

SCHEDULE

PART 31

DEVELOPMENT FOR NATIONAL SECURITY PURPOSES

Class 92.—(1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall of other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.

(2) Development is not permitted by this class 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 93.—(1) 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.

(2) Development is not permitted by this class 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.

(3) Development is permitted by this class subject to the following conditions—

- (a) the camera shall, 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 shall be removed as soon as reasonably practicable after it is no longer required for national security purposes.

(4) For the purposes of this class—

“camera” except in paragraph (2)(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 94.—(1) 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.**

(2) Development is not permitted by Class 94(1)(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

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- 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—
- (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 sub-paragraphs (a), (b), (c) and (d) above, and for the purposes of applying the limit specified in sub-paragraph (c), the words “(taken by itself)” shall 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.
- (3) Development consisting of the installation of apparatus is not permitted by Class 94(1)(a) on land in a designated area 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.
- (a) (4) (a) Subject to paragraph (b), development is not permitted by Class 94(1)(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.
- (b) In addition to the original apparatus which may be installed on a site by virtue of Class 94(1)(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.
- (c) in paragraph (b), “small apparatus” means—
- (i) a dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;
 - (ii) an antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;
 - (iii) a hard standing or other base for any apparatus described in sub-paragraphs (a) and (b), not exceeding 7 metres in diameter;
 - (iv) a dish antenna on a building, not exceeding 1.3 metres in diameter and 3 metres in height;
 - (v) an antenna, other than a dish antenna, on a building, not exceeding 3 metres in height;
 - (vi) a mast on a building, not exceeding 3 metres in height;
 - (vii) equipment housing not exceeding 3 metres in height and of which the area, when measured at ground level, does not exceed 9 square metres.
- (5) Class 94(1)(a) and (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.
- (6) Class 94(1)(a) development consisting of the installation of any additional apparatus on land in a designated area is permitted subject to the condition that the apparatus shall be installed as close as reasonably practicable to any existing apparatus.
- (7) Class 94(1)(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.
- (8) Class 94 development—
- (a) on land in a designated area; or

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- (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 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 paragraph (9).

- (a) (9) (a) The developer shall, 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—
 - (i) by serving the appropriate notice on every such person whose name and address is known to him; and
 - (ii) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.
- (b) 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.

(10) For the purposes of this class—

“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);

“land in a designated area” means land or buildings in a National Park, National Scenic Area, Natural Heritage Area, conservation area, historic gardens or designed landscapes, or site of special scientific interest;

“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;

“relevant day” means—

- (a) 12th June 2006; or
- (b) where existing apparatus is installed pursuant to planning permission granted on or after 12th 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 94(1)(a) or Class 94(1)(c) or from the commencement of the use permitted by Class 94(1)(b), as the case may be; or

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(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.