

SCRUTINY REVIEW OF MOBILE PHONE MASTS

NOTES OF MEETING HELD ON 19 DECEMBER 2005

Members present: Councillors Bull and Hoban

SCMP 6 APOLOGIES FOR ABSENCE (IF ANY)

Received from Councillor Basu

SCMP 7 URGENT BUSINESS

None

SCMP 8 DECLARATION OF INTEREST, IF ANY, IN RESPECT OF ITEMS ON THE AGENDA

Councillor Bull advised that his employing company had recently been taken over by a company with business interests in the mobile phone market. They were not one of the five operating companies. He stated that he would be taking further advice on whether he needed to update the public register of Members interests to make his position perfectly clear or to make a further statement.

SCMP 9 NOTES OF MEETING HELD ON 25 NOVEMBER 2005

Residents considered that there was a need for the Council to look into the issue of its own liability as a landlord and employer to ensure that all reasonable precautions had been taken to protect residents, staff and visitors.

RESOLVED:

That the notes of the meeting held on 25 November 2005 be agreed and signed subject to the following addition under "SCMP 5 " -Other issues raised

- Liability of the Council where masts were installed on Council land

SCMP 10 MOBILE PHONE MASTS (Report of the Assistant Director, Planning, Environmental Policy and Performance)

The Panel received details of the number of masts/antennae sites in Haringey, the number of applications submitted to the Planning service since April 2000, on the level of consultation carried out on Planning applications, and on roll-out plans of the five Mobile phone companies for future installations.

There was some discussion as to whether there were additional TETRA sites. The Panel would be supplied with details of all the information that the Council should be provided with for all applications for masts.

Visual amenity was the only grounds for refusal of planning permission. Where applications were refused the appellant was able to appeal to the Planning Inspectorate who would visit the site and consider the evidence from the Council, the appellant, and from local residents and make a decision. Some Inspectors took perceived health risks into account. Applicants could not resubmit the same application on another occasion. Equally the Council could not introduce an additional reason for refusal at a later stage. In this situation the mobile phone companies could come back with a revised scheme which was visually different and therefore it was difficult for the Council to refuse the application. The reasons for residents' objections had to relate to planning matters rather than sheer numbers of objections. The Planning service did try to explain the factors that could be taken into account as a material consideration in their consultation letter. Also the Council organised public consultation meetings and wished residents to be engaged with the process. They gave advice to residents not to object on health grounds. It was suggested that perceived health risk should be sited as a reason for refusal on all new applications. The Panel was advised that Chris Maile from Planning Sanity had produced written evidence to suggest that this reason could be used. Local residents agreed to ascertain whether any other Council's had introduced supplementary planning policy. Also residents suggested for applications under prior approval loss of amenity should be a material ground to refuse such applications.

There was a suggestion that there had been further objections in respect of some of the applications than was stated in the report. In particular in respect of the application for Durnsford Road the Panel was advised that many e-mails had been sent to the Chief Executive. Officers explained that the information had probably been taken from the report to Planning Committee and that comments received after the report had been prepared would have been reported verbally to the Committee and would be shown in the minutes. The Panel noted that there was a planning consultation policy and that for mobile phone mast applications the formula for consultation was always exceeded. Additionally a site visit was undertaken to ascertain whether there were any other nearby properties that should be consulted and in Conservation Areas notices were posted up. Residents considered that notices should be posted up for all applications. Additionally all operators were encouraged to undertake pre-application consultation for any major scheme.

Residents expressed concern that the mobile phone operators were not taking the views of residents into account and examples were given.

In response to a question as to the consequences of a ban of masts on Council owned land officers advised that the planning process was the same for applications on Council land and on private land. It was considered worthwhile to ask other Council's that had introduced a ban whether it had reduced the number of masts in the Borough. Additionally there may be sites on Council land that would be suitable for masts such as in Parks. If an exclusion zone or a near exclusion zone was introduced around schools and

other sensitive sites officers stated that there may possibly be no masts in Muswell Hill.

Other issues raised included:-

- Responsibility of Council for the protection of children (Children's Act 1979) Human Rights Act 1998 and Aarhus Convention
- Potential to illegally upgrade specification on sites. The possibility of spot checks was suggested.

RESOLVED:

1. That the evidence received be taken into account in the preparation of the final report.
2. That a detailed breakdown of the number and location of phone masts be provided on a Ward by Ward basis.
3. That the Panel give consideration to the evidence produced by Chris Maile from Planning Sanity on supplementary planning policy.