STATUTORY INSTRUMENTS

2016 No. 1040

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016

Made - - - -	*31st October 2016*
Laid before Parliament	*3rd November 2016*
Coming into force - -	*24th November 2016*

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(**1**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016 and comes into force on 24th November 2016.

Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

2.—(1) The Town and Country Planning (General Permitted Development) (England) Order 2015(**2**) is amended as follows.

(2) In Part 16 of Schedule 2 (Communications), for Class A, substitute—

"Class A – electronic communications code operators

Permitted development

A. 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—

(a) ***the installation, alteration or replacement of any electronic communications apparatus,***

(**1**) 1990 c.8. Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152 of the Housing and Planning Act 2016 (c.22).
(**2**) S.I. 2015/596 as amended by S.I. 2016/332.

(b) ***the use of land in an emergency for a period not exceeding 18 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***

(c) ***development ancillary to radio equipment housing.***

Development not permitted

Development not permitted: ground-based apparatus

A.1.—(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 25 metres above ground level on unprotected land; or

(ii) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced—

(i) exceed the greater of the height of the existing mast or a height of—

(aa) 25 metres above ground level on unprotected land; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

Development not permitted: building-based apparatus other than small antenna and small cell systems

(2) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than small antenna and small cell systems) on a building is not permitted by Class A(a) if—

(a) the height of the electronic communications apparatus (taken by itself) would exceed —

(i) 15 metres, where it is installed on a building which is 30 metres or more in height; or

(ii) 10 metres in any other case;

(b) the highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than —

(i) 10 metres, in the case of a building which is 30 metres or more in height;

(ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or

(iii) 6 metres in any other case;

(c) in the case of the installation, alteration or replacement of a mast on a building which is less than 15 metres in height, the mast would be within 20 metres of the highway (unless the siting remains the same and the dimensions of the altered or replaced mast are no greater);

(d) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—

(i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

(ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all the dishes on the building would exceed 4.5 metres, when measured in any dimension;

(iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of—

(aa) more than 3 antenna systems; or

(bb) any antenna system operated by more than 3 electronic communications code operators; or

(iv) the building is a listed building or a scheduled monument;

(e) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level—

(i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes on the building would exceed 10 metres, when measured in any dimension;

(ii) in the case of antennas other than dish antennas, the development would be on a building which is less than 30 metres in height and would result in the presence on the building of—

(aa) more than 5 antenna systems; or

(bb) any antenna system operated by more than 3 electronic communications code operators; or

(iii) the building is a listed building or a scheduled monument; or

(f) in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land—

(i) the size of any dish antenna to be installed would exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or

(ii) the height of any antenna other than dish antenna to be installed would exceed 3 metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3.

Development not permitted: apparatus on masts

(3) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words "taken by itself" in that paragraph are omitted.

Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

(4) Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—

(a) on any article 2(3) land unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land;

(ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;

(iii) the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or

(iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(i)(bb) or A.1(2)(f);

(b) on any land which is, or is within, a site of special scientific interest unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or

(ii) the development is within the limitations specified in paragraph A.1(5).

Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse

(5) Development consisting of the installation, alteration or replacement of any electronic communications apparatus on a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if that apparatus—

(a) is not a small antenna;

(b) is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

(c) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than 1 small antenna;

(d) is to be located on a roof or chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively; or

(e) is on article 2(3) land and would be located—

(i) on a chimney;

(ii) on a building which exceeds 15 metres in height;

(iii) on a wall or roof slope which fronts a highway; or

(iv) in the Broads, on a wall or roof slope which fronts a waterway.

Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse

(6) Development consisting of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if—

(a) that antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

(b) the building is less than 15 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 1 small antenna; or

(c) the building is 15 metres or more in height, but less than 30 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 2 small antennas.

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

(c) a public call box;

(d) any apparatus which does not project above the level of the surface of the ground; or

(e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

Development not permitted: driver information systems

(8) Development consisting of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.)(**3**) is not permitted by Class A(a).

Development not permitted: radio equipment housing

(9) Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—

(a) the development is not ancillary to the use of any other electronic communications apparatus;

(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or

(c) on any article 2(3) land, or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

(**3**) 1989 c.22.