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Summary and Recommendations

Background

- 1.1 The widespread use of mobile phones is a recent phenomenon. Their use has escalated over the past decade and to many they are now an essential part of business, commerce and society. Over the Christmas 1999 period alone approximately 4 million phones were sold in the UK and at present (April 2000) there are about 25 million mobile phones in circulation. This is equivalent to nearly one phone for every two people (see paragraph 2.16)
- 1.2 The fact that so many people own mobile phones attests to their perceived importance to the general public. The advent of third generation systems will extend the use of most forms of communications technologies, including fax, e-mail and Internet access. The use of mobile phones and related technologies will continue to increase for the foreseeable future.
- 1.3 The extensive use of mobile phones has been accompanied by public debate about possible adverse effects on human health. The concerns relate to the emissions of radiofrequency (RF) radiation from the phones (the handsets) and from the base stations that receive and transmit the signals (paragraphs 3.3-3.7). For the general population, the levels of exposure arising from phones held near to the head or other parts of the body are substantially greater than whole-body exposures arising from base stations (paragraphs 4.28-4.36).
- 1.4 There are two direct ways by which health could be affected as a result of exposure to RF radiation. These are by thermal (heating) effects caused mainly by holding mobile phones close to the body, and as a result of possible non-thermal effects from both phones and base stations (paragraphs 5.5-5.26).
- 1.5 There can also be indirect effects. There is evidence that using a mobile phone whilst driving can increase the risk of accidents. Also some people's well-being may be adversely affected by the environmental impact of mobile phone base stations sited near their homes, schools or other buildings, as well as by their fear of perceived direct effects (paragraphs 5.264, 6.44 and 6.45).

Sources of Exposure

- 1.6 Mobile phones and base stations emit RF radiation. In both cases levels of exposure generally reduce with increasing distance from the source. For mobile phones, exposures will be principally to the side of the head for hand-held use, or to the parts of the body closest to the phone during hands-free use.
- 1.7 For base station emissions, exposures of the general population will be to the whole body but normally at levels of intensity many times less than those from handsets (paragraphs 4.28-4.36). Base stations communicate with mobile phones within a defined area or "cell". These can be of

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three types: *macrocells*, *microcells* and *picocells* depending upon their size and the power output of the antenna (paragraph 4.9).

- 1.8 *Macrocells* provide the main structure for the base station network. The base stations for macrocells have power outputs of tens of watts and communicate with phones up to about 35 kilometres (22 miles) distant. There are at present about 20,000 macrocells covering the country (paragraph 4.9). We believe that this number will continue to increase. Measurements that have been made (see paragraphs 4.30–4.36) indicate that exposures of the general population from these sites are typically many hundreds, or thousands of times lower than existing exposure guidelines. There are concerns, nevertheless, about whether the emissions from all base stations are uniformly low, about whether the emissions could cause unknown health effects, and whether, with the increased use of mobile telecommunications, their output will have to rise.
- 1.9 *Microcells* are used to infill and improve the main network, especially where the volume of calls is high. They are sited in places such as airports, railway stations and shopping malls. Their number is rapidly increasing in line with the growth in demand for mobile phones. The microcell base stations emit less power than those for macrocells and their range is a few hundred metres. We understand that exposures above guidelines do not occur, provided the case surrounding the antenna is kept in place. However, as with some other items of electrical equipment – for example, lasers in CD equipment – there is a possibility of overexposure if the case is removed.
- 1.10 *Picocell* base stations have a lower power output than those of microcells (a few watts) and are generally sited inside buildings. It is likely that the number of picocells within buildings will substantially increase. Although we are satisfied that their emissions should not exceed the guidelines, the system of audits that we propose (paragraph 1.40) will provide an independent check on the output not only from picocell antennas but from all base station types.
- 1.11 As well as mobile phone base stations, there are a large number of other RF emitting sources in our environment, including antennas for radio, television and paging (paragraphs 4.20–4.22). Exposures of individuals to RF radiation from these sources will depend upon their proximity and may be above those from mobile phone base stations, although still well below guidelines.

Current Guidelines on Acceptable Levels of Exposure to Radiofrequency Radiation

- 1.12 Government has in place national guidelines (paragraphs 6.19–6.26, 6.32) established by the National Radiological Protection Board (NRPB) on the maximum levels of exposure to RF radiation emitted from mobile phones, base stations and other sources (“the NRPB guidelines”). These guidelines were established in 1993 when mobile phone technology was in its infancy. The guidelines were based on a comprehensive review of the scientific literature carried out by NRPB, a statutory body, which advises Government on radiological issues related to health.
- 1.13 In 1998 the International Commission on Non-Ionizing Radiation Protection (ICNIRP) published its own guidelines (paragraphs 6.27–6.31) covering exposure to RF radiation. These were based on essentially the same evidence as that used by NRPB, and for workers the limits on exposure are similar. However, under the ICNIRP guidelines, the maximum levels of exposure of the public are about five times less than those recommended for workers. The reason for this approach was the possibility that some members of the general public might be particularly sensitive to RF radiation. However, no detailed scientific evidence to justify this additional safety factor was provided.

Main Conclusions on the Possible Effects of Mobile Phone Technology on Human Health

- 1.14 The ICNIRP guidelines for the public have been incorporated in a European Council Recommendation (1999), which has been agreed in principle by all countries in the European Union (EU), including the UK. In Germany the ICNIRP guidelines have been incorporated into statute (paragraph 6.33).
- 1.15 Both the NRPB and ICNIRP guidelines are based on the need to avoid known adverse health effects. At the time these guidelines were drawn up, the only established adverse effects were those caused by the heating of tissues.

Main Conclusions on the Possible Effects of Mobile Phone Technology on Human Health

- 1.16 Despite public concern about the safety of mobile phones and base stations, rather little research specifically relevant to these emissions has been published in the peer-reviewed scientific literature. This presumably reflects the fact that it is only recently that mobile phones have been widely used by the public (paragraphs 2.1–2.12) and as yet there has been little opportunity for any health effects to become manifest. There is, however, some peer-reviewed literature from human and animal studies, and an extensive non-peer-reviewed information base, relating to potential health effects caused by exposure to RF radiation from mobile phone technology.
- 1.17 The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNIRP guidelines do not cause adverse health effects to the general population (Chapter 5, paragraphs 6.33–6.42).
- 1.18 There is now scientific evidence, however, which suggests that there may be biological effects occurring at exposures below these guidelines (paragraphs 5.176–5.194, 6.38). This does not necessarily mean that these effects lead to disease or injury, but it is potentially important information and we consider the implications below.
- 1.19 There are additional factors that need to be taken into account in assessing any possible health effects. Populations as a whole are not genetically homogeneous and people can vary in their susceptibility to environmental hazards. There are well-established examples in the literature of the genetic predisposition of some groups, which could influence sensitivity to disease. There could also be a dependence on age. We conclude therefore that it is not possible at present to say that exposure to RF radiation, even at levels below national guidelines, is totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach (Chapter 5, paragraphs 6.35–6.42).
- 1.20 In the light of the above considerations we recommend that a precautionary approach to the use of mobile phone technologies be adopted until much more detailed and scientifically robust information on any health effects becomes available (Chapter 5, paragraphs 6.35–6.42).
- 1.21 We note that a precautionary approach, in itself, is not without cost (paragraph 6.16) but we consider it to be an essential approach at this early stage in our understanding of mobile phone technology and its potential to impact on biological systems and on human health.
- 1.22 In addition to these general considerations, there are concerns about the use of mobile phones in vehicles. Their use may offer significant advantages – for example, following accidents when they allow emergency assistance to be rapidly summoned. Nevertheless, the use of mobile phones whilst driving is a major issue of concern and experimental evidence demonstrates that it has a detrimental effect on drivers' responsiveness. Epidemiological evidence indicates that this

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effect translates into a substantially increased risk of an accident. Perhaps surprisingly, current evidence suggests that the negative effects of phone use while driving are similar whether the phone is hand-held or hands-free (paragraph 5.213). Overall we conclude that the detrimental effects of hands-free operation are sufficiently large that drivers should be dissuaded from using either hand-held or hands-free phones whilst on the move (paragraphs 5.201-5.214, 5.262-5.263 and 6.93-6.95).

- 1.23 We consider below ways in which a precautionary approach to the use of mobile phone technology might be adopted.

A Precautionary Approach and Related Issues

- 1.24 We recommend that national and local government, industry and the consumer should all become actively involved in addressing concerns about possible health effects of mobile phones (paragraph 6.40).

- 1.25 Our recommendations focus on five areas:

- advice to Government,
- advice to industry,
- research requirements,
- the need for better public information and consumer choice,
- the role of NRPB.

Advice to Government

- 1.26 We recognise that the mobile phone industry impacts on people and business around the world and that the UK is a global leader in telecommunications technology. There are benefits that the development of mobile telecommunications can bring, provided there is no adverse impact on health. It is against this general backcloth that we make our recommendations.

Standards

- 1.27 We recommend that, as a precautionary approach, the ICNIRP guidelines for public exposure be adopted for use in the UK rather than the NRPB guidelines. This would bring the UK into line with other countries in the European Union and accord with the Recommendations of the House of Commons Select Committee on Science and Technology Report on Mobile Phones and Health (1999) (paragraphs 6.19-6.42).
- 1.28 We are not convinced of the need to incorporate the ICNIRP guidelines in statutes. We believe that they are liable to change as more scientific information on possible health effects becomes available (paragraph 6.36).
- 1.29 It would be sensible, in line with the precautionary approach, to set in place a long-term follow-up of workers who are occupationally exposed to RF radiation at relatively high levels. We recommend that a register of occupationally exposed workers be established and that cancer risks and mortality be examined to determine whether there are any harmful effects. If any

adverse effects of exposure to RF radiation are identified then the Health and Safety Executive should establish a system of health surveillance (paragraph 5.240).

Planning issues

- 1.30 The siting of base stations in residential areas can cause considerable concern and distress. At all our open meetings and in written evidence we heard concerns about the location of base stations in sensitive sites. These include schools, residential areas and hospitals. This concern relates, in part, to the fact that base stations up to 15 m (48 ft) in height can be installed in residential areas without the need for a full planning application. We consider this to be unacceptable.
- 1.31 We are concerned at the indirect adverse impact which current planning procedures are having on those who have been, or are, subjected to the often insensitive siting of base stations. Adverse impacts on the local environment may adversely impact on the public's well-being as much as any direct health effects.
- 1.32 We recognise that exposures of people in the vicinity of base stations are expected to be well within guidelines yet there is no independent audit to ensure that this is the case (paragraphs 4.30-4.35).
- 1.33 We conclude that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, there can be indirect adverse effects on their well-being in some cases (paragraphs 5.264, 6.44 and 6.45).
- 1.34 We perceive a lack of clear protocols to be followed in the public interest prior to base stations being built and operated and note that there is significant variability in the extent to which mobile phone operators consult the public on the siting of base stations. We have heard little specific criticism of most of the network operators, apart from Orange. The Department of the Environment, Transport and the Regions and the National Assembly for Wales (DETR, 1998) produced a *Code of Best Practice: Telecommunications prior approval procedures* as applied to mast/tower development. We understand that consideration is being given to extending this to include health concerns (paragraphs 6.104-6.109). We support this development.
- 1.35 Overall we consider that public concerns about the siting of base stations demand changes in the planning process. Thus:
- 1.36 We recommend that for all base stations, including those with masts under 15 m, permitted development rights for their erection be revoked and that the siting of all new base stations should be subject to the normal planning process (paragraphs 6.43-6.46 and 6.55-6.62).
- 1.37 We recommend that, at national Government level, a template of protocols be developed, in concert with industry and consumers, which can be used to inform the planning process and which must be assiduously and openly followed before permission is given for the siting of a new base station (paragraphs 6.58-6.62). We consider the protocol should cover the following issues.
- All telecommunications network operators must notify the local authority of the proposed installation of base stations. This should cover installations for macrocells, microcells and picocells.
 - The local authority should maintain an up-to-date list of all such notifications, which should be readily available for public consultation.

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- The operator should provide to the local authority a statement for each site indicating its location, the height of the antenna, the frequency and modulation characteristics, and details of power output.
- Any change to an existing base station which increases its size, or the overall power radiated, should be subject to the normal planning process as if it were a new development.

1.38 We recommend that a robust planning template be set in place within 12 months of the publication of this report. It should incorporate a requirement for public involvement, an input by health authorities/health boards and a clear and open system of documentation which can be readily inspected by the general public (paragraphs 6.55–6.62).

1.39 We recommend that a national database be set up by Government giving details of all base stations and their emissions. This should include the characteristics of the base stations as described in paragraphs 6.47 and 6.48 and should be an essential part of the licence application for the site.

1.40 We recommend that an independent random, ongoing, audit of all base stations be carried out to ensure that exposure guidelines are not exceeded outside the marked exclusion zone and that the base stations comply with their agreed specifications. If base station emissions are found to exceed guideline levels, or if there is significant departure from the stated characteristics, then the base station should be decommissioned until compliance is demonstrated (paragraphs 6.53 and 6.54).

1.41 We recommend that particular attention should be paid initially to the auditing of base stations near to schools and other sensitive sites (paragraphs 6.54 and 6.63–6.68).

1.42 We recommend, in relation to macrocell base stations sited within school grounds, that the beam of greatest intensity (paragraphs 4.32–4.35 and 6.63–6.68) should not fall on any part of the school grounds or buildings without agreement from the school and parents. Similar considerations should apply to macrocell base stations sited near to school grounds.

1.43 We recommend that in making decisions about the siting of base stations, planning authorities should have the power to ensure that the RF fields to which the public will be exposed will be kept to the lowest practical levels that will be commensurate with the telecommunications system operating effectively (paragraphs 6.55–6.62).

Exclusion zones

1.44 We recommend the establishment of clearly defined physical exclusion zones around base station antennas, which delineate areas within which exposure guidelines may be exceeded (paragraphs 6.49–6.52). The incorporation of exclusion zones should be part of the template of planning protocols that we advocate.

1.45 Each exclusion zone should be defined by a physical barrier and a readily identifiable nationally agreed sign with a logo. This should inform the public and workers that inside the exclusion zone there might be RF emissions which exceed national guidelines. We recommend that the design of the logo should be taken forward by the British Standards Institute and implemented within 12 months (paragraphs 6.49–6.52).

1.46 We recommend that warning signs should be incorporated into microcell and picocell transmitters to indicate they should not be opened when in use (paragraph 6.52).

Use of mobile phones near hospitals

- 1.47 We are concerned about the indiscriminate use of mobile phones in hospitals and other sites where the RF radiation could possibly interfere with sensitive equipment. We understand that health authorities/health boards issue guidance on the use of mobile phones. They should ensure that all hospitals comply. This guidance should include the placing of visible warning signs at entrances to buildings to indicate that mobile phones should be switched off (paragraphs 4.6, 6.91 and 6.92).

Devolution in Scotland, Wales and Northern Ireland

- 1.48 Where recommendations (paragraphs 1.30–1.46) impact on the devolved responsibilities of the Scottish Parliament, the Welsh National Assembly and the Northern Ireland Assembly then they should be considered by their appropriate authorities or bodies. We have noted with interest the recent report on planning procedures for telecommunications developments produced by the Transport and the Environment Committee of the Scottish Parliament (2000) (paragraphs 6.112–6.117).

Advice to Industry

- 1.49 We believe that in the global economy of the 21st Century a competitive edge will be generated by developing innovative, technologically advanced and safe products, which can lead the field and win competitive advantage.
- 1.50 We understand from the Mobile Manufacturers Forum that all mobile phones presently marketed in the UK comply with both NRPB and ICNIRP guidelines. A crucial issue in relation to the exposure of people using mobile phones is the specific energy absorption rate (SAR). This determines the amount of energy absorbed in the body of the user. In most circumstances of use this will be the head. The SAR depends upon the power output of the phone and its design (paragraph 4.37). We understand that an internationally agreed standard testing procedure that will allow the SAR from mobile phones to be compared is being developed and will be finalised this year (2000). Such a procedure should benefit consumers and should also be welcomed by industry. We note that in the case of cars, standard testing procedures for fuel consumption have been developed to inform consumer choice, and have resulted in the development of more efficient engines. We see no reason why, in the case of mobile phones, standard testing procedures should not lead to a progressive reduction in exposures from the equipment.
- 1.51 We recommend that an international standard for the assessment of SAR values from mobile phones should be adopted for use in the UK once it has been demonstrated to be scientifically sound (paragraphs 6.74–6.79).
- 1.52 We recommend that information on the SAR values for mobile phones must be readily accessible to consumers (paragraph 6.77):
- at the point of sale with information on the box ,
 - on leaflets available in stores giving comparative information on different phones and with explanatory information ,
 - as a menu option on the screen of the phone and as a label on the phone,
 - on a national web site, which lists the SAR values of different phone types.

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- 1.53 If there are currently unrecognised adverse health effects from the use of mobile phones, children may be more vulnerable because of their developing nervous system, the greater absorption of energy in the tissues of the head (paragraph 4.37), and a longer lifetime of exposure. In line with our precautionary approach, at this time, we believe that the widespread use of mobile phones by children for non-essential calls should be discouraged. We also recommend that the mobile phone industry should refrain from promoting the use of mobile phones by children (paragraphs 6.89 and 6.90).
- 1.54 We have examined the value of mast sharing and roaming agreements. These can offer advantages in terms of providing a better service in rural areas and limiting environmental intrusion. We recommend that operators actively pursue a policy of mast sharing and roaming where practicable (paragraphs 6.69 and 6.70).

Health Related Research

- 1.55 The mobile phone industry has supported a substantial and ongoing programme of research internationally. The recent upsurge in the use of mobile phone technology in the UK has not been matched, in general, by the output of good quality relevant research supported by the public sector. Too many studies have been carried out at exposure levels and frequencies not directly related to the use of mobile phones or base stations.
- 1.56 In relation to present research findings, the following three areas deserve particular comment.
- First, the balance of the evidence available does not suggest that RF radiation from mobile phones or base stations causes cancer or other disease. However, there is now evidence that effects on biological functions, including those of the brain, may be induced by RF radiation at levels comparable to those associated with the use of mobile phones. There is, as yet, no evidence that these biological effects constitute a health hazard but at present only limited data are available. This is one reason why we recommend a precautionary approach.
 - Second, concerns have been expressed that the pulsed nature of the signals from mobile phones and masts may have an impact on brain function. This is an intriguing possibility, which deserves further research, particularly if pulsed signals continue to be used in the third generation of phones and related technologies. Research should concentrate on signal modulations representative of present and future phone technology (paragraphs 5.4, 5.12-5.26 and 5.270).
 - Third, we commend the World Health Organization (WHO) for encouraging the use of standard experimental protocols under realistic exposure conditions relevant to mobile phone technology (paragraph 5.284). This should allow experiments from different laboratories to be readily compared.
- 1.57 On the basis of the current state of knowledge we recommend that priority be given to a number of areas of research related particularly to signals from handsets (paragraph 5.270). These should include the following:
- effects on brain function,
 - consequences of exposures to pulsed signals,
 - improvements in dosimetry,
 - the possible impact on health of sub-cellular and cellular changes induced by RF radiation,

- psychological and sociological studies related to the use of mobile phones.
 - epidemiological and human volunteer studies (paragraphs 5.249–5.264), including the study of children, and individuals who might be more susceptible to RF radiation (paragraphs 4.37, 6.29 and 6.30).
- 1.58 We recommend that a substantial research programme should operate under the aegis of a demonstrably independent panel. The aim should be to develop a programme of research related to health aspects of mobile phones and associated technologies. This should complement work sponsored by the EU and in other countries. In developing a research agenda the peer-reviewed scientific literature, non-peer reviewed papers and anecdotal evidence should be taken into account (paragraphs 5.270–5.272).
- 1.59 We further recommend that this programme be financed by the mobile phone companies and the public sector (industry departments, health departments and the research councils), possibly on a 50 : 50 basis. The contribution from industry could be made on a voluntary basis or by a continuing levy reviewable every five years (paragraph 5.272).
- 1.60 It will be essential for further research in this area to be kept under review. We recommend that the issue of possible health effects of mobile phone technology should be the subject of a further review in three years time, or earlier if circumstances demand it (paragraph 5.273).

Public Information and Consumer Choice

- 1.61 We are concerned at the variability and the limited extent of the information made available to consumers on mobile phone products. We recommend that Government circulates a leaflet to every household in the UK providing clearly understandable information on mobile phone technology and on related health aspects, including the use of mobile phones while driving (paragraphs 5.201–5.208). This leaflet should additionally be available at the point of sale. The leaflet should be developed in concert with industry, which has already produced some good leaflets (paragraphs 3.48 and 3.49).
- 1.62 We recommend that an Ombudsman be appointed to provide a focus for decisions on the siting of base stations when agreement cannot be reached locally, and on other relevant issues (paragraphs 3.50 and 3.51).
- 1.63 There are various devices that seek to reduce exposure to RF radiation from mobile phones. These include shields and devices that attach to phones. We remain to be convinced of their effectiveness in reducing personal exposure in normal conditions of use of mobile phones.
- 1.64 Hands-free extensions, which allow the phone to be held away from the body, have the potential for reducing exposure, but some recent tests have cast doubt on their general level of effectiveness. For users wishing to reduce their exposure, we advocate the use of hands-free kits of proven effectiveness. A satisfactory design may involve the use of chokes or filters in the connecting lead. A standard testing procedure should be established.
- 1.65 The regulatory position on the use of shielding devices and hands-free kits, which may affect the phone's performance, is unclear. In addition, information available for the public on the use of such devices is limited to that provided by the suppliers of the devices and the mobile phone industry. We recommend that Government sets in place a national system which enables independent testing of shielding devices and hands-free kits to be carried out, and which enables clear information to be given about the effectiveness of such devices. A kite mark or

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equivalent should be introduced to demonstrate conformity with the testing standard (paragraphs 6.86-6.88).

National Radiological Protection Board (NRPB)

- 1.66 We believe that NRPB is a valuable UK asset which should be built upon, and that it carries out scientific work which is well-regarded nationally and internationally.
- 1.67 Whilst there is no criticism of its science, we recommend that NRPB gives greater priority to the execution of a more open approach to issues of public concern such as mobile phone technology and that it is proactive rather than reactive in its approach (paragraph 3.44).
- 1.68 We recommend that public concerns about risk be addressed by NRPB in a more sensitive and informative manner (paragraph 3.45).
- 1.69 We recommend that NRPB makes more use of specialist time-limited *ad-hoc* committees of experts and lay representatives to bring forward broadly based, well-considered advice (paragraph 3.42).
- 1.70 We recommend that in a rapidly emerging field such as mobile phone technology where there is little peer-reviewed evidence on which to base advice, the totality of the information available, including non-peer-reviewed data and anecdotal evidence, be taken into account when advice is proffered (paragraph 3.46).
- 1.71 We note the paucity of resources available at NRPB for work on non-ionising radiation, including work on mobile phones, and related research on life sciences. We recommend that work on non-ionising radiation and related life sciences work be strengthened at NRPB (paragraph 3.47).

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APPENDIX 2

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Date: 8 November 2000

Dear Mr. Clark,

Consultation Paper on Telecommunication Mast Development

I refer to the consultation paper dated July 2000. The matter was considered by the District Council's Planning Committee at its meeting on 2 November 2000, and I regret that its views are, consequently, forwarded to you just after the respond deadline date; I hope, nevertheless, that you will be able to take them into account.

The Committee's response to the individual questions is as follows:

Question 1. Do you think that greater public consultation could be achieved within the current prior approval procedures, or is it necessary to remove permitted development rights as recommended by the Stewart Group? If the former how could this be achieved?

The District Council does not believe that greater public consultation could be achieved within the current prior approval procedures. Consultation for 42 days prior approval procedures is limited to Parish and Town Councils and the wider public is not involved. There will rarely be the opportunity to consult on any additional information or amendments which may be received. This system is seen as inequitable by members of the public. The fact that in many instances mast development does not require planing permission and the restriction to considerations of siting and design, rather than issues of principle for prior approval applications, results in the public feeling that the Council is bending over backwards to assist the operators and that their views count for very little.

The District Council is firmly of the view that the removal of permitted development rights to bring certain telecommunications development under the same procedure as other applications for planning permission, is essential in restoring public confidence in the system.

The Council also resists any lengthening of the consultation procedure (eg to 56 days). This would not overcome existing shortcomings and there would be little advantage of time over the alternative of requiring planning permission.

Question 2. Do you agree that mobile phone operators and other telecommunications code systems operators should be treated in the same way by planning procedures?

The District Council agrees strongly that mobile phone operators and other telecommunications code system operators should be treated in the same way by planning procedures.

Question 3. Do you think that the construction and installation of any ground based telecommunications mast should be subject to an application for planning permission?

The District Council strongly believes that the construction and installation of any ground based telecommunications mast should be subject to an application for planning permission.

The local interest and potential environmental impact of this form of development does not equate to other forms of 'permitted development' which are generally 'minor' in nature.

The experience of the Council has been that dealing with the public response to ground-based mast developments outside the standard formalities of a planning application has been cumbersome and time consuming as the public concern is often about the inequity of the system as much as the facts of the case.

Question 4. Do you think that the alteration or replacement of a ground based mast already installed should be permitted except where the alteration or replacement would result in the mast being higher than the original mast? If so, where a mast would be higher than the original mast, should its alteration or replacement be permitted subject to prior approval, or should an application for planning permission be required?

The District Council believes that simplicity and consistency needs to be built into any new arrangements. It believes that this can only be achieved by making all alterations and replacements subject to the requirement for planning permission, irrespective of the height.

The height of the mast and the details of its form can be critical to the development's acceptance. A system which would allow for carefully negotiated masts to be replaced by something less sensitive without the same rigours of a planning application would be inequitable.

Question 5. Do you think that the construction and installation of any telecommunications mast on a building or other structure should be subject to an application for planning permission?

The District Council believes that the construction and installation of masts on buildings and structures should be subject to an application for planning permission. This would allow for a more uniform and simplified approach. The Council does not agree that a requirement for planning permission for all types of mast would make ground-based masts a more attractive proposition for operators as planning policy can clearly steer development towards sharing masts and other structures and therefore making an application for planning permission more likely to succeed.

Question 6. Do you think that the alteration or replacement of a mast on a building or other structure should be permitted except where the alteration or replacement would result in the mast being higher than the original mast? If so, where a mast would be higher than the original mast, should its alteration or replacement be permitted subject to prior approval, or should an application for planning permission be required?

The District Council agrees that the same measures should apply to masts on buildings/structures as to ground based masts. However, in line with the response to Question 4 it believes that all alterations and replacements should be subject to the requirement for planning permission. This would allow for full public consultation. The fact that a mast already exists on the building/structure would be a key factor in determining any proposal and should assist the speed with which an application for replacement or alteration could be dealt with.

Question 7. Do you think that the construction, installation, alteration or replacement of radio equipment housing with a volume in excess of 2.5 cubic metres, and of development ancillary to radio equipment housing, when carried out in conjunction with the construction, installation, alteration or replacement of a mast, should be subject to the same planning requirements as that mast?

The District Council agrees that such development carried out in conjunction with mast development should be subject to the same planning requirements as the mast. However, it believes that all development, irrespective of size carried out in conjunction with mast development should be subject to the same planning requirements as the mast itself. This would enable developments carried out at the same time to be dealt with under once procedure. It would also prevent a situation whereby the Council may be asked to give prior approval for radio equipment housing in advance of giving planning permission for the related mast.

Question 8. Do you think that any other change would be necessary as a consequence of changes to our planning regulations in respect of masts?

The District Council is not aware of the need for other consequential changes to be made.

Question 9. Do you think that the installation, alteration or replacement of a microcell which materially affects the external appearance of the building should be treated in the same way as an antenna in Part 24 of the GPDO?

The District Council is of the view that the reference to microcells in this consultation paper is misleading. The impression is given that microcells are sited either within or attached to the outside of buildings. One of the most sensitive forms of development proposal in recent months has been for microcell installations attached to a new 'lamppost style' mast. The Council would expect such developments to be treated as ground based masts in any new arrangement and consequently the responses made to Question 3 and Question 7 would apply here, that the development should be subject to an application for planning permission.

Where the microcell installation is to materially affect the external appearance of the building the Council agrees that it should be treated in the same way as an antenna in Part 24 of the GPDO.

Question 10. Do you want to propose any other amendments to Part 24 of the GPDO?

The District Council feels that the wording in Section A of Part 24 requires clarification, namely the words "or in accordance with his licence" The implication of these words is that if the development is not in accordance with the Operator's licence then the development is unauthorised. The Council has some difficulty with this. As set out in Annexe 2 to the Draft Revision of Planning Policy Guidance Note 8 (PPG8) Telecommunications, code related conditions are applied in different forms to both local and

national operators and each code operator's licence may also impose its own individual obligations and restrictions. Under such circumstances, when the Council is not the licensing authority, can it reasonably be expected to determine whether a development falls to be considered under Part 24 of the GPDO, when to do so would require a knowledge of all the relevant conditions and whether any works constitute a breach.

The Committee had no specific comments on the draft revision to PPG8.

Finally, the Committee acknowledged there could be increased resource implications if all telecommunications proposals are required to be subject to the full application process, including consultation and advertisement, Committee reports and appeals against refusals. Nevertheless, Members were unanimously of the opinion that there needed to be a strengthening of existing procedures; hence its responses as set out above.

Yours sincerely,

Tim Flisher
Development Control Manager



By: Strategic Planning Director
To: Cabinet 22 January 2001
Subject: Mobile telecommunication installations
Classification: Unrestricted

APPENDIX 3

Summary: That the County Council should follow the precautionary recommendations of the Stewart Report with a series of actions, including the adoption of a policy to refuse applications for mobile telecommunication installations on Council land, where we are able to do so and where there is significant public exposure.

1. The Background

Following public concern about the safety of mobile phone masts, the Government's Independent Expert Group on Mobile Phones produced "The Stewart Report" on 11 May 2000. This report was accepted by the Government, and a DETR consultation paper upon its recommendations was issued on 31 July 2000, for return by 31 October 2000. This was positively responded to by the Strategic Planning Committee on 17 October 2000, but amendments to legislation will be required which are still awaited.

The Stewart Report concluded that:

"The balance of evidence to date suggests that exposure of radio-frequency radiation within current guidelines does not cause adverse health effects to the general population; but that more research should be undertaken"

...and that...

"A precautionary approach should therefore be adopted until much more detailed and scientifically robust information about health effects become available."

The only such study which is known to be underway is not expected to report until 2004.

The best available evidence suggests that there are at present some 22,000 masts in the UK. However it is estimated that a further 60,000-100,000 additional masts will be required in the next three to five years. It is clear, therefore, that if the legislation takes as long to place on the statute book as seems likely, the mobile phone companies will have completed their programmes to erect new masts before the legislation comes into force. If we are to satisfy the concerns of Kent residents it is clear that we must take action in advance of legislation.

2. The Present Legislative Position

If an operator wishes to install a mast on KCC-owned land or property which is not used for highways purposes, then we have the ability to refuse permission for the installation (subject to the following paragraph). However, if that land is part of a school then the responsibility lies with the school's governors rather than with KCC.

Nevertheless, under the Telecoms Code, operators have the power to ask the courts to order property owners to let them install equipment. Once such rights are granted over land or property to an operator, they have the right to remain in occupation

notwithstanding the expiry of contractual arrangements, unless the landowner seeks a court order on the very limited grounds of requiring the land for redevelopment.

On highways land we are legally required to make provision for such masts and we cannot ultimately refuse their installation. This is because licences granted by the Secretary of State for Trade and Industry to mobile phone companies confer upon them the status of Code Systems Operators and, as such, gives them the same rights to install plant and equipment in the highway as any other Statutory Undertaker. In very limited circumstances district councils can take action against the installation of mobile phone masts on highways land, for example in conservation areas on significant visual or amenity grounds.

If a mast is to be installed on land or property owned by others then district councils are the only public bodies able to resist applications through the very limited powers which currently remain to them on planning grounds, remembering that the mobile phone companies have been given permitted development rights for these masts.

3. Present KCC Policy

3.1 Transport Operations Board debated the issue on November 3rd 1999 and resolved that:-

- (i) *Notwithstanding mobile phone operators' statutory powers to install equipment on the highway this Board wishes to make it clear that the Highway Authority does not agree to the erection of stand alone units, shared units or related mobile communications furniture within the highway;*
- (ii) *the Board expresses its grave concern to Government that Highway Authorities, seemingly, are unable to control proliferation of mobile phones equipment in the highway;*
- (iii) *requests that the Government offers clear guidance on areas in which masts can be safely erected; and*
- (iv) *the precautionary principle should apply and the perceived health risks associated with mobile phone masts should be made a planning consideration.*

3.2 The Vice - Chairman of the Education Committee asked for an urgent meeting with Government in May 2000 to clarify schools safety issues following the publication of the Stewart Report, and re-affirmed KCC policy

to withhold permission for the erection of any new mobile telephone masts on or near school premises or the renewal of existing contracts with mobile phone companies until more information is available..

3.3 The issue was debated at the 20 July 2000 County Council meeting, when the following resolution was passed

"This Council

- (a) *welcomes the Government's statement that they are minded to introduce a requirement for application for full planning permission for all new telecommunication masts;*

(b) urges all District and Borough Councils to adopt a precautionary approach, as outlined in the Stewart Report, when determining planning applications for new or modified masts;

(c) urges all operators to supply full details of power levels on the ground where the public may be exposed and confirm that their proposals comply with ICNIRP guidelines; and

(d) will work with its partners in the Health sector to promote greater public understanding and awareness of the health issues surrounding mobile phone usage, especially of children during formative years.

(e) in particular, this Council calls on the Government to implement urgently the requirement for full planning consent for all new masts and amendments to existing masts, so that the views of local residents and wider planning issues can be taken into account after full consultation."

3.4 On 10 January 2001 the Leader of the Council wrote to the Transport Minister Lord MacDonald expressing the continuing concerns of Kent County Council about the widespread and disruptive effects of construction works relating to cross county cable communications and telecommunication masts, and the fact that these stem from code operator status branched to the various cable and telecommunications companies under the New Roads and Street Works Act 1941. This letter urges Government to make changes to the New Roads and Street Works Act which will impose tighter obligations on companies and contractors carrying out works and to consider differentiation between what we would in the past have regarded as traditional utility services and those which could cause more widespread disruption and damage. A copy of this letter is appended to this report.

4. Developing a New Policy for KCC

There are two essential elements which should be encompassed by a new policy. These are:

1. The Government should be pressed again to implement promptly the Stewart Report recommendations, and that in the meantime KCC should operate to the precautionary principles identified in the Stewart Report, as far as it is able to.
2. But that the County Council recognises the public and economic importance of establishing comprehensive mobile phone network coverage in Kent

5. Recommendations

Cabinet is asked to endorse that until the precautionary approach advocated by the Stewart Report and the recommendations which it contains are enacted into law:

1. Where a mobile phone company applies for permission to erect a mast on land or property owned or occupied by KCC which is not part of the highway or a school property, permission to erect a mast will be refused by KCC acting as landowner or occupier, except in exceptional circumstances and where there are no issues of public access
2. Once the Stewart Report recommendations are enacted into law, KCC will deal with all future requests for the erection of new mobile phone masts in line with the relevant legislation.

3. School governors will be requested to adopt the same policy in advance of any changes in the law.
4. Schools are now able to request that the emissions from any masts on their sites are checked by Radiocommunications Agency. All such schools will be urged to make use of this facility.
5. School governors will be advised in full of the recommendations of the Stewart Report which affect schools, drawing their attention to the recommendation that they restrict the use of mobile phones by their pupils for non-essential reasons.
6. KCC will advise the owners of other land and property in Kent of the policies we are adopting, whether they be public bodies of any sort, voluntary or charitable organisations, or private land owners, and it will request them to adopt the approach outlined above.
7. Since KCC is unable to prevent the erection of mobile phone masts on highway land, where appropriate and where there is significant public use or landscape impact, it will support district councils in opposing such masts.
8. Where mobile phone masts are erected on KCC property, of whatever sort, the emissions from such masts will be subject to regular checks to ensure that they are within safe limits. Particular attention will be given to those which might affect schools.
9. KCC will request all district councils in Kent to join with it in instituting independent, regular and random sample surveys of all masts within the county. Priority in these checks will be given to those sited in residential areas or masts about which particular concerns have been raised.
10. KCC will take action to press the Government to introduce the legislation necessary to enact the recommendations outlined in the Stewart Report as soon as possible. In particular, it will:
 - ξ Seek the support of Kent MPs to lobby Government
 - ξ Seek a meeting with Ministers
 - ξ Seek the support of District, Parish and Town Councils, parent and environmental groups for this approach.

KCC will request meetings with the mobile phone companies themselves to seek to persuade them to adhere to the principles contained in the Stewart Report on a voluntary basis.

A further report on the implementation of these measures will be made to the County Council as soon as possible.

Background Documents

1. Technical brief prepared for the County Council meeting of 20 July 2000.
2. Letter from the Leader of KCC to Lord MacDonald of Tradestone dated 10th January 2001

Contact Officer

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