

Review of how the planning system in England can support the delivery of mobile connectivity

A submission of evidence by the Campaign for National Parks

August 2015

The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. Our response has been endorsed by all the National Park Societies in England.

National Parks are our finest landscapes with the highest level of protection. Their statutory purposes are to conserve and enhance wildlife, cultural heritage and natural beauty, and to promote opportunities for public enjoyment and understanding of their special qualities. For nearly 80 years the Campaign for National Parks has been working to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all.

National Parks contribute significantly to the wellbeing of the nation, by providing safe, attractive, healthy places for recreation. They also play a vital role in sustainable development through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and wellbeing, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses. National Park Authorities (NPAs) have a statutory duty to seek to foster the economic and social well-being of their local communities and they undertake this duty very seriously and enthusiastically.

The Campaign for National Parks supports the provision of improved mobile connectivity in rural areas but we do not believe that changes to the planning system are needed in order to deliver this. NPAs are already taking a proactive approach to ensuring that mobile telecommunications infrastructure can be installed in a way that minimises its visual impacts and there is no evidence that the additional protection afforded designated landscapes has acted as a barrier to rural growth or delayed the deployment of mobile infrastructure.

Our response focuses on those areas of the call for evidence where we have specific evidence and ideas to contribute.

Experience of how the planning system currently works for mobile deployment:

- **What is the success rate of planning applications submitted?**

In general, there is a high success rate for planning applications for mobile infrastructure submitted to NPAs. For example, none of the 36 applications for telecommunications infrastructure received by the Peak District NPA in the five years from 7 July 2010 were refused. Most of these applications were to upgrade the facilities at existing sites. Similarly, approval was granted to all nine of the applications for masts received by the North York Moors NPA in the five years to January 2015.

- **Are there processes adopted by some operators or local authorities that contribute to a smoother passage for planning applications or prior approval?**

In the Peak District National Park, some mobile phone operators have discussed their roll-out plans with the NPA and relevant third parties prior to submitting an application. This has made it possible to avoid siting masts in the most damaging locations in wild corridors (e.g. A57 Snake Pass) or to design them in a way which minimises their visual impact.

In July 2014, National Parks England signed an agreement with the Mobile Operators Association¹ which was launched by Government Ministers from DCMS, Defra and CLG. The agreement supports closer working between the four main network operators and the NPAs and outlines plans for "mast-sharing, site-sharing, and any other technical advances" that would help protect the areas' environment while increasing connectivity. However, there are still concerns that operators are not engaging with NPAs at an early enough stage in the process (as demonstrated by the example from Dartmoor below).

The operation of the Code of Best Practice:

- **Is best practice being widely secured?**

We are aware of examples in National Parks where best practice is not being followed. This includes a recent example from Dartmoor National Park for the only application for a mobile mast there in the last five years. In this case Arqiva submitted an application for a 22.5m (75ft) mast and associated infrastructure in a very visually intrusive location on isolated farmland near Widecombe-in-the-Moor. In the pre-consultation stage the applicant failed to engage with the clear concerns of the NPA planning officer and the Parish Council. In particular, the applicant did not respond to the NPA's request to examine alternative sites. As a result there was a significant level of local opposition and the NPA's planning officers recommended that planning permission be refused. Two days before the application was due to be determined Arqiva arranged a demonstration of a hydraulic pump up mast to give planning officers an idea of the height of the mast and its impact on the landscape. Over 60 local people, many of them intended beneficiaries of the improved coverage, viewed the demonstration mast from a nearby lane. Arqiva's representative met the residents, none of whom supported a mast at the proposed site. The following day the application was withdrawn. This situation could have been avoided if Arqiva had engaged with the NPA and third parties in advance of submitting their planning application and worked with NPA officers to identify an alternative solution with less harmful visual impacts.

- **Are parties adhering to the agreed code approaches?**

The feedback we have had is that, although operators have signed up to the code, the agents operating on their behalf do not always follow it, even though the guidance is intended to apply to them as well.

There is also a reluctance by operators to consider alternative, less intrusive technology even though these may actually be less costly in some situations.

- **Are there changes to the existing permitted development rights, which would better support delivery of mobile connectivity including those rights applying to masts?**

We do not believe that there should be any changes to existing permitted development rights for new free-standing masts in protected areas or in surrounding areas where the installation of new infrastructure would have an impact on the setting of a protected area and thus on its special qualities. The need for planning permission for new free-standing

¹ <http://www.nationalparksengland.org.uk/home/news-and-media/press-releases/new-agreement-ensures-national-parks-are-connected-and-beautiful>

masts in such areas should be retained. However, there is the potential to introduce new permitted development rights to allow changes to be made to existing masts such as the replacement or upgrading of infrastructure as long as there is no increase in height or increase in the size of equipment to be installed.

- **Would extending permitted development rights for taller masts better support delivery of mobile connectivity?**

As there is no evidence that the need to apply for planning permission has delayed the deployment of mobile infrastructure in protected landscapes, we do not believe that extending permitted development rights would do anything to support the delivery of mobile connectivity. The planning application fee (£385) is a tiny proportion of the overall cost of mast installation and operators would still need to prepare the same plans and supporting documents if they were using the prior notification process required under permitted development rights. It is not clear, therefore, what the advantage would be for the operator. There are also significant advantages for protected landscapes if operators are required to take more care over the design and siting of new masts in order to get planning permission.

The benefits and impacts for communities of coverage and the effect of infrastructure on the landscape:

- **How would any new rights balance the benefits of connectivity with the value placed on protecting streetscape and landscape?**

It is essential that a planned and co-ordinated approach can be used to deliver future mobile infrastructure in National Parks. This will ensure that the amount of infrastructure required can be minimised (for example, by considering whether there are opportunities to share masts) and can be placed in the most appropriate location. However, this will only happen if the requirement for planning permission remains. So the best way of balancing the benefits of connectivity with the protection of the landscape would be for the current arrangements to remain in place to allow NPAs to continue working with operators.

The need for planning permission should encourage the operators to engage with the NPAs at an early stage which allows the NPAs to influence the final design and location using their local knowledge. This ensures that opportunities are taken to maximise coverage whilst minimising landscape impacts and that National Park purposes are taken into account in the provision of mobile infrastructure.

It is also important to be aware that any new rights could actually have a negative impact on economic growth in rural areas if it makes National Parks less attractive places to visit. In 2012 (the most recent year for which figures are available), £10.4bn of turnover was generated by businesses in the National Parks in England and employment grew by 2.7%². The local economy in many National Parks relies heavily on tourism and many visitors are specifically attracted to these areas by the natural beauty of the landscape. National Parks in England attract 90 million visitors a year, who spend more than £4 billion and support 68,000 full time equivalent tourism related jobs.

It is also worth noting that it is often hard to judge what the merits of a particular proposal are in terms of improved connectivity relative to the impact on the landscape as operators are reluctant to share the data needed to assess the level of coverage that would be provided.

² http://www.nationalparksengland.org.uk/_data/assets/pdf_file/0007/338362/3209-NPE-INFOGRAPHICweb.pdf

- **What different approaches have been taken to mitigate the visual impact of infrastructure on landscape, and what has worked well?**

There are two examples of applications submitted by Vodafone in the Yorkshire Dales National Park where improved siting has been achieved through negotiations arising from the planning process. In Garsdale, Vodafone were able to find a more discreet site, close to a woodland, that provided full coverage of the required area, in preference to a more open and intrusive site.

Then a proposal was put forward for a mast high up on the north side of Wensleydale, to provide coverage for Hawes and surrounding hamlets. This mast would have been very prominent and intrusive, being visible for many miles around. The Yorkshire Dales NPA negotiated with Vodafone, urging them to find a less obtrusive alternative. They came up with a proposal to fix a small mast to the church tower in Hawes itself, a solution with minimal visual impact, and one which brought it closer to the main population. Through the planning process, it was possible to have a full and open debate about the advantages and disadvantages of both proposals. This transparent process resulted in a decision to use the church tower, which achieved a workable solution whilst very effectively protecting the rural landscape and open vistas of Wensleydale.

The successful siting in both cases can be compared to the problems currently being encountered with masts being installed along the Swinden freight line and Settle – Carlisle railway, to provide communication coverage with the train drivers. As these masts do not require planning permission, tall and unsightly masts are now being erected in very prominent locations along the railways, with no public engagement and no possibility of any negotiation to find less obtrusive solutions that would protect the wild and remote landscapes through which the line runs.

Examples that have been used successfully in the Peak District National Park to minimise the visual impact of new mobile infrastructure include a telegraph pole design, a road sign using the mast as its support post and a natural stone cabin with a small roof-based antennae. In the North York Moors National Park, improvements were made to the number and appearance of solar cells used to supply power before approval was granted for a mobile mast in a sensitive location.

- **We recognise it is important to strike the right balance between supporting growth and safeguarding protected areas: these are both Manifesto commitments. What is the case for introducing permitted development rights for masts in protected areas?**

We do not believe that there is a case for introducing permitted development rights for masts in protected areas. NPAs are already taking a proactive approach to the deployment of mobile infrastructure and there is no evidence to indicate that the need to apply for planning permission acts as a deterrent to improved mobile connectivity. There is also evidence (as set out above) that the need to apply for planning permission has required operators to develop solutions which minimise the visual impact in protected landscapes.

We would also highlight that there is a willingness to pay for the removal of visually intrusive infrastructure in National Parks and Areas of Outstanding Natural Beauty (AONBs), as demonstrated by what has been happening in the electricity industry over the last few years. For the previous price control period for electricity distribution (2010-2015), Ofgem agreed an allowance of £60 million³ to be spent by the Distribution Network Operators on the undergrounding of overhead electricity lines. A further £103 million has been agreed for the current price control period (2015-2023). This allowance is based on Willingness to Pay

³ <http://www.ofgem.gov.uk/Networks/ElecDist/PriceCntrls/rrio-ed1/consultations/Documents1/RIIOED1SConOutputsIncentives.pdf>

(WTP) research and is paid for by consumers through electricity bills. This process also demonstrates the strong desire for the removal of visually intrusive infrastructure by local communities in these areas as prioritisation is largely stakeholder-led with interest groups using surveys of local people to identify potential lines to be removed.

A similar scheme is also in place for electricity transmission lines and Ofgem has agreed an initial allowance of £500 million for reducing the visual impact of transmission lines in protected landscapes for the eight year price control period from April 2013.

Given the resources (in terms of both time and money) now being put into reducing the visual impacts of this infrastructure, in particular through undergrounding power lines, it would be more cost-effective to plan for improved mobile connectivity in protected areas in a way that reduces the visual impacts from the outset, even if this results in higher costs initially. Installing mobile infrastructure as quickly and cheaply as possible would be a false economy and a waste of consumers' and tax-payers' money if further funding has to be generated at a later date to reduce the visual intrusion. It would also be a waste of the resources being put in to undergrounding power lines if changes to the planning of mobile infrastructure leads to a proliferation of new masts in areas where power lines have been put underground in recent years. This is particularly important as resources will need to be devoted in any case to the removal of any new mobile infrastructure which becomes obsolete.

Excluding protected areas from the introduction of any new permitted development rights for mobile infrastructure would also be entirely consistent with other government statements on the protection of National Parks and AONBs. The Government has emphasised the special status that these areas should be given in planning policies and decisions in the National Planning Policy Framework. Ministers have also made a number of statements acknowledging the value of our protected landscapes and making it clear that it is appropriate for different arrangements to apply in these areas. For example, in September 2013, the then Planning Minister Nick Boles MP said that National Parks "*are some of the most beautiful parts of the country, and it is right that we accord them a different status from other beautiful landscapes and approach development issues slightly differently*" and "*We all understand that what makes national parks work as economic and social communities is often their beauty. The beauty of the national park is the business of the national park and of the communities within it. Even the people who want to develop activity within national parks recognise that the chief source of their livelihood is the parks themselves and the beauty of their landscapes*".⁴

The fact that different circumstances should apply in National Parks has also been acknowledged by the Prime Minister. When he was questioned about fracking by the Liaison Committee in December 2014, he said that a much higher threshold would need to be crossed in National Parks for this to be acceptable⁵.

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For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 781 0896)

⁴<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130911/halltext/130911h0001.htm#13091136000101>

⁵<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/liaison/evidence-from-the-prime-minister-december-2014/oral/16726.html> (response to Q52)