

LGA Submission – Proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage

November 2019



Submission

1. About the Local Government Association

- 1.1. The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government.
- 1.2. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

2. Introduction

- 2.1. It is now widely accepted that access to fast and reliable digital connectivity is no longer a luxury, but a necessity. It is something residents and businesses expect in their premises; a vital component for supporting growth in urban and non-metropolitan areas, and an enabler of public sector digital transformation.
- 2.2. Local government has been a key player in the roll-out of improved digital connectivity to the hardest to reach areas over the last five years. It has partnered with broadband providers to extend coverage to local communities via the Superfast Broadband, Rural Gigabit Connectivity and Local Full Fibre Networks programmes and has worked closely with mobile network operators and local communities to find the best locations for new mobile infrastructure.
- 2.3. Whilst positive progress has been made in extending fast and reliable digital connectivity across local areas, there remain communities, many in rural areas, who are unable to maintain a consistent mobile signal throughout the day. Councils recognise the important role they must play to ensure local policies are streamlined and conducive to the commercial roll out of mobile infrastructure. At the same time, mobile operators must not shy away from engaging communities through local planning regimes on the deployment of mobile infrastructure and the trade-off between improved connectivity and the conversation of local landscapes.
- 2.4. Weakening planning control and increasing permitted development rights takes away the ability of residents, businesses and councillors to contribute in a meaningful way to the deployment of new or upgraded masts, sites and infrastructure. It severely limits the opportunity for local planning authorities to negotiate reasonable amendments to make deployments more acceptable, and circumvents local plans preventing the properly managed development of a place.
- 2.5. There remains a balance to be struck between the economic and social benefits of improved digital connectivity and the harmful impacts that some

infrastructure can have on local areas. Whilst allowing the deployment of a 30-metre mast in an area of challenging topography might result in a reduction of other infrastructure locally, this does not mean that the universal use of 30-metre masts would be acceptable to all residents across the country.

2.6. Instead of pushing for more permitted development, Government must continue to work with local government and the mobile industry to share best practice and guidance to help the streamlined deployment of mobile infrastructure within the current planning regime to allow communities to engage in the development of their local areas.

3. 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'?

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?

3.1. The challenge of providing universal mobile coverage is deep seated. Whilst the mobile industry is quick to blame the planning regime as the main barrier, a recent Ofcom analysis showed a direct correlation between low quality mobile connectivity and areas with sparse populations, lower than average levels of affluence and a smaller percentage of working age population.¹

3.2. Councils recognise that local planning policies must evolve to respond to the needs of local areas and are acting to ensure they are conducive to digital infrastructure deployment. In a recent LGA survey of councils, 80 per cent of respondents outlined they had amended or were looking to amend local plans to ensure a more streamlined approach to digital infrastructure deployment. Furthermore, 78 per cent had also drafted, or were looking to draft, a digital infrastructure strategy aimed at encouraging and facilitating the deployment of full fibre and mobile networks. To support its members, the LGA has also published a Councillors' Guide to Digital Connectivity² outlining the important role ward councillors can play helping facilitate the improvement of digital connectivity for their communities.

3.3. Whilst we welcome the opportunity to discuss with Government and the mobile industry how councils can help secure improved mobile coverage for local areas, we are concerned at the lack of compelling evidence of how the planning system has significantly affected mobile connectivity across the country. On the contrary, the LGA's own analysis has found that councils are approving nine in 10 planning applications.³ Furthermore, Arqiva, the infrastructure provider responsible for delivering the Mobile Infrastructure Project, has previously outlined that "only five planning applications [out of 110 that were submitted as part of the programme] were refused."⁴ The LGA notes that the Government's consultation is seeking evidence from the mobile industry on the improvements to mobile coverage that planning deregulation will bring. We would encourage Government to undertake an assessment on the impacts of previous planning reforms on mobile connectivity⁵ to validate the projections of mobile operators looking forward.

¹ https://www.ofcom.org.uk/__data/assets/pdf_file/0027/146448/Economic-Geography-2019.pdf

² <https://local.gov.uk/councillors-guide-digital-connectivity-0>

³ https://www.local.gov.uk/sites/default/files/documents/5.40_01_Finance%20publication_WEB_0.pdf

⁴ <https://www.computerweekly.com/news/4500277419/Mobile-Infrastructure-Project-was-a-failure-admits-Vaizey>

⁵ <https://www.gov.uk/government/consultations/mobile-connectivity-in-england>

3.4. The LGA has previously highlighted that councils are increasingly concerned that mobile network operators' (MNOs) coverage projections are not reflective of consumers' mobile experience on the ground in rural areas with independent coverage analyses revealing patchy access, high dropped call rates and not-spots in areas where coverage is reported by MNOs as sufficient. Without addressing this misalignment between coverage data and reality, it will be hard to take MNOs claims of improved coverage at face value. This is an especially important point to consider before the Government signs up to delivering the commercial Shared Rural Network.

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 the use of existing sites and infrastructure were maximised before new sites are identified, for example through increased sharing?

4.1. Councils are ambitious to collaborate with the mobile industry to explore how they can provide public policy solutions to help improve coverage. A recent LGA council survey found that two thirds of respondents have established or are looking to establish a digital infrastructure champion to lead discussions with MNOs. However, the LGA understands that despite councils' willingness to engage, MNOs responsiveness has been extremely limited.⁶ If councils are to ensure a more streamlined planning approach to mobile infrastructure deployment, MNOs must be prepared to engage with councils at a more strategic place-based level. The LGA has called for MNOs to collaborate more effectively with local government and share information on their infrastructure deployment plans, via non-disclosure agreements, to help councils ascertain where public policy interventions can bring the most value. This must also be supplemented with more accurate coverage data to help local bodies understand which areas need the most help with improving their mobile connectivity.

5. 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.

6. 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?

No.

7. 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.

⁶ North Yorkshire Council secured capital funding from the York, North Yorkshire and East Riding Local Enterprise Partnership to commission the building of a mast. However, no MNO has yet come forward to utilise the proposed infrastructure. Other councils have come forward to the LGA to complain about the lack of take up from MNOs after councils have offered their assets for hosting infrastructure for free.
https://www.local.gov.uk/sites/default/files/documents/27.2%20202019%20Post%20Brexit%20England%20Commission_v08_WEB_0.pdf

8. 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.

9. Do you agree in principle with amending permitted development rights to increase the height of new masts, subject to prior approval?

No.