

London Borough of Bromley

Appendix to report to Development Control Committee 3<sup>rd</sup> October 2019:  
**PROPOSED REFORMS TO PERMITTED DEVELOPMENT RIGHTS TO  
SUPPORT THE DEPLOYMENT OF 5G AND EXTEND MOBILE COVERAGE**

Proposed responses to consultation questions:

**Question 1: Role of Industry**

**Question 1.1: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on meeting the Government's ambitions in relation to mobile coverage including addressing 'total not-spots' and 'partial not-spots'?**

It is recognised that a relaxation of permitted development rights may aid in facilitating improved coverage, however where possible operators should be incentivised to upgrade existing sites and equipment before new sites are considered.

**Question 1.2: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on planned deployment of 5G technology?**

The consultation proposals could assist in facilitating planned deployment of 5G technology in a timelier manner.

**Question 1.3: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to reduce visual impacts of new electronic communications infrastructure and how would these be delivered?**

The industry must provide a greater commitment to the sharing and re-use of existing equipment, with modification where required, to ensure that new electronic communications infrastructure including 5G technology does not result in harmful visual impacts.

**Question 1.4: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that equipment at redundant sites is removed and the land is restored, and how would these be delivered?**

The industry should only consider new sites where it has been robustly demonstrated that existing sites are not fit for purpose or unsuitable for upgrade to accommodate new technology or improve coverage.

**Question 1.5: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that the use of existing sites and infrastructure were maximised before new sites are identified, for example through increased sharing?**

The industry should audit all existing sites and infrastructure to explore opportunities for increased sharing is maximised and be required to evidence this before permitted development rights can be exercised.

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

**Question 2.1: Do you agree with the principle of amending permitted development rights for equipment housing to remove the requirement for prior approval for development within Article 2(3) protected land and on unprotected land which exceeds 2.5 cubic metres, to support deployment of 5G?**

No. Whilst this would closely align with the permitted development rights for fixed-line broadband infrastructure, the current requirement for prior approval of equipment exceeding 2.5 cubic metres in unprotected land is considered to represent a reasonable allowance in balancing the interests of operators with the impact on visual amenity. Equipment housing is otherwise permitted up to a cumulative maximum of 90 cubic metres which could have a significant detrimental impact on visual amenity if not subject to prior approval.

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

This could have a significant detrimental impact on the visual amenities of the surrounding area, which could be addressed by retaining the prior approval process to enable consideration of siting and appearance.

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

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

Yes. Currently Code Operators can, subject to prior approval, specify any width for ground-based masts on new sites. Therefore where equipment is already in place it would be preferable for this to be upgraded to facilitate the use of 5G technology, rather than Code Operators seeking new sites to utilise the less restrictive permitted development rights on this basis. However, it is considered that any increase in width beyond one third should be subject to prior approval given the potential for a significantly greater visual impact resulting from an increase in the width of ground-based masts.

**Question 3.2: If yes to question 3.1, what increase in width should be granted through permitted development rights, without prior approval, to ensure that the visual impact on the surrounding area is minimised?**

This needs to be assessed on a case by case basis having regard to the technical requirements of each installation. For this reason it is suggested as

above that prior approval should be required for any increase in width beyond one third.

**Question 3.3: To further incentivise operators to maximise the use of existing sites, should permitted development rights be amended to increase the height of existing masts to the relevant permitted height without prior approval? If yes, what restrictions are appropriate to protect safety and security, and visual impact considerations?**

No. The siting and appearance of existing ground based masts will have been carefully assessed by the Local Planning Authority through the prior approval process or planning permission where required. Any further increase in height should be subject to prior approval to allow any additional impacts to be assessed.

**Question 3.4: Are there any other amendments to permitted development rights that would further incentivise operators to maximise the use of existing sites? If yes, what are these and what restrictions would be appropriate to ensure that the visual impact on the surrounding area is minimised?**

No. The suggested recommendations are (subject to previous comments) considered to strike an appropriate balance between the need to encourage operators to maximise the use of existing sites and visual amenity.

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

**Question 4.1: Do you agree in principle with creating a permitted development right to grant permission for masts to be located within 20 metres of a highway on buildings less than 15 metres in height, in all areas?**

No. The consultation suggests that greater use of existing buildings for the siting of apparatus would reduce the need for new ground-based infrastructure. However building based equipment can have a significant and harmful impact on the character and appearance of the host building and wider street scene. It is also not clear how this would align with the wider aim to encourage the sharing of infrastructure between operators and could potentially lead to a greater proliferation of building based equipment.

**Question 4.2: If yes to question 4.1, what restrictions (if any) could be put in place to control the deployment of infrastructure within 20 metres of a highway on a building less than 15 metres in height, taking into consideration potential impacts on safety to accommodate vehicle lines of sight, and visual impact on local amenity?**

N/A

**Question 4.3: If yes to question 4.1, do you agree that this permitted development right should be subject to the prior approval process by the local planning authority?**

N/A

**Question 5: Enabling higher masts to deliver better mobile coverage and mast sharing**

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

No. The effectiveness of taller masts in reducing the number of masts overall is dependent on technical factors including terrain and other conditions, and it would not be appropriate to increase the limit universally. In cases where taller masts can be justified, these can be considered on a case by case basis through the planning application process.

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

N/A

**Question 5.3: If yes to question 5.1, should a lower height limit be permitted for masts located in Article 2(3) land or on land on a highway and why?**

N/A

**Question 5.4: If yes to question 5.1, what restrictions (if any) should be put in place to control development of permitted higher masts?**

N/A