



TRANSPORT AND THE ENVIRONMENT COMMITTEE

AGENDA

3rd Meeting, 2003 (Session 1)

Wednesday 5 February 2003

The Committee will meet at 9.45 am in the Chamber to consider the following agenda items:

1. **Items in private:** The Committee will consider whether to take agenda item 2 in private.
2. **Telecoms Developments:** The Committee will consider possible lines of questioning for witnesses.
3. **Telecoms Developments:** The Committee will take evidence from–

Michael Dolan, Director, Mobile Operators Association

Peter Foster, National Roll-out Manager, O2

Michael Dowds, Roll-out/Community Relations Manager for Scotland and Northern Ireland, Vodafone

Jim Davies, Assistant Director, Mobile Communications Policy, Department of Trade and Industry

Callum Thomson
Clerk to the Transport and the Environment Committee
Room 3.5, Committee Chambers
0131 348 (8)5208
e-mail Callum.Thomson@scottish.parliament.uk

The following papers are attached for this meeting:

Note from SPICe on the Telecoms Developments (private paper) <i>(Agenda item 2)</i>	TE/03/3/1
Submission from Mobile Operators Association <i>(Agenda item 3)</i>	TE/03/3/2
Submission from the Department of Trade and Industry <i>(Agenda item 3)</i>	TE/03/3/3

Submission to the Transport and Environment Committee - review of planning procedures for telecommunications developments



29 January 2003

Contents

Executive Summary.....	2
 The effect of the revised legislation – time taken to erect base stations; comparisons with England and Wales; comparisons with Europe.....	2
 Consultation with communities and local planning authorities - Ten Commitments to Best Siting Practice; Operators' commitment to consultation, relations with local authorities.....	4
 Mast sharing and cross-operator co-operation.....	7
 Third generation – impact on number of masts.....	7
 Research.....	7
 Conclusion.....	8

1.0 Executive Summary

- 1.1 It is difficult to assess the real impact of the revised legislation bearing in mind that there is now a significantly different playing field. At the same time as Scotland moved from permitted development to almost full planning the mobile operators introduced the Ten Commitments to best siting practice, which the MOA believes have contributed in a positive way to network rollout in Scotland.
- 1.2 Additionally the impact on Local Authorities processing full planning applications may have been even more detrimental had operators not seen a decrease in their network development from the level prior to the new legislation.
- 1.3 The MOA also has concerns over the way the revised legislation was rapidly implemented and local authorities' seeming lack of preparation for its impact.

2.0 The effect of the revised legislation

- 2.1.1 It must be recognised that a unique situation has occurred in Scotland when taking into account the impact of the new planning legislation. Not only did Scotland move from permitted development to mostly full planning, but importantly and equally significantly, there was a huge amount of work conducted by the operators in terms of local authority and community consultation, known as the Ten Commitments to Best Siting Practice ("the Ten Commitments"). Therefore, it is difficult to assess the real impact of the change in legislation, bearing in mind that there is now a significantly different playing field.
- 2.1.2 The general trend has seen growing co-operation with local authorities, largely due to the measures that the operators have taken to improve consultation and transparency via the Ten Commitments, but at the same time there has also been a general increase in time-scales for erecting any particular mast. The more conciliatory environment facing the operators has been fostered by the growing realisation amongst local authorities that the network operators need to be able to keep pace with the demand of 3.5 mobile phone users in Scotland, especially if the objectives of Digital Scotland and the Scottish Executive's "Smart Successful Scotland" are to be realised.
- 2.1.3 There are, however, several areas of concern which this submission will address.
- 2.1.4 The MOA is concerned that the revised legislation was implemented rapidly and that local authorities have generally been seen not to have been prepared for the impact of the changes. The complex nature of the legislation has also led to some misunderstanding. The greatest concerns lie with the degree of inconsistency that exists amongst local authorities in how they interpret different parts of the legislation and inconsistencies in how they register and process applications. In addition, MOAs concerns lie with the imposition of unnecessary and unreasonable planning conditions on local authorities and the removal of permitted development rights for new ground based masts.

2.1.5 While NPPG19 encourages local authorities to actively prioritise telecoms applications, given their importance to the Scottish economy, this is clearly not happening. This primarily relates to the under-resourced nature of most planning authorities but also because telecoms applications are not particularly “exciting” to deal with. The Scottish Executive and local authorities claim that the operators don’t submit sufficient information with their planning applications so they are responsible for the delay. However, Commitment 10 of the Ten Commitments was to develop standard supporting documentation for all planning submissions whether full planning or prior approval. The operators have agreed a template of information in consultation with local authorities, which is now submitted with each application. This is in addition to the requirements for supporting information set out in NPPG19.

2.2 Time taken to erect base stations

2.2.1 From the operators’ general experiences, local authorities were quite slow in deciding applications in the initial period after the new planning system was introduced. In fact, a number of local authorities did not process any applications following the issuing of the legislation until they had developed their own internal policies (e.g. South Lanarkshire did not process any applications for seven months.)

2.2.2 On average, the time currently taken to determine full planning applications across the operators is three months. This figure can vary greatly depending upon the local authority’s own planning guidance and efficiency. There are examples of local authorities at either end of the scale which either regularly determine applications within two months or can take anywhere up to five months.

2.2.3 Importantly this average figure of three months is 50% longer than, and therefore significantly outside, the Scottish Executive’s target for determining such applications.

2.2.4 However, this timeframe fails to take into account all of the time taken in discussion and consultation before the planning application is even submitted, which is obviously an important aspect in terms of siting and design, but also crucial in assessing the real timeframe and any delay to network rollout. All of the operators have had to build considerably extra time into their acquisition processes. The operators recognise that this consultation is at their instigation and that it does inevitably lengthen the process, but that effect could have been mitigated at the other end of the process by having prior approval rather than full planning. If that period is included, there has been a significant increase in the overall time taken to complete the whole process on average for all types of installation.

2.2.5 Due to the changes in legislation, the number of full planning applications submitted has significantly increased adding greatly to the workload of the relevant local planning authorities. This is despite the fact that many operators have significantly reduced rollout in the past twelve months. If the operators were developing their networks at the same level as previously, the impact on processing applications may be even more detrimental.

2.3 Comparisons with England and Wales

2.3.1 As the local authorities’ ‘rights of refusal’ are identical, operators continue to believe that the full planning system has no advantages over the prior approval system. The Ten Commitments apply to all planning applications in England and Wales – both full planning and prior approval. The MOA therefore believes Scotland would have been

better served by adopting prior approval and still reaping the benefits of the operators' voluntary pre-application consultation in the Ten Commitments. In that way, the network could be built more efficiently and yet the pre-application consultation (which is the best way of addressing community concerns) would still have taken place.

2.4 Comparisons with Europe

2.4.1 Unfortunately, it is not possible to make any detailed or particularly meaningful comparisons between the time taken to erect base stations in the UK and Europe as a whole. There is enormous disparity between countries such as Switzerland, Italy and Austria where there are major delays in telecoms development and others in which it is not an issue at all.

2.4.2 However, as a broad average, the UK as a whole is probably about 'mid-range' for European countries in terms of the total time taken to erect base stations, but this is a result of a wide variety of factors, of which planning regulations are only one.

3.0 Consultation with communities and local planning authorities

3.1 Ten Commitments to Best Siting Practice

3.1.1 In September 2001 soon after the revised telecommunications planning legislation and following the Stewart Report and growing concern over base station siting, the five operators introduced voluntary best siting practice commitments.

3.1.2 The operators believed the answer to the issues surrounding mast siting lay in more direct consultation with local people – undertaken by the operators themselves – in order to address directly people's concerns and to respond where the planning system could not (i.e. full planning does not give local communities any more say in terms of siting of base stations).

3.1.3 The Ten Commitments were introduced in order to strengthen links with the community and increase the input of the public in the siting of radio base stations. The initiative was developed in consultation with key stakeholders to ensure a proper balance is achieved between access to mobile phone services and the need for greater environmental and social responsibility in building the network.

3.1.4 The operators have implemented fundamental changes in their working practices through a detailed process of site rating and voluntary consultation with local communities and planning authorities, known as the Site Selection & Planning Model incorporating the Traffic Light Model. Potential sites are rated according to likely sensitivity in terms of environmental, planning and community considerations. Depending on the rating a plan is devised that sets out the level of consultation to be undertaken.

3.1.5 The operators made clear to the Scottish Executive at the time that this process of consultation would always be introduced irrespective of whether full planning was introduced. The operators have always felt that the Ten Commitments were a far more effective way of addressing community concern than more stringent planning regulations.

3.2 Operators' commitment to consultation

- 3.2.1 There has been significant consultation carried out so far. Each of the operators has dedicated staff who work with local authorities and communities in Scotland.
- 3.2.2 Each year in September/October, all operators share their strategic rollout plans with local authorities, and offer follow-up meetings. The operators now seek local authority views on potential site locations and have committed to engaging in significant pre-application consultation.
- 3.2.3 In order to respond to community concerns the operators now have specific staff resources to deal with enquiries about existing and planned sites within ten working days.

3.3 *Relations with local authorities – local authority moratoria*

- 3.3.1 Previously, a number of local authorities had in place moratoria on processing planning applications for telecommunications developments. These moratoria were imposed prior to the change in legislation and often continued for a short period thereafter. While the situation now is that no local authority operates a moratorium, some officials have told the operators that their local authority will not accept any more telecommunications development. Such statements have still to be tested through the planning process. However the MOA is aware that many local authority estate departments operate moratoria on developments on their own land.

3.4 *Local authority policies including moratoria on council owned land*

- 3.4.1 There are a number of local authorities which have refused to work with the new telecommunications policy and have implemented their own Telecoms Policies. These are contrary to the guidelines contained in PAN 62 (see 2.7.1). These are unnecessarily restrictive and either cause delays or stifle network development. In these cases they are approving applications but attaching certain conditions. These conditions, which the operators believe are often unnecessary and onerous, lead to time-consuming and costly delays and a waste of resources for both the local authority and the operator.
- 3.4.2 A number of local authority estate departments have also imposed moratoria on their own land (see 2.7.1). This has frustrated the operators, as often the most suitable sites are not available. This has forced them into areas less suitable from both an environmental and community perspective. The MOA has concerns that local authorities are behaving unreasonably in this respect and that they are failing their constituents achieving best use and value of sites. It is pleasing to note that North Lanarkshire Council has recently lifted its moratorium on use of council owned land recognising this very point. NPPG19 makes it clear that the best available land should be used wherever possible.
- 3.4.3 Given the discrepancy in performance and approach amongst Scottish local authorities, we believe it is important that the Scottish Executive continue to monitor local authority performance.

3.5 *Pre-application consultation*

- 3.5.1 The industry has been disappointed in the response to offers of pre roll-out and pre-application consultation. All operators have sent out pre roll-out plans to 32 local councils in Scotland – to date they have only had a small number of responses. In order to make the new planning regime work, the MOA would like to see an

increased level of engagement from local authorities on both pre roll-out and pre-application consultation. In the cases where pre-application consultation is carried out, operators have experienced improved time frames for decisions on the application.

3.6 Examples of local authority good and bad practice

3.6.1 A number of local authorities are taking a more positive stance towards telecoms development than was previously the case. We would particularly commend the following authorities as examples of best practice:-

- *Argyll & Bute Council* - uses delegated powers to aid determination.
- *Moray Council* – allows the use of council land and has a dedicated telecoms officer who engages in pre-application consultation and attends operator stakeholder meetings.
- *North Lanarkshire Council* - has recently lifted its moratorium on use of council land.
- *Renfrewshire Council* - has a dedicated telecoms planning officer.
- *Dundee* – pro-activeness in engaging in dialogue with the operators.
- *Edinburgh* – active in co-operating on pre-application consultation, however operates a moratorium on use of council owned land.
- *Scottish Borders* – pro-active and efficient in processing planning applications.

3.6.2 Regrettably, however, there are some local authorities that continue to try and frustrate and delay telecoms development, contrary to policy contained in NPPG19 and to the detriment of consumers who want access to mobile services in all areas. Some examples are as follows:

- *Aberdeen Council* – does not permit the use of council owned land, although planning officers are generally helpful in providing feedback.
- *Aberdeenshire Council* - does not permit the use of council owned land, although are willing to give pre-application advice.
- *Angus Council* - does not permit the use of (or even upgrades of existing installations) on council owned land.
- *East Ayrshire Council* - does not permit the use of on council owned land. Only timber monopoles and tree masts are considered suitable.
- *East Dunbartonshire Council* - does not permit the use of (or even upgrades of existing installations) on council owned land. It also attempts to impose a 5 year temporary consents and 250m “no-go” zones around schools, hospitals, residential etc and unreasonable planning conditions. However, the telecoms planning officer is extremely professional and engages in pre-application discussion.
- *East Renfrewshire Council* – insists on extensive use of public hearings due to consideration of human rights legislation.
- *Falkirk Council* - imposes unreasonable planning conditions.
- *Fife Council* - does not permit the use of council owned land. Often requests detailed information beyond what is required by best practice guidelines.
- *North Ayrshire* – impose an obligation to carry out regular emissions testing. Impose a moratorium on base stations on school grounds, school buildings or high rise flats.
- *West Lothian Council* - does not permit the use of (or even upgrades of existing installations) on council owned land. Its policy focuses more on internal, rather than community consultation and tries to prevent telecoms development in

residential areas, despite the obvious customer demands. However, they are taking decisions via delegated authority.

4.0 Mast sharing and cross-operator co-operation

- 4.1 Commitment three of the Ten Commitments relates to site sharing. The operators are committed to mast and site sharing wherever it is the most environmentally and technically suitable option. As a result, approximately 26% of masts capable of being shared in Scotland are shared. In effect, the operators are increasingly sharing structures and rooftops with each other, fulfilling their pledge in the “Ten Commitments” as well as adhering to Scottish Executive guidance.
- 4.2 However, mast sharing is not always the most preferable solution. In reality, shared masts will always be significantly larger and more visually intrusive installations than non-shared masts. As a result shared masts will often not be in the best interests of the local environment, will not be favoured by the local authority and will run contrary to Scottish Executive policy in NPPG 19. Most well disguised and visually acceptable designs such as lampposts, telegraph poles, flag poles, burglar alarms and church steeples will not be shareable, precisely because of their design or smaller size.
- 4.3 As the networks must be planned independently based on customer demand, the best (existing site) for one operator may well not be the best site for a second operator. All the operators will always conduct thorough investigations to ascertain whether any such structures exist in an area, before proposing a new one.
- 4.4 Industry initiatives to share infrastructure include a small-scale project between T-Mobile and Orange in the Highlands and Islands (prior to the new legislation being introduced); an agreement between T-Mobile and O2 to share 3G infrastructure; and Vodafone and O2’s roll out in the Highlands. However the operators must be conscious of the importance of network competition, which is one of the pivotal competitive driving forces in the UK mobile market.

5.0 Third generation – impact on number of masts

- 5.1 Due to a number of factors, 3G roll out will take place at a slower rate for all the operators than would have been envisaged when the licence auction was carried out in 2000.
- 5.2 The operators are seeking to upgrade their existing second-generation sites to accommodate their third generation network. As 3 has no second generation network, it is the only operator to be building a completely new third generation system.
- 5.3.1 The prior approval rights introduced in England and Wales allow the operators to more easily undertake 3G upgrades there, whereas for equivalent upgrades in Scotland, the operators will in many instances face full planning.
- 5.3.2 There is an obvious danger that the lack of prior approval in Scotland may inhibit the operators 3G rollout. Being able to undertake upgrades more easily in England and Wales due to the different planning regulations in these countries could mean 3G is rolled out slower in Scotland.

6.0 Health Research

- 6.1 The Stewart Report in 2000 recommended a programme of research into possible health effects from mobile phones, jointly funded by industry and government. The recommendation also said that priority should be given to research on emissions from handsets.
- 6.2 The mobile phone industry accepted the recommendation and is jointly funding with Government a £7.36million, three-year research programme. The programme is managed by a panel of independent scientists (Mobile Telecommunications and Health Research Programme - MTHR), and was chaired by Sir William Stewart until November 2002 when the chairmanship was taken over by Prof Lawrie Challis who had been deputy chairman of the Independent Expert Group on Mobile Phones.
- 6.3 In January 2002 the MTHR announced the start of 15 projects, valued at £4.5million. This was followed by a second and third call, in December 2001 and November 2002 for research proposals to be submitted to the MTHR. There has been no announcement on projects accepted under either the second or third call to date.

7.0 Conclusion

- 7.1 As stated earlier, it is difficult to assess the real impact of the revised legislation bearing in mind that there is now a significantly different playing field. However, there is an obvious danger that the lack of prior approval rights in Scotland may inhibit the operators 3G rollout. However, the operators remain committed to Digital Scotland and to ensuring that the Ten Commitments remain an integral part of their network development rollout.

**SCOTTISH PARLIAMENT TRANSPORT AND THE ENVIRONMENT
COMMITTEE TELECOMS INQUIRY****Controls over the erection of Mobile Phone Base Stations & Mobile
Phone Masts in England and other countries****England:****Background**

In England, the installation of a mobile phone mast by a licensed telecommunications operator, is subject to control under *Town and Country Planning* legislation. For all masts over 15 metres in height, an operator must apply to the local planning authority for planning permission. This applies to both ground based masts and to masts on buildings and other structures.

For masts of 15 metres in height and below, with the exception of certain designated areas (see below), operators are granted permitted development rights, subject to a prior approval procedure. Under this procedure, a local planning authority has the opportunity to say whether it wishes to approve details of the siting and appearance of the installation. If the authority considers that the development will pose a serious threat to amenity, it is able to refuse approval. Otherwise, the operators are free to proceed.

Certain development, such as the installation of an antenna on a building or other structure, may in certain circumstances be permitted without a prior approval procedure. In such cases, an operator must notify the local planning authority in advance.

Designated Areas

Permitted development rights do not apply in our National Parks, Areas of Outstanding Natural Beauty, conservation areas and Sites of Special Scientific Interest. Nor do they apply to development on listed buildings or scheduled monuments. The installation of any telecommunications mast in such areas is subject to a full planning application.

Stewart report

The Independent Expert Group on Mobile Phones (IEGMP), chaired by Sir William Stewart FRS FRSE has published a report "mobile phones and health". In respect of base stations, the report concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases".

Health considerations

We have issued advice to all local authorities that 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. In the Government's view, if a proposed development meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure, it should not be necessary for a planning authority, in processing an application, to consider the health effects further.

Other countries:

These are the current regulations pertaining to England.

In January 2001, in collaboration with FCO, a telegram was sent out to a number of other countries (listed below) setting out the English regs (as above) and asking a series of question to determine the controls that apply to the mobile phone base station/masts in their country. The questions and their responses (where it was received) are in the following tables.

List of countries:

Republic of Ireland, Denmark, Sweden, Netherlands, France, Germany, Italy, Switzerland, USA, Australia, New Zealand.

The questions and the responses (where appropriate) are listed below:

Other countries:

1. What are the general controls on the installation of a mobile phone base station/mast?

USA	38,000 local zoning authorities (LZA) are responsible for siting requirements of masts. The Telecommunications Act 1996 (TCA) gives operators powers to build networks and prohibits LZAs from banning towers indiscriminately. Zoning authorities can, however, decide where they are to be placed – to protect amenity – and can enact a moratorium on the construction of new towers whilst the community develops an ordinance to control towers.
Australia	Federal, State and local governments all have an interest. Mobile towers, whether lattice or monopole, are subject to State and local regulations. Carriers may install 'low impact facilities' (basically antennas on existing structures, which fall within certain size limitations) without reference to the State and local laws, complying instead with Commonwealth determinations.
New Zealand	Some operators have “requiring authority powers” (similar to compulsory purchase powers), but generally chose not to use them. Development without these powers is subject to land use controls as determined by a district plan which can restrict development by placing limits on: appearance; height; size; noise levels; or other land use by-products. If a mobile phone company wishes to place a cell phone tower in an area that is not designated for this land use (or does not comply with the New Zealand Standard for emissions), it must apply for a resource consent from the council – which involves public hearings where affected parties can make submissions and the council has influence over the final outcome.
France	Antennas and masts do not require individual planning permission unless they are placed on designated historic monuments or in areas of outstanding natural beauty. Other than respecting the general

	provisions of Town and Country Planning law, structures over 12 metres in height need only be declared to the local town hall, which then has two months to raise any objections. No administrative formalities are required for antennae and masts lower than 12 metres.
Germany	The siting of masts is not a Federal nor a Land (state) matter but a local authority issue. Further information is being sought.
Italy	No response to this question.
Sweden	All base stations/masts (plus additions to existing ones) need a building permit from the local municipality building committee. The council will follow restrictions laid down in the Planning and Building Act 1987 which includes restrictions on grounds of protecting the environment, preservation of old buildings etc.
Netherlands	Where the site owner is a private individual a contract is drawn up between them and the operator. Where the owner is local or national government a permit is granted which imposes literally or by reference conditions including the prevention of health hazards.
Ireland	Any installation of a mobile phone station/mast must first get planning permission from the relevant local authority.

2. Do you allow any mobile phone base stations/masts to be installed without specific permission? If yes, what type of development? Are there any other controls on this type of development?

USA	No
Australia	Low impact facilities (eg antennas on an existing building) may be installed without specific permission. Owners and occupiers of premises have limited objection rights relating to the timing and manner of the installation rather than the facility generally.
New Zealand	Only where requiring authority is used – but this can be challenged in the Environment Court.
France	Yes – see above
Germany	Unknown
Italy	No
Sweden	No
Netherlands	No
Ireland	No

3. Do you have any additional controls (such as, for example, exclusion zones) in residential areas, near schools, hospitals, or other specified areas? If yes, what are these controls?

USA	No national policy – but because land use policies are dictated by the specific jurisdiction, the jurisdiction may enact policies of exclusion. To date, the Cellular Telecommunications Industry Association (CTIA) know of no such exclusion zone that has been enacted by a state or locality. At historic monuments and protected environmental areas cell sites may be prohibited.
Australia	Yes. Zoning applies. In addition, in considering an application to permit a tower, councils would generally take its proximity to schools or kindergartens into account. There are also special rules if there are

	heritage considerations involved and in environmentally sensitive areas.
New Zealand	No
France	No
Germany	No
Italy	Yes. Rome fixes 100m as the minimum distance from hospitals, nursery schools etc. In addition, under proposed new law, individual regions can introduce local laws which prescribe, for example, distances from housing.
Sweden	No additional controls, but “extra consideration” (which is open to interpretation of individual building committees) is needed near schools hospitals etc. Individual municipalities may set up exclusion zones. There have been two attempts at establishing electro-magnetic free zones, where building permits have been refused on those grounds. These rulings are currently being challenged through the Administrative court system.
Netherlands	No – permit or contract is specific to the special circumstances surrounding the individual location
Ireland	No

4. What measures do you have in place to ensure that the health of members of the public is not at risk from mobile phone base stations? (e.g., do you require all base stations to meet the ICNIRP guidelines? Do you have any requirements which are more stringent than the ICNIRP guidelines?)

USA	National and international standards are used, including: ICNIRP, Institute of Electronics Engineers and American National Standards institute (ANSI/IEEE), and National Council on Radiation Protection Measurements (NCRP).
Australia	The Australian Communications Authority (ACA) has introduced a standard relating to emissions - the requirements of which are more stringent than ICNIRP.
New Zealand	ICNIRP – plus voluntary measures to minimise transmitter power.
France	?
Germany	Certificate of safety is required includes compliance with ICNIRP guidelines.
Italy	Tougher than ICNIRP - Based on precautionary principle and “minimising principle”
Sweden	ICNIRP
Netherlands	ICNIRP
Ireland	ICNIRP and random inspections.

5. Do you intend to change any of the above controls within the next year or so? If so, what sort of changes do you intend to introduce?

USA	No
Australia	No

New Zealand	No
France	Rumours of a private member's bill to introduce exclusion zones between masts and schools etc. Not seen yet.
Germany	Unknown
Italy	New framework law due to be adopted this month to impose applications of the "minimising principle"
Sweden	National Board of Housing, Building and Planning (NBHBP) will investigate all aspects with a view to presenting possible changes in regulations. The NBHBP is due to report its findings in late May. But it is not at all certain whether these findings will result in legislation later in the year.
Netherlands	No
Ireland	No

6. Do mobile phone operators take any additional action on a voluntary basis? (such as, for example, voluntary additional public consultation before erecting a base station/mast)

USA	Additional consultation.
Australia	Additional consultation and notification.
New Zealand	Because of public concerns Vodafone (1 of 2 operators) voluntarily try to place towers away from residential areas, schools and hospitals.
France	Code of conduct between government and the operators to locate masts in such a way to minimise impact on the landscape.
Germany	Unknown
Italy	No
Sweden	Private companies work very closely with municipalities when applying and planning for building permits.
Netherlands	Additional public consultation
Ireland	Additional consultation where necessary.

SCOTTISH PARLIAMENT TRANSPORT AND ENVIRONMENT COMMITTEE

TELECOMS INQUIRY

The Committee may also be interested to note progress that has been made in two associated areas:

1. The demonstration of compliance with the CENELEC standards to show conformity under the Radio equipment and Telecommunications Terminal Equipment Directive 1999/5/EC (R&TTE) and
2. Progress of the audit of mobile phone base station emissions under the measurement programme undertaken by the Radiocommunications Agency of the DTI.

Base Station Exposure Measurement

The planning regulations in Scotland require a statement by the operators that the equipment complies with the exposure guidelines of the International Commission on Non Ionizing Radiation Protection (ICNIRP). However, greater clarity on European legislation and associated measurement standards suggest this is no longer necessary. Details of the standards are not provided here, but the position can be summarised as follows.

Article 3.1a of the R&TTE Directive has as an Essential Requirement “the protection of the health and the safety of the user and any other person...” This should be seen alongside the EU Recommendation on exposure which in order to assess compliance with ICNIRP said that “national and European bodies for standardisation should be encouraged to develop standards within the framework of Community legislation for the purpose of design and testing of equipment.” Accordingly the European Commission issued a mandate requesting the European standardisation bodies prepare and adopt harmonised standards covering the aspects of emissions of EMF’s covered by the R&TTE Directive. Harmonised standards describe the test methods, test equipment and calculation methods needed in order to specify product requirement, limiting the emissions of EMF’s. It was stated that standards should take into account the ICNIRP limits laid out in the Council Recommendation 1999/519/EC to allow presumption of conformity to Article 3.1(a) of the R&TTE Directive.

Three groups of CENELEC standards on measurement of exposure from mobile phone masts have been, or are in the process, of agreement. These are usually described as the “putting onto market”, “putting into service” and “in situ” standards. The first putting onto market group are: EN50383, EN50384 and EN50385. The basic standard (EN50383) describes how the measurement to calculate the exclusion zone should be undertaken. The “putting into service” standards describe how the calculation should be made when the facility is operational. This standard is at present out for vote. The final, In Situ standard, will describe the method to calculate and/or measure public exposure. This is due for completion by March this year.

Upon completion of this family of standards the mobile operators will have clear obligations to comply with the ICNIRP Guidelines through the R&TTE Directive and the relevant standard. Although it has to be said that in the absence of a final harmonised standard the obligation under the R&TTE Directive remains, and the only credible reference would be to the European Council Recommendation on Exposure to Electromagnetic Fields.

The European Commission have also indicated that they are willing to use harmonised standards under the R&TTE Directive as a means to curb national regulations that go further than the EU Recommendation.

The Radiocommunications Agency Audit

It was also a recommendation of the IEGMP that independent measurements should be made of base stations emissions initially focusing on schools and other sensitive sites (to ensure that the exposure guidelines are not exceeded), and that a database of all base station sites be published. This work has been taken forward by the Radiocommunications Agency of the Department, who have now measured over 200 base station sites on schools, and other sensitive sites. At least 30 of these sites are in Scotland. The highest UK measurement is 1/279th of the exposure guidelines. The audit shows that the emissions that have been measured would give rise to exposures substantially inside the guidelines of the International Commission on Non Ionizing Radiation Protection (ICNIRP) guidelines, fulfilling the IEGMP (Stewart) recommendation. The measurement programme initially concentrated on schools but has widened its scope to include other sensitive sites. The results of the audit of emissions are available on the Agency's web site: <http://www.radio.gov.uk>

Background Note

LINK Mobile Telecommunications and Health Research Programme

Following the recommendations of the Report, the Government set up the Mobile Telecommunications Health Research Programme under an independent management committee. Since early 2001, the MTHR has put out three calls for further research on mobile phone technology and health, and there are already 18 research projects up and running. The third call for bids was advertised in New Scientist, Nature and elsewhere on 17/18 December and on the MTHR website. Further information and the full text of the call for bids can be found on the web site: www.mthr.org.uk

The MTHR is considering applications under the 2nd call, but no new contracts have been signed as yet. We will be making an announcement in due course about which project applications are to be funded.

The third call has been for bids specifically on psychological and social studies on the potential health risks of mobile handsets and base stations; and for studies on human volunteers who attribute ill health to base stations. This will be the first such research on base stations to be conducted in the UK. If the MTHR programme are able to find projects worthy of support it will most likely be 2-3 years before the research is able to show results. This does not mean that we know nothing about exposure from mobile phone base stations. The emphasis of the research, both funded and submitted, has been on mobile phone handsets rather than masts, because localised exposures of people using phones are in general appreciably higher than exposures to the whole body from masts. In practice many of the experimental studies on hand sets will also be valuable in providing evidence on any possible effects on people of exposures to radio frequency (RF) radiation from masts.

Undertaking health-based research on exposures mobile phone masts is not straightforward as the levels of exposure for members of the public are difficult to isolate from other exposures e.g. broadcast. The MTHR have however decided that public concerns should be taken into account when issuing the 3rd call.

Department of Trade and Industry
January 2003