

Proposed reform to permitted development rights to support deployment of 5G and extend mobile coverage Published 27 August 2019

Ministry of Housing, Communities & Local Government and Department for Digital, Culture, Media & Sport

SPS Consultation response 23 October 2019

Introduction

The purpose of this consultation is to seek views on the principle of amending permitted development rights for Operators with rights under the Code to support deployment of 5G and extend mobile coverage, and the circumstances in which it would be appropriate to do so.

Mobile network operators have identified that to provide greater mobile coverage and to support the accelerated deployment of 5G, the following would be needed: taller and wider masts; building-based masts located nearer to highways; and faster deployment of radio equipment housing located on both protected and unprotected land.

This consultation seeks views on the principle of amending or creating new permitted development rights to grant planning permission for the following four proposals, and in particular, the circumstances in which it would be appropriate to:

- a. enable deployment of radio housing equipment on land without requiring prior approval, excluding on sites of special scientific interest, to support 5G deployment;
- b. strengthen existing masts to enable sites to be upgraded for 5G and for mast sharing without prior approval;
- c. enable the deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage, subject to prior approval; and
- d. enable higher masts to deliver better mobile coverage and mast sharing, subject to prior approval.

Question 1.1: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on meeting the Government's ambitions in relation to mobile coverage including addressing 'total not-spots' and 'partial not-spots'?

The existing regime of PD and Prior Approval is sufficient to facilitate full coverage. Further relaxation of PD will not automatically influence the commercial decisions of Operators. Only a change to primary legislation will guarantee that "not-spots" are addressed. The proposed reforms may speed up delivery in some areas but will not necessarily solve the hard to reach areas which are commercially less attractive.

Question 1.2: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on planned deployment of 5G technology?

The reform of PD for re-use/installation of additional cabinets and masts may speed up delivery in situations which would previously have required local authority scrutiny/decision

Question 1.3: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to reduce visual impacts of new electronic communications infrastructure and how would these be delivered?

The introduction of a non-discretionary design code to provide a level of control over the visual impacts of telecommunication infrastructure on Article 2(3) land (Conservation areas, AONB's, National Park's, The Broads and World Heritage Sites) would be more effective in protecting visual amenity and achieving consistency across the country. Further relaxation of PD on protected land would undermine the statutory protection of these areas

Question 1.4: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that equipment at redundant sites is removed and the land is restored, and how would these be delivered?

A consenting regime is necessary to decommission redundant equipment as Operators cannot be expected to voluntarily remove obsolete equipment. To avoid the environment being blighted a time limit should be applied to all installations whereby the Operator should be required to demonstrate that the equipment is still operational.

Question 1.5: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that the use of existing sites and infrastructure were maximised before new sites are identified, for example through increased sharing?

A national list of available sites should be drawn up which identifies the capacity for shared facilities in order to minimise the proliferation of infrastructure and maximise the efficient deployment of 5G coverage. The established planning principle of brownfield or previously developed land is well established and should apply to telecommunications. Sharing sites must be incentivised to reduce the visual blight of the environment

Question 2.1: Do you agree with the principle of amending permitted development rights for equipment housing to remove the requirement for prior approval for development within Article 2(3) protected land and on unprotected land which exceeds 2.5 cubic meters, to support deployment of 5G?

No

The existing consenting regime permits proper scrutiny of the siting and design of telecommunications equipment. Any reforms that undermine the statutory protections of Article 2(3) land should be resisted

Question 2.2: What impact could this proposal have on the surrounding area and how could this be addressed?

Erosion of the special qualities (eg tranquility) and harmful visual impacts to the character and appearance of sensitive landscapes and townscapes

Question 3.1: Do you agree with the principle of amending permitted development rights to allow an increase in the width of existing ground-based masts by more than one third, to support 5G deployment and encourage greater utilisation of existing sites?

Yes

We support the re-use of existing sites outside of Article 2(3) land

Question 3.2: If yes to question 3.1, what increase in width should be granted through permitted development rights, without prior approval, to ensure that the visual impact on the surrounding area is minimised?

Don't know

Question 3.3: To further incentivise operators to maximise the use of existing sites, should permitted development rights be amended to increase the height of existing masts to the relevant permitted height without prior approval? If yes, what restrictions are appropriate to protect safety and security, and visual impact considerations?

Yes

Subject to the site being located outside of Article 2(3) land and where not affecting the setting of a listed building

Question 3.4: Are there any other amendments to permitted development rights that would further incentivise operators to maximise the use of existing sites? If yes, what are these and, what restrictions would be appropriate to ensure that the visual impact on the surrounding area is minimised?

Enhanced PD rights to existing sites would incentivise Operators to prioritise the use of established sites. This would reduce the risk of a proliferation of sites which would result in harmful visual impacts

Question 4.1: Do you agree in principle with creating a permitted development right to grant permission for masts to be located within 20 metres of a highway on buildings less than 15 metres in height, in all areas?

No

Such an arbitrary approach could harm the setting of listed buildings, conservation areas, AONBs and National Parks

Question 4.2: If yes to question 4.1, what restrictions (if any) could be put in place to control the deployment of infrastructure within 20 metres of a highway on a building less than 15 metres in height, taking into consideration potential impacts on safety to accommodate vehicle lines of sight, and visual impact on local amenity?

N/A

Question 4.3: If yes to question 4.1, do you agree that this permitted development right should be subject to the prior approval process by the local planning authority?

N/A

Question 5.1: Do you agree in principle with amending permitted development rights to increase the height of new masts, subject to prior approval?

Subject to a set of adopted criteria which safeguards the statutory protections for designated heritage and landscapes

Question 5.2: If yes to question 5.1, what permitted height should masts be increased to and why?

Height of masts should be dependant upon the sensitivity of the location and a fixed dimension is inappropriate. A criteria based scheme would allow higher masts in less sensitive locations.

Question 5.3: If yes to question 5.1, should a lower height limit be permitted for masts located in Article 2(3) land or on land on a highway and why?

No

Article 2(3) land will have greater sensitivity to visual harm associated with large scale infrastructure

Question 5.4: If yes to question 5.1, what restrictions (if any) should be put in place to control development of permitted higher masts?

A criteria based system within the GPDO is necessary to determine which locations are acceptable for large scale infrastructure in order to avoid harm to protected landscapes, buildings and townscapes.