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**IAN HEWITT ASSOCIATES**

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**VODAFONE LTD**

**GLOSSOP TELEPHONE EXCHANGE**

**STATEMENT IN SUPPORT OF**  
**FULL PLANNING APPLICATION**  
**INCORPORATING THE DESIGN AND ACCESS STATEMENT**

**IAN HEWITT ASSOCIATES**

on behalf of

**ARQIVA SERVICES LTD**

[ Ref : ARQ / GLOSSOP ATE ]

## 1. INTRODUCTION

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- 1.1 This statement is submitted on behalf of **Vodafone Ltd** [ the Operator ] in support of the application for planning permission.
- 1.2 The application is in respect of the **Glossop Telephone Exchange, Philip Howard Road, Glossop, Derbyshire. SK13 8DJ**. This site is controlled and managed by Arqiva, a radio site management company.
- 1.3 The development proposed is shown in detail in the drawings submitted. Its principal elements are as follows : -
- *The installation of a tri-sector flagpole on the southern elevation of the Exchange, to a maximum height of 16.75m.*
  - *The provision of a small equipment cabinet at ground level alongside the southern elevation.*
  - *The provision of cabling and other associated works.*
- 1.4 In this statement, which incorporates the design and access statement, we go on to highlight the benefits of the development proposed, to explain the particular need in this case and to demonstrate compliance with planning policy. We also provide information on health and safety and related issues by way of further reassurance.

## 2. SUSTAINABLE DEVELOPMENT

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2.1 **Appendix A** explains that mobile communications are a public service and gives examples of some of the many public benefits associated with their use. A further major benefit is the contribution that such systems make to the attainment of often elusive objectives relating to sustainable development. In view of the statutory duty now placed upon local planning authorities under Section 39 of the Planning and Compulsory Purchase Act 2004, this contribution merits highlighting.

2.2 Having regard to the Government's four key aims for sustainable development in its strategy, *A Better Quality Life, a Strategy for Sustainable Development in the UK*, mobile communications will in particular assist in the following ways : -

- Modern communications in all their different and emerging forms, including mobile communications, help maintain high and stable levels of economic growth and employment. Hence, the UK Government's continued commitment to the growth and development of modern electronic communications.
- ◆ Modern communications, including mobile communications, aid social progress, which recognises the needs of everyone. This manifests itself in a number of ways as illustrated by the following examples : -
  - ❑ Extending economic opportunity through faster and more flexible means of communication capable of handling large volumes of data. This is particularly important to those who live in remote areas, where economic opportunities might be more limited particularly amongst the more socially disadvantaged, with poorer access to transport.
  - ❑ Enabling flexible forms of working that provide opportunities to working parents or carers and help them achieve a better work life balance with both family and community benefits.

- ❑ By providing means of communication that improve convenience and enhance personal safety and security. This is especially important to vulnerable groups who may otherwise feel unable to participate in certain activities.
- ◆ Modern communications, including mobile communications, provide effective protection of the environment by helping reduce the need to travel by enabling modern working practices such as greater home working. Such practices reduce the need for travel and can alleviate the pressure for new commercial development such as offices, through more efficient and flexible use of existing accommodation.

2.3 For the same reasons, modern communications, including mobile communications, help ensure the prudent use of natural resources. However to make this important contribution to sustainable development objectives and to provide the range of services demanded by the public, mobile networks need to be supported by an infrastructure of base stations. This is no different that the railway services, for example, being reliant on the associated infrastructure of lines and stations. In the next section, the particular network requirement from which this application stems is explained.

### 3. THE OPERATOR'S REQUIREMENT

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- 3.1 Paragraph 21 onwards of the Supporting Guidance to PPG8 explains how a 2G system works and this is amplified further with diagrams in Annex B of the Code of Best Practice. 3G systems have similar characteristics, although the key differences are highlighted at the end of Annex B.
- 3.2 In the network rollout information supplied last Autumn, the operator will have explained its anticipated network requirements and the anticipated use of existing sites, including those owned by radio site management companies like Arqiva.
- 3.3 The operator should have explained in its network rollout communications that its new 3G network will be based upon its existing 2G network. However, as recognised in Paragraph 28 of the Supporting Guidance to PPG8, there is still a need for a substantial number of new sites.
- 3.4 This application is in respect of one of those new sites. To help illustrate this, one target area map and two coverage plots are submitted as part of Vodafone's Technical Information, dated 13<sup>th</sup> August 2008. These are computer-generated estimates of coverage, which tend to exaggerate true levels of coverage on the ground, because they only take into account general topography. They do not therefore properly reflect attenuation of radio signal that might occur because of manmade features such as buildings and cuttings, or the effects of natural features such as large trees and woodland. However, they are a useful tool for explaining how the new installation will fit into the wider 3G network that is being established.
- 3.5 From the justification sheet enclosed, it can be seen that Vodafone are seeking to provide coverage principally over Glossop town centre, sufficient for dense urban indoor reception, as depicted by the purple washed areas. The un-coloured zones would be totally devoid of coverage.
- 3.6 The first plot, which shows existing and committed sites in the 3G network, illustrates how there is an effective gap in coverage over the identified target area, with special problems where no coverage [ white areas ] or in car coverage only [ green washing ] is achieved.

3.7 The second plot showing the existing and committed sites in combination with the proposed cell coverage from the Exchange and this clearly shows how an installation at the application site should substantially remedy the situation.

#### 4. COMPLIANCE WITH PLANNING POLICY

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4.1 The relevant planning policy framework that has been taken into account and in part already alluded to is found principally within:

- The Development Plan
- PPG 8 – Telecommunications
- The Code of Best Practice on Mobile Phone Network Development

4.2 From these documents can be discerned the general policy background that exists for telecommunications development, site specific policies and the key considerations relevant to the siting and design of appropriate telecommunications development.

##### **The General Policy Background**

4.3 The general policy background can be summarised as follows:

- Government policy is to facilitate the growth of new and existing telecommunications systems
- Government policy is to keep the inevitable environmental impact associated with telecommunications development to the minimum
- The key way to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites
- The starting point for planning new networks or the expansion of existing networks is therefore to use existing telecommunications sites owned by other operators or radio site management companies, such as Arqiva.
- The emphasis on minimising environmental impact is greater according to the sensitivity of the site. The emphasis on exploring and utilising site sharing opportunities is consequently higher in these circumstances.

- 4.4 The development proposed accords with these key policy objectives and so should be acceptable in principle, the detail being subject to compliance with the site specific policy framework and the other considerations relating to siting and design.

### Site Specific Policies

- 4.5 The Proposals Map that forms part of the **Local Development Framework / Adopted Local Plan** shows that the site is outside but adjoining local Conservation Areas. These policy documents reflect the guidance in PPG15 – Planning and the Historic Environment and require special regard be given to the desirability of preserving and/or enhancing the character of the area, including proposals outside but potential affecting the areas. The review set out below on siting and design should demonstrate compliance with this policy objective.
- 4.6 We note especially **Saved Policy [75] CF7 - Telecommunications and Saved Policy [20] BC5 - Conservation Areas and their Settings**. It is prudent to examine these policies and we would therefore discuss the elements of each as they impact on the development, as follows : -

#### **Saved Policy [75] CF7 - Telecommunications**

*“Planning Permission will be granted for telecommunications development in accord with the following criteria : -*

*Development should avoid environmentally sensitive locations :*

- ◆ *Skyline and ridge line locations, especially where tree cover is poor or non existent;*
  - ❑ There are a dearth of suitable and available sites within the town centre and hence the choice to locate at the Exchange, a long established facility providing telephony to the town for many years. Additionally, a similar albeit slightly taller flagpole has already been approved on the western elevation.
  - ❑ The Exchange is outside the conservation area and whilst developments thereon may well have some impact, the continued use of an existing telecoms facility outside the CA may well reduce pressure for new sites within the CA.



- ❑ So, whilst the flagpole will break the roofline in order to effectively propagate over the town, the adjacent trees do offer some screening and backdrop [ see enclosed photographs and montages ] which minimises this impact. Similarly, the bespoke design solution reduces the visual appearance to what we consider to be a satisfactory degree such that no material harm is caused.
  
- ◆ *Listed Buildings, Conservation Areas, other designated sites of historic importance and their settings;*
  - ❑ The above comments provide a reasoning and justification for the choice of site and scheme design.
  
  - ❑ We understand that the Market Hall / Municipal Buildings beyond the car park to the north of the site are the closest listed buildings to the Exchange site and clearly we are conscious to ensure that any works do not adversely affect those buildings. Again however, a slightly taller flagpole has been approved on the exchange closer to the listed buildings than the proposal and with it's full elevation and fixing arrangements being in open view to the LB's.
  
  - ❑ Since the proposed flagpole is located on the south side of the Exchange, only the very uppermost section will be glimpsed from the LB's and hence, the resultant visual impact, compared to the existing , will be significantly reduced. Accordingly, we consider that the improvements over the approved scheme will allow the proposal to be deemed acceptable.
  
- ◆ *Green Belts and Statutory Sites of Nature Conservation Importance;*
- ◆ *Setting of the Peak District National Park.*
  - ❑ Neither are relevant to this proposal.

*Development should preferably be sited in the following locations :*

- ◆ *on existing telecommunications mast sites (unless this leads to obtrusive proliferation of masts and structures creating an unacceptable cumulative impact);*
  - ❑ The proposed flagpole will share, with one other operator, a long established telecommunications facility serving Glossop town centre. Given that in total, only two replicated flagpole structures will be evident on the Exchange building, we do not believe that this will lead to an unacceptable cumulative impact, visually or otherwise.
- ◆ *within Primary Employment Zones and employment allocations;*
  - ❑ No other sites are suitable or available other than within the central area of Glossop to provide the requisite coverage, as indicated in Vodafone's Technical Information. Accordingly, the Exchange provides the only existing telecoms facility in the area which can accommodate the equipment and provide satisfactory coverage.
- ◆ *in locations well screened by existing tree cover.*
  - ❑ Given the severely restrictive technical and environmental parameters which exist, the Exchange offers the opportunity to deploy a bespoke design solution to minimize visual impact and this is aided by the significant level of mature planting along the southern site boundary, providing total screening to the proposal from the south and excellent backdrop of greenery from the north, against which the pole will be seen.

*Development should preferably be :*

- ◆ *by use of micro cell antennas*
  - ❑ In acknowledgement of the sensitivity of the location, this bespoke design solution was considered to be the only solution available for the site. The use of tri-sector antennas enclosed wholly within the upper section of the flagpole is not ideal. Such an antenna system has reduced operational characteristics, with reduced call handling capacity and cell coverage but can, in this position, provide a satisfactory level of coverage for the operator.

◆ *unobtrusive additions to, or replacement of existing structures*

- Whilst the original proposed siting of the flagpole on the eastern elevation was, we believe, reasonable, following the LPA's concerns over prominence the revised position, 7m along the south elevation from the SE corner of the building, makes the scheme significantly better.
- The tree cover along the southern boundary, even in winter, will screen the entire installation from views along Victoria Street and Collier Street and hence, the only visual impact will be from the north and even there, the flagpole will, from most vantage points, have the backdrop of trees to mitigate against the impact of the pole, as demonstrated by the enclosed photographs and montages.

*In all cases :*

◆ *evidence will be required that the proposed siting is technically necessary; and*

- The enclosed coverage plots provided by Vodafone bear testimony to the current 3G coverage hole within the town centre and moreover, how the proposed site will effectively remedy that situation.

◆ *evidence will be required that the option of mast and site sharing has been fully explored; and*

- The proposal is to share a long established telecoms facility serving Glossop and will replicate a scheme design, in a less obtrusive manner, which has previously been approved by the LPA under the same policy considerations, both local and national.

◆ *evidence will be required to demonstrate that the proposals conform to icnirp guidelines; and*

- An ICNIRP Certificate, dated 8<sup>th</sup> October 2008, accompanies this application.

- ◆ *where appropriate proposals for new ground based masts should be accompanied by significant tree planting proposals and design solutions to screen, camouflage or disguise the development; and*

- ☐ Not relevant.

- ◆ *installations should be removed when no longer required; and*

- ☐ This is a requirement of the operator's licence but should the LPA wish added comfort, a condition to this effect would be acceptable.

*In the case of siting in an environmentally sensitive location evidence will be required to demonstrate why a more appropriate location is not feasible.*

- ☐ The existing and proposed equipment is located on the Exchange, a long established facility providing Glossop with telephony services over many years. The sharing of this facility and expansion of an existing operator network to meet their licence obligated coverage targets is strongly encouraged by PPG8, which also advocates that LPA's acknowledge the benefits and economies of scale accruing to shared facilities, especially when compared to the impact of deploying new sites.
- ☐ The proposed development is undeniably consistent with the long established purpose of the building and the function and operation of the building is therefore being respected.
- ☐ The apparatus is virtually identical to the existing approved flagpole, albeit slightly shorter. Specifically designed to meet local conditions and especially, the provision of third generation mobile telephony services for the Vodafone customers in Glossop, we believe that the proposal does strike an appropriate balance between environmental and operational considerations, even considering the adjoining land sensitivities.
- ☐ Within the complex technical constraints, the apparatus is to be installed in a manner that respects architectural style. Architecture and its style are about

function as well as pure design. The telephone exchange was designed to provide local connections to the telecommunications networks. Mobile phone base stations are a more modern wireless form of telephone exchange, but still require many of the operational attributes present. The development proposed therefore fully reflects the function of the exchange and the apparatus proposed can be viewed as an evolutionary requirement.

- ❑ In acknowledgement of the locality, a bespoke, concealment scheme design has been adopted, one where no outward sign of the typically utilitarian antenna form is evident. This not only replicates a similar approved scheme on the building but also picks up on commonly found architectural features through our towns and cities, especially so on municipal buildings.
- ❑ The application site is of course outside the conservation area. It may be a moot point whether the scheme will directly *enhance* the conservation area but nevertheless, it can still be acceptable providing it can be shown to *preserve* the conservation area. The building itself is of little or no intrinsic architectural or historic merit and does not contribute to the character or appearance of the area. Indirectly however it can be argued that the development may well protect the wider conservation area, since the sharing of this existing telecommunications rooftop will negate the development of other sites within the town centre and, potentially, within the wider conservation area.
- ❑ We therefore consider that the scheme will not unduly harm the conservation area nor the setting of nearby listed buildings in terms of it's siting and design. It will be visually and operationally consistent with the function of the host building and, by avoiding the deployment of new sites within the central area, will negate proliferation and thus indirectly, preserve the character and appearance of the wider conservation area.

## Key Considerations on Siting and Design

- 4.7 PPG8 and the Code of Best Practice set out the approach to be adopted in bringing forward proposals to help minimise environmental impact. This is a consultative approach and one that pays particular regard to siting and design issues. The review below demonstrates compliance with this guidance, which is more detailed and embraces the criteria set out at local level.

### A Consultative Approach

- 4.8 PPG8 and the Code clearly require a consultative approach and a process to reflect the sensitivities of any given site. As you know, our prior consultation letters dated 22nd & 28th August 2008, followed up by numerous emails and telephone conversations with Karen Taylor, has therefore preceded this application. In this consultation we have sought to agree with you the appropriate traffic light rating and associated consultation requirements, and obtain your comments. Your initial verbal response on 9<sup>th</sup> September has been noted and whilst revisions were suggested and photographic montages submitted by email on 10<sup>th</sup> September, despite our chasing email on 23<sup>rd</sup> September, no further replies have been received from the LPA.
- 4.9 Notwithstanding the lack of subsequent LPA response, the proposed development has been revised to locate the flagpole in a less prominent position on the building as initially suggested by Karen Taylor and the application drawings reflect these changes.
- 4.10 As the site was rated amber the consultation strategy included concurrent letters [ to that issued to the LPA ], to Howard Town Ward Councillors Wilkinson & Wilkinson and to businesses and residents on Victoria Street and Collier Street.
- 4.11 Other than the verbal response from the LPA, no responses have been received from our community consultations.
- 4.12 In addition, we confirm that all due notifications under the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (the Code Regulations) have been made.

## Site Selection Considerations

- 4.13 In establishing potential options for meeting the requirement explained above, the operator has committed to follow the site selection process found in the Code. Therefore, as a matter of course it examines the main and most comprehensive databases including the joint operators' database, the OFCOM database, and information on sites owned or controlled by radio site management companies like Arqiva. This is usually also backed by an actual survey of the area.
- 4.14 This exercise established that the only telecommunications site suitable and available for looking for a site, both as a matter of policy and as a statutory requirement under the Code Regulations. In view of this and because an acceptable form of development is possible, the subject site was selected as the only real choice that accords with policy guidance in this identified during the prior consultation process confirming the findings of this exercise and underlining the difficulty of finding sites that strike an appropriate balance between environmental and operational considerations.
- 4.15 In any event, both Paragraph 21 of PPG8 and Paragraph 66 of the Supporting Guidance are clear, it is only where a new mast is proposed that a local authority may reasonably expect to see evidence that the operator has explored the possibility of erecting antennas on an existing mast, building or other structure. As the proposal does not entail a new mast or a new site for telecommunications, it therefore conforms to the advice on sharing existing structures and so the issue of alternative sites is not a relevant factor in this case.
- 4.16 Regarding in general the availability of potential alternative sites, we are reminded of the Inspector's decision to allow an appeal [ APP/P1940/A/01/1077913 made by Vodafone against Three Rivers District Council ], where he states, "*I consider that alternative sites need to be genuinely available to be given serious consideration in an assessment of options.*"

Furthermore, appeal APP/Y3425/A/02/1084110 made by Orange against Stafford Borough Council, the Inspector states at Paragraph 11, "*In my opinion the fact that 2 alternatives have now been put forward does not imply that at the time of the application the availability of alternative sites had not been fully investigated... ..PPG8 indicates that the*

*government attaches considerable importance to keeping the number of radio masts to a minimum consistent with the efficient operation of the network, in order to limit visual intrusion. Clearly, the search for a single site solution would therefore accord with this guidance as well as being likely to be commercially prudent."*

At Paragraph 12, he goes on to stipulate, "*... ..against this background I do not consider that the appellant company can be criticised for not having itself put forward such a solution, particularly when it believed that it had found an adequate single site proposal. Nor do I consider that it is either realistic or reasonable to take the view that the absence of consideration of every possible option and alternative would mean that this element of the policy was not complied with. PPG8 does not indicate the need to embark on an examination of every possible alternative in an iterative process. As accepted at the Inquiry ... .. the adequate analysis of feasible alternatives is more realistic approach."*

4.17 Furthermore the Inspector deciding a H3G appeal in Kingsbridge, Devon [ Ref : APP/K1128/A/06/2016555 ] in his decision letter dated 12<sup>th</sup> January 2007, Section 6, states, "*An operator is not however required to carry out an exhaustive search and where - as with the appeal site - the visual impact is minimal and the sharing of an existing building [ in this case a building dedicated to housing telecommunications equipment ] is achieved, I would expect the obligations upon the operator to look for alternatives to be much reduced."*

4.18 The selection of the subject site therefore follows the due process and also complies with the detailed guidance found in Annex A of PPG8.

### **Design & Access Considerations**

4.19 In accordance with the requirements explained in Circular 1/2006 this section contains the design and access statement in support of the planning application. This section provides a description of the process adopted in the design of the proposals and explains the access considerations. The significant contribution such development makes towards sustainable development objectives has already been outlined earlier.

4.20 The access to the site is to remain unaltered from the existing access off Philip Howard Road. Once constructed, the development will be unmanned [ albeit the exchange will have it's



usually compliment of part time attendant staff ] requiring only periodic visits about once every two to three months for routine maintenance and servicing. Typically an engineer using a four-wheel drive light vehicle will carry this out.

- 4.21 In accordance with all relevant health and safety legislation and guidelines, access to the site will be restricted to authorised personnel and the routine maintenance and servicing of the apparatus will only be carried out by properly trained and qualified staff. The proposal does not therefore give rise to any public issues associated with access.
- 4.22 As regards design, this has been guided by the special technical and operational requirements of the operator's system having proper regard to minimising appearance in accordance with policy and best practice. We expand upon this below.
- 4.23 Paragraph 12 of Annex A to PPG8, includes guidance on design, although this is elaborated upon in the Code. This guidance has, where practicable, been followed. Hence, an appreciation of the site and its context has been undertaken. The equipment requirements of the operator have been kept to the minimum to comply with its operational requirements. As the operator requires macrocell coverage it is not possible to use very small-scale equipment that can sometimes be used for microcells or picocells [and referred to at paragraph 146 onwards of the Code ].
- 4.24 The location and design of the equipment has also had to have regard to a large number of technical constraints, including the following : -
- ◆ The antennas have had to be installed at specific locations and heights to meet specific operational line of sight and coverage requirements.
  - ◆ The antennas have had to be installed to ensure compliance with ICNIRP guidelines. These guidelines provide protection to the general public and for occupational purposes. For rooftop installations the antennas either have to be located along the building edge to ensure no one can walk in front of them or have a clearance of about 2.5 metres from the roof to the antenna base.
  - ◆ The antennas have to be installed so as to avoid radio interference with existing equipment already installed.

- ◆ All apparatus has to be installed and be maintainable in accordance with general health and safety requirements including the CDM regulations.
- ◆ All apparatus has to be installed in a structurally feasible manner.
- ◆ All apparatus has to be clear of existing features on the roof such as access points, air conditioning units, roof lights, or other telecommunications apparatus.
- ◆ All apparatus has to be installed in accordance with the requirements of the building occupier.

4.25 The design options have been examined within those technical parameters, having regard also to the aims set out in paragraph 135 of the Code. In the prior consultation with you, you suggested an on-site demonstration of the additional mast height. This was undertaken on 5<sup>th</sup> December 2007 and was attended officer's of the Council. Notwithstanding the adverse comments received following that demonstration, for the reasons stated above, we consider that the scheme will not be as prominent and/or obtrusive as suggested and thus, we have been requested by the operator to make the application based upon the consultation scheme drawings

4.26 In summary, the development proposed is in accordance with all relevant national and local policies, including those that apply specifically and generally. In addition, the development has been properly brought forward in a consultative fashion as advised as a matter of policy and best practice.

## 5. HEALTH AND SAFETY AND RELATED CONCERNS

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- 5.1 **Appendix B** provides information on health and the related issues of the perception of risk, the precautionary principle as found in the Maastricht Treaty and human rights. This information seeks to place these issues in their appropriate legislative and policy framework. This is to help the decision-maker understand and have the relevant information to be able to approve the application, confident that it fulfills the relevant criteria related to these issues.
- 5.2 A certificate confirming compliance with the relevant ICNIRP guidelines on public exposure has been supplied with this application . Accordingly, as clearly indicated in paragraph 98 of the Supporting Guidance to PPG 8 it is not necessary, to consider further the health aspects and concerns about them, which includes the perception of risk.

## 6. SUMMARY AND CONCLUSIONS

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- 6.1 In summary, the application is in respect of electronic communications apparatus necessary to form an integral part of a public infrastructure network that the operator is required to provide in accordance with a licence, originally, issued by Government.
- 6.2 The service provided by the operator is therefore in the public interest and is in very high demand. There are now over 65 million subscriptions to mobile networks and mobile services now exceed fixed landlines in terms of customer numbers and usage.
- 6.3 The public interest of the system is clear from the considerable benefits associated. These include : -
- Mobile phones can save lives by enabling immediate contact with the emergency services.
  - Mobile phones can be used to summons assistance from the breakdown services in the secure environment of a locked car. This is particularly important to the vulnerable.
  - Mobile phones can help facilitate modern forms of working, including greater homeworking. This can bring about an improved balance between home and working life and reduce travel.
  - Mobile phones can help minimise unnecessary journeys, so increasing productivity and reducing travel demands.
  - Mobile phones can help extend business opportunities into peripheral areas. This important benefit will be considerably enhanced by 3G wireless broadband provision in areas where fixed links will be uneconomic to provide.
  - Mobile phones can bring about far greater personal convenience and security.

- 6.4 The operator's requirement is in the context of network needs associated with a cellular system. These impose particular locational and siting requirements. The technical justification included within this supporting statement clearly demonstrates the need for this apparatus proposed within the context of the operator's surrounding network.
- 6.5 The operator has followed national and local planning policy and best practice guidance in the siting and design of its apparatus. This has included : -
- Network planning based upon existing sites, including those controlled by Radio Site Management companies like Arqiva.
  - Siting at an existing telecommunications site to minimise new sites and help avoid the unnecessary proliferation of new radio masts and sites for them.
  - Consultation in accordance with the Code of Best Practice procedures.
  - An examination of design options to try and minimise potential visual impact.
- 6.6 The proposed antennas will comply with all relevant health and safety requirements and will be compliant with the ICNIRP guidelines. There are no exceptional circumstances in this case and therefore no need to consider health effects and related concerns such as the perception of risk further.
- 6.7 This statement has demonstrated that the proposal is in accordance with the Local Development Framework and national policy set out in PPG8. In particular it is a form of development that is specifically encouraged as a matter of principle and in its detail complies with the policy objective of minimising potential environmental impact.
- 6.8 In conclusion, the application merits support and there are no material considerations that indicate otherwise.

## MOBILE COMMUNICATIONS - A PUBLIC SERVICE

- A.1 Telecommunications is a public utility that used to be provided by the Post Office. The decision was taken in the early 1980's to privatise this service and this was enacted through the Telecommunications Act 1984 (the 1984 Act). Following the Communications Act 2003, that ended the previous licensing regime, the operator is an Electronic Communications Code Network Operator (previously Telecommunications Code Systems Operator).
- A.2 The operator has an established Second Generation Mobile telecommunications network (2G), as described at paragraph 20 onwards of the Supporting Guidance to PPG 8. The operator has a specific obligation to maintain this public mobile telecommunications network across the UK such that it is able to meet the reasonable customer demands that may be placed upon it. Those reasonable demands include quality of service and network capacity for handling calls. The 2G system used to mainly carry voice and text with some limited data capabilities, but technological improvements have enhanced data rates, enabling the transfer of good quality pictures and greater business functionality. This improvement, together with cameras integrated within mobile handsets and data cards for laptops, has therefore led to increased pressure on network capacity and improvements to it.
- A.3 The operator has developed a Third Generation Mobile telecommunications network (3G), as described at paragraph 27 onwards of the Supporting Guidance to PPG 8. Under the spectrum licence issued under the Wireless Telegraphy Act, the operator's network must cover 80% of the UK population by 2007 and also be able to meet the reasonable customer demands that may be placed upon. The 3G system is broadband and can carry voice, text and has high data capabilities that also enable the transmission and receipt of visual media, including real time video calls.
- A.4 The benefits of modern communications, including mobile communications are acknowledged within PPG8 and hence the general policy to facilitate the growth of new and existing systems. Modern telecommunications, including mobile communications are also

recognised by Government as the fundamental bedrock to the core objective to make sure that the UK is the best place in the world to carry out electronic business. The target date for attainment was 2002, although the Government has not announced whether this core objective has been met. However, it has announced a further core objective, that the UK has the most extensive and competitive broadband market in the G7 by 2007. The 3G networks operate at speeds that fall within the OFCOM definition of broadband and so their development is fundamental to the attainment of this latest objective. Again the Government never announced whether this objective was met, but it remains committed to the development of new and existing electronic communications networks and services.

A.5 The range of benefits are not obvious to all and to assist the following public benefits are highlighted by way of examples : -

- Most 999 calls in the UK, including requests for Coastguard assistance and Mountain Rescue are now made using mobile phones.
- On an average day in the UK 11 people are killed on our roads. A far greater number are saved from fatal or permanent injury through prompt paramedical assistance in the critical early period following an accident. This is made possible by 999 calls placed almost immediately following an accident.
- Mobile phones can be used to summons assistance from the breakdown services in the secure environment of a locked car. This is particularly important to the vulnerable.
- Mobile phones can help facilitate modern forms of working, including greater homeworking. This can bring about an improved balance between home and working life. At the same time, it can help minimise private car movements and so help reduce peak period congestion and pollution. This is a particularly important benefit when transport policy to reduce travel and CO<sup>2</sup> emissions seems to be failing.
- Mobile phones can help minimise unnecessary journeys, so increasing productivity and reducing travel demands.

- Mobile phones can help extend business opportunities into peripheral areas. This important benefit will be considerably enhanced by 3G wireless broadband provision in areas where fixed links will be uneconomic to provide.
- Mobile phones can bring about far greater personal convenience and security, for example, teenagers can keep in parental contact when out in the evening.
- There are now over 70 million active mobile connections in the UK and line numbers and usage exceeds that for fixed lines. This means almost every young person and adult now has a mobile phone. This assumes the very young and the very old do not and allows for some users who will have more than one line (typically for business and private use or for voice and a dedicated line for data). The majority of the UK population therefore wants to have the benefits of mobile communications. For any mobile customer the most frustrating aspects of the service they receive are dropped calls or no service.



### HEALTH AND RELATED ISSUES

- B.1 In view of the high level of public interest on health and safety associated with mobile phones, the Department of Health set up the Independent Expert Group on Mobile Phones (IEGMP) under Sir William Stewart. The IEGMP undertook a full review of all research on the subject relating to both thermal and non-thermal effects and received oral and written evidence from a large number of interested persons. This included evidence from scientists who have been at the forefront of bringing to public attention potential concerns associated with alleged non-thermal effects, such as headaches, sleep disorders, epilepsy and leukemia.
- B.2 The IEGMP's report was made public on 11 May 2000 and the government published its response on the same day.
- B.3 The main finding of the IEGMP was that the balance of evidence to date suggests exposure to radio frequency radiation within current guidelines issued by the National Radiological Protection Board (NRPB) does not cause adverse health effects to the general population; but more research should be undertaken.
- B.4 In the light of this finding, a precautionary approach was recommended, as encapsulated in the recommendations of the IEGMP. In its response, the government has accepted that a precautionary approach should be adopted as recommended by the IEGMP.
- B.5 A key element of the recommended precautionary approach was the adoption of the guidelines issued by the International Commission for Non-Ionizing Radiation Protection (ICNIRP). Accordingly paragraph 98 of the Supporting Guidance to PPG8 clearly indicates that it should not be necessary for a local planning authority, in processing an application, to consider the health aspects and concerns about them further.
- B.6 Indeed, existing health and safety legislation falls under the responsibility of the Health and Safety Executive (the HSE). Paragraph 94 of the Supporting Guidance to PPG8 clearly indicates it is not for local planning authorities to seek to replicate those controls through the planning system. This applies therefore the usual principle of non-duplication between

controls and so it is the health and safety regime that operates to protect public health and not the planning system.

- B.7 PPG8 goes on to clarify in paragraph 101 of the Supporting Guidance that local authorities should not introduce a ban or moratorium on the construction of mobile phone masts or insist on minimum distances between new telecommunications development and existing development.

### **Compliance with the ICNIRP Guidelines**

- B.8 Under the ICNIRP guidelines there is a requirement for a safety exclusion zone (the ICNIRP Exclusion Zone) to prevent unauthorized or inadvertent access into the area where radio frequency emissions might be in excess of the guideline thresholds. This is because it is only **inside** the ICNIRP Exclusion Zone that scientific research (that has taken place over many years into both thermal and non-thermal effects) confirms that exposure (usually long term) could bring about biological effects that might be harmful to health.
- B.9 The extent of the ICNIRP Exclusion Zone can vary dependent on the antenna type, frequency, modulation characteristics and power output, which differ between operators and different types of installations. The design of all installations for mobile operators on National Grid Wireless sites is carried out to satisfy the relevant ICNIRP guidelines.
- B.10 Thus, whatever the extent of the ICNIRP Exclusion Zone for mobile communications equipment installed on a National Grid Wireless site, it will not be accessible to any member of the general public. For employees or contractors visiting the site to work on the structure and/or antennas, clearly defined warning signs and physical barriers will exist to prevent inadvertent access to areas that might be within the ICNIRP threshold.
- B.11 In all areas accessible to the public, the equipment on existing Arqiva Services installations already complies with the applicable guidelines.
- B.12 **Confirmation can therefore be given that new equipment on existing installations or additional installations proposed for mobile communications will comply with the guidelines adopted by ICNIRP in all areas accessible by the public and a certificate is attached.**

## Public Perception of Risk

- B.13 In 2004, the Court of Appeal clarified the advice given in paragraph 98 of the Supporting Guidance of PPG8 in relation to a case brought against the grant of planning permission of a mobile base station in Harrogate (T-Mobile & Others v. the First Secretary of State and Harrogate Borough Council). In particular, the Court of Appeal clearly stated that it was only in exceptional circumstances that the planning system should consider perceived health concerns. By implication, the circumstances of the shared site in Harrogate, close to existing schools and the subject of considerable opposition based on a perceived risk did not amount to such exceptional circumstances.
- B.14 In summary there is no national policy basis for refusing an application through the perception of risk or potential or alleged effects on well – being. Moreover, to refuse planning permission on such a basis would be tantamount to an ad hoc moratorium or ban, contrary to specific policy against such action.

## The Maastricht Treaty

- B.15 The precautionary principle as found in the Maastricht Treaty does not impose any additional action by central or local government over and above the action already taken, which now includes adopting the precautionary approach as recommended by the IEGMP and accepted by government. This is made clear in a Written Answer to a question given in the House of Commons on 28 February 2000 (Hansard Column:8W) : -

*Dr. Stoate :* To ask the Secretary of State for the Environment, Transport and Regions what plans he has to empower local authorities to have recourse to the precautionary principle in Article 174 of the EC treaty when assessing planning applications from telecommunications companies to erect mobile phone masts within highly populated areas.[111425]

*Ms Beverley Hughes :* Article 174 of the EC treaty applies only in respect of policy-making at the EU level, and not to policy-making by individual member states.

## Human Rights

- B.16 To date, the UK Government and the Courts have decided that the normal operation of the planning system that includes the right to challenge decisions by way of judicial review provides the right of individuals to a fair hearing. Thus any decision to grant planning permission would be consistent with Article 6 (1) of the European Convention on Human Rights.
- B.17 A separate regulatory system exists to protect public safety. This can become more stringent in the future, requiring compliance regardless of any planning permission. The grant of planning permission cannot take away that protection. For this reason alone, the right to respect private and family life, home and possessions as set out in Article 8(1) of the Convention is not contravened. In addition to infringing human rights in this respect any risk must be both real and imminent.
- B.18 Article 8 (2) states that there shall be no unnecessary interference by a public authority with the right conferred under Article 8 (1). Even if the grant of planning permission did constitute such interference, it is necessary in a democratic society for such grants to be made in terms of the economic well-being of the country and other matters also specified under Article 8 (2). Moreover, any such grant of planning permission in this case would not place a disproportionate burden on the public such that it would result in a violation of the right under Article 8 (1).
- B.19 Our observations on this issue are reinforced by the fact that no judicial review in the UK against the grant of permission of telecommunications development has succeeded on the grounds of any infringement of human rights. This is in spite of assertions made by certain action groups and their advisers.

## Summary

- B.20 In summary, this statement provides all the information required under current legislation and policy on health and safety and related issues. It clearly demonstrates that no reasonable basis for refusing planning permission exist, either directly or indirectly from unsubstantiated concerns that might be raised about health and safety.