Communications Consumer Panel and ACOD response to DCLG and DCMS' Review of How the Planning System in England Can Support the Delivery of Mobile Connectivity

Introduction

The Communications Consumer Panel (the Panel) and the Advisory Committee for Older and Disabled People welcome the opportunity to respond to this call for evidence.

The Panel works to protect and promote people's interests in the communications sector. We are an independent statutory body set up under the Communications Act 2003. The Panel carries out research, provides advice and encourages Ofcom, governments, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro businesses. The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro businesses, which have many of the same problems as individual consumers.

There is also cross-membership with Ofcom's Advisory Committee on Older and Disabled People. This means that Members, in their ACOD capacity, provide advice to Ofcom on issues relating to older and disabled people including television, radio and other content on services regulated by Ofcom.

Response

Mobile communications services – communication on the move, by voice, SMS and data – are essential services to UK consumers and citizens, and micro businesses.

Ofcom's latest research, published in August 2015, has revealed that 33% of internet users now see their smartphone as the most important device for going online[1], followed by their laptops (30%) and tablets (19%), leaving desktop computers behind at only 14%.

The research also shows that 66% of UK adults now own a smartphone, compared to 39% in 2012. Ofcom puts this down to the increasing take-up of 4G mobile broadband, providing faster online access, with 4G subscriptions having risen from 2.7 million to 23.6 million by the end of 2014. It is vital that supply keeps up with demand.

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[1] http://media.ofcom.org.uk/news/2015/cmr-uk-2015/

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The UK's consumers and citizens rely on mobile communications for a range of purposes, including medical, emergency and security needs. This has become increasingly important since the Government announced its intentions to move towards 'Digital by Default' services.

We would also highlight the fact the Government plans to roll-out an emergency alert system via mobile phones as evidence of the increased significance of mobile communications to consumers and citizens.[2]

A reliable emergency alert system via mobile phones is particularly important in rural communities. A report by DEFRA[3] published in March 2015 looks at the impact of living, working and staying in a not-spot area as evidence of the value of mobile communications to rural communities. The report found that most people living in not-spots own mobile phones (97% of residents, 87% of businesses) and among both residents and businesses, a key reason for having a mobile phone was to deal with emergencies (80% of residents, 60% large businesses, 50% small businesses).

The report also found that improved mobile phone services would benefit local businesses, with 47% of businesses and 41% of home-run businesses reporting a negative impact on their profit, turnover and productivity.

The report found that the potential visual impact of additional mobile phone masts was not a major concern to respondents.

Mobile communications services are a vital tool for micro businesses (employing 10 or fewer employees) in all locations across the UK, making up 96% of all businesses in the UK[4].

In 2013 we commissioned a market research company, Jigsaw, to carry out independent, qualitative research[5] with 115 micro businesses from across the UK.

We believe that our evidence supports the importance of not only voice, but, increasingly, mobile data coverage to micro businesses, providing a gateway to other services and connecting micro business owners with their customers, employees and suppliers.

The Panel made the following recommendations in respect of coverage and speed:

- Government and Ofcom investigated the effectiveness of methods of increasing mobile coverage as a matter of urgency. Improved coverage must also address road and rail coverage.

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[2] https://openpolicy.blog.gov.uk/wp-content/uploads/sites/35/2014/01/Trialling-a-new-emergency-alert-system-Cabinet-Office.pdf

[3] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412201/Mobile_network_not_spots_final_report.pdf

[4] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/433139/bis-15-209-protection-of-small-businesses-when-purchasing-goods-and-services-call-for-evidence.pdf

[5] http://www.communicationsconsumerpanel.org.uk/downloads/micro-business-qualitative-research-written-report-final.pdf

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- Government explored, as part of the Digital Communications Infrastructure Strategy, a revised minimum requirement for standard broadband connection which would enable micro businesses to support better their online requirements.
- Government raised awareness of, and stimulated demand for, its small business initiatives, including the rollout of superfast broadband e.g. ensuring micro businesses are aware of the possibility of aggregating vouchers and are enabled to use growth vouchers to good effect.

Coverage

In our response to a consultation by the Department for Culture, Media and Sport (DCMS) in November 2014[6] 'Tackling Partial Not-Spots in Mobile Phone Coverage', we highlighted the fact that market pressures on their own would not solve the coverage problem that exists in the UK, leaving not-spots and partial not-spots and pressed for government intervention.

We welcome the progress so far, in the form of the voluntary, binding commitment agreed by Sajid Javid MP and the major mobile network operators (MNOs), announced in December 2014.[7] A Briefing Paper was prepared for Members of Parliament and published on 9 June 2015[8], which sets out the obligations and commitments of the major mobile network operators (MNOs), the Government and Ofcom, in improving mobile coverage across the UK.

We believe that applicants are in a better position to submit evidence on the type of planning applications that have been rejected. However, it would be interesting to see evidence submitted to understand whether relaxing planning rules can make a real difference to mobile connectivity.

The National Planning Framework for England, published on Gov.UK's Planning Portal[9] gives the following guidance, which we believe should be maintained in the event of a review of planning permissions:

"Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

This should include:

- 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 or technical site; and
- 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 on non-ionising radiation protection guidelines; or

[6] DCMS' consultation on Tackling Partial Not-Spots in Mobile Phone Coverage
[7] https://www.gov.uk/government/news/government-secures-landmark-deal-for-uk-mobile-phone-users
[8] www.parliament.uk/briefing-papers/SN07069.pdf
[9] http://planningguidance.planningportal.gov.uk

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- 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."

And applicants already need to:

"have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services."

If complied with, these would appear to be sensible guidelines, aimed at protecting consumers and citizens from harm.

The Framework also states that:

"Existing masts, buildings and other structures should be used, unless the need for a new site has been justified."

However, we note that the Mobile Operators Association[10] warns that site sharing is not always an option, for the reasons given below:

"Shared masts are normally taller and have more impact on the environment because they have to accommodate two or more sets of antennas. The more antennas that are clustered together, the higher the overall radio frequency emissions are likely to be. Further, the radio frequencies that different mobile network operators use are not always compatible and could interfere with existing antennas."

The Framework also states that where new base stations are required "equipment should be sympathetically designed and camouflaged where appropriate."

Evidence of camouflaging has been seen across England – to varying degrees of success - from synthetic 'trees', to chimneys, clocks, telegraph poles and weather vanes, to religious statues[11]. Adapting equipment can be more costly and it is for MNOs to weigh any increased cost against the benefit of gaining the support of the local community and having a better chance of approval of their application.

It is important that MNOs consult with the local community - as required - when planning to install camouflaged equipment, so that consumers and citizens understand that camouflaging is for the benefit of the community and not an attempt to 'hide' equipment from them.

We strongly believe that Government and MNOs should work to fulfil the public expectations that they have set. A review of the planning system, potentially allowing more base stations and taller masts to be built, may form part of the bigger picture – and we hope that all available options will be considered.

However, a review of the planning system may be a time-consuming process. We would urge that care is taken to ensure that this assessment of whether to review is

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[10] http://www.mobilemastinfo.com/base-stations-and-masts/
[11] http://www.getsurrey.co.uk/news/local-news/angel-cathedral-arisen-4858781

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completed without delay in order to contribute towards the ultimate goal of providing robust and reliable coverage, for more people – particularly those who are most in need.

Furthermore, if the difficulties of site sharing, as suggested by the MOA, are significant, then we once again, question why the economically more rational approach of, at least, rural, **national roaming** is not the best solution for delivering improved coverage to all consumers without unnecessary and expensive new site building.