

2.7 Connétable D.J. Murphy of Grouville of the Minister for Planning and Environment regarding the issue of planning permissions for mobile telephone masts in prime positions within the countryside:

Would the Minister explain to the Assembly why he has given planning permission for mobile telephone masts in prime locations within the countryside?

Senator F.E. Cohen (The Minister for Planning and Environment):

I consider that mobile phone masts will always have a negative visual impact in the countryside, the key is to minimise this effect. The States made a decision to liberalise Jersey's telecommunications market some years ago. The issuing of additional licences and allowing each operator to establish separate mast infrastructures was obviously going to lead to a significant increase in the number of masts. It is clear that having been awarded a licence an operator has a reasonable expectation of being allowed to establish a mast network. As a significant part of the Island can be defined as the countryside, it is evident that establishing an adequate network coverage would necessitate erecting a significant number of masts in the countryside. I was faced with 2 alternatives; either I approved around 30 huge shared lattice metal masts of the size of the present mast at Five Oaks or larger, or I approved a larger number of smaller masts. I decided the impact of the former was unacceptable and I therefore concentrated on minimising the impact of the smaller masts. I insisted on wooden telegraph pole replica masts, and one benefit is that they hide much of their electronics within the hollow core. I would make it clear that all appropriate existing lattice masts have been shared by the operators. Unfortunately many masts have been erected in the last few weeks without the applicant having had the time to plant the specified mature trees. Last week I inspected many of the recently erected masts and have personally confirmed the tree planting and landscaping for a number of the new masts to mitigate the impact. I am satisfied that while masts will never be anything less than an unwelcome visual intrusion in the countryside, I am doing everything possible to mitigate the visual impact.

2.7.1 The Connétable of Grouville:

I met with the J.C.R.A. (Jersey Competition Regulatory Authority) last week and they assured me that even though they are issuing these licences they have no input whatsoever into the planning decisions made by the Minister. I would say that he assumes that they have reasonable expectations for their masts; however would he also agree that the parishioners of Grouville and of the Island as a whole have a reasonable expectation to enjoy their countryside without the intrusion of these industrial-sized installations?

Senator F.E. Cohen:

I think that the use of the term "industrial-sized installations" is a little inflammatory and rather unnecessary. What I would say is that - and I repeat what I said earlier - a licence holder has a reasonable expectation of implementing a network in the Island. How else are they supposed to implement their licence? The Constable is well aware that I have done everything possible, particularly in relation to a certain mast in Grouville, to mitigate the impact. I accept that the visual impact is something that we would all rather do without, but unfortunately it is a consequence of allowing a number of operators to set up independent networks in the Island.

2.7.2 The Connétable of St. Helier:

Would the Minister agree that all of his remarks about the visual impact of phone masts in the countryside must apply equally to mobile phone masts in the urban areas, and would he confirm that he will be seeking to take corrective action, although you cannot plant a mature tree on top of a hotel, would he be seeking to take corrective action to reduce the visual impact of masts in the urban area?

Senator F.E. Cohen:

As the Connétable knows, I am seeking at the moment in relation to a particular mast that is of concern to him, to mitigate the visual impact. I accept that there is an obligation to mitigate the visual impact in the urban areas as much as in the countryside.

2.7.3 Deputy R.G. Le Hérisier:

At any point did the Minister - although he has portrayed himself as the hapless victim of other people's policies - at any point approach the J.C.R.A. or the Minister for Economic Development and say: "Look, this policy is having very perverse consequences, we have got to do something about it"?

Senator F.E. Cohen:

In terms of the way I portray myself I would say that the Deputy is one of those who is responsible for the decision to liberalise the telecommunications market, with the obvious consequences. No, Sir, I have not seen it as my job to go to the J.C.R.A. or to the Economic Development Minister and prostrate myself on the floor and complain about the terrible position in which they have put me. I dealt with it as best as I possibly could and as I have said I have concentrated on mitigating the impact, but 3 networks means 3 times the number of masts; it is as simple as that.

2.7.4 Deputy J.A. Martin:

In his opening answer, the Minister said he had a choice of either X amount of large masts or independent ones. Is it not true, Minister, that you did not really have a choice; all individual operators want their own masts and that is why we have been saturated with smaller masts all over the Island?

Senator F.E. Cohen:

I am not sure that that is correct. Certainly the large lattice masts, which have been shared, are perfectly adequate for the operators, they are quite happy to have their own gizmos on the top of the mast sitting next to the other operators' gizmos, but I am not sure that the operators would necessarily have preferred to have erected their own networks over the alternative, which may have been to force the existing operators, or require the existing operator to share their network at wholesale prices with other operators, but that was a decision that was taken before my time.

2.7.5 Deputy G.C.L. Baudains of St. Clement:

Obviously nobody denies that these masts are an unfortunate consequence of our adopting the policy of competition, but the question that troubles many of the members of the public - myself included - is why is it that these masts cannot be positioned in less-conspicuous places? I am aware of some recent installations where movement of merely 200 or 300 yards would put the masts virtually out of sight. Surely that would not affect its effectiveness. So, I ask the Minister would he endeavour for any future installations to ensure that wherever possible they are sited primarily in a place where they will be less conspicuous? I am not in agreement with planting mature trees, in fact planting mature trees at this time of the year surely has to be a waste of time, but I am not sure that they will have much effect in our lifetime.

Senator F.E. Cohen:

Yes, I can give an undertaking that I will do my best to choose the best locations, but I am afraid to say to that it is very hard in the countryside to find locations that do not have a significant visual impact, and that impact is always negative. We have done our best to try and balance the ability of the operator to place the mast in the least-intrusive location, but there are all sorts of issues, like, for example, if the mast is put in a hollow the mast has to be taller than if it is put at the top of a hump. It is quite a difficult balance to strike and we certainly have done our best.

2.7.6 Deputy I.J. Gorst of St. Clement:

Can the Minister confirm that his department considers coverage or range provided by these new masts, particularly in low-lying areas, thus limiting their proliferation?

Senator F.E. Cohen:

I do not think that that was a decision that is appropriate for the Planning Minister. The Planning Minister has to look at planning applications; it was not my job to consider limiting coverage. We have treated every application on its merits, we have tried to mitigate the impact as much as possible, but as I have repeatedly said these masts have a very negative impact in the countryside and there is nothing I can do about that other than to try and mitigate as far as possible.

2.7.7 Deputy P.J.D. Ryan of St. Helier:

Would the Minister tell me who he believes is responsible when there are unforeseen and detrimental effects from a previous States' decision that are rearing their heads; who does the Minister think that is responsible if it is not him? Where does the buck stop?

Senator F.E. Cohen:

I think that I do not want to cast blame, what I do want to make clear is that - and it is very easy to pontificate with the benefit of hindsight - if the previous Economic Development Committee had considered the impact of mobile phone masts, and I really do not think anyone realised quite the impact these were going to have, that they may have directed that some form of requirement to share the existing network could have been a better solution. But, of course, I am not aware whether the technology would have worked, how much the technology would have required to be upgraded to facilitate some sort of wholesale networking arrangement, and whether the licence holders would have been prepared to accept that.

2.7.8 The Connétable of Grouville:

With regard to my previous question, would the Minister agree that the reasonable expectations of the people of the Island should take precedence over the reasonable expectations of international mobile phone companies?

Senator F.E. Cohen:

I think perhaps the States should have considered that at the time that liberalisation was agreed. There are also other issues, like the fact that many tens of thousands of Islanders regularly use mobile telephones as an essential method of communication and they are entitled to have freedom of choice in the marketplace and to be able to choose which operator they wish to go to and to have competition that forces prices down, but that does not mean that that is a defence for the negative visual impact, and I absolutely accept that we would have been much better off without any masts in the countryside.