

Reference: 01913929

Information Requests
information.requests@ofcom.org.uk

25 November 2024

Freedom of Information request: Right to know request

Thank you for your request for information concerning Code Operators - Icon Infrastructure Ltd.

We received this request on 28 October 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request & our response

There is a long list of ‘code operators’ on your web site the vast majority of which are not MNO’s.

There is a planning application in process from a company listed on your web site namely Icon Infrastructure Ltd who are not an MNO and their application is not supported by an MNO.

Is the entire supply chain listed your web site eligible to apply for permitted development rights.

Are Icon Infrastructure Ltd eligible to apply for permitted development rights.

Operators obtain certain legal rights when they are granted Code powers, and this includes Icon Tower Infrastructure Limited (formally Radius BTS Limited). This webpage : [Electronic Communications Code](#) and this consultation we published about Radius BTS: [Consultation: Proposal to apply Code powers to Radius BTS Limited](#), have a some high-level information on the rights obtained. One of the rights relates to the construction of communications infrastructure which is classified as ‘permitted developments’ under Town and Country Planning legislations¹ (such as certain types of masts, poles and cabinets) without the need to apply for planning permission.

It is not within Ofcom’s remit to determine what rights Code operators get or the circumstances in which they apply for permission – this would be a matter for Government and Parliament

If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

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¹ For example, in respect to England, Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 and in respect to Wales, Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).