

Constitutional and Legislative Affairs Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date:

3 November 2014

Meeting time:

14.30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Agenda – Supplementary Documents

Supplement 1

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3

CLA453 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014 (Pages 1 – 35)

CLA453 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014

Negative Procedure: Date Made: 29 September 2014; Date Laid: 9 October 2014

Coming into force date: 7 November 2014

CLA(4)–26–14 – Paper 2.5a – Report

CLA(4)–26–14 – Paper 2.5b – Regulations

CLA(4)–26–14 – Paper 2.5c – Explanatory Memorandum

Agenda Item 2.6

Constitutional and Legislative Affairs Committee Draft Report

CLA(4)-26-14

CLA453 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 in relation to Wales. Specifically, it amends the ‘permitted development rights’ that apply to electronic communications operators in Wales. The Order contains many detailed amendments. Some of the main changes are:

- existing mobile phone masts may be altered or replaced to increase their height from up to 15 metres to up to 20 metres, and they may be increased in width by up to a third,
- an increase in the number and size of antennas that can be attached to certain buildings,
- the placing of telegraph poles, cabinets or broadband lines will not prior require approval in areas such as National Parks and AONBs, provided that certain conditions are met.

Procedure: Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument:

- The additional permitted development rights will allow, among other things, higher masts and more dishes to be installed across Wales, without needing to apply for planning permission.

Standing Order 21.3(ii): that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;

Legal Advisers

Constitutional and Legislative Affairs Committee

October 2014

Government's response:

Note by Planning Division (WG) in response to draft CLAC report on the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014

Non-devolved areas

1. Responsibility for the specific legislation covering telecommunications is **not devolved**. The Electronic Communications Code is designed to facilitate the installation and maintenance of electronic communications networks and confers rights on providers of such networks. The Electronic Communications Code (Conditions and Restrictions) Regulations 2003, applying within the UK, require an Electronic Communications Code Operator, where practicable, to share the use of electronic communications apparatus. These regulations were amended last year to introduce a more permissive regime (until May 2018) for installation above ground of fixed -line broadband electronic communications apparatus.

Land use planning aspects

2. Insofar as the installation of any apparatus constitutes "development", planning permission will be needed for that development. Code Operators already enjoy a specific permitted development right (PDR) under Part 24 of the Town and Country

Planning (General Permitted Development) Order 1995 [*paragraphs 1.1 and 1.2 of EM*].

Policy approach

3. The amendment Order is made to facilitate certain fixed-line and mobile broadband in Wales within parameters which strike the appropriate balance between the land use planning objectives of minimising impact on the environment and the economic development objectives. Provision is intended to compliment the:

- i) current Superfast Cymru programme of (subsidised) broadband roll out through fixed -line apparatus;
- ii) deployment of mobile phone services following last year's Spectrum Award by OFCOM and the mobile broadband coverage obligation which is part of that; and
- iii) UK Government's Mobile Infrastructure Project.

The principles of the policy approach were reflected in proposals in a consultation paper "Proposed additional permitted development rights for Electronic Communications Code Operators (facilitating Broadband roll-out)".

New PDR enabling existing masts to be increased to up to 20 metres in height

4. This applies to existing ground-based masts only and does not apply to article 1(5) land nor within SSSIs. It is subject to the same prior approval application requirement (*Part 24,A.2 (4)(b)*) as any other mast [*paragraph 1.3(b)i of EM*]. Increasing the height of existing masts enables more equipment to be carried on them and that in turn provides more coverage using fewer sites.

Increase in the number and size of antenna that can be attached to certain buildings

5. Current paragraphs A.1(g) and A.1(h) of Part 24 of Schedule 2 to the 1995 Order already limit both the size of any individual dish antenna and the aggregated size of dish antenna which can be installed on an individual building. Non-dish antenna (other than small antenna) are

limited by the number of antenna systems permitted on a building. The individual size limits for dish antenna remain unchanged. What is increased are the aggregated size limits for dish antenna on a building and the limit on the number of antenna systems on a building. Increasing these limits will maximise the use of existing sites by encouraging the expansion on existing sites and the sharing of apparatus by different operators [*paragraph 1.3(b)ii) of EM*].

The placing of telegraph poles, cabinets or broadband lines will not require approval in areas such as National Parks and AONBs, provided that certain conditions are met.

6. The new paragraph A.2(4A) of Part 24 provides a new procedure only for –

“..... the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband,and provided that the development is completed on or before 30th May 2018”.

This was a main proposal in the WG consultation paper [*paragraphs 4.2 to 4.3 of EM explain the reasons*].

All other Class A development eg the installation of a cabinet or a telegraph pole on article 1(5) land for other telephone services, remains subject to a prior approval application requirement.

The additional permitted development rights will allow, among other things, higher masts and more dishes to be installed across Wales, without needing to apply for planning permission.

7.1 The changes are subject to checks and balances eg the existing prior approval application requirement for masts is not changed. The changes do not permit new ground based masts on article 1(5) land.

7.2 Central to the mobile infrastructure changes is encouraging operators to maximise the use of existing infrastructure, where possible, to minimise the need for new ground based masts. Most operators now share masts wherever possible. Two former operators have merged and two operators have concluded a mobile infrastructure sharing agreement between them.

7.3 Separate (long-standing) PDRs in Parts 1.H and 25 of Schedule 2 to the 1995 Order already permit the installation of a limited number of microwave antenna on (or within the curtilage of) a dwelling house or other buildings or structures without needing specific planning permission from the local planning authority.

7.4 The Part 24 PDR sets the limits and parameters of what development should continue to be the subject of a specific planning application made to the local planning authority and what development should be permitted development under the terms of that PDR. Setting the limits of what ought to be permitted development involves striking a balance. The Part 24 PDR provision for masts is longstanding but this is already subject to a prior approval application requirement and this will remain the case.

Planning Division
October 2014

2014 No. 2692 (W. 267)

**TOWN AND COUNTRY
PLANNING, WALES**

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (“the 1995 Order”) in relation to Wales. Article 3 of and Schedule 2 to the 1995 Order confer permitted development rights in respect of certain development. Where such rights apply, no specific application for planning permission is required.

Article 2 amends Part 24 (development by electronic communications code operators (Wales)) of Schedule 2 to the 1995 Order.

Class A of Part 24 permits certain development by electronic communications code operators provided it does not fall within A.1 (development not permitted) and subject to any relevant conditions and limitations in A.2 and A.3.

Article 2(2) of this Order updates the reference to an operator’s licence to reflect changes in the Communications Act 2003.

Limitations and conditions on the grant of planning permission include, for example, excluding the Class A permission from application to protected land in certain cases. Protected land comprises sites of special scientific interest and categories of land identified in article 1(5) of, and Part 2 of Schedule 1 to, the 1995 Order (National Parks, areas of outstanding natural beauty, conservation areas, countryside areas of natural beauty and amenity). Other permissions may be subject to the approval of the local planning authority on siting and appearance, a process referred to as “prior approval”.

Article 2(3) inserts a new provision to allow existing freestanding masts to be altered or replaced to become masts up to 20 metres high and up to a third wider than the existing mast. This does not apply on article 1(5) land nor on a site of special scientific interest, and is subject to prior approval on other land by virtue of paragraph A.2(4) of Class A. On width, at any given height, the new or upgraded mast may be no more than a third wider than the original mast at the same height.

Article 2(4) removes small cell antenna from paragraph A.1(g)(i). This means that the limitation in that paragraph does not apply to small cell antenna.

Article 2(5) to (8) amends provisions in Class A to allow larger aggregate sizes of all dish antennas and more antenna systems to be attached to certain buildings and structures. The new rules vary according to the height of the building or structure, with larger aggregate sizes for dishes and more antenna systems allowed above 15 metres.

Article 2(9) makes provision consequential on article 2(10) and (13).

Article 2(10) inserts a new provision to permit up to three additional dish antennas and three non-dish antennas, subject to size limits, to be attached to existing electronic communications apparatus attached to buildings or structures (including masts) on article 1(5) land. A definition added by article 2(19)(c) clarifies that the apparatus must already be sending and receiving communications. This new permitted development right is excepted from paragraph A.1(i) of Class A which otherwise substantially limits the development of antenna on article 1(5) land.

Article 2(11) and (12) amend provisions to clarify that current size limits for radio equipment housing are in one case cumulative and in another case applicable to single development proposals. Article 2(14) includes a consequential amendment to paragraph A.2(4) of Class A.

Article 2(13) inserts a new provision to allow up to two of a new sort of antenna (“small cell antenna”) to be attached to buildings and other structures (other than dwellinghouses or within the curtilage of a dwellinghouse), as long as they are not on a site of special scientific interest. This development is permitted on article 1(5) land by virtue of an exception to the general rule at paragraph A.1(i) of Class A, but subject to prior approval by virtue of paragraph A.2(4)(a) of Class A. Article 2(19)(c) inserts a new definition of “small cell antenna”, which includes size restrictions.

Article 2(14) inserts a new version of paragraph A.2(4) of Class A. Changes include: increasing the height at which antennas attached to buildings or

structures (other than masts) are required to go through the prior approval process; clarifying that prior approval is only required when any single development of radio equipment housing has a volume in excess of 2.5 cubic metres; and removing the need for prior approval for development ancillary to radio equipment housing.

Article 2(15) provides that, in relation to article 1(5) land, the construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval under paragraph A.3 of Part 24. In order to rely on this change to the permitted development rights, development must be completed before 30 May 2018 and the conditions introduced by article 2(15) must be complied with. The conditions are:

- in the case of development in National Parks and areas of outstanding natural beauty, one month's notice of the proposed development is to be given to the Natural Resources Body for Wales and where any part of the development is in a National Park, to the county or county borough council for the area;
- cabinets must be black (not matt black), green or another colour approved by the local planning authority;
- telegraph poles must match the nearest existing telegraph pole which has planning permission unless otherwise approved by the local planning authority.

New definitions relating to this provision are inserted in article 2(19).

Article 2(16) inserts a requirement for developer contact details to be submitted with an application for prior approval.

Article 2(17) excepts development comprising small cell antennas from the existing requirement on a developer to submit a written declaration of compliance with guidelines of the International Commission on Non-ionising Radiation Protection with an application for prior approval under Class A.3(4).

Article 2(18) inserts a new provision into the prior approval procedures at paragraph A.3 of Class A, to clarify that where minor amendments to development proposed in a prior approval application are agreed between the developer and the local planning authority, a new application for prior approval is not required.

Article 2(19) inserts new, and makes consequential amendments to, definitions.

Article 2(20) inserts a new provision which clarifies that where Class A gives planning permission for the development of electronic communications apparatus, that permission extends to certain development ancillary to and reasonably required for the purpose of that apparatus. The “reasonably required” test ensures that such ancillary development relates to the particular apparatus being developed and is not for the purpose of future anticipated development. This interpretative provision does not extend to development on a site of special scientific interest.

A regulatory impact assessment has been prepared in relation to this Order. Copies may be obtained from Planning Division, the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the website at <https://www.wales.gov.uk>.

2014 No. 2692 (W. 267)

**TOWN AND COUNTRY
PLANNING, WALES**

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

Made 29 September 2014

Laid before the National Assembly for Wales
9 October 2014

Coming into force 7 November 2014

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59, 60, 61 and 333 of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014 and it comes into force on 7 November 2014.

(2) This Order applies in relation to Wales.

(1) 1990 c. 8; to which there are amendments not relevant to this Order.

(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). The 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).

Amendments in relation to development by electronic communications code operators

2.—(1) Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995⁽¹⁾ (development by electronic communications code operators (Wales)) is amended as follows.

(2) In paragraph A (permitted development), for “in accordance with the operator’s licence”, substitute “in accordance with the electronic communications code”.

(3) For paragraph A.1(b) (alteration or replacement of apparatus other than on a building or other structure) substitute—

“(b) in the case of the alteration or replacement of apparatus already installed, (other than on a building or structure)—

(i) where the apparatus is a mast which is not on article 1(5) land or on any land which is, or is within, a site of special scientific interest—

(aa) the mast, excluding any antenna, would when altered or replaced either exceed a height of 20 metres above ground level or at any given height exceed the width of the existing mast at the same height by more than one third; or

(bb) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third;

(ii) in all other cases, the apparatus, excluding any antenna, would, when altered or replaced exceed the greater of—

(aa) the height of the existing apparatus; or

(bb) a height of 15 metres above ground level.”

(1) S.I. 1995/418. Relevant amendments were made by S.I. 2002/1878, S.I. 2003/2155 and S.I. 2004/945.

(4) In paragraph A.1(g)(i) (location on walls or roof slopes facing a highway) at the start insert “in the case of antennas other than small cell antennas,”.

(5) In paragraph A.1(g)(ii) (size of dish antennas below 15 metres), for “1.5 metres” substitute “4.5 metres”.

(6) For paragraph A.1(g)(iii) (number of antenna systems below 15 metres), substitute—

“(iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna or a maximum of two small cell antennas) would result in the presence on the building or structure of—

(aa) more than three antenna systems; or

(bb) any antenna system operated by more than three electronic communications code operators; or”.

(7) In paragraph A.1(h)(i) (size of dish antennas at or above 15 metres), for “3.5 metres” substitute “10 metres”.

(8) For paragraph A.1(h)(ii) (number of antenna systems at or above 15 metres), substitute—

“(ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of two small antennas or two small cell antennas) would result in the presence on the building or structure of—

(aa) more than five antenna systems; or

(bb) any antenna system operated by more than three electronic communications code operators; or”.

(9) In paragraph A.1(i) (antenna development on article 1(5) land or on a site of special scientific interest)—

(a) omit “(other than the installation, alteration or replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse)”;

(b) at the end, add “or is development described in the introductory words to any of paragraphs (ia), (m), (n), or (p) and which is allowed by the respective sub-paragraphs which follow those introductory words”.

(10) After paragraph A.1(i), insert—

“(ia) in the case of the installation of an additional antenna on existing electronic communications apparatus on a building or structure (including a mast) on article 1(5) land—

(i) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed three; or

(ii) in the case of antennas other than dish antennas, any additional antennas would exceed 3 metres in height, and the number of additional antennas on the building or structure would exceed three;”.

(11) In paragraph A.1(l)(ii) (size of radio equipment housing), before “development”, in each place it occurs, insert “cumulative volume of such”.

(12) In paragraph A.1(l)(iii) (size of radio equipment housing on article 1(5) land or on a site of special scientific interest), before “development”, in the first place it occurs, omit “the” and insert “any single”.

(13) At the end of paragraph A.1, add—

“(p) in the case of the installation, alteration or replacement of a small cell antenna on a building or structure:

(i) the building or structure is a dwellinghouse or within the curtilage of a dwellinghouse;

(ii) the building or structure is on any land which is, or is within, a site of special scientific interest; or

(iii) the development would result in the presence on the building or structure of more than two such antennas.”

(14) For paragraph A.2(4) (prior approval), substitute—

“(4) Except in relation to development described in paragraph (4A), class A development on—

(a) article 1(5) land or land which is, or is within, a site of special scientific interest, or

(b) any other land and consisting of the construction, installation, alteration or replacement of—

- (i) a mast;
- (ii) an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 6 metres or more;
- (iii) a public call box;
- (iv) radio equipment housing, where the volume of any single development is in excess of 2.5 cubic metres,

is permitted subject, except in case of emergency, to the conditions set out in A.3.”

(15) After paragraph A.2(4) (prior approval), insert—

“(4A) Class A development on any article 1(5) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, is permitted, subject to the conditions set out in paragraph (4B) and provided that the development is completed on or before 30th May 2018.

(4B) The conditions are—

- (a) the developer must give one month’s notice, in writing, where the development, or any part of it, is in—
 - (i) a National Park – to the relevant county or county borough council and the Natural Resources Body for Wales;
 - (ii) an area of outstanding natural beauty⁽¹⁾ – to the Natural Resources Body for Wales;
- (b) the notice to be given under subparagraph (a) must state the developer’s intention to install electronic communications apparatus, describe the apparatus and identify the location where it is proposed to install it;
- (c) any cabinet must be:
 - (i) green;
 - (ii) black (except matt black); or

(1) S.I. 1995/418. Relevant amendments were made by S.I. 2002/1878, S.I. 2003/2155 and S.I. 2004/945.

(iii) a colour which has the written approval of the local planning authority prior to the commencement of the development;

(d) any telegraph pole must have the same appearance and be made of the same material as the nearest existing⁽¹⁾ telegraph pole to it which has planning permission, unless an alternative appearance or material has been approved in writing by the local planning authority prior to the commencement of the development.”

(16) After paragraph A.3(4)(a) insert—

“(aa) by the developer's contact address, and the developer's email address if the developer has one; and”.

(17) In paragraph A.3(4)(b), after “antennas,” insert “unless they are all small cell antennas,”.

(18) After paragraph A.3(8), insert—

“(8A) 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.”

(19) In paragraph A.4 (interpretation)—

(a) for the definition of “antenna system”, substitute—

““antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code;”;

(b) in the definition of “development ancillary to radio equipment housing”, at the end add—

“, 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;”;

(c) in the appropriate place, insert—

““electronic communications apparatus”,
“electronic communications code” and

(1) See article 1(2) of the Town and Country Planning (General Permitted Development) Order 1995 for definition of “existing”.

“electronic communications service” have the same meaning as in the Communications Act 2003⁽¹⁾”;

““existing electronic communications apparatus” means electronic communications apparatus which is already sending or receiving electronic communications;”;

““existing mast” means a mast with attached electronic communications apparatus which existed and was sending or receiving electronic communications on 6 November 2014;”;

““fixed-line broadband” means a service or connection (commonly referred to as being 'always on'), via a fixed-line network, providing a bandwidth greater than narrowband;”;

““narrowband” means a service or connection providing data speeds up to 128 k bit/s;”;

““National Park” means any area designated and confirmed as such under section 5(3) of the National Parks and Access to the Countryside Act 1949⁽²⁾”;

““relevant county council or county borough council” means any county council or county borough council of the principal area established under section 21 of the Local Government Act 1972⁽³⁾ whose area includes the part of the National Park where the development is situated;”;

““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;

(1) 2003 c. 21. *See* sections 151, 106(1) and 32 respectively.

(2) 1949 c. 97. Section 5(3) was amended by section 105(1) of, and paragraph 10(a) of Schedule 11 to, Part 1 of the Natural Environment and Rural Communities Act 2006 (c. 16). *See* also section 4A of the 1949 Act which was inserted by section 190 of, and paragraph 1(4) of Schedule 8 to, the Environmental Protection Act 1990 (c. 43) and was amended by section 105(1) of, and paragraph 9 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 and S.I. 2013/755 (W. 90).

(3) 1972 c. 70. Section 21 was substituted by section 2 of the Local Government (Wales) Act 1994 (c. 19) and amended by section 46 of, and paragraph 4 of Schedule 3 to the Local Government Act 2000 (c. 22), sections 34(7)(a) and 176(2) of, and Part B of Schedule 4 to, the Local Government (Wales) Measure 2011 (2011 nawm 4), section 74(1) of, and paragraphs 1 and 4 of Schedule 3 to, the Local Government and Public Involvement in Health Act 2007 (c. 28).

- (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) includes any power supply unit or casing, but excludes any mounting, fixing, bracket or other support structure;”.

(20) After paragraph A.4 (interpretation), add—

“A.4A

Where Class A permits the installation, alteration or replacement of any electronic communications apparatus, the permission extends to any—

- (a) casing or covering;
- (b) mounting, fixing, bracket or other support structure;
- (c) perimeter walls or fences;
- (d) handrails, steps or ramps; or
- (e) security equipment;

reasonably required for the purposes of the electronic communications apparatus.

A.4B

Nothing in paragraph A.4A extends the permission in Class A to include the installation, alteration or replacement of anything mentioned in paragraph A.4A(a) to (e) on any land which is, or is within, a site of special scientific interest if the inclusion of such an item would not have been permitted by Class A, as read without reference to paragraph A.4A.”

Carl Sargeant

Minister for Natural Resources, one of the Welsh Ministers

29 September 2014

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) disapplies 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.