

DEPARTMENT FOR BUSINESS
ENTERPRISE & REGULATORY REFORM

The Rt Hon Stephen Timms MP
MINISTER OF STATE FOR
COMPETITIVENESS

Our ref: LB/15058
Your ref:

Peter Luff MP
House of Commons
London
SW1A 0AA

29 October 2007

Dear Peter,

Thank you for your letter of 27 September, enclosing correspondence from your constituent, Mrs Carolyn Morris, Clerk to Bishampton and Throckmorton Parish Council of 9 Tilesford Park, Throckmorton, Pershore WR10 2LA, about a telephone mast.

The erection of telephone masts is a planning matter, which is the responsibility of the Department for Communities and Local Government (DCLG). In relation to your constituent's point about failure to comply with the Code of Best Practice, I understand from DCLG 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. DCLG advise that if the members of the Parish Council are concerned about the actions of a particular operator then they should pursue the matter with T-Mobile, the operator in question.

On consultation or planning arrangements for future installations, the process that will need to be followed will depend on the nature of the proposed development. Applications are dealt with on a case by case basis. 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.

Department for Business,
Enterprise & Regulatory Reform

LG52
1 Victoria Street
London
SW1H 0ET

Direct Line +44 (0)20 7215 5000

Fax +44 (0)20 7215 5329

Minicom +44 (0)20 7215 6740

Enquiries +44 (0)20 7215 5000

www.berr.gov.uk

berr-correspondence@berr.gov.uk

DCLG are currently undertaking a review of the permitted development rights in relation to telecommunications apparatus. The prior approval process will be examined as part of that review, but the review's outcome cannot be prejudged and no decisions have been taken about the changes that might be made. DCLG will consult publicly on any options should the review result in substantive proposals for change.

Yvette Cooper, the Minister responsible for planning, at DCLG is best placed to advise, should the Parish Council require further assistance in this matter.

Please pass on my thanks to Mrs Morris for taking the trouble to draw these concerns to our attention.

Yvette Cooper

Stephen Timms

STEPHEN TIMMS