



**Broadband Stakeholder Group response to the
consultation on proposed reforms to permitted
development rights to support the deployment of 5G and
extend mobile coverage**

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Broadband Stakeholder Group

Response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage.

The Broadband Stakeholder Group is the UK Government's leading advisory group on broadband. It provides a neutral forum for organisations across the converging broadband value-chain to discuss and resolve key policy, regulatory and commercial issues, with the ultimate aim of helping to create a strong and competitive UK knowledge economy.

The Broadband Stakeholder Group (BSG) welcomes the opportunity to respond to the consultation published by the Ministry of Housing, Communities and local Government and the DCMS.

Executive Summary

The BSG welcomes the proposals in this consultation. Reform of planning development is crucial if Government is to achieve its 5G ambitions. It will also be vital in enabling efficient rollout of mobile coverage in rural areas under the Shared Rural Network proposal.

5G is expected to bring considerable benefits in terms of ultrafast, low latency, reliable, mobile connectivity, able to support society's ever larger data requirements as well as wide ranging new applications. Government's ambition is for the UK to be a world leader in 5G, with the majority of the population to be covered by 5G networks by 2027 and to extend geographic mobile network coverage to 95% of the UK by 2022. The report prepared by Oxera for the BSG states that expected improvements associated with a shift to 5G include:

- higher peak and user experienced data rates (download and upload speeds) to support enhanced mobile broadband services;
- lower latency and increased reliability supporting real-time, critical wireless communications; and
- greater connection density (allowing support for millions of Internet of Things and other connected devices per cell).

Some 5G services have already become available to customers, however, much more investment and cooperation between Local Authorities and industry is crucial to enabling deployment of new infrastructure and helping to remove barriers to infrastructure roll-out.

The National Infrastructure Commission estimates that 5G will generate around £173bn of incremental GDP growth between 2020 and 2030. The House of Commons report published February 2019 states that mobile services are at the heart of how most people stay in touch and go online. Since 2016, UK Government policy for improving mobile coverage has focused on coverage obligations for operators and reforms to make it easier to build mobile infrastructure. Consumers and businesses are demanding higher coverage levels and better-quality connections, whether at home or on the move, which in turn requires a more far-reaching and more resilient stable communications network.

The deployment of the 5G network requires significant investment by the mobile operators, neutral host operators, and other players in all network domains, including spectrum, radio access network infrastructure, fibre backhaul and core networks. The ongoing success of the UK's digital and wider economy relies on its efficient rollout. A supportive planning policy is crucial to meeting this aim. According to Ofcom's 2018 Connected Nations Report, 91% of the UK's landmass has access to good 4G mobile coverage from at least one mobile operator, while

66% has coverage from all four mobile operators. Geographic 4G mobile network coverage from all operators is 97% in urban locations but only 62% in rural areas. Changes to planning rules are particularly important here given the current urban/rural divide. The mobile operators and neutral host operators still face challenges in the deployment of mobile infrastructure - both to improve 4G mobile coverage and to roll-out of new 5G networks. The Mobile UK campaign 'Building Mobile Britain' called for further reforms such as consistency of mobile planning across local authorities and the inclusion of mobile in the permitted development rights regime.

The BSG welcomes the Government's ongoing initiatives that are intended to make 5G rollout more economically efficient, including the Urban Connected Communities project which is part of 5G Testbed and Trials Programme. Tools such as the Digital Connectivity Portal is also a valuable resource for local authorities and commercial providers to facilitate deployment of broadband and mobile networks. The BSG similarly welcomes the new standard template agreement launched at the end of September by the London Mayor, which aims to help clarify terms between commercial landlords, public property owners and mobile providers and help address poor areas of mobile coverage. The new arrangement will help to reduce ambiguity and speed up the process to allow operators access to rooftops and other sites to install kit to address mobile not spots.

The proposed planning changes are encouraging but the BSG urges Government to be more ambitious. Operators need a regulatory and policy framework that allows for the timely deployment of 5G on the scale that the Government seeks. The UK cannot meet the ambitions on a commercial basis alone and changes to the planning rules are necessary. We look forward to continuing our work with the Barrier Busting Task Force to further address deployment barriers and improving access to public sites.

Comments on specific proposals in the consultation

The BSG would like to focus on the following key points:

- 1) The planning reforms must be timely and align with the mobile operators' investment cycles both for upgrading existing as well as installing new masts. The mobile operators have now all launched 5G so it is really important that these reforms are implemented quickly, ideally by Q2 2020.
- 2) Strengthening and increasing the height of existing infrastructure facilitates sharing, allowing mobile operators to extend coverage to fill coverage gaps, increase density, utilise new spectrum and prepare for 5G. By using infrastructure that is already in place they are minimising the visual impact of telecoms infrastructure.
- 3) The initial phase of 5G rollout is about upgrading and strengthening existing (4G) masts operated by the mobile operators and neutral host operators. These reforms will be vital in allowing the mobile and neutral host operators to carry out this work quickly and efficiently.
- 4) In addition, these reforms will help extend mobile coverage in hard to reach areas. Under the recently announced Shared Rural Network proposal, all mobile operators will share existing sites in partial not-spots and jointly provide coverage from new-build sites in total not-spots and planned Extended Area Service sites. It allows them to expand coverage to fill gaps and increase density to utilise new spectrum. This would extend individual MNOs' 4G coverage to 92% of the UK geography and collective 4G coverage to 95%, consistent with Government's stated ambition. The Shared Rural Network proposal will improve competition and quality of service for all customers, as all operators will benefit from increased coverage.

- 5) If Government's wider objectives on network rollout are to be met, action does need to be taken to address the long lead time between identification of a site and eventual roll-out. The minimum time is currently around 18 months. There are a variety of issues that can impact this, but the planning system is key. Timely introduction of these measures will reduce the scope the planning has to delay progress towards wider 4G and 5G coverage targets.
- 6) The Government is proposing to relax the rules on radio housing equipment installation where it is on unprotected land, with the intention of providing parity between fixed and mobile. The proposal to align the rules with fixed-line broadband infrastructure is fully supported by the BSG. This would enable a faster of equipment housing, which is needed to support deployment of 5G mobile equipment and improve coverage. It would also significantly reduce the overall time taken to deploy equipment housing. However, for parity to be delivered, the proposals must be amended to create clear alignment between all elements of fixed and mobile infrastructure - not just equipment housing. Masts built for use by mobile should be treated in the same way as poles built for conveying fixed line traffic.
- 7) Fixed line operators are able to deploy telegraph poles (and the associated wiring) under planning development with no prior approval. While fixed line network operators are not subject to any restriction on height, a practical and expedient equivalent for mobile and neutral host operators to be allowed to build up to 25 metres in unprotected areas and 20 metres in protected areas.
- 8) Amending the planning development rights to permit installation of just cabinets will have very little impact in itself – this must be aligned to the ability to deploy poles also (a base station consists of an equipment cab, a pole and antennas).

- 9) The BSG agrees with the proposal to lift the requirement for full planning permission when undertaking work to strengthen existing masts, including increasing their width by more than a third. This is in direct contrast with the rules applicable to the installation of new ground-based masts (under permitted development) where no width restrictions apply. Government is right to address the inconsistency and recognise the delays to deployment where planning permission is required. This will substantially decrease the time it will take to upgrade existing 4G sites to 5G and accelerate deployment as result. We do not believe there needs to be a restriction in place. However, if Government is minded to introduce one the BSG believes the most appropriate threshold for full planning consent is the one already in use in Scotland and Wales: either an additional 1.5m or 50% at the widest point. Allowing operators to widen masts will enable them to strengthen existing infrastructure to take 5G equipment. It will also enable mobile operators to share masts.
- 10) The BSG supports the proposal to amend permitted development rights to increase the height of existing masts to the relevant permitted height without prior approval. In cases where microwave links are used to connect masts and their base stations to the network (rather than via fibre-optic cables) taller masts would allow a clear line of sight and enable transmission of data back to an exchange (or to an intermediary mast) through the air interface. This overcomes issues in rural areas relating to terrain such as hills, trees, buildings or other obstructions, otherwise known as 'clutter', causing weaker signals. Furthermore, potentially fewer sites would be required.
- 11) UK masts are often 10m shorter than those of our European competitors. Going up to 35m can improve coverage by 150%. Ideally, we would like to see Government allow masts to be built to height of 35m under planning development rights to both reduce the number of sites needed to cover areas where there currently isn't any, and to allow operators to perform in the same way seen elsewhere in Europe.

- 12) We also support the proposed changes to planning development rights for new masts which will facilitate the extension of rural mobile coverage. We believe Government should go further and create a new planning development right without prior approval for new masts up to 25 metres on unprotected land and up to 20 metres on protected land.

- 13) The suggested reforms offer greater flexibility in relation to the amendments for masts build close to highways. A significant improvement in in-car coverage on all UK roads is much needed and this can be met by building masts closer to roads. The BSG would support the removal of the minimum building height restrictions for mast installations on unprotected land.

- 14) The mobile operators already have a statutory requirement in the Electronic Communications Code to decommission redundant infrastructure. There is also limited financial incentive for such infrastructure to remain in place. Often, rent is payable to a landowner and ongoing maintenance. If a site is out of use it is not generating revenue to cover such costs. However, the mobile operators are happy in principle to incorporate safeguards on this issue into a revised Code of Best Practice. This is also reflected in the Mobile UK response.

- 15) The mobile operators remain committed to the Code of Best Practice and its further development, to ensure where practicable, equipment is sympathetically and appropriately designed. The BSG is happy to review this to address the concerns Government has set out in the consultation.