
STATUTORY INSTRUMENTS

1998 No. 1226 (S.66)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1998

<i>Made</i>	- - - -	<i>12th May 1998</i>
<i>Laid before Parliament</i>		<i>19th May 1998</i>
<i>Coming into force</i>	- -	<i>30th June 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1998 and shall come into force on 30th June 1998.

(2) In this Order, “the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(2).

Development by Telecommunications Code System Operators

2.—(1) In Class 67 in Part 20 of Schedule 1 of the 1992 Order at the end of sub-paragraph (2) (f) insert—

“.

(g) in the case of the installation, alteration or replacement of any apparatus on a dwellinghouse or within the curtilage of a dwellinghouse, that apparatus—

(i) is not a small antenna;

(ii) being a small antenna—

(aa) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than one such antenna;

(1) 1997 c. 8.

(2) S.I.1992/223, amended S.I. 1992/1078 and 2084, 1993/1036, 1994/1442, 2586 and 3294, 1996/252, 1266 and 3023 and 1997/1871 and 3060 and as read with Part IV of S.I. 1994/2716.

- (bb) is installed on a dwellinghouse so that the highest part of it would be higher than the highest part of the roof on which it would be installed; or
 - (cc) is installed within a conservation area or a national scenic area on any part of a dwellinghouse which faces on to a road,
 - (h) in the case of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse–
 - (i) that building is situated on any land within a conservation area or a national scenic area; or
 - (ii) the development would result in more than two small antennas on a building”.
- (2) In the interpretation of Part 20 of the 1992 Order in paragraph (a) insert after the definition of “relevant period”–
- ““small antenna” means an antenna which–
- (a) is for use in connection with a telephone system operating on a point to fixed multi-point basis;
 - (b) does not exceed 50 centimetres in any linear measurement; and
 - (c) does not, in two-dimensional profile, have an area exceeding 1,591 square centimetres; and any calculation for the purposes of (b) and (c) shall exclude any feed element, reinforcing rim mountings and brackets.”.

Other telecommunications development

3. In Class 68 in Part 21 of Schedule 1 of the 1992 Order in paragraph (2)(d) for the expression “90 centimetres” there shall be substituted “1.3 metres”.

St Andrew’s House,
Edinburgh
12th May 1998

Calum MacDonald
Parliamentary Under Secretary of State Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Parts 20 and 21 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”). Those Parts confer permitted development rights in respect of certain telecommunications developments, including the erection of satellite antennas. Where such rights apply, no specific application for planning permission is needed.

Article 2 amends Class 67 in Part 20 of Schedule 1 of the 1992 Order (Development by telecommunications code system operators). It modifies existing exclusions from such rights to permit in certain circumstances the installation, alteration or replacement of small antennas—

- (a) on a dwellinghouse or within the curtilage of a dwellinghouse, and
- (b) on a building other than a house.

At the same time, the telecommunications apparatus which can be installed on a dwellinghouse has been restricted to one small antenna. A small antenna is defined in the interpretation section of Part 20 as an antenna which is used in connection with a telephone system operating on a point to fixed multi-point basis, and which does not exceed 50 centimetres in any linear measurement or have an area exceeding 1,591 square centimetres.

Article 3 amends Class 68 in Part 21 of Schedule 1 of the 1992 Order (Other telecommunications equipment) by raising the maximum size limit for a satellite antenna on buildings or other structures to 1.3 metres.