

STATES OF JERSEY

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COMMITTEE OF INQUIRY: MOBILE TELECOMMUNICATIONS

Lodged au Greffe on 2nd November 2006
by Deputy P.J.D. Ryan of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to establish a Committee of Inquiry in accordance with Standing Order 146 in order to investigate –
 - (i) the health risks associated with the emissions from mobile network antennae and dishes;
 - (ii) the environmental impact of the proliferation of multiple network infrastructures; andto report to the States thereon within a period of 6 months from the establishment of the Committee;
- (b) to request the Minister for Planning and Environment to suspend consideration of all new and existing planning applications involving the mobile telecommunications network infrastructure pending the results of this investigation.

DEPUTY P.J.D. RYAN OF ST. HELIER

REPORT

In my time on the Economic Development Committee I attended regular meetings with the JCRA when the JCRA's regulation of competition in the telecommunications market was discussed.

During these discussions one of the main concerns of the Committee and the JCRA centred around the need and indeed the utter desirability for Jersey Telecom to allow access on a proper and fair commercial basis to their existing infrastructure built up over decades. Indeed the Committee through both Telecoms and later the Competition Laws was at pains to ensure that the JCRA had sufficient powers to be able to force such arrangements upon any incumbent telecoms operator and to regulate the commercial terms of any agreements.

R.C.43 (at Appendix 1) of 5th November 2002 from the previous Industries Committee details the agreements and directions from the Committee to the JCRA on environmental matters but there were no further written instructions given to the JCRA by EDC on the environmental issues associated with mast sharing because there was a clear understanding that through pressure from the JCRA and the planning process as a whole, the sharing of infrastructure could be managed.

It appears that we are currently in a dilemma in that the JCRA are carrying out their responsibilities according to the law but the Planning Authorities are also carrying out theirs, according to the laws that apply to planning, and finding it difficult to refuse planning permission for new infrastructure and the duplication of masts, antennae and dishes. The JCRA do have the power to force a mast-sharing agreement on Jersey Telecom as it is in their licence agreement issued on 1st July 2003, but the onus on the willingness to share has to come from another licensee wanting to share with JT. Therefore if a new licensee has no particular wish to share masts and applies for planning permission to erect new masts, it is up to the Planning Minister to refuse permission in order to force the 2 parties together into a sharing agreement before the JCRA can then in turn regulate for commercial fairness.

At a Grouville public meeting on 25th October it became apparent that one of the new licensees intended to erect some 40 to 50 new installations in addition to Jersey Telecoms' existing 57 masts and structures. Alarming enough as this news was to the public attending, when it was realised that this situation was likely to be repeated for all new operators the gasps of shock and alarm and the general feeling of anger and frustration at the meeting were palpable.

This was particularly so when officers in attendance from the planning department confirmed that the department's power to refuse planning permission for new infrastructure under existing law was limited.

Clearly this is a case of 'unintended' results from decisions made in good faith, but there appears to be no easy solution to ensure that the public interest is protected.

A public inquiry is one way to bring out the facts, not to re-examine the competition issues but more to focus on the unintended disbenefits in health concerns and unknowns as well as the visual environmental effects of the proliferation of potentially up to 150 extra pieces of infrastructure sited in some of our most highly visible locations and in green zones.

The health issues are very high on the public agenda, particularly as this is a very young industry and several European Countries have considerably tougher regulations in force. A public inquiry would also give the relevant Ministers and the JCRA time to review the situation, carry out further public consultation if they wish and determine whether or not extra statutory powers are required to better regulate infrastructure sharing.

Finance and manpower statement

There will be costs involved in carrying out a public inquiry, but such is the public concern over this issue, I believe the public will accept that it will be money well spent. By avoiding possible future protracted disputes and public consultations over planning permissions for new infrastructure, costs are likely to be saved by the planning department and therefore the public in the long term.

The costs are likely to be in the region of £10,000 for a part time seconded officer for 6 months, in the event that

one is required, and £3,000 for sundry expenditure.

TELECOMMUNICATIONS (JERSEY) LAW 2002 – SOCIAL AND ENVIRONMENTAL POLICIES

Presented to the States on 5th November 2002
by the Industries Committee

R.C.43/2002

TELECOMMUNICATIONS (JERSEY) LAW 2002 - SOCIAL AND ENVIRONMENTAL POLICIES

Foreword

The Industries Committee is empowered under the Telecommunications (Jersey) Law 2002 to give the Jersey Competition Regulatory Authority (JCRA), after consultation with it, written directions about “social and environmental policies” to be followed by the JCRA. Those policies could be seen as fundamental to the setting of various licence conditions by it. The Industries Committee is required to make public such policies.

The attached Report sets out the social and environmental policies that have been agreed between the Industries Committee and the JCRA.

Report

Social policies

Relevant social objectives provided in the Island Plan are –

- to minimise social deprivation through ensuring that adequate assistance is given to those in greatest need;
- to make better provision for those with disability.

In considering licence applications and in setting conditions for such licences, the JCRA should be required to aim at supporting the above social objectives. Suggested written directions on Social Policies are –

“In considering licence applications and in setting conditions for such licences, the JCRA should have due regard for –

- **the States’ strategic objectives to “*minimise social deprivation through ensuring that adequate assistance is given to those in greatest need*” and “*to make better provision for those with disability*”;**
- **the provision of basic telephony for -**
 - those who are particularly likely to need to summon assistance in their homes or

elsewhere due to disability, age or other factors;

- those requiring special facilities because of physical, mental or other challenges in using telecommunications services;
- public access for the purpose of summoning emergency services.”

Environmental policies

Relevant environmental objectives provided in the Island Plan are –

- to preserve open land while recognising and responding to the need to provide the Island’s economic and social policy objectives;
- to discourage development in the rural environment;
- to protect the best of the Island’s architectural heritage;
- to protect the Island’s natural ecosystems, and conserve their associated flora and fauna;
- to limit the impact of noise and other nuisances;
- to ensure compliance with international commitments;
- to raise levels of environmental awareness and responsibility.

In considering licence applications and in setting conditions for such licences, the JCRA should be required to aim at supporting the above environmental objectives. Suggested written directions on Environmental Policies are –

“In considering licence applications and in setting conditions for such licences, the JCRA should have due regard for –

- **the States’ strategic environmental objectives as set out in the Island Plan, including but not limited to the following –**
 - to preserve open land while recognising and responding to the need to provide the Island’s economic and social policy objectives;
 - to discourage development in the rural environment;
 - to protect the best of the Island’s architectural heritage;
 - to protect the Island’s natural ecosystems, and conserve their associated flora and fauna;
 - to limit the impact of noise and other nuisances;
 - to ensure compliance with international commitments;
 - to raise levels of environmental awareness and responsibility;
- **the need to minimise as far as is practicable any present and future detrimental impact on the natural and built environment of Jersey and on the health of its population.”**