

Chichester District Council

Planning Committee

Wednesday 5 May 2021

MHCLG and DCMS Consultation on Change to permitted development rights for electronic communications infrastructure: technical consultation

1. Contact

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2. Recommendation

2.1. The Planning Committee is asked to note the contents of the MHCLG and DCMS consultation on changes to the permitted development rights for electronic communications infrastructure: technical consultation and to comment on, and endorse, the proposed Council response set out in Appendix 1.

3. Background

3.1 The Ministry for Housing, Communities and Local Government (MHCLG) and the Department for Digital, Culture, Media and Sport (DCMS) has published a consultation document titled 'Changes to permitted development rights for electronic communications infrastructure: technical consultation'. MHCLG and DCMS are seeking views on revisions to the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO).

3.2 At present, some electronic communications apparatus can be installed as permitted development under Part 16 of Schedule 2 of the GPDO, although there are limits on the scale of development permitted and in some circumstances prior approval is required. Permitted development rights do not generally apply in Conservation Areas, Areas of Outstanding Natural Beauty and National Parks, other than for small scale proposals. The consultation seeks views on amendments to Part 16 of the GPDO to increase the existing permitted development rights to allow operators to speed up the delivery of telecommunications equipment.

3.2 The consultation period runs from 20 April until 14 June 2021. A copy of the MHCLG/DCMS consultation document can be viewed online (see weblink below under 'Background Documents').

4.0 Consultation responses

4.1 CDC Economic Development

Chichester District is characterised by an SME [*Small and medium-sized enterprise*] economy, with 90% of businesses classified as micro as they employ less than 10 people. A recent report from [The Entrepreneurs Network \(2020\)](#) argued that small firms need to make better use of digital technologies to tackle the sluggish productivity seen pre-pandemic, in order to bounce back faster post lockdown.

West Sussex Councils share four digital infrastructure priorities:

1. encouraging the acceleration of the densification of network within and between key urban areas;
2. enabling the extension of the network into less densely populated areas including rural areas that would be slow to access connectivity or those that would be otherwise “left behind”;
3. getting ready for future commercial investments in Wi-Fi, 5G and the Internet of Things across the county;
4. lowering barriers for telecoms players in the county to encourage co-operation and develop a vibrant and diverse market providing choice of supplier and price.

Key to the digital vision is to maximise the potential of the digital infrastructure as an enabler for a ‘digital economy’ and for ‘digital participation and skills’. This is more critical than ever as we look to do what we can to support economic recovery, business survival and adaptation, and labour and workforce changes arising from the COVID-19 pandemic.

The range of technologies available will have an impact on inward investment and growth of businesses in the area, therefore it is important for digital infrastructure be able to develop in line with other areas in the South East. This unsurprisingly means a change to current guidelines that are in place in terms of planning constraints.

5.0 Consultation question responses

- 5.1 The consultation document asks questions about changes to Part 16 of Schedule 2 of the GPDO. In addition changes to the safeguarding procedure and technical changes to update the definition of ‘small cell system’ are also proposed. The main changes to the permitted development rights would include the following:

Enabling deployment of radio equipment housing

- Single developments of small radio equipment housing would be permitted without the need for prior approval, with larger equipment housing subject to prior approval, in all areas except land on or within sites of special scientific interest;
- Restrictions on singular developments and cumulative permitted development of radio equipment housing would be disapplied where these are located in an enclosed compound, subject to restrictions that ensure new equipment does not have an adverse visual impact on the local area;

Strengthening existing ground-based masts

- For existing ground-based masts less than a metre in width, alteration or replacement of the mast with increases in width of up to two-thirds would be permitted without the need for prior approval. Greater increases in width would be permitted subject to prior approval;
- For existing ground-based masts more than a metre in width the government is consulting on two options: A) the alteration or replacement of the mast with increases in width of up to 150% or two metres (whichever is greater) without the need for prior approval in all areas; or B) the alteration or replacement of the mast with increases in width of up to 133% or one metre (whichever is greater) on Article 2(3) land without the need for prior approval, and 150% or two metres (whichever is greater) elsewhere. In either case, greater increases in width than those specified above would be permitted subject to prior approval;
- Alteration or replacement of existing ground-based masts which increases the height up to 25 metres would be permitted subject to prior approval on Article 2(3) land or land on a highway;
- Alteration or replacement of existing ground-based masts which increase the height up to 25 metres would be permitted without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest. Greater increases in height up to 30 metres would be subject to prior approval;

Building-based masts

- Installation, alteration or replacement of building-based masts up to 10 metres in height above the tallest part of the building within 20 metres of the highway, on buildings less than 15 metres in height, would be permitted subject to prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;
- In addition, the government is considering permitting the installation, alteration or replacement of building-based masts up to 6 metres in height above the tallest part of the building without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest;

New ground-based masts

- With the exception of land on or within sites of special scientific interest, installation of new ground-based masts up to 25 metres on Article 2(3) land or land on a highway, and 30 metres on other land, would be permitted – in both cases subject to prior approval;
- In addition, the government is considering permitting the installation of monopoles up to 15 metres in height without the need for prior approval outside of Article 2(3) land and land on or within sites of special scientific interest.

5.2 There is a clear identified need to improve digital infrastructure and it is considered that the amendments sufficiently balance this need with protecting important landscapes and heritage assets. Therefore it is considered that relaxation of the permitted development rights would not result in harm to amenity or the character of designated areas such that the proposed measures should be resisted.

5.3 The document expressly confirms that the proposed changes would not apply within Sites of Special Scientific Interest (SSSI's). The document is silent on other designated sites i.e. European designated sites such as Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) Ramsar etc. This is not a concern; in accordance with Art 3.1 of the GPDO any development permitted by schedule 2 (including part 16) would not be permitted development if it would not comply with the Habitat Regulations 2017, as amended, and no development would comply with the Habitat Regulations if were to have a likely significant effect on a designated site. Therefore this is an issue that would be considered on a case by case basis in the same way that any type of permitted development is at present.

6.0 Proposed Council response

6.1 Members are asked to;

- i. note the contents of the consultation proposals, and
- ii. comment on and endorse the proposed Council response set out in Appendix 1. Any further comments will be incorporated prior to the response being forwarded to MHCLG/DCMS.

7.0 Background documents

7.1 MHCLG National Planning Policy Framework and National Model Design Code: consultation proposals

[Changes to permitted development rights for electronic communications infrastructure: technical consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation)