will have expired on: 11/01/2001. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

Highways - no objections / conditions

Winnersh PC - object on grounds of visual impact / safety issues / health impact

Environmental Health - no objections.

Property - object - loom policy + landowner.

Local Residents / businesses
- unsightly in addition to existing telegraph poles etc / eyesore
- impair visibility at cross roads
- long term health impacts
- stress for residents
- proximity to petrol station + oak trees.
- service/reception improved recently

Planning Issues :

Streetscene + neighbouring amenities

TL/2000/2873
Outside 2 King Street Lane, Winnersh

The proposal is for an 8 metre telegraph pole with a three directional antenna on the verge to the west of King Street Lane, outside No 2. An identical application was refused in March 2000 (TL/2000/0459)– The description of the equipment given in the covering letter and drawing No are both the same. The reason for refusal related to the proximity to buildings with a prolonged human presence, in particular dwellings and places of employment.

Policy WIC14 of the WDLPDD states that the Council will exercise its right to prior approval on sites within 200 metres of a building regularly used by people. In addition the application site is on land owned by WDC. At their meeting on 5 July 1999 The Environmental Services Committee resolved not to permit any new masts to be erected on Council owned land, where there were buildings with a prolonged human occupancy within 60 metes. This site does not meet this criterion, as there are dwellings and places of employment within this radius.

The pole and cabinet would be located on the verge, adjacent to the footpath. There is some landscaping at the side of the path but this would not provide significant screening of the proposed equipment. There are already two telegraph poles, two telephone boxes and a BT cabinet on the verge already, plus another cabinet on the footpath (noted as a rubbish bin on drawing No 30/VRK7036/01 O, which results in a somewhat cluttered appearance. In terms of the impact on the street scene, it would be preferable if the pole and cabinet could be clustered with existing equipment and additional screen planting may also be desirable.

Local residents/businesses have raised an number of concerns, including the visual impact of the proposed mast and possible health risks. These comments are summarised under consultation responses.

The proposed siting is considered to be unacceptable due to the proximity to dwellings and places of employment.

Recommendation : refusal .

Application Number TL/2000/2873
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal

RECORD OF SITE VISIT

SITE ADDRESS: Outside 2 King Street Lane Winnersh Wokingham.

APPLICATION NUMBER: TL/2000/2873

OFFICER: Emy Circuit

DATE OF SITE VISIT: 5 Dec '00

1 SITE/STATUTORY NOTICE DISPLAYED ? X 2 on telegraph poles

2. DESCRIPTION OF SURROUNDINGS

Commercial + residential in wide setting

No 400 Reading Road - conditions submitted for F/2000/0870 - Pears

3. DESCRIPTION OF SITE/BUILDING

verge, existing cabs + phone boxes + some landscaping adjacent to foot path.

4. RELATIONSHIP TO ADJOINING PROPERTIES

isolated rather than grouped with existing equipment.

5. SITE CONSTRAINTS

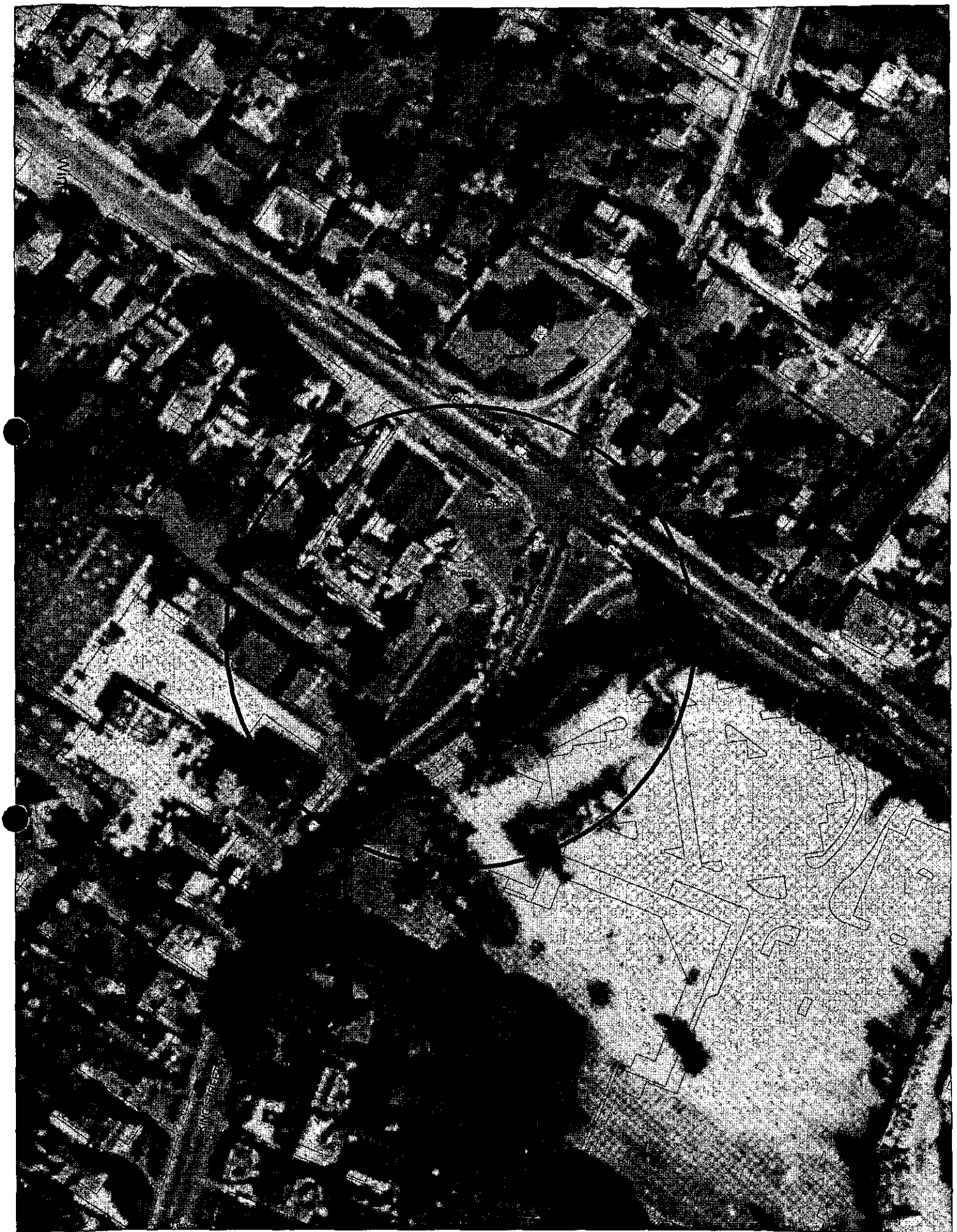
TREES 2 mature trees at SW end of verge on + in curtilage of property to the NW - would not be affected.

ACCESS/PARKING –

LEVELS paint verge slighly raised in relation to adjacent service road

BOUNDARY TREATMENT –

OTHERS /



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Development Control Section, Environmental Services, Wokingham District Council.

6 December 2000

Scale: 1 : 1250

N
W E
S

Tel. 0118 974 6463 (Direct Line)

Date. 2 January, 2001

My ref. JM/MLT/TL/2000/2871

Your ref.

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 977 8909
DX: 33506 – Wokingham
E-mail:

Mr P Fitzgerald
Patrick Farfan Associates Ltd
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ

Dear Mr Fitzgerald,

RE: PROPOSED TELECOMMUNICATIONS DEVELOPMENT AT:
1) LAND ADJACENT TO DUFFIELDS BRIDGE, DUFFIELD ROAD, WOODLEY. (TL/2000/2871)
2) OUTSIDE 2 KING STREET LANE, WINNERSH (TL/2000/2873)
3) LAND AT JUNCTION OF READING ROAD/OLD FOREST ROAD, WINNERSH (TL/2000/2874)

I refer to your letters dated 21st December 2000, concerning the above, in response to this Council's letters advising that it requires prior notification for all three developments.

The relevant correspondence has been examined by the Council's Principal Solicitor, who is of the opinion that our notification letters are sufficiently clear and unambiguous, and are not ultra vires.

Firstly, I must inform you that only the Courts have the authority to decide whether or not the actions of a Local Planning Authority are ultra vires. Orange has no such power or rights to so decide on their own initiative. However, Orange does have the right to apply to the Courts for a declaration that a Local Planning Authority has acted ultra vires.

Secondly, I can only assume that your letters are a consequence of Orange being unfamiliar with all aspects of Circular 04/99 (Planning for Telecommunications). Therefore, I am writing to offer clarification.

Circular 04/99 (Planning for Telecommunications) states that the developer must apply to the Local Planning Authority for its determination as to whether prior approval will be required to the siting and appearance of the proposed development. Therefore, if a Local Planning Authority requires prior approval, it goes without saying that the prior approval must be because of the appearance and/or siting. In all three of our letters we refer to proximity. My version of The Concise Oxford Dictionary of Current English

defines proximity as ***"nearness in space, time etc."*** It is therefore obvious that reference to proximity means that the Local Planning Authority is concerned as to the proposed siting. None of the letters makes any reference to appearance being of concern. Therefore, it may be assumed that the Local Planning Authority has not required prior approval because of the appearance of the proposed development.

Paragraphs 11, 12 and 13 of Circular 04/99 refer to factors to be considered in relationship to siting and appearance. Paragraphs 11 and 12 use the terms ***'include'*** and ***'may involve'***. Thus the items listed are illustrations rather than a definitive list. Paragraph 12 states that factors concerning siting may involve ***"....the site in relation to residential property"***.

All three of our letters state the reason for requiring prior approval as being because of ***"proximity to dwellings"*** or ***"proximity to residential properties"***. As this clearly falls within the scope of 'the site in relation to residential property' our reasons for requiring prior approval are clearly in accordance with Circular 04/99.

If Orange disagree with our decision on prior approval applications they should submit appeals. Alternatively, they are at liberty to go to the Courts as to whether our actions are ultra vires.

In view of the above, I should be grateful if you will confirm that Orange will not act unlawfully by ignoring the letters that have clearly advised you of the need for prior notification.

Yours sincerely

M L THORP
Principal Development Control Officer

reply

38107

DC MLT ENF
APP
CS
22 DEC 2000
COPIES TO: ACK: FILE:

Mike Thorp
Wokingham District Council
Environmental Services Dept
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Patrick Farfan
ASSOCIATES LIMITED

Unit C Quay West
Salamander Quay
Park Lane Harefield
Middlesex
UB9 6NZ

Tel 01895 823700
Fax 01895 821214
email-frog@farfan.demon.co.uk

21st December 2000

Dear Mr Thorp

RE: TL/2000/2873

Further to your letter dated 8th December, I write regarding the planning application referenced above.

Orange consider that the reason given in your correspondence for requiring prior approval for this application as 'ultra-vires'.

Unless valid reasons for requiring prior approval are received before the end of the 42 day period, Orange will consider this application approved and proceed to build the installation.

I look forward to hearing from you,

Yours sincerely,

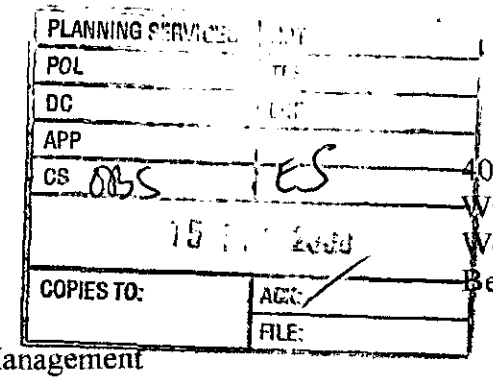
Paul Fitzgerald

INVESTOR IN PEOPLE

Head office Manchester: Tel 0161 877 7007. Offices throughout the UK and Europe.

Registered in England Company Reg No 2875575 VAT Reg No GB 628944109

BY HAND 14.12.2000.



404 Reading Road,
Winnersh,
Wokingham,
Berks RG41 5EP

Mr John Mitchell
Development Control Management
Environmental Services Department
Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
RG40 1WR

12 December 2000

Dear Mr Mitchell

Re: Planning application no TL/2000/2873 - Orange telegraph pole at 2 King Street Lane Winnersh

We are writing to formally object to plans to erect an 8 metre high telecommunication telegraph pole with 3 directional antennae and equipment cabinet right in the centre of Winnersh Village. Of all possible sites, it appears that Orange have chosen to site their mast in the middle of Winnersh's busiest and most populated area.

We are very concerned at the implications of this, not only for the nearby residents but for the community as a whole. There are at least several good reasons why these plans should not be accepted:

- First and foremost, the mast would cause a great deal of *stress* for many villagers. This would be a consequence of the next 2 factors, 'visual distraction', and possible dangers to health. This stress would be ongoing and continuous to the local residents.
- As the mast would be in such a prominent position, it would certainly become an 'Eyesore'. The centre of Winnersh does not need another 'blot' on its horizon.
- The jury may still be out on the extent of *direct* affects on health by mobile phone transmitters, but there is almost universal agreement that there is likely to be at least some negative affect. Just not knowing what the affects could be would in itself cause distress and anxiety, possibly resulting in health problems.
- There is a possibility of interference from the mast on TV and radio reception to local houses - of which there are many

There would have to be the need for a risk assessment. Not only on the possible health risks mentioned above, but also with regards to locating the mast so close to a petrol station. It is a well-known fact that, mobile phones should never be used on garage forecourts due to the possibility of high-energy waves igniting the petrol vapour.

Around the country there are thousands of properties blighted in the past by being near or underneath high-voltage electricity lines. Let us not make the same mistake again with communications masts.

We are not arguing that we do not need these masts. Mobile phones are rapidly becoming an 'essential' item of everyday life. What we are arguing for is that they are sited in *suitable* locations - *not* right in the middle of densely populated residential areas.

Yours sincerely,

Mr. & Mrs. P. H. Dominy

app No: TL/2000/2873.
EMY CIRCUIT

381, Reading Road
Winnersh
14/12/00.

Mr J. Mitchell
Development Control Manager.

RG41 SLT

OBS EXC

ACK: ✓
FILE:

Dear Sir,

We are writing to state our objection to the erection of the 8m high telecommunication pole in King Street Lane. for the following reasons:-

1) It will look unsightly. With the development of Sainsbury's we have had to put up with pedestrian traffic lights and extra telegraph poles outside our home. Why should we have any more poles erected in the local vicinity?

2) The location is inappropriate. The crossroads are extremely busy - anything to impair visibility and cause any further congestion is inappropriate.

3, We are concerned about the possible long term detrimental effect of such a pole on the health of local residents.

A reply to this objection is requested.

Yours faithfully,

MRS JANE F ROBINSON

MR SIMON ROBINSON.

58 Delane Drive
Winnersh
Wokingham
RG41 5AT

22/12/00

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS OBS	ES
28 DEC 2000	
COPIES TO:	ACK:
	FILE:

Ref TL/2000/2873

Emy Circuit

Dear Ms Circuit

I would like to object most strongly to the proposed election of a telecommunication mast outside 2 King St. Lane, Winnersh. There are two main objections

1) The mast would be intrusive and unsightly in a central location in Winnersh. The village wishes to keep this area looking attractive, especially for our "Britain in Bloom" contest.

2) The position of the mast may interfere with the oak tree at this location. Removal of, or damage to, this tree is unacceptable.

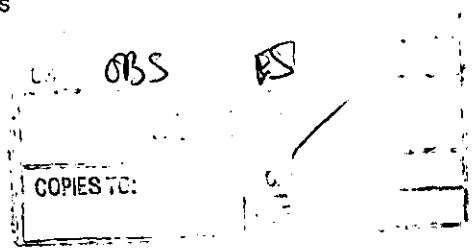
I believe that a similar application last year was turned down. I hope that this one will also be rejected

Yours faithfully

Roger H. Brown

Roger H. Brown.

Sweet Briar
16 King Street Lane
Winnersh
Wokingham RG41 5AS



22 December, 2000

Emy Circuit
Environmental Services Department
P.O.Box 157
Shute End
Wokingham
Berkshire RG40 1WR

Dear Emy Circuit,

RE: Planning application to erect an 8-metre high telecommunications antenna (TL/2000/2873)

I object to the planning application to build an 8-metre high telecommunications antenna in the centre of Winnersh on the following grounds:

1. **Inappropriate Site** - The application states that the proposed site is a business centre and that the erection of an 8-metre mast will not be out of place. I disagree. The planned site is in the centre of Winnersh with residential property only 85 metres away. Wokingham Council has the responsibility to improve the appearance of the area. Sighting a communications antenna in the centre is inappropriate and would reduce the appeal of the surrounding area (also reducing the value of the near by residential properties).

2. **Health Risks** - The planning application makes a great play that the transmitter complies with the ICNIRP guidelines. Unfortunately there is still a great debate on the safety of these antennas. Limited tests have been carried out - the result of which means it is still not known if the ICNIRP guidelines offer safe levels or not. As a resident living with 120 metres of the proposed antenna I am not happy with the fact that my family (including 2 small children) will be subjected to this increased level of radiation from the proposed antenna. Wokingham Council has an obligation to protect the people of Winnersh. Sitting the antenna has potential health implications for the residents of Winnersh.

I await your response.

Sincerely,

Paul Hampton

M/s Emy Circuit
Environmental Services Dept
Planning Services

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS OBS	EXC
13 DEC 2000	
COPIES TO:	ACK: ✓
	FILE:

19 King Street Lane
Winnersh
Wokingham
RG41 5AP

14 December 2000

Dear Emy,

Application Number TL/2000/2873
(Prior Application NumberTL/2000/0459)

Further to our telephone conversation of last week regarding the above application. I feel I must again reiterate my objections to the proposed sighting of a telecommunications pole in Winnersh. From what you told me there is no change to Orange's application compared to their last one. I will therefore simply repeat my concerns:-

The intended site for this pole would appear to be very close to two old oak trees.

I was disgusted several years ago when two other old oaks were destroyed to make way for Sainsbury's. The exact spots where the oaks stood were replanted with conifers & shrubs!

Following the outrage over the loss of these two trees, imagine my concern when I heard in February that there was no tree preservation order on the two remaining ones. I was told that this matter would be reviewed and I would be advised of the outcome. You also said that you would get the appropriate department to contact me when we spoke. I have STILL not had any communication!

As a family of Orange users ourselves, I would say that, over the last six months or so the reception in the Winnersh area has improved anyway, negating the need I would have thought for further base stations.

May I have the assurance of the Planning Services that neither of the two remaining oak trees, one in the grounds of number 2 King Street Lane and the other on the grassy area between number 2 and the road, will be damaged or removed as a result of this (or any future) application.

Yours faithfully

Jerry Taylor
Tel: 01183-776417
Fax: 01189-644209

Magnet

PLANNING SERVICES
POL
DC
APP
CS OBS EXC
13 DEC 2000
COPIES TO: ACK:
FILE:

Our ref: PG/rjm/Dec/010e

Your ref: TL/2000/2873

13th December 2000

Mr J Mitchell
Development Control Manager
Woking District Council
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Mr Mitchell

Re: Proposal to Erection of 8 Metre High Telecommunication Pole with Directional Antennae at 2 King Street Lane, Winnersh, Woking – Application Number TL/2000/2873

I refer to your letter dated 8th December 2000 and have noted that Application has been submitted by Orange PCS Limited for the above equipment.

Magnet Limited strongly object to the erection of such a mast, it is our Companys Policy not allow mobile phone transmitters on our own premises due to potential future Health & Safety Issues. Given the proximity to our own premises I have no alternative but to object to this proposal.

Yours sincerely

Paul Gibson
Senior Management Surveyor

Magnet Limited
Group Property Department
Royd Ings Avenue
Keighley
West Yorkshire
BD21 4BY

Telephone 01535 661133
Facsimile 01535 610343

PLANNING SERVICES	HPT 37665
POL	TLS
DC	ENF
APP	
CS	
12 DEC 2000	
COPIES TO:	ACK:
	FILE:

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM

From: Joanne Ellis
Environmental Health

My Ref: JPE/king

To: Emy Circuit
Planning

Your Ref: TL/2000/2873

Date. 08 December 2000

PROPOSED: ERECTION OF AN 8 METRE HIGH TELECOMMUNICATIONS POLE WITH 3 DIRECTIONAL ANTENNAE AND EQUIPMENT CABIN

LOCATION: OUTSIDE 2 KING STREET LANE, WINNERSH

These proposals have been evaluated and I have no environmental health objections to planning consent but have the following comments to make in relation to this proposal:

There have been questions raised as to the possibility of adverse health effects from electromagnetic radiation from telecommunication base stations and their positioning in relation to residential development and, in particular schools.

The Chartered Institute of Environmental Healths current policy states that;

(a) despite a growing body of research, there is currently no convincing evidence that environmental exposure to electromagnetic fields (emf) generated by the transmission of electricity or mobile telephony is harmful to human health, including that of children;
(b) that there is no justification on health grounds for restricting the public use of land other than immediately around power and mobile telecommunications installations. Conversely, there is no justification for restricting the siting of such installations in proximity to other land uses:
(c) that public concerns about the effects of electromagnetic fields while in our current state of knowledge apparently without foundation, should nonetheless be recognised as genuine.
(d) The full effects of emfs on humans may not yet be realised and though it can never be conclusive, there remains a need for continuing, properly funded, independent research into the nature, extent and relevance of those effects and the consequent adequacy of prevailing exposure guidelines.

Should you have any queries please do not hesitate to contact me.

Joanne Ellis

~~To~~ FROM:
Property Dept

TO: ~~From~~: Emy Circuit



Date: 01 December 2000

Application Number: TL/2000/2873

Proposal: Proposed erection of 8 metre high telecommunication telegraph pole with 3 directional antennae and equipment cabinent..

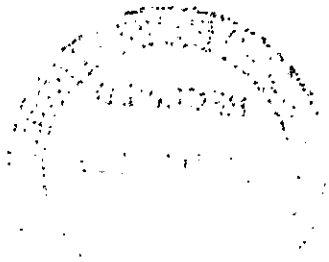
Site Address:
Outside 2, King Street Lane, Winnersh, Wokingham.

Applicant:
Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Your observations are required in respect of this application within **7 days** of the above date.

The Council as landowner objects to the above proposal as the 60metre radius policy applies.

Sarah Hunter
Property Section



FROM: Emy Circuit

DATE: 01 December 2000

DELEGATED

PLANNING SERVICES | HPI
POL | TIC 77482
DC | ENF
APP | 4 DEC 2000
07 DEC 2000
COPIES TO: | ACK:
FILE:

WINNERSH PARISH CONSULTATION SHEET

Application Number: TL/2000/2873

Proposal: Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent..

Site Address: Outside 2, King Street Lane, Winnersh, Wokingham

Applicant: Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Your observations are required in respect of this application **by 25/12/2000** .

The Committee **OBJECTED** to this application on the following grounds:

1 Visual impact on the area
2 Immediate safety issues
3 Unknown long-term effects on health etc.

SIGNED: _____ DATE: 06.12.00

Clerk To Winnersh Parish/Town Council.

HIGHWAYS CONSULTATION SHEET

From: Emy Circuit **Date:** 01 December 2000

Application Number: TL/2000/2873

Proposal: Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent.

Parish: WINNERSH PARISH

Site Address:
Outside 2, King Street Lane, Winnersh, Wokingham.

Applicant:
Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☑ Recommend approval with **no** condition(s) or reason(s).

Signed: _____ **Print name:** Adam Coggins.

6/12/00

Tel: (0118) 974 6479 (Direct Line)
Fax: (0118) 974 6484
Email: Emy.Circuit@wokingham.gov.uk
Date: 8 December 2000
My ref: EXC/TL/2000/2873
Your ref: Microcell site BRK7036

Paul Fitzgerald
Acquisition Consultant
Patrick Farfan
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Fitzgerald

PROPOSED ERECTION OF AN EIGHT METRE HIGH TELECOMMUNICATIONS POLE AND THREE DIRECTIONAL ANTENNA ON LAND OUTSIDE 2 KING STREET LANE, WINNERSH – APPLICATION NO TL/2000/2873

With regard to the above telecommunications development, I write to inform you that the Council requires prior approval of the proposal, due to the proximity to dwellings and other buildings with a prolonged human presence.

Please notify me in writing during the next 14 days if you are able to revise the scheme to overcome these concerns.

Yours sincerely

M L Thorp
Principal Development Control Officer

Wokingham District Council Environmental Services Department, Berks, RG40 1WR PO Box 157, Shute End, Wokingh

FAX

Date: 8 November 2000

Number of pages including cover sheet: 3

To: Paul Fitzgerald

Phone:

Fax phone:

CC:

From: Emy Circuit

Phone: 0118 974 6479

Fax phone: 0118 9746484

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

* * * COMMUNICATION RESULT REPORT (8.DEC.2000 12:42) * * *

TTI WDC PLAN&TRANSPORT

FILE	MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
434	MEMORY TX		901895821214	OK	P. 3/3

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) BUSY
E-3) NO ANSWER
E-4) NO FACSIMILE CONNECTION

Received by Wokingham District Council

Application No: TL/2000/2873

Proposal:
Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent.

Location:
Outside 2, King Street Lane, Winnersh, Wokingham.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Emy Circuit P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 25/12/2000. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

01 December 2000

42 DAYS

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date: 30 NOV 2000	
Officer: EXC	Application No: TL / 2000 / 2873

Map No. ..... **Site** .....
Easting: ..... **Flood Pln** .....
Northing: ..... **Mineral** .....

Level: ☐ **Sub Committee** ☑ **Delegated** ☐ **Sec. State**
☐ **Incorrect Fee** ☐ **Invalid** ☐ **PD**

Description:
(TL) PROPOSED ERECTION OF 8M HIGH TELECOMMUNICATIONS TELEGRAPH POLE WITH 3 DIRECTIONAL ANTENNAE & EQUIPMENT CABINET

Location: Outside 2 ~~ADJ TEXACO GARAGE,~~ KING STREET LANE

Parish: WINNERSH Ward: Winnersh 7-12-2000

Applicant: ORANGE PCS LTD

Fee Received 35-00 (7) Required ..... Additional ..... Refund .....

Enforcement Section to be notified ☐ *tick if required*

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red			
2	1:500 block plan showing existing & proposed dev. + adj. Properties			
3	Forms unsigned			
4	Correct S 66 certificate			
5	Elevation plans			
6	Floor plans			
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous			

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

Date Site Notice Sent : 1.12.2000 JB Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control .....
Landscape .....
Trees .....
Conservation Officer .....
Environmental Health ✓
Housing .....
Leisure & Cultural services .....
Public Rights of Way .....
Property ✓
District Secretary (only if called in by SOS) .....
Policy & Plans .....
Strategic Planning (JSPU) .....
Minerals (INTERNAL) .....
Archaeological Site (BABTIE) : .....
Education .....
Social Services .....
Highways ✓

EXTERNAL CONSULTATIONS

Adjacent D P A : .....
Adjacent Parish : .....
Southern Electricity Board .....
British Gas .....
PSA Oil Pipeline .....
Transco : .....
Environment Agency .....

Rail Track .....
Police Arch. Liaison Officer .....

HERITAGE BODIES

The Georgian Group .....
Ancient Monuments Society .....
Council for British Arch. .....
RCHME .....
Telecommunications (NRPB) : .....
Sport England : .....

OTHERS:

.....
.....
.....

NEIGHBOURS: See map ✓

400 (demolished) + Twin Target, No. 10 rehoused 4/12

ADDITIONAL NEIGHBOUR CONSULTATION SHEET

APPLICATION NUMBER: TL/2000/2873
CASE OFFICER: Emy Circuit

ADDRESS OF ADDITIONAL NEIGHBOUR CONSULTATION	NUMBER OF DAYS FOR RESPONSE	DATE LETTER ISSUED (for Admin use)
Flower Independent } 4 King St Thame	21	5.12.00
Romans estate agent } Wingrave HP22 4AS	21	5.12.00

additional-
consultations (21 days)
- all those not notified who commented before or are identified on Joss's map.

~~sheets~~ also Romans

/ 8.12.00

30 NOV 2000

TL/2000/2823

Patrick Farfan
ASSOCIATES LIMITED

Unit C Quay West
Salamander Quay
Park Lane Harefield
Middlesex
UB9 6NZ

Tel 01895 823700
Fax 01895 821214
email-frog@farfan.demon.co.uk

Planning Department,
1st Floor
Wokingham District Council,
Shute End,
Wokingham,
Berkshire,
RG40 1WR.

FAO Joss Miler.

29 November 2000.

Dear Madam,

ORANGE PCS Ltd. MICROCELL SITE BRK7036, King Street Lane, Winnersh.

Notice of intention to install telecommunications apparatus pursuant to:

1. The Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2 Part 24).

2. The licence granted to Orange Personal Communications Limited under Section 7 of the Telecommunications Act 1984.

I confirm that Patrick Farfan Associates Ltd act on behalf of Orange PCS Ltd in submitting this notification.

Orange Personal Communications Services Ltd is a Telecommunications Code System Operator. Under the terms of the licence issued by the DTI, Orange is under an obligation to provide a national telecommunications service and to meet all reasonable customer demands for the provision of that service.

The Orange Network is in direct commercial competition with other communications systems such as BT and cable operators. As a result their customers expect a reasonable level of service within buildings both at home and at work .

Orange are sensitive to the fact that many locations do not lend themselves to the siting of Macrocells, commonly Rooftop Stub Masts or 15m high lattice masts or Columns with a 12m^2 fenced compound from a siting and appearance aspect.

With a requirement to provide a service to residential and commercial properties, in keeping with the Code of Best Practice, Orange have taken advantage of improvements in technology to reduce visual impact and developed the Microcell.

Patrick Farfan
ASSOCIATES LIMITED

This is a stand alone steel telegraph pole, mounted antenna. It has been designed to match existing street furniture such as Lampposts,and Electricity supply poles.

However, unlike BT or Cable Operators, Orange do not need to site telegraph poles every 30m or so, they do not need to fly overhead lines or dig up miles of footway and carriageway, to provide a communications connection to every commercial and residential property.

Orange need only deploy two or three carefully sited telegraph poles to provide coverage to an entire residential area, village, business or retail park. The telegraph pole and cabinet can even be painted to match a particular Local Authority colour scheme if required.

I appreciate that this technology is very new and that this method of providing communications is not something that people are used to seeing, however even BT telegraph poles were once not part of the street scene and they are now accepted as the norm.

Orange propose just one Microcell sites to cover the area of Winnersh around the King Street Lane junction with the A329 and Sainsbury supermarket where the signal level is particularly low.

Orange Personal Communications Ltd hereby give notice as required under the terms of their Licence and make application for determination with regard to details of siting and appearance pursuant to Part 24, Class A, Condition A.2(4) of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the following development:

The erection of a free-standing telegraph pole maximum 8m in height with 3 No directional antenna will be installed.

In conjunction with the above column, an equipment cabinet will also be installed with an overall dimension of 0.94 cubic metres.

Location. OS Grid Ref:E 478103 N 170528.

Address. West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT

Enclosures: Planning Drawing No 30/BRK7036/01
Location plan (1:1250)
Site Layout plan (1:250)
Elevations of column and cabinet (1:100 & 1:50)
Annex C from the Code of Best Practice.

Prescribed Fee. £35.00.

Patrick Farfan
ASSOCIATES LIMITED

The location was chosen for the following reasons:

1. It will improve coverage within the surrounding residential areas.
2. The location will maximise coverage and limit the number of installations required.
3. The verge is wide and the siting will not impede pedestrian movements.
4. The location will not encroach into visibility splays of traffic or pedestrian users of the Highway and access roads.
5. The column and cabinet are sited in line with adjacent street furniture so as to blend with the existing street scene.
6. There are no existing structures in the area that would be suitable for such installation.
7. The general area is one of a commercial aspect and not residential.

All communication regarding this notice should be made to myself at the address and telephone number given above,

Yours faithfully,

Paul Fitzgerald
Acquisition Consultant.

30·11·2000
TL/2000/2873

1: Pre-Application Consultation with Local Planning Authority

(i) Licence notification i.e. pre roll out of network Date.....

Name of L.P.A. Contact.....

Phone # of L.P.A. Contact.....

(ii) On sites in specific cell(s) Date....29.11.2000.....

Name of L.P.A. Contact.... .....Joss Miller.....

Phone # of L.P.A. contact.....0118 974 6000.....

2A: Name and Address of Applicant

Name... .....Orange PCS Ltd.....

Address: .Floor 2 & 3, Black Arrow House, 2 Chandos Road, London.....

Postcode...NW10 6NF....Tel.....0181 963 4100.....

2B: Agent's Name, Address and Contact

Name...Patrick Farfan Associates Ltd..... .....

Address.Unit "C", Quay West, Salamander Quay, Park Lane Harefield, Middx.

Postcode:..UB9 6NZ.....Tel: ...01895 823700.....

Contact:..Mr Paul Fitzgerald..... Tel:....01895 823700.....

2C: Location of Proposal

Location: West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT.

2D: O.S. Sheet / Grid Reference

Sheet and six figure grid reference of proposed development

Sheet.....Landranger..175 ..... Grid Reference: E 478103 N 170528.....

30 11 2000 TL/2000/2873

Dear Sir

RE: Enclosed planning application on behalf of Orange PCS Ltd

The Independent Expert Group on Mobile Phones (the Stewart Report) made various recommendation relating to base station sites.

One of the recommendations was that the guidelines for public exposure set by ICNIRP (International Commission on Non-Ionising Radiation Protection) should be adopted for use in the UK.

Orange have welcomed the recommendation that base station sites should comply with the ICNIRP guidelines for public exposure and we believe this will increase public confidence in the safety of transmitter sites.

The Department of Environment, Transport and the Regions have issued guidance to the Local Authorities stating that if a new telecommunications site meets the ICNIRP guidelines then it is not necessary for a Planning Authority processing an application to consider the health effects further.

Therefore the purpose of this letter is to confirm that the Orange site proposed at

BRK7036 **West Grass Verge**
Adjacent to Texaco Garage
King Lane Street
Winnersh, Wokingham, RG41 5LT

meets the ICNIRP guidelines.

The attached sketch is for reference and gives outputs from a similar microcell to that which is proposed at the location above and relates power levels as a percentage of ICNIRP guidelines.

Yours faithfully,

P. Fitzgerald

Paul Fitzgerald

3: Purpose of Development

To enhance the radio signal to Orange mobile phone users at street level and in buildings where the signal is weak or non existant due to the absorption of the signal from macrocell rooftop sites by buildings in the urban area. To allow customers to operate their handsets without interuptions to their conversations, as could reasonably be expected by phone users.

4: The Proposed Structure *(Enclose a site plan and indicate details of cell boundaries, and whether shared mast / tower or freestanding)*

(i) Type of Structure (e.g. tower, mast etc):...Column.....

.Overall height....8..metres

(ii) Equipment Housing

Street cabinet of overall dimension 0.94 cubic metres.

(iii) Materials (as applicable) Tower / mast etc: type of material and external colour

.....Galvanised steel (Light Aircraft Grey).....

Equipment housing: type of material and external colour

.....Steel,....Midnight Green.....

(iv) Location of and Distance to nearest residential or commercial property (where applicable)
Site is on adopted highway on roadside, nearest commercial building is 25m.

5: Distance from Airfield or Aerodrome (Please tick as appropriate)

Will the structure be within 3 km of an aerodrome or airfield? ..... No.....

Has the CAA or Secretary of State for Defence been notified? ..... No.....

Signed..... Date 28/11/00

On behalf of ORANGE PCS Ltd

Copy 30·11·2000
TL/2000/2873

SITE NOTICE

Proposed development at .West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT.
OS Grid Ref. E 478103 N 170528.

I give notice that Patrick Farfan Associates Ltd

On behalf of Orange PCS Ltd

Is applying to Wokingham District Council

Under paragraph A.2(4A) of Part 24 of Schedule 2 to the Town and Country planning (General Permitted Development) Order 1995 for its determination as to whether the prior approval of the authority will be required to the siting and appearance of the erection of a free-standing telecommunications telegraph pole, maximum 8m in height housing 3 no. directional antennae. In conjunction with the above telegraph pole, an equipment cabinet will also be installed with an overall dimension of 0.94 cubic metres.

Under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, Wokingham District Council are allowed 42 days beginning with the date of application to consider whether prior approval will be required to the siting and appearance of the development proposed and, if so, to give or refuse such approval and to serve that decision upon the applicant.

Members of the public may inspect copies of the application and accompanying plans at;

Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR

Individuals and organisations wishing to make representation about the siting and appearance of the proposed development are invited to forward their views in writing no later than 9th September 1999 to J Millar, Wokingham District Council, Planning Department, Shute End, Wokingham, Berkshire, RG40 1WR.

Clearly stating that comments are being forwarded in relation to the proposed development of a ground based mast at West Grass verge, Adjacent to Texaco garage, King Lane Street, Winersh, Workingham, RG41 5LT.

OS Grid Ref. E 478103 N 170528.

Signed : P. Farfan

On Behalf of : Orange PCS Ltd.

Dated : 29th November 2000

30·11·2000
TL/2000/2873



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Central Support Section, Environmental Services, Wokingham District Council.
1 December 2000

Scale: 1 : 1250

N
W E
S

EX SYSTEMS LTD

APPL

APPLICATION NO.2873

Name of appellant:
Orange PCS Ltd

Site address:
Outside 2 King St Lane, Winnersh

Proposal:Proposed erection of 8 metre high telegraph pole with 3 directional antennae & equipment cabinet

Case Officer:EXC



The Planning Inspectorate

4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 8389
Switchboard 0117-372 3000
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GTN 1371 8389
Website: www.planning-inspectorate.gov.uk
e-mail: ken.mcentee@pins.gsi.gov.uk

PLANNING SERVICES | HPT 49932
POL | TCP
DC | ENF
DR
16 NOV 2001
COPIES TO: | ACK:

Ms D Gumbrell
Wokingham District Council
PO Box 157
Wokingham
Berks
RG41 1BN

Your Ref: TL/2000/2873

Our Ref: APP/X0360/A/01/1068472

Date: 15 November 2001

Dear Ms Gumbrell

APPEAL ON LAND OUTSIDE 2 KING STREET LANE, WINNERSH

I write further to the Inspector's decision letter of 26 October. It has been brought to our attention that the wrong site address was given at the top of the letter and in the Formal Decision (paragraph 7).

I have no power to amend or alter the issued decision document in any way. However, I can confirm that it should read "Outside 2 King Street lane, Winnersh". I am sorry for any confusion this mistake may have caused and hope this clarification is helpful.

A have sent a similar letter to Heritage Planning Ltd.

Yours sincerely

KEN McENTEE
Quality Assurance Unit

Appeal Decision

Site visit made on 15 October 2001

by Paul Graham DMA FCIS Solicitor and Legal Associate RTPI
an Inspector appointed by the Secretary of State for Local Government, Transport and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
26 OCT 2001

Appeal Ref: APP/X0360/A/01/1068472 OUTSIDE 2 KING ST LANE, WINNERSH
~~Grass verge, north west corner of Old Forest Road at its junction with Reading Road~~

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to approve siting and appearance.
- The appeal is made by Orange PCS Ltd against the decision of Wokingham District Council.
- The application (Ref.TL/2000/2873), undated, was refused by notice dated 8 January 2001.
- The development proposed is the erection of an 8m high telecommunication telegraph pole with 3 directional antennae and equipment cabinet.

Summary of Decision: Appeal allowed and approval granted.

Issues

1. The Council does not identify any harm in its refusal reason, which merely states that the equipment would be "unacceptably close to residential properties and places of employment". However from my reading of the various representations and my inspection of the site I consider the main issues to be the impact that the proposal would have upon:

   (1) the character and appearance of the area;

   (2) the safety of people resorting to the area.

Planning Policy

2. The development plan for the area is the Berkshire Structure Plan 1991-2006. Policy TC1 states that telecommunications development will be permitted where it is sited and designed to avoid adverse visual impact and there are no satisfactory alternative sites. Policy WIC14 of the draft Wokingham District Local Plan is in much the same terms. Advice contained in Planning Policy Guidance No.8 (Telecommunications) (PPG8) will also be relevant.

First Issue

3. The proposed site for the equipment is a grassed and landscaped island of public amenity space, containing a single oak tree and a number of smaller trees and shrubs, that is situated between King Street Lane and a service road, adjacent to the traffic light controlled junction with Reading Road (A329). The service road is abutted by, amongst other premises, two office buildings – which it serves – and the side boundary of a service station that has access onto Reading Road. On the south eastern side of King Street Lane is a supermarket and car park. Residential property in the immediate area is limited, although there are dwellings some 70m away from the proposed site on the north-eastern side of Reading Road, and further south along King Street Lane.

4. Apart from the traffic lights, there is a considerable amount of vertical street furniture in the area. In particular there are six or so high level lighting columns illuminating the junction

and several shorter ones serving the supermarket car park. There is also a tall and prominent CCTV mast located on a refuge in the centre of Reading Road and a significant number of telegraph and, what appear to be power line, poles dotted along King Street Lane. Additionally there is a pair of telephone kiosks on the island, 10m or so to the north east of the site for the new mast. In an area that is already so cluttered with street furnishings, the new mast would in my view be barely noticeable. Consequently I have no difficulty in concluding that the aims of local policies would be met.

The Second Issue

5. The safety implications of telecommunications installations was raised by a third party. However, as PPG8 indicates, it is not for the planning system to replicate controls that already exist under the health and safety regime. Furthermore, the Government has recently accepted the Stewart Group recommendation that emissions from base stations should now meet ICNIRP guidelines for public exposure. The proposal in this case does satisfy that requirement.

Conclusion

6. I conclude therefore that there are no material factors that should stand in the way of this scheme proceeding, and I shall allow the appeal.

Formal Decision

7. In exercise of the powers transferred to me, I hereby allow this appeal and approve the siting and appearance of an 8m high telecommunication telegraph pole with 3 directional antennae and equipment cabinet on the grass verge, ~~north west corner of Old Forest Road at its junction with Reading Road,~~ OUTSIDE 2 KING ST. LANE, WINNERSH in accordance with the submitted drawings.

Information

8. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

9. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Inspector

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

49210
29 OCT 2001
COPIES TO:
ACK:
FILE:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: TL/2000/2873

Our Ref: APP/X0360/A/01/1068472

Date: 26 October 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT OUTSIDE, 2 KING STREET LANE, WINNERSH

I enclose a copy of our Inspector's decision on the above appeal.

f you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Mr Simon Campbell

COVERDL1

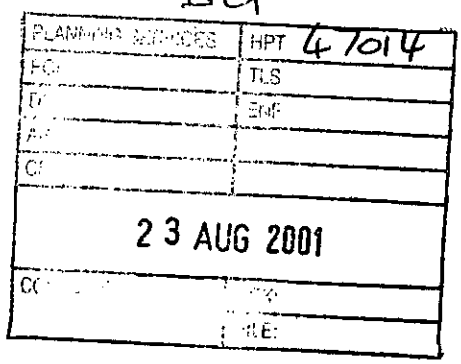
HERITAGE PLANNING

TOWN PLANNING AND DEVELOPMENT CONSULTANCY

Heritage House, Old Coach Road, Colchester, Essex CO1 2TH
Tel: 01206 792444 • 792445 • 792448 • Fax: 01206 860116
E-mail: heritage.planning@aspects.net

Direct Dial to David Lewis: 01206 792448

DL



Miss A. Groves,
Case Officer,
The Planning Inspectorate,
3/03 Kite Wing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol,
BS1 6PN.

22 August 2001

Dear Miss Groves,

Town & Country Planning Act 1990 – Appeal by Orange PCS Ltd.,
Site at 2 King Street Lane, Winnersh – Wokingham District Council
APP/X0360/A/01/1068472

I refer to the above and the Statement of Case recently submitted on behalf of the appellants.

I wish to draw your attention to three typographical errors in the statement as follows:

i) p3. para 3.1. - date should refer to February 2000
ii) p.14. para 6.25. overall height of **8**m
iii) p.18. Schedule of Appendices. Appendix 2 ref TL/2000/**0459**.

I have sent a copy of this letter directly to Wokingham District Council and apologise for any inconvenience caused.

Yours sincerely,

D.G. Lewis, Dip.E.P., Dip.T.P., M.R.T.P.I.

cc. Denise Gumbrell, Wokingham District Council

404 Reading Road,
Winnersh,
Wokingham,
Berks RG41 5EP

12th December 2000

Dear Sir/Madam,

Ref: Plans for 8 metre high Telecommunication Pole to be put up by Orange at 2 King Street Lane Winnersh

We are writing to formally object to plans to erect a Mobile Phone Transmitter right in the centre of Winnersh Village. Of all possible sites, it appears that Orange have chosen to site their mast in the middle of Winnersh's busiest and most populated area.

We are very concerned at the implications of this, not only for the nearby residents but for the community as a whole. There are at least 3 good reasons why these plans should not be accepted:

- First and foremost, the mast would cause a great deal of *stress* for many villagers. This would be a consequence of the next 2 factors, 'visual distraction', and possible dangers to health. This stress would be ongoing and continuous to the local residents.
- As the mast would be in such a prominent position, it would certainly become an 'Eyesore'. The centre of Winnersh does not need another 'blot' on its horizon.
- The jury may still be out on the extent of *direct* affects on health by mobile phone trasmitters, but there is almost universal agreement that there is likely to be at least some negative affect. Just not knowing what the affects could be would in itself cause distress and anxiety, possibly resulting in health problems.

There would have to be the need for a risk assessment. Not only on the possible health risks mentioned above, but also with regards to locating the mast so close to a petrol station. It is a well-known fact that, mobile phones should never be used on garage forecourts due to the possibility of high-energy waves igniting the petrol vapour.

Around the country there are thousands of properties blighted in the past by being near or underneath high-voltage electricity lines. Let us not make the same mistake again with communications masts.

We are not arguing that we do not need these masts. Mobile phones are rapidly becoming an 'essential' item of everyday life. What we are arguing for is that they are sited in *suitable* locations - *not* right in the middle of densely populated residential areas.

Yours faithfully,

Mr. & Mrs. P. H. Dominy

404 Reading Road,
Winnersh,
Wokingham,
Berks RG41 5EP

Mr. S Campbell
The Planning Inspectorate
Room 3 / 03, Kite Wing,
Temple Quay House,
2, The Square,
Temple Quay,
Bristol BS1 6PN

9th August 2001

Your Ref: APP/X0360/A/01/1068472

Dear Sir,

Ref: Plans for 8 metre high Telecommunication Pole to be put up by Orange at 2 King Street Lane, Winnersh

I am writing again to formally object to plans to erect a Mobile Phone Transmitter right in the centre of Winnersh Village. I wrote last December, when the previous application was submitted. I believe you have a copy of all previous correspondence, so will not repeat those arguments again here. (Copy on rear of this letter.)

I am an active member of the Winnersh Village Centre Management Initiative (WVCMI). Among other things, we strive to improve the environment at the centre of Winnersh Village. As a committee we are very concerned at the implications of this mast, not only for the nearby residents but also for the community as a whole. The Vision Statement of WVCMI includes the following 2 objectives, both of which we feel would be breached by the mast:

- "Provide an environment that is pleasant, safe, and clean" - Apparently there are still court cases pending in this country about siting mobile phone masts in sensitive areas (such as school buildings). In Australia, laws have already been passed against this. As a result, the Parish Council has a policy that mobile phone masts should not be sited within 50m of residential property. There are houses within 10m of this site!
- "Make use of vacant and under-utilised sites to improve and enhance the visual aspect of the centre of Winnersh" - The proposed site is right in the centre of the village, and this site has already been ear-marked as an area that could be redeveloped into a new 'green' area for the use of residents.

I hope these additional arguments will draw attention to why this site is not suitable for a mobile phone transmitter.

Yours faithfully,

Mr. P. H. Dominy

WINNERSH VILLAGE CENTRE MANAGEMENT INITIATIVE

7 GROVELANDS AVENUE
WINNERSH, WOKINGHAM
BERKSHIRE RG41 5JU
UNITED KINGDOM

TELEPHONE 01189 786635
FAX/PHONE 01189 619050
MOBILE: 0771 858 3472
E-mail: ball_david@msn.com

Your Ref: **APP/X0366/A/01/1068472**

My Ref: **A1206L/WVCMI**

20 AUG 2001
PINS AA PEP

Mr. S. Campbell
Planning Inspectorate
Room 3/03 Kite Wing, Temple Quay House
2 The Square
BRISTOL BS1 6PN

8th. August 2001

Dear Sir,

Cellular Mast at Winnersh Crossroads

PINS AA PEP

I am writing to you on behalf of the Winnersh Village Centre Management Initiative (WVCMI), a body jointly established by Wokingham District Council and Winnersh Parish Council to provide advice in terms of LA21 and village centre development matters.

At our meeting on 8-Aug-01, attended by members of the public, we resolved that I should write and advise you of our views to aid your deliverations.

There is considerable public concern at the placement of a cellular mast at this location, in close proximity to a petrol station (where the use of very much lower powered mobile phones is banned) and the Sainsbury's store across King Street Lane.

The WVCMI has worked with Winnersh Parish Council to improve the environment at the Crossroads. In 1997 the green area on which the mast is proposed to be sited, was landscaped and made into a pleasant visual zone in stark contrast to the unsightly surrounding concrete, posts and masts already in place. Indeed earlier this year, Wokingham District Council truncated needlessly tall pedestrian signal control posts.

A green 'oasis' in a busy village centre is the very last place at which a cellular mast should be sited.

Yours sincerely,

David Ball
Chairman, Winnersh Village Centre Management Initiative

38A, Reading Road,
Winnersh, Wokingham
RG41 5LT,

Mr S. Campbell,
The Planning Inspectorate,
Room 3/03, Kite Wing,
Temple Quay House,
2, The Square,
Temple Quay, Bristol, BS1 6PN.

RECEIVED
20 AUG 2001
PINS AA PEP

18th August 2001

Re: PROPOSED 8 METRE HIGH MOBILE PHONE MAST AT 2 KING STREET LANE.

Dear Sir,

I am writing to add my voice to the number of people who are against the installation of a mobile phone mast at the Winnersh crossroads.

My concerns are two-fold - firstly the health risks - as far as I am concerned the health issue is as yet so unknown that I will not own a mobile myself - neither will 2 other adults in our house. Add to that the potential danger of living near to a mast where the radiation would be constant, as opposed to "just for emergencies" and I feel that my family, and especially my husband who is retired & spends a lot of time at home will be subjected to unnecessary levels of radiation when at home or out and about at the crossroads. Too many people live or shop in the area, their health needs to be considered as well.

Secondly - yet another metal monstrosity in the area is totally undesirable. It is also another distraction when trying to negotiate an extremely difficult crossroads and traffic system in the car.

I cannot understand how the freedom and well being of local residents should be disregarded by a commercial company who feel they can put a mast wherever suits them. Such masts should be sited in mutually agreed sites as far away from residential areas and schools etc - for example on the vicinity of motorways so people don't spend too long near them - and well away from traffic signposts, speed instructions etc. which could be confusing.

Yours faithfully,

Helen M Gray (Mrs)

389 READING RD
WINNERSH
WOKINGHAM
BERKS
RG41 5LT

18/08/01

Mr. S Campbell
The Planning Expectorate
Room 3/03
Kite Wing
Temple Quay House:
2 The Square
Temple Quay
Bristol BS1 6PN

Ref. APP/X0360/A/01/1068472

Dear Sir,

re plans for 8m high Telecommunication Pole to be put up by Orange at 2 King St Lane Winnersh.

I am writing to object to the plans to erect the above outside our bedroom window. Winnersh cross Rds has many 'poles' — another 26' mast will be most unsightly.

As a retired GP I am concerned that little research has been done regarding the effects of microwaves & would urge extreme caution in putting large masts in residential & industrial areas. "blighting properties".

I suggest a suitable location be found in the countryside camouflaged as a tree.

Yours faithfully,

Martin V Gray

RECEIVED
20 AUG 2001
PINS AA PEP

58 Delane Drive
Winnersh
Wokingham
RG41 5AT

Ref. TL/2000/2873

16 July 2001

APP/X0360/A/01/1068472

The Planning Inspectorate

Dear Mr. Campbell

I wish to lodge an objection to the proposed erection of an 8-metre telecommunication mast outside 2 King St. Lane, Winnersh.

This site is at Winnersh Village Centre, an area that the Parish Council have tried hard to improve in recent years. Trees, shrubs, and other improvements have turned a tatty site into a nice piece of environment.

The proposed mast would be an intrusive eyesore in this position, considerably higher than surrounding structures.

Personally, I know of no other village centres which have such a mast, so such a development would set a precedent.

There must surely be other sites away from the Village centre that would be more suitable.

Yours faithfully

Roger H. Brown

Roger H Brown

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT:	Orange PCS Ltd
APPEAL SITE:	Outside 2 King Street Lane, Winnersh
REASON FOR APPEAL:	Appeal against refusal of prior approval for the erection of an 8 metre high telecommunications pole with 3 directional antennae and equipment cabinet.

LOCAL PLANNING AUTHORITY REFERENCE : TL/2000/2873

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE : APP/X0360/A/01/1068472

1.00 LOCATION AND SITE DESCRIPTION

1.01 The appeal site lies within the Identified Settlement of Winnersh. The proposed telecommunications equipment would be sited on the highway verge close to Winnersh Crossroads, the intersection of the A329 Reading Road, King Street Lane and Robin Hood Lane. There is a cluster of commercial, mainly retail, development around the crossroads but the wider area has a predominantly residential character.

A site location plan at scale 1:1250 is contained in Appendix 1.

2.00 RELEVANT PLANNING HISTORY

2.01 In March 2001 an application for prior approval of an 8 metre high telecommunications pole with three sector antennas and an equipment cabinet was refused due to concerns relating to the proximity to dwellings. In November 2000 an identical application for prior approval was received. This was refused, on 8 January 2001, for the following reason:

The proposed telecommunications equipment would be unacceptably close to residential properties and places of employment.

3.00 POLICY BACKGROUND

3.01 The development plan for the area comprises of the Berkshire Structure Plan and the Loddon Area Local Plan. There is also an emerging district wide local plan.

3.02 The BSP (1991-2006) was adopted on 4th November 1995 and is the statutory Structure Plan for the area.

3.03 The following policy is relevant to this appeal and a copy of it is contained in Appendix 2.

TC1, Assessment of proposals for telecommunications development

3.04 The Loddon Area Local Plan (LALP) was adopted on 5th May 1995 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee, at their meeting on 21st November 1996, resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision". This plan does not contain any policies relating specifically to telecommunications development.

3.05 The emerging local plan is the Wokingham District Local Plan Deposit Draft (WDLPDD). Berkshire County Council issued a statement of general conformity with the structure plan in May 1997 and the plan was placed on deposit between 21 October and 2 December 1997. It has formed the basis for development control decisions since 21 October 1997. The Inspector's report on the local plan inquiry is not expected until late 2001 (with the exception of policy WSM1).

3.06 The following policy is relevant to this appeal and a copy of it is contained in Appendix 3.

WIC14, Assessment of proposals for telecommunications development

4.00 THE COUNCIL'S CASE

4.01 The Council's objection relates to the proposed siting of the telecommunications equipment, specifically the proximity to dwellings and other buildings regularly used by people.

No page missing. Numbering is wrong!

4.04 Paragraph 12 of DETR Circular 04/99 Policy establishes that the siting of telecommunications equipment in relation to residential property is a relevant consideration. WIC14 of the Wokingham District Local Plan (Deposit Draft) states that the Council in will exercise its option to require prior approval in areas within 200 metres of any building regularly used by people. This does not mean that any such proposals will automatically be refused on such grounds. Wokingham District Council often approves masts located less than 200 metres away from buildings regularly used by people. However because of the level of public interest in telecommunications development, a distance of 200 metres from buildings regularly used by the public has been set as benchmark in within which the Local Planning Authority will take special regard of the circumstances of the case.

4.05 In this case the equipment would be sited approximately 65 metres from the nearest occupied dwellings and 50 metres from 400 Reading Road, formerly a single dwelling, currently being redeveloped as flats. There are business premises, including shops, in closer proximity to the appeal site and these are visited by numerous members of the public and occupied by staff for more frequent and prolonged periods. There is considerable public concern regarding the proposals as demonstrated by the six letters of objection that have been received from local residents.

5.00 CONCLUSION

5.01 In conclusion, it is submitted that the proposed mast is unacceptable due to its proximity to residential and commercial properties, which has resulted in a significant level of public concern and alarm, when there are feasible countryside locations acceptable to the Local Planning Authority.

5.02 As such, the proposed telecommunications mast and associated equipment cabinet is contrary to Policy TC1 of the Berkshire Structure Plan and policy WIC14 of the Wokingham District Local Plan (Deposit Draft).

5.03 The Local Planning Authority's approach to such development, which largely meets the industries aspirations whilst genuinely taking into account the concerns of local residents is a model approach which is worthy of support and emulation. If the community's voice is disregarded in cases such as this, then the democratic basis of the planning appeals system would be increasingly questioned.

5.04 For the above reasons, the Inspector is respectfully requested to dismiss this appeal.

LIST OF APPENDICES

1. Location plan at 1:1250.

2. Extract from the Berkshire Structure Plan.

3. Extract from the Wokingham District Local Plan Deposit Draft.

The Planning Inspectorate

DG

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: TL/2000/2873

Our Ref: APP/X0360/A/01/1068472

Date: 21 August 2001

DES	HPT 46995
PCL	TLS
DC	ENF
APP	
CS	
22 AUG 2001	
COPIES TO:	ACK:
	FILE:

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT OUTSIDE, 2 KING STREET LANE, WINNERSH

I enclose a copy of the appellant's statement relating to the above appeal. I also enclose third party correspondence.

-1719.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. Comments submitted after that deadline may not be seen by the Inspector.

Yours faithfully

Mr S P Campbell

211AL(BPR)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Orange PCS Ltd
SITE: Outside 2 King St Lane, Winnersh, Winnersh
APPLICATION NO.: 2873
PROPOSAL: Proposed erection of 8 metre high telegraph pole with 3 directional antennae & equipment cabinet

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Winnersh

Mrs P Bray

Mrs E Siggery

Mr R Turner

Clerk(s) of Parish / Town Council of Winnersh

Mrs J Harlin, Winnersh Community Centre, New Rd, Sindlesham, Wokingham. RG41 5DU

Environmental Services Department, Engineering Services, Wokingham District Council,
PO Box 157, Council Offices, Shute End, WOKINGHAM, Berkshire, RG40 1WR

Environmental Health, WDC
-FAO Tom Payne

Property Dept. WDC
-FAO Sarah Hunter

Applicationo	Name & Address
TL/2000/2873	Mr & Mrs P Dominy 404 Reading Road Winnersh RG41 5EP
TL/2000/2873	P Gibson Magnet Ltd Group Property Dept Roydings Avenue Keighley West Yorkshire BD21 4BY
TL/2000/2873	Mr J Taylor 19 King Street Lane Winnersh RG41 5AP
TL/2000/2873	S Adderley 295 Headley Road East Woodley RG5 4SE
TL/2000/2873	Mr & Mrs Robinson 381 Reading Road Winnersh RG41 5LT
TL/2000/2873	Mr P Hampton 16 King Street Lane Winnersh RG41 5AS
TL/2000/2873	Mr R Brown 58 Delane Drive Winnersh RG41 5AT

App. refused
Letter sent 16/01/01

Tel. (0118) 974 6448 (Direct Line)
Date. July 11, 2001
My ref. TL/2000/2873
Your ref.

Mr R Brown
58 Delane Drive
Winnersh
RG41 5AT

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY: Orange PCS Ltd
SITE: Outside 2 King Street Lane, Winnersh
PROPOSAL:Proposed erection of 8 metre high telecommunication telegraph pole with 3 directional antennae & equipment cabinet.

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate and copied to the appellant

As your interests may be affected, you can give your views on the appeal in writing to Mr S Campbell, The Planning Inspectorate, Room 3 / 03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You should, if possible, send three copies quoting reference APP/X0360/A/01/1068472. Comments received after 20/08/01 will not normally be seen by the Inspector & will be returned.

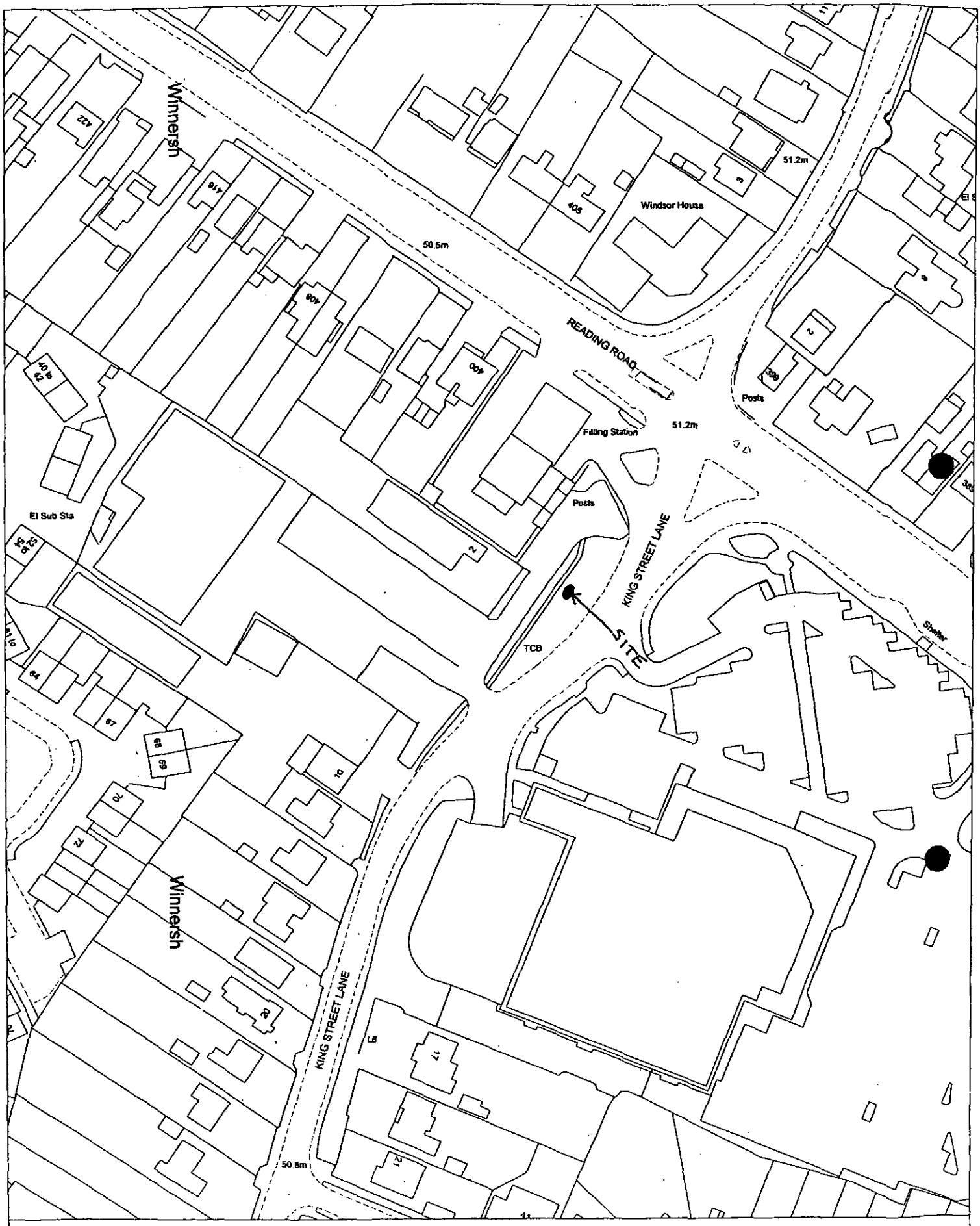
The application, decision notice, and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 on Mondays to Thursdays, 16.00 on Fridays).

A free booklet, Guide to taking part in Planning Appeals, is available from this office.

If you wish to be notified of the result of the appeal, you should write to Miss Groves at the Planning Inspectorate requesting a copy of the decision. Please quote reference APP/X0360/A/01/1068472.

Yours faithfully

Denise Gumbrell
Appeals Assistant



Site Plan, Scale: 1 to 1250

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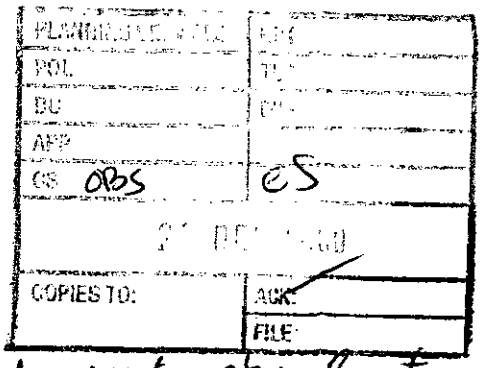
Date: 12 July 2001

N
W E
S

58 Delane Drive
Winnersh
Wokingham
RG41 5AT

22/12/00

Ref TL/2000/2873



Emy Circuit

Dear Ms Circuit

I would like to object most strongly to the proposed erection of a telecommunication mast outside 2 King St. Lane, Winnersh. There are two main objections

1) The mast would be intrusive and unsightly in a central location in Winnersh. The village wishe to keep this area looking attractive, especially for our "Britain in Bloom" contest.

2) The position of the mast may interfere with the oak tree at this location. Removal of, or damage to, this tree is unacceptable.

I believe that a similar application last year was turned down. I hope that this one will also be rejected

Yours faithfully

Roger H. Brown

Roger H. Brown.

Sweet Briar
16 King Street Lane
Winnersh
Wokingham RG41 5AS

22 December, 2000

Emy Circuit
Environmental Services Department
P.O.Box 157
Shute End
Wokingham
Berkshire RG40 1WR

Dear Emy Circuit,

RE: Planning application to erect an 8-metre high telecommunications antenna (TL/2000/2873)

I object to the planning application to build an 8-metre high telecommunications antenna in the centre of Winnersh on the following grounds:

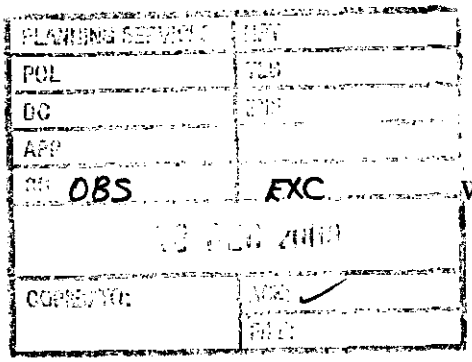
1. **Inappropriate Site** - The application states that the proposed site is a business centre and that the erection of an 8-metre mast will not be out of place. I disagree. The planned site is in the centre of Winnersh with residential property only 85 metres away. Wokingham Council has the responsibility to improve the appearance of the area. Sighting a communications antenna in the centre is inappropriate and would reduce the appeal of the surrounding area (also reducing the value of the near by residential properties).

2. **Health Risks** - The planning application makes a great play that the transmitter complies with the ICNIRP guidelines. Unfortunately there is still a great debate on the safety of these antennas. Limited tests have been carried out - the result of which means it is still not known if the ICNIRP guidelines offer safe levels or not. As a resident living with 120 metres of the proposed antenna I am not happy with the fact that my family (including 2 small children) will be subjected to this increased level of radiation from the proposed antenna. Wokingham Council has an obligation to protect the people of Winnersh. Sitting the antenna has potential health implications for the residents of Winnersh.

I await your response.

Sincerely,

Paul Hampton



M/s Emy Circuit
Environmental Services Dept
Planning Services

19 King Street Lane
Winnersh
Wokingham
RG41 5AP

14 December 2000

Dear Emy,

Application Number TL/2000/2873
(Prior Application NumberTL/2000/0459)

Further to our telephone conversation of last week regarding the above application. I feel I must again reiterate my objections to the proposed sighting of a telecommunications pole in Winnersh. From what you told me there is no change to Orange's application compared to their last one. I will therefore simply repeat my concerns:-

The intended site for this pole would appear to be very close to two old oak trees.

I was disgusted several years ago when two other old oaks were destroyed to make way for Sainsbury's. The exact spots where the oaks stood were replanted with conifers & shrubs!

Following the outrage over the loss of these two trees, imagine my concern when I heard in February that there was no tree preservation order on the two remaining ones. I was told that this matter would be reviewed and I would be advised of the outcome. You also said that you would get the appropriate department to contact me when we spoke. I have STILL not had any communication!

As a family of Orange users ourselves, I would say that, over the last six months or so the reception in the Winnersh area has improved anyway, negating the need I would have thought for further base stations.

May I have the assurance of the Planning Services that neither of the two remaining oak trees, one in the grounds of number 2 King Street Lane and the other on the grassy area between number 2 and the road, will be damaged or removed as a result of this (or any future) application.

Yours faithfully

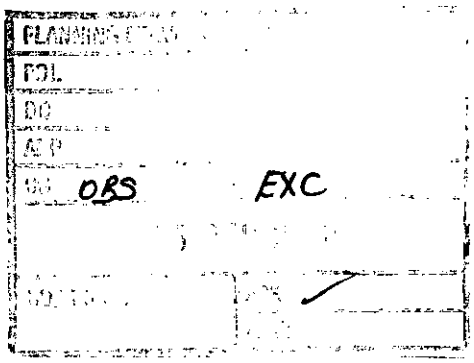
Jerry Taylor
Tel: 01183-776417
Fax: 01189-644209

Magnet

Our ref: PG/rjm/Dec/010e

Your ref: TL/2000/2873

13th December 2000



Mr J Mitchell
Development Control Manager
Woking District Council
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Mr Mitchell

Re: Proposal to Erection of 8 Metre High Telecommunication Pole with Directional Antennae at 2 King Street Lane, Winnersh, Woking – Application Number TL/2000/2873

I refer to your letter dated 8th December 2000 and have noted that Application has been submitted by Orange PCS Limited for the above equipment.

Magnet Limited strongly object to the erection of such a mast, it is our Companys Policy not allow mobile phone transmitters on our own premises due to potential future Health & Safety Issues. Given the proximity to our own premises I have no alternative but to object to this proposal.

Yours sincerely

Paul Gibson
Senior Management Surveyor

Magnet Limited
Group Property Department
Royd Ings Avenue
Keighley
West Yorkshire
BD21 4BY

Telephone 01535 661133
Facsimile 01535 610343

Registered & Head Office Magnet Limited, Royd Ings Avenue, Keighley, West Yorkshire BD21 4BY. Registered in England No. 2762625

PLANNING SERVICES | HPT 37665
POL | TLS
DC | BIF
APP |
CS |
12 DEC 2000
COPIES TO: | ACK:
FILE:

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM

From: Joanne Ellis
Environmental Health

My Ref: JPE/king

To: Emy Circuit
Planning

Your Ref: TL/2000/2873

Date. 08 December 2000

PROPOSED: ERECTION OF AN 8 METRE HIGH TELECOMMUNICATIONS POLE WITH 3 DIRECTIONAL ANTENNAE AND EQUIPMENT CABIN

LOCATION: OUTSIDE 2 KING STREET LANE, WINNERSH

These proposals have been evaluated and I have no environmental health objections to planning consent but have the following comments to make in relation to this proposal:

There have been questions raised as to the possibility of adverse health effects from electromagnetic radiation from telecommunication base stations and their positioning in relation to residential development and, in particular schools.

The Chartered Institute of Environmental Healths current policy states that;

(a) despite a growing body of research, there is currently no convincing evidence that environmental exposure to electromagnetic fields (emf) generated by the transmission of electricity or mobile telephony is harmful to human health, including that of children;
(b) that there is no justification on health grounds for restricting the public use of land other than immediately around power and mobile telecommunications installations. Conversely, there is no justification for restricting the siting of such installations in proximity to other land uses:
(c) that public concerns about the effects of electromagnetic fields while in our current state of knowledge apparently without foundation, should nonetheless be recognised as genuine.
(d) The full effects of emfs on humans may not yet be realised and though it can never be conclusive, there remains a need for continuing, properly funded, independent research into the nature, extent and relevance of those effects and the consequent adequacy of prevailing exposure guidelines.

Should you have any queries please do not hesitate to contact me.

Joanne Ellis

~~From~~: FROM:
Property Dept

TO:

~~To~~: Emy Circuit



Date: 01 December 2000

Application Number: TL/2000/2873

Proposal: Proposed erection of 8 metre high telecommunication telegraph pole with 3 directional antennae and equipment cabinent..

Site Address:
Outside 2, King Street Lane, Winnersh, Wokingham.

Applicant:
Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Your observations are required in respect of this application within **7 days** of the above date.

The Council as landowner objects to the above proposal as the 60metre radius policy applies.

Sarah Hunter
Property Section

FROM: Emy Circuit

DATE: 01 December 2000

DELEGATED

WINNERSH PARISH CONSULTATION SHEET

37482

4 DEC 2000

07 DEC 2000

COPIES TO: ACK: FILE:

Application Number: TL/2000/2873

Proposal: Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent..

Site Address: Outside 2, King Street Lane, Winnersh, Wokingham

Applicant: Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Your observations are required in respect of this application **by 25/12/2000** .

The Committee **OBJECTED** to this application on the following grounds:

1 Visual impact on the area
2 Immediate safety issues
3 Unknown long-term effects on health etc.

SIGNED: _____ DATE: 06.12.00

Clerk To Winnersh Parish/Town Council.

HIGHWAYS CONSULTATION SHEET

From: Emy Circuit **Date:** 01 December 2000

Application Number: TL/2000/2873

Proposal: Proposed erection of 8 metre high telecommuncation telegraph pole with 3 directional antennae and equipment cabinent.

Parish: WINNERSH PARISH

Site Address:
Outside 2, King Street Lane, Winnersh, Wokingham.

Applicant:
Orange P C S Ltd C/O Patrick Farfan Associates Ltd.

Your observations are required in respect of this application within **7 days** of the above date.

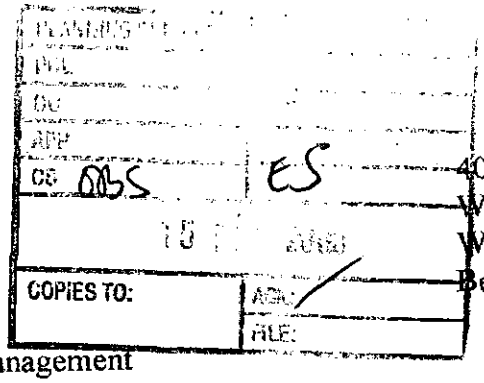
✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below;**
3) ☑ Recommend approval with **no** condition(s) or reason(s).

Signed: _____ **Print name:** Adam Coggins

6/12/00

BY HAND 14.12.2000.



404 Reading Road,
Winnersh,
Wokingham,
Berks RG41 5EP

Mr John Mitchell
Development Control Management
Environmental Services Department
Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
RG40 1WR

12 December 2000

Dear Mr Mitchell

Re: Planning application no TL/2000/2873 - Orange telegraph pole at 2 King Street Lane Winnersh

We are writing to formally object to plans to erect an 8 metre high telecommunication telegraph pole with 3 directional antennae and equipment cabinet right in the centre of Winnersh Village. Of all possible sites, it appears that Orange have chosen to site their mast in the middle of Winnersh's busiest and most populated area.

We are very concerned at the implications of this, not only for the nearby residents but for the community as a whole. There are at least several good reasons why these plans should not be accepted:

- First and foremost, the mast would cause a great deal of *stress* for many villagers. This would be a consequence of the next 2 factors, 'visual distraction', and possible dangers to health. This stress would be ongoing and continuous to the local residents.
- As the mast would be in such a prominent position, it would certainly become an 'Eyesore'. The centre of Winnersh does not need another 'blot' on its horizon.
- The jury may still be out on the extent of *direct* affects on health by mobile phone transmitters, but there is almost universal agreement that there is likely to be at least some negative affect. Just not knowing what the affects could be would in itself cause distress and anxiety, possibly resulting in health problems.
- There is a possibility of interference from the mast on TV and radio reception to local houses - of which there are many

There would have to be the need for a risk assessment. Not only on the possible health risks mentioned above, but also with regards to locating the mast so close to a petrol station. It is a well-known fact that, mobile phones should never be used on garage forecourts due to the possibility of high-energy waves igniting the petrol vapour.

Around the country there are thousands of properties blighted in the past by being near or underneath high-voltage electricity lines. Let us not make the same mistake again with communications masts.

We are not arguing that we do not need these masts. Mobile phones are rapidly becoming an 'essential' item of everyday life. What we are arguing for is that they are sited in *suitable* locations - *not* right in the middle of densely populated residential areas.

Yours sincerely,

Mr. & Mrs. P. H. Dominy

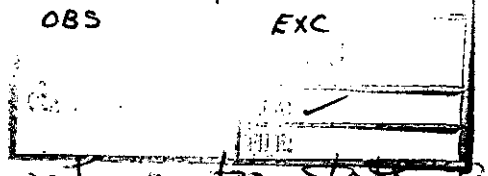
App No. 9L/2000/2873.
EMY CIRCUIT

381, Reading Road
Winnersh
14/12/00.

Mr J. Mitchell
Development Control Manager.

RG41 SLT

OBS EXC



Dear Sir,

We are writing to state our objection to the erection of the 8m high telecommunication pole in King Street Lane. for the following reasons:-

1, It will look unsightly. With the development of Sainsbury's we have had to put up with pedestrian traffic lights and extra telegraph poles outside our home. Why should we have any more poles erected in the local vicinity?

3, The location is inappropriate. The crossroads are extremely busy - anything to impair visibility and cause any further congestion is inappropriate.

3, We are concerned about the possible long term detrimental effect of such a pole on the health of local residents.

A reply to this objection is requested.

Yours faithfully.

MRS JANE E ROBINSON

MR SIMON ROBINSON.

HERITAGE PLANNING

TOWN PLANNING AND DEVELOPMENT CONSULTANCY

Heritage House, Old Coach Road, Colchester, Essex CO1 2TH
Tel: 01206 792444 • 792445 • 792448 • Fax: 01206 860116
E-mail: heritage.planning@aspects.net

Direct Dial to David Lewis: 01206 792448

The Planning Inspectorate
Customer Support Section
Tmple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

DG

29 June 2001

My ref: BRK 7036

Dear Sir/Madam,

Proposed 8m Telecommunications Pole and Equipment Cabinet, Outside 2 King Street Lane, Winnersh for Orange PCS Ltd

Please find enclosed the following items in submission of an appeal for the above site.

1) Appeal Form duly completed.
2) The application submitted to the LPA.
3) Ownership Certificate.
4) Decision Notice dated 8 January 2001, refusing prior approval.
5) Relevant correspondence.

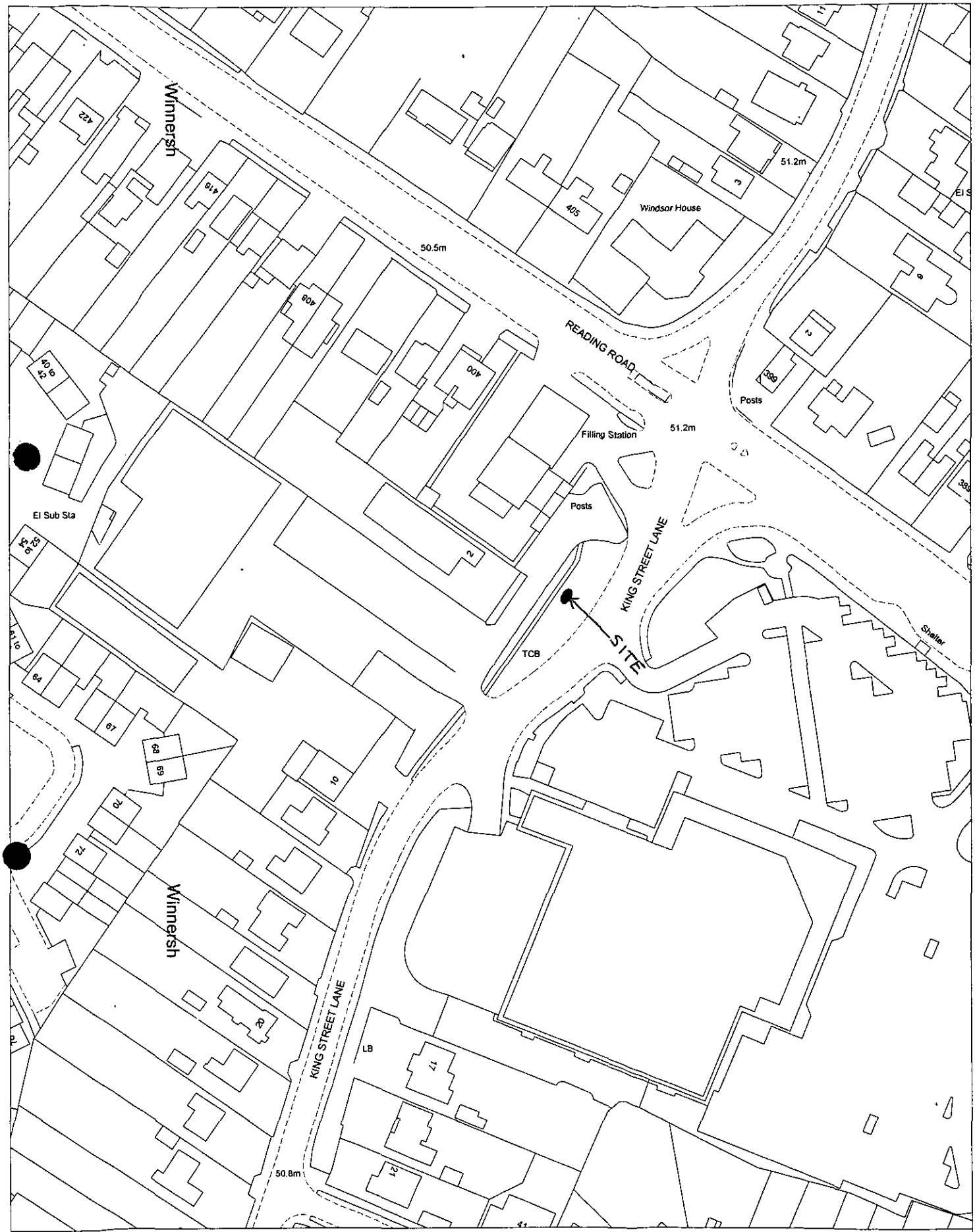
I confirm that a copy of this letter and appeal form has today been sent directly to Wokingham District Council and trust that you will acknowledge safe receipt of this appeal in due course. Please note that three other similar appeals in Wokingham are being lodged concurrently.

Yours faithfully

D. G. Lewis, Dip.E.P., Dip.T.P., M.R.T.P.I.

Encs:

cc: M L Thorp, Principal Development Control Officer, Wokingham District Council
Planning Services, PO Box 157, Shute End, Wokingham, Berks RG40 1WR



Site Plan, Scale: 1 to 1250

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Date: 12 July 2001

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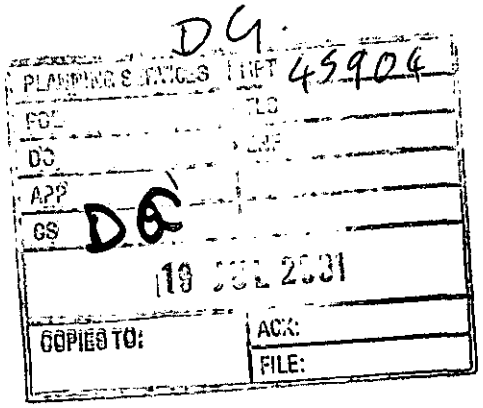
Magnet

Our ref: PG/rjm/jul/007d

Your ref: TL/2000/2873

16th July 2001



Ms D Gumbrell
Environmental Services Department
Planning Services
Wokingham District Council
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Ms Gumbrell

Re: Planning Application for Erection of Orange Telecommunication Pole and Associated Equipment

I refer to your letter dated 11th July 2001 in respect of the above.

Magnet has a policy in that they do not allow erection of masts on land in close proximity of its employees. As a matter of policy I must therefore object to the erection of the mast on Health & Safety grounds.

Yours sincerely

Paul Gibson
Senior Management Surveyor

Magnet Limited
Group Property Department
Royd Ings Avenue
Keighley
West Yorkshire
BD21 4BY

Telephone 01535 661133
Facsimile 01535 610343

Registered & Head Office Magnet Limited, Royd Ings Avenue, Keighley, West Yorkshire BD21 4BY. Registered in England No. 2762625

Appeal reference:	APP/X/03660/A/1068472
LPA reference:	TL/2000/2873
Appeal site:	Outside 2 King Street Lane, Winnersh
Appellant:	Orange P C S Ltd

The Local Planning Authority does not wish to propose any conditions



Wokingham District Local Plan
Deposit Draft
With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

UTILITIES INFRASTRUCTURE

11.28 Public utility services include infrastructure works for electricity, gas, water supply, sewerage and telecommunications services. All these services are provided by private sector companies and the Council has a limited control over their activities. Development for operational needs will generally be supported. The local planning authority has also liaised with services providers in respect of the plan's policies that could help service provision.

POLICY WIC13: PUBLIC UTILITIES

PROPOSALS FOR DEVELOPMENT REQUIRED FOR THE OPERATIONAL NEEDS OF PUBLIC UTILITIES WILL BE SUPPORTED SUBJECT TO THEIR ACCEPTABILITY ON ENVIRONMENTAL AND AMENITY GROUNDS IN ACCORDANCE WITH OTHER RELEVANT POLICIES AND PROVISIONS OF THE PLAN. IN CONSIDERING PROPOSALS THE COUNCIL WILL TAKE INTO ACCOUNT EXISTING LEVELS OF INFRASTRUCTURE, TECHNICAL AND OPERATIONAL REQUIREMENTS *AND* **(PA 11/9)** THE OPPORTUNITIES FOR SHARING FACILITIES ~~AND APPROPRIATE PHASING OF DEVELOPMENT~~. **(PA 11/9)**

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Telecommunications

11.29 PPG 8 *Telecommunications* states that local planning authorities should respond positively to telecommunications development proposals. However where possible existing masts and equipment should be used in order to avoid impact on amenities.

11.30 Telecommunications are being promoted as being important and therefore interference as a result of development must be minimised. Large structures can result in physical obstruction, or reflection, of above ground signals and therefore interference to existing networks can be a material consideration in determining a planning application.

11.31 On major new developments developers will be encouraged to allow for the future telecommunications needs of occupants and make provision for necessary equipment. Communal provision will be expected on larger developments to reduce the proliferation of aerials. In addition operators will be encouraged to remove telecommunications structures that have become redundant.

POLICY WIC14: ASSESSMENT OF PROPOSALS FOR TELECOMMUNICATIONS DEVELOPMENT

PLANNING PERMISSION WILL BE GRANTED FOR TELECOMMUNICATIONS DEVELOPMENT PROVIDED THAT IT IS IN ACCORDANCE WITH POLICY TC1 OF THE BERKSHIRE STRUCTURE PLAN 1991 – 2006. ~~IN ADDITION THE COUNCIL WILL CONSIDER 'PRIOR NOTIFICATION' SUBMISSIONS IN ACCORDANCE WITH POLICY WOS3~~ **(PA 11/10)** AND OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN. THE COUNCIL WILL ALSO SEEK TO SECURE THE REMOVAL OF ANY TELECOMMUNICATIONS APPARATUS THAT IS NO LONGER REQUIRED FOR ITS ORIGINAL PURPOSE.

BEFORE PERMISSION IS GRANTED, APPLICANTS WILL BE REQUIRED TO SHOW THAT NO ALTERNATIVE LESS VISUALLY INTRUSIVE SITE IS AVAILABLE OR TECHNICALLY FEASIBLE. CONDITIONS MAY BE IMPOSED TO REQUIRE PROVISION OF A SUITABLE SCREEN TO MITIGATE THE VISUAL IMPACT OF THE APPARATUS.

Cont.

THE COUNCIL WILL EXERCISE ITS OPTION TO REQUIRE PRIOR APPROVAL IN AREAS DESIGNATED IN THIS PLAN AS BEING ENVIRONMENTALLY SENSITIVE, WITHIN 200 METRES OF ANY BUILDING REGULARLY USED BY PEOPLE AND IN OPEN COUNTRYSIDE WHERE IT WOULD APPEAR ABOVE THE SKYLINE. **(PA 11/11)**

Implementation: Through the development control process.

Monitoring: Planning applications and prior notifications determined.

11.31A FOR THE PURPOSES OF POLICY WIC 14 THE AREAS WHICH ARE DESIGNATED AS BEING ENVIRONMENTALLY SENSITIVE ARE AREAS OF SPECIAL LANDSCAPE IMPORTANCE, THE THAMES VALLEY, SITES OF URBAN LANDSCAPE VALUE, LOCAL NATURE RESERVES, WILDLIFE HERITAGE SITES, THE GREEN BELT, CONSERVATION AREAS, AREAS OF SPECIAL CHARACTER, HISTORIC PARKS AND GARDENS, LISTED BUILDINGS, ARCHAEOLOGICAL SITES, ANCIENT MONUMENTS, GREENWAYS, GREEN ROUTES AND AREAS WHICH FORM THE SETTING OF THESE AREAS. **(PA 11/12)**

Recycling

11.32 Recycling and Sustainable Development are important issues and the Government recognises that the planning system has a role to play in weighing the interests of economic development and environmental protection. The Council has a recycling plan (approved by the Department of the Environment in 1992). It aims to achieve a 25% recycling target of all household waste generated in this District by the year 2000. The County Council adopted a *Waste Management Plan for Berkshire* in 1995. Its strategy is based on waste minimisation, re-use and recycling, and the treatment of waste to produce useful products. In addition to this the County Council has produced a *Waste Local Plan*, which is a land use plan setting out policies and proposals for new waste facilities that seek to ensure minimal harm to the environment and the public. The Berkshire Structure Plan 1991 - 2006 contains a policy that seeks provision of recycling facilities on site or a contribution to them elsewhere as is appropriate to the development proposed. Development proposals will be expected to take account of recycling policies contained within the Berkshire Structure Plan 1991 - 2006 and the Waste Local Plan.

WATER AND SEWERAGE

Water Quality

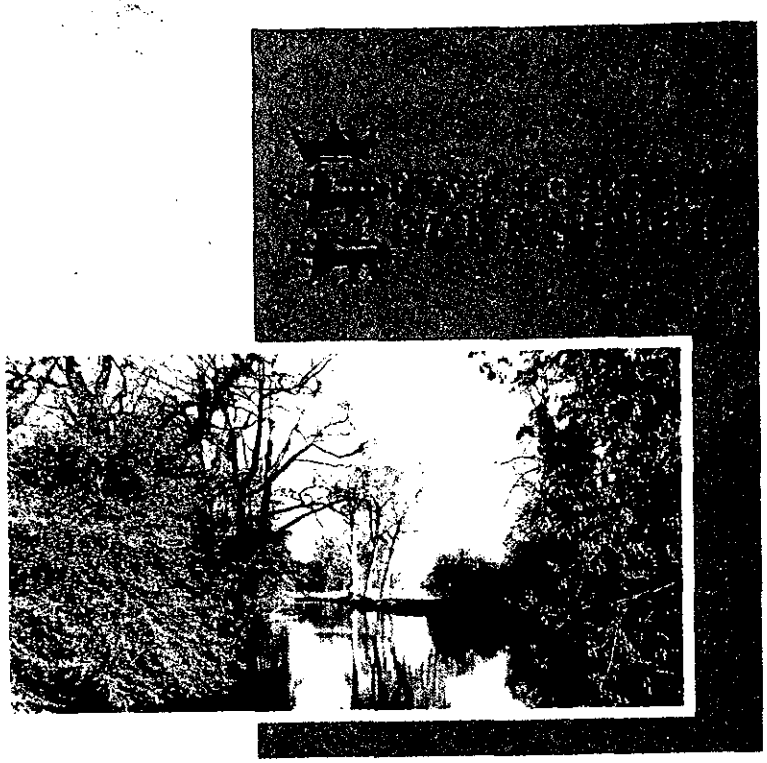
11.33 The quality of water is an increasingly important area of concern. Deteriorating water quality can affect the supply of water for domestic, industrial and agricultural uses and general amenity. The Council should therefore restrict development that would threaten surface and ground water quality. The Environment Agency has published ground water vulnerability maps, which identify areas requiring protection from potentially polluting activities.

POLICY WIC15: SURFACE AND GROUND WATER PROTECTION

THE COUNCIL WILL (FOLLOWING CONSULTATION WITH THE ENVIRONMENT AGENCY) RESIST DEVELOPMENT THAT COULD ADVERSELY AFFECT THE QUALITY OF SURFACE AND GROUND WATER AS A RESULT OF THE NATURE OF SURFACE OR WASTE WATER DISCHARGE, OR GIVE RISE TO POLLUTION PROBLEMS AS A RESULT OF DISTURBANCE TO CONTAMINATED LAND.

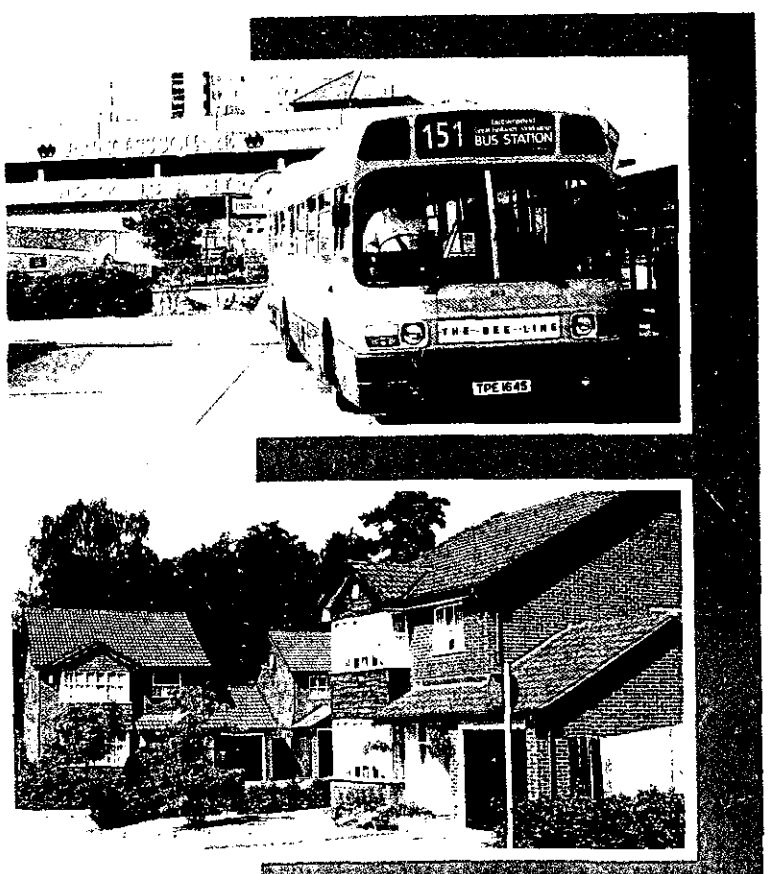
Implementation: Through development control process and in consultation with the Environment Agency.

Monitoring: Planning applications determined.



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997



Babtie
Public Services Division

11 TELECOMMUNICATIONS AND RENEWABLE ENERGY

11.1 This chapter deals with two subject areas, telecommunications and renewable energy, which are covered in Government guidance contained in Planning Policy Guidance Notes 8 'Telecommunications' and 22 'Renewable Energy'.

11.2 PPG8 sets out the benefits of telecommunications and advises that the Government's general policy is 'to facilitate the growth of new and existing systems' while maintaining commitment to environmental objectives. It provides guidance on the form and particular requirements of telecommunications development, and Policy TC1 below takes account of the growth and characteristics of modern telecommunications.

11.3 The benefits of providing energy from renewable sources are emphasised in Government advice (PPG22). In Chapter 3 of this Plan, the importance of resource conservation is stressed, being a key element of a sustainable approach to development. Renewable energy sources play an important role in conserving non-renewable resources and reducing harm to the global environment.

Telecommunications Development

11.4 Telecommunications developments include radio relay stations, base stations, antennas and masts. The technology continues to develop, and can generate environmental benefits; for instance, they can help to reduce the need to travel, both in terms of journeys to work and the transfer of information. However, telecommunications equipment can itself be environmentally intrusive, especially if it is poorly sited.

11.5 A balance will be sought between the growth of telecommunications developments and their impact on the environment. The aim is to respond positively to telecommunications development proposals, in line with government guidance, whilst taking account of technical considerations, other policies designed to preserve and enhance the environment, and the environmental benefits that may accrue.

Assessment of Proposals for Telecommunications Development

Policy TC1 **Planning permission will normally be granted for telecommunication development. Where there is potential conflict with environmental objectives telecommunications development will be allowed provided:**

i) it is sited and designed so as not to result in significant adverse visual impact, subject to operational and technical requirements;

ii) there are no satisfactory alternative sites for telecommunications available;

iii) there is no reasonable possibility of sharing existing facilities; and

iv) in the case of radio antenna and masts there is no reasonable possibility of erecting antennae on an existing building or other structure.

11.6 In considering the acceptability of a proposal in relation to these criteria, the following factors will be relevant:

- the need to protect the best and most sensitive environments, in particular within the North Wessex Downs AONB and Areas of Special Landscape Importance;
- the significance of the proposed development as part of a national network, and the implications for subsequent network development;
- the need to minimise visual impact.

Renewable Energy

11.7 Renewable energy refers to those "energy flows that occur naturally and repeatedly in the environment - from the sun, wind and oceans, and from plants and the fall of water. It also refers to energy available in wastes and from within the earth itself" (ETSU[1]). Renewable energy can be derived from schemes involving : wind power; landfill gas; hydro-electric power; energy from crops and forestry; solar; and waste combustion.

11.8 There are many advantages to using these renewable energy sources, since for the most part the energy generated causes no harmful gaseous emissions. In addition, using renewable energy can assist in reducing the demand for fossil fuels such as coal, gas and oil, and thereby reduce the potential for pollution. For example, passive solar gain in residential developments can, through good design and layout, reduce conventional fuel demand by 12%.

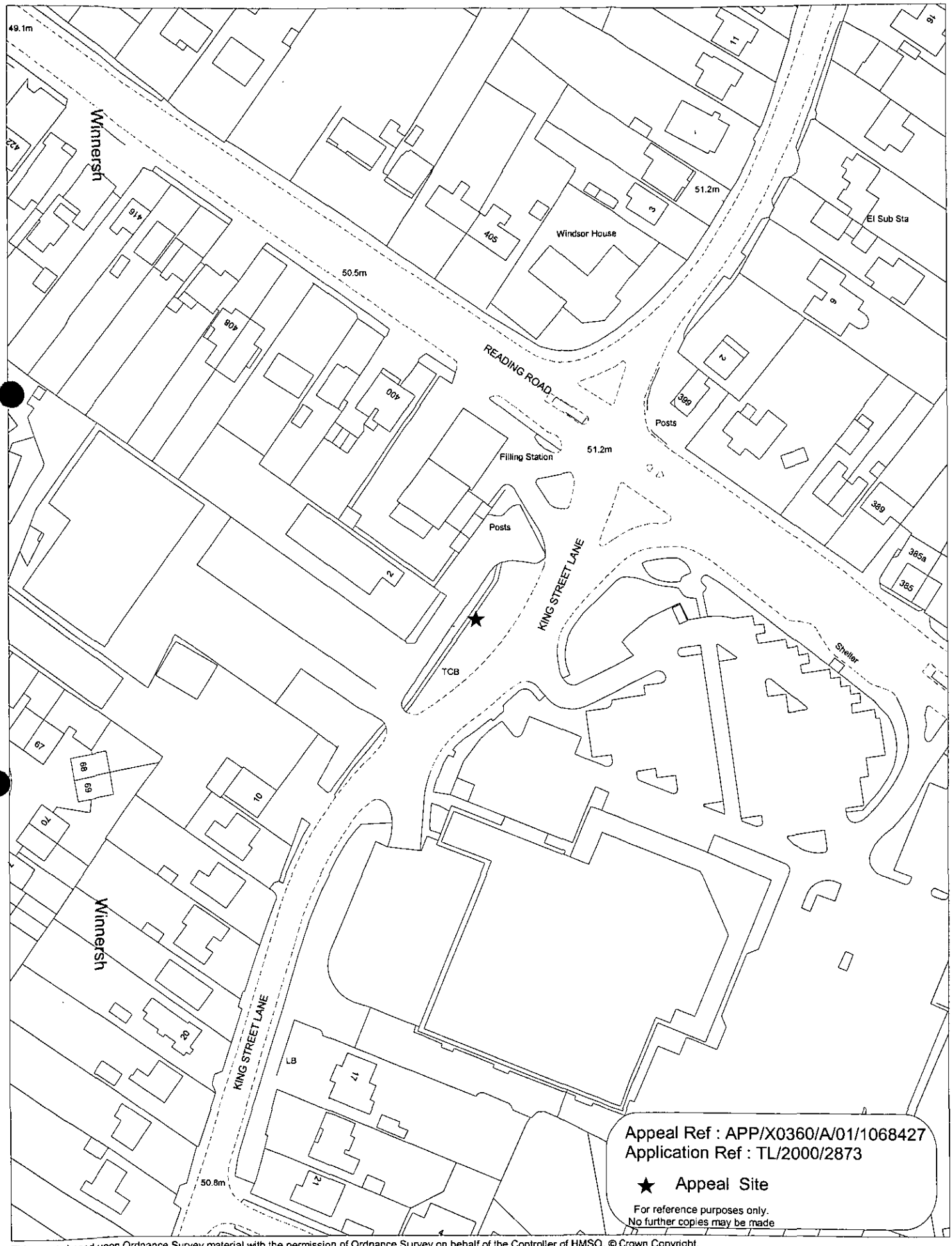
11.9 For these reasons renewable energy is being given increasingly serious consideration as an alternative energy source, with Government policy encouraging such schemes, providing they are economically attractive and environmentally acceptable. This encouragement includes the Non-Fossil Fuel Obligation (NFFO) introduced by the 1989 Electricity Act. The NFFO requires regional electricity companies to purchase a proportion of their electricity from non-fossil fuel sources.

11.10 Given the environmental constraints in Berkshire, the opportunities for developing some renewable energy schemes may well be limited. For example, the physical development associated with renewable energy schemes such as wind farms and waste to energy processes have a potentially serious environmental impact. Therefore a balance has to be achieved between the benefits of harnessing renewable energy and the impact on the Berkshire environment.

---

1 *ETSU manage the Government's new and renewable energy programme on behalf of the Department of Trade and Industry*

APPENDIX 1 -
Location plan at 1:1250.



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Development Control Section, Environmental Services, Wokingham District Council.

Scale: 1 : 1250

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W E
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APPENDIX 2 –
Extract from the Berkshire Structure Plan.

11 TELECOMMUNICATIONS AND RENEWABLE ENERGY

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11.3 The benefits of providing energy from renewable sources are emphasised in Government advice (PPG22). In Chapter 3 of this Plan, the importance of resource conservation is stressed, being a key element of a sustainable approach to development. Renewable energy sources play an important role in conserving non-renewable resources and reducing harm to the global environment.

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Assessment of Proposals for Telecommunications Development

Policy TC1 **Planning permission will normally be granted for telecommunication development. Where there is potential conflict with environmental objectives telecommunications development will be allowed provided:**

i) **it is sited and designed so as not to result in significant adverse visual impact, subject to operational and technical requirements;**

ii) **there are no satisfactory alternative sites for telecommunications available;**

iii) **there is no reasonable possibility of sharing existing facilities; and**

iv) **in the case of radio antenna and masts there is no reasonable possibility of erecting antennae on an existing building or other structure.**

11.6 In considering the acceptability of a proposal in relation to these criteria, the following factors will be relevant:

- the need to protect the best and most sensitive environments, in particular within the North Wessex Downs AONB and Areas of Special Landscape Importance;
- the significance of the proposed development as part of a national network, and the implications for subsequent network development;
- the need to minimise visual impact.

Renewable Energy

11.7 Renewable energy refers to those "energy flows that occur naturally and repeatedly in the environment - from the sun, wind and oceans, and from plants and the fall of water. It also refers to energy available in wastes and from within the earth itself" (ETSU[1]). Renewable energy can be derived from schemes involving : wind power; landfill gas; hydro-electric power; energy from crops and forestry; solar; and waste combustion.

11.8 There are many advantages to using these renewable energy sources, since for the most part the energy generated causes no harmful gaseous emissions. In addition, using renewable energy can assist in reducing the demand for fossil fuels such as coal, gas and oil, and thereby reduce the potential for pollution. For example, passive solar gain in residential developments can, through good design and layout, reduce conventional fuel demand by 12%.

11.9 For these reasons renewable energy is being given increasingly serious consideration as an alternative energy source, with Government policy encouraging such schemes, providing they are economically attractive and environmentally acceptable. This encouragement includes the Non-Fossil Fuel Obligation (NFFO) introduced by the 1989 Electricity Act. The NFFO requires regional electricity companies to purchase a proportion of their electricity from non-fossil fuel sources.

11.10 Given the environmental constraints in Berkshire, the opportunities for developing some renewable energy schemes may well be limited. For example, the physical development associated with renewable energy schemes such as wind farms and waste to energy processes have a potentially serious environmental impact. Therefore a balance has to be achieved between the benefits of harnessing renewable energy and the impact on the Berkshire environment.

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1 *ETSU manage the Government's new and renewable energy programme on behalf of the Department of Trade and Industry*

APPENDIX 3 –
Extract from the Wokingham District Local Plan (Deposit Draft).

UTILITIES INFRASTRUCTURE

11.28 Public utility services include infrastructure works for electricity, gas, water supply, sewerage and telecommunications services. All these services are provided by private sector companies and the Council has a limited control over their activities. Development for operational needs will generally be supported. The local planning authority has also liaised with services providers in respect of the plan's policies that could help service provision.

POLICY WIC13: PUBLIC UTILITIES

PROPOSALS FOR DEVELOPMENT REQUIRED FOR THE OPERATIONAL NEEDS OF PUBLIC UTILITIES WILL BE SUPPORTED SUBJECT TO THEIR ACCEPTABILITY ON ENVIRONMENTAL AND AMENITY GROUNDS IN ACCORDANCE WITH OTHER RELEVANT POLICIES AND PROVISIONS OF THE PLAN. IN CONSIDERING PROPOSALS THE COUNCIL WILL TAKE INTO ACCOUNT EXISTING LEVELS OF INFRASTRUCTURE, TECHNICAL AND OPERATIONAL REQUIREMENTS *AND* **(PA 11/9)** THE OPPORTUNITIES FOR SHARING FACILITIES ~~AND APPROPRIATE PHASING OF DEVELOPMENT~~. **(PA 11/9)**

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Telecommunications

11.29 PPG 8 *Telecommunications* states that local planning authorities should respond positively to telecommunications development proposals. However where possible existing masts and equipment should be used in order to avoid impact on amenities.

11.30 Telecommunications are being promoted as being important and therefore interference as a result of development must be minimised. Large structures can result in physical obstruction, or reflection, of above ground signals and therefore interference to existing networks can be a material consideration in determining a planning application.

11.31 On major new developments developers will be encouraged to allow for the future telecommunications needs of occupants and make provision for necessary equipment. Communal provision will be expected on larger developments to reduce the proliferation of aerials. In addition operators will be encouraged to remove telecommunications structures that have become redundant.

POLICY WIC14: ASSESSMENT OF PROPOSALS FOR TELECOMMUNICATIONS DEVELOPMENT

PLANNING PERMISSION WILL BE GRANTED FOR TELECOMMUNICATIONS DEVELOPMENT PROVIDED THAT IT IS IN ACCORDANCE WITH POLICY TC1 OF THE BERKSHIRE STRUCTURE PLAN 1991 – 2006. ~~IN ADDITION THE COUNCIL WILL CONSIDER 'PRIOR NOTIFICATION' SUBMISSIONS IN ACCORDANCE WITH POLICY WOS3~~ **(PA 11/10)** AND OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN. THE COUNCIL WILL ALSO SEEK TO SECURE THE REMOVAL OF ANY TELECOMMUNICATIONS APPARATUS THAT IS NO LONGER REQUIRED FOR ITS ORIGINAL PURPOSE.

BEFORE PERMISSION IS GRANTED, APPLICANTS WILL BE REQUIRED TO SHOW THAT NO ALTERNATIVE LESS VISUALLY INTRUSIVE SITE IS AVAILABLE OR TECHNICALLY FEASIBLE. CONDITIONS MAY BE IMPOSED TO REQUIRE PROVISION OF A SUITABLE SCREEN TO MITIGATE THE VISUAL IMPACT OF THE APPARATUS.

Cont.

THE COUNCIL WILL EXERCISE ITS OPTION TO REQUIRE PRIOR APPROVAL IN AREAS DESIGNATED IN THIS PLAN AS BEING ENVIRONMENTALLY SENSITIVE, WITHIN 200 METRES OF ANY BUILDING REGULARLY USED BY PEOPLE AND IN OPEN COUNTRYSIDE WHERE IT WOULD APPEAR ABOVE THE SKYLINE. **(PA 11/11)**

Implementation: Through the development control process.

Monitoring: Planning applications and prior notifications determined.

11.31A FOR THE PURPOSES OF POLICY WIC 14 THE AREAS WHICH ARE DESIGNATED AS BEING ENVIRONMENTALLY SENSITIVE ARE AREAS OF SPECIAL LANDSCAPE IMPORTANCE, THE THAMES VALLEY, SITES OF URBAN LANDSCAPE VALUE, LOCAL NATURE RESERVES, WILDLIFE HERITAGE SITES, THE GREEN BELT, CONSERVATION AREAS, AREAS OF SPECIAL CHARACTER, HISTORIC PARKS AND GARDENS, LISTED BUILDINGS, ARCHAEOLOGICAL SITES, ANCIENT MONUMENTS, GREENWAYS, GREEN ROUTES AND AREAS WHICH FORM THE SETTING OF THESE AREAS. **(PA 11/12)**

Recycling

11.32 Recycling and Sustainable Development are important issues and the Government recognises that the planning system has a role to play in weighing the interests of economic development and environmental protection. The Council has a recycling plan (approved by the Department of the Environment in 1992). It aims to achieve a 25% recycling target of all household waste generated in this District by the year 2000. The County Council adopted a *Waste Management Plan for Berkshire* in 1995. Its strategy is based on waste minimisation, re-use and recycling, and the treatment of waste to produce useful products. In addition to this the County Council has produced a *Waste Local Plan*, which is a land use plan setting out policies and proposals for new waste facilities that seek to ensure minimal harm to the environment and the public. The Berkshire Structure Plan 1991 - 2006 contains a policy that seeks provision of recycling facilities on site or a contribution to them elsewhere as is appropriate to the development proposed. Development proposals will be expected to take account of recycling policies contained within the Berkshire Structure Plan 1991 - 2006 and the Waste Local Plan.

WATER AND SEWERAGE

Water Quality

11.33 The quality of water is an increasingly important area of concern. Deteriorating water quality can affect the supply of water for domestic, industrial and agricultural uses and general amenity. The Council should therefore restrict development that would threaten surface and ground water quality. The Environment Agency has published ground water vulnerability maps, which identify areas requiring protection from potentially polluting activities.

POLICY WIC15: SURFACE AND GROUND WATER PROTECTION

THE COUNCIL WILL (FOLLOWING CONSULTATION WITH THE ENVIRONMENT AGENCY) RESIST DEVELOPMENT THAT COULD ADVERSELY AFFECT THE QUALITY OF SURFACE AND GROUND WATER AS A RESULT OF THE NATURE OF SURFACE OR WASTE WATER DISCHARGE, OR GIVE RISE TO POLLUTION PROBLEMS AS A RESULT OF DISTURBANCE TO CONTAMINATED LAND.

Implementation: Through development control process and in consultation with the Environment Agency.

Monitoring: Planning applications determined.

HERITAGE PLANNING

TOWN PLANNING AND DEVELOPMENT CONSULTANCY

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TOWN & COUNTRY PLANNING ACT 1990 (SECTION 78)

-ooOoo-

Appeal Against the Decision of the Wokingham District Council to Refuse Prior Approval for the Installation of Telecommunication Equipment Comprising a free-standing 8m High Telecommunications Column and An ry Equipment Cabinet

at

Verge adjacent to 2 Kin reet Lane, Winnersh, Wokingham

for

ange PCS Ltd.

-ooOoo-

STATEM OF CASE FOR THE APPELLANTS

Planning Inspectorate Ref: **APP/X0360/A/01/1068472**
Local Planning Authority Ref: **TL/2000/2873**
Orange Ref: BRK/7036

August 2001

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APPENDICES

1. INTRODUCTION

1.1 This appeal is submitted on behalf of Orange PCS Ltd. for a telecommunications facility following the refusal of Prior Approval Application No. TL/2000/2873 by Notice dated 8 January 2001 – Appendix 1.

2. DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

2.1 The appeal site is located on the west side of King Street Lane, the B3030, approximately 50m from the junction with Reading Road, the A329.

2.2 It is relatively central within the settlement of Winnersh, at a busy crossroads. Winnersh itself is encompassed by motorways, the M4 and A329 (M).

2.3 The highway and associated traffic management measures in the locality impact on the character of the area.

2.4 Around the junction on the south side, the main groups of buildings are set well back from the highway, such that it is the landscape features that provide the visual interest.

2.5 A new supermarket with landscaped car park is the major development to the south-east of the junction. A modern petrol filling station dominates the south-west corner.

2.6 The locality contains an array of street furniture with street lighting columns and telegraph poles (comparable in height to the pole proposed), a CCTV pole (13m high), various traffic and pedestrian control measures, telephone call boxes, litter bins and advertising signs.

2.7 Mature landscape is a feature in close proximity to the appeal site and this reduces the impact of street furniture in the immediate locality.

3. RELEVANT PLANNING HISTORY OF THE SITE

3.1 Application for a similar proposal was considered by the LPA following a submission made in February 2001.

3.2 The application reference TL/2000/0459 was refused for the following reason:

"The proposed telecommunications equipment would be unacceptably close to residential properties and places of employment."

3.3 A copy of the decision notice is included at Appendix 2. The notice made no reference to any policies that had been considered as part of the assessment, nor indicated the harm that would be caused as a consequence of its proximity to residential properties and places of employment.

3.4 Wokingham District Council wrote to the agents for the application on 7 November 2000, setting out the Council's telecommunications policy, (copy enclosed at Appendix 3). Notwithstanding policies of the Structure Plan and Local Plan, the consideration of proposals appears to have evolved to take account of Circular 04/99 and the Stewart Report, giving much greater consideration to local reaction.

3.5 The letter advocates that masts should be as unobtrusive as possible and located at least 60m away from residential properties or any other structures where there is a prolonged human presence.

3.6 This approach is seen by the LPA as arriving at the appropriate balance between the interests of mobile phone operators and the planning concerns of local residents and employees, but appears not to give weight to relevant policies.

4. BACKGROUND TO THE APPEAL

4.1 The proposed development is of a minor nature, permitted by virtue of Part 24 of the Town and Country Planning General Permitted Development Order, conditional to a submission to the Local Planning Authority for determination as to whether prior approval is required.

4.2 The application (copy enclosed at Appendix 4) proposed the erection of a free-standing pole, 8m in height, at the top of which is an acrylic shroud concealing three directional antennae which are shown to match the existing lamp posts within the street, i.e. light aircraft grey. The diameter of the pole at its base would be 0.219m, whereas the main part would be 0.14m and the shroud at the top, a diameter of 0.22m.

4.3 The height of the pole, at 8m was intended to be comparable to other street furniture so as to be readily assimilated into the street scene.

4.4 The application was submitted to Wokingham District Council with supporting information dated 29 November 2000. The application for Prior Approval was refused, by notice dated 8 January 2001 for the following reason:

"The proposed telecommunication equipment would be unacceptably close to residential properties and places of employment."

5. RELEVANT PLANNING POLICIES

5.1 In the context of this appeal it is necessary and relevant to consider planning policy at National and District levels.

National Policies

5.2 Government planning policies and guidance are set out in Circulars, Development Control Policy Notes and in Planning Policy Guidance Notes (PPG's) which draw together the advice previously contained in such documents.

PPG1 General Policy and Principles (Feb 1997)

5.3.1 The plan-led system has a key role to play in contributing to the Government's strategy for sustainable development by helping to provide for necessary development in locations which do not compromise the ability of future generations to meet their needs. In particular, Paragraph 40, states:-

> **"40. The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan, should not be allowed unless material considerations justify granting a planning permission.**
> **Those deciding such planning applications or appeal should always take into account whether the proposed development would cause demonstrable harm to interest of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations. The status of plans which are not yet adopted or approved is covered in paragraph 48."**

5.3.2 The appeal proposal is supported by relevant policies contained in the Local Plan.

5.4 PPG8 Telecommunications (Dec 1992)

5.4.1 PPG8 deals in detail with the development of telecommunications installations. The guidance in this PPG thus provides the reference point for the determination of this appeal. Many aspects of the PPG are relevant to this proposal and I highlight the specific extracts as follows, together with a comment on its applicability to the appeal.

5.3.3 **Para 1:**

> **"Modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy."**

The Orange system provides wire-free communications services using digital technology which provides greater security and gives much clearer calls, thus supporting the provision of modern telecommunications to this part of the District.

5.3.4 **Para 1 (continued)**

> **"New communications technology is now spreading rapidly to meet the growing demand for better communications at work and at home, in business and public services."**

Orange's marketing campaign aims to achieve national network coverage.

5.4.4 **Para 2:**

"Fast reliable and cost effective communications can attract business to an area and helps firms remain competitive, thus contributing to the achievement of other policy goals, including increased employment opportunities. This is particularly important in the development of the single European market and in the creation of an environment in which major national and international companies would want to expand. It is equally important for broadcasting and for small businesses, and for new methods of employment, such as home working. Good communications can enrich life at home and offer new choices in education and entertainment, in shopping and banking. Modern telecommunications can benefit the environment through reducing the need to travel and hence reducing vehicle emissions of carbon dioxide and other pollutants."

Orange provides cost effective communications. The system is also compatible with European systems and it is a derivative of the pan European digital standard (GSM), thus supporting the development of a single European market. Equally the appeal proposal is supportive of the new developments in telecommunications and the wider environmental benefits which arise.

5.4.5 **Para 3:**

"The aim of telecommunications policy is therefore to ensure that, in the future, people will have more choice as to who provides their telecommunication service and a wider range of services from which to choose."

Orange provides an alternative to operators such as BT and mobile phone systems such as Cellnet, Vodafone, and One 2 One.

5.4.6 **Para 4:**

"Investment in new technology and the maintenance and improvement of established networks can entail the physical development of land, and so have implications for both Development Plan and development control. The revised guidance takes account of the growth of the industry and technology, of the new social and economic demands for communications, and of the Government's environmental policies."

The appeal proposals have sought to balance the requirements of technology with environmental issues as supported by PPG8.

5.4.7 **Para 5:**

"The Government's general policy on telecommunications is to facilitate the growth of new and existing systems."

The Orange network is a new system, thus supporting this objective.

5.4.8 **Para 5 (continued):**

> **"Local Planning Authorities shall respond positively to telecommunication development proposals, especially where the proposed location is constrained by technical considerations...."**

5.4.9 **Para 5 (continued)**

> **"They should bear in mind the wider environmental benefits – for example if driver information systems ensure better use of existing road infrastructure, or if the application of telecommunications technology reduces the need to travel – that may in particular cases outweigh such direct adverse effects as the visual impact of new masts on the area."**

The Orange system is digital, is highly flexible and the cell broadcast facility will allow the localised broadcast of text messages to all phones within the service area. From this benefits are derived in the form of driver information systems.

5.4.10 **Para 6:**

> **"Authorities should not question the need for the service which a proposed development is to provide, nor seek to prevent competition between different operators."**

5.4.11 **Para 7:**

> **"In the last few years there have been many changes in the telecommunications industry. The Government has opened up the public telecommunications market to wider competition by granting licences to operators under the Telecommunications Act 1984. This Act gives some operators special rights and obligations.... These operators are known as code systems operators."**

Orange is one of the more recent competitors in the telecommunications industry and was granted a licence in July 1991. One of the obligations of this licence is to provide coverage to 90% of the population. Whilst this has now been achieved, Orange are actively seeking to improve and extend the quality and extent of coverage within the Network as well as cope with increasing levels of demand requiring increased capacity.

5.4.12 **Para 8 (iii) Personal Communications Networks (PCN)**

> **"They reflect the latest developments of personal mobile telecommunications, offering users two-way radio communications from small, light handsets. They are expected to be used more extensively by domestic customers than the current generation of mobile telephones."**

Orange provides a high standard of voice telephony and benefits from digital technology. Flexibility and control is also offered over how a subscriber chooses to communicate. Orange is designed to be more accessible to the public, rather than

primarily business users, which has characterised previous systems, although its network offers considerable advantages to both.

5.4.13 **Para 8 (iii) (continued):**

> **"Like the cellular systems, the PCN systems are based on a network of linked base stations, but operating at higher frequencies and with digital technology. The antenna and equipment housing required to support the network are similar in number and characteristics to cellular systems, but a number of fixed radio links to distribute telecommunications throughout the network are also required. The pole antennae are approximately 1 metre in length, some with reflectors attached, and usually number 3 to 6 per site. Associated equipment housing is usually between 4 and 35 cubic metres in volume.**

5.4.14 **Para 12:**

> **"While the broadcasters cannot guarantee good reception for everyone, they are required by their licence conditions to provide a high quality of service; they must ensure and maintain a satisfactory signal across each area for reception on recommended equipment."**

Engineering tests have shown that the proposed development will provide good quality coverage to the local area, and Orange are justified in their stance that quality of service should not be compromised.

5.4.15 **Para 13:**

> **"Development Plans provide a framework for the development and use of land within an area."**

Paragraphs 13, 14, 15 and 16 of PPG8 then go on to state that Development Plan policies should take account of the Government's overall policy approach to planning for telecommunications development as set out in PPG8, the limitations imposed by the nature of the network and the technology, and the need to protect the best and most sensitive environments.

5.4.16 Paragraphs 17-24 explain the application of development control procedures including the extent of permitted development rights, prior approval notifications and Article 4 directions.

5.4.17 **Para 26:**

> **"Planning Authorities need to be alive to the special needs and technical problems of telecommunications development. Each application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the significance of the proposed development as part of a national network."**

5.4.18 **Para 29: Siting and Design**

> **"Siting and design concerns may centre particularly on the type of mast and its impact – particularly if located in a designated area, (especially a National Park, the Broads or the New Forest, an Area of Outstanding Natural Beauty, a conservation area or a Site of Special Scientific Interest). Its height, ancillary development, scope for landscaping and screening will also be important considerations. But many antennae have special siting needs because they have a limited range or require line-of-sight. Authorities should take full account of these needs."**

5.4.19 In summary, PPG8 is supportive of modern telecommunications and requires Local Authorities to be positive in their approach to proposals for installations. For the reasons outlined above, the appeal proposals comply fully with the guidance contained within PPG8.

Draft Revision of PPG8 Telecommunications

5.5 A revision to PPG8 was issued in July 2000 and is at present under consideration alongside the "Telecommunication Mast Development Consultation Paper" issued by the DETR on 3 August 2000.

District Policies

5.6 As already stated, the LPA did not refer to any policies within the reason for refusal, nor did they draw any local plan policies to the attention of the agents who submitted the applications. In returning the appeal questionnaire, however, extracts from the Local Plan and Structure Plan have been provided as follows:

Wokingham District Local Plan Deposit Draft February 2000

5.7 **Policy WIC13: Public Utilities**
Proposals for development required for the operational need of public utilities will be supported subject to their acceptability on environmental and amenity grounds in accordance with other relevant policies and provisions of the plan. In considering proposals the Council will take into account existing levels of infrastructure, technical and operational requirements *and* the opportunities for sharing facilities.

5.8 Much work carried out by statutory undertakers, including telecommunications code licence operators, is 'permitted development' not requiring an application to the LPA. This is acknowledged by the Council, who indicate their support for the operational requirements of public utility services. The works, the subject of this appeal, are however subject to the prior approval procedure, thereby enabling the LPA to have greater control than with other undertakers.

5.9 Notwithstanding the LPA's refusal of the application, it is asserted that the proposal does comply with the policy. The equipment, being suitably located and of a design that is sympathetic to its surroundings, is regarded to be acceptable on both environmental and amenity grounds.

5.10 **Policy WIC14: Assessment of Proposals for Telecommunications Development**
Planning permission will be granted for telecommunications development provided that it is in accordance with Policy TC1 of the Berkshire Structure Plan 1991–2006 and other relevant policies and provisions of this plan. The Council will also seek to secure the removal of any telecommunications apparatus that is no longer required for its original purpose.
Before permission is granted, applicants will be required to show that no alternative less visually intrusive site is available or technically feasible.
Conditions may be imposed to require provision of a suitable screen to mitigate the visual impact of the apparatus.
The Council will exercise its option to require prior approval in areas designated in this plan as being environmentally sensitive, within 200 metres of any building regularly used by people and in open countryside where it would appear above the skyline.

5.11 The preamble to the policy recognises the advice in PPG8 and the need for LPAs to respond positively. The applicants did provide a case that justified the proposed location and sought to minimise its impact by choosing a microcell of 8m in height, avoiding the use of a taller lattice tower with headframe.

5.12 The LPA have indicated in a letter to the agents responsible for submitting the application that they were satisfied with the appearance of the proposal and were concerned only with the siting (see Appendix 5).

5.13 The local plan policy refers to support being given where it is in accordance with Policy TC1 of the Berkshire Structure Plan of 1991-2006.

Assessment of Proposals for Telecommunications Development
Policy TC1
Planning permission will normally be granted for telecommunication development. Where there is potential conflict with environmental objectives telecommunications development will be allowed provided:

- **i) it is sited and designed so as not to result in significant adverse visual impact, subject to operational and technical requirements;**
- **ii) there are no satisfactory alternative sites for telecommunications available;**
- **iii) there is no reasonable possibility of sharing existing facilities; and**
- **iv) in the case of radio antenna and masts there is no reasonable possibility of erecting antennae on an existing building or other structure.**

5.14 It is considered that the proposal complies with the policy by being sited and designed so as not to have 'significant adverse visual impact'. Being a microcell, to cover a localised deficiency and having limited range, the area or search is thus limited. Mast sharing and tall building opportunities were not available locally and the use of a microcell designed for such a situation was seen as the most suitable option.

6. PLANNING ISSUES

6.1 In their refusal of prior approval, the LPA have issued a notice that is particularly obscure. It fails to identify which aspect of the proposal is unacceptable, what policies of the Council are seen as being in conflict and what harm would result if the proposal were to proceed.

6.2 Nevertheless, the appellants wish to respond by addressing the three main issues generally associated with telecommunications development.

1) Is there a need for the proposed development?

2) Can the proposed development be satisfactorily accommodated on the appeal site without causing 'demonstrable harm to interests of acknowledged importance'.

3) Are there any other relevant material planning considerations?

Issue 1 – Is There a Need for the Proposed Development?

Generally

6.3 The Company is a licensed telecommunications code systems operator under the Telecommunications Act 1984. The licence sets out the Company's principal duty to establish a Personal Communications Network, which is a public service.

6.4 The first part of that duty was to establish a network, which provides coverage over an area containing 90% of the UK population, by the end of 1999.

6.5 That level of coverage has been achieved. However, it should be noted that it was never set as a target or maximum threshold, but rather a minimum level of coverage to be provided. Thus, it is similar to the minimum levels of service that have to be provided by the railway operators under the licences granted them. The public, and indeed government, would see it as a failure of policy if the railway operators only achieved that minimum level of service, and the same applies with the licensed telecommunications networks.

6.6 In any event, the attainment of the minimum level of coverage in geographical terms does not in itself equate to the second and separate duty to provide a network which can meet the reasonable demands of the area. That obligation has implications more related to the quality of coverage and the capacity of the network.

6.7 This demand led aspect of the system is explained further in paragraph 8 (ii) of PPG8 – *Telecommunications*, and on page 14 of the Code of Best Practice – *Telecommunications Prior Approval Procedures.*

6.8 The network uses cellular technology which is operated by dividing the country into a series of overlapping cells, which vary in size depending on likely levels of usage and the topography of the area. To ensure proper mobile communications, the network must form an unbroken blanket over the country, otherwise subscribers will experience dropped calls and loss of service, which are the most frustrating problems associated with mobile phones.

6.9 Cells are operated by a base transceiver station, to which individual handsets are linked by radiowave transmissions. As the mobile subscriber moves from one cell to another, the calls are automatically transferred or 'handed over' to ensure continuous communication.

6.10 The facilities have to be located at high points to provide sufficient radio coverage, otherwise the coverage can be affected by intervening hills, trees, buildings or other structures, resulting in loss of the signal and dropped calls. It is the radio antennae which will provide the radio coverage to subscribers.

6.11 Having established a need, the Company undertake a survey to find a suitable location. Under the terms of its licence, the Company has to share existing facilities or use high buildings wherever possible. In any event, such an option is usually less costly and easier to bring forward than new facilities. For these reasons alone, this option is usually favoured by the Company when available.

6.12 It is usual for the site to be located towards the centre of the area needing coverage. Otherwise it may be necessary to bring forward additional facilities to provide the coverage required. There is, however, limited flexibility depending on the topography of the area and the more important parts requiring coverage. The Company's search was therefore subject to these constraints.

Technical Considerations

6.13 Orange mobile radio services operate in the UHF band at frequencies around 1800MHz. At these frequencies, at the low power emitted by handsets and base stations, radio signals do not travel particularly far. Typical distances are 2-4km in suburban areas. Microcells, designed to meet a localised deficiency, operate at a lower power than macro base stations with an effective range of 400-500m. This limits the area of search considerably. UHF systems also require an essential line-of-sight radio path and are subject to significant losses due to trees and buildings, both of which can dramatically reduce the strength of a signal. Further information on signal propagation can be found in *Telecommunications Prior Approval Procedures* – Code of Best Practice, pages 12-14.

6.14 In order to achieve the required 95% call success rate, i.e. the ability to set up and hold a two-minute call for 95% of the time, the measure against which Oftel assess the quality of service provided by individual operators, Orange requires the following signal strength levels to be available under open conditions:

For service to industrial or office buildings	>=-65dBm
For service to domestic buildings	>=-75dBm
For service within a car	>=-81dBm
For service within the open	>=-86dBm.

6.15 The fundamental threshold for reception is >=-104dBm, but allowance has to be made for the rapid fading which characterises UHF mobile communications, and a practical threshold is about –92dBm. In order to assess the extent of existing network coverage, Orange makes use of computer-generated coverage prediction Drive Trial Plots (Appendix 6).

6.16 The Coverage Drive Trial does not line up with the map on this plot due to inaccuracies from the GPS system. It does, however, illustrate the deficiency in this area and clearly shows there is an important 'gap' or 'hole' in the network between the surrounding cells.

6.17 On the Drive Trial Plot (Appendix 6) this 'gap' is shown by the roads shown coloured blue, whereas the required level of coverage is shown by the roads coloured yellow i.e. greater than –75dBm, the minimum level of signal coverage required by Orange in this locality.

6.18 This part of Winnersh is a known area of insufficient Orange mobile coverage due to the lack of installations in the immediate area resulting in poor levels of coverage. As a consequence users experience a poor service in this locality. Although the site is within one kilometre of an Orange Macrocell at Forest Secondary School, there is still a coverage deficiency caused by 'shadowing' due to buildings.

Alternative Sites

6.19 Orange starts the design process by using the computer modelling techniques to predict where new installations are required to improve coverage and increase network capacity referred to above.
These predictions are passed to property consultancies who are instructed to search the relevant area for suitable sites, existing masts or tall buildings.

6.20 In this particular instance the comprehensive search revealed that:-

1) There was no suitable/available high buildings for use.
2) There are no other existing masts suitable/available to provide coverage.
3) That permission would be unlikely to be forthcoming for an additional macrocell using a high lattice tower or column mast.
4) That a microcell with a range of around four to five hundred metres would provide the coverage required whilst safeguarding the character and appearance of this mixed use area.
5) Other sites in this vicinity that formed part of the highway were investigated but the appeal site was considered most suitable given the width of the verge, scale of existing street furniture, presence of trees to limit the impact, and meet technical requirements.

6.21 No other better sites that would meet technical requirements were identified by the Local Planning Authority as being suitable/available during the consideration of the application. The LPA did ask the applicant's agent to investigate sites away from residential properties or places of prolonged human presence, but this would take the microcell out of the range of the people it was intending to serve and demonstrated a lack of understanding of the technology proposed.

6.22 There is an urgent need for the proposed facility which has been designed to meet Orange's operational needs and, as shown above, engineering tests have established that the coverage required can be obtained from the equipment now proposed.

Issue 2 – Visual Impact

Can the proposed development be satisfactorily accommodated on the appeal site without causing "demonstrable harm to interests of acknowledged importance"?

6.23 Against the background of increasing demand for mobile communications and the requirements of a supporting network infrastructure, Orange is introducing a range of pioneering initiatives designed to ensure that their transmitter sites fit into whatever environment they are in and currently leads the industry in developing transmitter sites that blend with the environment.

Design and Siting

6.24 Orange's latest range of microcell sites have been specifically designed to operate within sensitive locations such as Conservation Areas, Areas of Special Character and residential areas, taking the form of existing street furniture, such as a lamp post, without the need for a free- standing lattice tower or column mast with its often unsightly or bulky headframe.

6.25 In this particular case, Orange have chosen to use a stand alone lamp post design having a base diameter of 219mm tapering upward to 140mm with three, 0.595m high antennae mounted vertically on top within an acrylic shroud, having an overall height of 10m. The lamp post and shroud are proposed to be colour-coated to blend with the existing lamp posts within the road and to minimise their limited visual impact in accordance with Local Plan Policies.

6.26 The proposed cabinet has a design virtually identical to that used by most of the public utility operators, which is proposed to be colour-coated and will therefore not appear out of character in the area.

6.27 A series of photographs taken of the site and surrounding area (see Appendix 7) illustrate the following points:

1) View looking south where microcell would be seen against a backdrop of trees.
2) View looking south-west, again the proposal would not be at all prominent.
3 & 4) View to the west showing existing street furniture and spacious verge. (Existing shrub and tree planting would not be affected.)
5) View to the north, where existing trees would limit views of proposal.
6) View to the north-east.
7) View to the south-east.
8) View south near PFS entrance/exit.
9) View south.

6.28 Also attached as Appendix 8 are photographs of similar lamp-post style columns and cabinets erected in urban or suburban areas, to show the unobtrusive nature of the proposed development in terms of its design, scale and overall form in the street scene.

16.a. What is the date you told those you notified about the appeal that we must receive any further comments by?	20.06.01	
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	9	
ii) the planning officer's report to committee	.	✓
iii) any relevant committee minute		✓
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / ~~NO~~	
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES please attach a copy of that notification.	YES / NO	
a. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.	YES / NO	

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: Alynell on behalf of WOKINGHAM DISTRICT Council

Date sent to us and the appellant 23/07/01 OUR Ref: TL/2000/2875

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The Planning Inspectorate

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QUESTIONNAIRE

To be used for all appeals made on or after August 2000

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/01/1068472 GRID REF: _____

APPEAL BY: ORANGE PCS LTD

SITE: OUTSIDE 2 KING ST LANE, WINNERSH.

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks of the 'starting date' given in our letter. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.

1. Do you agree to the written representations procedure?	YES / ~~NO~~
OR Do the you wish to be heard by an Inspector at: a. a local inquiry?	~~YES~~ / NO
or b. a hearing?	~~YES~~ / NO
2. a. If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	YES / ~~NO~~
b. From your knowledge of the issues, would our Inspector need to enter the site for any reason e.g. to view/measure any dimensions from within it? N/A	YES / NO
3. Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES / NO~~ / NA
5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO

6. Is the appeal site within an approved Green Belt or AONB? Please specify which	~~YES~~ / NO
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)	~~YES~~ / NO
8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	~~YES~~ / NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	~~YES~~ / NO
9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10. Does the appeal relate to an application for conservation area consent?	~~YES~~ / NO
11.a. Does the proposed development involve the demolition, alteration or extension of	~~YES~~ / NO
a Grade I / II* / II listed building?	Grade I/II*/II
b. *Would the proposed development affect the setting of a listed building?*	~~YES~~ / NO
If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)	
12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO
b. If YES, was English Heritage consulted ? Please attach a copy of any comments	YES / NO
14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	~~YES~~ / NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	~~YES~~ / NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:			
a Is the development in Schedule 1 or column one of Schedule2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales)	~~YES~~ / NO		
Regulations 1999? If YES, please indicate which Schedule.	Sch 1	Sch 2 col 1	
b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	~~YES~~ / NO		
c. Has a screening opinion been placed on Part 1of the planning register? If YES, please send a copy to us.	~~YES~~ / NO		
	Number of Documents Enclosed	N/A	
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;	1		
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓	
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas)Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓	
g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓	
h. Details of any other applications or matters you are currently considering relating to the same site;		✓	
i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*	2		
j. Any supplementary planning guidance, together with its status, that you consider necessary.		✓	
k. A list of any conditions or limitations you would agree to if the appeal were to be allowed;		✓	
* 3rd party comment following appeal notification l. Any other relevant information or correspondence you consider we should be aware of.	* 1		

6.29 I strongly conclude that there are no sound justifiable reasons for refusing planning permission for the proposed development based on siting, design and appearance grounds, especially as the proposed development will make no perceivable difference to the appearance or character of the area.

Issue 3 – Are there any other relevant material planning considerations?

6.30 **Radiowaves**

6.31 Concerns have been raised both locally and nationally regarding the perceived hazards of exposure to radiowaves. The Appellants are aware of their responsibility to the general public and its employees and constantly reviews the recommendation and guidance used within the UK and Europe in respect of radio emissions from base stations.

6.32 The National Radiological Protection Board (NRPB) in the UK and the European Committee for Electromechanical Standardisation (CENELEC) have proposed a reference exposure level below which established biological effects have not adverse consequences. The reference levels are specified in terms of environmental electric and magnetic field strengths and power density. At a distance of 2.5m from an antenna the intensity of radiowaves is below the safe exposure levels advised by the NRPB. Outside these limits the intensity of radiowaves decreases rapidly with increasing distances from the antenna.

6.33 Measurements of field strength in the vicinity of Orange base stations, especially microcell sites, indicate that in all areas accessible to the public, the intensity is significantly below the reference levels recommended by the NRPB. The region in the vicinity of the antenna is clearly identified and, where necessary, physical boundaries are erected to ensure that all recommendations of the NRPB are met by a large margin. Orange is meeting its licence obligations to the DTI and is using radio equipment that complies with the best current technical specifications. Their base stations are designed and installed so that in all accessible places, the level of exposure falls well within the guidelines and does not constitute a health hazard to the people living in the vicinity.

6.34 Advice on microwave safety is constantly under review including the recommendations contained in the Stewart Report "Mobile Phones and Health". These conclude that no justification exists to refuse permission on health and safety grounds.

6.35 **Compliance with ICNIRP (International Commission on Non-Ionising Radiation Protection**

6.36 Orange have welcomed the recommendation that base station sites should comply with the ICNIRP guidelines for public exposure and we believe this will increase public confidence in the safety of transmitter sites.

6.37 The Department of Environment, Transport and the Regions have issued guidance to the local authorities stating that if a new telecommunications site meets the ICNIRP guidelines then it is not necessary for a Planning Authority in processing an application to consider the health effects further (see letter from Nick Raynsford,

Planning Minister, at Appendix 9). This has been reaffirmed in a subsequent statement by the Minister in March 2001 (Appendix 10) and in the Government's response to the Tenth Report by the Trade and Industry Committee (Appendix 11).

6.38 Orange confirms that the development the subject of this appeal does comply with the ICNIRP guidelines, as illustrated in the calculations and diagrams at Appendix 12.

6.39 At a distance of 25m from the pole (the approximate position of the nearest commercial property) the output is 0.5446% of the ICNIRP standard, compliant by a factor of 184. At 100m this reduces to 0.034036%, a factor of 2938 compliant.

7. THIRD PARTY REPRESENTATIONS

7.1 A number of representations have been made to the proposal from local businesses and residents. In the main, objections relate to health issues, which have already been satisfactorily addressed in this statement.

7.2 Comment has been made in respect of a possible threat to oak trees in the locality. The works proposed would not pose a threat to these trees and the appellants would comply with the National Joint Utilities Group Guidance Note 10 and British Standard BS5837, '1991 Guide for Trees in Relation to Construction'. In close proximity to trees, excavation and trench work would be undertaken by hand in order to retain as much of the roots as possible. The location has, however, been chosen so as to be at a suitable distance to avoid threat to the trees.

7.3 Notwithstanding the objections it is considered that, once erected, the proposed pole and cabinet would be readily assimilated into the street scene and barely attract a second glance.

7.4 The proposal seeks to improve the local infrastructure for the benefit of residents, workers and visitors to the area. Regrettably, it is not possible to provide a mobile phone service without establishing base stations to handle calls.

8. CONCLUSIONS

8.1 The Company is a licensed telecommunications code systems operator under the Telecommunications Act 1984 and has a duty to establish a Personal Communications Network, which is a public service. The need for a microcell in this location has been established.

8.2 The proposals have been considered in the light of Central Government Guidance and Local Plan Structure Plan Policies and accord with such. The LPA have not demonstrated any conflict with policy or indicated the harm caused by allowing the proposal to proceed.

8.3 Environmental objectives have been balanced with the benefits that can be delivered by a modern telecommunication system and a sensitively designed solution put forward that can be readily assimilated within the street scene without harm to local amenity.

8.4 In conclusion, the site has been brought forward only after proper consideration of both environmental and operational criteria, in accordance with licence requirements and national and local policy. The site therefore strikes a proper balance between environmental and operational considerations.

8.5 The Inspector is therefore respectfully urged to support these proposals and to allow this appeal at the earliest possible date.

APPENDICES

Appendix 1	Decision Notice TL/2000/2873 dated 8 January 2001.
Appendix 2	Decision Notice TL/2000/0444459 dated 6 March 2000.
Appendix 3	Copy of letter from Wokingham District Council dated 7 November 2000.
Appendix 4	Copy of application for prior approval – TL/2000/2873.
Appendix 5	Copy of letter from Wokingham District Council dated 2 January 2001.
Appendix 6	Drive Trial Plot.
Appendix 7	Photographs of the appeal site.
Appendix 8	Photographs of similar microcells
Appendix 9	Letter from N. Raynsford to Local Authorities.
Appendix 10	DETR statement March 2001.
Appendix 11	Government's Response to the Tenth Report by the Trade and Industry Committee.
Appendix 12	Power output calculations demonstrating compliance with ICNIRP standards.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

REFUSAL OF PRIOR APPROVAL OF TELECOMMUNICATIONS NOTIFICATION

Paul Fitzgerald
Acquisition Consultant
Patrick Farfan
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ

Notification No: TL/2000/2873

Parish: Winnersh

Proposal: Erection of an 8 metre high telecommunication telegraph pole with 3 directional antennae and equipment cabinet

Location: Outside 2 King Street Lane

The Wokingham District Council in pursuance of their powers under Part 24 of the Town and Country (General Permitted Development) (Amendment) Order 1998 **REFUSES** prior approval for the above stated telecommunications equipment, the reasons for which are specified hereunder.

Reason: The proposed telecommunications equipment would be unacceptably close to residential properties and places of employment.

John Mitchell
Development Control Manager
Date: 8 ~~December~~ JANUARY 2001

Amended:

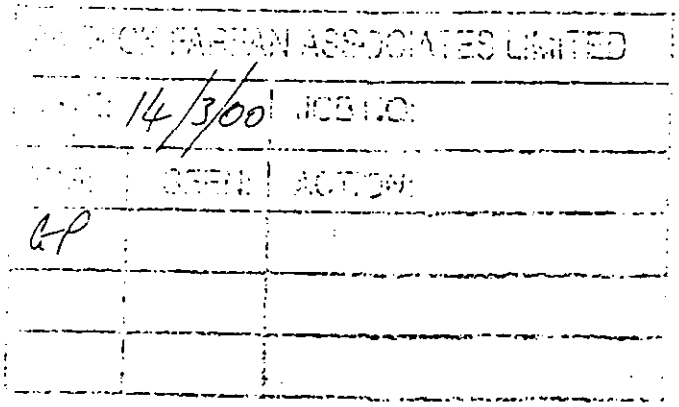
APPENDIX 2

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

REFUSAL OF PRIOR APPROVAL OF TELECOMMUNICATIONS NOTIFICATION

Gary Patterson
Patrick Farfan Associates Ltd
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ



Notification No: TL/2000/0459

Parish: Winnersh

Proposal: Proposed erection of 8 metre high telecommunications pole with three no. directional antennae and equipment cabin.

Location: Outside 2 King Street Lane, Winnersh, Wokingham.

The Wokingham District Council in pursuance of their powers under Part 24 of the Town and Country (General Permitted Development) (Amendment) Order 1998 **REFUSES** prior approval for the above stated telecommunications equipment, the reasons/conditions for which are specified hereunder.

Reason: The proposed telecommunications equipment would be unacceptably close to residential properties and places of employment.

Date: 06 March 2000

Head of Planning and Transportation

Tel. (0118) 974 6444 (Direct Line)
Fax. (0118) 974 6484
Email. Mike.Thorp@wokingham.gov.uk
Date 7 November 2000
My ref. Development Control/MLT/Telecommunications General
Your ref.

APPENDIX 3

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Switchboard Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham
http://www.wokingham.gov.uk

Mr Paul Fitzgerald
Patrick Farfan Associates Ltd 10/11/00
Unit C, Quay West
Salamander Quay
Harefield
Middlesex, UB9 6NZ. PF

Dear Mr Fitzgerald

TELECOMMUNICATIONS PLANNING POLICY

I refer to your e-mail of 14 September 2000, concerning the above, and apologise for the delay in replying.

This Council does not at present have any development control policies for telecommunications development specifying 'exclusion zones'. The main Development Policies relating to telecommunication development (in addition to more general planning policies which may also be relevant) are Berkshire Structure Plan Policy TC1 and Wokingham District Local Plan Policy WIC14.

The latest version of Policy WIC14 includes the following:

> ".....THE COUNCIL WILL EXERCISE ITS OPTION TO REQUIRE PRIOR APPROVAL IN AREAS DESIGNATED IN THIS PLAN AS BEING ENVIRONMENTALLY SENSITIVE, **WITHIN 200 METRES OF ANY BUILDING USED BY PEOPLE** AND IN OPEN COUNTRYSIDE WHERE IT WOULD APPEAR ABOVE THE SKYLINE." **(my bold)**

Therefore, the Development Plan Policies clearly indicate that telecommunications development within 200 metres of any building used by people will be subject to particular scrutiny.

Section 54A of the Town and Country Planning Act 1990 (as amended) states:

> "Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan **unless material considerations indicate otherwise.**" **(my bold)**

In July 1999, Circular 04/99 Planning for Telecommunications was issued. It post-dates the Berkshire Structure Plan, which by definition cannot have taken into account the circular. Amongst other matters, the following notable changes were introduced in the circular. Firstly, a 42-day prior approval procedure was introduced in respect of ground-based masts, including a requirement for the operator to erect a site notice to publicise the development proposed. The circular also states that Local Planning Authorities are strongly encouraged to undertake any additional publicity that they consider necessary to give people likely to be

affected by the proposed development an opportunity to make their views known to the authority.

Secondly, the circular now explicitly states (in paragraph 12) that the site of the telecommunication development in relation to residential property is, amongst others, a factor that may be considered in determining prior approval applications.

This Council **as landowner** will not normally allow mobile telephone masts on Council land or buildings within 60 metres of residential properties or any other structures where there is prolonged human presence. The definition of structures includes children's play areas, playgrounds, sports fields and buildings such as sports pavilions. This is **not** a development control policy, and on at least one occasion such development has been allowed at less than 60 metres after it had been clearly demonstrated that there was no reasonable alternative site.

As you are no doubt aware, notwithstanding the publication of the Stewart report, mobile telephone mast developments continue to give rise to high levels of public concern and objections. As mobile telephone companies and their agents have sought clarity as to the most acceptable locations for mobile telephone masts, the advice we give is that they should ensure that they are as visually unobtrusive as possible (monopoles are preferred to lattice towers) with good landscaping (both existing and proposed). Furthermore, they are advised to try to comply with the Council's guidelines for such development on its own land i.e. locating it at least 60 metres away from residential properties or any other structures where there is prolonged human presence. The reason for recommending compliance with the 60-metre distance is that, almost without fail, such development attracts strong local opposition. If the distances considered appropriate for development on Council land are met, then it is reasonable to assume that the Local Planning Authority will not normally object to such development due to its proximity to residential property or any other structures where there is prolonged human presence.

This Council has refused prior approval for some proposed mobile telephone masts because of their proximity to residential properties. However, I am not aware of any appeals by any mobile telephone operator against any such refusal since Circular 04/99 was issued. Therefore, it can only be assumed that either no such company considered our decisions unreasonable, or that the precedent that may be set if such an appeal should be dismissed outweighed any benefit from appealing.

This Council has frequently allowed mast sharing on existing sites, even though a higher more visually obtrusive mast has been required, and/or the site is in a location that would no longer be viewed favourably. Thus we seek to facilitate such development in a manner that also takes into account the planning interests and concerns of local residents and other interested parties.

Until such time as any such appeals have been allowed, the presumption must be that this Local Planning Authority is arriving at an appropriate balance between the interests of the mobile telephone operators and the planning concerns of local residents and employees.

Yours sincerely

M L THORP
Principal Development Control Officer

Planning Department,
1st Floor
Wokingham District Council,
Shute End,
Wokingham,
Berkshire,
RG40 1WR.

FAO Joss Miler.

29 November 2000.

Dear Madam,

ORANGE PCS Ltd. MICROCELL SITE BRK7036, King Street Lane, Winnersh.

Notice of intention to install telecommunications apparatus pursuant to:

1. The Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2 Part 24).

2. The licence granted to Orange Personal Communications Limited under Section 7 of the Telecommunications Act 1984.

I confirm that Patrick Farfan Associates Ltd act on behalf of Orange PCS Ltd in submitting this notification.

Orange Personal Communications Services Ltd is a Telecommunications Code System Operator. Under the terms of the licence issued by the DTI, Orange is under an obligation to provide a national telecommunications service and to meet all reasonable customer demands for the provision of that service.

The Orange Network is in direct commercial competition with other communications systems such as BT and cable operators. As a result their customers expect a reasonable level of service within buildings both at home and at work

Orange are sensitive to the fact that many locations do not lend themselves to the siting of Macrocells, commonly Rooftop Stub Masts or 15m high lattice masts or Columns with a 12m^2 fenced compound from a siting and appearance aspect.

With a requirement to provide a service to residential and commercial properties, in keeping with the Code of Best Practice, Orange have taken advantage of improvements in technology to reduce visual impact and developed the Microcell.

This is a stand alone steel telegraph pole, mounted antenna. It has been designed to match existing street furniture such as Lampposts,and Electricity supply poles.

However, unlike BT or Cable Operators, Orange do not need to site telegraph poles every 30m or so, they do not need to fly overhead lines or dig up miles of footway and carriageway, to provide a communications connection to every commercial and residential property.

Orange need only deploy two or three carefully sited telegraph poles to provide coverage to an entire residential area, village, business or retail park. The telegraph pole and cabinet can even be painted to match a particular Local Authority colour scheme if required.

I appreciate that this technology is very new and that this method of providing communications is not something that people are used to seeing, however even BT telegraph poles were once not part of the street scene and they are now accepted as the norm.

Orange propose just one Microcell sites to cover the area of Winnersh around the A329 and with Old Forest Road where the signal level is particularly low.

Orange Personal Communications Ltd hereby give notice as required under the terms of their Licence and make application for determination with regard to details of siting and appearance pursuant to Part 24, Class A, Condition A.2(4) of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the following development:

The erection of a free-standing telegraph pole maximum 8m in height with 3 No directional antenna will be installed.

In conjunction with the above column, an equipment cabinet will also be installed with an overall dimension of 0.94 cubic metres.

Location. OS Grid Ref:E 479085 N 169931.

Address. Grass verge, NW cornor of Old Forest Road junction with Reading Road, Winnersh, Wokingham, RG14 5AA.

Enclosures: Planning Drawing No 30/BRK7039E/01
Location plan (1:1250)
Site Layout plan (1:250)
Elevations of column and cabinet (1:100 & 1:50)
Annex C from the Code of Best Practice.

Prescribed Fee. £35.00.

The location was chosen for the following reasons:

1. It will improve coverage within the surrounding residential areas.
2. The location will maximise coverage and limit the number of installations required.
3. The verge is wide and the siting will not impede pedestrian movements.
4. The location will not encroach into visibility splays of traffic or pedestrian users of the Highway and access roads.
5. The column and cabinet are sited in line with adjacent street furniture so as to blend with the existing street scene.
6. There are no existing structures in the area that would be suitable for such installation.

All communication regarding this notice should be made to myself at the address and telephone number given above,

Yours faithfully,

Paul Fitzgerald
Acquisition Consultant.

SITE NOTICE

Proposed development at Grass verge, NW cornor of Old Forest Road junction with Reading Road, Winnersh, Wokingham, RG14 5AA.

OS Grid Ref. E 479085 N 169931

I give notice that Patrick Farfan Associates Ltd

On behalf of Orange PCS Ltd

Is applying to Wokingham District Council

Under paragraph A.2(4A) of Part 24 of Schedule 2 to the Town and Country planning (General Permitted Development) Order 1995 for its determination as to whether the prior approval of the authority will be required to the siting and appearance of the erection of a free-standing telecommunications telegraph pole, maximum 8m in height housing 3 no. directional antennae. In conjunction with the above telegraph pole, an equipment cabinet will also be installed with an overall dimension of 0.94 cubic metres.

Under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, Wokingham District Council are allowed 42 days beginning with the date of application to consider whether prior approval will be required to the siting and appearance of the development proposed and, if so, to give or refuse such approval and to serve that decision upon the applicant.

Members of the public may inspect copies of the application and accompanying plans at;

Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR

Individuals and organisations wishing to make representation about the siting and appearance of the proposed development are invited to forward their views in writing no later than 9th September 1999 to J Millar, Wokingham District Council, Planning Department, Shute End, Wokingham, Berkshire, RG40 1WR.

Clearly stating that comments are being forwarded in relation to the proposed development of a ground based mast at Grass verge, NW cornor of Old Forest Road junction with Reading Road, Winnersh, Wokingham, RG14 5AA.

OS Grid Ref. E 479085 N 169931.

Signed : _____

On Behalf of : Orange PCS Ltd.

Dated : 29th November 2000

1: Pre-Application Consultation with Local Planning Authority

(i) Licence notification i.e. pre roll out of network Date.....

Name of L.P.A. Contact.....

Phone # of L.P.A. Contact.....

(ii) On sites in specific cell(s) Date....29.11.2000.....

Name of L.P.A. Contact.... .....Joss Miller.....

Phone # of L.P.A. contact.....0118 974 6000.....

2A: Name and Address of Applicant

Name... .....Orange PCS Ltd.....

Address: .Floor 2 & 3, Black Arrow House. 2 Chandos Road. London.....

Postcode...NW10 6NF....Tel.....0181 963 4100.....

2B: Agent's Name, Address and Contact

Name...Patrick Farfan Associates Ltd..... .....

Address.Unit "C", Quay West, Salamander Quay, Park Lane Harefield, Middx.

Postcode:..UB9 6NZ.....Tel: ...01895 823700.....

Contact:..Mr Paul Fitzgerald..... Tel:....01895 823700.....

2C: Location of Proposal

Location: Grass verge. NW cornor of Old Forest Road junction with Reading Road. Winnersh, Wokingham, RG14 5AA.

2D: O.S. Sheet / Grid Reference

Sheet and six figure grid reference of proposed development

Sheet.....Landranger..175 ..... Grid Reference: E 479085 N 169931.....

*3: **Purpose of Development***

To enhance the radio signal to Orange mobile phone users at street level and in buildings where the signal is weak or non existant due to the absorption of the signal from macrocell rooftop sites by buildings in the urban area. To allow customers to operate their handsets without interuptions to their conversations, as could reasonably be expected by phone users.

*4: **The Proposed Structure** (Enclose a site plan and indicate details of cell boundaries, and whether shared mast / tower or freestanding)*

(i) Type of Structure (e.g. tower, mast etc):...Column.....

.Overall height....8..metres

(ii) Equipment Housing

Street cabinet of overall dimension 0.94 cubic metres.

(iii) Materials (as applicable) Tower / mast etc: type of material and external colour

.....Galvanised steel (Light Aircraft Grey).....

Equipment housing: type of material and external colour

.....Steel,....Midnight Green.....

(iv) Location of and Distance to nearest residential or commercial property (where applicable)
Site is on adopted highway on roadside, nearest residential building is 25m.

*5: **Distance from Airfield or Aerodrome*** (Please tick as appropriate)

Will the structure be within 3 km of an aerodrome or airfield? ..... No.....

Has the CAA or Secretary of State for Defence been notified? ..... No.....

Signed..... Date.....

On behalf of.....

Tel. 0118 974 6463 (Direct Line)

Date. 2 January, 2001

My ref. JM/MLT/TL/2000/2871

Your ref.

APPENDIX 5

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
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Minicom No: (0118) 977 8909
DX: 33506 – Wokingham
E-mail:

Mr P Fitzgerald
Patrick Farfan Associates Ltd
Unit C Quay West
Salamander Quay
Park Lane
Harefield
Middlesex
UB9 6NZ

4/1/01

PF 9/1/01

Dear Mr Fitzgerald,

RE: PROPOSED TELECOMMUNICATIONS DEVELOPMENT AT:
1) LAND ADJACENT TO DUFFIELDS BRIDGE, DUFFIELD ROAD, WOODLEY. (TL/2000/2871)
2) OUTSIDE 2 KING STREET LANE, WINNERSH (TL/2000/2873)
3) LAND AT JUNCTION OF READING ROAD/OLD FOREST ROAD, WINNERSH (TL/2000/2874)

I refer to your letters dated 21st December 2000, concerning the above, in response to this Council's letters advising that it requires prior notification for all three developments.

The relevant correspondence has been examined by the Council's Principal Solicitor, who is of the opinion that our notification letters are sufficiently clear and unambiguous, and are not ultra vires.

Firstly, I must inform you that only the Courts have the authority to decide whether or not the actions of a Local Planning Authority are ultra vires. Orange has no such power or rights to so decide on their own initiative. However, Orange does have the right to apply to the Courts for a declaration that a Local Planning Authority has acted ultra vires.

Secondly, I can only assume that your letters are a consequence of Orange being unfamiliar with all aspects of Circular 04/99 (Planning for Telecommunications). Therefore, I am writing to offer clarification.

Circular 04/99 (Planning for Telecommunications) states that the developer must apply to the Local Planning Authority for its determination as to whether prior approval will be required to the siting and appearance of the proposed development. Therefore, if a Local Planning Authority requires prior approval, it goes without saying that the prior approval must be because of the appearance and/or siting. In all three of our letters we refer to proximity. My version of The Concise Oxford Dictionary of Current English

defines proximity as ***"nearness in space, time etc."*** It is therefore obvious that reference to proximity means that the Local Planning Authority is concerned as to the proposed siting. None of the letters makes any reference to appearance being of concern. Therefore, it may be assumed that the Local Planning Authority has not required prior approval because of the appearance of the proposed development.

Paragraphs 11, 12 and 13 of Circular 04/99 refer to factors to be considered in relationship to siting and appearance. Paragraphs 11 and 12 use the terms ***'include'*** and ***'may involve'***. Thus the items listed are illustrations rather than a definitive list. Paragraph 12 states that factors concerning siting may involve ***"....the site in relation to residential property"***.

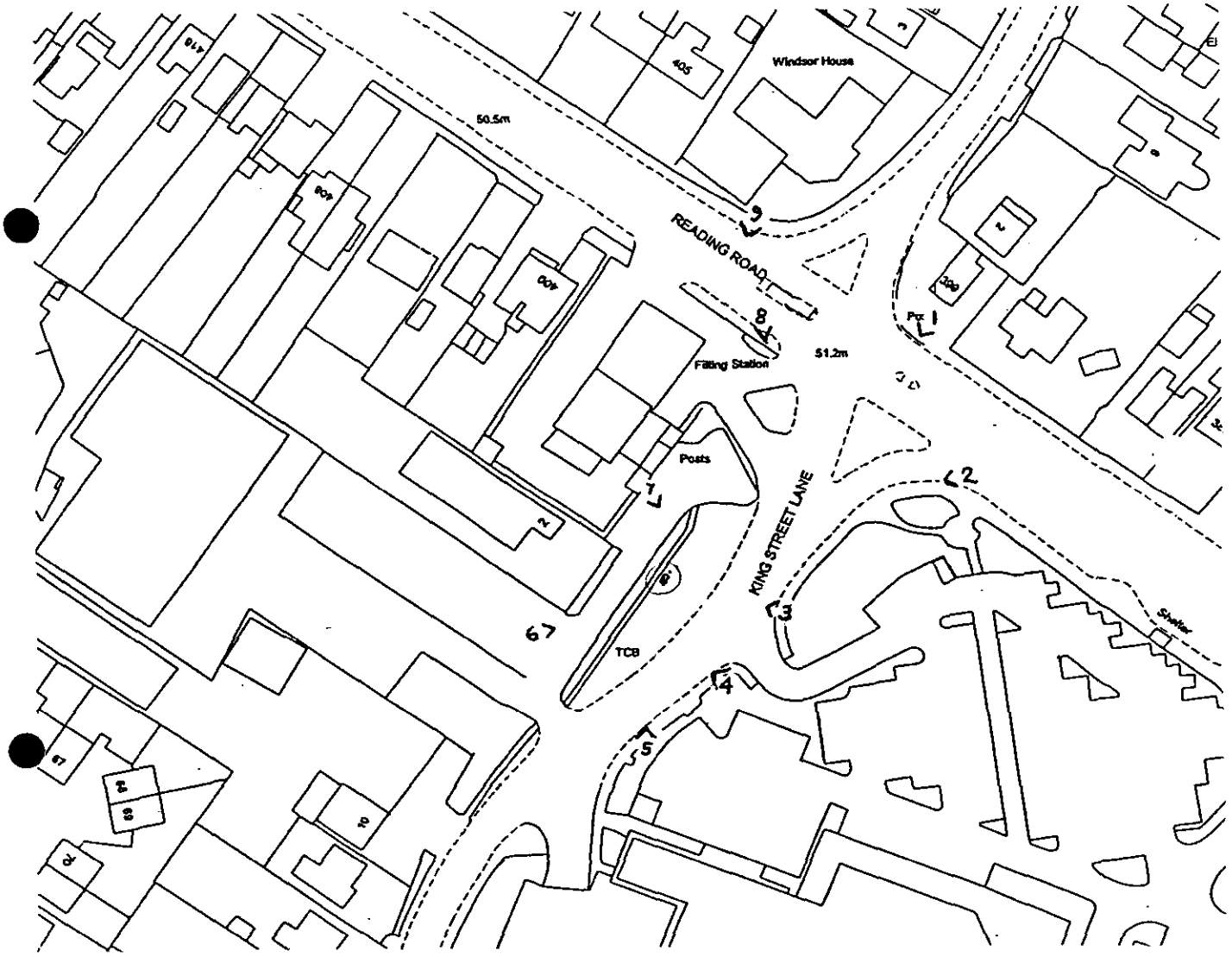
All three of our letters state the reason for requiring prior approval as being because of ***"proximity to dwellings"*** or ***"proximity to residential properties"***. As this clearly falls within the scope of 'the site in relation to residential property' our reasons for requiring prior approval are clearly in accordance with Circular 04/99.

If Orange disagree with our decision on prior approval applications they should submit appeals. Alternatively, they are at liberty to go to the Courts as to whether our actions are ultra vires.

In view of the above, I should be grateful if you will confirm that Orange will not act unlawfully by ignoring the letters that have clearly advised you of the need for prior notification.

Yours sincerely

M L THORP
Principal Development Control Officer



Plan indicating location and direction
of photographs of the appeal site



1) View looking south where microcell would be seen against a backdrop of trees.



2) View looking south-west, again the proposal would not be at all prominent.



↑3 & 4) View to the west showing existing street furniture and spacious verge.
↓ (Existing shrub and tree planting would not be affected.)

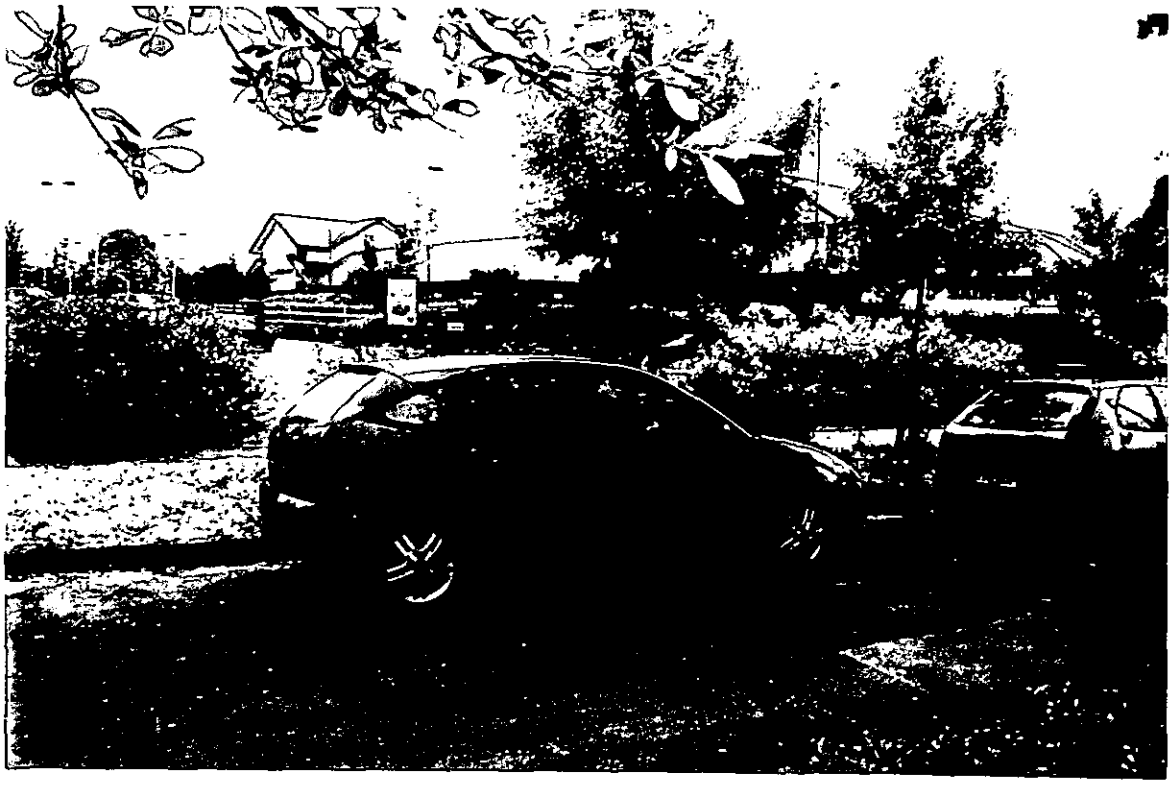




5) View to the north, where existing trees would limit views of proposal.



6) View to the north-east.



7) View to the south-east.



8) View south near PFS entrance/exit.



9) View south.

Photograph of a similar development at Junction of B487 and Oakfield Rd,Harpenden Herts.



Stand Alone 8m high and Equipment Cabinet.





TELEGRAPH POLE ANTENNAE
and CABINET AT THE STREET/
CHURCH ROAD, CLAYDON

TELEGRAPH POLE ANTENNAE
and CABINET AT MARLBOROUGH
AVENUE, BARNET (GLN/7401)



FROM NICK RAYNSFORD MP
MINISTER FOR HOUSING AND PLANNING



DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL: 020 7944 3013
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Council Leaders in England

29 JUN 2000

Dear Leader

MOBILE TELECOMMUNICATIONS MASTS – HEALTH AND PLANNING ISSUES

Last year my predecessor, Richard Caborn, and the then Minister for Public Health, Tessa Jowell, wrote to you in response to public concern about the possibility of health effects associated with telecommunications base stations. That letter explained that the Government had asked the National Radiological Protection Board (NRPB) to set up the Independent Expert Group on Mobile Phones (IEGMP), chaired by Sir William Stewart FRS FRSE. The Group's report was published on 11 May. I thought it would be helpful to write to you again to explain what the Government is doing to take forward the planning recommendations, and to reiterate how local planning authorities should treat applications for mobile phone development in the meantime.

In respect of base stations, the report concludes that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases". The Group recommended a precautionary approach, comprising a series of specific measures, to the use of mobile phone technologies until we have more detailed and scientifically robust information on any health effects.

In its initial response, published on 11 May, the Government welcomed the Stewart Group's report and accepted many of its recommendations. Copies of the response were sent to all Chief Planning Officers on 11 May. In particular, the Government accepted the recommended precautionary approach as advised by the report. The Government's response outlined the range of actions being taken forward in response to the report's specific recommendations.

On the planning aspects, the response indicated that we are minded to introduce a requirement for application for full planning permission for all new telecommunication masts, and will consult widely before doing so, including on the principle and precise scope of any new arrangements. We shall issue a consultation paper on this and related guidance as soon as practicable. We aim to do this by the end of July.

In the meantime, until any new measures and guidance are introduced, local planning authorities should continue to deal with planning applications for telecommunications on the basis of the current legislative arrangements and policy guidance. We have heard that some authorities have unilaterally imposed a ban or moratorium on mobile phone applications on health grounds. In the Government's view such a blanket decision is wholly unjustified.

The Group's report does not recommend a ban or moratorium on the construction of mobile phone masts and we have no plans to introduce one. What the report does do is make some specific recommendations for precautionary action for the use of mobile technology. As I mentioned above, in its response to the Group's report, the Government indicated that it accepts the precautionary approach advised by the Group. Our acceptance of a precautionary approach is limited to the specific recommendations in the Group's report and the Government's response to them. It does not mean that individual local authorities should introduce their own precautionary policies for determining applications for mobile phone base stations. This is a recipe for confusion and uncertainty.

We have been asked how local planning authorities should take into account health concerns. Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case. In doing so, authorities may have regard to the Group's report.

Our revised guidance will include advice about health considerations, and what weight may be given to them. In the meantime, local planning authorities are advised to bear in mind the findings of the report and its recommendations. It is our view that, if a proposed development meets the ICNIRP guidelines (as recommended by Stewart on a precautionary basis), it should not be necessary for a planning authority, in processing an application, to consider the health effects further. Most existing base stations already meet those guidelines and we expect all new base stations to do so.

I enclose a copy of this letter for the chair of your Planning Committee. I should be grateful if you would also bring it to the attention of other Members of your Council.

A copy of this letter goes to all Members of Parliament in England.

Yours sincerely

Nick Raynsford

NICK RAYNSFORD

APPENDIX 10

Department of the Environment, Transport and the Regions

News

News-Release-142:
16 March 2001

Better public consultation on mobile phone masts

The Government today announced a series of important changes to the *planning* system on the *siting* of mobile phone masts.

Following public consultation on planning rules for telecommunications mast development last year, the Government is to:

- strengthen public consultation requirements on mast proposals of 15 metres and below so that they are exactly the same as applications for planning permission
- increase the time for authorities to deal with prior approval applications to 56 days
- underline that school governors must be consulted on all proposals for new masts on or near a school or college.
- increase fees to enable authorities to carry out full public consultation.
- maintain in full an authority's ability to reject applications on amenity grounds.

Announcing the changes, Planning Minister, Nick Raynsford, said:

> "These changes represent a considerable strengthening of the current planning arrangements. We shall introduce them, and revised planning policy guidance at the earliest opportunity. A modern communications system brings massive benefits to people and businesses. But it is vital that the masts which enable the service to be delivered are designed and sited sensitively so that their environmental impact is kept to a minimum and that local people have a better chance to have their say."

In answer to a Parliamentary Question from Angela Smith MP (Basildon), Nick Raynsford said:

> "A modern communications system brings massive benefits to people and businesses alike. Nearly 40 million people -

60% of the UK population - use mobile phones. They enjoy the convenience and accessibility they provide. Parents and children feel more secure because of them. Mobile phones have saved lives - they allow the emergency services to be called immediately when they are needed. None of this could happen without the masts and other infrastructure which enable the service to be delivered."

"But people are concerned about where masts are located. It is vital that masts are designed and sited sensitively so that their environmental impact is kept to a minimum. Local people must have a better opportunity than now to have their say on proposals for mast development."

"We recognise too that there is public concern about the possibility of health effects associated with mobile phone masts. That is why the Government set up the Independent Expert Group on Mobile Phones (chaired by Sir William Stewart) which published its report in May last year. The report suggested that the current planning requirements for masts of 15 metres and below did not allow adequate public consultation. It further suggested that lack of consultation was a major cause of grievance in people who suffer a loss of amenity when base stations are erected."

"We therefore intend to strengthen the current public consultation requirements for masts of 15m and under to incorporate exactly the same requirements as for masts over that size and for other development requiring applications for planning permission."

"To give local planning authorities more time to consult local people we shall increase the amount of time they have to determine prior approval applications for ground-based masts and those on buildings from 42 and 28 days respectively to a uniform 56 days. In addition, we shall extend the prior approval arrangements to cover antennas on roofs where the height of the antenna (including any supporting structure) would exceed 4m."

"Under the new arrangements, local planning authorities will be expected to make their decisions within 56 days. Authorities will still be able to turn down mast applications where they do not consider amenity aspects have been adequately addressed. If they have not made a decision within 56 days, approval will be deemed to have been granted. This discipline is needed because many authorities are failing to meet their Best Value target to determine 80% of planning applications in 8 weeks and delay cannot be justified."

"In recognition of the extra demands which improved consultation will make of authorities we propose to increase

the fee payable by developers for prior approval applications from £35 to £190 so that authorities have more resources to handle them."

"These changes represent a considerable strengthening of the current arrangements. We shall introduce them, and revised national planning policy guidance, at the earliest opportunity. The guidance will underline our commitment to encouraging mast and site sharing, where that represents the best environmental solution, to minimise proliferation of masts. It will also emphasise the Government's view that telecommunications development must be taken forward through partnership between the operator, the local planning authority and the local community. The revised guidance will make clear that governing bodies must be consulted on all proposals to site masts on or near schools and colleges."

"We welcome the commitments which the operators have made to develop, with other stakeholders, clear standards and procedures to deliver significantly improved consultation with local communities. For example, operators will initiate the process as early as possible by discussing optimum design and siting solutions even before applications for masts are submitted. We shall want to ensure that these commitments are implemented and followed in every case. We will underpin the arrangements with a new Code of Practice developed with the operators and representatives of local government. I intend to call in the operators shortly to discuss next steps."

"The Stewart Report concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines." Gaps in scientific knowledge led the Group to recommend a precautionary approach to the use of mobile phone technologies, comprising a series of specific measures, until more research findings become available. We agree with this approach."

"The Government has already taken forward a range of precautionary actions in response to the Group's Report. These include:

- ensuring that all mobile phones and base stations meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for limiting exposure to electromagnetic fields. In relation to public exposure these are tougher than the guidelines issued by the National Radiological Protection Board by a factor of five. Mobile phone operators have agreed to ensure that all existing base stations meet these guidelines. In addition, the

operators have agreed that all planning applications for new development will be accompanied by a certificate of compliance with ICNIRP guidelines;

- setting up, by the Radiocommunications Agency, a national database giving details of mobile phone base stations. It is planned that the map-based facility will indicate the locations, height and maximum power outputs for each fixed transmitter. This is anticipated to be ready and on-line in the next three months;

- auditing mobile phone base stations and masts to assess emissions. The audit will focus on schools with base stations. Schools were asked to register if they wanted to be included. The audits have now begun and all schools registering within the deadline set will be included. The first eleven audits indicated maximum levels of exposure a tiny fraction of the ICNIRP guidelines (eg: the highest level was approximately 1/600 of the guideline levels). The database of results has been put on the Radiocommunications Agency website www.radio.gov.uk;

- launching a new joint Government/industry research programme, costing around £7 million and with an independent programme management committee led by Sir William Stewart. It will carry out research into the effects of mobile phone technology on health. This will ensure that this area is kept under review and that Government and the public are kept up to date with new research findings. The call for research proposals was issued on 9 February."

"In addition, the Department of Health has published leaflets on mobile phones, base stations and health to give people the latest information and advice. The Department for Education and Employment has also issued information to schools and local education authorities regarding mobile phones, base stations and schools. This has been published on their website www.dfee.gov.uk/a-z/mobilephones."

"It is the Government's responsibility to decide what measures are necessary to protect public health. It remains the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards. I have outlined the measures being taken on a precautionary basis. In the Government's view, if a proposed development meets the ICNIRP guidelines it should not be necessary for a local planning authority, in processing an application, to consider the health aspects further. This view will be reiterated in our revised planning policy guidance."

"I believe that the improvements to the planning

arrangements announced today meet the concerns of the Stewart Group and others about public consultation on masts and strike the right balance by giving people a better opportunity to voice their views without hindering unnecessarily the development of a modern telecommunications network. We shall continue to keep the whole area of mobile phone technologies under review in the light of further research."

Press Enquiries: 020 7944 3049; out of hours: 020 7944 5925 / 5945;
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Public Enquiries: 020 7944 3000

Published 16 March 2001

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Web Site Terms

Department for Transport, Local Government and the Regions

The Government's Response To The Tenth Report By The Trade And Industry Committee: Mobile Phone Masts

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- ITERA

Session 2000-2001: Mobile Phone Masts

Introduction

1. The Government welcomes the Committee's report into this important issue. This report will be of interest to a large number of people: from those in central and local government who are involved in facilitating and controlling telecommunication development; to operators wishing to roll-out their infrastructure in a timely and cost effective manner; to those people who will wish to have a say in proposed mobile phone mast development near where they live; and to the 40 million people who use mobile phones in the UK.

2. As the Committee notes, the then Minister for Planning, Nick Raynsford, announced on 16 March 2001 the Government's intention to introduce tougher public consultation requirements on the siting of mobile phone masts in England. It is against the background of that announcement that we now respond to the Committee's conclusions and recommendations.

Response to Specific Recommendations

Telecoms Masts Planning Regime

> **(1) It is not surprising that all concerned are thoroughly frustrated with the complexity and arbitrariness of the planning approval system which has grown up over the past 15 years as a result of repeated tinkering at the edges with the basic concept of permitted development rights. The system has created a possibly perverse incentive for masts just below 15 metres. It has left the public feeling powerless. It is unclear. Whatever is judged the best outcome from the latest review, there is much to be said for a moratorium on any further changes for a period of years. Urgent steps must now be taken to introduce some greater certainty and clarity into the planning regime for telecoms masts, so that the new regime is in place by the end of May 2001, a year after publication of the Stewart Report (paragraphs 18 and 31).**

We agree that changes to the planning system for telecommunications developments are necessary. In particular we accept that the prior approval procedure can seem complex to those not familiar with its working, and that inadequate consultation can leave the public feeling powerless. The changes we announced on 16 March are intended to overcome these problems. Instead of two separate prior approval procedures for ground based masts and for masts on buildings and other structures, we will introduce the same procedures for both. In order to give local people a better opportunity to have their say on mast proposals we shall strengthen public consultation requirements on mast proposals of 15 metres and below so that they are exactly the same as for mast proposals above 15 metres in height which require applications for planning permission. In order to give local planning authorities longer to consider proposals, in the light of the views of local people, we shall extend the prior approval period to a uniform 56 days.

We shall implement the new procedures as soon as practicable.

Stewart Report And Planning

(2) The IEGMP should have had access to expertise in planning law and practice, once it became evident that it would be making detailed recommendations on the subject. The connection between the precautionary principle and its recommendations on planning law could have been more thought out. We remain to be convinced that this focus on changing the planning regime to be applied to telecoms developments represented the most useful way of dealing with the issues raised of public perceptions of a health risk and the inherent element of uncertainty (paragraph 26).

The Independent Expert Group on Mobile Phones carried out an independent review of mobile phone technology and health. The Stewart report recommended changes to the planning arrangements in order to improve local consultation as it considered that lack of public consultation was a major cause of grievance in people who suffered from loss of amenity when base stations were erected. It suggested that many felt excluded and disempowered by the current planning arrangements and that the resultant frustration could also have a negative effect on people's health and well being. Our new arrangements will introduce exactly the same consultation arrangements as for an application for planning permission. The arrangements will therefore meet the basis on which the Stewart report made this recommendation.

We agree with the Committee that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health, and this responsibility should not be transferred to local planning authorities. In the Government's view, if a proposed development meets the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for limiting exposure to electromagnetic fields it should not be necessary for a local planning authority, in processing an application, to consider the health aspects further. This view will be underlined in our revised planning policy guidance. Adoption of the ICNIRP exposure guidelines was an integral part of the precautionary approach recommended by Stewart and accepted by the Government.

Diversity In The United Kingdom

(3) The operators would obviously have an easier life if everybody was singing from the same hymn-sheet. It is the nature of devolution that they are not necessarily going to have that situation. Any operator who discriminated against one part of the United Kingdom in rolling out a network because of the application of a more stringent planning system should expect to be called in by OFTEL (paragraph 36).

The operators are bound by roll-out conditions in their Wireless Telegraphy Act licences issued and enforced by the Radiocommunications Agency. The four GSM operators have all met their licence roll-out condition to cover 90% of the population. Third Generation networks are obliged to cover 80% of the population by 31 December 2007.

In accordance with its powers under the Telecommunications Act 1984, in such instances, Oftel would normally only expect to take action if it considered that competition was unduly affected by one or more operators limiting their roll-out in parts of the UK. Similarly, the Competition Act 1998 would only be applicable if it could be argued that by not covering particular parts of the UK, the mobile operators were acting anti-competitively. Oftel would investigate any such allegations were it to consider that there had been a breach of the Competition Act 1998.

New Regime: 16 March 2001 Announcement

> **(4) In broad terms, base stations are now to be under the same regime in practice if not in name whatever their height, *except* that those under 15 metres will enjoy the benefit of permission by default within 8 weeks if the local authority does not object. It must be asked what purpose is served by retaining the prior approval regime if it is to be the same except in name to planning permission (paragraphs 37 and 39).**

The new measures we announced on 16 March strike the right balance by improving consultation with local people, whilst ensuring that mobile phone development is not unnecessarily delayed. Local planning authorities have a maximum time limit of 56 days in which to make their decisions. This is longer than they have under the current arrangements but the discipline of a time-limit is needed because many authorities are failing to meet their Best Value target to determine 80% of planning applications in 8 weeks.

> **(5) While we cannot give the 16 March 2001 proposals an unqualified welcome, they do represent a neatly crafted compromise between the concerns of the operators that subjecting all base stations to full planning permission would cause undue delay, and the public sense that the prior approval system unduly favored the operators over public interest, and allowed for insufficient public consultation (paragraph 40).**

We are grateful for the Committee's comments. Throughout our consideration of possible changes to the planning system, our overriding aim was to ensure just such a balance.

New Regime: 56 Day Period

> **(6) We recommend that the 56 day period should be open to extension by agreement where such discussions likely to produce an outcome agreeable to all parties are in progress; and that the refusal of an operator of a request by the local authority for such an extension could be good grounds for refusal of prior approval. If the operator felt that the refusal of prior approval was unreasonable, then of course the operator would be free then as now to appeal (paragraph 41).**

The main benefit of the prior approval procedure is certainty. The developer, the local authority and local residents know that, at the end of 56 days, a decision has to be made. All parties can therefore plan accordingly. We believe that this

benefit would be lost if the 56 day period could be open to extension. The principle of consent being deemed, in the absence of a contrary decision within the time-limit, is not new. It is an integral part of the current arrangements. Our new arrangements increase the time for an authority to consider an application once it has been submitted. We have also consistently emphasised the importance of discussions between operators, local authorities and local communities before applications are submitted.

New Regime: Obligation To Respond

(7) If prior approval is indeed to be planning permission in all but name, local planning authorities must be under an obligation to make some response to the notification submitted by an operator (paragraph 42).

Local planning authorities already have a clear incentive to make a response within the time allowed for determination of a prior approval application. Where no response has been made, a developer is free to erect a mast. If there is public opposition to that mast, the local authority will have to answer to its residents why it took no action within the set deadline. Current guidance in Circular 4/99 advises that the authority should give notice of any determination as soon as possible, rather than allowing the prior approval period to expire without notifying the applicant.

New Regime: Incentive To Share

(8) We see some virtue in bringing some applications for mast and site sharing, which might otherwise require full planning permission, within the marginally more "operator-favourable" prior approval regime (paragraph 43).

Our policy is firmly to encourage mast and site sharing where that is the optimum solution in the individual circumstances. Indeed, conditions attached to individual operating licences granted by the Secretary of State for Trade and Industry include a requirement to investigate mast sharing before seeking to put up any new mast.

Current guidance makes clear our expectation that developers should provide evidence to local planning authorities that they have carefully considered the use of existing masts, buildings and other structures before seeking to erect any new mast, regardless of size. The authority may be justified in refusing prior approval or planning permission if it considers the evidence regarding the consideration of such alternative sites is not satisfactory. Our revised guidance will reiterate this expectation.

However, mast sharing is not always the most suitable solution for a particular development. A couple of slim and unobtrusive masts, for example, may well be better than one cluttered one. Nevertheless, consideration of sharing does need to be a starting point.

Future Partnership

(9) A more constructive appraisal of alternative sites by all concerned would help. There is no reason to doubt that operators and local

authorities can co-operate better and engage in dialogue rather than confrontation. But it would be foolish to imagine that a more constructive and professional relationship between councils and the operators and their agents will do much to allay local fears and local resistance to masts (paragraphs 46 and 48).

We agree that it is important for operators to discuss with local communities as well as local planning authorities a range of site options and designs before finalising their proposals. This should happen well before a planning application has been submitted in order to influence it. The mobile phone operators have published ten commitments to improve best practice. These include increasing the role of public consultation in the siting of base stations.

In a press notice announcing the ten commitments, Mike Dolan, spokesman for the Federation of the Electronics Industry (FEI), which represents the UK mobile phone industry, said that "The industry is committed to consulting with key stakeholders on this best practice initiative to ensure bridges continue to be built between the operators and the community." We welcome this initiative and are keeping a close watch on progress on the ten commitments.

Some local fears and local resistance to masts may be based upon a lack of knowledge and access to clear information about mobile phone base stations. The Government has improved information available to the public, such as by publishing advice leaflets on mobile phones, base stations and health, and publishing the results of the audit of mobile phone base stations to measure emissions on the Radiocommunications Agency website at www.radio.gov.uk

Community Consultation

(10) It is essential that those closely affected by a possible development hear about it early, directly and accurately. That is the responsibility of operators at least as much as local authorities (paragraph 48).

We share the Committee's view of the importance of operators consulting local communities before formal applications for planning consent are submitted. Our revised planning policy guidance will underline the point.

(11) Changes in the planning regime fail to address the main problem, which is that objection to base stations comes not from local authorities but from individuals who suffer from loss of amenity or fear of ill-effects for themselves and their families. Unless it is clear that the planning system has a robust way of dealing with health fears expressed by people, the results of the changes will be yet more frustration (paragraph 49).

As we said in answer to recommendation 2 above, it remains our firm view that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed development meets the ICNIRP guidelines it should not be necessary for a local planning authority, in processing an application, to consider the health aspects further. The then planning Minister, Nick Raynsford, wrote to all local authorities in England to make this point and it will be reiterated in our revised planning policy guidance.

Health And Safety: Existing Installations

(12) Local planning authorities and local people need to be sure that *all* equipment already in operation is safe, as defined by its compliance with ICNIRP guidelines. We recommend a more proactive approach to publicising the results of the audits of schools undertaken so far, which have confirmed that levels of exposure are a tiny fraction of those in the latest and most stringent guidelines, and that the media be invited to record the process of audit (paragraphs 50 and 52).

All audit results are published on the Radiocommunications Agency website and are provided directly to the schools concerned at the time of the audit. Plans will be developed to share with the media the process of an audit. It is planned that after 100 surveys have been undertaken the results will be analysed to identify any emerging trends. Decisions will then be taken on how to progress the audit.

Health And Safety: New Installations

(13) There needs to be general confidence in the compliance of new installations with the guidelines. If a system of strong independent certification that a proposed base station met the guidelines on emissions were in place, the Government's repeated view, that it "should not be necessary for a local planning authority, in processing an application, to consider the health aspects further", would be more persuasive (paragraph 53).

The mobile phone operators are already committed to provide a certificate with each application for telecommunications development confirming that it meets the ICNIRP exposure guidelines and that it will continue to remain within the guidelines so long as it remains in operation. However, we will discuss with key stakeholders whether it might be possible to give local planning authorities some additional independent evidence of compliance. For example, this might entail operators adhering to internationally approved type specifications which are known to meet ICNIRP.

Health And Safety: Minimum Level

(14) Local authorities and those they represent are entitled to some assurance that RF fields are being kept as low as possible. We consider that operators should make a declaration that the RF fields likely to be produced by a new base station are as low as reasonably practicable, and that local authorities should be entitled to seek proof of this in some form to be established in the new Code of Practice (paragraph 56).

The Government has agreed that, as a precautionary measure, exposure from base stations should meet the ICNIRP guidelines for public exposures The mobile phone operators have undertaken to provide, as part of planning applications for base stations, a certificate of compliance with ICNIRP. The audit of emissions from masts currently being carried out by the Radiocommunications Agency has shown, so far, that whilst typical maximum exposures are variable, they are generally tiny fractions of the public exposure guideline levels.

A mobile phone operator keeps power output and emissions to the necessary operational minimum in order to avoid interference with neighbouring cells, but exact emissions, whilst always complying with ICNIRP guidelines for public exposure, will vary. We will, however, continue to discuss this issue with the operators.

Planning And Public Anxiety

> **(15) We can see no case for local planning authorities to start investigating the extent to which fears are either real or justified. But the authorities do need some more explicit guidance as to what weight to give to such anxieties (paragraph 58).**

The then planning Minister, Nick Raynsford, wrote to all local authorities in England on 29 June 2000 to give advice about how they could consider health considerations and public concern when considering planning applications. His letter said

> "Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case. In doing so, authorities may have regard to the Group's report.
>
> "Our revised guidance will include advice about health considerations, and what weight may be given to them. In the meantime, local planning authorities are advised to bear in mind the findings of the report and its recommendations. It is our view that, if a proposed development meets the ICNIRP guidelines (as recommended by Stewart on a precautionary basis), it should not be necessary for a planning authority, in processing an application, to consider the health effects further. Most existing base stations already meet those guidelines and we expect all new base stations to do so."

The above guidance was also included in the draft PPG8 issued for consultation on 31 July 2000.

Nick Raynsford wrote to all local authorities on 16 March 2001, setting out the changes we intend to make to the planning arrangements. His letter set out the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards and that in the Government's view, if a proposed development meets international guidelines (the ICNIRP guidelines) it should not be necessary for a local planning authority, in processing an application, to consider the health aspects further. This advice will be reiterated in our revised planning policy guidance, which we intend to publish as soon as practicable.

Necessity

> **(16) The guidance to be prepared and the new Code of Practice must be tested against the Human Rights Act, and should be certified by Ministers as being compliant. Operators should be prepared to**

demonstrate that a proposed installation is necessary in the proposed site (paragraph 63).

The Human Rights Act 1998 requires all public authorities to act compatibly with the rights in the European Convention on Human Rights incorporated in UK law.

PPG8 says that local planning authorities should not question the need for the telecommunications service in support of which a mast application has been submitted. However, we agree that operators should supply evidence that a proposed installation is needed in the particular site for which an application is being made.

Site And Mast Sharing

(17) We welcome the commitment of the industry to introducing an agreed and comprehensible means of demonstrating the current degree of mast and site sharing. Local planning authorities are entitled to be given proof positive that mast or site sharing has been not only considered but discussed with potential partners (paragraphs 64 and 68).

Obstacles To Sharing

(18) We recommend that the DETR and DTI together examine deregulatory and other means of freeing up a range of existing structures for use as a support for telecoms antennae (paragraph 69).

See response to recommendation 8 above. Government policy is to encourage mast and site sharing and to make good use of existing buildings and other structures for the siting of antennas. As the Committee recognises, around 70% of current sites are either shared or on existing buildings and other structures, including electricity pylons.

Licensed telecoms operators already enjoy permitted development rights that allow them to install antennas on existing buildings and other structures without the need to make an application to the local planning authority. Certain conditions and limitations are in place (such as a limit on the number of antenna systems which can be installed without the need for a planning application) in order to strike a balance between facilitating rollout of the telecoms network and protection of the environment. We shall monitor the use of existing buildings and other structures for the siting of antennas in order to ensure that there are no unnecessary barriers to the use of existing structures.

In the past, clear information in relation to the site sharing process has not always been widely available and site sharing applications have not been dealt with as speedily as they could have been by the operators. The Government welcomes the operators' commitment to "*publish clear, transparent and accountable criteria and cross-industry agreement on site sharing against which progress will be published regularly*". We expect the site sharing process to be closely monitored and that information on the progress of site sharing will be made publicly available.

Sensitive Sites

(19) The concentration on schools in siting policy is understandable, but in some ways misconceived. Children are everywhere. Guidance to local planning authorities on siting policy should emphasise early consultation not only with *governors* but explicitly with *parents* in schools and colleges likely to be affected. Guidance should also stress the *identification of other sensitive sites* where young children in particular are likely to spend a significant amount of time, such as day care centres, libraries, playgrounds etc. We recommend publication of outline site selection criteria to be established in partnership with the operators (paragraphs 72 and 73).

Our new planning rules will require full consultation with local people for all new masts wherever they are located. However, we recognise that there is concern about masts sited on or near schools, where large numbers of children spend a large proportion of their time. Our revised guidance will therefore make clear that governing bodies must be consulted on all proposals for new masts on or near schools and colleges, and separate guidance to local education authorities and schools will stress that governing bodies should involve parents when considering the siting of a base station on the premises and take account of their views.

The operators are also committed to consult local people, including schools and colleges, to seek to develop solutions in partnership with them before they even submit an application to erect a mast.

Research

(20) It has taken longer than we might reasonably have expected to get a research programme going. We look forward to speedy dissemination of the results (paragraph 74).

The new UK mobile phones and health programme is now underway and is intended to be a thorough and comprehensive response to the Stewart recommendation. The first projects should be funded before the end of this year. Some biological work may be completed within 12 months, but epidemiology is more long term. The results will be published in the peer review literature as appropriate. There will also be seminars and workshops arranged to discuss the research findings.

Once a substantial part of the programme of research has been completed, it should provide the basis for a further review of the possible health effects of mobile communications. This will be in conjunction with the results of other research funded elsewhere in the world including the EU supported programme in Framework V and the WHO EMF project.

Existing Masts

(21) The precautionary principle cannot only cover *new* base stations; but nothing now being proposed addresses the future of existing base stations which are attracting hostility and suspicion beyond the random audit referred to above, which is apparently restricted to schools. We hope that operators might be more receptive than in the past to public concerns about specific masts. Where they are not able

to resite them then they might consider a more proactive campaign of local information and consultation (paragraphs 75 and 76).

The precautionary approach recommended by Stewart was accepted by the Government on the basis set out in the Government's response published in May 2000 i.e. by reference to a number of specific measures. These included the recommendation that all base stations should comply with the ICNIRP guidelines for public exposure. The recommendation applies to all base stations, not just new ones, and the operators are currently auditing their existing sites to ensure compliance. Thus the recommended precautionary approach is indeed being applied to existing as well as new base stations. The re-siting of existing base stations did not form part of Stewart's recommended approach.

We understand that all of the operators have staff available to deal specifically with concerns and queries about the siting of base stations and are committed to providing sufficient resources to respond to inquiries within 10 working days. In addition to the Radiocommunications Agency's audit, the operators are willing to conduct measurements of sites that cause concern. As mentioned in response to recommendation 12, decisions on how to progress the audit will be taken when the surveys of school sites are complete by the end of 2001.

Industry Ombudsman

(22) The FEI might usefully consider, in their discussions with other stakeholders, the merits of an industry Ombudsman to act as a mediator in cases which have exhausted the normal procedures of appeals and judicial review, and especially in the handful of cases of existing masts which cause continuing controversy (paragraph 77).

The Government notes that this recommendation was made to industry.

TETRA

(23) We welcome the evaluation of the TETRA system now underway and recommend that the results are made publicly available as soon as possible. Whilst we appreciate the importance of the system, we are very disturbed that there seems to have been no examination of the evidence on potentially adverse health effects *before* bringing it into service, and disregard for the conclusions of the Stewart Report published only two months after contract award, and drawing on over 20 years of research (paragraph 81).

The Stewart report recommended that whilst the implications of the effects of exposure are unclear and no obvious health risk has been suggested, as a precautionary measure, amplitude modulation around 16 Hz should be avoided, if possible, in future developments in signal coding. TETRA was licensed as a commercial network during 1997 and commercial services commenced in May 1999 i.e. a year before the Stewart report was published.

Health and safety considerations were given considerable attention in the development of AIRWAVE, the police radio system based on TETRA. The system has been designed to enable the use of terminals which comply with guidelines issued by the National Radiological Protection Board (NRPB) and the

International Commission on Non-Ionising Radiation Protection (ICNIRP) on exposure to electro-magnetic fields.

The Home Office considered the possible health implications for TETRA before AIRWAVE was brought into service in Lancashire. The Stewart Report stated that "no obvious health risk has been suggested". In the circumstances, and in the light of the benefits AIRWAVE would bring to the police service, it was decided to proceed with implementation. However, as a precautionary measure, the Home Office commissioned thorough reviews of the relevant science by NRPB and by the Defence Evaluation and Research Agency. These evaluations will be published when the work is completed.

The Radiocommunications Agency will adapt the audit of cellular base stations also to take account of emissions from TETRA systems.

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Published 17 July 2001

Return to Planning Guidance and Advice Index

Return to Planning Index

Return to Home Page

Web site terms

Site Id: BRK7036 Site Name: King Street

Height: 7.5 m ←——— (To Midpoint of Antenna)

BTS Class: Metro 20 No of TRx Per Sector: 4

Combiner: None Antenna Config: SST e.g. Omni, Sect, BSect, SST

Antenna Type: H & S 600mm Electrical Downtilt: 6 Bearing Of Antenna: 0 Deg
Mechanical Downtilt: 0

Feeder: LDF450 Length: 11 m

Specified Distance	25 m	Power Density at Specified Distance	0.049012 W/m²
		Percentage of ICNIRP PUBLIC	0.5446%
		Factor Less than ICNIRP PUBLIC	184
Lower Beam Edge	27.99 m	Power Density at Lower Beam Edge	0.039099 W/m²
		Percentage of ICNIRP PUBLIC	0.4344%
		Factor Less than ICNIRP PUBLIC	230
Centre Of Beam	71.36 m	Power Density at Centre Of Beam	0.006016 W/m²
		Percentage of ICNIRP PUBLIC	0.0668%
		Factor Less than ICNIRP PUBLIC	1496

Distance m	*Power Flux Density W/m²*	*Electric Field Strength V/m*	*Percentage of ICNIRP Public %*	*Factor Less than ICNIRP Public*
50	*0.012253*	*2.149269*	*0.136144%*	*735*
100	*0.003063*	*1.074634*	*0.034036%*	*2938*
200	*0.000766*	*0.537317*	*0.008509%*	*11752*
300	*0.000340*	*0.358211*	*0.003782%*	*26443*
400	*0.000191*	*0.268659*	*0.002127%*	*47009*
500	*0.000123*	*0.214927*	*0.001361%*	*73452*
1000	*0.000031*	*0.107463*	*0.000340%*	*293807*

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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: TL/2000/2873

Our Ref: APP/X0360/A/01/1068472

Date: 10 October 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT OUTSIDE, 2 KING STREET LANE, WINNERSH

Please note the new arrangements for the site inspection.
I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal is

Mr Paul Graham DMA FCIS Solicitor and Legal Associate RTPI.

As part of the normal procedures, the Inspector will be visiting the site. The purpose of the visit is to enable the Inspector to assess the impact of the proposed development on the surrounding area. We understand that the site can be adequately viewed without any need to gain access to private land. Therefore, the Inspector will visit the site unaccompanied by the parties. Our aim is for the visit to be carried out during the week commencing 15/10/2001. However, the time and date on which the visit actually takes place will be at the discretion of the Inspector.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

Yours faithfully

Miss Kate Hallett

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209G

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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: TL/2000/2873

~~Our Ref:~~ APP/X0360/A/01/1068472

Date: 1 October 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT OUTSIDE, 2 KING STREET LANE, WINNERSH

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal is

Mr Paul Graham DMA FCIS Solicitor and Legal Associate RTPI

The Inspector will visit the appeal site at 11:00 on 15/10/2001. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

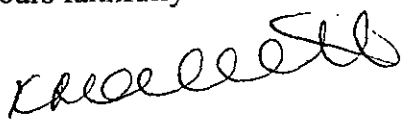
The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

Yours faithfully



Miss Kate Hallett

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209D

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PLANNING SERVICES H/4825
1 OCT 2001

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
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Wokingham
Berkshire
RG41 1BN

Your Ref: TL/2000/2874

Our Ref: APP/X0360/A/01/1068473

Date: 27 September 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT JUNCTION OF, READING ROAD & OLD FOREST ROAD, WINNERSH

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration. I apologise for the delay in the sending of these final comments.

Yours faithfully

Mr Simon Campbell

217L(BPR)

HERITAGE PLANNING

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Miss A. Groves,
Case Officer,
The Planning Inspectorate,
3/03 Kite Wing, Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN.

17 September 2001

Dear Ms. Groves,

Town & Country Planning Act 1990 – Appeal by Orange PCS Ltd.,
Site at Junction of Reading Road and Old Forest Road, Winnersh
Wokingham District Council
APP/X0360/A/01/1068473

I have pleasure in enclosing two copies of the appellant's comments in respect of the LPA's statement of case for the above appeal.

1. The LPA have indicated the policy background at paragraphs 3.01-3.06. No reference whatsoever is made to Planning Policy Guidance Notes, in particular PPG1, General Principles, and PPG8, Telecommunications.

2. PPG1 sets out the importance of the plan led system, and the need to apply adopted policies and deal with applications in accordance with the plan, unless other material considerations indicate otherwise. What constitutes 'other material considerations' is explained at Paras. 50-56 of the PPG. At para. 52, it is stated that *"The Courts have also held that the Government's statements on planning policy are material considerations, which must be taken into account, where relevant, in decisions on planning applications. .... If they elect not to follow relevant statements of the Government's planning policy they must give clear and convincing reasons."* Although the proposal is not a planning application, the appropriateness of applying the same principle is self-evident. It is asserted that the LPA have given neither clear nor convincing reasons why they have not taken into account Central Government's views and guidance.

   At Para 60 of PPG1, it deals with taking account of neighbours and third parties interests, starting *"...local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated."* The LPA have not sought to evaluate the representations received but merely have regard to the 'volume' of opposition.

3. Since the lodging of this appeal, a new PPG8, Telecommunications, became effective. A note of this and its relevance to the current appeal is included at

Appendix 13. The note is presented as being factual and whilst highlighting various paragraphs, does not provide commentary or debate. The guidance is up to date and has taken account of a number of issues, including the health aspects and concerns about them. The extent of the 'precautionary approach', is explained, stating that the LPAs should not impose a ban or moratorium, nor insist on minimum distances between new telecommunications and existing development.

4. The LPA identify what they regard as the relevant policies of the Structure Plan and emerging Local Plan. They have introduced a further policy that was not previously identified at the questionnaire stage, WBE12. However, no attempt is made to indicate the relationship of the proposal to these policies and degree of compliance or conflict. The LPA have indicated that there is no disagreement with the appearance of the proposal and it is unclear as to how they are able to assert in their conclusion that the proposal is contrary to policies TC1 (Structure Plan) and W1C 14 (Deposit Draft Local Plan). The LPA assert that by being located more central to the space than around the periphery in the way other street furniture is located it would be more prominent and give a cluttered appearance. This is very subjective and not a view shared by the appellant's. The location has been chosen in connection with the highway authority and such as to minimise its impact whilst maintaining operational requirements.

5. The Council advocate that they have a 'relaxed approach to mono-pole masts in the countryside', which they assert meets the wishes of the telecommunications industry. No evidence is given relating to policies that support this justification, on the contrary, PPG8 (2001) at Para. 63 states *"In Green Belts, telecommunications development is likely to be inappropriate unless it maintains openness. Protection of openness is the primary aim of Green Belt designation as explained in PPG2. Inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt. The lack of a suitable alternative site that would meet the needs of network coverage or capacity might be considered as very special circumstances. As part of their case to prove very special circumstances, in making an application for planning permission or prior approval, operators would normally be expected to show that there are not suitable alternative locations outside the Green Belt."*

Wokingham District Council appear to be operating a reverse policy by wanting to promote the Green Belt/countryside first and only when it is demonstrated that there is no suitable Green Belt/countryside site available will they entertain an urban site. Notwithstanding this stated approach, there are no policies indicated or committee resolutions to give weight to the practise. Furthermore, the appellants consider that the LPA are not being more flexible in the countryside to compensate for their opposition to urban sites, who appear to have little appreciation of the technical requirements of the industry. Two applications submitted on behalf of the appellant's for mast share proposals were refused where they entailed increasing the heights of a mast to accommodate an additional operator. These were F/2001/4136 – refused on 23 July 2001 and a site in Southbury Lane, Ruscombe, Twyford, refused on 7 August 2000. Furthermore a 10m mono-pole was refused prior approval on the Bath Road (TL/2001/3668). This was a Green Belt site and was refused due to the instance of other masts in the locality where mast share was believed to be an option. The applicants had, however, given a technical justification as to why sharing other sites was not practicable and considered the LPA's stance to be unreasonable and contrary to the flexible approach being stated.

The LPA have suggested alternative sites to the north-west and indicate they would give their support here, acknowledging that it may require a taller mast. The site share

opportunities have been investigated but it is the case that to mast share would not provide coverage to the target area, even if the heights were raised in excess of 35 m. A twenty metre mast would be necessary to achieve coverage if located near the railway between the M4 and Old Forest Road, however, the visual impact of this would be much greater than the option proposed and would not comply with national and local policies.

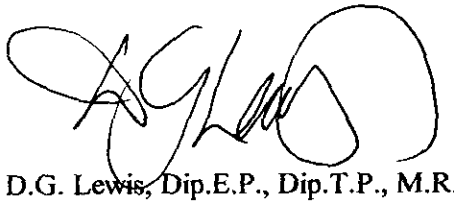
6. The reason relating to highway safety is considered to be unjust. The location was identified with the assistance of the highway authority and they have raised no objection to the proposal. Once completed, the site would only need to be visited once every three to four months for routine maintenance and would be no different to the Highway Authority and other statutory undertakers maintaining their own equipment. The Council would not take a similar view to refusing householder extensions where construction workers may park on the highway as a consequence of implementing a development and there is no justification for withholding permission for this reason.

It is unclear as to the purpose of the accident records at this junction. Both accidents occurred on the Reading Road. As this is the busier section of highway, in practise service vehicles associated with the microcell would be less likely to park here. Both accidents were before 8 a.m. and appear to be associated with rush hour traffic rather than the nature of the junction itself. Both involved a driver of the age of 99. No doubt the LPA will give robust expert evidence at the hearing of the identified danger that would occur as a result of the proposal proceeding.

6. In conclusion, the LPA have given no planning justification for refusing the application for prior approval. To assert that their approach is a model to be emulated by others is wholly unjustified. To further question the Appeal process, should the decision be to allow the proposal, when the LPA have provided no cogent or coherent case is inappropriate and unprofessional.

The Inspector is therefore respectfully requested to allow this appeal.

Yours sincerely,



D.G. Lewis, Dip.E.P., Dip.T.P., M.R.T.P.I.

APPENDIX 13

APP/X0360/A/01/1068473

Note regarding PPG 8 Telecommunications 2001

1. On 22nd August 2001, a new PPG 8 became effective, replacing that dated December 1992 and circular 4/99 'Planning for Telecommunications'.

2. The main changes are to take account of the growth of the industry and new technology, update the permitted development rights and provide advice of taking account of health considerations in making planning decisions.

3. There are a number of issues that are relevant to the current appeal, which are identified below and referenced to the paragraphs of the new PPG.

4. Government policy seeks to facilitate the growth of the telecommunications industry whilst keeping the environmental impact to a minimum. (para 1).

5. Great emphasis is placed on policies to protect the Green Belt (para 17).

6. Authorities have a role in identifying existing and potential sites particularly on land that they own. (para 22).

7. Designs are encouraged that are sympathetic and camouflaged to minimise impact on the environment and involve the LPA in choices relating to alternatives. (paras 24 – 28).

8. Health considerations and the way in which the planning process for applications accommodates these issues are clarified. (paras 29 – 31). It is stated that, "In the Government's view, 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 fro planning permission or prior approval, to consider further the health aspects and concerns about them. (my underlining). (para 30).

9. The advice goes further to clarify the scope of the 'precautionary approach'. The Government's response to the Stewart Report does not provide any basis for precautionary actions beyond those already proposed. "In the Government's view, LPA's should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development." (para 31)

10. In the Appendix – 'Supporting Guidance', much of the Government policy is restated to reinforce and give clarity to the consideration that should be given to telecommunications development.

11. Advice is given on the general policies that should be included in Local Plans, taking into account the operational needs of operators. (para 39 – 41)

12. Considerations relating to siting and design are explained, where particular attention may be necessary in designated areas. Again the technical needs of the operator need to be taken into account. An understanding of the requirements is encouraged through discussion with a view to resolution of issues. The use of innovative design is seen as an important part of the process. (paras 74 – 77).

13. Health considerations are explained in more detail, (paras 88 – 101) and the Government's advice on the extent of involvement restated. It is indicated that that it is not for the LPA to replicate through the planning system controls under the health and safety regime, (para 94). Again the advice is given that the planning system is not the place for determining health standards. "It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone station meets the ICNIRP guidelines for public exposure it should not be necessary for a LPA, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them, (para 98). Advice relating to the extent of the precautionary approach is restated.

47702

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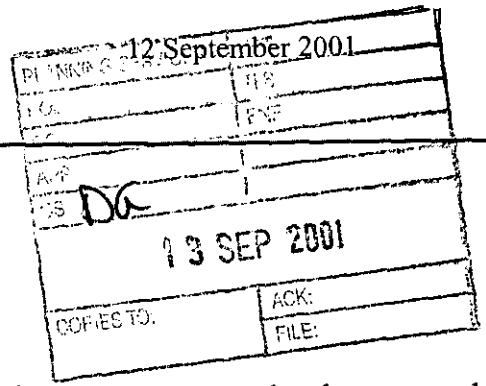
Your Ref: TL/2000/2873

Our Ref: APP/X0360/A/01/1068472

Date: 12 September 2001



Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT OUTSIDE, 2 KING STREET LANE, WINNERSH

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Simon Campbell

Mr S P Campbell

217L(BPR)

HERITAGE PLANNING

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Miss A Groves
Case Officer
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Temple Quay House
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Bristol, BS1 6PN

6 September 2001

Dear Miss Groves

Town & Country Planning Act 1990 – Appeal by Orange PCS Ltd
Site at 2 King Street Lane, Winnersh – Wokingham District Council
APP/XO360/A/01/1068472

I have pleasure in enclosing in enclosing two copies of the appellant's comments in respect of the LPA's statement of case for the above appeal.

The Council's case is given at paragraphs 4.01 and 4.04 – 5, (the LPA have confirmed that there is no para 4.02 – 3). The LPA have failed to present an argument that justifies the refusal of prior approval. Having identified the relevant policies at section 3, the authority make no comment as to the proposal's relationship to the policies or degree of compliance/conflict. The appellant's assert that there is no conflict with policy, no unacceptable loss of amenity or demonstratable harm being caused.

The Council indicate that within a 200m zone of buildings regularly used by people they will pay special regard, but do not indicate what this special regard consists of.

The LPA's case simply acknowledges that there is 'considerable' public concern as evidenced by six letter of objection. There are no Council policies put forward which state public concern as being a material consideration over and above other policies of the Council. To adopt an approach based on the comments of a minority, as opposed to consideration in accordance with adopted policies, is a naïve and dangerous way of controlling development. Not only do the LPA allow themselves to be influenced by a small number of objections, it is evident that the objections are primarily concerned with health issues where the Government have given clear guidance as to the context and scope that these should be considered.

The conclusions stated by the LPA to not follow on from the case that precedes it. At this point reference is made to alternative countryside locations, but no indication is given as to where these might be. The LPA have not acknowledged the operational requirements for telecommunications and the restrictions placed on side search to remedy this localised deficiency. A countryside location, that they appear to promote, may well be seen to conflict with policies of the Structure Plan due to the visual impact that would be inevitable in such a location, especially if this meant a taller tower to establish 'line of sight' No indication is given of committee resolutions or supplementary guidance that would override adopted and emerging policies.

Whilst the LPA state their taking a more relaxed approach to countryside locations, there is no evidence of this. As agents for the appellant's, Heritage Planning have applied to increase the height of two existing masts to enable sharing with another operator. Both were refused permission, being contrary to the Council's policies. The two applications were F/2001/4136 refused 23. 7.01, and a site at Southbury Lane, Ruscombe Twyford, refused 7.8.00.

The conclusion that the development is contrary to Policy TC1 is unfounded. The LPA has not indicated in what way it is in conflict.

At 5.03 the LPA imply they are meeting the industries aspirations when clearly they are not. Emphasis given to representations (which include properties some distance from the appeal site) without an evaluation as to the validity of those representatives is not a 'model approach worthy of emulation'. The LPA appear to dismiss the Plan-led approach despite the process fully embracing public participation and the ability to accommodate parochial interests in establishing a framework for controlling future development.

The six letters of objections are heralded as being the 'community's voice' whose disregard questions the democratic appeal process. This, again is a naïve and dangerous statement that has no regard for the status of the planning system, adopted policies or the views of the vast majority that chose not to comment on the application and appeal.

In conclusion, the LPA have given no further evidence to expand the reason given for refusing prior approval other than to acknowledge that a few letters of objection were received. No evaluation is made of these objections by the LPA, and their relevance within the planning system. No evaluation of the adopted and emerging policies is given or to Central Government guidance and advice.

The Inspector is therefore respectfully requested to allow the appeal.

Yours sincerely



D. G. Lewis, Dip.E.P., Dip.T.P., M.R.T.P.I.

Encs.

cc: Chris Stevens OPCS
Bob Francis OPCS

Tel. (0118) 974 6448 (Direct Line)
Date: August 17, 2001
My ref: TL/2000/2873
Your ref: APP/X0360/A/01/1068472

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Dear Miss Groves

APPEAL BY: Orange PCS Ltd
SITE: Outside 2 King St Lane, Winnersh

With reference to this appeal, I enclose 2 copies of the Council's statement of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: July 23, 2001
My ref: F/2000/2873
Your ref: APP/X0360/A/01/1068472

Copy

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
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Tel: (0118) 974 6000
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Miss Groves

APPEAL BY: Orange PCS Ltd
SITE: Outside 2 King Street Lane, Winnersh

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.
I have also sent a copy to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line) Copy
Date. July 23, 2001
My ref: F/2000/2873
Your ref: BRK 7036

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Heritage Planning Ltd
Heritage House
Old Coach Rd
Colchester
Essex
CO1 2TH

Dear Sirs

APPEAL BY: **Orange PCS Ltd**
SITE: **Outside 2 King St Lane, Winnersh**

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

(47)

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728443

GTN 1371-6079

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: TL/2000/2873

Our Ref: APP/X0360/A/01/1068472

Date: 9 July 2001

DG 45503

FDI
DG
ADP DG
CS

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY ORANGE P C S LTD
SITE AT OUTSIDE, 2 KING STREET LANE, WINNERSH

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that: -

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000.* Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. In most cases the visit will be arranged within 12 weeks of the **starting date**.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

G. Nall

pp Miss A Groves

102(BPR)

The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 8939.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name: Orange PCS Ltd

Address: Black Arrow House, 2-3rd Floor
2 Chandos Road, London

Postcode: NW10 6NF

Daytime phone no:

Fax no:

E-mail address:

B. AGENT DETAILS (if any)

Name: Heritage Planning Ltd

Address: Heritage House
Old Coach Road
Colchester, Essex

Postcode: CO1 2TH

Your reference: BRK 7036

Daytime phone no: 01206 792448

Fax no: 01206 860116

E-mail address: heritage.planning@aspects.net

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA: Wokingham District Council

LPA's application reference no: TL/2000/2873

Date of the planning application: 29 November 2000

Date of LPA's decision notice (if issued): 8/01/2001

D. APPEAL SITE ADDRESS

Address Outside 2 King Street Lane, Winnersh

Postcode RG41 5LT

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☑

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed with the LPA)

Erection of an 8m high telecommunications pole with three directional antennae and equipment cabinet.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse prior approval for the development described in Section E. ☑
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. Refuse approval of details required by a previous outline planning permission. ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

   or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please note that when we decide how the appeal will proceed, we take into account the LPA's views

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☑

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING ☐

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY ☐

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

Please turn over

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

GROUNDS OF APPEAL

1. The appellant is a telecommunications code system operator and is required under the terms of its licence to establish a Personal Communications Network throughout the country.

2. The cellular system used by the Company imposes technical constraints on siting. In general, sites have to be located at regular intervals and in high positions to allow the equipment to work effectively. Microcells are designed to meet a localised deficiency and have a maximum range of 300-400 metres. This restricts the area of search for such a facility.

3. The company needs to bring forward the proposed facility in order to introduce a new cell to provide adequate coverage where there is a gap in the network.

4. In using this facility, the company can meet its operational criteria, whilst at the same time paying adequate regard to environmental considerations, particularly visual amenity.

5. The proposals are consistent with PPG8, which urges authorities to be alive to the special requirements of telecommunication operators which necessitate sites within urban and rural areas.

6. PPG8 also clearly recognises the benefits of modern telecommunication such as the system being established by the Company.

7. The site is a good choice of location and will have a minimal impact on the area due to the following factors:-

   (i) The modern sleek design and appearance of the column which is of the latest type of mast, purposely designed to blend with existing street furniture and to be located within sensitive locations such as Conservation Areas, Town Centres and Residential Areas.

   (ii) The siting of the column and cabinet in an area where there is a very wide verge and public footpath, associated with other items of street furniture and signage.

   (iii) The siting of the proposed column and cabinet where there is mature planting.

   (iv) The avoidance of need for a lattice mast or roof-mounted stub tower to achieve coverage within the same area.

   (v) The proposed development has a low power output when compared with macro base stations and has been designed to comply with the ICNIRP guidelines and will not adversely affect the health of nearby residents.

H. GROUNDS OF APPEAL (continued)

8. The location has been agreed with the local highway authority.

9. The LPA have not indicated any conflict with the Local Plan Policies relevant to the decision.

10. The reason for refusal is unclear and imprecise, failing to indicate the nature or degree of harm caused if the development were to proceed.

11. In conclusion, the proposals have only been brought forward only after proper consideration of both environmental and operational criteria, in accordance with the Company's licence requirements and national and local policy. The site therefore strikes a proper balance between environmental and operational considerations.

12. The Inspector is therefore requested to support these proposals and to allow this appeal at the earliest possible date.

Orange BRK/7036
June 2001

Please turn over

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box only* ✔

CERTIFICATE A ☐

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☑

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served
Wokingham District Council	c/o Graham Barnwell Highways Dept., Shute End Wokingham, Berks RG40 1WR	29 June 2001

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

✔

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

		✔
1.	A copy of the original ~~planning~~ prior approval **application** sent to the LPA.	☑
2.	A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). N/A	☐
3.	A copy of the **LPA's decision notice** (if issued).	☑
4.	A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).	☑
5.	Copies of all **plans, drawings and documents** sent to the LPA as part of the application.	☑
6.	Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).	☐

Copies of the following must also be sent, if appropriate:

7.	**Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:	☐
8.	Any relevant **correspondence** with the LPA.	☑
9.	If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:	
	(a) the relevant outline application;	☐
	(b) all plans sent at outline application stage;	☐
	(c) the original outline planning permission;	☐
10.	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐
11.	If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.	☐

This is one of four appeals submitted concurrently for telecommunications microcells in Wokingham. The others are as follows:

Orange Ref:	LPA Ref:	Site:
BRK 7033	TL /2000/2871	Adjoining Duffield Bridge, Duffield Rd, Woodley
BRK 7039	TL /2000/2874	Old Forest Road, Winnersh
BRK 7085	TL /2000/3667	Land adjacent to The Square, Chalfont Way, Earley

PLEASE TURN OVER AND SIGN THE FORM – UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not, your appeal will not normally be accepted).*
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature _____ (on behalf of) Orange PCS Ltd

Name (in capitals) DAVID G. LEWIS Date 29 June 2001

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Customer Support Section
  Temple Quay House
  2 The Square
  Temple Quay
  BRISTOL
  BS1 6PN

  We do not currently accept appeals by e-mail or fax.

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for us receiving further information or representations.

   YOU MUST KEEP TO THE TIMETABLE
   If information or representations are received late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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Her Majesty's Stationery Office
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Norwich NR3 1BQ