

Response to joint DCMS / MHCLG technical consultation: Changes to permitted development rights for electronic communications infrastructure

Evidence from Mobile UK

June 2021

Introduction

1. Mobile UK welcomes the opportunity to respond to the Department for Digital, Culture, Media and Sport's and Ministry for Housing, Communities and Local Government's consultation on proposals for reform of the permitted development rights (PDRs) for digital infrastructure.

Summary

2. Permitted development rights for electronic communications infrastructure are a critical element in the planning regime for streamlined and cost-effective deployment of telecommunications infrastructure. They benefit both mobile network operators and local planning authorities in the effective management of limited time and resources. Permitted development rights also facilitate investment in network infrastructure resulting in improved service to customers, and help in delivering significant socio-economic benefits to society both nationally and locally.
3. Some of the main benefits of permitted development rights are outlined below:
 - **Efficiency** – they allow operators to comprehensively plan rollout with a high degree of certainty on decision outcomes with streamlined timescales.
 - **Quality** - regulatory change would not override the need for a Code of Best Practice (CoBP) which would continue to be adhered to and we welcome the opportunity through this process to update and review.
 - **Service Provision** – they deliver improved service across England to society, businesses, and residents with significant socio-economic benefits in terms of IoT applications and post-Covid economic recovery and will be an important element assisting the deployment of 5G, the Shared Rural Network and emerging technologies such as Open RAN.
 - **Cost-saving** – they provide cost-saving benefits for both the industry and to local planning authorities in determining applications. The cost savings for local planning authorities will accrue from a more efficient and certain planning process which reduces; administration, officer time, committee time, and discharging conditions following approval.
4. There are close to 42,000 sites in the UK-wide network across all operators, street works, and including use of other wireless infrastructure provider sites. About 65-70% of the network is in England (c. 27,300 – 29,400 sites) and almost all sites will need to be upgraded for 5G delivery over the next circa five years with new sites added in

densification projects to meet capacity demand.

5. Also, there will be a large volume of ground-based sites that will need to be upgraded for the Shared Rural Network (SRN) to add new technology or additional operators. This represents a significant amount of investment both on the part of the industry (£532 million) and the UK Government (£500 million).
6. Of all those sites in the network, the rough breakdown of site type is 50% greenfield, 32% Rooftop and 18% street works. From this, it is possible to apply some estimates to cost reductions attached to town planning costs for network rollout in the context of the permitted development rights reforms.
 - Greenfield upgrade from needing full planning/Prior Approval to Regulation 5 in terms of restriction being removed around height and width increase parameters (vital for SRN and 5G delivery) – 60% cost saving
 - Rooftop going from GPDO to Regulation 5 – 70% cost saving (based on proposals in this consultation and critical for 5G rollout).
 - Street works upgrade/new monopole from needing full planning/Prior Approval to Regulation 5 in terms of restriction being removed around height and width increase parameters and proposed new 15 metre deployments (vital for 5G delivery) – 66% cost saving
7. These savings apply across negated local planning authority application fees and fees paid to planning agents to submit the various planning types. The saving in terms of time is also significant, as is the saving of local planning authority resource in removing the need to determine applications for relatively minimal proposals.

Mobile UK Response

8. Question 1

The Government has committed to make it easier to deploy radio equipment housing without the need for prior approval. This is to support the deployment of 5G and incentivise the use of existing sites for site sharing.

1A) To implement this, we would welcome your views on the following proposals:

a. On Article 2(3) land to:

- **permit single developments up to 2.5m³ without the need for prior approval;**
- **to permit single developments exceeding 2.5m³ subject to prior approval.**

The above proposals would not apply on land on or within sites of special scientific interest.

Response

9. This proposal is welcomed and will allow upgrading equipment to the next generation of communications more swiftly and easily than at present, further enhancing the industry's ability to meet national targets for 4G and 5G mobile coverage. The proposals will also facilitate upgrades of existing infrastructure and the opportunity to share infrastructure with multiple operators, which provides an additional benefit by minimising the visual and

environmental impact. It is further welcomed that the proposals would bring mobile telecoms closer in line with the rules and regulations that cover fixed-line operators.

10. It is accepted that there are specific characteristics of mobile telecommunications infrastructure which may be considered to have a more significant impact upon designated land, but we consider this to be only perception rather than reality. It is also pertinent that the vast majority of proposals for additional cabinets within article 2(3) land are replacements to existing cabinets, albeit relocated, or new cabinets but set within the context of the existing equipment. The size of 2.5m³ as proposed is in line with the fixed operators and is the current size limit as set out in Part 16; similarly, the allowance for each single development that exceeds the size limits is also set out in the current regulations. The relaxation to allow the cabinets within article 2(3) land as permitted development without prior approval is welcomed.
11. Any perception of visual impact and potential mitigation should be considered part of the Code of Best Practice review.
12. It is also essential that the definition of a single development is clear. While we accept that there may be cases where two cabinets are deployed, with a combined volume over 2.5m³ but individually below this permitted 2.5m³ volume, the legislation should consider each individual unit as a single development and not both cabinets as a single development. Existing parameters within Part 16 already protect against inappropriate cumulative development.
13. If a two cabinet deployment were considered as a single development the implication is that permitted development notifications and developments would have to be staggered to negate the need for submission. This adds additional complexity, time and resource to both the mobile operators and the local planning authority. The cumulative parameter is in place to control excessive individual deployments becoming harmful.
14. We believe that there should be no singular or cumulative volume restriction to equipment housing within an existing fenced compound on non-street furniture sites; this type of development should be permitted development without prior approval.
15. **1B) To implement this, we would welcome your views on the following proposal:**

- **To permit the installation, alteration or replacement of radio equipment housing within the boundaries of a permitted compound, without the need for prior approval, subject to measures to mitigate visual impact. This proposal would apply on all land except land on or within sites of special scientific interest.**

We recognise that conditions would be needed to ensure that new equipment housing does not have an adverse visual impact on the local area. We therefore particularly welcome comments on what measures would be most appropriate to mitigate visual impact.

Response

16. We support the proposal to allow cabinets to be installed, altered, or replaced as permitted development without prior approval if located within a compound. This is a logical and straightforward approach. *(Please see images provided separately figures one*

to 28).

17. Specifically, it will assist upgrades to provide newer technology, more equipment and will facilitate infrastructure sharing where relevant to better enable multiple operators on a single structure. This is of particular importance to the Shared Rural Network programme which is based on the sharing of infrastructure by multiple operators. This will optimise service provision while minimising visual and environmental impact, especially in the most sensitive areas, by promoting the upgrade of existing sites.
18. Fenced compounds typically existing in rural settings (which may be Article 2(3) land or not) or in more industrial/commercially settings where a greenfield base station has been deployed and there is sufficient space for a compound needed for security.
19. In addition, when within an existing fenced compound, both inside and outside Article 2(3) land, the compound and its fencing will be existing and will have previously been approved via the relevant prior approval/full planning process when a base station was originally built.
20. Where fencing is required, the type should be considered on a site-specific basis, depending on security risk, planning and noise (acoustic screening) requirements. A.5 in Part 16 already provides permission for fencing and this works well with little negative impact so there is no need to add additional restriction. There should be no additional parameters applied to this as it should be sufficiently unrestricted to facilitate the appropriate type of fencing required to address local and site specific issues.
21. Visual impact concerns are mitigated by the very nature that cabinets are placed within a compound. Equipment housing inside an existing compound in place to host telecommunication apparatus is entirely congruous and within land set aside specifically for telecoms infrastructure use.
22. It is logical to assume that if an equipment cabinet is within the size parameters and located within a compound and shielded from view, then siting and appearance upon the surrounding area is irrelevant. The compounds would have previously obtained consent, including the fencing around the compounds, which is often 2 metres in height. The requirement to control the development via the prior approval process is therefore not necessary. Equally, there should be no restriction on the permitted volume, either singularly or cumulatively, when equipment housing is placed within an existing fenced compound, even on Article 2(3) land. This is based on the same argument that if it cannot be seen and is in keeping with the existing infrastructure due to the compound fencing, then controlling the development with consideration of siting and appearance seems unnecessary.
23. It is considered appropriate that if equipment cabinets are located within such a fenced compound then on the majority of occasions they would not be visible from long distances and therefore consideration of siting and appearance is irrelevant. If, however, they are visible they would be in keeping within that setting and adjacent to other telecoms infrastructure.
24. This proposal would greatly facilitate and reduce the timeline for mobile infrastructure deployment. These proposals would also reduce the burden on the local planning

authority to consider such applications, further speeding up the upgrading and sharing of sites without having any significant visual impact locally.

25. Question 2

2A) The Government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage the use and sharing of existing masts and so limit the need for new ones.

To implement this, we would welcome your views on the following proposals:

- **To permit the alteration or replacement of existing masts with wider masts, subject to the following limits: on all land, for existing masts less than one metre wide, permit increasing the width by up to two-thirds without the need for prior approval;**
- **where an existing mast is greater than one metre wide, permit increases in width without the need for prior approval. Subject to consultation responses this would be by either:**
 - a) **up to one half or two metres (whichever is greater) on all land (including Article 2(3) land and land on a highway); or**
 - b) **up to one third or one metre (whichever is greater) on Article 2(3) land and land on a highway, and one half or two metres on all other land.**
- **on all land permit greater increases in width than proposed above subject to prior approval**
- **that any change in width is calculated by comparing the widest part of an existing mast with the widest part of the new altered or replacement mast.**

The above proposals would not apply on land on or within sites of special scientific interest.

Response

26. The proposals outlined here would significantly benefit mobile infrastructure deployment, particularly for 5G and the Shared Rural Network rollouts.
27. Equally, the proposals to increase width parameters without prior approval up to the suggested dimensions and beyond that with prior approval will significantly facilitate and incentivise the upgrading of infrastructure, enabling the easier sharing of infrastructure and bringing on board the latest technologies sooner.
28. At present, a great many slim monopoles have to be replaced to accommodate extra antennas for the latest technology and/or to increase the height due to surrounding trees or new developments blocking the signal. Consequently, for the 5G upgrade programme, virtually all existing street works monopoles need to be taller to accommodate the extra antennas at the top of the monopoles and wider to accommodate additional feeder cables. This will be applicable to other emerging technologies such as Open RAN and the opportunities to further share infrastructure across multiple operators. *(Please see images provided separately at figures 29 and 30).*

29. The existing provision of a one-third increase means that the current 5G monopoles are beyond this limit, usually by only a few centimetres. The proposal to increase limitations concerning width is welcomed. This will allow the installation of equipment to be far quicker and for it to be simpler for local planning authorities to assess. At present, the rules can be confusing and imply that the upgrade of an existing site follows a more controlled process than developing a brand-new site, as any new stand-alone mast would only require an application for prior approval.

Bullet 1

30. The proposals to permit existing masts of one metre or less to be increased by two-thirds will be hugely beneficial to current and future mobile infrastructure deployment and to meet the Government's ambitions for 5G and rural 4G coverage. However, it should also be noted that these proposals do differ and are more cautious than changes recently adopted in Scotland (April 2021), Northern Ireland (December 2020) and in Wales (April 2019), where there is no differential in permitted width increase based on existing mast width.
31. For comparison purposes, Scotland now has a permitted width increase of two metres or 50% (whichever is the greater). These changes will further assist mobile infrastructure rollout by enhancing the structural capability for base stations to host more equipment, thus boosting service provision for each operator and enabling a greater ability to share with multiple operators.

Bullet 2 A / B

32. The industry supports Option A, to allow an existing mast greater than one meter wide, to be permitted an increase in width without the need for prior approval up to one half or two metres (whichever is greater) on all land (including Article 2(3) and land on the highway). This option offers significant benefits over Option B, which itself may not be sufficient. The extra parameters would support the deployment of new equipment, upgrading sites for new technology, and remove the need to deploy additional masts nearby. Significantly, we believe this will be crucial to enable the industry to meet the Government's targets for mobile coverage, including for the Shared Rural Network and 5G deployment. We support this proposal and suggest that the regulations with the guidance are aligned within the NPPF to utilise existing infrastructure first rather than deploying new sites.
33. In addition, it is also important to note that the existing regulations include the wording 'at any given height', which has caused complications when a tapered lattice mast is being replaced and where the footprint stays the same, but the headframe is increased. This current proposal removes that ambiguity and will allow the deployment of more equipment to share existing sites and reduces the need for additional stand-alone installations within proximity to an existing lattice mast.

Bullet three

34. The proposal to allow any increase above the parameters set above as permitted development with prior approval is also welcomed. The suggestion is that the principal of the development is accepted with the proviso that the local planning authority continues

to have control over siting and appearance. Any increased width above the parameters proposed can be seen to involve a substantial structure, and prior approval is considered an appropriate regulation to follow. This will assist in speeding up mobile infrastructure rollout and provide added certainty in the process given the 56-day statutory determination deadline and the fact that it is a light-touch process.

Bullet Four

35. We agree that the legislation should provide clarity that the width increase parameters should be based upon measurements from the widest part of the existing mast to the widest part of the proposed replacement. This is necessary as the existing 'at any given height' parameter is complex for both industry and local planning authorities to interpret and leads to confusion, especially in cases of height increase where there is no comparable height. Other UK nations do not measure width via 'any given height', which has not led to inappropriate development.

2B) For existing masts greater than one metre wide we have proposed two alternative options:

Permit the alteration or replacement of existing masts with wider masts, subject to the following limits:

- Option A) up to one half or two metres (whichever is greater) on all land (including Article 2(3) land and land on a highway), or
- Option B) up to one third or one metre (whichever is greater) on Article 2(3) land and land on a highway, and one half or two metres on all other land.

Greater increases in width than proposed above would be subject to prior approval. The above proposal would also not apply on land on or within sites of special scientific interest.

Which of these two options do you consider to be most appropriate? If you would make any further comments, please include these in your response to Question 2A (above).

Response

36. We believe that Option A is the optimum solution and the most likely to provide parameters so that mobile operators will be able to meet the Government's ambitious targets for both rural and urban coverage. Option A will encourage the use of existing installations and structures more so than Option B and would therefore provide direct benefits to sensitive land use designation. Additionally, it discourages the requirement for additional installations within the landscape.
37. It should also be noted that Scotland has also taken the approach of Option A to facilitate its mobile network strategies for 5G and rural coverage.
38. The principle to allow an increase in the width allowance is welcomed. The need to upgrade existing equipment and potentially share existing sites means that more often, larger telecoms installations have to be replaced and a more structurally secure proposal installed. The regulations at present reduce the likelihood of altering or replacing an existing site. The increase in width allowance means that far more existing installations may well be able to be shared.

39. Equally, upgrades and replacements of existing greenfield sites for the Shared Rural Network in rural and remote areas will benefit as Option A would provide greater possibilities for current single operator sites to be upgraded or shared for multiple operator installation. This is essential to enable these sites to host multiple technologies (2G/3G/4G and future-proofed for 5G) and equipment for multiple operators and to be structurally capable. This option will potentially help reduce proliferation and keep the number of sites to a minimum while delivering the optimum service provision. *(Please see images provided separately at figure 31).*
40. It should be noted that under Option B, in most cases, even one metre 'whichever is the greatest' parameter is unlikely to be sufficient. For this reason, it is suggested that a '50% or two metres, whichever is the greater' parameter as per Option A is added for all sites.

41. Question 3

The Government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage use and sharing of existing masts and so limit the need for new ones.

To implement this, we would welcome your views on the following proposals:

To permit the alteration or replacement of existing masts up to a new height of 25 metres, without the need for prior approval, outside of Article 2(3) land. The Government also proposes to align permitted development height limits for alterations to existing masts with those proposed for new masts. This would permit the alteration or replacement of existing masts subject to the following limits:

- **on Article 2(3) land and land on a highway, up to a new height of 25 metres subject to prior approval;**
- **on all other land, up to a new height of 30 metres, subject to prior approval;**

The above proposals would not apply on land on or within sites of special scientific interest.

Response

42. The industry strongly welcomes these proposals. They would have significant benefits for the rollout of the Shared Rural Network, existing and future mobile networks, and the potential for greater infrastructure sharing.
43. The benefits of deploying taller masts will mean the inclusion of the latest technology, and the effectiveness of that technology will be improved. It will allow sites to be put in place that will operate above buildings or tree lines, which is important for signal propagation and potentially negate the need to cut back trees, which we know would be welcomed by arboricultural officers. This will be even more important with new generations of mobile technology, including the current rollout of 5G. Due to the higher frequency ranges they utilise, the signal does not propagate through more dense objects as effectively and requires greater freedom from obstructions. Furthermore, taller sites will facilitate greater infrastructure sharing. They will permit multiple operators on a single site to deploy equipment at the heights required for functionality and assist ICNIRP compliance.

44. Increased heights, especially in more rural areas, can provide greater network coverage and allow transmission links to operate more effectively. Ofcom's study found that increasing a mast's height from 15 metres to 20 metres can boost coverage by 10% while going from 20 metres to 25 metres can increase that by a further 19%.¹ Such a proposal will directly benefit rural and remote areas, allowing another operator to share a site, allowing greater coverage to end-users, and reducing the need for additional installations within the landscape.

45. Question 4

The Government has committed to make it easier to deploy building-based masts nearer to highways, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

To implement this, we would welcome your views on the following proposal:

Permitting the installations of masts within 20 metres of the highway on buildings that are less than 15 metres in height. Existing limits to the location and heights of masts and number of antennae that can be deployed on building would remain. This proposal would not apply on article 2(3) land or land on or within sites of special scientific interest.

Response

46. We welcome the proposal to allow antennas to be located closer to the highway and thus the building edge on buildings that are less than 15m in height. This will allow greater coverage and potentially reduce the need for bulkier and taller structures located further into the building rooftop. Additionally, it presents a much lighter touch process and establishes the principle whiles setting a statutory deadline to improve certainty for operators and local planning authorities.
47. The current restrictions on locating equipment on shorter buildings or structures have presented ongoing issues for operators. In many cases, the only alternative to siting equipment closer to the building edge is to install a much taller stub mast further from the highway and into the centre of the rooftop itself. This can be perceived as a more incongruous feature than the alternative of shorter supports for antennas around the building edge. Therefore the option in many cases is a much taller stub mast to overcome the 'shadowing effect' of the rooftop and to allow the antennas to broadcast to ground level. Having the option to deploy less bulky equipment closer to the broadcast area reduces the need for additional sites, improves connectivity and lessens the overall visual impact of such installations by avoiding a much taller, bulkier stub mast structure within the centre of the building. In many cases, rooftops may not be structurally able to support a single bulky stub mast, and the current legislation does not support the better alternative of an antenna(s) located closer to the building edge.
48. It is disappointing that the commitment made here does not propose to permit the installation of masts within 20 metres of the highway on buildings that are less than 15 metres in height without prior approval. We believe this could significantly impact the

¹ https://www.ofcom.org.uk/__data/assets/pdf_file/0017/120455/advice-government-improving-mobile-coverage.pdf

rollout of 5G in urban areas where the use of rooftop sites is more prevalent.

49. Equally, the current parameter necessitating a full planning application for works on buildings less than 15 metres within 20 metres of a highway has only applied in England and Wales and does not exist in Scotland or Northern Ireland. In both these cases, it has not led to inappropriate development.
50. It is reasonable that larger rooftop 'masts' or stub towers on buildings less than 15m within 20m of a highway should require prior approval, but it is felt that this is overly restrictive for smaller, shorter and more narrow deployments that should be permitted without prior approval. *(Please see images provided separately at figures 32 and 33).*

51. Question 5

The Government wishes to go further to enable the deployment of building-based masts nearer to highways. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

5A) Do you agree with the Government's proposal to permit shorter masts on buildings without the need for prior approval, subject to measures to mitigate visual impact?

Response

52. We welcome this proposal to allow shorter masts to be located on buildings and structures without the need for prior approval. This would significantly benefit mobile infrastructure deployment, and in particular, 5G deployment in urban areas. The previous interpretation of Part 16, where installations on rooftops were considered permitted development without prior approval, was well understood and adopted. Within Part 16, section A.1(2) details the height limits that installations can be considered by a Regulation 5 notification; however, recent precedent and interpretation have meant that section A.1(2) is irrelevant, but this proposal goes some way to reinstate the previously permitted development right.
53. Therefore, the current proposal allows the installation of equipment up to 6m as permitted development without prior approval and provides far greater assurance when considering the overall rollout project and schedule for upgrading equipment such as the current 5G programme. This proposal clarifies the interpretation, and it is welcomed that equipment would now be able to be installed on buildings and structures, allowing for greater opportunity to deploy the latest technology.
54. To mitigate any perceived visual impact of such a proposal, we consider it better to conduct this matter as part of the Code of Best Practice review rather than through more restrictive legislative control in a more subjective matter.
55. It is essential that the legislation surrounding rooftop installations is clear due to different interpretations on what constitutes a 'mast' or a 'support pole'. The industry does not deem support poles to be masts, meaning that minor rooftop development would not fall outside this permitted development. However, this changed following a recent legal judgement known as the 'Forsythia Judgement' that deemed 'central support poles' were 'masts'. This subsequently put many types of rooftop development out of the remit of permitted development and has had a detrimental impact on urban mobile infrastructure deployment.

56. In addition, we believe that the legislation must also be clear that rooftop grillage of any area is permitted without prior approval. Rooftop grillage is used to deploy fixed antennas to place equipment housing. It ensures that a building's structural integrity is not compromised and negates fixing directly to the roof fabric itself. It is extremely low profile and not typically visible to any public realm area. Therefore, it would be counter-productive if, without clarification, rooftop poles and antennas were permitted development without approval, but minor grillage on which they are placed subsequently required full planning consent. *(Please see images provided separately at figures 34 to 37).*

57. For clarification the existing legislation states:

"Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than —

(a) a mast;

(b) an antenna;

(c) a public call box;

(d) any apparatus which does not project above the level of the surface of the ground; or

*(e) radio equipment housing, is not permitted by Class A(a) if the ground or **base area of the structure would exceed 1.5 square metres.**" (Emphasis added).*

5B) We would welcome your views on this proposal. We particularly welcome comments on the measures proposed to mitigate visual impact:

- **limiting the height of masts that can be deployed without the need for prior approval to a height of no more than 6 metres above the highest part of the building, and**
- **only applying this permitted development right outside of Article 2(3) land and sites of special scientific interest.**

Response

58. We believe that the proposal to limit the height of masts that can be deployed without the need for prior approval to a height of no more than 6 metres above the highest part of the building is reasonable and welcome. This provides sufficient scope to enable a functional rooftop installation design to deliver mobile services (including mitigating 'shadowing' in most cases) while also minimising visual impact. We believe this will also alleviate local planning authorities from having to determine numerous very minor applications *(Please see images provided separately at figures 38 and 39).*

59. We are disappointed that the proposal continues to restrict Article 2(3) areas from the proposed permitted development without prior approval. Many sites, including commercial hubs within urban town centres, are designated as a Conservation Area and are areas of high demand for new 5G coverage. Rooftop deployment, by its very nature, is utilised by mobile operators as the most sensitive and least impactful way to install mobile equipment.

60. By way of an example London is host to a significant number of Conservation Areas that cover the vast majority of the built environment. If the restrictions are retained for Article

2(3) land significant delays and continued difficulty to deploy mobile networks, including the expansion of 5G services, will remain (*Please see images provided separately at figures 40 and 41 and an additional image concerning Glasgow at figure 42*).

61. Rooftop deployments within Article 2(3) can be managed sensitively, so we believe there should be scope to consider this as permitted development without prior approval.
62. It should be noted that listed buildings are covered by separate legislation already; therefore, if additional permitted development rights without prior approval were introduced, there would still be the necessity to gain Listed Building Consent.

63. Question 6

The Government has committed to enable higher masts, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using, and to support the sharing of masts.

To implement this, we would welcome your views on the following proposals:

- **On Article 2(3) land, and land which is on a highway, to permit new ground-based mast up to 25 metres in height, subject to prior approval**
- **On all other land, to permit new ground-based mast up to 30 metres in height, subject to prior approval**

The above proposals would not apply on land on or within sites of special scientific interest.

Response

64. We welcome this proposal to permit new ground-based masts on Article 2(3) land and land on a highway, up to 25 metres and on all other land up to 30 metres, subject to prior approval.
65. The reasons why extra height is beneficial to mobile coverage and signal propagation have been laid out in response to question three. We believe these proposals will significantly benefit the rollout of mobile infrastructure and further assist mobile operators in meeting the ambitious targets for 4G rural coverage and 5G coverage. Additionally, the proposed changes would promote infrastructure sharing as they would help overcome numerous technical constraints associated with 5G and shared deployment.
66. Permitting taller new sites via the prior approval process is hugely positive as it permits local planning authorities to retain control. It also establishes the principle of development. It provides a lighter touch approach whilst also setting a statutory deadline for determination, which streamlines 5G and rural services deployment.
67. Taller new sites will be hugely beneficial for the deployment of the Shared Rural Network, allowing mobile operators to overcome the much more significant challenges caused by rural and remote deployment, such as the lack of proximity to fibre (where microwave dish link line of sight is required for backhaul), the need to address topography issues and to transmit above trees and other obstacles. Many of the Shared Rural Network locations will be in Areas of Outstanding Natural Beauty (AONB) or National Parks (which are by their very nature Article 2(3) land) and so the increased height under prior approval, while

still facilitating control for the local planning authority, is very welcome.

68. In urban areas, the additional height proposed under permitted development will allow sites to be placed so that they can see over 'clutter' such as trees and buildings.
69. Taller sites will also assist in maximising the coverage footprint as the taller the antennas are the further the signal transmits, particularly to address issues with challenging topography. Furthermore, having taller sites will facilitate sharing. They will permit all sharing operators to deploy equipment at the heights required for functionality and enable more shared sites to be ICNIRP compliant.

70. Question 7

The Government has considered whether further measures are needed to support the deployment of 5G and extend mobile coverage. We are considering whether permitting monopoles up to 15 metres in height outside of Article 2(3) land, and land on or within sites of special scientific interest without the need for prior approval would support the Government's ambitions for 5G deployment.

We would welcome your views on this proposal. We particularly welcome comments on the restrictions, limitations and conditions that would be required to ensure this permitted development right would only apply to monopoles, and to mitigate visual impacts.

Response

71. The proposal to allow 15 metre monopoles as permitted development without Prior Approval is welcomed. This proposal aligns mobile telecoms with the Fixed Line sector, where that sector has benefited from a permitted development right without prior approval for the deployment of telegraph poles for several years.
72. In principle, a Fixed Line operator will require a long line of telegraph poles to support the line. In contrast, a mobile operator needs only one monopole to provide network coverage to a much wider area. The proposal to allow 15 metre monopoles would enable far greater connectivity to more challenging to reach areas. For example, locating one single 15 metre monopole within a small village or town would bring connectivity to that community along with the proposed fibre deployment. The alternative would be a location well outside the village involving a much taller structure, a potentially far greater access track, longer power connections and fibre links and a more significant impact upon long-distance views. *(Please see image provided separately at figure 43 to 57).*
73. In urban areas the 5G rollout will significantly benefit from taller monopoles. Indeed the current 5G upgrade programme in the majority of cases is built around the requirement for all existing street works monopoles to be taller to accommodate extra antennas at the top of the structure.
74. The proposal to allow 15 metre monopoles as permitted development without Prior Approval is therefore a crucial element that will provide mobile operators with the tools to meet the Government's ambition to provide the majority of the population with 5G coverage by 2027.
75. Equally, Open RAN specifications and requirements that are still under consideration and

the research and design stage would also benefit from the added flexibility provided by taller monopoles. Any lower than 15 metre could impact on the success of this new technology and the government's wider 5G Supply Chain Diversification Strategy.

76. The benefits to the mobile operators are that the risk associated with deploying mobile equipment is reduced, assurance can be given to network deployment schedules, and programmes can be better managed. In addition, the locations can be better identified against commercial buildings or vacant land, thus reducing the overall impact across wider views.
77. While we welcome the proposal to extend to 15 metres, the mobile industry would request that consideration be given to extending the limit to 17.5 metres, following the principle that a taller structure provides greater coverage and connectivity. As outlined earlier in this response, the Ofcom's assessment found that just a small increase in height can provide far more significant benefits for mobile coverage, especially when considering the characteristics of 5G radio transmissions.
78. To mitigate against the visual impact of a higher structure we believe that the legislation could stipulate that a lattice structure would not be permitted. Further to this, we believe that the Code of Best Practice is the appropriate vehicle to consider guidance concerning visual impact locale. It is also important to reiterate that all permitted development is governed by Part 16, which sets the condition that visual impact must be minimised as much as practicable.
79. It is also important to reiterate again that allowing taller monopoles alongside the proposals to increase width allowances also better facilitates the sharing of infrastructure between operators and in many cases could reduce the requirement for additional infrastructure, and reducing street clutter, that would be required under existing parameters.
80. To mitigate against visual impacts and to enable the sharing of additional antennas and to accommodate feeder cabling we recommend that the maximum width should be set 500mm without prior approval. This would mitigate against overly wide structures being deployed without prior approval.
81. It is important that the legislation retains an element of flexibility in terms of colour and materials and does not prescribe conditions that would prohibit the industry from agreeing site specific requirements.

82. Question 8

The Government wishes to ensure that appropriate measures are in place to mitigate the impact of development from the proposals on safeguarded areas. To achieve this, we propose to amend the General Permitted Development Order for all developments relating to masts within official safeguarded areas related to Aerodromes, Technical Sites and Military Explosives Storage Areas.

8A) Do you agree with the Government's proposal to amend the General Permitted Development Order to include a prior notification procedure relating to safeguarded areas, and to require prior approval for proposed mast developments in proximity to a defence asset?

Response

83. We disagree with this proposal as it would, in practicable terms, increase restrictions and does not consider the current notification procedures required of mobile operators by Ofcom.
84. The current notification system within 3km of an aerodrome or a safeguarding area when upgrading a base station with width or height increase as permitted development works without issue, and so we see no benefit in adding additional complexity. There is also already a requirement within mobile operator licence obligations, as managed by Ofcom as the industry regulator, to ensure no impact upon these assets.
85. Also, under current legislation, in cases where a replacement requires prior approval or full planning and consultation has been issued as part of that application, it would be on the absolute rarest of occasion that the CAA or MoD would need to respond. This demonstrates that the proposed restrictions are entirely unnecessary and excessive.
86. Furthermore, given the many numerous airports and aerodromes in and around major cities, a new restriction like this on safeguarded areas around these assets would be a significant step backwards in terms of what is currently permitted. *(Please see image provided separately at figure 58).*
- 87. 8B) We would welcome your views on the proposed prior notification procedure and prior approval requirement.**

Response

88. Under this proposal, we believe that this would move many deployments that would currently fall within permitted development without prior approval into a new application process where previously only a notification would be required. Subsequently, many minor installations would require an application that do not currently. We believe this would significantly impact deployment and service provision while adding an increased burden on mobile operators, local planning authorities, Ofcom, and the CAA/MOD.

89. Question 9

The Government wishes to update the definition of small cell systems in the General Permitted Development Order. This ensures that there is no uncertainty about the types of technology that fall within the definition.

9A) Do you agree with the Government's proposal to amend the definition of 'small cell systems' in the General Permitted Development Order?

Response

90. We agree with the proposal to amend the definition of 'small cell systems' in the General Permitted Development Order. This would also align with the EU Directive, which was transposed into UK law and other UK nation's provisions. A tightening of the definition is required, and as set out in the EECC, the proposal to make small cells and small cell systems de minimis should be considered.

91. 9B) We would welcome your views on this proposal.

Response

92. The concerns raised regarding small cell definitions arise over the use of the generic terms within the EECC and other legislation where small cell systems and small cells are interchangeable. There is already provision for antennas that can be argued to encompass small cells, such as Femto cells, Pico cells, and micro-cells. It is essential that definitions are clear and that consideration should be given to make small cell systems *de minimis*. The principle for this type of equipment is that they are to be used in dense, high footfall areas complementing the macro-level for coverage and capacity. The equipment is small, can be located discreetly, and has little impact upon the surrounding environment. Similar to burglar alarm boxes or other small infrastructure such proposals should not be controlled by the planning system directly.

93. Question 10

We welcome comments on what more if anything, the Government should do to ensure successful implementation of the proposed planning reforms to support the deployment of 5G and extend mobile coverage .

Response

94. In addition to the proposals set out in this consultation, we believe there is an opportunity to revise the Code of Best Practice along the lines of the recent updates in Wales, which streamlines and simplified the document, while retaining the core points around the need to consult and other measures. The Code of Best Practice provides guidance for both mobile network operators and local planning authorities while explaining and setting out technical constraints that dictate siting/design/height, explaining siting and design principles, and setting out the principles under how the industry and local planning authorities can collaborate and engage.

95. Further to this, the guidance should also seek to prioritise and balance the economic and public good of telecoms with the visual impact of the infrastructure required to deliver the connectivity it provides. During the last year, it has been apparent that demand on the network may well shift through changes in working practices. With greater home working and less movement into urban centres and retail areas, expanding existing networks in suburban and residential areas will become more critical. Therefore, local planning authorities and planning officers must be provided with guidance that lends greater weight to this balance and outlines the changes in demand and the requirement from the general public to support improved connectivity improving the work-life balance, economic growth, and viability of local communities.

96. We would support a further review of the National Planning Policy Framework in line with the proposed legislation.

97. Question 11

The proposals outlined in this technical consultation build upon the principles that the Government has established to enable the deployment of 5G and extending mobile coverage and have been considered under section 149 of the Equality Act 2010.

Considering the technical detail of the proposals, we would welcome views on the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Response

98. We do not consider that the proposals will disadvantage those within society covered under the Equality Act but help in reducing such disadvantages.

99. Question 12

We welcome further any further evidence specifically on the regulatory impacts of the proposed changes to planning regulations set out in this technical consultation.

Response

100. It is essential that in updating the permitted development rights to assist the deployment of mobile infrastructure further, and in particular to meet ambitious targets for rural 4G coverage and 5G coverage, once the changes become law, the guidance that is provided to local planning authorities is updated at the same time.

101. There remains a lack of technical understanding from planning officers regarding interpreting the legislation. An understanding of Notices to Quit (NTQs), an understanding of the specific technical requirements we encounter and improved guidance concerning the interpretation of the legislation would greatly assist deployment. Regarding interpretation, we have come to see that many local planning authorities and planning officers have varying views concerning the deployment of temporary emergency installations and the question regarding the definition of a moveable structure. We have seen issues arising from the neighbor notification process when submitting applications and the interpretations of case law and appeal precedent.

102. We would request that clearer and more concise guidance is provided to Planning Officers, either through direct documentation and/or through workshops in conjunction with the relevant government departments, to set out the correct way to implement and administer applications on behalf of the telecoms industry. Much of this can be discussed and agreed upon within the Code of Best practice, and it is welcomed that a review of the Code is proposed.