

2007 No. 209

TOWN AND COUNTRY PLANNING

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2007

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>8th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Scottish Ministers in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2007 and shall come into force on 1st April 2007.

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(b) is amended as follows.

(2) In article 2(1) (interpretation) after the definition of “local authority” insert—

““microwave” means that part of the radio spectrum above 1,000MHz;”.

(3) In Part 1 of Schedule 1 (development within the curtilage of a dwellinghouse)—

(a) in Class 1, in paragraph (2)(f), for “satellite antenna” substitute “microwave antenna”;

(b) in Class 3, in paragraph (2)(a), for “satellite antenna” substitute “microwave antenna”;

(c) in Class 6—

(i) in paragraph (1), for “satellite antenna” substitute “microwave antenna”;

(ii) for paragraph (2) substitute—

“(2) Development is not permitted by this class if—

(a) it would result in the presence on a dwellinghouse, or within the curtilage of a dwellinghouse of—

(i) more than two microwave antennas;

(ii) a single microwave antenna exceeding 100 centimetres in length;

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1992/223; as amended by S.I. 1992/1078, S.I. 1994/3294, S.I. 1998/1226 and S.S.I. 2001/266.

- (iii) two microwave antennas which do not meet the relevant size criteria;
 - (iv) a microwave antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (v) a microwave antenna installed on a chimney, where the antenna would protrude above the chimney;
 - (vi) a microwave antenna with a cubic capacity in excess of 35 litres;
- (b) in the case of a microwave 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 a microwave 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 a designated area it would consist of the installation of a microwave antenna on a chimney, wall or roof slope which faces onto, and is visible from, a road.”.
- (iii) for paragraph (3) substitute–
- “(3) Development is permitted by this class subject to the following conditions–
- (a) the microwave antenna shall, as far as practicable, be sited so as to minimise its effect on the external appearance of the building on which it is installed; and
 - (b) a microwave antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.”.
- (iv) after paragraph (3) insert–
- “(4) The length of a microwave antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.
- (5) For the purposes of this class–
- “designated area” means a national scenic area, National Park, conservation area, historic garden or designed landscape, or on a Category A listed building or a scheduled monument or within the setting of such a building or, as the case may be, monument; and
- “relevant size criteria” means that–
- (i) only one of the microwave antennas may exceed 60 centimetres in length; and
 - (ii) any microwave antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.”.

(4) In Part 21 of Schedule 1, in Class 68 (other telecommunications development)–

 - (a) for paragraph (1) substitute “microwave antenna” for “antenna”;
 - (b) for paragraph (2) substitute–

“(2) Development is not permitted by this class if–

 - (a) the building is a dwellinghouse or the building or structure is within the curtilage of a dwellinghouse;
 - (b) the development is permitted by Part 20;
 - (c) it would result in the presence on the building or structure of–
 - (i) more than four microwave antennas;
 - (ii) more than two microwave antennas which face onto, and are visible from, a road;

- (iii) a microwave antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (iv) more than two microwave antennas each exceeding 130 centimetres in length and any other antenna exceeding 60 centimetres in length; or
 - (v) a microwave antenna with a cubic capacity in excess of 35 litres.
- (d) in a designated area it would result in–
- (i) more than two microwave antennas;
 - (ii) the installation of a microwave antenna on a chimney, wall or roof slope which faces onto, and is visible from, a road;
 - (iii) more than one microwave antenna exceeding 60 centimetres in length;
 - (iv) any microwave antenna which exceeds 60 centimetres in length exceeding 100 centimetres in length; or
 - (v) for a building or structure over 15 metres in height, the highest part of the microwave antenna or its supporting structure being higher than the highest part of the roof.
- (e) for a building or structure over 15 metres in height, the highest part of the microwave 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;
- (f) for a building or structure under 15 metres in height, with a chimney, the highest part of the microwave antenna or its supporting structure 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;
- (g) for a building or structure under 15 metres in height, without a chimney, the highest part of the microwave antenna or its supporting structure would be higher than the highest part of the roof; or
- (h) it involves construction or installation of a ground based mast.”.
- (c) for paragraph (3)(b) substitute–
- “(b) a microwave antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable;
 - (c) the length of a microwave antenna is to be measured in any linear direction and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”.
- (d) after paragraph (3) insert–
- “(4) For the purposes of this class–
- “designated area” means a national scenic area, National Park, conservation area, historic garden or designed landscape or on a Category A listed building or a scheduled monument or within the setting of such a building or, as the case may be, monument.”.

DES McNULTY

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
6th March 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Parts 1 and 21 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”). These parts confer permitted development rights in respect of the erection of satellite antenna (as defined in article 2(1) of the 1992 Order). The amendments apply in relation to Scotland.

Article 2 amends class 6 (the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse) of Part 1 (development within the curtilage of a dwellinghouse) of Schedule 1 (classes of permitted development) to the 1992 Order. It extends the permitted development rights to microwave antenna. The number of permitted antennas is increased to 2. A size limit is applied of 100cm for one of the antennas, and 60cm for the other. It modifies existing exclusions from such rights by permitting roof mounted antenna to protrude above a roof with a chimney. In such cases it restricts the height of the antenna or antennas to the highest part of the chimney, or 60cm measured from the highest part of the ridge tiles of the roof, whichever is lower. It introduces a maximum cubic capacity of 35 litres for individual antennas. It also introduces the requirement for antenna which are no longer needed for reception or transmission purposes to be removed as soon as is reasonably practicable. The criteria for measuring an antenna is detailed as is the relevant size criteria. Restriction is introduced to apply in relation to those areas where more protection of the built and natural environment is required, with such areas being termed “designated areas”. A definition for “designated areas” is provided for the purposes of class 6.

Article 2 also amends class 68 (the installation, alteration or replacement on any building or other structure of an antenna and any structure intended for the support of an antenna) of Part 21 (other telecommunications development) of Schedule 1 (classes of permitted development) to the 1992 Order. It extends the permitted development rights to microwave antennas. The number of permitted antennas is increased to 4 and no more than 2 antennas can face onto and be visible from a road. A size limit is applied of 130cm for two antennas and 60cm for the other antennas. The size limit of 60cm also applies to an antenna installed on a chimney. It introduces a maximum cubic capacity of 35 litres for individual antennas. Restriction is modified to allow for the installation of antenna on buildings or structures in “designated areas”. A definition for “designated areas” is provided for the purposes of class 68. The criteria for measuring an antenna is detailed. Restrictions are introduced which are dependent upon whether the building or other structure is over or under 15 metres in height.

Minor incidental and consequential changes are also made to the Parts mentioned and to Article 2 of the 1992 Order.

£3.00

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