

Policy Infra6 - Communications Infrastructure

1. All new residential, commercial developments and other appropriate developments/uses must be served by a gigabit broadband connection to the premises and 4G/5G mobile connectivity. Connection should include the installation of appropriate cabling within the homes or business units (or other buildings) as well as a fully enabled connection of the developed areas to at least two open access network providers, enabling future occupiers to subscribe to gigabit broadband services without the need for further engineering work.
2. When determining applications, or prior approval applications for the siting and design of permanent telecommunications equipment and other associated permanent structures, there will be a presumption in favour of proposals which can demonstrate:
 - a. They are designed sensitively and appropriately in respect of their setting and location; and
 - b. Where the proposed mast, antennae, base station or other equipment will emit time-varying electric, magnetic or electromagnetic fields (EMF), there is:
 - i. An International Commission on Non-Ionizing Radiation (ICNIRP) declaration issued and signed by a qualified and competent person from a registered company that is on the OFCOM Register of persons with powers under the Electronic Communications Code and contains the relative measurements that allow for public scrutiny; and
 - ii. A satisfactory risk assessment provided which includes the outcomes of consultation with all residents and businesses within 500m of the installation, including any schools, colleges or residential institutions. Where the consultation highlights risks to persons that could be affected by levels of EMF radiation below ICNIRP safety thresholds this should be highlighted and addressed in the risk assessment; and

- iii. Information that demonstrates that satisfactory consideration has been given to areas of non-compliance (exclusion zones)² and cumulative impact, to the extent that risk to human health has been avoided. The Council will apply the agent of change principle when determining if exclusion zones are appropriate.

² See Code of [Practice for Wireless Development in England](#) (para 44, Annex C scenarios)

Reasoned Justification

19.67 The [National Planning Policy Framework \(NPPF\)](#) supports the provision of high quality and reliable communications infrastructure to deliver economic growth. The Government has confirmed that telecommunications infrastructure should be considered alongside other key infrastructure such as roads and utilities.

19.68 Digital connectivity is becoming increasingly essential to access services and to access work. To this end the Council will require all new developments to have access to fibre to the premises services. The Government have committed to all existing homes having access to fibre to the premises by December 2026. This is being delivered in Castle Point over the course of 2024 – 2025, and therefore there will be an existing fibre network for new developments to make use of. It is therefore expected that this requirement is broadly deliverable across the Borough.

19.69 Another key component of modern communications is the mobile phone network, with existing 3G, 4G and 5G infrastructure present across the Borough. Many people rely on the mobile network for their day-to-day activities and business whilst they are out and about, and this is therefore also critical infrastructure.

19.70 However, initial roll out of 5G provision has highlighted some design, layout and siting concerns that need to be addressed in future provision. The Essex Design Guide includes a section on 'Planning for 5G' including a

planning protocol to guide the pre-application and planning application process where planning permission is required for new infrastructure or equipment.

19.71 Furthermore, the recent case of Thomas v Cheltenham Borough Council [2024] EWHC 1035 (Admin) highlights the potential risk to some individuals with medical devices from the electro-magnetic field (EMF) associated with such installations.

19.72 Traditionally, certification of equipment under the ICNIRP Statutory Guidelines is sufficient. However, the 'Code of Practice for Wireless Network Development in England' provides guidance to Code Operators (referred to as 'operators' throughout the Code of Practice), including the Mobile Network Operators and wireless infrastructure providers, their agents and contractors, Local Planning Authorities, and all other relevant stakeholders in England on how to carry out their roles and responsibilities when installing wireless network infrastructure. Amongst other things, this requires consultation with the public prior to application.

19.73 The case of Thomas v Cheltenham Borough Council indicates that where the public raise issues with regard to the impact of the EMF on medical devices, this should be taken into account in the decision making process. A risk assessment addressing any concerns raised during public consultation should therefore be prepared to accompany any application.

19.74 The Code also expects the operators to address any issues of non-compliance with ICNIRP guidance. This may include introducing an exclusion zone around equipment. Where such an exclusion zone would prevent people enjoying their existing property or would exclude people from using public land which they can currently access, the proposal will be considered against the agent of change principle and may not be acceptable.

