

# The Planning Series: 8 – Telecommunications equipment

Quick Guide

May 2011

## What is telecommunications equipment?

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

## 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.<sup>1</sup> 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.

## 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 legislation.<sup>2</sup> 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.

<sup>1</sup> Further details are contained in **Quick Guide: Developments that don't need planning permission**

<sup>2</sup> Schedule 2, Part 24 of the *Town and Country Planning (General Permitted Development) (Wales) Order 1995* as amended by the *Town and Country Planning (General Permitted Development) (Wales) (Amendment) Order 2002*.

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.

## 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 of up to fifteen metres in height;
- A mast of up to fifteen metres in height to be installed on a building or structure;
- An antennae on an existing building that exceeds the height of this building by more than four metres;
- A public call box;
- Radio equipment housing with a volume of more than 2.5 cubic metres;
- Development ancillary to radio equipment housing (eg: fencing, access roads); and
- Certain smaller-scale development on land in National Parks, Conservation Areas etc. (see Section 3 above).

## 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. A ground based mast of more than fifteen metres in height would require planning permission, for example. If a planning application is required then the local planning authority will consider this in the same way as any other application.<sup>3</sup> If the development affects a Listed Building, then an application for Listed Building Consent is required.

<sup>3</sup> Further details are contained in [Quick Guide: Planning Permission](#)

## 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 ICNIRP<sup>4</sup> public exposure guidelines, 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.<sup>5</sup>

## What is the Mobile Operator's 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 Assembly 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 ten 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 ten 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.<sup>6</sup> In 2006, the Environment, Planning and Countryside Committee of the National Assembly for Wales also recommended that the Code should be updated.<sup>7</sup> The Welsh Minister accepted this at the time, but the Code has not yet been updated.<sup>8</sup>

## Are any changes going to be made to these planning procedures?

In June 2008 the Welsh Government commissioned research into options for changing permitted development rights relating to mobile phone masts. The outcome was two possible options for change; both requiring amendments to the legislation to alter what is currently considered to be permitted development.<sup>9</sup> The consultant's preferred option would also remove the prior approval procedure.

The Welsh Government has also commissioned research to carry out a wider review of the planning application process in Wales, particularly in the light of the economic downturn in 2008 and 2009. This study was published in

<sup>4</sup> International Commission on Non-ionising Radiation Protection

<sup>5</sup> See TAN 19 for further details

<sup>6</sup> Office of the Deputy Prime Minister, **Review of the Code of Best Practice on Mobile Phone Network Development: Final Report**, March 2006

<sup>7</sup> National Assembly for Wales, **Report of the Environment, Planning and Countryside Committee's consideration of evidence taken on the planning aspects of electronic telecommunications apparatus**, 2006

<sup>8</sup> Welsh Assembly Government, **Cabinet Written Statement**, 22 November 2006

<sup>9</sup> Welsh Assembly Government, **Research Project for a Review of Mobile Phone Operators Permitted Development Rights**, February 2009

June 2010.<sup>10</sup> The key message from the research is that, whilst basically sound, the planning application process in Wales is currently in need of significant improvement if it is to be effective in supporting sustainable economic growth. The study made sixteen recommendations under three main themes:<sup>11</sup>

- developing a better understanding between key stakeholders of their respective positions and the impacts of decisions and requirements;
- changing the culture or starting point to decision making on planning applications; and
- improving the operation of the process at key stages.

The Welsh Government has accepted all of these recommendations; 14 in full and 2 in part.<sup>12</sup> None of the recommendations refer specifically to the telecommunications planning process.

## Further information

### Welsh Government

The **planning section** of the Welsh Government's website provides information including: **TAN 19**.

### 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.

Other planning quick guides produced by the Research Service:

**National planning policy;**

**Local planning policy;**

**Developments that don't need planning permission;**

**Planning permission;**

**Call-in of planning applications;**

**Appeals**

**Enforcement**

For further information on local planning policy, please contact **Graham Winter**, Research Service (**[Graham.Winter@wales.gov.uk](mailto:Graham.Winter@wales.gov.uk)**).

View our **full range of publications** on the Assembly website: **[assemblywales.org/research](http://assemblywales.org/research)**

<sup>10</sup> Welsh Assembly Government, *Study to examine the Planning Application Process in Wales*, June 2010

<sup>11</sup> *ibid*

<sup>12</sup> Welsh Assembly Government, *Response to the Recommendations made in 'Study to examine the Planning Application Process in Wales'*, June 2010



You can also follow us on Twitter: **@NAWResearch**

We welcome your comments. These should be sent to: **Research Service, National Assembly for Wales, Cardiff, CF99 1NA** or e-mailed to **Research.Service@wales.gov.uk**

The Research Service has produced this Quick Guide for the benefit of Assembly Members and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

**Enquiry no: 11/0269**

**Graham Winter**