

From: [REDACTED]
To: [REDACTED]
Subject: Local Plan Main modifications consultation
Date: 31 January 2025 11:40:14
Attachments: [REDACTED]

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Dear sir,

Please find attached my representation on the current consultation on the Main Modifications to the draft Local Plan update for West Berkshire.

Yours sincerely,

Simon Pike



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**West Berkshire Local Plan Review 2022-2039 (LPR)
 Consultation on Proposed Main Modifications
 (6 December 2024 – 31 January 2025)**

Representation Form

Ref:
 (For official use only)

Please complete and return this form:	By email: [REDACTED]
	By post: Planning Policy, Development and Housing, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	11:59pm on Friday 31 January 2025

Please read the **Guidance Note**, available on the Council’s website <https://www.westberks.gov.uk/lpr-proposed-main-modifications>, before making your representations.

This form has two parts:
 PART A – Your details
 PART B – Your representation(s)

PART A: Your details

Please note the following:

- *We cannot register your representation without your details.*
- *Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*

	1. Your details	2. Agent’s details
Title	Mr	N/A
First Name*	Simon	
Last Name*	Pike	
Job title		
Organisation		
Address*	[REDACTED]	
Email address*	[REDACTED]	
Telephone number	[REDACTED]	
Consultee ID (if known)		

*Mandatory Field

PART B – Your representation(s)

All comments made at previous stages of the LPR have been taken into account by the Inspector and there is no need to resubmit these. Publication of the proposed Main Modifications is a regulatory stage and any representations made should relate specifically to the legal compliance and soundness of the proposed Main Modifications and should not relate to parts of the Plan that are not proposed to be modified.

Your name or organisation	Simon Pike C.Eng MIET
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Proposed Main Modifications and Proposed Changes to the Policies Map

1. Please indicate whether your representation relates to the Schedule of Proposed Main Modifications or the Schedule of Proposed Changes to the Policies Map and provide the modification/change number you are commenting on below:

Document name	Schedule of Main Modifications: Policy DM41 - Digital Infrastructure
Modification/Change reference number (MM / PMC)	MM101

2. Do you consider the Proposed Main Modification or Proposed Policy Map Change to be:

a) **Legally compliant** Yes No

b) **Sound** Yes No

If you consider the Proposed Main Modification or Proposed Policy Map Change not to be sound, please identify which test of soundness your representation relates to:

Positively Prepared: The LPR should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.	
Justified: the LPR should be the most appropriate strategy, when considered against the reasonable alternatives	
Effective: the LPR should be deliverable	
Consistent with national policy: the LPR should enable the delivery of sustainable development in accordance with the policies of the NPPF	X

3. If you have answered 'No' to question 2a or 2b above, please provide details of why you consider the Proposed Main Modification or Proposed Policy Map Change is not legally compliant or is unsound, including any changes you consider necessary to make the Plan legally compliant or sound.

Paragraph 114 of the NPPF (2021) states:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).”

For a planning policy to be sound, it needs to be clearly defined, within the reasonable capability of a developer to deliver, within the reasonable capability of a planning authority to assess, and future proof. From a telecommunications engineering perspective, this paragraph of NPPF fails to achieve any of these objectives.

Telecoms is a fast-moving field, yet this paragraph has remained unchanged in all versions of NPPF from July 2018 to December 2024, during which period 5G has moved from ‘next generation’ to current generation, and the basic concepts of 6G as the next generation are already being defined. By the start of this Plan Period (2026), the definition of 6G will be insufficiently mature to be taken into account in any planning decision, but by the end of the Plan Period (2041), 6G will almost certainly be the dominant mobile technology, and might already be obsolescent. However, construction of strategic sites granted detailed planning approval at the start of the Plan Period may still be under construction well beyond 2041.

It is therefore not surprising that planning authorities find it difficult to convert the provisions of this paragraph of NPPF into sound policies. In any case, most aspects of this paragraph will be delivered by telecommunications services providers and mobile network operators – which are required to deliver comparable objectives through Regulations, licence conditions and agreements with Government. It is unreasonable to expect a policy in a Local Plan to set out how digital infrastructure can be upgraded over a period of more than fifteen years, when the telecoms industry is itself unable to do this.

At Regulation 19, Policy DM41 had four elements, which I will comment on separately:

Introductory Two Paragraphs

The term ‘gigabit-capable broadband’ has no clear engineering meaning, but is widely (mis)used by Government and industry, so I accept these paragraphs as sound.

Fibre to the Premises

I support the deletion of these three paragraphs as written, as they are not deliverable and not necessary. Paragraph c. contradicts paragraph a. Paragraph b. only says that development must meet building regulations, which does not need to be stated.

However, NPPF Paragraph 114 requires that “Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments”. The deletion of these paragraphs loses this requirement – in particular the priority for full fibre.

Unless infrastructure is duplicated, the “access to services from a range of providers” is a matter for regulation by Ofcom of local loop unbundling and third party access to ducts, which is outside the scope of planning regulation. However, the provision of ducts to premises does facilitate this.

I therefore suggest that the deleted wording is replaced by the following:

“All residential developments and all new employment generating development should include the infrastructure for the provision of gigabit-capable broadband to each dwelling or business unit. This should use full fibre connections in ducts to the premises, unless this is not feasible.”

Telecommunications Infrastructure

I support the deletion of this paragraph, as it is not deliverable and therefore unsound. It is unclear whether it is intended to apply to outdoor coverage or coverage within the building of the development.

The provision of mobile phone coverage is out of the direct control of developers and, except for large developments, will usually be provided from masts outside the development. All publicly available data on mobile phone coverage is based on outdoor coverage – when indoor coverage is shown, this is based on the outdoor coverage with a standard average value for ‘building penetration loss’.

Mobile network operators continually evolve their networks to improve coverage and capacity, deploy new technologies such as 5G, and to remove redundant equipment. They do not publish their future deployment plans for competition reasons (and probably plan ahead for only a couple of years).

Developers do have some influence on the penetration of mobile signals indoors, through the choice of the materials for construction. However, this is extremely complex to model, and in practice not feasible to assess:

- The signal strength will vary substantially within a premises.
- It is highly dependent on the location of the mast, which is not known.
- The mobile operators do not publish the data on their networks that would be necessary for this modelling.
- Each operator has a different network deployment, and therefore likely to have different coverage at a particular location; it is unclear how this should be taken into account.
- Indoor coverage from outdoors is dependent on characteristics of building materials that are not normally specified, and could vary significantly between manufacturers for items meeting the same construction specification.

In any case, development will be provided with gigabit-capable broadband, which will have a high speed WiFi router. By 2026, the vast majority of mobile phones will be capable of ‘WiFi calling’, which removes the need for indoor coverage of the mobile phone signal in order for the user to have mobile service.

Businesses increasingly have specific requirements for indoor mobile phone services, and are deploying their own infrastructure (including their own non-public networks). Many will have preferred suppliers, who will use specific infrastructure vendors. Therefore, infrastructure that must be installed before completion may be redundant. In any case, the technology is advancing so rapidly that what is specified at the time of planning approval could be obsolete by the time that the building is occupied.

This Ofcom web page provides details on the obligations of Mobile Network Operators:
<https://www.ofcom.org.uk/spectrum/information/cellular-coverage>

The deadline of 31 January 2027 corresponds roughly to the likely first completions under the new adopted Local Plan. While much of West Berkshire is rural, the 10% that will not be covered will largely be in remote mountain areas. In any case, all significant development in this draft Local Plan is in or adjacent to significant existing communities, which will be the focus of current mobile coverage.

Adverse Impacts

This paragraph is presumably in response to points a) and b) of paragraph 116 of NPPF (2021).

I have no idea how local planning authorities are supposed to 'ensure' that these two requirements are met. These are addressed in the UK through Wireless Telegraphy Act licences, and in Great Britain the Radio Equipment Regulations 2017 and the Electromagnetic Compatibility Regulations 2016. The enforcement body for these is generally Ofcom. The analysis and modelling necessary to provide such 'evidence' is very complex, and requires detailed information on all of the systems that might be affected. Most enforcement is therefore reactive, which is outside the remit of planning policy.

The characteristics of much "instrumentation operated in the national interest" will be subject to the Official Secrets Act; the information needed to undertake any assessment, assuming that this is otherwise feasible, will therefore not be available.

In any case, a large proportion of electronic communications infrastructure is deployed under permitted development rights, and therefore outside the remit of the local planning authority to assess.

I suspect that point b) originates from the construction of Canary Wharf, which obstructed the reception of TV signals from the Crystal Palace mast in some areas north of the development. However, it is only possible to analyse this effect in very limited circumstances, when the nature and location/origin of the services that might be affected is known.

Points a) and b) of paragraph 116 of NPPF are therefore inherently not deliverable and therefore are unsound, because it is totally impractical for local planning authorities to implement them as workable policies.

It follows that the last paragraph of Policy DM41 must also be unsound. However, as this is the result of it correctly reflecting a provision of NPPF that is inherently unsound, it should remain in the Policy.

Notification of Progress of the Local Plan Review

6. Do you wish to be notified of any of the following?

<i>The publication of the report of the Inspector appointed to carry out the examination</i>	X
<i>The adoption of the Local Plan Review</i>	X

Please ensure that we have either an up-to-date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy Team.

Signature		Date	31 January 2025
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