



BASE STATION PLANNING PERMISSION IN EUROPE

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1. OVERVIEW

Mobile services continue to grow and bring enormous benefits to society. To work more efficiently GSM networks need sufficient infrastructure to achieve licence coverage conditions and to maintain the levels of capacity, coverage and service quality expected by consumers. Due to capacity considerations and limitations in the frequencies available for mobile telecommunications networks, more radio base stations are required as customer demand increases. This is often not clearly communicated or fully understood by the public or local authorities.

The GSM Association recognises that there is public concern about the aesthetics of siting and allegations of possible health effects of radio base stations. This public concern is in contrast to a number of independent expert reviews that have concluded that there is no convincing scientific evidence of a link between public exposure to low level radio signals generated by mobile telecommunications systems and adverse human health effects. The mobile communications industry acknowledges that there is a responsibility on it, with central and local government, to address community concerns about the siting of radio base stations.

The GSM Association has developed guideline principles for network deployment (see Annex to this report). These guidelines are consistent with commitments made by GSM Association members in Australia¹, the UK², other countries and with the GSM Europe (GSME) 'best practice' recommendation on network rollout adopted in late 2001. Further information on the GSM Europe recommendation, including implementation reports are available from the GSM Europe website³.

The main elements of the GSM Association guidelines include clear information exchange with local authorities and other key stakeholders, proactive operator site sharing initiatives when feasible, environmental sensitivity considerations, and more efficient and detailed availability of data. The key health and safety aspects include operator provision of declarations of network infrastructure compliance with relevant national or international guidelines.

Industry self-regulation initiatives need to be matched by commitments at all levels of government in Europe to a more predictable and consistent environment for deployment of mobile communications systems across Europe. In particular, authorities should avoid statements and actions that may undermine scientifically based exposure guidelines. The GSM Association also encourages authorities to establish robust communications programmes that address public concerns about alleged risks and explain the need for new base stations.

¹ <http://www.mcf.amta.org.au/>

² <http://www.mobilemastinfo.com/planning/intro.htm>

³ http://www.gsmworld.com/gsm europe/position_papers/self_reg.shtml

2. INTRODUCTION

2.1 Background

In late 2002, Mason Communications (Ireland) Ltd⁴ prepared for the GSM Association (GSMA) a summary of the planning process in 12 European countries and the Walloon Region of Belgium. In late 2003, the GSMA working with members of the European interest group GSM Europe (GSME) began an on-going exercise to update and expand the available information to 18 countries/areas, focussing on:

- Requirements for planning permission for site construction
- Any exemptions that may exist
- The target time versus actual time for planning approval.

Where data was not available, this report has been supplemented with material from several other sources. The collected data is intended consideration by the European Commission and the authorities of Member States. The data also reflects the national situation and not that of an individual GSM Association member company.

2.2 Planning Delays

Table 1.1 below summarises information for each of the 18 countries/areas reviewed.

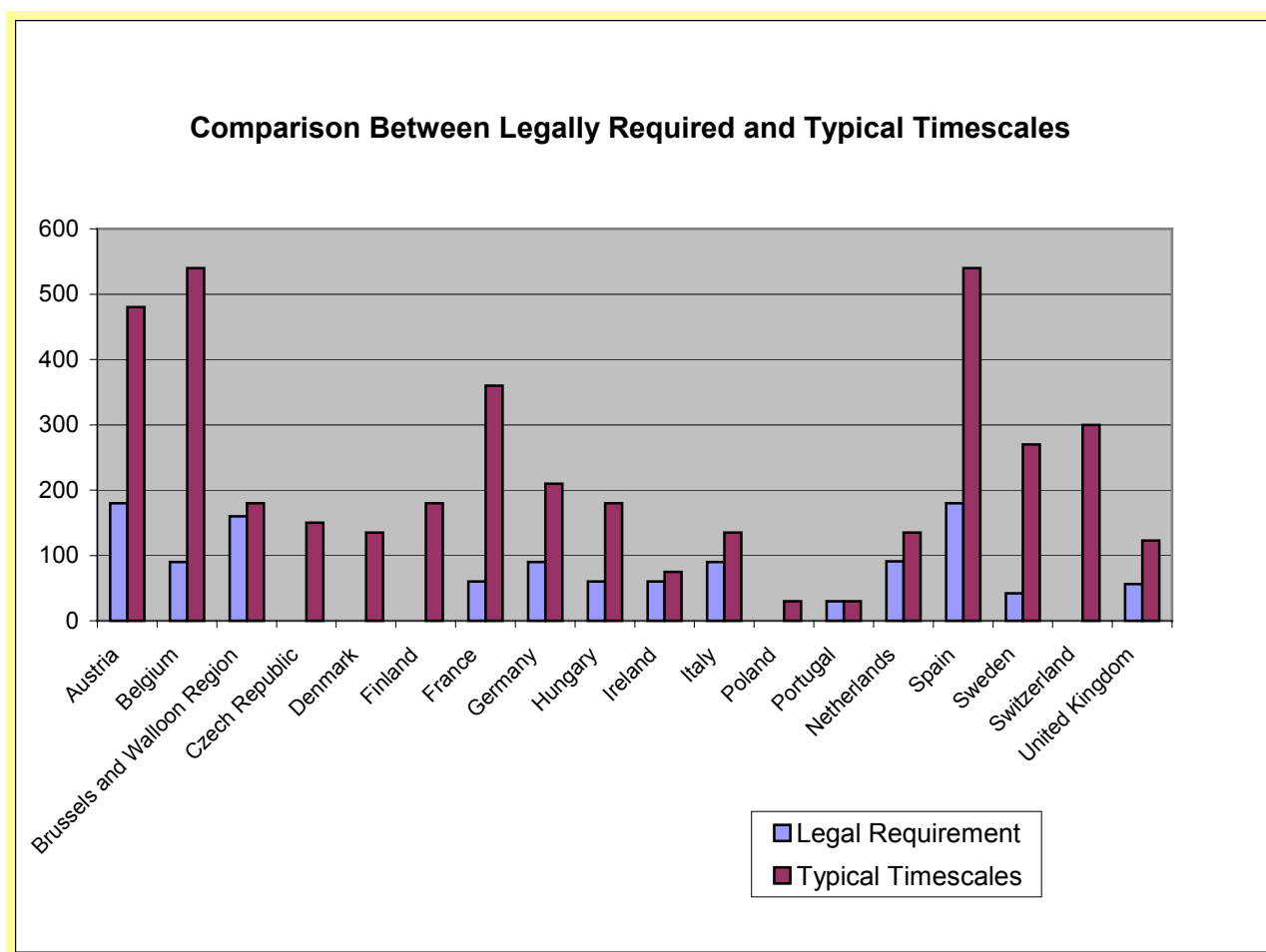
Country	Legal Requirements	Typical Times	Worst Case	Difference Between Legal and Typical Timescales (%)
Austria	180	480	720	167%
Belgium	90	540	1080	500%
Brussels and Walloon Region	160	180	720	13%
Czech Republic	NLR	150	720	0%
Denmark	NLR	135	360	0%
Finland	NLR	180	720	0%
France	60	360	720	500%
Germany	90	210	720	133%
Hungary	60	180	360	200%
Ireland	60	75	720	25%
Italy	90	135	180	50%
Poland	NA	30	720	0%
Portugal	30	30	720	0%
Netherlands	91	135	540	48%
Spain	180	540	1080	200%
Sweden	42	270	495	543%
Switzerland	NLR	300	1440	0%
United Kingdom	56	122.5	495	119%

Table 1.1 – Comparison of timescales⁵

⁴ <http://www.masoncom.com/>

⁵ NLR = No Legal Requirement. NA = Not available.

The comparison is provided graphically in Figure 1.1 below.



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Figure 1.1 – Comparison between legal requirements and typical timescales

Figure 1.1 illustrates the varying differences across Europe in the timescales for obtaining planning permission. Of the countries with timescales specified in law Austria, Belgium, France, Hungary, Spain and Sweden miss their legal requirements by the most.

3. AUSTRIA

3.1 Planning Authority

The planning authority in Austria is the relevant local municipality and/or borough/county, respectively.

3.2 Requirements for planning permission

Requirements vary as every Austrian province has its proprietary building and landscape protection laws. In some provinces a simple notification of the planning authority suffices, while in others a formal building permit has to be obtained (which also includes participation of the direct neighbours). Additionally, federal laws have to be obeyed and permissions under these laws, if applicable, obtained (e.g. Air traffic safety, protection of the woods, etc.)

3.3 Timescales for Permission

Depending on the applicable law(s) (e.g. building laws of the province in which the site shall be erected) timescales vary widely. If a building permission has to be obtained, a decision to grant or refuse the application should be issued at the latest within 6 months of the date of the application. In most cases the decision is not taken within 6 months, because of health or environmental issues or other legal grounds therefore the appeals process needs to be initiated, which will take (at least) another 6 months.

In Austria, every province has its own environmental and building laws, which makes the site acquisition and permitting more complex and far from following a standard procedure.

For instance in the province of Salzburg very low threshold values for radiofrequency power flux density of 0.000001 W/m^2 are applied by the local municipality, which makes it almost impossible to erect sites in Salzburg. So far no Austrian operator has rolled out 3G in Salzburg, because of this very restrictive threshold.

Overall the acquisition time is around 16 months, including the time to get the permission and the time for EMVU-Information measures.

Salzburg accounts for roughly 7% of deployment that is totally blocked. In all other areas there are only some rare cases, less than 1%, where no permit will be granted at all.

3.4 Appeals Process

Once an approval decision is issued by the administrative body, every adjoining owner has the right to appeal against this decision. The operator has the same right to appeal in case of a decision to refuse permission.

As a general rule, every administrative authority in Austria has to decide within 6 months. If there is no decision made within that period of time, the applicant can

appeal against that delay to the superior administrative body (which also has to decide within 6 months). But this doesn't necessarily mean, that a decision (whether positive nor negative) will be taken within 12 months, because there are often more than two instances involved and some local authorities tend towards deferring decisions on purpose.

3.5 Public Consultation

Neighbours are heard and have the right to object to a site only when building permissions have to be obtained, except in the case of health or telecommunication objections.

To improve the dialogue with communities, an agreement between the Austrian operators and federation of all Austrian communities on voluntary information by the operators prior to site erection was reached (2001). This is a general agreement and not only for OMEN⁶ sites, which are treated equally in Austria. Also voluntary pre-planning meetings with local authorities may take place.

3.6 Exemptions and existing site upgrade

Exemptions in two provinces, namely Salzburg for roof tops <2 m and Upper Austria for green fields <10 m. Upgrade of existing sites has to follow the same processes as stated above unless additional antennas and equipment were included in the original plan for which a permit was already obtained ("reservations").

There is no difference between GSM and 3G site acquisition, so that the above statements are also valid for 3G sites.

4. BELGIUM

4.1 Planning Authority

Planning permission is a regional decision made by the regional administrations of the three regions (Flanders, Brussels, Wallonia), although regulations at all levels of government will affect network activities

4.2 Requirements for planning permission

Planning permission is required for telecom towers, street lampposts (maximum height of 18 metres).

4.3 Timescales for Permission

The authority must respond to applications within 90 days. Public consultation must take no more than 30 days.

⁶ *Ort empfindlicher Nutzung* (places of sensitive use) as defined in Art. 3, Para. 3 of the *Provisions of the Ordinance relating to Protection from Non-Ionising Radiation of December 23rd 1999*.

In 2002 average delivery time was about 18 months. On the other hand, individual actions may block the construction of a site. This happens in less than 1% of the sites. Worst case can take up to 3 years.

4.4 Appeals Process

Appeals can be made to the Council of State. The process takes a minimum of six months and may take 12 to 18 months.

4.5 Public Consultation

Local authorities consult the public by publishing a notice on the proposed site and making documentation available in the Town Council offices.

4.6 Exemptions and existing site upgrade

A permit is required for an extension of a site but not an upgrade. If the proposed structure on a rooftop is less than 4 m higher than the highest point on the existing construction then a building permit is not required.

5. CZECH REPUBLIC

5.1 Planning Authority

Planning permission is the relevant local municipality.

5.2 Requirements for planning permission

Planning permission is required for all new sites. Additionally other laws have to be obeyed and permissions under these laws, if applicable, obtained (e.g. air traffic safety, protection of the woods, protection of the landscape, etc).

5.3 Timescales for Permission

There is no strict time-scale factor specified in the legislation. In practice however, permission can take as a minimum from 1 to 3 months with the average being 5 months. The worst cases are in the one-year to two-year range with exceptional cases taking up to two years.

5.4 Appeals Process

An appeal can be lodged within 14 days to the local administration - and it can add up to another 6 months delay to the granting of permission - or within 30 days to the administrative court – and it can delay permission for up to two years.

5.5 Public Consultation

Neighbours are heard and have the right to object to a site only when planning and/or building permissions have to be obtained.

5.6 Exemptions and existing site upgrade

No exemptions. A building permit may be required for an extension of a site but not for an upgrade.

6. DENMARK

6.1 Planning Authority

The planning authority in Denmark is the relevant local Municipality.

6.2 Requirements for planning permission

A building permit is required to construct a site. In addition the operator has to inform the National Telecommunications Agency about the application for a building permit.

6.3 Timescales for Permission

In theory a decision to grant or refuse the application has no legal timescale.

In practice however, permission takes 3 to 6 months. The worst cases are in the one-year range with exceptional cases taking up to two years.

6.4 Appeals Process

The operator can appeal a decision to the Ministry of the Interior.

6.5 Public Consultation

The municipality is responsible for consultation with the community. This is normally done through newspapers and public notices.

6.6 Exemptions and existing site upgrade

A site can be upgraded and shared. There are no other exemptions.

7. FINLAND

7.1 Planning Authority

The planning authority in Finland is the relevant local Municipality.

7.2 Requirements for planning permission

A building permit is required. The application by the operator must include an impact report and an annex that describes which other masts are in the area, what additional masts may be planned for the area and whether it may be an option to use any of the existing structures. If a base station is more than 15 m high, permission is required from the civil aviation authority. In the absence of a town plan special permission must be sought prior to the application for a building permit.

7.3 Timescales for Permission

There is no timescale specified in the legislation.

In practice however, permission can take 1 to 3 months with the average being 6 months.

The worst cases are in the one-year to two-year range with exceptional cases taking up to two years.

In cases where there is an absence of a town plan and special permission is sought the process takes between one and three years

7.4 Appeals Process

An appeal can be lodged within 14 days to the local administration or within 30 days to the administrative court. This can delay building permission for up to two years.

7.5 Public Consultation

The operator consults the community in the vicinity of the proposed site. The operator would normally provide this information to the municipality.

7.6 Exemptions and existing site upgrade

No exemptions

8. FRANCE

8.1 Planning Authority

The planning authority in France is the relevant local mayor.

8.2 Requirements for planning permission

A building permit is required for the following masts greater than 4 m high and for equipment accommodation with a footprint greater than 1.5 x 2 m.

8.3 Timescales for Permission

In theory a decision to grant or refuse the application should be issued within 1 month of the date of the application. This can be extended to 2 months.

If no response is received within 1-2 months the operator may assume that permission has been granted.

It takes currently between 12 and 24 months to actually build a base station. Approximately 1,200 projects are blocked for various reasons, which is about 20-25% of the total number of planned sites.

8.4 Appeals Process

An appeal can be made to the authority that refused permission within two months. In some cases it is necessary to seek a court order, as local authorities have no legal control over telecommunications policies.

8.5 Public Consultation

Public consultation is usually in response to complaints, via the regulator. In some cases the operator is required to consult.

8.6 Exemptions and existing site upgrade

No exemptions.

9. GERMANY

9.1 Planning Authority

The planning authority in Germany is the relevant local government.

9.2 Requirements for planning permission

A building permit is required for base stations more than 10 m in height.

9.3 Timescales for Permission

In theory a decision to grant or refuse the application should be issued within 3 months of the date of the application, however, nationally 10-20% are refused for various reasons.

In practice however, permission takes 4 to 10 months.

The worst cases are in the two to three-year range, but these are rare cases.

9.4 Appeals Process

Legal proceedings may be instituted against the local authority, which can take up to three years. However, in the interests of long-term cooperation with local authorities such proceedings only occur as an exception.

9.5 Public Consultation

Public consultation with local communities is mandatory.

9.6 Exemptions and existing site upgrade

Structures less than 10 m high are exempt from planning permission. In some towns, regions special building permits are required to construct sites in specified town areas on basis of different court decisions. In addition the operator has to inform the National Telecoms Agency (RegTP) about the application for an approval of operation for each base station.

10. HUNGARY

10.1 Planning Authority

The permitting authority in Hungary is the relevant local municipality.

10.2 Requirements for planning permission

Construction permission is required in order to build a new site in Hungary. As a general obligation, compliance with the national electromagnetic field exposure limits and construction regulations have to be met.

10.3 Timescales for Permission

The authority must respond to the applications within 60 days. In practice usually it takes much longer (in average 5-6 months) to get the permission. In approximately 10% of the cases the process is longer than a year.

10.4 Appeals Process

An appeal can be lodged within 15 days to the relevant county administrative office. It may lead to one-year delay for getting the permission.

10.5 Public Consultation

Public consultation with local communities is mandatory.

10.6 Exemptions and existing site upgrade

No construction permission is required if any dimension of the telecommunication facility does not exceed 4m, or in the case of an antenna holding structure, it does not exceed 6m.

11. ITALY

11.1 Planning Authority

The planning authority is represented by the Italian local Authorities.

11.2 Requirements for planning permission

Planning permission is required in order to construct a new site in Italy. As a general observation, compliance with the national electromagnetic field exposure limits, specific urban planning and building rules is required.

11.3 Timescales for Permission

The legislative national timescale specifies that a decision to grant or refuse the application should be issued within 90 days from the date of the application. On the basis of the “*silenzio-assensio*” (an Italian legal principle) permission is deemed to be granted even if the local Authority does not provide an official response by the end of this period, provided that the mobile operator has properly submitted the application.

In any case, application of the timescale specified by the national legislation is not always followed at a local level. In 2002, Mason’s reported that in practice permission takes 120 to 150 days, with the typical worst cases in the six-month range. It should be noted that this data refers to the period before the above-mentioned legislative national timescale, which introduced the “*silenzio-assenso*”. Before the new provisions, it could take up to a year for permissions to be effective.

11.4 Appeals Process

If an application is refused, the mobile operator can appeal against it to the Court of First instance (*Tribunale Amministrativo Regionale*), and if necessary to the Court of Appeal (*Consiglio di Stato*).

11.5 Public Consultation

Within the administrative process related to the equipment installation, a consultation with the Regional Authority for the environmental protection (*ARPA - Agenzia Regionale per la Protezione dell’Ambiente*) is obligatory.

11.6 Exemptions and existing site upgrade

No exemptions are specified. However, there exist a simplified procedure (called DIA) that consists of a form of self-certification where mobile operators declare the satisfaction of all the requirements (The DIA can only be submitted in cases where the radiated power emitted from an equipment is lower than 20 W).

12. NETHERLANDS

12.1 Planning Authority

All antenna-installations in the Netherlands must apply to rules in the National Antenna Policy. This policy describes whether a permit is required or not. The planning authority in the Netherlands is the relevant local Municipality.

12.2 Requirements for planning permission

Antenna-installations <5 metres are permit free (this includes rooftops, antennas in existing pylons and high voltage pylons). In all other cases a building permit is required to construct a new site in the Netherlands.

In case a permit-free site is planned on a residential building with tenants, the tenants' approval is required for the construction of the site

12.3 Timescales for Permission

Antenna-installations < 5 meters are permit free.

For antenna-installations 5-40 metres in the built-up areas of towns and cities a short permitting-procedures is applicable (3-4 months).

Antenna-installations outside the built-up areas, antennas on monumental buildings and antennas > 40 metres require a longer permitting procedure (including approval at provincial level). This permission procedure will take 9 months

The worst cases are in the 18 months range.

12.4 Appeals Process

An appeals process is in place that can lead to 4 to 5 months delay to the granting of permission.

12.5 Public Consultation

Public consultation normally takes place through meetings. Consultation is mostly voluntary. In case of permit free antenna-installation on a residential building with tenants consultation of the tenants is obligatory.

12.6 Exemptions and existing site upgrade

There are exemptions for structures less than 5 m high (permit free situations, such as rooftops, existing masts).

13. POLAND

13.1 Planning Authority

The National rules concerning siting are covered in five acts: Spatial Development Rules, Building Permission, Environmental Law, Permission for EMF emission and Permission for operation.

13.2 Requirements for planning permission

A building permit is normally required to construct a new site.

13.3 Timescales for Permission

In practice permission takes between 3 months and 2 years.

13.4 Appeals Process

An appeals process is in place that can lead from 6 months to 3 years delay to the granting of permission.

13.5 Public Consultation

There is a legal requirement that local authorities provide an official announcement to the public. Public consultation normally takes place through meetings. Consultation is mostly voluntary but in some cases is obligatory.

13.6 Exemptions and existing site upgrade

If there is any change causing a change to the radiofrequency field levels, it is necessary to obtain a new permission for the field levels and in some cases (when there is a significant increase of the field levels) a new building permission.

14. PORTUGAL

14.1 Planning Authority

The planning authority in Portugal is the relevant local municipality (Mayor).

14.2 Requirements for planning permission

A building permission is required in order to construct a new site (masts and rooftops). As a general observation, compliance with the national radiofrequency field exposure limits, specific urban planning and building rules is required. In case of rooftops installation on residential buildings the joint owners authorization is required.

14.3 Timescales for Permission

According to the legal regime for the sitting of base stations that came in to force in January 2003, an application must be cleared within 30 (work) days. If a local authority doesn't react within this timeframe one has (tacit) approval. Often however, local authorities ask additional questions on the 29th day in order to delay the process, or do not recognize the tacit approval and refuse the application.

14.4 Appeals Process

If an application is refused, operators can appeal against it to the Courts. However this can delay building permission for up to two years.

14.5 Public Consultation

Public consultation is not mandatory.

14.6 Exemptions and existing site upgrade

Temporary base stations do not need planning permission.

15. REPUBLIC OF IRELAND

15.1 Planning Authority

The planning authority in Ireland is the relevant local authority. Local Authorities include County and City Councils

15.2 Requirements for planning permission

Planning permission and a commencement notice are required to construct a new site in Ireland.

15.3 Timescales for Permission

In theory a decision to grant or refuse the application should be issued within 2 months of the date of the application. If the decision is appealed this period is extended to four months.

In practice however, permission takes 2 to 3 months with appeals extending the process to between 4 and 8 months.

The worst cases are in the one-year range with exceptional cases taking up to two years.

15.4 Appeals Process

A decision can be appealed to the Appeals Board (*An Bord Pleanála*) by the applicant, or the local authority or a third party. The appeals board is a central government statutory body. An appeal needs to be lodged within one month of the date of the Local Authority's decision. If a first part appeal is lodged, the Board has a statutory objective to respond within for months. However, since this is only an objective there is no obligation on the board to respond to the appeal. If there is a third party appeal, the operator has one month to respond to the appeal.

15.5 Public Consultation

Public notices on the site and newspapers advertisements are obligatory. Voluntary meetings with local community groups have taken place in the past. The planning application is available for inspection for the general public. Informal preplanning meetings can take place with the local authorities.

15.6 Exemptions and existing site upgrade

Replacement of existing structures with a new structure of the same height and up to double the width and the addition of up to is permissible without planning permission. New permits have clauses forbidding these exemptions.

16. SPAIN

16.1 Planning Authority

There is not a central planning authority in Spain. The Ministry, the Autonomous Communities and the Municipalities are involved in the process of granting planning permission.

16.2 Requirements for site constructions

A pre-construction technical report of the site is a prerequisite to get the authorisation of the radio installation from the Ministry. The report has to contain a study of the exposure level produced by the installation taking into account the environment.

In case of an environmental or general interest concern, it is necessary to get special permission from the corresponding Autonomous Community. An environmental study would be needed in that case.

A building permission is required from the Town Hall, which will issue a written declaration that the site complies with all prerequisites and legislative requirements.

16.3 Timescales for Permission

In terms of “Administrative Proceedings” law a decision should be issued within six months. If a decision is not received within six months for each Public Body, permission is assumed by default.

In practice, permission from the Ministry and the Local Authority takes 18 months average. The worst cases are in 36-month range.

16.4 Appeals Process

If the town hall does not give permission through written resolution, the operator can appeal and start judicial proceedings in court.

16.5 Public Consultation

As regards the environmental impact permission, public consultation is required by most of the Autonomous Communities.

16.6 Exemptions and existing site upgrade

No specific exemptions exist.

The operator has to submit a further application for “change of planning permission”, at least to the Ministry and the Municipality. The authorities may regard this as a new proposal or an adaptation of an original proposal and make the decision accordingly.

17. SWEDEN

17.1 Planning Authority

The planning authority in Sweden is the relevant local Municipality.

17.2 Requirements for site constructions

Full planning permission is required for all base stations.

17.3 Timescales for Permission

The legal requirement is 42 days but in practice permission takes 6-12 months.

The worst cases are in the fifteen to eighteen month range. In the case of greenfield sites, 60-70% are being delayed.

17.4 Appeals Process

An appeals process is in place that can include local government, the county administration, the Administrative Court, the Administrative Court of Appeal and the Supreme Administrative Court).

17.5 Public Consultation

The municipalities can stipulate the extent and manner of consultation at their own discretion.

17.6 Exemptions and existing site upgrade

No exemptions.

18. SWITZERLAND

18.1 Planning Authority

The local authority issues the build permit for base stations within the construction zone. For base stations outside the construction zone an additional permit from the canton (state) is necessary. Additional permissions are necessary in sensitive zones (landscape protection zones). Further special regulations and processes are applied for base stations on power pylons, on train properties or on highways. For all build permit applications a positive statement of the environmental authority concerning compliance with the environmental law is mandatory.

18.2 Requirements for planning permission

A valid build permit is necessary for all mobile base stations. Depending on the canton or community an exemption is possible for base stations with a total transmission power of less than 6 W ERP⁷. The build permit is granted if the following two conditions are fulfilled:

- Compliance with the applicable federal law, cantonal law (due to federalism: 26 different regulations) and communal law. In particular: Construction law, environmental law, EMF regulation, nature- and country protection law, etc.

AND

- All legal opposition/appeal from neighbours must be legally rejected or withdrawn. With an opposition/appeal a neighbour can initiate the formal legal process through several administrative and court instances, which takes (depending on the canton) between 6 months and 4 years.

⁷ Effective Radiated Power.

18.3 Timescales for Permission

There is usually no legal requirement. The process to get a build permit takes between 3 months (minimum, without opposition) and up to about 4 years. A typical timescale is 300 days to get a build permit.

18.4 Appeals Process

Depending on canton. Usually:

1st appeal instance: communal authority

2nd ordinary appeal instance: government of the canton

3rd ordinary appeal instance: cantonal administrative court

4th ordinary appeal instance: Swiss Federal Court

18.5 Public Consultation

Public consultation is mandatory and every project will be announced to the public (e.g. local newspaper). Each neighbour living in a distance up to 300-750 meters (depending on power of the base station) can depose an opposition/appeal and initiate the legal process.

18.6 Exemptions and existing site upgrade

Exemptions are usually only for microcells below 6 W ERP, and these are dependent on the canton. No exemptions for upgrades of existing sites. For upgrades that change the direction or increase transmission power a new full permitting process with all legal consequences is necessary.

19. UNITED KINGDOM

19.1 Planning Authority

The United Kingdom is composed of England, Wales, Scotland and Northern Ireland. The planning authority in England, Wales and Scotland is the relevant local Municipality. In Northern Ireland, it is the central Planning Service (on behalf of the Department of the Environment).

19.2 Requirements for site constructions

In Northern Ireland, full planning permission is required for all installations (other than those so small as to fall outside the planning system)

In Scotland, full planning permission is required for all ground based installations and larger installations (generally over 4 m in height) on existing buildings/structures or additions to the height of existing masts of over 2 m. Smaller installations/additions are permitted development.

In England and Wales, full planning permission is required for all installations over 15 m in height or extensions to existing installations beyond 15 m in height. Ground based installations below 15 m and installations on existing buildings/structures between 4 m and 15 m are permitted development, but require prior approval. Installations/additions below 4 m are permitted development.

In addition, there are various limits to the permitted size of the equipment cabin.

19.3 Timescales for Permission

Local authorities have best practice targets to determine applications for full planning permission within 8 weeks, but it can take several months longer.

The worst cases are in the fifteen to eighteen month range. About 70-80% of base stations attract some opposition, even if it is only one letter written to the local authority, although this will not cause the operators any problems. Only about 5-10% of base stations attract more significant opposition, which may (or may not) lead to delay.

Where prior approval is required (in England and Wales) the local authorities must determine the application within the prescribed time of 56 days. If a decision is not received within this time permission is granted by default.

19.4 Appeals Process

Two types of appeal are generally used:

- Written representation – normally takes 3 to 6 months but can take up to a year
- Public inquiry – takes a minimum of 9 months.

19.5 Public Consultation

UK operators have developed a joint system of voluntary pre-application consultation, which applies to all new installations. Each proposed site is 'rated' according to a wide variety of 'social' and 'planning' factors and then, depending on the overall rating, an appropriate consultation strategy is determined, ideally in conjunction with the local authority.

The local authority is also encouraged to consult the local community after an application has been received for full planning permission or prior approval (but it has no powers and therefore no requirement to consult, where the installation is permitted development).

Best practice specifically requires both the operators and the local authority to consult with schools that are 'near to' (undefined) the proposed site.

The only compulsory consultation is the erection of a site notice where prior approval or full planning permission is required (and in Northern Ireland an notification in a newspaper).

19.6 Exemptions and existing site upgrade

The installation may be either permitted development, or require prior approval or full planning permission, according to the various size limits set out above. Each type has different planning approval requirements.

Installations smaller than the limits set out above fall outside the planning system and so no approval is required, but these circumstances will be very rare.

20. ANNEX: GSMA GUIDELINES FOR NETWORK DEPLOYMENT PRINCIPLES



GSM Association Guidelines for Network Deployment Principles

25 July 2002

Maintaining the highest standards of health and safety for GSM technology is a global issue that the GSM Association is addressing as a priority in partnership with government, consumer and industry stakeholders.

Mobile services continue to grow and bring enormous benefits to society. To work more efficiently GSM networks need sufficient infrastructure to achieve licence coverage conditions and to maintain the levels of capacity, coverage and service quality expected by consumers. Due to capacity considerations and limitations in the frequencies available for mobile telecommunications networks, more radio base stations are required as customer demand increases. This is often not clearly communicated or fully understood by the public or local authorities.

The GSM Association recognises that there is public concern about the aesthetics of siting and allegations of possible health effects of radio base stations. This public concern is in contrast to a number of independent expert reviews that have concluded that there is no convincing scientific evidence of a link between public exposure to low level radio signals generated by mobile telecommunications systems and adverse human health effects. The wireless industry acknowledges that there is a responsibility on it, with central and local government, to address community concerns about radio base stations.

The main elements of these guidelines include clear information exchange with local authorities and other key stakeholders, proactive operator site sharing initiatives when feasible, environmental sensitivity considerations, and more efficient and detailed availability of data. The key health and safety aspects include operator provision of declarations of network infrastructure compliance with relevant national or international guidelines.

These guidelines are consistent with voluntary commitments made by GSM Association members in Australia, the UK, other countries and with the GSM Europe (GSME) 'best practice' recommendation on network rollout adopted in late 2001.

GSM Association Guideline Network Deployment Principles

1. The GSM Association and its Members welcome continuing independent, high quality and objective research and are currently supporting research recommended by the World Health Organisation to address scientific uncertainties. Expert reviews in several countries have concluded that there is no convincing scientific research of a link between base stations and a public health hazard. On-going research will ensure that policy can be based on substantiated scientific evidence and will provide the basis for on-going review of exposure guidelines.
2. The GSM Association believes that all existing and new radio base stations should be designed to comply with relevant national radiofrequency exposure guidelines. The GSM Association supports national exposure guidelines that are based on sound scientific evidence and are subject to on-going expert review. We encourage international harmonisation of standards.
3. GSM Association members should consider the appropriate form for a declaration of compliance with radiofrequency exposure guidelines. This would support openness and improve the confidence of local communities in the compliant operation of base stations.

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Deansgrange, Co. Dublin, Ireland.

Phone: +353 1 289 1800 Fax: +353 1 289 1551 Email: info@gsmworld.com

4. The GSM Association believes that the provision of technological information to regulatory and planning authorities is an effective means of raising awareness and understanding of the deployment issues confronting Members.
5. Improved dialogue with local authorities and other key regulatory stakeholders will increase understanding of network infrastructure development requirements and the impacts of local planning frameworks. The consultation process should take into account planning, environmental and community issues.
6. GSM Association Members should consider whether communication with regulatory and planning authorities could be improved through the use of clear and consistent supporting documentation.
7. Site sharing with other radio installations or existing structures, where technically feasible and in line with competition law and licensing conditions, should be factored into decisions on the most environmentally appropriate radio base station solution.
8. Appropriate siting and design that reduces the visual profile of antennas can help allay public concerns. The GSM Association recognises that, where reasonable and practical, measures can be taken to minimise the environmental impact of radio base station developments.
9. The GSM Association supports clear processes to respond to enquiries about radio base stations and that the information provided to the public needs to be of a high standard.

National and international standards bodies have developed guidelines that apply to mobile phones and base stations. GSM mobile phones and their base stations are designed to operate in compliance with these guidelines. For country specific information on applicable standards the local telecommunications regulator should be contacted. The GSM Association opposes the imposition of local unscientific restrictions on siting that discriminate against mobile communications.

Mobile or cellular phones have become an integral part of modern society helping to revolutionise how we conduct our personal and business lives. Indeed, in some parts of the world, they are the most reliable or only phones available. To individuals and the community they provide personal, business and safety benefits allowing people to keep in touch while supporting freedom of movement.

The GSM Association is the world's leading wireless industry representative body. It consists of more than 600 second and third generation wireless network operators working collaboratively to define, prioritise and communicate requirements, as well as key manufacturers and suppliers to the wireless industry. GSM accounts for approximately 71% of the total digital wireless market today and already offers an expanded and feature-rich 'family' of voice and data enabling services.

Where to go for more information

GSM Association: http://www.gsmworld.com/technology/tech_faq.html

GSM Europe: <http://www.gsmworld.com/gsm europe/index.html>

World Health Organisation: <http://www.who.int/peh-emf/>

The GSM Association (GSMA) is a global trade association that represents the interests of more than 620 GSM mobile operators throughout the world. The Association role is to promote, protect and enhance the interests of the global GSM mobile operator community – which currently (April 2004) provides GSM services to more than 1 Billion customers across more than 200 countries and regions around the world (73% of the world's digital mobile market). In addition, some 130 key manufacturers and suppliers to the GSM industry are associate members of the GSM Association.

GSM Europe (GSME) is the European Interest Group of the GSM Association. GSM Europe represents 143 operators in 50 countries/areas of Europe. At the end of September 2003 there were more than 442 million GSM customers in the European region.