



Scottish Government Consultation on the Future of the Scottish Planning System

Consultation Response from Mobile UK

April 2017

About Mobile UK

1. Mobile UK is the trade association for the UK's Mobile Network Operators (MNO) - EE, Telefonica UK (O2), Three and Vodafone. Our goal is to realise the power of mobile to improve the lives of our customers and the prosperity of the UK as a whole.
2. As mobile increasingly becomes the device of choice for running daily life both at home and at work, customers want improved coverage and greater capacity. Mobile UK's role is to identify the barriers to progress, and work with all relevant parties to bring about change, be they Government, regulators, industry, consumers or citizens more generally.

Introduction

3. Mobile UK welcomes the opportunity to respond to the Scottish Government's consultation on the future of the Scottish planning system.
4. MNOs are committed to meeting the rising demand from customers for more capacity and coverage in Scotland. It is also important to remember that meeting such demand is dependent on many factors, beyond national government, to ensure that the environment for mobile operators is flexible enough to evolve with new technologies and allows rapid deployment of critical infrastructure. In particular, there needs to be greater support from local authorities and major land owning organisations in the siting of new infrastructure.
5. Mobile UK stands ready to assist the Scottish Government further to expand on points made in this submission.

Consultation on the Future of the Scottish Planning System

6. Mobile UK welcomes the Scottish Government's decision to undertake a review of the planning system. However, it is important that the review understands the critical nature of mobile infrastructure and that the planning system must be better geared to support and not unnecessarily impede mobile infrastructure.
7. Mobile UK supports and appreciates that the planning system must provide for appropriate and proportionate assessments of applications, effectively balancing the benefits to businesses and consumers that come with enhanced mobile coverage with environmental and spatial considerations.
8. Mobile communications networks are national in nature yet many key inputs are determined and made at a local level. It is important that in this review of the Scottish planning system it ensures that decisions pertaining to nationally significant infrastructure are taken at the appropriate level.

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Local authorities must also be able to work within an effective framework of policy established nationally.

9. Much of the infrastructure deployment that is ongoing involves the upgrading of existing sites and an increased use of new small cell sites to in-fill coverage and improve capacity, together with further deployments of macro sites to extend coverage in rural areas. There will be a need for new macro-sites, particularly, although not exclusively, in more remote areas.
10. This review must also take into account future changes in technology and ensure that the proposals remain flexible enough to keep pace with the rapid evolution of mobile communications markets (e.g. the growing use of small cells).

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Local Development Plans

11. Local Development Plans require stringent deadlines for adoption to take into account up-to-date national policy and guidance.

Third Party Right of Appeal

12. We support the decision not to introduce a third party right of appeal. Mobile infrastructure is part of the national network and a third party right of appeal could impact upon the efficiency and speed of the roll out of mobile infrastructure. It could also add significant cost into the process and impact upon the viability and economics of mobile infrastructure deployment, especially in rural or hard to reach areas.

Infrastructure Levy

13. The proposed infrastructure levy should exclude telecommunications proposals. The levy is designed to help deliver infrastructure to support economic development. It would be counter-productive to include mobile telecommunications infrastructure, particularly in more rural and hard to reach areas where the business case for network improvement and expansion is already weak.

Planning Fees

14. Planning fees should only be levied as a tool to recover costs and should not become a profit generator. If fees move away from this principle it could further discourage infrastructure development and impact upon the attractiveness of a locale to invest.
15. Pre-application fees should also be primarily a tool for meaningful dialogue which is relevant to a proposed planning application and to assist promoters towards a positive application. Cooperative dialogue helps both parties and can limit the resources required of a council as it can limit the number of appeals.

Permitted Development Rights

16. Mobile infrastructure development must be considered for extended permitted development rights. Enhanced permitted development rights, and in particular without prior approval, offer much greater certainty, as well as greater efficiency in terms of both cost and time, to mobile operators and infrastructure companies. This can both directly effect the profitability of peripheral sites and improve fundamental economics of sites in rural and hard to reach areas. Moreover, it enables MNO investment to have the widest impact across the country.
17. Greater certainty means that MNOs can plan mobile infrastructure deployment with confidence and ensure that investment is directed so that it is best suited to the topography of a locale rather than the current infrastructure that present regulations allow.

18. Permitted development rights must also support upgrades to existing ground based masts through increases in height in protected and non-protected areas and better facilitate the installation of new ground based masts as permitted development. In much of Scotland, building higher masts or extending existing sites is the most cost effective and least intrusive means of extending coverage, particularly in rural, remote and other harder to reach areas. Typically, a mast at 50m will provide coverage of up to 116km², as much as double the footprint of a typical UK mast at less than 20m of 56km².
19. Permission remains difficult to obtain in protected areas or areas of natural beauty for new sites. It is areas such as these that continue to be some of the worst covered. A more generous permitted development right in such areas would allow the most appropriate and cost efficient infrastructure to extend coverage. Presently, full permission or permitted development with approval is required. Planning applications into these areas are some of the most uncertain, time consuming and resource intensive worsening already weak investment cases.
20. It should be noted that network rollout and deployment is not dependent purely on the planning system but on a number of variables that add complexity into infrastructure roll-out. Most significant are the potential economics of a site as well as the availability of suitable backhaul and power sources.

Local Review Boards

21. Any expansion to the range of planning applications subject to local review bodies should exclude mobile infrastructure applications where that decision is taken by delegated planning officers. Mobile infrastructure is part of the nation's critical infrastructure and should be considered at a national level and as part of a wider national network.

Notice to Quit

22. Further consideration is required around 'emergency works' or the need for temporary sites. Often mobile network operators are served a Notice to Quit (NTQ) which calls on mobile network operators to remove existing infrastructure on new developments with minimal prior notice. Alternative sites are often difficult to find or fail to provide coverage to the original footprint. Even if a suitable site is found it will often result in a break in service as necessary planning permission is sought. In addition, the knock-on effect to other nearby sites can result in cuts to capacity due to the removal of essential network infrastructure or increased traffic to cover the lost equipment.

Future Flexibility

23. It is important that any changes made to the planning framework in Scotland provide for future developments, both in terms of new technologies but also new infrastructure. This means providing new flexibility to the permitted development rights without prior approval. Crucially, this must allow for new mast sites, to enable network extensions to the coverage footprint, as well as greater flexibility around the size and location of small cells to allow for highly localised solutions.
24. Making these changes should provide a framework for technologies such as 5G as they become available without revision to the planning framework.