

# **Health, Social Services and Housing Panel Telephone Mast Review**

**TUESDAY, 23rd JANUARY 2007**

**Panel:**

Deputy A. Breckon of St. Saviour (Chairman)

Deputy C.H. Egré of St. Peter

Senator B.E. Shenton

Connétable M.K. Jackson of St. Brelade

**Witnesses:**

Senator F.E. Cohen (Minister for Planning and Environment)

Mr. R. Glover (Principal Planner)

**Deputy A. Breckon:**

It is 3.30 p.m. Thank you, we are back in session. Welcome to the Minister for Planning and Environment Senator Freddie Cohen, and Richard Glover Principal Planner. Before I begin, gentlemen, what I would like to do is place on record the appreciation of this panel for the work and effort and co-operation of Kelly Johnson. It has been absolutely tremendous. I have been involved in a number of things and I can say that the professionalism and dedication she has given to our efforts for information have been exceptional. If you could pass that on, we would appreciate that. I would like that to go on the record to the Chief Officer and her Line Manager in that department. Then also place on record our appreciation for Richard Glover's attendance at 2 public meetings we had on Thursday evening, also on Friday, because it was unofficial. We had a good 70 people there or similar. I think it was the constable's hospitality that did that but it is certainly appreciated and I would appreciate it if you could pass that on. I would certainly like that on the record.

**Senator F.E. Cohen (Minister for Planning and Environment):**

Thank you, I certainly will do so.

**Deputy A. Breckon:**

We are here because, as you will know, this stems from the Health, Social Security and Housing Panel, of which I am Chairman. This is a sub-panel to look at a scrutiny review of telephone masts. Members are: the Deputy Chairman is Collin Egré, Mike Jackson and Ben Shenton, who will all be known to you. Can I take it as read that you are aware of the terms of reference without me reading that?

**Senator F.E. Cohen:**

You can.

**Deputy A. Breckon:**

Then I will just ask Collin to --

**The Deputy of St. Peter:**

Excuse me going through the formal details but it is one of the --

**Deputy A. Breckon:**

It is a formal process.

**The Deputy of St. Peter:**

It is important that you fully understand the conditions under which you are appearing at the hearing. The panel's proceedings are covered by the parliamentary privilege through Article 34 of the States of Jersey Law 2005 and as a result you are protected from being sued or prosecuted from anything said during the hearing, although this privilege should obviously not be abused. The proceedings are being recorded and transcriptions will be made available on the Scrutiny website.

**Deputy A. Breckon:**

That for you, Minister, is slightly different because you have immunity as a States' Member, so that applies to the officer rather than -- and that is there for you. What I would like to do in a moment is just to ask you to introduce yourselves. I would just like to say a few words first. As I said, we are grateful for the co-operation that we have had from the office of your department, and I should say that it is indeed sincere. Today is part of a process - it is not the end of a process - so there could well be something that arises that we might want to be in contact again. Proceedings are fairly relaxed, so please do not feel you are on trial for anything. We are not here to prosecute or persecute anybody. Hopefully we can keep it businesslike but fairly informal. Collin mentioned the transcripts; we are having them done fairly quickly so hopefully within 48 hours you will get a copy of that. If there is anything in there that you realise is factually incorrect that you want to change, it will not be a problem. After about 7 days after that they will become a matter of public record, but you will get the opportunity to do that. What I was proposing is that either of you may speak as you see fit. Questions will not be directed at anyone in particular, so please feel fairly relaxed about that, either/or to answer. That is all I have to say for now and I will hand over to you.

**Senator F.E. Cohen:**

You want me to just introduce myself?

**Deputy A. Breckon:**

If you could just, yes.

**Senator F.E. Cohen:**

I am Freddie Cohen and I am Minister for Planning and Environment.

**Mr. R. Glover:**

I am Richard Glover. I am a Principal Planner in the Development Control section of the Planning Department.

**Deputy A. Breckon:**

What we have done there, we have prepared some questions which are not carved in stone, as it were, so there might be some deviation from that. Also, what we would suggest is at the end, if there is anything you wish to add that we may not have covered or you think may be of benefit to our inquiry, then please feel free to do so. Collin, would you like to start off with the first question?

**The Deputy of St. Peter:**

Obviously the main thrust of where we looking at are the health issues associated with the current request for masts to be put up around Jersey. What are your views on the underlying health issues; the scientific issues associated with the radio masts or mobile phone masts in Jersey at the moment?

**Senator F.E. Cohen:**

Well, it is not the Planning Department's job and it is not my job as Minister to assess the health risk. It is my job to get the best possible advice from the public body that is charged with providing that advice. In this case the advice came from the Health Protection Department, delivered in written form in their report of 2006, April 2006; that basically concludes that they consider there is no known significant risk from masts. I have been using that as the basis upon which I have assessed the health risk for each application, and that is basically that there is no risk. I have given opportunities, as you are aware when the matter of health became significant again at the end of last year, for Islanders to submit any new information, because there were all sorts of stories circulating about what information had been allegedly missed by the Health Protection Department. Everything that was sent to me by Islanders was passed to the Health Protection Department, and they have not altered their advice at all. So I am still operating on the basis that there is no significant health risk from masts.

**The Deputy of St. Peter:**

On a broader political base with regard to the situation we are in at the moment, although there are indications, certainly as far as Health Protection are concerned, that there is no scientific health risk. It would appear from people that have given submissions to us that there is a definite perception that there is a risk. As a result of some of those public perceptions it has resulted in poor health, which may not be directly related to the scientific evidence. What do you think we should be doing as a government to try

and put this particular situation right where there is literally a perceived risk that is causing health issues?

**Senator F.E. Cohen:**

It is a very good question, because there is undoubtedly a perception in many quarters that masts represent a health risks. I have had a number of people who have come to see me in a state of anxiety over applications, and in each case, while I have said to them: "Look, I am operating on a basis that there is not any health risk", I have still tried to do whatever I can to try and minimise the impact of masts in relation to their properties. What we need to do is somehow or other come out with a clear message that once and for all says whether there is or there is not a health risk from masts. The longer it goes on, the more difficult it will become and the greater the state of anxiety of those who believe that they are at risk. It seems to me that it does not matter what statistics you present to people, that some are so concerned about the risks to their health, risk to their families, that there is nothing I can do to try and calm them down or in any way set a sense of balance. If you look at some of the powerful statistics that have been given to me, like, for example, that mobile masts only emit approximately one-eleventh of the emissions of a cordless telephone, or one-eighth of the emissions of a baby alarm. The people who I have seen often have these appliances and when you tell them: "Do you not realise that a proposed mast is only a fraction of the output of these?" it does not do any good; they still believe that there are special risks associated with mobile phone masts. It is a very difficult to understand why they believe that there is a particular risk. But I am afraid as a parliamentary assembly our job has got to be to get the bottom of it and to reassure people one way or another. I do fear that the problem is at the end of the day it is going to be very hard to prove 100 per cent positively that there are zero health risks. I have a feeling that all we are going to be able to do is to say that mobile phone masts are just one level of emission generally, a small level of emission generally, and there are many much larger radio emissions in the environment, and that if there are any risks, it relates to the whole lot, not just the mobile phone masts.

**The Deputy of St. Peter:**

You have alluded to a lack of public education, if you like, long-term education in the past when mobile phones first came into the relevance of safety issues. You will be aware on the day of the debate that a lot of the Members of this chamber only had access to the health report on the day of the debate. What are your views on that?

**Senator F.E. Cohen:**

I was not aware that they only had access to the health report on the day of the debate. The health report was published in April --

**The Deputy of St. Peter:**

April 2006.

**Deputy A. Breckon:**

12th April 2006.

**Senator F.E. Cohen:**

I was not aware of that. But the report is an easy to read report; it comes to a pretty simple conclusion. Clearly if States' Members only had it a day before, it would have been better if they had had it a few days before and had time to consider it, but I do not think it makes a material difference to the conclusions of the report, which is that there is not a health risk.

**The Deputy of St. Peter:**

No, the point I would like you to comment on is the fact that as the vast majority of us only received that information very close to the timing of the debate, how does that reflect upon the overall way that we have presented this particular problem to the people of Jersey? If States' Members have only received limited information late in the day, it would appear that certain members of the population have received little or no information on the scientific background to the safety of emissions.

**Senator F.E. Cohen:**

Well, that is not my job. My job is to deal with planning applications. Very clearly, the more time people have to consider something, the better. The clearer that advice is, the better. The greater the weight of the body that is producing that report, the better. But I think that having looked at the issue as much as I possibly can in trying to weigh up the evidence one way or another, it seems to me that the Health Protection Department advice in April 2006 was a pretty carefully balanced and concise report and a good report.

**Senator B.E. Shenton:**

It is probably better for Richard to explain. A couple of the recommendations of the report, I would like a little bit of explanation on. Bearing in mind that I do not believe Jersey Telecom needed to go through the planning process prior to incorporation.

**Senator F.E. Cohen:**

I think that is quite right, they did not.

**Mr. R. Glover:**

I think the situation with Jersey Telecom, and it may be something you need to put to them to fully clarify, they possibly did not require planning permission during their initial rollout in the 1990s of the first and second generation. Jersey Telecom has said to us that they took an internal decision to make planning applications, so the planning applications were made. But my understanding is they were not

publicised - as many applications were not publicised - like they are now, where every application is publicised. They said to the Planning Department they, as I say, made a policy decision to make applications for all their installations. But there are at least 2 or 3 that I am aware of that do not appear on the list of our records of planning permissions, so the Planning Department cannot be absolutely certain that everything that was up by Jersey Telecom had got planning permission, despite their policy decision. Notwithstanding that, Planning would not have been in a position to force them to make those applications anyway.

**Senator B.E. Shenton:**

Right.

**Senator F.E. Cohen:**

Can I just add, just to clarify my view on this, I understood that prior to the changes at Jersey Telecom they were not required to apply for consent to put up some of their masts.

**Deputy A. Breckon:**

As a States' Committee.

**Senator F.E. Cohen:**

That is what I was told.

**Senator B.E. Shenton:**

The very, very first recommendation is that all base stations are to be subject to the scrutiny on the planning applications process to ensure compliance with internationally agreed standards. What exactly does that mean?

**Mr. R. Glover:**

That means that planning applications have to be accompanied by information that demonstrates that they accord with internationally agreed standards, or internationally recognised standards.

**Senator B.E. Shenton:**

In terms of what?

**Mr. R. Glover:**

That is why each planning application had to be accompanied by an ICNIRP certificate to demonstrate what the emissions were. I think that that phrase is said in the context of emissions from the mast. So the planning application process was used as a tool to ensure that the masts did comply with ICNIRP standards, or were in accordance with those standards. That is why, while planning applications in

general do not go into the detail of what the operating processes might be in other types of developments, with telecoms masts it was made clear that they had to tell that technical information as part of the planning process, so that we could then consult with Health and Social Services.

**Senator B.E. Shenton:**

Have you gone back to those applications that were done without going through the planning process?

**Mr. R. Glover:**

No.

**Senator B.E. Shenton:**

Another recommendation is that mobile phone network operators deliver, with the States of Jersey, a database of information available to the public on radio base stations. Whose responsibility would it be to deliver that database?

**Mr. R. Glover:**

I do not know. I do not know. Planning can deliver a database of sites that require planning permission, but because not all sites require planning permission it would not be information that Planning would hold. There are the ones prior to this current round that you mentioned earlier, about Jersey Telecom, but there are also lots of installations in buildings. The one that is often quoted in the one in telephone kiosks of Jersey Telecom; they do not require planning permission, so Planning would not have any cause to come across those installations, or have any knowledge of those installations.

**Senator B.E. Shenton:**

Finally, there is cross-industry agreement on the sharing of sites and masts for radio base stations wherever possible. We heard from Mike Liston from the JEC this morning, who implied that there was no inclination of the mobile operators to share masts. We do not believe that Jersey Telecom shares masts with anyone. Has there been any pressure put on the operators to share masts in accordance with the recommendations?

**Mr. R. Glover:**

We have required them - and it is part of the policy consideration - that they have to demonstrate that there is no opportunity to share facilities. The difficulty comes when we have spoken about multiple masts that have gone up, 3 next to each other, where we have gone to each company and said: "What sort of facility would be necessary for you to all share?" and they have made it clear that those facilities, which would be very large masts, would not be acceptable in visual terms to Planning anyway. Certainly where we have perceived there may be an opportunity to share facilities, we have put pressure on to each of the applicant - Jersey Telecom, Cable and Wireless and Airtel - to ensure that they

investigate that and give us a good reason why they cannot share facilities, or indeed they have been sharing facilities where there are structures that are not necessarily owned by any of the companies.

**Senator F.E. Cohen:**

Could I step in there in answer to Senator Shenton's question? As I understand it, lattice structures, the tall masts that are suitable for mobile phone/antenna use, are all shared. The opportunity to share additional masts would only come from the Planning Department allowing the erection of further tall lattice masts. In round terms - this is not an exact number - in round terms you are talking, to get an Island network of shared masts, I have been told 20 to 30 additional lattice masts. I deem that as wholly unacceptable; the visual intrusion would be unacceptable for a small island. Therefore I sought to try and find a solution that delivered the necessary coverage and minimised the impact, and that is how we came up with the wooden telegraph pole-type masts. The advantage of them is that they minimise the impact as much as we possibly can, and you can conceal a lot of the electronics with inside the hollow wooden pole. Disadvantage is you cannot share them. You cannot share them because you have filled up the hollow inside the pole with the electronics related to the first installation. So it was my decision to go for a larger number of wooden telegraph pole masts rather than lattice masts, and I take full responsibility for that decision.

**The Deputy of St. Peter:**

In taking that responsibility, for example, going up Beaumont Hill we now see one of the new masts. Now, where the description that you have given suggests that the majority of the electronics is held inside the mast, next to that mast is a somewhat substantial building that sits beside it. How does that compare with what you have just described to us?

**Senator F.E. Cohen:**

Well, unfortunately you cannot put all of the electronics inside the pole but you can put some of them inside the pole. With each of the wooden telegraph pole masts comes an electronic box of tricks that we have done whatever we can to try and minimise the impact of. Indeed, not only have we tried to do whatever we could to minimise the impact, but we have recently gone back to applicants and said: "Look, we are not really satisfied with the [let us call it] camouflage; we want you to do better." Unfortunately you are, of course, looking at these installations often semi-finished.

**The Deputy of St. Peter:**

And also in winter.

**Senator F.E. Cohen:**

And in winter. Many of them have not had their landscaping work completed, they have not had their camouflage completed, and a full assessment of the visual impact of each case is premature. I will be



seeking in each and every case to do whatever I can to minimise the visual impact of the electronic box of trick, but the visual impact will be there. I cannot make it zero.

**The Deputy of St. Peter:**

It would appear that Jersey Telecom indicated to us that they have passed the information to Planning on all the sites. Now, just to clarify a point - because we have asked this, because we talk about base stations and we asked about the definition of base stations - what the technical people are telling us is that every element of a transmitter is a base station and they are divided into 3: macro, micro and pico. So they are telling us that they have given you information on the position of all the sites that they have. Can you just confirm that, please?

**Senator F.E. Cohen:**

As far as I was aware - and Richard appears to have more up-to-date information - that we have been provided with a list. Whether it is every one, I cannot say. All I can say is that every one that we were provided with has been put on a website and is in the spreadsheet that comprised the total list of approved applications.

**The Deputy of St. Peter:**

The difficulty, as you are aware, is that there are certain applications that did not require approval but they do exist. Now, are those -- they tell us that they have given you that information; can those be put on to your website --

**Senator F.E. Cohen:**

All I can tell you is that every - as far as I am aware - that every installation that we have been told about is on our website. I cannot tell you that the list they have given us is a 100 per cent list because only they can answer that.

**The Deputy of St. Peter:**

But those are inclusive of those that they did not require planning permission for?

**Senator F.E. Cohen:**

They should be. They should be. But whether it is a complete list or not, I do not know.

**The Connétable of St. Brelade:**

Given that the system is evolving on to 3G, have the telephone companies given you any projections as to what their mast requirement is going to be in the next couple of years so that you can co-ordinate some overall plan for the event?

**Mr. R. Glover:**

What they are applying for now is 3G, so the Jersey Telecom applications that have been received in the last 12 months are upgrade applications from 2G to 3G. Airtel and Cable and Wireless are installing 3G, so they are effectively right at the front of where the technology is in terms of the installations that are going in. So we do not anticipate that there will be much change to the equipment that they have put in, in the foreseeable future, because they would argue that 3G is really only slowly evolving in the market anyway and it might be some time before they move on to 4G and 5G.

**The Connétable of St. Brelade:**

Just to repeat what I said earlier on, have they given any projections as to what their requirements will be in the next couple of years to enable you to perform some sort of co-ordinating role, rather than react to applications on an ad hoc basis?

**Mr. R. Glover:**

My understanding is they will not have any requirements in the next few years with the equipment that they are installing at the moment. Beyond that, we obviously have struck up a relationship with the companies. That started before these applications came in, where they came in and have discussions about what their network was likely to be and what the number of masts were likely to be and where the sites were likely to be. That was all very compressed, that process, and within a week or so of them saying: "These are the sites we want", they started submitting planning applications. We would hope that that would not happen in the future. If there is another requirement for more base stations to accommodate future technology, we anticipate that they would come to us and discuss it with us before they start submitting planning applications.

**Senator F.E. Cohen:**

I think in summary the answer to your question is that the 2 new operators - Cable and Wireless and Airtel - have submitted applications based on getting Island-wide coverage for a 3G service. Jersey Telecom is sort of catching up, I suppose would be the best way of describing it. I do not believe that either Airtel or Cable and Wireless have any plans at all to change from 3G service to something else, so I do not think that there would be any further applications coming forward, other than those perhaps to fill in holes where they are not getting adequate reception.

**The Connétable of St. Brelade:**

Can I ask, going back to JT (Jersey Telecom), how you would react to a retrospective application for a pole perhaps which is 30 or 40 yards from someone's house at present, which, given today's knowledge, may not be approved if it was coming from Cable and Wireless or Airtel?

**Senator F.E. Cohen:**

I think that I would certainly approach any retrospective application on exactly on the same basis as any new application, and I would apply exactly the same criteria. If that resulted in a mast having to be moved, well, it would result in a mast having to be moved. But remember that the issue is not just distance; it is visual impact, et cetera. If a mast had been erected without consent and it was shown that it needed consent, then a retrospective application was made for that mast and we deemed that the visual impact was too great, or could be mitigated by moving it some distance away, then that is what we would tell them to do.

**The Deputy of St. Peter:**

As a point of clarification, if I dare use a parliamentary term, what base stations - bearing in mind the definition I have just given your earlier - what base stations are exempt from the requirement for planning permission?

**Mr. R. Glover:**

There are 2 sets of exemptions. First of all there are exemptions for base stations for States Committees or for States Ministries; so things like TETRA installations and anything put up for or on behalf of States operations do not require planning permission. So they are base stations just as much as the telecoms base station. Only antennae that cannot be seen from the public road are exempt from the need for planning permission, and those with inside buildings. Most antennae are visual from some road within the Island. Say, for example, in town there are a lot of antennae that are mounted on buildings but because of the topography of the town - and because looking down from South Hill, for example, the roofscape is quite visible - it is unlikely that anything that goes on a rooftop would not be visible from a road. So things like that, that you may not be able to see from street level, require planning permission because they can be seen from elsewhere. The exemptions are very, very tight on any antenna.

**The Connétable of St. Brelade:**

Given that, from the general public's point of view, there are several agencies involved with phone masts from start to finish, if you like - in regulatory terms we have the JCRA, we have Planning, we have Health - I wonder, Freddie, shall we say from the point of view of a Senator, who would you see as being responsible for the monitoring and control of those masts?

**Senator F.E. Cohen:**

The ones who are in control of the health issue is very clearly the Health Protection Department. As I see it, the JCRA do not seem to have had any involvement in the proliferation or otherwise of masts. Ensuring the impact of masts and sensible measures are taken, it is the Planning Department, for which clearly I bear responsibility. I am in the difficult position of having to deal with these mast applications for 3 users, 3 operators. We understand a licence was given for a 4th, so potentially I suppose there could be a 4th, although we have had no indication. Against this background of public concern there is

a report that tells me that there is no health risk, and that is why I came up with this compromise for the more recent applications where I have only given temporary consents. The basis of that was to give you the opportunity of determining, of producing your findings, of delivering them to the Health Protection Department, and allowing the Health Protection Department the opportunity to reconsider their report based on anything that you come up with.

**The Connétable of St. Brelade:**

In terms of 3 operators, as you suggested - and we understand a 4th has got spectrum space but not a licence as such issued by the regulatory authority - do you think there is room in planning terms for a 4th operator in the Island?

**Senator F.E. Cohen:**

I think the few masts we have, providing we deliver the necessary level of competition both in pricing and service in the marketplace, the better. Very clearly the masts are not attractive. They are not a visual improvement. They are something that we can mitigate the impact. Very clearly, the fewer we have, the better. But I say that within the caveat of saying that I have purposely chosen to go the wooden telegraph pole route rather than the lattice mast route, in the full knowledge that that would result in more masts.

**Deputy A. Breckon:**

Can I ask you something in reference to the report on mobile phones and health, mobile phone base stations, produced on 12th April by Health Protection? The recommendation said the States of Jersey should ensure that. I wonder if you could give the panel an insight into whether that was referred to you officially as Minister with some of the things under you, or whether it went to the Council of Ministers, or whether it has been anywhere else, or who in fact -- what I am seeking to find out is who is acting on those recommendations?

**Senator F.E. Cohen:**

I do not really understand the question, I am sorry. Which recommendations?

**Deputy A. Breckon:**

There are recommendations at the back of this report. This is the Health Protection report.

**Senator F.E. Cohen:**

The Planning Department seeks to implement the recommendations contained within that report.

**Deputy A. Breckon:**

Was that officially referred to you in any way?

**Senator F.E. Cohen:**

I cannot remember, I am sorry.

**Mr. R. Glover:**

The report was prepared for the Council of Ministers, so the report was considered by the Council of Ministers. Once the Council of Ministers accepted the report then Planning thought it appropriate to rely on the report.

**Deputy A. Breckon:**

So was that part of an action plan where Planning had a role, Health had a role, Economic Development had a role? We have not seen anything.

**Senator F.E. Cohen:**

There was no action plan. There was simply the process that I inherited of the applications. It was clearly appropriate that an assessment of the health risk should be carried out. The appropriate body to do so was the Health Protection Department. The Health Protection Department produced the report and we used the report in our assessment of mast applications.

**Deputy A. Breckon:**

Did anybody request that of you, or you did it on your own volition?

**Senator F.E. Cohen:**

I really cannot remember. I think that it was a naturally evolving process that it was evident who should be what. Very clearly the Health Protection Department should be doing the health assessment part, and the Planning Department should be doing the planning bit. There was no active involvement from Economic Development or from the JCRA at all.

**Deputy A. Breckon:**

One of those recommendations is that mobile phone network operators deliver, with the States of Jersey, a database of information available to the public on radio base stations. Whose responsibility would that be then?

**Senator F.E. Cohen:**

We have effectively taken it on, whether it is officially --

**Deputy A. Breckon:**

Were you asked to?

**Senator F.E. Cohen:**

No, I think I offered to do so. I offered to do so. It is difficult to remember because there have now been 2 rounds of public health concern. I think that one of the concerns in the first round was suddenly people realised there were more base stations in the Island than they had previously known, and there was a concern to try and find out how many and where they were; we took on the responsibility of producing that list and publishing it on our website.

**Deputy A. Breckon:**

Could you confirm that if you have an application for a mast that you would refer it to Health Protection for an opinion?

**Senator F.E. Cohen:**

Absolutely.

**Deputy A. Breckon:**

The reason I say that is that measurement of actual levels of radiation from base stations must be undertaken following commissioning, to show compliance, to be a condition of the planning permit. Who does that then?

**Senator F.E. Cohen:**

We require the operator to provide a certificate to confirm that they are below or at the stated levels contained in the permit. I am not sure exactly who carries out the work.

**Mr. R. Glover:**

The operator would carry out the work.

**Deputy A. Breckon:**

Could I suggest to you that the public may have some degree of comfort if that was done independently?

**Senator F.E. Cohen:**

It is a good suggestion. But all I can say is that I think it is important to bear in mind that the emissions that we are authorising are a tiny fraction of the ICNIRP stated safe levels, so even if the monitoring was a little bit out, you are still going to be only a tiny fraction of the ICNIRP level. But I think it is certainly something that is worthwhile looking at. It is a good idea.

**The Connétable of St. Brelade:**

Given that the public generally distrust private enterprise and government as a whole as a matter of

course, there were indications that Health and Social Services were doing the testing, but this appears not to be the case. There are a body of people who are concerned that even the ICNIRP levels are too high. Are you content in yourself that the directive coming from, shall we say, the World Health Organisation and the Dr. Stewart report and ICNIRP are the right sort of international bodies for Jersey as a government to be looking at?

**Senator F.E. Cohen:**

I am not qualified to answer the question. All I can do is, as most of the planning, go to the appropriate body and ask them to provide the best possible advice. It is really for them to decide who they should go to for advice and what reliance they place on that advice. Just going back, I think it is a very good idea to reassure the public that we should ensure that the tests are independently monitored, and I will implement that.

**Deputy A. Breckon:**

Are you aware of any States department that might have the equipment to do that?

**Senator F.E. Cohen:**

I do not know what equipment is required.

**The Deputy of St. Peter:**

Prior to you taking over the role of Minister of Planning and Environment, as we understand it, under the older regimes certain aerials or base stations were allowed to go up without the requirement for planning permissions.

**Mr. R. Glover:**

It is slightly more complicated. The way I understand it is that base stations did not require planning permission. Some were applied for and some possibly were not applied for. So it is not as simple as to say that they did not do it or they were not required to do it; it was a mix of the 2. In some cases they did it when they did not require it, and in other cases they just did it, just erected the base station.

**The Deputy of St. Peter:**

One of the problems that we have is that it would appear that certain actions have taken place that do leave a very huge impact on people's lives. If I could just ask Carol to pass you a photograph that has been given to us of an installation, which I think is of some concern. This was passed to us by somebody who was representing themselves in front of the panel. Now, we talked about where we good now in the way of retrospective planning permissions; what was your view on something like that?

**Mr. R. Glover:**

The situation with this one is that most of the equipment that you can see, or a lot of it, is TETRA, so it does not require planning permission. There is an aerial with an anemometer on that was from the Civil Defence section. Whether that is still used or is a matter of discussion and I have discussed that with people at the airport. The main mast you can see - and I am speaking from memory - was granted planning permission in 1994 and then had a further planning permission in ... it may have been November 2005 to change the equipment on the mast; not to change the mast but to change the equipment. By its very nature, my understanding is 3G equipment is bigger because of its capacity.

**The Deputy of St. Peter:**

Bearing in mind we are 45 square miles, we are a small island, and people do talk to each other, the person who provided us with this photograph is a very worried person. Coming back to perceived risk again, he suffers from - or has suffered from - cancer. Now he does not allow his grandchildren to come and stay in the house, for possibly perception reasons, but that is a physical result of what he sees outside his front window. What are your views at the moment on the situation that exists where other people see that going up? They do not know the detail and the history of what has happened but they see that. What are your views on that?

**Senator F.E. Cohen:**

Can I just come in here? I mean, this is absolutely dreadful and it perhaps reinforces why I have gone for the wooden telegraph pole mast. This is completely and totally unacceptable unless the owner of the property has agreed to it. Now, I think you need to be very careful when we start throwing in that the owner of the property has regrettably suffered from cancer; that does not mean that the mast has anything whatsoever to do with that.

**The Deputy of St. Peter:**

I think that was a point I made when I put the question to you.

**Senator F.E. Cohen:**

This mast, from this photograph - and I know photographs can be taken from any angle and you can exaggerate - but from I see in front of me it is an unacceptable visual intrusion full-stop.

**Senator B.E. Shenton:**

Do you have any power over TETRA masts?

**Senator F.E. Cohen:**

I do not think so.

**Mr. R. Glover:**



We do not, no. In this case we have taken advice about possibly seeking to relocate everything. Certainly, that is a Jersey Telecom mast and Cable and Wireless and Airtel are wanting to locate in the same position.

**The Deputy of St. Peter:**

Sorry, I am just getting a bit confused here because we now have: "It is a TETRA mast" but Jersey Telecom do not run TETRA. We now have: "It is a Jersey Telecom mast." Can we just ...?

**Mr. R. Glover:**

Yes, that is Jersey Telecom's. This stuff here is TETRA and then this is the anemometer.

**The Deputy of St. Peter:**

I have to say that as a focus point I was looking at the Jersey Telecom mast.

**Mr. R. Glover:**

I agree, yes. But that was erected in 1994, as I say, so when someone comes along and says: "We want to alter an existing", we have to look at what the difference is between what is there and what is proposed. So we cannot say: "Can you not just take it all down because it all looks a mess?" We can only look at what they are applying for planning permission for.

**Senator B.E. Shenton:**

But on TETRA they do not have to come to you at all?

**Mr. R. Glover:**

They do not have to come to us at all. We have had various discussions about relocating all of that equipment away from that point and seeing what the feasibility would be. The cost would be significant, I was led to believe. The discussions on that site then stalled because of other issues that had arisen about land ownership and restricted covenants on the site.

**The Deputy of St. Peter:**

How I started my original questioning with regard to masts and public perceptions and health risks - as I said when I opened that question with regard to that photograph - although they may not be a direct correlation between the fact the mast is there and the fact that this gentleman has been ill, he has been ill. He sees it as a possible threat to his health and he sees it as a possible threat to his grandchildren. The fact that he sees that is a problem in his own right. Now, from a public perspective other people seeing that react in a particular sort of way. How are we going to deal with that sort of reaction? It does our case no good at all if we are trying to say that we are taking great care in what we are doing with reference to putting masts up, because how you describe it has almost become like an aerial farm.

**Senator F.E. Cohen:**

This is unacceptable but this does not relate to what we are doing at the moment. What we are doing at the moment is to accept the fact that consents have been given to these operators to put up masts and structures, to operate systems in the Island, and to try and deliver a workable network for them, at the same time minimising the visual impact. Now, this would not have a standard cat in hell's chance of getting approved under the policies that I have put in place and it probably - I do not know this - it probably was put up because it did not need consent or did not have consent at that time. What we can do about it now is probably not very much.

**The Deputy of St. Peter:**

I will ask you what difficulty do you perceive that you have in current applications because of things like that that have happened in the past?

**Senator F.E. Cohen:**

I think that the main problem with current applications that I have picked up on from the representations made is that people are concerned about health issues. When people coming to see me and they are concerned about health and locations of the masts that are proposed to be sited near them, I make it very clear that I do not accept that there are any health risks, because I am not qualified to form any assessment other than that provided to me by the relevant States department. Nonetheless, I understand that people have concerns. I have no wish to be the cause of added anxiety to people, so in every case I have done whatever I can to try and move the mast a bit further away from their home to try and minimise the impact on them and to try and relieve their state of anxiety. That does not mean that I accept that there are any health risks.

**The Deputy of St. Peter:**

In not accepting that there are any health risks, what are your views on the fact that stress, related by concern, can have a health function? In other words, people can be ill because of it. Although it is not to do with, say, the output of an aerial, but the actual reaction to that output can cause a health problem.

**Senator F.E. Cohen:**

That is why I have done whatever I can to try and move masts where people have come to see me and they are very clearly, genuinely in a state of anxiety and distress. What we can do to sort it out is to go through the process that you are going through, and if you come out with a conclusion that there are not any health risks, to say so.

**The Deputy of St. Peter:**

What action do you think we should take as a government to deal with problems that do exist, like the

one you have that picture of in your hand? Under current regulation you may well be right that we can do nothing, but doing nothing is not necessarily what we should be doing. There is always something that can be done. What do you think could be done to avoid that happening, or to put that right?

**Senator F.E. Cohen:**

I am afraid that masts or whatever that exist and are an unacceptable visual intrusion are all over the Island. There are all sorts of things that we would like to have moved. I think it would be a very difficult States decision to give powers to just willy-nilly go around telling people that they have to take their things away because the Planning Minister considers that they are an unacceptable visual intrusion. But that would be a decision for the States. If somebody wishes to bring forward proposals for such legislation, then it would be debated in the normal way, but at the moment we do not have powers to do anything about it as far as I am aware.

**The Connétable of St. Brelade:**

Can I go back to the JCRA? The JCRA issue licenses for operators over here with certain conditions; have they ever discussed with you these conditions?

**Senator F.E. Cohen:**

They have never discussed it me. In fact, I can say I have only had one contact with the JCRA, and that was when I met the chap from the JCRA at a Council of Ministers presentation. It had nothing to do with this. So I have had no contact at all, no.

**The Connétable of St. Brelade:**

Secondly, going on to the Island plan, I believe there is a telecommunications policy, NR12. You have spoken about updating the Island plan; would you change that policy in any way?

**Senator F.E. Cohen:**

I think that other than the health risk issue, the Island plan policy works reasonably satisfactorily now in relation to masts. Nobody wants these masts next door, simple as that. We are never going to get somebody coming to us and saying that they are desperate to have a mast right next door to them. They are not attractive things. I have done what I can to mitigate the visual impact, but let us face it, they are not attractive. So nothing we can do will make people want masts. The only way that people are prepared to accept masts, as I understand it, is on the basis that the operator pays a rent - and sometimes a jolly good rent - for these masts. I do not think the policy needs altering much. What we need to do is to make sure that we assess each and every case as carefully as we possibly can, that we do not get pushed around by the operators into accepting unreasonable compromises in relation to the siting of the masts, and we do what we possibly can to try and minimise the impact and to minimise the stress that a non-careful attitude will cause. I repeat it again that I will always seek, if someone genuinely is

concerned about a mast being located near their home, to do what I can to try and mitigate it, without accepting that there is a health risk.

**Senator B.E. Shenton:**

Can I just step in about the JCRA? We had the JCRA in giving evidence and if I may quote Bill Brown, he said: "We ultimately are the authority which is responsible for determining the content of the licence, subject to one exception, which is that the Economic Development Minister has the power under the telecoms law to issue, with directions, on social or environmental matters. If he does issue directions in these areas, then those directions may be reflected in the terms of the licence." Have you had any discussions with the Economic Development Minister with regard to environmental matters with regard to the telecoms industry? The implication from Mr. Brown was that licences can be amended to take into account environmental matters.

**Senator F.E. Cohen:**

As I think you know, the Economic Development Minister and I are very close friends. We discuss all sorts of things. I can honestly say that I can never remember us discussing this issue and, if there have been discussions in relation to masts, casual discussions, they have certainly never related to any issue such as you have outlined. We have not discussed the JCRA context either.

**The Deputy of St. Peter:**

Having now got this information, do you feel that it warrants a discussion with the Minister of Economic Development?

**Senator F.E. Cohen:**

I am not sure that much more can be done. A lot of this stuff should have done a long time ago. We are more than halfway through wooden telegraph pole applications, as I understand it, excluding the 4th operator. We are more than halfway through the other applications, excluding the 4th operator. It is pretty much that. I think that the time for these discussions and the time for an assessment of the impact of giving these extra licenses was before my time in the States. There is really not much I can do about it, other than carry on doing the best I can trying to minimise the impact, but accepting that would be better off in terms of the visual impact and the intrusion into the environment with fewer masts than more masts. That is all I can say.

**The Deputy of St. Peter:**

When you say fewer masts rather than more masts, it has been laboured to us on many occasions over the last few days that obviously a whole -- if you had a huge number of micro/pico masts operating at a lot less power, that it would be better than having macro masts. What would be the Planning perspective on that sort of view?

**Senator F.E. Cohen:**

I think that the current balance, having accepted the fact that we have 3 operators and potentially a 4th, the current balance is about right. I do not think you want to have the masts on every little corner. I do not think you want to have fewer very big lattice masts. I think if we can get away with the 80-odd wooden telegraph pole masts, I think it is making the best of it.

**The Connétable of St. Brelade:**

Do you think that the proximity of masts to a property will have any effect on its value?

**Senator F.E. Cohen:**

I do not think that is a planning consideration, but if you want my personal opinion I think potentially there would be a case to argue that it could. Certainly somebody who believes that masts represent a health risk is very unlikely to buy a house right next to a mast - I cannot see them wanting to purchase this house- but I do not have any evidence of that; it is only my personal opinion.

**The Connétable of St. Brelade:**

Likewise not strictly a planning question but one that has surfaced on various occasions: do you think that the telephone companies ought to provide landowners with indemnity against any future claims?

**Senator F.E. Cohen:**

In respect of what?

**The Connétable of St. Brelade:**

In respect of masts erected on their property.

**Senator F.E. Cohen:**

But in respect of health risks, or ...?

**The Connétable of St. Brelade:**

Of health risk claims.

**Senator F.E. Cohen:**

I think you are the people really to answer that question. Everything I have read from any of the major jurisdictions shows that there is no recognised health risk. Why, therefore, would we be asking for indemnities unless you guys come up with a good reason for it? I am afraid that that is a job that you are stuck with.

**Deputy A. Breckon:**

I just want to come back to the JCRA. They issue licences and they have said, as part of their submission, that they issue the licences and then the siting of the mast is not their concern, but they can insert conditions into granting a licence. The reason we questioned them on that is that the Regulator in Guernsey, the Office of Utility Regulation - which is commonly known as OUR, who have done the monitoring - there was concerns in there for 2 years running, as the licence provider they have gone out, seen as independent, brought in OFCOM and done it. I wonder if you would like to comment on that and if you see that that would create any problems in your situation?

**Senator F.E. Cohen:**

I did not know that. It is something that sounds as though it would have merit and I will look into it.

**Deputy A. Breckon:**

Obviously you would co-operate fully with --

**Senator F.E. Cohen:**

Absolutely.

**Deputy A. Breckon:**

The only thing just to come back to this, from the report -- was it noted by the Council of Ministers, or discussed by the Council of Ministers? I still have some doubt about the 6 recommendations. I am not saying that Planning have not been pro-active but it does not appear to us, speaking to others, as who has run with it. It says: "The States of Jersey shall ensure that" and I am not very sure in this context who the States of Jersey are.

**Senator F.E. Cohen:**

I am afraid I cannot answer the question because I cannot remember how this was discussed at the Council of Ministers. I think we will have to get back to you in writing on that because I do not remember the answer.

**Deputy A. Breckon:**

You could do that for us?

**Senator F.E. Cohen:**

Yes.

**Deputy A. Breckon:**

Because obviously there are some action points in there, and I know with what has happened with some

of the planning issues, it is proactive. But the thing is with this, you see, just to do that. Some of the concerns we have had is public access to information and, if there is a concern there, where is that and what is it, then perhaps we can all do something on the site of the masts. The other thing, as I suggested to you, is independent monitoring of emissions, if somebody does that.

**Senator F.E. Cohen:**

Which we will take on. It is a very good idea.

**Deputy A. Breckon:**

Then also you have the regulatory aspect of it, so if the public have some comfort of this that the operator is not seen as that. Then it is translating the information into understandable bits for the members of the public that are not too scientific. I know that is a number of things rolled into one but really we seek an assurance that were that to be -- or the recommendations be heading that way, that we can rely on your full co-operation?

**Senator F.E. Cohen:**

Absolutely.

**Deputy A. Breckon:**

That could well be that if there is some level of concern, as well as us being ignorant, maybe the other people are as well. So, really what we would seek from you is to get some comfort where we can from the whole process. Again, if you could come back?

**Senator F.E. Cohen:**

I will have a look at the minutes of the Council of Ministers meetings and find out exactly what was discussed and get a copy of that to you.

**Deputy A. Breckon:**

I did say at the start it was fairly relaxed and informal; I hope you have not found it any other way.

**Senator F.E. Cohen:**

Well, I am on the edge of my seat.

**Deputy A. Breckon:**

We did say yourself and Richard, if there is anything you want to say to us that you might have forgotten or we have omitted, now is the hour.

**Senator F.E. Cohen:**

I think other than the fact that I do understand that people have the concerns about health and choices of mast, as a non-scientist there is nothing I can say that can reassure them at all. I hope that out of this scrutiny process we will come to a very clear direction and that we will not end up stuck in a “well maybe” situation.

**Deputy A. Breckon:**

We are not scientists either, I should add. Richard, anything you have to add?

**Mr. R. Glover:**

I think I would just echo the Minister, that when people make representations on health grounds they are not ignored, but they have to be balanced against the other information that we receive. We encourage people to make representations about all planning applications so that they feel involved, but we do have to take a balanced decision in the end.

**Deputy A. Breckon:**

Thank you. We appreciate you coming along. The information we have from the department, as I said, has been exceptional and if you could pass those comments on.

**Senator F.E. Cohen:**

Certainly will.

**Deputy A. Breckon:**

We are now adjourned until 9.30 a.m. tomorrow.

**Senator F.E. Cohen:**

Thank you very much.