

REPORT

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Cllr Mrs Warrander : Cabinet Member for Resources

SITING OF TELECOMMUNICATION EQUIPMENT ON COUNCIL PREMISES

1. Report Summary

To consider whether the Council should adopt a policy for the siting of telecommunications equipment on its Premises.

2. Background

- 2.1 Apparently in 2000 over half the people in Britain had mobile phones.
- 2.2 Calls on mobile phones pass through antennas within their areas of coverage. The antennas, which form part of base stations, are mounted on either freestanding masts or on existing structures and buildings.
- 2.3 Areas of coverage are variable and influenced by the amount of mobile phone usage. In towns and cities the areas of coverage may be only a few hundred metres but in rural areas they could be 10km. Without sufficient base stations in the right locations mobile phones will not work.
- 2.4 Fast valuable and cost effective communications can attract business to an area and help businesses remain competitive. And help to promote new ways of working such as homeworking which in turn can benefit the environment through reducing the need to travel.
- 2.5 However concerns about health have been expressed by many people especially those who live or work close to where base stations are sited.
- 2.6 A group of experts lead by Sir William Stewart has investigated the possible health effects. Their report published in 2000 concluded that the balance of evidence indicated that there was no general risk to the health of people living near base stations. However gaps in scientific knowledge led the group to recommend a precautionary approach to the use of base stations.
- 2.7 Radio waves above a certain level can cause heating effects to the body. International guidelines have been set to keep exposure below that level and mobile phone operators in the UK have agreed to comply with the guidelines.
- 2.8 The Council currently has no policy for considering requests to site telecommunications equipment on its premises so whilst any request would be considered on its individual merits there is no basis for ensuring the adoption of a consistent approach.

3 The relationship between the Council as planning authority and as landowner

- 3.1 The Council as planning authority has responsibility for planning applications for the location of telecommunications equipment in the District. Government Guidance sets out the policy on different aspects of planning with regard to telecommunications development.

- 3.2 The grant of planning permission by the Council as planning authority for the location of telecommunications equipment on council premises does not oblige the Council as landowner to agree to the development taking place.
- 3.3 In the event that the Council as landowner refused to allow telecommunications equipment to be mounted on its premises following the grant of planning permission it is open to an operator to apply to the Courts, under the Telecommunications Act 1984, for an order to force the Council to accept the siting of such equipment on its premises. However the Courts have indicated that they would only grant such an order as a last resort.

4 Suggested policy

- 4.1 In the context of the policy suggested in 4.3 below the following definitions would be applied:
- "Telecommunications equipment": radio masts and towers, antenna of all kinds, radio equipment housing and poles and wires
 - "Premises": land and buildings and infrastructure
- 4.2 The Stewart report recommended a precautionary approach to the use of mobile phones and base stations. The policy suggested in 4.3 follows such an approach.
- 4.3 It is suggested that any policy should incorporate the following elements:
- Each request is made in writing and accompanied by sufficient details to include details as to location, operator, function, height/size of telecommunications equipment, number/type/position/orientation of aerials/dishes, potential for extra aerials/dishes, cabin size and contents, and operating frequencies/power output, together with a health and safety risk assessment.
 - Whilst each request shall be considered on its own merits the Council will operate a presumption against giving consent to telecommunications equipment to be located within 250 metres of a school, leisure centre, childrens home, or a hospital
 - The council being satisfied that the operator has signed up to the 'Ten Commitments' attached as an appendix to this report
 - The production of a certificate of compliance with the International Commission's Non Ionising Radiation Protection guidelines
 - The council being satisfied that the operator has obtained all necessary statutory consents
 - The Council being satisfied that the operator will meet its responsibilities under all applicable health and safety legislation
 - The Council being satisfied that any agreement entered into offers 'best value' for the Council and reflects the cost of any measures to allow access to telecommunications equipment, insurance, removal etc
 - The Council being satisfied that telecommunications equipment will not compromise either the structural integrity or the maintenance of its premises
 - The Council being satisfied that Council security is not compromised by the need to allow 24 hour access to the telecommunications equipment
 - The Council being satisfied that telecommunication equipment will not damage council equipment or cause interference
 - The Council being satisfied that the use of council premises will not be significantly physically obstructed by telecommunications equipment whether temporarily or permanently
 - Additional/changing power and frequency outputs and telecommunications equipment to require separate consent in each case
 - Removal of all or any telecommunications equipment at any time from time to time in the event that the body of scientific knowledge moves to the view that there is a risk to the health of people living or working near base stations

- 4.4 The policy would apply to Council owned premises and, subject to the terms of the lease, to premises where the council is a tenant.

5 Area grants

- 5.1 Telecommunications equipment can generate capital payments and/or additional revenue streams.
- 5.2 Applicants under the SWAG scheme are currently required to disclose their trading accounts for the previous 12-month period, which should include any capital receipt and/or revenue, earned from third party telecommunications equipment sited on their premises.

6 Consultation Undertaken.

Internal consultation with Community Initiatives and Environmental Health as well as with 'prescribed' consultees.

7 Recommendation

Cabinet resolve to adopt the policy suggested in 4.3 above.

8 Background Papers

- 8.1 'Mobile Phone Stations and Health' by the Department of Health
- 8.2 Code of Practice for the consideration of requests for the siting of telecommunications equipment on government occupied premises

9 Implications

- **Key decision** : Yes
- **Financial** : None other than the requirement to achieve 'best value' for dealings affecting the Council's landholdings
- **Legal** : Any policy will need to be reviewed from time to time against the findings of further research into possible health effects so as to minimise the risk of potential claims against the council
- **Human Rights** : Article 8 [respect for home and family life] may in principle be engaged but the balance of current scientific evidence indicates that there is no general risk to health
- **Personnel** : None
- **Community Safety** : None
- **Environmental** : The environmental impact of telecommunications equipment is covered by existing legislation and planning guidance
- **Council's Core Values:** promoting a thriving economy, environmentally conscious, being fair and equitable, communicating with the public.
- **Wards Affected** : All

APPENDIX

The Ten Commitments?

The operators are implementing ten best siting practice commitments to:

1. develop, with other stakeholders, clear standards and procedures to deliver significantly improved consultation with local communities
2. participate in obligatory pre-rollout and pre-application consultation with local planning authorities
3. publish clear, transparent and accountable criteria and cross-industry agreement on site sharing, against which progress will be published regularly
4. establish professional development workshops on technological developments within telecommunications for local authority officers and elected members
5. deliver, with the Government, a database of information available to the public on radio base stations
6. assess all radio base stations for international (ICNIRP) compliance for public exposure, and produce a programme for ICNIRP compliance for all radio base stations as recommended by the Independent Expert Group on Mobile Phones.
7. provide, as part of planning applications for radio base stations, a certification of compliance with ICNIRP public exposure guidelines.
8. provide specific staff resources to respond to complaints and enquires about radio base stations, within ten working days.
9. begin financially supporting the Government's independent scientific research programme on mobile communications health issues.
10. develop standard supporting documentation for all planning submissions whether full planning or prior approval.