

Report of the Environment Overview & Scrutiny Committee

Scrutiny of Mobile Phone Masts

Adopted by the Committee on
26th February 2003

MEMBERS OF THE ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Conservative	Labour	Liberal Democrat
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Cllr M Walls	Cllr M Cummins	
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Cllr G Miller	Cllr Amir Hussain	Cllr C Middleton
Cllr D Servant	Cllr M Hepworth	

Co-opted Members

Paul Forrest – Bradford Environmental Action Trust
 Paul Tullett – Environment Agency
 Dr John Blewitt – University of Bradford

Contents

Report Issues	4
Introduction	6
Background information	7
Summary of evidence considered	10
Local Authority Good Practice	20
Findings	24
Recommendations	28
Glossary	30
Written Evidence Submitted to the Scrutiny	31
Appendix 1 – Bradford Mobile Phone Commission evidence	32
Appendix 2 – Traffic Light Model Consultation Process	46
Appendix 3 – Guidance Note for Applicants	47
Appendix 4 – Health Concerns Advice Note	50

Report Issues

1. Members of the Environment Overview & Scrutiny Committee are requested to consider the evidence, findings and recommendations of their extensive scrutiny of issues relating to the siting of mobile phone masts.
2. This Mobile Phone Mast Scrutiny report examines the background to the scrutiny, including its Terms of Reference, the evidence gathered during the scrutiny and the findings based on the evidence gathered. From the findings, the report makes a series of recommendations;
 - (1) **That to improve consultation with local people and improve consideration of planning applications at the Council's planning committees, that the Council will seek reassurance telecoms operators are following the Government's Code of Best Practice on Mobile Phone Network Development by adhering to the Council's 'Guidance on Telecommunications Applications'.^②**
 - (2) **That to improve the transparency of decision-making, that all base station/mast applications that require planning approval are referred to the Council's planning committees, including all applications submitted under the prior approval process.**
 - (3) **That to address the health concerns often expressed by local people, that until such time as the outcomes from the current research into health risks related to mobile phone masts are known that the Council continues to adopt a 'pre-cautionary' approach to mobile phone masts and health issues, as recommended by the Stewart Report. That this position is reviewed when the outcomes of the health research are published.**
 - (4) **That to address the 'fear' expressed by some local people about mobile phone masts, that the Council will consider its new advice note on 'Mobile Phone Masts – Health Concerns and Public Concerns' when considering planning applications for mobile phone masts, from March 2003.^③**
 - (5) **That to ensure future flexibility, that when contracts related to base station/masts on Council owned land/property are agreed/renewed, they contain the flexibility to terminate the contract if adverse health effects relating to masts are confirmed by future Government backed research.**
 - (6) **That to promote consistency, that the Chief Executive write to all the District's non LEA controlled schools to encourage them to adopt the same contractual approach to base stations/masts as the Council, contained in Recommendation 5.**
 - (7) **That to encourage increased recycling, that the Chief Executive write to the UK's five largest telecommunications operators (Orange, Vodafone,**

O₂, Hutchinson and T Mobile) to encourage them to set clear and challenging targets in line with the Government's targets for local authority recycling, for the recycling of mobile phone handsets.

(8) That to encourage the wider availability of mast information, that the District's Mast Register will be made available on the Council's website, by March 2003.

3. On 26th February 2003, Members of the Environment Overview & Scrutiny Committee were asked to consider the following recommendations;

(1) That Members of the Environment Overview & Scrutiny Committee welcome and approve the recommendations of the Mobile Phone Mast Scrutiny report.

(2) That the Mobile Phone Mast Scrutiny report is referred to the Executive for consideration.

(3) That the Environment Overview & Scrutiny Committee receive a progress report on the implementation of the recommendations of the Mobile Phone Mast Scrutiny report, by February 2004.

At that meeting, Members of the Environment Overview & Scrutiny Committee considered the report and resolved;

(1) That Members of the Environment Overview & Scrutiny Committee welcome and approve the recommendations of the Mobile Phone Mast Scrutiny report.

(2) That the Mobile Phone Mast Scrutiny Report be adopted as the Committee's report (Overview and Scrutiny Committee (Environment) Document "AH") and be referred to the Executive for urgent consideration with the intention that its 8 recommendations be implemented.

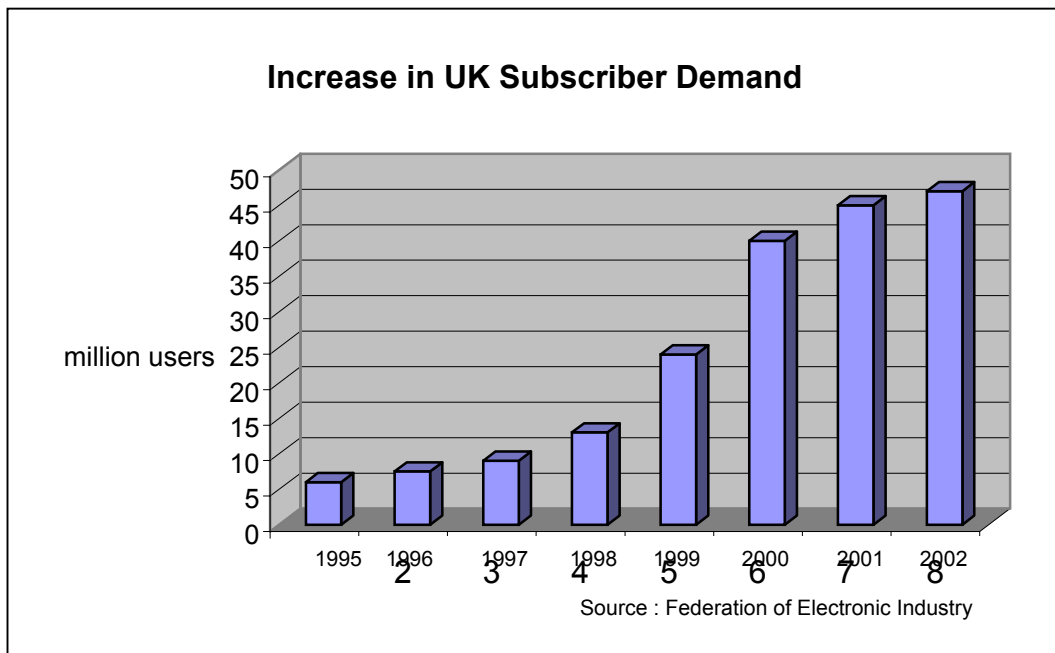
(2) That the Environment Overview & Scrutiny Committee receive a progress report on the implementation of the recommendations of the Mobile Phone Mast Scrutiny report, by February 2004.

Introduction

4. Bradford Council's Constitution commits the Council to 'support the promotion and fostering of a healthy and vibrant local democracy' and 'to ensure the Council is efficient, transparent and accountable to local people'. It is pursuant to these aims that the Council's Environment Overview and Scrutiny Committee has undertaken this scrutiny of mobile phone masts.
5. This scrutiny has been carried out in accordance with the arrangements detailed in paragraphs 2 and 3, Part 3E of the Constitution of Bradford Metropolitan District Council (May 2002). This is the report of the Environment Overview & Scrutiny Committee.
6. The scope of the scrutiny was agreed by the Environment Overview & Scrutiny Committee at its meeting held on the 16th October 2002 (Document 'L'). The Terms of Reference agreed to address a series of key issues;
 - How do the masts/base stations work and are there any health concerns ?
 - What are the positive benefits of mobile phone use ?
 - What are local people concerned about ?
 - Are these legitimate concerns ?
 - What is expected to happen in the future and what will the impact be ?
 - What is to happen with regard to the disposal/recycling of mobile phones ?
 - What evidence is being used to support the different cases ?
 - What solutions could be suggested to reduce or resolve the conflict between telecommunications companies and the concerns of local people ?
7. The proposals relating to the process and timetable for the scrutiny were also agreed at the above meeting and are detailed in Document 'L'.
7. On 28th November 2002, the Committee held the Bradford Mobile Phone Commission to take evidence relating to this scrutiny. The Commission received presentations from officers of the Council, a range of other speakers and the public were given the opportunity to contribute to this debate. This written evidence and a list of those attending the Commission is attached as Appendix 1.
8. Subsequent to the Commission, this scrutiny has taken written evidence from Dr Michael Clark of the National Radiological Protection Board, Alan Meyer, an independent legal expert on the Human Rights Act (1998) and Orange (relating to the recycling of handsets) as well as undertaking research into best practice relating to mobile phone masts from a range of local authorities which will be referenced later in this report.

Background Information

9. National public concern about mobile phone masts has been prevalent for a number of years. However, over the last couple of years, the growth in mobile phone usage has led to growth in the number of planning applications for erection of phone masts and a consequent increase in objections to the placement of these masts.
10. Estimates vary on the predicted future growth in mobile phone masts. However, figures from the telecommunications industry, illustrated in the table below, show the rapid increase in subscriber demand for mobile phones over recent years.



This increase is projected to continue with the growth of third generation, or 3G, mobile phone technology.

11. Base stations can be categorised into macrocells, microcells and picocells depending on their size and power output. There are approximately 20,000 macrocells in the UK at present ^① and, in general, all the major operators can now offer coverage to over 97% of the population. The number of macrocells is continuing to rise as operators seek to complete their geographical coverage and improve capacity. Since each base station can only handle a limited number of connections at any one time, operators need to install more base station units in densely populated areas to cope with increasing demand. It is likely that these will mainly be microcells and picocells. The overall number of base stations is likely to double within the next few years.

^① Source : The Stewart Report

12. Planning decisions on phone masts can take three routes. Some antenna, masts or base stations can fall within 'permitted development' and do not require a planning application or any other form of application to the local planning authority. The remainder will either be within permitted development, but take a 'prior approval' route or will require a planning application to be submitted to the local Planning Authority. Decisions relating to masts proceeding through the prior approval process can be delegated to Council planning officers. Masts requiring a planning application to be submitted to the Planning Authority will be considered by one of the Council's three planning panels.
13. There is no exemption in the planning legislation which means that proposals for mobile phone masts to be sited on ecclesiastical buildings of any denomination, do not need planning consent or prior approval as to siting or appearance, as the case may be. Works for the demolition of a listed building or for its alteration or extension in any way which would affect its character as a building of special architectural or historic interest need listed building consent. In most cases, the erection of a mobile phone mast on a listed building would need such consent. Some ecclesiastical buildings of any denomination are also listed buildings. The regime of control over works to a listed building does not apply to a listed building used for ecclesiastical purposes. This exemption covers ecclesiastical buildings used by a list of churches and ecclesiastical organisations eg, the Church of England, the Roman Catholic Church.
14. There is a wholly separate system of faculties which authorises the carrying out of works to Church of England buildings. The Council has no involvement in this system. It is operated by the particular diocese and the ecclesiastical courts. A faculty may be needed to authorise the erection of a mobile phone mast on a church, in addition to any planning and/or listed building consent.
15. A telecoms operator can appeal against a decision to refuse to grant planning permission or prior approval to the Secretary of State.
16. Currently, the Area Planning Panels and officers with delegated powers base their decisions on the Unitary Development Plan (1998), PPG8 guidance, the Stewart Report May 2000, and any relevant planning case law when considering planning and prior approval applications. The Council has no supplementary planning guidance on phone masts.
17. Mobile phones and their base stations transmit and receive signals using electromagnetic waves or fields. Radio signals are fed through cables to the antennas and then launched as radio waves into the coverage area or cell around the base station. Antennas communicate with other base stations and link the network together. Depending upon their location and the level of mobile phone traffic to be handled, these base stations may be only a few hundred metres apart in urban area or several hundred metres apart in rural areas.
18. In 1999, the Government asked the National Radiological Protection Board to set up the Independent Expert Group on Mobile Phones to consider the

health effects from the use of mobile phones, base stations and transmitters. The resultant Stewart Report was published on 11th May 2000. The Report concluded that 'the balance of evidence to date suggests that exposure to RF radiation below NRPB guidelines do not cause adverse health effects to the general population'. In addition 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'.

19. The Stewart Report noted the lack of detailed health research in this area and recommended a 'pre-cautionary approach' in relation to health issues and phone masts. In January 2002, a series of health research projects were established to investigate the possible links between mobile phone technology and increased health risk in a number of areas. These research projects commenced towards the end of 2001 and beginning of 2002 and the results are as yet unknown.
20. Like many other areas in the UK, the Bradford District has experienced significant public concern at the siting of base stations and the perceived associated health risks and concerns about the aesthetic quality of the masts. It is clear from the Stewart Report, that there is no clear medical evidence of the potential adverse health risks associated with masts. However, the perception of health risk in itself can cause heightened anxiety, which can impact on health and quality of life.
21. Concern over masts is also heightened when applications are made near buildings such as schools and hospitals. The guidance from the Stewart Report was not clear on what action should be taken with regard to masts near schools. The guidance states that the beam of greatest intensity should not fall on any part of school grounds, unless with the agreement of the school. However, the guidance does not indicate whether this is a matter between the operator and the school or whether it is a planning consideration.
22. In November 2002, the Government published a new 'Code of Best Practice on Mobile Phone Network Development'. It provides updated advice for undertaking better consultation and improved proposals for the siting and appearance of masts. This Code of Practice should provide a strong steer for operators.
23. The Council is encouraged by Government to keep a mast register of all the masts in the District. The register currently identifies 180 masts in the Bradford District and is available to view at the Council's planning offices.

Summary of Evidence Considered

24. This scrutiny has gathered a wide range of evidence from which to make its deliberations. This has included;

- Oral and written evidence presented to the Bradford Mobile Phone Commission
- Written evidence presented by Dr Michael Clark
- Written evidence presented by Alan Meyer
- Written evidence supplied by Orange
- A study of local authority good practice relating to telecommunications

25. **Bradford Mobile Phone Commission**

The Environment Overview & Scrutiny Committee wanted to examine the issues surrounding the siting of mobile phone masts and telecommunication networks, but take a new approach. The Committee established the Bradford Mobile Phone Commission as a one-off event based over one day to break new ground in examining this issue of considerable public concern. The Commission was created as a forum for debate and to gather information on this issue. The Commission invited representatives from the different sides of this debate to attend, provide a presentation or lead a discussion on their perspective and receive questions from the Commission members, who were all members of the Environment Overview & Scrutiny Committee, and members of the public. The Commission took oral and written evidence from;

- Colin Waggett, Area Planning Manager, Bradford Council
- Tim Ayres, Deputy Team Leader, Development & Regulatory Law Team, Bradford Council
- Graham Jones, Chief Planning Officer, Harrow Council
- Nicole Hughes, Federation of Electronic Industry
- Jane Lewis, Hutchinson
- Chris Maile, Mast Sanity
- Dr Grahame Blackwell

26. Supplementary oral evidence was provided to the Commission by representatives from the five largest UK telecommunications companies – Orange, Vodafone, O₂, Hutchinson and T Mobile.

27. Colin Waggett and Tim Ayres provided a factual description of the three planning routes a mast can take and outlined current planning law and guidance relating to phone masts. Their key points of evidence included outlining the process for prior approval of applications. This applies to ground based masts up to 15m high, masts on buildings and structures up to 15m high and radio equipment housing more than 2.5m³.

There is a 56-day determination period during which the application must be dealt with by the Planning Authority. Failure to meet the 56-day limit would be followed by a default position, where the application is automatically

granted. The siting of the mast and its appearance are two of the key issues considered by the Planning Authority.

The application is publicised by the developer and the Council and relevant Town and Parish Councils are consulted, after which the application is then determined.

28. Applications are subject to a range of planning law and guidance from Government. This includes the Town & Country Planning Act (1990), Sections 70, 54A and 78; Permitted Development, Town & Country Planning (General Order) 1995, the Human Rights Act 1998, Bradford Unitary Development Plan adopted in January 1998 and PPG8 planning guidance.

Evidence was provided on Bradford's current planning approach to mobile phone masts. This included consideration of the Stewart Report's 'pre-cautionary approach' to health issues and a position that the planning system is not the place for determining health safeguards. Further factual evidence related to the Government's view on ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines and the Government's recent publication of a new 'Code of Best Practice on Mobile Phone Network Development' were considered.

29. In addition to this evidence, questions from the Commission identified that;
- applications for TETRA masts are treated the same as any other mobile phone mast application
 - the Planning Authority does have the authority to determine all planning applications through planning committees if it so wishes, rather than delegating some power to Council officers
 - Operators must demonstrate they have considered the option of sharing existing masts when they submit proposals for a new mast, but there can be environmental or technical reasons why mast sharing is not feasible
 - The performance of transmitters is affected by brickwork and stonework etc and so the concealment of masts can be a problem
 - There is some precedent for determining that local people's 'fear' can be a consideration when determining planning applications

30. Graham Jones, Chief Planning Officer at London Borough of Harrow Council provided a perspective on the work other local authorities are doing to reduce the conflict between telecoms operators and local people. His key points of evidence included the results of a survey of all local authorities undertaken by Harrow, to which 38% of local authorities responded. The key outcomes from the survey included;

- 95% said that telecoms is an important planning issue and 73% stated it was an important health issue
- 59% stated that telecommunication proposals produce strong public reactions, with an additional 39% stating that this occurred 'sometimes'
- 77% of responses indicated that current legislation is satisfactory

- 91% of responses indicated that recent changes in legislation were an improvement
 - 84% of responses indicated that the planning regime deals adequately with community concerns
 - 95% of responses indicated that appearance was the main concern, with 97% indicating that siting and 55% health as issues
 - 85 of the responses wanted to see all applications subject to full planning permission, 10 for compulsory mast sharing and 25 saying that health issues should be addressed
31. Further evidence identified the wide spread unpopularity of masts with local people and the fact that the current planning system may play a part in this, with the perceptions of the public and the structure of the planning system being too far apart. Public scepticism about the health risks associated with masts and the difficulty the operators have in overcoming this suspicion is one of the major areas of tension.
32. In the future, with the growth of 3G technology, there may be a need for a greater number of masts as the coverage area for 3G masts is likely to be smaller. In conclusion, the Planning Authority is, in some senses, in a 'no win' situation as it is trying to manage the expectations of the public and the operators.
33. A number of suggestions were put forward by Graham Jones to reduce the conflict between the public and operators in the future. These proposals include the Government creating a level playing field by ensuring that all applications legally require full planning permission. There should also be more research on health issues, following by more definitive advice to local authorities from Government. The telecoms industry should endeavour to submit better applications, re-examine their network requirements and there should be more industry partnerships on mast sharing. Local authorities should provide better Member and officer training and apply pressure on the Government.
34. In addition to this evidence, questions from the Commission identified that;
- ICNIRP are an international body that produces guidance on emission levels and is recognised by the Government. Many countries adopt their guidelines, but some European and other countries do not.
 - The advice from the NRPB is that the health impact of masts is small. What is less certain is the long-term impact and there is the ambiguity about the health risk related to 'fear'.
 - Harrow has introduced a new reporting system for mast applications, where separate reports are produced for the Planning Committees just on mast applications. These are tabled at the committee without prior circulation due to the tight timescales involved. Harrow have not identified any concern among local people about this new procedure.
 - Harrow also have introduced a protocol for their Planning Committees relating to mast applications.

35. Nicole Hughes from the Federation of Electronic Industry (FEI) and Jane Lewis from the telecoms operator, Hutchinson, provided the telecoms industry perspective on the growth in mobile phone usage, the longer term impact of this growth, the positive benefits of mobile phone use and commented on the Stewart Report. Their key points of evidence included the substantial increase in consumer demand for mobile phones over the last 5-7 years and the fact that each base station can only support a limited number of calls (approximately 150 at any one time).
36. The FEI asserts that customer demand dictates the number and location of base stations. 3G technology will require an expanded network and this will include the upgrading of some antenna and some new sites. Hutchinson as a newer entrant to the mobile telecom market does not have its own network and are currently developing this. Operators look to site share for masts where possible, but this is not always practical for technical and environmental issues e.g. sharing a mast would not provide the coverage area required by the operator.
37. From the operators perspective, the Stewart Report is very clear on the health issues relating to mobile phones and the industry follows this guidance and the Report's recommendations on a 'pre-cautionary approach'. The industry has also developed 10 Commitments to improve and spread best practice. The ICNIRP guidelines on emission levels have now been adopted and these are tighter than the previous NRPB guidelines. It is the assertion of the FEI and the operators that the planning system is not equipped to address issues concerning possible health risk – this is a matter for central Government advice and guidance.
38. Operators use a 'traffic light' model to consultation outlining how much consultation is appropriate in their view. Operators are trying to deal with public concerns directly and at an early stage, increasing community involvement in siting and screening all sites prior to application. The traffic light model identifies three zones; green, amber, red, by which varying degrees of public consultation should be undertaken. A copy of the model is attached as Appendix 2. The model is used to give an overall rating for each proposed site. It combines subjective and objective elements relating to siting, appearance, land use and the views and attitudes of local communities.
39. In addition to this evidence, questions from the Commission identified that;
- Industry predictions on the growth in the number of base stations vary from around 27,000 to the mid 30,000's in the next few years. However, the gap in provision may not be as large as this. Operators are trying to improve mast technology and mast share where possible
 - Operators recycle many of the materials from old phone handsets
 - Emissions are likely to be greater from a cluster of masts, rather than one on its own. However, the whole site has to be ICNIRP compliant. It is the responsibility of the last operator to place a mast on a shared site to

- obtain the ICNIRP certificate to demonstrate that the total emissions from the site are within ICNIRP guidelines
- The Radiocommunications Agency audits sites after mast installation and have a testing programme currently underway. This is currently concentrated on school and hospital sites. The independence of the Radiocommunications Agency is very important. Not all operators and not all base stations are tested routinely
 - Antennas are generally directional and emit a 'main beam' where the signal makes contact with the ground and it is at this point that the beam is at its most intensive. This will be at least 300m away from the mast normally and emissions are still within ICNIRP guidelines
 - The operators are guided by Government advice relating to health issues and they have taken the view that planning is not the place for dealing with health issues.
 - Some local authorities equip their Environmental Health officers to monitor emission levels from base station sites
 - The industry do not anticipate that 3G technology will increase the power needed by masts. No operator currently has a 3G mast and, in this respect, no guarantees can be given. Once the technology is developed the industry will know more
40. Chris Maile, as the Chair of Mast Sanity, provided an anti-mast perspective. Chris Maile also submitted written evidence which is included in the background documents to this report and has been referenced. His key points of evidence focused on the health concerns of local people relating to masts, the way local authorities deal with mast applications and the need for Government and local authorities to take clear and positive action to address the concerns of local people.
41. Mast Sanity accepted the Stewart Report's recommendation for a 'pre-cautionary approach' to the health concerns relating to masts. However, they put a robust argument for the consideration of health issues as a material planning concern during the consideration of planning applications. The written evidence submitted also referred to a number of other health concerns, which can be referred to in this report's background documentation from Mast Sanity. A number of legal cases were quoted, including Newport County Borough Council v The Secretary of State for Wales and Browning Ferris Environmental Services Ltd (1997). This focused on the issue that whilst perceived fears (of local people) were not 'soundly based upon scientific or logical fact', they were a relevant planning consideration. The written evidence submitted also referred to a number of other legal cases, which can be referred to in this report's background documentation from Mast Sanity.
42. Mast Sanity had a firm view that when powers are delegated to Council officers relating to masts that often local people can become concerned. Whilst it may not be appropriate that all applications go to planning committees, those that are 'controversial' should. Although no definition of a controversial proposal was put forward. Further comment was made by Chris Maile on the relevance of ICNIRP guidelines, as the guidelines do not

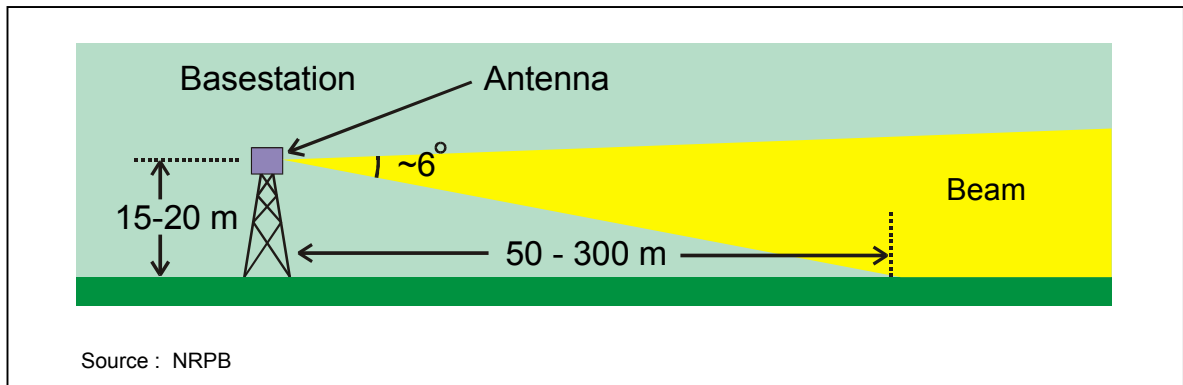
- take into account the biological effects masts have on humans. No evidence was offered as to what the biological effects were.
43. Mast Sanity asserted that it is important for local authorities to take into account the implications of the human rights issues when considering mast applications. Mast Sanity would recommend supplementary planning guidance on the type and location of mast and clarity on the appropriateness of delegating powers to Council officers, rather than the Planning Committees.
44. In addition to this evidence, questions from the Commission identified that;
- In the view of Mast Sanity, it would be appropriate to site masts no nearer than 300m from a dwelling, although this was not based on scientific evidence
 - There has been no definitive statement on a safe distance from the Government
 - There is no statistical evidence identifying a link between the health evidence quoted and phone masts, although the stress alone is seen by Mast Sanity as an adverse health effect
 - Mast Sanity do not accept that there is any level of emissions which is safe. Children are at greater risk. There is a potential risk even below ICNIRP guideline levels
45. Dr Grahame Blackwell provided health related evidence reflecting concerns that the Stewart Report did not address. His key points of evidence were that mobile phones have the ability to electronically disrupt human cells. Issues relating to radiation are not so much about the level of output, but the frequency. There can also be damage to the body by 'thermal effects' and examples such as 'kidney warming' were provided as reported by the Police Federation and the police's use of TETRA communication systems.
46. Dr Blackwell stated that emissions can have a detrimental effect on the body below ICNIRP guideline levels. Reference to mast emissions being within ICNIRP guidelines was therefore misrepresenting the true health risk to the public.
47. In addition to this evidence, questions from the Commission identified that;
- TETRA waves consist of four 'conversations' all carried by the same wave and the way this pulses (or modulates) creates a beta rhythm problem in the brain, possibly even altering the brain's beta rhythm pattern
 - Dr Blackwell refutes that the Frieberger appeal (that was submitted as written evidence by Mast Sanity) was simply anecdotal evidence
 - Evidence relating to the distances from masts and clusters of health problems are, at the moment, anecdotal. However, Dr Blackwell's perspective is that anecdotal evidence supports a feeling that something is going on

- Dr Blackwell recommended strong representation to Government to say there are serious concerns why ICNIRP certificates are insufficient to address the health concerns

48. **Dr Michael Clark – National Radiological Protection Board**

This scrutiny has considered written evidence supplied by Dr Michael Clark, from the National Radiological Protection Board (NRPB). The NRPB provides information and advice as well as undertaking research for organisations, including the Government, in relation to protection from radiation hazards.

Most of Dr Clark’s evidence was focused around an NRPB report into mobile phone base stations. This identified that the typical maximum power of an antenna is less than 10 watts per signal, with up to 8 signals per antenna. The antenna directs radiated power towards the horizon, as outlined in the diagram below.



49. A summary of the NRPB’s measurements of emissions near base stations identified that average total exposures were 18 millionths of the ICNIRP public reference level and maximum total exposures were 0.18% of the same level. In conclusion, the exposures were well within guidelines and are not considered by the NRPB to be hazardous.

The NRPB identified a number of features relating to exposures to base stations. This included;

- Exposure shows no clear trend to increase as a base station is approached
- People nearest to the base station may not be exposed to the main beam
- Shielding by buildings weakens the signal
- Exposure to radio waves from other sources may be similar to those from a base station

50. Dr Clark also provided information relating to a number of international studies into potential health effects from phone masts. This included the 1999 study by the Royal Society of Canada into the ‘Potential Health Risks

of RF fields from Wireless Telecommunications Devices'. This research concluded that there was no evidence of thermal effects on the body below the guidelines, that biological effects can occur at exposures below the guidelines and the study was unclear whether they caused any health effects. The study called for more research. The Health Council of the Netherlands study into GSM Base Stations in 2000 was also referenced. This concluded that, 'the chance of health problems occurring among people living and working below base stations as a result of exposure to EMF's...is negligible.'

Overall, the NRPB's view concludes that there is no firm evidence of any adverse health effects relating to mobile phone masts, there are gaps in knowledge relating to the health effects and they concur with the findings of the Stewart Report that there should be further health research undertaken.

51. **Alan Meyer**

This scrutiny has considered written evidence supplied by Alan Meyer, a legal consultant who has worked with Mast Action UK. Alan Meyer's key evidence points focus on the Government's inaccurate emphasis on the findings of the Stewart Report and the implications of the Human Rights Act (1998). Details of this evidence can be found at the back of this report.

52. In the written evidence supplied, Mr Meyer asserts that the Government has repeatedly not put forward the findings of key sections of the Stewart Report. These include extracts from the following paragraphs;

'Paragraph 1.17 The balance of evidence to date suggests that exposure to RF radiation below NRPB and ICNIRP guidelines do not cause adverse health effects to the general population.

Paragraph 1.18 There is now scientific evidence, however, which suggests that there may be biological effects occurring at exposures below these guidelines.

Paragraph 1.19 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.' ^①

53. Mr Meyer also points out that the Stewart Report made it clear that there could be indirect adverse impacts on some people's well being.

54. In addition, Mr Meyer has submitted written evidence relating to the implications of the Human Rights Act (1998). He asserts that all public

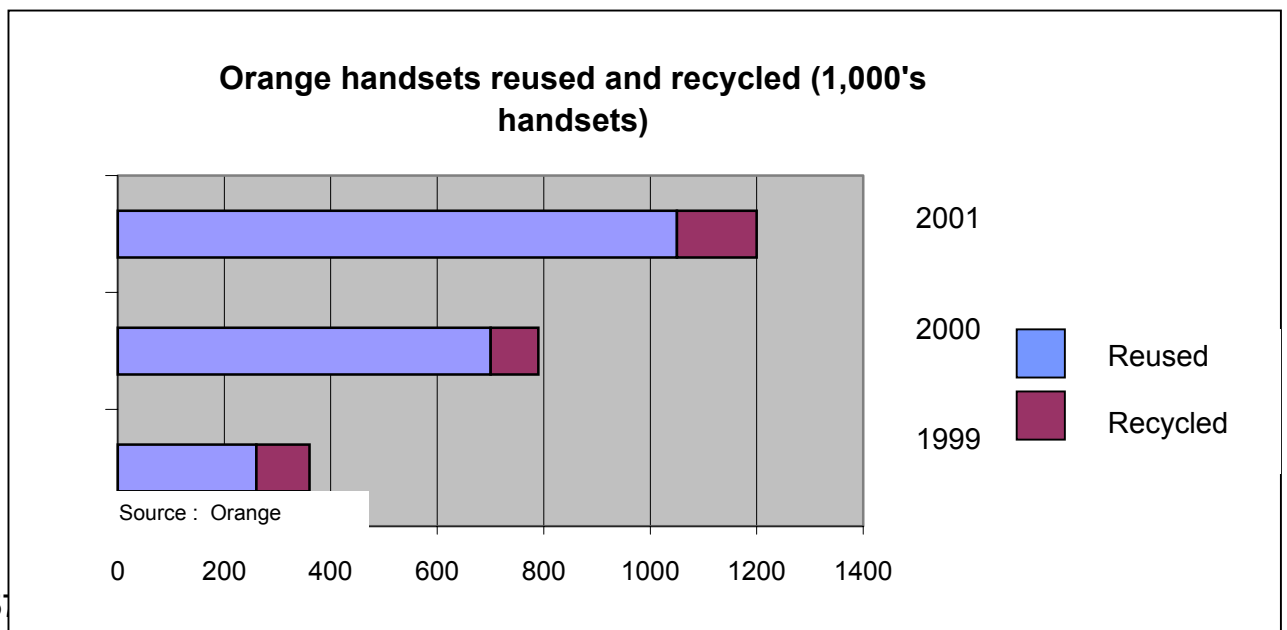
① Source : The Stewart Report

authorities (including local authorities) are required to act lawfully and not to contravene the Human Rights Act. The Act came into effect on 2nd October 2000 and confers rights to pursue claims against a public authority for breach of a Convention Right through English courts, rather than the EU. In planning terms, the two main Conventions which require observation are Articles 6 (the right to a fair and impartial hearing in public within a reasonable timescale) and Article 8 (the right to respect for private and family life, the home and possession). Mr Meyer supplied further detail on the implications of the Human Rights Act. This is contained in this report's background documentation.

55. Disposal/Recycling of Handsets

Orange were the only one of the telecoms companies that were able to supply information relating to the environmental impact of their business. The scrutiny wished to particularly identify issues relating to the recycling and/or disposal of phone handsets.

56. In 2001, Orange produced their first Social and Environmental Report. This contains information on the disposal and repair of handsets. This report identified that Orange customers are upgrading their handsets about once every 22 months. During 2001, just over 900,000 Orange customers changed their existing handsets for new ones. Orange took back nearly 1.2 million handsets through its 'Orange Care' scheme, this is a threefold increase since 1999. Approximately 90% of these handsets were repaired and reused. If the handset cannot be fixed, Orange try to salvage components (eg. old covers and Liquid Crystal Display screens) and use them for other repairs. The table below shows the number of handsets that were repaired and then reused or recycled by Orange since 1999.



Shields Environmental Ltd, a specialist recycling contractor. Working handsets have Orange logos removed before being reused in other parts of the world. In 2001, the recycling contractor recycled 20% of the waste received from Orange. Liquid Crystal Display screens contain toxic

components and are sent for high temperature incineration, where they are broken down into less toxic byproducts. Batteries that are damaged or have reached the end of their life are sent to a battery recycling facility in France.

58. Although information was only made available by Orange, all the other major telecoms companies – Vodafone, Hutchinson, T Mobile and O₂, have indicated that they undertake similar initiatives, although specific data was not made available to this scrutiny.

Local Authority Good Practice

59. Proposals from mobile phone companies for masts and equipment have often been among the most controversial planning issues that Councils has dealt with in recent years. However, as this scrutiny has identified, the vast majority of these proposals are not subject to the normal planning application procedures and some are not subject to any form of planning approval at all. As a result a number of local authorities have undertaken detailed inquiries, similar to this scrutiny, into the matter and developed a series of initiatives to reduce the conflict between the operators and the public.

60. **Milton Keynes**

In 1999, the Council decided that the best way to respond to the flood of telecommunications proposals and the public's concerns about them was to set up a specialist group to draw up and implement the Council's policy for dealing with telecommunications. The Telecommunications Policy Group (TPG) includes representatives of the three main political parties and is served by officers from the three main disciplines who have interests in the siting of telecommunication equipment (Planning, Environmental Health and Estates). The group drew up the Council's Telecommunications Systems Policy, which it continues to review and recommend amendments to, as necessary. The TPG also consider all proposals for telecommunications equipment and advise the Development Control Committee and officers (as appropriate) before any decisions are made. A copy of the policy can be viewed in the background documents.

61. The TPG Members and/or officers are happy to meet with representatives of the operators before applications are submitted (or to discuss strategic plans). The Council is aware that it has a greater ability to influence the siting and appearance of telecommunications developments, the earlier it gets involved in the planning process. This approach allows the Council to be more effective in protecting the local environment and in addressing the concerns of local people. At the same time it gives operators clear advice about what will and what will not be acceptable and saves them time and expense pursuing unacceptable proposals.

The TPG has become very knowledgeable on all aspects of telecommunications development and their advice is very highly regarded within the Council and beyond. Milton Keynes Council has become one of the leading authorities on telecommunications developments and is regularly contacted by other authorities and pressure groups from around the country for advice.

62. Since November 2000, the Council has adopted a Telecommunications Systems Policy which incorporates the Council's policy as a Planning Authority, as a Landowner and as an Environmental Health body. The planning element of the Policy has also been adopted by the Council as Supplementary Planning Guidance to the Adopted Local Plan. In brief the Telecommunications Systems Policy seeks to minimize the visual impact of

telecommunications developments by trying to keep them out of sensitive locations like Conservation Areas and residential areas. To help achieve this the Council has been willing to make its own land available for telecommunications developments. This has proved successful in avoiding telecommunications antenna being located in residential areas and minimizing the number of large masts. In particular the large Grid Road margins have been used to locate combined telecommunications masts and lampposts. Approval has also been given for masts to be located in the centre of roundabouts. The Landlord's element of the policy says that the Council will not normally allow telecommunications equipment on its land within 50m of any residential or school property. Because of this dual role, Landowner and Planning Authority, there are cases where planning approval is given, but landlord's consent is withheld.

63. London Borough of Harrow

As was evidenced at the Bradford Mobile Phone Commission, the London Borough of Harrow has taken a lead in establishing the local authority Telecommunication Network. In the longer term, this Network is aiming to establish a planning protocol or model supplementary planning guidance for use by all local authorities. Harrow have developed their own supplementary planning guidance.

64. Hartlepool

In 2000, Hartlepool undertook an inquiry into mobile phone base stations and public concern about their siting. A copy of the inquiry report is available with this scrutiny's background papers.

The inquiry made a series of recommendations, many of which have already been echoed by local authorities such as Milton Keynes and Harrow. However, in addition to this, Hartlepool instituted a process whereby no new base stations were to be sited on school buildings or grounds maintained by the Council. Action was also taken in conjunction with school governors to remove any existing base stations from school buildings or grounds maintained by the Council. This included terminating licenses and assisting the operators in resiting their masts.

Hartlepool also made representations to central Government to ensure the development of a national protocol. There is some evidence from the Office of the Deputy Prime Minister (ODPM) that this and requests from other local authorities contributed to the development of the Government's recent Code of Best Practice.

65. Birmingham

The Council have developed supplementary planning guidance along the lines Milton Keynes and Harrow have taken. In addition, Birmingham's supplementary planning guidance made specific reference to planning policies relating to mobile phone masts and schools. It states that 'although PPG8 does not define what is near a school, this Authority takes the view

that it should include any proposal within 200m of a school boundary and the beam of maximum intensity. A school is considered to include day nurseries and nursery schools’.

The guidance also makes comment on the technical justification for the location of a mast and that this justification should, ‘include a cell plan showing all the surrounding sites excluding the one being applied for. This provides an indication of the leeway available for the re-siting of the mast/ base station and the technical constraints.’

66. **Bristol**

In March 2002, Bristol City Council launched a draft policy advice note on telecommunications development, a copy of which is available with the background papers.

The emphasis of this additional guidance was to limit the visual intrusion of mast development. Bristol have concentrated on keeping the number of base stations to a minimum and encouraging innovative and creative means of reducing visual impact. This has included developments away from close proximity to listed, and other prominent, buildings in the city.

The Council have identified a series of sensitive environments that are least appropriate for accommodating telecommunications developments. These include;

- Listed buildings, their curtilage and settings
- Scheduled ancient monuments
- Conservation areas (development which conflicts with the objectives of the conservations areas will not be permitted)
- Important landscape features (this includes hillside promontories, ridges, valleys, gorges and man-made landscapes)
- Historic landscapes (including parks and gardens)
- Green belt (special exceptions exist)

67. **Manchester**

In June 2001, Manchester City Council’s Physical Environment Overview and Scrutiny Committee undertook an inquiry into telecommunications masts. Much of the evidence provided to this inquiry has been duplicated by this scrutiny. In addition, Manchester took evidence from Professor Stephen Barton, UMIST.

Professor Barton made a series of recommendations to the inquiry, many of which are the same or very similar to the Stewart Report’s recommendations. In addition, he made the following comment of particular importance – ‘Undue concern with health and safety issues is a red herring as radio frequency exposure from base stations is low. The Council should concentrate its resources on public awareness, consultation etc.’

The inquiry drew a number of conclusions, perhaps one of the most important being that 'break clauses should be included in contracts for installations on Council land/property such that if there are subsequently found to be health implications, the masts must be taken down.'

Findings

68. Having considered the evidence, this scrutiny has referred back to its Terms of Reference and made a number of findings.

69. **How do the masts/base stations work and are there any health concerns ?**

Annex B of the Government's 'Code of Best Practice on Mobile Phone Network Development' provides a clear and accurate description of how a network operates. This scrutiny would refer the reader to the relevant background document for further detail.

All the evidence indicates that many local people do have health concerns relating to mobile phone masts. These are focused on the perceived risk and the 'fear' that they can generate, as well as anecdotal evidence relating to ill health clusters and the adverse effects of emissions below ICNIRP guidelines.

70. **What are the positive benefits of mobile phone use ?**

The Committee finds that there is considerable demand for mobile phone usage at present, although it is less convinced that this trend in rapid growth will be sustained into the third generation of mobile phone technology and demand for mobile phones in the future could be flattening off.

The FEI and telecoms operators cite the benefits to be obtained by local communities from 3G, such as promoting business usage (like video conferencing), bringing broadband services to areas not previously covered and individual entertainment. The Committee remains unconvinced as to these benefits compared to the increased number of mobile phone masts. Of particular concern to the Committee was the lack of clear benefits to communities at large, rather than the individual.

71. **What are local people concerned about ?**

The Committee finds that the concerns of local people are focused in two areas; the planning process and health.

The planning process includes the siting and appearance of masts as well as the appropriate consideration of planning applications. The Committee finds that there is a particular degree of parochial concern over the placing of masts, contradicted by the clear desire of many local people to own and use a mobile phone. However, the siting of masts close to residential areas and in particular, schools and other areas like hospitals and care homes, is a significant concern to local people.

Several examples were provided for this scrutiny of local authorities who deal with planning issues relating to mobile phone masts in different ways. Whilst the delegation of some planning decisions to officers is generally

sound, the Committee finds that there is concern among local people when decisions on controversial planning issues are delegated. The Committee finds that many planning considerations relating to mobile phone masts have the potential to be controversial and should therefore all planning decisions relating to base stations and masts should be considered by the Council's planning committees.

It is clear from the evidence gathered during the scrutiny, that local people can feel excluded from the planning process. It is important to undertake thorough consultation with all interested parties before proposals for masts are submitted. This Committee finds that the operators 'traffic light' model for consultation provides a poor basis for understanding the concerns of local people. In the view of this scrutiny, consultation by the operators should;

- involve all the potentially interested parties (including local residents and businesses within 200m of the proposed site, ward Councillors and Neighbourhood Forums)
- be undertaken prior to the submission of planning proposals (including those submitted through the prior approval process)
- be inclusive (taking positive action to reach residents where English is not the first language or who may be excluded on the basis of a disability)
- the outcomes should be clearly fed into the consideration of the planning application
- the final outcomes should be fed back to consultees

This more rigorous approach to consultation should be contained in new Guidance that is developed by the Council's Transportation Design & Planning Department. The Guidance will be used as a checklist when operators submit planning applications.

The perception of adverse health risk is a clear and present concern to local people. The stress related to the 'fear' of masts, particularly in what can be subjectively described as 'close proximity' to homes and places of work would appear to have a bearing on some people's health. The Committee has been unable to judge to what degree this can affect the individual and what impact this may have on their quality of life. However, the fact that 'fear' is an issue has led this scrutiny to recommend that the Council's Transportation Design & Planning Department develop new advice on the issue of 'fear' in relation to mobile phone mast development.

72. **Are these legitimate concerns ?**

Neither the Stewart Report, nor the evidence provided to this scrutiny, have given the Committee any firm scientific or statistical evidence to indicate that there are any adverse health risks associated with emissions from mobile phone masts/base stations.

However, the Stewart Report acknowledged that adverse health effects below ICNIRP guidelines could not be ruled out and called for a series of detailed health research to be undertaken. As this research has not yet

concluded, the Environment Overview & Scrutiny Committee cannot make any firm findings relating to the legitimacy of health concerns relating to mobile phone masts. As a result, the Committee recommends the adoption of the 'pre-cautionary' approach to health issues and mobile phone masts and welcomes the Government's implementation of greater health related research into these issues.

The Committee recognises that local people are concerned about the siting and appearance of masts. However, these concerns must be balanced against the clear and growing demand for mobile phone usage by the public and the consequent need for mobile phone masts.

73. What is expected to happen in the future and what will the impact be ?

The Committee accepts that the growth in mobile phone usage is likely to continue at a significant level, as evidenced in paragraph 8 of this report. However, the Committee is unclear about the exact nature and extent of future growth in mobile phone usage and is unconvinced about the apparent lack of consumer demand for 3G technology.

The Committee is concerned about the possibility for an increased number of masts due to the development of 3G technology.

The Committee is also disappointed that there are no clear outcomes relating to health research due to the timetable for this research undertaken by the Government. As a result, the Committee is unable to make any clear findings relating to health issues.

The Committee hopes that further developments in mast technology will enable greater mast sharing and fewer masts in total. However, this remains an aspiration.

74. What is to happen with regard to the disposal/recycling of mobile phones ?

The Committee was encouraged to find that the telecoms companies recognise the growing importance of their 'social responsibility' role to the wider community and welcomes their efforts to reuse and recycle old mobile phone handsets.

The growth and turnover in the number of handsets is considerable. Orange demonstrated that the reuse and recycling of handsets is largely driven by telecoms companies offering handset upgrades and exchanges. Whilst this Committee welcomes the company's efforts at greater recycling, it finds that proposals for recycling of handsets should be linked to clear future targets. The Committee would like to see each company outlining clear proposals for greater recycling.

75. **What evidence is being used to support the different cases ?**

The Committee wishes to make a distinction between clear, evidence based, proven data/information and anecdotal evidence submitted to this scrutiny. Evidence relating to the findings of the Stewart Report, the planning process, law and guidance and evidence submitted by the FEI, Dr Michael Clark and Alan Meyer were, in the judgement of the Committee, clearly evidenced. Whilst the case law and information relating to the Stewart Report submitted by Chris Maile were clearly evidenced, the Committee finds that the information relating to mobile phones and any adverse effect on health submitted by Chris Maile and Dr Blackwell were not based on clearly evidenced based fact. Much of this was anecdotal evidence.

The Committee find that issues relating to mobile phones must be based on clear and conclusive evidence in order to form meaningful and sound conclusions. Any other form of anecdotal evidence could lead to unnecessary heightening of public concern.

76. **What solutions could be suggested to reduce or resolve the conflict between telecommunications companies and the concerns of local people ?**

The Committee finds that it is likely that the needs of the operators and environmental demands of local people are rarely likely to coincide and therefore the conflict is highly unlikely to be resolved to either party's satisfaction.

However, the Committee has found that there are a number of options for reducing the conflict between the operators and local people. Some of these should be driven by central Government, some by the Council and others by the operators. The Committee wishes to make innovative and constructive recommendations to reduce the level of conflict. This includes;

- Greater clarity and guidance, at the local level, for planning matters and consultation relating to mobile phone masts and/or base stations, in the form of a Protocol agreed between the Council and the operators
- Improved transparency and accountability for planning decisions relating to planning decisions for masts/base stations
- Further guidance on 'fear' relating to mobile phone masts and planning matters
- More widespread availability of information on the District's masts
- Greater contractual flexibility relating to masts/base stations on Council owned land and property
- Lobbying of telecoms companies to improve their levels of handset recycling

Recommendations

77. The Environment Overview & Scrutiny Committee does not have any decision making powers. Decision-making powers lie with the Council's Executive, Regulatory and Appeals Committees. Following the extensive work undertaken during this scrutiny, the Committee makes the following recommendations;
1. **That to improve consultation with local people and improve consideration of planning applications at the Council's planning committees, that the Council will seek reassurance telecoms operators are following the Government's Code of Best Practice on Mobile Phone Network Development by adhering to the Council's 'Guidance on Telecommunications Applications'.^②**
 2. **That to improve the transparency of decision-making, that all base station/mast applications that require planning approval are referred to the Council's planning committees, including all applications submitted under the prior approval process.**
 3. **That to address the health concerns often expressed by local people, that until such time as the outcomes from the current research into health risks related to mobile phone masts are known that the Council continues to adopt a 'pre-cautionary' approach to mobile phone masts and health issues, as recommended by the Stewart Report. That this position is reviewed when the outcomes of the health research are published.**
 4. **That to address the 'fear' expressed by some local people about mobile phone masts, that the Council will consider its new advice note on 'Mobile Phone Masts – Health Concerns and Public Concerns' when considering planning applications for mobile phone masts, from March 2003.^③**
 5. **That to ensure future flexibility, that when contracts related to base station/masts on Council owned land/property are agreed/renewed, they contain the flexibility to terminate the contract if adverse health effects relating to masts are confirmed by future Government backed research.**
 6. **That to promote consistency, that the Chief Executive write to all the District's non LEA controlled schools to encourage them to adopt the same contractual approach to base stations/masts as the Council, contained in Recommendation 5.**
 7. **That to encourage increased recycling, that the Chief Executive write to the UK's five largest telecommunications operators (Orange, Vodafone, O₂, Hutchinson and T Mobile) to encourage them to set clear and challenging targets in line with the Government's targets for local authority recycling, for the recycling of mobile phone handsets.**

8. That to encourage the wider availability of mast information, that the District's Mast Register will be made available on the Council's website, by March 2003.

- ② attached as Appendix 3
- ③ attached as Appendix 4

Glossary

3G	Third Generation (relates to the third generation of mobile phone technology)
FEI	Federation of Electronic Industry (the body that represents the telecommunications companies)
ICNIRP	International Commission on Non Ionizing Radiation Protection (an international organisation that sets guidelines for the level of emissions from masts/base stations)
NRPB	National Radiological Protection Board (provides information and advice to persons, including Government, with responsibilities in the UK in relation to protection from radiation hazards)
Macrocells	Base stations can be categorised into macrocells, microcells and picocells depending on their size and power output . Macrocells cover the largest area of the three.
Microcells	Microcells cover smaller areas than macrocells, but larger than picocells.
Picocells	Picocells provide the smallest coverage area.
ODPM	Office of the Deputy Prime Minister
PPG8	Planning Policy Guidance Note 8
RF	Radio frequency radiation (the radiation emitted by masts/base stations)
TETRA	Terrestrial Trunked Radio (a European Telecommunications Standards Institute standard for digital trunked radio, now used by some emergency services in parts of the UK)
TPG	Telecommunications Policy Group

Written Evidence Submitted to the Scrutiny

'Code of Best Practice on Mobile Phone Network Development' (November 2002) Office of the Deputy Prime Minister

Draft Supplementary Planning Guidance on Telecommunications Development, Bristol City Council

Federation of Electronic Industry Information Pack (2002) FEI

'Findings into the inquiry into mobile telephone base stations and public concern about their siting' (13th July 2001) Policy Scrutiny Forum, Hartlepool Borough Council

'Inquiry into Telecommunications Masts' (19th June 2001) Physical Environment Overview & Scrutiny Committee, Manchester City Council

'Local Government Responsibilities Memorandum' (November 2002) Alan Meyer

'Location of Telecommunications Equipment (Mobile Phone Infrastructure)' Supplementary Planning Guidance, Birmingham City Council

'Mobile Phone Base Stations and Health' (January 2001) Department of Health

National Radiological Protection Board written evidence (2002)

Presentation by Mast Sanity (2002) Presentation to the Bradford Mobile Phone Commission, Mast Sanity

'The Local Planning Perspective', (2002) Presentation to the Bradford Mobile Phone Commission, Bradford Metropolitan District Council

Social & Environmental Report (2001) Orange

Additional Background Documents

'Mobile Phone Commission – Terms of Reference' (16th October 2002) Environment Overview & Scrutiny Committee, Bradford Metropolitan District Council

'Mobile Phone Masts', (March 2001) Trade & Industry Select Committee

'The Stewart Report', (2000) Independent Expert Group on Mobile Phones

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

BRADFORD MOBILE PHONE COMMISSION

28th NOVEMBER 2002

NOTES OF THE MEETING

1. Colin Waggett & Tim Ayres – The Bradford Planning Perspective

1.1 Key Evidence Points;

- There are three planning routes for mobile phone masts, antenna or base station applications;
 - Permitted development (no planning application needed)
 - Permitted development that requires prior approval
 - Development that requires an application for planning permission and/or listed building consent
- Process for prior approval
 - Ground based masts up to 15m high
 - Masts on building/structure up to 15m high
 - Radio equipment housing more than 2.5m³
 - 56 day determination period, followed by a default position if no decision is made
 - publicised by the developer and the Council
 - siting and appearance of the mast are key issues
 - Town/parish councils are consulted
 - Application is then determined
- Planning law and guidance
 - Town & Country Planning Act (1990), Sections 70, 54A and 78; Permitted Development, Town & Country Planning (General Order) 1995, Bradford UDP adopted in January 1998 and the Human Rights Act (1998) are key pieces of legislation
 - PPG8 planning guidance should be considered
 - Stewart Report recommended 'a pre-cautionary approach'
 - Planning system is not the place for determining health safeguards
 - Government's view is that if applications meets the ICNIRP guidelines this should be sufficient
 - Code of Best Practice on Mobile Phone Network Development issued by ODPM on 11th November 2002

1.2 Questions from Commission Members

(Question responses provided by Colin Waggett and Tim Ayres, unless stated otherwise)

Are TETRA masts treated differently in a planning context compared to other mobile phone masts ?

[Councillor K Thomson]

In planning terms, they are treated the same and considered in the same way.

How many applications did the Council receive in the last 12 months ?

[Councillor K Thomson]

Approximately 180 in the last 12 months. Exact numbers will be provided later to the Commission.

Do we have a site map of all the masts in the District ?

[Councillor K Thomson]

This is currently being prepared and it is anticipated this will be available in the next 10 days.

15m is a significant height. Is that the mast itself, or does that include plinths or similar ?

[Councillor K Thomson]

15m is the measurement from the ground, or plinth, to the 'plate', although up to a further 2.7m is allowed for the 'headgear'.

How does the new ODPM Code of Practice differ from previous guidance ?

[Councillor K Thomson]

The guidance has been developed based on a range of recent issues, including; the findings of the Stewart Report, Government recognition of the growing public concerns (which have both led to the development of the prior approval system) and also new developments in telecommunications technology. The new Code of Practice aims to bring guidance up to date.

Does the Planning Authority have the scope to decide if all mast applications should be considered by planning committees ?

[Councillor K Thomson]

Yes, it has that freedom. Consideration should be given to the practical issues relating to a large number of mast applications being considered by the Council's planning committees.

What strategic planning for the siting of masts takes place ?

[Paul Forrest]

The Council does provide strategic input into the placement of masts and in terms of the pre-application discussions.

Is there a presumption that planning consent will be granted if the proposal meets the siting and appearance requirements ?

[Paul Tullett]

The guidance does provide a presumption in favour of development and the whole tenor of the guidance is a positive, rather than a negative, one.

Is there any bearing on the application if it is a mast with several transmitters ?

[Paul Tullett]

Operators must show that they have looked at the option of mast sharing. However, there are sometimes technical and environmental justifications for applications that do not share masts i.e. sharing may not be appropriate, from an operator's perspective, if it would not provide the coverage in the area they require.

What procedures are there for consultation with the public, apart from schools and colleges ?

[Councillor J Prestage]

The operators adopt a 'traffic light' model to identify how much consultation they feel is appropriate. After discussion with a local authority they may decide that fuller consultation would be appropriate and this can take place through a variety of means including informing ward Councillors.

What control does the local authority have when developers are camouflaging masts ?

[Cllr D Heseltine]

The same legislation stands for camouflaged or uncamouflaged masts. The local authority can take enforcement action for masts that it considers may have required planning permission if it finds that this has not taken place.

What are the planning issues related to a number of masts concentrated in one area i.e. around one village ?

[Councillor D Heseltine]

There may be technical reasons for this such as poor coverage in the area. The Government advises operators to consider mast sharing, but the individual application is considered on the justification put forward by the operator.

Do the transmitters need to be in the open air ?

[Councillor JS King]

Transmitters can be camouflaged and the new Code of Practice encourages operators to look at these options. The signals from antenna are adversely affected by stone etc but not glass reinforced plastic and many operators tend to try and use this.

**Who has the authority to consider applications ?
[Councillor A Griffiths]**

Powers can be delegated to officers and some applications are considered by the planning committees. Local authorities need to decide on the appropriateness of using delegated powers when considering applications.

**Is the perception of fear a planning issue ?
[Councillor A Griffiths]**

The perception of fear and the impact this has on lifestyle and health can be an issue. From a legal perspective issues arose in the mid 1990's in connection with bail hostels and local communities perception of fear. In some cases, this lead to fear being considered a material issue by planning inspectors when considering bail hostel appeals. Perceived fear is capable of being taken into account as a planning consideration.

- 1.3 Questions from members of the public
(Question responses provided by Colin Waggett and Tim Ayres, unless stated otherwise)

What are planning considerations in respect of churches ?

There is some ecclesiastical exemption (for listed buildings).The Diocesan Advisory Committee also has a role to play for Church of England churches and some other religious establishments have similar arrangements. With this exemption, all other applications are considered in the normal way.
[Chris Gretton, Church of England Liaison Officer]

How does the Council use the recommendations from The Stewart Report and the new ODPM Code of Practice and are these skewed in the favour of the telecoms industry ?

The Council follows the guidance from central Government on the recommendations from The Stewart Report. It uses the Development Plan, PPG8, national planning guidance and at all times must have regard to the Government's view. Issues relating to individual applications can be tested by the planning committees or on appeal.

2. Graham Jones – London Borough of Harrow

2.1 Key Evidence Points;

- Communities appear to be concerned about;
 - The unpopularity of masts and part of this may be to do with the perceptions of the public and the current structure of the planning system – the two are too far apart
 - Public are unconvinced about the health effects and this may be bound up with growing public scepticism about a range of issues such as MMR, BSE

- People have difficulty accepting the growing use of mobile phones whilst needing the consequent growth in the need for masts
 - Difficult for telecoms companies to overcome the underlying suspicions of the public, although the industry has made serious efforts in recent years
 - The future – advances in technology with 3G and their coverage of smaller areas, as well as the growth in areas such as TETRA require more masts
- The Planning Authority is in a ‘no win’ situation, managing objectors expectations, pressure from operators. The concept of ‘reasonableness’ is important
- In 2001, Harrow undertook a national survey of local authorities, with the following key findings;
 - 158 (38%) of local authorities responded
 - 95% said that telecoms is an important planning issue and 73% stated it was an important health issue
 - 59% stated that telecommunication proposals produce strong public reactions, with an additional 39% stating that this occurred ‘sometimes’
 - 77% of responses indicated that current legislation is satisfactory
 - 91% of responses indicated that recent changes in legislation were an improvement
 - 84% of responses indicated that the planning regime deals adequately with community concerns
 - 95% of responses indicated that appearance was the main concern, with 97% indicating that siting and 55% health as issues
 - 85 of the responses wanted to see all applications subject to full planning permission, 10 for compulsory mast sharing and 25 saying that health issues should be addressed
- Proposals for improvement in the future
 - A level playing field with full planning permission required for all applications
 - More research on health issues
 - More definitive advice
 - Better applications from the telecoms industry
 - Re-examination of network requirements by telecoms companies
 - More industry partnerships on mast sharing
 - Better Member and officer training for local authorities
 - Pressure on the Government

2.2 Questions from Commission Members (Question responses provided by Graham Jones, unless stated otherwise)

Was Bradford amongst the 38% of local authorities who replied to the survey ?

[Councillor K Thomson]

Unsure. I will provide the Commission with this information.

Does this network of local authorities have its own code of practice ?

[Councillor K Thomson]

The network has not advanced to this point yet.

What is the status of ICNIRP ?

[Paul Tullett]

They are an international body that produces guidance and is recognised by the Government. Many countries adopt their guidelines, but some European and other countries do not.

Is there scope for greater involvement of local people as proposed in the Government's recent Green Paper on planning ?

[Paul Tullett]

The FEI has already gone a long way down this route for general planning issues, not just mast issues, outlined in the Government's recent Green Paper on planning.

Is the health advice ambiguous ?

[Councillor A Griffiths]

The advice from the NRPB is that the health impact is small. What is less certain is the long-term impact and there is the ambiguity about the health risk related to 'fear'.

Putting all applications for the consideration of planning committees must be a strain on the committees. How is Harrow coping ?

[Councillor K Thomson]

Harrow has introduced a new reporting system where separate reports are produced just on mast applications. These are tabled at the committee without prior circulation due to the tight timescales involved. Harrow have not identified any concern among local people about this new procedure. The new process has had to take a flexible approach to the existing planning procedures.

How do you expect planning committee Members to make a fully informed decision when the item is tabled at the meeting and do the public still have the opportunity to object ?

[Councillor J Prestage]

The notification procedure is the same, with objectors being made aware when the item will be considered by the committee. Objections can and are, put to the committee. It is important to strike the right balance due to the requirement to consider all the applications within the 56-day rule.

- 2.3 Questions from members of the public
(Question responses provided by Graham Jones, unless stated otherwise)

What sort of policies do Harrow have relating to masts ?

Harrow have a specific policy, but no supplementary planning guidance.

Have Harrow had any complaints to the Ombudsman about these planning procedures ?

No.

What protection do I have for masts that have already been erected, in this case four years ago ?

Without knowing the specifics of the case it is difficult to give specific advice. However, it is likely that this was considered under a previous planning regime (before the current guidance). There may be recourse to the NRPB if a clear case is put. There is also recourse to planning committees to discontinue any planning. It maybe more practical to discuss this with the individual operator here today.

3. Nicole Hughes (Federation of the Electronics Industry) & Jane Evans (Hutchinson)

3.1 Key Evidence Points;

- Substantial increase in consumer demand for mobile phones over the last 5-7 years
- Each base station can only support a limited number of calls (approximately 150 at any one time)
- Customer demand dictates the number of location of base stations
- Without a network of base stations mobile phones will not work
- 3G technology will require an expanded network – this will include the upgrading of some antenna and some new sites. Hutchinson as a newer entrant to the mobile telecom market does not have its own network and is currently developing this
- Site sharing adopted where possible, but not always practical for technical and environmental issues
- The design and quality of base stations has improved considerably since the late 1980's
- The Stewart Report is very clear on the health issues relating to mobile phones and the industry follows this guidance and the Report's recommendations

- Industry has developed 10 Commitments to improve and spread best practice
- The ICNIRP guidelines, now adopted, are tighter than the previous NRPB guidelines
- The planning system is not equipped to deal to address issues concerning possible health risk – this is a matter for central Government health advice
- Operators use a ‘traffic light’ model to consultation outlining how much consultation is appropriate in their view
- Operators are trying to deal with public concerns directly and at an early stage, increasing community involvement in siting and screening all sites prior to application

3.2 Questions from Commission Members

(Question responses provided by Nicole Hughes or Jane Evans, unless stated otherwise)

**Could you convince me that you are not rolling out 3G in order to recoup the substantial costs incurred in acquiring 3G licenses ?
[Councillor A Griffiths]**

Operators are a commercial entity and as such will promote 3G and in that context they are creating a demand just like any other commercial organisation for their products. There are benefits obtained by local communities from 3G, such as promoting business use like video conferencing, bringing broadband services to areas not previously covered and individual entertainment.

**What ideas do the industry have for the inbuilt obsolescence of handsets and for the recycling of handsets ?
[Paul Forrest]**

Many of the materials from old handsets are recycled. Hutchinson have the ability, like many other telecoms companies, to breakdown the materials in the handsets.

**Are you likely to get greater emissions from twenty antennae together, rather than, say, two ?
[Councillor K Thomson]**

Yes, but the site as a whole has to be ICNIRP compliant. It is the responsibility of the last operator to place a mast on a shared site to obtain the ICNIRP certificate to demonstrate that the total emissions from the site are within ICNIRP guidelines.

**Is ICNIRP testing normal *after* mast/antenna installation ?
[Councillor K Thomson]**

Hutchinson does test after installation, as does the Radiocommunications Agency. The Radiocommunications Agency audits sites and have a testing

programme currently underway. This is currently concentrated on school and hospital sites. The independence of the Radiocommunications Agency is very important. Not all operators and not all base stations are tested routinely. This might be a capacity issue for the Radiocommunications Agency.

The presentation talked about a 'main beam' of emissions. What is the nature of this 'main beam' and what are its implications ?
[Councillor K Thomson]

The antenna are generally directional and the main beam is the area where the signal makes contact with the ground and is at its most intensive. This will be at least 300m away from the mast normally and emissions are still within ICNIRP guidelines.

Do you think health issues ought to be within the planning remit of a local authority ?
[Councillor K Thomson]

As far as the telecoms industry is concerned, we are guided by Government advice and this is that planning is not the place for dealing with health issues. Environmental health officers from some local authorities are sometimes involved with dealing with base station sites and are equipped to monitor emission levels by the local authority.

What brunt is Bradford to bear of the increasing numbers of base stations predicted in the future ?
[Councillor D Heseltine]

Predictions on the growth of the number of base stations vary from around 27,000 to the mid 30,000's in the next few years. However, the gap in provision may not be as large as this. Operators are trying to improve mast technology and mast share where possible. The roll out plans for Bradford are submitted to the local authority.

Do microcells need notification or an ICNIRP certificate ?
[Councillor D Heseltine]

Operators will notify the local authority of all mast applications, including microcells and these applications will go through the operators 'traffic light model' for consultation.

If masts are becoming increasingly camouflaged, where are the safety notices displayed ?
[Councillor D Heseltine]

Hutchison do try to get community buy in and part of this process is making local people aware of the masts.

Has the power needed by the masts increased because of 3G technology ?

[Paul Tullett]

No. All operators are given maximum power levels and none of them are anywhere near these limits. No operator currently has a 3G mast and, in this respect, I cannot give a guarantee on this. Once the technology is developed the industry will know more.

The combination of transmitters will not therefore require a review ?

[Paul Tullett]

Only if swapping to 3G antennas requires planning permission and then the ICNIRP certificate requirements will come into play.

Is the telecoms industry really 'demand led' as your presentation outlined ?

[Councillor M Blackburn]

As the masts becomes blocked by an increased amount of calls there would be a demand for extra capacity. We try to plan ahead to avoid this, but there is always some tendency to build some overcapacity to pre-empt problems.

How far is the industry from developing one mast to suit all operators ?

[Councillor J Prestage]

With mast sharing there is nothing to stop this, but it must work technically by relating to the appropriate area of coverage needed by the operator. It must also meet the environmental impact constraints i.e. hasn't to be too big. Antenna sharing technology is developing, but is still at a fairly early stage. In the longer term antenna sharing might reduce the impact.

- 3.3 Questions from members of the public
(Question responses provided by Nicole Hughes or Jane Evans, unless stated otherwise)

If a dictate comes from central Government relating to the treatment of health issues, complaints cannot be looked at locally.

(the response to this point related back to the earlier response to health issues and planning matters).

4. Chris Maile – Mast Sanity

4.1 Key Evidence Points;

- Health is a material planning concern
- The number of masts required is a major concern
- The size of masts is also a consistent concern

- Mast Sanity accept the 'pre-cautionary' stance taken by the Stewart Report on health issues, but reflect the impact that anxiety is having on local people's quality of life
- Churches deal with these planning matters separately through Diocesan Advisory Committees (DAC's) and therefore there may be a number of masts that the local authority is unaware of (this was disputed by a number of other members of the public)
- It is a source of concern when powers are delegated to officers and whilst it may not be appropriate that all applications go to planning committees, those that are 'controversial' should
- ICNIRP guidelines do not take into account the biological effects masts have on humans
- The report submitted quoted evidence on the disproportionate effect of emissions on children
- It is important for local authorities to take into account the implications of the human rights issues
- Mast Sanity would recommend supplementary planning guidance on the type and location of mast and clarity on the delegated powers

4.2 Questions from Commission Members
(Question responses provided by Chris Maile, unless stated otherwise)

Are DAC's only related to the Church of England churches ?
[Councillor K Thomson]

DAC's do not make these decisions and they only relate to the Church of England. Other denominations have their own arrangements.
(question answered by Chris Gretton, Church of England Liaison Officer)

In your opinion, how far from a dwelling would it be reasonable to site a mast ?
[Councillor K Thomson]

300m. I have no scientific basis for this recommendation. I am concerned with the related stress that proximity to masts creates and that is a planning, not directly a health, issue. There has been no definitive statement on a safe distance.
(Chris Maile)

Most European countries use ICNIRP guidelines and some have exclusion zones for proximity to a mast. Some countries, such as Australia, have no exclusion zones.
(Nicole Hughes, FEI)

Is there any statistical evidence to say that the health evidence you have quoted is out of the norm ?
[Paul Tullett]

You cannot differentiate between statistical evidence and the relationship between the proximity of masts and stress relation.

What relevance does ICNIRP have ?

[Paul Tullett]

They are guidelines. We do not accept that any level of emissions is safe. Children are at greater risk. There is a potential risk even below ICNIRP guideline levels and that's where the stress comes in.

5. Dr Grahame Blackwell

5.1 Key Evidence points;

- Mobile phones do have the ability to electronically disrupt human cells
- The attitude of Government scientists is 'medieval'
- Issues relating to radiation are not so much about the level of output, but the frequency
- Ionising radiation can split the chemical bonds within cells – the problem is not so much about breaking up molecules, but the fact that disruption has taken place to the brain
- There can also be damage to the body by 'thermal effects'
- Emissions can have a detrimental effect on the body below ICNIRP guideline levels
- Living cells are not inanimate objects
- TETRA masts emit 'near continuous' waves and this amplitude modulation is doing damage to people's health

5.2 Questions from Commission Members

(Question responses provided by Dr Blackwell, unless stated otherwise)

Tell me more about TETRA versus ordinary phone masts ?

[Councillor K Thomson]

TETRA waves consist of four 'conversations' all carried by the same wave and the way this pulses (or modulates) creates a beta rhythm problem in the brain, possibly even altering the brain's beta rhythm pattern. The Police Federation have reported a series of ailments relating to TETRA.

How long has TETRA now been operating ?

[Councillor K Thomson]

About a year. It was introduced in Lancashire first as a pilot and is now in Yorkshire.

The Freiburger appeal (quoted as evidence) is impressive evidence. But as this is anecdotal evidence, is it evidence at all ?

[Councillor A Griffiths]

I wouldn't class it as anecdotal evidence.

Do any statistics exist relating to distances from masts and clusters of health problems ?

[Councillor J S King]

The evidence is all, at the moment, anecdotal. There are no statistics in that sense. However, anecdotal evidence supports a feeling that something is going on.

- 5.3 Questions from members of the public
(Question responses provided by Dr Blackwell, unless stated otherwise)

What solutions would you recommend to the Council ?

Strong representation to Government to say there are serious concerns why ICNIRP certificates are insufficient to address the health concerns. We all have the right to question the grounds for granting planning consent on health grounds.

Are you accountable and are you peer reviewed ?

They are my opinions.

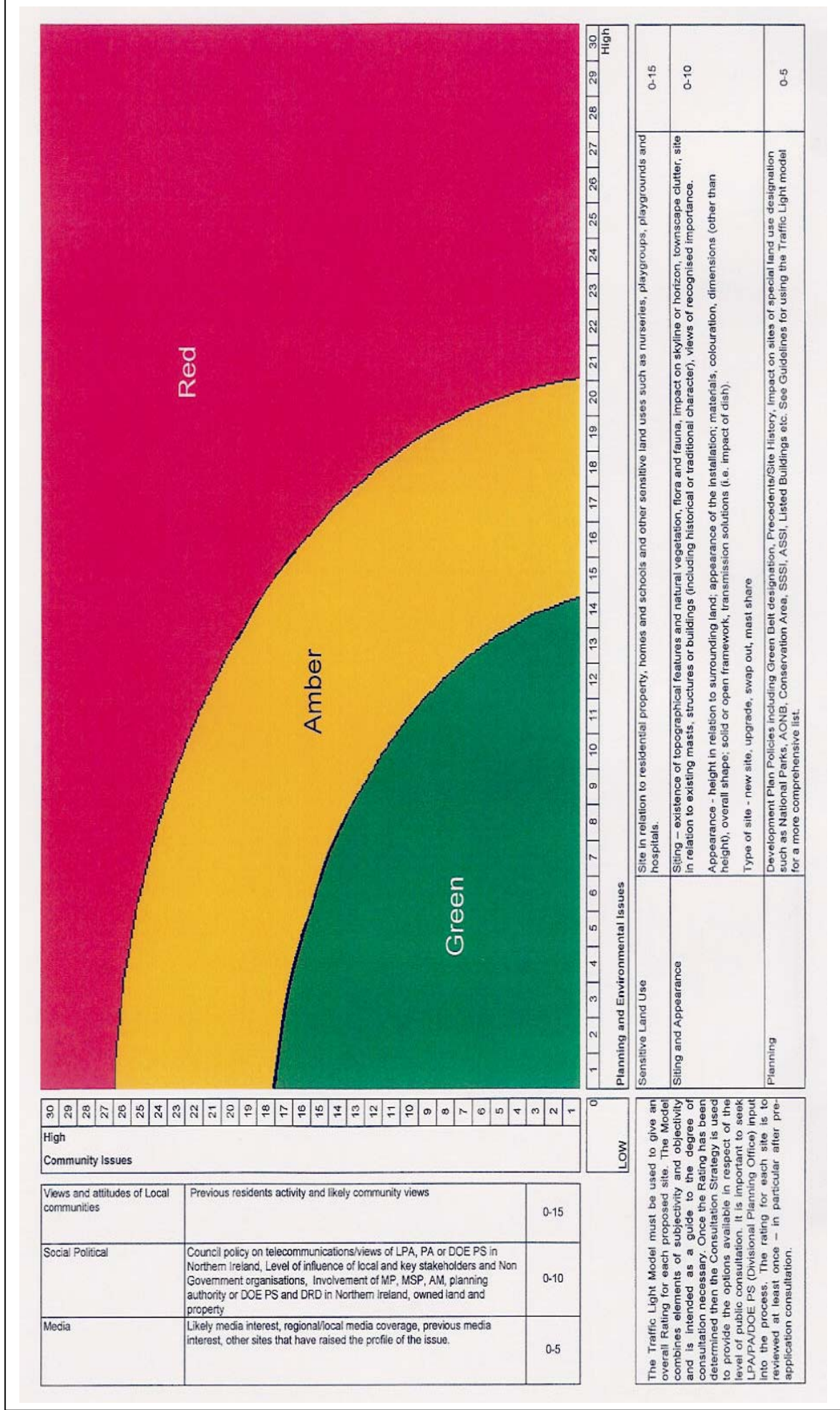
BRADFORD MOBILE PHONE COMMISSION

ATTENDANCE LIST

Adrian Manger	T Mobile
Alex Miller	Bradford Hospitals Trust
Anna Ford	T Mobile
Calvin Jude	Airwave
Chris Gainey	Hutchinson
Chris Gretton	Quintel
Chris Maile	Campaign for Planning Sanity
Chris Morley	Quintel
Cllr Blackburn	Bradford Council
Cllr Cummins	Bradford Council
Cllr Ford	Bradford Council
Cllr Griffiths	Bradford Council
Cllr Heseltine	Bradford Council
Cllr King	Bradford Council
Cllr Love	Bradford Council
Cllr Ozolins	Bradford Council
Cllr Prestage	Bradford Council
Cllr Walls	Bradford Council
Dr Graham Blackwell	
Elsie Hall	
Fred Gardner	
Gill Kerr	T Mobile
Graham Hart	Bradford Hospitals Trust
Graham Jones	London Borough of Harrow
Jane Evans	Hutchinson
John Barber	Hutchinson
Graham Carey	
Glenn Miller	Bradford Hospitals Trust
Nicole Hughes	Federation of Electronic Industry
C Wright	Telegraph & Argus
Peter Craske	Federation of Electronic Industry
Prof. Colin Mellors	University of Bradford
Rebecca George	Vodafone
Samantha Crosby	Hutchinson
Tom Powell	Orange
Graham Allen	Turner & Partners
Colin Waggett	Bradford Council
J Boswell	Bradford Council
M Bolton	
B Grant	Denholme Parish Council
Viv Ashley	O ₂
A Jennings	
Paul Forrest	Bradford Environmental Action Trust
Paul Tullett	Environment Agency

TRAFFIC LIGHT RATING MODEL FOR PUBLIC CONSULTATION

APPENDIX 2



APPENDIX 3**TELECOMMUNICATIONS APPLICATIONS
GUIDANCE NOTES FOR APPLICANTS****PRE-APPLICATION DISCUSSIONS**

In accordance with the guidelines contained in the “Code of Best Practice on Mobile Phone Network Development” 2002 you are expected to discuss all proposals with a planning officer before making an application for prior approval or planning permission.

It is expected that you will submit details of your proposal in writing including information about the location of the site, the type and design of apparatus to be constructed, other operators already on the site, the area of search and possible alternative sites. Council Officers will provide you with advice about particular issues that you may need to take into account and seek to agree a preferred site option with you wherever possible.

Whilst every effort is made to give advice of the highest quality, it is always given without prejudice to the outcome of the formal determination of an application.

PRE-APPLICATION CONSULTATIONS

In addition the Council also expects that you will undertake pre-application consultation with local residents, elected members, schools/colleges and other interested groups. The Council believes that this is in your own interest as it will highlight any potential concerns at an early stage and enable you to seek to address these issues prior to the submission of a formal application.

You are expected to comply with the Code of Best Practice and submit details to the Council of the rating given to viable site options under the Traffic Light Rating Model. Officers will then identify any relevant issues that may warrant a change to these ratings and through discussion seek to agree a final rating with you wherever possible.

In addition it is also recommended that you submit a consultation plan giving details of who is to be consulted and the nature of the consultation proposed. The Council will provide advice as to whether your proposals are considered appropriate based on its own local knowledge and will in some instances suggest that you undertake additional and/or other methods of consultation.

All consultation letters should provide details of the preferred option including a justification for its choice and allow a minimum of fourteen days for a response. It is also recommended that you inform consultees of the decision and an explanation of the reasons for it.

All consultations should be undertaken prior to the submission of a planning or prior approval application.

ADDITIONAL INFORMATION

In addition to the information required to be submitted under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) for a prior approval application and the requirements specified on the Council's application forms for planning permission we would request that you also supply the following information in order to assist with the processing of your application:

1. A signed declaration that the equipment and installation fully complies with the ICNIRP requirements.
2. Site type (micro or macro)
3. Confirmation as to whether the Council's mast register and/or the industry site database has been checked for suitable sites.
4. Details of annual rollout and pre-application discussions with the Council
5. Details of all consultations carried out
6. Details of any consultations carried out with a particular school or further education college if relevant
7. Details of any consultation carried out with the CAA/Secretary of State for Defence/Aerodrome operator if relevant
8. Area of search
9. Details of the proposed structure including the type of structure and its dimensions, height of existing building and details of the size of equipment housing and materials
10. A statement explaining the reasons for the choice of the design
11. Technical information including the frequency, modulation characteristics, power output and the height of the proposed antenna
12. Technical justification – details about the purpose of the site and why the particular development is required
13. Details of alternative sites rejected with a justification for rejecting them. This should include existing masts, structures and other buildings within the search area.
14. An explanation if no alternatives considered

15. Visual impact assessment where relevant
16. Acoustic report where relevant
17. Any other relevant additional information

Whilst failure to supply any of the above information will not result in your application being invalidated it may lead to delays as a result of requests for further information by the case officer or a refusal on the grounds of lack of information.

ADVICE NOTE

MOBILE PHONE MASTS

HEALTH CONCERNS AND PUBLIC CONCERNS

Government advice about health considerations and public concern in relation to telecommunications development is contained in Paragraph 97 of **PPG8 “Telecommunications” 2001**, which states “Health Considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case. 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 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.”

The Government’s view is based on the precautionary approach recommended by the Independent Expert Group on Mobile Phones (The Stewart Report 2000).

Notwithstanding the above the Courts have established that the fear of possible health effects is capable of being a material consideration. The following Court of Appeal cases illustrate this.

West Midlands Committee v Secretary of State for the Environment and Walsall Metropolitan Borough Council (CA 1997) established that fear and justifiable concern are capable of being a material consideration.

It was held that the impact upon adjacent properties and or land is a material consideration and that in considering this impact regard should be had to the use of the land concerned. Apprehensions and insecurity can be taken into account even if they can’t be reasonably substantiated.

The Newport County Borough Council v Secretary of State for Wales and Browning Ferris Environmental Services Ltd 1997 held that perceived fear or concern is a material consideration which must be taken into account. This judgement states that such concerns do not have to be objectively justified i.e. based on any scientific or logical fact to be material and should be given as much weight as is appropriate to the particular circumstances of the case e.g. the change to quality of life resulting from heightened perception. Advice in PPG8 suggests that the decision maker should determine the level of weight to be attached to such considerations

This judgement also establishes that there is a difference between local opposition and perceived fear, which could by itself affect the amenity of an area. Perceived fear could in some rare cases warrant refusal of an application whether or not there was local opposition.