

MOBILE PHONE MAST ACTION DOSSIER: STRATEGY & LEGAL FRAMEWORK

Executive Briefing & Strategic Overview: The UK telecommunications planning system operates primarily under **Permitted Development Rights (PDR)**, heavily weighting decisions in favor of network operators. Local councils cannot legally refuse applications based on electromagnetic health concerns if an **ICNIRP compliance certificate** is provided. Effective public action requires strict focus on *pre-construction planning grounds, procedural errors, and targeted political leverage*.

1. ACTION MATRIX: STAGE-BY-STAGE INTERVENTIONS

STAGE	PRIMARY GOAL	RECOMMENDED TACTICAL ACTION	IMPACT
Pre-Construction (0–56 Days)	Stop or re-site proposed mast	Challenge strictly on Siting & Appearance grounds (visual impact, highway sightlines, heritage assets).	HIGHEST
Prior Approval (Consultation Window)	Identify procedural failure	Audit 21-day public notice rule, neighbor notification, and council 56-day determination clock.	MODERATE
Post-Approval (Construction Phase)	Seek council accountability	Submit formal complaints to LGSCO for maladministration or report condition breaches.	VERY LOW
Post-Construction (Operational)	Mitigate local disruption	Report statutory noise nuisance to Environmental Health or flag radio interference to Ofcom.	MINIMAL

2. PRE-CONSTRUCTION STRATEGY: VALID OBJECTIONS

CRITICAL RULE FOR OBJECTORS: Objections referencing health risks, radiation, electromagnetic fields (EMF), or critiques of ICNIRP guidelines are classified as non-material and **will be legally ignored** by planning officers under national policy.

Focus all formal representations exclusively on the following recognized material planning grounds:

- Siting & Visual Amenity:** Overbearing dominance in the street scene, visual obstruction of residential frontages, or inappropriate massing relative to low-rise surroundings.
- Heritage & Conservation:** Adverse visual impacts on Listed Buildings, Conservation Areas, or designated green belts/AONBs.
- Highway & Pedestrian Safety:** Ground cabinets narrowing footpaths below statutory accessibility limits (<1.2m), or mast placement restricting vehicle sightlines at junctions.
- Feasible Alternative Sites:** Demonstrating that alternative non-residential or industrial sites exist within the operator's search area that meet coverage needs with lower impact.

3. PROCEDURAL ESCALATION & OMBUDSMAN PROCESS

If procedural failures occur during the 56-day "Prior Approval" window (e.g. failure to notify adjacent landowners or missing public notice deadlines), complaints must be escalated sequentially:

[Council Stage 1 Formal Complaint] → [Stage 2 Chief Executive Review] → [LGSCO Investigation]

*Note: The Local Government & Social Care Ombudsman (LGSCO) evaluates procedural administrative fault only. It can award financial compensation (e.g. £500 for loss of opportunity to object) but **cannot order the removal or revocation** of a approved mast.*

4. PARLIAMENTARY & POLITICAL ACTION TEMPLATE

Use this standardized template drafted by JAOC Investigations to engage local MPs and Ward Councillors on systemic policy concerns:

SUBJECT: Urgent Request for Policy Scrutiny: Telecoms Planning & ICNIRP Oversight Dear [MP / Councillor Name], I am writing regarding telecommunications planning application reference: [Insert Ref Number] at [Location]. Under national policy and Permitted Development Rights, local authorities are restricted from evaluating mast proposals on health or radiation safety grounds provided an ICNIRP certificate is attached. This significantly restricts local democratic engagement on infrastructure siting. I formally request that you:

1. Make urgent representations to [Council Name] regarding the siting, highway safety, and visual impact of application [Ref Number]. 2. Write to the Secretary of State requesting a review of Permitted Development Rights thresholds for monopolies in residential zones. 3. Advocate for independent parliamentary oversight regarding national reliance on ICNIRP guidelines without conflict-of-interest audits. Yours sincerely, [Your Name] | [Your Address & Postcode]

5. POST-CONSTRUCTION REMEDIES & REALITY CHECK

AVENUE	RESPONSIBLE BODY	REALISTIC INVESTIGATION OUTCOME
Radio Interference	Ofcom Spectrum Enforcement	Rarely investigated; Ofcom has never revoked a license due to a public interference complaint.
EMF Testing	Independent Surveyor (£150–£500)	Surveys overwhelmingly show emissions operating at a fraction of maximum ICNIRP safety limits.
Equipment Noise	Environmental Health Team	Assessed under statutory nuisance rules. May force operator to install cooling cabinet acoustic baffles.
Condition Breaches	Council Planning Enforcement	Discretionary powers. Action taken only if physical structure deviates materially from approved plans.