
STATUTORY INSTRUMENTS

2013 No. 1868

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2013

Amendments in relation to electronic communications

2.—(1) Class A of Part 24 of Schedule 2 (development by electronic communications operators) to the Town and Country Planning (General Permitted Development) Order 1995⁽¹⁾ is amended as follows.

(2) After paragraph A.1(b) insert—

“(ba) in the case of the alteration or replacement of an existing mast (other than on a building or other structure, on article 1(5) land or on any land which is, or is within, a site of special scientific interest)—

(i) the mast, excluding any antenna, would when altered or replaced—

(aa) exceed a height of 20 metres above ground level;

(bb) at any given height exceed the width of the existing mast at the same height by more than one third; or

(ii) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third;”

(3) In paragraph A.1(e) (height of masts), after “paragraphs A.1(a), (b),” insert “(ba),”.

(4) In paragraph A.1(g)(ii) (size of dish antennas below 15 metres), for “1.5 metres” substitute “4.5 metres”.

(5) For paragraph A.1(g)(iii) (number of antenna systems below 15 metres), substitute—

“(iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna or a maximum of two small cell antennas) would result in the presence on the building or structure of—

(aa) more than three antenna systems; or

(bb) any antenna system operated by more than three electronic communications code operators; or”

(6) In paragraph A.1(h)(i) (size of dish antennas at or above 15 metres), for “3.5 metres” substitute “10 metres”.

(7) For paragraph A.1(h)(ii) (number of antenna systems at or above 15 metres), substitute—

“(ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of two small antennas or two small cell antennas) would result in the presence on the building or structure of—

(aa) more than five antenna systems; or

(1) S.I. 1995/418. Relevant amendments were made by S.I.s 2001/2718, 2003/2155, 2004/945 and 2013/1101.

(bb) any antenna system operated by more than three electronic communications code operators; or”

(8) In paragraph A.1(i) (antenna development on article 1(5) land or on a site of special scientific interest)—

(a) omit “(other than the installation, alteration or replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse)”;

(b) at the end, add “or is allowed by paragraphs (ia), (m), (n), or (p)”.

(9) After paragraph A.1(i), insert—

“(ia) in the case of the installation of an additional antenna on existing electronic communications apparatus on a building or structure (including a mast) on article 1(5) land—

(i) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed three; or

(ii) in the case of antennas other than dish antennas, any additional antennas would exceed 3 metres in height, and the number of additional antennas on the building or structure would exceed three;”

(10) In paragraph A.1(l)(ii) (size of radio equipment housing), before “development”, in each place it occurs, insert “cumulative volume of such”.

(11) In paragraph A.1(l)(iii) (size of radio equipment housing on article 1(5) land or on a site of special scientific interest), before “development”, in the first place it occurs, omit “the” and insert “any single”.

(12) At the end of paragraph A.1, add—

“(p) in the case of the installation, alteration or replacement of a small cell antenna on a building or structure which is not a dwellinghouse or within the curtilage of a dwellinghouse—

(i) the building or structure is on any land which is, or is within, a site of special scientific interest; or

(ii) the development would result in the presence on the building or structure of more than two such antennas.”

(13) For paragraph A.2(4) (prior approval), substitute—

“(4) Subject to paragraph (4A), class A development—

(a) on article 1(5) land or land which is, or is within, a site of special scientific interest, or

(b) on any other land and consisting of the construction, installation, alteration or replacement of—

(i) a mast;

(ii) 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 6 metres or more;

(iii) a public call box;

(iv) radio equipment housing, where the volume of any single development is in excess of 2.5 cubic metres,

is permitted subject, except in case of emergency, to the conditions set out in A.3.”

(14) After paragraph A.3(8), insert—

“(8A) The agreement in writing referred to in paragraph (8) requires no special form of writing, and in particular there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval.”

(15) In paragraph A.4 (interpretation)—

(a) for the definition of “antenna system”, substitute—

““antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code;”

(b) in the definition of “development ancillary to radio equipment housing”, at the end add—
“, and except on any land which is, or is within, a site of special scientific interest includes—

- (i) security equipment;
- (ii) perimeter walls and fences; and
- (iii) handrails, steps and ramps;”

(c) in the appropriate place, insert—

““electronic communications apparatus”, “electronic communications code” and “electronic communications service” have the same meaning as in the Communications Act 2003(2);”

““existing electronic communications apparatus” means electronic communications apparatus which is already sending or receiving electronic communications;”

““existing mast” means a mast with attached electronic communications apparatus which existed and was sending or receiving electronic communications at 3rd May 2013;”

““small cell antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;
- (ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
- (iii) does not, in any two dimensional measurement, have a surface area exceeding 5,000 square centimetres; and
- (iv) does not have a volume exceeding 50,000 cubic centimetres,
and any calculation for the purposes of (iii) and (iv) shall include any power supply unit or casing, but shall exclude any mounting, fixing, bracket or other support structure;”

(16) After paragraph A.4 (interpretation), add—

“**A.4A.** Where Class A permits the installation, alteration or replacement of any electronic communications apparatus, the permission extends to any—

- (a) casing or covering;
- (b) mounting, fixing, bracket or other support structure;
- (c) perimeter walls or fences;
- (d) handrails, steps or ramps; or

(e) security equipment;

reasonably required for the purposes of the electronic communications apparatus.

A.4B. Nothing in paragraph A.4A extends the permission in Class A to include the installation, alteration or replacement of anything mentioned in paragraph A.4A(a) to (e) on any land which is, or is within, a site of special scientific interest if the inclusion of such an item would not have been permitted by Class A, as read without reference to paragraph A.4A.”