

PERTH AND KINROSS COUNCIL

Environment, Infrastructure and Economic Development Committee

16 November 2022

MOBILE TELECOMMUNICATIONS POLICY STATEMENT

Report by Head of Planning and Development

(Report No. 22/279)

1. PURPOSE

- 1.1 To update the Committee on the development of mobile phone networks in the UK and the implications for Perth and Kinross. The paper presents a policy statement on telecommunications which, it is proposed, should be adopted to guide the Council's support for mobile network deployment, in what will be an intensive period of activity over the coming few years.

2. RECOMMENDATIONS	
2.1	<p>It is recommended that the Committee:</p> <ul style="list-style-type: none">(i) approves the Mobile Telecommunications Policy Statement for Perth & Kinross(ii) notes there will be a Single Point of Contact on telecommunications with the responsibility to liaise with Scottish Government, Scottish Futures Trust, Scotland's 5G Centre and Mobile Network Operators, to be identified by the Head of Planning and Development.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Proposals
- Section 6: Conclusion
- Appendices

4. BACKGROUND / MAIN ISSUES

- 4.1 Digital connectivity has risen in importance following the Covid-19 pandemic and will undoubtedly underpin the success of local economies in the future. Councils have an influence on how mobile networks get built, from a planning, strategic economic and digital development perspective. Mobile networks are considered essential national infrastructure but are ultimately delivered locally with the help of local councils. Mobile Network Operators (MNOs), national and local government working together is essential if 4G and 5G connectivity is to be available to as many people and businesses as possible.

- 4.2 The Council has a further vested interest in boosting digital connectivity, because the more people are online, the easier it is to deliver services online. The fixed line digital connectivity has been boosted in recent years thanks to the Digital Scotland Superfast Broadband (DSSB) programme, now being taken forward through the Reaching 100% (R100) programme. However, Perth & Kinross superfast broadband connectivity still only reaches 87.9% of premises. The recent Local Full Fibre Network project, supported by UK Government and Tay Cities Deal, has seen 136 of the Council's buildings connected last year to gigabit capable broadband speeds.
- 4.3 Mobile network connectivity is less developed, however, with almost one fifth of Scotland's land mass not having 4G coverage from any operator. Within Highland Perthshire, there are numerous 'partial not-spots' and some 'total not-spots' for mobile network coverage. This impacts upon quality of life for residents but also impacts on council service delivery – such as our Countryside Rangers seeking to manage rural visitor sites; the delivery of rural public transport services; and, increasingly, the delivery of digital health and social care services in the form of virtual consultations and remote monitoring of patients. These, and other services, can be transformed, and costs reduced through digitalisation, but only if connectivity is improved.
- 4.4 The Council's telecommunications policy dates back to November 2001 (Report No. 01/758 refers). It was developed at a time when mobile telephone ownership and usage was still low and smart phones were not available (the first iPhone came out in 2007). Now 92% of the UK mobile users have a smart phone, rising to 96% of 16-24-year-olds (Uswitch mobile phone statistics, 2022) and nearly half the population say they use smart phones more now than before the pandemic.
- 4.5 In 2001, the Committee was informed of the need to update the telecommunications policy, first set in 1997, which – at that time - restricted installation of telecommunications masts on Council properties primarily due to health concerns. The Committee agreed to remove the then moratorium on siting of equipment but to continue to take a precautionary approach. This was essentially avoiding properties in continuous educational, public or staff use, and extending to power and signal cables where they served telecoms' developments adjacent to excepted Council properties.
- 4.6 There are now potentially more than 20 more mast (or so called 'macro') sites to be deployed over coming years under the Shared Rural Network in Perth & Kinross - which is a UK Government initiative to improve 4G coverage in rural areas - and private MNO investment. Together, these amount to over £1bn of investment split equally between private and public funding. The Electronic Communications Code (ECC) also came into force in December 2017 and this now requires the Council's telecommunications policy to be reviewed and updated. The Code brings a significant change to the law in this area, allowing for the siting of masts and associated infrastructure under permitted development.

- 4.7 Linked to this, the Scottish Government is keen to improve the mobile network infrastructure and is in the process of working with operators to deploy further masts across Scotland through the 4G Infill Programme (4GIP). It is also supporting Scottish Futures Trust who have developed a suite of guidance and tools to help local authorities with the lease and charging agreements around the siting of telecoms equipment. The Council has participated in this 'Infralink' initiative and helped develop these tools which are now available for all local authorities to use. A further UK Government supported 'Infralink Exchange' initiative looking at the use of council street furniture for small cells is currently underway involving all Tayside local authorities.

Mobile Network Technology

- 4.8 Mobile communications technology has developed through several generations (the 'G's') and there are now many 2G, 3G and 4G base stations installed throughout the UK, providing services to users of mobile phones and other devices. A fifth generation of the technology (5G) is now well developed and reflects the latest evolution in mobile communications technology which will soon move to 6G.
- 4.9 Base stations are stationary radio transmitters with antennae mounted on freestanding masts or on buildings. The largest base stations provide the main infrastructure for networks and may be up to several kilometres apart. Antennae tend to be mounted at sufficient height to give them a clear view over the surrounding geographical area. Smaller base stations tend to be mounted nearer to ground level and provide additional radio capacity where there are a high number of users, such as in cities and towns.
- 4.10 The radio waves transmitted by base stations are radiofrequency electromagnetic fields (EMFs), a form of non-ionising radiation, and have frequencies in the microwave region of the electromagnetic spectrum. More recently, the masts or macro sites have been supported by 'micro' sites such as 'small cells'. Telecommunications providers are set to make heavy use of small cell technology to roll out 5G coverage, particularly in urban areas.
- 4.11 Small cells make use of low-power, short-range wireless transmission systems that cover small geographical areas or small proximity indoor and outdoor spaces. Small cells have all the same characteristics as base stations that have been used by telecom companies for years. However, they are uniquely capable of handling high data rates for mobile broadband and consumers and, for IoT, high densities of low-speed, low-power devices.

Health effects

- 4.12 Mobile network base stations transmit and receive radio waves to connect the users of mobile phones and other devices to mobile communications networks. The strength of the radio waves from base station antennae reduces rapidly with increasing distance and the levels at locations where the public can be exposed tend to be small.

- 4.13 The health effects of exposure to radio waves have been researched extensively over several decades and has addressed concerns about rapidly proliferating mobile communications technologies from around the year 2000. Independent expert groups in the UK, and at international levels, have examined the accumulated body of research evidence. Their conclusions support the view that health effects are unlikely to occur if exposures are below international guideline levels. The consensus appears to be that it is unlikely that mobile phones or base stations increase the risk of health problems, although there is still some uncertainty about the potential for risks from long-term use over decades. The UK Health Security Agency (UKHSA) continues to monitor the health-related evidence applicable to radio waves, including in relation to base stations, and is committed to updating its advice as required.
- 4.14 The Council continues to follow the guidance from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in the accompanying Mobile Telecommunications Policy Statement (Appendix 1).

The Electronic Communications Code

- 4.15 The legal framework underpinning rights to install and maintain electronic communications infrastructure on private and public land is contained in the Electronic Communications Code (ECC), which is part of the Communications Act 2003. A Telecommunications Code was first enacted in the UK in the Telecommunications Act 1984. In 2003, the Code was extended to cover all electronic communications and the Digital Economy Act 2017 introduced an entirely new code – the ECC - on 28 November 2017. The Digital Government (Scottish Bodies) Regulations 2022 added Scottish Bodies to the schedules of the Digital Economy Act 2017. The reforms made to the Code in 2017 were intended to support faster and easier deployment, as well as encouraging industry investment in digital networks. These changes strived to balance the need for digital infrastructure with the rights and interests of landowners and other site providers. The UK Government has been keen to keep the Code updated so that the potential economic and social benefits of fast and reliable connectivity can be realised.
- 4.16 The Council must comply with the new Code which requires public (and private) authorities to work with the telecommunications industry in the deployment of telecommunication infrastructure, equipment and services. This does not affect statutory and legislative processes in relation to planning, road safety and closures. OFCOM still enquire, investigate and legislate on safety standards in relation to utilities, including mobile telecommunications. The Council is still consulted on all proposed new mast sites and has already received several as part of the Shared Rural Network deployment of new masts.

5. PROPOSALS

Council Mobile Telecommunications Policy Statement

- 5.1 An updated Mobile Telecommunications Policy Statement is needed to align the Council with current national telecommunications policy in the light of the ECC and an anticipated intensive period of activities over the coming few years. The Statement continues to be mindful of unintended locational consequences for residents, landowners, landscape, townscape and public health, whilst adopting a constructive approach to the siting of telecoms masts to support digital infrastructure. There will be a significant number of new masts being erected over the next few years across the Council area due to the Shared Rural Network and there will also be new applications for 5G masts. A planning application for a 20m mast on Dunkeld Road, Perth, was refused by Committee in December 2021 on grounds of visual impact. A subsequent appeal was also dismissed by a Scottish Government Reporter.
- 5.2 Current mast sites on Perth and Kinross land – five in total - are leased to telecoms operators and are at varying stages in terms of the lease agreements. Often when the lease agreement is due for renewal or renegotiation, the Council will employ a land agent with specialisms in telecommunications equipment to act for it so that the best return can be achieved. These are paid for by the industry but increasingly – because of the ECC and because of the Councils involvement in Infralink – this role is becoming less important as the income generated from these leases diminishes, because as mast sites and coverage proliferates, rental income also diminishes.
- 5.3 Whilst the Council recognises that mobile connectivity and fixed fibre connectivity are equally important, it is the case that mobile connectivity has received much less profile nationally and locally. There is an opportunity now, with the Shared Rural Network impacting on Perth & Kinross, that building mobile networks should be a key priority in the digital infrastructure strategy for the region. This will require a partnership between MNOs and the Council working together to ensure 4G and 5G connectivity is to be available to as many people and businesses as possible.
- 5.4 The Mobile Telecommunications Policy Statement to update the policy that was set in 2001 relating to siting equipment near Council buildings is attached as Appendix 1. It is wider in scope (not confined to telecoms on Council buildings) and more pro-active in encouraging new telecommunications masts and equipment across Perth & Kinross. However, it recommends that the Council should still seek to avoid educational, public or staff use premises where there may be public concerns. It should also continue to minimise the impact on the landscape of masts through the planning process.

- 5.5 Appropriate Local Development Plan policies will be considered and consulted upon to ensure they reflect both the need to roll out mobile networks alongside fixed fibre networks, while protecting amenity. Operationally, an officer Single Point of Contact for MNOs will be identified to facilitate the roll out of the private and publicly funded parts of the Shared Rural Network in Perth & Kinross and to coordinate the involvement of services in enabling this.

6. CONCLUSIONS

- 6.1 Councils are instrumental in delivering both fixed fibre and mobile networks, through granting planning permission, ensuring future development is planned with mobile connectivity in mind, or providing their public assets to host mobile equipment. How local authorities interpret planning and street works regulation, and how they design local economic strategies, have a bearing on how efficiently mobile infrastructure can be deployed. In short, councils influence the speed and cost of mobile infrastructure being built. Mobile networks are increasingly a key priority in the digital infrastructure strategy for the area, as the Council enables more services to be accessed online from wherever you are and to promote economic development in all areas. This requires partnership between MNOs and the Council working together so that 4G and 5G connectivity is available to as many people and businesses as possible.
- 6.2 Councils need to think about their future mobile connectivity needs in the same way that they think about other types of essential economic infrastructure like roads, housing, utilities and even fibre broadband. Improvements to mobile technology often move faster than councils can update their local development plan policies. Mobile connectivity has become so vital to everyday life that residents and businesses need to have access to the best possible mobile connectivity now and in the future. The Council's own LDP policy on telecommunications is proactive and up-to-date and will be reviewed again in due course. Meanwhile, the Mobile Telecommunications Policy Statement will put in place a supportive statement for the Council to the telecommunications industry that the Council wishes to see improved connectivity in the area and is willing to work with the industry, national government and agencies such as SFT through the Infralink initiative to achieve this.
- 6.3 With the Policy Statement in place and the areas that it identifies for action - the Council will be pro-active and supportive in developing digital connectivity, working with the mobile industry to enable the roll out of networks that are now essential to life in our rural areas. However, the Council will still place health concerns as a priority and will seek to avoid educational, public or staff use premises and consider all applications for equipment in relation to environmental and health issues to ally public concerns and minimise the impact on the landscape of masts through the planning process.

Authors

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APPENDIX 1 – Mobile Connectivity Policy

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting



Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Corporate Plan

1.1 The Council's Corporate Plan 2018 – 2023 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.2 This report relates to all of these objectives.

2. Resource Implications

Financial

2.1 There are no direct financial implications arising from this report other than those reported above.

Workforce

- 2.2 There are no direct workforce implications arising from this report other than those reported above.

Asset Management (land, property, IT)

- 2.3 There are no direct asset management implications arising from this report other than those reported above.

3. Assessments

Equality Impact Assessment

- 3.1. Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2. The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

4. Consultation

Internal

- 4.1 The Executive Directors and Chief Operating Officer have been consulted in the preparation of this report. In addition, Planning, Estates and Corporate

Property Asset Management have also been consulted and comments received and incorporated.

2. BACKGROUND PAPERS

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.