

SCHEDULE

DEVELOPMENT PERMITTED UNDER ARTICLE 3

PART 18

DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

---

**Class A**

- |                              |  |
|------------------------------|--|
| <b>Permitted development</b> | <b>A.</b> <b>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—</b> <ul style="list-style-type: none"><li><b>(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></li><li><b>(b) the installation, alteration or replacement of any other electronic communications apparatus;</b></li><li><b>(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</b></li><li><b>(d) development ancillary to equipment housing.</b></li></ul>                   |
| Development not permitted    | <b>A.1</b> Development is not permitted by Class A if— <ul style="list-style-type: none"><li><b>(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—</b><ul style="list-style-type: none"><li><b>(i) unless it involves the installation, alteration or replacement of any underground apparatus;</b></li><li><b>(ii) unless it involves the installation of new overhead lines supported by existing poles;</b></li><li><b>(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</b></li><li><b>(iv) unless it is an emergency;</b></li></ul></li><li><b>(b) the land is within a site of archaeological interest unless it involves the installation of new overhead lines supported by existing poles;</b></li><li><b>(c) it involves the installation of a mast which is not a replacement of an existing mast;</b></li></ul> |

**Status:** This is the original version (as it was originally made).

- (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;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 the developer; or
- (b) where the developer 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 council no fewer than 28 days before development is begun

*Status: This is the original version (as it was originally made).*

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 18

A.6 For the purposes of Part 18—

“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(1);

“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;

---

(1) 2003 c.21

“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.
-