

# The Planning Series

## 8 - Telecommunications equipment

January 2022



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# **The Planning Series**

## 8 – Telecommunications equipment

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## Introduction

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 and the Mobile Operator's Code of Best Practice.

## What is telecommunications equipment?

Telecommunications (telecoms) equipment includes radio based and digital technology equipment such as mobile phone masts, radio antennae and associated equipment. Larger masts can house a range of telecoms equipment and enable their shared use by different operators.

The evolution of mobile technology from second generation (2G) which enabled voice calls and text messages, to the increasingly faster internet access offered by 3G and 4G, to the very high speed, high bandwidth provided by 5G has brought an ever denser network of equipment which will see more small cell systems being installed, particularly in urban areas. Such systems can be found on buildings and other structures.

**The Mobile Phone Network Operators Guidance** now focuses on the roll out of 5G technology and its associated equipment.

## How is this type of development controlled?

Local Planning Authorities (LPAs) are responsible for controlling telecoms development. There are 25 LPAs in Wales which include the 22 local authorities and three National Park Authorities. **Planning Policy Wales** (PPW) Edition 11 (p.77) says that "the provision of electronic telecommunications infrastructure is supported by extensive permitted development rights".

**PPW sets an** expectation for LPAs to actively engage with mobile operators when they are preparing local development plans (LDPs). These should set out policies and proposals for the location of telecoms development, allocating sites for major developments and including criteria-based policies to guide telecoms 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 installing small satellite dishes and television aerials on domestic properties.

Other telecoms development falls into one of three categories:

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

## 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. Telecoms developments that are defined as ‘permitted’ are set out in part 24 of the *Town and Country Planning (General Permitted Development) (Wales) Order 1995* (the GDPO) as amended.

The type of equipment that is ‘permitted’ is small-scale development such as installing 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’ on ‘protected land’ such as 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.

## What is prior approval?

Some larger telecoms developments are still 'permitted development', but the legislation requires the operator to apply to the LPA to see if their 'prior approval' is needed before beginning the development.

This is different from a full planning application in that the LPA is primarily looking at the siting and design of the development, as opposed to whether it should be allowed at all. Developers should provide documentation to a similar level as that required for planning permission and a degree of consultation may also be required. If the authority decides that their prior approval is required, they must notify them of this - and of their final decision - within 56 days or otherwise the development can proceed. The 56-day period cannot be extended.

Where the LPA 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. Developers may also re-submit a new proposal as the permitted development right is not affected.

The following are examples of the type of development subject to the 'permitted development with prior approval' procedure:

- installing a ground-based mast up to 25 metres in height on unprotected land or 20 metres on protected land;
- alteration or replacement of a mast on unprotected land that does not exceed the height of the existing mast or 25 metres – whichever is greater and is not more than either one third or one metre wider; since 2019 prior approval is no longer required if the new mast doesn't exceed the existing height or 20 metres;
- apparatus installed on a building or structure of up to 15 metres in height that doesn't exceed 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 protected land such as National Parks, Conservation Areas, etc.

## When is planning permission required?

All other types of telecoms 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 LPA 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.

## What are the recent changes to telecoms planning procedures?

An [April 2019 amendment](#) to the GDPO replaced Part 24 in its entirety. Some of the changes included extending permitted development rights in relation to the height and width of ground-based masts and extending the period for temporary masts used in an emergency up to eighteen months. It also made amendments in relation to some fixed line broadband equipment. Page 5 in this [Explanatory Memorandum](#) provides further detail on the key changes.

The [most recent amendment to the GDPO](#) in December 2020 gives permitted development rights for ‘small cell systems’, primarily located on buildings and other structures. This [Explanatory Memorandum](#) and this [letter to LPAs](#) provide further detail.

**The intention behind both of these amendments is to facilitate improved mobile coverage.**

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

If a development is for one or more antennas, the legislation in Wales requires an operator to submit a declaration of conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) public exposure guidelines as part of either the prior approval or the planning application process. ICNIRP is an independent organisation which provides scientific advice and guidance on the health and environmental effects of non-ionizing radiation. 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. LPAs are not required to impose controls through the planning system that already apply under the health and safety regime.

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

A revised **Code of Best Practice on Mobile Phone Network Development** for Wales was published in 2021 . It was produced jointly between the Welsh Government, LPAs and the mobile industry to facilitate installation and upgrading of mobile telecoms apparatus. The Code:

- supports roll out of mobile phone infrastructure and provides guidance on the complex requirements associated with network deployment;
- sets out an engagement framework for mobile network operators and LPAs when considering applications for prior approval and/or full planning permission;
- seeks to avoid areas of conflict and minimise perceived adverse impacts of telecoms equipment; and
- supports a more collaborative approach to deploying and improving digital connectivity throughout Wales.

## Key sources

### Welsh Government

The **building and planning section** of the Welsh Government's website provides information including:

**Technical Advice Note (TAN) 19 - Telecommunications** guidance on the Welsh Government's national planning guidance for telecommunications equipment was published in 2002

**Planning Policy Wales (Edition 11)** was published in 2021

**Future Wales: the National Plan 2040** is the national development framework published in 2021

### 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 and these **guidance publications**.

### Senedd Research

Other planning briefings produced by Senedd Research are available under the **planning category** on the **Senedd Research website**.