



London Borough of Enfield

Report Title	Controls on Telecommunications Equipment
Report to	Environment Forum
Date of Meeting	18 September 2023
Cabinet Member	
Executive Director / Director	Simon Pollock, Executive Director, Environment and Communities; Brett Leahy, Director of Planning & Growth; Doug Wilkinson, Director of Environment & Street Scene
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Ward(s) affected	All
Classification	Part 1 Public
Reason for exemption	N/A

Purpose of Report

1. To provide the Environment Forum with information regarding the planning framework and other controls relating to telecommunications equipment.

Main Considerations for the Panel

2. To note that the placement of most telecommunications equipment is permitted development, with the Council only having limited control over the siting and appearance of equipment installed on the highway.

Background and Options

3. The approach of the local planning authority to the assessment and determination of telecommunications development is governed by Government policy as set out in the National Planning Policy Framework and the Council's "development plan" which comprises the Council's local policies and the policies contained in the London Plan.
4. Government advice on this matter is that proposals for telecommunication infrastructure should be supported as such development is identified as essential for economic growth and social well-being. The NPPF therefore requires that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
5. The NPPF also advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum albeit consistent with the needs of consumers, the efficient operation of the network and ensuring the provision of reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.
6. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

A) Role of the Local Planning Authority

7. The legal framework for telecommunications development is set by the Government in Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This restricts the powers available to the Council to control certain forms of development.

Telecom Poles

8. Telecommunications companies are required to give the Council 28 days' notice of their intention to install a pole but there are no grounds for objection. They are also required to advertise their intention to install a pole in vicinity of the site.

Masts

9. Masts generally receive or transmit radio signals and often take the form of 'monopoles'. These are typically metal poles that support radio antennae which broadcast and receive mobile phone signals. Without these structures, the mobile phone network could not operate. They can also be used to provide mobile broadband. The poles are typically 15 or 20 metres high, though they can be higher. They require "prior approval" from the Local Planning Authority, which is essentially a light touch form of application where the Council cannot consider the principle of the mast

(this has already been granted by the Government) or health concerns but can consider its **siting and appearance**. A decision needs to be made with 56 days or the applicant will benefit from a default permission. For free standing masts above 20 metres, full planning permission is normally required.

10. Should Prior Approval or Planning Permission be granted for a mast, telecommunications companies have the right to install them if they are within the highway and need only gain a street works permit to install the equipment; this cannot be used to relook at siting and appearance as this will have been determined by this stage.

Cabinets

11. Cabinets are also covered by Class A of Part 16 of the Town & Country Planning (General Permitted Development) Order 2015 and are usually permitted development if the ground or base area of the cabinet is less than 1.5 square metres or the cubic content would be less than 90 cubic metres. In the case of a Conservation Area any single development must not exceed 2.5 cubic metres

B) The Assessment of Applications for Telecommunication Development

12. The Planning team recognise that telecommunication equipment can often be of concern to local communities especially as many telecommunication masts are permitted development and only subject to a prior approval process from the Council. In most cases, this means that Council can only consider the **siting and appearance** of the proposed equipment.

13. In terms of our approach to assessment, national planning guidance states:

Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines (ICNIRP) for public exposure.

14. When assessing an application therefore, while the Planning team are aware of the concerns that exist within local communities and will seek to sensitively assess planning applications against this knowledge, there must be a presumption in favour of supporting such proposals unless there is significant harm to visual or residential amenity.
15. The external appearance of proposed telecommunication masts will therefore be a material consideration. While each case will be assessed on its merits, the external treatment / colour will be considered and depending on circumstances, could result in a painted solution involving black / green as an alternative to the standard grey. In the case of the telecommunications mast on The Ridgeway, this was a replacement structure and, on this basis, the external appearance was considered

acceptable. It is acknowledged, painting the external colour green may have enhanced the appearance but the grey was not considered to cause significant harm to justify refusal of the application.

16. It is difficult to provide definitive advice that can be routinely applied across the Borough, but we have recently assigned a planning officer with responsibility for coordinating telecommunication development. The objective is to improve consistency across the Borough and provide a focal point for consultation with telecommunication code system operators.
17. The approach to the issue of risk to health in connection with telecommunication development is also often raised as a significant concern. The weight the Council can give to it is set out in Government advice.
18. This states that where a proposed mobile phone base station meets ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure, it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider the future health aspects and concerns about them.
19. Government advice also states that:

“Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development”
20. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
 - (a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and;
 - (b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - (c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

D. Role as Highway Authority

21. The Highways Team are consulted as part of the prior approval/ planning process and will look specifically at any issues arising from the proposed siting of the equipment, such as:
- Extent of adopted highway
 - Impact on visibility splays at junctions
 - Impact on pedestrians on the footway, with reference to Inclusive Mobility
 - Known collisions hot spots (should be flagged at the consultation stage)
 - Impact on footway drainage, structural integrity of the highway etc.
 - Proximity to access chambers etc. belonging to other apparatus owners

E. Role as Street Works Authority

22. Part 3 of the [Traffic Management Act 2004](#) and [The Traffic Management Permit Scheme \(England\) Regulations 2007](#) gives local authorities the powers to design and operate a permit scheme to improve the management of work in the street undertaken by highway authorities and utilities companies.
23. A permit scheme has been operating in Enfield since 2010 and requires permission to be obtained for most road and street works, whether they are undertaken by or on behalf of utility companies or highway authorities themselves.
24. We cannot stop a statutory undertaker digging up the road. They have a legal right under the New Roads and Street Works Act, to maintain their existing equipment or to install new equipment.
25. A Street Works Permit is issued to a utility or telecommunications company granting permission to take temporary control of a specific stretch of the highway to carry out their works. The permit ensures that appropriate traffic management measures are in place and that works do not clash with other activities on the highway. Our Street Works inspectors monitor the quality of the road works, ensuring repairs and reinstatements are carried out to an acceptable standard.

Relevance to Council Plans and Strategies

The provision of telecommunications equipment provides essential infrastructure that helps the Council meet its priority for **an economy that works for everyone**.

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Background Papers

No background papers have been used in preparation of this report.