

## SCHEDULE 2

### PART 24

#### DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS

##### *Class A*

##### **A.2 Conditions**

(1) Class A(a) and Class A(c) development is permitted subject to the condition that any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A(a) and Class A(c) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated—

- (a) if such development was carried out on any article 1(5) land in an emergency, at the expiry of the relevant period, or
- (b) in any other case, as soon as reasonably practicable after it is no longer required for telecommunication purposes,

and such land, building or structure shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

(3) Class A(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

(4) Class A development on—

- (a) article 1(5) land (unless carried out in an emergency), or
- (b) any other land and consisting of the construction, installation, alteration or replacement of a mast or a public call box, or of radio equipment housing with a volume in excess of 2 cubic metres, or of development ancillary to radio equipment housing,

is permitted subject to the following conditions—

- (i) where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer shall notify the Civil Aviation Authority or the Secretary of State for Defence, as appropriate, of the proposal, before making the application required by sub-paragraph (ii);
- (ii) before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development;
- (iii) the application shall be accompanied—
  - (aa) by a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid; and
  - (bb) where sub-paragraph (i) applies, by evidence that the Civil Aviation Authority or the Secretary of State for Defence, as the case may be, has been notified of the proposal;

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- (iv) the development shall not be begun before the occurrence of one of the following—
    - (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
    - (bb) where the local planning authority gives the applicant notice that such prior approval is required, the giving of such approval to the applicant within 28 days following the date on which they received his application; or
    - (cc) the expiry of 28 days following the date on which the local planning authority received the application, without the local planning authority making any determination as to whether such approval is required, notifying the applicant of their determination, or giving or refusing approval to the siting or appearance of the development;
  - (v) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—
    - (aa) where prior approval has been given as mentioned in sub-paragraph (iv)(bb), in accordance with the details approved;
    - (bb) in any other case, in accordance with the details submitted with the application;and
  - (vi) the development shall be begun—
    - (aa) where prior approval has been given as mentioned in sub-paragraph (iv)(bb), not later than the expiration of five years beginning with the date on which approval was given;
    - (bb) in any other case, not later than the expiration of five years beginning with the date on which the local planning authority were given the information referred to in sub-paragraph (iii).
- (5) In a case of emergency, development on any article 1(5) land is permitted by Class A subject to the condition that the operator shall give written notice to the local planning authority of such development as soon as possible after the emergency begins.