WELSH STATUTORY INSTRUMENTS

2002 No. 1878 (W.187)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002

Made - - - -	*18th July 2002*
Coming into force - -	*1st August 2002*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 59, 60, 61(1) and 333(7) of the Town and Country Planning Act 1990(**1**), and now conferred on it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002 and comes into force on 1st August 2002.

(2) This Order applies to Wales.

Interpretation

2. In this Order, "the 1995 Order" means the Town and Country Planning (General Permitted Development) Order 1995(**3**) and any reference to Part 24 is a reference to that numbered part of Schedule 2 to the 1995 Order.

Changes to Part 24: Development by telecommunications code system operators

3. For Part 24 substitute the text set out in the Schedule to this Order.

Revocation and transitional provisions

4.—(1) Subject to paragraph (2), article 3 of the Town and Country Planning (General Permitted Development) (Amendment) Order 1998(**4**) and article 3 of the Town and Country Planning (General

(**1**) 1990 c. 8.
(**2**) The functions of the Secretary of State under sections 59, 60, 61(1) and 337(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 2 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.
(**3**) S.I. 1995/418; relevant amending instruments are S.I. 1998/462 and S.I. 1999/1661.
(**4**) S.I. 1998/462.

Permitted Development) (Amendment) Order 1999(**5**) are hereby revoked so far as they apply to Wales.

(2) The amendments made to the 1995 Order by this Order do not apply in relation to applications for a determination as to whether the prior approval of the local planning authority will be required to the siting and appearance of a development which are made before this Order comes into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**).

John Marek
Deputy Presiding Officer of the National Assembly

18th July 2002

(**5**) S.I. 1999/1661.
(**6**) 1998 c. 38.

SCHEDULE Article 3

"PART 24

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS (WALES)

Class A Permitted Development

A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunication system in, on, over or under land controlled by that operator or in accordance with the operator's licence, consisting of —

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

(b) **the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunication 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

A.1. Development is not permitted by Class A(a) if—

(a) in the case of the installation of apparatus (other than on a building or other structure) 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 apparatus already installed (other than on a building or other structure), 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, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) would exceed—

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

(ii) 10 metres in any other case;

(d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than —

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

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

(iii) 6 metres in any other case;

(e) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs A.1(a), (b), (c) and (d), and for the purposes of applying the limit specified in sub-paragraph (c), the words "(taken by itself)" are to be omitted;

(f) 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 level of the surface of the ground, or

(v) radio equipment housing,

the ground or base area of the structure would exceed 1.5 square metres;

(g) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is less than 15 metres in height; on a mast located on such a building or structure; or, where the antenna is to be located below a height of 15 metres above ground level, on a building or structure (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 or structure 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 of the dishes on the building, structure or mast would exceed 1.5 metres, when measured in any dimension;

(iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna) would result in the presence on the building or structure of more than two antenna systems; or

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

(h) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is 15 metres or more in height, or on a mast located on such a building or structure, 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 of the dishes on the building, structure or mast would exceed 3.5 metres, when measured in any dimension;

(ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of two small antennas) would result in the presence on the building or structure of more than three antenna systems; or

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

(i) in the case of development (other than the installation, alteration or replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse) on any article 1(5) land or any land which is, or is within, a site of special scientific interest, it would consist of—

(i) the installation or alteration of an antenna or of any apparatus which includes or is intended for the support of such an antenna; or

(ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency;

(j) it would consist 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(**7**) (definitions of driver information systems etc.);

(k) in the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a highway;

(l) in the case of the installation, alteration or replacement of radio equipment housing—

(i) the development is not ancillary to the use of any other telecommunication apparatus;

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

(iii) on any article 1(5) land, or on any land which is, or is within, a site of special scientific interest, the development would exceed 2.5 cubic metres, unless the development is carried out in an emergency;

(m) in the case of the installation, alteration or replacement on a dwellinghouse or within the curtilage of a dwellinghouse of any telecommunication apparatus, that apparatus —

(i) is not a small antenna;

(ii) being a small antenna, would result in the presence on that dwellinghouse or within the curtilage of that dwellinghouse of more than one such antenna; or

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

(n) in the case of the installation, alteration or replacement on article 1(5) land of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse, the antenna is to be located—

(i) on a chimney;

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

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

(o) in the case 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—

(i) the building is on article 1(5) land;

(ii) the building is less than 15 metres in height, and the development would result in the presence on that building of more than one such antenna; or

(iii) the building is 15 metres or more in height, and the development would result in the presence on that building of more than two such antennas.

Conditions

A.2.—(1) Class A(a) and Class A(c) development is permitted subject to the condition that any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission must, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(**7**) 1989 c. 22.