

## **Welsh Government response to the Economy, Infrastructure and Skills Committee report: Mobile Action Plan Update**

We welcome the report and thank the committee for their work.

We are pleased that the committee recognise that the Welsh Government does not hold all of the levers to improve mobile coverage. This reflects the fact that as telecommunications is a non devolved issue the main levers for improving mobile connectivity in Wales rest with the UK Government and Ofcom. We believe there is more that Ofcom and the UK Government could do to improve mobile coverage in Wales. Key issues such as coverage obligations and roaming were covered in our evidence to the committee and are also reflected in our response below. We will continue to press for further changes and to work with both the UK Government and Ofcom to ensure those key levers are used to best effect in Wales.

The committee made ten recommendations and the Welsh Government response to these is set out below.

**Recommendation 1.** The Welsh Government should continue to engage with mobile providers and other stakeholders to capture current best practice for inclusion in the revised and consolidated code of best practice and TAN(19).

Accept: As set out in our evidence to the committee the mobile action plan identifies a need for mobile network operators to work with the Welsh Government to revise and, if appropriate, consolidate the code of best practice and Technical Advice Note (TAN19) on mobile network infrastructure development. We will consider a review of TAN19 when further work on the permitted development rights regulations and the National Development Framework is complete. These will provide the most up-to-date context for guidance documents to be reviewed and updated. We cannot give a precise timeframe for this work but it is unlikely it will be this year. There is scope for TAN19 and the Code of Best Practice to be combined in to one document. In England, the mobile industry itself led this work and we will discuss this with the industry to see if they can prepare something similar for Wales.

**Recommendation 2.** The Welsh Government should allow higher masts under the permitted planning regime. The recommendations in the report commissioned by the Welsh Government to inform changes to permitted development should either be implemented, or an explanation given as to why they have been rejected.

Accept: Proposed changes to permitted development rights on mobile mast height were consulted on last year based on the findings of the research report. The new regulations will come into force in April. On mast heights they raise the height of masts permissible under permitted developments rights to 25m generally and to 20m in protected landscapes.

We note the request from the industry for 30m masts. However the decision to raise permitted development right height thresholds to 25m in unprotected areas was considered appropriate balancing the need for new telecommunications infrastructure with protecting the visual amenity of those communities hosting the equipment. This is a consistent approach across the UK planning systems. During

consultation there were calls from the industry to raise the threshold and those from environmental groups who consider the thresholds should remain at 15m for new masts. A convincing argument has not been made by the industry to raise this threshold. They have provided no evidence or reassurance that raising the threshold higher will result in more masts being built in areas with little or no coverage presently.

If 30m (or more) masts are required then the mobile operators should submit a planning application where the full impact of a proposal can be considered.

Our research shows that:

- 95% of full planning applications for telecommunications equipment are approved when they are required.
- 85% of these applications are determined in 8 weeks. The same period of time required for the prior approval process.
- Only 1 appeal against planning approval has been lodged since PDRs were introduced. This was allowed.

Planning Policy Wales is very supportive, in policy terms, towards the roll-out of new telecommunications infrastructure. The forthcoming National Development Framework (NDF) is likely to continue this policy position and provide more proactive policies for local planning authorities and the industry to act in areas of limited or no coverage.

**Recommendation 3.** The Welsh Government should continue to engage with mobile operators to seek clarity on the likely impact of business rate reduction in rural areas on mobile coverage to areas poorly provided for at present.

Accept: As set out in our evidence to the committee the mobile industry did not provide detailed evidence to underpin a compelling case for the introduction of a rates relief scheme. However officials are currently developing proposals for a non domestic rate support scheme where it could be combined with other interventions in specific areas in order to tackle specific notspots. Non domestic rate relief will continue to be a subject of discussion with the mobile operators.

**Recommendation 4.** In areas outside of commercial viability, either providers should be obliged to provide coverage as part of the regulatory framework in which they operate, or the right to provide coverage should revert back to the public sector after a reasonable time. The Welsh Government should continue to work with the UK Government and Ofcom to find a compromise between the two that best serves those who live, work and travel in not-spots and partial not-spots currently.

Accept: Welsh Government officials met with senior managers at Ofcom in February to discuss coverage obligations attached to the auction of mobile spectrum to discuss how they could improve coverage in Wales. Ofcom are currently consulting on the obligations and Welsh Government will provide a response in due course. However, their proposals include setting lower coverage obligations for Wales (83%) than England and Northern Ireland (90%). We believe that this gap between the target for Wales and that for England and Northern Ireland is inequitable and

unacceptable. Setting a lower target for Wales than that for England and Northern Ireland will simply perpetuate the current inequality of coverage.

On reverting the right to provide coverage to the public sector Ofcom have considered introducing 'use it or lose it' for spectrum but do not propose to include such conditions in relation to the provision of the upcoming spectrum awards but will keep the position under review in the future. We will address this in our consultation response and will continue to press Ofcom and the UK Government to make the best use of the powers at their disposal to improve mobile connectivity in Wales.

**Recommendation 5.** Roaming is not an ideal solution to poor coverage, but where network improvements are yet to be delivered, it would go some way to easing connectivity challenges in the short term. The Committee recommends the Welsh Government should continue to lobby mobile operators for rural wholesale access and, if mobile operators do not respond positively, the Welsh Government should call on the UK Government to make rural wholesale access mandatory through Ofcom. Doing so should form part of a wider package aimed at increasing coverage to all areas of Wales.

Accept: Officials have recently met with both Ofcom and DCMS to discuss options for regional roaming. We have expressed many times over recent years both at meetings and in response to statutory consultations our belief that geographically differentiated roaming focused on rural areas should play a central role in improving mobile connectivity in partial notspots. We will continue to work with Ofcom and DCMS and with our counterparts in other devolved administrations to press the case.

**Recommendation 6.** The Committee recommends the Welsh Government should engage with mobile operators as soon as is practicable to identify the challenges of rolling out the 5G network, and consider how to address those challenges using the levers it has at its disposal.

Accept: We already have discussions with the mobile industry and other key stakeholders such as DCMS and local authorities regarding the deployment of 5G and the opportunities in Wales to both deploy the technology and secure the potential benefits it offers.

**Recommendation 7.** The Committee recommends the Welsh Government should include mobile operators in its discussions with the Scottish Government, to co-produce solutions to delivering publicly funded mobile infrastructure in areas with no mobile technology.

Accept: The Welsh Government is holding an industry engagement day on 19 March as part of ongoing discussions to develop a credible business case for publicly funded mobile infrastructure. Officials also met with local authorities in February to discuss locations for intervention, delivery models and funding. This engagement will continue as the business case for publicly funded mobile infrastructure continues to be developed.

**Recommendation 8.** The Welsh Government should include Network Rail and mobile operators in the discussions it is having with Transport for Wales on improved connectivity, to ensure trackside access is provided where necessary.

Accept: Our discussions so far have focused on the opportunities presented by the new franchise to improve mobile connectivity and have included representatives from both Transport for Wales and Keolis Amey. As plans develop it will be important that all relevant stakeholders are included in those discussions in the coming months. Transport for Wales has commissioned TfW Rail Services through the rail contract to lead on delivering improved mobile connectivity.

**Recommendation 9.** The Committee recommends that the Welsh Government works closely with EE, the Home Office and other mobile providers to ensure that the earliest opportunities to share infrastructure installed as part of the ESMPC are not lost.

Accept: The Welsh Government is already closely involved in the ESMCP project and as highlighted in our evidence to the committee that publicly funded mobile masts built under the project will be future proofed by deploying larger mast bases and robust towers capable of supporting multiple operators. This will allow multiple mobile operators to install their transmission equipment to provide coverage in remote areas where building a mast is not commercially viable.

**Recommendation 10.** The Committee recommends that the Welsh Government creates a clear point of contact to enable event organisers to contact the Welsh Government's Major Events Team to request inclusion of their event in the list of major events.

Accept: The digital infrastructure team will be the contact point for events looking for advice on their mobile connectivity needs.