

READING BOROUGH COUNCIL

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	2 JUNE 2021		
TITLE:	CONSULTATION ON CHANGES TO PERMITTED DEVELOPMENT RIGHTS FOR ELECTRONIC COMMUNICATIONS INFRASTRUCTURE		
SERVICE:	PLANNING	WARDS:	ALL
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This Committee considered a report at the meeting on 9 October 2019 on consultations being carried out by the government on the principle of changes to permitted development rights linked to electronic communications infrastructure.
- 1.2 This report now advises Committee of a further round of consultation on more detail on the implementation of the changes to permitted development rights for electronic communications infrastructure. The proposed changes increase the rights of operators to develop infrastructure, both with and without prior approval, and are intended to support the expansion of 5G. This report summarises the proposed changes and seeks delegated authority to agree a response to the consultation.

2. RECOMMENDED ACTION

- 2.1 That Committee note the consultation on changes to permitted development rights for electronic communications infrastructure.
- 2.2 That Committee delegate authority for final representations on the consultation to be agreed by the Chair of Planning Applications Committee and the Lead Councillor for Strategic Environment Planning and Transport.

3. THE BACKGROUND

- 3.1 A consultation was undertaken starting in August 2019 on proposals to change the permitted development rights in England for structures required to extend mobile phone coverage and to adapt to 5G networks for operators with rights under the Electronic Communications Code.
- 3.2 The consultation sought views on amending or creating new permitted development rights to grant planning permission for the following:
 - a) deployment of radio housing equipment on land without requiring prior approval, excluding on sites of special scientific interest, to support 5G deployment;

- b) strengthening existing masts to enable sites to be upgraded for 5G and for mast sharing without prior approval;
 - c) deployment of building-based masts nearer to highways to support 5G, subject to prior approval; and
 - d) enabling higher masts to deliver better coverage and to allow mast sharing, subject to prior approval.
- 3.3 The consultation also proposed relaxing restrictions on sites in Article 2(3) land, meaning those sites in conservation areas, areas of outstanding natural beauty, an area specified by the Secretary of State under the Wildlife and Countryside Act 1981, the Broads, a National Park or World Heritage Sites.
- 3.4 The consultation was reported to Planning Applications Committee on 9th October 2019. Committee agreed an initial commentary on the proposed changes, and delegated authority to the Chair of Planning Applications Committee and Lead Councillor for Strategic Environment, Planning and Transport to agree detailed representations and these were submitted in time to meet the 4 November 2019 deadline.

4. THE CONSULTATION

- 4.1 Following the 2019 consultation on the principle of the proposed changes to permitted development rights, this consultation is on the technical details to implement those changes.
- 4.2 The technical changes proposed are summarised below:

Deployment of radio equipment housing

- Single developments of small radio equipment housing to be permitted without the need for prior approval, with larger equipment housing subject to prior approval, in all areas except SSSIs;
- 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.

Existing ground-based masts

- For existing ground-based masts less than a metre wide, 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 wide, two options are proposed:
 - 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 (option A); or
 - 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 (option B).
- In both cases, 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 SSSIs. 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 SSSIs;
- 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 SSSIs;

New ground-based masts

- 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 outside SSSIs, would be permitted subject to prior approval;
- 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 SSSIs.

4.3 There are also changes proposed to the safeguarding procedure, and technical changes to update the definition of ‘small cell system’.

4.4 The consultation questions are set out in Appendix 1.

4.5 Officers are currently working through the detailed proposals within the consultation to enable the Council to respond before the consultation deadline of 14th June. A response is in preparation so not available in time to make up part of this report. It is therefore recommended that delegation be given to the Chair of PAC and the Lead Councillor for Strategic Environment, Planning and Transport to agree the detailed response.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The operation of the planning system in Reading contributes to the following priorities in the Corporate Plan 2018-21:

- Securing the economic success of Reading;
- Improving access to decent housing to meet local needs;
- Keeping Reading’s environment clean, green and safe;
- Promoting great education, leisure and cultural opportunities for people in Reading.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Increased rights for communications development with or without prior approval will potentially have implications on the quality of the natural and built environment. No particular climate implications are identified.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 There is no reference to these matters in the changes proposed.

8. EQUALITY IMPACT ASSESSMENT

8.1 Where appropriate the Council must have regard to its duties under the Equality Act 2010, Section 149, to have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 There are no direct implications arising from the proposals.

9. LEGAL IMPLICATIONS

9.1 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).

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications resulting from this report.

11. BACKGROUND PAPERS

11.1 [Changes to permitted development rights for electronic communications infrastructure: technical consultation](#)

APPENDIX 1: CONSULTATION QUESTIONS

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.

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.

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.

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.

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.

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.

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.

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?

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.