**RESPONSE TO NALC** **Questions ON tELECOM MAST Consultation**

These are the main consultation questions NALC will be responding to in this consultation and NALC seeks the views of county associations and member councils in response to these questions to help inform its own submission to MHCLG:

**3. Enabling deployment of radio equipment housing**

Q1. 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.

1. What are your viewson the proposals to permit single developments of up to 2.5 m3 without the need for prior planning approval/to permit single
developments exceeding 2.5m3 subject to prior approval?

A 1 (a) No objection subject to suitable conditions (see 1B below) and that prior approval is required where listed buildings are affected.

1. What are your views on permitting 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?

A 1 (b) To properly safeguard the quality of the visual environment within these areas, it is suggested that standard conditions applicable to all Article 2(3) land should require that sufficient space is made available around the perimeter of the installation to accommodate visual mitigation which should be by the use of suitable fencing (max. 2 metres in height) together with suitable native planting both of which would be in accordance with proposals approved by the local planning authority and maintained to the local planning authority’s satisfaction. Equipment whether new or replacement of existing should not exceed the height of the fence. In sensitive rural locations, it should be noted that close-boarded fencing may not be appropriate.

Q2. (a) Do you agree with the government's proposals below on strengthening
existing masts?

* 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.

A 2 (a) To ensure that telecommunications masts do not become intrusive and visually overbearing within the local environment, it is suggested that for masts of less than one metre in width, permitted development to increase width should be limited to an increase of one half (50%), on all land.

 Q2 (b) For existing masts greater than one metre wide the government have
proposed two alternative options (by permitting 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.

Which option do you prefer?

A2 (b) Option B is preferred as there should be a differentiation between the width increase permitted between Article 2(3) land or land on a highway and all other land (excluding sites of special scientific interest). That said, having regard for the quality of the visual environment within Article 2(3) areas, it is suggested that, for masts greater than one metre in width, permitted development increases in width, without the need for prior approval, should be limited to an additional one third (33%) of the existing mast, up to a maximum overall width of 3 metres, whilst on all other land this increase should be limited to one half (50%), up to a maximum width of 4 metres. The government’s current proposals would effectively grant permission to replace existing masts by the maximum amount described which in many situations would result in structures of a scale and appearance which would be likely to detract from the visual amenity of the area within which the mast in question was situated.

Q3. What is your view on the government's proposal 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?

A3 Areas included within the category of Article 2(3) land are, by definition, locations where, because of the high quality of the landscape or the built environment, they are regarded as visually extremely sensitive and likely to be damaged by visually inappropriate development. Consequently, it is not appropriate to consider giving approval to the principle of masts above 20 metres in height without the need for consideration by the local planning authority of a full planning application. 20 metres is, in the United Kingdom, the height of the upper canopy of many of the larger trees to be found in this country and is a logical height at which to terminate telecommunications masts so that they are not perceived as intrusive in these valuable sensitive locations. Outside of these sensitive areas the currently permitted height of 25 metres, subject to the prior approval process, is also felt to be an appropriate upper limit for “permitted development” and it is considered that, even subject to the prior approval process, a height of 30 metres would create many instances where these structures would be perceived as excessive in height and a visually intrusive feature.

**5. Building based masts**

Q4. What are 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.

**A4** The safeguard provided by the prior approval process is regarded as a valuable tool in protecting the quality of the built environment in this country. Removing the prior approval process in relation to building-based masts is considered to be an unwise relaxation, which may potentially save 7 or 8 weeks in the procurement process for these facilities, but which will be likely to result in many instances of significant damage to the visual environment and townscape of the places where people work and live. This measure will not significantly increase the number of opportunities for operators to install building-based masts, but rather would only result in a minimal reduction in the time taken to provide and install such masts. The planning system (through the prior approval process) is an essential tool in the mitigation of any potentially undesirable effects arising from these type of mast proposals. It is hard to imagine any measures which could be put into place which would satisfactorily mitigate all of the potential visual damage which could arise from proposals of this nature.

Q5 (a) 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?

A5 (a) No objections to the proposal for shorter masts outside of Article 2(3) land as long as the buildings are not listed or near schools, hospitals etc.

Q5 (b) 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.

A5 (b) See answer to Question 4 above.

**6: New ground based masts**

Q6. 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.

A6 Article 2(3) areas are, by definition, areas which are extremely sensitive to unsympathetic forms of development. It is considered that it would be wholly inappropriate to give permission by a variation to the GPDO to allow the principle of erecting masts of up to 25 metres in height, subject only to the prior approval process in respect of siting and appearance. At this height, such masts would stand above the tree line in most situations within Article 2(3) areas where landscape issues are the reason for the designation and would cause significant demonstrable harm to these interests of acknowledged national importance. Where the location is a Conservation Area, this additional height to these permitted structures would ensure that they would be completely unsympathetic and out of scale and character with the existing quality of the townscape which has warranted the designation in the first place. Equally 30 metres is regarded as an excessive height to be offering an approval in principle in all locations outside Article 2(3) areas. Perhaps a system could be established by Regulation to enable local planning authorities to identify areas where this additional height would be acceptable. Consideration should also be given to the establishment of a” transition” area adjacent to but beyond the Article 2(3) boundary of say 0.5km in width where a simplified “prior approval process” should be employed relating to height, siting and appearance, in order to properly protect the adjacent areas of national importance.

Q7. What are your views on the proposal to allow 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.

A7 No objection is raised to this proposal which is seen as a positive step towards the successful completion of the government’s 5G deployment. Consideration should be given to instigating a simplified form of prior approval process relating to siting only, where it is intended to site a monopole at less than 2 metres from a public footpath or footway adjoining a public highway.

**7: Safeguarding**

Q8. (a) 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?

A8 (a) Yes, agreed.

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

A8 (b) Yes, agreed; the proposals appear to be reasonable and workable.

**8. Small cell systems**

9A) Do you agree with the government’s proposal to amend the definition of ‘small cell systems’ in the General Permitted Development Order?

A9 A Yes

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

A9 B There is no objection provided small cells can be used to achieve coverage instead of Micro cells.

Q10 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.

A10

1**.** The government should devise a process which encourages and rewards operators who actually work in partnership with local planning authorities to achieve the best possible result to provide the maximum coverage allied to minimum environmental impact, rather than trying to offer an easy route to achieving coverage which does not compel operators to consider the environmental costs of their undertaking.

2. In addition, provision within the relevant Order or Regulations should be made to afford protection to the settings of Listed Buildings and of Listed Parks and Gardens of Special Historic Interest.

3. Finally, where proposals are to be submitted to a local planning authority under the prior approval process, relating to sites within an Article 2(3) area, guidance should indicate to operators that details should be provided in relation to the proposed means of access to the installation and any existing landscape or townscape features which are proposed to be removed to accommodate the proposed access or any other aspect of the proposal.

4. The requirements for network providers to share sites, masts or other equipment should be strengthened.

5. Consideration should be given to a more nuanced approach to any extension of permitted development as there could be unforeseen adverse consequences with a wide-reaching carte blanche.

**10: Assessments of impact**

Q11 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?

A11 It is difficult to see how this would have any wide application to any protected characteristics. It may potentially give rise to a disability claim in rare circumstances such as reduced access from, or changes to, the layout of public rights of way for the visually impaired due to increase in cabinet or mast width. It is assumed that the radio waves will not affect hearing aids, pacemakers etc if masts are on residential buildings or close to public rights of way but this would be a consideration if they do. A potential breach of the Equality Acy on grounds of Race could be if it affected Traveller or Romany Gypsy sites and interfered with their way of life.

Q.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.

A12 Please find attached a summary Landscape and Visual assessment of a recent prior approval consultation for a new mast on Article 2 (3) land which demonstrates the issues which a site survey does not take into account. It is assumed this is because site planning tools are either unable, or the companies are unwilling, to take into account the impact on the features for which the Article 2 (3) designation was made.