

The right call? New planning rights proposed for mobile masts

29 August 2019

What's happened?

The Government has launched a consultation on potential new planning rights to make it easier for mobile operators to install mobile infrastructure. It asks for comments on a number of proposals which would allow the siting of new apparatus without the need for a full planning application.

Why?

It's aimed at the deployment of 5G and improving mobile coverage, especially in rural areas and around highways.

The Government wants to be a world leader in 5G, recognising the vital role that mobile coverage has in improving the way that people live, work and travel. Mobile operators say that they need taller and wider masts and building-based masts nearer highways to achieve this. They have also called for the faster deployment of radio equipment, which could be achieved without having to go through the usual formal planning process.

What is it suggesting?

The relaxation of planning rules to make it easier for mobile operators to add additional apparatus or make changes to existing infrastructure. This would be done by changing the existing permitted development rights which allow operators to install equipment without a formal planning application. Currently, in some cases, the local planning authority's "*prior approval*" is required which focuses on the siting and appearance of the works, taking any objections into account. Other rights allow apparatus to be installed without any kind of permission, subject to the required notice being given. The Government is asking for views on whether operators in England should be allowed to:

- install radio equipment without the council's prior approval (except on sites of special scientific interest);
- strengthen existing masts and allow mast sharing without the council's prior approval;
- erect building-based masts nearer to highways without formal planning permission, but

subject to the council's prior approval; and

- install taller masts without formal planning permission, but subject to the council's prior approval.

Views on how the mobile industry could reduce the visual impacts of the new infrastructure are also sought.

How might this affect you?

There are two main areas which developers and landowners will need to consider. First, any widening of the rights to proceed without planning permission risks development which may not be popular with your occupiers, purchasers and/or investors. In addition to the visual amenity impact, there may be concerns about safety and security. Without any prior notice of an application and/or public consultation period, there may be little that you can do to stop such development.

Second, some registered mobile operators have a separate statutory right to install this equipment on your land and buildings, whether you consent or not. The planning system would ordinarily provide a means of objecting to the proposed development (depending on the nature and scale of the proposals and whether they are already allowed under the existing permitted development rights). If the planning rules are relaxed further, then this opportunity may be lost.

What's next?

The consultation closes on 4 November 2019 and a Government response following a review of the comments submitted is expected. Any changes to the permitted development right regime will require secondary legislation and so a further consultation on the detail of any suggested changes is also due to be published, probably at the beginning of next year.

If you would like us to help you with any consultation responses or advice on this development, please get in touch.

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