

The Planning Series

8 - Telecommunications equipment

January 2022



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

An electronic copy of this document can be found on the Senedd's website:
research.senedd.wales

Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Welsh Parliament
Tŷ Hywel
Cardiff Bay
CF99 1SN

Tel: **0300 110 0187**

Email: **Rhiannon.Hardiman@senedd.wales**

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

Senedd Research: **research.senedd.wales**

© **Senedd Commission Copyright 2022**

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the Senedd Commission and the title of the document specified.

The Planning Series

8 – Telecommunications equipment

January 2022

Author:

Rhiannon Hardiman



Contents

Introduction	1
What is telecommunications equipment?.....	1
How is this type of development controlled?.....	1
What kind of equipment is permitted development?.....	2
What is prior approval?.....	3
When is planning permission required?.....	4
What are the recent changes to telecoms planning procedures?.....	4
How are the health risks associated with such developments assessed?	4
What is the Mobile Operators’ Code of Best Practice?	5
Key sources	6
Welsh Government.....	6
Planning Aid Wales	6
Senedd Research	6

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?

Certain telecoms developments permitted under Part 24 of the **Town and Country Planning (General Permitted Development) Order 1995** (GPDO) (as amended) are conditional on an electronics communication code operator making a prior approval application to the local planning authority. Such an application allows a local authority to consider, within 56 days, the siting and appearance of a proposed development.

The following are examples of developments permitted under Part 24 of the GPDO, which are subject to a prior approval procedure:

- the installation of a **new ground-based** mast up to 25 metres in height on unprotected land, or 20 metres on protected land;
- **alteration or replacement** of a ground-based mast on **protected land** which does not exceed the height of the existing mast or 20 metres in height, or exceed the width of the existing mast by more than one metre or one third (whichever is greater).
- **alteration or replacement** of a ground-based mast on **unprotected land** which does not exceed the height of the existing mast or 25 metres in height, or exceed the width of the existing mast by more than one metre or one third (whichever is greater).
- Since 2019 prior approval is not, however, required if an altered or replacement mast doesn't exceed its existing height, and 15 metres (protected land) or 20 metres (unprotected land) respectively;
- On buildings, on unprotected land and protected land, where the height of the apparatus installed, altered or replaced does not exceed certain heights based on the height of the building itself. (Specific permitted development rights are in place for certain heights of apparatus allowed on different height buildings).
- 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**.