

Telecommunications development (August 2020)

Mobile phones are part of everyday life for many people. As the demand for network coverage increases, so does the need for more masts. The National Planning Policy Framework advises that: 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning...decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.' The siting of masts can be a contentious matter and generate a great deal of public interest.

There are three categories for telecommunications development. These are permitted development, prior approval and full planning permission. The regulations for these types of development are set out in Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 (GPDO) and 2016 amendments.

Permitted development

Most minor forms of installation are permitted development and do not need planning permission. This includes development such as the installation of additional antenna on existing masts, equipment cabinets of less than 2.5 cubic metres and all broadband related development and cabinets.

The developer will notify BMDC in writing of their intention to install telecommunications apparatus. Development in this category is permitted by law and therefore does not require an application to, consultation with, or determination by, BMDC. It is the developer's responsibility, not BMDC's, to notify property owners of any works.

Prior approval

The installation, alteration or replacement of some types of telecoms apparatus is permitted by planning law, but is subject to a prior approval process for its **siting and appearance**. BMDC must notify occupiers of adjoining land of the receipt of such applications. The prior approval procedure means that the principle of development is not an issue. This procedure applies to the following:

- development in a conservation area, national park or site of special scientific interest (except for broadband related development)
- a mast
- an antenna which exceeds the height of the building or structure (on which it is installed) by 6 metres or more
- a public call box
- radio equipment housing bigger than 2.5 cubic metres
- development ancillary to radio equipment housing (for example, fences or access roads)

The prior approval procedure allows BMDC to approve or refuse details of the siting and appearance of the installation. The applicant has a right of appeal against refusal and/or could discuss alternative proposals with BMDC. The

'siting' and 'appearance' of the proposal are the only factors that can be considered under an application for prior approval. No other matters can be considered.

Factors concerning siting may involve:

- height of the site in relation to surrounding land
- topography of the site and vegetation
- openness and visibility of the site
- designated areas
- the site in relation to existing masts
- structures or buildings
- proximity to residential property

With regard to appearance this can include details such as:

- materials
- colour
- design
- dimensions
- overall shape
- solid or open framework

BMDC have a strict deadline of 56 days to determine these applications. If BMDC have not notified the applicant of the decision by day 56, the applicant is entitled to carry out the works as submitted.

There is no power to extend the 56-day period.

Full planning permission

Development that does not comply with the GPDO, such as masts generally over 20m in height, antenna and dishes of over a certain size or number, require full planning permission.

Health considerations

BMDC cannot take health considerations into account when determining mast proposals.

All proposals for telecommunications development should be submitted with an International Commission on Non-Ionising Radiation Protection (ICNIRP) Certificate. This certificate confirms that the mast meets the guidelines for public exposure. Beyond this, the health effects in relation to the development or concerns about them, cannot be considered further by the Local Planning Authority.

Public Health England advises the UK government departments and others on standards of protection for exposure to ionising and non-ionising radiation. They offer expert advice on the health implications relating to human exposure to electromagnetic fields, drawing upon the most up-to-date research world-wide.

The Department of Health have produced a leaflet on mobile phone base stations and health. This outlines some of the measures taken to address health concerns about mobile phone service.

The code of best practice on mobile network development in England, provides guidance to Mobile Network Operators, their agents and contractors, and local planning authorities in England. It is also a useful tool for other interested parties.

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