

SCHEDULE

DEVELOPMENT PERMITTED UNDER ARTICLE 3

PART 14

DEVELOPMENT BY STATUTORY AND OTHER UNDERTAKERS

Class A		Railway undertakings
Permitted development	A.	Development by or on behalf of railway undertakers on their operational land required— (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.
Development not permitted	A.1	Development is not permitted by Class A if— (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— (i) exceed 15 metres in height above ground level; or (ii) be within 20 metres of the boundary of a road; (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;

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- (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 council 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—
 - (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(1);
“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.

Class B

Permitted development

Dock, pier, harbour or water transport undertakings

- B. Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour or water transport undertakings, required—**
- (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.**

Development not permitted

- B.1** Development is not permitted by Class B if—
- (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;
 - (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;

(1) 2003 c.21

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- (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.

- Class C
 - Permitted development
 - Electricity undertakings
 - C. **Development by electricity undertakers for the generation, transmission, distribution and supply of electricity for the purposes of the undertaking consisting of—**
 - (a) **the laying underground of pipes, cables or any other apparatus, and the construction of shafts and tunnels reasonably necessary in connection with such pipes, cables or apparatus;**
 - (b) **the installation in an electric line of—**
 - (i) **feeder or service pillars; or**
 - (ii) **sub-stations enclosed in a chamber not exceeding 40 cubic metres in capacity; or**
 - (iii) **sub-stations enclosed in an underground chamber;**
 - (c) **the installation of service lines for individual consumers from an electric line;**
 - (d) **the addition or replacement of a single fibre optic telecommunications cable to an existing overhead line;**
 - (e) **the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;**
 - (f) **the extension or alteration of buildings on operational land;**

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and external appearance of the building shall be obtained before development is begun.

Class D

Gas undertakings

Permitted development

- D. Development by a gas undertaker required for the purposes of its undertaking consisting of—**
- (a) **the laying underground of mains, pipes or other apparatus;**
 - (b) **the installation in a gas distribution system of apparatus for measuring, recording, controlling, or varying the pressure, flow or volume of gas, and structures for housing such apparatus;**
 - (c) **any other development carried out in, on, over, or under the operational land of the gas undertaking.**

Development not permitted

- D.1 Development is not permitted by Class D if—**
- (a) in the case of Class D(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level, or under any road used by vehicular traffic;
 - (b) in the case of Class D(c) development—
 - (i) 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;
 - (ii) it involves the installation of any plant or machinery or structures or erections of the nature of plant or machinery, exceeding 15 metres in height, or capable without addition of being extended to a height exceeding 15 metres; or
 - (iii) it consists of or includes the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater;
 - (c) the land is within a site of archaeological interest.

Conditions

- D.2 Development is permitted by Class D(c) subject to the condition that approval from the council of details of the design and external appearance of any building shall be obtained before the development is begun.**

Interpretation of Class D

- D.3 For the purposes of Class D—**
 “gas undertaker” means a holder of a licence under Article 8 of the Gas (Northern Ireland) Order 1996(2).

Class E

Road passenger transport undertakings

(2) [S.I. 1996/275 \(N.I.2\)](#) as amended by [S.R. 2011 No.155](#) and [S.R. 2013 No.92](#)

Permitted development	E.	Development required for the purposes of the undertaking consisting of— <ul style="list-style-type: none">(a) the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles;(b) the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles;(c) any other development on operational land of the undertaking.
Development not permitted	E.1	Development is not permitted by Class E(c) if it consists of— <ul style="list-style-type: none">(a) the erection of a building or the reconstruction or alteration of a building where the design or external appearance would be materially altered;(b) 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 plant or machinery it replaces, whichever is the greater; or(c) the land is within a site of archaeological interest.
Class F		Lighthouse undertakings
Permitted development	F.	Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1995(3) and any other statutory provision made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to that Act.
Development not permitted	F.1	Development is not permitted by Class F if— <ul style="list-style-type: none">(a) it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected; or(b) the land is within a site of archaeological interest.
Class G		Universal Service Provider
Permitted development	G.	Development required for the purposes of the universal service provider in connection with the provision of a universal postal service (within the meaning of the Postal Services Act 2000(4)) consisting of— <ul style="list-style-type: none">(a) the installation of posting boxes or self service machines;

(3) 1995 c.21

(4) 2000 c.26

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		<ul style="list-style-type: none"> (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 not permitted	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—</p> <p>“universal postal service pouch-box” has the meaning assigned to it by paragraph 10 of Schedule 6 to the Postal Services Act 2000;</p> <p>“universal service provider” has the meaning assigned to it by section 65 of the Postal Services Act 2011(5).</p>
Class H		Water and sewerage undertakings
Permitted development	H.	<p>Development by water or sewerage undertakers consisting of—</p> <ul style="list-style-type: none"> (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus; (b) development not above ground level required in connection with the supply and distribution of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge; (c) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;

- (d) **the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;**
- (e) **for maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;**
- (f) **the installation in a water distribution system of a booster station, valve house, control kiosk, meter or switch-gear house;**
- (g) **any works authorised under Article 141 (works under drought orders) or Articles 219 and 220 (pipe laying) of the Water and Sewerage Services (Northern Ireland) Order 2006(6);**
- (h) **any other development in, on, over or under operational land, other than the provision of a building but including the extension or alteration of a building;**
- (i) **the strapping of pipelines to bridges; or**
- (j) **the erection, alteration or replacement in, on, over or under operational land of a building for the housing of equipment.**

Development not permitted

H.1

- Development is not permitted by Class H if—
- (a) in the case of any Class H(b) development, it would include the construction of a reservoir;
 - (b) in the case of any Class H(f) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;
 - (c) in the case of any Class H(h) development, it would consist of or include the extension or alteration of a building so that—
 - (i) its design or external appearance would be materially affected;
 - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%; or
 - (iii) the floor space of the original building would be exceeded by more than 1000 square metres;
 - (d) in the case of any Class H(h) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater;
 - (e) the land is within a site of archaeological interest; or
 - (f) in the case of any Class H (j) development—

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- (i) the total floor space of any new building erected exceeds 30 square metres;
- (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) any part of 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.

Condition	H.2	Development is permitted by Class H(d) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition or to any other condition which may be agreed between the council and the developer.
Interpretation of Class H	H.3	For the purposes of Class H— “associated apparatus” in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe; “sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.
