

## **Draft summary of covenant for permit-free antenna installations for mobile telecommunications**

The Cabinet proposes to include antenna installations up to a height of 5 metres in the list of building works that do not require a permit under the Housing Act. To achieve this, a covenant is required to regulate the conditions for permit-free installation of antennas. The covenant will be signed by the Ministry of Transport, Public Works and Water Management, the Ministry of Housing, Spatial Planning and the Environment, the Association of Dutch Municipalities and the five mobile telecommunications operators.

The covenant is a consequence of the National Antenna Policy adopted by Cabinet in december 2000 and approved by the Lower House. The aim of the covenant is to facilitate quick and careful placement of antenna installations for mobile telecommunications. Speed will be achieved by not requiring a building permit for antennas up to 5 metres in height. Care will be ensured by reaching agreements on: mutual co-operation between operators, the formulation of a placement plan and discussion of the plan with the municipalities, visual harmony, residents' approval, and maximum permitted exposure of the general public to radio-frequency electromagnetic fields. The covenant will be valid for no more than ten years and in the meantime the agreements will, as far as possible, be given a statutory basis.

Covenant agreements:

### ***a. Placement plan***

The operators will draw up a joint placement plan which indicates both planned and existing antenna installations in the municipality. The aim of the placement plan is to inform the municipality about where the operators intend to place new antennas and where all the antennas in the municipality are located. This will give the municipality an idea of the total number of antenna installations and where they are. If an operator wants to place an antenna on a residential building, he must make a reasonable case for the need to do this. There may be two reasons for wanting to do so. Firstly, if there is no alternative location that gives the operator sufficient coverage of the network. Secondly, if the placement of an antenna installation on a residential building avoids the need for the operator to place *more* antenna installations on other buildings (or elsewhere in the neighbourhood).

There are agreements in the covenant governing what should appear in a placement plan and the procedures the parties must follow in relation to discussion of the plan.

### ***b. Visual harmony***

In special cases, municipalities can – in keeping with local building regulations on external appearance – stipulate the colours used for technical equipment cabinets, cabling and facade antennas. This will enable municipalities to ensure that operators take the character of the local streetscape and landscape sufficiently into account when placing antenna installations. It has been agreed in the covenant that the municipalities will make these requirements known to the operators and that the operators will comply with them.

### ***c. Right of approval***

Apart from the question of the building owner's approval, new, small antenna installations cannot be placed on a residential building if more than half of the building's residents vote against it.

The covenant includes an agreed procedure for this. Residents will be able to indicate on a form whether they approve or disapprove of the placement of one or more antenna installations on their building and state their objections where applicable. In order to gain approval once residents'

objections have been satisfied, a second approval round may be held. The maximum number of approval procedures per residential building will be two a year, except for special cases.

Since no one has had much experience at all with this kind of approval procedure, the operators are carrying out a number of tests, with public counting of the returned reply forms.

***d. Exposure limits***

Mobile telecommunications makes use of radio-frequency electromagnetic fields. In order to avoid any possible health risk, agreements have been reached on exposure limits. These agreements are based on the 1999 European Council recommendations on limiting the exposure of the general public to electromagnetic fields. The covenant stipulates that, when placing antenna installations, all operators in the Netherlands must ensure that the exposure values for freely accessible areas contained in the European recommendations are not exceeded.

***In conclusion:***

- The covenant will come into operation following notification by the European Commission and at the same time as the Order in Council authorising the erection of small antenna installations without the need for a permit.
- Those involved will evaluate the operation of the covenant agreements annually, and for the first time within six months of the covenant coming into effect.
- Each operator is responsible, on penalty of a fine, for ensuring that if the frequency licence is transferred to a third party, that third party complies with the agreements in the covenant.
- The covenant has been concluded with the five current mobile telecommunications operators. The central government will make every effort to ensure that any new operators become party to the covenant.
- The municipality can fine an operator if the operator does not comply with the agreements on placement plan and visual harmony. The central government can fine an operator if the operator does not comply with the agreements on the right of approval.

The negotiation of these agreements lays a firm foundation for the quick, responsible placement of small antenna installations.

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