

Barker Review of Land Use Planning

MOA submission

March 2006



Introduction

The Mobile Operators Association (MOA) represents the five UK mobile network operators – 3, O2, Orange, T-Mobile and Vodafone – on radio frequency health and safety and associated planning issues.

Ensuring the planning system in England meets the needs of business, while retaining sufficient controls on development, is key to the ongoing success of the UK economy. The mobile operators have made, and continue to make, significant investment in infrastructure to meet the needs of the UK's mobile handset subscribers. It is vital that the planning system enables the operators to respond quickly to consumer demand for mobile services, coverage and network capacity.

High quality mobile telecommunications is fundamental to the ongoing success of the UK economy.

It is estimated that the mobile telephone industry contributed £22.0 billion to UK GDP in 2003. This is 2.2% of the UK's total economic output. To put this in context it is worth looking at the direct contribution to GDP of other industries. The contribution of mobile telephony is in line with oil and gas extraction (2.3%), food manufacturing (2.3%) and printing, publishing and paper (2.2%).¹

The planning system in England

For the mobile operators, the key planning policy and regulations are Planning Policy Guidance 8: Telecommunications and Part 24 of the General Permitted Development Order. In addition to these, the operators are signatories to, and comply with, the ODPM Code of Best Practice on Mobile Phone Network Development.

The current framework provides adequate controls on the type and location of development that the operators can install, while retaining sufficient flexibility to enable the operators to respond readily to consumer demand for mobile services. There are now 62.5 million mobile handsets in use in the UK and people are using those handsets more frequently than ever before and are demanding that more services be made available through mobile telephony. This demand can only be met if the planning system enables the operators to respond quickly and efficiently, while taking account of environmental factors and addressing any community concerns.

There are sometimes associated planning costs, which can have a significant impact on the operators' ability to develop their networks. An example of this is the

¹ "The contribution of mobile phones to the UK economy", O2 UK, May 2004

willingness of some planning committees to decide, against the advice of planning officers, to reject an application for a mobile telecommunications structure. This causes delay in deployment, and almost inevitably results in an appeal to the Planning Inspectorate, with the additional costs that entails.

The fact that pre-application discussions are not a factor in calculating the Planning Delivery Grant for an LPA and are not included as a specific Best Value Performance Indicator (BVPI) mitigates against an LPA entering into these discussions. This is despite it being a significant part of the ODPM Code of Best Practice. This also affects the engagement of the LPA (and the wider local authority) in discussions on the operators' annual rollout plans. Under the operators' 'Ten Commitments to best siting practice' (now contained in the ODPM Code), the mobile operators have undertaken to provide local planning authorities on an annual basis with plans showing their existing sites and network proposals for the following 12 months. The most recent submission of the rollout plans was in October 2005 and a report of this is available on the MOA website.²

In the operators' experience, engagement of local planners and councillors at the earliest stage has significant benefits, and this is recognised as best practice by ODPM, the RTPI and the Local Government Association amongst others.³ The inclusion of pre-application discussions (and potentially annual rollout discussions) as a BVPI would be a significant step in encouraging engagement of LPAs with the operators.

The cost of pre-application consultation has also become a concern. Under the ODPM Code, the operators try wherever it is appropriate, to enter into pre-application discussions with planning officers and local communities. While the operators have no objections in principle for being charged a fee for such discussions, in some local planning authorities the level of these fees are completely out of proportion to the size of the proposed development, or the quality of discussions that would result. It is in the interest of the operator, the LPA and the local community for pre-application discussions to take place when appropriate. Simply raising the cost of such discussions to an unsustainable level does not improve the quality of the dialogue or advice or negate the need for base station development in these areas. Good pre-application consultation allows for the most appropriate siting and design to be chosen for base stations, which satisfy the requirements of the operator, the LPA and the local community.

There is currently no guarantee of the quality of input from LPAs in pre-application discussions. If operators (and other developers) are to be expected to pay for pre-application discussions, there should be some onus on planners to provide quality advice and consultation.

The resourcing of LPAs is of considerable concern, and a lack of resources is often cited as a reason why planners are unable to enter into pre-application discussions. While this is an understandable response, it can lead to significant problems later in

²

http://www.mobilemastinfo.com/planning/MOA_annual_rollout_plans_report_2005_and_2006.pdf

³ 'Positive Engagement – a guide for planning councillors'
<http://www.pas.gov.uk/pas/aio/11665>

the planning process, which result in increased workloads and resource implications for the planning officers and operators.

The final key issue for the operators is the consideration of health concerns within the planning system. PPG8 states "Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval". It then goes on to say "In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."

This has caused some confusion amongst LPAs and the Planning Inspectorate, and has been addressed in case law. However, from the point of view of the Health Protection Agency (the Government's independent scientific advisory body on mobile telephony and health), the advice to the Government is clear, that "whilst planning is necessarily a local issue, the assessment of evidence related to possible health concerns associated with exposures to RF fields from base stations is best dealt with nationally". (NRPB report *Mobile phones and health 2004* p9 paragraph 41).

This confusion has increased costs, as LPAs have on a number of occasions refused an application on health grounds, only for the decision to be overturned at appeal by the Planning Inspectorate. This results in costs for the operator in terms of delays in getting a planning determination, for the Planning Inspectorate in resources used to determine an appeal, and for the LPA which may have costs awarded against it.

There are significant costs associated with delays in the planning system (both in delays in receiving a determination from the LPA or through having to go through unnecessary appeals). These costs are most directly borne by the operators, but can also have costs in terms of lack of mobile coverage provided to business and individual consumers while waiting for a planning decision. High quality mobile telecommunications is key to the success of many businesses, and can help attract business to an area. Without an efficient planning system, it is impossible to deliver mobile services quickly and efficiently.

It would be useful if LPAs were encouraged to recognize the economic importance of telecoms development in their local development plans. High quality telecommunications can bring significant benefits to local communities and development plans should note the importance of this.

It needs to be recognised that mobile telecommunications help to meet wider environmental policies by reducing the need to travel. Home and remote working is becoming more commonplace and is often more cost efficient for business. Delivering mobile telecommunications to these businesses is fundamental to their success and the planning system must be designed to reflect this.

Planning Statistics

It might be useful for this review to note that, in 2005, the operators submitted 728 planning appeals to the Planning Inspectorate. Of these, 55% were successful.

The operators have put in place a programme to collect planning related statistics on a regular basis and we would be happy to discuss these with the Barker Review Team at a later date, if that would be helpful.

Further information

For further information on any of the issues raised in this submission, please contact Stuart Eke, Public Affairs Manager, MOA on 020 7331 2052 or stuarteke@ukmoa.org