

PLANNING FOR TELECOMMUNICATIONS

JANUARY 2008

WHO IS ECS?

- ECS is a technical consulting firm
- ECS is independent of operators and anti-mast groups
- ECS has worked for about 170 Local Authorities
- We specialise in this area of planning
- We provide training courses for Officers and Members
- Our training courses for Officers and Members are highly regarded
- Our advice is "jargon free"
- We advise at Appeals and Inquiries
- We work quickly—we understand your deadlines
- We are familiar with the legislation in England, Wales and Scotland
- We provide **FREE** initial advice on the phone!

CHANGES TO VALIDATION OF TELECOMS APPLICATIONS

The Government's initiative to introduce a single application for planning permission looks set to cause some confusion regarding telecoms apps. The guidance on validation is particularly interesting. In essence, Local Authorities will be able to include additional information that will be required to validate applications, although that information must come from the relevant "national list of local requirements". Once a list is adopted, applications that don't have the required documents will be invalid. Clearly a test of reasonableness applies to the information that can be required.

The national disgressionary list for telecoms apps includes obvious things like an IC-

NIRP certificate but goes on to say "further guidance on information that may be required is set out in the **"Code of Best Practice on Network Development"**. This document includes a great many things that could find their way onto Local Authority lists.

Consultation is required before local lists are adopted but with the system coming in on 6 April and a suggested minimum consultation period of 6 weeks, there's not much time!

Unfortunately the Validation Guidance is not in step with the GPDO for telecoms in respect of which day is *day 1* for counting the 56 day period so confusion looks likely.



The Validation Guidance indicates that the GPDO will be changed to include the validation process. Let's hope they get the changes right!

We have put together some useful links on this topic. Access them at www.ecsconsulting.co.uk/links.htm

DOWNTURN IN TELECOMS MARKET=LESS MAST APPS?

The mobile telecoms market has slowed substantially in the UK over the last 12 months. Third Generation has proved to be something of a white-elephant. Mobile television services—launched with a great fanfare less than a year ago, were quietly axed last

month.

The mobile operators are rapidly diversifying into fixed telecoms services—what does that tell you about mobile profitability?

From a planning perspective this means less applications for masts. Welcome

news for some perhaps, but those skills, gained by dealing with so many apps for mast will soon disappear.

If we can help, give us a call. It costs surprisingly little to get our expert opinion on mast apps!

Web site

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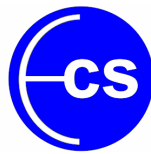
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I N D E P E N D E N T O B J E C T I V E A D V I C E

CAN YOU RELY ON PLANS?

I was involved in a most interesting Public Inquiry in Taunton recently. In essence an O₂ monopole received consent by default due to an admin. error by the Council.

The monopole as built did not conform to the plans submitted to the Council. The Council took Enforcement action which was appealed against and a Public Inquiry was called.

O₂'s position throughout the lead-up to the Inquiry was that the mast was built according to the plans

and even if it wasn't, the differences were not material.

At the Inquiry they sought to argue that Local Authorities cannot rely on plans submitted by O₂ irrespective of their stated scale as their plans indicate that only the written dimensions are accurate. They extended this argument to say that in respect of masts built under the GPDO only the height matters (must be 15 metres or less). A few happy hours were spent at the Inquiry

listening to arguments about scales, reproduction of drawings and other related matters. Eyebrows were raised when the *reductio ad absurdum* was brought forward by Counsel for Taunton Deane, showing the full (and rather bizarre) implications of O₂'s legal submission.

The Planning Inspector was unimpressed by O₂'s arguments and the appeal was dismissed.

Check those O₂ plans carefully!

Download the decision

ECS Limited has been providing Local Authorities with independent advice on planning applications for radio masts for over 10 years. We do not work for the mobile operators or for anti-mast groups. Our experience however comes from previous work within the mobile industry. We now use that experience to *your* benefit!

We have worked for about 170 Local Authorities, providing advice on many hundreds of planning applications for masts. We have spoken at national conferences for bodies such as the Association of AONBs and ANPA.

In addition to advice on applications, we have assisted at Public Inquiries.

Our training courses for Officers and Members are highly acclaimed!



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