
WELSH STATUTORY INSTRUMENTS

2006 No. 1386 (W.136)

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006

Made - - - - 23 May 2006
Coming into force - - 7 June 2006

The National Assembly for Wales (“the National Assembly”) in exercise of the powers conferred upon it by sections 55(2)(f), 59, 60, 61(1), 293A(8) and (9)(b) and 333(7) of the Town and Country Planning Act 1990(1) and of all other powers enabling it in that behalf, hereby makes the following Order—

Title, Commencement and Application

1.—(1) The title of this Order is the Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006 and it comes into force on 7 June 2006.

(2) This Order applies in relation to Wales.

Town and Country Planning (Use Classes) Order 1987

2.—(1) The Town and Country Planning (Use Classes) Order 1987(2) is amended as follows.

(2) In Part C of the Schedule, after Class 2 (residential institutions) insert—

“Secure residential institutions

C2A. Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.”.

(1) 1990 c. 8; to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 55(2)(f), 59, 60, 61(1) and 333(7) 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 (SI 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 under section 293A as inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 are exercisable by the National Assembly by virtue of section 118(3) of that Act.

(2) S.I. 1987/764 amended by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293 and 2002/1875 (W.184).

(3) In Part D of the Schedule, in class D1 (non-residential institutions) after sub-paragraph (h) insert–

“(i) as a law court.”.

Town and Country Planning (General Permitted Development) Order 1995

3.—(1) The Town and Country Planning (General Permitted Development) Order 1995(3) is modified as follows.

(2) In article 1(2) (interpretation)–

(a) in the definition of “building” for “and Class A of Part 31” substitute “, Class A of Part 31 and Class C of Part 38”;

(b) after the definition of “classified road” insert–

““Crown land” has the meaning given by section 293(4) of the Act;”;

(c) after the definition of “Notification Regulations” insert–

““operational Crown building” means a building which is operational Crown land;

“operational Crown land” means–

(a) Crown land which is used for operational purposes; and

(b) Crown land which is held for those purposes,

but does not include–

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(ii) Crown land–

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an interest belonging to Her Majesty in right of Her private estates;

(cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or

(dd) belonging to the Duchy of Cornwall;

“operational purposes” means the purposes of carrying on the functions of the Crown or of either House of Parliament;”;

(d) for the definition of “original” substitute–

““original” means–

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date and, in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(b) in relation to a building which is Crown land on 7th June 2006, as existing on that date and, in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;”.

(3) After paragraph (12) of article 1 insert–

“(13) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or

(3) S.I. 1995/418 amended by S.I. 1996/528, 1997/3661998/462, 1999/1661, 2002/1878 and 2006/124 (W.17)

(4) Section 293 was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), Schedule 3 paragraph 6.

its precincts is vested shall be treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.”.

- (4) In article 3(12) (permitted development) after sub-paragraph (f) insert—
“(g) development for which permission is granted by Class B of Part 13.”.
- (5) In article 4(3) (directions restricting permitted development)—
(a) after sub-paragraph (a) insert—
“(aa) development permitted by Class B of Part 13;
(ab) development permitted by Part 37 or Part 38;” and
(b) in sub-paragraph (b) after “emergency” insert “other than development permitted by Part 37”.
- (6) In Schedule 2 (permitted development)—
(a) for Part 13 (development by local highway authorities) substitute Part 13 as set out in Part 1 of the Schedule to this Order; and
(b) after Part 33 (closed circuit television cameras) insert Parts 34 to 38 as set out in Part 2 of that Schedule.

Town and Country Planning (General Development Procedure) Order 1995

4.—(1) The Town and Country Planning (General Development Procedure) Order 1995(5) is amended as follows.

- (2) For article 4A (applications in respect of Crown land) substitute—

“Applications in respect of Crown land

4A.—(1) An application for planning permission in respect of Crown land must be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
(b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.”.

- (3) In article 8 (publicity for applications for planning permission) after paragraph (7) insert—
“(7A) This article applies to applications made to the Secretary of State under section 293A of the Act (urgent Crown development) as if the references to a local planning authority were references to the Secretary of State.”.

- (4) After article 10 (consultations before the grant of planning permission) insert—

“Consultations before the grant of planning permission: urgent Crown development

10A.—(1) Article 10 applies in relation to applications made to the Secretary of State under section 293A of the Act with the following modifications.

- (2) For paragraphs (1), (1A), and (1B) substitute—

“(1) Before granting planning permission for development which, in the opinion of the Secretary of State, falls within a category set out in the table below, the Secretary of State must consult the authority or person mentioned in relation to that category, except where—

(5) S.I. 1995/419 amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 233 and by S.I. 1995/1139, 1996/396, 1996/593, 1996/1817, 1997/858, 1999/293, 1999/981, 2002/1877 (W. 186) and 2004/1434 (W.147).

- (a) the authority or person so mentioned has advised the Secretary of State that they do not wish to be consulted; or
- (b) the development is subject to any standing advice provided by the authority or person so mentioned to the Secretary of State in relation to the category of development.
- (1A) The exception in paragraph (1)(a) will not apply where, in the opinion of the Secretary of State, development falls within paragraph (zb) of the table below.
- (1B) The exception in paragraph (1)(b) will not apply where–
 - (a) the development is an EIA development; or
 - (b) the standing advice was issued more than two years before the date of the application for planning permission for the development and the guidance has not been amended or confirmed as being extant by the authority or person within that period.”.
- (3) In the table after paragraph (b) insert–

“(ba)	Development likely to affect land in the area of a community council 9	The community council”
-------	--	------------------------

- (4) Omit paragraph (3).
- (5) In paragraph (4)–
 - (a) for “a local planning authority are” substitute “the Secretary of State is”;
 - (b) in sub-paragraph (a) for “they shall” substitute “it must”.
- (6) In paragraph (5) for “local planning authority” substitute “Secretary of State”.
- (5) In article 19(3) (representations to be taken into account) for “of the Act (reference of applications to the Secretary of State)” substitute “(reference of applications to the Secretary of State) and section 293A(2) (applications for urgent Crown development) of the Act”.
- (6) In article 25 (register of applications)–
 - (a) in paragraph (4)(d) after “whether on appeal” insert “, on an application under section 293A(2) of the Act (applications for urgent Crown development)”;
 - (b) in paragraph (9) for “Every” substitute “Subject to paragraph (9A), every”; and
 - (c) after paragraph (9) insert–

“(9A) A copy of any application made under section 293A(2) of the Act (applications for urgent Crown development) and of any plans and drawings submitted in relation to it must be placed on the register within 14 days of the date on which the local planning authority is consulted on the application by the Secretary of State.”.
- (7) In Part 1 of Schedule 2 (notices under articles 6 and 9)–
 - (a) in the first notice–
 - (i) for “Council” substitute “[Council] [National Assembly for Wales]†” in each place where the word occurs; and
 - (ii) in note (05) after “Council” insert “or the National Assembly for Wales as appropriate”;
 - (b) in the second notice–
 - (i) for “Council” substitute “[Council] [National Assembly for Wales]†” in each place where the word occurs; and
 - (ii) in note (g) after “Council” insert “or the National Assembly for Wales as appropriate”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

23 May 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 3

PART 1

“PART 13

DEVELOPMENT BY HIGHWAY AUTHORITIES

Class A

Permitted development

- A. The carrying out by a highway authority—
- (a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(7) of the Act; or
 - (b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.

Class B

Permitted development

B. The carrying out by the Secretary of State of works in exercise of the functions of the Secretary of State under the Highways Act 1980(8), or works in connection with, or incidental to, the exercise of those functions.”

PART 2

“PART 34

DEVELOPMENT BY THE CROWN

Class A

Permitted development

- A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—
- (a) any small ancillary building, works or equipment on Crown land required for operational purposes;
 - (b) lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.

(7) Section 55(2)(b) was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 118 and paragraph 2 of Schedule 6.

(8) 1980 c. 66.

Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

Class B

Permitted development

B. The extension or alteration by or on behalf of the Crown of an operational Crown building.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the building as extended or altered is to be used for purposes other than those of—
 - (i) the Crown; or
 - (ii) the provision of employee facilities;
- (b) the height of the building as extended or altered would exceed the height of the original building;
- (c) the cubic content of the original building would be exceeded by more than—
 - (i) 10%, in respect of development on any article 1(5) land; or
 - (ii) 25%, in any other case;
- (d) the floor space of the original building would be exceeded by more than—
 - (i) 500 square metres in respect of development on any article 1(5) land; or
 - (ii) 1,000 square metres in any other case;
- (e) the external appearance of the original building would be materially affected;
- (f) any part of the building as extended or altered would be within 5 metres of any boundary of the curtilage of the original building; or
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Interpretation of Class B

B.2 For the purposes of Class B—

- (a) the erection of any additional building within the curtilage of another building (whether by virtue of Class B or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;
- (b) where two or more original buildings are within the same curtilage and are used for the same operational purposes, they are to be treated as a single original building in making any measurement;
- (c) “employee facilities” means social, care or recreational facilities provided for employees or servants of the Crown, including crèche facilities provided for the children of such employees or servants.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Class C

Permitted development

C. Development carried out by or on behalf of the Crown on operational Crown land for operational purposes consisting of–

- (a) the installation of additional or replacement plant or machinery;
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

Development not permitted

C.1 Development described in Class C(a) is not permitted if–

- (a) it would materially affect the external appearance of the premises; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class C

C.2 In Class C, “Crown land” does not include land in or adjacent to and occupied together with a mine.

Class D

Permitted development

D. The provision by or on behalf of the Crown of a hard surface within the curtilage of an operational Crown building.

PART 35

AVIATION DEVELOPMENT BY THE CROWN

Class A

Permitted development

A. The carrying out on operational Crown land, by or on behalf of the Crown, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airbase.

Development not permitted

A.1 Development is not permitted by Class A if it would consist of or include–

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;

- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 7th June 2006 or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an operational building;
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

A.2 Development is permitted by Class A subject to the condition that the relevant airbase operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph A.4.

Interpretation of Class A

A.3 For the purposes of paragraph A.1, floor space shall be calculated by external measurement and without taking account of the floor space in any pier or satellite.

A.4 Development falls within this paragraph if–

- (a) it is urgently required for the efficient running of the airbase, and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

A.5 For the purposes of Class A, “operational building” means an operational Crown building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, military or civilian personnel, goods, military equipment, munitions and other items.

Class B

Permitted development

B. The carrying out on operational land within the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.

Class C

Permitted development

C. The carrying out on operational land outside but within 8 kilometres of the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.

Development not permitted

C.1 Development is not permitted by Class C if–

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

mast, antenna or apparatus is replaced, the height of that mast antenna or apparatus, if greater.

Class D

Permitted development

D. The carrying out on operational land, by or on behalf of the Crown, of development in connection with the provision of air traffic services.

Development not permitted

D.1 Development is not permitted by Class D if–

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

Class E

Permitted development

E. The use of land by or on behalf of the Crown in an emergency to station moveable apparatus replacing unserviceable apparatus in connection with the provision of air traffic services.

Condition

E.1 Development is permitted by Class E subject to the condition that on or before the expiry of a period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class F

Permitted development

F. The use of land by or on behalf of the Crown to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.

Condition

F.1 Development is permitted by Class F subject to the condition that, on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, any structure shall be removed, and the land shall be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class G

Permitted development

G. The use of land by or on behalf of the Crown for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.

Condition

G.1 Development is permitted by Class G subject to the condition that on or before the expiry of the period of six months beginning with the date on which the use began, the use will cease, any apparatus will be removed, and the land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class H

Permitted development

H. The use of buildings by or on behalf of the Crown within the perimeter of an airbase for purposes connected with air transport services or other flying activities at that airbase.

Interpretation of Part 35

I. For the purposes of Part 35–

“airbase” means the aggregate of the land, buildings and works comprised in a Government aerodrome within the meaning of article 155 of the Air Navigation Order 2005⁽⁹⁾; and

“air traffic services” has the same meaning as in section 98 of the Transport Act 2000⁽¹⁰⁾ (air traffic services).

PART 36

CROWN RAILWAYS, DOCKYARDS ETC. AND LIGHTHOUSES

Class A

Permitted development

A. Development by or on behalf of the Crown on operational Crown land, required in connection with the movement of traffic by rail.

Development not permitted

A.1 Development is not permitted by Class A if it consists of or includes–

- (a) the construction of a railway;
- (b) the construction or erection of a hotel, railway station or bridge; or

⁽⁹⁾ S.I. 2005/1970.

⁽¹⁰⁾ 2000 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) the construction or erection otherwise than wholly within a railway station of an office, residential or educational building, car park, shop, restaurant, garage, petrol filling station or a building used for an industrial process.

Interpretation of Class A

A.2 For the purposes of Class A, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class B

Permitted development

B. Development by or on behalf of the Crown or its lessees on operational Crown land where the development is required–

- (a) for the purposes of shipping; or
- (b) at a dock, pier, pontoon or harbour in connection with the embarking, disembarking, loading, discharging or transport of military or civilian personnel, military equipment, munitions, or other items.

Development not permitted

B.1 Development is not permitted by Class B if it consists of or includes the construction or erection of a bridge or other building not required in connection with the handling of traffic.

Interpretation of Class B

B.2 For the purposes of Class B, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class C

Permitted development

C. The use of any land by or on behalf of the Crown for the spreading of any dredged material resulting from a dock, pier, harbour, water transport, canal or inland navigation undertaking.

Class D

Permitted development

D. Development by or on behalf of the Crown on operational Crown land, or for operational purposes, consisting of–

- (a) the use of the land as a lighthouse, with all requisite works, roads and appurtenances;
- (b) the extension of, alteration, or removal of a lighthouse; or
- (c) the erection, placing, alteration or removal of a buoy or beacon.

Development not permitted

D.1 Development is not permitted by Class D if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

Interpretation of Class D

D.2 For the purposes of Class D—

“buoys and beacons” includes all other marks and signs of the sea; and

“lighthouse” includes any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals.

PART 37

EMERGENCY DEVELOPMENT BY THE CROWN

Class A

Permitted development

A. Development by or on behalf of the Crown on Crown land for the purposes of—

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or
- (c) taking other action in connection with an emergency.

Conditions

A.1 Development is permitted by Class A subject to the following conditions—

- (a) the developer shall, as soon as practicable after commencing development, notify the local planning authority of that development; and
- (b) on or before the expiry of the period of six months beginning with the date on which the development began—
 - (i) any use of that land for a purpose of Class A must cease and any buildings, plant, machinery, structures and erections permitted by Class A must be removed; and
 - (iii) the land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Interpretation of Class A

A2.—(1) For the purposes of Class A, “emergency” means an event or situation which threatens serious damage to—

- (a) human welfare in a place in the United Kingdom;
- (b) the environment of a place in the United Kingdom; or
- (c) the security of the United Kingdom.

(2) For the purposes of paragraph (1)(a) an event or situation threatens damage to human welfare only if it involves, causes or may cause—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) loss of human life;
 - (b) human illness or injury;
 - (c) homelessness;
 - (d) damage to property;
 - (e) disruption of a supply of money, food, water, energy or fuel;
 - (f) disruption of a system of communication;
 - (g) disruption of facilities for transport; or
 - (h) disruption of services relating to health.
- (3) For the purposes of paragraph (1)(b) an event or situation threatens damage to the environment only if it involves, causes or may cause–
- (a) contamination of land, water or air with biological, chemical or radio-active matter;
or
 - (b) disruption or destruction of plant life or animal life.

PART 38

DEVELOPMENT FOR NATIONAL SECURITY PURPOSES

Class A

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.

Development not permitted

A.1 Development is not permitted by Class A if the height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 4.5 metres above ground level.

Class B

Permitted development

B. The installation, alteration or replacement by or on behalf of the Crown on Crown land of a closed circuit television camera and associated lighting for national security purposes.

Development not permitted

B.1 Development is not permitted by Class B if–

- (a) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres;
- (b) the uniform level of lighting provided exceeds 10 lux measured at ground level.

Conditions

B.2 Development is permitted by Class B subject to the following conditions–

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the camera must, so far as practicable, be sited so as to minimise its effect on the external appearance of any building to which it is fixed;
- (b) the camera must be removed as soon as reasonably practicable after it is no longer required for national security purposes.

Interpretation of Class B

B.3 For the purposes of Class B–

“camera” except in paragraph B1(a) includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets; and

“ground level” means the level of the surface of the ground immediately adjacent to the building to which the camera is attached or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

Class C

Permitted development

C. Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land, consisting of–

- (a) the installation, alteration or replacement of any electronic communications apparatus;
- (b) the use of land in an emergency for a period not exceeding six months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or
- (c) development ancillary to radio equipment housing.

Development not permitted

C.1 Development is not permitted by Class C(a) if–

- (a) in the case of the installation of apparatus (other than on a building) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of apparatus already installed (other than on a building), the apparatus, excluding any antenna, would, when altered or replaced, exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (c) in the case of the installation, alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the height of the existing apparatus or–
 - (i) 15 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height; or
 - (ii) 10 metres in any other case,whichever is the greater;
- (d) in the case of the installation, alteration or replacement of apparatus on a building, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than the height of the existing apparatus or–

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) 10 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height;
 - (ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or
 - (iii) 6 metres in any other case.
- whichever is the greater;
- (e) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast and the apparatus supported by it would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs C.1(a), (b), (c) and (d), and for the purposes of applying the limit specified in sub-paragraph (c), the words “(taken by itself)” must be disregarded;
 - (f) in the case of the installation, alteration or replacement of any apparatus other than—
 - (i) a mast;
 - (ii) an antenna;
 - (iii) any apparatus which does not project above the level of the surface of the ground; or
 - (iv) radio equipment housing,the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;
 - (g) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—
 - (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located, unless it is essential for operational purposes that the antenna is located in that position; or
 - (ii) in the case of dish antennas, the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
 - (h) in the case of the installation, alteration or replacement of a dish antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
 - (i) in the case of the installation of a mast, on a building which is less than 15 metres in height, such a mast would be within 20 metres of a highway, unless it is essential for operational purposes that the mast is installed in that position;
 - (j) in the case of the installation, alteration or replacement of radio equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
 - (ii) the development would exceed 90 cubic metres or, if located on the roof of a building, the development would exceed 30 cubic metres.

C.2. Development consisting of the installation of apparatus is not permitted by Class C(a) on article 1(5) land unless—

- (a) the land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communication apparatus;
- (b) the existing apparatus was installed on the site on or before the relevant day; and
- (c) the site was Crown land on the relevant day.

C.3.—(1) Subject to paragraph (2), development is not permitted by Class C(a) if it will result in the installation of more than one item of apparatus (“the original apparatus”) on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class C(a), for every four items of apparatus which existed on that site on the relevant day, one additional item of small apparatus may be installed.

(3) In paragraph (2), “small apparatus” means—

- (a) a dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;
- (b) an antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;
- (c) a hard standing or other base for any apparatus described in sub-paragraphs (a) and (b), not exceeding 7 metres in diameter;
- (d) a dish antenna on a building, not exceeding 1.3 metres in diameter and 3 metres in height;
- (e) an antenna, other than a dish antenna, on a building, not exceeding 3 metres in height;
- (f) a mast on a building, not exceeding 3 metres in height;
- (g) equipment housing not exceeding 3 metres in height and of which the area, when measured at ground level, does not exceed 9 square metres.

Conditions

C.4.—(1) Class C(a) and Class C(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 must, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class C(a) development consisting of the installation of any additional apparatus on article 1(5) land is permitted subject to the condition that the apparatus must be installed as close as is reasonably practicable to any existing apparatus.

(3) Class C(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission must, 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 C development—

- (a) on article 1(5) land or land which is, or is within, a site of special scientific interest; or
- (b) on any other land and consisting of the construction, installation, alteration or replacement of a mast; or of 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 4 metres

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

or more; or of radio equipment housing with a volume in excess of 2.5 cubic metres; or of development ancillary to radio equipment housing—
is permitted subject, except in case of emergency, to the conditions set out in C.5.

C.5.—(1) The developer must, before commencing development, give notice of the proposed development to any person (other than the developer) who is an owner or tenant of the land to which the development relates—

- (a) by serving the appropriate notice on every such person whose name and address is known to the developer; and
- (b) where the developer has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(2) Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer shall, before commencing development, notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate.

Interpretation of Class C

C.6 For the purposes of Class C—

“aerodrome operator” means the person who is for the time being responsible for the management of the aerodrome;

“development ancillary to radio equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing;

“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

- (a) the name of the developer;
- (b) the address or location of the proposed development;
- (c) a description of the proposed development (including its siting and appearance and the height of any mast);

“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development relates is situated;

“mast” means a radio mast or a radio tower;

“owner” means any person who is the estate owner in respect of the fee simple, or who is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired;

“relevant day” means—

- (a) 7th June 2006; or
- (b) where apparatus is installed pursuant to planning permission granted on or after 7th June 2006, the date when that apparatus is finally installed pursuant to that permission,

whichever is later;

“relevant period” means a period which expires—

- (a) six months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class C(a) or Class C(c) or from the commencement of the use permitted by Class C(b), as the case may be; or

- (b) when the need for such apparatus, structure or use ceases, whichever occurs first; and
“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which the proposed development relates.”
-

EXPLANATORY NOTE

(This note is not part of the Order)

Part 7 of the Planning and Compulsory Purchase Act 2004 applies the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990 to the Crown. As well as applying the planning Acts to the Crown, Part 7 makes provision for national security, urgent Crown development, enforcement, preservation of trees and old mining permissions.

This Order modifies the Town and Country Planning (Use Classes) Order 1987 by adding a new class of development, secure residential institutions. Change of use within that class to another use within that class does not constitute development. The Order also adds use as a law court to class D1 which covers non-residential institutions (article 5).

The Order also modifies Part 13 of Schedule 2 to the Town and Country Planning (Permitted Development) Order 1995 to give the National Assembly planning permission in relation to works carried out under the Highways Act 1980 and adds new Parts 34 to 38 to give the Crown planning permission for certain activities including aviation development, Crown railways, dockyards and lighthouses, development for emergency purposes and development for national security or national defence purposes (article 16 and Schedule 1).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities, voluntary bodies or the public sector.