

## **Northern Ireland Planning Service**

### **Modernising Planning Processes: Review of Permitted Development Rights &**

### **Modernising Planning Processes: Satellite Dishes and Other Antennas Possible Changes to Planning Permitted Development Rights**

## **Response from Intellect**

Intellect represents around 1000 companies in the information technology, telecommunications and electronics industries based in the UK. Formed in 2002 through the merger of the Computer Services and Software Association (CSSA) and the Federation of the Electronics Industry (FEI), Intellect members contribute around 10% of UK GDP.

Further information about Intellect can be found at [www.intellectuk.org](http://www.intellectuk.org)

This paper comprises Intellect's response to the questions set out in the above consultation documents. The response comprises some general comments and a direct response to each question. The questions are repeated for ease of reference.

### **General Comments**

The Northern Ireland Planning Service consultation on "Modernising Planning Processes: Review of Permitted Development Rights" contains a section on "Satellite Dishes and Other Antennas" that is very similar in scope to two recent consultations on the same subject. The others were issued by: the Office of the Deputy Prime Minister (ODPM) covering England only (submission deadline was 4<sup>th</sup> July 2003); and the Welsh Assembly Government (submission deadline was 20<sup>th</sup> January 2004) covering Wales only. Intellect also understands that the Scottish Executive plans to consult on the same subject sometime in 2004.

Intellect recognises the right of each legislative body within the UK to determine its own requirements and processes relating to antenna planning regulations. However, Intellect must point out that if different regulations are adopted by each administration then this could have a significant impact on the cost and availability of advanced communications and entertainment services delivered via radio across the UK. Intellect encourages the Northern Ireland Planning Service to work with the other UK administrations to agree common antenna planning regulations to support uniform availability and cost of advanced radio-delivered services. To

that end, the Intellect response to this consultation is completely consistent with its response to each UK administration consultation on the subject.

The following comments relate to specific issues addressed within the consultation document, referenced by the appropriate question number in the consultation response form.

### **19. Changes relating to Part 1 Class G and Part 18 - Satellite Dishes and Other Antennas**

*Do you agree that:*

*a. all antennas (except conventional TV aerials which have traditionally been regarded as de minimus) should be treated the same way within the GPDO irrespective of what is being transmitted.*

**Yes, Intellect agrees in principle with this approach.** A residential property should be able to receive any radio transmission intended for their reception regardless of the content (within the requirements of the appropriate legislation and licensing criteria) or the specific technology used to deliver it. *Planning* law should not cover what content a person may receive through any transmission medium.

Intellect notes that the question implies that a person may be *transmitting* a variety of information/content from their property. In some cases (duplex radio and satellite systems) this may be true, but the content type is still beyond the remit of the planning regulations under consideration in the consultation document.

*b. to address continually changing technology, any changes to the GDO should aim to be flexible enough to cope with future technological developments?*

**Yes, Intellect endorses this approach.** The GPDO legislation covering this subject has changed each year for the last three years. Intellect would wish to see stability in the legislation that affects householders and telecommunications service providers and so we would welcome future proof legislation (in as far as that is possible) in this area.

*c. non-dish antenna be measured by cubic capacity, with restrictions on the linear measurement.*

**Yes, Intellect considers that a volumetric measurement is a logical solution for non- reflector (dish) antenna structures.** This will permit new technology to be developed in a flexible way in order to minimise the visual impact of antenna installations.

*d. the two standard conditions in Part 18 of the GDO relating to siting to minimise effect on the external appearance of the building or structure and the removal of antennas no longer needed, should be retained.*

**Yes, Intellect agrees with this proposal.** It is important to maintain the balance between amenity of a property in terms of access to telecommunications services and the associated visual impact on its immediate surroundings. It is appropriate to place the onus on the property owner to meet these requirements.

### **19.1 Options for Dwelling Houses**

Which of the 4 options for dwellinghouses would you find acceptable?

**Intellect supports the proposals put forward under Option 3.** Intellect believes that a homeowner should be able to receive terrestrial television (analogue or digital), digital radio and a range of satellite and terrestrial radio services. The current provisions and Options 1 & 2 restrict the number of antennas that can be installed to the point where a homeowner may not be able to support delivery of digital broadband by means of radio/optical 'mesh' systems that may require more than one antenna to complete the network (due to local clutter such as trees) if they already have a satellite TV antenna.

Intellect believes that a chimney mount will enable the delivery of broadband services by radio/optical 'mesh' networks (within the limits of local clutter). Also, the lack of limit for non-fronting antenna enables the evolution of networks and systems without the need to revisit GPDO legislation again in the future.

**Intellect agrees that the number of 'visible' antennas should be limited.** Intellect prefers a limit of three visible antennas and believes that they should be positioned so as to minimise their visual impact. For parts of a property that are not easily visible to the public, Intellect believes that a homeowner should be free to deploy the number of antennas necessary to access all required telecommunication services.

**Intellect believes the size restrictions are appropriate and meet the end-user's and industry's needs.**

**Intellect believes that the proposed siting restrictions are appropriate for non designated areas.** Intellect is committed to the appropriate use and sympathetic deployment of radio and satellite antennas. Intellect notes that poor visual appearance can be due to the relationship between an antenna and other building features (e.g. being placed between two windows, but not equidistant from each window) or other nearby installations (e.g. antennas placed in different locations on the two parts of a semi-detached property). Intellect would welcome updated guidance for homeowners in this respect.

## **19.2 Options for Designated Areas**

*Do you agree that:*

*a. in designated areas. The permitted development rights and the conditions attached to them should be more restrictive than elsewhere.*

**Intellect agrees that that designated areas should be protected.** However, Intellect also believes that homeowners living in protected areas should have access to the same telecommunications services as homeowners in non-designated areas. Intellect believes that the impact of antenna installations can be minimised through the numerical and position restrictions under Option 3 coupled with the selection of appropriate installation points on the property (see comments on the need for guidance on antenna siting above).

*b. permitted development rights should be the same for all types of designated area.*

**Intellect believes that common development rights are appropriate in order to simplify processes and minimise costs for both the end user and industry.** However, Intellect recognises that this approach is only viable through the selection of an appropriate option (see below), coupled with antenna siting guidelines.

*Which of the 4 options for designated areas would you find acceptable?*

**Intellect supports a combination of the proposals put forward under Options 3 and 4.** There appears to be little difference between Option 4 and Option 3 in terms of the visual impact of antenna installations. However, under Option 4 the householder has a greater choice of service delivery options (see previous comments), without increasing the overall visual impact of multiple antennas on a single property.

**Intellect believes that the number of publicly visible antennas should be limited.** However, Intellect also believes that if an antenna is considered de minimis or is not visible from the front of a property, a homeowner in a designated area should be able to install the number of antennas necessary to receive the TV and broadband services of their choice.

**Intellect believes that the antenna size restrictions are appropriate.** However, Intellect would support an obligation upon householders to minimise the visual impact of any antenna installation (see previous comments).

### **19.3 Options for Other Buildings (above and below 15 metres high - excluding dwelling houses but including blocks of flats and commercial premises)**

*Which of the 4 options for Other Buildings would you find acceptable?*

**Intellect believes that Options 2 & 3 are positive proposals, but they fail to acknowledge the difference between blocks of flats and commercial premises.** Blocks of flats present a particular problem in terms of the potential number of individual residences. In such situations, shared installations with cable distribution should be encouraged wherever possible, although this is not always possible. Commercial premises typically have less individual entities that require telecommunication services with an associated reduction in antenna requirements. Therefore, Intellect proposes that flats and Commercial premises are dealt with separately.

**Intellect supports Option 2 for a block of flats with the restriction that all antennas are roof mounted, or mounted on the wall immediate to the roof.** This restriction is proposed in order to minimise the possibility of copycat behaviour (“my neighbour mounted an antenna just outside their window, so I can too”), and the possible consequential uncontrolled proliferation. The building owner should be responsible for any breach of these regulations and not the occupier.

**Intellect supports Option 3 as currently defined for commercial premises.** Intellect considers that on most commercial premises the antenna would be mounted at the roof level and therefore a greater deregulation at the roof would be appropriate. The building owner should be responsible for any breach of this regulation and not the occupier.

Intellect acknowledges that 15m is the typical height of the average two-story dwelling house roof-line and so is an appropriate reference point for determining the antenna installation limits on taller buildings. Antennas are more noticeable when they are closer to the viewer and Intellect accepts that user perspective needs to be taken into account in order to maintain a balance between visual intrusion and utility. The size limitations proposed are consistent with the use of communal broadband satellite system installations.

**Intellect recognises that the positioning of antennas on tall buildings is a difficult issue.** Even if the number of antennas is limited as proposed in Options 2 & 3 in the consultation document, poor positioning of a handful of antennas could damage the appearance of a building far more than a higher number of antennas arranged in a sympathetic manner. Therefore, Intellect proposes that appropriate guidelines be produced for large building owners that advise on how best to deploy multiple antennas on a building while minimising their visual impact.

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