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Consultation outcome

Changes to permitted development rights for electronic communications infrastructure: Government response to the technical consultation

Contents

Ministerial foreword

Executive summary

Overview of responses received

Responses to the technical consultation

Government response



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Ministerial foreword

We are delighted to be bringing forward these important changes which will ensure that the planning system supports the delivery of mobile infrastructure, as part of our mission that by 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.

We all need access to reliable, high quality digital connectivity. The demand for mobile data in the United Kingdom is increasing rapidly, and the COVID-19 pandemic has demonstrated how vital digital connectivity is to enable people to stay connected and businesses to thrive and grow. Yet, as the recently published Levelling Up White Paper recognises, there remain significant spatial disparities in digital connectivity in different parts of the country.

Some 92% of the United Kingdom landmass is now covered by good 4G signal from at least one operator, and 69% of the country is covered by all four national mobile network operators. However, as recognised in our [Levelling Up White Paper \(page 74\)](https://www.gov.uk/government/publications/levelling-up-the-united-kingdom) (<https://www.gov.uk/government/publications/levelling-up-the-united-kingdom>), the greatest disparities in digital connectivity are between rural and urban areas.

To help further improve coverage in rural areas, in 2020 we agreed a £1 billion deal with the Mobile Network Operators for a Shared Rural Network. This will increase mobile phone coverage throughout the United Kingdom to 95% by the end of the programme.

We also want citizens, businesses and public services to get the maximum benefits from 5G, which will bring faster, more responsive, more reliable connections than ever before. This consultation response sets out the changes we are going to make to ensure that the planning system continues to support the delivery of mobile network infrastructure. It will support our levelling up agenda by helping improve mobile coverage for communities and businesses, spreading the benefits of digital connectivity across the country.

We want to thank all of those who responded to the consultation. We received a wide range of views from interested parties and the changes we are taking through aim to strike the right balance between the benefits of improved connectivity and appropriate local control and environmental protections. This response sets out the changes we intend to make to the General Permitted Development Order following consultation.

Julia Lopez MP, Minister of State for Media, Data, and Digital Infrastructure
The Rt Hon Stuart Andrew MP, Minister for State for Housing

Executive summary

1. Now, more than ever, reliable digital connectivity is essential for people and businesses. The COVID-19 pandemic has fundamentally changed the way many of us live and work and has demonstrated the importance of ensuring that digital communications networks have sufficient capacity and resilience to meet demand. Better mobile connectivity will be key to moving forward with our recovery and levelling up the country. The government is committed to extending and improving mobile coverage across the UK. There are significant spatial disparities in digital connectivity and mobile network coverage between rural and urban areas. As the UK seeks to build back better, these changes to the planning system will help to extend and improve mobile coverage, including in rural areas, to benefit communities and businesses. In order to improve coverage in rural parts of the country, in 2020 the government agreed a £1 billion Shared Rural Network deal with the UK's mobile network operators to extend 4G mobile geographical coverage to 95% of the UK by the end of the programme.

2. This consultation response sets out the reforms to permitted development rights which the government will take forward to ensure that citizens and businesses right across the country can realise the full benefits of 5G as soon as possible. Through our £200 million 5G Testbeds and Trials programme we are already seeing the benefits 5G can bring to manufacturing, farming, transport networks and healthcare. The changes we will make to the Electronic Communications Code through the Product Security and Telecommunications Infrastructure Bill will also support faster and more efficient network deployment and improvement. This will ensure UK consumers have the coverage and connectivity they need as quickly as possible. We will continue to take further steps to drive improvements to digital connectivity. The forthcoming Wireless Infrastructure Strategy will review how far the private sector will go to deliver wireless infrastructure – including 5G – across the country, and determine whether there are any market failures in place that need to be addressed, and how the UK government could tackle these.

3. In order to realise these ambitions, it is essential that the planning system can effectively support the deployment of new mobile infrastructure, as well as network upgrades. That is why the Department for Digital, Culture, Media and Sport, and the Department for Levelling Up, Housing and Communities (formally the Ministry of Housing, Communities and Local Government) have been consulting on proposed changes to permitted development rights for electronic communications infrastructure. As planning is a devolved matter, the proposals related to England only. Following an initial consultation in 2019 on the principle of the reforms, we published a technical consultation last year, which ran for 8 weeks, closing 14 June 2021.

4. In considering the proposed reforms, we have sought to ensure that we strike an appropriate balance between providing local control over new development and delivering improved connectivity. Through consultation we have maintained the guiding principles behind the reforms. These are:

- ensuring that the proposals help to deliver the government's commitment to extending mobile geographical coverage further across the UK
- ensuring that all communities benefit from increased and enhanced coverage
- increasing investor confidence in 5G and mobile infrastructure, providing greater certainty that incentivises investment in mobile infrastructure
- encouraging maximum utilisation of existing sites and buildings, before new sites are developed, including enabling greater sharing of infrastructure
- ensuring appropriate environmental protections are in place

5. While it is essential that communities and businesses have access to high-quality wireless connectivity, we recognise that it is important that the visual impacts of new network development are mitigated, and local amenity is protected as much as possible. This is especially important in more sensitive locations such as National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and where development may impact designated heritage assets. That is why throughout the consultation process we have taken a measured approach to changes to permitted development rights in these areas (known as Article 2(3) land). In these areas the proposed changes have been generally more limited in scale and subject to greater controls – this is to ensure that the sensitive nature of these areas is recognised. We have also been clear that none of the proposed changes will apply to land on or within sites of special scientific interest, to listed buildings and their curtilage, or sites that are or contain scheduled monuments.

6. In addition to the proposals that we consulted on, we have considered the need for further measures in order to provide added protection, especially for more sensitive areas (and locations adjacent to these areas) where development may not require prior approval. The new planning conditions outlined below will require Code Operators to minimise the impact of all new development, in all areas (but particularly on Article 2(3) land), as far as possible.

7. To further ensure that the delivery of high-quality wireless infrastructure is balanced with environmental considerations, DCMS has been leading the development of a new Code of Practice for Wireless Network Development in England in parallel to the technical consultation. Agreed by a working group made up of representatives of the mobile industry, other government departments, regulators, local planning authorities and protected areas, the new Code of Practice will provide updated guidance for all those involved in network deployment. The Code of Practice has a stronger focus on the siting and design of wireless infrastructure and the process for engaging with local authorities and communities. Mobile operators have committed to develop their networks and install wireless infrastructure according to the guidance set out in the updated Code of Practice. The Code of Practice has been published alongside this response.

8. We believe that our changes to the planning system will reduce the time, cost and uncertainty involved in upgrading mobile network infrastructure. Improved mobile connectivity, especially 5G, will ultimately bring benefits to all communities and businesses throughout the country and support our levelling up agenda. In turn, high quality digital connectivity will support the development of new industries and increase resilience in our digital infrastructure. They will also incentivise the maximum utilisation of mast sites and enable greater sharing of infrastructure. This includes addressing existing barriers that can make it easier for Code Operators to deploy additional sites instead of upgrading existing ones.

9. A summary of changes we will make to the General Permitted Development Order is set out below. The full details of the specific changes we will make can be found at paragraph 55.

Summary of changes to permitted development rights

10. Having fully considered the responses to the consultation, the government has decided to take forward the following changes to permitted development rights:

Enabling deployment of radio equipment housing

- To support the upgrading of sites and improve mobile connectivity in rural areas, we will enable small radio equipment cabinets to be installed on Article 2(3) land without prior approval – bringing regulations in line with those for unprotected areas. Cabinets over 2.5 cubic metres will still be subject to prior approval.
- To further support site sharing and coverage in rural areas, we will also make it easier to deploy equipment cabinets within compounds, while ensuring that visual impacts are mitigated.
- We will be introducing conditions into regulations to ensure that the impacts of development are minimised, as well as strengthening guidance on the siting of development through the new Code of Practice.

Strengthening existing ground-based masts

- To enable the upgrading of sites to support 5G deployment and increase network capacity, we will enable increases to width of existing masts without prior approval. We will enable width increases of two-thirds for existing narrower masts (those that are currently under a metre in width) and increases of one-half or two metres (whichever is greatest) for existing wider masts (those that are currently more than one metre in width). Greater increases beyond these limits would be subject to prior approval and planning conditions that require operators to minimise impacts will be introduced.
- To further support site sharing and extend mobile coverage, we will also enable existing masts outside of Article 2(3) land to be increased to a height of 25 metres without the need for prior approval. Greater increases (up to 30 metres) would be subject to prior approval. We will not be amending the current provisions that allow increases to heights of existing masts on Article 2(3)

land without prior approval (increases up to 20 metres are currently permitted), but we will enable limited height increases in these areas subject to prior approval (up to 25 metres). New planning conditions will ensure that Code Operators minimise the visual impact of infrastructure, especially on Article 2(3) land.

Building-based masts

- To incentivise the use of buildings and existing structures, and help mitigate the impact of new development, we will enable the deployment of building-based masts in closer proximity to highways, subject to prior approval. We will also permit smaller masts (up to 6 metres in height above the tallest part of the building) to be installed on buildings without the need for prior approval.
- These changes will only apply on unprotected land. Furthermore, the [existing conditions which limit the height of masts \(https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16\)](https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16), and require visual impacts to be minimised on buildings, will continue to apply.

New ground-based masts

- To facilitate site sharing and provide greater coverage and capacity, especially in rural areas, we will enable the deployment of taller new ground-based masts – up to 25 metres in height on Article 2(3) land or land on a highway, and up to 30 metres on unprotected land.
- All new masts will still require the prior approval of the local planning authority, which will assess the proposed siting and appearance of the mast. Masts that exceed these heights will require full planning permission. The new Code of Practice will also provide detailed guidance on how operators could engage and consult with local communities on new development proposals to ensure that their views are considered.
- The government will not be taking forward the proposal to permit the deployment of monopole masts without the requirement for prior approval on unprotected land at this time.

Other changes

- To ensure that any impacts on safeguarded assets can be considered by the relevant parties through the planning system, we will make changes to the procedure for notifying aerodromes, technical sites and defence assets.
- We will also update the definition of ‘small cell system’ to make sure that this encompasses new and emerging types of small cell technology.
- As noted above, we recognise that concerns were raised about mitigating the visual impacts and protecting local amenity. To address these concerns, we will introduce new planning conditions that require Code Operators to minimise the visual impact of new network development, particularly on Article 2(3) land, and to minimise impacts on the accessibility of footways and access to properties.

Next steps

11. In order to make these changes, we will make amendments to Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (‘the General Permitted Development Order’) through secondary legislation, when parliamentary time allows.

Overview of responses received

Consultation

12. The government published a technical consultation on changes to permitted development rights for electronic communications infrastructure on 20 April 2021. The technical consultation ran until 14 June 2021 and sought views on the details of implementing reforms set out in an earlier government response (July 2020) to the initial consultation on the principle of changes to permitted development rights.

13. The purpose of the technical consultation was to seek views on the proposed amendments to permitted development rights for operators with rights under the Electronic Communications Code to install and maintain electronic communications apparatus. This included whether our approach to introducing environmental protections and other safeguards is appropriate and proportionate in order to mitigate the impacts of development.

Summary of responses

14. We received a total of 3,243 responses to the consultation. Not all respondents answered every question, and (as is set out further below), we received responses relating to concerns about potential impacts which were not within the scope of the technical consultation. We received responses from a wide range of interested parties across the public and private sectors, and from the general public. Most responses were submitted through the online consultation portal (a number were also submitted by email or letter and were logged alongside those submitted through the consultation portal^{[\[footnote 1\]](#)}). All responses have been analysed. We are grateful to everyone who took the time to respond.

15. The table below provides a breakdown of responses to the consultation by type of respondent.

Type of respondent	Number of responses
Personal views	3,080
Industry (Mobile Network Operators, Aerodrome Operators, etc.)	18
Local authorities (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)	34
Central Government / Arms-length Body	2
Non-Governmental Organisation	19
Community Group / Parish Council / Neighbourhood Forum	41
Landowner / Developer	6
Planning Consultancy	2
Infrastructure Provider	3
Other	38
Total number of responses received	3,243

16. Summaries of the responses received to each of the consultation questions are set out in the next section. The government's full response to the questions is set out at paragraphs 49 to 60 and the response to the question on the Public Sector Equality Duty (Question 11) is set out separately at paragraphs 61 to 69. The remainder of this section will cover the wider concerns about impacts which were raised in consultation.

Concerns raised related to potential impacts on public health

17. The scope of the consultation was on proposed changes to permitted development rights for electronic communications infrastructure. Some responses raised issues that did not relate to the specific proposed planning changes that views were sought on. These included concerns expressed by personal respondents raising in-principle opposition to the deployment of 5G infrastructure. Grounds cited included concerns to public health, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.

18. The question of whether non-ionising radiation has an impact on health is one that has long been studied and to date, and after much research performed, no adverse health effect has been causally linked with exposure to wireless technologies, including 5G.

19. The UK Health Security Agency (UKHSA, formerly Public Health England), the government's independent advisers on matters of public health, advise that so long as exposures are within the [International Commission on Non-Ionizing Radiation Protection \(ICNIRP\) guidelines](https://www.icnirp.org/en/frequencies/radiofrequency/index.html) (<https://www.icnirp.org/en/frequencies/radiofrequency/index.html>) they do not pose a threat to human health.

20. The ICNIRP, which is formally recognised by the World Health Organisation, issues guidelines on human exposure to electromagnetic fields (EMF), based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over [100 expert reports on EMF and health published internationally with well over 3,000 studies](https://www.emf-portal.org/en) (<https://www.emf-portal.org/en>) informing these reviews and the existing scientific exposure guidelines. The ICNIRP guidelines underpin health protection policies at UK and European levels. In March 2020, ICNIRP published new radiofrequency exposure guidelines that have been developed to take account of the increased scientific evidence on radio waves.

21. In the UK, the control of exposures occurs through product safety legislation, health and safety legislation and planning policy. These regulatory areas all consider the international guidelines. Additionally, wireless telegraphy licence conditions require licensees to comply with the international guidelines for limiting exposure to EMF for the protection of the general public. Licensees are also required to keep records demonstrating their compliance [\[footnote 2\]](#).

22. UKHSA has reviewed the evidence submitted to the consultation about possible risks to public health and its advice, set out below, remains unchanged.

23. In its most recent update to guidance on 5G technologies, radio waves and health, the UKHSA states that:

It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health. [\[footnote 3\]](#)

24. UKHSA is committed to monitoring the evidence applicable to this and other radio technologies and to keeping its advice under review.

25. The independent telecoms regulator, Ofcom, monitors the use of radio frequencies by mobile networks and takes frequent measurements of EMF levels near mobile base stations to ensure compliance with the [international guidelines \(https://www.ofcom.org.uk/phones-telecoms-and-internet/coverage/mobile-operational-enquiries/mobile-base-station-audits\)](https://www.ofcom.org.uk/phones-telecoms-and-internet/coverage/mobile-operational-enquiries/mobile-base-station-audits). Ofcom has measured the emissions from 5G sites in various towns and cities across the UK, focusing on areas where mobile use is likely to be highest. At every site, the recorded emissions were a small fraction of the safe levels for general public exposure outlined by the ICNIRP guidelines.

26. We understand that some people may have concerns about exposure to radio waves and the rollout of 5G technology. As set out above, a robust framework exists to ensure that public exposure to EMF remains well within safe levels. Further information on 5G can be found on [Ofcom's website \(https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/advice/what-is-5g\)](https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/advice/what-is-5g), and the government and Ofcom have also published a [5G technology guide \(https://www.gov.uk/government/publications/5g-mobile-technology-a-guide\)](https://www.gov.uk/government/publications/5g-mobile-technology-a-guide) to explain the facts about 5G.

27. The Institute of Engineering and Technology (IET) has published a [guide on health concerns regarding 5G and exposure to radio waves \(https://www.theiet.org/impact-society/factfiles/engineering-safety-factfiles/allaying-health-concerns-regarding-5g-and-exposure-to-radio-waves/\)](https://www.theiet.org/impact-society/factfiles/engineering-safety-factfiles/allaying-health-concerns-regarding-5g-and-exposure-to-radio-waves/), which concludes that 5G is just as safe as earlier mobile technologies, such as 3G and 4G.

28. Reviews carried out by the independent [Advisory Group on Non-ionising Radiation \(AGNIR\) \(https://www.gov.uk/government/publications/radiofrequency-electromagnetic-fields-health-effects\)](https://www.gov.uk/government/publications/radiofrequency-electromagnetic-fields-health-effects) found no convincing evidence that radiofrequency field exposures below guideline levels cause health effects in either adults or children. Also, the most recent report by the [Scientific Committee on Emerging and Newly Identified Health Risks \(SCENIHR\) \(https://ec.europa.eu/health/system/files/2020-04/citizens_emf_en_0.pdf\)](https://ec.europa.eu/health/system/files/2020-04/citizens_emf_en_0.pdf) explained that the results of current scientific research show that there are no evident adverse health effects if exposure remains below the levels set by current standards.

29. Furthermore, the [World Health Organisation \(https://www.who.int/news-room/questions-and-answers/item/radiation-5g-mobile-networks-and-health\)](https://www.who.int/news-room/questions-and-answers/item/radiation-5g-mobile-networks-and-health) has stated that, to date, and after much research performed, no adverse health effect has been causally linked with exposure to wireless technologies.

Concerns raised relating to potential impacts on wildlife populations

30. Respondents also raised concerns about the potential effects of EMF radiation from wireless networks on the environment. In particular, respondents noted potential negative impacts on wildlife populations due to increased EMF exposure from 5G networks.

31. EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that EMF radiation from wireless networks has impacts on the population levels of either animals or plants.

32. The potential impacts of EMF radiation on wildlife is the subject of ongoing study. For example, in 2018 experts from across Europe published an overview of current knowledge on the impacts of artificial electromagnetic radiation on wildlife, funded by the [EU EKLIPSE project \(http://www.eklipse-mechanism.eu/emr_activities\)](http://www.eklipse-mechanism.eu/emr_activities) (Knowledge & Learning Mechanism on Biodiversity & Ecosystem Services). Acknowledging that there have been limited detailed studies, the group concluded that, for invertebrates, "few ecological studies exist, but when they do, the reported EMR effects are negligible, contrasting, or cannot be separated from other environmental factors (e.g. land-use)." For vertebrates, such as birds, it concluded that EMR's influence on 'species abundance and distribution, and thus biodiversity, is completely unclear to date'. A more recent paper by [Vanbergen et al. \(2019\) \(https://www.sciencedirect.com/science/article/pii/S0048969719337805\)](https://www.sciencedirect.com/science/article/pii/S0048969719337805) concluded that the extent to which anthropogenic EMR emissions are a risk to pollinators and pollination "is currently unclear".

33. Defra has also supported [national and global assessments of the status of pollinators](https://ipbes.net/sites/default/files/downloads/pdf/individual_chapters_pollination_20170305.pdf) (https://ipbes.net/sites/default/files/downloads/pdf/individual_chapters_pollination_20170305.pdf) and the factors driving changes in their populations. These assessments do not identify 5G or electromagnetic radiation as a significant threat.

34. The government is committed to keeping the evidence of any potential impacts under review, and to working across relevant departments and bodies, to monitor the evidence applicable to this and other radio technologies, and to revise government advice, should that be necessary.

Responses to the technical consultation

Enabling deployment of radio equipment housing

Q1. We asked: 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:

On Article 2(3) land to:

- permit single developments up to 2.5m³ without the need for prior approval
- 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.

35. There were 2,944 responses^{[footnote 4](#)} to question 1A. The main points raised were:

- There were 18 responses from industry. The mobile network operators were supportive of the proposal, noting that it would allow greater flexibility to deploy radio equipment housing on Article 2(3) land, and enable the upgrading of existing sites more quickly, which would reduce the need to deploy new sites. Some other industry organisations stated that prior approval should be required for deploying any radio equipment housing to ensure that visual impacts and environmental concerns were better taken into account.
- Of the 34 responses from local authorities, 56% stated there should be a distinction between rights for deployment on Article 2(3) land and unprotected land. 21% raised concerns about the proposals impacting the amount of pavement space available, and the streetscape more generally.
- Of the 41 responses from community groups/parish councils, 34% wanted greater planning controls on radio equipment housing on Article 2(3) land, while others noted their in-principle opposition to the deployment of 5G infrastructure (29%) and raised concerns about possible impacts on public health (27%).
- 44% of personal respondents raised concerns about possible impacts on public health. Personal respondents (40%) also opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure, and 23% noted concerns about the potential effects of EMF radiation on the environment, including on wildlife populations.

We asked: **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.

36. There were 2,878 responses^{[\[footnote 5\]](#)} to question 1B. The main points raised were:

- There were 18 responses from industry organisations. The mobile network operators stated their support for the proposal because it would allow greater flexibility to deploy radio equipment housing within established compounds to upgrade existing sites.
- Of the 34 responses from local authorities, 44% were supportive of the proposal, whereas others (41%) were concerned about the visual appearance and potential impact of the radio equipment housing if reduced planning control was introduced. Other points raised included concerns about the impact on Article 2(3) land, introducing limits to the equipment's size, and providing for greater engagement with the local community.
- Of the 41 responses from community groups/parish councils, 65% indicated that they disagreed with the proposal and 32% suggested that the proposed change was not needed. 41% noted that greater planning controls should be put in place and 34% stated that there needed to be greater consideration of the visual impacts that could arise as a result of the proposal.
- 43% of personal respondents raised concerns about possible impacts on public health. 20% of personal respondents also stated that they opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure. 25% also noted that greater planning controls should be in place with a requirement for more community consultation.

Strengthening existing ground-based masts

Q2. We asked:

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 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.

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).

37. There were 2,742 responses^{[footnote 6\]](#)} to Question 2A. The main points raised were:

- There were 18 responses from industry. The mobile network operators and infrastructure providers welcomed the opportunity to deploy wider masts, noting that at the moment there are more controls on increasing the width of an existing mast (with planning permission required for larger increases) than for new masts (where there is no width limit under permitted development rights).
- There were 34 responses from local authorities. Support for the proposal was mixed (38% indicated support for the change and 32% indicated that they disagreed). 21% noted that prior approval or planning permission should always be required for increasing the width of an existing mast. Others (18%) noted that visual impacts could arise from wider masts.
- Community groups/parish councils generally opposed this proposal. 37% stated that they did not support the proposal and 27% noted that planning changes were not needed. Others (20%) noted that prior approval or planning permission should always be required.
- Of the other organisations which responded, 55% indicated that they did not support the changes and a further 29% stated that planning permission or prior approval should be required.

- 50% of personal respondents stated that they opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure, and 39% raised concerns about possible impacts on public health.

38. There were 647 responses^{[\[footnote 7\]](#)} to Question 2B. The main points raised were:

- Industry respondents (86%) indicated support for Option A as it would support the upgrading of existing sites and reduce the need to deploy additional sites. All of the infrastructure providers that responded also supported Option A.
- 92% of local authorities and 91% of community groups/parish councils supported Option B.
- 76% of personal respondents supported Option B.

Q3. We asked: 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.

39. There were 2,697 responses^{[\[footnote 8\]](#)} to this question. The main points raised were:

- There were 18 responses from industry organisations. The mobile network operators and infrastructure providers supported the proposal as it would support the rollout of 5G and extend mobile coverage, and would benefit the deployment of the Shared Rural Network, as well as facilitate the sharing of infrastructure more widely.
- Of the 34 local authority respondents, 32% supported the proposal and 29% opposed it. Local authorities noted concerns over maintaining planning control, particularly in protected areas such as National Parks. They also highlighted that taller masts could have a greater visual impact on the local area.
- Community groups/parish councils indicated that they were also concerned that enabling larger infrastructure would have a negative impact on protected land and therefore a greater degree of planning control should be maintained.

- 57% of personal respondents stated that they opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure, and 23% raised concerns about possible impacts on public health. 16% noted concerns about the potential effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.

Building-based masts

Q4. We asked: 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 and 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.

40. There were 2,635 responses^{[\[footnote 9\]](#)} to this question. The main points raised were:

- There were 17 responses from industry. The mobile network operators and infrastructure providers supported the proposal because it would support the deployment of mobile masts in urban areas to enable greater mobile coverage, support the rollout of 5G and the Shared Rural Network. Operators said the proposal would facilitate the use of existing structures and therefore reduce the need for new ground-based masts. They also said this proposal could have the additional benefit of providing for a more efficient and cost-effective roll-out.
- There were 34 responses from local authorities. 35% of local authorities supported the proposal, indicating that it would encourage the installation of building-based masts over new ground-based masts and therefore utilise existing development. There was general agreement that the proposal should not apply to buildings on protected land or land on or within a site of special scientific interest. Other local authorities (15%) raised concerns around the visual impacts of building-based masts in terms of their siting and design. Some Local authorities (11%) noted that planning permission should be required for building-based masts near to the highway.
- 44% of personal respondents raised concerns about possible impacts on public health. Personal respondents (10%) also opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure. Others (13%) indicated general disagreement with the proposal.

Q5. We asked: 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, and 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?

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.

41. There were 2,532 responses to Question 5A and 2,523 responses to Question 5B^{[footnote 10](#)}. The main points raised were:

- There were 17 responses from industry. The mobile network operators and infrastructure providers indicated that the proposal was important for the rollout of mobile infrastructure as building-based masts will significantly contribute to increasing mobile coverage and supporting the rollout of 5G. It was noted that 6 metres was an adequate height to provide this benefit, whilst ensuring visual amenity was protected.
- Of the 30 responses from local authorities, 40% indicated that they supported the proposal. They noted that the visual impact would be mitigated by the limitation on the height the masts could be built to, and the limitation placed on the type of land the masts could be installed on. They also stated that the use of existing development was preferred to new ground-based masts. 18% of local authorities suggested that all building-based masts should be subject to prior approval to give them greater control of the siting and design, whilst others (13%) raised concerns about the potential visual impact that could arise as a result of the proposal.
- Of the community groups/parish councils that responded, 17% indicated that they supported the proposal. However, 10% noted that all building-based masts should require either prior approval or planning permission. 34 % raised concerns about possible impacts on public health.
- 37% of personal respondents raised concerns about possible impacts on public health, and 16% also opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure. Some (8%) noted that prior approval should always be required for this type of development.

New ground-based masts

Q6. We asked: 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.

42. There were 2,594 responses^{[\[footnote 11\]](#)} to this question. The main points raised were:

- 18 industry organisations provided responses. The mobile network operators and infrastructure providers supported the proposal, noting that it will provide greater mobile coverage for communities, especially through the sharing of infrastructure, including 5G. By enabling taller masts, including in more rural areas, the proposal would particularly support the Shared Rural Network, while also enabling local authority oversight through the prior approval process.
- 34 local authorities were split on their support for the proposal. 44% of respondents supported the proposal as it would retain prior approval and allow for the siting and design of infrastructure to be considered. Others (24%) indicated that these changes were not required and existing rules should remain in place, and 18% raised concerns about the potential impacts on protected landscapes and heritage assets, including where a mast is located on Article 2(3) land.
- There were a range of views from other organisations, including community groups. These included that there should be tighter planning controls, such as requiring planning permission, on new ground-based masts, which would allow for more consultation with local communities and for local authorities to fully consider the proposal. There were also concerns raised about the visual impact of allowing taller ground-based masts, particularly on National Parks and Areas of Outstanding Natural Beauty. It was however noted that the updated Code of Practice on Mobile Network Development could mitigate some of the impact of this proposal.
- 40% of personal respondents opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure, and 35% raised concerns about possible impacts on public health. Others (18%) said that there needed to be tighter planning controls, as well as greater engagement with the local community.

Q7. We asked: The government has considered whether further measures are needed to support 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.

43. There were 2,568 responses^{[\[footnote 12\]](#)} to this question. The main points raised were:

- There were 16 responses from industry. The mobile network operators and infrastructure providers welcomed the parity this would bring with the rights that fixed-line broadband providers have and stated that the proposal would provide greater mobile coverage, including 5G for communities. They noted that allowing monopoles up to 17.5 metres would provide even greater benefits and aid in sharing of infrastructure and so reducing the number of monopoles required. They indicated that legislation could stipulate the maximum width that would be allowed to mitigate visual impacts. They also noted that the new Code of Practice could set out details on mitigation measures for particular locales and areas. Others stated that controls should be considered to minimise visual impact, and that this should be supported by robust best practice guidance.
- There was minimal support for the proposal from the 31 local authorities that responded to this question. More than half (58%) of local authorities stated the need for consideration of siting and design by the relevant local planning authority through the prior approval process in order to mitigate visual impacts and protect local amenity. Others (29%) also raised concerns about the proliferation of infrastructure and visual impacts of monopoles, and that conditions were needed to control these, especially within the setting of Article 2(3) land, listed buildings/scheduled monuments and other heritage assets. Some noted that measures would be needed to limit the impact on footways and ensure pedestrian access through minimum distance requirements.
- A range of views were stated by other organisations, including community groups and parish councils. 22% indicated general disagreement with the proposal, and 22% also suggested that prior approval should be required for the installation of monopoles so that local consideration of the siting and design of the infrastructure and local consultation could take place. 13% also raised concerns about the proliferation of infrastructure and potential visual impacts from new development.
- 34% of personal respondents opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure, and 29% raised concerns about possible impacts on public health. 13% indicated that planning permission or prior approval should always be required to ensure local consideration of new development.

Safeguarding

Q8. We asked: 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 are proposing 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?

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

44. There were 2,294 responses to Question 8A and 2,174 responses to Question 8B^[footnote 13]. The main points raised were:

- There were 12 responses from industry. The mobile network operators and infrastructure providers were not supportive where the procedure would add complexity to the safeguarding process and increase restrictions on deployment. They noted that the current regulations that require notification within 3 km of an aerodrome worked well, and the current Ofcom licence obligations already require operators to assess impacts on safeguarded assets.
- Aerodrome operators indicated that prior approval should be required for proposed mast developments in proximity to aerodromes, and the notification requirement should be extended to 7km, as per the Ofcom licensing obligations. They also stated that the procedure should cover all licensed and unlicensed aerodromes.
- Of the 18 local authorities who responded to this question, 22% were supportive of the proposal. Others (22%) indicated that sufficient time should be given for consultees to respond to proposals. 24 community groups/parish councils responded to this question, with 25% indicating that prior approval or planning permission should be required for all development. 38% raised concerns about possible impacts on public health.
- 36% of personal respondents raised concerns about possible impacts on public health, and 40% also stated that they opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure. Some (16%) stated the need for all proposals to require prior approval or planning permission, to allow for the appropriate public consultation.

Small cell systems

Q9. We asked: The government wishes to update the definition of small cell systems in the General Permitted Development Order. This is to ensure 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?

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

45. There were 2,237 responses to Question 9A and 2,033 responses to Question 9B^[footnote 14]. The main points raised were:

- There were 8 responses from the industry. The mobile network operators supported the proposed changes to the definition of small cell systems as they provided greater clarity.
- 74% of local authority respondents also supported the proposed change.
- Some community groups/parish councils (21%) wanted further detail in the definition.
- 30% of personal respondents indicated they did not support the proposal to amend the definition. 20% of personal respondents opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure, and 26% raised concerns about possible impacts on public health.

Implementation

Q10. We asked: 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

46. There were 2,620 responses^{[[footnote 15](#)]} to this question. The main points raised were:

- There were 11 responses from the industry. The mobile network operators stated that national planning policy and guidance should be updated to support the proposed changes to legislation, and welcomed the planned update to the Code of Best Practice. Infrastructure providers thought that there should be further relaxations on Article 2(3) land for building-based apparatus, so as to reduce the number of ground-based installations.
- Of the 23 local authority respondents, 26% highlighted the importance of positive engagement between the mobile network operators and local authorities. This includes undertaking appropriate pre-application engagement, providing more information on site selection process, consulting communities appropriately, and working with local authority Digital Champions. Others (26%) noted that the existing controls over development, such as prior approval, should be retained to ensure impacts of development are mitigated, especially on Article 2(3) land. 13% also noted that the Code of Best Practice should be updated to provide further guidance, and in particular that mobile network development is deployed in an appropriate manner across protected landscapes.
- 44% of personal respondents stated in-principle opposition to the deployment of 5G infrastructure, and 42% raised concerns about possible impacts on public health. Others (8%) said that all proposals should be subject to prior approval or require planning permission, to allow for the necessary public consultation.

Public Sector Equality Duty assessment

Q11. We asked: 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](https://www.legislation.gov.uk/ukpga/2010/15/section/149) (<https://www.legislation.gov.uk/ukpga/2010/15/section/149>).

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?

47. There were 2,291 responses^{[[footnote 16](#)]} to this question. Respondents provided a range of views. The main themes raised were:

- The proposals would have a positive impact on those with protected characteristics by reducing disadvantages to those groups through greater digital inclusion, improved connectivity and providing equitable access to digital services – particularly in more rural areas where mobile coverage tends to lag behind more urban areas.
- The proposals could have negative health impacts on those with protected characteristics as a result of 5G deployment.
- The rollout of 5G may result in an increased amount of ground-based equipment that may obstruct mobility on footways for those with protected characteristics, particularly those with restricted mobility.

Assessment of impact

Q12. We asked: We welcome any further evidence specifically on the regulatory impacts of the proposed changes to planning regulations set out in this technical consultation.

48. There were 2,223 responses^{[\[footnote 17\]](#)} to this question. The main points raised were:

- There were 10 responses from the industry. The mobile network operators indicated that guidance for local planning authorities should be updated alongside any reforms to permitted development rights to support decision making, interpretation of the legislation and understanding of the technical requirements of telecommunications infrastructure. Infrastructure providers stated that reform to permitted development rights would support the investment in mobile infrastructure, particularly in rural areas where cost of delivery can be finely balanced.
- Of the 9 local authorities who responded to this question, 33% suggested that planning legislation should include a requirement for all prior approval applications for mobile infrastructure to include a statement that certifies the equipment will meet ICNIRP guidelines. 33% also raised concerns that enhancing the permitted development rights for mobile infrastructure would not allow for consultation and local involvement in the decision-making process. This could impact on protected landscapes.
- 59% of personal respondents raised concerns about possible impacts on public health, and 34% also stated that they opposed the proposal due to their in-principle opposition to the deployment of 5G infrastructure. Some (8%) noted that prior approval should always be required for this type of development.

Government response

49. The government has considered the proposed reforms in light of consultation responses received and believes that the changes we are taking forward strike an appropriate balance between providing local control and delivering improved connectivity.

50. The evidence provided in the consultation responses suggests that the proposed changes for radio equipment housing, existing ground-based masts and building-based masts will encourage the use and sharing of existing sites and help mitigate the impact of new development. If operators can share sites (which will require them to install more equipment on existing sites), fewer sites will be

required. Similarly, by greater use of existing structures including buildings, instead of ground-based masts, the number of new ground-based sites and therefore overall visual impact of network infrastructure will be reduced. It is also clear from the evidence that the changes to permit greater increases to the width and height of existing masts without prior approval will greatly support the deployment of the Shared Rural Network, where sites will need to be shared by the four national mobile network operators in both unprotected and protected areas.

51. While the changes proposed will incentivise the use of existing sites and buildings for deploying electronic communications equipment, new masts will continue to be required in some locations to extend mobile network coverage and support deployment of 5G. The proposal to permit taller new ground-based masts will mean that sites can be shared more easily, and greater coverage can be provided, especially in more rural areas, which will help keep the number of new ground-based masts required to a minimum.

52. Regarding the notification procedure for safeguarding aerodromes, technical sites and defence assets, concerns were raised by both code operators and aerodrome operators about the proposed changes, and the current process for notification. Our proposal was to amend the current prior notification procedure (but also require prior approval for development in proximity to a designated defence asset). Depending on the type of development proposed, prior approval may or may not be required, as per the current process. With the changes to permitted development rights, it is important that the appropriate processes are in place so that any impacts on safeguarded assets can be considered by the relevant parties through the planning system. We consider that it would be proportionate to require notification of the development of a mast based upon the relevant safeguarding map for a safeguarded area, and so we will take forward the proposed changes to the safeguarding procedure, as set out in the consultation.

53. There was broad support from respondents to change the definition of 'small cell system' in the General Permitted Development Order where this would provide more clarity. There was support for removing the current references often associated with cellular technology and refining the definition to focus on the physical characteristics of small cell systems, including by adding a power limit into the definition.

54. There was limited support for the proposal to permit the deployment of monopole masts up to 15 metres in height on unprotected land without the requirement for prior approval. While the responses indicated that the proposal may support the government's ambitions for 5G deployment, concerns were raised about the removal of the prior approval process and local consideration of new development. On balance, the government has decided not to take forward this change to permitted development rights at this time.

55. After full consideration of responses submitted, **the government has decided that it will be taking forward the changes broadly as consulted on in the technical consultation^[footnote 18] with some minor modifications.** This includes changes to take account of concerns about potential impacts (see paragraphs 56 to 59) and to provide clarity in the regulations. The government therefore intends to take forward the following proposals:

Enabling deployment of radio equipment housing

- Permit single developments of radio equipment housing up to 2.5 cubic metres in volume, without prior approval, (and greater volumes subject to prior approval) on Article 2(3) land, aligning regulations for Article 2(3) and unprotected land. To avoid uncertainty within the regulations, we will confirm that 'single development' means each unit of equipment housing rather than all housing deployed at one time.

- Disapply the volume limits on radio equipment housing where it is located in a compound. As a result of concerns in responses about the visual impact of the proposal, we will be introducing a condition to ensure any visual impacts are minimised as far as is practicable and define 'compounds' by making clear they are fenced with a perimeter wall or fence and that the compound is no more than 100 square metres in ground area.

Strengthening existing ground-based masts

- For existing ground-based masts less than a metre in width, to permit the alteration or replacement of the mast with increases in width up to two-thirds without the need for prior approval in all areas. Greater increases in width would be permitted subject to prior approval.
- For existing ground-based masts that are one metre or greater in width, to permit the alteration or replacement of the mast with increases in width up to one-half or two metres (whichever is greater) without the need for prior approval in all areas. Greater increases in width would be permitted subject to prior approval.
- To permit the alteration or replacement of existing ground-based masts which increases the height up to 25 metres subject to prior approval on Article 2(3) land or land on a highway.
- To permit the alteration or replacement of existing ground-based masts which increase the height up to 25 metres 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.
- We will alter regulations to provide clarity for code operators and local planning authorities on how width increases are calculated by replacing the existing rule that increases are calculated 'at any given height' with a new rule that increases should be calculated by comparing width at the widest parts of the existing and new masts.

Building-based masts

- Permit the 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, subject to prior approval outside of Article 2(3) land and land on or within sites of special scientific interest.
- Permit 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.

New ground-based masts

- Permit the installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway, and 30 metres on all other land (except land on or within sites of special scientific interest) subject to prior approval;

Safeguarding

- Require Code Operators to notify the relevant safeguarding operator where they intend to install, alter or replace a mast on land within a safeguarding area identified on a safeguarding map relating to an aerodrome, technical site, or defence asset^[footnote 19]. This will apply in instances where prior approval of the planning authority is required, and where prior approval is not required.
- Where a proposed mast development is in proximity to a defence asset, the development will require the prior approval of the local planning authority.

Small cell systems

- Remove the current references often associated with cellular technology and amend the definition to make it clear that small cell systems are ‘low-power wireless network access equipment operating within a small range, which, regardless of the underlying network topology, operate on a point to multi-point or area basis in connection with an electronic communications service’.
- Include that small cell systems transmit at power levels of 10 Watts EIRP and below.
- The existing limitations on the surface area measurement and volume of permitted small cell systems would remain unchanged.

56. We recognise that concerns were raised about mitigating the visual impacts and protecting local amenity where prior approval will no longer be required, especially in more sensitive locations such as National Parks, Areas of Outstanding Natural Beauty and Conservation Areas, and where development may impact designated heritage assets.

57. As noted above, we consider that the proposals will support use of existing sites and structures and help keep the number of new ground-based masts required to a minimum. We have also taken a measured approach to changes to permitted development rights on Article 2(3) land as permitted development rights in these areas are generally more limited in scale and subject to greater controls. The prior approval of the local planning authority will continue to be required for all new ground-based masts on all land, including Article 2(3) land. These measures will limit the overall impact on more sensitive locations.

58. In order to provide further protection, especially for development where prior approval may not be required (such as in locations adjacent to designated areas) we will introduce new planning conditions into Part 16 of the General Permitted Development Order. These will require Code Operators, when installing equipment, to minimise the visual impact of new development on the surrounding area as far as possible, particularly considering potential impacts on Article 2(3) land. We will also introduce a condition to ensuring that operators consider and minimise impacts on the accessibility of footways and access to properties.

59. To address the concerns raised above, the government will be taking forward the following measures into regulations:

Mitigating potential visual impacts from development

- Alter regulations to include a condition that requires Code Operators to consider and minimise visual impacts of equipment deployed without the need for prior approval as far as practicable; and

- Alter regulations to include a condition that requires Code Operators to consider and minimise the potential impacts on Article 2(3) land or designated heritage assets of any nearby proposed deployment (taking account of the reason for the Article 2(3) designation).

Mitigating impacts from deployment of equipment on pavements impacting accessibility

- Alter regulations to include a condition that requires Code Operators to consider and minimise impacts to maintain accessibility of footways and access to properties.

60. We have addressed the concerns raised about the possible risks to public health, and impacts on the environment and wildlife populations, from wireless technologies (including 5G) is set out at paragraphs (17 to 34). Personal respondents also raised concerns about the deployment of mobile network infrastructure on private property. The framework regulating the installation and maintenance of digital communications infrastructure by Code Operators on private land is contained in the Electronic Communications Code (the Code)^[footnote 20]. The Code does not provide operators with powers to unilaterally impose terms on site providers. The terms according to which Code rights can be exercised are a matter for individual negotiation between individual operators and site providers. If mutually acceptable terms cannot be agreed, the operator may ask the courts to impose the rights requested, but the imposition of those rights is not automatic.

Public Sector Equality Duty

61. In deciding to take forward the proposed changes to permitted development rights for electronic communications infrastructure, the government has given full weight to its duties in respect of section 149 of the Equality Act 2010; with due regard to the need to eliminate discrimination, to advance equality of opportunity, and foster good relations.

62. We consider that the proposals to amend permitted development rights in order to extend mobile coverage across the country will bring faster, more responsive and reliable connections with the potential to improve the way people live, work and travel. Improved connectivity will have a positive impact for all in society, including those with protected characteristics, through greater digital inclusion, improved connectivity and providing equitable access to digital services.

63. Equity of access in particular will help reduce the 'digital divide' between urban / rural areas and different regions, as while mobile coverage continues to improve in rural areas, levels remain poorer than in urban areas^[footnote 21]. Studies have shown that there are a number of ways in which improved mobile coverage can impact consumers and businesses in rural areas specifically, through improvements to mobile-based services and facilitating access to a range of activities^[footnote 22]. Improved rural coverage (particularly through the Shared Rural Network) will provide a step-change in mobile connectivity in rural tourist hot-spots, in particular National Parks and Areas of Outstanding Natural Beauty (AONB), which are key areas of economic activity^[footnote 23].

64. While improved mobile coverage will have positive impacts for all in rural areas, including those with protected characteristics, there will be a positive impact in particular on elderly people, who are more likely to live in rural areas^[footnote 24]. Access by rural customers to online government services (e.g. welfare payments, NHS health guidance, making tax payments to HMRC) is also becoming increasingly important as many of these services are now only provided online.

65. 5G will also offer new capabilities over existing mobile technologies, including higher data rates, lower latency, higher energy efficiency and improved performance. 5G is the first generation of mobile technology designed to support multiple applications, from mobile broadband and

entertainment services, to industrial applications such as robotics and logistics^[footnote 25]. Improved connectivity and ability to connect more devices to the Internet at the same time will also benefit health and social care applications, including enabling remote health monitoring, and creating timely alerts for patients, nurses and carers^[footnote 26].

66. The respondents to question 11 identified two potential areas of concern in relation to potential negative impacts on individuals with protected characteristics:

- Suggestions of negative impacts on the health of people with protected characteristics due to 5G deployment.
- Proliferation of infrastructure – respondents also raised concerns that the roll out of 5G could mean that more infrastructure will be located on public walkways and in other public areas. The concerns were that this could have a disproportionately negative effect on elderly and disabled people, and others with restricted mobility, who may have to negotiate their way around street furniture.

67. Our response to the concerns raised in relation to potential impacts on public health can be found above at paragraph 17. As noted previously, the question of whether non-ionising radiation has an impact on health is one that has long been studied and to date, and after much research performed, no adverse health effect has been causally linked with exposure to wireless technologies, including 5G. UKHSA has also reviewed the evidence submitted to the consultation about possible risks to public health and confirmed that its advice (set out at paragraph 18) remains the same.

68. In relation to the concerns regarding the potential proliferation of mobile equipment on public walkways and in other public areas, existing measures apply which help to mitigate and avoid impacts of network equipment on public highways and footways:

- Mobile operators are committed to design and locate sites according to the guidance set out in the 'Manual for Streets Two' and are required to comply with the conditions in the GPDO on siting and appearance of apparatus.
- The Code of Best Practice sets expectations for the siting and design of mobile network infrastructure, including with respect to equipment on pavements and walkways. As noted above, DCMS will also publish a new Code of Practice with updated guidance on these aspects.
- Highways authorities' permitting regime under the New Roads and Street Works Act 1991 requires consideration of the impacts of apparatus on streets and footways on users when issuing licences. Highways authorities are encouraged to judge against the set standards as part of the permitting process.
- Mobile operators and local planning authorities are required to have regard, in particular, to the needs of people with a disability when issued the relevant licences, and authorities may attach conditions as they consider appropriate^[footnote 27]. Mobile network operators should have regard to national planning policy which seeks to ensure that the installation of equipment should be kept to a minimum^[footnote 28].

69. We have taken into account the benefits of the proposals in extending mobile coverage, alongside the concerns raised and our consideration of these. We are satisfied that there is evidence to demonstrate that the proposed reforms would have a direct positive impact on all persons, including those with protected characteristics and that any potentially negative impacts can be mitigated effectively. On this basis, we have decided to proceed with taking forward the proposals as set out in paragraphs 55 to 60.

Next steps

70. As set out above, in order to make these changes, we will now make amendments to Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). These changes will be made via secondary legislation, when parliamentary time allows.

1. 45 emails and 1 postal letter were received in response to the technical consultation.
2. See further information on [Ofcom's rules on EMF exposure \(https://www.ofcom.org.uk/manage-your-licence/emf/policy\)](https://www.ofcom.org.uk/manage-your-licence/emf/policy).
3. See UKHSA guidance on [5G technologies: radio waves and health \(https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health\)](https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health) and [Mobile phone base stations: radio waves and health \(https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health\)](https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health).
4. There were 155 organisational responses and 2,789 personal responses.
5. There were 151 organisational responses and 2,727 personal responses.
6. There were 151 organisational responses and 2,591 personal responses.
7. For Question 2B, there were 99 organisational responses and 548 personal responses. Out of the 647 responses received to this question, 170 respondents said Option A, and 452 respondents said Option B.
8. There were 146 organisational responses and 2,551 personal responses.
9. There were 140 organisational responses and 2,495 personal responses.
10. For Question 5A, there were 125 organisational responses and 2,407 personal responses. For Question 5B, there were 141 organisational responses and 2,382 personal responses.
11. There were 152 organisational responses and 2,442 personal responses.
12. There were 145 organisational responses and 2,432 personal responses.
13. For Question 8A, there were 119 organisational responses and 2,175 personal responses. For Question 8B, there were 122 organisational responses and 2,052 personal responses.
14. For Question 9A, there were 117 organisational responses and 2,120 personal responses. For Question 9B, there were 118 organisational responses and 1,915 personal responses.
15. There were 136 organisational responses and 2,484 personal responses.
16. There were 81 organisational responses and 2,119 personal responses.
17. There were 127 organisational responses and 2,096 personal responses.
18. See paragraph 18 in [Changes to permitted development rights for electronic communications infrastructure: technical consultation \(https://www.gov.uk/government/consultations/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation\)](https://www.gov.uk/government/consultations/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation) (April 2021).
19. Military aerodromes, technical sites, and explosives storage areas.
20. See [schedule 3A of the Communications Act 2003 \(https://www.legislation.gov.uk/ukpga/2003/21/schedule/3A\)](https://www.legislation.gov.uk/ukpga/2003/21/schedule/3A).
21. Further information on mobile network coverage is set out in the [Connected Nations Update Summer 2020 Interactive report \(https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-update-summer-2020/interactive-report\)](https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-update-summer-2020/interactive-report).
22. See [Mobile coverage: Qualitative research \(https://www.ofcom.org.uk/research-and-data/telecoms-research/mobile-smartphones/jigsaw-research-2017\)](https://www.ofcom.org.uk/research-and-data/telecoms-research/mobile-smartphones/jigsaw-research-2017); [Impact of radio spectrum on the UK economy and factors influencing future spectrum demand \(https://www.gov.uk/government/publications/impact-](https://www.gov.uk/government/publications/impact-of-radio-spectrum-on-the-uk-economy-and-factors-influencing-future-spectrum-demand)

- [of-radio-spectrum-on-the-uk-economy-and-factors-influencing-future-spectrum-demand](#)).
23. See [Landscapes review: final report 2019](#) (<https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>).
 24. See [Unlocking the digital potential of rural areas across the UK](#) (<https://rurallengland.org/unlocking-the-digital-potential-of-rural-areas-research/>); [Future Telecoms Infrastructure Review](#) (<https://www.gov.uk/government/publications/future-telecoms-infrastructure-review>); [Rural population and migration statistics](#) (<https://www.gov.uk/government/statistics/rural-population-and-migration>).
 25. See [Future Telecoms Infrastructure Review](#) (<https://www.gov.uk/government/publications/future-telecoms-infrastructure-review>); [Next Generation Mobile Technologies: A 5G strategy for the UK](#) (<https://www.gov.uk/government/publications/next-generation-mobile-technologies-a-5g-strategy-for-the-uk>); and [Next Generation Mobile Technologies: An update to the 5G strategy for the UK](#) (<https://www.gov.uk/government/publications/next-generation-mobile-technologies-an-update-to-the-5g-strategy-for-the-uk>).
 26. See [Enabling 5G in the UK](#) (<https://www.ofcom.org.uk/spectrum/information/innovation-licensing/enabling-5g-uk>).
 27. [New Roads and Street Works Act 1991](#) (<https://www.legislation.gov.uk/ukpga/1991/22/contents>).
 28. See the [National Planning Policy Framework](#) (<https://www.gov.uk/guidance/national-planning-policy-framework/10-supporting-high-quality-communications-infrastructure>).
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