



WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 2 JUNE 2021 AT 9.00 AM**

Susan Parsonage
Chief Executive
Published on 24 May 2021

Note: Although non-Committee Members and members of the public are entitled to attend the meeting in person, space is very limited due to the ongoing Coronavirus pandemic. You can however participate in this meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:

<https://youtu.be/dtjLo6Zvt6w>

Please note that other people may film, record, tweet or blog from this meeting. The use of these images or recordings is not under the Council's control.



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

For consideration by

Wayne Smith, Executive Member for Planning and Enforcement

Officers Present

Marcia Head, Service Manager - Place & Growth

Callum Wernham, Democratic & Electoral Services Specialist

IMD NO.	WARD	SUBJECT	
IMD 2021/16	None Specific	RESPONSE TO GOVERNMENT CONSULTATION ON CHANGES TO PERMITTED DEVELOPMENT RIGHTS FOR TELECOMMUNICATIONS INFRASTRUCTURE	5 - 12

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Agenda Item IMD16

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: 2021/16

TITLE	Response to Government consultation entitled 'Changes to permitted development rights for electronic communications infrastructure: technical consultation'
DECISION TO BE MADE BY	Executive Member for Planning and Enforcement - Wayne Smith
DATE, MEETING ROOM and TIME	2 nd June 2021 Council Chamber at 9am
WARD	None Specific
DIRECTOR	Interim Director of Place & Growth - Steve Moore

PURPOSE OF REPORT (Inc Strategic Outcomes)

To agree the Council's response to the current government consultation: 'Changes to permitted development rights for electronic communications infrastructure: technical consultation'.

RECOMMENDATION

That the Executive Member for Planning and Enforcement agrees that Wokingham Borough Council submit the comments contained in the 'Analysis of Issues – suggested response' table below as this Council's formal response to the Ministry of Housing, Communities & Local Government consultation 'Changes to permitted development rights for electronic communications infrastructure: technical consultation'.

SUMMARY OF REPORT

A consultation exercise was undertaken by government in 2019 relating to the principle of proposed reforms to permitted development rights for telecommunications equipment. Following on from this, government are currently undertaking a technical consultation relating to specific proposals to extend permitted development rights to allow more telecommunications development to be undertaken without prior approval or planning permission to facilitate 5G and wider coverage.

Widespread coverage of mobile connectivity is vital for residents and businesses. The benefits of good coverage are significant, and increased coverage and the implementation of 5G will be of benefit to the community. However, existing permitted development rights, including the prior approval of telecommunications equipment, ensures the right balance between meeting needs in terms of coverage and protecting the amenity of areas and residents. The suggested changes would loosen existing controls and are not supported.

As such, officers propose to respond negatively to the consultation. The consultation is electronic and the draft response to the consultation is contained within the 'Analysis of Issues' table in the report below.

Background

A government consultation exercise is being undertaken (20th April – 14th June 2021) seeking views on proposed amendments to permitted development rights for mobile network operators (EE, O2, Three and Vodafone) to support deployment of additional telecommunications infrastructure to support 5G and wider mobile coverage. Proposals include:

- Enabling the deployment of radio equipment housing up to specified limits and allowing greater flexibility for installing equipment cabinets in existing compounds to support 5G deployment and incentivise the use of existing sites for site sharing
- strengthening existing masts by permitting alteration or replacement and increases in width and height up to specified limits to enable sites to be upgraded for 5G and for mast sharing
- enabling the deployment of building-based masts up to specified limits, including masts located nearer to highways, to support deployment of 5G and extend mobile coverage, subject to prior approval and specified limits
- enabling higher new masts to deliver better mobile coverage and mast sharing, subject to specified limits

Business Case (including Analysis of Issues)

Currently, access to good 4G coverage is available to approximately 90% of the UK from at least one operator, and close to 70% has good 4G coverage from all four operators. However, large areas of the UK do not have good outdoor 4G coverage from any mobile network operators ('total not-spots'), with other areas of the country covered by one, two or three mobile network operators ('partial not-spots'). Rural areas tend to be more severely affected by poor mobile coverage, although it can affect other areas such as business parks and new build developments.

The Government aims for the UK to be a world leader in 5G, and all of the four main mobile network operators are deploying 5G networks. In order to help deploy 5G and improve coverage, mobile network operators will need to strengthen existing sites to accommodate additional equipment and new sites will be required to extend coverage or to add capacity in areas of high demand.

A government consultation was undertaken in 2019 relating to the principles of proposed reform to permitted development rights for telecommunications equipment. The government response to that consultation set out that changes to permitted development rights would be made, subject to a further technical consultation on the details of the proposals. The consultation is seeking views on these proposed changes, which are described in detail below.

Telecommunications equipment requires planning permission; however, the majority of telecommunications development takes place using permitted development rights granted under The Town and Country Planning (General Permitted Development)

(England) Order 2015 (and subsequent amendments). For example, the following are permitted development subject to various criteria:

- A ground based telecommunications mast up to 25m in height (permitted development rights were amended in 2016 to increase this from 15m in height)
- A telecommunications mast up to 15m in height on a building if the building is over 30m tall
- A telecommunications mast up to 10m in height on a building if the building is under 30m tall

These permitted development rights are subject to prior approval by the Council solely in relation to the siting and appearance of the development. Telecommunications development which does not meet the criteria e.g. a 50m tall mast, require a full planning application.

A prior approval allows for public engagement to allow representations from local residents, and the views of statutory consultees. However, the requirements relating to prior approval are much less prescriptive than those relating to planning applications, as prior approval is a lighter-touch process and the local planning authority may only refuse the development on the basis of siting and appearance. Should there be no refusal of the scheme within the 56 day deadline, the developer may proceed with the scheme.

MHCLG states that there is a balance between the importance of local democratically elected representatives making decisions on infrastructure which affect their local community and giving mobile network operators certainty that decreases the risk, cost and time associated with deployment of infrastructure. Because 5G roll out is commencing and because of the need to ensure good coverage in rural areas, MHCLG consider it appropriate to review whether the existing balance needs to be adjusted in light of the new technology requirements of 5G and the public interest in increasing mobile coverage.

Analysis of Issues - suggested response

The consultation seeks views on the amending permitted development rights for the following:

Proposal	Analysis of Issues & Recommendation
Single developments of small radio equipment housing would be permitted without the need for prior approval, with larger equipment housing subject to prior approval, in all areas except land on or within sites of special scientific interest	Current permitted development rights allow for adequate housing equipment for operators whilst allowing the Council sufficient control to prevent larger or inappropriately sited equipment. The vast majority of proposals for prior approval for housing equipment results in no objections from the Council. Removing the requirement for prior approval could result in much larger equipment housing in more sensitive locations which the Council would not be able to restrict.
Restrictions on singular developments and cumulative permitted development	Current permitted development rights allow for adequate housing equipment for

<p>of radio equipment housing would be disappplied where these are located in an enclosed compound, subject to restrictions that ensure new equipment does not have an adverse visual impact on the local area</p>	<p>operators whilst allowing the Council sufficient control to prevent larger or inappropriately sited equipment. The vast majority of proposals for prior approval for housing equipment results in no objections from the Council. Removing the requirement for prior approval could result in much larger equipment housing in more sensitive locations which the Council would not be able to restrict.</p>
<p>For existing ground-based masts less than a metre in width, alteration or replacement of the mast with increases in width of up to two-thirds would be permitted without the need for prior approval. Greater increases in width would be permitted subject to prior approval</p>	<p>Current permitted development rights are generous in that they allow an increase in width of existing masts by one third without the Council's prior approval. Although wider than existing similar street furniture (lighting columns, telegraph poles etc), they are usually slimline in nature and largely go unnoticed. Allowing significantly wider masts without prior approval would result in very obvious masts that would previously have been refused on the basis of their siting and appearance.</p>
<p>For existing ground-based masts more than a metre in width two options are proposed: A) the alteration or replacement of the mast with increases in width of up to half or two metres (whichever is greater) without the need for prior approval in all areas; or B) the alteration or replacement of the mast with increases in width of up to one third or one metre (whichever is greater) on Article 2(3) land¹ without the need for prior approval, and half or two metres (whichever is greater) elsewhere. In either case, greater increases in width than those specified above would be permitted subject to prior approval</p>	<p>Current permitted development rights are generous in that they allow an increase in width of existing masts by one third without the Council's prior approval. Although wider than existing similar street furniture (lighting columns, telegraph poles etc), they are usually slimline in nature and largely go unnoticed. Allowing significantly wider masts without prior approval would result in very obvious masts that would previously have been refused on the basis of their siting and appearance.</p>
<p>Alteration or replacement of existing ground-based masts which increases the height up to 25 metres would be permitted subject to prior approval on Article 2(3) land or land on a highway</p>	<p>Current permitted development rights are generous and it is considered that increases in the height of masts in sensitive locations such as Conservation Areas should be subject to full planning permission</p>

¹ Article 2(3) land includes Areas of Outstanding Natural Beauty, Conservation Areas and World Heritage Sites.

<p>Alteration or replacement of existing ground-based masts which increase the height up to 25 metres would be permitted without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest. Greater increases in height up to 30 metres would be subject to prior approval</p>	<p>Current permitted development rights are generous and it is considered that increases in the height of masts without prior approval would result in very obvious masts that would previously have been refused on the basis of their siting and appearance.</p>
<p>Installation, alteration or replacement of building-based masts up to 10 metres in height above the tallest part of the building within 20 metres of the highway, on buildings less than 15 metres in height, would be permitted subject to prior approval outside of Article 2(3) land and land on or within sites of special scientific interest</p>	<p>This change is likely to make masts more visible from public vantage points and they may be prominent given their location on top of buildings. It is considered that slimline masts at ground level on, or close to, the highway using existing permitted development rights may often be a preferable solution.</p>
<p>Permitting the installation, alteration or replacement of building-based masts up to 6 metres in height above the tallest part of the building without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest</p>	<p>This change is likely to make masts more visible from public vantage points and they may be prominent given their location on top of buildings. It is considered that slimline masts at ground level on, or close to, the highway using existing permitted development rights may often be a preferable solution.</p>
<p>With the exception of land on or within sites of special scientific interest, installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway, and 30 metres on other land, would be permitted – in both cases subject to prior approval</p>	<p>Ground based masts were permitted development (subject to prior approval) at a height of up to 15 metres until 2016. The 2016 amendment to the GPDO allowed masts of up to 25 metres subject to prior approval, with masts taller than 25 metres requiring full planning permission. The 15 metre restriction struck the right balance between meeting operators needs and allowing local planning authorities sufficient control over taller masts. Anything beyond the current 25 metre restriction does not allow the local planning authority to be able to properly consider the full impact of masts on the area.</p>
<p>Permitting the installation of monopoles up to 15 metres in height without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest</p>	<p>The vast majority of proposals for prior approval for masts results in no objections from the Council. Removing the requirement for prior approval could result in many more masts in more sensitive locations which the Council would not be able to restrict.</p>

Public Comments

Comments have been received in respect of this IMD from two local residents as follows (summarised):

- Should be clearer what alternative sites have been discounted.
- Officers reports should address every objection raised.
- Guidelines should be given to residents on grounds for objections.
- Submissions should be clearer - Plans should be accurate, show neighbouring houses etc.
- Consultation on applications should be improved.
- Should be clear who will benefit from the equipment, if it is railway users then equipment should be on railway land
- Concern re land acquisition and link to the planning process.

Councillor Shirley Boyt has also commented as follows (summarised):

- Concern re current process – vague descriptions, using easiest sites, lack of consideration of alternatives, not following code of best practice.
- Proposals remove the scrutiny of prior approval.
- Proposals will do little to encourage site sharing.
- Concern re the impact of cabinets and their appearance.
- Conditions are required re size of mast and distance from dwellings
- Lack of community engagement by operators.

All comments have been noted. Where comments have been made which are relevant to the consultation, they generally accord with the suggested responses outlined above.

Summary

Widespread coverage of mobile connectivity is vital for residents and businesses and the benefits of good and widespread coverage are recognised. However, existing permitted development rights, including the prior approval of telecommunications equipment, ensures the right balance between meeting needs in terms of coverage and protecting the amenity of areas and residents. The suggested changes would loosen existing controls and are not supported.

As such, officers propose to respond negatively to the consultation using the above analysis of issues table.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

No financial implications arise directly as a result of this consultation exercise.

Cross-Council Implications

No implications arise directly as a result of this consultation exercise

Public Sector Equality Duty

This report relates to proposed changes to the planning system promoted and consulted on by government, and does not directly relate to actions of the Council. As such an equality assessment has not been undertaken. An equality assessment will be undertaken by government and views have been specifically invited as part of the consultation process on potential impacts of the proposals in this regard.

SUMMARY OF CONSULTATION RESPONSES

Director – Corporate Services	None
Monitoring Officer	None
Leader of the Council	None

List of Background Papers

MHCLG consultation entitled 'Changes to permitted development rights for electronic communications infrastructure: technical consultation' April 2021

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