

Rt Hon Yvette Cooper MP
Minister for Housing and Planning
Department for Communities and Local Government
Eland House
Bressenden Place
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Dear Yvette

Local Planning Authorities and Mobile Phone Masts

Members of the South West Local Government Association, which represents the 51 local authorities of the South West, have recently expressed concerns around the issue of mobile phone masts with 'deemed consent' and phone companies claiming non-receipt of planning refusal letters. Following informal discussions in the region, a survey of Local Planning Authorities (LPAs) has been conducted and the main findings are enclosed.

I understand that DCLG is currently taking forward further research on the future of mobile phone technology, following a review of the implementation of the Code of Best Practice on Mobile Phone Network Development. The review has led to increased recognition that existing guidance needs updating and improving in some areas.

Whilst DCLG is currently in the process of considering what improvements will help create a system that better meets the public's expectations for consultation, we hope the findings of our survey are a useful contribution and look forward to hearing from you how the concerns can best be addressed by government. I would be very grateful for your early thoughts on the issues outlined in the attached document.

Yours sincerely,



Cllr Ron Parker
Chair, SWLGA

Issues of Deemed Consent and Non- Receipt

- Within 13 South West LPAs, 12 masts in total have been put up with deemed consent, 5 of which would have been refused.
- Many South West LPAs have sent letters of refusal within 56 days which have claimed not to be received by the phone company (4 of the 13 LPAs surveyed). As a result, under the deemed consent rule, operators have erected masts, which in some cases are also a different design to that which has been refused.
- In other cases, operators have been refused consent well within the required 56 days only to claim that it wasn't stated that prior approval was needed and therefore a refusal of prior approval was invalid.
- There is concern that operators are using increasingly devious methods to get the masts they want.

Planning Policy Guidance 8 (PPG8)

- Planning policy guidance does state that councils should always get in touch with applicants within the 56 days regardless of whether prior approval is needed or not. However, the current system for mobile phone masts allows applicants to assume permission is granted if they have not been contacted and places the burden of proof on LPAs. This is in contrast to the rest of the planning system and has led to mobile phone masts being erected which would otherwise have been refused. Operators should have to get written proof that LPAs don't object.
- Requiring the development that currently requires prior approval to require planning permission would simplify the process for officers and the public, especially as 56 days is required to process both types of application.
- In the absence of this, a clear template could be issued with PPG8 for decision notices for prior approval to avoid any doubt over decisions.
- PPG8 appears inconsistent on health issues – on the one hand it states that it is up to the LPA how much weight to attach health fears, then the very next paragraph clearly states that if the application has an ICNIRP certificate then there is no reason to consider these issues further.

Cumulative Effect of Masts

- The cumulative effect of installations needs to be considered both in terms of visual impact as well as health - the total emissions in any given area.
- Independent monitoring advice by Ofcom is needed with a condition attached to consent for new masts that the cumulative emissions do not exceed ICNIRP¹ guidelines and are then checked by Ofcom once installed.
- More and more new sites are being required to gain coverage, sometimes in visually prominent sites and conservation areas. Policy should strongly require operators to mask or disguise masts.
- There is a need for a universally acknowledged name for mast and base stations to avoid confusion.

¹ International Commission on Non-Ionizing Radiation Protection

- A more stringent test needs to be applied to coverage plots – whether they are accurate and if there is therefore a need for the masts. At present LPAs have to take the operators word for it that the coverage plots are accurate and that the proposal as applied is the only technical solution. Would a shorter mast still have the desired coverage? LPAs have to rely on the operator saying no and taking it for granted. The information submitted regarding discounted alternative sites is usually poor and again LPAs are more or less taking it for granted that the operator has discounted them for the right reasons.
- Much greater emphasis is needed on applicants to demonstrate that they have examined more innovative solutions and roaming being required at reasonable cost to users, particularly in protected landscapes, to minimise the number of masts.
- More onus should be put on telecom registers, which can aid LPAs in requesting mast shares and reduce cumulative effects. Telecom registers could perhaps become Best Value Performance Indicators and part of the Delivery Grant system. This would give an incentive for LPAs to keep accurate records – currently many LPAs don't register notifications on their database and maps have not been updated for many years.

Part 24 of the General Permitted Development Orders (GPDO)

- Masts should either be Permitted Development (PD) or require planning permission. The half way house is confusing to the public. PD should be tightly drawn.
- LPAs believe some of the GPDO rights are quite lax. For example, a slimline monopole with one antenna on its can suddenly have 3 antenna attached which can sometimes result in a bulky head to the pole. The same applies to dishes attached to poles as a certain number can cause clutter. The GPDO could be amended to allow one additional antenna and say 2 dishes but any after that needing a notification.
- Consideration should be given to the removal of permitted development rights on slender structures, otherwise LPAs end up with a taller structure than originally envisaged, or one with many more antennas.
- At present conditions cannot be imposed on notifications which would be useful. Arguably though they should be refused if what the condition would seek renders the proposal unacceptable if not applied.
- If part 24 is to be retained, it would be better to make mast height greater so that infrastructure is capable of housing at least three sets of equipment from different service providers. What drives the public mad is seeing three 15m masts within half a kilometer of each other. When LPAs ask companies to share many state that they cannot because a 15m mast is not large enough to do so.
- The GPDO needs to be simplified for greater clarification. The introduction of headings such as 'antennae on a building/structure' and 'antennae on an existing mast' with the criteria listed would be helpful. Many LPAs requested for Part 24 to be rewritten.

Code of Best Practice on Mobile Phone Network Development (CBPMPND)

- There is a conflict in ODPM advice between the Best Practice Guidance on the Validation of Planning Applications (BPGVPA) issued in March 2005 and the Code of Best Practice on Mobile Phone Network Development (2002). BPGVPA provides advice for all applications (including prior approval applications) and states that the first day a valid application is received counts as day zero. Paragraph 93 of the CBPMPND states however that the 56 days start on the day a valid application is received. This has led to some disputes between LPAs and mobile phone operators.
- Licences to Telecommunications Code Operators should not comprise blanket obligations to provide certain levels of coverage but should take account of the need for a more balanced approach in sensitive areas.
- It would be helpful if the Government provided a best practice guide on appropriate siting and design for telecommunications installations. It would also be helpful to have more detailed parameters for siting in residential areas, particularly in terms of proximity to dwellings.
- There is a need to publish GIS data mapping the location of masts for the public.
- Objections to LPAs from the public always argue that the health effects are not known and that ICNIRP guidelines are not good enough. An independent regulator (and adjudication body) with more information and research for the public to utilise would be beneficial and help reduce the significant level of non-material objection.
- More regularly updated advice on health risks would also be very helpful. Current advice is quite old. Objectors frequently refer to more recent reports.

South West Local Government Association
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