

# London Borough of Bromley

Report No.  
ELS05100

PART 1 - PUBLIC

Agenda  
Item No.

**11**

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Title: **NOTICE OF MOTION: MOBILE TELEPHONE MASTS**

Decision Maker: **Development Control Committee** Decision Date: **19 Apr 2005**

Decision Type: Non-Urgent Non-Executive Non-Key

Budget/Policy Framework: Within policy and budget

Chief Officer: Stuart Macmillan

Contact Officer: Stuart Macmillan, Chief Planner  
Tel: 020 8313 4441 E-mail: [stuart.macmillan@bromley.gov.uk](mailto:stuart.macmillan@bromley.gov.uk)

Ward: All wards

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## 1. SUMMARY

- 1.1 A Notice of Motion expressing concerns at the proliferation of mobile phone masts, the Council's inability to act in the best interests of residents and asking support for a recent Private Member's Bill has been referred to this Committee. In the time available, it was not possible to report on these matters and it is suggested that a further report be submitted to the next available meeting of the Development Control Committee in June.

## 2. RECOMMENDATIONS

2.1 Members are asked to:

- (i) defer this matter until 14<sup>th</sup> June Committee
- (ii) instruct officers to prepare an appropriate factsheet/leaflet to explain government guidance and the Council's responsibilities concerning mobile phone masts and
- (iii) arrange for a consultant to attend a seminar to explain current issues.

### 3. COMMENTARY

- 3.1 The following notice of motion moved by Councillor Maines (and seconded by Cllr McBride) was put to the Council meeting on 21<sup>st</sup> March 2005.

This Council:

- concerned at its present inability, through the planning process, to act in the best interests of local residents in relation to the proliferation of mobile telephone masts;
- welcomes the Private Member's Bill recently introduced by Andrew Stunell MP to give local Councils greater powers in this regard, and in particular (a) to prohibit any development without planning permission and (b) to allow a local Council to have regard to health issues on a precautionary basis; and
- instructs officers to investigate ways in which the Council can affect legislation so that it is changed to meet the aims of the private members bill.

This was referred on to the Development Control Committee:

- 3.2 In the time available it has not been possible for officers to consider all aspects of the motion or prepare a detailed report and it is suggested that further and fuller consideration be given to the motion at the next meeting of the Development Control Committee on 14<sup>th</sup> June.
- 3.3 Members will be aware that the ODPM published a consultation paper on telecommunication mast development in July 2000 in response to the original Stewart Report. The main recommendation of the Stewart Report was that full planning permissions should be required for all telecommunication mast installations as opposed to the then current situation where many installations benefited from "permitted development" entitlement. The strong view expressed by Members at the time was that it was logical for all types of mast, whether ground based or on buildings, to be subject to full planning applications so that the public could be properly and adequately notified. This view was echoed by a number of local planning authorities but was not accepted by the government.
- 3.4 In July 2004 an all-party Parliamentary group on mobile phones argued that base stations etc. should lose their "permitted development" rights and be made subject to full planning control. In addition, the MPs and Peers wanted more time for consultations and that a specific telecommunications plan for each authority should be prepared as part of the new planning system. These suggestions were firmly rejected by the government on the grounds that the additional planning applications would clog up the planning system with increased casework and increase the number of planning appeals.
- 3.5 More recently (December 2004, see Appendix) the Planning Minister Keith Hill has stated that:

"When I've talked to people about [masts] they tell me they're not against masts in principle, but rather masts going up without any sense of public consultation".

Whether or not this is the case, the government is placing additional pressure on the network operations and councils to participate in annual "rollout" discussions and develop

local strategies for telecommunications development. Improved consultation at pre-application stage as well as a review of the Code of Best Practice is in hand.

- 3.6 Current government policy as spelt out in Planning Policy Guidance Note No. 8 is to “facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum”. Government policy goes on to say that “local planning authorities are encouraged to respond positively to telecommunications development proposals and should not question the need for the system that the proposed development is to support”. On the issue of health considerations, it is stated to be the “government’s firm view that the planning system is not the place for determining health safeguards”. Moreover the Court of Appeal (the Harrogate case) found that in cases where an ICNIRP Certificate exists, only in exceptional circumstances would it be legitimate for a local planning authority to take public fears and health risks into account.
- 3.7 It is clear from representations received by the Council, that the planning system in so far as telecommunications development is concerned, leaves a lot to be desired. There is still confusion between the issues affecting these masts which require full planning permission, compared with those that are ‘permitted development’ yet require prior approval for siting and design and those that are merely permitted development and require no approval or notification. Likewise the issue of the weight Councils can give to health risks and public fears is more no clear from local residents’ point of view.
- 3.8 Bearing in mind the time constraints and the uncertainties about the Current Private Member’s Bill it is suggested that this issue is deferred until the next meeting of this Committee. In the meantime, it is suggested that it might be helpful if:
- 1) a factsheet/leaflet is prepared which explains government guidance and rules in this context as well as the Council’s responsibilities.
  - 2) a consultant be appointed to advise members (and perhaps MPs and local residents’ associations) on the matter generally and to address the specific issues identified in the notice of motion.

#### **4. POLICY IMPLICATIONS**

- 4.1 Nothing arising from this report.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 Nothing arising from this report.

#### **6. LEGAL IMPLICATIONS**

- 6.1 Nothing arising from this report.

#### **7. PERSONNEL IMPLICATIONS**

- 7.1 Nothing arising from this report.

<b>Non-Applicable Sections:</b>	
Background Documents: (Access via Contact Officer)	<b>BACKGROUND PAPERS</b> <ul style="list-style-type: none"><li>• ODPM Consultation Paper (July 2000)</li><li>• Report of an Inquiry by the All-Party Mobile Group (July 2004)</li><li>• ODPM News Release (Dec 2004)</li></ul>