



ATO Consultation response with deadline 14 June 2021 to:

Changes to permitted development rights for electronic communications infrastructure: technical consultation.

[Changes to permitted development rights for electronic communications infrastructure: technical consultation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation)

The Association of Tree Officers (ATO) is a professional organisation representing, supporting and promoting UK Tree Officers at a national and international level and supporting the work of the regional tree officer's groups. The ATO working group responsible for putting this response together include representatives from the Municipal Tree Officers Association, London Tree Officers Association, Thames Valley Tree Officers Forum, West Sussex Tree Officers Group and the Arboricultural Association.

Question 1

The government has committed to make it easier to deploy radio equipment housing without the need for prior approval. This is to support the deployment of 5G and incentivise the use of existing sites for site sharing.

1A) To implement this, we would welcome your views on the following proposals:

On Article 2(3) land to:

- permit single developments up to 2.5m³ without the need for prior approval;
- to permit single developments exceeding 2.5m³ subject to prior approval.

1A resp.) The Association of Tree Officers have concerns regarding permitting single developments up to 2.5m³ without the need for prior approval. We feel that without prior approval developments may take place without the consideration of the impact on trees; an important environmental asset. This we believe will lead to increased situations of root damage. Root damage being capable of causing decline and, in more severe cases, structural instability.

We would have no objection to permitting single developments without the need for prior approval providing that trees are identified as a material consideration within the changes to permitted development right for electronic communication infrastructure. This can be best achieved by ensuring an arboricultural method statement is mandatory during all permitted developments without prior approval. We specifically request that trees be added as a

'condition' to consider under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015, e.g. 'development is permitted subject to the condition any apparatus or structure provided in accordance with that permission takes due consideration of the location of adjacent trees in terms of harm to the root system and/or future requirements to prune to maintain the signal'

Should our request for an Arboricultural Method Statement not be possible under permitted development we would request that it be made a requirement that Street Works (previously NJUG) guidelines in relation to trees are followed as a minimum. These are identified in 'Volume 4: Street Works UK Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2)'. We also request that trees are considered further in the amendments to the Code; see the Association of Tree Officers response to question 10.

We have no objection to permitting single developments exceeding 2.5m³ subject to prior approval as this allows objections due to siting. Allowing the local planning authorities to identify conflicts regarding the siting in relation to trees.

1B) To implement this, we would welcome your views on the following proposal:

- To permit the installation, alteration or replacement of radio equipment housing within the boundaries of a permitted compound, without the need for prior approval, subject to measures to mitigate visual impact. This proposal would apply on all land except land on or within sites of special scientific interest.

1B resp.) The Association of Tree Officers, under the assumption that the arboricultural impacts had been assessed during the initial creation and implementation of the compound, have no objection to this.

Question 2

2A) The government has committed to make it easier to strengthen existing masts without the need for prior approval to be given by the local planning authority. This is to encourage use and sharing of existing masts and so limit the need for new ones.

To implement this, we would welcome your views on the following proposals:

- To permit the alteration or replacement of existing masts with wider masts, subject to the following limits: on all land, for existing masts less than one metre wide, permit increasing the width by up to two-thirds without the need for prior approval;
- where an existing mast is greater than one metre wide, permit increases in width without the need for prior approval. Subject to consultation responses this would be by either:
 - a) up to one half or two metres (whichever is greater) on all land (including Article 2(3) land and land on a highway); or
 - b) up to one third or one metre (whichever is greater) on Article 2(3) land and land on a highway, and one half or two metres on all other land.
- on all land permit greater increases in width than proposed above subject to prior approval
- that any change in width is calculated by comparing the widest part of an existing

mast with the widest part of the new altered or replacement mast.
The above proposals would not apply on land on or within sites of special scientific interest.

2A resp.) The Association of Tree Officers have concerns regarding issues with potential root damage to trees should increases in width include increases in the area of subterranean sections of the mast. i.e. 'support structures'; identified as pertaining to this change in the consultation document.

In such a case we would have no objections providing trees are identified as a material consideration during changes to permitted development rights for electronic communication infrastructure. This can be best achieved by ensuring an arboricultural method statement is mandatory during permitted developments without prior approval. We specifically request that trees be added as a 'condition' to consider under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015, e.g.

'development is permitted subject to the condition any apparatus or structure provided in accordance with that permission takes due consideration of the location of adjacent trees in terms of harm to the root system and/or future requirements to prune to maintain the signal'

Should our request for an Arboricultural Method Statement not be possible under permitted development we would request that it be made a requirement that Street Works (previously NJUG) guidelines in relation to trees are followed as a minimum. These are identified in 'Volume 4: Street Works UK Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2)'. We also request that trees are considered further in the amendments to the Code; see the Association of Tree Officers response to question 10.

We have no objection to permitting larger changes of width subject to prior approval as this allows objections due to siting. Allowing the local planning authorities to identify conflicts regarding the siting in relation to trees.

2B) For existing masts greater than one metre wide we have proposed two alternative options:

Permit the alteration or replacement of existing masts with wider masts, subject to the following limits:

- Option A) up to one half or two metres (whichever is greater) on all land (including Article 2(3) land and land on a highway), or
- Option B) up to one third or one metre (whichever is greater) on Article 2(3) land and land on a highway, and one half or two metres on all other land.

Greater increases in width than proposed above would be subject to prior approval.

The above proposal would also not apply on land on or within sites of special scientific interest.

Which of these two options do you consider to be most appropriate? If you would make any further comments, please include these in your response to Question 2A (above).

2B resp.) Option B (Tick box – No ability for any elaboration)

Question 3

The government has committed to make it easier to strengthen existing masts without

the need for prior approval to be given by the local planning authority. This is to encourage use and sharing of existing masts and so limit the need for new ones.

To implement this, we would welcome your views on the following proposals:

To permit the alteration or replacement of existing masts up to a new height of 25 metres, without the need for prior approval, outside of Article 2(3) land.

The government also proposes to align permitted development height limits for alterations to existing masts with those proposed for new masts. This would permit the alteration or replacement of existing masts subject to the following limits:

- on Article 2(3) land and land on a highway, up to a new height of 25 metres subject to prior approval;
 - on all other land, up to a new height of 30 metres, subject to prior approval;
- The above proposals would not apply on land on or within sites of special scientific interest.

Q3 resp.) The Association of Tree Officers would be in favour of permitting increases in the height of masts without the need for prior approval to reduce conflicts with siting in relation to trees, i.e. so that masts could be above anticipated tree height, thereby reducing damaging requests for tree pruning and/or felling. Concerns over potential related increases in supporting structures are dealt with in previous question responses.

Question 4

The government has committed to make it easier to deploy building-based masts nearer to highways, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

To implement this, we would welcome your views on the following proposal:

Permitting the installations of masts within 20 metres of the highway on buildings that are less than 15 metres in height. Existing limits to the location and heights of masts and number of antennae that can be deployed on building would remain. This proposal would not apply on article 2(3) land or land on or within sites of special scientific interest.

Q4 resp.) The understanding of the Association of Tree Officers is that this change would allow the installation of masts directly adjacent to the public highway on tree lined streets. This raises significant concerns over inappropriate siting due to the lack of consideration to current and future growth of tree canopies. On this basis we would object to this unless trees were identified within the permitted development rights as a material consideration during deployment of such apparatus. This in view of minimising damaging request for tree pruning and/or felling.

Question 5

The government wishes to go further to enable the deployment of building-based masts nearer to highways. This is to support deployment of 5G and extend mobile coverage encourage using existing structures.

5A) Do you agree with the government's proposal to permit shorter masts on buildings without the need for prior approval, subject to measures to mitigate visual impact?

5B) We would welcome your views on this proposal. We particularly welcome comments on the measures proposed to mitigate visual impact:

- limiting the height of masts that can be deployed without the need for prior approval to a height of no more than 6 metres above the highest part of the building, and
- only applying this permitted development right outside of Article 2(3) land and sites of special scientific interest.

5A resp.) Subject to measures to mitigate siting impacts, i.e. trees. The Association of Tree Officers would support higher, rather than shorter masts, thereby reducing damaging requests for pruning and/or felling. Our concern being that trees will be seen as a way to mitigate the visual impact; increasing issues with siting and requests for damaging tree pruning and/or felling.

5B resp.) The Association of Tree Officers have concerns over the limiting of the height to 6m above the highest part of the building. Such limits may increase issues with siting. We would have no objection to such limits being increased. Regardless of the permitted height we feel masts being placed on buildings without prior approval should require an Arboricultural Impact Assessment, i.e. making trees a material consideration. This ensures current and future canopy growth is considered during development thereby minimising damaging requests for tree pruning and/or felling. We specifically request that trees be added as a 'condition' to consider under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015, e.g. 'development is permitted subject to the condition any apparatus or structure provided in accordance with that permission takes due consideration of the location of adjacent trees in terms of harm to the root system and/or future requirements to prune to maintain the signal'

Question 6

The government has committed to enable higher masts, subject to prior approval. This is to support deployment of 5G and extend mobile coverage encourage using, and to support the sharing of masts.

To implement this, we would welcome your views on the following proposals:

- On Article 2(3) land, and land which is on a highway, to permit new ground-based mast up to 25 metres in height, subject to prior approval
- On all other land, to permit new ground-based mast up to 30 metres in height, subject to prior approval

Q6 resp.) The Association of Tree Officers are in favour of higher masts providing they are subject to prior approval. We feel this will reduce objection due to siting in relation to

damaging requests for tree pruning and/or felling. With the prior approval process still allowing concerns over potential root damaged to be raised.

Question 7

The government has considered whether further measures are needed to support deployment of 5G and extend mobile coverage.

We are considering whether permitting monopoles up to 15 metres in height outside of Article 2(3) land and land on or within sites of special scientific interest without the need for prior approval would support the government's ambitions for 5G deployment. We would welcome your views on this proposal. We particularly welcome comments on the restrictions, limitations and conditions that would be required to ensure this permitted development right would only apply to monopoles, and to mitigate visual impacts.

Q7 resp.) The Association of Tree Officers have significant concerns over permitting monopoles up to 15m without prior approval. This is due to both the increased risks of root damage and increase requests for tree pruning and/or felling. (15m being significantly lower than many mature trees; causing siting issues). Our concerns are as tree protection is not identified as a material consideration trees are being seen as a way to mitigate the visual impacts of masts increasing the occurrence of such damage.

We feel this concern can be mitigated providing an Arboricultural Method Statement is mandatory with all developments of this nature that go ahead without prior approval. This is to assess the full impact of the development (installation of cabinets, mast supporting structure and underground services in relation to roots, and masts in relation to potential pruning). Should this be implemented we would have no objection to the permitting of monopoles up to 15 metres in height outside of Article 2(3) land and land on or within sites of special scientific interest without the need for prior approval. We would also like to identify that if Arboricultural Method Statements were made mandatory, we would have no objection to the limit being set higher than 15m, reducing issues with siting. We specifically request that trees be added as a 'condition' to consider under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015, e.g. 'development is permitted subject to the condition any apparatus or structure provided in accordance with that permission takes due consideration of the location of adjacent trees in terms of harm to the root system and/or future requirements to prune to maintain the signal'

Should our request for an Arboricultural Method Statement not be possible under permitted development we would request that it be made a requirement that Street Works (previously NJUG) guidelines in relation to trees are followed as a minimum. These are identified in 'Volume 4: Street Works UK Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2)'. We also request that trees are considered further in the amendments to the Code; see the Association of Tree Officers response to question 10.

Question 8

The government wishes to ensure that appropriate measures are in place to mitigate the impact of development from the proposals on safeguarded areas. To achieve this, we are proposing to amend the General Permitted Development Order for all

developments relating to masts within official safeguarded areas related to Aerodromes, Technical Sites and Military Explosives Storage Areas.

8A) Do you agree with the government's proposal to amend the General Permitted Development Order to include a prior notification procedure relating to safeguarded areas, and to require prior approval for proposed mast developments in proximity to a defence asset?

8B) We would welcome your views on the proposed prior notification procedure and prior approval requirement.

8A resp.) No tick box selected

8B resp.) The Association of Tree Officers has no views to share in this area of consultation.

Question 9

The government wishes to update the definition of small cell systems in the General Permitted Development Order. This is to ensure that there is no uncertainty about the types of technology that fall within the definition.

9A) Do you agree with the government's proposal to amend the definition of 'small cell systems' in the General Permitted Development Order?

9B) We would welcome your views on this proposal.

9A Resp.) 'Yes' tick box selected

9B resp.) The Association of Tree Officers can see no issues with this.

Question 10

We welcome comments on what more, if anything, the government should do to ensure successful implementation of the proposed planning reforms to support the deployment of 5G and extend mobile coverage.

Q10 resp.) The Association of Tree Officers feel the implementation of the material consideration for tree protection during changes to the permitted developments rights for communications infrastructure will aid in streamlining the process. This by preventing objections due to siting from prior approval permitted developments and to mitigate damage from permitted developments without prior approval. This would reduce objections from Local Authority planning departments and assist with public relations.

We feel if further rights are given to allow the described permitted development without the need for prior approval the request for mandatory Arboricultural Method Statements must be implemented to prevent significant damage to these valuable assets, trees. Ideally Arboricultural Method Statements should also be mandatory during the submission of permitted developments requiring prior approval also. We specifically request that trees be added as a 'condition' to consider under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015, e.g. 'development is permitted subject to the condition any apparatus or structure provided in accordance with that permission takes due consideration of the location of adjacent trees in terms of harm to the root system and/or future requirements to prune to maintain the signal' This will prevent

delays due to issues with siting in relation to trees often identified by planning departments following submission.

The Association of Tree Officers would also strongly like their input into the new code of practice and request that we are consultees in this along with other relevant professionals. However as stated in the consultation "...the Code of Practice will not be statutory". Hence our emphasis for trees to be identified as a material consideration within changes to permitted development rights. They require statutory protection. Lack of reference to trees in the proposed reforms and changes to the Code of Practice will be contrary to the Governments aims to mitigate climate change, with trees providing an important role in this.

Question 11

The proposals outlined in this technical consultation build upon the principles that the government has established to enable the deployment of 5G and extending mobile coverage, and have been considered under [section 149 of the Equality Act 2010](#). Considering the technical detail of the proposals, we would welcome views on the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Q11 resp.) The Association of Tree Officers is unaware of how the changes illustrated within this consultation will impact people with protected characteristics as defined in section 149 of the Equality Act 2010. Our only comment being that the deployment of 5G will likely benefit such people through improved communication and the development of new technology.

Question 12

We welcome further any further evidence specifically on the regulatory impacts of the proposed changes to planning regulations set out in this technical consultation.

Q12 resp.) The Association of Tree Officers note that this is yet another increased permitted development allowance over and above numerous others. Permitted development rights have considerable potential negative impacts on trees and biodiversity so should be carefully considered to avoid being in direct conflict with the 'green' aims of the Government. The reliance on voluntary 'codes' is of concern due to the lack of ability to enforce the 'recommendations' within them. Utility operators/statutory undertakers often don't comply with these, hence the importance (as requested) for trees to be a material consideration through both permitted development and prior approval.

Supporting Evidence & Confidentiality

The Association of Tree Officers response will be selected to **NOT** be treated as confidential.

The Association of Tree Officers have no files to submit alongside their response.