



## **Review of Permitted Development Rights by the Northern Ireland Executive's Department for Infrastructure**

### **Response from Mobile UK**

#### **About Mobile UK**

Mobile UK is the trade association for the UK's mobile network operators - 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.

As mobile increasingly becomes the device of choice for running daily life both at home and at work, customers, quite rightly want better coverage, more capacity and greater capabilities.

Our 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**

Mobile UK welcomes the opportunity to respond to the Department of the Environment's (DOENI) consultation on Permitted Development Rights (PDR).

As our direct interest is in PDRs for the construction and alteration of telecommunications infrastructure, we are providing replies on Questions **1 to 4** only.

## Background

The Executive's review is timely and the proposals will be a great improvement on the current position in Northern Ireland

Mobile operators are committed to meeting the rising demand from customers for more capacity and coverage throughout the UK (for both urban and rural areas) and simplifying the planning law, including PDRs, so that network can be built or upgraded more quickly and simply, will make a very helpful contribution.

That said, world-leading mobile infrastructure is a major component of a nation's or a region's competitive advantage. As consumers and businesses demand better coverage, and become more accepting of the masts and antennas that go with it, other nations within the UK are making even greater moves to ease planning law. And so, while we welcome this progress, even with the changes now proposed, Northern Ireland will still have the most restrictive PDR's in the UK.

Mobile UK would welcome further discussion with the Executive to explore whether there is scope to extend the proposals within the current review, as it may be some time before there is a chance to do so again. An objective would be to bring PDRs in Northern Ireland more in line with the rest of the UK, so that the province is not at a disadvantage to other regions in the UK with regard to investment in critical infrastructure.

In England, the Government has announced a broad package of new PDRs<sup>1</sup> to boost mobile connectivity. For example, where a site is already used for telecommunications infrastructure, the threshold for new ground based masts will increase from 15 metres to 25 metres in non-protected areas and a new permitted development right allowing new masts of up to 20 metres will be introduced in protected areas. These new rights are expected to be granted in 2016.

In Scotland, the Scottish Executive has recently published its Mobile Action Plan<sup>2</sup>, containing a broad range of measures, including further changes in planning law, to stimulate investment in mobile infrastructure, particularly in the less populated areas.

We are moving towards a world of 'mobile first', where customers turn instinctively to their mobile to run their lives both at work and at home. To set this out in a bit more detail (and the benefits that accrue to customers and their local regions as a result):

### 1. Number of customers served

At the end of December 2015, there were 85.3m mobile customers (79.7m active mobile handsets and 5.6m active mobile broadband connections)<sup>3</sup>. 95% of the adult population has a mobile phone.

### 2. Number of 'other' mobile connections

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<sup>1</sup> <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-17/HCWS631>

<sup>2</sup> <http://www.gov.scot/Topics/Economy/digital/Publications/SGMAP/SGMAP>

<sup>3</sup> Ofcom – communications market update, Q4 2015

In addition to people, 6.3 million ‘things’ are now connected to mobile networks (i.e. they contain a SIM card), making a total of **91.6m** mobile connections in the UK. Common applications for ‘machine to machine’ (M2M) connections are energy meters, vending machines and burglar alarms.

### 3. Capability

4G technology’s mobile broadband speeds have increased utility and convenience markedly – thus, in just over ten years, delivering data speeds that are 1000 times more than was possible under 2G.

Average download speeds are **14.7 megabits per second** and upload speeds 13.6 mbps<sup>4</sup>.

### 4. Growth in data consumption

The increase in coverage, capability and capacity of mobile networks has led to an explosion in demand for mobile data.

In recent years mobile data traffic carried on the networks has grown from 9m gigabytes per month (March 2011) to 73 million gigabytes in the month June 2015<sup>5</sup>, nearly 1 gigabyte per active connection.

### 5. Economic value

Analysys Mason estimated in 2013 that the annual consumer surplus derived from mobile networks is £24 billion per annum.

Moreover mobile communications supports a supply chain of infrastructure, equipment, applications and content providers that accounts for **75 000 jobs**.

As populations become more city based, those cities that offer the best environment (‘smart’, low carbon, mobile), underpinned by high speed mobile networks, will attract a talented workforce (and its tax base), creating a virtuous circle of improvement (a new industrial revolution).

Mobile is the key platform on which innovative business models will be built, productivity gains will be realised and new opportunities uncovered.

Likewise, in the countryside, mobile networks will be needed to make farming more competitive in global markets, sustain rural communities, businesses and tourism. Mobile networks in rural areas also serve to support occasional events – trade fairs, festivals and film crews.

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<sup>4</sup> <http://stakeholders.ofcom.org.uk/market-data-research/other/telecoms-research/broadband-speeds/mobile-bb-april-15/>

<sup>5</sup> Ofcom, Connected Nation Report, December 2015

## 6. Social value

By definition it is hard to quantify the social benefits but the impact of mobile connectivity is wide and varied. Each year, mobile subscribers make **15 million** calls to the emergency services.

Other social impacts could include

- Social inclusion and helping to sustain rural populations (16% of people access the Internet ONLY on a mobile device)
- Preventative health with e-health applications
- Interaction with Government services (e.g. employment, benefits, housing applications)
- More efficient delivery of Government work (social care and other vital services)<sup>6</sup>
- Low carbon initiatives (Apps to direct customers to electric car charging points, using 'smart roads' to relieve congestion on the fly)

This is the context in which the UK's mobile network operators work, as the fourth generation (4G) of mobile networks get built. International standards bodies are already working on the generation to follow (expected from 2020 onwards).

The next generation will work at very high frequencies (in some bands), and will be suitable for high speed and low latency applications (to support, for example, the autonomous car). In order to deliver the capacity required in urban areas, it is expected that there will be vastly increased volume of micro-cells, transmitting from small antennas on buildings, lamp posts, and other street furniture.

If there is little prospect of planning law being reviewed in the 5G timescale, it will be as well to provide for future requirements during the current review, thus supporting Northern Ireland's ambitions to improve its economy and social fabric well into the future.

As a final, and very important point, so that planning policy, planning law and planning practice work properly in tandem it will be worthwhile to review related matters, such as the telecommunications section with planning policy framework, the Development Control Advice Note [DCAN14] and also the amount of resource devoted to processing planning applications for telecoms infrastructure in Northern Ireland, where a full planning application can take around 6 months. This is much slower than other parts of the UK.

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<sup>6</sup> [http://www.local.gov.uk/productivity/-/journal\\_content/56/10180/6357119/ARTICLE](http://www.local.gov.uk/productivity/-/journal_content/56/10180/6357119/ARTICLE)

## Consultation questions

With respect to the questions asked in the consultation, Mobile UK has the following comments:

### *Question 1: Do you agree with the above proposals in relation to masts and associated apparatus?*

The ability to extend masts of less than 50 metres by up to 5 metres, and masts of over 50 metres by up to 15%, is useful and welcome, as is the proposal to remove the restriction on the amount of equipment on existing masts

It is worth noting though, that the recent Scottish proposal would allow for 5m +10% of existing and so, Mobile UK would suggest there is scope to go further. Higher masts generally provide a greater signal footprint, potentially resulting in fewer masts.

The change of location requirement, though, [A.1 (d) (iii)] which sets 4 metres as the limit for relocation is too restrictive. While we recognise that a strict limit provides certainty, in practice a relocation requirement of 'reasonably practical' would be an improvement, in the context that the whole purpose of this review is to provide better coverage and capacity to the people of Northern Ireland.

With regard to clauses A.1 (i) and (j), we would seek clarification as to what sort of development these measures might be referring. We don't understand how an antenna could be more than 15 metres above ground if it was not attached to a building or some other structure.

Subject to further clarification on this point, we would suggest removal of (i) and (j) on the grounds that the circumstance is already provided for under (d).

Finally, we would suggest the removal of the restriction on replacement mast width having to be of 1m or 1/3 of existing (whichever is the greater). There has not been a restriction on replacement width for a number of years and, during a period of extensive rollout without any negative impact or issues, it does not seem to be proportionate or useful to introduce an unnecessary restriction now.

### *Question 2: Do you agree with the above proposals in relation to apparatus and antennas mounted on buildings?*

First, it is very welcome and beneficial to have the restriction of rooftop works removed in line with England, Scotland and Wales.

Mobile UK believes, though, that the measures A.1 (l) (cc) and (m) (ii) (relating to antenna facing roads) could be made potentially less restrictive by specifying a height and/or a distance – i.e. only antenna closer than 15m from a road, and/or lower than 15m from the ground.

### *Question 3: Do you agree with the above proposals in relation to emergency apparatus?*

Across the United Kingdom, we estimate that hundreds of temporary masts across all operators are used each year – where landlords want to re-develop and numerous other circumstances. Mobile UK does not have specific data on Northern Ireland, but the number is likely to be *pro rata* the landmass.

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We welcome the extension from 6 months to 12 months. This will reduce the inconvenience to customers who may be faced with loss of mobile coverage for long (in their eyes) periods. An extension to 18 months (comparable to the new period in England and the recommendations in Scotland) would be much more useful. The time and costs involved in temporary installations are considerable.

12 months is a tight timescale for operators to find, obtain planning consent (where required) and build an alternative permanent site. By extending the time it means in the majority of instances we should be able to activate a permanent alternative site before we have to decommission a temporary site, thus maintaining coverage.

The additional costs involved for moving a temporary site to another temporary site (in the event that a permanent replacement cannot be built in time) can be around £30,000-£60,000.

The inputs to a temporary site are:

- a) Cost of [hiring] temporary unit [costs are same whether remains in situ or moves]
- b) Radio equipment [costs are same whether remains in situ or moves]
- c) Generator hire [costs are same whether remains in situ or moves]
- d) Equipment delivery
- e) Radio Set up and integration
- f) Link cost set-up and integration
- g) Fencing/bunding etc
- h) Legal costs to agree new licence
- i) Project management

*Question 4: Do you agree with the above proposals in relation to sensitive areas?*

See comment on Q2

It is very welcomed and fundamental that proposals have been made in relation to sensitive areas, given such a high proportion of Northern Ireland lies within an area of natural beauty. Had there not been some useful PD rights in protected areas, then significant progress in mobile telecommunications rollout would be curtailed.

*Further comment [in relation to Condition A.2 (4)]*

Mobile UK does not believe that A.2(4) is required and should be removed. Mobile network operators should not, under the conditions for PDRs, have to notify the landowner of proposed works. Any notification process is already provided for under the commercial lease agreed between the two parties. Adding further notification for planning reasons is unnecessary, adding needless administration work, possibly across hundreds of sites.

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