

27 APRIL 2021

PC4-21 | ELECTRONIC COMMUNICATIONS INFRASTRUCTURE

Summary

The Ministry for Housing, Communities and Local Government (MHCLG) has recently launched a consultation into electronic communications infrastructure. The consultation is a technical one on proposed amendments to the General Permitted Development Order for electronic communications development, to support the deployment of 5G and extend mobile coverage. The main consultation document can be downloaded [here](#).

Context

This consultation looks at how to implement the [proposals consulted on in August 2019](#) to support the deployment of 5G and extend mobile coverage.

Permitted development rights for electronic communications infrastructure are set out in Part 16 of Schedule 2 to the General Permitted Development Order 2015 (as amended).

The proposed changes are:

- To enable deployment of radio equipment housing by permitting small equipment cabinets on Article 2(3) land (such as National Parks, Conservation Areas and Areas of Outstanding Natural Beauty), and allowing greater flexibility for installing equipment cabinets in existing compounds.
- To enable the strengthening of existing masts by permitting limited increases in the width of existing ground-based masts without the need for prior approval, and greater increases subject to prior approval, on all land. Also allowing for limited increases to the height of existing ground-based masts without the need for prior approval outside of Article 2(3) land, with greater increases on all land, up to specified limits, subject to prior approval.
- To enable the deployment of building-based masts by permitting these in closer proximity to a highway subject to prior approval outside of Article 2(3) land. Also, whether to permit smaller masts to be installed without the need for prior approval outside of Article 2(3) land.
- To enable the deployment of new ground-based masts by permitting taller new masts, up to specified limits, on all land subject to prior approval, with greater permitted heights on land outside of Article 2(3) land. Also, whether to

permit monopole masts of up to 15 metres to be deployed without the need for prior approval on land outside of Article 2(3) land.

NALC's current policy positions

The following paragraphs outline NALC's current policy positions, account of which will steer the response which we are likely to make to this consultation:

- Whilst we agree with the government that the current level of mobile coverage in rural areas is woefully inadequate – we think that the Government needs to be realistic about attempting to achieve 95% coverage across England as this seems (given previous experiences for instance concerning rural broadband – slightly ambitious. However it is better to have a notional 95% target aim than no target at all – but the Government must not let its proposals for permitted development rights be governed purely and only by this very high percentage figure.
- In principle and on balance we would encourage the government to maximise use of existing infrastructure such as green cabinets; existing ground based masts; and use of current sites to extend bigger masts onto – if it considers that this would help achieve the government's target. Motorway gantries could also be used. We are less in favour of new ground based masts to achieve better coverage.
- In addition we do not support an unfettered extension to permitted development rights especially to build (unregulated) new masts over previously regulated heights – in areas where they have not otherwise been built. There needs to be a balance between intelligent and smarter use of existing sites and protection of the landscape and environment for a legion of reasons. If this balance is struck in a progressive manner – it should be possible – over time and incrementally – for the government to improve mobile coverage in rural areas – without riding roughshod over the environment and placing unregulated new high masts in new locations without consultation with local (parish and town) councils.
- If the above balance is not struck through these proposals in a sensible manner it is also possible that an untold number of trees may also be cut down to make way for inappropriate mast locations. We would be against this which is why we are asking for the Government to focus its efforts on maximising use of existing mast sites.
- We would counsel the government to very carefully monitor health impacts even if there is a coverage extension agreed through these proposals – at any existing and new sites. As with “fracking” what may now seem a progressive and necessary development (which in some ways it is) to free up the market economy in mobile telephony and even to genuinely improve signalling in rural areas – may have unknown health consequences if there

is no concomitant regulation or monitoring of health impacts around relevant sites. Potential factors to monitor here are short radio waves/ electromagnetic radiation.

- Notwithstanding the above points regarding existing sites – we seek a change in government policy on planning applications for mobile telephone masts to ensure that all heights of masts are subject to a full planning application and proper consultation with local councils (where possible) – whether such masts are on new or existing sites.
- We also ask as a related issue that new build houses and businesses need to be provided with in-built infrastructure to enable connection to fibre-optic broadband.
- We support the Rural Coalition’s call for infrastructure which reaches rural areas, so the rural economy can grow and create quality jobs. This might only contradict the government’s proposals for new mobile mast sites – but certainly not maximising use of existing sites.
- We also firmly believe that landscape impacts are a planning issue. The worry is the visual impact on any countryside.

Other NALC Views:

- A change in government policy on planning applications for mobile telephone masts to ensure that all heights of masts are subject to a full planning application and proper consultation with local councils.

Consultation Questions

The main consultation questions NALC will be responding to in this consultation are as below and NALC seeks the views of county associations and member councils in response to these questions to help inform its own submission to MHCLG:

3. Enabling deployment of radio equipment housing

Q1. 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.

(a) What are your views on the proposals to permit single developments of up to 2.5 m³ without the need for prior planning approval / to permit single developments exceeding 2.5m³ subject to prior approval?>

(b) What are your views on permitting 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?

Q2. (a) Do you agree with the government's proposals below on strengthening existing masts?

- 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.

Q2 (b) For existing masts greater than one metre wide the government have proposed two alternative options (by permitting 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.

Which option do you prefer?

Q3. What is your view on the government's proposal 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?

5. Building based masts

Q4. What are 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.

Q5 (a) 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?

Q5 (b) 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.

6: New ground based masts

Q6. 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.

Q7. What are your views on the proposal to allow 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.

7: Safeguarding

Q8. (a) 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?

8 (b) We would welcome your views on the proposed prior notification procedure and prior approval requirement.

8. Small cell systems

Q9. (a) Do you agree with the government's proposal to amend the definition of 'small cell systems' in the General Permitted Development Order?

Q9. (b) We would welcome your views on this proposal.

9: Implementation

Q.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.

10: Assessments of impact

Q11. 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?

Q.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.

Your evidence

Please email your responses to this consultation to chris.borg@nalc.gov.uk by 17.00 on Friday 21 May, 2021. County associations are asked to forward this briefing onto all member councils in their area.

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