

Government consultation April 2021 on changes to permitted development rights for better electronic telecommunications infrastructure

RESPONSE BY THE LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

The London Forum of Amenity and Civic Societies (London Forum) is an umbrella group for 120 community and civic societies across Greater London. We brief our members about and comment on Government consultations on planning, environment and transport issues and those of the Mayor of London, especially the London Plan. We inform our members through seminars and our newsletter London Forum Insights. Views of our community group members are sought for input to Government and GLA consultations.

We have commented on a succession of Government initiatives with regard to permitted development rights (PDRs), starting with offices to housing in 2013, to impose top-down national “planning consents” (PDRs) with little or no regard to their impact in London.

London Forum supports the Government’s conclusions from its August 2019 consultation on better electronic telecommunications infrastructure of “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.”

There should be no harm to the public realm of increasing electronic telecommunications infrastructure.

London Forum supports the provision of high-quality, reliable and fast broadband and communications facilities but the suppliers of the necessary equipment should not be given permitted development rights when they could be more considerate in the placing and visual impact of their equipment, even if mitigation measures reduce their profits slightly.

We recognise that this has been written to cover a wide range of different settings. We are responding specifically to how it might impact a highly urbanised context such as London.

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.

The London Forum is opposed to this proposed loosening of the controls on the placing of equipment on Article 2(3) land, especially in conservation areas. We are concerned about increases in the number and size of equipment, and its impact on the amenity and streetscape in conservation areas, and on Metropolitan Open Land. Wider and larger equipment housing will increase the clutter on pavements, and have a negative impact on the use of pavements

by parents with young children in buggies, the disabled, and those who are blind or partially sighted. The siting of such equipment should be subject to proper planning controls.

There are many listed buildings in over 1,000 conservation areas in London and their setting could be harmed by electronic telecommunications infrastructure cabinets, contrary to national, London Plan and local policies to protect historic assets. NPPF policies apply – 8 (c) “protecting and enhancing our natural, built and historic environment” (as sustainable development); 20 (d) – “conservation and enhancement of the natural, built and historic environment” and paragraphs in NPPF section 16 for ‘Conserving and enhancing the historic environment’.

London Plan Policy D8 applies also in its requirement to “ensure the public realm is well-designed, **safe, accessible, inclusive, attractive**, well-connected, related to the local and historic context.” Also, Policy HC1 (heritage conservation), including “Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. **The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.**”

London Plan paragraph 7.1.4 states that “The Greater London Historic Environment Record (GLHER) is a comprehensive and dynamic resource for the historic environment of London containing over 196,000 entries. In addition to utilising this record, boroughs’ existing **evidence bases**, including character appraisals, conservation plans and local lists should be used as a reference point for plan-making **and when informing development proposals.**”

Local authorities must be able to take into account those matters in prior approval when considering proposals for any new electronic telecommunications infrastructure.

There should be no adverse impact of electronic telecommunications infrastructure cabinets or masts on London’s historic parks and gardens, nor to its Metropolitan Open Land, nor in contravention of policies in the Thames Landscape Strategies, nor on any strategically protected or locally-listed views and, particularly, not on the setting of its four World Heritage Sites, for which WHS Management Plans apply with protected views. Policy HC3 in the London plan has policies to protect Strategic and Local Views, which are applicable.

Where necessary, compulsory purchase orders should be used to acquire small plots of land at the rear of pavements to locate communications distribution cabinets off the footway.

The problem with ‘prior approval’ criteria is that the ones defined by the Government are limited and do not give enough opportunity to local authorities to refuse developments which cause harm.

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.

The visual impact is not the only consideration. Controls and conditions must include consideration of the impact on the use of pavements by parents with young children in buggies, the disabled, and those who are blind or partially sighted.

Placing more equipment within the boundaries of an existing permitted compound is welcomed. However, it is clear that some currently deployed electronic telecommunications infrastructure is redundant, judging by unused masts and cabinets on some tall buildings dating from earlier technology. There should be measures to remove or upgrade electronic infrastructure communications equipment within existing compounds, as a prior approval criterion, to optimise the use of space within them, limit their impact and rationalise the amount of equipment. The prior approval conditions should encourage rationalisation and reduced impact.

The stacking of equipment and cabinets should be a requirement in existing compounds, providing the visual impact on the surroundings would not be worsened. There should be conditions applied on new approvals that such compounds should be surrounded by green planting that obscures them and is properly maintained by the equipment owner(s).

New compounds should be sought through collaboration with Councils, communities and equipment suppliers in locations where they do not adversely affect the public realm, local views or historic assets, in order to limit cabinets on or near to walkways or which are obtrusive. Rationalisation, such as mast-sharing, should be secured.

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 within a highway); or
 - b) up to one third or one metre (whichever is greater) on Article 2(3) land and land within 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.

London Forum's view is that existing masts need to be reviewed within their local context. So, although mast widening may be appropriate in some areas, the increase in bulk may not work

in others, especially conservation areas or near to historic assets. The visual impact and any obstruction of the footway must be taken into proper account in all cases. Therefore, **we do not agree with this becoming a permitted development.**

Greater increase in mast width than those in the first two bullet points in Q2 must be subject to prior approval conditions that cover all of the considerations and applicable policies in London Forum's response to Q1.

Section 3 of the Introduction to this consultation proposes changes 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 those masts are to be included, all redundant equipment on those buildings should be removed by conditions applied with approval for increasing mast width and for reconfiguring of masts on roofs to withdraw them from the edges of a roof, to reduce the adverse visual impact for people living and working in the area.

That will be more important due to the increased width of masts, as proposed in Q 2B.

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 within a highway), or
- Option B) up to one third or one metre (whichever is greater) on Article 2(3) land and land within 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).

NB: The highway consists of both the carriageway and the footway. In practice equipment is usually placed on the footway.

London Forum would prefer Option B.

NPPF, London Plan and local policies must be taken into account as in our response to Q1 within the prior approval conditions for masts of greater dimensions than those defined in Q2B.

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.

Increases in height were allowed only six years ago under Part 16 of Schedule 2 to the General Permitted Development Order 2015. The consultation document gives no reason for the further increases now proposed. Nor does it provide any justification for the loosening of controls on masts on Article 2(3) land. Masts of 25 metres will have a major impact on the streetscape in conservation areas. Full planning controls should apply.

Existing masts may have been located for their current height where they would not cause harm to the public realm, views and historic assets. Therefore, it is unreasonable to grant permitted development for their increased height or replacement with ones of greater height. It may be necessary to position a taller mast in a different location and not where the original one exists.

Consideration does not seem in this proposal to have been given of having more masts for connectivity, rather than taller ones, but Q7 covers that and applies.

It is not clear what assessment has been given to POD and MESH network fabric architecture and ruggedised wi-fi access points for outdoor high-density in urban environments like London. Such technology could enhance electronic communications architecture connectivity without relying only on the limitations of distance from taller masts. The consultation paragraph 72 on small cell systems may address this opportunity, but it should be considered as a way of reducing the use of many and taller masts.

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 installation 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

The London Forum is opposed to this proposal, which would allow the erection of a mast six metres on buildings themselves only one storey high.

The deployment of masts on buildings below 15 metres in height would be unacceptable and unnecessary in cities with many buildings taller than that near to highways. In such locations, there should be many opportunities to put masts of shorter height on much taller buildings. The Government should recognise that and make all new mast proposals near to highways subject to full development control, so that potential harm and the possibility of alternative locations or free-standing masts can be considered, rather than apply permitted development in such cases.

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?

The consultation paper does not define what is meant by 'short' or 'shorter' masts. Appropriate restrictions on the height of masts must remain in place.

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.

See our response to Question 4. We support restrictions on the height of masts on buildings. But if they are allowed on any building less than 15 metres high, six metres would be too high for the mast.

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 within 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.

This question seems to repeat Q3 and London Forum's comments on Q1, Q2 and Q3 apply.

Consideration does not appear to have been given to having more masts to achieve good connectivity, particularly on tall buildings, rather than additional and taller masts. Q7 applies.

The increases in height proposed here strengthen the need for full and proper planning controls, especially on Article 2(3) land. The distinction made between SSSIs and Article 2(3) land is illogical. In conservation areas in particular it is vital that proper consideration is given to the local context, and to the potential harm to the streetscape, historic assets and local amenity.

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.

While we support the use of monopoles, prior approval should be required in all cases, to guard against harmful visual and other impacts.

Permitted development would not be appropriate for monopoles of 15 metres height for the reasons London Forum gives above to Q1 for the policies that must be applied. Those are the ones necessary to mitigate not only visual impacts but to prevent other harm.

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

As **aerodrome** means any area of land **or water** used for aircraft operation, London Forum does not think it would be safe to allow any masts or monopoles near to them without prior notification.

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

The prior notification procedure should take into consideration the flight paths and the approach and take-off angles for light aircraft, sea-planes and helicopters.

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?

Yes, we strongly support the development of small cell systems.

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

London Forum welcomes the proposal to update the definition of 'small cell systems' to cover the latest technology.

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.

We support the roll-out of 5G, but owing to the excessive height of masts and their perfunctory design, coupled with the associated bulky equipment cabinets, we do not support uncontrolled roll-out. The impacts are likely to be obtrusive and prominent and thus inappropriate in visual appearance. In some locations they may potentially damage trees and be obstructions to pedestrians on adjacent pavements. Such developments must be subject to appropriate planning controls exercised by local authorities, with the opportunity for local people to object.

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](#).

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?

It is important that the public realm provides unhindered pavement access to pedestrians, particularly the elderly, those with reduced sight, a physical disability or young children in prams. Therefore, associated bulky electronic equipment cabinets, must be sited carefully under local Council planning controls and approvals.

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.

No comment