

**TO: ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE –
21 JULY 2004**

SUBJECT: TELECOMMUNICATIONS DEVELOPMENT

FROM: PLANNING AND ENGINEERING

1. PURPOSE OF REPORT

- 1.1 To summarise for members current policy and practice relating to assessment of planning applications/prior approval notifications for telecommunication development.

2. BACKGROUND

- 2.1 This report arises from notices of motion submitted by Councillor R W Smith and Councillor M Kinson relating to telecommunications development in Warwick Town Centre following concerns about the potential health impact on Kings High School of the “flagpole” mast installed on the roof of the BT exchange building on Priory Road, Warwick.

Existing legislative framework

- 2.2 Significant changes in relation to the handling of telecommunications development by the planning system took place in 2001-2002. Permitted development rights were reviewed and the previous '42 day' procedure was replaced by a '56 day' procedure. This allows greater time for effective public consultation on submitted telecommunications proposals such that the publicity regime is now basically equivalent to the arrangements for planning applications.
- 2.3 In addition, the telecommunications industry signed up to “Ten Commitments” which include greater public consultation and dialogue with Local Planning Authorities on roll-out of networks and a more structured approach to mast sharing opportunities (November 2001).
- 2.4 In relation to national planning policy guidance, PPG8 on telecommunications was updated in August 2001 (following publication of the Stewart Report in May 2000) and a PPG8 good practice guidance document was published by ODPM in 2002.
- 2.5 The LGA has more recently supported a private members bill (Richard Spring MP) that would give Local Authorities better control over telecommunication masts developments, through removing the permitted development rights that operators currently have and bringing all telecommunications development fully within planning control. This bill is currently going through parliament. (In summary, the current regime means that masts up to 15 metres in height do not require full planning permission but are regulated by means of a ‘prior approval’ procedure whereby an operator is allowed to go ahead with the installation if they have not received a decision from the Local Planning Authority within 56 days).

- 2.6 Many telecommunications notifications are non-contentious and raise little local concern. These cases tend to be on the rural sites, where there is good existing screening such that the installation will have limited impact on the wider rural landscape. In the urban areas, a number of unobtrusive installations on rooftops or on taller buildings have been permitted, particularly in commercial/business locations.
- 2.7 Many proposals, however, especially where they are sited on or close to residential properties or schools attract very high levels of opposition and health concerns are prominent in this opposition. In these circumstances, Local Planning Authorities, as regulators of development, are in a difficult position given the content of national planning policy. PPG8 "Telecommunications" states:-

"...it is the government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

Furthermore, the guidance does not provide any planning basis for resisting masts near schools or residential areas and specifically advises against Local Authorities attempting to insist on minimum distances between new telecommunications development and existing development.

- 2.8 Attached as APPENDIX B is a copy letter from the ODPM providing a recent statement about Telecommunications masts and health considerations. It should be noted that this letter restates government policy expressed in PPG8 and refers in the penultimate paragraph to more recent research on health effects due to exposure to radiofrequency transmission, three years on from the Stewart Report.

3. KEY CONCLUSIONS

- National planning policy on telecommunications development and health risk is clear as set out in paragraph 2.7 of this report and there is no evidence of refusals of permission on health risk grounds being backed up by the Inspectorate on appeals.
- The Federation of the Electronics Industry has published "Ten Commitments" to best siting practice which operators are now following (November 2001).
- The ODPM publication "Code of Best Practice on Mobile Phone Network Development" issued in 2002 reaffirms the government policy objective of encouraging telecommunication operators, wherever practicable, to share masts and sites as a means of reducing overall mast numbers.

- The government has set up a research programme to investigate a number of important health related issues associated with the use of mobile phone handsets and effects from exposure to base stations. Information on the research programme can be found on the www.mthr.org website.

This Council is required to operate within the planning policy framework provided for telecommunications development set out in PPG8.

- A specific policy (SC8) on telecommunications is included in the Warwick District Local Plan First Deposit Draft 1996-2011 which sets out the Council's expectations of operators applying for planning permission/prior approval. A copy of this policy is attached as Appendix B.

John Edwards
Group Leader: Development Control

BACKGROUND PAPERS

PPG8 "Telecommunications" August 2001

PPG8 Good Practice Guidance Document – ODPM 2002

Federation of the Electronics Industry "Ten Commitments" November 2001

Warwick District Local Plan First Deposit Draft 1996-2011

Areas in District Affected: Whole District

For further information about this report please contact:

Contact Officer: John Edwards
Tel: (01926) 456541 (Direct Line)
E-Mail john.edwards@warwickdc.gov.uk