



Ministry of Housing,  
Communities &  
Local Government



Department for  
Digital, Culture,  
Media & Sport

# Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage

A summary of the responses to the consultation and the  
Government's response



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# Executive Summary

1. Widespread, reliable mobile connectivity is essential for people and businesses. People expect to be connected. That is why the government has committed to extend mobile geographical coverage across the UK and ensure continuous mobile connectivity for all major roads. As well as completing the roll out of 4G networks to meet existing demand, the government is also investing £200 million in a programme of 5G testbeds and trials to encourage investment in 5G so that communities and businesses can benefit from this new technology.
2. The case for 5G is compelling. It will bring faster, more responsive and reliable connections than ever before. More than any previous generation of mobile networks, it has the potential to improve the way people live, work and travel, and deliver significant benefits to the economy and industry by connecting more devices to the Internet at the same time. This will enable improved management of traffic flow and control of energy usage; it will also enable patient health to be monitored remotely and increase productivity for rural businesses, all through the real-time management of data.
3. The government is committed to ensuring that the UK receives the coverage and connectivity it needs. On 9 March 2020, we successfully concluded negotiations with the mobile network operators, and formally signed the Shared Rural Network agreement. The Shared Rural Network programme will now see government and industry jointly invest to increase 4G mobile coverage throughout the United Kingdom to 95% geographic coverage by the end of 2025.
4. As mobile network operators have now started rolling out 5G in the UK, it is timely to consider whether there are further reforms needed to ensure that the planning system continues to support the deployment of mobile infrastructure. That is why on 27 August 2019 the Ministry of Housing, Communities and Local Government, and the Department for Digital, Culture, Media & Sport published a joint consultation on in-principle proposed reforms to permitted development rights in England<sup>1</sup>. The consultation ran for 10 weeks, closing on 4 November 2019.
5. Having considered the responses to the consultation, we are satisfied that there is evidence to demonstrate that the proposed reforms would have a positive impact on the government's ambitions for the deployment of 5G and extending mobile coverage. In taking forward these proposals in England, we will ensure that the appropriate environmental protections and other safeguards are in place to mitigate the impact of new mobile infrastructure. These would also address the concerns which have been raised in response to the in-principle consultation, relating to potential impacts on local amenity, protected land including designated landscapes such as National Parks, and aerodrome safeguarding.

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<sup>1</sup> Proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage available at: <https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>

6. Therefore, subject to a technical consultation on the detail of the proposals, including the appropriate environmental protections and other safeguards mentioned above, the government intends to take forward the in-principle proposals consulted on to enable in England:
  - deployment of taller and wider masts;
  - building-based masts located nearer to highways; and
  - faster deployment of radio equipment housing, such as equipment cabinets.
7. These changes will benefit communities and businesses and provide greater certainty to incentivise investment in mobile infrastructure.
8. We recognise that the mobile industry has a vital role to play in delivering these improvements and in bringing forward the infrastructure required, and we expect them to commit to further measures and assurances to ensure that the impact of new development is minimised.
9. Making these changes requires amendments to Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the General Permitted Development Order') through secondary legislation. We will undertake a technical consultation on the detail of the proposals, including appropriate environmental protections and other safeguards, prior to amending the existing legislation.
10. In developing the technical consultation, we will work with mobile industry representatives, other government Departments and relevant regulators – including Defra, DfT, MoD and Ofcom, representatives of local planning authorities and those representing protected areas, to ensure that the appropriate environmental protections and other safeguards are in place to mitigate the impact of new mobile infrastructure. This includes strengthening the Code of Best Practice on Mobile Network Development in England (the Code of Best Practice), which provides guidance to mobile network operators and local planning authorities.
11. This government response sets out a summary of the views expressed and our consideration of the responses.

# Overview

## *Consultation*

12. On 27 August 2019 the Ministry of Housing, Communities and Local Government, and the Department for Digital, Culture, Media & Sport published a joint consultation on proposed in-principle reforms to permitted development rights to support the deployment of 5G and extend mobile coverage.
13. The government is committed to making planning decisions faster and fairer for all those affected by new development and to ensure that local communities are fully involved in planning decisions that affect them. These are long standing principles. We have been clear in this consultation that any changes to the planning regime must bring tangible benefits for communities from increased and enhanced coverage, whilst ensuring that appropriate environmental protections are in place. We recognise that the mobile industry has a vital role to play in delivering these improvements and in bringing forward the infrastructure required, and we expect them to commit to further measures and assurances to ensure that the impact of new development is minimised.
14. In the consultation document, we made it clear that in deciding whether to take forward the proposals, the government will take into account the need to balance the following principles of:
  - a. ensuring that the proposals help to deliver the government's commitment to extending mobile geographical coverage further across the UK with continuous mobile connectivity provided to all major roads, and to being a world leader in 5G;
  - b. ensuring that communities benefit from increased and enhanced coverage;
  - c. increasing investor confidence in 5G and mobile infrastructure, providing greater certainty that incentivises investment in mobile infrastructure;
  - d. encouraging maximum utilisation of existing sites and buildings, before new sites are developed, including enabling greater sharing of infrastructure; and
  - e. ensuring appropriate environmental protections are in place.

## Summary of Responses

15. There was a total of 1,896 responses to the consultation<sup>2</sup>. Not all respondents answered every question. We received responses from a wide range of interested parties across the public and private sectors, as well as from the general public. All responses have been analysed. We are grateful to everyone who took the time to respond.

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<sup>2</sup> 1240 responses were submitted online or through written correspondence, 108 general responses were received which did not directly respond to the survey questions, and we also received 548 responses as part of a campaign.

16. The table below provides a breakdown of responses to the consultation survey by type of respondent.

<b>Type of organisation</b>	<b>Number of responses</b>
Interest group, industry representative bodies, including mobile industry representatives, voluntary or charitable organisations	48
Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)	97
Private sector organisation (including housebuilders, developers, housing associations, businesses, mobile industry, consultants)	31
Neighbourhood Planning Body / Parish or Town Council	51
Other Public Sector Body	11
Other	14
Personal response	1096
Campaign responses <sup>3</sup>	548
<b>Total number of responses</b>	<b>1896</b>

17. In addition, we received one petition with 27 individual signatories seeking to halt the rollout of 5G in Steyning and surrounding areas in Sussex, due to concerns about the potential impact of 5G technology on human health.

*Concerns raised on grounds relating to potential impacts on public health*

18. The scope of the consultation was on the principle of proposed planning reforms to support the deployment of 5G and extend mobile coverage. However, concerns were raised that did not relate to the specific proposed planning changes that views were sought on. These concerns, expressed by the majority<sup>4</sup> of personal respondents, were in relation to in-principle opposition to the deployment of 5G infrastructure. In particular, on grounds relating to public health concerns, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.

19. Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications.

<sup>3</sup> Campaign responses relate to specific issues. We received 548 responses raising concerns about the impact of the proposals on National Parks.

<sup>4</sup> 74% (mean average ranging from 44% to 85%) of personal respondents opposed the proposed planning reforms due to in-principle opposition to the deployment of 5G on grounds relating to public health concerns.

20. PHE is familiar with the evidence submitted to the consultation about possible risks to public health and considers that its advice, as set out below, remains unchanged.

21. PHE updated its guidance, published in October 2019, in respect of 5G in '5G technologies: radio waves and health'<sup>5</sup>. PHE summarised its guidance as:

*"It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."*

22. Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies, where the main change would be less penetration of radio waves through materials.

23. Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection<sup>6</sup> (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines.

24. ICNIRP is an independent organisation which is formally recognised by the World Health Organization. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally<sup>7</sup> with well over 3,000 studies informing these reviews and the existing scientific exposure guidelines<sup>8</sup>.

25. Ofcom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website.<sup>9</sup> Mobile operators are responsible for ensuring that all sites remain compliant. PHE have also published guidance in respect of 'Mobile phone base stations: radio waves and health'.<sup>10</sup>

26. Ofcom is also proposing new licence conditions for spectrum licensees using equipment that can transmit at power levels above 10 Watts<sup>11</sup>. Under these proposals licensees would be required to operate within the ICNIRP guidelines as a condition of their Ofcom licence – including keeping data and records of any testing to demonstrate their compliance.

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<sup>5</sup> [5G technologies: radio waves and health](#)

<sup>6</sup> [ICNIRP Guidelines](#)

<sup>7</sup> <https://www.gsma.com/publicpolicy/consumer-affairs/emf-and-health/expert-reports>

<sup>8</sup> <https://www.emf-portal.org/en>

<sup>9</sup> Ofcom published the latest results from their spectrum measurement programme on 17 April 2020 - <https://www.ofcom.org.uk/spectrum/information>

<sup>10</sup> [Mobile phone base stations: radio waves and health](#)

<sup>11</sup> <https://www.ofcom.org.uk/consultations-and-statements>



27. PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

#### *Concerns raised on grounds relating to potential impacts on wildlife populations*

28. Respondents also raised concerns about the effects of artificial EMF radiation on the environment, particularly on wildlife populations.

29. EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that human-made EMF radiation at realistic field levels has population level impacts on either animals or plants.

30. Radiation is the subject of ongoing study. For example, in 2018 experts from across Europe published an overview of current knowledge on the impacts of artificial electromagnetic radiation on wildlife, funded by the EU EKLIPSE project (Knowledge & Learning Mechanism on Biodiversity & Ecosystem Services)<sup>12</sup>. Acknowledging that there have been limited detailed studies, the group concluded that, for invertebrates, “few ecological studies exist, but when they do, the reported EMR effects are negligible, contrasting, or cannot be separated from other environmental factors (e.g. land-use).” For vertebrates, such as birds, it concluded that EMR’s influence on ‘species abundance and distribution, and thus biodiversity, is completely unclear to date’. A more recent paper by Vanbergen et al. (2019)<sup>13</sup> concluded that the extent to which anthropogenic EMR emissions are a risk to pollinators and pollination “is currently unclear”.

31. Defra has also supported national and global assessments of the status of pollinators and the factors driving changes in their populations. These assessments do not identify 5G or electromagnetic radiation as a significant threat<sup>14</sup>.

32. Defra is committed to working with other government Departments and bodies, as relevant, to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

#### *Overview of Government response*

33. The responses to Questions 1 to 5 of the consultation are set out in the next section. Having considered these, we are satisfied that there is evidence to demonstrate that the proposed reforms would have a positive impact on the government’s ambitions for the deployment of 5G and extending mobile coverage. In taking forward these proposals, we will ensure that the appropriate environmental protections and other safeguards are in place to mitigate the impact of new mobile infrastructure. These would also address the concerns which have been raised in response to the in-principle consultation, relating to potential

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<sup>12</sup> [http://www.eclipse-mechanism.eu/emr\\_activities](http://www.eclipse-mechanism.eu/emr_activities)

<sup>13</sup> <https://www.sciencedirect.com/science/article/pii/S0048969719337805>

<sup>14</sup> <http://sciencesearch.defra.gov.uk/>; <https://ipbes.net/sites/default/files/downloads/pdf/>

impacts on local amenity, protected land including designated landscapes such as National Parks, and aerodrome safeguarding.

34. Therefore, subject to a technical consultation on the detail of the proposals, including the appropriate environmental protections and other safeguards mentioned above, the government intends to take forward the in-principle proposals consulted on to:

- Enable the deployment of radio equipment housing on land without requiring prior approval, up to specified limits and excluding sites of special scientific interest, to support 5G deployment;
- Strengthen existing masts up to specified limits to enable sites to be upgraded for 5G and for mast sharing without prior approval;
- Enable the deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage, subject to prior approval and specified limits; and
- Enable higher new masts to deliver better mobile coverage and mast sharing, subject to prior approval and specified limits.

35. In developing the technical consultation, we will work with mobile industry representatives, other government Departments and relevant regulators – including Defra, DfT, MoD and Ofcom, representatives of local planning authorities and those representing protected areas, to ensure that the appropriate environmental protections and other safeguards are in place to mitigate the impact of new mobile infrastructure. This includes strengthening the Code of Best Practice on Mobile Network Development in England<sup>15</sup> (the Code of Best Practice), which provides guidance to mobile network operators and local planning authorities. The current Code of Best Practice is published jointly by the mobile network operators and was developed through a working group, which included DCMS, Defra, the Local Government Association and National Parks England.

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<sup>15</sup> The Code of Best Practice on Mobile Network Development in England is available at: <https://www.mobileuk.org/codes-of-practice>

# The Role of the Mobile Communications Industry

36. The in-principle planning reforms set out in the consultation document aimed to support the deployment of infrastructure needed for 5G and extend mobile coverage, including in rural areas, to benefit communities and businesses. It is critical that any new reforms lead to tangible benefits for communities. To realise the benefits of 5G and improved coverage, the industry has a vital role to play in how these are delivered through upgrading and improving mobile networks.

37. To complement the proposed planning reforms, Questions 1.1-1.5 sought views on what further measures the industry could offer to mitigate the impact of electronic communications infrastructure. Industry was also asked for evidence of the impact these changes would have on meeting the government's ambitions.

## Question 1.1

***If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on meeting the government's ambitions in relation to mobile coverage including addressing 'total not-spots' and 'partial not-spots'?***

### Question 1.1 response

38. There were 771 responses to this question<sup>16</sup>. The main points raised were:

- Of the 45 responses from local planning authorities, 45% stated that the proposals could improve mobile coverage and address 'total not-spots' and 'partial not-spots'. Some (11%) suggested that the proposed changes would have limited or no impact on coverage and questioned whether there was a need for further planning reforms. They also suggested that operators should be incentivised to upgrade existing sites and equipment before considering new sites, and there should be a balance between greater mobile coverage and ensuring visual amenity is safeguarded. 40% of local planning authorities suggested that councils should retain control to ensure local consideration of the planning impacts of new development, and in particular have the ability to impose conditions, especially in protected and sensitive areas.
- Of the 30 responses from neighbourhood planning bodies, 24% highlighted the importance of retaining prior approval, in particular for protected areas, including National Parks, Areas of Outstanding Natural Beauty and Conservation Areas – expressing concerns over the potential visual impact of new infrastructure.
- Of the 14 responses from private sector organisations, 54% indicated that the proposals would improve mobile coverage and help reduce 'not-spots'. In

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<sup>16</sup> There were 130 organisational responses and 641 personal responses.

particular, respondents from the mobile industry supported the proposals, commenting that they would allow for greater site sharing, promote the strengthening of existing sites and reduce operational costs for 5G deployment. They also indicated that the proposals would ensure greater mobile coverage and an overall reduction in 'not-spots' through helping facilitate the timely deployment of the SRN programme.

- 85% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 1.2

***If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on planned deployment of 5G technology?***

### Question 1.2 response

39. There were 705 responses to this question<sup>17</sup>. The main points raised were:

- Of the 49 responses from local planning authorities, 49% suggested that the proposals could facilitate the faster and more efficient deployment of 5G equipment. However, some also noted that there should be a balance between deployment and protecting amenity. Some local planning authorities raised wider concerns regarding local decision-making and planning considerations, and suggested that appropriate restrictions should remain in place, especially for protected areas and other sensitive land designations. Some respondents suggested that local planning authorities should retain the ability to assess the impact of development, including the siting and appearance of infrastructure, through the prior approval process, noting that there needs to be a balance between new infrastructure and protecting the built and natural environment.
- Of the 15 private sector organisation responses, 53% indicated that the proposals would support the faster deployment of 5G equipment. Some private sector organisations noted that local planning authorities should retain control through the prior approval process, and that the application of proposals near aerodromes needs to be considered. Respondents from industry supported the proposals, emphasising that they would enable timely deployment of 5G infrastructure by streamlining the planning process, providing greater certainty for operators, and encourage upgrading of existing sites. Some suggested that the proposals would reduce complexity in the planning system, reduce operational costs, and provide greater flexibility for operators deploying equipment.
- 85% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds, with 9% indicating that the proposals would support the faster and more efficient deployment of 5G equipment.

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<sup>17</sup> There were 123 organisational responses and 582 personal responses.

## Question 1.3

***If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to reduce visual impacts of new electronic communications infrastructure and how would these be delivered?***

### Question 1.3 response

40. There were 719 responses to this question<sup>18</sup>. The main suggestions made were:

- Of the 52 responses from local planning authorities, 58% suggested that the visual impact of new electronic communications infrastructure could be reduced through greater consideration of location, including siting and appearance, and through specific measures to improve design. 40% of local planning authorities raised concerns about consideration of local amenity. In particular, some noted that the potential removal of the prior approval process would impair local authorities' ability to control visual impact and establish appropriate mitigation measures, particularly in Conservation Areas and other sensitive designations.
- Responses from neighbourhood planning bodies/parish and town councils, and interest groups stated that any reduction in planning control should be balanced with additional obligations to minimise visual impact, including strengthening commitments in the Code of Best Practice and being able to enforce its provisions. It was suggested that visual impacts could be reduced through greater use of existing sites and sharing of infrastructure between operators. These groups also asserted that greater innovation and attention to design is required.
- Private sector organisations suggested that the Code of Best Practice could be strengthened and there should be greater use of design features on a site-specific basis. Aerodrome operators were concerned about the potential impact new developments could have on navigation equipment within proximity to aerodromes, if not appropriately considered through the planning process. Respondents from industry suggested that it is unnecessary to introduce further statutory provisions for reducing visual impact, as the current conditions to minimise visual impact in the General Permitted Development Order, work effectively. However, they did indicate that additional measures could be employed for minimising the visual impact as far as is practicable, including enhancing the Code of Best Practice.
- 84% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds. Personal respondents commented on the proposal's potential impact on local decision-making and planning considerations. It was also suggested that the General Permitted Development Order should include a condition that all development is installed in line with the Code of Best Practice to enable enforcement.

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<sup>18</sup> There were 134 organisational responses and 585 personal responses.

## Question 1.4

***If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that equipment at redundant sites is removed and the land is restored, and how would these be delivered?***

### Question 1.4 response

41. There were 634 responses to this question<sup>19</sup>. The main suggestions made were:

- Local planning authorities commented that obligations or requirements could be imposed on operators to remove redundant equipment and restore the land, within a specific period of time. They also suggested that the condition for removal of redundant equipment and restoration could be strengthened, and restoration plans could be utilised in the consenting process. It was also suggested that when operators are seeking approval for equipment at new sites, they provide an audit to local authorities identifying why existing nearby equipment cannot be upgraded.
- Neighbourhood planning bodies/parish and town councils, and interest groups, indicated that an obligation to remove redundant equipment should be placed on operators. Some specifically indicated that planning conditions could be used to ensure redundant equipment is removed and sites are restored, including the use of restoration plans through the prior approval process.
- Respondents from the mobile industry noted that there are already effective statutory provisions in place that require operators to remove redundant equipment. However, they suggested that the Code of Best Practice could be amended to give appropriate assurances, including a clause requiring the removal of redundant equipment.
- 64% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 1.5

***If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that the use of existing sites and infrastructure were maximised before new sites are identified, for example through increased sharing?***

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<sup>19</sup> There were 117 organisational responses and 517 personal responses.

## Question 1.5 response

42. There were 654 responses to this question<sup>20</sup>. The main suggestions made were:

- Local planning authorities noted that the most appropriate method for ensuring that existing sites and infrastructure are used before developing new sites is through the prior approval process. They also called for greater transparency from operators about existing and future deployment of sites. They suggested that operators should be able to justify or provide evidence demonstrating existing sites were not suitable for use, before developing new sites. Suggestions also included imposing conditions into the General Permitted Development Order to ensure sites are shared where possible and new sites are justified, which could include a sequential test approach.
- Respondents from parish and town councils also indicated that operators should be required to share sites. It was also suggested that when operators are seeking approval for equipment at new sites, they provide an audit to local authorities identifying why existing nearby equipment cannot be upgraded.
- Responses from the mobile industry commented that they are predisposed towards sharing infrastructure where appropriate, especially through joint ventures between operators. They argued that the permitted development regime needs to be reformed to further enable this. They suggested that the Code of Best Practice could be strengthened to encourage greater use of existing sites and infrastructure sharing. They also noted that planning policy already requires operators to assess existing sites for sharing, before exploring new options.
- 75% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Government Response to Question 1

43. Questions 1.1-1.5 sought evidence from the industry on how the proposed reforms would benefit communities and support the government's ambitions for 5G deployment and mobile coverage. They also sought views on the role of industry in ensuring that the impact of electronic communications infrastructure is minimised, and what further measures they could provide to mitigate impacts. Further assurances were also requested about the greater use of existing sites and buildings, sharing infrastructure, removing redundant infrastructure and restoring the land.

44. It is clear from the responses to Question 1.1 and 1.2, that the proposed planning reforms would help to support improved mobile coverage, particularly in rural areas, and address 'total not-spots' and 'partial not-spots'. Respondents indicated that the reforms proposed would facilitate faster and more efficient deployment of 5G technology through streamlining the planning process and provide greater certainty to operators and investors.

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<sup>20</sup> There were 124 organisational responses and 530 personal responses.

45. It was also clear from many of the responses to questions 1.3, 1.4 and 1.5 that any reduction in planning control, should be balanced by additional obligations on operators to minimise impacts. Many stated that there should be a greater focus on the siting and location of infrastructure with specific measures to improve design to reduce visual impacts and ensure the removal of redundant equipment and restoration of land, including stronger requirements in the General Permitted Development Order and the Code of Best Practice.
46. As a result, there was support for additional measures and commitments to be made by the industry to promote the greater use of existing sites and sharing of infrastructure. Respondents from the mobile industry noted that they already share sites where appropriate, including through their respective joint ventures. They also observed that national planning policy already encourages operators to use existing infrastructure, but they have indicated their support for changes to strengthen the Code of Best Practice to reinforce this.
47. We welcome the industry's commitment to use existing sites, sharing infrastructure and removing redundant equipment. This should mean that fewer sites are deployed, reducing overall visual impact and we expect operators to commit to this approach. The government is of the view that the Code of Best Practice and its implementation should be strengthened to achieve this.



# Potential changes to the General Permitted Development Order

48. Questions 2-5 of the consultation sought views on the principle of amending permitted development rights in England to grant planning permission for mobile infrastructure to support deployment of 5G and extend mobile coverage, particularly in rural areas, and the circumstances in which it would be appropriate.

## Question 2.1

***Do you agree with the principle of amending permitted development rights for radio equipment housing (equipment housing) to remove the requirement for prior approval for development within Article 2(3) protected land and on unprotected land which exceeds 2.5 cubic metres, to support deployment of 5G?***

***Yes / No / Not Sure***

***Please provide supporting comments***

## Question 2.1 response

49. There were 1181 responses to this question<sup>21</sup>. The main points raised were:

- Local planning authorities generally accepted the importance of digital infrastructure. However, 70% (of 82) highlighted the importance of the prior approval process, recommending that it should be retained. Concerns were raised about the effects of the proposals on protected Article 2(3) land<sup>22</sup>, which they said could result in significant adverse individual and cumulative landscape and visual impacts.
- Respondents from the mobile industry supported the proposal to install cabinets on Article 2(3) land up to 2.5 cubic meters without prior approval, but it was noted that the proposal would have a minimal impact without reforms to permitted development rights for new and existing ground-based masts. To achieve a further positive impact, in terms of lower cost, speed and ease of deployment, industry have suggested further amending permitted development rights to allow operators to install new masts up to 25m in unprotected areas and 20m in protected areas, without prior approval. Industry are also seeking further amendments to permitted development rights to allow larger equipment housing without prior approval, and to permit equipment housing in existing compounds (ground-based or rooftop) without prior approval, up to the current specified limits for unprotected land of 90 cubic meters (ground-based) and 30 cubic meters (roof-top).

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<sup>21</sup> There were 220 organisational responses (33 answered 'yes', 170 'no', and 10 'not sure'. 7 provided comments only) and 961 personal responses (31 answered 'yes', 903 'no', and 21 'not sure'. 6 provided comments only).

<sup>22</sup> Article 2(3) land is defined in the General Permitted Development Order and includes: Conservation Areas, Areas of Outstanding Natural Beauty, National Parks and World Heritage Sites.

- 67% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 2.2

***What impact could this proposal have on the surrounding area and how could this be addressed?***

***Please provide supporting comments***

### **Question 2.2 response**

50. There were 959 responses to this question<sup>23</sup>. The main points raised were:

- Respondents commented that councils should retain control through the prior approval process to assess new proposals. Respondents also highlighted visual impacts as a cause for concern, particularly for Article 2(3) protected land, including National Parks and Conservation Areas, noting that removal of prior approval could result in significant detrimental individual and cumulative impacts for landscapes.
- Local planning authorities suggested that the most appropriate way of preventing adverse impacts on the surrounding area would be to retain the requirement for prior approval. It was also suggested that the Code of Best Practice should be strengthened by including examples of digital equipment designs.
- Respondents from industry suggested that it is unnecessary to introduce further statutory provisions for reducing visual impact, as the current conditions in the General Permitted Development Order work effectively to minimise impacts. However, they did indicate that additional measures could be employed, including enhancing the Code of Best Practice.
- 80% of personal respondents stated their opposition to the proposal due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 3.1

***Do you agree with the principle of amending permitted development rights to allow an increase in the width of existing ground-based masts by more than one third, to support 5G deployment and encourage greater utilisation of existing sites?***

***Yes / No / Not Sure***

***Please provide supporting comments***

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<sup>23</sup> There were 188 organisational responses and 771 personal responses.

## Question 3.1 response

51. There were 1110 responses to this question<sup>24</sup>. The main points raised were:

- Some local planning authorities were supportive of the proposals (43% of 82) as amending permitted development rights would incentivise the use of existing sites, which they felt was preferable to the proliferation of new sites. This in turn would reduce the impact on local visual amenity and reduce the amount of 'street clutter'. Some local authorities also noted the positive effect that the proposals would have for connectivity in rural areas. However, 45% of local planning authorities were not in favour of the proposals on the basis that current regulations ensure an appropriate balance. Specific concerns were raised about the potential for significant cumulative visual impacts on Article 2(3) land, including National Parks.
- Respondents from parish and town councils, and interest groups, stated that the current permitted development rights should be retained, as they allow for an appropriate level of control over development.
- Respondents from industry saw the removal of the one third limit as essential for both 5G and the SRN deployment, as it would remove a barrier to maximising the use of existing sites and enable a larger number of masts to be strengthened in order to incorporate 5G equipment and minimise the need for further development. Industry respondents also noted that it would incentivise upgrading existing sites compared to new sites, as currently there are no width limits on new masts, which are consented through the prior approval process. Private sector organisations were also generally supportive of the proposals and noted that they would encourage the use of existing sites and promote the sharing of infrastructure.
- Responses received from representatives of airports shared concerns that developments near aerodromes could possibly interfere with navigational aids and affect safe operation. They also highlighted the importance of consulting aerodrome operators for all developments near aerodromes, even beyond the current requirement of 3km.
- 79% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 3.2

***If yes to question 3.1, what increase in width should be granted through permitted development rights, without prior approval, to ensure that the visual impact on the surrounding area is minimised?***

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<sup>24</sup> There were 204 organisational responses (68 answered 'yes', 115 'no', and 17 'not sure'. 4 provided comments only) and 906 personal responses (46 answered 'yes', 828 'no', and 26 'not sure'. 6 provided comments only).

***Please provide supporting comments***

**Question 3.2 response**

52. There were 330 responses to this question<sup>25</sup>. The main suggestions made were:

- Whilst some local planning authorities suggested width increases that may be appropriate without prior approval on existing sites, there was no consensus on this, with suggestions ranging from 40% to no limit. Some noted that any potential width increases should be informed by the mobile operators. However, some expressed the view that an increase in width without prior approval, would not be appropriate on Article 2(3) land. It was also suggested that retaining the one third limit would encourage industry to innovate and reduce the size of equipment.
- Respondents from parish and town councils, and interest groups, stated that any increase in width must be done on a case by case basis, considering local factors. Concerns were also raised in relation to impacts on sensitive sites such as those in Article 2(3) land and Conservation Areas. Where increases were suggested, these ranged from 50% to 100%.
- Mobile industry respondents did not see a need to set an upper limit for width increases without prior approval, as masts would only be increased to the width necessary to carry the additional equipment. However, some industry respondents suggested that a maximum increase of 50% would be adequate.
- 44% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

**Question 3.3**

***To further incentivise operators to maximise the use of existing sites, should permitted development rights be amended to increase the height of existing masts to the relevant permitted height without prior approval? If yes, what restrictions are appropriate to protect safety and security, and visual impact considerations?***

***Yes / No / Not Sure***

***Please provide supporting comments***

**Question 3.3 response**

53. There were 1046 responses to this question<sup>26</sup>. The main points raised were:

- 32% of 81 local planning authorities commented that the proposal would further incentivise sharing of sites by operators and control the proliferation of new sites.

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<sup>25</sup> There were 99 organisational responses and 231 personal responses.

<sup>26</sup> There were 197 organisational responses (45 answered 'yes', 132 'no', and 13 'not sure'. 7 provided comments only) and 849 personal responses (39 answered 'yes', 770 'no', and 29 'not sure'. 11 provided comments only).

Some stated that the impacts should be controlled by strengthening the Code of Best Practice to ensure appropriate development, especially for more sensitive areas. 58% of local planning authorities raised concerns about siting and appearance, with most respondents referring to potential impacts on visual amenity. Whilst most supported the sharing of sites, they believed that the current permitted height limits and the requirement for prior approval are appropriate, as they enable greater involvement of local communities and decisions to be made on a site by site basis, especially for Article 2(3) land.

- Respondents from parish and town councils, and interest groups commented that they would be supportive of a permitted height increase, so long as local planning authorities remain involved in the planning process, particularly on Article 2(3) land. However, others noted that the current planning regime and height limits are appropriate.
- 32% of respondents from private sector organisations noted that the proposal could encourage greater sharing of infrastructure at existing sites. Mobile industry respondents also supported the proposal to increase mast height to the relevant permitted heights without prior approval to further incentivise operators to maximise the use of existing sites and provide certainty, noting that visual impact concerns could be addressed by strengthening the Code of Best Practice. They also commented that a proposal to require prior approval for increasing the height of masts within 3km of an aerodrome would have a significant impact on the ability to rollout deployment and were of the view that it would not be needed, as existing regulations require aerodrome operators to be notified when installing, altering or replacing a mast that results in a material height increase.
- Responses received from representatives of airports shared concerns that developments near aerodromes could possibly interfere with navigational aids and affect safe operation if not consulted. They also highlighted the importance of consulting aerodrome operators for all developments near aerodromes, even beyond the current requirement of 3km.
- 74% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds. Personal respondents also raised concerns about the potential adverse visual impact of increased heights.

### Question 3.4

***Are there any other amendments to permitted development rights that would further incentivise operators to maximise the use of existing sites? If yes, what are these and what restrictions would be appropriate to ensure that the visual impact on the surrounding area is minimised?***

***Yes / No / Not Sure***

***Please provide supporting comments***

## Question 3.4 response

54. There were 927 responses to this question<sup>27</sup>. The main points raised were:

- Some local planning authorities suggested that operators should be required to share existing sites and that new sites should only be used where further upgrades to existing sites were not possible. It was suggested that this could be demonstrated through a sequential test. Some commented that visual impact could be reduced by placing a greater emphasis on designing equipment that is more integrated with the street scene/landscape. Other authorities stated that the current regulations strike an appropriate balance between the benefit of upgrading an existing site and considering local amenity impacts, but there may be instances where use of a new site could result in a better outcome, such as reduced visual impact. There was also support for strengthening the Code of Best Practice and making it enforceable.
- Respondents from neighbourhood planning bodies, and parish/town councils reiterated their opposition to the proposals because they would not allow local planning authorities to effectively assess planning considerations or ensure a proportionate amount of community involvement. Some noted that the existing permitted development rights provide enough flexibility for operators.
- Private sector organisations reiterated their support for allowing an increase in permitted height without prior approval. Mobile industry respondents suggested further amendments to permitted development rights to allow operators to install and upgrade equipment within an existing compound (on both protected and unprotected land), without prior approval.
- 84% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds. Personal respondents noted that they believe that the current permitted development rights are sufficiently flexible to support development, while allowing local consideration through the prior approval process.

## Question 4.1

***Do you agree in principle with creating a permitted development right to grant permission for masts to be located within 20 metres of a highway on buildings less than 15 metres in height, in all areas?***

***Yes / No / Not Sure***

***Please provide supporting comments***

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<sup>27</sup> There were 172 organisational responses (55 answered 'yes', 57 'no', and 50 'not sure'. 10 provided comments only) and 755 personal responses (58 answered 'yes', 507 'no', and 147 'not sure'. 43 provided comments only).

## Question 4.1 response

55. There were 1082 responses to this question<sup>28</sup>. The main points raised were:

- Over half of local planning authorities (55% of 70 respondents) indicated the need for any new permitted development right to be subject to the prior approval process, and for greater restrictions on Article 2(3) land to mitigate the potential proliferation of new infrastructure and harmful visual impacts. Some local authorities also suggested that any new right should be subject to restrictions, including a minimum building height and maximum mast height limits, with conditions including removing redundant infrastructure as soon as possible.
- Respondents from neighbourhood planning bodies, and parish/town councils, and interest groups, were concerned that a new permitted development right could lead to greater proliferation of infrastructure near to highways, and potential visual impacts.
- Private sector organisations commented that the proposed changes could facilitate wider deployment and greater coverage along highways. Some noted that greater protections should be put in place for Article 2(3) land and aerodrome safeguarding zones. Respondents from the mobile industry strongly supported the proposal, asserting that it would be proportionate and help to deploy 5G infrastructure and extend coverage near roads, where there is a lot of demand for improved connectivity. The mobile industry suggested that planning reforms should go further by amending permitted development rights so that only ground-based masts require prior approval and that all building-based masts are permitted without prior approval, up to specified height limits.
- 84% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 4.2

***If yes to question 4.1, what restrictions (if any) could be put in place to control the deployment of infrastructure within 20 metres of a highway on a building less than 15 metres in height, taking into consideration potential impacts on safety to accommodate vehicle lines of sight, and visual impact on local amenity?***

***Please provide supporting comments***

## Question 4.2 response

56. There were 313 responses to this question<sup>29</sup>. The main points raised were:

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<sup>28</sup> There were 196 organisational responses (54 answered 'yes', 111 'no', and 25 'not sure'. 6 provided comments only) and 886 personal responses (29 answered 'yes', 826 'no', and 27 'not sure'. 4 provided comments only).

<sup>29</sup> There were 83 organisational responses and 230 personal responses.

- Local planning authorities suggested that the most appropriate mechanism for controlling the deployment of infrastructure near highways is through restrictions on heights of building-based masts, and by allowing consideration on a case by case basis through the prior approval process.
- Responses from neighbourhood planning bodies, parish/town councils, and interest groups suggested that it would be appropriate to include restrictions to minimise visual impacts, particularly in protected areas and Conservation Areas, which included suggested restrictions on the overall height of building-based masts and strengthening the Code of Best Practice. Some also noted that aerodrome safeguarding zones should be part of this consideration.
- Respondents from industry commented that building-based apparatus within 20m of a highway will not impact on sightlines, as these are usually limited to around 2m above ground level. Industry respondents also noted that conditions in the General Permitted Development Order already require operators to minimise the visual impact of apparatus. However, the industry offered to explore what additional measures could be employed to minimise visual impact, including strengthening the Code of Best Practice.
- 78% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

### Question 4.3

***If yes to question 4.1, do you agree that this permitted development right should be subject to the prior approval process by the local planning authority?***

***Yes / No / Not Sure***

***Please provide supporting comments***

### Question 4.3 response

57. There were 431 responses to this question<sup>30</sup>. The main points raised were:

- The majority (88%) of local planning authorities supported the proposal that a permitted development right should be subject to the prior approval process. Those who provided further comments indicated that prior approval would provide for local authority oversight of planning considerations, and allow for the assessment and mitigation of potential impacts on appearance and highway safety. However, some local planning authorities indicated that prior approval may only be needed for development on Article 2(3) land, and that removing it on unprotected land could encourage the faster deployment of 5G infrastructure.
- The majority of respondents from neighbourhood planning bodies, parish/town councils, and interest groups, supported the requirement for prior approval as this

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<sup>30</sup> There were 117 organisational responses (92 answered 'yes', 12 'no', and 4 'not sure'. 9 provided comments only) and 314 personal responses (165 answered 'yes', 89 'no', and 38 'not sure'. 22 provided comments only).



would allow councils to assess the impact of new infrastructure, including on protected areas such as Conservation Areas, and aerodrome safeguarding.

- Some private sector organisations commented that a prior approval process would ensure local oversight and allow for the consideration of any relevant highway or safety issues. However, respondents from the mobile industry stated that prior approval should not be required as the conditions in the General Permitted Development Order already require operators to minimise visual impacts on building appearance. Industry respondents also suggested that prior approval should only apply to ground-based masts, and not equipment installed on buildings and other structures. They also commented that the notification requirements set out in The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) are sufficient and operate effectively.
- 51% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 5.1

***Do you agree in principle with amending permitted development rights to increase the height of new masts, subject to prior approval?***

***Yes / No / Not Sure***

***Please provide supporting comments***

### Question 5.1 response

58. There were 1074 responses to this question<sup>31</sup>. The main points raised were:

- 41% of local planning authorities agreed in principle with amending permitted development rights to increase the height of new masts subject to prior approval. These respondents commented that taller mast heights could reduce the number of masts overall. Where local planning authorities supported the proposal, they cited the need to retain the requirement for prior approval to mitigate visual impacts and retain control of siting, appearance and design. Local planning authorities who disagreed with the proposal (41%) stated that the current planning process was appropriate and operated effectively.
- 50% of respondents from parish/town councils, and interest groups, noted the importance of local decision making and the need for prior approval. Comments also centred on safeguarding aerodromes and maintaining a lower height through permitted development rights in Conservation Areas. However, some suggested that potentially fewer masts could be deployed, if taller heights were allowed.

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<sup>31</sup> There were 201 organisational responses (75 answered 'yes', 105 'no', and 14 'not sure'. 7 provided comments only) and 873 personal responses (60 answered 'yes', 776 'no', and 28 'not sure'. 9 provided comments only).

- 57% of private sector organisations agreed with the proposal, with some suggesting that increasing the permitted height could potentially result in fewer masts being deployed. Those who did not support the proposals (43%) commented that current height limits and planning processes were appropriate, especially in the context of protected land. Respondents from industry supported the proposal to increase the permitted height for new masts and noted that it would provide more certainty to industry helping 5G deployment and extending coverage, and that increasing the height limit could reduce the number of new masts that are needed. Industry are also seeking further amendments to permitted development rights to allow new masts to be installed on unprotected land up to 25m and on protected Article 2(3) land up to 20m without prior approval.
- 80% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds. Personal respondents also raised concerns about the impact on local accountability and planning considerations, and visual impact.

## Question 5.2

***If yes to question 5.1, what permitted height should masts be increased to and why?***

***Please provide supporting comments.***

### Question 5.2 response

59. There were 344 responses to this question<sup>32</sup>. The main points raised were:

- Some respondents from local planning authorities commented that the current height was sufficient, whilst others recommended heights from 20m up to 50m. Some also commented that the difference in the current permitted height of masts on protected and unprotected land should be retained to ensure potential impacts are mitigated in more sensitive areas.
- Respondents from neighbourhood planning bodies, parish/town councils, and interest groups, commented that they would be unable to recommend specific heights and that decisions should be made on a case-by-case basis. Some parish/town council respondents stated that permitted height limits should be determined from technical and safety requirements, alongside consideration of the location and characters of landscapes.
- Some industry respondents recommended the permitted height should be increased to 35m on both unprotected and protected Article 2(3) land, with others suggesting the permitted height is increased up to 50m. Others suggested an increase up to 30m on unprotected land and 25m on Article 2(3) protected land, to ensure efficient coverage can be delivered with a reduction in the overall number of masts, with reduced environmental impact in remote and rural areas. Some

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<sup>32</sup> There were 85 organisational responses and 259 personal responses.

private sector organisations stated that an increase in permitted height (ranging from 25m to 50m) could lead to fewer masts, and that they would only be built if required – ensuring cost-effective and more environmentally sustainable delivery. Some noted a difference should be preserved between protected and unprotected areas, and that there should be consideration of aerodrome safeguarding zones.

- 71% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 5.3

***If yes to question 5.1, should a lower height limit be permitted for masts located in Article 2(3) land or on land on a highway and why?***

***Yes / No / Not Sure***

***Please provide supporting comments***

### Question 5.3 response

60. There were 402 responses to this question<sup>33</sup>. The main points raised were:

- Almost half (46%) of local planning authorities agreed that a lower height limit should be permitted for masts located in Article 2(3) land or on land near a highway. Those stating concerns about visual impact, argued that the current permitted height on Article 2(3) land should be retained, and highlighted the need for a higher degree of control over protected land. Some local planning authorities (15%) disagreed with the proposal, stating that permitted heights of new masts should still be subject to prior approval, that landscape and socio-economic impact assessments should be conducted before any change to permitted development rights, and that the Code of Best Practice should be strengthened. Some local authorities also stated that the proposal to have lower heights in some areas could hinder the speed of 5G deployment, and that they required further information regarding mast sharing heights. In particular, local planning authorities emphasised the importance of local decision-making and some expressed concerns in terms of visual impact and safety. Those who were unsure noted that areas such as aerodromes and listed buildings should also be considered and reiterated the importance of retaining the prior approval process.
- Neighbourhood planning bodies, parish/towns councils, and interest groups, commented that lower heights should apply to Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and potentially green belt land, to ensure that visual impacts are mitigated.
- Private sector respondents generally disagreed with lower permitted heights in Article 2(3) land and land near to highways, because it would frustrate deployment and result in more sites being needed and greater visual impact overall. Others

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<sup>33</sup> There were 112 organisational responses (42 answered 'yes', 27 'no', and 32 'not sure'. 11 provided comments only) and 290 personal responses (20 answered 'yes', 184 'no', and 72 'not sure'. 14 provided comments only).

stated that different limits were appropriate. Some industry respondents suggested that wider coverage and fewer sites could be achieved through a consistent and simplified regime, with some noting that the vast majority of new masts built will occur as part of the Shared Rural Network to address 'total not spots' which are in remote areas and most likely on Article 2(3) land. Some private sector organisations noted the importance of visual impacts specifically for masts in these protected areas and expressed concerns surrounding safeguarding aerodrome areas.

- 73% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds.

## Question 5.4

***If yes to question 5.1, what restrictions (if any) should be put in place to control development of permitted higher masts?***

***Please provide supporting comments***

### **Question 5.4 response**

61. There were 288 responses to this question<sup>34</sup>. The main points raised were:

- Over a third (38%) of local planning authorities cited visual considerations/appearance in their response, and some highlighted the importance of prior approval in controlling the development of higher permitted masts. Other control mechanisms suggested by local planning authorities included operators conducting impact assessments for the development. It was noted that there could be potential for better mast sharing amongst operators as a result.
- Neighbourhood planning bodies, parish/town councils, and interest groups, highlighted the importance of the prior approval process in controlling the heights of masts and that impact and environmental assessments should be completed by operators, who should also show that alternatives have been considered. Some commented that strict guidance should be produced by local planning authorities on the type of mast infrastructure they require in National Parks and Areas of Outstanding Natural Beauty. Further comments from respondents suggested that maximum size limits and building parameters for new masts should be stipulated in future legislation. It was also suggested that a 5G "specialist team" could be created to monitor applications for 5G developments.
- Respondents from industry commented that no further statutory restrictions should be required as the prior approval process, supplemented by the Code of Best Practice, is sufficient. Private sector organisations also suggested there could be scope to strengthen the Code of Best Practice and to work more closely with local planning authorities and central government. Respondents representing airports

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<sup>34</sup> There were 88 organisational responses and 200 personal responses.

commented on the need to specifically safeguard aerodrome zones and operational land.

- 67% of personal respondents stated their opposition to the proposals due to their general opposition to the deployment of 5G, in particular on public health grounds. Some personal respondents also cited environmental considerations, and visual considerations and appearance in their response.

## **Government Response to Questions 2-5**

62. The responses to Questions 2-5 indicated that there was support for planning reforms that would encourage greater use of existing sites, promote the sharing of infrastructure and reduce the overall number of new sites required. Mobile network operators strongly supported the proposals stating that they would have a positive impact on the government's ambitions for the deployment of 5G and extending mobile coverage. However, concerns were raised in relation to the potential impact of new infrastructure on local amenity, protected land, and aerodrome safeguarding. Many respondents highlighted the importance of retaining the prior approval process to allow local planning authorities to assess the siting and appearance of new infrastructure, to address these concerns and minimise the impact. Where greater planning flexibilities are introduced through permitted development rights, respondents stated that this should be balanced by additional obligations on industry to minimise impacts. The majority of personal respondents expressed concerns in relation to in-principle opposition to the deployment of 5G infrastructure, in particular on grounds relating to public health concerns, and the effects of EMF radiation on the environment, including on wildlife populations (see paragraph 18).
63. Setting aside the concerns relating to public health and wildlife populations, which are referred to above at paragraph 18, the government is satisfied that there is evidence to demonstrate that the proposed reforms would have a positive impact on the government's ambitions for the deployment of 5G and extending mobile coverage. In taking forward these proposals, we will ensure that the appropriate environmental protections and other safeguards are in place to address the concerns which have been raised in response to the in-principle consultation.
64. Therefore, subject to the technical consultation on the detail of the proposals, including the appropriate environmental protections and other safeguards mentioned above, we are taking forward the following in-principle proposals to:
- Enable the deployment of radio equipment housing on land without requiring prior approval, up to specified limits and excluding sites of special scientific interest, to support 5G deployment;
  - Strengthen existing masts up to specified limits to enable sites to be upgraded for 5G and for mast sharing without prior approval;
  - Enable the deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage, subject to prior approval and specified limits; and,

- Enable higher new masts to deliver better mobile coverage and mast sharing, subject to prior approval and specified limits.

65. Making these changes requires amendments to the General Permitted Development Order through secondary legislation. We will undertake a technical consultation on the detail of the proposals, including appropriate environmental protections and other safeguards, prior to amending the existing legislation.

66. We recognise that the mobile industry has a vital role to play in delivering these improvements and in bringing forward the infrastructure required, and we expect them to commit to further measures and assurances to ensure that the impact of new development is minimised.

67. The independent Review of Designated Landscapes, led by Julian Glover, issued its final report in September 2019. The Review has recommended that the current permitted development rights system be reviewed and, if necessary, further permitted development rights added to the list of those currently withdrawn within National Parks and Areas of Outstanding Natural Beauty in England, which are classified as Article 2(3) land. The government is carefully considering all recommendations, including the proposal on permitted development rights, and will set out its response in due course.

## Public sector equality duty

### Question 6

***Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?***

***Yes / No / Not Sure***

***Please provide supporting comments***

### Question 6 response

68. There were 931 responses to this question<sup>35</sup>. Some respondents only provided comments. Respondents provided a range of views. The main themes raised were:

- Amending permitted development rights could have negative health impacts on people with protected characteristics. In particular, respondents suggested that children, the elderly, disabled people and pregnant women could be

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<sup>35</sup> There were 148 organisational responses (27 answered 'yes', 95 'no', and 22 'not sure'. 4 provided comments only) and 783 personal responses (487 answered 'yes', 127 'no', and 146 'not sure'. 23 provided comments only).

disproportionately affected by increased levels of radiation as a result of 5G deployment and could adversely affect their standard of living.

- The rollout of 5G may result in an increase in the volume of infrastructure on the public walkways and other areas, creating obstacles which could disproportionality affect people with certain protected characteristics.
- The proposed reforms could have positive impacts on individuals with protected characteristics currently residing or working in areas of poor mobile connectivity, especially those living in rural communities.
- Some respondents could not foresee any potential impacts on people with protected characteristics

## Government response to Question 6

69. In deciding to take forward the proposed planning reforms, subject to a technical consultation on the detail of the proposals, the government has given full weight to its duties in respect of the section 149 of the Equality Act 2010; with due regard to the need to eliminate discrimination, to advance equality of opportunity, and foster good relations.

70. Improved connectivity will allow for greater participation for all in our society by helping people, including those who share protected characteristics, to access public services online and to work more flexibly. In particular, 5G will offer new capabilities over existing mobile technologies, including higher data rates, lower latency, higher energy efficiency and improved performance. 5G is the first generation of mobile technology designed to support multiple applications, from mobile broadband and entertainment services, to industrial applications such as robotics and logistics.<sup>36</sup> Improved connectivity and ability to connect more devices to the Internet at the same time will also benefit health and social care applications, including enabling remote health monitoring, and creating timely alerts for patients, nurses and carers<sup>37</sup>.

71. While coverage continues to improve in rural areas, levels remain poorer than in urban areas<sup>38</sup>. Greater mobile coverage would help regenerate rural communities by bridging the digital divide, with a positive impact in particular on elderly people, who are more likely to live in rural areas<sup>39</sup>.

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<sup>36</sup> Future Telecoms Infrastructure Review available at:

<https://www.gov.uk/government/publications/future-telecoms-infrastructure-review>

<sup>37</sup> Enabling 5G in the UK available at:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0022/111883/enabling-5g-uk.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0022/111883/enabling-5g-uk.pdf)

<sup>38</sup> Connected Nations 2019 England report (available at: <https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research>) - 97% of England has access to good 4G outdoor mobile coverage from at least one of the operators. The 3% of England that does not have good outdoor 4G coverage from any operator is predominantly in rural areas.

<sup>39</sup> [Rural population and migration](#) - The population aged 65 and over increased by 37 per cent in predominantly rural areas between 2001 and 2015, compared with 17 per cent in predominantly urban areas.

72. The respondents to Question 6 identified two broad areas of concern in relation to potential negative impacts on individuals with protected characteristics:

- Public health concerns due to 5G deployment – concerns that people with protected characteristics are disproportionately vulnerable to radiation, and as a result, are more susceptible to the effects of constant exposure to 5G, which could adversely affect their standard of living; and
- Proliferation of mobile equipment - concerns that the rollout of 5G could result in more infrastructure on public walkways and in other public areas, which could have a disproportionate negative effect on elderly and disabled people, who may have to negotiate their way around street furniture.

73. Concerns raised in relation to public health grounds are referred to above at paragraph 18.

74. We have considered the concerns raised in relation to the potential proliferation of mobile equipment on public walkways and in other public areas. In taking these proposals forward, we will ensure that appropriate safeguards are in place to mitigate any potential negative impacts. To reduce the overall number of infrastructure sites, the proposed reforms will encourage the greater use of existing sites and seek stronger requirements for infrastructure sharing and the removal of redundant equipment. We will work with mobile industry representatives, relevant regulators including Ofcom and representatives of local planning authorities to strengthen the Code of Best Practice. National planning policy already specifies that *“the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged”*<sup>40</sup>.

75. We have taken into account the benefits of the proposals in extending mobile coverage, alongside the concerns raised and our consideration of these. We are satisfied that there is evidence to demonstrate that the proposed reforms would have a direct positive impact on all persons, including those with protected characteristics and that any potentially negative impacts can be mitigated effectively. On this basis, we have decided to proceed with taking forward the proposals consulted on.

76. We will undertake a technical consultation on the detail of the proposals, including appropriate environmental protections and other safeguards, prior to amending the existing legislation and will reassess whether there would be a positive or negative, direct or indirect, impact on people with protected characteristics, and update the Public Sector Equalities Duty assessment as necessary.

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<sup>40</sup> National Planning Policy Framework available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>