

14 September 2007

Mrs Carolyn Morris
Clerk to Bishampton and Throckmorton
Parish Council
9 Tilesford Park
Throckmorton
Persnore
Worcs.
WR10 2LA

Our Ref: 027806/07

Your Ref:

Dear Mrs Morris,

Thank you for your letter of 10 September to Iain Wright MP regarding a telephone mast in your area and the Minister's recent correspondence with Peter Luff MP. I have been asked to reply.

In relation to your question about failure to comply with the Code of Best Practice I am afraid that because the Code is non-statutory and does not purport to give a definitive interpretation of the legal planning requirements, which is ultimately a matter for the courts, there are no sanctions that can be imposed on a network operator who erects a transmitter in breach of the Code. I would suggest that if you are concerned about the actions of a particular operator then you pursue the matter with the operator in question.

In relation to your question about the consultation or planning arrangements for future installations, the process that will need to be followed will depend on the nature of the proposed development. The installation of some equipment on an existing mast may be permitted without the need for a specific prior approval or planning application depending on the size, type and height of the equipment. For some types of equipment or for new masts a prior approval or planning application would be required. Therefore I cannot provide a definitive answer on the requirements for further planning or prior approval applications as this will vary on a case by case basis.

As you note, we are currently undertaking a review of the permitted development rights in relation to telecommunications apparatus. We will of course examine the prior approval process as part of that review, but we cannot prejudge the outcome of that review, and we have not made any decisions about the changes that might be made. However, should the review result in substantive proposals for change we will consult publicly on any options.