
STATUTORY INSTRUMENTS

2003 No. 2553

**The Electronic Communications Code
(Conditions and Restrictions) Regulations 2003**

Conservation areas

6.—(1) In conservation areas, electronic communications apparatus installed by a code operator shall be installed underground unless the conditions in paragraph (2) are met or unless it is—

- (a) a line flown between poles or pylons which are used for the transport of electricity at a nominal voltage of at least 6000 volts;
- (b) a replacement pole or replacement line, the installation of which does not increase the environmental impact of the apparatus located in the area compared with the apparatus as it was before the replacement;
- (c) a service line flown from a pole where that pole was installed prior to the area being designated as a conservation area;
- (d) a service line—
 - (i) which is flown from a building or other permanent structure in an area where there are already service lines flown from buildings or other permanent structures or poles, and
 - (ii) which does not, by reason of its installation, increase the environmental impact of the apparatus located in the area compared with the apparatus as it was before the service line was installed;
- (e) a service line—
 - (i) which is affixed to and lying on the exterior surface of a building or other permanent structure, and
 - (ii) which does not, by reason of its installation, increase the environmental impact of the apparatus located in the area compared with the apparatus as it was before the service line was installed;
- (f) apparatus which forms part of emergency works where the code operator has provided the planning authority with an expected date of completion and a statement of the grounds for the need to execute the works; or
- (g) apparatus which forms part of a temporary electronic communications network which the code operator is providing under regulation 15.

(2) Electronic communications apparatus installed by a code operator in a conservation area is not required to be installed underground where a code operator has given the planning authority written notice and—

- (a) the planning authority has not objected in writing to the installation of the apparatus within 56 days of the notice being given; or
- (b) if the planning authority has previously objected to the installation of the apparatus, it has given written notice of the withdrawal of its objection; or

(c) in Great Britain, the Secretary of State, after consulting with the planning authority, so directs.

(3) The notice to be given under paragraph (2) must state the code operator's intention to install electronic communications apparatus and must describe that apparatus and identify the location where it is proposed to install it.

(4) For the purposes of paragraph (1), the environmental impact of apparatus is to be assessed having regard, in particular, to—

- (a) its visual impact on the landscape,
- (b) its effect on plant and animal life, and
- (c) its impact on the visual amenity of properties.