
STATUTORY INSTRUMENTS

2003 No. 2553

**The Electronic Communications Code
(Conditions and Restrictions) Regulations 2003**

Installation of electronic communications apparatus

5.—(1) A code operator must give one calendar month's notice, in writing, to the planning authority for the area in question where—

- (a) he has not previously installed electronic communications apparatus in the area and is intending to install electronic communications apparatus, other than lines, in that area; or
- (b) he intends to install a cabinet, box, pillar, pedestal or similar apparatus for the installation of which he is not required to obtain planning permission under the Town and Country Planning Act 1990⁽¹⁾.

(2) The notice to be given under paragraph (1) must state the code operator's intention to install electronic communications apparatus and must describe that apparatus and identify the location where it is proposed to install it.

(3) Where a code operator has given notice under paragraph (1), the planning authority may, within one calendar month of the receipt of that notice, give the code operator written notice of conditions with which the planning authority wishes him to comply in respect of the installation of the apparatus, but he is not obliged to comply with those conditions to the extent that they are unreasonable in all the circumstances.

(4) A code operator is exempt from paragraph (1) if—

- (a) the electronic communications apparatus he intends to install is to be installed inside a building or other permanent structure;
- (b) the apparatus is to be installed for the purpose of providing a temporary electronic communications network under regulation 15; or
- (c) the apparatus he intends to install is to be attached to or supported by poles or pylons which are used for the transport of electricity at a nominal voltage of at least 6000 volts.

(5) Where a code operator installs electronic communications apparatus underground in a maintainable highway or a street or, in Scotland, a public road or a road he shall place that apparatus in the verge or footway rather than the carriageway unless it is not reasonably practicable to do so.