

SCHEDULE 2

PART 24

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS

Class A

A Permitted development

A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunication system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of—

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

A.1 Development not permitted

A.1 Development is not permitted by Class A(a) if—

- (a) in the case of the installation of apparatus (other than on a building or other structure) 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 or other structure), 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 or other structure, the height of the apparatus (taken by itself) would exceed—
 - (i) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or
 - (ii) 10 metres in any other case;
- (d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than—
 - (i) 10 metres, in the case of a building or structure which is 30 metres or more in height;
 - (ii) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height;
 - (iii) 6 metres in any other case;
- (e) in the case of the installation, alteration or replacement of any apparatus other than—
 - (i) a mast,
 - (ii) an antenna,
 - (iii) a public call box,

- (iv) any apparatus which does not project above the level of the surface of the ground, or
 - (v) radio equipment housing,
- the ground or base area of the structure would exceed 1.5 square metres;
- (f) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is less than 15 metres in height; on a mast located on such a building or structure; or, where the antenna is to be located below a height of 15 metres above ground level, on a building or structure (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 or structure on which the antenna is to be located;
 - (ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all of the dishes would exceed 1.5 metres, when measured in any dimension;
 - (iii) in the case of antennas other than dish antennas, the development would result in the presence on the building or structure of more than two antenna systems; or
 - (iv) the building or structure is a listed building or a scheduled monument;
 - (g) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is 15 metres or more in height, or on a mast located on such a building or structure, where the antenna is located at a height of 15 metres or above, measured from ground level—
 - (i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all of the dishes would exceed 3.5 metres, when measured in any dimension;
 - (ii) in the case of antenna systems other than dish antennas, the development would result in the presence on the building or structure of more than three antenna systems; or
 - (iii) the building or structure is a listed building or a scheduled monument;
 - (h) in the case of development of any article 1(5) land, it would consist of—
 - (i) the installation or alteration of an antenna or of any apparatus which includes or is intended for the support of such an antenna; or
 - (ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency;

 - (i) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989⁽¹⁾ (definitions of driver information systems etc.);
 - (j) in the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a highway;
 - (k) 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 telecommunication apparatus;
 - (ii) it would exceed 90 cubic metres or, if located on the roof of a building, it would exceed 30 cubic metres;
 - (iii) on any article 1(5) land, it would exceed 2 cubic metres, unless the development is carried out in an emergency;

(1) 1989 c. 22.

or

- (l) it would consist of the installation, alteration or replacement of any telecommunication apparatus on, or within the curtilage of, a dwellinghouse.

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;
- (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;

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- (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.

A.3 Interpretation of Class A

A.3 For the purposes of Class A—

“antenna system” means a set of antennas installed on a building or structure and operated by a single telecommunications code system operator in accordance with his licence;

“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 radio equipment housing;

“development in accordance with a licence” means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions, relating to the application of that code imposed by the terms of his licence;

“land controlled by an operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term of not less than 10 years;

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

“relevant period” means a period which expires—

- (i) six months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class A(a) or Class A(c) or from the commencement of the use permitted by Class A(b), as the case may be, or
 - (ii) when the need for such apparatus, structure or use ceases,
- whichever occurs first;

“telecommunication apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 (“the 1984 Act”)(2) (the telecommunications code), and includes radio equipment housing;

“the telecommunications code” means the code contained in Schedule 2 to the 1984 Act;

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act (power to license systems) which applies the telecommunications code to him in pursuance of section 10 of that Act (the telecommunications code); and

“telecommunication system” has the meaning assigned to that term by section 4(1) of the 1984 Act (meaning of “telecommunication system” and related expressions).

(2) 1984 c. 12.