



Department for
Communities and
Local Government



Department
for Culture
Media & Sport

Review of How the Planning System in England Can Support the Delivery of Mobile Connectivity

Call for Evidence



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Introduction

The [Digital Communications Infrastructure Strategy](#) published in March 2015, sets out the Government's long-term digital communications infrastructure strategy, a commitment to remove barriers to market investment, reduce legislative and regulatory red tape in the UK. The strategy also recognises the progress made so far with up to 70¹% of the UK premises being able to access 4G.

Digital communications are an integral part of modern-day life. There were over 83 million mobile subscriptions in the UK last year with 57% of adults using mobiles to access the internet compared with 32% in 2011 ([Ofcom Infrastructure Report 2014](#)). This is part of a wider transformation in the use of mobile and fixed broadband, which is reinforcing the UK's position as a leading digital economy.

Today the Chancellor announced in his Productivity Plan that:

- *“the government proposes to extend permitted development rights to taller mobile masts in both protected and non-protected areas in England. A call for evidence on these proposals has been published today.*

The Government's Manifesto commitments for mobile infrastructure:

- Hold the mobile operators to their new legally binding agreement to ensure 90% of the UK landmass will have voice and SMS coverage by 2017.
- Continue to invest in mobile infrastructure to deliver coverage for voice calls and text messages for the final 0.3 – 0.4 per cent of UK premises that do not currently have it.

This call for evidence is published by the Departments for Communities and Local Government and Culture Media and Sport. The review covers the planning system in England and runs until 21 August. It seeks evidence on the effectiveness of the planning system and what further improvements should be made to support the deployment of mobile infrastructure in all areas. The Government will consider next steps and the scope for future changes in the light of the evidence received. We are encouraging contributions from all interested parties.

This review will:

- Assess the effectiveness of the planning system, in supporting the deployment of mobile infrastructure in all areas;
- Inform options for change;
- Consider suggestions for how best to target and design any changes; and
- Assess the effectiveness of the 2013 sector-owned code of best siting practice.

¹ Digital Communications Infrastructure Strategy

During July, meetings and discussions will take place with key interested parties to discuss the questions set out below in further detail. We are also seeking evidence from anyone with a view on mobile deployment.

When purchasing mobile devices consumers assume that, whatever their choice and whoever their service provider, they will have connectivity and be able to access a wide range of services. This expectation – of universal coverage and connectivity - will become more widespread as technology develops, and future technologies such as the Internet of Things and 5G become commonplace. However, consumers rarely question how connectivity is delivered, what infrastructure is required, and how service providers ensure there is sufficient capacity to meet demand in an area at any given time. To support increasing demand for mobile services, the Government is working to create an environment where the consumer can expect mobile connectivity wherever they are in the UK that is reliable, resilient, secure, affordable and fast.

The demand for digital services and applications continues to grow rapidly, with a consequent acceleration for data being carried over mobile networks. To meet forecast demand from consumers requires ongoing investment from the mobile network operators to continually improve and grow the digital infrastructure network. A significant expansion of current infrastructure is needed to ensure that basic voice and text services are available in 90% of the UK landmass by 2017. The mobile network operators have also started rolling out 4G+ (LTE advanced), which will be capable of providing headline speeds in excess of 100Mbps.

The planning system has an important role in supporting service providers and communities to ensure that the infrastructure for supporting mobile connectivity is delivered in the right locations and in a cost effective manner. In 2013, a significant package of planning changes was implemented in England to support 4G rollout. We are now calling for evidence of the effectiveness of those changes and the scope for further improvements to support delivery of the Government's ambitions for improved mobile coverage.

Background

In its election manifesto, the Government made clear its commitment to support the rollout of mobile infrastructure. This follows on from the December 2014 agreement with Mobile Network Operators to provide 90% geographic coverage of the UK for voice and SMS by the end of 2017. The agreement was published as part of the [Government response to the Partial Not-Spots consultation on 12 March 2015](#) and included a commitment by Government for an evidence-based review of mobile planning legislation in England.

The actual area of coverage and connection speeds that a mobile consumer experiences are dependent on a number of factors including the distance from the nearest mast, the device used, the number of users sharing local infrastructure and the topology of the area. This means that to deliver 98% 4G coverage, service providers are bringing forward investment to provide for a combination of new and upgraded infrastructure.

In England, the deployment of mobile infrastructure will either require a planning application to be submitted to the local planning authority or mobile operators may be able to use a national planning permission, called a permitted development right.

The electronic communications permitted development rights are set out in Part 16 of the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#). The rights provide that in prescribed circumstances consent is granted for the installation of electronic communications infrastructure. Prior approval from the local planning authority may be required on the siting and external appearance of the infrastructure. Land in certain areas is currently excluded from some permitted development rights i.e. Areas of Outstanding Natural Beauty, Conservation Areas, World Heritage Sites, National Parks, and the Broads (areas that are set out in article 2(3) of the 2015 Order) and Sites of Special Scientific Interest. In this paper, such areas are referred to as 'protected areas'.

The Electronic Communications Code as set out in Schedule 2 to the Telecommunications Act 1984, as amended (by the Communications Act 2003), gives network providers' special rights to assist with the installation of their networks. To make use of the permitted development rights a mobile network operator must secure Ofcom's agreement to become a Code operator. [The Electronic Communications Code \(Conditions and Restrictions\) Regulations 2003](#) sets out restrictions and conditions including imposing a duty on code operators to co-operate and consult with planning authorities and with highway authorities on the deployment of mobile infrastructure, to produce and follow guidelines on how code operators should conduct the installation, including the positioning, of certain types of apparatus.

Context and concept

To put the importance of mobile connectivity into context, 95 per cent of UK households currently have mobile phones, with 16 per cent being mobile-only households. Mobiles are also vitally important to business: 79% of Small and Medium Enterprises use mobile phones ([Ofcom Infrastructure Report 2014](#)). By 2020, it is expected 70% of people will be using smartphones and 98% of the UK will be able to access mobile broadband.

Government has a commitment to roll out superfast broadband to 95% of the UK and improve mobile phone connections to ensure everyone has the opportunity to be part of the digital economy. Improved mobile phone coverage is dependent on significant investment in mobile infrastructure across the UK. While it may mean new or taller masts and infrastructure in the more remote areas where coverage is often poor, it also means ensuring there is sufficient infrastructure in our urban areas where demand is highest. Technological development in the mobile industry is leading to changing infrastructure needs - such as, for example, increased use of small cell antenna to support the distribution of mobile signals in individual localities.

The changes to permitted development rights introduced in 2013 were a significant step forward in supporting the roll out of digital infrastructure, removing barriers and encouraging the sharing of infrastructure. We understand the 2013 changes have already started to help investment in mobile infrastructure. Alongside the changes made in 2013, a new sector-owned [Code of Best Practice on Mobile Network Development](#) in England was published 24 July 2013 to provide guidance to mobile network operators, their agents and contractors, and to local planning authorities. The Code highlights the role of connectivity in society; sets out the respective roles of national government, local authorities, and network operators in telecommunications planning. It also sets out good practice in the planning process, contains guidance on community engagement and operator complaint processes.

Call for Evidence

As set out in the Productivity Plan, the Government is reviewing the existing planning system for the delivery of mobile telecommunications infrastructure in England to assess its effectiveness, and to identify whether increases in the scope of permitted development rights to include taller mobile masts could help support the Government's ambitions for improved mobile coverage.

As part of this review, we wish to consider the effectiveness of the 2013 changes and also whether there is a case to go further in streamlining the approach to planning consideration of the installation of mobile telecommunication infrastructure. No decisions have been made and any resulting changes would aim to support commercial and public investment in mobile infrastructure and to meet consumer expectations for improved mobile coverage. In seeking evidence, we also want views as to how connectivity targets can be achieved, while balancing the economic benefits secured through additional mobile infrastructure against the potential impact on urban streetscapes and rural landscapes.

We are asking you to submit evidence to:

- Assess the effectiveness of the current planning regime, in supporting the deployment of mobile infrastructure in all areas;
- Inform options for change and the scope for any new permitted development rights;
- Consider suggestions for how best to target and structure any changes; and
- Assess the effectiveness of the 2013 sector-owned code of best siting practice.

This is an opportunity for all interested parties, communities, mobile operators, local authorities, national organisations and individuals to provide evidence and ideas.

In calling for evidence, we ask that you focus your response on the six areas set out below. We have suggested some possible issues to help structure your response:

- **Experience of how the planning system currently works for mobile deployment:**
 - *What is the success rate of planning applications submitted?*
 - *How often are applications subject to appeal and what percentage of appeals find in favour of the applicant?*
 - *Are there any particular forms of development for which it is routinely difficult to secure agreement?*
 - *Do these differ in urban and rural areas?*
 - *Are there processes adopted by some operators or local authorities that contribute to a smoother passage for planning applications or prior approval?*

- **The effectiveness of telecommunications permitted development rights and the changes made in 2013:**
 - *Which of the new rights from 2013 have been used and how often?*
 - *How much additional or improved coverage has been provided as a result of these changes?*
 - *What steps have been taken to increase the sharing of infrastructure?*
 - *Are there circumstances where infrastructure could be provided under the new rights but it has not been, or only in low numbers, and if so why?*

- **The operation of the Code of Best Practice:**
 - *Is best practice being widely secured?*
 - *Are parties adhering to the agreed code approaches?*
 - *Does the Code effectively address the circumstances that generally arise?*
 - *Are there other new issues that should be included?*

- **The nature of the infrastructure required to deliver the 2017 target of 98% with access to 4G connectivity:**
 - *Are there planning applications for infrastructure that are routinely approved and would potentially benefit from a permitted development right, and if so, what benefits would that bring?*
 - *Are there changes to the existing permitted development rights, which would better support delivery of mobile connectivity including those rights applying to masts?*
 - *Would extending permitted development rights for taller masts better support delivery of mobile connectivity?*
 - *What is the evidence and what benefits would be delivered from any potential changes to mast heights?*
 - *What benefits would any new permitted right with a prior approval provide over a planning application, and what data supports this view?*
 - *What impact would any changes you suggest have on the levels of coverage in different areas? In particular, what additional coverage can be achieved by masts of different height? Could this reduce the number of masts needed overall?*
 - *How would changes help deliver the Government's Manifesto commitments on digital connectivity?*

- **The benefits and impacts for communities of coverage and the effect of infrastructure on the landscape:**
 - *How do those who live in and visit more isolated locations benefit from the services that are considered essential, and can be extended in urban and suburban locations?*
 - *How would any new rights balance the benefits of connectivity with the value placed on protecting streetscape and landscape?*
 - *How could any new rights be targeted to focus on extending coverage?*

- *What different approaches have been taken to mitigate the visual impact of infrastructure on landscape, and what has worked well?*
 - *Are there particular restrictions or conditions, which ought to apply if masts were to be given permitted development rights in protected areas e.g. restrict masts to near existing infrastructure (roads, railways, factories etc.) or should they be placed anywhere?*
 - *We recognise it is important to strike the right balance between supporting growth and safeguarding protected areas: these are both Manifesto commitments. What is the case for introducing permitted development rights for masts in protected areas?*
- **The projected impact of technology on future mobile infrastructure requirements:**
 - *Are we planning sufficiently for the future as well as for current infrastructure needs?*
 - *How could we future proof any new permitted development rights?*
 - *Should planning approvals for infrastructure to support mobile connectivity be time- limited to encourage development of new technology?*

Timescales

We request that evidence is submitted by 21 August 2015. We may not be able to consider evidence received after this date. Wherever possible we ask that evidence is entered on Survey Monkey at <https://www.surveymonkey.com/r/98NMVWD>.

Alternatively:

Email: mobileplanningreview@communities.gsi.gov.uk

Or, post to: Andy Swyer, Department for Communities and Local Government, 3rd Floor, North East Quadrant, Fry Building 2 Marsham Street, London, SW1P 4DF

Responsibilities and stakeholder engagement

The Department for Communities and Local Government and the Department for Culture Media and Sport are jointly leading the Government review, in close association with the Department for Environment, Food and Rural Affairs. This call for evidence has been sent to the interested parties listed below. We would particularly welcome evidence from and engagement with these parties:

Vodafone	Planning Officers Society
EE	Historic England
O2	National Parks England
Three	Country Land and Business Association
Mobile Operators Association	Countryside Alliance
Arqiva	Campaign to Protect Rural England
British Telecom	Town and Country Planning Association
Wireless Infrastructure Group	National trust
National Association of Areas of Outstanding Natural Beauty	
UK Broadband	Royal Town Planning Institute
Mobile Broadband Network Limited	Broadband Stakeholder Group
Cornerstone Telecommunications Infrastructure Ltd	
Local Government Association	Royal Institute of Chartered Surveyors
Confederation of British Industry	Federation of Small Businesses
National Farmers Union	

General summary of permitted development rights in England

Full details are set out in Part 16 of the [Town and Country Planning \(General Permitted Development\) Order 2015](#). Where mobile infrastructure does not have permitted development rights, telecommunications operators are required to submit a planning application.

Ground based Masts

In unprotected areas, telecommunications operators are able:

- To erect a 15m ground based mast and associated equipment under permitted development rights. The local planning authority (prior approval) is able to consider the siting and external appearance only of the proposal not the principle of the application.
- Since 2013, operators may extend an existing mast up to 20m and the original width by a third. This is subject to the prior approval of the local planning authority.

In protected areas, (not Sites of Special Scientific Interest) communications operators are able:

- Since 2013, add 4G antenna to existing masts.

Other infrastructure – unprotected areas

Operators are able to:

- Add masts and associated equipment to buildings and structures. There are height limits and conditions relating to the visual impact of equipment.
- Install infrastructure and associated ancillary equipment under permitted development rights.
- Up to three telecommunications' operators are able to share infrastructure.

Protected (not Sites of Special Scientific Interest) and unprotected areas

- Since 2013, operators have been able to install two small cell antenna on building and structures.