
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 222

PLANNING

**Planning (General Development)
(Amendment) Order (Northern Ireland) 1998**

Made - - - - 18th June 1998

Coming into operation 1st August 1998

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(1) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 1998 and shall come into operation on 1st August 1998.

Amendment of the Planning (General Development) Order (Northern Ireland) 1993

2. For Parts 17 and 18 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993(2) substitute Parts 17 and 18 as set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of the Environment on

L.S.

18th June 1998.

J. McConnell
Assistant Secretary

(1) [S.I. 1991/1220 \(N.I. 11\)](#); see Article 2(2) for the definition of “the Department”
(2) [S.R. 1993 No. 278](#) as amended by [S.R. 1995 No. 356](#)

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SCHEDULE

Article 2

Substitution for Parts 17 and 18 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993

“Part 17

Development by Telecommunications Code System Operators

Class A

Permitted development

A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator’s telecommunications 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 telecommunications apparatus;**
- (b) the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunications apparatus required for the replacement of unserviceable telecommunications apparatus, including the provision of moveable structures on the land for the purposes of that use; or**
- (c) development ancillary to radio equipment housing.**

Development not permitted

A.1 Development is not permitted in 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

Class A

- 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 apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus is installed, altered, or replaced, exceed any relevant height limit specified in respect of apparatus in paragraph A.1

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Class A

- (a), (b), (c) and (d), and for the purposes of applying the limit specified in sub-paragraph (c), the words “(taken by itself)” in that sub-paragraph shall be omitted;
- (f) 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;
- (g) 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 road which is within 20 metres of the building or structure on which the antenna is to be located;
 - (ii) in the case of dish antennae, the size of any dish would exceed 0.9 metre or the aggregate size of all the dishes would exceed 1.5 metres, when measured in any dimension;

Class A

- (iii) in the case of antennae other than dish antennae, the development (other than the installation, alteration or replacement of one small antenna) would result in the presence on the building or structure of more than 2 antenna systems; or
 - (iv) the building or structure is a listed building or scheduled monument;
- (h) 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 antennae, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes would exceed 3.5 metres, when measured in any dimension;
 - (ii) in the case of antennae systems other than dish antennae, the development (other than the installation, alteration or replacement of a maximum of 2 small antennae) would result in the presence on the building or structure of more than 3 antennae systems; or
 - (iii) the building or structure is a listed building or a scheduled monument;
- (i) in the case of development in a conservation area, an area of outstanding natural beauty,

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an area of special scientific interest or a National Park, (other than the installation or replacement of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse) it consists 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 being carried out in an emergency;

(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 road;

(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 telecommunications apparatus;

(ii) it would exceed 90 cubic metres or, if located on a roof of a building, it would exceed 30 cubic metres;

(iii) in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park, it would exceed 2 cubic metres,

unless the development is carried out in an emergency;

Class A

- (l) in the case of the installation, alteration or replacement on a dwellinghouse or within the curtilage of a dwellinghouse of any telecommunications apparatus, the apparatus—
 - (i) is not a small antenna;
 - (ii) being a small antenna, would result in the presence on that dwellinghouse, or within the curtilage of that dwellinghouse, of more than one such antenna; or
 - (iii) being a small antenna, it is located on a roof or chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively;
- (m) in the case of the installation, alteration or replacement of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park, if the antenna is located—
 - (i) on a chimney;
 - (ii) on a building which exceeds 15 metres in height; or
 - (iii) on any wall or roof slope which fronts a road;
- (n) 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 and—
 - (i) the building is in a conservation area, an area of outstanding natural beauty, an area of special

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scientific interest or a National Park;

- (ii) the building is less than 15 metres in height and the development would result in the presence on that building of more than one such antenna; or
- (iii) the building is 15 metres or more in height and the development would result in the presence on that building of more than 2 such antennae.

Conditions

A.2.—(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 in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park and 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 telecommunications 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 Department and the developer.

Class A

(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) land in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park (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) before beginning the development, the developer shall apply to the Department for a determination as to whether the prior approval of the Department is required to the siting and appearance of the development;
- (ii) the application is accompanied by a written description of the proposed development and a plan indicating its proposed location, together with any fee required to be paid;
- (iii) the development is not begun before the occurrence of one of the following—

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- (aa) the receipt of the Department's written notice of determination that such prior approval is not required;
- (bb) where the Department gives the applicant notice that such prior approval is required, the giving of such approval to the applicant within 28 days following the date of receipt of the application by the Department; or
- (cc) the expiry of 28 days following the date on which the Department receives the application, without the Department making any determination as to whether such approval is required, notifying the applicant of its determination, or giving or refusing approval to the siting or appearance of the development;

Class A

- (iv) the development shall, except to the extent the Department otherwise agrees in writing, be carried out—
 - (aa) where prior approval is required and is given to the applicant in writing within 28 days following the date the Department received the application, in accordance with the details approved;
 - (bb) where prior approval is not required or where no determination as to whether such approval is required is notified to the applicant, or where prior approval is required but no approval is given or refused within 28 days following the date on which the Department received the application, in accordance with the details submitted with the application; and
- (v) the development shall be begun—
 - (aa) where prior approval has

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Class A

been given by the Department, not later than the expiration of 5 years beginning with the date on which approval was given;

(bb) in any other case not later than the expiration of 5 years beginning with the date the Department was given the information required by subparagraph (ii).

(5) In the case of an emergency development in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park is permitted by Class A subject to the condition that the operator gives written notice of such development to the Department as soon as possible after the emergency begins.

Interpretation of Class A

A.3 For the purposes of Class A—
“the 1984 Act” means the Telecommunications Act 1984(3);
“antenna system” means a set of antennae 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

(3) 1984 c. 12

Class A

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 not less than 10 years;

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

“relevant period” means a period which expires—

- (a) 6 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
- (b) when the need for such apparatus, structure or use ceases,

whichever occurs first;

“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 2 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;

“scheduled monument” has the meaning assigned to it by Article 3(2) of the Historic Monuments and

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Archeological Objects (Northern Ireland) Order 1995(4);
 “telecommunications apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act (the telecommunications code), and includes radio equipment housing;
 “telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act (power to licence systems) which applies the telecommunications code to him in pursuance of section 10 of that Act (the telecommunications code); and
 “telecommunications system” has the meaning assigned to that term by section 4(1) of the 1984 Act.

Part 18

Other Telecommunications Development

Class A

Permitted development

A. The installation, alteration or replacement on any building or other structure of a height of 15 metres or more of a microwave antenna and any structure intended for the support of a microwave antenna.

Development not permitted

- A.1 Development is not permitted by Class A if—
- (a) the building is a dwellinghouse or the building or other structure is within the curtilage of a dwellinghouse;
 - (b) it would consist of development of a kind described in paragraph A of Part 17;
 - (c) the development would result in the presence on the building or structure of more than 2 microwave antennae;

(4) S.I. 1995/1625 (N.I. 9)

Class A

- (d) in the case of a satellite antenna, the size of the antenna, including its supporting structure but excluding any projecting feed element, would exceed 1.3 metres;
- (e) in the case of a terrestrial microwave antenna—
 - (i) the size of the antenna, when measured in any dimension but excluding any projecting feed element, would exceed 1.3 metres; and
 - (ii) the highest part of the antenna or its supporting structure would be more than 3 metres higher than the highest part of the building or structure on which it is installed or is to be installed;
- (f) it is in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) the antenna shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed;
- (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed from the building or structure as soon as reasonably practicable.

Class B

Permitted development

B. The installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a satellite antenna.

Development not permitted

B.1 Development is not permitted by Class B if—

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Class A

- (a) the building is a dwellinghouse or the building or other structure is within the curtilage of a dwellinghouse;
- (b) it would consist of development of a kind described in paragraph A of Part 17;
- (c) the size of the antenna (excluding any projecting feed element, reinforcing rim, mountings or brackets) when measured in any dimension would exceed 90 centimetres;
- (d) the highest part of an antenna to be installed on a roof would, when installed, exceed in height the highest part of the roof;
- (e) there is any other satellite antenna on the building or other structure on which the antenna is to be installed;
- (f) it would consist of the installation of an antenna on a chimney;
- (g) it would consist of the installation of an antenna on a wall or roof slope which fronts a road.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the antenna shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed;
 - (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed from the building or structure as soon as reasonably practicable.”
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EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 (“the 1993 Order”).

It substitutes Parts 17 and 18 of Schedule 1 to the 1993 Order which with Article 3 of that Order grant planning permission for certain forms of development.

Part 17 grants planning permission for development by telecommunications code system operators.

Part 17 Class A details certain development which may be carried out on land controlled by the operator or in accordance with his licence. It allows for the emergency use of land for up to 6 months to provide replacement moveable apparatus in place of unserviceable apparatus and development ancillary to radio equipment housing.

Paragraph A.1 details the circumstances in which development is not permitted.

Paragraph A.2 imposes conditions on the permitted development.

Paragraph A.3 provides definitions of terms used in Part 17.

The main changes made to this Part are—

- (a) development is not permitted if the installation, alteration or replacement of apparatus (other than an antenna) on a mast would result in any increase in the specified height limits (Paragraph A.1(e));
- (b) the introduction of a prior notification procedure which makes the permitted development conditional upon the telecommunications code system operator applying to the Department for a determination as to whether the Department’s prior approval is required to the siting and appearance of the proposed development (Paragraph A.2(4)(i));
- (c) the application must be accompanied by a written description of the proposed development, a plan indicating its proposed location and the appropriate fee (Paragraph A.2(4)(ii) and (iii));
- (d) the Department has 28 days in which to make and notify its determination on whether prior approval is required to the siting and appearance and to give or refuse such approval (Paragraph A.2(4)(iv)); and
- (e) the extension of the sensitive areas in which permitted development rights are not exercisable to include areas of special scientific interest (Paragraph A.1 (i), (k), (m) and (n)).

Part 18 grants permission for the installation, alteration or replacement of microwave antenna on a building or structure. Development under this part is not restricted to telecommunications code system operators.

Class A permits the installation, alteration or replacement of a microwave antenna on a building or structure 15 metres or more in height.

Paragraph A.1 details circumstances in which the development is not permitted. The main change is that the maximum size limit for the antenna has been increased from 90 centimetres to 1.3 metres (Paragraph A.1(d)).

Paragraph A.2 imposes conditions on the permitted development.

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This Order adds Class B to Part 18 which permits the installation, alteration or replacement of a satellite antenna on a building or structure less than 15 metres in height.

Paragraph B.1 details circumstances in which development is not permitted. B.1(c) restricts the size of the antenna, measured in any dimension, to 90 centimetres.

Paragraph B.2 imposes conditions on the permitted development.