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Open consultation

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

Published 19 April 2021

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This publication is available at <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>

Scope of the consultation

Topic of this consultation: This consultation seeks views on proposed changes to permitted development rights for the installation, alteration and replacement of electronic communications infrastructure. This consultation looks at how to implement the proposals consulted on in August 2019 (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) to support the deployment of 5G and extend mobile coverage.

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

- To enable deployment of radio equipment housing by permitting small equipment cabinets on Article 2(3) land^[footnote 1] such as National Parks, Conservation Areas and Areas of Outstanding Natural Beauty), and allowing greater flexibility for installing equipment cabinets in existing compounds;
- To enable the strengthening of existing masts by permitting limited increases in the width of existing ground-based masts without the need for prior approval, and greater increases subject to prior approval, on all land. Also allowing for limited increases to the height of existing ground-based masts without the need for prior approval outside of Article 2(3) land, with greater increases on all land, up to specified limits, subject to prior approval;
- To enable the deployment of building-based masts by permitting these in closer proximity to a highway subject to prior approval outside of Article 2(3) land. Also, whether to permit smaller masts to be installed without the need for prior approval outside of Article 2(3) land; and
- To enable the deployment of new ground-based masts by permitting taller new masts, up to specified limits, on all land subject to prior approval, with greater permitted heights on land outside of Article 2(3) land. Also, whether to permit monopole masts of up to 15 metres to be deployed without the need for prior approval on land outside of Article 2(3) land.

None of the proposals above would apply on land on or within sites of special scientific interest.

Changes to the safeguarding procedure and technical changes to the definition of 'small cell system' are also proposed.

Scope of this consultation: The Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media & Sport are consulting on proposed amendments to permitted development rights for electronic communications development.

This follows an earlier consultation (August 2019) which sought to establish the principle of amending permitted development rights for the deployment of 5G and extend mobile coverage, and the circumstances in which it would be appropriate to do so.

Geographical scope: These proposals relate to England only.

Impact assessment: A summary of the expected impact can be found in the section headed Assessment of Impact.

Basic Information

Body/bodies responsible for the consultation: Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media & Sport.

Duration: This consultation will last for 8 weeks from 20 April 2021 until 11.45pm on the 14 June 2021. All responses should be received no later than this time and date.

Enquiries: For any enquiries about responding to the consultation please contact: DigitalInfrastructurePlanning@communities.gov.uk.

How to respond: Please respond to this consultation by completing an online survey (<https://consult.communities.gov.uk/digital-infrastructure-planning/technical-consultation-on-permitted-development-ri/>).

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- the name of organisation (if applicable)

The online survey allows respondents to save a draft response and return to the survey later. Using the online survey greatly assists in our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media & Sport are bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Departments.

The Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media & Sport will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex C. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process, please contact us via the complaints procedure (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local->

Ministerial foreword

Digital connectivity is – now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data in the United Kingdom is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity.

The government is determined to ensure the country has the coverage and connectivity it needs, and we are pleased to say that we have already made progress with making this happen. Some 91% of the United Kingdom landmass is now covered by good 4G signal from at least one operator, whilst 69% of the country is covered by all four main operators. We are also making progress with improving coverage in rural areas with 90% of the United Kingdom’s rural landmass having 4G coverage from at least one mobile operator.

To build on this record of delivery, we have agreed a £1 billion deal with the Mobile Network Operators to launch the Shared Rural Network and increase mobile phone coverage throughout the United Kingdom to 95% by the end of 2025.

We intend to be a global leader in 5G, the next generation of wireless connectivity, and for communities and businesses to benefit from investments in this new technology. The case for 5G is compelling: it will provide faster, more responsive and more reliable connections than ever before. Through our £200 million 5G Testbeds and Trials programme we are already seeing its value to manufacturing, farming, transport networks and healthcare.

It is welcome that all four Mobile Network Operators have started to deploy 5G networks, meaning 5G is now available in over 200 towns and cities across the United Kingdom.

We must, however, continue to ensure people have access to fast, reliable digital connectivity and mobile coverage. The planning system plays a key role in delivering the infrastructure that we need as households and businesses become increasingly reliant on mobile connectivity.

Following our consultation on the principles of reforms to permitted development rights to support 5G deployment and extend mobile coverage we are now consulting on the details of our proposed changes. At the heart of these changes is a recognition that we need to balance the benefits of improved connectivity with local control and environmental protections. We look forward to receiving your views on our proposals and the questions we have set out.

Matt Warman MP, Minister for Digital Infrastructure

The Rt Hon Christopher Pincher MP, Minister for Housing

1. Introduction

1. Now, more than ever, people need access to dependable and consistent mobile coverage where they live, work and travel. The coronavirus pandemic has highlighted the importance of digital connectivity and ensuring that networks have sufficient capacity and resilience to meet demand. Increased connectivity will also be key to our recovery. As the UK seeks to build back better, our changes to the planning system will help to extend and improve mobile coverage, including in rural areas, to benefit communities and businesses.

2. The government is committed to extending mobile geographical coverage across the UK and providing uninterrupted mobile signal on all major roads, and to be a global leader in 5G. The need for improved coverage is especially important in rural parts of the country. In support of this the government agreed a £1 billion Shared Rural Network deal (<https://www.gov.uk/government/news/shared->

rural-network) with the UK's mobile network operators to extend 4G mobile geographical coverage to 95% of the UK by 2025. The government is investing £200 million in a programme of 5G testbeds and trials to encourage investment in 5G so that communities and businesses can benefit from this new technology. Our ambition is for the majority of the population to have access to a 5G signal by 2027. The increased connectivity and capacity offered by 5G is opening-up the potential for new, innovative services for individuals and industry.

3. It is also essential that the planning system can effectively support the delivery of the mobile infrastructure that we need. The Department for Digital, Culture, Media and Sport, and the Ministry of Housing, Communities and Local Government published a joint consultation on in-principle proposed reforms to permitted development rights in England

(<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) in August 2019. The government response to the consultation (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>), published in July 2020, concluded that the proposed reforms would have a positive impact on the government's ambitions for the deployment of 5G and extending mobile coverage. It also recognised the strong support through consultation for measures that would encourage greater use of existing sites, promote the sharing of infrastructure and reduce the overall number of new sites required. The government response set out that, subject to a technical consultation on the detail of the proposals, including the appropriate environmental protections and other safeguards, we would take forward changes to:

- Enable the deployment of radio equipment housing on land without the need for prior approval, up to specified limits and excluding sites of special scientific interest, to support 5G deployment;
- Strengthen existing masts up to specified limits to enable sites to be upgraded for 5G and for mast sharing without the need for prior approval;
- Enable the deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage, subject to prior approval and specified limits; and,
- Enable higher new masts to deliver better mobile coverage and mast sharing, subject to prior approval and specified limits.

4. Our response to the consultation set out that we would update and strengthen the existing Code of Best Practice on Mobile Network Development in England. The Department for Digital, Culture, Media & Sport will lead on the process of developing a new Code of Practice to provide strengthened guidance to mobile network operators and local planning authorities on how to achieve the government's objective of supporting high quality communications infrastructure (see paragraphs 79 to 82).

5. These changes will benefit communities and businesses and provide greater regulatory certainty to incentivise investment in mobile infrastructure. The mobile industry has a vital role to play in delivering these improvements and in bringing forward the infrastructure required, and we expect mobile network operators to commit to further measures and assurances to ensure that the impact of new mobile deployment is minimised. There is an opportunity for the industry to innovate and design masts which are less visually intrusive and have minimal impact on the surrounding area, while also supporting the equipment that is required to provide high quality connectivity. Through the Code of Practice mobile network operators can provide more clarity on how mobile infrastructure will look and how it can be well-designed and well-built in a way that benefits people and communities.

Purpose of this consultation

6. We are now consulting on the technical detail of reforms set out in the earlier government response (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) (July 2020) to support the deployment of 5G

and extend mobile coverage. For a small number of additional proposals we are consulting on the principle of the reforms as well as the detail (questions 5 and 7). The purpose of this consultation is to seek views on the proposed amendments to permitted development rights for operators with rights under the Electronic Communications Code (see paragraph 11) to install and maintain electronic communications apparatus. This includes whether our approach to introducing environmental protections and other safeguards is appropriate and proportionate in order to mitigate the impacts of development. As planning is a devolved matter, these proposals relate to England only.

7. The government will consider the responses to this consultation before deciding how to take forward the proposals. Secondary legislation will be required in order to implement any proposed changes to the General Permitted Development Order.

Planning Permission for electronic communications apparatus

8. Under section 57 of the Town and Country Planning Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/8/section/57>), development generally requires planning permission. Planning policy for electronic communications infrastructure, including requirements for development, applications and the consideration of local planning authorities, is set out in Chapter 10 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/10-supporting-high-quality-communications-infrastructure>). There are two forms of permission relevant to the proposals in this consultation:

- A planning application is submitted to the relevant planning authority, who can balance the impact of the development including on the environment and community with the economic benefits, and make a decision; and
- Government can grant planning permission across England for specific types of development under the General Permitted Development Order. Most development of electronic communications equipment by Code Operators (see paragraph 11) falls under this type of permission. There are two forms of permitted development rights:
 - **Permitted Development with prior approval needed** – Some permitted development rights are subject to a requirement to seek the prior approval of the local planning authority for the siting and appearance of apparatus before carrying out development. This involves a requirement for engagement through site and/or written notices to allow representations, for example from local residents, and the views of certain named consultees, such as the Highways Agency. This gives the local planning authority the opportunity to refuse the development on certain grounds. If the local planning authority has not made a decision within 56 days of receipt of the application, then the developer may exercise the permitted development right without awaiting such approval. In many cases, electronic communications infrastructure is already permitted subject to prior approval (e.g. the deployment of new masts or extensive changes to existing masts).
 - **Permitted Development with the requirement to notify** – In certain cases, electronic communications infrastructure has permitted development rights that do not require the prior approval of the local planning authority. In these cases, the developer must notify the local planning authority of its intention and can exercise the permitted development right after 28 days' notice. The local planning authority may within this period give written notice of conditions with which they wish the Code Operator to comply in respect of the installation of the apparatus^[footnote 2].

9. At present, most electronic communications apparatus can be installed and maintained as permitted development. Limits are set out in legislation on the scale of development that can be deployed in this way. The circumstances in which prior approval are required are also set out in legislation. These circumstances generally relate to the scale and location of development.

10. In more sensitive locations – Conservation Areas, Areas of Outstanding Natural Beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981, and World Heritage Sites (collectively defined as Article 2(3) land)^[footnote 3] – permitted development rights do not generally apply. Where permitted development rights are in place on Article 2(3) land (as they are for some electronic communications infrastructure development) they are generally more limited in scale and subject to greater controls.

The Electronic Communications Code

11. Along with permitted development rights, the deployment of electronic communications equipment is also governed by the Electronic Communications Code ('the Code'). The Code is set out in Schedule 3A of the Communications Act 2003

(<https://www.legislation.gov.uk/ukpga/2003/21/schedule/3A>) and is designed to facilitate the installation, maintenance and upgrade of electronic communications, through a statutory framework of specific duties, obligations and protections that apply to the deployment of digital communications networks by Code Operators (<https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/policy/electronic-comm-code>). Mobile network operators can obtain "Code Operator" status by applying to Ofcom. The Code is supported by secondary legislation, including the Electronic Communications Code (Conditions & Restrictions) Regulations 2003

(<https://www.legislation.gov.uk/uksi/2003/2553/contents/made>) ('the Electronic Communications Code Regulations'), which provide more detail on the duties Code Operators must fulfil, including duties to follow a voluntary Code of Practice (https://www.ofcom.org.uk/__data/assets/pdf_file/0025/108790/ECC-Code-of-Practice.pdf) and to consult with planning authorities when deploying infrastructure.

2. Proposed amendments to permitted development rights for electronic communications code operators

12. As set out in the August 2019 consultation (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>), decisions about the levels of planning control on telecommunications development are about balancing the ability of local communities to control developments in their areas with the need to ensure that individuals and businesses benefit from the connectivity they need to live and work. That consultation, and the government response published in July 2020, set out the principles on which the proposals were based. These are:

- ensuring that the proposals help to deliver the government's commitment to extending mobile geographical coverage further across the UK with continuous mobile connectivity provided to all major roads and to be a world leader in 5G;
- 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; and
- ensuring appropriate environmental protections are in place.

13. The government has maintained these principles in taking forward the proposed planning changes in this technical consultation. These changes aim to strike an appropriate balance between providing local control and delivering improved connectivity. They will support wider and enhanced coverage that will ensure all communities benefit. They will give greater certainty and speed over deployment of infrastructure, increasing investor confidence.

14. The proposed planning changes aim to 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 than upgrade existing ones. It also includes permitting smaller scale changes to infrastructure without the need for prior approval to support the deployment of additional antenna.

15. A measured approach has been taken to changes to permitted development rights in National Parks, Conservation Areas, and Areas of Outstanding Natural Beauty as well as other land covered by Article 2(3) of the General Permitted Development Order (subsequently referred to as “Article 2(3) land”)^[footnote 4]. In these areas, proposed permitted development rights are generally more limited in scale and subject to greater controls. This is to ensure that the sensitive nature of these areas is recognised and the appropriate environmental protections are in place. In developing a new Code of Practice for Mobile Network Development in England, the government will work closely with bodies including representatives of local planning authorities, organisations covering Article 2(3) and the mobile industry (see paragraphs 79 to 82).

16. In most cases, development of, and alterations to, telecommunications infrastructure on land on or within a site of special scientific interest cannot take advantage of permitted development rights. In view of the level of environmental protection afforded to these areas in the National Planning Policy Framework, we are not proposing to make changes to permitted development rights on land on or within sites of special scientific interest.

17. These changes also do not apply to listed buildings and their curtilage or sites that are or contain scheduled monuments. In addition, as with all permitted development rights, other regulations and requirements such as Environmental Impact Assessment and Habitats Regulations, and the Duty of Regard,^[footnote 5] will apply.

18. This chapter sets out the detail of the proposed changes to the General Permitted Development Order, a summary of which is provided in the box below. Further detail on how the proposals would amend existing provisions in the General Permitted Development Order is provided within Annex A.

Summary of proposed changes to permitted development rights

In summary, this technical consultation sets out proposals to amend permitted development rights so that:

Enabling deployment of radio equipment housing

- Single developments of small radio equipment housing would be permitted without the need for prior approval, with larger equipment housing subject to prior approval, in all areas except land on or within sites of special scientific interest;
- Restrictions on singular developments and cumulative permitted development of radio equipment housing would be disapplied where these are located in an enclosed compound, subject to restrictions that ensure new equipment does not have an adverse visual impact on the local area;

Strengthening existing ground-based masts

- For existing ground-based masts less than a metre in width, alteration or replacement of the mast with increases in width of up to two-thirds would be permitted without the need for prior approval. Greater increases in width would be permitted subject to prior approval;
- For existing ground-based masts more than a metre in width the government is consulting on two options: A) the alteration or replacement of the mast with increases in width of up to half or two metres (whichever is greater) without the need for prior approval in all areas; or B) the alteration or replacement of the mast with increases in width of up to one third or one metre (whichever is greater) on Article 2(3) land without the need for prior approval, and half or two metres (whichever is greater) elsewhere. In either case, greater increases in width than those specified above would be permitted subject to prior approval;
- Alteration or replacement of existing ground-based masts which increases the height up to 25 metres would be permitted subject to prior approval on Article 2(3) land or land on a highway;
- Alteration or replacement of existing ground-based masts which increase the height up to 25 metres would be permitted without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest. Greater increases in height up to 30 metres would be subject to prior approval;

Building-based masts

- Installation, alteration or replacement of building-based masts up to 10 metres in height above the tallest part of the building within 20 metres of the highway, on buildings less than 15 metres in height, would be permitted subject to prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;
- In addition, the government is considering permitting the installation, alteration or replacement of building-based masts up to 6 metres in height above the tallest part of the building without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;

New ground-based masts

- With the exception of land on or within sites of special scientific interest, installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway, and 30 metres on other land, would be permitted – in both cases subject to prior approval;
- In addition, the government is considering permitting the installation of monopoles up to 15 metres in height without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest.

Changes to the safeguarding procedure and technical changes to update the definition of 'small cell system' are also proposed.

3. Enabling deployment of radio equipment housing

19. To enable deployment of 5G and to improve mobile coverage, mobile network operators need to deploy radio equipment housing ('equipment housing'). This can range in size from a small cabinet to a purpose-built cabin serving several operators. It can be placed within a building, underground, on the ground, within a purpose-built compound, or on a rooftop. The equipment is connected to antennas via feeder cables and provides the power source.

20. Under existing regulations Code Operators can install, alter or replace equipment housing through permitted development rights, provided^[footnote 6] that:

- the development is ancillary to the use of other electronic communications apparatus; and
- the cumulative volume of such development would not exceed 90 cubic metres (or 30 cubic metres if located on the roof of a building).

21. These limits apply to all land including Article 2(3) land and sites of special scientific interest.

22. The limits on the size of any single development of equipment housing differ depending on its location. Where the proposed development is located on Article 2(3) land, or land on or within a site of special scientific interest, any single development of radio equipment housing up to 2.5 cubic metres is permitted, subject to prior approval, whereas larger developments require an application for full planning permission. On all other land a single development of radio equipment housing up to 2.5 cubic metres is permitted without the need for prior approval, whereas larger developments are permitted subject to prior approval.

23. A number of existing measures also help to avoid proliferation of equipment housing on pavements and walkways. Code Operators endeavour to design sites to the 'Manual for Streets Two' standard and the existing Code of Best Practice sets expectations for, including with respect to equipment on pavements and walkways. Through the notification procedure, local planning authorities can also give notice of conditions with which they wish the Code Operator to comply in respect of the installation of the apparatus^[footnote 7]. In addition, in issuing licenses, highways authorities will consider the impacts of apparatus on streets and footways on users^[footnote 8]. In revising the Code of Practice we will put a stronger focus on the siting of new infrastructure (see paragraphs 79 to 82).

24. The August 2019 consultation considered changes to remove the requirement for prior approval for radio equipment housing. The government response set out that we would take forward proposals to enable the deployment of radio equipment housing on land without the need for prior approval up to specified limits and excluding sites of special scientific interest^[footnote 9].

Proposed planning changes

25. We propose to remove the requirement for prior approval for any single development of equipment housing up to 2.5 cubic metres on Article 2(3) land. We also propose that any single development of equipment housing on Article 2(3) land that exceeds 2.5 cubic metres is permitted subject to prior approval. This will ensure that the siting and design of larger equipment housing is still subject to consideration by the local authority.

26. In some cases, masts and associated equipment housing are fully enclosed within a compound. Compounds are generally surrounded by a fence and provide additional security for telecommunications equipment. We propose that, subject to measures to mitigate visual impact, there should be greater freedom for Code Operators to install, alter or replace equipment housing within a compound's boundaries. We propose to disapply limits to the cumulative and singular volume of equipment housing, on all land, where it is deployed in a permitted compound of up to 100

square metres in area, subject to certain conditions. Where those conditions are not met, then permitted development rights would apply in the normal way (e.g. as set out in paragraphs 20 to 22 above).

27. While this would give greater flexibility to upgrade and deploy equipment, conditions would be needed to ensure that new equipment housing does not have an adverse visual impact on the local area. There are provisions in the General Permitted Development Order which permit other types of development so long as it would not 'materially affect' the external appearance of the premises or exceed a certain height above ground level^[footnote 10]. We could take a similar approach to conditions for equipment housing within compounds.

28. Alternatively, we could propose conditions that the perimeter fencing should not be open (i.e. should be closed boarded) and the equipment housing being deployed should be no higher than the existing fence. In this case we would also need a condition to prevent changes to the fence when deploying radio equipment housing that exceeds existing limits as set out in paragraphs 20 to 22 above (although changes would still be permitted where a Code Operator sought to deploy radio equipment under the existing limits above).

29. We do not propose to make any changes with respect to land on or within sites of special scientific interest.

30. Under existing regulations, a Code Operator would be able to add equipment to masts to deliver 5G or under a sharing arrangement without the need for prior approval, but, on Article 2(3) land, would nevertheless require prior approval to install the radio equipment housing needed alongside. These proposed changes will therefore help to encourage the deployment of 5G and incentivise the use of existing sites for site sharing.

Question 1

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

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

On Article 2(3) land to:

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

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

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.

4. Strengthening existing ground-based masts

31. To enable the upgrading of sites to support both 4G and 5G infrastructure and to extend network coverage, existing ground-based masts will need to be strengthened and increased in height. This is necessary to enable masts to accommodate additional equipment and enable greater sharing of infrastructure between operators.

32. Under the General Permitted Development Order the alteration or replacement of existing ground-based masts is permitted up to certain specified limits and conditions^[footnote 11]. Under existing regulations, Code Operators can increase the **width** of an existing ground-based mast on Article 2(3) land by up to one third, subject to prior approval. On other land (except land on or within sites of special scientific interest) Code Operators can increase the width of an existing ground-based masts by up to one third without the need for prior approval. In both cases, greater increases require an application for planning permission. Where a ground-based mast is located on land on or within a site of special scientific interest, planning permission is required for any changes to the width of an existing mast.

33. Under existing regulations, Code Operators can also increase the **height** of an existing ground-based mast through permitted development rights up to the following new heights:

- On Article 2(3) land or land which is on a highway, 20 metres above ground level, or up to the height of the existing mast (if taller), without the need for prior approval;
- On all other land (excluding land on or within sites of special scientific interest), 25 metres above ground level. Where the altered or replacement mast exceeds the height of the original mast, and is taller than 20 metres above ground level, this is subject to prior approval.

34. Where the Code Operator wants to increase the height of the existing mast beyond these limitations or make changes to the height of an existing mast located on or within a site of special scientific interest, an application for full planning permission is required.

35. The August 2019 consultation (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) considered amending permitted development rights to permit greater increases in the width and height of existing ground-based masts. The government response set out that we would take forward proposals to permit the strengthening of existing masts (by permitting changes to width and height) up to specified limits to enable sites to be upgraded, without the need for prior approval.

Proposed planning changes

36. We propose to increase the amount by which existing ground-based masts may be enlarged without the need for prior approval, and to allow increases in size beyond those limits to the same size as new masts through permitted development, subject to prior approval.

37. When considering increases to the **width** of existing masts, we propose to differentiate between masts which are currently less than one metre in width and masts that are currently more than one metre in width. This is intended to mitigate against the potential environmental impacts by ensuring that narrower masts cannot be replaced with significantly wider masts. For example, it may be appropriate to replace a solid, narrow, monopole-style mast on a street with a wider, similar, mast – but not with a significantly wider lattice-structure mast.

38. For the alteration or replacement of an existing ground-based mast that is **less than one metre wide** we propose that alteration or replacement that increases the width by up to two-thirds would be permitted without the need for prior approval. Increases to the width greater than two-thirds would be permitted subject to prior approval. This would apply on all land, including Article 2(3) land, and land on a highway but excluding land on or within sites of special scientific interest.

39. For the alteration or replacement of an existing ground-based mast that is **greater than one metre wide** we would welcome views on whether there should be a difference in the width increase permitted between Article 2(3) land or land on a highway, and all other land (excluding sites of special scientific interest).

40. For the alteration or replacement of an existing ground-based mast that is one metre wide or greater we propose that increases in width by up to one-half or two metres (whichever is greater) would be permitted without the need for prior approval. Greater increases to the width would be permitted subject to prior approval. This would apply on all land (including Article 2(3) land and land on a highway) but excluding land on or within sites of special scientific interest.

41. We are also interested in views on whether a lesser permitted increase of one-third or one metre (whichever is greater) should apply for the alteration or replacement of an existing ground-based mast that is one metre wide or greater without the need for prior approval on Article 2(3) land and land on a highway. Greater increases to the width would be permitted subject to prior approval.

42. Existing provisions stipulate width increases are measured on the mast together with any antenna support structures on the mast. The permitted increases are taken at 'any given height' of the mast. Responses to the August 2019 consultation (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) noted that this provision can cause confusion, as alteration or replacement of existing masts may involve increases to both height and width. This means that the height of the widest and narrowest parts of a new mast may differ from the height of the widest and narrowest parts of an existing mast^[footnote 12]. We therefore propose that changes to the width should be calculated from the widest point on the existing mast (including any support structures on it) to the widest point of the altered or replacement mast (including any support structures on it).

43. When considering increases to the **height** of existing masts, we propose to differentiate between masts which are on Article 2(3) land and those on other land. This is intended to mitigate against the potential environmental impacts of upgrading sites by limiting increases to the height of existing masts without the need for prior approval in more sensitive locations. For the alteration or replacement of an existing ground-based mast, we propose that increases in the height are permitted as follows.

- On Article 2(3) land or land on a highway up to a height of 25 metres above ground level subject to prior approval.
- On all other land (excluding land on or within sites of special scientific interest):
 - up to a height of 25 metres, or up to the height of the existing mast (if taller), **without the need for prior approval**;
 - over 25 metres and up to a new height of 30 metres, **subject to prior approval**.

44. For increases greater than those permitted by permitted development rights, an application for full planning permission would be required.

45. We also do not propose to amend existing permitted development rights without the need for prior approval for alterations to shorter masts on Article 2(3) land. These permit alteration or replacement up to the greater of the height of the existing mast or 20 metres above ground level, or

without the need for prior approval.

46. The permitted development rights of Code Operators in the General Permitted Development Order are provided subject to a condition that the siting and appearance of equipment should minimise the effect of the development on the surrounding area. To ensure good practice on siting and appearance of equipment, mobile network operators have committed in the Code of Best Practice to ensure that equipment is sympathetically designed, in line with national planning policy and relevant adopted local planning policies.

47. The proposed changes to permitted development rights will incentivise Code Operators to maximise use of existing sites rather than deploying new sites, in line with the principles set out in paragraph 12 and existing national planning policy^[footnote 13]. As identified in the current Code of Best Practice, if operators can share sites and install more equipment on each site, fewer sites will be required, reducing the overall visual impact of the network infrastructure. The Code of Best Practice also encourages operators, when altering existing masts, to consider the opportunity for environmental enhancements, such as removing redundant brackets and fixings. It also encourages operators, when replacing masts, to look at lighter weight lattice masts or pole masts, in consultation with the local planning authority and interested parties. As set out in paragraphs 79 to 82, we will also be updating and publishing a new Code of Practice with a greater focus on the siting and design of new infrastructure.

Question 2

2A) The government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage 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).

Question 3

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

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

To permit the alteration or replacement of existing masts up to a new height of 25 metres, without the need for prior approval, outside of Article 2(3) land.

The government also proposes to align permitted development height limits for alterations to existing masts with those proposed for new masts. This would permit the alteration or replacement of existing masts subject to the following limits:

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

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

5. Building-based masts

48. The Code of Best Practice^[footnote 14] recognises the use of buildings for the installation of electronic communications equipment as an important and established measure which helps to reduce the environmental impact of networks. Buildings make ideal sites for antennas because their height enables signals to be transmitted over long distances.

49. The government is committed to providing uninterrupted mobile signal on all major roads. Ofcom's Connected Nations Report 2020 (<https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research/connected-nations-2020>) showed that, as of December 2020, 4G in-car coverage from all four mobile network operators was available on 59% of UK roads. However, on 4% of roads, good 4G in-car coverage was not available from any operator. Deployment of building-based masts in close proximity to highways is needed to ensure people receive dependable and consistent coverage where they live, work and travel.

50. Under the current provisions of the General Permitted Development Order, subject to prior approval and certain limitations:

- Building-based apparatus is permitted where it does not exceed 15 metres on a building 30 metres or more in height, or 10 metres in other cases^[footnote 15];
- Conditions limit the height by which apparatus can exceed the tallest part of the building by i) 10 metres, on buildings 30 metres or more in height, ii) 8 metres for buildings between 15-30 metres, or iii) 6 metres in all other cases;
- The number of antenna permitted is also limited:
 - For masts on buildings less than 15 metres in height, the number of antennas deployed on a building is limited to up to three antenna systems;
 - For masts on buildings between 15 and 30 metres in height, the number of antennas is limited up to five antenna systems;
 - In neither case should an antenna system be operated by more than three Code Operators.

51. Where a Code Operator wants to install a new mast within 20 metres of the highway, on a building less than 15 metres tall, full planning permission is required from the local planning authority^[footnote 16]. However, Code Operators are permitted to alter or replace a mast, providing that the siting remains the same and the dimensions of the mast are no greater than the existing mast.

52. The August 2019 consultation (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) considered allowing building-based masts to be deployed nearer to highways. The government response set out that we would take forward proposals to enable the deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage, subject to prior approval and specified limits. As set out in paragraph 16, the proposed changes on building-based masts would not apply to listed buildings or scheduled monuments.

Proposed planning changes

53. We propose to amend the General Permitted Development Order to permit the deployment of building-based masts nearer to highways by introducing a permitted development right to allow the deployment of building-based masts that are within 20 metres of the highway when located on buildings less than 15 metres tall. This right would not apply to buildings on Article 2(3) land or land on or within a site of special scientific interest. Existing conditions that limit the height by which apparatus allowed under permitted development rights can exceed the tallest part of the building would continue to apply (see paragraph 50).

54. Following the government response (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) published in July 2020, we have also considered whether further measures are needed to enable the deployment of building-based masts to increase mobile coverage and mitigate the impacts of ground-based masts. Respondents to the August 2019 consultation supported measures that would encourage the greater use of buildings for electronic communications infrastructure, as this would help reduce the environmental and visual impacts of networks. In order to further encourage the use of buildings for the installation of electronic communications equipment we propose to introduce a further permitted development right for shorter masts.

55. We propose to introduce a permitted development right for the deployment of short building-based masts and apparatus without the need for prior approval. To mitigate visual impact we propose that conditions limit the height by which apparatus can exceed the highest part of the building to no more than six metres, and that this right would not apply to buildings on Article 2(3) land or land on or within a site of special scientific interest.

56. These changes will enable Code Operators to deploy masts closer to the highway, encourage the greater use of buildings for electronic communications infrastructure to reduce visual impact, and improve dependable and consistent coverage where people live, work, visit and travel.

Question 4

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

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

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

Question 5

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

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

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.

6. New ground-based masts

57. While mobile network operators have committed to share sites wherever possible and work together through joint ventures to reduce the visual impact of networks, new masts will also be necessary to provide greater mobile coverage and support the deployment of 5G. The use of taller masts enables a greater coverage footprint from fewer mast sites and allow multiple operators' equipment to be accommodated on a single mast.

58. Under current provisions in the General Permitted Development Order, new ground-based masts up to certain heights are permitted subject to prior approval:

- On Article 2(3) land or land on a highway, Code Operators can erect a new ground-based mast up to a height of 20 metres;
- On all other land (excluding land on or within sites of special scientific interest), Code Operators can erect a new ground-based mast up to a height of 25 metres.

59. Where the Code Operator wants to install a new ground-based mast beyond these limits or make changes to the height of an existing mast located on or within a site of special scientific interest, an application for full planning permission is required.

60. The August 2019 consultation (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) considered whether current height limits for new ground-based masts should be increased to enable greater mobile coverage. The government response set out that we would take forward proposals to enable the deployment of taller ground-based masts to deliver better mobile coverage and promote mast sharing, subject to prior approval and specified limits.

Proposed planning changes

61. We propose to amend the General Permitted Development Order to permit new ground-based masts, subject to prior approval, up to the following heights:

- On Article 2(3) land or land on a highway, Code Operators would be able to erect a new ground-based mast up to 25 metres in height;
- On all other land (excluding land on or within sites of special scientific interest), Code Operators would be able to erect a new ground-based mast up to 30 metres in height.

62. We do not propose to amend permitted development rights in respect of land on or within a site of special scientific interest, where planning permission would still be required.

63. The General Permitted Development Order permits the deployment, without the need for prior approval, of certain electronic communication apparatus used in connection with the provision of fixed-line broadband, including telegraph poles and lines. This has facilitated the deployment of superfast broadband coverage across the country. Telegraph poles and lines can be deployed under certain conditions, which includes where poles and service lines already exist in an area, and where it is not practicable to deploy service lines underground^[footnote 17].

64. Following the government response (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) published in July 2020 we have also considered whether further measures are needed to support the deployment of 5G infrastructure and help meet the government's ambitions for 5G coverage. Some respondents to the August 2019 consultation noted that permitting mobile network operators to deploy masts of equivalent size to a telegraph pole without the need for prior approval would provide equivalence with the development rights for fixed line operators, facilitate the rollout of 5G infrastructure and provide greater regulatory certainty for operators. Respondents also stated that, where possible, operators should deploy less intrusive masts that reduce visual impacts on surrounding areas.

65. We consider that allowing monopoles of up to 15 metres in height to be deployed on land other than Article 2(3) land or land on or within sites of special scientific interest without for the need for prior approval would incentivise the use of more slimline, aesthetically pleasing mast designs, and support the government's ambitions for 5G deployment. Monopoles can support a range of mobile technologies, including 4G and 5G, and can utilise camouflaging design features such as shrouds to

protect visual amenity. These types of masts can be similar in appearance to the telegraph poles used for the deployment of fixed-line broadband. Conditions may be required to ensure this permitted development right only permitted monopole style masts rather than other types of mast.

66. National planning policy sets out that the number of masts should be kept to a minimum, and that locating equipment on existing masts, buildings and other structures, should be encouraged^[footnote 18]. As identified in the Code of Best Practice, if operators can share sites and install more equipment on each site, fewer sites will be required, thereby reducing the overall visual impact of the network infrastructure. While the proposals in this consultation will incentivise the use of existing sites and buildings for the location of mobile communications equipment, new masts will be required in some locations. The proposed amendments to permit the deployment of taller ground-based masts will increase network coverage, encourage collocation of equipment to promote mast sharing and reduce the overall number of new sites required, whilst supporting the rollout of 5G infrastructure. Furthermore, the proposal to permit monopoles without for the need for prior approval would incentivise the deployment of less visually intrusive masts that have minimal impact on the surrounding area.

Question 6

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

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

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

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

Question 7

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.

7. Safeguarding

67. Alongside ensuring appropriate environmental protections are in place, we also wish to ensure that there are sufficient measures in place to mitigate the impact of development from the proposals on safeguarded aerodromes, technical sites and military explosives storage areas.

68. At present, Code Operators are required to notify the relevant stakeholder where they propose to install, alter or replace a mast within 3 kilometres of an aerodrome. Notification is required under the Electronic Communications Code and the Code Operator should supply evidence of the notification where an application for prior approval is made to the local planning authority.

69. In order to ensure the safe operation of defence sites, civil aerodromes and technical sites, we propose that the General Permitted Development Order is amended to include a prior notification procedure for all development relating to masts within official safeguarded areas^[footnote 19]. This will apply in instances where prior approval of the local planning authority is required, and where prior approval is not required. Where a proposed mast development is in proximity to a **defence asset**^[footnote 20], then the Code Operator will require the prior approval of the local planning authority.

70. We propose the following procedure:

- Code operators should give written notification to operators of aerodromes, technical sites or defence assets and, where appropriate, the Civil Aviation Authority and the Secretary of State for Defence, of the installation, alteration or replacement of a mast on land within a safeguarding area identified on a safeguarding map relating to an aerodrome, technical site, or defence asset. This will apply in instances where prior approval of the planning authority is required, and where prior approval is not required.
- Where the prior approval process applies, the application must be accompanied by evidence that the operator of the aerodrome, technical site or defence asset and, where appropriate, the Civil Aviation Authority and the Secretary of State for Defence, as the case may be, has been notified of the proposal. The local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.
- Where the prior approval process applies, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.
- In the case of the installation, alteration or replacement of a mast on land within a safeguarding area identified on a safeguarding map relating to a defence asset, then the prior approval of the planning authority will always be required.

71. We would welcome further comments on the proposed safeguarding areas procedure.

Question 8

The government wishes to ensure that appropriate measures are in place to mitigate the impact of development from the proposals on safeguarded areas. To achieve this, we 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.

8. Small cell systems

72. The General Permitted Development Order also includes provision for the deployment of small cell systems. Small cell systems are low-powered, wireless network access equipment, usually relatively small in size and operate over a smaller coverage area. As network operators seek to densify existing wireless networks to cope with the continual growth in the demand for data and the capacity requirements of 5G, small cell systems will form an integral component of ensuring people have access to dependable and consistent coverage where they live, work, visit and travel. The General Permitted Development Order includes a definition of a 'small cell system' and the deployment of small cell systems is permitted in most circumstances, subject to certain conditions^[footnote 21].

73. We do not propose to amend the provisions in the General Permitted Development Order on the deployment of this technology. However, we propose to update the definition of 'small cell system' to ensure that it encompasses new and emerging types small cell technology. The current definition, while broad enough to encompass a range of small cell equipment, uses traditional cellular technology terms in citing examples of small cell systems. We wish to ensure that there is no uncertainty about the types of technology that fall within the definition, whether for use in long-term evolution (LTE) and 5G networks, or for Wi-Fi, internet of things, and other non-cellular wireless networks. By updating the definition, we will make it clear that small cell systems are low-power wireless network access equipment operating within a small range, regardless of whether the underlying network type is a mobile or fixed line network.

74. We propose to remove the current references often associated with cellular technology^[footnote 22], and refine the definition to focus on the physical characteristics of small cell systems. The definition would instead define small cell systems by the power levels at which they operate. Small cells operate at low power levels, with urban small cells typically transmitting at between 0.25 and 6 Watts, and where wider geographic coverage is required, up to 10 Watts^[footnote 23]. We consider that as small cell systems typically transmit at power levels of 10 Watts and below, this could be an appropriate power level limit for the definition in the General Permitted Development Order.

75. We do not propose to change the existing limitations on the surface area measurement and volume of permitted small cell systems^[footnote 24].

76. While government would not normally issue a formal consultation on minor technical changes to regulations, we want to use the opportunity of the current consultation to seek views.

Question 9

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.

9. Implementation

77. Following consultation, the government will consider responses before deciding how to take forward the proposal. Subject to consultation responses, the government will prepare regulations to amend the General Permitted Development Order. As set out below in paragraphs 80-82, the Department for Digital, Culture, Media & Sport will also lead on the process of developing a new Code of Practice to provide strengthened guidance to Mobile Network Operators and local planning authorities on how to achieve the government's objective of supporting high quality communications infrastructure^[footnote 25].

78. We welcome comments on what more the government could do to support implementation of the proposed planning reforms for the deployment of 5G and extend mobile coverage in line with the principles on which these proposals are based (set out in paragraph 12).

Question 10

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

10. Revising the Code of Best Practice on Mobile Network Development in England

79. The Code of Best Practice was published in 2016 and provides guidance to Mobile Network Operators, their agents and contractors, and local planning authorities in England. It is also a useful tool for other interested stakeholders such as community groups, amenity bodies and individuals with an interest in mobile connectivity. The aim of the Code of Best Practice is to ensure that the government's objective of supporting high quality communications infrastructure is met. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

80. In responding to the August 2019 consultation, a number of stakeholders highlighted that the Code of Best Practice could be updated and improved, with a greater focus on siting and design in order to minimise and mitigate visual impacts from new mobile network development. Mobile Network Operators also acknowledged that more could be done within the Code of Best Practice to show greater conformity with planning conditions, improve transparency on mobile infrastructure design and siting, and updated to reflect the requirements of the latest 5G technology and networks.

81. We will work with mobile industry representatives, other government departments, regulators, and representatives of local planning authorities and those representing protected areas, to replace the Code of Best Practice with a new Code of Practice for Mobile Network Development in England, with a stronger focus on the following areas:

- Upgrading of existing infrastructure;
- Siting of new infrastructure;
- Minimising and mitigating visual impact, particularly in protected areas;
- Sharing of infrastructure;

- Greater focus and transparency of design;
- Consultation with relevant stakeholders; and
- Removal of redundant equipment and site restoration.

The Department for Digital, Culture, Media and Sport will lead on this process and, although the Code of Practice will not be statutory, we expect all Mobile Network Operators to sign up to its principles and practices. We will also ensure that the Code of Practice is operating effectively through regular review and facilitate dispute resolution where concerns regarding the implementation of Code of Practice are raised by stakeholders.

82. The process of developing the Code of Practice will take place separately from the proposed planning changes set out in this consultation and we are not seeking views on that process or the content of the Code of Practice as part of this consultation.

11. Assessments of impact

Public Sector Equality Duty

83. In developing these proposals, the government has given full weight to its duties in respect of the 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. The government response (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>) published in July 2020 noted issues regarding the public sector equality duty and set out the considerations given to these issues. It committed to reassess the impact on people with protected characteristics and update the public sector equalities duty assessment as necessary^[footnote 26].

84. The government considers that the proposals in this technical consultation will have a positive impact on all persons, including those with protected characteristics. In particular, we consider that improved connectivity will allow for greater participation for all in our society, by helping people, including those who share protected characteristics, to access public services online and to work flexibly. 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. A major benefit of extending mobile services is one of equity of access. The proposals will support the reduction of the 'digital divide' between urban / rural areas, different regions and communities. We do not consider there would be any other differential impacts on any persons from a protected group compared to others. We will continue to consider these issues in line with the requirements of the Equality Act 2010 and would welcome your comments as part of this consultation.

Question 11

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

Assessment of impact

85. In developing these proposals, the government has considered the impacts these reforms would have on businesses and the overall economy. The government considers that improved mobile network coverage and deployment of 5G supported by planning proposals in this technical consultation will have a positive impact on businesses and the wider economy. The permitted development right should provide greater planning certainty which should help speed up the deployment of infrastructure to extend mobile network coverage across England. It will allow Mobile Network Operators to upgrade telecommunications equipment on existing sites and utilise buildings to extend mobile coverage and enable the deployment of 5G technology. This, in turn, would minimise the requirement for the deployment of new ground-based masts to ensure sufficient network coverage across England. The permitted development right reduces the amount of time needed to deploy infrastructure with prior approval being a lighter touch process than full planning permission, and permission without prior notification (but with notification) further reducing time and costs, including through fees. This provides savings to business. We welcome further evidence specifically on the impacts of the proposed changes to planning regulations set out in this technical consultation.

Question 12

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

12. Frequently asked questions

What is 5G?

5G is the new generation of wireless technology. It follows previous generations of mobile technology such as 3G, which led to the launch of smartphones, and 4G, which enabled faster browsing, allowing us to do things like watching videos on the move. 5G is much faster than previous generations of wireless technology and offers greater capacity, allowing thousands of devices in a small area to be connected at the same time^[footnote 27].

5G networks will utilise multiple wireless technologies - including mobile, WiFi, satellite, and small cell, as well as complementing fixed-line networks. Satellite networks in particular have the potential to bring broadband connectivity to rural and remote areas where it is difficult to deploy traditional connections.

What are the differences between 5G and 4G?

There is nothing fundamentally different about the physical characteristics of the radio signals that will be produced by 5G compared to previous technologies like 3G and 4G, but compared to previous generations of mobile services, 5G offers faster internet speeds and the ability to connect thousands of different devices in a small area. 5G will benefit consumers and businesses, and to enable innovative new services for industry sectors, including manufacturing, transport, immersive technologies and healthcare.

Mobile Network Operators are likely to deploy 5G first on existing sites to meet the growing demand for data. 5G is likely to see a greater deployment of small cells to provide extra capacity in specific locations such as city centres, local high streets, factories, and sports and entertainment venues.

How will these changes help provide better mobile connectivity?

These proposed changes aim to simplify the planning process for mobile network development, particularly for development on existing sites where upgrades will be required to deliver 5G and extend 4G coverage. The proposed planning changes also aim to incentivise the maximum utilisation of mast sites and enable greater sharing of infrastructure, to deliver greater coverage.

These changes will support wider and enhanced coverage that will ensure all communities benefit, and will give greater certainty and speed over deployment of infrastructure, increasing investor confidence.

How will you mitigate visual impacts, especially in the most sensitive areas?

These changes aim to strike an appropriate balance between providing local control and delivering improved connectivity. They aim to incentivise the maximum utilisation of existing mast sites and enable greater sharing of infrastructure. This will limit the need for new infrastructure.

A measured approach has been taken to changes to permitted development rights for sensitive locations such as National Parks and Areas of Outstanding Natural Beauty as well as other land covered by Article 2(3) of the General Permitted Development Order^[footnote 28]. In these areas, the proposed changes are generally more limited in scale and subject to greater controls. This is to ensure that the sensitive nature of these areas is recognised and the appropriate environmental protections are in place.

The proposed changes will also not 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.

Further detail is provided in paragraphs 12 to 16 of the consultation.

What will mobile operators do to make sure that infrastructure works for the communities in which it is based?

The mobile network operators have committed through the Code of Best Practice to undertake consultation with local planning authorities and participate in pre-application dialogue where appropriate. They have also committed to deliver high quality communications in consultation with local communities, neighbours, and other interested parties, and agree appropriate community engagement with local planning authorities where possible. Alongside planning reforms, the government has committed to update and strengthen the Code of Best Practice (see paragraphs 79 to 82).

What permitted development rights already exist for electronic communications development?

Part 16 of Schedule 2 to the General Permitted Development Order specifics what permitted development rights there are for electronic communications development, both fixed and mobile. This part also sets out what exceptions, limitations, and conditions apply to these permitted development rights. We have summarised the existing permitted development rights related to our proposals in the consultation.

Are there any other regulations and requirements that operators have to adhere to?

In addition to the permitted development rights, the deployment of electronic communications equipment is also governed by the Electronic Communications Code. The Code is supported by secondary legislation, including regulations that place certain conditions and restrictions on Code Operators. Further detail is provided in paragraph 11 of the consultation, Chapter 10 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/10-supporting-high-quality-communications-infrastructure>) and in Planning Practice Guidance (<https://www.gov.uk/guidance/when-is-permission-required#advance-notification>).

Annex A: Summary of policy proposals

The text below set out the existing provisions in the General Permitted Development Order and the proposals set out in this consultation. In all cases where prior approval is not required, the local authority should be notified of the proposed development under the Electronic Communications Code^[footnote 29].

Radio equipment housing

Existing provisions in the General Permitted Development Order

- On Article 2(3) land and land on or within sites of special scientific interest, permit single development up to 2.5m³ with prior approval (full planning permission required where single development exceeds 2.5m³).
- For all other land, permit single development up to 2.5m³ without the need for prior approval (prior approval required where single development exceeds 2.5m³).
- For all land, permitted development rights apply up to a maximum cumulative volume of 90m³ (30m³ on rooftops).

Policy proposal

- On Article 2(3) land, permit small cabinets (up to 2.5m³) without the need for prior approval, and larger cabinets subject to prior approval. Existing regulations allow cabinets up to 2.5m³ subject to prior approval and require planning permission for larger cabinets.
- No changes are proposed for all other land.
- No changes are proposed for land on or within sites of special scientific interest.
- For radio equipment housing located in compounds with a site area of up to 100m² on all land (excluding land on or within sites of special scientific interest) the singular and cumulative limits on the deployment of equipment housing would be disapplied subject to ensure that new equipment housing does not have an adverse visual impact on the local area (conditions subject to consultation). Where the conditions have not been met, the normal singular and cumulative limits on the deployment of equipment housing would apply.

Strengthening existing ground-based masts - increasing the width of an existing mast

Existing provisions in the General Permitted Development Order

On Article 2(3) land:

- Increase the width of an existing structure by up to one-third subject to prior approval.
- Increases above one-third require full planning permission.

On all other land except land on or within a site of special scientific interest:

- Increase the width of an existing structure by up to one-third without the need for prior approval.
- Increases above one-third require full planning permission.

Policy proposal

- On all land except land on or within a site of special scientific interest, for the alteration or replacement of an existing ground-based mast that is less than one metre wide, increases up to two-thirds would be permitted without the need for prior approval. Increases to the width greater than two-thirds would be permitted subject to prior approval.
- On all land except land on or within a site of special scientific interest, the alteration or replacement of an existing ground-based mast that is one metre wide or greater, increases up to one-half or two metres (whichever is greater) would be permitted without the need for prior approval. Greater increases to the width would be permitted subject to prior approval.
- We are also consulting on where the alteration or replacement of an existing ground-based mast is one metre wide or greater and located on Article 2(3) land or land on a highway, a lesser increase of up to one-third or one metre (whichever is greater) would be permitted without the need for prior approval. Greater increases to the width would be permitted subject to prior approval.

Strengthening existing ground-based masts - increasing the height of an existing mast

Existing provisions in the General Permitted Development Order

- On Article 2(3) land or land on a highway, alteration or replacement of an existing mast up to a new height of 20m or the height of the existing mast (if taller) without the need for prior approval.
- On all other land (excluding land on or within sites of special scientific interest), alteration or replacement of an existing mast up to a new height of 20 metres (or up to the height of the existing mast if it is taller), without the need for prior approval;
- On all other land (excluding land on or within sites of special scientific interest), alteration or replacement of an existing mast taller than 20 metres and up to 25 metres, subject to prior approval.

Policy proposal

On Article 2(3) land or land on a highway:

- alteration or replacement of an existing mast up to a new height of 25 metres above ground level subject to prior approval;
- alteration or replacement of an existing mast up to a new height of 20 metres would remain permitted without the need for prior approval.

On all other land (excluding land on or within sites of special scientific interest):

- up to a height of 25 metres, or up to the height of the existing mast (if taller), without the need for prior approval;
- over 25 metres and up to a new height of 30 metres, subject to prior approval.

Any increase in height greater than the limits permitted by permitted development rights, full planning permission is required.

Building-based masts

Existing provisions in the General Permitted Development Order

On all land except land on or within sites of special scientific interest (and with the exception of masts to be located within 20 metres of a highway on a building less than 15 metres in height) the installation, alteration or replacement of masts less than 15 metres (on a building 30 metres or more in height), or 10 metres in other cases, are permitted subject to prior approval. This is subject to the apparatus not exceeding the tallest part of the building by:

- 10 metres, on buildings 30 metres or more in height
- 8 metres for buildings between 15-30 metres, or
- 6 metres in all other cases.

Full planning permission is required for masts on buildings less than 15 metres tall within 20 metres of a highway.

Policy proposal

On land outside of Article 2(3) land and land on or within sites of special scientific interests:

- Permit masts within 20 metres of the highway on buildings less than 15 metres in height. Other existing limits to the location and heights of masts (up to 6 metres above the tallest part of the building on buildings less than 15 metres in height), and number of antenna, that can be deployed on buildings would remain.
- Permit masts or poles less than 6 metres in height above the tallest part of the building without the need for prior approval. Other existing limits to the location and heights of masts, and number of antenna, that can be deployed on buildings would remain.

Existing provisions would remain on Article 2(3) land.

New ground-based masts

Existing provisions in the General Permitted Development Order

- On Article 2(3) land or land on a highway, permit new ground-masts up to 20 metres, subject to prior approval.
- For all other land (excluding land on or within sites of special scientific interest), permit new ground-masts up to 25 metres, subject to prior approval
- No permitted development rights apply to deploy masts on land on or within sites of special scientific interest.

Policy proposal

- On Article 2(3) land or land on a highway, permit new ground-masts up to 25 metres, subject to prior approval.
- On all other land (excluding land on or within sites of special scientific interest) permit new ground-masts up to 30 metres, subject to prior approval;
- On land outside of Article 2(3) land or land on or within sites of special scientific interest allow the deployment of monopoles of up to 15 metres in height without the need for prior approval.
- No permitted development rights apply to deploy masts on land on or within sites of special scientific interest.

Annex B: Glossary of key terms

5G: 5G is the new, fifth generation of mobile technology. Like previous mobile generations, including 3G and 4G, 5G uses the radio spectrum. The radio spectrum supports all of the wireless services used by people and businesses every day – including making a mobile phone call, listening to the radio or going online using Wi-Fi.

Antenna: A device that transmits and receives radio waves.

Article 2(3) land: As defined by the Town and Country (General Permitted Development) (England) Order 2015 (as amended), Article 2(3) land includes Conservation Areas, Areas of Outstanding Natural Beauty, areas specified for the enhancement and protection of natural beauty and amenity of the countryside, the Broads, National Parks and World Heritage Sites.

Code of Best Practice/Code of Practice: The Code of Best Practice on Mobile Network Development in England ('Code of Best Practice') was published in 2016 and provides guidance to mobile network operators, their agents and contractors, and local planning authorities in England. We are developing a new Code of Practice for Mobile Network Development in England to replace the current Code of Best Practice (see paragraphs 77-81).

Code operator: Code operators exercise Code rights under the Electronic Communications Code. Operators can include providers of electronic communications networks and providers of infrastructure systems. The operator must normally have been granted operator status by Ofcom under section 106 of the Communications Act 2003.

Electronic Communications Code: The Electronic Communications Code ('the Code') is set out in Schedule 3A of the Communications Act 2003 and is designed to facilitate the installation, maintenance and upgrade of electronic communications, through a statutory framework of specific duties, obligations and protections that apply to the deployment of digital communications networks by Code Operators.

General Permitted Development Order: The General Permitted Development Order grants planning permission for different types of development in specified circumstances. The permissions granted by the Order are commonly known as permitted development rights.

Mast: A structure that supports antennas at a height where they can satisfactorily send and receive radio waves. Masts are typically of either a lattice design (used more in greenfield areas) or monopole style (used in more urban areas). Masts themselves play no part in the transmission of the radio waves for mobile telecommunications.

Mobile Network Operator: Mobile Network Operator means a firm that owns both mobile network infrastructure and is licensed by Ofcom, under section 1(1) of the Wireless Telegraphy Act 1949, to hold spectrum and for the purpose of providing a public phone network using a radio link. There are currently four Mobile Network Operators in the UK.

Permitted development rights: a national grant of planning permission which allow certain building work and change of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. Further information is provided at paragraph 8.

Prior approval: Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. For mobile network development these matters include the siting and appearance of the equipment to be deployed. A local planning authority cannot consider any other matters when determining a prior approval application. Further information is provided at paragraph 8.

Radio equipment housing: Radio equipment housing, or equipment cabinets, protect radio transmitters and receivers from damage and can range in size from a small cabinet to a purpose-built cabin serving several operators.

Small cells: Small cells are wireless network access transmitters, used to extend network coverage and additional capacity in specific locations. Small cells typically have a small range and operate at much lower powers than existing mobile masts.

Sites of special scientific interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Annex C: Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, the Ministry of Housing Communities and Local Government and the Department of Digital Culture Media and Sport may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. Article 6(1)(e) of the UK General Data Protection Regulation states that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

4. With whom we will be sharing your personal data

All representations submitted in response to this consultation will be shared between the Ministry of Housing Communities and Local Government, and the Department for Digital, Culture, Media and Sport as this is a joint consultation between those Departments. Specific representations may also be shared with other central government departments and their agencies, such as the Department of the Environment Food and Rural Affairs, where it is necessary to draw on their expertise and it is not possible to anonymise the data.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO (<https://ico.org.uk/>), or telephone 0303 123 1113.

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. We are using a third-party system, Citizen Space, to collect consultation responses.

In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted.

-
1. As defined by the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (<https://www.legislation.gov.uk/ukxi/2015/596/schedule/1/part/1>), Article 2(3) land includes Conservation Areas, Areas of Outstanding Natural Beauty, areas specified for the enhancement and protection of natural beauty and amenity of the countryside, the Broads, National Parks and World Heritage Sites.
 2. Notice requirements are set out in Regulation 5 (Installation of electronic communications apparatus) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) (<https://www.legislation.gov.uk/ukxi/2003/2553/contents/made>). Code Operators are normally required to give the local planning authority 28 days' notice of their intention to install a cabinet, box, pillar, pedestal or similar apparatus, or for the installation, alteration or replacement of a mast, where planning permission or the prior approval of the local planning authority is not required.
 3. As defined by the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (<https://www.legislation.gov.uk/ukxi/2015/596/schedule/1/part/1>).
 4. As defined by the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (<https://www.legislation.gov.uk/ukxi/2015/596/schedule/1/part/1>), Article 2(3) land includes Conservation Areas, Areas of Outstanding Natural Beauty, areas specified for the enhancement and protection of natural beauty and amenity of the countryside, the Broads, National Parks and World Heritage Sites.
 5. The requirements, for National Parks, Areas of Outstanding Natural Beauty and the Broads to have regard to the statutory purposes for which the areas have been designated (including conserving and enhancing the natural beauty) as set out in The National Parks and Access to the Countryside Act 1949, The Countryside Rights of Way Act 2000 and The Norfolk and Suffolk Broads Act 1988.
 6. Class A1(9), Part 16 of Schedule 2 to the General Permitted Development Order (<https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/16>).
 7. Notice requirements are set out in Regulation 5 (Installation of electronic communications apparatus) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended). Code Operators are required to give the local planning authority 28 days'

notice of their intention to install a cabinet, box, pillar, pedestal or similar apparatus, or for the installation, alteration or replacement of a mast, where planning permission or the prior approval of the local planning authority is not required.

8. Licenses issued under the New Roads and Street Works Act 1991.
9. Paragraph 64, Government response to the consultation on proposed reforms to permitted developments rights to support the deployment of 5G and extend mobile coverage (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>).
10. See Schedule 2, Part 7, Class I of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/7/crossheading/class-i-developments-relating-to-an-industrial-process>).
11. Class A1(1), Part 16 of Schedule 2 to the General Permitted Development Order (<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/16>).
12. Existing provisions also stipulate what is and is not included in measuring the width (e.g. antenna and sheathing is excluded). This means that, in practice, the widest part of a mast measured in accordance with regulations is usually at the base.
13. The National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/10-supporting-high-quality-communications-infrastructure>) (paragraph 113) specifies that the number of masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It also specifies the expectation that use of existing masts, buildings and other structures for new communications capacity, including wireless, should be encouraged
14. Annex A page 25, The Code of Best Practice on Mobile Network Deployment in England (2016) (<http://www.mobileuk.org/cms-assets/documents/259876-147086.code-of-best-practice-2016-edition-pub>).
15. Satellite dish antenna are also permitted, subject to certain limitations set out in the General Permitted Development Order – A1(2) of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/16>) (as amended).
16. The judgment in R (on the application of Mawbey) v Lewisham Council [2018] EWHC 263 (Admin) (<https://www.bailii.org/ew/cases/EWHC/Admin/2018/263.html>) held that antenna “support poles” are masts and so required full planning permission if placed on buildings higher than 15m within 20m of a highway.
17. Regulation 4(1), The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (<https://www.legislation.gov.uk/uksi/2003/2553/regulation/4/made>) (as amended).
18. The National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/10-supporting-high-quality-communications-infrastructure>) (paragraph 113) specifies that the number of masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It also specifies the expectation that use of existing masts, buildings and other structures for new communications capacity, including wireless, should be encouraged
19. Safeguarded areas include aerodromes and technical sites as set out in Annex 1 - The Circular: The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 (<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002>).
20. “defence asset” means a site identified on a safeguarding map for an aerodrome, technical site or military explosives storage area issued and certified by the Secretary of State for Defence and provided to the local planning authority for the purposes of a direction made by the

Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect - see Joint circular 1/2003

(<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas>).

21. No limitations apply to the installation, alteration or replacement of small cell systems on buildings (with the exception for development on dwellinghouses, or within the curtilage of dwellinghouses in Article 2(3) land) - A.1(4) of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
22. The existing provision refers to femtocell, picocell, metrocell and microcell antenna.
23. See: https://www.gsma.com/publicpolicy/wp-content/uploads/2016/12/GSMA_Small_Cell_Deployment_Booklet.pdf
(https://www.gsma.com/publicpolicy/wp-content/uploads/2016/12/GSMA_Small_Cell_Deployment_Booklet.pdf).
24. The limits are that the apparatus does not, in any two-dimensional measurement, have a surface area exceeding 5,000 square centimetres; and, does not have a volume exceeding 50,000 cubic centimetres - see paragraph A.4 of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
25. Paragraph 35, Government response to the consultation on proposed reforms to permitted developments rights to support the deployment of 5G and extend mobile coverage (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>).
26. Paragraph 69-76, Government response to the consultation on proposed reforms to permitted developments rights to support the deployment of 5G and extend mobile coverage (<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>).
27. See 5G mobile technology: a guide (<https://www.gov.uk/government/publications/5g-mobile-technology-a-guide>), and What is 5G? (<https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/advice/what-is-5g>) for further information on 5G technology.
28. As defined by the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (<https://www.legislation.gov.uk/uksi/2015/596/schedule/1/part/1>), Article 2(3) land includes Conservation Areas, Areas of Outstanding Natural Beauty, areas specified for the enhancement and protection of natural beauty and amenity of the countryside, the Broads, National Parks and World Heritage Sites.
29. Notice requirements are set out in Regulation 5 (Installation of electronic communications apparatus) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) (<https://www.legislation.gov.uk/uksi/2003/2553/contents/made>). Code Operators are normally required to give the local planning authority 28 days' notice of their intention to install a cabinet, box, pillar, pedestal or similar apparatus, or for the installation, alteration or replacement of a mast, where planning permission or the prior approval of the local planning authority is not required.

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