

**EXPLANATORY MEMORANDUM TO**  
**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT) (ENGLAND) (AMENDMENT) (NO.2) ORDER 2005**

**2005 No. 2935**

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This Instrument amends the Town and Country Planning (Permitted Development) Order 1995 which grants planning permission for certain developments of land. The Order is being amended to extend the permitted development rights for the erection of satellite and microwave antennas on dwellinghouses and other buildings.

2.2 In summary, the changes introduced by the Instrument are as follows:

Antennas

The amended order makes no distinction between microwave and satellite antennas in relation to the permitted development rights granted.

Dwellinghouses and other buildings up to 15 metres in height.

The number of permitted antennas is increased to two, and the size restrictions in relation to the two permitted antennas are slightly relaxed. Antennas are permitted to protrude above the roofline (subject to height restrictions) where a chimney is present. A new maximum cubic capacity of 35 litres is introduced for all permitted antennas.

Buildings over 15 metres

The number of permitted antennas is increased to four, and the size restrictions in relation to the four permitted antennas are slightly relaxed. Antennas are permitted to protrude above the roofline by up to 130cm. A new cubic capacity of 35 litres is introduced for all antennas.

Conservation areas, Areas of Outstanding Natural Beauty, National Parks and the Norfolk and Suffolk Broads (described in the Order as 'Article 1(5) Land').

The siting restrictions in relation to antennas permitted in these sensitive areas are slightly relaxed. Antennas are permitted to protrude above the roofline (subject to height and siting restrictions) and on a chimney (subject to size, height and siting restrictions). The prohibition of antennas on walls, roofs and chimneys facing a road or a Broads waterway is maintained, although such restrictions only apply where the antenna will be capable of being seen from a road or waterway.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

#### **4. Legislative Background**

4.1 Section 57 of the Town and Country Planning Act 1990 (the 1990 Act) requires planning permission to be obtained for the development of land. 'Development' is defined by section 55 of the 1990 Act as 'the carrying out of building, engineering, mining or other operations in, on, over or under land; or making a material change in the use of land'.

4.2 Ordinarily, planning permission is obtained by making an application to the local planning authority for the area in which a proposed development is situated. However Section 59 of the 1990 Act permits the Secretary of State to make a development order that grants planning permission for specified types of development, without the need for a planning application. By virtue of section 60 of the 1990 Act, planning permission granted by a development order may be subject to conditions, or limitations. The Town and Country Planning (General Permitted Development) Order 1995 ('The Order'), made pursuant to section 59, grants planning permission for the 33 types of development set out in Schedule 2 to the Order, subject to the conditions and limitations set out in the separate parts of the Schedule. Parts 1 and 25 of Schedule 2 grant conditional planning permission for the erection of satellite and microwave antennas on dwellinghouses.

4.3 Without prejudice to section 14 of the Interpretation Act 1978, Section 337(7) of the 1990 Act gives the Secretary of State power to vary or revoke a development order made pursuant to section 59. This instrument amends Parts 1 and 25 of the Order in the manner described below.

#### **5. Extent**

5.1 This instrument applies to England.

#### **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### **7. Policy background**

7.1 As set out above, The *Town and Country Planning (General Permitted Development) Order 1995* (as amended) (the GPDO) is a deregulatory provision under which certain types of development - usually minor – are granted a general planning permission. The GPDO removes from the planning system much small-scale or uncontentious development, thus allowing the resources of the planning system to be deployed more efficiently.

7.2 In the UK Online Annual Report 2001<sup>1</sup>, the Government gave a commitment to review the planning regulations for satellite antennas to determine how current rules restricting a residential property to a single antenna could be relaxed, while continuing to minimise the environmental or visual impact of such antennas. In addition, the Digital Television Action Plan<sup>2</sup>, endorsed by Government and by the

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<sup>1</sup> available at [www.e-envoy.gov.uk](http://www.e-envoy.gov.uk)

<sup>2</sup> The Digital Television Action Plan, issued in December 2001, sets out a series of actions to ensure the switchover from analogue to digital television takes place. The Plan identifies who should lead on those issues and sets target dates for delivery. A Government Steering Group is chaired jointly by DCMS and DTI Ministers. DCMS and DTI have set up the [Digital TV website](#) which contains

digital television stakeholders, also promises a review of the impact of planning regulations on the deployment of aerials and dishes. Furthermore, by the provisions of the *Electronic Communications Act 2003* (which implemented four EC Directives requiring that there shall be no discrimination between different means of transmission for regulatory purposes) it is important that planning regulations are brought up to date to be technologically neutral to be consistent with other regulatory regimes.

7.3 A consultation paper,<sup>3</sup> which set out the Department's proposals in detail, was issued on 4<sup>th</sup> April 2003, with a closing date for responses by 4<sup>th</sup> July 2003. Overall, the responses to the consultation exercise revealed a limited appetite for change to the current regulations, especially in regard to Designated areas. As 'no change' was not viable due to the provisions of the *Electronic Communications Act*<sup>4</sup>, the planning changes recommended were the least de-regulatory of the options for change. A request from MoD required that ODPM modify these proposals in order to ensure appropriate safeguarding<sup>5</sup>.

7.4 The changes pertain to all types of building in England, but will have the most impact on dwelling houses. All antennas, whether satellite dishes or microwave antennas, are subject to the same regulatory regime. This removes the differential treatment hitherto given to certain types of antenna on dwelling houses.

7.5 The numbers of antennas permitted is doubled - from two to four, in the case of buildings of 15m and over; from one to two in all other cases. For buildings under 15m (including dwelling houses), one of these permitted antennas may be up to 100cm in length; any second antenna, however, is restricted to 60cm in length. For buildings of 15m and over, the maximum permitted antenna size remains unchanged at 130cm. In all cases, chimney-mounted antennas are restricted to 60cm in length. The maximum cubic capacity for all antennas on all categories of building is 35 litres. The length of the antenna is as measured in any linear direction, and excludes projecting feed element, reinforcing rim, mounting or brackets.

7.6 The restrictions on the siting of antennas have been slightly relaxed. Unless located within Article 1(5) areas, antennas on dwelling houses and buildings less than 15m should not protrude above the chimney, or protrude above any roof without a chimney. On roofs with chimneys, antennas may protrude up to 60cm above the roof or up to the height of the chimney, whichever is the lower. For buildings over 15m, the antenna should not protrude more than 300cm above the highest part of the roof. In all cases, there are additional restrictions for buildings located in Article 1(5) areas. These are that antennas should not be installed on a wall, roof slope, or chimney which faces onto, and is visible from, a road or a Broads waterway

7.7 These changes will bring about parity between the different types of antenna technology. They are designed to facilitate access to digital TV where reception may

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information on the Government's policies and initiatives on digital television including the Digital Action Plan.

<sup>3</sup> Satellite dishes and other antennas: changes to planning regulations

<sup>4</sup> The Act implemented four EC Directives requiring that there shall be no discrimination between different means of transmission for regulatory purposes.

<sup>5</sup> Safeguarding is the practice of taking measures to ensure the safety of aircraft while taking off, landing, or flying in the vicinity of an aerodrome. Safeguarded areas refer to those regions around the aerodrome which are particularly affected by aircraft operations and for which specific measures need to be taken.

not be satisfactory, and provide choice to householders and businesses who may choose to access digital or broadband services via an antenna rather than through other means. However, at the same time, these regulations are designed to minimise the visual impact of antennas on the environment — particularly in the designated areas (i.e. Conservation areas, Areas of Outstanding Natural Beauty, National Parks and the Norfolk and Suffolk Broads), where sensitivity is high.

## **8. Impact**

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 The impact on the public sector is expected to be minimal. This provision is deregulatory. By increasing the number and size of antennas permitted, and framing the regulations to make them more flexible, the formal involvement of the planning system with installation of antennas is likely to decrease.

## **9. Contact**

Andrew Gough at the Office of the Deputy Prime Minister can answer any queries regarding this Statutory Instrument. Telephone: 0207 944 6530 or e-mail: [andrew.gough@odpm.gsi.gov.uk](mailto:andrew.gough@odpm.gsi.gov.uk)

# **FINAL**

## ***Regulatory Impact Assessment***

1. Title of proposed measure:

*Amendment to the*

**Town & Country Planning (General Permitted Development) Order 1995**

2. The issue and objective:

**Objective:** To reform the *Town & Country Planning (General Permitted Development) Order 1995* (the GPDO) as it pertains to the permitted number, size, and location of satellite dishes and other antennas. The changes are to ensure the provisions are up to date, taking into account the changes in technology, and striking a balance between the liberty to carry out small scale, uncontentious development and the need to control where impacts are likely to be greater.

The principal intention is to deregulate: with the need to remove the distinctions that currently exist between the types of antenna (eg, satellite dish antennas and MESH antennas) and to relax the planning regulations for to these antennas, whilst limiting their environmental impact.

**Background:** The UK Planning system is concerned with regulating the use of land in the public interest. The *General Permitted Development Order* (the GPDO) is a deregulatory mechanism that works by lessening the regulatory requirements of the planning system. It allows relatively uncontentious development to be undertaken

without obtaining planning permission. Such deregulatory mechanisms allow planning system resources to be deployed more effectively.

From time to time, it is necessary to review those rights to ensure they remain up to date and relevant. The current GPDO provisions relating to satellite dishes were introduced in 1991, with amendments made in 1998 and 1999. However, significant technological advancements have been made since that time, particularly in the development of broadband delivery. There is now a wide range of equipment used to deliver satellite and broadband services, much of which does not fall within the existing permitted development rights for satellite dishes. It is therefore necessary to review the existing provisions to decide if they are still appropriate and whether permitted development rights should be applied to additional types of equipment.

Most conventional TV aerials have not generally been regarded as being development, either because they were not considered to have a material effect on the appearance of a building, or because they were treated by the courts as *de minimis*. In consequence, TV aerials have not been subject to the GPDO and will not, therefore, be affected by any changes to it.

In setting the limits for permitted development, it is necessary to strike a balance between the freedom allowing people to develop property and safeguarding the amenity, especially in sensitive areas such as the National Parks or Areas of Outstanding Natural Beauty. It is important that this principle continues to be applied irrespective of the type of equipment to be installed.

In taking forward this review and considering any possible changes to the provisions, it would be prudent to take into account existing policies on digital TV and broadband and to look at the issues that surround the rollout of these systems.

*This full Regulatory Impact Assessment follows wide public consultation from 4<sup>th</sup> April 2003 to 4<sup>th</sup> July 2003, and reflects issues raised in responses to that consultation.*

### 3. Risk Assessment:

#### 3A. Television and Digital Switch-over

TV is watched by the vast majority of the UK population. The number of Digital Television viewers continues to grow strong with nearly 50% of households having switched from analogue services. Demand is expected to remain strong, particularly as the Government's proposals for the switch over to digital TV (analogue switch-off) becomes more widely known.

Analogue 'Switch-off' (possibly 2007-2010):

The Government is committed to switching off analogue terrestrial transmissions. This will free up significant radio spectrum for new services. However, some households may never be able to receive digital terrestrial services of acceptable quality, and will have to rely on satellite broadcasts to receive the public services (BBS, ITV1, Channel 4, five, S4C, Teletext).

Alternative technologies have emerged (eg. wireless, satellite and power line) which may help prevent the creation of a new 'digital divide' so everyone may access these services, which offer economic and social benefits for the UK.

However, the subject of antennas can be an emotive one. The subject of how such services are transmitted to the home often polarises opinion between those who advocate unrestricted use of antennas and those who would prefer such equipment to be completely hidden from view.

For many reasons, adopting the 'no change' option is unsatisfactory. Such a solution maintains a differentiation between antenna types, which is unnecessarily restrictive and is difficult to defend given the Government's commitment, reflected in the *Communications Act 2003* (see below), to a having equivalent treatment for different modes of television reception.

In addition, doing nothing restricts choice resulting in an artificial constraint on digital TV and broadband take-up (particularly in households with multiple equipment), as those users who required antennas to access services could be dissuaded from obtaining them by the requirement for (and expense of) planning permission.

Communications Act 2003:

The *Communications Act 2003* reforms the regulatory framework for the industry with the intention of bringing about greater flexibility to the market.

The main points of the Act are:

- the transfer of functions from the five former regulators to a single new communications regulator, OFCOM (Office of Communications), allowing for all regulatory decisions affecting the communications sector to be made within a single, over-arching strategic body;
- removal of the requirement for licensing of telecommunications systems; removing about 400 licences and replacing them with a new regulatory regime for electronic communications networks, services and associated facilities - in line with EC Directives.

- the removal of the requirement for licensing of telecommunications systems and the introduction of a new regulatory regime for electronic communications networks, electronic communications services and associated facilities;
- provision to allow spectrum trading which will lead to better use of the available radio spectrum; and
- a new, more coherent, structure for broadcasting regulation that is specifically geared to dealing with the digital age, making more use of self-regulation where appropriate.

### 3B. Broadband

There is an increasing demand for a multitude of electronic communications services for business, consumer and public service applications that cannot be delivered universally across the country by traditional methods (ie. telephone lines or TV aerials). Whilst large businesses could afford to invest in fibre optic technology to overcome this, small businesses and domestic consumers cannot. There exist immediate and medium term pressures that require the Government to review planning regulations for satellite and other antennas:

- **Immediate, Broadband** - the demand for broadband access across the UK is accelerating (currently 150,000 connections per month) and for technical and economic reasons this demand cannot be satisfied solely by using ADSL (Advanced Digital Subscriber Line) technology (via telephone exchanges) or cable TV;
- **Medium-term, Broadband** (post 2005) - the increasing demand for higher speed services will reduce the catchment areas that may be served over ADSL. As the broadband speed increases, it significantly shortens the distance from a telephone exchange that a subscriber may be served acceptably.

### Government Target

The Government has a target for the UK to have the most extensive and competitive broadband market within the G7 countries by 2005. The UK is currently third in terms of the former and joint third in terms of the latter measure.

Availability now covers 85% of the UK population, with 90% coverage within sight. Extending coverage beyond this point will prove increasingly more difficult and a range of alternative solutions will need to be deployed (including wireless and satellite) to achieve ubiquity. The increased range of platforms also offers greater choice and improved competition in the broadband market.

Adoption of broadband has now reached over 3 million connections (as at November 2003), and currently stands at 150,000 connections per month.

#### What Government is doing to achieve its target for broadband

- ***Broadband Aggregation Project***

The Government plans to spend £1 billion on broadband over the next 3 years in order to enhance the delivery of public services across the UK. The Department for Trade and Industry (DTI) has initiated a programme to aggregate this spend on a regional basis with a focus on education and health, with the dual aims of achieving value for money and extending the reach of the broadband infrastructure. This programme supports the

Department of Education and Skills (DfES) target to provide broadband access to every school in England by 2006.

- **Rural Broadband initiative**

Stephen Timms, the then Minister of State for Energy and E-Commerce, and Alun Michael, Minister of State for Rural Affairs, have sponsored the creation of a joint DTI / DEFRA (Department of Food and Rural Affairs) Rural Broadband team to address the specific needs of rural areas. It has recently published its advice toolkit for communities, which includes the consideration of all available technologies.

- **Addressing the New Digital Divide**

The Government is establishing a Digital Inclusion Panel, to address the potential problems of a digital divide on socio-economic and / or geographic reasons. DTI is also working with the Department for Culture, Media, and Sport to pilot the creation of 'Wi-Fi' (wireless fidelity) 'hot-spots' (public wireless access to broadband) in public libraries.

- **Regional Broadband Fund**

Regional Development Agencies (RDA's) and the devolved administrations have spent or committed some £235m in schemes to raise awareness, encourage demand registration and address specific areas of market failure. For example, in the East of England, 15,000 people registered with the East of England Development Agency (EEDA) for broadband.

- **RABBIT Scheme for Satellite and Wireless solutions**

The government's Broadband Britain programme has encouraged the development of alternative means of broadband access eg. the RABBIT' (Remote Area BroadBand Inclusion Trial) scheme trials of alternative means of access in rural areas, in partnerships with RDA's has already supported over 1700 installations eg. Wedmore, in Somerset ([www.wirlesswedmore.org](http://www.wirlesswedmore.org)).

- **Release of radio frequencies for Broadband**

There is a growing demand for increased mobility, flexibility and ubiquity in communications that drives the growing use of radio spectrum for this purpose. In 2003, the DTI / Radio Communications Agency successfully auctioned radio spectrum (3.4GHz) for use by operators and also released unlicensed spectrum (5.8GHz) to encourage an increase in both choice and coverage of broadband services across the UK. This was addition to the already released spectrum in the 2.4GHz, 3.6GHz and 28GHz frequencies.

#### 4. Consultation Document - Options:

The consultation paper, *Satellite dishes and other antennas*, issued on 4<sup>th</sup> April 2003, set out a range of options for changes to the GPDO provisions. We did not advocate a preferred choice since we wanted to encourage comments on the options available. Our decision would then be based on genuine views of those options, rather than comments on a declared government preference.

Each of the options set out in the consultation paper is considered below. In all cases, special conditions would apply to designated areas.



### ***Option 1:***

This option maintains the status quo. Currently, the GPDO differentiates between the different types of antenna: satellite dish antennas being permitted up to a specific size (by length) and non-dish antennas being permitted by measured area (square footage.) This means that those who wish to access both digital TV and broadband via dish would need planning permission for the second dish. In addition, other antennas, including future technological innovations, not conforming to the square footage measurement would conceivably not be considered as permitted development, and might result in householders having to make planning applications for small non-contentious installations.

### **Option 2:**

This option is a moderate deregulatory change. It offers technological neutrality, in that no single method of electronic communications transmission, whether via satellite dish, fixed wireless antenna, or anything else (excluding TV aerials), is treated any differently than any other. The numbers of antennas does not change, although technological neutrality means that (in the case of dwelling houses) 2 antennas (of any type) will be permitted where, previously, it was specified as 1 dish and one 'other' antenna. However, there will be a slight relaxation in the regulations on siting.

### **Option 3:**

This option offers an increased level of deregulation. It also offers technological neutrality, but with a greater relaxation on the regulations as regards antenna numbers and siting. Dwelling houses are permitted a third (non-fronting) antenna; designated areas are permitted a single fronting antenna (2 antennas overall); tall buildings are permitted an additional 2 antennas, taking the number to 6.

### **Option 4:**

This option increases the deregulation still further. Dwelling houses are permitted three fronting antennas, if one is roof-mounted; designated areas are permitted two fronting antennas (or 3 overall); tall buildings are permitted 8 antennas, if 4 are roof-mounted. In addition, some of the restrictions on size and siting are further relaxed.

### ***Option 5:***

This option is offers the maximum level of access to satellite and other telecommunication services, with virtually no restrictions as to the numbers or size of the antennas, or their siting on the property. Designated areas are subject to a low level of regulation, broadly similar to option 4 for dwelling houses.

These were the 5 options we consulted on during April to July 2003. However, due to concerns raised during this consultation about aviation safeguarding, we have modified our proposals and considered a further option.

**Option 2A** is a modified option 2 which takes into account safeguarding issues, and has met with MoD and CAA approval. Like option 2, it is a moderate deregulatory change, which offers technological neutrality in the same way as option 2. It is also fundamentally similar in terms of the numbers and sizes of antennas permitted. However, as a result of safeguarding concerns, there is a slight increase in siting restrictions, as compared with option 2, although still more relaxed than the current regulations (option 1).

These changes will mean that some householders will require planning permission before installing an antenna if their properties are all of the following: their properties do not have a chimney protruding above the roofline; they require front-facing antennas; they are in a designated area.

The Government's preferred option is Option 2A for Dwelling Houses, Designated Areas, and Tall Buildings.

## 5. Costs:

### 5A. Consultation Document options - Costs:

#### ***Option 1:***

Under this option dwelling houses are limited to a single satellite dish and restricts the use of other antennas. This policy does not therefore facilitate access to TV, voice, and data transmission services; the consumer would be required to choose one of these services. Designated areas are further restricted as antennas could not be "fronting" a road or a waterway.

The restrictions governing other antenna types may inhibit take up of non-dish technology, leaving only satellite dishes which would be limited in number to 2 for tall buildings (over 15m or 50 feet approximately) and 1 for other buildings.

Businesses requiring additional dishes or other antennas not currently permitted would have to obtain planning permission.

Local authorities, particularly those in designated areas, could be subject to significant increases in the numbers of planning permission applications for antennas as the need or desire for access to digital, broadband or other services increases.

#### ***Option 2:***

This option is a moderate deregulatory change and achieves technological neutrality. It offers a slight relaxation in the regulations on siting, although there is no real change in the number of permitted antennas.

However, the prohibition on fronting antennas for designated areas would remain. Householders in these areas would therefore need to obtain planning permission before installing a fronting antenna, or pay for the likely increased costs of a roof-mounted antenna, thus potentially inhibiting access in such areas. Furthermore, in allowing dishes to protrude above the roofline will mean that, in certain circumstances, it would be appropriate within safeguarded areas.

#### ***Option 2A:***

This option is very close to 2 in its level of deregulation. It achieves technological neutrality and offers a slight relaxation in the regulations on siting over option 1, although it is a little more restrictive than option 2. Like 2, there is no real change in the number of permitted antennas.

Like 2, the prohibition on fronting antennas for designated areas would remain. Householders requiring a fronting antenna would need planning permission, or pay the likely greater costs for a roof-mounted antenna, thus potentially inhibiting access in such areas. However, in order to accommodate safeguarding concerns, antennas which protrude above the roof would only be permitted where there was a chimney stack present and where the antenna did not protrude above it. Householder whose premises did not have a chimney stack would require planning permission for a fronting or protruding antenna.

#### ***Option 3:***

This option offers an increased level of deregulation, allowing 3 antennas for dwelling houses and a single fronting antenna in designated areas. The technical advantages for ordinary dwelling houses under this option are limited, and although by permitting a single fronting antenna, dwellings in designated areas would benefit from enhanced access to services, this could have an adverse impact on the visual amenity of sensitive areas.

### ***Option 4:***

This option increases the deregulation still further. This option is highly flexible in terms of facilitating increased access to TV and broadband services. However, although this option provides no significant technical gain for ordinary dwelling houses. For designated areas, this option is broadly similar to option 2 for dwelling houses, although the lack of protection for visual amenity means that the environment could suffer as a consequence.

As antenna de-regulation increases, local authorities are likely to be subject to proportionately less antenna planning applications, but would have less opportunity to influence the antenna siting or proliferation.

### **Option 5:**

This option is offers the maximum level of access to satellite and other telecommunication services, with virtually no restrictions as to the numbers or size of the antennas, or their siting on the property. However, this open-ended option has the greatest potential for greater visual and environmental impact, as greater numbers of antennas can be insensitively located on premises, and may be thought to be contributing to antenna proliferation unnecessarily.

## **5B. Other Costs:**

### ***Why ADSL from local exchanges cannot be the only solution***

Broadband is defined as high-speed data communications in an 'always-on' mode and is available through a range of means: ADSL, cable, fixed wireless, and satellite.

Coverage via ADSL (adaptation of telephone exchange lines) currently stands at more than 80%, although there are technical limitations that mean that the last 5-10% of the population cannot be served by current ADSL technology. Coverage via cable stands at 45%, however, the economics of providing cable mean that broadband is unlikely to be provided to the remaining population by those means. Fixed wireless access presently offers only 13%, although BT, and others, are trialling alternative radio based technologies to complement an ADSL based service to extend this coverage. Satellite-based services can offer 100% coverage.

## **6. Benefits:**

### **6A - Consultation Document options - Benefits:**

#### **Option 1:**

This option maintains the status quo. It principally aims to protect the environment from the visual impact of dishes and other antennas. It has the advantage of familiarity and was very popular amongst local authorities and amenity groups.

#### **Option 2:**

This option is a moderate deregulatory change. It offers technological neutrality and enhanced flexibility as to the type of antennas permitted. It is intended to offer a balance between increased access to satellite and other services whilst maintaining a high level of protection for the environment, particularly in respect of Designated Areas.

#### **Option 2A:**

This option, like 2, is a moderate deregulatory change offering technological neutrality and enhanced flexibility as to the type of antennas permitted. It offers a balance between increased access to satellite and other services whilst maintaining a high level of protection for the environment, particularly in respect of Designated Areas. Its principal benefit over option 2 is that it is compliant with safeguarding procedures.

#### Option 3:

This option offers an increased level of deregulation. This option is also technology neutral, allows a slighter greater number of antennas, and offers increased flexibility as to the siting of antennas, although the restrictions on their size is retained. This option allows a single fronting antenna in Designated Areas, thus ensuring a degree of access to services where an external antenna is required. However,

#### Option 4:

This option increases the deregulation still further. The numbers of antennas is increased again, and some of the restrictions on size and siting are further relaxed. This option is highly flexible in terms of facilitating increased access to TV and broadband services. For designated areas, this option is broadly similar to that of option 2 for dwelling houses.

#### Option 5:

This option is offers the maximum level of access to satellite and other telecommunication services, with virtually no restrictions as to the numbers or size of the antennas, or their siting on the property. Designated areas are subject to a low level of regulation, broadly similar to option 4 for dwelling houses.

All options for change (options 2-5) are likely to show a reduction (increasing (incrementally) in the number of planning applications for dishes or other antennas to be erected, as those who require antennas for DTV or broadband access will not need planning permission to obtain it. The advantages of not having the additional administrative burden of the planning permission application would be apparent to both consumers and local authorities. However, this advantage cannot be quantified as it is unknown whether those who would make use of permitted development rights to install antennas would still do so (and apply for planning permission) had those rights not existed.

## 6B. Other Benefits

### *Why Broadband is important to the UK.*

The Government has a target for the UK to have the most extensive and competitive broadband market, within the G7 countries by 2005. This target was set to help deliver the following policy outcomes:

- Improved productivity amongst business and improved efficiency in the delivery of public services;
- Support regional regeneration, encourage inward investment and help SME's in rural areas to operate as effectively as if they were located in urban areas;
- Enable increasing scope for flexible working using teleworking practices – offering productivity benefits and flexibility for individuals;
- Teleworking may also contribute to reduced transport congestion especially at 'pinch points' in peak usage times;

- Offer access to educational content for schools, supports life-long learning and is an important component of a digitally inclusive society.

Patricia Hewitt, Secretary of State DTI, recently (January 2004) wrote to the Prime Minister highlighting the continued significance of broadband to the UK and copied cabinet colleagues. She advised the Prime Minister to accept a request from CEO's of key stakeholders across the Broadband industry to brief him on their vision for a UK online economy.

### ***Why broadband is important to rural areas***

“More than any recent development, broadband has the potential to revitalise rural communities. By reducing the dependence on population centres, it should increase investment, employment and choice without undermining the unique character of rural Britain. The DTI and DEFRA are committed to making affordable access to broadband a reality for each community”.

*Alun Michael*, Minister of State for Rural Affairs.

Whilst sensitive to the concerns of conservation groups to preservation of the character of rural areas, it should be recognised that these same areas also require access to communications services in order to thrive. The Access to Broadband Campaign [www.abcampaign.org.uk](http://www.abcampaign.org.uk) has encouraged community groups across the UK to develop alternative solutions (eg. wireless and satellite) to provide broadband where operators had not offered a service eg. Calder Valley (Hebden Bridge and Mytholmroyd) [www.hebdenbridge.co.uk](http://www.hebdenbridge.co.uk), Eden Valley [www.digitaldales.co.uk](http://www.digitaldales.co.uk) Alston Cybermoor [www.cybermoor.org](http://www.cybermoor.org), and Buckfastleigh and Yelverton [www.broadband4yelverton.co.uk](http://www.broadband4yelverton.co.uk) in Devon.

### ***Evidence for broadband linkage with productivity***

Broadband is a potentially process-changing technology, in that it enables companies, organisations and consumers to do things differently. It disrupts existing business models and industry value chains. This provides opportunities for cost reduction, streamlined processes and re-configured organisations.

Broadband reduces the importance of geography, creating export opportunities for businesses and enabling the location of businesses throughout the UK.

- There is a growing body of evidence that demonstrates the positive linkage between productivity improvements in business and public services and the adoption and usage of ICT including broadband. **Broadband Stakeholder Group Annual Report 2004** called for government to set a new target for next generation broadband to realise the economic and social benefits it offers
- **Between £12bn and £22bn improvement in GDP by 2015 with a 2.5% improvement in productivity** over the same period associated with broadband adoptions and usage.

The economic impact of broadband, Douglas Williams, for the Broadband Industry Group, November 2003.

- **46% of BCC members perceived productivity improvements and 45% cost reductions as result of broadband.**

British Chambers of Commerce Broadband survey 2003.

- **ICT investment accounted for 25% of total output growth between 1992 and 2000 and 47% of total labour productivity growth** over the same period

A London Economics study commissioned by Cisco, building on work done by Nick Oulton at the Bank of England.

- **Strong correlation between the investment in ICT generally with productivity improvements**

Net impact Study – The Projected Economic Benefits of the Internet In the United States, United Kingdom, France and German, Cisco Systems (January 2002).

- **Township economic impact: 62 jobs created, 207 person years of employment, \$2.8m commercial expansion, \$25m increase in local GDP**

Economic Impact Study of the South Dundas Township Fibre Network (Ontario Canada), Strategic Networks Group, 27 June 2003.

- **New Research on ICT Investments, Workforce Skills and Industrial Performance in the UK**

Key findings and Policy Implications, Geoff Mason and Mary O'Mahony, National Institute of Economic and Social Research, London, January 2004 report for the DTI economics series.

- **Teachers report improvements in pupil achievement, greater attention levels, levels of confidence and self esteem**

Cambridgeshire Schools Broadband Project November 2002 / January 2003. [www.elhict.co.uk](http://www.elhict.co.uk).

In addition, recent research from an early report of broadband project from a South-West RDA partnership reveals the value of broadband take-up to businesses. (The survey was based on comparing over 250 broadband-enabled businesses with a similar number of comparative businesses without broadband.) All the results have yet to be processed, however analysis of the 10.5% of results already surveyed can, via extrapolation, be used representatively. However, some highlights from the statistics include:

#### **Increases in turnover attributable to Broadband (survey findings)**

- 36% of businesses (97 in number) stated that turnover had increased. (4% stated a decrease; the remainder identified no change.)
- Of these business, only 48 were able to give detailed financial information
- Among the 48, turnover had increased by £22.2 million.
- Deducting the (three) very large businesses from this figure, the average average increase among the remaining businesses was £104,000
- Among the 48, the businesses attributed an average of 9.2% of their increase in turnover to Broadband.
- This equates to an average of £9,500 per business or to a total of £0.43 million for all of them

#### **Jobs created due to Broadband (after extrapolation)**

- The 9% of interviewed business who had increased staff since connecting to broadband equates to 247 businesses (from 2500+ in the survey.)
- The 60 employees taken on equates to 570 employees, after extrapolation
- Of the 247 businesses who had taken on more staff, approximately 19 businesses would attribute the increase entirely to broadband; approximately 85 would attribute the increase partially to broadband; the remainder would not attribute the increase to broadband.
- Of the 85 (approximated) who partially attributed their increase in staff to Broadband said that, on average, 30% of the increase could be attributed to Broadband.
- Thus of the 570 jobs created, 86 can be directly and solely attributed to Broadband.

It should be remembered that broadband is a relatively new technology that has only recently been deployed and so there are few firm statistics. This report supports the experience in South Dundas, Canada, which deployed broadband before Cornwall.

## **7. Issues of equity or fairness**

Option 1 is a 'no change' option. This policy differentiates between antenna types, which would restrict the variety of non-dish antennas (so-termed "small antennas") to those with a linear length of up to 50cm (20 inches approximately) and not exceeding 1591 square cm. (approximately 246 square inches.)

In addition, for many in rural or more remote regions of the country, a satellite dish is the only means of access to both broadband and digital TV. Maintaining the *status quo* effectively compels householders in these regions

to choose one of these services. (Planning permission would be required for a second dish/antenna, and may not be forthcoming.) There are, therefore, issues of fairness in terms of rural exclusion.

Options 2-5 are all deregulatory, and offer a range of applications dependent on type of building concerned and its location. All options for change offer technological neutrality and strive to attain an equitable balance between deregulation and restrictions, although they are arranged so that deregulation measures are increased incrementally.

Option 2 and 2A should serve the requirements of most households in the country, although – due to concerns about environmental protection – the restrictions are more stringent for designated areas, especially option 2A. In these areas, if a fronting antenna is necessary, planning permission will need to be sought as option 2 does not permit fronting antennas. DCMS and DTI are working with the satellite industry to develop better guidance for installers and consumers who live in sensitive areas. This will offer help and advice to households living in sensitive areas about whether there are options which would avoid the need for a planning application.

Options 3 and 4 offers greater flexibility in this respect, but does so with a concomitant loss in environmental protection. In all options, there are issues of access for those living or working in large buildings without a central or integrated reception system. However, the numerically higher options allow a greater number of antennas and, therefore, facilitate a higher degree of access.

Except for designated areas, option 5 is totally de-restrictive, and impacts equally on all properties, except whether residential, industrial, or commercial. Option 5, for *designated areas* is the most deregulated option, but due to the statutory purposes enjoyed by designated areas, total deregulation is not available.

## 8. Small Firms impact test

**We have consulted the SBS who are content with the recommended proposal.**

## 9. Competition Assessment

### **Supply and Demand:**

It is difficult to accurately determine how the proposed change would affect supply and demand in this technologically-driven area.

The proposals will affect all providers, both existing and new entrants. However, as the proposals are largely deregulatory, they are therefore unlikely to affect the demand for satellite dishes or other antennas adversely. Indeed, technological neutrality ensures that different technologies (including new and emerging ones) are afforded the same treatment as existing ones, such as satellite dishes. In addition, the planning regulations for all antennas are relaxed, thus facilitating easier access to antenna-based services. However, it is thought planning restrictions could limit potential growth (for all types of antenna) in this area.

As the changes are largely in line with current technological practice, it is not therefore thought that any section of the communications or broadcasting industry would either be impaired or favoured by the proposals. The proposals are not intended to bring about any market advantage or disadvantage for any specific sector of the industry. The proposals do not change the way service industries can market or price their products and services. However, some existing companies (eg Sky) who have current market-share advantages could use these changes to increase their sales and/or market share.

## **Market Outcomes:**

The proposed changes are not intended to specify or otherwise ensure any market outcome. The aim of technological neutrality is to reduce the effect of one technology being afforded preferential treatment over another.

Whilst the proposed changes should facilitate easier access to digital TV and/or broadband which may lead to a greater or quicker take-up of these services, these changes do not, in themselves, affect the marketability of these services, or advocate the take-up of one platform over another.

## **Direct Impact:**

It is not thought that any of the options for change would have a direct impact on the ease in which firms can enter the market and/or change the nature of their business to reflect the needs of the market.

The restrictions on antenna numbers, their size and siting pertain to all antennas and depend only on (a) whether the antennas are located in Designated Areas, or (b) on tall buildings (ie. over 15m, approx 50 feet, in height.)

### 10. Monitoring & Evaluation:

**We will continue to monitor the effectiveness of any changes we introduce. We intend to review any new measures within 3 years of them coming into force, particularly in view of the rapid changes in technology and the Government's plans for digital switchover.**

The consultation paper, *Satellite dishes and other antennas*, was issued on 4<sup>th</sup> April 2003; responses for which were to be received by 4<sup>th</sup> July 2003. We received over 250 responses from the public, businesses, the communications industry, a variety of pressure groups, as well as local planning authorities.

Statistically, whilst there was an overall preference for option 1 as compared with option 2, the difference was slight. For a variety of reasons, option 1 was not viable: it did not achieve technological neutrality - a requirement to comply with EU Directives and be consistent with other regulatory regimes; it was not supportive in the program for digital TC switchover, and the continued rollout of broadband access.

Of the remaining options, all offered technological neutrality, with option 2 offering the best balance between deregulation of existing rules and protection for amenity - particularly in sensitive areas. The remaining options (3-5) whilst undoubtedly offering increased access to digital TV and Broadband services, did so at a cost to visual amenity which was not thought appropriate for Designated Areas.

## **11. Summary and Recommendation:**

**Reasons for relaxation of planning restrictions on satellite and other antennas to support broadband and DTV rollout:**

- **To extend the availability of key services (broadband and DTV).**

For some businesses and households, satellite or wireless technologies may be the only means of receiving these services.

- To offer an increase in service choice



**By enabling more than one dish or antenna to be sited on a single property and so receive different services from different providers, over different technology platforms.**

- To offer increased flexibility in the siting of dishes or antennas.

**To receive a satellite transmission in the UK, an antenna typically needs to face south. This has the potential to create a 'lottery' as to whether a building might fall within any front facing restrictions on such siting. The increase in protrusion limits above the roofline, proposed in option 2 the consultation, goes some way to alleviate this.**

**For the reasons outlined in this paper, it is desirable that clear guidance from central Government should be given to local planning authorities to emphasise the need for a sympathetic approach to be adopted where applications are made outside of the standard regulations in the various options.**

### **The options:**

**Option 1, despite its popularity - particularly amongst Local Authorities - cannot be recommended. It is unnecessarily restrictive of non-dish antennas and does not support Government objectives for roll out of access to digital TV and broadband.**

**Option 2 is de-regulatory, achieves technological neutrality but is among the most restrictive of the options for change. Nevertheless, this option should achieve access to both digital TV and broadband for most of the country, whilst minimising as far as possible the environmental effects of these changes.**

**In designated areas, where the visual impact on amenity is thought to be more acute, the prohibition on fronting antennas remains. However, this policy does restrict the access to services for householders in designated areas. In consequence, those needing a fronting antenna will need to obtain planning permission or pay the costs for a rear roof-mounted antenna which protrudes the ridge tiles. Technological neutrality means that the numbers of (dish) antennas on tall buildings is effectively doubled under this option. (Previously, residents of tall buildings were limited to 2 dishes and 2 'other' antennas.) However, although this increases the potential for access to services, the difficulties of building-wide access in non-IRS equipped tall buildings go beyond the remit of planning.**

**Option 2A is very similar to option 2 in that it is de-regulatory and achieves technological neutrality, although there will be certain detail limitation which mean that that 2A is the most restrictive of the options for change. Even so, like Option 2, this option should achieve access to both digital TV and broadband for most of the country, whilst minimising as far as possible the environmental effects of these changes. This option also takes into account the safeguarding requirements of aerodrome and, alone of the options for change, gains the approval of MoD and CAA.**

**Options 3 and 4 are increasingly de-regulatory. They achieve technological neutrality, like all the options for change, planning regulations are relaxed in**

incremental steps. It is not thought these changes would be significantly advantageous to ordinary householders in obtaining access to digital TV and broadband. However, for designated areas, where a fronting antenna was necessary for line-of-sight, these options would facilitate access to digital TV or broadband: option 3 allowing one fronting antenna (a second fronting antenna would need planning permission); option 4 permitting two antennas, thus facilitating access to both services. These options would therefore obviate the need for an expensive roof-mounted antenna or for planning permission. However, this level of de-regulation will inevitably have a concomitant effect on the environment of sensitive areas which may be thought to be too significant.

Option 5 is highly de-regulatory. Other than for designated areas, it offers unlimited numbers of antennas, with no size restrictions and no siting regulations. Whilst this option would permit enthusiasts to install large or multiple antennas on their properties, for ordinary householders, even those in designated areas (3 antennas permitted), it is not thought that this option would contribute positively to digital TV or broadband access, and the impact on amenity could be potentially significant. The main advantage of this option is for tall buildings, which would be permitted unlimited antennas. However, in non-IRS equipped buildings, practical considerations would prevent access to services on a building-wide basis. Overall, the environmental impact alone makes this option an unsatisfactory one.

We therefore intend to proceed with option 2A for Dwelling Houses, Designated Areas, and Tall Buildings.

12. Declaration:

**I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.**

**Signed**

**Yvette Cooper**.....

Date 20 October 2005.....

Yvette Cooper  
Minister of State for Housing and Planning  
Office of Deputy Prime Minister