

Environment, Planning and Countryside Committee

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Introduction

There are now around 62.5 million mobile phones in use in the UK. The development of the mobile telecommunications industry in the UK has transformed the way in which people go about their personal and business lives. The ongoing development of the networks is of continuing importance to the Welsh economy and will help businesses in Wales to remain competitive.

There are currently around 47,000 base station sites in the UK to support the calls and access to other services from those phones. The operators need to continue to develop their networks in order to meet their licence requirements to provide 3G network coverage for 80% of the UK population by the end of 2007.

According to Ofcom, at September 2005 around 39% of all phone calls in the UK were either to or from a mobile phone. In Wales, 13% of households only have access to a mobile phone – this is the second highest figure in the UK. In total, 89% of households in Wales have access to a mobile phone. 73% of adults in Wales have access to one or more mobile handsets, a figure which rises to 87% of under 45s.

The importance to high quality mobile telecommunications to businesses in Wales cannot be overestimated. 47% of SMEs (small and medium sized enterprises) in Wales use mobiles phones. Access to mobile communications allows many businesses to operate more effectively and to respond to their customers much more efficiently than before.

The need for base stations

Mobile phones cannot work without a network of base stations in places where people want to use them. The operators need to ensure that there is an efficient network service in place to allow people to use their phones when and where they want.

To get a good reception on a mobile phone you need to be close enough to a base station to receive a

signal. The signal from a base station has a limited range and they are typically able to only carry a maximum of around 120 calls at the same time. In addition, natural barriers such as hills and mountains, as well as buildings, can have an affect on the distance a signal from a base station can travel.

Mobile phone users in the UK area are increasingly demanding better coverage, more capacity in the networks to stop calls from being lost, and more services to be available on their phones. Mobile network operators are responding to that customer demand, which results in a need to increase the coverage and capacity of the networks.

This demand is particularly apparent in those areas that do not have complete network coverage, including some rural parts of Wales. This is made clear in approaches to the operators from MPs and AMs whose constituents may be concerned that they do not receive the consumer, safety and public service benefits of mobile telephony that are available elsewhere in Wales and the UK. The Welsh Assembly Government is keen to improve communications across Wales, and it is important that the operators are not deterred from providing this through unnecessary planning restrictions.

We understand that some people are concerned about the perceived health effects of mobile phone technology (addressed in the section below on Health and Planning), and we are committed to addressing those concerns in an open and transparent manner.

Ten Commitments to Best Siting Practice

In order to address those concerns the five UK mobile network operators introduced the Ten Commitments to best siting practice in 2001. The Ten Commitments are now contained in the Welsh Assembly Government's Code of Best Practice on Mobile Phone Network Development.

The implementation of the Ten Commitments over the last five years has seen a significant improvement in the way in which operators consult local communities, how they interact with local authority planners, and provide strategic information on their plans for network development across Wales.

The aim of the Ten Commitments is to ensure transparency in building mobile phone networks, to provide more information to the public and local planners and to boost the community's role in the siting of radio base stations.

We believe that pre-application consultation is the best way to address people's concerns, and answer their questions, about mobile network development. It is at the pre-application stage that genuine dialogue with community representatives and other stakeholders can be had.

In addition to consulting on individual applications, the operators send an annual rollout plan to all LPAs every autumn. The operators request meetings with the LPA to discuss their rollout plans for the area in the following 12 months. Unfortunately, only a small percentage of LPAs take up the offer of a meeting to discuss the rollout plans.

We remain committed to local consultation and we recognise that this is particularly important in areas where sites are near to residential areas and sites such as hospitals and schools where concerns are sometimes heightened despite the confidence in the safety of the technology shown by all leading scientific bodies.

Good quality consultation is the key - changes to the planning system would not increase the level of consultation that takes place, and would do nothing to address the concerns that some people have.

The operators have a range of consultation techniques, set out within the Ten Commitments, that they use to consult with local ward and community councillors and communities on a proposal before an application is submitted.

The operators' performance under the Ten Commitments has twice been reviewed by independent auditors Deloitte. The most recent review, published in January 2005, concludes that the operators have continued to show demonstrable progress in the implementation of the Ten Commitments.

A copy of the Ten Commitments, and the two Deloitte reviews, can be found on the Mobile Operators Association website at www.mobilemastinfo.com.

The planning regime in Wales

Welsh Assembly Government has put in place a system which achieves a careful balance between providing the country with a mobile telecommunications system which is fit for the 21st century and which delivers efficiently the enormous benefits of mobile phone technology to the Welsh population. At the same time, the Assembly ensures that local residents are able to have their say in development proposals that may affect them.

This system involves the streamlining of the planning process for certain types of telecommunication development via the permitted development and "prior approval" processes. Permitted development rights are not exclusive to the mobile operators. They are a fundamental part of the planning system in Wales. Permitted development regimes streamline the planning process by reducing the need for local planning authorities to determine an application for a small scale development which would have little impact on the visual environment. In addition, and just as importantly, permitted development rights actively encourage developers (including the operators) to develop small and less intrusive structures, thereby reducing their impact on visual amenity.

Local planning authorities are required to determine prior approval applications for ground based masts within 56 days. 56 days is a reasonable period within which a local planning authority can fully consult with communities and determine an application for prior approval. In fact, the operators in practice go much further than the strict requirements of the prior approval system, through the voluntary pre-application consultation set out in the Ten Commitments. The prior approval process enables local

residents to have a proper say in developments that affect them.

It would not be appropriate to address any perceived weaknesses in the current permitted development/prior approval rules through their abolition – they should be addressed by improving the efficiency with which local planning authorities consult locally over prior approval proposals and process objections from local residents where they arise. The removal of permitted development rights will do nothing to address the concerns that some people have regarding the development of the mobile networks.

The removal of permitted development rights would result in a large increase in the number of full planning applications submitted to local planning authorities. The increase in their workload would have a severe adverse impact not only on telecommunications development, but on other forms of development dealt with by the planning system which would be caught up in the log jam.

The proposals would result in a significant adverse impact on the mobile operators' ability to provide a service which consumers in Wales want and rely upon. A large and increasing number of people are using their mobile handsets as their primary means of communication. Those handsets simply will not work without a network of base stations in place where people want or need to use their phones.

Health and planning

There have been calls, both in the Welsh Assembly and elsewhere, to allow local planning authorities to give greater weight to perceived health concerns when considering applications for mobile telecommunication apparatus. It is sometimes suggested that this would be a more 'precautionary' approach to mobile network development. This was suggested by the motion debated in a plenary session of the National Assembly for Wales on 8th February 2006.

The motion called for mobile operators to be required to submit with a planning application a precautionary principle statement 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". Where the statement indicated a threat of damage, a lack of full scientific certainty about the threat should not be a ground for granting planning permission.

The proposal had at least three significant flaws that would have been counter productive in dealing with public concerns about health. First, it would have introduced into local decision-making on planning applications some extremely vague and general concepts. The fundamental point about the precautionary principle is that, for the very reason it is so vague, it should be used as a tool for the formulation of policy rather than a pass/fail test for individual applications. The proposal would create difficulties for local planning authorities tasked with interpreting the precautionary principle for specific cases and would result in wildly inconsistent application, and unfairness and confusion on all sides.

Second, the proposal was contrary to a fundamental principle of Government policy, namely that planning control and health regulation are two separate regimes. Paragraph 86 of Planning Policy Wales:

Technical Advice Note 19 (Telecommunications) states that "Local planning authorities should not seek to replicate through the planning system controls under the health and safety regime. Enforcement of health and safety legislation in this area is a matter for the Health and Safety Executive (HSE). If, once a mast is in operation, there is evidence or concern that an operator is not meeting their responsibilities in a particular case HSE may investigate and, if necessary, require action to be taken. HSE do not need to be consulted on individual planning applications (except for development near major hazard sites)." Local planning authorities simply do not have the experience or resources to address complex representations that may be made to them on health and safety grounds in the context of telecommunications development. The system would create more difficulties for already overburdened LPAs if they had to perform this role and it would again result in inconsistent and unfair outcomes on all sides and without the necessary expertise it would only raise concerns further.

More recently, the NRPB report Mobile phones and health 2004 supported the Government's view that "while planning is necessarily a local issue, the assessment of evidence related to possible health concerns associated with exposures to RF fields from base stations is best dealt with nationally." The Telecommunications Masts (Planning Control) Bill contradicts the advice of the Government's senior independent scientific advisers on this issue. In addition, in November 2004 the Court of Appeal upheld the Government's view that if a proposed mobile phone base station meets international exposure guidelines for public exposure it should not be necessary as part of the planning process to consider further the health aspects and concerns about them

Third, and perhaps most importantly, the current framework is already based upon a precautionary approach to its rules on telecommunications development. The Government's approach has been to apply the precautionary principle at policy level to shape the detailed practical planning requirements, as shown below.

All UK mobile operators' base stations must comply with the public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) as recommended by the Stewart Report in 2000.

As part of its findings the Stewart Group called for a precautionary approach and recommended that the ICNIRP guidelines be adopted. The ICNIRP limits for exposure for the general public are based on the same science as those set out by the previously used NRPB guidelines, but as an additional precaution, maximum exposure levels are five times lower. The operators accepted this recommendation and all base stations are ICNIRP compliant.

An independent audit of mobile phone base station radiofrequency emissions undertaken by Ofcom since 2001 confirms the Stewart Report's expectation that "exposures are expected to be small fractions of the guidelines." The details of the audit of around 400 sites, mostly close to schools and hospitals, can be viewed on Ofcom's website: www.ofcom.org.uk. Typical readings from these audits are hundreds or thousands of times below the ICNIRP exposure guidelines.

As part of their Ten Commitments, the operators provide a copy of an ICNIRP compliance certificate to Local Planning Authorities with every planning application lodged. This is a statutory requirement in Wales.

Independent scientific review bodies in the UK and around the world have consistently concluded that the weight of scientific evidence to date suggests that exposure to radiowaves from mobile phone base stations operating within international guidelines do not cause adverse health effects.

Code of Best Practice review

The Code, which also covers England has recently been reviewed by Arup and the University of Reading (commissioned by Welsh Assembly Government and the Office of the Deputy Prime Minister). The main conclusions of that review were:

- There have been significant improvements in the process of planning for mobile network development, especially in relation to information dissemination and consultation
- LPAs vary in the extent to which they engage in planning for mobile network development as set out by the Code of Best Practice.
- Beyond the very active community groups, the wider public has very limited awareness or knowledge of the Code or any of its components.
- LPAs were very positive about the impact of the Code on the operators' performance, commenting on significant improvements in the information submitted with applications, and increased transparency in consultation
- Site-specific pre-application discussions are of considerable value, where LPAs have the resources to offer such a service.
- The Code has had a significant positive impact on mobile phone mast development. This impact is increasing as awareness of the Code and its requirements becomes further embedded within the operating practices of the industry and LPAs.

Ipsos MORI planners research

Ipsos MORI research of local authority planners carried out over the past six years shows positive improvement in all areas of consultation and information year on year. The main findings of the research are:

- Four in five planners agree that there has been an improvement in the quality of information and level of consultation by operators

- Seven in eight planners feel operators co-operate positively with requests for more information about planning applications
- Three-quarters of planners agree the operators provide them with enough information about their plans for mobile base stations within their local authority area
- Four in five planners agree that the operators make themselves available for discussion with planners before submitting applications
- Around a third of planners say that there are no areas for mobile phone operators to address more effectively - up from just over ten per cent in 2001
- Operators are successfully filling the information gap for planners that was identified five years ago. They are meeting planners' expectations and delivering improved information and communication, both with local authorities and local communities.

Conclusion

The operators will continue to develop their networks in Wales, in consultation with local communities, planning authorities and AMs and MPs, in order to provide high quality mobile networks for businesses and communities across the country. The planning system in Wales needs to continue to strike the right balance between placing sufficient controls on development, allowing local communities and other stakeholders to be consulted, and enabling the operators to respond to the continuing increase in consumer demand and should not discourage operators from improving coverage.