

Guidance Note

Telecommunications Development

Electronic communications code operators have permitted development rights under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Telecommunications operators have certain permitted development rights in accordance with their licences. Telecommunications development therefore falls into three categories:

- 1: Ones which requires planning permission
- 2: Ones which requires the prior approval of the council
- 3: Ones which are permitted development

Full planning permission

Development that does not comply with the General Permitted Development Order (GPDO) such as; masts over 25m in height on unprotected land or over 20m in height on article 2(3) land (land within a conservation area or Area of Outstanding Natural Beauty), antenna and dishes of over a certain size or number, require full planning permission.

Prior approval

Where a communications code operator considers its development complies with the restrictions and limitations outlined under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order and does not require planning permission, it is required to notify the council of its proposals and submit a notification for prior approval. The Council cannot object to the principle of erecting the telecommunications structure, but has 56 days to comment on the siting and appearance. A notification for prior approval to the Local Authority is therefore not an assessment of whether the proposed development complies with permitted development but is an assessment of the siting and appearance of the development. However, any outcome of prior approval would therefore not be a determination as to whether the development complies with Part 16.

This procedure applies to the following:

- development in a conservation area, AONB, national park or site of special scientific interest (except for broadband related development)
- a mast
- an antenna which exceeds the height of the building or structure (on which it is installed) by 6 metres or more
- a public call box
- radio equipment housing bigger than 2.5 cubic metres

The notification for prior approval must be accompanied by the following:

- A written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid
- The developer's contact address and email address

- Evidence that the Developer has given notice of the proposed development in accordance with A.3(1) of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015
- Where the proposed development is located within 3 km of the perimeter of an aerodrome, evidence that the developer has notified the Civil Aviation Authority, the Secretary of State for Defense or the aerodrome operator as applicable in accordance with A.3(2) of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

Once a notification which is accompanied by the above criteria has been received by the Local Authority the start of the 56-day period will begin. The Local Authority will be required to give notice of the proposed development by placing a site notice in at least one place on or near the land to which the application relates for no less than 21 days or by notifying any adjoining owner or occupiers and by local advertisement.

The prior approval procedure allows the Local Authority to approve or refuse details of the siting and appearance of the installation. The 'siting' and 'appearance' of the proposal are the only factors that can be considered under an application for prior approval. No other matters can be considered.

Factors concerning siting may involve:

- height of the site in relation to surrounding land
- topography of the site and vegetation
- openness and visibility of the site
- designated areas
- the site in relation to existing masts
- structures or buildings
- proximity to residential property

With regard to appearance this can include details such as:

- materials
- colour
- design
- dimensions
- overall shape
- solid or open framework

The Local Authority cannot take health considerations into account when determining mast proposals.

All proposals for telecommunications development should be submitted with an International Commission on Non-Ionising Radiation Protection (ICNIRP) Certificate. This certificate confirms that the mast meets the guidelines for public exposure. Beyond this, the health effects in relation to the development or concerns about them, cannot be considered further by the Local Authority.

The Local Authority has a strict deadline of 56 days to determine these applications. If the Local Authority have not notified the applicant of the decision by day 56 and an extension of time has not been agreed between the applicant and the Local Authority, the applicant is entitled to carry out the works as submitted but only if the works are deemed to be permitted development.

As mentioned above, the determination of the prior approval DOES NOT confirm that the proposed works are permitted development.

Notifications for prior approval are excluded from referral to Development Control Committee as set out in Appendix A to the scheme of delegation (within the Constitution) because of the limited time period the Council has to determine these notifications.

Permitted Development

Most minor forms of installation are permitted development and do not need planning permission. This includes development such as; the installation of additional antenna on existing masts, equipment cabinets of less than 2.5 cubic metres and all broadband related development and cabinets.

The developer will notify the Authority in writing of their intention to install telecommunications apparatus. Development in this category is permitted by law, and does not require an application to, consultation with, or determination by the Authority. It is the developer's responsibility, not the Local Authority, to notify property owners of any works.