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Welsh Government

GUIDANCE

# Changes to the Town and Country Planning (General Permitted Development) Order 1995

Letter to local planning authorities announcing changes to the General Permitted Development Order (GPDO) regarding Community Growing Spaces and Telecommunications Development by Electronic Communications Code Operators.

First published: 17 December 2020

Last updated: 17 December 2020

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# Contents

## [New Part 6A Community Growing Spaces](#)

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## [Part 24 Telecommunications Development by Electronic Communications Code Operators \(Wales\)](#)

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## [Annex 1](#)

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10 December 2020

Heads of Planning,  
Local Planning Authorities

Dear Colleagues

This letter concerns changes to the Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”).

**[The Town and Country Planning \(General Permitted Development\) \(Amendment\) \(No. 3\) \(Wales\) Order 2020](#)** (“the amendment Order”) introduces a new Part 6A Community Growing Spaces into Schedule 2 to the GPDO. The amendment Order also implements the outstanding provisions from the 2018 consultation on changes to Part 24 Telecommunications Development by Electronic Communications Code Operators (**[Subordinate Legislation Consolidation and Review, 2018](#)**), and implementation of the transposition of **[Directive 2018/1972 of The European Parliament](#)**. The changes come into force on 21 December 2020.

## **New Part 6A Community Growing Spaces**

The new Part 6A provides permitted development rights (PDRs) for development

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consisting of the erection, extension, alteration or replacement of storage sheds and greenhouses on a 'community growing space', which for purposes of the legislation is defined as:

- (a) an allotment including an allotment garden within the meaning of the Allotments Act 1922; or
- (b) any other land used or intended for use -
  - i. by one or more communities,
  - ii. wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers, and
  - iii. otherwise than with a view to making a profit.

The PDR is subject to the following limitations:

### **Site Area and number of storage sheds and greenhouses permitted:**

- For sites measuring 125 square metres or more, one storage shed and one greenhouse is permitted. However, the PDRs do not allow the erection of two storage sheds or two greenhouses on a plot of this size.
- For sites measuring between 62 square meters and less than 125 square metres, one storage shed or one greenhouse is permitted.
- Sites measuring less than 62 square metres in area do not benefit from PDRs.

### **Size of storage sheds and greenhouses permitted:**

- Each storage shed or glasshouse must not exceed a ground area of 6 square metres when measured externally.
- Each storage shed or glasshouse must not exceed a maximum of 2.2 metres in height.

The PDRs do not apply where:

- the development would be within a protected area, known as article 1(5) land. This is land within National Parks, areas of outstanding natural beauty and conservation areas.

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- the development would be on land within a World Heritage Site;
- the development would be within the curtilage of a listed building; or
- the development would be within:
  - 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river); or
  - within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river).

User guidance will be included as part of a broader guidance regarding community growing document, titled ‘Guidance for growers and growing groups’, which will be published on the Welsh Government website shortly.

## **Part 24 Telecommunications Development by Electronic Communications Code Operators (Wales)**

The main policy intent behind both the outstanding provisions of the 2018 Part 24 consultation and the EU Directive 2018/1972 are similar in that they are aimed at reducing planning restrictions associated with what have previously typically been described as “small antenna” or “small cell antenna”. The purpose of which is to enable the more effective deployment of 4G and 5G technology in the street environment and elsewhere, together with newer digital businesses and services that this equipment is also designed to support.

### **Changes related to the 2018 consultation on GPDO Part 24 - Development by Electronic Communications Code Operators (Wales).**

Part 24 was last updated in April 2019 by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019. The 2019 amending order replaced the previous Part 24 in its entirety. However provisions concerning amendments to the definition and characteristics of certain antennas on buildings, principally small antenna and small cell antenna, remained outstanding. This letter addresses those outstanding provisions.

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The main changes are:

- replaces the terms, and definitions of, “small antenna” and “small cell antenna” with the term “small cell system”,
- uses a new definition of “small cell system” based on the previous definition of “small cell antenna”
- extends permitted development rights in relation to development consisting of the installation, alteration or replacement of a small cell system (restrictions on positioning of equipment on dwellings and other buildings has not changed)
- In protected areas (other than a Conservation Area and World Heritage Site), 2 such antenna are permitted on a dwelling, whilst on buildings or structures (other than a dwelling) no limitations on numbers apply.
- In Conservation Areas and World Heritage Sites 1 such antenna is allowed on a dwelling, and 2 such antenna are allowed on a building or structure (other than a dwelling).
- Outside a protected area 2 such antenna are permitted on a dwelling, no limitations on numbers of such antenna on other buildings and structures.

As described above “small cell system” replaces the terms “small antenna” and “small cell antenna”. The reason for this is twofold. Firstly to simplify the legislation; the previous Part 24 included two terms and definitions for technology which carried out a similar function. Secondly, the use of the term “small cell system” enables equipment ancillary to the antenna to be included in the permitted development rights, and “ancillary” has been introduced into the new definition of small cell system.

It should be noted that the number of small cell systems permitted in any given circumstance includes the number of “Regulation 2020/1070 small cell system” which may also be permitted (see sections on EU Directive below). For example, on a building or structure in a Conservation Area or World Heritage Site you may have either two small cell systems or two Regulation 2020/1070 small cell systems, or one of each.

In addition to changes to small antenna and small cell antenna the GDPO has been amended to change the number of other antenna and electronic code operators permitted on buildings and structures, as follows:

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- Increases the number of antenna systems (other than dish antenna, small cell systems and Regulation 2020/1070 small cell systems) which can be installed on certain buildings and structures from three to four.
- Increases the number of electronic communications code operators who can operate antenna systems on certain buildings and structures from three to four.

## EU Directive 2018/1972 of the European Parliament

Article 57 of [EU Directive 2018/1972](#) concerns the deployment of Small Area Wireless Access Points (SAWAPs). SAWAPs are defined in [Article 2\(23\)](#) of the Directive, and for the purposes of Part 24 a SAWAP has the same function as a small cell system.

Article 57 states that competent authorities shall not unduly restrict the deployment of SAWAPs. We believe that implementation of the provisions arising from the 2018 consultation comply with this provision. The Directive goes on to state that deployment of SAWAPs meeting certain physical and technical characteristics (see below) should not be subject to individual town planning permits or prior permits. However, by way of derogation from these requirements competent authorities may require permits for the deployment of SAWAPs on buildings or sites of architectural, historical or natural value protected in accordance with national law or where necessary for public safety reasons.

Details of the characteristics of SAWAPs specifically referred to in Article 57 are set out in [Commission Implementing Regulation \(EU\) 2020/1070](#) (published 20th July 2020). Annex 1 below sets out those characteristics.

The Welsh Government have determined that a SAWAP described under Article 57 and which meets the characteristics of Implementing Regulation 2020/1070 is a subset of a small cell system. In this respect, such antenna as they apply to Part 24 of the GPDO have been named “Regulation 2020/1070 small cell systems” so that a distinction can be drawn between them and other small cell systems.

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As a result of the derogation described above limitations have been placed on the numbers of Regulation 2020/1070 small cell systems in protected areas and on World Heritage Sites. Regulation 2020/1070 small cell systems are not permitted on Listed Buildings and Scheduled Ancient Monuments, as is the case with small cell systems, as they are controlled by separate consent regimes.

The main changes to Part 24 as a consequence of EU Directive 2018/1972 are:

- Insertion of a definition of Regulation 2020/1070 small cell systems.
- Insertion of Regulation 2020/1070 small cell system where appropriate in Part 24 text.
- In protected areas (other than a Conservation Area and World Heritage Site), 2 Regulation 2020/1070 small cell systems are permitted on a dwelling, whilst on buildings or structures (other than a dwelling) no limitations on numbers apply.
- In Conservation Areas and World Heritage Sites 1 such antenna is permitted on a dwelling, and 2 such antenna are permitted on a building or structure (other than a dwelling).
- In protected areas and World Heritage Sites restrictions on location of antenna on dwellings and other buildings are the same as apply to small cell systems.
- Outside of protected areas there are no limitations on numbers of such antenna on either dwellings or other buildings and structures.

## Notification Requirements

Article 3(3) of the Implementing Regulation states that operators who have deployed SAWAPs (Regulation 2020/1070 small cell systems) of class E2 or E10 (as defined in the European Standards 62232:2017) shall notify the national competent authority within two weeks from the deployment of each such point about its installation and location as well as the requirements they have met in terms of its characteristics and appearance. We consider that the national competent authority in this respect is the local planning authority. This view is shared by the UK Government and the other Devolved Administrations.

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## GPDO Article 4

In order to comply with EU Directive 2018/1972 the Town and Country Planning (General Permitted Development) (Amendment) (No. 3) (Wales) Order 2020 amends Article 4 of the GPDO so that a direction cannot be issued restricting the scope of permitted development rights so far as the development consists of the installation, alteration or replacement of a Regulation 2020/1070 small cell system.

## Consequential changes

A number of consequential changes are also made. There are references to telecommunications infrastructure in the GPDO in Part 1 Development within the Curtilage of a Dwellinghouse and Part 25 Other Telecommunications Development. Both parts refer to the installation of microwave antenna (satellite antenna) and state that the maximum number of antenna (microwave antenna), for the purpose of the appropriate paragraph in each part, will include any small antenna permitted under Class A of Part 24. Therefore under the new proposals reference to small antenna will be deleted and replaced by small cell systems and Regulation 2020/1070 small cell systems where these apply

Yours sincerely,

Neil Hemington  
Prif Gynllunydd | Chief Planner  
Cyfarwyddiaeth Cynllunio | Planning Directorate

## Annex 1

### Commission Implementing Regulation (EU) 2020/1070 – Annex 1 (A) and (B)

Article 3(1) of the Implementing Regulations lays down the physical and technical characteristics of SAWAPs referred to in the second paragraph of

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Article 57(1). In all cases SAWAPs referred to in the second paragraph of Article 57(1) must comply with the requirements of the European standard laid down in point B of the Annex and then either be fully and safely integrated in their supporting structure and therefore invisible to the general public or meet the following conditions in point A of the Annex:

### **A. Conditions referred to in point (b) of Article 3(1)**

1. The total volume of the part visible to the general public of a small-area wireless access point serving one or more radio spectrum users shall not exceed 30 litres.
2. The total volume of the parts visible to the general public of multiple separate small-area wireless access points sharing the same infrastructure site of an individual delimited surface such as a light pole, a traffic light, a billboard or a bus stop, shall not exceed 30 litres.
3. In the cases where the antenna system and other elements, such as a radiofrequency unit, a digital processor, a storage unit, a cooling system, power supply, cabling connections, backhaul elements or elements for earthing and fixation, of the small-area wireless access point are installed separately, any portion thereof in excess of 30 litres shall be invisible to the general public.
4. The small-area wireless access point shall have visual consistency with the supporting structure and have a proportionate size relative to the overall size of the supporting structure, coherent shape, neutral colours to match or to blend with the supporting structure, and concealed cables, and shall not, together with other small-area wireless access points that are already installed in the same site or in adjacent sites, create aggregate visual clutter.
5. The weight of a small-area wireless access point and its shape shall not impose a structural reinforcement of the supporting structure.
6. A small-area wireless access point of the installation class E10 shall be only deployed in outdoor or in large indoor spaces, which have a ceiling height of at least 4 m.

## **B. Requirements of European standard referred to in Article 3(1)**

1. Deployment of small-area wireless access points shall be in accordance with the installation classes E0, E2 and E10 of Table 2 of clause 6.2.4 of the European standard EN 62232:2017 'Determination of RF field strength, power density and specific absorption rate (SAR) in the vicinity of radio communication base stations for the purpose of evaluating human exposure'.
2. In the case of multiple co-located antenna systems (or portions thereof) of one or more small-area wireless access points subject to this Regulation, the criteria for the EIRP contained in the standard referred to in point 1 shall apply to the sum of EIRP of all co-located antenna systems (or portions thereof).

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