

Agenda Item IMD29

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2019/29

TITLE	Telecommunications Consultation
DECISION TO BE MADE BY	Executive Member for Planning and Enforcement - Wayne Smith
DATE, MEETING ROOM and TIME	25 October 2019 SF1 at 10.00
WARD	None Specific;
DIRECTOR / KEY OFFICER	Director of Locality and Customer Services - Sarah Hollamby

PURPOSE OF REPORT (Inc Strategic Outcomes)

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.

RECOMMENDATION

That the Executive Member for Planning and Enforcement:

- 1) Notes the comments made in respect of the Government's consultation regarding reforms to permitted development rights to support the deployment of 5G and extend mobile coverage;
- 2) Approves the Council's response to the consultation sent to the Ministry of Housing, Communities & Local Government (Set out at Appendix 1).

SUMMARY OF REPORT

A consultation exercise has been undertaken by Government to seek views on 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.

The report recognises the benefits of 5G, but highlights several concerns with the suggested relaxations to permitted development rights, which would reduce control over telecommunications development and would be likely to result in development which is harmful to the character and appearance of areas.

As such, officers propose to respond negatively to the consultation. The response to the consultation is appended to this report.

Background

A government consultation exercise is being undertaken (27th August – 4th November 2019) 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.

Business Case (including Analysis of Issues)

Main Issues

Currently, good 4G coverage is available across 67% of the UK. However, 8% of the UK does not have good outdoor 4G coverage from any mobile network operators ('total not-spots'), with the remaining 25% 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 have announced intentions to begin deployment of 5G networks in 2019. In order to 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.

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.

DCLG 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, DCLG 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'.

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

Proposal	Current Status
a) Deployment of any volume of radio housing equipment on land without requiring prior approval	Permitted development for equipment between 2.5 cubic metres and 90 cubic metres (30 cubic metres on a building) subject to prior approval
b) Allow an increase in the width of existing ground based masts by more than one third without requiring prior approval	Permitted development for an increase in width of an existing mast by up to one third without prior approval
c) Creating permitted development rights for masts on buildings (less than 15 metres in height) closer to the highway	Full permission required for masts on buildings (less than 15 metres in height) within 20 metres of the highway
d) Allow an increase in the height of new masts subject to prior approval	Permitted development for masts up to 25 metres (20 metres on a highway) subject to prior approval

Analysis of Issues

a) Housing equipment

Current permitted development rights allow for adequate housing equipment for operators whilst allowing the Council sufficient control to prevent larger/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 by the Council could result in much larger equipment housing in more sensitive locations which the Council would not be able to restrict.

b) Increase in width of masts

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.

c) Masts on buildings closer to the highway

Planning permission is currently required for a new mast on a building less than 15 metres tall where it would be located within 20 metres of a highway. 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.

d) Increase in height of masts

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.

Summary:

Widespread coverage of mobile connectivity is vital for residents and businesses and the benefits of good and widespread coverage are recognized. 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 response to the consultation is appended to this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.

	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	N/A
Next Financial Year (Year 2)	£0	Yes	N/A
Following Financial Year (Year 3)	£0	Yes	N/A

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
N/A

Public Sector Equality Duty
Due regard has been given to the Public Sector Equality Duty.

SUMMARY OF CONSULTATION RESPONSES	
Director – Corporate Services	None
Monitoring Officer	None
Leader of the Council	None

Reasons for considering the report in Part 2
N/A

List of Background Papers
MHCLG - Proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage – consultation document

Contact Justin Turvey	Service Place
Telephone No Tel: 0118 974 6349	Email justin.turvey@wokingham.gov.uk

Appendix 1 - Wokingham Borough Council's Response to Government 'proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage' Consultation

Question 1: Role of Industry

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 proposals would be likely to improve mobile phone signal coverage.

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 proposals should speed up deployment given that less time would be allowed for Council's to consider schemes.

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?

More innovative design solutions including slimmer masts using stronger materials and more liaising with existing building owners to promote roof-top locations that may be less intrusive than free-standing phone masts.

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?

Lease agreements on new buildings of roof-top locations should include a clause requiring equipment to be removed once the site is redundant. It is not clear how many masts, once installed, are no longer required.

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?

Site-sharing on buildings is relatively simple as sufficient space between different Operator's antennas can easily be accommodated most of the time. This is much more difficult on free-standing masts as separation distance is limited by the height of the mast. Improved technology may allow for masts to be located closer together in the future.

Question 2: Enabling deployment of radio equipment housing on land without requiring prior approval, excluding on sites of special scientific interest, to support 5G deployment

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 metres, to support deployment of 5G?

No : The upper volume limit of 2.5 cubic metres should be retained. 2.5 cubic metres facilitates current Digital Subscriber Line Access Multiplexer (DSLAM) cabinets which are significantly larger than other traditional telecommunications cabinets. Larger cabinets may

have significant impacts on the streetscene and Council's should be allowed to consider likely impacts before consent is granted.

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

A further increase could result in overly large and dominant utilitarian structures in prominent locations to the detriment of visual amenity. DSLAM cabinets are generally a neutral green colour but it is difficult to see how a further increase in potential bulk could be mitigated.

Question 3: Strengthening existing ground-based masts to enable sites to be upgraded for 5G and for mast sharing without prior approval

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

No. Additional width is largely required to provide allow for greater weight bearing of taller masts and more antennas. However, higher quality/stronger materials should be explored to ensure that thicker masts are not necessary given the adverse visual impact they have.

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?

n/a

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?

No. Operators should consider securing more building top locations where the sharing of sites between operators is less constrained by having insufficient distance between antennas.

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? Yes – greater rights to use rooftop locations.

Question 4: Enabling deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage

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. the current restrictions are considered to strike the correct balance.

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: Enabling higher masts to deliver better mobile coverage and mast sharing

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

No. Para. 58 is somewhat disingenuous as it suggests one taller mast will mean less need for smaller masts. This is overly simplistic. “Despite their similarities, what differentiates the outdoor Small Cells is that microcells are for capacity and macrocells are for coverage. This is why in urban areas that are densely populated, such as London’s Oxford Street, you will commonly find microcells used to create a cellular network that can cope with the high demand that macrocells cannot cope with” – see: <https://www.iwireless-solutions.com/macrcocell-vs-microcell/>

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

n/a

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?

n/a

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?

n/a

Question 6: Do you have any 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?

No