

STATES OF JERSEY



REVIEW INTO THE PERCEIVED HEALTH EFFECTS OF MOBILE PHONE MASTS (S.R.8/2007) – RESPONSE OF THE MINISTER FOR PLANNING AND ENVIRONMENT

Presented to the States on 7th September 2007
by the Minister for Planning and Environment

STATES GREFFE

**S.R.8/2007 – Review into the Perceived Health Effects of Mobile Phone Masts
Presented to the States on 20th April 2007**

Response of the Minister for Planning and Environment

Introduction

I should like to compliment the Health, Social Services and Housing Scrutiny Panel on its hard work in undertaking this Review. I know many submissions were received ranging from short emails to long documents and the Panel must be congratulated in releasing the report so quickly given all the information to consider.

The Findings

The Panel gave consideration to the perceived health effects of mobile phone masts including the advice given by the Health Protection Department, the international standards and the concerns raised by the public. The Panel concludes with 25 findings and provides 7 recommendations to several Ministers. I will comment on those recommended to me –

2. The Sub-Panel recommends that the Ministers for Health and Social Services, Economic Development and Planning and Environment be invited to agree to the following –

2.1 In addition to the first recommendation from the April 2006 Health Protection Report, to ensure that all base stations are subject to a planning application. (*It is noted that the Minister for Planning and Environment has already complied with that recommendation*).

All telecommunication equipment requires planning permission with the exception of antenna placed inside buildings and equipment erected by or on behalf of The States of Jersey.

The Planning and Building (General Development) (Jersey) Order 2006 included an exemption for antennae that cannot be seen from a road. This exemption has been removed for all telecommunications equipment in the new Planning and Building (General Development) (Jersey) Order 2007 which was adopted on 1st June 2007.

2.2 That the necessary measures should be identified to introduce the establishment of agreed emission levels with the operators on individual mobile masts of any description on a case by case basis. Operators should be required to notify the Planning Department of the minimum signal strength (within existing guidelines) capable of ensuring effective transmission from each new site and once agreed this should become a condition of each individual Planning application. It is further recommended that steps be taken to review the output of pre-existing installations with a view to reducing emission levels wherever possible. (*The Sub-Panel considers that the more stringent precautionary approach is justified on the basis of the growing level of expert opinion expressing concern over the effect of EMFs.*)

Agreed emission levels with operators have already been in place since February 2006. Every telecommunication planning application after February 2006 has been accompanied by an ICNIRP certificate which establishes an estimated emission level. This level has been conditioned on the permit to ensure that the actual level is in accordance with the estimated level. In this way, I have ensured that every base station site that requires planning permission since February 2006 is significantly below the ICNIRP guidelines.

The current best practice in the U.K. is for operators to simply confirm that the emission levels are within international guidelines. Our approach has been to establish agreed emission levels at every individual site.

The majority of base station sites have now been granted full permission as they have proven that the actual emissions one year later are in accordance with the agreed emission levels conditioned on the permits. In terms of reviewing previous permissions with a view on reducing emissions, there is no current avenue open to me to do this. Under the Planning and Building (Jersey) Law 2002, I am unable to apply new conditions on permits which have been previously approved. However I believe that this review could be more adequately dealt with the

independent monitoring of the sites under Recommendation 3.3.

7. The Sub-Panel recommends that the Minister for Planning and Environment –

7.1 Confirms that the necessary power is available to him within the Planning and Building (Jersey) Law 2002 or subordinate legislation to insist that any existing mobile mast structures can be moved or removed if the perceived health risks associated with EMF emissions are proven and international guidelines change (or if masts are found not to be compliant with guidelines).

Under the Planning and Building (Jersey) Law 2002, I only have the power to enforce the removal of a structure if it is not in accordance with the planning permission given. The planning permissions given for base stations restrict the type of equipment used and therefore restrict the power output and the emission level. The operators cannot ‘turn up’ the power, they cannot exceed the emissions agreed upon, and they cannot change the antennae used, without planning permission. However, as long as the structure complies with the planning permission and the structure is complete, then I have no power to enforce their removal or their being moved.

Furthermore, the reason I do not have the powers suggested is that I am not responsible for protecting the Health of the public. I believe that the powers suggested are within the responsibilities of the Minister for Health and Social Services.

7.2 To confirm that if that provision in statute is not currently available, that he will take the necessary action to ensure its addition to the existing legislation.

If international guidelines are changed, and the masts on Jersey are proven to be dangerous to the general public, then I believe that it is within the Minister for Health and Social Services responsibility to safeguard the safety of the public and stop the dangerous activity.

I suggest that this recommendation is made to the Minister for Health and Social Services, as I believe that he has existing powers to abate matters that are prejudicial to health or a nuisance under the Statutory Nuisances (Jersey) Law 1999.

Recommendations to other Ministers

3. The Sub-Panel recommends that the Minister for Economic Development be requested to provide the JCRA with guidance on social grounds to ensure the following –

3.3 That guidance should be issued requiring emission monitoring compliance to be undertaken by an independent body, to be appointed by the JCRA and funded by the telephone operators. That the guidance should recommend that the appointee would be required to undertake periodic (quarterly) random emission testing of radiation from base stations without prior notice to the operator. The JCRA would monitor and ensure operators compliance with their issued licences and that the reports from those tests be made publicly available.

I requested that each operator commit to funding independent monitoring before I continued to determine planning applications. I have received written confirmation from all companies that they agree to this recommendation subject to the exact details of how this will be carried out.

3.4.4 That the Minister for Economic Development liaise with the JCRA to develop enabling legislation without the requirement for complaint from an operator, to require mast sharing and impose a licence requirement that the mobile telephony infrastructure be operated through a fibre optic spine wherever possible. The erection of multiple mast clusters should also be discouraged.

All existing infrastructure that can be shared, is being shared. There are no outstanding opportunities for mast sharing that I am aware of.

I would also like clarification on ‘mast clusters’. Is this related to site sharing, for example, the siting of 2 or 3

wooden telegraph poles in the same field? The co-location of installations in certain instances can significantly reduce the visual impact on an area. In some instances, for example 3 wooden telegraph poles in the same field, the alternative would be to allow a 30 metre lattice mast, like Five Oaks, which I consider more visually intrusive than 3 poles. Another example is roof top sites in St Helier. I consider it better from a visual impact point of view to have 1 roof top with 6 antennae than to have 3 roof tops with 2 antennae each.

Policy NR12, 'Telecommunications', of the Island Plan 2002 requires that all opportunities for 'sharing facilities' are explored. This includes mast sharing and site sharing, i.e. co-locating installations. The Island Plan therefore encourages the co-location of telecommunication installations and I have followed this policy.