STATUTORY RULES OF NORTHERN IRELAND

2003 No. 98

PLANNING

Planning (General Development) (Amendment) Order (Northern Ireland) 2003

Made - - - - 25th February 2003

Coming into operation 26th March 2003

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2003 and shall come into operation on 26th March 2003.

Amendment of the Planning (General Development) Order (Northern Ireland) 1993

2. For Part 17 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993(**2**) substitute Part 17 as set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of the Environment on 25th February 2003.

John McConnell
A senior officer of the
Department of the Environment

(**1**) S.I.1991/1220 (N.I. 11)
(**2**) S.R. 1993 No. 278 as amended by S.R. 1998 No. 222; S.R. 1999 No. 73; S.R. 2000 No. 113 and S.R. 2002 No. 195

SCHEDULE Article 2

SUBSTITUTION FOR PART 17 OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

"PART 17

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS

Class A	
Permitted Development	A. **Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunications system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of the installation, alteration or replacement of any telecommunications apparatus or development ancillary to equipment housing.**
Development not permitted	A.1. Development is not permitted by this Class if –
	(a) it is to be carried out in a conservation area, an area of outstanding natural beauty, an area of special scientific interest, a National Park, or on a listed building: –
	(i) unless it involves the installation, alteration or replacement of any underground apparatus; or
	(ii) unless it involves the installation of new overhead lines supported by existing poles.
	(b) the land is within a site of archaeological interest unless it involves the installation of new overhead lines supported by existing poles.
	(c) it involves the installation, alteration or replacement of a mast or the installation, alteration or replacement of an antenna, structure, or other apparatus including equipment housing associated with a mast.

(d) it involves the installation, alteration or replacement of an antenna not included in (c) or the installation, alteration or replacement of other apparatus including equipment housing associated with such an antenna.

(e) it involves the installation, alteration or replacement of ground based equipment housing exceeding 90 cubic metres or, if located on a roof of a building, it would exceed 30 cubic metres.

(f) in the case of the installation, alteration or replacement of any apparatus other than –

(i) a public call box;

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

(iii) equipment housing,

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

Conditions

A.2.—(1) Class A development is permitted subject to the condition that any equipment housing or development ancillary to equipment housing 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 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 telecommunications purposes.

Class B

Permitted Development

B. **Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunications system in, on, over or under land controlled by that operator or in accordance with**