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Llywodraeth Cymru
Welsh Government

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Welsh Government

Consultation Document

**Proposed additional permitted development rights
for Electronic Communications Code Operators
(facilitating Broadband roll-out)**

Date of issue: **29 July 2013**

Action required: Responses by **31 October 2013**

Overview

Your views are sought on proposed modifications (by way of revisions or additions) to the current permitted development rights set out in Part 24 “Development by Electronic Communications Code Operator (Wales)” of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I.1995/418), as amended, and some related issues.

How to respond

The consultation paper includes a set of specific questions to which the Welsh Government would welcome your views.

The closing date for replies is 31 October 2013.

You can reply by E-mail or by Post using the consultation response form (at Annex 3): the form includes details of the addresses to which the completed form should be sent.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Links to some key Welsh Government and some other documents are included in footnote references within the text.

You can use the following link to view the text of Part 24 (as it applies in Wales) of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995: www.legislation.gov.uk/wsi/2002/1878/contents/made

But some references in this text were later amended by Statutory Instrument 2003/2155.

Contact details

Are included on the consultation response form (at Annex 3).

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Key issue

Proposed modifications (by way of revisions or additions) set out in paragraphs 5.7-5.33 of this consultation paper to the current permitted development rights in Part 24 “Development by Electronic Communications Code Operator (Wales)” of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418), as amended.

What are the current arrangements?

Part 24, as amended, confers permitted development rights (a general planning permission subject to conditions and limitations) for certain development by such operators. (B. T. and Vodafone are examples of Code Operators who provide electronic communications networks).

The reason for the proposed modifications

To facilitate the provision in Wales of the required infrastructure to ensure access to next generation broadband to premises.

The consultation paper

4 main sections :

- Telecommunications infrastructure in Wales (paragraphs 2.1 to 2.17).
- Fixed broadband roll-out - through street cabinet and fixed line (paragraphs 3.1 to 3.3).
- Mobile broadband roll-out (paragraphs 4.1 to 4.7).
- The proposed modifications to current permitted development rights (paragraphs 5.1 to 5.33) and some related issues (paragraphs 6 – with related Annex 1 – and 7).
- Annex 2 attached contains a draft Regulatory Impact Assessment on which comments are also invited.

Specific consultation questions

13 questions are included within the text of this consultation paper and these are reproduced – together with a more general consultation question – on the consultation response form (at Annex 3).

1. Introduction

1.1 This consultation paper invites comments on proposed modifications (by way of revisions or additions) to the current permitted development rights set out in Part 24 “Development by Electronic Communications Code Operator (Wales)” of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418), as amended. These are intended to facilitate the provision in Wales of the required infrastructure to ensure access to next generation broadband to premises.

1.2 This consultation paper follows the issue on 29 January 2013 of the UK Department of Culture, Media and Sport (DCMS) consultation paper “Proposed changes to siting requirements for broadband cabinets and overhead lines to facilitate the deployment of Superfast broadband networks” with proposed changes to the (non-devolved) Electronic Communications Code and the related (also non-devolved) Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (S.I. 2003/2553). Amendments to the 2003 Regulations have now been made and are contained in the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2013 (S.I. 2013/1403) (“the 2013 Amending Regulations”).

1.3 The consultation paper is arranged in 4 main sections :

- Telecommunications infrastructure in Wales (paragraphs 2.1 to 2.17) ;
- Fixed broadband roll-out - through street cabinet and fixed line (paragraphs 3.1 to 3.3) ;
- Mobile broadband roll-out (paragraphs 4.1 to 4.7); and
- The proposed modifications to current permitted development rights (paragraphs 5.1 to 5.33) and some related issues (paragraphs 6 - with related Annex 1 – and 7).

Annex 2 attached contains a draft Regulatory Impact Assessment on which comments are also invited.

It is intended that the proposed modifications would be implemented by means of a Development Order to be made by the Welsh Ministers under, inter-alia, sections 58-61 of the Town and Country Planning Act 1990.

2. Telecommunications infrastructure in Wales

i) Broadband provision in Wales – a first class digital infrastructure

2.1 The Welsh Government’s ambition is to have a first class digital infrastructure in Wales by 2015, as set out in the *Delivering a Digital Wales* strategy in December 2010. This is a challenging target but is vital when considering the central role electronic communications plays in our lives. Improving Wales’s communications infrastructure is integral to our ability to grow our economy and compete on a global scale. Demand for bandwidth is ever increasing; with recent statistics from Cisco indicating that by 2014

internet traffic will eclipse 2009 levels by 300%¹. Furthermore a recent report² in 33 OECD³ countries shows that doubling the broadband speed for an economy increases GDP by 0.3%. Improved connectivity changes the way we do business, use and deliver public services, and consume entertainment.

2.2 To support economic growth it is vital that fixed broadband is rolled out as quickly as possible. This will create jobs and support Wales's long-term economic future.

ii) Broadband provision in Wales – Next Generation Broadband for Wales

2.3 Currently, next generation broadband coverage in Wales lags behind the rest of the UK at 34%⁴. In order to overcome this challenge we need to ensure that policy and regulatory environment is as supportive as possible of investment in broadband infrastructure. To address this, we have committed investment in our telecommunications infrastructure as one of the Welsh Government's top priorities under the Wales Infrastructure Investment Plan (2012)⁵. Our Programme for Government commitment seeks to ensure that residential premises and businesses in Wales will have access to Next Generation Broadband by 2015. There is a commitment to ensure that rural communities are not left behind in the development of fast broadband and that work will continue to eliminate 'not-spots'.

2.4 A direct subsidy scheme was required to stimulate investment in the areas of the country that the market will not deliver alone. Welsh Ministers entered into a grant agreement with BT in July 2012 to deliver this commitment, following a competitive dialogue process. It is the largest partnership of its kind in the UK and will ensure that, when combined with commercial investment, 96% of premises in Wales will have access to next generation broadband. This equates to over 1.3 million premises.

2.5 The award of contract was subject to receiving State Aid approval of the UK Government's National Broadband Scheme and approval. Full approval was received on 7 January 2013 and BT has now started construction.

2.6 The project, together with BT's overall investment in Wales will see £425m invested to extend BT's fibre network throughout Wales. This has been achieved through a total public sector investment of £205m, including ERDF Funding of £89.5m, UK Government funding of £56.9m and WG funding of £58.6m.

iii) Delivery options available for broadband to consumers in Wales

¹ Cisco: Unlocking the Power of Video (2011)

² Ericsson, Arthur D. Little and Chalmers University: *Need for Speed* (September 2011)

³ Organisation for Economic Co-operation and Development

⁴ *ibid*

⁵ <http://wales.gov.uk/funding/wiip2012/?lang=en>

2.7 Current broadband provision across Wales is dependent upon the services available from commercial services providers, which range in speed from under 2Mbps in rural areas to over 50Mbps in the most populated areas. Options range from satellite, wireless, fixed line and mobile.

2.8 Basic broadband delivered over a standard fixed copper line is theoretically available to all households and businesses in Wales. However, factors such as line length can influence the actual broadband speed at customer premises, leading to so-called “not spots” and “slow spots”. Ofcom’s Communication Market 2012⁶ report indicates that since 2008 the average broadband speed in Wales has increased from 3.3Mbps to 9.9Mbps whilst the average UK speed has increased from 3.6Mbps to 12.7Mbps over the same period. The report also indicates that broadband take-up in Wales is consistently rising and currently stands at 68%.

2.9 The main technology to be deployed under the Superfast Cymru programme is Fibre to the Cabinet, which uses fibre optic cables throughout the network right up to the street cabinet. It then uses copper wires to connect the cable to homes and businesses and is capable of delivering download speeds of up to 80Mbps and upload speeds of up to 20Mbps. This compares with a current average download speed in Wales of around 9Mbps.

2.10 The Welsh Government strongly supports the use of existing infrastructure such as making use of existing telegraph poles and other existing supports to carry any new overhead fibre optic cables where possible under the programme. Re-use of existing infrastructure is also a key requirement of the European Commission 2009 Broadband Guidelines.

2.11 As up to 80% of the cost of deploying broadband infrastructure is in civil works, eg the cost of making excavations to install cables underground, reducing these costs is essential to enable commercial broadband deployment to go as far as it can, and ensure that public funds are invested efficiently.

2.12 The Wales Intervention Scope Map produced by the Welsh Government in 2012⁷, shows those parts of Wales which are likely to be receiving high speed broadband as part of a commercial rollout. By area these comprise only a relatively small part of Wales.

2.13 A high priority under the Welsh Government’s Programme for Government is to deliver high speed broadband to remote rural areas. Wales has 3 National Parks and 5 Areas of Outstanding Natural Beauty (one of which also includes land in England) forming together 24 % of the area of Wales. The National Parks alone form 20% of that area but have a total combined resident population of only 81,690⁸. Density of persons per hectare

⁶ [Ofcom Communications Market Report Wales \(2012\)](#)

⁷

<http://wales.gov.uk/topics/businessandconomy/broadbandandict/broadband/ngbw/updates/10103ngbbphase2/?lang=en>

⁸ 2011 census figures

range from 0.4 to 0.1⁸. It is evident that there will be some Not Spot communities within these areas to the same extent as with other remote rural areas in Wales.

2.14 Ofcom have identified 80,484 premises⁹ within the UK in complete mobile "Not Spots". Figure 5.20 in Ofcom's Communications Market Report 2012 is a map showing the locations of "Premises in complete mobile not-spots". Many of these are shown in Wales including the National Parks.

2.15 The UK Government's £150 million Mobile Infrastructure Project (MIP) aims to improve mobile coverage and the quality of coverage in voice not-spots. The 2012 Budget set out that this will include the A470 in Wales.

2.16 The Welsh Government is working with DCMS under the Mobile Infrastructure Project to highlight areas where there are known specific problems and will feed these into the procurement process. We will work in collaboration with DCMS to ensure that the maximum benefits are leveraged for Wales.

2.17 Arqiva has won the UK Government MIP contract to improve mobile connectivity in rural Britain. The MIP contract will extend the mobile signal to up to 60,000 homes, businesses and sections of road. Arqiva will be responsible for a full scale mobile network roll out. The scope includes network planning, site acquisition as well as the deployment of site infrastructure and installation of equipment. It is expected that an announcement will be made on which locations will benefit from improved mobile coverage in the summer.

3. Fixed broadband roll-out - through street cabinet and fixed line

3.1 Since 2010, Electronic Communications Code Operators such as British Telecommunications have been rolling out commercial next generation broadband services in Wales and this process will continue in areas where it is economically viable to do so to 2015. (These will typically be in urban and semi-urban areas where the density of potential customers provides a strong business case for commercial continued investment). In overall terms operators are expected to roll - out next generation broadband to around 50% of premises in Wales by 2015.

3.2 So far, BT has delivered a commercial Next Generation Broadband service in South Wales and to parts of North Wales. In addition, Virgin Media, through its street cable network, has a footprint for next generation access already established in South Wales.

3.3 The target for the next generation broadband project will be the remaining 50% of premises in Wales where there is no planned commercial roll out, within the next three years. This will build on the commercial investment already made or planned by the operators.

⁹ DCMS press release of 31/1/13 "Nationwide boost to mobile coverage moves a step closer"

4. Mobile broadband – roll-out

4.1 In addition to fixed networks, high speed fibre optic networks are needed to ensure high quality broadband to mobile devices - both of these are essential for the modern world, and the way in which they are delivered over networks dovetail together, with mobile traffic eventually needing to enter the fixed network. Without an upgrade to the fixed network, mobile broadband will suffer. We believe that fixed, fixed wireless, mobile and satellite communications networks will all have a part to play in delivering this vision if we are to bring the benefits of broadband to as many people as possible.

4.2 The Welsh Government recognises that Welsh citizens and businesses need to be able to access mobile services when they need to and wherever they are. Mobile users want the freedom to choose their service provider and receive services that are competitive with other parts of the UK.

4.3 Current mobile phone networks available for public use in Wales are similar to those in the other UK nations. They consist of Second Generation Mobile (2 G) services originally introduced in the UK in the early 1990's together with newer Third Generation Mobile (3 G) services rolled out in the UK after April 2000. 3G is often considered as the minimum necessary to provide a satisfactory experience of mobile internet, but 2 G is satisfactory for telephone calls and text messaging. (Long Term Evolution services commonly known as Fourth Generation services (4G) are only available so far in Wales in some major urban centres on existing 1800 MHz spectrum held by one operator).

4.4 Generally both the 2 G and 3 G service coverage is not consistent across the UK and there are issues affecting all parts of the UK, including Wales. Fewer of Wales' premises (84.1%) have mobile coverage from all three 2 G operators than those in each of the other UK nations. Wales also has the lowest level of premises coverage of the nations from all 3 G operators, at little over half (52.4 %). 2.4 % of premises in Wales have no 3G coverage from any operator (higher than in England). In terms of geographical area coverage, one – seventh (14.3 %) of the area of Wales has no 2 G mobile coverage from any operator compared to the UK average of 12.8 %¹⁰.

4.5 Earlier this year, the UK Government undertook an auction of two spectrum bands. This included the 2.6GHz band, which is high-bandwidth and good for urban deployments, and the 800MHz band, which is lower-bandwidth but longer-distance and better for rural deployments. The availability of the two will allow 4G networks to achieve widespread coverage as well as offering capacity to cope with significant demand in urban centres.

4.6 Following the auction, Ofcom (as the regulator) awarded spectrum to Everything Everywhere Ltd, Hutchison 3G UK Ltd, Niche Spectrum Ventures Ltd (part of BT), Telefonica UK Ltd (O2) and Vodafone Ltd. One of the

¹⁰ Figures are taken from "Communications Market Report: Wales", Ofcom, 18/7/12

800MHz lots of spectrum awarded to O2 carries an obligation to provide a mobile broadband service for indoor reception to at least 98% of the UK population (and at least 95% of the population of Wales) by the end of 2017 at the latest. This indoor mobile broadband coverage obligation for Wales – to be achieved by the end of 2017 - is greater than the one (coverage to 80% of the UK's population by the end of 2007) which applied for the purposes of roll out of 3G.

4.7 New 4G services employing the spectrum now held should begin to be rolled out within the UK in about six months time. Ofcom expect 4G coverage to extend far beyond that of existing 3G services, covering 95% of Wales population indoors – and even more when outdoors – which is good news for parts of the Wales currently underserved by mobile broadband. The roll-out will have significant benefits for people particularly in rural Wales, many of whom who have never been able to access 3G mobile services.

5. Proposed modifications to current permitted development rights

The current Part 24 prior approval process

5.1 The procedure was last revised in August 2002 at a time when mobile phone operators were beginning to plan the infrastructure, eg mobile phone base stations, needed for the roll out of their 3rd generation (3G) mobile phone networks within the UK. In its revised form it is substantially different from the prior approval processes established by other individual permitted development rights eg Parts 6 and 31. It applies in the two following cases:

- i) the installation of any electronic communications apparatus, eg a street cabinet box, constituting development permitted by Part 24, on either article 1(5) land (*in Wales land within a National Park, an Area of Outstanding Natural Beauty or a conservation area*) or on land within a site of special scientific interest (SSSI) (**Part 24, A.2, (4) (a)**); and
- ii) the installation on other land of specified apparatus, eg a mast, constituting development permitted by Part 24 (**Part 24, A.2, (4) (b)**).

5.2 It can be viewed as a process, linked to the potential exercise of a discretionary local planning authority (LPA) power, with two separate stages. Firstly, a prospective developer applies (with the specified details) to the LPA for a determination as to whether the prior approval of the authority will be required in the individual case to the siting and appearance of the development. It is only on the exercise by the LPA of its discretionary power to make such a determination, that the LPA are able to consider the siting and appearance details and to notify the developer of its decision on them. A 56 day time limit (from the date of receipt of the original application) applies during which the LPA must both issue any decision on those details and ensure its receipt by the developer.

5.3 Many of the procedural requirements applying to analogous planning applications are also applied to Part 24 prior approval applications. The detailed procedures involved are considered below.

Proposed modifications to the current permitted development rights for fixed broadband by street cabinet

5.4 The purpose of the system operating under Next Generation Broadband for Wales is to provide a network of standard equipment, eg a street cabinet and a fibre optic feed cable, capable of supplying broadband to particular “Not Spots” within a community. The 2013 Amending Regulations introduce a new factor: potentially much greater employment of overhead fibre optic cable (together with any supporting poles) as part of any individual subsidised network.

5.5 Inevitably there will be cases in which overhead fibre optic cables will have to transverse both administrative boundaries as well as the differing categories of article 1(5) land. In these cases it is possible for more than one individual local planning authority to be involved entailing the making of a separate prior approval application to each different LPA. Also where an individual overhead fibre optic cable involves numerous supporting structures each individual structure could be the subject of a separate decision by the particular local planning authority involved.

5.6 The specific Part 24 prior approval process also includes procedural requirements, eg submission of ownership certificates with application and publicity/consultation requirements imposed on local planning authorities, which are similar to those applying to comparable planning applications. In this new situation involving a likely increased use being made of both standard overhead cables and standard street cabinets, as infrastructure to deliver broadband to premises, the current Part 24 prior approval procedure for apparatus on article 1(5) land is considered to be too cumbersome and unwieldy. A more streamlined procedure is proposed aimed at striking a better balance between affording more certainty for developers, enabling local planning authorities to give their views and allowing a degree of local choice.

5.7 We propose to disapply the current Part 24, A. 2(4) (a) prior approval requirement on article 1(5) land where the development concerned consisting of:

- 1) *the installation at ground level of a cabinet not exceeding 1,200 millimetres in width, 450 millimetres in depth and 1,600 millimetres in height for the purpose of supplying a broadband service;*
- 2) *the provision of a fibre optic overhead supply cable not exceeding a diameter (measured externally) of 20 millimetres to that cabinet (including either i) the addition of that cable to any existing electronic communications apparatus or ii) its addition to any existing building or structure in accordance with the Electronic Communications Code); and*
- 3) *the provision of any structure or pole by which that cable is to be installed, supported or carried (including the provision of any additional structure or poles required by the addition of that cable to any existing electronic communications apparatus).*

5.8 The developer will have to meet the following requirements-

- a) *Send details of the proposed development in the case of land:*
 - i) *within a National Park to the National Park Authority ,to the County Council for the area and to Natural Resources Wales;*
 - ii) *within an Area of Outstanding Natural Beauty, to the County Council for the area and to Natural Resources Wales;*
 - iii) *within a Conservation Area, to the local planning area for the area and also to the County Council for the same area (if different from that local planning authority).*
- b) *The developer will have to allow a 21 day period in which these bodies may make representations and if representations are made the developer will have to have regard to them.*
- c) *A subsequent requirement will also apply to the developer to give one month's notice of the proposed development to the local planning authority with an invitation to make any representations during that period.*

(We expect that in the case of article 1(5) land a developer would be able to make one single combined notification to the local planning authority meeting any similar need for notification imposed by the Electronic Communications Code (Conditions and Restrictions) Regulations 2003,as amended.)

Q1: Do you agree that the consultation procedures described in a) to c) of paragraph 5.8 above should in Wales be the minimum statutory requirement?

d) Two general conditions would also apply :

- i) *Cabinets to be coloured green unless agreed otherwise in writing by the local planning authority.*
- ii) *Type of supporting structure or pole used to match those (if any) already in use in the area unless agreed otherwise in writing by the local planning authority.*

Q2: Can you suggest any other general conditions which might also be imposed?

5.9 We propose that the disapplication would apply for a period of 5 years only (expiring on 30 May 2018). This period corresponds to the one during which, under the 2013 Amending Regulations, modified general obligations imposed on Code Operators on the installation of their apparatus underground would apply. It would include the actual period in Wales during which the Next Generation Broadband for Wales project operates.

5.10 Under the proposed pre-application consultation requirements described in a) to c) of paragraph 5.8 above, local planning authorities are likely to be receiving such consultations outside normal Committee cycles. It will be important that local planning authorities have in place clear internal arrangements including any cross –authority protocols and consider delegation arrangements.

5.11 The existing Part 24, A2 (4) (a) prior approval process for the installation of telecommunications apparatus on land within a SSSI will remain. It will continue to apply to any article 1(5) land which is also a SSSI. We also propose to specially exclude from the proposed new arrangement any article 1(5) land which is also either a Special Protection Area or a Special Area of Conservation under the Conservation of Habitats and Species Regulations 2010 or a Ramsar site designated under the Ramsar Convention, 1971.

Q3: Do you agree that the alternative “fast track” land use planning arrangement described above should apply for the temporary period described in paragraph 5.9?

Mobile infrastructure

5.12 The permitted development rights conferred by Part 24 are available to all Electronic Communications Code Operators and not just the public mobile phone operators. But those permitted development rights contain a number of key limitations, described in i) to v) below, on the type of electronic communications apparatus frequently used by the public mobile phone operators:

- i) the installation of the types of apparatus specified in Part 24, A 2 (4) (b) (eg a mast) are subject to a prior approval application requirement (the essentials of the process involved are the same as that previously described in paragraphs 5.1 – 5.2 of this paper);
- ii) a 15 metre height limit applies to ground based apparatus;
- iii) limits on overall height of apparatus when installed on buildings and other structures and on additions made to that apparatus;
- iv) limits on the installation of antenna on buildings (or other structures) depending on whether its height is either below 15 metres or 15 metres and above; and
- v) antenna and supporting structures are not (generally) permitted on either article 1(5) land or within a SSSI.

Proposed amendments to the current Part 24 permitted development rights for apparatus frequently used by the public mobile phone operators

5.13 Proposal A: *In the case of antenna mounted on buildings and structures, change the Part 24, A 2(4) (b) threshold at which these become subject to a prior approval application requirement from up to 4 metres above the height of the building or structure on which it would be installed to up to 6 metres*

5.14 Currently a prior approval application is required for antenna which are 4 metres or more in height above the height of the building or structure on which it would be installed. Planning permission is required if the antenna on its own is taller than 10 metres (or 15 metres where it is on a building which is 30 metres or more in height) or extends above the highest part of the building by more than 6 metres (or 8 metres if the building it is on is between 15 and 30 metres, or 10 metres if the building is more than 30 metres).

5.15. The current prior approval threshold of up to 4 metres has had the effect of encouraging operators to install antennas which extend below this height threshold. Antennas below 4 metres in height have less capacity and a shorter range. This means the antenna needs to be placed closer to the edge of buildings/structures to avoid disruption.

5.16 It is proposed to increase the height threshold for prior approval for antennas from up to 4 metres to up to 6 metres. This proposal will support the swifter roll-out of 4G. Importantly, the increased antenna height will also provide additional capacity and connectivity for 2G and 3G transmitters on the taller 4G antenna. This change will also enable mobile operators to install antenna further back from the edge of a building – improving the visual appearance from the ground. Maximising the use of existing buildings/structures can reduce the need for new ground-based masts.

Q4: Do you agree that the current prior approval threshold for antenna mounted on buildings and structures should be increased from 4 metres to 6 metres?

5.17 *Proposal B:* Increase the number of antenna systems allowed on buildings or structures (other than masts) as permitted development

5.18 Paragraphs A.1(g) and (h) of the current Part 24 permitted development right limits the number of antenna systems allowed as permitted development on buildings or structures (other than masts). An antenna system is a set of antennas (usually comprising between 4 and 6 actual antenna) operated by a single communications operator. For buildings (or structures) below 15 metres in height, the current limit is up to 2 antenna systems and for buildings or structures 15 metres or more in height the current limit is up to 3 systems as permitted development. Currently, any proposed development exceeding these thresholds requires planning permission.

5.19 The proposal is to increase the number of antenna systems allowed under permitted development rights. On a building or structure (other than a mast) below 15 metres in height this will be increased from up to 2 antenna systems to up to 3 antenna systems and on a building or structure (other than a mast) 15 metres or more in height increasing from up to 3 antenna systems to up to 5 antenna systems. This proposed change will maximise the use of existing sites by encouraging the expansion on existing sites. This will in turn support the swifter roll-out of 4G.

5.20 Proposal C: *New permitted development right (not subject to a prior approval application requirement except when within a SSSI) permitting the installation of up to two small cell antenna (of up to 0.5 metres in size) on the walls of buildings or structures. In the case of the walls of buildings or structures on article 1(5) land, only one small cell antenna (of up to 0.5 metres in size) to be permitted and not on a chimney or on a wall or roof slope fronting a highway*

5.21 Paragraph A.1 (i) of the current Part 24 permitted development right excludes the provision of any antenna (and any supporting mounting) on article 1(5) land unless it comprises a like for like replacement of existing apparatus. But paragraphs A.1 (m) and (n) permit the installation of one “small antenna” (defined in paragraph A.4 as, in particular, not exceeding 0.5 metres in any linear measurement) on ,or within the curtilage of, a dwellinghouse on article 1(5) land but not on any chimney or on any wall or roof slope which fronts a highway. The separate Part 1.H permitted development right permits the installation on a dwellinghouse (or within its curtilage) of up to two microwave antenna: the length of one is limited to 1 metre and any other one is limited to 600 millimetres in length. Part 1.H also applies to dwellinghouses on article 1(5) land but with extra siting restrictions (eg not on a chimney, wall or roof slope which faces onto, and is visible from, a highway) on where the antenna may actually be installed.

5.22 The installation of up to two similar sized microwave antenna on buildings or structures of less than 15 metres in height is permitted by the separate Part 25.B permitted development right. This also applies to these buildings and structures on article 1(5) land with similar extra siting restrictions. In Wales, both the Part 1.H and Part 25.B permitted development right include a provision that any small antenna which may have been installed under the Part 24 permitted development right count towards the overall limit of two microwave antenna permitted on any one dwellinghouse, building or structure.

5.23 Conventionally, expanding the capacity of mobile networks is achieved by adding more base stations (masts). But, this is a relatively slow and costly way to roll out capacity and could impede the growth of mobile broadband and mobile telephone services. Small cell antenna are a cost-effective option and offer a faster way to add network capacity in selected areas to fill coverage gaps with minimal visual impact. At their very smallest size it is possible that such antenna may be de-minimis. Wall mounting small cell antenna of up to 0.5 metres in size can maximise the use of existing structures/buildings reducing the requirement for antenna on new ground based masts both on article 1(5) land and elsewhere.

Q5: Do you agree that a new permitted development right should be introduced specifically for the installation of a limited number of small cell antenna of up to 0.5 metres in size?

Q6: Do you think any other dimensional limits or additional siting restrictions should apply to such small cell antenna and also include your reasons?

5.24 Proposal D: *Increase the total aggregated size limit of dish antenna on buildings or structures (other than masts) as permitted development*

5.25 Paragraphs A.1(g)(ii) and (h)(i) of the current Part 24 permitted development right limit the total aggregated diameter of all the dish antenna on a building or a structure which is below 15 metres in height to a total threshold of 1.5 metres (measured in any dimension) and 3.5 metres (measured in any dimension) for a building or structure of 15 metres or more in height. In addition, no individual dish antenna may exceed 0.9 metres (industry standard) for a building of less than 15 metres in height and 1.3 metres for a building of 15 metres or more in height.

5.26 The mobile phone operators use these dishes to provide point-to-point microwave backhaul for their antenna systems on buildings or other structures. Other Code Operators are also installing more communications equipment as part of the general expansion of mobile communications. Dish antenna have to be placed within line of sight. Sharing of equipment is limited to those providers with similar frequencies. In addition, due to obstructions, some buildings are better sites for dishes than others: leading to a concentration in those areas and exceeding of the existing thresholds. This results in operators having to apply for planning permission, which adds uncertainty and leads to delays for the mobile operators which in turn impacts on their ability to support the quick roll-out of 4G.

5.27 It is proposed to increase the aggregated dish diameter total threshold limit to 4.5 metres for buildings or structures below 15 metres in height and 10 metres for buildings or structures of 15 metres or more in height. (No change is proposed to the current restrictions on the maximum size of an individual dish). This proposal should maximise the use of existing buildings and structures to support the swifter roll-out of 4G. Additionally this will also provide greater capacity for 2G and 3G services on the proposed new antenna height limit.

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| <p>Q7: Do you agree that the aggregated dish diameter threshold limits should be increased as proposed in paragraph 5.27 above?</p> |
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5.28 Proposal E: *New permitted development right (to be subject to a prior approval application requirement) permitting limited additional antenna to be*

installed on existing buildings or structures (including an existing mast) on article 1(5) land

5.29 Paragraph A.1 (i) of the current Part 24 permitted development right excludes the provision of any antenna (and any supporting mounting) on article 1(5) land unless it comprises a like for like replacement of existing apparatus. (But paragraphs A.1 (m) and (n) do make specific provision for the installation of “small antenna” on dwellinghouses on article 1(5) land).

Planning permission is likely to be needed in the case of article 1(5) land where any new extra antennas, regardless of their size, are proposed to be added to any existing mast already installed following the determination of a planning application. A new permitted development right is proposed, subject to a prior approval application requirement, permitting a maximum of the installation of –

- 2 additional point-to-point microwave dishes of up to 0.6 metres in diameter to be added to an existing building or structure (including a mast) on article 1(5) land; and
- 3 additional antenna of up to 3 metres in height to be added to an existing building or structure (including a mast) on article 1(5) land.

5.30 These proposals will provide additional capacity and potentially connectivity in rural areas. Operators have suggested that the use of 3 additional antenna (of up to 3 metres in height) can achieve complete coverage. In contrast, the use of just 2 such antenna would not give complete coverage. The aim is to encourage operators to maximise the use of existing infrastructure and minimise the time required for existing sites to be upgraded. This should support the swifter roll-out of 4G and provide additional capacity to support 2G and 3G capacity. The prior approval application requirement will enable the local planning authority to consider in individual cases the details of siting and design.

Q8: Do you think any additional siting restrictions should apply to such additional antenna?

5.31 **Proposal F:** *Extend permitted development rights to permit (subject to a prior approval application requirement) masts (not on article 1(5) land) to be increased in height from up to 15 metres to up to 20 metres and in width by up to a third*

5.32 Paragraph A.1 (a) of the current Part 24 permitted development right limits the height of ground based masts (excluding any antenna) to 15 metres above ground level. An extension to existing permitted development rights is proposed permitting an mast - not on article 1(5) land - to be extended in height from the current limit of 15 metres by up to 5 metres to a maximum of 20 metres and also to be extended in width by up to a third. These proposed increases would facilitate the installation of additional equipment on masts and would be subject to prior approval application requirement. For structural reasons it may not always be possible to extend a mast by up to 5 metres and

may it be necessary for a new mast to be installed on the same site but at the increased height and width.

5.33 Operators will need to identify those masts where an increase in height from up to 15 metres to up to 20 metres will be needed to support the swifter roll-out of 4G and greater capacity for 2G and 3G. The prior approval application requirement will enable the local planning authority to consider in individual cases the details of siting and design.

Q9: Do you think any additional conditions should apply to such an extended permitted development right?

5.34 In June 2008 researchers were appointed by the Welsh Assembly Government to undertake an analysis of possible options for change to the current Part 24 permitted development right as they operate for mobile phone operators. Their report (“Research Project for a Review of Mobile Phone Operators Permitted Development Rights”), which was published in 2009, recommended changes. A written Cabinet Statement was made by the then Minister on 9/12/09 about taking forward the report’s findings. The report’s recommendations would have to be considered with the (then) priorities. It is proposed that Proposals A – F as contained in paragraphs 5.13 – 5.33 of this paper should be time-limited to address the specific urgent challenge posed by Mobile Broadband roll-out in Wales without prejudicing any wider review of mobile phone operators permitted development rights. We propose that this time limited period should be until 31/12/17 by which time the mobile broadband coverage obligation should be met although this period could, if necessary, be amended through later secondary legislation.

Q10: Do you support time- limiting Proposals A - F in this paper until 31/12/17? If not, what lesser or greater period do you favour?

Invitation to comment on a number of specific issues (mobile infrastructure wise) affecting the Part 24 permitted development right

6. Annex 1 to this consultation paper contains an invitation to comment on a number of specific issues. We would welcome comments on whether these issues are seen as being significant in Wales and, if so, the potential scope for addressing them through either specific planning policy guidance or through the Code of Best Practice on Mobile Phone Network Development.

Q11: Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?

Code of Best Practice on Mobile Phone Network Development

7.1 The Welsh Assembly Government “Code of Best Practice on Mobile Phone Network Development” (2003) was agreed by both the Welsh Local Government Association and the Mobile Operators Association. It remains available on the Planning section of the Welsh Government’s website¹¹. Included in it is information about existing permitted development rights under Part 24.

7.2 It is proposed, working with both parties to the Code, to up-date those specific references made in the Code to the Part 24 permitted development rights to reflect any changes which are made to Part 24 and to make available the up-dated references through our website.

Q12: Do you agree that any up-dated references for the Code should be made available through the Welsh Government website?

List of all consultation questions contained in this paper:

Question 1- Do you agree that the consultation procedures described in a) to c) of paragraph 5.8 above should in Wales be the minimum statutory requirement?

Question 2- Can you suggest any other general conditions which might also be imposed?

Question 3 - Do you agree that the alternative “fast track” land use planning arrangement described above should apply for the temporary period described in paragraph 5.9?

Question 4 - Do you agree that the current prior approval threshold for antenna mounted on buildings and structures should be increased from 4 metres to 6 metres?

Question 5 - Do you agree that a new permitted development right should be introduced specifically for the installation of a limited number of small cell antenna of up to 0.5 metres in size?

Question 6 - Do you think any other dimensional limits or additional siting restrictions should apply to such small cell antenna and also include your reasons?

Question 7 - Do you agree that the aggregated dish diameter threshold limits should be increased as proposed in paragraph 5.27 above?

Question 8 - Do you think any additional siting restrictions should apply to such additional antenna?

Question 9 - Do you think any additional conditions should apply to such an extended permitted development right?

Question 10 - Do you support time - limiting Proposals A - F in this paper until 31/12/17? If not, what lesser or greater period do you favour?

Question 11 - Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?

11

Question 12 - Do you agree that any up-dated references for the Code should be made available through the Welsh Government website?

Question 13 - Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2?

Question 14 – (General) We have asked a number of specific questions throughout this consultation. If you have any related queries which we have not specifically addressed, please use this space to report them.

ANNEX 1

Views invited on a number of specific issues

1: *Should the current definition of “antenna system” used in Part 24 be changed to reflect mobile operators sharing of infrastructure?*

1.1 Paragraph A.4 of Part 24 contains a definition of “antenna system” as a set of antennas which are operated by a single operator. Yet most operators now share masts wherever possible and the sharing of apparatus is now covered by the Electronic Communications Code (Conditions and Restrictions) Regulations. Central to Proposed changes A-F in paragraphs 5.13 – 5.33 of this paper is the encouragement of greater sharing of infrastructure to ensure the efficient use of existing sites.

1.2 A possible option could be to formally amend the current definition of antenna system contained in paragraph A.4 to refer to an antenna system which is being operated by “up to 3 operators”. Placing a cap at three operators rather than the existing four operators in the market will further encourage the sharing of infrastructure.

2: *Should Part 24 include updated definitions of “antenna”, “small antenna” and “small cell antenna” as including their supporting structure, mounting, fixing and bracket?*

2.1 Currently paragraph A.4 of Part 24 contains specific definition of “small antenna” alone. It has been suggested that this has led to inconsistency in interpretation by local planning authorities with some authorities including the mountings and supports of antenna within the permitted development rights and others requiring a separate planning application for those components only. But, on the other hand, paragraph 1(1) of the Electronic Communications Code contains a comprehensive definition of “electronic communications apparatus”.

2.2 This can lead to unnecessary delays which in turn adversely impacts on network delivery for customers and additional costs. A possible option could be to add a specific definition of “antenna” to Part 24 as also including the structure, mountings, fixings and brackets necessary to support the antenna. A corresponding change would then be needed to the existing definition of “small antenna” in Part 24 and also be incorporated in any new definition of “small cell antenna” which might also be included in Part 24 .

3: *Is clarification needed that the current volume limits (of up to 2.5, 90 and 30 cubic metres) in A.1 (I) of Part 24 covering the installation of radio equipment housing cabinets are not a cumulative ceiling?*

3.1 Paragraph A.1(I) of the current Part 24 permitted development right limits the installation, alteration or replacement of radio equipment housing (the technical term to describe mobile communications cabinets) to 90 cubic metres (or 30 cubic metres if on a building rooftop.) In the case of article

1(5) land or a SSSI, a lower limit of 2.5 cubic metres applies. Also, paragraph A.2 (4) (b) of Part 24 provides that where the development volume would exceed 2.5 cubic metres in any individual case a prior approval application is required.

3.2 The volume limits of paragraph A.1(I) were intended to relate to the volume of housing installed under a single exercise of permitted development rights rather than being cumulative. It has been suggested that there has been some inconsistency in interpretation by local planning authorities i.e. some have take the 2.5 cubic metres limit as being cumulative for mobile communications cabinets on an individual site so that any new cabinets on an individual site need either planning permission or to be the subject of a prior approval application. And other local planning authorities have considered cabinets in excess of 2.5 cubic metres as the threshold for requiring planning permission for an individual cabinet. In the case of article 1(5) land and SSSIs, cabinets of up to 2.5 cubic metres will also be the subject of the separate prior approval application requirement applying under paragraph A. 2 (4) (a) of Part 24.

4: Is clarification needed of what is under Part 24 “development ancillary to radio equipment housing” and should it continue to be subject to a prior approval application requirement under paragraph A.2(4) (b)?

4.1 Class A (c) of Part 24 permits “development ancillary to radio equipment housing” and a definition of that term is contained in paragraph A.4. It can include the provision of fences and means of access to mast installations. All such development is subject to a prior approval application requirement under paragraph A.2 (4) (b).

4.2 It has been suggested that there is inconsistency in interpretation by local planning authorities as to what is “ancillary”: with some authorities including for example a handrail or the camouflaged antenna shroud as part of the totality of permitted development whereas others have treated it as separate elements requiring planning permission. Such inconsistencies can lead to delays to the roll out of mobile communications and increased costs.

5: Is clarification needed of the circumstances in which amendments to the details included in the original prior approval application notification made under Part 24 may later be varied in writing by the local planning authority?

5.1 Where under Part 24 - either an original prior approval notification has been made to the local planning authority or that local planning authority has given its specific approval to the details of siting and appearance of the development, paragraph A.3 (8) of Part 24 enables a subsequent change to the relevant details originally submitted to be agreed in writing by the local planning authority.

5.2 It has been suggested that some local planning authorities may be interpreting the “in writing” requirement as the mobile phone operator having to apply formally through the prior approval process once more to consider the agreement already reached. This was not the intention of the provision.

Annex 2

Proposed additional permitted development rights for Electronic Communications Code Operators : Partial Regulatory Impact Assessment

1. Options

1.1 The following options are considered:

- **Option 1: Do nothing** – i) Part 24 prior approval application requirement continues for the installation of all telecommunications apparatus on article 1(5) land : developers continue to make prior approval applications to the local planning authority (LPA) which have to be processed by them (including undertaking the statutory publicity and consultation requirements)
- ii) Existing Part 24 permitted development rights remain unchanged : applications for planning permission need to be made to the LPA for most new antenna on article 1(5) land and for the up-grading (beyond current limits) of existing masts and apparatus to accommodate more equipment.
- **Option 2: i) Disapplying for a limited period the prior approval requirement where specified equipment is being used on article 1(5) land** subject to standard conditions
- ii) **Introducing revised Part 24 permitted development rights** covering antenna on article 1(5) land and the up-grading of existing masts and apparatus to accommodate more equipment.

2. Cost and Benefits Analysis

2.1 The sectors most likely to be affected by the proposals include:

- Businesses such as Electronic Communications Code Operators (“Code Operators”) wishing to install apparatus to provide telecommunications services
- LPAs who determine prior approval applications as well as applications for planning permission.
- The general public who may have an interest in an individual development proposal.

2.2 The following cost and benefit analysis has been undertaken for each of the above sectors:

Cost Analysis for Option 1 – Do nothing

Businesses

2.3 Indirect and direct costs to businesses:

- i) The current prior approval requirement will continue with a cost to business (as a developer) for each application made of a standard application fee of £330 together with the costs (estimated to be on average around £2,020) associated with producing a valid application, e.g. supporting information such as plans, drawings, and agent fees to prepare, submit and manage the application.
- ii) The current requirement for making a planning application will continue with a cost to business (as a developer) for each application made of a standard application fee of £330 together with the costs (estimated to be on average around £2,020) associated with producing a valid application, e.g. supporting information such as plans, drawings, and agent fees. Also the indirect cost to business of any delay in the determination of the planning application and the associated uncertainty involved.

Local Planning Authorities

2.4 Indirect and direct costs to local planning authorities:

- i) Individual prior approval applications made to the LPA will need to be the subject of a decision, and that decision will need to be notified to the developer, within a period of 56 days. Regardless of whether in the individual case they do actually exercise their discretionary power, each application will need to be publicised by the LPA and be the subject of consultations by them in order to meet statutory requirements. The planning fee paid is intended to offset the LPAs costs.
- ii) Individual planning applications made to the LPA will need to be determined by them in accordance with the statutory requirements. The planning fee is intended to offset the LPAs costs.

General Public

2.5 Indirect or direct costs to the general public :

- i) and ii) no direct costs

Benefit Analysis for Option 1 – Do nothing

Businesses

2.6 Indirect or direct benefits to businesses:

- i) and ii) there are no significant indirect or direct benefits for businesses.

Local Planning Authorities

2.7 Indirect or direct benefits to LPA:

- i) a discretionary power remains available to LPAs to require their approval ,in any specific case , to the siting and appearance of the development
- ii) some relevant developments will remain, in cases, subject to full planning control.

General Public

i) and ii) any prior approval or planning applications which are made will need to be publicised by the LPA affording third parties ,such as the general public, the opportunity of making representations to the LPA about the individual application made.

Cost Analysis for Option 2

Businesses

2.8 Direct costs to businesses:

- i) None.
- ii) None.

2.9 Indirect costs to businesses:

- ii) If any new permitted development right is subject, in some cases, to a need for the developer to make a prior approval application there will be the cost to the developer involved of making that prior approval application. But the direct cost saving resulting from not having to make a planning application for the same development could be offset against that cost.

Local Planning Authorities

2.10 Indirect or direct cost to LPA:

- i) and ii) Loss of future potential planning fee income from the prior approval applications and planning applications no longer required but offset by a) not having to incur the costs involved in dealing with those applications and b) any new planning fee income arising from any newly introduced requirement for prior approval applications.
- ii) some relevant developments will in some cases no longer be the subject of full planning control.

General Public

2.11 Indirect or direct costs to the general public :

- i) and ii) prior approval and planning applications no longer serving as a catalyst for publicity and providing the opportunity to make representations to the LPA . But offset by any newly introduced requirement for prior approval applications creating the need for them to be publicised by the LPA.

Benefit Analysis for Option 2

Businesses

2.12 Indirect or direct benefits to businesses:

- i) Direct cost savings for Code Operators through the saving of the prior approval application fee and the associated costs involved in making the application.
- ii) Revised permitted development rights will also in principle provide direct cost savings for Code Operators through removing the need for a planning application to be made in some cases
 - i) and ii) streamlined , faster planning processes offering more certainty for Code Operators reducing unnecessary delay and expense.

Businesses generally are also likely to benefit, as potential users, from any earlier provision of telecommunications services which the infrastructure involved is intended to provide.

Local Planning Authorities

2.13 Indirect or direct benefits to LPA:

- i) and ii) less prior approval applications and planning applications needing to be determined allowing LPAs to reallocate valuable staff resources to other planning applications, which may have more complex and significant impacts. But offset by any newly introduced requirement for prior approval applications.

General Public

2.14 Indirect or direct benefits to the general public:

- The benefit, as potential users, of any earlier provision of telecommunications services which the infrastructure involved is intended to provide.

3. Analysis of Other Effects and Impacts

Voluntary Sector

3.1 The proposals are likely to have a little direct impact on the voluntary sector. But they will be able to benefit as potential users, from any earlier

provision of telecommunications services which the infrastructure involved is intended to provide.

Equality of Opportunity

3.2 The proposed legislation will not have any adverse equality impact. The proposals will have an equal impact on all affected sectors although those working from home (or with mobility problems) are likely to benefit from the earlier provision of telecommunications services which the infrastructure involved is intended to provide .

Sustainable Development

3.3 The proposals will not have any significant adverse impact on sustainable development. Effective, reliable and fast communications are vital for the economic prosperity and social sustainability of rural Wales. Earlier provision of telecommunications services which the infrastructure involved is intended to provide is likely to boost growth in rural areas and has the potential to make services more accessible to rural communities. Availability of telecommunications services may also assist new businesses wishing to start up in an area.

The Welsh Language

3.4 The proposals do not have any adverse implications for the Welsh language.

4. Summary

Based on the analysis undertaken on both options, it is considered on balance that Option 2 should be implemented. This option is preferred to:

- provide streamlined , faster planning processes offering more certainty for Code Operators reducing unnecessary delay and expense; and
- secure earlier provision of telecommunications services which the infrastructure involved is intended to provide.

5. Consultation *[This section will be completed following the completion and analysis of the consultation].*

6. Competition Assessment

6.1 A competition filter test has been applied to the proposed amendments. The results of the test suggest that the proposals are unlikely to have any significant detrimental effect on competition.

6.2 As with the current Part 24 of Schedule 2 to the 1995 Order relevant permitted development rights will be available to all Code Operators.

7. Post Implementation Review

7.1 The new legislation covering i) will be time limited and will then automatically lapse unless renewed by a further statutory instrument made by the Welsh Ministers.

7.2 Regular meetings between Welsh Government's Planning Division and (i) Wales Planning Forum (which includes business and development sector interests), (ii) Chief Planning Officers and (iii) Planning Lead Members will also be a forum for discussing any issues or concerns with the proposed arrangements introduced by the new legislation. Feedback from the Planning Inspectorate (Wales) and representations to the Welsh Government's Planning Division by interested sectors, Assembly Members and the public will also provide evidence of the effectiveness of the new arrangements. Welsh Government officials will also continue to closely monitor the availability of broadband in Wales as part of a particular initiative to tackle "Not Spots" in Wales.

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
Consultation reference: WG 17476

Consultation Response Form: Proposed additional PDRs for Code Operators

We want your views on our proposals for proposed modifications (by way of revisions or additions) to the current permitted development rights set out in Part 24 "Development by Electronic Communications Code Operator (Wales)". Your views on the draft Regulatory Impact Assessment are also sought.

Please submit your comments by 31 October 2013.

If you have any queries on this consultation please e-mail planconsultations-e@wales.gsi.gov.uk
or telephone N Butler on 029 2082 3585.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
 Consultation reference: WG 17476

| Proposed additional PDRs for Code Operators | | |
|--|---|--------------------------|
| Date of consultation period: 29 July 2013 to 31 October 2013 | | |
| Name | | |
| Organisation | | |
| Address | | |
| E-mail address | | |
| Type <i>(please select one from the following)</i> | Businesses/Planning Consultants | <input type="checkbox"/> |
| | Local Planning Authority | <input type="checkbox"/> |
| | Government Agency/Other Public Sector | <input type="checkbox"/> |
| | Professional Bodies/Interest Groups | <input type="checkbox"/> |
| | Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations) | <input type="checkbox"/> |
| | Other (other groups not listed above) or individual | <input type="checkbox"/> |

| | | | | |
|-----------|---|--------------------------|-------------------------------------|--------------------------|
| Q1 | Do you agree that the consultation procedures described in a) to c) of paragraph 5.8 above should in Wales be the minimum statutory requirement ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |
| | | | | |

| | | | | |
|-----------|--|--------------------------|-------------------------------------|--------------------------|
| Q2 | Can you suggest any other general conditions which might also be imposed ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |
| | | | | |

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
 Consultation reference: WG 17476

| | | | | |
|-----------|---|--------------------------|-------------------------------------|--------------------------|
| Q3 | Do you agree that the alternative “fast track” land use planning arrangement described above should apply for the temporary period described in paragraph 5.9 ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

| | | | | |
|-----------|--|--------------------------|-------------------------------------|--------------------------|
| Q4 | Do you agree that the current prior approval threshold for antenna mounted on buildings and structures should be increased from 4 metres to 6 metres ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

| | |
|-----------|--|
| Q5 | Do you agree that a new permitted development right should be introduced specifically for the installation of a limited number of small cell antenna of up to 0.5 metres in size ? |
| Comments: | |

| | | | | |
|-----------|---|--------------------------|-------------------------------------|--------------------------|
| Q6 | Do you think any other dimensional limits or additional siting restrictions should apply to such small cell antenna and also include your reasons ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
 Consultation reference: WG 17476

| | | | | |
|-----------|---|--------------------------|-------------------------------------|--------------------------|
| Q7 | Do you agree that the aggregated dish diameter threshold limits should be increased as proposed in paragraph 5.27 above ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

| | | | | |
|-----------|--|--------------------------|-------------------------------------|--------------------------|
| Q8 | Do you think any additional siting restrictions should apply to such additional antenna? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

| | | | | |
|-----------|--|--------------------------|-------------------------------------|--------------------------|
| Q9 | Do you think any additional conditions should apply to such an extended permitted development right? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

| | | | | |
|------------|--|--------------------------|-------------------------------------|--------------------------|
| Q10 | Do you support time - limiting Proposals A - F in this paper until 31/12/17? If not, what lesser or greater period do you favour ? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
Consultation reference: WG 17476

| | |
|------------|---|
| Q11 | Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales? |
| Comments: | |

| | | | | |
|------------|---|--------------------------|-------------------------------------|--------------------------|
| Q12 | Do you agree that any up-dated references for the Code should be made available through the Welsh Government website? | Yes | Yes (subject to further comment) | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | | |

Draft Regulatory Impact Assessment

| | | | |
|------------|---|--------------------------|--------------------------|
| Q13 | Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2? | Yes | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> |
| Comments: | | | |

General

| | |
|------------|--|
| Q14 | We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them: |
| | |

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
Consultation reference: WG 17476

Responses to consultations are likely to be made public, on the internet or in a report.
If you would prefer your response to remain anonymous, please tick here:

How to Respond

Please submit your comments in any of the following ways:

| |
|---|
| Email |
| Please complete the consultation form and send it to : planconsultations-e@wales.gsi.gov.uk (Please include 'Proposed additional PDRs for Code Operators Consultation – WG-17476' in the subject line). |
| Post |
| Please complete the consultation form and send it to: Proposed additional PDRs for Code Operators Consultation Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ |
| Additional information |
| If you have any queries on this consultation, please Email: planconsultations-e@wales.gsi.gov.uk Telephone: N Butler on 029 2082 3585 |

Annex 4

List of bodies / organisations informed of the consultation

1a aerials
AB Internet
Aberconwy Aerials
Airband Community Internet Ltd
Airwave Solutions Limited
Alistair Yates
allpay Limited
Anglia Farmers
Architecture Verte Ltd.
Arqiva Communications Ltd
ARUP
Askmore Communications
Association of National Park Authorities
AT&T Global Network Services (UK) B.V.
Atlas Communications NI Limited
Avanti Communications Group plc
Avonline
Bartlett School of Planning
Bentley Walker
BeyonDSL
BJ's Electrical
BJ's Mid Wales Ltd
Blaenau Gwent County Borough Council
Blaenavon Town Council
Bluewave
Boyns Information Systems Ltd
BRE Wales & South West
Brecon Beacons National Park Authority
Bridgend County Borough Council
British Telecommunications plc
Broadbandwherever
BSkyB Telecommunications Services Limited
Bytel Networks Ltd
Caerphilly County Borough Council
Call Flow Solutions Limited
Campaign for National Parks
Campaign for the Protection of Rural Wales
CAMRA Campaign for Real Ale
Canal & River Trust
Capita Symonds
Cardiff County Council
Cardiff School of Planning and Geography
Carmarthenshire County Council
Catalyst Systems
CBI Wales
Centric Telco Ltd

Ceredigion County Council
Chartered Institute of Housing
Cheshire West and Chester Council
Children's Commissioner for Wales
Citizens Advice Bureaux
City and County of Swansea
City of Bangor Council
CityFibre Metro Networks Limited
CityLink Telecommunications Limited
Civic Trust for Wales
Cliff Walton & Sons
Coal Authority
Cogent Communications UK Ltd
COLT Technology Services
Commissioner for Sustainable Futures
Community Enterprise Wales
Community Housing Cymru
Conwy County Borough Council
Cornerstones Telecommunication Infrastructure
Country Land & Business Association
Criccieth TV
Crown Estate Commissioners
Davies & Co
Denbighshire County Council
Department of Energy and Climate Change
Department of Law, Cardiff University
Design Commission for Wales
Development Planning Partnership
Disability Wales
Disabled Persons Transport Advisory Committee
DTZ
Dŵr Cymru \ Welsh Water
Eircom UK Ltd
Energy Savings Trust
Energy UK
Entec UK Ltd.
Equant UK Ltd
Ethnet
EU Networks Fiber UK Limited
Euro Payphone Ltd
Everything Everywhere Limited
Exwavia
Farmers Union of Wales (FUW)
Faultbasic Ltd
Federation of Master Builders
Federation of Small Businesses
Fibernet UK Limited
Fibrespan Limited
FibreSpeed Limited
Fibrewave Networks

FLAG Atlantic UK Limited
Flintshire County Council
Fox Digital
Friends of the Earth Cymru
Fujitsu Services Limited
G H Jones
Gamma Telecom Holdings Ltd
Geldards
GeneSYS Telecommunications Limited
Geo Metro Limited
Geo Networks Limited
Gigaclear Limited
Global Crossing (UK) Telecommunications Ltd
GMB
Greenpeace UK
Gwent Association of Voluntary Organisations (GAVO)
Gwynedd County Council
Harlequin Group
Health and Safety Executive
Hibernia Atlantic (UK) Limited
Home Builders Federation
Hutchison 3G UK Limited
ICE Wales Cymru
In Focus Public Networks Ltd
Independent Fibre Networks Limited
Infrastructure Planning Commission
Intellect
Internal Communication Systems Limited
Internet Central Ltd
Interoute (i-21 Limited)
IoD Wales
Isle of Anglesey County Council
ItsDun
Jeff Porter
John Rowlands
KCOM Group Plc
KDDI Europe Ltd
Kelvin Sandles
Konek-T Broadband Ltd
KPN EuroRings B.V.
Land Registry Wales Office
Land Use Consultants
Landscape Institute Wales
Law Society Wales
Lawrenny Broadband
Level 3 Communications Ltd
Llanfihangel.net
Lloyd's Aerial Satellite Services
Mark Roberts Planning and Environmental Consultancy
Merthyr Tydfil County Borough Council

Ministry of Defence
MLL Telecom Ltd
Mobile Operators Association
Monmouthshire County Council
Morgan & Morgan
Mundio Mobile Limited
National Air Traffic Services
National House Building Council
National Trust
Natural Resources Wales
Neath Port Talbot County Borough Council
Neos Networks Ltd
Netserve
Network Rail
NewNet plc
Newport City Council
NFU Cymru
Notspot Broadband Ltd
NWP Street Limited
OFCOM Wales
Older People's Commissioner for Wales
One Voice Wales
Opal IT Services Ltd
Operator of Cardiff Airport
Orbital
Owen & Palmer
PCQ
Pembrokeshire Coast National Park Authority
Pembrokeshire County Council
Pipex Limited
Planning & Environment Bar Association
Planning Aid Wales
Planning Inspectorate Wales
Planning Officers' Society Wales
Police Liaison Officer
Powys County Council
Prime Satcom
Public Services Ombudsman for Wales
Race Equality First
Reach Europe Ltd
Redrow Homes South Wales
Redstone Communications Limited
Reliance FLAG Telecom Ireland Limited
ResQ IT
Rhondda Cynon Taff County Borough Council
RNIB Cymru
RNID Cymru
Royal Institution of Chartered Surveyors Wales
Royal Society of Architects in Wales
Royal Town Planning Institute in Wales

RPS Planning and Development
RSL Cityspace Limited
RSPB Welsh Headquarters
Rural Broadband
Sea Fibre Networks Ltd
Severn Trent Water Ltd
Simkiss Aerial and Satellite Services
Smallworld Media Communications Limited
Snowdonia National Park Authority
Sound & Vision
Spectrum Internet
Sports Council for Wales
Sprintlink UK Ltd
Spyder Facilities Limited
SSE Telecommunications Limited
Stuart Lewis Systems
Surf Telecoms Limited
Sustainable Wales
TalkTalk Communications Limited
Tata Communications (UK) Limited
Telecom New Zealand (UK) Licences Limited
Telefonica UK Limited
Telemat
TeliaSonera International Carrier UK Limited
TFL
Thales Transport and Security Limited
The Centre for Sustainable Planning and Environments
The Environment Agency
The Equality and Human Rights Commission
The Guide Dogs for the Blind Association
The Outdoor Media Centre Ltd
Theatres Trust
Tiscali UK Limited
Tooway Direct
Torch Communications Ltd
Torfaen County Borough Council
Town and Country Planning Association
Town and Country Planning Services (Conwy)
Tri Coms
Turley Associates
UK Broadband Limited
Unite
United Utilities Plc
Vale of Glamorgan Council
Vectone Limited
Veolia Water Central Ltd
Verizon UK Ltd
Virgin Media Limited
Vodafone Limited
Vtesse Networks Ltd

VTL (UK) Ltd
VTL Wavenet Limited
Wales Council for the Blind
Wales Council for the Deaf
Wales Council for Voluntary Action
Wales Disability Rights Commission
Wales Environment Link
Wales Planning Consultancy Forum
Wales TUC
Wales YFC
Wales Zero Carbon Hub
Welsh Language Commissioner
Welsh Local Government Association
Welsh School of Architecture
Wifinity Limited
Wight Cable 2005 Ltd
Wrexham County Borough Council
WWF Cymru
Yarpole Systems
Your Communications Ltd
Zayo Group UK Limited