

8th draft (22/9/14 )

**Explanatory Memorandum to:**

**The Town and Country Planning (General Permitted Development)  
(Amendment) (Wales) (No.2) Order 2014**

**The Town and Country Planning (Compensation) (Wales) (No.2)  
Regulations 2014**

This Explanatory Memorandum has been prepared by the Department for Natural Resources and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of:

- The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014
- The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014.

I am satisfied that the benefits outweigh any costs.

**Carl Sargeant AM**  
**Minister for Natural Resources**

September 2014

## **1. Description**

### **The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014**

1.1 The Town and Country Planning (General Permitted Development) Order 1995 (the “GPDO”), as amended, allows some minor development to be undertaken, within certain parameters, without the need to submit a planning application. (This is known as “permitted development”).

1.2 Part 24 of Schedule 2 to the GPDO relates to certain permitted development undertaken by electronic communications code operators. The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014 amends Part 24 of Schedule 2 as it applies in Wales.

1.3 Broadly, the effect of the Order is as follows:

(a) It removes the current ability for the local planning authority to approve siting and design in relation to the construction, installation, alteration or replacement of telegraph poles, cabinets or lines for the provision of fixed line broadband services on article 1(5) land provided certain conditions are fulfilled. Article 1(5) land is National Parks, Areas of Outstanding Natural Beauty and Conservation Areas. The conditions relate to the giving of notice to the relevant county or county borough council and Natural Resources Wales in certain circumstances. Further conditions apply to cabinets and telegraph poles. Any cabinet installed must be green or black (but not matt black) or a colour which has the prior written approval of the local planning authority. A telegraph pole must have the same appearance and be made of the same material as the nearest existing telegraph pole to it which has planning permission, unless an alternative has the prior written approval of the local planning authority. In order to rely on this permitted development right, the development must be completed by 30 May 2018;

(b) To make the following changes to Part 24 in relation to electronic communications apparatus frequently used to provide mobile phone services:

□i) existing masts may be altered or replaced to increase their height from up to 15 metres to up to 20 metres and increased in width by up to a third though not on article 1(5) land or on SSSIs, and subject to prior approval on other land;

ii) on land other than article 1(5) land and SSSIs, the maximum aggregated limit applying to dish antennas is increased and more antenna systems (each of which may be operated by up to 3 operators) may be attached to buildings and structures (other than masts), with different rules above and below 15 metres;

- iii) on article 1(5) land, up to 3 additional dish antennas (not exceeding 0.6 metres) and 3 additional non-dish antennas (not exceeding 3 metres in height), can be added to existing electronic communications apparatus;
- iv) clarification that current size limits for radio equipment housing are in two cases cumulative and in another case not cumulative;
- v) up to 2 of a new type of antenna (“small cell antenna”) can be attached to buildings and structures other than dwellinghouses, though not on SSSIs, with consequential changes to other provisions within Part 24 (including a new small cell antenna definition containing size limits);
- vi) prior approval application provisions for development on land (other than article 1(5) land and SSSIs) are adjusted to:
  - increase the height at which a prior approval application is required for antennas attached to buildings and structures (other than masts) from 4 metres to 6 metres;
  - clarify that a prior approval application is only required where any single development of radio equipment housing is larger than 2.5 cubic metres;
  - dispense with a prior approval application in relation to development ancillary to radio equipment housing; and
  - clarify that for minor amendments to the details included in the original prior approval application notification a new prior approval application is not necessary;
- vii) clarification that where class A permits the development of electronic communications apparatus, that permission extends to certain ancillary development required for the purposes of the apparatus, though not on SSSIs;
- viii) within A.4 , a replacement definition of “antenna system” is added and additions to the existing definition of “development ancillary to radio equipment housing” clarify that it includes security equipment, perimeter walls and fences, handrails, steps and ramps, except in relation to land which is a SSSI; and
- ix) developer contact details have be submitted with any prior approval application made to a local planning authority under Part 24.

(c) It makes some changes for clarity.

### **The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014**

1.4 The Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014 replace the Town and Country Planning (Compensation) (Wales) Regulations 2014 which are revoked and remade in substance with amendments. Broadly, the amendments:

a) insert an additional description of prescribed development for the purposes of paragraphs (2A)(a) and (3C)(a) of section 108 of the Town and Country Planning Act 1990. The additional description of prescribed development is Class A of Part 24 (development by electronic communications code operators (Wales) to the extent that paragraph A.2(4A) disappplies the conditions in paragraph A.3 of Class A and applies the conditions in paragraph A.2(4B) of Class A);

b) make provision for the position where a development order or local development order grants planning permission for a time-limited period, such as the one provided for in article 2(15) of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

None.

## **3. Legislative background**

### **The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014**

3.1 The powers to make this Order are in sections 59, 60, 61 and 333 of the Town and Country Planning Act 1990. These sections give the Secretary of State power to grant (or to enable local planning authorities to grant) planning permission for categories of development specified in a development order. The GPDO is made under these powers.

3.2 The functions of the Secretary of State under sections 59, 60, 61 and 333 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions being relevant Assembly functions as defined in paragraph 30(2).

3.3 Section 333(5) of the Town and Country Planning Act 1990 provides that the procedure for a statutory instrument which contains a development order is a negative resolution procedure.

### ***The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014***

3.4 The powers to make these regulations are in section 108 of the Town and Country Planning Act 1990. Section 108(6) was amended, so as to confer functions in relation to Wales exercisable by the Welsh Ministers, by the

Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210).

Section 108 provides for payment of compensation in certain cases where planning permission for development granted by a development order or local development order is withdrawn and where on an application for planning permission for that development made within 12 months, the application is refused or permission is granted subject to new conditions.

Permitted development rights may be withdrawn by directions under powers in the order or by the revocation or amendment of the order conferring the rights.

Section 108(2A) and 3(B) to (3D) enable the circumstances in which compensation is payable to be limited. Section 108(3C) sets out the conditions which must be satisfied for a right to compensation deriving from a development order to be excluded. Section 108(3D) sets out the conditions which must be satisfied for a right to compensation deriving from a local development order to be excluded.

Section 333(3) of the Town and Country Planning Act 1990 provides that the procedure for a statutory instrument which contains regulations is a negative resolution procedure.

#### **4. Purpose & intended effect of the legislation**

##### **The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014**

4.1 The purpose of this Order is:

- (a) to relax the prior approval application requirement in A.2(4) (a) of Part 24 (as it applies in Wales) of the GPDO in relation to certain apparatus used by Electronic Communications Code Operators on article 1(5) land for the provision of fixed-line broadband and make new provision in its place provided that the development is completed by 30 May 2018; and
- (b) to make changes to the same Part 24 permitted development right in relation to electronic communications apparatus frequently used by Code Operators to provide mobile phone services .

##### Fixed – line broadband infrastructure

4.2 The existing Part 24 A.2(4) (a) prior approval process (described in paragraph 1. 3(a) above) includes procedural requirements, eg submission of ownership certificates with application and publicity/consultation requirements imposed on local planning authorities, which are similar to those applying to comparable planning applications. This existing prior approval procedure is considered, in the case of fixed-line broadband , to be too cumbersome and unwieldy. It confers a discretionary power on the local planning authority yet the procedural requirements apply regardless of whether or not they decide to exercise that discretionary power in the individual case .

4.3 The new (time-limited) “fast track” planning arrangement is aimed at striking a better balance between affording more certainty for developers, enabling local planning authorities to give their views and allowing a degree of local choice.

#### Mobile infrastructure

4.4 Modifications (as described in paragraph 1.3(b) above) are made to limitations and restrictions in Part 24 as they operate for the installation of infrastructure apparatus frequently used by Code Operators to provide mobile phone services. Central is to encourage code operators in Wales to maximise the use of existing infrastructure, where possible and to minimise the time required where existing sites are to be up-graded.

#### ***The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014***

4.5 The GPDO, as amended for Wales, allows certain, minor developments (“permitted development”) to be undertaken without the need for an individual application for planning permission. These “permitted development rights” (PDRs) can, in some circumstances, result in adverse impacts at a local level. The Welsh Ministers or local planning authorities have the power to issue directions under article 4 of the GPDO to withdraw PDRs under certain circumstances. An article 4 direction does not prevent development but requires planning permission to be obtained if it is to be carried out. Permitted development rights may also be withdrawn by amending or revoking the GPDO.

4.6 Section 108 of the Town and Country Planning Act 1990 provides that when PDRs are withdrawn by issuing a direction (and an application for planning permission subsequently required is refused or approved subject to new conditions) they may be liable to pay compensation for abortive work or other loss or damage directly attributable to the withdrawal.

#### *Development Orders*

4.7 Sub-section (2A)(a) provides that where planning permission of a prescribed description granted by a development order is withdrawn by the issue of directions under powers conferred by that order, compensation is only payable if an application for development formerly permitted by that order is made within 12 months of the directions taking effect.

4.8 Subsections (3B)(a) and (3C) of Section 108 of the Town and Country Planning Act 1990 provide that where planning permission granted by a development order is withdrawn, there will be no entitlement to compensation where the permission was for development of a “prescribed description”, is

withdrawn in the prescribed manner and notice of the withdrawal is published in the “prescribed manner” not less than 12 months and no more than the prescribed period before the withdrawal took effect.

4.9 The purpose of the Town and Country Planning (Compensation) (Wales)(No 2) Regulations 2014 is to restate the provision for these matters and to add Part 24 (development by electronic communications code operators (Wales)) to the extent that paragraph A.2(4A) disapplies the conditions in paragraph A.3 of Class A and applies the conditions in paragraph A.2 (4B) of Class A to the existing description of “prescribed development” for the purposes of paragraphs (2A) (a) and (3C) (a) of section 108 of the Town and Country Planning Act. Amendments made in the consolidated Regulations also now make provision to ensure that no compensation right arises when a time-limited PDR granted in a development order such as that described in paragraph 1.3 (a) comes to an end.

#### *Local Development Orders*

4.10 Subsections (3B)(b) and (3D) of section 108 provide that where planning permission granted by a local development order is withdrawn, there will be no entitlement to compensation where notice of the withdrawal is published in the “prescribed manner” not less than 12 months and no more than the prescribed period before the withdrawal took effect. Amendments made in The Town and Country Planning (Compensation) (Wales)(No 2) Regulations 2014 now make provision for these matters in connection with local development orders. Amendments made in the consolidated Regulations also now make provision to ensure that no compensation right arises when a time-limited PDR granted in a local development order comes to an end.

## **5. Consultation**

Details of consultation undertaken on the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014 are included in the RIA below. The Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014 make provisions which are essentially consequential on the provisions of the 2014 Order.

## **PART 2 – REGULATORY IMPACT ASSESSMENT**

### **The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014**

#### **1. Options**

1.1 The following options are considered:

##### **Option 1: Do nothing**

A) (Fixed –line broadband) Part 24, A.2(4) (a), prior approval application requirement continues for the installation of all telecommunications apparatus on article 1(5) land: developers continue to make prior approval applications to the local planning authority (LPA) which have to be processed by them (including undertaking the statutory publicity and consultation requirements).

B) (Mobile infrastructure) Existing Part 24 permitted development rights remain unchanged : applications for planning permission need to be made to the LPA for most new antenna on article 1(5) land and for the up-grading (beyond current limits) of existing masts and apparatus to accommodate more equipment ; some on-going uncertainty about a number of detailed aspects of that permitted development right .

#### **Option 2:**

A) (Fixed –line broadband) **Disapplying for a limited period the Part 24, A.2 (4) (a), prior approval requirement where specified equipment is being used on article 1(5) land** subject to standard conditions.

B) (Mobile infrastructure) **Introducing revised Part 24 permitted development rights** as in paragraph 1.3 (b) of Part 1 above which will also provide more certainty about a number of detailed aspects.

### ***The Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014***

1.2 The following options are considered:

**Option 1: Do nothing** – make no change to the provisions of the Town and Country Planning (Compensation) (Wales) (Regulations) 2014.

**Option 2 : Make the Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014** – to make provision consequential on the creation of a time-limited permitted development right by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014 and to make similar provision in relation to local development orders.

## **2. Cost and Benefits Analysis**

### **The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014**

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

- Businesses such as Electronic Communications Code Operators (“Code Operators”) wishing to install apparatus to provide telecommunications services.



- LPAs who determine prior approval applications as well as applications for planning permission.
- The general public who may have an interest in an individual development proposal.

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

### **Cost Analysis for Option 1: Do nothing**

#### Businesses

2.3 Indirect and direct costs to businesses:

A) (Fixed –line broadband) The current prior approval requirement will continue with a cost to business (as a developer) for each application made of a standard application fee of £330 together with the costs (estimated to be on average around £2,020) associated with producing a valid application, e.g. supporting information such as plans, drawings, and agent fees to prepare, submit and manage the application.

B) (Mobile infrastructure) The current requirement for making a planning application will continue with a cost to business (as a developer) for each application made of a standard application fee of £330 together with the costs (estimated to be on average around £2,020) associated with producing a valid application, e.g. supporting information such as plans, drawings, and agent fees.

Also the indirect cost to business of any delay in the determination of the planning application , the associated uncertainty involved with it and also the indirect cost of some on-going uncertainty about a number of detailed aspects of the existing permitted development right .

#### Local Planning Authorities

2.4 Indirect and direct costs to local planning authorities:

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

B) (Mobile infrastructure) Individual planning applications made to the LPA will need to be determined by them in accordance with the statutory requirements. The planning fee is intended to offset the LPAs costs.

### General Public

2.5 Indirect or direct costs to the general public :

A) (Fixed –line broadband) and B) (Mobile infrastructure) no direct costs.

### **Benefit Analysis for Option 1 – Do nothing**

#### Businesses

2.6 Indirect or direct benefits to businesses:

A) (Fixed –line broadband) and B) (Mobile infrastructure) there are no significant indirect or direct benefits for businesses.

#### Local Planning Authorities

2.7 Indirect or direct benefits to LPA:

A) (Fixed –line broadband) A discretionary power remains available to LPAs to require their approval, in any specific case, to the siting and appearance of the development.

B) (Mobile infrastructure) Planning permission will continue to be needed for the installation of telecommunications apparatus which is not permitted development (eg the installation of most new antenna on article 1(5) land).

### General Public

2.8 Indirect or direct benefits to the general public :

A) (Fixed –line broadband) and B) (Mobile infrastructure) any prior approval or planning applications which are made will need to be publicised by the LPA affording third parties, such as the general public, the opportunity of making representations to the LPA about the individual application made.

### **Cost Analysis for Option 2**

#### Businesses

2.9 Direct costs to businesses:

A) (Fixed –line broadband) and B) (Mobile infrastructure) none.

2.10 Indirect costs to businesses:

B) (Mobile infrastructure) If any new permitted development right is subject, in some cases, to a need for the developer to make a prior approval application there will be the cost to the developer involved of making that prior approval application. But the direct cost saving resulting from not having to make a

planning application for the same development could be off-set against that cost.

### Local Planning Authorities

2.11 Indirect or direct cost to LPA:

A) (Fixed –line broadband) and B) (Mobile infrastructure) Loss of future potential planning fee income from the prior approval applications and planning applications no longer required but offset by a) not having to incur the costs involved in dealing with those applications and b) any new planning fee income arising from any newly introduced requirement for prior approval applications.  
B) (Mobile infrastructure) Some relevant developments will in some cases no longer be the subject of full planning control.

### General Public

2.12 Indirect or direct costs to the general public :

A) (Fixed –line broadband) and B) (Mobile infrastructure) Prior approval and planning applications no longer serving as a catalyst for publicity and providing the opportunity to make representations to the LPA . But offset by any newly introduced requirement for prior approval applications creating the need for them to be publicised by the LPA.

## **Benefit Analysis for Option 2**

### Businesses

2.13 Indirect or direct benefits to businesses:

A) (Fixed –line broadband) Direct cost savings for Code Operators through the saving of the prior approval application fee and the associated costs involved in making the application.

B) (Mobile infrastructure) Revised permitted development rights will also in principle provide direct cost savings for Code Operators through removing the need for a planning application to be made in some cases.

A) (Fixed –line broadband) and B) (Mobile infrastructure) Streamlined , faster planning processes offering more certainty for Code Operators reducing unnecessary delay and expense.

Businesses generally are also likely to benefit:

- a) as potential users, from any earlier provision of telecommunications services which the infrastructure involved is intended to provide; and
- b) from the wider resulting economic benefits of good digital connectivity.

### Local Planning Authorities

2.14 Indirect or direct benefits to LPA:

A) (Fixed –line broadband) and B) (Mobile infrastructure) Less prior approval applications and planning applications needing to be determined allowing LPAs to reallocate valuable staff resources to other planning applications which may have more complex and significant impacts. But offset by any newly introduced requirement for prior approval applications.

B) (Mobile infrastructure) Indirect benefit of certainty about a number of detailed aspects of the existing permitted development right.

#### General Public

2.15 Indirect or direct benefits to the general public:

A) (Fixed –line broadband) and B) (Mobile infrastructure) The benefit, as potential users, of any earlier provision of telecommunications services which the infrastructure involved is intended to provide and the wider resulting social and economic benefits of good digital connectivity.

#### ***The Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014***

2.16 Option 1 Do nothing

#### Costs

2.17 If permitted development rights were withdrawn by direction or on expiry of this time limited permitted development right liability to pay compensation would not be limited or excluded in accordance with the Town and Country Planning (Compensation) Regulations 2014.

2.18 It is impossible to assess the cost to the LPA of a compensation claim if one was to be made. The amount of any claim would vary on a case by case basis. As such claims are rare, it is difficult to find any historic data that could be used as a basis for estimating future claims.

#### Benefits

2.19 No benefits.

#### Option 2

#### Costs

2.20 No indirect or direct costs. Option 2 simply involves make provision consequential on the creation of the time-limited permitted development right by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014.

#### Benefits

2.21 The Regulations ensure that no right to compensation arises as a result of the expiry of that time-limited PDR.

### **3. Impact of Order and Regulations on Key Sectors**

#### ***The Town and Country Planning (General Permitted Development) (Amendment) (Wales)( No.2) Order 2014***

##### Local Government

3.1 The impact for local planning authorities including Local Government has already been considered earlier under Part 2 of the assessment .

##### Voluntary Sector

3.2 The proposals are likely to have a little direct impact on the voluntary sector. But they will be able to benefit, as potential users, from any earlier provision of telecommunications services which the infrastructure involved is intended to provide.

##### Business

3.3 The impact for business has already been considered earlier under Part 2 of the assessment.

#### ***The Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014***

##### Local Government

3.4 The impact of Option 2 for local planning authorities including Local Government has already been considered earlier under Part 2 of the assessment.

##### Voluntary Sector

3.5 The Regulations would not have any significant effect on the voluntary sector.

##### Businesses

3.6 The Regulations would not have any significant practical effect on the business sector.

#### **4. Impact on Statutory Duties of Welsh Ministers**

##### ***The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014***

###### Equality of Opportunity

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

###### Sustainable Development

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

###### The Welsh Language

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

##### ***The Town and Country Planning (Compensation) (Wales)(No.2) Regulations 2014***

###### Equality of Opportunity

4.4 The Regulations would not have any impact on any particular group(s) with protected characteristics for the purposes of equality.

###### The Welsh Language

4.5 The Regulations do not have any implications for the Welsh language.

###### Sustainable Development

4.6 The Regulations would not have any impact on sustainable development.

## **5. Costs and Benefits Summary**

### ***The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014***

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

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

### ***The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014***

Option 2 is the preferred option as it does not generate any significant indirect or direct costs for any of the key sectors but ensures that costs are excluded..

## **6. Consultation**

### ***The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014***

6.1 Consultation was undertaken on the proposals between 29 July and 31 October 2013. A consultation paper and draft Regulatory Impact Assessment were made available on the Welsh Government's website. In addition, key stakeholders (especially Electronic Communications Code Operators) from the private, public and third sectors were notified in writing.

6.2 Only 24 responses were received reflecting perhaps the technical nature of the consultation. 10 individual local planning authorities responded (including all 3 Welsh National Park Authorities);6 businesses ; 5 professional bodies ; a Government Agency ; a Group and one individual.

6.3 Broadly the degree of support expressed in the responses to individual proposals in the consultation paper varied. The proposals for small cell antenna and for the treatment of the existing Code of Best Practice were overwhelmingly supported by a wide range of interests. In contrast, other proposals involving detailed technical issues often received a more mixed reaction. Several respondents were also opposed in principle to all or some of the fixed- line broadband proposals. Central to one respondent was the potential impact of most proposals on archaeological remains, the historic environment and World Heritage Sites. Two business respondents also expressed support for the views of their own professional body.



## 6.4 Main issues raised by respondents –

a) Fixed-line broadband proposals :Whether the additional permitted development right should be specific to fixed line broadband operators ;the detailed description of the development involved; why two separate “pre-application” consultation periods and the time involved ; status of any representations made; wider local choice of cabinet colour ; proposals should operate for a longer period than proposed .

b) Mobile infrastructure proposals : Need for clear wording in the implementing order; issues of detail; adoption of the same “small cell antenna” arrangements (and related new definition) as recently introduced in England ; possible extra siting limits; visual impact of the use of more dish antennas ; impact of an extensive array of antenna ;individual proposals should go further; a prior approval application requirement should not apply to some individual proposals; whether having a time limit in Wales alone risks putting the case for telecommunications infrastructure at a disadvantage relative to England; a much wider review of the Part 24 permitted development right is needed.

c) Draft Regulatory Impact Assessment : Only 4 respondents , each from a different sector , had specific detailed comments. The main issues were: implementation of the proposals may introduce uncertainty during the initial learning process and potential knock on implications for individual Local Planning Authorities of an overall increase in the number of prior approval applications; whether the cost analysis considers the impact on the public of introducing a “fast track” process ;whether an assessment of sustainable development should also consider and identify potential environmental effects and wider environmental costs ; the wider economic and social benefits of good digital connectivity and the costs to Wales of not having those benefits available; and research by Deloitte on the wider economic impact.

6.5 A summary of responses is available on the Welsh Government website and includes details of changes made to proposals.

## 7. Competition Assessment

### ***The Town and Country Planning (General Permitted Development) (Amendment) (Wales)( No.2) Order 2014***

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

## 8. Post Implementation Review

8.1 The provisions inserted by the Town and Country Planning (General Permitted Development) (Amendment) (Wales)( No.2) Order 2014 which implement A) of Option 2 are time-limited (until 30/5/18).

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