

58012 Telecommunications Planning Applications and Safety - Missing Documentation

It has come to my attention that within the council planning portal several records concerning telecommunications planning applications are deficient in the self-issued certificate (or declaration) covering the ICNIRP Guideline for EMF emissions from telecommunications base stations. As you are no doubt aware this is a mandatory document within the planning system for telecommunications and is a matter for public record.

I will list below the few cases in question and would be grateful if you could supply copies of the missing documents or any explanations of why the Planning Department may think they are not needed, or were not needed at the time of the application.

23/00898/PNT - The document within the application cannot be opened. I note that the file name extension is '.msg' which may mean that it was sent as the body of an email. Would somebody please convert it into a jpg, Word or PDF file so it can be accessed?

23/00571/PNT - the ICNIRP declaration is missing.

22/03584/PNT - the ICNIRP declaration is missing.

20/04195/PNT - the ICNIRP declaration is missing.

20/02929/PNT - the ICNIRP declaration is missing.

20/02726/PNT - the ICNIRP declaration is missing.

20/02339/PNT - the ICNIRP declaration is missing.

20/02335/PNT - the ICNIRP declaration is missing.

13/00289/PNT - the ICNIRP declaration is missing.

If any of the equipment has been decommissioned and removed, you may simply say that and not provide the certificate.

This is not a trivial request since it is the ICNIRP declaration that gives assurance that the mobile network operator has tested and verified that the equipment will be operated within the guideline framework of emissions, which is the UK accepted standard for human safety. (human, nothing else.)

23/00571/PNT – The agent has confirmed in Supporting Documents that the proposal is ICNIRP compliant and states that a certificate is attached although this has not been uploaded to the Portal.

22/03584/PNT – The certificate was missing from the submission.

20/04195/PNT – The certificate was missing from the submission.

20/02929/PNT - ICNIRP Certificate was submitted and is publicly available on the Portal.

20/02726/PNT - ICNIRP Certificate was submitted and is publicly available on the Portal.

20/02339/PNT - ICNIRP Certificate was submitted and is publicly available on the Portal.

20/02335/PNT - ICNIRP Certificate was submitted and is publicly available on the Portal.

13/00289/PNT – The certificate was deemed to be not required.

The Scottish Government published a statement on mobile and wireless telecommunications in June 2023:

<https://www.gov.scot/publications/5g-and-public-health-position-statement/>

Health implications are not a material consideration and cannot be taken into account by the Planning Authority when a Planning Application or an application for prior approval is submitted to the Planning Authority. Notwithstanding this, all telecommunications development which involves the installation of one or more antennas (including antennas situated within masts), must be accompanied by an ICNIRP declaration. An ICNIRP declaration is a declaration by the developer that the antenna is designed to be in full compliance with requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection which places limits on the exposure of the general public to electromagnetic fields.

For clarification, under the 2017 amendments to the GPDO (The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2017) which came into effect on 31 July 2017, the following ICNIRP requirements applied:

Conditions

(15)(a) Development under sub-paragraph (1)(a) consisting of—

(i) the construction or installation of one or more antennas or of equipment housing; or

(ii) the alteration or replacement of a ground-based mast,

is permitted subject to the condition that the developer must give written notice to the Planning Authority of the intention to carry out the development at least 28 days before development is to commence, but this condition does not apply to development to which the conditions in sub-paragraphs (17) or (23) apply.

(b) The notice to be given under head (a) must include—

(i) a detailed description of the development;

(ii) a plan showing the location of the development; and

(iii) in the case of development consisting of the installation of one or more antennas, an ICNIRP declaration.

As detailed in the list above, an ICNIRP Certificate has been submitted or declared for most of the submissions subject to the enquiry. It is acknowledged that in cases 22/03584/PNT and 20/04195/PNT this document is missing. It may be that this document was submitted directly to the Case Officer upon request following initial submission of the application, and that this was not saved to the Planning Portal. However, as the Case Officers for these cases no longer work at the Council this cannot be confirmed.

Regarding the 2013 case, ref: 13/00289/PNT, the officer's comment states, "*The application is a prior notification for the installation of replacement telecommunications equipment. The proposed installation comprises of one dish antenna at a height of 12.2metres. Notice of the above is given in accordance with section 3(a)(1) of Class 67 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The proposed layout and location of the development is provided in accordance with section 3(b)*

of the Order. The proposal constitutes permitted development in accordance with section 3, Class 67 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), and as such no prior approval is required for the installation of the telecommunications equipment as specified. The submission of an ICNIRP certificate is not required.”

It is acknowledged that this is incorrect and a ICNIRP Certificate should have been submitted in this case.

ICNIRP certificates are the responsibility of the provider. Whilst these should have been, and would normally be, submitted to the Local Authority as part of the Prior Notification, the details subject to the ICNIRP are not assessed by the Planning Authority. It is the Planning Authority's duty to determine whether the works are Permitted Development. Any enquiries with regards to Health and Safety and matters pertaining to the ICNIRP can be directed directly to OFCOM as the regulatory body. Their contact details are published on their website at:

<https://www.ofcom.org.uk/about-ofcom/what-we-do/contact-us>