

Title: **Notice of Motion – Telecommunications Mast Control Bill – Cllrs Chivers, Barker and Content**

Portfolio Holder: **Cllr Osborne – Planning Portfolio Holder**

Reporting Officer: **Peter Westbury, Principal Planning Officer**

Key Decision: **No**

---

## **Purpose**

To consider the following notice of motion:

“This Council fully supports Andrew Stunell MP Private Members Bill (Telecommunications Mast Planning Control) Bill.

This Council seeks support from Local MP’s Michael Ancram and Andrew Murrison and asks them to give their full support to this Bill and asks the Chairman of Council to write seeking their full support when this Bill is brought forward.”

## **Background**

The motion was presented by Councillors Chivers, Barker and Content to the Council meeting held on 9 November 2005 and was referred to Cabinet for consideration and report back to Council.

## **Main Issues**

Andrew Stunell MP has prepared a Private Members Bill relating to planning controls for telecommunications masts and associated apparatus.

A copy of the Bill is available in the Members’ Room.

Officers are asked to consider the implications of this Bill.

## **Financial Implications**

None

## **Legal Implications**

The Bill proposes that alterations be made to the Town and Country Planning Act 1990, the Town and Country Planning (General Permitted Development) Order 1995, the Telecommunications Act 1984 and the Communications Act 2003.

The alterations would have an impact upon the process for considering all planning applications for the erection of telecommunications equipment. It would not change the permitted development rights that exist for permanent telecommunications development. The alterations to permitted development rights relate to the erection of temporary telecommunications equipment.

The proposed amendments encroach upon the work of the Council specifically in relation to development control. In this respect, it requires:

- a) Every application for planning permission for telecommunications masts and associated apparatus shall be accompanied by a precautionary principle statement. This is a statement for telecommunications masts and associated apparatus which describes the effect upon the environment or human health which might arise from the installation or use of the telecommunications masts and associated apparatus.
- b) Where the above statement indicates that there is a threat of damage to health or the environment, it shall not be a ground for granting permission that there is a lack of full scientific certainty about the extent of the threat of damage to health or the environment.
- c) Every application for planning permission for telecommunications masts and associated apparatus shall be accompanied by a Certificate confirming the area and maximum range of the beam of greatest intensity, where that greatest intensity is and information on where radiation “falls off”. Information on this should be made publicly available.
- d) Where a beam of greatest intensity falls on any part of an educational, medical or residential property, planning permission shall not be granted before first taking into account the information contained with the certificate and any representations received in respect of that information.
- e) Amendments are proposed to the Telecommunications Act 1984.

## **Options**

The following options are open to the Council:

- To support this Bill in its entirety.
- To support the Bill with the following two amendments:

1) The removal of Part 1 paragraph (4), which reads:

“Where the statement (Precautionary Principle Statement) indicates that there is a threat of damage to health or the environment, it shall not be a ground for granting planning permission that there is a lack of full scientific certainty about the extent of the threat of damage to health or the environment”.

The reference to health should be removed because it is not the role of the planning system to confirm “full scientific certainty” in respect the health aspects of proposals for telecommunications development. The Planning Authority has no expertise for confirming “full scientific certainty” and would be unlikely to find any consultee who would offer such advice.

Current advice in ODPM Planning Policy Guidance Note 8 on Telecommunications (PPG8) in respect of health is clear:

“it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Governments 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 International Commission on Non-Ionising Radiation Protection (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.” (PPG8, paragraph 30).

At the present time, all applications for telecommunications are required to be accompanied by an ICNIRP certificate. ICNIRP are the appropriate authority to confirm the health aspects of these proposals, not the Local Planning Authority.

2) That the proposed amendments should relate to all proposals for telecommunications equipment and not only the minority that require an application for full planning permission.

### **Recommendation**

Cabinet is asked to consider whether or not the above mentioned notice of motion should be adopted and advise the Council accordingly, or whether the motion should be supported with the above amendment.

### **Human Rights**

There are no human rights implications.

### **Background Papers**

Notice of motion

Council Minute dated 9 November 2005

PPG8 – Telecommunications

The Telecommunications Masts (Planning Control) Bill