
STATUTORY INSTRUMENTS

2003 No. 2553

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

Protected areas

- 8.—(1) When a code operator intends to install electronic communications apparatus in—
- (a) a national park, the Broads, the New Forest or a limestone pavement area he must give written notice to the planning authority;
 - (b) a national nature reserve, site of special scientific interest, area of special scientific interest or marine nature reserve he must give written notice to—
 - (i) English Nature, in England;
 - (ii) Scottish Natural Heritage, in Scotland;
 - (iii) the Countryside Council for Wales, in Wales; or
 - (iv) the planning authority, in Northern Ireland (in the case of a national nature reserve, area of special scientific interest or marine nature reserve);
 - (c) a natural heritage area or national scenic area he must give written notice to Scottish Natural Heritage; or
 - (d) any land which the National Trust or the National Trust for Scotland has notified the code operator that it owns, or holds any interest in, he must give written notice to its relevant regional office.
- (2) The notice to be given under paragraph (1) 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.
- (3) Where a code operator has given notice under paragraph (1), he may install the electronic communications apparatus only if—
- (a) within 56 days the person notified has not objected in writing; or
 - (b) if the person notified has previously objected, he has given written notice of the withdrawal of his objection; or
 - (c) in Great Britain, the Secretary of State, after consulting with the person notified, so directs; and only if he also complies with any direction given to him by the Secretary of State, or, in Northern Ireland, the Department of the Environment, requiring him to give written notice to and consider representations from any other person exercising functions specified in that direction.
- (4) A code operator shall not be required to give notice under paragraph (1) where the electronic communications apparatus to be installed is—
- (a) 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;
 - (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 replacement line in an existing conduit, if the installation of the replacement line does not entail enlarging the conduit or altering its position;
 - (d) apparatus required for the provision of a temporary electronic communications network under regulation 15; or
 - (e) apparatus which forms part of emergency works, where the code operator has provided the person who would otherwise be notified under paragraph (1) with an expected date of completion and a statement of the grounds for the need to execute the works.
- (5) For the purposes of paragraph (4), 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.