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David Reekie
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Dear Mr Reekie

Consultation on Changes to Permitted Development Rights for Development by Telecommunications Code Operators

Thank you for consulting on the draft Changes to Permitted Development Rights for Development by Telecommunications Code Operators. Built Environment Forum Scotland (BEFS) is a forum that brings together non-governmental organisations with a built environment remit and acts as national intermediary for Scotland's historic environment sector. Through its member organisations, BEFS connects with over 325,000 individuals through 300 organisations.

The response below has been drafted through discussion with our members in the Institute of Historic Building Conservation, National Trust for Scotland, Association of Local Government Archaeology Officers, Archaeology Scotland, Architectural Heritage Society of Scotland and the Institute for Archaeologists.

Should you wish to follow up on any detail, please do not hesitate to get in contact.

Yours sincerely

Euan Leitch
Advocacy and Communications Officer

ANNEX D: RESPONDENT INFORMATION FORM AND LIST OF QUESTIONS



Consultation on Changes to Permitted Development Rights for Development by Telecommunications Code Operators

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Built Environment forum Scotland

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Leitch

Forename

Euan

2. Postal Address

9 Manor Place

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick ONE of the following boxes

Please tick as appropriate

Yes **No**

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

List of questions

Question 1

a) Do you agree with the proposal to amend PDR to allow the installation or replacement of telegraph poles in designated areas?

No. While the replacement of poles under PDR may be appropriate the installation of new poles could have adverse consequences for some designated areas. As the consultation does “not expect that this relaxation would lead to large numbers of new poles being installed” it follows that the required planning permission for new telegraph poles in designated areas is not onerous.

Further clarification of “designated areas” is required. World Heritage Sites, battlefields and local landscape designations (Special Landscape Areas, Areas of Landscape Significance etc) can be sensitive to the addition of telecommunication equipment and should also be excluded from PDR.

b) Should there be restrictions on any PDR and if so, what restrictions would be appropriate and why?

Yes. If PDR are extended to the replacement of telegraph poles in designated areas there should be controls as to the dimensions and materials used. ‘Replacement’ otherwise may constitute a considerable change in character and set an unwelcome precedent if applied to other elements of street furniture.

Question 2

a) Do you agree with the proposed increases to the dimensions of existing masts and attached equipment?

No. The increases could result in an adverse visual impact to the settings of historic assets and the quality of the public realm outwith designated areas.

b) Do you agree that PDR for such increases should apply to existing masts in all, or some, designated areas?

No. Extending the PDR to permit masts to be moved up to 4m within designated areas could result in an adverse impact upon historic features within a designated area where a site has been carefully agreed to minimise impacts. This could be an adverse impact upon architectural features of an A listed building, historic streetscape within a conservation area or disturbing undesigned archaeology.

Question 3

a) Do you agree that Class 67 should refer to antenna systems rather than antenna for the purposes of PDR for equipment installed on buildings?

Yes. However the number of systems permitted could result in buildings bristling with antennae which could have an adverse impact upon the visual amenity of the built environment and therefore detrimental to the Placemaking agenda as set out by the Scottish Government and Architecture and Design Scotland. It could have seriously adverse impacts upon conservation areas where there is existing permission if a dozen antennae and many more transmission dishes were to be permitted under PDR.

b) Should the definition of antenna system include associated equipment housing, ancillary equipment (see paragraphs 2.34-2.36 below) or other structures?

The items listed in paragraph 2.36 contribute to street clutter. While these may be necessary to support antennae, the control of their site, position and appearance is important to maintain the public realm as barrier free and visually appealing as possible therefore maintaining control over these is desirable.

Question 4

a) Do you agree that the criteria setting out the dimensions of antenna should be standardised/simplified?

Reassurance would have to be provided that this would not adversely impact the appearance of, or setting of designated buildings and areas or be detrimental to the quality of the public realm.

b) Do you agree with the proposal that the distinction between buildings over/under 15m be removed?

Reassurance would have to be provided that this would not adversely impact the appearance of, or setting of designated buildings and areas or be detrimental to the quality of the public realm.

c) Do you agree with the proposed number of antenna (or antenna systems as the case may be) that would be permitted on a single building under PDR?

It is unclear where or not this applies to designated areas or buildings. It would result in an adverse impact upon listed buildings and conservation areas if 12 antennae of up to 3m were allowed under PDR.

There is inconsistency with the claim in paragraph 2.17 that for an antennae system “an operator typically needs three to four antennas and probably several transmission dishes” and the proposal in paragraph 2.23 that a “standardised criteria could permit four to five antenna systems on any one building”. This could result in 20 antennae and an unnumbered amount of transmission dishes on one building. Without any control over where these are what guarantee can the Scottish Government offer that this will never result in an adverse impact on public visual amenity?

Successful efforts have been made to bury wiring underground to prevent similar visual disturbance and there is a danger here that the new PDR is a backward step, allowing a forest of antennae. Care must be taken to consider the changes here in the context of controls on signage and paint colour, as they make it difficult to maintain effective controls in these other key areas difficult to justify.

Question 5

a) Do you agree with the proposed increase in height for antenna on buildings from four metres to six metres?

No.

b) If not, please indicate why.

There would appear to be inconsistency with the last section which suggests restricting the height of antennae to 3m. The consultation suggests that an increase in height *could* result in antennae being placed further back from the roof edge but without a requirement for taller antennae to be set further back the benefit may not be achieved. It does not take into account that roofscapes in undulating urban areas and those with mixed scales of development can also be visible from above and 12-20 antennae at 6m would be likely to have an adverse visual impact.

Question 6

a) Do you agree that the definition of small antenna be amended to remove the restriction that it only applies to point to fixed multi-point systems?

b) Should the restrictions on size be retained or modified?

They should be retained.

c) Should the maximum size include the mounting?

It should include the mounting and brackets and given the adverse visual impacts that poorly sited and tied cabling can have detailed advice should be supplied.

e) Should the restrictions on facing roads be removed for dwellinghouses in designated areas?

No. Historic Scotland's guidance Managing Change in the Historic Environment: Fixtures makes clear that the number of fixtures added to a historic building can have a cumulatively adverse impact. Further, as technology changes fixtures can become redundant and left unmaintained. The impact is not just upon the appearance of a building as it can result in damage to the historic fabric even when non ferrous means of attachment are used. Subsequent removal will leave holes in the masonry that will result in accelerated deterioration. Historic Scotland's advice is that telecommunication equipment should be fixed "where impact is minimal" i.e. not on principal elevations or elevations that face roads.

Question 7

a) Do you agree that PDR should extend to necessary ancillary equipment?

No. The extent of the ancillary equipment could have a detrimental archaeological impact and an adverse visual impact upon historic buildings and areas. Without control it may also degrade the quality of the public realm.

Question 8

a) Do you agree that the time period for emergency apparatus to be located on a site should be increased to twelve months?

No, twelve months would border on 'established presence' resulting in acceptance.

b) If not, should we retain the current provisions or consider a different period?

The current provision of 6 months should be retained.

c) Should planning authorities have discretion to agree a longer period where required?

Not where there is an impact upon the setting of a heritage asset. The tighter duration should be maintained to focus the pursuit of a permanent solution.

BRIA Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?

EqIA Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.

SEA Please provide details of any significant environmental effects (positive or negative) which you think may arise in relation to the potential changes discussed in this paper.