



**Ministry for Housing, Communities and Local Government
Planning Reform: supporting the high street and increasing
the delivery of new homes**

Consultation Response from Mobile UK

January 2019

About Mobile UK

1. Mobile UK is the trade association for the UK's Mobile Network Operators (MNO) - EE, Telefonica UK (O2), Three and Vodafone. Our goal is to realise the power of mobile to improve the lives of our customers and the prosperity of the UK as a whole.
2. As mobile increasingly becomes the device of choice for running daily life both at home and at work, customers, want improved coverage and greater capacity. Mobile UK's role is to identify the barriers to progress, and work with all relevant parties to bring about change, be they Government, regulators, industry, consumers or citizens more generally.

Introduction

3. Mobile UK welcomes the opportunity to respond to the Ministry of Housing, Communities and Local Government's consultation on Planning Reform: supporting the high street and increasing delivery of new homes.
4. Mobile UK recognises the importance of having a planning system that will enable the delivery of new houses and new housing capacity to meet the changing needs of the UK's population.
5. This submission not only sets out Mobile UK's response to the consultation but also, where relevant, in addition to the set questions in the consultation, outlines the mobile industry's key priorities and recommendations.
6. It is appropriate to highlight that, in addition to more housing capacity, people also expect their homes and work places to have excellent mobile connectivity.
7. The planning regime is a very important way of enabling this by a) ensuring developers of new housing consult with mobile operators to factor in mobile connectivity from the start, b) continuing to evolve the planning system for mobile infrastructure and c) ensuring that reformed permitted development rights in one sector do not unduly impact PD rights in another sector.
8. Mobile UK will be happy to discuss further any of the points made in this submission.

Mobile UK Response Overview

Mobile UK recognises the great importance the Government places on improving the housing stock and increasing capacity.

The Government is also very clear, though, that it wants the UK to be a leading digital economy, because mobile infrastructure is now essential national infrastructure, for both businesses and public authorities delivering mission critical services and for consumers staying connected. The main thrust of our response, therefore, is that, while recognising the importance of reforming PD for the housing sector, due account must be taken of the impact on mobile connectivity.

We highlight that any redevelopment proposals for the UK's built environment have the potential to disrupt existing mobile connectivity for many months, particularly if apparatus has to be relocated to accommodate a construction proposal.

It is therefore essential for Local Planning Authorities to take into account the potential impact on mobile connectivity as a **material consideration in the determination of the Prior Approval application**.

Mobile Communications – Critical Infrastructure

9. Mobile communication is part of the UK's critical infrastructure and is integral to people's lives. At the end of December 2017, there were 92 million mobile connections (including 58.4 million 4G mobile subscriptions).¹ 94% of the adult population has a mobile phone.
10. According to Ofcom, 92% of UK premises have indoor call coverage from all four mobile networks, while 88% have indoor coverage for mobile data services. These figures are up from 85% and 80% respectively last year.²
11. The increase in coverage, capability and capacity of mobile networks has led to an explosion in demand for mobile data. 4G is driving greater volumes of data usage. A total of 156 petabytes was sent over all mobile networks in June 2017, a 47% increase over the previous year. The average volume of data consumed per subscriber now stands at 1.9 gigabytes per month up from 1.3 gigabytes in 2017.³
12. Improved 4G services and the rollout of 5G has the potential to increase this demand further. It is expected that 5G will form the critical backbone of many of the UK's key services such as e-health, the internet of things and connected vehicles. Mobile networks are the modern-day highways and are critical to the nation's economic well-being.
13. Mobile data use tripled over the period 2014-2017 and is expected to increase by a further 700% by 2021. Average mobile subscriber use is predicted to grow to 18 gigabytes per month by 2021.⁴
14. The mobile industry has made huge strides in improving mobile connectivity in recent years. The industry is re-investing over £2bn annually in new network equipment (around 15% of all mobile revenues), to improve capacity, footprint and performance.

¹ Ofcom – Communications Market Update 2018

² Ofcom – Connected Nations December, 2018

³ Ofcom – Communications Market Update 2018

⁴ CCS Insight, 2017

Mobile UK Response

Part 1: Permitted development rights and use classes

A new permitted development right to support housing delivery by extending buildings upwards to create additional new homes

Question 1.9: Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?

There is a role, but the regulations need to take account of and mitigate against negative impact on mobile connectivity

Particular concerns on the upwards extension proposal are:

1. Operators could be on a building where the landlord utilises their rooftop under permitted development (PD) to extend upwards. This has potential for giving rise to more 'Notices to Quit' (NTQs) leading to loss of existing telecoms sites and, thus, user connectivity.
2. Electronic Communications Code implications – PD for upward extension could increase value of rooftops – i.e. that landowners might argue PD confers an intrinsic value on rooftops, regardless of an actual consent being granted. This would run counter to Government's objective of it being quicker and cheaper to rollout mobile infrastructure, and thus introduce delays and uncertainty in arriving at appropriate valuations.
3. Potential impact on coverage, links, backhaul etc. If a building adjacent or within the vicinity is increased in height, upward extension of neighbouring buildings risks backhaul links and other radio coverage being interfered with – this wouldn't just potentially impact rooftop sites but street works too.

Government is proposing that such plans for upward extension would be subject to Prior Approval from the local planning authority (LPA).

For the reasons stated above, it will be very important for LPAs to take into account the potential impact on mobile connectivity as a **material consideration in the determination of the Prior Approval application** – either where there is existing telecoms apparatus on the roof to be extended or there are adjacent sites eg street works or other adjacent rooftop sites. In all such cases there should be a requirement for the LPA to consult with the impacted operators in the determination of the Prior Approval. The Prior Approval should be refused if any objection cannot be addressed or mitigated.

It should be noted that it can take up to 18 months for mobile apparatus to be relocated to other buildings, taking account of the difficulties of finding new sites, negotiating with new landlords and building and integrating the network equipment. The impact on local consumers from the interruption of mobile connectivity can be very considerable.

Where the utilisation of the PD Right would result in the direct impact of existing telecoms equipment then the regulations should require that the equipment is reinstalled post extension in such a way that there is no negative impact on coverage/service. Provisions should also be made for continuity of service through the redevelopment process (eg temp site whilst extension works are carried out)

Question 1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

Yes – a design code should include consideration of existing telecoms equipment and services

and how such equipment and services will be accounted for in the development

Height limits

Question 1.11: Which is the more suitable approach to a new permitted development right:

- a. that it allows premises to extend up to the roofline of the highest building in a terrace; or
- b. that it allows building up to the prevailing roof height in the locality?

From a pure planning point of view, the extension to the roofline of the highest building in the terrace is the easiest to administer. Proposal b) is not as clear.

Question 1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?

Question 1.13: How do you think a permitted development right should address the impact where the ground is not level?

Question 1.14: Do you agree that, separately, there should be a right for additional storeys on purpose built free standing blocks of flats? If so, how many storeys should be allowed?

Mobile UK has no general comments on how many additional storeys should be allowed. We reiterate, nevertheless, that such rights must be controlled by Prior Approval and the comments we have made in response to 1.9 above also apply.

Premises that would benefit from a permitted development right to build upwards

Question 1.15: Do you agree that the premises in paragraph 1.21 would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Question 1.16: Are there other types of premises, such as those in paragraph 1.22 that would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Please see comments made in response to Question 1.9

Works to extend upwards

Question 1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

Yes. The regulations should be worded so as to be clear on what matters the LPA can consider within the Prior Approval determination – including impact on mobile connectivity and mitigation.

Prior Approval

Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 should be considered in a prior approval?

There are additional matters – see 1.19

Question 1.19: Are there any other planning matters that should be considered?

Please see our response to Question 1.9

It is very important that plans are subject to Prior Approval and the impact on mobile connectivity is treated by LPAs as a material consideration in the determination of the Prior Approval application – either where there is existing telecoms apparatus on the roof to be extended or there are adjacent sites e.g. apparatus located at street level or other adjacent rooftop sites. Increasing the height of closely neighbouring sites has the impact to severely restrict the coverage that can be achieved from a transmitter site or the ‘backhaul link’ (a radio transmission to a fixed point that links a site into the rest of the network). The signal emitting from the site can be much degraded or even blocked. This will result in places that were previously being covered no longer being covered.

In all such cases there should be a requirement for the LPA to consult with the impacted operators in the determination of the Prior Approval. The Prior Approval should be refused if any objection cannot be addressed or mitigated.

The permitted development right to install public call boxes and associated advertisement consent

Question 1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?

No. There is no compelling case to do this. Current Permitted Development requirements provide adequate environmental protection. Moreover, looking forward, call boxes have the potential to be re-purposed for additional electronic communications services.

Supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential

Question 1.28: What considerations would be important in framing any future right for the demolition of commercial buildings and their redevelopment as residential to ensure that it brings the most sites forward for redevelopment?

With regard to supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential (more detailed consultation to follow?) then it is important that any existing telecoms equipment is suitably accommodated in the new development in agreement with the telecoms operator and that any development consent must include the right in principle for operators to install telecoms in the resultant scheme. Where there is existing equipment then the scheme must also include provision to install any temporary structures whilst redevelopment takes place to ensure no loss or interruption of service.

Part 4. New town development corporations: Draft compulsory purchase guidance

The draft guidance

Question 4.1: Do you have any comments on the draft guidance at Annex D?

With regard to the draft Compulsory Purchase guidelines for New Towns, where any Compulsory Purchase Scheme impacts existing telecoms infrastructure, then suitable arrangements must be made

within the development to replace / re-instate without any impact on service, including any temporary site arrangements to ensure continuity of service

“provision of services” CP Powers should include provision of land for provision of connectivity/telecommunications services whether fixed or mobile.