

Number: WG23084



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Consultation – responses

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

Date of issue: October 2014

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The logo graphic for Arqiva, featuring a red triangle with the word 'arqiva' in white lowercase letters. To the left of the triangle is a colorful, abstract graphic of overlapping lines in blue, green, yellow, and red, resembling a signal or data flow.

Arqiva
Crawley Court
Winchester SO21 2QA
T: +44 (0)1962 823 434
www.arqiva.com

Proposed additional PDRs for Code Operators
Consultation
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

21 October 2013

Dear Sirs

PROPOSED ADDITIONAL PDRs FOR ELECTRONIC COMMUNICATIONS CODE OPERATORS

I enclose a completed response form which sets out the response of Arqiva to the specific questions set out in the above consultation.

As you may know, Arqiva owns and operates the UK terrestrial television broadcast network as well as a substantial part of the radio broadcast network; we are the largest independent shared site provider with management rights over a large number of properties, such as BT telephone exchanges and the former T- Mobile (now part of Everything Everywhere) tower portfolio; and we provide a range of end to end electronic communications network services, a major example being the work being undertaken for the DCMS through the Mobile Infrastructure Project. By volume of applications we are one of the largest users of the planning system. We are also experienced in the use of and familiar with the issues associated with the rights set out under Part 24 of Schedule 2 of the Town and Country (General Permitted Development) Order 1995, as amended (the GPDO).

Although the consultation document focuses upon fixed and wireless broadband networks, the Part 24 rights are for all Electronic Communications Code Operators. So, for example, we made extensive use of them for the Digital Switchover and continue to use them for the continued deployment of Digital Audio Broadcasting and for Local TV.

Anomalies in the GPDO have persisted over many years and we provided evidence as National Grid Wireless back in 2008, when the Welsh Government last reviewed the matter. In that evidence we recommended a more comprehensive review as part of the problem associated with the current PDRs is that they are the result of a periodic tinkering of provisions first introduced in 1985 at a time when there were very few code operators. We set out a draft showing how this might be achieved and remain of the view that a more fundamental review is required and would be pleased to assist in this. However, as an interim step, you will see from our response that Arqiva welcomes the changes

now proposed. Whilst these changes will help facilitate network deployment, there are some further changes that the Welsh Government may wish to consider now, to remove other anomalies without having to go so far as a more far reaching review.

Many of the current anomalies exist because of the introduction of the prior approval system. Before then and now like in Scotland and Northern Ireland, development was either permitted or it required full planning permission. The limitations set the thresholds on this all or nothing system. The prior approval procedures established a middle ground, with local authorities having the power to determine detailed siting and appearance with the ultimate sanction of refusal. But whilst these were applied to certain situations, the limitations were not adjusted elsewhere and so a number of inconsistencies have arisen. So, for example, you currently need full planning permission for a wall mounted dish that fronts a highway, but a 15 metre high mast can be erected on the intervening land under the lesser prior approval regime.

In our view, this problem with the regulations is quite easily remedied, by adopting a more flexible system that operates generally and more logically as follows:

On buildings in non – protected areas

- Permitted development rights subject to certain limitations that are free of prior approval
- Where those limitations are exceeded, permitted development rights subject to prior approval

On buildings in protected areas

- Permitted development rights subject to certain limitations, but subject also to prior approval
- Full planning requirements where those limitations are exceeded

As regards existing masts in protected areas, full planning permission is required for most antenna installations by virtue of Class A. 1 (i). Our records show that in Wales, since 1997 we have made 159 full planning applications for new antennas on existing masts in National Parks and Areas of Outstanding Natural Beauty and none were refused, suggesting this is not an area that requires control. We recommend this provision be deleted, because at present it inappropriately places a disincentive on the use of existing masts in protected areas by placing them into the same planning category as a whole new mast.

With regard to other potential improvements, some further suggested amendments are set out under sub – headings.

Emergency Rights

The emergency rights set out under Class A. (b) allow for the siting of moveable apparatus for a period of six months. Some years ago (in fact when we did not have code powers) a large broadcast tower was destroyed by fire in Peterborough and those rights would not have covered everything that was necessary. This included developing a new temporary access track with a new access off a highway and the time taken to obtain a fresh planning permission for rebuilding to a more modern design and the duration of the replacement works was more than a year. This right should therefore

be extended to allow the provision of temporary access and other associated operations and provide for the temporary period to be extended in agreement with the local planning authority. Otherwise we and other operators may be placed in the difficult and unsatisfactory position of struggling against planning control to bring back services that are needed in the public interest.

Prior Approval Procedure

A major source of conflict with the prior approval procedure is that the GPDO sets out a two stage process, i.e. the LPA should determine whether prior approval is required and then, if it wishes to refuse, do so within the 56 days. In practice it is almost always treated in one step, with operators and LPA's often contesting the validity of refusals that are issued without the first determination having been carried out. Given how the market operates in reality the process should follow common practice and be simplified into a single step, i.e. the details must be submitted, as already required by best practice and then the LPA should either approve or refuse by day 56, with a default approval is no decision communicated within the time limit.

Corresponding changes to Class A.1 (f)

In extending or clarifying that permitted development rights apply to fencing, meter cabinets (we suggest) and other matters, please do not overlook making corresponding changes to this provision otherwise such development may be caught by the 1.5 square metres limitation.

The Code of Best Practice

As a final matter, I participated in the 2001/2002 Working Group that produced the English and Welsh Codes of Best Practice and also sat on the more recent DCLG Working Group responsible for the recent changes to the English Code. I have been involved in planning and electronic communications since 1986 and would be pleased to lend again my knowledge and experience to any similar Working Group convened in Wales.

I appreciate that our response goes beyond the matters raised in your consultation, but our suggestions can be easily incorporated, are fully consistent with your objectives and will better help their attainment. I would be very pleased to meet and discuss the matter with you, especially as they traverse across a complex area of planning law. In the meantime, I hope this is a helpful contribution, but if you require any further information or clarification, please do not hesitate to contact me on 07973 430768.

Yours faithfully

Saleem Shamash BSc (Hons) FRICS MRTPI
Town Planning Manager – National
Arqiva Ltd

07973 430768

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	Saleem Shamash BSc (Hons) FRICS MRTPI Town Planning Manager - National	
Organisation	Arqiva Ltd	
Address	Crawley Court, Winchester, Hampshire S021 2QA	
E-mail address	saleem.shamash@arqiva.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Only if we are right to understand that this applies to the disapplication proposed in relation to fixed broadband. Otherwise Wales would be placed at a disadvantage compared to England where the changes brought into force on 21 August 2013, relating to wireless infrastructure are not time limited.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We agree with this proposal, but should caution that the relevant Condition A. 2 (4) (b) makes a distinction between masts and antennas, including any supporting structure, although this distinction is not legally defined. Under this regime, operators have typically installed 4 metre high pole mounted antennas, because masts always require prior approval even if proposed on a building. At six metres and possibly with more antennas attached, there is a risk that a pole mounted system may begin to take on a scale and form that could be construed to be a radio mast and therefore fall within the prior approval requirements. The legislation therefore needs to be carefully worded to avoid this situation from arising. The distinguishing point, recognized in the Glossary to the recently revised English Code of Best Practice is that pole mounted series tend to be installed in series, whereas a roof mounted stub mast would support all antennas used for an antenna system.</p>				

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 ?
<p>Comments:</p> <p>Yes</p>	

Annex 3

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

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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 checked="" type="checkbox"/>
Comments:				

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 checked="" 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 checked="" type="checkbox"/>
Comments: See accompanying letter				

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 checked="" type="checkbox"/>
Comments:				

Annex 3

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

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 checked="" type="checkbox"/>
<p>Comments:</p> <p>No - the similar changes now introduced in England are not time limited in relation to wireless infrastructure. To do so in Wales would therefore be disadvantageous.</p>				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
<p>Comments:</p> <p>1: Should the current definition of “antenna system” used in Part 24 be changed to reflect mobile operators sharing of infrastructure.</p> <p>The question seems to confuse the sharing of infrastructure (typically installing different sets of antennas on the same mast or building) and network sharing (so using the same antenna system).</p> <p>The definition in A.4 should allow for the possibility of network sharing, but at the same time the limitations at A.1 (g) must allow for additional antenna systems to achieve your objectives, in similar fashion to the changes introduced in England.</p> <p>2: Should Part 24 include updated definitions of “antenna”, “small antenna” and “small cell antenna” as including their supporting structure, mounting, fixing and bracket”?</p> <p>Yes, clarity is required notwithstanding the existing statutory definition of electronic communications apparatus as we have had disagreements with both local planning authorities and mobile network operators over this. In addition, the definition would clarify that when installing an antenna on a mast installed under A.1 (a), this can also allow the supports required to hold the antenna permitted to project above.</p> <p>3. Is clarification needed that the current volume limits in A.1 (l) of Part 24 covering the installation of radio equipment housing cabinets are not a cumulative ceiling?</p> <p>Yes, clarity is required as we have also had disagreements with both local planning authorities and mobile network operators over this aspect of the legislation.</p> <p>4. Is clarification of what is under Part 24 “development ancillary to radio</p>	

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

equipment housing” and should it continue to be subject to a prior approval application under paragraph A.2 (4) (b)?

Yes, clarity is required as we have had disagreements with local planning authorities over this. The need for prior approval should also be removed so that the requirements for ancillary apparatus follow more logically the requirements applicable to the main elements of an installation.

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 varies in writing by the local planning authority?

We have not experienced problems with this, but the fact that we understand some MNOs have is good reason to provide greater clarity.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes - Arqiva (as Crown Castle UK Ltd) participated in the 2001/2002 working groups that formulated the English and Welsh Codes of Best Practice and Arqiva also assisted with the recent revision to the English Code. Arqiva would be pleased to participate in any Welsh Working Group to revise the Welsh Code of Best Practice.				

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 checked="" type="checkbox"/>
Comments:			

General

Annex 3

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

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:

See accompanying letter.

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

Proposed additional PDRs for Code Operators		
Date of consultation period: 29 July 2013 to 31 October 2013		
Name	Tamsin Law	
Organisation	Brecon Beacons National Park Authority	
Address	Plas y Ffynnon Cambrian Way Brecon LD3 7HP	
E-mail address	Planning.enquiries@beacons-npa.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Concerns are raised in relation to the loss of control over siting and design of apparatus. Additional guidance is required in relation to the streamlined process and to how developers will take the Authority's concerns or comments into account and what will happen if the comments have not been taken into account. In addition, confirmation is required in relation to whether the 1 month notice that the developer is required to give follows the initial 21 day consultation period and, again, how the comments are to be taken into account by developers.				

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

Comments:
It is suggested that an additional condition in relation to the removal of equipment once they are no longer in use or necessary for telecommunications purposes should be added.

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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Although the threshold does not apply to National Parks, the antennae will be set back from the roof edge of the building on any other land which will consequently reduce their impact on the landscape and, potentially, the number of antennae needed.

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:
As an antenna on article 1 (5) land will be limited to only 1 No. x 0.5 metre antenna and will not be sited on a chimney, wall or roof slope fronting the highway, the National Park Authority agree to this amendment.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The additional restrictions are already in place for National Parks.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Agree in principle to the amendments to threshold limits however would suggest the addition of a condition on article 1 (5) land for the dish not to be located on a chimney or on a wall or roof slope fronting the highway, as is the case with other forms of telecoms equipment.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: An additional restriction in relation to the height of the antenna should be imposed, such as where it is proposed to add an antenna to an existing mast that the height of the antenna does not exceed that of the existing mast, and where installing an antenna on an existing building or structure, it does not exceed 3 metres in height.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This is not applicable to article 1 (5) land. However, if amendments were made to increase the height of masts on article 1 (5) land, the National Park Authority would object. We would also suggest a 1km buffer around the boundary of National Parks due to the potential visual impact the proposed mast could have				

on the qualities of the National Park.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The limited time period to allow broadband "roll-out" is supported provided that conditions are attached requiring the removal of equipment once they are no longer required for telecommunications purposes.				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
Comments: We have no specific evidence of the issues identified in Annex 1.	

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 checked="" 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 checked="" 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:

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:

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Planning Division
Welsh Government
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Cardiff
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Additional information

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Telephone: N Butler on 029 2082 3585

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	Jonathan Parsons	
Organisation	Bridgend County Borough Council	
Address	Civic Offices Angel Street BRIDGEND CF31 4WB	
E-mail address	Jonathan.parsons@bridgend.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There would appear to be little point in (C) if the developer has already gone through process in (a)				

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 checked="" 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"/>	X	<input type="checkbox"/>
Comments: Query why 30 th May date suggested and not end of year.				

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
		X	<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: Yes	

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"/>	X
Comments:				

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
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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
		X	<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"/>	X
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"/>	X
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"/>	X	<input type="checkbox"/>
Comments: Why is the time limit different to Q3?				

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
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Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
Comments: No comment	

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
		X	<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"/>	X
Comments: No further 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:
Development Control Committee members expressed concern regarding the potential siting of equipment cabinets in close proximity to residential properties without any planning control. This could have serious amenity issues for the householder.	

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Planning Division
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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 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 : Dave Turnbull

Organisation: Openreach, a division of British Telecommunications plc

Address : pp HWD 820, PO Box 67501, BT Centre, London EC1P 1PG

E-mail address : dave.turnbull@openreach.co.uk

Company providing communications infrastructure and services.

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 ? - NO
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Comments: BT has concerns with paragraph 5.7, namely the list of proposed technical definitions which qualify for the relaxation of the Part 24 process in relation to Article 1(5) land.

The proposals as drafted are sufficient for the provision of NGA (Next Generation Access) via fibre broadband street cabinets, know as FTTC – Fibre To The Cabinet. However, as the proposal currently stands it may deter the deployment of FTTP (Fibre To The Premises) which forms part of our suite of technologies to optimise coverage of fibre broadband across Wales. In order to enable this important technology BT would suggest that paragraph 2 is amended as follows.

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)

In respect of paragraph 5.8 BT has concerns over the wording in paragraph C in that it suggests that the applications to the planning authorities under the GPDO and the Code Regulation might have to be consecutive. This would potentially involve an end to end period of 49 days. BT would suggest the following amendment.

c) A ~~subsequent~~ secondary 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. Both applications may be made in parallel.

Q2	Can you suggest any other general conditions which might also be imposed ? - NO
-----------	--

Comments: None

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 ? - NO
-----------	--

Comments: The continuous installation of fibre broadband technology may extend well beyond 5 years. BT would suggest that the amendment to Part 24 of the GPDO should become permanent to optimise access to superfast broadband.

QUESTIONS Q4 – Q8 : As a fixed network supplier BT has focused it's response on the appropriate proposals. However, BT also supports the proposals in relation to radio based apparatus.

QUESTIONS Q9 – Q14 : No comment.

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	Tim Stephens	
Organisation	Caerphilly County Borough Council	
Address	Pontllanfraith House Pontllanfraith NP12 2YW	
E-mail address	stepht@caerphilly.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" type="checkbox"/>

Comments:

Whilst a process that allows a single project to be covered by one notification is sensible, the prior notification procedure and the timescales involved should be retained. Article 1(5) land is the most sensitive visually, historically and architecturally and careful consideration is needed about the location of broadband facilities in such areas. Guidance, however, should stress the economic benefits of broadband and the need to be flexible in the considering the notifications and other details.

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

Annex 3

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

Comments:

The colour of the cabinets should be agreed in all cases with the LPA.
Existing poles should be used, or any new poles should substitute existing ones and take existing services - any notification should be supported by an explanation as to why that would not be feasible.

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"/>	x

Comments:

They should not be applied at all. LPAs have to date taken care to consider the long-term impact of development on sensitive areas such as Article 1(5) land. Curtailing their ability to do so for a temporary period will have a detrimental impact on those areas, as appears to have been recognised in respect of SSSIs.

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
		x	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

None

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:
Yes

Annex 3

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

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"/>	x
Comments: No				

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"/>	x
Comments: The significant change in extent could lead to visual clutter.				

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"/>	x
Comments: This is only acceptable if the prior approval process is retained.				

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"/>	x
Comments: This is only acceptable if the prior approval process is retained.				

Annex 3

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

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"/>	x

Comments:

Temporary extensions to PD rights make no sense in planning terms, unless the intention is to remove that development at the end of the period. As PPW states: Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, permission may be granted subject to a condition that it is personal to the applicant. Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed.

The same principle applies to the extension of PD rights. Government must recognise that the needs of the economy change and that planning legislation must adapt, but not at the expense of other objectives of the planning system such as the protection of landscapes, built heritage, and visual amenity in general. The intention should be, having carefully taken into account all material considerations, to modify PD rights permanently in a manner that enables the telecommunications economy without harming other objectives.

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

Comments:

1. The encouragement of sharing is supported.
2. A definition of antenna etc should be provided and include the mountings, fixings and bracket. However, supporting structure may require its own definition to prevent misunderstanding.
3. Clarification on whether the volume is cumulative or not is welcomed.
4. Clarification on the meaning of ancillary development is welcomed.
5. Clarification about the way amendments can be agreed is also welcomed.

Annex 3

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

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
		x	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The code must be updated to reflect the changes in technology and its impact on planning legislation.				

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"/>	x
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:
<p>LPAs work closely with highway authorities. Ours has made the following comments.</p> <p>Highways concerns about broadband rollout are mainly about the potential for shallow slot cutting within the highway at depths that would prejudice future maintenance. To date this has not occurred although it is understood that Pembrokeshire have had trials for slot cutting 300mm deep and narrow trench work.</p> <p>We have found BT's attitude to the works has been professional with opportunities to discuss any concerns and planned works with planning colleagues. The HAUC community has raised concerns that the scope and extent of the works could deluge any Authority to the point that it could not carry out effective coordination. To date this has not happened in our area but it is understood that the very extensive roll out programme already is showing delays.</p>	

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

The Campaign for National Parks
 6-7 Barnard Mews, London SW11 1QU
 020 7924 4077
info@cnp.org.uk
www.cnp.org.uk



Proposed additional PDRs for Code Operators Consultation
 Planning Division
 Welsh Government
 Cathays Park
 Cardiff
 CF10 3NQ

By email to: planconsultations-e@wales.gsi.gov.uk

31 October 2013

Dear Sir/Madam

Proposed additional permitted development rights for broadband infrastructure

The Campaign for National Parks has been in existence for over 75 years and is the charity that campaigns to protect and promote National Parks in Wales and England as beautiful and inspirational places enjoyed and valued by all. CNP Cymru represents the interests of third sector bodies such as the three National Park Societies in Wales and other bodies such as CPRW (Campaign for the Protection of Rural Wales), Ramblers Wales and the National Association for AONBs (Areas of Outstanding Natural Beauty). The three National Park Authorities in Wales and National Parks Wales have observer status.

National Parks are our finest landscapes with the highest level of protection. Their statutory purposes are to conserve and enhance wildlife, cultural heritage and natural beauty, and to promote opportunities for public enjoyment and understanding of their special qualities. CNP Cymru believes that National Parks should be maintained as distinctive and unique tracts of countryside, which are also adaptable and resilient to future pressures such as climate change.

National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also play a vital role in sustainable development through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses.

Our response focuses on the proposed changes to permitted development rights for fixed broadband infrastructure. We are also concerned that the Impact Assessment does not say anything about the environmental costs associated with these changes, indicating that the proposed policy is based on an incomplete evidence base.

We do not support the proposal to remove the prior approval requirement for fixed electronic communications equipment in relation to article 1(5) land, as we do not believe it is necessary and could have unintended consequences. It also sets a dangerous precedent and will lead to increased pressure for the relaxation of other planning regulations in protected landscapes.

CNP Cymru recognises the importance of providing faster broadband in rural areas but believes that this is best done in a planned and co-ordinated way which takes account of the special status of all designated landscapes. We are concerned that this proposal could have a negative impact on economic growth if it leads to a proliferation of overhead lines and other intrusive telecommunications infrastructure in National Parks. The local economy in many National Parks relies heavily on tourism and many visitors are specifically attracted by the wildness and beauty of these areas.

There is no evidence that the additional protection afforded designated landscapes has acted as a barrier to rural growth or delayed the roll-out of broadband. In fact there are good examples of NPAs working with telecommunications providers and other stakeholders to ensure that broadband and mobile phone coverage is improved with as little visual impact on National Parks as possible. We would be happy to provide further information about these examples if required.

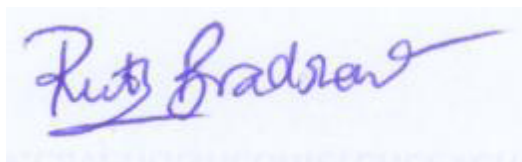
It is essential that a planned and co-ordinated approach can be used to deliver future telecommunications networks in National Parks. This will ensure that the amount of infrastructure required can be minimised (for example, by considering whether there are opportunities to share poles and masts) and placed in the most appropriate location. However, this will only happen if the prior approval requirement remains and NPAs can continue to work with providers to ensure that National Park purposes are taken into account in the provision of telecommunications infrastructure.

The fact that the exemption would be granted for a limited period also means that developers will rush to deliver the cheapest, fastest solutions rather than working with NPAs and others to deliver well designed solutions which are appropriate to designated landscapes.

We also believe that this proposal is inconsistent with paragraph 5.3.6 of Planning Policy Wales which states that 'National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments.'

If it would be helpful, we would be happy to meet to discuss our concerns about the changes proposed in this consultation and to demonstrate why these changes are not needed.

Yours sincerely



Ruth Bradshaw
Policy and Research Manager
Campaign for National Parks
Tel: 020 7924 4077 ext.222
Email: ruthb@cnp.org.uk

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	Jenny Boulton	
Organisation	Ceredigion County Council	
Address	Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA	
E-mail address	jenny.boulton@ceredigion.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
Comments:				

Annex 3

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

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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
		X	<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
		X	<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: Yes				

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"/>	X
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
		X	<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"/>	X
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"/>	X
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
		X	<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: No	

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
		X	<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"/>	X
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

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How to Respond

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(Please include 'Proposed additional PDRs for Code Operators Consultation – WG-17476' in the subject line).

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Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3 NQ

Additional information

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Email: planconsultations-e@wales.gsi.gov.uk

Telephone: N Butler on 029 2082 3585

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	Paul Mead	
Organisation	Denbighshire County Council	
Address	Caledfryn, Smithfield Road, Denbigh, LL16 3RJ	
E-mail address	paul.mead@denbighshire.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" 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 checked="" 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"/>
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"/>
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: Yes				

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"/>	✓
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 checked="" 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 checked="" 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 checked="" 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 checked="" 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: No	

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"/>
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"/>	✓
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

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If you would prefer your response to remain anonymous, please tick here: ☐

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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 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	Glyn P. Jones	
Organisation	Flintshire County Council	
Address	County Hall Mold	
E-mail address	Glyn.p.jones@flintshire.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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"/>	No

Comments:

Not helped by what is presumably a 'typo' in 5.8, a, iii, (local planning area for the area? - How would this differ from County Council?).

The need for improved communication is clearly supported, both in line with WG's initiative to support economic growth and in a Flintshire context, where we are often in competition for new investment with Authorities across the border.

There is however a need to carefully balance the economic considerations with those which concern the environment and our built heritage. Under the present regime the attachment of any item of equipment to a Listed Building is specifically excluded from PD. Within our historic town centres we can also control the placement of equipment near to the Listed Building, as it would also be within a Conservation Area. Unless I am misreading the proposed amendments this element of control would be lost under the new regime as any such cabinet would not require prior approval, nor would there be any need for LBC as there are technically no works to the listed building.

Annex 3

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

The fact that the “developer will have to have regard to” any representations received from a local authority affords no statutory control and effectively invites the operator to take this representation into the round in making its decision as to whether or not to install the equipment. What weight the operator gives to heritage and environmental considerations in balance with his own business interests remains to be seen but bizarrely there would in this scenario be a switch of roles where the operator would become the arbiter of conflicting interests, instead of the local planning authority.

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

Comments:

Green seems to be the generally accepted ‘neutral’ colour for cabinets , although this is not always appropriate in an urban streetscene where the equally ubiquitous ‘goosewing grey’ may be more appropriate. It may be that the ‘Code of Conduct’ could be used to identify a palette of colours giving more discretion in relation to the circumstances pertaining.

It is, however, one thing identifying an appropriate colour when in reality most cabinets are covered with a full sized poster advertising the broadband service. The need for Advertisement Consent for these posters is currently under discussion but there would be a clear responsibility on the operators to abide by the terms of their PD under the new regime.

There clearly needs to be a condition requiring the removal of any equipment once it becomes redundant and making good the site.

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This period allows the installation of the equipment in accordance with WG’s programme and presumably the reasoning is that these provisions will be superfluous after this period. However, the actual equipment will remain in place unless it has been superseded by new technology and its replacement outside this period will therefore fall under the existing regime which could lead

Annex 3

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

to some anomalies, particularly where something that has been installed under this 'amnesty' is considered to be unacceptable in environmental planning terms.

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This can be considered to be somewhat arbitrary in any event in that neither 4 m. nor 6m. relate to any other common structure/addition to a building. If there is evidence that the increased height will overcome technical difficulties as described, with the benefit of reducing visual impact then it is to be supported, but this will very much rely on the support of the operator as there is nothing in the changes which will prevent the installation of a 6m.high antenna close to the edge of a building.

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:

In that this refers to buildings/structures other than masts it is difficult to see how this won't in some cases lead to a proliferation of equipment which might be visually intrusive and damaging to the character of the particular building and the general area.

On 'antenna sites' other than masts any equipment should very much be ancillary to the main function and appearance, if not 'de minimis' in terms of these factors

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Annex 3

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

Comments:

It is not so much the dimensions themselves but the cumulative impact of the development which is potentially an issue. Close to Article 1.5 land this could be an issue.

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"/>	No
<p>Comments:</p> <p>This is a significant increase and there are concerns over the visual impact, particularly in relation to certain buildings.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>If this change is adopted , then yes. Again the sensitivity of buildings adjacent to Article 1.5 land, in particular Conservation Areas.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Consider that there should be some form additional control adjacent to Article 1.5 land.</p>				

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	No
		Yes (subject to further	

Annex 3

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

		comment)		
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?		
Comments: Aware of the inconsistencies/anomalies but no direct evidence of this. Needs to be consistent approach to interpretation through better guidance/ definition			

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Will make it more readily accessible to all interested parties				

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

Annex 3

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

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:

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



Proposed additional PDRs for Code Operators Consultation
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

30 October 2013

Dear Sir / Madam,

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

Thank you for the opportunity to comment on these proposals.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors. IfA's Wales / Cymru Group has over 100 members practising in the public, private and voluntary sector in Wales.

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

General

Although IfA supports Welsh Government in its ambition to have a first class digital infrastructure in Wales, it continues to have concerns with regard to potential harm to the historic environment if deregulation occurs without adequate safeguards for the historic environment. In seeking to streamline the planning system, Welsh Government should not implement proposals that will harm the long term protection and management of the historic environment (which includes a wide range of both designated and undesignated heritage assets, including World Heritage Sites, parks and gardens, battlefields and landscapes, many of which are vulnerable to small-scale development and the gradual erosion of the archaeological resource through the cumulative effects of new development). Although the development in question is generally small in scale, it has potential to harm the historic environment, particularly in relation to the character and appearance of historic assets.

Specific Questions

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?

1.1 No. The requirement for the developer to '*have regard to*' representations does not provide

sufficient safeguard for the historic environment in cases where development will have an unacceptable impact upon historic assets.

1.2 Furthermore, the provisions in question do not provide any protection for World Heritage Sites (which should, as in England, be included in the definition of article 1(5) land).

1.3 As a matter of detail, there appears to be a typographical error in requirement a)iii) as set out in paragraph 5.8. The first line should read '*within a Conservation Area, to the local planning authority...*' (my underlining).

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

2.1 No.

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?

3.1 IfA does not object to this limitation. However, it will do little to address the concerns outlined above. Archaeological remains are a finite and irreplaceable resource and operational development carried out under temporary arrangements carries the same risk of irretrievable loss of understanding of their significance as any other development.

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?

4.1 Only if there are adequate safeguards, not only for the fabric of historic assets, but also for their settings. In particular, any relaxation should not apply to World Heritage Sites, given their outstanding universal value and the importance of safeguarding their character and appearance.

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?

5.1 See the answer to question 4 above. It may well be true that the effect of siting such antenna will in many cases be de minimis, but in some instances, even small-scale change can have a significant impact upon the setting and character of a historic asset. Furthermore, the cumulative effect of such changes in a given location or area can be damaging.

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

6.1 No comment.

Q7: Do you agree that the aggregated dish diameter threshold limits should be increased as proposed in paragraph 5.27 above?

7.1 See the answer to question 4 above.

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

8.1 No comment, save that there may be cases in relation to the historic environment where details of siting and design cannot avoid unacceptable harm to the significance of historic assets.

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

9.1 This right should not be extended in relation to development on or affecting a World Heritage Site and consideration should be given to providing safeguards for other historic assets not on article 1(5) land.

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?

10.1 See the answer under question 3 above.

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

11.1 No comment.

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

12.1 Yes.

Q13: Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2?

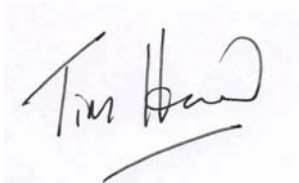
13.1 No.

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.

14.1 No comment

The Institute would be happy further to discuss the above concerns with Welsh Government with a view to ensuring that important telecommunications infrastructure can be provided in Wales expeditiously and without harm to the historic environment. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor

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	Keith Jones	
Organisation	Institution of Civil Engineers Wales Cymru	
Address	Suite 2, bay Chambers West Bute Street, Cardiff CF10 5BB	
E-mail address	Keith.jones@ice.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	x
	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
		x	<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
		x	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Define green better				

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
		x	<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
		x	<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: yes				

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"/>	x
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
		x	<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"/>	x
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"/>	x
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
		x	<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: no	

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
		x	<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"/>	x
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:
n/a	

Annex 3

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

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(Please include 'Proposed additional PDRs for Code Operators Consultation – WG-17476' in the subject line).

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Planning Division
Welsh Government
Cathays Park
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Additional information

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Email: planconsultations-e@wales.gsi.gov.uk

Telephone: N Butler on 029 2082 3585

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	John Cooke	
Organisation	Mobile Operators Association (MOA)	
Address	Russell Square House 10-12 Russell Square London WC1B 5EE	
E-mail address	johncooke@ukmoa.org	
Type (please select one from the following)	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 checked="" 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: No Comment				

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: No Comment				

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: No comment				

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: <p>Our understanding of Part 24 is that it currently allows Permitted Development for antennas (including any supporting structure) up to 4 metres, mounted on buildings and structures (other than masts) <i>without</i> prior approval, as set out in paragraph 5.14 of the consultation paper. We agree that this should be increased to 6 metres Permitted Development without Prior Approval, in line with the new English regulations, which came into force on 21st August, in order that telecoms infrastructure investment in Wales is not disincentivised relative to England.</p> <p>[Note, we believe that paragraph 5.14 correctly sets out the current regulations. However, we believe that the phraseology of “up to 4 metres” used in paragraphs 5.15 and 5.16 is potentially misleading, as it might imply that Prior Approval applies <i>below</i> 4 metres, rather than <i>above</i> it, which is not the case.]</p> <p>As set out in the consultation paper: it will support the swifter roll-out of 4G services, as well as providing additional capacity and connectivity for 2G and 3G transmitters. The current regulations incentivise operators to install smaller antennas which can give less coverage; and taller antennas can be installed further back from the edge of a building, improving the visual appearance from the ground. It will also maximise the use of existing buildings and structures, and thus help reduce the need for new ground-based masts.</p>				

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 ?
-----------	--

Annex 3

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

Comments:

It should be noted that many of the smallest antenna systems now in use may be covered by the normal principle of de minimis (as noted in paragraph 5.23); or they may not have a material effect on the external appearance of the building on which they may be installed, and therefore may not fall within the legal definition of development. Most conventional television aerials and their mountings or poles have long been treated this way, and this approach should continue to be applied to small telecommunications apparatus in general.

We support in principle the proposal for a new permitted development right for the installation of a limited number of small cell antennas, subject to certain qualifications and clarifications, as follows:

We support the proposed terminology of 'small cell antenna', rather than 'small antenna', as used in the current regulation. The 'small antenna' definition in the existing regulations refers to equipment that is no longer in general use. This specific technology was used to provide a point to point wireless alternative to a fixed cable to individual buildings/houses, rather than to provide mobile coverage solutions, including mobile broadband over a small area. Using the term 'small cell antenna' in the revised regulations would facilitate the latter.

We agree with the proposal to allow permitted development (not subject to a prior approval application requirement except when within a SSSI) permitting the installation of up to two small cell antenna in non-protected areas.

However, we also believe two such installations should be permitted on buildings or structures on article 1(5) land, rather than one, as proposed. Two such installations are permitted under the English regulations that came into force on 21st August. Allowing two antennas will also maximise the use of existing structures/buildings, reducing the requirement for antenna on new ground based masts. However, we believe that Permitted Development should be *without* Prior Approval on article 1(5) land. These small cells have a very limited visual impact [please see the attached illustrations]. Small cells are likely to be an increasing proportion of network infrastructure in future (although should not be seen as a replacement for macro sites) as they provide capacity over often very small areas such as individual streets and buildings. They are thus important in providing coverage and capacity in conservation areas, for example. When deployed in conservation areas, Permitted Development rights for such small cells do not override the need to seek listed building consent, for example.

We also disagree with the restriction on siting small cells, in article 1(5) land, not on a chimney or on a wall or roof slope fronting a highway. We believe that this restriction in the existing regulation may well have made sense in the context of the point to point 'microwave antenna' technology referred to above. However, the restriction makes little or no sense in the context of providing limited area mobile coverage solutions.

Small cells provide 'infill' radio coverage and additional capacity where there are high numbers of users and high demand ('hotspots') such as shopping centres and high streets. They typically provide radio coverage over distances - depending on antenna height and street clutter - of around 100m. Their function and the way they operate means that it is precisely on the surface facing the highway that they need to be mounted. In a shopping area, for example, these small cells would typically be mounted on shop fronts. If they were mounted at the side or rear of the shop, as proposed in the consultation paper, they would not do the job for which they are intended - i.e. provide mobile coverage: mobile networks use the radio waves, and the strength of signal is reduced when passing through a building or other obstruction.

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

Small cell antennas have a minimal visual impact, and can often be painted or camouflaged and sited in such a way as to blend in with the surrounding environment. They tend to be mounted on the external walls of existing structures, lamp-posts and other street furniture.

As regards dimensions, we suggest that the limit should be not exceeding 0.5 *square metres in any two dimensional measurement*, rather than 'of up to 0.5 metres in size'. So long as the small cell does not exceed this in terms of surface area, we strongly advise against any restriction in one dimension. A restriction in any one dimension, rather than an overall square metre restriction, means that 'square-shaped' small cells might be permitted, but 'long, thin' small cells would not be permitted, even though the surface area of the latter might be the same or even less and thus have less visual impact, if the limit is simply set as '0.5m'. We also suggest having a restriction on the *volume* of small cells permitted under this proposal, to take into account that some small cell antennas are cylindrical rather than flat. We suggest the volume limit be set at 50,000 cubic centimetres.

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

As set out in our response to Q5, above, we suggest that the limit should be not exceeding 0.5 *square metres in any two dimensional measurement*, rather than 'of up to 0.5 metres in size'. So long as the small cell does not exceed this in terms of surface area, we strongly advise against any restriction in one dimension. A restriction in any one dimension, rather than an overall square metre restriction, means that 'square-shaped' small cells might be permitted, but 'long, thin' small cells, even though the surface area of the latter would be the same or even less - see above We also suggest having a restriction on the *volume* of small cells permitted under this proposal, to take into account that some small cell antennas are cylindrical rather than flat. We suggest the volume limit be set at 50,000 cubic centimetres. This would be in line with the English Regulations that came into force on 21 August 2013.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

We agree with the proposal to increase the aggregate size limits of dish antennas on buildings or structures (other than masts) as Permitted Development without Prior Approval. . As set out in the consultation paper, it should maximise the use of existing buildings and structures to support the swifter roll-out of 4G, and will additionally also provide greater capacity for 2G and 3G services.

Annex 3

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

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

We agree with the proposal allowing up to 3 additional antennas each one of which may be up to 3 metres in height. . Three such additional antennas are needed to make this proposal effective, since any technology upgrade (e.g. a 4G upgrade) which requires separate antenna would need a minimum of three antennas, as each antenna gives approximately 120 degrees coverage. .

However, we believe that up to 3 additional point-to-point microwave transmission dishes should be allowed, rather than 2 (as proposed in paragraph 5.29). Although the DCMS/DCLG Technical Consultation: Mobile Connectivity in England, published on 3rd May, originally proposed a limit of two additional point to point microwave dishes, UK Government consequently chose to permit three such dishes in the new regulations (SI 2013 No 1868) that came into force in England on 21st August. It would be disappointing if the Welsh system were to be more restrictive than the English regulations, as this would disincentivise investment in Wales. Furthermore, point-to-point microwave transmission dishes tend to be used more often to provide backhaul in areas of lower population density, and are thus likely to be even more important in a Welsh context, where population density is 148 per square kilometre, compared to England, where population density is 407 per square kilometre.

We also believe that these upgrades are minor works of very limited visual impact on existing sites and as such should be classed as permitted development *without* the need for prior approval, rather than with prior approval, as proposed in the consultation paper. This would have very limited environmental impact but would significantly improve the speed of roll-out of services in those areas. We understand the apparent attraction of requiring prior approval as set out in the consultation paper, i.e. to enable the local planning authority to consider in individual cases the details of siting and design. However, it should be remembered that these developments are small in size, have extremely limited visual impact, and would be upgrades to existing sites that will already have been approved by the authority.

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

We believe that there should be a small degree of flexibility around the definition of replacing a mast 'on an existing site'. As set out in the consultation paper, 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. Where a mast is being replaced, we suggest that it could be done to within a certain distance of the original, i.e. within 5 metres.

In non-protected areas, we believe that permitted development for these changes should *not* require prior approval. An existing mast will already have gone through the planning process,

Annex 3

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

and it seems unduly bureaucratic to require a further planning application when the existing structure is simply being upgraded. As it currently stands, the proposal will do little to facilitate swifter rollout of 4G services and thus support the *Delivering a Digital Wales* strategy, or encourage site sharing.

It is important to remember that taller masts enable more equipment to be carried on each mast, and that, in turn, this provides more coverage using fewer sites. All other things being equal, a 20 metre mast will provide 17% greater geographic coverage than a 15 metre mast.

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 checked="" type="checkbox"/>
<p>Comments:</p> <p>We disagree strongly with any proposed time-limit on these changes. It is therefore vital that the proposals in this consultation are seen not only in the context of the next three or four years, but rather that they deliver a planning system that is future-proofed and facilitates the delivery of digital infrastructure that will be needed in Wales in five to ten years' time and beyond.</p> <p>Operators are constantly upgrading and refining their networks, and the requirement to maintain and improve coverage and capacity to their networks will not simply stop on January 1st 2018. Upgrades to existing sites, new sites and replacement sites will always be required for several reasons. These include:</p> <ul style="list-style-type: none"> • Additional capacity to meet increased customer demand especially in urban areas as more people access the Internet from mobile devices; • Additional coverage for example where a new housing or retail development is built; • Replacement coverage & capacity for example where an existing site has to be taken out of use because the land or structure on which it is located is being redeveloped; • Replacing redundant equipment that has come to the end of its life or replacing with new technology. <p>It is also important to note that there is no time-limited on the Permitted Development rights applying to mobile infrastructure in the corresponding regulations in England. A time-limit on the Welsh system risks putting the case for telecoms infrastructure in Wales at a disadvantage relative to England in the longer term, and hence risks connectivity in Wales lagging behind that in England.</p>				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
<p>Comments:</p> <p>Our comments on the specific issues raised in Annex 1 to the consultation paper are as set out below. In our experience, the issues highlighted in the Annex are neither more nor less significant than they are in England, where the planning system for telecoms infrastructure is very similar. In terms of how best to address any ambiguity as to definitions and clarifications, we believe that this is generally best done through regulations, i.e. Part 24 itself, though this</p>	

Annex 3

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

could be backed up via the Code of Best Practice, or any updated Government advice.

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

We believe that it would be helpful to amend the definition of ‘antenna system’. As set out at paragraph 1.1 of the Annex 1, paragraph A.4 of Part 24 contains a definition of “antenna system” as a set of antennas (usually comprising between 4 and 6 actual antenna) operated by a single operator, whereas operators now share masts wherever possible. Indeed, encouragement of the sharing of infrastructure is one of the stated aims of this consultation exercise. We therefore propose that the definition of antenna system is amended to: ‘*a set of antennas installed on a building or structure and operated in accordance with the Electronic Communications Code*’.

We further suggest that there should be no limit on the number of operators utilising an antenna system, as suggested at paragraph 1.2 of Annex 1. There is no increase in visual impact whether two, three or four operators share a single antenna system, and a limit would have the effect of reducing the potential for sharing, contrary to the stated aim of the consultation paper. Nor is there any cap on the number of operators sharing an antenna system in the corresponding English regulations.

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

The definition of “antenna” was considered as part of the corresponding consultation process regarding changes to Permitted Development Rights in England. The outcome of that process was the inclusion in the English regulations of an interpretative provision which clarifies that any permitted development right for electronic communications apparatus (including antenna) also grants permission for ancillary development such as handrails, steps, ramps and fencing, support structure and casings subject to a test that they are for the purposes of the particular apparatus being developed.

In order to mirror the English regulations, we believe that the definition of small cell antenna should be as follows:

“small cell antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;
- (ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
- (iii) does not, in any two dimensional measurement, have a surface area exceeding 5,000 square centimetres; and
- (iv) does not have a volume exceeding 50,000 cubic centimetres, and any calculation for the purposes of (iii) and (iv) shall include any power supply unit or casing, but shall exclude any mounting, fixing, bracket or other support structure;

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?

We agree that the drafting of the current regulations can create ambiguity regarding the interpretation of permitted development rights for deployment of cabinets. The proposal would

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

give clarity for operators and Local Planning Authorities, allowing for the efficient and timely provision of services. Changes in technology have resulted in smaller mobile cabinets and operators will install the minimum number of cabinets commensurate with technical requirements. The new wording should clarify that as long as each proposed cabinet in its self is no greater than 2.5 cubic metres, then it should be classed as permitted development (not requiring prior approval) in non-protected areas, and permitted development (requiring prior approval) in protected areas.

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)?

We agree that it would be helpful to clarify the definition of ‘*development ancillary to radio equipment housing*’, and suggest that this should be as follows:

“development ancillary to radio equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing; and except on any land which is, or is within, a site of special scientific interest includes—

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

We do not believe that ancillary equipment should be subject to prior approval. Making ancillary equipment subject to prior approval will delay the deployment of mobile infrastructure, and thus run counter to the Welsh Government’s digital ambition, as set out in the ‘*Delivering a Digital Wales*’ strategy, as referred to in the consultation paper, and disincentivise investment in infrastructure in Wales as compared to England. Conversely, making such works permitted development (without prior approval) will match the position that applies in England, thus helping ensure that Wales is not put at a further disadvantage than otherwise exists because of geography.

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?

We agree that clarification is 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. This would provide consistency and allow for the efficient roll-out of services to customers. Minor, agreed alterations to existing, approved applications are sometimes considered by Local Planning authorities to require a fresh application, resulting in delays to the provision of services to customers. The proposal would provide clarity, and would remove what is simply a bureaucratic delay that adds nothing to the quality of the planning process, but is simply a function of the interpretation of the regulations as currently drafted. We suggest this clarification could be achieved by inserting, after paragraph A.3 (8), the following:

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

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

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
We agree that up-dated references for the Code should be made available through the Welsh Government website.

However, we strongly suggest that further revision to the Code is essential. We believe that the existing Code has largely worked well, believe that much of it should be retained, and do not suggest 'throwing the baby out with the bathwater'. However, since the existing Code was drawn up, there have been significant changes in planning policy and law, in technology, in the way we use mobile devices, and in the structure of the mobile industry. We thus believe that it would be helpful to update the Code – which is as much an educational tool for all stakeholders involved in planning policy as it relates to mobile telecoms as it is a 'pure planning' document – to take account of these changes. The corresponding Code in England has just been similarly revised. The new Code of Best Practice on Mobile Network Development in England (2013) can be found at:

http://www.mobilemastinfo.com/images/stories/2013_Code_of_best_practice/Code_of_Best_Practice_on_Mobile_Network_Development_-_Published_24-07-2013.pdf

Draft Regulatory Impact Assessment

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

Comments:
In addition to the direct and indirect costs and benefits set out in Annex 2 of the consultation paper, we believe that the proposals need to be viewed in terms of the wider economic and social benefits of good digital connectivity, and the costs to Wales of not having those benefits available.

Digital connectivity benefits the wider economy, promotes social inclusion, is important in the delivery of public services, and promotes sustainability. Mobile devices are now ubiquitous, and people are increasingly choosing to access the Internet using a mobile device, even when they have a fixed connection available.

In terms of the wider economic impact, research by Deloitte shows that across a range of countries, a doubling of mobile data use leads to an increase of 0.5 percentage points in the GDP per capita. That equates to about £260m in terms of Welsh GDP. That applies across all types of mobile broadband service, whether 3G or 4G.

In terms of social inclusion, more people rely on a mobile phone than rely on a landline; and

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people on lower incomes are even more likely to live in a mobile-only household, or to access the Internet using a mobile connection.

Mobile connectivity is also vital in the delivery of public services. Central government and local authorities are increasingly encouraging people to access services online, and virtually every public body now has its own Facebook page and uses Twitter. In the context of the NHS, studies show that lives are more likely to be saved when a 999 call is made from a mobile than from a landline. Text message reminders also improve compliance with treatment regimes for those taking a cocktail of medicines, as do many elderly patients, for example.

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:

There was no specific consultation question regarding Proposal B, as set out in paragraphs 5.17 – 5.19 of the consultation paper. This proposed increasing the number of antenna systems allowed on buildings or structures (other than masts) as permitted development.

We agree with this proposal, and we agree that it will maximise the use of existing sites by encouraging the expansion on existing sites, and will in turn support the swifter roll-out of 4G. The proposal would also bring Wales into line with the changes that came into force in England on 21st August 2013. This also needs to be aligned with the clarifications of terminology as set out in Annex 1 of the consultation paper – please see the answer to Q11, above.

In addition to the proposals set out in the consultation paper, we believe that additional measures are needed to expedite the rollout of mobile services in Wales, as set out in the following paragraphs.

PD for new masts

- We suggest that permitted development with prior approval for new masts should be extended to 20 metres from the current 15 metres in non-designated areas. Increasing the height limit to 20 metres in non-designated land would mean that up to around 20% more masts would go through the permitted development (requiring prior approval) route, giving operators a more certain regulatory framework for investment, and providing more certainty to customers and Government about timescales for delivery of service. Planning authorities would retain control over siting and design and operators would continue to comply with the Code of Best Practice on Mobile Phone Network Development.

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Proposed additional permitted development rights for Electronic Communications Code Operators
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- Similarly, we suggest that there should be permitted development, with prior approval, for masts up to 15m in protected areas. As with the proposal concerning increasing new masts in non-protected land, above, retaining prior approval would mean that planning authorities would retain control over siting and design and operators would continue to comply with the Code of Best Practice. However, moving to prior approval would give operators a more certain regulatory framework for investment, and provide more certainty to customers about timescales for delivery of service.
- The Welsh planning framework needs to compensate for the lower population density and more challenging topography in Wales as compared to England, in order to make infrastructure investment in Wales as attractive as in England, if not more so. The justification for both these proposals is that it will greatly improve the business case for investment in infrastructure, particularly in rural areas, and will thus help address the demands for better rural connectivity coming from organizations such as the CLA, Countryside Alliance, and NFU.
- While much of the work to roll out 4G superfast mobile broadband will focus on upgrading existing infrastructure, some new sites will be needed, and the planning system needs to facilitate this, so that businesses and consumers can quickly enjoy the benefits of better connectivity.
- New sites will be needed primarily for four reasons.
- First, some new sites will be needed in rural areas, to provide coverage for example in delivering the Government's Mobile Infrastructure Project (MIP).
- Secondly, some new sites will always be needed to replace existing sites where an existing base station site becomes no longer available. This may occur when the land or structure on which a base station is sited is being redeveloped, for example, and the mobile operator receives a notice to quit the site. In such circumstances, a new site will be needed to maintain services to customers in the area. In addition, all existing infrastructure will eventually become redundant due to age and will need replacing.
- Thirdly, some new sites may also be needed as part of the consolidation of networks, where existing sites may be removed and consolidated onto a single new structure. Generally, rather than increasing the number of sites over the past few years, mobile operators have or are in the process of such network consolidation. Where they have already done so, this has resulted in a reduction in the number of their sites by up to 30%.
- Finally, in urban areas, some new sites will be required to increase network capacity. Many of the new urban sites are likely to be street works installations, or small cells, such as those mounted on the front of buildings. Fewer would be large, free-standing 'masts'. In recent years, because of the rapid uptake of smartphones and other Internet-enabled mobile devices, the greatest growth in traffic on mobile networks has been in data, i.e. Internet activity, rather than in text or voice traffic, and the former requires much more capacity than the latter. The number of additional ground-based base stations that might be required depends on how many consumers take up 4G services and how quickly. If consumer demand is slow to rise, fewer new sites will be needed. However, if consumer demand increases more rapidly, it is vital that the planning system does not prevent operators from responding to such demand, otherwise, this will add as a drag on economic recovery.

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PD for emergency works

- In the event that equipment becomes unserviceable, the current powers relating to emergency installations do not allow sufficient time for the installation of temporary equipment so as to be able to identify, acquire, build and integrate permanent replacement sites. We therefore propose that the timescale for emergency works should be increased from 6 months to 12 months. Across all the networks, operators currently encounter emergency situations on approximately 500 sites per year, or approximately 1% of all sites, a not insignificant number in terms of customer impact.
- An increase in the timescale allowed for emergency works would thus have a very small environmental impact. However, where a site becomes unserviceable, for example as a result of theft/vandalism or extreme weather events, the impact on customers who do not have a service, even for a few days, is significant. The change from six months to twelve would reduce the risk of customers losing service for a period of time while a permanent site is being brought into service.

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).

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

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

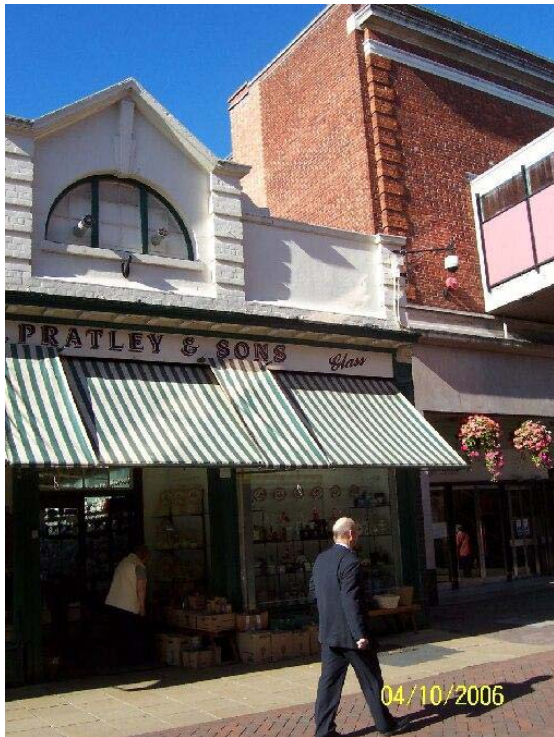
Additional information

If you have any queries on this consultation, please

Email: planconsultations-e@wales.gsi.gov.uk

Telephone: N Butler on 029 2082 3585

Consultation Response: PDRs for Code Operators: MOA Response – Illustrations Related to Q5





The left hand illustration shows how the cell is concealed behind the awning of the shop. The right hand illustration shows the cell behind the awning, to the right of the shop name and to the left of the burglar alarm, which is larger than the cell.



In this further illustration, the cell is concealed within the bank sign.

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Proposed additional permitted development rights for Electronic Communications Code Operators
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Proposed additional PDRs for Code Operators		
Date of consultation period: 29 July 2013 to 31 October 2013		
Name	Chris Taylor	
Organisation	Mono Consultants Ltd	
Address	Mono Consultants Ltd, Steam Packet House, 76 Cross Street, Manchester, M2 4JG	
E-mail address	chris.taylor@monoconsultants.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

This should be a statutory requirement for Fixed Broadband companies only when installing cabinets on the street scene. This should not be imposed upon the Operators but may be considered as part of their own pre-application consultation as set out in a new Code of Best Practice. Likewise, the consultees listed should be captured by the LPA who determine an application in their own statutory consultation as part of the planning process.

Ultimately consultation, be it statutory or voluntary, is needed to increase key bodies visibility of a proposed scheme before an option is built, in which one single combined electronic notification is advocated so as to avoid unnecessary costs and delays.

Q2	Can you suggest any other general conditions which might also be imposed?	Yes	Yes (subject to further comment)	No
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		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>As well as the consultees as noted in paragraph 5.8 it should also be the developer's statutory requirement to send details to the Highways Authority where applicable.</p> <p>An appropriate worded condition should set out the limits if necessary as to whether advertisements can be attached to cabinets, as this has been a topical issue of debate across the UK.</p> <p>It is also considered that cabinets to be painted green and support structures or poles to match that which they replace should also be applicable to Operators. There are examples of streetworks style base stations that include an array of coloured equipment cabinets on the street scene, which add to their visual prominence. In restricting developers to a specified colour unless otherwise agreed by the LPA this would help harmonise a development.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This should be applicable to Fixed Broadband companies only and clear destination made to this in any subsequent changes to the Part 24 legislation.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>This is generally welcomed although it would be good to differentiate and have clear worded legislation and/or interpretation to reduce ambiguity. Most notably clear differentiation should be made to a flat roof and a roof slope in the context of facing a highway less than 20 metres away. Also it would be useful to note a reference point of measurement i.e. top fixing point or where the antenna protrudes above a point of dissection on the building where the antenna is installed. Also a definition of a highway would be helpful e.g. a way over which the public are entitled to pass and repass as this would eradicate any uncertainty in the interpretation and when applying this section of Part 24. It would be best to include these points in the "Interpretation of Class A A.4 For the purposes of Class A" section and in any new Code of Best Practice.</p> <p>It is also considered that permitted development should apply without prior approval for face mounted antennas facing a highway less than 20 metres away.</p>				

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Proposed additional permitted development rights for Electronic Communications Code Operators
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This should be subject to an embedded condition that the antennas are painted to match the surface they are seen against. This type of proposal can be less visually intrusive than antennas that protrude above the roofline and are considered as permitted development without prior approval. In classifying face mounted antennas that are within 20 metres of a highway as permitted development requiring on formal consent (Reg5 LN), then this style of proposal could be advanced rather than 6 metre high pole mounted antennas.

It is of note that a similar proposition to increase the limits of permitted development from 4 metres to 6 metres was consulted upon when the English legislation was reviewed. In the English consultation document, it was also suggested that in increasing the height to 6 metres it would allow operators to set the antennas back from the edge of the building (paragraph 5.16 of Welsh Consultation Document). However a setting back distance was not carried forward and stated in the new English legislation. Should the limits of permitted development increase from 4 metres to 6 metres then it is hoped that the changes will pick on a setting back distance.

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 ?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Reference in the new legislation to 0.5 metres in size should also clearly state that this is in "any linear measurement" to avoid misinterpretation. Also it is worth taking into account the antenna bracket as together with the antenna itself this would implicate on its overall size.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

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Proposed additional permitted development rights for Electronic Communications Code Operators
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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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is agreed that 2 dishes of up to 0.6 metres in diameter and 3 additional antenna of up to 3 metres in height on article 1(5) land should be considered as a prior approval application. That said all ancillary development (i.e. brackets, feeder cables, antenna amplifiers, equipment cabinets) installed in conjunction with the dishes and/or antennas should be considered as part of the said prior approval application.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>It is clear that there are two elements to the context paragraphs (5.31 - 5.33) of Q9, firstly an increase in height and secondly an increase in width. In this respect clarity will be needed as to whether they are separate matters or as like in other sections of Part 24 containing an "and" parameter.</p> <p>It is considered that an increase in height from up to 15 metres to 20 metres is very much a specific scenario, in which it would be more fitting to capture all increments of change up to 20 metres as requiring a prior approval application. Also reference should be made to installing a new replacement mast on the same site. It would be useful for the new legislation to capture and allow a replacement mast on the same site as this is much more common practice than increasing the height by installing a new section to an existing mast or structure.</p> <p>With regards an increase in the width of a mast by a third, it is considered that more clarity is essential should this change be adopted. The logic behind the need for a formal application when a new replacement mast is acknowledged. However if the existing mast is structurally sound then it should be the top section where the antennas are attached that is treated as permitted development (Reg 5 LN) requiring no prior approval application, so long as the overall height of the mast does not increase.</p> <p>With regards the one third ruling, it is highlighted that a similar proposition was put forward in the text of the English consultation document. This change has now been adopted in which the new legislation implies that up to but less than a third wider than the existing would require a prior approval application, whilst in excess of a third wider requires a Full planning application. Previously in England and currently in Wales, should the height of the mast not increase then antennas could be installed, altered or replaced and treated a permitted</p>				

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Proposed additional permitted development rights for Electronic Communications Code Operators
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development requiring no formal application. In this regard it is emphasised that the wording of the Welsh legislation relating to one third ruling needs to be carefully considered and not overseen, so as not to impose the need for a formal planning application in the majority of instances.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
Comments: None	

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: None				

Draft Regulatory Impact Assessment

Q13	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As can be appreciated should these changes occur it may introduce uncertainty amongst those that use the legislation whilst they become familiar with the implicating factors, which determine its new planning application types. It would appear from the proposed changes that there is an emphasis on upgrading existing base stations and increasing the limits of permitted development to help assist operators in building a robust network infrastructure. In this regard development that previously would have been considered as a Full Planning application are now to be subject to a GPDO Prior Approval determination. Therefore in introducing revised Part 24 permitted development rights it may result in debate regarding a specific case's planning application type, the statutory elements required as part of a GPDO Prior Approval application and			

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Proposed additional permitted development rights for Electronic Communications Code Operators
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establishing the correct 56 day date. In this event it could be said that the changes resulting in the need for a GPDO Prior Approval application could lead to more deemed consents arising. This would implicate on a Council's and Operator's reputation as perceived by the General Public should the Planning Authority have sought to refuse the application but have fell foul to the 56 day ruling. The ramifications of deemed consent could result in more enforcement action being taken and implicate on other determining bodies (e.g. Planning Inspectorate, Local Ombudsmen, High Court intervention) hence introducing yet more added cost and delay to the process.

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:

With regards Annex 1 and the views invited on a number of specific issues, comments are as follows: -

It is supported that a new definition of "antenna system" encompasses those that provide coverage for more than one operator. There is still ambiguity on-site and when viewing plans as to define the number of existing operators and each antenna system due to the various consolidation sharing agreements. From experience, it is sometimes hard to confirm what is operational or redundant, especially as previous Reg5 LN are not normally recorded on some Planning Authority websites. In this respect it is considered that five antenna systems should be permitted on any building regardless of its height as this would avoid any confusion as the threshold would cater for all eventualities.

With regards paragraphs 2, 2.1 and 2.2, it is concurred and as expressed previously that a small antenna should include their supporting structure, mounting, fixing and bracket.

It is agreed that current volume limits should not be seen as cumulative, in which each radio equipment housing cabinet should be seen on its own merits and as a single development. Furthermore it would also be worth acknowledging electricity meter pillars in with the interpretation of radio equipment housing cabinets as they are likened and have an ancillary function to the base station. Also as suggested previously, a standard condition should be embedded in the amended legislation to refer to the external appearance of equipment cabinets and meter pillars in terms of their colour treatment and maintenance thereafter. It is considered that a condition of this nature would avoid Planning Authorities attaching unnecessary conditions on full planning decision notices / informative of Prior Approval decision notices which implicate on further delays.

The definition of development ancillary to radio equipment housing would be welcomed. This change should make reference to hoop ladders, supporting grillage, antenna amplifiers, feeder cables and air conditioning units. It is considered that for the avoidance of doubt ancillary development should be

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classified as permitted development requiring no formal consent.

With specific reference to Annex 1 paragraphs 5, 5.1 and 5.2 it is agreed that the current “in writing” requirement should not be interpreted as requiring the need to go through another prior approval application for a minor amendment. Should this wording be clarified to reduce ambiguity in the new legislation then it is hoped that a clear definition of an “existing approved application” is set out. It is considered that a written amendment should apply to unimplemented consents and those that have already been approved (including deemed consents) and built. Also clearer boundaries regarding acceptable changes would be welcomed in a new Code of Best Practice E.g. like for like height, marginal pole re-positioning that can be justified due to the presence of underground services. Should the process for dealing with acceptable changes be more defined, then it is considered that there would be less ambiguity and disagreements between a LPA and Operator. However to reinforce the Governments interpretation of “in writing” in the new proposed amendments to Part 24, it is felt that more of a defined process is necessary. The existing approach, even if the stance were strengthen, puts onus on the LPA to acknowledge whether the amendment is deemed acceptable and sets no timeframe for response. In this regard, it would be more fitting to apply a similar process as like the consideration of a Reg5 LN whereby a calendar month is given for the LPA to respond.

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).

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

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 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	Dr Maggie Hill	
Organisation	Natural Resources Wales	
Address	Ladywell House Newtown SY16 1RD	
E-mail address	Maggie.Hill@cyfoethnaturiolcymru.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	x
	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"/>	x

Natural Resources Wales welcomes the roll out of next generation broadband across Wales. We consider that it is essential and feasible to deliver this roll out whilst minimising potential adverse impacts on Wales's natural heritage. This includes ensuring that potential adverse impacts on the purposes of National Parks and Areas of Outstanding Natural Beauty (AONB) are appropriately considered in the siting and appearance of development.

The current Part 24, A.2(4)(a) prior approval process (under the Town and Country Planning (General Permitted Development) Order 1995), enable planning authorities to manage the siting and appearance of development proposals within protected landscapes.

This is an important provision as recent Appeal Decisions highlight how even small-scale vertical structures, can have a significant impact on the purposes of protected landscapes. An example is the Inspector's decision (APP/PP9502/A/07/2047339) to

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Proposed additional permitted development rights for Electronic Communications Code Operators
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dismiss an appeal for a proposed 3-bladed windmill attached to the top of an 11m high, stayed metal pole. The Inspector considered that the siting and appearance of the proposed development would not respect the landscape of this part of the National Park.

Whilst, the effects from such a proposal may be different to that of a static structure, the Inspector's decision exemplifies that such smaller scale vertical structures, where inappropriately located, can have a significant adverse impact on a protected landscape.

We note that the proposed consultation procedures to replace the existing prior approval process, as outlined in paragraph 5.8 of the consultation document, makes provision for representations to be submitted by local planning authorities and Natural Resources Wales. Whilst developers will need to 'have regard' to these representations, it is unclear how developers would 'have regard' to concerns raised by either the local planning authority or Natural Resources Wales, and what requirement will exist for developers to address any concerns raised in those representations.

We have concerns that where representations made by Natural Resources Wales or the local planning authority are not fully addressed, this may lead to development which is incongruous or inappropriate to its setting.

We therefore consider that the prior approval process should be retained for development proposals within National Parks or AONBs.

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

Notwithstanding our concerns as set out in our response to Q1 above, should it be decided to introduce the proposed new consultation procedures, we recommend the following amendments to conditions:

(i) The specification of the colour green in the first proposed condition may not be appropriate in all settings. For example, dark brown or dark grey may be more suitable in certain historic environments. Further, the use of a highly saturated green hue may be inappropriate.

We suggest that provision should instead be made to ensure that a recessive colour is used, appropriate to its setting, to mitigate the visual prominence of the apparatus. We therefore recommend that the first condition is amended to read as: "Cabinets to be of a colour agreed in writing by the local planning authority".

(ii) We recommend the following is included as an additional condition:

Annex 3

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

“The siting of the supporting pole or structure should be agreed in writing by the local planning authority”.

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"/>	x

We welcome and support the intention to specifically exclude Special Protection Areas and Special Areas of Conservation from the proposed new arrangements.

However, we are concerned with the proposed removal of the prior approval process in relation to development proposals within National Parks and Areas of Outstanding Natural Beauty.

We note that the proposed consultation procedures outlined in paragraph 5.8 of the consultation document makes provision for representations to be submitted by local planning authorities and Natural Resources Wales. However, we have concerns that where representations made by Natural Resources Wales or the local planning authority are not fully addressed, this may lead to development which is incongruous or inappropriate to its setting.

We therefore consider that the prior approval process should be retained for development proposals within National Parks or AONBs.

Notwithstanding the above concern, we recommend that any guidance produced in support of the proposed changes to permitted development rights should promote the benefits of developing a strategic spatial approach, at national and local levels, to identify the most appropriate locations for siting development. The imminent review of National Parks’ and AONBs’ management plans offers an opportunity for operators and authorities to develop a strategic approach within those areas, and a framework within which the wider public can engage in the process.

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
		x	<input type="checkbox"/>	<input type="checkbox"/>

No comment.

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Proposed additional permitted development rights for Electronic Communications Code Operators
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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?
<p>We do not object to the extension of permitted development rights for the installation of a limited number of small cell antenna of up to 0.5m, subject to the criteria set out in paragraph 5.20 (Proposals C) of the consultation document.</p> <p>We further suggest that any development on the walls of buildings or structures within Special Protection Areas and Special Areas of Conservation should be subject to the prior approval process.</p>	

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"/>	x	<input type="checkbox"/>
Please see our comments to Question 5 above.				

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
		x	<input type="checkbox"/>	<input type="checkbox"/>
We do not object to the proposed changes to the aggregated dish diameter threshold limits as set out in paragraph 5.27 of the consultation document.				

Q8	Do you think any additional siting restrictions should apply to such additional antenna?	Yes	Yes (subject to further comment)	No

Annex 3

Proposed additional permitted development rights for Electronic Communications Code Operators
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		<input type="checkbox"/>	x	<input type="checkbox"/>
<p>We recognise that it may often be preferable to site a new antenna onto an existing building or structure to avoid additional visual impacts. However, the installation of an extensive array of antenna could also lead to an incongruous development.</p> <p>We therefore recommend that the proposed changes includes a specific requirement for developers to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of development.</p>				

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"/>	x	<input type="checkbox"/>
<p>As highlighted in our response to Q1 above, recent Appeal Decisions highlight how smaller-scale vertical structures, can have a significant impact on the purposes of protected landscapes. Should it be decided to extend permitted development rights to masts of a height greater than 15metres, this provision should not extend to proposals within protected landscapes.</p>				

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"/>	x
<p>Please see our comments to Q1 above.</p> <p>Should it be decided to introduce the proposed changes, we do not consider that evidence has been provided in this consultation document to demonstrate why the time-limited period should extend beyond 31/12/17.</p>				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
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Annex 3

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

No comment

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"/>
No comment.				

Draft Regulatory Impact Assessment

Q13	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2?	Yes	No
		x	<input type="checkbox"/>
<p>We welcome the preparation of a Regulatory Impact Assessment (RIA) alongside this consultation. However, the RIA gives minimal detail on the potential environmental effects from considered options, such as effects on the landscape. Whilst we note the effect of the proposals on the social and economic sustainability of rural Wales as set out in paragraph 3.3 of the RIA, an assessment of sustainable development should also consider and identify potential environmental effects. This approach would be in line with the definition of sustainable development as set out in Figure 4.1 of <i>Planning Policy Wales</i> (Edition 5, 2012) and with the Welsh Government's duties with respect to: Sustainable Development, and the purposes of National Parks and AONBs. The Nature, Landscape and Outdoor Recreation Branch within Welsh Government could provide further advice on this matter.</p>			

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:
None	

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 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	Nicola Pearce	
Organisation	Neath Port Talbot County Borough Council	
Address	The Quays Brunel Way, Brunel Way, Baglan Energy Park, Neath, SA11 2GG	
E-mail address	n.pearce@npt.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The new rights imply that the 21days consultation is in addition to the 1 month period required in all other cases under 5.8 c) but this is not clear from the wording. While the regulations clearly state that the developers must have regard to any representations made under the 21 day period, it does not require them to do so under the 1 month period. Furthermore it does not specify the need for developers to give reasons to the LPA if it is unable to comply with their requirements. Plus why specify some of the periods in weeks and others in months, given that the duration of calendar months varies throughout the year ranging from 28 days to 31 days. It would be more appropriate to specify a maximum number of days. if this a calendar month, so sometimes 28 days and other months 31 days?

Annex 3

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

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

Comments:

There should also be a condition requiring that all equipment that is no longer required is removed from the site in its entirety.

It may also be necessary to have a condition that requires that no equipment is sited so as to impede a vehicular or pedestrian access and the associated visibility splay.

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 checked="" type="checkbox"/>

Comments:

No. As the stated reason for changing the permitted development rights is to allow the mass roll out of 4G broadband systems and improvement of the existing network to comply with the Government’s target initiatives, it is highly likely (if the initiative is successful) that the majority of such work would be carried out during this five year period. There seems little point in applying the original regulations after this date especially given that these future projects will also be seeking to improve broadband service. It would also be very difficult for LPAs to control future development having regard to more restrictive criteria when a substantial number of less restricted development has already taken place. Whilst it is acknowledged that there is no precedent in planning, the character and appearance of a surrounding area is a material consideration and if this is characterised by existing telecommunications equipment how can you differentiate between existing apparatus which was erected with limited restrictions and new apparatus which is to be erected under more restrictive conditions despite the fact that they are aiming to achieve similar objectives.

Section 5.10 refers to “the pre-application consultation requirements” Is this what the 21 day process is or something else. If it is the 21 day process then it is not clear within the document that this is what is meant.

Annex 3

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

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The increase in height of antennae mounted on buildings from 4m to 6m above the buildings would be acceptable if set in a minimum of 3m from any edge of the building. This would help to minimise the potential impact upon the visual amenity of the area.</p>				

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 ?
<p>Comments:</p> <p>Yes. Two small cells no greater than 0.5 metres in height are unlikely to have an unacceptable impact. However they should not be erected on the principle elevation.</p>	

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>A condition needs to be imposed to ensure that the cells are sensitively located within the elevation of a building, thereby reducing their prominence. They should not be sited on the principle elevation of a building.</p>				

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 checked="" type="checkbox"/>
<p>Comments:</p>				

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Proposed additional permitted development rights for Electronic Communications Code Operators
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The increase in the total aggregate dimension of dish antennas on buildings below 15m in height to 4.5m and on building over 15m in height to 10m, seems to be an excessive increase that has a large potential for an adverse impact upon the visual amenity of areas. A 4.5m cumulative dimension of dishes on a building below 15m in height could for example mean that a betting office in a local parade of shops in a residential areas could have 4.5m of satellite dishes spread across it front elevation to the streetscene. This would be an unacceptable impact in this type of location. Furthermore the proposal also does not exclude dwellinghouses and as such the principle and/or prominent elevations of dwellinghouses could be dominated by such dishes, to the detriment of the buildings to which they are attached and the character and appearance of the streetscene, if these permitted development rights are extended.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: There should be some control on how the antennas are fixed to the structure, such as how far out from the structure they can project.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is proposed to increase the width by up to third, but there is no control over how wide this can be. This increase in proportions would potentially result in a return to the wide lattice masts and a move away from the sleek slim line masts which have been more frequently used in recent years. In addition, the cumulative effects of the increase in the height of masts together with the proposed increase in the number of antenna systems would in combination have a significant increase in the overall impact of these types of development. As a result a maximum width should be imposed and a restriction on how far masts should be sited apart to prevent an accumulation of masts within a restricted area. This will in turn encourage different service providers to share supporting infrastructure and thereby reduce visual clutter.				

Annex 3

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

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 checked="" type="checkbox"/>
Comments: The time limitation of the proposed alterations to the regulations seems to be counter-productive and ineffectual. As the purposes of these alterations appears to be to ensure that the systems are updated and improved during the short period of time of the initiative, it is likely that the majority of the development works would be carried out within the timeframe. What would be achieved or what would the purpose be of returning to the previous controls only once the majority of the development had been carried out under the more relaxed controls. If the principle of the more relaxed development controls are acceptable for a five year period and would have no adverse impact upon amenity, why apply the tighter controls after a five year period?				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
Comments: No	

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Yes				

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 checked="" type="checkbox"/>
Comments:			

Annex 3

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

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:
None	

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: <input type="checkbox"/>
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How to Respond

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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	Vicki Hirst	
Organisation	Pembrokeshire Coast National Park Authority	
Address	Llanion Park Pembroke Dock Pembrokeshire SA72 6DY	
E-mail address	vickih@pembrokeshirecoast.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" 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 checked="" type="checkbox"/>

Comments:

There is grave concern at the introduction of the "fast track" system suggested for proposals on Article 1(5) land in lieu of the current prior notification procedure. This concern arises from the fact that this procedure is not consistent with other parts of the GPDO where prior notification is required and which enables a simplified system to operate but enables LPAs to have control over siting and design in specific areas designated for their special qualities. These special qualities include its unique landscape. Its rural and remote qualities should be balanced very sensitively against the need for a speedy broadband roll-out and the long term impact that its infrastructure has on the environment. It is not clear from the consultation how developers would 'have regard' to concerns raised by LPAs in these situations and whether there is a statutory requirement for them to address the concerns raised. Members are concerned that 'have regard' can result in 'little regard'. The procedure would have no weight without some requirement for developers to adhere to the

Annex 3

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

comments raised. It is suggested that the current prior notification procedure remain but with amendments to facilitate easier submissions (ie a whole scheme approach for an overhead line rather than pole by pole, and lesser requirements on ownership, neighbour and consultation arrangements.). This would enable a more streamlined approach to facilitate development but with appropriate mechanisms in place for LPAs to require changes where proposals are considered to be inappropriate. This approach would also negate the need for the temporary period to be applied and for the new rights to apply in perpetuity.

Q2	Can you suggest any other general conditions which might also be imposed ?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	X	<input type="checkbox"/>
<p>Comments:</p> <p>As Q1, however if the procedure is amended to that in the consultation, it must be made clear how the developer 'has regard' to any representations and how that regard is instigated through amendments or changes to the proposals. This must have weight or the procedure has no merit.</p>				

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
			x	<input type="checkbox"/>
<p>Comments:</p> <p>If the procedure is implemented as consulted on, then the temporary period would be appropriate to minimise long term harm. However, as stated in Q1 if the prior notification procedure was altered as suggested this could be implemented in perpetuity.</p>				

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"/>

Annex 3

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

Comments:
Not applicable in the National Park so no comment

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:
There is no objection in principle to this.

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"/>	X	

Comments:
It is suggested that 0.5metres be clarified (it is assumed that this is as other dimensions and is "measured in any dimension")

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"/>	X

Comments:
There is concern that the increased sizes could impact significantly on the character of buildings, particularly those buildings and structures of smaller dimensions.

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

Yes	Yes (subject to further comment)	No
<input type="checkbox"/>	X	<input type="checkbox"/>

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Proposed additional permitted development rights for Electronic Communications Code Operators
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Comments:

It is considered that this rule should be restricted to larger buildings - a ratio of wall to size of antenna could be a way to ensure that the antenna remains as a subservient part of the building or structure.

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"/>	X	<input type="checkbox"/>

Comments:

It is suggested that this extended right be subject to the prior notification procedure where the building/structure is situated on Article 1(5) land.

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"/>	X

Comments:

It is considered that if these amendments are acceptable in the short term, they should also be acceptable in the longer term. This restricted period suggests that the proposals could be harmful and in that scenario should not therefore be accepted over either a short or long period of time. Any additional permitted development rights should allow development to go ahead that is not likely to cause any harm rather than to meet other pressures in the shorter term and at risk of undermining visual amenity. The planning system is in place to manage development in the public interest and any permitted rights should protect the environment from harm over any period of time.

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
<p>Comments:</p> <p>There is no specific evidence on these issues, but general agreement that clarity of definitions should be provided.</p>	

Annex 3

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

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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
		X	<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
		X	<input type="checkbox"/>
Comments:			
<p>The cost analysis does not consider the impact on the public with regard to introducing a fast track scheme of representation rather than the prior notification procedure. This fast track system with only a requirement to 'have regard' to representations could result in unsympathetic and visually intrusive developments going ahead that cause detrimental harm to townscapes and local character. This is particularly important on Article 1(5) land which is designated for its special qualities and in the case of National Parks are significant public assets.</p>			

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

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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 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	Helen Winsall	
Organisation	Rhondda Cynon Taf CBC	
Address	Planning Services, Sardis House, Sardis Road, Pontypridd, CF37 1DU	
E-mail address	helen.e.winsall@rctcbc.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	
	Local Planning Authority	x
	Government Agency/Other Public Sector	
	Professional Bodies/Interest Groups	
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	
	Other (other groups not listed above) or individual	

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
			x	

Comments:

Yes, but the legislation should clarify the details to be submitted to the LPA as part of the 21 day consultation. This should include the exact location of the apparatus, design and dimensions.

Q2	Can you suggest any other general conditions which might also be imposed?	Yes	Yes (subject to further comment)	No
		x		

Comments:

A duty to ensure the apparatus is installed where it will not impact on highway safety, or obstruct a highway/ use of a public area would be helpful.

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

			X	
Comments A temporary period is useful as it will then allow the changes to be reviewed (but see answer to question 10).				

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
Comments: Neither agree nor disagree. However, would comment it is not clarified whether the change will apply to Article 1(5) land.				

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: Yes.				

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
				X
Comments: N/A.				

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
Comments: Neither agree nor disagree, but would make the following comments: It is not clarified whether the change will apply to Article 1(5) land; This seems a big increase from the current thresholds, and clarification is sought in respect of how these figures have been reached.				

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

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Q8	Do you think any additional siting restrictions should apply to such additional antenna?	Yes	Yes (subject to further comment)	No
		x		
Comments: These should be the same as set out in proposal C.				

Q9	Do you think any additional conditions should apply to such an extended permitted development right?	Yes	Yes (subject to further comment)	No
Comments: Neither agree nor disagree with this proposal- no comments to make on additional conditions.				

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
		x		
Comments: A temporary period is useful as it will then allow the changes to be reviewed. However, why are the time periods in questions 3 and 10 different? These ending at the same time is less likely to cause confusion.				

Q11	Have you any evidence that any of the specific issues mentioned in Annex 1 are significant ones in Wales?
Comments: No comments to make.	

Q12	Do you agree that any up-dated references for the Code should be made available through the	Yes	Yes (subject to	No
-----	---	-----	--------------------	----

Annex 3

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

	Welsh Government website?		further comment)	
		x		
Comments: No comments to make.				

Draft Regulatory Impact Assessment

Q13	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2?	Yes	No
			x
Comments: N/A			

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:
N/A	

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-

Annex 3

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

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



27 AUG 2013
RECEIVED

Cyswilt · Contact
Ffôn · Telephone
Ein cyf · Our ref
Eich cyf · Your ref
Dyddiad · Date
e-bost · e-mail

Mr. John Bowers
20B/009/JRB/RLR
22nd August 2013

PARC CENEDLAETHOL ERYRI
Ile i enaid gael llonydd
SNOWDONIA NATIONAL PARK
one of Britain's breathing spaces

Proposed additional PDRs for Code Operators Consultation,
Planning Division,
Welsh Government,
Cathays Park,
Cardiff. CF10 3NQ

Annwyl Gyfeillion,

Proposed additional PDRs for Code Operators

I write in response to the above consultation, on behalf of the Snowdonia National Park Authority.

"Statutory Undertakers" are "relevant authorities" under Section 62 of the Environment Act, 1995. As statutory undertakers, Code Operators are required by Section 62 to "have regard to" National Park purposes as specified in Section 61 of the 1995 Act. These provisions will be brought to the attention of Code Operators when appropriate when my Authority responds to consultations.

Question 1

I have no objection in principle to the proposed consultation procedure set out in Paragraph 5.8 (a) and (b) of the Consultation Paper. I would much prefer a period of 28 days for response, rather than 21 days. 28 days is the standard response period for prior notification in the present Town and Country Planning (General Permitted Development) Order.

Question 2

At one time all new mobile telephone masts in National Parks needed planning permission under Part III of the Town and Country Planning Act 1990. Code Operators co-operated with Snowdonia National Park Authority in finding sites where masts gave good coverage without serious visual intrusion. Many of those sites were screened by mature trees. We imposed 10 year temporary conditions in such cases. We have renewed those permissions on expiry where trees remained in position. Further temporary conditions were imposed.

It is not possible for the Local Planning Authority to impose conditions as a response to a consultation. If the Welsh Government implements the consultation procedure in place of prior notification or a requirement for planning permission under Part III of the 1990 Act, the Authority would wish to see a condition requiring a repeat consultation after 10 years.

Question 3

If there are no time limits for "permitted development", I would expect any proposed changes to be explained in a Consultation Paper, and only introduced when responses have been taken into account.

Question 4

No objection to larger masts etc. on buildings as "permitted development". Unsightly equipment erected in the National Park will be considered under Section 62 of the 1995 Act.

Questions 5 and 6

I would prefer not to see any specific "permitted development" provisions for small equipment boxes on external walls.

There were no "permitted development" rights for domestic television aerials for nearly 40 years. I do not remember reading about a single case where a planning application was submitted or an enforcement notice threatened. Planning Authorities have sufficient discretion to take no action over inconspicuous small items.

Question 7

No objection to an increase in aggregated dish diameter.

Question 8

I do not think that additional siting requirements are needed for extra antennae in National Parks.

Question 9

No change proposed in National Parks. No comment.

Question 10

Please see comments in response to question 3. IF there are time limits, they should be the same. Paragraph 5.9 suggest expiry on 30th May 2018. Paragraph 5.34 suggests expiry on 31st December 2017.

Question 11

The whole of Part 24 is complicated and difficult to interpret. It could benefit from re-writing, with or without changes to "permitted development" criteria. Time spent by planning officers trying to work out what Statutory Instruments actually mean is time which cannot be used to facilitate the development of land in the public interest. Money spent by developers on professional advice on procedure is money which is not available for better design or a better site. Complex legislation encourages a search for the "permitted development" option rather than the best practical solution.

Question 12

It would be helpful if the current Code were available on the Welsh Government website.

Question 13

No comments on the Regulatory Assessment.

Question 14 – Other Matters

The replacement of a prior notification procedure or a requirement for a planning application by a consultation procedure or “permitted development” without a need to notify will increase the risk that a Code Operator may carry out lawful development which adversely affects a “European Site” as defined in The Conservation of Habitats and Species Regulations, 2010. If a “consultation” sits un-noticed in one Inbox at Natural Resources Wales for 21 days, the Code Operator could go ahead whatever the consequences.

The Welsh Government will have granted planning permission with no appropriate assessment under Regulation 61, contrary to European Community Directive 92/43.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'John Bowers', is positioned above the typed name.

John Bowers
Planning Officer – Policy

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	Eve Powell	
Organisation	Spectrum Internet Ltd	
Address	Riverside Court, Beaufort Park, Chepstow, Monmouthshire, NP16 5UH	
E-mail address	Eve.powell@spectruminternet.com	
Type (please select one from the following)	Businesses/Planning Consultants	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <i>The size of our cabinets are 1420mm in width, 650mm in depth and 1254 in height and allows for a UPS. The size of our cabinets means that they are capable of supporting future technologies beyond FTTP and FTTC i.e. Direct Ethernet</i>				

Q2	Can you suggest any other general conditions which might also be imposed ?	Yes	Yes (subject to further comment)	No
		<input checked="" 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

It would be good to extend the period. We generally won't know which areas are 'not spots' or 'slow spots' until after BT rollout has finished which could be as late as 2017 and one year to then do the rest is not enough time as some areas are harder to complete. 10 years is more suitable.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <i>Yes, provided it's a 10 year period</i>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <i>The higher the antenna the better.</i>				

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: <i>No, up to 0.6 metres. Main options are 0.3 and 0.6. 60cm antenna have longer range and greater throughput.</i>	

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"/>

Annex 3

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

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <i>For buildings over 15 metres, we should be allowed to install 8+ antenna. The reason being that it will provide greater capacity. Even rural areas will benefit from faster speeds. e.g High density housing properties could be served from a single building.</i>				

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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>

Annex 3

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

Comments:

No, a greater period would be more appropriate. The time period should be until at least 2020 and more time should be allowed for harder areas.

Q11

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

Comments:

No

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

✓

☐☐

Comments:

Draft Regulatory Impact Assessment

Q13

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

Yes

No

☐

✓

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:

N/A

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

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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

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T +44(0)1628 765000
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E jennifer.amphlett@three.co.uk
www.three.co.uk



Proposed additional PDRs for Code Operators Consultation
Planning Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Proposed additional permitted development rights for Electronic Communications Code Operators

Three welcomes the opportunity to feed into this consultation. It is right that a broadband strategy should have facilitating mobile broadband roll out as a key objective.

Three is the only mobile network built for the internet and we offer mobile broadband and voice services to our customers on a range of devices including smartphones, tablets, and mobile broadband.

Three carries 41% of the UK's mobile data traffic¹. Therefore we have a unique insight into the challenges and opportunities mobile network operators face in providing mobile internet connectivity. We fully support the response to this consultation submitted by the Mobile Operators Association.

Increasingly the internet is mobile. This is particularly true in Wales where over half of mobile users have a smartphone (which is the second highest smartphone take-up among the UK nations, after England) and where one in ten consumers in Wales accesses the internet exclusively through a mobile phone- over twice the UK average. This increase to one in five of those aged between 16 and 34, again, twice the UK average². Therefore it is important that the planning system in Wales supports mobile network rollout. In our response we have particularly highlighted the regulations currently in place in England that we believe would help facilitate network rollout if introduced in Wales.

Below is our response to the relevant questions.

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?

We agree, subject to further comment

¹ Enders Analysis, June 2013.

² Ofcom Communication Market Report 2013

We agree that antenna up to 6 metres and mounted on buildings and structures (other than masts) should be Permitted Development without Prior Approval. This is in line with the new English regulations, which came into force on 21st August 2013.

As set out in the consultation paper, this will support the swifter roll-out of 4G services, as well as providing additional capacity and connectivity for 2G and 3G transmitters. The current regulations incentivise operators to install smaller antennas which can give less coverage; and taller antennas can be installed further back from the edge of a building, improving the visual appearance from the ground. It will also maximise the use of existing buildings and structures, and thus help reduce the need for new ground-based masts.

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?

We support the proposal for a new permitted development right for the installation of a limited number of small cell antennas, subject to certain qualifications and clarifications, as follows:

We support the proposed terminology of 'small cell antenna', rather than 'small antenna', as used in the current regulation. The 'small antenna' definition in the existing regulations refers to equipment that is no longer in general use.

We agree with the proposal to allow permitted development (not subject to a prior approval application requirement except when within a SSSI) permitting the installation of up to *two* small cell antenna in non-protected areas.

However, we also believe two such installations should be permitted on buildings or structures on article 1(5) land, rather than one, as proposed. Allowing two antennas will maximise the use of existing structures/buildings, reducing the requirement for antenna on new ground based masts. We also believe that Permitted Development for such installations should be *without* Prior Approval on article 1(5) land, as these small cells have a very limited visual impact.

We disagree with the restriction on siting small cells, in article 1(5) land, not on a chimney or on a wall or roof slope fronting a highway. The restriction makes little or no sense in the context of providing limited area mobile coverage solutions. These small cells provide capacity over often very small areas such as individual streets and buildings. This means that in order to maximize coverage from these cells, they are best placed on the surface facing the highway, for example on shop fronts. If they were mounted at the side or rear of the shop, as proposed in the consultation paper, they would provide less coverage.

We disagree with the proposal that the cells in question should be restricted to up to 0.5 metres in size. Instead, we suggest that the limit should be not exceeding 0.5 square metres in any two dimensional measurement. A restriction in any one dimension could result in a small cell measuring 50cms by 50cms being permitted, whereas one measuring 20cms by 70cms is not permitted, even though the surface area of the latter is smaller.

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

We disagree with the proposal that the cells in question should be restricted to up to 0.5 metres in size. Instead, we suggest that the limit should be not exceeding 0.5 square metres in any two dimensional measurement. A restriction in any one dimension could result in a small cell measuring 50cms by 50cms being permitted, whereas one measuring 20cms by 70cms is not permitted, even though the surface area of the latter is smaller.

We also suggest having a restriction on the *volume* of small cells permitted under this proposal, in line with the English Regulations that came into force on 21 August 2013. This would take into account that some small cell antennas are cylindrical rather than flat. We suggest the volume limit be set at 50,000 cubic centimetres.

Q7: Do you agree that the aggregated dish diameter threshold limits should be increased as proposed in paragraph 5.27 above?

We agree with this proposal, for the reasons set out in the consultation paper.

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

We agree, subject to further comment.

This proposal relates to upgrades on existing sites that will already have been approved by the local planning authority. They also entail very limited visual impact on existing sites, and we therefore believe that they should be classed as permitted development *without* the need for prior approval, rather than with prior approval, as proposed in the consultation paper.

We also believe that up to 3 additional point-to-point microwave transmission dishes should be allowed, rather than 2, as proposed in the consultation paper. This would bring the proposal into line with the equivalent regulations that came into force in England on 21st August. Point-to-point microwave transmission dishes are used more often to provide backhaul in rural areas, of which there are proportionately more in Wales than in England, so it is even more important that the planning system in Wales facilitates their deployment.

We agree with the proposal allowing up to 3 additional antennas each one of which may be up to 3 metres in height. Three such additional antennas are needed, as each antenna gives approximately 120 degrees coverage.

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

We agree, subject to further comment.

Allowing increases in the height of existing masts will be important in supporting the Delivering a Digital Wales strategy, as taller masts allow wider coverage from the same number of sites, or, possibly, from fewer sites. Taller masts also enable more equipment to be carried on each mast, and thus encourage site sharing by operators.

We believe that permitted development for these changes should not require prior approval in non-protected areas, as the proposals apply to existing sites that will already have gone through the planning process.

As set out in the consultation paper, it may not always be possible to extend a mast by up to 5 metres for structural reasons. It may thus be necessary for a new mast to be installed on the same site but at the increased height and width. Where a mast is being replaced, we believe that should be allowed within a certain distance of the original, e.g. within 5 metres, to allow some flexibility in the proposal.

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?

We disagree.

These proposals should seek to put in place a planning system that facilitates the delivery of digital infrastructure in Wales and will be fit for purpose in five to ten years' time and beyond.

The corresponding English regulations, insofar as they relate to mobile infrastructure, are not time-limited, and such a time-limit in Wales risks putting Wales at a long-term disadvantage relative to England in respect of connectivity. Operators are constantly upgrading their networks, and will not stop doing so after 31/12/2017.

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

We believe the issues highlighted in the Annex are neither more nor less significant than they are in England. We believe that clarifications of the terms set out in Annex 1 are best done through amendment to Part 24 itself. It would also be helpful if they were also addressed in a revised Code of Best Practice and/or other Government advice.

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

We believe that it would be helpful to amend the definition of ‘antenna system’ to: ‘*a set of antennas installed on a building or structure and operated in accordance with the Electronic Communications Code*’.

There should be no limit on the number of operators utilising an antenna system, as suggested at paragraph 1.2 of Annex 1. There is no increase in visual impact whether two, three or four operators share a single antenna system, and a limit would reduce the potential for sharing, contrary to the stated aim of the consultation paper. Nor is there any cap on the number of operators sharing an antenna system in the corresponding English regulations.

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

In order to match the English regulations, we suggest that the definition of small cell antenna should be as follows:

“Small cell antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;
- (ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
- (iii) does not, in any two dimensional measurement, have a surface area exceeding 5,000 square centimetres; and
- (iv) does not have a volume exceeding 50,000 cubic centimetres, and any calculation for the purposes of (iii) and (iv) shall include any power supply unit or casing, but shall exclude any mounting, fixing, bracket or other support structure;

We also believe that any permitted development right for electronic communications apparatus (including antenna) also grants permission for ancillary development such as handrails, steps, ramps and fencing, support structure and casings subject to a test that they are for the purposes of the particular apparatus being developed.

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?

We agree that the current regulations can be ambiguous. New wording should clarify that as long as each proposed cabinet in its self is no greater than 2.5 cubic metres, then it should be classed as permitted development (not requiring prior approval) in non-protected areas, and permitted development (requiring prior approval) in protected areas. This would give clarity for operators and Local Planning Authorities. Changes in technology have resulted in smaller mobile cabinets and operators will install the minimum number of cabinets commensurate with technical requirements.

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)?

We agree that it would be helpful to clarify the definition of ‘development ancillary to radio equipment housing’, and suggest that this should be as follows:

“development ancillary to radio equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing; and except on any land which is, or is within, a site of special scientific interest includes:

- (i) Security equipment;
- (ii) Perimeter walls and fences; and
- iii) Handrails, steps and ramps;

We believe that ancillary equipment should not be subject to prior approval. This would match the corresponding regulations applying in England. Making ancillary equipment subject to prior

approval in Wales will act as a disincentive to investment in infrastructure in Wales and would delay the deployment of such infrastructure.

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?

We agree that clarification is 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. We suggest that this should be similar to the wording in the corresponding English regulations, so that it would read:

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

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

We agree, subject to further comment.

We agree that up-dated references for the Code should be made available through the Welsh Government website, but believe that there should be a fuller revision of the Code. The existing Code was drawn up, there have been significant changes in the ownership and use of mobile devices, in the structure of the industry, and in planning policy and law. A further revision of the Code is needed to take account of these changes.

Q13: Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 2?

We agree.

However, we also believe that the impact assessment should take into account the wider social and economic benefits of good digital connectivity and the costs to communities of not having those benefits available.

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:

As well as the proposals set out in the consultation paper, we believe that additional measures related to emergency works and to the construction of new masts are needed to support the expansion of mobile connectivity in Wales.

We suggest that the timescale for emergency works should be increased from the current 6 months to 12 months, to reflect the actual time operators need to find a new site when an existing one becomes unserviceable.

We also propose that there should be an increase in permitted development, (with prior approval) for new masts to 20 metres, from the current 15 metres, in non-designated areas. This would mean that circa 20% more masts would go through the permitted development (requiring prior approval) route, giving operators more certainty for investment, and give more certainty to customers about timescales for delivery of service. Planning authorities would still have retained control over siting and design.

Similarly, we suggest that there should be permitted development, with prior approval, for masts up to 15m in protected areas. The Welsh planning framework needs to compensate for the lower population density and more challenging topography in Wales as compared to England, in order to make infrastructure investment in Wales as attractive as in England, if not more so. This will help address the demands for better rural connectivity.

While much of the work to roll out 4G superfast mobile broadband will focus on upgrading existing infrastructure, some new sites will be needed, and the planning system needs to facilitate this, so that businesses and consumers can quickly enjoy the benefits of better connectivity.

New sites will be needed primarily for five reasons. New sites will be needed in rural areas, to provide coverage for example in delivering the Government's Mobile Infrastructure Project (MIP). New sites will always be needed to replace existing sites where an existing base station site becomes no longer available, for example this may occur when the land or structure on which a base station is sited is being redeveloped. New sites will be needed as all existing infrastructure will eventually become redundant due to age and will need replacing. New sites may also be needed as part of the consolidation of networks, where existing sites may be removed and consolidated onto a single new structure. Finally, in urban areas, new sites will be required to increase network capacity because the greatest growth in traffic on mobile networks has been in data, i.e. Internet activity. If consumer demand increases more rapidly, it is vital that the planning system does not prevent operators from responding to such demand, otherwise, this will add as a drag on economic recovery.

Note that there is one proposal - Proposal B: *Increase the number of antenna systems allowed on buildings or structures (other than masts) as permitted development*- for which there is no specific question in Annex 3. The proposal mirrors the new English regulation. We agree with this proposal, and have used Q14, which allows any other comments, to indicate our support for this.

If you have any questions or comments on this response, please contact jennifer.amphlett@three.co.uk



Vodafone's submission to the proposed additional permitted development rights for Electronic Communications Code Operators

Vodafone fully supports the recommendations made in the Mobile Operators Association's (MOA) submission to this consultation. We would urge the Welsh Government to adopt the technical recommendations in the MOA paper in order that these reforms make a substantive difference to the ability of the mobile network operators to roll out new 4G mobile internet infrastructure in Wales.

Wales is currently behind England when it comes to modernising its planning regime to ensure that 4G mobile digital infrastructure can be rolled out quickly and with certainty. We welcome the recognition that something needs to be done which has resulted in this consultation. Our challenge to the Welsh Government is to go further than the UK Government and introduce the most supportive regime in the UK for rolling out mobile internet digital infrastructure to the Welsh people, irrespective of whether they live in a major city or the countryside.

Given the high proportion of rural areas in Wales, it is even more important that the Welsh Government removes as many of the regulatory barriers mobile operators face when rolling out digital infrastructure. Rural areas are often the most challenging to roll out mobile internet coverage for economic, topographical and socio-political reasons.

Quick and substantial reform is vital to support the industry's current and ambitious investment plans. Vodafone is investing over £900m in its network this year alone to launch 4G and deliver on its pledge to provide good quality indoor mobile internet connectivity to 98% of the UK population over the next couple of years. In Wales, this investment will result in nearly five times more Welsh people, who live in rural areas, being able to get a good quality indoor mobile internet signal. However, we can't deliver these improvements in mobile internet coverage without planning permission to upgrade our network with the latest 3G and 4G technology.

The Welsh Government has rightly recognised the importance of mobile internet connectivity to drive economic growth and positive societal change. We are moving from an era of desk-based computers to a proliferation of mobile internet enabled smartphones and tablets. Ofcom's 2013 Communications Market report found that over half of mobile users in Wales now own a smartphone - a 12% increase in a year. Smartphone only access to the internet is more than double the UK average. Ownership of tablets has increased 13% in a year to 21%. Twenty-three percent of Welsh households are mobile only, much higher than the 15% in England.

Behind any visit to Facebook or download of a mobile app is the network infrastructure needed to support this connection. Mobile internet access can only be delivered if network infrastructure is built and upgraded across Wales to support these connections.

Investment in digital infrastructure can deliver real opportunities for economic growth. It is well established that 4G represents an important growth opportunity for the economy. According to a recent research, 4G could provide a significant boost to the Welsh economy of over £1bn over

five years. Every £1 spent on internet connectivity (both fixed and mobile) creates £5 in the wider UK internet economy.

Clearly any delay caused by an outdated and unreformed planning system will have a direct impact on economic growth. The current planning system is too slow and will delay the ability to roll out 4G quickly and upgrade networks. We need a system that is focussed on where, not whether mobile network infrastructure should be built while making it much easier and quicker to upgrade existing sites. We need to remove the need to continually go back to the planning authorities to upgrade sites or make very minor changes. It is important that it becomes quicker and less bureaucratic to add new technology like 4G or add additional equipment or capacity on each mast while allowing more, slightly bigger equipment on each site so that it can deliver more coverage to the local community. Better equipped sites can also mean fewer sites.

It is vital that upgrade rights move applications from full planning to permitted development without prior approval. Such a move will also help reduce the burden on planning authorities to help them focus on bigger strategic decisions rather than endless paperwork linked to minor upgrades to existing sites.

If the MOA recommendations are accepted on upgrades, the proposals in this consultation paper will go a long way to help us add new technology to existing sites. However, upgrading existing sites will not help us fill the gaps in coverage, generally, but not exclusively, in rural areas. We need to build new sites to fill gaps in coverage and need planning reform to help us do this much more quickly and with more certainty. In rural areas in particular, slightly bigger masts result in better coverage and often result in the need for less masts overall which is good from a return on investment and visual impact perspective.

We believe it is vital that the Welsh Government delivers a planning system that is future-proofed and facilitates the delivery of the digital infrastructure that will be needed both in the immediate future with the roll out of 4G services across Wales, and in ten years' time. It is crucial to the growth of the Welsh economy, and to businesses and individuals alike.

We urge the Government to introduce these measures quickly incorporating all the recommendations in the MOA submission.

Paul Morris
Head of Government Affairs
Vodafone UK

October 2013

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

31 October 2013

Wales Environment Link (WEL) is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

Wales Environment Link values the opportunity to take part in this important consultation. Our response focuses on the proposed changes to permitted development rights for fixed broadband infrastructure. We are also concerned that the Impact Assessment does not say anything about the environmental costs associated with these changes, indicating that the proposed policy is based on an incomplete evidence base.

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?

WEL does not support the proposal to remove the prior approval requirement for fixed electronic communications equipment in relation to article 1(5) land, as we do not believe it is necessary and could have unintended consequences. It also sets a dangerous precedent and will lead to increased pressure for the relaxation of other planning regulations in protected landscapes.

WEL recognises the importance of providing faster broadband in rural areas but believes that this is best done in a planned and co-ordinated way which takes account of the special status of all designated landscapes. We are concerned that this proposal could have a negative impact on economic growth if it leads to a proliferation of overhead lines and other intrusive telecommunications infrastructure in National Parks. The local economy in many National Parks relies heavily on tourism and many visitors are specifically attracted by the wildness and beauty of these areas.

There is no evidence that the additional protection afforded designated landscapes has acted as a barrier to rural growth or delayed the roll-out of broadband. In fact there are good examples of NPAs working with telecommunications providers and other stakeholders to ensure that broadband and mobile phone coverage is improved with as little visual impact on National Parks as possible. We would be happy to provide further information about these examples if required.

It is essential that a planned and co-ordinated approach can be used to deliver future telecommunications networks in National Parks. This will ensure that the amount of infrastructure required can be minimised (for example, by considering whether there are opportunities to share poles and masts) and placed in the most appropriate location. However, this will only happen if the prior approval requirement remains and NPAs can continue to work with providers to ensure that National Park purposes are taken into account in the provision of telecommunications infrastructure.

The fact that the exemption would be granted for a limited period also means that developers will rush to deliver the cheapest, fastest solutions rather than working with NPAs and others to deliver well designed solutions which are appropriate to designated landscapes.

We also believe that this proposal is inconsistent with paragraph 5.3.6 of Planning Policy Wales which states that 'National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments.'

The following WEL members support this document:

Amphibian and Reptile Conservation

Bat Conservation Trust

Cambrian Mountains Society

Campaign for National Parks

Llais y Goedwig

Ymddiriedolaeth Genedlaethol / National Trust