

Increasing permitted development rights thresholds for mobile infrastructure

Department for Communities and Local Government

RPC rating: validated

Description of the proposal

The proposal will support the increased mobile coverage and 4G access by reducing planning requirements on mobile telecommunications operators. The Department will achieve this by extending the use of permitted development rights (PDRs), changing height thresholds, removing prior approval restrictions and introducing new rights in protected and non-protected areas. These changes will reduce regulatory burdens on businesses and improve mobile coverage in rural areas in particular.

Under the proposal, new ground-based masts, up to specific height limits, will only require prior approval. In non-protected areas, the height limit will increase from 15m to 25m. On protected land, the mast height limit will be 20m. For existing ground-based masts, extension up to 20m will be allowed in protected areas without prior approval. In non-protected areas, extension will be allowed up to 25m with prior approval. Operators will no longer require prior approval for the upgrading of mast infrastructure.

With regard to infrastructure on existing buildings and structures, the current 6m prior approval limit will be removed for individual antennae in non-protected areas. There will also be amendments to limits on commercial buildings and structures over 30m in height.

For small cell antennae, the proposal will remove prior approvals and highway restrictions, remove limits on numbers of antenna systems on structures and strengthen the code of practice for siting and design.

Finally, there will be an increase in the maximum duration of emergency works, to 18 months.

Impacts of the proposal

The RPC verifies the estimated equivalent annual net direct benefit to business (EANDCB) of -£10.8m. This will be a qualifying regulatory provision that will score under the business impact target. The EANDCB consists of savings related to 4G

infrastructure applications, time savings and reduced administration costs and avoiding the costs of having to move to a new site.

The Department has provided details of savings related to applications for 4G infrastructure which are supported by business in the form of the Mobile Operators Association (MOA). The Department assumes that 50% of these applications would no longer need prior approval under the proposal and estimates a reduction of about 2000 in applications for 4G installations. Each application is assumed to cost around £2250, giving a total estimated saving of £2.0m. The Department also expects a reduction in upcoming applications for developments on buildings (1,300 fewer applications) and small cell antennae (300 fewer applications). Again, 50% of applications are assumed not to require prior approval, producing an annual saving of £1.5m from about 650 applications for developments on buildings and £0.3m from about 150 small antenna applications, at £2,250 per application.

In cases where prior approvals will no longer be required, the Department expects a time saving to business of 56 days and reduced administration costs of £2,250 per approval. These estimates are based on evidence from operators. For operators extending masts, the Department estimates that 10% of the 600 planning applications each year are extension projects. This gives a saving of £0.1m per year based on 60 applications.

With regard to extending the length of PDRs to allow for emergency works, the Department estimates the costs of moving to a new site, which will be avoided under this proposal, to be between £3m and £18m, with a best estimate of £9m of savings per year. To assist in estimating this figure the MOA suggested that the cost of moving site would be between £30,000 and £60,000 for 100-300 temporary sites.

The Department expects that businesses will see time savings and a reduction in administration costs associated with planning approval applications and emergency works.

The savings to firms as a result of streamlining the application process – shifting from a planning application to a prior approval and from a prior approval to a full PDR - have not been monetised, as each application is potentially different and the unit costs are highly variable.

The Department does not anticipate significant familiarisation costs as a result of these changes. The IA states that businesses were consulted as part of the revision of the regulations and fully understand the proposed changes.

The IA also states that businesses face the risk of a second application fee and preparation costs if the local authority rejects their prior approval application, but does not monetise these costs as preparation costs for firms vary.

The Department states that mobile phone users will benefit as a result of a larger network of mobile infrastructure and that both individuals and businesses will benefit from wider mobile and 4G access. It also notes societal costs such as the environmental impacts of increased infrastructure and some loss of visual amenity due to the building of more antennae.

Quality of submission

The Department undertook a Call for Evidence to seek views from business on the effectiveness of the current planning system, the changes made in 2013 and potential options going forward. This produced 40 responses from a range of stakeholders including mobile operators, environmental stakeholders, local planning authorities and infrastructure providers. This evidence forms the basis of their cost-benefit analysis. However, the Department appears to rely solely on the MOA for estimating the expected benefits and ultimately the EANDCB figure. The IA would have benefitted from providing support for the proposal from other consultees. Furthermore, the Department acknowledges there is a level of uncertainty around the cost-benefit analysis conducted. For example, on emergency works the Department has taken a best estimate of £9m, given a range of £3m - £18m. The Department should have sought further support from other stakeholders for this estimate to strengthen its credibility. However, where the Department has been unable to monetise costs and benefits, it provides adequate explanation and makes appropriate use of qualitative evidence.

The RPC notes that the summary sheet estimates that 7500 sites will no longer be required to submit prior approval or planning applications between 2017-21. The Department has confirmed that this figure is an error, does not affect the EANDCB and will be removed from the IA before publication. The IA would have benefitted from some consideration of the impacts of the proposal on small and micro businesses.

Departmental assessment

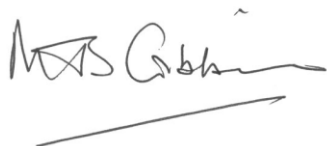
Classification	Qualifying regulatory provision (OUT)
Equivalent annual net direct cost to business (EANDCB)	-£10.8 million

Opinion: EANDCB validation
Origin: Domestic
RPC reference number: RPC-CLG-3518(1)
Date of implementation:

Business net present value	£96.2 million
Societal net present value	£96.2 million

RPC assessment

Classification	Qualifying regulatory provision (OUT)
EANDCB – RPC validated ¹	-£10.8 million
Business Impact Target (BIT) Score ¹	-54.0 million



Michael Gibbons CBE, Chairman

¹ For reporting purposes, the RPC validates EANCB and BIT score figures to the nearest £100,000.