

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 3 October 2019

Decision Type: Non-Urgent Non-Executive Non-Key

Title: MOBILE TELECOMMUNICATIONS PERMITTED
DEVELOPMENT CHANGES CONSULTATION

Contact Officer: Jake Hamilton, Head of Development Management
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Chief Officer: Director of Housing, Planning & Regeneration

Ward: (All Wards)

1. Reason for report

There is a current Government consultation relating to the principle of amending permitted development rights for operators with rights under the Telecommunications Code to support deployment of 5G and extend mobile coverage, and the circumstances in which it would be appropriate to do so. This report sets out the proposed changes and the suggested response to the Government.

2. **RECOMMENDATION**

Members agree the formal response to the consultation as set out in the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 A consultation has been published by the Government concerning possible changes to permitted development rights in relation to telecommunications development, to support the deployment of 5G technology and extend coverage. The proposals are as follows:

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

The consultation sets out that in order 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 or on a rooftop. The equipment is connected to antennas via feeder cables and provides the power source. An example would be an equipment cabinet located near to a monopole mast.

Currently, where the volume of any single development on unprotected land exceeds 2.5 cubic metres or the development is located within protected Article 2(3) land (including a Conservation Area) or a site of special scientific interest, the prior approval process applies before the equipment housing can be deployed.

The Government is proposing the amendment of the permitted development right for equipment housing to remove the requirement for prior approval for development within Article 2(3) land (including Conservation Areas), and for development on unprotected land which exceeds 2.5 cubic metres.

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

The consultation sets out that in order to enable the upgrading of sites to support both 4G and 5G infrastructure and to extend network coverage, mobile network operators have identified that existing ground-based masts would need to be strengthened to accommodate additional equipment and enable greater sharing of infrastructure between operators.

Under the General Permitted Development Order, Code Operators are currently able to increase the width of an existing ground-based mast by up to one third, at any given height, using permitted development rights. Where the mast width is increased up to one third, the prior approval of the local planning authority is not required. Where the Code Operator wants to increase the width of the existing ground-based mast beyond one third, or to increase the height of the existing mast beyond the current height of 25 metres on unprotected land, or 20 metres on Article 2(3) land (including Conservation Areas) or land which is on a highway, whichever is greater, a planning application to the local planning authority is required. Where a ground-based mast is located on a site of special scientific interest, full planning permission is also required.

The Government is proposing to remove the limit on increasing the width of existing ground based masts up to one third without prior approval. Views are sought on the principle of whether the limit on increasing the width of existing ground-based masts up to one third should be amended to allow a greater increase in the width of existing masts which can be deployed by Code Operators through permitted development rights without prior approval, and if so, the circumstances in which it would be appropriate to do so.

3.4 Enabling deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage.

To support deployment of 5G and to ensure customers receive more dependable and consistent coverage where they live, work, visit and travel, the Government considers that it

may be appropriate to amend the General Permitted Development Order to allow building-based masts to be deployed nearer to highways.

Currently where a Code Operator wants to install a new mast on a building less than 15 metres tall located within 20 metres of the highway full planning permission is required from the local planning authority. However, a Code Operator can currently alter or replace an existing mast on a building which is less than 15 metres in height, within 20 metres of the highway under a permitted development right, provided that the siting remains the same and the dimensions of the mast are no greater.

The Government is proposing to amend permitted development rights to allow the deployment of building-based masts within 20 metres of the highway, located on buildings less than 15 metres tall. Views are sought on the principle of whether to allow the deployment of building-based masts within 20 metres of the highway, where they are located on buildings less than 15 metres tall and, if so, the circumstances in which it would be appropriate to do so, including whether this should be subject to a prior approval process.

3.5 Enabling higher masts to deliver better mobile coverage and mast sharing.

The consultation sets out that in order to provide greater mobile coverage and support the deployment of 5G through accommodating multiple operators' equipment on single masts, operators have identified that taller masts are likely to be needed.

Currently Code Operators have a permitted development right to erect new ground-based masts of up to 25 metres in height in unprotected areas and 20 metres on Article 2(3) land or land which is on a highway. This permitted development right is subject to the prior approval of the local planning authority, who will consider the siting and appearance of the new mast, before deployment can commence. Where Code Operators want to install new ground-based masts, which are taller than 25 metres in an unprotected area and above 20 metres in Article 2(3) land or on a highway, planning permission is required from the local planning authority. Planning permission is also required where Code Operators want to install new ground-based masts within sites of special scientific interest to ensure environmental protections are maintained.

As mobile network operators have now started to roll out 5G, the Government considers that it is timely to consider whether the current limits on the height of new masts which can be consented through permitted development rights should be increased to encourage mobile network operators to share single mast sites and provide greater mobile coverage.

The Government is therefore considering amending the General Permitted Development Order to encourage the deployment of fewer but taller masts, by increasing the height of new masts which can be deployed by Code Operators through permitted development rights, subject to the prior approval process.

3.6 The suggested responses to questions in each consultation are appended to this report

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

None.

5. POLICY IMPLICATIONS

Some of the changes set out in the consultation could impact on the implementation of the development plan by taking certain decisions away from the Local Planning Authority (LPA). The proposed changes could have both negative and positive impacts in relation to current development plan policies in that they may result in an improvement in the telecommunications

network in Bromley which would accord with some policy objectives, however this may be in a less controlled manner than at present which may result in harm to the character and appearance of a locality.

6. FINANCIAL IMPLICATIONS

An increase in permitted development opportunities could reduce application income. There may also be an increase in enquiries from local residents about installations being constructed which may subsequently require an enforcement investigation.

Non-Applicable Sections:	PERSONNEL IMPLICATIONS; LEGAL IMPLICATIONS; PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	<p>Proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827162/Proposed_reforms_to_permitted_development_rights_to_support_the_deployment_of_5G_consultation.pdf</p>