
**TOWN AND COUNTRY PLANNING (RADIO
COMMUNICATION STATIONS) DIRECTIONS 2022**

The Administrator makes the following Directions in exercise of the power in section 7 of the Town and Country Planning Ordinance 2022(a).

Citation, commencement, interpretation and delegation

1.—(1) These Directions may be cited as the Town and Country Planning (Radio Communication Stations) Directions 2022 and come into force on 16 May 2022.

(2) In these Directions—

“the Planning Ordinance” means the Town and Country Planning Ordinance 2022;

“radio communication station” means equipment installed at a fixed place that is able to transmit radio waves including, but not limited to—

- (a) mobile telephone relay stations,
- (b) satellite earth stations,
- (c) television and radio stations, and
- (d) microwave links,

but does not include mobile appliances such as mobile telephones and CB radios;

“Special Area of Conservation” has the same meaning as in the Protection and Management of Nature and Wildlife Ordinance 2007(b);

“Special Protection Area” has the same meaning as in the Game and Wild Birds Ordinance 2008(c);

“state forest” has the same meaning as in the Forests Ordinance 2014(d).

(3) The functions of the Area Officer under these Directions are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(e).

(4) The functions of the Planning Authority under these Directions are qualified delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007.

General planning criteria

2.—(1) Radio communication stations must, where practicable, be located as follows (in order of preference)—

- (a) at common points of transmission for radio and television stations approved by the Area Officer before the submission of the planning application;
- (b) on undeveloped land outside a—

(a) Ordinance 10/2022.

(b) Ordinance 26/2007, which has been amended in ways not relevant to these Directions.

(c) Ordinance 21/2008, which has been amended in ways not relevant to these Directions.

(d) Ordinance 26/2014.

(e) Ordinance 17/2007

- (i) development area,
 - (ii) Special Area of Conservation, or
 - (iii) Special Protection Area;
- (c) on existing installations of other providers of relevant services as a co-installation;
- (d) within a development area, in or on the highest building in the area whose height is equal to or greater than the maximum permitted height for buildings in that area.
- (2) This paragraph applies to an application for planning permission for a radio communication station in or on a building whose height is less than the maximum permitted height for the area.
- (a) subject to sub-paragraphs (c) and (d), and paragraphs (3) and (4), the Planning Authority may not grant such an application where higher buildings exist or may be erected within 200 metres of the proposed station, taking account of the development plan and the topography of the area.
 - (b) where the Planning Authority considers it justified to grant such an application, subject to sub-paragraph (d) and paragraphs (3) and (4), it may only grant a temporary planning permit, which must be accompanied by an agreement under section 43 of the Planning Ordinance that its renewal depends on whether there are any higher buildings in the area.
 - (c) where the top of the mast of a radio communication station would be at least 3 metres higher than the maximum permitted height of a building in the area, the Planning Authority may grant a planning permit for a station on a building whose height is less than the maximum permitted height for the area.
- (3) Following consultation with the Republic’s Department for Electronic Communications (“the Department”) the Planning Authority may grant a planning permit for a radio communication station on a building, even though higher buildings exist or may be erected within 200 metres.
- (4) Before the Planning Authority consults the Department the applicant must submit to the Planning Authority—
- (a) information, such as photographs and altimetric data, about the building on which the mast of the radio communications station is to be installed and any neighbouring buildings, and
 - (b) a plan showing a radiation diagram and the direction of the proposed transmissions from the radio communication station.
- (5) Paragraphs (2), (3) and (4) do not apply in relation to mobile phone stations whose transmission power does not exceed 48 dBm EIRP.
- (6) A planning permit for a radio communication station—
- (a) only relates to the radio communication station and installations that are part of the station,
 - (b) does not relate to other parts of the building or the building as a whole, and
 - (c) may only be granted, subject to paragraphs 7 and 8, if the station is to be installed on a building in respect of which a planning permit, building permit and certificate of approval have been obtained.
- (7) A planning permit may be granted for a radio communication station even if a certificate of approval has not yet been issued for the building.
- (8) A planning permit may be granted for a radio communication station if a planning permit and building permit have not been obtained for a modification to the building if—
- (a) the radio communication station is to be installed on a part of the building that is not affected by the modification, or
 - (b) the modification does not relate to any load-bearing part of the structure of the building.
 - (c) In this paragraph “certificate of approval” means a certificate of approval issued in accordance with the Streets and Buildings Law.

Integration into the environment

3. The Planning Authority may only grant planning permission for a radio communication station if the Planning Authority is satisfied that, so far as possible—

- (a) the colours of the station match the prevailing colours of the building or of the natural environment where the station is to be sited,
- (b) the station will be hidden from view from places frequented by the public, and
- (c) the equipment relating to the station will be integrated into the structure of the building or the structure where it is to be placed so that it is not clearly visible.

Integration into sensitive areas

4.—(1) The Planning Authority may only grant planning permission for a radio communication station in a relevant area if the Planning Authority is satisfied that it is—

- (a) integrated discreetly into the features of the area, and
- (b) in keeping with the characteristics of the area so that it does not stand out or disrupt the landscape.

(2) For the purposes of this regulation, “relevant areas” are—

- (a) ancient monuments or antiquities as defined in section 2 of the Antiquities Ordinance 1975 **(a)**,
- (b) areas subject to a notice published in accordance with section 11 of the Antiquities Ordinance 1975,
- (c) any area where excavation is taking place, or is licenced to take place, in accordance with Part 3 of the Antiquities Ordinance 1975,
- (d) the Seashore as defined in section 2 of the Seashore Protection Ordinance 2013**(b)**,
- (e) Special Areas of Conservation,
- (f) Special Protection Areas, and
- (g) state forests.

Applying for a planning permit

5. To be valid, an application for a planning permit for a radio communication station must be submitted on the application form published by the Chief Officer (which may be different for different purposes), or the application form used in the Republic, and accompanied by—

- (a) the plans of the radio communication station including a survey plan, floor plans, elevations and sections;
- (b) any environmental impact assessment or preliminary environmental impact report (with the relevant opinion of the Environment Authority or approval by it, as the case may be) required in accordance with the provisions of the Environmental Impact Assessment Ordinance 2010**(c)**;
- (c) the consent of the following person or people—
 - (i) where the relevant immovable property has one registered owner, that person (or their proxy) is the competent person;
 - (ii) where the relevant immovable property has more than one registered owner, those people (or their proxies) acting unanimously are the competent people;

(a) Ordinance 12/1975 which has been amended in ways not relevant to these Directions.
(b) Ordinance 10/2013 which has been amended in ways not relevant to these Directions.
(c) Ordinance 26/2010, as amended by Ordinances 19/2014 and 13/2019.

- (iii) where a building is jointly owned for the purposes of Part 2A of the Immovable Property (Tenure, Registration and Valuation) Ordinance^(a), the registered owners of all units in the building (or their proxies) acting unanimously are the competent people.
- (d) where the application relates to a radio communication station to be erected within a state forest or on land owned or occupied by the Crown—
 - (i) a certificate from the Area Officer stating whether any encumbrances are attached to the plot, and
 - (ii) the Chief Officer's written consent for the relevant land to be used for this purpose.

Conditions on a planning permit

6. When a Planning Authority grants a planning permit for a radio communication station it must make the permit subject to the following conditions—

- (a) the applicant must obtain a wireless telegraphy licence for the radio communication station in accordance with section 3 of the Wireless Telegraphy Ordinance^(b), and if their application for such a licence is refused then the planning permit ceases to have any effect,
- (b) the permit must be accompanied by an agreement under section 43 of the Planning Ordinance under which the planning permit ceases to have effect, and the applicant is required to cease any activity and remove any related structure within a specified period of time, if the wireless telegraphy licence is—
 - (i) revoked, or
 - (ii) ceases to have effect,until the licence has effect again or a further licence is obtained,
- (c) the permit only relates to the radio communication station and the directly related area of the relevant building, structure or land and not any other part of the building, structure or land, and
- (d) before the commencement of development in accordance with the permit, all other required authorisations including the relevant permits, approvals and certificates for the construction and operation of the radio communication station must be obtained.

Dated this 11th day of May 2022

R. Thomson,
Administrator,
Sovereign Base Areas.

(a) Cap. 224, Statute Laws of Cyprus revised edition 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK S.I. 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation. Part 2A was inserted by Ordinance 28/2014.

(b) Cap. 307, Statute Laws of Cyprus revised edition 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK S.I. 1369/1960). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

EXPLANATORY NOTE

(This note is not part of the Directions)

1. This explanatory note relates to the Town and Country Planning (Radio Communication Stations) Directions 2022 (the “Directions”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Directions. It does not form part of the Directions.

2. The Directions are based on the Republic’s Town and Country Planning (Radio Communication Stations) Directions 2006(a). They set out provisions relating to applications for planning permission for radio communication stations.

3. Direction 2 sets out where radio communication stations should be sited. They should, where possible, be located at previously agreed common points of transmission. Failing that, they should be sited on barren land or co-located with existing installations. If that is not possible, they can be located, with the appropriate permissions, on or in buildings within development areas.

4. Where a radio communication station will be on or in a building, it must generally be sited on or in the tallest building in the area. The Planning Authority can grant a temporary permit for it to be sited on or in a shorter building. There is also some flexibility around this if the mast will be sufficiently high, or it is a mobile phone station with a transmission power of up to 48 dBm EIRP.

5. The general position is that the building must have all the necessary permits and certificates. However, there is some flexibility around the certificate of approval and modifications to such buildings.

6. Direction 3 sets out general requirements for radio communication stations to be integrated into the local area. Particular considerations apply to sensitive areas, as set out in direction 4.

7. Direction 5 specifies how to make an application for planning permission for a radio communication station, and the documents that must accompany such an application. If the radio communication station will be sited on state forest land, or land owned or occupied by the Crown, the applicant must get the Chief Officer’s consent. If planning permission is granted, it must be subject to the conditions set out in direction 6.

8. The functions of the Area Officer in these Directions are subject to general delegation to the Republic. The functions of the Planning Authority are subject to qualified delegation.

(a) Directions 3/2006.

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