

# Planning

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Dear Sir/Madam,

Thank you for allowing the Councils an opportunity to comment on the proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage.

A joint response to your consultation document is set out below.

South Oxfordshire and Vale of White Horse District Councils' support the deployment of 5G and improvement of mobile coverage. However, the Councils are concerned that some of the proposed amendments to the permitted development rights set out in the consultation paper would risk significant adverse impacts on the surrounding area, specifically on article 2(3) land that has been identified for protection due to its special character and appearance. Specifically, the Councils' consider that where certain types of telecommunications infrastructure have not benefitted from permitted development rights previously, the permitted development rights should not be amended to include these types of infrastructure unless prior approval is required. In these cases, prior approval should be required at least for a limited period (12 months) to allow local authorities to monitor the impact of the new permitted development rights. The removal of the prior approval could be considered at the end of this period. Identifying some pilot areas may also help assess the impact of this type of telecommunications infrastructure.

It is vital that affected neighbours are notified of plans for masts and equipment in advance of installation. Therefore, in the case where prior approval is removed for certain types of telecommunications infrastructure, the Councils' would want Code Operator(s) to be required to notify residents of the development of the infrastructure, setting out the type of infrastructure that is being developed and when it is taking place.

In order to fully incentivise Code Operators to share their sites and infrastructure we consider that any amendment to the existing permitted development rights or prior  
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approval process should only apply to existing and new telecommunication infrastructure being used by more than one Code Operator.

The Councils are also aware that there has been some media coverage on the potential health implications of 5G and that the introduction of this infrastructure may cause concern to the district's residents. The Councils, therefore, consider it important to have clear and authoritative statements from Central Government that are readily available to reassure anyone affected by the development of this infrastructure.

***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'?***

This question is not applicable to the Councils.

***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?***

This question is not applicable to the Councils.

***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 Councils' believe the most important factors affecting the visual impact of new electronic communications infrastructure to be location and design. The siting and design of this infrastructure needs to be sensitive, not only in environmentally sensitive areas but everywhere. The Councils' consider that if permitted development rights are to be extended to assist with the deployment of 5G, allowing larger and taller structures to be erected without planning permission, it is essential that the infrastructure is designed to be as unobtrusive as possible. The contrast between the infrastructure and its surroundings needs to be minimised, which means that factors such as the colour of the equipment and the landscaping/screening of the infrastructure are significant.

This could be delivered by an updated guidance document on the siting and design of telecommunications infrastructure and/or a design code. The Councils' views are that without the prior approval process, which allows the Council to consider the siting and design of certain types of telecommunications infrastructure, this would need to be delivered through a design code and conditioned in the GDPO.

***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 Councils' note that the General Permitted Development Order already includes a condition which requires that where electronic communication apparatus is deployed under permitted development rights, it is permitted subject to the condition that the apparatus is removed as soon as reasonably practicable after it is no longer required and that the land, building or structure is restored.

To ensure that equipment at redundant sites is removed and the land is restored the Councils would suggest also giving local authorities the power to delay the determination of a prior approval, where necessary, if the Code Operator has redundant sites that have not been cleared and restored. In this situation the prior approval would be determined once the Code Operator had demonstrated that the equipment at the redundant site(s) is removed and the land restored. This could be delivered as part of the prior approval process by amending the relevant legislation.

***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 Councils' consider that to encourage Code Operators to share sites and infrastructure, any amendments to the permitted development rights and prior approval process should only apply to new and existing infrastructure to be used by more than one Code Operator. This could be delivered as part of the amendments made to the Permitted Development Order or associated legislation.

***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. The Councils do not agree with removing prior approval for the permitted development of equipment housing in its entirety. The difference between a 2.5 cubic metre structure and a 90 cubic metre structure or 30 cubic metre roof structure is significant, as is the impact that the structure would have on the surrounding area. This would risk significant adverse impacts, specifically on article 2(3) land that has been identified for protection due to its special character and appearance.

Given this, the Councils' consider that prior approval needs to be retained, specifically on article 2(3) land to ensure that these areas are protected as meant by their designation. The Councils' views are that prior approval could be removed for equipment housing on unprotected land but for a smaller size of equipment housing, for example for a structure up to 10 cubic metres (approximately the same size as a

large skip). They believe that removing prior approval for structures larger than this would risk significant adverse impacts on the surrounding area.

Where prior approval is removed the Councils' would want Code Operator(s) to be required to notify residents of the development of the infrastructure, setting out the type of infrastructure that is being developed and when it is taking place.

To encourage Code Operators to share equipment, any amendments to the permitted development rights and prior approval process should only apply to equipment housing being used by more than one Code Operator.

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

This proposal could have a very significant impact on the surrounding area. While impacts can be minimised by ensuring that the infrastructure is suitably located and well-designed, the Council are only able to consider the siting and design of the infrastructure if the prior approval process is retained.

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

Yes. The Councils' 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. However, increasing the width of an existing ground-based mast by more than one third should require prior approval. Where planning permission was previously required for a certain type of infrastructure the Councils' consider that the permitted development right should not be amended to include this type of infrastructure unless it requires prior approval. Prior approval should be retained for at least a limited period (12 months) to allow local authorities to monitor the impact of the new permitted development rights. The removal of the prior approval could be considered at the end of this period.

To encourage Code Operators to share masts, any amendments to the permitted development rights and prior approval process should only apply to existing masts being used by more than one Code Operator.

***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?***

The Councils' do not agree that an increase in width should be granted through permitted development rights without prior approval. If prior approval was required, the increase in width would not need to be defined. The Councils' may be able to advise of an appropriate width after the impact of the new permitted development rights have been monitored for an appropriate period through the requirement of prior approval.

**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?**

Yes. The Councils' agree that increasing the height of existing masts to the relevant permitted height (25 or 20 metres) should not require prior approval. The permitted height should not be increased and if it was increased any mast increasing its height above 25 or 20 metres should require prior approval. Conditions may need to be added to the permitted development right in order to protect safety, security and visual amenity. A design code may be appropriate in this case.

Where prior approval is removed the Councils' would want Code Operator(s) to be required to notify residents of the development of the infrastructure, setting out the type of infrastructure that is being developed and when it is taking place.

To encourage Code Operators to share masts, any amendments to the permitted development rights and prior approval process should only apply to existing masts being used by more than one Code Operator.

**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?**

Yes. The Councils' fully support further incentives to maximise the use of existing sites. To encourage this, any amendments to the permitted development rights and prior approval process should only apply to existing sites and telecommunications infrastructure being used by more than one Code Operator.

**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?**

Yes. The Councils' 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. The permitted development right must be subject to the prior approval process. The Councils also consider that a maximum height restriction (building height plus mast height) should apply of 30 metres on protected land and 50 metres on unprotected land. Any proposals exceeding these heights should be required to obtain planning permission.

To encourage Code Operators to share masts, any amendments to the permitted development rights and prior approval process should only apply to masts being used by more than one Code Operator.

**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?**

In order to control the deployment of this infrastructure, the Councils' consider that permitted development rights should be subject to the prior approval process and should only be approved where there is no adverse impact on road safety or local amenity.

Updated guidance on the siting and design of this type of infrastructure and/or a design code may also prove useful.

**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?**

Yes. the Councils agree that this permitted development right should be subject to the prior approval process.

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

Yes. the Councils' agree in principle with amending permitted development rights to increase the height of new masts, subject to prior approval.

To encourage Code Operators to share masts, any amendments to the permitted development rights and prior approval process should only apply to masts being used by more than one Code Operator.

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

The Councils' consider that the permitted heights should be restricted to 30 metres on 2(3) land and 50 metres on unprotected land.

In coming to this conclusion, the Councils' have taken account of the height of structures at Didcot Power Station and views of these structures from other parts of the districts.

**Question 6: Do you have any 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?**

No.

Yours sincerely,



Principal Planning Policy Officer

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