
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends article 2(1) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, substitutes an alternative Class 67 (Development by telecommunications code system operators) in Part 20 of Schedule 1 of the 1992 Order and amends Class 68 (Other telecommunications development) in Part 21 of that Schedule.

Article 3(1) of this Order revokes (before it comes into force) the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2001. This is to allow the introduction of transitional arrangements alongside the other changes to Class 67, and to amend an error in relation to the changes to Class 67(2)(c) set out in that previous amendment order.

Article 3(2) of this Order introduces transitional arrangements to deal with any development in accordance with Class 67 commenced and not completed before 23rd July. Where such development is completed within 14 days from 23rd July, then the permitted development rights which existed under Class 67 immediately prior to 23rd July will continue to apply.

The main purpose of this Order is to restrict the range of development permitted under classes 67 and 68 of the 1992 Order without the requirement to obtain an express grant of planning permission under the Town and Country Planning (Scotland) Act 1997.

The main changes to Class 67 contained in this Order are that:

- (a) no development will be permitted under either Class 67 or Class 68 if it is located in a national scenic area, National Park, conservation area, historic garden or designed landscape, site of special scientific interest, European site, natural heritage area, Category A listed building or its setting, or scheduled ancient monument or its setting, unless the development is carried out in an emergency or comprises not more than 2 small antennas on any part of a dwelling house that does not face onto a road;
- (b) all ground based masts, irrespective of height require express planning permission;
- (c) the range of development permitted on a building or other structure (other than a ground based mast) is restricted to:
 - (i) on buildings over 15 metres in height, 8 antennas all of which neither exceed either 2.8 metres in height or 1.3 metres wide nor when measured together with any supporting structure exceed 4 metres in height; or
 - (ii) on buildings not over 15 metres in height, either 4 antennas all of which neither exceed 0.9 metres in any dimension nor when measured together with any supporting structure exceed 4 metres in height, and 8 small antennas all of which neither exceed 0.5 metres in any direction nor when measured together with any supporting structure exceed 4 metres in height; or
 - (iii) on a dwelling house, 2 small antennas all of which neither exceed 0.5 metres in any direction nor project above the highest part of the roof.
- (d) radio equipment housing is only permitted:
 - (i) if it is situated on the ground, it does not exceed either 90 cubic metres in volume or 3 metres in height; or
 - (ii) if it is situated on a building, it does not exceed either 30 cubic metres in volume or 3 metres in height.