Unacceptable telecommunications masts (26) – the case for masts in Total Not Spots has now collapsed

Description

In November David Craig explained how advances in smart phone technology meant that any masts erected under the UK Government's Shared Rural Network programme to eliminate Total Not Spots would soon become obsolete (see here). On 25th March Ofcom issued a set of proposals for consultation which would remove the regulatory block to that happening by allowing "mobile networks and satellite operators to use mobile airwaves – called radio spectrum – to connect mainstream handsets in the UK" (see here). Ofcom's news release states that it could potentially authorise such services to go ahead before the end of this year.

Ofcom confirms the analysis provided by David Craig and others on Parkswatch:

"Previously, mobile satellite services from space have mainly been available to a niche group of users – for example, on ships and aircraft – with specialist handsets that can be expensive. If this was more widely available, it would help connect the UK's most rural and hard-to-reach places. This could mean getting a signal in remote villages and up mountains, and could provide vital back-up options during outages."

Interestingly the news release reports that:

"In January, Vodafone successfully made the world's first satellite video call using a standard mobile phone, up a mountain in west Wales where there was no coverage. This was made possible by Ofcom issuing an innovation and trial licence". [This was with a company called AST SpaceMobile].

There is no mention of the Shared Rural Network programme in Ofcom's news release. Ofcom's announcement has, however, made the original plan to reduce Total Not Spots in mobile phone coverage to a maximum of 95% of the UK landmass by paying £500m to mobile operators to erect masts in remote areas completely redundant. Satellite technology will provide 100% coverage and to the seas around Scotland too.

Satellites also provide mobile coverage without any impact on the landscape, removing the need for the masts themselves and their associated access roads, and reduces the wider environmental impacts resulting from their construction and servicing (including the back-up diesel generators needed to power them).

Satellite technology also has implications for the Shared Rural Network programme to eliminate Partial Not Spots which is being paid for by the mobile operators. While sharing existing masts is likely to be the most cost effective option for the foreseeable future, whether they are likely to continue to erect new masts, such as that approved at Creagh Dhubh on appeal (see here), will depend on the cost of satellite services. While Elon Musk's Starlink is currently the market leader, as the Telegraph explained following Ofcom's announcement (see here) *"it is facing growing competition from Eutelsat OneWeb, the French satellite company in which the UK Government has a stake, as well as Amazon's Kuiper system".*

That should help bring prices down and is likely to make even more masts redundant.

Planning policy and mobile-satellite technology

It is not uncommon for planning and other government policy to lag technological developments. The rapid developments in mobile-satellite technology mean that the policies which planning authorities have used to determine applications for new telecommunications masts are now out of date and no longer fit for purpose. For example, the policies of both the Cairngorms and Loch Lomond and National Park Authorities are based on the assumption that masts – referred to as telecommunications structures or equipment in their Local Development Plans – are needed to improve mobile coverage:

Cairngorms National Park Local Development Plan 2021

POLICY 6: THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT

Proposals for new telecommunications or other digital communications equipment will only be permitted provided that all of the following criteria are met:

a) details of the siting, design and appearance of the proposed apparatus and associated structures demonstrate that the impact on the visual amenity, character and appearance of the surrounding area is minimised;

b) in sensitive areas detailed evidence demonstrates that the proposals would not lead to unacceptable effects on areas of particular ecological interest or landscape importance; archaeological and other cultural heritage sites; conservation areas; or buildings of architectural or historic interest;

c) opportunities for mast and site sharing as well as installation possibilities on buildings or other existing structures have all been fully considered and such opportunities taken wherever appropriate and practicable;

d) the choice of equipment to be installed is the smallest possible that is commensurate with the technological requirements;

e) every effort has been made to conceal, camouflage or otherwise disguise masts, other equipment, installations and associated building structures as well as cabling;

f) proposed landscaping and screen planting, where appropriate, would appropriately mitigate the impact of the development;

g) details demonstrate that the proposal best meets operational needs and fits into the wider network, having explored alternative options and having had regard for the local context and the cumulative impacts that would arise; and

h) a written declaration confirms that the equipment and related installations are all designed to be in full compliance with the appropriate industry guidelines and regulations applicable at the time – such as the ICNIRP guidelines for public exposure to radiation frequency.

This policy is all about the micro-siting and design of masts in the National Park NOT about whether they are needed in the first place – which is why the CNPA failed to call-in the application for a mast at Creag Dhubh (see here).

While planning authorities still have to consider their local policies on masts for every planning application, they are overridden by Policy 24 on Digital Infrastructure in the Scottish Government's National Planning Framework 4 where it says anything different. Policy 24 was also adopted before the developments in mobile-satellite connectivity and also creates a policy presumption in favour of developments (i.e physical structures like masts) that improve digital infrastructure, particularly in rural areas. This has been used to justify the erection of new telecommunications masts.

However, only one paragraph (e) (ii) in Policy 24 actually refers to masts:

"e) Development proposals for digital infrastructure will only be supported where:
i. the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints;
ii. it has been demonstrated that, before erecting a new ground based mast, the possibility of erecting antennas on an existing building, mast or other structure, replacing an existing mast and/or site sharing has been explored; and
iii. there is no physical obstruction to aerodrome operations, technical sites, or existing transmitter/receiver facilities."

Arguably the implication of sub-paragraph ii) is that if there is an alternative to erecting a new mast then that should be used.

Unfortunately, neither the Scottish Government nor our National Park Authorities have so far been brave enough to say the developments in mobile-satellite technology mean that should is now the preferred option and that instead of a planning presumption in favour of new masts they should only be considered in exceptional circumstances.

Other grounds in NPF4 for Planning Authorities to refuse planning applications for new masts are provided by paragraph a):

"Development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported".

Clearly masts in remote areas are not future proofed and have had their day.

The problem of redundant masts

A related planning issue is what is going to happen to the hundreds of masts across the UK, including those erected under the Shared Rural Network programme, when they are abandoned by operators as financially cheaper options emerge?

While most of the decisions approving new masts require the applicant to restore the site should the mast no longer used, enforcing that is another matter. The cost of removing masts in remote areas is significant and there is always the possibility of redundant mast sites being transferred to another company which then conveniently goes bust. Given these risks, where any new mast is now approved, whether in a Total Not Spot or not, it should be on condition the applicant takes out a bond guaranteeing the site will be restored.

To date progress on the Extended Area Service element of the Shared Rural Network programme, under which the UK Government is paying for new masts for the emergency services but then allowing the mobile operators to use them, has been much more rapid than misguided attempt to eliminate Total Not Spots ((TNS). There are 43 new EAS sites live and 154 in the build phase:

EAS Progress

As part of the Shared Rural Network programme, UK Government funding is being made available to the Home Office and mobile network operators (MNOs) to upgrade Extended Area Service (EAS) masts being as part of the Emergency Services Network (ESN) to make them usable by the four MNOs to offer comme connectivity as well as emergency services coverage. However, in some cases it may not be possible to du technical, financial or other reasons, such as planning.

Nation	Number of EAS sites in or completed the acquisition / design phase	Number of EAS sites in or completed build upgrade phase	Number of EAS sites live	Number of EA sites descop
UK	209	154	43	25
England	57	36	7	3
Wales	66	56	23	3
Scotland	86	62	13	19

That compares to one TNS site live and one in the pipeline:

TNS Progress

On the publicly funded element of the programme, which involves providing coverage in the total-not
(TNS), progress continues with planning applications now being submitted across Scotland. We will
rolling update of how many validated applications are in the planning system below. Many mast loca
still to be finalised before they can progress to the planning stage.

Over the past year we have seen survey teams from all four operators and their suppliers heading ou
to carry out on Kick Off Visits (KOVs) and Multi Skilled Visits (MSVs) to make final site assessments.
these vital site visits we now expect to need fewer masts than originally planned, whilst still deliverin
necessary coverage targets.

Number of TNS sites in planning / acquisition phase	Number of TNS sites in build phase	Number of TNS live
c160	1	1

The SRN data does not breakdown the number of TNS sites by those that have been granted planni
permission from those that are in the planning pipeline

While the first TNS site to go live – on South Uist – was greeted with great fanfare (see here) it was only in November. Moreover it has now been reported (see here) that £184m from the TNS programme has now been diverted to the EAS programme whose primary purpose is to improve mobile connectivity used by the the emergency services (i.e generally close to roads). That appears to be an indication that both the UK Government and the mobile operators know that advances in technology are rapidly making the TNS element of the SRN programme redundant. At the very least it will cut the number of potential masts in Total Not Spots by a third.

There are, however, still a significant number of planning applications that have been approved but where building work has been started. The risk is that with the UK Government picking up the tab – there was nothing in Rachel Reeves Spring Statement speech to say they were now going to end the TNS programme entirely (see here) – some of these sites still go ahead.

Planning chaos

While the TNS programme no longer makes any sense, it is not in the financial interests of the companies contracted by the mobile operators to plan and build new masts to suspend activity. Indeed the more applications that are approved, the more sites purchased and the more construction projects started the higher the profits or the compensation they are likely to receive when the programme is terminated.

This helps explain the number of mast applications still being documented by the SRN Mast Action Group on their excellent Facebook Page (see here). The information there also suggests that planning authorities are in complete chaos when it comes to deciding what to do about mast applications: approving some; rejecting others; and, in many cases sitting on the fence for months – no doubt in the hope that the Scottish Government might issue updated guidance.

To illustrate the issues there are currently six planning applications for masts being considered by the Loch Lomond and Trossachs National Park Authority (LLTNPA), one in a remote area but the other five all in areas of significant landscape importance:

Reference	Location	Date of application
2024/0027/DET	Land North of Loch Sloy	14th Feb 2024
2024/0137/DET	Glen Finglas	3rd June 2024
2024/0149/DET	Glen Kinglas	4th July 2024
2024/0155/DET	Inverlochlarig, Balquidder	8th July 2024
2024/0232/DET	Glen Ogle	30th August 2024
2024/0339/DET	Leny Feus, Callander	21st Feb 2025

I have lodged an objection to the Loch Sloy application (see here) – a remote area albeit blighted by conifer plantations – that there is now no justification for erecting a mast in this area. Worryingly the statement from the developer about their pre-application discussions with the LLTNPA states:

"We received a detailed written response on 08 January 2024 confirming that new digital infrastructure is generally supported and the principle of development would be assessed against Telecommunications Policy 1 of the LDP and Policy 24 of NPF4."

The telecommunications policy from the LLTNPA's Local Development Plan (like most of their other policies) is now totally out of date (the plan dates from 2017). Because of this I have asked that this application should NOT be decided by officers, as usually happens in the Park, but referred to the planning committee for consideration in the light of Ofcom's announcement.

In my view both the LLTNPA and CNPA could and should be showing a lead here by issuing supplementary advice to would-be mast developers about how they will respond to planning applications in the light of the developments in mobile-satellite technology. I have made a number of representations to the CNPA about this (the LLTNPA refuse to communicate with me) but sadly they have chosen so far to keep quiet rather than promote the public interest.

It is no wonder so many people in Scotland are now disillusioned with Scotland's National Parks. If they cannot even do a simple thing like state "developments in mobile-satellite technology have removed any justification for agreeing to telecommunications masts in Scotland's most beautiful and remote areas" there is no point having them. Unfortunately the Scottish Government, which should be commissioning an independent review into why Scotland's National Parks have failed so badly and fixing those problems before creating any new ones, is the root cause of the problem.

Category

1. Cairngorms

2. Loch Lomond and Trossachs
3. Other parts Scotland

Tags

1. CNPA
2. landscape
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