



Consultation Team (Mobile communications permitted development)
Planning Development Management Division
Department for Communities and Local Government
1/J3 Eland House
Bressenden Place
London
SW1E 5DU

11 June 2013

Dear Sir / Madam,

Consultation on Mobile connectivity in England

Thank you for the opportunity to comment upon this technical consultation.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

Furthermore, the IfA is a constituent member of the Archaeology Forum (TAF), a grouping of independent bodies concerned with archaeology, and works closely with other bodies in the sector such as the Association of Local Government Archaeological Officers (ALGAO) and the Council for British Archaeology (CBA).

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General Comments

The Institute recognises the importance of improving the country's communications infrastructure in order to grow the economy and compete on a global scale. IfA supports Government's initiatives to this end, provided that there are adequate safeguards to protect the historic environment. The historic environment can be vulnerable to relatively small changes, both individually and cumulatively. Such changes can involve actual disturbance of the fabric of heritage assets, but they can also impact upon heritage assets less directly (for instance, through an effect upon the setting of such assets).

In many cases where permitted development rights are exercised, there is no significant effect upon the historic environment. Moreover, where designated heritage assets (such as listed buildings and scheduled monuments) are directly involved, there are often other mechanisms to ensure that the impact upon those assets is properly addressed (for instance, through the exclusion of permitted development rights and/or the continuing need for listed building or scheduled monument consent). However, where development is carried out in the vicinity of such

assets, but on undesignated sites, there is no requirement for further consent, notwithstanding the fact that such development can have a highly significant impact upon the setting of those assets. The stipulation of appropriate thresholds and the use of 'prior approval' mechanisms serve, amongst other things, to ensure that the risk to the historic environment is minimised. Consequently, IfA is concerned to see that any increase in thresholds (both for the exercise of permitted development rights, generally, and for the triggering of prior approval requirements) do not jeopardise the historic environment.

Specific Questions

Question 1: Do you agree:

(i) The current prior approval threshold for antenna height in Part 24 of Schedule 2 to the 1995 Order should be increased from up to 4 metres to up to 6 metres on land in non-protected areas to support the swifter roll-out of 4G and provide additional capacity for 2G and 3G?

1.1 No, unless there are adequate safeguards to ensure that the additional impact of such development in non-protected areas particularly upon the setting of heritage assets can be addressed.

(ii) Do you agree that Part 24 of Schedule 2 to the 1995 Order should be amended to add a new permitted development right with prior approval for roof or wall mounted antenna increasing in height from up to 4 metres to up to 6 metres and placement on buildings having to comply with existing restrictions?

1.2 Only if the prior approval mechanism in practice ensures that the impact on the setting of heritage assets is properly addressed and that development that harms the historic environment can be prevented.

Question 2: Do you agree that the existing permitted development rights in Part 24 of Schedule 2 to the 1995 Order should be amended to allow development in non-protected areas for up to 3 antenna systems on buildings below 15 metres and up to 5 antenna systems on buildings above 15 metres?

2.1 No, unless there are adequate safeguards to ensure that the additional impact of such development in non-protected areas particularly upon the setting of heritage assets can be addressed. The historic environment needs to be protected from the cumulative effect of small-scale development.

Question 3: (i) Do you agree that the definition in paragraph A4 of Part 24 to Schedule 2 to the 1995 Order is amended to read: "a set of antenna operated by up to three operators or in accordance with the Electronic Communications Code"?

3.1 Yes.

(ii) Do you agree that the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 should be amended to include the definition of antenna systems?

3.2 Yes.

Question 4: Do you agree that a definition for 'antenna' is added to paragraph A.4 that the definition of 'small antenna' Part 24 of Schedule 2 to the 1995 Order and antenna should include: *structure, mountings, fixings and brackets necessary to support the antenna*?

4.1 Yes.

Question 5: Do you agree that Part 24 of Schedule 2 to the 1995 Order is amended to:

(i) Enable permitted development with prior approval of microcell antenna (up to 0.5 metres²) for mobile services on buildings or structures (not listed or scheduled monuments) on land in protected areas?

5.1 Only if the prior approval mechanism in practice ensures that the impact on the setting of heritage assets is properly addressed and that development that harms the historic environment can be prevented.

(ii) That the maximum number of microcell antenna is set at 1 for buildings below 15 metres and up to 2 for buildings or structures above 15 metres?

5.2 Yes, provided that, in the case of buildings or structures above 15 metres, the prior approval mechanism in practice ensures that the impact of siting more than one antenna on the setting of heritage assets is properly addressed and that development that harms the historic environment can be prevented.

Question 6: Do you agree:

(i) Part 24 of Schedule 2 to the 1995 Order is amended to permitted development without prior approval in non-protected land to a total aggregated dish size threshold for dish antenna is increased to 4.5 metres aggregated limit for buildings or structures below 15 metres in height and 10 metres aggregated limit for buildings or structures above 15 metres with no single dish antenna larger than 0.9 metres (industry standard)?

6.1 No, unless there are adequate safeguards to ensure that the additional impact of such development in non-protected areas particularly upon the setting of heritage assets can be addressed.

(ii) What other options, if any, or aggregated size thresholds should be considered?

6.2 No comment.

Question 7: Do you agree that Part 24 of Schedule 2 to the 1995 Order is amended to clarify that permitted development rights for radio housing cabinets for mobile communication equipment of up to 2.5 cubic metres is not cumulative?

7.1 No. IfA would prefer the Order to make clear that the rights are cumulative, given the potentially deleterious effect of cumulative small-scale development on the historic environment.

Question 8: (i) Do you agree that A.2(1) Class A(a) and Class A(c) of Part 24 of Schedule 2 to the 1995 Order relating to ancillary equipment is amended?

8.1 Ancillary equipment can be visually intrusive and can cause harm to the historic environment. If this is the case and equipment cannot be sited so that its effect on the historic environment is acceptable, such development should not be permitted. The order should only be amended if there are adequate safeguards to ensure that the impact of such development in both protected and non-protected areas particularly upon the setting of heritage assets can be addressed.

(ii) Do you agree that the Electronic Communications Code Regulations should be amended to make provision for ancillary equipment to be included in works permitted under the Code?

8.2 See the response under question 8(i).

Question 9: Do you agree: (i) Part 24 of Schedule 2 to the 1995 Order is amended to enable mobile operators to install minor upgrades under permitted development rights with prior approval (siting and design) to existing sites of up to 2 additional point-to-point microwave transmission dishes of up to 0.6 metres in diameter and up to 2 additional antenna of up to 3 metres in total height?

9.1 Only if the prior approval mechanism in practice ensures that the impact on the setting of heritage assets is properly addressed and that development that harms the historic environment can be prevented.

(ii) That the permitted development should only apply to existing operational (transmitting and receiving) sites at the time of publication?

9.2 Yes, subject to the comments under question 9(i)

(iii) Should the proposed permitted development right be extended to include both existing and new sites which receive planning permission after publication of this consultation – subject to prior approval?

9.3 No.

Question 10: Do you agree that Part 24 of Schedule 2 to the 1995 Order is clarified so that changes agreed between a mobile operator and the local planning authority to an existing approved application is not treated as needing to go through a prior approval process or a new planning application?

10.1 Only if such changes would have no material effect on the historic environment.

Question 11: Do you agree that Part 24 of Schedule 2 to the 1995 Order is changed to enable existing operational masts at the time of the publication of this consultation (transmitting and receiving) on land in non-protected areas which are up to 15 metres high should be able to be increased in height by up to 5 metres to 20 metres and in width by up to a third under a permitted development with prior approval?

11.1 No, unless there are adequate safeguards to ensure that the additional impact of such development in non-protected areas particularly upon the setting of heritage assets can be addressed.

Question 12: Do you:

(i) Agree with the assumptions, and cost savings set out in this consultation? And

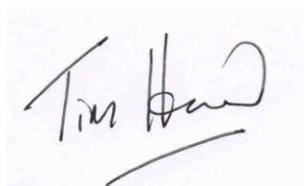
(ii) If you disagree, please provide alternative assumptions; cost savings and data for the number of sites to be upgraded to facilitate 4G in the first 12-24 months of roll-out.

12.1 No comment. These matters are best addressed by our members in their individual responses.

IfA would be happy further to discuss these issues with Government with a view to facilitating sustainable development which delivers public benefit both economically and culturally.

In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,



Tim Howard LLB, Dip Prof Arch
Policy Advisor