



Research Briefing  
**The Planning Series:  
8 - Telecommunications  
equipment**

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Author: **Katy Orford**

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**National Assembly for Wales**  
Research Service

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Author: **Katy Orford**

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## Contact Us

Research Service  
National Assembly for Wales  
Tŷ Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

 : 0300 200 7174

 : [Katy.Orford@Assembly.Wales](mailto:Katy.Orford@Assembly.Wales)

 : [Assembly.Wales/InBrief](http://Assembly.Wales/InBrief)

 : [@SeneddResearch](https://twitter.com/SeneddResearch)

 : [Assembly.Wales/Research](http://Assembly.Wales/Research)

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# Research Briefing

## **The Planning Series: 8 - Telecommunications equipment**

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This quick guide provides an overview of the planning process surrounding telecommunications equipment. It sets out the kind of development that falls under permitted development, permitted development with prior approval and development that requires planning permission. It also explores how potential health risks of these developments are addressed, the Mobile Operator's Code of Best Practice as well as recent changes to the planning process.

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# Contents

1.	What is telecommunications equipment?.....	1
2.	How is this type of development controlled?.....	1
3.	What kind of equipment is permitted development? .....	1
4.	What is prior approval?.....	2
5.	When is planning permission required? .....	2
6.	How are the health risks associated with such developments assessed? ..	2
7.	What is the Mobile Operators' Code of Best Practice?.....	3
8.	What are the recent changes made to telecommunications planning procedures? .....	3
9.	Key sources .....	4

# 1. What is telecommunications equipment?

Telecommunications equipment includes radio based and digital technology equipment such as mobile phone masts, radio antennae and associated equipment.

## 2. How is this type of development controlled?

Guidance on the Welsh Government's national planning policy for telecommunications equipment is set out in [Technical Advice Note 19: Telecommunications \(TAN 19\)](#).

According to [Planning Policy Wales](#), development plans should set out policies and proposals for the location of telecommunications development, allocating sites for major developments and including criteria-based policies to guide telecommunications developments where sites other than those identified in the plan may be proposed.

Some very minor operations are not considered to be development at all and therefore do not require any type of approval. This includes the installation of small satellite dishes and television aerials on domestic properties.

Other telecommunications development falls into one of three categories:

- permitted development;
- permitted development that requires prior approval; and
- development that requires an application for planning permission.

## 3. What kind of equipment is permitted development?

Some types of development are considered by planning law to be 'permitted' and are therefore granted development consent without the need for a planning application.

Telecommunications developments that are defined as 'permitted' are set out in part 24 'Development By Electronic Communications Code Operators' of the *Town and Country Planning (General Permitted Development) (Wales) Order 1995* as amended (most recently) by the *Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014*. The type of equipment that is 'permitted' is small-scale development such as the installation of additional antennas on an existing radio mast, or base stations and equipment cabinets of less than 2.5 cubic metres.

However these types of development are not considered to be 'permitted' in National Parks, Conservation Areas, Areas of Outstanding Natural Beauty or on Sites of Special Scientific Interest. In these areas even these small-scale developments would be subject to the prior approval procedure (see below).

There may be other areas where the exercise of a permitted development right could have a serious impact. A local planning authority can serve an 'Article 4 Direction' to withdraw permitted development rights in a particular area, if it considers this to be necessary. Such a direction has to be approved by the Welsh Government.

## **4. What is prior approval?**

Some larger telecommunications developments are still 'permitted development', but the legislation requires the operator to apply to the local planning authority to see if their 'prior approval' is needed before beginning the development. The authority then has up to 56 days to inform the operator of its decision or otherwise the development can proceed. This is different from a full planning application in that it doesn't involve the same formal consultation procedures and the development can start straight away after the 56 days unless the authority decides otherwise. The 56-day period cannot be extended. Where an authority considers that a refusal of approval may be justified, it should first explore with the operator the possibility of changing the siting and/or appearance of the proposed development.

In summary, the following types of development are subject to the prior approval procedure:

- a ground based mast or a mast to be installed on a building or structure of up to 15 metres in height (the height of existing masts may be increased up to 20 metres and increased in width by up to a third);
- antennas on an existing building that exceeds the height of this building by more than 6 metres;
- a public call box;
- radio equipment housing with a volume of more than 2.5 cubic metres; and
- certain smaller-scale development on land in National Parks, Conservation Areas etc.

## **5. When is planning permission required?**

All other types of telecommunications development that fall outside of the permitted development criteria set out in the legislation require an application for planning permission before they can proceed. If a planning application is required then the local planning authority will consider this in the same way as any other application. If the development affects a Listed Building, then an application for Listed Building Consent is required.

## **6. How are the health risks associated with such developments assessed?**

If a development is for one or more masts, the legislation in Wales requires an operator to submit a declaration of conformity with the International Commission on Non-Ionizing Radiation Protection public exposure guidelines (ICNIRP is an independent organisation which provides scientific advice and guidance on the health and environmental effects of non-ionizing radiation), as part of either the prior approval or the planning application process. These guidelines are the agreed European standards on public exposure to electromagnetic fields.

Operators also have responsibilities under health and safety legislation. They should assess any health and safety risk that may arise, including likely exposure levels, and take any appropriate measures to restrict public access. Local planning authorities are not required to impose controls through the planning system that already apply under the health and safety regime.

## 7. What is the Mobile Operators' Code of Best Practice?

To assist in the interpretation of the legislation and to build on advice given in TAN 19, a **Code of Best Practice on Mobile Phone Network Development** was published in 2002 by the Welsh Government in conjunction with the **Mobile Operators Association**. The objective of the code is to improve dialogue and consultation with local communities. It includes the industry's 10 commitments and a description of the 'traffic light' model of consultation in which sites are rated as high risk (red), medium risk (amber) or low risk (green) according to the likely levels of community interest. One of the 10 commitments is that the amount of information submitted with an application for prior approval should be the same as that which is submitted for a full planning application.

Research was carried out in 2005 into the effectiveness of the Code. This research recommended that the Code should be updated to reflect the changes in the legislation in Wales. In 2006, the Second Assembly's Environment, Planning and Countryside Committee also recommended that the Code should be updated. The Welsh Minister accepted this at the time, but the Code has not yet been updated.

## 8. What are the recent changes made to telecommunications planning procedures?

In 2013 the Welsh Government launched a consultation **proposed additional permitted development rights for Electronic Communications Code Operators (facilitating Broadband roll-out)** seeking views on proposed changes to the permitted development rights. The aim of the consultation was to 'facilitate the provision in Wales of the required infrastructure to ensure access to next generation broadband to premises'. This included mobile broadband roll-out.

As a result of the consultation, in 2014, the ***Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014*** came into force. These amendments aimed to relax procedures to facilitate telecommunications development, for example:

- provision made for existing masts (except in National Parks and Areas of Outstanding Natural Beauty) to be increased in height from up to 15 metres to up to 20 metres and increased in width by up to a third (a prior approval application requirement applies);
- the current prior approval threshold was changed for antenna mounted on buildings or structures from 4 metres to 6 metres; and
- the prior approval application requirement for 'development ancillary to radio equipment housing' was removed.

## 9. Key sources

### Welsh Government

The [planning section](#) of the Welsh Government's website provides information including:

[TAN 19: Telecommunications](#).

### Planning Aid Wales

[Planning Aid Wales](#) is a charitable organisation helping eligible individuals and communities to participate more effectively in the planning system. It provides advisory services, including a helpline.

### Planning portal

The [Planning portal](#) is the UK Government's planning and building regulations resource. It includes information on the planning system in Wales, although some of the content only applies to England.

### Research Service

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