
WELSH STATUTORY INSTRUMENTS

2014 No. 2692

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014

Amendments in relation to development by electronic communications code operators

2.—(1) Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995⁽¹⁾(development by electronic communications code operators (Wales)) is amended as follows.

(2) In paragraph A (permitted development), for “in accordance with the operator’s licence”, substitute “in accordance with the electronic communications code”.

(3) For paragraph A.1(b) (alteration or replacement of apparatus other than on a building or other structure) substitute—

“(b) in the case of the alteration or replacement of apparatus already installed, (other than on a building or structure)—

(i) where the apparatus is a mast which is not on article 1(5) land or on any land which is, or is within, a site of special scientific interest—

(aa) the mast, excluding any antenna, would when altered or replaced either exceed a height of 20 metres above ground level or at any given height exceed the width of the existing mast at the same height by more than one third; or

(bb) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third;

(ii) in all other cases, the apparatus, excluding any antenna, would, when altered or replaced exceed the greater of—

(aa) the height of the existing apparatus; or

(bb) a height of 15 metres above ground level.”

(4) In paragraph A.1(g)(i) (location on walls or roof slopes facing a highway) at the start insert “in the case of antennas other than small cell antennas,”.

(5) In paragraph A.1(g)(ii) (size of dish antennas below 15 metres), for “1.5 metres” substitute “4.5 metres”.

(6) For paragraph A.1(g)(iii) (number of antenna systems below 15 metres), substitute—

“(iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna or a maximum of two small cell antennas) would result in the presence on the building or structure of—

(aa) more than three antenna systems; or

- (bb) any antenna system operated by more than three electronic communications code operators; or”.
- (7) In paragraph A.1(h)(i) (size of dish antennas at or above 15 metres), for “3.5 metres” substitute “10 metres”.
- (8) For paragraph A.1(h)(ii) (number of antenna systems at or above 15 metres), substitute—
 - “(ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of two small antennas or two small cell antennas) would result in the presence on the building or structure of—
 - (aa) more than five antenna systems; or
 - (bb) any antenna system operated by more than three electronic communications code operators; or”.
- (9) In paragraph A.1(i) (antenna development on article 1(5) land or on a site of special scientific interest)—
 - (a) omit “(other than the installation, alteration or replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse)”;
 - (b) at the end, add “or is development described in the introductory words to any of paragraphs (ia), (m), (n), or (p) and which is allowed by the respective sub-paragraphs which follow those introductory words”.
- (10) After paragraph A.1(i), insert—
 - “(ia) in the case of the installation of an additional antenna on existing electronic communications apparatus on a building or structure (including a mast) on article 1(5) land—
 - (i) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed three; or
 - (ii) in the case of antennas other than dish antennas, any additional antennas would exceed 3 metres in height, and the number of additional antennas on the building or structure would exceed three;”.
- (11) In paragraph A.1(l)(ii) (size of radio equipment housing), before “development”, in each place it occurs, insert “cumulative volume of such”.
- (12) In paragraph A.1(l)(iii) (size of radio equipment housing on article 1(5) land or on a site of special scientific interest), before “development”, in the first place it occurs, omit “the” and insert “any single”.
- (13) At the end of paragraph A.1, add—
 - “(p) in the case of the installation, alteration or replacement of a small cell antenna on a building or structure:
 - (i) the building or structure is a dwellinghouse or within the curtilage of a dwellinghouse;
 - (ii) the building or structure is on any land which is, or is within, a site of special scientific interest; or
 - (iii) the development would result in the presence on the building or structure of more than two such antennas.”
- (14) For paragraph A.2(4) (prior approval), substitute—
 - “(4) Except in relation to development described in paragraph (4A), class A development on—
 - (a) article 1(5) land or land which is, or is within, a site of special scientific interest, or

(b) any other land and consisting of the construction, installation, alteration or replacement of—

- (i) a mast;
- (ii) an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 6 metres or more;
- (iii) a public call box;
- (iv) radio equipment housing, where the volume of any single development is in excess of 2.5 cubic metres,

is permitted subject, except in case of emergency, to the conditions set out in A.3.”

(15) After paragraph A.2(4) (prior approval), insert—

“(4A) Class A development on any article 1(5) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, is permitted, subject to the conditions set out in paragraph (4B) and provided that the development is completed on or before 30th May 2018.

(4B) The conditions are—

- (a) the developer must give one month’s notice, in writing, where the development, or any part of it, is in—
 - (i) a National Park – to the relevant county or county borough council and the Natural Resources Body for Wales;
 - (ii) an area of outstanding natural beauty⁽²⁾ – to the Natural Resources Body for Wales;
- (b) the notice to be given under sub-paragraph (a) must state the developer’s intention to install electronic communications apparatus, describe the apparatus and identify the location where it is proposed to install it;
- (c) any cabinet must be:
 - (i) green;
 - (ii) black (except matt black); or
 - (iii) a colour which has the written approval of the local planning authority prior to the commencement of the development;
- (d) any telegraph pole must have the same appearance and be made of the same material as the nearest existing⁽³⁾ telegraph pole to it which has planning permission, unless an alternative appearance or material has been approved in writing by the local planning authority prior to the commencement of the development.”

(16) After paragraph A.3(4)(a) insert—

“(aa) by the developer’s contact address, and the developer’s email address if the developer has one; and”.

(17) In paragraph A.3(4)(b), after “antennas,” insert “unless they are all small cell antennas,”.

(18) After paragraph A.3(8), insert—

(2) S.I. 1995/418. Relevant amendments were made by S.I. 2002/1878, S.I. 2003/2155 and S.I. 2004/945.

(3) See article 1(2) of the Town and Country Planning (General Permitted Development) Order 1995 for definition of “existing”.

“(8A) The agreement in writing referred to in paragraph (8) requires no special form of writing, and in particular there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval.”

(19) In paragraph A.4 (interpretation)—

(a) for the definition of “antenna system”, substitute—

““antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code;”;

(b) in the definition of “development ancillary to radio equipment housing”, at the end add—

“, and except on any land which is, or is within, a site of special scientific interest includes—

- (i) security equipment;
- (ii) perimeter walls and fences; and
- (iii) handrails, steps and ramps;”;

(c) in the appropriate place, insert—

““electronic communications apparatus”, “electronic communications code” and “electronic communications service” have the same meaning as in the Communications Act 2003(4);”;

““existing electronic communications apparatus” means electronic communications apparatus which is already sending or receiving electronic communications;”;

““existing mast” means a mast with attached electronic communications apparatus which existed and was sending or receiving electronic communications on 6 November 2014;”;

““fixed-line broadband” means a service or connection (commonly referred to as being ‘always on’), via a fixed-line network, providing a bandwidth greater than narrowband;”;

““narrowband” means a service or connection providing data speeds up to 128 k bit/s;”;

““National Park” means any area designated and confirmed as such under section 5(3) of the National Parks and Access to the Countryside Act 1949(5);”;

““relevant county council or county borough council” means any county council or county borough council of the principal area established under section 21 of the Local Government Act 1972(6) whose area includes the part of the National Park where the development is situated;”;

““small cell antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;

(4) 2003 c. 21. See sections 151, 106(1) and 32 respectively.

(5) 1949 c. 97. Section 5(3) was amended by section 105(1) of, and paragraph 10(a) of Schedule 11 to, Part 1 of the Natural Environment and Rural Communities Act 2006 (c. 16). See also section 4A of the 1949 Act which was inserted by section 190 of, and paragraph 1(4) of Schedule 8 to, the Environmental Protection Act 1990 (c. 43) and was amended by section 105(1) of, and paragraph 9 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 and S.I. 2013/755 (W. 90).

(6) 1972 c. 70. Section 21 was substituted by section 2 of the Local Government (Wales) Act 1994 (c. 19) and amended by section 46 of, and paragraph 4 of Schedule 3 to the Local Government Act 2000 (c. 22), sections 34(7)(a) and 176(2) of, and Part B of Schedule 4 to, the Local Government (Wales) Measure 2011 (2011 nawm 4), section 74(1) of, and paragraphs 1 and 4 of Schedule 3 to, the Local Government and Public Involvement in Health Act 2007 (c. 28).

- (ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
- (iii) does not, in any two dimensional measurement, have a surface area exceeding 5,000 square centimetres; and
- (iv) does not have a volume exceeding 50,000 cubic centimetres, and any calculation for the purposes of (iii) and (iv) includes any power supply unit or casing, but excludes any mounting, fixing, bracket or other support structure;”.

(20) After paragraph A.4 (interpretation), add—

“**A.4A.** Where Class A permits the installation, alteration or replacement of any electronic communications apparatus, the permission extends to any—

- (a) casing or covering;
- (b) mounting, fixing, bracket or other support structure;
- (c) perimeter walls or fences;
- (d) handrails, steps or ramps; or
- (e) security equipment;

reasonably required for the purposes of the electronic communications apparatus.

A.4B. Nothing in paragraph A.4A extends the permission in Class A to include the installation, alteration or replacement of anything mentioned in paragraph A.4A(a) to (e) on any land which is, or is within, a site of special scientific interest if the inclusion of such an item would not have been permitted by Class A, as read without reference to paragraph A.4A.”