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Council Building
2 High Street
Perth
PH1 5PH

09/11/2022

A hybrid meeting of the **Environment, Infrastructure and Economic Development Committee** will be held in the **Council Chamber** on **Wednesday, 16 November 2022** at **14:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

THOMAS GLEN
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Members:

Councillor Andrew Parrott (Convener)
Bailie Mike Williamson (Vice-Convener)
Councillor Keith Allan
Bailie Alasdair Bailey
Councillor Steven Carr
Councillor John Duff
Councillor Angus Forbes
Councillor Ken Harvey
Councillor Noah Khogali
Bailie Claire McLaren
Councillor Willie Robertson
Councillor Frank Smith
Councillor Colin Stewart
Councillor Richard Watters
Councillor Jack Welch

Environment, Infrastructure and Economic Development Committee

Wednesday, 16 November 2022

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE OF 21 SEPTEMBER 2022 FOR APPROVAL** 5 - 8
(copy herewith)
- 4 OUTSTANDING BUSINESS STATEMENTS (OBS)** 9 - 10
(copy herewith 22/277)
- 5 PERTH AND KINROSS LOCAL DEVELOPMENT PLAN (LDP3) DEVELOPMENT PLAN SCHEME** 11 - 30
Report by Head of Planning and Development (copy herewith 22/278)
- 6 MOBILE TELECOMMUNICATIONS POLICY STATEMENT** 31 - 54
Report by Head of Planning and Development (copy herewith 22/279)

IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

- P1 MULTI-USE PATH BETWEEN STANLEY AND LUNCARTY PATH ORDERS**
- Exempt Reason 6 - Information relating to the financial or business affairs of any particular person (other than the authority).

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ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE

Minute of hybrid meeting of the Environment, Infrastructure and Economic Development Committee held in the Council Chambers on 21 September 2022 at 10.00am.

Present: Bailies A Bailey and M Williamson, Councillors K Allan, S Carr, J Duff, A Forbes, K Harvey, N Khogali, C McLaren, A Parrott, W Robertson, F Smith, C Stewart, G Stewart (substituting for Councillor J Welch) and R Watters.

In Attendance: B Renton, Executive Director (Communities); F Crofts, Head of Communities Business and Resources, M Butterworth, Head of Environmental and Consumer Services; S D'All, D Stubbs, K Doherty, A Graham, P Dickson and A Clegg (all Communities); and S Hendry, A Taylor, A Brown and M Pasternak (all Corporate and Democratic Services).

Apology: Councillor J Welch

Councillor A Parrott, Convener, Presiding.

1. WELCOME AND APOLOGIES

Councillor A Parrott welcomed everyone to the meeting and an apology was noted above.

2. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Councillor R Watters declared a non-financial interest in Item P1 on the agenda.

3. MINUTE OF PREVIOUS MEETING

The minute of the meeting of the Environment and Infrastructure Committee of 29 June 2022 was submitted and approved as a correct record.

4. OUTSTANDING BUSINESS STATEMENTS (OBS)

Resolved:

The Outstanding Business Statement be noted.

5. POLICY AND LEVEL OF SERVICE FOR WINTER 2022/23

There was submitted a report by the Head of Environmental and Consumer Services (22/224) (1) providing details of the winter season experienced in 2021/2022; and (2) proposing a level of service for the 2022/23 winter season period with the aim being to permit winter weather to be treated to assist the safe movement of pedestrians and vehicles across the Council area.

Resolved:

- (i) The changes to last year's policy and level of service for winter, as shown in italics throughout the report, be noted.
- (ii) The level of service for the gritting and snow clearing of roads and footways in Perth and Kinross for the forthcoming winter period, using plant and labour resources of Tayside Contracts, other Council Services and private contractors as required, be approved.

6. UPDATE AND PROPOSALS FOR THE SCOTTISH GOVERNMENT PLACE BASED INVESTMENT PROGRAMME

There was submitted a report by the Head of Planning and Development (22/225) providing an update on progress with projects allocated funding from the Place Based Investment Programme and recommending further projects to receive funding from the Programme allocation.

Resolved:

- (i) The progress being made on delivery of the already approved Place Based Investment Programme funded projects allocated funding during 2021/22, be noted.
- (ii) The allocation of funding available via the Place Based Investment Programme 2022/23 for the projects detailed in Section 5.3 of Report 22/225, be approved.
- (iii) The proposal to introduce an open application process for future years allocation of Place Based Investment Programme funding to link with other national and local funding to maximise efficient use of resources and investment support, be noted.

7. PERTH AND KINROSS OUTDOOR ACCESS FORUM ANNUAL REPORT 2021-22

There was submitted a report by the Head of Environmental and Consumer Services (22/226) summarising the activities and progress of the Perth and Kinross Outdoor Access Forum over the last year; and recommending the appointment of three new members to the Forum.

Resolved:

- (i) The appointment of three new members and the re-appointment of two members for a period of four years, be approved, along with those members to be retained in their appointments for at least a further year as outlined in Appendix 1 to Report 22/226.
- (ii) The Executive Director (Communities) be delegated to fill any casual vacancies arising in this period through recruitment by Forum members as detailed within the Forum's Term of Reference.
- (iii) The activities and progress of the Perth and Kinross Outdoor Access Forum from October 2021 and the ongoing commitment to maximise effective partnership working to make the best of the exceptional landscapes, paths networks and access rights for all within Perth and Kinross, be noted.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

P1. MULTI-USE PATH BETWEEN STANLEY AND LUNCARTY PATH ORDERS

The Convener advised that following discussion it was agreed that this item would be deferred to the next meeting of the Committee scheduled to be held on 16 November 2022.

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**ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE**

**OUTSTANDING BUSINESS STATEMENT (OBS)**

(22/277)

Please note that this statement sets out outstanding decisions of this committee along with an update and estimated completion date. Actions which are overdue are shaded for ease of reference. Where an update reflects that an action is complete then the Committee's agreement will be sought to its removal from the OBS.

| <b>No</b> | <b>Minute Reference</b>     | <b>Subject Title</b>                           | <b>Outstanding Action</b>                                                                                           | <b>Update</b>                                                                                                   | <b>Lead Officer /Service</b>     | <b>Action Due / Complete</b> | <b>Action Expected</b> |
|-----------|-----------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------|------------------------|
| 5.        | 21 September 2022<br>Item 5 | Policy and Level of Service for Winter 2022/23 | Provide members with details on the costings of the summer delivery rate and in-season delivery rate for rock salt. | Information circulated to Members via <a href="#">Elected Member Briefing Note 037-22</a> on 28 September 2022. | Stuart D'All                     | <b>COMPLETE</b>              | 16 November 2022       |
| 6.        | 21 September 2022<br>Item 5 | Policy and Level of Service for Winter 2022/23 | Provide members with further details on the coverage across the P&K area of the community hand gritters.            | Information circulated to Members via <a href="#">Elected Member Briefing Note 037-22</a> on 28 September 2022. | Stuart D'All                     | <b>COMPLETE</b>              | 16 November 2022       |
| 7.        | 21 September 2022<br>Item 5 | Policy and Level of Service for Winter 2022/23 | Provide further information on how the collaborative work between Amey and Tayside Contracts is progressing.        | Information circulated to Members via <a href="#">Elected Member Briefing Note 037-22</a> on 28 September 2022. | Barbara Renton /<br>Stuart D'All | <b>COMPLETE</b>              | 16 November 2022       |



**PERTH AND KINROSS COUNCIL**

**Environment, Infrastructure and Economic Development Committee**

**16 November 2022**

**PERTH AND KINROSS LOCAL DEVELOPMENT PLAN (LDP3)  
DEVELOPMENT PLAN SCHEME**

**Head of Planning & Development**  
(Report No. 22/278)

**1. PURPOSE**

1.1 This report seeks approval for the update of the statutory Development Plan Scheme (DPS) relating to the preparation of the next Perth and Kinross Local Development Plan (LDP3). The last update was approved by the Strategic Policy and Resources Committee on 24 November 2021. It was agreed that an annual progress report be submitted to committee detailing any changes to the Development Plan Scheme.

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. RECOMMENDATIONS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.1                       | <p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> <li>i) agrees the proposed Perth &amp; Kinross Council Development Plan Scheme and authorises the Executive Director (Communities) to submit the Scheme to the Scottish Ministers;</li> <li>ii) remits the Head of Planning &amp; Development to submit an annual progress report to this Committee, detailing any changes to the Development Plan Scheme.</li> </ul> |

**3. STRUCTURE OF REPORT**

3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Proposals
- Section 6: Conclusion
- Appendices

**4. BACKGROUND / MAIN ISSUES**

4.1 The current Perth and Kinross Local Development Plan was adopted on 29 November 2019 (Report No.19/275 refers) and sets out the strategy to guide future land use and development within Perth & Kinross for a 10-year period up to 2029. It was prepared under the Planning (Scotland) Act 2006, section 16 of which requires Planning Authorities to prepare and update Local Development Plans (LDP) for their area at intervals of no more than 5 years. The Council should therefore be looking to adopt a new LDP by 2024.

- 4.2 In working towards this timescale, preparation of the next LDP commenced in early 2021. The Planning (Scotland) Act 2019 introduced a new approach to Local Development Plans within the context of a statutory National Planning Framework. Therefore, Local Development Plans will now be reviewed, prepared and adopted under the new system. However, all the necessary procedures and processes to be followed are not yet in place resulting, unavoidably, in some delay. The Scottish Government has advised that the Development Plan Regulations and Guidance will be published later in 2022, providing the detail on what is required for the new Evidence Report, the first stage in the preparation of LDP3.
- 4.3 The Scottish Government acknowledges that transitioning to the new planning system will have implications for LDP timescales. As such, it envisages that every Planning Authority in Scotland will have a new style local development plan in place within 5 years of the regulations coming into force. On this basis, and assuming the regulations are shortly published, a new LDP should be in place by autumn 2027. This is still within the 10-year lifespan of LDP2, and it should be noted that new Local Development Plans will require to be formally reviewed no more than every 10 years.

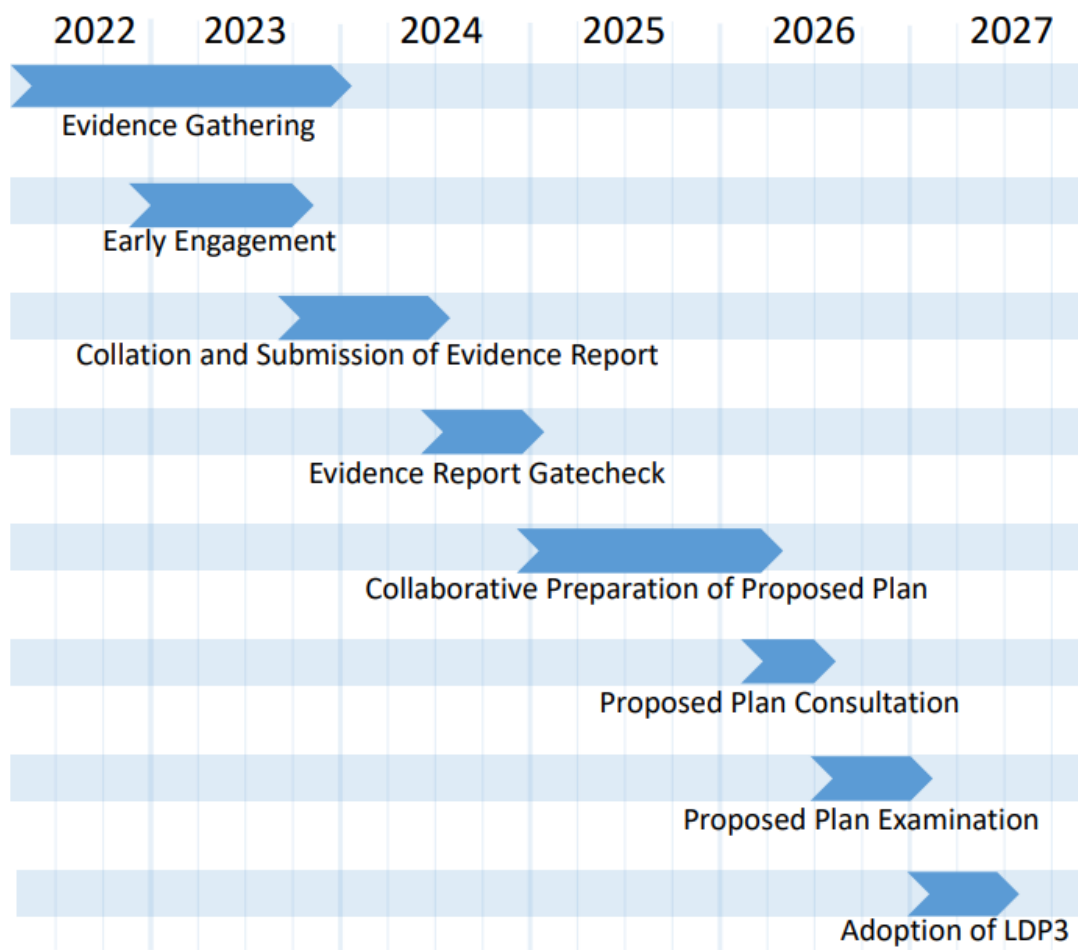
## **5. PROPOSALS**

### **Development Plan Scheme**

- 5.1 The Planning Authority is required to prepare a Development Plan Scheme which provides an outline for the preparation of the LDP, as well as detailing the Council's commitment to consultation and engagement.
- 5.2 The Development Plan Scheme in Appendix 1 sets out an update on progress towards LDP3. It details what has been achieved so far and what is programmed for the following years. It also includes a Participation Statement which sets out the "when, who, how and why" of consultation/engagement at each stage of the Plan preparation.
- 5.3 The Planning System in Scotland has been under review since 2015. In June 2019, the Planning (Scotland) Act 2019 was passed by the Scottish Parliament to determine the future structure for modernising the planning system. The new system requires preparation of an Evidence Report which is to be submitted to the Department of Environment and Appeals for a review and assessment exercise known as a 'gate-check.' The new system also places greater focus on public participation with the objective of providing greater transparency and community involvement in the development of strategy.

5.4 Draft development planning regulations and guidance were produced in December 2021 and have enabled the Council to begin to organise the evidence gathering process. However, as mentioned above, the finalised regulations and guidance are required to confirm that the approach taken and evidence being gathered are appropriate and sufficient. The timetable from the Development Plan Scheme included below has been prepared on the assumption that the finalised regulations and guidance will be received before the end of 2022. The timetable will be reviewed annually as part of the Development Plan Scheme update and accelerated if circumstances allow.

### LDP3 Timeline



### What happens next?

5.5 Alongside the evidence gathering work, the Strategic Environmental Assessment (SEA) Baseline Report is currently being drafted, along with a Communication Strategy which aims to focus on meeting the new engagement requirements set out in the Act. A proposed programme for engagement has been developed to seek the views of the public, including the views of disabled persons, Gypsies & Travellers, and children and young

people. This is set out in detail in the Development Plan Scheme and includes both online engagement and a rolling programme of locality engagement to be undertaken using the Place Standard tool from January to August 2023. Internal awareness raising has also been undertaken, with colleagues from Community Planning & Policy and the Health and Social Care Partnership being involved in workshops on how to use the Place Standard tool to engage communities. The aim is to co-ordinate with other engagement activities wherever possible, for example the proposed Mobility Strategy, and share the information gathered across Council Services. The consultation outlined supports the PK Offer and the draft Community Plan and, in doing so, assists communities wishing to prepare their own Local Place Plans. LDP3 is a key tool alongside other strategies such as the Local Housing Strategy and Mobility Strategy to delivering great places for people to live and work.

## 6. CONCLUSION

- 6.1 The Development Plan Scheme has been drafted to update the Committee on the preparation of the new Perth and Kinross Local Development Plan. It revises the proposed timetable previously proposed in 2021, and provides more clarity on public participation in the LDP process.

### Author

| Name          | Designation                                                | Contact Details                                                                                      |
|---------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Brenda Murray | Development Plan Team Leader (Planning & Housing Strategy) | (01738) 475000<br><a href="mailto:ComCommitteeReports@pkc.gov.uk">ComCommitteeReports@pkc.gov.uk</a> |

### Approved

| Name           | Designation                      | Date            |
|----------------|----------------------------------|-----------------|
| Barbara Renton | Executive Director (Communities) | 7 November 2022 |

## APPENDICES

- Appendix 1 – Perth & Kinross Development Plan Scheme 2022

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | <b>None</b>       |
| Workforce                                           | <b>None</b>       |
| Asset Management (land, property, IST)              | <b>None</b>       |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | <b>Yes</b>        |
| Strategic Environmental Assessment                  | <b>Yes</b>        |
| Sustainability (community, economic, environmental) | <b>Yes</b>        |
| Legal and Governance                                | <b>None</b>       |
| Risk                                                | <b>None</b>       |
| <b>Consultation</b>                                 |                   |
| Internal                                            | <b>No</b>         |
| External                                            | <b>No</b>         |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>None</b>       |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 The Development Plan Scheme contributes to the following Perth & Kinross Community Plan / Single Outcome Agreement priorities:

- (ii) *Developing educated, responsible and informed citizens*
- (iii) *Promoting a prosperous, inclusive and sustainable economy*
- (iv) *Supporting people to lead independent, healthy and active lives*
- (v) *Creating a safe and sustainable place for future generations*

#### Corporate Plan

- 1.2 The Development Plan contributes to the achievement of the following Council's Corporate Plan Priorities:

- (ii) *Developing educated, responsible and informed citizens;*
- (iii) *Promoting a prosperous, inclusive and sustainable economy;*
- (iv) *Supporting people to lead independent, healthy and active lives; and*
- (v) *Creating a safe and sustainable place for future generations.*

## **2. Resource Implications**

### Financial

2.1 None.

### Workforce

2.2 None.

### Asset Management (land, property, IT)

2.3 None.

## **3. Assessments**

### Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 The Development Plan Scheme was considered under the Council's Integrated Appraisal Toolkit. No impacts on equality were identified and so a full Equality Impact Assessment was not required.

### Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and in relation to the Local Development Plan, referred to in the Development Plan Scheme, further action is required.

3.5 Due to the nature of the plan there are likely to be significant environmental effects, as a consequence, an environmental assessment of the Local Development Plan is compulsory under the Act. The Local Development Plan is considered to be a 'qualifying' plan under the Act so it does not require screening.

3.6 The next stage is to prepare a scoping report as part of the Local Development plan process. This will determine the scope of the environmental assessment and will be submitted to the Consultation Authorities for comment.



## Sustainability

3.7 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- in the way best calculated to delivery of the Act's emissions reduction targets;
- in the way best calculated to deliver any statutory adaptation programmes; and
- in a way that it considers most sustainable.

3.8 The Development Plan Scheme was considered under the Council's Integrated Appraisal Toolkit. The Development Plan Scheme is a vehicle for establishing the LDP process and as such no impacts on sustainability will arise from the Programme itself.

## Legal and Governance

3.9 None.

## Risk

3.10 None.

## **4. Consultation**

### Internal

4.1 We have consulted with colleagues in Community Planning & Policy and the Health and Social Care Partnership in the development of the proposals. Both agree that using the Place Standard tool to engage with communities on a locality basis is appropriate.

### External

4.2 None.

## **5. Communication**

5.1 None.

## **2. BACKGROUND PAPERS**

2.1 The following background papers were referred to during the preparation of this report:

- Perth & Kinross Council Local Development Plan 2
- [www.gov.scot/policies/planning-architecture/reforming-planning-system/](http://www.gov.scot/policies/planning-architecture/reforming-planning-system/)





# Perth and Kinross DEVELOPMENT PLAN SCHEME

Programme for Local Development Plan 3: November 2022



## Development Plan Scheme

The Development Plan Scheme is a statement setting out Perth & Kinross Council's timetable for the preparation of the next development plan. Under statutory guidance, all planning authorities are required to publish annually a Development Plan Scheme. The Development Plan Scheme will set out to include:

- an explanation of what the Local Development Plan is;
- a timetable for the preparation of the next plan, Local Development Plan 3;
- community engagement in the planning process and how relevant stakeholders, including residents of Perth and Kinross, can get involved.





## Local Development Plan

The Scottish Government requires every planning authority to prepare development plans for their area. The Development Plan is at the heart of the planning system setting out policies and proposals to guide the development, management and use of land. The Plan sets out a vision and a framework for future development; addressing needs and opportunities in relation to housing, economy, infrastructure, community facilities, safeguarding environmental and landscape assets, the emerging needs of climate change and achieving well designed places for the residents, communities and businesses of Perth and Kinross. To support the preparation of the next Local Development Plan, there are a range of other plans and strategies that interlink with the LDP.





## The New Plan: LDP3

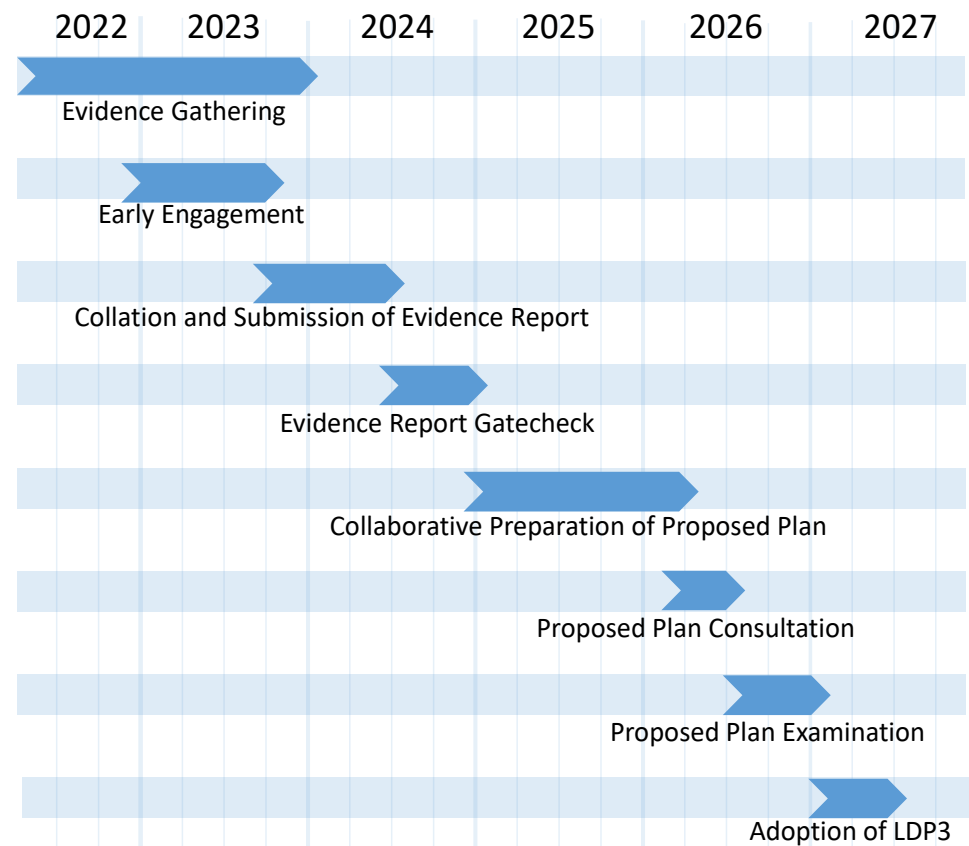
The Local Development Plan 2019 (LDP2) provides an overarching strategy for land use and development up to 2029. It is the key document used when determining planning applications in Perth and Kinross. LDP2 was prepared under the Planning (Scotland) Act 2006 which requires planning authorities to prepare and update Local Development Plans for their area at intervals of no more than 5 years.

The Planning (Scotland) Act 2019 places an increased emphasis on up front engagement. New LDPs will now be refreshed every 10 years. This means that consultation needs to be comprehensive, co-ordinated and collaborative. The consultation outlined supports the PKOffer and Community Plan and in doing so assists communities wishing to prepare their own Local Place Plans. LDP3 is a key tool alongside other strategies such as the Local Housing Strategy and Mobility Strategy to delivering great places for people to live and work.

Although the adoption of LDP2 was in November 2019, the Council are currently awaiting the publication of the final Development Plan Regulations and Guidance by the Scottish Government. The draft Regulations and Guidance released in December 2021 indicate a change in approach to that anticipated in the Development Plan Scheme of 2021. Detailed policy and site development and consultation will now take place after the Evidence Report and as preparation for the Proposed Plan. The adoption date, whilst uncertain, is likely to be summer 2027.

The Scottish Government acknowledges that transitioning to the new planning system will have implications for LDP timescales and envisages that every planning authority in Scotland will have a 'new style' local development plan in place within 5 years of the development plan regulations coming into force, i.e. autumn 2027.

### LDP3 Timeline





## Participation Statement

### Who will be consulted?

Under the new Planning Act, the engagement and consultation of LDP3 will be based on a collaborative approach, including (but not exclusively) with the following partners:

- Community Councils & Community Development Trusts
- Communities of Interest
- Landowners & Developers
- Businesses and business groups
- Locality Partnerships
- Children & young people
- Tertiary students
- Disabled
- Elderly
- Gypsy/Travellers
- Communities wishing to prepare Local Place Plans

### Key agencies:

- NatureScot
- SEPA
- Historic Environment Scotland
- NHS Tayside
- Scottish Forestry
- Scottish Water
- Transport Scotland

### Community Planning Partners:

- Jobcentre Plus
- NHS Tayside
- Perth & Kinross Association of Voluntary Services (PKAVS)
- Perth College
- Police Scotland
- Scottish Enterprise
- Scottish Fire & Rescue Service
- Skills Development Scotland

### Council Services:

- Transport Planning & Development
- Housing Strategy
- Environmental Health
- Greenspace
- Health & Social Care
- Equalities
- Education and Children's Services
- Enterprise and Investment
- Community Development Workers

### Seldom Heard (where not already listed)

- Minority groups
- Areas of deprivation



## When will they be consulted?

The following section provides an indicative timeline for our engagement based on information from the Scottish Government that we have received so far:

### Early data gathering started in 2021 and ongoing 2022

Development of Settlement Audits to support LPP & LDP3.

Evidence Report Data overview of requirements.

SEA Baseline Information to develop key environmental indicators.

Housing Needs and Demand Assessment addressing specific groups required by legislation.

Collation of other consultation results including community action plans and early site submissions.

Identification of groups and stakeholders to be proactively engaged.

Discussion with community partners and community councils on best consultation methods.

Co-ordination with other PKC departments on delivery of engagement, including those that may not need targeting at this early stage due to recent or existing work.

Co-ordination with other PKC departments, community councils and community development trusts to secure way forward for Local Place Plans.

Discussion with key agencies and PKC stakeholders on data gathered to date and future plans that may affect policies or place including capacity of education, health, water etc.

Collation of existing feedback on LDP2 policies and place from practice, national strategies and prior consultations.

Launch of online area wide place feedback platform on consultation hub

Local Place Plan invitation





## Place and policy discussions to inform Evidence Report in 2023-2024

Publicity and media support for upcoming engagement activities and throughout.

Exploration of issues of importance with communities of place and community councils through Place Standard and settlement audits including tailored discussions reflecting both policies and place such as affordable housing or natural space needs.

General opportunities for the public (including landowners and developers) for discussions on policy and place such as the online place standard or surveys on consultation hub.

Assisting Community Councils and community partners to support the delivery of inclusive engagement to support LDP work and feeding into Local Place Plans.

Targeted discussions online and in person around policy with specified communities of interest or with specific (land use) need.

Sharing and co-ordination of information with other services and strategies including Perth People Place and Mobility Strategy

Targeted discussions with communities of interest or need about the places they live to support the wider public consultation.

Collation of information and analysis of data and consultation exercises to inform identification of sites at the next stage.

Evidence Report checked for compatibility with any recent or updated Local Place Plans; and evidence shared with communities to inform LPPs

Consultation on SEA Baseline Report

Collation and submission of the Evidence Report



The Big Place  
Conversation 2023

|                              |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------------------------|-----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Perth City                   | Jan - Mar |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| East Perthshire              |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Strathearn and Strathallan   |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Kinross-shire, Almond & Earn |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Highland and Strathtay       |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

## Preparation of Proposed Plan in 2024-2025

Following gatecheck of the Evidence Report any additional consultation required by the Examiner will be carried out and the final Evidence Report resubmitted.

Policy options relevant to each group or stakeholder discussed to find a preferred way forward or options.

Specific policy and place ideas, including those in Local Place Plans, explored with communities and discussed with developer and landowner groups and contacts.

Place proposals analysed (draft SEA and HRA) and comments sought from specific groups previously engaged with, community councils and public at large on preferred options.

Policy and site preferences discussed with key agencies and PKC stakeholders.

All consultation and evidence analysed and any outstanding issues resolved with stakeholders and incorporated into the Proposed Plan.

Proposed Plan drafted and submitted to Council.



## Consultation on Proposed Plan in 2026

Proposed Plan is published alongside HRA and SEA and general consultation.

Evidence Report updated to show how the evidence has shaped the Plan.

Public events to publicise the Plan and invite comments.

Evidence is shared with communities preparing Local Place Plans.

Proposed Plan with any modifications and comments reported to Council and submitted for Examination





## Consultation Commitment Statement

The LDP3 engagement and evidence building process will be:

|               |                                                                                                                                                                                                                                                                         |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relevant      | Discussions will be relevant to each group or stakeholder, including both settlement development and policies and the methods that are used to carry out those discussions.                                                                                             |
| Inclusive     | To shape places that work for all we will proactively seek the views of all people, especially those with specific needs and those that we do not normally reach; identify and overcome barriers to engagement and invest in the promotion of the benefits of engaging. |
| Informed      | Discussions will be informed by evidence already available including data gathering and prior consultations to ensure contributions have a greater impact and are more efficient                                                                                        |
| Co-ordinated  | A joined up approach with the rest of Council and Council strategies, will deliver greater efficiency, and help avoid consultation fatigue. Information fed back to other departments will also help deliver their priorities                                           |
| Collaborative | Co-designing consultation and supporting community partners to carry out their own engagement work will ensure the greatest reach and response working                                                                                                                  |
| Transparent   | Ongoing communication and feedback between the team and stakeholders, communities and partners will support better outcomes and promote acceptance of outcomes.                                                                                                         |
| Accessible    | Engagement events and materials for the general public must be accessible to all wherever possible, and tailored arrangements made where this is not possible.                                                                                                          |



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## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development Committee

16 November 2022

### MOBILE TELECOMMUNICATIONS POLICY STATEMENT

#### Report by Head of Planning and Development

(Report No. 22/279)

#### 1. PURPOSE

- 1.1 To update the Committee on the development of mobile phone networks in the UK and the implications for Perth and Kinross. The paper presents a policy statement on telecommunications which, it is proposed, should be adopted to guide the Council's support for mobile network deployment, in what will be an intensive period of activity over the coming few years.

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. RECOMMENDATIONS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.1                       | <p>It is recommended that the Committee:</p> <ul style="list-style-type: none"> <li>(i) approves the Mobile Telecommunications Policy Statement for Perth &amp; Kinross</li> <li>(ii) notes there will be a Single Point of Contact on telecommunications with the responsibility to liaise with Scottish Government, Scottish Futures Trust, Scotland's 5G Centre and Mobile Network Operators, to be identified by the Head of Planning and Development.</li> </ul> |

#### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Proposals
- Section 6: Conclusion
- Appendices

#### 4. BACKGROUND / MAIN ISSUES

- 4.1 Digital connectivity has risen in importance following the Covid-19 pandemic and will undoubtedly underpin the success of local economies in the future. Councils have an influence on how mobile networks get built, from a planning, strategic economic and digital development perspective. Mobile networks are considered essential national infrastructure but are ultimately delivered locally with the help of local councils. Mobile Network Operators (MNOs), national and local government working together is essential if 4G and 5G connectivity is to be available to as many people and businesses as possible.

- 4.2 The Council has a further vested interest in boosting digital connectivity, because the more people are online, the easier it is to deliver services online. The fixed line digital connectivity has been boosted in recent years thanks to the Digital Scotland Superfast Broadband (DSSB) programme, now being taken forward through the Reaching 100% (R100) programme. However, Perth & Kinross superfast broadband connectivity still only reaches 87.9% of premises. The recent Local Full Fibre Network project, supported by UK Government and Tay Cities Deal, has seen 136 of the Council's buildings connected last year to gigabit capable broadband speeds.
- 4.3 Mobile network connectivity is less developed, however, with almost one fifth of Scotland's land mass not having 4G coverage from any operator. Within Highland Perthshire, there are numerous 'partial not-spots' and some 'total not-spots' for mobile network coverage. This impacts upon quality of life for residents but also impacts on council service delivery – such as our Countryside Rangers seeking to manage rural visitor sites; the delivery of rural public transport services; and, increasingly, the delivery of digital health and social care services in the form of virtual consultations and remote monitoring of patients. These, and other services, can be transformed, and costs reduced through digitalisation, but only if connectivity is improved.
- 4.4 The Council's telecommunications policy dates back to November 2001 (Report No. 01/758 refers). It was developed at a time when mobile telephone ownership and usage was still low and smart phones were not available (the first iPhone came out in 2007). Now 92% of the UK mobile users have a smart phone, rising to 96% of 16-24-year-olds (Uswitch mobile phone statistics, 2022) and nearly half the population say they use smart phones more now than before the pandemic.
- 4.5 In 2001, the Committee was informed of the need to update the telecommunications policy, first set in 1997, which – at that time - restricted installation of telecommunications masts on Council properties primarily due to health concerns. The Committee agreed to remove the then moratorium on siting of equipment but to continue to take a precautionary approach. This was essentially avoiding properties in continuous educational, public or staff use, and extending to power and signal cables where they served telecoms' developments adjacent to excepted Council properties.
- 4.6 There are now potentially more than 20 more mast (or so called 'macro') sites to be deployed over coming years under the Shared Rural Network in Perth & Kinross - which is a UK Government initiative to improve 4G coverage in rural areas - and private MNO investment. Together, these amount to over £1bn of investment split equally between private and public funding. The Electronic Communications Code (ECC) also came into force in December 2017 and this now requires the Council's telecommunications policy to be reviewed and updated. The Code brings a significant change to the law in this area, allowing for the siting of masts and associated infrastructure under permitted development.



- 4.7 Linked to this, the Scottish Government is keen to improve the mobile network infrastructure and is in the process of working with operators to deploy further masts across Scotland through the 4G Infill Programme (4GIP). It is also supporting Scottish Futures Trust who have developed a suite of guidance and tools to help local authorities with the lease and charging agreements around the siting of telecoms equipment. The Council has participated in this 'Infralink' initiative and helped develop these tools which are now available for all local authorities to use. A further UK Government supported 'Infralink Exchange' initiative looking at the use of council street furniture for small cells is currently underway involving all Tayside local authorities.

### **Mobile Network Technology**

- 4.8 Mobile communications technology has developed through several generations (the 'G's') and there are now many 2G, 3G and 4G base stations installed throughout the UK, providing services to users of mobile phones and other devices. A fifth generation of the technology (5G) is now well developed and reflects the latest evolution in mobile communications technology which will soon move to 6G.
- 4.9 Base stations are stationary radio transmitters with antennae mounted on freestanding masts or on buildings. The largest base stations provide the main infrastructure for networks and may be up to several kilometres apart. Antennae tend to be mounted at sufficient height to give them a clear view over the surrounding geographical area. Smaller base stations tend to be mounted nearer to ground level and provide additional radio capacity where there are a high number of users, such as in cities and towns.
- 4.10 The radio waves transmitted by base stations are radiofrequency electromagnetic fields (EMFs), a form of non-ionising radiation, and have frequencies in the microwave region of the electromagnetic spectrum. More recently, the masts or macro sites have been supported by 'micro' sites such as 'small cells'. Telecommunications providers are set to make heavy use of small cell technology to roll out 5G coverage, particularly in urban areas.
- 4.11 Small cells make use of low-power, short-range wireless transmission systems that cover small geographical areas or small proximity indoor and outdoor spaces. Small cells have all the same characteristics as base stations that have been used by telecom companies for years. However, they are uniquely capable of handling high data rates for mobile broadband and consumers and, for IoT, high densities of low-speed, low-power devices.

### **Health effects**

- 4.12 Mobile network base stations transmit and receive radio waves to connect the users of mobile phones and other devices to mobile communications networks. The strength of the radio waves from base station antennae reduces rapidly with increasing distance and the levels at locations where the public can be exposed tend to be small.

- 4.13 The health effects of exposure to radio waves have been researched extensively over several decades and has addressed concerns about rapidly proliferating mobile communications technologies from around the year 2000. Independent expert groups in the UK, and at international levels, have examined the accumulated body of research evidence. Their conclusions support the view that health effects are unlikely to occur if exposures are below international guideline levels. The consensus appears to be that it is unlikely that mobile phones or base stations increase the risk of health problems, although there is still some uncertainty about the potential for risks from long-term use over decades. The UK Health Security Agency (UKHSA) continues to monitor the health-related evidence applicable to radio waves, including in relation to base stations, and is committed to updating its advice as required.
- 4.14 The Council continues to follow the guidance from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in the accompanying Mobile Telecommunications Policy Statement (Appendix 1).

### **The Electronic Communications Code**

- 4.15 The legal framework underpinning rights to install and maintain electronic communications infrastructure on private and public land is contained in the Electronic Communications Code (ECC), which is part of the Communications Act 2003. A Telecommunications Code was first enacted in the UK in the Telecommunications Act 1984. In 2003, the Code was extended to cover all electronic communications and the Digital Economy Act 2017 introduced an entirely new code – the ECC - on 28 November 2017. The Digital Government (Scottish Bodies) Regulations 2022 added Scottish Bodies to the schedules of the Digital Economy Act 2017. The reforms made to the Code in 2017 were intended to support faster and easier deployment, as well as encouraging industry investment in digital networks. These changes strived to balance the need for digital infrastructure with the rights and interests of landowners and other site providers. The UK Government has been keen to keep the Code updated so that the potential economic and social benefits of fast and reliable connectivity can be realised.
- 4.16 The Council must comply with the new Code which requires public (and private) authorities to work with the telecommunications industry in the deployment of telecommunication infrastructure, equipment and services. This does not affect statutory and legislative processes in relation to planning, road safety and closures. OFCOM still enquire, investigate and legislate on safety standards in relation to utilities, including mobile telecommunications. The Council is still consulted on all proposed new mast sites and has already received several as part of the Shared Rural Network deployment of new masts.

## 5. PROPOSALS

### **Council Mobile Telecommunications Policy Statement**

- 5.1 An updated Mobile Telecommunications Policy Statement is needed to align the Council with current national telecommunications policy in the light of the ECC and an anticipated intensive period of activities over the coming few years. The Statement continues to be mindful of unintended locational consequences for residents, landowners, landscape, townscape and public health, whilst adopting a constructive approach to the siting of telecoms masts to support digital infrastructure. There will be a significant number of new masts being erected over the next few years across the Council area due to the Shared Rural Network and there will also be new applications for 5G masts. A planning application for a 20m mast on Dunkeld Road, Perth, was refused by Committee in December 2021 on grounds of visual impact. A subsequent appeal was also dismissed by a Scottish Government Reporter.
- 5.2 Current mast sites on Perth and Kinross land – five in total - are leased to telecoms operators and are at varying stages in terms of the lease agreements. Often when the lease agreement is due for renewal or renegotiation, the Council will employ a land agent with specialisms in telecommunications equipment to act for it so that the best return can be achieved. These are paid for by the industry but increasingly – because of the ECC and because of the Councils involvement in Infralink – this role is becoming less important as the income generated from these leases diminishes, because as mast sites and coverage proliferates, rental income also diminishes.
- 5.3 Whilst the Council recognises that mobile connectivity and fixed fibre connectivity are equally important, it is the case that mobile connectivity has received much less profile nationally and locally. There is an opportunity now, with the Shared Rural Network impacting on Perth & Kinross, that building mobile networks should be a key priority in the digital infrastructure strategy for the region. This will require a partnership between MNOs and the Council working together to ensure 4G and 5G connectivity is to be available to as many people and businesses as possible.
- 5.4 The Mobile Telecommunications Policy Statement to update the policy that was set in 2001 relating to siting equipment near Council buildings is attached as Appendix 1. It is wider in scope (not confined to telecoms on Council buildings) and more pro-active in encouraging new telecommunications masts and equipment across Perth & Kinross. However, it recommends that the Council should still seek to avoid educational, public or staff use premises where there may be public concerns. It should also continue to minimise the impact on the landscape of masts through the planning process.

- 5.5 Appropriate Local Development Plan policies will be considered and consulted upon to ensure they reflect both the need to roll out mobile networks alongside fixed fibre networks, while protecting amenity. Operationally, an officer Single Point of Contact for MNOs will be identified to facilitate the roll out of the private and publicly funded parts of the Shared Rural Network in Perth & Kinross and to coordinate the involvement of services in enabling this.

## **6. CONCLUSIONS**

- 6.1 Councils are instrumental in delivering both fixed fibre and mobile networks, through granting planning permission, ensuring future development is planned with mobile connectivity in mind, or providing their public assets to host mobile equipment. How local authorities interpret planning and street works regulation, and how they design local economic strategies, have a bearing on how efficiently mobile infrastructure can be deployed. In short, councils influence the speed and cost of mobile infrastructure being built. Mobile networks are increasingly a key priority in the digital infrastructure strategy for the area, as the Council enables more services to be accessed online from wherever you are and to promote economic development in all areas. This requires partnership between MNOs and the Council working together so that 4G and 5G connectivity is available to as many people and businesses as possible.
- 6.2 Councils need to think about their future mobile connectivity needs in the same way that they think about other types of essential economic infrastructure like roads, housing, utilities and even fibre broadband. Improvements to mobile technology often move faster than councils can update their local development plan policies. Mobile connectivity has become so vital to everyday life that residents and businesses need to have access to the best possible mobile connectivity now and in the future. The Council's own LDP policy on telecommunications is proactive and up-to-date and will be reviewed again in due course. Meanwhile, the Mobile Telecommunications Policy Statement will put in place a supportive statement for the Council to the telecommunications industry that the Council wishes to see improved connectivity in the area and is willing to work with the industry, national government and agencies such as SFT through the Infralink initiative to achieve this.
- 6.3 With the Policy Statement in place and the areas that it identifies for action - the Council will be pro-active and supportive in developing digital connectivity, working with the mobile industry to enable the roll out of networks that are now essential to life in our rural areas. However, the Council will still place health concerns as a priority and will seek to avoid educational, public or staff use premises and consider all applications for equipment in relation to environmental and health issues to ally public concerns and minimise the impact on the landscape of masts through the planning process.

## Authors

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## Approved

| Name           | Designation                      | Date            |
|----------------|----------------------------------|-----------------|
| Barbara Renton | Executive Director (Communities) | 7 November 2022 |

## APPENDIX 1 – Mobile Connectivity Policy

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Council Text Phone Number 01738 442573

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | None              |
| Corporate Plan                                      | Yes               |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | Yes               |
| Workforce                                           | Yes               |
| Asset Management (land, property, IST)              | Yes               |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | Yes               |
| Strategic Environmental Assessment                  | Yes               |
| Sustainability (community, economic, environmental) | Yes               |
| Legal and Governance                                | None              |
| Risk                                                | None              |
| <b>Consultation</b>                                 |                   |
| Internal                                            | Yes               |
| External                                            | None              |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | None              |

### 1. Strategic Implications

#### Corporate Plan

1.1 The Council's Corporate Plan 2018 – 2023 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.2 This report relates to all of these objectives.

### 2. Resource Implications

#### Financial

2.1 There are no direct financial implications arising from this report other than those reported above.

#### Workforce

- 2.2 There are no direct workforce implications arising from this report other than those reported above.

#### Asset Management (land, property, IT)

- 2.3 There are no direct asset management implications arising from this report other than those reported above.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1. Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2. The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as **not relevant** for the purposes of EqIA.

#### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

#### Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

### **4. Consultation**

#### Internal

- 4.1 The Executive Directors and Chief Operating Officer have been consulted in the preparation of this report. In addition, Planning, Estates and Corporate

Property Asset Management have also been consulted and comments received and incorporated.

## **2. BACKGROUND PAPERS**

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.



**PERTH AND KINROSS COUNCIL**



**MOBILE TELECOMMUNICATIONS POLICY STATEMENT**

**November 2022**

**[pkc.gov.uk](http://pkc.gov.uk)**



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## **INTRODUCTION**

Mobile phone connectivity is now an essential part of everyday life for individuals, communities and businesses across Perth & Kinross and across the UK. It allows us to do many things such as online shopping, communicating with family and friends, manage our businesses online, access Council services, book doctor appointments or do online banking wherever we are in the world.

The Council has increased the offering of services online for residents and local businesses through <https://my.pkc.gov.uk/> and increasingly people use their mobile phones to access these and a variety of other services. Furthermore, the wider rollout of next generation of mobile technology - 5G - beyond the cities will bring faster speeds, less latency and more bandwidth so that people will be able to do more online so the need for digital connectivity will be in greater demand.

Both UK and Scottish Governments have updated their guidance on the deployment of digital infrastructure and local authorities are encouraged to consider the wider social and economic benefits for bringing connectivity to an area. The aim is to ensure people can access better broadband and mobile connectivity easily across a wide area and this will be crucial to the UK's economic recovery.

This policy document updates and broadens the Council's policy on telecommunications set by the Council over 20 years ago. It covers national policy in terms of the relatively recent Electronic Communications Code (ECC) and changes favouring the presumption of approval for telecommunications masts and associated permitted development rights in planning. It also reviews the existing telecommunications masts on Council owned land and the associated lease agreements.

It also outlines the proposals for new 4G masts in Perth & Kinross proposed under the UK Shared Rural Network (SRN) project. Finally, it covers the Councils involvement in the Scottish Futures Trust 'Infralink' project and the UK Government DCMS supported Digital Connectivity Infrastructure Accelerator (DCIA) - the so called 'Infralink Exchange' project - on use of council assets for telecommunications infrastructure and the arrangements the Council needs to put in place to support the roll out of mobile networks both in terms of 'macro' sites i.e., masts and 'micro' sites i.e., small cells mounted on buildings and street furniture.

This marks an approach to telecommunications for the Council that is positive and proactive in encouraging better digital connectivity in Perth & Kinross whilst still being mindful of concerns over the siting of telecommunications equipment for environment and health reasons. Overall, the Council recognises the benefits that enhanced connectivity it will bring to residents and businesses in the area to improve quality of life, deliver better services, promote economic prosperity, and avoid digital exclusion especially in our rural communities.

## **NATIONAL AND LOCAL POLICY CONTEXT**

Mobile and fixed fibre connectivity will underpin the success of all local economies in the future. The UK Government is committed to providing 85% full fibre coverage by 2025 and wants to see the majority of the UK covered by 5G networks by 2027. About 9% of the UK still has no access to 4G networks from any providers, although a higher figure in Scotland where its nearer 19% because of the more rural terrain.

The Council is improving the fibre connectivity across Perth & Kinross by supporting UK and Scottish Government broadband interventions and has built a full-fibre network (i.e. Fibre optic cable direct to the home) to most of the Councils buildings. The development of mobile networks however has received

much less attention; although the Council can have a big influence on how mobile networks get built, from both a planning and strategic economic development perspective.

Mobile networks are an essential national infrastructure but are ultimately delivered locally: Mobile Network Operators (MNOs) and local government working together are essential if 4G and 5G connectivity is to be available to as many people and businesses as possible, with all the benefits that this can bring especially to rural populations. Following the pandemic, with many more people and businesses now working from home, digital connectivity is essential to home and family life and to build thriving businesses.

### **Current Council Policy on Telecommunications Equipment on Council Premises**

The Council's current telecommunications policy was approved in November 2001 (Strategic Policy & Resources Committee 21 November 2001 – Policy and Telecommunications Equipment on Council Premises Report No. 01/758) however the Electronic Communications Code (the Code), which came into force across the UK in December 2017 now necessitates that this policy should be reviewed and updated, as it brings a significant change to the law in this area, allowing for the siting of masts and associated infrastructure under permitted development, except in specially designated areas.

The 2001 Council policy updated the policy originally set in 1997 which then restricted installation of telecommunications masts on Council properties due primarily to health concerns. The Committee agreed in 2001 however to remove the moratorium on siting of equipment but to continue to take a precautionary approach essentially avoiding properties in continuous educational, public or staff use, and extending to power and signal cables where they served telecoms developments adjacent to Council properties.

It should be noted that the 2001 Council policy related specifically to the siting of telecommunications equipment on land owned by the Council or adjacent to Council premises however this new policy is concerned about the overall deployment of telecommunications equipment across Perth & Kinross in terms of masts on land and small cells on buildings or street furniture.

Twenty years ago, there were only a few telecoms masts in Perth & Kinross – one on the Canal St car park and one at Callarfountain Hill in Perth. There are now five existing mast sites on Council owned land for which the Council receives a rental income, and many other masts on private land owned and operated by the four main Mobile Network Operators (MNOs) or their partner companies such as Arqiva and Wireless Infrastructure Group that operate many mast sites for the operators.

There are potentially up to thirty masts to be deployed over the coming years in Perth and Kinross as part of industry and UK Government funded upgrades to existing Mobile Network Operator (MNO) sites to alleviate 'partial not-spot' (PNS) areas that only receive coverage from at least one but not all operators and 'total not-spot' (TNS) areas where there is no coverage at all from any operator.

The UK Shared Rural Network, which is a UK Government initiative to improve 4G coverage in rural areas is planning on around 17 new mast sites in Perth & Kinross for TNS areas. There are also another five masts being built as part of the UK Home Office Emergency Services Network (ESN) Extended Area Service which is available only to the emergency services. The remainder are MNO funded masts for PNS areas. The mobile industry is looking to increase coverage and capacity of the 4G roll-out and it is likely that the pace of 5G roll-out will then accelerate over coming years.

In addition, the Scottish Government is keen to support telecommunications in terms of improving the mobile network infrastructure and is in the process of working with operators to deploy further masts across Scotland through the 4G Infill Programme. It is also supporting Scottish Futures Trust (SFT) who have developed a suite of guidance and tools through the 'Infralink' project, to help local authorities with the lease and charging agreements around the siting of telecoms equipment. The Council has participated in this Infralink initiative and have helped develop these tools and is now working with SFT and the other Tay Cities local authorities on a DCMS funded pilot - 'Infralink Exchange' - part of Digital Connectivity Infrastructure Accelerator (DCIA) looking at mobile network deployment via buildings and street furniture.

## **The Electronic Communications Code (ECC)**

The legal framework underpinning rights to install and maintain electronic communications infrastructure on private and public land is contained in the Electronic Communications Code (ECC) which is part of the Communications Act 2003. The Telecommunications Code was first enacted in the Telecommunications Act 1984. In 2003 the Code was extended to cover all electronic communications and the Digital Economy Act 2017 introduced an entirely new code on 28th November 2017.

The reforms made to the Code in 2017 were intended to support faster and easier deployment, as well as encouraging industry investment in digital networks. These changes strived to balance the need for digital infrastructure with the rights and interests of landowners and other site providers. The UK Government has been keen to keep the Code updated, so that the potential economic and social benefits of fast and reliable connectivity can be realised. The Digital Government (Scottish Bodies) Regulations 2022 added Scottish Bodies to the schedules of the Digital Economy Act 2017.

Though it is relatively new, the ECC is a powerful instrument for telecommunication providers in that they can acquire 'code rights' i.e., the right to access land for the purpose of installing and maintaining equipment. Operators can acquire code rights by serving a notice on the landowner; similarly, landowners can serve notices on operators enforcing removal of the equipment, in certain circumstances. Failing agreement in either case, the parties can apply to the Lands Tribunal in Scotland for a decision.

The Council must comply with the new Code which requires public (and private) authorities to work with the telecommunications industry in the deployment of telecommunication infrastructure, equipment, and services. This does not affect statutory and legislative processes in relation to planning, road safety and closures. OFCOM still enquire, investigate, and legislate on safety standards in relation to utilities, including mobile telecommunications.

It is part of this new policy that the Council will seek to work cooperatively with telecommunications operators to find the best and most appropriate sites for equipment through dialogue and pre-application discussions.

## **Council land use planning policy**

In terms of planning policy, the Local Development Plan (2019) Policy 59 on Digital Infrastructure sets out a supportive framework, particularly for mobile communications infrastructure, and for rural areas:

*The Council will support development that provides digital and mobile communications infrastructure to homes and businesses and improves quality of life for residents and workers provided the environmental impacts on the natural and built environment are minimised. The Plan*

*is particularly supportive of the expansion of broadband and mobile communications services in rural areas.*

It does however stipulate some requirements for these developments:

*The siting and design of communication infrastructure should consider all the following series of options when selecting sites: (a) installation of smallest suitable equipment; (b) concealing/disguising masts, antennas, equipment houses; (c) site/mast sharing; (d) installation on existing building and structures; and (e) installation of ground-based masts.*

*Planning applications for communications infrastructure should address the following matters: (a) an explanation of how the proposed equipment fits into the wider network; (b) a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution; (c) details of the design, including height, materials and all components of the proposal; (d) details of any proposed landscaping and screen planting, where appropriate.*

These policies clearly relate most closely to 'macro' sites i.e., masts rather than 'micro' sites e.g., antennae on buildings or small cells attached to streetlights which may be more important in urban areas for 'densification' of mobile networks.

In terms of national planning policy, the Scottish Government's 2021 update to Circular 2/2015 widens the scope of permitted development rights in respect of development by Electronic Communications Code Operators. Permitted development is work that can be carried out without the need for a full formal application for planning permission. A prior notification is required whereby operators will advise the Local Authority of their intention to undertake such works and the Council has 28 days to comment. It varies limits on mast sizes, antennae sizes and numbers, and introduces new provisions for small cell systems, equipment housing cabinets, and other apparatus and equipment. This applies nationally and is aimed at bringing more of the type of development ECC Operators would like to do within the category of 'Permitted Development, for example, no need for planning application provided it is within the provisions of the specification set out in the Circular.

The Council will review and update its policies in the Local Development Plan at its next review and ensure that policies and land designations reflect the need to roll out mobile networks both in terms of macro and micro sites.

## **Economic Benefits**

There has never been a greater dependency on digital technology in human history than now. The pandemic meant that digital technologies have allowed economic activity to continue, enabling new ways to deliver education and healthcare, and allowing workers to work at home and businesses to maintain productivity. With half of the world's population using mobile internet, mobile technology has played a critical role in this. As such, governments across the globe are increasingly relying on mobile and digital technologies as a vital tool for short-term recovery, as well as for longer-term economic growth and job creation.

In this context, it is necessary for places such as Perth & Kinross to consider the role mobile and digital technologies can have on economic growth as 4G roll out completes and 5G begins to enable a new wave of economic transformation and as efforts to achieve universal internet access gather pace, especially

with the full rollout of 4G across the UK. Mobile technology has had a significant impact during the last two decades, a period which covers most of the rollout of three generations of mobile technology across the world and this will only continue.

## Health Considerations

Mobile operators in the UK design and build their masts, rooftop antennas and other installations to be compliant with the exposure guidelines in the UK that have been developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). These guidelines were prepared following a comprehensive assessment of all the peer-reviewed scientific literature, including thermal and non-thermal effects. The guidelines are based on evaluations of biological effects that have been established to have health consequences.

The policy set in November 2001 sought a review of the policy approved by the then Property and Information Technology Sub-Committee in 1997 which restricted the deployment of telecoms masts due to the then health concerns. At that time the Council resolved to continue to take the precautionary approach adopted in 1997, essentially avoiding properties in continuous educational, public or staff use, and extending to power and signal cables where they served telecoms developments adjacent to excepted Council properties.

The report in 2001 acknowledged that since 1997 mobile phone use had expanded to 70% of the population and this was creating a demand for more mast sites. The report also reported that the then Independent Expert Group on Mobile Phones had concluded that there was no general risk to health for those living near to mast sites however it still urged a precautionary approach.

The report also outlined the positive benefits of mobile networks to business and to the Council who then becoming a major user of mobile phones. In addition, it outlined the potential revenue benefits to the Council of leasing sites for masts. It is now necessary for the Council to align itself with national policy and adopt a more positive approach to the siting of telecoms masts, whilst continuing to be mindful of impacts on the landscape and local communities.

The World Health Organization (WHO) recommends that countries adopt the ICNIRP guidelines. The WHO states that the main conclusion from its reviews is that electromagnetic fields (EMF) exposures below the limits recommended in the ICNIRP guidelines do not appear to have any known consequence on health. In the UK, Ofcom produced a report in March 2021 that tested two 5G sites in Scotland and showed the masts were all well within levels defined by ICNIRP<sup>1</sup>. As part of the process for obtaining planning consent for new 4G and 5G sites and upgrades, each operator will continue to confirm compliance with ICNIRP guidelines.

The Council should continue to exercise a precautionary approach to siting of telecommunications equipment in close juxtaposition to schools, sheltered housing, council offices or other public premises but both the technology and our understanding of the health effects of the technology have progressed significantly since 2001. So – whilst caution is still needed – the health effects to the public appear to be minimal according to the international and national agencies though research is continuing.

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<sup>1</sup> [Summary of results - EMF measurements near 5G mobile phone base stations \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/emf/emf_2021/emf_2021_summary_of_results.pdf)

## EXISTING MAST SITES ON PERTH & KINROSS LAND OR BUILDINGS

Current mast sites on Perth and Kinross land are five in total. These sites are leased to telecoms operators and are at varying stages in terms of the lease agreements. Often when the lease agreement is due for renewal or renegotiation the Council will employ a land agent with specialisms in telecommunications equipment to act for it so that the best return can be achieved.

Because of the ECC operators of these sites will seek to vary existing agreements to reflect the provisions of the Code including access, and rights to upgrade and share the apparatus. The trend recently has been for operators to only propose a modest rent for these sites which will impact upon the Councils revenue stream – although in return the area and communities will be getting better mobile connectivity. Courts will be able to impose code agreements on the landowners, and to vary existing agreements, in order to align them with the new code.

The Council will most likely need to accept a reduced revenue income from operators because of the ECC and the proliferation of masts. Also as part of the SFT Infralink project – a set of tools has been developed including lease agreements and a market oriented rate card for anticipated revenue return from the lease of sites whether rural or urban.

## THE UK SHARED RURAL NETWORK (SRN)

The Shared Rural Network (SRN) forms part of the wider mobile telecoms industry roll out of mobile networks and will help deliver reliable mobile broadband to 95% of the UK, addressing the digital divide by improving 4G coverage in the areas that need it most. Through the programme, UK's four mobile network operators (MNOs) – EE, Telefónica UK (O2), Three and Vodafone expect to provide coverage to an additional 280,000 premises and for people in cars on an additional 16,000km of the UK's roads and improve geographic coverage to Areas of Natural Beauty, National Parks and other scenic areas benefitting millions of visitors every year.

Individually, each operator will reach 90% geographic coverage, which will result in 84% of the UK having 4G coverage from all four operators, increasing choice and boosting productivity in rural areas. In Scotland, the SRN will see 4G coverage from all four operators rise to a minimum of 74%, up from 42% in 2020. In Perth & Kinross itself it is expected that coverage from all MNOs will increase from 48% to 75% and from at least one MNO will rise from 76% to 91%.

Progress against these targets will be measured by Ofcom. These improvements to mobile coverage will allow rural businesses to prosper and rural communities to thrive. Businesses will benefit from increased ease of navigation, improvements in marketing and access to documents. Visitors to remote areas of the UK will have better access to online information, boosting the UK's and the Perth & Kinross tourism industry.

The SRN programme will transform 4G coverage without duplicating infrastructure, minimising the impact on our landscape. Reaching 95% coverage will require improvements in coverage in:

- **Partial Not Spots (PNS)** – Through increased sharing of infrastructure between operators, each operator will extend its coverage footprint to 88% of the UK's landmass. This will in turn increase consumer choice. The Mobile Operators will be responsible for delivering this programme of work and will be investing over £532m. Coverage in Perth & Kinross will rise in these areas so there will be at least 91% coverage from at least one operator.



- **Total Not Spots (TNS) and Extended Area Service (EAS)** – By building new infrastructure in areas where there is currently no coverage and by upgrading the EAS network, they will take coverage from all operators to at least 90% of the UK landmass, meaning that 95% of UK landmass will have coverage from at least one operator. Coverage in Perth & Kinross will rise to 91% from at least one operator. This is funded by the UK Government.

Perth and Kinross is planned to have around 12 new privately funded mast sites for the PNS sites and around 15 publicly funded ones for the TNS sites. Perth & Kinross is one of the major beneficiaries of the SRN project because of the rurality of the area and the number of total not-spots and partial not-spots. The industry funded sites are being discussed with Cornerstone (who work on behalf of O2, Vodafone and Three) and cover areas of Highland Perthshire out to Loch Rannoch that have been notorious mobile 'not-spots' in the past, but also areas around Kenmore and out towards Stirling Council boundary. EE are not participating in this consortium but are continuing to develop their rural network independently.

These new masts and base stations will be constructed over the next 12—18 months, and the Council will manage the planning process and consider the many technical elements, such as siting/height/design that will need to be considered to deliver the infrastructure that will be needed to improve coverage in Perth and Kinross. The benefits of sharing sites will be that it is possible to maximise service provision and minimise environmental impact by minimising mast numbers.

Over time, existing 4G sites serving populated areas are likely to be upgraded to 5G. Timescales will depend on multiple factors. If the Council wishes to benefit from future 5G technology and the benefits for residents and businesses that it will bring, the Council will need to support updating and adding 4G network sites.

In urban parts of our area, mobile deployment activity will be focused on re-engineering existing sites to enhance performance (capacity and speed) to prepare for 5G. A few new sites may be required but applications and investment from telecoms operators will likely be directed at upgrades to existing sites. In rural areas there will be more focus on finding and building new sites to address the PNS and TNS coverage areas. The upgrade of existing network sites in rural, less populated areas will be lower priority, and take longer to roll out.

A future 5G network will therefore be deployed over time by a managed programme of upgrades systematically working through all existing MNO mast sites. New PNS/TNS sites will be added in remote rural areas. In future years, however small cells (much smaller devices fixed to lamp posts and other street furniture) will be added in urban areas of highest demand but could also be deployed in rural areas where there is a particular use being planned.

## **THE SCOTTISH FUTURES TRUST 'INFRALINK' PROJECT AND 'INFRALINK EXCHANGE'**

The Council is a member of the 'Infralink' programme which is led by Scottish Futures Trust (SFT) and funded by the Scottish Government. It has been established in the recognition that the current process for local authorities and the mobile telecoms sector in deploying masts and small cells is complex and resource intensive. It aims to engage with public sector property owners and telecoms providers to improve mobile connectivity by taking a national approach to streamlining and simplifying the network roll-out process.

There is an [Infralink portal](#) with access to tools and supporting documentation making the process of identifying and agreeing land and buildings that can be leased to host digital infrastructure much easier. There are four main benefits offered through the Infralink project that are Electronic Communications Code and State Aid compliant:

- a national asset register
- standardised lease agreement
- payment guidance framework
- free access to experienced technical resource

Infralink draws from existing local level projects such as West Midlands 5G Infrastructure Accelerator and Glasgow City Council's Digital Interface and Telecoms Unit. These experiences show that if the process is made simpler and more transparent this can lead to mobile network operators being attracted to work more closely with a local authority, leading to the sharing of deployment plans, additional investment, and improved connectivity. The tools will also help with stretched resources by making the offering of the Local Authority clear up-front and removing some of the repetitive elements of the process.

More recently the SFT and the Tay Cities local authorities together with a consortium of other public and industry bodies were successful in becoming a Digital Connectivity Infrastructure Accelerator (DCIA). This 'Infralink Exchange' programme funded by the UK Government explores the challenges of using publicly owned land, buildings and street furniture to support digital infrastructure and roll out of advanced wireless connectivity. The focus is on:

- Accelerating deployment of digital infrastructure by improving the ability to access and acquire sites.
- Building evidence to understand the benefits and feasibility of using street furniture to host multiple technologies.

A platform is currently built and is being opened to the telecoms operators market so that all the Councils assets in terms of buildings and street furniture can be viewed.

## **USE OF COUNCIL BUILDINGS AND ASSETS**

Proposals for the installation of telecommunications equipment are often in the form of masts on land, but increasingly buildings, roofs, streetlights and street furniture and other assets are being requested. This can include cabinet boxes, wireless and satellite dishes, or 'small cells' which are cellular radio access nodes. Erecting masts, antennae or other such structures will need to comply with national planning policy Circular 2/2015 and the LDP policy. However, much of this equipment is increasingly small and can be hidden from view.

The Council has been supportive of the expansion of telecommunications networks where correctly sited, including the use of Wi-Fi and cellular communications equipment on its land, buildings and other assets. However, the Council will want to keep the numbers of radio and telecommunications mast installations to a reasonable level by using existing masts, buildings and other structures and sympathetically designing and appropriately camouflaging equipment where possible.

The Council does not have a standard 'site-share' agreement for the use of its assets but the Infralink project mentioned above provides both land and buildings based standard documents that will be utilised for this purpose.

## IMPLEMENTING TELECOMMUNICATIONS IN PERTH & KINROSS

Councils are instrumental in delivering both fixed fibre and mobile networks, through granting planning permission, ensuring future development is planned with mobile connectivity in mind, or providing their public assets to host mobile equipment. How local authorities interpret planning laws and street works rules, and how they design local economic strategies has a bearing on how efficiently mobile infrastructure can be deployed. In short, Councils influence the speed and cost of mobile infrastructure being built. Mobile networks should be a key priority in the digital infrastructure strategy for the area. This will require a partnership between MNOs and the Council. MNOs and local government working together is essential if 4G and 5G connectivity is to be available to as many people and businesses as possible.

There is guidance available to Councils from the mobile network operators in how to support the roll out of mobile networks<sup>2</sup>. It is the view of the MNOs that councils should think about their future mobile connectivity needs in the same way that they think about other types of essential economic infrastructure like roads, housing, utilities and even fibre broadband. Improvements to mobile technology often move faster than councils can update their local development plan policies. Some current Local Plans in the UK were published before 4G technology was even launched but mobile connectivity has become so vital now that residents and businesses have to have access to the best possible mobile connectivity in the future. The Councils own LDP policy on telecommunications is proactive and up-to-date but will be reviewed again in due course.

The Council will continue to be mindful of unintended locational consequences for residents, landowners, landscape, townscape and public health, whilst adopting a constructive approach to the siting of telecoms masts to support digital infrastructure. The Council can be pro-active and supportive in developing digital connectivity, working with the mobile industry to enable the roll out of networks that are now essential to life in our rural areas. However, the Council can still seek to avoid educational, public or staff use premises where there may be public concerns and it should also continue to minimise the impact on the landscape of masts through the planning process.

The Council will therefore put greater emphasis on mobile connectivity by implementing the following policies:

- **Assets and Leases:** The Councils assets are potential locations for mobile infrastructure. Using public buildings, structures, and open land to install mobile infrastructure has supported widespread improvements to connectivity. The charge for use of these assets should be set on the basis set out in the Electronic Communications Code and will be guided by the template lease agreements and payment guidance from the SFT Infralink and Infralink Exchange projects. The Council will prioritise the development of coverage over revenue returns from leases in the knowledge that these will diminish as a result of the ECC. Within this context leases will be agreed whilst being mindful always of health and environmental concerns.

**The Council will seek to record, manage its land, buildings, streetlights and other assets and make these available to MNOs - subject to planning, health and related considerations being satisfied - and lease sites using template agreements provided by Scottish Futures Trust Infralink project.**

- **Digital infrastructure:** The Council will learn lessons from the rollout of fixed fibre broadband particularly the recent full fibre broadband roll-out in Perth and wider Perth & Kinross. Full fibre provides the backhaul for 4G and 5G services and so the footprint now provided for fibre gigabit

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<sup>2</sup> Councils and Connectivity 2: How prepared is local government for the future of mobile? May 2019 also Mobile UK Local Authority Toolkit. [5G and Health > Local Authority Toolkit \(mobileuk.org\)](https://www.mobileuk.org/)

connectivity gives a greater opportunity to develop mobile connectivity. The Tay Cities are currently developing a strategy for digital infrastructure across the area.

**The Council will seek to develop mobile, wireless and fixed fibre networks and services in tandem, building towards world class digital connectivity for the regions residents and businesses.**

- **Collaboration with industry:** Collaboration with the mobile network industry is vital to get the connectivity that the area needs. Working across Tay Cities and with SFT, the Council will participate in regular catch-up meetings and roundtables, which support a collaborative approach between the mobile industry and local government and business.
- **The Council will continue to participate with Tay Cities local authorities, SFT (Infralink), Scotland 5G Centre, Scottish Government and others in improving links with mobile operators to improve mobile connectivity in the area.**
- **Shared Rural Network:** Over the next few years Perth & Kinross will see greatly enhanced mobile connectivity through the development of masts as part of the part UK Government supported Shared Rural Network. It will be important for the Council to engage with MNOs and their agents and representative bodies to enable the rapid and seamless development of new mast sites in the area subject to environmental and health issues being satisfied.
- **The Council will engage fully with the Shared Rural network initiative and – through dialogue and pre-application discussions – seek to enable the smooth development of new mast sites within the context of planning policy and development management procedures.**
- **Health impacts:** The Council will always assess any telecommunications development with respect to potential health risks and will have regard to exposure guidelines in the UK that have been developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). These guidelines were prepared following a comprehensive assessment of all the peer-reviewed scientific literature, including thermal and non-thermal effects. The guidelines are based on evaluations of biological effects that have been established to have health consequences.
- **The Council will have regard to potential health effects of telecommunications installations and will continue to exercise a precautionary approach to siting of telecommunications equipment in close juxtaposition to schools, sheltered housing, council offices or other public premises.**
- **Planning and Economic Development:** There is a need to embed pro-active mobile connectivity policies in the Local Development Plan at next review and in plans for local economic development. The development of mobile infrastructure should be a key part of the vision for any local or regional economic strategy.

**The Council will review and update its land use development plans and other policies to ensure that they reflect a positive and proactive approach to digital infrastructure.**

- **Development Management:** The Council will operate a proactive and encouraging approach to mobile connectivity whilst ensuring that health, landscape and environmental considerations are all properly considered in the planning process. The Council will seek to consider digital connectivity as a key consideration in the planning phase of new developments. Any development, from upgrades to the road network to new housing developments, should consider connectivity requirements prior to construction beginning, not after construction is complete. There should be a principal of 'dig-once' in any new development so where services are being laid fibre can be laid and other telecoms equipment installed.

**The Council will ensure that new mobile masts and related developments comply with all planning, health, landscape, and environmental considerations whilst ensuring that coverage is improved across Perth and Kinross.**

- **Single Point of Contact:** The Council will designate a Single Point of Contact (SPOC) with the responsibility to liaise with MNOs reporting into a corporate group on digital connectivity. This role will aim to make better use of mobile/ digital technology and align competing interests.

**The Council will designate a Single Point of Contact (SPOC) with the responsibility to liaise with Scottish Government, SFT, Scotland's 5G Centre and MNOs reporting into corporate groups on Smart Perth & Kinross and Digital Transformation.**

