

2006 No. 348

PLANNING

**The Planning (General Development) (Amendment No.2) Order
(Northern Ireland) 2006**

Made - - - - - *24th August 2006*

Coming into operation - - - - - *21st September 2006*

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment No.2) Order (Northern Ireland) 2006 and shall come into operation on 21st September 2006.

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

2.—(1) The Planning (General Development) Order (Northern Ireland) 1993(b) shall be amended as provided by paragraphs (2), (3), (4) and (5).

(2) In Article 2 (1) (interpretation) after the definition of “the Department” the following definition is inserted—

““designated area” means—

- (a) a conservation area;
- (b) an area of outstanding natural beauty as designated under Article 14 of The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(c);
- (c) an area of special scientific interest as designated under Article 28 of The Environment (Northern Ireland) Order 2002(d);
- (d) a National Park as designated under Article 12 of The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;”.

(3) In Class A of Part 1 of Schedule 1 (the enlargement, improvement or other alteration of a dwellinghouse), in paragraph A.1(g), for “a satellite antenna” there is substituted “a microwave antenna”.

(4) For Class G of Part 1 of Schedule 1 there is substituted Class G Part 1 as set out in the Schedule.

(5) For Part 18 of Schedule 1 there is substituted Part 18 as set out in the Schedule.

(a) S.I.1991/1220 (N.I. 11) as amended by S.I.2003/430 (N.I. 8) and S.I. 2006 No. 1252 (N.I. 7)
(b) S.R.1993 No. 278
(c) S.I. 1985 No. 170 (N.I. 1) to which there are amendments not relevant to this Order
(d) S.I. 2002/3153 (N.I. 7)

Sealed with the Official Seal of the Department of the Environment on 24th August 2006.



Marianne Fleming
A senior officer of the Department of the Environment

SCHEDULE

Article 2

**“Class G
Permitted
Development**

G The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse

*Development
not permitted*

- G.1 Development is not permitted by Class G if—
- (a) it would result in the presence on the dwellinghouse or within its curtilage of—
 - (i) more than two antennas;
 - (ii) a single antenna exceeding 100 centimetres in length;
 - (iii) two antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney;
 - (vi) an antenna with a cubic capacity in excess of 35 litres;
 - (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
 - (c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;
 - (d) in the case of a dwellinghouse situated within a designated area, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a road;
 - (ii) on a building which exceeds 15 metres in height.

Conditions

- G.2 Development is permitted by Class G subject to the following conditions—
- (a) an antenna shall so far as is practicable be sited so as to minimise its effect on the external appearance of the building; and
 - (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.
- G.3 The relevant size criteria for the purpose of paragraph G.1(a)(iii) are that—
- (a) only one of the antennas may exceed 60 centimetres in length; and
 - (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

- G.4 The length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”

“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) it would result in the presence on the building or structure of more than four antennas;
 - (d) in the case of an antenna installed on a chimney, the length of the antenna would exceed 60 centimetres;
 - (e) in all other cases, the length of the antenna would exceed 130 centimetres;
 - (f) it would consist of the installation of an antenna with a cubic capacity in excess of 35 litres;
 - (g) the highest part of the antenna or its supporting structure would be more than three metres higher than the highest part of the building or structure on which it is installed or is to be installed;
 - (h) in the case of a building or structure situated within a designated area, it would consist of the installation of an antenna on a chimney, wall or roof slope which faces onto, and is visible from, a road.

Conditions

- A.2 Development is permitted by Class A subject to the following conditions—
- (a) an 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 to be installed;
 - (b) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as is reasonably practicable;
 - (c) the length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

**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 microwave antenna.**

Development not permitted

- B.1 Development is not permitted by Class B 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) it would result in the presence on the building or structure of—
 - (i) more than two antennas;
 - (ii) a single antenna exceeding 100 centimetres in length;
 - (iii) two antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (v) an antenna installed on a chimney, where the antenna would protrude over the chimney;
 - (vi) an antenna with a cubic capacity in excess of 35 litres;
 - (d) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
 - (e) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney stack, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;
 - (f) in the case of a building or structure situated in a designated area, it would consist of the installation of an antenna on a chimney, wall or roof slope which faces onto, and is visible from, a road.

Conditions

- B.2 Development is permitted by Class B subject to the following conditions—
- (a) an 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 to be installed;
 - (b) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable.
- B.3 The relevant size criteria for the purposes of paragraph B.1(c)(iii) are that—
- (a) only one of the antennas may exceed 60 centimetres in length; and
 - (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.
- B.4 The length of an antenna is to be measured in any linear direction and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”

EXPLANATORY NOTE

(This note is not part of the Order)

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

For the first time the 1993 Order will provide a definition of ‘designated area’ to identify those areas where more protection of the built and natural environment is required. In addition this Order substitutes Part 1, Class G and Part 18 of Schedule 1 which with Article 3 grants planning permission for certain forms of development.

Part 1, Class G permits the installation, alteration or replacement of microwave antenna on dwellinghouses. It also details circumstances in which such development is not permitted. The main changes to Part 1 are an increase from one to two in the number of antennas permitted and the provision for the first time of permitted development rights for such installations in designated areas.

Part 18 permits the installation, alteration or replacement of microwave antennas on buildings or structures other than dwellinghouses of more or less than 15 metres in height and also details circumstances in which such development is not permitted. The main changes are increases in the numbers of antennas permitted and the introduction of permitted development rights for the installation, alteration or replacement of satellite dishes and antennas on such structures which are situated in designated areas.