



To: Chief Planning Officers in Wales

6 October 2014

Dear Colleague

## CHANGES TO PART 24 PERMITTED DEVELOPMENT RIGHT

This letter provides advance notice of changes which have been made to the Part 24 permitted development right ("Development by Electronic Communications Code Operator (Wales)") by the Town and Country Planning (General Permitted Development)(Amendment)(Wales) (No.2) Order 2014 ("the 2014 Order").

**These changes do not come into force until 7 November 2014.** This allows time for local planning authorities and other stakeholders to familiarise themselves with the changes made to Part 24 and the procedures involved.

The changes follow the proposals included in last year's consultation paper "Proposed additional permitted development rights for Electronic Communications Code Operators (facilitating Broadband rollout)" and relate to:

- specific apparatus such as telegraph poles, cabinets or lines when used by a Code Operator for the provision of fixed – line broadband on article 1 (5) land (*National Parks, Areas of Outstanding Natural Beauty and conservation areas*); and
- apparatus frequently used by Code Operators to provide mobile phone services.

The 2014 Order will be published on [www.legislation.gov.uk](http://www.legislation.gov.uk) in the next few weeks and a draft copy is attached for information. In the meantime, Annexes A and B to this letter contain a summary of the key changes made to Part 24 by the 2014 Order.

Further procedural guidance will be made available for local planning authorities prior to the coming into force date. Annex 1 ("Guidance on Prior Approval Procedures for Telecommunications Permitted Development") of Technical Advice Note 19 "Telecommunications" (August 2002) will be superseded by the new guidance in due course.

Yours sincerely

**Rosemary Thomas**  
Chief Planner  
Department for Natural Resources

## **ANNEX A**

### **Fixed –line broadband apparatus on article 1(5) land (*National Parks, Areas of Outstanding Natural Beauty and conservation areas*)**

*Summary of key changes made to Part 24 (Wales) by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014*

1. In the case of article 1(5) land, from 7 November 2014 Class A development consisting of the construction, installation or replacement of a telegraph pole, cabinet or line for fixed – line broadband will no longer require the making of a prior approval application under paragraph A.3 of Part 24. Instead such development i) will need to be completed on or before 30 May 2018 and ii) 3 additional conditions will need to have been complied with.

2. These 3 additional conditions will be:

- 1) The developer giving one month's notice in writing where the development is in:
  - i. a National Park, to the relevant County Council(s) for the area and to Natural Resources Wales ;and
  - ii. an Area of Outstanding Natural Beauty, to Natural Resources Wales.
- 2) Any cabinet being green, black (except matt black) or a colour which has the written approval of the local planning authority prior to the commencement of the development.
- 3) Any telegraph pole being of the same appearance and being made of the same material as the nearest existing telegraph pole to it which has planning permission unless an alternative appearance or material has been approved in writing by the local planning authority prior to the commencement of the development.

3. The notice referred to in paragraph 2 1) above will need to state the developer's intention of installing apparatus, describe that apparatus and identify its proposed location.

## ANNEX B

### *Summary of key changes made to Part 24 (Wales) linked to **Mobile infrastructure apparatus** by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014*

1. The current prior approval threshold (A.2 (4) (b) of Part 24) is changed for antenna mounted on buildings or structures from 4 metres to 6 metres.
2. An increase in number of antenna systems allowed on buildings or structures (other than masts) as permitted development.  
*(3 antenna systems permitted in the case of buildings /structures below 15 metres in height; 5 antenna systems in the case of buildings /structures 15 metres or more in height).*
3. Provision made for up to two “small cell antenna” (based on a definition already used in both Scottish and English secondary legislation) on buildings (but not on, or within the curtilage of, any dwellinghouse) or structures. *(In the case of article 1(5) land, a prior approval application requirement applies).*
4. An increase in the maximum aggregated limit of dish antenna [used by Code Operators] allowed on buildings or other structures.
5. Provision made for up to 3 additional dish antenna (not exceeding 0.6 metres in size) and up to 3 additional non-dish antenna (not exceeding 3 metres in height) to be added to an existing installation on buildings and other structures (including masts) on article 1(5) land. *(A prior approval application requirement applies).*
6. Provision made for existing masts (not on article 1(5) land) to be increased in height from up to 15 metres to up to 20 metres and increased in width by up to a third. *(A prior approval application requirement applies).*
7. Other changes are also made to Part 24 (Wales):
  - Developer contact details to be submitted with an application made under Part 24 for prior approval.
  - The prior approval application requirement for “development ancillary to radio equipment housing” on non-article 1(5) land is removed.
  - A replacement definition of “antenna system” has been inserted within A. 4 of Part 24.
  - Clarification is provided in a number of areas
    - of the current volume limits for radio equipment housing
    - that the permitted development right can include (except within a SSSI), any casing or covering, mounting, fixing, bracket or other support structure, perimeter walls or fences, handrails, steps or ramps or security equipment reasonably required
    - that “development ancillary to radio equipment housing” can (except within a SSSI) include security equipment, perimeter walls and fences, handrails, steps and ramps

and that where minor amendments to development proposed in a prior approval application are agreed between the developer and the local planning authority, a new application for prior approval is not required.

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