

SCHEDULE 1

Article 2(3)(b)

AMENDMENTS TO PART 13 OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

1. For Class A substitute—

<p>“Class A Permitted development</p>	<p>A.</p>	<p>Railway undertakings Development by or on behalf of railway undertakers on their operational land required—</p> <ul style="list-style-type: none"> (a) in connection with the movement of traffic by rail; or (b) for the installation, alteration or replacement of electronic communications apparatus for rail safety systems.
<p>Development permitted</p>	<p>not A.1</p>	<p>Development is not permitted by Class A if—</p> <ul style="list-style-type: none"> (a) it consists of or includes the construction of a railway; (b) it consists of or includes the construction or erection of a hotel, railway station or bridge; (c) it consists of or includes the construction or erection otherwise than wholly within a railway station of a residential building, an office, or a building used for manufacturing or repair work; (d) the land is within an area of special scientific interest or a site of archaeological interest; (e) in the case of any Class A(b) development, the installation of any apparatus (other than on a building or other structure), excluding any antenna, would exceed 15 metres in height above ground level; (f) in the case of any Class A(b) development, the replacement or alteration of any apparatus (other than on a building or structure), excluding any antenna, would when altered or replaced exceed 15 metres in height above ground level or the height of any apparatus it replaces, whichever is the greater; (g) in the case of any Class A(b) development it would consist of the installation of a mast on a building or other structure and would— <ul style="list-style-type: none"> (i) exceed 15 metres in height above ground level; or (ii) be within 20 metres of the boundary of a road;

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Changes to legislation: There are currently no known outstanding effects for the The Planning (General Development) (Amendment) Order (Northern Ireland) 2013 (revoked). (See end of Document for details)

- (h) in the case of the installation, replacement or alteration of any apparatus under Class A(b) other than—
 - (i) a mast;
 - (ii) an antenna;
 - (iii) a public call box;
 - (iv) any apparatus which does not project above the surface of the ground; or
 - (v) equipment housing; the ground or base area of the structure would exceed 1.5 square metres; or
- (i) in the case of any Class A(b) development it would consist of the installation, alteration or replacement of ground based equipment housing exceeding 90 cubic metres or, if located on a roof of a building, it would exceed 30 cubic metres.

Conditions

A.2

(1) Class A(b) development consisting of the installation, alteration or replacement of one or more antennas is permitted subject to the condition that the developer shall—

- (a) except in a case of emergency give appropriate notice in writing to the Department no fewer than 28 days before development is begun of the developer's intention to carry out such development; or
- (b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(2) The notice referred to in sub-paragraphs 1(a) and (b) shall be accompanied by a declaration that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (1999/519/EC) (0Hz to 300 GHz).

Interpretation of Class A

A.3

For the purposes of Class A— references to the construction or erection of any building or erection of any building or structure includes references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected; “appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

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- (i) the name of the developer;
 - (ii) the address or location of the proposed development; and
 - (iii) a description of the proposed development (including its siting and appearance and the height of any mast);
- “electronic communications apparatus” has the same meaning as in the electronic communications code;
- “electronic communications code” has the meaning assigned to it by section 106(1) of the Communications Act 2003;
- “ground level” means the level of the surface of the ground immediately adjacent to the supporting structure or, where the level of the surface of the ground is not uniform, the level of the highest part of the surface of the ground adjacent to it;
- “mast” means a structure erected by or on behalf of the developer for the support or housing of one or more antennas including a mast, pole, tower or other structure..”.

2. For Class B substitute—

<p>“Class B</p> <p>Permitted development B.</p>	<p>Dock, pier, harbour or water transport undertakings</p> <p>Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour or water transport undertakings, required—</p> <ul style="list-style-type: none"> (a) for the purposes of shipping; (b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier, harbour, or the movement of traffic by any railway forming part of the undertaking; (c) for the installation, alteration or replacement (other than on a building) of a closed circuit television camera, including its supporting structure, for the purposes of security; or (d) the erection, alteration or replacement of a fence for the purposes of security. 	
<p>Development permitted</p>	<p>not B.1</p>	<p>Development is not permitted by Class B if—</p> <ul style="list-style-type: none"> (a) it consists of or includes the construction or erection of a bridge or other building not required in connection with the handling of traffic; (b) the land is within a site of archaeological interest;

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- (c) the installation, alteration or replacement of a closed circuit television camera is to be carried out in a conservation area unless it involves the installation, alteration or replacement of a camera on an existing structure;
- (d) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres;
- (e) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres above ground level;
- (f) the development would result in the presence of more than four cameras on the structure;
- (g) any part of a fence erected, altered or replaced would exceed 2.9 metres in height;
- (h) any part of a fence erected, altered or replaced would be adjacent to the curtilage of any dwellinghouse or flat; or
- (i) in the case of any Class B(c) or Class B(d) development the development is within an area of special scientific interest.

Interpretation of Class B B.2 For the purposes of Class B—
 references to the construction or erection of any building or structure includes references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected;
 “camera” except in paragraph B.1(d) includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets;
 “ground level” means the level of the surface of the ground immediately adjacent to the supporting structure or, where the level of the surface of the ground is not uniform, the level of the highest part of the surface of the ground adjacent to it;
 “structure” and “supporting structure” means any pole, mast or tower including a street lighting column..”.

3. In Class C.1(b) for “100” substitute “ 400 ”.

4. For Class G substitute—

“Class G	Universal Service Provider
Permitted development G.	Development required for the purpose of the universal service provider in connection with the provision of a universal postal service (within the meaning of the Postal Services Act 2000) consisting of—

		<ul style="list-style-type: none"> (a) the installation of posting boxes or self service machines; (b) the installation of universal postal service pouch-boxes; or (c) any other development carried out in, on, over or under the operational land of the undertaking.
Development permitted	not G.1	<p>Development is not permitted by Class G if—</p> <ul style="list-style-type: none"> (a) it consists of or includes the erection of a building, or the reconstruction or alteration of a building where its design or external appearance is materially affected; (b) it consists of or includes the installation or erection by way of addition or replacement of any plant or machinery which exceeds 15 metres in height or the height of any existing plant or machinery, whichever is the greater; (c) the land is within an area of special scientific interest or a site of archaeological interest; or (d) in the case of any Class G(b) development the universal postal service pouch-box is situated within a conservation area.
Conditions	G.2	<p>Development is permitted by Class G(b) subject to the condition that the universal postal service pouch-box is sited to minimise its effect on pedestrian flow and visual amenity.</p>
Interpretation of Class G	G.3	<p>For the purposes of Class G— “universal postal service pouch-box” has the meaning assigned to it by paragraph 10 of Schedule 6 to the Postal Services Act 2000; “universal service provider” has the meaning assigned to it by section 65 of the Postal Services Act 2011..”</p>

5. In Class H(b) after the word “supply” insert “ and distribution ”.
6. In Class H(f) after the words “valve house” insert “ , control kiosk ”.
7. At the end of Class H(h) delete the word “or”.
8. For Class H(i) substitute “ the strapping of pipelines to bridges; or ”.
9. After Class H(i) insert “ (j) the erection, alteration or replacement in, on, over or under operational land of a building for the housing of equipment. ”.
10. At the end of Class H.1(d) delete the word “or”.
11. For Class H.1(e) substitute “the land is within a site of archaeological interest; or”.
12. After Class H.1(e) insert—
 - “(f) in the case of any Class H(j) development—
 - (i) the total floor space of any new building erected exceeds 30 square metres;

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- (ii) any part of the development would be within 5 metres of the boundary of the curtilage of a dwellinghouse or flat;
- (iii) any part of the development would face onto a road;
- (iv) the development would lead to a reduction in the space available for the turning or manoeuvring of vehicles;
- (v) any part of the development would exceed 4 metres in height;
- (vi) the development is within an area of special scientific interest; or
- (vii) the development would be within the curtilage of a listed building unless listed building consent for the development has previously been granted.”.

SCHEDULE 2

Article 2(3)(c)

SUBSTITUTION OF PART 17 OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

“PART 17

DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

Class A

Permitted development	A.	<p>Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—</p> <ul style="list-style-type: none"> (a) the installation, alteration or replacement of electronic communications apparatus consisting of a mast or an antenna and any associated hard standing or supporting structure; (b) the installation, alteration or replacement of any other electronic communications apparatus; (c) the use of land in an emergency for a period not exceeding six months to station and operate moveable electronic communications apparatus, required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or (d) development ancillary to equipment housing.
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Development not permitted	A.1	Development is not permitted by Class A if—
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- (a) it is to be carried out in a conservation area, an area of outstanding natural beauty, an area of special scientific interest, a World Heritage Site, a National Park or on a listed building—
 - (i) unless it involves the installation, alteration or replacement of any underground apparatus;
 - (ii) unless it involves the installation of new overhead lines supported by existing poles;
 - (iii) unless it involves the alteration or replacement of an existing mast or the installation, alteration or replacement of apparatus on an existing mast; or
 - (iv) unless it is an emergency;
- (b) the land is within a site of archaeological interest unless it involves the installation of new overhead lines supported by existing poles;
- (c) it involves the installation of a mast which is not a replacement of an existing mast;
- (d) in the case of Class A(a) development it involves the installation, alteration or replacement of an antenna on a building;
- (e) the installation, alteration or replacement of an antenna on a mast would exceed 10% of the existing mast's original permitted height;
- (f) any replacement, alteration or extension of an existing mast would exceed 10% of the existing mast's original permitted height;
- (g) in the case of the installation, alteration or replacement of equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
 - (ii) the development would exceed 90 cubic metres or, if located on a roof of a building, the development would exceed 30 cubic metres; or
- (h) 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 surface of the ground; or
 - (v) equipment housing;

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the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater.

A.2 (1) Subject to paragraph (2), development is not permitted by Class A(a) if it will result in the installation of more than one item of apparatus (“the original apparatus”) on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class A(a) for every four items of apparatus which existed on that site on the relevant day, one additional item of small apparatus may be installed.

(3) In paragraph (2), “small apparatus” means—

- (a) a dish antenna not exceeding 5 metres in diameter and 7 metres in height;
- (b) an antenna, other than a dish antenna, not exceeding 7 metres in height;
- (c) a hard standing or other base for any apparatus described in sub-paragraphs (a) and (b), not exceeding 7 metres in diameter.

Conditions

A.3 (1) Class A(a), A(b) and A(d) development is permitted subject to the condition that any apparatus 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) development consisting of the replacement of an existing mast is permitted subject to the condition that the mast shall be installed as close as reasonably practicable to the mast which it is replacing.

(3) Class A(a) and A(b) development consisting of the installation of any additional apparatus in a conservation area, an area of outstanding natural beauty, a World Heritage Site, a National Park or within the curtilage of a listed building is permitted subject to the condition that the apparatus shall be installed as close as reasonably practicable to any existing apparatus.

(4) Class A 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 as soon

as reasonably practicable after it is no longer required for electronic communication purposes.

(5) 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 at the expiry of the relevant period and the land restored to its condition before the development took place.

A.4 (1) In the case of Class A(a) and A.2 development the developer shall, before commencing development consisting of the installation, alteration or replacement of a mast or antenna, give notice of the proposed development to any other person (other than the developer) who is an owner or occupier of the land to which the development relates—

- (a) by serving the appropriate notice to every such person whose name and address is known to him; or
- (b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

A.5 (1) Class A(a), A(c) and A.2 development consisting of the installation, alteration or replacement of one or more antennas is permitted subject to the condition that the developer shall—

- (a) except in a case of emergency give appropriate notice in writing to the Department no fewer than 28 days before development is begun of the developer's intention to carry out such development; or
- (b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(2) The notice referred to in sub-paragraphs 1(a) and (b) shall be accompanied by a declaration that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (1999/519/EC) (0Hz to 300 GHz).

Interpretation of Part 17 A.6 For the purposes of Part 17—

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“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

- (i) the name of the developer;
- (ii) the address or location of the proposed development; and
- (iii) a description of the proposed development (including its siting and appearance and the height of any mast);

“development ancillary to 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 equipment housing;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“electronic communications code” has the meaning assigned to it by section 106(1) of the Communications Act 2003;

“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development is situated;

“mast” means a structure erected by or on behalf of the developer for the support or housing of one or more antennas including a radio mast, radio tower, pole or other structure;

“relevant day” means—

- (i) 30th April 2013; or
 - (ii) where existing apparatus is installed pursuant to a planning permission granted on application, the date when that apparatus is installed pursuant to that permission;
- whichever is later;

“relevant period” means a period which expires—

- (i) 6 months from the commencement of the construction, installation, alteration or replacement of any apparatus permitted by Class A(a), A(b) or Class A(d) or from the commencement of the use permitted by Class A(c), as the case may be; or
 - (ii) when the need for such apparatus, structure or use ceases, whichever occurs first.”
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SCHEDULE 3

Article 2(3)(d)

ADDITION OF PART 37 TO SCHEDULE 1 TO THE PLANNING
(GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

“PART 37

INSTALLATION OF NON DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or block of flats.

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

- (a) any part of the solar PV or solar thermal equipment would protrude more than 20 centimetres beyond the plane of any existing roof slope which faces onto and is visible from a road;
- (b) any part of the solar PV or solar thermal equipment would be installed on a wall within 3 metres of the boundary of the curtilage of the building and exceeding 4 metres in height extends more than 20 centimetres beyond the wall;
- (c) any part of the solar PV or solar thermal equipment would be installed on a flat roof where the highest part of the solar PV or solar thermal equipment would be higher than 2 metres above the highest part of the roof (excluding any chimney);
- (d) any part of the solar PV or solar thermal equipment would be installed on a flat roof and be within 2 metres of the external edge of that roof;
- (e) any part of the solar PV or solar thermal equipment would extend beyond the edge of the existing roof slope or wall;
- (f) any part of the solar PV or solar thermal equipment would exceed the height of the existing ridged roof;
- (g) in the case of a conservation area or World Heritage Site the solar PV or solar thermal equipment would be installed on a wall or roof slope which faces onto and is visible from a road; or
- (h) the solar PV or solar thermal equipment would be installed within the curtilage of a listed

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		building unless listed building consent for the development has previously been granted.
Conditions	A.2	Development is permitted by Class A subject to the following conditions— <ul style="list-style-type: none"> (a) solar PV or solar thermal equipment must so far as practicable be sited so as to minimise its effect on the external appearance of the building; (b) solar PV or solar thermal equipment must so far as practicable be sited so as to minimise its effect on the amenity of the area; and (c) solar PV or solar thermal equipment no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class B

Permitted development

B. The installation, alteration or replacement of stand alone solar within the curtilage of a building other than a dwellinghouse or block of flats.

Development not permitted B.1

Development is not permitted by Class B if —

- (a) any part of the stand alone solar—
 - (i) would exceed 2 metres in height;
 - (ii) would be installed within 5 metres of the boundary of the curtilage of the building; or
 - (iii) would be installed in an area of special scientific interest or a site of archaeological interest;
- (b) the area of the stand alone solar would exceed 30 square metres;
- (c) in the case of a conservation area or World Heritage Site the stand alone solar would face onto and be visible from a road; or
- (d) the stand alone solar would be within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Conditions

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

- (a) stand alone solar must so far as practicable be sited so as to minimise its effect on the amenity of the area; and
- (b) stand alone solar which is no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class C

Permitted development	C.	The installation, alteration or replacement of a ground or water source heat pump within the curtilage of a building other than a dwellinghouse or block of flats.
Development not permitted	C.1	Development is not permitted by Class C if— <ul style="list-style-type: none">(a) the surface area of land under which the installation, alteration or replacement of any underground pipes (together with any other such pipes) is to be carried out would exceed 0.5 hectares;(b) any above ground element of the heat pump or its housing would be within 5 metres of the boundary of the curtilage of the building;(c) any above ground element of the heat pump or its housing would be nearer to a road which bounds the curtilage than the part of the building nearest to that road;(d) any above ground element of the heat pump or its housing would exceed 3 metres in height;(e) the gross floor space of any above ground element of the heat pump or its housing would exceed—<ul style="list-style-type: none">(i) 10 square metres for buildings with an existing maximum floor space of 1000 square metres; or(ii) 75 square metres in all other cases;(f) it would involve the provision of any heat pump within an area of special scientific interest or a site of archaeological interest; or(g) the heat pump would be within the curtilage of a listed building unless listed building consent for the development has previously been granted.
Conditions	C.2	Development is permitted by Class C subject to the following conditions— <ul style="list-style-type: none">(a) the surface of the land on which any works have been carried out to install, alter or replace the underground pipes required in connection with a ground or water source heat pump must be restored as soon as practicable after the development is completed; and(b) a ground or water source heat pump which is no longer needed for microgeneration must be removed as soon as reasonably practicable and the land shall as far as reasonably practicable be restored to its previous condition.

Class D

Status: Point in time view as at 30/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Planning (General Development) (Amendment) Order (Northern Ireland) 2013 (revoked). (See end of Document for details)

Permitted development	D.	The erection, extension or alteration of a boiler house forming part of a biomass heating system, or a combined heat and power system within the curtilage of a building other than a dwellinghouse or block of flats.
Development not permitted	D.1	<p>Development is not permitted by Class D if—</p> <ul style="list-style-type: none"> (a) the development would result in the presence within the curtilage of more than one extension or new building containing a biomass or combined heat and power boiler; (b) the ground area to be covered by any building or structure erected or any building or structure as extended or altered would exceed— <ul style="list-style-type: none"> (i) 15 square metres for buildings with an existing maximum floor space of 1000 square metres; or (ii) 75 square metres in all other cases; (c) any part of the development would be within 5 metres of the boundary of the curtilage of the building; (d) any part of the development would be nearer to a road which bounds the curtilage than the part of the building nearest to that road; (e) the height of any part of the building or structure (excluding any flue) would exceed 3.6 metres; (f) the height of any flue associated with the erection, extension or alteration of a boiler house would exceed the highest part of the roof by more than 1 metre; (g) the development would lead to a reduction in the space available for the parking or turning of vehicles; (h) any part of the development would be within 75 metres of any curtilage of a dwellinghouse or flat (other than a dwellinghouse or flat of any person engaged in operations associated with the use of the boiler house); (i) the development would be within an area of special scientific interest or a site of archaeological interest; or (j) the development would be within the curtilage of a listed building unless listed building consent for the development has previously been granted.

Class E

Permitted development	E.	The erection or provision of a container for the storage of biomass fuel within the curtilage of a building other than a dwellinghouse or block of flats.
Development not permitted	E.1	Development is not permitted by Class E if— <ul style="list-style-type: none">(a) the development would result in the presence within the curtilage of the building of more than one extension or new building containing a biomass fuel store;(b) the ground area to be covered by any building or structure erected or any building or structure as extended or altered would exceed—<ul style="list-style-type: none">(i) 15 square metres for buildings with an existing maximum floor space of 1000 square metres; or(ii) 75 square metres in all other cases;(c) any part of the development would be within 5 metres of the boundary of the curtilage of the building;(d) any part of the development would be nearer to a road which bounds the curtilage of the building than the part of the building nearest to that road;(e) the height of any part of the building or structure would exceed 3.6 metres;(f) the development would lead to a reduction in the space available for the parking or turning of vehicles;(g) the development would be within an area of special scientific interest or a site of archaeological interest; or(h) the development would be within the curtilage of a listed building unless listed building consent for the development has previously been granted.
Interpretation of Part 37		For the purposes of Part 37— “block of flats” means a building which consists wholly of flats; “solar PV” means solar photovoltaics; “stand alone solar” means solar PV or solar thermal equipment which is not installed on a building.”

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Changes to legislation:

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