

Full Council

5 July 2022



Report of: Tim O’Gara, Director Legal and Democratic Services

Title: Petition Debate – Residents Against the Mast in Redcatch Park

Recommendation

That Full Council debates the petition and refers it to the Mayor / relevant Cabinet member for a formal response.

Summary

Under the Council’s petitions scheme, where a petition has 3,500 or more signatures from people who live, work or study in Bristol, the petition organiser can request a Full Council debate.

The Council has received a petition in relation to the Residents Against the Mast in Redcatch Park

The petition organisers have requested that Full Council debates the petition.



Details of the petition

1. The wording of the petition is as follows:

Petition title / subject: **Residents Against the Mast in Redcatch Park**

Petition wording:

We are a group of passionate and angry residents from Knowle in Bristol. We represent hundreds of families and individuals in the area and are trying to stop the siting of a telecoms mast in our local park.

EE and Hutchinson 3G UK limited have approached Bristol City Council (BCC) via their agent Waldon to install, on a 'temporary' basis (18 months) telecommunications equipment within Redcatch Park, to be sited in an open grass area. This equipment comprises a 24.16m high mast, with a 14m x 8m footprint and a 2.5m high compound (timber faced, reinforced concrete. This compound will contain related equipment including a generator and fuel tank. To enable the erection of the mast and equipment, the Council will need to 'dispose' (by license or lease) an area of land within the Park.

Whilst the notice issued by the Council advises that 'this licence is for a temporary period to cover a temporary installation within the park' it goes on to say 'whilst a permanent position within the park, is investigated'. We believe the intent is fairly clear – that Redcatch Park is identified to be a permanent location for the mast.

This park is a public open space used by hundreds of families and individuals and their dogs, in the immediate vicinity and from further afield, due to its Community Garden and vibrant and inclusive events throughout the year. It is a very small park and so the erection of a telecoms mast would hugely impact on the beauty and facility of the park.

We are advised that the operator's proposal utilises the Electronics Communications Code ("New Code"), introduced within Part 2 of the Digital Economy Act 2017, which is now in force having been incorporated as Section 3a of the Communications Act 2003. We are advised that this new legislation gives telecoms providers much greater powers to install equipment, as the legislation was designed to speed up and streamline the abilities of the telecoms providers to install and maintain mobile phone and broadband infrastructure on third party land.

Bristol City Council (BCC) have advised that if no agreement can be reached between the landowner and the Operator, then in this case EE and Hutchinson 3G, can take BCC to court and request the courts to grant a new agreement for Redcatch Park to provide area network coverage using the above legislation - and claim these costs against BCC. To protect BCC's legal interests the Council is using an external Telecoms expert and also using an external law firm to give advice on the legal aspects of the proposal.

Bristol City Council advise that as 'landowner', their powers to prevent the installation of the mast is very limited, as the above legislation was specifically designed to give greater powers to telecoms providers due to the greater demand for digital services such as mobile phones and broadband. Both the temporary and permanent masts will require a Disposal of Public Open Space

Notice (which has been published) giving members of the public the right to object to the loss of public open space. This is what we are now doing. BCC advise that it should be noted that the above telecommunications legislation is wide ranging and gives statutory powers to the infrastructure companies to proceed without the consent of the landowner via third party proceedings.

The operator does not require Planning Approval for the ‘temporary’ installation, however, a more permanent mast will be required and this will need formal planning consent. We are advised that this has been submitted but this application is not available to review.

This petition, is therefore, to object to Bristol City Council disposing (by license) of the designated land within the park for the purposes of allowing EE and Hutchinson 3G UK limited access for the erection of the mast and all its accompanying equipment either for a temporary or permanent basis due to the impact this will have on the park and its users.

We believe by drawing attention to this situation, we can prevent this from happening here and in other precious green spaces across the UK.

Thousands of families, individuals (and dogs) will suffer, if this proposal goes ahead. We deserve to have our voices heard. Please support our cause by signing this petition.

2. The petition has been organised by “Residents Against the Mast” (Sian Ellis-Thomas)
3. The petition has secured 4334 signatures to date, 3637 from Bristol residents. Verified as of 13 March 2022.
4. The Full Council is asked to debate the petition.
5. Under the petition scheme, the petition organiser is permitted up to 5 minutes to present and speak to the petition. The petition scheme allows a further period of up to 15 minutes for discussion of the petition by councillors at the Full Council meeting.
6. The Full Council has agreed the following in relation to dealing with petitions with over 3500 signatures: The topic of the debate should be referred to the Mayor/Cabinet, or other relevant body with the petitioner’s views and Full Council’s views.

RECOMMENDATION

Following the debate, the Full Council is recommended to refer the petition to the Mayor, in order that the Mayor can consider his response, in liaison with the relevant Cabinet member.